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PROCEEDINGS AND DEBATES OF THE SIXTY-FIFTH CONGRESS, FIRST SESSION.

SENATE.

WEDNESDAY, *June 27, 1917.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we begin the labors of this day with the mention of Thy name, sending our prayers to Thee for guidance and for direction. Give us the atmosphere of devotion to Thy cause in the labors of this day. May we feel the ever-increasing weight of responsibility, a responsibility so great that all personal interest must fade away into insignificance. Grant that we may feel that we may perform the duties of the day only as we draw strength and inspiration and wisdom and guidance from Thee. So do Thou use us against the blind forces of the world for the promotion of Thy kingdom among men. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. THOMAS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Clotilda Freund *v.* The United States, which cause was referred to the Court of Claims by the Committee on Claims of the United States Senate under the act of March 2, 1883, known as the Bowman Act (S. Doc. No. 51), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

He also laid before the Senate communications from the chief clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions filed by the Court of Claims in the following causes:

The cause of J. C. Washington, administrator of Robert H. Love, deceased, *v.* The United States (S. Doc. No. 53); and

The cause of William Flannery *v.* The United States (S. Doc. No. 52).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

The VICE PRESIDENT laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a list of causes dismissed by the court, which were referred to the Court of Claims by a resolution of the United States Senate under the act of March 3, 1887, known as the Tucker Act (S. Doc. No. 54), which, with the accompanying papers, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House had passed a bill (H. R. 4285) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT. The Chair lays before the Senate a telegram, which will be incorporated in the RECORD.

The telegram is as follows:

COLUMBUS, OHIO, *June 25, 1917.*

The PRESIDENT OF THE UNITED STATES SENATE,
Washington, D. C.:

The committee on temperance of the Presybterian Synod of Ohio, officially representing a constituency of half a million people, ask your honorable body to adopt complete prohibition as a war measure and that this resolution be printed in the CONGRESSIONAL RECORD.

JOHN ORR,
THOMAS TURNBULL,
C. B. PHILLIPS,
ROBERT HUMPHREYS,
D. F. WILLIAMS,
J. S. LAWTHER,
ISIAH REVENNAUGH,
CLARENCE G. MILLER,
D. A. KEARNS,
PRESTON U. S. BAETZ,
Secretary.

The VICE PRESIDENT presented petitions of the Central Federated Union of Greater New York; of the Farmers' Feed Co., of New York; and of J. D. Simons, of Columbus, Ohio; praying for national prohibition as a war measure, which were ordered to lie on the table.

Mr. BECKHAM. I present a telegram from Col. E. H. Taylor, jr., of Frankfort, Ky., relative to the prohibition section of the food bill. I ask that the telegram be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

CHICAGO, ILL., *June 26, 1917.*

Senator J. C. W. BECKHAM,
Washington, D. C.:

There appears in the Examiner this morning the following: "The food bill can not be advanced until the extreme prohibitionists are brought over to tolerance. Back of the food bill the revenue bill is blocked." I have accepted the sacrifice of my interest. I pray the Senate of this great country will not be bluffed by a pro-German interest to accept its dictation. That the majority of this interest is pro-German I am sincerely convinced. Its success perpetuates the American saloon, the chiefest instrument of beer distribution; and the saloon, open by authority or without authority, will be the instrument of distributing all kinds of drinks. Germany would construe, and construe correctly, the dominance of the beer interest over the Senate as dominance of pro-German sentiment and of Germans in this country. I beg your consideration of these crude suggestions. The German interests have massed their columns to carry the Senate by assault. They will leave no stone unturned.

E. H. TAYLOR, JR.,
Frankfort, Ky.

Mr. FLETCHER presented a petition of sundry citizens of Lake Como, Fla., praying for national prohibition as a war measure, which was ordered to lie on the table.

Mr. TILLMAN presented petitions of J. H. West, of Newberry; of the Woman's Missionary Society of Williamston; of the Rehoboth Missionary Society, of Greenwood County; of the Woman's Missionary Society of Verdery; and of Otis Brabham, of Allendale, all in the State of South Carolina, praying for national prohibition as a war measure, which were ordered to lie on the table.

Mr. TILLMAN. I present several letters, received from citizens of my State, relative to national prohibition, which I ask may be printed in the RECORD.

There being no objection, the communications were ordered to be printed in the RECORD, as follows:

COMMITTEE ON EDUCATION,
HOUSE OF REPRESENTATIVES,
Swansea, S. C., June 21, 1917.

Hon. B. R. TILLMAN,
Washington, D. C.

MY DEAR SENATOR: With thousands of your friends and constituents in South Carolina, I am deeply interested in national prohibition, and I am writing to beg and urge you to do all in your power to bring about this end.

I believe you can and will do a world of good in the fight that is going to be made to secure this measure, and I trust your health will allow you to do so.

Yours, very truly,
S. E. SMITH.

BETHEL METHODIST EPISCOPAL CHURCH SOUTH,
Chester, S. C., June 20, 1917.

Hon. B. R. TILLMAN,
Washington, D. C.

MY DEAR SENATOR TILLMAN: It would give me great personal satisfaction for you to give the weight of your influence to the bill in the Senate looking to national prohibition of the liquor traffic during the period of the war. I think also that you would thus truly represent the preponderance of the sentiment in South Carolina.

I regret to learn of your recent indisposition, and sincerely hope you are much improved.

Yours, very truly,
C. C. HERBERT.

CARTERSVILLE GRADED SCHOOL,
Hickory Grove, S. C., June 25, 1917.

Hon. B. R. TILLMAN,
Washington, D. C.

MY DEAR SIR: Feeling that you are desirous at all times to have the expression of your voters on any subject before Congress, I am writing you this letter to ask you to do all you can to pass the pending prohibition bill. I have talked a great deal about this subject among the voters in this community, and the consensus of opinion is for total prohibition.

It seems to me that now is the opportune moment to pass this very important measure, and I trust that the Senate will pass it.

I have noticed with regret that you had to undergo an operation at the hospital, but I am glad that you did so well in the operation. I trust that you have completely regained your normal health in every respect, and that you will be able to serve us many more years in the future. I am,

Very sincerely, yours, F. T. MCGILL.

Mr. GALLINGER presented a petition of Mount Belknap Grange, Patrons of Husbandry, of Gilford, N. H., praying for the establishment of minimum and maximum prices for food, which was ordered to lie on the table.

Mr. JONES of Washington presented a petition of sundry citizens of Outlook, Wash., praying for national prohibition as a war measure, which was ordered to lie on the table.

He also presented petitions of sundry citizens of the State of Washington, praying for the raising of war revenue by increased income taxes, which were referred to the Committee on Finance.

Mr. NELSON presented telegrams in the nature of memorials from sundry citizens of Minnesota, remonstrating against national prohibition as a war measure, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Correll, Mankato, Red Wing, and Minneapolis, all in the State of Minnesota, and of the board of temperance, prohibition, and public morals of the Methodist Episcopal Church, praying for national prohibition as a war measure, which were ordered to lie on the table.

Mr. KNOX presented a petition of the Chamber of Commerce of Philadelphia, Pa., praying for the abrogation of all patents held by enemies of the United States, which was referred to the Committee on Patents.

He also presented memorials of sundry citizens of Pennsylvania, remonstrating against national prohibition as a war measure, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Pennsylvania, praying for national prohibition as a war measure, which were ordered to lie on the table.

Mr. MCLEAN presented memorials of sundry citizens of Bridgeport, Hartford, New Haven, Stamford, Waterbury, Ansonia, Danbury, Meriden, Middletown, South Manchester, and Wallingford; of the Local Retail Beer and Wine Dealers of Bridgeport; of the Wine Dealers' Association of Bristol; of the Brewery Workers' Union of Hartford; of the Central Labor Union of Meriden; of the New Haven Trades Council; of the Industrial Workers' Association and Retail Wine Dealers' Association of Bridgeport; of the Chapman Electrical Works; of the Manville Machine Co.; of M. F. Cassin; of E. & W. Morgan Cigar Manufacturing Co.; of M. J. Donnelly; of James Martin; of Joseph Coogan; of the Simonsville Manufacturing Co.; of the Thomas H. Hewitt Grocery Co., of Waterbury; of the Mechanics Bank of New Haven; of the Beer and Wine Dealers' Association of Rockville; of the American Gun Barrel Manufacturing Co., of Bridgeport; of S. Loewith & Co., of Bridgeport; of Cigar Makers' Local Union of New Haven; of the Wine Dealers' Association of New London; of the Retail Beer and Wine Dealers' Association of Norwich; of the Wine Dealers' Association of Putnam; and of the Connecticut Hotel Association, of Waterbury, all in the State of Connecticut, remonstrating against national prohibition as a war measure, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Manchester; of the Woman's Christian Temperance Union of South Manchester; of the Watkins Brothers' Manufacturing Co., of Manchester; of the Woman's Christian Temperance Union of Higganum; of the Connecticut Congress of Mothers; and of the New England Water Works Association, all in the State of Connecticut, praying for national prohibition as a war measure, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Greenwich and New Britain, in the State of Connecticut, praying for the passage of the so-called daylight-saving bill, which was ordered to lie on the table.

He also presented a petition of the Central Labor Union of Greenwich, Conn., praying for the Federal control of food products, which was ordered to lie on the table.

Mr. POINDEXTER presented a memorial adopted by the Washington State Grange, Patrons of Husbandry, remonstrating against an increase in the postal rates, which was referred to the Committee on Finance.

He also presented a memorial of the Washington State Grange, Patrons of Husbandry, remonstrating against the importation of oriental labor during the war and allowing them to engage in agricultural labor, which was referred to the Committee on Immigration.

Mr. PHELAN presented a petition of the Wesley Methodist Episcopal Church, of Berkeley, Cal., praying for national prohibition in the interest of food conservation, which was ordered to lie on the table.

Mr. GRONNA presented petitions of sundry citizens of McKenzie County, Oakes, and Verona, all in the State of North Dakota, praying for the repeal of the conscription law, which were referred to the Committee on Military Affairs.

Mr. GRONNA. I ask unanimous consent to have certain telegrams with reference to the food bill printed in the RECORD and also a letter from Mr. H. L. Bolley, of the Agricultural College of North Dakota, with reference to a plant-disease survey of seed and soil.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

MICHIGAN, N. DAK., *June 23, 1917.*

Hon. A. J. GRONNA,
Senate Office Building, Washington, D. C.:

We petition you to use all honorable means in demanding that undue speculation be cured, but that it be left alone unless it is curbed in everything, not simply farm products. Other evil practices should be included. Indorsed by 60 stockholders of the Michigan Farmers' Cooperative Elevator Co.

MICHIGAN FARMERS' COOPERATIVE ELEVATOR CO.

CLINTON, MO., *June 26, 1917.*

Senator A. J. GRONNA,
Washington, D. C.:

Let Congress immediately conserve foodstuffs by enacting bone-dry legislation, including prohibition for all present stocks of intoxicating liquors for beverage purposes. Our country is tired of "horseplay"; get busy, permit no makeshifts, neither transfer of responsibility to overburdened presidential shoulders. Quit you like men. Be courageous, valiant, persistent.

H. P. FARIS.
GEO. R. LINGLE.

HATTON, N. DAK., *June 23, 1917.*

Hon. A. J. GRONNA,
United States Senate, Washington, D. C.:

North Dakota Total Abstinence Association, in convention assembled at Hatton, N. Dak., June 21 to 24, 1917, hereby urge that you use your every effort to bring about the passage of the national prohibition measure now pending before Congress.

B. OLSON,
H. T. QUANBECK,
Committee.

AMSTERDAM, N. Y., *June 26, 1917.*

SENATE AGRICULTURAL COMMITTEE,
Care Senator GRONNA, *Washington, D. C.:*

The citizens of Amsterdam, in mass meeting assembled at First Methodist Church on this date, petition the Senate to enact the Lever food bill for national prohibition of the manufacture and sale of intoxicating liquors for the period of the war, and that all liquors now in bonded warehouses shall be commandeered for undrinkable alcohol, to be purchased by the Government for war purposes, and that we oppose an increase in the tax on intoxicating liquors as a means of raising a revenue to prosecute the war.

Attested by 112 citizens.

Dr. H. T. MCEWEN, *Chairman.*

NORTH DAKOTA AGRICULTURAL EXPERIMENT STATION,
Agricultural College, N. Dak., June 11, 1917.

SEED AND SOIL SURVEY.

Hon. ASLE J. GRONNA,
United States Senate, Washington, D. C.

DEAR SIR: I learn through daily press reports that there will probably be a national crop survey. Is it to be a crop survey which will tend to increase production and which will eventually prove of lasting worth or is it to be concerned with how to get a large acreage planted and harvested in same old ways? Will it result in worthy advice and direction to the farmers and to the grain handlers or shall we find, as was the case this year, governmental forces, State and Nation, upsetting all previous best advice by advocating the use of just any seed upon just any available land which the farmer might have had plowed? Shall we compel the great Department of Agriculture of the United States of America to do for the next crop, as it did for this, namely, send men over the country begging the farmers to buy any and all of the available seed that might be in any elevator, regardless of its weed content or its disease content, or even without time to consider its viability, etc., and then, through the press and otherwise, beg them to sow every acre. Pardon me, I grant that under the circumstances there was perhaps no other thing to do, but the question is, Are they to continue it next year?

I am led to ask these questions because I note that the Senate the other day struck out of the bill that portion which had to do with a proper plant-disease survey of the seed and soil upon which might be based proper direction for the harvesting of the crop of this year and proper direction for the control of disease for the crop of 1918 and 1919. In this great country I should consider a survey which left out of consideration the actual facts known to science underlying the possibilities of making the available lands more productive for the 1918 and 1919 crops a pure waste of money at this time.

I am inclosing to you a copy of a short abstract of a paper which I am this week presenting on this particular phase of the crop survey before the Interstate Cereal Conference now convening, 12th, 13th, and 14th, at Kansas City.

I hope you will think over this matter seriously and recognize the fact that while the subject of disease control in cereal crops and other food-producing crops is somewhat in its infancy, there is very definite information available for the proper basing of seed selection and crop rotation upon sanitary bases. Properly authorized and a proper survey made, the advice of the Department of Agriculture could immediately become effective upon the crops of 1918 and 1919, and particularly so with regard to cereals. It is in these very crops that principles of crop-sanitation methods have never received proper recognition either from the farming public or the seed and grain handling public. The

methods of this latter group, in a very large way, govern the character of the seed which goes into the land each year.

A delay in starting this work before the crop is thrashed, and a failure to continue it so as to provide for proper seed to be used, and for a proper mapping of the lands upon which such seed should be sown, will largely nullify the possible good results of any agricultural survey so far as crop production is concerned in 1918 and 1919.

If seed for the crop of 1918 is to be selected without consideration of the freedom of the fields upon which that seed is grown from the various root-blighting, seed-blighting diseases which the old-cropped lands are infested with, and if next year's crop is to be again seeded without consideration of the previous crops which have been on the land without reference to any sanitary consideration—that is, without a proper survey under systematic supervision as to the factors controlling crop productivity—I for one would not want to advocate the spending of public money for the making of a seed selection or a soil survey at all. It would be far better not to waste the money, for we might as well leave the farmer to his own resources first as last. Better far not to upset his best individual judgment than to revert to the kind of agricultural advice which is based upon no systematic foundation as to facts of seed and soil condition.

Yours, respectfully, H. L. BOLLEY.

[Inclosed copy of this abstract and copy of this letter to Senator PORTER J. MCCUMBER, Representatives YOUNG and NORTON, and to Hon. David F. Houston.]

[Abstract.]

THE NEXT STEP IN IMPROVEMENT IN WHEAT CROPPING—HOW TO INCREASE WHEAT PRODUCTION IN 1918 AND 1919.

[By H. L. Bolley.]

Attention is called to the conditions which tend to the production of inferior grades and yields of wheat and allied cereals under the so-called extensive or partially constant cropping system. It deals primarily with the influence of internally borne seed diseases and the conditions under which they bring about death of seedlings, lack of stooling, root rotting, and stem and seed blighting in the cereal crops. The paper calls special attention to the problem of soil infection and to the improbability of materially improving the general results in wheat cropping by continuing the present processes, even though they represent, each in themselves, the best possible method, as, for example, the best method of soil fertilization, crop rotation, etc., if the farming and grain handling public can not be made to understand what is really meant by soil and seed sanitation.

The problem of the present conditions of wheat cropping in the great cereal-producing States is set out by means of a number of quotations from a series of publications based upon experimental work conducted at the North Dakota experiment station and on known conditions of wheat cropping in the chief wheat districts as affected by lack of sanitary methods. A joint national soil and seed survey is recommended, to be so conducted that the lands found to be suitable for wheat production in 1918 and 1919 may be immediately put under plow and prepared for that crop. The seed survey should locate those fields which by actual inspection, while the crop is growing, show sufficient freedom from disease effects to warrant that the crop be saved and properly stored for seed purposes; finally, that this seed be commandeered or contracted for and arrangements made for its distribution and use on those lands which are presumably uninfected by diseases and which by the survey maps and records are shown to be suitable for the production of wheat in 1918 and 1919 because of known previous crops.

The paper summarizes the matter in the following words:

"How shall we improve the bushelage and quality of wheat produced in 1918 and 1919? (1) Put on a field-crop survey which will locate seed of highest weight and color quality, reasonably free from disease infection and weather effects; (2) locate the soils upon which such seed shall be seeded; (3) take the proper steps to procure that seed and see that it is sowed. Should the Government find it necessary to force a proper consideration of the lands upon which wheat is to be sowed and the use of the proper quality of seed properly disinfected, it would, in the belief of the writer, eventually receive the entire sanction of the American farming and business public, and we would learn within two or three years of the enormous value which would accrue from proper soil and seed sanitation in the cropping of cereals."

AGRICULTURAL COLLEGE, N. DAK., *June 1, 1917.*

INVESTIGATION OF DEFECTIVE ORDNANCE.

Mr. SWANSON. Pursuant to Senate resolution 71, adopted by the Senate on May 28, 1917, I submit a report (No. 69) from the Committee on Naval Affairs relative to the casualties aboard the steamship *Mongolia* and the premature explosions of shells on vessels, which I ask may be received and printed.

The VICE PRESIDENT. The report will lie on the table and be printed.

REPORTS OF COMMITTEE ON NAVAL AFFAIRS.

Mr. SWANSON, from the Committee on Naval Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 2482) to reinstate Armor S. Heffley as a second lieutenant in the United States Marine Corps (Rept. No. 71); and

A bill (S. 2495) to amend section 1585 of the Revised Statutes of the United States (Rept. No. 70).

BILLS INTRODUCED.

Bills were introduced, read the first time, and by unanimous consent, the second time, and referred as follows:

By Mr. FLETCHER:

A bill (S. 2515) for the relief of Theodore Mays;

A bill (S. 2516) for the relief of C. B. Oliphant; and

A bill (S. 2517) for the relief of Jessie White; to the Committee on Claims.

By Mr. SMITH of Maryland:

A bill (S. 2518) to provide for civic mobilization in the District of Columbia; to the Committee on the District of Columbia.

By Mr. THOMPSON:

A bill (S. 2519) granting an increase of pension to William J. Seals (with accompanying papers); to the Committee on Pensions.

By Mr. HALE:

A bill (S. 2520) granting an increase of pension to Alexander D. Smalley; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 2521) for the relief of the Ralph Ackley Land Co. (Inc.) and others; to the Committee on Claims.

By Mr. KNOX:

A bill (S. 2522) granting an increase of pension to Charles Rote (with accompanying papers); to the Committee on Pensions.

By Mr. PHELAN:

A bill (S. 2523) to prevent the use of the mails for the purpose of securing false witnesses, suborning perjury, and procuring false testimony in civil or criminal cases; to the Committee on the Judiciary.

HOUSE BILL REFERRED.

H. R. 4285. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, was read twice by its title.

Mr. FLETCHER. I move that the bill be referred to the Committee on Commerce.

The motion was agreed to.

"WAR PROFITS TO PAY FOR THE WAR."

Mr. THOMAS. Mr. President, I have here an article from the Review of Reviews on "War profits to pay for the war." It is an advance or sheet print of the issue of July 8. It is a very well considered and thoughtful article bearing directly upon the revenue bill which is now under consideration by the Committee on Finance. For the information of the Senate and the public, I ask unanimous consent that it may be printed in the RECORD without reading.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[Reprint from July, 1917, Review of Reviews.]

"WAR PROFITS TO PAY FOR THE WAR.

"America's first great war task is to raise money, partly by bond issues, partly by taxes.

"The first loan closed successfully on June 15.

"The making of a war-revenue bill, prescribing the new taxes, was begun by Mr. KITCHIN's subcommittee of the Ways and Means Committee of the House in April last; the bill was passed on May 23. Since then the Senate Finance Committee has been engaged in practically redrafting it along less unscientific lines, with omissions or radical changes of many items, some merely vaxatious, others heavily burdensome, and still others dangerous to industry and more or less futile for revenue purposes.

"Business men affected by destructive proposals in the House Bill hurried to Washington, pleading their willingness to contribute to the Nation's need but begging Congress not to interfere with the processes of their industries in ways that would curtail productive operations and hamper their efforts to be of service.

"The committees of the House engaged on the revenue bill refused to give hearings, and the Democratic floor leader announced that he would vote for it 'with his eyes shut.'

"But many individual Members of the House and Senate were interviewed, and the Senate Finance Committee itself gave repeated courteous audiences to the representatives of interests justly or unjustly alarmed and aggrieved.

"But, even where the objections were well supported, such interviews usually ended with this inquiry: 'But where are we to get the money? We have to raise so much; we counted on so much of it from you people. If it doesn't come from you, whom is it to come from?'

"Thus business men have been forced to consider where this war revenue should come from. And after very little consideration the answer was plain—so obvious that for some time those who saw it could scarcely believe it to be the true answer; could scarcely believe that even with 'eyes shut' Mr. KITCHIN and his associates failed to see it.

"In its laborious framing of schedules to raise a billion and a half dollars (in the House, a billion eight hundred million) toward paying the year's war expenses, Congress has been debating whether a few million dollars can be raised here and a few million more raised there by special taxes on the processes of business. These are found on even surface investigation, in many cases, to bear unevenly and inequitably on different con-

cerns and different industries and to endanger the all-necessary productivity and industrial activity of the Nation by strangling certain branches of business.

"But until weeks after the House bill had actually been passed no adequate attention was given to the one great natural reservoir of distinctively war revenue—the business profits, almost unbelievable in size, for which the war is responsible.

"Congress has been talking about mere millions, the taking of which will in many cases produce hardship, injustice, and depression, when there are scores of millions literally crying to be taken, which ought in every moral sense to be taken, which are ready to be given, and which the Nation will sooner or later have to take—if not quietly and decently now, later on with force and fury.

"To make the case even clearer, we have the object lesson of Great Britain seeing from the first the essential rightness of this method of raising the most important fraction of her war revenue. We see the process working well with her, the money being furnished with the least confusion, evasion, and discontent.

"Finally, the really big men at the head of 'big business' in America, the very men who would be called on most heavily for such war profits, are strongly for it. Their sense of duty and propriety calls for it and their intelligent selfishness demands it. For it is coming, and far better that it should come before a time that may arrive when hundreds of thousands of American boys have been killed, when the pinch of war is felt here, when people are perhaps hungry and unfed, and a few are in possession of billions of dollars of profits which would not have been but for the war, and which have not been properly levied on for the war.

"Mr. Otto Kahn, of Kuhn, Loeb & Co., one of those far-sighted leaders of 'big business' who are asking that the Government should come to them and take the money which ought to pay for the war, assumes that for the year 1917 there will be war-stimulated profits in excess of the average profits of the three years preceding our entry into the conflict amounting to $2,000,000,000.

"He advocates a 40 per cent tax on this excess. The resulting $800,000,000 can be taken without one hundredth part of the hardship that would be caused by a typical device for raising one-fortieth of that sum in the bill passed by the House of Representatives.

"Heads of the other very largest groups of business and financial interests admit the righteousness, expediency, and effectiveness of such a tax and advocate it. A representative of very large interests suggests a rate of 40 per cent the first year, 60 per cent the second, and 80 per cent the third year, if the war should last so long.

"Here, then, are the people in control of the great bulk of these war profits earnestly arguing for the tax. Here is the money that Congress needs to take; here is every moral and business reason arrayed on the side of making the excess war-profits tax the base unit in the whole revenue scheme.

"It is true that there was a clause in the House bill providing for a sort of excess profits tax, on impost of 16 per cent on all profits over 8 per cent earned during 1917.

"Aside from the loose wording and vagueness of the measure it was inequitable in more than one way. In the first place it put a premium on inflated stock issues—the larger the stock issue the larger the exemption. Conversely, it penalized business with conservative or nominal stock issues. In the second place, instead of bringing the impact of the tax on war profits, it put a burden upon businesses that had actually suffered by the war where these earnings, though reduced, were nevertheless large in proportion to capitalization.

"This would have brought severe hardship to tens of thousands of people who had invested in securities of old, established, highly prosperous concerns at prices conforming to traditional high earnings.

"Finally, and most important, the defective principle embodied in the House bill did not get the needed money. Only a little more than $200,000,000 was expected from it.

"Nor would it have been practicable to raise a much larger sum by increasing the rate. It can be seen at a glance that by applying the true principle, by segregating war profits proper, a rate of taxation can be applied which would be in its manifold hardships entirely out of the question in any such defective plan based on the mere arbitrary exemption of a certain percentage of profit.

"In the excess war-profits plan there would be a minimum of hardship—it is probably safe to say there would be no hardship at all.

"For, see the vastness of the earnings peculiar to the period of war. On the opposite page are the officially reported earnings of only 104 industrial companies, those that make public records of their profits, for the five years from 1912 to 1916, inclusive.

"Bear in mind that there are only 104, though, generally speaking, the most important, out of thousands of concerns with profits enhanced, directly or indirectly, by the accident of war.

"The best authorities agree that the earnings of 1917 will, provided unwise taxation does not hamper and constrict industry, exceed the figures of 1916.

"It is plain that even a 40 per cent tax levied on the excess that the earnings of 1917 show, say, over the average of 1914, 1915, and 1916, or a smaller rate on the excess over the average of the five years, would still leave most of these concerns with profits that would never have been dreamed of but for war-stimulated activity. The tax takes only a part of their war surplus and abundance.

"A great war, more particularly the greatest of wars, inevitably separates industries into two groups, one stricken, the other enriched and often vastly enriched by the cataclysm.

"Which should stand the cost of the war?

"It is obvious that only the second group can go far in defraying the cost. It is equally true, though not so obvious, that a serious danger to the success of the war lurks in any considerable addition to the burdens of the industries that have already suffered. In 1913 eminent economists could and did prove that a world war could not be fought for two years with the gigantic demands of modern war financing. They showed that the stored-up capital of the world was not sufficient to stand the strain, and they were right.

"But a greater conflict than they premised has gone on for nearly three years and may go on much longer. This is possible simply because the current productivity of the human race has been increased by greater efficiency and effort, largely by the efficiency of more highly socialized industry.

Net income of leading industrial corporations for 5 years.

	1916	1915	1914	1913	1912
29 steel munition and machinery concerns	$596,235,644	$219,074,280	$69,365,568	$155,869,222	$121,665,049
4 reporting only 4 years	22,417,927	7,902,793	2,764,020	2,168,991	
1 reporting only 3 years	3,165,020	1,078,352	[1] 25,068		
4 reporting only 2 years	50,823,775	10,053,874			
3 reporting only 1 year	7,103,144				
12 copper, zinc, etc., mining concerns	225,446,026	96,765,662	31,041,951	59,930,500	65,652,362
1 reporting only 4 years	8,873,445	9,125,947	1,417,128	942,988	
1 reporting only 3 years	4,674,467	3,489,965	1,547,276		
1 reporting only 2 years	27,661,713	6,587,052			
5 petroleum concerns	46,175,027	23,255,102	21,977,798	24,247,091	16,307,684
3 reporting only 4 years	75,053,369	37,141,942	15,267,584	34,634,913	
2 reporting only 3 years	9,517,851	2,080,407	589,029		
5 automobile and tire companies	63,538,618	50,798,668	23,542,300	19,104,235	16,700,999
1 reporting only 4 years	2,020,550	1,609,980	1,118,380	559,544	
1 reporting only 3 years	5,426,636	2,303,314	1,505,467		
6 chemical and fertilizer concerns	32,020,539	16,967,313	10,514,112	9,244,874	11,391,571
1 reporting only 3 years	6,760,669	4,859,000	1,680,000		
13 sugar, leather, wool, rubber, and meat companies	116,696,484	68,515,673	47,811,808	35,838,506	44,072,891
1 reporting only 4 years	1,467,757	240,322	495,890	710,464	
2 shipping concerns	20,177,818	8,939,934	8,208,250	6,858,364	5,863,143
1 reporting only 2 years	6,479,449	5,165,705			
2 paper manufacturers	7,645,105	1,002,559	1,029,399	764,615	1,542,935
5 miscellaneous	26,058,900	16,804,782	9,516,495	7,613,628	7,493,480
104 Total	1,366,040,933	503,852,626	244,367,576	358,438,935	290,696,117

[1] Deficiency.

"Great Britain and France and Germany and America are producing more iron and steel, more copper and zinc, more ships, and shoes and oxygen and chlorine gas and alcohol than were called for in the charts of productive progress.

"So much the more fatal is it for Americans to shut their eyes in laying taxes, and retard, here and there, instead of accelerating, productive powers.

"This is the real danger, also, in pushing too high the surtax on large incomes. American industry is, in certain fields, the manufacture of motor cars for instance, very much extended indeed, with enormous operations being carried through with scarcely adequate capital. Imagine a mid-western motor car maker who has built up a huge business in five years. He has an annual income of $2,000,000 but is using nearly all of it, and bank loans to the limit as well, to finance a business that has been in existence too short a time for the accumulation of working capital sufficient for the large turnover. With every board of his financial argosy already creaking from the strain, imagine a sudden exaction of nearly half of his year's income. His personal credit at the banks can not stand the squall; necessarily his business feels the force of the blow and with it the various industries supplying him with raw materials and special parts.

"It is a transition period in industry and finance we are facing, and it is of the highest importance that the curves of change should not be too abrupt. The income-tax changes of the House revenue bill are far more abrupt than any seen in the history of this war's financing in Great Britain, France, or Germany. Canada has no income tax at all.

"That this objection to a sudden tax increase from 13 per cent on the largest incomes to as high as 50 per cent is not by any means merely theoretical, is strikingly shown by the shiver and halt in industry that came immediately on the passage of the House bill. It was only after the daily reports of the Senate committee's resolute work in bringing reason and sanity into the bill that trade resumed its buoyant progress.

"By going to the one righteous and expedient, tried and successful, source of war revenue, the excess business profits of war years, the task of making up a given sum of war revenue is so simplified and lightened that not only may the small, vexatious and sometimes destructive special taxes be largely avoided, but even the second great necessary item, a robust increase in personal income rates, may be fixed with discernment and small harm to business.

"It is not by any means only or chiefly the possessors of great incomes that are advocating less drastic rates for the personal tax. Academic economists like Prof. Seligman are making a strong case for a range of surtaxes something like twice as large as the present schedule, instead of about four times as great—the increase prescribed in Mr. KITCHIN's bill.

"An objection has been offered to a heavy tax on excess profits that the Government already demands special prices, much lower than the market prices, from the copper companies, steel factories, and other concerns which would be called on to pay very high excess profits taxes.

"But very little consideration will show that if such special inside prices operate in the war period to reduce the profits of the companies, the next result will be to reduce very much more the excess of these companies' war profits over their average prewar earnings, and thereby to reduce their taxes under this plan.

"But why create friction and vexation by demanding special arbitrary inside prices for the United States or for other governments—prices very much lower than our citizens have to pay, and which are already tending to make private purchasers uneasy and resentful?

"In the first place, such 'inside' prices are useless, because the excess profits tax should take any necessary part of the earnings resulting from the high market prices created by the laws of supply and demand. In the second place, if the giving and acceptance of these arbitrary lower prices for the Government's needs operate to obstruct the one big, essential and sufficient process of boldly taking the money made out of the war as the first and largest part of the tax money to pay for the war—the Government has made a very poor bargain, gaining millions only to relinquish scores of millions.

"It has also been pointed out that certain companies making large profits in previous years might still make large profits without being taxed; while other concerns that had been struggling along in the prewar years have just happened to come into prosperity now and would have to pay a heavy tax.

"It may be answered that if none of the current swollen profits of war have come to the concerns of the first class it is not unjust that the Nation should ask from their earnings no more than the present corporation income tax, together with the added receipts from the personal income tax which their large earnings would increase. As to concerns only now beginning to show profits, it is not easy to find any example of a business that has been operating unsuccessfully in prewar years and has come into sudden prosperity in the present years without also finding the direct or indirect cause of the newly increased earnings in the feverish business activity induced by war conditions. Great Britain has special provision for such instances.

"At this writing the Senate Finance Committee has discarded the House plan and substituted the correct principle for an excess profits tax—an enormous gain if the new plan is finally accepted, for the present war-revenue bill is looked on as a basic structure, presumably to endure as a structure through the war and through any succeeding changes in rates.

"Americans should demand that Congress retain this correct plan, and that it should go far enough, within the limits of reason and safety, in taking the unearned increment of war for war expenses, to leave business at large active and free as possible from tax interferences with its necessary operations.

"The formula for deciding on the exempted earnings may follow closely the British model, with special exemption of 8 or 10 per cent on newly invested money—or a new formula may be prescribed using an average of all or any of the five past years; or the rates may be graduated according to the degree of war prosperity. It is not for the layman to decide on such details, nor are they of the largest importance except in making the tax levy equitable as between different individual concerns. For there are two variable factors, (1) the exempted normal profit and (2) the rate imposed; to raise a given sum of eight hundred to one thousand million dollars either the first may be lowered or the second may be increased.

"But the successful conduct of the war, the rights of citizens and the safety of the country demand that in so far as the unprecedented military expenditures before us are to be defrayed from taxation, the basic and largest item of each levy must be a tax on the new business profits created by the war."

MANUFACTURE OF DISTILLED LIQUORS.

Mr. MYERS. Mr. President, I have an article prepared by the Scientific Temperance Federation, of Boston, Mass., which bears directly on vital questions now pending before the Senate. I ask to have it published in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE RESULTS OF TURNING FRUITS INTO WINE AND BRANDY.

[Prepared by Scientific Temperance Federation, of 36 Bromfield Street, Boston, Mass., Miss Cora F. Stoddard, secretary, June, 1917, for information of Congress.]

The proposal to leave the way open for the continued manufacture and sale of wines and distilled liquors from fruits is a proposal to open a Pandora's box of troubles from which the United States has been relatively free.

The total consumption of wines in the United States in 1850 was 6,316,371 gallons. In 1915 it was 32,911,909 gallons. But while the total consumption had increased fivefold, the per capita consumption in 1915 was but thirty-two one-hundredths gallon as against twenty-seven one-hundredths gallon in 1850. The highest per capita consumption of wine was sixty-seven one-hundredths gallon in 1909 and 1911. These figures show that up to now wine has constituted a relatively small part of our alcohol consumption, less than 3 per cent at the most.

The increase which has taken place in the total amount consumed is an increase in the use of domestic wines. The consumption of imported wines has remained fairly constant through all these years (6,095,000 gallons in 1850; 5,656,219 gallons in 1915), never rising above 10,000,000 gallons or falling below 3,000,000 gallons.

But the total consumption of domestic wines increased from 221,249 gallons in 1850 to a maximum of 9,863,735 gallons in 1915. (United States Statistical Abstract, 1915, p. 514.)

This indicates in a measure the development of the wine-producing industry, which began in Ohio shortly after 1850 and in the sixties was given a strong foothold in California, which is now the largest wine-producing section of the United States.

The emphasis laid by the wine producers upon what they call "light wines," which they urge as desirable "hygienic drinks" likely to promote "temperance," has obscured the fact that along with the development of the wine industry there has been an increased consumption of spirits made from fruits. The consumption of these fruit spirits (brandy, etc.) has increased from 1,223,830 gallons in 1870 to 2,516,054 gallons in 1915; that is, has practically doubled. (United States Statistical Abstract, 1915, p. 514.) This means that the development of wine production is accompanied by production of a form of spirits, brandy, which averages 45 per cent alcoholic strength—stronger in alcohol than the average whisky. (Report Committee of Fifty, p. 339.)

Furthermore, the wines themselves are by no means all "light wines." The report of the Commissioner of Internal Revenue (1916, p. 17) shows that normally nearly 5,000,000 gallons of brandy are used in fortifying wines; that is, in increasing their alcoholic strength above the 10 to 13 per cent of alcohol obtainable by formulation. These fortified wines may contain from 15 to as much as 24 per cent of alcohol. That it is no small item to be considered appears in the fact that in 1915, an average year, there were 4,852,848 gallons of brandy used in fortifying 15,646,086 gallons of wine, resulting in 18,580,373 gallons of this stronger wine. (Report Commissioner Internal Revenue, 1916, p. 117.)

If fruits are exempted from the measure prohibiting the use of foodstuffs for the manufacture of distilled liquors, we not only leave the way open but give direct encouragement to the development of another spirits industry, which will draw from the food supply by taking fruits,

and those some of the commoner fruits, necessary in several ways to the health of the people.

Anything that tends to reduce the available supply of these fruits, to make them expensive, either deprives the people of needed food constituents or compels them to seek them elsewhere through vegetables, grains, milk, eggs, etc., of which there is already a scarcity.

For health reasons, therefore, it is important that we should not encourage the greater use of fruits in making spirituous or various liquors as will be the case if we do not include fruits among the foodstuffs prohibited in the manufacture of alcoholic beverages.

Again, such exemption will encourage the making of stronger alcoholic beverages than those produced from grains. The lightest wine has, on the average, a larger alcoholic content than strong beer. The fortified wines, as already stated, contain from 14 to 24 per cent alcohol. Fruit brandy contains from 40 to 60 per cent of alcohol, as against from 40 to 50 per cent for whisky.

From the point of view of conserving man power as well as foodstuffs, we shall therefore gain nothing by opening the way to a larger production and use of wine and brandy. No one can doubt for a moment that if the use of grain is prohibited in the manufacture of whisky, rum, and fermented liquors, and the use of fruits is not prohibited, we shall see a lively increase of activity among the wine and brandy producers.

THE DRUNKENNESS OF HISTORY MOSTLY ON WINE.

There is nothing in the history of the nations that gives us any reason to suppose that this will be anything but a detriment to the efficiency of the Nation at a time when every particle of energy is required.

As long as human deeds have been recorded, whether in song and story or on stones, papyrus or printed page, the record has contained accounts of man's drunkenness. Edicts and exhortations against it are found in the most ancient writings of China, India, and Persia. In Egypt its origin is credited to Isis or Osiris. Pompeii had a statue of Bacchus. The Bible contains 58 references to drunkenness. It closed the career of Alexander the Great and many of the high and low in ancient Greece and Rome.

But the drunkenness of the ancients was wine, beer, or cider drunkenness. The accredited inventor of distillation died in 1106 A. D., hence whisky and other distilled liquors were not responsible for the intemperance of the olden times.

THE WOES OF WINE IN FRANCE.

At the beginning of the present war France abolished absinthe, but left her wine and brandy and other liquors. Here is a poster issued in 1916 by the French Society Against Alcoholism, the honorary president of which is M. Raymond Poincaré, the President of France:

L'ALARME.

[Société Francaise D'Action Contre Alcoolisme; Honorary president, M. Raymond Poincaré.]

To French Women and French Young People:

1. Alcohol is as formidable an enemy to you as Germany.
2. It has cost France since 1870 in men and in money more than the present war.
3. Alcohol pleases the taste, but, a veritable poison, it destroys the body.
4. Drinkers grow old early. They lose half their normal life and are easy prey to numerous weaknesses and maladies.
5. The "little glasses" of parents are transformed into hereditary weaknesses in their descendents. France has to-day about 200,000 insane, twice as many consumptives, to say nothing of the victims of gout, scrofula, rickets, premature degeneracy, and the majority of criminals.
6. Alcoholism reduces our productivity two-thirds, increases the cost of living and misery.
7. Like the criminal Kaiser, alcoholism decimates and ruins France to the great joy of Germany. Mothers, young people, husbands, fight alcoholism and remember the glorious wounded and dead for the country.
8. You will thus accomplish a great task, equaling that of our heroic soldiers.

This poster was approved by M. Clementel, minister of commerce, and was placed, by direction of the under secretary of the health service, in all offices under his direction. This is a French declaration after absinthe was prohibited—wine and spirits remain.

France and Italy have been through the experience that lies before us if we open the way to a large production of wine and spirits made from wine. After the grapevine pest, phylloxera, was conquered in France numerous regions previously devoted to grain were converted into vineyards. If France had this acreage still producing grain it would now be helping out her food supply. Overproduction of wine encouraged its conversion into spirits. To-day there are not far from 2,500,000 wine and cider producers, and a million home distillers. (Fréderic Riemain, secretary of Le Ligue Nationale Contre L'Alcoolisme, 1916), and these constitute a body of interests which have blocked every effort during the war to free France from the handicap which drink places upon her, as stated in the poster already presented. The French press publishes lively demands that the spirits be requisitioned and turned to military and industrial uses instead of into the stomachs of the people. "Alcohol," said Le Figaro a few months ago, "is at the same time one of the best aids to national defense in the powder mills, and one of its most cruel enemies in the stomachs of the workmen in war-industrial establishments. Who dares hesitate to chose between these uses?"

A recent book by Jean Finot, editor of La Revue, which has been passed by the censor, portrays some of the conditions with which France is struggling due to her wine-spirits interests. (See CONGRESSIONAL RECORD, May 4, p. 1802.) It shows that the wine and spirits shops undermine the health and morals of the soldiers when off duty; drinking in convalescence retards or prevents recovery from wounds, increases infractions of discipline, handicaps employers in the production of munitions, delays transportation of supplies. Many of the generals have found it necessary to take measures to protect the soldiers at the front. Gen. Joffre forbade absolutely the sale of alcohol and of alcoholic drinks to soldiers of all grades in the army zone. He specified as forbidden "absinthe, bitters, vermouths, liqueurs, fruit spirits, and all other alcoholic liquids not specified." He forbade soldiers to accept as a gift any amount whatever of the drinks above named, and announced that any seller violating this rule would be brought before the police and military courts, and that he would go so far as to definitely close up establishments guilty of violating this decree. Such are the difficulties which France has had during the war after prohibiting what was believed to be her worst enemy, absinthe, and leaving wine, fruit spirits, and other drinks.

How was it before the war?

An official proclamation in Paris, as long ago as 1903, written by Dr. Débove, dean of the faculty of medicine, and Dr. Faisans, physician to the principal general hospital of Paris, declared that "alcoholism is cronic poisoning, resulting from the habitual use of alcohol, even when not taken in amounts sufficient to produce drunkenness. The so-called hygienic drinks—wine, beer, and cider—also contain alcohol; the man who daily drinks an immoderate amount of wine, of cider, or of beer becomes as surely alcoholic as the one who drinks brandy. Alcoholism causes a great variety of diseases. It is one of the most frightful scourges whether regarded from the point of view of the health of the individual, of the existence of the faculty, or of the future of the nation."

Such was the official warning given in wine and fruit-spirits drinking France 15 years ago.

A report to the French Academy of Medicine in 1907 by Dr. Fernet showed that among 1,500 deaths in hospitals and insane asylums in Paris, more than one-third were due in part to alcoholism; alcoholism was a contributory cause in 23.6 per cent of the cases, the sole cause in 10.2 per cent.

How cheapness and abundance of wine (such as would be fostered if we do not include fruits among the foodstuffs to be conserved) did not tend to promote temperance in France is shown by a survey by Ernest Massard in the St. Antoine quarter of Paris in 1901. Of 500 patients who came under his observation in the hospital, the average used from 4 to 5 quarts of wine a day; 56 who declared they were never drunk used from 1 to 2 quarts of wine a day and brandy, rum, and absinth in addition, and 400 of the 500 patients showed signs of alcoholism.

"The scourge of drink," wrote M. Bourgeois, an ex-cabinet minister, "has a permanent place in all our social miseries. We meet it everywhere. It hides itself behind tuberculosis, in insanity, in crime, but it is always at the bottom of our evils and degeneracies."

An enormous increase in tuberculosis in France has been one of the serious developments of the war in consequence of trench life and conditions. But long before the war physicians had called attention to the fact that statistics of the consumption of alcohol, according to departments in France, showed a parallel with those of tuberculosis. Dr. Jacques Bertillon declared that "alcohol appears to be the most deadly cause of the weakening of the organism in preparation for tuberculosis. It is the master cause. All other causes disappear in comparison." Dr. Roubinovitch, of the Saltpetriere, declared: "They talk about the great scourge tuberculosis which decimates France. The greatest scourge, however, is alcoholism. It is this which gives up the key to the house and permits the sacking. There is no more burning question than the battle against this cause of all other scourges." And again, Dr. Landowzy, in picturesque phrase, declared: "Alcoholism prepares the bed for tuberculosis."

Figures compiled in 1907 under the direction of the French ministry of the interior (La Sémaine Médicale, July 10, 1907) showed that of 71,551 inmates of insane asylums, 9,932, or 13.6 per cent, were there as the direct or indirect result of alcohol.

These facts are not cited as any derogation of our great ally, whose splendid spirit and achievements in this war we hail with honor. But they do show that the nation which has freely produced and used wine could not stop there, but passed on to the use of fruit brandy and worse liquors, and that it has suffered before the war and during the war from all the consequences that we had seen from other alcoholic liquors.

SWITZERLAND'S WARNING AGAINST WINE.

Switzerland, another wine-using country, found that alcoholism developed in alarming proportions.

In 1885 the Government took a Government monopoly of the manufacture and sale of distilled liquors, and has ever since appropriated a part of the profits to preventing drunkenness and the curing of inebriates. The use of brandy decreased as a result of the monopoly, but the use of wine increased from 38 liters per person in 1884 to 69 liters in 1898. One of the ardent advocates of the monopoly legislation, E. W. Milliet, of Bern, found on comparing the consumption of actual alcohol that during the five-year period 1880–1884 preceding the adoption of the spirits monopoly the average per capital consumption of actual alcohol was 14.3 litres. In the decade 1892–1902, although the consumption of distilled liquors had decreased, the consumption of wine had so greatly increased that the actual per capita consumption of alcohol had gained by 10 per cent and amounted to 15.78 liters per capita as against 14.3 liters before the impetus was given to wine-drinking by adoption of the spirits monopoly.

The actual increase was even greater, as during the interval thousands of Swiss had become total abstainers.

ITALY'S LESSON ON WINE PERILS.

Italy, too, a wine producing and using country, shows a growing tragedy from drink.

Dr. Leonardo Bianchi published, in Nuova Antologia (August, 1916), a long article on the development of the wine industry in Italy and its economic disadvantages to a country which has to import so heavily its grain supplies. He urges that there be no extension of vine cultivation, that vines destroyed by the phylloxera be not replaced, and that instead the land be used for the cultivation of wheat and other grains greatly needed by Italy.

But here, too, is a physical problem similar to that of France. "The problem for Italy," says Dr. Bianchi, "is not so much attention to acute alcoholism (drunkenness) as to chronic intoxication, which slowly and daily undermines the vigor of the country. In all such diseases as apoplexy, epilepsy, hysteria, general paralysis, progressive paralysis, insanity, and suicide alcohol holds a not insignificant place as a cause.

But, while he considers that only one-fifth of these deaths were attributed in part to alcohol, they mount into tens of thousands in a period of years. And "between these and perfect health of a race is a large zone which swarms with human weaklings, delinquents, those brutal to wives and children, deaf to the voice of conscience, and the children who suffer in the higher mental functions from the influence of alcoholic intoxication in the parents."

Dr. Gina Lombroso-Ferrero, daughter of the great criminologist Lombroso and wife of the historical Ferrero, says of alcoholism in Italy in a recent article:

"The whole drink problem is being grappled with determinedly in Italy at the present time. The recent increase in alcoholism has been so tremendous as to cause anxiety in Government circles and among people interested in social questions.

"The epidemic of alcoholism is all the more remarkable in a country like Italy because it was practically free from it 30 years ago. Our experts assign to the evil two main causes—the stupendous spread of industrialism employing machinery and overproduction by wine growers.

"From 1890, and still more from 1900 onward, the evil grew. Official statistics show that the quantity of wine consumed per inhabitant in 1884 was 72½ liters (a liter is slightly more than a quart); in 1905 it was 111½ liters. As to beer, the figures for 1879 are 0.50 liters per head, and for 1905 0.89. Consumption of distilled alcohol jumped from 0.49 per head to over 1 liter. These figures are in reality much below the truth, as they do not cover contraband or illicit drinking. The antialcohol league of Milan recently made a special inquiry, which showed that consumption per head of all forms of alcohol in Milan had increased threefold in 25 years.

"Parallel with this increased drinking runs a corresponding rise in the death rate, which was only 1.5 per 100,000 inhabitants in 1887 and which in 1909 had risen to 4 per 100,000.

"It follows as a matter of course that cases of insanity kept pace with the increase in alcoholic consumption. Dr. Paolo Amaldi, director of the Florence Asylum and one of the leaders of the Italian Anti-Alcohol League, who has for many years conducted a minute inquiry into the causes of insanity, has found that in the three years 1903–1905 out of a total of 38,764 asylum inmates (22,168 men, 16,596 women) the cases due to drink numbered 3,398 (3,075 men, 323 women). But these figures nearly doubled in the triennial period 1909–1911, the total inmates crazed through drink being 7,092.

"Crime, too, kept pace. The ministry of justice has issued statistics showing that in 1906 the proportion of crimes due to drink was 4.46 per cent; by 1909 it had risen to 6.41 per cent, with an increase in the number of condemnations from 6,468 to 9,302. In addition the courts found for the same year that drink caused irresponsibility for various offenses in 5,426 cases. On this aspect of the drink evil Lombroso wrote:

"'Crime grows apace with pauperism. The old saying, in the presence of every unsolved criminal mystery, "Look for the woman," might be completed, perhaps corrected, by adding "or the bottle." Prof. Ferrii discovered the curious fact that in France, while crimes of bodily injury diminished notably during a given period, they showed a marked increase in the month of November, which is the wine-gathering season. And Sciopis declared in our own Parliament that nine-tenths of the crimes committed in Italy were done in saloons.'"

"THE WINE WAY TO DRUNKENNESS" PICTURED.

Vance Thompson, the well-known journalist, in a recent book speaks out of personal observation of what has happened in France and Italy:

"The greater part of my life I have lived in wine countries. Always one remembers the best of life; the dirty and tragic parts slip out of mind. * * * And so with the wine lands. Go to the real facts of life, banish the haze of poetic fancy, and what you see is not the cannikin-clinking merriment of comic opera, but a sadder, drearier way of life.

"I am speaking of lands where the grapes grow, where wine is 'natural, pure, and cheap.' It is there at its best. The alcohol, always a poison, is, in its least harmful form, concealed in the beneficent juice of the grape—hidden in suavity and perfume. And what it does to the race of men, dwellers in sunlight, you know, for you have shuddered at these crippled and distorted generations, with their beggars and idiots, bearing one and all—to the eye of the physiologist—the stigmata of alcoholic penalties.

"'No drunkenness in southern Europe?'

"He who makes that statement speaks out of deep ignorance. He has never dwelt in the villages of Provence or wandered over the wide roads of Italy. You do not, I admit, see so wild and manifest a drunkenness as in the harsh, northern, spirit-drinking lands, but the southern drinker, making up in quantity what was wanting in the alcoholic strength of his beverage, reaches the same stage of physical impairment, begets the same poisoned offspring, dies in the same kind of alcoholic dissolution—to use the technical phrase. His moral corruption, as his physical degeneration, is slower in its progress, but statistics might be piled hospital-high to show it reaches the same end. * * *

"It was in my horoscope to watch for 20 years the growth of the alcohol habit in France. I saw the nation weary of the too feeble intoxicant of wine and take to strong drink. During those years the drinking of absinthe alone rose from an annual consumption of 1,000,000 gallons to over 5,000,000 gallons. The French race, with dangerous deterioration, turned from the slow poison of wine to the fiercer and more active of alcohol poisons—to the wilder alcohol of amers and absinthes.

"With what fine spiritual energy, born of battle peril, France drew herself back from the abyss of racial degeneration you shall see, but assuredly she was going—even as the wine boy is making for whisky drunkenness—toward the alcoholic deterioration which is national deterioration, which is national death.

"Let there be no doubt about it, the wine way to drunkenness is a way like any other. You say it is cleaner, with gayer prospects and brighter skies? Nine-tenths of that is cant and cheap apologia of second-rate, brandy-loosened poets. It is not a clean way, if you have followed the trail of the wine drunkard, home-faring."

Thus the experience of three wine-producing and wine-using countries show that wine production when encouraged tends to divert to this purpose land needed for other foods so long as the growers produce grapes for wine instead of for food or nonalcoholic drinks. In all three countries the tendency has been toward an increased use of wine leading to chronic alcoholism, with all its physical and moral waste of human power and efficiency. In both France and Italy, but especially in France, it has led to production and use of spirits which has intensified the evils of alcoholism and which to-day in the midst of this world war is a tremendous handicap in affecting the food supply, in reducing the present effectiveness of the nation, in reestablishing normal industrial relations, which must be restored as rapidly as possible, and in impairing the future generations.

HOW NOT TO DO IT.

For the United States now to leave open the way to these losses by giving the wine and fruit brandy industries an opportunity to enlarge and take the place of beer and whisky is to ignore the solemn lessons of experience, which are already written large in tragedy in the national life of these other nations.

If the United States really intends to stop waste of food and human power by alcohol it must include the prohibition of the use of fruits as well as of grain in the manufacture of liquor for beverage purposes.

THE COAL SITUATION.

Mr. FRELINGHUYSEN. I present a letter on the coal situation, which I ask to have printed in the RECORD and referred to the Committee on Agriculture and Forestry.

There being no objection, the letter was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

FUEL ENGINEERING CO. OF NEW YORK,
CONSULTING FUEL ENGINEERS,
New York, June 26, 1917.

Hon. JOSEPH S. FRELINGHUYSEN,
United States Senate, Washington, D. C.

DEAR SIR: This company is retained in a consulting capacity in connection with the coal problem of industries consuming 3,000,000 tons of coal a year, and because of that connection we are taking the liberty of calling to your attention certain phases of the present national coal situation.

As you know, for months past the price of the coal used by our industries has been several times the normal price, and much emphasis has been laid upon the argument that this has resulted simply from the operation of the law of supply and demand. Representatives of the coal trade particularly have constantly talked shortage of coal, shortage of labor, and shortage of cars.

There has no doubt been a shortage of coal in the sense that there was a ready demand for all that was produced, but during these months we have been in touch through our field representatives and by correspondence with probably 1,000 industrial power plants, and have yet to hear of more than one case of a plant being shut down for lack of coal.

Without question, a greater supply of cars and of coal to fill them would relieve the situation somewhat, but the hue and cry about shortage of coal seems to have diverted attention from an even more important factor in the situation, and that is the almost universal practice of speculation in coal by miners and dealers.

Evidence obtained by the Federal Trade Commission and mentioned in its report to the House of Representatives, dated May 19, 1917, shows that these producers of coal have very generally refused this year to follow their usual custom of contracting with consumers for the delivery of their year's supply of coal.

The manufacturer's demand for coal is not a matter of choice but of necessity, and a failure of coal supply for even a day will entail great financial loss. This need has been met in the past by the custom of contracting for coal for periods of a year at least. The sudden breaking down of this established method of distribution has had the inevitable result of forcing our industries to bid against each other in a disorganized market for their daily requirements. This condition has not only produced exorbitant prices, but has made more difficult than ever before the use of discretion on the part of the buyer as to the character and quality of coal to be purchased, and this in many cases is a matter of extreme importance, for the design and operating conditions of the plant make imperative the choice of certain kinds of coal. From our daily experience with the coal problems of some 300 industrial plants, we are satisfied that while an increase in coal production and facilities of transportation would relieve the manufacturers somewhat, yet the full measure of relief needed can be obtained only by the regulation of the trade practices and the consequent elimination of much of the speculation in coal.

This latter remedy obviously can not be expected to come from within the coal trade, many of whose members have deliberately so conducted their business as to aggravate the situation and promote and increase speculation very greatly to their own profit.

The Federal Trade Commission has already conducted an impartial investigation of the coal situation, and it would seem that the imperative need of our manufacturers and public-service corporations can only be met by the prompt delegation by Congress of the necessary regulative power specifically to that commission.

It is a fact little understood by others than those who have been brought into immediate contact with the manufacturers' coal problem that the coal industry is vastly different from most of our great industries, where the product of many mines or mills has been standardized to some extent and classified into recognized grades. Coal is produced over wide areas, and varies so much in character or quality, or both, that a given plant may use satisfactorily one coal and have great difficulty with another coal produced within a very few miles of the first. There is an almost infinite variety, and no recognized classification of coal for commercial purposes into established grades. For this reason price regulation would seem to be, excepting in the case of anthracite, impossible, and from the viewpoint of almost all of the manufacturers with whom we have communicated very much less desirable than suitable regulation which will restore to them some reasonable assurance of getting deliveries of a chosen coal for some months in advance by means of contracts which can be enforced.

This relief in itself, by eliminating the daily auctioning of our coal supply, would, no doubt, produce a reduction in prices to a level more nearly in line with present values, and yet would leave in operation the normal economic forces which would adjust prices between various grades, kinds, and markets as no legislation could.

Yours, very truly,

G. B. GOULD, *Vice President.*

NEWS-PRINT PAPER INQUIRY.

Mr. REED. Mr. President, I present a Senate resolution. I ask to have it read, and I ask unanimous consent for its present consideration. When it is read I want the privilege of the floor for about five minutes to explain it.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the resolution (S. Res. 95), as follows:

Whereas pursuant to the resolution of the United States Senate of April 24, 1916, the Federal Trade Commission began the investigation of the combination existing among the manufacturers of news-print paper;
Whereas two reports have been made to the Senate by said commission, dated respectively March 3, 1917, and June 13, 1917;
Whereas said commission finds as a fact and reports that there exists a combination of paper manufacturers which extorts unreasonable prices, and that by reason of said combination free competition has

been restricted, and that within the past year prices have been advanced to large consumers as much as $50 per ton and to small consumers in some cases as much as $180 per ton;

Whereas said commission has reported that by concerted action said combination of manufacturers has discouraged the production of print paper and has arbitrarily divided customers and territories among themselves, and thus limited and controlled competition;

Whereas said commission has further found and reported that because of said unfair and illegal practices small publishers have already been driven out of business, that more are likely to suffer the same fate, that large publishers will be financially ruined, and others rendered unable to make any profit from their legitimate business ventures;

Whereas all of said acts and practices are in violation of the laws of the United States prohibiting monopolies, restraints of trade, unfair practices, etc.;

Whereas the Government of the United States is a large consumer of news-print paper and as such is the victim of the illegal combination, practices, and extortions aforesaid; and

Whereas the Federal Trade Commission, in its report of June 13, 1917, expressly states that "the efforts of the commission to restore competitive conditions have failed," and the said illegal and oppressive practices are being continued: Now, therefore, be it

Resolved, That the Federal Trade Commission is hereby directed to inform the Senate of the United States with all due dispatch why it has not issued and caused to be served upon the offending persons and corporations aforesaid appropriate orders commanding them to desist from the said illegal and unfair practices to the end that the same shall be discontinued, and if not that appropriate proceedings may be had in the courts of the United States to enforce said orders of the commission.

Mr. REED. Mr. President, very briefly I want to state the situation and the purpose of the resolution.

Nearly 27 years ago Congress passed a law prohibiting "pools, trusts, monopolies, and combinations in restraint of trade." For violations of the law it provided severe penalties of fine and imprisonment.

The law has been amended from time to time, and has in numerous decisions of the courts been sustained in all its parts. In 1914 two laws were passed calculated to further enlarge and strengthen the antitrust act.

The first of these, known as the Clayton Act, provided as follows:

SEC. 2. That it shall be unlawful for any person engaged in commerce in the course of such commerce, either directly or indirectly, to discriminate in price between different purchasers of commodities, which commodities are sold for use, consumption, or resale within the United States.

Section 11 of the act confers authority to enforce compliance with the provisions of section 2 upon the Federal Trade Commission, except as to matters relating to carriers and banks. Provision is made in section 11 for summoning of the offending parties before the Federal Trade Commission, and in case the commission shall be of the opinion—

that any of the provisions of section 2 have been and are being violated, it shall make its finding of fact * * * and shall issue and cause to be served on each person an order requiring him to cease and desist from such violations * * *. If such person fails to obey such order * * * the commission may apply to the Circuit Court of Appeals * * * for the enforcement of this order * * *. The court shall cause notice thereof to be served on such person * * * and shall have power to enter a decree affirming, modifying, or setting aside the order of the commission. The finding of the commission as to the facts, if supported by testimony, shall be conclusive. * * * The judgment of the court shall be final, except that the same shall be subject to review by the Supreme Court. * * * Proceedings in court shall be given precedence to all other cases pending therein and shall be in every way expedited.

I have been simply quoting the law for some moments.

A few days prior to passing the Clayton Act, Congress had created the Trade Commission, which was given authority to enforce section 2 of the Clayton Act.

Section 5 of the act creating the Federal Trade Commission provides that—

Whenever the commission shall have reason to believe that any person or corporation has been or is using unfair methods in commerce * * * it shall serve notice upon such person * * * and complaint stating these charges * * *; that a hearing shall be granted * * * the testimony taken * * *. If the commission shall find that the method of competition is prohibited it shall * * * order the corporation to desist from such method of competition. * * * If such person or corporation fails to obey such order * * * the commission may apply to the circuit court of appeals of the United States.

Thereupon the proceedings are substantially as outlined in the Clayton Act, just quoted.

When the Trade Commission act was being discussed its advocates earnestly proclaimed that it would stop all forms of unfair methods being employed or that might thereafter be employed by those engaged in interstate commerce. We were told that the Trade Commission would constitute a supreme court of commerce, and that pursuant to the great powers granted to it under the sweeping clause "unfair competition" it would restrain the evil customs and methods of those who were practicing extortion upon the public. The advocates of the commission asserted that it would be a court where the humblest citizen could come and demand justice against the financial or industrial overlords of the land and secure quick relief. Much, therefore, was hoped from the commission.

Mr. President, the resolution I have offered briefly sets forth the facts. More than a year ago the country was startled by the discovery that a great combination had suddenly raised the price of news-print paper, and that the combination seemed to have the great publishers and newspapers of the country so completely within its powerful grasp that they scarcely dared protest against its extortions.

The price of print paper was enormously advanced and demands of the most arbitrary character were made upon the great publications of the country. They were commanded to renew their contracts at prices arbitrarily fixed by the paper combination. When they protested they were threatened with ruin; they were given the alternative of the highwayman, "Stand and deliver" or suffer a worse fate.

Accordingly the publishers appealed to the Senate and that body asked the Trade Commission to investigate. Over a year has elapsed, during which period publishers have been compelled to pay an enormous tribute to their criminal masters.

Now, I call attention to the findings of this commission. I have already quoted the law.

On March 3, 1917, the commission filed its first preliminary report in which it found in substance (a) that the increased price of news paper was unjustifiable; (b) that competition among paper manufacturers had been restricted, and that "important manufacturers in the United States were banded together to secure unreasonable profits; (c) that some publishers had been put out of business and others were in danger of financial ruin; (d) that by concerted action between the manufacturers prices had been advanced from $40 a ton to over $90 a ton, and in some instances to $180 per ton; (e) that these prices were caused by the combination. On June 13, 1917, the commission further reported: (f) That in one year's time the conspirators had increased their profits by over $17,000,000; (g) that the efforts of the commission to restore competitive conditions in the news-print industry expeditiously and to arbitrate and effectively project a fair price for news-print paper have failed; (h) that some four of the manufacturers have been indicted upon evidence furnished by the commission; (i) that news-print paper is being sold at the same exorbitant prices that they obtained heretofore; (j) that there will be a repetition of the panicy market conditions of last year and the exaction of prices which are entirely out of measure with the cost of production.

The singular thing is that while the commission has had this case in hand for more than a year, and for a long time has been in possession of evidence that the conspirators have "discriminated in prices between different purchasers of commodities," it has never at any time issued an order to these conspirators commanding them to "cease and desist from the violation of the law." Astonishment is increased when we remember that the provisions of section 11 of the Clayton Antitrust Act are mandatory and impose upon the commission the duty to issue such order, the language of the act being "and shall issue and cause to be served on such person an order requiring such person to cease and desist from such violation."

We have the right also to know why the unfair practices which the reports abundantly show have been flagrantly employed have not been stopped. At the very least we should be told why the commission has not gone to the trouble of issuing an order that they shall stop.

The purpose therefore of this resolution is to ascertain why the commission has not proceeded in accordance with the command of the statute. Perhaps there may be an explanation which in all fairness the Senate must await.

Mr. President, I ask that the resolution may be considered at present.

The VICE PRESIDENT. Is there objection?

Mr. CUMMINS. Mr. President, I do not object to the present consideration of the resolution; I do not object to the passage of the resolution; on the contrary, I would be very glad to see it adopted; but as the suggestions just made by the Senator from Missouri reflect somewhat upon those who were in favor of the bill creating a Federal Trade Commission, and reflect still more severely upon the Trade Commission itself, I believe that it is due to those of us who thought the Federal Trade Commission would perform an important duty in the industrial world and to those of us who believe that the Federal Trade Commission has discharged its duty with fidelity, to say a word before the resolution is put upon its passage.

Mr. REED. Mr. President, let me disclaim any purpose in the world of reflecting upon those who advocated the creation of this commission. On the contrary, I am bottoming my reso-

lution upon the thought that much is expected of that commission.

Mr. CUMMINS. There is nothing in the resolution, Mr. President, that reflects on anybody, but there is much in the accompanying suggestions of the Senator from Missouri that indicate that he holds just the position now that he held then—that the commission was unnecessary and would be useless. I do not want that impression to go unanswered.

Mr. President, I have no doubt the report of the Federal Trade Commission, if its conclusions are well founded—and I believe that they are well founded—convict the paper manufacturers of the United States of the grossest violation of the antitrust law. I desire to suggest, however, to the Senator from Missouri that the facts which were found by the Federal Trade Commission, and which were reported to the Senate with great fullness, supported by an ample array of evidence, do not show that the paper manufacturers have violated the law which created the Federal Trade Commission or section 2 of the Clayton Act; and the Federal Trade Commission, in my opinion, has no other jurisdiction than to certify the matter to the Department of Justice for such proceedings as are required under the antitrust law. As I am informed, the commission long ago did certify to the Department of Justice the facts which had been developed, or in some way transmitted the evidence of those facts, and what has been done by the Department of Justice I do not know, although I think that some proceedings have been instituted against the paper manufacturers.

Mr. HARDING. Mr. President, the Senator from Iowa is aware that a number of indictments have been found, is he not?

Mr. CUMMINS. I am so advised. Now, let us be fair with regard to this matter, so far as the Federal Trade Commission is concerned. The Clayton Act, which was read by the Senator from Missouri, so far as it relates to this particular matter, is as follows—I shall now put in a part of section 2 of the act:

SEC. 2. That it shall be unlawful for any person engaged in commerce, in the course of such commerce, either directly or indirectly to discriminate in price between different purchasers of commodities, which commodities are sold for use, consumption, or resale within the United States or any Territory thereof or the District of Columbia or any insular possession or other place under the jurisdiction of the United States, where the effect of such discrimination may be to substantially lessen competition or tend to create a monopoly in any line of commerce: *Provided*, That nothing herein contained shall prevent discrimination in price between purchasers of commodities on account of differences in the grade, quality, or quantity of the commodity sold, or that makes only due allowance for difference in the cost of selling or transportation or discrimination in price in the same or different communities made in good faith to meet competition: *And provided further*, That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade.

There is nothing in the report of the commission that even remotely indicates that the paper manufacturers have violated that section of the law.

Mr. REED rose.

Mr. CUMMINS. Just a moment. The whole report of the commission shows that the paper manufacturers of this country have combined in order to exact unreasonable prices for their commodities; and the general understanding, the general knowledge, which we have of the situation leads us to believe that those manufacturers have concerted together not to discriminate but to impose upon the business in which they are engaged all the characteristics of a monopoly and to exact such prices as they saw fit to exact.

Mr. CURTIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Kansas?

Mr. CUMMINS. I will yield in just a moment.

Mr. CURTIS. I want to ask the Senator if the report does not show that the paper manufacturers have discriminated?

Mr. CUMMINS. I do not think it does.

Mr. CURTIS. It is a fact which has been established, that they have discriminated.

Mr CUMMINS. They may have discriminated—I do not know—but the mere fact that they sold one publisher paper at one price and they sold another publisher paper at another price does not show that they have discriminated under the law; but the report very clearly shows that they are compelling all publishers to pay an unreasonably high price for the commodity. They are enabled to do so because they have strangled competition as between themselves, and are therefore in a position to deal with the subject as though there were but a single manufacturer.

Mr. REED. Will the Senator pardon me now for interrupting him?

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. CUMMINS. I yield to the Senator from Missouri.

Mr. REED. The Senator from Iowa is in error when he states that the report of the commission does not show that the paper manufacturers have discriminated in prices. The report of the commission shows that they have charged different prices to the large newspaper men and have raised their prices to the small newspaper men, in some instances as high as $180 a ton. I was looking for the exact language, and I shall have it in a moment.

Mr. CUMMINS. The Senator from Missouri read the report, and it is now in the RECORD.

Mr. REED. Well, I am therefore a little surprised at, or, at least, I do not understand, the Senators' statement that there is nothing in the report to show that the manufacturers have discriminated in prices.

Mr. CUMMINS. The Senator from Missouri must not assume that because a manufacturer charges different prices to different purchasers therefore there is a violation of section 2 of the Clayton Act.

Mr. REED. Oh, no; I do not assume that; but I say that the true meaning of section 2 is this——

Mr. CUMMINS. No; Mr. President——

Mr. REED. It forbids——

Mr. CUMMINS. Mr. President——

Mr. REED. Well, of course, I can only interrupt the Senator with his consent.

Mr. CUMMINS. There may be a discrimination; I do not assert that there has not been a discrimination, which is forbidden by the Clayton Act, but I say that the report of the commission does not establish any such discrimination, nor was that the point of the inquiry. The point of the inquiry was, just as the Senator from Missouri has said when he forgot for a moment his prejudice against the commission, that these paper manufacturers are charging the people of this country excessive, extortionate prices for the things which they produce, and they are enabled to do it because they have entered into a combination which has substantially suppressed all competition in that line of business.

The Federal Trade Commission was not given authority to proceed against those who had strangled or annihilated competition. That authority was conveyed in the act of 1890, ordinarily known as the antitrust law, which made it unlawful to engage in any conspiracy or to enter into any agreement in restraint of trade, and the courts have held properly that the effort to eliminate competition from a business in order to enhance prices is an effort in restraint of trade.

The enforcement of that law belongs to the Department of Justice and it ought to belong to the Department of Justice. The Senator from Missouri would be no more willing to trust the enforcement of that law to the trade commission than I would be willing to take it from the officer who for nearly 30 years has had it in charge and give it to another department of the Government.

Having said so much in regard to section 2 of the Clayton Act, just a word in regard to the act creating the commission. The act creating the commission provided that it shall be unlawful to practice unfair methods of competition. The entire jurisdiction and power of the commission, so far as this act is concerned, is found in the first paragraph of section 5, which I read:

That unfair methods of competition in commerce are hereby declared unlawful.

Now, whatever "unfair methods of competition" may be—and there was a great deal of controversy with respect to the meaning of those words when the bill was being considered—no one will contend that combination and agreement to destroy competition among the competitors themselves, so that they may be able to impose unduly high prices upon the purchasers of the commodities, is an unfair method of competition. It is not competition at all; it is the death of competition; it is an agreement which eliminates all competition from the business to which the agreement is related.

Therefore, Mr. President, while I would be very glad to see the resolution passed, I think that the author of the resolution would get more information if he would include in it the Department of Justice as well as the Trade Commission.

Mr. ROBINSON. Mr. President——

Mr. CUMMINS. I yield to the Senator from Arkansas.

Mr. ROBINSON. Mr. President, this is a very important matter. I have had occasion heretofore to make some investigation of it, and I should like to ask that the resolution go over until to-morrow. I do not wish to take the Senator from Iowa

off his feet, but, unless he objects, I should like to have the resolution go over until to-morrow.

Mr. CUMMINS. I have no objection to that course being pursued.

Mr. ROBINSON. I have consulted the author of the resolution, and I understand that course is agreeable to him. I myself should like to have an opportunity of submitting some data concerning the subject of the price of print paper and the activity of the manufacturers in regard to that matter. It is in my office. I had no notice that the resolution would be presented this morning. Therefore, I ask that it may go over.

Mr. CUMMINS. I am perfectly willing that it shall go over, but I am not opposed to the resolution. I should like to see the manufacturers prosecuted as they ought to be; but I want the Federal Trade Commission to have a fair and square deal in the Senate.

Mr. ROBINSON and Mr. FLETCHER addressed the Chair.

The VICE PRESIDENT. The Senator from Arkansas.

Mr. ROBINSON. I ask unanimous consent——

Mr. FLETCHER. Mr. President, before this matter is disposed of will the Senator from Arkansas yield to me for a moment?

Mr. ROBINSON. I yield.

Mr. FLETCHER. I desire to suggest that there be printed in the RECORD, in connection with what has been said here, the recommendations of the Trade Commission, as shown on page 141 of Senate Document No. 49, covering the points that have been involved in this discussion. The matter referred to is not very long. Perhaps it is not necessary to put in the conclusions of the commission, because the document is available; but their recommendations I think ought to appear, and also their recommendations with reference to book paper, which are to the same effect as their recommendations regarding news-print paper, as found at page 10 of Senate Document No. 45. I ask to have the matter to which I have referred printed in the RECORD in connection with the discussion this morning.

The VICE PRESIDENT. In the absence of objection, it is so ordered.

The matter referred to is as follows:

SECTION 4. RECOMMENDATION.

The withdrawal of the largest manufacturers from the arbitration arrangement resulted in the failure of the effort of the commission to bring relief to the situation by voluntary cooperation of the interested parties. It therefore has decided to recommend as a war emergency measure that Congress by appropriate legislation provide:

(1) That all mills producing and all agencies distributing print paper and mechanical and chemical pulp in the United States be operated on Government account; that these products be pooled in the hands of a Government agency and equitably distributed at a price based upon the cost of production and distribution, plus a fair profit per ton.

(2) That pursuant thereto some Federal agency be empowered and directed to assume the supervision and control thereof during the pendency of the war.

(3) That by reason of the fact that approximately 75 per cent of the production of news-print paper in Canada comes into the United States, proper action be taken to secure the cooperation of the Canadian Government in the creation of a similar governmental agency for the same function, which shall be clothed with power and authority to act jointly with the governmental agency of the United States for the protection of the consumers and manufacturers of print paper and the public of the United States and Canada.

(4) That in case the Canadian Government shall not join in such a cooperative enterprise, then importation of paper and mechanical and chemical pulp into the United States shall be made only on Government account to or through the Federal agency charged with such supervision and distribution.

RECOMMENDATIONS.

Since the problems connected with the book-paper industry are similar to those disclosed by the news-print investigation, and since the book-paper industry is vested with a similar public interest, the commission has made its recommendations for remedying the news-print situation sufficiently broad to include the other grades of print paper designated as book paper. These recommendations were submitted to the Senate in its letter of submittal dated June 13, 1917.

Mr. REED. Mr. President, since the Senator from Arkansas has asked that this resolution go over, I am entirely willing that it shall go over until to-morrow. I can not, however, allow this moment to pass without some reply to the remarks of the Senator from Iowa [Mr. CUMMINS]. The truth is the Senator from Iowa is supersensitive in regard to the Federal Trade Commission. When we were creating that body the Senator was a very earnest advocate of it, as he had a right to be. I believed that the law as it was being phrased was not properly constructed, and I so expressed myself very often, as I had a right to do.

Over a year ago we gave to the Federal Trade Commission by Senate resolution the duty of investigating the news-print paper situation. The condition, which was apparent to everybody, was that the price had been enormously raised, and the question to be determined was whether that price was a just price, but especially whether that price had been brought about by any violation of law on the part of the paper manufacturers. So the whole matter was referred to the Federal Trade Commission; and it was referred to the Federal Trade Commission in the high hope and expectation on the part of the Senate and, I think, on the part of the country that speedy relief of some kind would be brought about, for it is to be remembered that the advocates of the commission claimed that it would afford speedy relief in all cases where relief was reasonably possible. A year elapsed almost to a day when the commission made a report. Subsequently it made a second report; and, Mr. President, I assert in both of those reports it showed a plain violation of the law, of the Sherman Antitrust Act and its various amendments, and it showed a violation of the Federal Trade Commission act, if that act means anything. If that phrase which we so much discussed, "unfair competition," means anything, then it would reach a combination between manufacturers to suppress all kinds of competition among themselves.

But there is another phrase that is found in the Clayton Act which forbids discrimination in prices between individuals, and I call attention to its language:

That it shall be unlawful for any person engaged in commerce—

And these gentlemen are engaged in commerce—

in the course of such commerce—

And that which they are doing is in the course of commerce—

either directly or indirectly to discriminate in price between different purchasers of commodities, which commodities are sold for use, consumption, or resale within the United States—

And that is the case here—

where the effect of such discrimination may be to substantially lessen competition or tend to create a monopoly in any line of commerce.

That clause is turned over by the provisions of section 11 of the Clayton bill to the Trade Commission, and the Trade Commission has found this discrimination in price, and has found that that discrimination in price is ruinous; that it has driven out of business many of these concerns; and that it is going to greatly injure other concerns.

I do not agree to the logic of the Senator that the language of this act is so constructed that it does not reach discrimination in prices at all. I think it does reach that discrimination. Neither do I agree with his doctrine that the phrase "unfair practices" does not cover these particular acts that the commission has reported have taken place, unless, indeed, the Senator is prepared to take the position that the phrase "unfair practices" really is what it was denounced as being in the debates on the Federal Trade Commission bill, and which I said in those debates was the case, namely, a phrase without any real meaning. But I was overruled in that. The Senate and the entire Congress took the other view, the majority of them; so that you have that expression and you have these laws.

Now, here is what I want done: Under the law the Federal Trade Commission can issue an order commanding these conspirators—and it has found the conspiracy—these violators of the law—and it has found the violation—to desist in their evil practices. If they do not desist, then the Trade Commission has the right to file a proceeding in the Federal courts, and in that proceeding the interested parties may come in and be heard. But the Federal Trade Commission has never issued any such order.

Mr. CUMMINS. Mr. President——

Mr. REED. All that I am asking in this resolution is that the Federal Trade Commission shall be directed to tell us why it has not issued the order. If the Federal Trade Commission shall come to the Senate and say that it has no authority, no right, and no power, and that the issuance of an order therefore would be a thing beyond its jurisdiction, we will know at least the opinion of the Federal Trade Commission——

Mr. CUMMINS. Mr. President——

Mr. REED. In a moment I will yield to the Senator—and we will be in a position to understand either one of two things: Whether the Federal Trade Commission is fulfilling its mission and duty under the law, or, upon the contrary, we will be given to understand that the law is lame and ineffective and that the commission really has no powers of any considerable value, and we will have the information upon which to base future legislation.

Nothing that I have said in my remarks or in this resolution constitutes a reflection upon the Federal Trade Commission, unless it be a reflection to state that the commission has reported in a certain manner, and the law is thus and so, and the inquiry arises why some action has not been taken. I want to give the Federal Trade Commission a fair show; but I say now, since the matter is up for comment, that a commission that has taken 12 months to report a state of facts that ought to have been found in 30 days and that finally ends by telling us that it can do nothing either needs more power or else we do not need the commission.

I now yield to the Senator from Iowa.

Mr. CUMMINS. Mr. President, the Senator from Missouri, with his usual skill in argument, uses words which he may believe are the equivalent of the words used in the statute, but which in my opinion bear no relation whatever to the words used in the statute. I rose to call his attention to the fact that we had not intrusted the Federal Trade Commission with the suppression of unfair practices in business; and no one, I think, who was or is friendly to the law, has ever so contended. The words used are "unfair methods of competition." There are a thousand vicious practices in business.

Mr. REED. That are not methods?

Mr. CUMMINS. Again the Senator from Missouri either does not understand what I say, or he does not understand what he is saying.

Mr. REED. Perhaps I do not understand either.

Mr. CUMMINS. That may be so; I do not know. However, I acquit the Senator from Missouri of any want of comprehension or skill in determining the value of words. The statute does not say "unfair methods," even in business. It says "unfair methods of competition in business."

Now, it is palpable that we did not give to the commission this power with the expectation that through these words we could cure all the evils and dishonesties of business. No one ever dreamed of it, and I think the RECORD will show that no one ever asserted it. I repeat that in my judgment there is nothing in the report of the commission or in the facts which would convict these companies of unfair methods of competition, although the record is amply conclusive that they have violated in the most flagrant way a still more stringent statute, and one really of much wider operation, namely, the antitrust law.

Mr. NELSON. Mr. President, will the Senator from Iowa yield to me?

Mr. CUMMINS. I have no right to do so. I am on the floor at the pleasure of the Senator from Missouri.

Mr. NELSON. With the permission of the Senator from Missouri, then, I want to correct the Senator from Iowa.

Mr. CUMMINS. The Senator from Minnesota always does that.

Mr. NELSON. No; I sometimes attempt it, but not very successfully. I call the attention of the Senator to section 11 of the Clayton Act:

That authority to enforce compliance with sections 2, 3, 7, and 8 of this act by the persons respectively subject thereto is hereby vested in the Interstate Commerce Commission where applicable to common carriers, in the Federal Reserve Board where applicable to banks, banking associations, and trust companies, and in the Federal Trade Commission where applicable to all other character of commerce, to be exercised as follows.

And then it proceeds. Now, section 2, over which they are given jurisdiction in the Clayton Act, reads as follows—the Senator from Missouri has already called attention to it.

Mr. CUMMINS. I have read it twice.

Mr. NELSON. Well, that is as though it were incorporated in the original act creating the commission.

Mr. CUMMINS. Certainly.

Mr. NELSON. They have jurisdiction in all cases where there is a discrimination in prices.

Mr. CUMMINS. Why, certainly.

Mr. NELSON. And the Senator admits that there has been discrimination?

Mr. CUMMINS. No; I did not admit it. On the contrary, I said that the report did not show any discrimination.

Mr. NELSON. The Senator said the report did not show it, but he admitted that it might exist.

Mr. CUMMINS. It may possibly exist; I do not know. I did not admit it, however, because I do not know anything about it.

Mr. NELSON. I think it is a matter of common knowledge that there has been such a discrimination.

Mr. REED. Let me read this to the Senator, if he thinks there is any doubt about it. I read from the report of the commission.

Conditions in the newspaper-publishing business were reported by the commission in March as serious, and they continue to be serious. Within the year prices to large consumers of print paper have been advanced from about $40 per ton to over $60 and $70 per ton, and in some cases even up to $90 per ton—

There is a difference among large consumers of $30 a ton—

Also, by concerted action, the terms of contracts have been so changed as to shift a considerable financial burden from the manufacturers to the publishers. To some of the larger newspapers of the country this price increase means, in some instances, an increase in paper cost of hundreds of thousands of dollars. This in many cases will not only cause the loss of profits for the year but a serious financial embarrassment of the publication itself.

The smaller publishers have been forced to pay prices as high as $150 and $180 per ton. In addition to the above increase of prices among publishers of minor dailies and weeklies, it is complained that they found great difficulty in getting paper at any price, and to a large number of such publishers in the country the increase in the price means the difference between a living margin and the complete ruin of their business and the suspension of their publications.

The financial strength of great daily publications may enable them to survive. It is the smaller newspapers that will probably suffer the most seriously if these conditions continue. The small weekly and daily publications of the country particularly serve a great and useful purpose in the dissemination of facts and in the creation of an intelligent public opinion, and such disaster as impends by reason of this increase in the price of news-print paper makes the question one of great public concern.

Mr. President, the whole of the report is consistent with that statement, and the other report filed by the commission is consistent with it. For instance, in the report it is stated that the newspapers of the country have been robbed—it does not use that language, and I must be very accurate when I am quoting anything, I observe, with the Senator from Iowa in the humor he is this morning, so I will say this is my language—but they estimate that over $17,000,000 of additional profits have been taken out by the manufacturers in the last year by reason of these illegal practices. Then they state:

The efforts of the commission to restore competitive conditions in the news-print industry expeditiously and to arbitrate and effectively project a fair price for news-print paper have failed.

Now, it is a little curious to know why they were making an effort to restore competitive conditions if they had no authority or jurisdiction under the law to enter upon that field of activity.

It seems that the argument of the Senator from Iowa amounts to this: That when there are a lot of print-paper manufacturers engaged in competing with each other, if they should enter into any kind of an arrangement to restrict commerce, it would be within the jurisdiction of this commission, and they could stop it; but if they all enter the combination, thereupon, the iniquity having been consummated or the conspiracy having been made complete, so that it is in thorough working order, competition having actually ceased, the jurisdiction and authority of the commission to protect us in any way has likewise ceased. Now, if that is a correct exposition of the law, then there ought to be an amendment to the law; and I am asking for this commission to tell us why it has not proceeded.

Mr. CUMMINS. That is not my exposition; it is the Senator's.

Mr. REED. Oh, well, if it is not the Senator's, of course I am in the intellectual subcellar. I can not understand the Senator. He states that I am not capable of that, nor capable, hardly, of understanding myself; but he will find some difficulty in explaining to the people of the United States that this Trade Commission is a virile, living, forceful thing, and that it can not reach a condition such as I have spoken of and such as it reports.

The other proposition is "unfair practices." The Senator objects to the term I use there. Speaking offhand, I believe I said "unfair practices," and I believe that the correct phrase, the one that I should have employed, is "unfair methods of competition in commerce." Now, of course there is a whole lot of difference between unfair practices in competition in commerce and unfair methods of competition in commerce. It would require an expert, I think, to find any real difference in the two words.

I repeat, Mr. President, as this matter is to go over, this is what I want to get at. I have no desire to injure the Trade Commission. It exists. My fight on it quit when it was created. I have no fight on it now. But whenever it is determined in the Senate that the Federal Trade Commission has no authority to reach such an outrageous condition as has been reported by that commission to exist in the present case, then I either want the law amended so that it shall be given some power, or I want this country saved the expense of maintaining such a tribunal.

PROTECTION OF MIGRATORY BIRDS.

Mr. SMITH of Arizona. I understand the resolution has gone over, and I ask unanimous consent to call up the bill (S. 1553) to give effect to the convention between the United States and Great Britain for the protection of migratory birds concluded at Washington August 16, 1916, and for other purposes.

The VICE PRESIDENT. Is there objection.

Mr. ROBINSON. I will say to the Senator from Arizona that I yielded the floor to the Senator from Missouri, who desired to continue his discussion. I rose to ask unanimous consent for the immediate consideration of the so-called daylight-saving bill, which is Senate bill 1854. I was called out of the Chamber for a moment.

Mr. SMITH of Arizona. The Senator has a right to the floor. I would not wish to take advantage of his temporary absence.

Mr. ROBINSON. I thank the Senator from Arizona very cordially. I ask unanimous consent——

Mr. SMITH of Arizona. In the meantime the Senator will let me give notice that I shall ask the Senate at the close of the session this evening to adjourn and not take a recess, and I shall move to take up for consideration in the morning hour to-morrow Senate bill 1553, to carry out the treaty of 1916.

Mr. ROBINSON. I ask unanimous consent for the present consideration of the bill (S. 1854) to save daylight and to provide standard time for the United States.

The VICE PRESIDENT. Is there objection?

Mr. NELSON. Let us hear the bill read.

Mr. NEW. I object.

The VICE PRESIDENT. There is objection. The morning business has not been concluded.

CANTONMENT OF NINTH DIVISION.

Mr. NEW. Mr. President, if it be in order, I desire to call up Senate resolution 94, which I submitted yesterday, and I ask for its consideration.

The VICE PRESIDENT. That is in order.

Mr. THOMAS. In the absence of the chairman of the Committee on Military Affairs, I move that the resolution be referred to that committee.

The VICE PRESIDENT. The Senator from Colorado moves that the resolution be referred to the Committee on Military Affairs. [Putting the question.] The noes seem to have it.

Mr. ROBINSON. I ask for a division.

Mr. HITCHCOCK. I ask that the resolution may be read, so that the Senate may know what it is.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read Senate resolution 94, submitted yesterday by Mr. NEW, as follows:

Resolved, That the Secretary of War be, and is hereby, directed by the Senate of the United States, if not inconsistent with interests of the public service, to transmit to the Senate the reports of the board of officers appointed to select and designate the site for the cantonment of the ninth division, comprising the States of Indiana and Kentucky, together with the report and recommendations relating to its selection made by Gen. T. H. Barry, commanding general, Central Department, United States Army.

Mr. NEW. Mr. President, this resolution, it will be noticed, calls for the submission of certain papers and certain reports to the Senate for which I think occasion has arisen. It is a fact that the ninth division for raising the National Army is composed of the States of Indiana and Kentucky, and I believe it is a fact that when the matter of selecting a site for the cantonment for the accommodation of the troops in that division was ordered a board of Army officers was appointed to consider those sites and recommend the adoption of one. This board, as I am reliably informed, did make a report to Gen. T. H. Barry, commanding the central division. My information is further to the effect that it recommended three sites in the State of Indiana in this order: First, Huntington; second, Terre Haute; and, third, Jeffersonville; that thereafter it named two sites in Kentucky, one at Lexington, and the other at Louisville. I am not certain of the order in which the two Kentucky sites were recommended.

Further, as I understand and believe to be the fact, Gen. Barry in submitting that report saw fit to differ with it and to recommend that Lexington be selected as the site. Later. when his report was submitted to the War Department, the whole question was taken up in the department, and the recommendation of all set aside and Louisville selected. But I believe it will be found to be the case, Mr. President, that Louisville was not recommended by any military authority up to the time when the report reached the department here in Washington.

Mr. President, I want it to be strictly understood that I have no charges to make against anybody or against any site, but it is true that at least one very reliable newspaper in the State of Kentucky has made certain very direct charges against the Louisville site. I should like to read, for instance, just a line—I am not going to read much—from this paper.

Mr. POINDEXTER. What paper is it?

Mr. NEW. It is the Lexington (Ky.) Herald of June 17. It says:

Louisville counted on political influence and won. Mr. Sackett, the president of the board of trade, stated in interviews in the Louisville papers that Louisville's victory "was due to Representative SWAGAR SHERLEY." The Louisville Times, the half sister of the Courier-Journal, stated that Mr. SHERLEY "informed the War Department that he would not permit Louisville to be turned down," with the qualifying phrase "when it had been shown that the city was in every way the best qualified for the camp."

Mr. President, Indiana wants to be a good loser. Up to this point Indiana has never entered into this controversy at all, but I believe it to be a fact, as I stated a few minutes ago, that three Indiana sites were named in preference to any of the Kentucky sites by this board appointed for the purpose.

Mr. President, if that board of officers was incompetent, it should never have been appointed. If it was competent, its recommendation should have been approved.

Mr. JAMES. I should like to ask the Senator a question.

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Kentucky?

Mr. NEW. Certainly.

Mr. JAMES. Upon what authority does the Senator make the statement to the Senate that the Army Board recommended three sites in Indiana as being preferable to that of Louisville?

Mr. NEW. I have very excellent authority for it.

Mr. JAMES. Would the Senator object to giving it?

Mr. NEW. I would prefer at this time not to give it.

Mr. JAMES. As the Senator prefers not to give the authority and as he has asked for this information, he ought to have awaited the disclosure of the report before he arraigns the War Department for making a selection that was not recommended.

Mr. NEW. I have said, Mr. President, that I have no charges to make, but since the Senator has asked me for my authority I will state that I am that authority. I have seen that report, or what professes to be the report.

Mr. ROBINSON. Will the Senator yield for a question?

Mr. NEW. I will.

Mr. ROBINSON. The statute empowers the Secretary of War to determine the matter, does it not? In other words, the Secretary of War is not precluded from selecting Louisville as the site because some subordinate recommended another place.

Mr. NEW. Oh, I think not. I think the Secretary of War has that authority.

Mr. ROBINSON. Does the Senator from Indiana contend that the site at Louisville is not an appropriate place for the location of the cantonment?

Mr. NEW. No, sir; the Senator from Indiana said——

Mr. ROBINSON. Does the Senator from Indiana concede then that the action of the Secretary of War and the War Department in locating the cantonment for that district at the city of Louisville was in accordance with proper conduct?

Mr. NEW. No; I do not make any such concession.

Mr. ROBINSON. But he does concede that it was an appropriate place to locate it?

Mr. NEW. If the Senator will permit me, I said that the Secretary of War has that authority.

Mr. ROBINSON. I asked the Senator also if he concedes that the site at Louisville was an appropriate place for the location of the cantonment, and he said it was.

Mr. NEW. Yes; under certain circumstances.

Mr. ROBINSON. Will the Senator permit me another question?

Mr. NEW. Certainly.

Mr. ROBINSON. I assume the Senator was advocating and attempted to induce the War Department to locate the cantonment in the State of Indiana. Is that correct?

Mr. NEW. It was not. It is not correct.

Mr. ROBINSON. Did the Senator make any recommendation or suggest to the War Department or to any officer who had the power to make the location?

Mr. NEW. For the site in Indiana?

Mr. ROBINSON. Yes.

Mr. NEW. I did not.

Mr. ROBINSON. Then the Senator in reading a newspaper report charges that the location of the cantonment at Louisville was due to undue influence, as I understand it, of the Representative from the Louisville district, Hon. SWAGAR SHERLEY, who is a Member at the other end of the Capitol. Was that the import of the Senator's charge?

Mr. NEW. I did not understand the Senator. I was spoken to here and I did not understand just the way the Senator put the question.

Mr. ROBINSON. The Senator read some newspaper statement which I myself did not hear completely, but I understood the newspaper statement to contain a declaration that the location of the cantonment at Louisville was due to the influence of a Member of another branch of Congress.

Mr. NEW. I did read such a statement.

Mr. ROBINSON. The Senator read that statement?

Mr. NEW. I did.

Mr. ROBINSON. Does the Senator make that charge?

Mr. NEW. I said distinctly a minute ago that I did not make any charge.

Mr. ROBINSON. Will the Senator be kind enough to inform the Senate why he read a statement of that sort unless he did mean to imply or charge that the Hon. SWAGAR SHERLEY had unduly influenced the department to make the location?

Mr. NEW. I certainly will.

Mr. ROBINSON. I shall be very glad to have the Senator do it. I want to know.

Mr. BECKHAM. Mr. President——

Mr. NEW. I yield to the Senator from Kentucky for a question.

Mr. BECKHAM. I wish to say to the Senator from Indiana in regard to this matter that Representative SHERLEY has told me that never at any time did he make such a statement as was quoted here in the paper read by the Senator. Mr. SHERLEY, and I get it from him direct, never asked the War Department or the Secretary of War that the cantonment should be located at Louisville unless the department found Louisville to be a suitable and desirable site. The statement quoted in the newspaper as coming from Mr. SHERLEY, he told me, was never at any time uttered by him, or anything like it.

Mr. NEW. Mr. President, I want to be absolutely fair in this matter. I wish to say that in a conversation I had with the Secretary of War after these charges were made the Secretary said to me that hearing from anonymous sources, not from this Lexington newspaper, but from anonymous sources, that complaint had been made of the insanitary condition of the Louisville site, he had had the War Department send an engineer officer there to make a report on it, and that that officer had gone and had come back and had made a report in favor of the site.

I want to be fair to the Secretary, and I want to be fair to everybody else in what I have to say, and I repeat for the benefit of the Senator from Arkansas or anybody else that I have no specific charges to make.

But, Mr. President, here is an article printed by a reputable newspaper of orthodox Democratic politics in the State of Kentucky, which makes all the charges that I have spoken of here and a great many more, which for good reasons I am not going to quote or refer to at this time.

But I think, Mr. President, in view of what has been said it is due to the Senate and due to the people whose boys are going to that camp site to know the facts about it. I wish to read one other article. The editor is a responsible man. He says:

> Under the circumstances of its location at Louisville citizens and officials of Lexington and Fayette County felt it their duty to call the attention of the Secretary of War to the facts, under the belief that they owed that obligation to the Secretary of War and to the men who will be sent to the camp, as every man owes an obligation in time of war. The editor of the Herald thoroughly approves that action, which he advised; he gladly assumes full responsibility and whatever of blame anyone may wish to place upon him for that action. He stands ready to maintain his position before the bar of public opinion, before a commission of Army officers, before the Secretary of War, if need be before the President or a congressional investigating committee.

Mr. JAMES. If I understood the Senator correctly, he stated that he had seen the report of the Army board and that that report recommended three sites in Indiana as preferable to any site in Kentucky.

Mr. NEW. Yes; I saw what purported to be the report of Gen. Barry transmitting the report of those officers.

Mr. JAMES. The Senator did not answer my question. Did that report recommend the sites in Indiana as preferable to those in Kentucky?

Mr. NEW. Yes; it named them in order, first, second, and third, and then I have forgotten whether Louisville or Lexington was fourth or Louisville or Lexington the fifth. I have forgotten the order, in other words, in which they came.

Mr. JAMES. Not that the site should be located in Indiana, but it made certain recommendations and as to Kentucky certain others.

Mr. NEW. I do not so recall it.

Mr. JAMES. Did the Senator see the report of Gen. Barry?

Mr. NEW. I did. I saw what purported to be his report.

Mr. JAMES. I will say, Mr. President, that the Senator was much more fortunate in seeing the reports of Army officers and generals and those in the War Department than I have been. I was informed that those reports had not been made public. I was not allowed to see the reports, but, on the contrary, I was given to understand that those reports were confidential communications and would not be made public, because if they would give publicity to statements as to why one locality was not the proper place for the building of a cantonment and why another was it would tend to disturb conditions and bring criticism and probably cast a reflection unjustly upon localities.

Mr. NEW. I have not said where or under what circumstances I saw that report. I repeat that I saw it.

Mr. President, with further reference to this matter this paper goes into great detail. It says that the Louisville site is insanitary. It quotes engineers, not Army engineers to be sure, but private engineers, as reporting that it is insanitary; it speaks of it as ground good for snipe hunting, and says that if that site is occupied by troops this fall and winter it will be nothing much better than a mudhole, and all that sort of thing.

Mr. President, I do not know that that is true——

Mr. JAMES. But, Mr. President, if the Senator will permit me——

Mr. NEW. I do not say that it is true, but if the Senator from Kentucky will allow me to proceed for just a moment——

Mr. JAMES. Very well.

Mr. NEW. This is true, Mr. President, that a good many thousands of young men from the State of Indiana, which I have the honor in part to represent here, are going into that camp within the next few days, comparatively, to stay there for a good many months. They are willing to go into this war, to death, if necessary; they will ask no special favors, and particularly those troops that are going from Indiana; but, Mr. President, they are entitled to the best that the Government of the United States can give them in the way of camp sites; and I, for one, should feel that I was recreant to a trust if I did not do the best I possibly could as a man and as a Senator to see that that right is secured to them. I once more repeat, I have no charges to make against the sanitary condition of that site or anything of that sort; I do not know these things to be true; but here is a responsible newspaper, a responsible editor, making all sorts of charges, of which those that I have mentioned here are but a small part, and calling for a congressional investigation. I think that if a commotion exists in the State of Kentucky over the rivalry between two points—Louisville and Lexington—as to which should have had that camp site, that it is all unnecessary, inasmuch as both of them came secondary to three sites in the State of Indiana, which were recommended in preference to either of those two.

Mr. JAMES. Mr. President, that is really the reason for the Senator's resolution, as I take it; but I want to ask the Senator this question: Is it not true that, after this complaint was made as to the Louisville site being insanitary, the Secretary of War, before he finally made this location, directed Gen. Gorgas to send his Army physicians there to make a thorough and complete investigation as to the sanitation of the site, and that they reported that it was as good as could be found in Kentucky?

Mr. NEW. Yes.

Mr. JAMES. And, of course, that means better than could be found anywhere in Indiana. [Laughter.]

Mr. NEW. The Secretary of War dealt in facts and not in fancies or vagaries, Mr. President; and up to a certain point he did tell me what the Senator from Kentucky states, and I so stated here in my remarks a little while ago. I said I wanted to be fair in this matter, and I do; but, Mr. President, as I said, there are a good many other things in connection with this matter which have been charged. I therefore think it is due to the Senate, I think it is due to the people of Indiana, to the people of the country, and to the boys who will be sent to this camp that we should know the facts. If these newspaper charges are true, let us know it; if they are untrue, let us quiet the apprehensions of the people who have been aroused by them, and who at this time are justly apprehensive, by disproving them before a congressional investigating committee, if necessary; but let us have the facts.

Mr. THOMAS obtained the floor.

Mr. JAMES. Mr. President, before the Senator from Colorado makes his statement, if he will permit me, I desire to say that, so far as I am concerned—and I am satisfied I speak for my colleague [Mr. BECKHAM] and for the Representative from Kentucky, Mr. SHERLEY—we have not the slightest objection, as I feel that no one in Louisville or in Lexington, and no one in the State of Kentucky has, to the fullest and most complete investigation that the Senate desires to make in regard to this matter. If the Senate wishes to undertake to investigate all of these rivalries, where one of the defeated wants to bring before Congress his complaint, we have not the slightest objection to it.

Mr. THOMAS. Mr. President, I do not think this resolution ought to be entertained. It may be entirely agreeable to the Senators from the two States interested in the purpose of the resolution that it should be adopted, but I object to it because it relates to a subject of national importance and because, if adopted, it will operate as a precedent for the introduction and adoption of similar resolutions designed for the investigation of the conduct of the War Department in its selection of cantonments for the other districts into which the United States has been divided for military purposes.

Mr. President, we are in the midst of a great war, and our first duty is to organize and equip our Army, and to do so as

rapidly and as efficiently as possible. The very first step that must be taken, and which has been taken, is the selection of points where the training camps are to be erected, because every one of them has to be built. The work of construction is from the ground upwards; we have no structures, no cantonments anywhere of sufficient dimensions to accommodate thirty-seven or thirty-eight thousand men, that being approximately the number into which each of our units is to be divided. The construction is, therefore, a most Herculean task even for a nation with our resources. The work must necessarily be carried on with a speed and an energy that minimize the important question of cost, and certainly which minimize the question of locations after they are made.

Mr. President, we have got to trust somebody in making these selections. That responsibility has been given to the Secretary of War and those under him. I am satisfied that these authorities have done the best they could. My State was an active bidder for one of these cantonments. The chambers of commerce of the various cities finally united upon Colorado Springs, whose advantages of location the entire country knows, and which would have made a most admirable point for the mobilization of the unit of which the State of Colorado forms a part. The selection of the cantonment was fixed at Fort Riley, Kans. Our people protested in some degree, but not to the extent of calling the subject to the attention of Congress. I am sorry that the Senator from Indiana [Mr. NEW] has seen fit to do so in this instance, because, Mr. President, the dissatisfaction which necessarily results and the disappointment which ensues in every community which is an aspirant for favors like this, and which has failed to get them, will necessarily and naturally find expression in the desire for a congressional investigation, once the first step has been taken. What will be the result? While we are mobilizing our armies, while we are drafting our young men, while we are putting up structures, while we ought to be bending every energy toward the work of efficient preparation, we are going to be engaged in a lot of miserable wrangles with regard to the motives which finally actuated the powers that be in their selection of certain places and in their rejection of others. It is unseemly at this time, Mr. President; it is wrong; and I hope the Senate will meet the first effort to carry out such an investigation by denying it, by rejecting the resolution altogether.

Mr. BECKHAM. Mr. President, as my colleague [Mr. JAMES] has stated, I have no objection to the passage of this resolution, nor do I, nor does anyone whom I represent, object to the fullest inquiry into this matter.

It is true, Mr. President, that there have been some very keen rivalries about the selection of sites for the location of the military cantonments. The War Department undoubtedly had a very difficult and a very serious task to perform in selecting the proper places, with due regard to all of the conditions necessary in establishing such cantonments.

The charges which the Senator from Indiana [Mr. NEW] has read from a Kentucky newspaper were laid before the War Department prior to a final decision being rendered selecting Louisville as one of the sites; and, as I am informed, the Secretary of War, through the medical branch of the service, sent qualified experts to Louisville to make a thorough inspection, in addition to the investigation which had already been made. This board reported back to the Secretary of War that in the matter of sanitation and in other respects the site at Louisville was suitable for the purpose contemplated.

There were several Kentucky towns seeking the location of this cantonment, the chief of them being Louisville and Lexington. The rivalry between those two communities was very active, and as between them my colleague and I took no part. We were anxious to see one of these cantonments located in Kentucky, and we believed that both of these places were admirably adapted for such a purpose.

It seems that Indiana also had some aspirants for this cantonment, notwithstanding the fact that in Indiana is already located an Army post or camp, Fort Benjamin Harrison, where many thousands of men are now being trained as officers. There is also located in that State a quartermaster's depot, at Jeffersonville. I can see that, other things being equal, and Kentucky presenting a site that was suitable for such a purpose, the War Department might well have selected a location in Kentucky as the site of a cantonment in preference to Indiana.

Mr. President, I do not care to take up any more of the time of the Senate in the discussion of this matter. I do not think it is of sufficient importance. I have never had the opportunity of seeing the report, as the Senator from Indiana has; but I do not object, if the Senate wishes to dignify this resolution with such importance, to having it pass and request a report from the Secretary of War, so far as he can, with due regard to the public service, make such report.

Mr. NEW. Mr. President, I tried to make it clear when I was on my feet a short while ago that Indiana did not enter into this protest at all until after it was lodged by Lexington against Louisville. Indiana is a good loser, when it comes to that. She wants to play the game fairly, but she wants the game played fairly all around. She will play fairly with anybody any kind of a game in which she engages.

Just a word, Mr. President, about Indiana in this connection. I want to call attention to the fact that Indiana in the great emergency which now confronts us was the first State to report to the Provost Marshal General of the Army that her machinery for bringing into being the army under the conscription law was in working order and that she was ready to proceed. She is not less than fourth among all the States in having furnished volunteers for the Regular Army; and Indiana's place generally is second to no State in the country, so far as her record is concerned. But, Mr. President, a State with that record is entitled to absolute fairness when it comes to the selection of a site for a cantonment for the Army. If it be true that a board of Army officers, appointed by the authority, of course, of the Secretary of War, as all such authority comes ultimately from him, acting without prejudice, recommended three Indiana sites before recommending any sites in any other State, I think that Indiana can claim in fairness that she should have had that cantonment. That, however, is not now the point.

Mr. JAMES. But, Mr. President, if the Senator will permit me, perhaps what we need in a case like that, of a recommendation of three Indiana sites over those in Kentucky, would be an investigation of the board that made such a report.

Mr. NEW. Possibly the Senator is right, and I will amend my resolution so as to ask for that investigation, if the Senator prefers. What I want to secure is all the facts; that is all.

Mr. FRELINGHUYSEN. Mr. President, I do not think the Senate is at all concerned in the competition between States as to the location of these cantonments or camp sites. I think the question the Senate should be deeply interested in, so as to avoid any controversies in the future, is whether or not these sites are healthful. In the Spanish-American War there was a camp site located a few miles from this Capitol, at Falls Church, Va., known as Camp Alger. When the medical officers tested the wells at that site, as I remember, 9 out of 12 were found to contain typhoid bacilli.

I think the people of this country are deeply interested as to whether or not the locations selected by the War Department are healthful, and that is the principle involved in this resolution. I think, therefore, it is very important for the Senate to ascertain what the report of these officers, particularly the medical officers, was as to the healthfulness of this location. I agree with the Senator from Colorado——

Mr. JAMES. Mr. President, if the Senator will permit me——

The PRESIDING OFFICER (Mr. KING in the chair). Does the Senator from New Jersey yield to the Senator from Kentucky?

Mr. FRELINGHUYSEN. Yes.

Mr. JAMES. Probably the Senator was not in the Chamber at the time, but the Senator from Indiana himself stated that the Medical Department, under the direction of Gen. Gorgas, had decided, after an investigation, thorough and complete, that the Louisville site was a thoroughly sanitary site.

Mr. FRELINGHUYSEN. Mr. President, as I read the resolution, it does not raise the question of the selection of this camp site; it simply calls for the papers connected therewith and the reports of the officers, including the medical officers, so that the Senate may satisfy itself as to the report of those officers, particularly the medical officers.

I think the resolution ought to be adopted to show the country that the Senate is interested in the healthfulness of the camp sites and in the proper administration of the War Department, particularly the medical branch of the service, in connection with the selection of camp sites.

Mr. WEEKS and Mr. HITCHCOCK addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. WEEKS. Mr. President, I think the Senator from New Jersey [Mr. FRELINGHUYSEN] has correctly stated the case when he says that the Senate is not interested in a controversy between the States of Indiana and Kentucky or between two cities in the State of Kentucky as to the location of one of these camps; but it is interested in having the camps located in healthful places; and, more than that, this is one of the first of many similar resolutions which are likely to be introduced. We are engaged in the expenditure of enormous amounts of money.

Local rivalries and other considerations are going to be acute, and they are going to be brought to the attention of Congress, and there are going to be charges of unfairness—charges which should be answered for the protection of the public officers who have in charge the carrying out of the law in such cases.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Mississippi?

Mr. WEEKS. I do.

Mr. VARDAMAN. May I ask whether any of these officers have objected to answering the charges?

Mr. WEEKS. I am not aware that they have. It is a question of the passage of a resolution to investigate the matter.

Mr. VARDAMAN. I was not in the Chamber when the resolution was read. After the Senator finishes I will ask that it be read.

Mr. JAMES. Mr. President, I will say to the Senator from Mississippi that I stated that I had not the slightest objection to the fullest and most thorough investigation.

Mr. VARDAMAN. Oh, I am sure the Senator has not.

Mr. JAMES. And my colleague [Mr. BECKHAM] stated the same thing.

Mr. VARDAMAN. I am sure of that.

Mr. JAMES. I did not want the Senator to get the impression that the Senators from Kentucky were undertaking to prevent any investigation or to keep the Senate from having all of the recommendations made in regard to this site.

Mr. VARDAMAN. I am quite sure that neither the Senators from Kentucky nor any other Senator would have any objection.

Mr. WEEKS. Mr. President, I do not know anything about this case, but I think here is a good opportunity to make an investigation and answer what seem to be public charges and to discourage, if it is needed, the same kind of an attempt being made in case there is not a sound foundation for the charges being made. We will have a multitude of similar cases unless we indicate a willingness to investigate and get at the real facts. For that reason it seems to me that this resolution ought to be passed unanimously, and let us find out whether there is any basis for the contention that is made.

Mr. VARDAMAN. Mr. President, I want to say that I have absolute faith in the skill and the learning of the Chief Surgeon of the Army, and I have absolute faith in his integrity. I believe that the Army generally are avoiding the mistakes and the pitfalls that the country suffered from in 1898. I think every precaution is being taken to preserve the health of the Army, and it is very proper that it should.

I do not know anything about the facts upon which this resolution is based or the facts that inspired it, but I sincerely hope that no objection will be made to its passage, that it will be permitted to pass and let the sunlight of publicity blot out every possible cloud that might rest upon the conduct of the officers of the Army and the country generally.

Personally I want to repeat I have absolute faith in the integrity, the patriotism, the skill and the accomplishments of the Chief Surgeon of the Army, and I do not believe he would consent to the selection of any camp that did not have all that is necessary in the way of pure water and pure air and everything else necessary to the preservation of the health of the Army.

The PRESIDING OFFICER. The question is upon the motion of the Senator from Colorado [Mr. THOMAS] to refer the resolution to the Committee on Military Affairs.

The motion was rejected.

The PRESIDING OFFICER. The question now is on agreeing to the resolution.

The resolution was agreed to.

LEGALIZING STANDARD TIME.

Mr. ROBINSON. Mr. President, I now renew my request that the Senate proceed to the consideration of Senate bill 1854, commonly called the daylight-saving bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1854) to save daylight and to provide standard time for the United States, which had been reported from the Committee on Interstate Commerce with an amendment.

The Secretary read the bill, as follows:

Be it enacted, etc., That, for the purpose of establishing the standard time of the United States, the territory of continental United States shall be divided into five zones in the manner hereinafter provided. The standard time of the first zone shall be based on the mean astronomical time of the seventy-fifth degree of longitude west from Greenwich; that of the second zone on the ninetieth degree; that of the third zone on the one hundred and fifth degree; that of the fourth zone on the one hundred and twentieth degree; and that of the fifth zone, which shall include only Alaska, on the one hundred and fiftieth degree. That the limits of each zone shall be defined by an order of the Interstate Commerce Commission, having regard for the convenience of commerce and the existing junction points and division points of common carriers engaged in commerce between the several States and with foreign nations, and such order may be modified from time to time.

SEC. 2. That within the respective zones created under the authority hereof the standard time of the zone shall govern the movement of all common carriers engaged in commerce between the several States or between a State and any of the Territories of the United States, or between a State or the Territory of Alaska and any of the insular possessions of the United States or any foreign country. In all statutes, orders, rules, and regulations relating to the time of performance of any act by any officer or department of the United States, whether in the legislative, executive, or judicial branches of the Government, or relating to the time within which any rights shall accrue or determine, or within which any act shall or shall not be performed by any person subject to the jurisdiction of the United States, it shall be understood and intended that the time shall be the United States standard time of the zone within which the act is to be performed.

SEC. 3. That at 2 o'clock a. m. of the last Sunday in April of each year the standard time of each zone shall be advanced one hour, and at 2 o'clock a. m. of the last Sunday in September in each year the standard time of each zone shall, by the retarding of one hour, be returned to the mean astronomical time of the degree of longitude governing said zone, so that between the last Sunday in April at 2 o'clock a. m. and the last Sunday in September at 2 o'clock a. m. in each year the standard time in each zone shall be one hour in advance of the mean astronomical time of the degree of longitude governing each zone, respectively.

SEC. 4. That the standard time of the first zone shall be known and designated as United States standard eastern time; that of the second zone shall be known and designated as United States standard central time; that of the third zone shall be known and designated as United States standard mountain time; that of the fourth zone shall be known and designated as United States standard Pacific time; and that of the fifth zone shall be known and designated as United States standard Alaska time.

SEC. 5. That all acts and parts of acts in conflict herewith are hereby repealed.

The PRESIDING OFFICER. The committee reports one amendment to the bill, which the Secretary will state.

The SECRETARY. The committee proposes to insert a new section after section 4, as follows:

SEC. 5. That this act take effect and be in force from and after January 1, 1918.

And the numbering of section 5 is changed to 6.

The PRESIDING OFFICER. The question is on the amendment of the committee.

Mr. JONES of Washington. Mr. President, I should like to know what effect that amendment will have on the changing of the time in April? As I understand the reading of the bill—I have not examined it before—we have a certain system of time taking effect on the 1st of April. Now, what will be in effect on the 1st of January, 1918, for instance?

Mr. ROBINSON. The only effect will be to postpone the operation of the bill until next year. The reason the amendment was reported by the committee is that in all probability the bill will not become law until some time during the month of July or during the month of August; and it was not therefore thought of sufficient importance to require the changes that the bill contemplates in the advancement of the clock to be made this year.

The bill merely accomplishes two purposes. It enacts into law the existing standard of time, which now has no authority of law except by action of the legislatures in a few States. The present standard of time was adopted by general agreement and at the instance of the railroads in 1883. In addition to making the present measurement of time the legal standard, the act provides that for the period indicated in section 3 of the bill the clock shall be advanced, commencing on the last Sunday in April of each year and ending with the last Sunday in September of that year. Now, since the bill probably can not become a law before some time in July or August, the committee thought it well not to undertake to put it into effect this year.

The only opposition to the bill that has arisen came from certain representatives of the railroads——

Mr. JONES of Washington. Mr. President, I may save the Senator a whole lot of time. I am just asking for information, not in opposition to the bill at all. If the bill goes into effect on the 1st of January, 1918, will there be any change in our system of time until April 1?

Mr. ROBINSON. None whatever.

Mr. JONES of Washington. That is all I wanted to know.

Mr. SMOOT. Mr. President, I should like to ask the Senator a question.

Mr. ROBINSON. I yield to the Senator from Utah.

Mr. SMOOT. I have been so closely tied up with the Finance Committee that it has been impossible for me to take the Senate Calendar and give it due consideration. Therefore I must admit that I have not even read the bill, and I do not know what its provisions are; but, as I understand, the first change is to take place in April, and instead of calling it 7 o'clock in the morning you will call it 6 o'clock in the morning, but it is the same time of day.

Now, I will ask the Senator how it will operate on the railroads? For instance, they have their printed times of arrival

and departure. Does the railroad have to have a new time table every time the change is made, or what are the requirements under the bill in that particular?

Mr. ROBINSON. Mr. President, I started to state a moment ago that the only objection that has been made to this bill was presented to the committee by a representative of some of the railroads. He suggested that the passage of this bill might occasion some confusion, some inconvenience, and perhaps might be the cause of accidents in some cases, by reason of the failure of the railroads to promptly adjust the operation of their trains to the change in time. As a matter of fact, however, it does not change the hours of labor, which, of course, the Senator from Utah quickly comprehends. It simply provides that at a given time the clock shall be advanced one hour, for the purpose, of course, of obtaining more daylight.

In my judgment—and it was the judgment of the committee, which gave very careful consideration to the matter, and especially to the suggestions that were made by the representatives of the railroads—it will occasion some little inconvenience; but in view of the very large economic value which the bill has, the saving that will result in fuel, lights, and the conservation of time for all classes of laborers throughout the country, that difficulty is more than offset by the advantages of the bill.

Mr. KELLOGG. Mr. President——

Mr. ROBINSON. I yield to the Senator from Minnesota.

Mr. KELLOGG. It seems to me that what the Senator from Utah wants to know is whether the railroads will have to reprint their time-tables. Is that it?

Mr. SMOOT. Yes; it seems to me that they will have to.

Mr. KELLOGG. No; they do not have to. They simply give an order, in advance of the date, that at a certain time all the railroad clocks shall be moved forward one hour. They do not change their time-tables at all; and that is all there is to it, so far as they are concerned.

Mr. ROBINSON. Of course, in practical operation there is value in the suggestion of the Senator from Utah. In practical operation it does not work out as simply as appears from the statement which the Senator from Minnesota has so clearly made. In practical operation you will find that a train that started out at 8 o'clock on the morning before the change is made is required to change its time one hour while it is on its route; and it will occasion some inconvenience and confusion—there is no escaping that conclusion.

Mr. KELLOGG. But they do not have to reprint all the time-tables.

Mr. ROBINSON. Oh, no; certainly not. I thought my explanation made that clear—that they merely change their clocks, as it is anticipated other people will do, and get to work an hour earlier, and finish work an hour earlier, during the summer months.

I want to say to the Senator from Utah, while this does not bear directly upon the question which he is asking, and which I have answered in the only way that I think it can be answered, that this subject has been under investigation not only in the United States but in foreign countries. Great Britain, Germany, France, Italy, Austria, Holland, Denmark, Norway, Sweden, Portugal, Australia, and Iceland have all adopted substantially the provisions of this bill; and in the British Parliament a very valuable report was made which is made available to the Senate and to the committee through investigations, I think, of the Boston Chamber of Commerce. I am going to ask to print that in the RECORD in connection with my remarks, if there be no objection. It goes into the subject very fully, and explains the very great advantages of the bill. The report states there that in these foreign countries practically no difficulty has occurred in the matter of the operation of the railroads, although the case might be slightly different here on account of the transcontinental lines and the greater length of the railroads in the United States. The only objection that could possibly be urged to the bill is the one which is implied in the question of the Senator from Utah; and as I stated a while ago, that objection is not sufficient to overcome the advantages which patently appear from a consideration of the bill.

The United States Chamber of Commerce also made a very full investigation of this subject and published a report which is very valuable and interesting. It is almost amazing to know the economies that are conserved in foreign countries by the passage of legislation of this sort, and which we hope will be brought about in the United States if this bill becomes a law. I ask that that report may be printed in the RECORD also.

I have had a thousand telegrams and letters concerning this bill. As I was chairman of the subcommittee that considered it the communications were addressed to me. More than a hundred boards of trade and chambers of commerce have investigated the measure and reported favorably upon it. In addition to that nearly all the representatives of such bodies in the United States have strongly indorsed the bill, some of them appearing before the committee. I have received only one letter in opposition to it and at least a thousand in favor of it.

The PRESIDING OFFICER. The Senator from Arkansas asks to have certain data printed in the RECORD in connection with his remarks. Without objection it will be so ordered.

The matter referred to is as follows:

THE DAYLIGHT-SAVING PLAN AS A WAR MEASURE.

I. THE DAYLIGHT-SAVING PLAN WAS ADOPTED AS A WAR MEASURE BY GREAT BRITAIN, GERMANY, FRANCE, ITALY, AUSTRIA, HOLLAND, DENMARK, NORWAY, SWEDEN, PORTUGAL, AUSTRALIA, AND ICELAND.

The year 1916 was the first year of operation of the plan in all but the last two countries, which adopted the plan this year.

A committee of the House of Commons, which made a preliminary study of the question in 1908 and 1909, reported favorably a daylight-saving bill, stating the results would be:

"To promote the greater use of daylight for recreative purposes.

"To lessen the use of houses licensed for the sale of intoxicating liquors.

"To facilitate the training of the territorial force.

"To benefit the physique, general health, and welfare of all classes of the community.

"To reduce the industrial, commercial, and domestic expenditure on artificial light.

"That the object of the bill, which is desirable and would benefit the community, can not be attained without legislation.

"And that an alteration of the clock of one hour in April and a similar alteration of one hour in September is the best mode of attaining the object of the bill."

II. REASONS WHY DAYLIGHT SAVING WAS ADOPTED AS A WAR MEASURE.

A. Economy: In consumption of coal, oil, gas, light, etc.

ENGLAND.

1. The savings in the use of artificial light and fuel to produce this in England were estimated as $2,500,000 for the summer months alone. (Parliamentary Debates, House of Commons, vol. 82, No. 20, p. 304.)

2. Mr. Hanbury Thomas, of the Sheffield United Gas Co., has suggested that a general estimate for the whole country can be arrived at from the figures of actual saving in coal given in the replies from those undertakings who use coal and no other fuel, on the following plan: The amount of coal stated by such undertakings (28 in number) to have been saved as a direct result of summer time, works out in the aggregate at 1.449 per cent of the total annual quantity carbonized by them. The total quantity of coal used by all gas undertakings in the United Kingdom in 1915 was, in round figures, 18,000,000 tons. Reckoning 1.449 per cent of those figures, therefore, the saving in coal affected by gas undertakings in the United Kingdom as a result of the four and one-half months of summer time may be put at about 260,000 tons.

Further, applying the same percentage to the total annual sum spent by consumers on gas (reckoned on the total annual sales of gas undertakings, at 3s. per 1,000 cubic feet) the saving in expenditures to consumers works out at about £475,000.

These estimates can not, of course, be regarded as anything but conjectural; but they represent the best that can be done with the figures, and are not perhaps very far wide of the mark.

(Report summer time committee, England, February, 1917, p. 12.)

3. The parliamentary committee heard from over 80 municipal electrical light undertakings, from 50 to 60 private companies, and from 11 electric power companies.

The estimates of the reduction in consumption of electric light vary very widely—from 1.25 per in cent in one case to 55 per cent.

The returns of the power companies give a mean reduction of 26 per cent for lighting purposes.

Thirty-eight private companies furnished figures giving an estimate of reduction varying from 10 to 41 per cent, the mean for the 38 being 23 per cent.

Sixty-four municipal undertakings give a mean reduction of 18.3 per cent in units used for lighting.

(Report summer time committee, England, February, 1917, p. 10.)

4. According to E. Houghton Fry, secretary committee for regulation of petroleum supplies, the economy affected by the daylight-saving act in consumption of illuminating oils in England was 2¼ per cent of the consumption for the year, i. e., about 11,500 tons.

"This seems to be a very modest proportion, but it should be remembered that 11,500 tons represents two journeys by an oil tanker, which would occupy approximately four months, and this saving, therefore, can by no means be regarded as negligible. In fact, owing to the shortage that is at present being experienced in these vessels the result is a very welcome one."

5. The following data is taken from the report of the Association of the Chambers of Commerce of the United Kingdom on the summer-time act of 1916. These statements are significant in view of the large amount of daylight which England ordinarily has.

All the chambers report that the operation of the act has resulted in a considerable saving in artificial light. The saving has been somewhat reduced by the fact that overtime has been worked in all centers, while the lighting restriction has probably increased it. Notwithstanding these factors the chambers are of the opinion that there has been considerable saving. In a few cases figures have been given, as follows:

Belfast: Resulted in very appreciable saving of artificial light. This has been proved by decreased revenue of municipal lighting authorities. In Belfast the consumption of gas was less by 5¼ per cent than in the same months of 1915, while in electricity there was a saving of 2 per cent.

Blackburn: Decrease in gas consumption in Blackburn 8.19 per cent as compared with similar period in previous years. This is equal to a saving in coal of 1,710 tons. Consumption of electricity decreased by 20 or 25 per cent in the case of large shops.

Edinburgh: Saving in city of Edinburgh considerably exceeded £10,000.

The following savings are given:

(a) Large printing establishment, working all night, 13½ per cent.

(b) Large hotel, 9 per cent.

(c) Another large hotel, 6 per cent.

(d) Consumption of gas reduced by 8 per cent, equal in money to over £6,000.

(e) Electric light used decreased by 3 per cent, though this to some extent may have been due to police regulations.

Manchester: The act did result in a saving of the consumption of gas in Manchester. The decrease between 6 p. m. and 1 a. m. amounted to 134,000,000 cubic feet, equal to 2 per cent on the annual consumption, or equivalent to 11,000 tons of coal. In residential districts the electric light used was decreased by about 15 per cent on a previous year.

Newport: Saving estimated at from 15 to 25 per cent.

Nottingham: The saving is put at 10 to 15 per cent.

Oldham: Returns by corporation showed good reduction in quantity of gas and electricity used.

Portsmouth: The saving is put at 25 per cent.

6. Mr. Herbert Samuel, in the House of Commons, May 8, 1916, said:

"The Government would not have dreamt of favoring this measure or of inviting the House to consider it unless it had reason to think that it was essentially advantageous for war purposes.

"The question of our coal supply is one which is giving us serious concern.

"We are casting about in every direction for means to increase our coal supplies, and when a proposal is made which we believe and, indeed, are convinced would lead to a large economy of certainly many hundreds of thousands of tons of coal in the course of a year we can not regard that as a matter of indifference."

7. The question was first brought to notice by the expert committee appointed to advise the Government on the disposal of the coal output. This central committee for the disposal of coal unanimously passed a resolution urging the Government to adopt the daylight-saving plan in order to conserve the coal resources of the nation.

8. The board of trade found it necessary to urge upon all gas and electric light companies a reduction in their consumption of coal.

9. The railway executive committee managing the railways on behalf of the Government favored the proposal. (Parliamentary Debates, House of Commons, May 8, 1916, p. 345.)

FRANCE.

[From summary, Report of M. Maliavalle (Depute) on behalf "Commission de l'Enseignment et des Beaux Arts" on bill for renewal of summer time in 1917 and subsequent years.]

1. The committee record two sets of estimates of the total saving in coal for the whole country, as follows: The total quantity of coal consumed by gas undertakings in France annually being put at 5,000,000 tons and by electrical undertakings at 2,000,000—7,000,000 tons in all—an economy of 10 per cent on this amount (which the committee think it fair to take as result of summer time) gives about 60,000 tons over one month, 200,000 tons over three and one-half months (length of summer-time period in France in 1916), 360,000 tons over six months, 410,000 tons over seven months.

If a 15 per cent economy is reckoned, the savings are estimated at about 87,500 tons over one month, 306,000 tons over three and one-half months, 525,000 tons over six months, 612,000 tons over seven months.

Reckoning a mean between these two calculations, the saving over six months is put at 442,500 tons, and over seven months at 511,000 tons, representing a saving in cost (estimating £1,750,000) and 51,000,000 (£2,030,000), respectively; "chiffres moyens qui pourraient approcher davantage de la verite."

2. The director of inventions affecting the national defense, after studying figures of output of gas during the periods preceding and following the introduction of summer time and the restoration of normal time, concluded that the saving in coal or gaslight might be put at 1 kilogram (somewhat over 2 pounds) per person, or 1 ton for each 1,000 persons per month.

There are said to be 18,000,000 persons in France "eclaires par le gaz," so that the economy of coal on this basis would amount to 18,000 tons per month, or more than 200,000 over the whole year.

The figure for electricity undertakings is estimated as 100,000, giving a total of 300,000 tons (30,000,000 francs, or £1,190,000) for gas and electricity combined. Half this amount would be saved for the summer-time period.

3. At the Calais Docks there was an increase in unloading capacity of 250 tons each day of summer.

4. At Marseille it was found possible to deal with an extra quantity of goods estimated at between 12,000 and 31,000 tons from July to September (2¼ per cent to 4 per cent of the total tonnage unloaded).

GERMANY.

The municipal gas works at Berlin reported a decrease during May and June (1916) of 508,500 cubic meters, in spite of the fact that 18,000 new gas meters were put up during the first six months of 1916, and the records from January to April showed an increase of 2.4 million cubic meters' output of gas as compared with 1915.

The other countries of Europe are investigating the results of last year's operation of the daylight-saving plan. (Report English Commission, p. 17.)

III. DAYLIGHT SAVING AS A WAR MEASURE IN THE UNITED STATES.

A. The food problem:

1. This country is facing a very serious food problem, the solution of which, in part at least, lies in increased, intensive cultivation of the soil. All agricultural operations must cease at sunset.

2. The daylight-saving plan offers opportunity to over 20,000,000 workers engaged in trade, transportation, and other pursuits outside the field of agriculture for an extra hour of daylight after their workday is over for work on the land.

Prof. T. N. Carver, Harvard University, and former chief of the Rural Organization Service of the United States Government, says:

"It would be a great help to the movement for the increase of the production of food if working men had an extra hour of daylight in the evening for work in their gardens. An hour's work a day in a garden, if wisely directed, will produce an amazing amount of food.

"I believe this to be of the utmost importance. Unless something unforeseen happens, the world is going to experience the greatest food shortage within the next year that it has known since the Napoleonic wars. The chances are that there will be many hungry people in our large cities before another winter is over, not because there is not enough work for them to do, not because money wages will not be high, but because food will be hard to get at any price. Anything which will enable working men to produce a part of their own food is, therefore, of the utmost importance."

3. The National Emergency Food Garden Commission is inspiring and aiding the planting of 1,000,000 food gardens in cities, towns, and villages. The product of these gardens will supply food valued at $250,000,000. (See American Forestry, April, 1917.) Daylight saving will give tremendous impetus to this movement through the additional daylight hour it offers workers and others.

B. Conservation of coal and other material resources:

1. There is no doubt but what this country will achieve the savings that the European nations have experienced.

(a) Robert L. Brunet, of the Rhode Island Committee on Public Safety, estimated that Providence will save $60,000 yearly in lighting and fuel, and the country would save $40,000,000 annually.

(b) The special committee of the Boston Chamber of Commerce estimates that the country would save $100,000,000 annually in the use of artificial light (on basis of plan for operation entire year).

(c) Cleveland saved $200,000 during the first six months' operation of the plan.

C. Increased efficiency of workers:

1. In the summer a cool hour of the morning will be substituted for a warm one of the afternoon. The strength of the workers will thereby be better conserved.

2. There will be less danger from accident.

(a) Artificial light will not be necessary at the end of the workday.

(b) It is a well-known fact that industrial accidents occur most frequently in the late afternoon, the time when fatigue is great and efficiency low. An hour of this period will be shifted to the morning period.

The executive council of the American Federation of Labor recently passed the following resolution:

"*Resolved by the executive council of the American Federation of Labor*, That we urge the inauguration of a 'daylight-saving' project for the conservation of time and opportunity for great leisure and open-air exercise for the masses of the people, and we insist that in order that the change may be beneficial it must have its general application throughout the United States. We will gratefully receive from and actively give to any groups the fullest support in the attainment of the 'daylight-saving' project so long as it shall be utilized for the purpose herein declared.

"It is the sincere hope that the movement to inaugurate the 'daylight saving' may be entirely successful, and it will be our pleasure to contribute whatever may be in our power to that end."

D. Health, morals, and social welfare:

Workers will be able to spend more time outdoors after the workday is over owing to the additional hour of daylight.

(a) More work in gardens.

(b) Better use of recreational facilities.

(c) Lessened eyestrain for workers due to use of artificial light.

(d) Increase in health of workers and their families.

(e) The "rush" hour will come during daylight and lessen the risk of accident.

W. T. Sedgwick, professor of public health, Massachusetts Institute of Technology, and member of advisory board, Hygienic Laboratory, United States Public Health Service, says:

"I am strongly in favor of the daylight-saving movement both for reasons of thrift and economy and because of its importance for the public health.

By increasing the period of sleep in darkness, it would tend to promote rest and diminish fatigue—since that sleep is best which falls in darkness and quietness. And by increasing by an hour a day the daylight time available for play and pleasure it would tend to promote outdoor life and exercise—both greatly needed in our increasingly sedentary modern life."

NOTE.—The adoption of the daylight-saving plan is being urged as a war measure by the Chamber of Commerce of the United States, representing over 800 trade and commercial bodies. Many other associations are urging immediate action.

The advisory commission to the National Council of Defense passed a resolution indorsing the plan. Action on the plan as a war measure is urged by Massachusetts committee on public safety, Maine committee on public safety, Vermont committee on public safety, New Hampshire committee on public safety, Rhode Island committee on public safety, and Connecticut committee on public safety.

Many cities, towns, organizations, and individuals throughout the country are urging immediate action.

REPORT OF COMMITTEE ON DAYLIGHT SAVING OF THE CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA.

To the Board of Directors of the Chamber of Commerce of the United States:

The daylight hours can be "saved"—i. e., utilized to the best advantage—only by readjusting the hours of work and recreation to which most of the community have become accustomed and by making the readjustment in such a way that these hours will contain a maximum of sunlight. There is no suggestion that the hours of work be either lengthened or shortened.

The hours of our daily life have become somewhat out of keeping with the hours of daylight and we have sacrificed the sunlight which might be utilized for recreation and other leisure activities at the end of the workday. In ancient times, and even within rather recent times, the workday generally began much earlier than at present, and the evening meal usually came at an hour of daylight throughout the year. Development of improved illuminants probably had its part in changing our habits; at present we sleep through many hours of daylight in the morning, begin our conscious day late according to sun time, and during a good part of the year have our evening meal and our period of recreation and leisure after night fall. In effect we throw away daylight and substitute for it artificial heat and light which are but inferior derivatives of the sunlight we thoughtlessly discard.

The amount of daylight which we do not now utilize can not be precisely stated; because the hours of daylight not only vary with the seasons but they differ by as much as an hour in the same day in the northern part of the country and the southern, and they lengthen as altitude above the sea level increases. Whatever the part of the country, however, the morning work period begins so late that the work period which follows luncheon can not have as much sunlight as occurs before noon, and in many cases ends in darkness during an important part of the year.

The manner in which we now utilize these hours of daylight may be illustrated by the situation in Chicago. Throughout the year at Chicago the time between sunrise and noon—when the workday is most commonly broken—is longer than between 1 p. m.—when the second work period ordinarily begins—and sunset. In December there are almost five hours of sunlight before noon and less than three and a half hours after 1 p. m. In June there are approximately eight hours before noon and about six and a half after 1 p. m.

The significance of these facts appears when we recall that, in midsummer, if the workday begins at 8 a. m. and ends at 5 p. m., almost five hours of sunlight have passed before the workday begins and but two and a half remain after its close. Thus, four hours of sunlight are used in the morning for sleep and for the "transition from bed to street." The period at the end of the day, with its great value for development of human efficiency, encouragement of human intercourse, and improvement of social relations, falls partly under artificial light even in the most favorable season of the year, and at other seasons comes altogether after nightfall. If the workday ends at 6, the results are still more undesirable, as subsequent hours of daylight are shortened, and moreover, in a portion of the year the end of the workday, when workers in all occupations are most weary and most need favorable conditions, is reached under artificial light.

Our workday has not only taken such a position that it deprives us of sunlight in a part of the day which has great importance for human efficiency, but it also interferes in our business relations with Europe, the part of the world with which we have our closest relations. Our present arrangement of time, based since 1883 upon "standard" time, with an hour of difference for each zone of 15° of longitude, assigns zones and hours to the barren expanse of the Atlantic Ocean, where they are of no practical utility.

Undoubtedly the result is to keep the clocks in each zone in the United States at least within half an hour of the time which a sundial would show, but the result likewise is that business offices in the eastern part of the United States open at a time when it is 2 o'clock in the business day of London banks and exchanges. When it is 9 o'clock in the morning at New York and Philadelphia it is within six minutes of 3 o'clock in Berlin and 4 o'clock in Petrograd. In Chicago the difference in time with these European centers is one hour greater.

As European countries generally moved the clock forward an hour during the past summer, and will probably do likewise next summer, the difference between the business day in Europe and in the United States will be further accentuated unless action is taken in the United States. It would seem an anachronism that, although we have devised means for instantaneous communication with Europe, we should continue to have our business day so much later than the European business day as to impede our financial and commercial transactions, especially at a time when our relations with Europe have taken on greatly enlarged importance.

With these circumstances in mind, the committee recommends that clocks in the United States should be set one hour ahead of the present "standard" time.

The considerations supporting this proposal are physiological, economic, and social. It will substitute a cool morning working hour in summer for a warm afternoon hour; in winter it may place breakfast before sunrise, but it will bring a greater amount of daylight into the working hours at the end of the day. The accompanying improvements in working conditions will be great. Increased daylight in the hours of greatest fatigue will tend to lessen tuberculosis, will decidedly reduce eye strain, will increase personal efficiency, and will materially lessen industrial accidents. In cities the advantage of having the evening "rush" hour, when transportation facilities are taxed, come in daylight is so apparent it scarcely needs statement.

Hours of sunlight after the end of the workday will confer even greater benefits. Responding to a public demand, which has practically become a national policy, facilities for healthful outdoor recreation have on every hand been multiplied for all classes. In 1915 American cities spent $21,000,000 to maintain their activities in promoting recreation. For this purpose New York used 70 cents per capita of its population, Chicago $1.20, and Boston $1.84. Although perhaps not yet keeping pace with Europe, our cities have invested large sums in land for parks. The significance of the purpose of such investments may be indicated by estimates which declare that in less than 20 years Central Park in New York City added $182,000,000 to the value of land in its vicinity. Counties and other local districts, as in Massachusetts and New Jersey, have undertaken to provide attractive places for outdoor recreation.

A number of States have done likewise, and finally the Federal Government, selecting tracts of most uncommon scenic beauty, dedicated more than 7,000 square miles to public recreation. An additional hour of daylight will not enable any one individual to make use of all these facilities for his healthful pleasure, but it will give him increased opportunity for greater use of those nearest at hand. The use of facilities for recreation, especially by the classes that work longest hours and most need them, would be tremendously increased, with results in health and physical stamina which would redound to the advantage of the whole community. There would be great benefits, too, from the increased opportunities for use of means of education, direct and indirect, which in recent years have been greatly augmented for the period after the workday has closed.

The social life of the Nation, too, would benefit. The hours for companionship among members of families would have greater value, and there would be more opportunity for cultivation of all the useful and desirable activities and interests which engage our attention outside our vocations.

From such benefits as these economic advantages inevitably flow. Improved physical health and social welfare will increase the efficiency of every individual at his daily tasks. Furthermore, there would be large direct savings in expenditures for fuel and artificial light.

In the advantages which have been outlined even those persons who are employed in industries operating 24 hours a day will participate. A shift going to work at 8 o'clock in the morning will have an added daylight hour after work, the shift going on at 4 in the afternoon will have an additional hour of light in which to work, and although the shift beginning work at midnight will lose an hour of daylight it will gain with the other shifts because of the system of rotation in shifts commonly used.

The advantages extend to all parts of the community. Farmers will have an opportunity to market their produce earlier, thus offering it in better condition and gaining an hour of daylight for other work. Transportation companies will move a larger part of their traffic in daylight, thus increasing efficiency and minimizing danger of accidents. Shopkeepers and their employees will avoid an hour of darkness. Office people will work under less artificial light.

To the proposal there are no serious scientific objections, according to the testimony of eminent astronomers. English astronomers have said that meridians of longitude are made for man and not man for meridians, and that the clock is a mere symbol representing intervals of time according to standards which are largely arbitrary. American astronomers who have been consulted have the same point of view.

Of the practical results of the proposal there has been during the last summer demonstration in Europe, where it was adopted during the summer months by Austria, Denmark, England, France, Germany, Italy, Holland, Norway, Portugal, and Sweden. In some of these countries official inquiries are understood to be now in progress for the purpose of ascertaining the concrete results. Unofficial statements seem to leave no doubt, however, that the same plan will be put into effect next summer, and that efficiency was increased in all parts of the population and important savings in fuel and illuminants were accomplished at a time when the belligerent countries were conserving their resources to the utmost extent possible.

There has been successful experience in the United States, too. Cleveland and Detroit in 1914 set their clocks an hour forward. Officials and commercial organizations in these cities testify that the change was made without the least difficulty and has met with universal favor. The action of these cities, independently of other communities in their vicinity, has probably owed a part of its success to the fact that they lie in the eastern part of the zone of central standard time and consequently near the zone of eastern time, which they adopted.

The committee has stated its preference that clocks should be advanced one hour and permanently kept ahead by that interval. If such plan should not prove feasible, the committee recommends that clocks should be advanced one hour on April 1 each year and turned back on November 30.

The greatest amount of daylight now unutilized in our active hours comes between the equinox in March and the equinox in September. Accordingly, the proposal would confer its greatest advantages between these dates. In the United States, with its large centers of railroad transportation and hundreds of trains in motion at all times, two changes of time a year, even if made at moments of minimum railway traffic, such as midnight on a Sunday, might cause some inconvenience. Traffic is to a degree seasonal, however, and schedules are frequently changed about April 1 and November 30, ordinarily on a Sunday. Accordingly, if the advantages of the proposal do not appear material enough during winter months to warrant an all-year change, and "summertime" alone is to be adopted, as in European countries, the two changes of the clock should come at the seasons when our railways now generally readjust their schedules.

Whatever the plan adopted, i. e., whether the clock is advanced once for all or is changed twice each year, the change should occur simultaneously in all parts of the country. Otherwise, confusion will arise and we shall return to the unfortunate state of affairs which existed before "standard" time was generally adopted, in 1883, upon the initiative of the railways. Standard time, it will be recalled, rests upon concerted action upon the part of the railways and not upon any enactment of Congress; several States subsequently adopted it as a matter of law, but Congress has never done so.

Wherever the plan has been tried merely in a local way, and without especially favorable circumstances, there have been difficulties and in some cases abandonment has been forced without a fair trial. For example, when Manchester, N. H., tried the plan without cooperation from the rest of New England it had to give it up because of resulting confusion. Similarly, Hamilton, Ontario, undertaking to act without concurrence from Toronto, failed to obtain the inherent benefits. Other cities in Canada including Halifax, London, Brantford, and Calgary, have found corresponding obstacles to local action.

Uniformity should be obtained, the committee recommends, through an act of Congress establishing the time for each part of the country as one hour in advance of the present standard time.

That Congress has authority under the Constitution to enact such a law the committee feels assured. The committee has had the benefit of the views of very able lawyers, who have asserted that the commerce clause and the clause regarding establishment of post offices and post roads confer ample power.

The desirability that Congress should exercise its power is manifested by the national advantages which will accrue in ways outlined in this report and by the necessity of a uniform system of time throughout all parts of the country. Unless clocks in Seattle, Denver, St. Louis, and all other communities are moved forward one hour when clocks at New York and Boston are advanced one hour, inevitable confusion would result, to the detriment of many of our most important business interests.

COMMITTEE ON DAYLIGHT SAVING,
ROBERT GARLAND, *Chairman.*
PAUL W. BROWN.
A. LINCOLN FILENE.
J. P. HARDY.
EUGENE U. KIMBARK.
EDWARD D. PAGE.
T. C. POWELL.
HARPER SIBLEY.

APPENDIX A.

REPORT OF A COMMITTEE OF THE HOUSE OF COMMONS.

In 1908 a committee of the House of Commons reported favorably a bill for moving the clock one hour ahead between the third Sunday in April and the third Sunday in September, stating the results would be:

"To promote the greater use of daylight for recreative purposes.

"To lessen the use of houses licensed for the sale of intoxicating liquors.

"To facilitate the training of the territorial force.

"To benefit the physique, general health, and welfare of all classes of the community.

"To reduce the industrial, commercial, and domestic expenditure on artificial light.

"That the object of the bill, which is desirable and would benefit the community, can not be attained without legislation.

"And that an alteration of the clock of one hour in April and a similar alteration of one hour in September is the best mode of attaining the object of the bill."

APPENDIX B.

STANDARD TIME AND STANDARD-TIME SECTIONS.

STATEMENT BY THE UNITED STATES BUREAU OF STANDARDS.

The use of standard time in sections differing by integral hour differences of longitude from Greenwich instead of local mean time has now become nearly universal throughout the civilized world. Practically all the nations of Europe have abandoned their local meridian time in favor of this important change to the use of a common meridian of reference. * * * As an introduction to the table of the boundary points of the different time sections in the United States, it may be well to explain briefly what the difference is between standard time and

mean local time and how the country is divided up into different time sections.

The mean local time of any place is the time in mean solar days reckoned from the mean time of the sun's passage across the meridian through that place as the point of reference for the time. The mean solar day is the average throughout the year of the time between two successful passages of the sun across any given meridian of the earth. The actual time of transit of the sun across the meridian varies from mean noon throughout the year, due to the elliptical shape of the earth's orbit, the total variation being about 32 minutes. Therefore, in order that the days measured by the sun's transits may not be of varying duration the instant of transit of a "mean sun" or imaginary sun is taken as the zero, and the intervals between such assumed transits of a "mean sun" are designated as mean solar days.

Standard time is mean solar time, so far as its duration or unit of measurement is concerned; the difference between it and mean local time lies in the point of reference from which it is measured. In order to avoid the troubles arising from each place using its own local time, reckoned from the transit of the "mean sun" across the local meridian, the country is divided into standard time sections of approximately 15 degrees of longitude in width, and each place in the time section uses, instead of its own local time, the time counted from the transit of the "mean sun" across the seventy-fifth meridian west of Greenwich, or of the nineties, one hundred and fifth, or one hundred and twentieth meridian, depending upon the time section in which the place is located. * * *

The question of changing from the time of one time section to that of another arises in practice almost exclusively in the operation of railroads, however, and because of the inconvenience of changing the time by the necessary amount of one hour at every point where a railroad crosses one of these boundary meridians the more convenient practice has been followed of making the change usually at some terminal or division point on the road, or at some junction point, or at the boundary line between the United States and Canada. The result is that practically the boundaries of the time sections are defined by the lines connecting these railroad points of time change and because of the location of these railroad junctions or terminals the resulting lines are quite irregular. * * *

As stated before the difference of standard time between two adjacent time sections is just one hour, inasmuch as the equivalent of the difference of 15 degrees of longitude between the reference meridians amounts to one hour in time. Hence, when it is noon at any point in the eastern-time section, it is 11 a. m. at all places in the central-time section, 10 a. m. in the mountain-time section, and 9 a. m. in the Pacific-time section. In traveling westward, therefore, from one time section to another, one must set his watch back one hour, while in traveling eastward the watch should be set ahead one hour whenever he passes from one time section to another.

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APPENDIX C.

ENGLAND'S DAYLIGHT-SAVING LAW.

SUMMER-TIME ACT, 1916.

[6 & 7 Geo. 5, Cap. 14.]

An act to provide for the time in Great Britain and Ireland being in advance of Greenwich and Dublin mean time, respectively, in summer months.—(17 May, 1916).

Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows.

1. Time in summer months: (1) During the prescribed period in each year in which this act is in force the time for general purposes in Great Britain shall be one hour in advance of Greenwich mean time.

(2) This act shall be in force in the year 1916, and in that year the prescribed period shall be from 2 o'clock in the morning Greenwich mean time on Sunday, the 21st day of May, until 2 o'clock in the morning Greenwich mean time on Sunday, the 1st day of October, and His Majesty may in any subsequent year, by order in council made during the continuance of the present war, declare this act to be in force during that year, and in such case the prescribed period in that year shall be such as may be fixed by order in council.

(3) Wherever any expression of time occurs in any act of Parliament, order in council, order regulation, rule for by-law, or in any deed, time-table notice, advertisement, or other document the time mentioned or referred to shall be held during the prescribed period to be the time as fixed by this act:

Provided, That where in consequence of this act it is expedient that any time fixed by any by-law, regulation, or other instrument should be adjusted and such adjustment can not be effected except after the lapse of a certain interval or on compliance with certain conditions, the appropriate Government department may, on the application of the body or person by whom the by-law, regulation, or other document was administered, make such adjustment in the time so fixed as in the circumstances may seem to the department proper, and if any question arises as to what Government department is the appropriate Government department the question shall be finally determined by the Treasury.

(4) This act shall apply to Ireland in like manner as it applies to Great Britain, with the substitution, however, of references to Dublin mean time for references to Greenwich mean time.

(5) Nothing in this act shall affect the use of Greenwich mean time for purposes of astronomy, meteorology, or navigation, or affect the construction of any document mentioning or referring to time in connection with such purposes as aforesaid.

2. Short title: This act shall be cited as the summer-time act, 1916.

Mr. SMOOT. Mr. President, some 10 years ago a constituent of mine became very deeply interested in this subject. I suppose the organization to which he belonged prepared a bill at that time, and I remember introducing it by request into the Senate.

CONSERVATION OF FOOD AND FUEL.

The PRESIDING OFFICER. The Senator from Utah will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. The bill (S. 2463) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

Mr. ROBINSON. I do not see the Senator from Oregon, who has charge of the bill, present, and I ask if the Senator who is——

Mr. UNDERWOOD rose.

Mr. ROBINSON. I will ask the Senator from Alabama if he will agree that it be laid temporarily aside.

Mr. UNDERWOOD. I will state to the Senator from Arkansas that the Senator from Oregon asked me to represent him, as he was necessarily out of the Chamber in the Committee on Agriculture and Forestry considering the House food bill. He stated that if there was no one who wished to discuss the pending bill he would desire to have the Senate take a recess until half past 3, and by that time he expected the Committee on Agriculture and Forestry would report the House bill. So I take it from that statement there will be no objection on his part to laying aside the bill temporarily for the further consideration of the bill which the Senator from Arkansas has in charge.

Mr. CURTIS. Before the bill is laid aside I ask unanimous consent to print in the RECORD an argument in favor of the amendment I offered on last Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement referred to is as follows:

ARGUMENT MADE IN FAVOR OF THE CURTIS AMENDMENT TO THE LEVER FOOD BILL BY MRS. HAVILAND H. LUND, SECRETARY NATIONAL FORWARD-TO-THE-LAND LEAGUE, NEW YORK.

The Lever bill provides for increasing food production. Inasmuch as consumption has been outstripping production for several years, it is manifestly impossible to meet the combined demands of our own people and the allies unless we put vacant farm lands into cultivation. Other countries have, through their Governments, furnished the land and equipment on long, easy terms of credit—this with no reference to the war. Private enterprise has developed colonization along similar lines in the same countries. On June 12 Senator SHEPPARD, of Texas, gave detailed information as to what has been done in colonization by other countries. It can be found in the RECORD, on page 3784. I can add nothing to his very comprehensive statement. The success of the war depends primarily upon food. The production of sufficient foodstuffs depends upon the development, cultivation, and proper settlement of the now unproductive areas. Our maximum production is insufficient. We must take people from the cities who are willing to farm and place them on the vacant land. Since our Government is responsible for the care of certain of these people, namely, the dependent families of our soldiers, and must provide for them, why should not the two national problems be so related that the solution of one becomes the solution of the other?

Many thousands of immigrants have during the years of the war left this country for military service in Europe. These families of our allies, to the number of many thousands, are in our midst, and probably 90 per cent of the wives of these absent soldiers understand agriculture. Not only have women proved themselves good agriculturists in Europe since the war made it necessary for them to farm, but the Women's Agricultural Society can furnish thousands of instances of successful women farmers in the United States. Then, too, there are growing children in these families, and there is much about farm work which children can do without injury to themselves. If these families remain in the city, even on a generous pension, the mothers and older children must go out to work and the family is usually broken up. The children leave school too early, and we rob the Nation of the best that is in these children if we do not give them the proper education. Farm work holds the family together.

France and England are caring for their disabled soldiers by placing them in farm colonies organized along the lines that the National Forward-to-the-Land League has been urging for several years. We must face the fact that future drafts of soldiers may call out those who have families. Are they going to enlist cheerfully with food shortage staring their loved ones in the face? People in the cities are terrified at this thought of food shortage, and would undoubtedly organize with enthusiasm to go out in groups into such farm colonies as we propose. It is to be expected that some of these people will be found unfitted for farm life, but these can later be returned to the city.

Our league conducted a bureau of information on the east side of New York City for nearly a year. We had night classes in gardening and household economics, taught by the extension department of the State Agricultural College. Our signed application cards show that there are thousands of people of all nationalities who want farms. Seventy-five per cent of this registration had had farm experience here or abroad, but less than 1 per cent were willing to go to isolated farms and cope with the problems presented by such locations. The people are keen to go out in groups and build up rural villages such as exist abroad. They want the standard of rural community recommended by our league. They insist that their children have proper school facilities and that the school be utilized as a social center. Money or land alone will not solve the problem. What the people themselves demand in the way of living conditions must be the ultimate criterion. The war has taught us the necessity for local self-sufficiency. Our country made its greatest progress during the time when the small village, with its surrounding farm settlements, was in full flower. Lack of communication ultimately broke up those self-sustaining farm communities and the drift to the city began. To-day we have the means of communication and transportation, lack of which was the primary cause of our city congestion. Since love of home is the strongest passion in the human heart, it should be used as the motive power to place families on farms and cause them to work with patriotic fervor. It has been aptly said that "no man ever shouldered a musket for a boarding house," and we add "or for an overcrowded tenement."

During this season groups of people can be housed in tents, and as permanent quarters are constructed the canvas can be used for opening

new camps. Individual ownership of the land should obtain from the first, though the entire tract must be treated as a business unit and the farming conducted as it is on large individual farms or plantations. Each group should be supplied with canning outfits in order to conserve the surplus.

No program for national defense is practical unless it includes the settlement of our vacant agricultural land and the organization of agriculture on business principles. Our first concern in such a program is to put the landowner and the land broker in their places. Our present methods of colonization and sale of agricultural land are largely the cause of the slow repopulation of agricultural districts. We have recognized that the profit on public utilities must be regulated. It is time we recognized the fact that the foundation fact of increased food production lies in the proper pricing and terms of sale on agricultural land.

1. There must be a systematized and scientific appraisal service, recognized as authoritative and operative throughout the entire United States.

2. A recognized standard for the organization and equipment of rural colonies.

3. There must be an educational and informative center in all of our large cities, operating without profit, where the people can secure land and agricultural information. Such a center would be able to take a census of the city people who are fitted for farm life. The Government, State and Federal, has at great expense accumulated a large volume of agricultural information. This is to a large extent bottled up. The great mass of people do not know of its existence or how to avail themselves of it. Only a private organization free from the publicity restrictions that hamper Government bureaus can publish this information and get it out of cold storage.

Plans for colonization are set forth by the Nation Forward-to-the-Land League in the RECORD of January 21, 1916, in my hearing before the House Immigration Committee on House bill 558. My recommendation regarding the literacy test would immediately increase production. I said, in part: "Our chief interest, of course, in this literacy test is to know the capacity of the person for culture and education, and we know that sometimes—indeed, many times—those from the other side have not had the educational opportunities, yet have made good citizens. I represent the National Forward-to-the-Land League, a federation of many organizations interested in the distribution of all of our people; there is no discrimination made for or against the immigrant, but this matter of distribution of the immigrant is certainly a very important one, and my suggestion to this committee is this: Since we have millions of acres of vacant land, that there be a receiving station established in connection with the State agricultural colleges where the immigrants that pass the moral and physical tests, with which we are familiar, can have a three-months' probationary period, where, under the direction of agricultural instructors, they are tested as to their fitness and ability to go upon the land. During that three months' time they should have classes in English and in the laws pertaining to citizenship, and general instruction as to procedure here, so that their fitness for citizenship may be determined. Their capacity to receive an education would also be determined by such a probationary period. This entails no ultimate expense to the State, because the labor of these people during that interim on the experimental farm would more than compensate for their maintenance."

It is amazing how tenaciously we cling to the idea of settling our farm lands in the same old way. This in face of the fact that rural life as it now exists in the United States does not keep its boys and girls on the farm.

The National Forward-to-the-Land League has a thoroughly digested colonization plan. It proposes to begin upon the first natural points of attack in developing these plans, and then to permit the gradual unfolding of said plans as necessity demands. Its first office is to direct groups of people desiring to locate together or individuals to any properly accredited piece of land suitable in all particulars for their colonization. It will secure for the holding syndicate or corporation owning such land scientific agricultural directors, social organizers, and religious leaders.

There is an appeal to the self-interest of business men in our plan. By incorporating a colonization company and voluntarily limiting their profits they are feeding "the goose that lays the golden egg" instead of killing it, as the land methods of the past have done. Every man in this corporation is continuously enriched in his other business enterprises by helping to create a prosperous and therefore purchasing rural community through this colonization organization.

Individuals and communities are often willing to extend credit to the right kind of settler. How shall they know the right kind? By dealing with a selected and organized group from our bureau of information there is a known basis of credit.

To colonies organized by the National Forward-to-the-Land League Dr. P. P. Claxton, Commissioner of Education at Washington, sends a man from that department to organize the school. Mr. A. E. Roberts, of the international Young Men's Christian Association, sends a rural Young Men's Christian Association secretary. Dr. L. S. Cofer, of Foreign and Insular Quarantine and Immigration, United States Public Health and Marine Hospital Service, sends an engineer from that department for the sanitary survey. Dr. Myron T. Scudder, of the University of Virginia, and principal of the Scudder School, recognized authority on rural recreation, will make the survey for recreation grounds. Dr. Thomas N. Carver, director of rural organization for the National Forward-to-the-Land League and professor of rural economics at Harvard University, will personally organize these colony groups.

In our own country the Mormons, Catholics, Quakers, and Doukobors have colonized successfully. The Jewish Agricultural Society has placed Jewish farmers in every State of our Union. The Baron de Hirsch fund has approximately a half million dollars, and under the wise management of Mr. Leonard G. Robinson has during the past 10 years loaned this out in second and third mortgages, sometimes lending as high as 90 per cent of the value of the farm, and the loss has been negligible. Those who say our plan is too Utopian to succeed have only to examine the reports of the Jewish Agricultural Society and of the Mormons to find out their mistake. The Mormons are the only people who went about colonization in a businesslike way and secured enough capital to adequately finance beginners through the initial years. The church, the school, and the community house for their recreation are always provided. They took the poorest people and proved that they could learn to farm successfully under proper supervision when the tools were furnished. Father De Vos, of the Catholic Colonization Society, after seven years' experience, said that they could put hundreds of thousands of their people on farms if he could secure money enough to finance them as to equipment, schools, and recreation halls. That he had not been able to secure the capital necessary and that they were not able individually in most cases to do more than purchase their land and insufficient equipment. They have placed many successful farmers, but Father De Vos says that colonization in their church will not be successful until capital is provided to build rural villages according to the standard outlined by the National Forward-to-the-Land League. I will say here that all of the officers of the Catholic Colonization Society are members of the executive board of the league, as are the officers of the Salvation Army and certain other Protestant religious organizations, as well as officers in the National Grange and farmers' unions.

The standard recommended by the National Forward-to-the-Land League in rural communities is as follows:

1. At least 50 farms fully equipped as to houses, barns, fences, wells, etc. Minimum of at least 5 acres per farm cleared. Agricultural implements, horse or mule, one cow, one dozen chickens, and two pigs on each farm.

2. Agricultural instructor and market expert.

3. Applicants move to these farms as an organized unit under contract to follow the instructions of the agricultural director until their debt is paid. It is thus possible to treat these 50 separate holdings as a business unit and buy and sell in carload lots. Loneliness and waste are eliminated.

These farms should be sold on at least 20 years' time, at a low rate of interest. There should be no payment exacted until the second or third year, though the privilege should be given to cancel the obligation at any interest anniversary. A deed to the property should be delivered when possession is taken, the colonists executing a trust deed as security for the debt. This transaction has a psychological value. The feeling of home ownership is immediately engendered and this feeling can not be overestimated. The organization of the colony proper will be according to the bulletin on Rural Organization, which can be had from the Department of Agriculture. This bulletin was written by Dr. Thomas Nixon Carver, who, under the Taft administration, organized the Division of Markets and Rural Organization in the Department of Agriculture, and who is director of rural organization in our league.

For several years the National Forward-to-the-Land League has been trying to rouse the people to the necessity of coordinating the religious and welfare associations and maintaining for them a bureau of land information that should act as a clearing house for all who wish to engage in farming. Through this clearing house all could cooperate with the commercial organizations in the several States wanting farm settlers, and so bring together the men, the land, and the money. We devised a business organization for colonies, which furnishes from 75 to 90 per cent of credit to the farmer. This credit includes both land and its equipment, and builds the colony group according to the standard outlined above.

Had the coordination of organizations, governmental and private, proposed by the league through its bureau of information been used by them—had they worked with us to help introduce classes in gardening and home economics into the public-school systems, both in day and night classes, four years ago when we first proposed it, the agricultural situation would have been vastly different to-day. However, instead of centralizing this work and cooperating through the bureau, several of the organizations started classes similar to those we were conducting with the assistance of the agricultural extension service and endeavored to center this class work in their own private organizations, some of the supposedly patriotic and welfare societies even making a charge for these classes. The rivalry thus developed naturally nullified the work of all. Another important sacrifice entailed by this attempt of several organizations to do the work individually is to be seen this year in the home-garden situation. Suddenly everyone wanted to espouse the cause of the home garden, agricultural inertia gave way to agricultural hysteria. The result to-day is a chaotic overproduction of certain garden produce, glutting the market and injuring the business of the regular truck farmer. Had this work been properly organized there would have been no such disturbance, because the planting would have been done so as to increase the food production in a systematic manner.

Unless there is cooperation between the agricultural efforts of city and country—unless there is some authorized plan for production and distribution, we can expect no practical result from our work. I am glad we are at last going to confer such power upon some one able to bring order out of this agricultural chaos. We are fortunate in having a man for the place of Mr. Hoover's known ability.

H. G Wells said in an article on "Reconstruction after the war" that unless Great Britain and the United States stopped the waste occasioned by duplication of work, both in the Government and through private organizations—unless the petty jealousies, the greed for power, prestige, or profit arising directly or indirectly from multiplication of organizations can be eliminated and cooperation take the place of this rampant individualism, there will be no reconstruction.

The housewives' waste and the middle man's waste is as nothing compared with the waste from these sources. I believe up to the time I read yesterday morning's paper there have been announced some five or six clearing houses for war effort in Washington and New York alone.

The coordination of the several interests as planned by us is shown in the following epitome:

EPITOME OF THE WORK FOR THE NATIONAL FORWARD-TO-THE-LAND LEAGUE.

Bureau service free to the public. The league is incorporated as a nonprofit-making association, and does not buy or sell land, but cooperates with commercial organizations and land companies in any State, providing the standard recommended by the league for rural organization and valuation is installed.

BUREAU OF INFORMATION.

Millions of dollars are spent annually by home-hungry people buying land on the installment plan.

This money is almost invariably lost, and worse than the loss of the money is the discouragement and bitterness engendered in the hearts of those who lose. It is easy to direct this purchasing power.

(A) Night classes in agriculture and household economics conducted by the extension department of the State College of Agriculture, and ultimately in the city public schools.

(B) Circulate application cards through the public schools, churches, welfare organizations, and Government bureaus. From the census thus secured groups of prospective buyers are organized. Individual investigation of each applicant. Colonization committees (below referred to) can safely extend credit to such groups for fully equipped farms.

(C) Publicity bureaus.
(D) Inspection of soil content, titles, contracts, mortgage notes, etc. The league's soil inspection is conducted by men recommended by the Bureau of Soil Survey in Washington. Legal inspection by the league's attorney.

Governors of all the States have been invited to assemble an exhibit of the agricultural and industrial resources of their respective States. These exhibits to be free to the public. The physical exhibit to be supplemented by lectures and motion pictures.

PERMANENT LAND EXHIBIT.

The motion-picture auditorium and committee rooms to be placed at the disposal of certain clubs and welfare organizations free of rent, in order to bring these groups of city leaders where they will unconsciously be educated in matters pertaining to agricultural life.

The bureau of information and reference library to be located at the entrance of this permanent land exhibit. Its lectures, classes, and other activities will invite attendance to the permanent land exhibit and give publicity to the same.

COLONIZATION.

Commercial organizations in every State having vacant agricultural land recognize the menace of land misrepresentation. Boards of trade and chambers of commerce will appoint colonization committees to cooperate with the league's bureaus of information.

(A) Inspection and listing of county lands suitable for colonization.

ACTIVITIES OF BOARD OF TRADE COLONIZATION COMMITTEE.

(B) Incorporating and financing colonization projects that the credit burden may not fall solely upon the landlord, bank, or railroad, but be distributed among all the business men, since all profit alike by the upbuilding of the back country. A practical process of underwriting good citizenship.

(C) Inspection of farm lands so colonized to enforce the soil conservation clause in the mortgage.

(D) Local publicity for these projects.

LOGICAL SOURCES OF REVENUE.

A flat rate should be paid annually by boards of trade, chambers of commerce, railroads, steamship lines, bankers' associations, permanent land exhibits, etc., for the conduct of bureaus of information in all the principal cities and in Europe.

It is both unnecessary and undesirable that our Government should attempt to furnish credit and build colonies for farmers with small capital, or indeed without any capital whatever. It is a business proposition and private enterprise can and will finance it. We propose through the establishment of a rural-colony foundation (plans soon to be made public) to issue to the public agricultural war bonds for the purpose of financing men above and below the draft age for military service, and those who are unfit for military service but are fitted to farm. It is, however, especially the business of the Government to care for the dependent families of soldiers, and with the very reasonable amount of money asked for in this amendment the Government will afford great assistance to our larger work in furthering our program for colonization because the Government funds will be immediately available and available in sufficient quantities to establish and prove the value of the standard herein recommended. You do not expect to establish a plant for the manufacture of munitions without first investing large capital and getting the plant ready. No more can agriculture be properly and profitably manufactured until there is equipment—business organization.

A survey can be made by sending application blanks like the following through all existing Government, church, welfare, and school organizations to the end that these families be congregated:

APPLICATION FOR FARM HOME.

Surname, _____ _____. Christian name, _____ _____.
Street and number, _____.
City, _____. State, _____.
Married or single, _____. Education, _____.
Age of all members of family, _____.
Country of nativity, _____. Did you farm there? _____.
How many years in this country? _____
In what State do you wish to farm? _____
What kind of farming is preferred? _____.
What experience have you had in agriculture? _____.
Would you join a night class in agriculture? _____.
What is your religion? _____.
What amount of capital is available? _____.
Occupation, _____.

We should remember that many parts of the United States have an all-the-year-round growing season, and we should have in mind the placing of these families in so far as possible where they will have the advantage of the long growing season, not alone because of the extra crop production thus guaranteed, but because the cost of clothing, housing, fuel, etc., is materially lessened. Experienced farmers can go into the North and West for the heavier work of grain production. As far as possible these emergency farm settlements should conform to known laws of rural economics and should be made to articulate with what must come later in the way of permanent repopulation of our rural districts.

Mr. Hoover said at his hearing, June 19:

"Despite the rigid measure adopted to reduce consumption among the allies, they shall require to import next year larger amounts of cereals and meats than ever before. The large failure of the winter-wheat harvest in France and England, larger consumption by armies in the field and munition workers, the reduced productivity of the land by reduction in man power, the sinking of cargoes by submarines—all pile up one increasing demand upon another, despite the efforts of the women in the fields. Moreover, the allies are more isolated to-day in their sources of food than ever before, even during the war. It requires three times the tonnage and double the danger to bring wheat from Australia and India than from the Atlantic seaboard, and to-day these sources are largely unavailable. The crop failure in the Argentine gives no hope from that quarter until next March or April, and the allies are of course, isolated from the normal supply of Russia, Roumania, and Bulgaria. They are thus dependent upon North America for the vast majority of their food imports.

"A preliminary view of our harvest and our own normal consumption would indicate that without any special endeavor we would be able to supply from North America, say, 60 per cent of what they would require. The deficiency of 40 per cent must be made up of self-denial on their part and rigid economy and saving of waste on our part. I am confident that, with sufficient endeavor on both sides, we can increase our surplus to meet her reduced demands. It in any event means privation to them, but such effort on our part guarantees their constancy in the war, for without adequate food supply no European population will continue the fight, and we shall find ourselves alone as the enemy of Germany.

"We already have one bitter experience constantly in the forefront of our minds of identical character. The revolution in Russia was a food riot wherein the violences of starving thousands was seized upon, not by the moderates of the country for progressive development of government and continuation in war, but by the radical and pacifist element, and we see unfolding before our eyes at least the temporary paralysis of an ally. The price is worth paying in autocratic Russia, but not in the western democracies. If through any failure of ours we should bring about this situation among our western allies or among our own people, there will rest upon us the responsibility for a failure of civilization and government larger than has ever rested upon a nation."

If this money is appropriated, it will accomplish an immediate increase in food production through the efforts of the dependent families so colonized and will give ideal home surroundings to thousands now living in such conditions as make patriotism difficult. It will also afford an example for commercial colonization the value of which can not be overestimated.

The PRESIDING OFFICER. Is there objection to laying aside the unfinished business temporarily, that the Senate may proceed with the consideration of Senate bill 1854? The Chair hears none, and it is so ordered. The Senator from Utah [Mr. SMOOT] is entitled to the floor.

LEGALIZING STANDARD TIME.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1854) to save daylight and to provide standard time for the United States.

Mr. SMOOT. Mr. President, I do not intend to take any further time of the Senate other than simply to say that at that time when I introduced the bill into the Senate, by request, I had a great deal of correspondence upon the measure, and I will say to the Senator from Arkansas that I suppose 90 per cent of all of it was in favor of the bill. The only real objectors at that time were the railroads of the country, and the railroads claimed that it would be rather unfortunate to pass the legislation. It was for that reason, and that only, at this time, that I rose to ask the question I did. I have no objection whatever to the passage of the bill. I hope it will accomplish all that the advocates of the measure think it will accomplish. With that statement I am perfectly willing to vote for the bill.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CALDER. Mr. President, I ask unanimous consent to insert in the RECORD a short paper in reference to this measure.

Mr. JONES of Washington. I ask the Senator if it was prepared by him or by some one else?

Mr. CALDER. It is a statement prepared by me, but it contains the views of different societies of the country on the subject.

Mr. JONES of Washington. It has always been, I understand, contrary to the custom of the Senate to permit a Senator to extend his remarks in the RECORD, as is the practice in another body. I myself think it is a good rule. I do not believe we ought to get into the practice here of Senators extending their remarks in the RECORD. I shall have to object to the request of the Senator from New York.

Mr. CALDER. I had no intention of printing a speech in the RECORD. I will change the request and ask to have printed in the RECORD the views of the United States Chamber of Commerce in connection with the matter.

Mr. JONES of Washington. I have no objection to that.

Mr. ROBINSON. I call the attention of the Senator from New York to the fact that the report of the Chamber of Commerce of the United States was ordered printed in connection with the remarks I made.

Mr. CALDER. Then I withdraw my request.

The PRESIDING OFFICER. The Senator from New York withdraws his request.

EXECUTIVE SESSION.

Mr. UNDERWOOD rose.

Mr. FLETCHER. I understand the Senator from Alabama has risen to move a recess. I was going to propose an executive session. We shall need to have an executive session at some time later, and I see no reason why we should not have it now.

Mr. NELSON. I wish the Senator would move an executive session.

Mr. UNDERWOOD. Before the Senator from Florida makes a motion to go into executive session I ask that the unfinished business may be laid before the Senate so that it may be pending when the Senate resumes legislative business.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which is Senate bill 2463.

Mr. FLETCHER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 2 hours and 10 minutes spent in executive session the doors were reopened.

CONSERVATION OF FOOD AND FUEL.

Mr. GORE. By direction of the Committee on Agriculture and Forestry I report back favorably, with amendments, the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. McKELLAR submitted two amendments intended to be proposed by him to the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel, which were ordered to lie on the table and be printed.

Mr. CHAMBERLAIN. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Thursday, June 28, 1917, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 27, 1917.

SOLICITOR FOR THE DEPARTMENT OF STATE.

Lester Hood Woolsey to be Solicitor for the Department of State.

PUBLIC HEALTH SERVICE.

Dr. Edwin Howard Settle to be assistant surgeon in the Public Health Service.

Dr. Harry Evans Trimble to be assistant surgeon in the Public Health Service.

RECEIVER OF PUBLIC MONEYS.

John S. Hunter to be receiver of public moneys at Montgomery, Ala.

REGISTERS OF THE LAND OFFICE.

Cato D. Glover to be register of the land office at Montgomery, Ala.

James F. Burgess to be register of the land office at Lakeview, Oreg.

Wade H. Fowler to be register of the land office at Douglas, Wyo.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June 27, 1917.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Teach us, O Lord, Thy ways, and give us the disposition, strength, courage, to walk therein; that we may be faithful servants unto Thee and unto our fellow men. For it is not what we get out of the world but what we put into it that makes for nobility of soul.

Heaven is not reached at a single bound;
But we build the ladder by which we rise
From the lowly earth to the vaulted skies,
And we mount to its summit round by round.

Thus may we strive, struggle, serve, attain, in the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. GRAHAM of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the river and harbor bill.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks on the river and harbor bill. Is there objection?

There was no objection.

Mr. POLK. Mr. Speaker, I have a telegram from Henry B. Scott, chairman of the Red Cross Committee of Delaware, that I would like to have read.

Mr. WALSH. I object.

The SPEAKER. The gentleman from Massachusetts objects.

DIVERSION OF WATER, NIAGARA RIVER.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that when action on the bills from the Committee on Interstate and Foreign Commerce shall be have been concluded, the resolution reported from the Committee on Foreign Affairs extending the authority of the Secretary of War to issue temporary permits for the diversion of water from the Niagara River above the Falls shall be in order.

Mr. GILLETT. For the present, I object. I think we had better wait.

RIVERS AND HARBORS.

The SPEAKER. The gentleman from Massachusetts objects.

This is Calendar Wednesday, and under the special order of the House the river and harbor bill (H. R. 4285) is the special order. The bill was ordered to a third reading.

The bill was read a third time.

The SPEAKER. Last night, so the Chair understands, the gentleman from Illinois [Mr. MADDEN] demanded the reading of the engrossed copy of the bill. He is not here to withdraw his request, and the Chair supposes we will have to go through with that performance.

Mr. CANNON. Mr. Speaker, while I have not the authority I will jump it. I feel authorized to withdraw that demand.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] assumes the responsibility of withdrawing that demand.

Mr. TREADWAY. Mr. Speaker, I make the motion to recommit the bill.

Mr. HULBERT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HULBERT. I would like to know whether it would be in order to ask unanimous consent that the reading of the engrossed bill be dispensed with?

The SPEAKER. That would have been in order if the gentleman from Illinois had not gotten in ahead.

Mr. HULBERT. That would relieve the gentleman from Illinois from responsibility, if that is the legal way to do it.

The SPEAKER. The gentleman from New York asks unanimous consent that the reading of the engrossed copy of the bill be dispensed with. Is there objection?

Mr. SEARS. The gentleman from Illinois [Mr. MADDEN] stated last night, so that a number of Members could hear him on the floor of the House, that if a certain agreement were made he would not press that demand.

The SPEAKER. Of course, everybody knows what it was done for. It was done to force an adjournment. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Massachusetts makes the motion to recommit.

Mr. TREADWAY. And on that I move the previous question.

The SPEAKER. The Clerk will report the motion of the gentleman from Massachusetts [Mr. TREADWAY].

The Clerk read as follows:

Moved by Mr. TREADWAY: That the bill (H. R. 4285) be recommitted to the Committee on Rivers and Harbors with instructions to report back the bill forthwith with the following amendment: After the word "named," in line 9, on page 1, insert the following:

"*Provided*, That no money shall be expended for any item of maintenance in this act until the President of the United States has certified that in his judgment it is necessary for the commercial needs of the country or for the successful prosecution of the present war: *And provided further*, That no money shall be expended for any new project, survey, or continuing improvement until the President of the United States has certified that in his judgment it is necessary for the successful prosecution of the present war."

The SPEAKER. On that motion the gentleman from Massachusetts moves the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. TREADWAY. A division, Mr. Speaker.

The SPEAKER. The gentleman from Massachusetts demands a division.

The House divided; and there were—ayes 42, noes 63.

Mr. TREADWAY. I make the point of no quorum, Mr. Speaker.

The SPEAKER. The gentleman from Massachusetts makes the point that there is no quorum present. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of recommitting the bill will answer "yea" when their names are called; those opposed will answer "nay."

The question was taken; and there were—yeas 141, nays 189, answered "present" 9, not voting 91, as follows:

YEAS—141.

Anderson	Bowers	Carter, Mass.	Crisp
Anthony	Britten	Cary	Crosser
Ashbrook	Browne	Chandler, Okla.	Currie, Mich.
Ayres	Burroughs	Connelly, Kans.	Dale, Vt.
Bell	Byrnes, S. C.	Cooper, W. Va.	Dallinger
Bland	Campbell, Kans.	Cox	Davidson
Blanton	Cannon	Cramton	Dill

Dillon	James	Moores, Ind.	Stafford
Doolittle	Johnson, S. Dak.	Mudd	Sterling, Ill.
Dowell	Johnson, Wash.	Nelson	Stiness
Ellsworth	Jones, Tex.	Nicholls, S. C.	Sweet
Emerson	Keating	Nichols, Mich.	Tague
Esch	Kelley, Mich.	Nolan	Taylor, Colo.
Evans	Kelly, Pa.	Norton	Temple
Fairchild, G. W.	Kennedy, Iowa	Parker, N. J.	Thompson
Fairfield	Kincheloe	Phelan	Tilson
Fitzgerald	King	Platt	Timberlake
Foss	Kinkaid	Ramsey	Tinkham
Foster	Knutson	Ramseyer	Towner
Frear	Kraus	Rankin	Treadway
Fuller, Mass.	La Follette	Reed	Vestal
Gallagher	Langley	Roberts	Voigt
Gillett	Lenroot	Rogers	Walsh
Good	London	Rose	Wason
Graham, Ill.	Lundeen	Rouse	Welling
Green, Iowa	McAndrews	Sabath	Welty
Greene, Vt.	McClintic	Sanders, Ind.	Wheeler
Hamilton, Mich.	McCormick	Sanford	White, Me.
Haugen	McKenzie	Schall	Williams
Helm	Madden	Scott, Mich.	Wilson, Ill.
Hersey	Magee	Scully	Woods, Iowa
Hilliard	Mapes	Sells	Young, N. Dak.
Howard	Mason	Shouse	Zihlman
Huddleston	Mays	Smith, Mich.	
Husted	Miller, Minn.	Snell	
Ireland	Mondell	Snook	

NAYS—189.

Adamson	Eagle	Kehoe	Rucker
Alexander	Elston	Kettner	Russell
Aswell	Estopinal	LaGuardia	Sanders, La.
Austin	Fairchild, B. L.	Larsen	Scott, Iowa
Bacharach	Farr	Lazaro	Sears
Bacon	Fergis	Lea, Cal.	Shackleford
Bankhead	Fisher	Lever	Sherley
Barkley	Flood	Linthicum	Siegel
Bathrick	Freeman	Little	Sims
Black	French	Lobeck	Sinnott
Booher	Garland	Lonergan	Slayden
Borland	Garner	Longworth	Sloan
Brand	Garrett, Tex.	McKeown	Small
Brodbeck	Glass	McLaughlin, Mich.	Smith, Idaho
Burnett	Glynn	McLaughlin, Pa.	Smith, C. B.
Caldwell	Godwin, N. C.	McLemore	Smith, T. F.
Campbell, Pa.	Goodall	Mansfield	Steagall
Candler, Miss.	Goodwin, Ark.	Martin, La.	Stedman
Cantrill	Gordon	Meeker	Stephens, Miss.
Caraway	Gould	Miller, Wash.	Sterling, Pa.
Carew	Graham, Pa.	Montague	Strong
Carlin	Gray, Ala.	Moon	Sumners
Carter, Okla.	Gray, N. J.	Moore, Pa.	Swift
Chandler, N. Y.	Greene, Mass.	Morgan	Switzer
Clark, Pa.	Gregg	Morin	Taylor, Ark.
Coady	Griffin	Mott	Thomas
Collier	Hadley	Oldfield	Tillman
Connally, Tex.	Hamlin	Oliver, Ala.	Van Dyke
Cooper, Wis.	Hardy	Oliver, N. Y.	Venable
Copley	Harrison, Miss.	Olney	Vinson
Costello	Harrison, Va.	Osborne	Volstead
Crago	Haskell	Overstreet	Waldow
Curry, Cal.	Hastings	Padgett	Walker
Darrow	Hawley	Park	Walton
Davis	Hayden	Polk	Watkins
Decker	Heflin	Porter	Watson, Va.
Dempsey	Heintz	Quin	Weaver
Denison	Hensley	Ragsdale	Webb
Dent	Hicks	Raker	Whaley
Dickinson	Holland	Randall	Wilson, La.
Dies	Hood	Rayburn	Wilson, Tex.
Dixon	Houston	Riordan	Wingo
Dominick	Hulbert	Robbins	Wise
Dooling	Hull, Tenn.	Robinson	Wood, Ind.
Doremus	Humphreys	Rodenberg	Woodyard
Drane	Igoe	Romjue	
Dupré	Jacoway	Rowe	
Dyer	Kearns	Rubey	

ANSWERED "PRESENT"—9.

Browning	Dewalt	Kitchin	Stephens, Nebr.
Claypool	Kennedy, R. I.	McKinley	Winslow
Cooper, Ohio			

NOT VOTING—91.

Almon	Fordney	Kreider	Rainey
Barnhart	Francis	Lee, Ga.	Reavis
Blackmon	Fuller, Ill.	Lehlbach	Rowland
Bruckner	Gallivan	Lesher	Sanders, N. Y.
Brumbaugh	Gandy	Littlepage	Saunders, Va.
Buchanan	Gard	Lunn	Scott, Pa.
Butler	Garrett, Tenn.	McArthur	Shallenberger
Byrns, Tenn.	Griest	McCulloch	Sherwood
Capstick	Hamill	McFadden	Sisson
Church	Hamilton, N. Y.	Maher	Slemp
Clark, Fla.	Hayes	Mann	Snyder
Classon	Heaton	Martin, Ill.	Steele
Dale, N. Y.	Helvering	Neely	Steenerson
Denton	Hill	O'Shaunessy	Stevenson
Doughton	Hollingsworth	Overmyer	Sullivan
Drukker	Hull, Iowa	Paige	Talbott
Dunn	Hutchinson	Parker, N. Y.	Templeton
Eagan	Johnson, Ky.	Peters	Vare
Edmonds	Jones, Va.	Pou	Ward
Fess	Juul	Powers	Watson, Pa.
Fields	Kahn	Pratt	White, Ohio
Flynn	Key, Ohio	Price	Young, Tex.
Focht	Kiess, Pa.	Purnell	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. STEVENSON (for) with Mr. HEATON (against).

Mr. KREIDER (for) with Mr. DALE of New York (against).

Mr. SANDERS of New York (for) with Mr. JONES of Virginia (against).

Mr. MCFADDEN (for) with Mr. WATSON of Pennsylvania (against).

Mr. ROWLAND (for) with Mr. LEE of Georgia (against).

Mr. FESS (for) with Mr. VARE (against).

Mr. GALLIVAN (for) with Mr. O'SHAUNESSY (against).

Mr. DEWALT (for) with Mr. SCOTT of Pennsylvania (against).

Mr. PURNELL (for) with Mr. PETERS (against).

Mr. KIESS of Pennsylvania (for) with Mr. MAHER (against).

Mr. GANDY (for) with Mr. SULLIVAN (against).

Mr. HELVERING (for) with Mr. BLACKMON (against).

Mr. MCCULLOCH (for) with Mr. OVERMYER (against).

Mr. CLAYTON (for) with Mr. SHERWOOD (against).

Mr. COOPER of Ohio (for) with Mr. DENTON (against).

Mr. LEHLBACH (for) with Mr. BROWNING (against).

Mr. FOCHT (for) with Mr. EDMONDS (against).

Mr. DUNN (for) with Mr. PARKER of New York (against).

Mr. WINSLOW (for) with Mr. WARD (against).

Mr. HAMILTON of New York (for) with Mr. FRANCIS (against).

Mr. BARNHART (for) with Mr. ALMON (against).

Mr. PAIGE (for) with Mr. SNYDER (against).

Until further notice:

Mr. YOUNG of Texas with Mr. TEMPLETON.

Mr. TALBOTT with Mr. STEENERSON.

Mr. SISSON with Mr. PRATT.

Mr. BRUMBAUGH with Mr. DRUKKER.

Mr. KEY of Ohio with Mr. GRIEST.

Mr. FLYNN with Mr. POWERS.

Mr. LUNN with Mr. HOLLINGSWORTH.

Mr. NEELY with Mr. KAHN.

Mr. RAINEY with Mr. SLEMP.

Mr. FIELDS with Mr. HILL.

Mr. GARD with Mr. FORDNEY.

Mr. BUCHANAN with Mr. CAPSTICK.

Mr. EAGAN with Mr. HULL of Iowa.

Mr. PRICE with Mr. HUTCHINSON.

Mr. SAUNDERS of Virginia with Mr. HAYES.

Mr. LITTLEPAGE with Mr. CLASSON.

Mr. BYRNES of Tennessee with Mr. KENNEDY of Rhode Island.

Mr. CLARK of Florida with Mr. FULLER of Illinois.

Mr. KITCHIN with Mr. MANN.

Mr. DOUGHTON with Mr. JUUL.

Mr. MCKINLEY with Mr. GARRETT of Tennessee.

Mr. STEPHENS of Nebraska with Mr. REAVIS.

From June 19 until July 3:

Mr. MARTIN of Illinois with Mr. MCARTHUR.

For the session:

Mr. STEELE with Mr. BUTLER.

Mr. BROWNING. Mr. Speaker, I voted "no." I have a general pair with my colleague, Mr. LEHLBACH, and I wish to withdraw my vote and be recorded "present."

Mr. WINSLOW. I wish to withdraw my "yea" vote and be marked "present."

Mr. COOPER of Ohio. I voted "yea," but I have a general pair with the gentleman from Indiana, Mr. DENTON, and I desire to withdraw my vote and to be recorded "present."

Mr. DEWALT. I voted "yea." I find I am paired with the gentleman from Pennsylvania, Mr. SCOTT, and I wish to withdraw my vote and to answer "present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will unlock the doors.

The question is on the passage of the bill.

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. TREADWAY. Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 205, nays 133, answered "present" 7, not voting 86, as follows:

YEAS—205.

Adamson	Caldwell	Copley	Dooling
Alexander	Campbell, Pa.	Costello	Doremus
Aswell	Candler, Miss.	Cox	Drane
Austin	Cantrill	Crago	Dupré
Bacharach	Caraway	Curry, Cal.	Dyer
Bacon	Carew	Darrow	Eagle
Bankhead	Carlin	Davis	Elston
Barkley	Carter, Okla.	Decker	Estopinal
Bathrick	Chandler, N. Y.	Dempsey	Fairchild, B. L.
Black	Clark, Pa.	Denison	Farr
Booher	Coady	Dent	Fitzgerald
Borland	Collier	Dickinson	Flood
Brand	Connally, Tex.	Dies	Freeman
Brodbeck	Cooper, W. Va.	Dixon	French
Burnett	Cooper, Wis.	Dominick	Garland

Garner	Kearns	Oliver, Ala.	Smith, C. B.
Garrett, Tex.	Kehoe	Oliver, N. Y.	Smith, T. F.
Glynn	Kettner	Olney	Snell
Godwin, N. C.	Kincheloe	Osborne	Steagall
Goodall	La Follette	Overstreet	Stedman
Goodwin, Ark.	LaGuardia	Padgett	Stephens, Miss.
Gordon	Larsen	Park	Sterling, Pa.
Gould	Lazaro	Polk	Strong
Graham, Pa.	Lesher	Porter	Sumners
Gray, Ala.	Lever	Pou	Swift
Gray, N. J.	Linthicum	Price	Switzer
Greene, Mass.	Little	Quin	Taylor, Ark.
Gregg	Littlepage	Ragsdale	Temple
Griffin	Lobeck	Raker	Thomas
Hadley	London	Randall	Tillman
Hamlin	Lonergan	Rayburn	Van Dyke
Hardy	Longworth	Riordan	Venable
Harrison, Miss.	Lundeen	Robbins	Vinson
Harrison, Va.	McKeown	Robinson	Volstead
Haskell	McLaughlin, Mich.	Rodenberg	Waldow
Hastings	McLaughlin, Pa.	Romjue	Walker
Hawley	McLemore	Rose	Walton
Hayden	Mansfield	Rouse	Watkins
Heflin	Martin, La.	Rowe	Watson, Va.
Heintz	Mays	Rubey	Weaver
Hensley	Meeker	Rucker	Webb
Hicks	Miller, Minn.	Russell	Whaley
Holland	Miller, Wash.	Sanders, La.	White, Ohio
Hood	Mondell	Sears	Wilson, La.
Houston	Montague	Shackleford	Wilson, Tex.
Hulbert	Moon	Siegel	Wingo
Hull, Tenn.	Moore, Pa.	Sims	Wise
Humphreys	Morin	Sinnott	Wood, Ind.
Husted	Mott	Sisson	Woodyard
Igoe	Mudd	Slayden	
Jacoway	Nichols, Mich.	Small	
Jones, Tex.	Oldfield	Smith, Idaho	

NAYS—123.

Anderson	Fairchild, G. W.	Kraus	Sells
Anthony	Fairfield	Langley	Sherley
Ashbrook	Ferris	Lenroot	Shouse
Ayers	Focht	McAndrews	Sloan
Bell	Foss	McClintic	Smith, Mich.
Bland	Foster	McCormick	Snook
Blanton	Frear	McKenzie	Stafford
Bowers	Fuller, Mass.	Madden	Sterling, Ill.
Britten	Gallagher	Magee	Stiness
Browne	Gallivan	Mapes	Sweet
Burroughs	Gillett	Mason	Tague
Byrnes, S. C.	Glass	Moores, Ind.	Taylor, Colo.
Campbell, Kans.	Good	Morgan	Thompson
Cannon	Graham, Ill.	Nelson	Tilson
Carter, Mass.	Green, Iowa	Nicholls, S. C.	Timberlake
Cary	Greene, Vt.	Nolan	Tinkham
Chandler, Okla.	Hamilton, Mich.	Norton	Towner
Connelly, Kans.	Haugen	Parker, N. J.	Treadway
Cramton	Helm	Phelan	Vestal
Crisp	Hersey	Platt	Voigt
Crosser	Hilliard	Ramsey	Walsh
Currie, Mich.	Howard	Ramseyer	Wason
Dale, Vt.	Huddleston	Rankin	Welling
Dallinger	Ireland	Reed	Welty
Davidson	James	Roberts	Wheeler
Dewalt	Johnson, S. Dak.	Rogers	White, Me.
Dill	Johnson, Wash.	Sabath	Williams
Dillon	Keating	Sanders, Ind.	Wilson, Ill.
Doolittle	Kelley, Mich.	Sanders, N. Y.	Woods, Iowa
Dowell	Kelly, Pa.	Sanford	Young, N. Dak.
Ellsworth	Kennedy, Iowa	Schall	Zihlman
Emerson	King	Scott, Iowa	
Esch	Kinkaid	Scott, Mich.	
Evans	Knutson	Scully	

ANSWERED "PRESENT"—7.

Browning	Cooper, Ohio	McKinley	Winslow
Claypool	Kennedy, R. I.	Stephens, Nebr.	

NOT VOTING—85.

Almon	Flynn	Kiess, Pa.	Rainey
Barnhart	Fordney	Kitchin	Reavis
Blackmon	Francis	Kreider	Rowland
Bruckner	Fuller, Ill.	Lea, Cal.	Saunders, Va.
Brumbaugh	Gandy	Lee, Ga.	Scott, Pa.
Buchanan	Gard	Lehlbach	Schallenberger
Butler	Garrett, Tenn.	Lunn	Sherwood
Byrns, Tenn.	Griest	McArthur	Slemp
Capstick	Hamill	McCulloch	Snyder
Church	Hamilton, N. Y.	McFadden	Steele
Clark, Fla.	Hayes	Maher	Steenerson
Classon	Heaton	Mann	Stevenson
Dale, N. Y.	Helvering	Martin, Ill.	Sullivan
Denton	Hill	Neely	Talbott
Doughton	Hollingsworth	O'Shaunessy	Templeton
Drukker	Hull, Iowa	Overmyer	Vare
Dunn	Hutchinson	Paige	Ward
Eagan	Johnson, Ky.	Parker, N. Y.	Watson, Pa.
Edmonds	Jones, Va.	Peters	Young, Tex.
Fess	Juul	Powers	
Fields	Kahn	Pratt	
Fisher	Key, Ohio	Purnell	

So the bill was passed.

The Clerk announced the following additional pairs:

For the session:

Mr. STEELE with Mr. BUTLER.

Until further notice:

Mr. SHALLENBERGER with Mr. CLASSON.

Mr. JONES of Virginia with Mr. HUTCHINSON.

Mr. MAHER with Mr. PRATT.

On the vote:

Mr. PARKER of New York (for) with Mr. DUNN (against).

Mr. DALE of New York (for) with Mr. KREIDER (against).

Mr. SULLIVAN (for) with Mr. GANDY (against).

Mr. O'SHAUNESSY (for) with Mr. KIESS of Pennsylvania (against).

Mr. ALMON (for) with Mr. BARNHART (against).

Mr. BLACKMON (for) with Mr. HELVERING (against).

Mr. OVERMYER (for) with Mr. MCCULLOCH (against).

Mr. SHERWOOD (for) with Mr. CLAYPOOL (against).

Mr. DENTON (for) with Mr. COOPER of Ohio (against).

Mr. BROWNING (for) with Mr. LEHLBACH (against).

Mr. SCOTT of Pennsylvania (for) with Mr. DEWALT (against).

Mr. WARD (for) with Mr. WINSLOW (against).

Mr. FRANCIS (for) with Mr. HAMILTON of New York (against).

Mr. SNYDER (for) with Mr. PAIGE (against).

Mr. LEE of Georgia (for) with Mr. ROWLAND (against).

Mr. PETERS (for) with Mr. PURNELL (against).

Mr. VARE (for) with Mr. FESS (against).

Mr. EDMONDS (for) with Mr. STEVENSON (against).

Mr. WATSON of Pennsylvania (for) with Mr. MCFADDEN (against).

Mr. WINSLOW. Mr. Chairman, I desire to withdraw my vote of "no" and answer "present."

The name of Mr. WINSLOW was called, and he answered "Present."

The result of the vote was announced as above recorded.

On motion of Mr. SMALL, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. MASON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing two letters, the first in reply to one of mine in regard to the Irish question and the other, not so long——

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, I could not hear the request of the gentleman.

The SPEAKER. The gentleman from Massachusetts reserves the right to object.

Mr. MASON. The first letter which I offer as an extension of my remarks is a letter of considerable length from Mr. Seumas O'Sheil in regard to a question which I asked him in regard to the Irish question, to be brief. The other——

Mr. WALSH. Mr. Speaker, I object.

The SPEAKER. The gentleman from Massachusetts objects.

Mr. MASON. Mr. Speaker, I ask unanimous consent to insert a shorter letter from Mr. Moore upon the question of conscription.

Mr. JAMES. Mr. Speaker, I object.

The SPEAKER. The gentleman from Michigan objects.

CHANGE OF REFERENCE.

Mr. HULBERT. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. HULBERT. To prefer a unanimous-consent request. On the 25th of June I introduced a bill (H. R. 5185) to provide for French instruction in the United States Army and training camps. I have consulted the chairman of the Committee on Military Affairs, and he believes the bill should have been referred to that committee, but because it contained an appropriation it was referred to the Committee on Appropriations. After consultation with the gentleman from Alabama [Mr. DENT], I ask unanimous consent for a change of reference and that that bill be sent to the Committee on Military Affairs.

The SPEAKER. What is it about?

Mr. HULBERT. The bill appropriates $500,000, or so much thereof as the Secretary of War may deem necessary, for the purpose of employing instructors at training camps to teach the soldiers intended to be sent to France the French language.

Mr. BORLAND. Mr. Speaker, I am not sure I am opposed to the gentleman's bill, but in the absence of the chairman of the Committee on Appropriations I shall object for the present.

LEAVE OF ABSENCE.

By unanimous consent, Mr. EAGLE was granted leave of absence for two weeks, on account of important business.

COMMITTEE TO MEET AND ESCORT THE BELGIAN COMMISSION.

The SPEAKER. At 1 o'clock the Belgian commission is to be here, and the Chair appoints Messrs. FLOOD, CHARLES B. SMITH, SHACKLEFORD, RAGSDALE, COOPER of Wisconsin, PORTER, and Foss as a committee to receive and escort them.

GASES IN WARFARE.

The SPEAKER. Under an order of the House the gentleman from Connecticut [Mr. TILSON] is permitted to proceed for one hour on the subject of gases used in trenches.

Mr. TILSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TILSON. In case it should require the full hour to make the presentation, shall I suspend prior to 1 o'clock and then resume after the Belgian commission has been received?

The SPEAKER. The Chair should think the gentleman may exercise his own judgment. It would keep the commissioners waiting——

Mr. TILSON. I should prefer, Mr. Speaker, when the time approaches that the Speaker notify me, and I will suspend if I have not finished and then resume after the commission has been received.

The SPEAKER. All right.

Mr. TILSON. Mr. Speaker, before beginning my remarks I wish to correct, to some extent, an impression inadvertently given when leave to address the House was first granted me two days ago. It was stated broadly that I was to speak on the subject of aeronautics. Aeronautics come in and play a very prominent part in what I have to say, but I wish to confine my remarks to the possibilities of fighting in and from aircraft, which is in some respects a continuation of what I said the other day about the use of weapons in and from the air.

I wish to state in the first place that I am not an advocate of frightfulness and that I am opposed to the use of any means of warfare not recognized by the latest and highest advancement of international law. [Applause.] I should deprecate a reversion to more primitive methods and should not agree to it except it should chance to be against an enemy who first employed those methods.

Mr. GARNER. Will the gentleman yield just there?

Mr. TILSON. Yes.

Mr. GARNER. Does the gentleman mean to say that he would use the same methods that his enemy used?

Mr. TILSON. I did not say that I would use all the methods that the enemy used, but this will illustrate what I meant to say: Suppose that another gentleman and myself were to agree to settle matters in a fight with the weapons that nature gave us, and we were proceeding in that fashion. If the other fellow should draw a small knife and begin to carve my person, I should not continue to pummel him with my fists, but if I had a larger knife I should use it. [Applause.]

We did not begin this war. We confidently expect to finish it. In doing so we may be forced to use the same means used by the enemy and go him one better. In fact, we must use the weapons the enemy has forced into our hands.

Some of the things I shall refer to are so vile and horrible that I feel like promising the House that when we have won this war by these means and others, if it be necessary to atone for the unpleasant things I have brought to your attention, including the horrible weapons heretofore presented and some things I shall mention to-day, such as noxious gases and the like, if you will promise to forgive me for all this I agree that in that peaceful day I shall try to rival the Queen of Sheba in dispensing aromatic perfumes. I agree to bring into the House a whole drug store of cosmetics and try to laden the air with attar of roses. I agree to release in the House a flock of turtledoves and stand treat to the entire membership on grape juice. [Applause.]

The foundation of what I have to say to-day is aviation. Long before we became engaged in this war I was one of those who raised my feeble voice in this House and elsewhere in favor of preparedness along the line of aviation. I always urged the largest appropriations that the executive department believed could be spent advantageously, and was ready to vote more if the officials in charge thought they could use it, because I believed it the most important agency for us to develop for our national defense. I even advocated on one occasion that the Post Office Department in its great work should use these machines more largely, not only because it would be a useful vehicle for carrying important mail matter rapidly, but because of the impetus it would give to the development of aviation which could eventually be used in war if need be.

Since our entry into this war I have observed every report coming from the other side, and I am more firmly convinced than ever that our road to victory is through the air. [Applause.] I do not mean by that that we shall simply gain superiority, but we must have complete supremacy, and that, as I understand it, is the purpose of the War Department to-day. It will require a large sum of money. Mr. Howard E. Coffin, chairman of the advisory committee of the Council of National Defense, makes a suggestion of $600,000,000, and I am for that. [Applause.] Mr. Hawley, of the Aero Club, favors $1,000,000,000, and I believe we shall come to that very soon. If we do spend a billion dollars, or two billions, for that matter, and thereby both win the war and save a million precious lives of our young men, those staggering sums will be a mere bagatelle. [Applause.]

Let us take into consideration the magnitude of some of the problems we have before us. When it is attempted to send millions of men to fight out this war in the trenches, the difficulty of the transportation problem of the men alone is not small. Then if we add to this the equipment and all the necessary paraphernalia to wage a war that we must carry along and constantly increase, the evergrowing amount of ammunition that we must send over, the steady stream of food that must never cease to flow, the immensity of the problem will be appreciated. All you need to do is to sit down, take a pencil, and begin to figure out the amount of transportation necessary for all these things, say, for 2,000,000 men, and you can see one of the difficulties in the way. Even 2,000,000 additional men against an intrenched foe might not turn the scale, and the millions might have to be several times increased. I believe, however, that if we could have a hundred thousand men in the air it would make such an overwhelming fleet that it would blind the eyes of our enemy and carry the war itself far over the trenches into the enemy's territory. After all, gentlemen, complete military victories are seldom won on your own territory. To win out you must take the offensive and carry the war home to the other fellow.

Germany has used psychology in this war to a great extent. Great Britain and France have used it scarcely at all. We all recall how, in the early days of the war, while Belgian forts were being pounded to atoms and fair Belgium herself was being devastated, we heard on every tongue and read in every newspaper of the wonderful deeds of the 42-centimeter guns. No one outside of Germany had heard or thought of such guns being used as semimobile guns. It appealed to the imagination. Miniatures of it were worn as badges on the breasts of fair women and old men in Germany, while the real article pounded its way almost to the gates of Paris.

Next came the Zeppelin raids. The total aggregate damage done was not large, comparatively, but it struck terror to the hearts of the people of England. We are compelled to-day to write down the Zeppelin as a practical failure when considered as an offensive weapon of warfare; at any rate, that it does not compensate for the great cost; but the psychological effect was considerable.

Even the sly, deadly U-boat was utilized in the same way. How dramatically that unspeakable tragedy of the *Lusitania* was staged! Semiofficial warning was given by advertising in the papers and otherwise advising people not to go on that ship. It was all too horrible for the average American mind to visualize as a possibility. It was thought to be so horrible that it was hardly observed, and certainly not heeded by our people.

Then that fatal day at Ypres, after long and careful preparation, 50 tons of chlorine gas to a mile of trench was turned loose opposite that sector of the line held by the gallant Canadians. Twenty-five per cent of those brave fellows were killed and the whole line terrorized for a time.

Air supremacy, as I say, is necessary to carry out the plan I have in mind of ending this war with the minimum loss of American lives, and we can secure it. In the first place, it takes men of superb courage and daring. We have the men of that kind. The aeroplane is a Yankee invention. The eagle is an American institution. The air is ours by right. We can make it so by might. [Applause.] Such a program will require a considerable amount of money. Fortunately—and I do not say it boastingly—we have the money. If by the expenditure of money in that way we can serve the purpose better, and at the same time save sending millions of our young men to the trenches, then it is worth all it may cost.

Now, a word as to the advancement made in aviation before I proceed to another part of my subject. I shall not attempt to go into a history of aeronautics; that is familiar to all and not necessary to the matter that I have in hand. At the beginning of the war each side had a few aeroplanes. The subject had appealed to the imaginative Frenchman more than it had to us or to the English. So France had quite a number. Germany, of course, following out her practice of thorough preparedness in everything, was well prepared with aeroplanes. At the Battle of the Marne aeroplanes cut a considerable figure. The Germans had the old Taube machine and the French had the old Nieuport and others. These machines made something like 70 or 80 miles an hour. At once both sides set to developing this art, and very soon they were turning out machines on both sides that made very much in excess of those figures. First came the German Fokker, and gained superiority for the Germans. Then

the Nieuport and other French machines were improved, and so it has gone, with superiority first going to one side and then to the other. Both sides now claim to have machines that will make the incredible speed of 140 miles an hour, and that will climb in the air 10,000 feet in 13 minutes. It is hoped to make it in 10 minutes very soon.

Then the size of the machines has been greatly increased. The old machine was made to carry 1 man or 2 at the most, and some thought that was the limit of the size of aeroplanes. The development in size has gone on until to-day larger machines are flying than ever were thought possible. To-day smaller ones than any practical constructor dreamed of are being successfully flown. Take the big machines of the Handley-Page type, in which 11 men have flown from London to Rome in the night time. Such a machine is so large that it can take two little aeroplanes with their aviators on the wings, go up in the air 10,000 feet, and launch the small machines from the wings of the big one. That feat actually has been done. A machine of this larger type, which it is necessary to fly lower and which now usually flies at night, when we are able to take and hold complete supremacy of the air we shall be able to use in the daytime.

The weapons that can be used from aircraft are practically all of those that can be used on the land, up to and including the Davis 3-inch recoilless gun, and a number that can be used in no other way, as I shall show in the case of certain drop bombs. I have on former occasions spoken of the use of pistols, rifles, and machine guns from aeroplanes. The machine gun especially is extremely important, but I shall not repeat what I have said on the subject.

I also referred to the use from aeroplanes of fragmentation bombs, especially the Barlow bomb. At that time I told the House that this bomb had not yet received its final test. The test was held at the Hampton grounds a few days ago. It was dropped from aeroplanes at great heights, so as to thoroughly test it, especially as to accuracy and destructiveness. I do not think it advisable to give you the official figures, but I am permitted to say that the results were highly satisfactory in every respect, and that the officers having the matter in charge are quite enthusiastic. [Applause.] This bomb, in my opinion, is sure to be heard from before the war is over. Not only is great credit due to the inventive genius of Mr. Barlow, but to the Ordnance Department, and especially to the commandant and other officials of Frankford Arsenal, under whose special guidance this young man's fertile ideas were so satisfactorily worked out. I am informed that an up-to-date corporation of patriotic men have made all preparations necessary to manufacture these bombs in large quantities under whatever arrangement the Government may deem necessary and proper.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. TILSON. I yield to the gentleman.

Mr. CAMPBELL of Kansas. Some time ago there was a great deal of talk in administration circles about the espionage bill, with the view largely to preventing the notifying of the enemy of plans of the administration and of this Government. I note now, however, that much talk has been indulged in in administration circles that has gotten into the newspapers with respect to the plans of our Government as to the conduct of the war. Does not the gentleman think that already much of value to the enemy has been disclosed with respect to the use of the aeroplane and the bomb in connection with it?

Mr. TILSON. Probably so, and I would say it was absolutely so, if it were not for the fact that we are almost certain that everything that has been revealed, certainly through the newspapers or through the wide circulation of the CONGRESSIONAL RECORD, is already known to Germany. I am sure that all I have presented in connection with the bomb——

Mr. CAMPBELL of Kansas. I do not refer to what the gentleman has stated on a former occasion and now. But I have been wondering if there was a purpose on the part of the War Department to disclose to the world and to the enemy just what our plans are?

Mr. TILSON. I do not believe so. I think a certain amount of publicity as to general plans is absolutely necessary, because those matters have got to come before this House for appropriations, and this House is going to insist on knowing a certain amount of detail in regard to them. I believe that what has been given out is no more than what would be required in this House before enormous appropriations of that kind would be made.

Now, as my time is going I wish to refer to one additional means of fighting from the air. In addition to the fragmentation bombs there is a large field to which I have not heretofore referred, and that is gas bombs. Fighting with gas is worthy of an entire chapter by itself. The use of gas as a weapon of defense, like many of the other weapons now in common use in the armies of Europe, such as the catapult, flame projector, trench knife, and sling, is an inheritance from the early ages amplified, improved, and made more destructive by the aid of modern science.

The first recorded effort to overcome the enemy by the generation of poisonous and suffocating gases seems to have been in the wars of the Athenians and Spartans (431 to 404 B. C.), when in besieging the cities of Platea and Belium the Spartans saturated wood with pitch and sulphur and burnt it under the walls of these cities in the hope of choking the defenders and rendering the assault less difficult. They also melted pitch, charcoal, and sulphur together in cauldrons and blew the fumes over the defenders' lines by means of bellows.

"Greek fire" was used by the Byzantine Greeks under Constantine about 673 A. D. to destroy the Saracens, and Saracens in turn used it as a weapon of defense against the Christians during the crusades. This Greek fire had the double advantage of being not only inflammable but also generating during the process of combustion clouds of dense blinding smoke and gas of an asphyxiating character. Its chemical composition was supposed to be a mixture of quicklime, petroleum, sulphur, and such other inflammable substances as pitch, resin, etc. Upon the addition of water the slaking process which the quicklime underwent generated enough heat to ignite the petroleum which in turn ignited the resin, pitch, and sulphur. This flaming mixture was delivered against the enemy by means of phantastic syringes in the shape of dragons and other monsters with wide jaws.

The first use of gas in modern warfare occurred April 22, 1915, when the Germans liberated great clouds of gas against the allied trenches near Ypres with a resulting complete demoralization of the troops and a large number of casualties.

Coincident with the use of the "gas cloud" the Germans began to use gas also in bombs, hand grenades, and shells. From this beginning gas has now become recognized as one of the accepted arms of the military service and is being used very extensively in all armies, especially in the form of gas shells.

Before proceeding to speak of the different kinds of gases, or the methods of attack with gases, I think I should first address myself to the defense against gases, because that is the way, mind you, in which we approach it. The gases were used against the Canadian troops contrary to The Hague convention, but are now generally used, not only by the enemy but by the allies themselves. The first problem that the allies had to face was defense against it. As I have stated, on April 22, 1915, opposite the Ypres salient the Germans turned loose 50 tons of chlorine gas to the mile of front occupied. Chlorine gas is two and one-half times as heavy as air. It apparently rolls along the ground in a greenish-yellow cloud. As soon as it reaches the vicinity of the dugouts, being heavier than air, it immediately goes down into the dugout and remains there until removed. The allies had to meet this problem, and they began meeting it at once. Some Germans were captured who had gas masks, and in a few days every woman in France that could find any material out of which to make these things were making gas masks—imperfect, crude things at first, but they improved rapidly. A gas mask is absolutely necessary for the life of anyone who is exposed to these deadly gases.

I have brought here to-day three types of masks that are used in defense against noxious gases. With his consent, I am going to ask the gentleman from Ohio, Capt. HEINTZ, who is always a good soldier, if he will now volunteer as a victim and try on one of these masks for me. [Applause.]

While the captain is adjusting the mask I will speak briefly of the other two types. Two of the page boys have consented to put on the other two types. This one [indicating] is the British reserve mask. It must go under the coat in this way [indicating]. Otherwise it is of no value.

You will notice the difficulty with this type. This air valve has the one end in the mouth, so that the person using it must be able to breathe through the nose, because this valve only works outwardly. Thus, stopping the mouth with the outward valve makes it necessary to use the nose for breathing in order to get any breath at all. The air, of course, goes through this fabric which is saturated with the neutralizing chemical. This is the type used by the French [indicating]. It has the advantage of simplicity. You can breathe either through the mouth or through the nose, but the breath must go out and in through the fabric. There is no outlet at all. This one [the British reserve mask] is not absolutely proof against gas for a long period. Therefore it is used only in reserve by men 4 or 5 miles back of the lines. The British in the trenches most liable to be exposed to gas are required to have this type [the box-respirator type]. In fact it is now required that the men shall have both of these.

This mask that the gentleman from Ohio is now putting on is adapted from one that was first made by the British which in turn they adapted from one captured from the Germans. It has been improved to some extent as time has gone on. We think we have improved it in these that we have been manufacturing for our own troops. This one that the gentleman from Ohio has on is absolutely proof against gas for 10 hours, it is said. When the gentleman from Ohio tried it on the other day and I was saying to a bystander that a man could live in it from seven to eight hours, as soon as the captain got that valve out of his mouth he protested that he would not like to try to live seven or eight hours in that mask. [Laughter.] It is, however, absolutely proof against these deadly gases, which, after all, is the important matter.

This [indicating] is a canister containing the chemicals. Here is the same rubber valve that the other has, that you breathe through outwardly. It has a pair of clampers on the nose, so that the man can not breathe through his nose at all.

In the reserve mask he must breathe through his nose. In this one a man can not breathe through his nose at all, but must breathe through his mouth. There are some men who can not breathe through the nose, but all men, so far as I know, can breathe through the mouth. This one—box-respirator type—is absolutely proof against any gas that has as yet been used.

Mr. HAMLIN. Mr. Speaker, will the gentleman yield?

Mr. TILSON. Yes.

Mr. HAMLIN. The air passing through the chemical neutralizes the gas, does it, that the enemy sets afloat?

Mr. TILSON. It does; and it is the intention, as I understand, of our War Department to test these things and to actually turn the gas on men wearing them as a matter of trial before they are exposed to the enemy.

Mr. BRITTEN. Mr. Speaker, will the gentleman yield?

Mr. TILSON. Yes.

Mr. BRITTEN. Will the chemical in the canister destroy any gas, irrespective of the gases that are thrown by the enemy?

Mr. TILSON. Against all gases that have been used thus far, I believe, this chemical has proved to be an antidote.

Mr. HARDY. Mr. Speaker, will the gentleman permit a question?

Mr. TILSON. Yes.

Mr. HARDY. What does that cost?

Mr. TILSON. This box-respirator type costs about $7, while this one costs from $1.50 to $1.75.

Mr. HUMPHREYS. Mr. Speaker, will the gentleman yield?

Mr. TILSON. Yes.

Mr. HUMPHREYS. How do the ones that the pages have on protect?

Mr. TILSON. They are saturated with chemicals and put down over the head so that you can not get any breath except air that passes through the fabric saturated with the chemical, so that the gas is neutralized. It is the same way with the French mask. The fabric is thoroughly saturated with the chemical.

Mr. BRITTEN. How long will that last?

Mr. TILSON. These smaller masks will last in gas three or four hours. This one will last longer. It is figured that a man could live in a deadly gas for 10 hours with one of these horrible things on.

Mr. HAMILTON of Michigan. Mr. Speaker, will the gentleman yield?

Mr. TILSON. Yes.

Mr. HAMILTON of Michigan. Have they places where they can recharge the masks with chemicals?

Mr. TILSON. They can replace the canister.

Mr. HAMILTON of Michigan. I mean as to the other masks?

Mr. TILSON. Undoubtedly. The chemical is in a liquid form and these masks can be recharged with it.

Deadly gases have the same effect on horses, and in many cases these masks are used on horses in order to protect their lives.

Mr. HARDY. How does the breath, once taken in, get out again?

Mr. TILSON. In this one, the English reserve mask, the air having passed through this fabric and into the body through the nose, passes out through this rubber valve. The breath goes out, but when you start to draw in here that valve closes.

Mr. HARDY. It has one valve for drawing in?

Mr. TILSON. No. That is simply an exhaust valve.

Mr. DOWELL. Mr. Speaker, will the gentleman yield?

Mr. TILSON. Yes.

Mr. DOWELL. When that is exhausted a person can not live with a mask on?

Mr. TILSON. In the English reserve mask a person can live three or four hours. That is all it will last in gas.

Mr. LENROOT. Mr. Speaker, will the gentleman yield?

Mr. TILSON. Yes.

Mr. LENROOT. These chemicals have to be replaced every 10 hours, whether they are used or not, have they?

Mr. TILSON. Oh, no. This one that the gentleman from Ohio put on is charged with a chemical, but you do not smell it at all. You have no idea that the chemical is in there, and it does not appear until the deadly gases appear.

Mr. MEEKER. Mr. Speaker, will the gentleman yield?

Mr. TILSON. For a question.

Mr. MEEKER. How far from the lines can these clouds of gas be sent? How far does the gas carry?

Mr. TILSON. Of course that is not possible of accurate answer. It depends upon the wind conditions, and whether the ground is smooth, and the wind is gentle or strong or all in one way. Fortunately, on the western front the prevailing winds are from the west, and it gives the Germans a slight disadvantage in cloud gases. It also depends upon the amount of gas that you have.

The gentleman understands that it is also used in shells, and it is the purpose to use it more largely. Any one who gets the supremacy of the air can use it successfully. It can be used in all kinds of containers that can be dropped from the air, and can almost destroy the artillery of the enemy if you drop enough of it to kill or put out the eyes of the gunners. The lachrymatory gases are especially effective against the artillery.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. MONDELL. Do I understand that the cheaper or emergency masks allow the passage of air through the material of the mask, but exclude the gas?

Mr. TILSON. The air, laden with the gas, comes through the mask and is drawn in by the suction of the man's lungs, gas and air mixed. It must go through this fabric which is saturated with a chemical, and going through it the chemical neutralizes the gas, only the purified air coming through.

Mr. MONDELL. Where is the chemical?

Mr. TILSON. It is in the mask itself, and if the gentleman will come close enough to it he will be able to smell it. The material itself is saturated.

Mr. DOWELL. Mr. Chairman, how long will that mask remain saturated without being used?

Mr. TILSON. Indefinitely, practically. If the gentleman will pardon me, I desire to go just a little bit farther in regard to these means of ending the war. I believe that with the combination of all of the arms that we can use from the air, all kinds of guns up to 3-inch, all of these terrible bombs of which I have been speaking, and of which I have heretofore brought in several different types, and then these gas bombs which are very deadly as fired now from trench mortars and howitzers, we can do a great deal toward ending the war. I believe that with all these coupled with the increased use of the aeroplane, so that bombs, instead of being fired from mortars or howitzers, which is destructive of certain kinds of containers and renders useless certain kinds of very poisonous gases, may be dropped from the aeroplane, we can do much toward making war unbearable.

You can use other and different gases from the aeroplane than you can from the gun. There are now a number of chemists, I could not tell you how many, brilliant chemists, who are working on these problems. It is believed that with the supremacy of the air complete, the use of bombs, including the use of gases—which was forced into the hands of the allies, first being used by their adversaries—may be made the turning element in this whole contest. Think what the effect would be if used against supply depots, if used against troops in reserve, where they are supposed to be resting back of the lines; think what it would mean to have these bombs constantly falling upon them, or, even going farther back, with supremacy of the air, back over German territory. Of course, I should be in favor of warning them to take away their women, children, and old men from any part of the country that we should have to operate over, a thing, by the way, which the enemy has not done in the case of the Zeppelins which have gone over England. Having done that, you can realize what kind of terror and destruction might be brought to Germany itself by the use of all kinds of weapons used in aerial warfare, including gas bombs of every type and kind.

Mr. WOODYARD. Mr. Chairman, will the gentleman yield?

Mr. TILSON. For a question.

Mr. WOODYARD. How are we to obtain the results which we all hope for if the Germans should avail themselves of the same means of protecting their soldiers with masks, which I assume they do?

Mr. TILSON. We shall have to do it more and carry it farther back, where they will not be equipped with masks.

Mr. FARR Does the gentleman desire to say anything about the facilities we have for the making of aircraft?

Mr. TILSON. We have great facilities for the making of aircraft. There is to-day in this city a meeting of the Society of Automotive Engineers. These men know what is needed and how to get it; they are bringing great comfort to the hearts of those who are wrestling with this problem. There is great satisfaction in the progress being made in aviation, as there is along all of these lines of which I am speaking.

Mr. HAMILTON of Michigan. As I understand it, though perhaps I have not been correctly informed, one great difficulty we have had in this country has been the construction of engines of sufficient power, and our difficulty in that respect was illustrated in Mexico.

Mr. TILSON. Yes.

Mr. HAMILTON of Michigan. Have we overcome that difficulty?

Mr. TILSON. We have overcome it, as I am informed and believe.

Just one word now as to the effect of these gases. I was advised by one of my good friends that perhaps I ought not to speak of these terrible things, as it might discourage the young men of the country. I do not believe so. I believe that we should know the worst. I believe that we should know what we are going up against, so that we may nerve ourselves to the task and prepare ourselves to meet it. Gas poisoning is a horrible death, and the net results of these gases are very terrible. Of course, we hate to use them, but we do not wish them to be used upon us, and the only way to prevent it is to be prepared to use them ourselves and protect ourselves against their use, and that is what I advocate. It is the reason why I have brought these things here to-day to show how we must prepare ourselves. [Applause.]

[At this point the House took a recess, the Belgian commission appeared, and the head of the commission, Baron Moncheur, addressed the House.]

THE BELGIAN MISSION.

The SPEAKER. Under the previous order, the House will stand in recess for 30 minutes.

Accordingly (at 1 o'clock p. m.) the House took a recess until 1 o'clock and 30 minutes p. m.

At 1 o'clock and 4 minutes p. m. the Sergeant at Arms announced the Belgian mission, and the members of the mission, Baron Ludovic Moncheur, Mr. de Cartier, Gen. Leclercq, Maj. Osterreith, and Count d'Ursel, accompanied by Mr. Warren Robbins, secretary of embassy, attached by the Department of State as aid to the mission, and Capt. Cook, military aid, entered the Hall of the House.

The distinguished visitors were escorted to the Speaker's rostrum amid prolonged applause and cheers.

The SPEAKER. Gentlemen of the House of Representatives, from time out of mind Belgium has been known as the cockpit of Europe. [Applause.] There have been more great battles fought in Belgium than on the same acreage of land anywhere else in the civilized world.

Those of you who remember when you were wrestling with Latin in the days of your youth recall that Cæsar, in the opening words of his Commentaries, said that among the Gallic tribes the Belgians were the bravest. [Applause.] Most assuredly he was a good judge of fighting men. Within the last three years the present generation of Belgians have demonstrated beyond all controversy that they are worthy of the high encomium pronounced on their ancestors by the great Roman Imperator. [Applause.]

I now present to you Baron Moncheur, the head of the Belgian mission to this country. [Applause.]

Baron MONCHEUR. Mr. Speaker and gentlemen of the House of Representatives, I am deeply grateful for this cordial reception by your distinguished assembly. Your sympathy and friendship will warm the hearts of all my countrymen and will give them renewed confidence for the future. We know that in the great conflict before us we have the powerful aid of the American Nation.

During my long residence in the United States some years ago I watched with interest and admiration the economic development of your country, which had been favored by the advantages of many years of peace.

During that period my own country learned from you many lessons in regard to industry and commerce and by following your example had become, although small in size and population, one of the foremost nations of the earth in the realms of commerce and industry.

But if years ago I admired your country in the fullness of prosperity and wondered at your industrial genius and the marvelous activity of your citizens, it is with even greater admiration that I now see your entire Nation rise as one man to answer the voice of your President calling upon you to put forth all your efforts and devotion for the defense of freedom and the rights of mankind. [Applause.] All the sons of America, without distinction of race or of party, have rallied to your flag. They think only of their duty to their country. They are ever ready to sacrifice their private and personal interests, and leaving behind them their dear ones, who will be plunged into grief and tears on account of their absence, they rally to the Star-Spangled Banner, which for the first time in your history has crossed the ocean to float over the battle fields of the Old World. [Applause.]

As in the Middle Ages the knights were accustomed to hold a vigil, watching their armor in the chapel, so you to-day are making that same holy and prayerful preparation for the battle to come. Everywhere you are carrying on work which day by day brings nearer the moment of supreme victory. [Applause.] While the flower of American youth is preparing itself in your splendid training camps, your shipyards, your factories, and your munition plants resound with the hum of feverish work providing your soldiers with the implements of war.

American aviation, that marvelous product of the New World, is making ready to lend its powerful aid, also, to support our armies. Is it not natural, indeed, that the American eagle should from the skies strike the deathblow to the enemy? [Applause.]

After your great stroke for liberty in 1776 you formed a society which you called the Order of the Cincinnati, to indicate that when war was finished you knew how to beat your swords into plowshares; and now, when war has been forced upon you, you have given proof that you know equally well how to turn your plowshares into swords. [Applause.] Some 20 years ago Prince Albert of Belgium, heir to a throne which seemed to be safely sheltered from the blast of war, came to America where he studied with the deepest interest your marvelous country and the wonderful works of industry and commerce which you had developed in the quietude of peace; and now how can I express the sentiments which fill his heroic soul when, fighting at the head of his troops in the last trench on Belgian soil, he sees the sons of that same industrious America land upon the coast of Europe, brave champions of the most noble principles, and ready to lay down their lives in defense of right and justice. [Applause.]

On a certain occasion a mighty sovereign declared "the Pyrenees exist no more," and to-day we can say with even more truth "There is no longer any ocean"—for endless friendship, cemented by gratitude and joint effort and triumph in the cause of justice and liberty, will forever obliterate the barrier of the seas and unite the children of old Belgium to the sons of the young and powerful Republic of the New World. [Applause.]

The members of the mission then took their places at the right of the Speaker's rostrum, and the Members of the House were presented to them.

The distinguished visitors were then escorted from the Hall of the House.

The recess having expired, the House was called to order by the Speaker.

The SPEAKER. The gentleman from Connecticut [Mr. TILSON] has 21 minutes remaining.

GASES IN WARFARE.

Mr. TILSON. Mr. Speaker, when I suspended, in order that the House might receive the Belgian commission, I was still speaking on the subject of gases and their use in warfare, especially from aeroplanes. I had finished practically what I had to say on that subject, and am now willing to answer questions in regard to it so far as I can.

Mr. ROGERS. Will the gentleman yield?

Mr. TILSON. I yield to the gentleman from Massachusetts.

Mr. ROGERS. Several officers who have returned to this country from France, and who have had experience in the conditions of trench warfare, have told me that the defense against gases is so complete and thorough on both sides that by common consent practically the use of gases has been discontinued. Can the gentleman tell us anything about that?

Mr. TILSON. That is probably true as to cloud gases, which of course can be used successfully only against the front line of trenches, in which every man must be thoroughly prepared to defend himself against gases. It is our intention to have one of these respirators of the box type with every man, and a reserve mask of the type used by the French and the Belgians, so that

cloud gases will probably not be used much when it is known that everybody is thoroughly prepared against them. The gentleman will note, however, that it is my expectation that these gases will be made use of from aeroplanes a great deal more than they ever have been. They have already been used, and are now being used increasingly in the form of projectiles of glass and steel containing these poisonous gases, and fired from trench mortars and howitzers. They are using these increasingly. My idea is that they will be used still more from aeroplanes when we get supremacy of the air, and that the gases being dropped suddenly from the air, perhaps at some distance back from the front line, the men behind the front line will not be so well prepared and will suffer demoralization and other damage, especially among the artillery and the reserve.

Mr. ROGERS. Is the nature of these gases such that if the bombs containing them are fired from a howitzer or dropped from an aeroplane there will be time to adjust a mask which is actually being carried by the soldier, in time to prevent his being harmed by the explosion of the container of the gas?

Mr. TILSON. There is not time. As a matter of fact, they figure that in order for a man to be sure to protect himself against cloud gases he must be ready to put these masks on in 20 seconds. The drill in putting on these masks is made as accurate as the manual of arms used by Infantry. It is intended to speed up so that a man can put one on in six seconds. Even six seconds may be too long with these deadly gases falling from the sky, going out in every direction, and a man getting a whiff of the gas before it is possible to put on his mask. That has happened. I remember one of the party with the British commissioners told of an instance showing the effect of gas shells containing the terribly poisonous gas called phosgen, which, unlike the chlorine or bromine gases, has a delayed action, so that you take it to-day and die to-morrow. The instance was one where a shell descended and two men got a whiff of the gas. A surgeon, being near, saw that they were exposed to it, and immediately ordered them to the hospital and to bed. They obeyed orders and went off to the hospital, joshing each other that two strong men should be ordered to bed with nothing the matter with them. Before the dawn of the next morning both had died horrible deaths from that awful poison.

Mr. McKENZIE. Will the gentleman yield?

Mr. TILSON. Certainly.

Mr. McKENZIE. Would not the Germans see these flying machines coming, or, hearing them and knowing that we had resorted to the use of this outrageous way of fighting, as all agree, would not they have time to put their masks on?

Mr. TILSON. It is hoped that we are going to have so many machines in the air that they will not have to fly 10,000 feet high, but will be able to fly down nearer the ground, and in that way the Germans may have to wear their masks all day long.

The point is that only a small part of the men can be on the front at once. They take turns, and the men on the front line, subject to exposure, to cloud gases, have to be doubly prepared by having one each of these masks.

Mr. FARR. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. FARR. How soon does the gentleman think that we will have all of these men in the air?

Mr. TILSON. It is too early for me to say. I would say here that conditions have been revolutionized on that subject, and there is every encouragement to lead us to believe that we are going to turn them out very rapidly. The gentleman knows that all we have to do is to standardize them. Whenever we standardize a thing we can turn it out rapidly. That is what we are going to do.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. TILSON. Certainly.

Mr. MILLER of Minnesota. Independent of the construction of the machines, will the gentleman tell us how long it would take an ordinarily competent man without any experience as an aviator to become so experienced that he can operate a machine?

Mr. TILSON. That is a difficult question. The longer he operates one the better he is prepared; in fact, they have sent many young men to their death because they were not thoroughly trained. The need of them was so great that many have gone up in the air before they were prepared, and as a result have gone down to their death.

Mr. MILLER of Minnesota. Would it be fair to say that they can be trained within a year?

Mr. TILSON. Yes; I should say, with the aptitude the average American has, with the avidity with which he goes into problems of that sort, he should be prepared in less than a year. I think it is fair to say that if they are taken very near the fighting line, where they can take it all in with every breath, they will very soon learn the business. I should say that a year is longer than would be necessary.

Mr. SLOAN. Will the gentleman yield?

Mr. TILSON. I will.

Mr. SLOAN. Will the gentleman state which side, the allies or the central powers, now have the apparent superiority in the air, taking into account the prejudices of the censorship? What is the gentleman's opinion?

Mr. TILSON. My opinion is not good for much, because it is founded on information that is open to everybody—from reading the newspaper reports and the official reports, from which I get more information than in any other way. You can sometimes tell a great deal by what they do not say in one of the official reports. I believe from all this that the allies have a superiority to-day in the number of machines and the weight they will carry. I believe that the Germans have a superiority in climbing. A climbing machine is a very necessary thing. If you can take the upper berth above the other fellow and come down on him at a speed of 200 miles an hour, you can make it a very deadly matter.

Mr. GREENE of Vermont. After all, is it not a very difficult thing to standardize the time at which the aviator will arrive and become an expert, because it is the case of individual temperament and aptitude?

Mr. TILSON. It is.

Mr. GREENE of Vermont. And the fact is that equations vary with each individual. A man that is on the way to be a skillful aviator may be killed and his effect in the table of averages not demonstrate what his proportion would be?

Mr. TILSON. That is the case.

Mr. HAMILTON of Michigan. I want to interrupt the gentleman to say that I have understood, and I have no doubt most of us have understood, that even within the short space of three months aviators have been found so skillful that they could be employed in service back of the line and thereafter progress so that they can be advanced in service, and the three months' training has been sufficient to put men into the service behind the line.

Mr. TILSON. Some men could be picked out who would be ready. They would be so apt that in three months they would be very skillful fliers, indeed, perhaps more so than other men who took a year. There must be a great deal in the temperament in doing such a daring work as this.

If there are no other questions, I shall close these remarks by thanking first the gentleman from Ohio [Mr. HEINTZ], who so kindly consented to be the victim in wearing the gas mask, and finally the Members of the House for hearing me with such apparent interest, not only on this occasion but on the occasions of other remarks made by me on the subject of weapons used on the ground, below the ground, and in the air.

Mr. MEEKER. Will the gentleman yield?

Mr. TILSON. I yield.

Mr. MEEKER. I think the thanks of the House are due the gentleman for the information he has brought us. [Applause.]

Mr. TILSON. I thank the gentleman. [Long applause.]

TO AMEND THE ACT TO REGULATE COMMERCE.

The SPEAKER. This is Calendar Wednesday. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 1816, and the gentleman from Oklahoma [Mr. THOMPSON] will take the chair. [Applause.]

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 1816), with Mr. THOMPSON in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill, the title of which the Clerk will report.

The Clerk read as follows:

A bill (S. 1816) to amend the act to regulate commerce, as amended, and for other purposes.

Mr. ADAMSON. Mr. Chairman, I would be glad to know how much time I have consumed.

The CHAIRMAN. The gentleman has 40 minutes remaining.

Mr. ADAMSON. Mr. Chairman, I ask unanimous consent to insert in the RECORD at this point the report which our committee made on this bill, without reading it.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to insert in the RECORD at this point the report of the committee. Is there objection? [After a pause.] The Chair hears none.

The report is as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 1816) to amend the act to regulate commerce, as amended, and for other purposes, having considered the same, report thereon with amendment and as so amended recommend that it pass.

Amend the bill as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That section 24 of an act entitled 'An act to regulate commerce,' approved February 4, 1887, as amended, be further amended to read as follows:

"'SEC. 24. That the Interstate Commerce Commission is hereby enlarged so as to consist of nine members, with terms of seven years, and each shall receive $10,000 compensation annually. The qualifications of the members and the manner of the payment of their salaries shall be as already provided by law. Such enlargement of the commission shall be accomplished through appointment by the President, by and with the advice and consent of the Senate, of two additional Interstate Commerce Commissioners, one for a term expiring December 31, 1921, and one for a term expiring December 31, 1922. The terms of the present commissioners, or of any successor appointed to fill a vacancy caused by the death or resignation of any of the present commissioners, shall expire as heretofore provided by law. Their successors and the successors of the additional commissioners herein provided for shall be appointed for the full term of seven years, except that any person appointed to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed. Not more than five commissioners shall be appointed from the same political party.'

"SEC. 2. That section 17 of said act, as amended, be further amended to read as follows:

"'SEC. 17. That the commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice. The commission shall have an official seal, which shall be judicially noticed. Any member of the commission may administer oaths and affirmations and sign subpœnas. A majority of the commission shall constitute a quorum for the transaction of business, except as may be otherwise herein provided, but no commissioner shall participate in any hearing or proceeding in which he has any pecuniary interest. The commission may, from time to time, make or amend such general rules or orders as may be requisite for the order and regulation of proceedings before it, or before any division of the commission, including forms of notices and the service thereof, which shall conform, as nearly as may be, to those in use in the courts of the United States. Any party may appear before the commission or any division thereof and be heard in person or by attorney. Every vote and official act of the commission, or of any division thereof, shall be entered of record, and its proceedings shall be public upon the request of any party interested.

"'The commission is hereby authorized by its order to divide the members thereof into as many divisions as it may deem necessary, which may be changed from time to time. Such divisions shall be denominated, respectively, division one, division two, etc. Any commissioner may be assigned to and may serve upon such division or divisions as the commission may direct, and the senior in service of the commissioners constituting any of said divisions shall act as chairman thereof. In case of vacancy in any division, or of absence or inability to serve thereon of any commissioner thereto assigned, the chairman of the commission, or any commissioner designated by him for that purpose, may temporarily serve on said division until the commission shall otherwise order.

"'The commission may by order direct that any of its work, business, or functions arising under this act, or under any act amendatory thereof, or supplemental thereto, or under any amendment which may be made to any of said acts, or under any other act or joint resolution which has been or may hereafter be approved, or in respect of any matter which has been or may be referred to the commission by Congress or by either branch thereof, be assigned or referred to any of said divisions for action thereon, and may by order at any time amend, modify, supplement, or rescind any such direction. All such orders shall take effect forthwith and remain in effect until otherwise ordered by the commission.

"'In conformity with and subject to the order or orders of the commission in the premises, each division so constituted shall have power and authority by a majority thereof to hear and determine, order, certify, report, or otherwise act as to any of said work, business, or functions so assigned or referred to it for action by the commission, and in respect thereof the division shall have all the jurisdiction and powers now or then conferred by law upon the commission, and be subject to the same duties and obligations. Any order, decision, or report made or other action taken by any of said divisions in respect of any matters so assigned or referred to it shall have the same force and effect, and may be made, evidenced, and enforced in the same manner as if made or taken by the commission as a whole. The secretary and seal of the commission shall be the secretary and seal of each division thereof.

"'In all proceedings relating to the reasonableness of rates or to alleged discriminations not less than three members shall sit in the hearing and participate in the decision; and in all hearings relating to the valuation of railway property under the act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, by providing for a valuation of the several classes of property of carriers subject thereto, and securing information concerning their stocks, bonds, and other securities," approved March 1, 1913, not less than seven members shall sit in the hearing and participate in the decision.

"'The salary of the secretary of the commission shall be $7,500 per annum.

"'Nothing in this section contained, or done pursuant thereto, shall be deemed to divest the commission of any of its powers.'

"SEC. 3. So much of section 18 of the act to regulate commerce as fixes the salary of the secretary of the commission is hereby repealed."

In support of the action of the committee striking out all after the enacting clause of the Senate bill and inserting the identical substance and language of House bill 3650, reported by the committee and now pending on the Union Calendar in the House, your committee adopts the following language of the report made in support of that bill:

"The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 3650) to amend the act to regulate commerce, as amended, and for other purposes, having considered the same, report thereon with a recommendation that it pass.

"Your committee has long been of opinion that this bill should pass. In the Sixtieth Congress this committee reported to the House and the House passed a bill increasing the commission to nine members because it was then manifestly necessary in order to transact the increasing business of the commission, which had largely been increased by the Hepburn bill of 1906 and other bills. The business of the commission has been much more largely increased by several enactments since, and it is not only necessary to increase the number but also to permit the body itself, by authority of law, to subdivide itself into different units so as to distribute the work and give adequate consideration to the various important matters committed to that commission. The work at present is so onerous and diversified that it is impossible for the commissioners to give personal attention to the various cases and complaints filed, and there is occasional discontent and criticism that the cases can not receive the personal attention of the commissioners themselves, but have to be heard and passed upon by agents and examiners. It is believed that if this bill passes these complaints will cease because the cause thereof will be removed and a commission with nine members, with authority to subdivide itself into three or more subdivisions each with authority to act, will be able to give its own official attention to all matters of business that come before it.

"The President himself in urging the joint committee thought that this matter should not be referred to the joint committee proposed in Senate joint resolution 60 nor have its consideration delayed nor prevented by the passage of that resolution. Although strongly recommending that the joint committee be raised as provided in Senate joint resolution 60, the President has expressly requested that this bill should be reported separately and passed by Congress, as it is urgently demanded to meet the present emergency.

"It will be observed that in authorizing the commission to subdivide itself, a minimum number is prescribed for acting on two important matters. Not less than three, according to this bill, shall pass on the reasonableness of rates, and not less than seven shall pass on the physical valuation of railroad property. The reasons for these exceptions are obviously based on their importance."

In further support of the action of the committee the report made to the Senate by the Interstate Commerce Committee of the Senate on the Senate bill is printed, as follows:

"The Committee on Interstate Commerce, to whom was referred the bill (S. 1816) to amend the act to regulate commerce as amended, and for other purposes, having considered the same, report thereon with a recommendation that it do pass.

"A report made by this committee upon a similar bill during the Sixty-fourth Congress, which is hereto attached and made a part hereof, fully states the facts upon which the bill is based.

[S. Rept. No. 437, 64th Cong., 1st sess.]

"The Committee on Interstate Commerce reports favorably the bill (H. R. 308) to amend the act to regulate commerce, as amended, with a view to increasing the membership of the Interstate Commerce Commission and authorizing the commission to divide the members thereof into as many divisions as it may deem necessary. A copy of the bill is contained in the hearing hereto annexed.

"A hearing was held by the Senate committee at which the views of the Interstate Commerce Commission on the bill were furnished by Hon. Edgar E. Clark, a member of the commission. Regarding the growth of the work of the commission, Commissioner Clark made the following statement:

"'As illustrative of the growth of this character of our work let us take the year 1906—the year in which the commission was increased from five to seven—and compare it with last year. We had in 1906 on the informal docket 1,002 cases. In 1915 we had 6,385. On the special docket, which we established in 1907, we had, in 1907, 761 cases. In 1915 we had 6,670. On the formal docket in 1906 we disposed of 82 cases. In 1915 we disposed of 1,378—that means cases in which there were contests, full hearings, generally oral arguments and briefs, and printed reports of the commission. In 1910 we were given authority to suspend the proposed increases in rates. In 1910 we had 41 such proceedings, in which we suspended the rates in 25 cases and declined to suspend them in 16. In 1915 we had 531 such cases. In 1906 the commission took and considered 28,000 pages of testimony, which was, of course, supplemented by exhibits of greater or less volume in different cases. In 1915 we took and considered 202,400 pages of oral testimony.

"'That is illustrative of the growth of the work of the commission of that character, which, as we think, was really the primary purpose of the act and the constitution of the commission.'

"The full statement of Commissioner Clark is hereto annexed, and a copy of a letter from the President upon the subject is also appended to this report. It must be borne in mind also that Congress is constantly increasing the work of the commission by the enactment of new legislation and the passage of resolutions for investigations and inquiries, which add greatly to the detail work of the commission.

"It is a physical impossibility for the seven commissioners conscientiously and in a satisfactory manner to acquaint themselves with the facts and issues in so large a number of cases, many of which are very complicated and many of which are close questions, and have much time for anything else.

"In addition to this work, it must be remembered that the commission has the duty of administering the act which calls for an appraisal of the value of the railroad properties from several different standpoints. This in itself is a tremendous work. It is not physically possible for the commission to give proper attention to the work which it was created to perform originally and at the same time pass in a satisfactory manner on the multitude of questions involved in this work of valuation. The work of valuation in itself is sufficient to absorb all the time and attention of one division of the commission such as is contemplated in this bill.

"The details obtained in this valuation work must be classified and coordinated in such a manner that the commission may be enabled to defend in the courts the principles that are applied and the manner in which they are applied. If this can not be done, all the work already done will be wasted and great sums of money will be lost to the Government.

"These conditions can be met and the difficulties obviated by increasing the number of the commissioners to nine. Under the bill the commission would be authorized to subdivide itself into three divisions of three members each. Certain matters would be delegated to each division, but the commission as a whole would retain jurisdiction of any especially important matter.

"In the matter of the salary of the secretary to the commission, this committee is strongly of the opinion that such salary should be fixed at $7,500 per annum. The act as it passed originally and as it now stands provides for a salary of $3,500 for the secretary, but for several years the appropriation bills have appropriated $5,000 for this salary. The duties of the secretary are extremely onerous and the position requires a man of a very high order of ability. At present the statutory guaranty of the secretary is only $3,500, and he is at the mercy of each

successive Appropriations Committee to be allowed even $5,000, and the matter would be subject to a point of order if any Member were to have his attention called to it. In view of the vastly increased work of the secretary, the character of the services involved, and the responsibilities of the office, the committee is of the opinion that the salary of the secretary should be fixed at $7,500 per annum.

"The members of this committee have given the bill the most careful consideration, and they are strongly of the opinion that the conditions that have prompted the introduction of this bill are of such grave importance that they should be met without delay."

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APPENDIX 1.

THE WHITE HOUSE,
Washington, February 14, 1916.

Hon. FRANCIS G. NEWLANDS,
United States Senate.

MY DEAR SENATOR: I had a call the other day from Mr. McChord, chairman of the Interstate Commerce Commission, during which I found that he was very earnestly in favor of the early passage of a bill authorizing the commission to divide itself into sections for the facilitation and more thorough treatment of its work, and that in this desire he was speaking for his colleagues of the commission. He wanted to know whether I thought that the passage of such a bill at this time would be inconsistent with my advice to Congress in my annual message to withhold further railway legislation until a thorough inquiry could be made by a special commission into the whole subject of railway regulation for the purpose of seeing in what direction we should next turn. I told him that it did not seem to me at all inconsistent with that advice and that I was thoroughly in favor of the bill allowing the commission to divide itself into sections, because it was a merely administrative improvement and would, in my opinion, be a very vast improvement, not affecting at all any of the essential matters of legislative regulation. I promised him that I would write you to this effect, and I take advantage of this opportunity to urge very warmly the immediate consideration of the measure, which, I believe, is already formulated, for conferring this authority on the commission.

Cordially and sincerely, yours,

WOODROW WILSON.

So committees of both the House and Senate are on record as having considered and reported the same bill.

A part of the Senate bill is matter that was placed on by amendment in the Senate when the bill was under consideration and is not supported by the report of the committee at all, nor was it considered by either committee.

This committee has considered that general subject several times and has never been able to conclude that the proposition contained in the amendment made in the Senate was wise and practicable. If the legislation should go on the present bill, arresting all advances by the act of Congress and compelling the commission to hold a hearing and investigate every proposed rate, it would involve such a deluge of work at this time as to paralyze the commission and nullify absolutely the benefits sought to be derived by adding two members to that body.

The making of rates in the initiative by act of Congress would be something new in our practice. At present the commission is authorized, either on its own motion or on showing made by any shipper as party interested, to inquire into the justice and reasonableness of any present rate and is permitted to extend the time for such investigation so that the commission may control its own time and by a wise and economical distribution thereof may manage to dispatch its work, at least if not now possible certainly when the commission has been increased by this bill. The proposed Senate amendment would compel an immediate investigation of all such rates proposed and involve the commission in interminable and inextricable confusion and labor. It would be desirable to reach some basis of legislation which would preserve the interests of all concerned and at the same time avoid unnecessary delay.

The commission itself has recommended a measure for relief in that respect, and probably in conference between the two Houses an agreement can be reached somewhat in line with their suggestion. This suggestion is found on page 92 of the annual report of the Interstate Commerce Commission made December 1, 1916. It will be seen that the commission insists that if Congress establishes rates and practices by direct legislation it must establish a standard as of a past date, and not present nor future, and then provide that no change can be made therein subsequent to that specified date except upon order of the commission.

It might be that something like the following language would serve the purpose, though the committee has not yet offered it as an amendment:

"That the second paragraph of section 15 of the act to regulate commerce, approved February 4, 1887, as amended, shall be, and hereby is, amended to read as follows:

"'That all the rates, fares, charges, classifications, rules, practices, and regulations existing and in force on the 1st day of January, 1915, except such as have been subsequently reduced, shall, as changed or altered by any such subsequent reduction, be held, regarded, and enforced as just and reasonable, and no change shall be made therein except upon order of the commission. In any investigation, proceeding, or hearing before the Interstate Commerce Commission to increase a rate the burden of proof to show that the proposed increase of rate is just and reasonable shall be upon the common carrier, and in every proceeding by a shipper to reduce a rate the burden of showing that rate is too high to be just and reasonable shall be upon the shipper or movant, and the commission shall give to the hearing and decision of such questions preference over all other questions pending before it and decide the same as speedily as possible.'"

The subject, however, is too important for hasty action without mature and deliberate consideration. On the other hand, the demand for the increase and relief of the Interstate Commerce Commission provided for in the original draft of both these bills is so urgent and imperative that we ought not to postpone nor jeopardize its passage or nullify its expected benefits by attaching to it any amendment, however important, which might destroy or impair its efficacy and which would be better considered and disposed of in a separate bill.

Mr. ADAMSON. Mr. Chairman, I reserve the balance of my time, and I ask the gentleman from Wisconsin to use some time.

Mr. ESCH. Mr. Chairman, the House has under consideration the bill S. 1816 with a House substitute therefor. The object of the Senate and House bills was to relieve the work of the Interstate Commerce Commission by allowing it two additional members at the same salary as now allowed the existing members. As a further form of relief both bills authorized the commission to subdivide by division, consisting of three commissioners each. These subdivisions should have allotted to them the various kinds and classes of work that the commission has to perform. The idea of the commissioners as presented to us in the testimony was that they were to have a division on tariffs, they would have a division on safety appliances, they would have a division under section 20 of the act, the section relating to accounting, and then there would be a division on valuation, and perhaps others. These divisions, if they are to expedite the work of the commission, are to have the full powers of the full commission so that the action of any division will be equivalent to the action of the full commission. Now that and the increase of the commission are practically the sole objects in the House bill, but in the Senate there was added what is known as the Smith amendment under the terms of which the method of determining increases of rates, fares, and charges, and so forth, is radically and fundamentally changed, and before I take up that amendment, which is now represented in the form of an amendment offered by the gentleman from Tennessee [Mr. SIMS] and which is already pending, offered for the information of the House, I wish to call attention to the necessity of allowing the work of the commission to be done by divisions and the work of each division to be held as the work of the full commission.

During the consideration of the bill on April 13 there was some intimation to the effect that a division of three should not have the power to determine rate questions and questions of equal importance without the formal ratification and indorsement of the full commission. It will have to be that way if this bill is to afford necessary relief to the commission. The bill as reported requires the commissioners of the division to sit in the hearings and participate in the decisions. An amendment was offered, to be considered as pending, modifying that so that it was not to be considered necessary for the commissioners to sit in all the hearings, but that it would be necessary for them to participate in the decisions. Now, if you require the commissioners of these divisions to participate in the hearings and in the decisions, it will mean that your commissioners have to travel all over the United States taking testimony just as the examiners of the commission now do in order to secure testimony. That will mean that practically during most of the year three of your nine commissioners, if you grant the two, would be away from the city of Washington, and thus lessen the number of commissioners here in the city. Not only that, but it would mean that these commissioners would lose many days of time in the course of the year while traveling from place to place. If the commissioners are not required to do the investigations in the field and travel to points where the controversy has arisen, you will have to have your hearings in Washington. The hearings in Washington will necessitate a large expenditure on the part of citizens seeking relief at the hands of the commission; therefore you have to take one horn or the other of the dilemma. In my opinion the proper plan would be to require this matter to be determined by a division sitting here in Washington—not requiring the members of that division to participate in all the hearings, in fact not requiring them to participate in the hearings.

Mr. STERLING of Illinois. Will the gentleman yield?

Mr. ESCH. I will.

Mr. STERLING of Illinois. I see the force of what the gentleman says with reference to adding to the efficiency of the commission, but ought not there to be some provision whereby the full commission might act on certain cases of importance, cases involving new questions, rather than leave it to a single division of the commission?

Mr. ESCH. In any important rate inquiry, such as, for instance, the one that is now going on, the hearing would be by the full commission, as it was in the eastern advance-rate cases of several years ago, and, in fact, as it has been in all the more important cases relating to rates.

Mr. ADAMSON. Will the gentleman yield?

Mr. ESCH. I will yield.

Mr. ADAMSON. If the gentleman from Wisconsin will permit me, perhaps my friend from Illinois did not take notice when I made the announcement that the committee will offer an amendment to the effect that the decision of any one of these divisions will be subject to approval by the commission if there be a demand in any case.

Mr. ESCH. That would, of course, if adopted, require participation by the full commission in the determination of any rate question.

Mr. STERLING of Illinois. Another question: Does the bill itself or this proposed amendment to the law make it imperative that the commission shall divide itself into divisions, or does it leave it optional with the commission itself as to whether it will divide and confer jurisdiction of certain branches of the work on certain divisions. I have not read the bill very carefully. I have just seen it now.

Mr. ESCH. Section 17, as amended, as found on page 10 of the pending measure, says:

That the commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice. The commission shall have an official seal, which shall be judicially noticed. Any member of the commission may administer oaths and affirmations and sign subpœnas. A majority of the commission shall constitute a quorum for the transaction of business, except as may be otherwise herein provided, but no commissioner shall participate in any hearing or proceeding in which he has any pecuniary interest.

Practically all of that is existing law—

The commission may, from time to time, make or amend such general rules or orders as may be requisite for the order and regulation of proceedings before it or before any division of the commission—

That is new—

including forms of notice and the service thereof, which shall conform, as nearly as may be to those in use in the courts of the United States.

Mr. STERLING of Illinois. I think there is nothing in this bill that makes a decision as to the division of the commission final, is there?

Mr. ESCH. You can always apply to the commission for a reopening if you are dissatisfied with the ruling of a division, but in the granting of a petition for reopening under the present practice, the petitioner must show that there was some error of fact in the record, and I think that is absolutely necessary, if we are to help the commission expedite its work.

Mr. TOWNER. In the paragraph on page 11, I notice that the commission may make as many divisions as it chooses. Is there any idea, or can we have any definite idea from the committee, as to how many divisions it is contemplated shall be established in the United States?

Mr. ESCH. Do you mean divisions based territorially or do you mean divisions of the commission?

Mr. TOWNER. Yes; territorially.

Mr. ESCH. Oh, we do not take care of that. We do not consider that at all. That is a proposition, however, pending before the Newlands joint committee.

Mr. TOWNER. Yes; I understand that. The language is not very clear, it seems to me, as to indicating what the divisions may be. It says they may divide the members thereof into as many divisions as it may deem necessary. Then, again, in the last sentence in the same paragraph it says:

In case of vacancy in any division, or of absence or inability to serve thereon of any commissioner,

Thereby seeming to imply only one commissioner was to serve in each division. Now, does the bill in any place indicate the character of the divisions that are to be made, whether they are by the subject, as related by the gentleman, or whether they are by the division? I suppose the gentleman is familiar with the proposition to divide the United States into nine districts to correspond with the present circuit divisions of the United States?

Mr. ESCH. That is a proposition we did not consider in connection with this bill.

Mr. TOWNER. But this idea I wanted the gentleman to express his opinion upon. Ought not there to be some definite idea in the bill at some place as to what the character of the divisions are, whether by subjects to be assigned, whether by territory to be covered, or whether or not we may know in some definite way for consideration what the proposition really is?

Mr. ESCH. We felt that we could leave it to the discretion and good judgment of the commission.

Mr. TOWNER. Is it not in the power now, as this bill is drawn, to make a division of subjects, or division territorially, or make any other character of division the commission may choose to make?

Mr. ESCH. I do not think they contemplate at all making divisions based upon territory. The testimony before the Senate committee clearly indicates what they meant by division, and Commissioner Clark clearly indicated there would be a division for accounts, a division for the administration of the safety-appliance acts, a division on tariffs, and a division on the physical valuation of railroads. He indicated the scope of the proposed amendment.

Mr. TOWNER. I understand that. That might be in contemplation of one of the members of the commission, or perhaps all of them, but there is not anything to direct the commission as to how these divisions shall be made. And neither is there anything here that will allow us to consider the question. For instance, some of us might prefer territorial division, and some of us might object to the idea that one man might have assigned to him a particular class of subjects to consider. There is very grave objection to that, as the gentleman knows. It seems to me that we ought to have the right to consider the grounds on which the division is to be made by the commission.

Mr. ESCH. The gentleman will get some idea of the possible scope of the division work by the table that was published by the chairman of the committee on page 3588 of the CONGRESSIONAL RECORD. That is the present classification. And I have no doubt if this bill becomes a law, and the work of divisions is authorized, they will very largely follow the schedule of division of work published on that page.

Mr. TOWNER. The commission might change its mind over night.

Mr. ESCH. That is true, but we have to have some confidence in it.

Mr. WALSH. Does the gentleman think it means to provide by law that the commission should be permitted to organize a division which would constitute a minority in numbers of the entire board, and permit that division to hold a hearing and determine a matter, and its decision be final? Should there not be some provision whereby their findings could be reviewed by the entire board? If not, they might send out three members to hold a hearing on a very important matter, and they might render a decision which the other six members of the commission would clearly not look at in the same way.

Mr. ESCH. Unless the work of the commission can be done by subdivisions the addition of two commissioners will be of little or no avail.

Mr. WALSH. I did not mean to have the majority of the commission participate in the hearings, but to have some appellate or review provision in the bill.

Mr. ESCH. The chairman of the committee suggested, possibly in the absence of the gentleman, that he would offer an amendment to line 16, of page 12, in these words, "subject to revision when demanded by either party interested."

Mr. WALSH. Now, does the gentleman care to state whether, in his opinion, that would be a wise amendment?

Mr. ESCH. I think that where you permit the revision as the result of a demand you are not going to expedite the work of the commission, because any party aggrieved will demand a rehearing.

Mr. WALSH. Does the gentleman know of any other commission or board or tribunal where a minority in numbers can exercise jurisdiction and their decision be final without any right of review?

Mr. ESCH. Its action, you know, is by a majority of the commission. It still acts by a majority, but of course it would not act by a majority of the whole commission unless there was reason for a reopening and it were presented to the full commission, when, of course, it would have to be determined by a majority of the full commission.

Mr. WALSH. But a majority of the division would be so much smaller than a majority of the entire commission.

Mr. ESCH. Yes. But that is one of the reasons that impelled the commission to seek this legislation at the hands of Congress.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. ESCH. Yes.

Mr. GORDON. What would the gentleman think of an amendment like this: Here is a case where there is a dissenting opinion; for instance, a case where only two of the three agree on the position. Should it be appealed to the full commission?

Mr. ESCH. I think a party aggrieved by a decision, if he has one of these commissioners on his side, would see to it that a reopening was had.

Mr. GORDON. You think that would answer the purpose?

Mr. ESCH. Yes.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. ESCH. Yes; I yield.

Mr. STAFFORD. Is not the phraseology of the bill broad enough to permit the commission to divide the country into territorial divisions, as suggested by the gentleman from Iowa [Mr. TOWNER]?

Mr. ESCH. I think not, because the bill will have to be interpreted as a whole, and I do not think that you can draw that conclusion from the language.

Mr. STAFFORD. Here is the authorization part:

The commission is hereby authorized by its order to divide the members thereof into as many divisions as it may deem necessary, which may be changed from time to time. Such divisions shall be denominated, respectively, division 1, division 2, etc.

There is nothing in the bill that controverts the idea that they can not establish such territorial divisions if they see fit.

Mr. ESCH. Personally I would have no objection to your limiting it so as not to include territorial divisions, but I know that is not the purpose and intent.

Mr. STAFFORD. When I read this bill two weeks ago I think it was intended to confer the power on the commission to divide the country into territorial divisions.

Mr. ESCH. If they were divided along territorial lines you would have to have from six to nine territorial groups, corresponding to the traffic territories, and then you would have all your commissioners out and have none here in Washington.

Mr. STAFFORD. There could be both territorial divisions and divisions arranged along the lines of administrative work. There could be all classes of divisions under this bill, so far as I can see.

Mr. ESCH. It is not that broad.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. ESCH. Yes.

Mr. TOWNER. The idea is prevalent to at least a considerable extent that territorial divisions are contemplated by this bill. I had a letter from a lawyer—a very able lawyer—strongly opposing the bill as it is now drawn on this ground, that if they divided into territorial divisions probably one commissioner would be assigned to each division, and there would be no adequate appeal to the whole court.

I have very great admiration, I will say, for the present commission and the way it is doing its work. I think it has done an extraordinary amount of work in a very able, high-minded, and conscientious way, and I have no criticism whatever to make upon the bill, because I think the gentleman has given it much more consideration than I have. But it does occur to me that in some more definite way the bill should point out the ground upon which divisions are to be made and the scope contemplated in a general way for the divisions to operate.

Mr. ADAMSON. Mr. Chairman, will the gentleman yield?

Mr. ESCH. I yield.

Mr. ADAMSON. Mr. Chairman, by permission of the gentleman from Wisconsin [Mr. ESCH], who has the floor, I will say that I think the people who have corresponded with the gentleman from Iowa [Mr. TOWNER] have confused this with the proceedings of the Newlands Committee. The railroads have proposed a very elaborate plan before that committee to revolutionize the entire system and divide the country into territorial districts and appoint commissioners in those different sections.

Mr. TOWNER. Well, that may be; but there is nothing in the bill to negative that.

Mr. ADAMSON. That is pending before the Newlands committee, and until that came out this bill, which has passed the House twice, never aroused such a suspicion as that.

Mr. TOWNER. That is likely to be true.

Mr. ADAMSON. If the gentleman will read on in this section, over the next page, he will find that it is not contemplated to make any change in the jurisdiction or method of handling cases other than by the subdivisions of the entire commission, and that different men may be assigned to different divisions and that different cases may be assigned to different divisions at the pleasure of the commission. There is no suggestion anywhere in the bill, and none of us have ever heard of such a thing as a territorial division.

Mr. TOWNER. Well, there is nothing definite to show on what ground the division is to be made.

Mr. ESCH. Mr. Chairman, I do not want to take up so much time, because there are others who may want to speak on this bill. I believe that the bill as reported to the House should be modified so as to require only five members of the commission to sit and participate in decisions on all questions relating to and arising out of the physical valuation act. With a membership of nine on the commission, five members would still be a majority.

I wish to say a few words with reference to the amendment which has been offered for the information of the House, although not yet offered to the bill proper.

As I stated, this amendment is practically the same as the Smith amendment added to this bill in the Senate. It was a rider in the Senate. It had not had any previous consideration by the Senate Committee on Interstate Commerce. It had not been referred to the Interstate Commerce Commission for a report. It was adopted on the floor of the Senate and was sent over to the House. The House Committee on Interstate and Foreign Commerce did not incorporate the Smith amendment in the House bill which is now being considered as a substitute for the Senate bill.

Personally, I believe that it would be unwise to adopt that amendment at this time. The amendment simply makes it compulsory upon the commission to suspend a rate or a series of rates, or a body of rates, upon the protest of any person. The existing law leaves it to the discretion of the commission as to whether it will suspend a rate or permit it to become the legal rate to be charged. That is the difference between existing law and the amendment sought to be incorporated in the bill. What will it mean if the amendment becomes law? It will mean that the discretion now vested in the commission will be taken from it, and that any person, who need not be a party to the rate at all, by filing a protest with the commission, can deny the commission the exercise of any discretion, and compel the commission to suspend the rate and to hold the necessary hearing thereon.

Mr. SIMS. Will the gentleman yield for a question there?

Mr. ESCH. Yes.

Mr. SIMS. Having heard the gentleman's statement, I want to call his attention to the proposed amendment which I have contemplated offering.

Mr. ESCH. Is it the amendment that was printed in the RECORD?

Mr. SIMS. Yes.

Mr. ESCH. Unamended?

Mr. SIMS. The amendment which I propose to offer was printed in the RECORD of Wednesday last?

Mr. TOWNER. On what page?

Mr. SIMS. Page 3854. Now, I propose to amend that amendment so that it will read:

The commission on its own initiative may and upon complaint or protest shall—

Now, I propose to insert some new words after "protest," so that it will read:

And upon complaint or protest by any person, firm, corporation, or association which under this act would have the right to file an application for a change in the rate, fare, charge, classification or practice should it go into effect.

The amendment is an amendment to the act to regulate commerce, and that act provides who may protest.

Mr. ESCH. I will read to the gentleman a statement of those who can file protests. You will find it in the first part of section 13:

That any person, firm, corporation, company, or association, or any mercantile, agricultural, or manufacturing society or other organization, or any body politic or municipal organization, or any common carrier, complaining of anything done or omitted to be done by any common carrier subject to the provisions of this act, in contravention of the provisions thereof may apply to said commission by petition.

Well, that includes everybody—any person, firm, corporation——

Mr. SIMS. That is existing law.

Mr. ESCH. Body politic, agricultural society, common carrier. If you incorporate that language in your amendment you still make it possible that any person may, by filing a protest against these rates, suspend the rates and compel the commission to hold a hearing. You will clutter up the dockets of the Interstate Commerce Commission if your amendment becomes a law. With the overwhelming amount of work they now have to do, you will compel a hearing upon every application for an increase of rate when a protest is filed.

Mr. SIMS. That is existing law.

Mr. ESCH. Ah, but the commission now has the right to permit the rate to become effective without a formal hearing.

Mr. DEWALT. Does not the gentleman think that the words in the act itself are really broader than the words that the gentleman from Tennessee proposes?

Mr. ESCH. Yes; I think so.

Mr. DEWALT. Are they not more comprehensive?

Mr. ESCH. I think so.

Mr. DEWALT. The effect of the amendment by the gentleman from Tennessee [Mr. SIMS] would really weaken the act instead of strengthening it, would it not?

Mr. ESCH. I think so.

Mr. SIMS. The amendment as presented did not have this language in it, but a gentleman called me on the telephone yesterday and said that the amendment as it now reads would seem to permit anybody, arbitrarily, captiously, or otherwise, to protest; and so, in consultation with others, I drew this addition to satisfy those who had an idea that anyone might captiously suspend a rate; but the act itself, I think, is stronger than it is with the amendment.

Mr. DEWALT. I think it is stronger than the gentleman's amendment.

Mr. SIMS. And I shall not offer the amendment if the criticism is not made that it is too broad.

Mr. ESCH. In order to appreciate the force of that objection, I call your attention to the fact that during the year 1916 there were filed 107,057 tariffs, and many of those included hundreds of individual rates. Under the proposed amendment

anybody feeling himself aggrieved can make protest to the commission, compel a suspension of the rate, and force a hearing, notwithstanding the fact that the commission, as a result of the evidence it has in its records, and as a result of prior decisions of similar cases, might almost offhand determine that that rate should be allowed, and thus save the commission a tremendous amount of work. Why, in the last year the commission granted suspensions in 222 cases, but denied suspensions in 295 cases. But under this amendment every one of these would have to be suspended upon the protest of any individual, even though the person protesting was not a party to the rate.

If this amendment becomes a law, there will be many claim attorneys around this town seeking an opportunity, the moment an increase of rates is filed, to file a protest and to start a formal proceeding, with hearing, testimony, brief, and argument, and the whole array of procedure before the commission. If you think that that is going to relieve the commission of its work, you will be deceived.

Mr. STAFFORD. Will the gentleman yield?

Mr. ESCH. Yes.

Mr. STAFFORD. The gentleman has described this as the Smith amendment. The Smith family is a large one, and will the gentleman kindly designate which Smith it was, so that the other Smiths who may not want to bear the paternity of it will be relieved?

Mr. ESCH. It was Senator HOKE SMITH of Georgia. Then, there is another objection which I have. Under the present law the commission can suspend the rate for 120 days after the rate would otherwise become effective, to wit, 30 days after filing. If during the 120 days the commission, by pressure of work, can not finish the hearings, it can further extend the suspension for an additional six months. So, under existing law, the total suspension is 10 months.

Under the amendment proposed by the gentleman from Tennessee there is no limit to the period of suspension—it can go on endlessly. There is a clause in the amendment which says that preference shall be given to these rate-suspension cases, and decisions shall be handed down as speedily as possible. That means nothing if you overload the commission with work. You would throw into a dangerous situation the freight business of the country if the rate should have to be suspended for an indefinite period of time. Under the existing law there is a definite and specific period within which there shall be a suspension.

Another thing the proposed amendment requires before the commission could make the final determination—it would have to determine to its own satisfaction three things: First, that the rates were not unjust and unreasonable; second, that they were not unduly preferential or prejudicial; and third, that they were not in contravention of any of the provisions of the interstate-commerce act. It would have to be satisfied as to all three of these factors in determining the case before it would reach a decision. That is the scope of the amendment.

Now, when you have bodies of rates presented to the commission as are presented in the 15 per cent cases, bodies of rates embodying thousands of individual tariffs, covering vast sections of the country, the commission, before it could decide as to the rates suspended under this amendment, would have to satisfy itself that all the rates were fair, that the charges were just and reasonable, and, second, were not unduly preferential or prejudicial, and third, that they were not in contravention of the interstate-commerce act. It is not possible that that can be done.

Mr. SIMS. Will the gentleman yield?

Mr. ESCH. Yes.

Mr. SIMS. Does the gentleman mean to state that on a proposition to raise the rates 15 per cent they ought to do it without a sufficient hearing?

Mr. ESCH. I say that they have had sufficient hearings. For 30 days the full commission has been sitting on the 15 per cent cases; not only the commissioners, but examiners, have been hearing surplus witnesses that they themselves could not hear. Every person who had an application, who wanted to be heard, has been heard by the commission.

Mr. SIMS. A large part of that time on the side of the protestants was taken to induce the commissioners to have a hearing that would give them and the country an opportunity to be heard.

Mr. ESCH. Does the gentleman know that it is going to be denied them?

Mr. SIMS. I do not know; but what harm is it to make it mandatory in the statute? Thirty days is an insignificant time to be consumed in the matter of advance of freight rates 15 per cent after we have had a 5 per cent advance, and especially when the railroads have been making great profits.

Mr. ESCH. Will the gentleman talk in his own time?

Mr. MOORE of Pennsylvania. Will the gentleman yield for a question?

Mr. ESCH. Yes.

Mr. MOORE of Pennsylvania. The gentleman states that this amendment would enable any individual in the United States, whether he had any interest in the matter or not, merely by filing a complaint to automatically suspend rates?

Mr. ESCH. Yes.

Mr. MOORE of Pennsylvania. What would be the effect if some individual in California should file a complaint attacking some eastern railroad rates?

Mr. ESCH. There would be endless delay and confusion. My theory is that if this amendment be adopted, even though it be just in theory but impracticable in practice, you would so overload the commission that the whole structure of rate regulation would fall to the ground. Gentlemen, we must come to the relief of this commission. We must grant additional members. If this amendment is carried two additional members will not do the business, and I doubt whether a score of additional commissioners could do the work that would be thrown on the commission by reason of this added burden.

Mr. MADDEN. Will the gentleman yield?

Mr. ESCH. Yes.

Mr. MADDEN. With the increased number of commissioners sought to be provided for in the bill, does the gentleman believe that we ought to divide them into groups and authorize these groups to fix the rates?

Mr. ESCH. I believe that is the only practicable way to furnish any relief and permit rate regulations to maintain itself.

Mr. MADDEN. Does the gentleman think that anything less than the whole commission should pass on railroad rates?

Mr. ESCH. I think it would be impossible for the whole commission to pass upon all these cases.

Mr. MADDEN. If the groups were to report to the full commission, would not that be the better way?

Mr. ESCH. It might, but if any party feels aggrieved over the decision he can appeal or petition for a reopening and get the views of the whole commission.

Mr. MADDEN. But that would result in litigation, which ought not to be encouraged.

Mr. ESCH. There is an amendment to be proposed by the gentleman from Georgia that would cover the point the gentleman has in mind.

Mr. ADAMSON. Will the gentleman yield?

Mr. ESCH. Yes.

Mr. ADAMSON. The amendment does not involve the formality of reopening the case. It is when either party wants the opinion of the full commission.

Mr. ESCH. How much time have I remaining, Mr. Chairman?

The CHAIRMAN (Mr. THOMPSON). The gentleman has 20 minutes remaining.

Mr. ADAMSON. Mr. Chairman, I yield 10 minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Chairman, I am not going to discuss the entire scope of the bill, because that has been well discussed by the chairman of the committee and also by the gentleman from Wisconsin [Mr. ESCH]. My discussion will be confined to the amendment which I propose to offer, which was offered by me when this bill was up for consideration before. Briefly stated, it is to make it mandatory upon the commission, whenever protest or complaint is made, that the commission shall hear that protest or complaint and shall suspend the rate complained of and protested against until there has been a hearing; and it applies with great force to the present proposition to add a 15 per cent rate increase—a horizontal flat increase, I believe—with the exception of some commodities, like coal and things of that kind, over practically the entire country, without a sufficient hearing.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Yes.

Mr. DEMPSEY. Has the gentleman any idea of the number of complaints which are filed annually before the commission and of the length of time which it would take, in the most expeditious way, to hear and dispose of those complaints?

Mr. SIMS. Let me ask the gentleman this: Does the gentleman suppose that the present commission as now formed under the present law has ever yet refused to suspend a rate, where there was a real complaint against it, in order to have a hearing?

Mr. DEMPSEY. That is not what I understand——

Mr. SIMS. I want the gentleman to tell me whether or not it is operating that way now. Is it now refusing because it has no time to hear on account of the number of protests filed?

Mr. DEMPSEY. I should think that they would have to refuse hearings except where they believed the complaint to be well founded and such as to justify hearing and determination. If all of the lawsuits which are brought in the country—and that is practically what this is, were brought to trial, this commission would have to devote its times to trying lawsuits.

Mr. SIMS. Mr. Chairman, of course there are a great many rates filed against which there is no protest, and there will be none in the future. Men do not make protests against rates for merely captious reasons. The question of the gentleman from Pennsylvania [Mr. MOORE] whether some individual in California protests against putting into effect a rate on the Atlantic coast is illustrative. No such thing is contemplated, but the law which we are now amending points out who may make protests, and the gentleman from Wisconsin [Mr. ESCH] read that portion of the law. It is now exceedingly liberal, and if the commission has not got time to consider protests and give hearings on those protests before putting the rate in, the commission is a failure. I do not mean a personal failure; but the argument has been made that the protests will be so numerous that it will be impossible to hear them, and two more commissioners will not make it possible when these protests run into the hundreds of thousands, as gentlemen claim.

Mr. MOORE of Pennsylvania. That is the reason I had in mind in making the inquiry. Under the gentleman's amendment an individual anywhere in the country could file a protest, and that automatically would cause delay in the adjustment of rates.

Mr. SIMS. One individual. The laws prescribe what individuals, companies, and corporations may make these protests, and that has been the law all the time; and I am insisting that under the law as it now is and as it has been administered hundreds of rates have been put into effect for lack of protest, no protest or complaint being made against them, and that will be the way in the future. Shippers as a rule do not protest unless they think it is just and that the protest ought to be made. Individuals living around all over the country who have no interest are protesting against these rates. They have other things to entertain them besides that.

Mr. MOORE of Pennsylvania. I think the gentleman himself has often protested on the floor against too much power being given to one individual to drag other individuals all over the country in order to answer complaints before the Interstate Commerce Commission or before the courts.

Mr. SIMS. The present law authorizes the railroads to make all of their rates and only requires that they shall file them 30 days before the time they go into effect. The present law gives the commission the right of its own motion to suspend the proposed rates during the 30 days, and the present law gives them the right to suspend upon protest and complaint. It is in the general law. We have piled on to the Interstate Commerce Commission a vast amount of duties which do not relate to the making of rates, and the disposition has been to unload everything almost on the commission, and why? Because it has made such a character and reputation in the country for efficient public service in the interest of the public that the public wants them to go where they think they are going to get relief.

Mr. MOORE of Pennsylvania. Does the gentleman think it would relieve the Interstate Commerce Commission and enable them to do the necessary work Congress has hitherto imposed upon them if we were to take away from them now the physical valuation of the railroads of the country?

Mr. SIMS. As the gentleman knows, that valuation work is going on under the direction of the commission, but it is under a director, and not taking up the time of the commission.

Mr. MOORE of Pennsylvania. Does the gentleman contend that it does not take the minds of the commissioners away from their other work?

Mr. SIMS. When the case is brought before them, when it is being considered by them, yes, but that is a last year's bird's nest.

Mr. MOORE of Pennsylvania. I know, but it would be possible under this bill to relieve them of the work of physical valuation of the railroads.

Mr. ADAMSON. Mr. Chairman, with the permission of the gentleman from Tennessee, I would suggest to the gentleman from Pennsylvania that the valuation work probably will be entirely suspended during the war, because of the uncertain values. It is impossible to arrive at any permanent value.

Mr. MOORE of Pennsylvania. I was going to raise that very question, and so long as the gentleman from Georgia has raised it, with the permission of the gentleman from Tennessee, I would like to ask whether the committee has considered the propriety of relieving the commission of the physical valuation of railroads at the present time?

Mr. ADAMSON. We have considered it is not necessary to do so because it will operate anyway.

Mr. MOORE of Pennsylvania. Congress continues to appropriate money for that purpose.

Mr. ADAMSON. I do not think the gentleman will find Congress continuing to do so during the war.

Mr. MOORE of Pennsylvania. The country needs the engineers and the trained men who are in this service now for war service.

Mr. ADAMSON. My understanding is that is where they are going to be used, and it is not necessary for us to take any action.

Mr. SIMS. Mr. Chairman, I had proposed by reason of complaints made that this amendment was too broad, to amend by providing who should have the right to protest which was, by any person, firm, corporation, or association which under this act—that is the act to regulate interstate commerce—have the right to file an application for a change in a rate, fare, charge, classification or practice which is put into effect. Now, that amendment would certainly get away from this scarecrow that there are going to be men all over the country to protest against a change of a rate whether there is anything in it or not in which they are interested, but, as the gentleman from Pennsylvania said, the effect seems to be rather to restrict the present law, to limit it, than to broaden it. It would make it absolutely sure that nobody could make a protest or complaint who does not under the law have the right to complain of an existing rate after it is put into effect. Now, I want to say, this is a bill chiefly to increase the membership of the Interstate Commerce Commission, to make it consist of nine members instead of seven, so as to divide it up and permit it to sit in various parts of the country. The commission is not any part of the executive departments of this Government. It does not report to nor is it under the control of any Cabinet officer or any head of any department. It is an arm of Congress, created by Congress to do that which Congress does not have the time to do for itself, and within limits, rules, and regulations which are laid down by Congress they are to execute and carry them out within those limitations, and we have a right to say in the interest of the 100,000,000 of people that rates shall not be radically increased at a time when it is unquestioned, undisputed, and undenied that the railroads of this country are getting greater gross returns and greater net, than ever before in the history of this country. [Applause.]

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

Mr. SIMS. I do.

Mr. MEEKER. That being true, would it not be better for Congress to appoint the commissioners rather than turn it over to the Executive.

Mr. SIMS. Oh, there might be a lot of things Congress could do as well as the Executive, but the best thing for Congress to do is to do its part. Now here is an opportunity to do your part——

Mr. MEEKER. I am going to vote for the bill.

Mr. SIMS. Let this amendment go into this bill, so that those having the right to protest or complain shall have their protests or complaints heard before the rate goes into effect, and then you, through this arm of Congress, the commission, will be doing that which your constituents have a right to demand of you and for which there is a demand as wide as this country.

Mr. WALSH. Will the gentleman yield?

Mr. SIMS. I do.

Mr. WALSH. What is the necessity for increasing the salary?

The CHAIRMAN. The time of the gentleman has expired.

Mr. ADAMSON. Does the gentleman desire more time?

Mr. SIMS. Five minutes.

Mr. ADAMSON. I yield the gentleman five minutes additional.

Mr. SIMS. I do not know that there is any necessity for it. There is no doubt the duties of the commission have greatly increased with the increased work of the commission, and I do not object to those who work faithfully being well paid for it.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. SIMS. I will.

Mr. JOHNSON of Washington. If the United States Government goes more and more into the use of commissions, calling them arms of Congress, and increases the number of commissioners and pays them salaries in excess of what Members of the House and Senate get, is it not almost certain that you will make the arm stronger than the body itself?

Mr. SIMS. I do not think so, if we are careful about the laws we pass. Adopt this amendment.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. SIMS. I will.

Mr. GREENE of Vermont. Will the filing of this protest which has to be heard mean that it can be employed as a means of obstructing a legitimate rate raise for some time perhaps?

Mr. SIMS. I certainly think not. That great body is not going to yield itself to the vagaries of evil-minded persons.

Mr. GREENE of Vermont. I did not mean to imply that; but might not the mechanics of the law be used by evil-minded persons outside as a means of delaying and obstructing?

Mr. SIMS. It is the existing law now, with the exception it is not made mandatory.

Mr. GREENE of Vermont. I understand; and that is the very point.

Mr. SIMS. There is this great rate increase now pending and probably the commission will suspend it or suspend it in part, but when a gentleman comes before this House, and especially a gentleman of the ability, knowledge, and experience of the gentleman from Wisconsin [Mr. ESCH], who believes that it is possible for the commission in 30 days to know whether this 15 per cent rate increase should go into effect without further hearings, if that does not require of the commission a practical impossibility, I do not know what would. The hearing that has been had has been a plea for a real hearing, a real investigation, and I want to say if that rate increase goes in that has been asked by the railroads without such an investigation, that there will be a clamor to abolish the Interstate Commerce Commission instead of increasing it. [Applause.]

And whenever a protest has been made, as in this case, and when it is proposed to pile 15 per cent on every pound of freight that is shipped, let it be food, clothing, or what not, without a hearing further than a mere preliminiary hearing, you will hear of a storm in this country such as you have not heard in a long time. Pass this amendment which I am offering, and then the protestants will get an opportunity, if it becomes a law before the 1st day of July, to present their case.

The existing law provides that a rate may be suspended for 120 days by the commission or upon complaint or protest. There may be cases where there ought to be 120 days' suspension. Can you imagine a case where it can be better used than where there is a bald, bold demand to put a 15 per cent horizontal, flat-rate increase on the entire commerce of this country, at a time when if it were possible every vital food product ought to be carried free instead of being taxed 15 per cent over present rates?

In 1914 they got a 5 per cent rate in the eastern classification territory and a higher rate west of the Mississippi and in the South. If we are going to try to make up for the deficiencies in the operation of the railroads of this country by simply piling on increases of rate every time they say they need it, it is only a question of time when it will be practically impossible to move coal in this country from one section to another at a rate that can be made practicable to use it.

Mr. GREENE of Vermont. Will the gentleman pardon another interruption?

Mr. SIMS. Certainly.

Mr. GREENE of Vermont. I do not understand, after all, that the real crux of this matter is whether it shall be 30 days or 120 days of suspension. The question is whether the Interstate Commerce Commission shall be compelled under a mandatory law to suspend anyway. If it is optional with them, the matter of time cuts no figure. If it is mandatory, then that law can be used as an obstruction to any rate increase.

Mr. SIMS. There is no probability of such a thing happening, because the present law can be so used.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ADAMSON. I yield five minutes more to the gentleman.

Mr. MOORE of Pennsylvania. It is difficult to get the gentleman's amendment, which was printed some time ago, but does not that amendment provide in effect that upon the complaint of anyone as to rates there shall be an automatic suspension of rates?

Mr. SIMS. Upon the complaint made by those authorized under existing law to make complaint.

Mr. MOORE of Pennsylvania. Does not that mean any person?

Mr. SIMS. It meant what the gentleman from Wisconsin [Mr. ESCH] read. That is the present law. The only question in this whole controversy is whether it shall be mandatory to suspend a rate.

Mr. MOORE of Pennsylvania. There is a rate case now pending before the Interstate Commerce Commission, and a decision is expected very soon——

Mr. SIMS. It ends the 1st of July.

Mr. MOORE of Pennsylvania. Would it not be possible under the gentleman's amendment for any individual to file a protest against that finding of the commission when it comes, and then automatically suspend the action of the commission? Would it not be possible?

Mr. SIMS. We want to make it mandatory, because it will cover the present pending rate-increase case now before the commission. That is an immediate pressing demand.

Mr. MOORE of Pennsylvania. Then there is danger that a designing person, if you please, a blackmailer, could file a protest, and, being unknown to the commission, would automatically hold up the entire country?

Mr. SIMS. That is why I said that I proposed an amendment here which made it impossible for any such thing to be done. Now, gentlemen, you can take the responsibility, if you want to do so. I do not know whether the commission is going to suspend or not suspend in that case, but I know there are people in this country that think they have not had an opportunity to present their case.

Mr. MOORE of Pennsylvania. The gentleman refers to the existing law and suggests that we can find out there who can file the complaint. The law has been handed to me, and I read that any person, firm, corporation, or company, or association, or any mercantile, agricultural, or manufacturing society, or any organization may file a complaint. That means that a man in California can hold up the rates affecting the entire Atlantic seaboard, or a man in Pennsylvania can hold up the rates west of the Rocky Mountains.

Mr. SIMS. By any person, firm, of association which under the act would have the right to file an application for a change in the rate, fare, charge, or classification. That limits it to those who have the right to make the protest after it goes into effect.

Mr. MOORE of Pennsylvania. But the gentleman's amendment justifies a single complaint and holds up the proceedings meanwhile.

Mr. GREENE of Vermont. That would be only chasing one another around in a circle.

Mr. SIMS. This amendment confines it to persons in making the protest who would have a right to make the complaint after it became a rate.

Mr. GREENE of Vermont. What does it matter what their present legal estate is? I hope the gentleman will pardon me for consuming his time; I hope it is to some purpose. The question, as I understand it, is whether or not this thing shall be optional, so that the Interstate Commerce Commission shall use discretion as to whether this protest is made in good faith, or whether it is mandatory; and if it is mandatory, then the matter of the bona fides of the protest or complaint does not enter into it at all.

Mr. SIMS. I think the general law requires that those who protest must have an interest in the rate.

Mr. GREENE of Vermont. But the interest may not be a fair one.

Mr. SIMS. It is bound to be or it would not be protected by this law.

Mr. GREENE of Vermont. The law presumes that anybody making a protest is fair about it until shown to be unfair.

Mr. GILLETT. Any shipper could do it.

Mr. SIMS. Yes; they have the right to make complaint. Such action must come within 30 days, but the commission can limit the time of the suspension as it may be made to appear to them as necessary and proper and right, so that it would not be one of these so-called captious cases, even if one were made prima facie.

Mr. MOORE of Pennsylvania. It is not required to suspend it?

Mr. SIMS. Not for a specified time.

Mr. MOORE of Pennsylvania. I suggest to the gentleman that he is giving great latitude to those who might have a designing purpose.

Mr. GREENE of Vermont. And they might accomplish the purpose in one day.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Yes.

Mr. COOPER of Wisconsin. In such a case as that supposed by the gentleman from Pennsylvania [Mr. MOORE] would there be any such danger of wrong being done to shippers of this country as there would be in legislation giving to railroad managers the power to base the rate?

Mr. SIMS. And without a hearing.

Mr. ADAMSON. Mr. Chairman, we passed a bill eight or nine years ago in this House to increase the membership of the Interstate Commerce Commission from seven to nine members, for the reason that the business was accumulating so rapidly that that commission was overburdened and could not with sufficient alacrity and dispatch attend to the business of the

country. That bill failed in the Senate. Two years ago we passed a bill almost identical in terms with the substitute now reported from the committee to the House. It went to the Senate and failed of passage. This year we introduced and the committee reported the same bill, but we sent a copy of it to the Senate, and the Senate committee reported it.

So this is the third time that the bill has come before this House in identical terms, with the exception of the subdivision of the commission in the bill the last two times. We endeavored to make as few changes as possible in the existing law. Our single purpose was to provide for the relief of the commission and the dispatch of business. Therefore we did not change the term or the salaries of the commission, or any of the rules or methods of practice, but merely provided that when increased to nine members the commission could be subdivided into three or more divisions and changed from time to time.

That bill, when it reached the Senate, received an important amendment. Under the present law, which has been on the books for some time, the commission has the discretion to make a suspension of rates when they are filed. Bear in mind that for 10 years after the decision of the Supreme Court which we thought emasculated the commission we worked to give the commission power to control rates. We finally succeeded in 1906 in giving to them the undoubted power which had been recognized by the courts. We reviewed and revised this interstate-commerce law twice—once in 1906 and once in 1910.

In both cases before the committee a strenuous fight was made to put on what in substance is now known as the Smith and Sims amendment. The committee—and Congress in both branches sustained the committee—held that the discretion of the commission ought not to be trammeled; that, if Congress was going to invest the commission with power to make rates, it ought to give them discretion and allow and require them to control the question; so that the committee refused—and on two occasions Congress affirmed their action—to make mandatory upon the commission the suspension of rates every time anybody requested it.

Now, the chief issue here presented to-day by the Smith-Sims amendment is, Shall Congress permit the commission to continue to exercise its discretion as to suspending rates, or will Congress take that out of their hands and make it mandatory?

Well, we are in the face of a great crisis, some people say. I do not want to get excited about these things. It is true a general proposition to make a general raise of 15 per cent is the most startling movement ever made before the commission, and it does seem that, if any proposition ought to be suspended, that ought; and it does seem, in view of our provision in the law to permit four months and then six months additional for hearings on the complete suspension of rates, that proposition ought to suggest that 30 days' preliminary investigation is not sufficient investigation on a proposition for the greatest increase ever offered in the country.

But there is another side to it. While I believe that the commission will suffer before Congress and before the country if it permits these rates to go into operation without suspension and investigation, I believe it would be a much more severe blow to the commission for Congress to anticipate adverse action in advance and strike them this legislative blow. I do not know that the commission is going to suspend the rates. This proposition in the Senate was made at the outset of a preliminary investigation by the commission as to whether or not they would suspend the rates. They have sat there for 30 days, constantly working—and killed one of the commissioners at work—trying to decide, and they are sitting now daily all day considering the evidence that they heard for 30 days to decide whether they will suspend the rates or not.

I have never doubted that they will suspend the rates. I have never doubted that they will find that there ought to be a longer period for hearing so important a case.

The matter came up in the Senate, and it occurred to some Senators that there was danger that the commission might not suspend the advanced rate, and in apprehension thereof that it was necessary to pass a law taking the discretion out of their hands. Well, sometimes it is right to be an alarmist, and I want to say for the distinguished gentleman representing Georgia in the Senate, of whom some slighting remark was made by some gentleman on the floor just now, that while I have known a great many Smiths in my life, I do not know any Smith equal to that man in ability or superior to him in character, and no other Smith need blush to be confused with him. I do not agree with him in all things. Great men make great mistakes, and the greater the man the greater the contrast appears between him and a false act if he makes a mistake, and therefore the mistakes of great men look larger than the mistakes of small men. Whether this is a mistake I will not say. It may be overzeal. I do not think it was necessary. I do not believe—and the committee of which I am a member agree with me—we do not believe it necessary in advance of action to say that we will change the law through fear that the commission will not suspend the rates. Now, I will tell you what our committee thought about this thing. Our committee thought that while this commission, created by us and charged with this duty, is engaged in considering the very proposition of suspending this 15 per cent increase, we ought not to trammel and embarrass the commission by legislating about the very act that we have charged them with the consideration of, but that we ought to pass the bill exactly as the House has passed it three times, if I remember correctly, and then in conference decide whether or not we could agree with the Senate, and confer with the commission as to what was right and proper to be done. I am free to say that the conference can not possibly conclude before Saturday night, and if the commission should be derelict in its duty and should fail to suspend these rates I do not hesitate to say that I will be willing, and the committee has so said in the report, to make some provision in conference to prevent an unjust increase in rates. The committee thought, and so reported, that the matter would be properly handled as they recommended.

Mr. JOHNSON of Washington. The gentleman is chairman of a very important committee.

Mr. ADAMSON. Yes.

Mr. JOHNSON of Washington. Let me suppose for a moment that each Member of the House of Representatives should rise in his place and make a statement similar to that which the gentleman has just made. What would be the probable effect of such a statement on the Interstate Commerce Commission?

Mr. ADAMSON. What is the gentleman's question?

Mr. JOHNSON of Washington. The gentleman proposed that if the Interstate Commerce Commission does not do so and so in regard to the proposed increase in freight rates he might accede to some legislation in conference that would punish them.

Mr. ADAMSON. I hope there will be no misunderstanding of my statement. My statement is that the conference will be in session probably until the end of the consideration by the commission, and that, if Judge SIMS is right, and if the Senate is right, something ought to be done. The matter will still be open for consideration, and we can determine it; and, as to the conference committee, I will say to the gentleman that the conferees who are members of the Committee on Interstate and Foreign Commerce never do anything without consulting the House and obtaining the approval of the House.

Mr. JOHNSON of Washington. I know that quite well.

Mr. GORDON. Is there not a law at present in existence that provides in substance that in all applications for increase of rate the existing rate shall be prima facie presumed to be just and reasonable?

Mr. ADAMSON. That is true; and in all cases of this kind, in investigations of proposed increases, the burden is on the party proposing the increase. The burden is on the party proposing the change in rate.

Mr. GORDON. Exactly.

Mr. ADAMSON. That is the existing law. Now, Mr. Chairman, I want to be fair and right in this thing. I have great respect for law and great respect for courts and great respect for the tribunals that we have created.

Is it right, before the commission has rendered its decision, which it is now considering with a view to announcing it this week, having only three more days—is it right to anticipate and apprehend that the commission is going to do something contrary to our views and pass a law in advance to control the commission? It would be little short of impeachment in advance of action, and I repeat respectfully that in the meantime, should it appear necessary to agree to anything touching this subject, there would be ample time then to do it, and we can then come back to either House with any action of the conference committee, and we can make any act of Congress take effect from the date of its approval as to rates, if we see proper to do so. But I insist that we ought now to pass this bill as the House has previously passed it.

Mr. CANNON. Will the gentleman allow me?

Mr. ADAMSON. Certainly.

Mr. CANNON. I am asking purely for information. In this investigation that is being made by the commission you anticipate a decision?

Mr. ADAMSON. Yes.

Mr. CANNON. You anticipate that it may be a 15 per cent advance?

Mr. ADAMSON. No, sir; I believe it will be a suspension.

Mr. CANNON. The commission have power to do either.

Mr. ADAMSON. Yes.

Mr. CANNON. That is, they have the power to suspend their decision for further investigation. How long have they been investigating?

Mr. ADAMSON. They have worked 30 days unceasingly, and part of the time have had two or three examiners outside hearing overflow witnesses.

Mr. CANNON. And now the gentleman's information is that they are going to decide it in two or three days; and his proposition is to wait, giving notice in the meantime that if they do not decide it our way we will hold them up?

Mr. ADAMSON. No; I say it is not necessary for us to act now, for several reasons, one of which is that we can not take final action until after they do, and then if people insist on action we will have a chance to take it if we want to.

Mr. CANNON. That is to say, if this commission that Congress created does not please us by its action concerning an increase of rates or a decrease of rates, as the case may be, we will give notice that we propose to nullify the whole thing by legislation.

Mr. ADAMSON. We still have jurisdiction in this bill, because the conferees can not report before that time.

Mr. CANNON. But I am speaking generally. We have created a commission and propose to give them notice that they must satisfy Congress or we will either put them out of office or nullify their action. Does not the gentleman think we had better repeal the law and let Congress fix the rates?

Mr. ADAMSON. I am not going to notify them of anything, but I am telling my colleagues that it is unnecessary in advance of their action to assume they are going to do wrong and change the law. I want to say to the gentleman from Tennessee that we still have the bill under our control after they have decided it.

Mr. ALEXANDER. Will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. ALEXANDER. As I understand the gentleman's position it is to this effect: That if the commission permits the rates to go into effect now it would be an unsound exercise of their discretion and discredit the commission with Congress.

Mr. ADAMSON. No; I beg my friend's pardon, I have not said that. I say that after they act, whether it be one way or the other, if my friend from Tennessee still desires to legislate, the bill will be before Congress for final action.

Mr. ALEXANDER. Does the gentleman think it would be a sound exercise of their discretion to allow the rates to go into effect without further hearings?

Mr. ADAMSON. I do not; I think they ought to suspend the rates, and I believe they will.

Mr. JOHNSON of Washington. But suppose that they do not, this debate would lead them to infer that Congress might step in and take a hand.

Mr. ADAMSON. It could, but whether it will or not I do not know.

Mr. JOHNSON of Washington. It is serving such notice on the commission.

Mr. ADAMSON. No; they know as well as we do that Congress could pass a law if it wanted to. I have stated what I thought about it.

Mr. BORLAND. Will the gentleman yield?

Mr. ADAMSON. I will.

Mr. BORLAND. Has not the gentleman stated repeatedly that he did not intend to report any bill that was not a war emergency? What is the war emergency contained in this bill?

Mr. ADAMSON. This was the first bill proposed in the President's program.

Mr. BORLAND. What war emergency is there in this? The committee on transportation of the Council of National Defense is engaged in the regulation of the traffic of railroads.

Mr. ADAMSON. I will refer the gentleman to the President.

Mr. BORLAND. This specific bill was in the President's program?

Mr. ADAMSON. Yes.

Mr. BORLAND. That is the gentleman's justification for bringing it in?

Mr. ADAMSON. That is my answer; I do not need any justification. It is in line with the preparedness of the President's war program.

Mr. BORLAND. But the gentleman himself does not say that it is a war measure.

Mr. ADAMSON. The President asked Congress to come together in special session for a specific purpose, and this bill has been mentioned every time.

Mr. WALSH. Has not the gentleman from Missouri had a letter from the President on this matter?

Mr. BORLAND. No; not on this matter. When I do I will see that the gentleman from Massachusetts has notice of it.

Mr. CANNON. Mr. Chairman, I would like to ask the gentleman one more question for information.

Mr. ADAMSON. The gentleman has complimented me so much by saying that I could give him information that I gladly yield.

Mr. CANNON. How long have the freight rates been substantially as they are now?

Mr. ADAMSON. That is a hard question to answer, because they are raised in different ways all along the line by changing classifications and otherwise. The greatest general raise was the 5 per cent raise last year.

Mr. CANNON. Can the gentleman inform me how much rise there has been in proportion of the railways from the standpoint of cars, wages, maintenance, and so on. There is an impression, and I must confess without being very well informed that the railways on the average in this country are in a pretty bad way, that many of them a few months ago were in a condition where people who ride on them felt that it was not very safe, because they were not in good condition; that they were not earning enough to enable them to maintain them in good condition.

Mr. ADAMSON. The gentleman is propounding a large question and proposes to go into the very thing before the commission. If I should answer that question, I should say that it is said that many hundred thousand have been put into a propaganda to make the people believe just what the gentleman's question states, and that the whole thing is a bubble and will be punctured before the hearing is over. The rates were high enough for the present prices before the present prices were increased. They have been more profitable in the last 12 months than ever before in their history, and in February, when the railroads started to urge this upon the people through the commission, February had been sort of a poor month, but unfortunately for their case the business picked up in March and April and has been profitable ever since, and they are as prosperous as ever. Roads that do 80 per cent of the business of the country have plethoric treasuries. [Applause.]

Mr. ESCH. Mr. Chairman, I yield to the gentleman from New York [Mr. DEMPSEY].

Mr. DEMPSEY. Mr. Chairman, the Sims amendment proposes two things. The first proposition is that anyone can prefer a complaint to the commission, and the commission, exercising no discretion of its own, not being allowed to decide whether or not that complaint is well founded, whether it has any basis whatever, is required to try that as elaborately as if it were a good complaint. There are two reasons why that should not be done, as it seems to me: First, we appoint the Interstate Commerce Commission, and we all regard it as a great body. The country has come to look to it with confidence as being able and honest and fearless, adequate in its functions to determine the great questions which have been confided to it, and by this amendment we absolutely rob that commission of any discretion whatever and make it the creature of the statute, required to do a thing whether there is the slightest sense in doing it or not. I do not believe, nor do I believe the committee would agree, that a commission clothed with such great powers, occupying such a dignified position, should be robbed of all discretion and required to try every issue that is presented to it.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. GORDON. Suppose this amendment provided that the commission should not raise any rate above the existing rate without a hearing. Does the gentleman think that would be infringing upon the jurisdiction of the commission?

Mr. DEMPSEY. I do not think it would; but I do think that is a very different proposition.

Mr. GORDON. That is the law now.

Mr. DEMPSEY. I do not say whether that is the law or not, but I do say that it is essentially different and does not present the same question at all. I do say that increases of rates are vital, very serious, questions.

Mr. GORDON. And it ought to be fully considered upon the evidence.

Mr. DEMPSEY. Yes.

Mr. GORDON. Does the gentleman think that question can be fully considered in 30 days?

Mr. DEMPSEY. I say that a great many increases of rates could be properly and adequately considered and determined in three days. I do not say whether a specific question could be determined in 3 days, in 30 days, or in 300 days. The gentleman puts me a general question, and I must give him a general

answer. It is impossible to answer a specific question without the evidence as to that question.

Mr. GORDON. The gentleman is familiar with the law that the gentleman from Georgia [Mr. ADAMSON] just referred to?

Mr. DEMPSEY. Yes.

Mr. GORDON. That prima facie existing rates are reasonable and just?

Mr. DEMPSEY. Yes.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GORDON. I beg the gentleman's pardon for taking up so much of his time.

Mr. ESCH. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. DEWALT].

Mr. DEWALT. Mr. Chairman, I have some regard for the amendment proposed by the gentleman from Tennessee [Mr. SIMS], but in order that we may clearly understand the matter now before us, let us put concretely just what he desires. The whole gist of his amendment lies in the word "shall." In other words, he makes it compulsory and mandatory upon the Interstate Commerce Commission to have these investigations and hearings upon the request of anyone who may make a complaint.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. DEWALT. Yes.

Mr. DEMPSEY. Suppose a shipper from one point on a line, we will say from Philadelphia, had had the question determined, and suppose the man at the next station wanted it determined, would he not have the right and could he not compel the commission, although the evidence had been presented, and the question absolutely determined in the first trial, to have a retrial and have it entirely determined the second time?

Mr. DEWALT. The original act does not go quite so far as that.

Mr. DEMPSEY. I am talking about the amendment of the gentleman from Tennessee [Mr. SIMS].

Mr. DEWALT. Oh, the amendment as he proposes it; yes. I thought the gentleman meant the powers that now exist.

Mr. DEMPSEY. No; I refer to the amendment proposed by the gentleman from Tennessee [Mr. SIMS].

Mr. DEWALT. Permit me to continue the argument for a moment, and I shall try to show the members of this committee how very drastic and how very futile at the same time this amendment would be. The present law is found to be as follows:

> That any person, firm, corporation, company, or association, or any mercantile, agricultural, or manufacturing society or other organization, or any body politic or municipality, organization, or any common carrier complaining of anything done or omitted to be done by any common carrier subject to the provisions of this act, in contravention to the provisions thereof, may apply to the said commission.

Then the act goes on to say that thereupon the Interstate Commerce Commission may—not shall—go on with this investigation, and, after hearing, shall determine the facts, and then, if that be not satisfactory, a rehearing can be had. The gist of the Sims amendment is simply this, that you place upon the Interstate Commerce Commission the shackle of a mandatory order that they must at any time, upon the complaint of anyone, at any place, upon any subject, in regard to the raising or lowering of rates upon common carriers, make an investigation. The result of that would be simply this: The Interstate Commerce Commission now consists of seven people, as we all know. They have asked for two additional members. There have been hundreds of cases presented before them, and some of them are now pending, and if this course of proceeding is to be completed according to the Sims amendment there will be no end to such hearings, and the wheels of progress in regard to the matter would of necessity be stopped.

Let me say but one word more, Mr. Chairman, and then I have concluded. My friend from Tennessee was very laudatory in regard to the ability and probity of the Interstate Commerce Commission. There is not a man anywhere, who has any business, there is not a man in the House of Representatives who knows anything of their procedure, but is willing to concede that as an established fact. If, then, my friend concurs in that opinion, which is prevalent all over the country and established by their course of conduct for so many years, why could not my friend from Tennessee leave the discretion with that body, which has the confidence of the people, instead of impeding legislation and impeding progress by hampering them in their efforts? [Applause.]

Mr. ESCH. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. WINSLOW].

Mr. WINSLOW. Mr. Chairman, this question came before the committee as a proposition to make more effective and more prompt the work of the Interstate Commerce Commission, and as a result the committee reported the bill now under discussion, which provided for the increase of membership of the commission by two and for a subdivision of their work. Such are the principal features of the bill, and virtually the only items being discussed, with the exception of the amendment and the amendment to the amendment proposed by Mr. SIMS.

There appears to be no doubt whatever as to the advisability of increasing the commission, and there has been but little, if any, objection to the idea of the subdivision of work. Both propositions are calculated to make possible a quicker completion of the undertakings which the commission is called upon to consider. Everybody knows that the members of the commission are overworked, that their conclusions are too slow for the public interests and for the convenience of those who have hearings before them. If an increase of the number of commissioners by two and an authorized subdivision of work can insure earlier decisions, it would seem to me best to encourage legislation in this direction and pass this bill. When we come, however, to the consideration of the Sims amendment, I think we come to a real stumbling block, and we have to face the trouble that is before this committee. Under existing law the commission can determine whether or not they want to yield to protests and have hearings.

As proposed by Mr. SIMS the commissioners must have hearings whether they approve or not at the request of people or organizations enumerated in the act, but the enumeration of those people and organizations seems to take in about anybody and everybody one can think of, so that by the time the amendment to the amendment and the original amendment might be adopted we would find ourselves back to the point where perhaps there would be virtually nobody, whether interested or otherwise, who could not file a protest against a rate upon which the commission must forthwith grant a hearing. The man who has much to do with business and who is considering methods other than dilatory knows perfectly well that the undertakings which would be forced upon the commissioners if they were obliged to have a hearing at the behest of anybody and everybody would be far in excess of anything they could accomplish with even a membership of nine. So I think it all gets down to a business consideration. Have we confidence in the commission; do we believe they are doing their work as fast as they could; do we want it done quicker; do we want to help them out or do we want to retard them? If we want to help them out, we must adopt some measures to lessen the work individually and increase the results of the commission. If on the other hand we want to retard their undertakings and put them further behind than ever, we have a chance to do that by letting any objector who thinks he has a grievance or an excuse force a hearing from the commission, contrary to their judgment or otherwise, and so on indefinitely. Under the present law 10 months represents the end of the time during which a protest can be argued. Under the Sims amendment, if it is passed, a hearing can go on indefinitely. I am sure this country at this time wants all of its organizations and departments conducted in such a way as to facilitate and expedite the business of the country, and I hope that there will be no technicalities of any kind which will hold back the legislation which this commission needs and for which the committee practically unanimously asked. [Applause.]

[Mr. JOHNSON of Washington addressed the committee. See Appendix.]

Mr. ESCH. Mr. Chairman, I yield six minutes to the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM of Pennsylvania. Mr. Chairman and gentlemen of the committee, I do not know the relevancy of the argument just closed with relation to the bill and the amendment, and therefore I shall not make any comment upon private cars or upon extra food——

Mr. JOHNSON of Washington. Will the gentleman yield for a question?

Mr. GRAHAM of Pennsylvania. For a question.

Mr. JOHNSON of Washington. I did not intend that to be an argument, but two weeks ago, when this bill seemed to be going through on a greased track, I thought that during its consideration would be a good time to look into and discuss the valuation of railroads. I desired an hour; I got two minutes.

Mr. GRAHAM of Pennsylvania. I do wish, however, while not answering that argument, which has now been withdrawn, to say a word or two in relation to the report and the amendment.

I wish to support the report of the committee, and I would oppose the amendment of the member of the committee which has been the chief point of discussion in the debate here. It seems to me that there is occasion for an enlargement of the force of this Interstate Commerce Commission. They are indeed taxed to the uttermost in doing the great work which has been

placed upon them of regulating the transportation of this great country. The railroads of the country have submitted to and appreciate the work of this commission, and we have in operation, therefore, to-day a very successful method of regulation, which ought to be the chief end and aim of legislation upon this subject. In order, therefore, that the regulation may be more thoroughly carried out, let us increase the efficiency of the commission by increasing its numbers.

Mr. BORLAND. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. We should facilitate the doing of the work and the reaching of speedy conclusions, for deferred conclusion is the only thing specifically which I have heard commented upon adversely. And therefore if we can aid the attainment of quicker decisions by this legislation, I am heartily in favor of it.

Yes; I will yield to the gentleman.

Mr. BORLAND. Is not the aim of regulation, after all, by reducing unnecessary expense and unnecessary competition and discrimination and rebate, and so on, to finally reduce the rates to the ultimate shipper? Is not that the real regulation, and have we attained that under all this matter?

Mr. GRAHAM of Pennsylvania. The end ought to be equity and justice to both sides, and when the property is practically taken out of the hands of its stockholders and its normal managers, and the regulation of its charges and rates, and in a large degree its business is turned over to a commission, then I say it becomes the duty of that commission to behave with equity and justice. It is not a commission created solely for the purpose of reducing rates. If reducing rates works injustice, then the rates ought not to be reduced. It is the duty of that commission to stand as impartial judges, trying to work out a system with regard to the use of a public utility that should at once serve the interest of the shippers and not destroy the property of the bondholders and the stockholders of the various corporations.

Mr. BORLAND. Will the gentleman yield further?

Mr. GRAHAM of Pennsylvania. I have not the time.

Mr. BORLAND. Just a brief question. Have not the railroads prospered amazingly under this system of regulation? Have they not been very much more prosperous than ever before in their history?

Mr. GRAHAM of Pennsylvania. In some respects the railroads have been benefited by this regulation. If you ask me the particular question as to whether the railroads have prospered under it, I must, as a citizen observing the signs of the time, say that they have not prospered under it or else you would not have the Interstate Commerce Commission to-day considering the question of increase of rates that is made absolutely necessary for the welfare of these great transportation companies and the welfare of the community. And it is in order that that consideration shall not be blocked that this amendment ought not to be considered or passed. If this amendment is written into this law and the bill becomes the law, you put it in the power of any disgruntled man in the community to file a protest and hold up the hands of this commission and prevent an increase that is now demanded by the public as well as by the railroads. To-day the commission has a discretionary power, wisely lodged in it by the law. It may, if the prima facie appearance is such as to warrant it, declare that an advanced rate may become operative at once.

If, on the other hand, it has doubt about it, it can suspend the operation of the rate for a period of 120 days, or four months. At the end of that time, if the conditions are such that in its discretion further time is needed for the consideration of the main question, it can again postpone the action for a period of six months. Thus you have a limit put upon a discretion that ought not to be permitted to run on forever. And yet under the Sims amendment, as I read it, you remove all those restrictions besides taking away from the commission their discretion, and as my colleague from Pennsylvania [Mr. DEWALT] said, put bonds upon the commission and give them no power of discretion whatsoever. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The Clerk will read.

The Clerk read as follows:

That section 24 of an act entitled "An act to regulate commerce," approved February 4, 1887, as amended, be further amended to read as follows:

"SEC. 24. That the Interstate Commerce Commission is hereby enlarged so as to consist of nine members, with terms of seven years, and each shall receive $10,000 compensation annually. The qualifications of the members and the manner of the payment of their salaries shall be as already provided by law. Such enlargement of the commission shall be accomplished through appointment by the President, by and with the advice and consent of the Senate, of two additional Interstate Commerce Commissioners, one for a term expiring December 31, 1921, and one for a term expiring December 31, 1922. The terms of the present commissioners, or of any successor appointed to fill a vacancy caused by the death or resignation of any of the present commissioners, shall expire as heretofore provided by law. Their successors and the successors of the additional commissioners herein provided for shall be appointed for the full term of seven years, except that any person appointed to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed. Not more than five commissioners shall be appointed from the same political party."

Mr. BORLAND. Mr. Chairman, I move to strike out the last word.

The more the framers of this bill argue for it the more apparent it becomes that there is probably reason for defeating it. We all recollect the genesis of the interstate-commerce act away back in 1887. We recollect also that it was full five or six years before it came into anything like effective enforcement and control over the commerce of the country. At that time the railroads were in the habit of giving secret rebates to every habitual shipper, every elevator man, every coal operator, every man who had a stable industry on their line of road. They would even give a special rate to any man who had a carload lot to ship, even if it were household goods. They were in the habit of giving cut rates to all excursions. They were in the habit of having railroad wars, carrying people from Chicago to Kansas City for a dollar, and throwing in a meal sometimes.

They were in the habit of papering the universe with passes, until every respectable white man in every community rode on a pass. No man liked to pay his fare, because it was a reflection on his business and social standing. [Laughter.] It cost the railroads of this country $30,000 a year to print those passes, let alone distributing them.

Now, that was the condition of affairs when the Interstate Commerce Commission took hold of the railroads. The idea, of course, was that the little shipper must be getting it in the neck. The big shipper was getting a special rebate; the big shipper was getting a secret rate. Only one man could buy grain on a certain line of railroad, because he had a special rate. Only one man could ship coal on a certain railroad, because he had a special rate; and it was necessary to have a system of regulation that would give everybody a fair deal.

Now, what has been the result, practically? The result has been that to-day railroads are hauling more cars to a train, with a fewer number of human employees, than ever before in their history. There are more railroads in this country paying interest on their bonds than ever before. There are more of them paying interest on their stock than ever before in the history of the country. They will not give you a pass now under any circumstances, and political conventions have almost gone out of existence for lack of passes. [Laughter.] There is hardly a State in the Union that has not a direct primary now, having been constrained to abandon the assembling of State conventions because of lack of passes at the expense of the railroads. The railroads are getting clean money for their business. They are even charging traveling men for the transportation of their sample cases and trunks. They will charge you for everything. They charge for all excess baggage over 150 pounds. They will even charge you for a glass of water in the dining room before they get through with it. In short, they are making more money than ever before in their history, and that with a less number of employees, and they are hauling the largest amount of freight that they ever hauled.

Has any average shipper got a rebate or a discount in his rates? Not a dollar. Has any of this increased revenue to the railroads gone into the pockets of the American shipper? No. I am unable to find that a single dollar has gone into the pockets of an American shipper.

Now, it is proposed that nobody shall be allowed to complain of an increase in rates, once filed by the railroads, unless the Interstate Commerce Commission permits him to complain. I think that is the substance of this. Instead of giving the American shipper an absolute right to a hearing before an advance in the rate is made, he is not to have that right. I can not think of anything more preposterous.

What would happen if the rates were suspended automatically on the demand of a single shipper? Nothing, except that the old rates would remain in force, and prima facie they are reasonable and just. That is all that could happen. But they want to put advanced rates in force at the option of the railroads, and the shipper must go through a long and painful process, and perhaps to him an impossible process, before he can get a hearing, and then he is not always able to prove his case in the complicated conditions of American business. The case can only be proven by some large community or some great organization of business men. An ordinary individual shipper can not make out a case, even if he gets a hearing. Any man who knows anything about the matter knows fundamentally that that is a fact.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BORLAND. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. DEMPSEY. Are not all the rates classified, so that any shipper may know when he comes within a given class? He is not required to make an individual fight, is he?

Mr. BORLAND. Of course, the rates are classified, and if he does take a hand on a particular classification he does it for himself and in behalf of all shippers similarly situated.

Mr. RAYBURN. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Texas?

Mr. BORLAND. Yes.

Mr. RAYBURN. As I understood the gentleman, he said at the outset that the more he has read this bill the more he is convinced that it ought to be defeated. There is nothing in the gentleman's objection that militates against the bill. He has not pointed out any defect in the bill to which objection can be made.

Mr. BORLAND. The only point that has been debated here largely, I will say to the gentleman from Texas, is the Sims amendment.

Mr. RAYBURN. The gentleman has not stated whether he is for that or against it.

Mr. BORLAND. I am for it. I hope the gentleman is.

Mr. ADAMSON. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. ADAMSON. As to the remark the gentleman made just now about the difficulty of the shipper proving anything, I wish to call the gentleman's attention to the provision in section 15, that as to any increase of the rate since 1910 the burden shall be on the carrier. That is the existing law. That is not changed by this bill at all. It puts the burden on the carrier as to every rate since 1910.

Mr. BORLAND. Then what is the possible objection to the Sims amendment? The Sims amendment, as I understand it, would simply suspend the operation of those rates.

Mr. GORDON. These increases.

Mr. BORLAND. Yes; these increases—the gentleman from Ohio is correct—until a hearing could be had. Then why the opposition to the Sims amendment, if the existing rates are just?

Mr. ADAMSON. Mr. Chairman, partially answering the gentleman's question, I wish to say that there are 100,000 schedules filed every year, and a million or more different rates. If only a small part of that immense number were complained of, you would swamp the commission, and a great number of them might be matters that the commission, from data already in its possession, might be able to pass upon in a preliminary way without a suspension of the rate.

Mr. BORLAND. That was answered by the gentleman from New York [Mr. DEMPSEY] who said these rates were based upon certain fixed and known classifications. If a man complains of a rate, he complains of the whole classification. But there are two kinds of rates, what we call class rates and what we call commodity rates, and increases are frequently made in rates by the railroads by transferring a given article from a class rate to a commodity rate, and then changing it back again to a class taking a higher rate. Now, it is not always possible for anyone except a trained lawyer or a trained railroad man to follow these methods; but if this bill ought to pass at all—it does not seem to me that it is an emergency measure in any sense, and I had hoped to touch upon that, but I fear I may not have time—it seems to me if it passes at all it ought to pass with the Sims amendment. But just at this time it appears that the commission is going to be relieved to a large extent of the work of the valuation commission. The transportation committee of the Council of National Defense is taking a great deal of the traffic management off their hands, and it seems to me that there is no real emergency calling for the passage of the bill at this time.

Mr. GILLETT. Mr. Chairman, the deplorable condition of the railroads which the gentleman has described before the institution of the Interstate Commerce Commission may have been true in his part of the country, but I am happy to say to him that it was not true of all the country. And one of the reasons for the inadequacy——

Mr. BORLAND. Mr. Chairman——

Mr. GILLETT. I decline to yield. One of the reasons why the railroads to-day are not able to meet the emergency is the loss of public confidence in railroad investments of late years, so that railroads have not been able to keep up the trackage and the cars and other equipment necessary for the immense transportation of to-day. But I did not mean to go into that. I gladly admit the great usefulness and the great advantages of the Interstate Commerce Commission, although I do not think it can be credited with all the improvements in railroad management since it was established. I recognize the fact that it has done away with great abuses which existed, and that it has been a great addition to the welfare both of the railroads and of the people. But while the gentleman from Missouri [Mr. BORLAND] is extolling the usefulness of the Interstate Commerce Commission, I can not see why he wants to reduce their power and limit their discretion, and why he is not willing to trust them to decide when they should have hearings and when they should make suspensions, instead of making a cast-iron rule that any disgruntled shipper or blackmailing lawyer may at any time bring forward a complaint and cause the delay necessary for a hearing.

As I read this bill when it came up the last time, I thought I should vote in favor of it. It seemed to me it was intended to facilitate and expedite the work of the commission in two ways—one by increasing the membership and the other by allowing the commission to divide its force—and I should be glad to support that proposition. But it seems to me that if this Sims amendment should go through, limiting the discretion of the commission and encouraging delays, the bill would do more harm than good. Now, the mere increasing of the size of the commission does not necessarily facilitate its work. The other day I was reading the life of Judge Story, one of the most brilliant men who ever sat in the Supreme Court, and I came across an interesting letter of his which I think is pertinent to this very point. This was in 1828, just after the size of the United States Supreme Court had been increased, and in writing to a friend he said this:

> You may ask how the judges got along together. We made very slow progress and did less in this same time than I ever knew. The addition to our numbers has most sensibly affected our facility as well as rapidity of doing business. "Many men of many minds" require a great deal of discussion to compel them to come to definite results, and we found ourselves often involved in long and very tedious debates. I verily believe if there were 12 judges we should do no business at all, or at least very little.

And what Judge Story said of the Supreme Court of the United States I suppose applies to any other tribunal, and the mere fact of increasing the size of the Interstate Commerce Commission would not necessarily expedite business. But there is also in this bill a provision that the commission may divide itself into sections and in that way make use of its increased size. An increase in size without such a division into sections might obstruct its decisions and require longer deliberaton and therefore cause delay instead of expedition, but by dividing itself up into separate tribunals its work can be hastened. Now I do not wish to be misunderstood. I agree with what the gentleman from Missouri [Mr. BORLAND] says about the great value of the Interstate Commerce Commission. They have done good work, and I believe that if we pass this bill as it stands, rejecting the Sims amendment and increasing their membership and allowing them to divide into sections, we shall thereby increase the expedition and increase the usefulness of this tribunal.

Mr. ADAMSON. I was going to suggest to gentlemen—I will not insist on a request—that as there appeared to be only one matter of great difference in the bill we might wait until we get to some actual amendment and then arrange to speak upon that.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. That section 17 of said act, as amended, be further amended to read as follows:

"SEC. 17. That the commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice. The commission shall have an official seal, which shall be judicially noticed. Any member of the commission may administer oaths and affirmations and sign subpœnas. A majority of the commission shall constitute a quorum for the transaction of business, except as may be otherwise herein provided, but no commissioner shall participate in any hearing or proceeding in which he has any pecuniary interest. The commission may, from time to time, make or amend such general rules or orders as may be requisite for the order and regulation of proceedings before it, or before any division of the commission, including forms of notices and the service thereof, which shall conform, as nearly as may be to those in use in the courts of the United States. Any party may appear before the commission or any division thereof and be heard in person or by attorney. Every vote and official act of the commission, or of any division thereof, shall be entered of record, and its proceedings shall be public upon the request of any party interested.

"The commission is hereby authorized by its order to divide the members thereof into as many divisions as it may deem necessary, which may be changed from time to time. Such divisions shall be denominated, respectively, division 1, division 2, etc. Any commissioner may be assigned to and may serve upon such division or divisions as the commission may direct, and the senior in service of the commissioners constituting any of said divisions shall act as chairman thereof,

In case of vacancy in any division, or of absence or inability to serve thereon of any commissioner thereto assigned, the chairman of the commission, or any commissioner designated by him for that purpose, may temporarily serve on said division until the commission shall otherwise order.

"The commission may by order direct that any of its work, business, or functions arising under this act, or under any act amendatory thereof, or supplemental thereto, or under any amendment which may be made to any of said acts, or under any other act or joint resolution which has been or may hereafter be approved, or in respect of any matter which has been or may be referred to the commission by Congress or by either branch thereof, be assigned or referred to any of said divisions for action thereon, and may by order at any time amend, modify, supplement, or rescind any such direction. All such orders shall take effect forthwith and remain in effect until otherwise ordered by the commission.

"In conformity with and subject to the order or orders of the commission in the premises, each division so constituted shall have power and authority by a majority thereof to hear and determine, order, certify, report, or otherwise act as to any of said work, business, or functions so assigned or referred to it for action by the commission, and in respect thereof the division shall have all the jurisdiction and powers now or then conferred by law upon the commission, and be subject to the same duties and obligations. Any order, decision, or report made or other action taken by any of said divisions in respect to any matters so assigned or referred to it shall have the same force and effect, and may be made, evidenced, and enforced in the same manner, as if made or taken by the commission as a whole. The secretary and seal of the commission shall be the secretary and seal of each division thereof.

"In all proceedings relating to the reasonableness of rates or to alleged discriminations not less than three members shall sit in the hearing and participate in the decision; and in all hearings relating to the valuation of railway property under the act entitled 'An act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, by providing for a valuation of the several classes of property of carriers subject thereto and securing information concerning their stocks, bonds, and other securities,' approved March 1, 1913, not less than seven members shall sit in the hearing and participate in the decision.

"The salary of the secretary of the commission shall be $7,500 per annum.

"Nothing in this section contained, or done pursuant thereto, shall be deemed to divert the commission of any of its powers."

Mr. GARRETT of Texas. Mr. Chairman, is this bill being considered by sections or by paragraphs?

The CHAIRMAN. It is being read by sections.

Mr. GARRETT of Texas. Then any paragraph would be subject to amendment after it is read?

The CHAIRMAN. Yes.

Mr. ADAMSON. Mr. Chairman, the first amendment that I wish to offer is on line 15, page 11, where the word "any" should be "an."

Mr. BORLAND. Mr. Chairman, I would like to ask the gentleman a question. The gentleman assumes that any of these paragraphs will be subject to amendment after being read?

Mr. ADAMSON. Yes.

Mr. BORLAND. I understood the gentleman from Texas to ask the question and was answered in the negative.

Mr. ADAMSON. Oh, no.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Georgia.

The Clerk read as follows:

Page 11, line 13, strike out the word "any" and insert the word "an."

The amendment was agreed to.

Mr. ADAMSON. Now, Mr. Chairman, I move to insert in line 16, page 12, after the word "thereof," the words "subject to the approval of the commission if demanded by either party interested."

The effect of it will be that one of the commissioners can not finally determine the case if either party demands a decision by the commission.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 12, line 16, insert after the word "thereof," the words "subject to the approval of the commission if demanded by either party interested."

Mr. SIMS. Mr. Chairman, I want to offer an amendment to the amendment.

Mr. STAFFORD. Mr. Chairman, I understood the chairman to say that these divisions of the commission would have authority to pass upon rates, on matters pertaining to the management of the road, and that these divisions might consist of one or more members.

Mr. ADAMSON. That is provided for on the next page.

Mr. STAFFORD. The gentleman's amendment only purposes to grant a review in case any party interested may request it. Does not the gentleman think that the commission itself should have the right to review a finding of a fraction of the commission or a division of the commission in case a substantial number of the commission may wish to review it?

Mr. ADAMSON. If the gentleman thinks that that would strengthen the matter, I will add "or on the motion of the commission itself."

Mr. STAFFORD. I suggest for the consideration of the gentleman an amendment to this effect: Line 23, add after the word "whole" the words "subject, however, to review by the commission when ordered by the commission on petition of any party in interest or when demanded by not less than three members thereof."

Mr. ADAMSON. Why not add to the words that I have suggested "subject to the approval of the commission if demanded by either party in interest or on the motion of the commission itself"?

Mr. STAFFORD. On motion of three members of the commission.

Mr. ADAMSON. Or on the suggestion of three members of the commission.

Mr. GILLETT. Will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. GILLETT. Does the gentleman mean by this that wherever either side is dissatisfied by the decision of one division they can take an appeal?

Mr. ADAMSON. I do not wish to suggest any appeal or litigation. But the party wants a decision eo instanti, and has it by a subdivision, and then he wants the entire commission to pass on it.

Mr. GILLETT. Will not the loser always take a chance of an appeal?

Mr. ADAMSON. Oh, no; nine-tenths of the cases will be decided by well-established principles, and will be satisfactory to both sides.

Mr. GILLETT. It looks to me as if the losing side would have nothing to lose and would take an appeal; and, therefore, what advantage you are trying to gain by dividing the commission into groups would be lost, for they will always take an appeal.

Mr. ADAMSON. I do not think it would be right for a subdivision of three to pass on an important case if a party demanded a decision by the whole commission.

Mr. GILLETT. Every man thinks his case is an important one, and if he loses he will want to appeal.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. ADAMSON. I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Georgia as modified.

The Clerk read as follows:

Page 12, line 16, after the word "thereof," insert "subject to the approval by the commission if demanded by either party interested or on the suggestion of three members of the commission."

Mr. MADDEN. Mr. Chairman, if I may be allowed, I think this ought to read "subject to the approval of the commission," without any additional language to it. In the first place, Mr. Chairman, I think that when the commission is authorized to make a division of the work, and they appoint committees, as I assume they are committees, they ought simply to authorize them to hold hearings, collate the facts, and then report the case to the commission and let the commission decide the case.

Mr. ADAMSON. The gentleman from Illinois has struck my original proposition, and the way I first wrote the amendment. I favor its reading in that manner as the gentleman from Illinois has suggested.

Mr. MADDEN. I would like to have the gentleman's amendment modified so that it will read "subject to the approval by the commission."

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. GREENE of Vermont. If the modification proposed by the gentleman from Illinois is adopted, would that relieve the situation? Would it not put us back simply where we are now, because the entire commission would have to review the case?

Mr. ADAMSON. Every order passed by the subdivision would have to go to the entire commission.

Mr MADDEN. Let us have the amendment read as modified.

Mr ADAMSON. Mr. Chairman, I ask unanimous consent to so modify my amendment.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Modified amendment by Mr. ADAMSON: Page 12, line 16, insert after the word "thereof" the following: "subject to approval by the commission."

Mr. RAYBURN. Mr. Chairman, the amendment the gentleman has suggested will not do what he intends.

Mr. ADAMSON. Yes; it will. It is a palladium over all.

Mr. RAYBURN. The gentleman's first amendment said upon demand of either party, but the amendment as accepted now at

the suggestion of the gentleman from Illinois [Mr. MADDEN] has nothing like that in it.

Mr. ADAMSON. It means that the subdivision may issue its order but be subject to approval by the commission, and if nobody ever calls attention to it the commission never objects to it.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I desire to offer a substitute for the amendment offered by the chairman of the committee, and perhaps it will meet with his approval. In line 16, after the word "thereof," insert these words:

An appeal may be allowed upon certificate of one of the commissioners of the subdivision, or by the commission upon the application of either interested party

Just a word in explanation. That is following the analogy of the courts. If you simply leave this to the approval of the commission, they would take it and simply approve or disapprove without having the particular point that was in doubt called to their attention. This gives an opportunity so that if one of the commissioners has serious doubts about a proposition he may issue a certificate, and that would carry it by appeal to the whole commission, or the commission itself upon an application would consider whether or not an appeal should be allowed. It would be a short proceeding and would end the matter quickly, and would perhaps do better and more effective justice than if you leave the matter to the determination of the commission of its own motion, simply perfunctorily looking over the papers.

Mr. ADAMSON. The only objection I have to that is the one already stated, that we are trying to avoid unnecessary pleading and litigation, although generally I am in favor of litigation. We wanted to make this as easy and simple as possible, that this subdivision could do the work, if it was satisfactory to everybody, but if anyone was dissatisfied, or if the commission itself was dissatisfied, the commission would take it up and act upon it, and it can be done simply by mere annotation by anyone, without any formal appeal.

Mr. GRAHAM of Pennsylvania. I desire to have the substitute reported.

The CHAIRMAN. The gentleman from Pennsylvania offered a substitute, which the Clerk will report.

The Clerk read as follows:

Substitute offered by Mr. GRAHAM of Pennsylvania: Page 12, line 16, after the word "thereof" insert the following:

"An appeal may be allowed upon certificate of one of the commissioners of the subdivision, or by the commission upon application of either interested party."

Mr. GREENE of Vermont. Mr. Chairman, that does not fit with the text.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I have offered it as a substitute in order to bring it before the committee. The amendment offered by the chairman of the committee was offered to follow the word "thereof," in line 16. It may be that not only his amendment but the substitute ought to find a more logical place in connection with the text in some other part of the section, but my remarks upon the merit of the proposition itself are these. I have used the word "may." It is not obligatory upon the commission to grant the appeal; it is not obligatory when the parties themselves apply to grant an appeal; and whenever a commissioner, having reasonable doubt about some particular question, certifies that, it brings it to the attention of the commission, with a finger pointing out the portion of the note that is the subject of doubt, and therefore, that would direct their attention to it, and there would be the benefit of having that particular thought or subject passed upon. Likewise, if application is made by either party it calls attention to the ground of the application, and the commission is not obliged to grant the appeal, but it may grant the appeal. If the reasons assigned for the appeal come to them with such force and power they will grant it, if it is a matter of justice, and if not they will decline it.

Mr. HAMILTON of Michigan. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. HAMILTON of Michigan. The gentleman suggests an appeal might be had upon the application of either interested party. Would it not be better to substitute the word "any" for the word "either"?

Mr. GRAHAM of Pennsylvania. Yes; and I ask unanimous consent to substitute the word "any" for the word "either" in the proposed substitute. I would further ask unanimous consent to offer the substitute to follow the word "obligations," in line 18, on page 12.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to modify his substitute. Is there objection? [After a pause.] The Chair hears none.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. DEMPSEY. Mr. Chairman, the chairman of the committee called attention to this fact, that he thought that the substitute offered by the gentleman from Pennsylvania might be cumbersome. It contemplates, as it is now offered, an ex parte application, but to make it sure and plain that it is ex parte, I would suggest to the gentleman from Pennsylvania that he add to the substitute a provision that the certificate may be granted ex parte.

Mr. ADAMSON. If the gentleman will permit——

The CHAIRMAN. The time of the gentleman has expired.

Mr. DECKER. Mr. Chairman, I ask unanimous consent that the gentleman have one minute more. I would like to ask the gentleman a question or two about the amendment.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. DECKER. The gentleman uses the word "appeal." Does the gentleman mean appeal in the strict sense of the word, or a rehearing? It does not mean an appeal involving the making up of a new record?

Mr. GRAHAM of Pennsylvania. No.

Mr. DECKER. The gentleman means a rehearing of the same case, a review?

Mr. SIMS. Would not the word "review" cover the case better than "appeal"?

Mr. GRAHAM of Pennsylvania. I think it would cover the case better.

Mr. STEVENSON. An appeal may be allowed, but it does not say an appeal to whom.

Mr. GRAHAM of Pennsylvania. The commission.

Mr. STEVENSON. An appeal to the entire commission; then that ought to be inserted.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. DECKER. I ask unanimous consent that the gentleman may have one minute in order that I may ask him a question.

Mr. ADAMSON. Mr. Chairman, I want to ask that the gentleman from Missouri be recognized; he is a member of the committee and addressed the Chair several times before, but before doing that I desire to have permission to make one remark. The gentleman from Pennsylvania, great scholar and lawyer that he is, I think fails to reach the matter exactly.

The CHAIRMAN. Does the gentleman from Missouri desire recognition?

Mr. ADAMSON. Just a minute and I will yield the floor.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the gentleman from Pennsylvania may proceed for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. DECKER. Mr. Chairman, I do not so understand the import of the gentleman's amendment. Does his amendment mean upon application of any of the interested parties there may be a rehearing providing one of the commissioners shall so certify?

Mr. GRAHAM of Pennsylvania. No. My amendment is intended——

Mr. DECKER. Or either one of them; that is, a commissioner may send it up of his own volition?

Mr. GRAHAM of Pennsylvania. The same as a judge may certify a question of doubt.

Mr. DECKER. The party may send it up on his own motion?

Mr. GRAHAM of Pennsylvania. No; not send it up; but may make application.

Mr. DECKER. Who passes on his application?

Mr. GRAHAM of Pennsylvania. The commission.

Mr. DECKER. I do not understand yet. What I want to get at is, can any man who has had an adverse decision, simply by making a request, ipso facto, be entitled to a rehearing?

Mr. GRAHAM of Pennsylvania. No; my language is that he may make application for a review and the commission may allow it.

Mr. HAMILTON of Michigan. I think the language should be read again; I did not get it that way.

Mr. ADAMSON. Mr. Chairman, I think the gentleman from Pennsylvania has taken a hasty view of this matter. The commission is authorized to make its own rules and regulations about all these things within its jurisdiction and in the paragraph beginning at line 10, page 12, a subdivision is authorized to hear, decide, certify, and report certain things, and in respect thereto the division shall have the jurisdiction and powers of the commission. It is perfectly grammatical, and the most grammatical way is to make it read in accordance with my amendment. After the words "and in respect thereof" add the words, "subject to the approval of the commission," which

means the full commission, "the division shall have the jurisdiction and powers now or then conferred by law upon the commission." That is plain and simple, and having given jurisdiction to investigate and report those things, they would be authorized to issue an order, subject to the approval of the commission, which means the right of approval be established so that either party or anybody else or the commission itself may see that the approval is made or refused.

Mr. GRAHAM of Pennsylvania. Will the gentleman permit a question? My desire is to perfect the bill in any way I can and help in its passage, and in suggesting this language that is my only thought. Now, I see a difficulty in what the gentleman suggests that may be real, or it may be my imagination, but in this, that if it is subject to the approval of the commission they may make the most perfunctory approval imaginable. There is nothing in the proceedings to call the attention of the commission to what is a disputed or a contested subject, and the suggestion that I have made would have obviated that difficulty and still left it absolutely with the commission to approve or disapprove of it, because it would simply provide that the commissioner having a reasonable doubt of what had taken place could certify the existence of that doubt, and the commission may allow a hearing, or either party considering itself aggrieved may state the basis for its grievance and ask the commission to allow a review, and if the commission say "no," that is the end of it, and if the commission thinks it has merit in it, then he gets a rehearing. Now, it seems that brings more pointedly before the commission the question of the right for a review than the general language of mere approval.

Mr. ADAMSON. I concede the gentleman's good intention and I admire his great ability, but he is mistaken in thinking it necessary for us to put in any language about appeal. The commission makes rules and regulations about these things. We establish the right and make the right and power to issue these orders subject to the approval by the commission. There will undoubtedly be regulations made by the commission as to how they will be availed of by either party or by the commission. I think our committee did right in that matter, and I think the amendment I proposed is all sufficient.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LENROOT. Mr. Chairman, I desire to ask the gentleman a question as to the construction of his proposed amendment if inserted at the place proposed. It would then read:

And in respect thereof, subject to approval of the commission, the division shall have the jurisdiction and powers now or then conferred by law upon the commission.

Mr. ADAMSON. Read a little further.

Mr. LENROOT. I will.

And be subject to the same duties and obligations.

It seems to me that if it is inserted at that point it will not relate to orders made by the division at all, but merely as to the extent of the powers and jurisdiction which shall be exercised by the division. It seems to me that such an amendment as is to be made should be made to the next sentence, from lines 18 to 23, which deals with the making of orders.

Mr. STAFFORD. Mr. Chairman, I suggested to the chairman when I first interpolated him that the place for the amendment to go was after the word "whole." I suggest, "Subject to the review of the commission when ordered by the commission, by any party at interest, or when demanded by any party thereof."

Mr. ADAMSON. I should dislike to measure arguments with such linguists as my two friends from Wisconsin, but I would be willing to go before any literary tribunal as to whether or not it was the proper way to convey the meaning. You have to investigate and certify these things and then go on to another provision, "And subject to the approval of the commission, a division shall have all the powers to issue orders." They can hear and certify and report as much as they please, but before they can issue an order it must be subject to the approval of the commission.

Mr. LENROOT. Does not it give the full commission the right to limit any division as to the jurisdiction and powers and duties, and once having made an order the gentleman's amendment would not give the right of review of that order at all?

Mr. ADAMSON. You can not make an order except subject to the approval of the commission.

Mr. WALSH. Mr. Chairman, I move to strike out the last three words.

I desire to ask the chairman of the committee if he does not think that the language to be used should be "subject to review by the commission," and that those words should be inserted after the word "effect," in line 21?

Mr. ADAMSON. I do not think it would read as well. I read it all over and studied it maturely before I decided where to put it.

Mr. WALSH. If it is in the right place, does not the gentleman think the words should be "subject to review by" rather than "subject to the approval of"?

Mr. ADAMSON. That is a matter of words. I first had it "revision," but I take it the word "approval" means it all.

Mr. WALSH. "Approval" might imply that there remained nothing further to be done but for the commission to sign the findings or decision. The word "review" might imply that somebody would have the right to ask that the decision of the division or the record of the proceedings could be inspected or gone over by the entire board. And it is my idea we ought not to permit a minority of this body to pass upon important questions and to adjudicate finally upon such matters, but that there should be the right reserved to the parties interested to have the entire commission review the findings of the division, made up of a minority of the board.

Mr. HAMILTON of Michigan. Will the gentleman allow me to make a suggestion there?

Mr. WALSH. I yield to the gentleman from Michigan.

Mr. HAMILTON of Michigan. The language suggested by the gentleman from Georgia was this, "subject to approval by the commission." Now, carrying out the idea of the gentleman from Massachusetts [Mr. WALSH], how would it do to say "subject to the review and approval"?

Mr. WALSH. That would help it, but I still think it is in the wrong place.

Mr. HAMILTON of Michigan. As to the location, I believe the gentleman from Massachusetts [Mr. WALSH] and the gentleman from Georgia [Mr. ADAMSON] could get together on that.

Mr. GREENE of Vermont. Well, if you use the words "subject to approval" then you eliminate the sense of "disapproval," do you not?

Mr. MADDEN. That implies revision, does it not?

Mr. GREENE of Vermont. I am talking about the word "approval." All they can do is to approve it. If you want a general term that would include both approval and disapproval, it would be the word "review."

Mr. WALSH. I think the gentlemn is correct in that.

Mr. MADDEN. If you do not approve you disapprove.

Mr. DECKER. Gentlemen of the committee, I wish to call your attention to the fact that what we are discussing here is not a matter of form of words only. There are two different ideas here presented.

Now, the object of this bill, as I understand it, is to facilitate the work of the Interstate Commerce Commission. You can do it in one of two ways.

You can have your subdivisions and give them some authority and let them do the work and pass upon it and finish it, subject to a review, provided one of these commissioners thinks there is something worth putting before the whole commission; or you can take the other method, as presented by the chairman, and let everything be subject to review. And let me suggest to you that, in my humble opinion, when you do that you have simply increased the number of officers in the United States and have not facilitated the transaction of business before the Interstate Commerce Commission.

That very principle is one of the things that causes the endless and unnecessary delay in the administration of justice in our courts to-day. You take the appellate courts in the State of Missouri to-day; we have an appellate court that passes on cases amounting to $7,500, and we have a supreme court over all of them, and you can take a case from that appellate court to the supreme court, not because one of the litigants who has been ruled against wants it to go there, but he can take it by his application, provided one of the judges who has passed upon it has a reasonable doubt about the matter and thinks it ought to be passed upon by the higher court. But if you let the entire case go to the whole commission when any man who has been ruled against wants it to go there, I submit that then every case will be decided by the entire commission, and you will find you have not advanced the work of the commission by a single solitary day. The thing that has tended most to destroy the efficiency of this commission, in my humble opinion, is the fact that it is overburdened with work. The people of the country should have a decision.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. DECKER. Yes.

Mr. WALSH. If this proposed amendment should be adopted, it would not require the whole commission to hold a new hearing. They would simply go over the decision that was made, and that might be done in a very brief time. They would not be required to call the witnesses.

Mr. DECKER. The answer to that is this, gentlemen, and I crave your attention: It means just one of two things, either that the entire commission will give a perfunctory approval, or else, if it gives an honest, conscientious, painstaking investiga-

tion of it, it will take just as long as it would if they started out and made the investigation in the first place. You can choose either horn of the dilemma. You can give it a perfunctory approval, and in that way hasten the work; but where the case is of vital importance and where the decision rendered is in conflict with the ruling of the entire commission and it ought to be called to the attention of all of them, in that case you will always find the commissioners willing to make a certification and allow the entire commission to pass upon it.

Mr. WALSH. Mr. Chairman, will the gentleman yield again?

Mr. DECKER. Yes.

Mr. WALSH. Does the gentleman know of any board or commission or tribunal in which a minority of it can make a final decision?

Mr. DECKER. That is where the gentleman makes his error, when you divide the country into divisions. If we think it wise, we can make the decision of a division final.

Mr. WALSH. Declaring it so would not make it so.

Mr. DECKER. They are our creatures. We are the creators of this commission. We can say that one man's decision shall be final, and that would be better than having the railroads of this country tied up and the commerce of the country stopped. Gentlemen, something must be done. You must move the wheels. The people must have a hearing.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BORLAND. Mr. Chairman, I ask unanimous consent that the gentleman may have two minutes more. I want to ask him a question.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. BORLAND. It is assumed that if this commission is divided into, say, three divisions, consisting of three commissioners each, they will be sitting in different parts of the country, hearing totally different cases without connection with each other.

Now, suppose a case arises where one of the litigants conceives that the ruling of a certain subdivision of the commission in his part of the country is utterly contrary to the ruling of the whole commission or contrary to the ruling of some other subdivision of the commission in some other part of the country. How can he get that entire hearing before the full commission by his own action?

Mr. DECKER. According to the amendment of the gentleman from Pennsylvania [Mr. GRAHAM] he could do that by calling attention to the inconsistency or difference in ruling to the commission or the subdivision that passed upon the case, and I assume that those men are honest enough either to reverse their own decision or ask the whole commission to make a new ruling.

Mr. BORLAND. Suppose the subdivision already has that question presented to them, that it is contrary to the ruling of the whole commission, and they contend that it is not, and they are in harmony with the previous ruling of the entire commission, and the litigant is still certain that they are wrong?

Mr. DECKER. The answer is simple. There must be an end of litigation and contest, and you must bow somewhere to somebody's decision. The same thing can be stated of the Supreme Court of the United States as to the Adamson law or as to any other law. There is always a dissenting opinion delivered, and they may say this is not in harmony with the opinion of the country. But we must bow to their decision.

Mr. WALSH. But in that case it is a decision of a majority and not a decision of a minority.

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mr. DECKER. I want to answer that question, because it is important. I do not know that I will use all the time, but I would like to have five minutes. We are getting down to the meat of this matter.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri to proceed for five minutes more?

There was no objection.

Mr. ADAMSON. Mr. Chairman, before the gentleman from Missouri proceeds with his five minutes I would like to ask, in the interest of facilitating the debate, if the gentleman from Pennsylvania [Mr. GRAHAM] will give me his attention, will the gentleman be satisfied with the provision that will, in effect, say "subject to the decision of the commission under rules and regulations to be established by the commission"?

Mr. GRAHAM of Pennsylvania. I have sent up to the desk an amendment, and I would like, by unanimous consent, to have it read, embodying the language of the proposition.

Mr. ADAMSON. Is it a new proposition?

Mr. GRAHAM of Pennsylvania. It is substantially the same, but in new language.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to modify his substitute. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Mr. GRAHAM of Pennsylvania offers to modify his substitute amendment as follows: Page 12, line 23, after the word "whole," insert: "*Provided*, That a review may be allowed by the commission upon certificate of one of the commissioners of any division or upon the application of any of the parties."

Mr. ADAMSON. Mr. Chairman, I ask that debate on this end after the gentleman from Missouri [Mr. BORLAND] has had his five minutes.

Mr. LENROOT. I will ask the gentleman to withdraw that request.

Mr. ADAMSON. At the suggestion of the gentleman from Wisconsin, I withdraw it.

Mr. DECKER. I do not want to take any more time or to seem contentious, but my objection to that substitute, as I understand it, is that upon the application of any litigant he may have the case passed on by the entire commission.

Mr. GRAHAM of Pennsylvania. He may apply for a review.

Mr. DECKER. To whom?

Mr. GRAHAM of Pennsylvania. To the commission.

Mr. DECKER. To the whole commission?

Mr. GRAHAM of Pennsylvania. Yes. They can hear it in chambers or ex parte, or they can hear it upon the papers alone.

Mr. DECKER. I do not know that I shall object to that. I suppose that is under the theory that the rules and regulations of the commission——

Mr. GRAHAM of Pennsylvania. They are not obliged to grant the review.

Mr. DECKER. I would not object to that. There is a point in the contention of the gentleman from Missouri [Mr. BORLAND] that we do not want to get the different subdivisions of the commission into conflict with each other, and I suppose that if a showing was made that a decision of one division in one part of the country differed from the decision of another division in another part of the country, then the whole commission would take up the decisions and reconsider them.

Mr. GARRETT of Texas. Will the gentleman yield for a question?

Mr. DECKER. I yield to the gentleman from Texas.

Mr. GARRETT of Texas. Do I understand the gentleman from Pennsylvania to say that the effect of his amendment would be that where one of the parties to a contest before the commission was dissatisfied with a decision, the right of that party to an appeal to the entire commission would depend upon whether or not one of the commissioners would certify his appeal?

Mr. GRAHAM of Pennsylvania. No; it is in the alternative. For instance, if there are three commissioners in a subdivision who hear a case, and one of them has a serious doubt as to the validity of the judgment that has been rendered, and so certifies, then the whole commission may order a review. Then, if either of the parties applies to the commission for a review, he may get it, but it is all "may" with the commission.

Mr. GARRETT of Texas. That is exactly the point. I am interested not in whether one of the commissioners is dissatisfied with the decision, but whether or not either of the parties may have the right of appeal.

Mr. GRAHAM of Pennsylvania. He has the right to appeal to the commission and to call the attention of the commission to the subject of his complaint, and, if they deem it sufficient, they may order a review; or, if not, they can deny it.

Mr. DECKER. I want to ask the gentleman from Texas a question: If every litigant has a right, on his own motion, to take an appeal to the whole commission, does the gentleman really think that the work of the commission will be hastened or that we will have decisions on these important questions any more quickly than we are having them now?

Mr. GARRETT of Texas. I will answer the gentleman in this way: If I understand the purpose of this act, it is that these subdivisions of the commission shall go into different parts of the country and have their hearings and make their rulings, and this bill provides that the ruling of one of these subdivisions shall become the ruling of the commission as a whole.

Mr. DECKER. Is that the case?

Mr. GARRETT of Texas. In that particular case. For instance, when they have a hearing in the State of Missouri, at that hearing all the facts concerning a certain rate are adduced.

Now, I contend that if the aggrieved party in that case feels that the decision, perhaps reached by a divided commission, is unjust, he ought to have the right, upon his motion, to have that case reviewed by the entire commission, if he wishes it, on the record as he had it made up before the subdivision of the commission.

Mr. DECKER. What would he do to-day in case he was aggrieved by a decision of the commission as it now exists?

Mr. GARRETT of Texas. The commissioner comes down here and hears the case by himself.

Mr. DECKER. Suppose they all rule against him?

Mr. GARRETT of Texas. He is out of court, and that ends it.

Mr. DECKER. How many commissioners are there to-day?

Mr. GARRETT of Texas. Seven.

Mr. DECKER. And in these divisions how many is it proposed to have?

Mr. GARRETT of Texas. Three.

Mr. ALEXANDER. But there may be only one under the bill.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask unanimous consent to have the amendment read in my time, that we may know more about it.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read the amendment.

Mr. COOPER of Wisconsin. Mr. Chairman, gentlemen will observe that it is to be left optional with the commission—"the commission"—to grant or not grant a review. Now, what do those words, "the commission" mean? The three commissioners who make the original decision are a part of the commission; and are they to take part in saying whether there shall or shall not be a review? If they are not, then the other six of the nine will grant or not grant a review, and the complaining shipper, in order to secure a review, must get a majority—that is, four—of those six members to grant his request. But, with the three who made the decision, opposed to having it reviewed, and talking to their fellow commissioners about its justice, the shipper might not stand very much of a chance if everything is to be left optional with "the commission."

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. HAMILTON of Michigan. May I suggest that the amendment proposes that the review may be had upon a certificate of one of the commission, or upon the application of any of the parties?

Mr. DEMPSEY. Oh, no; that is not what it means. Will the gentleman let me make a suggestion? In the State of New York we have three courts—the court of original jurisdiction, the court of intermediate or appellate jurisdiction, and the court of ultimate resort. To get to the court of ultimate resort from the court of intermediate jurisdiction we have to do one of two things—obtain a certificate of the intermediate court or of one of the judges of the court of ultimate resort. That is about what this would mean. We have never found a case that ought to go to the court of appeals that did not go.

As a matter of experience and observation I can assure the gentleman that the deserving cases, cases that are really doubtful in law and fact, do go and work out just about as this provision is drawn to work out, and it was drawn with the idea of making it similar to that provision.

Mr. COOPER of Wisconsin. Now, nobody wishes to harm the railroads. But it is well in discussing this section to remember that the increasing of railroad rates is practically the levying of a tax on the commerce of the country, the levying of a tax to make dividends for corporations. It is a tremendous power. The increasing of rates concerns not only the complainant who brings the case before the Interstate Commerce Commission, but also all of the people who are compelled to ship over the road. And many are compelled to ship over it. For a railroad is a monopoly of transportation, a monopoly that many businesses must of necessity use until something is invented for purposes of transportation to take the place of railroads. Shippers can no more escape paying railroad rates than they can escape paying Government taxes. And therefore a case before the Interstate Commerce Commission differs widely and fundamentally from an ordinary lawsuit between private individuals. A case involving the justice or injustice of railroad rates is one of serious public importance. And for this reason, always when the question is one of the increasing of rates and the determining whether the tax proposed to be thus collected is just or unjust, the final decision ought to be rendered by the full commission. And the law ought to provide for a review by the full commission of the decision of a division of three members as a matter of right, and not as a mere privilege, the granting of which is optional.

Mr. ADAMSON. While the gentleman is on the floor I want him to hear me ask the gentleman from Pennsylvania if we can not compose the differences and end this literary discussion with this proposition: To add, after the word "whole," in line 23, page 12, the following:

Provided, however, That the action of any division shall be subject to review and approval by the commission, and application therefor may be made by any of the parties affected thereby.

Mr. GRAHAM of Pennsylvania. I am willing to accept that.

Mr. ADAMSON. Mr. Chairman, I ask unanimous consent to withdraw the other.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to withdraw his original amendment. Is there objection?

There was no objection.

Mr. ADAMSON. Mr. Chairman, I now offer the following amendment, which I send to the desk and ask to have read.

The CHAIRMAN. Does the gentleman from Pennsylvania withdraw his substitute?

Mr. GRAHAM of Pennsylvania. Yes; and I accept the one offered by the chairman of the committee.

The CHAIRMAN. Is there objection to the gentleman from Pennsylvania withdrawing his substitute?

There was no objection.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ADAMSON: Page 12, line 23, after the period in line 23, insert:

"*Provided, however,* That the action of any division shall be subject to review and approval by the commission, and application therefor may be made by any of the parties affected thereby.

Mr. COOPER of Wisconsin. Mr. Chairman, ought not that to be "decision" instead of "action"?

Mr. ADAMSON. No.

Mr. SISSON. Mr. Chairman, I think an amendment like this certainly ought to go into this bill, when you increase the number and provide for a hearing and final decision on any matter by one of these subdivisions of the entire commission. If that is not done, you certainly will have confusion worse confounded. A man holding hearings in one section of the country and rendering an opinion with reference to a rate or decision in that section of the country might conflict with a rate or decision in other sections of the country, and therefore it is essential that some central mind in the seven or the nine members, if you make it nine members, shall make determination of these differences. Therefore the right ought to be in any member of these subcommittees to ask a review by the full commission, and every party, whether he is a party eo nomine in the litigation, or any of the interests that may be affected by the decision of the subcommittee, ought to have the right to have the full commission pass on important matters affecting the entire country. Therefore, in order that you may have harmonious decision, it is necessary that you should have the final mind determine all cases. If not, you will have too many decisions and too much confusion in matters of great concern, and it would be better, I submit, even though they get a little behind to have just a little delay and have a final decision upon the question, so that the whole country may know finally what the decision would be, because no man believes that the decision of one of these subcommittees is going to be submitted to by the millions of people that may be affected, because they would instantly begin another proceeding for the purpose of reversing what the three might do, if it was not in accordance with the interests of the country. Therefore I do not think that you will get anywhere with your subcommittees and make any progress, unless you shall have the subcommittee make the investigation and render its decision subject always to review by the entire commission.

Mr. CLARK of Missouri. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. CLARK of Missouri. If you are going to have the whole commission pass on this matter in every case at last, what is the sense in increasing the number of the commission?

Mr. SISSON. I think there is a great deal of sense in it. In the first place, thousands of cases will be filed where the mere statement, perhaps, of the case will find a precedent already deciding the question. If the full commission simply has the right of review of the evils that I see in having a final decision rendered by the subcommittee, the full commission then would take the matter up and harmonize its decision with the decisions they hold to be correct in those particular cases, but it does not require a decision ab initio. It is simply like the review of a court.

Mr. CLARK of Missouri. Why can not three do that as well as nine?

Mr. SISSON. The three could do it, but the three might render one decision in one section of the country and another three another decision in another section of the country. Therefore, for all of the States, although you may have subordinate courts, there must be a court of final and ultimate jurisdiction to determine the matter.

Mr. COOPER of Wisconsin. And you could have more hearings going on at the same time where there are nine.

Mr. CLARK of Missouri. What good will it do to have the hearings going on all over the country with these subdivisions if the whole commission is to review the case at last?

Mr. SISSON. They do not have to do it.

Mr. CLARK of Missouri. But this would make it imperative.

Mr. SISSON. I do not think so. On the contrary, I think the amendment is so drawn that the evils I endeavored to point out that might come from an ultimate decision by the subcommittee, without being passed on by the full commission, could be taken care of under this amendment, because the right of the commission then would be absolute to deny a rehearing of the matter. It would be like a brief you file in a case in the Supreme Court.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SISSON. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SISSON. You get the points of difference at issue by the hearing of three, and the only thing then to be determined by the full commission would be the principle involved in any particular case. It would not mean that they would go through all the entire hearing, and all of the entire evidence. I think a great deal of progress can be made by having the subcommittees.

Mr. MILLER of Washington. And it would prevent conflicting decisions?

Mr. SISSON. Yes; and the purpose of having this commission pass finally on the matter would be that you could have a definite fixed rule all over the United States in reference to all questions of shipment.

Mr. CLARK of Missouri. Would these subcommittees be governed by a former decision of the whole commission, or would they set up their own Jacob's staff?

Mr. SISSON. If a subdivision should set up its own Jacob's staff, it ought to be reviewed. In the event that they follow the line of the full commission, the full commission could decide it that way, but if they set up a new Jacob's staff, it would take only a short time for the commission to settle it.

Mr. ADAMSON. One of the very purposes of this amendment is to enable the commission itself to see that all of the rulings are harmonized and accord with one another.

Mr. SISSON. It is essential that something of that sort should be in this bill. When you have three men or one man go and hear a case, there ought to be a matter of easy review.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask unanimous consent that the amendment proposed by the gentleman from Georgia be again reported.

There was no objection, and the amendment was again reported.

Mr. TOWNER. Mr. Chairman, let me suggest to the chairman of the committee that he does not mean to insert that after the period. The period should be stricken out and a colon inserted.

Mr. ADAMSON. That is correct. I ask unanimous consent to modify the amendment by striking out the period and inserting a colon.

The CHAIRMAN. Without objection, the amendment will be so modified.

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The question was taken, and the amendment was agreed to.

Mr. LENROOT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. LENROOT: Add after the Adamson amendment the following:

Provided further, That any order of a division reviewed by the commission as herein provided shall not become effective until approved by the commission, unless otherwise ordered by the commission.

Mr. ADAMSON. Mr. Chairman, I accept that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was agreed to.

Mr. ADAMSON. Mr. Chairman, on page 13, line 3, as suggested by the Senator at the other end, which is correct, the language ought to be clarified a little. In line 3, beginning a little further back, it reads, "not less than three members shall sit in the hearing and participate in the decision." I wish to amend that language so as to read "not less than three members shall participate in the hearing and decision."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 13, line 3, after the word "shall," strike out the words "sit in the hearing and," and after the word "the" insert the words "hearing and," so it will read:

"In all proceedings relating to the reasonableness of rates or of alleged discriminations not less than three members shall participate in the hearing and decision."

Mr. COOPER of Wisconsin. That means that the subdivision——

Mr. ADAMSON. This is the entire commission.

Mr. ESCH. I wish to ask the chairman of the committee whether the use of the words "participate in the hearings" would necessitate the presence of the members of a division in a hearing in Chicago or St. Louis or San Francisco? In other words, would it require the members of a division to travel around the country, or will all these hearings have to be centered at Washington?

Mr. ADAMSON. Well, in this case it provides that three may hear the question of rates, and that all three must participate in a hearing and decision. Now, as to whether it means that some members of the commission can go out to lunch and leave the others and then come back, and little things like that, I do not think that will count.

Mr. ESCH. Here is the point. As the gentleman understands, a vast amount of testimony is now taken in railroad cases. That is taken by examiners who travel throughout the country, and they present their testimony to the commission with an abstract as to facts and as to principles of law. Then the commission or one of the commissioners accepts those findings of facts and principles of law and goes over the case and makes a report and then it goes up to the full commission. Under the amendment, it seems to me, three members of a division would have to travel around the country or else the hearings would have to be held in Washington.

Mr. ADAMSON. I do not think it means that. If three members sit and hear interrogatories they participate in the hearings. They sit and consider evidence. They may not hear the verbal witness, but they have his testimony and consider and act on it.

Mr. ESCH. Even that would be a tremendous task if they had to read the interrogatories taken by the examiners.

Mr. ADAMSON. This has been insisted on by the Seante, and they say we will never get by without it. I think we ought to have it.

Mr. ESCH. That is not conclusive to me.

Mr. ADAMSON. No. I do not think so; but——

Mr. LENROOT. I would like to ask if inserting the words "final hearings" might not accomplish all that is desired and remove a portion at least of the objection raised by the gentleman from Wisconsin?

Mr. ADAMSON. It seems to me this language makes it workable.

Mr. COOPER of Wisconsin. I would like to ask the gentleman from Georgia if he does not think there ought to be an amendment of this sort: In line 1, page 13, after the word "proceedings," insert the words "before any division"?

Mr. ADAMSON. No, sir. We are talking here about the entire commission in this paragraph, and we say they shall not make a subdivision to pass on rates of less than three and shall not make one to pass on valuation—they have it less than seven, but I am going to substitute a quorum.

Mr. COOPER of Wisconsin. Well, the gentleman means no division of the commission would consider rates?

Mr. ADAMSON. Shall not be less than three.

Mr. COOPER of Wisconsin. This says, "in all proceedings relating to the reasonableness of rates." A hearing before the commission would be a proceeding in regard to the reasonableness of rates.

Mr. ADAMSON. In all proceedings in regard to the reasonableness of rates not less than three members shall participate in a hearing.

Mr. COOPER of Wisconsin. That is a proceeding before a division of the full commission.

Mr. ADAMSON. We are talking about dealing with rates through the commission, and we are qualifying this subdivision by saying "not less than three shall participate."

Mr. COOPER of Wisconsin. But a proceeding before the full commission would be a proceeding relative to the rate. It ought to be amended by inserting, after the word "proceedings," on line 1, page 13, "in all proceedings before a division of the commission."

Mr. ADAMSON. May I say "before a division"? It means as it is now in a proceeding either before the whole commission or a division. I do not think you improve it any.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word. I offer an amendment, which I send to the desk.

The CHAIRMAN. There is an amendment pending offered by the gentleman from Georgia [Mr. ADAMSON].

Mr. COOPER of Wisconsin. My amendment is not an amendment to the amendment. It is a regular amendment. I have no objection to the one offered by the gentleman from Georgia.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. ADAMSON].

The question was taken, and the amendment was agreed to.

Mr. ADAMSON. Mr. Chairman, I have another committee amendment.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 13, line 12, after the word "than," strike out the words "seven members" and insert in lieu thereof the words "a quorum."

Strike out of the same line the word "sit" and insert in lieu thereof the word "participate," and in line 13 strike out the words "participate in the."

Mr. STAFFORD. Will the gentleman yield?

Mr. ADAMSON. Certainly.

Mr. STAFFORD. Do I understand that this language the gentleman suggests would be susceptible of an interpretation that on questions relating to the valuation of railroads and the like, as herein enumerated, that a quorum of a division——

Mr. ADAMSON. A quorum of the commission.

Mr. STAFFORD. It does not say that. There is nothing herein that restricts the hearing of the matters relating to valuation of property.

Mr. ADAMSON. I move to modify the amendment and say "a quorum of the commission."

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to modify his amendment. Is there objection?

There was no objection.

Mr. STAFFORD. Why not insert the word "five"?

Mr. ADAMSON. That is easier.

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

Modified amendment offered by Mr. ADAMSON: Page 13, line 12, strike out the word "seven" and insert "five."

Mr. BORLAND. Mr. Chairman, I move to strike out the last word.

Mr. GARNER. Let us have the amendment voted on.

The CHAIRMAN. There is an amendment pending.

Mr. BORLAND. I am discussing the amendment. I desire to oppose it.

Mr. ADAMSON. I shall ask for a vote at the end of five minutes.

Mr. BORLAND. Mr. Chairman, we have spent the afternoon here now discussing verbal changes in this bill which comes from the Committee on Interstate and Foreign Commerce.

Mr. ADAMSON. Will the gentleman allow me to make the motion?

Mr. BORLAND. I will.

Mr. ADAMSON. I ask unanimous consent that after the five minutes occupied by the gentleman the debate shall be closed.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

That is on this amendment to the amendment?

Mr. ADAMSON. That is right.

Mr. BORLAND. Mr. Chairman, we have spent the entire afternoon here, with a minority of the House, of course, discussing verbal changes in this bill that has come from the committee, and when we get through I undertake to say there will not be a man in the House that knows the legal effect of the language or has been able to keep in his mind all the various changes that are made. Yet every change in an important bill of this kind necessarily must affect very seriously the legal operation of the law. This is an amendment of the great interstate commerce act. It proposes a brand-new scheme, apparently, of enlarging the commission and dividing it into subdivisions.

Now, I, for one, am not willing to give any three members of the commission, or any minority of the commission, a chance to establish an advance of 15 per cent in railroad rates or decide any other serious problem of that kind. Yet we came very nearly doing that as this bill came out of the committee, and if it had not been for a great deal of patient pulling and hauling here and discussion, of which we do not yet know the legal effect, we would have done that very thing.

Mr. ADAMSON. Mr. Chairman, will the gentleman yield a moment so that I may correct him? I gave notice two weeks ago of this identical amendment.

Mr. BORLAND. I do not yield. We have had a verbal controversy as to how many members would participate, and what a participation might mean, whether it would mean an attendance at the actual hearing or some other method of participation. It is perfectly apparent that this bill ought to go back to the committee. It is perfectly apparent that we ought not to take the risk, at this stage of the session, with only a minority of the House present, and in this informal way, of passing a law amending the great interstate commerce act and affecting every shipper in the United States. The bill ought not to pass in its present form. It ought not to have been brought up in its present form. It ought to have been more thoroughly considered. We ought to have had a report here which would have explained these particular changes and their effect upon the shipping interests of the United States. The shipping interests are not going to permit their rights to be foreclosed by the dividing of the commission into small divisions, sending them around to review some action about a blanket change of rate, or a change of classification, which in the last analysis is always an advance of rates.

The shippers of the country are interested in seeing those things. This tribunal was not created primarily to give the railroads of the country an advance of rates. It was created primarily to see to it that shippers should get a fair deal, and if it has not that as an excuse for its existence it has no excuse for its existence at all, because nobody doubts that the railroads can take care of their own end of it without the aid of the commission. The whole act has safeguards thrown around it so that the shippers do not suffer. I do not believe that we ought to divide this great commission, charged as it is now with great responsibility by the American people, and make separate divisions and scatter that responsibility before the American people so that nobody will be able to say on whose responsibility it is that there has been a change of rates.

The CHAIRMAN. The time of the gentleman from Missouri has expired. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The gentleman from Wisconsin [Mr. COOPER] has an amendment pending.

Mr. ADAMSON. The gentleman from Tennessee wants to offer an amendment, Mr. Chairman.

Mr. SIMS. Yes; I want to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Wisconsin.

The Clerk read as follows:

Amendment offered by Mr. COOPER of Wisconsin: On page 13, line 1, after the word "proceedings," insert the following: "before any such division."

Mr. COOPER of Wisconsin. Mr. Chairman, I think the chairman of the Committee on Interstate and Foreign Commerce, the gentleman from Georgia [Mr. ADAMSON], will agree that this amendment ought to be adopted after he gives the bill a careful reading. By turning to the bottom of page 12 he will find this:

The secretary and seal of the commission shall be the secretary and seal of each division thereof.

In all proceedings relating to the reasonableness of rates or to alleged discriminations not less than three members shall sit in the hearing and participate in the decision.

Now, then, that proceeding before the division of the commission can be appealed from, and then there will be a hearing before the full commission, or rather a quorum of the full commission.

Mr. ADAMSON. Mr. Chairman, will the gentleman state again his amendment?

Mr. COOPER of Wisconsin. Mr. Chairman, will the Clerk please read the amendment as I sent it up?

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

Amendment offered by Mr. COOPER of Wisconsin: On page 13, line 1, after the word "proceedings," insert "before any such division."

Mr. COOPER of Wisconsin. The Clerk evidently has not my amendment. It was on a small piece of paper.

The Clerk read as follows:

On page 13, line 1, after the word "proceedings," insert "before such division."

Mr. COOPER of Wisconsin. It should be "any such division," because of language in the line before, "seal of each division thereof."

Mr. ADAMSON. Mr. Chairman, I accept that amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SIMS. Mr. Chairman——

The CHAIRMAN (Mr. THOMPSON). The gentleman from Tennessee.

Mr. STAFFORD. Mr. Chairman, I move to amend the pending amendment by striking out the word "such," and would like to be recognized.

Mr. COOPER of Wisconsin. It ought to be "such," because it is a division thereof.

Mr. STAFFORD. I move to amend the pending amendment.

The CHAIRMAN. The amendment has been agreed to, and the gentleman from Wisconsin arose after the gentleman from Tennessee [Mr. SIMS] had gotten recognition.

Mr. STAFFORD. Then I ask unanimous consent to offer my amendment, because it relates to the amendment which I assumed was pending when I rose to offer my amendment.

The CHAIRMAN. Does the gentleman from Tennessee yield?

Mr. SIMS. I yield to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. The word "such" ought to be in the amendment for the same reason that the word "thereof" appears at the bottom of the next page.

Mr. ADAMSON. I do not think it ought to be modified.

Mr. GARNER. The bill goes to conference, anyway. Let it go.

Mr. STAFFORD. Is there objection to my request?

The CHAIRMAN. The gentleman from Wisconsin did not have the floor. The gentleman from Tennessee had been recognized.

Mr. STAFFORD. I ask unanimous consent to offer my amendment.

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Wisconsin for the purpose of asking unanimous consent?

Mr. SIMS. If there is not going to be any fight over it, I will yield.

Mr. STAFFORD. I offer it as an amendment to the amendment that is pending.

Mr. ADAMSON. There is no amendment pending. The amendment has been agreed to.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] asks unanimous consent to return to the amendment which has just been adopted for the purpose of offering an amendment. Is there objection?

There was no objection.

Mr. STAFFORD. Now, I move to strike out the word "such" from the amendment offered by my colleague.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Mr. STAFFORD moves to strike out the word "such" from the amendment of Mr. COOPER of Wisconsin just adopted, so that it will read "before any division."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD].

The question being taken, the amendment was rejected.

Mr. SIMS. Mr. Chairman, I offer the following amendment, at the end of line 13, page 13, and I will ask the Clerk to read the penciled interlineation as well as the typewritten words.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

After line 13, page 13, insert the following: "The second paragraph of section 15 of the act to regulate commerce"——

Mr. STAFFORD. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin will state it.

Mr. STAFFORD. Will this prevent our perfecting the present section later in the consideration of this bill?

Mr. SIMS. No.

Mr. STAFFORD. This amendment that the gentleman offers is virtually a new section.

Mr. BORLAND. The understanding was that the whole section was subject to amendment.

The CHAIRMAN. Does the gentleman offer it as a new section?

Mr. BORLAND. No; as an amendment to the pending section.

The Clerk read as follows:

Insert, immediately after line 13, page 13, the following: The second paragraph of section 15 of the act to regulate commerce as amended is further amended so that the said second paragraph of said section 15 shall read as follows:

"Whenever there shall be filed with the commission any schedule stating a new individual or joint rate, fare, or charge, or any new individual or joint classification, or any new individual or joint regulation or practice affecting any rate, fare, or charge, the commission, upon its own initiative, may, and upon complaint or protest by any person, firm, corporation, or association which under this act would have the right to file an application for a change in the rate, fare, charge, or classification or practice should it go into effect, shall, at once, and if it so orders, without answer or other formal pleading by the interested carrier or carriers, but upon reasonable notice, enter upon a hearing concerning the reasonableness and propriety of such rate, fare, charge, classification, regulation, or practice; and pending such hearing and the decision thereon the operation of such schedule shall be suspended and the use of such rate, fare, charge, classification, regulation, or practice shall be deferred until after full hearing, and shall take effect only after the commission has found and declared the same to be just and reasonable, neither unjustly discriminatory nor unduly preferential or prejudicial nor otherwise in violation of the provisions of this act, and after full hearing the commission shall make such order in reference to said rate, fare, charge, classification, regulation, or practice as would be proper in a proceeding initiated after the rate, fare, charge, classification, regulation, or practice had become effective.

"The foregoing provision shall apply to all such schedules now on file with the commission, but which have not become effective, but shall not apply to any schedule filed in pursuance of an order of the commission.

"At any hearing involving a rate or fare which has been increased since January 1, 1910, or a rate or fare sought to be increased by any such schedule now on file, but which has not taken effect, or a rate or fare which is sought to be increased by any such schedule hereafter filed the burden of proof to show that the increased rate or fare, or the proposed increased rate or fare, is just and reasonable shall be upon the common carrier, and the commission shall give to the hearing and the stating of such questions preference over all other questions pending before it and decide the same as speedily as possible."

Mr. STAFFORD. Mr. Chairman, I make a point of order against the amendment.

Mr. KEATING. Mr. Chairman, I desire to make the point of order that there is no quorum present.

Mr. STAFFORD. Mr. Chairman, I wish to have pending the point of order that the amendment is not germane to this section.

The CHAIRMAN. Does the gentleman from Colorado make the point of order that there is no quorum present?

Mr. KEATING. I do.

Mr. BORLAND. Mr. Chairman, I move that the committee do now rise.

Mr. ADAMSON. I hope the gentleman will not be precipitate. We have a good deal of business to get through with.

Mr. BORLAND. I am not precipitate. It is 5.20 o'clock.

The CHAIRMAN. The gentleman from Missouri moves that the committee do now rise. The question is on the motion of the gentleman from Missouri.

The question being taken, the motion was rejected.

Mr. ADAMSON. We can get through with this thing in a few minutes.

The CHAIRMAN. The gentleman from Colorado makes the point of no quorum, and the Chair will count. [After counting.] Eighty-seven Members present, not a quorum.

Mr. ADAMSON. Mr. Chairman, I will ask for a minute to see if we can come to some understanding.

Mr. BORLAND. I make the point of order that nothing is in order except calling the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Alexander	Classon	Francis	James
Almon	Cooper, Ohio	Frear	Johnson, Ky.
Anthony	Cooper, W. Va.	Fuller, Ill.	Johnson, S. Dak.
Austin	Copley	Fuller, Mass.	Johnson, Wash.
Bacharach	Costello	Gallivan	Jones, Va.
Bacon	Crago	Gandy	Juul
Bankhead	Currie, Mich.	Gard	Kahn
Barnhart	Dale, N. Y.	Garrett, Tenn.	Kearns
Bathrick	Davis	Glass	Kelley, Mich.
Blackmon	Denison	Good	Kelly, Pa.
Bland	Dent	Goodall	Kennedy, R. I.
Blanton	Denton	Gordon	Key, Ohio
Booher	Dill	Gray, N. J.	Kiess, Pa.
Bowers	Dooling	Green, Iowa	Kitchin
Britten	Doremus	Griest	Kreider
Browne	Doughton	Hamill	Lee, Ga.
Bruckner	Drukker	Hamilton, N. Y.	Lehlbach
Buchanan	Dunn	Hamlin	Lever
Burroughs	Eagan	Harrison, Va.	Linthicum
Butler	Eagle	Haskell	Longworth
Byrnes, S. C.	Elston	Hayes	McArthur
Byrns, Tenn.	Estopinal	Heaton	McClintic
Campbell, Kans.	Evans	Helm	McCormick
Cantrill	Farr	Helvering	McCulloch
Capstick	Fess	Hill	McFadden
Carlin	Fields	Hollingsworth	McKenzie
Carter, Okla.	Fitzgerald	Houston	McLemore
Chandler, N. Y.	Flynn	Hull, Iowa	Maher
Church	Focht	Hutchinson	Mann
Clark, Fla.	Fordney	Ireland	Martin, Ill.

Mason	Peters	Scott, Pa.	Templeton
Miller, Minn.	Porter	Scully	Treadway
Morin	Pou	Sears	Vare
Mott	Powers	Shallenberger	Vestal
Mudd	Pratt	Sherwood	Volstead
Neely	Price	Shouse	Ward
Nelson	Purnell	Slemp	Watson, Pa.
Nicholls, S. C.	Ragsdale	Snell	Webb
Nolan	Reavis	Snyder	Whaley
Norton	Reed	Stedman	White, Ohio
Oliver, Ala.	Robinson	Steele	Wilson, Ill.
Olney	Rowland	Steenerson	Wingo
Osborne	Rubey	Sterling, Pa.	Wood, Ind.
O'Shaunessy	Rucker	Sullivan	Woodyard
Overmyer	Sanders, Ind.	Sumners	Young, Tex.
Padgett	Sanders, La.	Swift	
Paige	Sanders, N. Y.	Switzer	
Parker, N. Y.	Scott, Mich.	Talbott	

The committee rose; and the Speaker having taken the chair, Mr. THOMPSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill S. 1816, finding itself without a quorum, had caused the roll to be called, and 241 Members answered to their names, and he presented a list of the absentees.

The committee resumed its session.

Mr. STAFFORD. Mr. Chairman, I want to have pending a point of order on the amendment of the gentleman from Tennessee.

Mr. ADAMSON. Mr. Chairman, I want to ask the gentleman from Tennessee if we can not agree on a limited time for debate.

Mr. STAFFORD. I do not think it is good practice in the legislative policy of this House to offer an amendment that amends section 15, when you are seeking to amend section 17 of the interstate-commerce act. It should be offered as a separate section. Saying that the section should be amended as follows—to have it inserted in line 13, as suggested by the gentleman from Tennessee—is an anchronism.

Mr. ADAMSON. I want to ask the gentleman if we can not agree on five minutes on a side for debate.

The CHAIRMAN. The gentleman from Wisconsin insists on his point of order.

Mr. STAFFORD. Yes; I make the point of order that the amendment is not germane to this section. I do not doubt for one minute that this amendment may be in order as a separate section.

Mr. SIMS. Mr. Chairman, I will offer it as a separate section.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to modify his amendment by offering it as a separate section. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Chairman, I offer a preferential motion to amend the section by striking out, in line 15, page 13, the figures "$7,500" and inserting "$5,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 13, line 15, strike out "$7,500" and insert "$5,000."

Mr. STAFFORD. Mr. Chairman, the committee seeks to increase the salary of the secretary of the commission from $5,000 to $7,000. The salary of the commissioners is $10,000. There is no instance where the salary of any secretary of any other commission receives more than $5,000. The secretary of the Federal Trade Commission, the secretary of the Farm Loan Board, the secretary of the Shipping Board, the secretary of the Tariff Commission all receive $5,000 a year or less. It is only one case, it is true, but I protest against its being adopted here, in view of the fact that it will be used as a precedent for increasing the salaries of the secretaries of every other commission and the heads of the bureaus of the various departments. Think of it for a moment. The Assistant Secretaries of the Treasury, in whom are lodged much greater responsibility than in the secretary of this commission, who performs only ministerial duties, receive $5,000 a year. The Assistant Postmasters General receive $5,000 a year, and now you are seeking to raise here the salary of a man who has a life tenure of office from $5,000 to $7,000, when the members of the commission themselves, who are supposed to be versed in technical knowledge concerning railway matters, receive only $10,000 a year. It is out of harmony with the salaries paid the commissioners. Even the Senate, when this proposal was presented by the Senate Commerce Committee at $7,500, rejected it, and in the Senate bill which is here before you the salary was fixed at $5,000. We can not in these times establish a policy of increasing the salary of any official when we are not increasing his burdens. The secretary of this commission, as the prior secretaries of the commission have been, is a good man no doubt. No one questions that; but he performs no work of any very high order. He performs work of a ministerial character, not work requiring rare executive ability.

There are plenty of men in the country who can be found to perform this work at much less than $5,000 a year. Are we here in the House, when the Senate has taken action against this increase, to vote to increase it to $7,500? Are we to establish a new grade, and have the subcommittee in charge of the legislative, executive, and judicial appropriation bill, of which I am a member, confronted next year and at all times, when the heads of the departments come before us to increase the salaries of the heads of the bureaus and the Assistant Secretaries, with the argument that the House itself in war times, when we should be saving and economical, increased the salary of this secretary from $5,000 to $7,500?

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. HOWARD. Does the gentleman seriously compare the duties of the secretary of the Interstate Commerce Commission with the duties of the secretary of the Federal Trade Commission?

Mr. STAFFORD. I say here that the work of the Assistant Secretaries of the Navy, the work of the Assistant Secretaries of War, of the Assistant Secretaries of State, who receive only $5,000 a year, the work of the Assistant Postmasters General, the work of all these assistants is far greater and more responsible than the work of the secretary of the Interstate Commerce Commission; and if we are going to establish a $7,500 salary for this secretary, we must in consonance, when the legislative, executive, and judicial appropriation bill is before us, increase the salaries of these other officials to correspond. This is no time for us to increase salaries. This same committee two weeks ago brought in a proposal to increase the salary of the head of the War-Risk Insurance Bureau from $5,000 to $7,500, and in Committee of the Whole we voted down that recommendation after full discussion, participated in by the gentleman from Illinois [Mr. MANN] and others. It is not a pleasant task to rise here and call the attention of the committee to the fact that it will create this confusion in the future arrangement of salaries, but I think the House should have this information. The salary of this secretary should not at this time be increased.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. ADAMSON. Mr. Chairman, I move that all debate upon this amendment now close.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the Chairman announced the ayes appeared to have it.

On a division (demanded by Mr. ADAMSON) there were—ayes 114, noes 34.

So the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Tennessee [Mr. SIMS].

The question was taken, and the amendment was rejected.

The Clerk resumed and concluded the reading of the bill.

Mr. ADAMSON. Mr. Chairman, I move that the committee do now rise and report the bill to the House as amended, with the recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. ESCH. Mr. Chairman, I wish to offer an amendment.

Mr. ADAMSON. Mr. Chairman, I withhold the motion.

Mr. ESCH. I desire to move to strike out section 3. It has no relevancy. It was stricken out in the Senate.

Mr. ADAMSON. The gentleman is mistaken. There is no statute fixing the salary except at $3,500. He is being paid $5,000 in an appropriation bill, and this makes it statutory at the same time. I think the gentleman had better withdraw the amendment and let it be made statutory.

Mr. ESCH. Very well, if it does not make any difference——

Mr. ADAMSON. Mr. Chairman, I renew the motion.

Mr. BORLAND. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Georgia yield?

Mr. ADAMSON. No, I do not. I move that the committee do now rise and report the bill to the House as amended, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. THOMPSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill S. 1816 had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. ADAMSON. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question is on the third reading of the Senate bill.

Mr. KEATING. Mr. Speaker, I desire to make a motion to recommit.

The SPEAKER. Wait until the Chair puts the motion.

The bill was ordered to be read a third time, and was read the third time.

Mr. KEATING. Mr. Speaker, I move to recommit the bill with instructions to the Committee on Interstate and Foreign Commerce to report the same back immediately with the Sims amendment, which is at the desk.

Mr. ADAMSON. I move the previous question on the motion.

Mr. KEATING. And I wish to have the amendment reported.

The SPEAKER. The gentleman from Georgia moves the previous question on the motion to recommit. The motion is to recommit the bill to the Committee on Interstate and Foreign Commerce with directions to report the same back instanter with the Sims amendment added.

Mr. KEATING. Which I ask the Clerk to report.

The SPEAKER. The Clerk will report the motion. The Clerk has not the amendment. It was carried off by one of the reporters to be copied.

Mr. SIMS. It is in the RECORD of the proceedings of the 13th of this month.

Mr. LENROOT. Mr. Speaker, I ask unanimous consent that the reading of the amendment be dispensed with.

Mr. KEATING. I object.

The SPEAKER. The amendment is here. The Clerk will report the motion.

The Clerk read as follows:

Mr. KEATING moves to recommit the bill to the Committee on Interstate and Foreign Commerce, with instructions to that committee to report the bill back forthwith with the following amendment:

Insert, immediately after line 13, page 13, the following: The second paragraph of section 15 of the act to regulate commerce as amended is further amended so that the said second paragraph of said section 15 shall read as follows:

"Whenever there shall be filed with the commission any schedule stating a new individual or joint rate, fare, or charge, or any new individual or joint classification, or any new individual or joint regulation or practice affecting any rate, fare, or charge, the commission upon its own initiative may, and upon complaint or protest by any person, firm, corporation, or association which under this act would have the right to file an application for a change in the rate, fare, charge, or classification, or practice, should it go into effect, shall at once, and if it so orders, without answer or other formal pleading by the interested carrier or carriers, but upon reasonable notice, enter upon a hearing concerning the reasonableness and propriety of such rate, fare, charge, classification, regulation, or practice; and pending such hearing and the decision thereon the operation of such schedule shall be suspended and the use of such rate, fare, charge, classification, regulation, or practice shall be deferred until after full hearing, and shall take effect only after the commission has found and declared the same to be just and reasonable, neither unjustly discriminatory nor unduly preferential or prejudicial, nor otherwise in violation of the provisions of this act, and after full hearing the commission shall make such order in reference to said rate, fare, charge, classification, regulation, or practice as would be proper in a proceeding initiated after the rate, fare, charge, classification, regulation, or practice had become effective.

"The foregoing provision shall apply to all such schedules now on file with the commission, but which have not become effective, but shall not apply to any schedule filed in pursuance of an order of the commission.

"At any hearing involving a rate or fare which has been increased since January 1, 1910, or a rate of fare sought to be increased by any such schedule now on file, but which has not taken effect, or a rate or fare which is sought to be increased by any such schedule hereafter filed the burden of proof to show that the increased rate or fare, or the proposed increased rate or fare, is just and reasonable shall be upon the common carrier, and the commission shall give to the hearing and the stating of such questions preference over all other questions pending before it and decide the same as speedily as possible."

The SPEAKER. The question is on the motion to recommit.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. BORLAND. Division, Mr. Speaker.

Mr. KEATING. Mr. Speaker, I make the point of no quorum.

The SPEAKER. Did the gentleman make the point of no quorum?

Mr. KEATING. I will withdraw it.

The House divided; and there were—ayes 51, noes 110.

Mr. BORLAND. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Missouri [Mr. BORLAND] makes the point of no quorum, and the Chair will count. [After counting.] Two hundred and four Members are present; not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of this motion to recommit will when their names are called answer "yea," and those opposed will answer "nay."

The question was taken; and there were—yeas 76, nays 156, answered "present" 2, not voting 196, as follows:

YEAS—76.

Aswell	Gallagher	Lobeck	Sisson
Ayres	Garner	Lundeen	Smith, Mich.
Bell	Garrett, Tex.	McClintic	Steagall
Borland	Goodwin, Ark.	McKeown	Stephens, Miss.
Burnett	Gregg	Martin, La.	Thomas
Candler, Miss.	Hardy	Moon	Thompson
Caraway	Haugen	Morgan	Tillman
Cary	Hayden	Oldfield	Timberlake
Collier	Helm	Oliver, Ala.	Towner
Connally, Tex.	Hilliard	Quin	Van Dyke
Cooper, Wis.	Hood	Randall	Venable
Cramton	Huddleston	Rankin	Weaver
Crosser	Jacoway	Roberts	Wheeler
Dickinson	Johnson, Wash.	Romjue	Williams
Dominick	Jones, Tex.	Sabath	Wise
Doolittle	Keating	Schall	Young, N. Dak.
Dowell	Kehoe	Sears	Zihlman
Ellsworth	Knutson	Shackleford	
Emerson	La Follette	Siegel	
Foster	LaGuardia	Sims	

NAYS—156.

Adamson	Fairfield	Lazaro	Russell
Anderson	Farr	Lea, Cal.	Sanders, Ind.
Ashbrook	Ferris	Lenroot	Sanford
Barkley	Fisher	Lesher	Scott, Iowa
Black	Flood	Little	Sells
Brand	Foss	Littlepage	Sherley
Brodbeck	French	Lonergan	Sloan
Browne	Garland	Lunn	Smith, Idaho
Browning	Gillett	McLaughlin, Mich.	Smith, C. B.
Brumbaugh	Glass	McLaughlin, Pa.	Smith, T. F.
Byrnes, S. C.	Glynn	Madden	Snook
Campbell, Pa.	Godwin, N. C.	Magee	Stafford
Cannon	Gould	Mansfield	Sterling, Ill.
Carew	Graham, Ill.	Mapes	Stevenson
Carlin	Graham, Pa.	Mecker	Stiness
Chandler, Okla.	Gray, Ala.	Miller, Wash.	Strong
Clark, Pa.	Greene, Vt.	Mondell	Sweet
Claypool	Griffin	Montague	Switzer
Coady	Hadley	Moore, Pa.	Tague
Cooper, Ohio	Hamilton, Mich.	Moores, Ind.	Taylor, Ark.
Cox	Hastings	Mudd	Temple
Curry, Cal.	Hawley	Nicholls, S. C.	Tilson
Dale, Vt.	Heflin	Oliver, N. Y.	Tinkham
Dallinger	Heintz	Overstreet	Vestal
Darrow	Hensley	Park	Vinson
Davidson	Hersey	Parker, N. J.	Voigt
Decker	Hicks	Phelan	Waldow
Dempsey	Houston	Platt	Walker
Denison	Howard	Polk	Walsh
Dewalt	Hulbert	Rainey	Walton
Dies	Husted	Raker	Wason
Dillon	Igoe	Ramseyer	Watkins
Dixon	Kennedy, Iowa	Rayburn	Watson, Va.
Drane	Kennedy, R. I.	Riordan	Welling
Dupré	Kettner	Robbins	Welty
Dyer	Kincheloe	Rogers	White, Me.
Edmonds	Kraus	Rose	Wilson, La.
Esch	Langley	Rouse	Wilson, Tex.
Fairchild, B. L.	Larsen	Rowe	Winslow

ANSWERED "PRESENT"—2.

Hull, Tenn.	Kinkaid

NOT VOTING—196.

Alexander	Dill	Heaton	Mays
Almon	Dooling	Helvering	Miller, Minn.
Anthony	Doremus	Hill	Morin
Austin	Doughton	Holland	Mott
Bacharach	Drukker	Hollingsworth	Neely
Bacon	Dunn	Hull, Iowa	Nelson
Bankhead	Eagan	Humphreys	Nichols, Mich.
Barnhart	Eagle	Hutchinson	Nolan
Bathrick	Elston	Ireland	Norton
Blackmon	Estopinal	James	Olney
Bland	Evans	Johnson, Ky.	Osborne
Blanton	Fairchild, G. W.	Johnson, S. Dak.	O'Shaunessy
Booher	Fess	Jones, Va.	Overmyer
Bowers	Fields	Juul	Padgett
Britten	Fitzgerald	Kahn	Paige
Bruckner	Flynn	Kearns	Parker, N. Y.
Buchanan	Focht	Kelley, Mich.	Peters
Burroughs	Fordney	Kelly, Pa.	Porter
Butler	Francis	Key, Ohio	Pou
Byrns, Tenn.	Frear	Kiess, Pa.	Powers
Caldwell	Freeman	King	Pratt
Campbell, Kans.	Fuller, Ill.	Kitchin	Price
Cantrill	Fuller, Mass.	Kreider	Purnell
Capstick	Gallivan	Lee, Ga.	Ragsdale
Carter, Mass.	Gandy	Lehlbach	Ramsey
Carter, Okla.	Gard	Lever	Reavis
Chandler, N. Y.	Garrett, Tenn.	Linthicum	Reed
Church	Good	London	Robinson
Clark, Fla.	Goodall	Longworth	Rodenberg
Classon	Gordon	McAndrews	Rowland
Connelly, Kans.	Gray, N. J.	McArthur	Rubey
Cooper, W. Va.	Green, Iowa	McCormick	Rucker
Copley	Greene, Mass.	McCulloch	Sanders, La.
Costello	Griest	McFadden	Sanders, N. Y.
Crago	Hamill	McKenzie	Saunders, Va.
Crisp	Hamilton, N. Y.	McKinley	Scott, Mich.
Currie, Mich.	Hamlin	McLemore	Scott, Pa.
Dale, N. Y.	Harrison, Miss.	Maher	Scully
Davis	Harrison, Va.	Mann	Shallenberger
Dent	Haskell	Martin, Ill.	Sherwood
Denton	Hayes	Mason	Shouse

Sinnott	Steenerson	Templeton	White, Ohio
Slayden	Stephens, Nebr.	Treadway	Wilson, Ill.
Slemp	Sterling, Pa.	Vare	Wingo
Small	Sullivan	Volstead	Wood, Ind.
Snell	Sumners	Ward	Woods, Iowa
Snyder	Swift	Watson, Pa.	Woodyard
Stedman	Talbott	Webb	Young, Tex.
Steele	Taylor, Colo.	Whaley	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. LEVER with Mr. PETERS.
Mr. BOOHER with Mr. TREADWAY.
Mr. HELVERING with Mr. IRELAND.
Mr. HARRISON of Mississippi with Mr. PAIGE.
Mr. PADGETT with Mr. DUNN.
Mr. BARNHART with Mr. FESS.
Mr. STEELE with Mr. BUTLER.
Mr. JONES of Virginia with Mr. HUTCHINSON.
Mr. MAHER with Mr. PRATT.
Mr. O'SHAUNESSY with Mr. KIESS of Pennsylvania.
Mr. DALE of New York with Mr. KREIDER.
Mr. OVERMYER with Mr. MCCULLOCH.
Mr. TALBOTT with Mr. BACHARACH.
Mr. KEY of Ohio with Mr. PARKER of New York.
Mr. FLYNN with Mr. POWERS.
Mr. BLACKMON with Mr. LEHLBACH.
Mr. DOUGHTON with Mr. JUUL.
Mr. GARRETT of Tennessee with Mr. MCKINLEY.
Mr. STEPHENS of Nebraska with Mr. REAVIS.
Mr. MARTIN of Illinois with Mr. MCARTHUR.
Mr. HULL of Tennessee with Mr. HILL.
Mr. ALMON with Mr. GEORGE W. FAIRCHILD.
Mr. MANN with Mr. KITCHIN.
Mr. CLARK of Florida with Mr. FULLER of Illinois.
Mr. SAUNDERS of Virginia with Mr. HAYES.
Mr. EAGAN with Mr. HULL of Iowa.
Mr. RUCKER with Mr. KINKAID.
Mr. EAGLE with Mr. HAMILTON of New York.
Mr. RAGSDALE with Mr. PURNELL.
Mr. SHOUSE with Mr. WARD.
Mr. ALEXANDER with Mr. ANTHONY.
Mr. BANKHEAD with Mr. AUSTIN.
Mr. BATHRICK with Mr. SINNOTT.
Mr. BLANTON with Mr. BLAND.
Mr. BRUCKNER with Mr. BOWERS.
Mr. BUCHANAN with Mr. BRITTEN.
Mr. CALDWELL with Mr. SCOTT of Michigan.
Mr. CANTRILL with Mr. CAMPBELL of Kansas.
Mr. CHURCH with Mr. SLEMP.
Mr. CONNELLY of Kansas with Mr. CARTER of Massachusetts.
Mr. CRISP with Mr. CHANDLER of New York.
Mr. DENT with Mr. SNELL.
Mr. DENTON with Mr. COOPER of West Virginia.
Mr. DILL with Mr. COPLEY.
Mr. DOOLING with Mr. COSTELLO.
Mr. DOREMUS with Mr. CRAGO.
Mr. ESTOPINAL with Mr. SNYDER.
Mr. EVANS with Mr. DAVIS.
Mr. FIELDS with Mr. DRUKKER.
Mr. FITZGERALD with Mr. ELSTON.
Mr. GALLIVAN with Mr. FOCHT.
Mr. GANDY with Mr. FORDNEY.
Mr. GARD with Mr. FRANCIS.
Mr. GORDON with Mr. FREAR.
Mr. HAMILL with Mr. FREEMAN.
Mr. HAMLIN with Mr. FULLER of Massachusetts.
Mr. HARRISON of Virginia with Mr. GRAY of New Jersey.
Mr. HOLLAND with Mr. GREEN of Iowa.
Mr. HUMPHREYS with Mr. GREENE of Massachusetts.
Mr. JONES of Texas with Mr. GRIEST.
Mr. LEE of Georgia with Mr. HASKELL.
Mr. LINTHICUM with Mr. HEATON.
Mr. MCANDREWS with Mr. SWIFT.
Mr. KELLY of Pennsylvania with Mr. JAMES.
Mr. MCLEMORE with Mr. JOHNSON of South Dakota.
Mr. MAYS with Mr. KAHN.
Mr. NEELY with Mr. KEARNS.
Mr. OLNEY with Mr. KELLEY of Michigan.
Mr. POU with Mr. KING.
Mr. PRICE with Mr. LONGWORTH.
Mr. ROBINSON with Mr. WILSON of Illinois.
Mr. RUBEY with Mr. MCFADDEN.
Mr. SANDERS of Louisiana with Mr. MCKENZIE.
Mr. SAUNDERS of Virginia with Mr. MASON.
Mr. SCULLY with Mr. MILLER of Minnesota.
Mr. SHALLENBERGER with Mr. MORIN.
Mr. SHERWOOD with Mr. MOTT.
Mr. SLAYDEN with Mr. WOOD of Indiana.
Mr. STEDMAN with Mr. NICHOLS of Michigan.
Mr. STERLING of Pennsylvania with Mr. NOLAN.
Mr. SULLIVAN with Mr. NORTON.
Mr. SUMNERS with Mr. TEMPLETON.
Mr. TAYLOR of Colorado with Mr. PORTER.
Mr. WEBB with Mr. RAMSEY.
Mr. WHALEY with Mr. WOODYARD.
Mr. WHITE of Ohio with Mr. RODENBERG.
Mr. WINGO with Mr. ROWLAND.
Mr. YOUNG of Texas with Mr. SANDERS of New York.

Mr. KINKAID. Mr. Speaker, I voted "no." I am paired with Mr. RUCKER, of Missouri.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. KINKAID, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors. The question is on the passage of the Senate bill.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. BORLAND. A division, Mr. Speaker.

The SPEAKER. The gentleman from Missouri asks for a division.

The House divided; and there were—ayes 168, noes 18.

Mr. BORLAND. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Missouri makes the point of order that there is no quorum present. The Chair will count. [After counting.] Two hundred and five Members are present; not a quorum.

Mr. ADAMSON. Mr. Speaker, it is so near a quorum that I believe a demand for tellers would develop a quorum.

Mr. BORLAND. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Missouri moves that the House do now adjourn. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. ADAMSON. Mr. Speaker, I ask for tellers on the passage of the bill. I think we can get a quorum more quickly that way than by calling the roll. No matter which way the vote results it will develop a quorum.

Mr. BORLAND. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BORLAND. Where the House is dividing, and it develops that there is no quorum present and the point of no quorum is made, does not that automatically require a call of the House?

The SPEAKER. It does.

Mr. BORLAND. Then I object to interjecting any other business between the point of no quorum and the dividing of the House.

The SPEAKER. Has anybody interjected anything?

Mr. BORLAND. The gentleman from Georgia has done so by asking for tellers.

Mr. ADAMSON. The Speaker counted and announced the result, and I asked for tellers on the count.

The SPEAKER. The gentleman has a right to tellers, if he can get enough to stand up with him.

Mr. ADAMSON. I think I can do that.

The SPEAKER. The gentleman from Georgia demands tellers. All in favor of ordering tellers will rise and stand until they are counted. Evidently a sufficient number, and the gentleman from Georgia [Mr. ADAMSON] and the gentleman from Wisconsin [Mr. ESCH] will take their places as tellers. Those in favor of the passage of this bill——

Mr. BORLAND. Oh, no; Mr. Speaker, this is a count to find whether there is a quorum present or not.

The SPEAKER. Members will pass between the tellers and be counted.

Mr. BORLAND. On what question, Mr. Speaker?

The SPEAKER. On the question whether there is a quorum here or not.

The Members passed between the tellers, and the tellers reported 205 Members.

Mr. ADAMSON. There are a good many who have not gone through.

The SPEAKER. The Chair can not make them go through.

Mr. ADAMSON. You can count them.

The SPEAKER. No; the Chair can not count them.

Mr. BORLAND. Mr. Speaker, I move that the House do now adjourn.

Mr. ADAMSON. If the gentlemen who failed to go between the tellers will not get up and confess their presence, there will have to be an automatic call of the House.

Mr. THOMAS. I did not go through, and I am here.

Mr. ADAMSON. The call of the House is automatic.

The SPEAKER. The gentleman from Missouri [Mr. BORLAND] moves that the House do now adjourn.

Mr. ADAMSON. He made that motion some time ago, and it was voted down, and there has been no business since.

The SPEAKER. It is an automatic call on the passage of the bill. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 229, nays 12, answered "present" 2, not voting 187, as follows:

YEAS—229.

Adamson	Ferris	Little	Sells
Ashbrook	Fisher	Littlepage	Shackleford
Aswell	Flood	Lobeck	Sherley
Ayres	Focht	London	Siegel
Barkley	Foss	Lonergan	Sims
Bell	Foster	Lundeen	Sisson
Black	French	Lunn	Sloan
Bland	Garland	McClintic	Smith, Idaho
Blanton	Garrett, Tex.	McKeown	Smith, Mich.
Brand	Gillett	McLaughlin, Mich.	Smith, C. B.
Brodbeck	Glynn	McLaughlin, Pa.	Smith, T. F.
Browne	Godwin, N. C.	Magee	Snook
Browning	Goodwin, Ark.	Mansfield	Stafford
Brumbaugh	Gould	Mapes	Steagall
Burnett	Graham, Ill.	Martin, La.	Stephens, Miss.
Byrnes, S. C.	Graham, Pa.	Meeker	Sterling, Ill.
Campbell, Pa.	Gray, Ala.	Miller, Wash.	Stevenson
Candler, Miss.	Greene, Vt.	Montague	Stiness
Cannon	Gregg	Moon	Strong
Caraway	Griffin	Moore, Pa.	Sweet
Carew	Hadley	Moores, Ind.	Switzer
Carter, Okla.	Hamilton, Mich.	Morgan	Tague
Cary	Hamlin	Nicholls, S. C.	Taylor, Ark.
Chandler, N. Y.	Hardy	Norton	Taylor, Colo.
Chandler, Okla.	Harrison, Miss.	Oldfield	Temple
Clark, Pa.	Hastings	Oliver, Ala.	Thompson
Claypool	Hawley	Oliver, N. Y.	Tillman
Coady	Hayden	Overstreet	Tilson
Collier	Heflin	Park	Timberlake
Connally, Tex.	Heintz	Parker, N. J.	Tinkham
Connelly, Kans.	Helm	Phelan	Van Dyke
Cooper, Ohio	Hensley	Platt	Venable
Cox	Hersey	Polk	Vestal
Cramton	Hicks	Quin	Vinson
Crosser	Hood	Ragsdale	Voigt
Curry, Cal.	Houston	Rainey	Waldow
Dale, Vt.	Howard	Raker	Walker
Dallinger	Huddleston	Ramseyer	Walsh
Darrow	Hulbert	Randall	Walton
Davidson	Humphreys	Rankin	Wason
Decker	Husted	Rayburn	Watkins
Dempsey	Jacoway	Reed	Watson, Va.
Denison	Johnson, Wash.	Riordan	Weaver
Dewalt	Jones, Tex.	Robbins	Welling
Dickinson	Keating	Roberts	Welty
Dies	Kehoe	Rogers	Wheeler
Dillon	Kennedy, Iowa	Romjue	White, Me.
Dixon	Kennedy, R. I.	Rose	White, Ohio
Dominick	Kettner	Rouse	Williams
Doolittle	Kincheloe	Rowe	Wilson, La.
Dupré	Kraus	Rubey	Wilson, Tex.
Dyer	La Follette	Russell	Wise
Edmonds	Langley	Sabath	Wood, Ind.
Ellsworth	Larsen	Sanders, Ind.	Woodyard
Esch	Lazaro	Sanford	Zihlman
Fairchild, B. L.	Lea, Cal.	Saunders, Va.	
Fairfield	Lenroot	Scott, Iowa	
Farr	Lesher	Sears	

NAYS—12.

Borland	Emerson	Hilliard	Thomas
Cooper, Wis.	Gallagher	LaGuardia	Towner
Dowell	Haugen	Schall	Young, N. Dak.

ANSWERED "PRESENT"—2.

Booher	Kinkaid

NOT VOTING—187.

Alexander	Carlin	Eagan	Good
Almon	Carter, Mass.	Eagle	Goodall
Anderson	Church	Elston	Gordon
Anthony	Clark, Fla.	Estopinal	Gray, N. J.
Austin	Classon	Evans	Green, Iowa
Bacharach	Cooper, W. Va.	Fairchild, G. W.	Greene, Mass.
Bacon	Copley	Fess	Griest
Bankhead	Costello	Fields	Hamill
Barnhart	Crago	Fitzgerald	Hamilton, N. Y.
Bathrick	Crisp	Flynn	Harrison, Va.
Blackmon	Currie, Mich.	Fordney	Haskell
Bowers	Dale, N. Y.	Francis	Hayes
Britten	Davis	Frear	Heaton
Bruckner	Dent	Freeman	Helvering
Buchanan	Denton	Fuller, Ill.	Hill
Burroughs	Dill	Fuller, Mass.	Holland
Butler	Dooling	Gallivan	Hollingsworth
Byrns, Tenn.	Doremus	Gandy	Hull, Iowa
Caldwell	Doughton	Gard	Hull, Tenn.
Campbell, Kans.	Drane	Garner	Hutchinson
Cantrill	Drukker	Garrett, Tenn.	Igoe
Capstick	Dunn	Glass	Ireland
James	McKenzie	Peters	Snell
Johnson, Ky.	McKinley	Porter	Snyder
Johnson, S. Dak.	McLemore	Pou	Stedman
Jones, Va.	Madden	Powers	Steele
Juul	Maher	Pratt	Steenerson
Kahn	Mann	Price	Stephens, Nebr.
Kearns	Martin, Ill.	Purnell	Sterling, Pa.
Kelley, Mich.	Mason	Ramsey	Sullivan
Kelly, Pa.	Mays	Reavis	Sumners
Key, Ohio	Miller, Minn.	Robinson	Swift
Kiess, Pa.	Mondell	Rodenberg	Talbott
King	Morin	Rowland	Templeton
Kitchin	Mott	Rucker	Treadway
Knutson	Mudd	Sanders, La.	Vare
Kreider	Neely	Sanders, N. Y.	Volstead
Lee, Ga.	Nelson	Scott, Mich.	Ward
Lehlbach	Nichols, Mich.	Scott, Pa.	Watson, Pa.
Lever	Nolan	Scully	Webb
Linthicum	Olney	Shallenberger	Whaley
Longworth	Osborne	Sherwood	Wilson, Ill.
McAndrews	O'Shaunessy	Shouse	Wingo
McArthur	Overmyer	Sinnott	Winslow
McCormick	Padgett	Slayden	Woods, Iowa
McCulloch	Paige	Slemp	Young, Tex.
McFadden	Parker, N. Y.	Small	

So the bill was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. DRANE with Mr. CARTER of Massachusetts.

Mr. CARLIN with Mr. FULLER of Massachusetts.

Mr. CRISP with Mr. PAIGE.

Mr. GARNER with Mr. MADDEN.

Mr. GLASS with Mr. GREENE of Massachusetts.

Mr. GALLIVAN with Mr. GRIEST.

Mr. IGOE with Mr. RODENBERG.

Mr. SULLIVAN with Mr. WATSON of Pennsylvania.

Mr. SMALL with Mr. MONDELL.

Mr. SLAYDEN with Mr. PORTER.

On the vote:

Mr. POU (for) with Mr. ANTHONY (against).

The result of the vote was announced as above recorded.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

VOTE ON RIVER AND HARBOR APPROPRIATION BILL.

Mr. KEATING. Mr. Speaker, I received a telegram to-day from the gentleman from West Virginia, Mr. NEELY, asking me to say to the House that if he had been here when the river and harbor bill was voted on he would have voted for the passage of the bill.

THE BELGIAN MISSION.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that the proceedings during the recess of the House to-day, including the address of Baron Moncheur and the Speaker, when the House received the Belgian commission, be incorporated in their proper place in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

CONTESTED-ELECTION CASE—BEAKES AGAINST BACON (H. DOC. NO. 219).

The SPEAKER. The Chair lays before the House the following letter from the Clerk of the House.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES,
CLERK'S OFFICE,
Washington, D. C., June 27, 1917.

The SPEAKER,
House of Representatives, Washington, D. C.

SIR: I have the honor to lay before the House of Representatives the contest for a seat in the House of Representatives for the Sixty-fifth Congress of the United States for the second district, State of Michigan, Samuel W. Beakes *v.* Mark R. Bacon, notice of which has been filed in the office of the Clerk of the House, and also transmit herewith original testimony, papers, and documents relating thereto.

The Clerk has opened and printed the testimony in the above case. In compliance with the act approved March 2, 1897, entitled "An act relating to contested-election cases," such portions of the testimony in the above case as the parties in interest agreed upon or as seemed proper to the Clerk, after giving the requisite notices, have been printed and indexed, together with the notices of contest, and the answer thereto, and such portions of the testimony as were not printed with the original papers have been sealed up and are ready to be laid before the Committee on Elections.

Two copies of the printed testimony in the aforesaid case have been mailed the contestant and the same number to the contestee. The law in reference to the briefs of both the contestant and contestee has been complied with as far as possible upon receipt by the Clerk of said briefs.

So far as the briefs have been furnished to the Clerk, they are ready to be laid before the Committee on Elections upon the order of the House, together with a tabulated statement, which has been prepared by the Clerk, showing the number of pages of testimony and the present status of said contested-election case, and all papers in connection therewith.

Yours, respectfully, SOUTH TRIMBLE.
Clerk of the House of Representatives.

The SPEAKER. The letter, together with the accompanying documents, will be printed and referred to the Committee on Elections No. 3.

HOUR OF MEETING TO-MORROW.

Mr. ADAMSON. Mr. Speaker, the gentleman from North Carolina [Mr. KITCHIN] requested me before moving to adjourn to-day to call the attention of Members to his statement made yesterday morning, that it is only after the consideration of three other bills which he named that he expects the gentleman's agreement to which he referred to go into effect, and in compliance with the further request of the gentleman I now ask unanimous consent that when the House adjourns to-day it adjourn to meet to-morrow at 11 o'clock.

The SPEAKER. Is there objection?

Mr. BORLAND. Mr. Speaker, I object.

ADJOURNMENT.

Mr. ADAMSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 9 minutes p. m.) the House adjourned until to-morrow, Thursday, June 28, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Luetta J. Myers, widow of William P. Myers, deceased, *v.* The United States (H. Doc. No. 208); to the Committee on War Claims and ordered to be printed.

2. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Ralph Rahm, son of William Rahm, deceased, *v.* The United States (H. Doc. No. 209); to the Committee on War Claims and ordered to be printed.

3. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Harriet E. Norton, widow of Sequester R. Norton, deceased, *v.* The United States (H. Doc. No. 210); to the Committee on War Claims and ordered to be printed.

4. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication of the Secretary of Commerce submitting an estimate of appropriation for special regulation of commerce, Department of Commerce, for the fiscal years 1917 and 1918 (H. Doc. No. 211); to the Committee on Appropriations and ordered to be printed.

5. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of James S. Wright, guardian of Maude M. Bolster, insane daughter of Horace N. Bolster, deceased, *v.* The United States (H. Doc. No. 212); to the Committee on War Claims and ordered to be printed.

6. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Ynchausti & Co. *v.* The United States (H. Doc. No. 213); to the Committee on War Claims and ordered to be printed.

7. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Lydia F. Taylor, daughter of John G. Wilson, deceased, *v.* The United States (H. Doc. No. 214); to the Committee on War Claims and ordered to be printed.

8. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of owners of the steamship *Esparta v.* The United States (H. Doc. No. 215); to the Committee on War Claims and ordered to be printed.

9. A letter from the chief clerk of the Court of Claims, transmitting list of cases dismissed by the court (H. Doc. No. 216); to the Committee on War Claims and ordered to be printed.

10. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Albert H. Johnson *v.* The United States (H. Doc. No. 217); to the Committee on War Claims and ordered to be printed.

11. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Francisco Bale, widow of Hoard T. Bale, deceased, *v.* The United States (H. Doc. No. 218); to the Committee on War Claims and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WINGO: A bill (H. R. 5247) granting the consent of Congress to the Sebastian bridge district to construct a bridge across the Arkansas River, at the foot of Garrison Avenue, at Fort Smith, Ark.; to the Committee on Interstate and Foreign Commerce.

By Mr. ALEXANDER: A bill (H. R. 5248) to provide a preliminary survey of the Missouri River and its tributaries with a view to the control of its floods; to the Committee on Flood Control.

By Mr. BRITTEN: A bill (H. R. 5249) to amend section 10 of chapter 2 of the criminal code, in order to permit the conscription for military purposes of citizens or subjects of countries engaged in war with a country with which the United States is at war; to the Committee on Military Affairs.

By Mr. WILSON of Louisiana: A bill (H. R. 5250) granting the consent of Congress to the Pritchard-Wheeler Lumber Co., of Wisner, La., to construct a bridge across Bayou Macon, in Louisiana, at a point east of the town of Wisner, La.; to the Committee on Interstate and Foreign Commerce.

By Mr. HILLIARD: A bill (H. R. 5251) providing for the enactment of a credit union law in the District of Columbia by which the officers of such credit union shall be empowered to receive deposits from and make loans to the stockholders thereof; to the Committee on the District of Columbia.

By Mr. DRANE: A bill (H. R. 5252) to provide for a site and public building at Clearwater, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. TAGUE: A bill (H. R. 5253) to amend an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States; to the Committee on Military Affairs.

By Mr. RAKER: A bill (H. R. 5254) authorizing permits to be issued for grazing purposes of public lands withdrawn for power sites; to the Committee on the Public Lands.

By Mr. LOBECK: Resolution (H. Res. 110) directing the Secretary of War to transmit to the House of Representatives the reports of the board appointed to select a site for the cantonment for the thirteenth district; to the Committee on Military Affairs.

By Mr. SIEGEL: Joint resolution (H. J. Res. 112) to provide further for the national security and defense by regulating the production, sale, and distribution of coal; to the Committee on Interstate and Foreign Commerce.

By Mr. CHURCH: Joint resolution (H. J. Res. 113) for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, for lessening the expenses of the war, and restoring the loss caused by the war by providing for the employment of a discovery or invention called "Garabed," claiming to make possible the utilization of free energy; to the Committee on Patents.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 5255) granting an increase of pension to Elias Wires; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5256) granting a pension to Corline O. Beum; to the Committee on Pensions.

By Mr. CANTRILL: A bill (H. R. 5257) granting a pension to Sarah Blackburn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5258) granting a pension to Jane Jameson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5259) granting an increase of pension to Milton H. Smith; to the Committee on Invalid Pensions.

By Mr. ROBERTS: A bill (H. R. 5260) granting a pension to Mrs. E. B. Crandall; to the Committee on Invalid Pensions.

By Mr. SANDERS of Indiana: A bill (H. R. 5261) for the relief of George W. Woodall; to the Committee on Claims.

By Mr. SELLS: A bill (H. R. 5262) granting a pension to Charles P. Jenkins; to the Committee on Pensions.

By Mr. THOMPSON: A bill (H. R. 5263) granting a pension to James G. Garland; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Petition of John F. Shepherd, Paul M. Culver, J. W. Perkins, D. H. Frost, and 132 others, of Plattsburg, Mo., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. CALDWELL: Petitions of sundry citizens of the State of New York, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. COOPER of Wisconsin: Memorial of Grand Council United Commercial Travelers of America, relating to postage on first and second class mail matter; to the Committee on Ways and Means.

Also, petition of C. A. Mael and others, of Racine, Wis., favoring food-control legislation; to the Committee on Agriculture.

Also, petitions of Wisconsin Retail Liquor Dealers' Protective Association, against national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. CRAGO: Memorial of National Association of Fisheries Commissioners, with a view to conserving marine food life; to the Committee on the Merchant Marine and Fisheries.

By Mr. DALLINGER: Petition of National Association of Fisheries, favoring uniform laws to regulate the discharge of waste into streams and tidal rivers; to the Committee on the Merchant Marine and Fisheries.

By Mr. DENT: Petition of the people called Christadelphians of the United States, praying for exemption from military service; to the Committee on Military Affairs.

By Mr. ELSTON: Memorial of Newark Branch of Local No. 164, International Molders' Union of America, favoring food-control bills; to the Committee on Agriculture.

By Mr. HAMILTON of New York: Petition of 103 citizens of Jamestown, Chautauqua County, N. Y., favoring prohibition as a war measure and opposing war tax on same; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Resolution of New Engiand Water Works Association, Boston, Mass., favoring war prohibition; to the Committee on the Judiciary.

Also, petition of Providence (R. I.) monthly meeting of the Society of Friends, favoring prohibition of use of grain and other foodstuffs in manufacture of alcoholic beverages; to the Committee on Agriculture.

Also, petitions of William A. Gunning and Mariner W. Smith, of Providence, R. I., favoring daylight-saving plan; to the Committee on Interstate and Foreign Commerce.

By Mr. LANGLEY: Petition of citizens of Paintsville, Ky., and vicinity, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. LUNDEEN: Resolution of trustees of Minneapolis Institute of Fine Arts, E. C. Gale, vice president; the Library Board of Minneapolis, T. B. Walker, president; and the Minnesota Academy of Sciences, Frederic J. Wulling, vice president, urging that Congress amend the Federal estate tax act in accordance with the present policy of exemption from local taxation as well as exemption from the Federal income tax and from the former Spanish War inheritance tax, so as to exempt bequests for all educational, philanthropic, charitable, or religious purposes; to the Committee on Ways and Means.

By Mr. MAGEE: Petitions of Harold MacGrath and others of the city of Syracuse, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Cassius L. Myers and other citizens of the village of Skaneateles, Onondaga County, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Lincoln W. Dygert and many other citizens of the city of Syracuse, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. O'SHAUNESSY: Petitions of Providence monthly meeting of the Society of Friends and New England Waterworks Association, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. OSBORNE: Memorial of the California Prosperity League, comprising a membership of 147,860 members, protesting against any legislation that would prohibit the manufacture, the use, or sale of light wines and beers; to the Committee on Agriculture.

By Mr. PRICE: Petition of citizens of Easton, Md., relative to excessive price of coal; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: Petition of citizens of Sonora, Cal., favoring prohibition; to the Committee on the Judiciary.

Also, petition of Meyer & Talbott Co., Los Angeles, Cal., in re letter postage; to the Committee on Ways and Means.

Also, petition of Woman's Christian Temperance Union, Riverside, Cal., urging the creation of effective zones around all military camps; to the Committee on Military Affairs.

Also, petition of Marie S. Brown, president Association of Collegiate Alumnæ, Riverside, Cal., urging the creation of effective zones around all military camps; to the Committee on Military Affairs.

Also, petition of M. A. Pepon, D. Sc., San Diego, Cal., favoring plan to furnish Army and Navy with chiropodists; to the Committee on Military Affairs.

By Mr. REED: Petition of E. O. Haley, C. A. Swiger, F. P. Graham, Z. T. Fox, U. G. Robinson, S. K. White, F. E. Schulte, W. H. Wright, Newton Farr, C. M. Allen, and Earle Scott, wage earners of Wallace, W. Va., urging the passage of the Lever food-control bill; to the Committee on the Judiciary.

By Mr. ROWE: Petition of Rode & Horne Lumber Co., of Brooklyn, N. Y., opposing national war prohibition; to the Committee on the Judiciary.

Also, petition of medical board of the Kings County Hospital, Brooklyn, N. Y., favoring passage of House bill 4190; to the Committee on Patents.

Also, petition of the Fourth District Brooklyn Sunday School Union, Brooklyn, N. Y., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. STRONG: Memorial of Miss Kathleen L. Goodfellow, Indiana, Pa., favoring prohibition of the manufacture and sale of alcoholic liquors during the war; to the Committee on the Judiciary.

By Mr. SINNOTT: Petition of Missionary Society, Methodist Episcopal Church South, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. TAGUE: Petitions of various educational institutions of the United States, asking exemption from Federal taxation of philanthropic, religious, and educational bequests; to the Committee on Ways and Means.

By Mr. VOIGT: Petition of Sheboygan (Wis.) classes of the Reformed Church of the United States, asking Congress to define the purpose for which we are at war, and terms of peace, etc.; to the Committee on Foreign Affairs.

Also, petition of Wisconsin State Council of Defense, asking the Government of the United States to take over and operate the coal mines of the country; to the Committee on Interstate and Foreign Commerce.

SENATE.

THURSDAY, *June 28, 1917.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we thank Thee that Thou hast given to us a place for service, and that Thou hast honored us in calling us to places where we can best serve our fellow men. We pray Thee to give to us a passion for this great work which Thou hast committed to our hands. Give to us the joy of seeing the service that we render so blessed and owned of God as that it may be of benefit to all our fellow men. Guide us this day. Give to us grace, gentleness, and brotherly kindness. Give to us unity of purpose and spirit, that this Senate may be the instrument in Thy hands for accomplishing Thy great purpose in the world. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BRADY and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House had passed the bill (S. 1816) to amend the act to regulate commerce, as amended, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a telegram in the nature of a petition from Painters' Local Union No. 47, of Indianapolis, Ind., praying for the passage of the so-called Lever food-administration bill, which was ordered to lie on the table.

He also presented telegrams in the nature of memorials from the National Retail Liquor Dealers' Association; from Joseph W. Arthur, of Philadelphia, Pa.; from W. E. Ratz, of Philadelphia, Pa.; and from the Malsters' Bureau of Statistics, representing the malting industry of the United States, of Chicago, Ill., remonstrating against the adoption of the prohibition amendments in the so-called food bill, which were ordered to lie on the table.

He also presented petitions of the West Philadelphia Woman's Christian Temperance Union; of the congregations of sundry churches of Madison, Wis.; of the State Fair Floral Co., of Sedalia, Mo.; of the congregation of the Washington Avenue Methodist Episcopal Church, of Pittsburgh, Pa.; of sundry citizens of Muskegon, Mich.; of the Woman's Christian Temperance Union, of Warrenton, Mo.; of the American Temperance Board, of Indianapolis, Ind.; and of Mrs. Almira D. Carico, of Phila-

delphia, Pa., praying for national prohibition as a war measure, which were ordered to lie on the table.

He also presented a petition from the Columbia Avenue Business Men's Association, of Philadelphia, Pa., praying for the enactment of liberal legislation relative to the prohibition of the manufacture and sale of intoxicating liquors, which was ordered to lie on the table.

Mr. SHERMAN. I present two communications in the nature of memorials, which I ask to have printed in the RECORD.

There being no objection, the communications were ordered to be printed in the RECORD, as follows:

CHICAGO LAW AND ORDER LEAGUE,
Chicago, June 26, 1917.

Hon. LAWRENCE Y. SHERMAN,
Senate Chamber, Washington, D. C.

DEAR MR. SHERMAN: The information which I give in this letter to the Senate I would like very much if it could be printed in the CONGRESSIONAL RECORD.

Yours, very truly, ARTHUR BURRAGE FARWELL,
President.

—

CHICAGO, *September 2, 1916.*

Hon. NEWTON D. BAKER,
Secretary of War, Washington, D. C.

DEAR SIR: I received information in the last two days regarding immoral houses in El Paso. My informant, who investigated two of the red-light districts, said he saw in those districts about 250 soldiers, and that guards were stationed in the district to prevent disorder.

I appeal to you as Secretary of War, as a military necessity, to station soldiers in those districts not to prevent disorder and shooting but to prevent soldiers from going into such districts at all. I consider that for soldiers to frequent these districts is more dangerous to their lives—and especially to those of their families, their wives, and their children—than war. These evils not only destroy the body but the soul, and I certainly think it is up to you as the supreme power next to the President, and having the care of all these men, to see to it that these men are not destroyed by these terrible diseases and by the temptations that come to them away from their homes, and that their families—their wives and their children, and the wives and children of the future, their fathers and mothers and friends—shall be saved from the awful catastrophe of which they are in danger if the soldiers frequent such places.

I have been more or less active in the contest against the social evil in this city since 1894, have studied to some extent the effects of the terrible diseases incident to that evil, and the United States, by its power, takes men (and many of them young men) from their homes and puts them into camps, and then does not protect them from these terrible evils, worse than an armed force.

If you have not the power to do as I suggest, will you not take the matter up with Congress and obtain that power? Will you not also kindly answer this letter, because if there is anything that we can do here we shall be glad to do it.

I have sent a copy of this letter to President Wilson; also to Representative JAMES R. MANN (in whose district I live) and to the two Senators from the State of Illinois.

Yours, very truly, ARTHUR BURRAGE FARWELL,
President.

—

CHICAGO, *April 10, 1917.*

Hon. NEWTON D. BAKER,
Secretary of War, Washington, D. C.

DEAR SIR: In the March number of the Social Hygiene Bulletin, published by the American Society of Social Hygiene, 105 West Fortieth Street, appeared the following:

"In the New York division we had 19,000 officers and men on the border. By careful moral prophylaxis and the rigid enforcement of a regulation prohibiting officers and men from using or having in their possession beer or liquor in any form, this unit made a record of freedom from venereal infection that probably has never been approached in the history of our Army. In the period of five months we had less than 20 cases of venereal infection. Rigid inspections were made regularly to insure prompt detection of such cases. Immediately upon the arrival of the division guards were posted over houses of prostitution, and no soldiers were allowed to visit such places. Within three weeks after our arrival the last of those places had been driven from our sector, so that the sector was free from prostitution. In like manner the front and rear entrances to every saloon were posted with sentinels. In the absence of the most rigid discipline young men are likely to fall victims to temptation leading to the contraction of venereal diseases. When such discipline does not obtain the noneffective rate grows."

I would like to inquire if Maj. Gen. O'Ryan could do what he did to prevent his soldiers going into houses of ill-repute and into saloons, could not every commanding officer in the Army do the same?

On last Saturday a woman came into our office who had just come from the West. She said as her train came to a town in New Mexico 18 or 20 soldiers got aboard, some of them drunk. The porter came through the train cursing and saying that he had to make up berths for those drunken soldiers, and remarked, "What kind of soldiers will they make?"

In view of the dangers ahead for America, would it not be possible for the War Department, as a military necessity, to advocate a bone-dry Nation, thus doing two things—removing one of the worst temptations from the soldiers and saving to the Nation at least $2,000,000,000 of money that is worse than wasted?

I shall be glad to know if it is not possible of every commanding officer to do what Maj. Gen. O'Ryan is reported to have done.

Yours, very truly,
ARTHUR BURRAGE FARWELL,
President.

—

HYDE PARK PROTECTIVE ASSOCIATION,
Chicago, June 26, 1917.

To the honorable the SENATE OF THE UNITED STATES,
Care of Hon. LAWRENCE Y. SHERMAN,
Senate Chamber, Washington, D. C.

GENTLEMEN: I noticed by the public press that the House of Representatives have passed what is called a "bone-dry" prohibition measure and that an effort is being made to influence the Senate to eliminate from that bill beer and wine.

Perhaps some of our experiences may throw some light upon the methods of the brewers in the city of Chicago.

I beg to say that I have been interested, more or less, in public matters in Chicago since 1869, and since 1873 have been contending for total abstinence. I started to sell goods on the road in 1871. It was customary at that time to treat customers to intoxicating liquor. In 1873 I signed the pledge at a Woman's Christian Temperance Union meeting in Appleton, Wis. These women were very strict in their pledge; it included cider, and I have not drank a glass of cider since 1873. I sold goods on the road and in Chicago for 37 years and I know the temptations that come to a man when he is away from home selling goods. I have seen in my experience some of the best salesmen that Chicago has known go down through drink, gambling, and bad women, and these three evils usually are associated together.

Since 1873 have been contending for the upholding of the law of Illinois which provides that saloons shall be closed on Sunday, and for nearly 27 years have been associated with the Hyde Park Protective Association, which has fought with more or less success against saloons, "blind pigs," gambling and houses of ill repute, and road houses in that section of Chicago known as Hyde Park, which contains about one-quarter of the total area of Chicago. We have been responsible for carrying 11 cases to the supreme court of this State, 10 of which have been won, and I believe that the worst elements that we have had to contend with has not been the saloon keeper, "blind-pig" keeper, gambler, and keepers of houses of ill repute but the brewers.

One of the worst "blind-pig" keepers whom we put out of business was a man by the name of Burgeson. He turned over to us his bills from the McAvoy Brewing Co., and our attorney and myself urged the president of that company, Mr. Adam Ortseifen, to refuse to sell the products of his brewery in the prohibition districts of Hyde Park. We showed him these bills from his own brewery to this man Burgeson. Burgeson's address was 4438 Cottage Grove Avenue, in the barn in the rear, and instead of putting the address upon the bills and the number of the street they simply put it Cottage Grove Avenue, and that street is about 7 miles long. Mr. Ortseifen said to us, "We are manufacturers and we sell to anybody." During the World's Fair the barn of our president was burned, and I believe an attempt was made to burn his house. The president who succeeded him was president of a bank, and that bank lost three brewers' accounts because its president was also the president of the Hyde Park Protective Association. I was thrown out of the shoe business, after I had been in it for 31 years, on account, as I believe, of my work in Hyde Park. I understand the managers of a certain brewery that we had helped to block from putting in a saloon at Fifty-first and Prairie Avenue tried to get a resolution through the Chicago and Milwaukee Brewers' Association that if the firm I was with did not discharge me they would boycott that firm. I went to the head of the house. He said there was nothing in it; but in six months I lost my job, and I had been with that man as a brother salesman or employee for 31 years.

In the Chicago Law and Order League we investigated 11 of the worst saloons, 10 of which were in the old red-light district at Twenty-second Street in Chicago and the eleventh just outside of that district, and in every case we found the bondsmen of these saloon keepers to be brewers or their employees.

From my long experience in making contests for nearly half of a century, I believe there is no force that has in the past done so much damage to the city, the State, and the Nation as the brewers. I believe that the worst traitors that the Nation has are those who manufacure an article that destroys men, women, and children; that is linked up with liquor and vice, and to-day this Nation is in greater danger from liquor and vice than from war. (See copies of letters to Secretary of War Baker of Sept. 2, 1916, and Apr. 10, 1917; also article and pictures in the Survey for June 9, 1917, regarding saloons and houses of ill repute at El Paso, Tex., and document written by M. J. Exner, M. D., re prostitution in relation to the Army on the Mexican border, attached.)

I trust that no consideration will be given to the plea of the brewers. They do not come into court with clean hands.

I beg to remain,
Yours, very truly,
ARTHUR BURRAGE FARWELL,
Secretary Hyde Park Protective Association,
President Chicago Law and Order League.

Mr. BRADY. Mr. President, I present a memorial adopted by the faculty of the University of Idaho at a meeting held at Moscow, Idaho. This memorial most earnestly urges that all practicable measures be taken by the Government, civil and military, national, State, and municipal, to remove from the neighborhood of military camps and naval stations the temptations offered by the saloon and commercialized vice where such conditions are present.

I may say that the State of Idaho is what is called bone dry. We have a constitutional amendment which prohibits the use of intoxicating liquors in any form. Our University of Idaho has furnished as large a per cent of volunteers in this war as any other university, and the faculty feel, the citizens of Idaho feel, and those who represent the State of Idaho in Congress feel that our boys should not be subjected to the temptations always caused by the liquor traffic when it is so easy for us to remedy the evil. The Committee on Agriculture, of which I am a member, has reported to the Senate a bill which will do much toward correcting this unsatisfactory condition, and I hope before this Congress adjourns it will pass a bone-dry law that will prohibit the manufacture, sale, or use of intoxicating liquors in any form.

I am in hearty sympathy with the memorial adopted by the faculty of the University of Idaho. I ask that it be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the memorial was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

Memorial voted by the faculty of the University of Idaho at the meeting of May 14, 1917.

Whereas students of this university have enlisted and will enlist as officers and men in the Army and Navy of the United States; and
Whereas these men will be located in training camps for several months previous to active service; and

Whereas the principle of selective draft lays upon those who adopt it a heavy responsibility for the physical and social results of conditions of Army and Navy life; and

Whereas experience has demonstrated repeatedly and abundantly the terrible effects of the saloon and of commercialized prostitution upon military efficiency, upon the public health, and upon the heredity and morals of the coming generation; and

Whereas the possibility is acknowledged of reducing the evil to a minimum through effective administrative, legislative, and military measures: Therefore be it

Resolved, That the faculty of the University of Idaho respectfully and earnestly urge that all practicable measures be taken by the Government, civil and military, National, State, and municipal, to remove from the neighborhood of military camps and naval stations the temptations offered by the saloon and commercialized vice where such conditions are present, to prevent the appearance of such conditions where they do not now exist, and to employ and encourage all suitable means of healthful recreation for officers and men; and be it further

Resolved, That a copy of this memorial be spread upon the minutes of this faculty, that a copy be furnished the newspapers, and that copies be sent to the President of the United States, to the Senators and Representatives of Idaho in Congress, to the Secretaries of War and of the Navy, to the Surgeon General, to the governor of California, to the mayor of San Francisco, and to the commandant at Presidio.

JESSE H. BOND,
W. C. BLEAMASTER,
EARL C. ARNOLD,
Committee.

Mr. CULBERSON. I present sundry telegrams in the nature of petitions, which I ask may be printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

HOUSTON, TEX., *June 27, 1917.*

Hon. CHARLES A. CULBERSON,
Care Senate Chamber, Washington, D. C.:

The action of the Senate agricultural subcommittee in leaving to President Wilson final determination of prohibition of grain in manufacture of alcoholic liquor is wise and fair to every interest concerned. This is not the time nor the occasion to put a premium on national discord, as would naturally follow in hundreds of communities if the action of the House would be followed in the Senate. There are many questions besides prohibition that would be affected if, in the judgment of the President, who is charged with responsibility for the success of our arms, it became necessary to take this drastic action. It should therefore be in his hands to make the decision, and the people of the country will indorse whatever course he takes. We urge you to support the subcommittee report; it is fair, equitable, and the wise course to pursue at this time. Our people here are intensely interested and I think all will be satisfied with amendment.

FRANK ANDREWS.

GALVESTON, TEX., *June 26, 1917.*

Hon. CHARLES A. CULBERSON,
Washington, D. C.:

I hope you will oppose the provision in a pending bill that would prohibit the making of beer and light wines. It would be the destruction of much business, the depreciation of property without compensation, and the throwing of many thousands out of employment. Beer is made chiefly from malt, which is made from barley, and barley is little used for food. Our allies in Europe do not resort to such measures, why should Americans do so?

JAMES B. STUBBS.

AUSTIN, TEX., *June 25, 1917.*

Senator C. A. CULBERSON,
Washington, D. C.:

In my judgment, placing prohibitive tax on manufacture of light wines and beer will greatly demoralize business by closing many business houses and putting many men out of employment. If you support measure to confine tax to manufacture of whisky, it will be approved by business men of this section.

GEO. W. LITTLEFIELD.

SAN ANTONIO, TEX., *June 26, 1917.*

Senator CHARLES A. CULBERSON,
Washington, D. C.:

We protest vigorously against that portion of food-control bill prohibiting use of grain by breweries as unnecessary and a virtual confiscation of brewery property. This is prohibition rather than conservation.

FRANZ C. GROOT,
President Chamber of Commerce.

BEAUMONT, TEX., *June 26, 1917.*

Hon. C. A. CULBERSON,
United States Senate, Washington, D. C.:

We do not think the bill to conserve food supplies accomplishes its purposes by allowing use of food products in manufacture of nonalcoholic drinks and prohibiting it in manufacture of beers and light wines. To be consistent both should be allowed or prohibited. In its present shape the bill should be defeated or amended so as to allow food products in the manufacture of beers and light wines.

BEAUMONT CHAMBER OF COMMERCE.

DALLAS, TEX., *June 26, 1917.*

Hon. CHARLES A. CULBERSON,
Washington, D. C.:

All organized labor of Dallas and vicinity protest against the prohibition of beer and wine and trust you will use your best efforts to defeat the prohibition bill.

DALLAS CENTRAL LABOR COUNCIL.
B. A. SUTHERLAND, *Secretary.*

SAN ANTONIO, TEX., *June 26, 1917.*

Hon. CHARLES A. CULBERSON,
United States Senate, Washington, D. C.:

The laboring men of San Antonio most respectfully protest against the proposed law prohibiting the manufacture of beer and wines. Thousands of laboring men are engaged in these industries in this city. Please assist us.

PAUL STEFFLER,
President San Antonio Trades Council,
Representing 39 labor organizations.

SULPHUR SPRINGS, TEX., *June 27, 1917.*

Hon. C. A. CULBERSON,
Washington, D. C.:

Your friends trust you will oppose war prohibition as passed in the House. It will not only throw thousands out of employment, but as a food conservation measure is unnecessary, besides adding to our burden of taxation.

PHIL H. FOSCUE.
E. R. BRINKER.

GALVESTON, TEX., *June 26, 1917.*

Hon. CHARLES A. CULBERSON,
United States Senate, Washington, D. C.:

It is safe to say that I voice the sentiment of a large majority of your constituents in respectfully but vigorously protesting against the confiscation of the brewery property as proposed by the prohibition amendment inserted in the House bill which passed on Saturday night and in begging you to work with all your might to defeat the passage of this bill in the Senate.

CHARLES FOWLER.

SAN ANTONIO, TEX., *June 26, 1917.*

Senator CHARLES A. CULBERSON,
Washington, D. C.:

We protest vigorously against that portion of food-control bill prohibiting the use of grain by brewers as unnecessary and virtual confiscation of property. This is prohibition, not conservation.

GROSS NATIONAL BANK.
ALAMO NATIONAL BANK.
CITY NATIONAL BANK.
CENTRAL TRUST CO.
NATIONAL BANK OF COMMERCE.
FROST NATIONAL BANK.

GALVESTON, TEX., *June 26, 1917.*

Hon. CHARLES A. CULBERSON,
Washington, D. C.:

Your friends earnestly hope that you will use your efforts and influence to defeat the measure that undertakes to prohibit the making of beer. Your clear judgment and experience, we feel sure, can furnish the strongest arguments against it. It is a virtual destruction of property and deprivation of employment without compensation. Less than 1 per cent of the grain of the country is used for beer and that is mainly barley, which is little used for food. Our allies have not taken such steps, why should we?

HUTCHINGS, SEALY & CO.

SAN ANTONIO, TEX., *June 26, 1917.*

Hon. CHARLES A. CULBERSON,
Care United States Senate, Washington, D. C.:

Would appreciate your influence against that feature of food-control bill making the manufacture of beer prohibitive, thereby saving breweries from confiscation and destruction.

W. E. FITCH & CO.

AUSTIN, TEX., *June 26, 1917.*

Senator CHARLES A. CULBERSON,
Washington, D. C.:

Would strongly urge that you support measure confining tax to manufacture of whisky and exempting beer and light wines from prohibitive tax on manufacture.

GEO. MENDELL, Jr.

AUSTIN, TEX., *June 26, 1917.*

Senator CHARLES A. CULBERSON,
Washington, D. C.:

Passage of war-prohibition measure as proposed carrying tax on manufacture of beer and light wines will vacate many business houses and cause much demoralization in business circles. I would strongly urge that tax on wines and beer be eliminated.

E. P. WILMOT.
MORRIS HIRSHFIELD.

PORT ARTHUR, TEX., *June 26, 1917.*

Hon. CHARLES A. CULBERSON,
Washington, D. C.:

Organized labor in this city asks you to oppose any measure which will work a hardship on the brewers of this country. To prohibit the use of grain in malt liquors would throw thousands of our members out of employment.

A. A. HAUSER.

AUSTIN, TEX., *June 26, 1917.*

Senator CHARLES A. CULBERSON,
Washington, D. C.:

Would strongly urge that you support measure confining tax to manufacture of whisky, and exempting beer and light wines from prohibitive tax on manufacture.

CHESTER THRASHER.

AUSTIN, TEX., *June 26, 1917.*

Senator CHARLES A. CULBERSON,
Washington, D. C.:

Would strongly urge that you support measure confining tax to manufacture of whisky, and exempting beer and light wines from prohibitive tax on manufacture.

R. C. ROBERDEAU.

ROCKDALE, TEX., *June 27, 1917.*

Senator CHARLES CULBERSON,
Washington, D. C.:

I most respectfully urge you to use your influence against national war prohibition as it applies to wines and beer.

H. C. MEYER.

KERRVILLE, TEX., *June 27, 1917.*

Hon. CHARLES A. CULBERSON,
United States Senate, Washington, D. C.:

Use of foodstuffs manufacturing beer exaggerated. Passage of the bill as applied to beer would mean confiscation of business and make idle many thousands now employed.

LEE WALLACE.

CRAWFORD TEX., *June 27, 1917.*

Hon. CHARLES A. CULBERSON,
United States Senate, Washington, D. C.:

Hope you will fight the food-conservation bill as passed by House. Prohibition is bad enough at all times, but this is no time for hysterical tantrums.

FELIX H. ROBERTSON.

LAGRANGE, TEX., *June 27, 1917.*

Hon. C. A. CULBERSON,
Washington, D. C.:

We, the Retail Merchants' Association of Fayette County, beg you to protest against the confiscation of brewing property as proposed by the prohibition amendment in bill passed House Saturday. We earnestly request you to consider our views.

RETAIL MERCHANTS' ASSN.,
By D. J. WEIKEL, *Secretary.*

Mr. SHEPPARD. I present sundry telegrams in the nature of petitions, which I ask may be printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

WILKES-BARRE, PA., *June 23, 1917.*

Hon. M. SHEPPARD,
Senate Chamber, Washington, D. C.:

Since March 8, 71 mass meetings of citizens held in 71 cities—5 in Illinois (Danville, Sullivan, Hillsboro, Flora, and Mount Carmel), 3 in Ohio (Orville, Hubbard, and Dennison), 1 in New Jersey (Woodstown), 3 in Indiana (Newcastle, Thorntown, and Colfax), 5 in New York (Olean, Waverly, Owego, Binghamton, and Elmira), 54 in Pennsylvania (Greenville, Mercer, Oil City, Franklin, Emlenton, Kittanning, Vandergrif, State College, Altoona, Tyrone, Lebanon, Westchester, Kennets Square, Oxford, Downington, Allentown, Bethlehem, Easton, Pennargyl, Lansdale, Doylestown, Glenside, Perkasie, Quakertown, Jenkentown, Lansdowne, Media, Darby, Pottstown, Birdsboro, Lewistown, Pittsburgh, Beaver Falls, Butler, Cambridge Springs, Corry, Union City, Warren, Sheffield, Girard, Bradford, Kane, Mount Jewett, Brockwayville, Brookville, New Bethlehem, Punxsutawney, Dubois, Clearfield, Williamsport, Towanda, Honesdale, and Plymouth)—have unanimously instructed me to say to you that they are opposed irrevocably to the acceptance by the Federal Government of further revenue from the liquor traffic and are earnestly in favor of the immediate enactment of war prohibition of the manufacture and sale of intoxicating liquors and of the immediate submission of an amendment to the Federal Constitution for the ratification of the States prohibiting the manufacture, sale, importation, and transportation of such liquors. These mass meetings represent an aggregate of 50,000 people present and actually voting. Their interest in the question exceeds even their interest in the war. In their name I urge the immediate enactment of legislation necessary to effectuate said purposes.

J. FRANK HANLY.

CARLISLE, PA., *June 26, 1917.*

Senator MORRIS SHEPPARD,
Washington, D. C.:

Three mass meetings of citizens of Milton, Danville, and Carlisle, Pa., 2,000 in number, unanimously urge war prohibition amendment made by the House to food bill. Interest tremendous and purposeful.

J. FRANK HANLY.

HAGERSTOWN, MD., *June 27, 1917.*

The UNITED STATES SENATE,
Care Senator Sheppard, Senate Chamber, Washington, D. C.:

A mass meeting of the citizens of Hagerstown held last night by rising vote unanimously directed me to urge in their name the immediate passage of the war prohibition amendment embodied in the food bill as passed by the House. The responsibility should not be shifted to the President. The American people expect you to assume it.

J. FRANK HANLY.

Mr. GRONNA. I present certain resolutions sent me by the North Dakota State Federation of Labor, which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

NORTH DAKOTA UNION LABOR ON WAR PROBLEMS.

North Dakota Federation of Labor in convention assembled adopted and ordered published the following expression on "Problems confronting union labor resultant upon the entry of the United States into the world war":

In peace or war the organized-labor movement of America is the articulate expression of all labors. The economic pressure of capital renders voiceless the mass of labor against unjust conditions through fear of loss of employment, and it as surely throttles free political expression through the same economic fear. Through years of industrial, commercial, civic, and political growth the organized-labor movement has functioned as spokesman for the mass of labor, and must so function through tae stirring moments of our national life and in years to come. In this serious hour, when our Government has committed our people to actual warfare against another nation, it is imperative that the organized-labor movement give voice to the feelings, the hopes and aspirations, the patriotism, and loyalty that at all times actuates the mass of American labor, whether in war or at peace.

Since it has been decreed that this Nation must become an active participant in the world war, we regard it as fortunate that the President of the United States in his war recommendation to Congress declared the high principles that should be our guiding motive for drawing the sword to be "that we have no selfish ends to serve; that we desire no conquest; that we seek no indemnities; that we wish no material compensation for the sacrifices we shall freely make; and that purpose to further the movement of democracy in the autocratically ruled nations of Europe."

In this hour of national peril labor wishes no misunderstanding to exist as to its deep-seated convictions, no doubt of its loyalty, no aspersion of its motives, and to the end that the high-minded sentiments expressed in the foregoing may be the guiding spirit of the American people in the prosecution of the war, organized labor of the State of Washington declares for the following policy and program:

First. Speculation in foodstuffs by individuals and corporations must cease. To make extortionate profit out of food supplies is criminally wrong in time of peace; it is treason in time of war. We insist on Federal supervision and distribution of food products; the elimination of the food speculator. As a necessary step toward this end we believe it to be of the first importance that the National Government immediately take possession of all means of transportation and communication.

Second. While we commend the patriotic action of some employing firms and corporations in proposing to pay their employees who enlist the difference between the Government wage for soldiers and their pay as civilian employees, we are positive that this is a crude and humiliating makeshift and will never solve the problem. We believe that such a solution can be found only in the passage of laws guaranteeing to enlisted men pay sufficient to put them on an economic equality with governmental employees in civil service.

Third. Bonds already voted by Congress to carry on the war constitute a sum so stupendous as to be almost inconceivable and impose a burden of taxation never before equaled in this country. In order that this burden may be borne by that portion of society best able to bear it we take the position that it should be raised by a graduated income tax on all incomes in excess of that necessary for the support of families. We further insist that all profits of firms, corporations, and copartnerships be appropriated by the Government to help meet the tremendous expenses of the war.

Fourth. In order that the productive power of the Nation may be developed to its highest state of efficiency it is necessary that labor be well treated and labor disturbances reduced to a minimum. As necessary to that accomplishment we urge tolerance and forbearance on the part of both employers and employees in the making and maintenance of working conditions. There can not be the highest standard of efficiency necessary to high productivity unless labor feels a sense of justice in its relations with capital. We therefore urge that employers and employees in presenting changes in working conditions employ to its fullest extent the medium of negotiation. With the extensive machinery of conciliation and mediation of both State and Nation subject to the call of either side we can not but feel that a sense of fairness exercised by both sides may entirely prevent any rupture of industrial relations. We urge the full recognition of labor in all councils of war preparation and national defense and in the working out of all the manifold problems war will entail.

Fifth. We as a body are opposed to the old form of military conscription, but we heartily indorse the selective draft as put forth by President Wilson and labor leaders throughout the country.

Sixth. We urge upon all our people a spirit of tolerance and forbearance toward those of foreign birth or ancestry within our borders. We believe that those who would conspire against our Government, of whatever nationality, should be severely dealt with, but call attention to the fact that the great majority of those of foreign birth within our country are home-loving, law-abiding, and God-fearing, loyal to the country of their adoption, to its flag, and to its institutions. Let us never forget we are fighting autocratic institutions, but have no quarrel with the people of any nation because of their accident of birth. Let us not lose our perspective nor allow the war tide to foment a spirit of race hatred and intolerance.

Seventh. We are unalterably opposed to the organization of military or semimilitary bodies ostensibly with patriotic motives, but in reality strike-breaking agencies, with a view of securing authority from the Government for their activities. No organizations of the above character should be tolerated without the sanction of either the State or Federal authority.

Eighth. The organized-labor movement is essentially democratic in its ideals and aspirations. It has been a potent force in every movement for the betterment of humanity. Changing in form, it is changeless in principle and purpose. The ideals of democracy are the ideals of labor, and in war no less than in peace the labor movement pledges its men and its resources to uphold those ideals.

S. S. MCDONALD.
A. W. BOWMAN.
FRED W. ZELLER.
WM. ENGLISH.

RESOLUTION ON LOYALTY.

The highest authority in the American labor movement, the American Federation of Labor, has taken counsel of a number of its leaders of thought and action and has pointed out the duties of its adherents in the present tragical period of our country's life. Seeing clearly the trend of events, the executive council of the American Federation of Labor called the officers of all the national and international unions affiliated with the federation, the officers of its various departments, and the representatives of the four great railroad brotherhoods into a conference on the situation. The conference was held in Washington, D. C., on Monday, March 12, 1917, and at the conclusion of its labors had promulgated a declaration of the principles which should govern the organized-labor movement and the course of action it should follow at the time of extreme trial. This conference repeated the democratic ideals of the masses of our population and gave voice to the faith of those masses. It declared its unrelenting opposition to all forms of autocracy, whether those of the crowned and annointed despots who wield governmental power in foreign lands or those of the gilded magnet

who seek to exercise industrial despotism in our own land. It declared labor's abhorrence of war and its hope that such a dire calamity might be avoided for our people, and that they might be permitted to continue cultivating and developing the arts of peace, human brotherhood, and a higher civilization.

But, fearing the worst, the men in conference wrote in its epoch-making document the solemn and binding covenant, "We hereby pledge ourselves, in peace or in war, in stress or in storm, to stand unreservedly by the standards of liberty and the safety and preservation of the institution and ideals of our liberty," and they closed it with this stirring call to duty, with the side of liberty and justice herein declared as the indispensable basis for inalienable policies: "We offer our service to our country in every field of activity to defend, safeguard, and preserve the Republic of the United States of America against the enemies, whomsoever they may be, and would call upon our fellow workers and fellow citizens, in the holy name of labor, justice, freedom, and humanity, to devotedly and patriotically give like services."

In accordance with this action and response to this call, the North Dakota State Federation of Labor in convention assembled this 3d day of June, 1917, hereby pledges its absolute and unconditional loyalty to the Government of the United States and its determination to stand by and support that Government with all the power and resources at the command of the federation to the end of the war that has been forced upon this country against the wishes of its people by the intolerable aggression of a heartless foreign autocracy.

S. S. McDONALD.
A. W. BOWMAN.
FRED W. ZELLER.
WM. ENGLISH.

—

Resolution No. 2.

Whereas it has come to our attention that many employers, under the pretense that conditions now confronting them, and that, owing to the labor drain from industrial centers through enlistment, etc., that it is necessary to set aside laws limiting the hours of labor, etc.; and

Whereas through years of efforts of the labor and social forces of our State and Nation that we have succeeded in enacting a remedial legislation: Therefore be it

Resolved, That we, the officers and delegates to this the sixth annual convention of the North Dakota State Federation of Labor, protest emphatically against any and every effort tending to set aside for even a day any of the laws that have been placed upon the statute books of our State or Nation.

G. V. LALLY,
J. S. McDONALD,
N. A. JOHNSON,
J. S. LEONARD,
V. E. JOHNSON,
Committee on Resolution.

Mr. GRONNA. I also have resolutions adopted by the National Consumers' League at a meeting in the city of New York, which I ask to have printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

NATIONAL CONSUMERS' LEAGUE RESOLUTION ON GRAIN SAVING.

PREAMBLE.

The high cost of living has already reduced the vitality, and, therefore, the working ability of large numbers of ill-paid workers, especially in the industrial centers. Economy of all kinds, particularly in preventing the waste of food, is recommended by President Wilson and members of the Cabinet, and in the hope of increasing the harvest several States have released boys and girls from school attendance to engage in agriculture. The number of children thus to be transferred from school to labor is estimated by Commissioner of Education John H. Finley at 50,000 in New York State alone.

For high school boys who will later go to college such an experience may be a reasonable war-time service. But for lads who, at best, must leave school at the seventh grade or below, the loss of two months in the spring and in the fall this year and next is irreparable. Especially for children not born to the English language, every shortening of the school year is an injury and a sacrifice.

A vast acreage is annually planted with corn, barley, rice, rye, sugar, and hops for use in preparing beverages which have notoriously trivial food value, if indeed they have any value. These crops are raised in the "dry" States as well as in the "wet" ones, and the farmer ordinarily has no means of foreseeing the final use to be made of them. Boys excused from school may, therefore, in all States alike, be—in the end—neither serving our Army and Navy, nor the starving millions abroad, nor contributing to reduce our own cost of living. Instead we may be sacrificing their school life to produce raw materials for the profits of brewers, distillers, and saloon keepers.

In the current discussion of grain saving by means of a Federal law prohibiting or reducing the output of alcoholic beverages certain subsidiary wastes are commonly overlooked. These follow after the initial waste of farm land, farm labor of men, boys, and horses, and the use of tractors, plows, thrashers, and other farm machinery.

THE WASTE OF MAN POWER.

The labor of able-bodied men is spent as brewers, distillers, maltsters, and barkeepers, and as drivers and chauffeurs of motor trucks. Considerable numbers of men work in transporting by trains and boats the crops and the finished products.

Both men and boys are occupied in the manufacture of glass bottles, drinking glasses, mugs, and other bar fixtures. It has increased in recent years following the invention of bottle-blowing machines. The waste of the children is indeed a cruel one. No more wretched employment is open to young boys than that in the glass bottle industry. The little fellows employed are not eligible to become apprentices and subsequently skilled workers in the glass industry. Theirs is a "dead end" employment.

TRAFFIC CONGESTION.

The manufacture of brandy, whisky, and beer for beverages increases traffic congestion. The grain is first carried in bulk to be brewed or distilled and later is distributed in liquid form in hogsheads, barrels, and bottles. The shipment of bottles, whether filled or empty, occupies car space for boxes and crates, and because of the size of the industry this is, in the present congested state of the railroads, a serious burden. Grain milled, barreled, and shipped as flour occupies much less space than the same amount transformed into fluid in bottles and crates, and obviously serves a more useful purpose. Draft horses, drays, and motor trucks could also be promptly put to productive uses in transporting valuable foods.

WASTE OF REAL ESTATE.

Finally, breweries, distilleries, and saloons now wastefully occupy a large total area of costly land in cities which could, in the present emergency, be used for preparing and distributing supplies.

CONCLUSION.

So long as Congress defers stopping these multiple wastes of man power, child labor, agricultural acreage, city real estate, motors and horse vehicles, transportation by trains and boats, what hope is there that serious heed will be given by citizens to requests for personal economy? If the threat of international famine is such that this new, authorized, legalized increase in child labor is inevitable, and children must be called from school, the duty of Congress to stop these wastes is correspondingly urgent.

For these reasons be it

Resolved, That the National Consumers' League executive committee, at its regular quarterly meeting held in New York City on May 11, 1917, urges upon Congress the need of prohibiting the use of grain for beverages during the period of the war.

NATIONAL CONSUMERS' LEAGUE,
By FLORENCE KELLEY,
General Secretary.

Mr. GRONNA. I submit resolutions adopted by Lodge No. 2, International Association of Machinists, at Devils Lake, N. Dak., which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

DEVILS LAKE LODGE, No. 2,
INTERNATIONAL ASSOCIATION OF MACHINISTS,
Devils Lake, N. Dak., June 18, 1917.

Senator A. J. GRONNA,
United States Senate, Washington, D. C.

DEAR SIR: I was instructed by Devils Lake Lodge, No. 2, International Association of Machinists, to write to you and protest against the admission of alien laborers to the United States during the war, especially Mexican, Chinese, and Japanese, and requesting you to use your influence to prevent the same.

Yours, truly,

EDW. BAIRD,
Recording Secretary, Box 60, Devils Lake, N. Dak.

Mr. GRONNA. I present resolutions adopted by the North Dakota Branch of the World's Purity Federation, in State convention assembled, at Fargo, N. Dak., which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

NORTH DAKOTA ENFORCEMENT LEAGUE,
Bismarck, N. Dak., June 21, 1917.

Senator A. J. GRONNA,
Washington, D. C.

DEAR SIR: I have been instructed to send you the inclosed resolution passed by the North Dakota Branch of the World's Purity Federation.

The people of North Dakota are very much interested in national prohibition as a war measure.

Yours, truly,

F. L. WATKINS, *Superintendent.*

Resolution.

We, the delegates of the North Dakota Branch of the World's Purity Federation, in State convention assembled, at Fargo, this 19th day of June, 1917, express it as our conviction that Congress should at this session pass the measure adopting national prohibition as a war measure, and thus conserve all grain and food products to the use of prosecuting the war, safeguard our sons at the front against the dangers of intoxicating liquor, and the Nation against the inefficiency caused by the liquor traffic.

We urge our Senators and Representatives in Congress to work and vote for such a measure.

Respectfully submitted.

RALPH T. FULTON, *President.*

Mr. GRONNA. I ask that two telegrams be read. They are both from New York; one from Mr. Penny and the other from Mr. Stokes.

There being no objection, the telegrams were read, as follows:

SCHENECTADY, N. Y., *June 27, 1917.*

Senator GRONNA,
United States Senate, Washington, D. C.:

Mass meeting of citizens here to-night demand that Lever food bill shall include beer as well as whisky, and further that liquor in bond shall become commandeered for munition alcohol. This telegram is signed by 464 citizens.

R. C. PENNY, *Chairman.*

—

NEW YORK, N. Y., *June 27, 1917.*

Senator A. J. GRONNA,
Washington, D. C.:

Respectfully urge total prohibition during war of use of foodstuffs to make intoxicating beverages, and authority to President to use alcohol in existing liquors for war purposes.

J. G. PHELPS STOKES.

Mr. GRONNA presented a petition of the Switchmen's Union of North America, praying for the passage of the so-called Lever food bill, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Mott, N. Dak., praying for the prohibition of the sale of liquor for beverage purposes, to conserve facilities and efficiency of the people, which was ordered to lie on the table.

Mr. TRAMMELL. I present a petition very numerously signed by members and friends of the First Congregational

Church and Sunday School of St. Petersburg, Fla., urging legislation during the present session of Congress to prohibt hereafter the manufacture and sale of all kinds of alcoholic beverages, including beer and wine, while the war in which this Nation is engaged shall last. I ask that the petition, without the signatures, be printed in the RECORD.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

ST. PETERSBURG, FLA., *June 23, 1917.*

Hon. PARK TRAMMELL,
Washington, D. C.

DEAR SENATOR TRAMMELL: We, members and friends of the First Congregational Church and Sunday School of St. Petersburg, Fla., unitedly and severally most respectfully urge you to exert your influence to secure legislation during the present session of the Congress of the United States to prohibit both the manufacture and sale of all kinds of alcoholic beverages, including beer and wine, while the war in which this Nation is engaged shall last.

It is our earnest wish that you, as our representative in the Senate, will personally and vigorously advocate the passage of such a bill, and that you will vote for the same.

The reasons for such legislation are so obvious that we need not rehearse them to you. They abound wherever we look.

Respectfully submitted.

REV. C. E. HARRINGTON
(And others).

Mr. KENYON. I present a petition from the employees of the post office at Des Moines, Iowa, expressing their desire to have excessive incomes conscripted during the war. I ask that the petition and the first name be printed in the RECORD.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

We, the employees of the Des Moines post office, have each purchased a liberty loan bond, to be doing our "bit" toward financing the war. We deplore the fact that the meager salaries paid postal workers will permit of no larger contributions to that fund.

Owing to the constant increase in the cost of living, the raising of the money in a great many cases means considerable sacrifice on our part; yet we want to do our part.

We realize, however, that no sacrifice made by us is equal to that being made by those who have enlisted or those who are being conscripted to fight the battles on which so much depends.

We therefore petition you as a representative of the State of Iowa, and in so petitioning we feel that we are asking nothing more than is fair and right when we ask that you use your utmost endeavor to have conscripted at once all incomes of individuals in excess of $10,000 per annum. If life can be conscripted, we insist that incomes should not be exempt. If we are to fight for democracy, let it be all along the line.

C. C. MCGREW
(And others).

Mr. KENYON. I present a telegram, which I ask to have printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

DES MOINES, IOWA, *June 26, 1917.*

Hon. W. S. KENYON,
United States Senate, Washington, D. C.:

I have positive information that idle distilleries are being put into operation and running distilleries are increasing their output to mash an extra half million bushels of grain per day from now until the proposed increased tax goes into effect.

You can prevent the waste of from 10,000,000 to 20,000,000 bushels of grain by publicly announcing that you will present an amendment making the increased tax effective on all grains unused after July 1. They will not take chance on the increased tax after a public warning. Please read this to Senator OWEN.

E. T. MEREDITH.

Mr. KENYON. I give this public notice, that I shall offer such amendment as Mr. Meredith suggests.

Mr. WARREN. I have some 25 or 30 telegrams from the same locality, protesting against the prohibition of the manufacture of beer. As they represent the owners, foremen, managers, inspectors, and so forth, of large manufacturing concerns, I ask that the subject matter of one of the dispatches be printed in the RECORD, and all of the names of the signers.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[Telegram.]

WATERBURY, CONN.

Hon. FRANCIS E. WARREN,
United States Senate:

Many of your friends depend upon the defeat of this liquor amendment for their support, and we look to you for its defeat.

David Applebee, mechanical engineer; G. H. Fauser, oxy-acetylene engineer; Thomas J. McGrath, manufacturer of cigars; Joseph Champagne, foreman of Blake & Johnson Co.; William A. Donahue, foreman Scoville Manufacturing Co.; Cornelius Callahan, ammunition inspector; M. C. Spied, superintendent American Pin Co.; Edward J. Brennan, construction foreman; Charles B. Schenmehl, president Waterbury Battery Co.; Albert Schumaker, president Waterbury Lumber & Coal Co.; Charles Fitzpatrick, Scoville Manufacturing Co.; P. S. Bannon, general superintendent, Farrell Foundry & Machine Co.; Thomas A. Donahue, merchant; James Barry, foreman Automatic Machine Co.; William Glasby, foreman; Eugene Casey, ammunition inspector; J. Sharp, foreman; M. Heulbery, superintendent, Henely Construction Co.; John A. Sayers; Patrick Malone, merchant; M. Brown, construction foreman; and John Schmidt.

Mr. WARREN. I also present a dispatch from Green River, Wyo., which I ask may be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

GREEN RIVER, WYO., *June 27, 1917.*

Senator F. E. WARREN,
Washington, D. C.:

Resolution passed by Green River Union Brewery Workers to petition you to protest against any prohibition of beers and wines in any bill that may come before you for consideration.

RICHARD CHANNEY, *Secretary.*

Mr. KING. I send to the desk three telegrams, which are typical of a large number which I have received from labor organizations and other bodies of workmen in favor of the Lever food bill, so called. I ask that the telegrams be printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

PARK CITY, UTAH, *June 23, 1917.*

Hon. WILLIAM H. KING,
United States Senate, Washington, D. C.:

Park City Miners' Union, No. 144, in convention assembled, unanimously and earnestly beg your active support of the Lever food-administration bill. Under the existing conditions of our country we consider it a national necessity that this bill be on the statute books before July 1.

W. T. QUINN, *Secretary.*

—

SALT LAKE CITY, UTAH, *June 27, 1917.*

Hon. W. H. KING,
United States Senate, Washington, D. C.:

By direction of the joint general committee of the Order of Railway Conductors and Brotherhood of Railway Trainmen, representing 1,500 conductors, brakemen and yard men on the Oregon Short Line, we urge you to support the immediate passage of the food-control bill now before the United States Senate.

J. C. CLARK,
Order of Railway Conductors.
J. C. DAVIS,
Brotherhood of Railway Trainmen.

—

SAN FRANCISCO, CAL., *June 27, 1917.*

Hon. WILLIAM H. KING,
Washington, D. C.:

Seventy-five representatives of the general committee of the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen and Enginemen, Order of Railroad Conductors, and Brotherhood of Railroad Trainmen, representing 8,500 engineers, conductors, firemen, and brakemen employed on the Southern Pacific lines in California, Oregon, Arizona, Nevada, Utah, and Texas, are now in session in this city and have unanimously approved the food-control bill, S. 2462. Representatives residing in Utah are in hearty accord with our general committee resolution and respectfully request full support to the above bill. Prompt action is imperative in order to protect the working people of the Nation.

A. MILLER,
Order of Railroad Conductors.
P. E. DAVIS,
Brotherhood of Locomotive Engineers.
G. W. CULVER,
Brotherhood of Locomotive Firemen and Enginemen.
C. B. DOTY,
Brotherhood of Railroad Trainmen.

Mr. RANSDELL. I present a memorial of the Louisiana League for Woman Suffrage, urging Congress to pass the Susan B. Anthony amendment to the Constitution as a war measure. I ask that the memorial be printed in the RECORD. It is very brief.

There being no objection, the memorial was ordered to be printed in the RECORD, as follows:

Whereas we women of the South are being called upon for service and for sacrifice in war, and are responding to the call with true nobility of spirit and purpose; and

Whereas we realize how unjust it is that we are discriminated against, as are women from many other sections of our country, merely on account of sex: Therefore be it

Resolved, That we women of the Louisiana League for Woman Suffrage, meeting this 18th day of June, 1917, at New Orleans, call upon our President and the Congress of the United States to cause to be passed quickly as a war measure the Susan B. Anthony amendment allowing the States themselves to pass upon the measure so that the women of the Nation may feel themselves part of our great country in its time of greatest stress, and in a position to protect their children, their homes, and themselves in the event of their men being called away in great numbers; and be it further

Resolved, That copies of these resolutions be sent to the President of the United States, to the party leaders in both Houses of Congress, and to the Louisiana delegation, with the request to Senator JOSEPH E. RANSDELL that they be read into the RECORD of the Senate and to Representative GARLAND DUPRÉ that they be read into the RECORD of the House; and be it finally

Resolved, That the Louisiana Members of the United States Senate and National House be urged to do all in their power to have the amendment passed immediately as a war measure.

Mrs. W. J. O'DONNELL,
President Louisiana League for Woman Suffrage.

Mr. JAMES. I present resolutions indorsed at the June meeting of the Louisville Clericus, representing the Episcopal ministers, Cathedral House, Louisville, Ky., which I ask to have printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

LOUISVILLE, KY., *June 25, 1917.*

HON. OLLIE M. JAMES,
United States Senator from Kentucky,
The Parkwood, Washington, D. C.

MY DEAR SIR: The following resolutions were indorsed at the June meeting of the Louisville Clericus, representing the Episcopal ministers of this vicinity:

"Whereas fuel conditions, especially in the Louisville district, are a menace to public welfare which unless speedily remedied will result in immeasurable suffering, disease, and death; and

"Whereas there is now pending in the Senate a law designed to regulate the production and distribution of necessities (material) including fuel; and

"Whereas Government control of said necessities is essential, alike to the successful prosecution of this present foreign war and to the protection of our people at home: Therefore be it

"*Resolved*, That the Louisville Clericus does hereby join heartily in supporting this needed legislation: and be it further

"*Resolved*, That we call upon our Senators and Representatives in Congress assembled, to bring all their influence to the enactment of this law; and to be especially vigilant in guarding against amendments contrary to the common good."

Assured that your record as a strong supporter of the administration will be upheld in this instance, and with all good will, we remain,

Respectfully, yours,

EDW. C. MCALLISTER,
Secretary Louisville Clericus.

Mr. GALLINGER presented a petition of Local Branch No. 59, Paving Cutters' Union of the United States and Canada, of West Concord, N. H., praying for the passage of the so-called food-control bill, which was ordered to lie on the table.

He also presented petitions of the Woman's Home Missionary Society of the Methodist Episcopal Church of Portsmouth, of Fred. H. Keyser, of Henniker; of 32 members of Fitzwilliam Grange, Patrons of Husbandry; and of 166 students of the New Hampshire College of Agriculture and Mechanic Arts, of Durham, all in the State of New Hampshire, praying for national prohibition, which were ordered to lie on the table.

Mr. PAGE presented resolutions adopted by the Vermont Federation of Women's Clubs, praying for the enactment of legislation to prohibit the spread of vice at Army posts, which was referred to the Committee on Military Affairs.

Mr. HARDING presented a petition signed by the employees of the La Belle Iron Works, of Steubenville, Ohio, praying for the passage by the Senate of the so-called food-control bill as passed by the House of Representatives, which was ordered to lie on the table.

He also presented a petition from sundry citizens of Ohio, praying for the enactment of legislation to prohibit the manufacture and sale of all intoxicating liquor for beverage purposes during the continuance of the war, which was ordered to lie on the table.

Mr. FRELINGHUYSEN presented petitions of the Presbytery of the West Jersey Synod, of the Woman's Home Missionary Society of Grace Methodist Episcopal Church of Jersey City, in the State of New Jersey, and of the Board of Temperance of the Presbyterian Church of America, praying for national prohibition, which were ordered to lie on the table.

He also presented memorials of Moving Picture Operators' Local Union, No. 359, of Trenton; of Steam Fitters' Local Union, No. 475, of Newark; and of Painters' Local Union, No. 20, of Westfield, all in the State of New Jersey, remonstrating against the enactment of legislation to prohibit the manufacture of beer and light wines, which were referred to the Committee on Finance.

Mr. McLEAN presented memorials of sundry citizens of New Haven and Waterbury; of the Farrell Foundry & Machine Co., of Waterbury; of the Connecticut Disinfectant & Chemical Co., of New Haven; and of Thomas J. McGrath, cigar manufacturer, of Waterbury, all in the State of Connecticut, remonstrating against national prohibition, which were ordered to lie on the table.

He also presented a petition of the John Dillon Literary Club, of Meriden, Conn., praying for the freedom of Ireland, which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Manchester and Rock Mount; of the East Hartford Temperance League; of Case Bros. (Inc.), of Highland Park; of J. Broadbent & Son Co., of Unionville; and of the Union Cutlery & Hardware Co., of Unionville, all in the State of Connecticut, praying for national prohibition, which were ordered to lie on the table.

He also presented a petition of the Brotherhood of Locomotive Engineers, of the Brotherhood of Locomotive Firemen and Enginemen, of the Order of Railway Conductors, and of the Brotherhood of Railroad Trainmen, all of the New York, New Haven & Hartford Railroad in the State of Connecticut, praying for Federal control of food products and for the raising of revenue for the expenses of the war by corporation and individual income taxes and protesting against increasing the postage on periodicals, which was ordered to lie on the table.

Mr. THOMPSON presented a petition of the members of the Missouri Pacific & Iron Mountain System Federation employed at Osawatomie, Kans., praying for the passage of the so-called food administration bill, which was ordered to lie on the table.

Mr. SUTHERLAND presented petitions of the Woman's Bible Class of the First Presbyterian Church of Wheeling; of the members of the Sunday School Convention of the Hopewell Baptist Association of West Virginia; of the congregation of the First Baptist Church of Martinsburg; of the congregation of Laurel Point Methodist Episcopal Church; of sundry citizens of South Parkersburg; of the congregation of the Presbyterian Church of French Creek; of sundry citizens of Williamstown; of sundry employees of the Hazel Atlas Glass Co., of Clarksburg; of the Laurel Point Woman's Christian Temperance Union, of Monongahela County; of sundry citizens of Janelew; of the Sussana Wesley Bible Class of the First Methodist Church of Parkersburg; of sundry citizens of Franklin and Clay; and of the Woman's Missionary Society of the Winchester District, all in the State of West Virginia, praying for national prohibition as a war measure, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Smithfield and Folsom, in the State of West Virginia, praying for national prohibition as a measure of food conservation, which was ordered to lie on the table.

Mr. NELSON presented petitions of sundry citizens of Minneapolis, Wanamingo, St. Paul, Duluth, Winona, East Grand Forks, Waseca, Dakota County, and Staples, all in the State of Minnesota, praying for national prohibition, which were ordered to lie on the table.

He also presented petitions from sundry citizens of New Prague, Minneapolis, St. Cloud, Red Wing, St. Peter, Duluth, Hastings, Mankato, New Ulm, and Jordan, all in the State of Minnesota, remonstrating against national prohibition, which were ordered to lie on the table.

He also presented telegrams in the nature of petitions from the St. Paul (Minn.) Association of Public and Business Affairs, and of the Scandinavian-American National Bank, of St. Paul, Minn., praying for the adoption of amendment to income-tax law permitting reductions from gross income of contributions to charitable institutions, which were referred to the Committee on Finance.

Mr. CHAMBERLAIN presented a petition of the Missionary Society of the Methodist Episcopal Church South, of Weston, Oreg., praying for national prohibition as a war measure, which was ordered to lie on the table.

Mr. HOLLIS presented petitions of sundry citizens of Durham and of Milford, in the State of New Hampshire, praying for national prohibition as a war measure, which were ordered to lie on the table.

Mr. SHERMAN presented a petition of the congregation of the First Methodist Episcopal Church, of Sycamore, Ill., praying for national prohibition as a war measure, which was ordered to lie on the table.

Mr. SMITH of Arizona. I wish to give notice that as soon as the routine morning business is concluded I shall call up Senate bill 1533, known as the migratory-bird bill.

LABOR PERILS.

Mr. THOMAS. Mr. President, I am in receipt of information chiefly by correspondence from different parts of the far West calling attention to a situation which is sufficiently grave both in its present condition and in its menace to some of our vital industries to justify me in calling the attention of the Senate and of the public to it.

The subject is tersely and graphically presented by a letter from Nevada, which I received yesterday afternoon and which I will read, omitting the names of the writer and of certain individuals which appear in the body of the letter. It is dated the 22d day of June, 1917, and is addressed to myself:

For the past several weeks the I. W. W. has been getting very active in the West, starting first in Arizona, and now their activities seem to be concentrated upon Butte. Yesterday a number of Austrians who sympathize with that organization walked out at Ely, and I understand there is likely to be trouble there. It seems they have been attempting to close down the mines and stop the production of materials that would be necessary to conduct the war.

A radical I. W. W. who was one of the instigators of the Goldfield trouble in early days, has recently come into this State from Arizona, going to Goldfield, then to Tonapah, and winding up in Ely. They also have sent a number of other agitators to our Nevada camps and have attempted vigorously to organize the I. W. W. in each and every one of them. They are sending out the vilest kind of literature, showing that they are not in accord with the Government or with war policies; that they are against conscription and war in general. They are extending their influences as far as possible to the Austrian and

German sympathizers, as well as trying to get in as many ignorant and disgruntled members as they can. Tonapah and Goldfield are cooperating in this matter and frankly we expect trouble.

We are operating a mine in Arizona called the Montana Mines Co., located at Ruby, and there we are having serious difficulty in securing labor on account of the Mexicans not being able to cross the line. We are likewise operating a mine called the Boundary Red Mountain Mining Co., in the State of Washington, nearly on the border and near Sardis, British Columbia. On account of recent developments we are unable to get men from British Columbia for this property, and it is impossible to get them on this side; consequently we have had to close down a good producing mine, as it has been impossible to keep laborers there.

The I. W. W. agitators are doing everything in their power at Seattle to prevent the farmers from securing labor to put up their crops, and they are doing the same in California, where a great deal of the fruit and vegetable crop will spoil on account of the shortage of labor, as well as the shortage of cans for packing purposes.

I thought that you should be apprised of this situation, which is really becoming acute, as it may be possible for you in some manner to afford us some relief in these matters.

This letter, Mr. President, comes from a very thoughtful gentleman, a conservative business and mining man, who is not given to hysteria or easily stampeded by any unexpected situation.

There are large industrial difficulties and very serious ones in the mines at Butte, in Utah, in Arizona, and, to some degree, in my own State, and in each instance the prime cause of the trouble seems to be identical. It proceeds from the activities of an organization that is a libel upon labor unions and whose professed doctrines are murder, anarchy, and the destruction of modern society.

I have no doubt, Mr. President, that they are operating with the active sympathy, if not under the express direction, of influences in this country devoted to the cause of our enemies and serving them to the best of their ability.

There can be no question about the effect upon this war of the protracted suspension of work in our mines and smelters, those great institutions from which come the raw material of modern warfare, and without which no nation, and, least of all, ours, can play its part in the great drama now in progress.

Mr. President, I think that the attention of the press, of the governors of our States, of the Department of Justice, and of the other departments of the Government should be riveted to the grave peril which this condition involves. To what extent investigations have gone or are going, whether this conspiracy, as I believe it is, is being unearthed or will be unearthed, I am not informed. In my judgment here is presented a situation that demands immediate summary and radical treatment. Halfway measures may accomplish little. We might just as well attempt to compromise with a nest of rattlesnakes as with the leaders of this anarchistic organization, who flourish most when society is most disturbed. I hope that the Government will mobilize all its agencies, if it has not already done so, and put an end to these conspiracies, that there may not be war and destruction behind our backs, no such cause of disintegration in our rear, while we are discharging our duty to ourselves and our allies on the front.

MISSISSIPPI RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably, without amendment, the bill (S. 2434) authorizing the counties of Cass and Itasca, Minn., to construct a bridge across the Mississsippi River between said counties, and I submit a report (No. 72) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BROUSSARD:

A bill (S. 2524) for the relief of Isaac C. Johnson, jr.; to the Committee on Military Affairs.

By Mr. GRONNA:

A bill (S. 2525) granting a pension to Daniel Stahler; to the Committee on Pensions.

By Mr. KING:

A bill (S. 2526) to prohibit interstate commerce in beverage liquors containing alcohol; to the Committee on Interstate Commerce.

By Mr. SHEPPARD:

A bill (S. 2527) authorizing the appointment of chaplains at large for the United States Army; to the Committee on Military Affairs.

AERIAL NAVIGATION.

Mr. SHEPPARD. I ask leave to introduce a joint resolution, and I wish to make a very brief statement in connection with it.

The joint resolution (S. J. Res. 82) providing for the creation of a commission on aerial navigation was read twice by its title.

Mr. SHEPPARD. Mr. President, England is said to be planning a permanent peace air service, with a personnel of 160,000 officers and men, which is larger than the United States Navy at full war strength.

It has been recently reported upon reliable authority that France has appointed a commission for the purpose of determining the commercial opportunities of aircraft in spite of the fact that she is said to be "exhausted" in the defense of her western front against invasion by Germany.

Germany is said to be perfecting arrangements for aerial commercial service to operate between Berlin and various points of the German Empire, and a few days ago it was reported in a public address that rules and regulations and tariff rates had been adopted and promulgated, and it is claimed that perishable foods are transported by means of dirigibles in Germany at the present time.

The Italian Government has also just given permission for the establishment of daily aerial mail service between Rome and Turin, with postage at the Italian equivalent of 5 cents per letter.

I desire to say that Representative HULBERT, of New York, has introduced in the House of Representatives a measure similar to this.

The VICE PRESIDENT. The joint resolution will be referred to the Committee on Military Affairs.

NATIONAL DEFENSE.

Mr. SUTHERLAND submitted an amendment intended to be proposed by him to the bill (S. 1786) for making further and more effectual provision for the national defense, and for other purposes, which was referred to the Committee on Military Affairs and ordered to be printed.

AMENDMENTS TO PENDING BILL.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel, which was ordered to lie on the table and be printed.

Mr. SMITH of Arizona submitted an amendment intended to be proposed by him to the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel, which was ordered to lie on the table and be printed.

AMENDMENT OF INTERSTATE-COMMERCE ACT.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1816) to amend the act to regulate commerce, as amended, and for other purposes.

Mr. ROBINSON. I move that the Senate disagree to the amendment of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. NEWLANDS, Mr. ROBINSON, and Mr. CUMMINS conferees on the part of the Senate.

NEWS-PRINT PAPER INQUIRY.

Mr. REED. Mr. President, I desire to call up Senate resolution No. 95, which was submitted by me on yesterday.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over under the rule from a previous day, which will be read.

The Secretary proceeded to read Senate resolution 95.

Mr. ROBINSON. Mr. President, I ask that the further reading of the resolution may be dispensed with.

The VICE PRESIDENT. The resolution has been once read.

Mr. GALLINGER. Mr. President, I think the resolution ought to be read at length. I am somewhat interested in the subject.

The VICE PRESIDENT. The Senator from New Hampshire requests the reading of the resolution, and the reading will be resumed by the Secretary.

The Secretary resumed and concluded the reading of the resolution, which is as follows:

Whereas pursuant to the resolution the United States Senate of April 24, 1916, the Federal Trade Commission began the investigation of the combination existing among the manufacturers of news print paper; and

Whereas two reports have been made to the Senate by said commission, dated, respectively, March 3, 1917, and June 13, 1917; and

Whereas said commission finds as a fact and reports that there exists a combination of paper manufacturers which extorts unreasonable prices, and that by reason of said combination free competition has been restricted, and that within the past year prices have been advanced to large consumers as much as $50 per ton, and to small consumers in some cases as much as $180 per ton; and

Whereas said commission has reported that by concerted action said combination of manufacturers has discouraged the production of print paper, and has arbitrarily divided customers and territories among themselves and thus limited and controlled competition; and

Whereas said commission has further found and reported that because of said unfair and illegal practices, small publishers have already been driven out of business, that more are likely to suffer the same fate, that large publishers will be financially ruined, and other rendered unable to make any profits from their legitimate business ventures; and

Whereas all of said acts and practices are in violation of the laws of the United States prohibiting monopolies, restraints of trade, unfair practices, and so forth; and

Whereas the Government of the United States is a large consumer of news-print paper, and as such is the victim of the illegal combination, practices, and extortions aforesaid; and

Whereas the Federal Trade Commission in its report of June 13, 1917, expressly states that "the efforts of the commission to restore competitive conditions have failed," and the said illegal and oppressive practices are being continued: Now, therefore, be it

Resolved, That the Federal Trade Commission is hereby directed to inform the Senate of the United States, with all due dispatch, why it has not issued and caused to be served upon the offending persons and corporations aforesaid appropriate orders commanding them to desist from the said illegal and unfair practices to the end that the same shall be discontinued, and if not, that appropriate proceedings may be had in the courts of the United States to enforce said orders of the commission.

Mr. ROBINSON. Mr. President, while I do not intend to oppose the passage of this resolution, I do not desire to be understood as concurring in all of the recitals of facts which are contained in its preamble. The resolution contains a somewhat lengthy preamble, reciting in part the history of the proceedings of the Federal Trade Commission relating to the news-print paper industry. It is a fact, in my judgment—and I think the investigation before the Federal Trade Commission justifies that conclusion—that a number of persons and corporations engaged in the manufacture of news-print paper in the United States have so conducted their business as to violate the Sherman Antitrust Act and to cause an enormous increase in the price of this very useful and, indeed, indispensable commodity.

I am of the opinion that the proceedings before the Federal Trade Commission have been very prompt and meritorious in so far as they have occurred. I do not think the Federal Trade Commission has been negligent in any particular in prosecuting this subject. Last fall an investigation of about 80 manufacturing plants engaged in the production of news-print paper in the United States and Canada was entered upon by the Federal Trade Commission. That investigation was very thorough. The information which the Trade Commission obtained was turned over to the Department of Justice. Before indictments were returned, however, a proposition was made to the commission that an arrangement be effected by which the price to be charged for news-print paper might be arbitrated, and the Federal Trade Commission, if my memory serves me correctly, suggested an arrangement whereby a charge of $2.50 a hundred might be made. That price was very much less than the price that was then being charged for print paper, and very much less than is now being charged.

Subsequent to this arrangement, which was somewhat tentative, indictments against a number of gentlemen engaged in the industry were returned in the District Court of the United States for the Southern District of New York, the date of the return of the indictments being April 12, 1917. The indictments charged the defendants with conspiracy in restraint of trade under the Sherman Antitrust Act. After the indictments were returned and the Department of Justice was proceeding upon the evidence obtained by the Federal Trade Commission in its investigation to prosecute the defendants, the defendants rescinded the tentative agreement that had been theretofore made to the effect that the price of news-print paper might be arbitrated by the Federal Trade Commission, insisting that it was not fair for the Government agents to regulate the price of news-print paper, and at the same time pursue the matter by indictment.

It is the purpose of the Government—both of the Federal Trade Commission and of the Department of Justice, so far as I am advised—to prosecute these indictments to final judgment. Some 10 days ago a complaint was filed by Mr. Frank Walsh, an attorney representing Mr. W. R. Hearst and other large consumers of news-print paper, asking that the commission exercize its alleged power to issue an order against these defendants to cease and desist.

Upon the filing of that complaint the commission, I am advised, took up the matter with the Department of Justice with a view to determining whether, if a hearing was had upon the complaint and the order issued and the parties themselves were sworn, as would probably be necessary, immunity would result. That matter has not yet been finally determined. I apprehend that when the response is made by the Federal Trade Commission to the inquiry contained in the resolution, it will disclose that the failure to issue the order to cease and desist, or the delay in issuing it, is due to the fact that the commission anticipated that such proceeding might result in immunity to the defendants who have already been indicted, and who are now being prosecuted in the Federal court in New York.

If there is contained in this resolution the implication that the Federal Trade Commission has neglected its duty in not issuing such an order, under the circumstances as I have briefly narrated them, I wish to say that, in my judgment, that implication is unjustified and unfounded. The commission has recommended that the Federal Government take over substantially the news-print manufacturing industry and operate it during the continuance of the war. Other remedies have been suggested. At the instance of some students on the subject, I introduced a bill some weeks ago authorizing the Federal Trade Commission to fix a maximum price to be charged for news-print paper, and declaring that commodity to be affected with a public service and to be a public utility. Of course, the question as to whether or not news-print paper is a public utility is one that can not be precluded by mere legislative determination or resolution. The legislature may express its opinion that any commodity is a public utility, and, as I understand the legal aspect of the matter, the courts may give consideration to that declaration, but can not be precluded from determining that it is not a public utility.

The Federal Trade Commission, however, has recommended that, as a remedy of practical value to more than 20,000 small publishers in the United States, the Government take over this business and operate it for the present and for the immediate future. Such recommendation——

Mr. FLETCHER. Mr. President——

Mr. ROBINSON. Just a moment. Such recommendation is very strongly opposed by some of the largest consumers of news-print paper. It is, however, according to the best information that I have, very strongly approved by some of the small consumers who are being charged the most exorbitant prices imaginable.

Mr. FLETCHER. May I now interrupt the Senator?

Mr. ROBINSON. I yield now to the Senator from Florida.

Mr. FLETCHER. Mr. President, just at that point I want, if I may, to suggest a correction of the thought the Senator has expressed, and it is quite a general error that people fall into. I think the Senator will see readily the distinction which the Trade Commission draws between a proposition to take over these plants and operate them by the Government and their real view, which is that they shall be operated on Government account. There is quite a distinction between taking hold of these plants and operating them by the Government, and seeing that they are operated on Government account.

Now, the recommendation the commission make is that the plants be operated on Government account, under the supervision of some agency of the Government, and particularly an agency which will have control of the distribution of the product.

Mr. ROBINSON. Mr. President, the statement of fact made by the Senator from Florida is entirely correct; but I apprehend that there is little distinction in legal principle, and, as a matter of legal analysis, I do not think the distinction is of far-reaching importance. The operation of these industries upon Government acccount, while quite different, in fact, from the Government taking over the industries and either owning them or operating them, is in legal contemplation not very different.

The point that I want to make, however, is that the commission has not been inefficient; that it has not been negligent in the discharge of its duties; and that the delay in issuing the order to cease and desist, or their failure up to the present to issue that order, probably grows out of the fact that it is feared immunity will result if such a proceeding is taken.

Mr. President, I have nothing further to say.

Mr. REED. Mr. President, just a word. Let it be noticed, first, that every recitation of fact contained in the resolution is taken from the reports of the Federal Trade Commission. There is scarce a variation in the language. The substance of all that appears in the resolutions touching the operations of the manufacturers of print paper is found in the reports of the commission.

Mr. ROBINSON. Mr. President——

Mr. REED. I yield to the Senator from Arkansas.

Mr. ROBINSON. Mr. President, I call the attention of the Senator from Missouri to one material difference between the recital of facts contained in the preamble and the language used in the commission's report. He may not regard it as material, but others do. The preamble purports to quote the exact language of the commission under the last "whereas," which reads as follows:

Whereas the Federal Trade Commission, in its report of June 13, 1917, expressly states that "the efforts of the commission to restore competitive conditions have failed," and the said illegal and oppressive practices are being continued.

While I can not quote from memory exactly the language of the commission in its report, as I recall the language used by it, it is different from that contained in the clause I have just read.

Mr. REED. I will read the language. In the interest of brevity I did not quote every word, but I will read what the commission say in their report. Under the heading "Failure of arbitration agreement" is found this language:

The efforts of the commission to restore competitive conditions in the news-print industry expeditiously and to arbitrate and effectively project a fair price for news-print paper have failed.

In the resolution I have abbreviated that language so that it reads:

The efforts of the commission to restore competitive conditions have failed.

I left out the words—

in the news-print industry expeditiously and to arbitrate and effectively project a fair price for news-print paper.

Of course, those words are mere surplusage, and the language I have quoted fairly presents the spirit of the report.

Mr. NEWLANDS. Mr. President——

Mr. ROBINSON. Mr. President, will the Senator yield to me?

Mr. REED. Yes.

Mr. ROBINSON. I hope the Senator does not think that I implied any thought that the Senator had misrepresented.

Mr. REED. Oh, no; I know the Senator did not mean that.

Mr. ROBINSON. I merely made the statement in my remarks that I did not concur in the accuracy of all the recitals of fact. I do think there is a substantial difference in the language that he has used as affecting the efficiency of the efforts of the commission, but I recognize the fact that the matter is not of controlling importance. I merely referred to that in order that I might not be concluded by the statements of fact made in the resolution.

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Nevada?

Mr. REED. In one moment. I think there is no possible difference, and that if my very good friend will lay down the language of the resolution beside the language of the report of the commission, bearing in mind the point aimed at in the resolution, he will conclude that the substance of the report is fairly stated. In any event the Senate now has it, and let the Senate determine it.

Mr. President, the Senator from Arkansas makes the point that he thinks the reason the commission has not served notice upon the news-print paper men commanding them to desist their illegal practices is to be found in the fact that if such notice were served the news-print paper men would be summoned and would give their testimony, and thus might obtain immunity.

Mr. President, I can not so understand the proceedings. The commission has already investigated the questions of fact, and has already made its conclusions of fact. Having done that, whatever testimony was to be taken has already been taken; the facts have been found and solemnly recorded, and reported to the Senate. There remains, therefore, nothing for the commission to do, if its investigation has disclosed facts making it its duty to act except to issue its order commanding the news-print paper men to desist in their illegal practices. No further hearing is necessary. Therefore, no immunity can be obtained, because it is not necessary to summon any witnesses.

Let me say this in conclusion: I think there is no real opposition to this resolution. The resolution does not undertake in any way to condemn anybody. It asks a simple question. It calls upon the Trade Commission to advise the Senate why it has not taken a certain action. When the Trade Commission answers that question in its own way, it will then be for the Senate to determine whether, in the opinion of the Senate, the answer is satisfactory. As I said in my remarks yesterday, I do not say that the Trade Commission may not have a reason, but I desire to know what that reason is.

Mr. OWEN. Mr. President, I should like to ask the Senator from Missouri whether it is in the RECORD that the commission have not issued any notices to these parties?

Mr. REED. It is recited in the resolution that they have not issued that notice. It is recited as a fact.

Mr. OWEN. I wanted to know what the fact was upon which that recital was based.

Mr. REED. Well, the fact is that it just is a fact; and their own reports indicate that, although they do not expressly say that they did not do it. An application has been made to them, I understand, for such an order, and the Senator from Arkansas [Mr. ROBINSON] has just made the statement that such an application was made.

Mr. OWEN. Is it in evidence before the Senate that there has been no order issued to these offending parties so far?

Mr. REED. There has been no absolute positive evidence offered, because that would imply a hearing.

Mr. ROBINSON. Mr. President, if the Senator will yield. I stated to the Senate, and I repeat it, that it is my information that no order has been issued.

Mr. REED. There is no dispute about it.

Mr. ROBINSON. A complaint was filed about 10 days ago, but the order has not been issued, for the reasons that I attempted to state a while ago.

Mr. OWEN. All that I desired was that we might not appear to charge them with neglect of duty in whatever form of resolution may be adopted when we could ascertain what the fact was without doing that by merely asking them to report what action they had taken.

Mr. REED. The language of the resolution is:

Resolved, That the Federal Trade Commission is hereby directed to inform the Senate of the United States with all due dispatch why it has not issued and caused to be served upon the offending persons and corporations aforesaid appropriate orders—

And so forth.

Mr. OWEN. Might it not be better to ask them what steps they have taken to accomplish this result?

Mr. REED. I think not, because the matter is not in dispute. It will not be disputed that they have not issued such an order; and if it should be——

Mr. NEWLANDS. Mr. President, may I ask the Senator to what the words "said appropriate orders" refer, on line 5 of page 2? On a cursory glance through the resolution I do not find any orders referred to, but I may have overlooked them.

Mr. REED. That is not the word "said." That is "aforesaid." The word is split in the middle at the end of the line.

Mr. NEWLANDS. Oh, I see; yes.

Mr. REED. It says "corporations aforesaid."

Mr. NEWLANDS. I will ask the Senator whether he has any objection to a reference of this resolution to the committee? The committee will have a meeting to-morrow, and it will be immediately reported to the Senate.

Mr. REED. Oh, yes; I want the resolution passed. I want the information, and I see no reason to refer a resolution simply asking for information.

Mr. NEWLANDS. At the proper time I will make a motion to refer the resolution to the Committee on Interstate Commerce.

Mr. HOLLIS. Mr. President, I am not going to object to the adoption of the resolution. The situation concerning news-print paper is most important, and it is one that should be brought sharply to the attention of the Senate and of the Trade Commission, and I sincerely hope that the Department of Justice will take notice of the interest of the Senate in the question.

I feel that the Senator from Missouri has done a public service in bringing the matter to public attention in this way. So far as the Trade Commission is concerned, it can take care of itself in any answer it may make to the resolution. I am not concerned to defend the Federal Trade Commission in any respect, but I am very much concerned in the understanding that the Federal Trade Commission may get of the attitude of the Senate toward its treatment of questions of this kind.

There is a very sharp distinction between the punishment of offenses against the antitrust laws and the regulation of unfair methods of competition under the Federal Trade Commission bill. There is the same distinction that there is between the application of an injunction by a court of equity against something that is not quite a crime and the effort to apply equitable procedure to prevent the commission of crime. There is no doubt that a crime has been committed in this case, in the opinion of the Federal Trade Commission. The facts reported by the Federal Trade Commission show that there has been an offense by the news-print paper manufacturers against the antitrust act, and that offense, being completed and being serious, ought to be promptly prosecuted by the Department of Justice.

My fear is that the Federal Trade Commission will think, from the passage of this resolution, that it is the opinion of the Senate that they should proceed by injunction to prevent the further commission of crime. Now, that is just the distinction between the Sherman Antitrust Act and the Federal Trade Commission act, which was merely intended to be supplementary to the Sherman Antitrust Act and to prevent completing restraints of trade.

I make these observations. They contain my views of the distinction between the two statutes. I am well aware that they do not express the views of some Senators, but I wanted to make them, so that the Federal Trade Commission will know that there are some Senators who believe that since they have uncovered a crime and called it to the attention of the Department of Justice they have nothing further to do with it.

The VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. REED. Mr. President, I call the attention of the Chair to the fact, which he has perhaps overlooked, that a motion has been made to refer the resolution to the committee.

The VICE PRESIDENT. The motion has not been made. The question is on agreeing to the resolution.

The resolution was agreed to.

PROTECTION OF MIGRATORY BIRDS.

Mr. SMITH of Arizona. I move that the Senate proceed to the consideration of Senate bill 1553.

Mr. GALLINGER. Let the title of the bill be stated.

The VICE PRESIDENT. The Secretary will state the title of the bill.

The SECRETARY. A bill (S. 1553) to give effect to the convention between the United States and Great Britain for the protection of migratory birds concluded at Washington August 16, 1916, and for other purposes.

Mr. LODGE. Mr. President, I merely wish to ask whether the morning business is closed?

The VICE PRESIDENT. Yes.

Mr. LODGE. I do not desire to delay this bill. I am wholly in favor of it.

The VICE PRESIDENT. The question is on the motion of the Senator from Arizona.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1553) to give effect to the convention between the United States and Great Britain for the protection of migratory birds concluded at Washington August 16, 1916, and for other purposes, which was read, as follows:

Be it enacted, etc., That this act shall be known by the short title of the "migratory bird treaty act."

SEC. 2. That unless and except as permitted by regulations made as hereinafter provided, it shall be unlawful to hunt, take, capture, kill, attempt to take, capture, or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time or in any manner, any migratory bird, included in the terms of the convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, or any part, nest, or egg of any such bird.

SEC. 3. That subject to the provisions and in order to carry out the purposes of the convention, the Secretary of Agriculture is authorized and directed, from time to time, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of such birds, to determine when, to what extent, if at all, and by what means, it is compatible with the terms of the convention to allow hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, or export of any such bird, or any part, nest, or egg thereof, and to adopt suitable regulations permitting and governing the same, in accordance with such determinations, which regulations shall become effective when approved by the President.

SEC. 4. That it shall be unlawful to ship, transport, or carry, by any means whatever, from one State, Territory, or District to or through another State, Territory, or District, or to or through a foreign country, any bird, or any part, nest, or egg thereof, captured, killed, taken, shipped, transported, or carried at any time contrary to the laws of the State, Territory, or District in which it was captured, killed, or taken, or from which it was shipped, transported, or carried. It shall be unlawful to import any bird, or any part, nest, or egg thereof, captured, killed, taken, shipped, transported, or carried contrary to the laws of any Province of the Dominion of Canada in which the same was captured, killed, or taken, or from which it was shipped, transported, or carried.

SEC. 5. That employees of the Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of this act shall, with respect thereto, have the same powers as are conferred by law on marshals with respect to executing the laws of the United States. Any such employees shall have authority, without warrant, to search any place other than a dwelling, and, with warrant, to search any dwelling, if he shall have reason to suspect that there is concealed therein any bird, or any part, nest, or egg thereof, which has been captured, killed, taken, shipped, transported, or carried, or which is possessed, contrary to the provisions of this act or of any regulation made pursuant thereto. The several judges of the courts established under the laws of the United States and United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. All birds, or parts, nests, or eggs thereof, captured, killed, taken, shipped, transported, carried, or possessed contrary to the provisions of this act or of any regulations made pursuant thereto shall, when found, be seized by any such employee, or by any marshal or deputy marshal, and, upon conviction of the offender or upon judgment of a court of the United States that the same were captured, killed, taken, shipped, transported, carried, or possessed contrary to the provisions of this act or of any regulation made pursuant thereto, shall be forfeited to the United States and disposed of as directed by the court having jurisdiction.

SEC. 6. That any person, association, partnership, or corporation who shall violate any of the provisions of said convention or of this act, or who shall violate or fail to comply with any regulation made pursuant to this act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than $500 or be imprisoned not more than six months, or both.

SEC. 7. That nothing in this act shall be construed to prevent the several States and Territories from making or enforcing laws or regulations not inconsistent with the provisions of said convention or of this act, or from making or enforcing laws or regulations which shall give further protection to migratory birds, their nests, and eggs, if such laws or regulations do not extend the open seasons for such birds beyond the dates approved by the President in accordance with section 3 of this act.

SEC. 8. That until the adoption and approval, pursuant to section 3 of this act, of regulations dealing with migratory birds and their nests and eggs, such migratory birds and their nests and eggs as are intended and used exclusively for scientific or propagating purposes may be taken, captured, killed, possessed, sold, purchased, shipped, and transported for such scientific or propagating purposes if and to the extent not in conflict with the laws of the State, Territory, or District in which they are taken, captured, killed, possessed, sold, or purchased, or in or from which they are shipped or transported if the packages containing the dead bodies or the nests or eggs of such birds when shipped and transported shall be marked on the outside thereof so as accurately and clearly to show the name and address of the shipper and the contents of the package.

SEC. 9. That the unexpended balances of any sums appropriated by the agricultural appropriation acts for the fiscal years 1917 and 1918, for enforcing the provisions of the act approved March 4, 1913, relating to the protection of migratory game and insectivorous birds, are hereby reappropriated and made available until expended for the expenses of carrying into effect the provisions of this act and regulations made pursuant thereto, including the payment of such rent, and the employment of such persons and means, as the Secretary of Agriculture may deem necessary, in the city of Washington and elsewhere, cooperation with local authorities in the protection of migratory birds, and necessary investigations connected therewith.

SEC. 10. That if any clause, sentence, paragraph, or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SEC. 11. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 12. That this act shall become effective immediately upon its passage and approval.

Mr. REED. Mr. President, I regret very much that this bill is brought forward at this time. I had understood that the legislation of this session was to be confined to war measures and that nothing was to be done to interfere with the consummation of that kind of legislation. I do not know whether it is claimed that the prevention of the shooting of birds out of season is a war measure or not, but I hardly think it will be claimed that this bill is strictly a preparedness bill. We have a great deal of work to do. We have measures pressing upon us for attention that involve the entire business of the United States. I hope this bill will not be pressed this morning. Undoubtedly it deserves serious consideration, a consideration that it is not going to receive if it is passed this morning.

Let me call attention to just one thing in it. Regardless of whether you shall have game preservation or not, regardless of whether you are in favor of absolutely prohibiting the killing of game anywhere under any circumstances or not, there arises this question, and I challenge the attention of Senators to it.

Mr. BORAH rose.

Mr. REED. If the Senator from Idaho will pardon me, I want to read this and ask his thought in regard to it:

That employees of the Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of this act—

Which, of course, might mean every member of the Agricultural Department force—

shall, with respect thereto, have the same powers as are conferred by law on marshals with respect to executing the laws of the United States. Any such employees shall have authority, without warrant, to search any place other than a dwelling, and, with warrant, to search any dwelling, if he shall have reason to suspect that there is concealed therein any bird, or any part, nest, or egg thereof, which has been captured, killed, taken, shipped, transported, or carried, or which is possessed contrary to the provisions of this act or of any regulation made pursuant thereto.

Under that any one of the thousands of men employed by the Agricultural Department could be authorized by a mere order of the Secretary to act as marshal, and thereupon without a warrant, without the affidavit of any person, without any of those proceedings that have always attached themselves to search warrants, this gentleman can enter any man's premises except his home on mere suspicion at any time of the day or night. That certainly is entitled to some consideration.

Mr. BORAH. It would be in the hands of the court, I should think.

Mr. REED. I see the Senator from Idaho has risen. I do not know whether he wants to ask me a question or make a comment.

Mr. BORAH. I was looking for the section from which the Senator was reading. From what section was he reading?

Mr. REED. I read from section 5, on page 3.

Mr. President, I undertake to say that even in these times it would be held that that would be an unreasonable search and seizure. I have not read the rest of the bill. I just started to read it and got along that far. What other enormities there may be in it I do not know.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. I do.

Mr. BORAH. I should like some one who is supporting this measure to explain upon what theory section 5 was constructed. At first glance it seems to me to be a very extraordinary proposition.

Mr. LODGE. As to the powers?

Mr. BORAH. Yes.

Mr. LODGE. I think the powers are granted under the game laws of every State.

Mr. BORAH. I read:

> Any such employees shall have authority, without warrant, to search any place other than a dwelling.

Mr. LODGE. The game wardens and their employees have that right.

Mr. GALLINGER. Unquestionably they could in some of the New England States. They have in all States——

Mr. REED. I can not hear the Senator.

Mr. McLEAN. The power is granted in nearly all the States of the Union by State laws.

Mr. BORAH. Has it ever been tested?

Mr. McLEAN. It has never been disputed that I know. I have no particular knowledge of a case tested.

Mr. BORAH. Under the provisions of our Constitution, if I may be permitted to refer to it still, how can a man enter private premises without a warrant and make a search for goods or property? If you can make a law authorizing search and seizure without warrant for this class of articles, you can for any or all other goods or things.

Mr. McLEAN. It is not proposed that he shall enter the house.

Mr. BORAH. I know that; but the Constitution is not confined to the house if it has any application at all.

Mr. McLEAN. It is practically the same provision that you will find in most of the States for the enforcement of game laws. You could not enforce it without some such provision, and the wardens would be appointed as deputy marshals are now appointed by the marshals under the Federal law. There is nothing revolutionary about it.

I will say that I am very much in favor of this proposed law. It was drawn by the solicitor in the Agricultural Department.

Mr. BORAH. So was the food bill, as I understand, which we had before us a day or two ago.

Mr. HITCHCOCK. Will the Senator speak louder? We are unable to hear on this side.

The VICE PRESIDENT. It is a private conversation.

Mr. OVERMAN. I wish to inquire of the Senator from Connecticut if this is a war measure?

Mr. McLEAN. It is a food-conservation measure; and I will say to the Senator from North Carolina that if it is not disposed of in any other way I shall offer it as an amendment to the pending bill, because, if there is anything in statistics, I can demonstrate that the operation of this proposed law will tend to conserve the food of the country to quite as liberal an extent as anything that is contained in the pending bill.

Mr. BORAH. If the Senator from Missouri will permit me, so far as the general purpose of it is concerned, I have no doubt it is a good purpose to be served, a good object to be obtained.

Mr. HITCHCOCK. Will the Senator let me interrupt him there? This is something more than a food-conservation bill. It is an act of Congress to carry into effect a treaty which we made with Great Britain, and we are under every obligation to carry that treaty into effect. It should have been done at the last session of Congress, and it would have been done if it had not been for the opposition of the Senator from Missouri [Mr. REED]. He opposed the bill then just as strenuously as he opposes it now, although the provision permitting the search of premises without warrant had been eliminated for the purpose of avoiding his opposition.

Mr. LODGE. If the Senator will allow me, I want to say that the failure to carry out treaties we have made is little short of an act of bad faith. I do not think that this is the time of all others when we want to fail to carry out our treaty agreements.

Mr. REED. Permit me to ask the Senator from Massachusetts a question. Surely the Senator does not mean to be understood as saying that we will violate our treaty with England if we do not pass a law authorizing a man who is not even a peace officer to invade the premises of a citizen without a warrant? There is no obligation of that kind——

Mr. LODGE. That is a detail of the bill. I think it is sound, and it is the only way to enforce it. It is done in every State. I do not care to discuss that detail. My point is that a failure to legislate is a failure to carry out a treaty we have made.

Mr. BORAH. Mr. President, I may be permitted to say that no doubt we ought to carry out our treaties. I think, however, it is but proper to say that we ought to carry them out in harmony with the fundamental principles of our Government. I am not opposing this proposition so far as its fundamentals are concerned. I have no doubt we have a duty to perform in regard to it. But I want to ask the Senator in all seriousness if living in a State where 80 per cent of the territory was under the domination of the National Government would he care to add the power to the representatives of a particular department in Washington to go there and search their private premises without warrant or without any authority of law whatever except a general act of Congress? It becomes a very serious matter when it relates to the territory of a State about 20 per cent of which only is left for the citizen now. I want at least to hear those who believe or think they have any reason to believe that this particular clause is constitutional.

Mr. McLEAN. Mr. President, there is no question in my mind as to the constitutionality of this law. The section to which our attention has just been called in regard to search and seizure undoubtedly follows the language used in most of the States. If it is desirable to limit the privilege to buildings adjacent to homes or adjacent buildings, it might be considered.

But I wish to call the attention of the Senate to this point. I thought the Senate understood that this bill is here in direct response to a request contained in a resolution passed by the Senate four years ago and it was due to the desire of the Senate that this treaty was negotiated with Great Britain.

I have here a letter which appears in the report of the committee, signed by the Secretary of State, Mr. Lansing, addressed to Mr. Flood, the chairman of the Committee on Foreign Affairs of the House of Representatives. I will take this opportunity to read it into the RECORD. It is very brief.

> DEPARTMENT OF STATE,
> *Washington, January 25, 1917.*
>
> Hon. HENRY D. FLOOD,
> *Chairman Committee on Foreign Affairs,*
> *House of Representatives.*
>
> SIR: While it is not customary for the Department of State to present to committees of Congress, unsought by the committees, its views on bills pending before the committees and emanating from other departments of the Government, still, in view of the fact that the convention between the United States and Great Britain for the protection of migratory birds, proclaimed by the President on December 8, 1916, was negotiated by the department and that the United States is obligated by the convention to enact the "necessary measures for insuring the execution of the convention," I have the honor to make known to your committee the interest which the Department of State takes in the passage during the present session of Congress of the bill H. R. 20080, now before your committee, to give effect to the convention mentioned.
>
> I have the honor to be, sir,
> Your obedient servant,
> ROBERT LANSING.

That was at the last session of Congress. This bill was introduced early in this session and referred to the Committee on Foreign Relations and reported out. I can say that those especially interested in this law in the Dominion of Canada are already wondering whether our request for this treaty was genuine or not, and it is due to the fact of the apparently unnecessary delay in keeping our faith in this matter.

As I have said, the proposed law was drawn with great care. There must be some provision whereby the Department of Agriculture can appoint an agent to apprehend and detect offenders. If I could take the time of the Senate—if I desired to do so—in relating the history of the inability of the Government to enforce the law which is now on the statute books because of the fact——

Mr. BORAH. If the Senator will permit me, what objection can there be of having the issuance of a warrant before search and seizure? It is not difficult at all; my observation leads me to believe that it is a very easy matter for the representatives of the different departments to swear out warrants.

Mr. McLEAN. The Senator knows as well as I do the difficulty of authorizing an officer to carry around a bunch of John

Doe and Richard Roe warrants in his pockets and giving him the right to search on suspicion provided you protect his dwelling.

Mr. BORAH. There is a vast difference, because when a man makes an oath he is responsible in a certain way, and if he proceeds recklessly and in disregard of facts or without any real reason there is a way to get at it, and it makes him more modest and moderate in his search when there is no reason for a search.

Would the Senator object to using American language here instead of the language of czars and emperors? It says here, "if he shall have reason to suspect." Why not insert, "have reason to believe," at least.

Mr. McLEAN. I have no objection to that amendment whatever. I think, on the whole, it is an improvement.

Mr. BORAH. I move, on page 3, line 17, to strike out the word "suspect" and insert the word "believe."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BORAH. Mr. President, I wish to ask the Senator in all seriousness if he would not consider the proposition of having the issuance of a warrant in all these instances.

Mr. McLEAN. I do not think it helps the situation from the point of view of the Senator from Idaho. If the law is to be enforced at all, these agents must have some power of search without a warrant. It seems to me that the Senator's objection has little force from his own point of view.

Mr. BORAH. On the other hand, the Senator takes into consideration not at all the convenience or the privacy of the citizen as against bad-faith annoyance, annoyance in bad faith as it takes place in the Western States, as we know by reason of our association and close association with representatives of these departments constantly. It is that class of men who ride roughshod and imperiously over the rights of private citizens simply because they are armed with some color of authority from Congress.

Mr. McLEAN. The Senator also knows the history of the law which we have now on the statute books has demonstrated that unless the Government has this power the agents appointed by the Agricultural Department can not enforce the law, because there are in some of the Western States associations formed with plenty of money for the express purpose of violating the law. Their purposes are published in the press; the names of the persons who propose to defy the law are published in the press.

Mr. BORAH. There is no trouble for the man to get a warrant.

Mr. McLEAN. It would not be as to the leaders, but these people employ others to furnish ducks and birds to the market. The identity of those persons could not be ascertained and they could not be apprehended unless the officer can search and seize.

Mr. BORAH. The Senator takes into consideration perhaps 1 per cent of the citizens of the Western States. I doubt very much if there is any real foundation for any of that suspicion.

Mr. McLEAN. I would like to read——

Mr. BORAH. You can read anything these days. I have the good fortune to live in one of the Western States. In any event, it covers perhaps 1 or 2 per cent of the people of those States. The other 98 per cent I am interested in, and I know from observation and from experience the constant annoyance it is to the people to have an intrusion from the personal representatives of the Forestry Department and then from the Agricultural Department, and so forth and so on. I do not want to turn a man loose recklessly to invade the premises of every settler and every farmer and every ranchman whom he may "suspect" to be acting in violation of the law.

Mr. McLEAN. I do not know a case where a person inclined to obey the law has been troubled.

Mr. BORAH. I know many of them.

Mr. McLEAN. I think 99 per cent of the people of the Senator's State would obey the law.

Mr. BORAH. I did not hear the Senator.

Mr. McLEAN. I do not think the Senator need concern himself about his own people, because I understand they are law-abiding citizens. It would not interfere with anyone who would obey the law for the Secretary of Agriculture to appoint an agent under this bill to apprehend those who violate the law.

Mr. BORAH. Well, I have some knowledge as to what these representatives of the department sometimes do.

Mr. McLEAN. Not under this law.

Mr. BORAH. I do not think there is any difference, so far as the representatives of the department are concerned, in the elemental character of the gentleman whom they send out.

Mr. McLEAN. I think it is hardly fair for the Senator from Idaho to attribute all the sins that have been committed in his State under different legislation and under entirely different conditions and circumstances to this bill.

Mr. BORAH. No; it is not that, Mr. President; but I am attributing it to the bureaucratic spirit which dominates those States by reason of the fact that so much of their territory is under their control, and I do not want it enlarged in a reckless way. If the Senator will insert the language "upon the issuance further about this section. I am in favor of the general objects of a warrant," so far as I am concerned, I shall say nothing of the bill, and I realize that we should carry out the treaty; but to simply say to these representatives of the department, "You may go and arrest and interfere with anyone whom you suspect," without any responsibility back of them, is to give them a power to annoy every citizen, it does not make any difference how well and how earnestly he obeys the law.

Mr. KING. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. I yield.

Mr. KING. Does the Senator from Idaho understand that under section 3 of this bill the Department of Agriculture would have authority to prescribe rules and regulations under which they might punish an individual for hunting within his own State? In other words, is it the understanding of the Senator from Idaho that before a man could hunt or capture or kill or be in the possession of any game within his own State he would have to obtain a license from some authority, to be determined by the Secretary of Agriculture?

Mr. BORAH. I was discussing section 5, I will say to the Senator. I have not very closely observed section 3.

Mr. KING. I understood the Senator from Idaho to be discussing another section of the bill; but, as I understood the Senator, if the objections to the section which he was discussing were obviated by the amendment to which he referred, he would have no objection to the bill.

Mr. BORAH. Perhaps I should have said that my objections would then be removed as to section 5, which I was discussing at the time.

Mr. KING. May I direct my inquiry to the Senator from Connecticut?

Mr. McLEAN. If I understand the Senator correctly, the provision to which he objects is substantially a copy of the law as it now is. The Secretary of Agriculture, as the Senator probably knows, establishes zones, and for those zones he provides regulations, taking into consideration the seasonal flight of birds. I do not know whether or not the Senator is familiar with the law as it exists to-day.

Mr. KING. Is it the understanding of the Senator from Connecticut that a person upon some of the public domain in the Western States and Western Territories would be unable to do any hunting whatever until he got a permit from the Secretary of Agriculture?

Mr. McLEAN. Oh, no. This does not propose to change the existing law in that respect. I think in some 36 States of the Union to-day the State law conforms to the Federal law. At present if the State law requires you to take out a license you have to take out a license under that law. This statute does not affect that question at all.

Mr. KING. As I read this bill, I obtain the idea that before a person could hunt he had to obtain a license from the Secretary of Agriculture.

Mr. McLEAN. There is nothing in this bill to that effect.

Mr. KING. Well, but he would have to conform to regulations which would be prescribed by the Secretary of Agriculture, and if he violated the law, if he hunted out of season, of course he would have to respond to it just as he would under the State law.

Mr. McLEAN. If he violated the law, if he hunted out of season, of course he would have to respond to it just as he would under the State law.

Mr. KING. But does not the Senator from Connecticut understand that under this bill the Secretary of Agriculture would have the authority to prescribe regulations, to be approved by the President, and that if some person hunted in violation of those regulations which had been prescribed by the Secretary of Agriculture he would be subject to fine and to the pains and penalties prescribed by this bill?

Mr. McLEAN. That is quite right.

Mr. KING. So that the Federal Government, then, would in a way prescribe licenses, regulations, and rules under which a person might hunt?

Mr. McLEAN. This proposed law has nothing whatever to do with licenses, I will say to the Senator. This has been the law in the Senator's own State since March 4, 1912.

Mr. KING. I understand that it is the law in my State that in order to hunt one must obtain a license of the State authorities.

Mr. McLEAN. But it has been the Federal law requires no license.

Mr. KING. I understand the contention of the Senator, but the purpose of the Senator is to perpetuate whatever statute may exist and to give to the Federal Government the power to determine who shall hunt within a State and to prescribe pains and penalties if the person shall violate the regulations that are prescribed by the Secretary of Agriculture.

Mr. McLEAN. The law would not be of much value if it did not do that.

Mr. KING. Well, it seems to me, Mr. President, that a measure of that kind is a usurpation of the powers of the State.

The PRESIDING OFFICER. The Senator from Idaho [Mr. BORAH] is entitled to the floor.

Mr. BORAH. I want to offer an amendment, to see if the Senator from Connecticut [Mr. McLEAN] or the Senator who is in charge of the bill [Mr. SMITH of Arizona] will not accept it. On page 3, line 15, I move to strike out the word "without" and to insert in lieu the word "upon"; after the word "warrant" to insert the words "duly issued"; then, in line 16, to strike out the words "other than" and to insert in lieu thereof the word "including"; and to strike out, in line 16, the words "with warrant, to search any dwelling," so that the section at that point would read:

> Any such employees shall have authority, upon warrant duly issued, to search any place, including a dwelling, and if he shall have reason to believe that there is concealed therein any bird—

And so forth.

The PRESIDING OFFICER. The proposed amendment will be stated by the Secretary.

The SECRETARY. It is proposed to change the phraseology of the bill on page 3, in lines 14, 15, and 16, so that it will read:

> Any such employees shall have authority, upon warrant duly issued, to search any place, including a dwelling, and if he shall have reason to believe that there is concealed therein any bird, or any part, nest, or egg thereof.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Idaho [Mr. BORAH].

Mr. SMITH of Arizona. Mr. President, I do not wish to take the Senator from Idaho [Mr. BORAH] from the floor, but I desire to suggest to him, being particularly anxious to conserve bird life in so far as I can, that, in my judgment, it is an absolute physical impossibility for a game warden to go back probably 50 or 100 miles to get a warrant when he sees game in the possession of people. They may say, "The game is not mine," although dozens of ducks may be lying dead which have been shot in violation of law.

Mr. BORAH. All such a person would have to do to avoid this law would be to put the slaughtered game in his house. Then the warden would have to go back for a warrant.

Mr. SMITH of Arizona. If he can get somebody to guard that house until he gets back, he can do that.

Mr. BORAH. He could do just the same with reference to the other proposition.

Mr. SMITH of Arizona. How can the game warden possibly get a warrant before the game itself is transported? While the warden has gone to procure a warrant those who have been carrying on this nefarious business may have gone to the four corners of the earth.

Mr. BORAH. I do not understand the logic of the Senator's contention. All they would have to do in order to conceal themselves and the property which was sought to be conserved would be to put it in their houses.

Mr. SMITH of Arizona. But the duck hunter is not a man who has his residence where he hunts. Such a one is as much in favor of preserving these birds as we are. This law is aimed at the professional pothunter.

Mr. BORAH. So far as the duck hunter is concerned, it is never difficult to get him.

Mr. SMITH of Arizona. I do not refer alone to ducks, but to any kind of game.

Mr. REED. Mr. President, if I may interrupt, I desire to make this suggestion——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. BORAH. I yield.

Mr. REED. The Senator from Massachusetts [Mr. LODGE] expected to address the Senate this morning on the pending measure; that is, on the unfinished business.

Mr. BORAH. On this measure?

Mr. REED. No; on the unfinished business. This matter is brought up here in the morning hour with an attempt to put it through without any consideration.

Mr. SMITH of Arizona. Mr. President, if the Senator will permit me right here, it seems to be the evident purpose to prolong the discussion until 2 o'clock, so that no vote may be had on this bill to-day. That being the purpose, I think, so far as I am concerned, it will be useless to delay the consideration of the food-control bill until that hour; and, if that is the set purpose of Senators, there is no use of the pending bill occupying further the attention of the Senate at this time.

Mr. BORAH. Mr. President——

Mr. SMITH of Arizona. I am not alluding to the Senator from Idaho.

Mr. BORAH. I trust the Senator from Arizona does not intimate that my amendment is offered in bad faith.

Mr. SMITH of Arizona. Not at all; on the contrary, I have said that I was not alluding to the Senator.

The PRESIDING OFFICER. The Senator from Idaho [Mr. BORAH] is entitled to the floor. Senators who desire to interrupt a Senator on the floor must address the Chair, and get permission.

Mr. SMITH of Arizona. I did address the Chair, as loud as the condition of my voice would permit, before I made the suggestion to the Senator from Missouri. I am sorry the Chair did not understand me; but I make no complaint as to that. I simply wanted to suggest to the Senator from Idaho that I had no reference to him in the allusion that I made.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. BORAH. I yield.

Mr. REED. The Senator from Arizona has very plainly stated that I am trying to filibuster this bill over until 2 o'clock.

Mr. SMITH of Arizona. No; I did not use any such words.

Mr. REED. No; but very clearly the Senator expressed the idea that that was the purpose; and he very carefully excepted the Senator from Idaho from the mild impeachment. Now, I want to say to my very good friend from Arizona that when a measure is brought in here which I believe violates the Constitution I intend to insist upon its discussion. In less than five minutes' time, at the last session, I called attention to the provisions in section 5, which were so bad that they were withdrawn from the bill, and now they appear reinserted. The Senator from Nebraska [Mr. HITCHCOCK] made the statement on the floor a few moments ago that they had been withdrawn at the last session, saying that they were withdrawn because of my opposition. I have never tried to filibuster a bill to death in my life; I have never been a party to a filibuster; but I have insisted upon my right to protest against legislation which I believe is unwise. I intend to protest against this measure in its present form and to point out the reasons for my opposition; and it seems to me it is in very bad taste for the Senator to intimate that because I am doing that I am endeavoring to stop the public business.

Mr. SMITH of Arizona. Mr. President, will the Senator from Idaho yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Arizona?

Mr. BORAH. I yield to the Senator.

Mr. SMITH of Arizona. I did not insinuate that the Senator's purpose was to filibuster, and I am sorry that the Senator appears to be so supersensitive. It seems to me, from the long years of our association, he might have placed a different interpretation on my language. I knew the Senator was opposing this bill, and my suggestion was that, as the opposition would not cease before 2 o'clock, it was my purpose to withdraw the bill and offer it as an amendment to the bill which is the unfinished business. I had no purpose whatever of accusing the Senator of any filibuster; nothing was further from my purpose.

I thought that the time would be consumed without reaching a conclusion on the bill. I see that it is being consumed, and I repeat that I think the hour of 2 o'clock will arrive before the opposition to the bill shall have subsided. Therefore, in view of the circumstances, there is no necessity for my taking up the time of the Senate longer, but I give notice that this bill will be voted on before the unfinished business of the Senate is finally concluded. So far as I am concerned, I am perfectly willing to withdraw the bill at this time, so that the consideration of the food-control bill may be proceeded with.

Mr. BORAH. As I understand, the Senator from Arizona is willing that the bill shall be withdrawn. I should like a little more time to look over section 5; and if it is desired to take up the food-control bill, that is perfectly agreeable to me.

The PRESIDING OFFICER. Without objection, Senate bill 1553 is withdrawn from the consideration of the Senate at this time.

CONSERVATION OF FOOD AND FUEL.

Mr. CHAMBERLAIN. Mr. President, I move that the Senate proceed to consideration of House bill 4961.

The PRESIDING OFFICER. The question is on the motion of the Senator from Oregon.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel, which had been reported by the Committee on Agriculture and Forestry, with amendments.

Mr. JOHNSON of California obtained the floor.

Mr. HARDWICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Georgia?

Mr. HARDWICK. I wanted to make a motion with reference to the pending bill.

Mr. JOHNSON of California. I desire to be heard for a brief period upon the bill, but not for long. I will be very glad to yield so that the motion contemplated by the Senator from Georgia may be made, but will ask the Senator if he expects to discuss the motion at length?

Mr. HARDWICK. I think the motion will involve some discussion. It is a motion to recommit part of the bill.

Mr. JOHNSON of California. I will ask the Senator to pardon me, then, if I proceed. I will not occupy more than 15 minutes of the time of the Senate in the presentation of what I wish to say upon this particular measure.

Mr. President, in speaking to the measure now I speak to it generally; I speak to its general import, purpose, and design, not to any bizarre amendment that may have been recently attached to the particular measure.

With the obvious design of this bill to prevent speculation in food products and to control food prices there is, apparently, universal sympathy. The objections voiced are not to the purpose or the objects of the legislation but to the methods chosen. I concede that the powers conferred by the pending measure are of such extraordinary character that they must be justified only by dire war necessity, but in the determination of whether or not such autocratic authority should be conferred upon the officials of our Government we are compelled to depend in a great degree upon their judgment. I do not grant such powers as have already been granted by acts passed by the Congress, nor those embraced within this bill, because I like to or because I want to. I do it because those whom the people of this Nation have chosen to administer in time of peace and to command in time of war most earnestly insist that the war can be carried to successful conclusion only by concentration of the autoratic powers demanded. In time of national crisis, there must be lodged in one central agency the right immediately to use and direct every resource of the Nation. We have placed this authority with the President. His is the power and his the responsibility. We, who fondly regard ourselves as the jealous guardians of the rights and the liberties of the people, will be quick to resent and swift to remedy any abuse of the power we give. Personally I have voted and will vote to give the autocratic powers requested without fear of ultimately affecting our democracy. I have an abiding optimism in the democracy of America, and a concentration of powers greater than those of any ruler on earth in a time of peril is a test of the courage and the confidence of democracy in its own strength and virtue. The same optimism which leads me without fear to confer despotic powers upon those who command us to-day, with the fixed determination to recall and redistribute these powers when the crisis shall have passed, led me to oppose with all the vigor of which I was capable the endeavor to muzzle our press and gag our people. A real democracy sure of itself may in safety centralize its power for its own protection and may always tell its people the truth. That democracy which fears to confer upon its chosen instruments the powers necessary for its maintenance and preservation, and which fears the truth to its own people, has within it the seeds of dissolution. I am very glad, therefore, at the request and the demand of those whom the American people have chosen as their leaders, to give to them, with the sword and purse of the Nation, authority over the means of subsistence itself.

That the necessity exists for some legislation to prevent hoarding and speculation and robbery of our people in food products seems to be conceded by all. There is but one character of legislation now presented, and I feel, therefore, that this we must accept and with it, at least, make the trial.

Modern warfare consists not alone of battles of armies, but of tests of endurance and service and sacrifice by the contending peoples. Modern warfare, now of such gigantic scale that but a few years ago the most vivid imagination could not picture it, requires service and sacrifice not only upon the battle field but in every human activity. I have heard the slogan of late in relation to our commercial world that business should be as usual. There can be no "business as usual" during the war. There must be sacrifice of profits just as there is sacrifice of blood. There must be the conscription of property and of wealth just as we have conscription of our youth. While, of course, legitimate enterprise during the conflict should be nurtured and encouraged, it must understand from the very beginning of this war that no profitable patriotism will be tolerated. If a concrete illustration were required to demonstrate the necessity for some sort of legislation in relation to prices it is found in the recent discussion concerning the Steel Corporation. We find before the war this corporation selling its product for from $21 to $25 a ton. At the beginning of 1916 its contracts for the delivery of steel plates to commercial shipbuilding concerns was $42.56 per ton, and that very recently it asked from the United States Government $95 per ton. When an ordinary man sees his loved boy snatched from his home to be shot to pieces upon a foreign soil and reads of profits asked by a corporation created by his Government of six hundred millions per year during the war he can not be blamed for the demand in which our people unite and in which the Congress unites by the passage of just such bills as this, that we conscript the hours and the dollars of those who stay at home and the profits of those grown rich already from a too indulgent Nation, just as we have already conscripted the lives of our youth.

One of the objections most often heard to bills of the sort under discussion is that we intrust unbounded authority to unnamed and unknown individuals. Fortunately that objection does not obtain in this instance. Peculiarly fitted for the task of food administrator is Herbert C. Hoover. He is not alone a most distinguished American. He is a distinguished world figure. He has already demonstrated transcendent ability as an administrator, and he has been striving for humanity with an altruism that challenges the admiration and affection of us all. No happier selection and none more competent could have been made. And I feel that the American people can confidently intrust the difficult and almost impossible task concerning our foods to this man. I happen to know intimately many of the men with whom he has surrounded himself, men of proven ability and character, men of wisdom and wide vision, and I feel that if this tremendous task can be at all performed it will be performed by Hoover and his associates.

The military problem of the Nation for the moment has been disposed of. There will be no lack of men under our drastic conscription law. The victory, however, will ultimately be decided by the organization behind the lines, by the men and the machinery and the methods out of sight and out of hearing of the battle. It will be more than a year before our military forces will be a potential factor upon the battle front, and even after that time they can not be a deciding factor without a perfected organization at home. This organization can be had at the price only of personal sacrifice on the part of every adult, and the speed with which we achieve this organization at home behind the lines will probably be the measure of American casualty lists. We may organize industrially and economically within a year and make possible thus an allied victory before a single conscripted soldier has set foot in France. The possible result is worth the effort. America must make the sacrifice in dollars and creature comforts within the next year or she must make thereafter the sacrifice in men and then, ultimately, the sacrifice in material things as well. The short cut to victory is organization, and this organization can come only with a concentration of authority. It is, therefore, with an absolute confidence and optimism in democracy and in democracy's strength to vest its powers in centralized authority for its maintenance and protection; it is because with the industrial and commercial organizations and sacrifice we may sooner win that victory that must be ours in this war; and it is with the hope that with the patriotic use of our overwhelming resources we may be saved some of the sacrifice of American blood that I give my vote to a bill according the most extraordinary and autocratic powers ever before conferred in our Nation.

Mr. LODGE. Mr. President, among the many results of war, always terrible, there is one often overlooked and that is the excitement which it causes in the popular mind, in the minds of people generally, whose one anxiety is to win the war and bring it to a conclusion. We see it in the demands that come to us

by telegraph, by letter, and through the newspapers, to pass this bill in a moment.

I saw the other day in a leading newspaper of New York the statement that any one who discussed this bill, or expressed opposition to any part of it, was in the pay of the Food Trust; and I have seen cartoons representing that the one great thing was the food speculator who was holding up the food of the country. Evidently they did not know that the Congress had already passed a bill with the most drastic provisions, in the amendment put on by the Senator from Washington, in regard to the food speculator. There is but one opinion about those men. We have already, in both Houses, made provision to deal with them; and the very people who telegraph and write with so much excitement have no idea what is in this bill. They think, in a general way, that it relates to the regulation and distribution of food products; I think they may know that there is a minimum-price provision in it; but beyond that—and I do not question their honesty or their patriotism in the least—they do not know what some of the other provisions are.

Now, we have to meet and we have to legislate in the midst of war conditions, one of which is an excited public mind. We also have to meet a mental condition which exists among people who already have and who are seeking more huge powers. Power, Mr. President, is a very dangerous thing. More than one of the Roman emperors, the Cæsars, went mad by the simple possession of unrestrained and universal power, and we have that pressure continually at our doors to give constantly more power.

To take an example, it has been confidently asserted and generally undenied, certainly, that there was a determination or a desire in certain quarters not only to make all our industries sell to the Government at low prices, but to make them sell to foreign governments at low prices. I shall come in a moment to the effect of that. I merely use it now as an illustration.

Mr. President, I do not think they stop to consider exactly what that means. Our imports from Great Britain in 1912 were $272,000,000; in 1913, $295,000,000; in 1914, $293,000,000; in 1915, $256,000,000; and in 1916, $308,000,000. Our importations from Great Britain have increased over the period of peace. Have the British Government compelled their manufacturers and producers to sell to us at low prices? They have contemplated nothing of the sort, and they would be very unwise, in my judgment, if they did.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Colorado?

Mr. LODGE. I yield.

Mr. THOMAS. I merely wish to ask the Senator if that increase is an increase in quantity or in value, or both?

Mr. LODGE. I have only the value, but I believe it is both.

Mr. THOMAS. I am told that it is an increase in value but a decrease in quantity.

Mr. LODGE. I think not. I think it is an increase in quantity as well as in value.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Utah?

Mr. LODGE. I yield to the Senator from Utah.

Mr. SMOOT. I want also to add to what the Senator has stated, that the exportations of England to all parts of the world have increased during the war period, not only to this country but to all the other countries of the world; and I have failed yet to see in the papers a notice or even a claim to the effect that the goods that were being sold by England to the balance of the world have been sold for any less than the highest price they could obtain for them.

Mr. LODGE. I am very glad for one, Mr. President, that English trade and English exports have increased. It will help her and help us to win the war to have her commerce and her industries profitable and her exports large. But I call attention to the fact that she has not attempted to lower the price of those things that her people are selling, and she ought not to do it, and we ought not to do it; but it has been gravely proposed. I hope it will not be adopted.

I was told the other day—I do not know how truly, but I believe I was correctly informed—that in order to force down the price of sugar we were to compel Cuba to sell it at a lower price, and we were to compel her by withholding foodstuffs from the island. Cuba is our ally. Cuba followed us into the war. Cuba is under our protection; and yet it has been proposed here—it certainly has been a subject of conversation—that we should take our little ally by the throat and make her sell her sugar at cost, or at a low price, to the rest of the world!

Mr. President, without going into treaties—for I suppose treaties have become as antiquated as constitutions—is it wise policy to enter on such schemes as these? I do not say we shall enter on them, but I point out what is proposed, what I hear, as an indication of the mental excitement produced by the possession of great powers, by the war, and by the desire to effect great results.

Mr. President, I think it very important that the Senate of the United States at least should retain its calmness in dealing with these questions. If we exist for anything as a body, if we have existed for any purpose throughout our history, it has been that we could be trusted to give careful consideration to everything of great importance which came before us, and that here the people could find a body perhaps less disturbed than elsewhere by the heady currents of the popular excitement of the moment. Never were calmness and consideration more requisite than now.

There is one other thing which I say with all submission to the newspapers and to the good people who telegraph us and write to us: We not only have the advantage of knowing what laws we are passing and what are presented to us for passage, but we also have responsibility, and they have none. If the measures they demand happen to go wrong, the blame is on us, and not on them; and, having the responsibility, it behooves us to move carefully.

On the 18th of June the President of the United States wrote the following letter to Mr. BORLAND, of the House of Representatives. He says how important the food-administration measure is, and then he continues:

> A certain disservice has been done the measure by speaking of it as the food-control bill. The object of the measure is not to control the food of the country but to release it from the control of speculators and other persons who would seek to make inordinate profits out of it and to protect the people against the extortions which would result.

Mr. President, if the regulation of the food products and their distribution, all of which ought to be in the hands of the Government, were all that is in this bill, it would pass in five minutes.

In what I am about to say in regard to this bill, I wish to confess at the beginning that I speak very much from the standpoint of one who, for the past six weeks, has been engaged every day and all day in trying to prepare a great bill to provide the money for the war.

I ask the Senate to look at what we are doing. First, for the ships we have authorized $750,000,000 and appropriated $500,000,000. No better expenditure of money could be made. The question of ships and of adding to the world's tonnage is a vital and central point in this content.

The next question is food. It is true this bill is not an appropriation bill. It only carries a trifle—$150,000,000, that is all—to enforce these laws, but still $150,000,000 has to be found somewhere.

Transportation we have already dealt with. I may say in passing that I do not think there has ever been a legislative body in history that has done in so short a time so much and such important work as has been done by this Congress. It has been done with the utmost rapidity. The rapidity has attracted the attention and the praise of all the foreign missions which have come to this country. Congress has been accused of slackness only by its own people and its own newspapers. It is in reality an unequaled record of legislation.

We shall need six hundred million dollars for aeroplanes. Nothing could be more necessary; it is absolutely vital. They may be the one instrument of all the instruments with which we shall win this war. That we shall later be called upon to give. Last come the Army and the Navy. I mention them last because at present we appear to be winning the war chiefly by domestic arrangements; but the Army and the Navy are the weapons with which this war will ultimately be won, because we must rely on the Navy for the conduct of our ships and the transporting of our troops as well as the protection of our coasts, and we must rely on the Army for the fighting that is done on the front in Europe.

We have appropriated $3,000,000,000 and over to the Army and Navy. All these things require an immense amount of money. A part of it we shall borrow, a part of it we shall raise by taxation. The question of the proportion between the amount to be raised by taxation and the amount to be taken from loans will be a question which will come up in connection with the revenue bill, but a large amount of the money is to be raised by taxation. I think the taxes now imposed on this country will yield above $1,200,000,000. With the new bill the amount will probably go to $3,000,000,000, to be raised by taxation, this year.

I have been engaged in the very unpleasant task with the other members of the Finance Committee of imposing taxes upon this country, by which we shall get that vast sum of money; and let me say now, in passing, that there has been no outcry as to delay about the tax bill. Nobody is hurry-

ing Congress to impose taxes. People are all ready to spend enormous sums, to grant money with both hands; they are all ready to legislate at enormous expense in other directions, but they are in no haste to have the taxes imposed. We have been able to take our time in considering that bill without being subjected to criticism as slackers.

Now, Mr. President, I wish to lay down this general proposition, that the money you raise by your loans and your taxes is absolutely vital. Without money you can not have your armies and navies, you can not have your aeroplanes, you can not have your food control, you can not have your ships, you can not have anything that is necessary for this war. The money is at the back of it all.

Now, what do we want to do in order to get the money? The first thing that is important is that our industries should be kept at the highest point of productivity. If nobody is making any money, you will not have any excess profits. If nobody is making any money, your income tax will dwindle away, and those are the two great sources of taxation. They will supply at least two-thirds of what we raise. But in order to get the excess profits the profits must be made; in order to get the incomes the incomes must be earned or received, and out of the surplus on incomes and out of that on excess profits you have not only to pay the taxes but you have to fill your loans. There is where you must get your money. If you paralyze business, if you frighten it, if you repress the productive energies of the country you are drying up the sources of taxation absolutely.

Mr. President, as I said, having been considering this financial question, I proceed from that point of view naturally first to consider some of the things which are proposed. I see no evidence, let me say, on the part of wealth or business to resist in any way full payment or doing the utmost to supply the money the Government needs. But they can not supply it unless they have it. Confiscating all great estates in the country would not last over a year. You must have business going on; you must have it producing from year to year; you must have it make the profits. Take what you want of the profits, take what you want of the incomes, leave enough to supply the loans, leave enough to carry on the business and extend it, but do not kill them at their sources. Do not create a condition in which business will not go on.

Mr. President, I do not care to examine this bill in detail. I expect to support it. I expect to support every measure which will help us to win this war. But I think we ought first to consider it pretty carefully. It has come to us from our committee improved over what it was as it left the House, but it is still, to my mind, a most amazing measure. There is section 4. I do not propose to go into it—I have not considered it deeply enough—but it seems to me as if we were going some distance beyond that once venerated instrument, the Constitution of the United States, in creating crimes. Look at section 5. I am not sure that I thoroughly understand it, but I have read it with some care. It seems to me that this section confers the power upon the President—and when we say the President we mean the agents whom he appoints to carry out the law, for he can not carry it out. He has more things to do now than any human being can do. He can not possibly do all these things himself. He has to have agents. We are conferring on these agents, as I apprehend this section, the power to put out of business, absolutely to stop the business, of a corporation, partnership, or individual in this country. If somebody in power dislikes or is dissatisfied with some business corporation or partnership there is ample power in the bill to put it out of existence. That may be necessary, but let us consider it pretty carefully before we grant it. It seems to me possible to get all powers which are necessary for the winning of the war without absolutely putting it in the hands of a group of men to ruin any business which they can in some remote way connect with the war, any business engaged in interstate or foreign commerce as we have modified it. Under that section it seems to me that we give the power to fix prices, the maximum. The minimum is given elsewhere. The President's representatives can certainly fix the price of the products of corporations or business houses or business men coming within the description of the section.

Mr. President, I have a very grave doubt about the wisdom of undertaking to fix prices, maximum or minimum. Fixing prices is almost as old as the history of organized society. It has been attempted over and over again, and it has always and invariably failed. It is economically unsound. It has been tried recently in France and Germany. I hold in my hand a little book called "The First Consequences of the War," by Dr. Gustave le Bon, who is one of the great scientific men and great sociologists and one of the most distinguished writers and publicists of France. He refers to the action of the French Chamber, and he says "in spite of demonstration present and past the Government did seek to intervene in the price of the crops and ended by voting the maximum. The result of this measure was that the State was obliged to become an improvised merchant. It was understood that the moment the Government bought all disposable wheat in order to sell it again at a loss in order to prevent the rise in price of the crop and to extend such a proceeding to other articles of subsistence, they condemned the State to become the sole trader." Then he quotes what was said by some of the newspapers there to the effect "that one of the results of the taxation and the requisition was the absolute arrest of free commerce, which had been placed in the impossibility of continuing the provisioning of the country by the aid of purchases abroad." He quotes sugar as an example:

> The scarcity of sugar has been a new example of the influence of taxation and intervention of the State. The Temps says that sugar is scarce because the administration displacing commerce has not made the necessary importations in season. They ought to have allowed commerce to be freely exercised. The actual crisis would have been avoided if by threats of requisition at 75 francs last November when American granulated was worth from 80 to 85 francs it had not put commerce in a position where it was impossible to importing it.

He then goes on to show by quotation from German authorities that the maximum and minimum had been a total failure there. I think the maximum is included in this section 5. The minimum is placed in the bill eo nomine. It is there specifically.

Of course what I am now about to say would, in these times, I suppose, be considered very senseless reasons of opposition, but the minimum will open a drain on the Public Treasury which future generations will feel with great severity, and which we shall feel now. What proof is there to be that a man raised a crop and could not get the minimum price? What proof is there that he ever raised it at all? What proof is there that he made an effort to sell it at a price above the minimum? Endless demands on the Treasury are opened up. It is a plan apparently to get the producers of food crops to feed themselves and feed the allies. No one can question the excellence of the purpose. But, Mr. President, if we are to assure to the raisers of food a minimum price, why should we deny it to the builders of ships? You fix a minimum for the farm, and you oblige the operative in the factory to buy at or above that minimum, but you do not fix any minimum for him.

It seems to me, Mr. President, that it is perilous legislation, and I can not see that it is necessary to secure what we seek to achieve. We wish to protect the distribution of crops and see that they are properly distributed. We want to see to it that the allies do not come into the market as they did last May in Chicago and bid against each other until they have raised wheat to a perfectly abnormal price. We must have one agent to buy for the powers allied with us against Germany. We wish to be able to direct supplies to neutral countries. We must be able to regulate the export of coal to Italy. Coal in the case of Italy is the absolutely crucial point in her success in war. We have abundance of coal, and we come back now again to the question of getting it to her. The question of tonnage is one of the questions to which we must give our attention. I desire the fullest powers given in order to have that done. Food speculators are dealt with by the legislation we have already passed. But is it necessary, in order to accomplish these purposes, that every man in this country, every partnership, and every corporation, whether their business is connected with the supplies of the allies or our own supplies or not, should be at the mercy of anybody and refused license if somebody does not happen to like them?

It seems to me, Mr. President, we can achieve the end which we all seek without these immense extensions. The fact is that in this section you are holding over the heads of the business of the country not as to the food crops alone, but as to all the business of the country, a threat and uncertainty. There is nothing so deadly to business as uncertainty and a threat. You hold these over their heads, and then you expect them to be in the highest state of productivity so that you can take millions of dollars from them in excess-profit taxes. They will not have the profits to take from if you frighten business to that extent. Do not lose sight of the fact that the whole key of our situation lies in having the greatest amount of annual earnings which we can properly get in order to supply our taxes and our loans. If you frighten business enough you will not have any excess profits or any incomes to draw upon. You will not have any surplus to buy your loans.

It is not well to consider these questions from only one point of view, and I wished to suggest to the Senate in regard to the minimum provision that they must bear in mind when they pass this bill the importance of doing nothing to interfere with the sources of taxation. Dry up the sources of taxation and you

paralyze every effort you are making to carry on the war to a success.

Now, Mr. President, I come to a question which has been thrust upon this bill——

Mr. REED. Before the Senator comes to a new point——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Missouri?

Mr. LODGE. I do.

Mr. REED. I should like to get the Senator's view on this proposition. If there is a minimum price fixed on farm products and if the Government then takes over the foreign market—the export business on all our surplus farm products—taking it over by arranging for the purchase through one agent of all supplies that go to our allies and controlling the rest of the world through the embargo act, and if there is in addition to that placed in the power of the Government the authority to go into the market and buy and sell—if these powers are exercised, is there any doubt in the Senator's mind but that it means the fixing of substantially one price to the farmer, both a maximum and a minimum, the minimum being a guaranty of what he will get, and the possibility of getting any more being taken away from the fact that the free and open market has been taken away for his surplus and the market further controlled by the purchasing power of our Government?

Mr. LODGE. If we are to be guided by the working of economic laws, I should say there was not the slightest doubt of the soundness of the Senator's proposition, but we are apparently disregarding economic laws as much as we are in some respects disregarding the Constitution. I am not prepared to say how far the economic laws of the world hitherto in existence can be overridden. Personally, I do not believe that they can be overridden at all, and I think there will be produced precisely the situation the Senator has described.

Mr. REED. Let me present the question from another angle. I thank the Senator for his courtesy, and I shall take but a moment. Assuming that the price of farm products was raised by the minimum guaranty, will that price not necessarily be carried on to the consumer?

Mr. LODGE. I should say that of course it would.

Mr. REED. And assuming now that the Government shall exercise its right of levying a tax to prevent importations of farm products, does not the Senator think that the operation of those two things is very likely to make the consumer pay a high price, so that instead of giving him relief, as he is now expecting, he may get higher prices as the result?

Mr. LODGE. I think so. I call the Senator's attention to the fact, however, in regard to that "profitable patriotism," of which the Senator from California spoke, these farmers are expressly exempted by section 5. Owing to a thoughtful amendment placed in the bill by the Committee on Agriculture, they are not to be required to have any license; they are not to be interfered with if they hoard or if their prices are thought to be unreasonable; they are to be permitted to be "profitably patriotic." I think the operation of the sending abroad of wheat as described by the Senator from Missouri would inevitably fix their price; that is, it would make a minimum and a maximum. But under section 5 every effort has been made to exempt that important and very numerous class from any restrictions.

Mr. HARDWICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. LODGE. I yield to the Senator from Georgia.

Mr. REED. I wish the Senator from Georgia would let me ask one question, because this is a matter which I have raised.

Mr. HARDWICK. Very well.

Mr. REED. If, therefore, the farmer is exempt in the manner which the Senator has suggested, so that he could hoard, and if he should do that, will not the effect be very disastrous on the consumer?

Mr. LODGE. The consumer will suffer under every situation which I see raised by this bill.

Mr. HARDWICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. LODGE. I yield.

Mr. HARDWICK. I desire to ask the Senator from Massachusetts if he really thinks it right that the farmer should be exempted from all these burdens which patriotism imposes on everybody else in the country? Is that even-handed justice? Is that "equal rights to all men and special privileges to none"?

Mr. LODGE. I do not think so. I do not think we ought to have privileged classes; but, Mr. President——

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Oklahoma?

Mr. LODGE. Yes; with pleasure.

Mr. GORE. Before the Senator from Massachusetts proceeds to a new phase of the discussion, I wish to say he has alluded to economic laws and to the Constitution of the United States; I am not certain that the Senator was in order when he made those allusions. I wish to say that not long since I received a letter from a friend requesting me to send him a relic of some sort or other, and I sent him a copy of the Constitution of the United States. [Laughter.] What I wish to do, however, is to give a few instances that illustrate and reinforce the point which the Senator is making with respect to economic laws.

The food minister of Great Britain issued an order fixing the price of dairy products. The dairymen were not satisfied with the price; they butchered their milch cows. There was a distinct national, social, and economic loss that could not be repaired within two or three years. Great Britain issued an order instituting a three-course dinner. They kept account of the results, and it was found that the increased consumption of meat and bread under the three-course dinner order more than offset the economy. The people cut out the side dishes and limited themselves to the more substantial foods. That order was revoked. Great Britain instituted one meatless day a week. They kept account of the results, and it was found that the increased consumption of bread on the meatless day more than offset the diminished consumption of meat. They revoked that order. Those orders were issued with the best possible intention, and, it must be admitted, with as much wisdom as man can concentrate upon the most-serious concerns of either private or national life.

Germany fixed a price of 8 cents a quart on milk. The dairymen found that they could feed the milk to their pigs and receive a higher price for milk in the form of pork than by selling the milk outright. Germany fixed a price on wheat, rye, barley, and oats, based on their relative value for human food. It so happens that the relative value of those four cereals for human food does not correspond with their relative value as stock feed. The result was that the farmers fed their wheat and their rye to the live stock, and sold the oats and the barley. Those efforts were made by the Government which has attained the highest degree of efficiency of any Government in all the tides of time.

The Swiss Government determined what would be a reasonable price for meats sold in the butcher shops. They called the butchers together to ascertain what would be their view of the price proposed to be fixed. The butchers, in a patriotic spirit, answered, "Of course, if the Government fixes those prices on meats, we will sell at the prices fixed by the Government—if we sell," but they declared that they would not undertake to carry on their business at those prices.

I hope the Senator from Massachusetts will pardon this interruption, but it demonstrates the futility of any effort to repeal economic laws. In my own judgment, we might as well say, "Be it enacted that the law of gravitation is hereby repealed," as to undertake to enact a law repealing the law of supply and demand or any other fundamental law of economics. I mention these instances, all of which were born of the greatest possible human wisdom; and I merely suggest, as a moral, that we ought to profit by experience. We have no other lamp so infallible as that.

We ought not to set at naught the whole experience of the whole human race.

Mr. LODGE. Mr. President, I am very much obliged to the Senator from Oklahoma for what he has said. In speaking of economic laws, in replying to the Senator from Missouri, I spoke a little ironically. Economic laws can not be set aside, although the Constitution of the United States can be set aside by Congress. Economic laws will go on relentlessly, and, to my mind, there is great unwisdom in trying to disregard them.

However, before I pass to the subject of which I wish especially to speak, I desire to say a word of a quite neglected person, inasmuch as something has been said about the consumer. We have heard a great deal about the consumer in past years, and, unless my memory fails me, the tyranny of certain tariffs on consumers has been called to the attention of the country more than once; but the consumer has disappeared in this legislation. The farmer is relieved from the operation of the license, and when you come to the minimum you find that the President is given power—I think rather a novel power—to impose additional tariff duties on any article brought into this country which comes in competition with the minimum. I do not know what becomes of the consumer there; but, being a Yankee, I think I can make a fairly good guess. I merely call

attention to that as an unusual, and perhaps overlooked, feature of this bill.

Mr. SMITH of South Carolina. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from South Carolina?

Mr. LODGE. I yield to the Senator from South Carolina.

Mr. SMITH of South Carolina. Before the Senator from Massachusetts passes from the so-called favoritism to the farmer—he has mentioned that the farmer was a very numerous class—I should like, if the Senator will allow me, to put this statement into the RECORD: There is not a man on this floor who is a farmer, or who is familiar with farming, but knows that it is notoriously true that the farmer never fixes the price on anything he produces and that he never fixes the price on anything that he buys. So the consumer, for whom the Senator is now making some plea, if he is to be taken care of at all, must be taken care of by our taking care of that class of men in our economic life who set the price of what the farmer produces when they purchase from the farmer, and who then set the price to the consumer when they sell to the consumer. It was, therefore, wise on the part of the committee to exempt the farmer from the operation of these laws, because they would have been noneffective had you included him. The farmer has no voice in the markets of the world, and the Senator from Massachusetts knows that as well as does the Senator from South Carolina.

Mr. LODGE. Mr. President, I think that is very probably true. I was speaking of the apparent intent of the bill, and I think the intent of those who drafted it. That intent is to offer a reward to every farmer to grow foodstuffs, if he does not already do so, or to increase the amount which he now grows. I did not go into the detail of it. My own belief is that the farmer would never see one cent of that minimum. The claim that he might have would reach the Treasury, but the money would go to the man who had bought his claim from him. He would not get any of it, and there is, moreover, no minimum put on the price of what the farmer buys.

Mr. SMITH of South Carolina. No. There is an attempt in the bill to try to bring under the operation of the law those things which are necessary in the production of the farmer's crop. We included steel and its products, we also included fertilizers, and we also included some other things that we thought perhaps, if we are going to attempt to control the price of the farmer's products, we had better also make some provision as to those things which enter into the production of the farmer's crops.

Mr. LODGE. I am sure the Senator from South Carolina did not overlook the farmer's interest.

I now come, Mr. President, to a question which has been imported into this bill, not by the administration or by those who have framed the bill, but which has been placed upon it by Congress itself—that is, the subject of prohibition. In order to define the attitude I take in regard to it I am going to read the words of a very great man in relation to a very much greater reform than that proposed by prohibition. On the 22d of August, 1862, Abraham Lincoln wrote to Horace Greeley a letter, which, I take it, Senators are familiar with, but I think it will bear rereading. It is as follows:

> I would save the Union. I would save it in the shortest way under the Constitution.

Mr. GORE. "Under the Constitution."

Mr. LODGE. Yes; he used that phrase, but that was a long time ago—

> The sooner the national authority can be restored, the nearer the Union will be "the Union as it was." If there be those who would not save the Union unless they could at the same time save slavery, I do not agree with them. If there be those who would not save the Union unless they could at the same time destroy slavery, I do not agree with them. My paramount object in this struggle is to save the Union, and is not either to save or to destroy slavery. If I could save the Union without freeing any slave I would do it; and if I could save it by freeing all the slaves I would do it; and if I could save it by freeing some and leaving others alone I would also do that. What I do about slavery and the colored race, I do because I believe it helps to save the Union; and what I forbear, I forbear because I do not believe it would help to save the Union. I shall do less whenever I shall believe that what I am doing hurts the cause, and I shall do more whenever I believe doing more will help the cause. I shall try to correct errors when shown to be errors, and I shall adopt new views so fast as they shall appear to be true views.
>
> I have here stated my purpose according to my view of official duty; and I intend no modification of my oft-expressed personal wish that all men everywhere could be free.

Mr. President, the one dominant desire in my heart, the one dominant wish that I have, overmastering everything else, is to win this war. I am ready to subject everything to that—all my personal prejudices, anything I have of party feeling. I want to win this war. That is the only road to peace. We shall and we must win the war. Whatever will help to win the war, I will vote for. Whatever I think will retard us in winning the war, that I will vote against. No matter what the clamor is, no matter what the excitement is, I am here charged with the great responsibility of a Senator of the United States, one of 96 in this body. This is too grave a time to look over the shoulder at anything. The duty is on us. We are not going to save our souls by trying to make other people virtuous by statute; we are going to save our souls, if they can be saved, by what we do ourselves, each one of us.

> It's a dangerous thing to play with souls,
> And trouble enough to save one's own.

We can not put our responsibility off on anybody else.

My belief, as I have said, is that our one great duty is to win this war. If complete prohibition of every form of alcoholic beverages, in my opinion, would aid us most to win this war, I would vote for it. If I thought no prohibition at all would help us win this war, I would vote for that. If I believed that prohibition of certain things and retention of others could help us most toward winning this war, I would vote for that. I would cast any one of those votes without any regard whatever to my personal prejudices, views, or hopes.

Now, Mr. President, the effort to impose general prohibition on the country has been mixed up with the question of the conservation of food, which is most important toward winning the war. In my opinion, we are called upon to decide this question with reference to war, not with reference to its general merits or demerits as a system of social organization. So far as I am personally concerned, if it were feasible and possible, and I were a despot and could do it by a single stroke, I would wipe alcohol for drinking off the face of the earth. I am no lover of it in any way, and no defender of it; but it is here; it has been on this earth ever since there was a human race on it, practically; and the question is, How are we to deal with it now—no matter whether we are prohibitionists or antiprohibitionists or license men or local-option men, how are we to deal with it now in the presence of war so as to make the result most beneficial to the country?

My own belief is that it is clear that we ought to stop absolutely the manufacture of distilled spirits in order to conserve all the grain material which goes into them. The conservation which will be effected in that way is not nearly so large as I wish it were, and it is far from being as large as the people who are crying out so loudly represent it to be; but it is worth saving. So, it is a good thing, in my opinion, to put a stop to the making of distilled liquors at this time. I would carry it further; I would not have any distilled liquors made from fruits. I would stop the manufacture of distilled liquors while the war is on. So far as the temperance effect goes, the great source of mischief is in distilled spirits because of the large proportion of alcohol which they carry.

Now, I come to beer. Beer carries very little alcohol—about 4 per cent. If we abolished all the breweries, several things would follow besides preventing people from drinking beer. In the first place, we should lose in revenue for the ensuing year about one hundred and thirty million or one hundred and forty million dollars. I know that is regarded as a sordid thing to suggest, but I wish gentlemen who think it is sordid and not to be considered would sit down in the committee and try to raise from some new source one hundred and thirty million to one hundred and forty million dollars more revenue than we are raising now. They might think the effort just as sordid, but they would not think such a sum was a trifle to throw away. We would lose that amount of revenue. Then we would lose all the taxes which we now receive on the profits and income of the breweries themselves. About a billion dollars are now invested in breweries. According to the census of 1914, the amount was $792,000,000, and it now probably aggregates a billion dollars. We would lose all the revenue from the earnings of those breweries. How much that would be I can not undertake to say, but it would be a large amount—several million dollars.

There were employed directly in the breweries, in 1914, 62,000 people and the malt producers aggregated 2,000 more. Since that time the number has increased. There are those who are engaged in making machinery, and so forth, for the breweries; and it is estimated by the experts that something over 100,000 people would be thrown upon the streets if the breweries were closed. It may be said, "Why, labor is scarce in this country; they would have no difficulty in procuring other employment"; but I have observed that it is a weakness of human nature that when a man has a good-paying employment he does not like to be suddenly projected on the street, and have it said to him, "Oh, there is plenty of opportunity for labor; you can get other employment."

Mr. President, I have now come to that which, to my mind, is the controlling factor. There is one element involved in winning this war which is more important really than any other, and

that is a united public opinion in the United States. Sentiment, imagination, the hopes, the beliefs of the people constitute the great motive force. They are what make people ready to give up their last dollar and to see those who are dearer to them than life itself go to the front—sentiment, love of country, all the greatest emotions that can move the heart of man, which we sum up in the words "public opinion."

Mr. President, it is proposed to abolish all the breweries at a stroke. There may be people who think that the men who are employed in the breweries and engaged in making machinery for them are a class which deserves no mercy. I can not regard in that way any of my fellow citizens engaged in what is an honest employment. I think they deserve consideration. It will cause great dissatisfaction among those people; but there are hundreds of thousands of people in this country to-day, particularly among the working classes and among the labor unions—whom I am beginning to hear from very strongly—who drink a glass of beer, and think it is, as it is, an innocent drink. Suddenly we enter the field and stop all that. Some we drive back to drinking whisky, and probably very bad whisky, made in illicit stills; others we shall anger and annoy. They build our ships, they weave our clothes, they make our shoes and our munitions. They will help largely to fill our armies. Is it wise to anger and chill them needlessly? They will say, "You abolish the poor man's harmless drink and leave to the rich their imported liquors and stored-up wines." It is not well to kindle such resentments in time of war.

We have a great German-American population in this country. I believe the great mass of them to be thoroughly loyal, and loyal at an expense of personal feelings which the descendants of other nations do not have to encounter. We know that light beer is their national drink. They all drink it; they think it absolutely innocent and harmless. It is proposed now to cut them off from the use of that beverage. They will think the law to be especially aimed at them.

I had it in mind to say something about the vineyards. We only get $10,000,000 revenue from wines. They carry from four to five times as much alcohol as beer, but I observe that as the bill has been drawn the President can exempt them. I do not quite understand the consistency of that arrangement from an entirely moral point of view; but it has been done, the vineyards are to be spared. Those vineyards stretch from New York to California and are of immense value. In wine making alone there are employed about 3,000 people, but that does not begin to cover the number of people who are employed in the agricultural part of the industry. It is a great and valuable property, and I think, for the reasons suggested in the case of beer, it ought to be exempted.

But passing from that, I come back to the psychological point. I do not want at this time to offend and anger great masses of our population who see no harm in drinking a glass of beer. It is all well enough to say that they ought to be made good against their will and that they are wrong and wicked to think as they do. There should be some toleration; there should be some liberality of view. I have seen many men who drink beer who are quite as sober as some of those who are crying so loudly for universal prohibition.

Now, Mr. President, this seems to me the great objection to abolishing the breweries and closing them all; but there are other objections. I want to say, before I pass from the subject, that the amount of food saving which will be effected by the prohibition of fermented liquor is practically negligible. Thirteen million bushels of corn, 52,000,000 bushels of malt in the form of barley, and 2,000,000 bushels of rice, in all 67,000,000 bushels, go into the manufacture of beer, rather less than 1 per cent of the total crops drawn upon. The amount of corn, 13,000,000 bushels, is trifling in a corn crop that may run up to 3,000,000,000 bushels. Barley is not consumed by our people to a great extent, at least in the form of bread, and that which has been exported hitherto has gone into making beer in England, if I am correctly informed. The rice used is a trivial amount.

Mr. President, a large saving—about 35 per cent—is made in the form of brewers' grains used to feed cattle. Those grains are used and are largely supplied in States like mine, where there is very little farming on a large scale, but where there are many great industrial towns and cities. Our principal agricultural industry is dairy farming. I am informed by one of the great dairy farmers of our State that the dairy farmers have made their contracts for the brewers' grain, containing, as it does, very large amounts of protein. It is too late for them to supply it from other sources; to use the barley would be too expensive; they would not get the results. This is going to affect the entire milk supply of my State, a crowded industrial State, with thousands and thousands of children. The sudden withdrawal at this time of the brewers' grains would be likely to send milch cattle to the slaughterhouse.

Do you realize also—I did not until to-day, when I was told about it, and it will be explained to you more fully later—that closing the breweries is going to reduce the supply of yeast in the country to the extent of 40 per cent, so that you are likely to have the price of bread doubled if you suddenly cut off the supply of yeast?

Mr. President, is it wise, in view of all those circumstances, is it beneficial for the great purpose of winning the war, to destroy all the breweries of the country at a stroke, without warning, without time for adjustment?

Mr. SMITH of South Carolina. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from South Carolina?

Mr. LODGE. I do.

Mr. SMITH of South Carolina. I should like to ask the Senator if he has any figures to show what is the percentage of the brewers' grain—that is, the grain that has been brewed—in its relation to the original grain before it is brewed?

Mr. LODGE. Thirty-five per cent is the saving which goes into the fattening of cattle.

Mr. President, I think the same reasoning applies to wine. The provisions of the Senate bill are not only to stop the distillation of liquor, with which I am in entire sympathy, but to destroy the breweries and to give the President power to save the vineyards. I do not like that way of legislating. I have said something about extreme powers. I do not like to see the Congress shirk its own responsibilities. I think it is for us to say, and not push it onto the President and force upon him the odium, if there is any, of doing what I believe he or any man charged with the heaviest administrative responsibilities knows to be necessary. I think Congress ought to send the bill to him with the breweries and vineyards exempted, and not leave it to him to exempt them, so that we can trot home to our constituents and say, "Well, we gave the President power to do it. He did it. I am all in favor of getting rid of it." I think we ought to deal with this ourselves.

But the bill goes further than this. It also gives the President power to commandeer all the whisky now in bonded warehouses. For that the Government would have to pay. With the revenue which you would lose from the whisky now in bond and which is paid when it comes out of bond, and the amount you would have to pay for it when you commandeer it and turn it into alcohol for industrial purposes, it would cost the Government $480,000,000. In addition to that, you are going to lose in round numbers $140,000,000 from the breweries. That is—there is a number of smaller taxes—I leave in wine, which is $10,000,000—which would go with that; but the total would be well over $620,000,000. I hope that those who wish to carry this reform through at every expense and at all costs will remember that we are levying additional taxation amounting to from a billion and a half to a billion eight hundred millions, and think twice before they add that enormous amount of six to seven hundred millions additional.

But, Mr. President, I come back to what I think is the governing consideration, and that which governs me. I do not know whether I am correctly informed or not, but I think I am. It comes to me from Russian sources. The Czar, by an edict, stopped the production of vodka, which is a liquor of enormous alcoholic strength, of the highest intoxicating qualities. I thought, when I heard that, that it was one of the best things ever done. I think so still. I think it was a splendid thing to do. Yet the abolition of vodka was one of the three great stimulating causes which led to the Russian revolution—the food shortage, the stoppage of vodka with the discontent thus caused, and the suspicion that they were to be handed over to Germany. Since the democracy of Russia which we are taking to our arms, and rightly, is coming forward, vodka, I understand, under modified conditions, is again allowed to be sold.

Germany, so far as I know, has done nothing for the prohibition or the restriction of alcoholic beverages in any way; and I think everybody will admit that the fighting quality of the German Army has been pretty good. I think they have fought as well as men could fight, even if they had nothing but ice water to drink. France has stopped absinthe, a poisonous cordial. She gives her men a pint of light wine every day, I believe. I believe, also, the English give something stronger every week to their men. They certainly give them an abundance of beer. Now, those men have done, on all sides, the greatest fighting the world has ever seen, and it is idle to say that the fact that a man drinks beer or light wines is going to unfit him to fight. That is the experience which they have had.

I refer to this merely as affecting military efficiency, of which we hear so much.

I wish, I repeat, to have all the making of distilled liquors stopped. I wish to conserve the grain, and I wish to stop the making of liquors in this country while this war is going on. I want to see that done, and I shall vote for anything that does it; but I hope the Senate will pause before they go further. Do not let us forget the united enthusiastic public sentiment which we must have to win this war, more important even than money, more important than anything else.

Our troops, Mr. President, are there. There never were any finer troops on the face of the earth than those who landed yesterday, or the day before, in France. There will be a month of silence while they are getting ready, and then some day will come the news that they have stormed a German trench or taken a French village. There will come a list of deaths and a list of casualties, of dead and wounded. Blood will be on the faces and on the garments of the American people then; and let me say to you that whatever clamor may be raised now, there is one thing the American people will not forgive and that is any failure to do everything we can to win this war, or any action which divides opinion and sentiment at home.

During the delivery of Mr. LODGE's speech,

The PRESIDING OFFICER. The Senator from Massachusetts will suspend for a moment. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2463) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

Mr. CHAMBERLAIN. Mr. President, I ask that the unfinished business be temporarily laid aside, and that the bill now under consideration be laid before the Senate.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

After the conclusion of Mr. LODGE's speech,

Mr. HARDWICK. Mr. President, if I correctly understand the parliamentary situation, the Senator from Oregon has substituted the House bill as reported with Senate amendments, and that is the pending bill.

The VICE PRESIDENT. The House bill is before the Senate.

Mr. HARDWICK. As reported from the Senate committee?

The VICE PRESIDENT. As reported from the Senate committee.

Mr. HARDWICK. Mr. President, it is my purpose on a different occasion and at a later date to address the Senate somewhat at length with reference to this bill. There are many of its provisions that I can not support. There are many of its sections for which I will be unable to vote. I want to say, however, that in my opinion the Senate committee has greatly improved the bill from what it was when it passed the other House of Congress. I particularly congratulate the Senate committee on the adoption of section 3, which provides that these various gentlemen who from patriotic motives are serving the Government in an advisory capacity in connection with the Council of National Defense shall not sell their own wares to the Government while they are acting as its next friends. That section alone makes the bill of some value.

There are, however, at least two sections of this bill that, in my judgment, no Senator of the United States can support if he believes that the organic law of the land still lives, if he believes that there is still in existence a Constitution of the United States which he has sworn at that desk to support. My purpose now is to make a motion to recommit certain sections of this bill to the Committee on Agriculture and Forestry in the hope that the Committee on Agriculture and Forestry may remedy the situation somewhat by removing these sections that we can not constitutionally pass and leaving the bill so that the Senate can take it up and put it in the best possible shape, and then take its own judgment and its own course about it.

Mr. KENYON. Mr. President, a parliamentary inquiry, if the Senator pleases.

Mr. HARDWICK. Certainly.

Mr. KENYON. Is the House bill now before the Senate?

Mr. HARDWICK. Yes.

I have been somewhat in doubt in my own mind, Mr. President, as to whether a motion to recommit certain sections of a pending bill would be in order, the motion of course not going to the whole bill; but a somewhat careful examination into the situation convinces me that the motion I propose to make, to recommit to the Committee on Agriculture and Forestry certain sections of the bill that I will name and read, is in order.

In the first place, I call the attention of the Chair and of the Senate to Rule XXVI of the Senate, which provides that—

When motions are made for reference of *a subject* to a select committee or to a standing committee, the question of reference to a standing committee shall be put first; and a motion simply to refer shall not be open to amendment, except to add instructions.

The important part of that language is that the rule says, not a motion to recommit, or to commit—which is the same thing—a bill or a resolution, but a subject; and I am convinced that that language was not used unadvisedly or hastily or carelessly in the Senate rules and by the men who framed the Senate rules, because I find that in Mr. Jefferson's Manual of Parliamenary Practice the following is stated to be the practice among English-speaking peoples:

After a bill has been committed and reported, it ought not, in an ordinary course, to be recommitted; but in cases of importance and for special reasons it is sometimes recommitted, and usually to the same committee. If a report be recommitted before agreed to in the House, what has passed in committee is of no validity; the whole question is again before the committee and a new resolution must be again moved, as if nothing had passed.

In the Senate, January, 1800, the salvage bill was recommitted three times after the commitment.

A particular clause of a bill may be committed without the whole bill, or so much of a paper to one and so much to another committee.

So I submit that the motion I shall make rests on ample parliamentary authority. If there are any precedents of the Senate to the contrary, a somewhat hasty examination has not disclosed them to me.

Mr. CHAMBERLAIN. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Oregon?

Mr. HARDWICK. Yes.

Mr. CHAMBERLAIN. If I may interrupt the Senator, I propose to make a point of order against the motion to recommit any portion of the bill, unless the motion is directed to the bill itself. I concede the power of the Senate to recommit the whole bill, but I question the power and deny the authority to recommit any portion of the bill; and I call the Senator's attention to Rule XV of the Senate rules.

Mr. HARDWICK. Will the Senator direct my attention to the language on which he relies?

Mr. CHAMBERLAIN. Yes; the second paragraph of it provides:

When a bill or resolution shall have been ordered to be read a third time, it shall not be in order to propose amendments, unless by unanimous consent, but it shall be in order at any time before the passage of any bill or resolution to move its commitment; and when the bill or resolution shall again be reported from the committee it shall be placed on the calendar, and when again considered by the Senate it shall be as in Committee of the Whole.

In other words, the power is vested in the Senate to recommit the whole bill, but not to recommit any portion of it, because there is no provision in the rules of the Senate authorizing the recommittal of a portion of a bill.

Mr. HARDWICK. Can the Senator cite me any Senate precedent on that question? The rule itself, of course, would not negative the text of Mr. Jefferson's Manual.

Mr. CHAMBERLAIN. I can not. The Senator is making a motion which seems to be in conflict with the rule itself. Can the Senator point out any precedent that authorizes it?

Mr. HARDWICK. I have cited authority. I have not found any decision of the Senate itself one way or the other.

The VICE PRESIDENT. There is a decision.

Mr. HARDWICK. Can the Chair direct my attention to it, and will the Chair do so?

The VICE PRESIDENT. Yes. It was decided on May 9, 1906, as follows:

The Senate resumed the consideration of a bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission. There was pending an amendment proposed by Mr. John F. Dryden, of New Jersey, which had been amended by the Senate on motion of Mr. Stephen B. Elkins, of West Virginia. Mr. Albert J. Hopkins, of Illinois, moved to refer the amendment as amended to the Committee on Interstate Commerce. Mr. Joseph W. Bailey, of Texas, made the point of order that the amendment might not be committed to a committee.

Then follows the discussion. The question was submitted to the Senate, and upon the roll of the Senate being called as to whether the amendment could or could not be committed to the committee it resulted in a vote of yeas 25, nays 48.

The Chair is clearly of the opinion that the ruling of the Senate was right, and that Rule XXVI is not applicable at the present time; that the order of procedure comes under Rule XXII. The pending question at the present time would be as to whether the bill should be reported to the Senate, it now being before

the Senate as in Committee of the Whole. This rule provides that when that is the condition of the record—

No motion shall be received but to adjourn, to adjourn to a day certain, * * * to take a recess, to proceed to the consideration of executive business, to lay on the table, to postpone indefinitely, to postpone to a day certain, to commit, to amend.

Now, as it appears to the mind of the Chair, this will be the remedy of the Senator from Georgia——

Mr. HARDWICK. The Chair will understand that I have not made any motion yet. I merely expressed my intention to make a motion later.

The VICE PRESIDENT. The Chair might as well express the opinion, however——

Mr. HARDWICK. I understand, and I am very glad to have the Chair's opinion, although I do not agree with him at all.

The VICE PRESIDENT (continuing). That the way to reach the question, which the Chair does believe would be in order, would be to move to rerefer the bill to the committee with instructions to strike out certain sections.

Mr. HARDWICK. I quite agree with the Chair; and while I believe that the rule stated by Mr. Jefferson's Manual is applicable in the Senate, and I do not believe that the precedent cited by the Chair is applicable or in point, it will be useless and futile to take up the time of the Senate upon a moot question.

Mr. President, at some other time, when we have more time to spare, I am going to undertake to have that question settled by the Senate; and I believe, on authority, that the position cited, taken by Mr. Jefferson, is sound and is applicable to just such a situation as this. As the Chair has very well suggested, that is a moot question. We can raise the question just as well by a motion to recommit or by a motion to recommit with instructions. So far as I am concerned, I do not intend, unless some other Senator desires to adopt that course, to move to recommit with instructions; but I do intend before I take my seat to move to recommit this bill, and I do intend to move to recommit this bill because of certain sections in it to which I wish to invite the attention of the Senate now.

Mr. President, section 4 of this bill provides—

That it is hereby made unlawful for any person willfully to destroy any necessaries for the purpose of enhancing the price or restricting the supply thereof; knowingly to commit waste or willfully to permit preventable deterioration of any necessaries in or in connection with their production, manufacture, or distribution; to hoard, as defined in section 6 of this act, any necessaries; to monopolize or attempt to monopolize, either locally or generally, any necessaries; to engage in any discriminatory and unfair, or any deceptive or wasteful practice or device, or to make any unjust or unreasonable rate or charge, in handling or dealing in or with any necessaries; to conspire, combine, agree, or arrange with any other person, (a) to limit the facilities for transporting, producing, harvesting, manufacturing, supplying, storing, or dealing in any necessaries; (b) to restrict the supply of any necessaries; (c) to restrict distribution of any necessaries; (d) willfully to prevent, limit, or lessen the manufacture or production of any necessaries in order to enhance the price thereof, or (e) to exact excessive prices for any necessaries. Any person who violates any of the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not exceeding $10,000, or by imprisonment not exceeding two years, or both.

Mr. President, on a later occasion I think I can demonstrate to the Senate that practically every one of these propositions is already the law of the land; that, as the Senator from Massachusetts [Mr. LODGE] has well said, all this clamor about getting after the food manipulator and the food speculator is baseless and unfounded, because we have, as far as laws can control and remedy the situation, plenty of laws on the statute books to do that already, and we do not need any additional statutes to accomplish that result; or, if we did, if Congress had not already exercised its powers to their full limit in this respect, in a bill that we passed on the 1st day of June we incorporated a provision expressly dealing with and amply covering this entire subject. So that whatever else may be said for or against this bill, its proponents are not to be permitted to stand before the country insisting on the false premise that the object and purpose of this bill is to relieve the poor, suffering consumer from the food speculator and the food manipulator, for such is not the case and such is not the truth, and it is time the American people were knowing it.

I contend that the language employed in this bill in section 4 makes the law that you propose to enact applicable not only to the provisions of interstate and foreign commerce, which is the full limit of the power of Congress, but to every internal and domestic concern in every single one of the 48 States and all of the Territories of the United States. In other words, it makes all of the acts specified in this section offenses against the laws of the United States, even if they occur entirely within a State, and entirely with reference to a product that never is intended, even, to enter interstate commerce, and never does, in fact, so enter interstate commerce. It applies to every process of domestic production and of domestic and internal life in every one of the States.

The Senator from Massachusetts [Mr. LODGE] suggested a very grave doubt as to whether the Constitution of the United States really had any vigor and force left. I am going to assume for the purposes of this argument, and in this body, among men who have sworn to support it, not only in peace but in war, that it still has some force and some effect, in conscience and in morals, at least, among honorable men. The Constitution is the supreme law of the land in peace and war alike; and not one of us swore at that desk to support it only in times of peace and to violate it whenever we pleased in times of war. It would be a poor instrument, little worthy of the great encomiums that have been heaped upon it, and so worthily heaped upon it, I believe, if it were so worthless, so inadequate, that it did not cover and did not fit a war situation as well as a peace situation; and I can not so concede. The Constitution of the United States is just the same in war as it is in peace.

I now quote from Fifth Wallace, page 841, on the question of the constitutionality of section 4 of the bill:

The twenty-ninth section of the internal-revenue act of March 2, 1867 (14 Stat. L., 484), which makes it a misdemeanor, punishable by fine and imprisonment, to mix for sale naphtha and illuminating oils, or to sell or offer such mixture for sale, or to sell or offer for sale oil made of petroleum for illuminating purposes, inflammable at less temperature or fire test than 110° F., is in fact a police regulation relating exclusively to the internal trade of the States.

The Chief Justice, delivering the opinion of the court, said:

The questions certified resolve themselves into this: Has Congress power, under the Constitution, to prohibit trade within the limits of a State?

That Congress has power to regulate commerce with foreign nations and among the several States and with the Indian tribes the Constitution expressly declares. But this express grant of power to regulate commerce among the States has always been understood as limited by its terms; and as a virtual denial of any power to interfere with the internal trade and business of the separate States, except, indeed, as a necessary and proper means for carrying into execution some other power expressly granted or vested.

So in this case I not only concede it but I assert, because I agree with the Senator from Massachusetts, that the ultimate test of patriotism is that every one of us, Democrats or Republicans, Senators of the United States all, will do all in our power to win this war, and I know there is no Senator in this Chamber who would not do all in his power, justly, honestly, and earnestly to further the cause of our great country in this great emergency. So I say I not only concede but claim that the President of the United States might do many things internally within a State, to provision an army, to supply a navy, or to do anything directly and immediately connected with the prosecution of the war, but can it be honestly contended, can it be even earnestly contended by any Senator that because we are in war Congress has the power to say that it is necessary to marshal the Nation's forces, that it is necessary to conserve its industries, that it is necessary to make rules and regulations not to supply the Army or the Navy, not to do anything immediately or even remotely connected with war, except on the theory that it is necessary people shall be fed while the war is going on? It is just as necessary to feed the people in time of peace as it is in time of war, they have to eat, and they eat just as much, I presume, whether it is peace or war, but to contend that the war power can be stretched to that extent is to deny that we have a written Constitution at all.

Section 4 teems with that sort of thing. Everything in it is purely the domestic and internal concern of the States. There is not a word, not a line, not an expression, that limits it to interstate or foreign commerce or that brings it within the purview of the constitutional power of the Government, and, as suggested, and I am glad he suggested it, by the distinguished Senator from Oklahoma [Mr. GORE], most of the States already have laws on the subject. I happen to remember, and I am glad to be able to refer to it on this occasion, that in the statutes of my own State, copied from the common law are the provisions against forestalling, regrating, and engrossing the market, and not only that but by an act of the legislature the judge of every circuit court in Georgia is required to give those sections in charge to the grand jury in every county in our State at least once a year, and I assume that other States have at least some provision on this subject. So far as it comes to these things described in section 4 within a State, unrelated to interstate or foreign commerce and disconnected with either, I say Congress has absolutely no power whatever on what matters that are purely local.

Not only that, but again in the decision of the Supreme Court rendered June a year ago, when the Harrison narcotic law was before the Supreme Court in the case of United States against Jin Fuey Moy, decided December 15, 1916, the court held that the law was constitutional in so far and only so far as it imposed a tax, but that so far as its language indicated an attempt to make the possession of opium or of a narcotic in a State

unlawful under Federal law it could not be given that construction, otherwise it must fail.

In Two hundred and forty-first United States, page 395, United States against Jin Fuey Moy will be found the Harrison narcotic law decision. If you will apply that decision to the principles of section 4 there is not a single one of the things that section 4 undertakes to do inside of a State that is not condemned by it.

Mr. KING. Mr. President——

Mr. HARDWICK. I yield to the Senator from Utah.

Mr. KING. Does not the decision the Senator has just called attention to recognize what all lawyers, I think, ought to concede, namely, that Congress should have the power under the taxing power of the Federal Government to impose a tax on business, and yet not have the regulatory power within a State?

Mr. HARDWICK. Undoubtedly, that was precisely it. I did not read it all, but that is precisely what the opinion was. But the court held in the Harrison narcotic case that the language had apparently attempted to make the possession of a narcotic in any one of the States unlawful in the hands of any person who happened to have any of it, and that it could not be given that construction because it would be unconstitutional if it did. The narcotic was a condemned thing. The necessaries of life we are dealing with are perfectly sound and stable, and you can not get that phase of the question mixed up with this.

Not only that, but there is another decision to which I wish to direct your attention, and that is the License Tax cases reported in Fifth Wallace. I shall read what the court held there. This is the case, I think, that the Senator from Utah had in mind. It is one of the leading cases, and illustrates the principle he had in his mind even better than the other. The license act was passed June 30, 1864.

Mr. GORE. During the Civil War.

Mr. HARDWICK. As the Senator from Oklahoma suggests, this act was passed by the United States Congress when the country was engaged in the Civil War in 1864, and whatever war powers we had were just as ample and just as complete as they are to-day. The court held in the License Tax cases, decided in Fifth Wallace:

1. Licenses under the act of June 30, 1864, "to provide internal revenue to support the Government, etc." (13 Stat. L., 223), and the amendatory acts, conveyed to the licensee no authority to carry on the licensed business within a State.

Just so the tax provision does not give the person who is taxed any warrant or authority to carry on his business in violation of a local State law or local regulation. That is perfectly true with reference to the liquor question, as my friend from Utah knows.

Now, Senators, unless you are prepared to say there is no longer a Constitution of the United States in force or that the power in Congress to raise armies and to do things like that, the war powers are so broad that while we are raising an army we can do anything under heaven that appears to us to promote the general welfare and general happiness of the people, then there is no warrant whatever for this section and nothing upon which it can be based.

There is one other section in this bill which, I think, is in even a worse condition, section 11, I think it is now in the new print—

That, whenever the President shall find that an emergency exists requiring stimulation of production—

Where the minimum-price guaranty is provided it is provided here:

When the President finds that the importation into the United States of any such product produced outside of the United States materially enhances or is likely materially to enhance the liabilities of the United States under guaranties of prices therefore made pursuant to this section, and ascertains what rate of duty, added to the then existing rate of duty on any such product and to the value of such product at the time of importation, would be sufficient to bring the price thereof at which imported up to the price fixed therefor pursuant to the foregoing provisions of this section, he shall proclaim such facts, and thereafter—

That is, upon his proclamation—

there shall be levied, collected, and paid upon such product when imported, in addition to the then existing rate of duty, the rate of duty so ascertained.

The Senator from Missouri [Mr. REED] made reference to this matter the other day. We have delegated to the President, and under very different circumstances from which Congress has ever delegated any other agencies, the power to legislate, a power essentially and fundamentally different from what we delegated to the Interstate Commerce Commission to fix reasonable and just rates according to the exact yardstick that we furnished them, a power to levy a tax or not to levy it. We not only have violated the Constitution of the United States, if we should pass this bill, in delegating to another a power that has been confided to us but we have delegated the power to levy taxes, a power the most valuable of all to English-speaking people, a power for which Englishmen and Americans have fought and bled and died before they would submit to have it exercised by anyone else except by the directly chosen representatives of the people themselves, a power over the purse, a power to destroy, and a power to secure and defend and preserve and maintain the liberties of the people. The men who made this Constitution, which has been sneered at so much, abused so much, and violated so often, would not even let the Senate of the United States originate legislation with respect to taxation. That kind of legislation can not be originated even in this body representing the sovereign States of the American Union. Yet instead of delegating that to some one else rather than to the chosen representatives of the people——

Mr. KENYON. May I ask the Senator a question?

Mr. HARDWICK. I yield.

Mr. KENYON. I am interested in the question the Senator is discussing. Does not the Senator believe that in this bill we have limited it, giving the President the power to ascertain a fact, and we are levying the tax?

Mr. HARDWICK. I have not been able to form that opinion. If I did, I think it might be defended.

Mr. KENYON. That is really the crux of the matter, is it not? We could delegate it to him to this effect, not to legislate.

Mr. HARDWICK. Yes; if we followed the same plan and the same principle that was followed in creating the Interstate Commerce Commission; if we conferred upon the President the precise rule, upon the ascertainment of facts that such and such should be the law.

Mr. KENYON. That is what we propose to do in this section.

Mr. HARDWICK. Does the Senator think that is all that is done?

Mr. KENYON. If I was called upon to pass on it, I think I would want to consider it; I think it is a very doubtful question. I believe it has been brought under that rule, but it is rather far-fetched, I think.

Mr. REED. Will the Senator yield?

Mr. HARDWICK. I yield to the Senator from Missouri.

Mr. REED. If the language employed in this proposed law brings the matter within the rule referred to, then I see no reason why we might not say in any statute that whenever the President shall find that the prices of American products are lower than he thinks they ought to be he may impose a tax great enough to raise them to a price as high as he thinks they ought to command. If that be true, there is no reason in the world why Congress might not simply pass the taxing power over to the President by pursuing the course indicated.

Mr. HARDWICK. Let me interject this right in this connection. If that same language was employed here, then the Senator might sustain that contention, but it reads:

When the President finds that the importation into the United States of any such product produced outside of the United States materially enhances or is likely materially to enhance the liabilities of the United States under guaranties of prices therefor made pursuant to this section—

In other words, we leave him to be the judge of something that may or may not happen, and we leave it for him not to ascertain the fact that has already happened, thus to constitute himself the judge of what is going to happen in the future, and if he believes that a certain thing may happen, although in point of fact it may never happen, then the President of the United States is to impose this tax.

Mr. KENYON. Then would the Senator believe if the words "materially to enhance" were stricken from the bill the constitutionality would be settled.

Mr. HARDWICK. The Senator is asking me a fair question, and I want to give him a fair answer. It would present a more doubtful question to me. With the Senator from Missouri I do not believe we have any right to delegate this great taxing power that the Constitution makers were so jealous of that they would not even let us in this body originate legislation in respect to it; and I do not believe we should delegate it to anybody outside of Congress.

Mr. KENYON. We do not delegate to the President the power to tax, but to determine a fact.

Mr. REED. Oh, Mr. President.

Mr. HARDWICK. I yield to the Senator from Missouri.

Mr. REED We do not fix the tax. There is not a word in the bill which proposes to have us fix the tax. Circumstances fix the fact—that is the best you can say for it—but those circumstances are to be judged by the President.

Mr. HARDWICK. Exactly; the President is to sit in mental judgment over what the circumstances are. He is to decide about it; he is to exercise his mind, his will, his conscience, and his judgment, not the conscience and judgment of Congress, in determining what these facts are; and it not only went that far but went so far as to say that if the fact has not already happened and you think it is likely to happen, then you can tax the people of the United States in this way. I do not think the Senator from Iowa, who is an able, conscientious legislator, can even contend that.

Mr. President, I do not care to take up a great deal of the time of the Senate at present——

Mr. REED. Will the Senator let me interrupt him?

Mr. HARDWICK. Certainly.

Mr. REED. The Senator expresses some wonderment that the committee seemed to think it could delegate power to the President to levy taxes. I wish to call the Senator's attention to the language of section 10, where they have undertaken to control not methods and processes by which a thing may occur, but they have actually undertaken to stop prices from rising or prices from changing by enacting a law. Section 10 of the last print—it is section 12 of the first print—reads:

That undue enhancement or fluctuation of prices * * * are hereby prohibited.

Of course there are some other things that are prohibited, but the whole clause reads:

That undue enhancement or fluctuation of prices of, or injurious speculation in, or unjust market manipulation or unfair and misleading market quotations of the prices of necessaries, are hereby prohibited.

But along with the other things which might possibly be reached by human agency we find that these legislators have actually proposed to prohibit by law prices from rising or prices from falling or prices from changing, and as such power as that was assumed by the House of Representatives and the legislation was carefully prepared and sent to us, I think the Senator need not be astonished if the Constitution is occasionally ravished.

Mr. HARDWICK. I am learning, and I am getting accustomed to it, although I do not much enjoy seeing it done even yet. Mr. President, I think the demonstration must be complete to any Senator's mind who has considered this matter that there are some things in these sections that are certainly unconstitutional, if we have any Constitution left. If they are, the bill ought to go back to the committee, so that they can take these two sections out of it, or most of the two sections. It ought to go back to the committee, in my judgment, also, so that it can deal with the question suggested last by the Senator from Massachusetts [Mr. LODGE], this liquor question, always a troublesome question, one that gives us a great deal of concern in this body.

And yet, Mr. President, I feel that the Senator from Massachusetts has stated that question correctly. In the first place, it ought not to be connected with this great war measure, if it is in truth and in fact a war measure. I feel also that the Senator from Massachusetts is right, that we ought not in any event or under any circumstances to go so far on this question now, when our people are engaged in a great struggle with a foreign foe, that we will dissatisfy and render discontented millions of people throughout the Republic who do not believe in this legislation and are just as conscientious in their objections to it, just as earnest in their opposition to it, as any man is in his advocacy of it.

Mr. VARDAMAN. I should like to suggest to the Senator that this legislation ought to be enacted and disposed of. I do not think that it would facilitate the matter to refer it back to the committee. Why not let the Senate go ahead and determine it and thrash it out here? The country is becoming impatient for action on this subject and I for one want to have action taken. Let the bill be passed at the earliest proper moment.

Mr. HARDWICK. If we would refer it to the committee to-day, I think we could get it back by to-morrow. I do not want delay either. If the Senator will let me say a word or two in my own time, I do not want to delay it, but I want to get it right, and not rush it through here, right or wrong.

Mr. VARDAMAN. I agree with the Senator.

Mr. HARDWICK. We ought not to be in such a hurry. I think the bill ought to go back to the committee, and let the committee take out provisions which they admit themselves are unconstitutional.

Mr. VARDAMAN. I am not asking for any hasty or unduly expeditious action. I think the bill ought to be maturely considered. It is a matter of far-reaching consequence. Of course the question is not one to be very hastily disposed of as long as the provision is in the bill stopping the manufacture of beer. The advocates of the saloon and brewery can be depended upon to fight to the bitter end. That provision I desire to keep in the bill. I think the one thing that is going to contribute more to the strength of the American Army is soberness, and I think another thing that is going to contribute to the strength of the American people is the economy that is going to be promoted by stopping the manufacture of intoxicating liquors. We need a sober army and we must have a sober, economical citizenry in order to carry the war to a successful end. I do not think anybody is particularly interested in defeating the prohibition provision in this bill except those who would profit pecuniarily by the manufacture and sale of the damnable stuff.

Mr. HARDWICK. I realize the force of that suggestion, but opinions are so widely divergent and honest convictions are so widely apart that it will not matter much what the committee does, Senators still must settle it, and settle it on this floor. As far as that section is concerned, I would just as soon settle that now as at any other time, but I do think, above all things, we ought not to have this bill before us where we may have to vote for it or against it as a whole with these sections in it concerning which I do not believe a single Senator can make a serious argument that they are constitutional. As my friend from Oklahoma suggested, Senators ought not to be put in a position where they can not vote for it without violating their sense of obligation to the Constitution.

Mr. KENYON. Mr. President——

Mr. HARDWICK. I yield to the Senator.

Mr. KENYON. Why can not the Senator accomplish the same purpose by merely moving to strike out the sections or parts of the sections? It would merely result in delay to send it back to the committee. The committee have done all they can do. We have worked it out as far as we can, and the Senate can work it out on the floor as well as the committee.

Mr. HARDWICK. The trouble is that when we undertake to do that we are met with the statement that that is not the way to legislate, that legislation must be worked out in committee and must be carefully correlated and connected. So we are caught between the two horns of a dilemma. If we say we will not send it back to the committee to connect and correlate it and get it into shape, the committee has done all that it can do, and when we come to the floor and want to make this change we are met with the claim that it requires consideration and it must go to the committee room for consideration. The power and strength of that argument and the common sense of that suggestion impel me to make the motion to recommit so that the committee may correct the palpable mistakes that have been made in the bill. I know of no way to get the sense of the Senate on the question except to make a motion to recommit, and I move to recommit the bill to the Committee on Agriculture and Forestry.

Mr. KELLOGG. Mr. President, my colleague and I represent one of the largest grain-producing States, the largest milling State, and the largest iron-ore producing State in the Union. We are vitally interested in the provisions of this bill, and while I shall not take much of the time of the Senate to discuss it I believe I owe it to my constituency to state the reasons why I am willing to vote to grant a reasonable control over the supply and distribution of the various essential commodities, and to point out the danger of disaster to our industries which an unwise exercise of these powers might entail.

Mr. President, we are, I believe, by this bill launching this Government into unknown fields of activity, invoking the principles of governmental paternalism heretofore untried. We are about to change the industrial and economic principles upon which our great fabric has been reared. Nothing but a supreme necessity vital to the very life of this Nation would induce me to lay the hands of the Government upon the production, distribution, and sale of the leading commodities of this country. It is unnecessary for me to take the time of the Senate to call attention to the magnitude of that struggle and to our vital interest in the final issue. It has been done many times on this floor.

This great war, involving as it does nearly the whole civilized world, surpassing in its intensity, its crimes, and its horrors the darkest pages of history, calls upon us to arm the National Government with all the power and resources within our command. I am not disturbed by forebodings of disaster to come from granting away our liberties. I am more disturbed about the loss of them in the great arbitrament of war. Should the issue be determined in favor of the allied governments, there is no danger of a dictator or a continuance of the powers we have granted for war purposes. They will expire and this people can resume the activities and arts of peace and bind up the wounds of a distracted world. There is more danger of imperiling individual activity and enterprise which have through

centuries been the guiding star to the great achievements of the Anglo-Saxon race.

We should in the passage of these laws and in their execution bear in mind that if this country is to be prosperous and bear the great burdens of this struggle we must interfere as little as possible with the activities and the business of the people, and must preserve individual opportunity and individual enterprise. We can not take from the people of the country the opportunity to make reasonable profits or take from them that opportunity which they have to manage their own business in the ordinary way without imperiling their individual enterprise; but, Mr. President, it is necessary in times like these to conserve our resources, to protect the people from unreasonable burdens, and to marshal the assets of the Nation so that they may be most effective in the prosecution of the war.

It has been represented to us by those in immediate charge of the war that if we hope to succeed we must insure to our allies a sufficient food supply, a supply of the principal commodities absolutely necessary to the prosecution of the war; that we must insure to our own people those necessaries of life which are indispensable to our existence at prices within the reach of the people; that, owing to the destruction by the war, the decrease of production, the want of transportation upon the ocean, and losses due to the submarine, we are confronted with a scarcity of provisions and many of the commodities necessary to maintain the armies; that the ordinary principles of supply and demand and the machinery of our great industrial fabric have broken down; and that it is temporarily necessary for the Government to take control of production, distribution, and sale in order that the Army and the Navy may be maintained, as well our own as those of our allies. I know this is denied by Senators upon this floor, to whose discussion of this question I have listened with absorbing interest, and I have had at times grave doubts, and have now, of the wisdom of some of these laws, which, unless wisely administered, may bring industrial disaster to this country. But I am not willing to take the chance of defeating this legislation; I am going to resolve the doubt in favor of the grant of power and trust to the wisdom of the men who will have these laws to administer, as we must do in times of great emergency when calling into play the war powers of the Nation.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Utah?

Mr. KELLOGG. I yield to the Senator.

Mr. KING. As I understand the Senator from Minnesota, he takes the position that governmental control of the productive instrumentalities of the Nation would be advantageous. Does not the Senator think, from his great knowledge of economics and the rules governing industrial activity, that the assumption by the Government of the productive instrumentalities of the Nation would tend rather to retard productivity than to increase it? In other words, with the high prices that the war and the introduction into our currency of a larger volume have produced, does not the Senator think that those causes, together with some others, will so stimulate production that by private enterprise and private control there will be a far greater production not only of manufactured products but of farm products than if the Government itself should lay its hands upon the productive enterprises of this country? Does not the Senator think if he will pardon me a further question, if the Government should attempt to control the productive fountains of this Nation, that, first, the cost would be greatly increased, and, secondly, that it would result in a diminished output rather than in an increased production?

Mr. KELLOGG. I do. I do not think it is possible or advisable for the Government to take over the production in this country or a general control of all the productive activities, and regulate them. I believe that, so far as possible, it is wise not to interfere with the ordinary business of the people. I do believe, however, that in times of rising prices and extraordinary demands, some steps should be taken by the Government to control distribution and sale, to prevent hoarding and unreasonable speculation, to encourage production, and perhaps to control the export of products out of this country, in order that our allies may be reasonably supplied, and that our resources be not dissipated by a scramble to purchase by foreign countries in a general market.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Missouri?

Mr. KELLOGG. I yield to the Senator from Missouri.

Mr. REED. The Senator has permitted an interruption of his remarks, and perhaps, therefore, it would not disconcert him if I should ask him at this time if he does not believe that the question of the control or the keeping out of our markets of the foreign purchaser, and thus the scramble, that he has just referred to, being prevented, has already been taken care of by the bill which gives the President the absolute right to declare embargoes, and by the further provision, which is already in force, of a purchase by the allies through one common agency? Does not the Senator think that question has now been pretty well taken care of?

Mr. KELLOGG. I think it has been. I am perfectly willing to answer any question which I may be asked, but I should prefer if Senators would wait until I get through with my remarks.

Mr. REED. Very well.

Mr. KELLOGG. I think that matter has been taken care of by the embargo powers which have been granted to the President; but, as I was saying, we must to some extent trust to the wisdom of the men who will have these laws to administer, as we must do in times of great emergency when calling into play the war powers of the Nation.

CONSTITUTIONAL POWER.

After the very illuminating speech of the junior Senator from Iowa I shall not stop to discuss at any length the constitutional power of Congress to enact and carry into effect the provisions of this bill. It is to my mind clearly within the power of Congress, or at least the main provisions of the bill are clearly within those powers. I do not, of course, believe that during the war the Constitution or any one of its provisions is suspended; but the power to declare and carry on war necessary to the preservation of the Nation and to enact all legislation to carry this power into effect is of equal force with all the other provisions and limitations of the Constitution. In fact, these provisions are not subordinate to the declaration of rights or any of the other constitutional protections, for the power of self-preservation is the highest prerogative of government. The power to conscript property, to fix prices, to encourage or go into the field of production, in fact to do anything necessary to preserve the supplies necessary to the support of the people during the war and to lend strength to the cause are powers as necessary to the defense of a nation as the power to raise, equip, and feed an army.

Of course, no one will claim that because war exists Congress should disregard entirely constitutional restrictions. It may not abolish State governments, or the Federal Government, or change the office or prerogatives of the President, but it may produce, conserve, purchase, and fix the price of all products necessary to carry on the war, and to maintain the Nation in a high state of efficiency during the struggle.

Personally I can see no difference between the power to conscript property to equip and feed an army and the power to encourage production or, if necessary, to produce property to maintain the people who constitute the Nation back of the armies.

Whenever it is necessary—and, of course, this is a question of necessity—for this Government to marshal its resources or encourage production, to regulate prices, and to protect the people, in order that their power may be greater in time of war—in other words, whenever it is necessary to preserve the national life—Congress may do it. It is not because the Constitution or any provision of it is suspended, or the constitutional limitations and protections of the Bill of Rights are suspended, but because in the exercise of that provision of the Constitution the Nation has power to preserve its existence and to protect its life.

I am not disturbed about the provisions of this bill so far as constitutional power of the Government is concerned. It may be that the provision of section 12, which provides for levying an import tax, may be upon the border line of constitutional power. I suppose the effect of that provision is this: The Government proposes to fix a minimum price for farm products in order to encourage production—I hope it will never be necessary to do so—but suppose the Government should fix minimum prices in this country to encourage production, it would be necessary in order to maintain that price to levy a tax on imports equal to the difference between the selling price of the imported product and the price so fixed. The Congress by law determines the tax and enacts that it shall be equal to such difference in order to maintain the Government minimum price. It then leaves to the President the power to determine the fact from time to time as to the amount of the difference and the circumstances under which the law of Congress shall go into effect. In substance, this is an illustration of the power of Congress to provide for a tax and leave it to the President or any other authority to find the existence of a state of facts which shall bring into effect the act of Congress. In the same

way Congress enacts any other tariff duty and provides that if the President shall determine that any foreign country is discriminating against this country he may by proclamation announce the fact and impose the duty. I will admit that this goes to the border line of constitutional power. The wisdom of it, of course, is for Congress to settle.

I should like, before passing from this subject, to say as to section 5, embodying the power to license persons and corporations engaged in importation, exportation, storage, and distribution of necessaries, that I do not think that power rests necessarily upon the commerce clause of the Constitution. I believe it rests upon the same provisions of the Constitution which enables this Government in time of war to conserve its resources, its food supply, to protect the people and maintain the Army and the Navy. We are not called upon to base the validity of that section upon the commerce clause of the Constitution, and I am not sure that it is wise to include it in the bill.

POLICY OF THE LAW.

I am much more concerned about the policy of some of these laws than I am about their constitutionality, and I wish now briefly to discuss some of the provisions of this bill. First, let me say I can see no reason, if we are going to authorize the Government to regulate the price, production, and sale of food products, why we should not extend the same authority to coal, iron, steel, petroleum, and the other products which are as necessary to the maintenance of the Army and as vital to the very existence of this and the allied nations as are food products. I am pleased to see that the committee has included in section 1 of this bill these various products.

Mr. GRONNA. Mr. President, if the Senator will pardon me, I was just going to call his attention to the fact that the articles enumerated by the Senator are all designated under the bill as "necessaries." The Senator from Massachusetts [Mr. LODGE] was mistaken when he said that agricultural products were the only ones that were taken care of, and for which minimum prices would be fixed.

Mr. KELLOGG. I thank the Senator from North Dakota, but I am coming to that provision. I only suggest that these necessaries should be included in one other provision of this bill, which I will discuss in a few moments.

I do not see why we should not extend it to fertilizers, binding twine, and the other products which are necessary to the production of food products as arms and munitions are to the Army. These, too, have been included in the first section of the bill, and should be included in another section, to which I will call the attention of the Senate. If we are to lay the hand of the Government upon the products of the farm, let us not pause for fear of injuring industry by laying it upon the producer of the principal commodities necessary to the Army and to the people of this country. Why fix a price for food products and allow an unlimited price to be charged for iron, steel, copper, coal, and other products?

I think the Senator from Massachusetts [Mr. LODGE] was mistaken when he said, as I understood him, that the farmer was exempted from the terms of this bill. Under section 1, section 5, for licensing elevators, and under another section of this bill, to which I call attention, granting to the Government power to purchase food products and fuel, the Government may fix the price of the farmer's wheat. When the Government controls absolutely elevators and controls all the purchases of wheat under conditions imposed by the President it controls the farmer's price just as effectively as though Congress passed a law naming the price at the farmer's market station. If we are going into the price-fixing business, there are other articles besides wheat and flour which need regulation and price fixing.

The main reason urged for the passage of this bill is the scarcity of the world's supply of the principal food products, which, unless conserved now under governmental control, will be insufficient to meet the needs of ourselves and our allies, and unless the price is controlled will put many of the necessaries of life beyond the reach of the mass of the people. This same reason applies to coal, iron, steel, fertilizer, and many other commodities.

I shall not indulge in reciting statistics to show this scarcity. I have examined the subject with great care, and I am satisfied that in many of these principal products there is a scarcity and such an abnormal demand as will probably require governmental control during this emergency.

As to the farm products, the decrease of production caused by the war, want of fertilizer in European countries, decrease of man power, failure of crops in this country and in Argentina, inability to ship from Australia and Russia and other distant countries, and the destruction of vessels by the submarine has not only caused a shortage in the world supply, but has, during the last few months, created a condition of panic in the world exchanges and caused abnormal prices.

It is now stated by Government officials who have made the best estimate possible that, with good crops in Canada and the United States, the allied countries will need 1,000,000,000 bushels of grains of all kinds, and, with the supplies we must furnish to neutral countries, there will not be that amount available. The successful prosecution of the war, therefore, not only requires a most rigid conservation of foodstuffs, but a concentration in Government hands of the purchase of foodstuffs for export to the allied and neutral countries and an elimination of speculation, hoarding, and other devices which tend to unreasonably enhance prices.

I am aware, as suggested by the Senator from Missouri [Mr. REED], that the President has power, under the embargo clause of a law which has been passed, to refuse to permit any food products to go to any foreign countries unless those countries and purchasers in those countries consent to purchase their supplies through a central purchasing agency provided by this Government. I believe, to prevent speculation and abnormal increase of prices, that is one of the most beneficial laws this Congress has enacted.

I am aware of the fact that the enormous increase in the price of food products has imposed great hardships upon the people of this country; that the price of many of the necessaries of life in the cities to the man whose wages or whose salary has not been increased has placed these necessaries almost beyond his reach; but the increase in prices has not been confined to food products alone, for there have been great increases in the prices of the other principal products, such as iron, coal, steel, clothing, and so forth. I wish here to warn the Members of this Senate, the Executive of this Nation, and the men who will be intrusted with carrying out the provisions of this bill, that, if the powers so granted are used simply to depress unduly the price of farm products, while permitting everything the farmer has to buy and these other products of the country necessary to the life of the Nation and the maintenance of our armies in the war to remain at exorbitantly high levels, national disaster will inevitably follow.

It is well for us to pause and examine the reasons for the decline in the production of agricultural products in this country. We know that at the close of the Civil War substantially 75 per cent of the people lived upon and obtained their livelihood from the farm, and that to-day only about 35 per cent do so; that continuously, but especially during the last 30 years, the decrease in rural population, as compared with urban population, has been amazing. In 1880 only 29.5 per cent of the people lived in cities of 2,500 inhabitants or more; in 1910, 46 per cent; and, as I have already said, only about 35 per cent of them to-day live upon the farm and obtain their livelihood from agriculture.

The cause is perfectly obvious to anyone. The concentration of wealth, the marvelous accomplishments in science and invention, the increase in manufacture and world commerce, and the increase in communication and rapid transportation have afforded opportunities in the cities for large incomes, the amassing of great fortunes, and that, together with the attractiveness of city life, has taken from the farm much of the best blood of the Nation. In this modern growth of development the farmer's boys have been leaders. Self-reliant, vigorous in body, trained in hardy schools, inspired by ambition, they have, to a large extent, filled the most important positions and have been the leaders in the great accomplishments of our industrial and professional life. Until the farmer is offered equal opportunity for material success and attractiveness in life with the inhabitants of the city, agriculture will continue to decline in proportion to the growth of the Nation.

What I wish to emphasize at this time is that if the Government exercises the power under this bill to unreasonably reduce prices of the principal farm products, this will further discourage production.

That this bill gives the power to fix prices I do not believe is questioned, and that the intention of the authors of this bill is to exercise that power is undoubted. I have not heard discussed anywhere the fixing of any prices except of wheat, and possibly coal, and yet the necessity for fixing the prices and regulating the distribution of other products is just as great as in the case of wheat or any other farm product.

It is recited in subdivision (b) of section 10—and I wish to call the attention of Senators especially to this subdivision—that in order to guarantee reasonable prices to the producer and to the consumer, the President is authorized to purchase, in no case paying less than the minimum price fixed in pursuance of this act, to provide storage facilities for, and to sell at reasonable prices, foods, feeds, and fuels.

Now, I think that language—"foods, feeds, and fuels"—should be stricken out and the word "necessaries," as defined by section 1 of the bill, substituted. It seems to be the only place in the bill where there is expressed an intention of fixing prices, and at present it applies only to foods, feeds, and fuels. It is just exactly as important to fix the prices of fertilizer and binding twine and the other products which the farmer must buy as it is to fix prices of grain he raises on his farm. I know it has been said that the provisions of this bill do not apply to the farmer. They do apply to the farmer, however, and were intended originally to apply to the farmer alone.

Mr. WADSWORTH. Mr. President, will the Senator yield for a question?

Mr. KELLOGG. I yield to the Senator from New York.

Mr. WADSWORTH. The Senator, I think, will note that that subdivision of the section to which he refers contemplates that if it shall become necessary to do so the President or the Government may purchase these articles, whether they be confined to those three or be embraced within a broader scope, upon the open market and sell them at reasonable prices. Does the Senator mean to convey by his remarks upon this particular section that in purchasing those articles the Government should fix the purchase price?

Mr. KELLOGG. I mean to convey the idea that the Government may fix the purchase price under this bill. If, as the Senator says—and I hope it will be so—there is an open market left and the price is reasonable, you will not find the Government purchasing.

Mr. WADSWORTH. Of course the Senator realizes that if the Government does fix the purchase price there is no open market left.

Mr. KELLOGG. Certainly. Now, I am not saying that the men who execute this bill will execute it or carry it out unfairly to the farmer. I can not believe they will do so. I intend to vote for the bill, but I think it is my duty to point out what may be done under it and to sound a note of warning that if you are going to have this Nation great and prosperous you must have the farmer prosperous and independent.

Mr. REED. Mr. President, would it interrupt the Senator if I asked him how there could be an open market for farm products when there is invariably an enormous surplus which must be sent to Europe and when access to the European market is absolutely denied, both under the embargo act and under the arrangement by which the allies will purchase through one agency? Does not that take away the open market or world market, at least, which they have heretofore had?

Mr. KELLOGG. I think it does.

Mr. REED. Perhaps it ought to. I am not saying that it should not.

Mr. KELLOGG. I am coming to that. The President, of course, has power to control the purchases for all foreign countries, and I think it is necessary that he should do so. I do not believe we can afford to permit foreign buyers, neutral countries, allied belligerent countries, to come into our market as they did in April and May last, followed by a line of speculators, buying our products and raising the prices to abnormal height, as they are liable to do, and perhaps imperiling the supply to ourselves and the allied countries. I think we must control not only what goes to the neutral countries, but we must control by one purchaser what goes to the belligerent countries. Of necessity that takes all the surplus in this country, and of necessity that fixes the price, unless there is a most abnormal demand at home; and if there should be such an abnormal demand for domestic uses and milling in this country, it can be handled in this way:

All of the wheat bought in the wheat States of this country is purchased by line or independent elevators along the lines of railroads. Those elevators are owned either by big line elevator companies or by the farmers themselves. In Minnesota, North and South Dakota, and Montana, I believe that the majority of the grain—at least, a very large percentage of it—is purchased by cooperative farmers' elevators. There are over 3,000 independent elevators in those four States, and there are over 5,300 elevators altogether, besides many hundred mills buying at primary markets. Now, when the Government places a license upon every one of those houses, and names the conditions under which the grain may be purchased, of course, having control of the foreign market, it may control the domestic market.

Mr. REED. Mr. President, will the Senator pardon another interruption?

Mr. KELLOGG. I yield to the Senator from Missouri.

Mr. REED. I dislike to interrupt the Senator, but I have the greatest respect for his opinion and I want to get it. Does not this, then, make it manifest that the power is vested to fix the farmer's price? I think the Senator has already answered that in the affirmative. Now, is there any other place in this bill where there is a serious proposition to fix the prices of other things?

Mr. KELLOGG. I believe it to have been the intention of the committee to confer the same powers upon the President as to all other products; and if in section 5 the bill is amended by striking out the words "foods, feeds, and fuels" and inserting "necessaries," I believe the Government will have the same power as to all of these products.

Mr. REED. The point I am trying to make is this: The Government now has made arrangements absolutely to stop the shipment of food and fuel to Europe, except it shall be through an agency fixed by our Government or the allies. It is a Government-controlled agency. That, of course, will control the price of the food; but is there any such agency to control the price of steel that goes abroad, or other similar products? Have we not left, and do we not propose to leave, the markets of the world open to the steel manufacturer and close the markets of the world to the farmer?

Now I have the question in the form I want it, and I should like to have it elucidated.

Mr. KELLOGG. I hope it is not the intention of the officials of this Government to do that. I can not believe that such is the intention; but if it is, we ought to make sure that the same power shall be given the Government to fix prices of these other products as to fix the prices of wheat.

Now as to the exports: Of course the Government has the same power over exports of steel, iron, and all other products as it has over food products. The President may place an embargo on shipments of any article to any country, and through that embargo, of course, he may control the sale of those articles in foreign countries. Whether or not it is the intention of the President or the officials in control of the subject to do that I can not say.

Mr. REED. It is so important, if the Senator will pardon a further interruption—he has been very generous——

Mr. KELLOGG. I was going to answer further, if the Senator will permit me.

Mr. REED. Yes.

Mr. KELLOGG. I believe that as to farm products the Government would largely control their prices through this embargo power; and if all the provisions of this bill are made to apply to all those necessaries there is no reason why the power should not exist in the Government to control the prices as much as in the case of food. Now I yield to the Senator from Missouri.

Mr. REED. Is it not necessary to go a step further than merely to lodge in the Government the power to control all prices of necessaries going abroad? Should we not make it certain that if the open market, the market of the world, is taken away from the farmer, he should be protected in that which he buys in this market? And is it not necessary to go further than that and provide that if the farmer's world market is taken away from him the same rule shall be applied to the manufacturer of steel or any other prime necessity?

Mr. KELLOGG. I think that should be made clear, and I believe it is clear in this bill that the same power exists to control the markets of the world, so far as exports are concerned, in relation to iron and steel products as in relation to farm products. The only doubt I have is whether necessaries should not be defined in section 5 the same as they are in section 1; and I do not believe the authors of the bill would have any objection to including them.

The prices of agricultural products to the farmer are not as great as the prices of the other leading products of the country, such as iron, steel, copper, coal, and so forth, or the profits of the manufacturers and dealers therein. I am aware that all products have enormously increased in price, due undoubtedly to several contributory causes—inflation in the circulating medium of the world, discussed the other day by the Senator from Missouri; scarcity due to the war, speculation, and unreasonable profits due to the demand exceeding the supply—and all things have combined until it is felt that it is necessary for the Government temporarily to lay the strong hand of the law upon these productive and economic agencies during the war.

The farmer has, to be sure, received good prices in the last two years, but he has not received all the benefits of these high prices. The greater proportion has gone to the middleman, merchant, and speculator.

Take the price of wheat. I send to the desk and ask to have printed in the RECORD as a part of my remarks a statement showing the wheat marketed in the principal terminals of Minneapolis, Duluth, Chicago, and Kansas City, together with a

list of the prices during the various months of the years 1915, 1916, and 1917.

Receipts of wheat, computed by periods.

FALL PERIOD—SEPTEMBER, OCTOBER, NOVEMBER, AND DECEMBER.

[Total bushels.]

Period.	Year.	Minneapolis.	Duluth.	Chicago.	Kansas City.
Fall	1915	96,281,480	84,355,666	29,248,000	34,079,050
Do	1916	53,948,340	19,563,880	22,308,000	28,165,050
SPRING PERIOD—JANUARY, FEBRUARY, MARCH, AND APRIL.					
Spring	1916	40,624,080	18,130,133	26,979,000	19,192,950
Do	1917	33,440,850	7,102,437	13,493,000	13,219,750

Cash prices of wheat August, 1915, to June, 1916.

	Chicago.		Minneapolis.	
	No. 2 red.	No. 2 hard.	No. 1 northern.	No. 2 northern.
1915.				
August	105½–110½	107½–13)	110½–153½	105½–155
September	98½–190	99½–117	99½–118	89 –105½
October	107½–120½	107 –116½	99 –115½	95½–111½
November	111 –114½	104 –103½	102½–110	98½–105½
December	110½–125	105½–126½	105 –126½	102 –123½
1916.				
January	121½–130	118½–135	119½–130½	118½–133½
February	113½–133½	112 –132½	118½–137	111½–136½
March	109 –114½	105½–115½	109½–118½	108½–120½
April	117 –125½	113½–122½	119 –128	118 –126½
May	107½–122½	103 –120½	117 –123	109½–128½
June	102 –107½	98½–107½	107½–115	106½–116½
July	104 –128½	105 –130	110 –132	107½–129½
August	126 –155½	122 –163½	126½–164½	123½–164½
September	140½–159½	141 –170	150 –171½	151 –167½
October	157½–188	159½–201	164 –202	163½–184½
November	174 –189	177½–200	165 –200	185 –200
December	167 –180½	142½–183½	155½–190	159½–187½
1917.				
January	183 –203	184 –199½	185 –205	171½–193½
February	171 –202	160 –187½	164 –183½	166½–192½
March	199 –204	178 –204½	182½–203	183½–210
April	207½–204	207 –201½	205½–295½	194½–261½

Take the year 1917, in which we have had such abnormally high prices. The great bulk of the farmer's grain was marketed during the four months of September, October, November, and December. The average prices paid at the terminals during those four months were between $1.40 and $1.75 a bushel, and the farmer received very much less. That was the price at the terminal. From that price was deducted the elevator carrying charges, freight, and so forth. But during the months from January to June of the present year the prices have been all the way from two to three dollars per bushel, and during some of the time considerably over $3 a bushel at the same terminals, during which time the farmer has marketed a small amount of his grain as compared with what he marketed during the four months last fall.

The prices of other products have increased much more than the price of farm products. It is a well-known fact that prices of coal, iron, steel, copper, fertilizer, and petroleum have increased from 100 to 600 per cent in the last two years. So that everything the farmer buys, as well as the great leading products which the Government must buy in enormous quantities to carry on the war, are at abnormally high prices. I am not blaming the manufacturers and dealers for making a good profit; I am simply saying that if we are going to fix the price of farm products let us not stop there, and I warn this Senate that you can not do that without bringing disaster to this country.

I am aware that in this open market there have been speculations, hoardings, and enormous increases in prices, due to the fact that people can get the price; and it is probably necessary—I believe it to be necessary—for the Government to regulate distributing activities. But let us not begin and end our regulation on the farm, because the prosperity of the farmers of this country means the prosperity and the strength of the Nation.

While Congress is considering this question of prices, production and sale, all the great industries of the country, except agriculture, are organized and have their representatives here in Washington to furnish information and look out for their interests. Labor is organized, capital is organized; coal producers and iron manufacturers, dealers, millers, importers, and exporters have all been here and given the various committees their views. I am making no complaint of this. It is perfectly proper and wise that it should be so. Congress can only obtain its information from the men who are engaged in the business to be affected—and I am glad to hear the views of these men—but the farmers are unorganized and unrepresented, except by the men who speak for them on the floors of Congress. I do not know of a single farmer who has been before these committees giving his views as to the cost of raising wheat, or the profits.

Mr. REED. Mr. President, will the Senator yield to me again?

Mr. KELLOGG. I yield to the Senator from Missouri.

Mr. REED. The Senator speaks of those who have appeared before the committees of Congress. I call his attention to the fact that there is in Washington an advisory committee which is now engaged in buying and conducting negotiations for the purchase of all the immense supplies of our Government, and which, in addition to that, appears to be taking over the control of the market.

Upon that advisory committee all the great business institutions of the country, so far as I know, are represented, and will be represented, I take it, when it comes to the matter of price fixing for the future; but does the Senator know of any potential representation on behalf of the farmer?

Mr. KELLOGG. I am not sure about that. I think I have been informed that on that committee there was a representative of one of the grange organizations of the country. The Senator from North Dakota can give me that information.

Mr. GRONNA. I do not know of any such representative.

Mr. KELLOGG. Well, perhaps not. I am not sure as to that. I do not wish to reflect in the slightest degree upon the gentlemen composing the Council of National Defense. I believe this Government must obtain information and assistance from the business men of the country, and it is not the fault of these other enterprising business men, of course, that the farmer is not represented; but he is in no position to be represented. He is the small holder, the owner and manager of his farm. He is not working eight hours a day; he is working from daylight until dark.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator? I am not so sure but that this bill does that very thing, in section 9. It provides:

> That whenever the President shall find it necessary to secure an adequate supply of necessaries for the support of the Army or the maintenance of the Navy, or for any other public use connected with the common defense, he is authorized to requisition and take over—

And so forth. So that if these plants are charging an unjust price, the Government has the power to take charge of them, and operate them itself.

Mr. KELLOGG. The Government undoubtedly has power to commandeer and to fix the price for all products necessary for the Army and the Navy; and I believe it is the intention of the committee to give the Government the same power to fix the prices of other products, as in the case of wheat and various food products, if it is going into that business.

Mr. CHAMBERLAIN. Yes; and I will say—I do not know whether all of the committee agree with me in this proposition or not; I know, in fact, that one or two of them do not agree with me—but I believe that under the war power vested in Congress by the Constitution they can do almost anything under that provision for any other public use connected with the public defense. I think that under that general power—and that is using the constitutional language—the Government could take these plants and operate them whenever they saw that an unjust burden was being placed upon the farming community or any other portion of the population.

Mr. KELLOGG. It may be that that power exists, but I should like to ask the Senator in charge of the bill if he would have any objection, under subdivision "(b)," page 11, to including necessaries as defined by subdivision 1 with foods, feeds, and fuels?

Mr. CHAMBERLAIN. I will say that I would not have any objection to that. The words "and other supplies" were thought by the committee to be even more comprehensive than the word "necessaries" as embraced within the first section.

Mr. KELLOGG. All I desire is to make sure that that power is there. I have not, of course, had time, since the bill came from the committee yesterday, to examine it critically. I was somewhat familiar with the bill and with the work of the committee before that.

Mr. SMITH of Michigan. Mr. President, it seems to me, if the Senator will pardon me, that the farmers have many champions here who can safely be trusted to guard their interests, and a very good representative in the Senator from Minnesota. I hope the farmers are not unrepresented. The Senator from Minnesota has been saying some very valuable things to his

colleagues in favor of the farmer, and other Senators do it every day here.

Mr. REED. May I call attention to the fact that the farmers, however, are not making these contracts or controlling these prices?

Mr. SMITH of Michigan. No; but Senators will make the laws, and it is their right to do so under the Constitution.

Mr. REED. Yes; and we are proposing now to make laws turning over to somebody else the question of fixing prices. The point I am calling attention to is that the board or the men who constitute this board that is making these prices will probably control largely in the future, and that there is no farmer there to protect him.

Mr. SMITH of Michigan. If the Senator from Minnesota will pardon me, I simply desired to make that observation because it is so notorious and has been ever since I have been here, that the interests of the farmer are guarded with very great jealousy by Representatives in both Houses of Congress. I have been very much interested in what the Senator from Minnesota has said about the necessity of giving power to fix the prices of products other than food, feed, and fuel. The farmer must have steel if he cultivates his fields and performs the duties that fall to the lot of an agriculturist. He must have those products; and if the Government fixes a low price for steel for its own use and the Government buys what it needs, what will the farmer pay without any compelling power?

Mr. KELLOGG. Mr. President, I did not mean to be understood as intimating or holding the opinion that the Members of the Senate and the House have not looked after the interests of the farmer.

Mr. SMITH of Michigan. Mr. President, the Senator from Oregon refers to a general power that is distinctly and emphatically conferred. For instance, in our naval bill we gave the President $115,000,000 that he could expend as he saw fit, in addition to the naval program of the Government. We have appropriated $500,000,000 for ships. The Government will be a purchaser to the extent of billions of dollars, and it will buy these products that other citizens may need in order to carry on the industrial and commercial life of the Nation. If the farmers are left with a bare moiety from which to obtain their supplies, with no legislation to aid them, they are bound to pay higher prices than they are paying now, while the price of their own products is to be fixed by law.

Mr. KELLOGG. Mr. President, I hope to be through in a moment, but I wish to make it perfectly clear that this bill shall not leave the farmer to obtain his supplies at any cost, while protecting the public generally against excessive prices of food products. When we provide for the machinery to protect all the people, including the farmer, we must, of course, leave the execution of the law to the executives of the Nation. Everybody is demanding the reduction of food prices. All the manufacturers and dealers are demanding a reduction in the price of the necessaries of life, except those furnished by themselves. The farmer is in the minority in this country, and I fear that the men who will fix the price of farm products under this bill, if it is done at all, will be the representatives of labor, capital, and industry other than that of farming. I hope not. I can not see why it should be the object of the Government if, looking at this question in its broader light, to unreasonably reduce the prices of farm products. But men are more or less selfish; and I believe that the very foundation of our prosperity and strength in this war rests in the prosperity of the farmers of this country.

While I do not claim to be a spokesman for the farmer, as indicated by the Senator from Michigan——

Mr. SMITH of Michigan. The Senator is a good representative.

Mr. KELLOGG. I live in a farming community, and in my youth I helped to grub out a living on a frontier farm. Not only do I know farming life from its practical side, but I believe I realize the supreme importance to this Nation of the highest development of agriculture. In all times the prosperity and greatness of the nations of the world have been based upon agricultural pursuits. The roots of all great civilizations spring from the soil.

The degeneration which is going on in the centers of population, like our large cities, is a terrible drain upon the Nation, which is being made good from the blood, sinew, and brain of the land.

Nothing is of greater importance than that we maintain the independence and individual proprietorship, the prosperity, and attractiveness of farm life. It is the small farmer, the owner of the soil, who has enabled France to stand the shock of war and maintain the greatest struggle of all time. Show me a nation whose industries are based upon the independent, prosperous proprietor of the soil and I will show you a great nation. Show me a nation where agriculture declines and I will show you a decadent nation. It has been the history of the world since the doings of men have been recorded. The greatest civilizations have sprung from the fertile valleys and plains of the world.

There are many provisions of this bill besides the price-fixing power which are undoubtedly wise, such as the provisions which eliminate speculation, prevent hoarding and waste, and regulate the storage and handling of products and the sale and distribution thereof. There has undoubtedly been hoarding and undue speculation. I have before me the reports of the United States Department of Agriculture showing the storage of the principal products in the various cold-storage houses in this country in the months of May and June, 1917, as compared with May and June, 1916, the principal products being butter, cheese, eggs, frozen and cured meats; and although there is a shortage in many of these articles and enormous increase in the cost to the people, these statements show a startling increase in the amount in storage over a year ago. In frozen poultry the increase in June, 1917, over June, 1916, was 487.3 per cent.

The amount was not small. It constituted over 38,000,000 pounds in June, 1917, and a little over 6,000,000 pounds in June, 1916.

This is the most startling of the increases, but generally there is a large increase. For instance, cured beef, 59.7 per cent; all frozen and cured meats, 15.4 per cent. I have made up a statement, which I ask to be included in the RECORD as a part of my remarks.

Cold-storage holdings.

[Extracted from reports published by United States Department of Agriculture.]

Commodity.	Number of firms reporting annually.	June 1, 1916.	June 1, 1917.	Percentage.	
				Increase.	Decrease.
Creamery butter, pounds	217	7,016,731	8,431,140	20.2	
Cheese, do	223	7,300,893	7,880,024	7.7	
Frozen eggs, do	81	4,176,486	5,769,669	38.1	
Eggs, cases	279	4,593,107	4,227,853		7.9
Frozen beef, pounds	167	73,025,183	84,260,553	15.4	
Cured beef, do	199	17,324,223	27,668,631	59.7	
Frozen pork, do	152	83,194,761	61,174,483		26.5
Dry salt pork, do	251	206,008,047	182,016,903		11.6
Sweet pickled pork, do	313	326,182,798	331,917,184	1.8	
Lard, do	290	85,113,315	57,143,896		32.9
Frozen lamb and mutton, pounds	77	2,525,113	2,643,867	4.7	
Total poultry, do	107	6,559,048	38,521,441	487.3	

Is it not strange that with the scarcity and high prices of food products these products, butter, cheese, eggs, poultry, and cured and frozen meats should be in storage in this country in such enormously increased quantities?

Mr. President, I am not making any argument against the producers, manufacturers, and merchants making a good profit. I believe, however, in times of extraordinary demand, in times of scarcity and rising prices there has been undue hoarding and speculation. If we are to believe all the testimony we have and the statement of the department, that must be true. If it is not so, this bill will not harm them. If there is no undue speculation and undue hoarding of these necessaries of life, then the power vested here can not injure them. I certainly do not wish the Government to lay its hands upon the enterprising American citizen, upon any legitimate business, whether it is the packers, the manufacturers, the railroad men, or the farmers. I do not believe that the Government should do that except in a case of necessity at a time of unusual demand, when the Government is requiring all the resources and power of the Nation to meet this great struggle. I do not believe that the Government should take over all the business of the country——

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. Does the Senator from Minnesota yield?

Mr. KELLOGG. I yield to the Senator from North Dakota.

Mr. GRONNA. Is it not possible that the evil of which the Senator has spoken will be remedied by giving the President of the United States authority to fix the storage charges in the first place. Then in section 8 of the bill we give him authority to go in the open market and buy at not less than the price fixed, if the price has been fixed, but to sell at any prices he sees fit. Would not that of itself be the means to bring down the high prices of which the Senator has spoken?

Mr. KELLOGG. I think so. I suppose that was the object of the bill and I believe it should be enacted into law. I believe the Government must exercise great care when it fixes charges for this business, and it should only exercise the power in a great exigency when it is necessary to protect the Nation.

These statements show that speculators have been taking advantage of the necessities of the people and have been unduly hoarding and obtaining exorbitant profits. Undoubtedly, also, in the purchase of grain, coal, iron, steel, and other products advantage has been taken of the fact that there was a scarcity. It has been stated before that on the Chicago Board of Trade whenever a foreign country would make a bid for wheat, their intention to buy was disclosed or information was given out in some manner and speculators got word of the intended purchase and made enormous purchases for speculative purposes.

These statements do not come from the agitators. They come from the organized purchasers of grain for milling in this country. They state that the legitimate milling business of this country has been hampered by undue speculation or purchases following the Government purchases on the boards of trade, and the large milling interest and the small milling interests and the people generally have suffered by it.

For this reason I believe it is necessary that the Government should control the purchase for foreign countries during the war. I do not believe it should be a permanent policy. I believe we should in times of peace encourage the open market and the widest world commerce, and enable our people to reap the greatest profit they can in competition with other nations; that we should not place burdens and restrictions upon our people which foreign nations do not place upon their people.

Our foreign commerce affords the greatest single market for our products, and its maintenance is of the most vital interest to the farmers, producers, and manufacturers. When this war closes we are going to meet a competition in foreign trade by the nations of Europe, which will be forced to manufacture, produce, and sell at any cost to support their people and to pay the interest upon their enormous debts. I do not wish to see placed upon the farmers, manufacturers, or the exporters of this country any burdens or any restrictions that are unreasonable and which will in the slightest degree incapacitate them from meeting this great world competition. We are a surplus-producing people, and we must keep open for our people the markets of the world, but this war has shaken the foundation of the commercial world and the economic law of supply and demand and competition. It has caused an abnormal demand upon our resources to support the allied nations, their armies and navies, and our own likewise. It has become necessary that our markets and the markets of the world be controlled for the prosecution of the war. It is only for that reason that I would vote to give this Government such unparalleled power.

Mr. VARDAMAN. Will the Senator yield to me for a suggestion just at that point?

Mr. KELLOGG. I yield to the Senator from Mississippi.

Mr. VARDAMAN. I find in the bill a provision prohibiting the manufacture of beer and whisky, but there is no provision prohibiting the importation of beer and whisky into this country. Does not the Senator think the bill should contain something of that character, to prohibit the importation of beer from Canada, or other countries? With the Senator's permission, I desire to call the attention of the chairman of the committee to that evident omission. I think to make the bill perfect in all its details it ought to be looked over, and the committee ought to provide an amendment covering that point. If we are to prohibit the American people from engaging in this nefarious traffic, the people of other countries should not be permitted to bring the product here.

Mr. KELLOGG. I do not wish to take the time of the Senate to-night to discuss the prohibition features. I imagine, however, that they will be fully discussed before the bill is passed. Of course it is a pertinent suggestion to say that barley may be shipped to Canada and to England and manufactured into beer and the beer shipped back here, but if the Senator will pardon me I will not digress to discuss that provision.

But the farmer has not received these abnormal profits, and the greatest field for this food commission, so called, if its activities are principally to be directed to food products, is to see that the farmer's prices are not unduly depressed; that the market facilities are improved; and the speculator and middleman are not permitted to take all the profits. Reasonable profits in all lines of industry are necessary to the maintenance of production, manufacture, trade, and commerce.

And it is especially necessary, as was said by the Senator from Massachusetts, in view of the fact that we must raise enormous sums in this country from the productivity of the country.

Mr. President, I view with much apprehension the change of our entire industrial policy and this excursion by the Government into fields of commerce and trade. Our activities should be principally to encourage production, prevent undue speculation and hoarding, limit the charges of the middleman to reasonable profits, and to regulate the facilities for storage and marketing. Ordinarily, the great principles of supply and demand, stronger than the laws of Congress, will take care of prices and production, and the province of the Government is to regulate, prevent abuse of power, encourage industry and thrift, and keep open the avenues of enterprise. But in this remarkable period of world history, when the social and economic foundations of nations are shaking, the natural laws of trade and commerce have become ineffectual, and I believe the Government must temporarily take into its hands the control of its material resources.

I hope and believe that that power will be wisely exercised, and, as I have said before, if it is not, we must rely on the great tribunal of public opinion. Let us not, however, as imperial Rome did, crush agriculture to distribute free grain to the cities.

Mr. SWANSON. I ask the Senator from Oregon whether he expects to go on further with the bill to-night?

Mr. CHAMBERLAIN. I will ask the Chair if the House bill has been made the unfinished business?

The VICE PRESIDENT. The bill was temporarily laid aside, that is all.

Mr. CHAMBERLAIN. I move that the House bill be made the unfinished business.

The VICE PRESIDENT. The Senator from Oregon moves that the Senate proceed with the consideration of the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

The motion was agreed to.

Mr. SWANSON. I ask the Senator from Oregon if he will agree to lay it temporarily aside that I may call up a bill from the calendar?

Mr. CHAMBERLAIN. I will ask that the bill be temporarily laid aside.

The VICE PRESIDENT. The bill will be temporarily laid aside.

ARMOR S. HEFFLEY.

Mr. SWANSON. I ask the Senate to proceed to the consideration of the bill (S. 2482) to reinstate Armor S. Heffley as a second lieutenant in the United States Marine Corps.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to reinstate Armor S. Heffley as a second lieutenant in the United States Marine Corps, as an additional number.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representative, by J. C. South, its Chief Clerk, announced that the House insists upon its amendment to the bill (S. 1816) to amend the act to regulate commerce, as amended, and for other purposes, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ADAMSON, Mr. SIMS, and Mr. ESCH managers of the conference on the part of the House.

CONTRACTS FOR WAR MATERIALS (S. DOC. NO. 55).

The VICE PRESIDENT laid before the Senate the following communication from the President of the United States, which was read:

THE WHITE HOUSE,
Washington, June 27, 1917.

MY DEAR MR. VICE PRESIDENT: I transmit herewith a letter from the Secretary of the Navy recommending the enactment of a joint resolution authorizing the advance of public moneys under contracts for war materials.

The recommendation of the Secretary of the Navy has my hearty approval.

Very respectfully, WOODROW WILSON.

THE PRESIDENT OF THE SENATE OF THE UNITED STATES.

The VICE PRESIDENT. The Chair believes that the message and accompanying letter ought to go to the Committee on Military Affairs.

Mr. BRANDEGEE. Is it not a letter from the Secretary of the Navy?

The VICE PRESIDENT. This is the nature of it: The difficulty is in getting sufficient war material without making an advance payment. The law now prohibits an advance payment, the Government to pay for nothing until the material has been delivered. This is asking for an amendment to the law so that under a bond safely protecting the Government against the ad-

vance payment, payment may be made of 30 per cent of the contract. The Chair will refer it to the Committee on Appropriations. That will cover all committees.

Mr. BRANDEGEE. I rose because I thought the Chair had referred it to the Committee on Military Affairs.

The VICE PRESIDENT. The Chair thought it had to do with another matter until he looked at the accompanying letter.

Mr. CHAMBERLAIN. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate took a recess until to-morrow, Friday, June 29, 1917, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 28, 1917.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou great Father-Soul, to whom we are indebted for life and its attendant blessings, our hearts go out in gratitude to Thee for the inherent qualities of mind and soul out of which the many philanthropic organizations have sprung, the object of which is to educate the ignorant, heal the broken hearted, lift up the fallen, and alleviate suffering. Especially do we thank Thee for the great international organization under the banner of the Red Cross which has proved its efficiency in the past and which is doing its work of mercy now in this time of war; for the great preparation it is now making to do the needed work for mankind and especially our soldiers who have been called to the colors. Great is its work and great are its needs. Grant that our people may continue to respond to its call; that it may do its work faithfully, efficiently in this time of stress. Through Him who taught us mercy and love. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed Senate bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 1854. An act to save daylight and to provide standard time for the United States.

RELIEF FROM ASSESSMENT WORK ON ACCOUNT OF MILITARY SERVICE.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate joint resolution 33 and consider it.

Mr. MADDEN. What is it?

Mr. FOSTER. It is a resolution to relieve——

Mr. STAFFORD. Let us have it reported.

Mr. FOSTER. Certainly.

The SPEAKER. Is a similar resolution or anything of the sort——

Mr. FOSTER. No; there is not.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the Senate joint resolution, which the Clerk will report.

The Clerk read as follows:

Joint resolution (S. J. Res. 33) to relieve the owners of mining claims who have been mustered into the military or naval service of the United States as officers or enlisted men from performing assessment work during the term of such service.

Resolved, etc., That the provisions of section 2324 of the Revised Statutes of the United States, which require that on each mining claim located after the 10th day of May, 1872, and until patent has been issued therefor, not less than $100 worth of labor shall be performed or improvements made during each year, shall not apply to claims or parts of claims owned by officers or enlisted men who have been mustered into the military or naval service of the United States, so that no mining claim or any part thereof owned by such person which has been regularly located and recorded shall be subject to forfeiture for nonperformance of the annual assessments until six months after such owner is mustered out of the service or until six months after his death in the service: *Provided*, That the claimant of any mining location, in order to obtain the benefits of this resolution, shall file, or cause to be filed, in the office where the location notice or certificate is recorded, within 90 days from and after the passage and approval of this resolution, a notice of his muster into the service of the United States and of his desire to hold said mining claim under this resolution.

Mr. MONDELL. Mr. Speaker, reserving the right to object, I do not know whether this bill is actually in the form in which it was at the time I read it some days ago; but when I read it I thought, from a somewhat hurried reading—and that impression is strengthened by the reading at the desk—that an amendment should be made. Would the gentleman have any objection to having this go over for a short time?

Mr. FOSTER. Well, I will ask the gentleman this: Does the gentleman refer to the proviso?

Mr. MONDELL. No. My objection, if it is well founded, refers to the question as to whether it protects the locator against contest that might be filed after the service, for failure to comply with the law during the service. I think a delay of a few hours would make no particular difference; and if the gentleman does not object——

Mr. HAYDEN. If the gentleman from Illinois will permit, I will say to the gentleman from Wyoming that this bill is identical with the act which I introduced in the last Congress and which we passed through the House on the 19th of last February with his able assistance, but which failed to receive consideration in the Senate. The Senate has now passed my bill with some slight changes. The only difference between the two is that the act we passed last February referred to the National Guard, or Organized Militia, at that time on duty on the Mexican border and this act says "military service of the United States," so that it now extends to men of the Army and Navy, the Marine Corps, the National Guard, or anybody else now in the service.

Mr. STAFFORD. Will the gentleman yield? Congress during the Spanish-American War passed a similar act, July 2, 1898, which contained a further provision in section 3 which did not throw the protecting arm of this bill to instances where the claim was owned by others in common with the owner who enlisted, as to those other part owners.

Mr. HAYDEN. I submitted the original act of 1898 to the officials of the Interior Department, and they drafted the bill which I introduced in the last Congress. This bill is in the same form in which it passed the House last February.

Mr. STAFFORD. I wish to inquire, where there is a claim owned in common with others, one of whom enters the service of the United States and these others fail to perform, whether they would have their rights as well intact under this law?

Mr. HAYDEN. The law is intended to protect the owner of a mining claim who enlists in the military service of the United States, and nobody else.

Mr. STAFFORD. The gentleman is not answering the question I propounded to him. Mr. Speaker, I wish to direct the attention of the chairman of the Committee on Mines and Mining, and also the attention of the gentleman from Arizona [Mr. HAYDEN] to the language of the act that I refer to:

SEC. 3. That if any such enlisted soldier or sailor as a coowner or coowners in any mining claim, and who are not in the Army or Navy, and such coowner or coowners fail to do such a proportion of $100 worth of work per annum as the interest of such nonenlisted person or persons bears to the whole claim, then such interest shall be open to relocation by any other qualified person or persons by their doing the necessary work thereon and filing an affidavit of labor showing the forfeiture and that the relocators had done the annual work required of such nonenlisted persons and succeeded them in right under this act, which work may be done at any time after the expiration of the assessment year and before the former owners resume work thereon. The work and affidavit aforesaid shall operate as a transfer of said forfeited interest from the former owners to said relocators.

Now, I wish to direct this inquiry, whether with the passage of this bill in its present form we would take away from other parties the right of relocating, so far as the rights of coowners are concerned, who have failed to perform their $100 worth of work during the year? Of course, there is no objection whatever to exempting those who enlist from the performance of their $100 worth of work under the mining claim.

Mr. FOSTER. I do not think it affects the coowners at all. This only affects the interest of the miner who enlists and can not affect those who have not enlisted and own a portion of that mine.

Mr. HAYDEN. That was the interpretation that the Department of the Interior placed upon that law when I took it up with them. They said that such legislation was unnecessary, and therefore it is left out of this draft of the bill.

Mr. STAFFORD. If they fail to perform their required quota of work, they lose their rights?

Mr. HAYDEN. Exactly so. This applies to soldiers or sailors, and nobody else.

Mr. FRENCH. Is it not true that the committee is considering a bill that will even provide for the exemption of all those who have located mining claims during the period of the war? It seems to me that it is a very desirable thing at this time.

Mr. FOSTER. The committee has under consideration now a bill to relieve all those who have located mining claims from doing the assessment work during the war. But the bill has not yet been reported. We have not yet had an answer from the department in reference to it, and so we wanted to get this bill through in order that these boys who enlist in the Army or Navy or Marine Corps may be relieved and know where they stand with reference to their mining claims.

Mr. FRENCH. The gentleman has answered practically the query that I made. It seems to me that it is important that this bill pass now, but that also we should follow up this legislation with legislation that will excuse all who have these mining entries, because the condition of the farms, the demand for labor on the farms and in the orchards, and so on, is so great that it occurs to me that the man who has an interest in a mining claim can very much more profitably be employed on a farm, or in a mill, or in an orchard, than he can be employed by requiring him to do his assessment work during the period of this war. And I think we should press for consideration the bill that the chairman of the committee has just referred to, a little later on, but that this one should pass now.

Mr. STAFFORD. I would like to inquire of the gentleman whether under the language of the resolution, in case a soldier has enlisted it would exempt his claim from forfeiture provided he had not performed the work in prior years and is in default for many years.

Mr. FOSTER. Oh, no.

Mr. STAFFORD. It does not say so.

Mr. HAYDEN. We can not pass an ex-post facto law.

Mr. STAFFORD. I beg the gentleman's pardon. We can adopt any condition whatever on the right of the claimant to perform all the conditions of entry or waive any such conditions.

Mr. MONDELL. Mr. Speaker, reserving the right to object, I still think that the objection I have to the legislation is well based, and I would like to talk to the chairman of the committee as to the matter. So I shall have to object for the present. We can take the bill up later.

The SPEAKER. The gentleman from Wyoming objects.

RELIEF OF HOMESTEAD ENTRYMEN IN MILITARY AND NAVAL SERVICE.

Mr. FERRIS. Mr. Speaker, I call up and ask unanimous consent for the further consideration of the bill H. R. 4991, there being a similar Senate bill on the calendar.

The SPEAKER. A similar House bill or a similar Senate bill?

Mr. FERRIS. A similar Senate bill. I ask unanimous consent.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent for the present consideration of the bill H. R. 4991, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 4991) providing for the counting of military service in the Army and Navy of the United States as equivalent to residence and cultivation upon homestead entries, and in the event of the soldier's death in such service, providing for the issuance of patent for such land to his widow or minor children.

Mr. GILLETT. Mr. Speaker, I would like to ask if it was reported unanimously by the committee?

Mr. FERRIS. Yes; and it was passed by the Senate two or three weeks ago.

The SPEAKER. The Clerk will report the Senate bill.

Mr. FERRIS. The number of the bill is S. 1811, and it is on the Speaker's table.

EXTENSION OF REMARKS.

Mr. HARDY. Mr. Speaker, I ask leave to file a petition sent to me on the subject of prohibition.

The SPEAKER. The gentleman has a right to file it without asking any leave to do so.

RELIEF BECAUSE OF MILITARY SERVICE.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

An act (S. 1811) providing for the counting of service in the Army or Navy of the United States as equivalent to residence and cultivation upon homestead entries, and in the event of the soldier's death in such service providing for the issuance of patent for such land to his widow or minor children.

Be it enacted, etc. That in every case in which a settler on the public land of the United States under the homestead laws enlists or is actually engaged in the military or naval service of the United States as a private soldier, officer, seaman, marine, National Guardsman, or member of any other organization for offense or defense authorized by Congress during the existing war with Germany, or during any other war in which the United States may be engaged, his services therein shall, in the administration of the homestead laws, be construed to be equivalent to all intents and purposes to residence and cultivation for the same length of time upon the tract entered or settled upon; and hereafter no contest shall be initiated on the ground of abandonment, nor allegation of abandonment sustained against any such settler, unless it shall be alleged in the preliminary affidavit or affidavits of contest and proved at the hearing in cases hereafter initiated that the settler's alleged absence from the land was not due to his employment in such service; that if such settler shall be discharged on account of wounds received or disability incurred in the line of duty, then the term of his enlistment shall be deducted from the required length of residence without reference to the time of actual service.

SEC. 2. That in every case in which a settler on the public lands of the United States under the homestend laws dies while actually engaged in the military or naval service of the United States as private soldier, officer, seaman, marine, National Guardsman, or member of any other organization for offense or defense authorized by Congress during the existing war with Germany, or during any other war in which the United States may be engaged, his widow, if unmarried, or in case of her death or marriage, then his minor orphan children, or his or their legal representatives, may proceed forthwith to make final proof upon the land so entered and held by the deceased soldier and settler, and shall be entitled to receive Government patent for such land; and that the death of such soldier while so engaged in the service of the United States shall, in the administration of the homestead laws, be construed to be equivalent to a performance of all requirements as to residence and cultivation upon such homestead.

The SPEAKER. Is there objection?

Mr. NORTON. Reserving the right to object, Mr. Speaker, will the gentleman explain the change this bill makes in the existing law?

Mr. FERRIS. The only far-reaching change that it makes is that it includes National Guardsmen, and it gives the same relief to the man now serving his country in time of war as it has given in the case of prior wars and as was given prior to the enactment of the recent National Guard bill. Under the old law the National Guardsmen were not entitled to this relief, but now that they are covered into the regular service and rendering the same service as the Regulars, they are entitled to the same relief on their homesteads as the Regular soldiers would receive.

Mr. NORTON. Those serving in the National Guard engaged with the United States Army are allowed time in homesteading?

Mr. FERRIS. That is true.

Mr. NORTON. Does this act permit one who is in that service to be allowed time for the time spent in the service?

Mr. FERRIS. It allows everyone serving in the war to be given credit on his homestead for the time he is serving his country and his flag.

Mr. NORTON. Does it permit him to make entry on that account?

Mr. FERRIS. No; it does not give him the right of entry, and none of the other prior war-time relief acts have granted him that right.

Mr. NORTON. In other words, he must have been an entryman before he enters the service?

Mr. FERRIS. Yes.

Mr. LITTLE. Mr. Speaker, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. LITTLE. Did the law of 1898 refer to volunteer soldiers?

Mr. FERRIS. It referred to every class of soldiers except National Guardsmen.

Mr. LITTLE. Did it use the word "volunteer"?

Mr. FERRIS. I have not before me the act, but I think it included all but National Guardsmen—all men in the Regular Army service.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. FERRIS. Certainly.

Mr. STAFFORD. I notice, in comparing the House bill with the Senate bill, and in comparing both bills with the existing statute, that in the Senate bill there is a proviso which has been left out in the Senate bill, namely, the language covered in lines 17 to 19 of the House bill, which provide that "no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year."

Mr. FERRIS. That is true. We did not want to give a homestead—and the law has never provided for that—to the man who has not lived on it at all.

Mr. STAFFORD. I understand the gentleman favors that proposition?

Mr. FERRIS. Yes.

Mr. STAFFORD. That is not included in the Senate bill.

Mr. FERRIS. The Senate bill passed and came over here without any report from the department at all concerning it. We took no action on it in that form. It was held on the Speaker's table. We sent it down immediately to the department and got a report on it. They objected to the bill unless that provision was in, so that we incorporated in the bill the provision insisted upon by the department, and it is now in the bill, and I am going to ask to strike out all after the enacting clause of the Senate bill and put in our bill, which has had a favorable report from the committee, and a favorable report from the Interior Department and from everybody who has had anything to do with it.

Mr. STAFFORD. I notice, too, that it differs in this particular, that in case of the death of the claimant soldier you extend such rights to his heirs in addition to his legal representatives.

Mr. TAYLOR of Colorado. Mr. Speaker, if the gentleman from Oklahoma will permit, that provision is in the law now. That is the general law now.

Mr. STAFFORD. Why should we extend this privilege to outsiders, you might say, distant relatives, who may not have a real direct interest? Everyone is willing to confer this right upon the soldier and his widow, and if there is no widow or she marries again, then to his minor children. But why give it to the collateral heirs who might have no claim on the bounty or gratuity of the Government?

Mr. FERRIS. I thought that in the case where a homesteader had gone a long way toward earning his homestead and had put up his buildings and his house and had almost earned his homestead, it might as well pass to his heirs. But I will say to the gentleman that I am not keen about that.

Mr. MONDELL. Let me make this suggestion——

Mr. FERRIS. Yes.

Mr. MONDELL. This is a matter of protecting the soldier's property rights, and if the soldier loses his life the Government should not object to protecting his property rights in the homestead.

Mr. STAFFORD. You would confer that right upon the widow and then upon the minor children?

Mr. MONDELL. Yes.

Mr. STAFFORD. I think that would be adequate protection, without extending it to some distant relative or to his cousins or his aunts, or even to his forty-second cousins.

Mr. MONDELL. The soldier may have obligations. Most of these entrymen have obligations. You should not take from him perhaps the only piece of property he has with which those obligations might be met.

Mr. STAFFORD. The gentleman is considering the creditors. I am considering only the entryman and his immediate relatives. I do not think the bounty of the Government should be conferred on distant relatives.

Mr. FERRIS. If that does not meet with the approval of the gentleman from Wisconsin, of course we will have to meet his objection. But suppose a homesteader had resided on his claim for 2 years and had served in the Army, say, 10 months, and only 2 months remained until he got title to his homestead. Now, suppose he is a single man—and a good many of them are single men who will serve in this war. If it was taken from him, it would not be a proposition of saving something to the Government, but it would be a proposition of some other homesteader acquiring the other man's improvements—his house and his peach trees and his flowers—without having made the effort to produce them himself. I fear it might allow claim jumpers to avail themselves of the work and achievement of a man who fell in defense of his country.

Mr. STAFFORD. Even granting that point, does not the gentleman think that ought to go to his immediate relatives and not to some distant and collateral heirs? I object to the word "heirs." We would have a multiplicity of contests to determine who those heirs are. Let it accrue to his immediate relatives, if he has any.

Mr. RAKER. Mr. Speaker, will the gentleman yield for a question?

Mr. FERRIS. Yes; I yield.

Mr. RAKER. The word "heirs," on line 4, page 3, was inserted by the committee, and I think by mistake. I want to call the attention of the gentleman to this, that the way that language now reads, and the way it reads in the bill without amendment is the way it reads in the law now, and it ought not to be changed.

Mr. STAFFORD. Then, the gentleman approves my position?

Mr. RAKER. I think the gentleman's position is absolutely correct.

Mr. LENROOT. If I may suggest to the gentleman, if the word "heirs" is stricken out, it will still leave the law existing so that the heirs may go on and have credit for the time that the entryman has occupied.

Mr. FERRIS. That is very true.

Mr. MILLER of Minnesota. If the gentleman will allow me to suggest, when these National Guardsmen are finally taken into the Federal service they will then come under the provisions of the law, so far as their homestead rights are concerned.

Mr. FERRIS. They would when finally covered in, but we have three armies now—the national army, which is the conscript army, the National Guardsmen, and then the Regulars. Some of these organizations may or may not be covered in; but whether they are or not, they are held in training camps, and to do coast duty and home-guard duty, so that they are prevented from either residing on their claims or doing the required work on them.

Mr. MILLER of Minnesota. I agree with the gentleman entirely on that. The National Guardsmen are being summoned to their respective residences, recruits are constantly being secured, the public are urging men to go into the National Guard, and we ought to protect their rights, even though they are not technically in the Federal service. From the time they enlist in the National Guard their rights ought to be protected.

Mr. FERRIS. I think that is undoubtedly true, and I am glad the proposition meets with the gentleman's approval.

Mr. MONDELL. Now, if the gentleman will allow, I think the word "or," in line 5, page 1 of the House bill, should be stricken out and the word "and" inserted, or, if that is not done, the words "actually engaged" should be stricken out, in order to prevent the possibility of entries being made by men after they have enlisted.

Mr. STAFFORD. Mr. Speaker, we can not hear this private conversation which is going on over there.

Mr. NORTON. Mr. Speaker, I make the point of order that the House is not in order.

The SPEAKER. The point of order is sustained, and gentlemen will please speak so they can be heard.

Mr. MONDELL. Mr. Speaker, reserving the right to object, it seems to me there is only one possible objection to the legislation, and that is that it might be used as a vehicle for making homestead entries after men were in the service, with the view to securing the benefits of the act. No one wants that done.

Mr. FERRIS. No.

Mr. MONDELL. That would be entirely cured and the act not changed at all if the words "or is actually engaged" were stricken out, or if the word "or," in line 5, page 1, were stricken out and the word "and" substituted.

Mr. FERRIS. We are glad to accept that amendment.

Mr. LITTLE. Do you mean to penalize a man who goes into the Army and take away a right that he now has?

Mr. MONDELL. Not at all, but a man who was actually in the service could not make an entry or go upon the land, and under this law the effort might be made, and I think would be made, to encourage men, after they had entered the service, to attempt to make entries with a view to securing the benefits of this act.

Mr. LITTLE. I hope so. I hope that effort will be made.

Mr. MONDELL. I think it would be very unfortunate indeed if it should be.

Mr. LITTLE. I hope the chairman of the committee will not accede to any amendment which will take away a man's rights after he has entered the Army.

Mr. FERRIS. He has not that right now.

Mr. LITTLE. He has a right to make an entry, and the gentleman's amendment deprives him of the right as soon as he enters the Army.

Mr. CALDWELL. An hour before he goes in he can make his entry, but not after he gets in.

Mr. LITTLE. I hope he will be allowed to make his entry after he gets in. I am opposed to penalizing men who go to fight for their country.

Mr. BLAND. He will have all the rights he ever had.

Mr. LITTLE. Not if this amendment is adopted.

Mr. STAFFORD. Will the gentleman from Oklahoma state the proposal of the gentleman from Wyoming that he thought should be adopted?

Mr. FERRIS. On page 1, line 5, the gentleman from Wyoming suggests that we strike out the word "or" and insert the word "and."

Mr. STAFFORD. Page 1, line 5, of the House bill?

Mr. FERRIS. Of the House bill. The gentleman from Kansas [Mr. LITTLE] was of the opinion that that might penalize men in the service. Of course, as a matter of fact, a man in the service now can not make a homestead entry, and I do not think this is very important. As far as I am concerned I am perfectly willing to accept the amendment; but the House can vote on it. The gentleman from Wyoming can offer it.

Mr. LITTLE. Do I understand the gentleman to say that a man in the Army can not now make a homestead entry?

Mr. FERRIS. A man in the service can not now make an entry.

Mr. LITTLE. If he can not, then this does not apply.

Mr. LENROOT. What law now prevents a man in actual service from making a homestead entry?

Mr. FERRIS. He can not make it because he can not establish his residence.

Mr. LENROOT. But residence is not required previous to entry, is it?

Mr. FERRIS. No.

Mr. LENROOT. Therefore he can make his entry.

Mr. FERRIS. But he has got to establish his residence on the land, so that entering the service makes him incapable of perfecting his entry.

Mr. LENROOT. Of course, you gentlemen from the West do not want to have a situation where all your public lands could

be taken up by men in the Army without any cultivation. I am a little afraid——

Mr. WALSH. Mr. Speaker, the private conversation which is going on over there does not assist the House any in the consideration of this bill, because we can not hear it.

The SPEAKER. The Chair has tried his best to make it public several times.

Mr. FERRIS. I hope the gentleman from Massachusetts will let us have an opportunity to answer any question in which he is interested.

Mr. NORTON. Mr. Speaker, as far as I can see, there is no provision in this bill for a woman who may have a homestead entry, and who may enlist in the Red Cross and go into the war.

Mr. FERRIS. She is as much an entryman as a man, and so, of course, would be included.

Mr. NORTON. There is another section of this bill which provides that in the case of the death of the entryman his widow shall inherit his rights under the entry; but throughout the bill there is no provision to cover the case of a woman who has a homestead entry.

Mr. FERRIS. I will say that I think the word "entryman" is ample to take it in, and if not, I will accept an amendment.

Mr. NORTON. Mr. Speaker, the gentleman made this statement which is not correct, that a man who is now enlisted in the United States Army does not have a right to make an entry. A man may go before his commanding officer and make the necessary affidavits for a homestead entry at the present time under existing law. He would not, of course, be able to comply with the homestead requirement of residence.

Mr. LITTLE. Yes; he could; his term of service might expire. I think the gentleman from North Dakota is wrong, a man's term of service might expire the next day.

Mr. BANKHEAD. The regular order!

The SPEAKER. The regular order is, Is there objection? [After a pause.] The Chair hears none.

Mr. FERRIS. Now, Mr. Speaker, I ask unanimous consent to consider the bill in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. OSBORNE. Reserving the right to object, I want to say in regard to this matter of an enlisted man making an entry, suppose the enlisted man has a wife and half a dozen children. He thinks it desirable while he is in the war to have a home and a place where that wife and children may remain while he is in the service. The contemplated amendment would prevent him from exercising the right which another man might exercise of making a home on the public domain.

The SPEAKER. Is there objection to considering the bill in the House as in Committee of the Whole? [After a pause.] The Chair hears none. The gentleman from Oklahoma spoke about substituting the Senate bill for the House bill.

Mr. FERRIS. Yes, Mr. Speaker; I ask unanimous consent to strike out all after the enacting clause in the Senate bill and insert the House bill.

The SPEAKER. But the gentleman has not yet got consent to consider the Senate bill in lieu of the House bill.

Mr. FERRIS. I ask unanimous consent to consider the Senate bill in lieu of the House bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma? [After a pause.] The Chair hears none.

Mr. FERRIS. Now, I ask unanimous consent to strike out all after the enacting clause in the Senate bill and insert the House bill, H. R. 4991.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. FERRIS. The gentleman from Wisconsin has an amendment that he wishes to offer.

Mr. RAKER. There is a committee amendment in the bill.

Mr. FERRIS. I ask for a vote on the committee amendment.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 1, line 4, after the word "States," insert the words "or entrymen."

Mr. CRAMTON. Mr. Speaker, before voting on that I want to call attention of the gentleman to the fact that the word "entrymen" ought to be "entryman."

Mr. FERRIS. Very well.

Mr. CRAMTON. I move that as an amendment.

The SPEAKER. The gentleman moves to amend the amendment by making the word "entrymen" "entryman."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 3, line 4, after the word "his," insert the word "heirs."

Mr. FERRIS. Mr. Speaker, this amendment is the one which the gentleman from Wisconsin is interested in, and I agree with him that the amendment ought to go out, and I hope it will be voted down.

The SPEAKER. The question is on the committee amendment.

The question was taken, and the committee amendment was rejected.

Mr. MONDELL. Mr. Speaker, I desire to amend the bill, and I think all the members of the committee are in harmony with it, so that the provisions of the bill will not apply to entrymen who make an entry after enlistment. There are various amendments that might be made to accomplish that purpose, but it has been suggested that after the word "engaged," in line 5, page 1, we insert the words "after entry."

Mr. LENROOT. "After settlement or entry."

Mr. MONDELL. "After settlement or entry."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 5, after the word "engaged," insert the words "after settlement or entry."

Mr. RAKER. Mr. Speaker, I want to consider that amendment. I do not believe it is fair as it now stands without a further amendment to the bill. There may be a number of cases where the man has made application and there has been no entry because it has not been accepted.

Mr. MONDELL. The settlement under this amendment would be safe.

Mr. RAKER. That is true; but there are cases where he does not now make a settlement.

Mr. MONDELL. He must have made a settlement or an entry.

Mr. RAKER. A man can file before he goes on the land. Suppose a man has made a filing and it has not been accepted, and he has not made a residence. I know that the gentleman does not want to defeat any man's right, and has no intention of it. There are many cases where the honest applicant would be defeated; amend the bill so as to provide for him.

Mr. LENROOT. Under the committee bill it is confined to a settlement or entry.

Mr. SINNOTT. Mr. Speaker, the gentleman from California [Mr. RAKER] will remember that in my district, as well as his, a great many young men have made application for the 640-acre homestead entry. The paper a few weeks ago recorded the fact that at least a hundred of these young men have volunteered, and they would be interfered with and their rights interfered with by an amendment of this kind.

Mr. RAKER. The gentleman from Wyoming might correct the amendment. There are many applications in the Land Office now by young men all over the West who have joined the Army, or will be drafted, and their claims ought to be protected.

Mr. MORGAN. I wish to call the gentleman's attention to the fact that he is speaking about men who have made application and whose applications have not been accepted.

Mr. RAKER. Yes.

Mr. MORGAN. This bill opens it to the settler and entryman. In other words, if a man has made his application, he is then neither a settler nor an entryman.

Mr. RAKER. That is not the object of this bill.

Mr. MORGAN. Let me go a little further.

Mr. RAKER. He may be considered an entryman by having filed his application, but this bill says that it must be after his entry.

Mr. MORGAN. Why would it not better meet the gentleman's point to amend it by saying a person who has made settlement or applied to enter or made entry? Then you would include the man you want to and unless you make an amendment including the application the present bill would not meet the situation.

Mr. RAKER. If the gentleman will wait a moment, I think I can make it plain. This provides for the man who has made settlement and it provides for the man who has made his application.

Mr. MORGAN. No.

Mr. RAKER. Yes; it does. The amendment offered by the gentleman from Wyoming [Mr. MONDELL] says that it can not be considered until this entry has actually been allowed.

Mr. MORGAN. The gentleman does not understand me. I am not supporting the amendment offered by the gentleman from Wyoming. I am calling the gentleman's attention to this fact, that if he wants to include men who have merely made appli-

cation he should insert here an amendment which would include men who have applied.

Mr. RAKER. I want to call the gentleman's attention to the fact that in the committee the other day it appeared that there were some 54,000 applications now on file for public land and they can not be allowed until there has been an inspection. These men should be provided for. After consulting with the chairman, Mr. FERRIS, an amendment will be offered to correct this defect and provide for the men who have made applications, but whose applications have not been allowed because under the law an inspection or classification must first be had. These men must also be protected, and will be under the amendment to be offered later by Mr. FERRIS. I know this amendment will strike the right spot and provide proper relief for all who are entitled to relief.

The SPEAKER. The time of the gentleman from California has expired.

Mr. LITTLE rose.

The SPEAKER. For what purpose does the gentleman from Kansas rise?

Mr. LITTLE. For the purpose of saying a word about this amendment.

The SPEAKER. The gentleman is recognized for five minutes.

Mr. LITTLE. Mr. Speaker, this amendment is made to make it impossible for a soldier fighting for his country to make an entry which every other man here can make and receive the credit of his time of actual service on the time he must live on the land, which soldiers will receive who make entries before enlisting. If you seek to prevent him from squandering his right you can make an amendment stating the terms on which and the limitations under which he can sell. That is the effect of it now. It is an effort to penalize a soldier more than to thwart the speculator. It may be that these soldiers will come home and remain in camps three or four months, and it may be that some large tracts of land will be opened to settlement just then, and during 3 months or 90 days they will be deprived of the privilege of making an entry on which they can be credited with their time in the Army, and by the time they were discharged it would all be seized. It is unjust. Every soldier who goes to Europe or who stays at home, if he is in the service, takes a chance and it would be a cruel thing to penalize him. It is no use to say that it does not penalize him, for that is the only purpose of it; and if it does not do that it has no business here. Men who risk their lives for this country should receive at least as much consideration as the rest of our citizens.

You gentlemen do not realize how little appreciation there is of these men. I hold in my hand here a paper which I received this morning. Here is an application blank prepared by the War Department which a young man must sign who desires to go into a training camp to secure a commission. It gives the qualifications that he has to have. He is allowed to enumerate the fact that he was in the Regular Army, that he was in the National Guard, or in some reserve officers' training corps or cadet corps; that he was in some foreign army; or that he had some miscellaneous qualification including civilian training camps; but there is no place in this application anywhere where a man who fought in Cuba as a volunteer, or a man who fought in the Philippines as a volunteer, can say to the War Department that he has had service and has risked his life for his country. The War Department does not want to be told that a man who has fought for his country as a volunteer has done so. They want Regulars, cadets, National Guardsmen, and civilians, but not veterans. A boy came to my office this morning who fought with our regiment in the Philippines and said, "Where can I tell them I fought with a volunteer regiment in 15 battles?" There is no place. They do not want that information. There is no consideration down there for the actual experience of a man who has fought in battle for his country as a volunteer. The men who are to issue commissions do not care to hear of men who saw active service in action in Cuba and the Philippines as volunteers. Why?

You are doing a similar thing here, you are saying to the men who go to fight, "We do not propose to allow you any consideration because of the fact that you fight; we propose to penalize you." The effect of this provision is that the man who joins the Army can not make the entry during the war like you and I can and get the benefit of his war time on his entry as other soldiers can, and it is an unjust provision. It is an attempt to penalize him, and this should not be done. The development of various parts of our country is desirable, but the welfare of several million young men who will return from the European campaigns is much more important. The average soldier has horse sense. There is no presumption that he will squander his birthright when he comes home to establish a family. There was no such provision against the men who saved the Union or fought with Washington. Give to the men who climb the ramparts of the Rhine every possible opportunity when they come home. The development of the West will stop during the war, like many more good projects. You can not carry it on by disciplining the after-war conduct of your soldiers.

Mr. MONDELL. Mr. Speaker, the gentleman from Kansas [Mr. LITTLE] is not the only friend of the American soldier, much as he may assume to be and when the gentleman says that the amendment proposed in any wise shortens the right of a soldier to make entry while he is in the service he says what is not so and what everyone who knows anything about the land laws knows is not so. The intent of the amendment is simply to prevent an entry after service, which would generally be by agent, securing the benefits of this particular act. There are not many men who will enter into the service of the United States who will have any desire after entering that service to use that service as a means of securing a tract of land under the homestead law without any requirement of residence and cultivation; but there are always in the western country a certain class of land sharks who are always looking for some one to make an easy entry not for the entryman's benefit but for their benefit, and in legislating for the honest entryman we should not legislate so as to encourage speculative entry for the benefit of others. They could go around the camps in the East and say to the boys, "Make me your agent to make a homestead entry, and if you remain long enough in the service you can get the land without the necessity of making settlement, improving, or residing upon it." Now, there is nothing in this amendment, nothing proposed in the amendment, that prevents a man from making a homestead entry when he is in the service; it simply provides that the entry made while a man is in the service shall not entitle him to the benefits of this act. We want to be exceedingly liberal with the man who having made a homestead application, settlement, or entry enters the service of his country, but we do not want to encourage the wholesale entry by agent of vast areas by men who are not in the West and do not intend to go West and make a home or aid in development.

Mr. CRAMTON. Mr. Chairman, I want to call it to the attention of the gentleman from Wyoming, if I may have his attention, that the amendment as offered, in the form in which it is presented, will not accomplish what he desires, but will permit just what the gentleman from Kansas [Mr. LITTLE] is contending for. The bill before us reads, "An entryman who enlists or is actually engaged in the military or naval service." Now, the amendment proposes to insert after the words "actually engaged" the words "after such settlement or entry." The result will be that a soldier who never had, before he entered the service, made any attempt to acquire a homestead may, after he enters the service and after this bill becomes the law, and after he has been actually engaged in active service for a month, thereafter make an entry and thereafter he may be "actually engaged in the service" for another six months. He comes under the benefits of this act because the language specifies "who enlists and who is actually engaged in the service."

Mr. LENROOT. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. LENROOT. If the words "enlists or" were stricken out, it will meet the objection and serve a useful purpose, because as it is now it is in the alternative.

Mr. CRAMTON. I suggest the words "actually engaged" be stricken out.

Mr. LENROOT. If you make it "enlists," then you cut off the men taken under the selective draft from the benefits of the act.

Mr. CRAMTON. What I am trying to point out is, the words "actually engaged" covers a continuous performance which runs all through the man's period of military service, hence the amendment that is suggested only provides there must be such "actual engaging" after the entry. There may have been likewise continued "actual engaging," if I may use such an expression, before the entry. It should be limited to those whose service is entirely after the entry, and that is not what the amendment proposes.

Mr. LENROOT. Or who is engaged after such entry. Would that limit it?

Mr. CRAMTON. Well, he was likewise engaged before. I am simply calling the attention of the gentleman from Wyoming, without entering very greatly into the merits of the bill generally, that the adoption of his amendment as he offers it will leave possible all the evils that he and the gentleman from Wisconsin [Mr. LENROOT] protest against and are seeking to prevent.

Mr. LENROOT. Mr. Speaker, may we have the amendment again reported?

The SPEAKER. Is there objection to the reporting of the amendment? [After a pause.] The Chair hears none.

The amendment was again reported.

The SPEAKER. The question is on the Mondell amendment.

Mr. OSBORNE. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from California rise?

Mr. OSBORNE. I desire to move to strike out the last word.

The SPEAKER. The last word of what?

Mr. OSBORNE. Of the amendment. Mr. Speaker, I have had some experience in public-land matters, as I served the Government for six years as receiver of a United States land office and am somewhat familiar with the land laws. I want to say to the gentleman from Wyoming that I am sure he does not intend to do any injustice to the men who are enlisting in the Army. But I suggest to him the possibility of his amendment doing that injustice. Every once in a while through the United States there are Indian lands or something of that kind thrown open—valuable lands—in the western country. I wish to ask the gentleman if he believes it would be right, when these lands are thrown open to entry, to permit everyone in the United States, every male citizen, except those who enlist in the Army, to have a chance to enter those lands?

Mr. MONDELL. Will the gentleman yield?

Mr. OSBORNE. Surely.

Mr. MONDELL. Of course the amendment would in nowise affect their rights to make an entry. That has been reiterated and restated many times. It does not affect the enlisted man's rights to make an entry at all. It simply provides that his entry made after enlistment shall not have the benefit of this provision. In other words, that a man while he is in the Army can not then take a homestead, do nothing on it, and hence secure the benefits of his service in counting as time of residence.

Mr. OSBORNE. I understand the point of the gentleman, and I would say this in answer: That unless the soldier has the freedom to make his entry and the privilege accorded by this law he can not take any advantage of that freedom. He absolutely would be barred out exactly as though he could not make an entry at all, because he could not fulfill the conditions of settlement required by the homestead laws.

Mr. LENROOT. Mr. Speaker, unless the amendment proposed by the gentleman from Wyoming is adopted we will have this situation: Assuming we have 1,500,000 men finally engaged in this war, unless this amendment is adopted all of those 1,500,000 men who have not theretofore exercised their homestead rights may file upon any land open to entry without going upon it, without cultivating an acre of it, and the result would be that all the vacant land in the West now open to entry would be taken, it is fair to say, by these soldiers without securing a foot of cultivation or a single home until after the war is over.

It would absolutely shut out all of the public lands of the West if this amendment is adopted. Now, I do think there is some force in the objection made by the gentleman from Michigan [Mr. CRAMTON]. I think there should be another amendment adopted striking out the words "or enlist," and leave the act to apply to anybody who had, prior to engaging in the military service, made entry, and his entry afterwards allowed, or had settled upon these public lands, and give him the benefit of the act.

Mr. LITTLE. Can you think of any better way of disposing of the public land that remains than by giving it to the men who go to Europe to fight for their country?

Mr. LENROOT. I think the disposition of the land, especially in time of war, should be with a view of putting those lands in cultivation as far as possible, and the only thing we ought to do by this act is not to cut off the right of a man who has either made settlement entry or application for entry, and thus cut off a right that he already had.

Mr. RAKER. If the amendment of the gentleman from Wyoming should be adopted to provide for the case referred to as to the application, the gentleman from Oklahoma has an amendment that would cure the whole thing.

Mr. FERRIS. Mr. Speaker, I hope the House will agree to the Mondell amendment. And then I have two amendments to offer.

The SPEAKER. Without objection, the pro forma amendment is withdrawn, and the question is on the amendment of the gentleman from Wyoming [Mr. MONDELL].

Mr. NORTON. May we have it reported?

The SPEAKER. Without objection, the Clerk will again report the amendment.

The amendment was again reported.

The SPEAKER. The question is on agreeing to the amendment of the gentleman from Wyoming [Mr. MONDELL].

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. LITTLE. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman from Kansas is a little late, but still he demands a division.

The House divided; and there were—ayes 68, noes 6.

So the amendment was agreed to.

Mr. FERRIS. Mr. Speaker, I offer the following amendment.

The SPEAKER. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. FERRIS offers an amendment: Page 1, line 4, after the word "entryman," insert the words "or one who has made application therefor, which may thereafter be allowed."

The SPEAKER. The question is on agreeing to the amendment.

Mr. MORGAN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Oklahoma rise?

Mr. MORGAN. To oppose that amendment.

Mr. FERRIS. The gentleman does not want to oppose that. It takes care of the 640-acre homestead fellows. You do not want to oppose that.

Mr. MORGAN. Mr. Speaker, in the main I approve this amendment, which is in line with the suggestion I made to my friend from California. I had an amendment prepared almost like it, except I think it should be amended by striking out the last clause, in which you say, "which may thereafter be allowed." Of course if it is not allowed it can never have any force and effect.

Mr. FERRIS. Let me suggest to the gentleman something that evidently is not in his mind. We passed in the last Congress, which was signed on December 31, 1916, a bill authorizing the entry of 640 acres of land where it is grazing land, and as a condition precedent to the allowance of the entry that the land must be examined before the entry is allowed. Over 60,000 applications have been made by soldiers and others, and none of those has as yet been examined. It would not be right to take the land away from a man who had applied for entry and had done his part to get an entry, because he was sent away to war to serve his country. This simply protects him until his application can be examined and allowed.

Mr. MORGAN. The gentleman does not quite catch my point. I am thoroughly in sympathy with that part of his amendment. As I said, I had one prepared. I think the last part of your amendment is entirely useless, because if the application is never allowed, of course it never has any force and effect, and the man could not have any right.

Mr. FERRIS. Oh, yes; it does. Under the law the application segregates the land, but it does not become an entry—a real entry—until it is examined and approved. Without this amendment it would not take in any of those. That would be a clear injustice which the Congress would not desire to inflict.

Mr. MORGAN. I am talking about the latter part of your amendment. The application never amounts to anything and a man could not get a right under an application that is not finally allowed.

Mr. FERRIS. The application is in there, and the entry——

Mr. TAYLOR of Colorado. He would be cut out unless this were in the amendment.

Mr. MORGAN. The gentleman does not understand. I said the main part of my amendment is exactly in line with the suggestion I made to the gentleman from California, that we ought to include those applications which have been made and are pending. That is perfectly right, because if a man's application is pending and the entry is not allowed through no fault of his, then he ought to have the same rights under it as if the entry was really of record. But in the latter part of your amendment you say that this shall be allowed providing the entry is finally allowed. That is surplusage, because if it is not allowed a man would never have any right.

Mr. FERRIS. I know that the gentleman from Oklahoma has long been an able lawyer——

Mr. MORGAN. After that compliment I will withdraw my objection. [Applause.]

Mr. FERRIS. And I know the gentleman is familiar with the land laws, but I am sure he misinterprets the language of the bill. I also fear he may not have in his mind all of the provisions in the 640-acre homestead bill.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FERRIS. I offer an amendment to the second section.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. FERRIS: Page 2, line 21, after the word "States," insert "or entryman whose application has been allowed."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill as amended.

Mr. NORTON. Mr. Speaker, I offer an amendment to section 2, page 2, line 20, after the word "settler," to insert the words "or entryman."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from North Dakota.

The Clerk read as follows:

Page 2, line 20, after the word "settler," insert the words "or entryman."

Mr. NORTON. Mr. Speaker, I offer this amendment in order to conform with the form of the bill in section 1.

Mr. FERRIS. Mr. Speaker, will the gentleman yield?

Mr. NORTON. Yes.

Mr. FERRIS. I do not believe the gentleman heard my second amendment.

Mr. NORTON. I did hear it.

Mr. FERRIS. It includes all entrymen whose applications have been allowed.

Mr. NORTON. I thought the amendment said "may hereafter be allowed."

Mr. FERRIS. No; it says "whose application has been allowed."

Mr. NORTON. Then I withdraw my amendment.

The SPEAKER. The gentleman from North Dakota withdraws his amendment.

Mr. NORTON. I move to strike out the last word.

The SPEAKER. The gentleman from North Dakota moves to strike out the last word.

Mr. NORTON. Mr. Speaker, I want to say to the Members of the House that this bill has been very poorly drawn. There are very many inconsistencies and omissions in the bill. I take the same position that the gentleman from Wisconsin [Mr. LENROOT] took, that with the Mondell amendment adopted, as it has been adopted, it gives an enlisted man in the Army the right to make entry, and then after he has made entry and has served for some little time longer he secures the benefits of the exemptions of this bill. The Mondell amendment if finally left in the bill, which I am sure it will not be, would open up a great big field for fraud.

There is no man in this House who is more a friend of the real bona fide homesteader than I am, but I do not want to see any legislation passed in this House that will permit hungry land agents throughout the country to solicit enlisted men in the Army to file upon land which they have never seen—to solicit men who, prior to their going into the Army, had no thought of making a homestead entry. This is not a wise way to have the public lands of the United States appropriated.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. NORTON. Yes.

Mr. MONDELL. Of course, the gentleman realizes that before the amendment I offered was adopted the bill was clearly subject to the criticism which the gentleman makes.

Mr. NORTON. The gentleman's amendment, in order to have accomplished what he intended it to accomplish, should have been inserted after the word "laws," in line 3, instead of after the word "engaged," in line 2.

Mr. MONDELL. Except for the amendment I have offered, the very unfortunate condition which the gentleman has referred to would occur.

Mr. NORTON. Without the gentleman's amendment there would have been a question as to the proper interpretation of the law. Now, with the gentleman's amendment it is clear that a man who has enlisted and then makes entry and then continues service in the Army or Navy during the war is entitled to the exemptions granted in this bill.

Further, in section 2 of this bill there is no provision that in case a young man has filed upon a homestead, enters the Army or Navy, and is killed in the service the land goes to his father or mother. It provides only here in section 2 that the land shall descend to his widow, if she is unmarried, or to his orphan children; and then in lines 6 and 7 we have this disconnected expression, "or by his widow, minor children, or other heirs, as the case may be." I ask the chairman of the committee if he knows what that refers to? May I have the attention of the gentleman from Oklahoma? What do these words in lines 6 and 7, page 3, modify or refer to—"or by his widow, minor children, or other heirs, as the case may be"? What does that language modify? What sense is there to it?

Mr. FERRIS. It does not modify anything at all. This is in accordance with the law passed in 1898 and all previous laws.

Mr. NORTON. I agree with the gentleman that it modifies nothing. What sense is there in having it in the section?

Mr. FERRIS. The language is, "upon the entry made by the soldier, sailor, or marine, or by his widow, or minor children, or other heirs."

Mr. NORTON. I refer to the phrase "or by his widow, or minor children, or other heirs, as the case may be." What does that modify?

Mr. FERRIS. That is merely the existing law.

The SPEAKER. The time of the gentleman from North Dakota has expired.

Mr. NORTON. Mr. Speaker, I move to strike out, in lines 6 and 7, page 3, the words "or by his widow, minor children, or other heirs."

The SPEAKER. The gentleman from North Dakota withdraws his pro forma amendment, and offers an amendment, which the Clerk will report.

The Clerk read as follows:

After the word "marine," in line 6, page 3, strike out the words "or by his widow, minor children, or other heirs."

The SPEAKER. The question is on agreeing to the amendment.

Mr. NORTON. Mr. Speaker, I would like to hear from the chairman of the committee, if he wants to speak first.

Mr. FERRIS. Mr. Speaker, this amendment ought to be voted down. This is in the old law, and it does nothing more than carry to the widow and minor heirs of the soldier the right they had under the old law. It has been passed upon heretofore, and there has been no trouble about it. We have included the National Guard, because under the law they are covered into the regular service and have been and are being sent across the sea, and it is necessary to include them.

This proposition has been gone over and submitted to the various branches of the Interior Department and compared with the law as it was before, and there is nothing wrong with it. If this bill carried $100,000,000, it would pass by unanimous consent, but inasmuch as it provides that a few men shall be given credit on their homesteads while they fight in defense of their flag, men see ghosts of all sorts, and land frauds, and things that have never been heard of.

We have already spent too much time on this bill to grant a little relief to a set of boys who have first filed on a homestead and tried to develop the West, and, second, have gone to the war to defend the Republic. The gentleman comes in here and offers an amendment which I do not believe he has had time to digest. He is not in agreement with the committee, or with the department, or with anybody else who has given any consideration to the subject, and he wants to cut out widows and orphans who now have the right to first make settlement and then make the proof. They deserve this right. They are entitled to it. I think every soldier's widow, after her husband has died a glorious death in the service of his country, ought to have this right made safe to them.

Mr. NORTON. Will the gentleman yield?

Mr. FERRIS. Yes; although the gentleman has had his five minutes.

Mr. NORTON. I did not have five minutes. I should like to have the gentleman tell me if he really knows anything about what the words that I have moved to strike out modify?

Mr. FERRIS. Section 2 authorizes the soldier's widow, children, and his representatives to make proof. The gentleman can understand as well as I do that if this is stricken out they can not.

Mr. NORTON. Will the gentleman carefully read and analyze section 2 with me?

Section 2 reads as follows:

That in every case in which a settler on the public lands of the United States, under the homestead laws, dies while actually engaged in the military or naval service of the United States——

Mr. FERRIS. This section relates to proof.

Mr. NORTON. Will the gentleman follow along with me as I read?

Mr. FERRIS. All right.

Mr. NORTON. It says:

SEC. 2. That in every case in which a settler on the public lands of the United States, under the homestead laws, dies while actually engaged in the military or naval service of the United States as private soldier, officer, seaman, marine, national guardsman, or member of any other organization for offense or defense authorized by Congress during the existing war with Germany, or during any other war in which the United States may be engaged, his widow, if unmarried, or in case of her death or marriage, then his minor orphan children, or his heirs, or their legal representatives, may proceed——

Mr. FERRIS. Yes; certainly.

Mr. NORTON. They may proceed—

forthwith to make final proof upon the entry made by the soldier, sailor, or marine——

Mr. FERRIS. And that is as it should be.

Mr. NORTON. Certainly, that is all right. Then it says further, in lines 6 and 7—

or by his widow, minor children, or other heirs.

Now, what in the world does that phrase modify?

Mr. FERRIS. They can make settlement, carry out the law, and then final proof. If the entryman is a husband with a wife and children and he loses his life in the war, it is only fair, decent, and square to let the widow or minor children make proof and acquire title to the land.

Mr. NORTON. You are talking beside the question. That is what is provided for in the first case. It says:

His widow, if unmarried, or in case of her death or marriage then his minor orphan children or his heirs or their legal representatives may proceed forthwith to make final proof.

Mr. FERRIS. Why not?

Mr. NORTON. That is all right, as I have before said, but why do you say again, in lines 6 and 7, on page 3?—

or by his widow, minor children, or other heirs.

Mr. FERRIS. Because we want them to have the opportunity to make the settlement and the proof. Both are necessary. Both must take place. One refers to settlement, one to proof.

Mr. NORTON. Oh, well, if the gentleman can not recognize that this phrase is wholly disconnected with the section it will be clear to others on the Public Land Committee before this bill is finally enacted into law.

Mr. STAFFORD. I move to strike out the last word.

Mr. FERRIS. I move the previous question on this bill, Mr. Speaker.

Mr. STAFFORD. The Speaker has been granting recognition here.

Mr. FERRIS. I move the previous question.

Mr. STAFFORD. The gentleman was in his seat when I rose, and he will not deny that.

Mr. FERRIS. I withdraw the demand, but I do not want to take up so much time.

Mr. STAFFORD. I think the clause to which the gentleman from North Dakota refers is mere tautology.

Mr. FERRIS. No; it is not, because one relates to the making of the entry and one relates to the proof, and both are necessary.

Mr. STAFFORD. I think the clause in lines 3, 4, and 5 relates to proof.

Mr. FERRIS. The first relates to proof and the last to settlement, and both are necessary in order that the entry may be perfected.

The SPEAKER. The gentleman from Oklahoma moves the previous question on the bill and amendments to the final passage.

The previous question was ordered.

The SPEAKER. The question is on the Norton amendment.

The question being taken, on a division (demanded by Mr. NORTON) there were—ayes 14, noes 49.

Accordingly the amendment was rejected.

The SPEAKER. The question is on the third reading of the Senate bill as amended.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

By unanimous consent the title was amended so as to read: "An act for the relief of homestead entrymen or settlers who enter the military or naval service of the United States in time of war."

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. STEVENSON for one week, on account of illness in his family.

OWNERS OF MINING CLAIMS IN MILITARY SERVICE.

Mr. FOSTER. Mr. Speaker, I again ask unanimous consent to take from the Speaker's table and consider Senate joint resolution 33. I would say that I have had a talk with the gentleman from Wyoming [Mr. MONDELL] who objected before, and I feel that we can come to an agreement on this matter.

The SPEAKER. The Clerk will report it.

The Clerk read the joint resolution (S. J. Res. 33) to relieve the owners of mining claims who have been mustered into the military or naval service of the United States as officers or enlisted men from performing assessment work during the term of such service, as follows:

Resolved, etc., That the provisions of section 2324 of the Revised Statutes of the United States, which require that on each mining claim located after the 10th day of May 1872, and until patent has been issued therefor, not less than $100 worth of labor shall be performed or improvements made during each year, shall not apply to claims or parts of claims owned by officers or enlisted men who have been mustered into the military or naval service of the United States, so that no mining claim or any part thereof owned by such person which has been regularly located and recorded shall be subject to forfeiture for nonperformance of the annual assessments until six months after such owner is mustered out of the service or until six months after his death in the service: *Provided*, That the claimant of any mining location, in order to obtain the benefits of this resolution, shall file, or cause to be filed, in the office where the location notice or certificate is recorded, within 90 days from and after the passage and approval of this resolution, a notice of his muster into the service of the United States and of his desire to hold said mining claim under this resolution.

The SPEAKER. Is there objection?

Mr. GILLETT. Reserving the right to object, I should like to ask the gentleman a question. I have just listened to the reading of the bill. It says that until the soldier is mustered out of the service his rights shall continue. Why should it not read until the end of the war, because suppose a soldier should stay in the service all the rest of his life? If so, his rights would continue.

Mr. MONDELL. If the gentleman will allow me, all enlistments at the present time are for the period of the war, are they not?

Mr. GILLETT. That would not make any difference.

Mr. MONDELL. He might reenlist.

Mr. GILLETT. Exactly.

Mr. MONDELL. But this bill would not give him the benefit of the act under his new enlistment.

Mr. GILLETT. Why not? Suppose a man goes into the Army and continues in the Regular Army, as so many did after the Civil War; and suppose he should continue there throughout his life and should not be mustered out at all?

Mr. FOSTER. A resolution similar to this has been passed in previous wars, and there has never been any difficulty along that line.

Mr. GILLETT. I will not object to the consideration of it, although at first blush it strikes me that these words should be modified.

Mr. STAFFORD. Reserving the right to object, I think the difficulty mentioned by the gentleman from Massachusetts should be corrected, and another difficulty should be overcome by inserting, after the word "States," in line 12, page 1, the words "to serve during the existing war with Germany."

Mr. FOSTER. There is a difficulty about that, I will say to the gentleman. There are some men enlisted who might remain in the Army for the term of their enlistment, and if they enlisted for four years or three years, or whatever the time might be, if the war should terminate before that time these men would lose their claims.

Mr. STAFFORD. You might say, "to serve during the term of their enlistment in the existing war."

Mr. FOSTER. Suppose a soldier enlists and at the end of the war he is still held?

Mr. STAFFORD. "To serve during their enlistment in the war with Germany."

Mr. FOSTER. I will say that I have no disposition except to get it so that these soldiers may have this right. Let the gentleman offer his amendment.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSTER. Now, if the gentleman from Wisconsin will withhold his amendment, I will offer an amendment to strike out the proviso and insert the following.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the proviso beginning on line 5, page 2, and insert: "*Provided*, That the claimant of any mining location in order to obtain the benefits of this resolution shall file, or cause to be filed, a notice in the office where the location notice or certificate is recorded before the expiration of the assessment year during which he is so mustered, giving notice of his muster into the service of the United States and of his desire to hold said mining claim under this resolution."

The SPEAKER. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. MONDELL. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

On page 2, line 3, after the word "assessment," insert the words "during the period of his service."

The SPEAKER. The question is on the amendment offered by the gentleman from Wyoming.

The amendment was agreed to.

Mr. STAFFORD. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 1, line 12, after the word "States," insert "to serve during their enlistment in the war with Germany."

The SPEAKER. The question is on the amendment.

Mr. HAYDEN. Mr. Speaker, I would like to suggest to the gentleman from Wisconsin that a number of men in the National Guard have been serving for over a year on the border as a result of the Mexican trouble and have not yet been called into the military service of the United States on account of the German war; they were called forth as Organized Militia and will not be drafted for war with Germany until next August. It seems to me that there ought to be some protection for their rights in this bill.

Mr. STAFFORD. They are serving in the present war, and that is ample enough to protect them.

Mr. HAYDEN. The gentleman is positive about that?

Mr. STAFFORD. I think so.

The SPEAKER. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were 43 ayes and 4 noes.

So the amendment was agreed to.

Mr. GRAHAM of Illinois. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 1, line 10, after the word "been," at the end of the line, insert "or may during the present war with Germany be."

Mr. FOSTER. I will say, Mr. Speaker, that I do not think that makes any difference one way or the other.

Mr. GRAHAM of Illinois. My only object in offering it is to clarify what otherwise might be doubtful.

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the third reading of the joint resolution.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

PROTECTION OF DESERT-LAND ENTRANTS IN THE MILITARY OR NAVAL SERVICE.

Mr. RAKER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3331) for the protection of the owners of mining claims and of desert-land entrymen who enter the military or naval service of the United States in time of war. It only does for the desert-land entrymen what is done for the homestead entrants and the owners of mining claims.

The SPEAKER. Is there objection?

Mr. WALSH. Reserving the right to object, I desire to inquire of the Chair if this is unanimous-consent day?

The SPEAKER. It is not.

Mr. WALSH. Then, I object.

Mr. RAKER. I hope the gentleman will not object.

Mr. WALSH. I will withdraw my objection.

Mr. STAFFORD. Reserving the right to object, will not the gentleman let this go over until to-morrow?

Mr. RAKER. I think we had better dispose of it to-day.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, I think the bill should be amended, and I hope the gentleman will withdraw his request and bring it up to-morrow morning.

Mr. FERRIS. We have just done this thing for the owners of mining claims and the homestead entrants, and it ought to be done, in all fairness, for the desert-land entrants.

Mr. STAFFORD. I would probably have no objection to-morrow, or even later in the afternoon, but there is suggestion now that the bill ought to be amended in some particulars.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, I object.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 1816) to amend the act to regulate commerce, as amended, and for other purposes, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. NEWLANDS, Mr. ROBINSON, and Mr. CUMMINS as the conferees on the part of the Senate.

AVIATION STATIONS FOR ARMY AND NAVY.

Mr. CALDWELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4892) authorizing the President to take possession, on behalf of the United States, for use as sites for permanent aviation stations for the Army and Navy and for aviation-school purposes, of the whole of North Island in the harbor of San Diego, Cal., and for other purposes, which I send to the desk and ask to have read. I will state that this is a bill for the purpose of enabling the United States Government to take possession of North Island in San Diego Bay, which is being used for aviation purposes. It is understood and believed by the department and the United States attorney general in that district that the property belongs to the United States Government, and in order that we may properly take care of and preserve any rights of anyone this bill is necessary.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to cause possession to be taken forthwith, on behalf of the United States, for use as sites for permanent aviation stations for the Army and Navy and for aviation-school purposes, of the whole of North Island, in the harbor of San Diego, Cal., and the provisions of section 355, Revised Statutes, shall not apply to the expenditure of any appropriations for improvements thereon for aviation purposes.

The Attorney General or the claimants to the said North Island are authorized to make application for the determination and appraisement of any rights private parties may have in the said island over and beyond any rights thereto in the United States to the District Court of the United States for the Southern District of California; the proceedings to be prosecuted in accordance with the laws of the State of California relating to the condemnation of property for public use. Either party may take an appeal from the judgment of such court direct to the Supreme Court of the United States within 90 days after such judgment is rendered. Upon the final ascertainment of the value of any right, title, or interest adjudged to be in any private claimants to the said island there shall be paid into court the value of the same as so determined, together with interest thereon at the rate of 6 per cent per annum from date possession thereof was taken as herein authorized; and thereupon the United States shall be vested with title to said lands. The amount so paid shall be distributed by order of the court to the owner or owners of such right, title, or interest in said island as their respective interests may be determined by the court. The amount necessary to pay the awards in favor of private claimants is hereby appropriated, out of any money in the Treasury not otherwise specifically appropriated, to be disbursed under orders of the Secretary of War.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, as I read the letter of the Secretary of War, Congress in former Army and naval appropriation acts has appropriated some $550,000 for the purchase of land for an aviation site on land in the Bay of San Diego. I wish to inquire of the gentleman whether that money will be sufficient to pay for this North Island?

Mr. CALDWELL. Mr. President, I will say in reply to the gentleman that not only is it expected that this money will be sufficient, but also that we shall be able by the enactment of this legislation to save the whole of it.

Mr. STAFFORD. Will the gentleman explain the difficulty which has confronted the department officials in acquiring title to this land under the condemnation authorization which was carried in those respective acts? The report is not clear in that particular.

Mr. CALDWELL. The proposition is this: At no time were they able to get persons in possession of this property to fix a price upon it, and when they began to investigate the title for the purpose of starting condemnation proceedings—I think I am stating it right, and the gentleman from California [Mr. KETTNER], who is here, who knows all about it, will correct me if I am wrong—the United States attorney made an investigation as to the title, and after very careful investigation, after consulting with attorneys who had had experience with Mexican law and who had specialized in it, and after consulting with the Judge Advocate General and going over the title in extreme detail, they came to the conclusion that the United States Government owned the property, because by virtue of the treaty of Guadaloupe Hidalgo following the Mexican War with the United States the United States became possessed of all of the rights the Mexican Government theretofore had in the property of which this was a part. The ground upon which the Government can claim title here is that the property is to be used for national defense. That was reserved by the Mexican Government at the time they made their grant, and it has come down through the treaty to the United States. All we have to do is to legally authorize the possession of this for national-defense purposes and it belongs to us. However, if there is any question as to the authority of the United States Government or the right of the Government to this property, the bill preserves that right in every person who may claim the title and enables them to prove their case, and it protects them in every way that the law ought to protect private citizens of this country.

Mr. STAFFORD. Why should we authorize the claimants to make application for determination and appraisement of the private rights of parties to this land in addition to conferring that privilege upon the Attorney General?

Mr. CALDWELL. There are two very good reasons, but one is sufficient. The one I have reference to is the provision of the Constitution of the United States which says that you can

not take private property without compensation; and if these people have any property at all, they ought to be given an opportunity to prove it.

Mr. STAFFORD. I said in addition to the right to be conferred upon the Attorney General. Why should not we merely vest that authority in the Attorney General to make this application for determination and appraisement of the rights of these private parties? The second paragraph of the bill provides that the Attorney General or the claimants to the said North Island are authorized to make application for the determination and appraisement of any rights private parties may have in the land. I should think that the procedure to be adopted would be that the Attorney General, acting on behalf of the Government, could go into court and ask for a determination and appraisement of the value of the rights of all parties interested. Why should we in this bill grant that right to some claimants to this land?

Mr. CALDWELL. The claimants would not start a proceeding unless they had some grounds for doing so.

Mr. STAFFORD. Why should not the Government, through its duly accredited officer, take possession of the land and proceed in court and ask for an appraisal and determination of the rights of the parties in interest?

Mr. CALDWELL. We want to be perfectly fair; that is all.

Mr. STAFFORD. It is difficult for me to understand why claimants should have this privilege when the Government goes ahead and takes possession of the land.

Mr. KETTNER. Mr. Speaker, perhaps I can explain that to the gentleman.

Mr. MOORE of Pennsylvania. If the Government did take possession of the land, the claimants would be barred unless some proceedings are had here.

Mr. STAFFORD. Under existing law the Government has a right to acquire this property.

Mr. KETTNER. The Government has had possession of this land for some six years and is using it at the present time.

There is just one claimant, John D. Spreckels.

Mr. MOORE of Pennsylvania. And he would be the one who would have the right to go into court under this provision?

Mr. KETTNER. Yes.

Mr. CALDWELL. I have grave doubts of the legality of the bill unless we preserve any right that may be in these claimants unless it develops, of course, as we believe it will, that they have no right. If they had any kind of rights and we did not preserve those rights the parties might say we took the property without due compensation.

Mr. STAFFORD. The Attorney General goes ahead and calls into court all persons in a proceeding in rem?

Mr. CALDWELL. Yes.

Mr. STAFFORD. And all these private parties would have to come in or else their claim would be barred?

Mr. CALDWELL. Suppose the Government was seeking to take property to which you had a claim, would you expect the Government to come and take your property and expect the Government to start proceedings? Ought not you to have the right to start proceedings?

Mr. STAFFORD. I feel there must be some procedure on the part of the United States so as to get possession. I want to inquire of the gentleman from California what claim John D. Spreckels has to this property and how much he is attempting to hold up the Government for if he is holding it up at all, and why he is refusing to sell this property to the Government?

Mr. CALDWELL. I will answer the question if the gentleman will let me.

Mr. STAFFORD. I would be very glad to have an answer.

Mr. CALDWELL. I have never seen Mr. Spreckels in my life. I have never been in California, and I would not know him if I saw him. The circumstances are these: The reports of the various commissions we have authorized to investigate the proposition of getting an aviation site or a site for aviation in San Diego Harbor have uniformly reported that Mr. Spreckels refuses absolutely to surrender any right he has or offer property for sale, or in any manner do anything to assist the Government in getting this particular property. It is felt by these people that there are adjoining properties as good as this, but the department does not think so, and besides that I believe this property belongs to the United States Government and we want to get it.

Mr. STAFFORD. I want to inquire further in connection with the proviso in the naval appropriation act that authorizes the purchase of 232 acres in the Bay of San Diego, provided that the city of San Diego should donate free of incumbrance to the United States Government, a parcel of 500 acres of adjoining tidelands known as Dutch Flats without cost to the Government, whether that donation has taken place?

Mr. KETTNER. That donation has taken place, and the land has been accepted by the Government, and 232 acres have been purchased in the bay and fitted up for an advance marine base.

Mr. STAFFORD. How many acres in toto are involved in this?

Mr. KETTNER. About 1,200.

Mr. STAFFORD. Does the evidence disclose any value at which it can be purchased?

Mr. CALDWELL. I have some information from Army officers who have visited the site and examined it as to the value of the property, and they report the real intrinsic value of the property is about a thousand dollars an acre. I understand, however, Mr. Spreckels feels it is worth a great deal more than that.

Mr. STAFFORD. How many acres did the gentleman say?

Mr. CALDWELL. There are about 1,200 acres. This property belongs to the United States Government, in my opinion, from an examination of such records as have been found.

Mr. STAFFORD. Then it would cost approximately $1,200,000?

Mr. CALDWELL. I do not think it would require an appropriation of one cent.

Mr. STAFFORD. Is it the gentleman's opinion John D. Spreckels has no claim to this property?

Mr. CALDWELL. Yes.

Mr. STAFFORD. Will the gentleman have any objection to striking out the omnibus provision as to the amount of money that may be available for the purchase of it and limit the amount to the appropriations that have heretofore been carried in the Army appropriation act and the Navy appropriation act—that is, some $550,000?

Mr. CALDWELL. I feel we would be perfectly safe in doing that; but at the same time I do not think it would be wise to do it. The information that is acquired is that, after three investigations, it is found to be the best piece of property in the United States for aviation purposes; and if we put a limitation upon the value and the money that is to be paid for any rights these claimants might have, they might be able to raise the question in the courts that we have taken the property without due process of law, and it may imperil the legislation when we need these things for the defense of this country; and I do not believe it is a wise proposition, as I understand it. I do not say that as a criticism of the gentleman's position in the matter, but I am saying this because the Secretary of War and the Secretary of the Navy, who have investigated this matter, and the attorneys who have examined it, have come to the conclusion that the Government owns the property, and we could probably have a saving of $550,000 if we pass this act.

Mr. STAFFORD. Mr. Speaker, I do not accept the gentleman's stricture——

Mr. CALDWELL. I do not mean it in the way of stricture at all; and if so, I beg to apologize if the gentleman takes it in that way.

Mr. STAFFORD. My object is to try to place some limitation on the purse strings of the Government and not vote in a haphazard manner millions for a site for aviation purposes in San Diego Bay. I am unwilling to allow this bill to go through unless the money which we voted in a prior Congress for these sites should be the amount available for the purchase of any private claims.

Those amounts are $550,000. I am not willing to allow John D. Spreckels or any other individual to hold the Government up to the extent of millions and millions of dollars without any control whatever over the amount that may hereafter be appropriated.

Mr. CALDWELL. Let me say this to the gentleman: The first $250,000, I am informed, has already been spent for the naval base. The $300,000 was for 300 acres that it was thought they were going to purchase on Coronado Heights. I would like, if the gentleman would withdraw his objection, to offer an amendment in this matter, although I have no authority from the committee that has authorized me to bring up this bill to consent, on behalf of the committee, to the amendment that he proposes. I think this House is perfectly able to pass upon that question.

Mr. STAFFORD. Does not the gentleman realize we should at this time place some restrictions on the amount of money that should be available for the purchase of this property?

Mr. CALDWELL. Without destroying the legislation, yes. Without that I do not believe so.

Mr. AUSTIN. Regular order, Mr. Speaker.

The SPEAKER. Is there objection?

Mr. STAFFORD. I object.

OFFICERS OF PUBLIC HEALTH SERVICE.

Mr. ADAMSON. Mr. Speaker, I ask to lay before the House Senate joint resolution, there being on the Calendar of the House a bill (H. R. 4503) reported from this House of the same tenor.

Mr. BORLAND. Mr. Speaker, I ask to have that reported.

The SPEAKER. That is what the Chair is going to do as soon as the resolution is found.

Mr. ADAMSON. It is on the Speaker's table.

Mr. CALDWELL. Mr. Speaker, is it too late for me to move to suspend the rules and pass the bill that I had up?

The SPEAKER. The gentleman can not suspend the rules to-day.

Mr. BORLAND. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BORLAND. Does it require unanimous consent to lay this before the House?

The SPEAKER. No. The Clerk will report the Senate joint resolution.

The Clerk read as follows:

Joint resolution (S. J. Res. 67) to fix the status and rights of officers of the Public Health Service when serving with the Coast Guard, the Army, or the Navy.

Resolved, etc., That when officers and other persons of the United States Public Health Service are serving aboard Coast Guard vessels in time of war, or are detailed for duty with the Army or Navy in accordance with law, they shall be entitled to all the rights, privileges, benefits, and allowances, including rights to pensions for themselves and widows and children, if any, as are now provided for officers of corresponding grade and length of service of the Coast Guard.

Mr. BORLAND. Mr. Speaker, I make the point of order that that is not regular business of the House and that it is not in order at this time.

The SPEAKER. Why not?

Mr. BORLAND. Because there is no special rule requiring that it should be laid before the House at this time. It is a Senate resolution.

The SPEAKER. The rule especially and particularly provides that when there is a Senate bill on the Speaker's table and a House bill of similar import on the calendar it is in order to lay it before the House.

Mr. BORLAND. It does not appear yet that there is a House bill of similar tenor.

Mr. ADAMSON. Here it is.

Mr. BORLAND. Even then the House bill would have to be brought up under the rules before the Senate bill could be substituted.

The SPEAKER. Oh, no; the gentleman is mistaken. It has been done a thousand times, more or less, since the gentleman has been here.

Mr. STAFFORD. Mr. Speaker, may we have the Senate bill read?

Mr. ADAMSON. Mr. Speaker, I was going to make that request.

The SPEAKER. The Clerk will report the Senate joint resolution.

Mr. ADAMSON. Mr. Speaker, the House committee wants to make a few verbal amendments, and it is all right to offer them separately.

Mr. BORLAND. I make the point of order that that can not be done. If anything can be done at all it is to pass the Senate resolution, if it is identical with the House bill. If it is not identical it is not a similar bill.

Mr. ADAMSON. Mr. Speaker, I was going to offer some amendments.

Mr. BORLAND. I would like to know if amendments are in order.

The SPEAKER. The Chair thinks so. It is the practice of the House. The resolution has been read.

Mr. BORLAND. I would like to take the floor in opposition, if I may.

The SPEAKER. The gentleman has a perfect right to be heard.

Mr. ADAMSON. Would the gentleman be willing to let me propose the amendment and then let him make his speech?

Mr. BORLAND. I would like to have them read for information.

Mr. ADAMSON. If the gentleman, before he makes his speech, will allow me to read the amendment.

Mr. STAFFORD. Mr. Speaker, a parliamentary inquiry. What is the status?

Mr. ADAMSON. I have got a request, and I have laid the Senate bill before the House, and one or two of the gentlemen wish to debate it. Now, I was going to offer an amendment.

The SPEAKER. Is the gentleman from Georgia going to offer an amendment?

Mr. ADAMSON. Yes; if I can get the attention of the House I will be glad to do it.

I want to move to amend line 4, page 1, by striking out "aboard" and inserting "on." Also to amend, in line 5, same page, by inserting after the word "detailed" the words "in time of war." Then, I wish, in line 9 of the same page, after the word "officers" to insert the words "and persons." Then, I wish to add to the end by striking out the period and inserting a comma, the words "Army or Navy, as the case may be, and shall be subject to the laws prescribed for the government of the service to which they are respectively detailed." And also to amend the title.

The SPEAKER. The gentleman will send up his amendments to the desk.

Mr. ADAMSON. I have them written here.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Mr. ADAMSON moves to amend Senate Joint Resolution 67, as follows: Page 1, line 4, strike out the word "aboard" and insert the word "on"; page 1, line 5, after the word "detailed" insert the words "in time of war"; page 1, line 9, after the word "officers" insert the words "and persons"; page 1, line 10, at the end of the line, strike out the period and insert a comma and add the following: "Army or Navy, as the case may be, and shall be subject to the laws prescribed for the government of the service to which they are respectively detailed"; so that as amended the joint resolution will read:

"*Resolved, etc.*, That when officers and other persons of the United States Public Health Service are serving on Coast Guard vessels in time of war, or are detailed in time of war for duty with the Army or Navy in accordance with law, they shall be entitled to all the rights, privileges, benefits, and allowances, including rights to pensions for themselves and widows and children, if any, as are now provided for officers and persons of corresponding grade and length of service of the Coast Guard, Army or Navy, as the case may be, and shall be subject to the laws prescribed for the government of the service to which they are respectively detailed."

The SPEAKER. The gentleman from Missouri [Mr. BORLAND] is recognized.

Mr. ADAMSON. Mr. Speaker, will the gentleman from Missouri allow me, before he proceeds, just to state briefly the purpose of the bill? I just want a few minutes, and I will then reserve the balance of my time.

Mr. BORLAND. Yes. I will be recognized after the gentleman.

Mr. ADAMSON. I will just state the purposes of the bill and reserve my time, and then the gentleman from Missouri will be recognized.

Mr. STAFFORD. Mr. Speaker, a question of order.

The SPEAKER. What is the point of order?

Mr. STAFFORD. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. A House bill or resolution is reported to the House and is on the calendar. The Senate resolution is on the Speaker's table. It involves a charge on the Treasury. Should not this resolution be considered by the House as in Committee of the Whole?

The SPEAKER. The Chair thinks so.

Mr. ADAMSON. Then I ask that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Georgia asks unanimous consent that the resolution be considered in the House as in Committee of the Whole. Is there objection?

Mr. STAFFORD. Reserving the right to object, what disposition as to debate does the gentleman intend to propose if it is considered in the House?

Mr. ADAMSON. I have no objection to liberal debate.

Mr. STAFFORD. Has the gentleman any objection to amendments?

Mr. ADAMSON. Not at all.

The SPEAKER. The Chair hears no objection. The gentleman from Georgia is recognized for five minutes.

Mr. ADAMSON. Mr. Speaker, under the present law—whether good or bad I do not care now to debate—the surgeons of the Public Health Service are required to serve on Coast Guard cutters, and they may be detailed by the President in time of war to serve with the Army and the Navy. That is the present law. The further law is that the Cutter Service may in time of war be transferred to the Navy, which has been done during this war. There is no provision that the surgeons of the Public Health Service, if injured or killed in battle, either while serving with the Coast Guard or on a naval vessel or with the Army, shall have any pensionable status for themselves or their families.

We do not ask for anything for the Public Health Service in time of peace, or when not detailed, but we ask that when detailed with the Army or the Navy or with the Coast Guard Service, in case of injury or death in battle in time of war they shall be entitled to the same privileges of pensionable status as officers engaged in other branches of the service.

Mr. COX. So far as it applies to pensions, does it apply to officers or enlisted men in the Revenue-Cutter Service?

Mr. ADAMSON. It does not apply to the Revenue-Cutter Service. It applies to the Public Health Service. They may be detailed with the Coast Guard or with the Army or the Navy. It is simply just to say that when so detailed, under existing law, if they suffer death or injury or casualty they or their families should have the same pensionable status as other similar officers engaged in the other services.

Mr. COX. What do you mean by that phrase—"other persons"?

Mr. ADAMSON. It is members of the Public Health Service. They are of different grades. All of them are not surgeons.

Mr. GREENE of Vermont. Mr. Speaker, will the gentleman yield?

Mr. ADAMSON. Certainly.

Mr. GREENE of Vermont. Will the gentleman be kind enough to state to the House what is the character of the naval or military service performed by these officers?

Mr. ADAMSON. They do not serve with the Army, but they go with the Army and Navy and serve pills and paregoric.

Mr. GREENE of Vermont. Are they out with parties engaged in military and naval enterprises?

Mr. ADAMSON. The gentleman will remember, if he heard me, that I stated——

Mr. GREENE of Vermont. I understand what the law is now.

Mr. ADAMSON. You mean what they do now?

Mr. GREENE of Vermont. I mean in what capacity do surgeons of the Public Health Service serve with either of these same military or naval organizations? Do they have military and naval duties?

Mr. ADAMSON. They are not detailed if not needed. They may be detailed if needed.

Mr. GREENE of Vermont. Then they are extra men in addition to the surgeons in the military and naval service, who serve as a matter of course?

Mr. ADAMSON. We have use for every one of them outside the Army and Navy, but in case of war it is provided by existing law that if there are not enough in the Army and Navy they may be detailed.

Mr. GREENE of Vermont. That answers my question.

Mr. ADAMSON. All this resolution provides is that when they are so detailed they shall have a pensionable status the same as those other branches of the service.

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. ADAMSON. Mr. Speaker, I ask an extension of time in order to answer these questions.

The SPEAKER. The gentleman from Georgia asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. ADAMSON. Further answering the gentleman from Vermont [Mr. GREENE], the service they will perform when detailed will be service that otherwise would be performed by the surgeons of the Army and the Navy.

Mr. GREENE of Vermont. That explains the question, because otherwise it would be hard to see how or what a Public Health Service man had to do with military matters.

Mr. ADAMSON. I do not care to go into a discussion of the law providing that they may be detailed when needed.

Mr. MONDELL. The gentleman has discussed this as a resolution to establish a pensionable status for these officers of the Public Health Service during military detail.

Mr. ADAMSON. Yes.

Mr. MONDELL. But the language of the resolution is very broad. It entitles them to all the rights, privileges, benefits, and allowances, including the right to pensions. The language of the resolution would seem to indicate that the matter of giving them a pensionable status was rather a secondary matter, and that there must be certain rights, privileges, benefits, and allowances that are the primary and perhaps the more important consideration. What is the nature of the rights, privileges, benefits, and allowances in addition to pensions which this resolution would confer upon these officers when detailed as proposed?

Mr. ADAMSON. I could not off-hand detail all of them, but it may be that they are put in there merely as safeguards to protect any that may exist.

Mr. MONDELL. Safeguards in whose behalf?

Mr. ADAMSON. For the surgeons in the Public Health Service. It is for their benefit. But whatever they may be, they are only such as would accrue when these men are detailed.

Mr. MONDELL. It strikes me, from a rather hurried examination of the matter, that it will be very proper and wise and just to give these men a pensionable status; but I think it is rather important to know, when we are doing that, what sort of rights, privileges, benefits, and allowances we are proposing to give to them in addition to pensionable status.

Mr. ADAMSON. I think that is intended to relate to the coast-guard law.

Mr. MONDELL. It might be construed as a right to draw rations, uniforms, and commutation of quarters.

Mr. BORLAND. And pay.

Mr. MONDELL. And pay, as the gentleman from Missouri suggests.

Mr. ADAMSON. The Coast Guard law makes provision for those who were in the Revenue Service and the Life-Saving Service, and makes reciprocal whatever benefits apply to each to apply to both. Whatever they may be, if these surgeons were injured while there on detail, they would be entitled to them.

Mr. MONDELL. The gentleman knows that sometimes we pass a law that seems entirely reasonable and proper, and then afterwards we discover that we have conferred rights and benefits that were not contemplated at the time; and this would seem to be a case where there is the probability of such things occurring. For instance, we passed a law which gave the men in the Coast Guard Service the right to retirement on three-quarters pay, and the conditions of employment in the Coast Guard Service are such that a man in that service often receives more money when he is retired than he received when he was in active service. Of course, that was not contemplated. That illustrates the importance of knowing just what we are doing when we are proposing to grant rights, privileges, benefits, and allowances.

Mr. ADAMSON. I will say to the gentleman candidly that what I was aiming at here was a pensionable status for these men.

Mr. BORLAND. Why not cut out the rest?

Mr. MONDELL. Why not eliminate everything else?

Mr. BORLAND. Will the gentleman yield to me?

Mr. ADAMSON. Yes.

The SPEAKER. The time of the gentleman has again expired.

Mr. ADAMSON. I should like to answer the gentleman's question, if I may have the time.

The SPEAKER. The gentleman asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. BORLAND. The gentleman recalls that on several occasions—twice, at least, within my recollection—the Public Health Service have attempted to have added to their compensation commutation of quarters, the same as Army officers receive, and on each occasion the House defeated it. Now, unquestionably this would include that among the benefits, rights, and allowances that are given by that law, would it not?

Mr. ADAMSON. I do not think it would.

Mr. BORLAND. Does the gentleman think that all the rights, benefits, and allowances would include commutation of quarters?

Mr. ADAMSON. I will say for myself personally—I do not know how the other members of the committee feel—that what I was trying to do was to give them a pensionable status.

Mr. BORLAND. We can reduce it to that very quickly and easily.

Mr. ADAMSON. And if it is discovered later that there are any of these other things that they ought to have we can attend to that later.

Mr. BORLAND. Has it not been the constant effort of these gentlemen in the Public Health Service to put themselves on an equality substantially with Army officers in the matter of rations, pay, and allowances?

Mr. ADAMSON. The gentleman and I have always agreed on one question. There has been an effort to assimilate the Public Health Service to the military service, and I do not want that. I think this service can do forty times as much good by remaining a civil service, without mixing up with the Army; but in this case the law says that in time of war they may be detailed, and I want their widows to have pensions if they get killed; that is all.

Mr. WALSH. I notice that the resolution in the third line says—

That when officers and other persons of the United States Public Health Service—

Who are the "other persons"?

Mr. ADAMSON. They are not all surgeons.

Mr. WALSH. The letter of the Secretary of the Treasury seems to express his interest only in the commissioned officers of the service, but the resolution which you have called up here provides for other persons. What "other persons" are provided for besides commissioned officers of the Health Service?

Mr. ADAMSON. There are other officers besides surgeons, and there are officers who are appointed and not commissioned, and while they may not be directly detailed themselves, it may be necessary that some of them should go along as members of the party.

Mr. WALSH. But the language of the resolution would include the civilian employees, would it not?

Mr. ESCH. Hospital stewards, and so forth.

Mr. WALSH. And stenographers and messengers.

Mr. GREENE of Vermont. Taking up the thought of the gentleman from Massachusetts [Mr. WALSH], you are going to have a mixed personnel, including civilian employees who, under the language "persons," may be taken right over into the military service and given a status.

Mr ADAMSON. That language was not in the House bill originally. We consented to that.

Mr. GREENE of Vermont. Further, it is provided here that if they go into the Coast Guard Service, or if they go into the Army or Naval service, they shall have compensation and so on as provided for officers of corresponding grade and length of service of the Coast Guard. Now, that would make another inequality, because while they may be serving in the Army or the Navy by the side of men with standardized pay for the same kind of service, yet they will get only the pay of coast-guard men.

Mr. ADAMSON. Yes.

Mr. GREENE of Vermont. That will lead to more confusion.

Mr. ADAMSON. Does the gentleman want to strike out the words "other persons"?

Mr. GREENE of Vermont. I think those words are indeterminate.

Mr. ADAMSON. I am perfectly willing that they shall go out and that everything thing except pensions shall go out.

Mr. GREENE of Vermont. Does the gentleman offer that amendment?

Mr. ADAMSON. I will agree to that. I did not originate these things.

Mr. McKENZIE. In the Army and the Navy when a surgeon enters the service he is required to take certain examinations.

Mr. ADAMSON. Yes.

Mr. McKENZIE. Not only a physical examination, but a mental examination to show his qualifications.

Mr. ADAMSON. Yes

Mr. McKENZIE. Now, the way I read this bill, it seems to me these requirements will not apply to these gentlemen.

Mr. ADAMSON. That is all concluded by existing law.

Mr. McKENZIE. If a man is detailed from the Health Service you are providing to give him a pension when he goes into the service, and he may be a pensionable subject at that time. He ought to be required to take an examination at the time he goes into the service.

Mr. ADAMSON. The law is compulsory upon him to go in.

Mr. BORLAND was recognized.

Mr. GREENE of Vermont. Will the gentleman yield for me to offer an amendment?

Mr. BORLAND. I will.

Mr. GREENE of Vermont. Mr. Speaker, I offer the following amendment. Page 1, line 3, strike out the words "other persons," and in line 7, after the word "to," strike out the remainder of the line and the syllable "ing," and the word "rights," in line 8.

Mr. ADAMSON. Mr. Speaker, I will accept that amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 3, strike out the words "and other persons," and in line 7, after the word "to," strike out all of the remainder of the line and the syllable "ing," and the word "rights" in line 8.

Mr. BORLAND. Mr. Speaker, I endeavored to get the chairman of the Interstate Commerce Committee not to bring this measure up to-day. We ought to be considering the bill against trading with the enemy. The Democratic leader thinks we ought to be considering the preferential shipment bill. There is nothing important about this bill except the fact that for two or three years——

Mr. ADAMSON. I want to say to the gentleman that we are going to bring up those bills as soon as we get through with this.

Mr. BORLAND. Well, if we had brought them up in the first place we would have got through so much sooner.

As I say, there is nothing important in this bill except that these gentlemen have for some reason been trying for two or three years to put themselves on the same status as Army officers. The truth about the matter is, that the Public Health Service fills a distinctive field. I have worked on the Appropriations Committee for enlarged appropriations for the sanitary survey by these officials, which is a part of their duty. Another essential part of their duty is the quarantine. This work herein is no part of their duty. The Army has a Medical Corps of its own, under proper examination and graded officers in title and rank. These men have no title and no rank, and to bring in a bill saying that when they are ordered into the Coast Guard Service—where they probably will never see an enemy—they are to be given corresponding rank in the Army and Navy means nothing. There is no corresponding rank. It is assumed that the amendment of the gentleman from Vermont cures the whole difficulty of the bill. It does cure nine-tenths of it. If it was merely to give them a pension, I do not think I would object, but what is the pension being given by this?

The gentleman from Pennsylvania says that these men are checked up from the civil service without a physical examination. We do not know but that they are pensioners now, the minute they are ordered into the service. Nobody can tell.

Now, if we had a pension law I do not suppose anybody would object to it, but the milk in this coconut is that they want commutations and quarters, which has been twice defeated by this House, and if I am not mistaken, it will be defeated every time it comes up. I do not think they are entitled to it. I would just as soon give commutation and quarters to the rural mail carriers or the railway mail clerks.

Mr. ALEXANDER. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. ALEXANDER. Under the amendment proposed by the gentleman from Vermont, if agreed to, they will not receive commutation and quarters.

Mr. BORLAND. That is true; that is all cut out. If all the amendments except that of the gentleman from Vermont are cut out, it will be practically harmless, except that there is no way of telling the pensionable status of these men to-day. All you have is the rank corresponding with the Army and Navy officers. I think the bill is inherently weak.

Mr. WALSH. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. WALSH. The gentleman says that these men have no rank. They are commissioned medical officers of the Public Health Service, are they not?

Mr. BORLAND. I do not know of any rank they have. They are surgeons.

Mr. WALSH. Surgeons in the Army have a rank.

Mr. BORLAND. Yes; surgeons in the Army have a rank up to first lieutenant, and I think, under the present law, captain.

Mr. WALSH. These men are medical officers in a time of war and are commissioned as surgeons.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. GREENE of Vermont. I want to say to the gentleman from Missouri that I think under the present pension law there is no discrimination made by rank, all pensions for disabilities are on an equality.

Mr. BORLAND. Of the commissioned officers under the grade of colonel.

Mr. GREENE of Vermont. All grades affected by this act.

Mr. BORLAND. If the gentleman from Georgia [Mr. ADAMSON] will withdraw all of his amendments except the amendment of the gentleman from Vermont, it will relieve the bill practically of objections. Let me ask the gentleman the present status of this matter, are the amendments of the gentleman from Georgia pending or are they withdrawn?

Mr. ADAMSON. They are pending, but they are now harmless.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. BORLAND. Mr. Speaker, I ask for two minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. BORLAND. The gentleman from Vermont has stricken out everything except the pensionable status.

Mr. ADAMSON. My amendments are harmless. One strikes out the word "board," in line 4, page 1, and inserts the word "on." Another inserts the words "in time of war," after the word "detailed," which is right, I am sure. I do not want to withdraw that. The other is at the bottom where it says, in addition to the Coast Guard, "Army or Navy, as the case may be,

and shall be subject to the laws prescribed for the Government of the service for which they are respectively detailed."

Mr. BORLAND. There is no objection to that.

Mr. ADAMSON. I want to add this much. The gentleman speaks about rank. The gentleman from Wisconsin [Mr. ESCH] has just reminded me, and I remember it, that the law creating and perfecting the health service does fix the rank of these surgeons.

Mr. GREENE of Vermont. Are pensions now provided by law for members of the Coast Guard?

Mr. ADAMSON. Yes.

Mr. ESCH. I beg leave to suggest that there used to be pensions for the Revenue-Cutter Service, now the Coast Guard. That was repealed by the act of 1908, and by the act of 1915 in lieu of pensions we granted the widow or dependent children two years' salary and also provided retirement after 30 years' service.

Mr. GREENE of Vermont. Continuing that thought, why would it not be advisable in line 10 to strike out the words "Coast Guard" and insert "of the Army or Navy"?

Mr. ADAMSON. I will answer that. The law now requires them to serve on Coast Guard vessels, whether detailed to the Army and Navy or not.

Mr. GREENE of Vermont. I understand that, but in order to get a standardized pension. The gentleman says there is no standardized pension for the Coast Guard.

Mr. ADAMSON. There is. The statute says when detailed to the Navy the Coast Guard may draw naval pensions.

Mr. GREENE of Vermont. That will take care of that.

Mr. ADAMSON. And they may be detailed to the Coast Guard when they do not go to the Navy.

Mr. BORLAND. Mr. Speaker, I hope that we are spending useless effort, because I hope that none of these men will be detailed to the Army or Navy or to the Coast Guard. The Army and Navy have Medical Corps of their own, brought into the service in a qualified way, brought in with the idea of active service for a long period of years and with special examination for their fitness, differing from the examination these men are required to pass. That is one reason why they ought not to be detailed except in case of emergency. The second reason is this. These men have plenty to do as it is, and we are always met with complaints that there are not enough men in the Public Health Service, and we are importuned for larger appropriations to permit the hiring of men for rural sanitation and of more men for the quarantine service, and so on. There is no reason why those men should be displaced. The Medical Corps of the Army and the Navy should be filled up in the regular way, because if we detail these men we will have to fill their places. If these men want to seek commissions in the Army or the Navy, as many do, let them go at it in the same way that various other men are seeking commissions, namely, qualify themselves for the position they are seeking and get a commission and go into the Army or the Navy as the case may be. To detail these men and then to provide them with a blanket law for allowances will be a mistake. I trust there will not be any of them detailed. I hope the gentleman's amendment will be agreed to and the resolution passed in that form.

The SPEAKER. The question is on the first amendment offered by the gentleman from Georgia.

Mr. ADAMSON. Mr. Speaker, I think they are all well enough understood to vote upon them in a lump.

Mr. STAFFORD. Mr. Speaker, may we have those amendments again reported?

The SPEAKER. The Clerk will report them again.

Mr. BORLAND. I suggest that the resolution is short, and that it be read as it would read if it were amended.

Mr. KITCHIN. Oh, let us have the regular order.

The SPEAKER. The Clerk will read the amendments.

The Clerk read as follows:

Page 1, line 4, strike out the word "aboard" and insert the word "on"; page 1, line 5, after the word "detailed," insert the words "in time of war"; page 1, line 10, at the end of the line strike out the period, insert a comma and the following language: "Army or Navy, as the case may be, and shall be subject to the laws prescribed for the government of the service to which they are respectively detailed."

The SPEAKER. The question is on agreeing to the Adamson amendments.

The amendments were agreed to.

The SPEAKER. The Clerk will now report the Greene amendment.

The Clerk again reported the amendment offered by Mr. GREENE of Vermont.

The SPEAKER. The question is on agreeing to the Greene amendment.

The Greene amendment was agreed to.

The SPEAKER. The question is on agreeing to the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

A similar House bill (H. R. 4503) was ordered to lie on the table.

FEDERAL RESERVE ACT.

Mr. GLASS. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution (H. Res. 112), which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That 20,000 copies of the act approved June 21, 1917, amending the Federal reserve act, be printed for the use of the House, of which 8,000 copies shall be delivered to the Committee on Banking and Currency, 1,000 to the document room, and the balance distributed through the folding room.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the resolution.

The question was taken, and the resolution was agreed to.

AVIATION SITE FOR ARMY AND NAVY.

Mr. CALDWELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 4892, and I will say this is the same bill we had up, and I have agreed with the gentleman from Wisconsin [Mr. STAFFORD] on an amendment that he has insisted upon limiting the compromise or settlement of $500,000, which is acceptable, I think.

The SPEAKER. Is there objection?

Mr. SCOTT of Michigan. Let the bill be reported.

The SPEAKER. It has been reported, but the Clerk will read it again.

The Clerk read as follows:

A bill (H. R. 4892) authorizing the President to take possession, on behalf of the United States, for use as sites for permanent aviation stations for the Army and Navy and for aviation school purposes, of the whole of North Island in the harbor of San Diego, Cal., and for other purposes.

The SPEAKER. Is there objection? This bill is on the Union Calendar.

Mr. CALDWELL. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. CALDWELL. Mr. Speaker, I offer an amendment on page 1, line 5, after the word "use," insert "for national defense and in connection therewith."

Mr. STAFFORD. Mr. Speaker, a question of order.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. The bill has not yet been read.

The SPEAKER. It was read this morning, but the Clerk will read it again.

The Clerk read as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to cause possession to be taken forthwith, on behalf of the United States, for use as sites for permanent aviation stations for the Army and Navy and for aviation school purposes, of the whole of North Island, in the harbor of San Diego, Cal., and the provisions of section 355, Revised Statutes, shall not apply to the expenditure of any appropriations for improvements thereon for aviation purposes.

The Attorney General or the claimants to the said North Island are authorized to make application for the determination and appraisement of any rights private parties may have in the said island over and beyond any rights thereto in the United States to the District Court of the United States for the Southern District of California; the proceedings to be prosecuted in accordance with the laws of the State of California relating to the condemnation of property for public use. Either party may take an appeal from the judgment of such court direct to the Supreme Court of the United States within 90 days after such judgment is rendered. Upon the final ascertainment of the value of any right, title, or interest adjudged to be in any private claimants to the said island there shall be paid into court the value of the same as so determined, together with interest thereon at the rate of 6 per cent per annum from date possession thereof was taken as herein authorized; and thereupon the United States shall be vested with title to said lands. The amount so paid shall be distributed by order of the court to the owner or owners of such right, title, or interest in said island as their respective interests may be determined by the court. The amount necessary to pay the awards in favor of private claimants is hereby appropriated, out of any money in the Treasury not otherwise specifically appropriated, to be disbursed under orders of the Secretary of War.

Mr. CALDWELL. Mr. Speaker, I now offer the amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 5, insert, after the word "used," the following: "for national defense and in connection therewith."

The question was taken, and the amendment was agreed to.

Mr. CALDWELL. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 8, line 8, strike out the period and insert:
"*Provided*, That no compromise or settlement of claims for title to said land shall be made involving the payment of more than $500,000."

Mr. CALDWELL. Mr. Speaker, in connection with that amendment I will say that the amendment was agreed to by the gentleman from Wisconsin [Mr. STAFFORD] and was offered so as to avoid the objection which has been made to the bill.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced the noes seemed to have it.

On a division (demanded by Mr. STAFFORD and Mr. CALDWELL) there were—ayes 39, noes 4.

So the amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. CALDWELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

TO AMEND THE ACT TO REGULATE COMMERCE.

Mr. ADAMSON. The Senate has just returned the bill we passed yesterday and asks for a conference, and I ask unanimous consent that we agree to the conference asked and insist on the amendments made by the House.

The SPEAKER. The gentleman from Georgia asks unanimous consent to take from the Speaker's table the bill S. 1816, insist on the House amendments, and agree to the conference. Is there objection? [After a pause.] The Chair hears none. The Chair announces the following conferees: Mr. ADAMSON, Mr. SIMS, and Mr. ESCH.

AMENDING THE ACT TO REGULATE COMMERCE.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to call up and pass the bill S. 2356.

The SPEAKER. The gentleman from Texas asks unanimous consent for the present consideration of the bill S. 2356, which the Clerk will report.

The Clerk read as follows:

An act (S. 2356) to amend the act to regulate commerce, as amended, and for other purposes.

Mr. KEATING. Mr. Speaker, I object.

The SPEAKER. The gentleman from Colorado objects.

Mr. RAYBURN. Mr. Speaker, is a motion to suspend the rules in order?

The SPEAKER. The gentleman can not do it until next Monday.

Mr. RAYBURN. Mr. Speaker, I move we go into the Committee of the Whole House on the state of the Union for the consideration of this bill.

The SPEAKER. But objection is made, and that is the end of it.

Mr. KEATING. Mr. Speaker, I make the point of order there is no quorum present.

Mr. RAYBURN. Mr. Speaker, I renew my request for unanimous consent.

The SPEAKER. The gentleman renews his request for unanimous consent.

Mr. BORLAND. Mr. Speaker, reserving the right to object, I understand there is going to be some general debate, and that I am yielded 40 minutes.

Mr. RAYBURN. If I get that much time, the gentleman can get it all except one minute.

Mr. ADAMSON. Mr. Speaker, the gentleman from Texas [Mr. RAYBURN] had promised the gentleman from Missouri [Mr. BORLAND] and the gentleman from Michigan [Mr. HAMILTON] some time.

The SPEAKER. The Chair did not understand a word the gentleman from Georgia said.

Mr. BORLAND. The gentleman from Georgia said that the gentleman from Texas had promised the gentleman from Missouri and the gentleman from Michigan each time in general debate.

The SPEAKER. Is there objection?

Mr. GARRETT of Texas. Reserving the right to object, can I have five minutes?

The SPEAKER. The Chair hears no objection. This bill is on the Union Calendar.

Mr. RAYBURN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill.

Mr. ADAMSON. Mr. Speaker, pending that I want to ask to strike from the calendar a bill which was incorporated in the espionage bill, H. R. 3349, which ought to be laid on the table.

The SPEAKER. The gentleman from Georgia asks unanimous consent that that bill be laid on the table, because it has passed in another form. Without objection, it is so ordered.

There was no objection.

Mr. KITCHIN. Mr. Speaker, pending the motion to go into the Committee of the Whole House on the state of the Union, I want to see if we can not agree upon time for general debate. Who opposes the bill on the committee?

Mr. ADAMSON. I would like to ask the gentleman from Wisconsin [Mr. ESCH] how much time they desire over there?

Mr. ESCH. It depends upon whether the gentleman from Michigan [Mr. HAMILTON] wishes time.

Mr. KITCHIN. Does the gentleman from Georgia want over an hour?

Mr. ADAMSON. Well, the gentleman from Missouri and the other gentlemen want an hour.

Mr. KITCHIN. I ask unanimous consent, Mr. Speaker, that general debate be limited to two hours, one hour to be controlled by the gentleman from Wisconsin [Mr. ESCH] and one hour by the gentleman from Georgia [Mr. ADAMSON].

Mr. RAYBURN. Reserving the right to object, it has been agreed that the gentleman from Missouri [Mr. BORLAND] have 40 minutes, and the gentleman from Pennsylvania [Mr. DEWALT], a member of the committee, wants 20, and my colleague from Texas [Mr. GARRETT] wants 5.

Mr. ADAMSON. Can the gentleman from Wisconsin [Mr. ESCH] give the gentleman from Michigan [Mr. HAMILTON] his time?

Mr. ESCH. I desire to give him 30 minutes. We have had requests for time that will certainly take an hour.

Mr. KITCHIN. Let us make it two hours and a half.

Mr. MADDEN. I would like to make a suggestion, if the gentleman from North Carolina will listen. Let the debate run until half past 5, and let the House adjourn and take up this bill in the morning.

Mr. KITCHIN. Let us agree to this, because, gentlemen, we have several important bills that we would certainly like to get through this week, so that we can have an adjournment over until Tuesday and from Tuesday until Thursday or Friday. And unless we can make some time we can not do that.

Mr. GILLETT. Will the gentleman be good enough to state to the House what the program is just now?

Mr. KITCHIN. There is a bill from this committee, the trading-with-the-enemy bill, that ought to get through.

Mr. STAFFORD. I will say to the gentleman in that connection that there have been numerous Members on this side who believe that that bill should not be pressed for consideration before we come back from our recess. It is a bill of the greatest moment, and one that has not been given the consideration I think it deserves, and I hope it will not be included in the gentleman's program.

Mr. KITCHIN. I would say this, that if it is going to be passed at all, it ought to be passed certainly before the last days of the session, and I would like to get through with everything except the revenue bill before we have the gentlemen's agreement that the House is going to pass, and then we will have only to wait for the bills that come from the Senate. I think we had better stay here until we dispose of the food bill. I understand now that it will probably be sent back Saturday or at least Monday or Tuesday.

Mr. STAFFORD. Does the gentleman think that the legislation as reported to the Senate yesterday, in singling out the beverage of California and destroying the beverage of many other States, will pass in such quick order?

Mr. KITCHIN. I believe, after discussion with some of the Senators, we will probably get it back next week.

Mr. ADAMSON. I wish to state to the gentleman from Wisconsin that last Monday morning, when the gentleman spoke about the three days' recesses, he specified these two bills, and that he wanted them considered before they made an agreement.

Mr. STAFFORD. The trading-with-the-enemy bill has just been reported, and few Members have had opportunity to examine it.

Mr. KITCHIN. We have to-morrow and Saturday, and we can have Monday. We can come back Monday, and have Thursday, Friday, and Saturday with it.

Mr. STAFFORD. I wish to say that I think that bill ought to be eliminated from the program at this time.

Mr. KITCHIN. Suppose, then, that we have this gentleman's agreement of three days' adjournment at a time, and have to wait until the revenue bill comes back from the Senate. We will be within a week or so then of adjournment. We will probably dispose of the food bill next week.

Mr. HAMILTON of Michigan. I would like to ask the gentleman from Wisconsin what was meant by the suggestion that

the trading-with-the-enemy bill has not received consideration? Does he mean by the committee?

Mr. KITCHIN. We all want to get away while the Senate discusses the revenue bill, which will take three weeks. It will take them six weeks to understand the bill they have reported out. They will discuss it three weeks, and there will be no use of our sitting around here doing absolutely nothing in this sweltering weather, and that is what we would have to do unless we put this work off while the Senate is discussing the revenue bill. We can take in one week from now, to the last of next week, and pass them over to the Senate and have a gentleman's agreement to go away and stay three weeks.

Mr. GILLETT. You mean to stay here next week?

Mr. KITCHIN. Yes, sir.

Mr. STAFFORD. The gentleman is aware that there is no quorum, or will not be, next week?

Mr. KITCHIN. There will be if it is necessary that they stay here to do this work. It will take about two days for the trading-with-the-enemy bill.

Mr. RAKER. And will this bill (H. R. 3321) for the relief of desert-land claimants have an opportunity to be considered?

Mr. KITCHIN. That will be a matter of unanimous consent. Anybody could object to that.

Mr. RAKER. I do not want to be cut out.

Mr. GILLETT. I was going to suggest to the gentleman that it seemed to me if we should carry out the original program and adjourn either to-night or to-morrow night and agree to recess for three days and agree that nothing should be done except by unanimous consent, it seems that by unanimous consent the food bill could be sent to conference and then the conferees could be occupied, and——

Mr. KITCHIN. If we would all agree on that we would not have to come back even for that.

Mr. MADDEN. I would do that.

Mr. GILLETT. I thought that would allow us to stay away until the conferees had agreed; stay, perhaps, a couple of weeks.

Mr. KITCHIN. The gentleman from Kentucky [Mr. BARKLEY] will not agree to that.

Mr. FLOOD. Mr. Speaker, I want to make a suggestion to the gentleman from North Carolina. He says that the trading-with-the-enemy bill will take two days.

Mr. KITCHIN. I said we ought to get through with it in two days.

Mr. FLOOD. The present law authorizing the issuance of permits for the utilization of water in the Niagara River above the Falls expires on the 1st of July, and it is very essential to the industries of that place that this bill should be passed before the 1st of July, because otherwise they will be cut off from the use of a portion of the water and the electrical power will be reduced and some of the industries will be stopped.

Mr. MADDEN. Some of those industries are making war supplies, are they not?

Mr. FLOOD. All of them are making either war materials or war supplies.

Mr. KITCHIN. I do not think it would take more than 10 minutes if the resolution involves nothing more than an extension of the time.

The SPEAKER. What does the gentleman from Georgia [Mr. ADAMSON] suggest?

Mr. ADAMSON. I suggest that the debate on this bill be limited to two hours and a half, one half to be controlled by the gentleman from Wisconsin [Mr. ESCH] and the other half by the gentleman from Texas [Mr. RAYBURN].

Mr. FLOOD. General debate?

Mr. ADAMSON. Yes.

Mr. FLOOD. I object. I was making a reasonable suggestion.

The SPEAKER. The gentleman from Georgia was making a reasonable suggestion.

Mr. BANKHEAD. The regular order, Mr. Speaker.

SEVERAL MEMBERS. Oh, no!

The SPEAKER. Does the gentleman withdraw it?

Mr. BANKHEAD. I do.

Mr. FLOOD. My suggestion was that after the pending bill was taken up the Niagara Falls resolution should be taken up.

Mr. KITCHIN. How long does the gentleman think it will take to pass it, if he gets unanimous consent to take it up?

Mr. FLOOD. I think it could be passed in an hour or in half an hour. Of course, I could not say for sure.

Mr. COOPER of Wisconsin. Mr. Speaker, I will say, in approval of what the gentleman from Virginia [Mr. FLOOD] has just said to the House, that the Niagara Falls joint resolution—not a bill—ought to be passed. It is one of exceeding importance.

Mr. CANNON. Is it on the calendar? If so, why not pass it now?

Mr. KITCHIN. I ask unanimous consent that it shall be in order to take up the joint resolution to which the gentleman from Virginia [Mr. FLOOD] refers immediately after the passage of the bill now pending.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that immediately after the passage or defeat of the bill that is now pending, the joint resolution about Niagara Falls water shall be in order. Is there objection?

Mr. KEATING. Reserving the right to object, Mr. Speaker, how much of an extension is granted by this resolution?

Mr. FLOOD. For one year.

The SPEAKER. Is there objection?

Mr. KEATING. I will object for the present.

The SPEAKER. The gentleman from Colorado objects, and that is the end of that part of it. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent that the general debate on the pending bill be limited to two hours and a half, to be divided equally between the contending parties, one-half to be controlled by himself and one-half by the gentleman from Wisconsin [Mr. ESCH]. Is there objection?

There was no objection.

Mr. KITCHIN. I would like to state, Mr. Speaker, that the intention of the gentleman in charge of the bill is to pass this bill to-night or this afternoon before we adjourn. Gentlemen should remain.

The SPEAKER. The question is on agreeing to the motion to go into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The SPEAKER. The gentleman from Georgia [Mr. CRISP] will take the Chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (S. 2356) to amend the act to regulate commerce, as amended, and for other purposes, with Mr. CRISP in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill S. 2356, which the Clerk will report.

The Clerk read as follows:

A bill (S. 2356) to amend the act to regulate commerce as amended, and for other purposes.

Mr. BARKLEY. I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The CHAIRMAN. Under the order of the House, the general debate on this bill is limited to two hours and a half, 1 hour and 15 minutes to be controlled by the gentleman from Georgia [Mr. ADAMSON], the chairman of the committee, and 1 hour and 15 minutes to be controlled by the gentleman from Wisconsin [Mr. ESCH].

Mr. RAYBURN. Mr. Chairman, the understanding is that I am to control the time on this side.

The CHAIRMAN. The gentleman from Texas.

Mr. RAYBURN. Mr. Chairman, this is a very short bill, and I do not intend to take up very much time in my preliminary statement, but will reserve some of my time for reply in case the bill is seriously objected to, which I feel certain it will not be.

Quite a misconception has floated around about the purposes of this bill, and about what its effect would be if enacted into law. We have had hearings this year, and we had hearings some time ago, on one provision of this bill, or another bill that had provisions in it that some people have interpreted to be similar to the provisions in this bill.

Some misconception has gone out in the proposition that this bill was a renewal of the fight of last session to pass a bill to prevent strikes upon railroads. I wish to assure the membership of the committee that if I know anything about what the English language means, and if other Members do who have participated in the writing of this bill know anything about what the English language means, there is not one word or syllable in this bill that seeks in any way to prevent men from quitting work when they choose. The Senate in passing this bill put in an amendment that says that nothing herein contained shall in any way repeal or abridge the powers or privileges conferred in sections 6 and 20 of the Clayton Antitrust Act. The House Committee on Interstate and Foreign Commerce, believing that they understood the language of this bill, struck that part out of the bill that they reported, believing and knowing, as far as I am concerned, that there is nothing whatever

in this bill that would justify an appendage of that kind being placed upon it.

The first paragraph of this bill simply provides—

That on and after the approval of this act any person or persons who shall, during the war in which the United States is now engaged, knowingly and willfully, by physical force or intimidation, by threats of physical force obstruct or retard, or aid in obstructing or retarding, the orderly conduct or movement in the United States of interstate or foreign commerce, or the orderly make-up or movement or disposition of any train, or the movement or disposition of any locomotive, car, or other vehicle on any railroad or elsewhere in the United States engaged in interstate or foreign commerce shall be deemed guilty of a misdemeanor, and for every such offense shall be punishable by a fine of not exceeding $100 or by imprisonment for not exceeding six months, or by both such fine and imprisonment.

I contend that there is nothing in that language that would interfere in any way with men quitting any employment that they were engaged in, or that they desired to quit. When we use the words "by physical force," it seems to me, it makes that very plain indeed.

Mr. CARY. Will the gentleman permit?

Mr. RAYBURN. Yes.

Mr. CARY. Would it do any harm to leave the section in the bill?

Mr. RAYBURN. I think it is wholly unnecessary, but when we come to the five-minute rule I am going to say that I have no objection to it.

Mr. CARY. I do not think it does any harm whatever.

Mr. RAYBURN. I think it is unnecessary, as far as that is concerned, but I do not object to putting it in the bill if it will appease anybody or satisfy anybody. I shall not object to it. But on the other hand, I do not believe that the right should be given to anybody to interfere with interstate commerce in this country, and especially in time of war, by violence, by physical force, any more than they should be allowed the privilege of interfering with the mails of the United States; and the provision in this bill, as I read it and as our committee interpreted it, simply places interstate shipments and foreign shipments during this war upon the same plane that the mails of the United States are placed upon, and under practically the same penalties.

Mr. TOWNER. Before the gentleman passes section 1, I will ask him is paragraph 1 of the present House bill essentially the same as paragraph 1 of the Senate bill with the exception of the proviso?

Mr. RAYBURN. Yes; I think it is exactly the same.

Mr. TOWNER. And what changes, if any, have been made in the second paragraph, from the Senate provision? Is the gentleman going to point those out?

Mr. RAYBURN. I hope to, yes.

Mr. TOWNER. There are some changes?

Mr. RAYBURN. Yes.

Mr. LAGUARDIA. Before the gentleman proceeds, will he kindly explain the necessity of vesting in the Federal courts the jurisdiction of the acts described in this first section. As they would constitute felonies under the various State laws, what is the necessity of transferring the jurisdiction?

Mr. RAYBURN. I realize, sir, that that is a very important suggestion, but I am supporting the bill as the House committee reported it, and on the other hand when we go into this field of legislation we occupy the field and it seems to me it would be a hard matter to deprive the Federal courts of jurisdiction.

Mr. TOWNER. If it is a matter relating to interstate commerce, would it not be necessary to confer jurisdiction upon the Federal courts?

Mr. RAYBURN. They do try these cases in the local courts many times. I think if a man throws a rock through a car window the courts have interpreted that he is interfering with interstate commerce, but they usually try such cases in the local courts. That is my understanding about it. Of course, it is a Federal offense anyway, and this simply gives the right to try it in a Federal court. When the Congress legislates on this subject it puts them in the Federal court, and we can not legislate without putting them in the Federal court.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. LAGUARDIA. Would it not be a good idea to give the Federal court jurisdiction with the State court, and in that way not entirely deprive the State courts of jurisdiction?

Mr. RAYBURN. I do not know; probably I am not a good enough lawyer to say whether or not we might give them both jurisdiction; whether after Congress passes on this question we could say that the State court could try the cases instead of the Federal court.

Mr. COX. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. COX. I am for the bill as it was reported by the House. As I read the first paragraph of the Senate amendment, it provides exclusively for interference with the interstate commerce on railroads.

Mr. RAYBURN. Yes.

Mr. COX. Is there any provision of any sort in the Senate amendment that applies to interference with interstate commerce on rivers? If there is, I can not find it.

Mr. RAYBURN. I do not know whether it is broad enough to cover that question that the gentleman asks or not, but I should think it is.

Mr. COX. I was wondering if it would not be wise to add a provision to it that they shall not interfere with interstate commerce on rivers as well as railroads. When you enumerate in a statute what you are driving at, it precludes anything else unless you enumerate it. The first paragraph amounts to a designation of interference with interstate commerce on railroads. You say that it applies to railroads, locomotives, cars, trains, and so forth, engaged in interstate commerce. I think the fair construction is that only interstate commerce on railroads is sought to be prevented.

Mr. ALEXANDER. The gentleman will note that beginning in line 15 it says:

That during the continuance of the war in which the United States is now engaged the President is authorized, if he finds it necessary for the national defense and security, to direct that such traffic or such shipments of commodities as may be essential to the national defense and security shall have preference or priority in transportation by any common carrier by railroad, water, or otherwise.

Mr. COX. I observe that, but when you enumerate specifically, as you do in the first section, what kind of commerce you seek to prevent interference with, my opinion is that when the court comes to construe it they will construe it to be interference with interstate commerce on railroads.

Mr. TOWNER. I think the gentleman is correct, but let me make this suggestion: In line 22, page 5, the language is—

That on and after the approval of this act any person or persons who shall, during the war in which the United States is now engaged, knowingly and willfully, by physical force or intimidation, by threats of physical force, obstruct or retard, or aid in obstructing or retarding, the orderly conduct or movement in the United States of interstate or foreign commerce, or the orderly make-up or movement or disposition of any train, or the movement or disposition of any locomotive, car, or other vehicle on any railroad or elsewhere.

Now, if there are other items referred to of the same general character, the gentleman's interpretation would be correct, but in specifying the movement or disposition of any locomotive, car, or other vehicle on any railroad or elsewhere, those particulars would not be such as would include the general statement.

Mr. COX. It may be that it would not.

Mr. ALEXANDER. Would it not be well to insert after the word "commerce," in line 24, page 5, the words "by land or water"?

Mr. RAYBURN. This is interstate commerce, and I think there is enough in the provision to cover interference with interstate commerce on rivers.

Mr. COX. Does the gentleman believe that this bill is strong enough to prevent our brethren, the railway officials who brought on the strike of last year, from bringing on another one in time of war?

Mr. RAYBURN. No; I do not.

Mr. COX. The gentleman thinks they would have the power to do it.

Mr. RAYBURN. There is nothing in this bill to prevent or control strikes.

Mr. LAGUARDIA. What is the purpose of the first section?

Mr. RAYBURN. I have stated that as plainly as I could. Now, I must not yield further, for I can not use more than 10 minutes. The second paragraph of the bill provides that during the continuance of this war in which the country is engaged the President of the United States will have the power to make preferential shipments, and we believe that is a necessary power that should be lodged in the President, and that the railroads when under these orders shall be held to be immune from prosecution, as it is against the law regulating commerce.

Now, there are one or two other provisions that were changed from the Senate bill. A discussion of them will be found on the last page in the report of the bill.

One was that about keeping up a general agency here in Washington to control the railroads of the country. We do not go into the proposition of taking over the railroads or operating the railroads, but we did believe this to be much wiser and much simpler, that the President of the United States should be given the power to direct the railroads to do the things we want done rather than to take over the railroads and have an agent here in Washington to give instructions to the railroads as to how they should operate their business under instructions

by the President. Therefore we struck that proposition from the bill.

The proposition of allowing the carriers to go back to the old system of pooling we did not believe was a wise one, and we also struck that from the bill.

Another provision that we changed, the Senate amendment would require that the cars should be promptly furnished by the railroad companies of the country, and less than two weeks ago we passed a bill which has been signed by the President covering the full proposition of car shortage, we did not think there was any use of rehashing this proposition in the bill.

With these three changes in the bill, and with the proposition struck out about repealing section 6 and section 20 of the Clayton Antitrust Act, we have the same bill as passed the Senate. We have stricken out the whole bill passed by the Senate and substituted the one we desire, which will help get the matter into conference when the Senate refuses to agree to our amendments. Now, Mr. Chairman, I have promised to yield an hour and five minutes of my time, and I will close. [Applause.]

Mr. GARRETT of Texas. Mr. Chairman, I desire to have printed in the RECORD, to be read in my time, a letter from Mr. M. E. Foster, the president of the Houston (Tex.) Chronicle Publishing Co. and editor of the Houston Chronicle, on the subject of the zone postal rates. It is a very patriotic letter, which I think will do good if read in the RECORD and considered by the solons at the other end of the Capitol while they are considering the revenue bill. I ask to have this read in my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

THE HOUSTON CHRONICLE,
Houston, Tex., June 15, 1917.

Hon. DANIEL E. GARRETT,
Washington, D. C.

MY DEAR JUDGE: I thought Congress had acted wisely and well when it adopted in its war-revenue bill the section which provided for a graduated postal rate, effective July 1. What is known as the zone system of postal rates has always impressed me as being the only sensible way of handling newspaper postage. It is certainly not good business to charge the same price for sending a paper from Houston to Galveston by mail as from Houston to New York.

The graduated zone system is the proper system, and I can't see how anyone could find anything wrong with it. Quite naturally it may hurt some of the magazines that are now given a postal rate that is practically a subsidy; but from the standpoint of fairness and justness, it is the proper system, and would undoubtedly bring the Government much additional revenue.

If it is true, as claimed, that second-class mail is handled by the postal department at a loss of close to $90,000,000 a year, then there is all the more reason why a zone system should be established. In my opinion, it should be maintained not only during the war period, but for all time to come.

Increased postal rates are really not a tax in the proposed section 1201; it is simply a charge for service, and in my opinion a most proper charge. No other institution on earth would carry big bundles of newspapers or magazines 5,000 miles at the same price as for 50 miles. Let us have the zone system in preference to a tax on gross business in any department or special extra taxes on our net incomes.

While it may be true the Government has carried some newspaper and magazine mail at a loss, this, in my opinion, has been due to the lack of a business system rather than to any other cause. Even now the express companies will frequently carry newspapers within a certain zone at a considerably lower price than the United States Government under its all-inclusive blanket system of second-class postal rates.

I do not think publishers want anything that could be called a subsidy. We want freedom of expression and the right to conduct our business in accordance with constitutional guarantees. We believe that a free press is absolutely essential to this great Republic, and that it is to the interest of the Government to see that newspapers are given the widest circulation possible.

The United States Government could make little or no progress in its present fight for the world's freedom without the aid of the press of this country. We have given this aid freely and without hope of reward or financial recompense. In the matter of the liberty loan we came to the rescue of the Government, and that loan could not have been made popular, nor could it have been oversubscribed or even subscribed, had it not been for the fact that the newspapers gave it their editorial indorsement and gave column after column and page after page of space for impressing the necessity and value of the liberty bonds.

In the matter of registration we came to the aid of the Government, and in the matter of recruits our columns have been thrown open for the use of the War Department in all its branches day after day and week after week.

The newspapers of the United States are doing all this work without being paid one cent for advertising by our Government, which is in strong contrast with the methods used in England and Canada, where many hundreds of thousands of dollars were spent for newspaper advertising, both in securing recruits and in making bond issues popular.

Please bear in mind that every newspaper worthy the name is willing and anxious to do its part in this crisis. If the Government wishes to take all our profits, I am entirely willing to submit. I do not want certain industries penalized, however, while others are allowed to go free.

Our present fight for world-wide freedom should make every man and every industry willing to furnish the Government all the aid possible. I am sure the newspapers are willing to give their columns freely and to give a good portion of their profits or all of their profits. I know the Houston Chronicle is to-day subject to the command of Woodrow Wilson. I am for him, and our paper and our business is offered to him and this Government freely and fully.

Yours, very truly,

M. E. FOSTER,
President.

Mr. ESCH. Mr. Chairman, I yield two minutes to the gentleman from Massachusetts [Mr. WALSH].

Mr. WALSH. Mr. Chairman, I have no desire to pose as the censor of the CONGRESSIONAL RECORD, nor to impose conditions upon Members of this honorable body as to what matters they shall insert in the CONGRESSIONAL RECORD, but I appreciate that I possess the right as a Member of this House to object when unanimous consent is asked for any purpose, including extension of remarks in the RECORD, particularly when requests have been made along lines such as have been followed during this session. The manner in which the privilege accorded has been taken advantage of since this session began has come to be, in my opinion, an abuse of the privilege, and borders closely in many instances upon an imposition upon the orderly observance of the rules of the House. I have taken the liberty of compiling the extensions which have been made during this session, after a fairly careful examination of the RECORD, and I find that since April 2 up to yesterday the CONGRESSIONAL RECORD has been used for the extension of remarks in the following instances and manner: Twenty-nine poems, some of which perhaps are thought to be epics and have been started on the eventful journey along the corridors of time; 70 articles, interviews, statements, comments, and so forth, upon all manner of subjects, grave, gay, serious, and sad; 54 editorials, some of them commenting upon the proceedings of the Congress and some of them fairly oozing wisdom and dripping with knowledge; 26 speeches, in most instances, delivered by persons not Members of either branch of Congress, some of which are well worthy of careful reading; 169 letters, upon nearly every subject but love; 123 resolutions; and 723 telegrams, and 534 telegrams were inserted in the RECORD by one gentleman, 483 of them on one day in large type such as is used for the printing of the speeches made on the floor of the House, 8 point I believe it is called, occupying nearly 19 printed pages, and 51 of that number were inserted on the following day, and marvelous or unfortunate though it be, these were in smaller or 6-point type, and 140 of the number were inserted by another gentleman upon the 28th of April, these also in the smaller type. I submit to the House that when extensions are made to that extent under unanimous consent they reach the point where they may be correctly considered as bordering on an abuse of the privilege. The additional cost for the entire edition of the RECORD I can not state, but I believe it might well have been saved. The gentleman who was so profuse in his extension of remarks as far as telegrams went, which occupies nearly 19 pages of the RECORD, was kind enough to send a letter to each Member calling his attention to the extension lest, perchance those 19 pages in the RECORD of that day should have escaped the notice of the membership of the House. The entire RECORD of the proceedings of the House for that day occupied but about 38 pages, and nearly 19 additional pages were used in the extension of the remarks of this particular gentleman. I desire to say it is my intention when I am present, in an effort to help conserve the supply of print paper, that whenever Members, irrespective of upon which side of the aisle they may sit, ask unanimous consent to extend their remarks in the RECORD for the insertion of editorials, poems, songs, extraneous speeches and addresses, and telegrams, to object. I have no personal grudge nor do I desire to be considered as making any personal reflection upon anyone's character, much less to be custodian of anybody's conscience.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. PLATT. Will the gentleman enlighten the House as to who it was that extended his remarks by the insertion of these telegrams in the RECORD?

Mr. WALSH. If the gentleman did not read them I refer him to the CONGRESSIONAL RECORD of June 20 and 21.

Mr. PLATT. Those are the very things that I never think of looking at in the RECORD.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. ESCH. Mr. Chairman, I yield 30 minutes to the gentleman from Michigan [Mr. HAMILTON].

Mr. HAMILTON of Michigan. Mr. Chairman, international law is defined as "the rules which determine the conduct of the general body of civilized States in their dealings with one another." (Lawrence.)

Some writers divide the so-called modern period of international law into four parts:

1. From the peace of Westphalia, which closed the Thirty Years' War in 1648, to the peace of Utrecht, in 1713.

2. From the peace of Utrecht to the congress of Vienna, in 1815.

3. From the congress of Vienna to the call for the first Hague peace conference, in 1898.

4. From the call for the first Hague peace conference down to the present time.

But future writers will make a new division of time, beginning with the war which is now convulsing the world.

The Czar of Russia, who proposed the first Hague peace conference, is dethroned and is a prisoner in his former palace and Russia is in the throes of revolution.

The first Hague peace conference was composed of representatives of 28 states, and its purpose was to substitute reason for brute force, to formulate peace conventions, to mitigate the cruelties of war, and to discourage war.

The second Hague peace conference, composed of representatives of 44 States, met June 15, 1907, "for the purpose of giving fresh development to the humanitarian principles which served as a basis for the work of the first peace conference of 1899."

It pronounced in favor of compulsory arbitration, and all its conventions were framed in the interest of civilized warfare when war could not be avoided.

It recommended the assembling of a third peace conference after an interval equal to that which had elapsed between the first and second conferences and adjourned with the hope everywhere expressed that "the parliament of man and the federation of the world" was about to be ushered in.

Since that time every rule of civilized warfare has been violated. Systematic frightfulness, which has made horror and hell weak words in the human vocabulary, has been adopted as a policy of war. Neither childhood, womanhood, nor age has been spared. Every barbaric method of causing suffering and death has been revived, and every scientific method of killing has been resorted to.

Squadrons fight in the air above armies greater than the world has ever known.

Dead lines are drawn across the sea and submarines lurk below the surface to strike and kill without mercy.

The rights of neutrals are ignored. The world has become accustomed to deeds of cruelty that four years ago were thought to be possible only among savages.

THE BEGINNING OF THE WAR.

The shots fired by an assassin on the 28th of June, 1914, demonstrated the flimsy foundation upon which the world's hope of peace was founded.

In his work called The Psychology of the Great War, Gustave Le Bon condenses the beginning of the war into this paragraph:

Germany and Austria were drawn into the war by a series of psychological errors, among which was the conviction that France, England, and Russia would not intervene.

When Germany saw that Russia was not only not yielding to her threats as she had anticipated, but was mobilizing, she feared to let her adversaries get the start of her in their military preparedness, and in obedience both to the suggestions of the military party and to her own convictions that England would remain neutral, made a demand of Russia to demobilize. When Russia refused, Germany declared war upon her.

The Archduke Francis Ferdinand, heir to the Hapsburg throne, and his morganatic wife, the Duchess of Hohenburg, were assassinated at Sarajevo, the capital of Bosnia, June 28, 1914, on the occasion of their first official visit there after the annexation of Bosnia and Herzegovina in 1908.

By virtue of the treaty of Berlin in 1878 Austria-Hungary entered upon the occupation and administration of Bosnia and Herzegovina, with the ultimate purpose of annexation.

But when, on October 7, 1908, Francis Joseph addressed a proclamation to the people of Bosnia and Herzegovina declaring them to be his subjects, conditions were not propitious for annexation.

Turkey and Montenegro protested to the powers which had signed the treaty of 1878 that Francis Joseph's action was in violation of that treaty, and that annexation could not be consummated without their consent, and two of them—Great Britain and Russia acquiesced in this construction.

There was deep antagonism among the Slavs against this annexation.

A Pan-Serb movement had been for a long time in progress for the incorporation of Bosnia and Herzegovina in a greater Serbia, hostile to Austria and in sympathy with Russian Pan-Slav aspirations.

When the Archduke Francis Ferdinand was shot it was charged by Austria that his assassination was part of this Pan-Slav movement.

DIPLOMATIC CORRESPONDENCE.

In outline, the diplomatic correspondence during the crowded week before the war began shows that—

Thursday, July 23, 1914:

The Powers were informed that, in consequence of the assassination at Sarajevo, Austria-Hungary had sent an ultimatum to Serbia demanding that she should accept the collaboration of representatives of the Austro-Hungarian Government "for the suppression of the subversive movement directed against the territorial integrity of the monarchy," and fixing a time limit of 48 hours.

The brevity of this time limit paralyzed efforts at peace and is probably responsible for the war.

For it Germany is in part responsible, because she says in her White Book that she "gave Austria an entirely free hand against Serbia."

Friday, July 24:

Russia asked Austria to extend the time limit fixed in her ultimatum. The French ambassador at St. Petersburg called attention to the fact that the short time limit "increases the difficulties in the way of the restraining influence which the powers of the triple entente might otherwise exert at Vienna."

But the British ambassador at Vienna reported that the "Austrian minister was under instructions to leave Belgrade unless Austrian demands were accepted integrally by 4 p. m. tomorrow."

Saturday, July 25:

England proposed that she herself, together with Germany and Italy, should mediate between Austria and Russia. But Austria refused to extend the time limit.

Sunday, July 26:

Russia intervened at Vienna in favor of Serbia and asked Germany's cooperation.

But Austria ordered partial mobilization.

Monday, July 27:

According to the Blue Book (English), Germany accepted in principle mediation between Austria and Russia. But according to the Orange Book (Russian), the German ambassador at Paris "insisted that the idea of any possible mediation or conference must be excluded."

To justify her uncompromising attitude, Austria published this note:

Serbia has for a long time been agitating to separate the southern Slavs from the Austro-Hungarian Monarchy in order to unite them in a great Serb State. This propaganda on Serbian soil has always had the same object, although it has employed different means and has been more or less violent upon different occasions. Its culminating point was reached at the time of the annexation crisis.

Tuesday, July 28:

Germany upheld Austria's uncompromising attitude.

Austria ordered general mobilization and declared war against Serbia.

Russia then requested England's mediation.

Wednesday, July 29:

Germany advised resumption of negotiations between Russia and Austria.

Russia ordered mobilization in territory bordering on Austria.

Germany threatened to mobilize if Russia did not stop preparations.

Russia stated that she could not stop because Austria maintained her attitude.

Thursday, July 30:

Russia promised to stop military preparations if Austria would admit that her quarrel with Serbia was of European interest.

Friday, July 31:

Negotiations were resumed between Russia and Austria, but Germany announced that Russia's military preparations made it necessary for her to prepare.

Saturday, August 1:

Germany sent an ultimatum to Russia demanding that she demobilize within 12 hours.

Austria reconsidered and announced her willingness to recognize that Europe had an interest in her quarrel with Serbia.

Russia attempted again to avert war by announcing that she would be satisfied with an assurance of the independence and territorial integrity of Serbia.

At 7 o'clock the evening of August 1 Germany declared war on Russia.

At 7 o'clock in the evening of August 2 Germany delivered an ultimatum to Belgium demanding the right of way through Belgium.

On August 3 Germany declared war against France.

It is argued that Austria refused to modify her demands, and Germany backed her in her refusal because they both believed that neither Russia, France, nor England would intervene; that they believed Russia would not intervene because she had not intervened (but only protested) when Austria seized Bosnia and because she had domestic troubles, and that they believed France and England would remain neutral because France was disputing about her military system and England was hampered by domestic troubles.

England entered the struggle when Belgium's neutrality was disregarded and her territory invaded by Germany.

BELGIUM'S NEUTRALITY AND THE TREATIES OF 1831 AND 1839.

Belgium was governed by the King of Spain in the seventeenth century, by the Emperor of Austria in the eighteenth century, and was annexed to France in 1792.

In 1814, after Napoleon's first abdication, Great Britain, Prussia, Austria, and Russia agreed that Holland and Belgium should be joined in one kingdom, to be known as the Netherlands, and ruled by William of Nassau.

The union between Holland and Belgium was unpopular. Increasing discontent compelled the King to call upon the Five Powers—Great Britain, France, Prussia, Austria, and Russia—for assistance, and on November 4, 1830, a conference of the Powers met at London, and in January, 1831, decided that Belgium should be an independent, neutral State.

On November 15, 1831, a treaty was signed at London between the Five Powers and Belgium, the first 24 articles of which defined the terms of separation between Holland and Belgium and their respective boundaries, but the King of Holland refused to accept the 24 articles.

It was not until 1838 that he agreed to them, and on April 19, 1839, three treaties were signed—one between Holland and Belgium, one between the Five Powers and Holland, and one between the Five Powers and Belgium.

In each of the two treaties of the Five Powers with Holland and with Belgium, the Five Powers guaranteed the 24 articles.

By these treaties Belgium became an independent, neutral State, guaranteed by the Five Powers, and since that time there has been no change in her boundaries or international position except by the annexation of the Congo independent State, in 1882.

I do not undertake here a discussion of the somewhat complicated history of the Duchy of Luxemburg and the Duchy of Limburg.

THE TREATIES OF 1870.

In 1870, war having broken out between France and Prussia, Great Britain negotiated two treaties for the protection of the neutrality of Belgium—one with the Emperor of the French, the other with Prussia and her allies.

In the treaty with the Emperor of the French, England agreed to cooperate with France to defend the neutrality of Belgium in case of its violation by the North German Confederation and in the treaty with Prussia and her allies she agreed to defend the neutrality of Belgium in case of its violation by France.

In both treaties England agreed not to engage in war outside Belgium, and the treaties were to remain in force during the war and for 12 months thereafter.

THE FIFTH HAGUE CONVENTION.

Not only was Belgium neutralized by the treaties of 1831 and 1839, but "in time of war she shares in the common law of neutrality as defined by the provisions of the Fifth Convention of The Hague, in 1907. Thus the protection assured her was a double one. As a neutralized State she could not on any possible ground be regarded as an enemy; as a neutral State she had a right to the general immunity conferred by the common law of neutrality in case of any conflict arising among the other powers." (Belgium's Case, by De Visscher.)

In the Fifth Hague Convention, of 1907, respecting the rights and duties of neutral powers in war on land, referred to by De Visscher, it is declared in Article 1 that "the territory of neutral powers is inviolable"; in Article 2, that "belligerents are forbidden to move across the territory of a neutral power, troops or convoys, either of munitions of war or of supplies"; and in Article 5, that "a neutral power ought not to allow on its territory any of the acts referred to in Articles 2 to 4."

These declarations were unanimously adopted by The Hague conference and were ratified by Germany November 27, 1909.

GERMANY'S ADMISSION OF VIOLATION OF BELGIUM'S NEUTRALITY.

Some German jurists have argued that Germany was not bound by these provisions because Article 20 of the fifth convention declares that the provisions of the convention "are only applicable between the contracting powers, and only if all the belligerents are parties to the convention."

But at the time—the morning of August 4, 1914—when Germany violated the neutrality of Belgium Germany had declared war only on France and Russia, and all four of the powers concerned had ratified the convention.

But Germany herself has fixed upon herself the responsibility for the violation of Belgium's neutrality by the public declarations of her own Chancellor.

On the very day—August 4, 1914—on which the German soldiers entered Belgium Chancellor von Bethmann-Hollweg, in a historic speech in the Reichstag, declared "our troops have occupied Luxembourg and perhaps are already on Belgian soil. Gentlemen, that is contrary to the dictates of international law. * * * Necessity knows no law. We were compelled to override the just protest of the Luxembourg and Belgian Governments. This wrong—I speak frankly—we will endeavor to make good as soon as our military goal has been reached.

"Anybody who is threatened as we are and is fighting for his highest good can only have one thought—how he is to hack his way through."

Some six weeks later—September 14, 1914—von Bethmann-Hollweg confirmed what he had said in the Reichstag by a communication addressed to the Ritzau Bureau in Copenhagen, which was published in the Berliner Tageblatt, the same day, in which he said:

"It is true that we have violated Belgian neutrality because we were driven to it by hard necessity. But we fully guaranteed the integrity of Belgium and also the payment of an indemnity if she would consent to recognize this necessity." (Belgium's Case, De Visscher.)

Since that time Germany has exacted enormous tribute from stricken Belgium, destroyed her cities, killed her people, tortured her people, starved her people, deported her people, enslaved her people. For these crimes there is and never was any law of necessity or otherwise.

Some biased historians may try to extenuate the violation of Belgium's neutrality. Some few may seek to justify the war on Belgium; but if one-tenth part of the stories of horrible cruelties which have come from the blood-soaked soil of Belgium are true, if one-tenth part of the entries of hideous cruelties in the notebooks of German prisoners are true, the memory of them, the horror of them, can never fade from human history.

Posterity with shuddering eyes will quickly turn the leaves of this chapter of the unspeakable crimes of the instruments of a civilization which claims for itself the highest culture.

THE DECLARATION OF WAR ON FRANCE.

But what was Germany's "highest good," of which von Bethmann-Hollweg speaks? Why was she "hacking her way through" Belgium? What was her "military goal"?

Obviously, her immediate "military goal" was the siege and destruction of Paris and the levying of tribute upon France. Having conquered France, she meant to devote her attention to Russia.

France had not declared war against Germany. France had committed no act of aggression against Germany; neither had she intervened in Austria's quarrel with Serbia.

Germany's declaration of war against France stated an obviously trivial pretext. The German Ambassador at Paris called at the French Foreign Office at 6.45 in the evening of August 3, 1914, and presented this document:

Mr. PRESIDENT: The German administrative and military authorities have established a certain number of flagrantly hostile acts committed on German territory by French military aviators. Several of these have openly violated the neutrality of Belgium by flying over the territory of that country; one has attempted to destroy buildings near Wesel; others have been seen in the district of Eifel; one has thrown bombs on the railway near Karlsruhe and Nuremberg.

I am instructed and I have the honor to inform your excellency that in the presence of these acts of aggression the German Empire considers itself in a state of war with France in consequence of the acts of this latter power.

According to M. Lauzanne, editor in chief of the Matin, on May 18, 1916, Dr. Schwalbe, burgomaster of Nuremberg, declared, in a statement published in the Deutsche Wechenschrift, that "the rumor that bombs had been thrown by French aviators on Nuremberg or its railway were utterly untrue."

All the statements of alleged fact in the declaration of war against France have been denied, but if true they constituted no ground for war.

UNDERLYING CAUSES OF WAR.

We must go back of declarations for "the remote, deep-seated, and varied causes which had been slowly piling up until the day when their effects swarm suddenly into our ken."

The Sarajevo incident was not the cause, but the occasion of the war.

The Austrian ultimatum to Serbia was drawn in a form to make acceptance impossible.

If the Austrian ultimatum had been less peremptory—if time for deliberate negotiation had been given—war might have been postponed for a time, but the Armed Peace, with its monstrous burden of taxes which the nations of Europe had imposed upon themselves, could only end in war.

It produced in Germany a military autocracy upheld by the landed nobility.

In the presence of this landed nobility and this military aristocracy what there was of German democracy could make no headway.

The military aristocracy, which expressed itself in large standing armies, was inspired by the cynical doctrine that might makes right and that the strong alone deserve to live.

It is difficult, almost impossible, to summarize and analyze the invisible forces that lay behind visible events and controlled events.

Religion, patriotism, philosophy, and poetry were invoked to gild, glorify, and justify nationalism backed by the sword. Race ideals, race prejudices, race jealousies, race arrogance, and commercial rivalry—all these responded to the invocation of Force.

Difference in national ideals made mutual understanding difficult.

A SCRAP OF PAPER.

A single circumstance will illustrate the mental differences that make it difficult for one nation to understand the motives that govern the conduct of other nations.

On August 4, 1914, when notified by the English ambassador at Berlin of the request of England that Germany withdraw its ultimatum to Belgium and reply to England before 12 o'clock that night, Chancellor von Bethmann-Hollweg became greatly agitated and said: "The step taken by the English Government was terrible; just for a word, 'neutrality'—a word which in war time had so often been disregarded—just for a scrap of paper, Great Britain was going to make war on a kindred nation."

The German Chancellor's inability to understand why a nation should feel itself bound by its signature to a treaty, "a scrap of paper," was not the detached, eccentric reasoning of one man, but expressed the views not only of himself but of eminent German thinkers.

THE DOCTRINE OF FORCE.

The doctrine that might makes right and that the German ideals of civilization ought to be imposed upon the world is urged and sustained by Tretschke, the eminent historian, whose philosophy is epitomized in this sentence, quoted from his Germany and England, by Bernhardi, in his book called Germany and the Next War:

Among all political sins the sin of feebleness is the most contemptible. It is the political sin against the Holy Ghost.

The doctrine that might makes right is upheld by Prince Bulow in his Imperial Germany.

By Prof. Paulsen, of Berlin.

By Rudolph Eucken, of the University of Jena, who says, "To us more than to any other nation is intrusted the structure of human existence."

By Gerhart Hauptmann, the distinguished German dramatist.

By Prince Bismarck, as quoted in Lowe's Table Talk, based on Poschinger's Biography.

By Prof. Hugo Munsterberg, in his book, The War and America, pages 135–137.

By Prof. Ostwald in a recent article in the Journal de Genéve, in which he says: "Germany, thanks to her genius for organization or social efficiency, has attained a state of civilization far higher than that of all other peoples. This war will in the future compel these other peoples to participate under the form of German social efficiency in a civilization higher than their own. * * * You ask me what it is that Germany wants. Well, Germany wants to organize Europe, for up to now Europe has never been organized."

It is strongly advocated by Gen. von Bernhardi and many other German writers.

By her historians, her philosophers, her patriotic societies, and her system of military education, Germany has shaped the public thought of her people, who believe in their foreordained superiority over other nations.

The small but war-like kingdom of Frederick's time has become a mighty Empire, and, with her power, her pride has grown.

Because her defeat of France in 1871 had made Germany great, it was natural to argue that the subjugation of France in 1914 was necessary to enlarge her greatness.

Because Germany had been made by war, it was not illogical from Gen. Bernhardi's standpoint to argue that "war is the father of all things" and that "it is not only a biological law but a moral obligation, and, as such, an indispensable factor of civilization." He declares that "from the first appearance in history the Germans have proved themselves to be a civilized nation of the first rank, and, one may say, the civilized nation."

In the tenth chapter of his book, Unsere Zukunft (Our Future), he says:

In its undertakings a State should consider only the factor of force, disregarding every law except that of its own advantage.

Can we endure that a nation which has only 40,000,000 people, and which has already been defeated by Germany, should now dare to prescribe limits to her expansion?

We can secure Germany's position on the Continent only if we succeed in smashing the Triple Entente, in humiliating France, and giving her that position to which she is entitled.

The middle European States, which are at present independent, must be joined to Germany. Until we have crossed swords with England our foreign policy is condemned to failure.

Not only army and navy but our foreign policy also must be ready for immediate action.

In his chapter on "International Arbitration," he says:

Might alone, and not right, is capable of settling disputes between great States.

Every nation has its own standard of justice and its own ideals and aspirations. These arise necessarily from its character and history. * * * No one can tell whether the one or the other is right.

General treaties of arbitration must be particularly pernicious to an ambitious and rising nation, such as Germany, which has not yet reached the highest point in its political and national development.

One can not apply the conception of individual morality to that of the State.

The morality of a State is a thing by itself.

It must be in accordance with its peculiar nature and be founded upon its character and purpose, exactly as individual morality must be founded upon the personality of the individual and its duties toward Society.

The essence of the State is power, and its weakness is a sin.

It is immoral if a State does not strive to extend its power, if such extension is required by an expanding population. * * *

Nations must never allow themselves to be bound by treaty obligations which endanger the existence of the State, and are disadvantageous to it.

This is a strange philosophy in the opening years of the twentieth century. It is the gospel of brute force. If it prevails, the hands of time will be turned back to despotism.

WHAT ANSWER?

It is difficult to think of a collective, national German mind with ideals like this.

For myself I am compelled to believe that the policy of Brute Force and "Frightfulness" characterizes the aristocracy and dominates the militarism of Germany, but I decline to believe that it characterizes the German people.

I know too many noble, high-minded, humane, Christian German men and women to believe that.

The cultured, individual German as we know him is a student, a reader, a thinker, a lover of art, a man of ideals.

The average individual German as we know him is industrious, methodical, honest, and loyal to his adopted flag.

These men and women came here to escape militarism; they came here to escape the iron walls of caste; they came here because our flag means widened opportunity.

The German Nation as we have been accustomed to think of it is a nation unified and disciplined in thrift and technical training by an industrial system; a nation organized for business, with laboratories in which specialists study practical problems to produce marketable results, the whole dominated by a military aristocracy.

But we have not thought of Germany as an outlaw among the nations.

At the beginning of the war the Kaiser addressed his army in these words:

Remember that the German people are the chosen of God. On me, as German Emperor, the spirit of God has descended. I am His weapon, His sword, His viceregent. Woe to the disobedient; death to the cowards and unbelievers.

Germany claims for herself the highest civilization.

If there could be a supreme court of civilization before which the Germany of the Kaiser could be summoned to defend herself, what answer could she make to the charge of violating the neutrality of Belgium?

Her answer would be "Guilty." She has admitted her guilt by the declarations of her Chancellor.

After centuries of unspeakable horror, in which the unarmed people of invaded territory were tortured and murdered by the light of their burning homes, there has been established a law of civilized nations.

By that law "noncombatants are exempt from personal injury except in so far as it may occur in the course of the lawful operations of warfare."

By that law "the inhabitants of captured towns are not to be abandoned to the violence of the victorious soldiery."

By that law "the principle of humanity in time of war marks the line between savagery and civilization."

Germany claims for herself the highest civilization.

What answer can military autocratic Germany make to the charge of burning men, women, and children alive in their burning homes; of bayoneting girls and children; of the torture, mutilation, and rape of women; of the cutting off of hands; of the putting out of eyes; of the disemboweling of noncombatant men, women, and children; of shooting men, women, and children in masses; of forcing the living to dig the graves of their murdered dead; of the killing of priests; of the deportation of women and children to work in Prussian fields under the

bayonet; of the separation of families and the deportation of thousands into slavery?

What answer can she make?

Will she dare to use Maj. Gen. von Disfurth's justification, published in the Hamburger Nachrichten?—

> Frankly we are and must be barbarous if by these we understand those who wage war relentlessly and to the uttermost. * * *
> Germany stands as the supreme arbiter of her own methods, which in time of war must be dictated to the world.
> They call us barbarous. What of it? We scorn them and their abuse. For my part I hope that in this war we have merited the title of barbarians.

Will she adopt Maximillian Harden's answer?—

> Let us drop our miserable attempts to excuse Germany's action. Not against our will and as a nation taken by surprise did we hurl ourselves into this gigantic venture. We willed it. We had to will it. We do not stand before the judgment seat of Europe. We acknowledge no such jurisdiction. Our might shall create a new law in Europe.

SINKING SHIPS AND KILLING AMERICANS.

No principle of international law is better settled than that war shall be so conducted as to spare noncombatants from injury and death.

Before this war and for five months after it commenced no man ever dreamed of claiming that belligerent nations had a right to kill noncombatant citizens of an enemy nation.

But what answer can the Germany of the Kaiser—the Germany of military aristocracy—make to the charge of a deliberate, methodical policy of killing not only noncombatants but the killing of neutrals?

On Christmas Eve, 1914, Admiral von Tirpitz declared in an interview the policy of his Government to sink every merchant ship belonging to the allies, and February 4, 1915, he proclaimed a war zone in the sea around the British Islands, including the English Channel, and declared that "every merchant ship found in the said war zone will be destroyed without its being always possible to avert the dangers threatening the crews and passengers."

Sixty days later the Government of the United States warned the German Government that if its policy caused "the death of any American citizens, it would be difficult for the United States to view the act in any other light than as an indefensible violation of neutral rights for which this Government would be concerned to hold the German Government to a strict accountability."

All jurists agree that the right of search belongs by the common law of nations to belligerents and to belligerents only. It is, as Judge Story said in the case of the *Marianna Flora*, "allowed by the general consent of nations in time of war and limited to these occasions." (Lawrence, 210.)

By the law of nations when grounds are found for seizure "the captor is under obligations: (1) To conduct the seizure with due regard to the person and property of the neutral, (2) to exercise reasonable diligence to bring the capture to a port for its adjudication, and (3) to guard the capture from injury so far as within its power."

But Germany did not propose to capture merchant ships nor to bring them into port. Her proclaimed purpose was to destroy all merchant ships found within the arbitrary zone she had prescribed.

Her purpose was not alone to destroy the merchant ships of her enemies but the merchant ships of all neutrals.

Her purpose was not only to take the lives of passengers and crews on the merchant ships of her enemies but to take the lives of passengers and crews on the merchant ships of neutrals, and, notwithstanding her promise of February 16, 1915, she proceeded to execute her purpose.

March 27 she sunk the British passenger ship *Falaba* and killed an American citizen.

April 28, 1915, she attacked the American steamer *Cushing* by airships.

May 1 she attacked the American tank steamer *Gulflight* by submarines.

May 7 she sunk the British liner *Lusitania*, with 2,500 noncombatants on board, and more than a thousand men, women, and children went down, 137 of whom were Americans.

May 24 she sunk the American steamer *Nebraskan*.

June 28 she sunk the British ship *Armenia* and drowned 20 Americans.

In answer to the protest of our Government on July 8, 1915, Germany replied "that American ships will not be hindered in the prosecution of legitimate shipping, and the lives of American citizens on neutral vessels shall not be placed in jeopardy."

But she disregarded her promise and went on sinking ships and killing Americans.

Between July 9 and September 4, 1915, she sunk six ships, the *Orduna*, the *Leo*, the *Leelanaw*, the *Arabic*, the *Nicosum*, and the *Hesperian*, and killed 25 Americans.

Again, December 1, 1915, the German Government promised our Government that—

> Liners will not be sunk by our submarines without warning and without safety of the lives of noncombatants, provided that liners do not try to escape or offer resistance.

But she disregarded her promise and went on sinking ships and killing Americans. Between December 3 and December 29 she sunk four more ships, the last one, the *Persia*, carrying 500 passengers, of whom 335 were drowned, including an American consul traveling to his post.

Answering our further protest January 7, 1916, the German Government assured us that submarines were permitted to destroy enemy ships "only after passengers and crews have been accorded safety."

But she disregarded her declaration and went on sinking ships and killing Americans.

In the month of March, 1916, she sunk eight ships, and on April 8, in presenting the case of the *Sussex*, the United States informed Germany that if it was still her purpose "to prosecute relentless and indiscriminate warfare against vessels of commerce by the use of submarines without regard to what the Government of the United States must consider the sacred and indisputable rules of international law and the unanimously recognized dictates of humanity," this Government would have no choice but to sever diplomatic relations.

Answering May 4, 1916, Germany assured our Government that she had issued new orders "in accordance with the general principles of visit and search," and that no American lives would be taken or vessels sunk without warning and without opportunity to escape.

THE LENGTHENED DEAD LINE.

But on January 31, 1917, Germany notified our Government that from and after February 1 she would forcibly prevent all navigation, "that of neutrals included," in a zone around Great Britain, France, and Italy, and that "all ships met within that zone would be sunk" and all sea traffic stopped with every available weapon and without further notice.

This new German dead line surrounds an area of a little less than a million and a half square miles, without counting the prohibited Mediterranean area.

If Germany can run a line down the twentieth degree of longitude west from Greenwich and order us not to cross it, she can with the same propriety run a line down our eastern coast and order us off the sea.

THE BRITISH "MILITARY AREA."

But some gentlemen argue that notwithstanding the fact that Germany proclaimed a war zone around the British Islands and included therein the width of the English Channel, and notwithstanding the fact that she extended that zone to include an immense area of the Atlantic Ocean and the Mediterranean Sea, and notwithstanding the fact that she has taken the lives of American citizens and destroyed their property, still she is no more culpable than Great Britain, and since we have declared that war exists between Germany and the United States we ought to declare that war exists between Great Britain and the United States.

Let us examine this. What cause have we to go to war with Great Britain?

It seems clear that if Germany had done no more to us than Great Britain no one would have proposed war, although we protested against every act of England that encroached upon our rights.

November 3, 1914, Great Britain declared the North Sea a military area, and announced that all ships not following an indicated course would be in grave danger from mines that she had laid in retaliation against the act of Germany in mining the North Sea pursuant to her notice to neutral nations on August 7, 1914, that she would close the trade routes to English ports by mines.

Pursuant to her notice, Germany had not only mined the ports of England on the North Sea but had mined the ports of England on other waters and had scattered mines indiscriminately in the open seas and on the main trade routes from America to Liverpool.

Both England and Germany then had mined the North Sea, but Germany had mined the English Channel, the open sea, and the main trade routes to America.

By article 2 of The Hague Convention of 1907 "it is forbidden to lay automatic contact mines off the coast and ports of the enemy with the sole object of intercepting commercial shipping."

Against the action of both Governments we protested, but we did not propose to go to war about it.

THE BRITISH BLOCKADE.

Again, by order in council in further retaliation against Germany, the British Government instituted a so-called blockade, effective from and after March 1, 1915, against the ports of Germany, by which:

1. Goods on board ships bound to German ports were ordered discharged in British ports, placed in the custody of the marshal of a prize court, and if noncontraband, and not requisitioned for British use, they were to be restored to those entitled to them on terms prescribed by the prize court.

2. Goods on board ships bound from German ports were ordered discharged in British or allied ports, and if discharged in British ports, they were ordered placed in the custody of the marshal of a prize court and if not requisitioned for British use they were to be detailed or sold under direction of the prizé court, and the proceeds paid into court subject to disposition by the court.

3. Goods the property of enemies or of enemy destination on board ships bound to ports other than German ports were ordered discharged in British or allied ports, and if discharged in British ports they were ordered placed in the custody of the marshal of a prize court, and if not contraband and not requisitioned for British use they were to be restored to those entitled to them by order of the court on terms prescribed by the court.

4. Goods the property of enemies or of enemy origin on board ships bound from other than German ports were ordered discharged in British or allied ports, and if discharged in British ports they were ordered placed in the custody of the marshal of a prize court, and if not requisitioned for British use they were to be detained and sold under direction of the prize court, and the proceeds paid into court subject to disposition by the court.

5. Provision was made that persons "claiming to be interested in or to have any claim in respect of any noncontraband goods may, by a prescribed writ, apply for an order restoring the goods to them or that the proceeds shall be paid to them or for such other order as the circumstances may require."

THE DIFFERENCE BETWEEN DOLLARS AND LIVES.

The law requires that a blockade shall be effective. This British order in council was not effective. It did not blockade the German Baltic ports against Scandinavian traders, but we did not propose to go to war about that.

In practice, and against our protest, Great Britain presumed goods bound for neutral Scandinavian ports to be of ultimate enemy destination, but we did not proposed to go to war about that.

In practice, and against our protest, our people were wronged by delays, but we did not propose to go to war about that. Against our protest, our mails were delayed, but we did not propose to go to war about that.

On March 1, 1915, in announcing the British order in a speech in Parliament, Mr. Asquith said:

"If, as a consequence, neutrals suffer inconvenience or loss of trade, we regret it; but we beg them to remember that this phase of the war was not instituted by us. We do not propose to assassinate their seamen or destroy their goods, and what we are doing we do solely in self-defense."

Germany not only methodically assassinated our seamen but she assassinated our people generally. She not only destroyed our goods and destroyed our ships but she killed our people.

Germany declared war on France because, she said, French airplanes had flown across the French boundary, although no claim was made that any life had been lost or any human being injured; but we would not have gone to war with Germany for destroying our ships or our goods, and we abstained from a declaration of war even after she had killed 137 American men, women, and children by sinking the *Lusitania*.

But when she gave us notice that she proposed to go on sinking our ships and killing our people, no choice was left to us but to declare war.

She drew her dead line and challenged us to cross it.

We accepted the challenge in the name of humanity, and we fight under the flag of a Nation "consecrated to liberty and dedicated to the proposition that all men are created equal."

We have never fought except for liberty, and we fight for liberty now.

This war we hope means that democracy will rule the world.

It means we hope that autocracy has made its last stand.

And when this war is over, America will sit at the conference of nations, where the destiny of nations will be settled for peace.

Then God grant the prophecy of Carlyle may come true:

"Man has walked by the light of conflagrations and amidst the sound of falling cities, and now there is darkness and long watching until the morning.

"Birds of darkness are on the wing, specters arise, the dead walk, the living dream.

"Thou, Eternal Providence, will cause the day to dawn."

[Prolonged applause.]

Mr. RAYBURN. Mr. Chairman, I yield 20 minutes to the gentleman from Pennsylvania [Mr. DEWALT].

Mr. DEWALT. Mr. Chairman, before proceeding to a discussion of the merits of this bill, I think I should say that we ought to congratulate ourselves upon having had the opportunity of hearing one of the most elucidating as well as one of the most interesting résumés of this war situation. [Applause.] I sometimes have thought that there would be great expedition of business in this House if we could abolish the RECORD, or at least a large portion of it; but if the RECORD were abolished, and thereby we should have been deprived of the learned address which we have just heard, I think we would have had a deprivation we could not very well endure.

Sometimes I hear criticism in regard to another matter, and that is particularly in regard to the conduct of the business in this House. The press of the country, and, I am sorry to say, a great many people in the country as well, regardless of the energy of the newspapers, have taken the anomalous position, during this Congress particularly, that the House of Representatives has been lax in its duties; that we have not furthered and promulgated and hurried legislation in regard to these great war measures. I know that it is very easy to criticize; in fact, that is the easiest thing in the world to do, except one other, and that is to give advice. Some wise man said at one time that advice is the easiest thing to give and the hardest thing to take. It is quite easy for newspaper editors and for those who are engaged in other avocations than that of being legislators to criticize the conduct of this House; and I am now speaking not in a party sense, because I recognize the fact that, had it not been for the ability, assiduity, and learning of the gentlemen on the Republican side of the aisle, much of this legislation that we have passed here would not have been accomplished. And therefore I speak in an unpartisan sense entirely. Now, let us look at our records in regard to that criticism. This House has passed a $7,000,000,000 loan bill. It has also passed a bill in regard to $2,000,000,000, which $2,000,000,000 have been oversubscribed by the people of the United States. It has passed laws by which 9,500,000 men have been called to the colors by conscription, or speedily will be if required for such use. It has created an Army of 575,000 men, 432,000 of those being volunteers or militiamen and 460,000 being in the Regular Army. It has passed a revenue bill in this side of the legislative Chambers raising a revenue of $1,800,000,000. It has passed a compulsory-insurance bill for seamen who are now engaged in work upon the high seas.

It has passed an espionage bill, the wisdom of which some people questioned, and against which there was much criticism by reason of these very same newspaper authorities, but after the matter was framed properly it passed this House and passed the Senate and is now the law of the land. It passed a food-control bill, and it did that in one week, regardless of the opposition that there seemed to be and regardless of extraneous matter that was brought into the consideration of the bill, to wit, the question of prohibition, and, be the merits of that what it may be, be the opposition to it what there may be, notwithstanding the fact remains that this matter of conservation was passed in this House and was given due and deliberate thought. We passed and Army and Navy deficiency bill prior to that time, and then day before yesterday we passed a bill for rivers and harbors bearing an appropriation of $27,000,000, and yesterday we passed a bill creating two memberships in the Interstate Commerce Commission, all of this, my friends, having been done during the period of 90 days.

Mr. MEEKER. Will the gentleman yield?

Mr. DEWALT. I will.

Mr. MEEKER. The gentleman ought not to overlook the bill passed by the Agricultural Committee.

Mr. DEWALT. Yes; and the great agricultural bill. There is a record, gentlemen, it seems, as a new legislature, I have reason to be proud of, although I took no active part in any of these measures. I am simply referring to this to say that I believe that much of this criticism against the action of legislators is unwarranted; that it ought to be refuted, and we as Members of this House should stand up for what we believe to be our rights and privileges in defending ourselves against these attacks. [Applause.]

Now, as to the necessity for this bill we have before us: This bill provides in regard to the matter of supplies, and the gist of it is found in the sixth page thereof:

That during the continuance of the war in which the United States is now engaged the President is authorized, if he finds it necessary for the national defense and security, to direct that such traffic or such shipments of commodities as may be essential to the national defense and security shall have preference or priority in transportation by any common carrier by railroads, water, or otherwise.

Now, that is the gist of this bill.

Mr. LAGUARDIA. Does the gentleman attach no importance to the preceding paragraph?

Mr. DEWALT. Oh, I do, yes; and while there are matters of great importance there are matters of minor importance, but I am referring now to the meat in this coconut.

Mr. LAGUARDIA. This is the most important.

Mr. DEWALT. The kernel in the nut.

Mr. LAGUARDIA. I agree with the gentleman.

Mr. DEWALT. I desire to address my argument as to what is the necessity for this legislation. The necessity for the legislation—and anyone who is a thinking man and desires to review the situation can be very well informed by perusing hereafter the speech that was made by Brother HAMILTON, which would be a very formidable introduction to what I propose to say. But let us take the situation just as it is in regard to the necessity for this bill. What is it? You and I have read the newspapers and we find all sorts of rosy reports now emanating from the best censored articles as to the food situation in England and France. Now, frankly, I may say I do not take everything found in those reports as the absolute truth. I do not believe we have the German side of this story, but take it at the best the fact remains that for three years almost—it will be three years on the first of August—those people have been combating with the strength of giants, with all their resources, and up to this time it seems to be what we would call a "stalemate," but the results have been this: Belgium is devastated, absolutely at the mercy of the conqueror, the German war army. France is denuded of her strength; "bleeding white" is the expression. England, although she is said to have a force of 2,500,000 men that have never yet gone into the trenches, is battling on the frontier and holding in check the western boundary of the German Army, yet the fact remains they have taken all their men for fighting that they can. Now, what follows as a corollary? It follows as a corollary that they have no men to produce food. But you would say, what is the effect of this argument? We are the Nation that must produce the food and munitions of war if called upon to do it, but what good does the food do unless we have an opportunity to ship it and get it to the ports and deliver it to those people when they need it? Now, that is the purpose of this bill. It gives the President of the United States the authority, when he deems it necessary for the security of the national defense and for the welfare of this country during the war, to insist and demand that the common carriers of this country shall stop their ordinary business, go into the extraordinary business, if you please, of carrying whatever the President demands shall have priority. Now, what are the German resources? They say they are exhausted. Allow me to say they have conquered Poland.

I understand that Poland is to be given a separate government, and I have been told by those who have recently come back from Germany, and from Poland as well, that the consideration of the promise by the German Government to Poland is this, "We will grant you a semiautonomous government, but you, Poland, must furnish us 1,000,000 men for our German Army."

More than that, they have taken the fruitful fields of Belgium; they have taken the fruitful fields of France; they have taken the people of Belgium and made them do the work upon the fields in Germany, so that they have commandeered, if you please, the prisoners of war and made them do the agricultural work and thus increased their food supply. When we people here in America talk about the German people being without their resources, we are talking like fools. This is not a picnic by any means, and this fight, in my judgment, is not nearly over. It must be remembered that the German Government owns all the railroads in Germany, and they have not pledged one mile of those railroads yet, and they can raise millions of dollars on them. Why, they have raised already $16,500,000,000 in six different loans, and they have not touched their mines or their railroad securities as yet. Beyond that, as I have said, they are using the forces that they have taken from the governments that they have partially conquered and have taken the fields over which they have run and made them productive for their own use.

Now, to resume. With these facts confronting us, knowing that we are called upon as the parties who must furnish food, that we are the parties who must furnish munitions of war, that we particularly are the parties who must furnish coal and oil, because those are the two great necessaries that France and England are now crying for in this war—knowing these facts, what then can we say in reference to this bill? Simply this, that although we may have the fuel, we may have the oil, we may, if you please, conserve all our food supplies, we may go so far, if it carries in the Senate and is brought back here into conference and finally signed by the President, that no man in the country may drink a glass of beer during the continuance of the war by reason of our necessities in the conservation of food, all that will do no good. The conservation of the food supply is simply the initial portion of this program. You must get some means for sending your supplies to the shipping place, and that shipping place is what? The seaboard of America. And more than that, you must have the privilege and authority given to the President to see that the water carriers of this Nation shall give priority to those shipments across the broad Atlantic.

Now, my friends, I have tried in just as succinct a way as possible—and I do not know whether I have exhausted my time or not; I hope I have not, because I desire to surrender some of it—but briefly and succinctly I have tried to show you what I believe is a necessity here and the way of meeting it.

Some people have said in opposition to this measure that it gives the President of the United States too much authority, that it gives him the right to say that the railroads shall be under his dictation. Is there any warrant for that? I do not remember the fact, but I do remember that my progenitors—my father and my grandfather—told me that during the War of the Rebellion a very celebrated Pennsylvanian, by the name of Thomas Scott, took charge of all the railroads in the United States in the northern territory, and they were commandeered by no less a man than Lincoln, and he said, "We will do it, with or without war."

Mr. ADAMSON. Will the gentleman yield?

Mr. DEWALT. Certainly.

Mr. ADAMSON. I will ask the gentleman in charge of the bill to yield you as much time as I consume.

Just on that point, a great deal has been said here and elsewhere about granting autocratic power to the President. I wish to say that the purpose and effect of this bill are directly the opposite of that. Last year the Army bill contained a provision authorizing him to take over all the carriers in the country and operate them for the benefit of the Government. Apprehending grave consequences from that, we persuaded him to accept a mitigation of that provision, and, with the approval of the administration, we got up this plan, merely to authorize him to issue orders to the railroads as to preferential shipments and pay them for their services rather than encumber the Government by taking the railroads over. It reduces the autocratic power already authorized by the Army bill of last year, and simply makes the Government a preferred shipper on the railroad. That is all there is to it.

Mr. DEWALT. I am very glad to have my chairman assure me of that fact. And I am quite confident of another thing, that if the chairman of this great Committee on Interstate and Foreign Commerce goes to see the President often enough he will persuade him to almost anything; and after a while I hope he will be persuaded to do something which we all have in mind, which is not at present for publication.

Coming back to the gist of my argument, and that is that this does not grant autocratic power to the President of the United States. It provides he can take charge of these railroads, so far as what? So far as compelling them by direct order or by orders given through him to another that they shall give priority to shipment; not that they shall take charge of the railroads, as was well said by the chairman; not that they shall have the operation of the railroads; not that they shall commandeer those who have charge of the operation of the railroads; not that they shall enlist in the forces of the United States the brakemen and engineers and others, if you please, because those were the provisions of the bill my chairman referred to a few moments ago, but simply that priority of shipments shall be enforced at the direction of the President of the United States.

But further than that, this bill goes on to say that when that priority is given and when such shipments are made the railroad companies shall be reimbursed, and they shall be paid what? They shall be paid a moderate charge for their services.

And who shall make that charge? The railroad company? No. The President of the United States? No. But those charges shall be given to the power of the Interstate Commerce Commission.

Now, my friends, as before said, I have tried in as succinct and as definite a way as possible to explain the provisions of the bill, and——

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

Mr. DEWALT. Yes.

Mr. MEEKER. Can you inform the committee as to what has been the policy of the railroads during the last three years as to giving priority to munition shipments to Europe? What has been the general policy as to that?

Mr. DEWALT. So far as the committee has been informed it has been this, although I can not say as to the last three

years, but within the last 18 months there have been meetings consecutively by the great railroad men of this country, and they have in every possible way, so far as the committee is informed, united in efforts to give preference to shipments of this kind. In fact they went so far as to enter into a gentleman's agreement whereby, so far as possible, they should expedite not only shipments of goods, but supplies for the Army and Navy, and that they should be given priority.

Mr. MEEKER. Let us look into the details as to how that shall be worked out under this bill. The railroads, as I understand it, have given notice to the cities of Minneapolis and St. Paul that they will not be able to haul the coal from the docks at Duluth across to Minneapolis and St. Paul. There is now being made an effort to move it from St. Louis up the river to these cities by barge. Suppose the barge service could not be gotten into shape. Would it require an order of the President to direct those railroads to stop their munition shipments until they could transfer that coal from Duluth for the consumption of the cities of St. Paul and Minneapolis?

Mr. DEWALT. The President would have the right and power to meet the emergency of the occasion.

Mr. MEEKER. That is all.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. ADAMSON. I hope that the gentleman's time will be extended to cover so much of his time as I consumed.

The CHAIRMAN. The Chair has no control of it.

Mr. ADAMSON. I have control of it that far.

Mr. DEWALT. I thank the gentleman; but, Mr. Chairman, I find this to be a safe rule in all speechmaking: When you have said what you want to say, shut up. [Laughter and applause.]

Mr. ESCH. Mr. Chairman, I yield 15 minutes to the gentleman from Wyoming [Mr. MONDELL].

The CHAIRMAN. The gentleman from Wyoming is recognized for 15 minutes.

Mr. MONDELL. Mr. Chairman, the House amendment to the Senate bill which is now under consideration, as I understand it, is the Senate bill in the main, with some rather important omissions. One of the omissions, and the one to which I shall call the attention of the House, is the proviso to section 1, adopted by the Senate, to the effect that nothing in the section shall be construed to repeal, modify, or affect existing laws against unlawful restraints and monopolies, and for other purposes, approved October 15, 1914.

Mr. DEWALT. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. DEWALT. Is the criticism of the gentleman directed to the fact that that has been stricken out by the House committee?

Mr. MONDELL. It is.

Mr. DEWALT. Is the gentleman informed already that by agreement that is to be included?

Mr. MONDELL. Do I understand that the speech that I am about to make has already had that effect? [Laughter.]

Mr. DEWALT. I have no doubt it would have that effect if we should listen to it all.

Mr. MONDELL. I have heard of the famous case of the coon on which one David Crockett had drawn his rifle. The coon, we are told, said to that renowned hunter and warrior that if he would withhold his fire he would come down without being shot at. [Laughter.] I was about to discuss the propriety of having an amendment placed in the bill, when I am informed by my friend that it has been suddenly—and it must have been suddenly—agreed that the amendment should go into the bill.

Mr. SIMS. Mr. Chairman, will the gentleman yield right there?

Mr. MONDELL. Yes.

Mr. SIMS. The facts are that the bill was considered in the committee, and the committee by a majority voted to strike out the entire Senate bill and substitute the entire House bill, which did not contain that provision, and then I gave notice that I should move to amend the bill in the House and place in the House bill the same language in that respect as it was in the Senate. It was stated in the House committee that there would be no attempt whatever to prevent that being done. Then I did what I suppose the gentleman from Wyoming does—I got busy and I found that there would be no opposition to the motion to replace the provision, especially after it had been put in in the Senate.

Mr. MONDELL. I am glad to hear the gentleman's statement that there would be no opposition——

Mr. SIMS. I mean on the part of the committee——

Mr. MONDELL. And particularly in view of the fact that the gentleman who first, and but a few moments ago, addressed the Committee of the Whole on behalf of the committee which reported the bill, and who has charge of the bill in the absence of the chairman, the gentleman who reported the bill, in his speech made quite a considerable argument against the necessity and the advisability of having such an amendment in the bill. Furthermore in the report on the bill there is quite an extended argument against the amendment, so it certainly is news that the amendment I rose to propose would be accepted by the members of the Committee on Interstate and Foreign Commerce. I am glad of it.

Well, the coon having come down, perhaps I should not draw my trusty rifle and proceed to fire [laughter]; but, having a few thoughts in my mind relative to this matter, I think that perhaps it will be just as well for me to go on and utter them.

Mr. SIMS. It was not my purpose to dissuade the gentleman from making his speech.

Mr. MONDELL. I know my friend would not want me to leave the floor under any circumstances.

Mr. SIMS. That is right.

Mr. MONDELL. I realize and I admit that it may be claimed that a fair interpretation of this legislation would not necessitate the amendment which the Senate put into the bill which was stricken out and which we are now insisting shall be restored.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. SLOAN. Is not the gentleman hazarding a little? He might convince the committee to change its mind and send the coon back up. [Laughter.]

Mr. MONDELL. Possibly so. We shall have to take that chance. There are other matters that control besides what might be said to be a logical interpretation. Interpretations are not always logical. Interpretations sometimes go very far from the mark in the opinion of my friend from Nebraska and myself, and it is for the purpose of preventing an interpretation which might be harmful that we feel that this provision should go into the bill. And I want to give briefly my reason for the fear that there might be such an interpretation.

Let us go back a little, to the time last summer when the President of the United States presented a message to Congress relative to the then critical railway situation, a strike being threatened, so it was stated. At that time the President proposed legislation which he divided into six sections. The Adamson bill was the outcome of the President's recommendation. The Adamson bill only touched the fringe of the President's recommendations. It left at least four of his recommendations for future disposition, as the gentleman from Georgia [Mr. ADAMSON] told us. But the President did not change his mind in regard to these four other matters. In fact, he again addressed the Congress on December 5 last, and he reiterated his recommendation for certain legislation affecting the Interstate Commerce Commission and railways and their employees.

The sixth of the President's recommendations of last December was for legislation placing in the hands of the Executive the power, in case of military necessity, to take control of the railroads, all or part of them, with authority to draft into the military service of the United States such train crews and administrative officials as the circumstances required for their safe and efficient operation.

Now, there are some of us who believe that it may be necessary in time of war to take over the railroads and operate them by the Government, who have approved legislation to that effect, and who think that conditions might arise under which that would be necessary, but who do not believe that kind of authority should be linked with authority to apply conscription to men in the operation of the train service, and who do not follow the Chief Executive in that recommendation.

If it is within the power of Congress to authorize the conscripting of men for military service—and I believe it is, although I opposed it as a matter of policy, and only accepted it after the Congress had decided that that was the wise and necessary thing to do—assuming that Congress has that authority, which I believe it has, whether or not it may be wise to exercise it being another question, I think it follows that Congress in time of war and as a matter of absolute national necessity would have the authority, in conscripting for Federal service, to put men on trains. But that is not the proposition in question, and some gentlemen get the matter much confused. It is one thing to take over a railroad and place men on the road to operate it. It is quite another thing to say that if men strike because of the unsatisfactory conditions surrounding their service you may thereupon hold those men in that service from which

they have voluntarily withdrawn by conscripting them into such service. The two things are as wide apart as the poles. One is a matter of exercising those powers that reside in the Federal Government to perpetuate itself by compelling service when necessary for the salvation of the Nation.

The other is a proposition to compel men to serve involuntarily, when they have declared that the conditions of the service are unsatisfactory to them, and that they propose to assert their right to separate themselves from that service.

Now, in these times of war and stress, when we are all willing to go to the limit in placing in the hands of the Federal Government and of the executive authorities the power to utilize the resources and the man power of the country in the best way possible for the successful prosecution of the war, let us not, under stress of these conditions, get confused and bring ourselves into agreement with legislation that under the color and cover and pretense of a successful prosecution of the war really proposes to establish a form of involuntary servitude. That is exactly what the last sentence of the sixth proposition of the President means. I see one of my friends smile, but there can be no other interpretation of it possible, and it is not a light matter. It is a tremendously serious and important matter. If the administration had not gone on record in favor of this proposition of compelling train crews on strike to serve against their will under certain circumstances and conditions, then I would have said that in all probability it would not be necessary to place in this legislation a provision which makes it clear that what we are proposing shall not deprive the railway employees of the benefits which we intended to confer upon them in the passage of the Clayton Act. [Applause.]

It is because of what has been proposed and approved in the recommendations of the President to which I have referred that makes it necessary in legislation such as we have before us to make it clear we are not approving such recommendations or legislating on them. With this amendment I am heartily in favor of the bill. It confers great and far-reaching authority but I believe it necessary to do that in order to give the administration power to properly handle the situation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ESCH. Mr. Chairman, I yield to the gentleman from New York [Mr. HICKS].

Mr. HICKS. Mr. Chairman, a short time ago we had an interesting discussion here about extending remarks in the RECORD, a great deal of which I approve of. Now that the gentleman from Massachusetts [Mr. WALSH] has left the Chamber, I ask to extend my remarks in the RECORD on the subject of aeronautics.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD on the subject of aeroplanes. Is there objection?

Mr. MONDELL. Reserving the right to object, on behalf of the gentleman from Massachusetts, I ask the gentleman from New York if the remarks he intends to extend are his own remarks—if they are observations that he hammered out himself?

Mr. HICKS. I want to say that my remarks on aeronautics are my own.

Mr. CAMPBELL of Kansas. Reserving the right to object, on yesterday we had a lengthy discussion on the plans of this Government. Is it the purpose of the gentleman from New York to further expose the hand of the United States in this war by telling to the enemy just exactly what we are going to do and how we are going to do it?

Mr. HICKS. Mr. Chairman, I am surprised that my friend from Kansas should even intimate for one moment that I would expose anything that would be of benefit to the enemy. I want to say to him and to every Member of the House that never so long as I have the power of voice or expression will I utter or write anything which can be used in any way for the benefit of an enemy of the United States. [Applause.]

Mr. CAMPBELL of Kansas. The speeches that are being made and the discussions in the newspapers can serve only one purpose and result in benefit to the enemy.

The CHAIRMAN. This discussion is all by unanimous consent. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD on the subject of aeroplanes. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Chairman, I would like to ask the gentleman in charge of the bill if it is the purpose of the gentleman to take up the bill and consider it under the five-minute rule after the general debate is over in this extremely hot day, the severest of the summer?

Mr. SIMS. I do not know what the chairman intends to do. I now yield 40 minutes to the gentleman from Missouri [Mr. BORLAND].

Mr. STAFFORD. I think it would be ill advised to continue the bill after 40 minutes more of general debate under the five-minute rule in this the worst day we have had this summer.

Mr. CLARK of Missouri. General debate will run out at half past 5.

Mr. STAFFORD. It will not run out until nearly 6 o'clock.

Mr. SIMS. I understood it was the purpose of the chairman of the committee to proceed with the bill after general debate was closed.

The CHAIRMAN. Will gentlemen indulge the Chair for a moment. The gentleman from Tennessee has only 31 minutes remaining, and the gentleman from Wisconsin 20 minutes.

Mr. SIMS. But I was authorized, Mr. Chairman, to yield to the gentleman from Missouri 40 minutes.

The CHAIRMAN. The gentleman from Texas [Mr. RAYBURN] used 19 minutes, the gentleman from Pennsylvania [Mr. DEWALT] 20 minutes, and the gentleman from Texas 5 minutes, which leaves 31 minutes on that side.

Mr. BORLAND. That is due to my yielding to those gentlemen. As I understood it there was 40 minutes to be given to me, but I will take the 31 minutes.

The CHAIRMAN. The gentleman from Missouri will proceed.

Mr. BORLAND. Mr. Chairman and gentlemen, there is one inspiring thing about the size of this audience that I have the privilege of addressing, and that is that the Holy Writ says that "Where two or three are gathered together, the Lord is in the midst of them." And so I trust that is the case here.

I want to discuss a subject that most of you know something about, but which is such a new subject that I doubt my own powers to elucidate it. I shall endeavor, in the brief time allotted to me, to speak on the daylight-saving movement. Most of you know that there has been a widespread interest on the subject in Europe, and that it has become a subject of widespread interest in the United States. To some gentlemen it is still incomprehensible how there can be any interest at all in the subject. There are some men who still insist that the subject can be nothing more than a mere fad and a passing fancy. I hope to be able to disabuse gentlemen's minds of that idea and show that it is not only not a fad but one of the most serious progressive measures that has been considered for some time.

It was a matter of some difficulty in my mind when my attention was first drawn to it, how this matter could and should be brought within the control of the Federal Government. I conceived very early in the discussion that the chief benefit of the plan would be to make it nation wide in its operation, as it is in other countries. We are limited in this country by a system which provides for general legislation by 48 separate sovereignties.

Mr. Chairman, I ask to have read in my time the bill H. R. 2609, the daylight-savings bill, which I send to the desk, and I ask those gentlemen who are here to do me the honor of giving their attention to it, because it is a subject that has to be understood from the plan upon which it is drawn.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That, for the purpose of establishing the standard time of the United States, the territory of continental United States shall be divided into five zones in the manner hereinafter provided. The standard time of the first zone shall be based on the mean astronomical time of the seventy-fifth degree of longitude west from Greenwich; that of the second zone on the ninetieth degree; that of the third zone on the one hundred and fifth degree; that of the fourth zone on the one hundred and twentieth degree; and that of the fifth zone, which shall include only Alaska, on the one hundred and fiftieth degree. That the limits of each zone shall be defined by an order of the Interstate Commerce Commission, having regard for the convenience of commerce and the existing junction points and division points of common carriers engaged in commerce between the several States and with foreign nations, and such order may be modified from time to time.

SEC. 2. That within the respective zones created under the authority hereof the standard time of the zone shall govern the movement of all common carriers engaged in commerce between the several States or between a State and any of the Territories of the United States, or between a State or the Territory of Alaska and any of the insular possessions of the United States or any foreign country. In all statutes, orders, rules, and regulations relating to the time of performance of any act by any officer or department of the United States, whether in the legislative, executive, or judicial branches of the Government, or relating to the time within which any rights shall accrue or determine, or within which any act shall or shall not be performed by any person subject to the jurisdiction of the United States, it shall be understood and intended that the time shall be the United States standard time of the zone within which the act is to be performed.

SEC. 3. That at 2 o'clock antemeridian of the last Sunday in April of each year the standard time of each zone shall be advanced one hour, and at 2 o'clock antemeridian of the last Sunday in September in each year the standard time of each zone shall, by the retarding of one hour, be returned to the mean astronomical time of the degree of longitude governing said zone, so that between the last Sunday in April at 2 o'clock antemeridian and the last Sunday in September at 2 o'clock antemeridian in each year the standard time in each zone shall be one

hour in advance of the mean astronomical time of the degree of longitude governing each zone, respectively.

SEC. 4. That the standard time of the first zone shall be known and designated as United States standard eastern time; that the second zone shall be known and designated as United States standard central time; that of the third zone shall be known and designated as United States standard mountain time; that of the fourth zone shall be known and designated as United States standard Pacific time; and that of the fifth zone shall be known and designated as United States standard Alaska time.

SEC. 5. That all acts and parts of acts in conflict herewith are hereby repealed.

Mr. BORLAND. Mr. Chairman, I only want to say that I fully believe that that bill is constitutional, within the powers of the Federal Government, and that it will have the effect that we intend.

When the average person first hears of the project to save daylight by setting the clock one hour ahead, the impulse is to regard it as a mere fad. Some effort is necessary to elucidate to him how this result can be accomplished; that is, how daylight can actually be saved. Even after he understands how it can be done, his natural comment is, "Why should not those who want to employ more of the daylight hours of the day get up earlier and begin work sooner, if they desire to do so; and why should they insist upon making a uniform regulation for other members of the community?"

The whole project is very simple when it is once understood. It consists of setting the clock ahead one hour during the summer season, and thus advancing the business day by that period. No intelligent person has made careful study of the subject without arriving at two very definite conclusions: First, the beneficial effect of the plan, and second, that to be successful it is imperatively necessary that it should be made uniform by legislation.

The average man is wrong in both of his hasty conclusions. The plan is not a mere fad but one of the most serious proposals to increase the health and efficiency of the Nation which has been made. If we were able to calculate with any degree of accuracy the enormous saving in money which would result to the American business world, this would only be a fraction of the benefit to be derived. It is equally incorrect to assume that the method can be carried out by individual effort. It can not even be done by the effort of local communities but must be national in its scope. I might even go further and say that it has now become international, and the United States has actually found itself out of step with the civilized world by having delayed so long in the adoption of this plan.

It is a sufficient answer to the fad objection to say that laws of this character are now in force in Germany, Austria-Hungary, Holland, Denmark, Iceland, Great Britain, Norway, Italy, France, Portugal, the Australian Federation, and some of the Provinces of the Dominion of Canada; and further, that it has been urged by the United States Chamber of Commerce and a score of great business organizations in our own country.

Mr. DYER. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. DYER. Is this the same bill that passed the Senate yesterday?

Mr. BORLAND. Yes.

Mr. DYER. What is the status of that bill upon the calendar here?

Mr. BORLAND. It has not any status on the calendar. It is pending before a committee, if it has been referred.

Mr. DYER. To what committee has it been referred?

Mr. BORLAND. I do not know. I have two bills in the House, I will say to the gentleman—one before the Committee on the Judiciary and one before the Committee on Interstate and Foreign Commerce.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. CANNON. Is the law in force in the countries the gentleman has indicated?

Mr. BORLAND. It is really in force, and it has been so beneficial that it has been renewed for the season of 1917 in England, where its renewal or abandonment was subject to order in council. By an order in council it was renewed for 1917.

Mr. SLOAN. Mr. Chairman, in fixing the date in these countries upon which the law shall go into effect and when it shall cease, do they take the beginning of a calendar month, or do they base it on the vernal and autumnal equinoxes?

Mr. BORLAND. They take the nearest Sunday to the autumnal equinox and the nearest Sunday to the vernal equinox, except in Australia, where, of course, the season is reversed.

Mr. SLOAN. And the gentleman proposes beginning it on the 1st of the month?

Mr. BORLAND. No; the last Sunday of the month.

Mr. SLOAN. Might not some complications arise because of our various statutes in the various States? Some of our States have statutes which recognize standard time and some do not; some go by solar time.

Mr. BORLAND. I shall discuss that later. There are only about 12 States that have laws on the subject of standard time, I will say to the gentleman, and they have adopted the standard time as established by the railroads in the zone in which they happen to be.

This measure is one of the things upon which both capital and labor agree; and I quote herewith the resolution of the American Federation of Labor:

Resolved by the executive council of the American Federation of Labor, That we urge the inauguration of the daylight-saving project for the conservation of time and opportunity for greater leisure and open-air exercise for the masses of the people; and we insist that in order that the change may be beneficial it must have its general application throughout the whole United States. We will gratefully receive from and actively give to any groups the fullest support in the attainment of the daylight-saving project so long as it shall be utilized for the purposes herein declared.

As to the necessity of general legislation on the subject, it may be said that modern civilization is so complex in its character that no man can live entirely to himself, except the wilderness hunter. Every man must adapt his business and his daily vocation to the settled habits of the community. It is useless for him to attempt to regulate for himself the hours of his daily business or even his social and athletic pursuits. We have recognized this overmastering power of community action in regulating by law the hours of labor and a great many other things which are necessary to the well-being, health, and prosperity of the whole people. It is true that the man who desires to do so may arise an hour earlier in the morning and go to bed an hour earlier at night, and thus for his individual purpose achieve the result of the greater utilization of the sunlit hours of the day, but he can not in this way get the full benefit of the time which he has saved, nor can the community get the benefit of his efforts. If he is a merchant and opens his store an hour earlier than customary, he finds that the clerks have not arrived and that there are no customers on the street. If he is a professional man and gets to his office an hour before the usual opening of business, he finds that the mails are not delivered, the banks and courts are not open, clients are not about, and those with whom he would seek to do business are not to be found.

If every man undertook to be a law unto himself as to when he would begin his business, chaos would reign, and he therefore must submit to the despotic rule of custom.

Credit for the discovery of the principle of daylight saving must be given to the late William Willett, the noted scientist of England. He was accustomed to take an early morning ride in the parks of London, and conceived the idea that in the summer season, between the vernal equinox and the autumnal equinox, the sun rose from three to four hours before the usual opening of the business day. This had the effect of projecting the business day into the late afternoon and the hours of leisure and recreation into the night. In other words, a great portion of the sunlight hours of the day were actually wasted.

In casting about for some method by which this evil could be corrected, he became convinced at once that it could not be done by individual effort. There must be some way of changing simultaneously and uniformly the habits of the entire community. He hit upon the method of advancing the hands of the clock one hour during the summer months. If, therefore, the sun rose at 5 o'clock in the morning, according to Greenwich time, he proposed to advance the clock so that it would register 6 o'clock. Under this plan, as the community regulates its entire business and social life by the clock, there would be a simultaneous advance of the time of going to rest one hour. The net result, therefore, would be one more hour of darkness utilized for sleeping, one more hour of the daylight utilized for waking occupations, and one less hour of artificial light.

While Mr. Willett was extremely industrious and somewhat successful in placing his views before the British public, and while bills were introduced in Parliament each session, beginning as early as 1908, no tangible result could be accomplished until the pressure of war made the change imperative. The plan originated in England, but it was first actually adopted by Germany, where it went into force April 30, 1916. Germany was immediately followed by Austria-Hungary and Holland. In these countries the law began its operation simultaneously on April 30, 1916. Denmark followed on May 15, 1916; Great Britain on May 21, 1916; Norway on May 22, 1916; Italy on June 3, 1916; France on June 14, 1916; Portugal on June 18, 1916; and the Australian Federation on February 1, 1917. It may be noted, of course, that Australia being in the Southern

Hemisphere, the seasons are reversed and the long day is during the winter months instead of during the summer months, as in the Northern Hemisphere.

The business public and wage earners of Great Britain welcome the change in the law, and after a full year's experience with it there are only two lines of business which are affected adversely in the slightest degree. One is the business of artificial lighting and the other is that of the public houses. As to the gas and electric companies, they are confronted with a shortage of fuel, congestion of transportation, and high prices of supplies, which makes them quite willing to reduce their output. The public houses complain that the hour which they lose at night on closing time is not compensated in their line of business by the hour gained in the morning. With these two exceptions, according to the report of the British commission, the beneficial results have been universal.

Among the many advantages are the reduction of the amount of artificial lighting with an enormous saving of public and private expense; a reduction of the consumption of coal for light and power, and the consequent relief upon the congestion of transportation; an increase of efficiency in the productive power of the nation; a lessening of eye strain; an increase of outdoor life, with enlarged opportunities for athletics, for home gardening, for walking, driving, and motoring, for military training, and for the use of public parks and playgrounds; a general improvement in sanitation and health; a greater participation by citizens in public affairs, and a reduced expenditure for indoor amusements. The indirect effect upon public morals has been noticeable. Wholesome outdoor life has taken the place of artificial indoor life.

All the reasons which made the adoption of the plan imperative in England makes it equally necessary in the United States. We are at war with Germany, the same highly organized and scientifically efficient country which first adopted this plan, and it is imperative that we bring the American business machine and the American human machine to the highest point of efficiency. We can well follow the course found necessary by our allies and do so promptly. But we have one added reason of great weight. By the adoption of the daylight-saving plan by the great continental countries of Europe we find ourselves completely out of step with the civilized world. During the summer months our standard of time is different from theirs, and this causes great derangement in our exchanges, in our shipping, and in our export interests. We have grown to be such a great commercial and financial power in this great crisis of the world's history that instead of lagging behind and being out of step, we should rather be in the forefront of commercial progress.

In adapting this plan to our own country two difficulties present themselves, which were not presented in England. The first is that our National Government is one of restricted powers, and all subjects of general legislation are committed to the 48 separate States. Yet this particular subject of daylight saving is one which could not be regulated by each State, but must be done, if at all, upon a nation-wide plan. The second difficulty which presents itself is the wide extent of our country, which makes it impossible to have one standard available for all sections. In Great Britain the meridian of Greenwich may be followed by all portions of the country, but in the United States there is no one standard which would be available for 3,000 miles of territory.

In the bill, which I drew with some care and introduced in the House of Representatives—H. R. 2609—I believe I have successfully solved both of these problems. The business life of the community is dependent in the last analysis upon the movement of the trains. The movement of the trains is interstate commerce and within the powers of the Federal Government. The standard of time which we enjoy now is the result of joint action by the railroads, but convenience and necessity compel its use by all members of the community. The movement of trains controls the opening and closing of the mails, and thus indirectly the opening and closing of the banks, courts, and exchanges. Around these the business life of the community revolves. In the larger centers of transportation the movement of the trains also controls the arrival and departure of the vast army of employees who reside in the suburbs, and the same method directs the arrival and departure of the great army of suburban customers, clients, and others who do business with the professional and mercantile elements of the city.

To control the movement of the trains is ultimately to regulate on uniform basis all the activities of the community in a business way, and the gentle pressure of habit and convenience brings about a similar effect upon the social affairs and leisure hours of its members. The present system of standard time in use in this country was adopted by the American Association of Railroad Managers in 1883. Up to that time each railroad had had a time system of its own, which was not the sun time of the local points upon its road. Most of the older people remember the inconvenience which used to result from the dual system of railroad time and sun time. After the railroads had adopted the standard time for the movement of trains, the pressure of convenience brought about its general adoption by the rest of the community.

Mr. ESCH. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. ESCH. Is there any considerable country whose territory extends beyond 15° of longitude that has adopted the daylight-saving plan?

Mr. BORLAND. I should say, without knowing the fact, that the Australian confederation must be such a country.

Mr. ESCH. Yes; but the States of Australia separately adopted it, and they have very little interstate commerce. The relevancy of the question is this: The United States extends over some 75° of longitude, having a difference of five hours in time. That would mean five zones?

Mr. BORLAND. Yes.

Mr. ESCH. And in railroad transportation, then, twice each year there would have to be a change in the schedule time of trains. Is not there danger that on railroads that are operated by train schedules and not by the block system that errors may be made by engineers? That is one difficulty that occurs to me.

Mr. BORLAND. Let me say this to the gentleman—I think I have caught his question: My bill simply adopts the railroad zone standard zone time now.

Mr. ESCH. Yes.

Mr. BORLAND. So that there is no change in that respect in making the railroad standard time the national standard time.

Mr. ESCH. But that makes changes each year.

Mr. BORLAND. This bill makes but two changes each year; that is, the change is made at 2 o'clock Sunday morning at a time when the traffic of all kinds is at its lowest point. It is true that some local and possibly some through trains would be on the road at 2 o'clock in the morning, but the traffic is so small and there is such a complete absence of all possible complications in adjusting those few trains to the change that I find, in discussing the matter with railroad men, that there is no difficulty in that respect. It would be as perfectly feasible for them to change under that system as it is now. When a train gets to Pittsburgh it pulls in on eastern time and pulls out on central time. That is all the change that occurs. The slight inconvenience to the railroads in adjusting the schedules of a few trains is more than offset by the advantage of having more of their train service in daylight hours. The railroads, in common with other businesses, welcome the change, which increases the hours of daylight employed and decreases the hours of darkness employed.

As I was saying, I think only 12 of the 48 States have any legislation on the subject of time, and in these exceptional cases the law has simply adopted the local standard time as the legal time of that State.

For standard time the railroads found it necessary to divide the country into four zones approximating one hour so that the change of time between different localities should be on the even hour. This enables us to solve the second difficulty, and I have provided in my bill for the adoption by the Federal Government of the present zone system of standard time introduced by the railroads and now in common use. The limits of these zones which are now fixed by agreement between the railroad lines is to be fixed hereafter by order of the Interstate Commerce Commission. Upon the national standard time thus created we base the change of one hour during the period of the summer months. The change goes into effect on the last Sunday in April, at 2 o'clock that morning, being the hour at which traffic of all kinds is at the lowest ebb.

Some old-fashioned people may regard the hands of the clock as too sacred to be tampered with, or some may say that we are simply introducing a fiction by assuming that it is 6 o'clock when it is not in fact 6 o'clock. Both of these objections may be answered by pointing to the fact that we do not now have true time, but use a wholly artificial and customary standard, which in some places is nearly the true time and in some places is quite far removed from it. There is not a community in the United States to-day which follows the true time. We all follow an artificial approximation established for the convenience of the community.

In arriving at the standard time of the United States we reckon west from the meridian of Greenwich, allowing a difference of one hour from the mean standard astronomical time for every 15° of longitude. The mean astronomical time at the

meridian of Greenwich is the average time at which the sun crosses that meridian throughout the year, and hence is not the exact time on any one day in the year. Therefore, to reckon west according to the arbitrary difference from a purely arbitrary standard and then to apply that in zones adjusted to the change of one hour shows very clearly that we are to-day making the clock serve our own purpose rather than attempting to follow the true standard of the clock.

This plan is strictly a war measure and its use will become an imperative need in our country during the present conflict as it has become an imperative need in the warring nations of Europe. Among the great resources of our country and our stock of national assets we must not fail to reckon the hours of sunlight and the bright summer skies with which Providence has endowed our fortunate land. England felt the need of this measure, and yet, owing to her more northern latitude, the summer days are longer in England than they are in most of our own States. Heaven gives us better light than we can ever provide for ourselves at any price, and we are wasting a part of our national heritage by failing to use both for pleasure and profit all of the available sunlit hours of the day.

This is not only a great advantage to athletic, to health, and to social enjoyment, but it is the greatest conservation measure which has been adopted. I wish I had here at my tongue's end—I have it somewhere—the figures as to the saving of artificial light in Paris in one year since the adoption of this plan. The saving of the cost of coal involved by one year of this plan, the relief of the strain upon transportation and loading and unloading facilities for one year, was great also in London. The lessening of the use of the public houses in England followed by the enlargement of the day into one more hour of sunlight, because that hour of sunlight is very seldom employed in the public house. It is the hour of darkness, usually the recreation hour, which is spent in the public house. The saving in expense runs to an enormous figure, and yet it is not the principal item of saving resulting from this bill. The saving of human efficiency, the saving of eye strain, is a great thing. The owner of a great factory in this country, Mr. Colgate, put it in operation in his factory, and he says the saving in efficiency has made it so necessary that his employees have petitioned him to put it back in operation again this year. He tried it simply as a plan of his own.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Does the gentleman desire some further time?

Mr. BORLAND. I would like three or four minutes.

The CHAIRMAN. The Chair will state to the gentleman from Illinois that the House by order closed the time, and it is not competent for the committee to extend it.

Mr. ESCH. I will yield the gentleman two minutes of my time.

Mr. CANNON. I wish he would yield him three; I would like to ask the gentleman a question.

Mr. ESCH. I will make it three minutes then.

Mr. CANNON. Will the gentleman yield?

Mr. BORLAND. I will yield.

Mr. CANNON. In point of fact, now, there is a difference between Chicago and Pittsburgh of an hour?

Mr. BORLAND. Yes.

Mr. CANNON. Now, in that zone is the business and the habits of the people adjusted to that hour from Pittsburgh to Chicago and from Pittsburgh to the Atlantic Ocean?

Mr. BORLAND. From Pittsburgh to Dodge City, Kans.

Mr. CANNON. From Pittsburgh to Dodge City, Kans.

Mr. BORLAND. The habits of the people are all adjusted to one standard of the clock and when you get to Dodge City it is nearly an hour late.

That is true all over the country.

Mr. CANNON. It is adjusted now, is it?

Mr. BORLAND. Yes.

Now, this makes no change in that, but by advancing the clock one hour the whole business customs of the community are advanced by that one hour. You have traded one hour of darkness at the end of the day for one hour at the beginning of the day, but your habits move along just the same.

Take the question of recreation for wage earners. Take the great national game of baseball, and those people are among the advocates of daylight saving. Now, if the game is called at 3.30 in the afternoon, a man must leave his business or be excused from his work, if an average wage earner, before he can go. But if the clock registers 4.30 when the sun would be 3.30, it would be possible to conclude the game before nightfall. This is true of home gardening; it is true of military training; it is true of everything in the outdoor life of the United States. As I say, an experience of a year and a half in England has demonstrated that there are only two businesses that have not gained materially by this change, and one is the business of artificial lighting and the other the business of keeping public houses.

Mr. SLOAN. How would this operate on general debate, as well as on other interesting amusements?

Mr. BORLAND. I hope it would save some hours for general debate. We are not the best daylight savers in the world, but here is an opportunity for it. The business men of the country have become interested in this thing, but not on the ground that it is a fad. Fads do not appeal to business men. The United States Chamber of Commerce not only have indorsed this bill, but have a committee that has given out a report which has been circulated far and wide among the business interests of the country.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Wisconsin [Mr. ESCH] is recognized.

Mr. ESCH. Mr. Chairman, I intend to occupy less than five minutes.

The day after war was declared in England the Government immediately took over the railroads of Great Britain, and a like thing happened in France. In Germany, as the Government already owned the roads, no such change was necessary. The change happened overnight. There was little to indicate to the general public that it had taken place. This was particularly true in Great Britain. The board of trade called to London the managers of the great railroad systems. They organized a board of 12 managers under the board of trade, and through these 12 managers the Government continued the management of the roads of Great Britain. There was no friction. In payment for taking over the roads by the Government the Government agreed to pay the roads an average return based upon the return of the receipts for the three years preceding the opening of the war in 1914.

In this country, in anticipation by us of a state of war, in the Army appropriation bill, approved August 29 last, we inserted this clause granting power to the President:

> The President in time of war is empowered, through the Secretary of War, to take possession and assume control of any system or systems of transportation, or any part thereof, and to utilize the same to the exclusion, so far as may be necessary, of all other traffic thereon, for the transfer or transportation of troops, war material, and equipment, or for such other purposes connected with the emergency as may be needed or desirable.

We did not in this bill seek to exercise the power granted in that clause of the Army appropriation bill, nor did we seek to give the President anything of that power. All we have done in this bill is to leave the railroads in operation as they are now, and all we ask is that they, through proper order, shall give precedence to certain kinds of freight and classes of transportation. That is all. And for that special service they shall be paid, not consequential damages, but for the cost of the service, that cost to be determined by the Interstate Commerce Commission. That, in short, is the purpose of this bill. [Applause.]

The CHAIRMAN. The Clerk will read.

Mr. ADAMSON. Mr. Chairman, before the Clerk begins to read I want to ask unanimous consent. There is only one amendment to the Senate bill, as a substitute, and I ask that the committee amendment be treated as the original text, and the original Senate bill, stricken out, be not read.

And pending the unanimous consent I wish to say that the only contest to any part of the amendment was the desire to restore the proviso in the Senate bill. At the end of section 1 of the Senate bill is a proviso providing that this does not repeal section 6 and section 20 of the antitrust act.

Mr. STAFFORD. Reserving the right to object, I do not think there will be any question as to considering the House amendment without the reading of the Senate bill, but I would like to inquire whether it is the purpose to proceed at this late hour to the consideration of this bill under the five-minute rule?

Mr. ADAMSON. Several gentlemen have indicated a desire that the committee rise, and I do not want to embarrass any one of them by forcing them to make the point of no quorum. They were up late last night and the night before that, and I would not have the heart to keep them here late this evening. My purpose was, as soon as the bill had been read, to move to rise.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the committee amendment be considered as the original text, and that the original section of the bill be stricken out and not read. Is there objection?

There was no objection.

Mr. ADAMSON. I want the members of the committee to understand my statement about that proviso, that the committee is willing that it be restored in the House bill in the corresponding place where it appears in the Senate bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

That section 1 of the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, be further amended by adding thereto the following.

Mr. ADAMSON. Mr. Chairman, as there is only one amendment there, and the gentlemen pretty well understand it, or will understand it by to-morrow, I ask that the further reading of the amendment be dispensed with.

Mr. LAGUARDIA. Mr. Chairman, I object.

Mr. MEEKER. Will not the gentleman from New York withdraw his objection?

Mr. ADAMSON. We are going soon to move to rise.

The CHAIRMAN. The Chair understands that the request of the chairman of the committee is that the further reading of the amendment be dispensed with, but that the whole amendment is open to debate.

Mr. STAFFORD. It should be read. We have never adopted that practice here.

Mr. ADAMSON. Then, let it be read.

The CHAIRMAN. The Clerk will read.

The Clerk resumed the reading, as follows:

"That on and after the approval of this act any person or persons who shall, during the war in which the United States is now engaged, knowingly and willfully, by physical force or intimidation, by threats of physical force obstruct or retard, or aid in obstructing or retarding, the orderly conduct or movement in the United States of interstate or foreign commerce, or the orderly make-up or movement or disposition of any train, or the movement or disposition of any locomotive, car, or other vehicle on any railroad or elsewhere in the United States engaged in interstate or foreign commerce shall be deemed guilty of a misdemeanor, and for every such offense shall be punishable by a fine of not exceeding $100 or by imprisonment for not exceeding six months, or by both such fine and imprisonment; and the President of the United States is hereby authorized, whenever in his judgment the public interest requires, to employ the armed forces of the United States to prevent any such obstruction or retardation of the passage of the mail, or of the orderly conduct or movement of interstate or foreign commerce in any part of the United States, or of any train, locomotive, car, or other vehicle upon any railroad or elsewhere in the United States engaged in interstate or foreign commerce——

Mr. LAGUARDIA. Mr. Chairman——

The CHAIRMAN. The Chair will state to the gentleman from New York that as he understands the amendment, the entire amendment will be read, and then it will be in order to offer an amendment to the entire section.

Mr. ADAMSON. Then it is my purpose, as soon as the Clerk completes the reading of the amendment, to move that the committee rise, leaving the whole matter open to amendment.

The CHAIRMAN. The Clerk will proceed with the reading.

The Clerk read as follows:

"That during the continuance of the war in which the United States is now engaged the President is authorized, if he finds it necessary for the national defense and security, to direct that such traffic or such shipments of commodities as may be essential to the national defense and security shall have preference or priority in transportation by any common carrier by railroad, water, or otherwise. He may give these directions at and for such times as he may determine, and may modify, change, suspend, or annul them, and for any such purpose he is hereby authorized to issue orders direct, or through such person or persons as he may designate for the purpose or through the Interstate Commerce Commission. Officials of the United States, when so designated, shall receive no compensation for their services rendered hereunder. Persons not in the employ of the United States so designated shall receive such compensation as the President may fix. Suitable offices may be rented and all necessary expenses, including compensation of persons so designated, shall be paid as directed by the President out of funds which may have been or may be provided to meet expenditures for the national security and defense. And it shall be the duty of any and all the officers, agents, or employees of such carriers by railroad or water or otherwise to obey strictly and conform promptly to such orders, and failure knowingly and willfully to comply therewith, or to do or perform whatever is necessary to the prompt execution of such order, shall render such officers, agents, or employees guilty of a misdemeanor, and any such officer, agent, or employee shall, upon conviction, be fined not more than $5,000, or imprisoned not more than one year, or both, in the discretion of the court. For the transportation of persons or property in carrying out the orders and directions of the President, just and reasonable rates shall be fixed by the Interstate Commerce Commission; and if the transportation be for the Government of the United States, it shall be paid for currently or monthly by the Secretary of the Treasury out of any funds not otherwise appropriated. Any carrier complying with any such order or direction for preference or priority herein authorized shall be exempt from any and all provisions in existing law imposing civil or criminal pains, penalties, obligations, or liabilities upon carriers by reason of giving preference or priority in compliance with such order or direction."

Mr. LENROOT. Mr. Chairman, might I be recognized for five minutes? I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word.

Mr. LENROOT. Before we rise I would like to direct the attention of the chairman of the committee to lines 18, 19, and 20, on page 6, merely with a view to having the chairman of the committee in charge of the bill consider a matter that I desire to bring to his attention overnight. The language reads:

That during the continuance of the war in which the United States is now engaged the President is authorized, if he finds it necessary for the national defense and security, to direct that such traffic or such shipments of commodities as may be essential to the national defense and security shall have preference or priority in transportation—

And so forth. Now, the point that I wish to bring to the chairman's attention is this, that neither in this substitute nor in the Senate bill is the President or any administrative officer given authority to determine in the first instance what commodities are necessary for the national defense, and thus to have this priority of shipment; and the question that I would like to have the gentleman consider is whether the President should not be given express authority to make that finding in the first instance?

Mr. ADAMSON. That is what we thought we gave him when we said "when he finds it necessary."

Mr. LENROOT. The bill does not so read.

Mr. ADAMSON. I think it does.

Mr. LENROOT. When he finds that——

Mr. ADAMSON. When he finds that it is "necessary for the national defense and security, to direct that such traffic or such shipments of commodities as may be essential to the national defense and security"——

Mr. LENROOT. "Finds it necessary * * * to direct that such traffic or such shipments of commodities as may be essential to the national defense and security"——

Mr. ADAMSON. That is it.

Mr. LENROOT. The bill does not say so.

Mr. ADAMSON. I think it does, and I think I am a pretty good grammarian myself

Mr. LENROOT. Where does the gentleman find that in the bill?

Mr. ADAMSON. I will read it to you, and will give the proper accent in the right place:

That during the continuance of the war in which the United States is now engaged the President is authorized, if he finds it necessary for the national defense and security, to direct that such traffic or such shipments of commodities as may be essential to the national defense and security shall have preference or priority in transportation.

Mr. LENROOT. Yes; under that language he would be given that authority to make that kind of an order, that any commodity that is necessary for the national defense shall have priority of shipment; but nowhere in the bill is he given the right to determine what commodities are necessary.

Mr. ADAMSON. Then, what I suppose the gentleman would like to insert, between lines 18 and 19, after the word "as," at the end of line 18, would be the words "in his judgment"?

Mr. LENROOT. Yes; something like that. I would like to have the gentleman consider that to-night.

Mr. ADAMSON. Very well. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 2356) to amend the act to regulate commerce, as amended, and for other purposes, and had come to no resolution thereon.

ORDER OF BUSINESS—DIVERSION OF WATER, NIAGARA RIVER.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that after the completion of the pending bill House resolution 109, authorizing the Secretary of War to issue temporary permits for the diversion of water from the Niagara River above the Falls, shall be taken up and considered. The law authorizing the permits for the diversion of a portion of this water has expired and the law authorizing permits for the diversion of the rest of it will expire Saturday night. All of the products made from the electrical energy generated by the use of this water are used in the manufacture of articles useful in the conduct of the war. All of the electrical power that can be obtained at Niagara Falls is needed. Heavy penalties attach to the use of water the permits for which expire Saturday and it is necessary that this resolution should become law during this week.

The SPEAKER. The gentleman from Virginia asks unanimous consent that as soon as this bill is out of the way the joint resolution regulating the use of the water of Niagara Falls shall be in order to be taken up. Is there objection?

There was no objection.

LEAVE TO ADDRESS THE HOUSE.

Mr. MEEKER. Mr. Speaker, I ask unanimous consent that on Monday next, following the reading of the Journal and the disposition of business that may be on the Speaker's table, and not to interfere with any conference reports or revenue bills, I be permitted to address the House for one hour on the subject of some of the by-products of prohibition.

The SPEAKER. The Chair will make the suggestion that the gentleman had better change that until Tuesday.

Mr. MEEKER. Very well; I will do that.

The SPEAKER. Monday is unanimous-consent day and suspension day and motion-to-discharge committees day.

Mr. KITCHIN. Mr. Speaker, I expect to-morrow or on Saturday, if we can not get these bills through to-morrow, to ask unanimous consent to adjourn over until Tuesday, and then from Tuesday until either Thursday or Friday.

The SPEAKER. Well, that will be all right.

Mr. ADAMSON. We want to be sure that the trading with the enemy bill has been finished before that.

The SPEAKER. Of course. That is the way the request is put. It is not to interfere with conference reports or revenue bills or anything of that sort.

Mr. MEEKER. For Tuesday.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, do I understand that there is under consideration, on the part of the representatives of the minority and the gentleman from South Carolina, some plan to adjourn over during next week and have no business transacted?

Mr. KITCHIN. If the food-control bill should be returned to the House, we would dispose of that.

Mr. STAFFORD. No other business besides that?

Mr. KITCHIN. I do not contemplate any other business besides that.

Mr. PARKER of New Jersey. The trading-with-the-enemy bill, of course?

Mr. KITCHIN. I want to say to the gentleman, with respect to that, a great many Members have already gone, or will go away, and I doubt whether we have a quorum in the city now. Members have gone with the idea that we will finish up everything that we desire to finish this week and that nothing will be done next week except wait for the food-control bill to be returned, and I doubt very much whether we could finish the trading-with-the-enemy bill next week under these circumstances.

Mr. ADAMSON. If Members have done that, they have done it in the teeth of the announcement of the gentleman from North Carolina, who plainly stated that that bill had to be considered before they entered into these agreements.

The SPEAKER. What bill is the gentleman from Georgia talking about?

Mr. ADAMSON. The trading-with-the-enemy bill.

Mr. KITCHIN. Personally, I think we would be unable to take that up next week, unless we can get it in this week.

Mr. ADAMSON. We expect to get it up to-morrow. I do not think there will be much more trouble about the pending bill.

Mr. STAFFORD. Of course, the gentleman from Georgia realizes that there is no quorum in the city.

Mr. ADAMSON. I do not know whether there is a quorum in the city or not, but if nobody raises the point we can go ahead.

Mr. KITCHIN. We do not know whether there is a quorum in the city or not. Let us go ahead to-morrow and try it.

Mr. ADAMSON. I think there is a quorum here.

The SPEAKER Is there objection to the request of the gentleman from Missouri [Mr. MEEKER]?

There was no objection.

Mr. LONDON. I ask unanimous consent that next Tuesday, after the disposition of business on the Speaker's table and after the gentleman from Missouri [Mr. MEEKER] has finished his address I may have one hour to address the House.

The SPEAKER. The gentleman from New York asks unanimous consent that next Tuesday, after the gentleman from Missouri [Mr. MEEKER] has finished his address, he shall be permitted to address the House for not to exceed one hour. Is there objection?

There was no objection.

Mr. RAINEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of second-class postage.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD on the subject of second-class postage. Is there objection?

There was no objection.

Mr. TIMBERLAKE. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a telegram from the secretary of the Red Cross War Council in the city of Washington to Morgan County, Colo., congratulating it on being the first county to meet its apportionment of the American Red Cross war fund of $100,000,000, and the further fact that the county has subscribed almost $5,000 more than the apportionment fixed to be raised in that county.

The SPEAKER. The gentleman from Colorado asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. STAFFORD. Reserving the right to object, I think the full statement that the gentleman has made will accomplish the purpose, and I object.

ADJOURNMENT.

Mr. ADAMSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 45 minutes p. m.) the House adjourned until to-morrow, Friday, June 29, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Aaron L. Abbey against the United States (H. Doc. No. 220); to the Committee on War Claims and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting a communication of the Secretary of the Navy, submitting an estimate of appropriation for rent of additional quarters for the Navy Department (H. Doc. No. 221); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, calling attention of Congress to the estimate of appropriation for an increase of force in the office of the Comptroller of the Treasury, as set forth in Senate documents Nos. 14 and 38, and House document No. 2079 (H. Doc. No. 222); to the Committee on Appropriations and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 5157) granting a pension to Ella S. Anderson, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MOORES of Indiana: A bill (H. R. 5264) fixing the status as naturalized citizens of enlisted men, commissioned officers of the Army, Navy, and Marine Corps; to the Committee on Immigration and Naturalization.

By Mr. EDMONDS: A bill (H. R. 5265) granting cumulative leave to certain employees of the Government who can not be granted leave on account of war conditions; to the Committee on Naval Affairs.

Br. Mr. EMERSON: A bill (H. R. 5266) to extend the franking privilege to soldiers and sailors serving in the Army and Navy during the present war with Germany; to the Committee on the Post Office and Post Roads.

By Mr. COOPER of West Virginia: A bill (H. R. 5267) granting the consent of Congress to the Wolf Creek Lumber Company to construct a bridge across Tug River; to the Committee on Interstate and Foreign Commerce.

By Mr. NOLAN: A bill (H. R. 5268) to make further provision for the organization of native troops in the Philippine Islands; to the Committee on Military Affairs.

By Mr. CHARLES B. SMITH: A bill (H. R. 5269) to prevent the publication of inventions by the grant of patents that might be detrimental to the public safety or convey useful information to the enemy, to stimulate invention and provide adequate protection to owners of patents, and for other purposes; to the Committee on Patents.

By Mr. JOHNSON of Kentucky (by request): A bill (H. R. 5270) to provide for civic mobilization in the District of Columbia; to the Committee on the District of Columbia.

By Mr. SIEGEL: A bill (H. R. 5271) authorizing appointment of chaplains at large for the United States Army; to the Committee on Military Affairs.

By Mr. McLAUGHLIN of Pennsylvania: A bill (H. R. 5272) to provide for chapels and recreation buildings at the several navy yards of the United States; to the Committee on Naval Affairs.

By Mr. RODENBERG: Resolution (H. Res. 111) authorizing and directing an investigation of the Oriental Esoteric Library

League of Washington, District of Columbia; to the Committee on the Judiciary.

By Mr. HULBERT: Joint resolution (H. J. Res. 114) providing for the creation of a commission on aerial navigation; to the Committee on Military Affairs.

By Mr. ROGERS: Joint resolution (H. J. Res. 115) requesting the Secretary of State to open diplomatic negotiations with certain Governments with a view to obtaining their approval and sanction for action by the United States permitting the inclusion in the armed forces of the United States of such citizens of the countries of such Governments as are within the United States; to the Committee on Foreign Affairs.

By Mr. CHURCH: Joint resolution (H. J. Res. 116) for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, for lessening the expenses of the war, and restoring the loss caused by the war by providing for the employment of a discovery or invention called the "Garabed," claiming to make possible the utilization of free energy; to the Committee on Patents.

By Mr. HILLIARD: Concurrent resolution (H. Con. Res. 15) making rules for the government and regulation of the land forces; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 5273) granting an increase of pension to Phillip Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5274) granting an increase of pension to James E. Upham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5275) granting a pension to Margaret A. Guilliams; to the Committee on Invalid Pensions.

By Mr. BOWERS: A bill (H. R. 5276) granting a pension to Ellen Pierce; to the Committee on Invalid Pensions.

By Mr. BRODBECK: A bill (H. R. 5277) granting an increase of pension to Christian Boll; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5278) granting an increase of pension to Adam G. Fitzkee; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 5279) granting a pension to Cottington Bond; to the Committee on Pensions.

Also, a bill (H. R. 5280) granting a pension to Henry Stratton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5281) granting a pension to T. H. Williams; to the Committee on Pensions.

Also, a bill (H. R. 5282) granting an increase of pension to Cyrus O'Brian; to the Committee on Pensions.

Also, a bill (H. R. 5283) granting a pension to John Preston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5284) granting an increase of pension to William Pemington; to the Committee on Invalid Pensions.

By Mr. LENROOT: A bill (H. R. 5285) granting a pension to Clarence A. Kuhn; to the Committee on Pensions.

By Mr. LINTHICUM: A bill (H. R. 5286) granting a pension to Ella S. Anderson; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of sundry citizens of San Jose, Cal., favoring prohibition as a war measure and opposing tax on liquors; to the Committee on the Judiciary.

Also (by request), petition of Mrs. Elizabeth Cutler Jenkins, Utah State chairman, and members of the National Woman's Party, urging a speedy and favorable report on the national suffrage amendment; to the Committee on the Judiciary.

Also (by request), petition of the Woman's Christian Temperance Association, of Selbyville, Del., urging national prohibition as a food-conservation measure; to the Committee on Agriculture.

By Mr. BRODBECK: Papers to accompany House bill 5278, to increase the pension of Adam G. Fitzkee; to the Committee on Invalid Pensions.

By Mr. BURNETT: Petition of Woman's Missionary Society of Albertville district, Alabama, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. EAGAN: Memorial of National Association of Game and Fish Commissioners relative to the migratory-bird treaty; to the Committee on Foreign Affairs.

Also, petition of Funeral Benefit Association of the United States, relative to death-benefit protection for those conscripted; to the Committee on Military Affairs.

Also, petition of New Jersey Press Association against special discriminatory war tax; to the Committee on Ways and Means.

Also, petition of the New Jersey Committee on Public Safety, favoring the daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

By Mr. GALLIVAN: Memorial of National Association of Fisheries Commissioners in interest of the great water-food industries; to the Committee on the Merchant Marine and Fisheries.

By Mr. GLYNN: Petitions of Southern Methodist, West Side Methodist, Evangelical, and Baptist Churches, of Waterbury, Conn., favoring prohibition as a war measure and opposing war tax; to the Committee on Ways and Means.

By Mr. HARDY: Petition of sundry citizens of Texas, favoring prohibition as a war measure and opposing tax; to the Committee on the Judiciary.

By Mr. HERSEY: Petition of the New England Water Works' Association, of Boston, Mass., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. HUTCHINSON: Petition of the New Jersey Committee on Public Safety, favoring the daylight-saving plan; to the Committee on Interstate and Foreign Commerce.

Also, petition of the New Jersey State Board of Shell Fisheries, urging the regulation of the discharge of waste into both inland streams and tidal waters; to the Committee on Rivers and Harbors.

By Mr. LONERGAN: Memorial of 9,000 employees of the New Haven road, in engine, yard, and train service, in favor of the food bill, against further increasing postage on labor publications, and against reduction in limitations of income-tax law; to the Committee on Agriculture.

Also, memorial of New England Water Works' Association, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. MAGEE: Petition of W. B. Roe and other citizens of the city of Syracuse, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MORIN: Petition of the Central Trades and Labor Council, Fred J. Domard, secretary, of Allentown, Pa., urging exemption from military service of all those who have conscientious objections, and also urging no relaxation of the present restrictions on oriental immigration; to the Committee on Naturalization and Immigration.

By Mr. REED: Petition of Lynne C. Le Valley, chief preceptor, and the members of the Pennsboro Premier Local Branch of the National Window Glass Workers' Union, of Pennsboro, W. Va., urging the passage of the food-control bill; to the Committee on the Judiciary.

By Mr. ROWE: Petition of the Long Island Diocese of the Episcopal Church, favoring national abstinence from alcoholic beverages; to the Committee on the Judiciary.

Also, petitions of the Merchants' Association and the Central Mercantile Association of New York City, favoring the deepening of Hell Gate Channel; to the Committee on Rivers and Harbors.

Also, petition of the George H. Gibson Co., of New York City, protesting against increase in first-class postal rates; to the Committee on Ways and Means.

Also, petition of Dr. Alexander Lambert, of New York City, favoring abrogation of patents on salvarsan; to the Committee on Patents.

Also, petitions of J. M. Huber, of New York City, and Frederick Klooz, jr., of Brooklyn, N. Y., protesting against increase in second-class postage rates; to the Committee on Ways and Means.

By Mr. SCHALL: Memorial of sundry citizens of the tenth district of Minnesota, favoring amending Federal estate tax act; to the Committee on Ways and Means.

By Mr. TAGUE: Petition of approximately 9,000 employees in engine, train, and yard service of the New York, New Haven & Hartford Railroad, favoring the passage of the Lever food-control bill; to the Committee on Agriculture.

By Mr. VARE: Memorial of the National Association of Fisheries Commissioners, calling attention to the necessity of legislation regarding deposit of waste in streams; to the Committee on Rivers and Harbors.

By Mr. VOIGT: Petition of 359 farmers and others of Jefferson and Dodge Counties, Wis., calling attention to the great value of malt sprouts, brewers' and distillers' dried grains in milk production, and praying that consideration be given to this fact in the framing of legislation which may prevent their use; to the Committee on Agriculture.

By Mr. WARD: Petition of Rev. Walter W. Voight and citizens of Milton, N. Y., urging the enactment of a law to prohibit

the use of foodstuffs in the production of intoxicating liquors; to the Committee on the Judiciary.

Also, petition of Harry C. Madden and other citizens of Kingston, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. WINGO: Petition of Woman's Missionary Society of the Methodist Episcopal Church South of Texarkana, district conference, favoring prohibition as a war measure; to the Committee on the Judiciary.

SENATE.

FRIDAY, *June 29, 1917.*

(Legislative day of Thursday, June 28, 1917.)

The Senate reassembled at 12 o'clock m., on the expiration of the recess.

ACCEPTANCE OF DECORATION (H. DOC. NO. 223).

The VICE PRESIDENT. The Chair lays before the Senate a message from the President of the United States, which will be read.

The Secretary read as follows:

To the Senate and House of Representatives:

I transmit a report by the Secretary of State, accompanied by a copy of a note from the minister of Belgium at Washington expressing the wish of his Government that Mr. Brand Whitlock, the American minister to Belgium, may be permitted to accept a decoration of the Grand Cordon of the Order of Leopold, which the King of the Belgians desires to confer as a recognition of the exceptional circumstances under which Mr. Whitlock discharged his official duties in occupied Belgium and as a testimonial of the King's gratitude to the whole American Nation.

I ask the Congress to consider whether its permission should not be granted for the acceptance of the decoration by Mr. Whitlock, as conferred for "an exceptional, extraordinary, and meritorious act," as set out by the Secretary of State.

WOODROW WILSON.

THE WHITE HOUSE, *June 29, 1917.*

The VICE PRESIDENT. The message and accompanying papers will be referred to the Committee on Foreign Relations and printed.

CONSERVATION OF FOOD AND FUEL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

Mr. CHAMBERLAIN. Mr. President, there are a number of Senators prepared to go on this morning, and I suggest the absence of a quorum in order that all may have an opportunity to be here.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Beckham	Harding	McKellar	Sherman
Borah	Hardwick	McLean	Smith, Ariz.
Brady	Hitchcock	McNary	Smith, Ga.
Brandegee	Husting	Martin	Smith, Mich.
Calder	James	Myers	Smith, S. C.
Chamberlain	Johnson, Cal.	Nelson	Smoot
Colt	Johnson, S. Dak.	New	Sutherland
Culberson	Jones, N. Mex	Norris	Thomas
Cummins	Jones, Wash	Overman	Thompson
Curtis	Kellogg	Page	Tillman
Dillingham	Kendrick	Penrose	Wadsworth
Fernald	Kenyon	Phelan	Warren
Fletcher	King	Pittman	Weeks
France	Kirby	Ransdell	Williams
Frelinghuysen	Knox	Reed	Wolcott
Gallinger	La Follette	Saulsbury	
Gerry	Lodge	Shafroth	
Hale	McCumber	Sheppard	

Mr. SUTHERLAND. I desire to announce the absence of my colleague, the senior Senator from West Virginia [Mr. GOFF], on acount of illness. I will let this announcement stand for the day.

Mr. HOLLIS. I desire to announce that the senior Senator from Arkansas [Mr. ROBINSON] is detained from the Senate by illness.

Mr. FRELINGHUYSEN. I wish to announce that my colleague, the senior Senator from New Jersey [Mr. HUGHES], is detained from the Senate by illness.

The VICE PRESIDENT. Sixty-nine Senators have answered to the roll call. There is a quorum present.

Mr. CHAMBERLAIN. Mr. President, in order to ascertain, if possible, the temper of the Senate with reference to the disposition of the pending measure I ask unanimous consent that the bill and the amendments thereto be voted upon not later than 5 o'clock to-morrow afternoon.

Mr. BORAH. I object. I will state the reason. We have had a vast amount of general discussion on the bill, we have had practically no analysis of the different provisions, and if we make a unanimous-consent agreement now to vote upon it, that will be the end of the attendance upon the discussion of the measure. I should be glad to see the bill voted upon to-morrow afternoon at 5 o'clock, but I do not want to consent to an understanding which will result in practically no consideration of the specific details of the bill.

Mr. CHAMBERLAIN. Mr. President, I suppose we all realize the importance of having the legislation acted upon at as early a day as is possible, and yet I have no disposition to undertake to crowd the matter and close the debate, but I wanted to ascertain how the Senate felt about it. If there is a chance to fix a time to vote within the very near future I should like to have it done.

Mr. LODGE. Mr. President, I do not want to delay the passage of the bill or a quick vote upon it, but there are some very important matters in it, on one of which I, myself, spoke yesterday, which I think will require further discussion. I know there will be a great deal of discussion about it, and I am not ready at this moment to agree that a vote should be taken to-morrow. I think the Senator had better consent to let it go over for a day or two.

Mr. CHAMBERLAIN. I will not insist upon it now.

Mr. GALLINGER. Mr. President, I suggest to the Senator that if the general debate continues to-day and the different items of the bill are discussed, as doubtless they will be, possibly he might get consent to-morrow morning that at 5 o'clock the vote shall be taken. I think we ought to facilitate the passage of the bill as rapidly as possible.

Mr. CHAMBERLAIN. I will state to the Senator that one or two Senators have indicated to me a desire to address themselves to the bill to-day; I do not know how many there may be; and my purpose in making the request was to ascertain if we could hasten the final disposition of the mensure. It is possible, as the Senator suggests, that by Monday or Tuesday we may be able to agree on a time when a vote may be had.

I believe the pending question is the motion to recommit the bill.

The VICE PRESIDENT. The question is on the motion of the Senator from Georgia [Mr. HARDWICK] to recommit the bill to the committee.

Mr. CHAMBERLAIN. On that I ask for a vote.

Mr. REED. I ask that the question be stated to the Senate, and I ask for a division.

The VICE PRESIDENT. The question is, Shall the bill be recommitted to the Committee on Agriculture and Forestry?

On a division, the motion was rejected.

Mr. LEWIS. Mr. President, I tender an amendment in the nature of a substitute to the prohibition section of the pending bill, which I ask to have printed and lie on the table.

The VICE PRESIDENT. The amendment will be printed and lie on the table.

Mr. CHAMBERLAIN. I now ask that the bill be read for the purpose of considering the amendments of the Committee on Agriculture and Forestry. I think in that way we can hasten the measure a little, taking up the amendments in their order.

Mr. HARDWICK. Mr. President, pending that motion I desire to present to the Senate certain views with regard to the bill itself. I regret that in the haste to enact this legislation the Senate has seen fit not to rerefer the bill to the committee. As I pointed out yesterday, there are two sections in it that no Member of this body can really believe are constitutional. I assume that the Senate rejected the motion to recommit because it believes that it can adequately and more speedily dispose of those questions on the floor of the Senate itself, and that since the bill has already had extended committee consideration there was no need to send it back for further committee consideration. At any rate we will have to try that method of procedure when we reach these sections in their order.

Mr. President, the bill as reported by the Senate committee is infinitely better, in my judgment, from every standpoint than it was when it came from the House of Representatives, and yet the room for improvement was so vast that I will not say that that is necessarily a very high compliment that I pay either the committee or the bill as reported by it.

Mr. President, it may be contended here and elsewhere that the real necessity for this bill is a war necessity, but such in point of fact is not true; such in point of fact is not the case. No one of us need to be hesitant about avowing the truth

on this question. The real purpose of the bill, the real excuse for it, the real reason for it, in my judgment, is not a war necessity, even indirect or remote, but what Congress has come to believe is a necessity for relieving the consuming public, especially in our larger cities, from the constantly mounting and soaring cost of living.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield?

Mr. HARDWICK. I yield to the Senator from Idaho.

Mr. BORAH. If that is the real object of the bill, it seems to me the Senator finds quite an obstacle in the way in the proviso upon page 7. This is a part of section 5, which might be termed the primal part.

SEC. 5. That, from time to time, whenever the President shall find it essential to license the importation, exportation, manufacture, storage, mining, or distribution of any necessaries, constituting a part of commerce with foreign countries, or among the several States, including the several Territories and the District of Columbia, in order to carry into effect any of the purposes of this act, and shall by proclamation so announce, no person shall, after a date fixed in the proclamation, engage in or carry on any such business specified therein, unless he shall secure and hold a license issued pursuant to this section.

Then it goes on to say that—

Whenever the President shall find that any storage charge, commission, profit, or practice of any licensee is unjust, or unreasonable, or discriminatory and unfair, or wasteful, and shall order such licensee, within a reasonable time fixed in the order to discontinue the same, unless such order, which shall recite the facts found, is revoked or suspended—

The party shall be guilty of an offense. But the proviso reads:

Provided, That this section shall not apply to any farmer, gardener, cooperative associations of farmers or gardeners, including live-stock farmers, or other person with respect to the products of any farm, garden, or other land owned, leased, or cultivated by him, nor to any retailer with respect to the retail business actually conducted by him, nor to any common carrier, nor shall anything in this section be construed to authorize the fixing or imposition of a duty or tax upon any article imported into or exported from the United States or any State, Territory, or the District of Columbia.

How are you going to relieve the cost of living to the consumers, the people who reside in th cities and elsewhere, if you permit the producers of the country to make an unreasonable profit by charging an unreasonable price for their products, to indulge in unfair practices, and so forth? How is this going to help the ultimate consumer at all under those circumstances? Undoubtedly if the producers—and I am interested in the producers, because I represent them in a large measure, for we have very few manufacturers in our State—but, as a practical proposition, if the producers of the country are permitted to indulge in these practices, how are you going to relieve a man in the city? Now, I am not advocating including the farmer or producer, but I am seeking to test the wisdom of the bill as drawn and to find out, if I can, how the proponents of the bill hope to accomplish their objects.

Mr. HARDWICK. Mr. President, the suggestions of the Senator from Idaho are pertinent. I did not say that I thought this bill would really do that, but I said this bill was advocated for that reason. It gets its support in the public press for that reason principally and primarily, and such of the people as favor it believe it will do that. I am inclined to agree with the Senator from Idaho in his evident belief that the bill will not do as much as is claimed. Of course I can understand why the farmers of this country were exempted. I do not hesitate to say that it is my opinion that they were exempted from this bill for political reasons, and for selfish political reasons alone.

Mr. SMITH of South Carolina. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. HARDWICK. I do.

Mr. SMITH of South Carolina. I was on the subcommittee which framed this bill, and I desire to suggest to the Senator from Georgia and to the Senator from Idaho, if the Senator from Georgia will allow me just here, that it is known, as I said yesterday afternoon on the floor of the Senate, that the farmers, the real producers of foodstuffs, scattered, as they are, all over the United States, and who are notoriously without resources, never fix the price on any staple farm product. The farmer never fixes the price of anything that he buys. It is the well-financed middleman who does that.

Mr. BORAH. May I ask the Senator from South Carolina a question?

Mr. HARDWICK. I yield to the Senator from Idaho for that purpose.

Mr. BORAH. If it is impossible for the producers to fix prices, why was it necessary studiously to exempt them from the operation of this bill?

Mr. SMITH of South Carolina. The idea was, as the Senator will see in different places in the bill, that certain sections of the bill have granted the right to requisition, to take, in the discretion of the food controller, whoever he might be, wherever they were found, a certain aggregate of foodstuffs and to distribute them. It is necessary for a farmer in order to prosecute his business that he might under those terms have an aggregate amount of foodstuffs, more than sufficient for his own personal use, which were raised upon his farm, and in the general run of bad crops and good crops it was considered he was entitled to a certain surplus. For that reason the committee thought, as a class, the farmer had no voice in the market anyway, that we should exempt him, and not leave him under the fear that the foodstuffs which he himself made to use for himself would have to come under the general terms of this bill, when we were driving at getting hold of the men who neither sow nor reap, but who, through their vast accumulations of money, purchase at their own price and sell at their own price.

Mr. BORAH. Mr. President, section 5 of the bill not only covers the speculator, to whom the Senator is evidently referring, the middleman, but it covers every business man in the United States in all this vast range of business interests. It will be a universal blanket if it is enforced, covering the entire business world practically except the producer and the retailer.

Mr. SMITH of South Carolina. Well, I am not interested right at this stage in that, though I may have something to say about it later on; but practically every other business of any size and importance is thoroughly organized with a minimum of those who control and a maximum of interests, while with the farmer exactly the reverse is true. You have got a maximum of those engaged specifically and directly in the business without any organization and practically without any resources or capital.

Mr. McKELLAR. Mr. President, will the Senator from South Carolina yield to me?

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Tennessee?

Mr. SMITH of South Carolina. I am speaking by the courtesy of the Senator from Georgia [Mr. HARDWICK].

Mr. McKELLAR. I want to ask why the railroads are also excepted? Will the Senator explain that to the Senate? The railroads are excepted in this bill.

Mr. SMITH of South Carolina. I think the Senator need not ask that question now, because we have already provided the machinery by which the railroads are to be regulated, which is known as the Interstate Commerce Commission, and we presume that in these war times they will do their duty, as we are trying to do ours in framing this bill.

Mr. HARDWICK. Mr. President, not only is the exemption for the farmer made in section 5, the license section, to which the Senator from Idaho [Mr. BORAH] refers, but when it comes to the hoarding section the farmer is again exempted. It is made lawful for him, through associations, combinations, or in any other way to combine and conspire, if he wants to do so, and to put the necessaries of life as high as he pleases; and if he does it, the hand of the law can not be laid on him, although it could be laid on any other person in this Republic who did so. If that is wise legislation, I do not know how to frame wise legislation. I was taught in the old school to believe that the first and foremost principle of American polity was "equal rights to all men and special privileges to none." I believe that the first and most defenseless victim of an abandonment of that policy and of a reversal of that principle will be the American farmer himself, because of his very incapacity to organize, to which the Senator from South Carolina refers, because he can not become so highly organized that he will get his share in a grab game, if we are all going into a grab game, with everybody getting all the special privileges and all the special exemptions he can. For one, although I represent a great producing and a great agricultural State, I believe that the farmers ought to be neither above nor below the law. Equal and exact justice is all they ought to either desire or expect. For one, I would not give them more or less.

Mr. BORAH. Mr. President, I raised this question for this reason: It has been said here many times, and need not be repeated, perhaps, that we all desire to do that which will help to win the war, as the phrase is; but the question is here, whether or not this bill will help to do that. It has gone out to the world that the object and the purpose of this bill are to reduce the cost of living, to protect the great consuming public in the cities, and so forth; and I ask seriously, how are you going to accomplish that feat, how are you going to bring it about, if you leave the great basic understructure, the producers, with the absolute power to make their own charges, to hoard as they please, and to form such combinations as may enable them to control the situation? I am seeking enlighten-

ment—how are you going to reduce the cost of living? If you say by getting the speculator, well and good. I am agreeable to that, but we have already passed a bill covering speculators.

Mr. HARDWICK. Mr. President, the Senator from Idaho is undoubtedly right; and if there is any necessity upon this country either to require or to justify the passage of this bill, the exemption from its provisions of the producing classes is an inexcusable one, in my judgment. I do not believe that the producers themselves would really desire such a special privilege; but even if they did, I could not favor it.

Mr. SMITH of South Carolina. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. HARDWICK. I do.

Mr. SMITH of South Carolina. I should like to call the attention of the Senator from Idaho and the Senator from Georgia to what occurred yesterday. According to market reports, potatoes, as I understand, dropped about $4 a barrel.

Mr. REED. They dropped from $12 to $4 a barrel.

Mr. SMITH of South Carolina. They dropped from $12 to $4 a barrel—was that it?

Mr. REED. In a few days' time; yes, sir.

Mr. SMITH of South Carolina. The Senator from Missouri calls attention to that. The point I want to make is this: Does any man here, human nature being what it is, question that if the producers of potatoes had been able to prevent it, they would have allowed the product of their soil to have dropped in that manner?

Mr. HARDWICK. Mr. President, that is all right; that may be true; but the point is that by law we ought not to leave them to do it if they have the power to do it. If there is any necessity for this legislation, if there is any excuse for it, or if there is any justification for it——

Mr. SMITH of South Carolina. If the Senator from Georgia will allow me merely to carry out my thought, I desire to say, therefore, as it is evident that the farmer had nothing to do with the high prices and nothing to do with the drop in prices, it was wisdom on the part of the committee to try to put its hands upon those who did have to do with that very feature.

Mr. BORAH. Mr. President——

Mr. HARDWICK. I yield to the Senator from Idaho.

Mr. BORAH. If the Senator from Georgia will permit me, I repeat, in another form what the Senator from South Carolina said a moment ago; that is, with the farmer and the producer in a position that he can not control prices, and so forth, all through this bill it is assumed that he can, and, therefore, he is exempted from the provisions of the proposed law. In my opinion, as broad as you make the exemption, the producers of this country can control prices; they can hoard their products; they can hold their products; and they can control prices against the market.

Mr. OWEN. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Oklahoma?

Mr. HARDWICK. I yield.

Mr. OWEN. I wish to suggest another reason which justifies the committee's action; and that is, that in the administration of any law of this character it must be left to minor officials who might take advantage of the small man; which is not really the purpose of the bill.

Mr. HARDWICK. Of course, they might do that as to anybody else, and about anything else. The more Senators argue it the more the truth makes itself manifest. The point is, that when it looks like, speaking of this bill from the standpoint of its proponents, it is necessary to make certain sacrifices on the altar of our country, when it is presented for that reason and on that plea, the plea is immediately put up that there is one class that ought not to be required to make any sacrifice, and that class is the American farmer. I do not believe the American farmer wishes any such selfish exemption.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from North Dakota?

Mr. HARDWICK. I yield to the Senator from North Dakota.

Mr. GRONNA. Do I understand from the Senator from Georgia that he insists that the farmer should be licensed in order to carry on his farming operations?

Mr. HARDWICK. The Senator from Georgia insists that nobody ought to be licensed; but that we have just as much right to license the farmer as we have any of the other business men, and just as much duty to do it.

Mr. GRONNA. If I may ask the Senator another question, does the Senator believe that the provisions of this section will permit the farmer to do anything except to hold the grain produced on his own farm? I call the Senator's attention to the language on page 7.

Mr. HARDWICK. Now, let me call the Senator's attention to the language on page 8. I am speaking now of section 6. The Senator from North Dakota must understand that, whereas it is proposed to make it unlawful for everybody else in the Republic to hoard or to combine or to conspire to put up the price of the necessities of life, it is proposed by this bill to make it perfectly lawful for farmers to do as much of it as they please through associations or otherwise.

Mr. GRONNA. If the Senator will further permit me, I undertake to say that there is no such provision in this bill, permitting any farmer or any association to buy and hoard.

Mr. HARDWICK. All right.

Mr. GRONNA. The farmer is excepted from the penalties of this section for holding his own grain, and that is as far as this provision goes.

Mr. BORAH. Mr. President, with all due respect to my friend from North Dakota, the provision reads:

> *Provided*, That this section shall not apply to any farmer, gardener, cooperative associations of farmers or gardeners, including live-stock farmers.

Mr. GRONNA. I suggest that the Senator read further.

Mr. BORAH. Very well. It proceeds:

> Or other person with respect to the products of any farm, garden, or other land owned, leased or cultivated by him.

Mr. GRONNA. Yes.

Mr. BORAH. "Cultivated by him." That is, if there was an association consisting of 10,000 farmers, or an association covering an entire State, it would include everything that was raised in that entire State. All this illustrates how essential that we ourselves study this bill and not take too much for granted. Now, if I had my way, I would simply deal with the food speculator, eliminate him, and then let the laws of supply and demand operate, as they will anyway. I doubt the wisdom of this licensing system.

Mr. HARDWICK. Not only that, but, if the Senator will permit me, he has quoted from the licensing section only. The farmers are exempted under the licensing section. Then we come along and we make—although, as I hope to be able to demonstrate to Senators, it is absolutely unnecessary to do so in view of the existing statutes—a new hoarding section, and in it we say—and I invite the especial attention of the Senator from North Dakota to that part of this provision, quoting from line 18, section 6, on page 7—

> SEC. 6. That necessaries shall be deemed to be hoarded within the meaning of this act when either (a) held, contracted for, or arranged for by any manufacturer, wholesaler, retailer, or other dealer in a quantity in excess of the reasonable requirements of his business—

That answers the point made by the Senator from South Carolina [Mr. SMITH] a moment ago—

> for use or sale by him for a reasonable time, or reasonably required to furnish necessaries produced in surplus quantities seasonally throughout the period of scant or no production; or (b) withheld, whether by possession or under any contract or arrangement, from the market by any person for the purpose of unreasonably increasing or diminishing the price: *Provided, however*, That any accumulating or withholding by any farmer, gardener, cooperative associations of farmers or gardeners, including live-stock farmers, or any other person, of the products of any farm, garden, or other land owned, leased, or cultivated by him shall not be deemed to be hoarding within the meaning of this act.

In other words, although we are saying—and I am willing to go as far as any Senator on either side of the Chamber will go in saying it—that we want to crucify the malefactor who speculates in the price of the necessaries of the American people at this time, that we want to hang him or burn him, yet if that malefactor is a farmer, or even an association representing millions of farmers and covering practically the entire productive capacity of the country, it is all right, just, and reasonable. What in the poor, despised middleman, who, after all, is an American citizen, with the same fundamental rights and liberties as either the producer or the consumer, and who, to some extent at least, is a consumer, although he may not be a producer—we say that what is made a crime, a capital offense, a hanging crime in the one shall not be a crime at all in the other, but something which is not only permitted but invited by the law itself. Why the distinction? What is the difference?

Mr. VARDAMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Mississippi?

Mr. HARDWICK. I yield to the Senator from Mississippi.

Mr. VARDAMAN. Mr. President, I am afraid that this bill is going to be disappointing in its results. However, I shall support it; but in legislating upon this question, or on any other question, we must draw information from the experience of

mankind. Now, it is a well-known fact that the agriculturists of this country for over a hundred years, notwithstanding the efforts they have made, have never succeeded in controlling the market by combination. They have produced their goods and sold them in a market controlled by the inexorable law of supply and demand. As was suggested by the able Senator from Oklahoma [Mr. OWEN] a moment ago, if we do not protect the farmer against the little fellow who may be called upon to execute this law, there is a likelihood of a restraining hand being put upon him.

Mr. HARDWICK. Just a minute, if the Senator please. That same thing is true about every other American business that is subjected to this law.

Mr. VARDAMAN. As a matter of fact, if we are to judge the future by the past, we have nothing whatever to fear from the farmer doing that of which the Senator is apprehensive.

Mr. HARDWICK. Oh, no; not that at all.

Now, Mr. President, if I may carry on my own argument for just a moment. I do not want to be misunderstood. I do not want to do this to the American farmer. I am opposed to this bill, but if I were for it I would have the courage of my convictions. If I were for it I would go honestly to the position where it leads.

Mr. VARDAMAN. Mr. President, will the Senator yield to me for just a moment?

Mr. HARDWICK. I yield to the Senator.

Mr. VARDAMAN. I expect to vote for this bill, but I am not going to vote for it because I am afraid of anybody. I am not going to vote for it because I think it is popular, nor would I be deterred from voting for it if it were unpopular. I am going to vote for it because I hope that by the organization which Mr. Hoover expects to be able to effect, by voluntary cooperation among the housewives and the people of this country generally, together with the power that is given therein, to destroy or exterminate the speculator, the men who form combinations for the purpose of enhancing the value of the necessaries of life. It is my deliberate judgment that the prevention of speculation is the chief merit of the measure.

As I said a moment ago, I have no doubt but that the bill is going to be disappointing to its friends, the people who conceived it; but I am willing to give it the benefit of the doubt and try it on, since the provision has been inserted which exempts the farmer and his products from the control of the food administrator.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. HARDWICK. I yield to the Senator from Idaho.

Mr. BORAH. The Senators who have taken an adverse view of the suggestions which have been made by the Senator from Georgia and myself with reference to this matter seem to be under the impression that we are desirous of incorporating the farmer under the license clause. I am not in favor of it, largely for the reasons which have been stated; but what I want to know is, how you are going to control the ultimate price to the consumer if you leave the power to combine upon the part of the producers. You say they can not do the thing which we claim they may do; but you have not only exempted the farmer individually but you have exempted all combinations and associations of farmers. Now, it is useless to say that if you exempt these combinations and associations, which may include hundreds of thousands of people, they can not do precisely what it is thought ought not to be done; and that is to hoard, control, and hold their products until such time as the market suits them.

Mr. VARDAMAN. Judging the future by the past, they can not do it. They have tried. I have known them to try to combine in order to raise the price of cotton; I have known them to try to combine in order to raise the price of wheat, corn, and other agricultural products; and I have never yet known them to succeed. In all matters of legislation I submit that it is unwise to ignore the experiences of the past. Time and trial have demonstrated that there is an utter lack of cohesiveness among the farmers in the matter of cooperation for self-protection.

Mr. BORAH. May I ask one more question, then, in order to state precisely the position which I occupy?

Mr. HARDWICK. Yes.

Mr. BORAH. I had supposed when we started on this legislation that we were after just one individual, and that was the one who might, under a popular phrase, be called the speculator—the man who produces nothing, but simply deals in some one else's product. But we have gone beyond that. We have included under this bill every legitimate business man in the United States, every business man who is conducting legitimate business——

Mr. HARDWICK. Except the farmer.

Mr. BORAH. Well, except the farmer. We have not undertaken to deal merely with the man who is speculating in these products, but we say that every man, from the Atlantic to the Pacific and from the Lakes to the Gulf, may be put under a license system and his entire business supervised and controlled and regulated by some individual.

Mr. KING. Mr. President, may I suggest to the Senator from Idaho that not only those who are engaged in interstate commerce but those who confessedly are engaged only in intrastate commerce are placed under the supervision of the instrumentalities of this bill?

Mr. BORAH. Precisely. Just a moment, and then I will surrender the floor to the Senator from Georgia. But, Mr. President, as I view section 6, with which we are dealing, in the first place it will have a very discouraging effect upon business throughout the country as a whole. If you were dealing with this particular class of people with whom we started out to deal, it would be a different question; but when you spread out over the entire country the power to introduce the license system and say to the business people of the United States, "We will put you in a strait-jacket overnight; we will bring you under the absolute and complete control of bureaucracy in 24 hours," you are discouraging and demoralizing the business of the United States.

One reason why we exempted the farmer, as said by the able Senator from Iowa, was because we did not want to discourage production; because it would have a demoralizing effect upon the producer. I ask you, in this great emergency, if distribution is not quite as important as production? Thousands and thousands of bushels of grain rot for reasons that are connected with unsatisfactory methods of distribution; and if you are going to spread this power over the entire business world, and undertake to put them in a strait-jacket overnight, you are going to demoralize and discourage that part of the business world whose activities and initiative are necessary in this great war.

So, I say, Mr. President, that my objection is not because the farmer is left out. It is because, in my judgment, the whole system is wrong; and the very reason why you left him out is the reason why you ought to leave out the legitimate business man everywhere.

Mr. OWEN. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Oklahoma?

Mr. HARDWICK. I do.

Mr. OWEN. Would it interrupt the Senator from Georgia for me to make a suggestion with regard to what I think is a defect in the bill, along the line suggested by the Senator from Idaho, namely, that there is no adequate safeguard in the administration of the bill to protect the business man against the tyranny of a petty official? I think that ought to be safeguarded in this bill before it is finally acted on.

Mr. HARDWICK. Oh, Mr. President, the trouble is that you can not do it. You never can do that when you embark on this kind of legislation. Of course, if you could do that, it would not be quite so bad. If you are going to confer all of these powers on the President you have got to let him have subordinates to exercise them. You can not escape that.

Mr. FLETCHER. Mr. President, may I interrupt the Senator just for one thought in that connection? I submit to the Senator that there is no danger of hoarding by the farmers of the country, for the very reason that the farmers are in violent competition with each other, not only in the communities where the products are produced but throughout the whole country. They are in competition all the while with each other, and you can not avoid that situation. There is no possibility for them to get together so as to stifle competition.

Mr. HARDWICK. That is true about a great many other business men who are included in this bill. I think the Senator is right about that; but if that is so why do you have to have these exemptions? What do you need them for? What do you want with them? Why do you write them into this bill? If they can not do it anyhow, why permit them to do it? If they can not accomplish it, why authorize them to accomplish it?

Ah, gentlemen, we are playing with words. We did not put the farmer in this bill, and we exempted him, in my honest opinion, because we dared not face him at the polls if we did——

Mr. SMITH of South Carolina. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. HARDWICK. No; I will not yield just now. I beg the Senator's pardon. That is why he is not in this bill; and in my judgment, Mr. President, the propaganda behind this bill is the most disingenuous and insincere that ever supported a bill urged in Congress in my recollection. This bill is urged as a war measure. We know that the principal reasons for its enactment are reasons almost entirely disconnected and almost wholly unrelated to the war Yet it is urged as a matter where everybody is required to submit to control and to make sacrifices for the benefit of a great country, and at the same time we exempt from the sacrifices the very greatest class of our citizens, among the most patriotic of all of our people—the American farmers.

Mr. President, I am opposed to it. I am opposed to it on principle. I am opposed to it because I believe the Constitution of the United States still lives. I am opposed to it because I am opposed to converting this American Republic, founded by Washington and by Jefferson and dedicated to individual liberty, into a great machine of state socialism.

Mr. GRONNA. Mr. President, will the Senator yield for just a question?

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from North Dakota?

Mr. HARDWICK. For a question; yes.

Mr. GRONNA. The Senator knows I have great respect for his opinion and his judgment.

Mr. HARDWICK. I thank the Senator.

Mr. GRONNA. I want to ask the Senator if he does not believe that under section 8 the President of the United States has the right to requisition and commandeer grain or any commodity that a farmer may have on his farm? He may go into a farmer's granary and take every bushel, and he ought to have that authority.

Mr. HARDWICK. Yes; to supply the Army and the Navy.

Mr. GRONNA. To supply the Army and the Navy.

Mr. HARDWICK. And let me say to the Senator, since he has invited my opinion, that if it were simply desired that the President should have that power only, you would never have had this bill pressed. You do not need this legislation to give him the power to commandeer whatever he needs for the Army and the Navy.

Mr. GRONNA. I want to say to the Senator from Georgia that I do not undertake to speak for the membership of the committee, but I believe that the members of the Agricultural Committee had this thing in mind—that if a farmer had a few bushels of grain more than he needed for his family and for seed, he should not be penalized because he did not immediately offer it on the market. Now, if the language used by the committee is not sufficient to cover that, I am sure the committee will have no objection to changing it.

Mr. HARDWICK. Why do you put in "cooperative associations" then?

Mr. GRONNA. I will tell the Senator why. That applies only to a single association. The Senator knows that in the western country there are many places where farming is being done by corporations; but you can not form an association for the purpose of buying and hoarding under the provisions of this section. This particular corporation, or any particular association, will have the same opportunity that an individual farmer will have; and that is as far as the language of this bill goes.

Mr. HARDWICK. The trouble about that is that the language means more than that, I believe, with all deference to the Senator.

Mr. GRONNA. If it does mean more, I, for one, shall be very glad to agree to an amendment.

Mr. HARDWICK. It means elevator companies, as suggested by the Senator from Nebraska [Mr. HITCHCOCK]. It means the Farmers' Cooperative and Educational Union in our country, the biggest institution of its kind, I reckon, in the whole Republic.

Mr. GRONNA. I will say that it was not the intention of the committee to include any elevators.

Mr. HARDWICK. You will have to moderate your language a little, I think, unless you let all these people out, unless that is what you intended to do; but I am not after getting them in. I am opposed to putting anybody in. I am opposed to putting the American farmer in and I am opposed to putting the American business man in until there is some stronger demonstration of a real necessity for it, based on the real exigencies of the war.

In other words, while we are in war, and while I am willing to do everything in my power to promote the success of our country in that war, I do not want that situation to be made the pretext for demanding and obtaining unusual, large, and unnecessary executive powers; and for that reason I am opposed to the whole proposition presented in and by this bill.

Mr. BORAH. Mr. President, will the Senator permit me to ask him a question?

Mr. HARDWICK. I will.

Mr. BORAH. It is on a subject that the Senator discussed yesterday. In the opinion of the Senator, why is section 4 entirely disregardful of the difference between interstate and intrastate commerce, while section 5 specifically provides that it shall not apply except to interstate commerce?

Both section 4 and section 5 are dealing with the same subject matter. That is, they are accomplishing different purposes, apparently, but they are dealing with the same subject matter. One of them entirely disregards the question of interstate and intrastate commerce, while the other very carefully protects itself in that respect. Now, if it is necessary in section 5, is there any reason why it is not also necessary in section 4?

Mr. HARDWICK. None in the world, except that I suppose the committee had some compunctions about violating the Constitution of the United States in every section of the bill.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator?

Mr. HARDWICK. I yield to the Senator from Oregon.

Mr. CHAMBERLAIN. There was a difference of opinion amongst the Senators in the committee, and I suppose I shall be violating no secrecy when I say that the entire measure is a compromise. I believe that it was not necessary to insert in section 5 anything about interstate commerce. I think the bill could have dealt with it as an individual subject without referring to the interstate-commerce clause of the Constitution, but could have gone right down into the States and touched all of these articles and commodities under the war power.

Mr. BORAH. May I ask the Senator, then, if the bill would not appear in better form if section 5 were made to conform to section 4, or section 4 to section 5, one or the other?

Mr. CHAMBERLAIN. I should like to see section 5 made to conform to section 4.

Mr. GORE. Mr. President——

Mr. HARDWICK. I yield to the Senator from Oklahoma.

Mr. GORE. I wish to say to the Senator from Idaho that I have intended to raise that question in an amendment which I hold in my hand. I think he is entirely right. The commerce clause ought to be in both sections or in neither. My own judgment is that it ought to be in both sections, and that would enable certain Senators to vote for the bill who favor the objects and purposes of the bill, but who are otherwise precluded by the conviction that it is unconstitutional, and, of course, they can not compromise with their convictions on that point. But if the commerce clause were invoked, and section 4 made to rest on that clause of the Constitution, that would eliminate any doubt as to its constitutionality, and I do not believe it would impair the efficiency of the legislation.

With the consent of the Senator from Georgia, I should like to have the amendment which I intend to propose read at this point.

Mr. HARDWICK. I yield to the Senator for that purpose.

Mr. GORE. I will say that there would have to be other amendments made to the section, because the mere manufacture of articles for interstate commerce could not be subjected to the commerce clause.

The PRESIDING OFFICER (Mr. JONES of New Mexico in the chair). The amendment will be read for the information of the Senate.

The SECRETARY. The amendment proposed is as follows: On page 4, line 24, change the period to a colon and insert the following:

Provided, That the foregoing acts, activities, and transactions which are hereby forbidden shall be construed to relate to such necessaries as constitute a part of commerce with foreign countries or among the several States and Territories, including the District of Columbia.

Mr. HARDWICK. Mr. President, this legislation, as I said just now, rests, so far as the popular support that is behind it is concerned, on the proposal, on the idea, on the belief that it is a remedy for the high cost of living. I think I can demonstrate before I conclude this argument that if we enact this bill the probability is—and no man can do more than prophesy on this point—that we will jump out of the frying pan into the fire, and that instead of its having a tendency to lower prices to the consumers, particularly in our great cities, it will be very fortunate indeed if this bill does not raise prices to those very people.

Mr. REED. Mr. President——

Mr. HARDWICK. I yield to the Senator from Missouri.

Mr. REED. Before the Senator leaves the point under discussion a few minutes ago—the claim that there is danger to

the country because the farmer is exempted from certain provisions of this bill—I desire to call attention to the fact that for all practical purposes, as we understand the intention of those who are to operate this bill, the effect will be that the farmer will be deprived of his world market, compelled to sell his goods in a restricted and controlled market, the purpose of the control being to keep the prices down, and that he will be compelled to buy everything he uses from those who enjoy a world market, and hence he will have to bid in competition with the world. In other words, the farmer must sell his wheat in a market which is controlled, and he is to be denied a world market in which to sell that wheat. But he is to be compelled to buy his steel from a concern that sells its steel throughout the world and consequently gets the high world price. What is true of steel is true of every article made from it. It is true of shoes. It will be true of clothing. It will be true substantially of all the farmer purchases. So the net effect of this bill, instead of being to give the farmer an advantage, is to place the farmer in a position where he is compelled to sell in a restricted and controlled market and to buy in a market where prices have been boosted by world conditions; and if it is to be enforced in that way it will mean the robbery and impoverishment of the farmers of the United States, and that will result again in the farmer's discouragement and in a failure to produce as much as he otherwise would, and in high prices then being visited upon the consumers of this city. So I think that while the Senator may be right from a legal standpoint, practically the whole danger of the bill is on the other side.

Mr. HARDWICK. Mr. President, I said just now the argument for this bill rested, in the belief of some people and on the hope of many people, that it might prove somewhat of a remedy for the present distressingly high prices that prevail throughout the country. The people generally have been taught to believe that the bill is a proposal to make a criminal out of the food speculator, the food manipulator, the wicked man who traffics in the necessities of the people, and who monopolizes and hoards the food products.

The Senator from Massachusetts [Mr. LODGE] referred on yesterday to a letter written some time ago by the President of the United States to a Representative from Missouri—I think Representative BORLAND—in which the President said that certain disservice had been rendered this bill and this cause by people calling it a food-control bill, whereas the real purpose and motive of the bill was to get the control of the food out of the food speculator's hands. That was the substance of the President's letter, and it was a pretty clear statement of the basis upon which this appeal to the public to support this measure rests.

Mr. President, with all deference to the President of the United States, I take as sharp issue as language can make with him upon the accuracy and truth of that statement. Such is not the case in my judgment and in my opinion. I can prove it by statutes that we have already enacted. I can prove it by bills that are pending between the two Houses, the delay in the consideration of one of which has partially been occasioned, in my judgment, by Executive or administrative influence at least.

Is the punishment of the food speculator the major purpose of this bill? No intelligent man who reads its provisions can so plead. The real purpose, the real object of this bill, and certainly its real effect, will be to constitute a vast dictatorship over American business everywhere. I can not believe that the men who advocate and urge it are ignorant of what the effect of it is bound to be. No business in this country, great or small, agriculture, mining, manufacturing, or anything else, can, after the President's name is signed to this bill, if the two Houses of Congress approve it, live except by Executive favor, can exist except under a license issued by the President of the United States, who can control the conduct of every business in this country and prescribe the terms upon which it may exist and continue to exist. That is what the bill is, and that is what the issue is.

I assert without fear of successful contradiction that not since the days of Tiberius Cæsar was any such power ever given to a dictator, much less to the President of a supposedly free people.

Now, let us see. Is the food speculator, the food manipulator, the only "varmint" we have in this bill? If so, you need not worry any further about it; there is no need to keep the Senate here during this sultry weather to consider it; there is no need to delay in giving the people that speedy relief they are entitled to from the food speculator and the food manipulator.

Why do I say so? Is the Sherman antitrust law still in force or is that, too, gone with the Constitution? Is that a peace measure or does it operate with equal vigor in time of war as in time of peace? The Sherman antitrust measure provides:

SECTION 1. Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

SEC. 2. Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

SEC. 3. Every contract, combination in form of trust or otherwise, or conspiracy, in restraint of trade or commerce in any Territory of the United States or of the District of Columbia, or in restraint of trade or commerce between any such Territory and another, or between any such Territory or Territories and any State or States or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States or foreign nations, is hereby declared illegal. Every person who shall make any such contract or engage in any such combination or conspiracy, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

Is that still the law of the land? Are not these food manipulators guilty of combinations in restraint of trade? Why can they not be prosecuted? What have we an administration for? Why have we the Attorney General of the United States? What we need is not more law, but some enforcement of the laws we already have.

Now, again from the Clayton antitrust law. We have passed statutes enough on this question to exhaust the power of the Government on this subject already. I read from the Clayton antitrust law:

SEC. 2. That it shall be unlawful for any person engaged in commerce, in the course of such commerce, either directly or indirectly, to discriminate in price between different purchasers of commodities, which commodities are sold for use, consumption, or resale within the United States or any Territory thereof or the District of Columbia or any insular possession or other place under the jurisdiction of the United States, where the effect of such discrimination may be to substantially lessen competition or tend to create a monopoly in any line of commerce.

Again, and I will not stop to read it, although I expect to put it in the RECORD, from the act creating the so-called Federal Trade Commission, piling authority upon top of authority to prosecute, to stop, to exterminate monopoly in all forms of commerce between the several States and Territories of the United States:

The commission is hereby empowered and directed to prevent persons, partnerships, or corporations, except banks, and common carriers subject to the acts to regulate commerce, from using unfair methods of competition in commerce.

Whenever the commission shall have reason to believe that any such person, partnership, or corporation has been or is using any unfair method of competition in commerce, and if it shall appear to the commission that a proceeding by it in respect thereof would be to the interest of the public, it shall issue and serve upon such person, partnership, or corporation a complaint stating its charges in that respect, and containing a notice of a hearing upon a day and at a place therein fixed at least 30 days after the service of said complaint. The person, partnership, or corporation so complained of shall have the right to appear at the place and time so fixed and show cause why an order should not be entered by the commission requiring such person, partnership, or corporation to cease and desist from the violation of the law so charged in said complaint. Any person, partnership, or corporation may make application, and upon good cause shown may be allowed by the commission, to intervene and appear in said proceeding by counsel or in person. The testimony in any such proceeding shall be reduced to writing and filed in the office of the commission. If upon such hearing the commission shall be of the opinion that the method of competition in question is prohibited by this act, it shall make a report in writing in which it shall state its findings as to the facts, and shall issue and cause to be served on such person, partnership, or corporation an order requiring such person, partnership, or corporation to cease and desist from using such method of competition. Until a transcript of the record in such hearing shall have been filed in a circuit court of appeals of the United States, as hereinafter provided, the commission may at any time, upon such notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any report or any order made or issued by it under this section.

So I say if it is law they want to deal with the food speculator, with the food manipulator, if that is the reason, and it is the reason why they appeal for public support of this bill for that reason, then they have all the law they need, in triple measure, and what we really need is some enforcement of the law, rather than an agitation for another law that is entirely unnecessary, and the purpose and effect of which is vastly different from that, and vastly more dangerous than that.

That, of course, is all right. I will go just as far as anybody in this Chamber in an effort to exhaust the constitutional power of Congress in dealing with these food speculators. I yield in zeal to no man on that question; we have already done it; and

not only that but in the so-called food-survey bill, which passed this body I believe on the first day of the present month, we included a section which strained to the breaking point the power of Congress over interstate commerce in order to confer in express words the power upon the Government to prosecute and convict these criminal food manipulators. What happened to the bill? It went to the other body with section 8 in it. Section 10 is an ample cure for every complaint that can be made that legislation is desirable and necessary in specific terms, besides the general terms of the three laws I have cited, which of course covers it. Section 10, I say, fully accomplishing that object, the bill went to the House of Representatives and the men there charged with the duty of bringing the matter to a proper parliamentary status have absolutely failed; and I am informed, although I state it only as a matter of hearsay, that they refused to even have conferees appointed unless something has been done in the last few days.

Mr. KENYON. Mr. President——

Mr. HARDWICK. I yield.

Mr. KENYON. In order that we may keep the record clear, the Senator realizes that it was four weeks to-morrow since the Senate passed that bill. I should like to ask the Senator if in his long legislative experience he has ever known a bill where a conference was requested and held up as that bill has been?

Mr. HARDWICK. No; and I will tell you what else I know. I am calling no names, and I am not going to do so, but I know men high in administration circles urged that that bill be not sent to conference by the other body on the belief and for the reason that, in their opinion, there might be very serious doubt whether there would be any excuse for the passage of this bill, if that bill were passed.

Mr. HITCHCOCK. Will the Senator state briefly what the provisions of section 10 were?

Mr. HARDWICK. I have it here somewhere, and I am going to read it. I was not enthusiastic over it at the time of its passage and I am not yet, because I think it went further than the power of Congress goes over interstate commerce, but the Senate put it there. I did not object to it, because I saw this situation developing. I think the precise issue was not made upon it, but I thought it exceeded the power of Congress as to farm products and food necessities even before they enter into interstate commerce and before the power of Congress over it began. But at the very proper suggestion of the Senator from Nebraska in this connection, I wish to call the attention of the Senate and the country to the exact provisions of section 10:

SEC. 10. That any person carrying on or employed in commerce among the several States or with foreign nations or with or in the Territories or other possessions of the United States in any article suitable for human food, fuel, or other necessaries of life, who, either in his individual capacity or as an officer, agent, or employee of a corporation, or member of a partnership, carrying on or employed in such trade, shall store, acquire or hold, or who shall destroy or make away with any such article for the purpose of limiting the supply thereof to the public or affecting the market price thereof in such commerce, whether temporarily or otherwise, shall be deemed guilty of a felony, and be punished by imprisonment in the penitentiary for not less than six months nor more than three years: *Provided*, That any storing or holding by any farmer, gardener, or other person of the products of any farm, garden, or other land cultivated by him, shall not be deemed to be a storing or holding within the meaning of this act.

I take issue squarely with the President's statement that the object of this legislation is "not to control the food of the country but to wrest the control of the food of the country from the food speculator." I take issue with him on the strength of the Sherman law, the provisions of which are broad enough to cover any prosecution that can be brought under this bill after we pass it. I take issue with him on the strength of the provisions of the Clayton antitrust law, that amplifies and emphasizes and if possible extends by specific terms the Sherman antitrust law. I take issue with him on the strength of the act creating the Federal Trade Commission where there is still further amplification and still further specification. I take issue with him on the strength of section 10 of the bill, which I have just read, which has been pending in the House of Representatives since the first day of this month of June, 1917, absolutely unacted upon, with the gentlemen who act for the administration in that body refusing and failing to even call it up in order to get a conference with this body on the subject of our amendments, thereby treating this body with a disregard for its rights and a lack of consideration that we are hardly entitled to expect at the hands of our legislative associates in that body.

If the food speculator and the food manipulator is the man the President is after I will strike hands with him, and my first request to him as a practical and experienced legislator would be to have him help us get our friends over there get this bill in conference, at least, so that the differences between the two Houses may be thrashed out and adjusted in conference, and we may have another law expressly directed at the food dictator or manipulator and help wrest the control of the Nation's food from his hands.

I am coming next to a brief discussion of the power of Congress, to say nothing for the moment of the policy, to enact legislation of this character. Some of the things which I intended to say to-day will not be said by me, because in my remarks on yesterday I outlined some of my views with reference to the legal questions.

Article I, section 8, clause 3, of the Constitution confers upon Congress the power "to regulate commerce with foreign nations and among the several States and with the Indian tribes." So far as this legislation is a regulation of commerce among the several States, it is, in my opinion, lawful and constitutional, whatever any Senator may think of its policy.

There are, however, certain other powers in the Constitution to which constant reference is made in these days as an excuse and a warrant for almost everything on this earth that can be suggested, from birth control to cremation. As to the so-called war powers, Article I, section 8, clause 11, provides that—

The Congress shall have power to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

Article I, section 8, clause 12, provides that—

The Congress shall have power to raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.

Article I, section 8, clause 13, provides that—

The Congress shall have power to provide and maintain a Navy.

Article I, section 8, clause 14, provides that—

The Congress shall have power to make rules for the government and regulation of the land and naval forces.

The same article in section 15 provides that—

The Congress shall have power to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

The same article and section in the next clause—clause 16—provides that—

The Congress shall have power to provide for organizing, arming, and disciplining the militia and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

Those are the specific grants embracing and constituting in the aggregate the war power.

Mr. BORAH. Mr. President——

Mr. HARDWICK. Just one moment, if the Senator please, and then I will yield to him. Article I, section 8, clause 18, provides that—

The Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof.

That is the power so generally and so universally relied upon by the proponents and advocates of all such radical propositions as the one now before this body.

I now yield to the Senator from Idaho.

Mr. BORAH. Mr. President, under the clause of the Constitution providing that "Congress shall have power to raise and support an Army and to make all laws which shall be necessary and proper for carrying into execution the foregoing powers," would there be any limitation upon the power of Congress to go into the States to secure the things necessary to support the Army?

Mr. HARDWICK. The Senator from Idaho has anticipated the exact question that I wished next to discuss.

Mr. BORAH. Very well. The Senator says I have merely anticipated his argument, and so I will wait.

Mr. HARDWICK. Mr. President, as just suggested by the Senator from Idaho, there is not the slightest doubt that under the two powers to provide for and support an army and to make all the laws which are necessary to carry the foregoing provisions into effect Congress can go into any State, into any community, or the President could do so, and command and there requisition—of course, paying for it under other provisions and requirements of the Constitution—anything on earth that might be produced, grown, or manufactured in that State or in any other State or in any other community in this Union, to support and maintain the Army and Navy of the United States, without regard to whether it were a part of the interstate commerce or not; without regard to anything else on this earth, except that the Army or the Navy needed it for the public use and for the common defense. I have no doubt that the powers conferred in the Constitution upon our Government in that particular and

in that respect are as broad and as adequate as any such powers ever conferred upon any government in the history of all time.

Mr. KING. And the Government can exercise the power of requisition in times of peace as well as in times of war.

Mr. HARDWICK. Yes; the Senator is right. That is not necessarily a war power. "In order to support the Army or the Navy" the Government could do those very things in peace as well as in war.

Mr. KING. In the exercise of its sovereignty.

Mr. HARDWICK. Yes; in times of peace as well as in times of war. There are some sections of this bill which I find no difficulty in supporting, because they are placed squarely on that proposition, and are really and truly but little more than that proposition fairly carried out; but because we have that power—because we have that broad and ample power—which is inherent in sovereignty, and necessarily inherent in all sovereignty, there is no reason whatever that we should attempt to prostitute it by a use of it that never was contemplated by the framers of the Constitution, and by an application of it that is wholly, or almost wholly, unrelated to the war or its prosecution, to the support of the Army or the Navy, or of anything reasonably connected with either or any of those objects.

Mr. BORAH. Mr. President, would the Senator, then, conclude that section 4, as it is written in the bill, is constitutional?

Mr. REED. Mr. President, I suggest the absence of a quorum.

Mr. HARDWICK. I shall answer the question of the Senator from Idaho in a moment.

The PRESIDING OFFICER (Mr. JONES of New Mexico in the chair). The absence of a quorum has been suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Beckham	Harding	McNary	Sheppard
Borah	Hardwick	Martin	Shields
Brady	Hollis	Nelson	Smith, Ga.
Calder	Husting	New	Smith, S. C.
Chamberlain	James	Norris	Sterling
Colt	Johnson, Cal.	Overman	Sutherland
Curtis	Jones, N. Mex.	Page	Swanson
Fernald	Kellogg	Penrose	Thomas
Fletcher	Kendrick	Phelan	Thompson
France	King	Pittman	Warren
Frelinghuysen	Lewis	Poindexter	Wolcott
Gore	Lodge	Reed	
Gronna	McKellar	Saulsbury	
Hale	McLean	Shafroth	

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. A quorum of the Senate is present.

Mr. HARDWICK. Mr. President, the Senator from Idaho [Mr. BORAH] presents an inquiry as to whether or not section 4 might be upheld on the ground that it is an exercise of the war power, or the war powers, of Congress to which I have just made some reference. The trouble about it is that by its very language, by its express words, considered in connection with section 1, the preamble, as it were, of this bill, which states the objects and purposes of this bill, it is not confined to supplying the Army and Navy. This bill is proposed to be enacted not only because, as stated in the first section—

> It is essential to the national security and defense, for the successful prosecution of the war, and for the support and maintenance of the Army and Navy—

But also—

> to assure an adequate supply and equitable distribution and to facilitate the movement of foods, feeds, and containers therefor, fuel, including petroleum and its products, steel and iron and their products, copper and its products, hemp, jute, and sisal and their products, lead, timber, lumber, farm implements and machinery, and fertilizers, hereafter in this act called necessaries; to prevent, locally or generally, scarcity, monopolization, hoarding, injurious speculation, or manipulations affecting such supply, distribution, and movement; and to establish and maintain governmental control of such necessaries during the war.

If the purposes and objects of this bill were confined expressly to providing for the support and maintenance of the Army and Navy of the United States, and its provisions went no further than a reasonable and adequate and proper measure to accomplish that great purpose, undoubtedly section 4 and every other section would be constitutional, no matter what it contained, unless it were in conflict with some other express provision of the Constitution on some other subject.

Mr. BORAH. Mr. President, while section 4 does not in express terms confine its effect to the supporting of the Army and the Navy, yet may it not be said that the entire subject matter is one which is necessary to deal with in order to support the Army and the Navy? In other words, is it not necessary to control and to regulate the entire food situation and those necessaries which are defined here in the bill, in order that the Army may be supported, because the remainder of the people must have their supply and their proportion in order that there may be an Army maintained and fed as well as the people? I am not dealing with the question of power and not a question of how we should exercise the power.

Mr. HARDWICK. It not only may be said that such is the case but that is said by the proponents of this bill and by loose constructionists everywhere. It was stated in Alexander Hamilton's time by Alexander Hamilton almost in the words that the Senator from Idaho now employs, unless my memory is inaccurate. It has been contended always by exponents of that form of thought that this power could be stretched until it covered, like a blanket, every business and every industry in this Republic, until it covered every enterprise that human ingenuity could devise and operate; but, Mr. President, surely the Senator from Idaho, surely Senators who believe in a somewhat reasonable construction of the Constitution would not say, because a remote or indirect connection of that sort might be urged or argued, that, under the guise and under the pretense of supplying the Army and the Navy, we could regulate in an incidental way every activity of American life and control every business in this Republic; and, as suggested by my friend the Senator from Oklahoma [Mr. GORE], even a Congress during the Civil War that belonged to the party of loose construction, or open construction, did not give these powers any such construction as that.

Mr. BORAH. Well, I accept the Senator's proposition that it should not be a mere incidental or remote connection with the supplying of the Army; but if Congress should conclude that, in order to support the Army, it was necessary to regulate the entire situation and to prevent a scarcity which, if it should occur, might result in the breaking down of the support of the Army——

Mr. HARDWICK. Then, I agree with the Senator it would be within the power of Congress; but until that situation arises, until that situation is actually upon us, until it is so imminent that it is our duty as wise men to prepare for it and make provision for it, we can not use the power to apply to a situation that does not exist, except in the imagination of some one.

The socialists, of course, have contended for that doctrine always. Not only that, Mr. President, but it does seem to me to be true beyond all peradventure, like a proposition of mathematics, in addition or in multiplication, that we have not any more people because we are going to take half a million of them into the Army than we had before. I do not suppose they will eat any more after they wear the uniform than they did before, although they may do a little better along that line. We are not going to add to the sum total of our population by the war. Indeed, we are likely to lessen it. We can put the Government's necessities first, the Army and the Navy first, and we ought to do it, and we will do it, and every Senator knows it. But if we embark here and now on the doctrine of any such loose construction as that there will be no longer a written charter of the liberties of the people of this country; there will be no longer limitations upon the power of Congress or of the Executive; there will be no longer anything left in this country except an autocracy that is hardly less despisable than other autocracies in other hemispheres.

What will it profit us if we democratize the whole world and lose our own democracy while we are doing it? What will it profit us if we save all mankind and lose our own souls while we are doing it?

Mr. BORAH. Mr. President——

Mr. HARDWICK. I yield to the Senator from Idaho.

Mr. BORAH. With the conclusion of the Senator I am in agreement, but has the Senator the McCulloch case before him?

Mr. HARDWICK. McCulloch against Maryland? Not before me. I have read it a good many times.

Mr. BORAH. I know the Senator is familiar with it.

Mr. HARDWICK. Yes.

Mr. BORAH. But I was going to call attention to the rule which Marshall laid down there with reference to the construction of the powers of the Constitution; that is, that the means adopted are reasonable in view of the purposes which we desire to accomplish.

Mr. HARDWICK. Undoubtedly. I quite agree with the Senator, and of course it is a question for each Senator to determine as he comes to cast his vote.

Mr. BORAH. But if the Senator should conclude that the process developed in the bill of practically taking control of all the necessaries was reasonably a part of the entire program to maintain and support our armies, I take it from the Senator that——

Mr. HARDWICK. I would then regard it as constitutional, because undoubtedly the power must inhere in sovereignty to adopt whatever methods are necessary in order to perpetuate and maintain the government that it represents.

Mr. KING. Mr. President, will the Senator permit me?

Mr. HARDWICK. Yes.

Mr. KING. If the exigencies of the occasion were so great as indicated by the Senator from Idaho, would not this be the proper constitutional course to pursue, namely, for the Government—and I think it would have the power—to conscript not only men for military service but men for industrial and other service, so that all of the men, and the women and the children, for that matter, would be in the military service of the Government, though they were not all performing what might be technically denominated military service? Then the Government, in the exercise of that power, would have the right to requisition all of the property of the country for the purpose of supplying the Army and the Navy and those who are in the service of the Government.

It seems to me that that would be the exercise of the constitutional power of the Government; but I doubt, even in the exigency suggested by the Senator from Idaho, that the Government, because we are in war and because some supreme crisis should arise, could go down into the States and regulate the industries and the activities of the individuals.

Mr. GORE and Mr. BORAH addressed the Chair.

Mr. HARDWICK. I yield first to the Senator from Oklahoma.

Mr. GORE. It ought not to be forgotten that the United States is now waging war against the doctrine of State necessity. We are now waging war against the assertion on the part of Germany that a necessity may arise which justifies the contravention of the law of nations and the rights of individuals. Now, I do not see how we can consistently contend that the doctrine of State necessity can not compel the suspension of the law of nations, and yet that it may require the suspension of the Constitution of the United States. That doctrine attaches to the mere usage and customs which have grown up among nations a higher sovereignty and a greater sanctity than is attached to the Constitution of the United States itself. I think we ought to be careful not to have a collision with ourselves and our proclaimed principles and purposes in that connection.

Mr. BORAH. Mr. President——

Mr. HARDWICK. I yield to the Senator from Idaho.

Mr. BORAH. I do not want to be placed in the attitude of assuming that we can suspend any provision of the Constitution, nor that we can ignore any provision of the Constitution; but when the Constitution says that the Congress shall have the power to raise and support armies, and further provides that the Congress shall have power to enact all laws necessary to carry this power into effect, there is an express provision of the Constitution authorizing us to do this, and to do it in any way that the Congress thinks is right and necessary or proper.

Now, if Congress comes to the conclusion that instead of proceeding along the line suggested by the Senator from Utah it will be more effective and wise to proceed in the manner in which we are here proceeding to regulate the necessaries of life, so that there may be no unnecessary waste and destruction, would not that be within the provisions of the Constitution? Would not that be one of the proper methods; would not that be one of the necessary methods by which to support the Army, not admitting for a moment that we can suspend or disregard any provision; but is not that a fair interpretation of the provision which we find there?

Mr. GORE. Mr. President——

Mr. HARDWICK. I yield to the Senator from Oklahoma.

Mr. GORE. Mr. President, I think in that connection I ought to make reference to the Topeka loan case, in which the Supreme Court of the United States held that the people have certain rights and liberties which are beyond the control of a sovereign government itself; and the court says that if it were otherwise, no matter how democratic the institution, the government would be a despotism. In the dissenting opinion in the Budd case the judges held that governments are instituted among men to secure the rights and liberties of men and not to grant or to create those rights.

It used to be the English theory, the theory embodied in Magna Charta, that the people received their rights and liberties from the government; that they were boons and blessings chartered to the people by the king. But our theory has been different—that these rights and liberties inhere in the people themselves; that they are natural rights; and that even governments have no right and under our form of government and Constitution have no authority to abrogate these fundamental, inalienable, indefeasible rights.

Mr. BORAH. Mr. President, I agree with the Senator entirely that what the people have written into the Constitution must stand until they rewrite it; until they amend it or modify it. We, sitting here as a Congress, are the creatures of the Constitution, and we can not disregard any provision in the Constitution. We are bound by it. If we shall find that it is an embarrassment, nevertheless we are bound by that provision. It is there. We have no power to suspend it, to disregard it, to modify it, or to amend it. The people alone can do that. But that was not the position which I took, and I do not want to be understood for a minute as contending for any such doctrine as that.

What I say is that here is a provision which the people have written into the Constitution, empowering Congress to raise and support armies, and to make any laws necessary and proper to carry that power into effect. In view of the construction which was placed upon that clause of the Constitution with reference to making any laws necessary and proper for that purpose in the McCulloch case, the question I ask is, referring to sections 4 and 5 so far as the interstate commerce matters are concerned, are they outside of the rules which are laid down there? In other words, is this a proper way in which Congress can effectuate its purpose? I am leaving out now entirely the question of policy.

Mr. REED. Mr. President, I should like to ask the Senator if he thinks, because the Constitution has provided that Congress shall have the power to raise armies and to pass any law necessary to raise armies, that that carries with it the power to regulate the price of fertilizer?

Mr. BORAH. Of course, the power is "to raise and support" armies. If that were stated simply by itself, as the Senator states it, my opinion is that it would be a very doubtful proposition.

Mr. REED. Suppose we put in a lot of other things along with the fertilizer—does that change the principle?

Mr. BORAH. If you put in those things which can be reasonably said to be necessary to the support of the Army, reasonably connected with that proposition, I see no reason why it should not come under that rule.

Mr. REED. Is not this the correct rule? Now, the Senator wants the correct rule, and so do I.

Mr. BORAH. That is what I am hunting for.

Mr. REED. So do we all, although there are some Senators who, I think, utterly disregard the Constitution at the present time and do not care whether it exists at all or not.

Mr. LEWIS. And I am one of those.

Mr. REED. The Senator from Illinois does not mean to say that seriously, does he?

Mr. LEWIS. Yes; I do, really. I belong to the school that thinks the Constitution, at this particular time, is more or less suspended.

Mr. REED. Very well.

Mr. LEWIS. I am a heretic——

Mr. REED. I think the Senator is franker than some other Senators, and that is the only thing that distinguishes him from some of them. He is just franker. Now, what I want to get at is this, if I may be pardoned——

Mr. GORE. Mr. President, if the Senator will yield to me for one moment, I merely want to say on that point, touching what the Senator from Illinois says, that it is in troublous times like these that the Constitution ought to be most cherished. We need a shield in time of war, and in strenuous times of this character more than we do in the "piping times of peace." If we should assume a hypothetical case, and assume that "the man on horseback" might one day come to be the Chief Executive of this Republic, a man of dictatorial, of domineering disposition, a man of vaulting ambition, and that we should at the same time, by any chance or mischance, have a subservient Congress, made up of drivelling sycophants, made up of fawning court favorites, made up of White House parrots—an unthinkable thing, if we may judge the future by the present—it is on occasions of that kind, it is in perilous times of that kind, should they ever come, that we need a Constitution, an inviolate Constitution, to protect us against the dictator, and to protect us against subserviency of a Congress that might be willing to lick the dust at the feet of such a dictator.

Mr. LEWIS. Mr. President, as it is my intention to address the Senate to-morrow morning upon this subject, possibly somewhat at length, I shall not intrude myself on this colloquy to reply to my eminent friend the distinguished Senator from Oklahoma, but I suggest to him now, that whatever views I have to offer I will offer to-morrow and trust I may be favored and honored by his presence.

Mr. REED. Mr. President, just one word. I want to ask the Senator from Idaho if he does not think this is the proper construction of the clause empowering Congress to raise and support armies: That the power to raise armies, of course, carries with it the power to provide how they shall be raised, to draft the citizen if necessary; the power to support the Army means that the Congress shall have the authority to provide money and means for the support of the Army; and that there the power of Congress ends, except it becomes impractical or impossible to get that which the Army needs by the ordinary methods; and when the necessity has arisen, and not until it has arisen, the property of the citizen can be commandeered or seized. Is not that the line that is drawn in the decisions of our courts?

Mr. BORAH. I do not know that I disagree with the Senator very much; but you still get back to the proposition, Mr. President, as to what is necessary under all the circumstances.

Mr. REED. No; I think not.

Mr. GORE. Mr. President——

Mr. BORAH. Just a moment. I do not belong to the school represented by the distinguished Senator from Illinois, who spoke a moment ago. I am a firm believer that every provision of the Constitutions obtains in war as well as in peace. The only question with me is, What is the proper construction of that very broad power which they have written into the Constitution and which applies under these circumstances to raise and support armies and to make all laws and regulations necessary for the raising and supporting of armies?

Mr. President, the men who organized the Constitution and submitted it to the people were men who had just come out of an experience with reference to military matters; and it has occurred to me that when you say that the Congress has power to raise and support armies and to pass all laws necessary for that purpose it rests largely with a conscientious Congress as to what is really necessary, always bearing in mind that you can not disregard an express provision of the Constitution.

Mr. REED. But the language that the Senator quotes, "to make all laws necessary," is not applicable alone to the raising of armies, but it is applicable to all the powers. It is not as though that had been singled out.

Mr. BORAH. Oh, no. I understand that.

Mr. REED. That expression "to pass all laws necessary," and so forth, has been many times construed, and it never has been held that that gave Congress the right to disregard facts and simply to assume the power to do as it pleased, saying, "We regard this as necessary."

Mr. BORAH. No. Of course, I understand that perfectly—that the presumption is that Congress will proceed under rules of reason as to what is necessary under the circumstances. I agree with that perfectly; but now I have before me the McCulloch case. Will the Senator permit me to read a single paragraph?

Mr. HARDWICK. Yes; I yield to the Senator.

Mr. BORAH (reading)—

> Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, and which are not prohibited—

That is one provision of this clause which is so often overlooked—

> which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional.

Under that rule of construction we have here an army to raise and to support. The food supply of the world is extremely short, or supposed to be, and will be more so in the future. Is it a legitimate method under the Constitution to control and regulate the production and the use of food in order to maintain the Army?

Mr. HARDWICK. Our Army, or those of the allies?

Mr. BORAH. No; our Army.

Mr. HARDWICK. I was wondering if the Senator was going to assert that doctrine as to the armies of other powers who are fighting Germany.

Mr. BORAH. Will the Senator permit me to say a word further, and then I will not interrupt him any more?

Mr. HARDWICK. I hope the Senator will not refrain from interruption whenever he desires to interrupt me.

Mr. BORAH. I had in mind, of course, our own Army, and I do not feel that I have taken any position that is in conflict with the position the Senator from Georgia occupies. I believe that the Constitution in all its provisions controls and binds us, and the only question which is presented to the Senate, and the only one with which I am dealing in my own mind, is the extent of a fair construction of the express provisions of the Constitution.

Mr. GORE. Mr. President——

Mr. HARDWICK. I yield to the Senator from Oklahoma.

Mr. GORE. I was well aware of the views of the Senator from Idaho. I think he adheres to them consistently, and in the main I agree with him; but I wish to ask the Senator from Idaho this question: Taking the bill as it came to the Senate from the other House, can he think offhand of any right or liberty of the American people that is left? The Senate committee has greatly improved it, but even the Bill of Rights was not respected in the bill as it came to us. I was wondering if the Senator thinks the rights and liberties which are beyond governmental control, as the Supreme Court declared in the Topeka Loan Case, have been observed and preserved in this legislation.

Mr. BORAH. You mean as expressed in the bill?

Mr. GORE. As it came from the other House.

Mr. BORAH. I have not approved the bill as it came from the other House, neither have I approved it as it came from the committee.

Mr. GORE. I merely had curiosity to know if the Senator could think offhand of some right or some liberty that was left in operation by the bill as it came from the House.

Mr. HARDWICK. If anybody can find anything of that kind in it left by the Senate committee, I should like to have it specified.

Mr. BORAH. I do not think the Senator from Oklahoma ought to take that as a compliment for having improved the bill.

Mr. GORE. There is a great deal yet to be desired. It is not exactly like a man who left town whose neighbors said filled a long-felt want in leaving. But the House bill authorizes the commandeering of private property for private use, and I may say that that at least has been corrected.

Mr. HARDWICK. Mr. President, so far we have been discussing the constitutional power of Congress. I oppose some provisions of the bill and some that are considered among its most important provisions, first, for reasons of policy; second, for reasons of common sense; third, because these powers continually placed in the hand of the Executive have a tendency to create a despotic, autocratic authority in this Republic which ought not to exist. For one, searching my soul to its inmost depths, yielding to no Senator in his patriotic love and devotion to his country, I find it impossible not to make a sharp distinction between the country and the President. My country I am for and will support, right or wrong. The President I respect and will support when he is right, and only when he is right, according to my opinion and judgment.

This new cry, "The President can do no wrong," is hardly less odious to me and not one whit less dangerous to liberty than the old cry, "The King can do no wrong." My fathers fought to free this country from that last doctrine, and I will never bend the knee to the other. They are part and parcel of the same fundamental faith, and it will be a sad day for this country whenever the time arrives that men representing great constituencies on this floor and in the other House of Congress may not voice their dissent from whatever proposal is submitted by the Executive without subjecting themselves to a charge of lese majeste. Now, if it be treason to say these things, then I am guilty. If it be unpatriotic to feel that way, then I am unpatriotic. But somehow or other, Senators, I can not help but believe that the American people have fundamental personal liberties that neither this administration nor any other can violate with impunity and without a heavy reckoning before it is over. My earnest thought is, my earnest hope is that this administration, belonging as it does to the political party with which I am associated, may learn that lesson, may learn that autocratic authority is not to be built up in every direction and in every department, piling Pelion upon Ossa, until we have established in this country, for the professed purpose of waging war effectively against oppression, an autocracy at least as bad, or probably worse, than the one we set out to destroy. Other Senators may do as they like about it; they may embrace that view; they may embrace that theory. Other Senators may support the war on that idea. My own thought is, and I have searched the very inmost recesses of my soul to try to arrive at an honest and just conclusion about it, is that we will serve this country best in this war, that we will make for its most effectual and vigorous and successful prosecution and conclusion, if we will let the American people go to it as a race of free men and not as a race of serfs. We should let the American people prosecute it as the exponents, the proud exponents, of the great idea of individual liberty and personal freedom, and quit trying to ape the different European autocracies in the measures that we enact for the prosecution of this war.

After some study, not as careful and not as exhaustive as I would like to have made, of the legislation enacted by these other countries during this war, in England, France, and Germany particularly, I venture to make the assertion, which I challenge any Senator to successfully contradict, that we have probably gone further in three months than any one of those countries has gone in three years in this sort of business, and I ask in all calmness, in all honesty, in all fairness, of my associates in this body, if it is not time we were calling a halt and taking a survey of the situation to see if we can not find one or two little real liberties of the people it is not yet necessary to surrender on account of the war over in Europe?

Mr. GORE. As a keepsake.

Mr. HARDWICK. Let us have one at least as a memento, as a keepsake, as a remembrance of what our fathers left to the people, even if we can not transmit them to our children.

Mr. President, I ask the Secretary to read this article from the New York Sun on the subject of the concentration of autocratic powers of all sorts in the hands of the Executive.

The PRESIDING OFFICER (Mr. McNARY in the chair). Without objection, the Secretary will read as requested.

The Secretary read as follows:

WILSON'S POWER ROUSES CAPITOL—MEMBERS AMAZED AT EXTENT TO WHICH AUTHORITY HAS BEEN ASKED—LIKENED TO AUTOCRACY—RUMBLINGS HEARD AND OPEN CRITICISM MAY RESULT FROM PENDING BILLS.

WASHINGTON, *May 26.*

Vast powers, autocratic in their nature and never before possessed by the Nation's Chief Executive, are being sought in this emergency by President Wilson and are bestowed on him in the war measures passed or pending.

These powers have been demanded by the President because he deems them vitally necessary if the war is to be won. In other words, to win this war against autocracy autocratic authority reaching into the very homes of the people must be placed at the disposal of the President as the Nation's battle chief, to be used or not as he sees fit.

That is the position which Mr. Wilson has taken in the few weeks that the Nation has been at war. And Congress, recognizing the occasion as extraordinary and practically laying aside partisanship, has not thus far been disposed to take issue with him. Nevertheless, as measure after measure is being debated or passed giving the President virtually these dictatorial powers over the people, with respect to their homes, their businesses, the food they are to eat and their very status as citizens, anxious eyes are turned from the Capitol to the White House, eyes that question while lips are dumb. And the question is this: Granted such powers are necessary in this great world crisis, will they be properly administered and will the country, swinging away now from its traditional landmarks, return to them again when the war is over?

POWERS ALREADY GRANTED.

This question has been asked in the last few days by many Senators and Representatives, including members of the President's own party. A survey of some of the war measures shows why.

Powers of a dictatorial nature given to the President under measures already passed and signed or now in conference, covering various matters of public interest, including industry, agriculture, commerce, and transportation, may be stated as follows:

Under the food-administration bill: The right to control necessaries in the way of food and all the processes, methods, and activities of production, storage, distribution, sale, and consumption. This includes the right to license any business for the handling of food, the right to direct when and at what price food shall be sold, the right to take over any factory, mine, or plant producing fuel or food; the right to fix the price at which food or fuel shall be bought and sold; the right to say what kind of flour shall go into bread; and the right virtually to establish nation-wide prohibition by prohibiting the use of foodstuffs in the making of intoxicants.

MAY COMMANDEER SHIP PLANTS.

Under the naval appropriation bill: The right to commandeer for the uses of the Federal Government and as a war measure shipbuilding plants and plants manufacturing ship materials and parts of ships' engines, naval ordnance stores, naval stores, including ordnance stores, and to take over under Federal supervision private plants or parts of plants as may in his judgment seem advisable.

Under the conscription bill: The right to decide within limitations only as to age and the condition of dependency of members of the family of the conscript just which classes of men shall be selected for military service and from what walks of life and conditions of private employment such men should be called.

Under the proposed amendment to the interstate-commerce law: The right, in person or through some such person as he may designate, to direct the preferential shipment of any freight according to his own judgment of its relative importance to the public security and defense, a right which virtually would make him master of the country's transportation without actually taking possession of the railroads.

LOANS TO OTHER NATIONS.

Under the bond-issue law: The right to make loans to foreign governments in amounts based upon his personal judgment and the advice of his Secretary of the Treasury, limited only by the total amount of $3,000,000,000. The right is described by the law as follows:

"That for the purpose of more effectually providing for the national security and defense and prosecuting the war by establishing credits in the United States for foreign governments, the Secretary of the Treasury, with the approval of the President, is hereby authorized on behalf of the United States to purchase at par from such foreign governments then engaged in war with the enemies of the United States their obligations hereafter issued, bearing the same rate of interest and containing in their essentials the same terms and conditions as those of the United States issued under authority of this act; to enter into such arrangements as may be necessary or desirable for establishing such credits and for purchasing such obligations of foreign governments and for the subsequent payment thereof before maturity."

Under the espionage bill: The right to control the press through authorization to proclaim from time to time advice to the press as to what classes of information regarding military and naval plans and progress may be printed. The censorship provision, however, has been redrafted daily during the past week and its terminology changed and altered in various ways.

FURTHER SHIPPING POWERS.

Under the shipping provisions of the general deficiency bill, more commonly known as the war-budget bill: The right to assume absolute control over the shipbuilding industry of the entire Nation. To take over at a price to be fixed by subsequent agreement ships in course of construction for private parties, whether they be Americans or foreigners. To take over control of all establishments wherein are manufactured parts of ships or of their materials or machinery and to assume control of parts of plants where only parts of such plants are desired to be used for Government work.

Of the measures listed above only the bond bill, the naval bill, and conscription bill have become laws. With the exception of the food bill, the other measures have been debated and passed in both Houses and are now in conference, with the prospect of their emerging as laws within the next three weeks.

Without a disposition at this time to dispute seriously necessity of investing the President with such unprecedented powers, many in Congress point out that in the very inception of these measures the country has seen a departure from old forms and traditions, for lacking in theory the power of initiative in legislation possessed by the British premier, the President in this war crisis virtually has assumed this in many cases by having the powers sought by him incorporated in bills drawn by his own administrative officers and the bills then given to the chairmen of the appropriate committees to be handed in to Congress for passage.

SENATORS ARE AMAZED.

It is at this growing practice rather than at the powers demanded that most of the criticisms publicly vented thus far have been directed.

But with regard to the larger aspects of the situation, the tendency toward autocracy as a war expedient, there are many premonitory rumblings. At some of the powers sought Senators of the conservative type in the last week, especially since the food bills were introduced, have been struck almost dumb, to use their own words.

Watching with admittedly anxious eyes the growing power of the Executive under stress of war, some Senators, while not inclined to hold up any of the pending measures, nevertheless insist that the necessity for the authority now demanded has grown out of the lack of any diligent preparation in the years during which the storm clouds were gathering. This, they insist, is particularly true with regard to the shipping and food problems. Now that lost time may be made up, these Senators insist it is necessary now virtually to subvert the Constitution.

Defenders of the President are frank to admit that some of the powers demanded are predicated on the assumption that in war the Constitution is automatically suspended. No less a constitutional lawyer than Senator KNOX declared that almost any legislation was justified by the so-called war power.

"My position is," said Senator KNOX, "that Congress, after a war has been declared, may pass any law which it believes is necessary for its preservation."

But there are many Senators who disagree violently with this contention, and who assert that the Constitution was made for war as well as peace. They point out privately that in many of the pending measures the sovereignty of the States is being invaded, that the line between intrastate and interstate commerce is being ignored, and that confiscation without due compensation is being aimed at.

"If the President," said one leading Senator to-day, "were an all-wise man and all those under him all-wise men, the autocracy toward which we are tending undoubtedly would be the most perfect form of government for this war. On such a hypothesis the powers sought for by and given to the President would be eminently proper. But however we may feel about the wisdom and discretion of the President whom we are supporting, can the same thing be said about those to whom he intends to delegate these powers? The price that will have to be paid for incompetence is enough to cause many of us to pause and ponder. And then with all going well, will the pendulum swing back again when the war is over and the socialistic Government we are producing be relinquished for that which the Constitution intended to establish?"

There are many Senators of radical tendencies who have suppressed a desire to criticize, believing it to be a patriotic duty at this time to support the President. But these Senators feel that when the efficacy of some of the new laws being made is felt by the people there will be a reaction. Some of this criticism is almost sure to find vent in the discussion of the food bill. There are rumblings on the Democratic side as loud as on the Republican side. One of these Senators pointed out to-day that the food bill represented the height of this assumption of power for domestic purposes while the embargo clause in the espionage bill marked the height of the President's new power in foreign affairs. "The President can wield a despotic power over the very existence of the people under the food bill," said this Senator, "and under the embargo clause he can with one stroke of his pen cut off all our commerce with all neutral countries. And with the censorship provision enacted into law he can shut the mouths of the people if they complain. I do not go so far as to say that they are not necessary at this time. They may be. But they represent the power of the sword, the purse, and food, and there is little left outside of these for us to delegate."

While some of these measures are sending shivers up the spines of many Democratic Senators and Representatives, their faith in the President is such that they apparently are willing to invest him with dictatorial powers, believing that he would be the last person to abuse them. In this naturally they are much more confident than their Republican associates, who are beginning to take the position that at least such grants of power, equal, as Senator LODGE has pointed out, to that exercised by the great autocracy of Germany, should receive the most careful consideration.

Mr. HARDWICK. Mr. President, I had that article read to the Senate because I want the public to know practically what we have done.

Mr. WARREN. May I ask the Senator in what paper the article appeared?

Mr. HARDWICK. In the New York Sun. It is a pretty careful, and I think fairly accurate, résumé of what Congress has done in the execution of its so-called war powers, and it is just as well to know and have the people know what we have done and what we have been called upon to do.

On the same day, I think it was, possibly the next day, the same newspaper had a very fine editorial entitled "Eternal vigilance is the price of democracy, too." I wish to read this article, because I want it to go in the RECORD.

ETERNAL VIGILANCE IS THE PRICE OF DEMOCRACY, TOO.

We have not heard that the British Parliament has surrendered any of the immense powers which make it the most important legislative body in the world. Where Great Britain has found it necessary to centralize authority for the period of the war Parliament has delegated some of its powers to one or more men. Parliament could do this, because at any moment it can overthrow the ministry and force a complete reorganization of the British Government from top to bottom.

If Parliament does not like the way Mr. Lloyd-George or his associates conduct any phase of the war, Mr. Lloyd-George or his associates have no choice but to seek the nearest exit from office without delay.

Neither Mr. Lloyd-George nor his predecessors have had or can have the inherent war powers of the President of the United States; nor can the British war council pursue a policy of which a majority of the representatives of the British people disapprove.

The Congress of the United States has never possessed the powers of the British Parliament. It can not make and unmake cabinets; it can not upset the policies of the Executive; it can not force changes in the military conduct of a war.

Yet the Congress of the United States is now expected to make over unconditionally to the Executive the powers expressly conferred upon it by the Constitution on the plea that this is necessary for the success of America in the present war.

The plea is utterly fallacious. Based on the acts of the British Parliament, it ignores entirely the structural differences between our Government and the Government of the United Kingdom.

Would Parliament ever have so much as delegated its authority to a recall them instantly? Not by a long shot. But if the Congress gives food control to a man here and news control to a few men there, shipping control to some one else, and financial control to another little coterie, Congress abdicates for the duration of the war; Congress surrenders powers the Constitution says it must exercise; Congress is man here and two or three men there if it had known that it could not reduced to a group of chosen representatives of the American people who have nothing to do but sit and criticize.

But not only is Congress being called upon to hand over piecemeal to the Executive its various powers; it is expected, in the words of a Washington dispatch, to subscribe to Mr. Wilson's "method of picking men for offices and then directing the Congress of the United States"—

This is in quotation marks. I suppose it is taken from some interview that purported to come from him—

to subscribe to Mr. Wilson's "method of picking men for offices and then directing the Congress of the United States to write a law around the personality of the President's particular choice for the office which Congress is by him directed to create."

What Congress should do is to enact the laws necessary for the successful conduct of the war according to its own wisdom, be that great or small. It will be infinitely better for the future of this country if both the legislative and executive departments of the Government perform their own functions and make and correct their own mistakes. That is the essence of democracy, and we shall not "make the world safe for democracy" by abandoning representative government at home.

Mr. President, on the same line I could multiply indefinitely almost expressions from some of the most thoughtful men in the Republic. I want to read some surprising language from the New York World.

Mr. REED. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Harding	McCumber	Smith, Mich.
Beckham	Hardwick	McKellar	Smith, S. C.
Borah	Hitchcock	McLean	Smoot
Brandegee	Hollis	McNary	Sterling
Calder	Husting	New	Sutherland
Chamberlain	James	Norris	Swanson
Culberson	Johnson, Cal.	Overman	Thomas
Cummins	Johnson, S. D.	Owen	Thompson
Curtis	Jones, N. Mex.	Page	Tillman
Dillingham	Jones, Wash.	Phelan	Vardaman
Fletcher	Kellogg	Poindexter	Wadsworth
France	Kendrick	Ransdell	Warren
Frelinghuysen	Kenyon	Reed	Weeks
Gallinger	King	Shafroth	Williams
Gore	Kirby	Sheppard	Wolcott
Gronna	Knox	Sherman	
Hale	Lewis	Smith, Ariz.	

The PRESIDING OFFICER. Sixty-six Senators having answered to their names, a quorum is present.

Mr. HARDWICK. Mr. President, pursuing the same line of thought, I next want to offer to the Senate and to the country a somewhat remarkable editorial of just a few days ago from the New York World. The occasion for the World's objection to the way things are now being done is the prohibition question; but some of the observations might well be applied to many other things. This editorial is headed, "Is personal liberty to end?" Reading from it, it proceeds in this way:

Nation-wide prohibition, as it is usually urged, by constitutional amendment, is open to serious objection on the ground that, once effected, a small minority of States would forever possess the power to veto the wishes of a great majority of States to reverse a policy regretted.

In this present instance, acting chiefly under the influence of a lobby as pestiferous as any that ever appeared in Washington, the House of Representatives exercised despotic powers without excuse. At one stroke it decreed the death of a great industry, wiped out an immense property, menaced more than a million of men with nonemployment, threatened the financial systems of Nation, States, and cities, and, with Prussian disregard of personal rights, undertook by legislative fiat alone to domineer and direct the habits and customs of a free people.

Contempt of popular rights and the mischievous confusion of governmental affairs at a time when every energy should be bent upon the prosecution of the war are not the only alarming phases of this performance. More sinister than these is the palpable fact that by this legislation the House of Representatives yielded weakly and almost unanimously to a lobby maintained for the most part by organizations pretending to be religious.

I will read again from another part of the editorial:

To-day this lobby is undertaking to say what the American people shall and shall not drink. A year or a decade hence—

And much sooner than that, let me interject, if this bill should pass—

it may be regulating their diet, their clothing, their reading, their holidays, their tobacco, their amusements, their very form of worship, and all to the glory of God, as it would say.

Let no one suppose that the present contest at Washington is actually between religion and liquor. What passes as religion here is the craftiest kind of politics. It is religion misused in behalf of fanaticism and bossism. Involved in this conflict is something of more importance for the moment and for all the years to come than any issue, however sharp, between total abstinence and moderation, and that is the people's rights.

In rought political fights such as we have here to consider, which some of the well-financied buttonholers engaged in the prohibition movement like to call "moral conflicts," millions of industrious and virtuous people whose elementary liberties are assailed are never heard from.

And so it is about this bill in many other directions, I interject again:

If Congress timidly abandons its true representative functions and listens only to the voice of self-proclaimed righteousness, up to its ears in politics, and dirty politics, we are on the road to mastery such as no republic can survive.

In war—

Now, listen to the New York World:

In war, as in peace, the people's rights are paramount. The people's right to live their own orderly lives unvexed by meddlers setting up preposterous claims to superior sanctity and wisdom has never before been challenged as it is to-day in the very citadel of democracy. A Republic that is to make the world free for democracy must not be strait-jacketed. It will not be strait-jacketed.

If the time ever comes when morality in the United States must depend upon the work at Washington of a pretentious lobby, pious and paid, the Declaration and the Constitution will have been written in vain.

I commend that editorial to the Senate and to the country. It is not only applicable to the liquor question but it is applicable to almost every phase of this pending proposition. A republic that is to light the way to real democracy makes a mighty poor start if it loses about ninety-nine one-hundredths of its own democracy in getting started.

I have other objections to this bill. Before I could vote for it I should have to take my hat in hand and humbly apologize to every socialist whom I have ever known, for every single one of his propositions are adopted; and you had just as well do it if any of you have any idea of voting for it and you know any socialists. It is State socialism, pure, simple, unadulterated, and self-confessed.

I agree, in part at least, with what was said on yesterday by the distinguished senior Senator from Massachusetts [Mr. LODGE]. You can not go in the very teeth of great economic and industrial laws, you can not disregard the great fundamental principles of economics and finance and expect your legislation to survive or to amount to anything. You can violate the Constitution of the United States as much as you please and as often as your conscience will let you; there is no remedy for that, unless our Supreme Court will pluck up a little additional courage; there is no remedy for that and no redress for that except in the forum of conscience and of morals; but just as soon as you undertake to write statute laws that violate the great economic principles they will not be worth the paper on which they are written. One consolation about it is that it is utterly futile and useless to undertake it.

Before we embark on this price-fixing scheme advocated and pronounced and proposed in this bill it might be just as well for us to stop and inquire whether such a scheme as that has ever succeeded in any country on this earth. If so, what were the countries? When did it succeed? Has it succeeded in France? Although possibly one-quarter of that Republic's territory in Europe is in the hands of the invader at the moment, I do not think so. Has it succeeded in England? My informa-

tion is that most of the legislation of this kind that has been proposed there has been repealed, and that all of it has failed.

This bill proposes both a maximum and a minimum price—a minimum price in express words and a maximum price under the provisions of section 5. I say to you that it will be as useless and as futile to attempt to fix a price by statute law that is different from the price fixed by economic and trade laws as it would be to try to turn the tides back or to try to reverse the motion of the earth on its axis.

What will happen? Only one thing is possible: If the price fixed is higher than the thing affected is actually worth, everybody will sell to the Government so long as the Government's money lasts, and that will be the end of it. If the price fixed is lower than the article is actually worth, nobody will pay any attention to it or sell at it. Cotton is to-day worth something like 26 cents a pound. Suppose you said by law that the price of cotton should be 15 cents a pound—and it could be done under this bill, in my judgment—do you suppose anybody would pay any attention to that, or sell any of it at that price? Cotton is worth 26 cents a pound. Suppose you say by law that the price of cotton shall be 50 cents a pound. Everybody in the South would be patriotic enough to sell to you all they have as long as your money lasted.

So I am against this bill because of the despotic, autocratic, undemocratic, and un-American powers that it confers. I am against this bill because it violates the principles of common sense, as well as the principles of democracy and freedom. I am against this bill because it flies in the very teeth of the experience of all the world.

Mr. President, I do not flatter myself with the hope that any word of mine or any argument of mine can change or alter the course of a single Member of this body. I suppose that this bill will be passed, like all the other bills that have been written for us have been passed, and without very much more delay. There is but one appeal, and that is to the great American people; and you need not doubt, Senators, but what that appeal will be made.

The American people are committed to this war; yes. They will wage the war, in my judgment, with practical unanimity, as long as a man can put up his hand or advance his foot, as long as there is a drop of human blood left in this country; they will wage it as long as we can spend a dollar on it. But let it be, Senators, an American war, to vindicate American honor, to establish American rights—just that, and nothing more. I would spend the last drop of blood in my body, and I would vote the last drop of blood in the body of every Georgia man and of every other American to wage such a war as that; but not one drop of my own blood, not one drop of Georgia's blood, not one drop of American blood would I vote to wage a war to "democratize the world," to determine what the boundary line of a single European country shall be, or what the form of government of any country in Europe shall be.

Now, let us get it down to that basis, and we will find the country united for this war; we will find everybody willing to wage it. Let us get away from all this other nonsense, and let our people know that we are fighting this war because Germany fired upon our flag and murdered our citizens upon the high seas, without either justification or excuse. Let us quit all this talk about European boundary lines and European forms of government, and we will get along a little faster and go a little further with this war, and conduct it and conclude it with a good deal more celerity and more success. There is nothing in this bill that the war makes necessary. It offends my democracy; it offends my Americanism; and I can not and will not support it.

Mr. THOMPSON. Mr. President, I desire to discuss briefly the merits of the pending bill. In the interest of time and orderly procedure, I would prefer not to be interrupted until the close of my remarks, when I will be glad to answer any questions Senators may desire to ask.

Through no fault of our own we are at war with Germany. We are at war in spite of every effort this Government made to avoid war. We adopted every honorable means known to friendship and patience to prevent war, but without avail. Nothing was left undone, without surrendering sacred rights, honor, and sovereignty, by this Government to prevent war.

The case of the American people can rest upon no higher plane than that on which it was placed by President Wilson at various times in discussing the issues of the war, and his statement of the reasons for the war is no less admirable than his statement of the methods and means necessary to prosecute it to success. So far as the United States is concerned, the principal object now is to compel an honorable and lasting peace; and to do so we must employ to the best advantage all financial, military, and economic resources of this country to crush German autocracy and the Kaiser's bigoted ambition to rule the world.

The bill proposed is strictly a war measure and is expressly so limited by its terms. Germany is the most autocratic and thoroughly organized military nation in the world. She has spent over half a century in building up a military machine and organizing her industries and Government to control that machine to the highest point of perfection. This is a contest between German autocracy and the democracy of the world, and it can only be settled by the character and strength of the organization which our country can throw into this mighty conflict. Germany is thoroughly organized, ready, experienced, and seasoned for the contest. America must become even more efficient. What every loyal American citizen wants now is success. America has succeeded in every war she has waged, even against great odds, and she will succeed in this, no matter how long it may take or how much it may cost.

There were three principal tasks that faced peace-loving America when the clouds of war shed their rain upon us. Three things were necessary for success: First, we needed men; second, money; and third, food. We needed a large number of men to save the honor of the world; we needed a great amount of money to carry the strong arm of right to victory; and we needed food conservation and control to feed our armies as well as those of our allies.

By a quick and ready response of the country, we have demonstrated that we have the men ready and willing to serve, 20,000,000 strong if necessary. In a few weeks we have 2,000,000 men fast on the way to proper training and organization and have already one division safely landed in France. We have also demonstrated that we have the money by providing for the greatest war fund ever created at one time by any legislative body in the world—$7,000,000,000—in the very outset of the war. The heavy oversubscription to the liberty-bond issue shows the spirit of sacrifice and willingness of the people to furnish the necessary money. The quick response of the people in voluntarily contributing over $100,000,000 within a week for the Red Cross work, demonstrates more emphatically the true spirit of patriotic sacrifice which animates the American people.

The third proposition, providing the necessary food, is not so easily assured, for it depends upon so many things, some of which man can not control—the soil, sunshine, and rain, and proper cultivation—to bring about production, and then, even after produced, every means possible must be taken to prevent loss in distribution. So in dealing with this third and most important proposition we must look after the best methods of production, transportation, conservation, and distribution of food products to bring about the greatest measure of supply. While we always raise more than enough food for ourselves in ordinary times, yet now we must feed not only ourselves but the soldiers at the front, as well as our allies, many of whom are in a starving condition. There are about 45,000,000 of people in the British Isles, 40,000,000 in France, 36,000,000 in Italy, and 9,000,000 in Belgium, making a total population of about 130,000,000 of allied people alone whom we must furnish the greater part of their foodstuffs, which practically doubles our food requirements. So, after all, the food problem is the greatest problem of the war, and how to solve it is just as important as the question of how to raise the Army and the necessary money for its equipment. Congress almost unanimously voted to raise the necessary men and the required amount of money without much discussion or controversy. That Congress should now even hesitate to make proper provision for furnishing the greatest supply of food, without which the war will be a failure, is difficult to understand.

There is one thing certain, and that is the people of the country are demanding that something shall be done, and done quickly. There was some difference in opinion among the people as to the necessity for raising the Army by conscription and as to the necessity for the large amount of money provided, but there is no difference of opinion among them as to the necessity for providing for food, which the people themselves must have at home as well as our soldiers at the front and our allies. I know of no measure which has been before Congress that meets with such unanimity of opinion as the absolute necessity for food control during this war. The almost unanimous vote of the House on this bill—365 for to only 5 against—forcibly reflects the favorable sentiment of the whole country toward the bill. As further evidence of this sentiment, I want to read a number of letters which I have received from my constituents residing in various sections of the State. While I have received hundreds of letters and telegrams favorable to the bill, and very few against it, yet I have selected only a few from different parts of

the State in order to show that this sentiment is general and that the people know what they are talking about and are in dead earnest and fully appreciate the desperateness of the situation.

I have just this morning received a petition signed by a hundred or more people from the city of Topeka, the home city of my distinguished colleague [Mr. CURTIS]. The petition is signed by the business men of that city, headed by R. C. McGregor, and public officials, including the mayor of the city as well as the governor of the State, and is as follows:

TOPEKA, KANS., *June 26, 1917.*

Hon. WILLIAM H. THOMPSON,
Washington, D. C.

MY DEAR MR. THOMPSON: There is an intense and general desire and need for the benefit of food regulation.

A grave danger confronts the American people, the danger of hunger, which will portend greater injury than the threats of our foreign foe. Food speculators are again busy gambling on the peoples' necessities.

By the fact that bread is cheaper in Belgium, France, and Italy than it is in our own country, also that we ship grain to Belgium from which their lower-priced bread is made, it is my desire to have food administration made effective.

We sincerely ask that you do all in your power to vote to pass the Lever food-administration bill.

Thanking you—

And so forth.

Mr. REED. Mr. President, will the Senator yield?

Mr. THOMPSON. I stated at the outset that I would prefer not to be interrupted.

Mr. REED. Very well.

Mr. THOMPSON. I shall be glad to answer any questions at the close of my remarks.

Mr. REED. My question will not be apropos then. I simply wanted to ask the Senator if he believed the statement of fact contained in that telegram to be accurate?

Mr. THOMPSON. I think it is fairly accurate, from the testimony that has been introduced before the committees and the argument that has been made here; but I should prefer to proceed, and I shall be glad to answer any question the Senator may want to ask when I am through.

Mr. REED. Very well. I will not interrupt the Senator. I beg his pardon.

Mr. THOMPSON. I simply did not want to get into a controversy with the Senator as to what the evidence might have been on these different questions.

Mr. REED. Very well.

Mr. THOMPSON. I have here a letter from the manager of the Kansas Farmer, the leading farm paper of the State, which has a circulation among the farmers of about 70,000. The letter is of recent date, June 25, 1917, and fairly represents the views of the farmers, addressed to me, and states:

I hope that you will lend every assistance possible toward the speedy enactment of the food-administration bill now before the Senate. The food bill has taken preeminence at present out here even over the war itself, because the people realize that if some sort of regulation, such as is proposed in the Hoover bill, is not put into effect very shortly that conditions will be intolerable. The passage of the Hoover bill will be the one big thing toward the start of a successful termination of our war with Germany.

Sincerely,
CHAS. C. YOUNGGREEN,
General Manager Kansas Farmer.

The matter has reached such importance in my State that mass meetings have been held in various cities; one at Lincoln, Kans., where they passed the resolutions that I shall be glad to make a part of my remarks without reading, as they are more or less lengthy.

The PRESIDING OFFICER. There being no objection, it is so ordered.

The matter referred to is as follows:

The following message was wired to President Wilson:

"President WILSON,
"*Washington, D. C.:*

"The citizens of Lincoln in mass convention demand that steps be taken to protect the public from the food speculators by taking over all food supplies and placing same under Government control. * * * We favor national prohibition as a war measure.

"E. J. RYAN, *Mayor.*"

The following supplemental resolution was adopted as expressing more definitely the views of the people and carrying out in detail the purposes expressed in resolution No. 3:

"Whereas our Nation and the nations of the world are facing a food famine, and the success of our armies in the field in their titanic struggle depends on the supply; and

"Whereas unpatriotic men are taking advantage of this condition to make millions, regardless of their country's safety and the cry of her people for bread: Therefore be it

"*Resolved*, That we, the citizens of Lincoln in convention assembled, demand that the Government take immediate control of the large elevators, grain-supply houses, mills producing food, cold-storage plants, sugar refineries, and all jobbing houses handling food supplies; that the poor and rich alike may fare equally, and the Nation's resources of food might be better conserved, thereby making certain victory over those who now seek to defeat us in the world war; and be it further

"*Resolved*, That these resolutions be wired the Hon. Woodrow Wilson, our President, and a copy sent Gov. Capper and both United States Senators from Kansas and the Hon. JOHN CONNELLY, of the sixth district."

Mr. THOMPSON. The letter transmitting the resolutions says:

I inclose you copy of that part of some resolutions passed by the Lincoln people. They demand that some action be taken at once to stop the food speculators. It will not do to wait six months for an inquiry and then months more for a law, all of the time between the people being robbed.

Yours, respectfully,
E. A. MCFARLAND,
Chairman.

I have here a letter from a farmer who resides at Frankfort, Kans., Mr. Andrew Anderson, in which he states:

We read a great deal about Government control of food and food prices, but so far it seems to be only talk. We, the people, are getting anxious for action. It is astounding the way the prices are soaring. There seems no scarcity, as there is plenty to be had if you have the money. Something ought to be done at once.

Yours, truly,
ANDREW ANDERSON,
Frankfort, Kans.

Here is another letter from another section of the State, Abilene. It gives the prices of various necessities. It is short, and I will read it:

ABILENE, KANS., *May 1½, 1917.*

Hon. WILLIAM H. THOMPSON,
United States Senate, Washington, D. C.

DEAR SIR: What is being done by the Government to stop the gamble in foodstuffs?

When the situation has reached such a point where flour is sold at $4 a sack and potatoes 95 cents a peck in this country, where these things are grown, surely it is time for some sort of an intervention; and we urgently request you to act for us in the interests and welfare of the common people. May we expect this? We are confident that you will continue to serve us in this matter and see that the food speculators do not bring our country to ruin.

Very respectfully, yours,

LENA METZ.
MRS. MILTON POLLEY.
MRS. R. N. SIMMONS.
BETH MOTTER.

I have another similar letter from Shockey & Landes, hardware dealers of the same place; also a letter from Rudolph E. A. Gehring, of Osawatomie, Kans., which I ask permission to insert in the RECORD without reading.

The PRESIDING OFFICER. In the absence of objection, it is so ordered.

The matter referred to is as follows:

ABILENE, KANS., *April 17, 1917.*

Senator THOMPSON,
Washington, D. C.

DEAR SIR: There are many serious questions confronting this country and Government to-day. Some of these things we believe can be handled and regulated without any great lot of trouble.

The question of foodstuffs is getting to the point where it must have some attention. For instance, the price of sugar is now beyond the reach of the average family. We can not find that there is any apparent shortage of foodstuffs that prices should be advanced so rapidly of late, and there is no reason for such advances. Many of these products are in speculators' hands, and as we can not learn of any shortage the matter should have investigation and Government control. We believe in good prices—to live and let live; but we do not believe that speculators should regulate the price of foodstuffs in this country.

Therefore, as stated, this question needs attention and quick action, and we believe by you giving it the right consideration that results can be had that will be satisfactory to all.

Yours, very truly,
SHOCKEY & LANDES.

OSAWATOMIE, KANS., *June 3, 1917.*

Hon. W. H. THOMPSON,
Washington, D. C.

DEAR SIR: During this time of direst trouble of war the food speculators are robbing the people with high prices on foodstuffs. The Government takes the best men of the Nation by conscript, many to be killed in this war, and lets the speculators have a free hand. We urge you to do all in your power to hasten the time of Government control of all foodstuffs.

Prices are soaring upward without good reasons. As we all know, there was no crop shortage. The war is the excuse. When by rights prices should be normal, so as to conserve the national finance.

I am voicing the sentiment of the general public. People will go hungry, which thing shouldn't be in our boasted land of the free and home of the brave.

We kindly ask you to use your power to bring about Government control of all foodstuffs. I am,

Respectfully, yours,
RUDOLPH E. A. GEHRING.

Mr. THOMPSON. Here is one from Salina, from Frank S. Rising. This is from a farmer who lives in the milling section, and I want to call attention in this letter to one statement that is particularly in issue in this matter. He says:

SALINA, KANS., *May 3, 1917.*

Senator W. H. THOMPSON.

DEAR SIR: I represent a body of laboring and producing men here as their financial officer, and, although this is not official, I want you to do all that you can in the Senate to relieve the high cost of living. The situation here has become absolutely unbearable.

We want you to work to try and prevent the dealing in futures of foodstuffs, and also the hoarding of foodstuffs in storage to enhance the price.

I will give you two concrete instances that will explain the situation here: A farmer living in this county went East to buy a carload of

Holsteins and found that in Wisconsin, where he was, that potatoes were a drug upon the market at 75 cents per bushel, for the reason that they could get no cars to ship them in. Potatoes were selling at that time here at $3.10 per bushel. The reason of no cars is that the refrigerator cars are mostly owned by the storage shippers, and they control the use of them.

Flour is selling here for about $8 for a 98-pound sack.

A few days ago the Shellabarger Mill & Elevator Co., in an interview, published the statement that they had enough wheat on hand to run their mill for a year. Most of that wheat was bought close to $1 a bushel, while it is now priced here at $3.10 per bushel, and the price of flour is fixed on the later price.

The men whom I represent think that it is high time that the Government step in and, if necessary, seize this foodstuff and put it on the market at a reasonable profit on the cost.

I hope, Senator, that my letter does not reach the wastebasket before you see it, for relief we must have, and the only way I see to get it is to stop the gambling in futures and prevent the hoarding of the means of existence.

Very respectfully, yours,

FRANK S. RISING,
226 S. Tenth St., Salina, Kans.

I have another letter here from Wellington, Kans., in the central portion of the State, where a canvass of the entire business section of the city was taken as to the sentiment on this question. The writers, Mr. and Mrs. C. L. Clayton, state:

WELLINGTON, KANS., *May 12, 1917.*

Senator THOMPSON,
Washington, D. C.

DEAR SIR: We, the undersigned, respectfully ask and urge that you support the proposed bill for the Government control of food prices and the conservation and equitable distribution of foodstuffs.

A recent canvass of the business men of Wellington by one of our newspapers showed that every one interviewed was in favor of the bill but one, and he was milling flour.

Hoping that this very important matter will meet with your favor, we are,

Yours, very respectfully,

C. L. CLAYTON.
ELLEN R. CLAYTON.

I have here another letter from the Western States Portland Cement Co., of Independence, Kans., from that branch of the business industries. It is as follows:

THE WESTERN STATES PORTLAND CEMENT CO.,
Independence, Kans., June 5, 1917.

Hon. W. H. THOMPSON, United States Senator,
Senate Chamber, Washington, D. C.

DEAR SIR: Through the Chamber of Commerce of the United States we are advised of pending legislation along the lines of food administration. We believe this legislation is embodied in House bill 4630.

We believe this is in the interest of our armies and the Nation as a whole, as well as in the interest of our allies.

We hope, therefore, that such legislation may have your support.

Very truly, yours,

THE WESTERN STATES PORTLAND CEMENT CO.,
By C. B. MCVAY, *Secretary-Treasurer.*

I have a number of other letters that I shall refer to only briefly and have them made a part of my remarks. They are particularly from the laboring men and labor organizations of the State. Here is one from the Kansas State Federation of Labor, where resolutions were passed, signed by Charles Hamlin, secretary and treasurer:

LEAVENWORTH, KANS., *June 20, 1917.*

Hon. WILLIAM H. THOMPSON,
Senate Chamber, Washington, D. C.

HONORED SIR: Realizing the necessity of legislation to administer the distribution of the necessaries of life, the Kansas State Federation of Labor very respectfully urges that the Lever food administration bill be enacted into law before July 1, 1917.

Very respectfully, yours,

CHAS. HAMLIN,
Secretary-Treasurer Kansas State Federation of Labor.

I have letters from the United Garment Workers, the International United Brotherhood of Leather Workers, and the Coffeyville Central Labor Union, signed by the secretary, all of which I will ask to be embraced in my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

UNITED GARMENT WORKERS OF AMERICA,
LOCAL UNION NO. 158,
Fort Scott, Kans., June 21, 1917.

Senator WILLIAM H. THOMPSON,
Washington, D. C.

DEAR SIR: I am requested to write you on behalf of Local Union, No. 158, United Garment Workers of America, affiliated with the American Federation of Labor, urging you to use your influence and cast your vote in favor of the Lever food administration bill, and to see that this law is on the statute books before July 1.

Very sincerely, yours,

FLOSSIE BELLE CROSBY,
Secretary.

—

INTERNATIONAL UNITED BROTHERHOOD OF
LEATHER WORKERS ON HORSE GOODS,
Kansas City, Mo., June 21, 1917.

Hon. WILLIAM H. THOMPSON,
United States Senate, Washington, D. C.

DEAR SIR: As a resident of Kansas City, Kans., I take this opportunity of addressing you in the name of the organization I represent, as well as my personal interests in the matter, upon the following subject:

I take the liberty at this time, by reason of the apparent imperative necessity for the enactment of legislation in the interests of the people as a measure of relief from the excessive high prices of all necessities of life.

To this end I ask your support of the Lever food administration bill and that you use your best influences in order that it may become a law at the earliest possible moment.

Thanking you for anything you may do in furtherance of this proposition, and with best wishes, I remain,

Respectfully, yours,

W. E. BRYAN,
General President.

—

COFFEYVILLE CENTRAL LABOR UNION,
Coffeyville, Kans., June 14, 1917.

Hon. WILLIAM H. THOMPSON,
United States Senate, Washington, D. C.

DEAR SIR: By instruction of the Coffeyville Central Labor Union I am writing you in regard to the food-control bill now before the House of Representatives (H. R. 4630). All of the labor unions of Coffeyville and vicinity, including the central labor union, have indorsed this bill, and in the event of its passage by the House we respectfully ask that you use your influence to secure its passage in the United States Senate, also.

The high cost of living vitally affects everyone, especially the workers, and it is of the utmost importance that this bill be passed in such a form as to be actually effective in bringing about an adequate distribution of the necessities of life. Thanking you in advance,

I am, very truly, yours,

THE COFFEYVILLE CENTRAL LABOR UNION,
By FRANK L. BRYAN, *Secretary.*

Mr. THOMPSON. Mr. President, from this matter it will be seen that the sentiment is general from practically all classes of citizens, and that they all well understand the issue. Everybody knows that the present prices of foodstuffs are extremely unreasonable and in many cases grossly exorbitant. It is very evident that somebody is making unnecessary profit upon practically every article which enters the household. It will not do to dismiss the subject by a simple waive of the hand with the statement that it is all caused by the war, for every thinking person who has given any consideration to the subject at all knows better. In many cases the existence of the war is simply given as an excuse for extortion.

Now, my experience in life, and particularly on the bench, has taught me to be tolerant, merciful, and forgiving. I believe I could forgive almost any crime, except treason or the crime committed by the food gambler in time of war, which is even worse than treason. While I do not ordinarily believe in capital punishment for crime, as I have never believed that man either as an individual or an official has the right to take human life, yet I could waive my conscientious scruples in this regard in the case of the food gambler. As to him, I would take pleasure in seeing him hanged as high as Haman, and I might even be persuaded to help spring the trap. There is no punishment too severe for him, and I believe a merciful God would forgive those who transgressed the divine law in putting him out of existence, for he is not only an enemy to his country, but a menace to society, and is not entitled to live on earth or to remain any place else this side of that place of eternal punishment commonly known as hell.

While I will not take the time to discuss in detail the exorbitant prices charged now for every necessity of life, figures on this subject having already been produced in the argument and printed in the RECORD, yet I desire especially to call attention to a comparative table of retail prices of foods in Washington during April, 1914, before the war, and in April, 1917, and in January and May, 1917, which fully support the contention that the prices of the necessities of life have gone beyond all reason, and from past experience we know that if something is not done now to prevent it prices will soar still higher.

From these tables it will be seen that during the first period mentioned—April, 1914, to April, 1917—prices have increased from 12 per cent to 400 per cent, principal increases being on the following articles, with the per cent as stated: Flour, 107 per cent; canned tomatoes, 142 per cent; corn meal, 100 per cent; navy beans, 140 per cent; lima beans, 185 per cent; sirloin steak, 42 per cent; round steak, 60 per cent; smoked sausages, 100 per cent; pure lard, 100 per cent; butter, 83 per cent; potatoes, 291 per cent; onions, 250 per cent; sweet potatoes, 114 per cent; cabbage, 400 per cent.

During the second period indicated above—January, 1917, to May, 1917—only four months, with the already high prices of necessities still soaring, flour finally sold at $15.20 per barrel, making a further increase of 58 per cent, and the price of navy beans had further increased 58 per cent; lima beans, 100 per cent; sirloin steak, 22 per cent; round steak, 28 per cent; butter, 28 per cent; lard, 31 per cent; potatoes, 66 per cent; sweet potatoes, 66 per cent; cabbage, 50 per cent.

I desire to reproduce these tables as a part of my remarks without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

Comparison of retail prices of foods during April, 1914, before the war, and April, 1917.

	April, 1914.	April, 1917.	Increase.
Groceries:			*Per cent.*
Sugar, granulated, pound	$0.04	$0.09	125
Flour—			
Gold Medal, barrel	7.25	14.00	93
Hecker's, barrel	6.50	13.50	107
Milk—			
Condensed, can	.09	.15	67
Evaporated, tall can	.07½	.12	65
Evaporated, small can	.03½	.06	70
Tomatoes, standard 2½'s, can	.07	.17	142
Corn, standard 2½'s, can	.07	.13	85
Peas, E. J.	.07	.10	45
Baked beans	.08	.13	65
Corn meal, pound	.02½	.05	100
Hominy, pound	.03	.05	66
Rice, best, pound	.08	.09	12
Oatmeal, pound	.03½	.06	70
Macaroni and spaghetti, bulk, pound	.08	.13	65
Prunes, small, pound	.05	.08	60
Salmon—			
Chum	.08	.14	75
Red Alaska, can	.14	.23	64
Soups, can	.08	.13	65
Navy beans, best, pound	.07½	.18	140
Lima beans, dried, pound	.07	.20	185
Catsup, bottle	.08	.12	50
Sirup, can	.08½	.12	41
Corn flakes (Quaker), package	.04½	.08	78
Split peas, pound	.06	.12	100
Scotch peas, pound	.05	.09	80
Black-eyed peas, pound	.04	.08	100
Beef:			
Rib roast, pound	.20	.25	25
Chuck roast, pound	.17	.22	30
Plate (soup meat), pound	.13	.16	22
Porterhouse steak, pound	.28	.37	34
Sirloin steak, pound	.24	.34	40
Round steak, pound	.20	.32	60
Chuck steak, pound	.18	.25	36
Hamburg steak, pound	.15	.20	33
Pork:			
Fresh hams	.15	.27	80
Fresh shoulders	.13½	.22	58
Fresh pork chops, lean	.16	.28	80
Fresh pork chops, loin	.18	.32	80
Fresh pork roast, lean	.16	.28	75
Fresh pork roast, center	.18	.30	66
Corned shoulders	.13½	.20	50
Corned hams	.15	.24	60
Smoked hams, whole	.17	.25	47
Smoked hams, sliced	.28	.45	60
Smoked shoulders	.13½	.21	50
Smoked bacon, sliced	.24	.34	42
Smoked sausage	.12½	.25	100
Lard—			
Pure, pound	.12½	.25	100
Compound, pound	.10	.20	100
Butter, first grade, pound	.30	.55	83
Eggs, fresh, dozen	.21	.38	80
Vegetables:			
Potatoes, peck	.23	.90	291
Kale, peck	.20	.40	100
Spinach, peck	.20	.40	100
Onions, yellow, pound	.04	.13	250
Lettuce, head	.05	.10	100
Sweet potatoes, peck	.35	.75	114
Cabbage, new, pound	.03	.15	400
Yams, peck	.40	.60	50

Total of items, 60.
Total increase, 5,119 per cent.
Average increase on all items shown on this list, 85.32 per cent.

Comparison of retail prices of foods January, 1917, and May, 1917.

	January, 1917.	May, 1917.	Increase.
Groceries:			*Per cent.*
Granulated sugar, pound	$0.07	$0.10	43
Gold Medal Flour, barrel	9.60	15.20	58
Pride of Columbia, barrel	8.00	13.20	65
Challenge Milk	.10	.15	50
Evaporated milk, tall	.10	.13	30
Evaporated milk, small	.04	.06	50
Standard Tomatoes, No. 3 can	.12	.18	50
Maine corn	.13	.17	30
Sugar corn	.09	.15	66
Sifted E. J. peas	.12	.19	58
E. J. peas	.10	.15	50
Wagner's Baked Beans, No. 2	.10	.15	50
Ritter's Baked Beans, No. 2	.09	.15	66
Campbell's Baked Beans, No. 2	.09	.18	100
White corn meal	.04	.06	50
Hominy	.04	.05	25
Head rice	.08	.10	25
Broken rice	.04	.06	50
Oatmeal	.04	.06	50
Macaroni, bulk	.08	.13	62
Spaghetti, bulk	.08	.13	62
Prunes, small	.05	.08	60
Prunes, large	.14	.16	14

Comparison of retail prices of foods January, 1917, and May, 1917—Contd.

	January, 1917.	May, 1917.	Increase.
Groceries—Continued.			*Per cent.*
Chum salmon	$0.09	$0.16	77
Pink salmon	.12	.18	50
Red salmon	.17	.25	47
Navy beans	.12	.19	58
Lima beans	.10	.20	100
Wagner's Catsup	.09	.12	33
Campbell's Soups	.09	.13	44
Split peas	.08	.12	50
Black-eyed peas	.07	.08	14
Asparagus	.20	.23	15
Asparagus tips	.21	.25	19
Beets, canned	.12	.18	50
Cream of Wheat	.15	.20	33
Brooms, No. 7, parlor	.45	.65	44
Domestic sardines	.04	.06	50
Molasses, No. 3 can	.10	.18	80
Table sirup, G. C.	.09	.13	44
Table sirup, Karo	.09	.13	44
California peaches, No. 3, seconds	.12	.16	33
California peaches, extra standard, No. 3	.15	.20	33
Plantation pineapple, No. 2	.13	.18	39
Peanut butter, bulk	.10	.15	50
Lump starch	.04	.06	50
Cornstarch	.05	.07	40
Canned spinach, large can	.13	.18	38
Beef:			
Rib roast	.24	.25	4
Chuck roast	.20	.22	10
Plate beef	.15	.16	7
Porterhouse steak	.32	.37	16
Sirloin steak	.28	.34	22
Round steak	.25	.32	28
Chuck steak	.20	.25	25
Hamburg steak	.16	.20	25
Butter, extra creamery	.43	.55	28
Pork:			
Fresh hams	.22	.27	23
Fresh shoulders	.18	.22	22
Fresh pork chops, shoulder	.22	.28	27
Fresh pork chops, loin	.26	.32	23
Fresh pork roast, blade	.22	.28	27
Fresh pork roast, loin	.25	.30	20
Corned shoulders	.16	.20	25
Corned hams	.20	.24	20
Smoked hams	.20	.25	25
Smoked hams, sliced	.35	.45	28
Smoked shoulders	.17	.21	24
Smoked bacon	.27	.34	26
Smoked sausage	.22	.25	14
Lard—			
Pure	.19	.25	31
Compound	.16	.20	25
Vegetables:			
Potatoes, peck	.60	1.00	66
Onions, pound	.08	.10	25
Lettuce, each	.05	.10	100
Sweet potatoes, peck	.45	.75	66
Cabbage, pound	.10	.15	50
Fruits:			
Apples, peck	.40	.60	50
Bananas, dozen	.20	.25	25
Lemons, dozen	.08	.20	150
	2,990	4,530	3,355

Total of items, 79.
Average net increase, 51 per cent.

Mr. THOMPSON. While the junior Senator from Missouri [Mr. REED] in his argument produced a large number of tables showing the market price of various articles at different times in different countries, yet in most instances these tables do not show the prices charged to the ultimate consumer, whom we are specially endeavoring to protect by this legislation.

There seems to be a difference of opinion as to just what Mr. Hoover said or meant in his statement to the Agricultural Committee in justification of this bill; but there is one thing certain, his testimony is perfectly clear on the question that somebody besides the farmer and producer has been getting the big end of the enormous prices, which were so suddenly sprung upon the people throughout the country. He made it clear that the farmer had sold practically all of his wheat by the 1st of January and that the average price he received was only about $1.60 per bushel, while the price of wheat on the market had reached the enormous figure of about $3 per bushel. So it is clear that the farmers' wheat, after it left his hands, has been traded and bartered around until somebody is getting about twice what it is really worth and has caused flour to rise to the enormous price of $15 per barrel. It is such things as this that the food bill is proposed to remedy and can remedy to a great extent, although, of course, no bill is perfect.

It has been charged that this bill is against the interest of the farmer and the producer, but, on the contrary, it has for its object his protection and benefit, and he is very carefully guarded by exemption from its operation in every clause where

he might possibly be injured. The bill is drawn with the idea of encouraging the farmer to increase production to benefit the consumer, and administered under the guidance of Mr. Hoover, a man who understands this situation, not in theory, but in actual practice, will result in our Nation being better able to stand the ravages of war. It will not, of course, cure all evils, for no condition can be made perfect by one stroke of legislation, but it is a long step in the right direction. Some criticism has been made of Mr. Hoover by the opposition to this bill, but even they fail to suggest a more experienced or competent person to handle the food question. I venture to say that there is not another man in the United States, or in the world for that matter, whom the people of this country or our allies would prefer to intrust with this great responsibility than Mr. Hoover, who has voluntarily offered his services to carry forward this great work without hope of reward except the consciousness of being able to help a distressed people. There is no man in Congress who would even undertake such a task.

Mr. SHIELDS. Mr. President, I should like to ask the Senator to state the experience Mr. Hoover has had in fixing food prices.

Mr. THOMPSON. I will state to the Senator that I refused to be interrupted by the Senator from Missouri [Mr. REED], and I would rather he would wait with his questions until I get through with my remarks.

Mr. SHIELDS. Certainly. I had understood that Mr. Hoover had had some experience in dispensing charity to paupers——

Mr. THOMPSON. Mr. Hoover testified before the Agricultural Committee, stating his experience fully, and I believe it went far beyond that.

Mr. SHIELDS (continuing). But I did not know that he had had any experience in regulating the prices of property belonging to a free people, such as the American people, who are not mendicants or paupers.

Mr. THOMPSON. Has the Senator read the statement given by Mr. Hoover before the Agricultural Committee?

Mr. SHIELDS. I have not.

Mr. THOMPSON. I wish the Senator would read that and also the testimony of every other expert in reference to this matter, and I think the Senator will then agree with me that Mr. Hoover is entitled to the thanks and praise of the American people rather than unjust criticism by their Representatives.

I have here an article from London containing a statement of the British food controller, Lord Rhonda, which indicates how Mr. Hoover is appreciated abroad, even if he may not be appreciated by a few people in the Congress of the United States, who are opposed to this bill:

ANXIOUS ON FOOD BILL—BRITISH FOOD CONTROLLER WILL BREATHE EASIER WHEN UNITED STATES PASSES LAW.

LONDON, *June 21.*

"I hope I shall not be misconstrued or thought impatient when I say that the sooner your food-administration measures are enacted, the sooner we will breathe easier,' declared Lord Rhonda, England's new food controller to-day. He was discussing the congressional debate on the American food bill.

"If American resources are organized to their full capacity, I am confident the German hope of starving the allies, or even causing civilian unrest, due to scarcity or high prices, is doomed to failure.

"Unless we are assured of sufficient food to enable England and the allies to carry on the war to a successful conclusion, it is almost superfluous to appoint a food controller. We depend in a vital degree on the United States and Canada to keep up the supply.

EULOGIZES HOOVER.

"I have perfect confidence that the American Congress and the people will respond to the calls now made upon them."

Lord Rhonda paid high compliment to Herbert Hoover, potential food controller for the United States.

"One of the few attractions of this office," he remarked, "is the knowledge that President Wilson has such a man as Hoover with his character and experience and understanding of the allies' food situation."

There is one thing sure, and that is the price of all the necessities of life have been constantly rising for several years, even before the war, and Congress, as well as the judicial branch of the Government, seem unable to control the situation. No bill or other remedy has been suggested by the opponents of this measure that will meet the present situation to lower the extremely high prices which have already reached a point where no man of moderate means can live without becoming bankrupt. The scale of wages has been wholly unable to keep pace with the constantly rising prices.

I desire here to offer a table prepared by the Bureau of Labor Statistics, showing the union wage rates and hours of labor from 1907 to 1916, and of the retail prices of food, from 1907 to February, 1917, showing the per cent of increase. I desire to make it a part of my remarks without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

Index numbers of union wage rates and hours of labor, 1907 to 1916, and of retail prices of food, 1907 to February, 1917.

Year.	Rates of wages per hour.	Full-time hours per week.	Rates of wages per week full time.	Retail prices of food.
1907	100	100	100	100
1908	101	100	101	103
1909	102	99	102	108
1910	105	99	104	113
1911	107	98	105	112
1912	109	98	107	119
1913	111	97	109	122
1914	114	97	111	125
1915	115	97	112	123
1916	119	96	116	139
January, 1917				156
February, 1917				162

Mr. THOMPSON. This table shows that while wages increased only 19 per cent between 1907 and 1916, retail prices have increased 39 per cent during the same time; and taking February, 1917, as a basis, retail prices of food increased 62 per cent. This is a condition which no laboring man can meet except by either beating the groceryman, the landlord, or the clothier, and he has no desire to do either; and in this country, with the greatest resources on earth, he ought not to be permitted to suffer such humiliation. Even though the laborer may meet these necessary obligations he is deprived entirely of the comforts of life, and hunger and poverty is knocking at the door of many humble citizens, while men in Congress stop to talk about the constitutionality of a law contrived to control large profits and talk of danger of placing the power to control hoarding of and gambling in foodstuffs, improper distribution, and unjust profits in the hands of the President of the greatest Republic on earth. Some of the opponents of the bill seem to suspicion the object and purposes of the President almost as much as they do the Kaiser. If the American people can not trust their President in times of war we might as well close the books of democracy and accept autocracy as our ideal form of government.

President Wilson in his letter of June 18, written to Congressman BORLAND, of Kansas City, Mo., hit the nail squarely on the head when he said:

THE WHITE HOUSE, *June 18, 1917.*

Hon. WILLIAM P. BORLAND,
House of Representatives.

MY DEAR MR. BORLAND: You are quite right about the food-administration measure. In my opinion, it is one of the most important and most imperatively necessary of the measures which have been proposed in connection with the war.

A certain disservice has been done the measure by speaking of it as the food-control bill. The object of the measure is not to control the food of the country but to release it from the control of speculators and other persons who will seek to make inordinate profits out of it, and to protect the people against the extortions which would result. It seems to me that those who oppose the measure ought very seriously to consider whether they are not playing into the hands of such persons and whether they are not making themselves responsible, should they succeed, for the extraordinary and oppressive price of food in the United States. Foodstuffs will, of course, inevitably be high, but it is possible by perfectly legitimate means to keep them from being unreasonably and oppressively high.

I hope and believe that the Congress will see the measure in this light, and that it will come to an early passage, for time is of the essence. The legislation should be secured by the 1st of July to make the country safe against the dangers it is meant to guard against.

Cordially and sincerely, yours,

WOODROW WILSON.

The President has driven straight to the heart of the issue and Congress must respond. There can be neither hesitation nor halting. Congress dare not adjourn without doing something helpful on this subject if its Members expect to retain the confidence of the people. Every consideration of national defense, national honor, of free government and free institutions, and the welfare of the whole world demands that Congress follow where the President has led in the matter of food control during this greatest and most horrible of all wars.

It is a program that sweeps aside all fine-spun theories and recognizes the facts as they exist. It is only by mobilization and coordination that we can employ our power to the utmost effectiveness, and to employ anything short of our utmost power is to prolong the war with all that means in human suffering and misery, loss of life, and destruction of property. No true patriot will put anything in the way to bring this war for humanity and the liberty of the world to a speedy and successful conclusion.

I may later have something to say on the prohibition features of this bill if it should seem advisable before voting on the sections relating to the subject.

RIFLES, MACHINE GUNS AND FIELD ARTILLERY (S. DOC. NO. 56).

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 15th instant, certain information relative to the difference in types between rifles, machine guns and field artillery, and ammunition of the United States Army and those of the British Army and the French Army. The communication will be printed in the RECORD and referred to the Committee on Military Affairs.

The communication is as follows:

WAR DEPARTMENT,
Washington, June 25, 1917.

SIR: In compliance with the resolution passed by the Senate of the United States on June 15, 1917, I am furnishing the following information in reply to the questions asked therein with reference to the difference in types between the rifles, machine guns and field artillery and ammunition therefor of the United States Army and those of the English Army and the French Army:

First question. Has the British Enfield rifle been adopted for the American Army; and if so are such rifles being chambered so as to fit the American type of rifle cartridge?

Answer. It is intended to retain the American rifle of the model of 1903—sometimes called the "Springfield rifle"—for the use of the United States troops, and to increase the number available as rapidly as the manufacturing capacity of the two Government armories, at Springfield and Rock Island, will permit. The 500,000 and more of these rifles available for use in the war with Germany which are on hand in the United States, and over 200,000,000 rounds of ammunition therefor, will thus be fully utilized. Because troops will probably be raised faster than they can be supplied with rifles of the model of 1903, with the above stated production, Enfield rifles of the model of 1914, manufactured in the United States, with different chambering and other modification to fit them to use the regular United States ammunition, will be newly made by the three establishments in this country which have made them for England, and used to supplement our own supply. We shall thus probably have two models of rifles in the field, but, and much more important, we shall have only a single model of ammunition, so that there will be no danger of confusion of ammunition supply.

Second question. Are machine guns for the use of the American Army using the same type of rifle carriage as the Army rifle used by the American Army?

Answer. Yes.

Third question. Do the American cartridges for use in rifles and machine guns differ in size or otherwise so as to prevent their being used in the rifles and machine guns of the English or French? If so, what is the character of the difference, and what advantage is gained thereby?

Answer. The American cartridge for use in rifles and machine guns can not be used in the rifles and machine guns of either the English or French. As the English and French cartridges differ from each other, the American cartridges would have to differ from at least one of them. Aside from the difference in dimensions, the American cartridge is a rimless cartridge, while the British and French cartridges are rim cartridges. The use of the rimless cartridge minimizes the risk of jamming in the magazine, and it is otherwise superior to the rim type.

Fourth question. To what extent does the field artillery of the American Army differ in caliber and character of ammunition used from that of the French and English Armies?

Answer. In the field artillery of the American Army are cannon of somewhat similar calibers to those used in the French and English Armies. The field artillery of these two armies, even the cannon of approximately the same caliber, differs materialy in the size of the chamber, muzzle velocity, weight of projectile, and type of fuze; that of the American Army would therefore necessarily differ from one or the other.

Fifth question. Can the ammunition of the English or French Armies be used in the field artillery of the American Army?

Answer. The ammunition of the English or French Armies can not be used in the field artillery of the American Army.

Sixth question. If the American ammunition for rifles, machine guns, and field artillery is not interchangeable for like British or French guns, what advantage is gained by having it differ from that of the English or the French Army?

Answer. The ammunition for rifles, machine guns, and field artillery of the American Army, like that of the English and French Armies, is the result of development along independent lines, the type of one country usually having been fully developed and in process of manufacture before the details of that of another country became known. In case of an enemy this lack of interchangeability of ammunition may be of material advantage, but in case of an ally it is a decided disadvantage. With reference to the present situation, it would be highly advantageous if our ammunition were interchangeable with that of those allies with whom our troops will directly operate, and with whom they could share common sources of supply. For operating with the French the disadvantage of not having our rifles and machine guns fitted for the English ammunition is small, and is more than counterbalanced by the ability to use the quite material supply of rifles and ammunition on hand, as set forth above in the answer to the first question. The French rifles and machine guns are not, and have not been, manufactured in this country; hence, through lack of manufacturing facilities, the question of the use of the French ammunition for rifles and machine guns could not be considered.

With respect to artillery ammunition, it may be stated that the present plans contemplate the eventual use of ammunition of the French type for most of the calibers, which the conditions of supply and manufacture render practicable.

Very respectfully,

NEWTON D. BAKER,
Secretary of War.

To the PRESIDENT OF THE SENATE.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 1811) providing for the counting of service in the Army or Navy of the United States as equivalent to residence and cultivation upon homestead entries, and in the event of the soldier's death in such service providing for the issuance of patent for such land to his widow or minor children, with amendments, in which it requested concurrence of the Senate.

The message also announced that the House had passed the joint resolution (S. J. Res. 33) to relieve the owners of mining claims who have been mustered into the military or naval service of the United States as officers or enlisted men from performing assessment work during the term of such service, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the joint resolution (S. J. Res. 67) to fix the status and rights of officers of the Public Health Service when serving with the Coast Guard, the Army, or the Navy, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H. R. 4892) authorizing the President to take possession, on behalf of the United States, for use as sites for permanent aviation stations for the Army and Navy and for aviation-school purposes, of the whole of North Island in the harbor of San Diego, Cal., and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 4188) to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LEVER, Mr. LEE of Georgia, Mr. CANDLER of Mississippi, Mr. HAUGEN, and Mr. MCLAUGHLIN managers of the conference on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 2453) to authorize condemnation proceedings of lands for military purposes, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented memorials of the Central Labor Union of Brooklyn, N. Y.; of Bakery and Confectionary Workers' International Union, No. 22, of New York City, N. Y.; and of John W. Edmonds, of New York City, N. Y., remonstrating against national prohibition, which were ordered to lie on the table.

He also presented petitions of the Christian Endeavor Union of Milwaukee, Wis.; of the members and ministers of the Baptist Church of Stanton, Ill.; of Ronald Reginald Simpson, of Frederick County, Md.; and of Sara A. V. Medtart, of West Philadelphia, Pa., praying for national prohibition as a war measure, which were ordered to lie on the table.

Mr. PHELAN presented a petition of the Chamber of Commerce of San Jose, Cal., praying for the passage of the so-called daylight-saving bill, which was ordered to lie on the table.

He also presented a petition of the San Francisco Art Association and Museum of Fine Arts of California, praying for the exemption from taxation of gifts to religious and charitable institutions, which was referred to the Committee on Finance.

He also presented a petition of the State Board of Agriculture of Sacramento, Cal., praying for the exemption from taxation of nonprofiting agricultural fairs, which was referred to the Committee on Finance.

Mr. NELSON presented telegrams in the nature of petitions from sundry citizens of Gray Eagle, St. Paul, Willmar, Granite Falls, Lesueur, Mankato, Duluth, Minneapolis, and Ottawa, all in the State of Minnesota, praying for national prohibition as a war measure, which were ordered to lie on the table.

He also presented telegrams in the nature of memorials from sundry citizens of Red Wing, Minneapolis, Mankato, St. Paul, and Duluth, all in the State of Minnesota, remonstrating against national prohibition, which were ordered to lie on the table.

He also presented petitions of the Danish-Norwegian Baptist Conference of Artichoke, Minn., and of sundry citizens of Ghent and Excelsior, Minn., praying for national prohibition and that a curb be placed on speculation in food products, which were ordered to lie on the table.

Mr. GALLINGER presented a petition of Bay Grange, Patrons of Husbandry, of Sanbornton, N. H., praying for the establishment of maximum and minimum prices for food products, which was ordered to lie on the table.

He also presented petitions of Rev. B. Alfred Dumm, of Plymouth, N. H. and of 246 citizens of Woodsville, N. H., praying for national prohibition, which were ordered to lie on the table.

Mr. McLEAN presented a petition of the Chamber of Commerce of New Haven, Conn., praying that an appropriation be

made for the creation of a thoroughly equipped air fleet for the Government, which was referred to the Committee on Military Affairs.

He also presented telegrams in the nature of memorials from sundry citizens of Ansonia, Terryville, and New Haven, and of the Wine and Beer Dealers' Association of Willimantic, all in the State of Connecticut, remonstrating against national prohibition, which were ordered to lie on the table.

He also presented petitions of Local Union No. 192, Brotherhood of Painters, Decorators, and Paperhangers of America, of Stamford, Conn., and of Local Union No. 79, United Brotherhood of Carpenters and Joiners of America, of New Haven, Conn., praying for Federal control of food products, which were ordered to lie on the table.

He also presented a memorial of Local Union No. 395, Cigar Makers' International Union of America, of Waterbury, Conn., remonstrating against the proposed increase in the tax on cigars, which was referred to the Committee on Finance.

He also presented telegrams in the nature of petitions from sundry citizens of Bridgeport and Waterbury, and of the congregation of the United Church of Bridgeport, and of the Connecticut Dry Federation of the First Baptist Church of Shelton, all in the State of Connecticut, and of Webutuck Grange, No. 86, Patrons of Husbandry of America Union, New York, praying for national prohibition, which were ordered to lie on the table.

Mr. POINDEXTER. I ask unanimous consent to submit two petitions for printing in the RECORD.

There being no objection, the petitions were ordered to be printed in the RECORD, as follows:

SEWARD, ALASKA, *June 27, 1917.*

Senator MILES POINDEXTER,
Washington, D. C.:

We to-day cabled Federal Trade Commission as follows: "In preparing to provide against probable coal famine we call your attention to vast deposits commercial and naval coal of Matanuska fields. The Government railroad from Seward to coal fields can be completed by January 1 if money, labor, and materials are made available and work rushed. However, this should be urged immediately and advantage taken of the summer season. We recommend that you urge Congress to appropriate sufficient funds to complete road between Seward and coal fields and construction of facilities at Seward for handling coal as per recent recommendations of Secretary of Navy. We urge consideration of this matter as an emergency and war measure."

SEWARD CHAMBER OF COMMERCE.

—

SEATTLE, WASH., *June 20, 1917.*

To the EXECUTIVE BOARD OF THE MUNICIPAL LEAGUE OF SEATTLE.

GENTLEMEN: The undersigned committee of the Municipal League of Seattle on the conduct of the War respectfully report that they have adopted the resolutions hereto attached, and recommend that the same be approved by the executive board and that copies thereof be furnished to the press for publication and be transmitted to our two Senators at Washington and the Congressman of this district, Hon. JOHN F. MILLER.

J. A. HAIGHT, *Chairman.*
O. H. RICHARDSON.
ROBERT S. SAUNDERS.
W. K. SHELDON.
J. W. BRYAN.
C. R. CASE.

—

SEATTLE, WASH, *June 22, 1917.*

The foregoing recommendation, together with the resolutions hereto attached, were this day approved and adopted by the executive board of the municipal league.

AUSTIN E. GRIFFITHS,
President.

—

Be it resolved, That it is the sentiment of the Municipal League of Seattle that the food-control bill now pending before Congress should be speedily enacted, and that the Federal Government should immediately assume the necessary control of the production and distribution of food supplies for the period of the war.

—

Be it resolved by the Municipal League of Seattle, That the time has passed for discussion or debate on the merits of our entrance into the war. The Nation is at war with a powerful and implacable enemy. All the forces of the Nation—military, naval, political, economic, intellectual, and moral—must be organized and energized for the vigorous prosecution of the war to a speedy and victorious conclusion. Acts in opposition to the enforcement of laws that declare war and provide for its prosecution constitute treason, and argument, whether by word of mouth or printed pamphlet or through newspapers, tending to encourage or incite such opposition is also treason. Such appeals give aid and comfort to the enemy, prolong the war, and add to the death list of our boys fighting the battles of our country; be it further

Resolved, That it is the sentiment of this league that during the war it is inadvisable to permit the public streets of the city of Seattle to be used as a forum by agitators and others seeking to voice their disloyal sentiments toward our country in this time of its peril. Such speakers often sneer at our flag and at the uniforms of our soldiers and sailors. These public utterances inevitably breed riot and menace the peace, safety, and welfare of our city. Our streets are public highways, and our citizens are entitled to use them without being assailed with the vitriol of treason.

Mr. GORE. I desire to have printed in the RECORD a telegram I have received from Chickasha, Okla. I may say that on Saturday last I obtained permission of the Senate to have this telegram printed in the RECORD, together with others, but by an error it was left out.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

CHICKASHA, OKLA., *June 23, 1917.*

Senator T. P. GORE,
Washington, D. C.:

We, the farmers of Grady County, in mass meeting, wish to express our heartfelt appreciation of your efforts in our behalf on the proposed food-control legislation.

T. D. WHITE, *Chairman.*
J. P. GIBBS, *Secretary.*

—

MEDALS OF HONOR.

Mr. WARREN, from the Committee on Military Affairs, to which was referred the bill (S. 1720) to provide for the award of medals of honor and distinguished-service medals, reported it with amendments and submitted a report (No. 73) thereon.

DESIGNS OF QUARTER DOLLAR.

Mr. OWEN. From the Committee on Banking and Currency, I report back favorably, without amendment, the bill (H. R. 3548) providing for the modification of the designs of the current quarter dollar, and I ask unanimous consent for its present consideration. It will take only a moment. A similar bill has passed both Houses of Congress.

The PRESIDING OFFICER (Mr. MCNARY in the chair). Is there objection to the present consideration of the bill?

Mr. BRANDEGEE. Mr. President, I understood the Senator from Oklahoma to say that the bill had already passed both branches of Congress.

Mr. OWEN. A similar bill has passed both Houses, it having passed the Senate on April 30, and the bill which I now report passed the House of Representatives a few days ago.

Mr. BRANDEGEE. The Senator does not mean that a similar bill has passed both Houses at the same session of Congress?

Mr. OWEN. Yes; that is true. The bills which have passed both Houses are practically identical in terms; and, I repeat, a similar bill to this passed the Senate on the 30th of April of this year.

Mr. BRANDEGEE. The Senator from Oklahoma reports the House bill?

Mr. OWEN. Yes; I report the House bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That, for the purpose of increasing the artistic merit of the current quarter dollar, the Secretary of the Treasury be, and he is hereby, authorized to make slight modifications in the details of the designs, in accordance with sketches submitted by the sculptor, whose models were accepted under date of May 23, 1916, and now being used in the execution of the coins.

No changes shall be made in the emblems or devices used. The modifications shall consist of the changing of the position of the eagle, the rearrangement of the stars and lettering, and a slight concavity given to the surface. Such changes shall be made and completed on or before July 1, 1918.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. OWEN. I enter a motion to reconsider the votes by which the bill (S. 2099) providing for the modification of the design of the current quarter dollar was ordered to a third reading and passed, and I move that the House of Representatives be requested to return the bill to the Senate.

The motion was agreed to.

EMPLOYMENT OF MESSENGER.

Mr. THOMPSON. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably, with an amendment, Senate resolution 93, submitted by the Senator from Minnesota [Mr. NELSON], and I ask unanimous consent for its present consideration.

The Senate by unanimous consent proceeded to consider the resolution.

The amendment was, in line 5, after the word "until," to strike out "otherwise provided for by law" and insert "March 4, 1918."

The amendment was agreed to.

The resolution as amended was agreed to, as follows:

Resolved, That the Sergeant at Arms of the Senate is hereby authorized and directed to place on the Senate rolls a messenger for the minority, at the rate of $1,200 per annum, to be paid out of the contingent fund of the Senate until March 4, 1918.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CALDER:

A bill (S. 2528) to amend section 2 of the act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917; to the Committee on Military Affairs.

By Mr. OWEN:

A bill (S. 2529) defining duties of the Medical Department of the United States Army, and for other purposes; to the Committee on Military Affairs.

A bill (S. 2530) to establish a sanitary reserve corps for the Public Health Service; to the Committee on Public Health and National Quarantine.

By Mr. WEEKS:

A bill (S. 2531) to prevent the publication of inventions by the grant of patents that might be detrimental to the public safety or convey useful information to the enemy, to stimulate invention, and provide adequate protection to owners of patents, and for other purposes (with accompanying papers); to the Committee on Patents.

RIVER AND HARBOR APPROPRIATIONS.

Mr. CALDER submitted two amendments, intended to be proposed by him to the river and harbor appropriation bill (H. R. 4285), which were referred to the Committee on Commerce and ordered to be printed.

Mr. PHELAN submitted an amendment, intended to be proposed by him to the river and harbor appropriation bill (H. R. 4285), which was referred to the Committee on Commerce and ordered to be printed.

FOOD-CONTROL BILL.

Mr. CUMMINS. Mr. President, several days ago I submitted a series of amendments, intended to be proposed to the food-control bill (H. R. 4961), and they were ordered printed. Since that time the House bill on the same subject has been received, referred to the Committee on Agriculture and Forestry, and reported back with amendments. The House bill as amended makes inapplicable several of the amendments which I have proposed. I therefore now submit four proposed amendments to the bill under consideration, and ask that they be printed and lie on the table.

The PRESIDING OFFICER. The amendments will lie on the table and be printed.

WINE AS A BEVERAGE.

Mr. PHELAN. Mr. President, the Senator from Montana [Mr. MYERS] had inserted recently in the RECORD a criticism of wine. I ask that a statement by Secretary Vance of the American Wine Association, of New York, together with a report on wine by the French Academy of Sciences, be printed in the RECORD for the information of the Senate.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[Article by Secretary Vance, of American Wine Association, New York.]

AMERICAN VITICULTURE SHOULD BE AND MUST BE PROTECTED AND ENCOURAGED.

It has been and is the wise and long-settled policy of every nation to aid and promote viticulture, or the growing of grapes and the making of wines, as it is an important branch of agriculture. And upon agriculture rests the progress and prosperity of the State and the Nation.

This has been the recognized policy in the United States for many years. The results of this policy are seen in the inducement given to the farmers to plant vines and in the establishment of experimental farms or stations by the Government of the United States and by the government of many States.

Under this policy tens of thousands of acres have been planted with grapes, and many millions of dollars have been invested in the vineyards and wineries of this country.

Here are some statistical facts in regard to American viticulture taken from the latest official reports:

There are 350,000 acres of grapes in the State of California, 60,000 acres of vineyards in New York State, 12,000 acres in Ohio, 10,000 acres in Michigan, 5,000 acres in Missouri, 3,000 acres in New Jersey, 5,000 acres in Virginia and North Carolina and the Southern States, and several thousand acres of vines in the other States.

The capital invested in vineyards is not less than $175,000,000, and $27,000,000 in wineries, making a total investment of $202,000,000. Over 175,000 people are dependent upon our viticultural industry. This includes 20,000 heads of families that own vineyards, and those employed in cultivating, picking, and handling the grapes and wines.

The great bulk of the grape crop is used for making wine. If the grapes could not be so used, it would bring ruin and disaster to all the thousands of people directly and indirectly interested in the industry.

The production of native wines varies according to the size of the grape crops. The average annual production is around 50,000,000 gallons.

To recapitulate:

Acreage of vineyards	448,000
Total capital invested	$202,000,000
People employed	175,000
Yearly production (gallons)	50,000,000
Yearly disbursements	$34,500,000

Of the annual disbursements other than for grapes and wages are many millions of dollars for taxes, transportation, machinery and supplies, insurance, rents, license fees, etc.

There are many reasons why viticulture should be encouraged in this country. We have in the United States almost every kind of climate and soil, the choicest varieties of grapes, the enterprise and capital, and the most intelligent labor in the world. Hence all the well-known types of wines produced in Europe are obtained in this country. It should be a matter of patriotism and pride to promote this industry, which is such a big asset in our agricultural and material well-being.

Not only the economic but the dietary value of wine has been recognized among the nations of continental Europe, where it is part of the daily food of over 150,000,000 people. The wine drinkers of these countries are the most sober and temperate people of the world. In France wine is classed by the scientists as a "hygienic beverage," as it is an aid to digestion and assimilation and an item of food. Hence the French Government furnishes wine as part of the daily ration to its soldiers, who in health, vigor, and efficiency have proved its value under the most severe test that can be made.

As no nation either at war or at peace has prohibited the use of wine, it would be wrong and unjust to do so in this country, where it can not be honestly claimed that such prohibition is necessary for temperance or for the conservation of food. Most of the grapes grown for wines are called "wine grapes" and are good only for wines. In other words, they are not what are called "table grapes," which are used for eating. Hence if wine making were prohibited the farmers could not sell their crops, which would be almost a dead loss.

More than that, to stop wine making for only one season would practically ruin the industry. It would take years to recover from such stoppage. If the grapes could not be sold and used the farmers would neglect their vines and tear them out. It takes from four to five years for a grapevine to come into full bearing. Unless the future were sure and certain, there would be no inducement for the farmers to plant grapes. Meanwhile the wineries would be idle and the wine industry would not recover, if ever, in years.

Thus wine making is in an entirely different position from beer making or whisky making. Beer and whisky do not depend upon a fruit crop, but upon grains and cereals which can be obtained during any month or time of the year, so that beer and whisky can be made any day or month of the year, while wine can be made only when the grapes are ripe and ready to be pressed and used.

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REPORT ON WINE BY THE FRENCH ACADEMY OF SCIENCES.

[Translated from Feuille Vinicole de la Gironde, May 10, 1917.]

M. Ambroise Rendu, councillor, has addressed to our confrère, M. Appell, the following letter:

"MY DEAR PRESIDENT: It is necessary at this time to think of our orphans and the dangers to which they are exposed. One of these dangers is alcohol, and it is perhaps the greatest. We should fight against this scourge, but, as you know, we can only suppress by replacing.

"In my opinion the academy of sciences would honor itself greatly if it established a fine prize for competition on the subject of replacing alcohol by a tonic and stimulating beverage.

"We should be able to find one, and what a service it would be to humanity! Science has found the machines of death; it should find the remedy. I submit my suggestion to you and pray for an answer."

This letter was received by the academy of sciences, which referred the proposition of M. Rendu to the commission on public health.

The commission at a meeting on March 5 last examined into the proposition, and by M. Lavaran has made the following report:

It is evident that M. Rendu proposes to put into competition investigations of tonic and stimulating beverages; that he considers the "hygienic beverages" in our country as likely to favor the progress of alcoholism; that it is also evident, if the academy of sciences adopts his proposition, it will lend itself to this view of the matter.

Are alcoholic beverages, known as "hygienic," such as wine, beer, cider, so dangerous from the point of view of alcoholism that it is necessary to substitute for them a tonic and stimulating drink, non-alcoholic, whose discovery presents many difficulties?

Does wine, which is the most popular and most generally consumed in France, play an important rôle in the evils of alcoholism? Your commission does not believe it.

Alcoholism or drunkenness is much less in evidence in the viticultural districts than in the other districts where little wine is consumed, and even in viticultural districts most of the cases of alcoholism are not from the use of wine, but from brandy, and particularly the brandy from marc or pomace, the manufacture and consumption of which have been increased on account of the privileges given to the farmer distillers (bouilleurs de cru).

There will be persons who will abuse wine, but such persons constitute but a handful compared with the immense number of consumers who use wine and do not abuse it. Wine is a most healthful beverage, tonic, and gently stimulating; it aids digestion and corrects the bad quality of drinking water; it would truly be absurd to proscribe wine under the pretext of abuse. During the war, which has now lasted nearly three years, wine has been a precious aid and comfort to our brave soldiers. To throw discredit upon wine without valid hygienic motive would be all the more regrettable, as France is a great viticultural country, and our wines are celebrated all over the world, representing one of the largest sources of our wealth.

Cider and beer, as wine, deserve the name of "hygienic beverages." If, in Normandy and Brittany, alcoholism is too pronounced, it is not because of cider; but here the farmer distillers (bouilleurs de cru) have caused the trouble in spreading the use of brandy known as "calvados."

Beer is an excellent drink and its use is very widespread among the people of Germany, of England, of the Scandinavian countries, of Belgium, of Holland, etc.

In conclusion, we may quote the remarks of our late confrère, Emil Duclaux, from his book entitled "Social Hygiene" (pp. 193, 211):

"In a beverage like wine, beer, or cider, the alcohol causes a mild excitation of the nervous system, which reacts pleasantly upon the mind and upon the body, hastens a lazy digestion, or gives temporary activity or power to the muscles. It is an excitant, just as is coffee, tea, or the

spices. So far as it is used within physiological limits, there are no sound arguments against its use.

"It is foolish," added Duclaux, "to try to eliminate wine and beer, which do not present any danger, when their use is temperate.

"Let the water drinkers be content with their favorite liquid, but do not trouble the peace of the moderate drinkers of wine or beer, for we have no right to do so, and, besides, it does more harm than good."

In brief, your commission, considering that it is desirable to press the campaign against alcoholism, particularly the complete suppression of the farmer distillers, believes it would be wrong to discredit hygienic beverages whose use is without danger, and holds that it is not necessary to give further consideration to the proposition of M. Rendu.

BRITISH EXPERIENCE SERIES.

Mr. HOLLIS. Mr. President, I present a very valuable compilation of the British war laws affecting employers of workmen and output since the beginning of the present war. I ask to have the matter referred to the Committee on Printing with a view to having it printed as a public document.

The PRESIDING OFFICER (Mr. JONES of New Mexico in the chair). Without objection, it will be so ordered.

THE PUBLIC HEALTH SERVICE.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 67) to fix the status and rights of officers of the Public Health Service when serving with the Coast Guard, the Army, or the Navy, which were, in line 3, to strike out "and other persons"; in line 4, to strike out "aboard" and insert "on"; in line 5, after the word "detailed," to insert "in time of war"; in line 6, after the word "entitled," to strike out all down to and including the word "rights" in line 8; in line 10, after the word "Guard," to insert "Army or Navy, as the case may be, and shall be subject to the laws prescribed for the government of the service to which they are respectively detailed."

Mr. RANSDELL. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

HOUSE BILL REFERRED.

H. R. 4892. An act authorizing the President to take possession, on behalf of the United States, for use as sites for permanent aviation stations for the Army and Navy and for aviation-school purposes, of the whole of North Island in the harbor of San Diego, Cal., and for other purposes, was read twice by its title and referred to the Committee on Military Affairs.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the joint resolution (S. J. Res. 13) extending the time within which the "joint resolution authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River" shall remain in effect, with amendments, in which it requested the concurrence of the Senate.

DIVERSION OF WATERS OF NIAGARA RIVER.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 13) extending the time within which the "Joint resolution authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River" shall remain in effect.

Mr. WADSWORTH. I move that the Senate disagree to the amendment of the House of Representatives, request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SMITH of Arizona, Mr. SHIELDS, and Mr. BRANDEGEE conferees on the part of the Senate.

CONSERVATION OF FOOD AND FUEL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

Mr. KENYON. Mr. President, I do not know whether any other Senator is ready to go ahead at this time or not.

Mr. WADSWORTH. May I ask the Senator if he has risen to suggest an adjournment or a recess?

Mr. KENYON. No; I intended to call for a quorum if no one is ready to go ahead. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Johnson, S. Dak.	Nelson	Smoot
Chamberlain	Jones, N. Mex.	New	Sterling
Culberson	Jones, Wash.	Norris	Sutherland
Cummins	Kellogg	Overman	Thomas
Curtis	Kendrick	Page	Thompson
Fernald	Kenyon	Ransdell	Tillman
France	King	Reed	Townsend
Frelinghuysen	Kirby	Shafroth	Trammell
Gerry	Knox	Sheppard	Vardaman
Gronna	La Follette	Sherman	Wadsworth
Hale	McCumber	Shields	Warren
Harding	McKellar	Smith, Ariz.	Williams
Hollis	McLean	Smith, Ga.	Wolcott
James	McNary	Smith, Mich.	
Johnson, Cal.	Martin	Smith, S. C.	

The VICE PRESIDENT. Fifty-eight Senators have answered to the roll call. There is a quorum present.

Mr. CHAMBERLAIN. Mr. President, I do not know of anyone who is prepared to speak on the bill, and I ask that the bill be read for action on the committee amendments.

The VICE PRESIDENT. Without objection, the bill will be read for amendment, the committee amendments to be first considered.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Agriculture and Forestry was, on page 1, line 8, after the word "feeds," to insert "and containers therefor."

Mr. WADSWORTH. I wish to ask the Senator in charge of the bill what his idea is as to the scope of the word "containers."

Mr. CHAMBERLAIN. The Senator is a member of the committee, and he will remember that the suggestion was made by the chairman of the committee as being a part of some of the food supplies and practically inseparable from them. He thought it ought to be inserted in order to cover the items in the bill, and there was no objection to its insertion.

Mr. WADSWORTH. I will not object to adopting the amendment, but it strikes me it would include tin cans, baskets, boxes, barrels, and sacks. It is quite difficult to know how far it would go and whether it is at all necessary to put in the word "containers," they being an infinitesimal part of the cost of the product. I do not interpose an objection now to the extent of asking for a roll call on the adoption of the amendment, but I desire to state that I think it is wholly unnecessary.

The amendment was agreed to.

The next amendment was, on page 1, line 8, after the word "fuel," to strike out "and articles required for their production" and insert "including petroleum and its products, steel and iron and their products, copper and its products, hemp, jute, and sisal and their products, lead, timber, lumber, farm implements and machinery, and fertilizers"; on page 2, line 6, before the word "manipulations," to insert "or"; and in the same line, after the word "manipulations," to strike out "and private controls"; and in line 9, after the word "war," to strike out "For such purposes the instrumentalities, means, methods, powers, authorities, duties, obligations, and prohibitions hereinafter set forth are created, established, conferred, and prescribed," so as to make the section read:

That, by reason of the existence of a state of war, it is essential to the national security and defense, for the successful prosecution of the war, and for the support and maintenance of the Army and Navy to assure an adequate supply and equitable distribution, and to facilitate the movement of foods, feeds, and containers therefor, fuel, including petroleum and its products, steel and iron and their products, copper and its products, hemp, jute, and sisal and their products, lead, timber, lumber, farm implements and machinery, and fertilizers, hereafter in this act called necessaries; to prevent, locally or generally, scarcity, monopolization, hoarding, injurious speculation, or manipulations affecting such supply, distribution, and movement; and to establish and maintain governmental control of such necessaries during the war.

Mr. PENROSE. Mr. President, I rise to a parliamentary inquiry. I have necessarily been absent a great deal on account of the meetings of the Finance Committee. I should like to inquire whether the bill has been read and only amendments are being read now?

Mr. CHAMBERLAIN. The bill is being read for action on the committee amendments.

The VICE PRESIDENT. The bill is being read.

Mr. PENROSE. Is the bill being read through?

Mr. CHAMBERLAIN. It is being read now for action on the committee amendments.

Mr. PENROSE. I understand that only committee amendments are being read?

Mr. CHAMBERLAIN. No; the Secretary is reading the bill.

The VICE PRESIDENT. The text is being read, and the committee amendments are being taken up as we reach them in accordance with the unanimous-consent agreement given by the Senate.

Mr. PENROSE. I did not know that had been given.

Mr. SMITH of Arizona. Mr. President, another parliamentary inquiry: Is this the proper time for individual amendments to the committee amendments?

The VICE PRESIDENT. Yes.

Mr. SMITH of Arizona. Then I should like to offer as an amendment on page 2, line 2, after the word "products," where it last occurs, to insert "print paper and its products."

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Arizona to the amendment of the committee.

Mr. BORAH. What is the idea of the Senator as to that being one of the necessaries in times of war?

Mr. SMITH of Arizona. We have come to the question of even watching to see exactly what is printed in the papers. I know of no one machine that could act more for the good or evil of our country in time of war than print paper and the products of it in the shape of the printed matter to be circulated.

Mr. BORAH. If the Senator will pardon me, does he propose in this bill to proceed with a most extraordinary system of censorship?

Mr. SMITH of Arizona. It is entirely a war clause. It is just as certainly true of half a dozen things in the bill as of print paper. The investigation has shown, and the Senate has the printed findings of the Trade Commission, the condition of the print-paper industry in this country. Animadversions have been made on this floor in the last two days about the outrages which have been perpetrated against 20,000 small papers and their inability to get print paper at all at times and a profit of 180 per cent being in the hands of the manufacturers. It has been recommended that this matter be handled by the Government and distributed largely by it. I know no better place to put the matter than in this particular bill for some half dozen reasons.

Mr. BORAH. If the Senator is going to insist upon his amendment, I will ask that this particular amendment go over, because it will take some time to dispose of it.

Mr. SMITH of Arizona. I have no objection to that. I myself would prefer to have it go over, for I can prepare the better what little I have to say upon it.

Mr. KING. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Utah will state it.

Mr. KING. After the disposition of the committee-reported amendment to this section will it be in order to move to strike out certain words and lines in the section inclusive of those reported by the committee but not exclusively the words reported by the committee, as an amendment to the section?

The VICE PRESIDENT. The Chair thinks so.

Mr. SMITH of South Carolina. Mr. President, I understand that through the objection entered by the Senator from Idaho this entire section will go over, or can other amendments be offered now and the particular amendment of the Senator from Arizona be passed over?

The VICE PRESIDENT. The Chair does not understand anything about it. The proposition is up to the Senate.

Mr. SMITH of South Carolina. Then I offer the following amendment.

The VICE PRESIDENT. If the Senate is willing to have it go over it will go over; if it is not, it will not go over.

Mr. BORAH. I think the Senator might offer his amendment and then have the entire matter go over.

Mr. SMITH of South Carolina. On page 2, line 4, after the word "fertilizers," I move to insert "and fertilizer ingredients."

Mr. CUMMINS. Mr. President, before the amendment proposed by the committee goes over, as I presume it will, I should like to ask the Senator in charge of the bill a question with regard to its interpretation. The amendment brings within the scope of the bill steel and iron and copper, for instance, and their products; also timber and lumber. Would the bill cover a product composed partly of iron and steel and partly of lumber and some other material?

Mr. CHAMBERLAIN. I am inclined to think it would cover a combination of articles of that kind.

Mr. CUMMINS. I did not know whether the matter had been under consideration, and unless it is made perfectly clear I intend to offer an amendment which will provide that the bill shall cover the joint products of any two or more of the materials mentioned in the section.

Mr. CHAMBERLAIN. It was the intention of the committee that it should cover combinations of these different elements, but if it does not do that or the Senator thinks it is not broad enough to do it, so far as I am personally concerned I shall not object to have such an amendment proposed.

Mr. CUMMINS. I am afraid it would not cover these joint products. I submitted a proposed amendment a few days ago, which is on the table, intended to reach that result. I shall offer it at the proper time.

The VICE PRESIDENT. Is there objection to the amendment going over?

Mr. SMITH of South Carolina. Mr. President, a parliamentary inquiry before the Senator offers his amendment. I offered an amendment, in line 4, after the word "fertilizers." Do I understand that this amendment was offered and incorporated in the amendment, and then when the amendment is taken up it is to be voted upon, or would it be in order for the amendment that I propose to be voted on now?

The VICE PRESIDENT. There is an amendment pending offered by the Senator from Arizona [Mr. SMITH]. He offered an amendment to the amendment of the committee and suggested that his amendment should go over. Pending the suggestion, and before there had been unanimous consent given to have it go over, the Senator from South Carolina offered an amendment. The Senator from South Carolina can not now or hereafter have his amendment considered until the amendment of the Senator from Arizona has been disposed of one way or the other.

Mr. SMITH of South Carolina. Then I suggest that that amendment be disposed of one way or another so that we can act intelligently and in order on other amendments which may be proposed to the section.

Mr. McKELLAR. Mr. President, a parliamentary inquiry. While the bill is being read can an amendment be offered by a Senator and considered in addition to what is already in the bill? I have an amendment to offer.

The VICE PRESIDENT. If any Senator has an amendment to a committee amendment, and there being no preceding amendment pending to the committee amendment, of course it can be considered.

Mr. McKELLAR. This is not an amendment to the committee amendment, but an amendment to the whole section.

The VICE PRESIDENT. Under the unanimous-consent agreement it must wait until the committee amendments are disposed of.

Mr. McKELLAR. It must wait until another section is read or the whole bill is read?

The VICE PRESIDENT. The Senate gave unanimous consent to first consider the amendments of the committee. They are amendable by the Senate. Other amendments to the bill are not in order until the amendments of the committee have been disposed of.

Mr. McKELLAR. I did not understand the rule.

The VICE PRESIDENT. Is there any objection to this amendment going over?

Mr. CHAMBERLAIN. It seems to me the amendment including print paper might be disposed of now. I should like very much if possible to dispose of these amendments as we reach them in the bill.

Mr. BORAH. Is the chairman disposed to approve the amendment for print paper and its products?

Mr. CHAMBERLAIN. I do not think it ought to be included, and that is one reason why I want to have the question submitted. I do not think it ought to be added here. The items which go into the bill are really the items which tend to production, and this certainly does not come within that category.

Mr. BORAH. As far as I am concerned I would not like to see it go in this bill. It is a separate and distinct proposition. In the first place, I am not willing to place the newspapers of the country in such an attitude toward the Government that they must go to the Government in order to get the material with which to print. I do not know how the Senate feels about it, but I should like to have a full Senate here before the vote is taken, and a word of explanation before it goes in. I do not want to delay the bill, but if the Senate wants to go ahead with it I shall simply call for a quorum and let it go to a vote, and if defeated reserve it for the Senate.

Mr. CHAMBERLAIN. I do not want the Senator to understand that I object to his making a full presentation of the matter. I only expressed a desire to have the amendments disposed of as we reach them, but if the Senator prefers to discuss it at length I shall not insist on that course.

Mr. BORAH. I do not want to discuss it at length, but it is a most important matter. The idea of putting the print paper and products under the control of the Government is to my mind a vicious form of censorship.

Mr. CHAMBERLAIN. I am inclined to agree with the Senator.

Mr. BORAH. If for any reason it should go into the bill I should make every effort I could to defeat the bill in its

entirety, because I am not willing to swallow all the evils that can possibly be put into the bill in order to get the very small portion of what is supposed to be of benefit.

Mr. SMITH of Arizona. Mr. President, in this particular amendment we have copper and its products; hemp, jute, sisal, and their products; lead; timber, out of which 95 per cent of the print paper in America is made; farm implements and machinery; and fertilizers. If the Senator can see any reason why lumber, timber, and its products should be included in the bill and print paper should not, with the known outrageous imposition that those people make especially upon 20,000 of the small papers in the United States I should like to hear the distinction that can be drawn between the powers granted and the result that is reached favorable to this country in the one case that would not follow more strongly in the other.

Mr. BORAH. The Senator from Idaho is not responsible for anything that is in the bill, and I therefore do not need to answer that proposition, but I am surprised to see a prominent member of the majority party stand here and say that the print-paper combination and monopoly has gotten beyond the control of the laws of this country. We have two separate and distinct statutes upon the statute books any one of which is sufficient, if enforced, to protect the users of print paper and put the violators of the law behind the bars.

Mr. SMITH of Arizona. Will that disseminate the printing? Suppose you put them behind the bars, what would that accomplish, if the paper could not be used except at a profit of 180 per cent?

Mr. BORAH. You can get it where it can be used if you enforce the laws on the statute books.

Mr. SMITH of Arizona. It is proposed to be placed on the statute books in this bill.

Mr. BORAH. I am quite aware that monopoly has run riot, and it was never so impudent in riotous extortions as it is at the present time, but I am not willing by reason of that fact to take print paper and put it under the control of the Government and compel every newspaper publisher in the country to go to the Government in order to get his paper and fix the price at which he shall get it.

Mr. SMITH of Arizona. If that was the purpose of my amendment I would be inclined to agree with the Senator. The purpose of the amendment is no such thing. We have the report of the Trade Commission that have had this particular matter under investigation something like two years, and indictments have been found against some. That does not meet the conditions in any particular. I am not willing and I do not think any Member of the Senate would be willing that the Government should seize and operate the manufacture of print paper in this country, but there is now a condition in this country where some sort of regulation of these extortions is to be made, and, believing that the suggestions of the Trade Commission meet it, I have not hesitated to offer the amendment.

Mr SHERMAN. Will the Senator yield for an inquiry?

Mr. SMITH of Arizona. I yield.

Mr. SHERMAN. If the Government has the power proposed to be lodged in this bill, could they not refuse any paper desired?

Mr. SMITH of Arizona. I think very probably. That is a common danger of the grant of all powers at any time. If the Senator thinks that the proper way to meet the emergency and to place the country in a position where it can properly dispose of the great interests now committed to its care and placed under its control in this bill is to make an exception of print paper, which, of all commodities, is the one in connection with which the greatest extortion has been practiced on the people, he is welcome to that view. If the fear that power is going to be abused is an argument against this particular provision, it is likewise an argument against every single bill we have passed granting power to anybody. A democracy was never made to fight wars.

Mr. SHERMAN. I can not think, Mr. President, of a more complete press censorship or a more complete method of excluding from the mails than the power that would be given to the Government under this amendment.

Mr. SMITH of Arizona. That is true. If you give the power to control it at all, that power can be scandalously abused; but if you do not give the power to control it at all, the people will be scandalously abused. We have got to trust somebody in an emergency like this. We are talking here as if we were sitting in a peaceful day and listening to the songs of birds. The guns are sounding; we have got to do something; and here this industry is the worst hampered in America.

Mr. BORAH rose.

Mr. SMITH of Arizona. If the Senator from Idaho will permit me to close the sentence, the Federal Trade Commission did nothing more than to make an effort to provide for an immediate distribution of the paper when manufactured, giving to every manufacturer of paper by agreement with them a fair profit, and to provide that the manufacturers, when they wanted it, got fuel, and to insure the distribution of the paper under an order of the railroads to carry it, thus permitting the paper to go to every part of the country. They have no inclination or desire, according to the report which has been made and which is, or should be, on the desks of Senators, that the Government should take any further control than that. There is no purpose that the Government should take any further control than that. If objections are made to commandeering this commodity to that extent—and, if you please, "commandeering" is perhaps an unfortunate word in this connection—why is not a similar objection raised to every single item mentioned in the section? Suppose the amendment had read "lumber and timber and their products," it would have caught every news print manufacturer in the United States just as much as does this amendment. The only difference is that my amendment leaves the matter open to no construction whatever, but construes it itself.

Mr. BORAH. Mr. President, does the Senator in charge of the bill desire to dispose of this amendment this afternoon?

Mr. CHAMBERLAIN. Not if any Senator desires to have it discussed to-morrow at length. If the Senator from Idaho desires to discuss the amendment, I am perfectly willing to have it passed over.

Mr. BORAH. I think I will take a chance on having a vote taken on it, and then reserve the matter if it goes into the Senate.

Mr. CHAMBERLAIN. That is a good idea.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Arizona [Mr. SMITH].

The amendment was rejected.

The VICE PRESIDENT. The amendment proposed by the Senator from South Carolina [Mr. SMITH] to the amendment of the committee will be stated.

The SECRETARY. The Senator from South Carolina [Mr. SMITH] offers the following amendment: On page 2, line 4, at the end of the committee amendment, after the word "fertilizers," insert "and fertilizer ingredients."

The VICE PRESIDENT. The question is on the amendment to the amendment. [Putting the question.] The noes seem to have it.

Mr. SMITH of South Carolina. Mr. President, before a decision is made on this amendment I merely want to call the attention of the Senate to the fact that the conditions are now such that if there is anything that should be included under the provisions of this bill it is fertilizer ingredients. In the last 60 days the ingredients, which are absolutely essential to the production of food crops throughout the Atlantic seaboard, have advanced from 40 to 50 per cent. Those of you from the western part of the country, from the Middle West and the West, where you do not have to use fertilizer, can not understand the situation which exists on the entire North Atlantic and South Atlantic seaboard. We could produce there practically no crops at all without fertilizer. If you will take the statistics and read the vast sums which are expended yearly in any one of the South Atlantic States for fertilizer, you will appreciate the situation.

There are certain ingredients of fertilizers which we have to import. The prices of those ingredients have become almost prohibitive. There is hardly a reason for it. If there is anything which enters directly and intimately into food production and the conservation of food in this country, it is fertilizer and its ingredients. The mere item of potash has risen from $37 a ton to $500 a ton. That is on account of Germany being practically the only place where potash in commercial quantities can be obtained. Chile is the source of our nitrogenous element of fertilizer, which is the life of the plant itself. On account of the diversion of shipping to the cross-seas trade, from the South Atlantic trade, the price of that article has advanced from $45 to $100 a ton. The supply there is unlimited; it is easily available if the vessels were available. That is true of nearly every other ingredient.

Of course the unfortunate conditions that now confront the planters on the Atlantic seaboard are seized upon by those who are always ready to take advantage of an unfortunate situation to make an exorbitant profit.

I certainly do not think the Senate, when it is going to vote on this bill for the preservation of foodstuffs, is going to call upon the people to make bricks and then deny them the straw. If there is a single item in all this bill that strikes at the larger portion of the Coastal Plain, and now rapidly becoming necessary even in the western country, this is the item. I hope the Senate will put in the language "and fertilizer ingredients."

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from North Dakota?

Mr. SMITH of South Carolina. I do.

Mr. GRONNA. I rise to ask the Senator a question. I ask whether the ingredients to which he refers are products of this country or are products of foreign countries?

Mr. SMITH of South Carolina. They are largely the products of foreign countries.

Mr. GRONNA. If they are the products of foreign countries, could they be reached in this way? Could the prices be fixed by the Executive or by anybody else in this country?

Mr. SMITH of South Carolina. I think so. I think the conditions are these: The transoceanic freight rates have gone very high, but there is no reason in the world why the rise of freight rates should be taken advantage of to double the price for the consumer; in other words, freight rates have not advanced on nitrates from Chile. I introduced a joint resolution in this body, which the Senate passed by a vote of 7 to 1, appropriating $10,000,000 for the purchase by this Government of nitrates in Chile and bringing them and selling them at cost to the farmers in this country. The price was then $70 a ton. That resolution went over to the other House. For some reason or other certain individuals saw fit that it should lie in the committee; and as soon as it was ascertained that the probabilities were that the joint resolution would not come out of committee, with the very same facilities for obtaining the nitrates which had existed before, the price advanced to $90 a ton.

Mr. GRONNA. I think the Senator from South Carolina knows that I realize, to a small extent at least, the importance of this question.

Mr. SMITH of South Carolina. I think so.

Mr. GRONNA. And I therefore move to reconsider the vote——

Mr. SMITH of South Carolina. The vote has not been announced.

Mr. FLETCHER. No; the vote has not yet been announced. The Senator from South Carolina did not ask for a division.

Mr. GRONNA. If the vote has not been announced, I shall not make the suggestion.

Mr. SMITH of South Carolina. I merely wanted to make this statement, because I am quite sure that my colleagues on the floor of the Senate, if they appreciated as acutely as I do the necessity for this article in the section from which I come, they would as generously vote for this amendment as I would if the conditions existed in their section of country as acutely as it does in mine.

Mr. JONES of Washington. I want to ask the Senator from South Carolina why the committee did not report that language in connection with this amendment relating to fertilizers?

Mr. SMITH of South Carolina. It was merely overlooked. The committee thought that the term "fertilizers" was sufficiently comprehensive; they did not understand that there were certain ingredients of fertilizers that are commercial articles.

Mr. JONES of Washington. Is not the Senator from South Carolina a member of the committee?

Mr. SMITH of South Carolina. I am a member of the committee, but I overlooked it in this case, as the Senator, I suppose, has overlooked some things which he afterwards thought were very essential.

Mr. JONES of Washington. Yes; but this is such a tremendously important matter, apparently, that I am surprised at it being overlooked. I do not believe that we ought to go back and include the ingredients of fertilizer. I think if we regulate the price of fertilizers that may be sufficient.

Mr. CHAMBERLAIN. The matter of the ingredients of fertilizer was not suggested in committee. I think if it had been suggested the committee would not have opposed inserting the words "ingredients of fertilizer" as a part of the bill.

Mr. FLETCHER. Mr. President, before final action is taken I wish to say a word in support of this amendment; and will state that recently I had a letter, dated the 25th of June, from a constituent of mine which shows me conclusively that this is a very important amendment. Whether the general word "fertilizer" would cover it or not, I am not sure, but I think the amendment proposed by the Senator from South Carolina ought to be adopted, because it makes plain and explicit what I think it likely the committee intended to provide for. This letter says:

> Two days ago I was informed by the E. O. Painter Fertilizer Co. that the price of sulphate of ammonia had been advanced to $135 a ton and nitrate of soda to $110. Also, that there was no steamed bone to be had and that dried blood had doubled in price since I last bought in March. They frankly told me that the outlook was so serious that they did not see how it was possible for Florida farmers to grow any crops this coming season. I was preparing to sow 10 acres in clover next month, having limed the land thoroughly and got it into good condition. Unless I can give the field a sufficient quantity of some sort of ammoniate I can not get the clover started in time to furnish pasturage for the hogs next winter.
>
> The outlook for thousands of your constituents who are truck farmers is even more serious, as at the prices quoted above it would be impossible to grow vegetables, and the orange groves would cease to bear fruit in paying quantities. It also means that the cotton crop next season would not amount to over 5,000,000 bales, and you know how serious the outlook is for the present crop when 25 cents is quoted for October cotton.

The suggestion is also made that the increase in the price of sulphate of ammonia has amounted to 50 per cent in the last few weeks. If these things are necessary in order that the people who produce the Nation's food may perform that function, why not make it possible to accomplish what they are willing to accomplish and want to accomplish? They must have this fertilizer. The word "fertilizer," as I have said, may be broad enough to cover the different elements or ingredients that enter into it; but it seems to me it ought to be made perfectly plain, so that there will be no question about it. The producers can not pay these prices. The men who have to produce the vegetables and the fruit and the things that the country needs can not do so if compelled to pay the prices that are now being exacted for these ingredients. I hope the Senate will permit the amendment of the Senator from South Carolina to be adopted.

Mr. VARDAMAN. Mr. President, I shall not detain the Senate. It is so manifestly proper that the amendment offered by the Senator from South Carolina should be adopted that I do not see how there can be any difference of opinion about it. If it is necessary to include fertilizer in the section—and fertilizer is necessary to the production of anything like a full crop—it seems to me that the work begun should be completed. The Senator from Florida and the Senator from South Carolina have so completely covered the case that I simply wish to join with them in expressing the hope that the Senate will agree to the amendment.

Mr. SMITH of Georgia. Mr. President, may I suggest to the Senator that a large number of farmers do not buy what is technically called fertilizer, but buy the ingredients and do their own mixing?

Mr. VARDAMAN. That is true.

Mr. PAGE. Mr. President, for one I am very glad that this amendment has been offered at this time. I am glad that the amendment offered by the Senator from Arizona [Mr. SMITH] has also been thus early brought to our attention. I think it is wise for us to understand now that we are opening the door to practically everything, including clothing, boots and shoes, and hats and caps. I do not know what we will not include in the bill before we get through with it. I think we shall give it a very wide scope.

If we will take the bill as it came to us originally we shall find that it was formulated for the purpose of conserving grain——

Mr. SMITH of South Carolina. Mr. President, if the Senator will allow me, he does not suggest, does he, that there is any connection whatever between news print paper and fertilizers, which are essential, a sine qua non, to the production of foodstuffs?

Mr. PAGE. Mr. President, I am not objecting to the amendment of the Senator from South Carolina, if we shall—and I presume we shall—conclude to broaden the scope of this bill so as to include practically everything. When the matter first came to my attention I said, "I am opposed to this kind of regulation until the President shall say that he needs it, that it is essential for the prosecution of the war," and when Mr. Hoover came before our committee and said that it was essential that we conserve the grain, and that we do it now, I said, "I am ready to support this bill."

Let me repeat, that as the bill came to us it was designed simply—

> to assure an adequate supply and equitable distribution, and to facilitate the movement of foods, feeds, fuel.

Mr. STONE. Mr. President, may I ask the Senator a question?

Mr. PAGE. Certainly.

Mr. STONE. The Senator said he was not disposed, as I understood him, to favor the provisions of this bill until he had been advised as to whether the President thought that the bill was necessary. Is that right?

Mr. PAGE. I say that whenever the President or the administration, those who have the conduct of the war in hand, say to me, "We want these powers given and believe that these powers are essential," I am ready to vote to grant them, but

all the time with regret that we can not permit the natural laws of trade to continue to govern as they have governed in the past.

Mr. STONE. If the Senator please, the question I asked was whether he did not say that he looked, at least with great doubt if not with disfavor, upon such a vast power and awaited information as to whether the President thought these powers should be granted. Was not that the substance of what the Senator said?

Mr. PAGE. Substantially that. Unless the President or the administration assures me that the proper conduct of this war demands that these powers be given, I would prefer not to extend them.

Mr. STONE. Yes; that is what the Senator says. But he also said that Mr. Hoover came before his committee and stated that these powers were not only important but necessary.

Mr. PAGE. Essential.

Mr. STONE. Essential; and thereupon the Senator accepted that view expressed by Mr. Hoover. That is what I understood the Senator to say.

Now, Mr. President, the question I desired to ask the Senator was whether he, as a Senator, had any opinion about the matter or whether he yielded and surrendered any opinion he may have had about it to Mr. Hoover?

Mr. PAGE. I confess, Mr. President, that I am yielding my convictions to a considerable extent when I vote to vest the power over this great body of our commerce in the hands of any one man or any administration; but I feel loyal; I feel that if the President thinks that these powers are essential I am justified in pursuing a course I would otherwise naturally regret pursuing. I do not know that I can make myself more clear; but let me repeat, let me go back to where I was when the Senator from Missouri interrupted me. This bill originally was designed only—

To assure an adequate supply and equitable distribution and to facilitate the movement of foods, feeds, and fuel——

Mr. SMITH of South Carolina. Now, Mr. President, if the Senator will allow me——

Mr. PAGE. I should like to get through with this sentence, because I only got partly through with it when the Senator from Missouri interrupted me, and I should like to finish the thought, if the Senator will allow me.

The VICE PRESIDENT. The Senator from Vermont has the floor.

Mr. PAGE. Let me again state the situation: The Committee on Agriculture first broadened the scope of the bill by adding "petroleum and its products, steel and iron and their products, copper and its products, hemp, jute, and sisal and their products, lead, timber, lumber, farm implements and machinery, and fertilizers"; and now the proposals come from the Senators from South Carolina and Arizona that we broaden it still further by adding fertilizer ingredients and print paper and its products.

I probably shall vote for this bill with all its extensions, but I am glad that at the opening of the discussion as to amendments we meet the question and decide broadly whether we are to enter into this immense field and pass over to the President the regulation of practically the entire commerce of this country, or, conforming to his original suggestion, as shown by the House bill, authorize him to regulate only foods, feeds, and fuel.

I have no objection to the particular amendment of the Senator from South Carolina, and am not opposing it; I am merely saying that on general principles I regret exceedingly that we have broadened this field so widely.

Mr. SMITH of South Carolina. Now, Mr. President, if the Senator will allow me, I desire to call his attention to the fact that he prefaced his remarks by saying that he reluctantly yielded to what was originally in the bill, and he read—and I hope Senators who have a copy of the bill will also observe—that the bill originally related to "foods, feeds, and fuel." I call the Senator's attention to the fact that the bill to which he has committed himself also contained the words "and articles required for their production." Fertilizers are articles required for their production.

Mr. PAGE. If the Senator desires to debate the amendment which he has offered, I have no objections; but, as for myself, I prefer not to do so, because I am not opposing it. I am simply expressing my great regret that at this time we find it necessary to enter into so broad a field, and I hope that now, before we proceed any further with this bill, we will determine whether we will adopt amendments calling for the inclusion of clothing, boots and shoes, and the combination of iron and wood, as suggested by the Senator from Iowa—indeed, whether we shall continue to broaden and still further broaden the field until we have included almost everything, or whether we shall, as nearly as we can, confine ourselves to the proposal of the administration, to provide only for the conservation of foods, feeds, and fuel and the articles required for their production.

Mr. REED. Mr. President——

Mr. PAGE. I yield to the Senator from Missouri.

Mr. REED. In what I am about to say I want the Senator to understand that there is nothing personal. It happens that I know the Senator is engaged in the leather business.

Mr. PAGE. That is a mistake, Senator.

Mr. REED. Is that a mistake?

Mr. PAGE. Yes, sir.

Mr. REED. I thought the Senator was so engaged.

Mr. PAGE. I handle the raw materials—hides.

Mr. REED. In the hide business?

Mr. PAGE. Yes, sir.

Mr. REED. Well, that will do as well. The Senator, of course, is familiar with that business, and that is the reason I bring the question up. Those hides, of course, are tanned and enter into all forms of leather. Does the Senator do that kind of business?

Mr. PAGE. No, sir.

Mr. REED. The Senator sells to those who do?

Mr. PAGE. I do.

Mr. REED. And, of course, the Senator is familiar with that trade?

Mr. PAGE. Yes, sir.

Mr. REED. Now, does the Senator think that the prices which the farmer may receive for his grain ought to be controlled and regulated and at the same time the farmer be obliged to buy his leather in a market which is neither controlled nor regulated?

Mr. PAGE. Mr. President, answering the question of the Senator from Missouri, I will say that if we are to carry his idea to its legitimate sequence, we must include everything that is manufactured from the needle up to the harvesting machine. If we are ready to do that, well and good. I should regret very much the necessity of entering the field so broadly as the Senator would suggest.

Mr. REED. Mr. President, that is the question I want to get the Senator to answer. Here is a farmer; he is a producer of grain; at the present time he sells that grain in the world markets. Bidding for it are all the people of Europe, Asia, and Africa, and of North and South America, speaking broadly; and that is speaking somewhat broadly. If we take away from him that open market where all these people bid each against the other for his product, in what kind of a position will we leave him if we deprive him of that market and yet compel him to buy everything that he consumes in a market where all the world is bidding against him? Is it not necessary, in order to keep from ruining the farmer, if we regulate his prices, to see that he is protected as to that which he must buy?

Mr. PAGE. May I ask the Senator a question before I answer his question? Does the Senator propose that we authorize the President, or the administration through the President, to fix the price upon all the merchandise and commodities that enter into human effort?

Mr. REED. If we make it upon that which the farmer produces, we must make it upon that which the farmer consumes, or we will ruin the farmer and we will stop the production of the very thing which must be produced in excessive quantities because it is now being consumed in excessive quantities.

Mr. PAGE. The Senator will confess, I presume, that in formulating this bill nothing was further from the purposes of the committee than to place the farmer in the position where he must submit to prices which some outside person might dictate. We certainly did not design to do that. We may have done so, and I know the Senator so believes, but I know we tried as best we could to relieve the farmer and the live-stock grower in this respect, so as not to permit anybody to wrong him. While I am not certain that the Senator is not right in saying that if we make a minimum price we make a maximum price also, at the same time I am not ready to confess that, and I hope it is not true.

Mr. REED. Mr. President, I ask the Senator to consider this matter: At the present time the farmer raising a thousand bushels of wheat has bidding for that wheat all the neutral nations of Europe, all our allies, and also the American public. If this bill is passed and if other laws which we have enacted are enforced, to wit, the embargo act, the open market which now exists will be taken from the farmer, and he will be compelled to sell his product to one agent of the allies, who probably also will be the agent of this Government. Thus he will sell in a market that is absolutely controlled so far as his surplus is

concerned. The European market will no longer be open to him, as it is now, but whatever sales he makes there he must make in accordance with the wishes and the mandate of one man. That, therefore, means, does it not, Senator, that the farmer's open market is gone and that it is within the power of this one individual practically to fix the farmer's price?

Mr. PAGE. If I thought that would be done, Mr. President, I should vote against this bill. I have no expectation that any such result will obtain.

Mr. REED. Mr. President, I consider the Senator one of the fairest men in the Senate. I am going to try to convince him, by just the shortest kind of a statement, that that is the very purpose of this legislation.

The reason that we are to have a food control at all is to control the prices and keep down the maximum. Accordingly, it is proposed that the allies shall buy through one agent, no longer bidding against each other, and Mr. Hoover has already testified that that arrangement is made. Accordingly, the competition between the allies is already cut off.

Second, Mr. Hoover states that our Government intends to cooperate with that agency—which means, of course, that the supplies for our own Government will be bought in a manner not to compete with the allies.

Third, we have passed an embargo act which provides that nothing can be shipped except with the consent of the President; and it stands admitted—and I think was admitted by Mr. Hoover—that it is proposed to say to all of the neutral countries that, if they obtain anything in this country, they must buy in a manner not to compete with our allies or with us. Indeed, if you do not do that you do not control prices; and if you do not control prices you do nothing for the consumer, which is one of the objects of this bill.

Now, is it not perfectly plain that the very purpose of this bill is to control the maximum price that the farmer shall receive?

Mr. PAGE. If I believed that the purpose of this bill was to do injustice to the farmer, I would not vote for it; and I want to go further and say that Mr. Wilson is my President to-day. I expect to be loyal to him to the end of this fight. I do not believe he will consent to any injustice being done to the farmer; and to say that the purpose of this bill is to do injustice, it seems to me, is not warranted by the facts.

Mr. REED. I did not use the term "injustice." We are now making this bill, and we can not escape the responsibility of making it. I am talking about the effect of the bill, the power of the bill. We are putting in the hands of somebody the power to control the price the farmer is to get. I think the Senator now practically admits that. I am not saying it is going to be just or unjust——

Mr. PAGE. No; I do not confess it. It may be so. I do not deny it or confess it.

Mr. REED. Well, that is a good plea in a Federal court. It is called "nolo contendere." But what I now call the Senator's attention to is this:

Let us admit that everybody is going to try to be just; that the man who is going to administer this bill is going to try to be just. What I am trying to impress upon the Senator is that if you deny to the farmer the benefit of the competition of the world for that which he produces, you must give to him a protection against the competition of the world in that which he is to purchase. Otherwise, you will compel him to buy his fertilizer in a 600 per cent advanced market, while he sells his wheat in a market that has been artificially and by law circumscribed. So that if you cut down the price of his wheat, you must cut down the price of his fertilizer. If you do not do that now, no matter how patriotic this farmer is, he has got to quit his farm; and when he quits his farm, instead of America feeding the world, America may have trouble in feeding herself.

Now, I call the Senator's attention to this fact: The farmer is a consumer as well as a producer, and on the average he consumes just exactly as much as any other man. He has to have boots and shoes; and if you make him sell his wheat in a controlled market, you must give him his boots and shoes from that same market, so that he gets them equitably. He must have barbed wire for his fences. He must have agricultural implements to till his fields. He must have wagons. He must have harness. He must have groceries.

He must have sugar and tea and coffee. He must have everything that every ordinary person in the world has. Now, if you make him sell in a controlled market, must you not in the very nature of things give him the benefit of purchasing in that same controlled market, and put it all within one agency? Where can you stop?

Mr. PAGE. May I ask the Senator if he is—without any qualification—in favor of covering all of the necessaries of life by this bill and allowing Mr. Hoover, or anyone for him, to make the price?

Mr. REED. I am, if we pass the bill giving control of the farmer's product; then I shall insist up the other. But my own theory is, as the Senator would know if he had happened to be here when I was wearying the Senate with speeches that were entirely too long——

Mr. PAGE. I have been here a considerable part of the time.

Mr. REED. My own theory about the matter is that the thing to do is to get the speculator and attend to him wherever he exists, to get the hoarder and attend to him wherever he exists, and we have laws that govern that already; to give a control over the exchanges of the country so that all gambling can be taken out, and we have already passed that statute through the Senate, although it has not been accepted by the House. My theory, then, is that having done those things we should do everything possible to promote as large a production as we can, and that then we would have to protect our country against the suction of Europe—the term used by Mr. Hoover, and a very good one—and that that in itself is going to control the farmer's prices a good deal. It is a very dangerous power unless it is very carefully employed, but I am willing to give that, and my theory is that that is about all we can do. But if you enter upon the other theory, the theory of controlling these prices for the farmer and denying him a world market, you must protect him upon the other hand or you will ruin him; and when you ruin the farmer you will have killed the very thing that we are starting this legislation for, namely, the effort to produce a greater crop in the world.

I beg the Senator to think about this with his wise old head, that has thought out many a problem. How are you going to solve it in any other way?

Mr. PAGE. Mr. President, I have always admired in this life a man who had something to propose. The argument of the Senator from Missouri, as it appeals to me, is purely a negative one.

Mr. REED. Oh, no.

Mr. PAGE. He does not want to do this nor that. He simply says that this is a wrong or that is a wrong, but he suggests no remedy.

Mr. REED. Oh, if the Senator please, I hope he will not be unfair to me.

Mr. PAGE. I have listened very carefully to the Senator.

Mr. REED. I said I was willing to take the speculator and take him out of the business. That is one remedy. I was willing to give an absolute control of the exchanges of the country in order to cut out speculation. That is remedy No. 2. I was willing to pass laws, and had voted for and supported laws that passed this body, but not the other, that will get the man who hoards. That is remedy No. 3. I was willing now to give to the President the power to control the foreign markets through the embargo. We have already voted for that. That is remedy No. 4. I was willing to give, if it is necessary to have any law at all to do it, the power for this country and all the allies to buy through one agent. That is remedy No. 5. Those powers taken together, it seems to me, are complete within themselves and are as far as we can go with safety. That is what I say. I do not say we shall have no remedy. But then I am willing to go further than that and vote money to encourage production. I am willing to vote money in almost unlimited amounts to give Mr. Hoover or any other man the power to organize this country, to get all the good women to work and all the men to work to encourage production and encourage economies, and I think that is really a field where wonderful results can be obtained. I am willing to do all those things. Now, where do I stop short? I simply stop short at the point where it is proposed to turn over the business of the country to some one man.

Will the Senator let me, while I have the floor, call his attention and the attention of the Senate to the remark that I made a good many days ago, that if you put somebody in to run the business of the farmers of this country they would muss things up? You read in the papers the other day a glowing account of how they were going to send the Boy Scouts down into Virginia and Maryland to harvest the potato crop, and everybody was going to be happy, and the potatoes were going to roll into the market. You read in the morning paper now that the Boy Scouts—poor little fellows, gallant, splendid little fellows—have all had to come home. The thing fizzled out, just like every attempt to run the farms of this country by gentlemen who sit in swivel chairs has always been a failure, and it cost several hundred dollars to do this. Observe, again, how somebody took control

of the potato market, and the result was that potatoes fell from $12 to $4 a barrel in one day's time, and the farmers quit digging them down here in Maryland and Virginia. I am told by a distinguished Senator this afternoon that he has word from his State that the farmers who ordinarily bring in their wheat at this time to the elevators and get some cash for it have been told by the elevator men that they will store their wheat, but will not buy their wheat. You just need a few more doctors like this to put the whole machinery of production out of gear—just a little bit more of it in this country.

Now I come back to my proposition. It is not fair to say that I have no remedies. I have suggested everything that a man can in reason claim here, unless he proposes to take the business out of the hands of the people and put it into somebody else's hands to manage for them. The man who does that in this country will bring ruin to this country. The thing that disgusts me this afternoon is that, when it is proposed to take over all of the business of the country in that way, Senators sit and vote for it, and newspapers support it; but when it was proposed to take over whisky—a thing in regard to which my position has always been well known; I have not been a prohibitionist—when it was proposed to lay the hand of power upon whisky and beer, these same papers that want to take over everything the farmer has, who have denounced as a demagogue every man who stood here to say a word for him, have thrown a hundred different kinds of fits, and have denounced Congress as composed of men unfit to legislate. It is a strange thing that it is so unconstitutional to lay the hand of power upon the corn or barley that is going to be turned into whisky or beer that any man who votes for it is a scoundrel and a wretch, and yet it is all right to lay the powerful arms of this Government upon the entire productive machinery of the land, and control every farmer's price.

Mr. PAGE. Has the Senator finished his question?

Mr. REED. Well, we have not been questioning each other. We have been having a sort of a running colloquy. I have finished my remark.

Mr. PAGE. Mr. President, I have no desire to protract this discussion. I am not very much given to words anyway; but I am going to repeat just how I feel about this bill.

I approach it with regret—regret that we must do exactly what the Senator from Missouri says we are going to do, although I do not accept his statement as conveying my views as to the effect of the bill. I say that I shall probably vote for the bill. My regret grows out of the fact that I do not think the business interests of this country or the general success of this country will be best conserved by passing over our business interests to the care of any one man or any set of men. But when the President says, "I believe it is essential to the conduct of this war that we conserve the wheat of this country, and I have asked to have drawn a bill that gives my views upon this matter," and when he comes to us with the simple proposition that we are only to conserve foods, feeds, and fuels, I am inclined to support such a bill, because I feel that I want to support our President at this time. I am not going to believe that he is capable of doing the wrong or permitting the wrong to be done as suggested by the Senator from Missouri. I believe he is too patriotic not to conserve the interests of the farmer just as much as I would, representing a farming State as I do. I have no faith whatever in the idea that the farmer is going to be wronged; and any Senator who has read this bill will see that the committee, in formulating the measure, has tried its best to relieve the farmer from those matters connected with the bill which would interfere with his prosperity. He is not brought largely within the purview of this bill. In fact, he is especially relieved in plain language from many of its provisions and inhibitions.

Let me say in closing that I think I have accomplished what I designed to accomplish when I rose to speak upon this amendment of the Senator from South Carolina.

We are entering upon the consideration of this bill section by section, and at the very threshold I predict that we will find proposals to include not only all the articles that have been added by the committee, but boots and shoes and hats and caps and clothing and cotton goods. I do not know what we shall not include before we get through. It is the broadening of the bill, far beyond what the President expected or what he asked, that I do not approve of; and while I expect to vote for the bill if they are all included, I do not believe in them, and I want to express my protest against their inclusion.

Mr. LODGE. Mr. President, before the Senator takes his seat I should like to ask him if it was by the President's direction that petroleum and its products, steel and iron and their products, copper and its products, hemp, jute, and sisal and their products, lead, timber, lumber, farm implements and machinery, and fertilizers, were put in?

Mr. PAGE. Distinctly no, as I understand it, Mr. President. He has asked for nothing of the kind. These additions have come in by piecemeal. One Senator wanted to include oil; the Senator from South Carolina wanted to include fertilizers; another Senator wanted to include iron and steel and the products thereof.

Mr. CHAMBERLAIN. Mr. President, let me call the Senator's attention to this fact: The bill originally covered foods, feeds, and fuels, and the things necessary for their production; and that was a storm-center of discussion. Senators wanted to know what were the things necessary for their production, so that, in order to meet the demands which were made on the floor of the Senate and in the discussion, the necessaries were specified in the bill, and the general terms were stricken from the bill by the committee.

Mr. PAGE. But, as the Senator will remember, the argument that has just been made by the Senator from Missouri was made before our committee, to wit, that if we were to include the articles produced by the farmer we must broaden the scope of the bill and include the articles which he must buy. That may be necessary. I simply hope it will not be.

Mr. LODGE. Mr. President, then I understand from the Senator that foods, feeds, and fuels are the only articles actually asked for by the President; that is, in the bill as originally drawn?

Mr. PAGE. That is as I understand the matter, Mr. President.

Mr. BORAH. No; excuse me. It says "and articles required for their production."

Mr. PAGE. "And articles required for their production."

Mr. BORAH. Will somebody tell us what that means?

Mr. LODGE. That is broader than the Senate bill. I wanted to get at the things that were sacred and the things that were not in the Senator's mind; that is all. I do not see that there is any more objection to paper or hides than anything else.

Mr. SMOOT. Or cotton and cotton goods.

Mr. LODGE. Or cotton or cotton goods.

Mr. VARDAMAN. Mr. President——

Mr. PAGE. I yield to the Senator from Mississippi.

Mr. VARDAMAN. I will ask the Senator if he does not think that in the preparation of the bill Congress, the Senators and the Representatives, should construct the bill rather than take orders from the President or some person whom he designates?

Mr. PAGE. I do.

Mr. VARDAMAN. Then it is not at all out of order that these Senators should have suggested the items in the bill to be under the control of the food dictator. I feel quite sure that the laws would be improved and more responsive to the needs of the people if the representatives of the people, instead of some bureau chief, would write the laws.

Mr. PAGE. It is not if it is the opinion of the Senate that that should be done. In that event, I offer no opposition except to say that I am sorry. I regret very much that it has been found necessary to do that.

Mr. VARDAMAN. Oh, I agree with the Senator that the bill is going to be disappointing in its results. It would be almost a miracle if such a law as this should be a success in a Republic; it is so at variance with the genius of free institutions. There are four provisions in the bill, however, that appeal to me. I believe in giving the food dictator or administrator the machinery by which he can bring about voluntary cooperation on the part of the housewives and the people of the country generally. That, I think, will accomplish some good and promote economy. Then, I think, the power which the bill gives to prevent hoarding of foodstuffs and the authority to exterminate the speculator is a wise provision. I think also the provision in the bill which prevents the use of grain for the manufacture of alcohol and prohibits the manufacture of beer and wine are excellent provisions. We need a sober as well as an economical people in time of war. I think temperance at this time would be a wise economy, improve the strength and health of the citizenry of the country, and save a great deal of money to the people. The fourth provision is the one designed to prevent these patriotic gentlemen who have made enormous fortunes out of the war from tendering their services without pay to the United States in the matter of conducting the war. I do not question anybody's patriotism, but the United States Government is able to pay for the services of its officers. I like these four provisions very much; there are other items or points of interest in the bill, but these, I think, are especially meritorious.

Mr. PAGE. May I ask the Senator, before he sits down, whether he is in favor of broadening the scope of this bill so as to include practically everything used in the human economy?

Mr. VARDAMAN. Well, there is this about that: If the Government is going to prescribe what the farmer's products shall sell for, it is but justice to enable the farmer to buy the goods that he uses in making his crops in a market that is controlled by the Government which controls the price of the things he sells. Now, I admit that we are engaged in a very difficult task, and I am afraid our work is going to be disappointing in its results. Really I do not think there is any question about that. I think the idea that this bill is a panacea for all the economic ills with which the country is now suffering borders on the absurd, and I think it is going to fall far short of what its authors expect it to accomplish; I am in accord with the Senator on that. But under the circumstances I am inclined to resolve in its favor and give it a trial. I would have preferred that it be limited in its scope, as I said a moment ago; that the food administrator should be permitted to use this small sum of $150,000,000 to organize the farmers, the housewives, and the people generally, and get them all to consent to economize. That would accomplish something, I am sure. But I doubt, really, if the country will save as much from the operation of the law as it will cost to administer it.

Mr. PAGE. Mr. President, I want to say only a word more. I believe that if it is possible to do it, we ought to amend the bill so that the injury to the farmer which is pointed out by the Senator from Missouri can not result, and then do what we know we ought to do, and that is to clean the slate as to regulating the general business of the country. When we say that Mr. Hoover is capable of handling the question of grain, we base it upon the supposition that he has had large experience in handling grain in Europe and that he knows what he is talking about. I for one want to say that I am very much impressed with the clearness with which he explained the grain situation, but I do not believe he is any better prepared to go ahead and govern, regulate, and take charge of all the business interests of this country than 50 or more Senators upon this floor, and I do not believe we are wise in trying to place that broad general power in his hands. Because the President does not ask it, because he has not suggested it, because I do not believe it is necessary, I hope that at the very entrance upon the discussion of this bill instead of enlarging its boundaries and phylacteries we shall reduce them, and confine ourselves as nearly as we may to those commodities in the bill which the President says it is necessary to regulate in order that he may vigorously and properly conduct this war.

Mr. SHAFROTH. Mr. President, there has been a discussion here this afternoon of the earth and the fullness thereof, and it might be well to refer to the identical point that is before the Senate. It is simply a proposal to insert three words, and those three words are "and their ingredients." Ingredients of what? Of fertilizers. To say that the President should not have control over the ingredients, when as a matter of fact he has control of the subject matter—the fertilizers—seems to me to be absurd.

It may be that the principal cause of the high price of the fertilizers is due to the fact that one of the ingredients is sold at such an enormous price, or is the subject of a trust, or is controlled in such a way that it can not be obtained without the exercise of some power upon the part of the President. For that reason, it seems to me that when we say we are going to give this power over to fertilizers, and yet we will not give it over the ingredients that make up the fertilizers, it is an absurd proposition.

Fertilizers, of course, are necessary to the products of the farm. They are necessary to the production of the very food that is provided for in this bill. Is it possible that we are to have control of the food but not have control of those things which create the food? Why, it seems to me that the mere statement of the proposition is sufficient to carry this amendment.

Mr. SMOOT. Mr. President, I should like to ask the Senator a question before he takes his seat. Evidently, from what the Senator says, he is in favor of including all of the other products in the bill placed there as amendments by the Senate Committee on Agriculture and Forestry. Does the Senator think it is fair to give absolute control over copper and its products, we will say, or lead and its products, when not to exceed one-hundredth of 1 per cent of the copper produced in this country is used in either the production of food, feed, or fuel? I am sure that I am within reason when I say not to exceed one-hundredth of 1 per cent.

Mr. SHAFROTH. There is not any question but that the bill gives great power, and it gives great power not only as to food but as to other things, and if you are going to prosecute the war successfully you have got to extend it to other things. There is no field in which you can extend it with better results for the successful termination of the war than to put that control over lead and copper. It may not be on the theory of conserving food, and it may be that it ought to have been referred to another committee, and perhaps there ought to be another report from another committee with relation to it, but notwithstanding Congress has the power to determine these matters, and that power is necessary to be exercised when it comes to the question of a successful termination of the war.

Mr. SMOOT. I was not discussing the question as to the advisability of giving control over foods, feed, and fuel at this time; but if we are going to control all the copper with hardly any of the production of the country used in the production of food, feed, and fuel, why did not the committee go further and include every product manufactured or grown in this country? Why did not the committee include wool and the products of wool? Why did it not include cotton and the products of cotton? Because, of those two items, the farmer purchases $10 worth where he does $1 of copper; yes, he purchases $100 worth where he purchases but $1, and with lead the percentage is even greater. If the committee wanted copper and lead and similar products controlled, and it evidently did, why did they not include all the production of the country?

Mr. SHAFROTH. Mr. President, you can easily put the question as to why anything that was not done was not done, but as a matter of fact these were the suggestions that were presented to the committee and they seemed to strike the mind of the committee. If the Senator wants anything added, he has a perfect right now in his individual capacity as a Senator to present it and move that such items as he wants to have included be included.

Mr. SMOOT. I know I have that right as an individual Senator, but I wish to say to the Senator that he knows if any Senator now offers an amendment to the bill, not a committee amendment, when the committee is a unit in reporting the bill, as is the case with this bill, I understand there would be little chance of getting a favorable vote upon it in the Senate.

Mr. SHAFROTH. I do not think so. I think you would get a favorable report in any instance that presented a strong case.

Mr. SMOOT. I said a favorable vote.

Mr. SHAFROTH. Yes; or a favorable vote.

Mr. REED. Will the Senator allow me one moment to present two amendments to the pending bill for printing? That is all. I thank you.

The VICE PRESIDENT. The amendments will lie on the table and be printed.

Mr. SMOOT. The Senator from Colorado has a great deal more faith than I have, and I base my faith upon the experience I have had here for some fourteen-odd years. When a motion is made to amend a committee amendment there are but very few Senators that hear the discussion and the reasons for the amendment, and when the bell rings for a vote they come in from the cloakroom or from their offices and ask whether it is a committee amendment or not; and there is little chance to get a majority vote to include an item other than one reported by the committee.

Mr. THOMAS. I should like to ask the Senator from Utah if he thinks there is any probability of the bell ringing for a vote very soon? [Laughter.]

Mr. SMOOT. I may say to the Senator that I am quite sure it will not be until some time next week.

Mr. THOMAS. I should like very much to hear it.

Mr. SHAFROTH. Mr. President, it seems to me the criticism which the Senator from Utah has made should have some force and effect relative to the procedure of the Senate, but I am sure the Senate believes that this enlarged field should be included; and I have not any doubt, no matter what the attitude of the committee might be, the Senate would approve any measure enlarging the bill that was in the belief of Senators to the best interests of the country.

Mr. SMOOT. I say now, without fear of contradiction, that if there is any reason for copper and lead to be included in the bill there are a hundred reasons why it should also include wool and its products, cotton and its products, and other items that the farmers of the country are compelled to purchase.

Mr. SHAFROTH. Then why not include wool and its products and cotton and its products if they are necessary?

Mr. SMOOT. If the Senator will wait just a moment, I was going to add that I think before the bill is passed some Senator should move to include wool and its products, cotton and its

products, and leather and its products. These three items the farmer is certainly interested in.

Mr. GRONNA. Will the Senator yield to me?

Mr. SMOOT. I yield.

Mr. GRONNA. As a member of the committee I want to assure the Senator that there are members of the committee who would be glad to vote with the Senator from Utah.

Mr. SMOOT. Then with that slight assurance from the Senator I will say no more, but bide the time when I can offer such an amendment.

Mr. SHAFROTH. Whenever the question arises as to whether one of the commodities that has been referred to by the Senator shall be included then is the time to discuss it, but what is before us now is whether or not we should include ingredients in addition to fertilizers, and inasmuch as we have already inserted "fertilizers" it seems to me there should be no objection to including ingredients.

Mr. HOLLIS. Mr. President, I very much hope that the amendment of the Senator from South Carolina will not be adopted. It is not because I am not in favor of cheap fertilizers, because I am. I voted very gladly for the Senator's proposition for a nitrate plant. But the trouble is that the bill will become loaded if we once start by inserting an amendment of this nature. There is no logical distinction to be drawn between fertilizers and their ingredients in the bill. If you put in the ingredients of fertilizers, there is no reason why you should not put in wool and its products and cotton and its products, and so on. We have got to have a practical result here in order to get the bill through.

The Committee on Agriculture and Forestry worked over the bill and came to an agreement. I do not think it is the logical result. I do not think it is symmetrical. I do not think it is just, if you come to do exact justice; but they have reached a result. There is nothing that I want to control more than news-print paper. But the Senator from Arizona offers an amendment to include news-print paper. It was rejected by the Senate, and it is very fortunate that it was. If that had been accepted, we all would have had to vote for these other amendments as fast as they came.

The Senate will remember that not so long ago we tried to do something in the way of warehouse receipts for the bankers. That was agreeable to a majority of the Senate; but some one moved to add naval stores, and that was added; and then grain was added; and not only canned salmon was added but the measure was loaded down so that nobody could vote for it, and it was laughed out on the floor of the Senate. I want to warn the friends of this measure that if we once start putting on even as meritorious an item as the ingredients of fertilizers there will be no end to it and the bill will be killed in the Senate.

I feel free to say this because I have been a friend of the farmers. I was glad to do what I could for them, and I have been glad to aid them on every measure that comes before the Senate. But I do appeal to my friend, the Senator from South Carolina, not to kill this legislation, for if he once sets this ball rolling it will roll out of the Senate and we shall get no results.

Mr. GRONNA. I wish to ask the Senator a question before he takes his seat: Does not the Senator think the bill as it came from the House is much broader and has much wider scope than the measure which was reported by the committee to the Senate?

Mr. HOLLIS. I think it was very broad in its scope. I think it would have been better for the passage of the bill if it had been left as it was, perhaps; but I want to take it as we have it from the committee. Great good will come from it, but if we load it down we will not get it through, and no good will come from it. I will admit that this is a very poor classification. It might be infinitely better. The trouble is that no two of us would agree as to what the list should include, and we had better take what the committee has reported to us and put it through, and not fool around with amendments, trying to include one thing and then another.

Mr. GRONNA. I wish to remind the Senator of the provision on page 1 of the bill as it came from the House. I read from line 6:

> To assure an adequate supply and equitable distribution, and to facilitate the movement of foods, feeds, fuel, and articles required for their production.

The Senator knows all these articles are required for production. I hope there is no Senator who does not fully realize that not only the articles enumerated by the committee are required but all the articles mentioned in the discussion here this afternoon are required for the production of food.

Mr. HOLLIS. I am inclined to take the Senator's view of it, but some one else might not, and on a reexamination I might change my mind. I think I would rather leave it where it was originally, but here it is. This is what the committee have done. It is an imperfect result, but it is their result. It is the best they could do under the circumstances, and I think it should be passed. I think the friends of the measure ought to protect the bill now, imperfect as it may be.

Mr. SHAFROTH. I should like to ask the Senator a question.

Mr. HOLLIS. I yield to the Senator from Colorado.

Mr. SHAFROTH. When the committee, as manifested by a number of the members, say they are in favor of this amendment, the chairman himself stating so and the next ranking member of the committee stating so, should it not be an indication that "ingredients of fertilizers" should be included as the action of the committee?

Mr. HOLLIS. No; it indicates that some tried to get it on in committee and could not carry a majority of the committee with them. I am not a member of the committee; I do not know what was said there, but I draw that inference from the action of the committee.

Mr. SMITH of South Carolina. Mr. President, the Senator from New Hampshire has no right to make that remark, because the chairman of the committee states that the word "ingredients" was not mentioned in the committee, and had it been it is his opinion that it would have been included. The Senator has taken the position, if he will allow me, that we are going to load down the bill with extraneous matter. There are peculiar conditions and circumstances about the fertilizer question. As remarked by the Senator from Georgia, there are different ingredients that are bought by the farmer, and to control the thing known commercially as fertilizer you must control its ingredients.

It is hardly necessary for me to call the attention of the Senator to the fact that fertilizers are composed principally of three ingredients—potash, nitrogen, and phosphoric acid. These ingredients are used otherwise, but principally they are used for fertilizers. The companies get together and have mixing plants. They organize a mixing plant. They produce what is called a complete fertilizer. The farmers have learned to mix it themselves to save expense. I plead for what in my State alone costs upward of $50,000,000 annually in order to produce that on which the population depends and to ship a surplus. The price of those ingredients rises in value necessarily with the things produced. Of the different ingredients potash has risen from $77 a ton to $500 a ton, nitrate of soda from $45 a ton to $110 a ton, and so with sulphate of ammonia and other ingredients which are just as essential as coal in an engine; and when I stand here and plead that this very lifeblood of agriculture in my State shall be preserved, then the remark is made that we are loading down the bill with nonessentials.

Mr. SMOOT. May I ask the Senator a question? Does not every item the Senator has already mentioned go into commercial fertilizer and is it not fertilizer of itself?

Mr. SMITH of South Carolina. No; not complete. In nearly all fertilizers you have 7:3:3, 8:4:4, 5:4:4, or 7:4:4. It is the way you combine it. None is complete in itself.

Mr. SMOOT. What I want to say to the Senator is this: There is not an ingredient that goes into commercial fertilizer that is placed upon the market, but that in and of itself is a fertilizer.

Mr. SMITH of South Carolina. I will say to the Senator that fertilizers——

Mr. HOLLIS. Mr. President, I think I will decline to yield further. I wish to answer the question addressed to me by the Senator from South Carolina by saying that his argument is unanswerable, and I think we should take warning. The Senator is upon the Committee on Agriculture and Forestry. He is an important member of it. He had a chance to present this matter in the committee. He either tried to get it on or he did not. The committee acted after days and days of consideration.

Now, other Senators can get up and make just as good an argument for 40 other items that might be put in the bill, and if you put 40 other items in the bill it will not pass, in my opinion. That is my answer to it. I get up and take this unpopular attitude because I have been a friend of the farmers and because I know that as far as the farmers take any interest in the question, they know I have not any ax to grind on the bill, and I do not believe it will pass if we begin to add items of this kind.

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Oklahoma?

Mr. HOLLIS. I yield. I yield the floor.

Mr. GORE. I wish to say on behalf of my friends from South Carolina that the entire Committee on Agriculture reconsidered the bill in great haste—I think too great haste—but we were under whip and spur, and I may say that no motion was made to include the ingredients of fertilizer. Perhaps if we had had more time for deliberation it would have been included. The ingredients of fertilizer undoubtedly ought to have been included, and I think it would seriously impair the symmetry of the bill if they are not included.

Mr. LODGE. Mr. President, the Senator from Vermont [Mr. PAGE] described to us the original condition of the bill and the peculiar value which he attaches to the original clauses asked for by the President, and I think that is a sound distinction. The original bill as it came from the House and I suppose, as the Senator from Vermont indicated, also from the President, provided for "foods, feeds, fuel, and articles required for their production." The other items were inserted by the Senate committee. I have great respect for their view, but I do not think that gives their amendment added sanctity. I think each one of us is just as much entitled to suggest an additional article to be taken possession of by the Government as a member of the Agricultural Committee.

The purpose declared of this bill is that it is essential for the successful prosecution of the war "to assure an adequate supply and equitable distribution and to facilitate the movement of foods, feeds, and containers therefor," and then follows the list added by the committee.

Cotton in itself is one of the bases of explosives. There are very few articles produced which are so important in the manufacture of munitions. From cotton are also made shirts that the farmer wears and the material from which his wife and his children are clothed. Cotton relates to most subjects.

Hides and skins and their products are intimately related with the shoeing of the Army. Can anything be more important to the welfare of our armies than to have them properly shod? There is hardly one thing in the world that is more important than that.

Then from wool and its products the clothing for the Army is made. We are making the cloth now by the thousands of yards.

Those things are just as important to the conduct of this war and ought to be just as much controlled by the Government as steel and iron and sisal and hemp. There is no reason why those things should not be taken possession of by the Government. Let us either stick to what the administration asks us to do, or else let us enlarge the bill according to the dictates of common sense. The opinions of all the Senators are as good as those of the committee.

The PRESIDING OFFICER (Mr. JOHNSON of California in the chair). The question is on the amendment proposed by the Senator from South Carolina to the amendment of the committee.

Mr. SMITH of Georgia. Mr. President, it may be that a number of the additions put into this section by the Senate committee ought to go out, but one certainly bears upon the main proposition of foodstuffs, and that is fertilizer and the ingredients which make fertilizer. Those two items apply directly to the production of foodstuffs, and are logically a part of foodstuff production and conservation.

We know that the markets are in a condition where possibly the aid of the Government may be necessary to put the ingredients required for fertilizer within the reach of the farmers, in order that the volume of foodstuffs may be increased. Let the criticism go on about steel and petroleum and the other items; let the argument go on to add wool and cotton and all the products of wool and cotton and all the manufacturing plants that produce those products; but let us, at least, not forget that fertilizer and fertilizer ingredients stand entirely upon a different basis. They are the foundation for the production of foodstuffs; they are legitimately and logically a part of the bill. They were included in the original bill in the language the committee struck out—"necessaries for the production of foodstuffs." We struck that broad language out and put in more limited language.

So, I hope that Senators will not be swept away either by objections to some of these heavier items that were added by the committee or by objections for fear that wool, cotton, and other products, together with the plants that manufacture them, may be added to the bill. Let us at least take care of foodstuffs, which require also that we should take care of fertilizer and fertilizer ingredients.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from South Carolina to the amendment of the committee.

The amendment to the amendment was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House insists upon its amendment to the joint resolution (S. J. Res. 13) extending the time within which the "Joint resolution authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River" shall remain in effect, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FLOOD, Mr. GOODWIN of Arkansas, and Mr. COOPER of Wisconsin managers of the conference on the part of the House.

EXECUTIVE SESSION.

Mr. CHAMBERLAIN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened.

RECESS.

Mr. CHAMBERLAIN. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m., Friday, June 29, 1917) the Senate took a recess until to-morrow, Saturday, June 30, 1917, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 29 (legislative day of June 28), 1917.

UNITED STATES DISTRICT JUDGE.

Frederick M. Brown, of Alaska, to be United States district judge, district of Alaska, division No. 3. (Reappointment.)

CHIEF JUSTICE COURT OF APPEALS, DISTRICT OF COLUMBIA.

Constantine J. Smyth, of Omaha, Nebr., to be chief justice of the Court of Appeals, District of Columbia, vice Seth Shepard, resigned.

COAST GUARD.

Third Lieut. Joseph Francis Farley, jr., to be second lieutenant in the Coast Guard of the United States, to rank as such from May 31, 1917.

Third Lieut. David Patterson Marvin to be second lieutenant in the Coast Guard of the United States, to rank as such from May 31, 1917.

Third Lieut. Gustavus Urban Stewart to be second lieutenant in the Coast Guard of the United States, to rank as such from May 31, 1917.

Third Lieut. Edward Mount Webster to be second lieutenant in the Coast Guard of the United States, to rank as such from May 31, 1917.

The above-named officers have served the required time in their present grade and have passed the necessary examination for promotion.

BOARD OF CHARITIES, DISTRICT OF COLUMBIA.

Mr. George E. Hamilton for a term of three years from July 1, 1917. (Reappointment.)

Rev. John Van Schaick, jr., for a term of three years from July 1, 1917. (Reappointment.)

FEDERAL BOARD FOR VOCATIONAL EDUCATION.

Arthur E. Holder, of Iowa, for a term of three years.

Charles A. Greathouse, of Indiana, for a term of two years.

James Phinney Munroe, of Massachusetts, for a term of one year.

PUBLIC HEALTH SERVICE.

Asst. Surg. Francis Albion Carmelia to be passed assistant surgeon in the Public Health Service, to rank as such from May 19, 1917.

Asst. Surg. Lionel Elean Hooper to be passed assistant surgeon in the Public Health Service, to rank as such from May 14, 1917.

Asst. Surg. Liston Paine to be passed assistant surgeon in the Public Health Service, to rank as such from May 19, 1917.

Assst. Surg. Moses Victor Safford to be passed assistant surgeon in the Public Helath Service, to rank as such from May 14, 1917.

Ernest Winfield Scott to be passed assistant surgeon in the Public Health Service, to rank as such from May 15, 1917.

The above-named officers have served the required time in their present grade and have passed the necessary examination for promotion.

SURVEYOR GENERAL.

Edward A. FitzHenry, of Washington, to be surveyor general of Washington, his present term of office having expired. (Reappointment.)

RECEIVERS OF PUBLIC MONEYS.

John J. Birdno, of Arizona, to be receiver of public moneys at Phoenix, Ariz., his present term expiring July 9, 1917. (Reappointment.)

Lee A. Ruark, of Colorado, to be receiver of public moneys at Del Norte, Colo., his term having expired. (Reappointment.)

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

To be lieutenant colonels with rank from May 15, 1917.

Maj. Frank S. Armstrong, Cavalry, to fill an original vacancy.

Maj. James G. Harbord, Cavalry (detached officers' list), to fill an original vacancy.

Maj. John O'Shea, Cavalry, to fill an original vacancy.

Maj. Ervin L. Phillips, Cavalry, to fill an original vacancy.

Maj. Frank Tompkins, Cavalry (detached officers' list), to fill an original vacancy.

Maj. Samuel D. Rockenbach, Cavalry (Quartermaster Corps), to fill an original vacancy.

Maj. Robert C. Williams, Cavalry, vice Lieut. Col. Samuel D. Rockenbach, retained in Quartermaster Corps.

Maj. Walter C. Short, Cavalry, to fill an original vacancy.

Maj. George C. Barnhardt, Cavalry, to fill an original vacancy.

Maj. James H. Reeves, Cavalry, vice Lieut. Col. George C. Barnhardt, retained in Quartermaster Corps.

Maj. Kirby Walker, Cavalry, vice Lieut Col. Charles A. Hedekin, promoted.

Maj. Claude B. Sweezey, Cavalry (detached officers' list), vice Maj. Francis J. Koester, promoted.

Maj. Sterling T. Adams, Cavalry (detached officers' list), vice Maj. Guy H. Preston, promoted.

Maj. Julian R. Lindsey, Cavalry, vice Maj. Edward Anderson, promoted.

Maj. Edmund M. Leary, Cavalry, vice Maj. George E. Stockle, promoted.

Maj. Julius T. Conrad, Cavalry, vice Maj. William T. Littebrant, promoted.

To be majors with rank from May 15, 1917.

Capt. Clarence R. Day, Cavalry, to fill an original vacancy.

Capt. Willard H. McCornack, Cavalry, to fill an original vacancy.

Capt. Malin Craig, Cavalry (General Staff), to fill an original vacancy.

Capt. Guy V. Henry, Cavalry (detached officers' list), to fill an original vacancy.

Capt. Wallace B. Scales, Cavalry, to fill an original vacancy.

Capt. Conrad S. Babcock, Cavalry, to fill an original vacancy.

Capt. Ewing E. Booth, Cavalry, to fill an original vacancy.

Capt. Percy W. Arnold, Cavalry, to fill an original vacancy.

Capt. Rush S. Wells, Cavalry, to fill an original vacancy.

Capt. Herbert J. Brees, to fill an original vacancy.

Capt. Robert R. Wallach, Cavalry (detached officers' list), to fill an original vacancy.

Capt. George Williams, Cavalry, to fill an original vacancy.

Capt. Charles S. Haight, Cavalry, to fill an original vacancy.

Capt. William D. Forsyth, Cavalry, to fill an original vacancy.

Capt. John J. Boniface, Cavalry (detached officers' list), to fill an original vacancy.

Capt. Fitzhugh Lee, Cavalry (detached officers' list), to fill an original vacancy.

Capt. James F. McKinley, Cavalry (detached officers' list), to fill an original vacancy.

Capt. Patrick W. Guiney, Cavalry, to fill an original vacancy.

Capt. Leon B. Kromer, Cavalry, to fill an original vacancy.

Capt. Charles A. Romeyn, Cavalry, to fill an original vacancy.

Capt. Evan H. Humphrey, Cavalry, to fill an original vacancy.

Capt. Charles C. Farmer, jr., Cavalry, to fill an original vacancy.

Capt. Stuart Heintzelman, Cavalry (detached officers' list), to fill an original vacancy.

Capt. John D. Long, Cavalry (detached officers' list), to fill an original vacancy.

Capt. Warren Dean, Cavalry, vice Maj. Frank S. Armstrong, promoted.

Capt. James C. Rhea, Cavalry, vice Maj. John O'Shea, promoted.

Capt. Llewellyn W. Oliver, Cavalry, vice Maj. Ervin L. Phillips, promoted.

Capt. Reginald E. McNally, Cavalry, vice Maj. Robert C. Williams, promoted.

Capt. Albert N. McClure, Cavalry (detached officers' list), vice Maj. Walter C. Short, promoted.

Capt. Edwin A. Hickman, Cavalry, vice Maj. James H. Reeves, promoted.

Capt. Warren W. Whitside, Cavalry, vice Maj. Kirby Walker, promoted.

Capt. Frederick C. Johnson, Cavalry, vice Julian R. Lindsey, promoted.

Capt. Guy Cushman, Cavalry, vice Maj. Edmund M. Leary, promoted.

Capt. James D. Tilford, Cavalry (detached officers' list), vice Maj. Julius T. Conrad, promoted.

Capt. Ben H. Dorcy, Cavalry, an additional number in his grade, to be major from May 15, 1917, the date on which he would have been promoted to fill a vacancy in that grade in his arm had he not been retired from active service, and to be an additional number in his grade.

FIELD ARTILLERY ARM.

To be lieutenant colonels with rank from May 15, 1917.

Maj. Richard H. McMaster, Field Artillery (detached officers' list), to fill an original vacancy.

Maj. John E. Stephens, Field Artillery (Inspector General's Department), to fill an original vacancy.

Maj. Thomas E. Merrill, Field Artillery, vice Lieut. Col. John E. Stephens, retained in Inspector General's Department.

Maj. Fox Conner, Field Artillery (Inspector General's Department), to fill an original vacancy.

Maj. Henry W. Butner, Field Artillery, vice Lieut. Col. Fox Conner, retained in Inspector General's Department.

Maj. Henry L. Newbold, Field Artillery (detached officers' list), to fill an original vacancy.

Maj. Ernest D. Scott, Field Artillery (detached officers' list), to fill an original vacancy.

Maj. Lucius R. Holbrook, Field Artillery, to fill an original vacancy.

Maj. Harrison Hall, Field Artillery, to fill an original vacancy.

Maj. Wright Smith, Field Artillery, to fill an original vacancy.

Maj. Alfred A. Starbird, Field Artillery (Inspector General's Department), to fill an original vacancy.

Maj. Charles R. Lloyd, Field Artillery (detached officers' list), vice Lieut. Col. Alfred A. Starbird, retained in Inspector General's Department.

Maj. Oliver L. Spaulding, jr., Field Artillery, to fill an original vacancy.

Maj. Conrad H. Lanza, Field Artillery (detached officers' list), to fill an original vacancy.

Maj. Henry B. Farrar, Field Artillery, to fill an original vacancy.

Maj. Ralph S. Granger, Field Artillery (Quartermaster Corps), vice Lieut. Col. George G. Gatley, promoted.

Maj. Dan T. Moore, Field Artillery (General Staff Corps), subject to examination required by law, vice Lieut. Col. Ralph S. Granger, retained in Quartermaster Corps.

Maj. George V. H. Moseley, Field Artillery, vice Lieut. Col. Dan T. Moore, retained in General Staff Corps.

Maj. Frank E. Hopkins, Field Artillery, vice Lieut. Col. Le Roy S. Lyon, promoted.

Maj. Fred T. Austin, Field Artillery, vice Lieut. Col. Tiemann N. Horn, promoted.

Maj. Charles C. Pulis, Field Artillery, vice Lieut. Col. Otho W. B. Farr, promoted.

Maj. Charles M. Bundel, Field Artillery, vice Lieut. Col. Brooke Payne, promoted.

Maj. Charles D. Herron, Field Artillery, vice Lieut. Col. William S. Guignard, promoted.

Maj. Robert C. Foy, Field Artillery, vice Lieut. Col. Albert J. Bowley, promoted.

Maj. Louis T. Boiseau, Field Artillery (detached officers' list), vice Lieut. Col. Harry G. Bishop, promoted.

Maj. William McK. Lambdin, Field Artillery, vice Lieut. Col. Manus McCloskey, promoted.

To be majors with rank from May 15, 1917.

Capt. William I. Westervelt, Field Artillery, to fill an original vacancy.

Capt. Upton Birnie, jr., Field Artillery, to fill an original vacancy.

Capt. Clarence Deems, jr., Field Artillery (detached officers' list), to fill an original vacancy.

Capt. Fred C. Doyle, Field Artillery (Quartermaster Corps), to fill an original vacancy.

Capt. James P. Robinson, Field Artillery, vice Maj. Fred C. Doyle, retained in Quartermaster Corps.
Capt. Augustine McIntyre, Field Artillery, to fill an original vacancy.
Capt. George R. Greene, Field Artillery (detached officers' list), to fill an original vacancy.
Capt. Raymond W. Briggs, Field Artillery (Quartermaster Corps), to fill an original vacancy.
Capt. Charles M. Bunker, Field Artillery, vice Maj. Raymond W. Briggs, retained in Quartermaster Corps.
Capt. Francis W. Griffin, Field Artillery, to fill an original vacancy.
Capt. Robert S. Welsh, Field Artillery (detached officers' list), to fill an original vacancy.
Capt. Tilman Campbell, Field Artillery (Quartermaster Corps), to fill an original vacancy.
Capt. Daniel F. Craig, Field Artillery (General Staff Corps), vice Maj. Tilman Campbell, retained in Quartermaster Corps.
Capt. Augustus B. Warfield, Field Artillery (Quartermaster Corps), vice Maj. Daniel F. Craig, retained in General Staff Corps.
Capt. Howard L. Landers, Field Artillery, vice Maj. Augustus B. Warfield, retained in Quartermaster Corps.
Capt. William H. Burt, Field Artillery (detached officers' list), to fill an original vacancy.
Capt. Clarence N. Jones, Field Artillery, to fill an original vacancy.
Capt. Frederick B. Hennessy, Field Artillery, to fill an original vacancy.
Capt. Laurin L. Lawson, Field Artillery, vice Maj. Frederick B. Hennessy, retained in Quartermaster Corps.
Capt. Morris E. Locke, Field Artillery, to fill an original vacancy.
Capt. John W. Kilbreth, jr., Field Artillery, to fill an original vacancy.
Capt. James H. Bryson, Field Artillery, to fill an original vacancy.
Capt. Roger O. Mason, Field Artillery, to fill an original vacancy.
Capt. William S. Browning, Field Artillery, to fill an original vacancy.
Capt. Joseph F. Barnes, Field Artillery, to fill an original vacancy.
Capt. William P. Ennis, Field Artillery (detached officers' list), to fill an original vacancy.
Capt. Dennis H. Currie, Field Artillery, to fill an original vacancy.
Capt. Beverly F. Browne, Field Artillery, to fill an original vacancy.
Capt. Raymond S. Pratt, Field Artillery, vice Maj. Beverly F. Browne, retained in Quartermaster Corps.
Capt. Alden F. Brewster, Field Artillery, to fill an original vacancy.
Capt. Edward H. De Armond, Field Artillery (Quartermaster Corps), to fill an original vacancy.
Capt. Norton E. Wood, Field Artillery, subject to examination required by law, vice Maj. Edward H. De Armond, retained in Quartermaster Corps.
Capt. Aibert S. Fuger, Field Artillery, to fill an original vacancy.
Capt. William N. Michel, Field Artillery, to fill an original vacancy.
Capt. Ernest S. Wheeler, Field Artillery, to fill an original vacancy.
Capt. Thomas W. Hollyday, Field Artillery, to fill an original vacancy.
Capt. John B. W. Corey, Field Artillery, vice Maj. Thomas W. Hollyday, retained in Quartermaster Corps.
Capt. Marlborough Churchill, Field Artillery (detached officers' list), subject to examination required by law, vice Maj. Thomas E. Merrill, promoted.
Capt. William F. Jones, Field Artillery, vice Maj. Henry W. Butner, promoted.
Capt. Charles G. Mortimer, Field Artillery, vice Maj. Lucius R. Holbrook, promoted.
Capt. Nelson E. Margetts, Field Artillery (General Staff Corps), subject to examination required by law, vice Maj. Harrison Hall, promoted.
Capt. Robert Davis, Field Artillery, vice Maj. Wright Smith, promoted.
Capt. Joseph E. Myers, Field Artillery, vice Maj. Oliver Spaulding, jr., promoted.
Capt. William S. Wood, Field Artillery, vice Maj. Henry B. Farrar, promoted.
Capt. Samuel Frankenberger, Field Artillery, vice Maj. George V. H. Moseley, promoted.

COAST ARTILLERY CORPS.

To be lieutenant colonels with rank from May 15, 1917.

Maj. Robert S. Abernethy, Coast Artillery Corps, to fill an original vacancy.
Maj. Edwin O. Sarratt, Coast Artillery Corps, to fill an original vacancy.
Maj. Lawrence S. Miller, Coast Artillery Corps, to fill an original vacancy.
Maj. Mervyn C. Buckey, Coast Artillery Corps, to fill an original vacancy.
Maj. Frederick E. Johnston, Coast Artillery Corps (detached officers' list), to fill an original vacancy.
Maj. Earle D'A. Pearce, Coast Artillery Corps, to fill an original vacancy.
Maj. Arthur S. Conklin, Coast Artillery Corps, to fill an original vacancy.
Maj. James F. Brady, Coast Artillery Corps (detached officers' list), to fill an original vacancy.
Maj. Roderick L. Carmichael, Coast Artillery Corps, vice Lieut. Col. Clint C. Hearn, promoted.
Maj. Andrew Moses, Coast Artillery Corps (General Staff Corps), vice Lieut. Col. William C. Davis, promoted.
Maj. Thomas Q. Ashburn, Coast Artillery Corps, vice Lieut. Col. Andrew Moses, retained in General Staff Corps.
Maj. Sam F. Bottoms, Coast Artillery Corps, vice Maj. Andrew Hero, jr., promoted.
Maj. Harold E. Cloke, Coast Artillery Corps, vice Lieut. Col. Frank E. Harris, promoted.
Maj. Samuel C. Vestal, Coast Artillery Corps (Quartermaster Corps), vice Lieut. Col. William R. Smith, promoted.
Maj. Philip R. Ward, Coast Artillery Corps (detached officers' list), vice Lieut. Col. Samuel C. Vestal, retained in Quartermaster Corps.

To be majors with rank from May 15, 1917.

Capt. Harry C. Barnes, Coast Artillery Corps (detached officers' list), to fill an original vacancy.
Capt. Stephen H. Mould, Coast Artillery Corps, to fill an original vacancy.
Capt. Louis S. Chappelear, Coast Artillery Corps, to fill an original vacancy.
Capt. Granville Sevier, Coast Artillery Corps, to fill an original vacancy.
Capt. Robert F. Woods, Coast Artillery Corps, to fill an original vacancy.
Capt. Albert C. Thompson, Coast Artillery Corps (detached officers' list), to fill an original vacancy.
Capt. Ellison L. Gilmer, Coast Artillery Corps (detached officers' list), to fill an original vacancy.
Capt. John McBride, jr., Coast Artillery Corps, to fill an original vacancy.
Capt. Richard K. Cravens, Coast Artillery Corps, to fill an original vacancy.
Capt. George O. Hubbard, Coast Artillery Corps (Quartermaster Corps), to fill an original vacancy.
Capt. James M. Wheeler, Coast Artillery Corps (detached officers' list), vice Maj. George O. Hubbard, retained in Quartermaster Corps.
Capt. Harrison S. Kerrick, Coast Artillery Corps, to fill an original vacancy.
Capt. Frank J. Miller, Coast Artillery Corps, to fill an original vacancy.
Capt. Philip S. Golderman, Coast Artillery Corps, to fill an original vacancy.
Capt. Charles L. Lanham, Coast Artillery Corps, to fill an original vacancy.
Capt. George F. Connolly, Coast Artillery Corps, to fill an original vacancy.
Capt. John S. Johnston, Coast Artillery Corps, to fill an original vacancy.
Capt. Joseph S. Hardin, Coast Artillery Corps, to fill an original vacancy.
Capt. Louis E. Bennett, Coast Artillery Corps, to fill an original vacancy.
Capt. George L. Hicks, jr., Coast Artillery Corps, to fill an original vacancy.
Capt. Lynn S. Edwards, Coast Artillery Corps, subject to examination required by law, to fill an original vacancy.
Capt. Hugh K. Taylor, Coast Artillery Corps, to fill an original vacancy.
Capt. Alden Trotter, Coast Artillery Corps, to fill an original vacancy.

Capt. Frank S. Long, Coast Artillery Corps, to fill an original vacancy.
Capt. John P. Spurr, Coast Artillery Corps, to fill an original vacancy.
Capt. Francis W. Ralston, Coast Artillery Corps, vice Maj. Robert S. Abernethy, promoted.
Capt. Adna G. Clarke, Coast Artillery Corps, vice Edwin O. Sarratt, promoted.
Capt. Samuel G. Shartle, Coast Artillery Corps (detached officers' list), vice Maj. Lawrence S. Miller, promoted.
Capt. Michael H. Barry, Coast Artillery Corps, vice Mervyn C. Buckey, promoted.
Capt. Clarence G. Bunker, Coast Artillery Corps, vice Maj. Earle D'A. Pearce, promoted.
Capt. William H. Tobin, Coast Artillery Corps (Quartermaster Corps), vice Maj. Arthur S. Conklin, promoted.
Capt. Harry J. Watson, Coast Artillery Corps, subject to examination required by law, vice Maj. William H. Tobin, retained in Quartermaster Corps.
Capt. William H. Raymond, Coast Artillery Corps (General Staff Corps), vice Maj. Roderick L. Carmichael, promoted.
Capt. Jacob E. Wyke, Coast Artillery Corps, vice Maj. William H. Raymond, retained in General Staff Corps.
Capt. Charles O. Zollars, Coast Artillery Corps, vice Maj. Thomas Q. Ashburn, promoted.
Capt. John Storck, Coast Artillery Corps, vice Maj. Sam F. Bottoms, promoted.
Capt. Robert B. McBride, Coast Artillery Corps, vice Maj. Harold E. Cloke, promoted.

APPOINTMENTS IN THE ARMY.

MEDICAL DEPARTMENT.

To be dental surgeons with rank from June 22, 1917, to fill original vacancies.

Arthur John Hart, of the District of Columbia.
Chester Denham, of Kentucky.
Harold Emerson Albaugh, of Ohio.
Harry Edwin Smalley, of Indiana.
William Dale White, of Texas.
Neal Anthony Harper, of Missouri.
Earle Jefferson McClung, of Washington.
Earl Lee Hering, of Texas.
Jacob Lowell Brause, of the District of Columbia.
Hugh Mebane Tarpley, of South Carolina.
Albert Stephens Cumming, of New York.
Samuel John Rohde, of Missouri.
Leroy Poston Hartley, of South Carolina.
Frederick C. Daniels, of Connecticut.
Nathan Corr Pickles, of Missouri.
Robert Larken Lowry, of Missouri.
Oliver James Christiansen, of California.
Timothy Harden, of South Carolina.
Lawrence K. Anderson, of Indiana.
Timothy Francis Leary, of Massachusetts.
William Crittenden Webb, jr., of Missouri.
Edward Crawford Alley, of the District of Columbia.
Clinton Rush Boone, of Georgia.
Harry Arthur Donahue, of Vermont.
David Irvin Edwards, of California.
Orville Alexander Grove, of the District of Columbia.
Roy Markley Kisner, of Illinois.
James Benton Manning, of Texas.
Edward Anvear Thorne, of Kentucky.
Lynn Harold Tingay, of Michigan.
Claude Reavis Hollister, of Illinois.
Marhl Hector Welch, of Mississippi.

PROVISIONAL APPOINTMENTS IN THE ARMY.

CORPS OF ENGINEERS.

Gilbert Dudley Fish, of New York, to be second lieutenant in the Corps of Engineers with rank from date of appointment.

CAVALRY ARM.

Sergt. Martin R. Rice, Machine Gun Company, Second Infantry, West Virginia National Guard, to be second lieutenant of Cavalry with rank from date of appointment.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

The following-named lieutenant commanders to be commanders in the Navy from the 23d day of May, 1917:
Henry L. Wyman and
Robert Morris.

Lieut. Robert L. Ghormley to be a lieutenant commander in the Navy from the 23d day of May, 1917.
The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 5th day of June, 1917:
Wallace L. Lind,
John H. S. Dessez,
Stuart S. Brown,
Virgil J. Dixon, and
Franklin Van Valkenburg.
The following-named ensigns to be lieutenants (junior grade) in the Navy from the 6th day of June, 1917:
Thomas N. Vinson,
Malcolm W. Callahan,
Leon O. Alford, and
Delorimier M. Steece.
The following-named boatswains to be chief boatswains in the Navy from the 6th day of February, 1917:
Joseph W. Bettens and
Michael J. Conlon.
Lieut. (Junior Grade) James L. Oswald to be a lieutenant in the Navy from the 29th day of August, 1916.
Capt. William Brackett, United States Marine Corps, retired, to be a major on the active list of the Marine Corps, an additional number in grade, to rank next after Berton W. Sibley, from the 12th day of June, 1917.
The following-named first lieutenants to be captains in the Marine Corps from the 29th day of August, 1916:
Archibald Young,
Harry K. Pickett,
Maurice S. Berry, and
Harold D. MacLachlan.
First Lieut. Vincent E. Stack to be a captain in the Marine Corps from the 23d day of September, 1916.
First Lieut. Thomas M. Luby to be a captain in the Marine Corps from the 25th day of October, 1916.
The following-named warrant officers in the Marine Corps to be second lieutenants in the Marine Corps, for temporary service, from the 14th day of June, 1917:
Harry A. Ellsworth (quartermaster clerk),
Charles B. Hobbs (quartermaster clerk),
Warren C. Barnaby (quartermaster clerk),
Maurice C. Gregory (quartermaster clerk),
James T. Allen (quartermaster clerk),
Gustav F. Bloedel (quartermaster clerk),
John Strong (quartermaster clerk),
William A. McGinley (quartermaster clerk),
Thomas Dwight (quartermaster clerk),
John J. Haley (quartermaster clerk),
Walter Wooding (quartermaster clerk),
Frank D. Creamer (marine gunner),
Heinrich Reyelts (quartermaster clerk),
William Mills (quartermaster clerk),
Robert E. Williams (quartermaster clerk),
Harry E. Horner (quartermaster clerk),
William F. Thalheimer (quartermaster clerk),
Thomas F. Carney (marine gunner),
Benjamin F. Fogg (marine gunner),
Howell Cobb (quartermaster clerk),
Charlie Dunbeck (marine gunner),
Thomas F. Joyce (marine gunner),
Charles Grimm (marine gunner),
William F. Brown (quartermaster clerk),
Frederick Wahlstrom (marine gunner),
James W. Lattin (marine gunner),
Henry A. Riekers (marine gunner),
Augustus T. Lewis (marine gunner),
Edward McEvoy (marine gunnner),
Charles D. Meginness (marine gunner),
James Keeley (marine gunner),
Eugene B. Mimms (quartermaster clerk),
William H. Stevens (marine gunner),
Henry Baptist (marine gunner),
Francis Fisk (marine gunner),
Robert W. Williams (marine gunner),
Peter Conachy (marine gunner),
Charles E. Mills (marine gunner),
Wilbur G. Gunn (quartermaster clerk),
John Blanchfield (marine gunner),
Carl E. Clark (marine gunner), and
Arthur J. Stout (marine gunner).
The following-named midshipmen to be ensigns in the Navy from the 29th day of June, 1917:
Joseph W. Paige,
William R. Nichols,

Joseph W. Fowler,
William J. Malone,
Lawrence B. Richardson,
Moses B. Byington, jr.,
George T. Cuddihy,
Vincent R. Murphy,
Henry A. Hutchins, jr.,
Thomas L. Sprague,
Einar R. Johnson,
Pal L. Meadows,
Olton R. Bennehoff,
Frederick S. Holmes,
Earl E. Stone,
John J. Ballentine,
Everett B. Browne,
James Van B. Lawyer,
John N. Whelan,
Edward F. McCartin,
Donald A. Green,
Thaddeus A. Hoppe,
Theodore F. C. Walker,
George C. Hawkins,
Bronson P. Vosbury,
Miles R. Browning,
Herman E. Halland,
Stanley D. Jupp,
Perry R. Taylor,
John S. McReynolds,
Staley H. Gambrill,
James L. Fisher,
Robert B. Parker,
Samuel H. Hurt,
Henry Y. McCown,
George W. Johnson,
Jacob H. Jacobson,
J. Warren Quackenbush,
Gordon Rowe,
Junius L. Cotten,
James E. Waddell,
John G. Farrell,
Jack S. Phillips,
Elbert C. Rogers,
Harry W. Need,
William S. Garrett,
Earle W. Mills,
Harry D. Hoffman,
Forrest P. Sherman,
Ernest B. Colton,
William H. Hopkins, jr.,
Oscar H. Holtmann,
James Fife, jr.,
Frank R. Dodge,
William W. Warlick,
Ralph S. McDowell,
Charles W. Styer,
Owen E. Grimm,
Martin J. Connolly,
John D. Crecca,
Frederick L. Douthit,
Thomas B. Inglis,
James D. Jacobs,
Edwin H. Price,
John R. Sullivan,
John D. Alvis,
Daniel W. Tomlinson, 4th,
Hayden H. Smith,
Clifton A. F. Sprague,
Clifton E. Denny,
Joseph J. Clark,
Albert MacQ. Bledsoe,
Harold Biesemeier,
William C. Wade,
Roy T. Gallemore,
Albert F. France, jr.,
Robert T. Whitten,
Walter S. Macaulay,
George G. Breed,
David E. Cummins,
Julian Du B. Wilson,
Wilber M. Lockhart,
William Busk,
Henry E. Thornhill,
Ion Pursell,
Philip L. Emrich,
William H. Hartt, jr.,
Christopher C. Miller,
Donald W. Loomis,
Mertin C. Wade, jr.,
Jerauld Wright,
John W. Rowe,
Charles D. Leffler, jr.,
Lloyd G. Scheck,
Fred M. Byers,
Ford L. Wilkinson, jr.,
Francis S. Gibson,
Thomas G. Fisher,
Victor C. Barringer, jr.,
Graeme Bannerman,
Ernest A. Foote,
Robert Poole,
James D. Murray, jr.,
William E. G. Erskine,
Garry DeM. Custer,
Stanley C. Norton,
George O. Etheredge,
Harold E. MacLellan,
Peter K. Fischler, jr.,
Jay G. Huntoon,
Guy D. Townsend,
Arthur B. Craig,
Ralph H. Henkle,
Francis B. Connell,
Vaughn Bailey,
Albert L. Hutson,
Alphonsus I. Flynn,
Ellis H. Geiselman,
Herbert R. Sobel,
Jack H. Duncan,
Andrew P. Haynes,
Roger F. Armstrong,
Wallace M. Dillon,
Edward D. Walbridge,
Smith D. A Cobb,
Ralph S. Riggs,
Harry K. Leventen,
John M. Haines,
Thomas F. Remington,
Cleemann Withers,
Charles G. Moore, jr.,
Joseph H. Brady,
Robert L. Mitten,
Elmer V. Iverson,
John O. Plonk,
George R. Kalbfus,
Frank B. Hillhouse,
Allan P. Flagg,
Robert M. Eaches,
Ralph C. Alexander,
Willis M. Percifield,
Harold G. Eberhart,
Berwick B. Lanier,
Martin R. Derx,
Louis Le R. Habrylewicz,
Henry D. Stailey,
Henry S. Kendall,
Stanley M. Kaight,
Edward W. Wunch,
John D. H. Kane,
James W. Whitfield,
Bernard V. Eekhout,
Albert S. S. Marley, jr.,
Francis J. Courtney,
Harry W. von Hasseln,
Arthur T. Moen,
Ross P. Whitemarsh,
Leonidas M. Mintzer,
Gordon B. Woolley,
Elmer E. Duvall, jr.,
Walter L. Taylor,
Edmund J. A. Murphy,
Ernest H. Krueger,
George E. Ross, jr.,
Watson O. Bailey,
Proctor M. Thornton,
Leland P. Lovette,
Edmund J. Kidder,
Leroy W. Busbey, jr.,
Malcolm A. Deans,

Carios W. Wieber,
Edwin D. Gibb,
William A. S. Macklin,
John W. Rogers,
Lloyd E. Clifford,
John K. Jayne,
William O. Baldwin,
Mays L. Lewis,
Thomas J. Haffey,
Chauncey R. Crutcher,
Lisle Henifin,
Clement B. White,
William K. Phillips,
Gordon B. Sherwood,
Alexander C. Kidd,
Frank Fechteler, and
Robert R. Ferguson.

The following-named midshipmen to be second lieutenants in the Marine Corps from the 29th day of June, 1917:

Julius T. Wright,
Donald Curtis,
Samuel J. Bartlett,
Arthur H. Page, jr.,
Jesse L. Perkins, and
Andrew E. Creesy.

The following-named midshipmen to be assistant paymasters in the Navy from the 29th day of June, 1917:

Wilson D. I. Domer,
Edward E. Bell, jr., and
John O. Wood.

The following-named officers of the Medical Reserve Corps and the Naval Reserve Force of the Navy to be assistant surgeons in the Navy from the 23d day of June, 1917:

Harris H. Vail (Naval Reserve Force),
James E. Lebensohn (Naval Reserve Force),
Eric T. W. Boquist (Naval Reserve Force),
Henry S. Kinloch (Naval Reserve Force),
Laird M. Morris (Naval Reserve Force),
Warren F. Pearce (Medical Reserve Corps),
Grattan G. Irwin (Naval Reserve Force),
Benjamin V. Derrah (Naval Reserve Force),
Charles F. Nichols (Naval Reserve Force),
David F. Bentley, jr. (Naval Reserve Force),
Estill L. Rice (Naval Reserve Force),
William P. Herbst, jr. (Naval Reserve Force),
William L. Martin (Naval Reserve Force),
Burt J. Asper (Naval Reserve Force),
John R. Middlebrooks (Naval Reserve Force),
Henry H. Searls (Naval Reserve Force),
Frederick L. McDaniel (Naval Reserve Force),
Douglas D. Martin (Naval Reserve Force),
John A. Nunn (Naval Reserve Force),
Brython P. Davis (Naval Reserve Force),
John H. Chambers (Naval Reserve Force),
James E. Potter (Naval Reserve Force),
Frederick H. Rodenbaugh (Naval Reserve Force),
Harold A. Noreen (Naval Reserve Force),
Joel J. White (Naval Reserve Force),
Dunnleigh Corey (Naval Reserve Force),
Leon Clemmer (Naval Reserve Force),
Thomas L. Sutton (Naval Reserve Force),
Lyle J. Roberts (Naval Reserve Force),
Russell D. Elliott (Naval Reserve Force),
Frederick G. Linde (Naval Reserve Force),
Thomas B. Dunn (Naval Reserve Force),
Philip S. Sullivan (Naval Reserve Force),
Chester O. Tanner (Naval Reserve Force),
Walter J. Spencer (Naval Reserve Force),
Morton D. Willcutts (Naval Reserve Force),
John F. Donohue (Naval Reserve Force),
Linton Gerdine (Naval Reserve Force),
Milo K. Miller (Naval Reserve Force),
Harris R. Sutton (Naval Reserve Force),
William S. Leavenworth (Naval Reserve Force),
John C. Ruddock (Naval Reserve Force),
Willis E. Sullivan (Naval Reserve Force),
Enos P. Cook (Naval Reserve Force),
Franklin F. Lane (Naval Reserve Force),
Thomas D. Baxter (Naval Reserve Force),
Frederick R. Hook (Naval Reserve Force),
Orville R. Goss (Naval Reserve Force),
Portor Norton (Naval Reserve Force),
William S. Scott (Naval Reserve Force),
Leander P. Stamm (Naval Reserve Force),
Reuben L. Larsen (Naval Reserve Force),
Harry E. Bank (Naval Reserve Force),
Dudley W. Queen (Naval Reserve Force),
Charles L. Warner (Naval Reserve Force),
Ernest S. V. Laub (Naval Reserve Force),
Fread A. Nause (Naval Reserve Force),
Donald H. O'Rourke (Naval Reserve Force),
Leigh F. Robinson (Naval Reserve Force),
William A. Breslin (Naval Reserve Force),
Edward K. Tullidge (Naval Reserve Force),
Matthew F. Czubak (Naval Reserve Force),
James R. Reuling (Naval Reserve Force),
Thomas S. Royster (Naval Reserve Force),
Russell I. Craig (Naval Reserve Force),
Coleman B. Ransone (Naval Reserve Force),
Richard O. Shea (Naval Reserve Force),
Jacob W. Troxell (Naval Reserve Force),
William D. Davis (Naval Reserve Force),
Charles L. Haines (Naval Reserve Force),
Paul R. Neal (Naval Reserve Force),
Charles L. McCarthy (Naval Reserve Force),
Oscar S. Levin (Naval Reserve Force),
Percy W. Dreifus (Naval Reserve Force),
Albin L. Lindall (Naval Reserve Force),
Albert J. Argall (Naval Reserve Force),
William C. Darwin (Naval Reserve Force),
Hill F. Warren (Naval Reserve Force),
Adolph E. Schmidt (Naval Reserve Force),
Joseph G. O'Brien (Naval Reserve Force),
John Duff, jr. (Naval Reserve Force),
Harry S. Harding (Naval Reserve Force),
Robert Jansen (Naval Reserve Force),
George E. Kalter (Naval Reserve Force),
Riley M. Hayes (Naval Reserve Force),
Edwards M. Riley (Naval Reserve Force),
Merton J. Price (Naval Reserve Force),
Paul T. Crosby (Naval Reserve Force),
James C. Peden (Naval Reserve Force),
Ladislaus L. Adamkiewicz (Naval Reserve Force),
Robert L. McKiernan (Naval Reserve Force),
Samuel B. Solhaug (Naval Reserve Force),
William T. Lineberry (Naval Reserve Force),
Robert H. Snowden (Naval Reserve Force), and
Thomas L. Morrow (Naval Reserve Force).

The following-named citizens to be assistant paymasters in the Navy from the 29th day of June, 1917:

Harold D. Stillman, a citizen of Massachusetts,
William D. Fleming, a citizen of Massachusetts,
Harold B. Teegarden, a citizen of Ohio,
Howard M. Shaffer, a citizen of Massachusetts,
Gerald A. Shattuck, a citizen of Massachusetts,
Melvin F. Talbot, a citizen of Maine,
Nelson S. Trottman, a citizen of Wisconsin,
Ralph H. Cutler, a citizen of New Jersey,
Judson C. Sutherland, a citizen of Wisconsin,
Arthur B. Shaft, a citizen of North Dakota,
Romeyn B. Scribner, a citizen of Illinois,
Ralph B. Bristol, a citizen of New Jersey,
Jacob M. Bregar, a citizen of Pennsylvania,
John G. Penniman, a citizen of California,
Robert J. White, a citizen of Massachusetts,
Robert P. Hazlehurst, a citizen of Maryland,
Lawrence Lockwood, a citizen of New Jersey,
Harold H. Thurlby, a citizen of Michigan,
William S. Rhoades, a citizen of New York,
Charles A. Soars, a citizen of Pennsylvania,
Summerfield G. Roberts, a citizen of Texas,
Augustine Healy, a citizen of Connecticut,
Russell D. Thomas, a citizen of Minnesota,
Paul L. Steketee, a citizen of Michigan,
William C. King, jr., a citizen of Pennsylvania,
Russell D. Pennycook, a citizen of California,
Kent J. Owens, a citizen of Illinois,
Samuel H. Dickson, a citizen of District of Columbia,
Milon L. Brown, a citizen of Pennsylvania,
Ralph H. Howard, a citizen of Michigan,
James E. Jones, a citizen of Kansas,
Hugh Quinn, a citizen of Massachusetts,
Jean F. Loba, a citizen of Illinois,
Walter W. Gilmore, a citizen of Pennsylvania,
William N. Ormsby, a citizen of Rhode Island,
Joseph F. Halloran, a citizen of Massachusetts,
Edwin D. Foster, a citizen of New Jersey,
Richard C. Adams, a citizen of New Jersey,

Paul K. Niven, a citizen of Rhode Island,
Harlow H. Hoffman, a citizen of Michigan,
Allen H. White, a citizen of California,
George F. Aldrich, a citizen of Michigan,
James G. Prout, a citizen of Massachusetts,
Clarence A. Keeley, a citizen of Wisconsin,
Edwin C. Austin, a citizen of Illinois,
Bertram D. Schmidt, a citizen of Michigan,
Walton Dismukes, a citizen of California,
Horace D. Nuber, a citizen of Delaware,
John N. Harriman, a citizen of New Hampshire,
Frank D. McCulloch, a citizen of California,
Stowell W. Armstrong, a citizen of New York,
Stanley A. Joy, a citizen of New Jersey,
Stanley S. Schnetzler, a citizen of California,
Murrey L. Royar, a citizen of California,
William J. Carter, jr., a citizen of South Carolina,
Robert H. Bennett, a citizen of Michigan,
Harry A. Bellows, a citizen of California,
Daniel M. Miller, a citizen of Pennsylvania,
Edward J. Alexander, a citizen of Illinois,
Vaughan C. Gunnell, a citizen of Illinois,
Ralph M. Netz, a citizen of Indiana,
Thomas S. Wylly, a citizen of Florida,
Frank W. Grover, a citizen of Michigan,
Clarence G. Warfield, a citizen of Maryland,
Phillips Bradley, a citizen of Massachusetts, and
David W. Mitchell, a citizen of Ohio.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 29 (legislative day of June 28), 1917.

VICE GOVERNOR OF THE PHILIPPINE ISLANDS.

Charles Emmett Yeater to be vice governor of the Philippine Islands.

MEMBER OF THE MISSISSIPPI RIVER COMMISSION.

Brig. Gen. William Herbert Bixby as a member of the Mississippi River Commission.

MEMBER OF THE CALIFORNIA DÉBRIS COMMISSION.

Col. William Henry Heuer as a member of the California Débris Commission.

PROVISIONAL APPOINTMENTS IN THE ARMY.

INFANTRY ARM.

Sergt. Charles Arthur Drake to be second lieutenant.

FIELD ARTILLERY.

William B. B. Wilson to be second lieutenant.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

To be lieutenant colonels.

Maj. Harry A. Smith.
Maj. George C. Saffarrans.
Maj. Palmer E. Pierce.
Maj. Charles G. French.
Maj. Lutz Wahl.
Maj. William P. Jackson.
Maj. John L. Hines.
Maj. Matthias Crowley.
Maj. John J. Bradley.
Maj. Douglas Settle.
Maj. John S. Switzer.
Maj. Herbert O. Williams.
Maj. George D. Guyer.
Maj. William F. Grote.
Maj. Isaac C. Jenks.
Maj. Hanson E. Ely.
Maj. Lewis S. Sorley.
Maj. William M. Morrow.
Maj. Benjamin F. Hardaway.
Maj. Albert C. Dalton.
Maj. Joseph C. Castner.
Maj. Edward Sigerfoos.
Maj. Edward A. Shuttleworth.
Maj. John Howard.
Maj. Ralph H. Van Deman.
Maj. Peter E. Marquart.
Maj. William Brooke.
Maj. Harrison J. Price.
Maj. William H. Simons.
Maj. John F. Madden.
Maj. William Wallace.
Maj. Ferdinand W. Kobbé.
Maj. John McA. Palmer.
Maj. John K. Miller.
Maj. William Newman.
Maj. Frank A. Wilcox.
Maj. Hansford L. Threlkeld.
Maj. Peter W. Davison.
Maj. Marcus B. Stokes.
Maj. John H. Parker.
Maj. John E. Woodward.
Maj. William D. Davis.
Maj. George McD. Weeks.
Maj. Isaac Erwin.
Maj. Samuel V. Ham.
Maj. George H. McMaster.
Maj. Robert W. Mearns.
Maj. Henry L. Kinnison.
Maj. Guy G. Palmer.
Maj. Orrin R. Wilfe.
Maj. Howard L. Laubach.
Maj. Elmer W. Clark.
Maj. Howard R. Perry.
Maj. George E. Houle.
Maj. Lincoln F. Kilbourne.
Maj. William C. Rogers.
Maj. George H. Jamerson.
Maj. Edward C. Carey.
Maj. Hamilton A. Smith.
Maj. Hunter B. Nelson.
Maj. Mathew E. Saville.
Maj. Frank E. Bamford.
Maj. Fredrik L. Knudsen.

To be majors.

Capt. James H. Bradford, jr.
Capt. David L. Stone.
Capt. Alfred W. Bjornstad.
Capt. Patrick A. Connolly.
Capt. John B. Schoeffel.
Capt. Walter T. Bates.
Capt. Englebert G. Ovenshine.
Capt. Robert J. Maxey.
Capt. George N. Bomford.
Capt. Benjamin P. Nicklin.
Capt. John W. French.
Capt. Cromwell Stacey.
Capt. William A. Cavenaugh.
Capt. George M. Grimes.
Capt. Thomas R. Harker.
Capt. Frank D. Wickham.
Capt. Bryan Conrad.
Capt. William K. Naylor.
Capt. William H. Oury.
Capt. Austin F. Prescott.
Capt. Edgar A. Fry.
Capt. Harry A. Eaton.
Capt. Campbell King.
Capt. Tenney Ross.
Capt. Robert O. Van Horn.
Capt. Hanson B. Black.
Capt. Ezekiel J. Williams.
Capt. Moor N. Falls.
Capt. John R. R. Hannay.
Capt. James M. Graham.
Capt. Joseph L. Gilbreth.
Capt. Charles F. Humphrey, jr.
Capt. Willey Howell.
Capt. Benjamin J. Tillman.
Capt. George J. Holden.
Capt. Charles F. Bates.
Capt. John J. Toffey, jr.
Capt. Carl A. Martin.
Capt. Mark Wheeler.
Capt. George D. Arrowsmith.
Capt. G. Soulard Turner.
Capt. Ivers W. Leonard.
Capt. Pearl M. Shaffer.
Capt. Laurence A. Curtis.
Capt. William H. Jordan, jr.

Capt. Irving J Carr.
Capt. Easton R. Gibson.
Capt. Henry C. Bonnycastle.
Capt. Edward Croft.
Capt. Adolphe H. Huguet.
Capt. Raymond Sheldon.
Capt. James D. Taylor.
Capt. Frank Halstead.
Capt. Harry E. Knight.
Capt. Archie J. Harris.
Capt. Alexander J. Macnab.
Capt. Ralph B. Parrott.
Capt. Stanley H. Ford.
Capt. Robert M. Brambila.
Capt. Harry F. Dalton.
Capt. John N. Straat.
Capt. G. de Grasse Catlin.
Capt. Henry S. Wagner.
Capt. Frederick G. Knabenshue.
Capt. Thomas J. Powers.
Capt. James E. Bell.
Capt. Martin L. Crimmins.
Capt. James M. Love, jr.
Capt. Paul H. McCook.
Capt. Frederick W. Coleman.
Capt. Frederick S. L. Price.
Capt. George B. Bond.
Capt. Dana T. Merrill.
Capt. Alexander M. Wetherill.
Capt. Theodore A. Baldwin, jr.
Capt. Eleutheros H. Cooke.
Capt. Arthur L. Conger.
Capt. James B. Kemper.
Capt. John W. Barnes.
Capt. George E. Thorne.
Capt. Alfred Aloe.
Capt. Frank W. Rowell.
Capt. Hugh A. Drum.
Capt. James B. Allison.
Capt. John L. De Witt.
Capt. Charles E. Morton.
Capt. Garrison McCaskey.
Capt. Clifton C. Kinney.
Capt. Woodson Hocker.
Capt. James S. Young, jr.
Capt. Charles B. Clark.
Capt. George S. Simonds.
Capt. Halsey E. Yates.
Capt. Clement A. Trott.
Capt. Wilson B. Burtt.
Capt. Laurence Halstead
Capt. Frederick W. Van Duyne.
Capt. James Hanson.
Capt. Fred R. Brown.
Capt. William T. Merry.
Capt. Lawrence D Cabell.
Capt. Clyffard Game.
Capt. George W. Stuart.
Capt. Duncan K. Major, jr.
Capt. James Justice.
Capt. Ephriam G. Peyton.
Capt. Earle W. Tanner.
Capt. William L. Reed.
Capt. Charles L. McKain.
Capt. Andrew J. Dougherty.
Capt. Oliver S. Eskridge.
Capt. Joel R. Lee.
Capt. George E. Stewart.
Capt. Alden C. Knowles.
Capt. Henry A. Hanigan.
Capt. Hjalmer Erickson.
Capt. James W. Furlow.
Capt. John W. Wright.
Capt. Frederick R. De Funiak, jr.
Capt. Ralph McCoy.
Capt. Grosvenor L. Townsend.
Capt. Thomas L. Brewer.
Capt. James K. Parsons.
Capt. George E. Ball.
Capt. Reuben Smith.
Capt. Chase Doster.
Capt. Howard C. Price.
Capt. Eldred D. Warfield.
Capt. Walter B. McCaskey.
Capt. Oliver H. Dockery, jr.
Capt. John R. Thomas, jr.
Capt. Milton A. Elliott, jr.

CORPS OF ENGINEERS.

To be captains.

First Lieut. George Mayo.
First Lieut. Paul T. Bock.
First Lieut. Arthur P. von Deesten.
First Lieut. John H. Wills.
First Lieut. Raymond G. Moses.
First Lieut. Wilhelm D. Styer.
First Lieut. John W. Fraser.
First Lieut. Charles H. Cunningham.
First Lieut. Dwight F. Johns.
First Lieut. William A. Snow.
First Lieut. Thomas D. Finley.
First Lieut. William H. Britton.
First Lieut. Elroy S. J. Irvine.
First Lieut. Notley Y. Du Hamel.
First Lieut. Wilburn H. Henderson.
First Lieut. Robert G. Guyer.
First Lieut. Robert A. Sharrer.
First Lieut. Ludson D. Worsham.
First Lieut. Edward G. Bliss.
First Lieut. Ralph G. Barrows.
First Lieut. Holland L. Robb.
First Lieut. Frederick W. Bonfils.
First Lieut. Robert R. Neyland, jr.
First Lieut. William M. Hoge, jr.
First Lieut. Stanley L. Scott.
First Lieut. Tattnall D. Simkins.

To be first lieutenants.

Second Lieut. Harris Jones.
Second Lieut. Francis L. Palmer.
Second Lieut. William F. Heavey.
Second Lieut. Harold R. Richards.
Second Lieut. John J. F. Steiner.
Second Lieut. Daniel Noce.
Second Lieut. Willis E. Teale.
Second Lieut. Clark Kittrell.
Second Lieut. Samuel R. Irwin.
Second Lieut. Henry Hutchings, jr.

APPOINTMENTS AND PROMOTIONS IN THE NAVY.

The following-named lieutenant commanders to be commanders:

Henry L. Wyman and
Robert Morris.

Lieut. Robert L. Ghormley to be a lieutenant commander.

The following-named lieutenants (junior grade) to be lieutenants:

Wallace L. Lind,
John H. S. Dessez,
Stuart S. Brown,
Virgil J. Dixon, and
Franklin Van Valkenburg.

The following-named ensigns to be lieutenants (junior grade):

Thomas N. Vinson,
Malcolm W. Callahan,
Leon O. Alford, and
Delorimier M. Steece.

The following-named boatswains to be chief boatswains:

Joseph W. Bettens and
Michael J. Conlon.

Lieut. (Junior Grade) James L. Oswald to be a lieutenant.

Capt. William Brackett to be a major on the active list of the Marine Corps.

The following-named first lieutenants to be captains in the Marine Corps:

Archibald Young,
Harry K. Pickett,
Maurice S. Berry, and
Harold D. MacLachlan.

First Lieut. Vincent E. Stack to be a captain in the Marine Corps.

First Lieut. Thomas M. Luby to be a captain in the Marine Corps.

The following-named warrant officers to be second lieutenants in the Marine Corps:

Harry A. Ellsworth (quartermaster clerk),
Charles B. Hobbs (quartermaster clerk),
Warren C. Barnaby (quartermaster clerk),
Maurice C. Gregory (quartermaster clerk),
James T. Allen (quartermaster clerk),

Gustav F. Bloedel (quartermaster clerk),
John Strong (quartermaster clerk),
William A. McGinley (quartermaster clerk),
Thomas Dwight (quartermaster clerk),
John J. Haley (quartermaster clerk),
Walter Wooding (quartermaster clerk),
Frank D. Creamer (marine gunner),
Heinrich Reyelts (quartermaster clerk),
William Mills (quartermaster clerk),
Robert E. Williams (quartermaster clerk),
Harry E. Horner (quartermaster clerk),
William F. Thalheimer (quartermaster clerk),
Thomas F. Carney (marine gunner),
Benjamin F. Fogg (marine gunner),
Howell Cobb (quartermaster clerk),
Charlie Dunbeck (marine gunner),
Thomas F. Joyce (marine gunner),
Charles Grimm (marine gunner),
William F. Brown (quartermaster clerk),
Frederick Wahlstrom (marine gunner),
James W. Lattin (marine gunner),
Henry A. Riekers (marine gunner),
Augustus T. Lewis (marine gunner),
Edward McEvoy (marine gunner),
Charles D. Meginness (marine gunner),
James Keeley (marine gunner),
Eugene B. Mimms (quartermaster clerk),
William H. Stevens (marine gunner),
Henry Baptist (marine gunner),
Francis Fisk (marine gunner),
Robert W. Williams (marine gunner),
Peter Conachy (marine gunner),
Charles E. Mills (marine gunner),
Wilbur G. Gunn (quartermaster clerk),
John Blanchfield (marine gunner),
Carl E. Clark (marine gunner), and
Arthur J. Stout (marine gunner).

The following-named midshipmen to be ensigns:

Joseph W. Paige,
William R. Nichols,
Joseph W. Fowler,
William J. Malone,
Lawrence B. Richardson,
Moses B. Byington, jr.,
George T. Cuddihy,
Vincent R. Murphy,
Henry A. Hutchins, jr.,
Thomas L. Sprague,
Einar R. Johnson,
Pal L. Meadows,
Olton R. Bennehoff,
Frederick S. Holmes,
Earl E. Stone,
John J. Ballentine,
Everett B. Browne,
James Van B. Lawyer,
John N. Whelan,
Edward F. McCartin,
Donald A. Green,
Thaddeus A. Hoppe,
Theodore F. C. Walker,
George C. Hawkins,
Bronson P. Vosbury,
Miles R. Browning,
Herman E. Halland,
Stanley D. Jupp,
Perry R. Taylor,
John S. McReynolds,
Staley H. Gambrill,
James L. Fisher,
Robert B. Parker,
Samuel H. Hurt,
Henry Y. McCown,
George W. Johnson,
Jacob H. Jacobson,
J. Warren Quackenbush,
Gordon Rowe,
Junius L. Cotten,
James E. Waddell,
John G. Farrell,
Jack S. Phillips,
Elbert C. Rogers,
Harry W. Need,
William S. Garrett,
Earle W. Mills,
Harry D. Hoffman,
Forrest P. Sherman,
Ernest B. Colton,
William H. Hopkins, jr.,
Oscar H. Holtmann,
James Fife, jr.,
Frank R. Dodge,
William W. Warlick,
Ralph S. McDowell,
Charles W. Styer,
Owen E. Grimm,
Martin J. Connolly,
John D. Crecca,
Frederick L. Douthit,
Thomas B. Inglis,
James D. Jacobs,
Edwin H. Price,
John R. Sullivan,
John D. Alvis,
Daniel W. Tomlinson, 4th,
Hayden H. Smith,
Clifton A. F. Sprague,
Clifton E. Denny,
Joseph J. Clark,
Albert MacQ. Bledsoe,
Harold Biesemeier,
William C. Wade,
Roy T. Gailemore,
Albert F. France, jr.,
Robert T. Whitten,
Walter S. Macaulay,
George G. Breed,
David E. Cummins,
Julian Du B. Wilson,
Wilber M. Lockhart,
William Busk,
Henry E. Thornhill,
Ion Pursell,
Philip L. Emrich,
William H. Hartt, jr.,
Christopher C. Miller,
Donald W. Loomis,
Mertin C. Wade, jr.,
Jerauld Wright,
John W. Rowe,
Charles D. Leffler, jr.,
Lloyd G. Scheck,
Fred M. Byers,
Ford L. Wilkinson, jr.,
Francis S. Gibson,
Thomas G. Fisher,
Victor C. Barringer, jr.,
Graeme Bannerman,
Ernest A. Foote,
Robert Poole,
James D. Murray, jr.,
William E. G. Erskine,
Garry DeM. Custer,
Stanley C. Norton,
George O. Etheredge,
Harold E. MacLellan,
Peter K. Fischler, jr.,
Jay G. Huntoon,
Guy D. Townsend,
Arthur B. Craig,
Ralph H. Henkle,
Francis B. Connell,
Vaughn Bailey,
Albert L. Hutson,
Alphonsus I. Flynn,
Ellis H. Geiselman,
Herbert R. Sobel,
Jack H. Duncan,
Andrew P. Haynes,
Roger F. Armstrong,
Wallace M. Dillon,
Edward D. Walbridge,
Smith D. A. Cobb,
Ralph S. Riggs,
Harry K. Leventen,
John M. Haines,
Thomas F. Remington,
Cleemann Withers,
Charles G. Moore, jr.,
Joseph H. Brady,
Robert L. Mitten,
Elmer V. Iverson,

John O. Plonk,
George R. Kalbfus,
Frank B. Hillhouse,
Allan P. Flagg.
Robert M. Eaches,
Ralph C. Alexander,
Willis M. Percifield,
Harold G. Eberhart,
Berwick B. Lanier,
Martin R. Derx,
Louis Le R. Habrylewicz,
Henry D. Stailey,
Henry S. Kendall,
Stanley M. Kaight,
Edward W. Wunch,
John D. H. Kane,
James W. Whitfield,
Bernard V. Eekhout,
Albert S. Marley, jr.,
Francis J. Courtney,
Harry W. von Hasseln,
Arthur T. Moen,
Ross P. Whitemarsh,
Leonidas M. Mintzer,
Gordon B. Woolley,
Elmer E. Duvall, jr.,
Walter L. Taylor,
Edmund J. A. Murphy,
Ernest H. Krueger,
George E. Ross, jr.
Watson O. Bailey,
Proctor M. Thornton,
Leland P. Lovette,
Edmund J. Kidder,
Leroy W. Busbey, jr.,
Malcolm A. Deans,
Carlos W. Wieber,
Edwin D. Gibb,
William A. S. Macklin,
John W. Rogers,
Lloyd E. Clifford,
John K. Jayne,
William O. Baldwin,
Mays L. Lewis,
Thomas J. Haffey,
Chauncey R. Crutcher,
Lisle Henifin,
Clement B. White,
William K. Phillips,
Gordon B. Sherwood,
Alexander C. Kidd,
Frank Fechteler, and
Robert R. Ferguson.

The following-named midshipmen to be second lieutenants in the Marine Corps from the 29th day of June, 1917:

Julius T. Wright,
Donald Curtis,
Samuel J. Bartlett,
Arthur H. Page, jr.,
Jesse L. Perkins, and
Andrew E. Creesy.

The following-named midshipmen to be assistant paymasters in the Navy from the 29th day of June, 1917:

Wilson D. I. Domer,
Edward E. Bell, jr., and
John O. Wood.

The following-named officers of the Medical Reserve Corps and the Naval Reserve Force of the Navy to be assistant surgeons:

Harris H. Vail,
James E. Lebensohn,
Eric T. W. Boquist,
Henry S. Kinloch,
Laird M. Morris,
Warren F. Pearce,
Grattan G. Irwin,
Benjamin V. Derrah,
Charles F. Nichols,
David F. Bentley, jr.,
Estill L. Rice,
William P. Herbst, jr.,
William L. Martin,
Burt J. Asper,
John R. Middlebrooks,
Henry H. Searls,
Frederick L. McDaniel,
Douglas D. Martin,
John A. Nunn,
Brython P. Davis,
John H. Chambers,
James E. Potter,
Frederick H. Rodenbaugh,
Harold A. Noreen,
Joel J. White,
Dunnleigh Corey,
Leon Clemmer,
Thomas L. Sutton,
Lyle J. Roberts,
Russell D. Elliott,
Frederick G. Linde,
Thomas B. Duan,
Philip S. Sullivan,
Chester O. Tanner,
Walter J. Spencer,
Morton D. Willcutts,
John F. Donohue,
Linton Gerdine,
Milo K. Miller,
Harris R. Sutton,
William S. Leavenworth,
John C. Ruddock,
Willis E. Sullivan,
Enos P. Cook,
Franklin F. Lane,
Thomas D. Baxter,
Frederick R. Hook,
Orville R. Goss,
Portor Norton,
William S. Scott,
Leander P. Stamm,
Reuben L. Larsen,
Harry E. Bank,
Dudley W. Queen,
Charles L. Warner,
Ernest S. V. Laub,
Fread A. Nause.
Donald H. O'Rourke,
Leigh F. Robinson,
William A. Breslin,
Edward K. Tullidge,
Matthew F. Czubak,
James R. Reuling,
Thomas S. Royster,
Russell I. Craig,
Coleman B. Ransone,
Richard O. Shea,
Jacob W. Troxell,
William D. Davis,
Charles L. Haines,
Paul R. Neal,
Charles L. McCarthy,
Oscar S. Levin,
Percy W. Dreifus,
Albin L. Lindall,
Albert J. Argall,
William C. Darwin,
Hill F. Warren,
Adolph E. Schmidt,
Joseph G. O'Brien,
John Duff, jr.,
Harry S. Harding,
Robert Jansen,
George E. Kalter,
Riley M. Hayes,
Edwards M. Riley,
Merton J. Price,
Paul T. Crosby,
James C. Peden,
Ladislaus L. Adamkiewicz,
Robert L. McKiernan,
Samuel B. Solhaug,
William T. Lineberry,
Robert H. Snowden, and
Thomas L. Morrow.

The following-named citizens to be assistant paymasters:

Harold D. Stillman,
William D. Fleming,
Harold B. Teegarden,
Howard M. Shaffer,
Gerald A. Shattuck,

Melvin F. Talbot,
Nelson S. Trottman,
Ralph H. Cutler,
Judson C. Sutherland,
Arthur B. Shaft,
Romeyn B. Scribner,
Ralph B. Bristol,
Jacob M. Bregar,
John G. Penniman,
Robert J. White,
Robert P. Hazlehurst,
Lawrence Lockwood,
Harold H. Thurlby,
William S. Rhoades,
Charles A. Soars,
Summerfield G. Roberts,
Augustine Healy,
Russell D. Thomas,
Paul L. Steketee,
William C. King, jr.,
Russell D. Pennycock,
Kent J. Owens,
Samuel H. Dickson,
Milon L. Brown,
Ralph H. Howard,
James E. Jones,
Hugh Quinn,
Jean F. Loba,
Walter W. Gilmore,
William N. Ormsby,
Joseph F. Halloran,
Edwin D. Foster,
Richard C. Adams,
Paul K. Niven,
Harlow H. Hoffman,
Allen H. White,
George F. Aldrich,
James G. Prout,
Clarence A. Keeley,
Edwin C. Austin,
Bertram D. Schmidt.
Walton Dismukes,
Horace D. Nuber,
John N. Harriman,
Frank D. McCulloch,
Stowell W. Armstrong,
Stanley A. Joy,
Stanley S. Schnetzler,
Murrey L. Royar,
William J. Carter, jr.,
Robert H. Bennett,
Harry A. Bellows,
Daniel M. Miller,
Edward J. Alexander,
Vaughan C. Gunnell,
Ralph M. Netz,
Thomas S. Wylly,
Frank W. Grover,
Clarence G. Warfield,
Phillips Bradley, and
David W. Mitchell.

WITHDRAWAL.

Executive nomination withdrawn June 29 (legislative day of June 28), 1917.

Capt. Campbell E. Babcock, Infantry.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 29, 1917.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God, our Heavenly Father, without whom nothing is strong, nothing holy, increase our faith and confidence in Thee; that Thou being our counsel and guide, we may fulfill to the uttermost the obligations of the hour; and Thine be the praise, through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2482. An act to reinstate Armor S. Heffley as a second lieutenant in the United States Marine Corps; and

S. 2434. An act authorizing the counties of Cass and Itasca, Minn., to construct a bridge across the Mississippi River between said counties.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Sharkey, one of his secretaries.

PICKETING OF WHITE HOUSE.

Mr. ASWELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a telegram from the Equal Suffrage Club of my home city.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD in the manner stated. Is there objection?

Mr. WALSH. Mr. Speaker, I object.

Mr. ASWELL. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. ASWELL. Mr. Speaker, in my time I ask that the following telegram and letter be read, which I send to the desk.

The Clerk read as follows:

[Telegram.]

NATCHITOCHES, LA., *June 28.*

Hon. JAMES B. ASWELL,
Washington, D. C.:

The members of the Natchitoches Equal Suffrage Club, composed mostly of women, request you to convey to the President their sincere regret at the annoyance and embarrassment to which he is being subjected by the misdirected zeal of a few women suffragists, whose ill-timed activities in picketing the White House grounds and displaying banners denying the democracy of our Government they deeply deplore as hurtful to the cause of woman suffrage, as disloyal to our country in its hour of supreme peril, and as uselessly increasing the cares of a man on whom and on whose serenity of mind the welfare of the world at this critical time so largely depends.

NATCHITOCHES EQUAL SUFFRAGE CLUB,
By ROBERTA NEWELL, *President.*

—

JUNE 29, 1917.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: I take pleasure in handing you herewith a telegram from the Equal Suffrage Club of my home city, Natchitoches, La., signed by Miss Roberta Newell, president of the club.

Permit me to add my most cordial approval of the sentiments therein expressed.

Sincerely, yours, J. B. ASWELL.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SCOTT of Iowa for 15 days, on account of important business.

FRANK FUNKHOUSER.

Mr. PARK. Mr. Speaker, I call up House resolution 108, a privileged report (No. 90) from the Committee on Accounts, which I ask the Clerk to read.

The Clerk read as follows:

House resolution 108.

Resolved, That there shall be paid, out of the contingent fund of the House, the sum of $500 to Frank Funkhouser for clerical services rendered as clerk of the Committee on Mileage.

The SPEAKER. The question is on agreeing to the resolution.

Mr. GILLETT. Mr. Speaker, is this a unanimous report from the Committee on Accounts?

Mr. PARK. All but one member were present, and we could not get him.

Mr. GILLETT. Were some members of the minority present?

Mr. PARK. Yes; three of them were. Only one member was not present.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the resolution be again reported.

There being no objection, the Clerk again reported the resolution.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, is not this an exceptional procedure, so far as the clerk of this committee is concerned?

Mr. PARK. In what respect?

Mr. STAFFORD. Is he not receiving a regular salary as clerk of that committee?

Mr. PARK. No; there is no clerk to that committee—no session clerk.

Mr. DILL. There is no session clerk for the Committee on Mileage, and it has been customary for the clerk of this committee to receive this allowance. He does the work, of course, and I rely upon his figuring. His figuring it out and my certification is all that there is.

Mr. STAFFORD. I do not recall at any time when we have authorized a special amount to be paid to the clerk of the Committee on Mileage.

Mr. DILL. I am told that it has been done every year. Last year the same resolution was passed.

Mr. STAFFORD. It is the first time that I ever heard of it, and that is confirmed by other Members. I ask that the matter go over until further consideration can be given it.

The SPEAKER. It is a privileged resolution.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the matter go over for the time being until further consideration can be given it.

Mr. PARK. I object to that.

Mr. STAFFORD. I hope the gentleman will not force a call of the House.

Mr. PARK. I withdraw the resolution temporarily, Mr. Speaker.

EXTENSION OF REMARKS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a very brief editorial from a Richmond (Va.) newspaper, touching the matter referred to in the telegram just read from the desk, submitted by the gentleman from Louisiana [Mr. ASWELL].

The SPEAKER. The gentleman from Wyoming asks unanimous consent to extend his remarks in the RECORD by printing therein an editorial. Is there objection?

Mr. WALSH. Mr. Speaker, I object.

ARMY MEDICAL CORPS.

Mr. DENT. Mr. Speaker, I ask unanimous consent to proceed for not to exceed two minutes to explain a statement in the RECORD of last Monday with reference to promotions in the Medical Corps.

The SPEAKER. The gentleman from Alabama asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. DENT. Mr. Speaker, on last Monday when the bill regulating promotions in the Medical Corps was being considered, in reply to a question asked by the gentleman from Georgia [Mr. HOWARD], I am made to state that the highest office in the Medical Reserve Corps is that of a first lieutenant, whereas, as a matter of fact, it is a major. I thought the question was directed to the Medical Corps of the Regular Army and the Medical Corps of the National Guard. It was to correct the inequalities between the Medical Reserve Corps and the Medical Corps of the Regular Army, and particularly the National Guard, that the bill was submitted by the Committee on Military Affairs. In other words, the Medical Corps in the Regular Army and in the National Guard have to have five years' previous service but for this bill before they could get promotion, whereas in the Medical Reserve Corps a man could be appointed a major or a captain, as the case may be, without any previous service. I wish to make this statement so as to correct any misunderstanding that might result from what appears in the RECORD of last Monday.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the bill known as the trading-with-the-enemy bill, H. R. 4960, be made a special order on Monday, July 9, and a continuing order thereafter. This will enable us, I will say to the House, to take this coming week and adjourn either to-night or to-morrow over until Tuesday and then from Tuesday to Friday and Friday to Monday. After we have finished the consideration of this present bill, which will not take very long, and the Niagara Falls bill, which we can finish, I think, to-day, we can adjourn over by unanimous consent until Tuesday and then from Tuesday until Friday and then from Friday until Monday, when we will take up the trading-with-the-enemy bill.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. KITCHIN. I will.

Mr. MOORE of Pennsylvania. That will be the understanding, that we have no business on Tuesday or Friday?

Mr. KITCHIN. None at all; no business except the reading of the Journal and adjournment.

Mr. MOORE of Pennsylvania. Allow me to ask right there——

Mr. LEVER. Mr. Speaker, let me suggest to the gentleman from North Carolina there is a probability, and it may be a possibility, that a conference report can be had on the bill which is now on the Speaker's table, H. R. 4188, and there may be a possibility of having one on the other food bill.

Mr. GILLETT. What bill is that?

Mr. LEVER. The first food bill.

Mr. KITCHIN. That is the reason I am making this request, because there is nothing but a possibility or probability of the Senate returning the food-control bill the coming week, and we do not want to sit the whole of next week waiting for the Senate. In the middle of the week comes the Fourth of July, and many gentlemen wish to be away then, to leave on Tuesday and return on Thursday, if any went. I do not think there is any probability, though some may think so—I hardly think it is a possibility—for the Senate to finish the food-control bill next week. Why keep all the House here a whole week waiting? We can have an understanding that nothing will be done during the week except to meet and adjourn for three days at a time until Monday week.

Mr. ADAMSON. If the gentleman will yield for one minute, I want to emphasize the importance of understanding absolutely that nothing will be done except what is stated, because if Members go away under a gentlemen's agreement and a handful come here and somebody gets up a little insignificant thing and asks unanimous consent it ought not to be allowed.

Mr. KITCHIN. I think every man will be committed in honor to stand by this understanding that nothing will be done next week except to meet and adjourn over.

Mr. MOORE of Pennsylvania. There will be no quorum here then to do business until the 9th?

Mr. CRAMTON. Will the gentleman yield?

Mr. KITCHIN. I will.

Mr. CRAMTON. In the event a report should come in in connection with the food bill prior to the 9th, what would be done with it?

Mr. KITCHIN. It will remain on the Speaker's table until the 9th, and then be disposed of.

Mr. CRAMTON. We might be kept here another week or two in regard to these various other bills, whereas we might as well be working on something this coming week—that is, the trading-with-the-enemy bill.

Mr. KITCHIN. I think it will be better to take it upon a day certain, because you can not take it up except by unanimous consent or by a rule, and there is objection to it now. We do not wish to get a rule for its consideration. The House needs to be in no special hurry about it now, as the Senate could not consider it, perhaps, within a month.

Mr. CRAMTON. We will have the result of being kept here and doing nothing unless the food bills come in.

Mr. KITCHIN. On Monday week we will begin on this bill. If the food bill comes in in the meantime, we will, on Monday, the 9th of July, the first thing, send it to conference, and when we dispose of the food bill and the trading-with-the-enemy bill we will have another gentlemen's agreement until the Senate returns the revenue bill, which will be some two weeks, or possibly three weeks, thereafter. Then while the conferees are getting together on the revenue bill all the other bills and confrence reports can be passed. There will probably be a week or two of conference on the revenue bill.

Mr. CRAMTON. The result would be, it seems to me, a waste of time——

Mr. KITCHIN. No; it saves time; and another thing I think we do. The country knows the House is up with all its work and we are waiting on the Senate, and it may occur to the Senate or some Senators that they ought to do some business, and it might have a tendency to inspire them just to hurry up matters.

Mr. DYER. Will the gentleman yield?

Mr. KITCHIN. I will.

Mr. DYER. I understand that there is a real substantial belief that the food-control bill will be through the Senate by Monday.

Mr. KITCHIN. This coming Monday?

Mr. DYER. They are getting ready to read it to-morrow morning——

Mr. KITCHIN. If the gentleman believes that, he is the most credulous gentleman I ever heard of.

Mr. DYER. I think we ought to stay here next week.

Mr. LEVER. Mr. Speaker, will the gentleman from North Carolina yield for a suggestion?

Mr. KITCHIN. I will.

Mr. LEVER. I have just been notified by a friend of mine in the Senate that the Senate has overwhelmingly voted down the motion to recommit the food bill.

Now, my judgment is that the Senate will pass the food bill by Tuesday night. I may be entirely mistaken about it, but I

wanted to call the gentleman's attention particularly to the necessity for haste in connection with the bill that is now on the Speaker's table—the first food bill—the matter just coming to my attention this morning.

Mr. KITCHIN. Possibly that can go to conference now.

Mr. LEVER. If we might know that we would have a quorum here on Tuesday of next week, I think the question can easily be disposed of.

Mr. KITCHIN. I doubt if we can have a quorum, because most of the gentlemen have made engagements, a great many of them, for the Fourth of July.

Mr. MOORE of Pennsylvania. And Tuesday is the day before the Fourth.

Mr. GILLETT. Will the gentleman yield?

Mr. KITCHIN. I will.

Mr. GILLETT. Mr. Speaker, I think the suggestion that the gentleman has made is a wise one; for one reason, that many Members of the House, on both sides, have understood since the first of this week that such an agreement was to be made. It was fairly stated, as we all know, and a great many have gone away on the strength of that. I wondered if it could not be arranged in some way, recognizing the haste about the food bill, that if the food bill came over here by Tuesday, as the gentleman thinks, although I do not agree with him in his expectations, it could not be understood that under those circumstances, as the House will come back on Friday, that there might be the conditional agreement so that we might take it up on Friday instead of the following Monday.

Mr. LEVER. Would the gentleman from North Carolina [Mr. KITCHIN] have this agreement, that if the food bill does come to the House next week we may enter into an agreement now that we shall disagree to all the Senate amendments and ask for a conference?

Mr. KITCHIN. I would gladly agree to that, but I understand the gentleman from Kentucky [Mr. BARKLEY] might not agree to it.

Mr. LENROOT. If the gentleman will yield?

Mr. KITCHIN. I yield.

Mr. LENROOT. Might not this understanding be had, that if the food bill does come back the request for unanimous consent be made that it go to conference, and if it be objected to, of course it would not be taken up until we come back?

Mr. KITCHIN. I would like to see that agreement made, but I understand the gentleman from Kentucky is opposed to it.

Mr. BARKLEY. I would not like to agree to anything in reference to the food bill without knowing in advance what is going to be in it when it came back.

Mr. LENROOT. The gentleman would not have objection now to the making of a unanimous-consent request?

Mr. BARKLEY. I do not know that it would be necessary to get unanimous consent to object.

Mr. LENROOT. The gentleman's agreement, as stated, would not permit even a request for unanimous consent. My only point was that should not apply to a request for unanimous consent, but that if this bill comes back the gentleman should have full opportunity to object.

Mr. BARKLEY. I would not enter into any agreement that would preclude me from objecting——

Mr. LENROOT. Certainly not.

Mr. KITCHIN. You can object at that time.

Mr. BARKLEY (continuing). Or to offer any preferential motion that might be in order in reference to the bill.

Mr. YOUNG of Texas. Will the gentleman yield?

Mr. KITCHIN. I yield to the gentleman from Texas.

Mr. YOUNG of Texas. I would not want to make any agreement, from what I see of the Senate's addition to the food bill.

There are a good many things that they have put on there that I want to move to concur in, and I want to have the opportunity of making the motion.

Mr. KITCHIN. My friend from South Carolina [Mr. LEVER] is an optimist as to the action of the Senate, and so is my friend from Missouri [Mr. DYER]. We need not expect the Senate to send this bill back here next week. They are going to take the Fourth of July also, I presume.

Mr. DYER. I would like to ask the gentleman how long we will likely be in session to-day?

Mr. KITCHIN. I would say we would get through the pending bill here in an hour.

Mr. ADAMSON. And probably in 30 minutes.

Mr. STAFFORD. Will the gentleman yield?

Mr. KITCHIN. My judgment is we will lose no time, but make time, by consenting to the unanimous-consent request that I have made.

Mr. BORLAND. It is proposed to start in on the trading-with-the-enemy bill this week?

Mr. KITCHIN. My request is to put it off until July 9, as we can not get unanimous consent to consider it now. That is satisfactory to the committee. The committee considered the matter and thought this the wise arrangement.

Mr. CRAMTON. Is it the understanding that, in the event this request is granted, following these matters of to-day and to-morrow there will be nothing whatever taken up except conference reports and the trading-with-the-enemy bill?

Mr. KITCHIN. Nothing will be taken up next week.

Mr. CRAMTON. And the week of July 9 you are not going to start in with a new grist of legislation?

Mr. KITCHIN. No. I think that would end it. Of course the aeronautics bill would come along later, but that would be all. That would end up the program.

Mr. CRAMTON. Nothing would be taken up anew except the bill concerning trading with the enemy?

Mr. KITCHIN. No; nothing except the bill respecting trading with the enemy, in addition to these two measures that have been referred to to-day. That is my understanding.

The SPEAKER. The gentleman from North Carolina [Mr. KITCHIN] asks unanimous consent that after the reading of the Journal and the disposition of the business on the Speaker's table on the 9th day of July House bill 4960, in relation to trading with the enemy, shall be in order and remain the continuing order until it is completed——

Mr. KITCHIN. Not to interfere with conference reports——

Mr. DILLON. Reserving the right to object, Mr. Speaker——

The SPEAKER. Not to interfere with conference reports, revenue bills, and appropriation bills.

Mr. DILLON. Can the gentleman give us any information as to when he expects to secure a final adjournment?

Mr. KITCHIN. Well, I think we ought to get a final adjournment by the 15th of August.

Mr. LANGLEY. Or at any rate by September 15.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. LEVER. Reserving the right to object, Mr. Speaker, there is on the Speaker's table a House bill with Senate amendments. I do not think that the conditions existing between the two bodies are such that we can not easily come to an agreement very quickly. The only thing that troubles me now is that members of the Committee on Agriculture of the Senate are engaged on the floor of the Senate. But I would like, if I possibly could, to enter into an agreement that if this conference report should be brought back to the House by Monday or Tuesday of next week it might be disposed of, because I am satisfied that there are no real differences that we can not work out.

Mr. KITCHIN. As I said awhile ago, another reason why we need not hurry about the trading-with-the-enemy bill is that, even if you pass it next week, the Senate will probably not be able to reach its consideration within three or four weeks.

The SPEAKER. Is there objection?

Mr. SIMS. That has reference to the fixing of the time?

The SPEAKER. Yes; that has reference to that one thing. All the rest of this talk is futile.

Mr. WINGO. Mr. Speaker, I will object to any unanimous consent until action is taken on that food-survey bill with the amendments of the Senate.

The SPEAKER. Is the gentleman from Arkansas seeking to object to the request of the gentleman from North Carolina?

Mr. WINGO. If the gentleman will couple with that the consideration of this matter next, I shall not object.

Mr. KITCHIN. This does not interfere with conference reports.

Mr. WINGO. Here is the situation: This House has been rawhided by Members of the Senate—at least one of them—each day, and by the newspapers of the country also, for failure to take up this proposition.

The SPEAKER. The gentleman can take it up in half a minute.

Mr. KITCHIN. Half a minute after the disposition of this. It does not exclude that. The gentleman can make his motion immediately.

Mr. WINGO. With the understanding that that is to be taken up and disposed of, I shall not object.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina that this trading-with-the-enemy bill be considered on the 9th day of July after the reading of the Journal, and so forth, not to interfere with conference reports?

Mr. WINGO. Mr. Speaker, I want to know if it is agreed now that this other matter can be taken up. Objection has been made to the consideration of it. One objection has been

able to knock it out heretofore. I want to know if it is to be agreed to take it up.

The SPEAKER. The only way to find out in that state of mind is for the gentleman from North Carolina to withdraw his unanimous-consent request and try it on.

Mr. KITCHIN. Yes. I will withdraw it, and renew it right off.

Mr. LEVER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 4188, with Senate amendments, disagree to all the Senate amendments, and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to take from the Speaker's table House bill 4188, disagree to all the Senate amendments, and agree to the conference. Is there objection?

Mr. YOUNG of Texas. Reserving the right to object, Mr. Speaker, there is one amendment put on by the Senate that I desire to move to concur in. That is the antihoarding proposition. I have not the number of it.

Mr. WINGO. The gentleman refers to the Nelson amendment, does he not?

Mr. YOUNG of Texas. I refer to the Nelson amendment.

Mr. LEVER. I do not happen to have the bill as amended by the Senate in my files, but I will say that the bill pending in the Senate that passed in this House by an overwhelming vote on Saturday night contains an antihoarding section that is better drawn and more effective than the section the gentleman calls attention to. If at this time he wants to test the House on that proposition, I am willing to arrange some time for debate.

Mr. YOUNG of Texas. I do not care for debate, but I want to make a motion that we concur in that Senate amendment.

Mr. LEVER. Mr. Speaker——

Mr. YOUNG of Texas. Further reserving the right to object, Mr. Speaker, if the gentleman from South Carolina can assure me that the antihoarding proposition will be retained in the other bill——

Mr. KITCHIN. A vote can be given on it. That will be all right——

Mr. YOUNG of Texas. I will agree right now.

Mr. LEVER. Yes. I am as strongly for the antihoarding proposition as the gentleman is.

The SPEAKER. Is there objection?

Mr. FERRIS. Reserving the right to object—which I do not intend to do—I want to call the attention of the chairman of the committee to some very far-reaching amendments that have been put on this bill with reference to public lands, including the so-called Fall amendment. Will the gentleman yield to me two or three minutes?

Mr. LEVER. I have no time myself.

Mr. FERRIS. I ask unanimous consent, Mr. Speaker, to proceed for two minutes.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. FERRIS. On December 31 last the Congress passed the so-called 640-acre homestead bill. Under that legislation approximately 60,000 applications have been made to enter the public lands of the United States. The bill carries a provision that none of these entries can be allowed until they are examined—which is a very proper provision—to determine that they are nonmineral, nontimber, and nonirrigable, and so forth, or grazing-land propositions. These 60,000 applications are hung up in midair, awaiting an examination by the Geological Survey, so that they can be allowed or disallowed, as the case may be. The sundry civil appropriation bill carries an appropriation of $150,000 to carry on this examination. That is a little more than $2 a claim for examining the claims, which amount, of course, as is apparent to the House, is wholly inadequate, and means that another year will elapse with these 60,000 applications hung up, neither allowed nor disallowed, which leaves a state of chaos in the West. The Senator from New Mexico [Mr. FALL] has placed some amendments on the pending food bill providing for a summary allowance of these entries, without any examination at all, which would subject mineral lands, timberlands, irrigable lands, and all sorts of lands to a legislative classification. It is not necessary to tell the House that such a classification is unwise and improper, and should not be agreed to on this bill, but it is also necessary to let the House understand that something ought to be done toward the solution of that problem. The House Public Lands Committee met, with a view to try to solve this problem in some way or, rather, we met to aid the gentleman from South Carolina [Mr. LEVER] to solve it, and after a conference with the Interior Department, and with the Geological Survey, and with the Commissioner of the General Land Office, they tell us that if we will give them a little more money to carry on this examination they can examine these claims by the aid of the three field forces they have, in something like six months or a year. We have prepared and our committee have agreed to an amendment that provides an additional $100,000, which added to the $150,000 given by the sundry civil bill makes $250,000 for the examination of 60,000 claims. That makes between $4 and $5 a claim. That probably is not enough, although the Interior Department thinks it will do.

Mr. LEVER. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. LEVER. Was that agreement of your committee a unanimous agreement?

Mr. FERRIS. It was; but I will state to the gentleman——

Mr. LENROOT. It was not.

Mr. FERRIS. I was going to state that the gentleman from Wisconsin [Mr. LENROOT] was not present, and I was going to state that I understand the attitude of Mr. LENROOT to be otherwise, although I had not talked to him on this proposal.

Mr. LENROOT. The gentleman from Oklahoma well knew the position of the gentleman from Wisconsin upon it.

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. FERRIS. I ask unanimous consent for two minutes more.

The SPEAKER. Is there objection?

Mr. GILLETT. Reserving the right to object, what has this got to do with the matter now before the House?

Mr. FERRIS. There is no more important proposition in this bill than this matter, which reaches 60,000 homesteaders. We are appropriating hundreds of millions of dollars——

Mr. GILLETT. But the House can not act on this matter now. The conferees have control of it.

Mr. FERRIS. I only want a minute more to bring it to the attention of every Member of the House——

Mr. AUSTIN. Regular order, Mr. Speaker.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma be allowed to proceed for two minutes.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the gentleman from Oklahoma be allowed to proceed for two minutes. Is there objection?

Mr. DOWELL. I object.

Mr. LEVER. Let me say to the gentleman from Oklahoma that the conferees who represent the House will be glad to hear from him as well as the gentleman from Wisconsin [Mr. LENROOT], and to listen to any suggestions they may have to make. It is unfortunate, however, that such an amendment should be put on a bill of this character. The members of the House Committee on Agriculture know nothing—at least the chairman of that committee knows nothing—of the public-land laws of this country, and we must get our views from those gentlemen who are well acquainted with these laws. I can say to the gentleman from Oklahoma that both sides of this question shall be heard by the conferees.

Mr. FERRIS. I am perfectly sure of that, and I only wanted to make plain to the House the importance of action upon this matter.

Mr. MONDELL. The gentleman may be interested in knowing that many Members from the public-land States were consulted in connection with this matter, and they agreed to the amendment suggested by the Public Lands Committee which has been reported.

Mr. LEVER. I assure the gentleman——

Mr. DOWELL. Regular order! This is a matter for the conference committee.

The SPEAKER. It is not debatable. The gentleman from South Carolina asks unanimous consent to take this bill from the Speaker's table, disagree to the Senate amendment, and agree to the conference asked for by the Senate. Is there objection?

Mr. BATHRICK. Reserving the right to object——

The SPEAKER. The gentleman from Iowa [Mr. DOWELL] has demanded the regular order.

Mr. BATHRICK. The regular order is, Is there objection to the request of the gentleman from Oklahoma [Mr. FERRIS] for an extension of time?

The SPEAKER. No; that was objected to. The regular order is, Is there objection to the request of the gentleman from South Carolina [Mr. LEVER]?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. LEVER, Mr. LEE of Georgia, Mr. CANDLER of Mississippi, Mr. HAUGEN, and Mr. MCLAUGHLIN of Michigan.

TRADING-WITH-THE-ENEMY BILL.

Mr. KITCHIN. Mr. Speaker, I renew my request.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that on July 9, after the reading of the Journal and the disposition of business on the Speaker's table, the enemy trading bill shall be made the special order, and continue to be the special order until it is completed, barring conference reports, appropriation bills, and revenue measures. Is there objection to that?

Mr. LEVER. Reserving the right to object——

Mr. KITCHIN. I ask the gentleman not to do that. It will open up the whole debate again.

The SPEAKER. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SLAYDEN, indefinitely, on account of important business.

To Mr. ASHBROOK, for two weeks, on account of important business.

ACCEPTANCE OF DECORATION FOR AMBASSADOR WHITLOCK (H. DOC. NO. 223).

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with accompanying papers, referred to the Committee on Foreign Affairs and ordered printed:

To the Senate and House of Representatives:

I transmit a report by the Secretary of State, accompanied by a copy of a note from the minister of Belgium at Washington expressing the wish of his Government that Mr. Brand Whitlock, the American minister to Belgium, may be permitted to accept a decoration of the Grand Cordon of the Order of Leopold, which the King of the Belgians desires to confer as a recognition of the exceptional circumstances under which Mr. Whitlock discharged his official duties in occupied Belgium and as a testimonial of the King's gratitude to the whole American Nation.

I ask the Congress to consider whether its permission should not be granted for the acceptance of the decoration by Mr. Whitlock, as conferred for "an exceptional, extraordinary, and meritorious act," as set out by the Secretary of State.

WOODROW WILSON.

THE WHITE HOUSE, *June 29, 1917.*

DESERT-LAND ENTRANTS IN MILITARY OR NAVAL SERVICE.

Mr. RAKER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 3331. We have agreed to an amendment, and I do not think there will be any objection.

The SPEAKER. The Clerk will report the bill.

Mr. DOWELL. Mr. Speaker, I object.

Mr. RAKER. Mr. Speaker, I ask to address the House for one minute.

The SPEAKER. The gentleman from California asks to proceed for one minute.

Mr. DOWELL. Mr. Speaker, I will withdraw my objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

A bill (H. R. 3331) for the protection of the owners of mining claims and of desert-land entrymen who enter the military or naval service of the United States in time of war.

Be it enacted, etc., That the provisions of section 2324 of the Revised Statutes of the United States, which require that on each mining claim located after the 10th day of May, 1872, and until patent has been issued therefor, not less than $100 worth of labor shall be performed or improvements made during each year, shall not apply to claims or parts of claims owned or held by officers or enlisted men of the Army, Navy, Marine Corps, or Organized Militia of the United States from April 1, 1917, to and including the termination of the existing war, or until six months after such owner or claimant is mustered out of service, or until six months after his death in the service: *Provided*, That the claimant of any such mining location, in order to obtain the benefits of this act, shall file or cause to be filed in the office where the location notice or certificate is recorded within six months from and after the date of this act, or within six months after he is mustered into the service, a notice of his muster into the service of the United States and of his desire to hold said mining claim under this act.

SEC. 2. That no desert-land entry made or held under the provisions of the act of March 3, 1877, as amended by the act of March 3, 1891, by an officer or enlisted man in the Army, Navy, Marine Corps, or Organized Militia of the United States shall, after April 1, 1917, be subject to contest or cancellation for failure to make or expend the sum of $1 per acre per year in improvements upon such claim, or to effect the reclamation thereof, so long as said entryman or his successor in interest is engaged in the military service of the United States, and the time within which such entryman or claimant is required to make such expenditures and effect reclamation of the land shall include four years, exclusive of the time of his actual service in the Army, Navy, Marine Corps, or Organized Militia of the United States: *Provided*, That each such entryman or claimant shall, within six months after the passage of this act, or within six months after he is mustered into the service, file in the local land office of the district wherein his claim is situate a notice of his muster into the service of the United States and of his desire to hold said desert claim under this act.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from California asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

Mr. NORTON. Mr. Speaker, reserving the right to object, I want to ask the gentleman does this permit a desert-land entry or a mineral entry by a soldier already in the service?

Mr. RAKER. The first section of the bill has been stricken out because the gentleman from Illinois [Mr. FOSTER] had a bill providing for mineral entries. This does for the desert-land entrants just what we did for the homesteader and the mineral claimants yesterday.

Mr. NORTON. But the gentleman has not answered my question. Does not this act in its present form permit a soldier who is now serving in the Army to make an entry and then to receive the benefits or exemptions of the provisions of this bill?

Mr. RAKER. There are no benefits to be received; the only thing is that while in the service he does not have to perform the dollar-an-acre labor.

Mr. MONDELL. Will the gentleman permit me to answer the gentleman from North Dakota? It is true, under the bill as it stands, a desert entry could be made by a man in the service on leave, but it strikes me there is no objection to that, because all that this law does is to waive the performance of the labor of a dollar an acre during the period of the service. It does not grant any other right or privilege.

Mr. NORTON. Let me ask the gentleman if the law was passed in the present form, could not I go out to any Army post and secure the application of 500 soldiers to file upon desert-land entries? Their entries would be made upon the land, and then for a period of four years the land could be held free from any other appropriation, without any improvement whatever, and could be used for grazing or for whatever other purpose it might be useful.

Mr. RAKER. No; because the bill expressly says "no desert-land entry." This does not say application. You have got to go to the land, you have got to go and see it, and you have got to have your witnesses, and you could not leave the Army for that purpose. The bill does not apply to that. It applies to those who have desert-land filings or entries, and nothing else.

Mr. NORTON. Well, that is the gentleman's statement.

Mr. RAKER. That is what the department says. The Secretary of the Interior is in favor of it, the Secretary of Agriculture is favorable to it, and the Secretary of War favors it because it protects the men in the service of the United States.

Mr. NORTON. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. NORTON. Unless the gentleman can read something to me from the bill stating that the soldier who is now enlisted does not under the provision of this law as it exists have the right to make an entry, I shall object. I do not care anything about the gentleman's oratory or about the approval of the heads of the departments.

Mr. RAKER. The gentleman does not know what is in this bill.

Mr. NORTON. I object.

Mr. RAKER. We have passed the objection period.

The SPEAKER. No; the gentleman from California asked that the bill be considered in the House as in Committee of the Whole, and the gentleman from North Dakota objects.

Mr. RAKER. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill (H. R. 3331) for the protection of the owners of mining claims and of desert-land entrymen who enter the military or naval service of the United States in time of war.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. SLAYDEN in the chair.

Mr. RAKER. I ask unanimous consent, Mr. Chairman, that the first reading of the bill be dispensed with.

Mr. MOORE of Pennsylvania. I think the bill ought to be read.

The Clerk again read the bill, with the following committee amendments:

Strike out all of section 1 of the bill, which includes lines 3 to 10, both inclusive, page 1, and lines 1 to 13, both inclusive, page 2.

Strike out in line 14, page 2, the following: "SEC. 2."

Amend the title by striking out the following words, viz, "of mining claim and,' so that as amended it will read as follows: "For the protection of the owners of desert-land entrymen who enter the military or naval service of the United States in time of war."

Mr. GILLETT. Mr. Chairman, we are entitled to general debate on the bill. I do not wish to take up the time of the House, but one gentleman here desires to speak upon a subject other than the bill.

Mr. SIMS. The gentleman from California appealed to us that he had a bill that would only take a few minutes. Our bill is the regular order, and we gave way under the assurance that his bill would take but a short time. Now, if there is to be general debate on this bill, I think the gentleman from California ought to ask to withdraw the bill.

Mr. FERRIS. Let me appeal to the gentleman from Massachusetts. Yesterday we agreed to a similar bill——

Mr. GILLETT. Oh, I think this bill ought to go through.

Mr. FERRIS. We agreed to a similar bill in regard to homesteaders and in regard to mineral entries. The gentleman from California has this bill for the same purpose as to desert-land entries.

Mr. GILLETT. I understand that. I do not wish to obstruct the passage of this bill.

Mr. FERRIS. Objection was made, and the gentleman from California acceded to the objections that came yesterday and is to offer amendments to satisfy them. The gentleman then gave assurance to the Committee on Interstate and Foreign Commerce that this bill would take but a few moments, in which I think he was warranted, but objections sprang up from another source, as the gentleman knows, and I really hope that we can keep out all general debate on both sides.

Mr. GILLETT. Perhaps the gentleman from Tennessee [Mr. SIMS] would allow 30 minutes to this side on his bill.

Mr. SIMS. Let me say to the gentleman that there is another bill coming up, the Niagara bill.

Mr. GILLETT. Is that on the Union Calendar?

Mr. FERRIS. Yes.

Mr. GILLETT. Then I shall wait until that bill is under consideration.

Mr. RAKER. Mr. Chairman, I ask for a vote on the committee amendments.

The CHAIRMAN. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. RAKER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Lines 19 and 20, page 2, strike out the language "after April 1, 1917."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

The amendment was agreed to.

Mr. RAKER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Line 23, page 2, strike out the words "so long as" and insert "during the period."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

The amendment was agreed to.

Mr. RAKER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Line 2, page 3, strike out the words "include four years" and insert the word "be."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

Mr. MONDELL. Mr. Chairman, I desire to be heard on that amendment.

I want to say with regard to the amendment that the committee just adopted, on line 23, page 2, that that is simply for the purpose of making the language clear. The language was "so long as" and the words inserted were "during the period," in order to make it clear that the time within which the entryman is exempted is during the period of his service. It also makes it clear that a man can not be contested after he leaves the service for failure to perform the work or make the expenditures during his service. The amendment now before us, to strike out, on page 3, the words "include four years" and to insert in lieu thereof the word "be," is for this purpose: The original desert-land law gives the entryman four years within which to make final proof on his entry, but there are a number of laws under which, under certain conditions, there may be an extension of time, and therefore we should make no reference to the period within which he must make proof, but simply provide that, whatever the period be under the law, it shall be exclusive of this service. There is no intention of depriving these men of any extension of time within which to make final proof which the law now allows. The object is to also relieve them of the necessity of expenditures for reclamation during the period of their service. This amendment makes that clear.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

The amendment was agreed to.

Mr. RAKER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Line 24, page 2, after the words "United States," add the words "during the present war with Germany and until six months thereafter."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. RAKER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

At the end of the section, in line 10, page 3, change the period to a colon and insert the following:

"*Provided further*, That the term 'enlisted man' as used in this section shall include any person selected to serve in the military forces of the United States as provided by the act entitled 'An act authorizing the President to increase temporarily the Military Establishment of the United States,' approved May 18, 1917."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MONDELL. Mr. Chairman, I suggest that at the end of that amendment the word "officer" be added; otherwise the amendment would seek to interpret the words "enlisted man" as including all classes, officers and privates as well. That was not the intent of the gentleman in offering his amendment.

The CHAIRMAN. Does the gentleman offer an amendment to the amendment?

Mr. LENROOT. Mr. Chairman, this is for drafted men. We do not draft officers.

Mr. MONDELL. Mr. Chairman, the bill provides for officers and enlisted men. My opinion is that that language as it is in the bill is proper and sufficient, but some of the gentlemen have thought that there might be an interpretation of the term "enlisted man" so as not to include the men who were drafted; hence this legislative interpretation to the effect that "enlisted man" includes everyone called to the service. The bill already provides for officers, and the interpretation was not intended, I am sure, to be all-embracing of officers and enlisted men as well. I assume, however, that the department may so interpret it, and I shall not insist upon my amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

The amendment was agreed to.

Mr. RAKER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 3, line 3, after the word "Navy," insert the word "or," and, in the same line, strike out the words "or Organized Militia."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. HAYDEN. Mr. Chairman, I desire to be heard on this amendment. I do not believe the words "or Organized Militia" should be stricken out, for the reason there are now in Federal service from the States of Texas, Arizona, and New Mexico Organized Militia called into the service of the United States over a year ago to resist invasion from Mexico. All the other National Guard regiments from the other States were called into Federal service for border-patrol duty after the passage of the Army reorganization act, which became a law in June, 1916, whereas the National Guard of Texas, Arizona, and New Mexico were called forth in May of last year as Organized Militia and are still known as such, although they will be drafted into Federal service under the selective-draft act on the 5th of next August.

Mr. LENROOT. Let me ask the gentleman, after these National Guards are all drafted each State will continue to have a National Guard or an Organized Militia for their home defense, would they not?

Mr. HAYDEN. There are two kinds of National Guard at the present time——

Mr. LENROOT. And therefore you should strike out "Organized Militia."

Mr. HAYDEN. If this amendment prevails, the Organized Militia in the service of the United States can not get the benefit of this act.

Mr. LENROOT. They will anyway.

Mr. STAFFORD. Will the gentleman yield?

Mr. HAYDEN. I will.

Mr. STAFFORD. They become enlisted men of the Army and Navy.

Mr. HAYDEN. Why not leave specific mention of the Organized Militia in the bill?

Mr. STAFFORD. Because it will extend to the militia who will not be in the service of the United States. Certainly the gentleman does not intend to extend this exemption to those who are not called into the service of the United States?

Mr. FERRIS. Mr. Chairman, I want to be heard in opposition to this amendment. I am not entirely sure I am right about it, but I think I am. I think to strike out these words "or Organized Militia" and allow men who are being held in the camps and in training camps to be excluded from the opportunity that an ordinary citizen has to file a homestead on public land in the West is a mistake. I know the gentleman from Wisconsin is moving with caution in order to draft better legislation, but I think he is going to strike a blow at the young men of this country who are trying to prepare themselves for the service, going to the training camps. One branch of the Army is the militia. We have created a Militia Bureau, the head of which is Gen. Mann, of the War Department. We have created cantonments all over the United States for military training of the boys from the country in the service, and I do not think the Organized Militia ought to be stricken out.

Mr. STAFFORD. Will the gentleman yield?

Mr. FERRIS. I will.

Mr. STAFFORD. I assume the gentleman does not wish to extend this privilege to those in the National Guard who are not called into the service of the United States?

Mr. FERRIS. Yes, I do. They are entitled to it. Of course I am not the last word on military matters and I may be in error about this. But I can see no good reason for this.

Mr. STAFFORD. The gentleman will remember when we had under consideration the Army reorganization bill it recognized two classes, the National Guard per se and the militia, and the National Guard when taken into the fold of the United States became part and parcel of the Army of the United States. Now, this is to extend the privilege——

Mr. FERRIS. The trouble is that the gentleman's suppositions are right and his facts are wrong. Now, men are to be taken into the service in three forms: First, the Regulars; second, the National Guard or the militia; and, third, the conscripted army, known as the National Army. They are carried in three divisions, and cantonments are being established for the purpose of training them in separate units of the Army. The gentleman from Texas who sits in the chair knows he has one cantonment at Fort Sam Houston to train the conscripted army. He knows there are three more in Texas to train the militia or the National Guard. These men may be held in camps for weeks or months, and perhaps years, in training in preparation for going into the National Guard Army or into the Regular Army, and because they are subject to be drafted into the militia army or the Regular Army they should not be excluded from this legislation.

Mr. STAFFORD. Would the gentleman have any objection to the amendment suggested by the gentleman from Wyoming [Mr. MONDELL] to strike out "Army, Navy, Marine Corps, or Organized Militia" and insert "military or naval service of the United States"?

Mr. HAYDEN. I think that would be all right.

Mr. FERRIS. I really have objection to the whole amendment. The real truth is, this committee comes in here with some legislation trying to aid our boys, trying to keep claim jumpers from taking land away from our boys who are serving the Republic, in these three little bills which have been brought up here, and yesterday we were badgered and hounded as though the bills were of no importance.

To-day we are hounded and besieged on every side because we are trying to do a little more for these boys, not carrying one cent of appropriation against the Federal Treasury. It would seem, Mr. Chairman, in this Congress, that in order to popularize a bill we must have it carry a $100,000,000 appropriation. I tell you, Mr. Chairman, there are going to be some new voices heard in this House unless this committee is treated with a little more respect and unless the bills which they are trying to pass for the benefit of the boys who are fighting for us are treated with a little more respect. Appropriations go through here by unanimous consent. Anyone who dares to question them is castigated, but when it comes to some real relief for some real fellows who are first willing to try to develop the West and, second, willing to fight for and defend their country everyone assails them.

Here is an amendment—a great, long amendment—that has never been submitted to the committee at all. It was agreed by Mr. RAKER he would accept it to get consent here so that we can get consideration of this bill. The gentleman in charge of the bill, anxious to render service to these boys, has agreed to an amendment here that ought not to be adopted. It is not necessary to adopt it.

The gentleman from Wisconsin [Mr. LENROOT] may have been technically correct originally, but a man is an enlisted man once he is enrolled and sworn in, whether he volunteers or is conscripted. I think there is equal argument that could be made against this other amendment that was brought in here. I think there is absolutely no necessity for this one. I think it encumbers the bill. I think it is purely technical, and the whole amendment ought to be disagreed to, so that every enlisted man, whether he be a National Guardsman or a Regular or whether he be a conscripted man, ought to have the same relief. And I am not willing any longer to sit here, without protest at least, as chairman of the committee, and allow great, long amendments to be put in this bill when the authors themselves, although well meaning, do not know what they are about. [Applause.]

Mr. LENROOT. Mr. Chairman, the distinguished chairman of the committee has criticized the House for its action upon a certain bill yesterday. I wonder if the gentleman realizes if it had not been for the amendment put into that bill by the House yesterday every man serving in the United States during this war——

Mr. FERRIS. Will the gentleman yield? To which I make a positive denial, both in truth and in fact. The facts are not to that effect at all, and the Interior Department is not in agreement with the gentleman, and no member of the committee is in agreement with the gentleman. The gentleman is a member of the committee and saw the light first yesterday as to that.

Mr. LENROOT As to that, perhaps the gentleman can make a bald statement of that kind, but I should be willing to submit that matter to Mr. Finney, of the Land Department, whom the gentleman and I know very well, and for whose opinion I have great regard, as to whether or not entries could not have been made after enlistment, just as the gentleman from Kansas [Mr. LITTLE] contended they ought to be made, if it had not been for the amendment adopted by the House.

Mr. FERRIS. The report of the department does not agree with the gentleman.

Mr. LENROOT. They did not report on that proposition. The department, as the gentleman knows quite as well as I do, is not infallible and is quite as subject to making mistakes as the committee itself is, and I am quite frank to say that we are not infallible. The gentleman evidently thinks the Committee on the Public Lands—and I am proud to be a member of it—is infallible and can not make a mistake. The committee can make mistakes just as other committees do make mistakes, and it is no reflection upon our committee if an amendment offered to a bill that comes from that committee is agreed to in the House. And upon this bill I want to call the attention to what the bill will do if it is not amended.

The first part of the bill, relating to Organized Militia, I have no objection to, because that limits it to the Organized Militia that is in the actual service of the United States. But when you come to the second use of the term "Organized Militia," what does it do? It says:

> And the time within which such entryman or claimant is required to make such expenditures and effect reclamation of the land shall include four years—

That has now been amended—

> exclusive of the time of his actual service in the Army, Navy, or Marine Corps, or Organized Militia of the United States.

That is not confined to the service of the United States. That is not confined to the period of the war. As long as he remains a member of the National Guard of any State, he never will be required to make final proof under the bill as it now stands.

Mr. MONDELL. Mr. Chairman, there is no gentleman in the House for whom I have a higher regard than the chairman of the Committee on the Public Lands, but I think that all of us sometimes get a little impatient with regard to our legislation, and I am afraid the gentleman has grown a little impatient.

Under the laws a soldier in the service of the United States can make an application under the new 640-acre homestead law the same as anybody else, without going near the land, and that if we had not amended the bill yesterday it would have been possible for men in every camp in the United States who were

qualified homestead entrymen to make such an application, and if the land was held subject to entry to enter and hold it without improvement or residence during the entire period of his service. The folks on the public land have not asked for that. The amendment does not prevent a man while in the service from making the application or entry. It simply does not include such entry, made after the service began and not based on an application or settlement initiated before the beginning of service from having the benefits of that particular bill.

Some gentlemen have seen fit to criticize what was done and to pose as the particular friend and patron of the soldier. These gentlemen are not the only friends the soldiers have, fortunately for the soldiers.

The purpose of the bill before us was to care for the interests of men who had taken any steps toward securing a homestead by making settlement, application, or entry, so that their rights would be secure and their required time of residence run while in the service as though they were on the land. It was not intended that the fact of enlistment should be used after enlistment as a means of taking up land and securing title without residence or cultivation. I do not know of any western soldier, or soldier anywhere for that matter, who is asking for any such privilege.

If gentlemen want to urge a land-bounty law, that is another thing. It had no place on that particular bill. I feel quite confident that gentlemen, after they think about it, will not want to give men in eastern military camps, or even in Europe, the right to make applications and entries covering in the aggregate thousands—it might be millions—of acres of lands in the West, and to hold them indefinitely as an added emolument of military service. If they do, the people who live where these lands are do not want that to occur. We want to and we will fully protect every honest settler, applicant, or entryman who enters into the service of his country, but we do not want the boys in eastern camps tempted to make speculative entries. They are not asking us to do so. We never have done so in our past wars.

So much for that. This particular controversy grows out of an unfortunate use of language. Legislation of this sort, instead of designating all the various branches of the service, should use the language "military or naval service of the United States"—that is all embracing.

Mr. RAKER. Will the gentleman yield right there?

Mr. MONDELL. Just a moment. I want to make this clear. Now, that embraces every man in the service. The men who are asking for this relief, and to whom the relief should be granted, and to whom the relief has been granted in the past, are men in the service of the United States, and by striking out all of these words intended to be descriptive of the very branch of the service and saying "men in the military and naval service of the United States," we shall in this bill do what we have done before and what is asked.

I do not think the amendment of the gentleman from Wisconsin should be adopted, and if it is not I am content to leave the language as written in the bill, but if there is to be a change, we should adopt terms that are general and embrace all branches of the service.

Mr. FERRIS. Mr. Chairman, I want to see if we can not agree to accept the suggestion made by the gentleman from Wyoming [Mr. MONDELL]. He is thoroughly informed on public-land law. We should make it, as he suggests, apply to all the Army and Naval forces. Then we shall not run the risk, by making specific mention, of excluding some one whom we do not want to exclude.

Mr. RAKER. Mr. Chairman, I have a high regard for the gentleman from Wyoming, and have listened attentively to his statement, but in this I think he is wrong. This is the language that has heretofore been used in the law. It was copied from it.

Mr. MILLER of Minnesota. Mr. Chairman, have I the floor?

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. ADAMSON. Mr. Chairman, will the gentleman yield to me a minute?

Mr. MILLER of Minnesota. If it does not come out of my time, I will.

Mr. ADAMSON. I am not trying to interfere with the business before the House, but the gentleman from California secured recognition on the assurance to the House that this would take only a few minutes, displacing a matter that was almost finished, a matter that was the regular order of the House. I will ask him candidly, if he thinks this debate is to continue longer, whether the gentleman would move to rise and proceed with the regular order?

Mr. RAKER. I will say to the distinguished chairman of the Committee on Interstate and Foreign Commerce that I am satisfied that four or five minutes only will be required to finish this.

Mr. SIMS. I would like the gentleman from Oklahoma to make this agreement, that if he does not finish the disposal of this bill within four or five minutes he will move that the committee rise.

Mr. FERRIS. We are hastening this as fast as we can, but I will remind the gentleman that yesterday was the first time that a committee dealing with 700,000,000 acres of public land and 160,000,000 acres of forest reserve, and 60,000,000 acres containing coal and water power has asked for a vote, and ask whether there has been a day when the genial gentleman from Georgia has not been strenuously endeavoring to get bills through? I do not know of any such. The gentleman ought to be a little patient with us.

A MEMBER. Regular order!

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. MILLER of Minnesota. Mr. Chairman, it seems that no two single authorities on the Committee on Public Lands can agree for two consecutive minutes on the meaning of this language. As a layman on public lands, but as one who has public lands in his district and is therefore interested in the subject, I want to freely express my opinion. My opinion is not based necessarily on any expert knowledge of public lands, but it is based on some knowledge and some appreciation of existing conditions at the present time, and I hope the amendment will not be adopted.

I want to see this language stand as it is drawn. If I were to draw it myself, I would draw it and shape it and frame it a little bit differently, but this will do the business. I take issue with the gentleman from Wyoming [Mr. MONDELL] and with the gentleman from Wisconsin [Mr. LENROOT], and I take it short and sharp. We are calling, in these days of the war, on the manhood of the Nation for what purpose? For the defense of the land and to fight our battles abroad. It is military service whether it is performed by the Navy, by the Regular Army, by the National Guard, by the home guard, or by the Organized Militia. It is military service, and I do not care in which form they serve. I do not care whether a man is upon the Atlantic in the submarine zone; I do not care whether he is in the Regular Army with the gallant Pershing in France; I do not care whether he is in the National Guard on the plains of Texas, sworn into the service of the United States; I do not care whether he is a man just recruited in the Organized Militia of California, of Arizona, of Minnesota, or any other State, not yet taken into the service of the United States. He is among the military forces, engaged in this one great work, and he ought to have the protection that this bill gives. [Applause.]

Let us give it to him ungrudgingly. Mark you! You ask these men to go from their homesteads in the forests or on the prairies, 10 or 20 or 30 or 40 miles, leaving their wives and children exposed to privation and the elements, to join the National Guard or the militia or the home guard to defend the vital places in our country, perhaps to defend railroads, docks, elevators, steamboat lines, or bridges. They are organized militia. Perhaps they may be called home guards. They are not yet sworn into the service of the United States, but if we have any sense of propriety at all, if we wish to reward merit in any form, let us take care of these boys who are thus serving the public welfare in a protecting sense just the same as those who are in the Regular Establishment. [Applause.]

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. LITTLE. Mr. Chairman, the danger of hastily amending carefully prepared bills was directed to our attention forcibly yesterday and to-day. Men bob up here to make amendments to bills that they have not studied, and we do not know where we are getting.

The most unfortunate amendment recently offered in this House was one made yesterday. This morning it developed that the gentlemen who advocated it yesterday did so under a misapprehension of the existing law and had no comprehension whatever of what they were undertaking to do.

A soldier who goes into the Army retains his right to make a homestead entry, but it is of no use to him when he can not go out and settle the land and retain it. This land will all be taken sometime. Who has a better right to it than the man you conscript? So this bill was drawn that a man who went into the Army to risk his life should not forfeit any of his civil rights. It was proposed that a man who had begun a homestead entry should receive credit on that homestead for the time he was in the Army and should forfeit no rights by absence. Up rose a gentleman who said the arid country will be lost to civilization during this war, because land sharks will go around and persuade the soldiers to take these claims by proxy and hold them out from development. There is not going to be any

public-land development during this great war. This land will not be wasted while 5,000,000 men are fighting in Europe. There will not be any claims taken up out West. Forget it! You will lose nothing if soldiers take them all up. [Laughter.]

You say agents will come and those fighting in Europe will give them power of attorney to go out and enter these lands and then buy them for a song and prevent actual development. There is a statute which gives to honorably discharged soldiers the right to enter public land in that way, and it has no more application to the soldier in Europe, the men under this bill whom they were trying to rescue from that alleged menace, than a milk statute would have.

The gentlemen had no serious conception of the situation they so cheerfully invaded yesterday, as was conclusively shown here by the gentleman from Oklahoma [Mr. MORGAN], who probably has had more experience in land-claim law than any other man in this House. Our overflow went down into his country. I overflowed down there myself a little at one time, and I am familiar with the gentleman's practice. He is entirely correct in his suggestion. I concur without fear of contradiction in his statement that one of these soldiers could not issue such a power of attorney. Nothing of that kind could be done. When they come home the present law will be amended to include them. These men here yesterday were fighting a straw man when they persuaded you to take away from the soldier in Europe a right to make an entry while at war and credit his land with the time he was in the war; and in doing this they drew a class distinction and branded the soldier and punished him for going to Europe, and they did it because they supposed our boys somewhere in France could delegate their right to make an entry, as can a Cuban or Philippine veteran in Wisconsin or Wyoming, as the gentleman from Oklahoma [Mr. MORGAN] explained this morning.

Now, gentlemen, this is a war session. This is not a session to develop the lands of the West. It is a session when we ought to pass legislation to help the Army and further the interests of the soldiers who are going across the water to fight our battles. For that purpose this bill was introduced, which you crippled yesterday, on a fallacious legal theory. We are here to help our armies win a victory, and we had better get down to business and quit floundering around here and talking about western lands. You can not revamp the political debates of five years ago and apply them now. You did a great wrong to the soldier yesterday, those of you who voted to deprive him of the right to have credit on his land entry for the time of his service in Europe, whenever he should make an entry while in the Army. You did it on account of somebody's pipe dream that he could issue a power of attorney, as is provided for discharged soldiers. You put a brand upon him. You removed him into a class by himself. You said to him, "You have not got sense enough to take one of these land warrants and use it. Your comrades who made entries before enlisting were bright and can be trusted and credited on their entries with their Army records, but not you." These gentlemen were guarding against a purely imaginary danger. The soldier could not do anything of the kind that has been suggested here. As the chairman of the committee [Mr. FERRIS] suggested, this legislation yesterday was carefully prepared in the form in which the bill was presented, and gentlemen who wish to amend it should give the subject careful consideration before urging changes that might, and yesterday did, do fatal injury to the bill.

Mr. RAKER. I offered this amendment, Mr. Chairman——

Mr. LITTLE. I was not discussing this amendment. I was talking about what was done yesterday, as were the gentlemen whose argument I am discussing——

Mr. RAKER. The gentleman objected to the amendment, and I wanted to bring it before the House, to let the House understand what it is about. I have offered the amendment. The House may pass upon it. This bill was thoroughly gone into by the Land Department in the form in which it is presented, and I believe it is a good bill. I think my amendment would improve it, but it is before the House for its action.

Mr. LITTLE. I have served on the Irrigation Committee with the gentleman who has just spoken [Mr. RAKER], and I have found that he is familiar with these land laws, and I have confidence in his judgment. I was not seeking to oppose his amendment.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. LITTLE. I ask for one minute more to answer the gentleman's query.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to proceed for one minute. Is there objection?

Mr. FERRIS. I will ask that at the conclusion of that one minute debate be closed.

Mr. STAFFORD. I should like to have five minutes. This is a very important amendment.

Mr. FERRIS. Then I ask unanimous consent that debate close at the end of six minutes, one minute to go to the gentleman from Kansas [Mr. LITTLE] and five minutes to the gentleman from Wisconsin [Mr. STAFFORD].

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that at the end of six minutes, one minute to go to the gentleman from Kansas [Mr. LITTLE] and five minutes to the gentleman from Wisconsin [Mr. STAFFORD], the debate be closed. Is there objection.

There was no objection.

Mr. LITTLE. I will say to the gentleman from California [Mr. RAKER] I came in during this discussion, and I did not know any more about his pending amendment than the gentleman from Wyoming [Mr. MONDELL] and the gentleman from Wisconsin [Mr. LENROOT] knew about the amendment they put through yesterday. I was not speaking against the amendment of the gentleman from California [Mr. RAKER], but these other gentleman brought my name into the discussion. They did not discuss the amendment of the gentleman from California, but they discussed their action of yesterday, endeavoring to justify it, referring to my humble effort to secure for soldiers in foreign lands the right to secure a claim on any public lands opened during their absence abroad. I do not want to say anything against the gentleman's amendment. It may be a good one, but as a general proposition we ought to be very careful, as the gentleman from Oklahoma [Mr. FERRIS] has suggested, about offering any loosely drawn amendments. Before this war closes all our public lands may be opened to settlement and taken up by those at home, without giving the conscript on the Rhine a chance to save a farm. That is what comes of an ill-advised amendment yesterday. I want to say to you gentlemen that this is a war session, and you had better get busy and pass legislation with that fact in view for the benefit of the Army and the soldiers. Yesterday's bill was drawn to preserve and increase the conscript's rights, not nullify them. This country has assumed a task that will occupy all its attention for some time to come. You can not develop the great West while this war is going on. [Applause.]

Mr. STAFFORD. For the purpose of making this bill of some real value, I rise to call the attention of the distinguished chairman of the committee [Mr. FERRIS] and of that new Member from the arid plains of Kansas [Mr. LITTLE], more new than any other new Member here——

Mr. LITTLE. More arid. [Laughter.]

Mr. STAFFORD. To the fact that if this bill should be passed in its present form it would not amount to as much as a snowball in the lower regions, for the reason that, as has been called to my attention by the gentleman from Indiana [Mr. SANDERS], there is no act of March 3, 1892, which this bill seeks to amend. I have examined the statutes and have found no act whatsoever of that date. Of course, after the gentleman from Kansas [Mr. LITTLE] has been here a little longer, perhaps he will see that it is of some value for Members to scrutinize bills reported from committees of exceeding excellence, even when comprised of such worthies as the gentleman from Oklahoma and the gentleman from California.

Mr. MONDELL. Will the gentleman yield?

Mr. STAFFORD. I yield to the gentleman from Wyoming.

Mr. MONDELL. Possibly the gentleman who gave the information to the effect that there was no such act as the one mentioned was not aware of the fact that that provision was a part of a sundry civil bill. I will not be absolutely certain, but my recollection is that it is a part of a sundry civil bill.

Mr. STAFFORD. I am not going to allow the gentleman to throw any slurs or insinuations upon the assiduity and carefulness of the gentleman from Indiana [Mr. SANDERS], because I confirm the fact that instead of being the act of March 3, 1892, it was the act of March 3, 1891.

Mr. MONDELL. I think the gentleman is right about that.

Mr. STAFFORD. I knew the gentleman would agree with me as soon as I called his attention to the fact, and this will show to the gentleman from Kansas that there is some value in our scrutinizing these bills. At the proper time I will ask the chairman of the committee to move, or will move myself, to strike out "ninety-two," in line 17, and insert "ninety-one."

Mr. RAKER. I agree with the gentleman. He is correct about that.

Mr. STAFFORD. So that it is a good thing to scrutinize even a good bill. That is all I care to say.

The CHAIRMAN. The question is on the amendment of the gentleman from California [Mr. RAKER].

Mr. LITTLE. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LITTLE. The gentleman from Wisconsin [Mr. STAFFORD], who is so familiar with parliamentary law and usage here, has startled me a little by his suggestion as to the rights of a new Member. Do I understand that a new Member is not allowed to discuss bills under consideration just as other Members?

The CHAIRMAN. That is hardly a parliamentary inquiry. The question is on the amendment offered by the gentleman from California [Mr. RAKER].

The question being taken, the amendment was rejected.

Mr. RAKER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Strike out, on page 2, line 17, the word "ninety-two" and insert the word "ninety-one."

The amendment was agreed to.

Mr. NORTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 3, line 4, after the word "*Provided*," insert "That said desert-land entry shall have been made by said officer or enlisted man prior to his enlistment: *Provided further*."

Mr. NORTON. Mr. Chairman, the amendment I offer is to make certain that the provisions and exemptions of this act shall be applicable only where the entry has been made prior to the time the entryman enlisted in the Army, Navy, or Marine Corps of the United States. I believe that is what the House desires in this legislation, the same as in the legislation that was passed yesterday in reference to homestead entries.

I want to further call attention of the House to this fact, that the legislation we have before us is general legislation. The legislation yesterday was confined to a period during the war with Germany, or any other war in which the country might be involved.

Mr. FERRIS. That has been amended.

Mr. NORTON. The gentleman from Oklahoma calls my attention to the fact that an amendment has been made, restricting the terms of this act to the period of the present war. If that is so, it escaped my notice.

Mr. FERRIS. There was an amendment adopted in line 23 making it during the war.

Mr. NORTON. That amendment was very much needed for the reason that if the amendment had not been adopted the provisions of this bill would apply to the Organized Militia of the United States in the several States after the war. Any man who belonged to the militia of any State could be exempted from complying with the provisions of the desert-land laws as to improvements and cultivation. I do not believe that men generally who have any acquaintance with the unappropriated public desert lands of the country would desire any legislation of that kind.

Gentlemen have in attempted flights of oratory seen fit to criticize members of this committee for offering amendments to this bill when at the same time they arise in their seats and admit that amendments have been offered and adopted which improve the proposed legislation. I have no objection to gentlemen making orations for home consumption and voicing their self-asserted patriotism, as the gentleman from Zenith City by the unsalted sea has done, as it is evident here in the House that other gentlemen who are modest and reticent in asserting their patriotism are not, as a matter of fact, less patriotic in any manner than the gentlemen who are so fond of announcing their patriotism in the CONGRESSIONAL RECORD, but I do think it might be well for gentlemen to give some careful study and consideration to some of the legislation that is presented to the House and to try to understand the wording and the full meaning of some of the poorly considered and poorly prepared bills, like this one, which are often thrust upon the House.

Mr. MORGAN rose.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in five minutes.

Mr. MORGAN. All right, if I can have the five minutes. [Laughter.]

Mr. RAKER. Four for the gentleman from Oklahoma [Mr. MORGAN] and one for me.

The CHAIRMAN. The gentleman from California asks unanimous consent that all debate on this amendment close in five minutes. Is there objection?

There was no objection.

Mr. MORGAN. Mr. Chairman, I think the amendment offered by the gentleman from North Dakota should prevail. As we amended the bills yesterday, the benefit is confined to entries made prior to the time the soldier enters the Army. Now, we do not give the homestead entrymen who are soldiers the benefit of the law unless the entry is made before they enter into the service.

Mr. RAKER. Will the gentleman yield?

Mr. MORGAN. Yes.

Mr. RAKER. While we do not believe it is necessary, yet at the same time we have no objections to the gentleman's amendment.

Mr. MORGAN. I am very glad that the gentleman has consented to the amendment. Now, I want one minute more. I did not say quite all I wished to when the gentleman from Wyoming [Mr. MONDELL] was talking. I understood him to claim that one could make a homestead entry through an agent, and that had always been the law. I am certain the gentleman is mistaken. Under the homestead law no one has ever been allowed to make a homestead entry through an agent except an honorably discharged soldier. The soldier, during the time of his service, could not make entry through an agent. He is required to wait until he is discharged. That has always been the law.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. RAKER. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House.

Mr. MORGAN. Mr. Chairman, I demand a division.

Mr. NORTON. I demand a division.

The CHAIRMAN. The Chair will say that there was no question about the preponderance of the noes over the ayes in the vive voce vote, but the Chair will indulge the gentleman's request for a division.

The committee divided; and there were 33 ayes and 1 no.

So the amendment was agreed to.

Mr. RAKER. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SLAYDEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 3331) for the protection of the owners of mining claims and of desert-land entrymen who enter the military or naval service of the United States in time of war, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment?

There was no demand for a separate vote.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. RAKER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

AMENDING THE ACT TO REGULATE COMMERCE.

Mr. RAYBURN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 2356) to amend the act to regulate commerce as amended, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. CRISP in the chair.

Mr. SIMS. Mr. Chairman, I offer a committee amendment on page 6, to go in at the end of line 14.

The Clerk read as follows:

Page 6, line 14, after the word "commerce," insert the following: "*Provided*, That nothing in this section shall be construed to repeal, modify, or affect either section 6 or section 20 of an act entitled 'An act to supplement existing laws against unlawful restraints or monopolies, and for other purposes,' approved October 15, 1914."

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. SIMS. Mr. Chairman, to avoid taking up the time of the committee I ask unanimous consent to extend my remarks upon this amendment and on the bill by printing a letter and a portion of the address of the President of the United States and House joint resolution No. 111 and a letter from the president of the Commercial Club of Nashville, Tenn., and other matters.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. SIMS. Mr. Chairman, in support of the amendment that I have just offered on the part of the committee I beg to read from the address of the President of the United States delivered on the 4th day of July, 1916, on the dedication of the American Federation of Labor Office Building in Washington, D. C., what he said as to section 6 of the Clayton Antitrust Act, which is as follows:

Mr. Gompers was referring just now to the sixth section of the Clayton antitrust law, the section in which the obvious is stated, namely, that a man's labor is not a commodity, but a part of his life, and that therefore the courts must not treat it as if it were a commodity but must treat it as if it were a part of his life. I am sorry that there were any judges in the United States who had to be told that. It is so obvious that it seems to me that that section of the Clayton Act were a return to the primer of human liberty; but if the judges have to have the primer opened before them I am willing to open it. If any part of the United States, through habit, through ancient prejudice, through long addiction to technical ideas, insists upon living in an age which everybody else with his eyes open knows has gone by, why, then we have got to sound some great note that will wake them up, but wake them up always to the same thing with which we would thrill as well as others; that it is take as well as give; that the other man has as much right as we have; that we are not to seek for an advantage but for an equality; that though we have been put upon we do not desire to see any other man put upon or any other class, but that we should all have as our highest ideal merely to bask in that only nourishing sun that has ever shone upon the human heart, the sun of justice and of truth and of humanity.

Mr. Chairman, section 6 of the Clayton Act, referred to by the President, reads as follows:

SEC. 6. That the labor of a human being is not a commodity or article of commerce. Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations instituted for the purposes of mutual help and not having capital stock or conducted for profit or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof; nor shall such organizations or the members thereof be held or construed to be illegal combinations or conspiracies in restraint of trade under the antitrust laws.

Section 20 of the Clayton Act, referred to in the amendment I have just offered, reads as follows:

SEC. 20. That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving, or growing out of, a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property, or to a property right, of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be described with particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney.

And no such restraining order or injunction shall prohibit any person or persons, whether singly or in concert, from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do; or from attending at any place where any such person or persons may lawfully be, for the purpose of peacefully obtaining or communicating information, or from peacefully persuading any person to work or to abstain from working; or from ceasing to patronize or to employ any party to such dispute, or from recommending, advising, or persuading others by peaceful and lawful means so to do; or from paying or giving to, or withholding from, any person engaged in such dispute, any strike benefits or other moneys or things of value; or from peaceably assembling in a lawful manner, and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto; nor shall any of the acts specified in this paragraph be considered or held to be violations of any law of the United States.

These sections need only to be read and understood in order to command the support of any liberty-loving citizen of our country, and they can not too often be reaffirmed by the Congress of the United States, and I am glad to be able to say that I am offering this amendment with the consent and approval of the committee.

Mr. Chairman, this bill chiefly provides for preferential shipments during the war, and that such powers as are given to the President in this bill are shown to be necessary by a letter which I have just received from the president of the Commercial Club of Nashville, Tenn., which I now read:

COMMERCIAL CLUB OF NASHVILLE,
June 27, 1917.

Hon. THETUS W. SIMS,
Washington, D. C.

DEAR MR. SIMS: This section of the country is suffering from car shortage, and, while we appreciate that the demand is great and the supply is not sufficient to meet the demand, still we are forced to the conclusion that the railroads serving us are not getting the number of box cars that they are entitled to.

We hold no brief for any railroad company, but we are approaching you and asking your assistance in the interest of the shippers of this section.

We are sure that you are familiar with the agreement entered into by the various railroads, forming a gentleman's agreement in connection with the War Department, in regard to pro rating cars to the different lines.

The shortage that exists here has forced our shippers to demand of the transportation companies the reasons why their wants can not be supplied, and we find upon investigation what appears to us to be rank discrimination by the committee having the matter in charge.

The country, as we understand it, has been divided into five divisions, and a committee of railroad officials has charge and are supposed to give to these five divisions their pro rata of box cars.

The two lines serving Nashville—the Louisville & Nashville and the Nashville, Chattanooga & St. Louis Railroads—are neither one represented on this committee. We find that at least three of the railroads with a representative on the committee have not only in use the cars that they own but have, in addition, cars of other lines amounting from 10 to 50 per cent of the cars owned by them. Conditions as regards the lines serving us are just the reverse. These lines not only have not been able to secure cars owned by them, but at this time are short of their own cars about 33 per cent.

We are advised by the officials of these companies that they have made repeated efforts through the committee to have this matter rectified, but so far without success.

While we appreciate that there is at this time probably no legal way to force the committee to at least give the lines serving us the cars that they own, still we feel that you can exert an influence through the War Department that might at least bring about relief to the situation.

While the War Department may have no legal power to change these conditions, the shippers in this section certainly feel that it should use its good offices to have these discriminations corrected; and we write to ask you to join in with the other members of the Tennessee delegation and make a concerted effort to have the War Department bring its influence to bear to that end.

It was at the instance of the War Department that the railroads pooled their holdings of cars, and it certainly would be right and proper for it to use its influence in correcting these discriminations.

We are writing this letter to each member of the Tennessee delegation, and will appreciate your interest and efforts in our behalf.

The loss we have undergone up to this time will be as nothing to what it will be when the crops begin to move, which will be, as you know, in a very short time.

Awaiting your reply and thanking you in advance for your thoughtful consideration of this matter, we are,

Yours, very truly,

GEO. R. GILLESPIE, *President.*

Attest:

WILL R. MANIER, *Secretary.*

Mr. Chairman, while I am supporting this bill and hope it will accomplish what is desired and what is imperatively necessary, I have doubt as to the success of the bill to as full and ample an extent as may be needed. For this reason I have introduced House joint resolution 111, Sixty-fifth Congress, for the purpose of enacting into law the recommendations of the Federal Trade Commission, made in its report of June 19, 1917, on Senate resolution 51, Sixty-fifth Congress, first session, and Senate resolution 217, Sixty-fourth Congress, first session. Said joint resolution is as follows:

Joint resolution (H. J. Res. 111) to provide further for the national security and defense by regulating the production, sale, distribution, and transportation of coal and coke, and for the coordination of the railroads of the United States for the efficient transportation and distribution thereof.

Whereas the existence of a state of war has caused a national emergency, and it is essential for the national security and defense to assure an adequate supply and equitable distribution of coal and coke at reasonable prices for the Government and the people and the industries of the United States and to protect them against exorbitant prices for such coal and coke; and

Whereas the prices of coal and coke in many parts of the United States have reached an exorbitant level; and

Whereas a large number of consumers, both domestic and industrial, are unable to obtain sufficient supplies of this prime necessity; and

Whereas the failure to procure such prime necessity impairs the health and strength of the people of the United States upon whom the national defense depends, and involves the partial or complete cessation of many industries essential to the supplying of the armed forces with necessary materials and munitions of war; and

Whereas the payment of exorbitantly high prices for coal imposes such an expense on the people of the United States as to materially impair their means of sustenance and their financial ability to assist in providing for the national defense, and so increases the cost of production of many industries essential to properly arming and supplying the military forces of the country that the prices of their products are greatly enhanced to the increased expense of the Government in the purchase of supplies necessary for the prosecution of the war; and

Whereas the coordination of railway and water transportation is a primary factor in the production and distribution of an adequate supply of coal and coke to meet the extraordinary needs of the Government and of the people and industries of the United States; and

Whereas the transportation of coal and coke is so large a factor in the total transportation of commodities in the United States that the control of transportation as to coal and coke makes necessary the control of all transportation: Now, therefore, be it

Resolved, etc., That it is necessary, in order to execute the powers of Congress to raise and support armies, provide and maintain a navy, and in order to efficiently and effectively provide for the common defense, that the President of the United States be authorized and empowered, and he is hereby so authorized and empowered, whenever in his judgment it shall be necessary for the efficient prosecution of the war, to direct any or all producers of coal or coke, either in any special area or in any special coal fields, or in the entire United States, to sell their product only to the United States through an agency to be designated by the President, such agency to regulate the resale of such coal and coke and the prices thereof and to fix the compensation to be paid such producers by the United States and to regulate the method of production including compensation of employees of mines, distribution, classification and grading, routes of transportation, apportionment or storage of such coal and coke among merchants, domestic consumers, industrial consumers, common carriers, and others, or of export, and to make payment of the purchase price of such coal or coke to producers thereof or to the person or persons legally entitled to said payment.

That within 15 days after notice from the agency so designated to any coal-mine operator or producer of coke that his output of coal or

coke is to be included in any pool or pools formed by purchase by the United States, as hereinbefore described, such coal-mine operator or producer of coke shall cease shipments of coal or coke upon his own account and shall transmit to such agency all orders received and unfilled or partially unfilled, showing the exact extent to which shipments have been made therein, and thereafter all shipments of coal or coke shall be made only on authority of the agency designated by the President, and thereafter no such operator of coal mines or producer of coke shall sell any coal or coke except to the United States through such agency, and the said agency alone is hereby authorized and empowered to purchase the output of coal or coke of such coal-mine operator or producer of coke whose output is included in any such pool or pools during the continuance of the operation of such pool or pools.

That the prices to be paid for such coal or coke so purchased shall be based upon a fair and just profit per ton over and above the cost of production of such coal or coke, including proper maintenance and depletion charges, the reasonableness of such profit and the cost of production to be determined by the said agency, and if the prices fixed by the said agency of any coal or coke purchased by the United States as hereinbefore described be unsatisfactory to the person or persons entitled to the same, such person or persons shall have the right to sue the United States in the manner provided for by section 24, paragraph 20, and section 145 of the Judicial Code, to recover such other sum as added to the amount so fixed will be just compensation.

All coal or coke so sold through any pool or pools established or operated by the said agency shall be sold for cash and at such uniform prices as may be determined by said agency to be just and fair.

The books, correspondence, records, and papers in any way referring to transactions of any kind relating to the mining, production, sale, or distribution of all mine operators or other persons whose coal or coke has, or may, become subject to contribution in such pool or pools, and the books, correspondence, records, and papers of any person applying for the purchase of coal or coke from such pool or pools shall at all times be subject to inspection by the said agency, and such person or persons shall promptly furnish said agency any data or information relating to the business of such person or persons which said agency may call for, and said agency is hereby authorized to procure the information in reference to the business of such coal-mine operators and producers of coke, and customers therefor, in the manner provided for in sections 6 and 9 of the act of Congress approved September 26, 1914, entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," and said agency is hereby authorized and empowered to exercise all the powers granted to the Federal Trade Commission by said act for the carrying out of the purposes of this resolution.

That the sum of $10,000,000 for the carrying out of the provisions of this resolution is hereby appropriated, to be paid out of any money in the Treasury of the United States not otherwise appropriated. That said sum be used only as working capital for the carrying out of the purposes of this resolution.

The President of the United States is hereby authorized and empowered, whenever in his judgment it shall be necessary for the efficient prosecution of the war, to direct any or all railroads, ships, or boats engaged in coastwise or inland lake or river trade, and all other common carriers in the United States to be operated as a unit on Government account under direction and control of the Interstate Commerce Commission under such rules and regulations as the Interstate Commerce Commission shall prescribe, and the owning corporations, person, or persons shall be paid a compensation for such service to be equal to the average annual net amount earned by each such common carrier for the five-year period prior to June 30, 1916. Such direction and control shall continue for the period of the war and not to exceed one year thereafter. All earnings of such carriers, from whatever sources shall be covered into the Treasury of the United States, and all operating expenses and compensation to such carriers shall be paid out of the Treasury of the United States from funds not otherwise appropriated, on warrants of the Interstate Commerce Commission, and any surplus remaining out of the earnings after paying operating expenses and compensation as above directed be covered into the general fund of the Treasury of the United States.

That the President of the United States is hereby authorized and empowered to prescribe such rules and regulations as he may deem essential and necessary to the proper enforcement of this resolution.

The word "person" wherever used in this resolution shall include individuals, partnerships, associations, and corporations.

Any person who willfully violates any of the provisions of this resolution, or any regulation made by the President for the proper enforcement of this resolution, shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be fined not exceeding $3,000 or be imprisoned for not more than two years, or both, and each act of violation shall constitute a separate offense.

Mr. RAYBURN. Mr. Chairman, yesterday afternoon before the House adjourned, at the suggestion of the gentleman from Wisconsin [Mr. LENROOT], the chairman of the committee agreed to offer an amendment, at the beginning of line 19, to insert the words "in his judgment."

The CHAIRMAN. Does the gentleman from Texas offer such an amendment?

Mr. RAYBURN. Yes.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. RAYBURN: Page 6, line 19, before the word "may," insert the words "in his judgment."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The amendment was agreed to.

Mr. LAGUARDIA. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 5, strike out all of line 18, down to and including line 25, and on page 6 strike out lines 1 to 14.

Mr. LAGUARDIA. Mr. Chairman, I followed the discussion yesterday very closely, and I was unable to obtain from the chairman of the committee or the members of the committee the specific purpose of this paragraph in the bill. It surely can not apply to strikes, because the proviso just inserted by the committee takes care of that. What we are doing is to extend the jurisdiction of the Federal court to petty misdemeanors or any disorder which may take place within a State. I fail to see any reason for that; and if the chairman or any member of the committee is able to state any good reason why this section should remain in the bill, I shall be glad to withdraw my amendment. We authorize the President to call in the Army at any time to prevent disorder. We take away from the State government all its rights to regulate its own affairs and to maintain order within its boundaries.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. BLACK. This would not deprive the State court of any jurisdiction over its own offenses.

Mr. LAGUARDIA. Exactly. That is just the point. If an individual commits some act on a railway or on the track which may extend beyond the boundary of that State, he can immediately be taken by the Federal authorities and tried in a Federal court. We are transferring the jurisdiction of the Federal court for no reason whatever. Every State has ample laws for dealing with such acts.

Mr. ESCH. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. ESCH. What jurisdiction does the State have to punish interference with United States mails?

Mr. LAGUARDIA. But you do not provide for that in this section. If there is any disorder, instead of first permitting local authorities or the governor of the State to deal with the situation, on the mere say so of an inexperienced, excitable, unlettered United States marshal the President may order the Regular forces there. We are not yet willing to extend to the military forces power to maintain order. There is no necessity for that. It is a vicious precedent to establish. There is no reason for putting this section in the bill, unless it is in keeping with all of the rest of the legislation that we have passed during this session carrying a lot of unnecessary matter, and let the Senate unravel it and send it back in proper shape. I think we have passed enough goulash legislation in this session, and it is time now that we keep our bills logical and to the point—let not every war measure contain provisions to enact into law pet fads and hobbies.

Mr. RAYBURN. Does not the gentleman know that the Senate has already passed this section that the gentleman seeks to strike out?

Mr. LAGUARDIA. Well, that is one on the Senate. The Senate has enough to do now in straightening out our revenue measure, they had their troubles with our espionage bill, and the are certainly up against it in the food-control bill, because some Members here lost their heads last Saturday and tied up the whole food-control matter. If the chairman of the committee will give me one good reason why this section is necessary I shall withdraw my amendment, and I shall be glad to yield at this time. [Pause.] The silence is most eloquent. I urge the adoption of my amendment. The bill will carry out its purpose with the first paragraph. No good will come from it, and we establish a dangerous precedent. Surely the Members on the Democratic side of the House should support me in this effort to save to the several States the right to regulate and police their own territory.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. LAGUARDIA) there were—ayes 2, noes 25.

Mr. LAGUARDIA. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from New York makes the point of order that there is no quorum present. The Chair will count.

Mr. LAGUARDIA (interrupting the count). Mr. Chairman, I withdraw the point.

Mr. JONES of Texas. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 8, line 2, after the word "authorized," strike out the remaining part of line 2 and all of lines 3, 4, 5, and 6, and insert in lieu thereof the following: "shall not by such compliance incur any of the civil or criminal pains, penalties, obligations, or liabilities that may otherwise be incurred under existing law by such preference of priority."

Mr. JONES of Texas. Mr. Chairman, the purpose of this amendment is simply to limit the exemptions provided in the section to the specific preferences that are permitted by the President. I think that was the intention of the committee, but it seems to me that the language on page 8 will at least lend force to an argument that when a preference is granted by the

President the complying with that order would exempt all of the companies involved in that exemption from all penalties of every nature and character without limitation.

Now, I have offered an amendment, which stipulates that when the President grants permission for a preferred shipment the company making such shipment shall be exempt from the penalties that might otherwise accrue by virtue of that preference. I believe the amendment I have offered conveys the idea meant to be conveyed by the committee, and I am sure any person reading the bill will see that if the President grants the privilege of giving priority to one shipment, then the railroad is exempted from existing penalties of every character, regardless of whether such penalties have any relation to the preference shipment.

Mr. RAYBURN. Will the gentleman yield?

Mr. JONES of Texas. I will.

Mr. RAYBURN. I think the last lines in the last part of the paragraph ought to make it clear to the gentleman that his contention would not obtain. The last line says:

By reason of giving preference or priority in compliance with such order or direction.

It would certainly seem to me that would apply to the specific shipment under order of the President. Just like my colleague, if I did not take the language put in there to mean what the gentleman intends to write into the bill in the language he proposes I would be for his amendment, but I think it is in there.

Mr. JONES of Texas. The very language the gentleman quotes provides that all penalties are abolished by reason of the simple giving of one preference.

Mr. ADAMSON. Will the gentleman permit a suggestion?

Mr. JONES of Texas. For a question. I desire to explain my amendment a little further.

Mr. ADAMSON. I do not object to the gentleman doing so.

Mr. JONES of Texas. Very well.

Mr. ADAMSON. There are specific penalties in the law already against preferences and discriminations. If that language were stricken out it would leave the companies subject to those penalties if they obeyed the President and gave preference to shipments. This strictly exempts them when in obedience to orders they give such preferences to shipments, and it is absolutely necessary to relieve the carriers from the penalties denounced by law.

Mr. JONES of Texas. Does not the gentleman think the amendment does that clearly?

Mr. ADAMSON. What is the amendment?

Mr. JONES of Texas. It strikes out the provision after the word "authorize" and inserts:

Shall not by such compliance incur any of the civil or criminal pains, penalties, obligations, or liabilities that might otherwise be incurred under existing law by such preference or priority.

Mr. ADAMSON. There are more words but not better.

Mr. JONES of Texas. It has about four or five less words, and they are much clearer. The committee has intended to say one thing and said another. Evidently they intended to exempt from penalties growing out of any preference or priority, whereas the language means that if the President grants the company the right to one preference, that company is absolved from every penalty under existing law, and a company could then grant all the preferences it desired. The language of the bill does not carry a limitation, but provides that by reason of a company giving a preference it shall thereby gain absolution from any and all of its acts.

The language of the amendment that I have offered exempts from any pains and penalties that may have accrued by virtue of the preference given, but limits it to those pains and penalties and leaves the carrier subject to all other pains and penalties under existing law.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was rejected.

Mr. RAYBURN. Mr. Chairman, I think the gentleman from New York suggested an amendment to strike out the comma after the word "intimidation" in line 21, page 5. I do not think there is any objection.

The CHAIRMAN. Does the gentleman propose the amendment?

Mr. RAYBURN. I do.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 21, after the word "intimidation," strike out the comma.

The question was taken, and the amendment was agreed to.

Mr. RAYBURN. Mr. Chairman, I move that the committee do now rise and report the bill as amended with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 2356 and had directed him to report the same back, with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. RAYBURN. Mr. Speaker, I move the previous question on the amendment and the bill to final passage.

The previous question was ordered.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. RAYBURN, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill S. 2099, providing for the modification of the designs of the current quarter dollar.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 3548. An act providing for the modification of the designs of the current quarter dollar.

FRANK FUNKHOUSER.

Mr. PARK. Mr. Speaker, I offer a privileged resolution. I will try it again.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 108 (H. Rept. No. 90).

Resolved, That there shall be paid, out of the contingent fund of the House, the sum of $500 to Frank Funkhouser for clerical services rendered as clerk to the Committee on Mileage.

Mr. MADDEN. Mr. Speaker, reserving the right to object——

The SPEAKER. The gentleman can not object.

Mr. MADDEN. Why not.

The SPEAKER. It is privileged.

Mr. MADDEN. I would like to ask a question or so. Can I do that?

The SPEAKER. Yes.

Mr. MADDEN. What does the clerk of the Committee on Mileage do? Is he regularly employed?

Mr. PARK. They have no clerk.

Mr. MADDEN. What does this resolution provide?

Mr. PARK. It provides $500 for the clerk who figures up the mileage for Members.

Mr. MADDEN. Every Member figures out his own mileage.

Mr. PARK. But he sees whether it is correct or not.

Mr. MADDEN. But how does he know?

Mr. PARK. He can tell from the railroad reports.

Mr. MADDEN. I will not object.

Mr. MEEKER. Is this agreeable to the gentleman from Wisconsin [Mr. STAFFORD]?

Mr. PARK. I so understand. I submitted data showing this same matter has been passed before.

Mr. MEEKER. Will the gentleman yield?

Mr. PARK. Yes.

Mr. MEEKER. Is this $500 going to a gentleman who is already the private secretary of a Member of this House?

Mr. PARK. I do not understand it so. He is a special man employed to do this work.

Mr. MEEKER. Is he the secretary of a Congressman?

Mr. PARK. I do not think he is.

Mr. MEEKER. Mr. Speaker, every Congressman makes out his own mileage report, and I have been informed that this goes to the private secretary of a Member of this House. I would like to know about it before we vote on the resolution.

Mr. PARK. The gentleman from Washington [Mr. DILL] is not here, but this gentleman came to my office and stated that he was the man who did the work. I do not understand that he is the secretary to the gentleman from Washington [Mr. DILL].

Mr. MEEKER. Did the gentleman who did the work tell you he was not secretary to a Member of Congress?

Mr. PARK. No. He did not tell me that.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. PARK. Division, Mr. Speaker.

The House divided; and there were—ayes 24, noes 7.

So the resolution was agreed to.

NIAGARA RIVER WATER POWER.

The SPEAKER. The gentleman from Virginia [Mr. FLOOD] is recognized.

Mr. FLOOD. Mr. Speaker, I want to take up House joint resolution No. 109. And, Mr. Speaker, I want to ask unanimous consent in connection with this resolution that the Committee on Foreign Affairs be discharged from further consideration of Senate joint resolution No. 13, and then I want to get that substituted for the House resolution.

The SPEAKER. The gentleman from Virginia [Mr. FLOOD] asks unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of Senate joint resolution No. 13, and that it be substituted in lieu of House joint resolution No. 109. Is there objection to that?

Mr. STAFFORD. Reserving the right to object, I understand it is the purpose of the gentleman when the Senate resolution is presented for consideration in lieu of the House resolution, which has been given a privileged status, to strike out all after the enacting clause of the Senate resolution and substitute the House resolution?

Mr. FLOOD. I am going to ask unanimous consent to do that. I put it all together. And in addition to that, I ask unanimous consent that all after the enacting clause in Senate joint resolution No. 13 be stricken out and House joint resolution No. 109 be substituted in lieu of that part of it.

The SPEAKER. The gentleman from Virginia first asks unanimous consent to consider Senate joint resolution No. 13. There is no objection to that. Then he asks that all in the Senate resolution after the enacting clause be stricken out and the House bill considered as the substitute or amendment. Is there objection?

Mr. AUSTIN. Reserving the right to object, Mr. Speaker, would that preclude the offering of the Senate joint resolution as a substitute for the House resolution when we take it up for consideration?

The SPEAKER. Technically speaking, it will be the Senate resolution before the House with the House resolution offered as a substitute.

Mr. AUSTIN. This unanimous consent agreement now would prevent the offering of the Senate joint resolution as a substitute for the House resolution?

Mr. STAFFORD. If the Chair will bear with me, it would not prevent any germane amendment or any amendment in the nature of a substitute which the House may wish to vote upon, in my opinion.

The SPEAKER. That is correct.

Mr. COOPER of Wisconsin. I would like to know precisely what the motion is.

The SPEAKER. In the first place, the gentleman from Virginia asks unanimous consent to discharge the Committee on Foreign Affairs from the consideration of Senate joint resolution 13 and to consider that in lieu of the House joint resolution 109. Then he requests that everything in the Senate resolution after the enacting clause be stricken out and the House joint resolution be considered as a substitute.

Mr. COOPER of Wisconsin. That everything after the enacting clause in the Senate resolution be stricken out?

The SPEAKER. Yes.

Mr. COOPER of Wisconsin. And the House resolution substituted after the enacting clause of the Senate resolution?

The SPEAKER. Yes; that is it. Is there objection? [After a pause.] The Chair hears none. This resolution is on the Union Calendar.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Virginia asks that it be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (S. J. Res. 13) authorizing the Secretary of War to issue temporary permits for diversions of water from the Niagara River.

Resolved, etc., That the Secretary of War be, and he is hereby, authorized, upon such conditions as he may deem necessary to impose in the public interest, to issue permits, revocable at will, for the diversion of water in the United States from the Niagara River above the Falls for the creation of power to individuals, companies, or corporations which are now actually producing power from the waters of said river, which shall in no case exceed the capacity of the generating machinery of the permittee and tenant companies now installed and ready for operation, nor an amount sufficient to enable the permittee to supply the now existing hydroelectric demands of the individuals, companies, or corporations which said permittee and tenant companies are now supplying, but not in excess of the capacity of power-using appliances of said consumers now installed and ready for operation: *Provided*, That in no event shall the total quantity of water diverted in the United States from said river above the Falls for power purposes exceed in the aggregate a daily diversion at the rate of 20,000 cubic feet per second: *Provided further*, That the authority of the Secretary of War to issue permits under this resolution shall remain in force until the 1st day of July, 1918, and no longer, at the expiration of which time all permits granted hereunder shall terminate, unless sooner revoked; and any individual, company, or corporation, who, without such permit, or any such permittee, who, after the expiration or revocation of such permit, without further authority of Congress, diverts any part of said water of said river shall be guilty of a misdemeanor and be punished by a fine not exceeding $2,000 nor less than $500, or by imprisonment not exceeding 1 year nor less than 30 days, or both, in the discretion of the court; and each and every day on which such violation occurs or is committed shall be deemed a separate offense: *And provided further*, That where such violation is charged against the company or corporate body, the offense shall be taken and deemed to be that of any director, officer, agent, or employee of such company or corporate body ordering, directing, or permitting the same: *And provided further*, That the Secretary of War is hereby authorized and directed to make a comprehensive and thorough investigation, including all necessary surveys and maps, of the entire subject of water diversion from the Great Lakes and the Niagara River, including navigation, sanitary and power purposes, and the preservation of the scenic beauty of Niagara Falls and the rapids of Niagara River, and to report to Congress thereon on the earliest practicable date. To carry out the provisions of this paragraph, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $25,000.

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 2, beginning on line 2, strike out all to and including the word "operation" in line 7; line 24, page 2, after the word "both," insert the words "such fine and imprisonment."

The SPEAKER pro tempore (Mr. CRISP). The question is on the committee amendment.

The question was taken, and the amendment was agreed to.

Mr. MILLER of Minnesota. Mr. Speaker, the first committee amendment was not voted upon. The Clerk has read two different and separate amendments.

The SPEAKER pro tempore. The Clerk will report, then, the first committee amendment.

Mr. MILLER of Minnesota. He has reported that, but the House did not act upon it.

The SPEAKER pro tempore. The question is on the first committee amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 3, line 13, after the word "thereon," strike out the word "on" and insert in lieu thereof the word "at."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Amend, page 3, line 13, by striking out the word "on" following the word "thereon" and inserting in lieu thereof the word "at."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Amend, page 3, line 15, by striking out the word "paragraph" and inserting in lieu thereof the word "proviso."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

Mr. COOPER of Wisconsin. Mr. Speaker, I have had requests for an opportunity to speak on the bill.

Mr. FLOOD. I will, of course, do whatever the gentleman from Wisconsin thinks best to do.

Mr. COOPER of Wisconsin. One gentleman has asked for 20 minutes.

Mr. FLOOD. But I would call attention to this fact: This resolution has got to go to the Senate, and there has to be a conference, and we have got to come back here. It is proposed to adjourn to-night.

The SPEAKER pro tempore. The Chair will state that the joint resolution is being considered in the House as in Committee of the Whole and there is no general debate. The debate is under the five-minute rule.

Mr. CRAMTON. I have an amendment which I wish to offer.

Mr. COOPER of Wisconsin. I have a request for an opportunity to talk for 20 minutes on the part of the gentleman from Indiana [Mr. WOOD].

Mr. MILLER of Minnesota. Is it on this bill?

Mr. COOPER of Wisconsin. No.

Mr. MILLER of Minnesota. Could not the gentleman, by unanimous consent, get the opportunity to talk after this resolution is disposed of?

Mr. COOPER of Wisconsin. That is the only request I have had.

Mr. MILLER of Minnesota. I ask unanimous consent, Mr. Speaker, that after the disposition of this resolution the gentleman from Indiana [Mr. WOOD] be permitted to address the House for 20 minutes.

The SPEAKER pro tempore. The gentleman from Minnesota asks unanimous consent that after the consideration of this resolution the gentleman from Indiana [Mr. WOOD] be permitted to address the House for 20 minutes. Is there objection?

Mr. MEEKER. Reserving the right to object, Mr. Speaker, we arranged the other day that I was to be granted an hour on Tuesday next. Now, the plan is to practically have no one here on Tuesday of next week, and I ask unanimous consent to follow the gentleman from Indiana to-day and address the House for an hour.

The SPEAKER pro tempore. Does the gentleman object to the request in behalf of the gentleman from Indiana that on the disposition of the resolution now pending the gentleman from Indiana shall have 20 minutes? Is there objection?

Mr. KEATING. Is it the intention, Mr. Speaker, to transact any business in the House after the disposal of this resolution?

The SPEAKER pro tempore. The Chair can not answer that.

Mr. KEATING. The chairman of the Committee on Foreign Affairs said something about a conference report on this particular resolution.

Mr. FLOOD. I do not think it is the purpose to adjourn the House very soon.

Mr. KEATING. What is to come before the House this afternoon after we complete the consideration of this resolution?

Mr. FLOOD. Probably a conference report on this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana [Mr. WOOD]?

Mr. RUBEY. Reserving the right to object, I would like to know on what subject the gentleman from Indiana wishes to address the House?

Mr. WOOD of Indiana. I will state to the gentleman that my subject is political.

Mr. GILLETT. Mr. Speaker, may I say a word? When the other bill was up and the House was in committee, and the gentleman from Indiana had the right to address the House, I waived it at the request of gentlemen on this side, as it was important to go on with that bill, and thought he could get time after the disposition of that bill. It seems to me it would be unfair now to object.

Mr. KEATING. But I will serve notice that immediately after the completion of the gentleman's remarks you will have to keep a quorum here.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Speaker, I want to suggest that the gentleman from Missouri——

The SPEAKER pro tempore. The gentleman from Missouri [Mr. MEEKER] asks unanimous consent that at the expiration of the 20 minutes of the gentleman from Indiana he be permitted to address the House for one hour in lieu of the hour allotted to him next Tuesday. Is there objection?

Mr. KEATING. I shall have to object to that.

The SPEAKER pro tempore. The gentleman from Colorado objects. The question is on agreeing to the last committee amendment to the Senate resolution.

The committee amendment was agreed to.

Mr. CRAMTON. Mr. Speaker, I desire to suggest a minor amendment. On line 23, of page 2, after the word "year," insert the word "and."

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Amend, line 23, page 2, by inserting, after the word "year," the word "and."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CRAMTON. Mr. Speaker, if I may have the attention of the Chair for one question——

Mr. MEEKER. Mr. Speaker, I renew my request for unanimous consent.

The SPEAKER pro tempore. The gentleman from Michigan has the floor.

Mr. CRAMTON. I yield to the gentleman from Missouri.

Mr. MEEKER. It is that following the address of the gentleman from Indiana [Mr. WOOD] I may be permitted to address the House for one hour this afternoon.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent that, following the address of the gentleman from Indiana he may be permitted to address the House for one hour in lieu of the hour allotted to him for Tuesday. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the third reading of the Senate resolution as amended.

The Senate resolution as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. FLOOD, a motion to reconsider the vote whereby the Senate joint resolution was passed was laid on the table.

By unanimous consent, the House joint resolution on the same subject (H. J. Res. 109) was laid on the table.

SIXTH DISTRICT OF INDIANA.

The SPEAKER pro tempore. Under the order of the House just granted the gentleman from Indiana [Mr. WOOD] is recognized for 20 minutes.

Mr. WOOD of Indiana. Mr. Speaker, on June 26 a special election was held in the sixth congressional district of Indiana for the purpose of electing a successor to the late Daniel W. Comstock, deceased. Two candidates were nominated for the place, one Democratic and the other Republican. The Democratic candidate was the Hon. Finly H. Gray, of Connersville, who was a Member of this House during the Sixty-second, Sixty-third, and Sixty-fourth Congresses, and who was defeated by Judge Comstock for reelection to the Sixty-fifth Congress at the November election, 1916. The Republican candidate was Richard N. Elliott, also of Connersville.

The campaign for a period of 10 days preceding the election was a spirited one. Many Members of this House and of the Senate, representing both political parties, participated in the speaking. The issues discussed by them, as well as by the local speakers, were confined solely to national issues. No local or State matters entered into the consideration. This campaign and the election that followed attracted more than ordinary attention. It became national in character because the result would be looked upon by the country either as an indorsement or the failure of indorsement of the present administration of the Nation's affairs. Each party therefore put forth its best effort to win the election. The Democratic party managers, State and National, were especially active, so eager were they to be able to point with approval to this election as a confirmation that the sentiment of the people was in accord with the policies of the administration at this time. They not only drew heavily upon the best campaign speakers throughout the State and Nation for service in the district but the President of the United States was called upon, and he very generously responded by throwing his personal influence into the balance in favor of the election of the Democratic candidate. So anxious was the President for the election of Mr. Gray that he permitted memory for the time being to fail him and his regard for the truthful statement of facts to be thrown into the discard, as the following indisputable evidence amply discloses.

After the campaign had been on in the district about one week the opponents of Mr. Gray were using as an argument against his reelection to Congress that while a Member of this House he had not supported the war measures proposed by the administration during the last two years, and that as a matter of fact he had opposed all manner of preparedness during his incumbency as a Congressman. For the purpose of refuting this argument a friend of Mr. Gray, living in the district, addressed the following letter to the President of the United States:

CAMBRIDGE CITY, *June 15, 1917.*

President WOODROW WILSON,
Washington, D. C.

DEAR SIR: Reports are being circulated in this district that the Democratic candidate for Congress, Hon. Finly H. Gray, did not give proper support during the past two years to your recommendations for preparedness and other war measures.

Will you kindly give me the facts in the matter?

Very truly, yours,

BENT WILSON.

To this letter the President very promptly replied, as follows:

THE WHITE HOUSE,
Washington, June 19, 1917.

MY DEAR MR. WILSON: I am very glad, indeed, to reply to your letter of June 15, that the Hon. Finly H. Gray throughout his membership in the House has given the present administration the most generous and cordial support. It would afford me the greatest gratification to see him return to the House of Representatives.

Cordially and sincerely, yours,

WOODROW WILSON.

Mr. BENT WILSON,
Standard Manufacturing Co., Cambridge City, Ind.

These two letters were inserted by the Democratic managers in every paper in the district of consequence in three-quarter page advertisements in favor of the election of Mr. Gray.

Now, in order that the truth may be ascertained, let us examine the RECORD and see what "generous and cordial support" Mr. Gray gave to the "preparedness and other war measures" of the administration. Mr. Gray was a member of the Naval Affairs Committee in the Sixty-third Congress. The administration then was advocating the building of more battleships. A large majority of the committee was in favor of this program. Mr. Gray, supporting the minority report in opposition to building more battleships, made a speech against the administration's plan for an increase in the Navy, in which he declared that the principle advanced by the majority, of the necessity for such increase, was ridiculous and that the proposition was monstrous and absurd. (See CONGRESSIONAL RECORD, 63d Cong., 2d sess., pp. 7272, 7273.)

The above speech was delivered on April 25, 1914, and on the 28th day of the same month, while the same measure was under consideration in this House, Mr. Gray stated, among other things, that never before was there less liability of there being a war than to-day; that there was absolutely no reason for an increase in the Navy; and that the Mexican situation should not be used as an excuse for the enlargement of the Navy. (CONGRESSIONAL RECORD, 63d Cong., 2d sess., p. 7378.)

At the second session of the Sixty-third Congress, when the question was whether two battleships should be built instead of one, Mr. Gray voted in favor of the building of one battleship. (CONGRESSIONAL RECORD, 63d Cong., 2d sess., p. 8266.)

During the second session of the Sixty-third Congress an amendment was offered to the naval bill by Mr. PADGETT, chairman of the Naval Affairs Committee, proposing to apply the proceeds derived from the sale of battleships to Greece to the construction of one superdreadnaught as a measure of preparedness. This proposition was opposed by Mr. Gray and he voted against it. (CONGRESSIONAL RECORD, 63d Cong., 2d sess., p. 10973.)

Mr. Gray also voted in favor of what was known as "the naval holiday bill," the same being a resolution providing for the suspension of naval construction for the period of one year. (CONGRESSIONAL RECORD, 63d Cong., 2d sess., p. 480.)

Mr. DECKER. Will the gentleman yield for a question?

Mr. WOOD of Indiana. No; I have not time.

In the month of September, 1914, after "the sparks of the European war were beginning to fly everywhere," Mr. Gray declared, in a speech in this House, that he believed that the world respected the citizenship of this Republic and would continue so to honor and respect it. And he was still oblivious to any necessity for preparing ourselves for the worst. (CONGRESSIONAL RECORD, 63d Cong., 2d sess., p. 15754.)

During the third session of the Sixty-third Congress Mr. Gray expressed his unalterable opposition to a world-power naval policy of the United States. The present administration at the time he made this declaration was advocating the building of four battleships. On the 5th day of February, 1915, at great length, Mr. Gray set forth his opposition to this scheme in a set speech in this House, in which he deplored the vast expenditure of public moneys that would be made if this plan should be carried out. (CONGRESSIONAL RECORD, 63d Cong., 3d sess., pp. 3128 and 3129.)

During the same session the present administration was advocating the building of a hospital ship. This recommendation was opposed by Mr. Gray, and he spoke in favor of striking the item from the naval appropriation bill. (CONGRESSIONAL RECORD, 63d Cong., 3d sess., p. 3143.)

On Friday, January 29, 1915, while this House had under consideration an appropriation bill for the naval service, Mr. Gray, in an extension of remarks on this measure, among other things, said that "the charge of military unpreparedness comes from the timid, who magnify dangers, and in part from the crafty and designing." His extension of remarks filed at that time was very lengthy, but from start to finish he opposes this administration's plan for increasing the Naval Establishment, and advocates a little Navy as being sufficient for all the needs of our country. (CONGRESSIONAL RECORD, 63d Cong., 3d sess., App., pp. 325, 326, 327, 328.)

During the Sixty-third Congress it was proposed as a measure of preparedness to appropriate $700,000 for the building of airships. Mr. Gray opposed this proposition and voted against it. (CONGRESSIONAL RECORD, 63d Cong., 3d sess., p. 2136.)

As a measure of preparedness this administration, during the third session of the Sixty-third Congress, asked that appropriation be made for two battleships. This also met with the opposition of Mr. Gray and he voted against it. (CONGRESSIONAL RECORD, 63d Cong., 3d sess., p. 3152.)

On June 2, 1916, after the war in Europe had been on for nearly two years and when this administration was endeavoring to increase the appropriation for naval purposes, and such increase was under consideration in this House, Mr. Gray voted in opposition to the same. (CONGRESSIONAL RECORD, 64th Cong., 1st sess., p. 9189.)

Mr. Gray not only consistently opposed an increase in the Navy but he likewise consistently opposed an increase in the Army Establishment. When it was proposed during the Sixty-fourth Congress to increase the strength of the standing Army to 250,000 men, his vote was cast in opposition to the measure. (CONGRESSIONAL RECORD, 64th Cong., 1st sess., p. 7600.)

He also registered his vote against the proposition known as the volunteer-army plan recommended by the President of the United States, and the purpose of which was to increase the number and efficiency of the Regular Army. (CONGRESSIONAL RECORD, 64th Cong., 1st sess., p. 7601.)

The present administration within the last two years advocated the building by the Government of a nitrogen plant for the purpose of manufacturing explosives as a measure of preparedness. This, too, met with the opposition of Mr. Gray. (CONGRESSIONAL RECORD, 64th Cong., 1st. sess., p. 4730.)

As late as August 15, 1916, when the opposition to the increase in the Navy in this House was reduced to a minimum, Finly H. Gray was still found casting his vote with that small minority. (CONGRESSIONAL RECORD, 64th Cong., 1st sess., p. 12700.)

And on this same day, in a speech delivered in this House, he declared, in opposition to the administration's naval building plan, that "military rivalry is the criminal folly of the nations." Also that he was "opposed to a naval policy looking to world power in war." Also "opposed to a naval policy looking to a contest for control of the seas." Also "opposed to any military policy for this Nation which will arouse distrust and apprehension against us, engender antagonism, animosity, and enmity toward us." Also "opposed to any military policy for this Nation calling for vast expenditures of money and burdensome taxation to maintain a menace to our peace, inevitably leading to war, and ultimately jeopardizing our very national existence." This speech was uttered by him in opposition to this administration's five-year building plan. (CONGRESSIONAL RECORD, 64th Cong., 1st sess., pp. 12681, 12682, 12683, 12684, and and 12685.)

It seems to me that it is needless to multiply this evidence. Those who wish to pursue it further may do so, and I venture the assertion that during all the period of Mr. Gray's membership in this House at no time will he be found supporting either by vote or speech a single measure of preparedness, a single measure having for its purpose an increase in either the Army or Navy Establishments.

Since the declaration of war with Germany a vast majority of the Members on the Republican side of this House have unfailingly stood by the administration in every step proposed by it for the increase of the Army and Navy and for the appropriation of the vast sums of money necessary to accomplish the same; and in the consideration of all these great measures there has been found an entire absence of partisanship or any attempt to obtain party advantage on behalf of the Republicans in the House; and not one of these measures could have passed had it depended for its passage upon Democratic votes, notwithstanding the fact that the Democrats have outnumbered the Republicans in this House since this session of Congress began.

In view of all this it is most astonishing that the President of the United States should find it necessary to write the letter that he did write in support of the candidacy of Mr. Gray. Especially is this letter astounding in the light of the facts as disclosed by the CONGRESSIONAL RECORD to which I have alluded.

It seems passing strange that the absence of partisanship so marked in this House at the present time can not be emulated by the President of the United States.

Let us look for a moment to see how much influence the effort put forth by the President on behalf of Mr. Gray's candidacy had on the election in the sixth Indiana district. At the general election held in this district in November, 1916, Judge Comstock was elected over Mr. Gray by a plurality of 978 votes, out of a total vote of 49,000. At the special election held on last Tuesday Richard N. Elliott was elected over Mr. Gray by a majority of 2,736 out of a total vote of 31,500.

It will be seen by these figures that the majority given Mr. Elliott was nearly three times as large as the plurality given Judge Comstock over Mr. Gray. The vote cast was about 65 per cent of the normal vote of the district, and from the ratio of increase of the Republican majority over that of 1916, it will be readily seen that if the normal vote had been cast Mr. Elliott's majority would have been more than 4,000.

The sixth congressional district of Indiana comprises one of the richest farming and manufacturing sections in the United States, about half of its population being urban and the other half rural, and a more intelligent voting population can not be found anywhere in the United States.

I am content that the people shall determine the causes that brought about the result of the election in the sixth Indiana district. My only purpose in enumerating the facts herein is that the public may judge whether the President had any warrant under the facts for writing the letter that he did in support of the candidacy of Finly H. Gray.

Mr. GORDON. Mr. Speaker, will the gentleman yield for a question?

Mr. WOOD of Indiana. Yes.

Mr. GORDON. Who told you that the President was in favor of that volunteer-army proposition that was beaten here on the floor of the House?

Mr. WOOD of Indiana. That was the report of the friends of the bill here.

Mr. GORDON. Who reported it?

Mr. WOOD of Indiana. It was repeated half a dozen times during the discussion that the President of the United States was in favor of it.

Mr. GORDON. Oh, name a witness who said that the President was supporting it.

Mr. WOOD of Indiana. The President of the United States was said to be in favor of it and against it, and finally was declared to be in favor of it.

Mr. GORDON. You are mistaken. Nobody declared that the President was in favor of it.

SOME BY-PRODUCTS OF PROHIBITION.

The SPEAKER pro tempore. Under the order of the House the gentleman from Missouri [Mr. MEEKER] is entitled to one hour.

Mr. MEEKER. I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MEEKER. Mr. Speaker and gentlemen, it will be impossible for me in the time that I have to go into a full discussion of the subject which I have announced to-day, "Some by-products of prohibition."

I yield to no man on the floor of this House as to the amount of time and earnest endeavor which has been spent in the last 10 years in the purpose of getting at the facts as to how society has conducted itself under different kinds of excise laws. I became interested in this subject primarily at the suggestion of the editor of a St. Louis newspaper, in which he asked that I make some investigations for the purpose of writing a series of articles for his paper. The result of that request and of the beginning of that investigation was that it was two years before I had anything whatever to say upon this subject. I started out to discover what the conditions really were. Since that time I have kept up the investigation, and shall continue so to do, for there is no greater question before the American people now than the working out of the problem of how to administer the excise laws of this country.

We are entering upon a new era. For the first time in history the Federal Government has taken the States at their word when they have said they wanted prohibition. But the States never required that their citizens should not purchase, keep, nor use liquors. Only the sale within the borders of the States was prohibited. Never was the purchase prohibited. Thereby hundreds of thousands of retail purchasers of drinks were converted into wholesale purchasers. Many retail liquor dealers were destroyed, and thousands of wholesalers, who have been shipping throughout the country for the last 25 years, growing in wealth and prosperity, were put into business.

A great many things have been going on. It is my purpose to give to the House, without very much comment, some of the things that I have painstakingly worked out from the best sources obtainable, as to what is actually occurring in these States as regards crime, pauperism, juvenile delinquency, and all these kindred subjects which are on the lips of every alleged reformer who has come to believe that the power of moral suasion is a failure, the minister who believes that the Gospel of Jesus Christ can no longer do what it was intended to do, and who has resorted to the system of the Pharisee and the Saducee, of saving society by law.

As I said, I will not have time to cover this ground in its entirety, but I have asked that I might extend my remarks in the RECORD. I made that request simply in order that I might put into the RECORD, practically without comment, for the thoughtful consideration of the Members of this House, some facts. They are not all of them down to the last minute, for the simple reason that we have had no census since 1910. I can not give you the exact figures on some of the data that I will submit at this hour to-day, for I am yet gathering data through the different departments of the Government. If there have been any errors made in the summaries, I shall indeed be grateful to any Member of the House who, after having read these remarks, will point out the error. For, gentlemen, we can get nowhere in the solution of any problem unless we face facts just as they are. This thing of men on either side of this question endeavoring to befog the issue, or cover up facts, or slur over things which may be unpleasant to their side, will get nowhere in the solution of this problem.

Now, gentlemen, there are a few things that are very evident to any thoughtful student in the investigation of the actions of men in this country, and one is that the average man does not want the other man to have a drink, but he does insist on having it for himself. You may go through the elections of the country, State, county, and municipal—and I have been in hundreds of them—and time after time it has been pointed out that the so-called prohibition amendments, offered generally by the Anti-Saloon League, always leave out the prohibition of the purchase of liquor, of the keeping of liquor in your own possession, and of its consumption. They say that it shall be prohibited except—and their exceptions are the things that make their speeches appear silly—except for mechanical, chemical, medicinal, and sacramental purposes.

This thing, that they have said kills more than any other one thing on earth, is very carefully protected for them at the hospitals, and it is very carefully safeguarded for them at the Lord's Supper. It is about time somebody was calling the attention of the people of this country to the fact that whenever men are denouncing what they call the worst evil on earth, but at the same time providing that they shall have it in the celebration of the Lord's Supper, in their hospitals and at their bedsides, that we should consider as to whether men in the exercise of their religious rites are worthy of any more consideration than they are in the exercise of their personal and social rights.

Now, what has been the result. As I said, it will be impossible for me to give you in the discussion of each one of these subjects I may touch upon all the data of this hour, but I will put them in the RECORD for you. I want you to take time and read them over.

If you will bear this one thing in mind it will aid you greatly in answering many questions which I frequently hear asked by opponents of the license system of handling liquors as beverages. If you will remember when trying to explain the enormous increase in the consumption of liquors in the United States since prohibition has been started, which no student can deny, where we have gone from an average consumption of about 17 gallons per capita in 1892, when this movement started, to an average per capita consumption of 22 gallons, when the question is asked, the old, old question: Well, why is that, and if that be true, why are liquor men opposed to it? A question that has been asked me a thousand times and one for a long time I did not understand—if you will keep in mind when you ask the question that in those States, counties, or municipalities when they enacted a law, they did not prohibit the purchase of liquor or its consumption, that they were never able to reach the man beyond their judicial jurisdiction who was permitted to sell liquor by the case or carload to anyone who would send the price; if you will remember that the men who drank beer by the stein, for which they paid a nickel, or by the bucketful for the family, that when prevented from getting it at the retail store they sent for it in bulk and got it by the case, when you remember that the man who drank whisky by the glass is compelled to buy it by the case, gallon, or barrel, when as you see the decline in the number of retailers, you see just about one wholesaler doing the business of every seven retailers who went out of business, you will begin to understand.

Then, in addition to that, you will remember the very careful, earnest efforts on the part of those leading "reformers," namely, the Anti-Saloon League, that they have always watched that the patent-medicine men should go scot free; that they have written into every amendment offered in any State that their law would not interfere with medicine, alcoholic medicine. Then when you remember that in addition to this there has never been a time that men who talk loudly in favor of prohibition for the other fellow, when you have pointed out to them what it would do in their local community, they have said, "Well, I can get mine." Then the assurance that men who speak for, vote for, and pass it violate the spirit of that law

every day of their lives, you can understand something as to why this movement has gone as it has.

Now, then, you put to any of these men the question as to why they do not prohibit the purchase of liquor, and, gentlemen, if our fight is against anything, it is against alcoholism and not against institutions. All you may say, all you may shout from the housetops about the evils of the liquor business, unless you get down to the consumer and reach him, your work will have been in vain.

If you will go over, as I have done, the legislation of every State in this Union to see how the drinker has been protected, to see how when you drove out your local retailer, who, if he sold in violation of law, could be jailed and fined, and then the consumer put his order in a mail-order envelope and sent it across the State line, and in return the man on the other side could send to him all the, so-called, whisky money would pay for without a blush and without knowing fear as to what might be done to him, you will again understand. Then, if you will take the other natural law of bulk purchase and bulk consumption and apply it to the liquors as you do to cigars and candy or any other commodity, you will understand something of what I mean.

Now there is the other question which you frequently have put to you, if prohibition does not prohibit, and it is not intended to, Why do the liquor men fight it? It is not intended to keep the drinker from getting it, Anti-Saloon League men in Minnesota told the farmers. "You fellows will not suffer; you just close up the saloons and you can get it by mail order."

The superintendent of the Anti-Saloon League in South Dakota, when the bone-dry law was drafted in South Dakota, assured the farmers that if they would vote out the saloon they could still get theirs.

I do not care to use language on this floor proper to use toward the Anti-Saloon League, but I may sometime outside of the House. Now you say, "Why are all the liquor men against it?" They are not. You show me a mail-order whisky man who is not being attacked in his home county, his home State, where his place of business is located, who will make a contribution to an antiprohibition fund, and I will show you a snow-white crow. [Laughter.]

Let me put this simple question to you: Suppose instead of the retail-liquor business it was the retail grocers, and you had an election on in your home town to close up the retail grocery stores of that town. Which side of that question do you think Sears, Roebuck & Co. would take, and why? Would they give any money to keep the retail grocers doing business in town? That is not the way they make their living.

The closing of your home retail grocery store means that your money goes to Sears, Roebuck & Co. for your groceries. The building up of the mail-order whisky business, which, as I will show you from a report of the Interstate Commerce Commission of some years ago, is the child of the fraudulent prohibition which the people of this country believed was going to give them relief.

Let us take another phase of this subject which has never as yet been touched upon fully, and that is our good friend who is always so carefully protected in all prohibition statutes—alcohol for medicinal purposes. We had an Army bill up here not very long ago, and the gentlemen at the other end of the Capitol decided that inasmuch as the soldiers of the United States were to go out to fight for democracy on foreign soil, the way to start them would be to first muzzle them. So they passed a prohibition law for the soldiers.

One of the Members of that body who despises hypocrisy offered an amendment providing that during the war nobody should sell liquor to a Representative or a Senator, and on the spur of the moment it was adopted, for they could not back out. However, in about two hours' time following that they took the muzzle from the Representatives and Senators who remain here, but they left it on the soldier who has to go to fight for democracy. That is what I mean. You will never apply prohibition to yourself, and there are so many just such in this country that that is the reason your prohibition law does not do what it was promised it would do. Then here is our good old friend the patent-medicine man who is always protected by every prohibition law which goes on the statute books, for in face of the statement that alcohol and "demon rum" kill more than any other one thing, according to the reports of the gentlemen who make the speeches—in spite of all that alcohol must be preserved for the good brother in the church and for the sick! What has been the result of it? I have been pointing out to the people of this country for a long time the development of the so-called proprietary-medicine business. I obtained a few years ago from the State of Massachusetts an analysis of about 25 or 30 of these medicines that are advertised by the preachers and the drys, and the good women of the country, with all their curative powers, together with the photograph of some great statesman, taking up a quarter of a page in the daily newspaper, who desires to tell what it has done for him since his campaign was over; and the Rev. Dr. So-and-So gives his name in testimony of the wonderful curative power of whatever one of these he may choose to select. Just the publication of that little list started a furore all over this country, but we kept on digging around to find out how much there was of it. We have discovered, and for the first time I am able to give you a list, completed up to yesterday, of the patent medicines that are listed by the Department of Internal Revenue, together with their alcoholic content. All of those "medicines" escape under your prohibition laws, and there are 747 of them, and their alcoholic content runs all the way from eight-tenths of 1 per cent to 93½ per cent.

Mr. BURNETT. Mr. Chairman, would the gentleman mind stating which one has 93½ per cent? [Laughter.]

Mr. MEEKER. I think probably the gentleman knows, but for his benefit I shall say that it is one of about fifty different kinds of Jamaica ginger. I showed this to a very ardent "dry" the other day. When he looked it over and saw Jamaica ginger, he said, "Why that is what I use all of the time." [Laughter.] I could take your time for the rest of the hour going into this list, but it will be published in the RECORD so you can take your choice, though most of you possibly have your favorites, I presume, as the good ladies have. Here is a business that is to-day in the United States capitalized at $71,000,000, while the distilling business is capitalized at only $91,000,000. In other words, in 20 years' time these men are now within $20,000,000 of the capitalization of all of the distilleries in the United States, and every law you put on the statute books that closes down the brewery and the wine maker and the distiller makes an exception in favor of these. They do not pay one cent of tax to this Government on their product, paying a tax only on the alcohol that goes into their product. It goes into your home and yours and yours. If I could take the time to-day to read to you the directions on the bottle from one of them—Hinckley's Bone Liniment, manufactured in the State of Michigan, with 87 per cent of alcohol, which gives instructions on the bottle as to how much the mothers shall put into the milk they give to the babies—you would not longer wonder where alcoholism is coming from in this country. Most of you remember a few years ago a man who is dead now—God rest his soul—who manufactured the Wine of Cardui, at Chattanooga, Tenn., a concoction that carried about 28 per cent of alcohol. He was an ardent prohibitionist, fighting the breweries, fighting wine, and all these other things, and was a member of the Methodist Book Concern of the United States, and treasurer of the Methodist Temperance Committee, and vice president of the Anti-Saloon League! Then there is this man whom we found in Michigan who manufactured Hinckley's Bone Liniment. He put up all of the money they asked him to put up to put Michigan "dry" last year. You will also find in here the product of another druggist or manufacturer in the city of Lansing, Mich. I purchased a bottle of it from his window display on the Sunday before the election in Michigan, a concoction called "Beef, Iron, and Wine," which contains 16½ per cent alcohol, and he was the leading "dry" of the city.

Now, gentlemen, I am talking to the sound, hard sense of this House, and I ask you men, not in a moment of excitement, to go back to your homes and ask yourself this question: Is this legislation which we have been enacting in these last years, which has been the guaranty of protection to these men as against all others, entirely proper, when these very men go into your homes with these drinks, and that is all they are, carrying 16, 18, 20, 30, 40, 60 per cent of alcohol, and you see your family using it, is this reform legislation? I say that when men are striking at alcoholism and at the same time make a special favorite of the patent medicine man they are committing a crime in the name of reform.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. MEEKER. Yes.

Mr. MOORE of Pennsylvania. Is not this covered in some way by the pure food and drugs act?

Mr. MEEKER. We went to the Department of Internal Revenue. We could not get it; this was never obtained before. Never was that list given out until last week. I went to the Agriculture Department and made a request that under the food and drug act they give me the list. They had no such list in their office, and I furnished them the first list they ever had.

Mr. MOORE of Pennsylvania. Assuredly those percentages up to 95 per cent would be in violation of existing law.

Mr. MEEKER. Not for medicines.

Mr. FOCHT. Mr. Speaker, before proceeding I would like to have some information. We do not want Pennsylvania to be left off that list. There is a bitters made up there called Hostetter's Bitters——

Mr. MEEKER. The gentleman will find it here.

Mr. FOCHT. Will the gentleman let me know about that?

Mr. MEEKER. The gentleman can read it in the RECORD to-morrow.

Mr. FOCHT. Very well.

Mr. MEEKER. Gentlemen will find all their favorites here. [Laughter.] Now, then, we turn to these articles of drink about which all this hullabaloo is made. Here is a report from the Department of Internal Revenue on them. What do we find? Beers run up to 5.95, and so forth; wines to about 10 and 11 per cent, champagnes to 13 and 14 per cent, Scotch whisky to 45 and absinthe 53 per cent, and the American whisky bottled in bond 50 per cent, and at the same time men come in on the floor of this House and vote to exempt alcoholic medicines. I excuse them, because I believe they are ignorant; I do not believe any informed man could continue to vote to strike down the beers and wines and light wines and champagnes and always legislate in favor of patent medicines and see to it that the laws we draft are for the exemption of a patent medicine, even though it has 93 per cent alcohol, more than twenty times as much as beer.

The SPEAKER pro tempore. The Chair desires to notify the gentleman, as requested; he has consumed 30 minutes.

Mr. MEEKER. Gentlemen, I am going to put in the RECORD for you this information, and much more. I am not going to take up any more of your time on this phase of the subject. I believe that there is no measure before us to-day to which we have so closed our eyes. We have been dominated by a gang of religious bigots, who are more dangerous to the liberties of America than beer or whisky ever will be.

I would rather have a nation of free men learning to exercise the habits of temperance than to have a nation dominated by religious fanatics who are attempting to run the Government. The church under some guise or other has attempted to get control of every nation in history, and it is making its fight here now with more than a thousand preachers in this country to-day who are professional lobbyists, with their headquarters here, who sit in the gallery to see which way we vote in committee so they can send it back home, the only organization that ever sent out to candidates for Congress a request for a secret pledge before they had been nominated. Now, I do not need to go any further in explanation of that. I received one such letter, and it was not the only copy. Men who will attempt to bind a man in secret on any legislation are a free government's deadliest enemies, but if they call it "reform" they get away with it. I put it up to the men of this House this afternoon that hereafter whenever you vote to strike down these beers, light wines, champagnes, and whiskies and by your legislative enactment make an exemption of those "medicines," never go again and look into the faces of your family and say you are fighting "booze" in this country. The only reason, as I said a moment ago, I have had any patience with the legislators of this country is because I believe they have been ignorant as to the facts. You put this prohibition amendment over as it is now being proposed and you are making a $70,000,000 capitalization they now have worth $700,000,000 inside of two years.

The way you have drawn your laws they, the medicine men, go scot free. Further than that, you would no more permit a brewer to send a circular into your home advising you to use a bottle of beer a day and give another bottle to your baby than you would let him send poison. But you will put one of these bottles up on the shelf with full instructions as to how much to give the baby, how much an adult is to take, and if mother is not watching you can get a good jag on before she can get to you. In the name of reform, in the name of common sense, in the name of common decency I say to the men of this House this afternoon if you let your prohibition amendment go on with the Federal exemption to patent medicines, you have made a free gift to all men who shall go into the conversion of alcohol into "medicine" instead of beer and wine and whisky. Now, let us come just a little nearer to the situation we are now facing. Gentlemen, I yield to no man at either end of the Capitol when it comes to tireless effort since the trouble broke out in Europe until now to maintain the honor and dignity of this Nation of ours.

I do not belong to the party of the administration. I come from a district where, before we entered the war, thousands of people had their sympathy with one of the belligerents, and they were just as much entitled to hope that their brothers and cousins and relatives would win, until they understood the real situation, as were the men on the floor of this House who were denouncing what they were pleased to call hyphenism. I never could reply to any of those, because I thought they were too silly to answer. The men who came here, besides those who came from England and Scotland, to build this Nation were just as good and just as patriotic as were those who spoke the English language. This is not the land of the men who came from any one country.

It was a little difficult out in my district to make the people understand just what was the issue when war was declared. Many did not understand exactly why we had entered the conflict. Some talk was too ethereal. But when the issue was once clearly drawn, the people of my district and of my city rallied to the defense of the flag as quickly and as loyally as any other group of men in America. [Applause.]

My correspondence for the last three months has been one of constant effort to make these men understand just what the situation is. There has been no one thing that I have said oftener in my letters to them than the calling their attention to the fact that this is a free land. That this is a land where we recognize the rights of every man so long as he conducts himself properly; that the flag under which we live is the only flag under which all men can gather together, and where the majority is pledged to defend the rights of the minority [applause], a thing that has been forgotten in these days.

I am not condemning anybody, but it is a puzzle to me how men can walk down to the well of this House at the beginning of a session and, lifting their hands, swear by God Almighty to uphold and defend the Constitution, the only mainstay of our Government, and then turn around and vote for things that they say are unconstitutional.

Gentlemen, the only anchor of national solidarity is the fidelity of this House to the immortal Constitution of these United States. These men had begun to understand the situation, when here on last Saturday night, without a moment's warning—and I am not going to say anything about agreements made in caucus, as that is for the gentlemen who made the agreements to settle among themselves—in a frenzy of crocodile-tear shedding and ignorant voting, without thought of what it would mean in the question of our national life just now, lost their heads, some of them looking into the galleries to see if the whip was there, and "went through," voting for "prohibition."

Gentlemen, I am talking to you this afternoon on the most serious issue that now confronts us. The question at this moment in this Nation is not food control, it is not the railroad problem, it is not the draft, it is not the enrollment nor the shipping of men. We face the question to-day as to whether there is enough patience, there is enough statesmanship, there is enough courage in the men of the American Congress to keep from thrusting a straightforward insult into the face of millions of people of this country who are just as honest, who are just as patriotic, who are just as loyal to the flag, and who, thank God, if they are called upon will pour out their blood to keep this a free country.

Now, think. We say that this is a religious democracy, and we boast of it. You undertake at this time to legislate some certain religion out of existence and you would have trouble. But if this sort of legislation keeps on it will not be many years until it will be easy to legislate sects out of this country. This is an industrial democracy. You have no more right to tell your neighbor what he shall do to earn a livelihood than he has to tell you what you shall do. This is an educational democracy. No man or set of men can change the educational program of America. This is, at the same time, a social as well as a political democracy. We have men on the floor of this House who represent certain parties in whose doctrines we say we do not believe, but I rather doubt it when we say we do not. We are more socialistic to-day than we have ever been, and we denounce socialism with more vehemence. I believe the doctrine of socialism is dangerous to the American Government, but I hope the time will never come when I will ask that a Socialist be voted out of Congress because I do not like his politics.

Gentlemen, this bill as it is being proposed and considered to-day, means what? That the man under his own vine and fig tree, with his own apples, or his own grapes, or his own barley can not make for himself wines or beer. We step in and say thus to him under the hypocritical guise of "food control." But the exponents of this bill Saturday night could not cover up their real purpose. It was to put over a prohibition measure in the guise of a food control. Never will the time come

when by legislation you can say that a man shall not take his products and convert them into drink as he chooses. There was a time when everybody did his own distilling, brewing, and wine making. There was more drunkenness on the average when everybody did their own distilling than there is now.

Let me call your attention to this, gentlemen. Drinking is increasing in this Nation, but drunkenness is decreasing. Temperance has come, as have all the virtues, by moral development. By an orderly program men have changed their habits of life. They have not been changed by legislation.

When the bill was passed on Saturday night it was passed in such a way as to make it absolutely impossible for these millions of men at the furnaces—furnaces which, if you put a Member of Congress in front of them four or five minutes he would not be bigger than a crackling after a week's boiling—to get their beer. Men yesterday struck in one of the great mills of New Jersey because they could not be supplied with beer while they worked before their furnaces. We have said to those men, the brawn of this country, the hundreds and thousands and millions of these men, who are just as sober and just as patriotic as any man who sits on the floor of this Congress, that the drink they have used in their work in those great plants shall be denied them, while at the same time we call upon them to produce the enormous output of materials absolutely necessary for winning the war. And that in the face of the fact that the English Government, which has tried some of this same kind of "sissy" legislation, has been compelled within the last few weeks to change its order and permit an increase in the output of beer for the working men of England who are now complaining; to provide these men with this drink, that they might keep them at work to carry on the war.

Not only that, but you men know it just as well as you know that you are here, and there is not a man here to-day who would get on the floor of this House and deny what I am now going to say to you—you know when you have denounced drunkenness, calling us a nation of drunkards, calling our soldiers drunkards, it is an insult to the American people; it is a slander on the American soldier.

Mr. KEATING. Mr. Speaker, will the gentleman yield now?

Mr. MEEKER. I can not yield now.

Mr. KEATING. I thought you wanted some one to deny what you said.

Mr. MEEKER. Wait until I put it to you. There are millions of individuals in this country who use beer every day.

Mr. KEATING. Let me answer your question.

Mr. MEEKER. No; I refuse to yield.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. MEEKER. I put the question whether any man here would deny that the American people who use beer are as good morally as the gentleman from Colorado?

Mr. KEATING. The gentleman has made the statement here repeatedly that the advocates of prohibition have described the American people as drunkards and the American soldiers as drunkards. I have heard no such statement as that.

Mr. MEEKER. Will you take the CONGRESSIONAL RECORD for it? That is all.

Mr. KEATING. You will not find it if you take the CONGRESSIONAL RECORD.

Mr. MEEKER. I refuse to yield.

Mr. KEATING. Show me where the American people and the American soldiers have been denounced.

Mr. MEEKER. I do not yield to the gentleman.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. MEEKER. Now, gentlemen, when you are facing this issue, remember that during the past week men have been pleading with representatives of great industrial organizations in this country that they give Congress a little time to readjust itself. We to-day, above all other times, can not afford to make our own so-called democratic institutions a laughingstock to the men who are drafted to go to the other side of the sea to defend democracy. We are striking now at the foundation of free government. I am not concerned about this financial question; that can be easily settled. Two hundred million dollars on crude oil will pay half the bill, $100,000,000 on newspapers and magazines will take the rest of it, and another $100,000,000 on patent medicines and you have got your revenue.

Mr. BURNETT. How about two or three hundred millions on munition factories?

Mr. MEEKER. All right. Pile it on and see how high it will blow you.

Mr. BURNETT. That is where it should go.

Mr. MEEKER. You put it on on crude oil and your Anti-Saloon League will not last two days. You take the support of the Standard Oil away from the Anti-Saloon League and you will not have a league. And yet men continue to prate that they are the friends of labor and at the same time to legislate under the direction of an organization that is backed and owned by labor's "great friend," whose record in Colorado we all know—Mr. Rockefeller and his "friends" of labor, working together under the direction of the agents of the concern that has always assisted labor—with a shot gun.

Gentlemen, as we are passing through these days here, we had just as well solve this problem now as in the future. Some men are foolish enough to believe that by legislative enactments they are going to reverse the laws of fermentation, the laws of distillation, and the laws of human desires. Of course we will tackle anything these days—once. Nations have tried that in the past. Sweden, years ago, attempted absolute prohibition. What was the result? Her distilled spirits went out by fiat of the Government. The people of Sweden then began doing just what the people of prohibition States are doing now; they began to make distilled spirits at home. Without casting any reflection whatever upon that people—and I speak now only as a student of affairs—the man in his Swedish home learned to distill his alcohol from anything he had that contained alcohol. We know the penalty that that nation has paid by becoming a nation more addicted to straight alcohol than any other nation on the face of the earth. Sweden is now striving to struggle back again and once more get control of this great business.

Now, I want to say this to the men on the floor of this House: I have some patience with the man who talks prohibition and practices it. I have less with the man who talks it but lives as wet as the sea. The men who talk prohibition and send liquor to their friends are beneath the contempt of decent men. We men are introducing a program that bids for a universal violation of the law. In defiance of the law men and women will continue to exercise their God-given right. I wish to say, and plead as I say it, that in this hour, when we need as we have never needed before the sympathy, the cooperation, the good will of every man in this Nation, it behooves us to move with care in legislation. You will not stop drunkenness, gentlemen; you will not stop intemperance; you plan your legislation whereby these patent-medicine men and the wine men will be the sole beneficiaries of all the demand for stimulants. The thing that shocks me is that men will not see that when they exempt these "medicine" men from taxation they permit them in the name of "medicine" to put that amount of alcohol into what they sell, which, if put into any other drink, would drive the producer out of the country under the whip of public scorn. You would buy that by the bottle to put in your home, and you would say to yourselves, we are fighting "demon rum." Listen: If the principle of prohibition is right, we should enact it into law, and we should enforce that law if it takes a standing army to do it. If the principle of prohibition is wrong, we should oppose it on the ground of principle and not as a matter of dollars and cents, not as a matter of saving any man's commodity.

Oh, the men who came here from France, Germany, Italy, and Austria, and all those other lands, were told they were coming to a land of freedom. They believed it, and they were right, and the man who stands to-day to fight for his individual rights in this country is this Nation's best American. If this is not a nation that guarantees men their individual rights in the exercise of the pursuit of happiness, in the exercise of their legitimate tastes and desires, our claim of a free Government is a farce and our flag is a sham.

Mr. CAMPBELL of Kansas. Will the gentleman yield for a question?

Mr. MEEKER. Not now.

Mr. CAMPBELL of Kansas. Just on the matter he is discussing?

Mr. MEEKER. Not now. I decline to yield. We men here and now, as we are assembled in this Congress, should be giving our consideration, not to the whim of some alleged "reformer" who, if his trade was taken from him, would be looking for another job to-morrow. Abe Martin said, "There ain't nothin' in tendin' to other folks' business unless you are paid for it." That is all there is in this "reform" movement. Men who are benefiting by this alleged "reform" and "uplift campaign" are perfectly willing that the brethren should remain about the corridors of the sanctuary of the Capitol.

Gentlemen, this Nation for the first time is awake to the menace and threat of prohibition. Yield on this, and we can not longer be called upon to defend religious rights. We can not

longer be called upon to protect men in the exercise of their political rights. We can not longer be called upon to protect men in their industrial rights. We con not longer be called upon to offer ourselves as a sacrifice to defend the institution which we know as the great American Republic. Prohibition is the dagger in the hand of religious fanaticism and commercial greed that, in the name of reform, is to be driven into the heart of American liberty. It is the poison gas that would kill men's desires for liberty. Men, under the guise of saving their brothers, when they themselves refuse to be saved, are to call in a policeman and a court to do what the Son of God came to do. Men, under the guise of reform, in the pay of industries whose stocks will be worth ten to one by the special protection which "reformers" are now giving them, men made dupes and supers of a group of individuals in this country who know that whenever this prohibition fight is settled and the people go back again to looking after the general affairs of the Nation, will get what is coming to them; men who suddenly became interested in the Anti-Saloon League when a woman with a pen made them talk for the first time; men who claim to be the social uplifters of the world while their paid agents shoot down men and women in the hills of Colorado because they want better wages. And yet men come on this floor and work with such agents while boasting of being friends of organized labor.

We are passing through the era of the combination of religious fanaticism, public ignorance, and commercial corruption. The gentleman in New York provides a fund, the gentlemen around Washington head the army, the shouters are made up of the well-meaning people who have not studied the question—the masses of them—and the work that is done is always to specially protect the gentleman who makes it from eight-tenths of 1 per cent to 93½ per cent, and puts it into the home and instructs that it be given to the babies in the name of medicine, reform, and religion. [Applause.]

Mr. Speaker, I wish to insert here a considerable amount of general information which has been of service to me in the study of the subject now under discussion. I have no comment to make upon the data here offered. I submit it solely for the purpose of providing my fellow Members with some material which they possibly do not now possess.

As a matter of handy reference I insert first the last census report on population by States:

Bureau of the Census, 1910—Population by States.

Alabama	2,138,093
Arizona	204,354
Arkansas	1,574,449
California	2,377,549
Colorado	799,024
Connecticut	1,114,756
Delaware	202,322
District of Columbia	331,069
Florida	752,619
Georgia	2,609,121
Idaho	325,594
Illinois	5,638,591
Indiana	2,700,876
Iowa	2,224,771
Kansas	1,690,949
Kentucky	2,289,905
Louisiana	1,656,388
Maine	742,371
Maryland	1,295,346
Massachusetts	3,366,416
Michigan	2,810,173
Minnesota	2,075,708
Mississippi	1,797,114
Missouri	3,293,335
Montana	376,053
Nebraska	1,192,214
Nevada	81,875
New Hampshire	430,572
New Jersey	2,537,167
New Mexico	327,301
New York	9,113,614
North Carolina	2,206,287
North Dakota	577,056
South Dakota	583,888
Ohio	4,767,121
Oklahoma	1,657,165
Oregon	672,765
Pennsylvania	7,665,111
Rhode Island	542,610
South Carolina	1,515,400
Tennessee	2,184,789
Texas	3,896,542
Utah	373,351
Vermont	355,956
Virginia	2,061,612
Washington	1,141,990
West Virginia	1,221,119
Wisconsin	2,333,860
Wyoming	149,965
United States	91,972,266

I next insert the prohibition legislative history of the several States:

Alabama adopted prohibition by legislative enactment in 1908; repealed it in 1911; again adopted it in 1915 by legislative enactment, to become effective July 1, 1915.

Arizona adopted prohibition by popular vote November 3, 1914. The law became effective January 1, 1915.

Arkansas adopted prohibition by legislative enactment in 1915. Law became effective January 1, 1916.

Colorado adopted prohibition by constitutional amendment in 1914 by popular vote. Law became effective January 1, 1916.

Connecticut adopted prohibition in 1854; repealed it in 1872.

Delaware adopted prohibition in 1855; repealed it in 1857.

Georgia adopted prohibition in 1907. Law became effective January 1, 1908.

Idaho adopted prohibition in 1915. Law became effective January 1, 1916.

Illinois adopted prohibition in 1851; repealed it in 1853.

Indiana adopted prohibition in 1855. Declared unconstitutional. Adopted by legislative enactment in 1916, to go into effect April, 1918.

Iowa adopted partial prohibition in 1855. Full prohibition in 1884. Mulct law in 1893. Prohibition reenacted in 1915. Has never been repealed, but a statute known as the mulct law was later enacted, which suspended the prohibitory law, but which has lately been repealed, rendering the prohibitory law again operative after January 1, 1916.

Kansas adopted constitutional amendment in 1880.

Maine adopted prohibition in 1846; repealed in 1856; reenacted prohibition in 1858.

Maryland adopted prohibition in 1855; only a few months' trial; repealed in 1855.

Massachusetts adopted prohibition in 1852; repealed it in 1868; readopted in 1869; repealed in 1875.

Michigan adopted prohibition in 1855; repealed it in 1875; readopted in 1916, law to go into effect in 1918.

Mississippi adopted prohibition in 1908.

Montana adopted prohibition in 1916, law to go into effect in 1918.

Nebraska adopted prohibition in 1855; repealed it in 1858; readopted in 1916.

New Hampshire adopted prohibition in 1855; repealed it in 1903.

New York adopted prohibition in 1855. Declared unconstitutional.

North Carolina adopted prohibition January 1, 1908. Law went into effect January 1, 1910.

North Dakota had a prohibition provision in the constitution when admitted into the Union in 1890.

Ohio adopted prohibition in 1855; annulled this by license tax law. Defeated proposed constitutional prohibition by 83,000 majority in 1914, and at the same time adopted a constitutional provision (by a majority of 83,000) which prohibits the Legislature of Ohio from enacting a county unit law.

Oklahoma had a prohibition provision in constitution when admitted into the Union in 1907.

Oregon adopted prohibition in 1914; effective January 1, 1916.

Rhode Island adopted prohibition in 1852; repealed it in 1863; readopted it in 1866; repealed it in 1889.

South Carolina adopted prohibition in 1915; went into effect in 1916.

South Dakota had a prohibition provision in the Constitution when admitted into the Union in 1890; repealed same provision in 1896; again passed prohibition law November 7, 1916.

Tennessee adopted prohibition by legislative enactment in 1909, law going into effect July 1 of the same year.

Vermont adopted prohibition in 1850; repealed in 1903.

Virginia adopted prohibition in 1914; effective November 1, 1916.

Washington adopted prohibition November, 1914. The law went into effect January 1, 1916.

West Virginia adopted constitutional amendment for prohibition by popular vote in November, 1912; went into effect July 1, 1914.

Wisconsin adopted prohibition in 1855; vetoed by governor.

BIBLE REFERENCES.

For those desirous of knowing where to find all Scriptural texts in regard to wine, strong drink, and prohibition I insert the following:

COMPLETE BIBLE REFERENCE REGARDING WINE AND STRONG DRINK.

Genesis ix, 20, 21, 24; xiv, 18; xix, 32, 33, 34, 35; xxvii, 25, 28, 37; xlix, 11, 12.
Exodus xxix, 40.
Leviticus x, 9; xxiii, 13.
Numbers vi, 3, 20; xv, 5, 7, 10; xviii, 12; xxviii, 7, 14.

Deuteronomy vii, 13; xi, 14; xii, 17; xiv, 23, 26; xvi, 13; xviii, 4; xxviii, 39, 51; xxix, 6; xxxii, 33, 38; xxxiii, 28.
Joshua ix, 4, 13.
Judges ix, 13; xiii, 4, 7, 14; xix, 19.
First Samuel i, 14, 15, 24; x, 3; xvi, 20; xxv, 18, 37.
Second Samuel vi, 19; xiii, 28; xvi, 1, 2.
Second Kings xviii, 32.
First Chronicles ix, 29; xii, 40; xvi, 3; xxvii, 27.
Second Chronicles ii, 10, 15; xi, 11; xxxi, 5; xxxii, 28.
Ezra vi, 9; vii, 22.
Nehemiah ii, 1; v, 11, 15, 18; x, 37, 39; xiii, 5, 12, 15.
Esther i, 7, 10; v, 6; vii, 2, 7, 8.
Job i, 13, 18; xxxii, 19.
Psalms iv, 7; ix, 3; lxxv, 8; lxxviii, 65; civ, 15.
Proverbs iii, 10; iv, 17; ix, 2, 5; xx, 1; xxi, 17; xxiii, 20, 30, 31; xxvi, 4, 6.
Ecclesiastes ii, 3; ix, 7; x, 19.
Song of Solomon i, 2, 4; iv, 10; v, 1; vii, 9; viii, 2.
Isaiah i, 22; v, 11, 12, 22; xvi, 10; xxii, 13; xxiv, 7, 9, 11; xxv, 6; xxvii, 2; xxviii, 1, 7; xxix, 9; xxxvi, 17; xlix, 26; li, 21; lv, 1; lvi, 12; lxii, 8; lxiii, 2; lxv, 8.
Jeremiah xiii, 12; xxiii, 9; xxv, 15; xxxi, 12; xxxv, 2, 5, 6, 8, 14; xl, 10, 12; xlviii, 33; li, 7.
Lamentations ii, 12.
Ezekiel xxxvii, 18; xliv, 21.
Daniel i, 5, 8, 16; v, 1, 2, 4, 23; x, 3.
Hosea ii, 8, 9, 22; iii, 1; iv, 11; vii, 5, 14; ix, 2, 4; xiv, 7.
Joel i, 5, 10; ii, 19, 24; iii, 3, 18.
Amos ii, 8, 12; v, 11; vi, 6; ix, 13, 14.
Micah ii, 11; vi, 15.
Habakkuk ii, 5, 15.
Zephaniah i, 13.
Haggai i, 11; ii, 12.
Zechariah ix, 15, 17; x, 7.
Matthew ix, 17; xi, 19.
Mark ii, 22; xii, 1; xv, 23.
Luke i, 15; v, 37, 38, 39; vii, 33; viii, 34; x, 34.
John ii, 3, 9, 10; iv, 46.
Acts ii, 13.
Romans xiv, 21.
Ephesians v, 18.
First Timothy iii, 3, 8; v, 23.
Titus i, 7; ii, 3.
First Peter iv, 3.
Revelation vi, 6; xiv, 8, 10; xvi, 19; xvii, 2; xviii, 3, 13.

PRISONERS AND JUVENILE DELINQUENTS.

The following gives, State by State, the Government report on prisoners and juvenile delinquents:

Prisoners and juvenile delinquents, 1910.

[Department of Commerce and Labor, Bureau of the Census, Bulletin No. 121. Taken from pages 8 to 112.]

	Adults.			Juvenile delinquents.			Total number of jails and workhouses in State.	Number of empty jails and workhouses, Jan. 1, 1910.
	In institutions, Jan. 1, 1910.	Committed in 1910.	Discharged or paroled, 1910.	In institutions, Jan. 1, 1910.	Committed in 1910.	Discharged or paroled, 1910.		
United States	111,498	479,787	454,389	24,974	14,147	13,888		
Alabama	3,687	8,599	7,448	171	121	74	66	45
Arizona	645	6,933	6,438	47	54	23	24	7
Arkansas	1,307	4,911	4,370	54	85	59	72	36
California	4,155	16,414	15,371	745	347	344	76	24
Colorado	1,230	4,874	4,726	432	215	177	64	32
Connecticut	1,519	8,412	8,259	699	242	68	11	0
Delaware	260	1,987	1,943	101	51	48	3	0
District of Columbia	787	5,647	6,135	409	270	229	2	0
Florida	1,836	9,837	8,781	98	9	3	52	28
Georgia	4,994	10,487	11,229	84	39	29	136	45
Idaho	287	1,162	1,022	(1)	(1)	(1)	25	7
Illinois	5,111	27,942	26,843	1,914	1,212	1,226	140	61
Indiana	2,874	13,294	12,805	1,095	417	449	92	29
Iowa	1,354	13,022	12,497	566	225	304	102	44
Kansas	1,537	3,386	3,235	434	208	171	98	41
Kentucky	2,729	13,920	13,042	835	473	415	131	48
Louisiana	2,400	4,739	3,839	114	285	263	53	17
Maine	730	5,252	5,033	343	79	52	17	0
Maryland	2,146	8,922	8,697	1,182	628	582	17	4
Massachusetts	6,707	31,353	30,859	1,505	647	940	22	1
Michigan	2,589	12,359	12,078	1,158	383	467	83	19
Minnesota	1,639	10,356	10,313	392	277	267	72	32
Mississippi	2,283	3,637	2,878	(1)	(1)	(1)	79	27
Missouri	3,523	15,968	14,901	930	766	700	140	57
Montana	963	4,023	3,929	87	106	104	32	9
Nebraska	656	5,756	5,245	133	132	69	78	54
Nevada	289	882	893	(1)	(1)	(1)	15	6
New Hampshire	508	1,501	1,488	199	66	45	18	2
New Jersey	3,001	11,622	10,838	836	532	558	27	2
New Mexico	408	1,872	1,737	17	23	4	27	10
New York	12,497	45,761	43,548	3,585	2,509	2,337	70	32
North Carolina	1,420	2,709	2,155	(1)	(1)	(1)	78	3
North Dakota	367	942	960	52	26	18	37	13
Ohio	4,005	18,870	18,023	1,974	996	1,193	105	45
Oklahoma	1,668	6,095	5,294	0	72	0	78	25
Oregon	623	6,431	6,167	114	72	91	39	18
Pennsylvania	9,175	53,582	51,894	2,138	1,043	1,019	118	44
Rhode Island	729	2,526	2,349	359	226	223	5	1
South Carolina	1,691	5,480	4,923	(2)			57	10
South Dakota	279	1,596	1,539	103	30	34	47	29
Tennessee	2,642	9,922	9,185	71	56	47	102	29
Texas	4,227	10,767	8,768	185	106	69	180	96
Utah	394	1,790	1,624	77	81	57	31	21
Vermont	395	1,567	1,562	173	97	64	15	7
Virginia	3,239	12,430	12,118	380	277	248	120	34
Washington	1,652	11,019	10,642	232	183	142	50	22
West Virginia	1,475	6,024	5,662	341	203	179	61	19
Wisconsin	1,675	9,648	9,451	606	280	284	78	17
Wyoming	287	743	711	(1)	(1)	(1)	17	7

[1] No juvenile institutions.

[2] No report.

United States Penitentiaries, total January 1, 1910: 1,904. Committed 1910, 987; discharged or paroled, 1910, 895.
United States Penitentiary at Atlanta, inmates January 1, 1910: 785. Committed 1910, 419; discharged or paroled 1910, 411.
United States Penitentiary at Leavenworth, inmates January 1, 1910: 984. Committed 1910, 488; discharged or paroled, 1910, 420.
United States Penitentiary at McNeil Island, Wash., inmates January 1, 1910: 135. Committed 1910, 80; discharged or paroled, 1910, 64.

The following table gives, by States, paupers in almshouses:

Paupers in almshouses, 1910.

[Department of Commerce, Bureau of the Census, Bulletin No. 120. Pages 9 to 43, inclusive.]

	Enumerated on Jan. 1, 1910.			Admitted in 1910.			Total number almshouses in State.	Number empty Jan. 1, 1910.
	Total.	Male.	Female.	Total.	Male.	Female.		
United States	84,198	57,049	27,149	88,313	67,195	21,118	.....	.....
Alabama	739	365	374	481	273	208	56	2
Arizona	271	247	24	1,015	896	119	10	1
Arkansas	534	284	250	849	587	262	46	4
California	4,646	3,952	694	9,614	8,179	1,435	55	1
Colorado	510	434	76	697	586	111	19	0
Connecticut	2,244	1,571	673	2,729	1,991	738	68	1
Delaware	366	227	139	430	352	78	3	0
District of Columbia	276	163	113	171	101	70	1	0
Florida	207	161	46	933	741	192	11	0
Georgia	813	351	462	514	274	240	69	4
Idaho	97	85	12	177	152	25	10	0
Illinois	5,421	4,021	1,400	5,590	4,607	983	100	2
Indiana	3,114	2,122	992	1,741	1,355	386	89	0
Iowa	1,779	1,198	581	823	633	190	94	0
Kansas	735	502	233	421	302	119	74	3
Kentucky	1,522	871	651	1,133	695	438	100	6
Louisiana	187	112	75	112	77	35	5	0
Maine	945	529	416	860	599	261	125	4
Maryland	1,681	1,149	532	1,949	1,478	471	20	0
Massachusetts	6,555	4,418	2,127	9,520	6,898	2,622	181	0
Michigan	2,970	2,157	813	2,783	2,201	582	76	1
Minnesota	687	550	137	815	706	109	37	0
Mississippi	436	182	254	245	123	122	60	3
Missouri	2,388	1,533	855	1,151	872	279	97	1
Montana	415	383	32	926	835	91	20	0
Nebraska	551	449	102	1,101	876	225	51	1
Nevada	159	145	14	456	394	62	11	0
New Hampshire	991	557	434	812	545	267	11	0
New Jersey	2,135	1,407	728	1,736	1,192	544	39	0
New York	12,031	8,035	3,996	12,794	9,539	3,185	63	0
North Carolina	1,389	596	793	728	375	353	86	2
North Dakota	81	59	22	114	79	35	6	0
Ohio	8,078	5,638	2,440	5,825	4,616	1,209	89	1
Oklahoma	48	39	9	61	49	12	6	0
Oregon	352	328	24	504	478	26	19	0
Pennsylvania	9,606	6,623	2,983	9,467	7,140	2,327	80	1
Rhode Island	768	401	367	526	321	205	29	0
South Carolina	478	19	259	285	152	133	31	0
South Dakota	145	109	36	160	129	31	26	1
Tennessee	1,509	776	793	1,227	736	491	83	1
Texas	861	560	301	1,016	781	235	69	4
Utah	181	121	60	181	136	45	6	0
Vermont	383	222	161	269	190	79	53	1
Virginia	1,688	883	805	2,404	1,517	887	101	3
Washington	564	493	71	1,247	1,103	144	20	1
West Virginia	808	462	346	531	329	202	51	0
Wisconsin	1,775	1,343	432	1,177	959	2,818	49	0
Wyoming	19	17	2	53	46	7	2	0

Insane and feeble-minded in institutions in 1910.

[Department of Commerce, Bureau of the Census, Bulletin No. 119. Pages 8 to 20, inclusive; pages 80 to 82, inclusive.

	Enumerated on Jan. 1, 1910.			Admitted in 1910.			Total number institutions in State.	Number empty Jan. 1, 1910.
	Total.	Male.	Female.	Total.	Male.	Female.		
United States institutions:								
Insane	187,791	98,695	89,096	60,769	34,116	26,653	.....	.....
Feeble-minded	20,731	11,015	9,716	3,825	2,227	1,598	.....	.....
Alabama:								
Insane	2,039	981	1,058	831	444	387	2	0
Arizona:								
Insane	337	265	72	185	104	81	1	0
Arkansas:								
Insane	1,092	529	563	255	152	103	1	0
California:								
Insane	6,652	4,115	2,537	1,989	1,279	710	8	0
Feeble-minded	854	470	384	166	101	65	3	0
Colorado:								
Insane	1,199	687	512	722	462	260	4	0
Feeble-minded	64	39	25	9	6	3	1	0
Connecticut:								
Insane	3,579	1,680	1,899	1,155	593	562	13	0
Feeble-minded	294	156	138	47	31	16	1	0
Delaware:								
Insane	441	37	204	127	78	49	1	0
District of Columbia:								
Insane	2,800	2,170	720	597	426	171	1	0
Florida:								
Insane	849	446	403	325	196	129	1	0
Georgia:								
Insane	3,132	1,531	1,601	1,112	623	489	2	0
Idaho:								
Insane	388	256	132	203	155	48	2	0
Illinois:								
Insane	12,839	6,846	5,993	4,053	2,319	1,734	13	0
Feeble-minded	1,265	718	547	207	130	77	2	0

Insane and feeble-minded in institutions in 1910—Continued.

	Enumerated on Jan. 1, 1910.			Admitted in 1910.			Total number institutions in State.	Number empty Jan. 1, 1910.
	Total.	Male.	Female.	Total.	Male.	Female.		
Indians:								
Insane	4,527	2,235	2,292	1,270	672	598	8	0
Feeble-minded	1,135	518	617	102	53	49	1	0
Iowa:								
Insane	5,377	2,896	2,481	1,511	863	648	34	0
Feeble-minded	1,189	619	570	201	111	90	2	0
Kansas:								
Insane	2,912	1,694	1,218	905	534	371	8	0
Feeble-minded	420	237	183	86	47	39	1	0
Kentucky:								
Insane	3,538	1,968	1,570	1,227	735	492	6	0
Feeble-minded	283	167	116	86	46	40	2	0
Louisiana:								
Insane	2,158	1,070	1,088	491	234	257	3	0
Maine:								
Insane	1,258	693	565	509	248	261	2	0
Feeble-minded	62	49	13	83	60	23	1	0
Maryland:								
Insane	3,220	1,560	1,651	1,273	677	596	17	0
Feeble-minded	310	151	159	22	17	5	2	0
Massachusetts:								
Insane	11,601	5,633	5,968	4,236	2,206	2,030	23	0
Feeble-minded	1,464	879	585	458	246	212	5	0
Michigan:								
Insane	6,699	3,679	3,020	1,974	1,111	863	10	0
Feeble-minded	986	518	468	204	112	92	3	0
Minnesota:								
Insane	4,744	2,755	1,989	1,425	886	550	6	0
Feeble-minded	1,194	628	566	207	119	88	1	0
Mississippi:								
Insane	1,978	933	1,045	695	378	317	2	0
Missouri:								
Insane	6,168	3,231	2,937	2,779	1,403	1,376	13	0
Feeble-minded	512	233	279	60	29	31	4	0
Montana:								
Insane	697	531	166	278	212	66	1	0
Feeble-minded	51	30	21	49	28	21	1	0
Nebraska:								
Insane	1,990	1,141	849	411	243	168	3	0
Feeble-minded	446	235	211	23	10	13	1	0
Nevada:								
Insane	230	165	65	56	45	11	1	0
New Hampshire:								
Insane	909	463	446	326	168	158	3	0
Feeble-minded	144	70	74	46	27	19	1	0
New Jersey:								
Insane	6,042	2,913	3,129	1,640	878	762	15	0
Feeble-minded	182	0	182	40	1	39	5	0
New Mexico:								
Insane	219	128	91	84	60	24	1	0
New York:								
Insane	31,280	14,955	16,325	8,530	4,461	4,069	37	
Feeble-minded	3,421	1,685	1,736	629	349	280	6	1
North Carolina:								
Insane	2,522	1,032	1,490	916	435	481	6	0
North Dakota:								
Insane	628	407	221	224	142	82	1	0
Feeble-minded	145	79	66	47	29	18	1	0
Ohio:								
Insane	10,594	5,615	4,979	3,336	1,932	1,404	13	0
Feeble-minded	1,526	810	716	150	91	59	1	0
Oklahoma:								
Insane	1,110	651	459	743	440	303	3	0
Oregon:								
Insane	1,565	1,088	477	590	447	143	1	0
Pennsylvania:								
Insane	15,058	7,919	7,139	4,499	2,527	1,972	26	0
Feeble-minded	2,705	1,598	1,107	417	284	133	6	0
Rhode Island:								
Insane	1,243	650	593	490	267	223	2	0
Feeble-minded	48	48	0	6	6	0	1	0
South Carolina:								
Insane	1,541	708	833	646	338	308	1	0
South Dakota:								
Insane	864	535	329	204	129	75	2	0
Feeble-minded	(1)						1	1
Tennessee:								
Insane	2,204	1,057	1,147	932	512	420	7	0
Feeble-minded	47	25	22	49	36	13	1	0
Texas:								
Insane	4,053	2,087	1,966	1,479	796	683	5	0
Feeble-minded	19	9	10	11	8	3	1	0
Utah:								
Insane	342	171	171	103	66	37	1	0
Feeble-minded	45	45	0	13	7	6	1	0
Vermont:								
Insane	990	528	462	270	150	120	3	0
Virginia:								
Insane	3,635	1,779	1,856	1,234	691	543	4	0
Feeble-minded	60	29	31	19	10	9	1	0
Washington:								
Insane	1,987	1,325	662	884	609	275	2	0
Feeble-minded	159	90	69	28	16	12	1	0
West Virginia:								
Insane	1,722	900	822	495	266	229	3	0
Feeble-minded	214	116	98	48	26	22	1	0
Wisconsin:								
Insane	6,587	3,743	2,844	2,558	1,514	1,044	44	0
Feeble-minded	1,029	468	561	246	150	96	4	0
Wyoming:								
Insane	162	105	57	42	30	12	1	0

[1] No report.

The table below gives the number of insane with alcoholic psychosis admitted to institutions in 1910. This is table No. 36, on page 74, of Bulletin No. 119, Department of Commerce, Bureau of the Census, "Insane and feeble-minded in institutions, 1910":

United States	6,122
Alabama	86
Arizona	15
Arkansas	5
California	259
Colorado	150
Connecticut	122
Delaware	27
District of Columbia	64
Florida	27
Georgia	57
Idaho	8
Illinois	359
Indiana	75
Iowa	105
Kansas	70
Kentucky	106
Louisiana	40
Maine	33
Maryland	172
Massachusetts	620
Michigan	135
Minnesota	194
Mississippi	16
Missouri	186
Montana	31
Nebraska	20
Nevada	12
New Hampshire	37
New Jersey	323
New Mexico	3
New York	978
North Carolina	35
North Dakota	3
Ohio	413
Oklahoma	139
Oregon	73
Pennsylvania	312
Rhode Island	56
South Carolina	37
South Dakota	1
Tennessee	60
Texas	55
Utah	6
Vermont	30
Virginia	69
Washington	169
West Virginia	56
Wisconsin	339
Wyoming	6

MORTALITY.

Here are the mortality statistics as taken from pages 19, 20, 21, and 22 from the Thirteenth Annual Report, Department of Commerce, Bureau of the Census, 1912. The reader is requested to give special attention to number 56 of the report and then to consider what somebody, in the name of reform, has been doing to the truth:

Mortality statistics, 1912.

[Department of Commerce, Bureau of the Census. Thirteenth Annual Report.]

DEATHS (EXCLUSIVE OF STILLBIRTHS) AND DEATH RATES PER 100,000 POPULATION, BY CAUSES, ACCORDING TO THE DETAILED INTERNATIONAL LIST, FOR THE REGISTRATION AREA: 1909 TO 1912.

The causes of death originally classified according to the first revision of the International List, which was in effect for the years 1900 to 1909, are rearranged, as far as practicable, to correspond with the second revision, in effect Jan. 1, 1910. Changes depending upon new titles or markedly affecting the comparability of the figures are indicated by asterisks (*) following the titles, and reference should be made to the statements in the note on Changes in Classification at the end of this table.

Detailed Int. List No.	Cause of death.	Number of deaths.						Death rate per 100,000 population.					
		1912	1911	1910	1909	Annual average: 1906 to 1910.	Annual average: 1901 to 1905.	1912	1911	1910	1909	Annual average: 1906 to 1910.	Annual average: 1901 to 1905.
	All causes	838,251	839,284	805,412	732,538	714,933	529,630	1,387.2	1,415.9	1,495.8	1,440.0	1,511.5	1,619.7
	I.—General diseases*	217,317	228,602	215,692	194,161	191,161	146,137	359.6	385.7	400.6	381.7	404.1	446.9
1	Typhoid fever	9,987	12,451	12,673	10,722	12,120	10,458	16.5	21.0	23.5	21.1	25.6	32.0
2	Typhus fever	6	5	2	3	1	3	(1)	(1)	(1)	(1)	(1)	(1)
3	Relapsing fever	3	2	1	.....	1	2	(1)	(1)	(1)	.....	(1)	(1)
4	Malaria	1,848	1,802	1,167	1,175	1,206	1,568	3.1	3.0	2.2	2.3	2.6	4.8
5	Smallpox	165	130	202	79	108	1,119	0.3	0.2	0.4	0.2	0.2	3.4
6	Measles	4,240	5,922	6,598	4,860	5,092	2,951	7.0	10.0	12.3	9.6	10.8	9.0
7	Scarlet fever	4,038	5,243	6,255	5,781	5,030	3,608	6.7	8.8	11.4	11.4	10.6	11.0
8	Whooping cough	5,619	6,682	6,146	4,906	5,440	3,572	9.3	11.3	11.4	9.6	11.5	10.9
9	Diphtheria and croup	11,013	11,174	11,521	10,358	10,576	9,674	18.3	18.9	21.4	20.4	22.4	29.6
10	Influenza	6,237	9,294	7,774	6,649	7,760	6,506	10.3	15.7	14.4	13.1	16.4	19.9
11	Miliary fever	.....	.....	.....	.....	(2)	3	.....	.....	.....	.....	(1)	(1)
12	Asiatic cholera	.....	2	.....	.....	.....	.....	.....	(1)	.....	.....	.....	.....
13	Cholera nostras	245	350	563	415	485	460	0.4	0.6	1.0	0.8	1.0	1.4
14	Dysentery	2,635	3,062	3,446	2,871	3,076	2,819	4.4	5.2	6.4	5.6	6.5	8.6
15	Plague	.....	1	1	2	19	18	.....	(1)	(1)	(1)	(1)	0.1
16	Yellow fever	.....	.....	.....	.....	1	92	.....	.....	.....	.....	(1)	0.3
17	Leprosy	11	7	10	9	8	5	(1)	(1)	(1)	(1)	(1)	(1)
18	Erysipelas	2,302	2,510	2,442	2,004	1,977	1,455	3.8	4.2	4.5	3.9	4.2	4.5
19	Other epidemic diseases*	224	193	198	154	156	76	0.4	0.3	0.4	0.3	0.3	0.2
20	Purulent infection and septicemia	1,648	1,913	1,877	1,657	1,798	1,998	2.7	3.2	3.5	3.3	3.8	6.1
21	Glanders	12	11	7	8	7	5	(1)	(1)	(1)	(1)	(1)	(1)
22	Anthrax	18	14	22	14	21	23	(1)	(1)	(1)	(1)	(1)	0.1
23	Rabies	74	83	64	55	72	42	0.1	0.1	0.1	0.1	0.2	0.1
24	Tetanus*	1,303	1,336	1,373	1,373	1,276	1,150	2.2	2.3	2.5	2.7	2.7	3.5
25	Mycoses	27	37	32	38	29	14	(1)	0.1	0.1	0.1	0.1	(1)
26	Pellagra	674	659	368	116	101	1	1.1	1.1	0.7	0.2	0.2	(1)
27	Beriberi*	12	7	10	(3)	(4)	(3)	(1)	(1)	(1)	(3)	(4)	(3)
	Tuberculosis (total)	90,360	94,205	86,309	81,835	79,792	62,978	149.5	158.9	160.3	160.8	168.7	192.5
28	Tuberculosis of the lungs*	75,429	78,514	73,214	70,844	69,436	55,809	124.8	132.5	136.0	139.3	146.8	170.7
29	Acute miliary tuberculosis*	3,036	3,282	1,997	(3)	(4)	(4)	5.0	5.5	3.7	(3)	(3)	(3)
30	Tuberculous meningitis	5,098	5,237	4,654	4,575	4,289	2,905	8.4	8.8	8.6	9.0	9.1	8.9
31	Abdominal tuberculosis	3,525	3,680	3,159	3,041	2,843	1,946	5.8	6.2	5.9	6.0	6.0	6.0
32	Pott's disease	767	853	764	740	692	492	1.3	1.4	1.4	1.5	1.5	1.5
33	White swellings	450	438	422	379	348	234	0.7	0.7	0.8	0.7	0.7	0.7
34	Tuberculosis of other organs*	1,267	1,308	1,118	1,072	988	666	2.1	2.2	2.1	2.0	2.1	2.0
35	Disseminated tuberculosis	788	893	981	1,184	1,195	926	1.3	1.5	1.8	2.3	2.5	2.8
36	Rickets*	455	508	455	(3)	(4)	(3)	0.8	0.9	0.8	(1)	(3)	(1)
37	Syphilis	3,941	3,821	3,221	2,858	2,550	1,335	6.5	6.4	6.0	5.6	5.4	4.1
38	Gonococcus infection	219	222	197	141	121	41	0.4	0.4	0.4	0.2	0.3	0.1
	Cancer and other malignant tumors (total)	46,531	44,024	41,039	37,562	34,320	22,214	77.0	74.3	76.2	73.8	72.6	67.9
39	Of the buccal cavity	1,838	1,727	1,576	1,427	1,212	677	3.0	2.9	2.9	2.8	2.6	2.1
40	Of the stomach, liver	18,517	17,365	16,475	14,915	13,395	8,091	30.6	29.3	30.6	29.3	28.3	24.7
41	Of the peritoneum, intestines, rectum	5,923	5,824	5,258	4,676	4,148	2,332	9.8	9.8	9.8	9.2	8.8	7.1
42	Of the female genital organs	7,089	6,707	6,147	5,714	5,118	3,263	11.7	11.3	11.4	11.2	10.8	10.0
43	Of the breast	4,431	4,264	3,730	3,585	3,070	1,845	7.3	7.2	6.9	7.0	6.5	5.6
44	Of the skin	1,743	1,619	1,459	1,492	1,268	740	2.9	2.7	2.7	2.9	2.7	2.3
45	Of other organs or of organs not specified	6,990	6,518	6,394	5,753	6,110	5,266	11.6	11.0	11.9	11.3	12.9	16.1
46	Other tumors (tumors of the female genital organs excepted)	377	455	553	458	489	488	0.6	0.8	1.0	0.9	1.0	1.5
47	Acute articular rheumatism*	3,227	3,545	3,328	2,470	2,551	1,698	5.3	6.0	6.2	4.9	5.4	5.2
48	Chronic rheumatism and gout*	813	781	676	1,163	1,039	1,191	1.3	1.3	1.3	2.3	2.2	3.6
49	Scurvy	85	56	68	84	67	48	0.1	0.1	0.1	0.2	0.1	0.1

[1] Less than one-tenth of 1 per 100,000 population.
[2] Less than 1.
[3] Figures for deaths not tabulated separately prior to 1910.
[4] Figures for deaths not available for the entire period.

Mortality statistics, 1912—Continued.

DEATHS (EXCLUSIVE OF STILLBIRTHS) AND DEATH RATES PER 100,000 POPULATION, BY CAUSES, ACCORDING TO THE DETAILED INTERNATIONAL LIST, FOR THE REGISTRATION AREA: 1909 TO 1912—continued.

Detailed Int. List No.	Cause of death.	Number of deaths.						Death rate per 100,000 population.					
		1912	1911	1910	1909	Annual average: 1906 to 1910.	Annual average: 1901 to 1905.	1912	1911	1910	1909	Annual average: 1906 to 1910.	Annual average: 1901 to 1905.
50	Diabetes	9,045	8,805	8,040	7,024	6,494	3,772	15.0	14.9	14.9	13.8	13.7	11.5
51	Exophthalmic goiter	908	787	687	636	512	218	1.5	1.3	1.3	1.3	1.1	0.7
52	Addison's disease	237	235	220	234	200	149	0.4	0.4	0.4	0.5	0.4	0.5
53	Leukemia	1,054	933	864	832	728	394	1.7	1.6	1.6	1.6	1.5	1.2
54	Anemia, chlorosis	3,078	2,813	2,614	2,421	2,293	1,578	5.1	4.7	4.9	4.8	4.8	4.8
55	Other general diseases*	1,048	1,182	1,359	263	476	158	1.7	2.0	2.5	0.5	1.0	0.5
56	Alcoholism (acute or chronic)	3,183	2,875	2,909	2,578	2,734	2,002	5.3	4.9	5.4	5.1	5.8	6.1
57	Chronic lead poisoning	148	145	136	86	101	87	0.2	0.2	0.3	0.2	0.2	0.3
58	Other chronic occupation poisonings	8	11	6	5	5	5	(1)	(1)	(1)	(1)	(1)	(1)
59	Other chronic poisonings	259	309	259	262	233	166	0.4	0.5	0.5	0.5	0.5	0.5
	II.—Diseases of the nervous system and of the organs of special sense*	82,248	81,428	77,991	73,283	72,470	58,890	136.1	137.4	144.8	144.1	153.2	180.1
60	Encephalitis	756	792	761	355	517	630	1.3	1.3	1.4	0.7	1.1	1.9
61	Meningitis (total)	6,928	7,285	7,619	7,853	9,197	10,366	11.5	12.3	14.2	15.4	19.4	31.7
	Simple meningitis	3,782	4,090	5,347	5,662	6,384	7,601	6.3	7.9	9.9	11.1	13.5	23.2
	Cerebrospinal meningitis (undefined)	1,694	2,055	2,032	2,191	2,813	2,765	2.8	3.5	3.8	4.3	5.9	8.5
	Cerebrospinal fever	1,452	540	220				2.4	0.9	0.4			
62	Locomotor ataxia	1,588	1,624	1,435	1,386	1,249	786	2.6	2.7	2.7	2.7	2.6	2.4
63	Other diseases of the spinal cord (total)	4,108	3,932	4,101	2,905	2,736	1,589	6.8	6.6	7.6	5.7	5.8	4.9
	Acute anterior poliomyelitis	1,136	1,060	1,459	569	2,736	1,589	1.9	1.8	2.7	1.1	5.8	4.9
	Other diseases of the spinal cord [2]	2,972	2,872	2,642	2,336			4.9	4.8	4.9	4.6		
64	Cerebral hemorrhage, apoplexy	45,752	44,274	39,701	36,463	33,913	22,756	75.7	74.7	73.7	71.7	71.7	69.6
65	Softening of the brain	1,045	1,035	1,066	1,126	1,163	1,198	1.7	1.7	2.0	2.2	2.5	3.7
66	Paralysis without specified cause [3]	6,105	6,359	7,756	7,669	7,606	6,583	10.1	10.7	14.4	15.1	16.1	20.1
67	General paralysis of the insane [3]	4,053	3,988	2,944	2,584	2,588	2,234	6.7	6.7	5.5	5.1	5.5	6.8
68	Other forms of mental alienation	1,482	1,371	1,761	1,717	1,719	1,170	2.5	2.3	3.3	3.4	3.6	3.6
69	Epilepsy	2,476	2,329	2,287	2,066	1,981	1,452	4.1	3.9	4.2	4.1	4.2	4.4
70	Convulsions (nonpuerperal)	157	186	200	191	256	364	0.3	0.3	0.4	0.4	0.5	1.1
71	Convulsions of infants	3,808	4,231	4,802	5,340	6,038	7,000	6.3	7.1	8.9	10.5	12.8	21.4
72	Chorea	118	116	123	117	103	87	0.2	0.2	0.2	0.2	0.2	0.3
73	Neuralgia and neuritis*	411	440	362	2,693	2,599	2,240	0.7	0.7	0.7	5.2	5.5	6.9
74	Other diseases of the nervous system*	2,316	2,273	2,069				3.8	3.8	3.8			
75	Diseases of the eyes and their annexa	46	55	37	29	29	22	0.1	0.1	0.1	0.1	0.1	0.1
76	Diseases of the ears	1,099	1,138	967	789	776	413	1.8	1.9	1.8	1.6	1.6	1.3
	III.—Diseases of the circulatory system	115,007	109,830	100,106	90,456	84,040	52,696	190.3	185.3	185.9	177.8	177.7	161.2
77	Pericarditis	718	747	650	660	638	677	1.2	1.3	1.2	1.3	1.3	2.1
78	Acute endocarditis*	5,198	4,489	4,792	6,906	5,790	3,665	8.6	7.6	8.9	13.6	12.2	11.2
79	Organic diseases of the heart*	86,179	83,525	76,178	65,971	62,985	40,612	142.6	140.9	141.5	129.7	133.2	124.2
80	Angina pectoris	4,391	4,212	3,869	3,481	3,204	2,143	7.3	7.1	7.2	6.8	6.8	6.6
81	Diseases of the arteries, atheroma, aneurism, etc	15,481	13,789	11,657	10,174	8,394	3,066	25.6	23.3	21.6	20.0	17.7	9.4
82	Embolism and thrombosis	2,094	2,016	1,990	1,981	1,866	1,367	3.5	3.4	3.7	3.9	3.9	4.2
83	Diseases of the veins (varices, hemorrhoids, phlebitis, etc.)	333	352	349	320	284	187	0.6	0.6	0.6	0.6	0.6	0.6
84	Diseases of the lymphatic system (lymphangitis, etc.)	324	326	255	154	144	65	0.5	0.5	0.5	0.3	0.3	0.2
85	Hemorrhage; other diseases of the circulatory system*	289	374	366	809	736	915	0.5	0.6	0.7	1.6	1.6	2.8
	IV.—Diseases of the respiratory system	100,210	99,650	100,835	90,868	88,976	72,091	165.8	168.1	187.3	178.6	188.1	220.5
86	Diseases of the nasal fossæ	120	133	135	109	99	71	0.2	0.2	0.3	0.2	0.2	0.2
87	Diseases of the larynx	790	824	746	770	781	756	1.3	1.4	1.4	1.5	1.7	2.3
88	Diseases of the thyroid body	297	266	224	194	183	97	0.5	0.4	0.4	0.4	0.4	0.3
89	Acute bronchitis	6,723	6,482	7,229	6,939	7,206	6,996	11.1	10.9	13.4	13.6	15.2	21.4
90	Chronic bronchitis	4,907	5,077	5,391	5,188	5,239	5,031	8.1	8.6	10.0	10.2	11.1	15.4
91	Broncho-pneumonia	28,422	26,365	25,337	21,026	19,130	10,768	47.0	44.5	47.1	41.3	40.4	32.9
92	Pneumonia (total)	51,495	52,868	54,187	49,007	48,713	41,044	85.2	89.2	100.6	96.3	103.0	125.5
	Lobar pneumonia	30,003	28,553	24,972	18,350	48,713	41,044	49.7	48.2	46.4	36.1	103.0	125.5
	Pneumonia (undefined)	21,492	24,315	29,215	30,657			35.6	41.0	54.3	60.3		
93	Pleurisy	1,994	2,160	2,150	2,082	1,955	1,520	3.3	3.6	4.0	4.1	4.1	4.6
94	Pulmonary congestion, pulmonary apoplexy	2,376	2,341	2,499	2,550	2,636	2,802	3.9	3.9	4.6	5.0	5.6	8.6
95	Gangrene of the lung	195	187	138	221	177	166	0.3	0.3	0.3	0.4	0.4	0.5
96	Asthma	1,588	1,578	1,454	1,419	1,386	1,220	2.6	2.7	2.7	2.8	2.9	3.7
97	Pulmonary emphysema	173	163	166	137	169	227	0.3	0.3	0.3	0.3	0.4	0.7
98	Other diseases of the respiratory system (tuberculosis excepted)	1,130	1,206	1,179	1,226	1,302	1,393	1.9	2.0	2.2	2.4	2.8	4.3
	V.—Diseases of the digestive system	95,599	98,601	104,801	91,863	91,377	63,834	158.2	166.3	194.6	180.6	193.2	195.2
99	Diseases of the mouth and annexa	431	366	423	356	349	242	0.7	0.6	0.8	0.7	0.7	0.7
100	Diseases of the pharynx	1,086	952	840	792	735	473	1.8	1.6	1.6	1.6	1.6	1.4
101	Diseases of the esophagus	123	142	120	129	132	113	0.2	0.2	0.2	0.3	0.3	0.3
102	Ulcer of the stomach	2,316	2,143	2,203	1,770	1,680	964	3.8	3.6	4.1	3.5	3.6	2.9
103	Other diseases of the stomach (cancer excepted)	9,030	8,774	8,403	8,171	7,939	5,786	14.9	14.8	15.6	16.1	16.8	17.7
104	Diarrhea and enteritis (under 2 years)	42,482	45,868	54,266	44,648	45,516	29,094	70.3	77.4	100.8	87.8	96.2	89.0
105	Diarrhea and enteritis (2 years and over)	8,274	8,108	8,914	7,868	7,891	6,610	13.7	13.7	16.6	15.5	16.7	20.2
106	Ankylostomiasis*	30	15	9	62	67	38	(1)	(1)	(1)	0.1	0.1	0.1
107	Intestinal parasites*	97	90	76				0.2	0.2	0.1			
108	Appendicitis and typhlitis	7,022	6,896	6,128	5,768	5,306	3,589	11.6	11.6	11.4	11.3	11.2	11.0
109	Hernia, intestinal obstruction (total)	7,192	7,061	6,678	6,371	6,089	4,256	11.9	11.9	12.4	12.6	12.9	13.0
	Hernia	2,348	2,369	2,192	2,018	1,927	1,364	3.9	4.0	4.1	4.0	4.1	4.2
	Intestinal obstruction	4,844	4,692	4,486	4,353	4,162	2,892	8.0	7.9	8.3	8.6	8.8	8.8
110	Other diseases of the intestines	1,705	1,785	1,571	1,411	1,311	945	2.8	3.0	2.9	2.8	2.8	2.9
111	Acute yellow atrophy of the liver	273	302	224	211	189	131	0.5	0.5	0.4	0.4	0.4	0.4
112	Hydatid tumor of the liver	25	24	24	19	16	11	(1)	(1)	(1)	(1)	(1)	(1)
113	Cirrhosis of the liver	8,176	8,310	7,485	7,045	6,784	4,694	13.5	14.0	13.9	13.8	14.3	14.4

[1] Less than one-tenth of 1 per 100,000 population.

[2] Exclusive of acute anterior poliomyelitis (infantile paralysis).

[3] Paresis (unqualified) transferred from List No. 66 to No. 67 beginning with 1911.

Mortality statistics, 1912—Continued.

DEATHS (EXCLUSIVE OF STILLBIRTHS) AND DEATH RATES PER 100,000 POPULATION, BY CAUSES, ACCORDING TO THE DETAILED INTERNATIONAL LIST, FOR THE REGISTRATION AREA: 1909 TO 1912—continued.

Detailed Int. List No.	Cause of death.	Number of deaths.						Death rate per 100,000 population.					
		1912	1911	1910	1909	Annual average: 1906 to 1910.	Annual average: 1901 to 1905.	1912	1911	1910	1909	Annual average: 1906 to 1910.	Annual average: 1901 to 1905.
114	Biliary calculi	1,793	1,749	1,501	1,486	1,301	736	3.0	3.0	2.8	2.9	2.8	2.2
115	Other diseases of the liver	3,120	3,076	3,092	2,829	2,865	2,443	5.2	5.2	5.7	5.6	6.1	7.5
116	Diseases of the spleen	108	124	96	97	95	85	0.2	0.2	0.2	0.2	0.2	0.3
117	Simple peritonitis (nonpuerperal)	1,907	2,349	2,419	2,611	2,990	3,537	3.2	4.0	4.5	5.1	6.1	10.8
118	Other diseases of the digestive system (cancer and tuberculosis excepted)	409	467	329	219	214	88	0.7	0.8	0.6	0.4	0.5	0.3
	VI.—Nonvenereal diseases of the genito-urinary system and annexa	72,059	67,348	62,550	57,070	54,171	37,584	119.2	113.6	116.2	112.2	114.5	114.9
119	Acute nephritis	6,402	5,956	5,665	5,018	4,773	3,138	10.6	10.0	10.5	9.9	10.1	9.6
120	Bright's disease	55,865	51,847	47,665	43,412	41,339	28,565	92.5	87.5	88.5	85.3	87.4	87.4
121	Chyluria*		1	1					(1)	(1)			
122	Other diseases of the kidneys and annexa*	1,454	1,343	1,389	1,318	1,247	926	2.4	2.3	2.6	2.6	2.6	2.8
123	Calculi of the urinary passages	358	361	329	292	265	155	0.6	0.6	0.6	0.6	0.6	0.5
124	Diseases of the bladder	1,504	1,532	1,561	1,484	1,484	1,415	2.5	2.6	2.9	2.9	3.1	4.3
125	Diseases of the urethra, urinary abscess, etc	258	285	237	234	204	136	0.4	0.5	0.4	0.5	0.4	0.4
126	Diseases of the prostate	2,439	2,175	2,020	1,873	1,628	862	4.0	3.7	3.8	3.7	3.4	2.6
127	Nonvenereal diseases of the male genital organs	82	49	75	49	49	35	0.1	0.1	0.1	0.1	0.1	0.1
128	Uterine hemorrhage (nonpuerperal)	48	76	81	79	79	89	0.1	0.1	0.2	0.2	0.2	0.3
129	Uterine tumor (noncancerous)	1,053	892	933	862	837	581	1.7	1.5	1.7	1.7	1.8	1.8
130	Other diseases of the uterus	687	770	774	759	734	564	1.1	1.3	1.4	1.5	1.6	1.7
131	Cysts and other tumors of the ovary	546	628	500	518	472	430	0.9	1.1	0.9	1.0	1.0	1.3
132	Salpingitis and other diseases of the female genital organs	1,324	1,401	1,298	1,146	1,034	671	2.2	2.4	2.4	2.3	2.2	2.1
133	Nonpuerperal diseases of the breast (cancer excepted)	39	32	31	26	26	17	0.1	0.1	0.1	0.1	0.1	0.1
	VII.—The puerperal state	9,035	9,456	8,455	7,791	7,330	4,643	15.0	16.0	15.7	15.3	15.5	14.2
134	Accidents of pregnancy	863	908	877	834	800	549	1.4	1.5	1.6	1.6	1.7	1.7
135	Puerperal hemorrhage*	923	851	754	357	491	337	1.5	1.4	1.4	0.7	1.0	1.0
136	Other accidents of labor*	842	911	820	788	629	295	1.4	1.5	1.5	1.5	1.3	0.9
137	Puerperal septicemia*	3,905	4,376	3,892	3,427	3,224	2,057	6.5	7.4	7.2	6.7	6.8	6.3
138	Puerperal albuminuria and convulsions*	2,174	2,094	1,824	1,706	1,593	911	3.6	3.5	3.4	3.4	3.4	2.8
139	Puerperal phlegmasia alba dolens, embolus, sudden death*	276	266	230	23	61	4	0.5	0.4	0.4	(1)	0.1	(1)
140	Following childbirth (not otherwise defined)*	44	48	53	650	528	488	0.1	0.1	0.1	1.3	1.1	1.5
141	Puerperal diseases of the breast	8	2	5	6	3	1	(1)	(1)	(1)	(1)	(1)	(1)
	VIII.—Diseases of the skin and of the cellular tissue	3,108	3,010	3,008	2,985	2,869	2,392	5.1	5.1	5.6	5.9	6.1	7.3
142	Gangrene	1,654	1,656	1,748	1,691	1,656	1,457	2.7	2.8	3.2	3.3	3.5	4.5
143	Furuncle	322	285	273	257	221	149	0.5	0.5	0.5	0.5	0.5	0.5
144	Acute abscess	524	456	506	534	512	473	0.9	0.8	0.9	1.0	1.1	1.4
145	Other diseases of the skin and annexa	608	613	481	503	480	312	1.0	1.0	0.9	1.0	1.0	1.0
	IX.—Diseases of the bones and of the organs of locomotion*	1,428	1,365	1,317	1,455	1,335	932	2.4	2.3	2.4	2.9	2.8	2.9
146	Diseases of the bones (tuberculosis excepted)*	1,242	1,187	1,145	1,325	1,190	795	2.1	2.0	2.1	2.6	2.5	2.4
147	Diseases of the joints (tuberculosis and rheumatism excepted)	133	121	119	88	97	75	0.2	0.2	0.2	0.2	0.2	0.2
148	Amputations	3	5		3	13	35	(1)	(1)	(1)	(1)	(1)	0.1
149	Other diseases of the organs of locomotion	50	52	46	39	36	27	0.1	0.1	0.1	0.1	0.1	0.1
	X.—Malformations	8,670	8,465	7,998	7,755	7,066	3,978	14.3	14.3	14.9	15.2	14.9	12.2
150	Congenital malformations (stillbirths not included) (total)	8,670	8,465	7,998	7,755	7,066	3,978	14.3	14.3	14.9	15.2	14.9	12.2
	Hydrocephalus	771	736	685	664	669	527	1.3	1.2	1.3	1.3	1.4	1.6
	Congenital malformations of the heart	5,211	5,069	4,821	4,766	4,272	2,190	8.6	8.6	9.0	9.4	9.0	6.7
	Other congenital malformations	2,688	2,660	2,492	2,325	2,125	1,261	4.4	4.5	4.6	4.6	4.5	3.9
	XI.—Early infancy*	48,877	46,692	39,388	36,782	35,456	24,167	80.9	78.8	73.2	72.3	75.0	73.9
151	Congenital debility, icterus and sclerema* (total)	39,926	38,434	32,350	31,770	30,536	17,646	66.1	64.8	60.1	62.4	64.5	54.0
	Premature birth	25,139	23,539	20,275	18,286	16,899	10,062	41.6	39.7	37.7	35.9	35.7	30.8
	Congenital debility, "atrophy," marasmus," etc	14,787	14,895	12,075	13,484	13,637	7,585	24.5	25.1	22.4	26.5	28.8	23.2
152	Other causes peculiar to early infancy* (total)	8,801	8,087	6,906	4,906	4,765	2,499	14.6	13.6	12.8	9.6	10.1	7.6
	Injuries at birth	4,712	4,573	3,725	3,508	3,138	1,634	7.8	7.7	6.9	6.9	6.6	5.0
	Other causes peculiar to early infancy*	4,089	3,514	3,181	1,398	1,627	864	6.8	5.9	5.9	2.7	3.4	2.6
153	Lack of care*	150	171	132	106	165	4,022	0.2	0.3	0.2	0.2	0.3	12.3
	XII.—Old age*	14,362	13,974	13,604	13,456	13,715	13,400	23.8	23.6	25.3	26.5	29.0	41.0
154	Senility*	14,362	13,974	13,604	13,456	13,715	13,400	23.8	23.6	25.3	26.5	29.0	41.0
	XIII.—External causes*	63,385	63,650	57,196	52,029	51,058	33,251	104.9	107.4	106.2	102.3	107.9	101.7
	Suicide (total)	9,056	9,622	8,590	8,402	7,584	4,548	16.0	16.2	16.0	16.5	16.0	13.9
155	By poison	2,788	2,927	2,456	2,462	2,281	1,549	4.6	4.9	4.6	4.8	4.8	4.7
156	By asphyxia	1,190	1,013	941	980	785	365	2.0	1.7	1.7	1.9	1.7	1.1
157	By hanging or strangulation	1,437	1,373	1,265	1,215	1,085	684	2.4	2.3	2.3	2.4	2.3	2.1
158	By drowning	476	536	517	507	415	231	0.8	0.9	1.0	1.0	0.9	0.7
159	By firearms	2,796	2,859	2,561	2,395	2,233	1,108	4.6	4.8	4.8	4.7	4.7	3.4
160	By cutting or piercing instruments	644	623	544	536	472	261	1.1	1.1	1.0	1.1	1.0	0.8
161	By jumping from high places	143	146	137	156	128	55	0.2	0.2	0.3	0.3	0.3	0.2
162	By crushing	101	70	88	94	67	20	0.2	0.1	0.2	0.2	0.1	0.1
163	Other suicides	72	75	81	58	118	275	0.1	0.1	0.2	0.1	0.3	0.8

[1] Less than one-tenth of 1 per 100,000 population.

[2] Exclusive of injuries at birth.

Mortality statistics, 1912—Continued.

DEATHS (EXCLUSIVE OF STILLBIRTHS) AND DEATH RATES PER 100,000 POPULATION, BY CAUSES, ACCORDING TO THE DETAILED INTERNATIONAL LIST, FOR THE REGISTRATION AREA: 1909 TO 1912—continued.

Detailed Int. List No.	Cause of death.	Number of deaths.						Death rate per 100,000 population.					
		1912	1911	1910	1909	Annual average: 1906 to 1910.	Annual average: 1901 to 1905.	1912	1911	1910	1909	Annual average: 1906 to 1910.	Annual average: 1901 to 1905.
	Accidental or undefined (total)	49,775	50,121	45,416	40,773	40,702	27,753	82.4	84.6	84.3	80.2	86.0	84.9
164	Poisoning by food *	573	481	157	1,779	1,655	1,412	0.9	0.8	0.3	3.5	3.5	4.3
165	Other acute poisonings *	1,348	1,399	1,227				2.2	2.4	2.3			
166	Conflagration *	901	869	745	637	545	(1)	1.5	1.5	1.4	1.3	1.2	(1)
167	Burns (conflagration excepted)	4,839	4,567	4,182	4,007	3,885	2,715	8.0	7.7	7.8	7.9	8.2	8.3
168	Absorption of deleterious gases (conflagration excepted) *	2,378	2,143	1,379	2,004	1,766	1,519	3.9	3.6	2.6	3.9	3.7	4.6
169	Accidental drowning	5,313	5,571	4,818	4,558	4,551	3,362	8.8	9.4	8.9	9.0	9.6	10.3
170	Traumatism by firearms	1,369	1,327	1,161	944	1,012	1,109	2.3	2.2	2.2	1.9	2.1	3.4
171	Traumatism by cutting or piercing instruments *	106	122	89	(2)	(1)	(2)	0.2	0.2	0.2	(2)	(1)	(2)
172	Traumatism by fall *	9,322	8,905	8,305	(2)	(1)	(2)	15.4	15.0	15.4	(2)	(1)	(2)
173	Traumatism in mines and quarries (total)	2,137	2,372	2,484	1,997	2,010	320	3.5	4.0	4.6	3.9	4.2	1.0
	Traumatism in mines	2,040	2,256	2,366	1,863	2,010	320	3.4	3.8	4.4	3.7	4.2	1.0
	Traumatism in quarries	97	116	118	134			0.2	0.2	0.2	0.3		
174	Traumatism by machines	1,379	1,239	1,209	1,174	1,002	285	2.3	2.1	2.4	2.3	2.1	0.9
175	Traumatism by other crushing * (total)	14,496	13,572	13,302	(2)	(1)	(2)	24.0	22.9	24.7	(2)	(1)	(2)
	Railroad accidents and injuries	8,209	7,696	7,877	6,659	7,076	4,977	13.6	13.0	14.6	13.1	15.0	15.2
	Street-car accidents and injuries	1,832	1,883	1,949	1,723	1,747		3.0	3.2	3.6	3.4	3.7	
	Automobile accidents and injuries	1,758	1,291	980	632	496	848	2.9	2.2	1.8	1.2	1.0	2.6
	Injuries by other vehicles	2,221	2,237	1,940	2,152	1,870		3.7	3.8	3.6	4.2	4.0	
	Landslide, other crushing *	476	465	556	(2)	(1)	(2)	0.8	0.8	1.0	(2)	(1)	(2)
176	Injuries by animals *	543	520	502	(2)	(1)	(2)	0.9	0.9	0.9	(2)	(1)	(2)
177	Starvation	50	94	38	37	36	33	0.1	0.2	0.1	0.1	0.1	0.1
178	Excessive cold	316	188	234	251	243	191	0.5	0.3	0.5	0.5	0.5	0.6
179	Effects of heat	779	3,165	826	816	763	1,188	1.3	5.3	1.5	1.6	1.6	3.6
180	Lightning	243	240	156	150	154	98	0.4	0.4	0.3	0.3	0.3	0.3
181	Electricity (lightning excepted) *	567	513	478	(2)	(1)	(2)	0.9	0.9	0.9	(1)	(1)	(2)
	Homicide (total)	3,954	3,907	3,190	2,854	2,771	950	6.5	6.6	5.9	5.6	5.9	2.9
182	By firearms *	2,449	2,347	1,852				4.1	4.0	3.4			
183	By cutting or piercing instruments *	592	638	452	2,854	2,771	950	1.0	1.1	0.8	5.6	5.9	2.9
184	By other means *	913	922	886				1.5	1.6	1.6			
185	Fractures (cause not specified)	465	363	623	357	1,351	2,785	0.8	0.6	1.2	0.7	2.9	8.5
186	Other external violence *	2,651	2,471	3,391	10,896	8,554	6,527	4.4	4.2	6.3	21.4	18.1	20.0
	XIV.—Ill-defined diseases *	6,946	7,213	12,462	12,584	13,907	15,633	11.5	12.2	23.1	24.7	29.4	47.8
187	Ill-defined organic disease	564	611	622	725	842	1,311	0.9	1.0	1.2	1.4	1.8	4.0
188	Sudden death	505	377	271	273	233	123	0.8	0.6	0.5	0.5	0.5	0.4
189	Not specified or ill-defined * (total)	5,877	6,225	11,569	11,586	12,833	14,199	9.7	10.5	21.5	22.8	27.1	43.4
	Ill-defined	3,156	3,512	9,932	10,273	11,224	12,580	5.2	5.9	18.4	20.2	23.7	38.5
	Not specified or unknown	2,721	2,713	1,637	1,313	1,609	1,618	4.5	4.6	3.0	2.6	3.4	4.9

[1] Figures for deaths not available for the entire period.

[2] Figures for deaths not tabulated separately prior to 1910.

MARRIAGE AND DIVORCE.

Pages 29, 30, 31, 32, and 33 of Bulletin No. 96 (Second Edition, Revised and Enlarged) Marriage and Divorce, 1887–1906, Department of Commerce, Bureau of Census, give the latest available data from the court records as to causes of divorce:

Marriage and Divorce, 1887–1906.

[Department of Commerce, Bureau of the Census, Bulletin No. 96 (Second Edition, Revised and Enlarged).]

STATISTICAL SUMMARY.

An examination of these tables shows that although among the several States the legal causes of divorce differ widely in number and phraseology, yet they are readily classifiable under a few broad heads. The classification which was adopted by the Commissioner of Labor in 1887, and which has been followed in the present investigation, is described in the following statement:

"1. *Adultery.*—Includes this cause only.

"2. *Cruelty.*—Includes cruelty, extreme cruelty, repeated cruelty, intolerable cruelty, intolerable severity, cruel and abusive treatment, cruel and inhuman treatment, cruel and barbarous treatment, attempt to take life, indignities rendering life intolerable, excesses and outrages, treatment endangering reason, treatment injuring health, violence endangering life, etc.

"3. *Desertion.*—Includes abandonment, absence for a period of years, willful desertion, utter desertion, etc.

"4. *Drunkenness.*—Includes habitual or continued drunkenness, habitual or continued intemperance, habitual or continued intoxication, habitual use of opium, morphine, chloral, or other like drugs, etc.

"5. *Neglect to provide.*—Includes nonsupport, willful neglect, refusal to provide, failure to provide, etc.

"6. *Combinations of preceding causes, etc.*—Includes a combination of two or more classified causes, or one or more classified causes with some minor cause or causes.

"7. *All other causes.*—Includes, whether occurring separately or in combination, conviction of felony, impotency, insanity, imprisonment in penitentiary, incompatibility of temper, mental incapacity, pregnancy before marriage, voluntary separation, other minor causes not here enumerated, and unknown causes."

The number of divorces granted for each of these different classes of causes is shown by divisions and States for the period 1887 to 1906 is shown in the tables which follow. The relative importance of these different classes of causes is shown in the following table, which distributes the divorces, classified in accordance with the party to which granted, by cause.

The most common single ground for divorce is desertion. This accounted for 38.9 per cent of all divorces granted in the period 1887 to 1906; for 49.4 per cent, or almost one-half, of those granted to the husband in this period, and for 33.6 per cent, or one-third, of those granted to the wife.

The next most important ground for divorce is, for husbands, adultery; and for wives, cruelty. Of the divorces granted to husbands, 28.7 per cent were for adultery of the wife; and of those granted to wives, 27.5 per cent were for cruelty on the part of the husband. Only 10 per cent of the divorces granted to wives were for adultery of the husband; and 10.5 per cent of the divorces granted to husbands were for cruelty on the part of the wife.

Cause.	Divorces: 1887 to 1906.					
	Total.		Granted to husband.		Granted to wife.	
	Number.	Per cent distribution.	Number.	Per cent distribution.	Number.	Per cent distribution.
All causes	945,625	100.0	316,149	100.0	629,476	100.0
Adultery	153,759	16.3	90,890	28.7	63,869	10.0
Cruelty	206,225	21.8	33,178	10.5	173,047	27.5
Desertion	367,502	38.9	156,283	49.4	211,219	33.6
Drunkenness	36,516	3.9	3,436	1.1	33,080	5.3
Neglect to provide	34,670	3.7	6	(1)	34,664	5.5
Combinations of preceding causes, etc	88,849	9.4	14,330	4.5	74,519	11.8
All other causes	58,104	6.1	18,026	5.7	40,078	6.4
Cause specified	38,129	4.0	9,825	3.1	28,304	4.5
Cause unknown	19,975	2.1	8,201	2.6	11,774	1.9

[1] Less than one-tenth of 1 per cent.

Drunkenness was the alleged sole ground for divorce in 5.3 per cent of the cases in which the wife brought suit, and in 1.1 per cent of the cases in which the suit was brought by the husband.

During the 40 years from 1867 to 1906 the relative importance of these different causes for divorce underwent some change, as is indicated by the table which follows, which gives the distribution of divorces by cause for each of the 5-year periods into which the 40 years are divided.

The general tendency during the 40 years from 1867 to 1906, as shown by the table referred to, has been toward an increase in the relative importance of the grounds which involve the less serious offenses. A comparison of the earliest 5-year period, that from 1867 to 1871, with the latest, that from 1902 to 1906, shows that adultery has decreased in relative importance as a cause, while cruelty has increased. Of the divorces granted to husbands in the earlier period, 38.6 per cent were for adultery and 4.2 per cent for cruelty, while in the later period 27 per cent were for adultery and 12.5 per cent for cruelty. Similar changes are exhibited by the figures for divorces granted to the wife; the percentage for adultery decreased from 18.4 to 9.6, while that for cruelty increased from 17.7 to 28.9.

Cause.	Divorces.															
	1902 to 1906		1897 to 1901		1892 to 1896		1887 to 1891		1882 to 1886		1877 to 1881		1872 to 1876		1867 to 1871	
	Number.	Per cent distribution.	Number.	Per cent distribution.	Number.	Per cent distribution.	Number.	Per cent distribution.	Number.	Per cent distribution.	Number.	Per cent distribution.	Number.	Per cent distribution.	Number.	Per cent distribution.
	Total.															
All causes	332,642	100.0	260,720	100.0	194,939	100.0	157,324	100.0	117,311	100.0	89,284	100.0	68,547	100.0	53,574	100.0
Adultery	50,886	15.3	41,184	15.8	33,670	17.3	28,019	17.8	22,468	19.2	17,310	19.4	14,185	20.7	13,723	25.6
Cruelty	78,219	23.5	58,182	22.3	40,577	20.8	29,247	18.6	20,288	17.3	14,157	15.9	10,260	15.0	6,890	12.9
Desertion	128,160	38.5	101,568	39.0	74,958	38.5	62,816	39.9	46,462	39.6	35,351	39.6	25,728	37.5	19,135	35.7
Drunkenness	13,035	3.9	9,814	3.8	7,678	3.9	5,989	3.8	5,288	4.5	3,722	4.2	3,196	4.7	1,660	3.1
Neglect to provide	12,782	3.8	10,424	4.0	6,859	3.5	4,605	2.9	3,430	2.9	2,202	2.5	1,430	2.1	893	1.7
Combinations of preceding causes, etc.	29,818	9.0	23,660	9.1	18,947	9.7	16,424	10.4	12,985	11.1	10,798	12.1	8,937	13.0	7,125	13.3
All other causes [1]	19,742	5.9	15,888	6.1	12,250	6.3	10,224	6.5	6,390	5.4	5,744	6.4	4,811	7.0	4,148	7.7
	Granted to husband.															
All causes	109,241	100.0	86,306	100.0	65,622	100.0	54,980	100.0	39,499	100.0	30,786	100.0	23,130	100.0	19,125	100.0
Adultery	29,526	27.0	24,269	28.1	19,956	30.4	17,139	31.2	13,043	33.0	9,985	32.4	7,770	33.6	7,386	38.6
Cruelty	13,678	12.5	9,385	10.9	6,068	9.2	4,047	7.4	2,570	6.5	1,666	5.4	1,086	4.7	800	4.2
Desertion	54,142	49.6	43,186	50.0	31,805	48.5	27,150	49.4	18,963	48.0	14,437	46.9	10,369	44.8	7,716	40.3
Drunkenness	1,093	1.0	986	1.1	765	1.2	592	1.1	533	1.3	396	1.3	338	1.5	167	0.9
Neglect to provide	3	(2)	1	(2)	2	(2)	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Combinations of preceding causes, etc.	4,805	4.4	3,681	4.3	3,190	4.9	2,654	4.8	2,264	5.7	1,984	6.4	1,686	7.3	1,492	7.8
All other causes [1]	5,994	5.5	4,798	5.6	3,836	5.8	3,398	6.2	2,126	5.4	2,318	7.5	1,881	8.1	1,564	8.2
	Granted to wife.															
All causes	223,401	100.0	174,414	100.0	129,317	100.0	102,344	100.0	77,812	100.0	58,498	100.0	45,417	100.0	34,449	100.0
Adultery	21,360	9.6	16,915	9.7	13,714	10.6	10,880	10.6	9,425	12.1	7,325	12.5	6,415	14.1	6,337	18.4
Cruelty	64,541	28.9	48,797	28.0	34,509	26.7	25,200	24.6	17,718	22.8	12,491	21.4	9,174	20.2	6,090	17.7
Desertion	74,018	33.1	58,382	33.5	43,153	33.4	35,666	34.8	27,499	35.3	20,914	35.8	15,359	33.8	11,419	33.1
Drunkenness	11,942	5.3	8,828	5.1	6,913	5.3	5,397	5.3	4,755	6.1	3,326	5.7	2,858	6.3	1,493	4.3
Neglect to provide	12,779	5.7	10,423	6.0	6,857	5.3	4,605	4.5	3,430	4.4	2,202	3.8	1,430	3.1	893	2.6
Combinations of preceding causes, etc.	25,013	11.2	19,079	11.5	15,757	12.2	13,770	13.5	10,721	13.8	8,814	15.1	7,251	16.0	5,633	16.4
All other causes [1]	13,748	6.2	11,000	6.4	8,414	6.5	6,826	6.7	4,264	5.5	3,426	5.9	2,930	6.5	2,584	7.5

[1] Includes cause unknown.

[2] Less than one-tenth of 1 per cent.

The changes in the relative importance of the causes have resulted because divorces granted for adultery have not increased as rapidly as those granted for less serious causes. This is indicated by the following table, which shows the increase in the number of divorces granted on the different grounds:

Cause.	Increase in divorces.															
	Total.						Granted to husband.						Granted to wife.			
	1902 to 1906 over 1867 to 1871.		1902 to 1906 over 1887 to 1891.		1882 to 1886 over 1867 to 1871.		1902 to 1906 over 1867 to 1871.		1902 to 1906 over 1887 to 1891.		1882 to 1886 over 1867 to 1871.		1902 to 1906 over 1867 to 1871.		1902 to 1906 over 1887 to 1891.		1882 to 1886 over 1867 to 1871.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
All causes	279,068	520.9	175,318	111.4	63,737	119.0	90,116	471.2	54,261	98.7	20,374	106.5	188,952	548.5	121,057	118.3	43,363	125.9
Adultery	37,163	270.8	22,807	81.6	8,745	63.7	22,140	299.8	12,387	72.3	5,657	76.6	15,023	237.1	10,489	96.3	3,088	48.7
Cruelty	71,329	1,035.3	48,972	167.4	13,398	194.5	12,878	1,609.8	9,631	238.0	1,770	221.3	58,451	959.8	39,341	156.1	11,628	190.9
Desertion	109,025	569.8	65,344	104.0	27,327	142.8	46,426	601.7	26,992	99.4	11,247	145.8	62,599	548.2	38,352	107.5	16,080	140.8
Drunkenness	11,375	685.2	7,046	117.6	3,628	218.6	926	554.5	591	84.6	366	219.2	10,449	690.9	6,545	121.3	3,262	218.5
Neglect to provide	11,889	1,331.4	8,177	177.6	2,537	284.1	3	.....	3	(1)	.....	.....	11,886	1,331.0	8,174	177.5	2,537	284.1
Combinations of preceding causes, etc.	22,693	318.5	13,394	81.6	5,860	82.2	3,313	222.1	2,151	81.0	772	51.7	19,380	344.0	11,243	81.6	5,088	90.3
All other causes [2]	15,594	375.9	9,518	93.1	2,242	54.1	4,430	283.2	2,596	76.4	562	35.9	11,164	432.0	6,922	101.4	1,680	65.0

[1] Less than one-tenth of 1 per cent.

[2] Includes cause unknown.

Divorces granted for adultery increased 270.8 per cent between the period 1867 to 1871 and the period 1902 to 1906, which was considerably less than the increase for any other class. Divorces for neglect to provide during the same period increased by the enormous percentage of 1,331.4, and divorces for cruelty by 1,035.3 per cent.

The greatest rate of increase exhibited by the table is that for divorce granted to the husband on the ground of cruelty. In the five years from 1867 to 1871 only 800 divorces were granted to the husband on that ground, but in the five years from 1902 to 1906 the corresponding number was 13,678, representing an increase of 12,878, or 1,609.8 per cent. The smallest rate of increase during this period for any of the distinctive causes was in divorces granted to the wife on the ground of the husband's adultery. Such divorces increased to 237.1 per cent.

The differences in the rates of increase are graphically brought out by table on page 5040, which shows the fluctuations from year to year in the number for some of the principal classes of divorce.

In addition to illustrating the fact that the divorces for adultery are not increasing as rapidly as those for other causes, this diagram shows also that of the common grounds for divorce adultery is the only one for which the number of divorces granted to the husband exceeds the number granted to the wife. The exact figures upon this point are given in the following table for the period 1887 to 1906.

It will be noted from this table that in 90,890, or 59.1 per cent, of the total number of divorces granted for adultery alone the offense was committed by the wife, and in 62,869, or 40.9 per cent, of the total number it was committed by the husband.

The difference may be attributed to the probability that the offense when committed by the wife is less likely to be condoned and perhaps more likely to be discovered. In England, where every applicant for absolute divorce must prove adultery committed by the other party, the husband need prove this one offense only, while the wife must prove in addition some aggravating circumstance, such as cruelty or desertion. In this country the laws of the several States, with some exceptions, make no distinction between husband and wife in this respect; but public sentiment doubtless condemns the offense in the wife more strongly than in the husband, and possibly the courts are in some degree influenced thereby.

Cause.	Divorces: 1887 to 1906.				
	Total number.	Granted to husband.		Granted to wife.	
		Number.	Per cent.	Number.	Per cent.
All causes	945,625	316,149	33.4	629,476	66.6
Adultery	153,759	90,890	59.1	62,869	40.9
Cruelty	206,225	33,178	16.1	173,047	83.9
Desertion	367,502	156,283	42.5	211,219	57.5
Drunkenness	36,516	3,436	9.4	33,080	90.6
Neglect to provide	34,670	6	(1)	34,664	100.0
Combinations of preceding causes, etc	88,849	14,330	16.1	74,519	83.9
All other causes	58,104	18,026	31.0	40,078	69.0
Cause specified	38,129	9,825	25.8	28,304	74.2
Cause unknown	19,975	8,201	41.1	11,774	58.9

[1] Less than one-tenth of 1 per cent.

Intemperance as a cause.—Under drunkenness in the classification thus far presented are included only those divorces for which this was the sole ground. During the period 1887 to 1906, as the figures have shown, 36,516 such divorces were decreed, and of this number 3,436, or 9.4 per cent, were granted to the husband and 33,080, or 90.6 per cent, to the wife. They formed about 1 per cent of all divorces granted to the husband and about 3 per cent of the total number granted to the wife, and these proportions have remained practically constant throughout the period for which the statistics are available.

These figures, of course, do not represent the total number of cases in which intemperance was a cause, but only those in which it was the sole cause. In a second class of cases intemperance was a direct legal ground, not alone, but in combination with other grounds; while in the third class of cases, though not alleged at all as a direct legal ground, yet it was present as an indirect contributing cause.

The number of cases in which it was a direct cause in combination with others was determined with practical exactness in the same manner that the number in which it was the sole cause was determined.

The attempt was made to ascertain also the number of cases in which intemperance, although not a direct ground for divorce, was an indirect contributing cause. The method pursued was to include in this class each case in which the papers showed that intemperance existed, provided that this case had not already been included among those in which intemperance was a direct cause, either alone or in combination.

The cases that are not included in any of the three classes are, therefore, those in which the papers did not show the existence of intemperance either as a direct or as an indirect cause. In some of these cases the record was so meager that the absence of any mention of intemperance would justify no conclusions, but in the majority of instances it would create a strong presumption that intemperance did not exist, or was not a contributing cause.

The results of this tabulation are shown for continental United States in the following table:

	Divorces: 1887 to 1906.					
	Total.		Granted to husband.		Granted to wife.	
	Number.	Per cent distribution.	Number.	Per cent distribution.	Number.	Per cent distribution.
All causes	945,625	100.0	316,149	100.0	629,476	100.0
Intemperance a direct or indirect cause	184,568	19.5	19,269	6.1	165,299	26.3
Direct	54,281	5.7	4,391	1.4	49,890	7.9
Separately	36,516	3.9	3,436	1.1	33,080	5.3
In combination	17,765	1.9	955	0.3	16,810	2.7
Indirect	130,287	13.8	14,878	4.7	115,409	18.3
All other cases	761,057	80.5	296,880	93.9	464,177	73.7

According to the evidence contained in this table, intemperance was present in about 1 divorce case out of every 5. It occurred far less frequently, however, in those cases where the husband obtained the divorce because of the misconduct of the wife. In such cases intemperance existed in only about 1 case out of 16. Where the husband was at fault, on the other hand, intemperance was present in about 1 case out of 4.

Both in cases where the husband was the guilty party and those where the wife was at fault intemperance was more frequent as an indirect contributing cause than as a direct principal cause. Two explanations suggest themselves: Intemperance is not recognized in all States as a direct ground for divorce, and even in States where it is so recognized a degree of intemperance insufficient to support a petition based upon this ground may be brought out in the progress of the case because of its persuasive effect upon the court.

The character of the principal causes in the cases where intemperance was an indirect cause is indicated in the table which follows.

As might naturally be expected this table shows that intemperance was most frequently present as an indirect cause in those cases where the wife secured the divorce because of the cruelty of the husband. In 1 case out of every 3 of this class intemperance was present as an indirect cause. Divorces granted to the wife for neglect to provide also show a high proportion in which intemperance was an indirect cause, about 1 out of 5.

In divorces granted to the husband intemperance is much less frequent as an indirect cause. The greatest relative frequency of intemperance as an indirect cause for the husband is found in divorces granted for cruelty, where it was present in about 1 case out of 10.

Direct cause.	Divorces (1887 to 1906) in which intemperance was not a direct cause.		
	Total number.	Intemperance returned as an indirect cause.	
		Number.	Per cent.
	Granted to husband.		
All causes	311,758	14,878	4.8
Adultery	90,890	6,424	7.1
Cruelty	33,178	3,281	9.9
Desertion	156,283	3,398	2.2
Neglect to provide	6		
Combinations of preceding causes, etc	13,375	944	7.1
All other causes [1]	18,026	831	4.6
	Granted to wife.		
All causes	579,586	115,409	19.9
Adultery	62,869	8,720	13.9
Cruelty	173,047	56,051	32.4
Desertion	211,219	24,345	11.5
Neglect to provide	34,664	7,349	21.2
Combinations of preceding causes, etc	57,709	11,914	20.6
All other causes [1]	40,078	7,030	17.5

[1] Includes cause unknown.

THE CHURCH AND ITS MEMBERSHIP.

Page 54, Bulletin No. 103, Religious Bodies, 1906, Department of Commerce and Labor, Bureau of the Census, gives the following data in regard to the church membership in the several States for the years 1890 and 1906:

State or Territory.	Population.											
	Total.		Percentage—									
			Reported as church members.								Not reported as church members.	
			Total.		Protestant.		Roman Catholic.		All other.			
	1906[1]	1890	1906	1890	1906	1890	1906	1890	1906	1890	1906	1890
Continental United States	84,246,252	[2]62,947,714	39.1	32.7	24.1	22.3	14.3	9.9	0.7	0.6	60.9	67.3
North Atlantic division	23,388,682	17,406,969	44.1	35.5	18.4	18.1	24.9	16.9	0.8	0.5	55.9	64.5
Maine	714,494	661,086	29.8	24.2	13.5	15.0	15.9	8.7	0.5	0.5	70.2	75.8
New Hampshire	432,624	376,530	44.0	27.3	14.9	16.5	27.7	10.6	1.4	0.2	56.0	72.7
Vermont	350,373	332,422	42.0	32.0	18.2	18.5	23.5	12.9	0.3	0.6	58.0	68.0
Massachusetts	3,043,346	2,238,947	51.3	42.1	14.8	14.2	35.5	27.5	1.1	0.5	48.7	57.9
Rhode Island	490,387	345,506	54.0	42.8	13.1	14.4	40.0	28.0	0.9	0.5	46.0	57.2
Connecticut	1,005,716	746,258	50.0	41.5	19.5	20.4	29.8	20.5	0.7	0.5	50.0	58.5
New York	8,226,990	6,003,174	43.7	36.2	15.0	16.1	27.8	19.2	0.8	0.9	56.3	63.8
New Jersey	2,196,237	1,444,933	39.0	35.2	18.6	19.4	20.1	15.5	0.4	0.3	61.0	64.8
Pennsylvania	6,928,515	5,258,113	43.0	32.8	24.8	22.0	17.5	10.6	0.7	0.3	57.0	67.2
South Atlantic division	11,413,343	8,857,922	39.6	37.2	36.3	34.2	3.1	2.9	0.2	0.1	60.4	62.8
Delaware	194,479	168,493	36.6	28.9	24.1	21.9	12.5	7.0	0.1	.....	63.4	71.1
Maryland	1,275,434	1,042,390	37.1	36.4	23.7	22.4	13.1	13.6	0.3	0.4	62.9	63.6
District of Columbia	307,716	230,392	44.4	40.9	29.7	23.9	14.2	16.3	0.5	0.6	55.6	59.1
Virginia	1,973,104	1,655,980	40.2	34.4	38.6	33.5	1.5	0.7	0.1	0.1	59.8	65.6
West Virginia	1,076,406	762,794	28.0	24.9	24.1	22.7	3.7	2.1	0.2	0.1	72.0	75.1
North Carolina	2,059,326	1,617,949	40.0	42.3	39.8	42.2	0.2	0.2	0.1	[3]	60.0	57.7
South Carolina	1,453,818	1,151,149	45.8	44.2	45.0	43.6	0.7	0.5	0.1	0.1	54.2	55.8
Georgia	2,443,719	1,837,353	42.1	37.0	41.2	36.2	0.8	0.6	0.1	0.1	57.9	63.0
Florida	629,341	391,422	35.2	36.2	31.8	31.8	2.8	4.3	0.6	0.1	64.8	63.8
North Central division	28,628,813	22,410,417	37.3	30.1	23.2	20.1	13.8	9.7	0.4	0.3	62.7	69.9
Ohio	4,448,677	3,672,329	39.2	33.1	26.3	23.6	12.5	9.2	0.3	0.3	60.8	66.9
Indiana	2,710,898	2,192,404	34.6	31.6	28.0	26.0	6.4	5.4	0.2	0.2	65.4	68.4
Illinois	5,418,670	3,826,352	38.3	31.4	20.5	18.6	17.2	12.4	0.7	0.4	61.7	68.6
Michigan	2,584,533	2,093,890	38.0	27.2	18.6	16.2	19.0	10.6	0.3	0.4	62.0	72.8
Wisconsin	2,260,930	1,693,330	44.3	32.9	21.7	18.0	22.3	14.7	0.2	0.2	55.7	67.1
Minnesota	2,025,615	1,310,283	41.2	40.6	22.2	19.7	18.7	20.7	0.3	0.2	58.8	59.4
Iowa	2,205,690	1,912,297	35.8	29.1	25.8	20.0	9.4	8.6	0.5	0.5	64.2	70.9
Missouri	3,363,153	2,679,185	35.7	27.5	23.9	21.1	11.4	6.1	0.4	0.3	64.3	72.5
North Dakota	463,784	190,983	34.3	31.2	21.0	17.3	13.2	13.8	0.1	[3]	65.7	68.8
South Dakota	465,908	348,600	34.8	24.5	21.6	17.1	13.1	7.4	0.1	[3]	65.2	75.5
Nebraska	1,068,484	1,062,656	32.4	18.3	22.5	13.2	9.4	4.8	0.4	0.2	67.6	81.7
Kansas	1,612,471	1,428,108	28.4	23.6	22.4	18.7	5.8	4.7	0.3	0.2	71.6	76.4
South Central division	16,130,471	11,170,137	35.5	31.8	28.5	27.6	6.9	4.1	0.1	0.2	64.5	68.2
Kentucky	2,320,298	1,858,635	37.0	32.6	29.7	27.5	7.2	5.0	0.1	0.1	63.0	67.4
Tennessee	2,172,476	1,767,518	32.1	31.2	31.2	30.0	0.8	1.0	0.1	0.2	67.9	68.8
Alabama	2,017,877	1,513,401	40.8	36.9	38.5	35.8	2.1	0.9	0.2	0.2	59.2	63.1
Mississippi	1,708,272	1,289,600	38.5	33.4	36.7	32.4	1.7	0.9	0.1	0.1	61.5	66.6
Louisiana	1,539,449	1,118,588	50.6	35.8	19.4	16.5	31.0	18.9	0.1	0.3	49.4	64.2
Arkansas	1,421,574	1,128,211	30.0	26.3	27.6	25.8	2.3	0.3	0.1	0.1	70.0	73.7
Oklahoma [4]	[5] 1,414,177	258,657	18.2	13.2	15.5	12.2	2.6	1.0	0.1	[3]	81.8	86.8
Texas	3,536,618	2,235,527	34.7	30.3	25.8	25.7	8.7	4.5	0.1	0.1	65.3	69.7
Western division	4,684,673	3,102,269	36.2	26.8	13.2	8.1	17.8	13.6	5.2	5.1	63.8	73.2
Montana	303,575	142,924	32.6	22.7	8.0	4.9	23.8	17.6	0.8	0.2	67.4	77.3
Idaho	205,704	88,548	36.3	27.1	11.1	4.8	8.8	5.4	16.4	16.9	63.7	72.9
Wyoming	103,673	62,555	23.1	18.7	7.2	5.0	9.9	11.5	6.0	2.2	76.9	81.3
Colorado	615,570	413,249	33.4	21.0	16.1	8.9	16.2	11.4	1.1	0.7	66.6	79.0
New Mexico	216,328	160,282	63.3	66.0	6.7	2.9	56.2	62.7	0.4	0.3	36.7	34.0
Arizona	143,745	88,243	31.3	30.6	6.3	1.7	20.7	21.5	4.3	7.4	68.7	69.4
Utah	316,331	210,779	54.6	60.8	2.6	1.8	2.6	2.8	49.4	56.2	45.4	39.2
Nevada	42,335	47,355	35.3	12.4	7.6	3.0	23.6	8.4	4.2	1.1	64.7	87.6
Washington	614,625	357,232	31.2	16.5	18.6	10.4	12.2	5.8	0.5	0.2	68.8	83.5
Oregon	474,738	317,704	25.3	22.2	17.2	12.0	7.4	9.5	0.6	0.6	74.7	77.8
California	1,648,049	1,213,398	37.1	23.1	14.3	9.4	21.5	12.9	1.3	0.8	62.9	76.9

[1] Estimated.
[2] Includes the population of Indian Territory and Indian reservations.
[3] Less than one-tenth of 1 per cent.
[4] Oklahoma and Indian Territory combined.
[5] Special census, 1907.

CRIME AMONGST WOMEN.

I insert page 60 from Special Reports on Prisoners and Juvenile Delinquents, 1904, Department of Commerce and Labor, Bureau of the Census. Enumeration for this report was made on June 30, 1904. No comment is necessary. Just look at group 8 and reflect upon that:

The per cent distribution, by previous occupation, of female prisoners committed during 1904, classified as major and minor offenders and by color, race, nativity, and parentage, is presented in the table following:

Per cent distribution, by previous occupation, of female prisoners committed during 1904, classified as major and minor offenders, and by color, race, nativity, and parentage.

Occupation.	Per cent distribution of female prisoners committed during 1904 whose previous occupation is known.												
	Aggregate.	White.								Colored.			
		Total.	Native.					Foreign born.	Nativity unknown.	Total.	Negro.	Mongolian.	Indian.
			Total.	Native parentage.	Foreign parentage.	Mixed parentage.[1]	Parentage unknown.						
	Total.												
All occupations	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	(2)	100.0	100.0	(2)	(2)
Musicians and teachers of music	0.2	0.2	0.2	0.4	.....	0.5	.....	0.1	.....	0.2	0.2	.....	.....
Teachers in schools	0.1	0.1	0.1	0.2	.....	0.5	.....	.....	.....	0.1	0.1	.....	.....
Stenographers and typewriters	0.1	0.2	0.3	0.4	0.1	0.5	1.0	(3)	.....	.....	.....	.....	.....
Bookkeepers, clerks, and copyists	0.3	0.5	0.7	0.8	0.5	1.4	.....	0.2	.....	.....	.....	.....	.....
Hotel and boarding-house keepers	0.1	0.1	0.2	0.2	0.2	.....	.....	(3)	.....	.....	.....	.....	.....
Laundresses	4.8	3.6	3.1	2.6	3.9	3.8	1.0	4.3	.....	7.9	7.9	.....	(3)
Nurses and midwives	0.6	0.4	0.3	0.5	0.1	.....	.....	0.6	.....	1.0	1.1	.....	.....
Servants	76.6	76.0	74.3	75.5	72.9	75.0	70.2	78.4	(2)	78.4	79.2	.....	(2)
Artificial-flower and paper-box makers	0.1	0.1	0.1	.....	0.4	.....	.....	(3)	.....	.....	.....	.....	.....
Cigarmakers and tobacco workers	0.2	0.3	0.4	0.3	0.6	0.5	.....	0.2	.....	0.1	0.1	.....	.....
Mill and factory operatives (textiles)	4.7	6.4	5.6	2.2	11.0	5.3	1.0	7.4	.....	0.1	0.1	.....	.....
Milliners	0.2	0.3	0.2	0.1	0.3	1.4	.....	0.4	.....	.....	.....	.....	.....
Dressmakers and seamstresses	2.9	3.5	4.5	6.1	2.6	2.9	2.9	2.2	.....	1.0	1.1	.....	.....
Telegraph and telephone operators	(3)	(3)	(3)	0.1	.....	.....	.....	.....	.....	.....	.....	.....	.....
All other occupations	9.0	8.3	9.8	10.8	7.5	8.2	24.0	0.1	(2)	11.1	10.4	(2)	(2)
	Major offenders.												
All occupations	100.0	100.0	100.0	100.0	(2)	(2)	(2)	(2)	(2)	100.0	100.0	.....	.....
Musicians and teachers of music	0.4	0.8	0.7	0.6	.....	(2)	.....	(2)	.....	.....	.....	.....	.....
Teachers in schools	0.2	.....	.....	.....	.....	.....	.....	.....	.....	0.4	0.4	.....	.....
Stenographers and typewriters	0.4	0.8	1.1	1.7	.....	.....	.....	.....	.....	.....	.....	.....	.....
Bookkeepers, clerks, and copyists	0.7	1.6	1.9	1.7	.....	(2)	.....	(2)	.....	.....	.....	.....	.....
Hotel and boarding-house keepers	0.2	0.5	0.7	0.6	(2)	.....	.....	.....	.....	.....	.....	.....	.....
Laundresses	7.1	2.2	2.2	2.3	(2)	.....	.....	(2)	.....	10.9	10.9	.....	.....
Nurses and midwives	0.7	0.8	0.7	1.1	.....	.....	.....	(2)	.....	0.6	0.6	.....	.....
Servants	68.4	64.3	63.7	64.8	(2)	(2)	(2)	(2)	.....	71.7	71.7	.....	.....
Artificial-flower and paper-box makers	0.1	0.3	0.4	.....	(2)	.....	.....	.....	.....	.....	.....	.....	.....
Cigarmakers and tobacco workers	0.4	0.8	0.4	.....	(2)	.....	.....	(2)	.....	.....	.....	.....	.....
Mill and factory operatives (textiles)	2.0	4.4	4.4	2.8	(2)	(2)	.....	(2)	.....	0.2	0.2	.....	.....
Milliners	0.2	0.5	0.7	.....	(2)	(2)	.....	.....	.....	.....	.....	.....	.....
Dressmakers and seamstresses	5.5	8.8	8.9	10.2	(2)	(2)	(2)	(2)	.....	3.0	3.0	.....	.....
Telegraph and telephone operators	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
All other occupations	13.5	14.0	14.1	14.2	(2)	(2)	(2)	(2)	(2)	13.1	13.1	.....	.....
	Minor offenders.												
All occupations	100.0	100.0	100.0	100.0	100.0	100.0	(2)	100.0	(2)	100.0	100.0	(2)	(2)
Musicians and teachers of music	0.1	0.1	0.2	0.4	.....	.....	.....	(2)	.....	0.2	0.2	.....	.....
Teachers in schools	0.1	0.1	0.2	0.2	.....	0.6	.....	.....	.....	.....	.....	.....	.....
Stenographers and typewriters	0.1	0.1	0.2	0.2	0.1	0.6	(2)	(2)	.....	.....	.....	.....	.....
Bookkeepers, clerks, and copyists	0.3	0.4	0.6	0.7	0.5	0.6	.....	0.1	.....	.....	.....	.....	.....
Hotel and boarding-house keepers	0.1	0.1	0.1	0.1	0.1	.....	.....	(2)	.....	.....	.....	.....	.....
Laundresses	4.4	3.7	3.2	2.7	3.9	4.4	(2)	4.4	.....	6.9	6.8	.....	(2)
Nurses and midwives	0.6	0.4	0.3	0.4	0.1	.....	.....	0.6	.....	1.2	1.2	.....	.....
Servants	77.7	76.9	75.4	76.9	73.2	77.9	(2)	78.9	(2)	80.8	81.8	.....	(2)
Artificial-flower and paper-box makers	0.1	0.1	0.1	.....	0.3	.....	.....	(2)	.....	.....	.....	.....	.....
Cigarmakers and tobacco workers	0.2	0.3	0.4	0.3	0.5	0.6	.....	0.1	.....	0.1	0.2	.....	.....
Mill and factory operatives (textiles)	5.1	6.5	5.7	2.1	11.1	5.5	(2)	7.5	.....	.....	.....	.....	.....
Milliners	0.2	0.3	0.2	0.1	0.2	1.1	.....	0.4	.....	.....	.....	.....	.....
Dressmakers and seamstresses	2.5	3.1	4.0	5.6	2.5	2.2	(2)	1.9	.....	0.4	0.4	.....	.....
Telegraph and telephone operators	(2)	(2)	(2)	0.1	.....	.....	.....	.....	.....	.....	.....	.....	.....
All other occupations	8.4	7.9	9.4	10.3	7.5	6.6	(2)	5.8	(2)	10.4	9.4	(2)	(2)

[1] Having one parent native and the other foreign, or one parent unknown and the other either native or foreign.
[2] Per cent not shown where base is less than 100.
[3] Less than one-tenth of 1 per cent.

ILLICIT DISTILLING.

The attached letter and report are self-explanatory:

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, June 27, 1917.

Hon. JACOB E. MEEKER, M. C.,
House of Representatives, Washington, D. C.

MY DEAR MR. MEEKER: In compliance with the request contained in your letter of the 25th instant, in so far as the records of this office permit, I beg to inclose herewith a statement compiled therefrom, showing the number of illicit distilleries seized and destroyed, "State by State, for the years 1905 to 1916, inclusive."

This office is unable to state the number of persons arrested for illicit distilling during that period.

Very respectfully,

DAVID A. GATES,
Acting Commissioner.

Year.	States and Territories.	Illicit distilleries seized and destroyed.
1905	Alabama	156
1906	do	179
1907	do	103
1908	do	153
1909	do	231
1910	do	266
1911	do	375
1912	do	213
1913	do	254
1914	do	162

Year.	States and Territories.	Illicit distilleries seized and destroyed.
1915	Alabama	387
1916	do	529
1905	Arkansas	6
1906	do	1
1907	do	4
1908	do	6
1909	do	3
1910	do	3
1911	do	2
1912	do	3
1913	do	4
1914	do	8
1915	do	
1916	do	4
1905	California	
1906	do	
1907	do	
1908	do	
1909	do	1
1910	do	
1911	do	
1912	do	1
1913	do	
1914	do	
1915	do	1
1916	do	
1905	Colorado	
1906	do	
1907	do	
1908	do	
1909	do	
1910	do	
1911	do	1
1912	do	
1913	do	
1914	do	
1915	do	
1916	do	
1905	Connecticut [1]	
1906	do	
1907	do	
1908	do	
1909	do	
1910	do	
1911	do	
1912	do	
1913	do	
1914	do	
1915	do	
1916	do	
1905	Delaware	
1906	do	
1907	do	
1908	do	
1909	do	
1910	do	
1911	do	
1912	do	
1913	do	
1914	do	
1915	do	
1916	do	
1905	Florida	11
1906	do	40
1907	do	29
1908	do	25
1909	do	35
1910	do	39
1911	do	40
1912	do	34
1913	do	43
1914	do	50
1915	do	77
1916	do	126
1905	Georgia	347
1906	do	373
1907	do	274
1908	do	294
1909	do	623
1910	do	708
1911	do	901
1912	do	402
1913	do	447
1914	do	491
1915	do	635
1916	do	624
1905–1916	Idaho	
1905–1913	Illinois	
1914	do	1
1915–16	do	
1905–1916	Indiana	
1905–1916	Iowa	
1905–1916	Kansas	
1905	Kentucky	62
1906	do	118
1907	do	86
1908	do	56
1909	do	79
1910	do	112
1911	do	114
1912	Kentucky	90
1913	do	70
1914	do	85
1915	do	163
1916	do	116
1905	Louisiana	4
1906	do	1
1907	do	
1908	do	
1909	do	
1910	do	
1911	do	
1912	do	
1913	do	
1914	do	
1915	do	1
1916	do	1
1905–1916	Maine	
1905–1916	Maryland	
1905–6	Massachusetts	
1907	do	1
1908–1912	do	
1913	do	2
1914–15	do	
1916	do	1
1905–1916	Michigan	
1905	Minnesota	1
1906–1915	do	
1916	do	2
1905	Mississippi	2
1906	do	2
1907–8	do	
1909	do	1
1910	do	3
1911	do	
1912	do	5
1913	do	2
1914	do	2
1915	do	13
1916	do	3
1905	Missouri	
1906	do	
1907–1912	do	
1913	do	3
1914–1916	do	
1905	Montana	2
1906–1916	do	
1905–1916	Nebraska	
1905–1916	Nevada	
1905–1916	New Hampshire	
1905–1908	New Jersey	
1909	do	2
1910	do	
1911	do	1
1912	do	
1913	do	1
1914	do	
1915	do	1
1916	do	
1905–1916	New Mexico	
1905	New York	2
1906	do	4
1907	do	1
1908	do	
1909	do	2
1910	do	
1911	do	3
1912	do	4
1913	do	1
1914	do	1
1915	do	3
1916	do	1
1905	North Carolina	251
1906	do	460
1907	do	408
1908	do	363
1909	do	374
1910	do	378
1911	do	440
1912	do	267
1913	do	282
1914	do	312
1915	do	436
1916	do	593
1905–1916	North and South Dakota	
1905–1915	Ohio	1
1916	do	[2]
1905–1910	Oklahoma	5
1912	do	
1913–1915	do	1
1916	do	
1905–1916	Oregon	
1905–1911	Pennsylvania	1
1912	do	1
1913	do	
1914	do	2
1915	do	1
1916	do	
1905–1916	Rhode Island	

[1] Includes Rhode Island.

[2] 1911.

Year.	States and Territories.	Illicit distilleries seized and destroyed.
1905	South Carolina	68
1906	do	86
1907	do	102
1908	do	104
1909	do	177
1910	do	215
1911	do	259
1912	do	162
1913	do	134
1914	do	166
1915	do	157
1916	do	127
1905	Tennessee	32
1906	do	54
1907	do	46
1908	do	57
1909	do	71
1910	do	49
1911	do	114
1912	do	104
1913	do	110
1914	do	129
1915	do	135
1916	do	212
1905	Texas	1
1906-1908	do	.....
1909	do	71
1910-11	do	.....
1912	do	1
1913-1915	do	.....
1916	do	3
1905-1916	Utah	.....
1905-1916	Vermont	.....
1905	Virginia	1
1906	do	52
1907	do	84
1908	do	70
1909	do	144
1910	do	136
1911	do	219
1912	do	151
1913	do	123
1914	do	182
1915	do	173
1916	do	237
1905-1916	Washington	.....
1905	West Virginia	1
1906	do	1
1907-1909	do	.....
1910	do	1
1911	do	1
1912-13	do	.....
1914	do	3
1915	do	5
1916	do	12
1905-1913	Wisconsin	.....
1914	do	1
1915	do	.....
1916	do	1
1905-1914	Wyoming	.....
1915	do	1
1916	do	.....
1905-1916	Alaska	.....
1905-1916	Arizona	.....
1905-1916	District of Columbia	.....
1905	Hawaii	.....
1906	do	5
1907	do	.....
1908	do	2
1909	do	.....
1910	do	1
1911-1916	do	.....
1905-1916	Indian Territory	.....

Grand total.

1905	947
1906	1,376
1907	1,138
1908	1,130
1909	1,814
1910	1,911
1911	2,471
1912	1,443
1913	1,477
1914	1,593
1915	2,190
1916	2,595

MAIL-ORDER HOUSES, ILLICIT DISTILLERIES, AND BOOTLEGGERS.

I submit without comment the following:

On page 29 of his annual report for 1914, the Commissioner of Internal Revenue, in speaking of illicit distilleries and bootleggers, reports as follows:

Illicit distilling during the past fiscal year increased slightly over the preceding year. Bootlegging is principally carried on in States operating under local prohibition laws and appears to be one of the hardest propositions that revenue officers are called upon to solve. This class of violators of the internal-revenue laws are at no time stationary, but move from place to place, offering and selling their illicit wares. It is impossible, owing to the limited number of revenue officers in the field, to break up this practice entirely, and without the hearty cooperation of the local and State authorities it is believed that the conditions will grow no better. As the various States vote "dry" the operations of the bootlegger grow larger.

On June 20, 1911, the Interstate Commerce Commission rendered an opinion "in the matter of the investigation and suspension of advances in rates by express companies for the transportation of liquor."

In commentiug upon the history and scope of the mail-order liquor business the commission finds as follows:

The industry directly concerned in this question is that of the mail-order liquor houses. The mail-order business in packages of liquor in this country had its beginning about a quarter of a century ago. At that time it was of small proportions, very few packages being shipped, and those only to short distances. It was the spread of the prohibition movement that gave vitality to this character of traffic in liquor. Local option at first drove the dealers from the localities where they had carried on a retail business to settle on the outskirts of the proscribed territory and ship liquor into it. As the prohibitive area spread the shippers were driven farther and farther back, but their business became more extended in the territory covered, and larger in the volume of the traffic. With State-wide prohibition came the interstate traffic in liquor. The decision of the Supreme Court that this traffic was interstate and therefore superior to interference by the State governments, gave the industry a tremendous impetus, and established the express companies as the carriers of practically the whole of this traffic.

The proportions of the business throughout the country at the present time can not be estimated with any degree of accuracy, but figures presented by the Southern Express Co. may be made the basis of a fair approximation. Jacksonville, Fla., probably the largest shipping point for liquor in the South, sends out between three and four thousand packages of one or two gallons daily, or a total of about 1,500,000 gallons a year Chattanooga ships about 786,000 gallons; Richmond, 546,720 gallons; Petersburg, 268,128; Pensacola, 267,760; New Orleans, 255,856; Augusta, 215,150; and Norfolk, Va. Cairo, Ill., Emporia, Va., Louisville, Ky., Portsmouth, Va., Roanoke, Va., and Savannah, Ga., ship more than 100,000 each annually. The total annual movement indicated is 6,085,264 gallons. When it is considered that these shipments are almost entirely from three or four States in the southern part of the country, and that the traffic itself is country-wide, it is not an extreme estimate that the entire volume of this traffic, going entirely to consumers and not to dealers, is in excess of 20,000,000 gallons a year.

These packages are sent, express charges paid, direct to the consumers on orders in most cases paid for in advance of shipment. The movement is much more active in the South than in other sections of the country, partly because of the extent of the prohibition territory in that section, partly because of the large quantities of very cheap whisky manufactured and shipped there for the consumption of the negro population. While it is not the function of this commission to be influenced in its conclusions by the moral aspect of the question, it is impossible not to recognize in this traffic one of the important factors in the race problem of the South—the evil spirit back of that problem in more ways than one. Generally speaking, the evidence presented at these hearings went to show a distinct cleavage in the industry. In the West a higher grade of liquor was shipped and a better clientele appealed to; in the South both whisky and consumers were on a considerably lower grade.

GRAND TOTAL OF DEALERS.

I insert here the reports on the grand totals of the different manufacturers and dealers and illicit distilleries seized from the years 1905 to 1916, inclusive.

The reader will note an apparent discrimination between the number of illicit distilleries reported here and in the grand totals as given in the report of illicit distilleries State by State. Reference to pages 151 and 152 of the Report of the Commissioner of Internal Revenue for 1915, or to pages 165 and 166 in the same report for 1916, will show that the higher numbers as given here is illicit distilleries reported for siezure, while the numbers given in the other report referred to, is of illicit distilleries actually seized.

The reports of the Internal Revenue Commissioner as to the number of persons arrested for illicit distilling from the years 1908 to 1916, inclusive, show the following:

1908	328
1909	470
1910	470
1911	529
1912	494
1913	459
1914	504
1915	893
1916	1,314
Total	4,663

I was unable to obtain the report for the fiscal year closing June 30, 1917, the department not having the report yet made up.

The following report from the Department of Internal Revenue gives the grand total of the several industries mentioned from 1905 to 1916, inclusive:

	1905	1906	1907	1908	1909	1910	1911	1912	1913	1914	1915	1916
Rectifiers	2,416	2,405	2,447	2,348	2,285	2,413	2,343	2,339	2,340	2,369	2,093	2,064
Retail dealers	241,239	243,400	236,448	230,512	223,504	217,813	218,393	216,144	213,465	203,583	190,469	184,718
Wholesale dealers	6,328	6,311	6,439	6,626	6,599	6,652	7,070	7,051	6,974	6,949	6,451	6,273
Manufacturers of stills	37	41	39	44	52	34	30	23	36	25	31	38
Brewers	1,847	1,747	1,720	1,644	1,622	1,568	1,524	1,506	1,462	1,392	1,345	1,313
Retail dealers in malt liquors	14,976	17,094	18,266	20,434	21,681	19,655	18,881	17,253	16,828	15,760	13,740	12,716
Wholesale dealers in malt liquors	10,113	10,871	11,534	11,628	11,757	11,645	12,177	12,123	12,338	12,143	11,247	10,704
Illicit distilleries reported for seizure	1,053	1,376	1,139	1,130	1,743	1,911	2,471	2,466	2,375	2,677	3,754	3,376

GROSS NUMBER OF RETAILERS AND WHOLESALERS.

Retail dealers	256,215	260,494	254,714	250,946	245,185	237,468	237,274	233,397	230,293	219,343	204,209	197,434
Wholesale dealers	16,441	17,182	17,973	18,254	18,356	18,297	19,247	19,174	19,312	19,092	17,698	16,977

The following, taken from the annual reports of the Department of Internal Revenue from 1899 to 1916, inclusive, shows the production of the various distilled, fermented, and rectified liquors in the United States.

N. B.—Spirits distilled from materials other than fruits include spirits distilled from both grain and molasses.

	Spirits distilled from fruit.	Rum produced.	Spirits rectified.	Spirits distilled from materials other than fruit.	Fermented liquors.
	Gallons.	*Gallons.*	*Gallons.*	*Gallons.*	*Barrels.*
1899	3,097,769	1,494,379	67,055,509	97,066,555	36,697,137
1900	3,760,487	1,614,513	74,508,420	105,484,700	39,471,536
1901	4,047,602	1,724,582	81,929,714	124,520,600	40,614,260
1902	4,220,400	2,202,047	89,614,964	128,623,416	44,550,127
1903	6,430,679	2,247,907	100,366,462	141,776,202	46,720,179
1904	5,193,262	1,801,179	104,782,508	134,311,982	49,265,173
1905	5,448,584	1,791,967	105,399,964	147,810,794	49,522,028
1906	4,444,072	1,730,102	109,931,091	145,666,125	54,724,554
1907	6,138,305	2,022,407	114,510,043	168,573,913	58,622,002
1908	6,899,823	1,895,922	103,964,573	127,140,925	58,814,033
1909	6,440,858	1,952,374	92,943,893	133,430,755	56,364,360
1910	7,656,434	2,253,950	99,919,289	156,237,590	59,544,775
1911	7,953,133	2,631,059	103,518,838	175,402,395	63,283,123
1912	9,321,823	2,832,516	105,632,954	178,249,985	63,176,694
1913	8,252,875	2,750,846	108,678,542	185,353,383	65,324,876
1914	7,207,897	3,026,085	105,250,214	174,611,645	66,189,473
1915	2,516,054	2,844,313	90,858,331	121,639,124	59,746,701
1916	2,984,743	2,936,940	87,161,438	133,241,785	58,564,508

Report for the fiscal year 1917 is not yet available. However, there will be a marked increase of output over that of 1916. A peculiar feature of the matter is that while the number of producers has declined the volume of output has increased.

PATENT MEDICINES.

Below is a list of "patent medicines" which will be found on file in the Department of Internal Revenue. The total number here given is 746. The alcohol by volume to be found in these "medicines" should suggest to the thoughtful student that we as yet are not making much headway in the fight against alcoholism by constantly exempting alcohol for "medicinal purposes." Be it remembered that these "medicines" pay no Federal tax, while beers, wines, and liquors turn in hundreds of millions annually into the Treasury.

The reader will discover that in a number of instances the same "medicines" are shown to contain different percentages of alcohol. Just why these variations I do not venture to suggest. The reader must draw his own conclusions.

The Department of Commerce gives the total capitalization of patent and proprietary medicine concerns as $71,437,000.

These concerns are the special beneficiaries of prohibition legislation, and many of them are liberal supporters of the Anti-Saloon League.

I ask the reader if he, in all candor, believes that we are aiding the cause of temperance by striking down the pure beers, wines, and liquors and giving a free right of way to these concoctions, which are but combinations of alcohol, drugs, and dopes?

Manufacturer.	Name of medicine.	Alcohol by volume.
		Per cent.
Kells Co., Newburgh, N. Y.	Walker's Vinegar Bitters	0.08
Rex Bitters Co., Chicago, Ill.	High Ball Cordial	.16
Do	do	.20
Dukehart Mfg. Co., Baltimore, Md.	Malt Tonic	.26
Rex Bitters Co., Chicago, Ill.	Tun	.28
American Cordial & Extract Co.	Celery Tonic	.32
Lash's Bitters Co., Chicago, Ill.	Clark Cherry Cordial	.41
Teddy Nerve Bracing Co., Wheeling, W. Va.	Teddy's Nerve Bracer	.41
Rex Bitters Co., Chicago, Ill.	High Ball Cordial	0.41
Livingston, M.	Mexican Hot	.46
Hollander Bros. Drug Co., Braddock, Pa.	Ease's Wild Cherry Pepsin	.63
Kuhn's, Chas. B., Natrona, Pa.	O. K. O. Cordial	.63
Iroquois Supply Co., Milwaukee, Wis.	Celery Tonic	.71
Loos & Carpenter, Columbus, Ohio	Medicine	.78
Lewis Mfg. Co., Philadelphia, Pa.	Celery and Iron	.79
Do	Damiana Compound	.82
Snedeker Mfg. Co., San Antonia, Tex.	Snedeker's Family Remedy	.87
Do	Snedeker's Bitters	.90
Michael & Co., Philadelphia, Pa.	Body Age	1.42
Snedeker Mfg. Co., San Antonio, Tex.	Snedeker's Buchu Ginseng Bitter.	1.79
Spencer, J. H., Vicksburg, Miss.	Indian Herbs	1.83
Jarvis Vitality Cocktail Co., Baltimore, Md.	Jarvis Vitality Cocktail	1.87
Savoy Drug & Chemical Co., Chicago, Ill.	Savoy's Renovator for Blood	2.15
Ernst, Geo. P., Milwaukee, Wis.	Extract or Medicine	2.18
Fisher, Daniel, Denver, Colo.	Brown's Celery Phosphate	2.45
Wyeth & Bro., J., Philadelphia, Pa.	Wyeth's Malt Extract	2.47
Michael, Philadelphia, Pa.	Trifous Orange Bitters	2.55
Merit Supply Co., Milwaukee, Wis.	Tonic Bitters	2.97
Milburn & Co., Baltimore, Md.	Dannana Gentian Bitters	3.18
Wilson Mfg. Co., Sacramento, Cal.	Horehound and Irish Moss	3.19
Hollander Bros. Drug Co., Braddock, Pa.	Ease's Wild Cherry Pepsin	3.56
Harris Co., New York, N. Y.	Jayne's Extract of Malt	3.85
Monarch Bitters Co., Buffalo, N. Y.	Monarch Stomach Bitters	3.95
Montgomery Ward Co., Chicago, Ill.	Sarsaparilla	4.02
Iroquois Supply Co., Milwaukee, Wis.	Celery Tonic	4.07
Monarch Bitters Co., Buffalo, N. Y.	Monarch Stomach Bitters	4.10
Wurzburger Malt Extract Co., Atlanta, Ga.	Wurzburger Malt Tonic	4.25
Hacker, Dr. I. B., Reading, Pa.	Tonic Bitters	4.32
Pabst Brewing Co., Milwaukee, Wis.	Pabst Extract	4.37
Blood Wine Co., Rockford, Ill.	Blood Wine	4.61
American Druggist Syndicate, New York.	A. D. S. Malt Extract	4.92
Ballantine & Sons, P., Newark, N. J.	Ballantine's Tonic	4.92
Hamm, Theo., Brewing Co., St. Paul, Minn.	Digesto	5.01
Boozer's Bitters Co., D. T., Detroit, Mich.	Smyrna Stomach Bitters	5.15
Blumauer-Frank Drug Co., Portland, Oreg.	Purola Malt Extract	5.10
Monarch Bitters Co., Buffalo, N. Y.	Bitters	5.28
Marvelous Sweeping Model Wine Tonic Co.	Marvelous Sweeping Model Wine Tonic.	5.53
Gin-Gerce Co., Norfolk, Va.	Claret Syrup, Conc.	5.55
Haas Medical Disp. Assn., Louisville, Ky.	Haas' Shaker Herb Tonic	5.60
Reliance Remedy Co., Detroit, Mich.	Ben Hur Kidney and Liver Bitters.	5.63
Royal Bitters Co., Oshkosh, Wis.	Royal Kidney and Liver Bitters.	5.66
Riley, Jas. S., Hayne, V. C.	The Golden Diamond	5.70
Mol, Ira W., Mol, N. J.	Wild Cherry Tonic	5.75
Farley, B., San Francisco, Cal.	Farley's Bitters	5.95
Bonus Drug Co., Duquesne, Pa.	Elixir of Bitter Wine	6.27
MacDonald, G. F., Pittsburgh, Pa.	Syrup and Sherry Wine	6.58
Chinieli Co., Somerville, Mass.	Honey Wine	6.90
Bonus Drug Co., Duquesne, Pa.	Elixir of Bitter Wine	7.12
Ale & Beef Co., Dayton, Ohio	Ale and Beef	7.30
Pix-Cresol Chem. Co., Kansas City, Mo.	Maizolso	7.31
Behren's Drug Co., Waco, Tex.	Blackberry Cordial	7.37
Slocum Co., G. A., New York City	Psychine	7.47
Kickapoo Indian Med. Co., Philadelphia, Pa.	Sagwa	7.60
Asseta & Co., New York City	Eubiogeno	7.62
Interstate Chem. Co., Baltimore, Md.	I. C. Blackberry Cordial	7.72
Marlborough Co., Philadelphia, Pa.	Morning Tone	7.73
Bertrams, Hy., Augusta, Ky.	Blackberry ordial	7.80
Sumpter, J. T., Bowling Green, Ky.	Kidney Medicine	8.02
Montgomery Ward Co., Chicago, Ill.	Iron, Quinine & Strychnine	8.52
August, A. M., Milwaukee, Wis.	Augustiner Bitters	8.64
Walsh, Dr. Thos. M., Kansas City, Mo.	Yerba Tonic	8.65
La Prsira & Co., F., Milwaukee, Wis.	Ferro China	8.68
One Herb Co., Grand Rapids, Mich.	One Herb Rheumatism Cure	8.73
Stark Drug Co. H. W., Gainesville, Tex	Blackberry ordial	8.81
Pfeiffer Chem. Co., St. Louis, Mo.	I-Ro-No-La	8.83
Klein, Frank, Milwaukee, Wis.	Klein's Appetizer & Stomach Bitters.	9.10

Manufacturer.	Name of medicine.	Alcohol by volume.
		Per cent
Ka-No-La Co., Clarendon, Ark	Ka-No-La	9.15
Porter-Ryerson-Hoobler Co., Omaha, Nebr.	Blackberry Cordial	9.36
Thatcher Medicine Co., Chattanooga, Tenn.	Thatcher Liver & Blood Syrup	9.40
Danielene Composition Co., Hartford, Conn.	Trydan Tonic Bitters	9.45
Boozer's Bitters Co., D. T., Detroit, Mich.	Smyrna Stomach Bitters	9.45
Wojciechowski, W., Chicago, Ill	Ruediger's Stomach Elixir	9.46
Pfeiffer Chemical Co., St. Louis, Mo	Dr. Hokon's Celery with Iron	9.56
Shinn, J. B., Philadelphia, Pa	Shinn's Herb Sirup	9.69
Twentieth Century Bitters Co., Toledo, Ohio.	20th Century Stomach Bitters	9.69
Fougera & Co., New York City	Nurry's Wine	9.85
Valley City Pharmacal Co., Grand Rapids, Mich.	Blackberry Cordial	9.88
Sumpter, J. T., Bowling Green, Ky	J. T. Sumpter Nature Remedy	10.27
Brenner Co., San Francisco, Cal	Brelvo Stomach Bitters	10.28
Warner Safe Remedy Co., Rochester, N. Y.	Warner's Safe Remedy	10.29
Universal Remedy Co., Toledo, Ohio	Stomatone Bitters	10.45
Sumpter, J. T., Bowling Green, Ky	Nature Remedies	10.49
Gemmer, G., Milwaukee, Wis	Stomach Bitters	10.50
Sumpter, J. T., Bowling Green, Ky	Nature Remedies	10.55
O'Donald Drug Co., Jacksonville, Fla	Florida Vegetable Bitters	10.58
Pucci, F., Jamaica, Long Island	Ferro China	10.58
Reliance Remedy Co., manufacturers, Detroit, Mich.	Indian Herb Bitters	10.63
National Drug Exchange (Inc.), Binghamton, N. Y.	Planeta Ext. Native Roots	10.63
Fleury Medicine Co., Dr. F., Springfield, Ill.	Wa-ho Tonic	10.80
Burden & Co., R. M., Boston, Mass	Ferro-China Bios	10.82
Farmacia Cento Citta D'Itilia, Boston, Mass.	Ferro-China-Italiano	10.89
Shinn, J. B., Philadelphia, Pa	Hepatic Tincture	10.95
Hungarian Drug Co., Pittsburgh, Pa	Crown Hungarian Stomach Bitters	11.11
Parker Distilling Co., St. Louis, Mo	Red Cross Bitters	11.13
Scratcheard, E. E., Oneonta, N. Y	Dandelion Compound	11.18
Bowe, P., Waterbury, Conn	Turf Club Bitters	11.19
Stock & Co., East Kansas City, Mo	Stock's Vegetable Compound	11.35
Heinseman Mfg. Co., Los Angeles, Cal	German Stomach Bitters	11.37
Sumpter, J. T., Bowling Green, Ky	Nature Remedies	11.40
Eckman Mfg. Co., Philadelphia, Pa	Eckman's Alterative	11.44
Murray Drug Co	Blackberry Cordial	11.49
Valley City Pharmacal Co., Grand Rapids, Mich.	Popular Spring Tonic	11.50
Zcherine Bitters Co., Reamstown, Pa	Bitters	11.50
Lookout Mt. Med. Co., Greenville, Tenn.	Laxative Appetizer	11.56
Sumpter, J. T., Bowling Green, Ky	J. T. Sumpter Nature Remedy	11.64
Beggs & Co., C. W., Chicago, Ill	Wine of Life	11.66
Carmeliter Bitters Co., New York City	E. Z. Laxative Bitters	11.69
K. K. K. Medicine Co., Keokuk, Iowa	K. K. K. Tonic	11.70
DeWitt & Co., E. C., Chicago, Ill	Kodol Nerve Tonic	11.72
Valley City Pharmacal Co., Grand Rapids, Mich.	Puama	11.74
Stock & Co., East Kansas City Mo	Stock's Kidney and Liver Remedy.	11.75
Beggs Sons & Co., C. E., Chicago, Ill	Wine of Life	11.81
O'Donnell, Jas. O., Washington, D. C	Beef, Iron, and Wine	11.84
Weather Head Pharmacy Co., Cincinnati, Ohio.	do	11.95
Buck-eye Bitters Co., Milwaukee, Wis	Buck-eye Bitters	12.04
Pequa Medicine Co., New York City	Indian Herb Tonic	12.17
Kimmerer, G. C., Canajoharie, N. Y	Glycerine Tonic	12.21
Mayer, Geo., Dr., Wartburg, Tenn	Restorative Wine Bitters	12.28
Herba Laboratory, New York City	Herba Ferro China Bitters	12.35
Kappel & Co., M. P., Chicago, Ill	Elderberry Tonic	12.38
Lightning Med. Co., Rock Island, Ill	Mull's Grape Tonic	12.39
Wright, R. L., Brooklyn, N. Y	Wright's Blood Purifier	12.50
Ampt Co., Chas. F., Cincinnati, Ohio	Ox-O-La	12.57
Pokorny Chem. Co., Chicago, Ill	Mapcco	12.61
Mayer, Geo., Dr., Wartburg, Tenn	Reconstructive Tonic	12.65
Abbey Co., P. L., Kalamazoo, Mich	Bitters (Celery Pepsin)	12.66
Walters & Sons, Buffalo, N. Y	System Tonic	12.72
Mayer, Geo., Dr., Wartburg, Tenn	Restorative Wine Bitters	12.86
Fahrney Sons Co., Chicago, Ill	Forni's Alpen Kauter	12.93
Luyties' Pharmacy Co., St. Louis, Mo	Beef, Iron, and Wine	13.01
Celro-Kola Co., Portland, Oreg	Celro-Kola	13.07
Peck Johnson Co., Grand Rapids, Mich	Blackberry Cordial	13.18
Brooks Med. Co., Wm., Russellville, Ark.	Favorite Prescription	13.22
Colville, M. R., Chicago, Ill	Dandelion Cordial	13.20
Parker Brown Co., Pittsburgh, Pa	Parker's Beef, Wine, and Iron	13.22
Star Bitters Co., Sacramento, Cal	Star Kidney and Liver Bitters	13.23
Rectanus Co., T., Louisville, Ky	Rex Celery and Iron Compound	13.30
Jensen Co., Hans, Chicago, Ill	Jensen Laxative Bitters	13.36
Bockar Drug Co., New York City	Elixir of Calisaya	13.37
Crystal Tonic Co., Marshall, Mich	Crystal Tonic	13.38
Four in One Bitters Co., Pinconning, Mich.	Willis Laxative Bitters	13.42
Hazelton Drug Co., Dr., Lamont, Okla	Dr. Hazelton's Wild Cherry	13.52
Ampt Co., Chas. F., Cincinnati, Ohio	Ox-O-La	13.60
Donnell Manufacturing Co., St. Louis, Mo.	Alterative Tonic	13.61
Hay Co., H. H., Portland, Me	Hay's Beef, Iron, and Wine	13.64
Beggs & Co., C. W., Chicago, Ill	Vino Vitae	13.65
Var-Ne-Sis Co., Lynn, Mass	Var-Ne-Sis	13.70
Marshall Medicine Co., Kansas City, Mo.	Blackberry and Ginger Cordial	13.71
Jarvis Blackberry Co., Chicago, Ill	Jarvis Blackberry Cordial	13.82
Zoeller Medicine Manufacturing Co., Pittsburgh, Pa.	Zoeller's Stomach Bitters	13.84
Stuart Manufacturing Co., Atlanta, Ga.	Stuart's Buchu and Juniper Compound.	13.85
Sporrer & Co., J. G., Toledo, Ohio	Sporrer's Health Bitters	13.90
Davis, A. L., Buffalo, N. Y	Bovara	13.94
Bartel Chemical Co., Cincinnati, Ohio	Elixir Pancocine	13.97
Hightower Drug Co., Dalton, Ga	Pruni Tonic	13.97
Stella Importing Co., Philadelphia, Pa.	Ferro China Stella	14.09
McMaster, E. R., Kittanning, Pa	Scouring Rush Tonic	14.10
Beggs & Co., C. W., Chicago, Ill	Vino Vitae	14.11
Schmidt & Co., W. K., Grand Rapids, Mich.	Beef, Iron, and Wine	14.15
American Bitter Wine Co., Buffalo, N. Y.	Cascura Root	14.20
Swift Specific Co., Atlanta, Ga	Swift's Specific	14.30
Cannistra Chemical Co., New York City	Regeneratore	14.38
Mayer, Geo., Dr., Wartburg, Tenn	Restorative Tonic	14.43
Brooks Medicine Co., Wm., Russellville, Ark.	Sarsaparilla Compound	14.47
United States Medicine & Importing Co., Denver, Colo.	Karlsbader Bitter Wine	14.48
Montgomery Ward & Co., Chicago, Ill.	Celery Nervine	14.54
Abbey Co., P. L., Kalamazoo, Mich	Bitters (Angostura)	14.59
Hughes' Bros., Dallas, Tex	Dr. Hughes' Cordial	14.62
Dell's Co. The, St. Paul, Minn	Dell's Stomach Bitters	14.65
Munson & Co., St. Louis, Mo	Bockstrucks Cocoa Elixir Compound.	14.66
Stock & Co., E. Kansas City, Mo	Lebig's Beef, Iron & Wine	14.66
Hughes Bros., Dallas, Tex	Dr. Hughes' Cordial	14.67
American Bitter Wine Co., Chicago, Ill.	Wine Zdronia	14.68
Bockar Drug Co., New York City	Elixir of Calisaya	14.76
Lion Drug Corp., Boston, Mass	Ferro China Leone	14.76
Triner, Jos., Chicago, Ill	Triner's Elix. Bitter Wine	14.76
Mancusi, T., Brooklyn, N. Y	Ferro China	14.83
Bowin, Wilson & Co., Montreal, Canada.	Vin. St. Michael	14.91
Luce Co., J. C., Maywood, Ill	Dandelion Cordial	14.91
Parke, Davis & Co., Detroit, Mich	Beef, Iron & Wine	14.91
Var-Ne-Sis Co., Lynn, Mass	Var-Ne-Sis	14.91
Smith Pharm. Co., San Antonio, Tex	Smith's Beef, Wine & Iron	14.95
Sumpter, J. T., Bowling Green, Ky	Kidney Medicine	14.97
Spitz Bitters Co., Chicago, Ill	Spitz Stomach Bitters	15.98
Rosendorf & Co., Muskogee, Okla	Hiawatha Blackberry Cordial	15.00
Hop Bitters Mfg. Co., Rochester, N. Y	Hop Bitters	15.01
Simmon's Med. Co., St. Louis, Mo	Simmon's Squaw Vine Wine	15.12
Meyer, Dr. J. G., Newport, Ky	Dandelion Wine	15.12
Czyzewski, B. J., Braddock, Pa	Cayzewski's Bitters	15.15
Pelosi, M., Philadelphia, Pa	Ferro China Pelosi	15.19
Wisconsin Pharmacal Co., Milwaukee, Wis.	Iron Tonic Bitters	15.20
Hindu Tonic Co., Chicago, Ill	Hindu Tonic	15.20
Ponds Bitters Co., Chicago, Ill	Ponds Liver and Kidney Buttons.	15.29
Tubb's Medical Co., River Falls, Wis	Tubb's Orange Bitters	15.31
Boke, V., Chicago, Ill	Elixir of Bitter Wine	15.36
Nyal Co., Detroit, Mich	Nyal Beef, Iron & Wine	15.37
Milburn & Co., Baltimore, Md	Pure Extract of Ginger	15.39
Brunswick Ph. Co., Brunswick, N. J	Vino-Kolafra	15.47
Hochstader Co., New York City	Tonic Bitters	15.48
Warner Safe Remedy Co., Rochester, N. Y.	Warner's Safe Remedy	15.52
Universal Imp. Co., Cincinnati, Ohio	Zanol	15.53
Waverly Chem. Co., Philadelphia, Pa	Iron Tonic	15.55
Hindu Tonic Co., Chicago, Ill	Hundu Tonic	15.58
Thayer & Co. Hy., Boston, Mass	Tonic Bitters	15.65
Marshall Med. Co., Kansas City, Mo	Harrisonia	15.67
Kirkland & Co., T., Decatur, Ill	Dr. Scotts Blackberry Coridial	15.68
Tuna Remedy Co., Nogales, Ariz	Beef, Iron & Wine	15.69
Lasso Specialty Co., Chicago, Ill	Hanlon's Tuna Lax. Bitters	15.70
Hawkins, Dr., Baldwin, Kansas	Bitter Wine	15.74
Dillingham, F. A., Cincinnati, Ohio	Unknown	15.79
Searle & Hereth Co., St. Louis, Mo	Dillingham Quaker Herb Tonic	15.79
Brooks Med. Co., Wm., Russellville, Ark.	Aromatic Blackberry Cordial	15.80
Lash's Bitters Co., Chicago, Ill	Iron Peptol	15.82
Rostenkowski, F. W., Tyrone, Pa	Hill's Horehound Irish Moss	15.83
Lobin Distilling Co., St. Louis, Mo	Alps Bitters	15.86
Stern & Co., L., Chicago, Ill	Nibol Lax. Bitters	15.88
Larned & Barker Co., Syracuse, N. Y	Bee Bee Laxative Bitters	16.93
Hans Jenser Co., Chicago, Ill	Beef Iron and Wine	16.00
Schenck & Co., J. H	Jenser Kidney and Liver Bitters	16.01
Baltimore Drug Co., Baltimore, Md	Dr. Schenck's Tonic	16.01
Hay Co., H. H., Portland, Me	Celery Compound	16.05
Cooper Medical Co., Dayton, Ohio	Atwood's Bitters	16.06
Triner, Jos., Chicago, Ill	Tanlac	16.07
United States Medical & Imp. Co., Denver, Colo.	Triners Elixir of Bitter Wine	16.15
Gangiano Chemical Co., New York City.	Molvinum Stomach Bitters	16.17
Gibson Chemical Co., St. Louis, Mo	Ferro China-Iron Cinchona Bitters.	16.11
Lindberg, Roll, Pittsburg, Kans	Gibson's Beef, Iron and Wine	16.20
Reliant Remedy Co., Minneapolis, Minn.	Beef, Iron and Wine	16.20
Rex Bitters Co., Chicago, Ill	Beef, Iron and Wine	16.24
Berner Co., Ferro China, New York City.	Rex Horehound Tolu	16.24
Kashara Med. Co., Chicago, Ill	Ferro China Berner	16.29
Brooks Med. Co., Wm., Russellville, Ark.	Kashara Tonic	16.30
Manlic G. T., Philadelphia, Pa	Bean's Foot Compound	16.36
Prune Bitters Co., Seattle, Wash	Ferro China Tito Manlic	16.38
Irondequoit Wine Co., Rochester, N. Y.	Prune Laxative Bitters	16.41
Zoeller Med. Mfg. Co., Pittsburgh, Pa.	Beef, Iron, and Wine	16.43
Furno, M., Chicago, Ill	Zoellers Stomach Bitters	16.44
Persons, Mrs. Joe, Kittrell, N. C	Ferro China Composto	16.45
Texas Drug Co., Dallas, Tex	Mrs. Joe Persons Remedy	16.46
Irondequoit Wine Co., Rochester, N. Y.	Blackberry Cordial	16.48
Cubicciotti, D., Philadelphia, Pa	Beef, Iron, and Wine	16.48
	Elixa Chincona Ferro	16.49

Manufacturer.	Name of medicine.	Alcohol by volume.
		Per cent.
Milburn & Co., Baltimore	Schroeder's German Bitters	16.53
Altmaier & Co., F. C., Chicago, Ill	Vigo Bitters	16.61
O'Grady, J. H., Chicago, Ill	O'Grady's Stomach Bitters	16.61
Warner, Wm. R., St. Louis, Mo	Tuno Sunbal Cordial	16.63
Kansas City Homeopathic Pharmacy Co., Kansas City, Mo.	Wise's Wine of Hydrastis	16.64
DePree Chemical Co., Chicago, Ill	San Tax Beef, Iron and Wine	16.69
Triner, Joseph, Chicago, Ill	American Elixir of Bitter Wine	16.75
Sawarce, K., & Co., Boston, Mass	St. John's Curative Wine	16.82
Polithania Wine & Bitters Co., Pittsburgh, Pa.	Polathania Elixir Bitter Wine	16.84
Lambach, T. F., New York City	Lambach's Blackberry Cordial	16.86
Luck, Mrs. J. O., Maywood, Ill	Dandelion Cordial	16.89
Irondequoit Wine Co., Rochester, N. Y.	Wine of Pomelo	16.92
Hopkins & Bethea, Meridian, Miss	Beef, Iron and Wine	16.94
Cubicciotti, D., Philadelphia, Pa	Ferro China Cubicciotti	16.99
Saginaw Medical Co., Saginaw, Mich	Ren-Car-Ta	17.02
Maltine Manufacturing Co., New York City.	Maltine	17.04
Eridanea & Co., Brooklyn, N. Y	Ferro China Eridania	17.07
Kobolo Medical Co., Chicago, Ill	Kobolo Great Stomach Remedy	17.07
Interstate Commerce Co., Richmond, Va.	Iron Tonic Bitters	17.10
Lippi, Andrew F., Philadelphia, Pa	Ferro China Lippi	17.10
Abbey Co., P. L., Kalamazoo, Mich	Bitters (Finaflavora)	17.12
Lincoln Co., C. L., Little Rock, Ark	Brown's Iron Tonic	17.12
Selwa & Co., S. W., Detroit, Mich	Uncle Sam's Stomach Bitters	17.15
Crew Drug Co., H. W., Chico, Cal	Port Wine and Iron	17.17
Columbia Pharmacy, Boston, Mass	Ferro-China Ares	17.18
Rochester Distilling Co., Rochester, N. Y.	Kratos Wine Bitters	17.25
Struzywski Bros., Chicago, Ill	Lekko Stomach Bitters	17.25
Manola Co., St. Louis, Mo	Manola	17.31
Kansas City Homeopathic Pharmacy Co., Kansas City, Mo.	Wise's Elix. Kola-Nuces	17.32
Peruna Co., Columbus, Ohio	Peruna	17.33
Dyke Drug Co., New York City	Iron Tonic Bitters	17.34
Peruna Co., Columbus, Ohio	Peruna	17.34
Parker Blake Co., New Orleans, La	Beef, iron, and wine	17.42
Stearns & Co., Fred, Detroit, Mich	Pep Tonic Bitters	17.43
Manola Co., St. Louis, Mo	Manola	17.44
Chapman Drug Co., Knoxville, Tenn	Cherry Wine Tonic	17.48
Watkins Medical Co., J. R., Winona, Minn.	Watkins Female Remedy	17.50
Hartshorn & Sons, Dr	Dr. Hartshorn's Jaundell Bitters	17.50
Myers & Co., E. A., Buffalo, N. Y	Myers American Stomach Bitters.	17.51
Maneusi, T., Hoboken, N. J	Ferro China Composts	17.52
Cooper Medical Co., Dayton, Ohio	Tanlac	17.53
Maltine Mfg. Co., New York City	Maltine	17.56
Rothrock, F. W. Tyrone, Pa	Rothrock Horke wine	17.56
Rothrock, F. W., Tyrone, Pa	Rothrock Bitter Wine	17.59
Cropper Co., F., Chicago, Ill	Cascara	17.65
Stuart Manufacturing Co., Atlanta, Ga	Stuart's Buchu Juniper	17.65
Scheuer & Co., J. B., Chicago, Ill	Bitter Wine	17.67
Terry Taylor Drug Co., Norfolk, Va	Plantation Bitters	17.67
Maneusi, T., Brooklyn, N. Y	Ferro China	17.68
Peruna Co., Columbus, Ohio	Peruna	17.75
Hollander Bros. Drug Co., Braddock, Pa,	Pannonia Bitters	17.82
Geroges, A., Chicago, Ill	Beef, Iron, and Wine	17.85
Pinkham Medical Co., Lydia E., Lynn, Mass.	Lydia E. Pinkham's Vegetable Compound.	17.86
Rennick Pharmacal Co., Chicago, Ill	Beef, Iron, and Wine	17.88
Aker Chemical Co., Dr., Selma, Ala	Tu-Ber-Ku	17.90
Hale, Justis & Co., Cincinnati, Ohio	Bitter Wine of Iron	17.91
Los Angeles Pharmaceutical Co	Narton	17.92
Tucker Building Pharmacy, Raleigh, N. C.	Peruna	17.92
Maltine Manufacturing Co., New York City.	Neoferrum	17.95
Dow Pharmacy Co., Cincinnati, Ohio	Beef, Iron and Wine	17.98
Peruna Co., Columbus, Ohio	Peruna	18.00
Wisconsin Pharmacal Co., Milwaukee, Wis.	Beef, Iron and Wine	18.00
Michigan Drug Co., Detroit, Mich	Extract of Blackberry	18.01
Peruna Co., Columbus, Ohio	Peruna	18.04
Puilen-Rochardson Chemical Co., St. Louis, Mo.	Robinson's System Elixir	18.08
King Solomon's Bitters Co., Seattle, Wash.	King Solomon Stomach Bitters	18.09
Sporer & Co., J. G., Toledo, Ohio	Sporrer's Health Bitters	18.09
Langley & Michaels Co., San Francisco, Cal.	Beef, Iron and Wine	18.10
Gordon & Dilworth, New York City	Blackberry Cordial	18.10
Peruna Co., Columbus, Ohio	Peruna	18.10
Peck Johnson Co., Grand Rapids, Mich.	Elixir Gentian	18.12
Rex Bitters Co., Chicago, Ill	Elixir of Bitter Wine	18.12
Lash, T. M., Sacramento, Cal	Web's A No. 1 Tonic	18.17
Peruna Co., Columbus, Ohio	Peruna	18.18
Bowe, P. L. Waterbury, Conn	Bowe's Bitters	18.22
Peruna Co. Columbus, Ohio	Peruna	18.22
Do	do	18.23
Rigand & Chapeseaut Laboratory, New York City.	Vin de Chapeteaut	18.26
Enedecker Mfg. Co., San Antonio, Tex	Soma Celery Nervine	18.26
Peruna Co., Columbus, Ohio	Peruna	18.26
Do	do	18.27
Dillingham, F. A., Cincinnati, Ohio	Dillingham's Plant Juice	18.30
Coleman & Co., Norwich, Conn	Win Carnis	18.30
Dyke Drug Co., New York City	Iron Tonic Bitter	18.31
Atlantic Wine & Bottling Co., Boston, Mass.	Ferro China Italia	18.34
Carmeliter Bitters Co., New York City	Carmeliter Ginger Cordial	18.35
Manola Co., St. Louis, Mo	Manola	18.36
Douglas Medical Co., Arlington, Tenn	Douglas Wine Tonic	18.40
Hollander Bros. Drug Co., Braddock, Pa.	Clintonia Bitter Wine	18.41
Polithania Wine & Bitters Co., Pittsburg, Pa.	Wild Cherry Bitters	18.41
Rotts, J. W., Buffalo, N. Y	John Rotts Bitters	18.41
Stearns & Co., Fred, Detroit, Mich	Iron Tonic Bitters	18.41
Mountain Grove Distilling Co., St. Louis, Mo.	Mountain Grove Compound	18.42
Leonard Ph. Drug Co., Elizabeth City, N. C.	Beef, Iron and Wine	18.47
Peruna Co., Columbus, Ohio	Peruna	18.47
Lonard Ph. Drug Co., Elizabeth City, N. C.	Beef, Iron and Wine	18.48
Morrison, Plummer & Co., Chicago, Ill	....do	18.48
Acker Chem. Co., Dr., Salem, Ala	Tu-Ber-Ku	18.55
Lyons Bitters Co., Chicago, Ill	Lyon's Stomach Bitters	18.58
Burnham & Co., E. S., New York City	Burnham's Beef, Wine and Iron	18.60
Leonard Ph. Drug Co., Elizabeth City, N. C.	Beef, Wine, and Iron	18.60
Burnham & Co., E. S., New York City	Burnham's Beef, Wine and Iron	18.70
Carter, Carter & Meigs Co., Boston, Mass.	Beef, Iron, and Wine	18.70
Fabriani's Pharmacy, Philadelphia, Pa	Marsala Chinato	18.70
Jones Bros. Merc. Co., Kansas City, Mo	Tonic Bitters	18.70
Walker Tonic Co., Paducah, Ky	Walker's Tonic	18.72
Mark & Co., R., Milwaukee, Wis	Mark's Stomach Bitters	18.77
New York & London Drug Co	Nyal's Dyspepsia Remedy	18.77
Webster Chem. Co., St. Paul, Minn	Columbia Stom. Bitters	18.78
Sharp & Dohne, Baltimore, Md	Native Herb Bitters	18.78
Lippi, Andrew, Philadelphia, Pa	Ferro-China Lippi	18.83
Kalamazoo Ph. Co., Kalamazoo, Mich	Celery Bitters	18.82
Dow Pharmacy Co., Cincinnati, Ohio	Rock, Rye, and Wild Cherry	18.84
Caldwell, Sweet & Co., Bangor, Me	Sweet's Beef, Iron, and Wine	18.85
Lash, T. M., Sacramento, Cal	Web's A No. 1 Tonic	18.86
Walker, W. & H., Pittsburgh, Pa	Walker's Beef, Iron, and Wine	18.87
DeSoto Chem. Co., Fort Ogden, Fla	DeSoto Indigestion Remedy	18.87
Yough. Chem. Co., Connelsville, Pa	Essence of Jamaica Ginger and Capsicum.	18.87
Rex Bitters Co., Chicago, Ill	Rex Bitters	18.89
Manlic, G. T., Philadelphia, Pa	Ferro-China Manlic	18.90
American Druggist's Syndicate, New York, N. Y.	Iron Tonic Bitters	18.90
Berner Co., Ferro-China, New York, N. Y.	Ferro-China Berner	18.92
James Co., J. W., Wheeling, W. Va	Essence of Ginger	18.92
Berkstorm & Co., C. O. F., Chicago, Ill	Himmalia Tonic	18.92
Strnes & Co., Fred., Detroit, Mich	Nyals Iron Tonic Bitters	18.95
Metzner, B	Tuscorora Stomach Bitters	18.96
Parisek Co., E., Chicago, Ill	Cross Bitter Wine Cordial	18.96
Parker-Blake Co., New Orleans, La	Crescent Tonic Bitters	18.96
Anania Co., Boston, Mass	Ferro-China Anania	18.98
Universal Pharmacy Co., Chicago, Ill	Kola-Kina Wine	18.99
Carmeliter Bitters Co., New York City	Carmeliter Ginger Remedy	19.01
Baltimore Drug Co., Baltimore, Md	Sharp's Tonic Bitters	19.02
Aagaard, John, Chicago, Ill	Old Pfisttus Elixir	19.08
Ferger's Occidental Pharmacy, Indianapolis, Ind.	Ferger's Glycerated Rock and Rye.	19.11
Dreyfus, Weil & Co., Paducah, Ky	Walker's Tonic	19.12
Jessup, A. C. Hans, Diagonal, Iowa	Dr. Gallins Herb Tonic	19.14
Star Bitters Co., Sacramento, Cal	S. B. C. Wildcherry Tonic	19.14
Magador Aromatic Bitters Co	Magador Bitters	19.15
Hale, Justis & Co., Cincinnati, Ohio	Elixir Calisaya Bark	19.22
Galeno Chem. Co., New York City	Elixir Ferro China	19.24
Leonard, Ph., Drug Co., Elizabeth City, N. C.	Beef, Iron, and Wine	19.27
Chinieli Co., Somerville, Mass	Poland Bitters	19.29
McCorrison, O. S., Union, Me	Golden Seal	19.30
Winegarden, Dr. D., Hann, Okla	Stomach Bitters	19.32
Dyke Drug Co., New York City	Iron Tonic Bitters	19.33
Hollander Bros. Drug Co., Braddock, Pa.	Telinko Bitter Wine	19.37
Burnham & Co., H., New York City	Burnham's Beef, Iron, and Wine	19.38
Leonard, Ph., Drug Co., Elizabeth City, N. C.	Beef, Iron, and Wine	19.38
Kobolo Med. Co., Chicago, Ill	Kobolo Tonic Stomach Bitters	19.39
Bitter Apple Bitters Co., Hattiesburg, Miss.	Dozier's Apple Bitters	19.41
Giacopetti, G., Philadelphia, Pa	Ferro China Giacopetti	19.44
Traudt, F. J., St. Louis, Mo	Traudt's Bitters	19.44
Carter, Carter & Meigs, Boston, Mass	Beef, Iron, and Wine	19.47
Lambert & Lomar Pharmacal	Beef, Iron, and Wine	19.48
Lash's Bitters Co., Chicago, Ill	Sokol Elixir of Bitter Wine	19.48
Ingram, F. F., Detroit, Mich	Malt, Iron, and Wine	19.50
Latrobe Remedy Co., Latrobe, Pa	Bitters (Macera)	19.51
Gibson, Howell & Co., Philadelphia, Pa	Gibson's Beef, Wine, and Iron	19.53
Piscopo Drug Co., Boston, Mass	Ferro China Bitter	19.53
Webster Co., Wm. A., Memphis, Tenn	Elixir Alimentary	19.58
Kobolo Med. Co., Chicago, Ill	Kobolo Tonic Stomach Bitters	19.62
Miller-Allison Co., Dayton, Ohio	Vin Hepatica	19.64
Vincenti, G. R., Baltimore	3 in 1 Tonic	19.66
Kobolo Medical Co., Chicago	Kobolo Tonic Stomach Bitters	19.66
Ortenstein, Harry, Chicago, Ill	Beef, Iron and Wine	19.68
Sutherland Medical Co., Paducah, Ky	Walker's Tonic	19.70
Casa Drug Co., Pittsburg, Kans	Beef, Iron and Wine	19.71
Herba Laboratory, New York City	Herba Ferro China Bitters	19.74
King Solomon's Bitters Co., Seattle, Wash.	King Solomon's Stomach Bitters	19.74
Homer & Co., Geo., Chicago, Ill	Bracer Bitters	19.75
Rex Bitters Co., Chicago, Ill	Rex Horehound Tonic	19.75
Walthers Ribertson Drug Co., Pittsburgh, Pa.	Walthers Peptonized Port	19.80
People's Chemical Co., Providence, R. I.	Beef, Iron and Wine	19.81
Montanaro, L., New Haven, Conn	Ferro China	19.82
Tona Vita Medical Co., Dayton, Ohio	Tona Vita	19.82
Prise C. H. & J., Salem, Mass	Farrated Hygienic Wine	19.82

Manufacturer.	Name of medicine.	Alcohol by volume.
		Per cent.
Pearson Cut Price Drug Co., Indianapolis.	Royal Rock & Rye Mixture	19.85
Chattanooga Medical Co., Chattanooga, Tenn	Wine of Cardui	19.86
Dandy Bracer Co., Philadelphia, Pa	Dandy Bracer	19.86
Borale, Michael, Oliphant, Pa	Herke Vine Bittermine	19.86
Commercial Wines & Bottling Co., Boston, Mass.	Ferro China Spad	19.88
Lopez Remedy Co., Wichita, Kans	Lopez	19.66
Rex Bitters Co., Chicago, Ill	Rex Kidney and Liver Bitters	19.96
Virgilus V. De, Philadelphia	Ferro China de Virgilus	19.98
Simmons Medical Co., St. Louis, Mo	Simmons Squaw Vine Wine	19.99
Marks & Co., R., Milwaukee, Wis	Marks Bitters	20.00
Webster Chemical Co., St. Paul, Minn	Columbian Stomach Bitters	19.98
Citro & Co., G., Hoboken, N. J	Ferro China Citro	20.02
Sharpe & Dohme, Baltimore, Md	Kobolo Tonic	20.02
Muir & Co., Grand Rapids, Mich	Beef, Iron & Wine	20.05
Armstrong, C.W., Calistoga, Cal	Port Wine and Iron	20.12
Lash's Bitters Co., Chicago, Ill	California Bitters	20.13
Approved Formula Co., Dayton, Ohio	Tona Vita	20.21
Bendle Limited, London, England	Bendles Meat Port	20.22
Triner, Jos., Chicago, Ill	Angelica Bitter Tonic	20.25
Jones Medical Co., Springfield, Mo	Old Virginia Stomach Bitters	20.26
Harter Medical Co., Dr., Dayton, Ohio	Dr. Harter's Bitters	20.28
Bloodine Corporation Co., Boston, Mass.	Bloodine	20.29
Mountain Herb Medical Co., St. Louis, Mo.	Rheumatic Compound	20.29
Baltrena, Peter I., Chicago, Ill	Salutaras Stomach Bitters	20.30
Eddy & Co., C. H., Brattleboro, Vt	Bitters Wantasiquid	20.30
Empire Drug Co., Buffalo, N. Y	Simpson's Stomach Bitters	20.36
Lillybeck Drug Co., Memphis, Tenn	Tamerina	20.37
Paquin, Leon, Biddeford, Me	Medicated Wine	20.37
Homewood Pharmacal Co., Pittsburgh, Pa.	Todd's Tonic	20.38
Blumauer-Frank Drug Co., Portland, Oreg.	Purola Beef, Iron, and Wine	20.40
Old Veteran's Bitters Co., Chicago, Ill.	Veteran Kidney and Liver Bitters.	20.41
Walsh, Dr. Thos. M., Kansas City, Mo.	Habeamus	20.41
Wilkinson & Co., Keokuk, Iowa	Cincho Ferris Elixir	20.45
Cook, Everett & Pennell, Portland, Me.	Beef, Iron, and Wine	20.51
Direct Sales Co., Buffalo, N. Y	Beef, Iron, and Wine	20.53
Pond's Bitters Co., Chicago, Ill	Kill-A-Kol	20.55
Matalone, G., Chicago, Ill	Ferro China Derma	20.68
Prickly Ash Bitters Co., St. Louis, Mo.	Prickly Ash Bitters	20.69
Morley Bros., St. Louis, Mo	Morley's Liver and Kidney Cordial.	20.74
Wilson Mfg. Co., Sacramento, Cal	High Grade Bitters	20.75
Zion Bros. Co., Milwaukee, Wis	Zion Stomach Bitters	20.75
Pfeiffer Chem. Co., St. Louis, Mo	Three Star Peruvian Tonic Compound.	20.81
Lasso Bitters Co., Chicago, Ill	Lasso Bitters	20.83
Interstate Commerce Co., Richmond, Va.	Beef, Iron, and Wine	20.83
Brooks Med. Co., Wm., Russellville, Ark.	Nervine: Ko-Ca-Ama	20.85
Mitchell & Co., Providence, R. I	Liverine	20.85
Lyons Bitters Co., New Haven, Conn	Bentrovato Blood Bitters	20.89
Carmeliter Bitters Co., N. Y	Carmeliter Bitters	20.94
Montana Herb Co., Butte, Mont	Montreal Bitters	20.97
Cook, Everett & Pennell, Portland, Me.	Ginger, Wine, and Pepsin	20.99
Burkstrom & Co., C. O. F., Chicago	Himmalia Tonic	21.05
Schuster Co., Cleveland, Ohio	Euclid Lax, Kidney and Liver Bitters.	21.08
American Drug Store, New Orleans, La.	American Stomach Bitters	21.09
Bartel Chem. Co., Cincinnati, Ohio	Wine of Calisaya Compound	21.09
Carssow Co., R. B., San Antonio, Tex.	Carssow's Tonic Compound	21.10
Carter Med. Co., N. Y	Liver Bitters	21.10
Ponds Bitters Co., Chicago, Ill	Ponds Rock and Rye	21.10
Boericke & Runyon, San Francisco, Cal.	C. C. C. Tonic	21.11
Bramlett & Sons, Oxford, Miss	Beef, Iron, and Wine	21.12
Joughe Hotel & Restaurant Co., De, Chicago, Ill.	De Joughe Appetizer	21.13
Kneipps Med. Co., Chicago, Ill	Father Kneipp's Vegetable Bitter.	21.38
Koenigsberger, M., Kansas City, Mo.	Humbolt Stomach Bitters	21.36
Walker Tonic Co., Paducah, Ky	Zig-Zag	21.41
Watkins Med. Co., J. R., Winona, Minn.	Sarsaparilla	21.42
Ingram, F. F., Detroit, Mich	Vin Kocaloo	21.45
Walker Tonic Co., Paducah, Ky	Zig-Zag	21.45
Koehler & Hinrichs, St. Paul, Minn	Ho-Ki Kidney and Liver Bitters.	21.46
Benson Med. Co., St. Louis, Mo	Beef, Iron, and Wine	21.50
Hornick, Hess & Moore, Sioux City, Iowa.	Plantation Bitters	21.50
Marshall Med. Co., Kansas City, Mo	Dandelion Tonic	21.50
H. E. Zimmer, Indianapolis, Ind	Beef, Iron, and Wine	21.56
Pfeiffer Chem. Co., St. Louis, Mo	Aromatic Stomach Bitters	21.57
Burger & Erdeky, Chicago, Ill	Tokay	21.67
Douglas Med. Co., Arlington, Tenn	Douglas Wine Tonic	21.70
Golden Glow Med. Co., Joplin, Mo	Golden Glow Tonic	21.70
Old Veteran Bitters Co., Chicago, Ill.	Veteran Kidney and Liver Bitters.	21.77
Ordway & Co., A. P., Oklahoma City, Okla.	Sulphur Bitters	21.79
Michelotti, V., Philadelphia, Pa	Ferro China Michelotti	21.85
Atlantic Vineyard & Wine Co., Philadelphia, Pa.	Bitters	21.87
Abbey Co., P. L., Kalamazoo, Mich	Celery Extract	21.95
Schaap & Sons Drug Co., J., Fort Smith, Ark.	Scotts Blackberry Tonic Ginger.	21.98
Lippi, Andrew F., Philadelphia, Pa	Ferro China Lippi	22.00
Stecher, Geo., Cincinnati, Ohio	Stomach and Kidney Medicine.	22.00
Steuben County Wine Co., Chicago	Rheinstrom's Stomach Bitters	22.03
Metcalf Co., T., Boston, Mass	Metcalf Ridzin Wine	22.07
Kobolo Med. Co., Chicago, Ill	Kobolo Tonic Stomach Bitters	22.20
Upjohn Co., New York City	Elixir Calisaya Bark	22.21
Heimsoth & Co., J. F., Chicago, Ill	Dr. Wonn's Gesundheit Bitters	22.33
Sloat Bros. Co., Jacksonville, Fla	Sloat's Vegetable Bitters	22.44
Burkstrom & Co., C. O. F., Chicago, Ill.	Himmal a Tonic	22.53
Bliss & Co., H. A., Salem, Mass	Jamaica Ginger	22.54
Hartwig, Dr. Theo., Grafton, Wis	Dr. Hartwig's Stomach Bitters	22.60
Karles Med. Co., Aberdeen, S. Dak	German Stomach Bitters (Karles)	22.62
Castelland, P. S., Norwalk, Conn	Amaretto Blood Tonic	22.82
Iroquois Supply Co., Milwaukee, Wis.	Laxative Bitters	22.85
United Drug Co., Boston, Mass	Rexall Beef, Iron, and Wine	23.01
Pohthanfa Wine & Bitters Co., Kansas City.	De Kiper Celebrated Stomach Bitters.	23.15
Cook, Everett & Pennell, Portland, Me	Coca Wine	23.31
Carmeliter Bitters Co., New York City	Carmeliter Bitters	23.40
Chapman Drug Co., Knoxville, Tenn	Native Herb Bitters	23.40
Stockers, E., Detroit, Mich	Tonic Bitters	23.43
Capdan's May Drug Co., New Orleans	Capdan's Alimentary Elixir	23.55
Lobin Dist. Co., St. Louis, Mo	Vermuth Stomach Bitters	23.68
Harter Med. Co., Dr., Dayton, Ohio	Wild Cherry Bitters	23.75
Perkins Co., J. W., Portland, Me	Beef, Iron and Wine	23.91
Ave. Chem. Laboratory, Providence, R. I.	Ferro China	23 82
Parker Blake Co., New Orleans, La	Johnsons Cherry Elixir	23.95
Schuster Co., Cleveland, Ohio	Schusters Bitters with Pepsin	24.04
Peter-Neat Richardson Co., Louisville, Ky.	Kentucky Tonic Bitters	24.05
Chemical Indus. Co., Providence, R. I.	Ferro China de Angelis	24.05
Chapman Drug Co., Knoxville, Tenn	Native Herb Bitters	24.15
Schaap & Sons Drug Co., J., Fort Smith, Ark.	Scott's Blackberry Tonic and Ginger.	24.15
Blotto, Vitorrio, New York City	Ferro China	24.13
Chem. Industrial Co., Providence, R. I.	Ferro China de Angelis	24.20
Farmer's Drug Co., Lawrenceburg, Ky.	Eureka Tonic	24.21
Langley & Michaels Co., San Francisco, Cal.	Excelsior Stomach Bitters	24.24
Harts & Bahnsen Co., Rock Island, Ill.	Beef, Iron; and Wine	24.25
Heller & Co., E., New York City	Ferro China Bitters	24.30
Monticelli, N., Philadelphia, Pa	Ferro China Monticelli	24.41
American Drug Co., Boston, Mass	Ferro China Italiano	24.42
Blumauer Frank Drug Co., Portland, Oreg.	Purola Stomach Bitters	24.42
Calabrese, Jos., Pittsburg, Pa	Ferro China Trionfo	24.45
Iler & Co., Omaha, Nebr	Colonibo Tonic Bitters	24.45
Marks & Co., R., Milwaukee, Wis	Marks Kidney and Liver Bitters.	24.49
Benkert, Fred, Syracuse, N. Y	Benkert Bitters	24.55
Lenz, O. F., Petersburg, Ill	Bitters	24.58
Bavarian Laboratory, St. Louis, Mo	Rheinstein Stomach Bitters	24.60
Bauer Dist. & Imp Co., Chicago, Ill	Laxative Bitters	24 80
Ricca, T. A., Philadelphia, Pa	Reflo China Ricca	24.80
Norton, J. J., Ellicott, Md	Elixir Calasaya	24.82
Hostetter Co., Pittsburgh, Pa	Hostetters Bitters	24.84
Jayne & Son, Dr. D., Philadelphia, Pa	Jayne's Alterative	24.85
Lambach, Thos. F., New York, N. Y	Lambach's Blood and Nerve Tonic.	24.88
Chapman Drug Co., Knoxville, Tenn	Native Herb Bitters	24.95
Riley Drug Co., Florence, S. C	Mrs. Joe Person's Remedy	25.00
Logan Drug & Bitters Co., Pittsburgh, Pa.	Colburg Stomach Bitters	25.01
Rocky Mt. Sage Tonic Co., Denver, Colo.	Sa-go-la	25.02
Volpe, G. R., New Haven, Conn	Ferro China	25.02
Burnham & Co., E. S., New York City	Burnham's Beef Iron and Wine	25.05
Hostetter Co., Pittsburgh, Pa	Hostetter's Bitters	25.12
Tampico, Tony, Niagara Falls, N. Y	Ferro China Spad	25.14
Severa, W. F., Cedar Rapids, Iowa	Severa's Rheumatic Remedy	25.45
Marchesini Bros., New York City	Ferro China Marbro	25.52
Peck Johnson Co., Grand Rapids, Mich.	Beef, Iron and Wine	25.54
Sommer's Med. Co., Des Moines, Iowa.	Sommer's Rheumatism Bitters	25.55
Steinhardt Bros. & Co., New York City.	Ferro China Vitanora	25.67
Rural Home Chem. Co., Wellsboro, Pa.	Ginsengo	25.71
Premium Chem. Co., St. Joseph, Mo	Lang Stomach Bitters	25.79
Heimsoth & Co., J. D., Chicago, Ill	Dr. Wonne's Gesundheit Bitters	25.80
Niggemann, Albert, St. Louis, Mo	Niggemann's Black Tonic	25.80
Mazzoni, B., Chicago, Ill	Rosolio	25.91
Fassbender, Paul P., Detroit, Mich	Peter Paul Stomach Bitters	26.10
Schaeff Dist. Co., L. & A., St. Louis, Mo.	Royal Pepsin Stomach Bitters	26.42
Kuervers, Geo., Granite City, Ill	German Stomach Bitters	26.45
Pond's Bitters Co., Chicago, Ill	Pond's Ginger Brandy	26.69
Steinhardt Bros. & Co., New York City.	Woolbury Brand Bitters	26.73
Star Bitters Co., Sacramento, Cal	S. B. C. Ginger & Brandy Comp.	26.80
Langley & Michaels Co., San Francisco.	Excelsior Stomach Bitters	26.84
Sangue Nerve Remedy Co	Sangue Nerve Remedy	26.97
Iroquois Supply Co, Milwaukee, Wis.	Vito Wild Cherry Bitters	27.12
Triner, Jos., Chicago, Ill	Triner's Angelica Tonic	27.14
Ricca, A., Philadelphia, Pa	Ferro China Ricca	27.22
Stearns & Co., Fred, Detroit, Mich	Stearn's Stomach Bitters	27.51
Stewart & Co., D., Indianapolis, Ind	Arbaugh's Newport Bitters	27.52
Lash's Bitters Co., Chicago, Ill	Horners Cal. Ginger Brandy	27.52
Kalamazoo Pharmacal Co., Kalamazoo, Mich.	Bitters (Augustora)	27.55
Schein, S. B., St. Paul, Minn	Simons Aromatic Stomach Bitters.	27.61
Milburn & Co., Baltimore, Md	Milburn's Cocktail Bitters	27.62
Logan Drug & Bitters Co., Pittsburgh, Pa.	Colburg Stomach Bitters	27.64
Ricca, F. W., Philadelphia, Pa	Ferro China Ricca	27.65
American Cordial & Dist. Co., San Francisco, Cal.	Vino Vitae	27.67
Burnett, A. E., Whitwell, Tenn	Medicinal Preparation	27.93
Webster Co., H., New York City	Orange Bitters	28.00
Hair, H. S., Osborne, N. C	Medicine	28.12
Manol Co., Chicago, Ill	Ferro China Sansone	28.20

Manufacturer.	Name of medicine.	Alcohol by volume.
		Per cent.
Berg Med. Co., Des Moines, Iowa	Berg's Hawkeye Bitters	28.28
O'Donnell, Jas. O., Washington, D. C.	Beef, Iron and Wine	28.28
Muir & Co., Grand Rapids, Mich	Rye, Rock Candy, and Tulu	28.45
O'Donnell, Jas. O., Washington, D. C.	Beef, Iron, and Wine	28.46
Wyce Sang Tonic Drug Co., San Francisco, Cal.	Wai Sang Tonic	28.52
British Drug Mfg. Co., Chicago, Ill	New Tonic Bitters	28.58
Volpe, G. R., New Haven, Conn	Ferro China	28.87
Schloemer & Stoppenbach, Milwaukee, Wis.	Der Doktor Bitters	28.90
Schloemer & Stoppenbach, Milwaukee, Wis.	Herb and Root Bitters	28.98
Italian American Liquor Mfg. Co., New York City.	Ferro China Salus	29.06
Chamberlain Med. Co., Des Moines, Iowa.	Dr. Van Hoffs	29.18
International Pharmacy Co., Chicago, Ill.	Dalmatian Bitters	29.18
Iroquois Supply Co., Milwaukee, Wis	Wild Cherry Bitters	29.29
Reed, Robb & Breiding, Wheeling, W. Va.	Ft. Henry Ginger Comp	29.29
Iler & Co., Omaha, Nebr	Mexican Bitters	29.40
I. X. L. Chem. Co., Chicago, Ill	I. X. L. Bitters	29.82
Coover & Shreve, Jacksonville, Ill	Wine Bitters	29.87
Rex Bitters Co., Chicago, Ill	Rex Ginger Brandy	30.05
Wabersky, Alex J., Chicago, Ill	Magan Bitters	30.08
Mountain Herb Med. Co., St. Louis, Mo.	Rheumatic Compound	30.11
Pinus Med. Co., Monticello, Ill	Traxo	30.23
Colburn Birks & Co	Rock Candy Cordial	30.31
Des Moines Pharmacal Co., Des Moines, Iowa.	Peruvian Tonic and Systematizer	30.54
Star Bitters Co., Sacramento, Cal	S. B. C. Essence Peppermint	30.63
Christopher Med. Co., Chicago, Ill	Dr. Christopher Bitters	30.65
Goodrich & Jenning	Hoff's Vitalizer	30.73
Levy & Son, Rock Island, Ill	Wiener Bitters	30.80
Lincoln Drug Co., Lincoln, Nebr	Mexican Stomach Bitters	30.85
Bass Bros., Brooklyn, N. Y	Rock and Rye	31.00
Schein, S. B., St. Paul, Minn	Simons Aromatic Stom. Bitts	31.12
Pilla, John, Waterbury, Conn	Ferro China	31.16
Katamo Co., Columbus, Ohio	Ka-Ta-Mo	31.26
Harter Med. Co., Dr., Dayton, Ohio	Wild Cherry Bitters	31.55
Koehler Bros., New York City	Koehler's Stom. Bitters	31.59
British Drug Mfg. Co., Chicago, Ill	Beef, Iron, and Wine	31.71
Saxon & Gallagher Drug Co., Chicago, Ill.	Allen's Restorative Tonic	31.80
Iler & Co., Omaha, Nebr	Kennedys East India Bits	31.81
Lange Bros., New York City	Ferro China di Carlo	32.16
Mellin Drug Co., St. Louis, Mo	Tengaline	32.41
Johnstown Chem. Co., Johnstown, Pa.	Calto Bitter Wine	32.48
Hays City Drug Store, Hays, Kans	Henns Antibilious Comp	32.64
Eagle Med. Co., Boone, Iowa	Curew	32.65
Bohn, P. J	Cardinal Stomach Bitters	32.78
Stewart Bros. Med. Co., Columbus, Ohio.	Dr. Stewart's Tonic Bitters	33.17
Carlisi & Co., C., New York City	Ferro China Carlisi Bitters	33.22
Monheimer & Co., Chicago, Ill	Red Jacket Bitters	33.24
Hollander Bros. Drug Co., Braddock, Pa.	Carpathian Herb Bitters	33.32
Blumauer, Frank, Drug Co., Portland, Oreg.	Stomach Bitters	33.30
Cauffman & Co., Emil, Philadelphia, Pa.	Cauffman's Ginger Brandy	33.20
Minneapolis Drug Co., Minneapolis, Minn.	Richards Tonic Bitters	33.34
Harts & Bahnaen Co., Rock Island, Ill.	Black Hawk Bitters	33.37
Iowa Drug Co., Des Moines, Iowa	Eureka Stom. Bitters	33.56
Adams & Co., New York City	Stomach Bitters	33.63
Lutz, C. M	Lutz' Bitters	33.76
Bindley & Co., E. H., Terre Haute, Ind.	Dandelion Bitters	33.85
Drake & Co., P. H., New York City	Plantation Bitters	33.92
Reed, Robb & Breiding, Wheeling, W. Va.	Peruvian Bitters	33.95
McPike Drug Co., Kansas City, Mo	Xantonco	34.07
Field, Son & Co., Imp., London	Pale Orange Bitters	34.11
International Pharmacy, Chicago, Ill	Dalmatian Bitters	34.12
Conblein Bros., G. F., New York City.	Calisaya Bitters	34.18
Carlisi & Co., New York City	Fernet Carlisi Bitters	33.32
Bass Bros., Brooklyn, N. Y	Apricot	34.32
Meyer Bros. Drug Co., St. Louis	Kernel Stomach Bitters	34.44
Clark Woodward Drug Co., Portland, Oreg.	Beechem's Bitters	34.49
Jacquin, Chas., New York City	Graham's Brand Orange Bits	34.50
Touscher & Co., St. Louis, Mo	Maagen Bitters	34.64
Jensen Co., Hans, Chicago, Ill	Old Country Bitters	34.65
Angauer Bitters Co., Chicago, Ill	Angauer Bitters	34.85
Stewart Bros. Med. Co., Columbus, Ohio.	Dr. Stewart's Tonic Bitters	34.87
Minneapolis Drug Co., Minneapolis, Minn.	Richards Tonic Bitters	35.07
Brown Drug Store, Sioux Falls, S. Dak.	Kidniwell	35.11
Harts & Bahnsen Co., Rock Island, Ill.	Black Hawk Bitters	35.12
Jung & Co., L. E., New Orleans, La	Peychaud's Bitter Wine Cordial.	35.37
Do	Columbo Peptic Bitters	35.46
Doty, Dr. A. H., St. Paul, Minn	Bon Campo Bitters	35.84
Palmer, J. C., Fruitland, Md	Palmer's Magic Herb Medicine	35.90
Koehler & Hinrichs, St. Paul, Minn	Red Star Stomach Bitters	36.02
Kahn Bros., New York City	Kahn's Iron and Malt Whiskey	36.12
West Drug Store, Grand Rapids, Mich.	Rock, Rye, Glycerine, and Tolu.	36.14
Rectanus Co., T., Louisville, Ky	Rock, Rye, Glycerine, Wild Cherry.	36.15
Hurton, Barney, Granville, Pa	Essence of Jamaica Ginger	36.17
Marone & Lafaro, Utica, N. Y	Ferro China Ideal	36.44
Howell & Co., H. B., New Orleans, La.	Planters' Bitters	36.54
Storjnik, J. J., Donora, Pa	Jamaica Ginger	36.96
Kuervers, Geo., Granite City, Ill	Boonkamp Maag-Bitters	37.00
Ebrey Chemical Works, New York City	Anticalouura Ebrey	37.37
Mountain Herb Med. Co., St. Louis, Mo.	Mountain Herb Compound	37.69
Munson & Co., St. Louis, Mo	Bockstruck's Cocoa Elixir Compound.	37.87
Miller & Co., Frank	Stomach Bitters	37.87
Kennedy & Co., Donald, Roxbury, Mass.	Kennedy's Medical Discovery	
Washington Chemical Co., Washington, Pa.	Jamaica Ginger	38.16
Sherman & McConnell Drug Store, Omaha, Nebr.	Compound Mixture	38.57
Landshutt, Jos., Pittsburgh, Pa	Karlsbader Stomach Bitters	38.73
Didier, J. A., Binghamton, N. Y	Didier's Bitters	39.02
Yough Chemical Co., Connellsville, Pa.	Essence of Jamaica Ginger	39.33
Picon, G. Imp	American Picon	39.55
Goodhart-Hartmann Co., Chicago, Ill.	Bitters	39.93
Didier, J. A., Binghamton, N. Y	Didier's Bitters	40.08
Witte, John H., Burlington, Iowa	Excelsior Stomach Bitters	40.21
Wilson Mfg. Co., Sacramento, Cal	Orange Bitters	40.46
Yough Chem. Co., Connellsville, Pa	Essence of Jamaica Ginger	40.81
Guitier & Co., Victor, N. Y	Jamaica Type Ginger Drop Compound.	40.91
Reed Drug Co., Baltimore, Md	Dr. Blair's Celery and Camomile Bitters.	41.17
Boker, J. G. & K., New York City	Stomach Bitters	41.35
Hiscox & Co., New York City	Parker's Tonic	42.01
Standard Bottling Co., Denver, Colo	Extrait de Gindenbre	42.24
Rogg Co., Chas. W., Des Moines, Iowa.	Rogg's Rock Rye Tolu and Glycerine.	42.35
Boker, J. G. & J., New York City	Stomach Bitters	42.84
Krummel Henry, New York, N. Y	Krummel's Boonekamp Maag-Bitters.	42.97
Abbery Co., P. L., Kalamazoo, Mich	Loring's Celery Extract	43.45
Western Wholesale Drug Co., Los Angeles, Cal.	Clarkson Beef and Malt Tonic	43.88
Columbia Drug Co., Columbia, S. C	Buchu Gin and Juniper	44.31
Hiscox Chem. Works, Patchogue, N. Y.	Parker's Ginger Tonic	44.83
Colombo Elixir Co., Philadelphia, Pa	Colombo Elixir	45.05
Pike Drug Co., M., Kansas City, Mo	Peruvian Strengthening Elixir	45.08
Loswenthal, S., Cleveland, Ohio	Litthauer Stomach Bitters	45.22
Guitier & Co., Victor, New York City.	Peppermint Drop Compound	45.28
Calway Chem. Co., San Francisco, Cal.	Rheumatic Remedy	45.23
Schwabacker Bros. & Co., Seattle, Wash.	Jamaica Ginger	48.03
Hurton-Barney, Granville, Pa	Essence of Jamaica Ginger	48.03
Yough Chem. Co., Connellsville, Pa	....do	48.41
Grandolfi & Co., L., New York City	Fernet Branca Bitters	49.03
Yough Chem. Co., Connellsville, Pa	Essence of Jamaica Ginger	49.94
Luttles Bros., New York, N. Y	Underberg Boonekamp Maag-Bitters.	50.33
Folger & Sons, M. D., Grand Rapids, Mich.	Folger's Aromatic Bitters	51.88
Schaap & Sons Drug Co., J., Fort Smith, Ark.	Schaaf Jamaica Ginger	52.20
Puzcillo Luccaro & Co., Brooklyn, N.Y.	Anisone	53.55
Hale, Justis & Co., Cincinnati, Ohio	Stoughton Bitters	59.41
Steuben County Wine Co., Chicago, Ill.	Steuben Celery Bitters	63.48
Washington Chem. Co., Washington, Pa.	Jamaica Ginger	64.80
Haenfermann, L. G., Philadelphia, Pa.	Extract of Herbs and Roots	66.19
Hollander Bros. Drug Co., Braddock, Pa.	Jamaica Ginger	66.95
Uranick, Geo., Donovan, Pa	Essence of Jamaica Ginger	79.70
Hinkley Bone Liniment, Saginaw, Mich.	Hinkley's Bone Linament	87.00
Washington Chem. Co., Washington Pa.	Jamaica Ginger	91.28
Zion's Cooperative Mercantile Inst., Salt Lake City, Utah.	.....do	91.39
Puritan Drug Co., Columbus, Ohio	.....do	91.72
Cambria Drug & Mfg. Co., Johnstown, Pa.	.....do	93.53

TREASURY DECISION 2222.

REVISED LIST OF ALCOHOLIC MEDICINAL PREPARATIONS FOR THE SALE OF WHICH SPECIAL TAX IS REQUIRED.

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., June 25, 1915.

To collectors of internal revenue, revenue agents, and others:

The accompanying list of alcoholic medicinal preparations which have been examined by this office and held to be insufficiently medicated to render them unfit for use as a beverage is published for the information of all concerned.

Special tax will be required for the sale of any of the preparations herein named, even though such sales are for medicinal use. The liabilities of dealers for sales for medicinal use of any of the preparations marked with an asterisk (*) will, however, be held to date from and after August 1, 1915.

The names of most of the preparations heretofore given on the various lists which have been published will be found included in this list, the only exceptions being those the manufacturers of which have revised their formulas to meet the requirements of this office or which are no longer on the market.

Special tax should not, therefore, be required for the sale for medicinal use of any alleged medicinal compound not on this list until this office has been communicated with and specific instructions received.

The preceding paragraph does not, however, apply to the class of compounds usually described by the term "cocktail bitters," which are suitable for and usually used as beverages.

It having been found in various instances that there are several preparations of the same name on the market, the names of the manufacturers of the preparations examined by this office are here given, and it should be understood that only the preparations as compounded by the manufacturer whose name is given are embraced in this list.

Special tax will be required for the manufacture and sale of beef, wine, and iron, unless it contains at least the percentages of beef and iron given in the formula on page 1821 of the nineteenth edition of the United States Dispensatory or is otherwise sufficiently medicated to be unsuitable for use as a beverage. Special tax will also be required for the sale of compounds ordinarily sold under the name of rock, rye, and glycerin, and ginger brandy.

Collectors and revenue agents should continue to secure and forward to this office samples of preparations which they have reason to believe are or may be used as a beverage.

A number of the preparations appearing on the previous list have been omitted from the present list, for the reason that the manufacture thereof has been discontinued.

LISTS OF ALCOHOLIC MEDICINAL PREPARATIONS AND MANUFACTURERS.

Ale and Beef, Ale & Beef Co., Dayton, Ohio.
Allen's Restorative Tonic, Faxon & Gallagher Drug Co., Kansas City, Mo.
Alps Bitters, Peter Rostekowski, Chicago, Ill.
American Elixir, Beggs Manufacturing Co., Chicago, Ill. (Discontinued.)
Amer Picon, G. Picon (imported).
Angostura Aromatic Tincture Bitters, E. R. Behlers, St. Louis, Mo.
Arbaugh's Newport Bitters, Daniel Stewart Co., Indianapolis, Ind.
Aroma Bitters, V Gautier, 287 Hudson Street, New York.
Aromatic Bitters, Hanigan Bros., Denver, Colo.
Aromatic Stomach Bitters, The S. Holtzman Co., Johnstown, Pa. (Discontinued.)
Atwood's La Grippe Specific, Excelsior Medicine Co., Chicago, Ill.
Augauer Bitters, Angauer Bitters Co., Chicago, Ill.
Augauer Kidney-Aid, Angauer Bitters Co., Chicago, Ill.
Augustiner Health and Stomach Bitters, A. M. August, Milwaukee, Wis.
Beef, Iron, and Wine, Crown Supply Co., Pittsburgh, Pa. (Discontinued.)
Beef, Iron, and Wine, The Jarmuth Co., Providence, R. I.
Beef, Iron, and Wine, Lion Drug Co., Buffalo, N. Y.
Beef, Wine, and Iron, Chas. C. Miller, Chicago, Ill.
Beef, Wine, and Iron, Waudby, Son & Co., Pittsburgh, Pa. (Discontinued.)
Belvedere Stomach Bitters, Loewy Drug Co., Baltimore, Md.
*Bentrovato Blood Bitters and Alterative Tonic, Lyons Bitters Co., New Haven, Conn.
Bismark Laxative Bitters, C. Lange & Co., Chicago, Ill.
Bitter Wine, Struzynski Bros., Chicago, Ill.
Bitter Wine, Aug W. Burggraf, Johnstown, Pa. (Discontinued.)
Bitters, The Atlantic Vineyard & Wine Co., Philadelphia, Pa.
Blackberry, Karles Medicine Co., Aberdeen, S. Dak.
Blackberry Cordial, International Extract Co., Philadelphia, Pa.
Blackberry Cordial, Irondequoit Wine Co., Rochester, N. Y.
Blackberry Cordial, Strother Drug Co., Lynchburg, Va.
Blackberry and Ginger Cordial, Standard Chemical Co., Fort Smith, Ark.
Black Hawk Bitters, Meyer Bros. Drug Co., St. Louis, Mo.
Black Tonic, Albert Niggemann, St. Louis, Mo.
*Bon Campo Bitters, Dr. A. H. Doty, St. Paul, Minn.
Bonekamp Bitters, J. S. Smith & Co., Burlington, Wis.
*Bonekamp of Maagen Bitters, Teuscher & Co., St. Louis, Mo.
*Bonus Elixir of Bitter Wine, Bonus Drug Co., Duquesne, Pa.
Botanic Bitters, F. E. Mayhew & Co., San Francisco, Cal. (Discontinued.)
Bracer Bitters Bracer Bitters Co., Chicago, Ill.
Bradenberger's Colocynthis, Standard Chemical Co., Fort Smith, Ark.
Brod's Celery Pepsin Bitters, Jno. Brod Chemical Co., Chicago, Ill.
*Brown Gin, H. Obernauer & Co., Pittsburgh, Pa.
Brown's Aromatic Cordial Bitters, Chas. Leich & Co., sole agents, Evansville, Ind
Brown's Utryme Tonic, A. E. & E. V. Brown Co., Mobile, Ala.
Buckeye Bitters, Geo Albert, Milwaukee, Wis.
*Cardinal Stomach Bitters P. J. Bowlin & Son, St. Paul, Minn.
Cascara Roots, American Bitter Wine Co., Chicago, Ill.
*Celebrated Baja California Damiana Bitters, Naber, Alfs & Brune, San Francisco, Cal.
Celery Bitters and Angostura, Frank J. Maus, Kalamazoo, Mich.
Clarke's Rock Candy Cordial, Colburn, Birks & Co., Peoria, Ill.
Clayton & Russell's Stomach Bitters, Adams & Co., New York City.
Clifford's Cherry Cure, Standard Chemical Co., Fort Smith, Ark.
Clifford's Peruvian Elixir, Standard Chemical Co., Fort Smith, Ark.
Cocktail Bitters, Milburn & Co., Baltimore, Md.
Columbo Elixir, Columbo Elixir Co., Philadelphia, Pa.
Columbo Peptic Bitters, L. E. Jung & Co., New Orleans, La.
Columbo Tonic Bitters, Iler & Co., Omaha, Nebr.
Cooper's Nerve Tonic, Muller & Co., Baltimore, Md.
Cordial Panna, The Cordial Panna Co., Cleveland, Ohio.
Cross Bitter Wine, Eugene Parisek Co., Chicago, Ill.
Damiana Gentian Bitters, Milburn & Co., Baltimore, Md.
Dandelion Bitters, Beggs Manufacturing Co., Chicago, Ill. (Discontinued.)
Dandy Bracer, Dandy Bracer Co., Philadelphia, Pa.
*Der Doktor, Schloemer & Stoppenbach, Milwaukee, Wis.
De Witt's Stomach Bitters, E. C. De Witt & Co., Chicago, Ill. (Discontinued.)
Dr. Bergelt's Magen Bitters, imported.
Dr. Bouvier's Buchu Gin, Dr. Bouvier's Specialty Co., Louisville, Ky.
Dr. Gray's Tonic Bitters, Central Botanical Co., Cherry Creek, N. Y.
Dr. Hoffman's Golden Bitters, F. Trandt, St. Louis, Mo.
Dr. Hopkins Union Stomach Bitters, F. S. Amidon, Hartford, Conn.
Dr. Hortenbach's Stomach Bitters, Minneapolis Drug Co., Minneapolis, Minn.
*Dr. Munro's Stomach Bitters, A. Du Chateau Co., Green Bay, Wis.
Dr. Rattinger's Bitters, Rattinger's Medical Co., Sappington, Mo.
Dr. Sherman's Peruvian Tonic and Systematiser, Des Moines Pharmacal Co., Des Moines, Iowa.
*Dr. Theodore Hartwig's Stomach Tonic, Jno. Behrendt, successor to Dr. Theodore Hartwig, Grafton, Wis.
Dr. Worme's Gesundheit Bitters, J. D. Heimsoth, Chicago, Ill.
Dozier's Apple Bitters, Bitter Apple Bitters Co., Hattiesburg, Miss.
Dubonnet Wine, imported.
Dubonnet, imported.
Ducro's Alimentary Elixir, imported.
Elderberry Tonic, M. P Kappel & Co, Chicago, Ill.
Elixir of Bitter Wine, Pleasant Tonic Bitters Co., Chicago, Ill.
Elixir of Bitter Wine, V. Bokr, Chicago, Ill.
Eureka Stomach Bitters, Iowa Drug Co., Des Moines, Iowa.
Excelsior Bitters, Des Moines Drug Co., Des Moines, Iowa.
E. Z. Laxative Bitters, Carmelter Bitters Co., New York, N. Y.
Fabiani's Marsala Chinato, Fabiani's Pharmacy, Philadelphia, Pa.
Famous Wiener Bitters, Foxman Bros., Rock Island, Ill.
Faxon's Beef, Iron and Wine, Faxon, Williams & Faxon, Buffalo, N. Y.
Fernet-Carlisi Fernet Bitters C. Carlisi Co., New York City.
Ferri Rheumatic Cure, Luis Ferri, Butte, Mont.
Ferro-China Bascal, Basilea & Calandra, New York City.
Ferro-China Berna, W. P. Bernagozzi, New York City.
Ferro-China Bissleri, (Felice Bissleri), imported.
Ferro-China Biotto, Vittorio Biotto, New York City.
Ferro-China Carlisi Tonic Bitters, C. Carlisi Co., New York City.
Ferro-China-Columbia, Columbia Distilling Co., Albany, N. Y.
Ferro-China-Derna, G. Matalone, Chicago, Ill.
Ferro-China-Salus, Italo-American Liquor Mfg. Co., New York.
Ferro-China-Trionfo, Basilea & Calandra, New York City.
Ferro-China Universale, imported.
Ferro-Quina Bitters, D. P. Rossi, San Francisco, Cal.
Fine Old Bitter Wine, Struzynski Bros., Chicago, Ill.
F. Miller & Co.'s Stomach Bitters.
Fort Henry Ginger Compound, Reed, Robb & Breiding, Wheeling, W. Va.
Gastrophan, Edward Rimsa, Chicago, Ill.
Genuine Bohemian Malted Bitter Wine Tonic, Edward Rimsa, Chicago, Ill.
*Genuine Herb and Root Bitters, Schloemer & Stoppenbach, Milwaukee, Wis.
Germania Herb, Root and Fruit Tonic Bitters, Dr. F. G. Nordman, Chicago, Ill.
German Stomach Bitters, Geo. Kuevers, Granite City, Ill.
German Stomach Bitters, Wm. W. Torge, Waukesha, Wis.
Ginger Tonic, Loewy Drug Co., Baltimore, Md.
Graham's Brand Orange Bitters, Chas. Jacquin, New York City.
Green's Chill Tonic, M. V. Green, Selma, N. C.
Gross Bros. Blood and Liver Tonic, Gross Bros., Illinois.
Harrison's Quinine Tonic, I. X. L. Chemical Co., Chicago, Ill.
Health Bitters, H. Bitzegelo, Chicago, Ill.
Herb Bitters, Otto F. Lenzt, Petersburg, Ill.
Heublein's Calisaya Bitters, G. F. Heublein & Bro., New York City.
*Holtzermann's Bitters, Ahrendt & Sons Co., Toledo, Ohio.
Hop Bitters, Hop Bitters Mfg. Co., Rochester, N. Y.
*Horke Vino, H Obernauer & Co., Pittsburgh, Pa.
Horke Vino Bitter Wine, Michael Bosak, Scranton, Pa.
*Humbolt Stomach Bitters M. Koenigsberger, Kansas City, Mo.
I. X. L. Bitters, I. X. L. Chemical Co., Chicago, Ill.
Jack Pot Laxative Bitter Tonic, J. B. Scheuer Co., Chicago, Ill.
Jaffe's Intrinsic Tonic, Jaffe Wine Co., Sacramento, Cal. (Discontinued.)
*Jamaica Ginger, Yough Chemical Co., Connellsville, Pa.
*Jamaica Type Ginger Drops Compound, V. Gautier & Co., New York City.
*Jensen's Celebrated Kidney and Liver Bitters, Hans Jensen Co., Chicago, Ill.
Jones Stomach Bitters, Natchez Drug Co., Natchez, Miss.
June-Kola, Beggs Manufacturing Co., Chicago, Ill. (Discontinued.)
Juniper Kidney Cure, Juniper Kidney Cure Co., Fort Smith, Ark.
*Kapuziner Kloster Bitters Union Wholesale Liquor Co., Chicago, Ill.
Karle's German Stomach Bitters, Karle German Bitters Co., Aberdeen, S. Dak.
Karlsbader Stomach Bitters, Jos. Landshut, Pittsburgh, Pa. (Discontinued.)
Katarno, Katarno Co., New York City.
Kernel Stomach Bitters, Meyer Bros. Drug Co., St. Louis, Mo.
Koehler's Stomach Bitters, Koehler Bitters Co., New York City.
Kennedy's East India Bitters, Iler & Co., Omaha, Nebr.
Kidniwell, Brown Drug Co., Sioux Falls, S. Dak.
Ko-Ca-Ama, The Wm. Brooks Medicine Co., Russellville, Ark.
Kola and Celery Bitters, Milburn & Co., Baltimore, Md.
Kreuzberger's Stomach Bitters, H H. Shufeldt, Peoria, Ill.
Krummel's Bonekamp Maag Bitters, Hry. Krummel, New York City.
Kudros, A. M. Hellmann & Co., St. Louis, Mo.
Laxa Bark Tonic, Natchez Drug Co., Natchez, Miss.
Lee's Celebrated Stomach Bitters, Lee's Anti-Trust Medicine Co., Joplin, Mo.
Lekko Stomach Bitters, Struzynski Bros., Chicago, Ill.
Liverine, T. S. Mitchell Co., Providence, R. I.
Lutz Stomach Bitters, Chas. M. Lutz, Reading, Pa.
Lyons Stomach Bitters, Lyons Bitters Co., Chicago, Ill.
Magador Bitters, E. J. Ross & Co., Tacoma, Wash.
Magen Bitters, A. J. Waberksy, Chicago, Ill.
Magen Bitters, Mrs. Ingeborg Rosmer, Milwaukee, Wis.
Marks' Famous Stomach Bitters, R. Marks, Milwaukee, Wis.
*Marvelous Sweeping Model Wine Tonic, Marvelous Sweeping Model Wine Tonic Co., Chicago, Ill.
Mexican Stomach Bitters, Iler & Co., Omaha, Nebr.
Milburn's Kola & Celery Bitters, Milburn & Co., Baltimore, Md.
Miller Brand Bitters, Pure Food Cordial Co., New York City.
Miod Honey Wine, Struzynski Bros., Chicago, Ill.
*Mrs. Joe Person's Remedy, Remedy Sales Corporation, Charlotte, N. C.
Nature's Remedy for Kidney Troubles and Blood Poisoning, Dr. J. T. Sumpter, Bowling Green, Ky.
Neuropin, J. B. Scheuer Co., Chicago, Ill.
New Tonic Bitters, Chas. C. Miller, Chicago, Ill.
Newton's Nutritive Elixir, Parker-Blake Co., New Orleans.
Novak's Stomach Elixir, Jno. Novak, Chicago, Ill.
O'Hare's Bitters, O'Hare Bitters Co., Pittsburgh, Pa. Discontinued.
*Oro Kidney and Liver Tonic, J. B. Scheuer Co., Chicago, Ill.
Our Ginger Brandy, Rex Bitters Co., Chicago, Ill.
Ozark Stomach Bitters, Lee's Anti-Trust Medicine Co., Joplin, Mo.
Pale Orange Bitters, Field, Son & Co., London, England.
Panama Bitters, Richardson Drug Co., Omaha, Nebr.
Panama Bitters, W. R. Reeve, Dorchester, Mass.
Parker's Bitters, Louisiana Distillery Co. (Ltd.), New Orleans, La.
*Peppermint Drops Compound, V. Gautier & Co., New York City.
Pepsin Stomach Bitters (E. L. Arp), imported.
Peptonic Stomach Bitters, Ross, Flowers & Co., Chicago and New York.
Peruvian Bitters, Reed, Robb & Breiding, Wheeling, W. Va.
Peter Paul Stomach Bitters, Paul P. Fasbender, Detroit, Mich.
Peychaud's Bitter Wine Cordial, L. E. Jung & Co., New Orleans, La.
Pilsener Bitter Wine, Prenstat Bitters Co., West, Tex.

Pioneer Ginger Bitters, Dr. Koehler Medicine Co., Appleton, Wis.
Pond's Ginger Brandy, Pond's Bitters Co., Chicago, Ill.
Pond's Rock and Rye, Pond's Bitters Co., Chicago, Ill.
Puroma Stomach Bitters, Blumauer-Frank Drug Co., Portland, Oreg.
Quinquina Dubonnet, imported.
*Red Jacket Bitters, Monheimer & Co., Chicago, Ill.
Rex Elixir of Bitter Wine. Rex Bitters Co., Chicago, Ill.
Rex Ginger and Brandy Tonic, Rex Bitters Co., Chicago, Ill.
Rex Ginger, Rex Bitters Co., Chicago, Ill.
Rex Hoarhound Tonic, Rex Bitters Co., Chicago, Ill.
Rheinstrom's Stomach Bitters, Rheinstrom Bros., Cincinnati, Ohio.
Richard's Celebrated Tonic Bitters, Minneapolis Drug Co., Minneapolis, Minn.
Riley's Kidney Cure, Jas. S. Riley, Hayne, N. C.
Rimsovo Malto-Sove Vino Chino, Ed. Rimsa, Chicago, Ill.
Rockandy Cough Cure.
Rosollo, The Cordial Panna Co., Cleveland, Ohio.
Royal Pepsin Tonic, L. & A. Scharff, St. Louis, Mo.
Royal Pepsin Stomach Bitters, L. & A. Scharff, St. Louis, Mo.
S. B. C. Essence of Peppermint, Star Bitters Co., Sacramento, Cal.
S. B. C. Extract of Jamaica Ginger, Star Bitters Co., Sacramento, Cal.
S. B. C. Ginger and Brandy Compound, Star Bitters Co., Sacramento, Cal.
S. B. C. Wild Cherry Tonic, Star Bitters Co., Sacramento, Cal.
Salutaris Stomach Bitters, Salutaris Reenforce Tonic Medicine Co., Chicago, Ill.
Sanitas Stomach Bitters, Sanitas Tonic Medicine Co., Chicago, Ill.
Sarasina Stomach Bitters, Wm. Blech, New York City.
St. Rafael Quinquina, imported, Scheetz.
Scheetz Bitter Cordial, Percy R. Hentz, Pittsburgh, Pa. (Discontinued.)
Schier's Famous Bitters, Wendelin Schier, Alexandria, Ind.
Schmit's Celebrated Strengthening Bitters, Schmit Pharmacal Co., Evansville, Ind.
Schroeder's German Bitters. Milburn & Co., Baltimore, Md.
Schuster's Bitters with Pepsin, The Schuster Co., Cleveland, Ohio.
Simons's Aromatic Stomach Bitters, Samuel B. Schein, St. Paul, Minn.
Sirena Tonic, Sirena Manufacturing Co., New York City.
Smart Weed, Francis Cropper Co., Chicago, Ill.
Smith's Bitters, Van Natta Drug Co., St. Joseph, Mo.
Smith's Vitalizing Bitters, Ben Smith, Scranton, Pa.
* Smyrna Bitters, Smyrna Bitters Co., Dayton, Ohio.
Stinkonig's Stomach Bitters, Adam Steinkonig, Cincinnati, Ohio.
Stomach Bitters, Imported by J. G. & J. Boker, New York City.
Strauss Exhilarator, Wm. H. Strauss, Reading, Pa.
Sure Thing Tonic, Furst Bros., Cincinnati, Ohio.
Tatra. B. Zeman, Chicago, Ill.
Tokay Quinine Iron Wine. Burger & Erdeky, Chicago, Ill.
Tolu Rock and Rye.
Tolu Rock Candy Cordial, Meyer Bros. Drug Co., St. Louis, Mo.
True's Magnetic Cordial, Standard Chemical Co., Fort Smith, Ark.
U-Go, Fritz T. Schmidt & Sons, Davenport, Iowa.
Uncle Josh's Dyspepsia Cure, Dr. Worthington's Drug Co., Birmingham, Ala.
Underberg's Boonekamp Maag Bitters, imported by Luyties Bros., New York City.
Vigo Bitters, F. C. Altmeier & Co., Chicago, Ill.
* Vigor-lix, Greenbaum Bros., Louisville, Ky.
Vin de Michael, imported.
Vin Mariani, Mariani & Co., New York City.
Walker's Tonic, Dreyfuss, Veil & Co., Paducah, Ky.
Walther's Peptonized Port, Walther-Robertson Drug Co., Pittsburgh, Pa. (Discontinued.)
Webb's A No. 1 Tonic, Webb's Cooperative Co., Sacramento, Cal.
Westphalia Stomach Bitters, E. R. Behlers, St. Louis, Mo.
White Cross Bitters, V. Gautier, New York City.
Williams Kidney Relief, Parker, Blake & Co., New Orleans, La.
Wine of Chenstohow, Skarzynski & Co., Buffalo, N. Y.
Wine of Pomelo, with beef and iron, Irondequoit Wine Co., Rochester, N. Y.
Wine Zdrowia, American Bitter Wine Co., Chicago, Ill.
Woodbury Brand Bitters, Steinhart Bros. & Co., New York City.
Zeman's Medicinal Bitter Wine, B. Zeman, Chicago, Ill.
Zien Stomach Bitters, Zien Bros., Milwaukee, Wis.
Ziz-Zag, Walker's Tonic Co., Paducah, Ky.

W. H. OSBORN,
Commissioner of Internal Revenue.

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TREASURY DECISION 2322.

MEDICINAL PREPARATIONS FOR THE SALE OF WHICH SPECIAL TAX IS REQUIRED.

List of preparations to be added to those appearing in Treasury Decision 2222, of June 25, 1915, for the sale of which special tax is required, and removal of the names of two preparations from such list.

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., April 19, 1916.

The following alcoholic medicinal preparations are added to the list set forth in Treasury Decision 2222, of June 25, 1915:

Buhrers Bitters, Weideman-Fries Co., Cleveland, Ohio.
Cossack Stomach Bitters, D. Vandewart & Son, New York, N. Y.
Kil-A-Kol, Pond's Bitters Co., Chicago, Ill.
Nibol Laxative Kidney and Liver Bitters, Lobin Distilling Co., St. Louis, Mo.
Pater Emanuel's Herb Wine, the Ambrose Co., Bridgeport, Conn.
Root Plant Medicinal Gin, Lobin Distilling Co., St. Louis, Mo.
Serravallo's Tonic, J. Serravallo's Pharmacy, Trieste, Austria.
Vermouth Stomach Bitters, Lobin Distilling Co., St. Louis, Mo.
Wincarnis, Coleman & Co., Norwich, England.

Special tax will be required for the sale of such preparations, even though such sales are for medicinal use. The liability of dealers for sales for medicinal use of the preparations above mentioned will, however be held to date from and after June 1, 1916.

For the following-named preparations the manufacturers have submitted amended formulas for the compounding thereof, and such preparations as now produced conform to the standard adopted by this office. Accordingly, special-tax liability is not incurred on account of the sale of the same solely in good faith for medicinal purposes.

Mrs. Joe. Person's Remedy, Remedy Sales Corporation, Charlotte, N. C.
Niggemann's Black Tonic Blood Purifier, Albert Niggemann, St. Louis, Mo.

With regard to the preparations listed below, the manufacture thereof has been discontinued. Accordingly the names af such preparations are hereby removed from T. D. 2222:

American Elixir, Beggs Manufacturing Co., Chicago, Ill.
Aromatic Stomach Bitters, The S. Holtzman Co., Johnstown, Pa.
Beef, Iron, and Wine, Crown Supply Co., Pittsburgh, Pa.
Beef, Wine, and Iron, Waudby, Son & Co., Pittsburgh, Pa.
Bitter Wine, Aug. W. Burggraf, Johnstown, Pa.
Botanic Bitters, F. E. Mayhew & Co., San Francisco, Cal.
Dandelion Bitters, Beggs Manufacturing Co., Chicago, Ill.
De Witt's Stomach Bitters, E. C. de Witt & Co., Chicago, Ill.
Jaffe's Intrinsic Tonic, Jaffe Wine Co., Sacramento, Cal.
June-Kola, Beggs Manufacturing Co., Chicago, Ill.
Karlsbader Stomach Bitters, Jos. Landshut, Pittsburgh, Pa.
O'Hare's Bitters, O'Hare Bitters Co., Pittsburgh, Pa.
Scheetz Bitter Cordial, Percy R. Hentz, Pittsburgh, Pa.
Walther Peptonized Port, Walther-Robertson Drug Co., Pittsburgh, Pa.

DAVID A. GATES,
Acting Commissioner of Internal Revenue.

—

TREASURY DECISION 2339.

ALCOHOLIC MEDICINAL PREPARATIONS.

Preparations to be added to list of alcoholic medicinal preparations appearing in T. D. 2222, for the sale of which special tax is required.

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., June 3, 1916.

To collectors of internal revenue, revenue agents, and others concerned:

The following-named preparations have been found upon examination to be insufficiently medicated to be unsuitable for use as beverages. Accordingly the same are classed as compound liquors and special-tax liability as liquor dealer is incurred on account of the sale thereof:

Best Bitters, A. J. Lukwinski, Cleveland, Ohio.
Carmeliter Bitters—Dark—Elixir of Life, Burhenne & Dorn, 347 Hamburg Avenue, Brooklyn, N. Y.
Carmeliter Bitters E-Z Laxative, Burhenne & Dorn, 347 Hamburg Avenue, Brooklyn, N. Y.
Carmeliter Bitters—Light—Tonic and Appetizer, Burhenne & Dorn, 347 Hamburg Avenue, Brooklyn, N. Y.
Carmeliter Ginger Brandy, Burhenne & Dorn, 347 Hamburg Avenue, Brooklyn, N. Y.
Ferro—China—Florentino, Commercial Wine & Bottling Co., 182 Commercial Street, Boston, Mass.

The liability of dealers for sales of the above preparations for medicinal use will be held to date from and after July 1, 1916.

DAVID A. GATES,
Acting Commissioner of Internal Revenue.

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TREASURY DECISION 2333.

MEDICINAL PREPARATIONS—ADDITIONAL LIST REQUIRING SPECIAL TAX.

Preparations to be added to list of alcoholic medicinal preparations appearing in Treasury Decision 2222 of June 25, 1915, for the sale of which special tax is required.

TREASURY DEPARTMENT.
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., May 12, 1916.

To collectors of internal revenue, revenue agents, and others concerned:

The following-named preparations have been found upon examination to be insufficiently medicated to be unsuitable for use as beverages. Accordingly the same are classed as compound liquors and special-tax liability as liquor dealer is incurred on account of the sale thereof:

Beimer's Walnut Beverage, Winona Liquor Co. (Inc.), Winona, Minn.
Beimer's Walnut Bitters, Winona Liquor Co. (Inc.), Winona, Minn.
Franz Urban Boonekamp of Maag Bitters, William Straube, 1497 Twenty-fourth Street, Detroit, Mich.
Himmalia Tonic, C. O. F. Burkstrom & Co., Chicago, Ill.
Kobolo Tonic Stomach Bitters, Kobolo Medicine Co., R. D. Weisskopf & Co., proprietors, 1714 South Ashland Avenue, Chicago, Ill.

The liability of dealers for sales of the above preparations for medicinal use will be held to date from and after July 1, 1916.

DAVID A. GATES,
Acting Commissioner of Internal Revenue.

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AVERAGE ALCOHOLIC CONTENT OF BEER AND WINE.

TREASURY DEPARTMENT,
Washington, June 1, 1917.

Hon. JACOB E. MEEKER,
House of Representatives, Washington, D. C.

MY DEAR MR. MEEKER: Pursuant to a call made on this office by your secretary, there is inclosed herewith a list of beverages and the respective quantities of alcohol contained in each.

Trusting that this is the desired information and that it may be of assistance to you, I am,

Sincerely, yours, W. H. OSBORN, *Commissioner.*

I trust that the information given may be of assistance to the reader.

Average per cent of alcohol, by volume, in alcoholic beverages.

	Per cent of alcohol by volume.
Malt and corn beer	4.05
Malt and rice beer	4.15
Austrian beer	4.20
All-malt beer	4.32
Munich beer	5.10
Cider (apple)	5.95
English stout (porter)	7.50
German cider	6.40
Lorraine (red wine)	7.87
Lorraine (German wine)	7.88
Alsace (German wine)	8.11
English ale	8.30
Baden (German wine)	8.50
Franken (Franconia-German wine)	8.83
Alsace (dry red wine)	9.05

	Per cent of alcohol, by volume.
Mosel and Saar (German wine)	9.28
Hessian Rhine (German wine)	9.35
Baden (dry red wine)	9.55
Rhein Valley (German wine)	10.08
Rhein and Main (German wine)	10.24
Southern Italian (white)	10.28
Dry red wine (claret) (French)	10.30
Rhein Valley (German)	10.34
Hessian (Odenwald)	10.50
Hessian (Bergstrasse)	10.53
Ohio dry red wine	10.63
Palatinate (German wine)	10.76
Missouri dry white wine	11.00
Hessian Rhine (red)	11.10
Northern Italian (white)	11.13
California dry (white) (southern French type)	11.34
California dry (white (Rhein type)	11.52
Virginia dry (red)	11.65
Northern Italian (red)	11.65
Rhein and Main (dry red) (German)	11.66
Dry white (French) (American roots)	11.80
California dry (red)	11.82
Ahr Valley (dry red) (German)	11.94
French (dry white)	11.95
Southern Italian (red)	11.95
Champagne (sweet) (French)	11.97
Sparkling (sweet) (champagne type)	11.97
North Carolina (scuppernong)	12.04
Ohio dry (white)	12.16
Missouri dry (red)	12.18
California dry (white) (sauterne type)	12.25
California (Austro-Hungarian type)	12.32
California (Burgundy type)	12.42
New Jersey dry (red)	12.56
Central Italian (red)	12.98
Sparkling (dry) (champagne type)	13.13
French champagne (dry)	13.13
American sparkling (champagne type)	13.24
Vermuth	13.45 to 18.75
Central Italian (white)	13.80
Ohio (port type)	14.45
Marsala (Italian)	14.60
Malaga (Spanish)	15.90
New York (sweet catawba)	17.91
Madeira (Spanish)	18.25
Sherry (consul, United States import)	18.54
Vermuth	13.45 to 18.75
California (angelica)	20.11
Sherry (Spanish—König)	20.30
Portuguese (consul, United States import) port	20.31
Portuguese (König) port	20.40
California (muscatel)	20.70
California (port type)	20.87
California (sherry material)	21.99
California (sherry type)	22.14
American whisky (blends—cheap)	40.00
Chartreuse	43.81
Scotch whisky	45.00 to 48.00
Irish whisky	45.00
Rum, blended (about)	45.00
American whisky (blends—good)	45.00
Brandy—Martell's 3 Star	46.00
Gin (standard)	48.00
Rum (bottled in bond)	50.00
American whisky (bottled in bond)	50.00
Absinthe (import samples, 1908 to 1909)	53.07

DISTILLERY BONDING, WAREHOUSE RECEIPTS, ETC.

The following from the Commissioner of Internal Revenue may be of interest to those who would know of the methods of bonding distillers, Government handling of their goods, and the use of warehouse receipts as collateral in the business and banking world:

TREASURY DEPARTMENT,
Washington, June 14, 1917.

Hon. JACOB E. MEEKER,
House of Representatives.

MY DEAR MR. MEEKER: Replying to your several inquiries regarding bonded whiskies, you are informed:

1. That all whisky when produced must be gauged and at once deposited in the distillery bonded warehouse and must be covered by an annual or monthly warehousing bond to be given by the distiller, and conditioned for the payment of the tax on such spirits before removal from the warehouse and within eight years from the date of deposit.

2. The tax on such spirits is to be paid by stamp by the distiller, to be affixed to each package of spirits withdrawn by him.

3. This tax is to be paid before removal of the spirits and within eight years, as above stated.

4. That distillery warehouses are under the control of the collector of the district (3271 R. S.) and in the joint custody of the storekeeper and proprietor thereof. (Sec. 3274 R. S.)

5. Every distiller, before commencing business, and on the 1st day of May of each succeeding year, is required to give a bond conditioned for the faithful compliance with all provisions of law relating to the duties and business of distillers (sec. 3260 R. S.). This bond is in addition to the warehousing bonds referred to in paragraph 1.

6. Distillers' bonds may be signed either by individual sureties or by surety companies, and bonds so signed may be accepted by the collector of the district.

7. Ordinarily warehouse receipts for bonded spirits are issued by the distiller for five-barrel lots, in which receipts the spirits are described by serial numbers, number of wine and proof gallons, warehouse in which stored and date when deposited in warehouse.

As shown by the inclosed circular (Dept. No. 19) of April 27, 1909, no provision is made in the revenue law respecting warehouse receipts or certificates for bonded spirits. No regulations, therefore, have been provided respecting the issuing, registering, or canceling such receipts and I am unable to furnish any information on these points, except that, as understood by this office, these warehouse receipts or certificates are quite extensively used by distillers as collateral in obtaining loans from banks or from other sources.

Respectfully, W. H. OSBORN, *Commissioner.*

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WAREHOUSE RECEIPTS OR CERTIFICATES FOR BONDED SPIRITS.

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF INTERNAL REVENUE,
Washington, April 27, 1909.

To collectors of internal revenue and others concerned:

The attention of this office has recently been called to certain so-called warehouse certificates for bonded whisky issued by companies not the distillers or warehousemen and purporting to be issued subject to the laws of the State and of the United States, and also purporting to be countersigned or verified by United States gaugers.

As no provision is made in the internal-revenue laws respecting warehouse receipts or certificates for bonded spirits, the signing of such receipts or certificates by gaugers, or the use of their names in connection therewith, is not only wholly unwarranted, but is calculated to deceive the purchaser of such bonded spirits. Collectors will therefore at once notify gaugers in their respective districts that in no instance are warehouse receipts or certificates, however issued, to be signed by them.

Gaugers and other internal-revenue officers are again reminded that no document or paper should be signed by them, in their official capacity, except such as are prescribed or authorized by law or by regulation of this office.

ROBT. WILLIAMS, JR.,
Acting Commissioner.

Approved:
FRANKLIN MACVEAGH,
Secretary of the Treasury.

WINES.

I submit herewith a letter, with statements attached, from Dr. George C. Hussman, pomologist, in charge of Agricultural Investigations, United States Department of Agriculture, Bureau of Plant Industry.

In addition to this letter and information, I insert a line taken from the Department of Commerce, which gives the total capitalization of the manufacturers of vinous liquors—$31,516,000.

The reader will readily understand the impossibility of giving the total valuations of the holdings of the different industries the capitalization of which is set out in this study. And, in addition, the reader will understand that to obtain the data as to the value of all affiliated industries, trades, and professions connected with or affected by the prohibition of the manufacture of beers, wines, or liquors is a task too stupendous for even the Government statisticians to undertake.

I would suggest that the reader prepare his own list of those who would be affected in some form or other by this ruthless destruction of the property and the rights of our citizens.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF PLANT INDUSTRY,
Washington, D. C., June 12, 1917.

Hon. JACOB E. MEEKER,
House of Representatives.

DEAR MR. MEEKER: Inclosed please find question sheet left here today by messenger from your office, and replies to those questions relative to which the work of this office pertains.

I am also inclosing carbon copy of a table showing "Acreages and value of grapes used for raisin, table-grape, wine, and unfermented grape-juice purposes," which I thought might interest you.

Kindly let me know if at any time I can be of further service.

Very truly, yours,

GEO. C. HUSMANN,
Pomologist in Charge of Viticultural Investigations.

—

Acreage of grapes, 530,000 acres.
Acreage of wine grapes, 275,000 acres.
Where grown, in 46 States of United States.
Number of pounds, 2,750,000,000.
Vintage, 1,750,000,000 pounds.
Value, $40,000,000.
Percentage of crop used in wine industry, 70 per cent.
Amount of exports, $500,000; rasins 7,500,000 pounds.
Exported to European and South American countries.

ACREAGES AND VALUE OF GRAPES USED FOR RAISINS, TABLE GRAPES, WINE, AND UNFERMENTED GRAPE-JUICE PURPOSES.

Taking as a basis the last census figures of total acreages planted to vines, 283,914,000 vines bearing and nonbearing, all of which should now be in full bearing and should produce 3,339,380,000 pounds. produced in 1910 in round numbers 2,570,970,000 pounds. These should now be in full bearing and should produce 3,339,380,000 pounds.

The bearing acreage in raisin grapes is	109,000
The bearing acreage in table grapes is	50,000
The bearing acreage in wine and unfermented grape-juice grapes is	261,000
Total	420,000

VALUE OF ANNUAL PRODUCT.

Value of raisins grown at present is	$10,000,000
Value of wine and unfermented grape juice is	25,415,000
Value of table grapes is	6,073,200
Total	41,488,200

These figures are obtained by multiplying the number of pounds grown of the different kinds of grapes by what is thought to be the average price paid the grower for such grapes. There are not any figures published on unfermented juice. These are estimated and given with the grapes used for wine purposes.

As regards sweet wines, the great bulk of them are made in California, where until last year the annual output of recent years has been from sixteen to nineteen million gallons. The counties in which these are principally made are Fresno, San Joaquin, Merced, Kern, Sacramento, Placer, Yolo, Los Angeles, and San Bernardino Counties.

Dry wines are not only made where the sweet and sparkling wines are, but are the wines produced in such other parts of the country producing wines that do not make sweet and sparkling wines.

Excepting 1915, which was an exceedingly poor year so far as grape crop is concerned, the following figures are about what the average annual total wine production (this includes the unfermented grape juice) in the United States has been since 1910, as given in trade papers:

	Gallons.
Southern States	500,000
New Jersey	250,000
New York	2,500,000
Ohio	2,000,000
Western States	750,000
California	39,000,000
All other States	500,000
Total	45,500,000

It is our opinion, however, that had even the most conservative figures been taken it would increase the entire output from 20 to 30 per cent.

Of the figures given, 275,000 acres in bearing are credited to California. Of these, there are 130,000 acres devoted to wine grapes; 109,000 acres to raisin grapes; and 36,000 acres to table grapes. The income from grapes in that State is estimated at over $25,000,000. There is no adequate basis for estimates of the production by States and counties in this country of dry wines, champagnes, cordials, and compounds. Furthermore, prohibition measures passed by some of the States in recent years have changed their complexion so they should hardly be rated as formerly.

Under wine production of this country are implied all wines—dry, sweet, and sparkling.

The great bulk of the sweet and sparkling wine output is confined to but very few States and localities. New York State produces the great bulk of the sparkling wines (not carbonated) made in this country, and most of them are made in the Keuka Lake district, although some establishments are also to be found in other districts, as the Hudson district; in Ohio on the Lake Erie Islands, and in Erie and Cuyahoga Counties. In New Jersey in the Egg Harbor district; and in Virginia, at Norfolk limited quantites are made. In California there are three sparkling-wine establishments of importance—the Paul Masson Co., at San Jose; the Italian-Swiss Colony, at Asti; and Korbel Bros., at Guernsville.

Under sparkling wines are not included artificially charged wines.

BREWERIES.

The Secretary of the Department of Commerce reports that the total capitalization of the manufacturers of malt liquors is $792,914,000. This refers only to the capitalization. It does not set out the value of the holdings of the brewing industries in the way of real estate, machinery, and general equipment, nor does it cover the value of leaseholds, outstanding contracts for materials, and for labor. I have not as yet been able to obtain these figures. Even the beginning of an attempt to tabulate such appalls one with the stupendous sums involved.

BREWER'S GRAINS.

Dr. A. E. Taylor, of the Department of Agriculture, in discussing brewer's grains, says:

Brewer's grains. * * * When a unit of barley is converted into malt and the malt converted into beer, the dried residue, including grains and sprouts, corresponds to about 30 per cent of the weight of the barley, and contains about 85 per cent of the protein.

Between 270,000 and 300,000 tons are employed annually.

As a protein concentrate in ordinary good dairy practice 3 parts of such protein will yield 1 part of casein.

Brewer's grains are as good but no better than mill feed, cottonseed meal, or other dairy feed, protein for protein.

Distiller's grains yield about the same bulk but are more valuable, because they contain all of the protein; they have the same value as grain for beef cattle, protein for protein. The total amount is somewhat smaller than figures given for brewer's grains.

Exports. * * * According to the malsters, somewhere between seven and ten million bushels, the United Kingdom being the largest individual buyer.

Substitutes. * * * Mill feed, cottonseed meal, peanut meal, soy bean, velvet-bean meal are all successful dairy feeds, and properly used give the same result, protein for protein.

Milk. * * * Neither brewer's grains nor any other feed can increase milk production beyond their protein content. The malt sprouts share with green roughage a certain stimulation of milk production. This can be replaced by ensilage or alfalfa.

Is it an economical dairy feed? * * * Practically all of these feeds are sold on a basis of protein content, and price is a question of supply, transportation, etc.

Distiller's dried grains are sold to feed manufacturers who prepare mixed feeds.

MATERIALS USED.

The following from the Department of Agriculture will be of special interest in view of the fact that the head of the agricultural educational work of the State of Kansas gave out the statement some two months ago that 620,000,000 bushels were annually consumed in the manufacture of alcoholic beverages and that some of the leading "educators," "economists," "reformers," and "uplifters" picked up this statement and heralded it abroad in their efforts to stampede the country into the indorsement of prohibition.

The reader can draw his own conclusions as to such practices.

Materials used to make alcoholic liquors in the United States during the fiscal year ending June 30, 1916.

[U. S. Internal Revenue figures.]

Material.	For fermented liquors.[1]	For distilled spirits.	Total.
Malt (expressed in terms of barley) ..bushels..	52,439,973	4,073,262	56,513,235
Corn.....do....	[2]13,573,521	32,069,542	45,643,063
Rye.....do....	[3]	3,116,612	3,116,612
Oats.....do....	[3]	9,807	9,807
Wheat.....do....	[3]	3,373	3,373
Barley.....do....	[3]	148	148
Rice.....do....	[4]2,354,000	[3]	2,354,000
Other materials reported in bushels.....	72,355	68,822	141,177
Total grain included above.....	68,439,849	39,341,563	107,781,415
Grape sugar or maltose.....pounds..	54,934,621	[3]	54,934,621
Hops.....do....	37,451,610	.....	37,451,610
Molasses.....gallons..	[3]	152,142,232	152,142,232
Glucose or sirup .....do....	2,742,854	[3]	2,742,854
Other materials.....do....	19,112	.....	19,112
Other materials.....pounds..	24,756,974	.....	24,756,974

[1] Totals for materials used for fermented liquors were compiled by the Bureau of Crop Estimates, United States Department of Agriculture, from unpublished records of the Commissioner of Internal Revenue.

[2] Includes ceralines and grits.

[3] Included, if any, in "other materials."

[4] Rice, reported as 141,249,292 pounds. Estimated roughly as 2,354,000 bushels.

For beverages about 95,000,000 bushels, or over one-half of grain that went into distilled spirits, went into industrial alcohol.

In addition to the statement from Dr. Taylor I wish to add a telegram from Mr. W. E. Skinner, secretary National Dairy Council, addressed to Hon. David F. Houston, Secretary of Agriculture, and also a quotation from Henry M. Morrison's Standards and Tables, 1915 edition, which is self-explanatory:

[Copy of telegram.]

MAY 10, 1917.

HON. DAVID F. HOUSTON,
Secretary of Agriculture, Washington, D. C.:

We are petitioned to take an active interest in the matter now up for consideration on the closing of distilleries and breweries and the effect thereby on the dairy-cow food supply. We are for the suppression of alcoholic liquor manufacture as a food-conservation measure without reservation if some other method can be brought into service to give the supply of feed—namely, brewers' and distillers' grains and malt sprouts—necessary not only to hold our milk supply to present figures but to increase it, and we are sure our national chemists can meet the need, but until such time as this can be accomplished we trust that the supply of feed, which is now abnormally expensive, be not jeopardized in quantity or quality. The actual feeding value of these feeds is proven to be relatively two and one-half times higher than any whole grain feeds on the market. We urge your most serious consideration of this matter.

NATIONAL DAIRY COUNCIL,
W. E. SKINNER, *Secretary.*

Average Holstein cow, 1,200 pounds.

[Henry & Morrison's Standards and Tables, 1915 edition.]

Standard requirements.	Digestible protein.	Digestible total nutrients	
FEEDING STANDARD, 30 POUNDS 3.5 PER CENT MILK:	*Pounds.*	*Pounds.*	
For maintenance	0.80	9.52	
For milk 30 pounds	1.83	9.48	
	2.63	19.00	
RATION WHERE DISTILLERS' GRAINS ARE FED:			
36 pounds silage	0.40	6.37	
12 pounds mixed hay	0.48	5.54	
8 pounds distillers' grains	1.76	7.11—cost at $50 ton	$0.20
	2.64	19.02	
IF WHOLE GRAIN IS FED:			
36 pounds silage	0.40	6.37	
12 pounds mixed hay	0.48	5.54	
25 pounds corn	1.72	20.95—cost at $60 ton	0.75
	2.60	32.86	
Wasted 17 pounds grain	.....	13.84—loss	0.51

In reality this cow could not and would not eat over 15 pounds of corn, in which case her milk would fall down to 20 pounds or less, loss (value) 10 pounds, milk 25 to 30 cents wholesale. Total loss by feeding corn 55 to 85 cents daily. Loss with herd of 10 cows $1,500 per year.

Average Holstein cow, 1,200 pounds.
[Henry & Morrison's Standards and Tables.]

	Digestible protein.	Digestible total nutrients.	
Feeding standard 30 pounds 3.5 per cent milk:	*Pounds.*	*Pounds.*	
For maintenance	0.80	9.52	
For milk, 30 pounds	1.83	9.48	
	2.63	19.00	
Ration:			
26 pounds silage	0.40	6.37	
12 pounds mixed hay	.48	5.54	
8 pounds brewers' grains	1.72	1 5.26=Cost at $40 ton.	$0.16
2 pounds barley	.13	2 1.60=Cost at $60 ton.	.06
30 pounds grain	2.73	18.87=	.22
Ration where brewers' grains are not fed:			
26 pounds silage	0.40	6.37	
12 pounds mixed hay	.48	5.54	
19.5 pounds barley	1.76	15.60=Cost at $60 ton.	$0.58
	2.64	27.51	
Wasted 6.5 pounds grain		8.64=Loss	.42

PERSONS EMPLOYED.

I insert here a letter, with statement attached, from the Acting Commissioner of Labor Statistics, United States Department of Labor.

It will be noted that the commissioner reports only the number of persons engaged directly in the manufacture and sale of these products. He does not give the numbers of persons employed in the allied and dependent trades and industries, such as glass blowers, coopers, carpenters, manufacturers of brewery machinery and ice-making machinery, automobile and wagon manufacturers, miners, teamsters, printers, advertising concerns, real estate companies, bonding companies, malting companies, hop growers, and transportation companies. Nor does he nor can he list the enormous number of retail merchants who sell food, fuel, clothing, and all supplies to the men and women engaged in these varied industries:

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF LABOR STATISTICS,
Washington, June 9, 1917.

Hon. JACOB E. MEEKER, M. C.,
United States House of Representatives, Washington, D. C.
(Attention of Mrs. Redmon, Secretary)

MY DEAR CONGRESSMAN: In response to a verbal request from your secretary, Mrs. Redmon, this morning, I am sending you herewith a memorandum taken from the census, showing the number of persons engaged in the production of distilled, malt, and vinous liquors, also the number of saloon keepers and bartenders, as shown from the occupation statistics of the census.

In regard to wages in the brewing industry, I am inclosing the galley proofs of our report on union wages and hours of labor for 1916, so far as brewery workmen are concerned. We have no wages covering workers in distilleries nor in the production of wine.

Sincerely, yours,

ETHELBERT STEWART,
Acting Commissioner of Labor Statistics.

Memorandum.

The number of persons engaged in the manufacture of liquors in the United States in 1909, according to the Thirteenth Census, Manufactures, General Report and Analysis, Volume VIII, pages 532–3:

Distilled: Total, 8,328 persons, including 8,130 wage earners.
Malt: Total, 66,725 persons, including 54,135 wage earners.
Vinous: Total, 2,726 persons, including 2,454 wage earners.

Persons 10 years of age and over engaged in manufacture of liquors and beverages in 1910, according to the Thirteenth Census, Occupation Statistics, Volume IV, pages 354–356:

Breweries	69,696
Distilleries	11,076
Other liquor and beverage factories	20,983

Volume IV, above quoted, pages 430–432, shows the number of bar tenders in the United States as 101,234 and saloon keepers 68,215.

REVENUE.

The attached letter from the Commissioner of Internal Revenue gives the grand total of internal-revenue receipts from September 1, 1862, to June 30, 1916, inclusive. This amount is $6,434,327,214.07. The appended letter of June 11, 1917, from the Chief of Bureau of Foreign and Domestic Commerce, Department of Commerce, sets out the sums received on imported liquors, beers, and wines from 1866 to 1916, inclusive. The grand total is $491,713,936.

For the first 11 months of the fiscal year ending June 30, 1917, internal-revenue receipts have amounted to $256,868,802. I was unable to obtain the figures on the imports for the past year. However, adding together the sums already in hand by the Government, we find the grand total, excluding the import duties for the fiscal year just closed, to be $7,182,910,952.07.

It is expected that under the new revenue bill, soon to be passed, that the minimum revenue derived from these sources will be more than $400,000,000 annually.

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, June 8, 1917.

Hon. JACOB E. MEEKER,
House of Representatives, Washington, D. C.

MY DEAR MR. MEEKER: I have the honor, in reply to your letter of the 5th instant, to inform you that internal-revenue receipts from all forms of wine beer, and liquor taxes, including all special taxes relating to same, aggregated $6,434,327,214.07 during the period September 1, 1862, to June 30, 1916, as shown by the reports of the bureau. Internal-revenue receipts from all sources, which included income taxes, were $10,619,528,395.93.

Respectfully,

W. H. OSBORN, *Commissioner.*

DEPARTMENT OF COMMERCE,
BUREAU OF FOREIGN AND DOMESTIC COMMERCE,
Washington, June 11, 1917.

Hon. JACOB E. MEEKER,
House of Representatives, Washington, D. C.

MY DEAR SIR: In compliance with your request of the 5th instant, addressed to the Secretary of the Treasury, I take pleasure in transmitting herewith a statement showing the total amount of duty collected on liquors imported into the United States during the fiscal years ending June 30, 1866, to 1916, inclusive. Prior to the establishment of the Bureau of Statistics in 1865 only the total annual customs revenue collected is shown, but not segregated as to amounts collected on the different imported commodities.

Very truly, yours,

E. E. PRATT, *Chief of Bureau.*

Total amount of duty collected on liquors (malt liquors, distilled spirits, and wines) imported into the United States each year from 1866 to 1916, inclusive

Year ending June 30:	
1866	$6,482,664
1867	6,345,775
1868	6,548,043
1869	7,459,115
1870	8,339,430
1871	8,866,400
1872	9,225,323
1873	9,380,772
1874	8,556,113
1875	7,509,461
1876	6,487,770
1877	5,834,829
1878	5,168,226
1879	5,362,729
1880	6,163,753
1881	6,663,656
1882	7,183,653
1883	9,253,341
1884	6,263,887
1885	7,156,564
1886	7,194,147
1887	7,402,243
1888	7,663,244
1889	7,786,400
1890	8,518,081
1891	9,503,327
1892	8,840,501
1893	9,256,617
1894	6,930,244
1895	6,929,704
1896	6,736,063
1897	8,005,277
1898	5,742,240
1899	7,116,166
1900	8,427,410
1901	9,121,236
1902	10,148,514
1903	11,210,498
1904	11,647,375
1905	12,097,799
1906	13,528,213
1907	15,797,814
1908	14,696,334
1909	15,649,286
1910	17,605,387
1911	16,663,446
1912	16,765,479
1913	18,883,316
1914	19,205,118
1915	13,105,050
1916	15,285,903
Grand total	491,713,936

There is much more data which might and which should be added. We have not considered the question of the revenues now received by States and municipalities, the abolition of which would require an immediate increase of tax rates in such States and municipalities. We have not discussed the outstanding contracts of men in all the diversified lines of this industry. We have not touched upon the question of leaseholds, bank loans, bonds, and warehouse receipts which are up now as collateral for loans, labor contracts, present growing crops of grapes, hops, barley; the disposal of the 2,000,000 bushels of brewer's rice, which is only the screenings from edible rice; the substitution of raw grains for the brewer's dried grains for the feeding of cattle, and scores of kindred subjects.

The more deeply we go into a study of this whole problem the more plainly evident does it become that an attempt at its solution overnight by snap-judgment legislation is but the idle fancy of an uninformed mind.

But again I say that the doctrine of prohibition is viciously anti-American, unconstitutional, and contrary to the laws of civilized society. Its injectment into our legislative program at this time means the division of our Nation when we should all be united as never before.

Mr. RANDALL. Mr. Speaker, I ask unanimous consent to proceed for seven minutes.

The SPEAKER pro tempore. The gentleman from California [Mr. RANDALL] asks unanimous consent for seven minutes. Is there objection?

There was no objection.

Mr. RANDALL. Mr. Speaker, quite by accident I discovered in the RECORD this morning that the gentleman from Massachusetts [Mr. WALSH] while I was temporarily out of the House yesterday, made some criticisms about extensions of remarks in the RECORD.

On page 4436 he states that 29 poems, 54 editorials, 26 speeches made by others than Members of Congress, and so forth, have been recently printed in the RECORD, and he concludes his criticism with the statement that a number of telegrams were printed in the RECORD on the 20th day of June of this year. Now, it so happens that the telegrams were the extension of my remarks, and it strangely happens that the gentleman from Massachusetts [Mr. WALSH] never discovered any criticism that could be made of extensions of remarks until those telegrams were printed in the RECORD. Those telegrams were on the subject of prohibition, were all from men of nation-wide prominence, and all demanded the enactment of war-time prohibition.

On the 8th of March there was printed in the RECORD an extension of remarks of the gentleman from Missouri [Mr. MEEKER] against prohibition, comprising 67 pages, and this was printed in the RECORD four days after this House adjourned. But the gentleman from Massachusetts never found any fault with that.

I have no apology to make for the extension of these telegrams in the RECORD on the 20th day of this month. In every case they were signed by men who are widely known over this country, by six railroad presidents, by numbers of bank presidents, by 15 or 20 college presidents, and so forth. For instance, one of them was signed by Luther Burbank, the plant wizard; another by Booth Tarkington, novelist; another by Gen. Nelson A. Miles; another by Louis F. Post, Assistant Secretary of Labor; another by Chief Justice Reese, Nebraska Supreme Court; another by Amos Parker Wilder, former consul general at Shanghai; another by Frederick Palmer, war correspondent; another by Dr. Newman, president of Howard University of Washington; another by John D. Rockefeller, jr.; another by David R. Forgan, president of the National City Bank of Chicago; another by W. G. Beird, president of the Chicago & Alton Railroad, all favoring prohibition. These are only samples. There is no question about the authorship and great value of the remarks which were extended by me in the RECORD of the 20th of June. In all, there were more than 500 telegrams of similar tenor, all from leaders in business, science, education, and economics.

I return to the remarks which occupied 67 pages in the RECORD of March 8, four days after this House had adjourned, and about the authorship of which the gentleman from Kansas [Mr. HELVERING] raised some question the other day. I think I have been fortunate enough to discover the real author of those remarks. I will ask to have read in my time the statement of the Kansas City Post of June 19, of this year.

The SPEAKER pro tempore. Without objection, it will be read.

The Clerk read as follows:

[From the Kansas City Post, June 19, 1917.]

That a speech delivered in Congress last March by JACOB MEEKER, formerly a Methodist minister and now a Congressman from St. Louis, in which MEEKER startled the country by attacking the national prohibition measure, was written for him at the order of the Kansas City Breweries Co. was claimed in a suit filed to-day in the circuit court here by Paul S. Conwell, who declares he was hired to write the speech by Conrad Mann, general manager of the breweries company, but never paid for his work.

Congressman MEEKER'S speech was one of the most powerful factors in killing for the time being the attempt to promote a Federal prohibition law. Because of his former connection with the church, his influence in religious affairs, and his supposed "neutrality" on the wet or dry question his arguments against national interference in the liquor problem were widely quoted, and made much of by the wets.

The CONGRESSIONAL RECORD printed the speech in full, and Congressmen who opposed the national prohibition measure distributed it at the Government's expense to all their constituents.

Conwell declares in his petition that he was hired early this year by Mr. Mann, who agreed to pay him $1,600 for writing the Meeker speech and some other incidental publicity work. Conwell says that after the speech was delivered and given Nation-wide prominence Mann paid him $200, and told him to look to other brewers for the balance of the $1,600 promised him.

Mr. Mann refused to discuss the suit.

Mr. BURNETT. Will the gentleman yield?

Mr. RANDALL. Yes.

Mr. BURNETT. How could that powerful speech of Mr. MEEKER'S influence Congress when it was made four days after Congress adjourned?

Mr. RANDALL. I give it up. Now, Mr. Speaker, I agree with the gentleman from Massachusetts that the privilege of extending remarks in the RECORD ought not to be abused.

Mr. KING. Will the gentleman yield?

Mr. RANDALL. I will.

Mr. KING. I have been one of the victims of the effect of the effort of the gentleman from Massachusetts to curtail the publication of speeches in the RECORD. Does the gentleman know of any order or decree recently issued constituting the gentleman from Massachusetts [Mr. WALSH] to act as censor of the RECORD in this House?

Mr. RANDALL. I think that had better be answered from that side of the House.

Mr. LONDON. Mr. Speaker, on yesterday I obtained leave to address the House for one hour on next Tuesday. I might as well do it now, if I can get the consent of the House.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to be permitted to address the House for one hour in lieu of the one hour on next Tuesday. Is there objection?

There was no objection.

Mr. MEEKER. Will the gentleman from New York yield me two minutes?

Mr. LONDON. I will.

Mr. MEEKER. Mr. Speaker, at present I want to say that I can only find three falsehoods in this item which was read from the desk, presented by the gentleman from California. I have not had time to look it all over. I never was a Methodist preacher; I did not deliver the speech before the House; and the man referred to never wrote the speech.

Mr. LONDON. Mr. Speaker, I intend to devote the hour to a discussion of the historical causes of the Russian revolution and its probable effect on the course of the world war.

A few days ago this Congress was thrilled by the presence and message of the envoys of the newest democracy.

Russia was a land of sorrow. She was also a land of mystery to the rest of the world. Except for an occasional glimpse of light that came outside of her boundaries through the works of her literary geniuses the world knew little about her. The revolution came as a complete surprise.

Our press was reticent about reporting the internal struggle within Russia ever since the beginning of the war. Unfamiliar with the historical causes which have led up to this welcome change, lovers of liberty everywhere hesitate to believe that the change is a permanent one and that democracy has come to stay.

The outside world seems to have assumed that the Russian people were in love with their chains. The noble struggle of her men and women, a struggle which continued for more than 60 years in the face of what appeared to be insuperable odds, was unknown outside of Russia. Before the emancipation of the serfs in 1861 a movement to liberalize the institutions of Russia along modern lines gained quite a foothold among the intellectual elements, many of whom had received a European education. A series of radical publications, defying the rigor of the censor, urged the adoption of the fundamental principles of civic liberty, such as equality of all before the law, separation of the judicial power from the administrative, responsibility of ministers, freedom of conscience and creed, freedom of the press.

Deprived of political life in the sense in which it is enjoyed in countries where democratic institutions have been established for any length of time, and hampered by an oppressive censorship, all expressions of discontent, all the fermentation of new ideas, and all the things which stirred the souls of the Russian found expression in Russia's literature. Where in other countries men debated political platforms or advocated or opposed candidates for office, political, social, economic, and philosophical tendencies found Russia's literature their principal vehicle of expression. Men would discuss the hero and the heroine of a novel or an article of literary criticism, analyzing a novel or the review of a book, with the same earnestness, and, so far as the educating of the people was concerned, with the same effect as men in democratic countries discussed political issues. The novelist, the writer of dramas, the satirist, the literary reviewer, were the real movers of the people's minds.

While the struggle for liberty antedates the emancipation of the serfs, it was in the sixties and after that great historical event and with the problems created by it, that the movement of liberation gained a new impetus. Industry and commerce were then comparatively undeveloped. The land was largely agricultural. Even now Russia, with a population of nearly 180,000,000 souls, has only 19 towns with a population over 100,000,

and 3,000 towns with a population up to 10,000, while 521,754 villages have less than 100 population.

The improvement of the condition of the large agricultural masses, the securing to the peasants of elementary civic rights and of sufficient land allotments to earn a livelihood, the mitigation of the burdens imposed upon them by the very act of emancipation, the necessity of creating and maintaining political and economic institutions which would foster the normal development of the country, such were the main demands of the liberal elements of Russia.

The famous zemstvo institution, established in 1864, was to furnish the basis of self-government and help determine the economic relations of the peasant to the adjoining private landowner as well as their relations to the Government. I may as well at this moment say a word about that distinctive Russian institution, the village or communal ownership of land. The land allotted to the peasants was not distributed among the individual peasants but to the collectivity, the village community, so that the principle of the collective right of the toilers of the soil to the benefit of their toil is a well-established principle in the life of the Russian agricultural masses. The attempt in 1906 to do away with the principle of collective ownership by permitting the land to be sold by the village to the head of the family has not been successful, very few peasants having taken advantage of the new law.

Mr. HAMILTON of Michigan. May I ask the gentleman a question for information? The gentleman speaks of the village group. What relation has that to the zemstvo?

Mr. LONDON. The zemstvo is a provincial or district assembly, established a few years after the emancipation of the serfs. It was intended that the zemstvos should enjoy a substantial measure of local self-government, the delegates to the zemstvos consisting of representatives of the private landowners, of the village communities, and of the townspeople who possessed land.

The powers and the rights of the zemstvos were, however, considerably reduced in the ensuing reaction. The contest of the zemstvos for freedom from government interference forms one of the most interesting chapters of modern history. The zemstvo succeeded in retaining a semblance of self-government.

The movement of liberation was at that time confined almost exclusively to the nobility and to the so-called intellectual classes. So far as the great masses of the people were concerned, education was almost nonexistent. The men who craved for a change found themselves between the upper millstone of an arbitrary government, that hurried to retrace every forward step by taking more than one step backward, and the nether millstone of a densely ignorant mass.

Between an oppressive Government on top and the ignorant masses at the bottom the life of the Russian intellectual was alternating between spasms of revolutionary activity and dark despondency.

The so-called nihilist movement, a movement now extinct, was really not a political movement. It was a contest between the individual and the oppression of society. It was the self-assertion of the individual against accumulated prejudices, against suffocating conventionalities, against all rule of man by man. The nihilist placed his main reliance in the spread of knowledge of the physical sciences. The movement was not of a constructive character. Still it performed a great historical mission by arousing the spirit of aggressive rebellion in an age which threatened to stifle all higher aspirations by oppression from above and by inertia from below.

The purely negative philosophy of the nihilist could not hold out any promise of immediate improvement. The nihilist movement soon gave way to a militant demand for immediate and thoroughgoing political reforms through an assault upon autocracy. Notwithstanding the fact that some of these early advocates of a radical change were anarchists, who believed that as long as the State existed no measure of freedom could be obtained, and that the first duty of a free people was to do away with the State, life compelled them, contrary to their theories, to take an active part, and an aggressive part at that, in the effort to liberalize the form of government.

Meantime the Government never stopped its persecutions. Publications were suspended. The censorship kept on prohibiting the circulation of any literature in any way inimical to the policies of the Government. No book could appear without the previous approval of the censor.

It was then that the revolutionists determined to go to the masses. The movement assumed an idyllic and naive character. Men and women of the nobility would disguise themselves, and, assuming the garb of the peasants, undertook, by occupying modest positions as teachers, village secretaries, midwives, nurses, to come in contact with the people so as to uplift them and prepare them for the acceptance of modern ideas.

The slogan "Land and freedom" became the slogan of these apostles of liberty.

The Government redoubled its ruthlessness. In 1877, 193 representatives of that movement were placed on trial. It appears from a memorandum of the chief prosecutor that during three months 770 persons were placed under arrest, and among them 158 women.

The participation of woman in the revolutionary movement of Russia is the brightest page in the story of her martyrdom. Whether among the nihilists, the social democrats, the bund, the socialist revolutionists, the constitutional democrats, in every movement of rebellion the Russian woman took a leading part.

The Government's attempt to suppress this rather peaceable agitation drove the movement of education into a political movement of a terroristic character. A series of attempts upon the life of Czar Alexander II culminated in his assassination, with the inevitable result of a still more intolerable reaction which continued almost supreme until the revolution of 1905. Between the year 1881, when Alexander II was "removed" by the act of the terrorists, and 1905, when the Duma was established, a new power grew up in Russia. That was the industrial working class.

The growth of industry and commerce and the failure to allot sufficient land to the peasants, created quite a formidable industrial proletariat. A fertile field was created for the dissemination of the same social democratic ideals which inspired the working class of the rest of Europe. Here was a class historically destined for revolutionary thought and revolutionary action.

In 1898 a social democratic congress was held in Russia, of course a secret conference. About the same time the Jewish "Bund," a revolutionary socialist democratic organization which confined its activities to the Jewish population, gained a strong foothold. It is interesting to know that the "Bund" was the first organization to realize the importance of carrying revolutionary ideas into the army by forming a special military propaganda committee.

The Government found it impossible to crush the revolutionary movement. When apparently suppressed it continued as an underground movement. The movement ran along two parallel lines, that of the social democrats with the demand for the establishment of political and industrial democracy, revolutionary so far as the desire to overthrow autocracy was concerned, pinning its faith in education of the masses, and the movement of the socialist revolutionists, who took it for granted that the existence of the principle of collective ownership of land in the life of the Russian peasants created for Russia a problem distinctly its own and requiring methods entirely different from those practiced by the socialist movement in other countries. They practically adopted the old slogan of "Land and liberty" as their slogan. They demanded the abolition of autocracy and the collective ownership of land.

The socialist revolutionists also differed as to their methods of propaganda. They determined to strike the Government at its head, and replied to every act of repression on the part of the Government with an act of terrorism on their part. They carried on a systematic campaign of assassination against the administrative branch of the Government.

Nor should we overlook the work of the zemstvos. In spite of difficulties, hampered at every step by local officials and by the governors of the Provinces who were to check their activities, they persisted in improving the condition of the peasant. In some sections of Russia they succeeded in establishing a school within 2 miles of every home and a hospital within 5 miles of every home. They spread knowledge of agriculture and of sanitation. They undertook the education of the adult.

Their example was followed by the city dumas, the municipal authorities of the cities, who had also very limited powers and were also always subject to supervision from above by the administration. Numerous congresses began to take place during that period to discuss the needs of the Provinces. While officially confined to purely local and agricultural questions, the bigger problems of civil rights, freedom of the press, popular education, the limitations imposed upon the zemstvos, financial policies, the reactionary methods of the Government would now and then be taken up.

The Government continued its medieval policy. The administration subordinated the judiciary. Men were deprived of their liberty by administrative process. The governors of the Provinces appointed by the Czar were really the supreme power within each Province. The jails were filled with political prisoners.

The Government was not content with the mere checking of the activities of the people. It began a systematic campaign of terrorism and of oppression. Particularly heavy fell the hand of the Government upon all the creeds which did not belong to the Greek Catholic Church and upon the non-Slav population, the Poles, the Armenians, the Finns, and the Jews. All the terrors of the Inquisition were let loose upon the helpless Jewish people.

The Russian Jews had contrived, in spite of the limitations of their civic rights, to maintain a civilization of their own. Illiteracy was comparatively unknown among them, particularly among their men, as it was the religious duty of every Jew to be able to read his prayers, and the man who knew how to read prayers learned in the course of time to read revolutionary literature.

The Government realized the revolutionary character of the activity of the Jews and it began to organize massacres in order to crush them. The procurator of the synod is charged with having predicted as the result of this policy toward the Jews that a third of them would be converted, a third would emigrate, while the rest would die of hunger. The Government made a desperate effort to drown the revolution in Jewish blood.

The Government proclaimed as its policy orthodoxy, autocracy, nationality (Slavism). Nothing was to stand in the way.

It was during this period of fermentation that the imperialistic policy of expansion in the Far East and the purely sordid interests of a small clique surrounding the Czar brought about the disastrous Russo-Japanese War. The humilitation of the defeat of the giant Russia by a people one-fourth its size was so great that the incompetence, unfitness, and dishonesty of the Government became apparent to the great masses. The elements of discontent raised their heads. National congresses and conferences of groups and professions began to multiply. A great section of the nobility, many of them of a liberal turn of mind, joined in the general outcry for a change. A number of revolutionary newspapers, including a paper by the Constitutional Democrats, who at that time sought to establish a constitutional monarchy, found their way among the people. Most of these papers were published abroad and were smuggled into Russia. The Social Democrats, the Socialist Revolutionists, the "Bund," the Constitutional Democrats became more and more active. Their literature penetrated the masses. A series of strikes, small and big, broke out. Clashes with the Government multiplied. A revolution seemed inevitable, and on August 6, 1905, the Czar proclaimed an order convoking what he thought would be a national assembly with consultative powers.

This concession of the Government but poured oil upon the fire. The greatest general strike known to history paralyzed all civic activity. Everybody suspended work. The bricklayer, the telegrapher, the village teacher, the university professor, all were on strike. Less than 10 weeks later the Czar was compelled to confer legislative powers upon the national assembly. The new decree proclaimed the freedom of conscience, of speech, and of assembly. No law was to go into effect without the approval of the Duma or national parliament, and the council of the empire.

It was not that the Government had learned anything. As was proven by subsequent events, autocracy yielded for the moment firmly determined to regain its full strength at the first sign of weakening on the part of the revolutionary forces.

The call for the first Duma was so unsatisfactory to the radical elements that two of the radical parties officially boycotted the Duma and refused to participate in the election of representatives. Nevertheless, the first Duma, to the great consternation of the Czar, turned out to be most radical. Its very first act was a demand for the complete amnesty of all political prisoners. Indeed, it would have been grotesque had the Duma failed in this hour of the people's triumph to demand the immediate release of the champions of the people's rights.

The first Duma lasted from May 10, 1906, to July 9, 1906. The Government did not have much more luck with the second one. Nearly 200 Social-Democrats and Socialist Revolutionists were among the representatives in the second Duma, and the liberal elements outside of the industrial and agricultural working masses also sent the very ablest champions of popular liberties.

Autocracy and a parliament of this sort could not exist side by side. The second Duma lasted three months, from March 5, 1907, to June 3, 1907. The most remarkable thing about the second Duma was the large number of revolutionary representatives elected by the peasantry. It looked as if they had sent to the Duma, from which they expected both land and liberty, the men who had come in contact with them as their teachers, educators, and coworkers.

Then, as now, a workmen's council was organized, the workers trying by means of the strike to make the demands of the Duma upon the Government more effective. The first and successful gigantic general strike was followed by several other strikes less successful. Unfortunately, the workmen's council was not a soldiers' and workmen's council, as it is now. The rebellious masses were not armed.

As soon as the Government noticed the weakening of the workmen's council it was emboldened enough to disband the second Duma, and so to change the electoral law that the large agricultural and industrial working masses were practically denied all representation.

In the ensuing elections the Government used all of its oppressive powers to prevent the election not only of revolutionists, but of any man who was guilty of harboring a progressive idea. The success of the Government was almost complete. Both the third and the fourth dumas were overwhelmingly conservative and reactionary, the social democrats and the laborites having succeeded in electing only 25 representatives in the Fourth Duma, and the number of constitutional democrats was reduced to one-third of their former strength.

The men determined to promote democratic ideals found themselves surrounded in the national assembly itself by a majority of ardent supporters of the old régime. In spite of all, though, the Duma became the reservoir toward which all grievances of the country flowed. The liberal elements determined to save the existence of at least a semblance of a parliament in the hope that the gathering strength of the ever-growing democratic forces would make of the Duma a real parliament.

It became their policy to win against autocracy "by siege and not by assault." They submitted to humiliation in order to save the Duma. They were waiting and were working while waiting. The Government again commenced a series of repressive measures and persecutions, in the old style of pre-revolutionary days.

Again the smaller nationalities were subjected to indescribable persecutions. A state of despondency temporarily seized the minds of the people. The Government went to the extent of encouraging pornographic literature so as to destroy the morality of the students, who were always among the best revolutionary elements of Russia. More than 50 years before that the universities became the centers of revolutionary activity, women having fought out the right to attend the universities way back in the sixties.

The number of suicides multiplied, particularly among the young men. An attempt was made by the third and fourth Dumas to bribe the peasantry into loyalty to the Government by reducing some of their burdens. A vain effort was made to change the fundamental agricultural law applicable to land ownership by permitting lands to be acquired in perpetuity by the heads of families. Still it was impossible to believe that the people who had organized the most gigantic political strike in history and who had wrested from the worst of autocrats a popular assembly should not resume their efforts for liberty. It was impossible to believe that they had been crushed forever.

Even the reactionary Duma ultimately became the undoing of the Czar. Autocracy can not afford even to be praised. While the voices of protest in the Duma were few, there were some voices. The people looked to somebody other than the Czar for the redress of their grievances. No matter how hard the Government tried, it was impossible to restore that restriction of freedom of speech which existed before 1905.

Driven from direct participation in the political contest for representation in the Duma, the intrepid radicals directed their energies into the economic organizations of the working people, into the zemstvos, into the peasants' organizations, into cooperative societies, various cultural clubs, and educational organizations. The growth of cooperative societies and unions in Russia was phenomenal. From 4,479 in 1905 the cooperative societies grew to 37,000 in 1906, and the year before the outbreak of the war a national congress of cooperative societies was held with 1,300 delegates. Every union, every conference of cooperative societies, every dramatic club, every literary society, every gathering of the zemstvos, even congresses of medical societies and engineers' conventions, were utilized by the rebels, who would not and could not yield, to urge a change. Strikes increased both in number and in intensity.

By the beginning of 1914 and a short time before the outbreak of the war Russia was on the eve of another revolution. Then came the war.

While in the Russo-Japanese War the Government prohibited the zemstvos from active participation even in the furnishing of relief, the gigantic sacrifices required by this world conflict compelled the Government to call upon and to enlist the efforts of the entire people. While before the war every meeting and

every assembly and every organization was looked upon with suspicion, the Government was forced to encourage cooperation among civic bodies, so that a complete network of national organizations, meeting for common purposes, coordinating their energies in one direction, was established throughout the country. The incompetence, the dishonesty, the unfitness, and the inability of the Government to wage a war for life and death with the best-organized military power in the world, led by brilliant generals and consisting of intelligent soldiers, the disasters which followed the brave efforts of an army sent to the front without ammunition, the sacrificing of thousands and hundreds of thousands of men who were sent with bare hands to attack entrenchments, barb-wire entanglements, and modern destructive artillery, the inability to provide the people with food, brought down the curses of an organized people upon the Government.

The chasm between the people and the Government grew wider. The contrast between the professions of an autocratic government talking about a war of liberation of nations, while its own people were being deprived of elementary rights, while its own members of the Duma were being sent to jail—five members of the social-democratic group were torn away from the Duma and exiled—while every non-Slav nationality within the domain of Russia was being crushed, was too real, too dangerous to be permitted to continue.

The reactionary elements saw the danger. They saw that a continuance of the war meant constant concessions to the people at the expense of autocracy. More than a year and a half ago it was brought out on the floor of the Duma that a large number of reactionary representatives were in a league to make a separate peace with Germany, no matter on what terms. It was brought out during the discussions that the Czar and Emperor Wilhelm were always a prop to each other. History fails to record a nobler or braver fight for democratic ideals than that waged during the last few years on the floor of the Duma by the revolutionary elements of Russia. Thus Prof. Miliukoff said when he protested against the persecution of the Armenians and the Jews:

> There is a certain level below which a nation can not descend without losing the right of sisterhood among civilized nations, and Russia has reached that level.
> We have reached the stage—

Said Tcheidse, a socialist deputy and now the president of the Soldiers' and Workmen's Council, a short time before this revolution—

> when the people must realize—and we are now realizing—that the Government and the people are not only two separate and distinct things but two entirely irreconcilable things. We have nothing in common with the Government, not even victory or defeat.

Who has ever heard braver words on the floor of any parliament?

Kerensky, the present war minister, again and again insisted that there was no hope for the people except in a complete change of the Government.

The leading newspapers carried stenographic reports of the speeches.

The members of the Russian Duma are elected for five years. The last Duma was elected in 1912. Political partisanship has not reached the hardened stage so characteristic of countries where political institutions are old. The exigencies of the war, the needs of the hour, the pressure of progressive elements, the alliance with democratic countries, the very proclamation of new ideals, the urging that came from the bottom up from the masses of the people, all these things resulted in the creation of an anti-Government coalition in the Duma itself.

The contest between autocracy and the representatives of the people reached the culminating stage. The storm was gathering. A shortage of food in the capital supplied the occasion for the outbreak.

I will not indulge in a description of the dramatic incidents of the revolution. It is still in the making and in the process of completion.

Under the superstructure of autocracy there grew up a complete network of national organizations. When it became necessary to create a new temporary government, there was the Duma, the people's assembly, to organize a provisional government. There was the national congress of zemstvos, whose president was asked to become the prime minister. There were the organized labor elements. There was the peasantry, with its simple and honest demands. There was the enthusiasm, the will, the statesmanship born of 12 years of parliamentary struggle.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. LONDON. Yes.

Mr. COX. In the election of these three Dumas that the gentleman has mentioned did the people have the right of a secret ballot, as we have in this country?

Mr. LONDON. The demand for secret, direct, and universal suffrage was one of the demands of the first and second Dumas, and was one of the reasons why they were disbanded by the Government.

Mr. COX. Do they have a secret ballot to-day? Or did they have before the present revolution?

Mr. LONDON. No; they have not.

Mr. COX. I know that in some European countries the ballot is viva voce. It is not a ballot at all.

Mr. LONDON. It is neither secret, direct, nor universal. The system used in the election of the last two Dumas particularly was a most indirect system.

Mr. COX. Had the landowners any interest?

Mr. LONDON. A controlling interest. The Government succeeded in so manipulating the electoral system that the third and the fourth Dumas had reactionary majorities, and the representatives of the laboring classes and the peasants found themselves in a very small minority. The latter had only about 25 representatives where they had before over 200. The demand for universal, secret, direct, and equal suffrage has been one of the demands up to the last moment. The third Duma expired in 1912; the present Duma is the fourth.

Mr. HARDY. Will the gentleman yield right there?

Mr. LONDON. Yes.

Mr. HARDY. Does the gentleman think this new revolution has a sufficient organization to hold together?

Mr. LONDON. It has. The revolution of 1917 is really a continuation of the revolution of 1905, except that the people are now armed. The present upheaval would have been entirely impossible without the gain of a national assembly and without the further gain of freedom of the press, which are directly due to the uprising of 1905.

Mr. HARDY. Have they now any cohesive organization?

Mr. LONDON. The spirit of cooperation among the various elements in this difficult period of transition fills one with astonishment. The peasantry, the industrial workers, the professional classes, the liberal elements of all classes, the army, all seem to have rallied to the defense of the provisional government.

The few reactionary elements have learned that it is unsafe to resist the irresistible and irrepressible drive of democracy. The present soldiers' and workmen's council tries to avoid the mistakes made in 1905. As soon as they had disbanded in 1906 the promises made to the people were withdrawn and the old Government was again in the saddle. The council representing the armed citizenry of Russia is the guardian of the newly acquired liberties, and it will probably continue until the constituent assembly is formed.

Now, I want to speak of the effect of the revolution on the progress of the war. A free people, once realizing that they are free, want to know what they are fighting for. That is self-evident. It stands to reason that a people who have overthrown their Government and have repudiated the internal policies of that Government, should, when requested to continue its foreign policy, ask for an opportunity to revise that foreign policy, for an opportunity to find out where the foreign policy is leading and that is exactly what has happened.

They began to examine what that foreign policy was, in the making of which they had had no part. They began to ask for the democratization of foreign relations, and you know that young democracies are honest and are not diplomatic. A young democracy loves liberty with a pure love. You will find in the oratory of the first 15 or 20 years of the history of this country the breath of pure democracy.

The new Government demanded a reexamination of treaties and tried to find out what the world was fighting for. The new Russia announced that so far as she was concerned, she wanted no indemnities, no conquests, no oppression of any people no matter however small. She wanted her allies to proclaim the same principles. For some inexplicable reason the American press interpreted this proclamation as a demand for a separate peace—as a desire to surrender to Germany. The slogan "No annexation" necessarily involves the restoration of Belgium to herself, the return to Serbia of her territory, the return of Montenegrin territory to Montenegro, the reestablishment of Roumania.

It necessarily implies the throwing of all possible safeguards around every other little nation in Europe. In protesting against punitive indemnities she but insisted that all warring nations should agree on a settlement of the war which should not crush any of the vanquished nations, which should not impose upon the

conquered nations a burden which they would be unable to carry. Their basis for universal peace was entirely in harmony with the principles which the President enunciated in his speeches before the Senate, and especially in the speech of January 22 of this year. Russia proceeded to prove her good faith by waiving all claims upon Constantinople, reserving, of course, the right to insist upon the neutralization of the Dardanelles and by granting the highest degree of autonomy to Finland. It could not have been otherwise with the Socialists playing the part they do in the new Government. The right of every nation to live its own life is a cardinal part of the faith of international socialism. Where the same territory is occupied by several distinct nationalities, the Socialist would give to every such nationality the largest possible measure of cultural autonomy, and where more than one nation claims the right to a particular territory by reason of national affinity, he would let the local population determine its affiliations by a vote of freemen and not by external pressure.

The Encyclopædia Britannica, in its article on socialism, says that the ethics of Christianity and the ethics of Socialism are identical.

The belief in the oneness of the human family is the fundamental tenet of the socialist faith. More than 50 years ago the socialists established an international association, consisting of delegates from all the nations of the world, small and great. At stated periods they would come together in international congresses. In 1886 they established an international holiday—an international holy day—a sacred day, the 1st of May, which socialists through all the world were asked to celebrate, so as to emphasize on that day the universality and oneness of the human family, the fact that there should be no hatred between one nation and another, and that there should be no conflict between one people and another. The congresses took up the problems of wars of colonization, wars of imperial expansion, and sought a remedy for them. The latest congress was to have been held in the city of Paris, beginning on the 8th of August, 1914, and at that congress they were to have taken up the question whether a general strike was the proper remedy to prevent a war. The French had a number of able advocates of that idea. The demand of the socialists of Russia and of its new government, and of the soldiers' and workmen's council for a settlement of the war on a basis which would secure universal peace, without annexation, without punitive indemnities, on a basis which would insure to every nation the right to unchecked development, was in harmony with the fundamental principles of international socialism; and I was astonished when I read in the President's Flag Day speech, one of the ablest speeches that he has delivered, the statement that the Kaiser has been using for his purposes all elements, including the socialist and labor elements. Now, it so happens that the socialists have been the most consistent and the most courageous opponents of militarism and of all militaristic schemes. It so happens that the socialists of Germany were issuing every year statistical records of the number of hundreds of years of imprisonment meted out to the social democrats for fighting the Kaiser and for fighting militarism. It so happens that the only men in Germany to-day who are suffering imprisonment for fighting the Kaiser are socialists.

It so happens that it was the Socialist Haase who, addressing himself to the suggestion of a separate peace with Germany, said in the Reichstag on the 15th of April, 1917:

> Our Government must not delude itself with the hope that it can conclude a separate peace with Russia so as to throw all its forces against the other countries. The dream of a separate peace with Russia must once for all be abandoned. Nor should the Government deceive itself in the belief that by manipulation for a separate peace it will succeed in creating friction among the Russian socialists. This attempt will but more firmly unite the socialists.

Where and when have braver words of defiance ever been heard?

Mr. AUSTIN. Will the gentleman permit me to ask him a question?

Mr. LONDON. Yes.

Mr. AUSTIN. How does the gentleman explain the inaction of the socialists in Germany in not rising up against their own unsatisfactory Government, when the socialists of Russia have done that?

Mr. LONDON. I will explain that, and that is something that should be understood. I expect a great change in Germany, and I expect a change throughout every country in the world. Gentlemen, in another 10 or 15 years we will see a great change in the world everywhere. Five or six years from now the gentleman will find himself voting for socialist measures.

He votes for some of them now, although at present he generally votes only for appropriations and not for measures of taxation, but he will have to change that.

Mr. AUSTIN. The gentleman from New York would not vote for the proposition to issue bonds to raise the necessary money to prosecute this war.

Mr. LONDON. That is all right. Now, let me answer the gentleman's question without bitterness. There is going to be a change in Germany. What has taken place in Germany is this: Under an oppressive political form the German people have managed to develop a high degree of education, so that there are no illiterates among them, and they have managed to obtain a large measure of economic improvement, while in some countries, which theoretically have democratic forms of government, the people have permitted an industrial oligarchy to sap the vital forces of democracy. Besides that, while I have not given any special thought to this theory, the theory is taking shape in my mind that a thoroughly educated people do not organize violent revolutions, because the more educated a people are the more will they rely upon the evolutionary process of obtaining their ends. That is why I am a social democrat, believing in education. I have not even given up the hope of educating the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. The gentleman will have to live as long as Methuselah did to educate me along his lines of government—socialism.

Mr. LONDON. Mr. Speaker, while the change is coming you must not forget that in every country of the world the socialists were confronted when war broke out with this situation: They were told everywhere that they were not patriotis. When they talked about internationalism or universal peace or demanded that the people have a voice in determining international relations, they were told everywhere that that was not the business of the people; they were told that somebody on top would tell them when wars should begin and when wars should end.

Is not that true? That condition confronted them everywhere, and they were nowhere numerically strong enough to resist. Assume that the socialists in this country should come out to-day and say——

Mr. HARDY. Mr. Speaker, will the gentleman yield?

Mr. LONDON. Yes.

Mr. HARDY. And is it not a fact also that the press and all the powers of publicity were used to persuade them that they were being attacked?

Mr. LONDON. There is not the slightest doubt about that. When the question came up in the German Reichstag they were confronted with an existing state of war. They were told that the Cossacks had invaded German territory.

Mr. HARDY. And that the French had?

Mr. LONDON. And that the French had—that French aviators had crossed the border. Everywhere the people on top were strong enough to suppress the socialist protest against the war. Suppose in this country to-day that the six or seven hundred thousand socialists were, right or wrong, to take a stand with their 40 or 50 little weekly papers against the war, how long would it be before their leaders would be in jail? They are already arresting some of them because some little petty official believes they are careless in the use of language. That has been the fate of the socialist movement everywhere.

Mr. AUSTIN. Does not the gentleman approve of the arrests made recently in New York of Emma Goldman and Alexander Berckmann?

Mr. LONDON. I do not know what the gentleman is referring to, but I have advised and I do advise obedience to the law, for this reason: I have to be consistent; and, to my mind, if international war is a misfortune, civil war in a republic is a calamity. A republic can not last unless its laws are obeyed, and the people have to obey the law. [Applause.] If the law is oppressive, they have the privilege of changing it.

Mr. AUSTIN. Then what arrests was the gentleman condemning?

Mr. LONDON. Oh, I am speaking of arrests of a number of people throughout the country by petty officials who believe that the men arrested are too freely criticizing the Government or are using careless language and all that. It is a horrible thing to have some official become suddenly the regulator of the liberties of the people and the censor of speech and of the press.

Mr. AUSTIN. Can the gentleman name a single instance?

Mr. LONDON. I will get together some of these cases. I hoped there would not be any, but there are these cases. Of course, each case will have to be defended on its own merits. I speak of the possibility of this oppression, and I am very much alarmed at the danger of it.

Mr. HAMILTON of Michigan. Is not Liebknecht in prison now in Germany?

Mr. LONDON. Yes; and Rosa Luxenbourg has been imprisoned also—one of the leading socialists.

Mr. HAMILTON of Michigan. I wanted to ask the gentleman, for information, this question: Do modern German socialists adhere to the fundamental principles of Karl Marx now? I ask that in all fairness.

Mr. LONDON. I know the gentleman asks in good faith. I do not believe I should undertake to answer the question in the limited time at my disposal. One of the rules of elucidation is to compare things that people do not know with things that they do know something about, and I take it for granted that most of the Members of this House are altogether unfamiliar with the teachings of Karl Marx. I want to say this about the German social democracy: At the outbreak of the war they had a caucus rule which compelled all of the members of the social democracy to vote as a unit. There were 36 members in the Reichstag who were inclined from the very beginning to vote against the war budget. The socialist method of protesting against war budgets is to either vote "no" or walk out of the chamber while the vote is being taken; that is, where there are many of them, or to abstain from voting. There were 36 of them who wanted that the party should vote "no" on the war budget. About a year ago they all began to vote against further appropriations for the war.

They all protested against the deportation of the Belgian workers. Coming to the socialists of other countries, in the Austrian Reichsrath the socialists have recently insisted on universal peace. In the Italian Parliament the socialists have from the beginning of the war up to the present moment been against this war, because they have looked upon the Italian war as a war of conquest and for the acquisition of territory. They are ready in every country to stand for a war of defense. In Russia the socialists refused to participate in the debate and in the vote. So throughout the world they have been consistent, as consistent as life permitted them to be. Dreamer as he is, idealist as he is, when he is confronted with a fact he is compelled to recognize the fact. We can not, however, abandon our faith, we can not abandon our desire to fight for the highest measure of democracy in times of peace as well as in times of war. We demand freedom of speech, freedom of the press, and we demand that in time of war especially should we be permitted to discuss international relations. You can not have a war of a free people unless the people are for war. They have to be convinced; they have to be reasoned with; they have to be argued with, and there is no danger in permitting people openly to express their dissent. There is a great danger in driving people into the dark cellar of conspiracy, to have men whisper the things that the people have a right to hear openly.

Mr. HAMLIN. Will the gentleman permit?

Mr. LONDON. I will.

Mr. HAMLIN. Under what circumstances would the gentleman be willing to fight?

Mr. LONDON. Would I be willing to fight?

Mr. HAMLIN. The gentleman's party.

Mr. LONDON. Is that question addressed to me individually or does the gentleman mean the party?

Mr. HAMLIN. To the party; yes; of course.

Mr. LONDON. The Socialist Party recognizes the right of a nation and the duty of a nation to defend itself against attack. That is not the question before us to-day. The question before us to-day is not whether you are willing to fight or not. The socialist, as every other citizen of this country, is confronted with an existing state of war. It is his obligation to teach the people obedience to the law first; second, to teach that every law that would lead to the defeat of the liberties of the people should be abrogated; third, it is his obligation to demand universal peace; that the principles upon which it may be established should be made clear to the world, so that all the liberty-loving elements of the world will understand that if they do fight that they are fighting freely, and that they are not being led to the shambles. [Applause.] That is what the socialists ask.

Mr. HAMLIN. Then, if that is the gentleman's idea, which is a very beautiful one, his party ought to go into this war with a great deal of enthusiasm, because we are certainly——

Mr. LONDON. In order to develop enthusiasm, you must first of all give people a chance to disagree with you. Freedom of speech does not mean the freedom of a fellow to speak things with which you agree. That is the way some people understand it. Now, they would not have us criticize or discuss international relations. Some great man, some leader, is supposed to do that for us. That is the monarchical idea. I deny that God has selected out of the human stock a few individuals and put into them so much wisdom that they can be trusted to guide the destinies of 100,000,000 people without asking for the cooperation of the people. [Applause.]

Mr. LOBECK. Will the gentleman state what is the real cause of the war?

Mr. LONDON. Is it my obligation to agree with the gentleman or may I express my mind freely? [Laughter.]

Mr. LOBECK. I would like to know.

Mr. LONDON. The historical causes of this war are, first, the conflict of economic interests between the various powers of Europe; second, the presence of large armaments and militaristic groups; third, munition makers, who are interested in keeping alive national hatreds; fourth, national hatreds and race prejudices; fifth, the inherited crimes of the past, the oppression of small nationalities, who, in striving for breathing space, came in conflict with the bigger nations.

These are probably the five principal causes. No nation is entirely free from blame, and while, chronologically speaking, the act of Austria-Hungary in attacking Serbia may be taken as the immediate cause, historically speaking, if you go back a few decades, you will trace it to the causes I have pointed out.

Mr. HARDY. Will the gentleman yield for a question?

Mr. LONDON. I will.

Mr. HARDY. Does not the gentleman think also that the militaristic theories of the German autocracy had a great deal to do with it?

Mr. LONDON. A great deal. And it is extremely interesting in connection with the point the gentleman has brought out that the great Russian and German historians were developing the same idea in apologizing for their respective nations. The Russian historians argued that western Europe was under a profound obligation to Russia because by maintaining a large army and by sacrificing the rights of her own people she protected western civilization against the invasion of the Tartars. Now the German historians, in apologizing for the maintenance of a powerful military establishment, explained that the rest of western Europe was under obligations to Germany because the German military establishment was calculated to protect Germany and western Europe against the aggressions of the Russian barbarians. Revolutionary France, when reproached for her unholy and unnatural alliance with the Czar, pleaded that she could not help herself because she had a dangerous military neighbor to the south. In this way every nation had an excuse for maintaining armaments.

Mr. HARDY. That was a crimination and a recrimination?

Mr. LONDON. Yes; but there is a great deal of historical truth in that, though.

Mr. HARDY. There is, but does not the gentleman think that one of the great essential elements was the writings of Bernhardi and the idea that might makes right?

Mr. LONDON. The theory that might makes right is not only a monarchical theory. When Rockefeller used his beneficent policy toward the strikers he followed the doctrine that might makes right.

Mr. HARDY. But he did not avow it?

Mr. LONDON. He did not avow it.

Mr. HARDY. Was there ever anywhere under the sun a country that evolved the construction that might makes right? Does the gentleman understand that any Member of this Congress advocates the doctrine of might makes right?

Mr. LONDON The idea that one nation is the cause of all the troubles of the world is absurd. Of course, Prussian militarism is a danger, and I do not see how it will be able to sustain itself now because of the liberalization of Russia. Russia has held up a torch of light for the rest of the world.

Mr. HARDY. Does not the gentleman think that somebody was to blame for bringing this war?

Mr. LONDON. I said that, chronologically, the first step that brought about this war was made by Austria-Hungary. As a matter of fact, it was not only that. It was a violation by Austria-Hungary of her agreement not to take away Bosnia and Herzegovina. That led to the war. You can trust——

Mr. HARDY. On the very eve of the war somebody did wrong?

Mr. LONDON. No doubt of it. And if we had a big army on the Canadian frontier, if we had a million soldiers on our side and a million on the Canadian side, with fortresses and fortifications, we would have no difficulty to find an excuse for an armed conflict with that country.

Mr. LOBECK. The fires had been smoldering in Europe for a long time?

Mr. LONDON. Yes.

Mr. AUSTIN. The gentleman does not hold the Kaiser responsible?

Mr. LONDON. Primarily responsible. When we talk in such terms of reproach of the Kaiser, the trouble is that the Kaiser does not care. Of course, Austria-Hungary would never

have dared to take that step without the promise of the support of the German Emperor. The problem, however, to-day, so far as we are concerned, is not with the historical causes of the war. We are dealing with the present situation. We are not interested in blaming Germany or England.

Mr. HARDY. I would be very much more interested if the gentleman would give us his view of what Russia is going to do now.

Mr. LONDON. Russia has rejected the idea of a separate peace, and for a number of reasons. She realizes that the presence of a colossal military power on a frontier of a thousand miles to the west of her is a serious menace. Revolutionary Russia can not afford to see republican France crushed, nor can she tolerate the wiping out of Belgium or the destruction of Serbia or any injustice to any of the little nationalities that now form a barrier to the ambition of Germany to penetrate to the east by land. And perhaps the most important reason of all is that the Socialists, who are such a powerful factor in the shaping of Russia's destiny, feel and think in terms of the universal and of internationalism. The Socialist always rises above the narrow limits of national thought. That is why Russia's reply to proposals of a separate peace was, "If you are compelled to make peace with us, we want you to make peace with the rest of the world." I was animated by the same thought when I sent my cable to the president of the soldiers' and workmen's council and expressed the hope that Russia would be a compelling factor for a universal and lasting peace. But what Russia does say to the world is this: "We are in distress; we have been in distress for centuries. We have suffered untold misery. We have gone through three years of war. You want us to continue. We want to continue, but we ask that every nation abandon imperialistic designs. We ask that the nations of the world seek and find a common basis upon which universal peace can be secured."

That is their plea. Is there any reason why their request should not be met by a spontaneous and sympathetic response on the part of all liberty-loving peoples?

Mr. HARDY. Mr. Speaker, will the gentleman yield?

Mr. LONDON. Yes.

Mr. HARDY. I do not know whether the gentleman answered the question I have in mind or not. It is this: Could the Russians get together and unite in an effective resistance to the Germans?

Mr. LONDON. The skill with which the provisional government has met the extraordinary difficulties born of the revolution should be reassuring to all. They seem to have learned to combine enthusiasm with order, liberty with self-restraint. One would be justified in expecting that with the sudden release from oppressive restrictions the accumulated bitterness would have given rise to all sorts of excesses. The contrary is true. There is an almost complete absence of cruelty, an absence of the atrocities, that characterized the French Revolution. There are no women knitting stockings while heads are falling from the guillotine. They have abolished capital punishment. The Czar finds himself safe in the city of Petrograd, with hundreds of thousands of soldiers and workingmen, with red flags flying, around him. He was permitted to vote in the last municipal election.

All that shows the presence of a constructive statesmanship, which is so essential when a nation is being reborn. It shows a realization of the large responsibility that has fallen upon the shoulders of that long-suffering people. I have an abiding faith that the revolution in Russia has brought a stream of new life and liberty, not only for the people of Russia, but for all mankind. [Applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had disagreed to the amendment of the House of Representatives to the joint resolution (S. J. Res. 13) extending the time within which the "Joint resolution authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River," shall remain in effect, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMITH of Arizona, Mr. SHIELDS, and Mr. BRANDEGEE as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the joint resolution (S. J. Res. 67) to fix the status and rights of officers of the Public Health Service when serving with the Coast Guard, the Army, or the Navy.

DIVERSION OF THE WATERS OF NIAGARA RIVER.

Mr. FLOOD. Mr. Speaker, in reference to joint resolution 13, which has just come over from the Senate, I move that the House insist on its amendment and agree to the conference.

Mr. KEATING. Will the gentleman yield?

Mr. FLOOD. I will.

Mr. KEATING. The report just received from the Senate does not come as a surprise to the House. A few minutes ago the House very solemnly and seriously began consideration of a bill to use the waters of Niagara River. There had been inserted in the bill certain safeguards to protect the public interests. Those safeguards had been considered in the Committee on Foreign Affairs, and had been agreed to. They were brought out on the floor of this House, and with impressive solemnity, presented to the Members. When that action was taken it was understood by well-informed Members that the men who were in charge of the legislation had agreed on the following program: That the bill in the form it was reported from the Committee on Foreign Affairs would be passed by this House; that it would be taken over to the Senate; that the Senate would disagree to the House amendments; that the bill would be brought back here; that a conference would be asked; that the House would be requested to remain in session until the conferees of the House and the Senate might get together and solemnly confer on this proposition; and that then a report would be brought into the House declaring that the Members representing the House had been unable to secure the safeguards thrown around the grant by the House—or at least the most important of them—and the membership of the House would be expected to agree to that finding.

The result of this farce, staged in this solemn way in the American House of Representatives, would be that certain monopolies in the vicinity of Niagara Falls would be permitted to continue to control the water power at Niagara Falls, worth many millions of dollars.

A year from now, when this temporary permit expires, these same gentlemen will again come into this House, and if the war is still in progress in Europe, we will be told that the permit must be extended as a war measure. If the war is not in progress in Europe, we will be told that the measure must be passed, because the business interests in the vicinity of Niagara Falls will be destroyed if we do not pass it.

The last time the measure was before the House, or possibly not the last time, but, at any rate, last December, before the holidays, I raised the point of no quorum and temporarily postponed action on the measure. At that time we were solemnly assured that if I insisted upon the point of no quorum thousands of men would be thrown out of employment and great industries would be closed down. It was then urged as a commercial proposition, and these men who control this monopoly then went so far as to communicate with the miners in my congressional district. I have the privilege of representing in part the greatest gold mining camp in the world. The miners of that camp were told that if their Representative insisted upon his point of order they would be thrown out of employment and the mines would close down, because the mills could not get the cyanide needed to treat the ore. Of course, my constituents are far too intelligent to be caught by such chaff.

Supporters of this measure are always talking about their desire to secure permanent legislation. The fact is, my friends, that the men who are now in control of this water power do not intend, if they can prevent it, that the Congress of the United States shall ever enact permanent legislation—unless it is the kind of permanent legislation they want. They seem to have power enough to prevent the passage of legislation which will enable the people of the United States to take control of this water power and administer it in the interest of all the people.

A point of no quorum at this stage of the proceedings will simply prevent a conference upon this proposition, perhaps not even that, for I do not know whether you have a quorum in town or not. I do not intend to make the point at this time. I will permit the resolution to go to conference, reserving the right to make the point of no quorum when the conference report is brought back on the floor of this House.

I do not mean to question the motives of the chairman of the Committee on Foreign Affairs. I think he has endeavored to the limit of his ability to secure permanent legislation. Nevertheless, I take the liberty of urging the chairman and the other conferees to insist upon the House provisions. To my mind it is perfectly absurd to say that if this legislation is not passed war preparations will be seriously interfered with. I have no doubt that in an emergency the Secretary of War or the President of the United States would have the power to commandeer this power plant and use this water power which belongs to the Federal Government. So, as far as interfering with war preparations is concerned, I do not think any Member of this House has any reason to hesitate to oppose this legislation on that score. The membership of this House should call the bluff of these gentlemen who control the water power at

Niagara Falls and who have the temerity to set up the claim that they have a right to control it without regard to this permit. I believe that without this permit they would be acting in violation of law; that they would have no color of title; but that question I recognize must eventually be determined by the courts of the land. I think Congress should take steps, however, to see to it that the question is settled once and for all; and that without unnecessary delay.

Mr. CANNON. Mr. Speaker, will the gentleman yield?

Mr. KEATING. Yes.

Mr. CANNON. I do not know about the merits of this measure. There is a great water power, as I understand it, at Niagara Falls. I judge from the gentleman's remarks, not being present when the matter was considered to-day, that the House is one way and the Senate is the other, and so far up to this time there has been no adjustment. If there is not any adjustment, and the water does not turn any wheels, I suppose the water will continue to run over the dam, and what will then happen?

Mr. KEATING. Mr. Speaker, the answer to that, if the gentleman will permit, is that the water will not continue to run over the dam. These gentlemen will continue to do what they have done for years. For years they used this water without a permit and in violation of law, according to the Secretary of War.

Mr. CANNON. If there is not anything in extremis, I have nothing further to say.

Mr. FLOOD. Mr. Speaker, the gentleman is mistaken about the water not running over the dam if this legislation is not passed. The Federal Government assumed control of the water of Niagara River in 1906, and passed a law authorizing the issuing of permits for the diversion of water up to 15,600 cubic feet per second. That law was to remain in force for three years. It expired by limitation and was renewed on two occasions. It has run out, and the power companies have been using the water that was granted under those permits by the acquiescence of the Secretary of War without permits. Last January Congress passed a resolution authorizing the Secretary of War to grant additional permits for 4,400 cubic feet per second of water, making 20,000 cubic feet altogether, which is the full quantity this country was authorized to grant permits for the diversion of under the treaty with Great Britain. Those permits, under the resolution, expire to-morrow. If these companies take any portion of the 4,400 cubic feet per second of water after the permit expires, the resolution which we passed in January imposes very heavy penalties upon them; so heavy that they could not afford to take the water, as it not only involves fines, but imprisonment of the officers of the company as well, so that part of the water will not be diverted unless this resolution is passed. There is a difference between the House and the Senate. I believe the views of the House were embodied in the resolution reported from the Committee on Foreign Affairs. That resolution certainly embodies my views and the views of that committee, and I believe the views of the House. The Senate is violently opposed to some of the principles laid down in this resolution, and I very frankly stated to the gentleman from Colorado [Mr. KEATING] that in the emergency which faces this country now, that if I could not get all that I wanted in this resolution, that I would not defeat its passage by insisting upon having all that I wanted. And if it came to the question of failing to get this legislation through or surrendering my views in reference to the matter to which I referred, I would surrender my views, as I believed it to be for the good of this country in its war emergency. [Applause.] I am as much in favor of the principles of this resolution as the gentleman from Colorado, but if I can not get all I want I will yield some matters in order to get an agreement.

Mr. CRAMTON. Will the gentleman yield?

Mr. FLOOD. I will.

Mr. CRAMTON. Are we to understand then that the program we are following is equivalent to a motion to concur in the action of the Senate?

Mr. FLOOD. I do not know that the Senate conferees will insist upon the Senate bill, but if they do insist and we can not get them to yield and I am one of the conferees I do not expect to defeat this legislation by insisting upon all of my views.

Mr. CRAMTON. If the House conferees so publicly announce their readiness to recede, we might as well concur without a conference.

Mr. FLOOD. There are other amendments that the House placed on this proposition besides the amendment referred to by the gentleman from Colorado that should go to conference, and the gentleman is mistaken in suggesting that there was anything farcical in the proceedings this morning.

Mr. AUSTIN. Will the gentleman yield?

Mr. FLOOD. I will.

Mr. AUSTIN. Is it not a fact the Secretary of War and Gen. Black both recommended this temporary permit we passed at the last session of Congress be extended for another year?

Mr. FLOOD. Not as the Senate passed it.

Mr. AUSTIN. The renewal or the extension of the temporary permit we passed at the last session of Congress?

Mr. FLOOD. The Senate resolution provided for an extension for one year of the resolution we passed last January. The Secretary of War suggested a very important amendment, giving larger and broader powers to the War Department to control the use of the power generated from the use of this water.

Mr. HUDDLESTON. I should like to ask if this resolution in itself does not embody the recommendations made by the Secretary of War and the Chief of Engineers?

Mr. FLOOD. It does and goes further.

Mr. AUSTIN. Because you embrace all the water power of Niagara Falls, not the 4,400 cubic feet given in the temporary permit given at the last session of Congress.

Mr. FLOOD. That is correct, except the permit was to July 1, 1917, a little more than five months.

Mr. CANNON. Will the gentleman allow further?

Mr. FLOOD. Yes.

Mr. CANNON. When does this gentlemen's agreement that I understood was made to-day to adjourn three days at a time begin?

Mr. FLOOD. It begins as soon as this legislation gets through, whether to-day or to-morrow.

Mr. CANNON. If it does not get through to-day or to-morrow this gentlemen's agreement is of no account?

Mr. FLOOD. The agreement has not been made yet.

Mr. CANNON. I thought the agreement was made.

Mr. FLOOD. The understanding is when this legislation gets through.

Mr. CANNON. I thought the agreement had been made.

Mr. FLOOD. It has been made in that way.

Mr. CANNON. Then that gentleman's agreement will not go into effect until this bill is disposed of? I had a different impression; I was not present when it was made.

Mr. FLOOD. I concur in much that the gentleman from Colorado has said about the power situation at Niagara Falls, but this resolution is being pressed not for the benefit of the power companies. It is because we need for the use of our Army and Navy the articles made by the electrical power which the use of this water generates.

Now is not the time to bring the power companies at Niagara Falls or the users of their power to account. I hope the time may come soon when we can do so. I will welcome it. But it is not now.

The Secretary of War and everyone familiar with the products made from electrical power generated at Niagara Falls tell us that everything made there is used in manufacturing war material.

Niagara Falls is the center of the electrochemical industry of this country, and the products made there are vitally essential to the various other industries upon which our national defense directly rests.

A partial list of the Niagara Falls manufacturing companies, their products and uses, which have been furnished me is as follows:

Union Carbide Co., Electro-Metallurgical Co., Hooker Electro-Chemical Co., Oldbury Electro-Chemical Co., the Carborundum Co., the Norton Co., the General Abrasive Co. (Inc.), Isco Chemical Co. (Inc.), Niagara Alkali Co., Electro Bleaching Gas Co., Star Electric Co., National Carbon Co., Acheson Graphite Co., Aluminum Co. of America, National Electrolytic Co., United States Light & Heat Corp., Castner Electrolytic Co., Titanium Alloys Mfg. Co., Niagara Electro-Chemical Co.

The products of many of these plants are either not made elsewhere in the United States or if so made elsewhere are produced in negligible quantities.

The products of these Niagara plants embrace the following articles which are used as indicated below in other industries, viz:

Ferrosilicon, ferromolybdenum, ferrotungsten, ferrochromium form the chief constituents of the group comprising high-speed tool manufacture and utilization. High-speed steel has tripled the capacity of the machine shops and the efficiency of every metal worker in the Nation. They are of supreme importance to the building of every modern battleship, submarine, and their guns and armor. Without these metals or their alloys, a large proportion of our steel and metal industries would find themselves in the condition of practically 20 years ago.

Ferrotitanium: Bessemer and open-hearth steel processes and in steel castings.

Cuprotitanium: Used in copper and bronze castings.

Carborundum and alundum: Abrasives or grinding materials necessary in all metal-working industries, and for grinding shells, gun barrels, bayonets, knives, and aeroplane and automobile cylinders. These abrasives are the only means of fashioning armor plate and are essential in the making of hard steel tools and similar articles.

Silicon metal: Essential in silicon steel for electric machinery in all new electrically-propelled battleships. Used also with caustic soda for generating hydrogen for aeronautical purposes.

Chlorine products, chlorine compounds, including chlor benzol, chlor toluol, chloroform, caustic soda: These products in their various forms and ramifications of usefulness are the bases of picric and benzoic acid and trinitrotoluol, used in the manufacture of high explosives; also necessary in Army and Navy sanitation, surgery, and medicine.

Carbon, graphitized carbons, and graphite: Essential in making cartridges and primers, electric steel, vanadium, tungsten, molybdenum, silicon metal, stellite, batteries, and for lubrication; much needed by cartridge manufacturers and United States arsenals.

Aluminum: Essential for the manufacture of mess kits and canteens used by the Army and Navy; for castings for engines for aeroplanes; for structural shapes required for Zeppelin airships now under construction and for aeroplanes; for voice tubing in battleships; used for time fuses on shrapnel and high-explosive shells; the making of "ammonal," a high explosive used extensively abroad; in automobile and motor-truck construction; in illuminating bombs; as a deoxidizing agent in steel making.

Calcium carbide (acetylene and oxyacetylene): Necessary for lighting of beacons, buoys on sea coasts, harbors, and inland waters, and other methods of illumination impossible otherwise without reconstruction. For welding in navy yards and metal works. For signal lights, search lights, flare lights. Over 70 per cent of miners' lights are from calcium carbide, and the whole mining industry depends upon supply thereof.

It follows that all these industries depend upon the hydro-electric power developed at Niagara Falls, which is in turn dependent upon the authorized diversion of water. It is obvious that the importation of any of the products so made by them essential or useful for the national defense is impossible now, and to leave the sole available sources of supply in America without adequate electrical energy for the operation of their plants would be suicidal.

The Secretary of War wrote me the following letter:

WAR DEPARTMENT,
Washington, May 2, 1917.

THE CHAIRMAN COMMITTEE ON FOREIGN AFFAIRS,
House of Representatives.

SIR: Supplementing my letter of April 25, referring to Senate joint resolution 15, permit me to say that it was my intention to recommend the passage of the suggested amendment authorizing the Secretary of War to issue temporary permits for additional diversion of water from the Niagara River as an emergency measure growing out of the existing state of war.

Very respectfully,
NEWTON D. BAKER,
Secretary of War.

In his testimony before the committee he said:

I have a feeling that practically everything made by the use of this power at Niagara Falls is war material. All of the abrasive material, chlorides, and the various alloys, all of them are war material.

He phoned me that the passage of this resolution was of the greatest importance, and asked me to recede upon the amendment which he had suggested to the Senate resolution.

In these circumstances I will not insist upon all of my views, if by so doing I will defeat this resolution. [Applause.]

The SPEAKER. The question is on the House insisting upon its amendments to the Senate joint resolution.

The question was taken, and the motion was agreed to.

The SPEAKER. The Chair appoints the following conferees.

The Clerk read as follows:

Mr. FLOOD, Mr. GOODWIN of Arkansas, and Mr. COOPER of Wisconsin.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on June 21, 1917, approved and signed bill and joint resolution of the following titles:

H. R. 3673. An act to amend the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts of August 4, 1914, August 15, 1914, March 3, 1915, and September 7, 1916; and

H. J. Res. 105. Joint resolution to correct an error in the sundry civil appropriation act for the fiscal year 1918.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2434. An act authorizing the counties of Cass and Itasca, Minn., to construct a bridge across the Mississippi River between said counties; to the Committee on Interstate and Foreign Commerce.

S. 2482. An act to reinstate Armor S. Heffley as a second lieutenant in the United States Marine Corps; to the Committee on Naval Affairs.

DESIGN OF THE CURRENT QUARTER DOLLAR.

The SPEAKER pro tempore. The Chair lays before the House a Senate resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 2099) providing for the modification of the design of the current quarter dollar.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

DIVERSION OF WATER, NIAGARA RIVER.

Mr. KITCHIN. We have been waiting for the gentleman from Virginia [Mr. FLOOD] to come back with his conference report on the bill relating to the diversion of water from the Niagara River. I wonder if some gentleman would not like to take some time?

Mr. DEMPSEY. I would like to have 10 minutes on this Niagara resolution.

Mr. KITCHIN. I ask unanimous consent, Mr. Speaker, that the gentleman may have 10 minutes.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that the gentleman from New York [Mr. DEMPSEY] may proceed for 10 minutes. Is there objection?

There was no objection.

Mr. DEMPSEY. Mr. Chairman, the gentleman from Colorado [Mr. KEATING], in speaking on the resolution that was passed here this afternoon, said that his objection to the passage of the resolution was this, that so long as we have these temporary permits we would not obtain any permanent legislation.

Now, that assumes that we have before us an ordinary question of whether or not those who are using the power at Niagara Falls shall be permitted to continue that use. That is not the condition of affairs at all. That is not the question which the House has to consider. The question which is before the House is quite an unusual one.

Let us see what the situation at Niagara was when this resolution was first considered by the Committee on Foreign Affairs, and how it happened to come before the committee. There was an international joint commission, and they decided that we might use 20,000 cubic feet of water on this side, and that the Canadians might use 36,000 cubic feet. Over in Canada they are using their entire 36,000 cubic feet, but on this side, up to a year ago we never had used over 15,600 cubic feet. A year ago permission was given by the two Houses of Congress to use the remaining 4,400 cubic feet, growing out of this situation: Great industries had developed in Niagara Falls. It had become the electrochemical center of the world. More than that, these industries had become important to the whole Nation in this way: There are raw materials made there which enter into the manufacture of all of our great basic products. Take, for instance, the automobile industry. The automobile had been cheapened and reduced in price immeasurably through the improved abrasive products, produced through electricity at Niagara Falls. Take steel and rapid steel. Seventy per cent of all the steel in the United States had to have ferroalloys, and they are produced only at Niagara. Rapid steel had reduced the necessity of employing labor to the extent that the efficiency of practically every steel manufactory in the country had been increased to double its former capacity. So the industries of the country had grown to depend on Niagara to the extent that the use of this additional power was necessary, not for Niagara alone but for the country at large.

Now, that temporary permit is about to expire. Who asked that it be continued? Not the manufacturers; not the people at large in the country. Their interests were great enough, but the person who asked that that permit be extended was the Secretary of War of the United States. Why? Because he said every one of the manufactured products produced at Niagara went into the manufacture of munitions, and every one of them was necessary to the making of munitions. In other words, they were necessary to the production of the munitions which we must have in carrying on this war and in order to produce them that power is absolutely necessary.

I just want to read enough from the hearing to show the House that I am not magnifying or overstating what the Secretary said to the committee on that subject. I want to show

that I am stating it as he stated it, that I am not stating it any more strongly, but that I am stating the situation as it actually exists and has been found to be by the Secretary of War, who has this matter in charge, and whose duty it is to find the facts. I read from his testimony before the committee.

The gentleman from Minnesota [Mr. MILLER], a member of the Foreign Affairs Committee, asked the Secretary of War:

In your judgment, it is necessary for the public interest that this additional power be allowed to be developed?

Secretary BAKER. I think it is.

The CHAIRMAN. You look upon this as an emergency measure growing out of the existing state of war?

Secretary BAKER. Yes.

No action had been taken by the committee, and after the Senate had passed the resolution unanimously, within 10 days after the Secretary called it to the attention of the Senate, the matter had been allowed to lapse on this side and remain without action for six weeks or more, and the Secretary of War sent a letter, of which this is the concluding sentence:

* * * It was my intention to recommend the passage of the suggested amendment authorizing the Secretary of War to issue a temporary permit for additional diversion of water from the Niagara River as an emergency measure growing out of the existing state of war.

Mr. CRAMTON. Do I understand that letter asked for an additional diversion of water?

Mr. DEMPSEY. Yes.

Mr. CRAMTON. As provided in the House proposition?

Mr. DEMPSEY. No; not as provided in the House proposition, and I will come right to that question in a moment. I should like to finish what the Secretary of War and Gen. Black said upon the necessity, and then I will call attention to the difference between the resolution which passed the Senate and that passed by the House:

Secretary BAKER. I have a feeling—and it is a generalization which may be subject to some exceptions—but I have a feeling that practically everything made by the use of this power at Niagara Falls is war material. All that I know are war materials. All of the abrasive materials, chlorides, and the various alloys—all of them are war materials.

The gentleman from Minnesota [Mr. MILLER] suggested the amendment at the end of the House resolution, which provides for an investigation which shall be conducted to enable the Congress to pass permanent legislation. The Secretary was asked whether he thought that should be added to the resolution, and he said this:

The language—

Of the paragraph proposing this investigation—

is entirely apt, and the only hesitancy I have in expressing an opinion is whether it would delay the passage of the joint resolution. If it should have that effect, it would be unfortunate.

Then Gen. Black said:

I am in entire accord with what the Secretary said on that, but whether this is the time or not is another question. The most essential thing for the need of the country is this joint resolution, and nothing should go in there which would prevent giving the Secretary power, if possible, with the additional conditions he asks, to allow this continued diversion authorized in your joint resolution of last January. That is the most essential thing that must go through. These other things we would like to see go through, provided it does not imperil that.

Then Gen. Black said further:

If you will permit me, I would like to make a couple of suggestions. One thing is this: What is the use of having this fight year after year?

The Secretary suggested that instead of this resolution extending the time for a single year it should run for two years, to July, 1919, instead of July, 1918. The resolution as passed here and in the Senate provides for only one year; but Gen. Black said:

Why not let this resolution now go along so as to enable Congress to form permanent legislation whenever it can? We do know that just at present we have this emergency war measure; these industries are also depending on this power. Those industries are very important to the whole Nation all the time, and therefore it seems to me that it would be very injudicious to cut down the use of power there at Niagara Falls at this time, and that we should, then, before you begin to legislate further on the subject, have full information before Congress, so that the permanent legislation may be based upon full information. The other suggestion I was going to submit is this: If there be any danger that this addition to the resolution would imperil it, then why would it not be perfectly proper to have a separate resolution and have it considered on its own merits?

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. DEMPSEY. I ask for five minutes more.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. DEMPSEY. Now, I am coming to the difference in the two resolutions, and I am coming not alone to describe that, but the attitude of the Secretary and of Gen. Black toward the two resolutions—the one in the Senate and the one here. The resolution in the Senate simply extends the time one year for the use of 4,400 cubic feet. The resolution of the House deals with the whole 20,000 cubic feet, and provides that if these companies at Niagara use that 20,000 cubic feet after the end of one year they commit a criminal act, and that those who use it are punishable not alone by fine but by imprisonment.

Let us see for a moment. Here we are practically at the end of the session. The only thing that stands in the way of granting what the Secretary asks—the use of these 4,400 cubic feet to enable these war materials to be made—is the fact that we are at the end of the session, and that some gentleman may, despite the fact that it is asked as a war measure, despite the fact that we need these materials to carry on this war, may make the point of no quorum. Suppose this war continues another year, and suppose the Committee on Foreign Affairs should delay just as they have this year up practically to the end of the session, and suppose that you stood to the resolution passed in this House embracing the whole 20,000 cubic feet—and I am not discussing for a moment the rights of the parties; I am not discussing the property rights, but I am discussing simply the war question—suppose you came a year from now to the end of the session as you are now, and suppose the war is still going on, and that the wheels at Niagara are stopped, you are going to need steel, you are going to need these various alloys to make practically every war material you use, and you will not be able to make any of them if some one Member of this House says, "I make the point of order that there is no quorum present."

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. I yield first to the gentleman from Massachusetts.

Mr. WALSH. If this legislation should fail, has not the President the power, under the national-defense act, to take over these plants up there and proceed with the manufacture of such materials as are needed for the prosecution of the war?

Mr. DEMPSEY. I am not familiar enough with those acts to answer the gentleman directly, but I should say this in answer to his question: Where there are two acts on the statute books, and they both can stand, it is the primary rule of construction that they both shall stand. Here is a law which makes it a crime to use these 4,400 additional feet. Whether a public officer would have the right to use those additional 4,400 cubic feet in face of that prohibition I should deem very doubtful indeed. I doubt whether any of us are above the law. I doubt whether the fact that the President is President gives him the right, because he has a right to commandeer plants, to use water power which this Congress has said can not be used without the commission of a crime. I think that the President and the Secretary of War are subject to law the same as the rest of us, and I know of no exception in the statute which says that because a man is a public officer he can violate the law which, when he assumes office, he solemnly swears he will defend and enforce.

Mr. WALSH. Just one other question: Can the gentleman imagine any United States attorney prosecuting the President or any of his officials for carrying out his orders issued as Commander in Chief of the armed forces in manufacturing war materials and using this water under the national-defense act, if he has that power?

Mr. DEMPSEY. I answer the gentleman in this way: If it is right to use this power, if this power should be used—and the Secretary of War and the Chief of Engineers and Gen. Crozier, the head of the Ordnance Department, all say it is absolutely necessary—I do not believe that Congress should be afraid to pass the legislation giving them the power to use it, and I do not believe that we should leave it a matter of construction whether or not a crime is being committed in the use of it.

Mr. WALSH. I say to the gentleman that I am not afraid; I am willing to support the resolution.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. DEMPSEY. Mr. Speaker, I ask unanimous consent to proceed for five minutes more.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. DEMPSEY. I ask this for the purpose of yielding to the gentleman from Colorado [Mr. KEATING].

Mr. KEATING. Mr. Speaker, the gentleman from Massachusetts asked the question which I had in mind when I rose and asked the gentleman to yield, which was as to the power of the President to take over these plants if necessary and operate them in the public interest. If the gentleman will bear with me for a moment, I will call his attention to the fact that we have just passed a joint resolution which will permit the use of this water by these power companies, and if it were not for some willful gentlemen at the other end of the Capitol that

measure would now be on its way to the President of the United States. So that I think the gentleman should address some of his indignation to that small group of willful men at the other end of the Capitol.

Mr. DEMPSEY. Now, I would like to say this—first I will yield to the gentleman from Tennessee.

Mr. AUSTIN. I wanted a little time myself when the gentleman finishes.

Mr. CLARK of Missouri. I would like to ask one question of the gentleman for information.

Mr. DEMPSEY. I yield to the gentleman.

Mr. CLARK of Missouri. Now, if it is a good thing to do this, why not bring in a permanent law here, and what is the sense of having this thing up here every session of Congress? We had it up last winter and came very near losing out on it, and now they come in and want another extension. Why not have a permanent law and be through with it if it is a good thing?

Mr. DEMPSEY. I am very much delighted the Speaker put that question, because I want to say a word upon just that phase of the subject. The House of Representatives did bring in a permanent measure at the last annual session. I am from that district. Now, I might be accused of personal or selfish interest, but I appeal to the membership of this House—and some of the members of the committee are here—to bear witness to this fact, that when that permanent legislation came before this House, although I offered some small minor amendments, I offered no amendment which was not accepted by the committee in full; and after I had, with the consent of the committee, offered one amendment, and it carried, first by viva voce and then a standing vote, and when tellers were demanded, and Members were going through between the tellers, the gentleman from Virginia, the chairman of this committeé [Mr. FLOOD], came to me and said he would have to withdraw his consent at that stage; and, although I angered men who were my supporters—one of them, the gentleman from Washington, would not speak to me for days and said I had no right to withdraw the amendment I had offered—yet my desire was so great to show that the community in which I was interested and where I lived, which was vitally interested in this legislation, was so desirous of showing their wish to have permanent legislation acceptable to the whole country that at that stage I withdrew the amendment, and we passed permanent legislation in this body, but we passed it so late that it was not acted upon by the Senate. Now, there is no one in the world so anxious to have permanent legislation as those who live in the vicinity of the great cataract. We are living there day by day, from hand to mouth, in daily terror of just such a situation as is created here. For one month last winter, because of the point of no quorum, when wages were high but when the cost of living was equally high, when coal reached the highest price it had reached for years, when men needed wages as they never needed them before, the point of no quorum was made on this floor, and for one month laboring men to the number of 3,000 walked the streets of Niagara Falls and the frontier cities without a dollar. Are not we anxious, then, for permanent legislation? Forty-two thousand dollars in wages was lost because the point of no quorum was made; labor suffered as it never suffered before. Why, the manufacturers could stand it. We did not get sufficient light at Niagara Falls because of the point of no quorum; we had insufficient light at other places.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. HUDDLESTON. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

Mr. KITCHIN. Before that, I desire to ask unanimous consent, Mr. Speaker, that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow. I do this because we expected to adjourn to-day until Monday or Tuesday, but on this very proposition the conferees have not agreed, and I understand Mr. FLOOD said that they probably will not be able to report the bill to the House until to-morrow at 11 o'clock, so I ask unanimous consent that when we adjourn to-day we adjourn to meet at 11 o'clock.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 a. m. to-morrow. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, does the gentleman intend to make any further request?

Mr. KITCHIN. Yes; one other.

Mr. MOORE of Pennsylvania. Then I do not object.

The SPEAKER pro tempore. Is there objection?

There was no objection?

Mr. KITCHIN. I ask unanimous consent, Mr. Speaker, that when the House adjourns to-morrow that it adjourn to meet at 12 o'clock on Tuesday following.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. KITCHIN] asks unanimous consent that when the House adjourns to-morrow it shall adjourn until 12 o'clock Tuesday next. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, I would like to ask the gentleman, so that it may be clear to all, does he intend that any business shall be transacted on Tuesday?

Mr. KITCHIN. Just as I stated this morning, I understand the gentleman's agreement will go into effect and nothing will be done, as soon as we finish this bill that is under consideration now.

Mr. MOORE of Pennsylvania. And on Tuesday there will be a request——

Mr. KITCHIN. To go over until Friday.

Mr. MOORE of Pennsylvania. And on neither day will any business be taken up?

Mr. KITCHIN. No business will be taken up.

Mr. SIMS. Are we now committing ourselves to an agreement for adjournment next Tuesday for three days?

The SPEAKER pro tempore. The request of the gentleman from North Carolina [Mr. KITCHIN] is that when the House adjourns to-morrow it adjourn until Tuesday next.

Mr. SIMS. All right. I understood the gentleman from North Carolina to answer the gentleman from Pennsylvania [Mr. MOORE] that the intention was to follow it with other unanimous-consent requests.

The SPEAKER pro tempore. Is there objection to the request?

Mr. WALSH. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from North Carolina if on Tuesday next any business will be permitted?

Mr. KITCHIN. No; I do not think there ought to be.

Mr. WALSH. Not even by unanimous consent?

Mr. KITCHIN. No.

Mr. DALLINGER. Reserving the right to object, I would like to ask the gentleman a question and to call his attention to this: It was stated that the gentleman's agreement early in the day was based on the assumption that this Niagara Falls matter could be gotten out of the way. Now, suppose that to-morrow the point of no quorum is raised and a quorum is not obtained, may I ask the gentleman from North Carolina what is to be done then? Will an attempt be made to obtain a quorum and pass the bill?

Mr. KITCHIN. If we can not get a quorum here to-morrow, Saturday, this would go over until Tuesday; but it would have to go over until Monday, anyway, and we could not get a quorum here Monday. I understand that on July 1 this license expires.

Mr. MILLER of Minnesota. To-morrow is the last day on which they are authorized to use the water.

Mr. KITCHIN. If we can not get it through to-morrow the time will expire, and we could wait for the following Monday and take it up again.

Mr. MILLER of Minnesota. There is a penal provision. If they use any water after to-morrow they will go to jail.

Mr. SMITH of Michigan. When is it expected that general legislation will be taken up again?

Mr. KITCHIN. Monday week, July 9. I explained that very fully this morning.

Mr. SMITH of Michigan. How long will that continue?

Mr. KITCHIN. We will come back July 9 and take up this trading-with-the-enemy bill.

Mr. SIMS. Suppose the conference reports on the food bills, or either one of them, get back here. Is it the purpose to delay action on them?

Mr. KITCHIN. Until July 9.

Mr. SIMS. Then I will oppose any agreement that undertakes to block action on these conference reports.

Mr. KITCHIN. The gentleman was here this morning when that whole matter was thoroughly explained.

Mr. SIMS. Mr. LEVER, as I understood, said distinctly that he expected to get an early agreement on the bill that was sent to conference to-day.

Mr. KITCHIN. And he hoped to bring them in on Monday week. I saw Mr. LEVER only half an hour ago.

Mr. SIMS. Is it possible that all this food legislation is to be deliberately delayed by unanimous consent of the House?

Mr. KITCHIN. No; it is not the intention to delay action on this food legislation, and the gentleman does not think it will be back here next week. I do not think we can have a possible quorum here until next Friday, at least.

Mr. SIMS. Then only those who are absent will be responsible for the failure to carry this legislation through.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. MOORE of Pennsylvania. Does the gentleman want all the Members to remain here on the Fourth of July? That is the real question.

Mr. KITCHIN. Of course, the gentleman from Tennessee is in a good position to say, "Stay here," because he will stay here anyway. Does the gentleman think the House should stay here on the possibility of the Senate taking action? I talked with two or three of the Senators, and one said it would certainly take 10 days. Another said three weeks, and still another said it will probably get over here Tuesday or Wednesday. Does the gentleman think we ought to stay here on a possibility of the Senate doing things that are not likely?

Mr. SIMS. Will we not know more about that next Tuesday than we know now?

Mr. KITCHIN. I am asking unanimous consent to adjourn over until Tuesday, with the understanding that there will be no business transacted on Tuesday. That was the understanding, and many gentlemen have left.

Mr. LENROOT. If by any chance that could be agreed upon by Tuesday, could it be understood that Members would be notified to be here Friday?

Mr. KITCHIN. Yes.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. CRAMTON. Was it not a part of the understanding this morning that it would be proper, if that report came in, to ask for unanimous consent to have it sent to conference, and in the absence of objection that it might then go?

Mr. KITCHIN. Yes; in the absence of objection. That is correct.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn until 12 o'clock Tuesday. Is there objection?

Mr. DICKINSON. Reserving the right to object, Mr. Speaker, after you meet on Tuesday is it your purpose to ask to adjourn for three days?

Mr. KITCHIN. Yes; to adjourn over until Friday. If the food bill——

Mr. SIMS. Either of them——

Mr. KITCHIN. Yes; either of them comes over, then unanimous consent will be asked to send them to conference. If unanimous consent is not given——

Mr. MOORE of Pennsylvania. Then if the point of no quorum is raised you are no better off.

Mr. SIMS. To-morrow there may be more opportunity to know about the prospect to have legislation next week than there is now. The gentleman refers to me personally. My family is not here. I am as lonely here as the gentleman from North Carolina is. I want to get this food bill through at the very earliest possible moment.

Mr. KITCHIN. The gentleman is probably no more anxious now to get this bill through than he was this morning, when there was no objection made to it. I was trying to get that through and to fix the time when you could get up the trading-with-the-enemy bill and to facilitate action on the bill then pending. The gentleman then made no objection.

Mr. SIMS. The gentleman from South Carolina [Mr. LEVER] was present then, and these are bills that he has charge of.

Mr. KITCHIN. He consented to that arrangement, provided they would let him go to conference on the food-survey bill that was then at the Speaker's desk.

Mr. SIMS. Mr. Speaker, this request can be submitted to-morrow just as well as now, and I will have an opportunity to look into it.

Mr. HULBERT. A number of Members have already gone——

Mr. KITCHIN. A lot of Members have gone away now; and, to be candid with the gentleman, the reason I made the request this afternoon is that everybody in the House thought it was the understanding this morning, just as I stated. It was fairly and squarely put before the House; several Members have gone; and now about making this request to-morrow, you know there might be some little feeling, and some one might get up here to-morrow and make the point of no quorum, and then I could not make this request. This Niagara Falls bill is coming back, and if it does not go exactly like some gentlemen want it they may make the point of no quorum, and then I can not make the request.

Mr. SIMS. I will be frank with the gentleman. Perhaps he has talked with the gentleman from South Carolina.

Mr. KITCHIN. I have seen him.

Mr. SIMS. And did he then say he was perfectly willing?

Mr. KITCHIN. It was perfectly satisfactory to him.

Mr. SIMS. For the House to adjourn until Tuesday?

Mr. KITCHIN. He was perfectly willing to have the understanding that we had this morning, to take up nothing until Monday week, and that these bills be returnable then. In the meantime, suppose they returned the food-supply bill here on Tuesday, he would know who were going to be the conferees on the part of the House, and the Senate will know who are going to be the conferees on the part of the Senate, and they would get together and go over the matters, and they would not lose a bit of time.

Mr. SIMS. It is now nearly 6 o'clock, and of course with the statement of the gentleman from North Carolina that the chairman of the Committee on Agriculture [Mr. LEVER] has agreed to this adjournment over until Tuesday——

Mr. KITCHIN. No; to the arrangement we made this morning, which was that we would adjourn every three days, beginning with the adjournment this week, and not take up anything until Monday week.

Mr. SIMS. There was no agreement to that. He means that proposition in the House——

Mr. KITCHIN. That proposition, not to take up anything until Monday week.

Mr. SIMS. On that understanding with the gentleman from South Carolina [Mr. LEVER], which of course I do not question, that he agreed to a three-day adjournment until Tuesday, I shall not object to that, but I certainly shall object to any agreement being entered into here which may be used to prevent the consideration of either of these food bills when they do come back, when the Senate passes them.

Mr. MOORE of Pennsylvania. Will the gentleman yield to me? The gentleman certainly does not reflect on the speed with which the House has considered these bills?

Mr. KITCHIN. Let us get this agreement first.

Mr. MOORE of Pennsylvania. I think the gentleman is going to agree. I do not think he means to reflect upon the House, which has certainly been expeditious in its work up to this time. The fault is not with this body. I think the gentleman will agree to that.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent——

Mr. RANDALL. I should like to ask the gentleman if he has any information in regard to the plan in holding this other food bill back.

Mr. KITCHIN. I do not understand the gentleman.

Mr. RANDALL. It has been here on the Speaker's table.

Mr. KITCHIN. I think we have kept it on the Speaker's table to see what the Senate would do with the second bill. It may be they will incorporate the whole thing in that, and then this would not be necessary.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-morrow it stand adjourned until 12 o'clock Tuesday. Is there objection?

There was no objection.

Mr. KITCHIN. Now, let me make a statement to the House and to the gentleman from Tennessee [Mr. SIMS]. There was a bill pending from the gentleman's committee this morning, and he and his committee were very anxious to get that bill through. It was generally supposed there was no quorum in the city then, certainly not in the House. Some gentlemen who are not very favorably impressed with that bill and the trading-with-the-enemy bill, and probably do not want to go on with it, might make some objection or raise the point of no quorum. I discussed the matter with the chairman of the gentleman's committee, in the presence of the gentleman from Tennessee, and we thought it would be better, in order to facilitate the passage of the bills, that the gentleman's committee had, to fix a time certain for the trading-with-the-enemy bill, and make the arrangement contained in the proposition that I made to the House. The gentleman from Tennessee then made no objection either one way or the other when I was talking with the chairman of his committee nor when I made the proposition to the House. That proposition did help the gentleman to facilitate the passage of his bill and to fix a day for the trading-with-the-enemy bill. I do not think it is the proper thing for the gentleman, after getting his bill through and fixing the time for another bill, when that proposition was made and understood by the House, now to take advantage of it.

Mr. SIMS. I am not undertaking to take any advantage. The bill before the House this morning was the bill providing for preferential shipments. I had no interest in it. That was a public bill, and I would not have jeopardized the early consideration of the food bill for a moment. The gentleman insinuated that I wanted to trade. I had no thought of that, and I repudiate any such insinuation. I think the food bills are

necessary to this country, and I thought the bill authorizing preferential shipments was absolutely necessary, and I think so yet; but the trading-with-the-enemy bill is not so necessary for immediate action.

Mr. KITCHIN. The gentleman jumps to the conclusion that I was trying to involve him in a trade.

Mr. SIMS. The gentleman said it was my bill. It was not my bill; it was the whole country's bill.

Mr. KITCHIN. The gentleman ought to have made the point this morning.

The SPEAKER pro tempore. All this proceeding is by unanimous consent.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent to address the House to-morrow, after the reading of the Journal, for 10 minutes on the Niagara water-power bill.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent to address the House to-morrow, immediately after reading of the Journal. Is there objection?

Mr. MILLER of Minnesota. Reserving the right to object——

Mr. CRAMTON. Has the other request been granted?

The SPEAKER pro tempore. The request that when we adjourn to-morrow we adjourn until Tuesday has been granted.

Mr. AUSTIN. I make my request not to interfere with conference reports.

Mr. MILLER of Minnesota. Would it not be feasible for the gentleman to take 10 minutes on the conference report?

Mr. AUSTIN. Mr. Speaker, I withdraw my request.

The SPEAKER pro tempore. The gentleman from Tennessee withdraws his request.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 45 minutes p. m.) the House adjourned until to-morrow, Saturday, June 30, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting estimate of appropriation for changes, remodeling, repairs, new vaults, etc., New York customhouse (H. Doc. No. 224), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. QUIN, from the Committee on Military Affairs, to which was referred the bill (H. R. 646) for the relief of Mrs. Nancy E. Mullins, reported the same without amendment, accompanied by a report (No. 89), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CHARLES B. SMITH: A bill (H. R. 5287) to provide for an additional force in the Patent Office; to the Committee on Patents.

Br. Mr. TINKHAM: A bill (H. R. 5288) providing for the construction of a recreation building at the Boston Navy Yard; to the Committee on Naval Affairs.

By Mr. ROGERS: A bill (H. R. 5289) to amend section 2 of the act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917; to the Committee on Military Affairs.

By Mr. HEINTZ: A bill (H. R. 5290) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution and price of ores, metals, and other necessaries; to the Committee on Interstate and Foreign Commerce.

By Mr. MAHER: A bill (H. R. 5291) providing for the construction of a recreation building at the New York Navy Yard; to the Committee on Naval Affairs.

By Mr. GALLIVAN: A bill (H. R. 5292) to reimburse the Commonwealth of Massachusetts for expenses incurred in protecting bridges on main railroad lines and under direction of the commanding general, Eastern Department, United States Army, and the commandant, navy yard, Charlestown, Mass.; to the Committee on Military Affairs.

By Mr. LOBECK: Resolution (H. Res. 113) directing the Committee on Expenditures in the Post Office Department to make certain examinations; to the Committee on Expenditures in the Post Office Department.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 5293) granting an increase of pension to James R. Harris; to the Committee on Invalid Pensions.

By Mr. BACHARACH: A bill (H. R. 5294) for the relief of James K. P. Lafferty; to the Committee on Military Affairs.

Also, a bill (H. R. 5295) for the relief of William Schenck; to the Committee on Military Affairs.

Also, a bill (H. R. 5296) for the relief of Hays B. Falkenburg; to the Committee on Military Affairs.

Also, a bill (H. R. 5297) granting an increase of pension to Peter T. Nile, alias Patrick Nilan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5298) granting an increase of pension to William McCloud; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5299) granting an increase of pension to Mary V. Price; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5300) for the relief of Orville F. Davis; to the Committee on Military Affairs.

By Mr. CLAYPOOL: A bill (H. R. 5301) granting an increase of pension to Martha H. Fisher; to the Committee on Invalid Pensions.

By Mr. CRAMTON: A bill (H. R. 5302) granting a pension to John Ashton; to the Committee on Pensions.

By Mr. FRENCH: A bill (H. R. 5303) granting an increase of pension to Lafayette Piatt; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 5304) granting a pension to Martha Ellen Sellers; to the Committee on Invalid Pensions.

By Mr. OSBORNE: A bill (H. R. 5305) granting a pension to Charles Peters; to the Committee on Pensions.

Also, a bill (H. R. 5306) granting a pension to Eliza Gilman; to the Committee on Pensions.

By Mr. SNELL: A bill (H. R. 5307) for the relief of Rufus L. Cole; to the Committee on Claims.

By Mr. SULZER: A bill (H. R. 5308) for the relief of James A. Henderson; to the Committee on Claims.

By Mr. SMITH of Idaho: A bill (H. R. 5309) granting an increase of pension to Jonathan R. Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5310) granting a pension to Leonard E. Griffith; to the Committee on Pensions.

By Mr. THOMPSON: A bill (H. R. 5311) for the relief of Morris S. Baker; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Philadelphia Chamber of Commerce, favoring Lever food-control bill; to the Committee on Agriculture.

Also (by request), memorial of Bakery and Confectionery Workers' International Union, Local No. 22, of New York, against national prohibition; to the Committee on the Judiciary.

Also (by request), petition of National Women's Trade Union League of America, favoring suffrage for women; to the Committee on the Judiciary.

By Mr. ANTHONY: Petition of John Hosack and other citizens of Jackson County, Kans., for national prohibition; to the Committee on the Judiciary.

By Mr. AUSTIN: Petition of citizens of White Pine, Tenn., asking for national prohibition; to the Committee on the Judiciary.

By Mr. BACHARACH: Petition of sundry citizens of Cumberland County, N. J., in re prohibition; to the Committee on the Judiciary.

By Mr. DALE of New York: Petition of the National Association of Cotton Manufacturers, favoring passage of the daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

By Mr. FREEMAN: Memorial of National Association of Fisheries Commissioners, asking for regulation of discharge of waste in inland and tidal waters; to the Committee on Rivers and Harbors.

Also, petition of Cushman A. Sears, M. D., and 59 other physicians, of Middlesex County, Conn., favoring national prohibition during the war; to the Committee on the Judiciary.

By Mr. FULLER of Massachusetts: Petition of George E. Shultz, of Everett, Mass., and 869 others in various cities and towns of Massachusetts, for legislation prohibiting all manufacture and sale of spirituous, malt, and other liquors for beverage purposes during the period of the war; to the Committee on the Judiciary.

Also, petition of men's class, First Congregational Church, Chelsea, Mass., for prohibition of the liquor business as a war measure, and opposing war tax on same; to the Committee on the Judiciary.

Also, petition of boys and girls of Massachusetts for legislation prohibiting the manufacture and sale of intoxicating liquors during the war; to the Committee on the Judiciary.

By Mr. FULLER of Illinois: Petition of the Insurance Federation of Illinois for House bill 3369, to permit the Red Cross Society to frank its mail; to the Committee on the Post Office and Post Roads.

By Mr. HAWLEY: Petition of sundry citizens and business men of Salem, Oreg., favoring bill to give the osteopaths the same standing and rank as the medical men in the Army and Navy; to the Committee on Military Affairs.

By Mr. KENNEDY of Rhode Island: Petition of Edmund M. Renehan and Michael J. Renehan, of Providence, R. I., favoring daylight-saving plan; to the Committee on Interstate and Foreign Commerce.

By Mr. LINTHICUM: Petition of the United Hebrew Charities, Baltimore, Md., favoring the Hollis amendment to House bill 4280; to the Committee on Ways and Means.

Also, petition of several citizens of Easton, Md., including the mayor, State attorney, president of the school board, editors, clerk of the court, county treasurer, bankers, and attorneys at law, urging the earliest enactment possible of a law to carry out the recommendations of the Federal Trade Commission relating to anthracite and bituminous coal; to the Committee on Agriculture.

Also, petition of Kraus & Co., Baltimore, Md., in re the privilege of packing cigars in containers of 20 cigars; to the Committee on Ways and Means.

Also, petition of Dr. Robert R. Keiningham, Baltimore, Md., favoring House bill 5118; to the Committee on Military Affairs.

Also, petition of Mrs. J. F. MacClure, Baltimore, Md., favoring prohibition as a food-conservation measure; to the Committee on Agriculture.

By Mr. LONERGAN: Petition of the New Haven (Conn.) Chamber of Commerce, in favor of an appropriation sufficient to build a large air fleet; to the Committee on Military Affairs.

By Mr. LUNN: Petition of S. F. Powell and sundry citizens of Amsterdam, N. Y., asking the passage of the Lever food bill before July 1, 1917; to the Committee on Agriculture.

By Mr. O'SHAUNESSY: Memorial of Washington Park Methodist Episcopal Church, of Providence, R. I., favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, memorial of Newport (R. I.) Metal Trades Council, asking investigation of troubles between the Chamber of Commerce of San Francisco, Cal., and organized labor; to the Committee on Labor.

Also, petition of sundry citizens of the State of Rhode Island, favoring the enactment of food-control legislation; to the Committee on Agriculture.

Also, petitions of the Roger Williams Free Baptist Church of Rhode Island, Citizens' League of East Providence, and the Roger Williams Association of Baptist Churches in the State of Rhode Island, favoring prohibition as a food-conservation and war measure; to the Committee on Agriculture.

By Mr. PRATT: Petition of William E. Leffingwell, George A. Walters, Lewis H. Watkins, Mott B. Hughey, Frank L. Moran, C. M. Durland, L. H. Durland, Harvey Couch, James Buch, W. T. Drake, E. C. Cooper, W. P. Rooney and brother, J. D. Considine, W. M. Kift, H. C. Stouffer, W. M. Pellet, James Walsh, John B. MacReery, and T. W. McAnarney, of Watkins, N. Y., opposing any amendment to the food-control bill which would prohibit the manufacture of beer and light wines; to the Committee on Agriculture.

Also, petition of sundry residents of Slaterville Springs, N. Y., for the immediate enactment of prohibition of the manufacture of alcoholic liquors as a measure of food conservation; to the Committee on Agriculture.

By Mr. RAINEY: Petitions of Rev. Phil J. Reinhart and 50 others of Bluffs and J. R. Stickel and 24 others of Greenfield, Ill., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROWE: Petition of the Lincoln Republican Club, favoring the daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of members of Prospect Heights Presbyterian Church, of Brooklyn, N. Y., favoring conservation of food resources and national war-time prohibition; to the Committee on Agriculture.

Also, petition of E. C. Schlecht, of Brooklyn, N. Y., protesting against any kind of prohibition legislation; to the Committee on the Judiciary.

Also, petition of James A. Corcoran and Edw. Farrell, of Brooklyn, N. Y., protesting against increased postal rates on second-class matter; to the Committee on Ways and Means.

By Mr. SANDERS of New York: Petition of the Schoolmasters' Club of Rochester, N. Y., unanimously favoring Nation-wide prohibition as a war measure; to the Committee on Military Affairs.

By Mr. SHOUSE: Petition of Fairview Auxiliary Woman's Home Missions of Methodist Episcopal Church of Pratt, and citizens of New Ulysses, Kans., asking legislation to prohibit use of foodstuffs in manufacture of alcoholic liquor; to the Committee on Agriculture.

By Mr. SNYDER: Petition of 11,000 workingmen, through the Trades Assembly, of Utica, N. Y., against national prohibition; to the Committee on the Judiciary.

By Mr. STEPHENS of Mississippi: Memorial of Hernando (Miss.) Methodist Church, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. STRONG: Petition of citizens of Foxburg and vicinity, Cherry Tree and vicinity, and Emlenton and vicinity, all in the State of Pennsylvania, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. TAGUE: Petition of Federal Employees' Union No. 15385, Boston, Mass., favoring the enactment of the food-control bill; to the Committee on Agriculture.

Also, petition of H. T. Drew, chairman legislative board, Order of Railway Conductors, State of Massachusetts, favoring the enactment of the food bills; to the Committee on Agriculture.

By Mr. WELTY: Petition of Fairview Christian Endeavor Society of Rockford, Ohio, favoring national prohibition as a war measure; to the Committee on Agriculture.

By Mr. WOODYARD: Petition of Addie M. Thornbury, of Huntington, W. Va., favoring the prohibition of the liquor business as a war measure; to the Committee on the Judiciary.

SENATE.

SATURDAY, *June 30, 1917.*

(Legislative day of Thursday, June 28, 1917.)

The Senate reassembled at 12 o'clock m., on the expiration of the recess.

PRINTING OF ADDRESSES AT THE NAVAL ACADEMY.

Mr. TILLMAN. Mr. President, on March 29, 180 young men received diplomas from the United States Naval Academy, and on June 28, 199 more were graduated. The Secretary of the Navy and the Superintendent of the Naval Academy made addresses to the classes on each occasion, and I ask for the printing as a public document of these addresses.

The VICE PRESIDENT. The addresses will be referred to the Committee on Printing.

CALLING OF THE ROLL.

Mr. PENROSE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Harding	McNary	Smith, Mich.
Beckham	Hardwick	Martin	Smith, S. C.
Borah	Hollis	Nelson	Sterling
Brady	James	New	Sutherland
Brandegee	Johnson, Cal.	Norris	Swanson
Broussard	Johnson, S. Dak.	Overman	Thomas
Calder	Jones, N. Mex.	Page	Thompson
Chamberlain	Jones, Wash.	Penrose	Tillman
Colt	Kellogg	Phelan	Townsend
Cummins	Kendrick	Pittman	Trammell
Curtis	Kenyon	Poindexter	Underwood
Dillingham	King	Ransdell	Vardaman
Fernald	Knox	Reed	Wadsworth
Fletcher	La Follette	Robinson	Watson
Frelinghuysen	Lewis	Shafroth	Williams
Gallinger	Lodge	Sheppard	Wolcott
Gerry	McCumber	Sherman	
Gronna	McKellar	Shields	
Hale	McLean	Smith, Ga.	

Mr. WOLCOTT. I desire to announce the absence of my colleague, the senior Senator from Delaware [Mr. SAULSBURY],

who is detained on account of important business. I will let this announcement stand for the day.

Mr. SUTHERLAND. I wish to announce the absence of my colleague, the senior Senator from West Virginia [Mr. GOFF], on account of illness. I will let this announcement stand for the day.

The VICE PRESIDENT. Seventy-three Senators have answered to their names. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. F. Turner, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the joint resolution (S. J. Res. 13) extending the time within which the "Joint resolution authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River" shall remain in effect.

The message also returned to the Senate, in compliance with its request, the bill (S. 2099) providing for the modification of the designs of the current quarter dollar.

The message further announced that the House had passed the bill (S. 2356) to amend the act to regulate commerce, as amended, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 3331) for the protection of the owners of desert-land entrymen who enter the military or naval service of the United States in time of war, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 3548) providing for the modification of the designs of the current quarter dollar, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented resolutions adopted at a reunion of the Fifty-fifth Regiment, Pennsylvania Veteran Volunteers' Association, held at Johnstown, Pa., June 19, 1917, pledging to support the President and the Government during the period of the war, which were referred to the Committee on Foreign Relations.

He also presented telegrams in the nature of petitions from the Woman's Christian Temperance Union of Maryville, Mo.; from sundry citizens of Crete, Ind.; from the Presiding Elders' Association of the Methodist Episcopal Church South, of Alabama, Mississippi, and Louisiana; from the Kane (Pa.) Ministerial Association; from the Common Council of the City of Milwaukee, Wis.; from the Washington Park Presbyterian Church, of Milwaukee, Wis.; from the Christian Endeavor Society and the congregation of the First Presbyterian Church of La Crosse, Wis.; from the Christian Endeavor Society of the Presbyterian Church of Racine, Wis.; from the Millward Avenue Presbyterian Church, of Chicago, Ill.; from the Moravian Christian Endeavor Society, of Sturgeon Bay, Wis.; from the Congregational Christian Endeavor Society of Kenosha, Wis.; from the Christian Endeavor Union of Monroe, Wis.; from the Baptist Christian Endeavor Society of Madison, Wis.; from the Presbyterian Christian Endeavor Society of Oconto, Wis.; from the Congregational Christian Endeavor Society of Arena, Wis.; from the First Congregational Christian Endeavor Society of Eau Claire, Wis.; from the First Congregational Christian Endeavor Society, of Milwaukee, Wis.; from the South Baptist Christian Endeavor Society of Milwaukee, Wis.; from the Presbyterian Christian Endeavor Society of Madison, Wis.; from the Christian Endeavor Society of Cedar Grove, Wis.; from the Watertown Moravian Christian Endeavor Society, of Watertown, Wis.; from the Island Avenue Presbyterian Christian Endeavor Society, of Milwaukee, Wis.; from the First Congregational Christian Endeavor Society of Appleton, Wis.; from the Christian Endeavor Society of Chippewa Falls, Wis.; from the Welsh Presbyterian Christian Endeavor Society of Milwaukee, Wis.; from the Christian Endeavor Society of Milton Junction, Wis.; from the West Moravian Christian Endeavor Society, of Green Bay, Wis.; from the Presbyterian Christian Endeavor Society of Phillips, Wis.; from the Presbyterian Christian Endeavor Society of Richland Center, Wis.; from the Presbyterian Christian Endeavor Society of Westminster, Wis.; from the Congregational Christian Endeavor Society of Delavan, Wis.; from the Christian Endeavor Society of Beerean, Wis.; from the Christian Endeavor Society of Carroll College, Wis.; from the Southeastern District Christian Endeavor Union, of Milwaukee, Wis.; from the Christian Endeavor Society of Columbus, Wis.; from the Christian Endeavor Society of Wausaukee, Wis.; from the Christian Endeavor Society of Raymond, Wis.; from the Christian Endeavor Society of Phillips, Wis.; from the Grand Rapids First Moravian Christian Endeavor Society; from the Christian Endeavor Society of North Milwaukee, Wis.; and from the Christian Endeavor Society of West Allis, Wis., praying for national prohibition, which were ordered to lie on the table.

Mr. PHELAN presented a petition of the Defense Corps of Berkeley, Cal., praying for national prohibition, which was ordered to lie on the table.

He also presented a petition of the Fish and Game Commission of California, praying for the enactment of legislation to regulate the discharge of waste into inland streams and tidal waters so as to conserve the fish therein, which was referred to the Committee on Fisheries.

Mr. KNOX presented petitions of sundry citizens of the State of Pennsylvania, praying for national prohibition as a war measure, which were ordered to lie on the table.

Mr. LODGE presented petitions of sundry citizens of the State of Massachusetts, praying for the enactment of legislation to prohibit all manufacture of spirituous, malt, and vinous liquors for beverage purposes during the entire period of the war, which were ordered to lie on the table.

Mr. PAGE presented a telegram in the nature of a petition from the Washington County Association of Congregational Churches of Vermont, praying for national prohibition, which was ordered to lie on the table.

ASSESSMENT WORK ON MINING CLAIMS.

Mr. SHAFROTH (for Mr. WALSH), from the Committee on Mines and Mining, to which was referred the joint resolution (S. J. Res. 78) to suspend, during the present war with Germany, the requirement that not less than $100 worth of labor shall be performed or improvements made on each mining claim during each year for all owners who, in lieu of such assessment work, expend the sum of $100 or perform 25 days of labor in the raising or manufacturing of products necessary for the maintenance of the Army, Navy, or people of the United States, or pay into the Treasury of the United States $100, reported it with amendments and submitted a report (No. 74) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CURTIS:

A bill (S. 2532) providing for the inspection, grading, and weighing of interstate shipments of grain and hay, authorizing the Secretary of Agriculture to appoint inspectors for such purposes, and to fix grades for grain and hay, and to make rules and regulations for putting same into effect; making the violations of this act a crime and fixing the punishment; to the Committee on Agriculture and Forestry.

By Mr. WATSON:

A bill (S. 2533) granting an increase of pension to Zadok M. McCleary;

A bill (S. 2534) granting an increase of pension to George W. Barger; and

A bill (S. 2535) granting an increase of pension to George Shaney; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 2536) to authorize the Secretary of the Interior to expend funds for drainage purposes; to the Committee on Irrigation and Reclamation of Arid Lands.

A bill (S. 2537) transferring Hardeman County, Tex., to Wichita Falls division, northern judicial district of Texas, and Montague County, Tex., to Sherman division, eastern judicial district of Texas; to the Committee on the Judiciary.

A bill (S. 2538) for the relief of Wynona Ambrose Dixon;

A bill (S. 2539) for the relief of the estate of Lemuel Thomas, deceased;

A bill (S. 2540) for the relief of Mary E. Ayres;

A bill (S. 2541) for the relief of the heirs of Thomas J. Powell, deceased;

A bill (S. 2542) for the relief of Roberdeau Buchanan, administrator de bonis non of McKean Buchanan, deceased;

A bill (S. 2543) for the relief of the heirs of Dr. James Gower, deceased; and

A bill (S. 2544) for the relief of A. H. Rebentish; to the Committee on Claims.

COURT OF CLAIMS.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (H. R. 1691) to confer jurisdiction on the Court of Claims, which was referred to the Committee on Claims and ordered to be printed.

AMENDMENT TO THE PENDING BILL.

Mr. McNARY submitted an amendment intended to be proposed by him to the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel, which was ordered to lie on the table and be printed.

COUNCIL OF NATIONAL DEFENSE.

Mr. FLETCHER. I present a copy of the addresses and discussions made at a public meeting of the committee on labor of the Council of National Defense in Washington, D. C., May 15, 1917, in conference with the labor representatives sent by the British and Canadian Governments at the request of the chairman of the committee on labor. I ask that the matter be referred to the Committee on Printing for action.

The VICE PRESIDENT. The matter will be referred to the Committee on Printing.

HOUSE BILL REFERRED.

H. R. 3331. An act for the protection of the owners of desert-land entrymen who enter the military or naval service of the United States in time of war was read by its title and referred to the Committee on Public Lands.

DIVERSION OF THE WATERS OF NIAGARA RIVER.

Mr. SHIELDS. I desire to present a conference report in regard to a matter on account of which the House is remaining in session. I ask that the conference report be read, and will then move its adoption.

The VICE PRESIDENT. The Senator from Tennessee presents a conference report, which will be read.

The Secretary proceeded to read the report, which is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the joint resolution (S. J. Res. 13) extending the time within which the "Joint resolution authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River" shall remain in effect, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to Senate joint resolution No. 13, and agree to the same with an amendment as follows: In lieu of the matter inserted by the amendment of the House to said Senate joint resolution No. 13 insert the following:

"That public resolution No. 45 of the Sixty-fourth Congress, approved January 19, 1917, entitled 'Joint resolution authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River,' is continued in full force and effect and under the same conditions, restrictions, and limitations until July 1, 1918: *Provided*, That the Secretary of War is hereby authorized and directed to make a comprehensive and thorough investigation, including all necessary surveys and maps, of the entire subject of water diversion from the Great Lakes and the Niagara River, including navigation, sanitary and power purposes, and the preservation of the scenic beauty of Niagara Falls and the rapids of Niagara River, and to report to Congress thereon at the earliest practicable date. To carry out the provisions of this proviso there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $25,000."

And the House agree to the same.

M. A. SMITH,
JOHN K. SHIELDS,
Managers on the part of the Senate.
H. D. FLOOD,
W. S. GOODWIN,
Managers on the part of the House.

During the reading of the report,

Mr. HUSTING. Mr. President——

The VICE PRESIDENT. Does the Senator desire the joint resolution read as proposed to be amended?

Mr. HUSTING. Mr. President, I should like to have it read.

The VICE PRESIDENT. The Secretary will continue the reading of the report.

The Secretary resumed and concluded the reading of the conference report.

Mr. SHIELDS. I will say to the Senator from Wisconsin that the only amendment to the joint resolution as passed by the Senate is the one authorizing a survey.

I move the adoption of the conference report.

The report was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled joint resolutions, and they were signed by the Vice President:

S. J. Res. 13. Joint resolution extending the time within which the "Joint resolution authorizing the Secretary of War to issue temporary permits for additional diversions of water from Niagara River," shall remain in effect; and

S. J. Res. 67. Joint resolution to fix the status and rights of officers of the Public Health Service when serving with the Coast Guard, the Army, or the Navy.

CONSERVATION OF FOOD AND FUEL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

Mr. LEWIS. Mr. President, the Senate has for some days been discussing the pending bill, which for short title has been referred to as a food-control bill. It is now my purpose to submit my views upon it. To some of the Senate Members these views will not be convincing, to many not interesting, but to me they are necessary both to hold and express.

This measure, Mr. President, very naturally has awakened a very great divergence of opinion. It has given occasion to expressions of very opposing views. The Senate is to be congratulated for that it has presented to the world one of the elevated discussions upon the great fundamentals of our Government freed in every way from the suggestion of partisanship. The debates have partaken of the character of honest division upon ideas and ideals. At no time have we had the spectacle presented of any representative of any State viewing this measure solely through the expediency of party advantage or political profit. This exhibition can well invite the wonder of those countries of the world that heretofore have misinterpreted our political character, and it can challenge the attention of those who have fancied that party differences which they have frequently seen in other matters—exhibited to a point of national dissensions—would have divided us at this national juncture.

For my own sake, and speaking from my personal point of view, I regard it as a valuable exhibit, and of great influence throughout the earth, that at this particular time the world can behold that as to measures for carrying on this war against our aggressors the only difference of opinion amongst us is as to the best way it can be conducted with success.

Mr. President, I am forced to bring myself to reflection upon the situation which has called for legislation of this nature. I wonder if this very excellent and busy body of eminent men, able, in the different pursuits which engage their minds, have had time to contemplate that to-day in the world is a spectacle unparalleled in anything which history has ever presented, and which, of course, all our prayers invoke Heaven may never find a duplicate in civilization.

Fourteen countries of the world, thirteen of which profess Christianity, are at war, flying at the heart of their fellow men with the single object of their destruction. Twenty-five million people moved from out of the ordinary pursuits of life, placed in the ranks where they are challenged by death to die, or fight that they shall live. Fifty million dollars a day sacrificed to the undertaking by four of the dominant countries; ten million per day each by six of the others engaged; five million per day by three of the remaining. Up to date three years of this condition the experience of all. Twenty-five million women and countless children at this particular point impaled upon the uncertainty as to how they shall live, where they shall live, in what manner they can survive, through and by what agency will they be preserved. Theirs to us is the Macedonian cry, "Come over and help us!"

Sir, the very first stage of war is demand for food. There can be no preservation of liberty for a people without sustenance to the individual. There can be no success of arms without food to maintain the warrior. There can be no achievement of countries without capacity being assured and opportunity provided for the salvation of that country through the chief instrumentality which preserves mankind and countries alike—food.

Mr. President, the question for the Senate, of course, is what is the best method we may adopt to achieve this very necessary and laudable undertaking of providing food. Food not only for ourselves but food for those who are cooperating with us in the struggle which we have heralded to the world is a contest on

our part for liberty to nations, for justice to man, and righteousness for civilization.

Mr. President, at this point I wish upon my own responsibility to disown the assertion that comes from many quarters that those countries for whom we are preparing our generosities are our allies. Speaking for myself, sir, I deny that the United States of America has any European allies. I deny that there has ever been the proceeding necessary to bring about the result from which America can say she has allies of any European country. For myself I dispute that the President of the United States could ever affirm the statement from any source that he has, as an Executive, entered into any understanding which brings this country into the relation of an ally with any European country.

There may be those—indeed there are those, whose cause is common with ours, whose grievances are the same as ours, who are fighting to the same object as we are; but, sir, in this they are cooperating with us; we are cooperating with them to the same given end; but there are no European allies of America, there are no fixed and contracted responsibilities of America to any European Government upon a compact that is presumed by the word "allies."

Mr. STONE. Mr. President——

Mr. LEWIS. I yield to my eminent friend from Missouri, Senator STONE.

Mr. STONE. The statement of the Senator from Illinois is very interesting to me. Assuming that he is speaking with authority and with knowledge, I would ask him if he is at liberty to state to the Senate at this time exactly what the relations are and the understanding is between the Government of the United States and the Governments of the European allies—the entente allies?

Mr. LEWIS. Mr. President, at the first instance replying to the eminent Senator from Missouri, I have to say that when I am asked upon what authority I speak——

Mr. STONE. I did not ask that. I said I assumed the Senator spoke with authority and with knowledge.

Mr. LEWIS. I answer my honorable friend that I have no higher authority which I quote than that of my judgment, my knowledge, my sense of the position of my Government, and my consciousness that its political relations have not been transformed in that legal way in which they only can be changed, so as to create allies to the United States of European countries.

As to what I understand to be the relation, I say, sir, I draw my understanding from the same evidences which any Senator would be called upon to accept. It is that as to the countries called the entente we find ourselves fighting against the same grievances that they allege to be theirs. That having the same grievances, and anxious, sir, for the maintenance of the cause which they say they fight for—liberty of nations, justice to men, a spirit of democracy abroad to mankind—we have entered into a cooperation of action to the common cause in order to achieve the result, but, as I understand it, with no compact for rewards, with no understanding of compensation, with no agreement of what shall be the ultimate partition or division of results or concessions. To the contrary, we stand solely as those numbers who might be in a lawsuit, arrayed on one side as plaintiff, on the other side as defendant, whose interests may be alike in the issue, but whose results may be separate at the end. Such is only the relationship of alliance, I say to my eminent friend, as I see it.

Mr. STONE. Well, just what is the difference between that understanding and the understanding between Great Britain and France? I am not heckling the Senator.

Mr. LEWIS. The Senator, I understand, is not factious in his questioning but is merely seeking my view.

Mr. STONE. Yes. What is the difference between our attitude and what the Senator from Illinois understands to be the attitude between Great Britain and France, for example?

Mr. LEWIS. I will repeat the question of the Senator from Missouri, because the eminent Senator from Oklahoma [Mr. GORE] failed to hear it and asked that it be repeated louder. The Senator from Missouri asks me what is the difference in such a situation as I assume as is that of my country with the entente of Europe and that of Britain and France. I reply, that in my judgment the relationship between Britain and France which brings them together as allies is the result of a compact which takes its character from a previous arrangement, antedating the entering by the military forces into the conflict, and is in response to some form of agreement between them defining their responsibilities toward each other, offensive or defensive, or both; and from which certain benefits are to be derived at some stage of the proceedings or at the conclusion. That is the usual form in which the compact of alliances is made; and I take it, sir, that is the difference between their relationship as allies and the relationship we bear those who are called allies.

Mr. SMITH of Michigan. Mr. President, may I be permitted to ask the Senator from Illinois a question?

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Michigan?

Mr. LEWIS. I yield to the Senator from Michigan.

Mr. SMITH of Michigan. The Senator, then, from his statement, would lead us to believe that, in order to be in alliance with the European countries with whom we are now working, there must be a formal treaty. Am I correct in that statement?

Mr. LEWIS. I say to the Senator from Michigan, who has been eminent in the Foreign Relations Committee, that it is my judgment that before I, as a citizen and an official of my country, would accept the theory of the relationship of alliance between this Nation and any other country I would have to see a compact setting forth the terms and responsibilities that had been entered into with those in authority and confirmed by that agency which by the Constitution must give such its approval—this Senate. Such may be called a treaty or by any other designation that may be adopted.

Mr. GALLINGER. Would the compact the Senator holds apply to Italy in the relation of that country with Great Britain and France in this conflict?

Mr. LEWIS. I say to the Senator I do not know with exactness what relation Italy bears to Britain, and I do not know what arrangement. Speaking for myself, if I were asked to define the difference between what makes an alliance between Italy and Britain and the relations between America and Italy, I would have to respond in the same way which I have to the Senator from Missouri as to Britain and France.

Mr. SMITH of Michigan. If the President in his message to Congress and the Vice President in his addresses to the Senate and Senators in the discussion of legislation on the floor refer to our allies, the Senator would give that expression no legal meaning, but would regard it as merely descriptive of a condition into which we have voluntarily gone.

Mr. LEWIS. I would rather accept those observations—just as we use the word "colleague." By that word we technically mean the Senator who represents the same State as does the Senator speaking, and who really is his ally; but generally when we are in such a spirit as we are in moments like this, when there is no partisan division, we always refer to a Senator on either side as "our colleague." I answer the Senator that I regard this adoption of that word allies by the President and Vice President, wherever used, as a mere designation of governmental hospitality.

Mr. SMITH of Michigan. Does the Senator refer to the honor of this Republic?

Mr. LEWIS. I refer to the remarks of the President and Vice President, if used as the Senator says they were.

Mr. SMITH of Michigan. Does not the Senator think that the honor of the Republic has been pledged to the faith of the so-called entente by the officers of this Government as specifically as could have been done by treaty or otherwise?

Mr. LEWIS. I might say, sir, there are some matters in which it may be said our honor has been pledged toward the common result; but that we have pledged any obligation or responsibility in the form of an alliance I can not admit.

Mr. HARDING. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Ohio?

Mr. LEWIS. I yield to the Senator from Ohio.

Mr. HARDING. This is all so interesting that I would like to ask the Senator from Illinois, in view of the character of our special mission to Russia and the representations which have been made by that mission, what the Senator from Illinois thinks regarding our relations with Russia? I should like to have his opinion on that.

Mr. LEWIS. Mr. President, I can only reply to that inquiry literally, as the Senator from Ohio puts it—as to what I think. My thought is that in our relations to Russia we bear the attitude that is designated in diplomacy as "a great and good friend." We wish her well; we would aid her in establishing a Republic; we would lend her our encouragement whenever possible; we would pray that she would take inspiration from our example; but we do not, as I see it, find ourselves under any contractual obligations of any kind that are enforceable by any other method than the voluntary contribution of our generosity.

Mr. President, I seem to have gotten somewhat afield from my proposed discussion because of my voluntary advancement of views touching an international phase of the question. However, I welcome these interruptions and hope that Senators will feel free upon any phase of the discussion to elicit my views with the clearness necessary for full understanding, and that

they will tender me theirs in such form as they may think the propriety of the occasion permits.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Utah?

Mr. LEWIS. I yield.

Mr. KING. The Senator from Illinois is always very choice in the selection of his words and expresses with great nicety the ideas which he seeks to convey. Does not the Senator think, however, that in his denial of any alliance with the entente, with those with whom we are cooperating, he is likely to give a false impression? Does not the word "ally," as we use it and as we understand it, mean an associate, an auxiliary, a friend? And we certainly are an associate of, a friend of, and an auxiliary to those with whom we are fighting against German Prussianism.

Mr. LEWIS. I thank my friend of years for his flattering reference to my method of definition or illustration. I seem not, however, to have been so happy as he credits me in this particular, so far as his understanding has been impressed. I say, Mr. President, to my friend that it may be true that there may be those who will misunderstand my views and my expressions; there will be those who will misconstrue them; there are ever those who will intentionally misapply them. I agree with the Senator from Utah that the technical meaning of the word is all that he says, and that, in so far as it can apply in that hospitable sense of cooperation, I am content to adopt it. But in so far as it is usually accepted in its legal aspect, its international relation of "ally" and "alliance," I am compelled again, sir, to resort to my previous expression, that I can not adopt the definition of our relations in the legal terms "alliance" and "allies" in the sense that they are understood in international compacts generally throughout the world.

Mr. President, nevertheless the Senator has accurately and correctly stated an obligation which arises both from principles of humanity and cooperation in the common cause against the militarism of the Prussian dynasty. We are under obligation to render those by whose side we are fighting every aid which we can, that we may facilitate their undertaking and encourage to success their joint operations, conducted along with our own enterprise. I return to the bill and its aspects.

It is flattering, sir, to dwell a moment upon our own situation. We were suddenly precipitated into this conflict, despite the prayers of our people to be exempt from it, and, of course, against the hopes of all of those who desired peace—but with justice. Sir, a nation which had been unaccustomed in its practices to war, which had been devoted to peace, stood opposed to those nations to whose generations had been transmitted by their fathers the ideals and theory of conquest of country by war. These latter stood panoplied and ever ready for conflict. Their trumpets were blowing, their fifes piping, their men marching, their drums rolling, their huzzas echoing in the winds at all times under some form or circumstance. Sometimes in the pomp of war, sometimes as attendant upon the ratification of an alliance which as between themselves and a former opponent had been consummated to aid in future war with future opponents. Not so with America. She had educated herself to the reverse. Hers was preparation for peace, ever for peace, never for war. Yet, despite all that, might I invoke my brethren of the Senate to recall, with the gratification I know they will feel at the mere mention—how quietly, without ostentation, without alarm, without boasts this country moved to the undertaking after it was decreed. How now we are confronted with the established fact of the thousands of our heroes who have landed upon the shores of countries in Europe, prepared to enter into this conflict for the honor of their Nation. All without noise, without bombast, without boasts—by her valiant agencies having this trust to execute. America, ever true to that characteristic quality so dominant in her nature, when called on to do, does. We have presented to the world at the very first evidence of the undertaking a splendid quality of achievement, a forerunner of that which will surely make for success.

Mr. REED. Mr. President——

Mr. LEWIS. I yield to the Senator from Missouri.

Mr. REED. Is not the Senator in danger of forfeiting our right to boast that we have not boasted? I trust he will not do that.

Mr. LEWIS. Mr. President, the Senator would intimate that my calling the attention of the Senate to these events of achievement is a boast and would condemn me as inconsistent. I referred to the fact that those who are accomplishing these achievements made no boast. I, who can not take credit for them and can not say that I contributed very much to their advancement, delight, as a citizen of America, to behold those who did the deed without boast and boast in behalf of the deed they did.

Mr. President, I have referred to the need of food; but to a assemblage like this I do not have to dwell much upon that necessity. Surely it is in the memory of those learned in history sitting around me how necessary was food at critical moments in the contests between countries in the great encounters called war. Who of us will not remember the reported cry of one at Waterloo: "Will Blücher never come?" or of another who said: "Could we but get bread, we could last three days longer." Had this commander endured but three hours longer, the fate of Europe would to-day have been different—I can not say better; I know not; but we know it was for the want of food at Waterloo that the very map of civilization was changed, and the fates of mankind diverted in different directions from that which to-day is our inheritance.

You recall Victor Hugo, referring to this in Les Miserables, and saying, "Yet shall the cry say only that it was absence of bread. I say it was the presence of God. He may have chosen His way, that without bread France could not march or fight; but the question after all was, God or Napoleon; and God chose His way, that it be God, and not Napoleon." But, sir, it was the want of bread that gave to Waterloo the opportunity for all that Waterloo represents.

How well, Senators, you recall that the Crimea would have been won by Russia over Britain if the food from Russia could have gotten down to the water. It was diverted by public pilferers at a place called Trebizond, which we know now in history of this war is in Turkey. There it withered under the hands of those who stole it, never finding its way to the armies. The soldiers of Russia famished in hunger, while Britain's sustained forces were enabled at the Crimea to advance and carry the standard which finally resulted in the compromise which we speak of as the surrender of Sebastopol.

You, Senators, lived a few months ago through an experience when you watched Germany fight Russia upon the eastern front, and Russia, with her thousands of men—large in number, indeed, compared to her opponents'—failed at the threshold of the undertaking for the want of ammunition and food. She could have done without the ammunition and waited for that if her soldiers had not been starved by the avariciousness of those who led in those days in Russia, and the corruption of those who controlled this food for speculation and riches in that hour.

Shall we see these things and fail to understand them and to learn something from them? And, sirs, did you read at the beginning of this week the report upon Gallipoli, the cause of the failure of the British forces to have been successful at the Dardanelles? Did you behold, Senators, that in the report on Gallipoli the answer is, the men had stood two days and two nights with little water, and that of typhoid germ and sickening, and all without food, for that it was impossible to secure it? The men languished in hunger, fainted and fell—some to their death and all to their disaster.

With these lessons before us it will not be difficult to impress upon the mind of any hearer these examples as the justification for this bill. It is that we by this bill shall avoid errors through which others have blundered, many have failed, and all involved gone to their destruction. The bill, as a system of legislation, is charged to be an innovation. I concede it. It is an unusual step. This I admit. It is said that it is without precedent in this country. I confess it. But, sir, the conditions of the country are without parallel in our history, the dangers without precedent, the possible consequences without record in our history or that of any other country.

This unexampled situation, sir, calls for action unparalleled in situation and without precedent. We fit the deed to the necessity.

Then, Mr. President, what purpose has the bill? First, that we might encourage food production at the hands of those whose industry brings it forth from the earth—the farmers. Next, that we might provide a method for its distribution to those who must live upon the enjoyment of it. Third, that we shall send it in its distribution to the armies, that they may be maintained in the conflict. Those armies of America and those who are cooperating with us abroad, and those who are moving from our homes to the foreign field of contest. Finally, to prevent the middleman food monopolist from hoarding for his riches the products of man to the impoverishment of the people.

Mr. President, it becomes necessary, therefore, to provide methods in a law by which no agency shall circumvent these purposes. It becomes necessary, sir, that we shall defeat those who have manipulated prices from executing their nefarious

designs to the extent where they hunger their fellow citizens and imperil the success of their own country. Sirs, we can not be nice as to every detail in such undertaking. To say that the bill is not subject to criticism is to arrogate to ourselves perfection. This would be a virtue professed that would be a vice confessed. But, sir, that these things, even if deficiencies by some standard, are made necessary and justifiable by the circumstances can not be disputed. In the philosophy of Portia, we may "do a little wrong to do a great good."

Then, Mr. President, it is said that this bill, with these provisions, has been left to the President to execute according to his discretion. It is charged that this unusual power is invested in the Chief Magistrate and thus violates our fixed standards. Eminent Senators contend, as eminent Members of the House have contended, and other spokesmen all over the country asserted that granting this power is in opposition to the very theory of our Republic. In part I confess the charge. But, sir, going into war in Europe for the maintenance of the Republic of America is at variance with the theory upon which this Republic was founded. Distance so very great, isolation so distant, indicated to our fathers that there could never be this necessity. Invention, science, evolution of time, revolution of events, perfection of instrumentalities, effecting changes in civilization, have wrought these new results. Our Revolutionary fathers could not have contemplated this present era, nor, indeed, could their sons of the days of our civil reconstruction have foreseen it, nor we to have planned for it. Therefore, if it be said as to these innovations, "This was not contemplated by those who founded the Republic," I reply, "Neither were the situations with which we are compelled to contend and for which we are obliged to prepare."

But, Mr. President, what is it that opposes this power we would vest? I answer and say it is a sentiment. The distinguished Senators who oppose this power being vested in the President do so because of their sentiment born of long education, transmitted from their noble sires, and enjoyed in themselves. It is their inborn creed that it is better to adhere to that which has been fixed by standards that have withstood trial than to undertake innovations. Theirs is the theory expressed in Hamlet—

> And makes us rather bear those ills we have
> Than fly to others that we know not of.

It is because of this sentiment they have had with regard to our institutions, to the methods through which they have been formed, to the courses in which they have been exercised and executed, that these Senators, fearing that a departure from them might lead to consequences more dangerous than any evil now upon us; oppose the entrance upon them. But I ask the able Senators—and I refer particularly to those who have given such critical analyses to this bill and discussion to its provisions—I ask where is the particular provision of the Constitution which inveighs against the proposed provisions of this bill? Where is the letter of the law which it violates? Where is the provision of statute or Constitution written in the fundamental law of the Republic which prohibits the exercise of this power by the President?

Mr. REED rose.

Mr. LEWIS. I yield to my friend, the Senator from Missouri, if he rises for the purpose of interrogating me.

Mr. REED. I did. In looking up the exact words of the Constitution—I shall not stop to read it, because the words are too familiar——

Mr. LEWIS. Let the Senator feel free to quote from his memory anything he chooses to assume as opposed——

Mr. REED. But the provision of the Constitution which provides that there is reserved to the States and the people thereof all powers not granted, shifts the burden upon those who claim these powers to exist to put their finger on the clause of the Constitution granting the powers.

Mr. LEWIS. Mr. President, I am pleased to have the eminent leader of this contest of constitutional construction—from the viewpoint of those opposing the bill—express the basis upon which he rests his contention; and here my eminent friend—whose distinguished ability I certify to in any forum that I am privileged to speak—here he and I now separate upon our views. I contend that the eminent Senators who present that viewpoint have not considered with the characteristic industry of their natures the real meaning of our Constitution. I answer: the clause to which the eminent Senator alludes and to which the Senator from Georgia [Mr. HARDWICK] referred, as did my distinguished colleague from Illinois [Mr. SHERMAN], has no relation whatever to war or to present conditions. First, the clause in the Constitution relates to the internal relations between the United States and its States and its Executive. It refers, and was only intended to refer, to the relations borne between the States and the Nation in their internal affairs with each other. It is a mere reservation that the power of the people is ever with them and is never surrendered, and that in the relation of the State and the Nation only those powers that are expressed are yielded by the local bodies called States to the Union body called United States.

But, sir, that was for the specific objects of government of States and Nation in matters of domestic concern of the United States, within the United States. The exception to that was specifically provided, as I see it, in that provision which gave to the President of the United States the right and the power to command the armies. When Congress was given the power to declare war, and war was declared, then to repose the whole power of its execution in the President. There, sir, as between the United States as a Nation and a foreign foe, those reserved rights of the States have no application whatever.

Therefore, Mr. President, here is where the eminent Senator from Missouri and his colleagues in this discussion and myself differ. I contend that the power by the Constitution vesting in the President of the United States, as Commander in Chief, the command of the armies, vests him with all the power that is necessary to command those armies to success, and authorizes him to command anything and everything that is necessary to command that success. Otherwise the power conferred by the Constitution on him to command would be useless and fruitless. He could command by an order to march and fight, but would be powerless to command the things that could enable them to march or fight to success.

Mr. BORAH, Mr. WOLCOTT, and Mr. REED addressed the Chair.

The VICE PRESIDENT. Does the Senator from Illinois yield, and to whom?

Mr. LEWIS. Mr. President, giving precedence to the order in which Senators rose, I beg to yield to the Senator from Idaho, who first addressed the Chair.

Mr. BORAH. Do I understand the Senator's contention to be—and I am asking for the purpose of getting correctly his viewpoint—that when war is declared, the authority conferred upon the President as Commander in Chief of the Army justifies the President in commanding the men and the resources of the country to the extent of the discretion of the Commander in Chief?

Mr. LEWIS. I do, in matters necessary to success of the war—to the extent that his discretion may direct. Subject ever, of course, to the supervision of the legislative body whenever that exercise of discretion might transcend the policy of preservation of our own country.

Mr. BORAH. I think the logic of the Senator from Illinois—assuming that the Constitution is more or less suspended, as the saying is—is a perfectly correct logic; that it ultimately lands all power in the Commander in Chief of the Army and Navy of the United States; and Congress is, if you please, as unessential in that kind of a scheme as any other department of the Government; and that the President, as Commander in Chief of the Army and Navy, may command the resources of the country and direct the resources of the country and fight the battles of the country without Congress, or against the views of Congress, if he sees fit. Of course I do not accept the premises, but if I should I would feel that I must follow the reasoning to its legitimate results.

Mr. LEWIS. Certainly.

Mr. REED. And command Congress, of course—for that would be included—and command the Supreme Court, certainly, for that would clearly be included.

Mr. LEWIS. The Senator from Idaho and myself are much in accord in the construction of that provision, and the eminent Senator from Missouri and myself are at variance in the construction of it. Now I yield to the Senator from Delaware.

Mr. WOLCOTT. The Senator from Idaho developed the line of thought that was running in my mind and stated the substance of what I was about to say.

Mr. KING rose.

Mr. LEWIS. Then to the Senator from Utah I yield.

Mr. KING. In view of the statement just admitted by the distinguished Senator from Illinois, which in effect, as I interpreted his remarks, was that in the prosecution of the war the President could do anything which he conceived to be essential and necessary for the prosecution of the war, permit me to invite the Senator's attention to this fact, which was developed in the Civil War: President Lincoln, in the prosecution of the war, felt that is was wise and necessary to have arrested about twelve to fifteen thousand men, to suspend the writ of habeas corpus, to deny to men the right which the Constitution and the Bill of Rights gave to them. The Supreme Court of the United States in the Milligan case, as well as in others, overruled the view of

President Lincoln and held that many of the acts to which I referred were unconstitutional, notwithstanding the fact that we were in a great crisis and that the enemy, to wit, the rebel States were at our door, and there was much more danger to the Republic than apparently now the Republic is in danger from the enemies beyond the sea.

Mr. LEWIS. Mr. President, there has been as much misunderstanding and as much misconstruction of the Milligan case expressed on this floor by eminent Senators as from any other quarter. The only thing decided in the Milligan case, notwithstanding the dissertation generally, was that the writ of habeas corpus, a civil remedy which exists in the law of the Federal Government as well as in the States, had wrongfully been suspended and martial law illegally declared. It was held that such was not in the power of the President or Government at that time. Secondly, that you could not take from a man charged with an offense who had the right at that time to be tried in a civil tribunal the privilege of being so tried in a civil tribunal and remit him to a miltary court.

All other expressons, Mr. President, as to the power of a President of the United States during war were amplifications in one form or the other of respective powers; but I may say to my eminent friend, who is a distinguished lawyer—the Senator from Utah [Mr. KING]—that case did not go to the extent that his observations would indicate of holding to the effect such as he recited. I have assumed to state the only real thing which was decided.

But, Mr. President, if my eminent friend is right, that the Milligan case suggested a narrower field of limitation in the treatise delivered, and if it is intimated that from that decision that such power as we give the President would be disapproved, or opposes my assertion that when war has been declared he has the right to carry on the war in any manner to his judgment necessary, then I tender the thought as to the effect of subsequent decisions by the same court upon similar powers following and despite the Milligan case—I beg to call attention that it is in Fourth Wallace where is decided the Milligan case. Subsequently, sir, in consonance with the dissenting opinion in that case, which in certain respects is the better reasonings and also the better law—the Supreme Court of the United States, in Miller against United States, which came along in Eleventh Wallace, touching similar powers as were discussed in the Milligan case, the full court there said:

> The Constitution confers upon Congress expressly power to declare war, grant letters of marque and reprisal, and make rules respecting captures on land and water. Upon the exercise of these powers no restrictions are imposed.

Then says the court:

> Of course the power to declare war involves the power to prosecute it by all means and in any manner in which war may be legitimately prosecuted.

Surely no phraseology of the Senator from Idaho or of my own can compare in general comprehension of power to that expressed by the Supreme Court of the United States.

Mr. CUMMINS. Mr. President——

Mr. LEWIS. I yield to the Senator from Iowa.

Mr. CUMMINS. The answer of the Senator from Illinois to the inquiry of the Senator from Idaho not only astonishes me but bewilders me as well. I hope I did not understand the Senator correctly, and to clear it up I ask him this question: Does the Senator from Illinois say that the President of the United States may exercise all the powers that are granted or bestowed in this bill without any legislation whatever? Could he exercise these powers simply because he is by the Constitution made the Commander in Chief of the armies and navies of the United States?

Mr. LEWIS. I will say to the eminent Senator from Iowa that he must have misunderstood both Senators. There was at that time no reference being made to the full power of the bill. The point that I insisted upon was that the President, as Commander, after declaration of war by Congress, had a right to command the armies, and he had the right to command everything else that would make success of the command of the armies, unless the action was in such violation of the justice and liberty of the country. That then this body would supervise to thwart it. The Senator from Idaho then rejoined that in the conduct of the war the President would have a right to conduct the war in a manner according to his own discretion, even though that discretion ran counter to the discretion of Congress. The whole provisions of the bill were not at that time being made the object of the observations.

Mr. CUMMINS. The Senator from Idaho, as I recall it, asked the Senator from Illinois if it was asserted that the President could command all the men and all the resources of the country in the prosecution of the war without the intervention of Congress.

Mr. LEWIS. Mr. President, I did not so understand. I understood the Senator to mean that which I had previously asserted, that after Congress had given him power and war had been declared and he had been put into command, in execution of that command he could command all the elements necessary to execute it. To that, sir, I again subscribe my view.

Therefore, Mr. President, in view of the declarations of the Supreme Court of the United States in that very well considered cause to which I have alluded, I would say, sir, that the power given the President of the United States when we are at war with a foreign country is the full power of the Nation when the Nation has reposed in him the privilege to command the Army after the war has been declared. Then it is the Nation which is exerting its combined strength against the enemy, and the relative relation between the powers of the States reserved and the granted powers of the Nation have no possible application.

Sir, I say to eminent Senators who make the opposing contention with great ability, that I pause to ask them to apply a test. It is related throughout the country in the public press that there are States in the Union the large population of which is in opposition to the execution of war. It is charged that these large numbers would frustrate the undertaking if they get the chance. It is said, sir, that they would veto its accomplishment. Granting this charge to be true—which I hope is a libel upon any American citizenship anywhere—it is not clear, if these eminent Senators are right in asserting that this reserved power of States is to be consulted, that these opposing States would then have the right constitutionally through their voice—their Senators—to veto by virtue of that reserved power the execution of the war by the Nation through its Commander in Chief? There can be no other logic. The moment you concede the right to veto because of the reserved power in the States then you concede that it is the State that makes the war, not the Nation. Or concede that the State could veto the Nation in its declaration of war, notwithstanding the Constitution vesting Congress with the power to declare war. By such contention we are remitted again, sir, to the flames that burned into ruins through a part of this Nation the claims of the people in a civil conflict upon the question of the sovereignty of the State as opposed to the sovereignty of the Nation. Upon this issue the Nation's sons were pitted against each other in the most memorable contest the world has ever recorded of bravery and sacrifice of mankind. Shall all those battles have been fought in vain—shall the results achieved bear no lesson? Surely eminent Senators who have not had time to reflect, relying serenely upon an ancient construction, must see that if they prevail in their views war could be frustrated by the representatives of any State of the Union that opposed the war.

Mr. KING. Mr. President——

The PRESIDING OFFICER (Mr. HUSTING in the chair). Does the Senator from Illinois yield to the Senator from Utah?

Mr. LEWIS. I yield to the Senator.

Mr. KING. I have extreme respect and, indeed, affection for the distinguished Senator from Illinois, and I do not want that affection to be at all diminished by an assertion upon his part of a doctrine which, if I understand him, would not do justice to his splendid intellectual powers. I understood the distinguished Senator, in combating the view announced by the Senator from Missouri, to take the position that because the Senator from Missouri asserted there were certain reserved rights left to the States, or reserved by the States, the States or any individual State, if it did not approve of the war, would have the right, in the language of the eminent Senator, to veto the prosecution of the war. Does not the Senator remember that the Constitution expressly gives to the Federal Government—and it is a Government of enumerated powers—the right to declare war, the right to raise and equip armies and navies? The States having given that power to the Federal Government, does not the Senator know that it would be therefore impossible for any State, after Congress had acted and war had been declared, to veto the acts of the Federal Government, and that such an act, if it were concerted and became an overt act, would be treasonable and would bring down upon the head of the offending State the just vengeance of the national authority, of the Federal Government?

Mr. LEWIS. I wish to reciprocate the complimentary allusion of my friend to myself and return it with cordiality, and to assure him that the friendship between us can not be affected by mere differences between myself and so eminent a lawyer as I know him to be on a constitutional construction.

But, Mr. President, I accept the exact statement of the Senator from Utah. The Constitution has provided that the Nation shall declare war. But, sir, it has provided that we shall not only raise armies, but support them; and in this provision for the uses of armies it is also provided that the President of the

United States shall be the Commander in Chief for the execution of the purpose of the armies. That is why I contend that if the States had yielded the power, as the Senator from Utah says, which we all concede, then it yielded all the power necessary to execute the power. Otherwise we make a farce of the concession. Then, sir, when they yielded the power to declare war they yielded the power to the Commander in Chief to execute that which it had declared he should execute when it had been declared to be executed.

Therefore, sir, the proposition that has been asserted upon the reserved powers in the people and those given the States can not be enforced here because, as I again remark, the Senator from that particular State which asserts that reserved power of opposition would feel justified on the floor to veto the measure to carry on the war wherever in his power he could. I use the illustration. The Senator might differ from its logic. It is to show how inapplicable the construction ventured by very eminent lawyers—able Senators on this floor—must be of that clause of the Constitution reserving to the States and the people a necessary power, when compared to that power that vests the power of command in the President of the United States.

Mr. President, I have for days listened to the able Senators who expressed their fear of the abuse of this power if vested in a President. This fear is really worthy of note. It is commendable on the part of Senators that they should bring us to a consideration of its possibilities. It is that possibility of the violation of the limitations of the power and debauching it that makes it appropriate for Senators to cry the warning.

Mr. President, I welcome that. I welcome it that we may have properly brought to our attention from competent and influential sources the lesson which governments have learned from those who have violated power because it was reposed in them.

This question therefore turns not upon the constitutional limitations nor does it turn upon the construction of constitutional powers. It turns rather upon the personal equation. The question there is whether you are willing to confide the power to the present occupant of the office. That must be tested by the confidence you have in the source to which you are to confide the power. Clearly, therefore, we are brought then again to the personal interrogatory, are we willing to trust the execution of these powers in the hands of any of those to whom the Constitution intended it should be vested—a President?

Now, Mr. President, as the eminent Senator from Massachusetts [Mr. LODGE] expressed it in the opening of his address day before yesterday, that it was an abuse by the rulers of Rome of power that warned. He said rulers of Rome went mad with the exercise of too much power. Sir, such has ever driven men mad. The Roman governor hurled at Paul the insinuation that too much learning had made him mad, but the learning which the tyrant inveighed against on the part of Paul was the power of his knowledge of the Roman constitution, which denied that Roman freemen could be brought in chains to answer a verbal impeachment of a Roman tetrarch or a justice of the peace which had been made against him. It is true there are those who have gone mad in the exercise of power, and having become maddened in that exercise, have done mad and foolish things.

Mr. President, no doubt the Senator from Massachusetts alluded particularly to Nero and the house of the Antonines. Let it be remembered in that era of Rome these were sovereign over every citizen and over every life and over every kind of property. There was no form of supervision. The body of the people had no vote or voice. There were no elections conducted, as prevailing in our land periodically, by which evils could be corrected and abuses remedied. The spirit of the times in the thousand years that have elapsed has given great improvement, let us believe, and made inapplicable the impeachments of the Senators based on the fears expressed. I refer particularly to my distinguished colleague, Senator SHERMAN—great jurist as he is—to the Senator from Missouri [Mr. REED], to whom I have alluded, or of the Senator from Georgia [Mr. HARDWICK], the most persevering and most effective advocate on this floor of what may be called the State rights doctrine. Nor need we fear the forebodings of the Senator from South Dakota [Mr. STERLING], the advocate of the agricultural interests from his part of the country. All these have brought forward their conception of the wound that might be inflicted by those who hold such power as we would give if this power should be perverted.

I concede the possibility; I admit the propriety of all these arguments; but, Senators, I have this interrogation: Should all power be withheld from any man because some men are unworthy of exercising it, and this upon the theory that such power may be perverted because those who exercise it may be disloyal enough to debase it? Shall we deny all power to those of whom we have no fear? I answer no. If you say to the contrary that such power or principle should never be granted, that would be argument sufficient to never repose it in any mortal man upon any state of circumstances. Therefore, as I see it, we are remitted to the question of when and where shall it be trusted.

Mr. President, I have not always agreed with the President of the United States. We have been at open variance in matters of detail of government. These expressions of difference have come from me in conversation with the distinguished Chief Magistrate from time to time. It is only fair to say that where we have differed he prevailed [laughter]; but, sir, that was because of his power and not of my preference.

But, sir, I could never bring myself to the conception that any President of the United States whom the people of the United States would ever select to hold that office would ever be so unwise to himself as to pervert a power given to his hands to preserve his country. Why should he do such? For what profit could be such? Where is the man in the Republic who has ever done such? To the glory of this country, however much parties or people have differed in political contests, however bitter have been the strife; however vicious the conflicts—yes, however violent the swinging and swaying in fury have been these warfares—we are all compelled to certify that after the election never yet has a President of the United States of America so debauched these institutions that we are compelled to shame and blush for him before the world. Barring the single instance of the differences of opinion by President Johnson as to the execution of certain powers of Government and the disposition of them, there has never been even the intimation from any source that any man to whom power has been given by the popular voice of our whole country has ever debased it. We may have differed, sir, as to the manner of its execution. Will any Senator assume that this man Wilson, coming from the people, through the power of the people, exercising the power given him by them, shall pervert it or debase it? Shall it be denied that this man Wilson is ambitious? Shall we forget that he is human? While there may be the inclination on the part of men, where there is uncontrolled power, to draw to themselves the power only for private profit, let us contemplate the difference when we apply it to the present case.

Woodrow Wilson, let us know, dreams of deserving well of his fellow men while he lives; he hopes for the praise of his country when dead. Shall he go out, sir, and commit suicide to his own aspirations? Shall he murder the hopes of his heart and slay the inheritances of his children? That, sir, can not be conceived. That he wishes well of his country and of himself would be, sir, a guaranty sufficient against any perversion or pollution of power. As power has never been debauched by his predecessors, he will never debase it as their worthy successor.

But, sir, if the selfish interests were not to be weighed in this balance of determination, justice compels us to admit that Woodrow Wilson is an American citizen and a patriot. As such, sir, we have the guaranty complete that there could never be this violation to the extent that Senators fear, and never, sir, to any degree that could be to the injury and against the welfare of his native land, where he was born and his children born after him—all to live and survive upon his name, upon his glory. For myself, sir, I have no fear.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Utah?

Mr. LEWIS. I yield to the Senator.

Mr. KING. Mr. President, I have listened to a number of Senators who have spoken against this bill, but I do not recall having heard any one of them make any observations that would indicate that he thought that the present occupant of the White House would pervert or abuse any power that was conferred upon him. Is it not—and I ask this as a question of the Senator from Illinois—the fact that whatever opposition has been developed to this measure, as exhibited in the statements of Senators, has resulted from the fact that they doubted its constitutionality; doubted the expediency of the legislation; doubted whether or not, if all these powers were granted to the President of the United States under the instrumentalities created by this bill, economies would be worked out and the results which were anticipated by the people would be realized? Is not the Senator from Illinois rather unfair to the Senators who have spoken in imputing to them a criticism of the President?

Speaking for myself, if I can persuade myself that this bill is constitutional, I shall vote for it, although I will say now that I very much doubt that the benefits anticipated by the people will be realized in the passage of the measure.

Mr. LEWIS. Mr. President, I always welcome an interruption, and I particularly welcome it from the distinguished Senator from Utah, whose desire always is to see that justice shall be done both in acts and in declarations. The Senator from Utah is correct. No Senator on either side of this Chamber has made personal allusion to the President of the United States in the form of any accusation as to himself personally debauching or perverting this power. Those who have spoken upon that phase divided their argument: One was on the constitutionality of the act; the other was on the inexpediency of violating the precedents of our country and vesting such power as the bill confers in the hands of an executive.

The fear was, to use the words of the Senator from Massachusetts [Mr. LODGE], that the President—not Woodrow Wilson, but the President, whoever he might be, whoever he was—might, with such precedents established, take advantage of them somewhere, somehow, some President. That because of such, flowing from that temptation to so draw power to one's self, there might grow the perversion and debasement which has followed too much power on the part of those who have gone mad in its exercise.

The point I wish to emphasize is this: I concede the position, as the distinguished Presiding Officer will recall, that there is danger. I answer my able friend from Utah [Mr. KING] and say I am one of those who impeach this power as a general exercise. I would regard it a dangerous thing, as I said in the beginning, and as I say now. The precedent has its dangers; it should be a lesson; and Senators who warn that in the investment of this power there lurks evils and that there may follow destruction from quarters which we know not now, do a service to the Senate. I am only able to reply that, while I concede the merit of the objection and the salutary lesson of the warning, yet I being conscious that the bill limits the exercise to the mere period of the war, I am forced to the position that expediency justifies vesting that power, and I assert that there need be no fear that the danger that might be apprehended from some quarters at some time, might ever arise in the present circumstances of the present Executive, who shall execute this measure. It was because of that, among other reasons, sir, that I support it.

I took the liberty to point out in the beginning that there was no specific provision of the Constitution that the investment of these powers specifically violated. I summoned my eminent friends of the Senate to lay their hands upon the provision of the Constitution which this power, proposed to be vested in the President, violates. The Senators, of course, respond as they will be compelled to do, that it is the construction of phraseology, instead of the words of the phrase, upon which they stand.

Mr. President, I have this to say, that, sir, what other position I might take at some other time, at this time this I utter must now be mine: This war is declared. I wish it had not been. I did everything within my power to avoid the necessity for declaring it. I neither courted it nor welcomed it; but when necessity made it just to declare it, it became the conflict of my country, and everything that I can contribute to bring to it success will be done as it has been done and will be done, of course, by every patriot in this Chamber—to which tribute let it be added there are no exceptions in the membership of this body.

But, sir, as to the ways and means, this I do assert, that when this war has been declared and when we avail ourselves of the provisions of the Constitution to place the command in the President of the United States, this is our position: We must either vouch the President the full power to command everything necessary to conduct the Army, even though the discretion conferred opposes our own, or we deny that provision the full effect and meaning, and thus defeat it in its force. Then, sir, we must give the President of the United States full authority in every respect or exempt him from responsibility. We can not charge him with the responsibility for the result and withhold from him the power necessary to execute that result. If we are to withhold the power and take it ourselves, then let Congress assume the responsibility, and tell the people of the country that we have assumed the power and that Congress will conduct the war by directing every ways and means and that we have withdrawn from the President the exercise of his discretion, and substituting that of our own. Then, sir, our country can place the responsibility upon us, because we will have assumed the authority. On the other hand, so long as we shall apply that constitutional clause and charge the Chief Magistrate as the Commander in Chief with the responsibility—as we know the country and the world will—I say give him the fullest power essential to the fulfillment of the clause of the Constitution vesting in him the command of the Army and Navy.

Sir, the power in the Constitution "to raise and support armies" may interest you. In the beginning of the constitutional debates, as Senators will recall in the making of the Constitution, all there was in the draft respecting armies was "to raise armies." It was after days debate in one form or another that our fathers found it necessary to adopt the expression from the Greeks, really taken out of the provisions of the Achean League, which, when literally translated, finds a definition in the English words "support, keep, uphold, maintain." Therefore they wrote in the Constitution the word "raise," and then they added afterwards, as an amendment, the words "and support."

Sir, how can an army be supported? There are but two ways: One is with money appropriated to pay for the obligations incurred; the other, sir, is to provide methods and means to maintain their blood and physical means—food and life. The very provision of the Constitution, which, sir, after great deliberation was adopted, carries to your mind and to the minds of all of us that it was the very thought and theory of our fathers that the word "support" was to receive the full construction of "maintain, uphold, and sustain."

Therefore, Mr. President, it becomes necessary, as you see, sir, that this authority must be conferred in order that responsibility shall be charged. Senators must accept the Commander in Chief; Congress must accept him; the Nation must accept him; the world shall accept him; and the future historian of our times in the days to come shall write, I pray, that in our acceptance of him we did honor to ourselves and glorified the cause in which he commands. Sir, upon that theory and definition, which I dare venture in this distinguished tribunal, I support these powers being vested in the Commander in Chief as they are written in this bill.

Now, sir, I turn to the position that the eminent Senator from Utah [Mr. KING], long a justice of the highest court of his State, learned, indeed, in the law; the eminent Senator from Missouri [Mr. REED], as we have seen, a constitutional lawyer; the Senator from Georgia [Mr. HARDWICK], and Senators on the opposite side of the Chamber who joined with them, have often assumed—that the main provisions of the bill are unconstitutional. Heretofore, sir, I have not been discussing this phase of the subject, though I did give license to Senators to assume so from the fact that occasionally I would be compelled to enter the field. The Senators referred to—in their full arguments, seeking to express the views of their constituents and their own—have contended that the bill is unconstitutional. Their position being that by taking these powers from the citizen and assuming to legislate over his private affairs we are violating that section of Constitution, which, I take it, they would assume, guarantees to each citizen liberty. The eminent Senators feel that they are justified in concluding that the word "liberty" means liberty of personal conduct, private business, and personal pursuits. That the preamble of our great Document, guaranteeing, as the foundation stones of this Republic, "life, liberty, and the pursuit of happiness," can not be executed if the Government takes into its hands the direction of these particular elementals so necessary to be controlled by each person for himself if he is to enjoy the blessings of happiness.

Sir, there is much in that argument; there is so much in that argument that, anxious as I am that every measure of power be given the Government, I warn myself against overstepping it. Sir, I prudently admonish myself that merely because I can find justification for this measure I shall not find license within myself to give similar justification in every measure of similar import at any other time.

It will be a dark day for this country when there shall be a complete ignoring of the fundamental doctrines upon which this Government is constructed. Sir, as well hope to ignore the foundation stones upon which this building is erected and trust that without a base it would maintain its balance as to hope that this Government can ever survive free without some charter prescribing, in the language of the Divine injunction, "thus far, and no further." But, sir, the distinction lies not in whether the Constitution applies to our country as a Constitution; the question, sir, for us is, Wherein is this particular legislation of power a violation of any provision of the Constitution?

I said yesterday by way of parenthesis, pending the debate between the Senator from Oklahoma [Mr. GORE], the Senator from Georgia [Mr. HARDWICK], the Senator from Missouri [Mr. REED], and certain Senators on the Republican side, that I was one of those who felt that, as to certain powers in this bill, the provision in the Constitution to which the eminent Senators alluded was suspended in their operation and had no application. I now shall demonstrate what I mean.

The provisions of the Constitution, sir, as to life, liberty, and property, applicable to legislation as between the citizen and

his own country, I assert have no place in the construction of the same powers as to property and privileges as between the citizen and his nation when his nation is at war for the preservation of the citizen and the nation. I insist that there is no constitutional privilege vested in any man which rises superior to the power of his government to preserve that man against destruction from a foe without. However much that provision may be invoked to preserve him as against the power of his nation against him in affairs of his own country it can have no application to limit the power of his government in the exercise of war power which has for its purpose the preservation of the country itself.

Senators, can I speak more strongly that view than the Supreme Court of the United States, in an observation to which I fancy Senators have not had their attention drawn in the great rush of things that I know have engaged them? I ask the Senators' attention to this.

In the One hundred and thirtieth United States, far, sir, after the days of war, and quite beyond the days when we were so disturbed by passion that we might charge an opinion to partisan zeal—the Supreme Court of the United States had occasion, in this very late opinion, to say—I read from page 606 of the One hundred and thirtieth United States:

> To preserve its independence, and give security against foreign aggression and encroachment, is the highest duty of every nation, and to attain these ends nearly all other considerations are to be subordinated. It matters not in what form such aggression and encroachment come, whether from the foreign nation acting in its national character or from vast hordes of its people crowding in upon us. The government possessing the powers which are to be exercised for protection and security is clothed with authority to determine the occasion on which the powers shall be called forth, and its determinations, so far as the subjects affected are concerned, are necessarily conclusive upon all its departments and officers.

Mr. President, the eminent Senator from Iowa [Mr. KENYON], who leads for this bill upon the minority side of the Chamber—"minority"—produced copious quotations demonstrating the constitutionality of this act in a general sense. I could not improve on them; I would not fatigue the Senate by again quoting them; but I take the liberty to invite attention, in addition to them, to a few observations of the highest tribunals of our country, which eminent Senators, industriously giving attention to the details of this bill—have not had time to call the attention of this body to, or have not had time to have their attention called to.

I ask you, sir, as I asked these eminent lawyers, has any language of mine approximated in its assertion of power this opinion in One hundred and thirtieth United States, written in the cool, calm judgment of the greatest tribunal of the world? Measuring the constitutional power of this land, and, sir, anticipating the day when aggression from foreign shores might come, this court laid down the chart by which we could be guided, and there, sir, if I do not burden this body, it specifically says:

> It matters not in what form such aggression and encroachment come, whether from the foreign nation acting in its national character or from vast hordes of its people crowding in upon us. * * * To preserve its independence and give security against foreign aggression and encroachment is the highest duty of every nation, and to attain these ends nearly all other considerations are to be subordinated.

Mr. President, I know there has been much argument on the constitutionality of this bill. I know Senators have called attention to the Milligan case. I have already referred to my distinction as to that cause, but I should like to read a few words, and but a few, from two other sources.

I call attention to the observations of Mr. Madison on the Constitution. The eminent Senator from Pennsylvania [Mr. KNOX] I heard the other day quote Alexander Hamilton, a most respected authority upon that phase to which the Senator was alluding; but I invite attention to the views of one who was made a President of the United States by those who contended that the power of Government should be limited, as is contended by the eminent Senators who oppose this measure. Says Mr. Madison—I read this in the light of the opinion to which I have just alluded:

> With what color of propriety could the force necessary for defense be limited by those who can not limit the force of offense? If a Federal Constitution could chain the ambition or set bounds to the exertions of all other nations, then, indeed, might it prudently chain the discretion of its own Government and set bounds to the exertions for its own safety. * * * The means of security can only be regulated by the means and the danger of attack. They will, in fact, be ever determined by these rules and by no others. It is in vain to oppose constitutional barriers to the impulse of self-preservation.

Will my eminent and distinguished friend from Missouri [Mr. REED], the eminent Senator from Utah [Mr. KING], or those who have heard me to-day assume that any utterance of mine can approximate in the strength of its extension the utterances of Madison, or that of the Supreme Court in One hundred and thirtieth United States, written in the cool calmness of reflected judgment when we were not at war, and there was neither passion nor zeal to animate the action?

But I want to call attention to a few words, Mr. President, in the Legal Tender case—an observation of Justice Bradley which I feel has not had accent. Says Justice Bradley—this is in the Twelfth Wallace, later, of course, than the Milligan case:

> It is absolutely essential to independent national existence that government should have a firm hand on the two great sovereign instrumentalities of the sword and the purse, and the right to wield them without restriction on occasions of national peril. In certain emergencies government must have at its command, not only the personal services, the bodies and lives of its citizens, but the lesser, though not less essential, power of absolute control over the resources of the country.

Surely there can be no stronger expression anywhere. This bill merely gives, at the very furthest contention, absolute control over the resources of the country.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Utah?

Mr. LEWIS. Pardon me; let me finish the clause and then I will yield to the Senator gladly:

> Its armies must be filled and its navies manned by the citizens in person. Its material of war, its munitions, equipment, and commissary stores, must come from the industry of the country.

I now yield to the Senator from Utah.

Mr. KING. I concede that the Federal Government has power over the resources of the country; but does it not exercise that power over the resources through the taxing power? How else may it obtain the resources with which to prosecute the war, except through the instrumentalities of the taxing power? Does the eminent Senator mean to asseverate that the Federal Government may go and confiscate property when and as it will? Must it not rather exercise the power of prosecuting war—the controlling of the sword and the purse, as stated by Justice Bradley—in consonance with the Constitution of the United States?

Mr. LEWIS. Mr. President, I said awhile ago that there seems to be a misunderstanding. There is no contention that the Constitution of the United States should not always, when possible, be complied with.. I said yesterday, as I have alluded to here to-day, that there were certain provisions of it which I contended had no application now, however much they would have application under different circumstances when we were at peace.

I now answer the Senator: No; I can not concede that the power to lay hands on the resources of the country is born of the power of taxation. I do concede that in laying hands upon the purse, under the ordinary circumstances of government, it is through the power of taxation, conjoined to the power of government; but in time of war I respectfully assert that the power of the Government to lay its hand upon the resources arises from altogether another source. It arises from the inherent power of a Government to command, by any means at hand, those resources essential to maintain the Government.

Condemnation, as an illustration, does not grow from taxation. Therefore, condemnation is one of the methods by which we appropriate property and take resources. Commandeering, as an officer of the Army, as Commander in Chief, does not arise from the power of taxation. Taxation is an incident to it.

I respond to my eminent friend by saying that the power by which we draw to ourselves all the resources is the power of government, to be exercised, of course, not without the Constitution, but within the spirit of the Constitution that vests in Congress the power to provide methods of conducting the war, and in the President of the United States the discretion of directing it.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Missouri?

Mr. LEWIS. Gladly.

Mr. REED. A moment ago the Senator stated that there were certain parts of the Constitution that were suspended in time of war. Now, it would be very interesting to have those parts of the Constitution catalogued. I think it would bring this debate down to a point where we might get to an issue.

I am going to ask the Senator now if he will not be so kind as to tell us what part of the Constitution of the United States has been abrogated and is abrogated at the present hour?

Mr. McKELLAR. Mr. President——

Mr. LEWIS. Will the Senator permit me to answer——

Mr. McKELLAR. I want to add just one question.

Mr. LEWIS. May I reply to the Senator from Missouri? Then I will gladly yield to the Senator from Tennessee.

Mr. President, my eminent friend, the Senator from Missouri, said it would be most interesting if I could detail what provi-

sions I feel are suspended in their operation, which was my expression. I regret that my discussion was not more interesting than an attractive luncheon to my friend; that he was compelled to forsake me during this discussion, or he would have heard the full catalogue of this matter, which I have amplified to the best of my ability while he was absent; but I am willing to repeat what I then said if I do not burden other Senators by the repetition.

Mr. REED. No; if that is the case I will get the speech of the Senator in the RECORD, if he has really made a catalogue. I was called from the Chamber on some matters connected with the Senate, and I did pause on the way to get lunch, in order that I might be able to hear the Senator through. I regret having missed anything he had to say, but I really felt a little faint in view of the prospect of the annihilation of the Constitution.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Tennessee?

Mr. LEWIS. Let me respond to the Senator from Missouri, and then I will yield.

Mr. President, I can understand that the eminent Senator from Missouri would feel a sense of tremor at the contemplation of annihilation of any Constitution, and I am glad he gave an early illustration of his feeling by preserving his own constitution first with his lunch. [Laughter.] I think he did wisely, rather than endure a discussion in this hot weather of such fundamentals as I am dealing with, with which he is so thoroughly familiar. Since he does me the honor, as he always does when he can, to be present at my discussion, I am not averse to saying that when he uses the term "catalogue the provisions of the Constitution," he uses a figure of speech which, of course, does not define what I said nor what I meant. I will adopt for my definition that which I said before—that there were certain provisions of the Constitution which were suspended in their operation in the conflict between this Nation and a foreign country, one of which I will now illustrate to the Senator—the one he read—that which prescribes a limitation of powers as between the Federal Government and the States. I respectfully urge that has no application save as to the exercise of power by the National Government upon the States and the preservation of the States over that centralized power. But when war is declared those demarcations are at once ended, because the provision of the Constitution that grants to the Executive the power to command the armies vested in him the power to command the armies that come from the States, called militia, as one illustration, and vested in Congress the power to command the States without regard to that constitutional provision.

There I demonstrate to my eminent friend one of the provisions which I respectfully suggest are suspended in operation.

Mr. REED. Mr. President—I think, however, I ought to let the Senator proceed.

Mr. LEWIS. I yield to the Senator. I am glad to have the interruptions. I welcome them. They help me to gather my own viewpoint.

Mr. REED. Of course, if that is the answer, it is so easily answered——

Mr. LEWIS. That is one of the parts of the Constitution to which I referred.

Mr. REED. And it does not at all answer my question. The Senator now states that the provision that all powers not expressly granted, or carried by necessary implication, are reserved to the States, does not apply in time of war; but that would only go to the question of power. What I am trying to get at is, What guaranties of the Constitution there are that are suspended? To illustrate, Is the guaranty of property suspended, or does it continue to exist—that property shall not be taken without due process of law? Is the right of trial by jury suspended?—and so forth. That is what I am trying to get at. I am just illustrating with those two. There are many others.

Mr. LEWIS. Mr. President, I answer the Senator.

Mr. REED. Before the Senator does answer, permit me to make the question a little broader. Under the Constitution the Government is divided into three coordinate branches—the judiciary, the legislative, and the executive. Is the judiciary abolished? Is the legislative abolished? Are they all concentrated in the executive?

Mr. LEWIS. Mr. President, the difference between the eminent Senator from Missouri and myself is that he finds it agreeable to employ hyperbole which I can not adopt. His expressions, such as "abrogated" and "repealed," referring to certain constitutional provisions, have never been used by me. They are not used now.

Mr. REED. Well, "suspended." I will accept the term "suspended."

Mr. LEWIS. My observation was, "suspended in their operation."

Mr. REED. Yes.

Mr. LEWIS. In the manner in which they were construed by the Senator. Now I answer him to the point:

I have given the Senator one illustration which he says is a matter of power. I agree with him. That is what I have been insisting on—that powers conferred for one set of uses are suspended when they come to another set of uses. That has been my whole argument. Second, I answer the Senator as to the other. First, he says, in time of war, are the relative coordinate powers of the executive, the judicial, and the legislative suspended? I answer, yes; to a very great degree. I will illustrate:

They change in their form of operation. Otherwise martial law could never take effect. There are reasons why which occur at once to your mind. If the application were enforced in time of peace, then the Congress of the United States would exercise the privilege of executing powers in time of war that were peace powers only; we would certainly not be found in time of peace voting that the Chief Executive shall do the things which we do grant him in time of war, but that is because there is a provision of the Constitution that lies perfectly dormant until war is declared, and then it rises in its fullness of operation, but it is not abrogated.

Mr. REED. What is that provision?

Mr. LEWIS. Allowing him to command with discretion; authorizing him to do things in that condition of things which in time of peace would not be taken from the legislative body and vested in an Executive.

Mr. REED. If the Senator will pardon me, there is no such language in the Constitution. There is a provision that the President of the United States is Commander in Chief of the Army and Navy, and that is in peace as well as in war.

Mr. LEWIS. I am obliged to infer that the Senator was absent when I read the Supreme Court decision that gave such a complete recognition—written in time of peace—and I called the attention of my eminent colleagues in that provision of the highest court of the land. The Senator will get its meaning in reading my speech, if he shall have occasion, and then I would be glad to have him amplify his views to the contrary.

Now I return to the query the Senator from Missouri makes, Do I believe that part of the Constitution which says that private property shall not be taken without due process of law, and if I would abrogate it? I do not contend that it is abrogated, but I do contend that its ordinary operation is suspended. What is due process in time of peace is not due process in time of war, and what is the process for the necessities of war would not be admitted to be due process in time of peace. I illustrate it. In the time of the Civil War property was seized and taken without compensation because of the necessities of the war. When there was an attempt to recover, the answer was the war necessities made it necessary that the armies should move, and the constitutional power did not protect or stand against it. Andrew Jackson took property down in Louisiana, and took it forcibly, and when they sought to show that he had violated the law he was vindicated—that it was no violation of the Constitution or the Articles of War—but a sum of money was subsequently paid or tendered.

Mr. REED. Does the Senator say that Jackson was not fined?

Mr. LEWIS. There was public opinion in Louisiana and in certain parts of the country, and the eminent Senator then from Kentucky, Mr. Clay, tendered condemnation; but a distinguished predecessor of the Senator from Missouri, Mr. Benton, defended and justified Jackson; and, though a resolution was tendered and passed in this body censuring Jackson, it was subsequently expunged, and Jackson found vindication here, the courts holding that his main act was not a violation of the Constitution.

Mr. REED. Has the Senator forgotten that Mr. Jackson was fined for infringing the rights of citizens?

Mr. LEWIS. I do not deny it; but, as I have recalled, it was expunged in that particular. Though the act was a violation of ethics, it was not a usurpation on the part of those who executed it. The expunging was like the reversal of the higher court, I will say to my eminent friend.

Mr. REED. Is it not true that he was fined and paid his fine, $1,000.

Mr. LEWIS. The Senator forgets. If the Senator asks if he was fined for taking property, I answer no. The fine that was levied upon Jackson was not for the taking of property but because he violated a specific order touching methods in taking the property. He was specifically vindicated for taking the property. After he took the property an incidental matter arose which was the subject, as the Senator will recall, of the

fine proceedings. The Senator is being misled by his memory. Jackson was fined for contempt after the property was taken.

Mr. REED. If there is anything clearly settled, it is that Jackson violated the law at that time; and, of course, the hero of the Battle of New Orleans would have been vindicated by the American people for anything, almost, that he might have done, and they did vindicate Jackson for many things because of their great admiration for the man. But I do not think the Senator means seriously to say to the Senate that the Jackson controversy, to which we are now referring, furnishes an example that the Constitution of the United States was suspended except that the constitutional operations might be suspended by force at any time if the force is great enough.

Mr. LEWIS. What I urge is that there are illustrations to prove what I respectfully insist, that the Constitution, in so far as the matters are concerned touching the property of the citizen of the country in time of peace, is construed differently as to that same citizen in time of war. The operation applicable in time of peace is suspended in its effect in time of war. Otherwise we would realize that we never tax the citizen or take property until after condemnation and a jury trial and judgment. So the Army, in moving, is compelled to remove obstructions and may repel an invading enemy from a foreign shore. There is an illustration which I think the Senator will accept as pertinent.

Mr. REED. If the Senator will permit me, that matter has been mentioned—I mentioned it myself many weeks ago in this controversy—and I will state the rule that is laid down by the court. It is that when this country is at war that part of the country which is not occupied by the military and where business is open is governed just as it always is governed—the ordinary civil processes must be followed—but within the war zone, where the military actually is, where a state of war actually exists, martial law may be held to obtain and the right to take property where the necessity is immediate and where the military actually is in occupation exists.

That is entirely different from saying that a declaration of war depends upon the Constitution. That doctrine simply goes to the effect that where there is an actual state of war, and within the war zone, the military power for the time being is superior to the civil power. But it is true in no other place, and I shall be able to show the Senator many authorities to prove it.

Mr. LEWIS. I again must call the Senator away from his inclination of mind of using expressions which define what he means but which are not the expression which I use. I have never used the words "suspended the Constitution." I specifically drew the distinction between those who claim the Constitution is suspended and those who, as I do, insist that certain operations of the Constitution will operate in one way in time of peace and are suspended in that form of operation in time of war. I have given one illustration.

Mr. McKELLAR. Mr. President——

Mr. LEWIS. I yield to the junior Senator from Tennessee.

Mr. McKELLAR. I wish to ask this question: The Senator says that certain operations of the Constitution are suspended during time of war. Who has the right to pass upon that question and say when those operations of our Constitution are suspended? Where is the power to pass upon it? In other words, so that the Senator may get my question accurately, I believe the Senator gave a list—I was not present; I am sorry I was not—of those parts of the Constitution the operation of which is suspended during the war. If the Senator has one in his mind, I wish to ask him who has the power under our Constitution to say that those particular clauses of the Constitution are not to have effect during a time of war?

Mr. LEWIS. Mr. President, that there may be no misunderstanding, I did not make a list of any particular provisions of the Constitution. I recited one or two phrases from some provisions of the Constitution and gave my viewpoint in what manner they did not operate in war times as in times of peace, and the construction by the court has shown that application. I refer to Justice Bradley's opinion in the Legal Tender cases, in which he so thoroughly set out this thought. I now answer the Senator from Tennessee as to the particular points for which he rose.

The junior Senator from Tennessee asked me who has the power to suspend these provisions. I announce to the Senator they are not suspended by the action of any person. They are not suspended by the declaration of any authority. The Constitution itself automatically, by virtue of the war power written in the Constitution in order to execute those powers, suspends the others which conflict with the operation of the necessary ones. That execution in war time, according to the way in which they are carried out in time of peace, would be nugatory of the war powers and destroy them.

Mr. McKELLAR. Will the Senator then explain to me who has the right to say when these powers are automatically suspended? As I read the Constitution there is but one authority, and that is the judicial authority of our Government. Have we as legislators, who hold up our hands and swear we will uphold and defend the Constitution, the right to say that certain clauses or phrases of the Constitution are suspended? Is not the Senator in error about it, and is not the fact that none of us, neither the executive authority nor the legislative authority, have any power to say when these provisions automatically are suspended, to use the Senator's own expression?

Mr. LEWIS. Mr. President, the operations of the Constitution which I think are suspended in their form of operation in war times as compared to how they would have been operated in time of peace automatically serve their office in time of war as they did in time of peace by act of Congress. Congress when it declares war, in that declaration of war sets the machinery of war in action as opposed to those machineries that are essential in time of peace. Wherever the war powers conflict with the machinery that applies in peace time, one is suspended. This operates as a result of the declaration of Congress declaring war. I answer my eminent friend from Tennessee that it is such that is the authority that suspends.

Mr. McKELLAR. May I ask, does the Senator mean to say that as soon as Congress declares war by that declaration there is an inferential repeal of the Constitution in regard to anything that may come up in reference to that war?

Mr. LEWIS. The Senator said a while ago that we are sworn to uphold the Constitution. The difference between the able Senator and myself lies in this: I contend we are upholding the Constitution and executing its full meaning when we give a different form of construction to powers and different powers under the Constitution in time of war from what we do in time of peace. We are not abrogating the Constitution; we are not violating it. From my viewpoint we are upholding it by giving other powers and exercises which in time of peace are not invoked because not necessary.

Mr. McKELLAR. The Senator misunderstood me. I know there are different provisions of the Constitution which apply in war time and in peace time, but the thing that I except to in the Senator's statement is that certain provisions of the Constitution are suspended in their operation during times of war; and if they are then I ask the Senator who has the right to suspend them?

Mr. KENYON. Mr. President——

The PRESIDING OFFICER (Mr. KENDRICK in the chair). Will the Senator from Illinois yield to the Senator from Iowa?

Mr. LEWIS. I will yield in a moment. My answer is, again, that certain provisions of the Constitution which operate in peace time in one way are suspended in that operation and operate in war times in a different way. Such was the intent of the framers of the Constitution, and the power invoked to make that change is that vested in the power to declare war, to wit, Congress. I yield to the Senator from Iowa.

Mr. KENYON. I wish to say that I gather from the Senator from Illinois this thought. I may gather it incorrectly, but it seemed pretty clear to me. It is as to the status created by the war. Take the provisions in the Constitution against taking private property for public use. You could not take feed for animals in time of peace because it would be taking private property, but in time of war that ceases in a way to be private property because it is necessary for the support of the Government. Now, suppose one man had all the food in this country in time of peace, it would be his, it would be private; you could not take it away from him; but in time of war would it be contended that it was not affected with such a public use that it could not be taken to support our Army and our Navy? In other words, war has created a new status, and that amendment of the Constitution therefore would not be effective.

Mr. LEWIS. Let me say at this point, the Senator was absent when the eminent Senator from Utah [Mr. KING] and myself engaged in a colloquy on that very basis. I undertook to make plain that very distinction then and later to the Senator from Missouri. I thank the Senator from Iowa for illuminating what might have been obscure in my own definition. I agree with his attitude of mind.

Mr. REED and Mr. KING addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Illinois yield, and if so, to whom?

Mr. LEWIS. I yield first to the Senator from Missouri.

Mr. REED. Mr. President, I utterly deny the illustration and the conclusion from it. If one man in the country had all the food in the country and was holding it and starving the people of the United States to death the right of the Goverment to take that food and distribute it to the people would be exactly

the same in time of peace as it could be in a time of war. In the illustration which the Senator has used, if we could imagine such a condition as he has stated to exist, there is not any question but the man using the food in that manner, withholding from the people and starving them to death, would simply be treated as an outlaw, and he probably would not live long enough to lock his door.

Mr. KENYON. That is true, but he is protected by the Constitution.

Mr. REED. The Senator's illustration, of course, is a very violent one. The right to take that food in time of peace to preserve the lives of the American people would be exactly the same as it would be in time of war to preserve the Army. There is not a bit of difference in my opinion. Both of them would rest upon the supreme law of necessity. Both of them would rest also upon the fact that the man engaged in the hoarding of food would have been engaged in the commission of a crime. However, it is a good deal like trying the question whether man is right when somebody holds a gun at his head.

Mr. KENYON. Somebody has a gun at our heads now.

Mr. REED. Exactly; somebody has a gun at our heads now; but the question we are asking and answering is this: The United States being at war, what are the limits of our right? If a man has a controversy with another man he does not have the right to kill that other man because he has a controversy. He only has the right to kill another man when the other man is seeking to take his life or impose upon him some other hardship which gives the right to take his life. If the enemy was actually in this country, or if a condition of affairs existed in this country where it was necessary for us in order to keep the Army from starving to death to do certain things, I think that by proceeding in the right way we could take the food in this country—I think it could be commandeered—but it would be when that condition had arisen to which I have referred.

Now, the courts have drawn that distinction.

Mr. KENYON. I ask the Senator where he would draw the line? If we can take the food when an armed invader is actually here, we could take the food when the Army of the invader was nearly here, and then we could take the food so as to get ready to repel the army of invaders.

Mr. REED. Will the Senator from Illinois be so kind as to pardon me at this point?

Mr. LEWIS. I yield to the Senator from Missouri for this interpolation. The Senator from Missouri and the Senator from Illinois are addressing the Senate and cooperating.

Mr. REED. The Senator invited everybody into this debate——

Mr. LEWIS. That is what I mean.

Mr. REED. And he is so enticing in his manner that one can not resist it.

Mr. LEWIS. I would the Senator could say that I was also seducing in my argument. [Laughter.]

Mr. REED. I call the Senator's attention now to this case. I think it would be well if Senators would examine it. It is in Thirteenth Wallace, page 623. In that case the military commanders took over three steamboats belonging to the plaintiffs because they were needed in transporting war materials during the Civil War. Mr. Justice Clifford delivered the opinion of the court and said:

> Private property, the Constitution provides, shall not be taken for public use without just compensation.
>
> * * * * * * *
>
> Extraordinary and unforeseen occasions arise, however, beyond all doubt, in cases of extreme necessity in time of war or of immediate and impending public danger, in which private property may be impressed into the public service or may be seized and appropriated to the public use or may even be destroyed without the consent of the owner. Unquestionably such extreme cases may arise as where the property taken is imperatively necessary in time of war to construct defenses for the preservation of a military post at the moment of an impending attack by the enemy, or for food or medicine for a sick and famishing army utterly destitute and without other means of such supplies, or to transport troops, munitions of war, or clothing to reinforce or supply an army in a distant field, where the necessity for such reinforcement or supplies is extreme and imperative, to enable those in command of the post to maintain their position or to repel an impending attack, provided it appears that other means of transportation could not be obtained and that the transports impressed for the purpose were imperatively required for such immediate use.

I call attention to this language:

> But the public danger must be immediate, imminent, and impending, and the emergency in the public service must be extreme and imperative and such as will not admit of delay or a resort to any other source of supply, and the circumstances must be such as imperatively require the exercise of that extreme power in respect to the particular property so impressed, appropriated, or destroyed.

Mr. KENYON. I should like to ask the Senator who would determine the imperative necessity in that case; would it not be Congress?

Mr. REED. No; I think it must be determined as a matter of fact.

Now, there is one other case I call attention to. However, this is a State case—Fiftieth Mississippi. The court said:

> The necessity should be extreme, imperative, overwhelming in order to constitute a justification to expediency—

I call the attention of the Senator from Iowa to this—

> expediency or utility will not answer as to who will be the judge.

Mr. HUSTING. Will the Senator please state whether those decisions rest upon cases in war time?

Mr. REED. The first one was a case where steamboats were commandeered in the Civil War.

Mr. HUSTING. Who are to determine the fact; the military government or the court?

Mr. REED. The court did determine it. The military commander determined it in the first instance and the court in the last. There is one other case.

Mr. HUSTING. I wish to ask the Senator just one further question. Is there anything in that decision to indicate that the President and Congress would not have a right to determine the fact whether commandeering was necessary in time of war?

Mr. REED. I think the whole trend of the decision is to the effect that it is a question of fact, and that the citizen is protected under the Constitution.

I did not intend to take so much of the Senator's time. I would be glad to put all these cases in and let the lawyers of the Senate have the benefit of them.

Mr. LEWIS. The Senator will do that in the course of my speech, will he not?

Mr. REED. Yes; I wanted to put this one sentence in as qualifying the doctrine I have been giving. The statement is made with reference to certain other rights claimed as the rights of martial law, the rights of the military. They say this exists only over the camps and environment and near the field of military operations.

There are many authorities along this line which I shall give at the proper time.

Mr. McKELLAR rose.

Mr. LEWIS. I now yield to the junior Senator from Tennessee.

Mr. McKELLAR. I do not want to have any misunderstanding about my position. I have asked this question about the Constitution. It does not mean at all that I am opposed to the bill we are now discussing. I am very much in favor of the bill, and I believe it is constitutional under the authorities that we have heard read in the Senate so frequently lately. I believe there is ample authority in the Constitution for it, but where the Senator and I take issue is on the proposition that the bill can only be constitutional upon the principle that certain clauses of our Constitution are held in suspense by the declaration of war, as he explained it.

Mr. LEWIS. Mr. President, the attitude of my eminent friend from Tennessee brings me in this position: It is related that when Broughton went to the woolsack he knew Bacon, and he sought Lord Bacon for a judgment as to how to conduct himself in the administration of his court. Bacon is reported to have said to him, "Give your judgment; do not give your reasons. Your judgment may be right, but your reasons may be wrong." The attitude of my eminent friend, the distinguished junior Senator from Tennessee, is that in my conclusions he concurs, but to my methods of reasoning he dissents.

Mr. McKELLAR. The Senator has well stated it. That is precisely the case. [Laughter.]

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Utah?

Mr. LEWIS. I yield to the Senator from Utah.

Mr. KING. I do not want to suggest to my distinguished friend from Illinois how to make his speech or upon what ground to place his conclusions——

Mr. LEWIS. It would aid me very much could I have the benefit of such wisdom.

Mr. KING. Because as to the former, he could make it very much better than I.

Mr. LEWIS. No; I could not.

Mr. KING. But does not the Senator feel that his argument would be better and stronger if he would place it upon the declaration of the great Chief Justice Marshall in the McCulloch case, if he would argue that this legislation was within the scope of the Constitution; that the necessity for it existed; and that then it was only a question as to whether or not the legislation was in harmony with that necessity? I might say to my friend, if he will pardon me, that on the 18th of June of last year the Supreme Court of Australia, in considering legislation somewhat of this character, referred to the decision of the Supreme Court of the United States.

Mr. LEWIS. It is the case of Farey against Burnett, and I shall call attention to it in a moment.

Mr. KING. And they justified the legislation in Australia, which is legislation akin to this, largely upon the McCulloch case and upon other cases from our Supreme Court. I notice that Judge GARD, of Ohio, placed the majority opinion in the RECORD, but he did not place the dissenting opinion in the RECORD. Judge Isaacs, of the supreme court of Australia, gives a very illuminating decision, and it is very pursuasive in support of the constitutionality of this bill that is under consideration.

Mr. HUSTING. Mr. President——

Mr. LEWIS. I yield to the Senator from Wisconsin if he wishes to interrupt me at this time.

Mr. HUSTING. I want to say to the Senator that I have followed his argument very closely and with a great deal of interest. I agree in his conclusions; but I merely want to put an interrogatory to him along the line of the argument he has made. Perhaps he has already covered it in effect, but does the Senator think that any construction can be put upon the Constitution as a whole which would lead to the effect and the necessary resultant absurdity of prohibiting anything that would result in the destruction of the Constitution itself?

Now, to illustrate: In order to have a constitution that is of any value we must have a country to sustain that Constitution, to back it up. The Constitution is a creature of the country. When the country is in peril, and the Chief Magistrate says so, and Congress has passed upon it, and a state of war is declared, we know that a state of peril exists, which may result in the destruction of the Government and in the destruction of liberty itself, which may result in reducing the Constitution to a mere "scrap of paper." In construing the Constitution in war times we must see the possibility of a destruction of our institutions and a conquest of the country. The question is, Does not the Senator think, therefore, that the Constitution must be construed in war times to permit anything to be done that will preserve the Constitution? Does not the Senator think it would be absurd to claim, notwithstanding the menace and the peril that we are in, that in attempting to carry out some of the provisions of the Constitution we thereby foreclose ourselves from saving the Constitution as a whole to the people; in other words, preventing it from becoming a mere "scrap of paper" and having somebody else's constitution and the will of some other country imposed upon us?

Mr. LEWIS. Mr. President, replying first to the inquiry of the Senator from Utah [Mr. KING], I am unable to answer whether I would make my own argument better by adopting his theory or whether I would make a better argument by basing it upon McCulloch against Maryland. It may be, sir, that nearly anything might improve the argument that I am making, and it may be any suggestion from a friend is a charity to divert me to some other course, lest I fall into further blunders, that seem to impress my friend from Utah as already too numerous. I decline, and I have constantly declined, to rest this bill upon McCulloch against Maryland. We have often alluded to that case in this tribunal. The eminent Senator from Oregon [Mr. CHAMBERLAIN] only the other day, referring to some observations of mine, called attention to the fact that upon McCulloch against Maryland, and upon that alone, we could predicate justification for this bill. This is my viewpoint as to McCulloch against Maryland. I never knew an opinion from a supreme court that so begged the question at issue as did that. The question was whether or not a thing was constitutional, and in the opening words the court says, "Granted that the thing is within the scope of the Constitution, then the means necessary to carry it out are constitutional." I have always felt that the very expression "granted that it is within the scope of the Constitution" begged the whole question, for the question always is, Is it within the scope of the Constitution? The moment that we put a thing only upon McCulloch against Maryland we have to admit before we can do it that it has already been conceded that it is within the scope of the Constitution. My eminent opponents contend that this bill is not within the scope of the Constitution. So I can not see that McCulloch against Maryland is of such service to me that I am willing to use it as a predicate upon which to put my argument. I rather take the other view, that the constitutional powers of war are of a nature which, as I see them and view them from the constitutional power, differ from those applying to the domain of peace. For that reason I place my argument upon the exception which I say becomes a rule in times of war, and I do not have to recur to the doctrine announced in McCulloch against Maryland—the doctrines applicable in time of peace and which were ruled then as applicable to purely a peace question.

The junior Senator from Wisconsin [Mr. HUSTING], ever alert and, as we have seen him constantly on this floor, ever active in seeking to preserve fundamentals, put to me the question, Am I not in danger by insisting that some phraseology of the Constitution is suspended in its operation, of committing an infraction, as it were, upon the whole Constitution and leaving it a document wounded in such a way that we do not have a complete document for the public as it is guaranteed?

I answer the Senator that he is not very far from a real condition. I have watched in Congress since I have come into public life the avoidance of the Constitution; then the evasion of the Constitution; then the ignoring of the Constitution; then the violation of the Constitution; and later the repudiation of the Constitution—and this in peace times. In measures that have been brought to this body—whether it was to build a nitrate plant in the South by Government money, whether it was to create a quarantine service for the health, or whether, if you please, to create an agricultural system, to provide something by a price-fixing system, or whether you provide for a supervision over the private crops of the people or of their property, I have gradually seen, sir, that we are building up in America to-day an unwritten constitution for the United States. We are building a constitution within the spirit of our written one, but in a new phraseology. That new phraseology derived from the measures passed to meet the necessities of the people. I answer my able friend from Wisconsin—for as I understand his question it comprehends, no doubt, the question from many other sources—that this is my view. It is as I see it, sir, that the time has gone by when the people of this country are so much concerned about the Constitution as they are about their institutions; and I for myself announce as my creed that I will not permit the obsolete provisions of a paper constitution to prevent the preservation of the human constitution.

Mr. HUSTING. Mr. President, I want to put the Senator from Illinois right. My question was rather a long one, and perhaps I did not make myself clear. I agree with the Senator that our Constitution will not be violated by the war measures that we are now about to take and have taken. On the contrary, my question was, whether to give the Constitution any other construction; that is to say, whether to give the Constitution a construction which would hinder and obstruct us from defending ourselves and the Constitution itself would not be an absurd construction? The construction which I suggest to the Senator must necessarily be placed upon the Constitution itself is that in time of national peril, when our institutions and the Constitution itself are imperiled, we can do all things necessary to preserve the Constitution and to preserve our institutions.

Mr. LEWIS. I probably did misapprehend the query of the Senator from Wisconsin, because his later explanation clearly discloses himself to be in harmony with my views, and certainly with my conclusions. I regard his last observations as a distinct contribution, and I accept them.

Mr. President, I should like to add a word or two, and I shall suspend this legal argument shortly, for it must be very burdening, but my friend from Utah called attention to a case I wish to let him know that I have. It is a case which I hold in my hand, and I want to read some features of it.

Mr. McKELLAR. Mr. President——

Mr. LEWIS. I yield at this time.

Mr. McKELLAR. In view of the suggestion made by the Senator from Illinois that he was rather inclined to disregard obsolete provisions of the Constitution, what has he to say about this language of our Supreme Court in the Milligan case:

> The Constitution of the United States is a law for rulers and people equally in war and in peace and covers with the shield of its protection all classes of men at all times and under all circumstances. No doctrine involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism, but the theory of necessity on which it is based is false, for the Government, within the Constitution, has all the powers granted to it which are necessary to preserve its existence, as has been happily proved by the result of the great effort to throw off its just authority.

Does not that answer the Senator, and is not the Senator mistaken in his view that any part of our Constitution or any provision or any clause or any phrase of it should be disregarded by anyone who has sworn to uphold it?

Mr. LEWIS. Mr. President, I have heard read a great many times the citation which the Senator reads, and his devotion to it wins my admiration. It is a beautiful piece of diction; it is an elegant bit of rhetoric; it is a splendid juridical oration; but, Mr. President, it is one of those things to which can be applied the suggestion of a celebrated literary critic. He received a book from a writer he did not like. He reviewed the book as follows:

I have read the book; there is much in the book that is new and much that is true; but that which is new is not true, and that which is true is not new.

[Laughter.]

The Supreme Court of the United States did asseverate just as the distinguished Senator says, and from that time on, after having uttered that fulmination, has completely ignored that doctrine, as instances and proof will show.

For instance, in the Legal Tender cases, when the question came up before the Supreme Court of the United States, I say to my eminent friend, knowing him to be a distinguished lawyer from the South, that they refused to follow that doctrine. They quoted the case to which he has referred but spoke of the necessities of the situation of war as a justification for avoiding it. They not only, sir, would not follow the Constitution in that particular case respecting the "coining" of money, but, on the contrary, they claimed we had a right to suspend it, and practically it was suspended by the exigency of war. As my eminent friend knows, it became a tendency of the court to ignore these fundamentals, and when the interstate commerce regulation cases were before the court the court went so far as to ignore the Constitution of the United States as to those powers reserved to the States, which the eminent Senator from Missouri has aptly cited, and ignored it on the ground, I may say to my friend, not of war, but that the necessities of the new commerce called for a new rule. So they actually set the provision of the Constitution aside and placed the National Government in control even of the local commerce in the States, merely because it incidentally had a connection with interstate commerce somewhere or at some time. Therefore, I say to my friend that the court proceeded in the interstate commerce regulation cases, and in other instances, completely to ignore that splendid lecture, which I wish they had adhered to, for then I would not be in the position to-day where I am enforced to say, as I must say now, that I do not know when a thing is constitutional or not—according to what the opinions of the Supreme Court have decided.

Mr. McKELLAR and Mr. REED addressed the Chair.

Mr. LEWIS. The Senator from Tennessee is still on his feet, and I yield to him. Then I will yield to the Senator from Missouri.

Mr. REED. I merely wanted to ask the Senator a question that is very apropos at that point.

Mr. McKELLAR. Mr. President, I desire to ask the Senator this question: Because the Supreme Court of the United States in later cases may have determined as the Senator thinks, differently on a constitutional question, or because it has not lived up to the full measure of what the law was as laid down in the Milligan case, or because judges may have erred in their interpretation of the law, do those facts lead the Senator to think that he, as a member of this Government, sworn to uphold the Constitution, has a right to abrogate any of its provisions as obsolete provisions?

Mr. LEWIS. Mr. President, the fact that the Supreme Court has constantly ignored that fundamental doctrine laid down then indicates that they have come to the conclusion that a different construction of the Constitution should be made. Therefore, Mr. President, they have adopted a new form of construction, in some instances construing its provisions out of all application for that reason. I therefore contend that their later observations covering the subject matter are practically a repeal of their previous views—certainly a denial of them—and I respectfully urge upon the attention of my learned friend the Senator from Tennessee that where a provision has been so ignored in its application as to be no longer invoked it is obsolete. That as to such a provision I can not revive it into authority by recognizing it when it has suffered the death blow from a source which should have sustained it under the theory and form of our Government. That is what I mean by saying it is obsolete.

I now yield to the Senator from Missouri.

Mr. REED. Mr. President, the Senator has somewhat modified his statement. I simply wished to ask him, in view of the observations regarding the Supreme Court he had just made at the moment when I rose, whether he thought the decisions of that body were entitled to any further consideration? I understood him to say that they had changed their opinions and disregarded the Constitution; and if so, I would not think that they ought to be quoted as authority here or elsewhere.

Mr. LEWIS. My answer is that if there are exigencies in the Government where the Supreme Court of the United States may ignore the Constitution or give a construction to it to meet the exigency, certainly the legislative body then can afford to follow their example.

Mr. REED. Mr. President, I want to ask the Senator one question then, and that is whether that last statement of his does not amount to this, that the people of a country may set up a government, delegating to their agents certain limited rights and reserving to themselves all other rights, and those agents may then, under the doctrine just now announced, at any time they, in their opinion, think the Constitution ought to be set aside, set it aside by merely declaring that in their opinion an emergency exists? Has there ever been a usurper who has ascended a throne who did not do it with the proclamation upon his lips that it was necessary to do it?

Mr. LEWIS. Mr. President, it is true that necessity has ever been the law of tyrants. It is also true that every kingly government that has attempted to usurp the privileges of a people and overcome them with power, has attempted to offer the excuse of necessity; but, Mr. President, notwithstanding that such might be the rule in kingly and monarchical governments, it has not been the rule in free governments. May I illustrate? No one on this floor presented a more able argument for the expediency of the eight-hour law for railroad workmen, which we lately passed, than did the eminent Senator from Missouri who has just addressed an inquiry to me. The able Senator will recognize that, upon the strict limitations of the Constitution being applied, that law would have been held unconstitutional; as interfering with State government and of private contract. Had the rules of decision on the Constitution rendered up to 1890 been followed, the law had not a place to stand or live; but the Supreme Court of the United States adopted as its argument for maintaining the validity of the eight-hour law the theory of the necessities of the time, the demands of commerce, the needs of life all as justifying the demarcation, the variation, and the innovation. The same was the argument for sustaining the child-labor law. Therefore, I am compelled to say there is much in the Senator's statement that I affirm, that a people may, because of the exigencies of the times, bring forth remedies necessary to meet particular evils such as we have done often, and such action because of those exigencies has been sustained even by the courts.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Missouri?

Mr. LEWIS. Yes; gladly.

Mr. REED. I can not allow to stand uncontradicted the Senator's statement that I argued that the Constitution did not exist or that it could be pushed aside in the consideration of the eight-hour legislation. I argued, on the other hand, that the eight-hour legislation was within the constitutional power of Congress. But what I am trying to call the attention of the Senator to, is that this Congress is nothing except what the people made it; that we as individuals have no more right than any other individuals in the United States; that the only powers we have here are powers conferred upon us by the people; and that if the people have forbidden the doing of a certain thing, we are as powerless to annul the people's will as are those who are outside of this Chamber. I, therefore, utterly repudiate the doctrine that the Constitution, ordained and established by the people of the United States, has attached to it the infamous doctrine that it shall remain in effect only so long as Congress shall see fit to let it remain the will of the people.

Mr. LEWIS. Mr. President, I am constantly paying tribute to the zeal of the Senator from Missouri for the Constitution. I again pay tribute, sir, to him and say the Constitution has no abler defender; and while I sometimes think the constructions which he imposes upon us are not sustained according to my line of reasoning, that can not reflect upon the sincerity of his undertaking and the splendor of his presentation of it. I differ from my eminent friend. I have expressed those differences. This little circle called the Senate Chamber here was constructed on those differences. If, sir, it were not for these differences of opinion this body, this temple, would not be erected. Had there have been a continuous one thought upon the part of the citizens of America, there would have been no reason for debating ground to express differences as to essentials and to arrive at a common conclusion of judgment or compromise. We are here for the purpose of expressing these differences, each expressing the viewpoint that he may have in behalf of what he thinks is for the best welfare of the Government. The Senator and I differ on this—and this is the crux of it—as I differ from those who follow him in the leadership he has manifested in this contest. I hold that the Constitution is not an inflexible instrument; that it is an instrument to be bent, if necessary, to great emergencies, in order that the emergencies may serve the uses and the welfare of the Government and not be an agency of its destruction. Second, I insist that in time of war every necessary means to carry that war to success on the part of the Government is justified out of the law of self-preservation. I beg to fortify my view by reading from an excerpt from One hundred and tenth United States, from the opinion of Mr. Jus-

tice Gray, when he said in one of the Legal Tender cases, to which I alluded in colloquy with my friend from Tennessee [Mr. MCKELLAR]:

A constitution establishing a frame of government, declaring fundamental principles, and creating a national sovereignty, and intended to endure for ages and to be adapted to the various crises of human affairs is not to be interpreted with the strictness of a private contract. The Constitution of the United States, by apt words of designation or general description, marks the outlines of the powers granted to the National Legislature; but it does not undertake, with the precision and detail of a code of laws, to enumerate the subdivision of these powers or to specify all the means by which they may be carried into execution.

So it will be plain, Mr. President, that the difference between the eminent Senators and myself is one of the construction of power.

Mr. President, it will be remembered, sir, that William H. Seward, Secretary of State in the time of Mr. Lincoln, was called on to address a communication to Lord Lyons, who then represented the British Government. Lord Lyons insisted that we had violated our own Constitution by certain acts and that we had literally done so, I presume, can not, in the light of the present-day surroundings, be disputed; but Seward, in addressing this communication to Lord Lyons, called attention to the fact that to carry on the war which at that time we were engaged in the Constitution allowed the Executive to do such things as to his judgment were necessary to accomplish that result, and even the legislative body under the Constitution did not have the power to withdraw that discretion from him while he was commanding toward that success. Surely that question has not been seriously controverted since, save by the school of gentlemen, sincere, strict constructionists of the Constitution, which is ever to be desired, for however wrong they may be in separate instances they are generally needed to prevent the extreme going too far.

Now, Mr. President, I ask the attention of the Senator from Missouri, as I do of my friend, the Senator from Tennessee. I have said that there was ground for a difference between the application of the provisions of the Constitution in time of war and in time of peace. Mr. President, the constitution of Australia was modeled after ours. I beg pardon; Senators, of course, knew that very well, and I did not mean to be pedantic and to give them unnecessary information. We know that, with very few changes, the preamble of our Constitution was literally adopted. Now, I ask attention to a case that followed the case to which the Senator from Utah [Mr. KING] referred, a later cause. The question at issue was whether or not Australia could prescribe certain geographical limitations for the sale of food; second, whether she could constitutionally prescribe prices, and whether the constitution of Australia, prohibitive as against such legislation in time of peace, would preclude the possibility of such legislation in time of war. May I read a part of it, and only a part of it?

It is said that the measure of the power is the same in peace and in war, and as such a regulation as the one now under consideration would be invalid in times of peace, so it must be unlawful in the present circumstances. I have no hesitation in rejecting such an argument. It fails to grasp the all-essential fact that is comprehended in the power of defense—

I want to call the attention of the Senator from Iowa [Mr. KENYON], as a vindication of his own views, to a very high authority—very high, sirs—as well as a justification of my own.

The constitution, it is true, provides for a distribution of powers—

To which the Senator from Missouri [Mr. REED] appropriately alluded but a few minutes ago—

but in doing so contemplates in general the normal orderly, peaceful progress of the nation, working out its own destiny, free from hostile aggression. Its continued existence and development for all time and in all circumstances, as a free, self-governing community under the British Crown, is a postulate of the constitution.

The Senator from Wisconsin [Mr. HUSTING] but a moment ago, I think, intended to comprehend that thought in his expression.

Says the court:

Primarily it contemplates conditions of amity with the world at large. But the interruption of its normally peaceful condition is foreseen and provided for both by the express terms quoted and by the common law, which, as a part of our heritage so far as it is not altered by competent authority, stands behind the written fabric of our constitution to aid and assist us in understanding and applying it. The defense power may be exerted in times of peace, but so far only by way of preparation. Actual defense, and all that it connotes, comes only when we are at war. War creates its own necessities, proportioned to the circumstances, and not measurable in advance of the occasion; and defense is only complete when it meets those necessities, whatever they may prove to be. While peace prevails the normal facts of national life take their respective places in the general alignment and are subject to the normal action of the constitutional powers. Precedence as to their regulation is governed by recognized usage or expressed enactment, but always with reference to normal conditions.

A war imperiling our very existence, involving not the internal development of progress but the array of the whole community in mortal combat with the common enemy, is a fact of such transcendent and dominating character as to take precedence of every other fact of life, it is the ultima ratio of the nation. The defense power then has gone beyond the stage of preparation, and passing into action becomes the pivot of the constitution, because it is the bulwark of the State. Its limits then are bounded only by the requirements of self-preservation. It is complete in itself, and there can be no implied reservation of any State power to abridge the express grant of a power to the Commonwealth. Even if there be a concurrent power in the State, it is necessarily subordinate. If it were possible to give special legal prominence to this principle among Commonwealth powers, that must of necessity be accorded to the defense power. All other powers and authorities—Commonwealth and State—are necessarily dependent upon its effective exercise. For of what avail is the State right to regulate the internal sale of commodities if the State itself disappears? Or of what value is the Commonwealth right to regulate interstate and foreign trade if the Commonwealth is shattered? The best protection all the rights and powers so jealously, and in ordinary times so justifiably, defended can have, so far as Australia is concerned, is the very Commonwealth power that is now sought to be limited. The constitution can not be so construed as to contemplate its own destruction or, what amounts to the same thing, to cripple by checks and balances the ultimate power which is created for the undeniable purpose of preserving at all hazards and by all available means the inviolability of the Commonwealth and of the several States. Let me advert as an instance to a section which has been referred to in argument and which admirably tests the situation, because it is so inherently clear. Section 92 in the most positive terms places beyond Commonwealth and State control alike the freedom of all interstate commerce and intercourse. But though in ordinary times of peace this can not be infringed, could it be asserted for a moment that it limits the war power? Can every citizen demand the right of passage from State to State, though military necessity is openly opposed to it? Is it the function of this court to declare the supremacy of that provision, literally construed, over the organic power of defense? But if not, is it not because the new element of war destroys the ordinary perspective of national life, and gives by the very nature of the circumstances a paramount authority to the defense power, without which the ninety-second clause would be a senseless inscription on the instrument of government? The essential fact is that Australians are belligerents as well as citizens, and for the moment the character as belligerents is preeminent and must receive the first consideration.

Mr. President, the opinion proceeds—and I have but a word more, for reading is always burdensome. The eminent Senator from Tennessee [Mr. MCKELLAR], likewise the distinguished Senator from Missouri [Mr. REED], had the query propounded to the Senator from Iowa as to what would be the tribunal to determine when this should be suspended and under what circumstances, and whether a question of the Constitution or a question of fact should be the governing question in such an emergency. Let me go to that part of the opinion which, I think, being participated in by a full court, will interest the distinguished Senators, although it may not to them be conclusive.

Says the court:

As I read the constitution, the Commonwealth, when charged with the duty of defending Commonwealth and States, is armed as a self-governing portion of the British Dominion with a legislative power to do in relation to national defense all that Parliament as the legislative organ of the nation may deem advisable to enact in relation to the defense of Australia as a component part of the Empire, a power which is commensurate with the peril it is designed to encounter, or as that peril may appear to the Parliament itself; and, if need be, it is a power to command, control, organize, and regulate, for the purpose of guarding against that peril, the whole resources of the continent, living and inert, and the activities of every inhabitant of the territory. The problem of national defense is not confined to operations on the battle field or the deck of a man-of-war; its factors enter into every phase of life and embrace the cooperation of every individual, with all that he possesses—his property, his energy, his life itself—and in this supreme crisis we can no more sever the requirements and efforts of the civil population, whose liberties and possessions are at stake, from the movements of our soldiers and sailors who are defending them than we can cut away the roots of a living tree and bid it still live and bear fruit, deprived of the sustenance it needs.

I do not hold that the legislature is at liberty wantonly and with manifest caprice to enter upon the domain ordinarily reserved to the States. In a certain sense and to a certain extent the position is examinable by a court. If there were no war and no sign of war, the position would be entirely different. But when we see before us a mighty and unexampled struggle, in which we as a people, as an indivisible people are not spectators but actors, when we as a judicial tribunal can see beyond controversy that coordinated effort in every department of our life may be needed to insure success and maintain our freedom, the court has then reached the limit of its jurisdiction. If the measure questioned may conceivably in such circumstances even incidentally aid the effectuation of the power of defense, the court must hold its hand and leave the rest to the judgment and wisdom and discretion of the Parliament and the executive it controls, for they alone have the information, the knowledge, and the experience, and also, by the constitution, the authority to judge of the situation and lead the nation to the desired end. Certain facts are before the court by admission; others are notorious. I do not enter into the circumstances further than to perform my duty as I have stated it. As to the desirability or wisdom of the regulation complained of, it is not my province to speak, but as a matter of law I have no hesitation in holding that such a regulation is one which, as a defense regulation, is within the competency of the legislature in the condition of affairs that now exist.

The opinion concludes:

Since this judgment was delivered I have observed the recent case of *The Zamora* (32 T. L. R., 436). Lord Parker, for the privy council, said (32 T. L. R., at p. 445): "Those who are responsible for the national security must be the sole judges of what the national security requires. It would be obviously undesirable that such matters should be made the subject of evidence in a court of law or otherwise discussed in public."

Mr. President, I know we are not bound by the opinions of a court of Australia. They but serve as precedents. But since the court of Australia founded its ruling upon a constitution that was copied from our own, I am sure eminent Senators will see that the positions I have taken here have been fortified by the expressions of an eminent judicial tribunal that could not be blind to the theory of liberty or the justice of government. Mr. President, I insist, as I have insisted, that this proposed act is constitutional. By all the provisions of law that apply to it, it is constitutional. By the necessities of the situation, it is justified. By the reasoning of the Constitution as intended to be applied in time of war, it is vindicated; and, sir, upon that Constitution, as I have brought forth from my construction, I justify the measure.

But, Mr. President, it would not matter to me if it were otherwise. My eminent friend and beloved friend, I may add, the distinguished Senator from Missouri [Mr. REED] feels deeply wounded, from his conscientious convictions, that I should have the views that I have expressed. Sir, so far as I am concerned, if it were left to me I would not argue for this law by the measure of a constitution. I would turn and realize the conditions of my country, and see its food held by that avaricious set of patriots who measure all their devotion by pocketbook returns. I would behold these bloated individuals with their Gorgon eyes gleaming toward this body in hatred for that it assumes to govern and control them, while they hold in their selfish grasp the very means of life of the citizens and soldiers, yet smirk and leer at the authority which this body assumes in its control over them. The food pirate, the coal barons, the steel and iron tyrants, the money masters, and the Neros of the necessities of life; they who calculate for war and distress of country that they may fatten in illegal wealth on the needs of their land by extortion put upon the citizen in his hour of helplessness. I would place such as these in such pillory that they could not return to these undertakings, bringing by their persecutions this Republic to desolation and its people to destruction.

Sir, not upon the law of books but upon the law of the heart; not on the law of men but upon the law of the soul; not upon the law of legislators but upon the justice of mankind I am content to present this bill, with conviction in my bosom that the court does not live in America that will not hear the voice of the people murmuring behind the curtains which divide its sittings from the populace and heed their muttered prayers for deliverance. The courts will recognize the necessity and justice of the law and by such sustain it upon the great constitutional doctrine that that which is right for the preservation of a land is right to be enforced for man. My mind recalls the great exclamation of Pitt, when, standing to defend a measure in Parliament, he said:

> I decline to stand upon law bound down in dog's-ears to justify this measure. I lay my hand on my heart and feel the pulse beat of the need of my country, and upon that I stand, as it is the law of Heaven when it is the law of a people needed to justify and maintain themselves.

Mr. President, I have a long time engaged myself in this discussion, much longer than was my intention, but the interruptions of Senators—gladly welcomed, throwing light upon my own argument for myself—have contributed, of course, to the length of time occupied.

Mr. President, there is a final feature to this constitutional phase which I here confess as having much influence on me. Senators, as I see it a new era is upon this Government. Whether we welcome it or not it is here. It is the theory of all governments, like the accretion in geology, that as time operates upon it, it takes its new form after the order of its necessity, though like geological strata, each stratum being akin to the other, apparently cemented to the common whole but being apart from the other in its elements created by the course and operation of years. This Government has been going through different mutations from time to time, as necessities required, until to-day it is a Government of powers never dreamed of by the fathers, and one exercising privileges that no man in past years would ever have assumed it would have taken unto itself. These have been combated as they have come along in legislative chambers and have been contested before the courts of the country; but in the exigencies of time the necessities and needs of the Government have justified the changes and adopted the innovations, so that the courts have been blind to any variation between the measures and the fundamental law called the Constitution. So it is that now we find these measures, so frequently reprobated as unconstitutional during their making, later upon test before the courts justified from the highest judicial tribunals—the final arbiter.

Sir, we are again at a new era. The time has come when, for the preservation of this Republic, the Government will nationalize itself and take control of all of those instrumentalities necessary for the conduct of the country and the preservation of the citizen. No line of demarcation between State and Federal Government will be allowed to interpose itself as a barrier to this new movement. No construction of the Constitution, however subtle or philosophical, will ever be successful in being urged as an obstacle. The needs of a people, brought about by the rapaciousness of those who control by power and terrorize by tyranny, cry out for relief. There has been disclosed by long test but one agency that seems to afford it—power, the power of the people of the country as expressed in their union called National Government. For that reason, sir, those agencies of government—transportation, food, fuel, and the necessities which are kindred—will be taken by this Government in some form of control; and as the exigency of war has manifested its necessity now for our preservation. Peace, when it shall be restored, will only continue it.

Let no man in this body flatter himself that having entered on this era now of war necessity we will abandon it when the necessity of war has passed.

It may be deplored, Senators. You who are scholars of your constitutional theories of your Government may regret the departure; you may see many evils to be brought about by it, and you may deplore the fact that your Government has taken this course; but the fact will remain before you that as one of the innovations of this Government it has at last converted itself into the guardian of the citizen and that it will execute this power of guardianship to the fullest extent that shall protect that citizen, and courts will find the equity in the spirit of the Constitution to justify it.

Mr. KING. Mr. President, may I trespass upon the attention of my friends once more?

Mr. LEWIS. I yield to my friend from Utah.

Mr. KING. Do I understand my friend to be an advocate of the State socialism of Germany? And does he prefer that form of government, particularly in industrial activity, that will destroy individual initiative and place all the activities of the people under the all-dominating force of the Federal Government?

One other question: Does the Senator think that anybody, whether he be a loose constructionist of the Constitution or one who desires to destroy it, would find any justification in our form of government for turning over to the Federal Government all of the police powers of the States? And will not the doctrine to which my friend has just given his authority result in a complete destruction of our form of government and make us a monarchy or a socialism, though we may denominate ourselves a Republic?

Mr. LEWIS. Mr. President, of course I have no control over the mind of one of my eminent colleagues that finds it agreeable to define something I say by adopting an expression such as "Prussian State socialism." I not having used the expression am unable to adopt it now as having any application, much less as a definition of the thing which I say I see my Government approaching. But one thing I say to my learned friend from Utah: You can not make a right thing wrong by giving it a wrong name. You can not take a measure made essential for the preservation of the Federal Government in time of peace or in time of war, and, by characterizing it by a name that might in itself be obnoxious to someone's sense of justice or propriety, defeat the justice of that thing.

Of course, sir, I assert that every measure of advantage has its measure of disadvantage.

If the time has come upon our Government, made necessary by the violent and lawless conduct of the lords who have taken charge of this Government in the past, and which has brought us to the necessity of taking this form of supervision over the public utilities of the Nation, then, sir, it is the necessity that has brought it about; and the action of the Government in taking charge, sir, is but another movement on the part of the Government to meet the exigency. I assure the able Senator I would not have it so if it were in my power to have prevented. I would rather, sir, this Government had continued after the order of the fathers' foundation; but I have seen that dual form of government so taken advantage of by these masters who grew powerful by virtue of it and through it by perverting it or appropriating it, that I stand as one oftentimes ready to avail myself of whatever legal power is at my hands, that I might obstruct and destroy them in their undertakings before they may obstruct and destroy my people in their life and in their liberty. I say to my friend from Utah, as I say to the Senate, this bill has been brought upon us by those who are now raising their voices against it.

Sir, it fell to my lot to deliver some casual law lectures in the law colleges in England. Out in front of the doorway of one there was a gathering of revolting citizens upon a particular occasion—touching a landlord and tenant controversy. These had preserved for themselves a text—I know not from

whence it came—of strange writing; but I recall, for it burns vividly in my brain as I see it now an illuminated standard, one remarkable paragraph reading as follows:

> Law lords, trade lords, and landlords! The spectres you conjured have arisen. Behold, rent rebels, strikers, behold—the anarchist with his bomb, the socialist with his leveller! There they are. Ye have sown the dragon's teeth. Ye shall reap your harvest. Ye have sown the wind. Ye shall reap the whirlwind, as sure as the stream goes seaward!

If it be true, Mr. President, that these powers which this Government is daily arrogating to itself, and which in times of war find their justification in necessity, shall be continued in time of peace, it is not because we have willed it so, but because those who have brought upon the Government these distresses have made it necessary that it be so. The test is now, sir, shall the Government maintain a form that shall protect its citizen, or shall it allow a certain favored set of citizens to maintain the Government in such form as to destroy him?

This bill is here upon the theory of these necessities for the preservation of the citizen, the maintenance of the Government in this hour of peril. It is here that I justify it, both in its constitutional aspect and in its purposes. So far as I am concerned, sir, I have no excuse to offer. And, sir, so far as I shall be affected, in the future there will be no apologies in my behalf, for me, nor by me, for that which I present and the reasons which I advance. There are times, sir, when every free man must realize that he must fight, by every means in his hands, against destruction.

Sir, it may not have been discreet, but to me it seems gloriously courageous every time my mind adverts to the reply of the commanding Netherlander, when Spain commanded surrender, when his reply went forth:

> "You shall not starve me, for I answer unto you, I will not surrender! Not so long as a dog barks in the street or a cat mews on the wall will we surrender because of the want of food; nay, nor so long as my left hand shall lie at the side of my body, for with my right I will draw my sword and cleaving my left feed upon it, that I might not starve while I fight for the liberty of my country."

Sir, an admirable speech; a glorious response; and while made in the extremity of that hour it characterizes the sentiment all of us will feel, that there is no extreme within the law of morals to which this Government will not go if it shall become necessary to do so to preserve the Nation against its foe, and the citizen against his enemy.

Mr. President, which way will we go? What course will this honorable body take? Senators, because some ancient construction of the Constitution is persuasive with you—because the sentiment of it allures you and calls for your further worship—shall that be the reason only that it shall be urged as an obstruction and a barrier to defeat the undertaking now before you? And when you have succeeded, my distinguished colleagues, and you behold the result—that your fellow citizen is hungry, the woman faints and famishes for food, the child is beggared, and the soldier falls in millions in death, hungered by our own hand because we were too delicate to relieve him for fear we might not rescue him in a way that commended itself to our technical conscience—what, then, will be the feeling of the human heart, when we have done such a deed? It will be mockery to justify to these that it was because of the Constitution that we found it necessary to impale them upon these spears of death.

For myself, sir, I can not accept such a justification.

This measure has some features that I wish were not appended to it. I support the main principle, and I have given my reasons. I observe at the conclusion of the measure a clause that has been introduced to serve the objects of prohibition. I would, sir, that that were not appended to this bill. I see the dangers that will invoke.

Sir, those who are opposed to prohibition will vote against the bill, however much they may favor the food-control feature, because they are opposed to the prohibition clause that is added to the bill. Those who are for prohibition, but who may not favor honestly the food provisions, will find themselves forced, out of the political situation involved, to vote for the bill despite the fact that it may contain provisions that run counter to their conscience.

This was, from my viewpoint, an unfortunate burden to be put upon this bill. I know nothing of the exigencies that called for the committee or for the House, I might add, to have put it there. I do not regard this as the time and the place for it. I would, sir, that that clause were stricken out; that hereafter this legislation, a food bill, may be a food bill and not a drink bill; and that the drink bill may be a drink bill and not a food bill; and that we may not confuse these things, to the destruction of each. I would that those in committee who made this addition could commend themselves to the Scripture that I would apply at this time—that there is a time and place for all things.

Mr. KENYON. May I interrupt the Senator?

Mr. LEWIS. I yield.

Mr. KENYON. The Senator is mistaken in that matter. The prohibition feature of the bill was originally contained in the bill introduced in the House. That left the matter to the President. The House then passed a provision for the conservation of food in that respect. The Senate Committee on Agriculture changed that provision of the House.

Mr. LEWIS. I thank the Senator. While I have that knowledge, I think my remarks were susceptible of a contrary interpretation, and that I probably spoke in a manner that did not convey my intention. I recognize that to be the history of the legislation; and with great respect to the House and not disobeying that rule which probably protects it from any comment here, I express my regret here in the Senate without regard to the source from which it came that this provision at this time is here.

Mr. President, as I said some time ago, I have imposed upon the Senate at great length, but, sir, may I interest you in the thought that every argument made by my distinguished friends who oppose my views seems to be but a repetition of arguments that have been entertained on the floor of the Senate from time to time by honest and conscientious men opposing war measures that were brought forward to execute policies that they were sincerely convinced were invading some constitutional inhibition.

Yet, sir, what has been the result of all this? Do we forget that in the Mexican War so great a soul as Abraham Lincoln condemned many of the measures for carrying it on, as did Corwin, of Ohio? Both of them were sincere, and while they opposed it before the country the result came, the Mexican War and all the benefits following which we now cherish and appropriate. Notwithstanding, we can not be blind to the fact that criticism does much to perfect that which otherwise might be crudely wrong, possibly illegal.

Sir, it will not be forgotten that in the Civil War between the States, Sumner, on the part of the Republican side, so called, and Johnson, on the part of the Democrats, both engaged in similar controversies sincerely, as to a violation of the Constitution, in nearly every move that led to the prosecution of that war. These eminent men were defeated in their opposition. The war was carried on despite their objection. It is the index directing us to the fact that our people are ever ready to take their chances with the mere infraction of technicalities when they find in such no violation of just ideals. The war was carried to a success despite these eminent Senators, sincere in their opposition.

I had the honor, sir, to come in this Chamber from time to time during the Spanish-American War proceedings while I was a Representative in the other House, and well I recall the distinguished Senator from Maine, Senator Hale, now critically ill, and we send up our prayers for his early recovery, as I listened to him and to his fellow distinguished Senator from Massachusetts, Mr. Hoar, who has gone to his rest. I heard them to the full extent of their capacity condemn the measures advanced for the enforcement of the war on the ground that the measures impinged the Constitution. On this side of the Chamber at that time were Senator Daniel, of Virginia, than whom no greater or more intellectual man ever adorned a legislative chamber; Senator Morgan, of Alabama, the great; Senator Gorman, of Maryland, a master political leader. How well I recall those distinguished Senators then making the same arguments that are being made here, in many respects as many Senators are now urging constitutional objections to this bill. Yet, sir, as indicative of the spirit of the people of this country the war was carried on to a successful conclusion, and with the results which we have achieved, glorious to dwell upon. But, after all, it was the law of necessity which our Americans have realized ought to be enforced, and, with great respect to the differences urged here by these eminent statesmen and scholars of the Constitution, these distinctions of construction were ignored to achieve the final result. Now, there is no man to-day who would repeal the result because obtained by methods denounced and condemned as in violation of some theory of construction of some provision of the Constitution.

I tender these instances as a proof, sir, that in time of war the spirit of our people rises to meet the emergency that calls for action, though that action would run counter to the constitutional objection of the eminent scholars which in too many instances serves to impede progress rather than to advance it.

So, as I bring my observations to a conclusion and thank those who have done me the honor to pay attention to me, I say as said Solon when driven from his place of power, out of the gates of the Grecian city, as he turned his eyes to the struc-

tures of the classic city, he exclaimed: "Behold the monuments of greatness built by that I fight for and for which now I am condemned." So say I, behold! There is Cuba, liberated and freed, its people joyous and happy. The redeemed island entwining her national colors with our Stars and Stripes and making tender of her sons in the cause of liberty and justice which we have marched into the world to achieve.

China, which had violated the rights of Americans and had been punished by America, received at our hands the return of money imposed as our indemnity, and with a specific injunction that it shall be used for the education of their children. Both measures, the advance on China with the European nations to protect missionaries and the return of the indemnity, were condemned as being improper and in violation of the constitutional spirit of our country. Lately China has waked up, and with so small a sphere of governmental intelligence, with her vast area of land and her countless millions is turned from being an enemy into such friendship that in this hour we find her our friend, and at a time when we not only need her for our service but may need her later for eventualities that no man can fail to see the shadow of suspended over the Pacific. There, too, are the Philippines—this island empire—rescued from oppression and restored by our generous justice to its own children. There in the distant seas they sit in the smile of content and in the dignity of independence. Their people blessing our nobility and their sons pledging their lives at our call to uphold us in honor and glory in every part of the world.

There are Haiti and San Domingo and Panama in our own continent, those little countries to which we gave liberty, justice, and homogeneous government. There they are presenting to us a government for the first time representing a high civilization though possessed by us in a control assailed as unconstitutional. I tender these as the fruits to demonstrate that the American Republic will not violate the spirit of justice and that we ever hold in check, even the temptation of wrong, with the power of the people at the ballot box. There are other powers of restraint not to be forgotten. There is that ever-present ambition, the hope of a man for holding office of trust with honor; whatever may be the cause of his obedience and regard to his countrymen the fact remains that these redeemed and rescued lands are the monuments which we, like the old lawgiver of Greece, can say, "Behold, these are they which have been constructed by these deeds which were, as is this now proposed, condemned."

Mr. President, I have done. I have presented, sir, my views. I have presented them from the fullness of my convictions. Sir, I have set forth wherein I feel this measure is justified and wherein it is called for. I respect the sincerity that marks the opposition by the eminent men whose great ability guiding the assault is not only a test of the measure but to which I have ever paid tribute wherever possible. Yet while they are sincere and they are just, I can not follow them, because I behold my course to be straight to the point to be achieved in behalf of my country—success. I can not pause upon the lesser consideration of the little devious contours of the route through which I must be invited only to be lost in the confusion. To me the great object is that we shall win this war, preserve our soldiers from hunger, and strike down any who would starve our citizens. That speedily we bring our country to the very highest mark of efficiency in action and victory at the end. Mr. President, classical history informs us that in the shadowed fastnesses of Rome, where were assembled the contestants for the kingship of the world, there appeared the seer, who cried out that he who shall first kiss his mother shall be king of the world. Then, as if stumbling, the ancient Brutus fell to the earth and kissed the soil to attest that his native land was the mother, first and of all, of men and kings. There he vowed anew his devotion to her as he took his oath as the newly anointed king of all. To-day, here in this sacred Hall, we our country's Representatives, fall to the feet of our ancient mother and kiss her sacred soil as we tender anew our rekindled vow, pledging long live America; death to her destroyers, at home or abroad. [Applause.]

Mr. REED. Mr. President, I only want to take a few moments this afternoon. Strange logic we have just heard. The United States, we are told, has achieved success. Therefore we ought to disregard the Constitution. The claim that the United States because it has progressed has progressed because of violations of the Constitution is the substance of the latter part of the distinguished Senator's argument. If it did not mean that, I could not discern its meaning.

Just what the war with Mexico or the war with Spain may have to do with the present question is hard to conceive. It is true that there have been men at all stages of our country's history who have protested that certain things attempted to be done were violative of the Constitution. It is true that in some instances those men have been declared to be wrong, whereas in the vast majority of instances they have been right. So well has the Constitution been devised that although 128 years have passed since its adoption the old Constitution still exists, still lives, and has its great and wonderful mission to perform. I am confident it will withstand the most recent assaults of the new apostles of reform.

I have no patience with a Senator who declares that the Constitution does not exist. I ask him how he got here himself if he did not come under the Constitution? Whence came his powers? By what authority does he presume to speak and for whom?

There are but two sources of power that have ever been asserted for government. One is from God, the other is from the people. The people in this country said, "We are the source of power." The people adopted their Constitution. The people by their Constitution bound and circumscribed the powers of the agents they created out of nothing. In Prussia they say God is the source of power. Now he who denies that he serves here under the Constitution must take his stand beside William of Prussia and assert he gets his authority from the only other source of power ever asserted. Accordingly, he must connect himself with Divinity.

I shall not at present further pursue this theme. I hold the Senator from Illinois in such regard that I intend waiting until Monday morning in order that I may not in replying employ the language of haste. But I desire to call attention to one thing. The Senator grew very dramatic. As he described the starving people of the land his voice fell into the plaintive tones of hopeless pathos. As he described the villains who wrest the food from hungry mouths, it rose in that wonderful crescendo which he employs to express the cyclones of his passion. But that was mere rhetorical fervor—no one has a keener sense of logic and of fact than my good friend. When these are lacking, his manners bridge the chasm.

Now, what are the plain facts lying before our eyes? Last year there was a shortage in the potato crop. The wheat crop was somewhat below the average in our country. There was likewise a great world shortage. The allies came to our country and bought in enormous quantities. It is now admitted it was the allies who ran a corner upon our foodstuffs. This corner about four weeks ago reached its greatest force, and prices were for a short time run to a very high point. Yet what do the cold figures show during the period of 14 months just passed? We for 12 months of that time obtained our food cheaper than they did in England. I have proved that from the figures, and nobody has disputed the accuracy of my statements.

Our flour averaged cheaper for the whole 14 months, including those when the corner existed, than they did in England on the average for the same period. But we had two months of excessive prices, principally caused by the allies.

I said two or three weeks ago if you would give nature a chance, if you would wait a little bit and let the farmer and nature and the law of supply and demand operate, you would find relief.

Now, what are the facts? Without the benefit of anybody's tinkering, without any violations of the Constitution or of the laws of trade or the rights of man, just by letting things take their usual course, you find that the price of potatoes in about four or five days time has gone from $12 a barrel to $4 a barrel. Oh, if the food dictator had only been appointed and this had happened they would have been wreathing garlands for his brow for 100 years! But the choicest of all the garlands would have been the one that would have forever kept green and fragrant, that one created by the magical lips and magical words of my magical friend from Illinois.

Just to preserve some plain printed facts I will read from the Washington Times of to-night, June 30:

POTATO PRICE DROPS ANOTHER 50 CENTS—ONIONS, CABBAGE, AND OTHER VEGETABLES HIT MARKET TOBOGGAN.

Another decline of 50 cents a barrel in the wholesale price of potatoes brought the figure down to from $4 to $5.50 a barrel to-day.

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER (Mr. FRELINGHUYSEN in the chair). Does the Senator from Missouri yield to the Senator from Illinois?

Mr. REED. Certainly.

Mr. LEWIS. Will the Senator permit me at this juncture while he is upon onions and potatoes to remind him that I have not had a bite to eat, and I wish to leave the Chamber for a few moments? I shall return presently to this inviting feast.

Mr. REED. I hope the Senator will enjoy his dinner as much as I enjoyed the Senator's remarks. [Laughter.] I read:

Another decline of 50 cents a barrel in the wholesale price of potatoes brought the figure down to from $4 to $5.50 a barrel to-day—

It means running between those two prices.

Yesterday's price was from $4.50 to $6. The price has dropped $1.50 in two days—

If it keeps on at the rate in three days more the price of potatoes will be at zero.

Dealers said there are about 1,600 barrels of potatoes on hand, or three times as much as last Tuesday. Poor families again are using potatoes in quantities after an abstinence of several months.

The bottom has dropped out of the onion market. Onions which sold as high as 20 cents a quarter of a peck a few weeks ago, now are selling less than half of that—

Wait now for about two weeks, and they will be selling for a good deal less than one-half. The crop has not begun to come in here, except in a limited number of articles.

The volume of green vegetables arriving hourly is forcing prices down. String beans have dropped $3 a barrel in the last 10 days. Cabbage has declined from $5 to $7 a barrel, as compared with prices 10 days ago. All other vegetables are dropping proportionately.

Oh, I wish I could get the Senate of the United States to not lose its head and legislate permanently because there is a temporary condition. We got into a furor about the price of flour. I could cumber the RECORD by repeating the utterances that were made here by Senators. A Senator stood on this floor less than 15 days ago and asserted that we were going to starve in this country. He asserted that flour was going to $20 a barrel. It was asserted that we must send Government employees to the Pacific Ocean and get fish and bring them back here to keep the East from starving. We were told about a wonderful experiment that had been had in the matter of hauling fish to this part of the world from the Pacific Ocean; how it was necessary to ransack the sea and the land and the air to keep us from starving to death. When they told us about those fish they just forgot to tell us that 60 per cent of the last cargo that was brought rotted and went to waste. They did now know that the experiment ended like most of such experiments. Before these gentlemen have finished discussing this bill we find that instead of flour having gone to $20 a barrel, that the flour that sold on the 14th of May for $15.65 was selling yesterday for $12.25. That is the highest quality. The lower grades of flour were sold much lower than that. It was $15.65 on May 14, and was $12.25 yesterday, a difference already of over 25 per cent, and the new wheat is not yet in the market.

Mr. BORAH. Mr. President——

Mr. REED. I yield to the Senator from Idaho.

Mr. BORAH. The Senator is overlooking one of the virtues of the bill. If the prices get sufficiently low then the guaranty part of the bill will operate.

Mr. REED. Oh, yes; we will come to the guaranty part after a while. Mr. President, prices are likely to be sufficiently low. I talked with a distinguished Senator who represents a great grain State, and I hope he will make the statement on this floor, who tells me that the advices that he has from his State to-day are that there is no market for wheat. Fortunately the wheat from his State has not been harvested, but for the left-over wheat there is no market. He tells me no arrangement can be made up to this time for financing the new crop. You can not sell it in advance of the harvest. Boards of trade are largely closed. The markets are gone.

Keep on with this foolish conduct, interfere with the laws of trade and commerce, and you will discover that the man you first injure is the American farmer, and you will learn that after you have injured the American farmer and frightened him you have helped to destroy the very man you must call on to feed the world. Make no mistake about it. Just bring yourselves down to a little plain, common-sense reasoning and apply these proposed regulations to yourselves. It is common to think that somehow the farmer does not have any business judgment or business sense, but he does.

Mr. WADSWORTH. Will the Senator yield at that point?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New York?

Mr. REED. I do.

Mr. WADSWORTH. Does the Senator understand that we have been in receipt of news of the sort that came from Virginia the other day, the result of which is that two gentlemen are going from Washington to Virginia to find out why the people there do not dig their potatoes?

Mr. REED. Yes; I read that. I will come to that in a moment. I thank the Senator.

Suppose you were a manufacturer and suppose there was a great demand for your product in the world market, and suppose it was necessary for the public good that you should double your factory, and being a man of just ordinary and reasonable patriotism you desired to serve your country and was about to double the size of your factory. Then suppose that Congress should propose to write a law that would provide that you would have to sell your products for what some gentleman you never saw or heard of before might fix. Would you build that factory or would you wait?

Do not make any mistake. The farmers of this country have just as much sense as anybody else. They know that at best they have chances to take that the business man escapes. The farmer has to take the chance of enough rain and enough sunshine and of not too much of either. He must take the chance of all the inclemencies of the weather. He must take the chance of all the pests that eat up that which he seeks to produce. And when he gets through that the farmer has to take the chance of the market.

Somebody said the other day with a good deal of truth he does not make the market in which he buys or the market in which he sells. But if you allow him to sell in the world market he can judge something of what that will be. If you will allow him to buy in the world market he can judge something of what that means, but if you compel him to buy in the world's competitive market where every man in the world bids against him and at the same time give him only what some one Government-appointed individual may say he can have, that farmer is in a position where he can not tell whether he dare plant or not.

It is said that a minimum price will be fixed. The farmer certainly does not know to-day what that minimum price will be, and the farmer can not tell when the minimum price is fixed for him next year whether it is going to be high enough to warrant him in planting a crop or not, unless it is fixed outrageously high.

This is true, because the farmer can not tell whether he will raise a good crop or a poor crop, and he must be guaranteed against the poor crop. If there is a general crop shortage and the farmer is allowed to sell in an open and uncontrolled market, then, although his crop may be only half of an average crop, the price he can obtain makes him hold; but if he is forced to sell at a particular price, then, unless that price is so high as to take into consideration a partial crop failure, with attendant high prices, a general crop shortage in the country might result in a general bankruptcy of the farmers of the country.

Again, the farmer does not know whether the price of fertilizers will be 600 per cent higher than it is in normal times or 1,200 per cent higher. He does not know what harness, shoes, agricultural implements, clothing, and all other articles he must buy will cost. He does know their price is fixed by world conditions, and that they are likely to go to a tremendous level, but he also knows that the things he raises will not be permitted to go to that level but will be arbitrarily controlled in their price.

It is true the bill does give the power to control the cost of many manufactured articles, but we all know that up to this date there has not been the slightest indication that any such power will ever be exercised.

The farmer can not tell what labor will cost him; nobody will guarantee him that the cost of labor will not rise; nobody will guarantee him that the price of shoes will not go up; nobody will guarantee him that the price of agricultural implements will not go up; nobody will guarantee him that fertilizers will not go up. The only thing that is really guaranteed him is that his free world market is to be taken away from him and that the prices of his products are to be artificially controlled.

If you do not put it high enough to cover every contingency, he may not plant, and if you put it high enough to cover every contingency the probabilities are that you will rob every consumer in the country. The old Populist was laughed at because it was said that he tried to pick himself up by his bootstraps and lift himself over the fence. He was going, according to the satirists who dealt with him, to make money out of nothing. A similar argument is being made for this bill. American people are told that it is going to increase the profits of the farmer, and you try to make the farmer believe that; and that it is at the same time going to reduce the prices to the consumer, and you try to make the consumer believe that. Every man knows that both of those things can not be true.

My friend who is down getting his dinner, the distinguished Senator from Illinois [Mr. LEWIS], talked about the man who gathers in the food and what he would do to him. Again I ask, as the Senator from Iowa [Mr. KENYON] has asked day after day, Why it is that the House of Representatives, why it is that the administration, does not permit the bill to become a law, which we passed, which provides for controlling speculation in

this country and for punishing forestalling of the market and the hoarding of food?

Mr. KENYON. I think I ought to state to the Senator from Missouri, in fairness, that the House of Representatives on yesterday appointed conferees on that bill about the time the Senator from Georgia [Mr. HARDWICK] was speaking, and the conferees met to-day.

Mr. REED. Very well; but they have been a long time in appointing conferees; and we know why that bill has been held up. I hope the conferees will do something and bring in that bill, so that we need not go into heroics about this food question any longer.

The Senator from New York called attention to the fact, and we were told, Mr. President, that little boys—Boy Scouts, splendid little fellows—had been mobilized in great numbers and taken down in Virginia to dig the farmers' potatoes. Every man who had been raised on a farm, as I was, knew about how that would turn out before it started, for I have seen the individual come from town to work on a farm, with his soft hands and his city ways—a splendid, good fellow—but it takes about six months' time to acclimate him, to get him so that he can stay out in the sun, and so that he can work; and long before that six months' time has come around he has gone back to the city. But these little boys came down to the farmers of Virginia, the market on potatoes broke, and the farmers quit digging their potatoes. Now, we are informed by the press—and Heaven save me from ever challenging anything I see in the press—that Mr. Hoover is sending down there to find out how those farmers came to do that, and why they did it. I wonder what will happen when he finds out that a farmer actually quit selling his potatoes—a Virginia farmer—because he could not get enough to pay him for them. I do not know what would happen in Virginia, but judging by the amiable qualities of the Senators who represent that State here, I imagine that the individual who presses that investigation too far will be conducted quietly, but firmly, to a stake-and-rider fence, dumped over into the public highway, and started for Washington.

The truth is that already you are destroying the farmers' market in this country. That is what I want to impress. You are upsetting things; you are mussing things up. I repeat, for about the fortieth time—and I intend to keep on repeating, as old Cato repeated "Carthage must be destroyed"—that the American people can attend to their business better than Congress can attend to it for them; better than Mr. Hoover can attend to it for them; better even than the President of the United States can attend to it for them. Therefore the heroics of my friend from Illinois need not disturb anybody on this question of food prices. If you will wait 30 days you will find that the food prices will be so low that you will be wanting to boost them up and that the shoe will be on the other foot.

Mr. President, there is one thing that the Senator from Illinois said which I want to call attention to this evening. I intend to have something to say about the law of this matter, but not to-night. The Senator from Illinois said, in substance and effect, that we were brushing aside the Constitution; that we were centralizing all power here in Washington; that here we were establishing a complete and absolute control of the affairs of the people of the United States, and that the power being now taken over by this bill for war times would be perpetuated in times of peace. If an opponent of this measure as it now stands were to make that assertion it might not be much believed, but, Mr. President, when the Senator, who seems to be selected and put forward to defend this bill, tells us that he can only defend it upon the ground that the Constitution is being brushed aside, and tells us that the powers we are now asserting in times of war will be asserted in times of peace, it is high time that Senators paused to consider what they are doing.

What are the powers of this bill that the Senator says will be employed and perpetuated in times of peace? The bill, even in its present modified form, gives the right to the President of the United States, whenever he shall desire so to do, by simple proclamation to forbid any man engaging in a number of the great businesses of the United States, from proceeding with his business unless he proceeds under a license. Mr. President, if that power is exercised in times of peace, the dream of Karl Marx has come true; socialism is fastened upon this Republic. And the distinguished Senator from Illinois, who is put forward to defend this bill, tells us that that is to be our fate; and that, Mr. President, as suggested by the Senator from Oklahoma [Mr. GORE] is not in fact the socialism of Karl Marx, but it is something worse; it is imperial socialism. Is it not time when such remarkable statements are made upon the floor of the Senate to pause and consider?

Mr. President, I say here is the line of difference between us. I think I can state it fairly. All of us want to win the war; all of us are willing to do anything that is necessary to win the war. Some of us believe that the best way to win this war is to allow business to go on uninterruptedly and the Constitution of the United States to remain in full force and vigor and to do nothing violative of that instrument or of the rights of the people. There are others who believe that the Government should engage in a great many activities and, generally speaking, take control of business, and who yet believe that can be done within the Constitution. I have no special quarrel with those men. I simply do not agree with them that it is necessary or right to do these things. Some of those things I believe to be prohibited by the Constitution, and I believe that we weaken ourselves when we invade that instrument. I myself shall never consent to invading it when I know that I am doing so.

But that point of difference is quite unlike that which is raised by the man who stands upon the floor of the Senate and asserts, as has been asserted now by a number of Senators, that the Constitution of the United States is suspended during the war, or that the Constitution of the United States may be brushed aside by the will of the Government whenever a few men occupying temporary positions see fit to brush it aside. It is against these latter two doctrines that I want to have something to say in the near future. I do not care, however, Mr. President, to go on to-night, and I hope the Senate can adjourn. This is Saturday afternoon. What says the Senator from Oregon?

Mr. CHAMBERLAIN. Mr. President, I had hoped it might be possible to proceed to vote on some of the amendments of this bill. Has the Senator from Missouri concluded his remarks?

Mr. REED. I can in five minutes make a statement in regard to another matter, but later I want to go on in connection with what I said in regard to the fixing of prices. Then I should like to have the Senate adjourn, if it is agreeable to the Senator from Oregon.

Mr. CHAMBERLAIN. Very well.

Mr. REED. The other thing that I desire to say is this: We were told some weeks ago that the country was on the verge of starvation; that there were lines of people at soup houses; that there had been bread riots. I remember two or three Senators spoke of that. So, Mr. President, I wrote to the mayors of some 30 or 40 cities, selected indiscriminately, throughout this country, and I have their letters, which I intend to digest and to epitomize and to put into the RECORD in the digested form for I do not wish to cumber the RECORD with the entire statement. Mr. President, without a single exception, save one, these mayors of cities report that labor is better employed than it was in 1914, the year immediately preceding the war; they report that labor is being much better paid than it was in 1914; they report that the number of persons unemployed is much less than it was in 1914; and in many instances the statement is that labor in sufficient amounts can not be obtained at all.

They report, almost without exception, that a less number of people are being supported by charity than in 1914; and in every single instance, where specific figures are given, it is shown that there is a falling off of substantially 50 per cent in the number of people who are being supported by public charity.

Nearly all of the mayors complain of the high cost of living, and yet in every instance, with the exception, I believe, of one case, of which I shall speak in a moment, it is shown by the statement of facts which they give that the people are much better off than they were in 1914. The one case to which I refer was a town in Alabama, where they had suffered by reason of the destruction of their crops, and there had been great local disturbances that had brought hard times to that one city.

So that, Mr. President, this cry which has been going up about starvation in this land is a false and foolish cry. Substantially all of these mayors replied by saying that there is always a class of people who can not quite support themselves, some of them through sickness, some of them through other misfortunes; but that that number is as great to-day as it was in 1914 is undoubtedly not the case.

So I think we should proceed in this matter with the understanding that the whole problem that we have before us is to deal with the war situation. Let us do so with cool heads, and let us deal with facts, not fancies; truth not imaginings.

RECESS.

Mr. CHAMBERLAIN. I move that the Senate take a recess until Monday at 12 o'clock.

The motion was agreed to; and (at 4 o'clock and 17 minutes p. m., Saturday, June 30, 1917) the Senate took a recess until Monday, July 2, 1917, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June 30, 1917.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who art supremely great and glorious, infinite in all Thine attributes, impart unto us that uplift of the spirit which shall strengthen our grip upon the things that make for righteousness and which shall broaden our views of life and its far-reaching purposes; that we may go forward to larger achievements in the things whereunto Thou hast called us; for Thine is the kingdom and the power and the glory, forever; amen.

The Journal of the proceedings of yesterday was read and approved.

ADJOURNMENT OVER UNTIL FRIDAY, JULY 6, 1917.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday next, it adjourn to meet the following Friday, July 6, 1917, at 12 o'clock noon.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns on Tuesday next it adjourn to meet on the succeeding Friday at 12 o'clock noon. Is there objection?

There was no objection.

ADJOURNMENT OVER UNTIL MONDAY, JULY 9.

Mr. KITCHIN. Mr. Speaker, I now ask unanimous consent that when the House adjourns on Friday next it adjourn to meet at 12 o'clock noon on the following Monday, July 9, 1917.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns on Friday next, it adjourn to meet on the following Monday at 12 o'clock noon. Is there objection?

Mr. KINCHELOE. Mr. Speaker, reserving the right to object, if the food bill should pass the Senate in the meantime and should come here at any time when we meet, will it be taken up and sent to conference?

Mr. KITCHIN. It would not be taken up for consideration, but Mr. LEVER will ask unanimous consent to send it to conference.

Mr. KINCHELOE. That is what I say.

Mr. KITCHIN. And the conferees will be considering the matter in the meantime.

Mr. KINCHELOE. And if unanimous consent is refused——

Mr. KITCHIN. If unanimous consent is refused, I imagine the gentlemen to be appointed conferees will get together informally in the meantime so that they will be able to agree quickly.

The SPEAKER. The gentleman asks unanimous consent that when the House adjourns on Friday next it adjourn to meet the succeeding Monday at noon. Is there objection?

There was no objection.

THE ACT TO REGULATE COMMERCE.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent that the bills H. R. 3650 and H. R. 4467, to amend the act to regulate commerce, be laid on the table, being similar to the two Senate bills, S. 2356 and S. 1816, which were passed yesterday and on Wednesday last.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

LEAVE FROM ASSESSMENT WORK ON ACCOUNT OF MILITARY SERVICE.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that the bill (H. R. 4991) providing for the counting of service in the Army or Navy of the United States as equivalent to residence and cultivation upon homestead entries, and in the event of the soldier's death in such service providing for the issuance of patent for such land to his widow or minor children be laid on the table, a similar Senate bill (S. 1811) having been passed.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

EXTENSION OF REMARKS.

Mr. WARD. Mr. Speaker, I ask unanimous consent that there may be printed in the RECORD a discussion by Judge Clearwater, of New York, upon the effort to enforce involuntary retirements of circuit and district judges by presidential decree.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. WALSH. Mr. Speaker, I object.

Mr. KEHOE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein a memorial to the Congress of the United States from the State of Florida respecting Choctawhatchee Reservation in west Florida.

The SPEAKER. The gentleman from Florida asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. WALSH. Mr. Speaker, I object.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 3548. An act providing for the modification of the designs of the current quarter dollar.

NIAGARA RIVER WATER POWER.

Mr. FLOOD. Mr. Speaker, I present a conference report on Senate joint resolution 13, extending the time within which the joint resolution authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River shall remain in effect, and I ask unanimous consent to consider it at this time.

The SPEAKER. The gentleman from Virginia presents a conference report and asks unanimous consent for its immediate consideration, the rule about printing to the contrary notwithstanding. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the conference report.

The Clerk read as follows:

CONFERENCE REPORT (NO. 91).

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the joint resolution (S. J. Res. 13) extending the time within which the "Joint resolution authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River" shall remain in effect, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to Senate joint resolution No. 13, and agree to the same with an amendment as follows: In lieu of the matter inserted by the amendment of the House to said Senate joint resolution No. 13 insert the following:

"That public resolution No. 45 of the Sixty-fourth Congress, approved January 19, 1917, entitled 'Joint resolution authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River,' is continued in full force and effect and under the same conditions, restrictions, and limitations until July 1, 1918: *Provided*, That the Secretary of War is hereby authorized and directed to make a comprehensive and thorough investigation, including all necessary surveys and maps, of the entire subject of water diversion from the Great Lakes and the Niagara River, including navigation, sanitary and power purposes, and the preservation of the scenic beauty of Niagara Falls and the rapids of Niagara River, and to report to Congress thereon at the earliest practicable date. To carry out the provisions of this proviso, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $25,000."

And the House agree to the same.

H. D. FLOOD,
W. S. GOODWIN,
Managers on the part of the House.
M. A. SMITH,
JOHN K. SHIELDS,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the Senate joint resolution No. 13 entitled "Joint resolution extending the time within which the 'joint resolution authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River' shall remain in effect," submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to said amendment. The resolution as finally agreed upon is as follows:

"That public resolution No. 45 of the Sixty-fourth Congress, approved January 19, 1917, entitled 'Joint resolution authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River,' is continued in full force and effect, and under the same conditions, restrictions, and limitations, until July 1, 1918: *Provided*, That the Secretary of War is hereby authorized and directed to make a comprehensive and thorough investigation, including all neces-

sary surveys and maps, of the entire subject of water diversion from the Great Lakes and the Niagara River, including navigation, sanitary, and power purposes, and the preservation of the scenic beauty of Niagara Falls and the rapids of Niagara River, and to report to Congress thereon at the earliest practicable date. To carry out the provisions of this proviso, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $25,000."

H. D. FLOOD,
W. S. GOODWIN,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. KEATING. Mr. Speaker, I would like to be recognized for five minutes.

Mr. FLOOD. Mr. Speaker, I yield the gentleman five minutes.

Mr. KEATING. Mr. Speaker, the conference report eliminates every "tooth" that was in the House joint resolution with one exception. It retains the provision appropriating money for an investigation by the Secretary of War. Aside from that, the gentlemen who control the water-power monopoly at Niagara have achieved a complete victory. The situation is a peculiar one. By making a point of no quorum this matter could be forced over until the 9th day of July next.

Mr. FERRIS. Mr. Speaker, will the gentleman yield?

Mr. KEATING. Yes.

Mr. FERRIS. This resolution does not make any permanent law, other than to extend the rights for one year.

Mr. KEATING. No; and that is all that the monopolists at Niagara want. They do not want permanent law, unless they can write the permanent law. What they want is to continue to receive these temporary permits, which will permit them to go on using this water power without any restriction whatsoever; and so long as the House tolerates that sort of thing you are not going to have any permanent legislation on the water-power situation at Niagara Falls or elsewhere. As I said before, this one "tooth" has been retained in the joint resolution. The Secretary of War is given $25,000 and authority to conduct an investigation of the entire subject and report back to Congress. I have sufficient confidence in the Secretary of War to feel that he will submit a report before this subject is brought before us again, and that that report will serve to arouse public sentiment in this country concerning the situation at Niagara.

I confess that if the point of no quorum would serve to check this proposition for any considerable length of time I would not hesitate to make it. I will not make it this morning, because I feel that to do so would simply complicate the situation for a few days and not accomplish any good.

Mr. SMITH of Michigan. Will the gentleman yield for a question?

Mr. KEATING. Yes.

Mr. SMITH of Michigan. The report has not been printed, but I gather from what the gentleman stated he has read the report. I would like to inquire whether or not there is a time limit within which the Secretary of War must make this investigation and report to Congress?

Mr. KEATING. I forget the exact point about the limit——

Mr. FLOOD. It is "as soon as practicable." We could not make a time limit, I will say to the gentleman, because the engineers might be engaged in matters connected with the war; but they think they can do it by the next session of Congress.

Mr. KEATING. If possible, the Secretary of War will report in that time.

Mr. MILLER of Minnesota. They assume that unless something unexpected should turn up they can complete the investigation within six months or a year.

Mr. KEATING. That is my understanding. I know the Secretary of War will act in perfect good faith.

Mr. MILLER of Minnesota. It is the disposition of the Chief of Engineers to expedite this investigation.

Mr. KEATING. That is my understanding.

Mr. ADAMSON. Will the gentleman yield?

Mr. KEATING. Yes.

Mr. ADAMSON. I want to suggest to the gentleman that I have in mind as early as possible to try to secure a line of conferences between the Committee on Foreign Affairs, the Committee on the Public Lands, which has jurisdiction of water power on public lands, and the Committee on Interstate and Foreign Commerce with a view of harmonizing on some general law that will govern the subjects within the jurisdiction of those three committees.

Mr. KEATING. Of course, I fully commend the suggestion, but I would also suggest to the gentleman that he do something to raise the blockade in another part of this Capitol—a blockade which has been encouraged by the men who are profiting from this water-power monopoly. This House has gone on record and may be depended upon to continue to go on record in the right way on the water-power question. So it is not sufficient to harmonize the committees of this House. The gentleman must be prepared to harmonize elsewhere.

Mr. ADAMSON. Mr. Speaker, the only way I have seen it possible to harmonize them was to yield, and I could not do that for two reasons. First, to a good many of their contentions I personally objected; and, secondly, this House objected to all of them.

Mr. KEATING. That is right.

Mr. FLOOD. Mr. Speaker, I yield 10 minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Speaker, I applaud what the distinguished chairman of the Committee on Interstate and Foreign Commerce has said. I glory in his spunk. I am proud that he has got the backbone to stand for what is right in water-power legislation, and I hope that his arm will never grow weaker. I hope there will be more strength to his elbow, and I want to assure him that as long as I am in the House I will support him in the wise and well-considered position which he has taken in reference to this legislation.

Mr. Speaker, I am not in a position to vote for the adoption of the conference report. I shall not advise anyone to vote against it. It seems to be a matter that requires prompt action, but I am reserving to myself the right to vote against it as a matter of principle, because it seems to me to be a situation that we ought not to give way to just at this time.

I do not intend to take up the time of the House to discuss the Niagara power question at any length, but I want to refer to one feature of it alone and that is the connection of the Aluminum Co. of America with the Niagara power situation. The Aluminum Co of America gets 80 000 horsepower of the electric power that is developed at Niagara Falls. That concern gets the benefit of about one-third of all the power that is generated there. I want to call attention to that company and the methods which it follows in doing business so that people may have some idea as to whom this valuable power is being donated.

The Aluminum Co. is paying something for power, but is paying it to concerns that are themselves taking it without any right from the Government. The Hydraulic Power Co. acquired or built, many years ago, a canal by which the water is diverted. It also owns penstocks, tubes through which the water falls, and some turbines at the bottom of those penstocks on which turbines the water falls. Those turbines are geared onto the generating machinery of the Aluminum Co. So that so far as the Aluminum Co. is concerned the Hydraulic Power Co. does not generate electric current, but merely sells mechanical power taken directly from their turbines. For the privilege of using this mechanical power the Aluminum Co. pays the Hydraulic Power Co. an average price of about $10 a horsepower annually, which means that since they get some seventy thousand and odd horsepower in that way they pay to the Hydraulic Power Co. between $700,000 and $800,000, as nearly as I can estimate, each year for the privilege of using the power.

The Federal Government gives the water to the Hydraulic Power Co. They graciously allow it to flow down their canal and through their penstocks and to fall on their turbines, and that is the end of their connection with it, and for that they are able to draw down the modest little sum of between seven and eight hundred thousand dollars a year from the Aluminum Co.

But that is a mere incident to this game. The Aluminum Co. is a Pennsylvania corporation. It was organized about 1890, roughly, and operated first in Pittsburgh. It had a capitalization of $1,000,000, of which a considerable portion, said by some to be about $600,000 was paid in patents of doubtful validity. The remainder, $400,000, was paid in cash.

The capital stock of that concern has been increased from time to time by stock dividends, and one and another of the methods best known to high finance, until at present it is $20,000,000. But of all that amount there has been, so far as the committee can learn from the testimony, only about $2,500,000 in actual money paid in. The balance represents undistributed profits, the earnings of the company that have been laid aside. But in the meantime the company has accumulated in profits and assets of all kinds somewhere between eighty and ninety millions of dollars. In this brief time of less than 25 years the Aluminum Co., on an investment of not more than $2,500,000, has been able to accumulate over $80,000,000 in assets, and has issued dividends nearly every year, sometimes as high as 10 per cent, on this inflated capitalization. Last year they made net earnings of $20,000,000, and issued to each stockholder a 100

per cent dividend on his stock, and other amounts went into betterments.

Now, the recital of this concern's history that I have made in itself proves all that I am going to say, which is that the Aluminum Co. is an unjust, oppressive, and intolerable monopoly, and is shamelessly exploiting the American people in its operations. That follows as a matter of course.

I will undertake to trace their operations to a slight extent. The fact is that this concern enjoys an entire and complete monopoly in the Western Hemisphere in the manufacturing and production of aluminum. There is not an ounce of aluminum produced in the Western Hemisphere that is not produced by this concern. They have a subsidiary company which operates a plant in Canada. We are forced to take aluminum at whatever price they choose to charge for it.

We interrogated Mr. Davis, the president of that company, at considerable length as to what it costs to produce this metal. He was very diplomatic and modestly pleaded with us not to press him too hard, and we were generous; we did not press him. We did not make him tell; but he gave out a little information, and from that information various members of the committee have computed that the cost to this concern of producing this material in ingots ranges somewhere from 8 to 14 cents per pound—not above the latter figure. During last year this concern sold aluminum for as high as 63 cents in this country, and not only that, but sold it to the United States Government for that price of 63 cents a pound. That is not the uniform price. The president of the company tells us they only get 35 or 37 cents a pound, on the average, for it. But we must indulge the imagination somewhat upon that point.

The president of the aluminum company has recently received an honor; he has been made chairman of the subcommittee on aluminum of the advisory commission of the Council of National Defense. The president of the aluminum company and a fabricator of aluminum, a manufacturer who is compelled to look to Mr. Davis for his supply of raw material, and a broker in metals—that is, three men—comprise the subcommittee on aluminum. Mr. Davis and his committee have gone over the matter carefully, and, exercising the very greatest forbearance, they have finally fixed a price of 27½ cents per pound for the vast quantity of aluminum that the Government will require in the course of the war. They feel that they have done a magnanimous and patriotic act in fixing that price of 27½ cents upon metal that could not possibly cost to produce, according to any reasonable opinion our committee could form, exceeding 14 cents. And they feel in a good humor with themselves about this. They might just as well have said 40 cents.

The Government has got to have this metal. It is very important. You can hardly carry on the war without it. Millions and millions of pounds are going to be consumed. This aluminum company is in position to take the Government by the throat and force it to pay whatever price it chooses to fix for this material. It is a generous act when the highwayman takes only half instead of all that his victim had in his pocket. It is splendid.

Now, if we are going to stand for this kind of thing, if we are going to allow the Government to be held up by these war contractors who bellowed so loudly for war and wanted it so much—and the reason why they wanted it now being disclosed—if we are going to allow the Government to be held up, I do not know anything better that we could do than to trust to the generosity of these gentlemen and to adopt the conference report and to carry the matter on in the way that it has been carried on. But, oh, I wish we had a Congress and officials that had some backbone. [Applause.] I wish we had somebody who would refuse to stand for any such holdups as these that are being perpetrated. I wish that the American Congress and those who are in executive positions would refuse to submit to any such highwaying in this time of our Nation's peril. It is not going on alone in aluminum, but it is going on all down the line. There never was a more wise provision of law proposed than that amendment which is to be brought forward in the Senate to the food-control bill, which will, at least, bar these fellows off the advisory committee of the Council of National Defense. I applaud that amendment, and I trust that it may become a part of the law that the body is considering at the other end of the Capitol.

Now, then, I say I wish we had backbone enough and those in authority had backbone enough to take over the entire Niagara power situation [applause]—to take it over for operation by the Government.

The SPEAKER. The time of the gentleman has expired.

Mr. FLOOD. I yield three minutes more to the gentleman.

Mr. HUDDLESTON. To take over this aluminum plant and to make this material that we have got to have in order to carry on this war by the Government itself. Why should we submit to such practices? Why should we allow "captains of industry" to heap up swollen fortunes out of the misfortunes of our people and our Nation?

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. HUDDLESTON. Yes; I yield to the gentleman from Michigan.

Mr. CRAMTON. I simply wanted to ask the gentleman whether the action of the administration in placing as its chief adviser on the subcommittee as to the purchase of aluminum a representative of the industry itself; whether that is not entirely in harmony with its general policy of placing at the head of each subcommittee of the advisory committee on the purchase of an article the men who are the head of the industry and interested in the sale?

Mr. HUDDLESTON. I will say to the gentleman that I do not know what the administration has had to do with that matter of subcommittees. I understand that there is a Mr. Clark, of Cleveland, who is at the head of the munitions board, or something of that kind, and that he has appointed other subcommittees, of one of which Mr. Baruch is chairman, and that Mr. Baruch has selected Mr. Davis and Mr. Peabody and Mr. So-and-So, other captains of industry, to head different subcommittees, but what the administration or the Congress has had to do with that I do not know, and I do not know what we can have to do with it.

Mr. CRAMTON. I will say that in each instance where I have come in contact with the workings of that committee I have found that the men who have goods to sell are represented on the subcommittees as advisers as to the purchase of those goods.

Mr. GORDON. Mr. Speaker, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. GORDON. What is there to prevent the President from taking over this aluminum establishment under the legislation previously passed by Congress, even though we pass this resolution? I take it that this resolution is now under consideration from the Committee on Foreign Affairs. What is to preclude the President under the previous legislation from taking over this aluminum establishment if he finds it necessary to do so?

Mr. HUDDLESTON. I would like to have somebody more familiar with the subject than I am to answer that question.

Mr. SLOAN. Mr. Speaker, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. SLOAN. The gentleman mentioned an individual by the name of Baruch. That can not be the Bernard Baruch who was the leading beneficiary of a more or less notorious leak a few months ago, can it? [Laughter.]

Mr. HUDDLESTON. I am not personally acquainted with that gentleman, and I am unable to give the gentleman from Nebraska the information. [Laughter.]

We ought to have some settled policy with reference to the Niagara situation. We have dragged along here and veered like a weathercock from corner to corner, until we have wasted years, and in the meantime the rights of the people have gone neglected. This valuable water power is being used without the public to which it belongs getting any benefit from it. We ought to adopt some definite policy with reference to it; and I take it that we are taking a step in that direction when we provide for this investigation required by the resolution. I believe that the investigation will show that the present methods of developing that water power are wasteful and inefficient, and that the whole establishment up there will have to go into the discard. I think that the power of Niagara ought to be developed by some public commission. Public interest in the State of New York is rapidly waking up. A bill has recently been introduced in the New York Senate to create a State commission something like the Ontario Power Commission. I hope that bill may be passed at an early date. Its enactment into law will demonstrate the wisdom and patriotism of the Legislature of New York. A public commission should develop Niagara with an eye single to the public interest, to the interest of the whole people to which Niagara rightfully belongs. It should be taken away from the selfish exploiters who use it for the purposes of monopoly for oppression and extortion.

The SPEAKER. The time of the gentleman from Alabama has again expired.

EXEMPTIONS OF THE COOPERATIVE FARMERS' ORGANIZATIONS.

Mr. FLOOD. Mr. Speaker, I yield 10 minutes to the gentleman from Ohio [Mr. BATHRICK].

The SPEAKER. The gentleman from Ohio is recognized for 10 minutes.

Mr. BATHRICK. Mr. Speaker and gentlemen of the House, I rise to call attention to an amendment placed upon the food-control bill in another body. That amendment provides exemp-

tions of the cooperative farmers' organizations of this country, so that while the bill would give the President power to commandeer all the wheat in a privately owned elevator in Buffalo or Chicago, he can not do this in the elevators owned by the cooperative farmers of this country. If this amendment is made a part of the law it will practically vitiate the power to control our food during the war.

I want to say that I do not believe the farmers of this country, as an organization or as individuals, have asked that anything of this kind be done. I believe that the farmers of this country are more honest, more patriotic than to ask that an amendment be put into this bill for the purpose of exempting them from its control.

Now, these farm organizations have about 3,800 wheat elevators. They do about half a billion dollars' worth of business a year. They can store in those elevators over 50,000,000 bushels of wheat, and if they are exempt they will, therefore, control under that exemption, without let or hindrance from the Government under the food-control bill, about one-ninth of the total amount of our wheat crop last year. More than this, they control the sale of more than one-half of our grain.

If that amendment should pass the other body, I hope that the Members of this House will not stand for any such exemption. Day after day amendments or bills have been brought before the Congress of the United States requesting exemption for this and that class, so that, finally, if we go on with this process of exemption, there will be few left upon whom we can place the burden of this great emergency.

Mr. Speaker, I think that is all that I have to say upon that subject at this time, but if that amendment comes into this House there will be something more said, and I hope that my colleagues will join me in an attempt to prevent this amendment going into this bill.

Mr. Speaker, I will include in the RECORD a letter from an official of the Department of Agriculture dealing with cooperative farm organizations, and a table showing the vast extent to which they control our food supply.

Following are the letter and table referred to:

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF MARKETS AND RURAL ORGANIZATION,
Washington, D. C., June 28, 1917.

Hon. E. R. BATHRICK,
House of Representatives.

DEAR MR. BATHRICK: Pursuant to your conversation over the telephone yesterday morning with Mr. John R. Humphrey, investigator in market business practice of this office, regarding cooperative organizations and their importance in handling the food supply of the country, I am pleased to give you the following information:

The estimated number of farmers' elevators in the United States at the present time is about 3,800, most of which are situated in nine States, as follows: North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Illinois, Indiana, and Ohio.

During the early period of construction of farmers' elevators the average capacity was from 10,000 to 15,000 bushels, but the trend during the past five years has been toward larger houses, ranging from 25,000 to 40,000 bushels in capacity. A recent publication of the Agricultural Experiment Station of Minnesota gives the average capacity of elevators in that State as 22,500 bushels, but as Minnesota did not enter the cooperative field in this particular line of business until comparatively recent years, it is a fair estimate to say that the average capacity of farm elevators in the United States is about 18,000 bushels.

The storage records of elevators in Minnesota, North Dakota, and South Dakota will sometimes show a total of as much as 100,000 bushels as being in store, whereas in reality there may be but a few thousand bushels actually in the bins. This condition in the records is brought about by the fact that grain stored by farmers is shipped out by the elevator and sold under protection of a hedge, the actual grain being in the terminal warehouses in the central markets. During the shipping season primarily elevators usually are only partially filled, it being the practice to ship out as fast as possible in order to leave bin space for incoming grain during the rush season. The rise in grain prices and the prevailing shortage in cars have had a noticeable effect during the past two years in crowding the capacity of primary grain elevators.

The volume of business handled by farmers' elevators ranges from 50,000 to 400,000 bushels a year, depending upon the number of elevators in operation at the various stations where they are located and the local crop conditions in particular years.

There are about 3,000 cooperative creameries and cheese factories located chiefly in Minnesota, Iowa, Wisconsin, Michigan, and New York, the remainder being scattered over about 30 other States. Very little of either of these products is carried in stock for any length of time by the manufacturing plants, it being mostly shipped to dealers in large distributing centers. About one-half of the American cheese manufactured is produced in Wisconsin, the total amount produced being about 320,000,000 pounds per year. The chief distributors, and therefore the chief holders, of butter and cheese, are private buyers and packing companies, very little of either product being sold direct to the consumer by the factory.

For your further information I am attaching hereto a table showing the number of organizations of each of the various kinds, together with their annual volume of business and the number of farmers who hold memberships. These figures have been very carefully estimated from a survey conducted by the Office of Markets and Rural Organization, and we assume are fairly accurate. The figures cover the year 1915, except in a few cases, where the latest reports were those for 1914. The classes of firms included under "miscellaneous" are buying and selling organizations, honey associations, and miscellaneous societies who gave no name which would designate the class of business in which they were engaged.

Trusting that this information will be of service to you, I am,
Very truly, yours,

CHARLES J. BRAND, *Chief.*

Estimated volume of business and membership by kinds of organizations, 1915.

Kind of organization.	Number of organizations.	Annual volume of business.		Membership.	
		Estimated total.	Average of organizations reporting.	Estimated total.	Average of organizations reporting.
Elevators	3,800	$544,418,400	$143,268	387,600	102
Creameries and cheese factories	3,000	146,418,000	48,806	249,000	83
Fruit and produce	1,500	242,187,000	161,458	186,000	124
Cotton	800	129,172,000	161,465	69,600	87
Stores	500	26,459,500	52,919	110,000	220
Tobacco	110	17,257,900	156,890	36,960	336
Live stock	325	32,102,525	98,777	45,500	140
Miscellaneous	2,465	204,560,490	82,986	569,415	231
Total	12,500	1,342,575,815	115,402	1,654,075	122

Mr. BATHRICK. Now, Mr. Speaker, I am sure that I am right when I say again that the farmers of this country do not ask for this unjust discrimination in the hour of the country's great trial.

It is not their fault if some overzealous Member of Congress should make it appear by the introduction of this amendment that our great farm organizations seek special privileges in exemption from their fair share of the war burden. They will repudiate this effort to place them in a class with monopolists and food sharks. The whole tenor of this sort of legislation is to aid and encourage our farmers to produce food for the people at home and our brave soldiers at the front, but it is not intended to aid them to control the food supply. No farmer would withhold bread from his own sons or the sons of others, when these have gone on the firing line, ready to lay down their lives for the great principle of freedom and the defense of our flag.

This amendment is an offense to our best citizens. It is almost an insult to our farm organizations. I can not understand what motive prompted it or whose interest it was intended to serve. It surely was not born of a wise effort to serve well the people of this country in this crisis.

In the four and one-half years of my work in this body my sympathies and labors have been given to assist agriculture and aid the conservation of our food supply. I know much of the spirit and patriotism of our farmers; so much, in fact, that I will expect only a rebuff and indignation from them when they awaken to the false light cast upon them by this proposed exemption.

I have done my small share to encourage cooperation among the farmers. The Agricultural Department, supported by the money of all of the people, has done much to encourage it, and I do not believe that at this moment, when the poor of our cities are insufficiently fed because of abnormal high prices, that any farm organization desires privileges not granted under the law to others.

NIAGARA RIVER WATER POWER.

Mr. FLOOD. Mr. Speaker, I yield three minutes to the gentleman from Oklahoma [Mr. FERRIS].

The SPEAKER. The gentleman from Oklahoma is recognized for three minutes.

Mr. FERRIS. Mr. Speaker, the measure under consideration is a temporary measure, extending the time for one year, and I understand the Secretary of War says it is necessary, so, of course, I have no objection to that being done, because I presume it is the wise thing to do under the circumstances.

What I want to say most is to call attention to the grave necessity for some intelligent action on the water-power situation. There are 35,000,000 potential horsepower of hydroelectric energy in the United States, and there are only 6,000,000 horsepower of that total amount in use. The water-power question is one of natural monopoly. The falling water that comes from the highlands to the lowlands and turns the turbine wheels and grinds out electrical energy in nothing more nor less than a natural monopoly; so it becomes to the very great interest of the owners of the 6,000,000 horsepower now in use to see to it that no water-power legislation is enacted for the utilization of the remaining 29,000,000 horsepower. On the other hand, there

is a wide difference of opinion and a very regrettable difference between the House and the Senate. The chairman of the Foreign Affairs Committee [Mr. FLOOD], the chairman of the Interstate and Foreign Commerce Committee [Mr. ADAMSON], and the Public Lands Committee, of which I am a member, all have, I know, in good faith and to the very best of their ability, sought to have some solution of this problem. Times without number this body has passed, practically by unanimous vote, measures dealing with this subject. Members on the other side, the gentleman from Illinois [Mr. MANN], the gentleman from Wisconsin [Mr. LENROOT], and the students of water power on both sides of the House, have supported these bills. But the bills have gone to another body, and there they have been loaded up with amendments which were more than the House would stand for, more than the students of water power in this country would stand for, more than the country would stand for, and as a result we are hung up in mid-air without any legislation whatever, and the falling water is running idly to the sea, doing no one any good.

Mr. ALEXANDER. Does the gentleman wish us to understand that the owners of the 6,000,000 horsepower have sufficient influence elsewhere to prevent legislation on this great question?

Mr. FERRIS. I did not state that, although many of these owners are against water-power legislation; and they are against it to this extent, that they have gone out in the West and bought up water-power sites, and got hold of it in different ways, and are holding it in cold storage to prevent development, so that they may go on with their monopoly. But I say it is almost a reflection, not on this House, because I feel that this House has done its duty, but it is almost a reflection on the Congress as a whole that some intelligent action is not perfected here.

I want to take a minute's time to say that we have been appropriating money here without stint. All that is necessary to get $100,000,000 out of this Congress is for somebody from somewhere to say that it is a war bill and needed and we grant it without a question; but when legislation is asked for to utilize some of the natural resources of the country that are our God-given right, when we are only asking an opportunity to develop it, there is a blockade on between the House and the Senate which results in no intelligent action being taken. I do not know what the solution of it will be, but it seems to me that those in authority, and it seems to me that individual Members of the House who have been students of the subject ought to do something somewhere to bring influence to bear, to get the press of the country to focus its attention on the obstructors who are holding back this legislation, and see if we can not get some results. Every resource is being drawn on to its full capacity, still one of the greatest and most useful of all natural resources is being neglected. I shall from time to time do what I can, but the subject is intricate and it needs combined help.

I am going to vote for this resolution to extend this time one year, because I think under the circumstances it is the intelligent thing to do. [Applause.]

Mr. FLOOD. I yield 10 minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Speaker, I do not agree with the criticism made on the floor of the House against the Senate. I do not believe there is a blockade in that body on water-power legislation. I do not believe there is any foundation for the statement that the Niagara water-power companies are holding up this legislation in the Senate. The Members of the Senate have the same right to their opinions that we have to ours. They have fixed and honest convictions on water-power legislation, and I can not understand why a Member of this House should not be fair enough to concede to them the same right we claim for ourselves—the right to consider and investigate water-power questions without having their motives challenged and a statement made on the floor of this House that some improper outside influence is blockading or holding up such legislation.

Now, what are the real facts? There is a division of sentiment, a difference of opinion, on a great public question between these two bodies. The Senate of the United States maintains and has for years—since the very inception of this legislation—that the respective States of the Union own and should control the water power in the navigable rivers of the country, and that Congress, under the Constitution, has the right to control navigation alone as it affects navigable streams.

The Senate of the United States appointed a committee of five of its ablest lawyers. The chairman of that committee was Senator Nelson, of Minnesota, and the other members were Senator Root, of New York; Senator O'Gorman, of New York; Senator Chilton, of West Virginia; and Senator Culberson, of Texas, all able and distinguished lawyers. Who can question their motives? Who can truthfully say that they were improperly influenced by the water-power companies when they deliberately, carefully, and thoroughly investigated this subject from the very foundation of the Government down to the date of their report, and when they reached a unanimous opinion that the States own the water-power rights. How does it lie in the mouth of any Member of this House to say that their position or action was influenced by improper motives or outside interests?

This House is divided. There are Members who believe that the right to tax the users of water power is in the National Government. There are others, just as sincere and honest, who believe with the United States Senate that this right belongs to the respective States. Now, there is 600,000 horsepower within 75 miles of my city—Knoxville, Tenn. I believe the right to tax that water power belongs to the State of Tennessee, under the unbroken decisions of the Supreme Court of the United States from the foundation of this Government up to last December, when the latest opinion on the subject was rendered by that august tribunal. So I am going to stand here and fight for my State to have that taxing power, and I appeal to other Members of this House to study the decisions of the Supreme Court of the United States and the opinion of the committee, composed of five of the ablest lawyers of the Senate, and to give those opinions careful and thorough consideration. If they do I believe the Members of this House will stand with the Senate when it comes to passing general legislation regulating water powers in the rivers of the respective States. While Members serve here as national lawmakers, they must not forget that they represent constituencies at home. The National Government is now afield to tax everything in sight, leaving practically nothing for the States to mainain their governments except personal and real-estate taxation.

So there is the division in this House and in the Senate, and the country will secure this important and needed general legislation on water power when the two Houses of Congress come together and settle their differences in line with the unbroken decisions of the highest court of this land, based upon the Constitution of the United States.

Now, as to the Niagara water-power companies. The gentleman from Alabama [Mr. HUDDLESTON] says that they are making money. What industrial plant and organization is making more money than the United States Steel Corporation, the greatest industry of the gentleman's home town of Birmingham? I am glad that company is making money, for it went to Birmingham and invested at least twenty or thirty million dollars. Take that plant, with its investment, business, and employees, out of Birmingham and it would be practically a dead town.

What did the Niagara power companies do? Twenty-odd years ago they erected the first electric plant of the kind in the United States in a village, with an expenditure up to date of over $60,000,000, according to the report of the Committee on Foreign Affairs, and for years they operated without a dividend. Now they secured their original franchise from the State of New York. They enjoyed it without interruption and without challenge on the part of Congress or the National Government for over 10 years. They invested their millions in good faith. They have built up and developed a great industrial city. Their output is used throughout America and is absolutely essential to the welfare of the country, especially during our war with Germany. Why should we single out the Niagara power plants and let the one on Warrior River in the gentleman's [Mr. HUDDLESTON] State of Alabama escape? If we are going to legislate on this subject let us in all fairness make the legislation general and apply it to every water-power company in America which is using, without compensation, the water of our navigable rivers. There is one power company on the Mississippi River near Des Moines, one in my State below Chattanooga. They are practically in every State of the Union. They are located in Alabama, Tennessee, North Carolina, Georgia, Missouri, Illinois, New England, and throughout the West. Where is the justice or fairness in singling out only one river when there are hundreds involved?

Now, I know it is popular with some Members in this House to decry every successful industry in this country which is making money. That is the burden of their song.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. AUSTIN. Not now. If it were not for the industries in Birmingham, the gentleman's [Mr. HUDDLESTON] own city, they would have an agricultural district there to-day instead of the greatest manufacturing district in the South. While he complains about the price of aluminum, that company—the Aluminum Co. of America—fixed the price of aluminum at 10 cents a pound to the Government below what it is receiving from private persons or corporations. Aluminum has advanced, and so has pig iron, which in Birmingham is quoted at $40 or $50

a ton, and I believe the hearings showed it could be made in Birmingham for $6 or $7 a ton.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. AUSTIN. No; not now. Let the gentleman begin at home on pig iron and steel, and control the rates of the water-power company on the Warrior River almost in sight of Birmingham. Then we will give him full faith and credit for his crusade here against excessive rates on power and articles furnished during the war by industries located at Niagara Falls.

Something has been said about the president of the Aluminum Co. of America, Mr. Arthur V. Davis, serving on one of the committees of the Council of National Defense. I have known Mr. Davis for many years, and his company has large interests in the district I represent. A more honorable man does not live, and I venture to say that his conduct in the position named will be above criticism or reproach and his every action in the interest of the country.

Mr. Speaker, I want to say in justice to our colleague, the gentleman from New York [Mr. DEMPSEY], who represents the Niagara district, that while he has been anxious and active about legislation of this kind, he has never attempted to block anything, but has always appealed for a permanent, just, and fair settlement of the issues involved. If the Niagara power companies are attempting to do what the gentleman from Alabama [Mr. HUDDLESTON] has charged in reference to this matter, they are doing it without the knowledge, without the consent, and without the encouragement of the gentleman who represents the people of his district so well on the floor of this House. While the gentleman from Alabama is not pleased with the backbone of the Wilson administration, if he will be patient and endure the spineless administration a little while longer, we will give him a Republican administration with all the backbone he is looking for.

Mr. HUDDLESTON. That is going to make a great change, is it not?

Mr. AUSTIN. I do not think it is well or becoming in a Democrat or a Republican at this time in our national crisis to do anything or say anything which reflects upon the courage, the honor, or the patriotism of Woodrow Wilson and his administration. [Applause.] If there are rumors, let us reserve our judgment and criticism until we know all of the facts.

Mr. HUDDLESTON. Mr. Speaker, will the gentleman yield?

Mr. AUSTIN. Let us lay aside our criticism until we win this war, and then, after peace, settle any of the abuses or mistakes of the administration in handling the war before the American people, and not show any division in Congress or out of Congress at this time in the conduct of the war. [Applause.]

Mr. HUDDLESTON. Mr. Speaker, will the gentleman yield?

Mr. AUSTIN. Yes.

The SPEAKER pro tempore (Mr. GARNER). The time of the gentleman from Tennessee has expired.

Mr. FLOOD. Will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. FLOOD. Mr. Speaker, I shall have to get an extension of my time. I ask unanimous consent that my time be extended. A number of gentlemen have asked for time on this resolution. Among them is the gentleman from Wisconsin [Mr. LENROOT], and I made the suggestion to him, and I make it now to others who are not going to speak directly on the resolution. This resolution has to go to the Senate and we will have to remain in session until it is brought back, and during that time gentlemen who are not going to speak upon the resolution could occupy that time. I made the suggestion to the gentleman from Wisconsin that he take his time during the time we are waiting for the resolution to be returned from the Senate.

The SPEAKER pro tempore (Mr. BATHRICK). What is the gentleman's request?

Mr. FLOOD. I ask unanimous consent that during the time the resolution is between the House and the Senate, if it is agreeable, that the gentlemen whose names I mention may take time—the gentleman from Ohio, Mr. EMERSON; the gentleman from Missouri, Mr. SHACKLEFORD; and the gentleman from Wisconsin, Mr. LENROOT.

Mr. LENROOT. I suggest to the gentleman that he ask unanimous consent to control the time after the resolution passes the House and while we are waiting for it to be returned from the Senate.

Mr. FLOOD. I will make that request.

The SPEAKER pro tempore. The gentleman from Virginia asks unanimous consent that he shall control the time during the interim that the bill is in the Senate until it is returned to the House. Is there objection?

Mr. FERRIS. But who knows when it will come back from the Senate? That might be an order that we would have to vacate.

Mr. FLOOD. My information is that it will take but a very short time.

Mr. CRAMTON. Reserving the right to object, we want to be assured that when it does come back it will be taken up immediately.

Mr. FLOOD. Oh, of course. Now, Mr. Speaker, I ask unanimous consent that the vote be taken on the resolution at this time.

The SPEAKER pro tempore. The time has expired, and the question is on the conference report.

The question was taken, and the conference report was agreed to.

Mr. FLOOD. Mr. Speaker, I yield four minutes to the gentleman from New York [Mr. DEMPSEY].

Mr. DEMPSEY. Mr. Speaker, I listened with much interest, and I say this meaning exactly what I do say, to what the gentleman from Alabama [Mr. HUDDLESTON] had to say. His contention, as I take it, is that there should be permanent legislation, and that is his sole contention; and I appeal from his plea here, as an advocate upon the floor, to his calm utterances when he was not under the stress of advocacy before the committee, when he plainly indicated and showed that permanent legislation was not possible at the present time; that it must of necessity wait a full investigation; and that the reason that we have not had legislation in the past was that there had not been the investigation which was necessary. Speaking before the committee about permanent legislation, the gentleman said:

> The reason why the Senate did not take it up for passage—
>
> The permanent bill—
>
> was that they they were convinced that sufficient information was not before Congress to enable it to act intelligently on the subject, and they thought that it ought not to be taken up by a system of piecemeal legislation, but that the whole problem should be handled at one time after a thorough investigation.

The Secretary of War came before the committee and Gen. Black came before the committee, and that was exactly what the gentleman from Alabama said, that we must have an investigation, which will take a considerable period of time; we must have an appropriation to enable us to make that investigation; and that we can not legislate with intelligence, much less with justice, until that investigation is had.

Therefore, so far as the argument is concerned that through granting this temporary permit we are deferring permanent legislation, it disappears, and it disappears upon the calm statement of the gentleman from Alabama [Mr. HUDDLESTON] before the committee.

Le us take up another piece of advocacy on the part of the gentleman, and I am sure that he lacks information; and I am sure that he will be glad to have me give it to him, because he does not want to be unjust. He spoke of this grinding monopoly, as he called it, the Aluminum Co. of America, and said that it had charged this Government an excessive price, 63 cents a pound, for aluminum. That is just the way that injustices are done—by the telling of half truths. What was the full truth? The full truth was this, and if the gentleman had pursued his investigation to its legitimate conclusion he would have found that in an emergency the Government needed some aluminum and it went to the Aluminum Co. of America.

That company said, "We have not got it, but if you need it, and if it is absolutely necessary, we will do this for you: We will go out into the open market, we will send every agent we have and buy up the scrap alluminum in the country, and we will melt it and give it to you at cost." They went through the United States raking and scraping here and there, and they piled up some scrap aluminum, and it cost them 56 and 57 cents a pound, and they turned it over, charging the Government for their expense in collecting, resmelting, and rerolling it and turning it over the enormous sum of 7 cents a pound—the actual and bare cost. That is what there is to this charge of 63 cents a pound, and all there is to it.

Let us take up another charge of the gentleman. He criticized the president of the Aluminum Co. of America because he is in the Council of National Defense, acting without pay in the emergency of the Government at the present time.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. DEMPSEY. Mr. Speaker, I will ask the gentleman from Virginia to grant me four minutes more.

Mr. FLOOD. I yield four minutes more to the gentleman.

Mr. DEMPSEY. Mr. Speaker, we find that the Aluminum Co. of America is actually charging the Government 10 cents

a pound less than the market rates. The market rate is 37 cents, and the company charges the Government 27 cents. I hold no brief for the Aluminum Co. of America. I never have done any business for them. I do not own a dollar of their stock. I never have seen Mr. Davis but on one occasion. I have never had any correspondence with him and know nothing of him, but I do believe that this House should not absorb information which is unjust to any man, and particularly I believe that it should not be unjust to those who constitute the Council of National Defense. I am not a Democrat, but I do recognize that, although this administration is Democratic, Republicans have a great duty upon them in this emergency, and I am not prepared to criticize the Council of National Defense or any member of it without the best of evidence that the charge is well founded and should be made.

Mr. GORDON. Mr. Speaker, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. GORDON. I direct the attention of the gentleman to the fact that all of the criticism of these volunteers who have acted as an advisory council has come from the Republican side.

Mr. DEMPSEY. Not at all. I am answering the gentleman from Alabama [Mr. HUDDLESTON], and if my able friend, whom I like and admire, had been present, he would realize that I am answering the charge of the gentleman from Alabama made on the floor this morning. I am saying that in this time of stress we need enthusiasm, we need the loyalty, we need the devotion of this great people, and we should not sow the seed of discord in prosecuting this war by saying, without knowing it, that there are at the head of affairs men who are dishonest while pretending to give their great ability and services to this Nation.

Mr. HUDDLESTON. Mr. Speaker, will the gentleman yield?

Mr. DEMPSEY. I believe, and will continue to believe until evidence of the most conclusive kind to the contrary is brought to my attention, that these men are serving, just as ostensibly as they are serving, as patriots, as loyal, public-spirited men, giving their time and devoting their services without compensation, simply and solely because they are patriots.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. DEMPSEY. I will yield.

Mr. HUDDLESTON. Does the gentleman know that practically all of these captains of industry who are on the advisory committees are Republicans? Is that the basis of his concern?

Mr. DEMPSEY. I do not believe it is so. The gentleman referred to one man by name——

Mr. HUDDLESTON. Mr. Davis, Mr. Clark, Mr. Peabody.

Mr. DEMPSEY (continuing). And it is my understanding he has always been a Democrat and voted for Woodrow Wilson.

Mr. DYER. Mr. Speaker, I will ask the gentleman is it not a fact that when the Government and the President wants to get a man of brains to do something he is compelled to go to the Republican Party?

Mr. DEMPSEY. I think so.

Mr. DYER. And when he wants to get a man to work for pay he always hires a Democrat?

Mr. DEMPSEY. That is entirely possible.

Mr. CARTER of Oklahoma. The President has not yet conscripted the gentleman from Missouri, has he?

Mr. DEMPSEY. No; but——

Mr. DYER. I wish to say to the gentleman from Oklahoma that I am one of those who are trying to help the administration, and not like the gentleman from Oklahoma and some others who are trying to disorganize same and make this war a failure by such drastic measures as this prohibition proposition which you are trying to embody in the food bill.

Mr. CARTER of Oklahoma. Will the gentleman from New York yield to me for a moment?

Mr. DEMPSEY. If I can get one or two minutes more.

Mr. CARTER of Oklahoma. Anybody can make accusations.

Mr. DYER. I did not make any accusations against the gentleman.

Mr. CARTER of Oklahoma. The gentleman said I attempted to disorganize the forces of this administration——

Mr. DYER. By voting for prohibition.

Mr. CARTER of Oklahoma. I am willing for my record to stand beside the record of the gentleman from Missouri any time and let the country say which one has stood most loyally by the administration.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FLOOD. Mr. Speaker, I want to say just a word or two in defense of the action of the conferees on the part of the House from the inferential criticisms made of them by some who have spoken for the report they made on Senate joint resolution 13. I have no doubt, Mr. Speaker, that the power companies at Niagara Falls are charging an unjustifiable price for the power they generate from the water that is given them by the Federal Government, and I have not the slightest doubt that the companies that get that power charge an almost criminal price for the products they make from the use of this power, and I am one of those who would be glad to see some just and fair regulation of the power situation there. I know the resolution we have just agreed to is very favorable to the companies using this water, and while that does not make me very enthusiastic for the resolution, it does not induce me to oppose it, because I know it is necessary in the public interest. I introduced the resolution which the House passed yesterday, and which these gentlemen say is a so much better resolution than the Senate resolution. I think it is a better resolution, but it does no more to protect the Government or the people of this country from these extortions than the resolution we have just agreed to in the conference report. The House resolution embodied the suggestion made by the Secretary of War, which was that he should grant permits for the use of this water upon such conditions "as he might deem necessary to impose in the public interest." It also provided that permits should be obtained for the 20,000 cubic feet of water per second that the United States Government is authorized the issue of permits for from the Niagara River, and provided severe penalties for any individual, corporation, or company which used this water without a permit or used it after the permit expired. The Senate resolution simply extends existing law for 12 months.

When we took up last February the question of a permanent and comprehensive law for the regulation and use of this water the gentleman from Wisconsin [Mr. COOPER], one of the strongest opponents of the Niagara power companies, opposed that bill and proposed that we do at that time just what we have done to-day; that is, that we extend the temporary resolution now in existence for one year and that we authorize the Secretary of War to make an investigation as to the use of the water at Niagara Falls and the power thereof and make an appropriation for that purpose. That is what the conferees on the part of the House have done in this conference with the Senate committee. The difference in the Senate resolution and the House resolution was that the Senate resolution simply extended the existing law for one year, which law only applies to the 4,400 cubic feet, and the House resolution proposed to require permits for the whole 20,000 cubic feet and applied penalties for the use of it. Those were the differences. Both resolutions proposed to extend the rights of these existing companies to use this water for 12 months. Neither resolution embodied any protection for the Government or the water except this provision suggested by the Secretary of War that he might impose conditions. So both resolutions extended the right of these people to go ahead and use this water. Our resolution was wiser and better, because it provided penalties for the whole diversion, but we were confronted with the condition that we were compelled to yield to the Senate or to stop the use of a good part of this water that is being used there now and is being used to generate power to make materials, every one of which, the Secretary of War tells us, are necessary for the use of the Army and Navy, for the use of the soldiers and men on our battleships, and the general prosperity of the country. The Secretary of War made this statement in reference to it:

> I have a feeling that practically everything made by the use of this power at Niagara Falls is war material. All of the abrasive material, chlorides, and the various alloys, all of them are war material.

He wrote me a letter and requested that the Committee on Foreign Affairs report the resolution as an emergency war resolution, and he called me up over the telephone yesterday and asked me to endeavor to get this resolution through, and, if necessary, to recede from the amendment which he had proposed to the present law, and which amendment I have just read; and, in view of those facts, I saw nothing for us to do, as the conferees on the part of the House, representing the will of the House, as I believe it was, that this resolution should pass and this water should be permitted to be used, and these manufacturers be permitted to go on, but to recede from two of the propositions about which the House and the Senate disagreed.

As to the third, the proposition about ordering an investigation of the general power conditions at Niagara Falls, the Senate receded.

I thought, Mr. Speaker, in view of the statements that have been made here about all the teeth being taken out of this resolution, that in justice to the conferees on the part of the House I should make this statement, showing the exact difference between the House resolution and the Senate resolution.

Mr. Speaker, I yield two minutes to the gentleman from South Carolina [Mr. RAGSDALE].

PROHIBITION AND THE FOOD BILL.

Mr. RAGSDALE. Mr. Speaker, I voted for the food resolution and for the prohibition bill embodied in it. I understand that certain action is now contemplated which eliminates from the provisions of this bill the wine and beer provisions.

I have just received the following telegram from my district:

HARTSVILLE, S. C., *June 29, 1917.*

Hon. WILLARD RAGSDALE,
Washington, D. C.:

The Florence district conference, representing 10,000 Methodists, in session to-day passed unanimous resolution commending you for your support of the food bill as passed last Saturday with its prohibition provision and respectfully urge that you accept no amendment exempting wine and beer.

J. T. FOWLER,
Chairman Committee on Temperance.

I wish to incorporate this in the RECORD in order that it may be shown that the people of my district, as far as I have been able to learn, are practically unanimous in favor of my action. I have not received a communication of any kind from anybody in my district asking me to make this exception to the food bill. I shall therefore vote to sustain the position of the House as to prohibition at this time for the entire country on liquors, wines, and beer.

Mr. Speaker, I yield back the balance of my time.

Mr. FLOOD. Mr. Speaker, I yield two minutes to the gentleman from Missouri [Mr. SHACKLEFORD].

ADDRESS BY WALTER WILLIAMS BEFORE THE EDITORIAL ASSOCIATION OF NEBRASKA.

Mr. SHACKLEFORD. Mr. Speaker, to the serious consideration of the heads of the executive departments of our Government, the journalists of the country, and the American people generally, I commend the address delivered to the late Editorial Association of Nebraska by Walter Williams, dean of the School of Journalism in the Missouri University. Dean Williams is a patriotic American and a thorough Democrat in the broad sense of that term. He is a journalist of great ability and has a keen sense of the responsibilities, privileges, and ethics of that exalted vocation. The address to which I refer is, as follows:

HOW PRESS CAN SERVE CAUSE OF DEMOCRACY—GIVE PEOPLE NEWS OF CONFLICT.

A great Nation girds on its armor. For what purpose and to what end? That the world may be made safe for democracy, that there may be just and lasting peace. Neither the armor nor the manner of its girding nor its use is in itself an end. We are not in this hideous war for war's sake. We are in it for the sake of peace—peace and democracy.

What is democracy? Just now many new definitions appear. Autocracy, becoming unpopular under its old name, seeks continuance by redefining democracy as the rule of the few, the tyranny ostensibly or really benevolent of groups of men to whom education or inheritance or position or the machinery of government gives accidental advantage. Indeed, the definitions of democracy are almost as numerous as those who profess to be Democrats and who do not follow their own profession.

Let me take for the purpose of this hour the best definition that I recall. It is that of Pasteur, the eminent French scientist, a tanner's son. "The true democracy," he said, "is that which permits each individual to put forth his maximum effort." To translate it yet further into the speech of the common folk, the true democracy secures to every man a chance to make the most of himself. It recognizes the equal moral worth of every man. To give practical effect to democracy thus defined governments are instituted among men not as ends in themselves but as means to an end—to insure to each man everywhere life, liberty, and the pursuit of happiness, the attainment of the fullest individual development in a social state.

But how may journalism in this present hour of opportunity serve the cause of true democracy?

GIVE PEOPLE NEWS.

First, by the service of information. Even in war time the public opinion of a democratic country is the only ultimate power. All else is delegated authority. The kind and character of this public opinion depends to a large degree upon the press, the moral efficacy of the general feeling and judgment which the newspapers do most to form. For the formation of public opinion information is needed. The newspaper, which, while not all of journalism affords its largest medium of expression, must continue to be a newspaper. This is not now the President's war nor the war of Congress. It is the people's war, or it ought not to be a war at all. To make it the people's war the people must know the news about the war. To make it a popular war the imagination must be stirred as it has not yet been stirred—stirred by the news of the ideas in combat by the news of the individuals in strife. To the intellectual assent which the American people have given there must be added the approval of the heart. The taxpayer will wish to know about the expenditure of his money. The mother will wish to know about her boy. Journalism may serve by merely recording things as they are. Accurate information must be given, of course. Confused and misleading impressions regarding facts must be avoided. Nothing that will give aid or comfort to the enemy should appear in print. The same fairness and accuracy of statement, the same freedom from prejudice and distortion should characterize publication of information in war time as in the days of peace. That it is more difficult does not make it any less necessary. But the news must appear. The uniformed men abroad fighting the battles of democracy should have the support of informed, not uninformed, men at home. Indeed, they can not be supported otherwise. This war is no game of blindman's buff. The first service of journalism in the present hour is the service unto all the people of information. Here unto democracy journalism is the first line of defense.

The second service of journalism in this grim hour is the service of exhortation. In an age on ages telling, at a time when the passions run high or depression comes, it is difficult to be calm and sane, to see things clear and to see them whole, to have courage and enthusiasm. Journalism has the opportunity of encouragement. It may by news presentation and editorial page promote calmness and courage. It may be a bulwark against hysteria. It may keep the wheels of business going round so that we shall have economic strength to bear the burdens that rest upon the shoulders of Uncle Sam. Speed up, we will say. This exhortation should be found upon reasoned facts. Adequate and accurate information must be the basis of effective exhortation. Journalism is a prophet as well as a recorder. The work of Hosea as well as that of Moses is typical of the service of the journalist in the present hour. Romance, the spirit of adventure, has died in the trenches, but we may keep it alive in the hearts of men. Are we not engaged in the search for democracy's Holy Grail?

The service of constructive criticism falls within the province of the press. Mistakes will be made in the conduct of the war—mistakes have been made in the conduct of the war. It is the duty of the press, freed from the meshes of partisanship and without thought of selfish advantage, to point out in the broadest way such mistakes and thereby to guard as far as may be possible against their recurrence. Individuals temporarily holding public office—clothed with a little brief authority or large—will wish to be free of publicity and of criticism. The press must not grant them this freedom. It will not grant it. Methods of taxation, of the delegation of power, of the raising of revenue, and of its disbursement, questions as to the aim and purpose of the war and of its continuance are of vital interest and importance to the American people.

PUBLICITY AID IN WAR TIME.

Here again the press has a plain duty to perform. Publicity will cure evils in war time no less than in the piping days of peace. A single example—in the enforcement of the selective-draft measure young men within the draft ages were asked to answer a question regarding exemption, a question unfortunately expressed and which at last it was sought to withdraw or explain away. When the question was honestly answered in accordance with the registration blanks, we were gravely told that reply thereto constituted cowardice on the part of those who replied. Again, statements sent out from Washington blundered into the bureaucratic error of announcing that registration totals should equal certain census figures. These figures, however, were estimates made on the census of 1910, pure guesswork as to the probable growth of States in population from 1910 to 1917, an estimate manifestly impossible to make with any degree of accuracy. On such Census Bureau estimates charges of slacker States and slacker communities were unwarrantedly made. It is in connection with such practices as these and matters of much larger consequence, involving property and life and liberty itself, that the press of the country must do the service of constructive criticism. Bureaucracy, as well as autocracy, is the enemy of democracy.

CONSTRUCTIVE CRITICISM.

Constructive criticism should be constructive—not destructive. The calling of names does not suffice. To refer to an individual as a pro-German because he differs from us may evidence the poverty of our vocabulary, but will not promote better political conditions. It does not make for national progress to denounce as traitors men who have other ideas of national safety or national honor than our own.

Constructive criticism will include interpretative information about the best in other peoples, not merely the worst. Lack

of acquaintanceship between peoples promotes misunderstandings among nations. Undue boastfulness leads to strife. God is not an American. The flag above the church it not of itself an evidence of genuine patriotism, nor is the planting of potatoes or the purchasing of liberty bonds. Constructive criticism will point out the service that each man may render through self-sacrifice, which is frequently the antithesis of self-assertion. It will include humanity in its scope and not narrow itself by provincial denunciation. The dying words of Edith Cavell were:

Standing as I do in view of God and men, I realize that patriotism is not enough. I must have no hatred nor bitterness toward anyone.

For such criticism there must be freedom. The press, held to account by existing and proper laws for any libelous or treasonable utterance, must hold the very Government itself to strict accountability. Bad opinion may be published—but who shall say what is bad and what good opinion? Surely not the man or men regarding whom the opinion is expressed. Lèse majesté is a crime under an autocratic government, not in a democracy.

WOULD HAVE PREVENTED WAR.

If the press of Europe had been for a century free to print the news uncolored by Government influence, if it had been free to discuss in public the machinations of diplomacy, this hideous war would not have come. Certainly national antagonisms were increased and racial hatreds embittered by the international news served out by official or semiofficial sources, the Wolff Agency in Germany, Reuter's in England, the Havas in France, the Correspondenz Wilhelm in Austria, the Stefanie in Italy, the Ministry of Telegraph—frankly official—in Russia, and others in other lands. The news as thus circulated was seldom the actual truth—it was what the Governments wished the people of their own Nations and the Governments and people of other Nations to think was the truth. Let us permit no such frightful blunder to be made—even under the specious plea of military necessity—in this Republic. Many others than Bismarck manipulated the news. War took place in the open because—thanks to an enslaved and complacent press—the preparations therefor were carried on in secret. Censorship was an accessory before the colossal crime of war even if it was not a principal in bringing it about.

Close akin to the service of constructive criticism that the press may render, journalism may aid in the preservation and promotion of the ideals of democracy. What are the ideals of democracy? Whatever else we may include within our definition, certainly it will contain a declaration for freedom of speech spoken and written, for the recognition of the rights of minorities, for the freedom of the individual nation to work out its own destiny in its own way as a national unit in a world neighborhood, and for the freedom of the individual man while a social unit to work out his own destiny in his own way, for the recognition of the equal moral worth of every man.

PRESS FREEDOM MOST IMPORTANT.

With all these journalism is concerned. Unto the preservation and promotion of all it may lend aid invaluable. But with the first is its primary concern. Indeed, freedom of written and spoken speech enwraps them all. He whose mouth is stopped, around whose brain an iron band of autocratic rule is placed, may never rise to the full stature of democratic strength and opportunity. Freedom of speech is of interest not merely to the press. The press is but the outpost, which, if attacked and captured, permits the citadel of democracy—the soul of the Nation—to be taken. Journalism may help to win the war. It may help to win the war aright. But, more than that, it may help to make the war that is won aright a war worth winning. I make bold to say that unless the war preserves and promotes the ideals of democracy it will not be worth the winning. We can not all think alike. Unity of purpose does not necessarily mean uniformity of thought. The British Empire, held together by the cohesive power of a splendid imperial purpose, consists of a dominion here, a commonwealth there, and a principality yonder, under the headship of a ruler who is a king in one land and an emperor in another. The preservation of the ideals of democracy means the preservation of freedom of the press, of the right of criticism, of individual opinion, of deliberative consideration of public questions, of disagreement it may be with one's fellows as to the methods of conduct of the war and the terms of peace.

No more important battle in behalf of democracy has been waged in recent years than the struggle in Congress against the enactment of the censorship provision of the espionage bill. As members of the profession of journalism, charged with solemn responsibilities in this grave hour, we may not congratulate ourselves upon a complete and well-reasoned victory. Unfortunately the victory was not won upon the plain issue of the freedom of the press—fundamental to a democracy—but was in some measure the result of the desire of certain Members of Congress to oppose a bill presented by one of the agents of the people in office in Washington. Victory did not come upon the broad ground of the constitutional prerogative of the press, but to a degree upon clouded and partisan issues. Fortunately, however, we have a constitutional provision upon which the press may stand. Let me quote from an old document which is still the supreme law in the United States, made for times of war as for times of peace. "Congress shall have no power," says the Constitution of the United States, "to pass laws abridging the freedom of speech or of the press." The people of this Republic, it may be said in passing, declined to ratify the Constitution until this addition thereto was agreed upon.

SUPREME TASK OF PRESS.

Back even of the Constitution is the fundamental right and necessity of public opinion to express itself—without which there is no democracy. We come here to the ulterior power. The statement of its sovereignty needs no apology. Not only the honor and dignity but the very existence of a democratic state depend upon it. To preserve and promote them, by the creation of a sound and wholesome public opinion, is the supreme task to which the press must summon its every resource. Let no so-called necessity of war be permitted to be a cover for reactionary measures. It hath not yet been proved that a republic armed to the teeth and bent only upon material things shall endure. It is the spirit of nations, as of men, that keepeth alive.

Another and final service that journalism may render is the service of construction after the war. The United States has a future as well as a present. Many catchwords are used to describe the present world-shattering strife. Certainly this one is true. It is or should be a war to end wars. So the press, through news column and editorial comment and interpretation, may help—may largely help—to make impossible another war. This will be a different sort of a world when the war is ended—as the war must end. It will be a sadder but a more plastic world. The press may help to create public opinion that will dictate terms of peace that will bring peoples everywhere opportunities for social justice, for economic justice, for political justice—in short, for democracy. Jingoism should go, excessive armor should be cast into the scrap heap. A new era should come in which all the world will believe in and practice the belief that governments are not handled from above, that no individual group of individuals is chosen as beast of burden and none booted and spurred to ride them. The press will have taught the American people to be good sportsmen, to win the grim game of war fairly, and when it is won to shake hands with the vanquished with no rancor in the victor's heart. The talk about reconstruction after the war should begin now, not after the war is ended.

While a service of the press is the creation of such public opinion regarding terms of peace as will make peace terms certain that are democratic and right, the censorship rules given out by the committee on public information at Washington last month contain this most significant suggested prohibition:

Speculation about possible peace is another topic which may possess elements of danger, as peace reports may be of enemy origin, put out to weaken the combination against Germany.

That pronouncement is at variance with an earlier one: "Blessed are the peacemakers."

PEOPLE SHOULD HAVE VOICE.

Such a prohibition, if carried into effect, as of course it can not be yet—thank God—in this Republic, would mean, as another has said, that "the administration alone could conclude peace when it was ready and not before and on its own terms, and that both opinion as to the wisdom of its course and information regarding it would be withheld from the public."

With such secret diplomacy no real friend of democracy can agree. "People who pay for and fight the war have a right to know on what grounds it may be ended and when. They should have a voice in the restoration of peace and in the dictation of the terms upon which that peace may be rightfully won." We must prepare for the day—not far distant, let us hope—when—

The tumult and the shouting dies;
The captains and the kings depart.

The war may last for years. It may end, as it came, overnight. However this may be, now is the time for the press in every proper way to enlighten and educate a public opinion that will make this world safe for democracy and assure genuine democracy for the world when the war fortunately comes to a close.

I congratulate you as members of a profession having large responsibility at a crucial time in the world progress. I speak

to men in whose hands is, to a large degree, the making of a world. We are building a world house anew. Blood-stained bricks enter into its construction. Let us see that the blood is not shed in vain. Let us see that the new house of humanity has in it ample room for all peoples, room to grow to the fullest stature of individual and national strength. Macaulay said with truth:

There are only two forms of government—government by public opinion and government by the sword.

Let us see to it that government by public opinion dominates, making unnecessary and impossible government by the sword. Holding in largest measure the sources of publicity under our control, the output of raw material out of which public opinion is manufactured, let us with courage and patriotism and love for all humanity do our "bit." Thus and thus alone may permanent government by the sword be averted and an enduring, righteous peace prevail.

ALL JOURNALISTS IN SAME BOAT.

What I have said of journalism as a weapon for democracy applies to small newspapers as well as to large newspapers, to the rural weekly as to the metropolitan daily, to the man in humblest position as to the man in the most conspicuous place—reporter, editor, publisher—alike. We are all in the same boat. We can not leave the rowing of it to other hands. We are all members of the same noble profession. Responsibility for its dignity, its honor, and its high service rest upon us all. If there be those amongst us who, through indifference, cowardice, or unpatriotism, are recreant to their trust as journalists of America in such a fateful hour as this, let us seek to win them back to paths of patriotic courage and devotion by mild and gentle words or, failing, let us scourge them with whip of small cords from the temple of journalism they profane.

Ideas, not navies, still rule the seas. Ideas, not armies, yet dominate the land. It is increasingly and ever true—the whole quotation makes the meaning clear—that

Beneath the rule of men entirely great,
The pen is mightier than the sword.

The ship of state is upon a new and uncharted sea. Information as to the voyage, as to the officers and the crew, is needed. It is for us to supply this information. It is needed to steady and keep in heart those aboard so that the bunkers may be filled with coal and the pantries with food, and that each may carry on. Constructive criticism of the conduct of the voyage is needed to see that the helm is not shifted wrong nor the course changed under specious plea to an unknown port far from the desired haven of democracy. Enactment of right rules of travel, and obedience thereunto—nay, even the readjustment of the ship's accommodations—may be necessary in order that the ship of state, flying colors of freedom, may be habitable for all alike, not some perpetually condemned to the steerage and some permitted always cabin life. Unto such management, for such ends, those truly serve who only stand and write.

Thus the war itself, frightful as it is and more frightful, may serve the ideal of democracy which Pasteur dreamed—where each man has a chance to make the most and best of himself, and, as far as peace and law and honest wage and aggressive brotherhood can make it so, an equal chance. To aid unto this good end—to make the world safe for democracy and to keep democracy safe in our land—is the challenge unto you and me to-day.

Impossible, you say—nay, nothing is impossible so long as our hearts are young and our faith sure and there is before our eyes the vision high and splendid—nothing is impossible to men engaged upon and genuinely interested in the profession of journalism—journalism, the fascinating, great, unfinished new adventure.

Mr. FLOOD. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. EMERSON].

PERMISSION TO BRAND WHITLOCK TO ACCEPT DECORATION.

Mr. EMERSON. Mr. Speaker and gentleman of the House, I desire to address the House for a few moments upon the report sent here by the President yesterday, in which he asks Congress to grant permission to Brand Whitlock, our minister to Belgium, to accept some decoration of the Grand Cordon of the Order of Leopold.

Now, this comes to us because the Constitution of the United States has provided that no one who is in the employ of the service of the United States shall accept any title, emolument, or decoration, or things of this character, without the consent of Congress. We have entered into this great war; we are sending soldiers to Europe; we are sending doctors to Europe; and we are sending sailors over there. The first thing we know we will have decorations and titles offered to the officers of our Army and Navy. What will we do? Now, this is the first application that has been made, and I think this Congress might as well now as at any other time protest against anything of that character, and let it generally be known that it will grant no permission for the acceptance of any such decorations or titles. [Applause.]

Now, this title business is a subject on which the rich daughters of America have a monopoly. The wealthy girls who have money and no brains, they buy these titles.

Mr. HARDY. Is there any title involved in this decoration?

Mr. EMERSON. I do not know that there is; but this decoration is only given to kings, princes, and high officials. It does not make any difference, I will say to the gentleman, whether it does or not, we might as well stop this policy of officers or other people in the employ of the United States accepting any decoration, any emolument, or any title; and if we stop this one we will have no trouble in the future; if we grant this one, maybe the next one that will come in will be an application to have some American general made a lord, or something of that kind. [Applause.]

Now, our forefathers foresaw this situation, and wrote it into the Constitution that Congress would grant no title, and no person in the service of the United States should accept such title without the consent of Congress. I do not know that Mr. Whitlock wants this——

Mr. HARDY. Does not the gentleman draw a great distinction between accepting a title and a memento of gratitude?

Mr. EMERSON. But this is a decoration given only lords and high officials. I do not know that Mr. Whitlock wants it, but I do think we ought to discourage this policy now, especially as this is the first application, and the war has just begun.

Mr. HARDY. Just one moment. We ourselves awarded a medal for the courageous service rendered by some Germans in charge of a vessel who rescued some of our seamen.

Mr. EMERSON. A medal might be another thing, but this is some decoration given only to lords and high officials. Maybe it carries some title.

Mr. SHACKLEFORD. Does the gentleman from Texas [Mr. HARDY] think one of our citizens might accept as a memento the title of lord?

Mr. HARDY. Oh, no. I was trying to draw a distinction between conferring a title and giving a memento of gratitude.

Mr. EMERSON. I understand. But suppose you permit the acceptance of this decoration, not knowing what it is. The next one may be a title of lord or duke or marquis, or something of that kind.

Mr. LONDON. Mr. Speaker, will the gentleman yield?

Mr. EMERSON. Yes.

Mr. LONDON. Has the gentleman examined the precedents?

Mr. EMERSON. I can not find the record of anybody accepting it heretofore.

Mr. HUDDLESTON. Mr. Speaker, will the gentleman yield right there?

Mr. EMERSON. Yes.

Mr. HUDDLESTON. If the gentleman will examine the RECORD in the last Congress he will find that in an extension of my remarks I collected those precedents. I am in entire agreement with the gentleman in his position.

Mr. EMERSON. I think this policy of accepting titles or decorations or emoluments or anything from a foreign country by anybody in the employ of the United States in any capacity should be stopped here right now. [Applause.]

I say, I for one protest against the granting of this permission. I appreciate the very great service that Mr. Whitlock has rendered, but he has done no more than many of our ministers have done. He has not done as much as Ambassador Herrick did in France at the outbreak of this war, at least he has done no more. Now is the time to stop this business of decorating Americans. I do not so much oppose this individual decoration, but it will establish a precedent, and when this war is over we will have lords and dukes and princes and the Lord knows what.

Our fathers wisely provided for this situation and wrote into the Constitution of the United States this provision:

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever from any king, prince, or foreign State.

This was a very wise provision in our Constitution. I want it understood that I have no personal objection to Mr. Whitlock, but I do oppose the establishment of such a precedent. Congress might as well set its foot down upon this gift or title business now. We are sending soldiers, sailors, doctors, and others to the battle fields of Europe, and if we allow the granting of this decoration it will establish a precedent, and the first thing

we will know we will have a collection of these lords and dukes and such things on our hands.

There have been enough of our girls who have purchased these lords and dukes and decorations. What Mr. Whitlock has done in Belgium he has done as the representative of this Nation, and the credit is due to all the people of this country and not to our representative. If any minister of ours were to receive a decoration or title, I would suggest that the great work done by our ambassador to France, Mr. Herrick, at the outbreak of this war, would entitle him to all the titles that could possibly be bestowed upon any person.

Let this Congress here and now set its foot down hard upon any such proceedings as the title-and-decoration privilege. We want no kings, czars, kaisers, lords, dukes, marquises, or decorations in this country. We are fighting to democratize the world.

I am surprised that as good an American as Brand Whitlock would want this decoration, and I am a little surprised that the President would ask that Congress permit the acceptance of these decorations, as he knows it may lead to some embarrassing situations during this war. I have stood with the President in all things he has asked of Congress during this war session, but I must oppose this request. [Applause.]

Mr. FLOOD. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. FOSS].

The SPEAKER pro tempore (Mr. GARNER). The gentleman from Illinois is recognized for five minutes.

NIAGARA RIVER WATER POWER.

Mr. FOSS. Mr. Speaker and gentlemen, I did not expect to say anything on this proposition, but I am heartily in favor of the adoption of this report. In fact, it was the proposition that I made in the committee, and therefore I urged that it should be agreed upon by the conferees.

The impression has been made here undoubtedly by some Members of the House that the Government is not in control of these large concerns. Why, the situation is that they can not get a drop of water of the 4,400 cubic feet unless the Secretary of War permits them.

Mr. NORTON. Mr. Speaker, will the gentleman yield?

Mr. FOSS. Not just at this moment. These permits he issues, and they are revocable at any moment, at any hour, on any day, in any week, in any month. The Secretary of War, if he desires to, can make conditions in the issuance of these permits which will prevent these companies from charging exorbitant prices for their products, and these companies are in the control of the United States Government.

The trouble with this whole business is that Congress has not done its duty. Why, for 50 years they have been using water out of the Niagara River. The Hydraulic Power Co. was first established away back in 1853, and they did not make any money for 50 years, and it has only been during the last decade or so, since Niagara has become the very seat and center of the electrochemical industry of the world, that these companies have been making any large amount of money. Congress has been at fault. We have not sought to control the diversion of the water in the Niagara River. The first time Congress laid its hand on the matter was in the Burton law in 1906, but that was a law passed for the purpose of preventing the destruction of the scenic beauty of Niagara Falls, and did not relate at all to the question of power or the compensation of power. It has been only in the last few years that the question of power and the compensation of power has come up and has agitated the popular mind, and it is up to the Congress of the United States to pass permanent legislation.

I am not aware, as a member of the committee or as a Member of this House, that any of these companies has been preventing Congress from passing permanent legislation. I know they would rather have a law upon the statute books, so that they will know next year and the year afterwards whether or not they can use this power generated by the diversion of these waters, than to come here year after year asking Congress to extead these temporary permits. They did not initiate this legislation. It was initiated by the War Department, by Gen. Crozier. Why? Because these things which are produced in the city of Niagara all go into the manufacture of war materials and war necessities, and therefore the Army and the Navy are interested in this proposition. They have not been here begging Congress to pass this law. It has been the War Department that has been asking for this legislation.

Mr. LAZARO. Mr. Speaker, will the gentleman yield?

Mr. FOSS. Yes.

Mr. LAZARO. Has any effort been made to secure necessary information with a view to enacting permanent legislation?

Mr. FOSS. Yes. We have secured information through the hearings of the committee, but there has not been any thorough investigation or report upon the whole subject of diversion of water. That has been recommended by the Secretary of War and by Gen. Black, the Chief of Engineers, and we have incorporated that provision in this report, so that at the next session of Congress I hope we shall have an exhaustive report upon the subject, and that will pave the way and be the necessary step toward permanent legislation.

While I say Congress has been to blame because it has not taken up this matter, I want to say that the House Committee on Foreign Affairs, under the able chairmanship of my friend from Virginia [Mr. FLOOD] has done its part. We passed a law through this House at the last session of Congress, but it was held up in the Senate. But I am not here criticizing the other branch. Far be it from me. But I say when this report comes in, exhaustive and full as it will be, it will then be the duty of Congress to pass permanent legislation, and there is no body of people anywhere in the world, in my judgment, who want it more than the people of Niagara, the men who work in those factories and in those great establishments, because they want this whole question settled. [Applause.]

Mr. FLOOD. Mr. Speaker, I yield 10 minutes to the gentleman from Georgia [Mr. HOWARD].

The SPEAKER pro tempore. The gentleman from Georgia is recognized for 10 minutes.

SUPPORT OF THE ADMINISTRATION BY MR. FINLY H. GREY.

Mr. HOWARD. Mr. Speaker, on yesterday the gentleman from Indiana [Mr. WOOD] incorporated in the RECORD, with an accompanying statement, a letter from the President of the United States directed to Mr. Bent Wilson, at Cambridge City, Ind. Along with his statement he recounted the votes of my former colleague, Hon. Finly H. Gray, upon the naval program, from the time Mr. Gray became a member of the Committee on Naval Affairs until he went out of Congress.

I would not say anything on this occasion—and I am glad the gentleman from Indiana [Mr. WOOD] has come upon the floor—if it were not for the fact that the gentleman from Indiana [Mr. WOOD] attempted to prove one of two things: Either that the President of the United States was stronger in the State of Indiana than either party, or that the President had premeditatedly and deliberately attempted to deceive the voters of the State of Indiana.

It was my pleasure to serve for six years in the House with the gentleman from Indiana, Mr. Gray, during two years of which I was intimately associated with him on the Committee on Labor. I do not believe a more conscientious, painstaking, or honorable legislator ever occupied a seat on this floor.

Mr. Gray was opposed to a large navy. He was conscientious about it. A great many of us differed with the naval policy of this country in 1911 and 1912, because every one of our naval experts attempted to prove that the superdreadnaught type of construction was wiser than the building of auxiliary cruisers, torpedo-boat destroyers, and submarines that we need so much in this day to make our Navy balanced.

Mr. Wilson, of Indiana, seemingly addressed a letter to the President of the United States, in which he asked the question as to whether Mr. Gray had supported the administration.

Mr. WOOD of Indiana. On the preparedness plan.

Mr. HOWARD. On preparedness and other things. Mr. Gray voted for every single solitary piece of legislation that the Democratic administration stood for in the Sixty-second, Sixty-third, and Sixty-fourth Congresses, with the sole exception of his opposition to the very large naval program in which the country was launching and clamoring for, but he did support the normal program of the preceding years without reluctance.

Now, the gentleman from Indiana [Mr. WOOD] winds up his speech by saying—

> I am content that the people shall determine the causes that brought about the result of the election in the sixth Indiana district. My only purpose in enumerating the facts herein is that the public may judge whether the President had any warrant under the facts for writing the letter that he did in support of the candidacy of Finly H. Gray.

As a matter of fact, every vote that was cast in this House by Mr. Gray from the time he entered it until the time he went out of it was in consistent support of the Democratic administration and the Democratic policies as enunciated by the President of the United States, and the President stated the facts as to Mr. Gray's support of his administration.

Now I know what is the matter with my good friend from Indiana [Mr WOOD]. He means well, but here is his process of mental operation: If I were to take him up to a beautiful mansion, with rare statuary on the lawn and a great stretch of smooth, green grass beneath gigantic oaks, and I should ask him to admire the beautiful scene, he would not do that. He would look through the keyhole of the front door and find a skull cap on the hatrack. [Laughter.] Now he has found a

great bugaboo. He is trying to make the people of the State of Indiana believe that the President of the United States deliberately wrote a letter to deceive the voters in the campaign in the State of Indiana, for the purpose of bringing about the election of a Democrat in that particular district. What I am now saying I say in defense of a colleague for whom I had a most affectionate regard when he was a Member of this House, and as I said in the outset, whatever he did in opposition to any measure or in espousing any measure, he did it conscientiously, with all the light he had before him, and I repeat that the only time any opposition was ever interposed by Mr. Gray to any part of the Democratic program in the six years he was on this floor was purely and simply to what he believed to be an extravagant naval program. Now, the truth of the business is, Mr. Gray at heart was a pacifist; and I do not want you gentlemen to lose sight of the fact that up until after the declaration of war in Europe the President himself was not so strong for the very large naval and military program; but he had farsightedness enough to see what was coming, that it was a practical impossibility for us to keep from becoming involved with the war-crazed Kaiser, and my friend Gray believed that we were safe because Germany was involved in war.

Mr. FOSS. Will the gentleman yield?

Mr. HOWARD. I will yield to my friend.

Mr. FOSS. Is it not also a fact that the Democratic Party has never been for a strong navy or a strong army at any time during the last dozen or fifteen years?

Mr. HOWARD. I will say this to the gentleman from Illinois, that there would not be any Navy in this country to-day if it had been left to the Republican Party. [Laughter.] They gave us a lot of old flat-bottomed, inefficient tubs. They spent more money per capita on the ships of the Navy than any other party on earth would have spent, and gave us ammunition to shoot out of the guns on those ships that would not penetrate a cowhide at 2,000 yards, much less armor plate. They handed us a lemon that was rotten at both ends when they turned the Navy over to the Democratic administration in 1913. That is what you did. [Applause on the Democratic side.]

Mr. BRUMBAUGH. Will the gentleman yield?

Mr. HOWARD. I yield to my colleague.

Mr. BRUMBAUGH. Is it not a fact that William C. Whitney is known in history as the father of the American Navy?

Mr. HOWARD. Oh, sure; that is ancient history. He was the daddy of the American Navy. If the gentleman will permit me, the truth of the business is that the Republicans never took the initiative in anything but going to sleep on the job, so far as this Government was concerned. All of the dynamic forces that have been put behind this Government since its foundation have been put into it by the Democrats of this country. The Republicans never did anything but drink the swill that was in the trough that was left over from Democratic administrations. [Laughter.] The gentleman says that the Democrats never did anything for the Government. Why this man that you Republicans have been so quick to ridicule, the present Secretary of the Navy, Josephus Daniels, has done more for the American Navy in the four years of his term than you did in 20 years. [Applause on the Democratic side].

Mr. FLOOD. I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. ROGERS. Will the gentleman yield to me for a moment?

Mr. LENROOT. I yield to the gentleman.

Mr. ROGERS. I ask unanimous consent that after the disposition of the routine business on next Tuesday I may be permitted to address the House for 30 minutes.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that after the disposition of the routine business on Tuesday next he be permitted to address the House for 30 minutes. Of course, if there are any conference reports, revenue bills, or appropriation bills the request does not go. Is there objection?

Mr. CRAMTON. I object.

The SPEAKER. The gentleman from Michigan objects.

WATER-POWER LEGISLATION IN CONGRESS.

Mr. LENROOT. Mr. Speaker, in the discussion of the adoption of the conference report the gentleman from Tennessee [Mr. AUSTIN] made some very broad and sweeping statements concerning the situation of the water-power legislation in Congress, and I want to take occasion to correct—if I may use that term—one or two statements he made. It is important because there are many new Members who are not familiar with the contest that we have had in the past over this very important question.

The gentleman states that there are honest differences of opinion between the Senate and the House, and that there are honest differences of opinion in the House among different Members on this question. That is undoubtedly correct. But nevertheless the facts do stare us in the face that, although there be honest differences of opinion, there is one group of Members upon both sides of this Capitol who seem to be willing to forget their honest differences of opinion provided we give perpetual franchises to these great water-power interests and let them have all there is in the United States for all time to come. [Applause.]

The gentleman from Tennessee says that he will resist to the utmost any effort to deprive his State of Tennessee of the right to tax these water-power interests. So far as I know there never has been one word uttered on this floor in any of these contests seeking to deprive the State of Tennessee from any right of taxation that it has over these questions. [Applause.]

Mr. AUSTIN. Will the gentleman submit to an interruption?

Mr. LENROOT. Not an interruption, but I will yield.

Mr. AUSTIN. Are there not two factions, one contending that the Government shall have this revenue and the other——

Mr. LENROOT. Not at all, I know what the gentleman wishes to ask. The State of Tennessee has and always will have the fullest right of taxation. What the gentleman wants is that the State of Tennessee shall have in addition the right to secure revenue for the privilege granted, not by the State of Tennessee but by the United States Government. [Applause.] The gentleman might just as well say that if he owns a building in his home town that it is taxation when he gets rent for that building and that the State of Tennessee ought to have the right to appropriate the rent from this property.

Mr. AUSTIN. I take that position because the Supreme Court of the United States has decided that this right belongs to the State and not to the Nation.

Mr. LENROOT. If the Supreme Court has decided that way, why do you come to Congress for any franchise or legislation; if they have the right, why come to Congress at all? But when you do come to Congress and ask for a privilege, no court in the land has said that Congress has not the right to attach as a condition to that privilege remuneration for the privilege granted.

Mr. AUSTIN. Will the gentleman yield?

Mr. LENROOT. Not now.

Mr. AUSTIN. The gentleman asked me why we came to Congress, and I think I am entitled to state why we come.

Mr. HARDY. Will the gentleman yield?

Mr. LENROOT. Very briefly.

Mr. HARDY. Is not the real controversy between those who believe that the property rights in the water power belong to the State and those who believe that the property rights belong to the Nation? Is not that the difference?

Mr. LENROOT. Hardly that, I would say. I do not know of anyone in the Western States, where the doctrine of appropriation prevails, who says that Congress has in the least degree—certainly we have not in any bill that we have passed—interfered with any right that a State has in the water. No one has ever made that contention. But we have jurisdiction over the navigable streams——

Mr. HARDY. For the purposes of navigation, and that is the contention of the State rights advocates, that they have the right to rent out the water power.

Mr. LENROOT. We are not renting out the water power. I wish the gentleman could understand the difference between renting water power and adopting a condition to the privilege that we grant. If the State owns the water power, they may attach such conditions as they see fit, but it has nothing to do with the right of the Government to say we will permit you to obstruct a navigable stream upon such conditions as we lay down.

Mr. HARDY. The gentleman was very particular to designate the State's right and power to tax the property. There is property in the water power itself, and who owns that?

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. FLOOD. Mr. Speaker, I should be delighted to yield further to the gentleman, but I have promised to yield to two others.

Mr. LENROOT. I do not ask for any further time.

Mr. CRAMTON. Parliamentary inquiry, Mr. Speaker. The conference report on the Niagara water-power bill having been received, the control of time by the gentleman from Virginia is exhausted. It is now a matter of unanimous consent.

Mr. FLOOD. I promised to yield to the gentleman from California [Mr. RANDALL] five minutes and to the gentleman from Alabama five minutes.

The SPEAKER. How does the gentleman get control of the time?

Mr. FLOOD. By the unanimous consent of the House.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. FLOOD. Mr. Speaker, I now yield five minutes to the gentleman from California [Mr. RANDALL].

EXEMPTION OF WINE FROM PROHIBITION MEASURE.

Mr. RANDALL. Mr. Speaker, several Members of the House have during the last few days alluded to the wine interests of California and the supposed desire of that State that wine shall be favored by being excepted from the provisions of the proposed prohibition measure. The gentleman from Texas [Mr. SLAYDEN], while shedding a few crocodile tears over prohibition the other day, referred to me as an "eminent strategist," intimating, I presume, that I desire that California wine should be a victor in the present contest.

Mr. Speaker, the State of California has itself condemned its own wine industry by the ballot of the people. In November of last year a stringent State-wide prohibition amendment of the constitution was submitted to the people. The provisions of that amendment made wine an outlaw in exactly the same degree that it outlawed whisky and beer.

Including the entire State vote as cast on this amendment, excluding only the vote of the three largest cities, this amendment was adopted by a substantial majority.

Furthermore, Fresno County, which produces more grapes than any other county in the world, gave a majority of 2,500 for this amendment, destroying its own wine-grape industry.

Likewise, the county of San Bernardino, which contains the largest wine-grape vineyards in the world, exceeding 4,000 acres in some cases, gave a majority of 5,000 for this bone-dry amendment.

Both of these counties are under their own local vote entirely dry, except in the case of one oil-mining town in Fresno County and the city of Fresno.

Mr. FLOOD. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. HUDDLESTON].

PRICE OF ALUMINUM TO THE GOVERNMENT.

Mr. HUDDLESTON. Mr. Speaker, apologists for monopolists are funny fellows. It is wonderful how incredulous they are when something against a monopolist is said, and how childlike and extremely credulous they are when something in defense of the monopolist is brought forward.

We had Mr. Davis before our committee, and it was suggested to him that it had been said that his company, the Aluminum Co. of America, had been selling its product for as high as 60 cents a pound. He repudiated that charge with indignation and asserted that it was not a fact. He then proceeded to tell what his company had charged, and with much circumlocution, aptly fitted, though of course not designed, to conceal rather than to disclose, showed that his concern during the last two years had charged from 27 cents to 35 cents a pound, and then he said in conclusion:

> You will see, therefore, that the statement or impression that we are selling our product to the United States consumers at 60 cents a pound is as erroneous as such a statement could possibly be.

That was his positive statement. The examination proceeded, and after a considerable time Mr. Davis was about to be excused, when he said:

> Can I say one word more? I just want to state in closing that entirely regardless of any other impression that I may have made upon the committee, I do hope that I have succeeded in convincing the committee that this alleged price of 60 cents per pound and this cost price of 7 cents per pound are so far out of the way from the truth that it ought not to be given any further consideration by the committee.

Then I asked Mr. Davis:

> What is the highest price you have ever charged?

Mr. Davis replied:

> Do you mean the highest price we have ever charged under this system?

And then he went back to circumlocution, but I interruped and asked:

> Under any system?

He answered:

> We have charged as high as 60 cents per pound, but in making those prices we have made them after we have sold our product out, and when we were obtaining a large supply in the open market from scrap.

The gentleman from New York [Mr. DEMPSEY] seems to be under the impression that Mr. Davis went with a basket on his arm around over the country picking up broken spoons and old plates and one thing and another, trying to get the Government a little aluminum that it needed. But, Mr. Speaker, you will note that Mr. Davis testified that his company had large quantities of scrap. Now, I ask this question of Members of the House as reasonable men: Is it possible that scrap aluminum sells for more in the market, five times as much as it costs to produce the original ingots? We all know that it does not under ordinary circumstances. There may have been something about this transaction that I do not understand that brought the price up to 56 cents. I am amazed at the credulity of the gentleman, unless he has more facts before him than our committee had, that he should reach any such conclusion.

Mr. Davis was not candid with the committee when he made that statement. Col. Kellar, from the Chief of Engineers' office, a few days ago, left with our chairman contracts which had been made with our Government during the last year, by which this monopolist exacted 63 cents per pound for his product.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. COOPER of Wisconsin. Who made the contract with the Government?

Mr. HUDDLESTON. I do not know.

Mr. COOPER of Wisconsin. What position upon this commission does Mr. Davis occupy?

Mr. HUDDLESTON. He is the chairman of the subcommittee on aluminum of the advisory commission.

There is one other thing that I desire to refer to. This company has a contract to make 1,000,000 canteens for the Government at 91 cents each. Each of these canteens contains not over half a pound of aluminum.

Mr. FLOOD. Seventy-four cents.

Mr. HUDDLESTON. Mr. Davis himself said 74 cents, but an official of his company who was present corrected him and said 91 cents. Of course, the cost of fabrication is something. You have to send the metal through rollers and stamp it out and weld the edges together. I have carried a canteen, and I know that it does not take very much labor to make one. They are not ornamental; they are useful. The Government is paying 91 cents each for a million canteens, and the metal in them does not cost over 5 or 6 cents each.

I know the spirit; I have been shocked to meet with it here in the House. It seems to be assumed that we are in duty bound to apologize for anything wrong that any of our constituents may be doing—if any of our own constituents are exploiting the people, if they are sweating the public, our mouths must be closed and we must not say a word against anyone else who is guilty of similar rascality; we have got to defend that. That is the idea put forward by certain gentlemen here very frequently. Last Congress when in the public interest I took up the matter of opposing a grant of Niagara, of voting away Niagara to monopolies I was verbally castigated upon the floor of the House by a gentleman who was not on the committee having charge of the matter and did not live anywhere in that part of the country and supposedly had no particular interest in it. He called my attention to the fact that I had in my own State the Alabama Power Co., and that since they had received grants of water power, valuable grants, without any compensation whatever to the Government, and they were engaged in oppressing the people, that therefore I must close my mouth to any such wrong committed in another part of the country.

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. HUDDLESTON. Mr. Speaker, I ask unanimous consent to proceed for two minutes additional.

The SPEAKER. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, I would like to ask if this Niagara resolution has not passed the House?

Mr. HUDDLESTON. Certainly.

Mr. WALSH. What is the gentleman's idea in talking about it?

Mr. HUDDLESTON. I explain to the gentleman from Massachusetts that we have important legislation pending before our committee. The resolution that has been passed is merely a temporary resolution. Permanent legislation must be enacted in the future, and the House now ought to know, and the country ought to know, the facts in regard to this matter.

Mr. WALSH. Does the gentleman desire a quorum here that he may proceed?

Mr. HUDDLESTON. No; I do not——

Mr. WALSH. I will not object.

Mr. HUDDLESTON (continuing). The gentleman from Massachusetts and other gentlemen present are entirely sufficient for an audience, and I may communicate to the country through them. May I have two minutes additional?

The SPEAKER. Without objection, the gentleman can proceed for two minutes.

There was no objection.

Mr. HUDDLESTON. Now, to-day when I again call attention to the abuses and exploitation being perpetrated on the Government by a monopoly, the same gentleman gets up and again castigates me with words and calls attention to the fact that a great corporation—the United States Steel Corporation—has a branch down in my district, and argues that therefore I should be silent as to other oppressive monopolies; that I ought to break up the United States Steel Corporation before I take up anybody else. Now, I want to say to the gentleman I am not an apologist for the United States Steel Corporation. When I noticed the other day that the splendid head of the Shipping Board had declined to allow the steel interests of this country to hold up the Shipping Board for steel at $96 a ton, when the Navy was getting it at $56 a ton, when I know enough about the business to know it does not cost to produce over from $20 to $30 a ton, I applauded him and rejoiced that we had an honest official. [Applause.] I am not willing to defend any such wrongs, and the gentleman must not expect me to have my mouth stopped by any such facts. [Applause.] I would like to say further to the gentleman that his estimate of me is much too low, and that he entirely misunderstands my spirit and my purpose here if he expects me to defend monopoly and oppression merely because there are monopolists and oppressors in my own State. [Applause.]

The SPEAKER. The time of the gentleman has expired.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had agreed to the conference report on the disagreeing votes of the two Houses on the amendment of the House to the resolution (S. J. Res. 13) extending the time within which the "Joint resolution authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River," shall remain in effect.

ENROLLED JOINT RESOLUTIONS SIGNED.

The SPEAKER announced his signature to enrolled joint resolutions of the following titles:

S. J. Res. 67. Joint resolution to fix the status and rights of officers of the Public Health Service when serving with the Coast Guard, the Army, or the Navy; and

S. J. Res. 13. Joint resolution extending the time within which the "Joint resolution authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River" shall remain in effect.

ADJOURNMENT.

Mr. FLOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 10 minutes p. m.) the House, under its previous order, adjourned to meet at 12 o'clock noon on Tuesday, July 3, 1917.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting copy of communication from the Secretary of the Navy, submitting a supplemental estimate of appropriation urgently requested for the construction of emergency hospital buildings (H. Doc. No. 225); to the Committee on Appropriations and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. EMERSON: Joint resolution (H. J. Res. 117) forbidding the acceptance of any present or title by any person engaged in the service of the United States during this war from any king; to the Committee on Foreign Affairs.

Also, memorial of the Legislature of the State of Florida, favoring the withdrawal of the Choctawhatchee Reservation and the land restored to homestead entry; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FARR: A bill (H. R. 5312) to reinstate George H. McConnon in the Navy as a surgeon; to the Committee on Naval Affairs.

By Mr. FOSTER: A bill (H. R. 5313) granting an increase of pension to Henry H. Mann; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 5314) granting an increase of pension to William White; to the Committee on Invalid Pensions.

By Mr. WEAVER: A bill (H. R. 5315) granting an increase of pension to George Stillman; to the Committee on Invalid Pensions.

By Mr. WELTY: A bill (H. R. 5316) granting an increase of pension to John Akerman; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Division 7, Ancient Order of Hibernians, in re home rule for Ireland; to the Committee on Foreign Affairs.

Also (by request), petition of the Common Council of the city of Milwaukee, Wis., urging that the amendment to the food-control bill, prohibiting the use of grains in the manufacture of malt beverages, be eliminated; to the Committee on Agriculture.

By Mr. ASHBROOK: Evidence to accompany House bill 5274, granting an increase of pension to James E. Upham; to the Committee on Invalid Pensions.

By Mr. DALE of New York: Petition of the Indiana State Council of Defense, favoring the fixing of a minimum price for coal and control over its distribution; to the Committee on Agriculture.

Also, petition of the New York State Wholesale Liquor Dealers' Association, protesting against any prohibition measures; to the Committee on the Judiciary.

Also, petition of the National Cloak & Suit Co., favoring the creation of a large aircraft fleet; to the Committee on Military Affairs.

By Mr. EAGAN: Petition of the Indiana State Council of Defense, Indianapolis, Ind., urging the fixing of a maximum price for coal and control over its distribution; to the Committee on Agriculture.

Also, petition of the National Association of Cotton Manufacturers, favoring the daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

By Mr. EMERSON: Petition of Woman's Missionary Society of Wilson Avenue Methodist Church, of Cleveland, Ohio, in favor of national prohibition; to the Committee on the Judiciary.

By Mr. ESCH: Petition of the Indiana State Council of Defense, urging a maximum price for coal; to the Committee on Interstate and Foreign Commerce.

By Mr. FOSTER: Petition of Epworth League of Centralia, Ill., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. FULLER of Illinois: Memorial of the Indiana State Council of Defense, for legislation empowering the President to fix the maximum price of coal and to provide for the exercise of all necessary control over its distribution; to the Committee on Agriculture.

Also, petition of the Illinois Intercollegiate Prohibition Association, favoring national prohibition of the manufacture and sale of intoxicants during the period of war; to the Committee on the Judiciary.

By Mr. GARNER: Petition of sundry citizens of Lockhart, Tex., urging that a corps of osteopathic physicians be sent to Europe for war purposes; to the Committee on Military Affairs.

By Mr. HAMILTON of New York: Petition of sundry citizens of Andover, N. Y., favoring national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Memorial of Newport (R. I.) Metal Trades' Council, asking investigation of circumstances in connection with Mooney, Billings, Weinberg, and Nolan cases and especially of the San Francisco Chamber of Commerce in fight on organized labor; to the Committee on Labor.

Also, petition of Washington Park Methodist Episcopal Church of Providence, R. I., favoring prohibition of use of grain in manufacture of either spirituous or malt liquors as a war measure; to the Committee on Agriculture.

Also, petition of Local 1010, United Textile Workers of America, of Providence, R. I., favoring passage of Lever food-administration bill; to the Committee on Agriculture.

Also, petition of Local 359, Wood, Wire, and Metal Lathers' International Union, Providence, R. I., favoring passage of Lever food-administration bill; to the Committee on Agriculture.

Also, petition of Local 1125, United Brotherhood of Carpenters and Joiners of America, of Central Falls, R. I., favoring passage of Lever food bill; to the Committee on Agriculture.

By Mr. MOORE of Pennsylvania: Petition of Indiana State Council of Defense, urging a maximum price for coal; to the Committee on Agriculture.

Also, petition of the Philadelphia Chamber of Commerce, opposing the prohibition amendment to the food-control bill; to the Committee on Agriculture.

Also, petition of the Publishers' Association of New York City, protesting against the levying of a special discriminating war tax upon the newspaper business; to the Committee on Ways and Means.

By Mr. MOTT: Petition of the Adams Woman's Christian Temperance Union, Adams, N. Y., favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of the Missionary Society of the Methodist Episcopal Church of Carthage, N. Y., urging prohibition as a war measure; to the Committee on the Judiciary.

By Mr. SCULLY: Petition of Painters, Decorators, and Paperhangers of America, Long Branch, N. J., against prohibition; to the Committee on the Judiciary.

Also, petition of National Association of Fisheries Commissioners, favoring the purification of waters; to the Committee on Rivers and Harbors.

Also, petition of citizens of Metuchen, N. J., favoring prohibition; to the Committee on the Judiciary.

Also, petition of the New Jersey Committee on Public Safety, favoring the daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Zion Society, of Newark, N. J., favoring the Susan B. Anthony amendment; to the Committee on the Judiciary.

Also, petition of Perth Amboy Liquor Dealers' Association, Harry Meyers, Frank Meyers, Sam Mahler, James Miller, and Max Miller, all of Perth Amboy; Morris Rosner, Anton Schiller, and Max Stein, all of Keansburg, in the State of New Jersey, against prohibition; to the Committee on the Judiciary.

By Mr. SNELL: Petition of citizens of Willsboro, N. Y., for full national prohibition of the manufacture, sale, and transportation of intoxicating beverages for the period of the war, in conservation of the man power, military and industrial efficiency, and the food supply of the Nation, and urging that all liquors now in bonded warehouses and elsewhere shall be commandeered by the Government and redistilled for undrinkable alcohol, to be purchased by the Government for war purposes, and opposing an increase in the tax on intoxicating liquors as a means of raising revenue to prosecute the war; to the Committee on the Judiciary.

Also, petition of citizens of Morristown, N. Y., for full national prohibition of the manufacture, sale, and transportation of intoxicating beverages for the period of the war, in conservation of the man power, military, and industrial efficiency, and the food supply of the Nation, and urging that all liquors now in bonded warehouses and elsewhere shall be commandeered by the Government and redistilled for undrinkable alcohol, to be purchased by the Government for war purposes, and opposing an increase in the tax on intoxicating liquors as a means of raising a revenue to prosecute the war; to the Committee on the Judiciary.

By Mr. SNYDER: Petition of sundry residents of the thirty-third district of New York for national prohibition during the period of the war; to the Committee on the Judiciary.

By Mr. STEPHENS of Mississippi: Petition of Woman's Missionary Society of the State of Mississippi, favoring prohibition of the liquor business as a war measure; to the Committee on the Judiciary.

By Mr. TIMBERLAKE: Petition of the Kinnikinnic Chapter of the Daughters of the American Revolution, of Colorado Springs, favoring the creation of effective zones around all military camps; to the Committee on Military Affairs.

Also, petition of the tenth district, Woman's Christian Temperance Union of Colorado, urging prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of the Longmont Local, No. 170, of the Farmers' Educational and Cooperative Union of Colorado, urging that all men trained and actively employed in the actual production of live stock and other food products be left on the farms and ranches and be given like honors with those called to the Army and Navy, at least until they are actually required for military duty; to the Committee on Military Affairs.

SENATE.

MONDAY, *July 2, 1917.*

(Legislative day of Thursday, June 28, 1917.)

The Senate reassembled at 12 o'clock m., on the expiration of the recess.

WOMAN-SUFFRAGE PROPAGANDA.

Mr. THOMAS. Mr. President, the National American Woman Suffrage Association, organized a great many years ago, is authorized to speak officially for the woman suffragists of the United States. That organization publishes a paper known as the Woman Citizen, and in its issue of the 30th of June appears an article entitled "The picket and the public." It refers to some recent events which have transpired in the city of Washington through the activities of a small organization calling themselves the Woman's Party and evidently much more anxious for notoriety than it is for the cause of woman suffrage. I ask unanimous consent that this editorial, which is short, be inserted in the RECORD without reading.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE PICKET AND THE PUBLIC.

The National American Woman Suffrage Association, comprising the great body of organized suffragists the country over, deplores as absurd, ill-timed, and susceptible of grave and demoralizing suspicion, the tactics of the isolated handful of suffragists at the National Capital who think to advance the cause of suffrage by demonstrations like the recent banner episodes at the White House.

Is that plain?

The National American Woman Suffrage Association likewise deplores as unfair and wasteful the reiterated demands upon it from friend and foe of suffrage alike to "repudiate," "denounce," "state its position on the subject." It can, apparently, repudiate and denounce and state its position till the crack of doom and still be left at the mercy of clamorers for more denunciations and more repudiations. These clamorers, particularly those who are suffragists, could be about a bigger business than such footless insistence. Concerned as it is with a great constructive, forward-looking, forward-leaping program for furthering the suffrage cause, the National American Woman Suffrage Association deplores having its time, energies, and attention constantly deflected to offset the effects of publicity tactics with which it is not, and never has been, in sympathy and which it has emphatically condemned and never condoned.

Is that plain?

And now—

The National American Woman Suffrage Association wants to point out that it is not blind, if the clamorers are, to the fact that every time it concedes to the clamor it is but playing the publicity game into the hands of the small group of suffragists to whose campaign publicity is fundamental.

For where agitation is the watchword publicity is the achievement.

Can it not be understood once and for all, by suffragists, by press, and by general public, that the White House tactics of the picketers are but a detail of a publicity campaign which suffragists and press and general public immeasurably further by the attention which they confer upon it? (The lady from Missouri who tore down the pickets' banner built up the pickets' publicity as no picket and no banner could have done.)

Not all such publicity aids are hostile in their animus. There is no question that men are encouraging the small group that is committed to picket tactics. As grown-ups encourage a forward child whose antics are plaguing other grown-ups so do men of otherwise discriminative intelligence encourage the banner bearers.

And despite an increasingly fine balance of judgment on the part of editors and reporters, there is no question that the attitude of a part of the press is an encouragement. From the viewpoint of news a defy to the President of the United States, even flaunted on a pretty little purple and gold banner, is highly available "front-page stuff," and there is the gayest and friendliest of understandings between many newsmen and the banner bearers.

While we are placing the blame, therefore, let us divide it fairly and squarely—none at all to the suffrage cause, none to the organized suffragists who resent having that cause drawn into such fracases—and one part to the pickets who incite these ructions, one part to the press that spreads the story in the way most calculated to make a prolonged sensation of it, and one part to the public that thrills humanly over its own shocks.

It is a fact that there remains in America one man who has known exactly the right attitude to take and maintain toward the pickets. A whimsical smile, slightly puckered at the roots by a sense of the ridiculous, a polite bow—and for the rest a complete ignoring of their existence. He happens to be the man around whom the little whirlwind whirls, the President of the United States.

The National American Woman Suffrage Association respectfully urges the rest of the country to take example from him in its emotional reaction to the picket question.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT. The Chair is being flooded with postal cards in the nature of petitions which are identically the same, only they are signed by different people. One will be inserted in the RECORD and the other thousand will be referred to the committee.

The petitions were ordered to lie on the table, and one of them was ordered to be printed in the RECORD, as follows:

MILWAUKEE, WIS., *June 30, 1917.*

Hon. THOMAS MARSHALL, *Vice President.*

HONORED SIR: In behalf of 30 members of the Christian Endeavor Society of North Milwaukee, I respectfully ask you to inform the

United States Senate that we unanimously request them to support the prohibition clause of the food bill, without favor shown to beer, wine, or whisky. We ask the Senate to again show its real patriotism.

JOHN W. PARR.

The VICE PRESIDENT. The Chair lays before the Senate a telegram, which will be incorporated in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

SYRACUSE, N. Y., *June 27, 1917.*

UNITED STATES SENATE CHAMBER,
Washington, D. C.:

Organized labor here is not in favor of prohibition of beer, light wines in food bill. Your support would be appreciated.

STEAM ENGINEERS' UNION No. 11,
JOHN MCDONALD, *Secretary,*
118 East Newell Street.

The VICE PRESIDENT. The Chair lays before the Senate a telegram, which will be incorporated in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

MINERAL POINT, MO., *July 1, 1917.*

SENATE CHAMBER AND HOUSE OF REPRESENTATIVES,
Washington, D. C.:

The Methodist church here and congregation solicit your active support for a measure that will prohibit the manufacture of alcoholic liquors for beverage purpose for the period of present war.

J. T. SELF, *Pastor.*

The VICE PRESIDENT presented telegrams in the nature of petitions from the congregation of Asbury Methodist Episcopal Church, of Buffalo, N. Y., and from sundry citizens of California, praying for national prohibition, which were ordered to lie on the table.

He also presented a petition of the Federal Council of the Churches of Christ in America, praying for the exemption from taxation of bequests made to religious and charitable organizations, which was ordered to lie on the table.

Mr. GALLINGER presented petitions of E. J. Marsh and M. M. Marsh, of Concord; of Clarence E. Adams, Joseph H. Wells, David M. Boynton, M. B. Woodbury, and Frank Stone, of Lakeport; and of Franklin P. Rowell, of Newport, all in the State of New Hampshire, praying for national prohibition, which were ordered to lie on the table.

Mr. McLEAN presented memorials of sundry citizens of New Milford and New Haven, in the State of Connecticut, remonstrating against national prohibition, which were ordered to lie on the table.

He also presented a memorial of Cigar Makers' Local Union No. 39, of New Haven, Conn., remonstrating against the proposed increase in the tax on cigars, which was referred to the Committee on Finance.

He also presented petitions of the First Congregational Church of Branford, of the Methodist Church of West Haven, of the First Methodist Episcopal Church of Greenwich, of the Chamber of Commerce of Manchester, and of sundry citizens of Hartford, West Hartford, Danbury, Middletown, and Cornwall, all in the State of Connecticut, praying for national prohibition, which were ordered to lie on the table.

Mr. NELSON presented petitions of the Civilians' Auxiliary of Excelsior; of sundry citizens of St. Cloud, Minneapolis, Sauk Center, Two Harbors, Worthington, St. Paul, Hastings, Brewster, Aitken, Mankato, Marshall, Glenwood, Duluth, and Douglas County; and of the State Conference of the Swedish Baptist Church held at Alexandria, all in the State of Minnesota, praying for national prohibition, which were ordered to lie on the table.

Mr. POMERENE. I have received a large number of letters in the nature of petitions from manufacturers, merchants, and professional men of my State, asking for the adoption of national prohibition and giving their reasons therefor. I ask that the letters be received and appropriately referred.

The VICE PRESIDENT. The letters will lie on the table.

Mr. POMERENE. I have also received a number of letters from ministers in my State requesting the adoption of national prohibition for moral reasons and for the conservation of food, which I ask to have received and appropriately referred.

The VICE PRESIDENT. The letters will lie on the table.

Mr. POMERENE presented petitions of the Hathaway Bible Class of the First Methodist Episcopal Church of Warren; of the Coalbrook Sunday School, of Neffs; of the Wittenberg Bible Class, of Bellefontaine; of the Congregational Church of Dover Center; of the First Presbytery of Ohio of the United Presbyterian Church; of the United Presbyterian Church of Jamestown; of the Methodist Episcopal Sunday School of Gettysburg; of the Madison County Sunday School Association, of London; of the congregation of the Methodist Episcopal Church of Flushing; of the East Zion Sabbath School, of Greenville; of the Union Sunday Schools of Darke County; of the Union Christian Endeavor Society of Decatur; of the Waterhouse Sunday School, of Ansonia; of the Champion Township Bible School Association, of Trumbull County; of the Grand River Association of Congregational Churches; of the Ministerial Association of Xenia; of the Men's Bible Class of the Presbyterian Church of Frankfort; of the United Brethren Sunday School of Heistand Chapel; of the West Grove Christian Sunday School, of Arcanum; of the Teegarden Sunday School Class, of Ansonia; of the Union Township Sunday School Convention, of Hebron; of the Ministerial Association of Bellaire; of the First Methodist Sunday School of Canton; of the Presbyterian Church of Coshocton; of the Presbytery of Philadelphia; of the Methodist Episcopal Church of Versailles; of the Woodington Sunday School, of Darke County; of the Presbytery of Maumee of Presbyterian Churches; of the First United Presbyterian Church of New Concord; of 26 churches of the Puritan Association of Congregational Churches of Ohio; of the First Presbyterian Sunday School of Sebring; of the Men's Class of Trinity Methodist Episcopal Church, of Sandusky; of the Men's Bible Class of Indianola Methodist Episcopal Church, of Columbus; of the Ministerial Association of Alliance; of the First Presbyterian Church of Alliance; of the East Market Reformed Church, of Akron; of the Woman's Home Missionary Society of the Walnut Street Methodist Episcopal Church, of Chillicothe; of the Yearly Meeting of the Religious Society of Friends, of Philadelphia, Pa.; of the South High Street Methodist Episcopal Church, of Columbus; of the Presbytery of Steubenville of Presbyterian Churches; of the First Presbyterian Sabbath School of Greenville; of the First Brethren Church of Dayton; of the Defiance College Church, of Defiance; of the Calvary Lutheran Church, of Springfield; of the Trinity Methodist Episcopal Sunday School, of Youngstown; of the Methodist Episcopal Church of St. Clairville; of the Trinity Methodist Church, of Youngstown; of the Northeast Ohio Conference of Methodist Episcopal Churches of Canton District; of the Presbyterian Church of Clarkson; of the First Methodist Episcopal Church of Bridgeport; of the Board of Social Service Province of the Midwest of the Episcopal Church for Ohio, Indiana, Illinois, Wisconsin, and Michigan; of the United Presbyterian Church, the Methodist Episcopal Church, the Presbyterian Church, the Dickerson Methodist Episcopal Church, the Crabapple Presbyterian Church, and Rankin Methodist Episcopal Church, of New Athens; of the Men's Bible Class of the Church of Christ, of Utica; of the Pleasant Valley Sabbath School, of Union City; of the Presbyterian Ministerial Association of Wheeling; of the Vaughn Class of the Calvary Baptist Sunday School, of Washington, D. C.; of the Ministerial Association of Ashland; of the Presbyterian Sunday School of Holgate; of the First Presbyterian Church of Nelsonville; of the Men's Bible Class of Indianola; of the Methodist Episcopal Church of Columbus; of the Church of Christ, of Hebron; of the Congregation of the First Congregational Church of Painesville; of the West Congregational Church, of Akron; of the Universalist Sunday School of New Madison; of the Methodist Episcopal Sunday School of Rossburg; of the Coletown Christian Sunday School, of Greenville; of the Sunday School of the Church of the Brethren of Pitsburg; of the Protestant churches of Mechanicsburg; of the Methodist Episcopal Sunday School of Gordon; of the First Congregational Church of Fairport Harbor; of the First United Presbyterian Church of East Liverpool; of the Methodist Episcopal Church of Dresden; of the Methodist Episcopal Church of Ansonia; of the Collingwood Avenue Presbyterian Sabbath School, of Toledo; of the Grace Reformed Church, of Akron; of the Presbyterian Church of Hopedale; of the Lake Township Sunday School Association, of Wood County; of the United Brethren Sunday School of Rossburg; of the St. Paul Reformed Sunday School, of Greenville; of the Federation of Churches of Toledo; of the Protestant churches of Wellington; of the Church of the Brethren of Southern Ohio; of the Busy Men's Bible Class of the Grace Methodist Episcopal Church, of Piqua; of the First Presbyterian Church of Ashtabula; of the Church of Christ of Greenville; of the First Presbyterian Church of Defiance; of the First Lutheran Church and the St. Johns Lutheran Church, of Leipsic; of the First Christian Church of Leipsic; of the First United Brethren Church of Greenville; of the First Presbyterian Sunday School and congregation of Napoleon; of the First Methodist Church of Fremont; of the First Presbyterian Church of Fremont; of the Methodist Episcopal Church of Madisonville; of the Champion Sunday School Association, of Warren; of the Methodist Episcopal Church of Greenville; of the Trinity Methodist Church, of Xenia; of the Rosewood Presbyterian Church, of Toledo; of the Democratic Dry Federation of Ohio; of the Shelby County Dry Organization; of the Intercollegiate Prohibition League, of Cedarville College; of the Wyoming Woman's Club; of the Consumers' League of Cincinnati; of the Central Woman's

Christian Temperance Union, of Cincinnati; of the Sovinto Temperance Society, of Ashtabula; of the Ohio Christian Endeavor Union; of the League of Christian Women of Cincinnati; of sundry citizens of Columbiana County; of the Board of Temperance, Prohibition, and Public Morals of the Methodist Episcopal Church of Washington, D. C.; of the Young People's Civil League of Chicago, Ill.; of the Intercollegiate Prohibition Association of Antioch College, of Yellow Springs; of sundry citizens of West Salem; of sundry citizens of Sabina; of sundry citizens of Tuscarawas County; of the Delaware County War Conservancy Committee of Fifteen; of the Commercial Exchange of Uhrichsville; of the Women's Clubs of Cook County, Ill.; of Local Union of Carpenters of Cambridge; of Gen. Putnam Council, Junior Order United American Mechanics, of Dennison; of the Knights of Pythias of Uhrichsville; of the faculty of Heidelberg University, of Tiffin; of the faculty of Case School of Applied Science, of Cleveland; of the faculty of Baldwin-Wallace College, of Berea; of the students of Baldwin-Wallace College, of Berea; of the faculty of Kenyon College, of Gambier; of the faculty of the College of Wooster, of Wooster; of the faculty of the College of Liberal Arts of Miami University, of Oxford; of the Chamber of Commerce of East Liverpool; of the Woman's Christian Temperance Union of Wooster; of the Woman's Christian Temperance Union of Sandusky County; of the Woman's Christian Temperance Union of Alliance; of the Woman's Christian Temperance Union of Akron; of the Woman's Christian Temperance Union of Madisonville; of the Woman's Christian Temperance Union of Madison County; of the Woman's Christian Temperance Union of Guernsey County; of the Woman's Christian Temperance Union of Norwalk; of the Woman's Christian Temperance Union of Roscoe; of the Woman's Christian Temperance Union of Cook; of the Woman's Christian Temperance Union of Woodsfield; of the Woman's Christian Temperance Union of Lore City; of the Woman's Christian Temperance Union of Oxford; of the Woman's Christian Temperance Union of Leonardburg; of the Woman's Christian Temperance Union of Toledo; of the Woman's Christian Temperance Union of South Solon; of the Woman's Christian Temperance Union of Coshocton County; and of the Woman's Christian Temperance Union of Fremont, all in the State of Ohio, praying for national prohibition as a measure for food conservation, which were ordered to lie on the table.

Mr. PAGE presented a telegram in the nature of a petition from sundry citizens of Newbury, Vt., praying for the passage of the so-called food-control bill, which was ordered to lie on the table.

Mr. TOWNSEND presented a petition of sundry citizens of Ann Arbor, Mich., and a petition of sundry citizens of the eighth district of the Michigan Christian Endeavor Society, praying for national prohibition as a war measure, which were ordered to lie on the table.

Mr. PHELAN presented a petition of the economic staff of the Leland Stanford Junior University, Palo Alto, Cal., praying that taxation in preference to loans be imposed for financing the war, which was referred to the Committee on Finance.

COLUMBIA RIVER IMPROVEMENT (S. DOC. NO. 57).

Mr. FLETCHER. I ask unanimous consent to have printed as a Senate document the report of the War Department on the Columbia River. It is important, because the committee are considering the river and harbor bill and we have to refer to it as a document. It will save a great deal of time and trouble if we may have it printed as a Senate document. It is very short.

Mr. SMOOT. I did not hear what the report contains.

Mr. FLETCHER. It is the report of the Chief of Engineers, United States Army, on the survey of the Columbia River, a report made to the Senate Committee on Commerce. I ask to have it printed as a document, because we have to refer to it as a document in the consideration of the bill.

Mr. SMOOT. The Senator wants to have a thousand copies printed?

Mr. FLETCHER. No.

Mr. SMOOT. The Senator has a right to have a thousand copies printed for the use of the committee.

Mr. FLETCHER. The committee can print it, but it does not become a document and take a number when printed by the committee. It has to be referred to in the act, and therefore it ought to be made a House document or a Senate document. If printed by the committee, that would be an ample supply, but it would not be official as a document.

Mr. SMOOT. But I thought if printed for the use of the committee a thousand copies would be sufficient.

Mr. FLETCHER. It is not only for the use of the committee, but it is for reference in the act itself, so that the document can become official and be referred to in the act.

The VICE PRESIDENT. Is there objection to the request of the Senator from Florida? The Chair hears none, and it is so ordered.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHEPPARD:

A bill (S. 2545) to amend an act entitled "An act relating to the liability of common carriers by railroad to their employees in certain cases," approved April 22, 1908; to the Committee on Interstate Commerce.

A bill (S. 2546) amending an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes," by reducing mileage from 20 cents to 5 cents per mile; to the Committee on Appropriations.

A bill (S. 2547) authorizing the payment of damages to persons for injuries inflicted by Mexican federal or insurgent troops within the United States during the insurrection in Mexico in 1911, and making appropriation therefor, and for other purposes; to the Committee on Foreign Relations.

CONSERVATION OF FOOD AND FUEL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

Mr. CHAMBERLAIN. Mr. President, I rise to a question of personal privilege, and by way of preface to the statement I desire to make I ask that the Secretary read a news item in the Washington Post of Monday, July 2. I have indicated the matter I desire to have read.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

The threat contained in the statement issued yesterday by the Anti-Saloon League of America that it would renew the fight for "bone-dry" prohibition at the first favorable opportunity, regardless of the President's appeal to their patriotism, may react upon that organization and greatly lessen the influence it has wielded for years at both ends of the Capitol.

There was talk yesterday of having the Senate special lobby committee, which is still in existence, enter into a thorough investigation of this lobby, for the purpose of disclosing its campaign methods and the sources of its revenue, which, it is said, must be of unusual proportions, to carry on the elaborate campaigns and propaganda with which the league is constantly busy.

ELUDE LOBBYISTS FOR ONCE.

The committee representing this league has always had ready access to committee rooms, even when members were conferring on legislation. The subcommittee of the Committee on Agriculture, which was preparing the prohibition amendment to the food bill, ordinarily would have met in the committee room yesterday. Instead, however, Senator CHAMBERLAIN invited the subcommittee to his residence. Senator CHAMBERLAIN'S telephone is not "listed," and for the first time in history the Anti-Saloon League was not able to summon members of a committee to the telephone or call them outside the committee room for a "conference."

Mr. CHAMBERLAIN. Mr. President, the article in question does an injustice to the committee, to me, and to the Anti-Saloon League. There was no sort of foundation for it. As a matter of fact, what occurred was as follows: Mr. Hoover, accompanied by Judge Lindsley, who advises with him on the legal aspects of the food bill, came to see me Saturday morning just before the convening of the Senate to discuss a few proposed amendments to the bill. It was so near the hour of convening the Senate that I requested them to come up to the office Sunday morning, and promised them I would endeavor to have the members of the Agricultural Committee present so that the proposed amendments might be discussed by them.

I submitted the matter of Mr. Hoover's request to the members of the committee, and they subscribed to the following agreement:

We, members of the Committee on Agriculture and Forestry, will meet informally with Mr. Hoover Sunday morning at 10 o'clock in the Military Affairs Committee room of the Senate to discuss with him certain features of the food-regulation bill.

GEORGE E. CHAMBERLAIN.	A. J. GRONNA.
WILLIAM H. THOMPSON.	JAMES H. BRADY.
T. P. GORE.	WILLIAM S. KENYON.
MORRIS SHEPPARD.	G. W. NORRIS.
HOKE SMITH.	JOHN B. KENDRICK.
E. D. SMITH.	JOSEPH E. RANSDELL.
ED. S. JOHNSON.	F. E. WARREN.

I believe the agreement was signed by every member of the committee to whom it was presented.

In pursuance of the request of the committee, a meeting was held in the Military Affairs Committee room at 10 o'clock. Mr. Hoover was present, and Judge Lindsley as well, and the proposed amendments were discussed.

There was no reason for holding the meeting in the Military Affairs Committee room except that it was the coolest place around the Capitol. There was no meeting at my residence, and no attempt was made to have the committee or any subcommittee meet anywhere except at the Military Affairs Committee room. The newspaper reporters knew my telephone number; the chairman of the Committee on Agriculture knew when the meeting was to be held and was there himself.

I make this statement because there was no effort on the part of the Anti-Saloon League or anybody representing them to appear before the committee, and nobody was asked or requested to be present except Mr. Hoover and Judge Lindsley; nor was any effort made at any time by any representative of the Anti-Saloon League to meet with the committee.

Mr. President, as indicating the attitude both of the President and the Anti-Saloon League, so far as I know anything about it, I am going to ask to have read into the RECORD a letter from the President of the United States to Dr. James Cannon, jr., chairman of the legislative committee of the Anti-Saloon League of America, and also the reply of Dr. Cannon; Mr. Baker, general superintendent of the Anti-Saloon League; Rev. Edwin C. Dinwiddie, legislative superintendent; Mr. Arthur Barton; and Mr. Wayne B. Wheeler in response to the letter of the President.

I will say, Mr. President, that I do not remember ever having met any of these gentlemen except Mr. Dinwiddie, and he has always treated me with the greatest courtesy and consideration, and has never attempted to intrude his presence upon me either as a member of the Agricultural Committee or in any other way. I think the article in question does all these distinguished gentlemen very great injustice. I ask that the letters to which I have referred may be read.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

JUNE 29, 1917.

MY DEAR DR. CANNON:

I am very glad to respond to the request of Senator MARTIN, the Democratic floor leader in the Senate, that I give your legislative committee an expression of my opinion with regard to the wisest and most patriotic policy to be purposed toward the food-administration legislation now pending in the Congress. I regard the immediate passage of the bill as of vital consequence to the safety and defense of the Nation. Time is of the essence; and yet it has become evident that heated and protracted debate will delay the passage of the bill indefinitely if the provisions affecting the manufacture of beer and wines are retained and insisted upon. In these circumstances I have not hesitated to say to Members of the Senate who have been kind enough to consult me that it would undoubtedly be in the public interest in this very critical matter if the friends of those provisions should consent to their elimination from the present measure. Feeling that your committee is actuated by the same pratriotic motives which inspire me, I am confident that these considerations will seem to you, as they seem to me, to be imperative.

With much respect, sincerely, yours,

WOODROW WILSON.

Rev. JAMES CANNON, Jr., D. D.,
Chairman Legislative Committee Anti-Saloon League of America.

JUNE 30, 1917.

To the PRESIDENT,
The White House, Washington, D. C.:

We have earnestly considered the statement in your letter of yesterday to the legislative committee of the Anti-Saloon League of America, that in the face of the present food crisis you are greatly concerned lest the early passage of the food administration legislation now pending in Congress be jeopardized by a heated and protracted debate upon certain sections of the bill relating to the manufacture of foodstuffs into intoxicating liquors.

We are aware of the threats made by the friends of beer and wine in the Senate of an indefinite and protracted filibuster against those provisions of the bill. We beg to assure you that as patriotic Americans, determined to uphold you as Commander in Chief of the Army and Navy in the present war, we will not for our constituence offer any obstruction to the prompt passage of the food-control bill.

Of course we can not presume to indicate to Members of Congress what action they should take in view of this request from the President of the United States. They will doubtless act in accordance with their convictions of duty.

We are glad to note that your request applies only to the pending food-administration legislation. It will be our purpose to urge the passage of legislation prohibiting the waste of foodstuffs in the manufacture of beer and wines, at the earliest possible date, either in the form of a separate bill or in connection with other war legislation.

We assure you of our purpose as patriotic American citizens to cooperate in every possible way in the winning of the great war in which our Nation is engaged.

Sincerely and respectfully, yours,

P. A. BAKER,
General Superintendent.
EDWIN C. DINWIDDIE,
Legislative Superintendent.
JAMES CANNON, JR.,
ARTHUR BARTON,
WAYNE B. WHEELER.
Legislative Committee.

Mr. CHAMBERLAIN. Mr. President, in pursuance of the call of the members of the committee for the meeting yesterday, the committee met and discussed some of the proposed amendments, and adjourned to meet again this morning at 10 o'clock. The amendments which were suggested by the committee will be reported to the Senate in due course. The committee, not by unanimous consent, but by a majority of the members present, have agreed upon a substitute for the liquor provision in the bill. I desire at this time to have it read into the RECORD so that Senators may know what has been done with respect to it.

Mr. VARDAMAN. May I ask the Senator in charge of the bill if he knows whether or not the President made the request of the patriotic Senators who opposed this prohibition feature of the bill to withdraw their opposition in order that the bill might pass.

Mr. CHAMBERLAIN. Mr. President, the foregoing letter contains all I know about the President's views. I have not had any communication with or from him on the subject, and the letter which has just been read covers all I know about his views. I ask that the proposed amendment be read.

The VICE PRESIDENT. The Secretary will read it.

The Secretary read as follows:

SEC. 12. That it shall be unlawful for any person, firm, or corporation to use any foods, food materials, or feeds in the manufacture of distilled spirits for beverage purposes. (b) Whenever the President shall find that limitation, regulation, or prohibition of the use of foods, food materials, or feeds in the production of vinous, malt, or fermented liquors, or that reduction of the alcoholic content of any such liquors is essential, in order to assure an adequate and continuous supply of food or feed, he is authorized, from time to time, to prescribe and give public notice of the extent of the limitation, regulation, prohibition, or reduction so necessitated. Whenever such notice shall have been given and shall remain unrevoked, no person shall, after a reasonable time, which shall be prescribed in such notice, use any foods, food materials, or feeds in the production of such vinous, malt, or fermented liquors except in accordance with the limitations, regulations, and prohibitions prescribed in such notice, or to produce any such liquors having an alcoholic content in excess of the amount prescribed therefor in such notice. When the question arises as to whether any particular product is suitable for food or feed, the question shall be determined by the President and his determination shall be conclusive for the purposes of this section. (c) Except as otherwise herein provided, the Commissioner of Internal Revenue shall be charged with the administration of this section, and he is authorized, with the approval of the President, to require the taking out of such permits, the keeping of such records, the execution of such bonds, and the observance of such rules and regulations as may be necessary and proper for the execution of the same. (d) Any person who willfully violates this section shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding $5,000 or by imprisonment for not more than two years, or both.

Mr. VARDAMAN. Mr. President, I wish to ask permission out of order, and I think it is pertinent at this time, to have a telegram read, addressed to me from the Anti-Saloon League of Mississippi, and my reply thereto.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

JACKSON, MISS., *July 1, 1917.*

Senator J. K. VARDAMAN,
Washington, D. C.:

We are depending on you to do your best for a bone-dry war measure. Do not exempt beer and wine.

MISSISSIPPI ANTI-SALOON LEAGUE,
Per T. J. BAILEY, *Superintendent.*

WASHINGTON, D. C., *July 1, 1917.*

Rev. T. J. BAILEY,
Superintendent Anti-Saloon League, Jackson, Miss.:

Your telegram received.

The good old ship *Prohibition*, heavily loaded with the hopes of millions of consecrated women and men for Nation-wide prohibition, sailing with fair winds and good prospects to the port of victory, was submarined day before yesterday by the President of the United States. It is now lying on the bottom beneath about 40 fathoms of beer and wine, with one whole side knocked out. I am afraid some of the officers of the crew deserted before it went down. Will do my best to save the wreck. But it is my deliberate judgment that no power on earth except the people can raise it.

JAMES K. VARDAMAN.

Mr. CHAMBERLAIN. Mr. President, the unfinished business before the Senate has been pretty generally discussed. I do not know of any Senator who desires to make a set speech on the bill, and in the hope that we may be able to reach an early vote on it, and in line with the suggestion which was made last Friday, I now submit the following unanimous-consent agreement. Before suggesting the absence of a quorum in order to have it submitted I thought if there was opposition to it such opposition might be indicated by some Senator.

The VICE PRESIDENT. The proposed unanimous-consent agreement will be read.

The Secretary read as follows:

It is agreed by unanimous consent that at not later than 5 o'clock p. m., on the calendar day of Tuesday, July 3, 1917, the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment that may be offered, and upon the bill H. R. 4961, a bill to provide further for the national security and

defense, etc., through the regular parliamentary stages to its final disposition; and that during said day, Tuesday, July 3, 1917, no Senator shall speak more than once or longer than 10 minutes upon the bill, or more than once or longer than 5 minutes upon any amendment offered thereto.

Mr. PENROSE. I object to any unanimous-consent agreement on the bill at the present time.

Mr. CHAMBERLAIN. May I ask if the Senator will suggest a time that will suit?

Mr. PENROSE. A little later, perhaps, after the Fourth of July we may be able to come to an agreement, but there are a number of very important amendments pending to the bill, and I personally am not willing to agree to a time to vote on the measure until they can be discussed a little.

Mr. CHAMBERLAIN. May I ask——

Mr. PENROSE. It is not a question of the bill alone; it is a question of the number of amendments.

Mr. CHAMBERLAIN. Would the Senator from Pennsylvania be willing to consent to fixing a later date, say, the 5th or 6th of July?

Mr. PENROSE. I am not willing this morning to agree to fixing any date for a vote.

Mr. CHAMBERLAIN. May I ask the Senator, would he be willing to limit debate?

Mr. PENROSE. I would not, Mr. President.

Mr. CHAMBERLAIN. Mr. President, it is quite essential that this bill be disposed of as soon as possible, for we all realize its importance. I do hope that the Senator from Pennsylvania will shortly agree to a time when we can dispose of the bill.

Mr. PENROSE. Well, I will, perhaps. Mr. President, of course, it is needless for me to say that I have no desire to delay the bill, but it is a very important measure. The bill itself is harmless compared with some of the amendments which are pending and which will have to be discussed. I hope the Senator from Oregon will bring up his request to-morrow or after the 4th of July.

Mr. CHAMBERLAIN. Mr. President, I think the Senate ought to continue the consideration of this bill through the 4th of July.

Mr. PENROSE. All right; that suits me. Of course there will not be a vote on the 4th of July, for there will hardly be a quorum here on that day.

Mr. CHAMBERLAIN. Well, there may be.

Mr. CURTIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Kansas?

Mr. CHAMBERLAIN. I do.

Mr. CURTIS. It is very important that this bill be acted upon as soon as possible and I ask the Senator in charge of the bill if it would not be possible to call up amendments that would cause debate and have them first disposed of? There are only a few such amendments.

Mr. STONE. Mr. President, I can not hear what the Senator from Kansas is saying, because there is so much confusion around me.

Mr. CURTIS. I ask the Senator in charge of the bill, the Senator from Oregon [Mr. CHAMBERLAIN], if it would not be possible to arrange for the consideration of the contested amendments? There are only a few such amendments.

Mr. CHAMBERLAIN. The order of business now is the reading of the bill for committee amendments. I should like to have that proceeded with, or we might pass over contested amendments and dispose of those about which there is no contest.

Mr. CURTIS. I understand the objection is not so much to committee amendments as to some amendments which are pending, which have been offered by individual Senators.

Mr. CHAMBERLAIN. I hope the reading of the bill will be resumed for committee amendments. Let us dispose of those in regular order. If there are any about which there is likely to be a great deal of discussion, they may be temporarily passed over; and we could, I think, adopt a great many amendments which have been reported to the bill.

Mr. STONE. Mr. President, I understand that the order under which we are proceeding is to the effect that committee amendments shall first be considered. I have an amendment which I shall desire to offer later; and, if the Senator in charge of the bill does not object, I should like to present it now, in order that it may appear in the RECORD, be printed, and laid on the desks of Senators for their consideration before it can be reached.

The VICE PRESIDENT. That may be done.

Mr. CHAMBERLAIN. Now, Mr. President, I request that we proceed with the reading of the bill for committee amendments.

Mr. STONE. I ask that the amendment which I have submitted be read before we proceed as suggested by the Senator from Oregon.

The VICE PRESIDENT. The Secretary will read the amendment proposed by the Senator from Missouri.

The SECRETARY. It is proposed to insert at the proper place in the bill a new section, as follows:

SEC. —. The sum of $2,000,000 is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, to aid in the support and proper maintenance of educational sanitariums or other like institutions organized for the care and industrial education of soldiers and sailors of the United States who have been crippled or disabled as a result of injuries received in the line of duty. The President is hereby authorized and empowered to distribute said funds, hereby appropriated, to such sanitariums or other like institutions in such amounts and in such manner as in his judgment will best promote the purposes for which this appropriation is made.

The VICE PRESIDENT. The amendment proposed by the Senator from Missouri will be printed and lie on the table.

Mr. KNOX. I send to the desk and ask to have printed a proposed amendment to the pending bill.

The VICE PRESIDENT. The amendment will lie on the table and be printed.

Mr. GORE. I desire to give notice of an amendment which I intend to offer, and I ask that it be printed without reading and lie on the table.

The VICE PRESIDENT. That action will be taken.

Mr. CALDER. I desire to give notice of my intention to offer an amendment to section 3 of the bill, which I desire to have printed and laid on the table, to be offered when the proper time arrives.

The VICE PRESIDENT. Without objection, that order will be taken.

The question is on the amendment of the committee as amended.

Mr. WADSWORTH. Mr. President, I understood the other day, when we were considering the first section of the bill, that amendments to the committee amendments were in order, and I was about to offer an amendment when an executive session was moved and taken. I desire to offer the amendment now, and I ask the attention of the Senator who is in charge of the bill. The point at which I offer the amendment will be found at the bottom of page 1, in the last line, line 9, where "petroleum and its products" are proposed to be brought under the purview of this legislation. It is well known that petroleum is used in the manufacture of a great many articles which have no relation whatsoever to the purposes of this bill. For instance, "petroleum and its products" include medicines, candles, cosmetics, and various other preparations. I therefore move to amend the bill, on page 1, line 9, by inserting after the word "its," at the bottom of the page, the word "fuel," so that it will read "including petroleum and its fuel products."

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from New York to the amendment of the committee.

Mr. REED. Mr. President, is this a committee amendment which has just been offered? There is so much confusion in the Chamber that I could not hear what was proposed to be done.

Mr. WADSWORTH. This is not a committee amendment. I am seeking to amend a committee amendment, because the committee amendment, in my humble judgment, reaches an absurdity.

Mr. FLETCHER. Will the Senator from New York state the page and line where he proposes the amendment?

Mr. WADSWORTH. I propose an amendment on page 1, in the last line on that page, line 9.

Mr. FLETCHER. What is the proposed amendment?

Mr. McKELLAR. Will the Senator from New York state his proposed amendment?

Mr. WADSWORTH. I move to amend, on line 9, page 1, after the word "its," by inserting the word "fuel," so that it will read "including petroleum and its fuel products," on the assumption that it is not the intention of Congress to take control over the manufacture and distribution of cosmetics, medicines, candles, and a host of other by-products.

Mr. REED. Mr. President, would not that exclude from the control of the bill oils that are ordinarily used in mechanical processes and for mechanical purposes?

Mr. WADSWORTH. Does the Senator mean lubricating oils?

Mr. REED. Yes.

Mr. WADSWORTH. I think it would; and I am averse to having them included. I think the matter of lubricating oils is one which does not need regulation by the Congress of the United States. I understood that the word "petroleum" was put in there in order to reach fuel oils and gasoline, and I want it limited to that purpose.

Mr. REED. Well, Mr. President, of course the great question is whether any of these things ought to be put in; but if any of them should be put in, I can not see why the axle grease used by the farmer on his wagon and machinery, the ordinary lubricating oils, and other similar products of petroleum, ought to be excluded merely because there are included some other products like cosmetics, that the Senator referred to. I think he used that word.

Mr. CHAMBERLAIN. Let me suggest to the Senator from Missouri, how would it do to insert the word "fuel," as suggested by the Senator from New York, and to add the words "power-producing and lubricating"? That would cover the items that the Senator desires to have limited to certain kinds of oil that are being used, as the Senator from Missouri suggests.

Mr. REED. I think the suggestion made by the Senator from Oregon would cure the defect I have mentioned. Of course, I understand perfectly well that any representative of the great State of New York could not well tolerate the passage of a bill that would limit the price of anything entering into cosmetics, but I hope the Senator will allow us to have a limitation upon oils used in machinery. Seriously speaking, I understand the purpose of the Senator, and it is probably a very wise one, unless we go to the extent of saying that the price of one thing being controlled, we must control the price of everything, or substantially everything. However, with the amendment suggested by the Senator from Oregon, who is in charge of the bill, to the amendment, I would have no objection, if that is agreeable to the Senator from New York.

Mr. WADSWORTH. Mr. President, I think that the catalogue of articles here is too extensive, and it was my purpose to limit to some reasonable boundaries the jurisdiction the Government is to have over these articles. Certainly the amendment suggested by the Senator from Oregon is preferable to the committee amendment as it is now written, and I shall not raise any further objection. I do think, however, it is stretching things too far to regulate the production and distribution of axle grease.

Mr. SHAFROTH. Mr. President, I should like to ask the Senator a question. I am not familiar with the various products that are made from petroleum; and, inasmuch as the Senator has, no doubt, examined into the question pretty thoroughly and knows what the limitation would be, I should like to ask him what products would be excluded by the insertion of the word "fuel"? In other words, what products of petroleum are there other than fuel products?

Mr. WADSWORTH. Mr. President, I understand that petroleum or its by-products go into the manufacture of medicine. I am quite sure also that they go into the manufacture of candles. I know that some preparations of petroleum are used for binding material on highways. There are various other products; I can not catalogue them all, but it certainly can not be the intention of Congress to go into such minute details as these.

Mr. SHAFROTH. I thought the Senator had in mind some particular product that he thought ought not to be included, and that he would enumerate them so that we could better pass upon the question according to our judgment.

Mr. WADSWORTH. I have endeavored already to enumerate those which came to my attention and my memory. My idea was that the Congress really intended to control the distribution of fuel, such as gasoline and fuel oils. If it wants to add lubricating oils, very well; I think it is going too far; but I accept the suggestion of the Senator from Oregon.

Mr. NELSON. Mr. President, I have no doubt at all that lubricating oil ought to be included. That commodity is used to a very large extent by our farmers in connection with the operation of their agricultural machinery, binders, reapers, and all that; and there is as much reason for controlling lubricating oils as there is for controlling fuel oils. I am very glad that the Senator from New York has accepted the amendment suggested by the Senator from Oregon.

I want to state further to the Senator from Colorado that a great many medicinal preparations are derived from petroleum and its by-products. I can recall several medicinal preparations which are prepared and derived directly from this substance. For instance, there is a remedy which is called sulphonal, which is administered to bring sleep to a patient who is unable to sleep. That preparation is made of petroleum, and there are a great number of other medicines into the composition of which petroleum in one form or another enters.

Mr. SHAFROTH. I desired to obtain information concerning the amendment. It is very dangerous to insert a word limiting the application of the bill in connection with so great a product as petroleum. I wanted to know what products would be excluded by inserting the word "fuel" before the word "products." If there are other uses for this material which should not be included under the bill, as the Senator from Minnesota indicates, especially those of a medicinal nature, I can not see why the limitation should not be made; but the proposition of inserting a word or two without having any consideration of the matter or without having the committee pass upon it, or, perhaps, having experts pass upon it, is somewhat dangerous. Therefore I made the inquiry.

Mr. NELSON. Mr. President, I wish to say further to the Senator from Colorado that many dyestuff preparations are derived from petroleum. It is used not only in medicinal preparations but to a great extent in the making of dyestuffs.

Mr. SHAFROTH. It would be very well to except them from the scope of the bill.

Mr. GORE. Mr. President, I should like to say that there are some 140 products of petroleum, and they cover a great range.

Mr. REED. Mr. President, if the Senator will pardon me, I desire to ask him if nearly all of those by-products of petroleum are not important articles of necessity, ranging from the component parts of medicines to materials employed in the arts and in the industries?

Mr. GORE. Of course, some of the products are undoubtedly indispensable necessities or necessaries, but they would vary in their degree of necessity or desirability. I presume, possibly, cosmetics would not be included in that category, but undoubtedly power-producing products would be, and perhaps others.

Mr. REED. Are not these by-products used in the production of dyestuffs?

Mr. GORE. They are; yes, sir.

Mr. REED. Undoubtedly.

Mr. GORE. Parafine is a by-product; and a great many things are made of parafine.

Mr. SHAFROTH. Mr. President, before the Senator from Oklahoma takes his seat I should like to ask him whether in this list of 140 by-products of petroleum there are any products which are the subjects now of a trust, in the sale of which exorbitant prices are charged, or in connection with which perhaps agreements to limit production have been made?

Mr. GORE. Undoubtedly some of these products, and perhaps all in a way, have been subject to the control of the Standard Oil Trust. I think that is a matter of judicial decision. Undoubtedly those who control the oil industry have control of these by-products. Some of them are of little consequence, while others are of primary importance.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Tennessee?

Mr. GORE. Yes.

Mr. McKELLAR. I want to ask this question: If it is wise to give the Government control of the greater part of this industry, which is practically all controlled by one general organization, does the Senator know of any good reason why we should not give the Government control of all of its products?

Mr. GORE. Mr. President, that is a mere matter of policy as to how expansive this bill and the control instituted in pursuance of this bill are to be made. Of course, if it is made universal, these things ought to be included. Some of them, as I have said, are primary necessaries beyond any doubt, such as petroleum, gasoline, and perhaps kerosene. There are four products of particular importance resulting from petroleum.

The VICE PRESIDENT. The Secretary will state the amendment to the amendment as it now stands.

The SECRETARY. On page 1, line 9, after the word "its," it is proposed to insert the words "fuel, power-producing, and lubricating," so that it will read:

Including petroleum and its fuel, power-producing, and lubricating products.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New York as modified to the committee amendment. [Putting the question.] The ayes seem to have it.

Mr. REED. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. KELLOGG (when his name was called). I am paired with the senior Senator from North Carolina [Mr. SIMMONS] and therefore withhold my vote.

Mr. UNDERWOOD (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. HARDING]. As he is absent, I withhold my vote.

The roll call was concluded.

Mr. TILLMAN. I transfer my pair with the senior Senator from West Virginia [Mr. GOFF] to the junior Senator from Oklahoma [Mr. OWEN] and vote "nay."

Mr. BECKHAM. I wish to announce that my colleague [Mr. JAMES] is absent on important business. I will let this announcement stand for the day.

Mr. FLETCHER. I have a general pair with the senior Senator from New Hampshire [Mr. GALLINGER]. I transfer that pair to the junior Senator from Illinois [Mr. LEWIS] and vote "nay."

Mr. LODGE. I wish to announce that my colleague [Mr. WEEKS] is absent on important business. He has a general pair with the senior Senator from Kentucky [Mr. JAMES].

Mr. TOWNSEND. I wish to announce the absence of my colleague [Mr. SMITH of Michigan] and his pair with the junior Senator from Missouri [Mr. REED]. This announcement may stand for the day.

Mr. CURTIS. I have a general pair with the junior Senator from Georgia [Mr. HARDWICK]. As he is absent, I withhold my vote.

Mr. SUTHERLAND. I desire to announce the absence of my colleague, the senior Senator from West Virginia [Mr. GOFF], on account of illness, and will let this announcement stand for the day. My colleague has a general pair with the senior Senator from South Carolina [Mr. TILLMAN].

Mr. REED (after having voted in the negative). I neglected to announce my pair with the senior Senator from Michigan [Mr. SMITH]. I transfer that pair to the senior Senator from New Jersey [Mr. HUGHES] and will let my vote stand, and on all votes for to-day I announce the same transfer of my pair.

Mr. WATSON (after having voted in the affirmative). I am paired with the junior Senator from Delaware [Mr. WOLCOTT]. As that Senator has not voted, I therefore withdraw my vote.

Mr. CURTIS. I desire to announce that the Senator from Rhode Island [Mr. COLT] is paired with the Senator from Delaware [Mr. SAULSBURY].

Mr. GERRY. I desire to announce that the Senator from Delaware [Mr. SAULSBURY] is detained on important public business; and also that the Senator from Arkansas [Mr. ROBINSON] is detained on official business. I ask that this announcement may stand for the day.

Mr. THOMPSON. I desire to announce that the junior Senator from Delaware [Mr. WOLCOTT] is detained on official business.

The result was announced—yeas 25, nays 46, as follows:

YEAS—25.

Brady	Frelinghuysen	Knox	Smoot
Brandegee	Gore	Lodge	Sterling
Broussard	Hale	McLean	Sutherland
Calder	Johnson, Cal.	New	Wadsworth
Cummins	Johnson, S. Dak.	Norris	
Dillingham	Jones, N. Mex.	Page	
France	Kendrick	Sherman	

NAYS—46.

Ashurst	Jones, Wash.	Phelan	Stone
Bankhead	Kenyon	Pittman	Swanson
Beckham	King	Poindexter	Thompson
Borah	Kirby	Pomerene	Tillman
Chamberlain	La Follette	Ransdell	Townsend
Culberson	McCumber	Reed	Trammell
Fernald	McKellar	Shafroth	Vardaman
Fletcher	McNary	Sheppard	Walsh
Gerry	Martin	Shields	Warren
Gronna	Myers	Smith, Ga.	Williams
Hollis	Nelson	Smith, Md.	
Husting	Overman	Smith, S. C.	

NOT VOTING—25.

Colt	Hitchcock	Penrose	Underwood
Curtis	Hughes	Robinson	Watson
Fall	James	Saulsbury	Weeks
Gallinger	Kellogg	Simmons	Wolcott
Goff	Lewis	Smith, Ariz.	
Harding	Newlands	Smith, Mich.	
Hardwick	Owen	Thomas	

So Mr. WADSWORTH's amendment to the amendment of the committee was rejected.

Mr. CUMMINS. Mr. President, I move to amend the committee amendment by adding, after the word "lumber," in line 3, page 2, the words "or the joint product or products of two or more of said materials."

I may suggest that the people of the country are really more interested in the joint products, for instance, of steel and lumber, than they are in steel as a separate material or lumber as a separate material. The committee has attempted to take care of a large class of these joint products by the use of the words "farm implements and machinery," but it is quite evident that farm implements and machinery do not embrace a very large list of very important products, and it is to supply that omission that I have offered the amendment.

The VICE PRESIDENT. The Senator from Iowa offers an amendment to the committee amendment, which will be stated.

The SECRETARY. On page 2, line 3, in the committee amendment, after the word "lumber," it is proposed to insert "or the joint product or products of two or more of the said materials."

Mr. STONE. Mr. President, I can understand what the Senator means in so far as his amendment refers to steel, for example, but, with my limited knowledge, I do not understand just what he means by the joint products of lumber.

Mr. CUMMINS. I can easily see how the Senator could not understand that, but the amendment does not provide for the joint product of lumber. It provides for the joint product of two or more of these materials. It would take lumber and something else to make two.

The VICE PRESIDENT. The question is on the amendment of the Senator from Iowa to the amendment of the committee.

Mr CUMMINS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. KELLOGG (when his name was called). I announce my pair with the senior Senator from North Carolina [Mr. SIMMONS] and withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. In his absence I transfer that pair to the junior Senator from Arizona [Mr. SMITH] and vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the senior Senator from West Virginia [Mr. GOFF] to the senior Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

Mr. WATSON (when his name was called). Because of the absence of my pair, the junior Senator from Delaware [Mr. WOLCOTT], I withhold my vote.

Mr. WILLIAMS (when his name was called). Upon the last vote I voted by inadvertence, thinking that the Senator from Pennsylvania [Mr. PENROSE], with whom I have a pair, was present. Of course, under the rules of the Senate I can not withdraw the vote that I then cast, but I wanted to explain it. Upon this vote I transfer the pair with the senior Senator from Pennsylvania to the senior Senator from Nevada [Mr. NEWLANDS] and vote "nay."

The roll call was concluded.

Mr. FLETCHER. I transfer my pair with the senior Senator from New Hampshire [Mr. GALLINGER] to the senior Senator from Illinois [Mr. LEWIS] and vote "nay."

Mr. CURTIS. I transfer my pair with the junior Senator from Georgia [Mr. HARDWICK] to the senior Senator from New Mexico [Mr. FALL] and vote "yea."

The result was announced—yeas 50, nays 20, as follows:

YEAS—50

Ashurst	Gronna	Lodge	Smith, S. C.
Beckham	Hale	McKellar	Smoot
Borah	Harding	McLean	Stone
Brady	Husting	McNary	Sutherland
Brandegee	Johnson, Cal.	Myers	Swanson
Broussard	Johnson, S. Dak.	Nelson	Thompson
Calder	Jones, N. Mex.	Owen	Tillman
Culberson	Jones, Wash.	Poindexter	Townsend
Cummins	Kendrick	Reed	Trammell
Curtis	Kenyon	Shafroth	Underwood
France	King	Sheppard	Vardaman
Frelinghuysen	Kirby	Sherman	
Gore	La Follette	Shields	

NAYS—20.

Bankhead	Hollis	Page	Sterling
Chamberlain	Knox	Pomerene	Thomas
Dillingham	Martin	Ransdell	Wadsworth
Fletcher	New	Robinson	Warren
Gerry	Norris	Smith, Md.	Williams

NOT VOTING—26.

Colt	Hughes	Penrose	Smith, Mich.
Fall	James	Phelan	Walsh
Fernald	Kellogg	Pittman	Watson
Gallinger	Lewis	Saulsbury	Weeks
Goff	McCumber	Simmons	Wolcott
Hardwick	Newlands	Smith, Ariz.	
Hitchcock	Overman	Smith, Ga.	

So Mr. CUMMINS's amendment to the amendment of the committee was agreed to.

The VICE PRESIDENT. The question recurs on the amendment of the committee as amended.

Mr. BRANDEGEE. Mr. President, I move that a comma be inserted after the word "jute" on line 2, page 2 of the bill, and then that the word "cotton" be inserted, so that it will read "hemp, jute, cotton, sisal, and their products."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. Page 2, line 2, in the committee amendment after the word "jute" insert a comma and the word "cotton."

Mr. WADSWORTH. Do I understand that the amendment by inserting the word "cotton" would involve the Government in attempting to regulate the production and distribution of cotton clothing?

Mr. BRANDEGEE. I understand it would give the Government power to regulate anything made of cotton and cotton itself just as much as it regulates the other products.

I will say, Mr. President, that I move this amendment in part owing to the statement made by the Senator from Florida the other day, who called our attention to the fact that the cotton crop would be a short crop in all probability this year, and that the price was quite high. I can hardly imagine an article which is more necessary to the successful conduct of the war than cotton and its products, because it lies at the base of the manufacture of high explosives and no article is more universally used for clothing, tents, uniforms, and all sorts of military equipment than cotton.

Of course if the bill was simply to handle the food question, and had been confined to handling the food question, I would not offer the amendment, but inasmuch as the Senate in its wisdom has seen fit to include containers of food, and petroleum and its products, steel and iron and their products, copper and its products, lead, timber, lumber, farm implements, machinery and fertilizers, I can see no valid distinction and no line of demarcation that would allow us to exclude cotton.

I have offered to include cotton. I think wool also ought to go in perhaps, but I thought perhaps there would be a better chance by offering these articles separately.

Mr. POMERENE. Would the Senator include goat hair also?

Mr. BRANDEGEE. I do not know much about goats. The Senator from Ohio can offer that amendment if he desires.

Mr. CHAMBERLAIN. Mr. President, I hope the Senate will not add cotton to the commodities which have been included in the bill. The committee went the limit in undertaking to comply with the demands of Senators on the floor that the word "necessaries" ought to be defined in some way. The committee included those things which were essential to the production of crops in this country and did not go any further than that. It was not particularly a war measure except in that it was the purpose to assist and aid in the production and distribution of the commodities which enter into the life of the people. I do not think the bill ought to be extended. If we start to extend it, it will fall of its own weight.

Mr. KING. Mr. President——

The PRESIDING OFFICER (Mr. HOLLIS in the chair). Does the Senator from Oregon yield to the Senator from Utah?

Mr. CHAMBERLAIN. Certainly.

Mr. KING. I should like to ask the Senator in charge of the bill, Is there not as much necessity, indeed is there not a greater necessity, for including cotton and wool than including copper? Cotton and wool are indispensable to clothing the Army, and clothing the people for that matter. We all know that there have been enormous profits, indeed there has been profiteering in the control of the wool and the cotton products of the country. It seems to me if there is any wisdom, any necessity, any argument in favor of putting lead and copper under the control of the Government, there is as much necessity and as great a reason, if not a greater one, to place wool and cotton under the control of the Government. I should like to ask the chairman of the committee if he will kindly answer why the committee placed copper upon the list and why they did not include cotton and wool?

Mr. CHAMBERLAIN. Mr. President, I am not prepared to disagree entirely with the view of the Senator from Utah that possibly cotton and wool are just as essential as are copper and some of the other commodities mentioned in the bill. I think myself that some could be eliminated. I think it would be better by a process of elimination to exclude all and go back to the original words employed in the bill and use the term "necessaries used for the production of food products." But the committee in its wisdom saw fit to add these items, and some of them thought they were acting in direct accord with the wishes of the Senate as expressed in the discussion here. However, Mr. President, I think the bill has extended these commodities as far as they ought to be extended, and possibly too far, and I do not think anything else ought to be added to it. I think it would be very much better to exclude rather than to add to the terms now contained in the bill.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Connecticut [Mr. BRANDEGEE] to the amendment of the committee.

Mr. BRANDEGEE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceded to call the roll.

Mr. FLETCHER (when his name was called). Making the same announcement as to my transfer as before, I vote "yea."

Mr. WATSON (when his name was called). In the absence of my pair, the junior Senator from Delaware [Mr. WOLCOTT], I withhold my vote.

The roll call was concluded.

Mr. CURTIS. Making the same announcement of my pair and transfer as on the previous vote, I vote "yea."

Mr. THOMAS. Making the same transfer as before, I vote "yea."

Mr. VARDAMAN. Has the junior Senator from Idaho [Mr. BRADY] voted?

The PRESIDING OFFICER. He has not.

Mr. VARDAMAN. I have a general pair with that Senator and withhold my vote. If at liberty to vote I would vote "nay."

Mr. DILLINGHAM. May I inquire if the senior Senator from Maryland [Mr. SMITH] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. DILLINGHAM. I withhold my vote, having a general pair with that Senator.

Mr. UNDERWOOD (after having voted in the affirmative). I have a general pair with the junior Senator from Ohio [Mr. HARDING]. He is absent from the Chamber on this roll call. I transfer my pair to the junior Senator from Louisiana [Mr. BROUSSARD] and allow my vote to stand.

The result was announced—yeas 43, nays 23, as follows:

YEAS—43.

Bankhead	Gronna	Knox	Reed
Beckham	Hale	Lodge	Sheppard
Brandegee	Harding	McLean	Sherman
Calder	Husting	McNary	Shields
Cummins	Johnson, Cal.	Myers	Smoot
Curtis	Johnson, S. Dak.	Nelson	Sutherland
Fernald	Jones, Wash.	New	Thompson
Fletcher	Kellogg	Newlands	Townsend
France	Kendrick	Norris	Underwood
Frelinghuysen	Kenyon	Page	Warren
Gerry	King	Penrose	

NAYS—23.

Chamberlain	Averman	Shafroth	Thomas
Gore	Pittman	Simmons	Tillman
Hollis	Poindexter	Smith, Ga.	Trammell
Kirby	Pomerene	Smith, S. C.	Wadsworth
McKellar	Ransdell	Sterling	Williams
Martin	Robinson	Swanson	

NOT VOTING—30.

Ashurst	Gallinger	Lewis	Stone
Borah	Goff	McCumber	Vardaman
Brady	Hardwick	Owen	Walsh
Broussard	Hitchcock	Phelan	Watson
Colt	Hughes	Saulsbury	Weeks
Culberson	James	Smith, Ariz.	Wolcott
Dillingham	Jones, N. Mex.	Smith, Md.	
Fall	La Follette	Smith, Mich.	

So Mr. BRANDEGEE's amendment to the amendment was agreed to.

Mr. BANKHEAD. I move to amend by adding after the word copper, page 2, line 2, a comma and the word "wool."

The PRESIDING OFFICER. The question is on the amendment of the Senator from Alabama to the amendment of the committee.

Mr. ROBINSON. Mr. President, it is apparent that there is just as much reason for including in the bill wool and its products as there is cotton and its products. There are two ways of defeating legislation. One of them is by openly opposing it, voting it down directly; the other is by loading it with impracticable amendments so that nobody will want it.

Mr. President, I wish to state in making this observation I do not refer to the Senator from Alabama. I have already stated that if cotton and its products should be in the bill wool and its products might likewise upon the same basis go into it.

Mr. BANKHEAD. Cotton is already in.

Mr. ROBINSON. Cotton is already in the bill, but I want to point out to the friends of the measure, if it has any friends here, that there is danger of destroying it by putting so many amendments upon the bill that it can not become operative, so that its enforcement will occasion annoyance and inconvenience to the public without corresponding benefits.

This measure is presented as necessary to the successful conduct of the war by our Government.

The primary purpose of this legislation as it was originally proposed was to protect the Government and the public against exhorbitant prices primarily of products that are indispensable to the conduct of the war. Now, it seems that the policy of some Senators is to make the terms of the bill so comprehensive that there will be a control of the price of almost every product. If Congress thinks that is the thing to do, if the advocates of this legislation believe it is proper to so broaden it, it may be right to support this amendment.

Mr. SMITH of Georgia. Does it include wool and its products?

Mr. BANKHEAD. I leave out the words "its products."

Mr. ROBINSON. Because "its products" are included in the language already adopted.

Mr. President, the purpose of this food-control bill is a great one and a good one. The American people are for it, in my judgment, and Congress is for it, but you can destroy this measure by loading it with amendments, making it so top-heavy that it can not be operated at all.

Is it the purpose of the Senate to provide a control of the price of everything? If so, then let us say so in general terms; that would be the sensible thing to do.

I want to resent statements that I have heard on the floor here around me, made by Senators, "Oh, you put in one thing; now, to retaliate, let us put in something else." I have heard the imputation made around me on the floor in the last few minutes that Senators were voting against putting cotton into the bill because it is a southern product, and that other Senators were voting against putting wool in because it is a western product and is produced in districts which western Senators represent. I hope there is no one in the Senate who could be moved by a motive of that sort.

You are, however, destroying this bill; you are making Congress appear absurd and ridiculous. The American people are already criticizing from every quarter of this country the United States Senate for the manner in which we have dealt with this bill, or rather, have failed to deal with it. God have mercy on you if you continue the course of delay that has been followed here during the last two weeks. If you are for this bill, stand for it; if you are against it, vote against it; but do not try to lond it down.

Mr. BANKHEAD. Mr. President, I voted to include cotton in the provisions of this bill; I could see no good reason why cotton should be exempted because it is a product of my section of the country, when we are including every other essential which is necessary to the prosecution of the war. We have included wheat; we have included nearly all other agricultural products, and cotton is just as essential and just as necessary to the successful prosecution of the war as is either wheat or meat.

Mr. ROBINSON. Will the Senator from Alabama yield for a question?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Arkansas?

Mr. BANKHEAD. Yes.

Mr. ROBINSON. Does the Senator from Alabama also think that leather and its products should be included?

Mr. BANKHEAD. I do; and I am going to move that they be included.

Mr. ROBINSON. Let me ask the Senator another question: Does the Senator think that this bill should embrace all the articles which are useful and necessary in the conduct of the war?

Mr. BANKHEAD. Well, I would not say "all," but I should say the principal ones, those that are absolutely necessary to the successful conduct of the war.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Idaho?

Mr. BANKHEAD. I yield to the Senator from Idaho, if he desires to ask me a question.

Mr. BORAH. Will the Senator from Alabama permit me to make a suggestion?

Mr. BANKHEAD. I will.

Mr. BORAH. A few days ago I offered an amendment to this bill authorizing the Federal Trade Commission to fix prices, naming certain articles, but permitting the President to designate from time to time such other articles as to which he deemed it essential to have the price fixed. It seems to me, if I may be permitted to say so at this time, that it would be better to have some tribunal which can be called upon to fix prices in case it is necessary to fix prices of the articles than to undertake to incorporate everything in this bill.

I agree with the Senator from Alabama that unless we have some price-fixing tribunal, which can be called upon when the emergency arises to fix prices, there is no reason why cotton and wool should not be included in this bill, because they are both essential, in my judgment, and should be controlled; but it does occur to me that instead of undertaking to insert everything in this bill we ought to create a price-fixing tribunal, which can be called upon from time to time as the emergency arises, to fix prices upon the things which the Government will need or which it may be necessary to fix the prices on because of the high prices being charged the people.

Mr. BANKHEAD. Mr. President, I should not object to the suggestion of the Senator from Idaho; but I assume that the article of cotton will be controlled by the same regulations and under the same regulations that all these other essential products are, whatever they may be. Cotton is a product of my section of the country; it is our chief product, just as wheat is the chief product of some other sections of the country, and as wool is the chief product of some other sections of the country, all of which are absolutely necessary to the successful prosecution of the war. You can not make munitions, you can not make explosives, and there are a great many other things that you can not successfully manufacture without the use of cotton. That being true, I can see no reason why cotton should not be included as one of the products to be included in the bill. I can certainly see no reason why wool also should not be included. I hope that my amendment may be adopted.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Alabama to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. SMOOT. In line 2, page 2, after the first word, "products," I move to insert the words "hides, skins."

The PRESIDING OFFICER. The amendment proposed by the Senator from Utah will be stated.

The SECRETARY. On page 2, line 2, after the first word, "products," it is proposed to insert "hides, skins."

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Utah to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. BRANDEGEE. Mr. President, I desire to suggest, simply in the interest of simplicity of construction, that we can strike out in two places the words "and their products," and string these enumerated articles together in this form:

Steel, iron, copper, hemp, jute, cotton, wool, hides, skins, sisal, and their products.

Mr. REED. Before we come to that, I think, if the Senator from Connecticut will withhold that amendment, which is merely a matter of form more than of substance——

Mr. BRANDEGEE. Yes; it is only a suggestion.

The PRESIDING OFFICER. The Senator from Connecticut withdraws his amendment for the present at the request of the Senator from Missouri. The Senator from Missouri is recognized.

Mr. REED. I move to insert, on page 2, line 1, after the words "copper and its products," in the committee amendment, the words "aluminum and its products."

Mr. President, if there is any amendment that ought to be adopted to this bill, I think it is the one I have offered. If there is anything that ought to be included in the bill as an original proposition, it is the one I have offered. I hold in my hand a transcript of the testimony of Mr. Davis, given before the Committee on Foreign Affairs of the House of Representatives on June 6, 1917.

Mr. Davis appears in the list of the cooperative committees of the Council of National Defense, which was put into the RECORD by the Senator from Nevada [Mr. NEWLANDS]. On page 61 of the document, which was published on the request of the Senator from Nevada, we find—and I should like to call the attention of the Senate to this—that the cooperative committee on aluminum is composed of—

Arthur V. Davis, president Aluminum Co. of America, Pittsburgh, Pa., chairman; E. E. Allyne, president Aluminum Castings Co., Cleveland, Ohio; Joseph A. Janney, jr., Morris Building, Philadelphia, Pa. (partner in Janney, Steinmetz & Co.).

This is the advisory or cooperative committee of the Council of National Defense which is to deal with the subject of aluminum for the Government or on behalf of the Government of the United States. I shall not take the time of the Senate to read this testimony, but I shall make some statements with reference to it and invite the attention of Senators to the record iself in order that they may, if they desire, either challenge or verify what I am about to say.

It appears that Mr. Davis is the president of the Aluminum Co. of America; that there are a number of subsidiary companies, but all of them are controlled by the one parent company. It further appears that this company controls absolutely the aluminum business of the United States; that there is no competition whatsover from abroad at this time; that it has at least one branch in Canada; and it is stated by some, though I do not assert it as shown by this record, that the company practically controls the aluminum business of the world. I do not state that, however, as a fact.

Mr. PENROSE. Mr. President, will the Senator permit me just a suggestion there?

Mr. REED. I will.

Mr. PENROSE. The Senator is entirely correct in his statement; but he ought to go a little further. Not only do they control it but they created the business and made aluminum commercially possible to the people of the United States and of civilization.

Mr. REED. Suppose we admit that, what I am saying about these gentlemen is not in the form of an attack; it is in the form of a statement of facts.

Mr. PENROSE. They are not ordinary monopolists, because they are the creators of the industry.

Mr. REED. Well, possibly. So it might almost be said that John D. Rockefeller was the creator of the oil industry.

This company, according to the testimony, is capitalized at $26,000,000, but an examination of the evidence will show that its entire primary investment was $1,000,000. An examination of the evidence of Mr. Davis further will show that last year they made a profit of $20,000,000. So it appears now that this great necessity, which must be used in the conduct of this war, which is second perhaps in importance to the two products, steel and copper, is under the complete domination and control of one corporation, and it further appears that that corporation is represented upon the Council of National Defense by its president and by other officers of the company.

Mr. BORAH. Mr. President——

Mr. REED. I yield to the Senator from Idaho.

Mr. BORAH. Mr. President, an examination of the subcommittees and advisory committees of the Council of National Defense will show that what the Senator is stating with reference to this particular product is substantially true of practically all of the commodities which it will be essential to use in this war; in other words, the subcommittees represent the products which are essential for the Government to have at some time if the war is to be carried on at all.

Mr. GORE. Mr. President——

Mr. BORAH. Excuse me just a moment. That being true, could anything be more evident than that we must have somewhere in this machinery an impartial, uncontrolled price-fixing tribunal? I have suggested the Federal Trade Commission, but so many Senators have objected to the Federal Trade Commission for one reason or another—generally one reason—that perhaps it will be necessary to substitute some other tribunal. I am not partial to the Federal Trade Commission, and have no particular desire to load upon it any unnecessary duties in addition to those which it already has to perform; but some impartial price-fixing tribunal ought to be created. If that is not true, we are going to have from the beginning of the war to its close a condition under which it will appear to the public that those who are interested in the articles are fixing their own price upon the articles which they are selling to the Government.

Mr. REED. Mr. President, the statement of the Senator is exceedingly interesting, but I desire to complete my statement with reference to the Aluminum Co.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Oklahoma?

Mr. REED. I do.

Mr. GORE. I rose a moment ago to ask the Senator from Idaho [Mr. BORAH], and I should now like to ask him or the Senator from Missouri whether this instance in relation to Mr. Davis is mentioned as typical of the advisory board and its purchasing committees or as unique?

Mr. REED. Mr. President, I was dealing with the case in hand. The case in hand is my motion to include aluminum and its products. I was calling attention to the condition with reference to aluminum and its products. I am sticking to my case; but since the Senator invites me out of the record, I might say that, of course, it is indisputable that practically all the big trusts and monopolies have mobilized in the Munsey Building, and while the boys from the farms, the factories, and the banking houses in all parts of the country are being mobilized in military camps to be later sent to the trenches in foreign lands these gentlemen, who control products which the Government must use, are making contracts for their own use, enrichment, and benefit, the particular evidence of which I am now about to submit with reference to the aluminum company, finding the evidence in the open statement of the president of that company.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Washington?

Mr. REED. I do.

Mr. POINDEXTER. Have these committees of business men in the Munsey Building, to whom the Senator refers, any legal power to make Government contracts?

Mr. REED. Not in the least.

Mr. POINDEXTER. My purpose in asking that question is to emphasize what seems to me to be the fact—that if they are allowed to make Government contracts, having no authority of law to do so, the responsibility for the abuses that would grow out of such a manifestly improper situation rests upon the heads of the various executive departments of the Government in whom rests the legal power and the legal responsibility for these matters.

Mr. REED. Mr. President, lest the statement I made a moment ago might be misconstrued, let me say that when I state that these men are making contracts for their own benefit I do not mean that they actually sign the contract on behalf of the Government. I mean that they have an inside advantage. I mean that their recommendations are largely taken by those who do have authority to sign. I mean that a condition of facts has been created by which these men are practically placed in control.

Mr. POINDEXTER and Mr. VARDAMAN addressed the Chair.

Mr. REED. If the Senators will bear with me——

Mr. VARDAMAN. I just wanted to call the attention of the Senator from Missouri, with the permission of the Senator from Washington, to an editorial in the Washington Post of this morning, bearing upon this very question.

Mr. REED. Will the Senator withhold it until I have concluded my statement, and then put it in?

Mr. VARDAMAN. I shall be glad to; but I just want in this connection to say that I have not words in which to express my admiration and commendation of the stand that Secretary Baker has taken to prevent just the thing that the Senator from Missouri is animadverting upon.

Mr. KING. Mr. President, if the Senator will pardon me, I hope he will include also Secretary Daniels.

Mr. VARDAMAN. Well, this is an editorial commending Mr. Secretary Baker's position. But I thank the able Senator from Utah for the suggestion. It is a pleasure always to me to commend official efficiency and fidelity to duty in public station. Many things in the administration of Mr. Secretary Daniels have occurred to challenge my admiration and command approval.

Mr. REED. I desire to have it in; but for the sake of continuity I should like to dispose of this aluminum case just at this moment.

I call attention—and I shall be as brief as I possibly can—to a statement of Mr. Davis's, made during his examination as a witness. Remember, Mr. Davis is the president of the Aluminum Co. Mr. Rogers is asking the questions:

> What percentage of the total production of aluminum in the United States is attributable to your company?
>
> Mr. DAVIS. All of it. We are the only manufacturers of aluminum in the United States.

Again, at page 14 of the transcript, after describing what aluminum is, that it comes from a product named bauxite, Mr. Davis states:

> When the war broke out about 40 per cent, on an average, of the aluminum consumption of this country was imported, being manufactured by foreign competitors. This importation was substantially cut off, and we realized that our facilities would not be sufficient to supply the normal consumption of this country, for naturally we had only plant enough to supply the trade which we had been able to take away in competition from the foreign people. Fortunately, however, we were just about bringing into operation a very considerable increase in our production, so that we have been enabled to take care very well of the domestic consumption of this country.

I read that in order that there may be no question but that the company controls the entire production—all that is sold.

A little later, on page 22 of the transcript, the statement is made that the Government itself can not secure aluminum except from this company. I read the question of Mr. Porter and the answer of Mr. Davis:

> Mr. PORTER. They—
>
> Meaning the Government—
>
> could not make the canteens without buying the aluminum from your company, could they?

And that is true also of every factory in the United States.

> Mr. DAVIS. No, sir.

Then the question is taken up of certain plants that are engaged in fabricating aluminum, and it transpires that they are controlled by this company; and Mr. Davis, speaking of that, says:

> I am not very familiar with the fabricating business; but we pursue the policy of selling to ourselves, as it were, and to all other makers at uniform prices; so that if we make a camping outfit we must sell such a camping outfit in competition with anybody else.
>
> Mr. PORTER. But they would have to buy their aluminum from you to make it, would they not?
>
> Mr. DAVIS. We sell to our company—our fabricating company—at the same price at which we sell to other people, and make our figures on that basis. As a matter of fact, our fabricating company's profits average, I think, about 14 per cent, which is no more than a fair manufacturing profit.

Mr. President, there is more testimony of this kind; and the fact will not be disputed that the company has an absolute monopoly of the business in the United States. Now, Mr. President, what has it been doing with the Government? There are

many places in the record to which I could refer if I wanted to take the time; but I call attention to page 17 of the transcript, in which this statement is made:

You will see, therefore, that the statement or impression that we are selling our product to the United States consumers at 60 cents a pound is as erroneous as such a statement could possibly be.

I am reading part of an answer, because I do not want to take time to read it all.

I might add in this connection that on the breaking out of the war between the United States and Germany we offered the entire Government requirements to the United States Government at the price of 27½ cents per pound, and we are delivering all the requirements of the United States at this price. This price was submitted to the National Council of Defense and was by them submitted to the Bureau of Ordnance, and I would refer you gentlemen to the records, which are open to your inspection, in which it is stated, first, by the Bureau of Ordnance to the munitions board that this price is satisfactory to them, and, second, the reply of the munitions board to the Bureau of Ordnance that they consider the price satisfactory. I might also say that we have been told by many people, either in the Council of National Defense or otherwise, that they consider the price eminently satisfactory under the circumstances. This price was arrived at by taking the average price for 10 years preceding the war, which was 25½ cents per pound, and adding thereto 2 cents per pound as a partial compensation for the increased cost of manufacturing under present conditions as compared with prewar conditions.

Now, that applies to the raw material, the raw aluminum, if I may use that term; but coming along a little further is this:

Mr. PORTER. Does your company control the companies that manufacture aluminum into various utensils?
Mr. DAVIS. Oh, no. We have facilities ourselves for manufacturing various things out of aluminum, but there are hundreds of companies that buy aluminum from us or else from European producers and make articles out of aluminum.
Mr. PORTER. Is the cost of making aluminum into utensils as great as that, for instance, of steel or tin plate?
Mr. DAVIS. It is about the same as would be the case in making a similar utensil out of brass or copper.
Mr. PORTER. Well, would that be greater or less than tin plate?
Mr. DAVIS. It would be greater.
Mr. PORTER. How much greater?
Mr. DAVIS. It is very difficult to answer that question in a general way, but perhaps twice as much.
Mr. PORTER. I have this in mind: What does a canteen weigh?
Mr. DAVIS. An ordinary canteen weighs a little over half a pound. We have an order for 1,000,000 canteens, or at least we are making 1,000,000 canteens, with the expectation of getting an order in due course of time.

I am sorry the Senator from Washington [Mr. POINDEXTER] went out, because this bears upon the particular way in which these contracts are made.

This witness says:

We have an order for 1,000,000 canteens, or at least we are making 1,000,000 canteens, with the expectation of getting an order in due course of time; but inasmuch as it was necessary for somebody to make canteens and take the risk, we volunteered to make the canteens, and presumably we will, in due course of time, receive an order for them.

Now, who doubts that he knows what he is doing?

Mr. LEWIS. Mr. President, may I interrupt the Senator? I did not hear at the beginning what was the proceeding before which this tesimony was given, and who is the witness testifying. May I trouble the Senator to let me know as to that?

Mr. REED. The witness is the president of the Aluminum Co. of America, Mr. Arthur V. Davis, testifying before the Committee on Foreign Affairs of the House of Representatives.

Mr. LEWIS. I thank the Senator.

Mr. REED. I continue reading:

In making these canteens we include the ingot aluminum at 27½ cents a pound and add the cost of fabrication—that is, first, of rolling the aluminum into sheets and afterwards of forming the sheets into canteens and furnishing the various accessories which go with them, the straps, and so on.
Mr. PORTER. I do not care for all of these details; I merely want the price to the Government.
Mr. DAVIS. I was going to say that this fabricating cost, which is added to the 27½ cents a pound, is something less than the fabricating cost at the Rock Island Arsenal.
Mr. PORTER. Well, I would like to know the price that you fix in the sales to the Government.
Mr. DAVIS. The price per canteen?
Mr. PORTER. Yes; or per dozen, or thousand, or gross, or however you sell them.
Mr. FINNEY. It is 91 cents, I think, with the cup.
Mr. DAVIS. I think it is 74 cents for the canteen and cup complete.
Mr. MILLER. Does that include the cover on the aluminum canteen—that is, the cloth cover?
Mr. DAVIS. No; these canteens are not covered.
Mr. PORTER. No; the cover comes from Europe, or did.
Mr. FINNEY. The cover is supplied by the Rock Island Arsenal.

And so on.

Then Mr. THOMAS F. SMITH says:

Is the price of 74 cents which you quote the price that prevails on an order of 1,000,000?
Mr. DAVIS. Yes.
Mr. THOMAS F. SMITH. That is the price on an order of 1,000,000?
Mr. DAVIS. Oh, yes.
Mr. THOMAS F. SMITH. You say you anticipate an order?
Mr. DAVIS. Yes; we have told the Government what we would make 1,000,000 canteens for.
Mr. THOMAS F. SMITH. And that is the price?
Mr. DAVIS. Yes; and that, as I say, is a price which the records at the Rock Island Arsenal will show it will be impossible for the Rock Island Arsenal to meet, even if they were given the aluminum at 27½ cents per pound.

And so forth. I omit some parts of this as immaterial at this time.

Mr. PORTER. They—

The Government—

could not make the canteens without buying the aluminum from your company, could they?
Mr. DAVIS. No, sir.

Then they take up the question of the Kensington plant, near Pittsburgh, and that turns out to be one of this company's plants. Then follows the testimony that I read first.

There follow descriptions of the methods of manufacturing and the place of manufacturing. The statement follows that they have a company called the Northern Aluminum Co., which operates in Canada, and which is owned by this same concern, and that that company is capitalized at $500,000. I read this question:

Mr. HUDDLESTON. Have you any subsidiary companies?
Mr. DAVIS. Oh, yes, sir; we have quite a number. Our various power companies are subsidiary companies, and we have one or two short railroads, and so on.
Mr. HUDDLESTON. Have you subsidiary manufacturing companies?
Mr. DAVIS. We have the United States Aluminum Co., which is the company to which I have referred as being our manufacturing company; that is the company which fabricates the aluminum into canteens and other such articles.

Then he is asked to put in a list of the subsidiary companies, and so forth.

Now I come to the question of capital:

Mr. HUDDLESTON. The total capitalization of your concern, with all of its subsidiaries, is $80,000,000, I believe you said?
Mr. DAVIS. No; I said the total investment of our company and its subsidiaries is $80,000,000.
Mr. HUDDLESTON. That includes all subsidiaries?
Mr. DAVIS. Yes.
Mr. HUDDLESTON. What distinction do you make between that and capitalization?
Mr. DAVIS. The capitalization is the authorized capital stock, which is $20,000,000.
Mr. HUDDLESTON. The balance represents securities outstanding, does it?
Mr. DAVIS. No, sir; the balance represents investments in plants, etc.
Mr. HUDDLESTON. Is that accounted for by surplus or by outstanding securities?
Mr. DAVIS. It is accounted for by surplus.
Mr. HUDDLESTON. Your concern has no outstanding bonds?
Mr. DAVIS. No, sir.

So that it appears now that this company, with $20,000,000 of capital, has, out of its earnings, increased its value to $80,000,000.

Mr. HUDDLESTON. How do you explain the fact that you have no competition in this business, which appears to be profitable?
Mr. DAVIS. Well, I have no explanation to offer, except the one which I have frequently offered, which is that we are making aluminum so good and so cheap that nobody else has ever gone into the business. There really is nothing to prevent anybody from going into the business.

Hurrying along, then comes in an investigation of where the company gets a lot of power for one of its plants, which it appears it obtains from Niagara Falls. I think that is immaterial here.

Mr. SABATH. What is the number of your stockholders?
Mr. DAVIS. I suppose 300.
Mr. SABATH. For the entire $80,000,000 of stock?
Mr. DAVIS. Yes, sir.
Mr. PORTER. Only $20,000,000 of stock.
Mr. DAVIS. The stock is closely held. The company is not a public company, listed on Wall Street, giving out its reports to the public, but it is the same as any other privately operated corporation, and it is for that reason I have suggested to the committee that they would, perhaps, excuse me from entering into details which after all do not affect the totals. I have given you a very accurate and clear conception of the totals. I think you will respect my position when you understand that acting on behalf of my associates I do not feel like giving up all of the inside facts to our foreign competitors. That is all it amounts to. If any of you gentlemen would like, I should be very glad to give you any facts and figures that you can ask for, but I prefer that they do not go into the record.
Mr. SABATH. Your stock is not quoted in Wall Street?
Mr. DAVIS. No, sir.
Mr. SABATH. Is it quoted on the curb?
Mr. DAVIS. No, sir.
Mr. SABATH. Has the stock been sold lately at all?
Mr. DAVIS. Only very minor sales among the inside people.
Mr. SABATH. Private sales?
Mr. DAVIS. Yes, sir.
Mr. PORTER. When was your company incorporated?
Mr. DAVIS. In 1888.
Mr. PORTER. With a capital stock of $20,000,000?
Mr. DAVIS. No, sir; our original capital stock was $1,000,000.
Mr. PORTER. When was it increased to $20,000,000?
Mr. DAVIS. It was increased by successive changes to $20,000,000.
Mr. PORTER. When was the last increase?
Mr. DAVIS. The last increase was in 1909.
Mr. PORTER. You say that your plants are now worth $80,000,000?
Mr. DAVIS. Yes, sir.
Mr. PORTER. The difference between the original capital of $20,000,000 and $80,000,000 represents surplus that has been expended in betterments, I presume?
Mr. DAVIS. Substantially.
Mr. SABATH. Are you taking it for granted that the difference between $1,000,000 and $20,000,000 has been paid in?

Mr. PORTER. I am coming to that. Originally, you had $1,000,000 capital stock?
Mr. DAVIS. Yes, sir.
Mr. PORTER. I assume that that was paid in in cash?
Mr. DAVIS. Yes, sir. I think there was some allowance for patents, but substantially it was paid in in cash.
Mr. PORTER. The next increase was what?
Mr. DAVIS. I believe the next increase was $600,000.
Mr. PORTER. Was that paid in in cash?
Mr. DAVIS Yes, sir.
Mr. PORTER. When was the next increase?
Mr. DAVIS. The next increase was several years after and consisted of an increase to $3,200,000.
Mr. PORTER. Did that represent cash?
Mr. DAVIS. One half cash and the other half was a stock dividend.

So it appears I was in error a while ago when I said $20,000,000 was being paid in. It had not been paid in. I read on:

Mr. PORTER. When was the next increase?
Mr. DAVIS. The next increase was in 1909.
Mr. PORTER. What did that represent?
Mr. DAVIS. A stock dividend.

So there was another stock dividend.

Mr. PORTER. What was the amount of that stock dividend?
Mr. DAVIS. Five hundred per cent.
Mr. PORTER. Could you estimate for me, in round figures, the actual amount of cash that has been invested in the $80,000,000 plants?
Mr. DAVIS. $80,000,000.
Mr. PORTER. I understood you to say that the properties were worth $80,000,000.
Mr. DAVIS. Yes, sir.
Mr. PORTER. With a capital stock of $20,000,000?
Mr. DAVIS. Yes, sir.
Mr. PORTER. How much cash does the $20,000,000 of stock represent?
Mr. DAVIS. $80,000,000.

Observe the way this man answers questions which are perfectly plain.

Mr. PORTER. The actual cash paid in, not money from the profits?
Mr. DAVIS. I suppose $3,000,000, or thereabouts.

So I was entirely wrong when I said, to begin with, that they had $20,000,000 of stock that represented capital. I had read the first part of that testimony hurriedly and had not followed it through. It appears that this company, according to the testimony of Mr. Davis, had only put into it about $3,000,000; that it made $20,000,000 last year; that it had accumulated property worth $80,000,000; that it is now contracting with the Government of the United States at an advance over the prices that it was charging last year; and that the man who is making the contract, to all intents and purposes, on behalf of the Government, and at the same time on behalf of his company, is Mr. Davis, who sits with the Council of Defense as an adviser, making both sides of a contract.

I do not care how you sugar coat that proposition, I do not care what may be said with reference to the patriotism of men who are engaged in undertaking to serve the country at this time, I say it can not be disputed that if this gentleman is to deal with the Government in the matter of aluminum, taking a contract for a million canteens at one time at a price of $740,000 for that one contract, it is incumbent upon him to entirely and completely sever his connections with the Council of Defense when it comes to dealing with that sort of a matter. A man can not make both sides of a contract.

I do not say this in bitterness or in rancor, I do not say it for the purpose of uttering a single harsh statement regarding Mr. Davis, but it is absolutely impossible as a proposition of law and of good morals that it should be permitted that any man should represent his business in dealing with the United States Government and represent the Government at the same time.

Mr. President, we have entertained the utmost respect for our judiciary. The English-speaking people as a race have always revered as much as men ought to be revered the judges of our courts, and this is true because the judges of our courts have always walked the high path of rectitude in the blazing sunlight and have never done aught, speaking of them as a class, to lower the confidence of the people in their integrity. Yet, sir, we write it into our laws, and in some cases we write it into our Constitution, that no judge of a court shall sit in a cause where he has any interest whatsoever save that interest which must be common to the entire public. He can not decide a case where a close relative is a litigant; he can not sit in judgment in any matter where the judgment is to affect his own financial condition.

If we say thus of our courts, what shall we say when it comes to dealing with the Government at a time like this? Is it possible, is it tolerable, that men shall sit in council and determine, first, how many canteens the Government needs; second, shall that same man then help to determine how many shall be purchased; and then shall that same man, as the seller, fix the price and, as the buyer, accept the proposition?

Of course, it will be said he does not actually make the bargain. Of course, it will be said that some officer of the Government has to actually sign the bargain. Of course, it will be said that other members of the Council of Defense similarly situated with reference to other transactions have supervision of the bargain. But that does not do away with the fact that no man has any right in morals, any right in law, any right in the court of men or in the forum of conscience to act for himself and for the people at the same time.

We have gone so far in this body as to adopt an amendment to our rules in substance providing that no Senator shall vote upon a question where any business in which he is concerned is directly interested.

Mr. President, it is no answer to say, as was said by the Senator from Pennsylvania, that this gentleman created the business of aluminum making. That is not the case. They may have done much to perfect it in this country, but they could not have done it all when 40 per cent was being sent to this country from Europe before the war.

Mr. BORAH. Mr. President——

Mr. REED. The Senator from Mississippi stated that he had an editorial he wanted to read. I think I ought to allow that to go in, and I will yield then to the Senator from Ohio.

Mr. VARDAMAN. If the Senator from Missouri will indulge me, I desire to say that the Secretary of War, Mr. Baker, in dealing with some of the extraordinary problems which have come to him in this emergency has manifested a disposition and exhibited qualities which command my very highest admiration. I am also especially pleased to find in the Washington Post of this morning an editorial which I am going, with the consent of the Senator from Missouri, to insert in the RECORD. It fits in with the tenor of the Senator's remarks and bolsters up the able arguments which the Senator has submitted, besides being the better expression of my own views on the subject under consideration. If I may further trespass upon the time of my generous friend, the Senator from Missouri, I want to say also that too often the metropolitan newspapers are inclined to condone any wrong or encourage and support any and everything which contributes to the interest of the rich few of this Republic, as against the interest of the masses. Coming upon this virile, patriotic editorial, sound in economics and perfect in morals, was like finding an oasis in the desert. I commend it to the Senate and to the American people and congratulate the Post. I shall read the editorial in full.

NO PROFITEERING!

Secretary Baker's letter to the director of the Council of National Defense, defining the limited powers of the council and its committees, and setting aside the attempt of a committee to fix the price of coal, comes at a very opportune time. The letter may do great good by stopping the development of a practice which could not end otherwise than in scandal to the administration and possible criminal prosecution of many prominent men.

The members of the council and its committees are able men, and no doubt most of them are individually patriotic. The system under which they are working, however, lends itself to favoritism, overcharge, and graft. Men who have not been conspicuous for patriotism or common honesty have wormed their way into the inner councils of some of these committees, and their successful attempts to throw contracts to themselves and their friends will cast discredit upon the whole organization.

It goes without saying that men interested in contracts can not give disinterested advice to the Government on such contracts; yet that is what has been attempted under the Council of National Defense. It is supposed that the advice is given for pure patriotism, while the contract is taken for pure business. The mixture of patriotism and profiteering is inherently bad. Either the men advising the Government must keep their hands off contracts, or their advice must be discarded as interested. Secretary Lane's inspiring appeal to the patriotism of business men is as true as it is eloquent, and they would do well to study it.

The business men of the United States can mend this dangerous mingling of patriotism and profiteering before it becomes worse. If they do not mend it, the Government and the people will mend it. It appears to a certain type of business man a fine thing to corkscrew extortionate prices out of the Government by pretending to give unselfish and patriotic advice. But it is not a shrewd thing to do. The men guilty of it will find their reputations gone, their families disgraced, and themselves lucky to escape jail if an outraged public, mourning the loss of American lads at the front, discovers that tricksters in Washington have made traffic of their blood.

There must be no profiteering. It is in the nature of treason.

Mr. President, I pause for a moment to say that if the dross of sin were extracted from the spirits of the lost since Adam's disobedience to the present time and put into the hands of Infinity, I do not believe a more consummate scoundrel could be fashioned into the form of man than the miserable creature who would take advantage of this emergency to rob and plunder the Government of the United States and betray the people in the name of patriotism. Such a monster would disgrace the penitentiary and dishonor the stripes of a felon. But I will continue:

The people will not tolerate it. It flourishes only where the people are kept in ignorance.

The tendency of the committees under the Council of National Defense to take the law into their own hands deserves the immediate and stern attention of the President. These committees have no executive powers, yet they are trying to dictate the placing of contracts, often to their

own members, through the binding power of "advice." The result is confusion and an open avenue for the entrance of graft.

The Washington Post has often pointed out the inadequacy of the Council of National Defense. It now appears that the council and its committees must be called to account for illegal action. The system of contracts and purchases by committees is evidently unequal to the needs of the Government. If it is deemed unwise at this time to create a department of munitions, as other nations have done, it is at least time to put a curb upon the tendencies of certain committees to award contracts to their own members and to fix prices without warrant of law. It is better that the War and Navy Departments should struggle along without the advice of the Council of National Defense and its swarms of patriotic committees if this advice must be accompanied by favoritism, illegal price fixing, and attempts to throw contracts to men on the "inside," who pose as patriots, giving their services to the Nation free of charge.

Mr. BORAH. I should like to ask the Senator from Mississippi if the Council of National Defense is a voluntary organization.

Mr. VARDAMAN. I rather think it is. Is it not? I will be glad to have the Senator from Oregon answer the question.

Mr. WATSON. I will say——

The PRESIDING OFFICER. The Senator from Missouri has the floor. To whom does he yield?

Mr. REED. I have yielded to the Senator from Mississippi.

Mr. VARDAMAN. It is my impression that it is a volunteer organization.

Mr. BORAH. That editorial would lead one to believe that it was a voluntary organization. My understanding is that these men have been called here from their several walks of life and appointed to this position.

Mr. VARDAMAN. To serve without pay.

Mr. BORAH. To serve without pay.

Mr. VARDAMAN. I mean pay from the Government direct.

Mr. BORAH. Of course I agree perfectly with the proposition which has been advanced by the Senator from Missouri, and which is advanced by the Senator from Mississippi, that the man who has the property to sell should not fix the price upon which he is going to sell it to the Government; that it is an impossible situation; but it is not fair to say that these men have volunteered or that they have wormed themselves into this service.

Mr. VARDAMAN. I do not think the Senator will disagree to the proposition that it is improper for these men, if they are called, to accept the call to perform a sacred trust and then profit by it.

Mr. BORAH. Precisely; but it comes back to the proposition which was in my mind when I offered this amendment a few days ago. These men have the products which the Government must have in order to run this war. They have the several articles which it is necessary for the Government to buy. Now, how are you going to fix that price and pass upon the charges which they are permitted to make without scandal both to the Government and attack upon the men unless you have an impartial tribunal to fix the price of these articles?

Mr. VARDAMAN. I do not think it is possible to do it. The Senator's ideas are correct.

Mr. BORAH. Of course it is not. Mr. President, the situation, which is an unfortunate one, and which, I agree with the Senator, is an intolerable one, arises out of the fact that these men have been called here for counsel and as advisers without having a tribunal, which is an impartial tribunal, to stand between them and the Government. Not only should you have a place for the protection of the men and the protection of the Government but for the protection of public opinion.

Mr. VARDAMAN. I think the Senator is entirely right about that, but I want to say that human nature is so weak, however exalted the man's purpose may be, especially the man who gives his life to the accumulation of wealth, if the opportunity comes, his cupidity often unconsciously betrays him. In that I do not intend to be uncharitable. I am just discussing human nature. It is the same yesterday, to-day, and forever. Identically the same motives and influences have moved men from the days of Demosthenes and Socrates, Julius Cæsar and Cicero, that actuate men to-day. To borrow the language of Robert Burns to express my own thoughts:

> I'll no say men are villains a';
> The real, harden'd wicked,
> Wha hae nae check but human law,
> Are to a few restricked;
> But, och! mankind are unco weak
> An' little to be trusted;
> If self the wavering balance shake,
> It's rarely right adjusted.

Mr. BORAH. I also agree with Burns that it is impossible for a man who stands in that position to protect himself against the unconscious desire to accumulate wealth and to protect his interests, and to deal with the situation from a personal or selfish, you may say, standpoint. But there is another side to this proposition, and that is that these men are men of tremendous ability, of unquestioned genius in the line of industrial affairs; and if the Executive wants their advice and their counsel Congress should create a tribunal to pass upon the contract and to fix the prices and the charges which are to be paid by the Government.

Mr. VARDAMAN. Taking them out of temptation.

Mr. BORAH. It is not taking them out of temptation, because——

Mr. VARDAMAN. Keeping them out of temptation.

Mr. BORAH. There are no 10 men in the Senate, as exalted as we all are in our conception of duty and patriotism, who could fix a price upon anything which they had to sell, if any of them had anything to sell to the Government of the United States without being criticized, and in just the same way and without the public looking upon it as intolerable, as the Senator from Missouri has very well said. There is an easy solution, and it is to create a tribunal which is to fix these prices and charges and take advantage of the advice and counsel of these men. I am opposed to the present condition of affairs, but it can only be remedied by some impartial tribunal to pass on all these matters.

Mr. REED. Mr. President, I do not want to be led aside from my theme, but I suggest to the Senator from Idaho—and my idea is not in conflict with his at all—let us assume that during this war it should transpire that some Senator had something that the Government needed, and that the Government needed his services in producing that thing; the proper thing to do in a case of that kind would be for the Government, through an independent agency which was appointed to represent the Government, to come to that Senator and have that Senator name his price, and if necessary ask him to furnish his entire balance sheet, an itemized statement of his business, so that they could tell that he was giving them the thing at a fair price, but not to try and fix it.

Now, in order to clear up the relations of Mr. Davis to these transactions, let me take your time to read this testimony, because I think around the Davis case we may group many other cases. Here is his testimony.

First, let me bring you up to that because I was talking about the investment of this company and I do not want to break that theme. I will get to the one we are just now discussing in a moment. The committee referred again to the question of capital. Mr. Porter said:

> Mr. PORTER. The actual cash paid in, not money from the profits?
> Mr. DAVIS. I suppose $3,000,000, or thereabouts.
> Mr. PORTER. What dividend did you pay last year?
> Mr. DAVIS. Ten per cent on $20,000,000.
> Mr. PORTER. And the year preceding?
> Mr. DAVIS. Ten per cent, I think it was.
> Mr. PORTER. Last year how much of your profits did you apply to betterments, in addition to paying the 10 per cent dividends?
> Mr. DAVIS. Practically all of the balance. We have always paid very small dividends, but I can not remember offhand the exact figures; but for the first 8 or 10 years of our existence we did not pay any dividends at all.

And so forth.

Then Mr. Porter asked a long question. He concluded by saying:

> In other words, how much did you make last year?
> Mr. DAVIS. We made a little over $20,000,000.
> Mr. PORTER. Last year?
> Mr. DAVIS. Yes, sir.
> Mr. PORTER. You made about 100 per cent on the capital stock?
> Mr. DAVIS. Yes, sir; and about 25 per cent on the investment.
> Mr. PORTER. You declared a dividend of 10 per cent?
> Mr. DAVIS. Yes, sir.
> Mr. PORTER. And 90 per cent, or the balance, went into the betterment of your plant?
> Mr. DAVIS. Yes, sir.

Then comes the question of the plant in Canada, which I pass over as not sufficiently material to take time to discuss.

> The CHAIRMAN. You spoke of $3,000,000; where did you get the $3,000,000?

Now, that is the capital again.

> Mr. DAVIS. At various stages.
> The CHAIRMAN. First, the company was capitalized at $1,000,000?
> Mr. DAVIS. Yes, sir.
> The CHAIRMAN. Was that all money?
> Mr. DAVIS. I think there was some allowance for patents.
> The CHAIRMAN. How did Mr. Hall come in?
> Mr. DAVIS. He came in on that.
> The CHAIRMAN. Did he put up money or his patents?
> Mr. DAVIS. His patents.
> The CHAIRMAN. What proportion of the million dollars did his patents represent?
> Mr. DAVIS. In the beginning they represented about 40 per cent, but there were so many changes that the patent situation afterwards became very much less than 40 per cent.
> The CHAIRMAN. And the other $600,000 was in money?
> Mr. DAVIS. Yes, sir.
> The CHAIRMAN. At first?
> Mr. DAVIS. Yes, sir.
> The CHAIRMAN. The next increase was $600,000?
> Mr. DAVIS. Yes, sir.
> The CHAIRMAN. Was there any money put in?
> Mr. DAVIS. Yes, sir.

The CHAIRMAN. That makes $1,200,000?
Mr. DAVIS. Yes, sir.
The CHAIRMAN. The next increase was to $3,200,000?
Mr. DAVIS. Yes, sir.
The CHAIRMAN. Half of that was outside cash?
Mr. DAVIS. Yes, sir.
The CHAIRMAN. That made $2,000,000. That is all the cash that was ever put in this company? The rest represents profits——
Mr. DAVIS. That was 30 years ago—I can not bring it all back—but my recollection is that more than $600,000 was put in at the beginning, but with the proper correction made for that your figures would be correct.

So we get down practically to the figures of $2,000,000 in a concern now worth $80,000,000, that made last year $20,000,000.

Then there is some talk about how Mr. Hall died. With reference to the importance of this article, let me take that up first and let me answer that question out of Mr. Davis's own testimony:

Mr. CHARLES B. SMITH. We have been told that this legislation is necessary because aluminum is used for war munitions or war material. I would like you to tell us in just what way aluminum goes into munitions or materials in connection with the war, so that we will have that in the record?
Mr. DAVIS. Aluminum is used in a great many ways in connection with war supplies. The direct use of aluminum is in the form of ground or powdered aluminum, which is mixed with the explosive to accentuate the explosive power.

Now, that is certainly important.

Aside from this use, the places in which aluminum is used are a thousand and one places where a metal of its light weight and noncorroding qualities is desired. For instance, in the engines of airplanes, in Zeppelins, in various parts of trucks, in bake ovens, water-sterilizing apparatus, in canteens, meat cans, ticket pins, tent pins, etc. Aluminum is also an essential feature in the manufacture of steel. Although only a small percentage of aluminum is put in steel, in the aggregate a very large tonnage is used in steel, and in so far as such steel is used for governmental purposes the aluminum indirectly is used for governmental purposes.
Mr. CHARLES B. SMITH. Do you know how much is being sold to the steel companies now of your production?
Mr. DAVIS. I can not answer that question in percentages, but I suppose one-sixth or one-seventh of the total product, as a rough guess.
Mr. CHARLES B. SMITH. Are you selling any aluminum to the Government outside of the aluminum used in the canteens?
Mr. DAVIS. Yes, sir; we are selling to the various arsenals, navy yards, and other bureaus.
The CHAIRMAN. Please state how much you sell to the Government.
Mr. DAVIS. Up to the present time, since the beginning of the war, the amount of aluminum which has been used has not been large. We estimate the present requirements of the Government are about 8,000,000 pounds—

That is not large, I suppose, in comparison with this great business—

but presumptively, when they begin to go into the Zeppelin, airplane, and motor-truck business the requirements will be substantially larger.
The CHAIRMAN. Have you any relation with the Government?

I wish the Senator from Idaho [Mr. BORAH] could be here, because this is in answer to his question.

The CHAIRMAN. Have you any relation with the Government? Do you occupy any position with the Government?
Mr. DAVIS. No, sir. I am chairman of the subcommittee of the National Council of Defense, if that can be considered a Government position.
The CHAIRMAN. By whom were you appointed?
Mr. DAVIS. By Mr. Baruch.
The CHAIRMAN. Of the Council of National Defense?
Mr. DAVIS. Yes, sir.
Mr. CHARLES B. SMITH. Do you know how much electric power you are getting as a result of the temporary permits granted last year by Congress?

That is the power they got from Niagara.

Mr. DAVIS. I think it is about 10,000 horsepower. It is a little difficult to say how much we get as a result of this permit as compared with what we would get anyway without the permit; but, perhaps, 10,000 horsepower will be a fair estimate.
Mr. HUDDLESTON. What are the duties of the chairman of this subcommittee? What is the chairman of this subcommittee supposed to do?
Mr. DAVIS. The chairmen of all of these subcommittees are supposed to look after the requirements of the Government in their particular line.

I desire to read that sentence again.

The chairmen of all these subcommittees are supposed to look after the requirements of the Government in their particular line.

Whether they hold official position or not; whether they have ever been required to take and subscribe an oath as officials, they are a sort of de facto officers, they do assume a trust relation, for whenever a man undertakes to perform a function for the Government and the Government turns the performance of the function over to him, he becomes a trustee for the Government to the extent of the powers which he assumes to employ. So, says this gentleman—and I again repeat that sentence:

The chairmen of all these subcommittees are supposed to look after the requirements of the Government in their particular line.

He continues:

We, of course, have no authority to buy or close any contracts. All of the contracts are not submitted to us for our comment or approval.
Mr. HUDDLESTON. You act in an advisory capacity?
Mr. DAVIS. We act simply in an advisory capacity. In so far as my committee has acted so far, certain requirements of the Government have been turned over to us for our approval after all of the bids have been taken, and our opinion has been asked as to whether the price is a fair one, and whether we considered the parties reliable, the specifications correct, etc.

Now, I invite the attention of Senators who are in the Chamber to that spectacle.

Mr. CHAMBERLAIN. May I interrupt the Senator for just a moment?
Mr. REED. Yes.
Mr. CHAMBERLAIN. The Senator from Idaho [Mr. BORAH] asked whether or not the Council of National Defense was a voluntary body, and I intended to answer him then; but the Senator from Missouri resumed his discussion of the subject.

I desire to call the Senate's attention to the fact that the Council of National Defense was created by the act of June 30, 1916. I refer to the Army appropriations act of that year. If the Senator from Missouri will read section 2 of that law, he will find there prescribed the duties of the respective bodies; that is, of the members of the Council of National Defense and the advisory committees, which have been appointed in pursuance of the act.

Mr. REED. I am aware of the fact that the reference is in that act, and I shall read it in a moment, but I now call the attention of the Senate to the spectacle presented.

Mr. BRANDEGEE. If the Senator will allow me, I desire to state, in connection with the remark made by the Senator from Oregon [Mr. CHAMBERLAIN], that I thought the Senator from Idaho meant to ask whether the advisory commission was a volunteer body, and not whether the Council of National Defense was a volunteer body. I think he misspoke himself; but I, of course, could not speak for him.

Mr. CHAMBERLAIN. I desire to say to the Senator that under the act creating the Council of National Defense, which is an official body, it has power to appoint these advisory commissions, and pursuant to that authority it has appointed these special advisory commissions—quite a large body of men in different walks of life.

Mr. BRANDEGEE. When the Senator from Idaho said that they were a volunteer body, or had been requested to come here, I think he made the distinction plain. These advisory commissions did not rush into this position to accomplish some purpose of their own; but, as I understand, they were requested to come here to help.

Mr. CHAMBERLAIN. They were invited to assist the commission?
Mr. BRANDEGEE. Yes.
Mr. REED. I shall be glad in a moment to put in the statement of the law itself, since the Senator in charge of the bill has called attention to it; but just now I want to get the attention of Senators to the spectacle that is presented by Mr. Davis's own testimony. Let me read again. He is answering the question—

What are the duties of the chairman of this subcommittee? What is the chairman of this subcommittee supposed to do?

He answers:

The chairmen of all of these subcommittees are supposed to look after the requirements of the Government in their particular line.

That is, the chairmen of these subcommittees are supposed to look after the requirements of the Government in that particular line of business which the chairman of the subcommittee is engaged in, I assume. But I have passed that. You may give it that construction or not, as you see fit. Mr. Davis continues:

We, of course, have no authority to buy or close any contracts. All of the contracts are not submitted to us for our comment or approval.
Mr. HUDDLESTON. You act in an advisory capacity?

Now, notice:

Mr. DAVIS. We act simply in an advisory capacity. In so far as my committee has acted so far—

Now, listen—

certain requirements of the Government have been turned over to us for our approval.

That would be the requirements of the Government for aluminum. The Government brings in its requirements for aluminum and says to these gentlemen, "We need so much aluminum." Says this gentleman:

Certain requirements of the Government have been turned over to us for our approval after all of the bids have been taken.

The Government requires, we will say, a million canteens. It takes all the bids, or it needs a certain amount of aluminum, and it takes all bids for aluminum. Then those bids for aluminum are turned over for the opinion of this committee, of which the president of the Aluminum Co. is the head. Whose bids are they, pray? As he makes all the aluminum that is employed in the United States, they are, of course, his bids. So you have a spectacle of a corporation bidding for a certain amount of aluminum to be furnished the Government, and you have that bid then turned over to the president of that corpora-

tion for his examination and approval as a representative of the Government.

Mr. CHAMBERLAIN. Mr. President, may I request that the Senator from Missouri will read now, in connection with his remarks, the third paragraph of the act in question, because they have not the power to do what the gentleman says they have the power to do? I think it is fair to have the law itself defining their powers now submitted in connection with the statement.

Mr. REED. I will read the law, but I want to read the rest of this answer from a man who is putting the law into effect. I will read it again, so that we shall get it altogether:

We act simply in an advisory capacity. In so far as my committee has acted so far, certain requirements of the Government have been turned over to us for our approval after all of the bids have been taken, and our opinion has been asked as to whether the price is a fair one—

Having made the price to the Government, they are asked, as the representatives of the Government, if the price is a fair one—

and whether we considered the parties reliable—

They are solemnly asked whether they think they themselves are reliable!

and whether the specifications are correct—

And so forth.

It has been a good while since I attended a performance of the Mikado, but there was a gentleman in that play whose name, as I recall, was Pooh-Bah, who occupied several exalted positions under the Government. In one of these positions he dealt with himself in the other position. In one or two instances it became his pathetic duty to offer himself a bribe in one capacity and to accept a bribe in another capacity. It is so long since I witnessed that interesting performance upon the stage that the details have left me, but the future historian might well——

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from Missouri yield to the Senator from Illinois?

Mr. REED. Certainly.

Mr. LEWIS. If I may offer a little aid to the able Senator, the character to whom the Senator has reference, I think, posed as the lord high executioner. He was offered a bribe not to execute, and as lord high executioner he felt it his duty to accept the bribe, in order to allow the convict whom he had already convicted to escape.

Mr. REED. He was also the judge.

Mr. LEWIS. He was also the judge who had condemned him.

Mr. REED. I thank the Senator. The details come back to me. As I was about to say, the historian of the future, if he can find anything of humor in the ghastly situation that now confronts the world, might present on some comic-opera stage the picture of Barney Baruch selecting the president of the aluminum company to pass upon aluminum contracts, and of the president of the aluminum company solemnly making his offers to the Government, and of Barney Baruch, with equal solemnity, turning them over for examination to the president of the aluminum company, and of the president of the aluminum company, with equal solemnity and dignity, certifying that the price is fair and that the parties contracting are reliable!

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Nevada?

Mr. REED. Yes.

Mr. NEWLANDS. I desire to ask the Senator from Missouri whether there is anything in the RECORD from which he has read to indicate that the corporation of which Mr. Davis is the head directly contracted with the Government? Is not that corporation a wholesale producer of aluminum, and are not many things for which the Government contracts produced by people who simply buy the aluminum from the wholesale producer? Does not Mr. Davis refer to contracts made with such persons, and not to contracts made with his own corporation?

In that connection, if the Senator will permit me, I wish to say that my disposition is always, in matters of this kind, in dealing with public officials or men who are acting in a quasi-public capacity, to assume that they are honest; that they are innocent, rather than that they are guilty; and to view a transaction as innocent, if it will bear that interpretation, rather than assume that it is a criminal one. As I understand, the great purpose of the National Government and the great purpose of Congress in passing the law creating the Council of National Defense was, first, to bring members of the Cabinet themselves——

Mr. REED. Is the Senator desiring to make an address or is he desiring to ask me a question?

Mr. NEWLANDS. I propose to proceed about two or three sentences further in order to elucidate what I have said.

Mr. REED. That will be agreeable to me. I merely wanted to know whether the Senator was going to make it short.

Mr. NEWLANDS. I do not intend to make a speech.

I understand the purpose of the Government and of Congress itself in creating the Council of National Defense was, first, to bring the members of the Cabinet, who had to deal with the various activities of war, into some coordinated effort; second, to give them the advantage of the information—mainly the information, I should say—of the chiefs of the great industries of the country, upon which the Government would be compelled to draw in order efficiently to carry on the war. Now, I can not imagine how one can get information from the men having the most information unless he consults the chiefs of these various industries; and if they are the chiefs of the various industries, they must be interested in production in some way. I do not understand, however, that any power is given either to the Council of National Defense or to the advisory commission to bind the Government. They can not make contracts; they can get information and get advice, but they can not make contracts. Of course, we can go on; we can assume, on the one hand, that the Council of National Defense, acting patriotically, have called the chiefs of these great industries, who are also disposed to act patriotically, in council with them in order to obtain information and advice; and we can also assume, if we choose, that both the Council of National Defense and the advisory commission and the subcommittees are all of them dealing corruptly with this great subject. So far as I am concerned, unless I have direct proof to the contrary, I am going to assume that these agencies created by Congress for the purpose of getting information needed by the Government—and it is the Executive department, the President, who alone can act—I am going to assume that they are acting honestly and patriotically, and not dishonestly and disloyally.

Mr. REED. Well, Mr. President, I had not charged anybody with robbing the Government. If the Senator had been in the room during the course of my remarks, he would not have had any occasion to climb the tribune of virtue, which he so often occupies in this Chamber, and tell us how fair he is, and, by innuendo, to convey the impression that I have been unfair. I have been reading this gentleman's testimony, and have been reading it without further comment than to say that it was impossible for conditions of that kind to be allowed to continue.

Mr. LEWIS. Mr. President, might I ask the Senator, if I may be pardoned——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Illinois?

Mr. REED. I yield.

Mr. LEWIS. Does the record show that a contract has actually been made between the Government and this gentleman for his company; or does the Senator content himself with calling attention to the fact that he hopes to have the contract, and has made the articles with that view?

Mr. REED. I am trying to get before the Senate the peculiar situation that seems to exist. I had not finished reading the testimony, which would have thrown a little light upon it; but as I understand the matter, when the Government desires a certain thing, to wit, aluminum, it makes that fact known, and, according to the testimony of Mr. Davis, the bids for aluminum are then referred to the subcommittee of which he is chairman, and the committee then advises whether or not the bids ought to be accepted.

Mr. LEWIS. Then the Senator's position is, if I understand him, that that record leaves the matter where he probably bids, and through a committee of which he himself is the chairman he passes upon his own bid.

Mr. REED. It amounts practically to that. He submits bids to the Government, or to the National Council of Defense, and the bids are referred back to him or to his subcommittee.

Mr. LEWIS. Does the record disclose, may I ask the Senator, that such conditions have really transpired?

Mr. REED. I have been reading the testimony. How far they have gone in actually closing contracts seems to be in doubt. This gentleman states one instance where he has accepted an order for manufacturing aluminum; but whether he has actually been delivering it on a signed contract I do not know. Let me read on with this testimony. We will get a little light from it. I should like to have the Senator from Illinois wait a moment to listen to it:

Mr. HUDDLESTON. Who are your associates on the committee?
Mr. DAVIS. Mr. E. E. Allyne, president of a large aluminum foundry, and Mr. Janney, of Philadelphia, who is a metal broker.
Mr. HUDDLESTON. Have they Government contracts also?
Mr. DAVIS. No; I think not.

Mr. HUDDLESTON. They are in the business to ask for them?

Mr. DAVIS. Mr. Janney would not be. I suppose Mr. Allyne's company would take a contract if one came along for crude castings, but up to the present time nothing of that kind has come up, and I do not know that it will.

Mr. HUDDLESTON. This committee is the one you referred to when you stated that the price you had made was approved by the authorities?

Mr. DAVIS. No, sir; it was approved by the Council of National Defense or by the munitions board. I will have to admit my ignorance of the exact line of cleavage.

Mr. HUDDLESTON. You can pardon us all for having some ignorance on that point. What we want to do is to secure some information.

Mr. DAVIS. After the prices were approved by the Ordnance Bureau they were approved by the munitions board. I remember that the approval was signed by Mr. Scott and Mr. Plant. I do not know just who Mr. Plant is. I know Mr. Scott.

Mr. HUDDLESTON. Who is Mr. Scott?

Mr. DAVIS. Mr. Scott is a Cleveland gentleman who, as I understand, is chairman of the munitions board.

Mr. PORTER. You are chairman of the aluminum committee?

Mr. DAVIS. Yes, sir.

Mr. PORTER. And you have two associates?

Mr. DAVIS. Yes, sir.

Mr. PORTER. In case the Government wanted to buy aluminum that would be assigned to your committee?

Mr. DAVIS. That has not been the way in which it has been done.

Mr. PORTER. If bids were submitted to furnish aluminum, your committee would primarily pass on the bids?

Mr. DAVIS. No, sir.

Mr. PORTER. What function do you perform?

Mr. DAVIS. It varies.

Mr. PORTER. That is what I am trying to ascertain.

Mr. DAVIS. It is purely advisory.

Mr. PORTER. Suppose you, representing one company, and your associates each representing a company and three bids should come in, one from each company, how would the committee determine that?

Mr. DAVIS. Our committee has no authority over the bids. The procedure, so far as our committee has been concerned—and I know nothing about any other committees—has been substantially as follows—

Now, follow this and see whether this gentleman is not passing on his own product—

For instance, the Quartermaster's Department has been in the market for 4,000,000 aluminum tent pins. They have obtained prices from, perhaps, 15 or 20 different companies. My own company did not bid. We were not asked to bid. In fact, it is a little out of our line, and I do not suppose that we would have bid on them. These bids have all been taken by the Quartermaster's Department in exactly the same manner as they would have been before the war. We were not consulted in the matter in any way, shape, or form. I mean our subcommittee was not consulted. The Quartermaster's Department now proposes to let this contract presumptively to the lowest bidder. I understand that yesterday a letter was sent from the Quartermaster's Department to the Council of National Defense stating that they proposed to let a contract for 4,000,000 tent pins at such and such a price, and asking the opinion of the Council of National Defense as to the price, specifications, etc. This letter will be turned over to our committee, presumptively, and the members of the committee who know something about the aluminum business will figure it through and ascertain if, in our opinion, the price is a fair one.

Mr. PORTER. Your company will not be one of the bidders?

Mr. DAVIS. No, sir.

Mr. CHARLES B. SMITH. You make the aluminum?

Mr. DAVIS. We do not know whether we would or not. We have nothing to do with the concerns. I do not even know who is bidding on the aluminum.

And yet his former testimony had been explicit that there was not any aluminum in this country except that which he furnished, and it is here in the record half a dozen times:

Mr. PORTER. You furnish the aluminum to the company that makes the pins?

Mr. DAVIS. We very likely will. I do not know who they are or with whom they have their aluminum contracts.

Mr. THOMAS F. SMITH. Is not your concern the only one in this country?

Mr. DAVIS. At the present time; yes, sir. There is a very large amount of aluminum on the market which is resold aluminum, and a great deal of the present supply of aluminum comes from scrap, junk, and various other forms of old aluminum.

Mr. THOMAS F. SMITH. With reference to the contemplated order for canteens, your concern would be the only one that would be able to furnish canteens in that number?

Mr. DAVIS. I think we would be the only concern that is big enough to get a million canteens out in the very short time that is required.

Mr. THOMAS F. SMITH. So that your concern would supply them?

Mr. DAVIS. Not necessarily.

Mr. THOMAS F. SMITH. You would know, as a member of the subcommittee, that the committee was considering an order for 1,000,000 canteens?

Mr. DAVIS. No, sir; I would not.

Mr. THOMAS F. SMITH. Aluminum canteens——

Mr. DAVIS. No, sir. For instance, I knew nothing about the tent-pin order until it was all through.

Mr. THOMAS F. SMITH. But in the final analysis you would, would you not?

Mr. DAVIS. Yes; if it were sent to the Council of National Defense.

Mr. THOMAS F. SMITH. Do you furnish jobbers with aluminum utensils of any kind that are used by jobbers throughout the country?

Mr. DAVIS. Yes, sir.

Mr. THOMAS F. SMITH. Coffee kettles, and the like?

Mr. DAVIS. Yes, sir.

Mr. THOMAS F. SMITH. Can you recall now what you get for coffee kettles?

Mr. DAVIS. No, sir; not for cooking utensils, because——

Mr. THOMAS F. SMITH (interposing). Can you say what price you get for any utensils?

Mr. DAVIS. No, sir.

Mr. THOMAS F. SMITH. For utensils of the size and capacity of the Army canteen?

Mr. DAVIS. We get more; I have no hesitancy in saying that we would get more.

Mr. GOODWIN. How many aluminum companies are there in America of any substantial size or importance?

Mr. DAVIS. Do you mean manufacturing companies?

Mr. GOODWIN. Yes, sir.

Mr. DAVIS. Do you mean companies smelting aluminum from the ore or manufacturers of canteens?

Mr. GOODWIN. Either or both.

Mr. DAVIS. We are the only company that smelts it, or produces it from the ore, but there is a large number of companies who buy aluminum and make utensils out of it. As a matter of fact, any company which has the facilities for utilizing brass or copper is in as good a position to utilize aluminum.

Mr. GOODWIN. What percentage of the world's output of aluminum is produced in this country?

Mr. DAVIS. About one-half of it, I think, is made here.

Mr. GOODWIN. About one-half of it is found in America, or most of it——

Mr. DAVIS (interposing). Do you mean what percentage of the total ore of the world exists in the United States?

Mr. GOODWIN. Yes, sir.

Mr. DAVIS. That would be a very difficult question to answer. Bauxite exists in great quantities in a great many places, and it has never been really measured up or calculated.

Mr. GOODWIN. What increase in the price of aluminum has taken place since the beginning of the European war?

Mr. DAVIS. I think, perhaps, that you were not here——

Mr. GOODWIN (interposing). No; I came in just a few minutes ago.

Mr. DAVIS. I said awhile ago that our average price for the 10 years preceding the war was 25½ cents per pound, and that our price for 1916 was 30 cents per pound, or a little less than 30 cents per pound.

Now, that is the price, 25½ cents, on which they made, from $2,000,000, $80,000,000 of capital, besides declaring some dividends.

Mr. GOODWIN. What is your present price?

Mr. DAVIS. Our average price in April, 1917, was 35 cents per pound.

That is an increase of about 40 per cent, as I carry it in my mind.

Mr. GOODWIN. You spoke awhile ago of the increased value of your plant being due to betterments, the betterments consisting of the application of the undivided profits to the company. Do I understand that to be the case?

Mr. DAVIS. Exactly.

Mr. GOODWIN. What has been the total amount of the undivided profits from the beginning of your company, or during the entire existence of your company, up to the present time—that is, the total amount of the undivided profits or dividends that went into betterments?

Mr. DAVIS. Perhaps $70,000,000.

Mr. GOODWIN. Is the $80,000,000 you mentioned in effect the valuation placed on your plant, or the real genuine valuation of it, and is that reached by taking the moneys paid in from time to time by way of capital, plus the undivided profits going into the company in the way of betterments?

Mr. DAVIS. It represents actual cash disbursements.

I have been over that valuation question. Now I want to proceed to another matter.

Mr. PORTER. You have what you call manufacturing companies?

Mr. DAVIS. We have the United States Aluminum Co.

Mr. PORTER. And it has plants at various places over the country?

Mr. DAVIS. Yes, sir.

Mr. PORTER. Will none of those companies bid on these contracts?

Mr. DAVIS. No, sir; none of them.

Mr. PORTER. Suppose you should reach the point, and it is very likely that you will, when a bid will come in from one of your subsidiary companies. What about the propriety of your passing on the bid of your own company?

Mr. DAVIS. If I passed upon it as fairly as I did upon this canteen job, in which I put in the aluminum at 27½ cents per pound, which is substantially under the market, and then added thereto a less amount for fabricating than I would have added in selling it to anybody else, I do not think there could be any very great impropriety in my stating that the sale to the Government at a less price than we would have sold it to anybody else and at a less price than the Government could get from anybody else would be fair and proper.

Now, it is perfectly plain from those answers that they have contracted and contemplate contracting; but, as I stated early in my remarks, before the Senator came in who accuses me of being unfair with these gentlemen, by implication, at least, these men claim that they have been perfectly fair in their dealings with the Government. What I say is that it is an impossible situation, an impossible arrangement, an arrangement that is bound to end disastrously for all concerned.

I read on:

Mr. PORTER. In fixing that price of 27½ cents to the Government, did you take into consideration the fact that you made this year a profit of 100 per cent——

Mr. DAVIS (interposing). That price of 27½ cents per pound was made up, as I have just explained, by taking a 10 years' average price and adding thereto 2 cents per pound.

Mr. PORTER. Have you any objection to furnishing the committee with these data: The amount of original capital stock from the date of incorporation; the date and amount of each increase; the actual amount of cash paid in originally, together with the actual amount of cash paid in at all of the subsequent increases; and the dividends declared by your company, if any, for each year since its incorporation? Have you any objection to furnishing that information?

Mr. DAVIS. I have no objection whatever, except that I must say that, as to the amount of money originally invested, the records covering the original $1,000,000 company are not available.

I have run over that hastily.

Mr. SABATH. You do not produce all of the aluminum in the United States, do you?

Mr. DAVIS. We produce all of the new aluminum that is smelted.

Mr. SABATH. But there is a large quantity of aluminum that is being refined or resmelted every day?

Mr. DAVIS. Yes.

Mr. SABATH. There are a great many large refining and smelting establishments in the United States?

Mr. DAVIS. Yes, sir.

I put that in because I think, in fairness, I ought to put it in. Now, here is a question to which I want to call attention:

Mr. PORTER. Would it not be embarrassing to you if a bid from one of your companies, or one of your subsidiary companies, came in, for you to report that it was not one that should be accepted? Would it not be embarrassing for you, if a bid came in from your company or from one of your subsidiary companies, to say to the Council of National Defense that you did not think the bid ought to be accepted?

Mr. DAVIS. If it were conceivable that our company would quote a price to our Government which was not fair, it would be embarrassing for me to have to admit it.

Mr. PORTER. You never would admit it, would you?

Mr. DAVIS. I would never make such a price.

Mr. President, I have run rather hastily through that testimony. I promised the manager for the committee, the distinguished Senator from Oregon, to put in the act under which the Council of National Defense was created.

Mr. CHAMBERLAIN. Mr. President, I will say to the Senator that the only parts of it which define the power of the Council of National Defense and the subcommittees are, I think, the third and fourth paragraphs of the act.

Mr. REED. I ask permission to put in, without reading, all of section 2 of the act in order that it may go in the RECORD.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

SEC. 2. That a Council of National Defense is hereby established for the coordination of industries and resources for the national security and welfare, to consist of the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor.

That the Council of National Defense shall nominate to the President, and the President shall appoint, an advisory commission, consisting of not more than seven persons, each of whom shall have special knowledge of some industry, public utility, or the development of some natural resource, or be otherwise specially qualified, in the opinion of the council, for the performance of the duties hereinafter provided. The members of the advisory commission shall serve without compensation, but shall be allowed actual expenses of travel and subsistence when attending meetings of the commission or engaged in investigations pertaining to its activities. The advisory commission shall hold such meetings as shall be called by the council or be provided by the rules and regulations adopted by the council for the conduct of its work.

That it shall be the duty of the Council of National Defense to supervise and direct investigations and make recommendations to the President and the heads of executive departments as to the location of railroads with reference to the frontier of the United States so as to render possible expeditious concentration of troops and supplies to points of defense; the coordination of military, industrial, and commercial purposes in the location of extensive highways and branch lines of railroad; the utilization of waterways; the mobilization of military and naval resources for defense; the increase of domestic production of articles and materials essential to the support of armies and of the people during the interruption of foreign commerce; the development of seagoing transportation; data as to amounts, location, method and means of production and availability of military supplies; the giving of information to producers and manufacturers as to the class of supplies needed by the military and other services of the Government, the requirements relating thereto, and the creation of relations which will render possible in time of need the immediate concentration and utilization of the resources of the Nation.

That the Council of National Defense shall adopt rules and regulations for the conduct of its work, which rules and regulations shall be subject to the approval of the President, and shall provide for the work of the advisory commission to the end that the special knowledge of such commission may be developed by suitable investigation, research, and inquiry and made available in conference and report for the use of the council; and the council may organize subordinate bodies for its assistance in special investigations, either by the employment of experts or by the creation of committees of specially qualified persons to serve without compensation, but to direct the investigations of experts so employed.

That the sum of $200,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available for experimental work and investigations undertaken by the council, by the advisory commission, or subordinate bodies, for the employment of a director, expert and clerical expenses and supplies, and for the necessary expenses of members of the advisory commission or subordinate bodies going to and attending meetings of the commission or subordinate bodies. Reports shall be submitted by all subordinate bodies and by the advisory commission to the council, and from time to time the council shall report to the President or to the heads of executive departments upon special inquiries or subjects appropriate thereto, and an annual report to the Congress shall be submitted through the President, including as full a statement of the activities of the council and the agencies subordinate to it as is consistent with the public interest, including an itemized account of the expenditures made by the council or authorized by it, in as full detail as the public interest will permit: *Provided, however,* That when deemed proper the President may authorize, in amounts stipulated by him, unvouchered expenditures and report the gross sums so authorized not itemized.

Mr. REED. In order that the Senate may hear the particular part the Senate is interested in, I read:

That the Council of National Defense shall nominate to the President, and the President shall appoint, an advisory commission, consisting of not more than seven persons, each of whom shall have special knowledge of some industry, public utility, or the development of some natural resource, or be otherwise specially qualified, in the opinion of the council, for the performance of the duties hereinafter provided. The members of the advisory commission shall serve without compensation, but shall be allowed actual expenses of travel and subsistence when attending meetings of the commission or engaged in investigations pertaining to its activities. The advisory commission shall hold such meetings as shall be called by the council or be provided by the rules and regulations adopted by the council for the conduct of its work.

Mr. CHAMBERLAIN. The next paragraph, I will say to the Senator, defines their powers.

Mr. REED. Well, I will read it:

That it shall be the duty of the Council of National Defense to supervise and direct investigations and make recommendations to the President and the heads of executive departments as to the location of railroads with reference to the frontier of the United States so as to render possible expeditious concentration of troops and supplies to points of defense; the coordination of military, industrial, and commercial purposes in the location of extensive highways and branch lines of railroad; the utilization of waterways; the mobilization of military and naval resources for defense; the increase of domestic production of articles and materials essential to the support of armies and of the people during the interruption of foreign commerce; the development of seagoing transportation; data as to amounts, location, method and means of production, and availability of military supplies; the giving of information to producers and manufacturers as to the class of supplies needed by the military and other services of the Government, the requirements relating thereto, and the creation of relations which will render possible in time of need the immediate concentration and utilization of the resources of the Nation.

Is there more than the Senator desires read?

Mr. CHAMBERLAIN. No.

Mr. REED. But I find nothing in there to authorize these gentlemen to pass on contracts.

Mr. CHAMBERLAIN. Well, Mr. President, that is the proposition I desired to state—that if they were doing that they were exceeding any power that was given them by this act.

Mr. REED. Exactly.

Mr. CHAMBERLAIN. And it is something that the members of the council, consisting of the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor can stop; and I understood from a paper that was read by the Senator this morning that the Secretary of War had practically stopped their effort to fix prices.

Mr. NEWLANDS. Mr. President, may I ask the Senator whether the term "pass on contracts" necessarily implies that they have binding authority, or that they act in any binding capacity? I assume that the Council of National Defense, as advisors to the President under this act, call upon the representatives of the various industries for their opinions as to the advisability of certain contracts, and possibly as to the reasonableness of the price, and so forth; but that does not indicate that these people have any power to pass on the price or to pass on the contract in any binding way.

Mr. REED. What is the use of quibbling, Mr. President? Nobody is going to be fooled by any kind of quibbling. I have not charged that anyone has robbed the Government. I am calling attention to the necessity of including aluminum as one of the articles the price of which is to be controlled. That led into the reading of this testimony, and the reading of this testimony discloses the fact that there is a subcommittee on aluminum products, that the chairman of that subcommittee is the president of the aluminum companies that control the entire product in the United States, and they control all of the product that can now be obtained in the United States, for the foreign supply is cut off. That gentleman states that these contracts are referred to him for his recommendation, and that it is the business of the committee to supervise the contract, to see whether it is fair in its price, whether its terms are proper, and to make their recommendations.

Now, it may be that technically they have no authority to bind the United States, but practically their word must go a long way, or they would not be put in this position, and they would not be trifling away their time in the performance of an idle ceremony. So why stand and quibble about it? The power, if exercised, is just as great whether it be done by potential advice that is taken by the man who wields the pen, or whether the pen is actually wielded by the man who gives the advice. What difference is there?

Mr. President, something has been said here about the coal situation. The chairman of the committee in charge of the bill has raised that issue. That is an interesting thing. I stated to the Senate the other day that if we would let the business of the country go along, only undertaking to put our hand upon those men who did unjust things, who forestalled the market, who limited production, who gathered the goods of the country and held them so as to push prices up, we would be better off, and if we undertook to interfere we would muss things up—not a very elegant phrase, but I have already submitted to the Senate

some examples of the mussing that has already been done. Now, where is there a better illustration of the mussing of things than is to be found in this aluminum situation, to which I have called attention, unless it be in the coal controversy?

I read in the New York Times of Wednesday, June 27, which happens to be handed to me, this statement. I read the headlines:

Coal producers promise to sell at fair prices—Pledge given at conference with Defense Council committee, 400 attending—Alternative to seizure—Government ready to take over output, officials warn—Will supervise prices—To hold wheat and coal—Export of these staples to be restricted first.

I read part of the statement of Secretary Lane:

The success of the country in this great war rests on you, and you are responsible, just the same as the soldiers in the trenches, Pershing in France, or the President in the White House. You control the fundamental industry. How much vision have you? Are you small or big? Are you petty politicians or statesmen? The country will not stand anything but a large policy from large men—

And so forth. Other men made speeches, and so they proceeded. The next day at least one of the papers made the statement that Secretary Lane had complimented these coal men upon their patriotism and congratulated them upon coming to the rescue of the country. I thought I had that newspaper with me, but I find I have not it at this moment.

Mr. President, I do not intend to put in this article, but just enough to call attention to it. I call attention to the headlines in the Washington Post of July 1:

Coal price is cause of split in Cabinet—Baker attacks $3 a ton fixed by Lane and council—Daniels is not to pay it—Navy will continue to buy at $2.33, he announces—Calls agreement illegal—Secretary of War, in letter, writes that Defense Council committee, Secretary Lane, and Trade Commission had no right at meeting with operators to arrange maximum or any other price—Declares figure is exorbitant and unjust—Asserts council is only advisory.

Mr. CHAMBERLAIN. Mr. President, that is just the proposition that I suggested to the Senator a while ago—that in the multitude of men who are called upon in an advisory capacity there may be some so far forgetful of their duties as to act as purchasing agents as well as in an advisory capacity; but, in the last analysis, the men at the head of that commission will call down those who are undertaking to mulct the Government, just as the Secretary of War has done, telling them that their duty is simply advisory and that they can not take contracts or purchase for the Government from themselves.

Mr. REED. I hope for all those good things; and yet it seems, according to the accounts as I get them from the press, that the Secretary of the Navy and the Secretary of War are challenging the action of the Secretary of the Interior in fixing a price.

Let me say this, now, lest I forget it later on, and let me say it with all the emphasis of which I am capable: As long as the situation is presented of the great manufacturers of the country sitting in the councils of the Nation and making prices, we may be very sure that those great manufacturers will not give themselves any the worst of the bargain; and the coal contract or settlement or adjustment of the last few days is a good example of it. Mr. President, there is no one there who can speak for the general public in the same sense that the coal operator who is called in may speak for his business, in the same sense that the proprietor of the aluminum products of this country can speak for his business, in the same sense that the proprietor of a great steel mill can speak for his business.

Mr. KELLOGG. Mr. President——

Mr. REED. No one is there, when it comes to the question of fixing the prices of grain, to speak for the grain producers of this country as a proprietor; and let me point you the difference. The man who runs the aluminum business of this country, sitting there, deals as a proprietor; but who is there that is the proprietor of the grain fields of the United States to sit and speak as a proprietor upon that board? Who is there who can speak for the consumer in the same way?

Mr. President—I will yield to the Senator from Minnesota in one moment—I do not want to be captious or critical at a time like this. I appreciate the efforts that are being made by Cabinet officers, as members of the Council of National Defense, to accomplish things as quickly as they can. I am willing that some irregularity, even, shall be admitted; but I say that when the Government of the United States is assuming the authority and the power and the right to commandeer the products of the millions of fields of this land, the products of the millions of farms of this country, to fix prices by denying open markets; when the powerful arms of this Government can be stretched across the continent and embrace all that the farmer produces and control his market and thus control his price; when that is the case with the farmers, there ought to be power enough in this Government to say to the railroad companies, "You must transport the coal from the mines to the people," and there ought to be power enough in this Government to say to the owners of these mines:

"It is costing you but little more for your coal than it cost last year, and you must deliver it at the mouth of the mine at a fair price, or we will control it for you; and we will not sit down here and agree to give you an excessive price," as it seems was the case the other day. The place for the coal operator in his present dealings with the Government is sitting upon one side of the table as a seller to the Government, and a man representing the Government and nothing else seated upon the other side of that table—that is, in deals for the Government—and the place for the coal operator, who is conducting a fair business, and not trying to put up prices, is at the mouth of his mine conducting his business; and if he is conspiring to put up prices, his place is behind the bars of a penitentiary, with a United States marshal standing over him.

It is not necessary to truckle and bow to these great business concerns. I would treat them fairly, yes; I would allow them good profits, yes; I would allow them even to make large profits. I would not put the Government in the position of being obliged to beg favors of them. I would let them understand that open competition between the mines of this country must be restored and that the conspiracies which have been hatched shall be punished. If you will do that, you will not need to find the members of the Cabinet engaged in controversies with each other about whether one of them agrees on too big a price for the people of the United States to pay for coal.

Mr. KELLOGG. Mr. President——

Mr. REED. I yield to the Senator from Minnesota.

Mr. KELLOGG. Before asking the Senator a question I should like to say I do not understand that Secretary Lane entered into any contract that the coal men might charge any definite price. I understand that all he did was to ask the coal operators to reduce the price to the public, whatever may be stated in the newspaper article. I should like to ask the Senator from Missouri if he sees any objection to Secretary Lane making a speech to a committee or a convention of coal men and urging them to reduce the price to the public. I understand Secretary Daniels made a speech to the same effect. I do not understand that Secretary Lane entered into any contract or claimed the right to enter into any contract.

Mr. REED. Will the Senator then answer the question, What is the trouble in the Cabinet, and why is it that members of the Cabinet are saying they do not agree to the conditions which have been made?

Mr. KELLOGG. I know nothing about troubles in the Cabinet or why Secretary Baker wrote a letter. I simply wish to state that I understood all that Secretary Lane did was to ask them to reduce the price to the general public.

Mr. LEWIS. Mr. President, may I be permitted by the Senator from Missouri to say that it fell to my lot this morning to hear Secretary Lane make a statement? I assume he would not regard it a violation in connection with the suggestion of the Senator from Minnesota if I reveal here the statement. The remarks he made concerning the price of coal were addressed to a gathering of coal producers, pointing out to them the obligation they owe the public at this particular time in order that they may inherit from the public a form of approval for patriotic conduct. He went so far as to point out upon the showing they made that a certain price was sufficient, and that did not relate to contracts which were then proposed or then existing. I might say to the able Senator from Missouri it was not coal for the Government's use, but turned upon a wholly different contract, and it in no wise at that time was the object or subject of Mr. Lane's remark or speech.

I also understand, let me tell the Senator, that the contract for the Government for coal was conducted by Secretary Daniels, and that whatever Secretary Lane did in that connection met with the approval of Secretary Daniels. Such I understand to be the situation.

Mr. KING. Mr. President, before the Senator from Illinois takes his seat, with the permission of the Senator from Missouri, may I inquire if it is not a fact that pursuant to the speech of Secretary Lane to which the Senator refers, and pursuant to an understanding which was then reached, a flat rate of $3 per ton was made by the coal dealers with respect to the coal which they sold to the public, and that they gave out to the public that that was the rate which thereafter would be charged for the contract?

Mr. LEWIS. I am unable to answer the able Senator with any knowledge on the subject. I have only the information I stated.

Mr. KELLOGG. If the Senator from Missouri will allow me——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Minnesota?

Mr. REED. I yield.

Mr. KELLOGG. I should like to say I am informed that Secretary Lane declined to name a figure to the coal men. I do not know anything about the price of coal, but $3 is a good deal less than they have been charging heretofore, and if he has brought about any reduction he has performed a service to the people of the United States.

Mr. KING. I think $3 is a good deal more than they have been charging heretofore. Is not that the fact?

Mr. KELLOGG. I know it is less than they have been charging up in my country. We have been paying five and six dollars a ton.

Mr. KING. Is it not a fact that just before the war they were selling it for $2 a ton?

Mr. KELLOGG. I do not know. I am not speaking about whether $3 a ton is a proper price for coal or not. I simply say I believe Secretary Lane performed a service if he got them to reduce the price at all, and I do not think he entered into a contract with the coal miners that they might charge any particular price. I have known Secretary Lane for a good many years and I know he is an able and conscientious man.

Mr. REED. I have not made an assault upon Secretary Lane. How quickly men will rush to a defense and protest that no wrong is being done! I commented merely upon the fact that they were mussing things up by calling in operators and agreeing to prices and immediately two other Cabinet officers say those prices are not fair. That is as far as I have gone. If Secretary Lane got a reduction, well and good; but I say if there is a combination among the coal men of this country to rob the people, if they put their prices to an excessive point, I do not believe the great Government of the United States needs to call those gentlemen into counsel. I believe we have some laws in this country for wretches of that kind, and the sooner those laws are enforced the sooner this kind of business will come to an end.

Mr. SMITH of Georgia. Will the Senator yield to me just a moment to mention a fact I have recently heard? It is in corroboration of his criticism to the effect that the law is being violated.

I am advised that the prices of coal at the mines in Alabama and Tennessee were put up over one night $1.50 a ton within the past six or eight months. About the same time, while the supply of coal was short in the city of Atlanta, 1,200 carloads of coal were upon a sidetrack 6 miles out of Atlanta. The judge of the superior court called the grand jury's attention to the fact, and the next morning the coal cars were gone.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Iowa?

Mr. REED. I think I ought to yield to the Senator from Idaho [Mr. BORAH], who rose a little while ago, if he desires the floor. If not, I gladly yield to the Senator from Iowa.

Mr. BORAH. I think I will not interrupt the Senator. I was going to call attention to a paragraph in Mr. Baker's letter.

Mr. REED. I am glad to yield to the Senator from Iowa.

Mr. CUMMINS. A great deal of very interesting and valuable testimony upon this subject has been elicited in the last week before the Interstate Commerce Committee. I do not know whether the Senator from Missouri is familiar with it or not.

Mr. REED. I know but very little of it. I would like to have the Senator make the statement.

Mr. CUMMINS. If the Senator will allow me, I think I ought to say that in my judgment he is mistaken when he says that we have laws which will meet the trouble. I think the condition is this: The operators have not combined to exact a high price for coal. The buyers of coal are apparently so anxious to get it that they are bidding any price for it in quantities much greater than the mine operators are able to furnish. That is the chief cause for the high price of coal. There are more people who want coal and they want it in larger quantities than can be furnished at the mines at this time. I think we need additional legislation upon that subject. May I go one step further?

The testimony before the committee has shown with absolute clearness that the average cost of producing coal in this country at this time is not more than $1.50 a ton. There are some mines in which the cost would be a little greater than that, there are some mines in which it would be a little less than that, but I am well within the bounds when I say that the average cost of producing coal at the mouth of the mine loaded on cars at this time will not exceed $1.50 per ton, and no coal operator—and there were a score who appeared before our committee—asserted that a profit of 50 cents a ton would be an inadequate profit.

The difficulty is that the mine operators are being offered large prices for their coal. It is not in human nature to expect them to accept less than they are offered for the coal, and nothing but the hand of the law will be sufficient to keep coal at a reasonable price at this time under the conditions which now prevail.

Mr. REED. Let me ask the Senator——

Mr. CUMMINS. In my opinion the coal operators are wanting now to reimburse themselves for alleged losses which they have sustained in the last 10 years. I asked at least a half dozen of these operators in the course of the examination whether they thought it was fair to make the people of the country now pay a price for coal that would reimburse them for losses which they had sustained in the business several years ago, and without any exception at all they affirmed that they thought it was perfectly fair for them to charge prices now that would recoup the losses of the 5 or 10 years that are gone.

Mr. VARDAMAN. Will the Senator from Missouri permit me to ask the Senator from Iowa if he elicited from the coal producers any data with reference to the cost of producing coal prior to the beginning of the war so as to show what was the comparative cost?

Mr. CUMMINS. We elicited a great deal of information upon that point. The advance has varied in different mines, but there is no operator, as I remember it, who alleges a greater advance than 50 cents a ton. Possibly one went to 75 cents a ton in his particular locality or particular mine, but the average increase was not to exceed 50 cents a ton.

Mr. KING and Mr. POMERENE addressed the Chair.

The VICE PRESIDENT. Does the Senator from Missouri yield; and if so, to whom?

Mr. CUMMINS. I have no right to yield. I rose to put this matter where I thought it ought to be in view of the testimony we have developed.

Mr. REED. Very well; I yield to the Senator from Utah.

Mr. KING. Did the Senator in his investigation ascertain whether or not in the contracts which have been made for the sale of coal by the coal companies there was any provision by which if the coal companies sold in the season for a lower price rebates were to be paid to them?

Mr. CUMMINS. No evidence that I remember was developed upon that point. A great deal of coal is sold under contract which has for its basis the cost of production and with the provision that there is to be added to the cost of production a certain profit per ton. There is but little free coal, so to speak. Eighty per cent of all the coal production of this country is produced under contract, and there are very few contracts at this time, if any, that are as high as $3 a ton. Even the contracts made on the 1st of April of this year are, most of them, far below $3 a ton.

Mr. KING. Is it not a fact, if the Senator will pardon me just there, that contracts have been made for the sale of large quantities of coal, as much as probably several hundred thousand tons, at $3 per ton, with the provision that if the coal continues to sell during the season at a less price there would be a rebate?

Mr. CUMMINS. I do not know whether that is true or not.

Mr. KING. Is the investigation going on now by which the Senator could ascertain that fact?

Mr. CUMMINS. Having said so much, the conclusion from it all is that a fair profit to the operator would fix a price very much below $3 per ton; but I can not believe that the operators ought to be censured as wretches and as criminals, because they are neither. They are simply accepting prices which people are offering and are willing to pay. I think they are as patriotic and unselfish as the great body of the business men of the country. They have long ago adopted, as nearly every other business has adopted, the famous motto of transportation companies, namely——

Mr. REED. To charge all the traffic will bear.

Mr. CUMMINS. To charge all the traffic will bear. That is the motto of the business, and nothing but the Government can ever take that motto out of the business.

If I may be permitted, I ought to say at this point that I believe the provisions of this bill are entirely inadequate to meet the situation. I do not believe that the licensing section—and it is the only one which can grapple with these conditions—will enable the people of the country to secure their coal at a fair price. If we intend to do anything with it we ought to go at it directly and in the only way in which we can go at it, namely, to have the Government take all the coal at the mouth of the mine, paying the operators a fair price, and in turn selling to the people at a fair price.

Mr. SUTHERLAND. With the permission of the Senator from Missouri, I should like to ask the Senator from Iowa whether his committee has elicited information as to the real cause of the high prices being the shortage of cars?

Mr. CUMMINS. We have taken a great deal of testimony upon that point. In my judgment, the shortage of transportation—I use that term rather than the shortage of cars—is the initial cause of the high prices of coal. The shortage of transportation has induced or driven the buyers of coal to offer high prices for coal, inasmuch as the supply has been very much less than the demand.

But, speaking of the shortage of transportation or shortage of cars, everybody knows that the coal men of this country have received only about 60 per cent of the transportation which was allotted to them at the beginning of the year—that is, they have been able to ship only about 60 per cent of the coal which they were easily capable of producing. The railroad committee that has been organized under the Council of National Defense has issued recently a bulletin describing some of its efforts in remedying the alleged shortage of transportation. We have all been under the impression that the railroad companies needed a very great number of cars more than they now have in order to do the business of the country.

I think it would be well to call the attention of the Senate to that bulletin. They report that we have, in round numbers, 2,500,000 freight cars in this country owned by the railway companies and by private transporters or shippers as well. They say that they can make a saving of four and a half per cent in reducing the time that a certain percentage of the cars are in the shops for repair. That saving adds 64,000 cars to our system of transportation. They say that they can add 5 miles per hour to the movement of freight cars. The average movement now is 25 miles a day. That is the average movement of a freight car in the United States. That will add 520,000 cars to our transportation system. They say they can add 2 tons in loading each freight car.

Mr. REED. Who says that?

Mr. CUMMINS. That will add 200,000 cars to our system. So the railway companies themselves now say that without the addition of a single car they can add in effect 779,000 cars to the efficiency of our system and thus remove substantially if not entirely the alleged car shortage of the country.

I beg the Senator's pardon. I ought not to have interposed so long.

Mr. REED. The Senator has been making a very interesting statement, and he has said "They say." Who does he mean say that?

Mr. CUMMINS. I could not resist the temptation to suggest that if we are going to enter—and I am in favor of the Government entering—this field we should enter it in a way that will produce results instead of skirting around the edges and endeavoring to rely upon the voluntary arrangements of irresponsible committees.

Mr. REED. The Senator did not hear my question a moment ago. He used the expression several times "They say" and then referred to the freight-car situation. Who made the statement the Senator has been referring to?

Mr. CUMMINS. It has been so universal that I can hardly attach authorship to it I have heard the railway companies themselves declare the car shortage so often that I came to accept it as conclusive and certain; and it was not until this testimony appeared before the committee that I became aware that by just a little efficiency—just a little common sense—in the operation of our railway system the cars we have could be made to render the service we now imperatively need.

Mr. REED. What I am trying to get at is who gives the testimony that all these reforms can be effected. Who has made that statement?

Mr. CUMMINS. The bulletin to which I referred is the one issued by the railroad committee operating under the Council of National Defense. That committee is composed of the presidents of half dozen of the prominent railroad companies of the country.

Mr. REED. Before the Senator takes his seat, he has said there is nothing that the criminal law of the country will reach. Is the Senator prepared to say there has not been a concert of action among certain of the coal companies with reference to the price of coal?

Mr. CUMMINS. Mr. President, I have not the least evidence of it, and there really is no necessity for it. I do not suggest that they would not combine if they found it necessary; but when there are a half dozen people bidding for 1 ton of coal, willing, in order to keep from freezing to death or in order to keep industries in operation, to pay any price for it, a combination among the sellers is not required to maintain exorbitant prices.

Mr. REED. I wish to say to the Senator, because I do not want the question to go by in that way, statements have been made to me similar to the statement made by the Senator from Georgia [Mr. SMITH] of coal having been raised in price at the same time by a large number of mine operators; that on the same day the price goes up, and substantially the same amount. This has come to me from a number of other sources.

If that is true, and I assume it must be true, there must be some concert of action. If there is no concert of action, no conspiracy whatever, then it is absolutely certain that in a few days' time all the excessive price would have disappeared, because the market would come to be supplied at the high prices, and the mine owner will find he has to sell at lower prices; in other words, the law of competition will come in. However, I do not want to be misunderstood. I am perfectly willing that anything shall be done to get us the relief that can be reasonably employed, but I do say I am of the opinion that a prompt application of the criminal laws of the country to this situation would have ended it long ago.

Now, I promised to yield to the Senator from Ohio.

Mr. CUMMINS. I do not want to be understood as asserting that there is no combination. I only say that, so far as the testimony to which I have referred is concerned, I heard none that would be proof of a combination, and in view of the enormous demand for coal and the limited supply of coal under the circumstances I can see no reason for combining when the operator can get any price he sees fit to ask for his product.

Mr. REED. I now yield to the Senator from Ohio.

Mr. POMERENE. Mr. President, I merely wish to say a word in regard to the price of coal. I have listened with a good deal of interest to these statements, and while this matter has not been fully developed before the Interstate Commerce Committee, I assert the fact to be that the price of coal at the mines in Ohio and western Pennsylvania has not only been increased 50 cents a ton but it has been increased in many instances 100 per cent and even 200 per cent.

Mr. CUMMINS. I think more than that.

Mr. POMERENE. I think so. I think further that many of the coal operators have said it is the rule of supply and demand that controls. That is not true in my judgment. The rule of supply and demand is not permitted to operate here. The only rule which has controlled the price of coal has been the rule of necessity. When it comes to getting coal enough to warm a poor washerwoman and her family her necessities are such that she has been paying an exorbitant and outrageous price. There is not any defense that can be made by any mortal of those prices. I shall have something to say on this subject to-morrow.

Mr. REED. What is the opinion of the Senator from Ohio, who has been on the committee—I think, indeed, he is the chairman of the subcommittee making the investigation—as to whether there is evidence tending to convince him that there is a concert of action among at least a part of the coal operators?

Mr. POMERENE. The evidence will show if they ever investigate it, and we have investigated it in part in certain localities in Ohio and in Pittsburgh, that they have bureaus or organizations. Each coal operator is a member of a bureau. He sends in a statement to the bureau showing the amount of coal he has mined and sold and the price he has received for it. Immediately upon these returns being made to the bureau a complete statement is issued to each member of that particular organization showing the total amount of coal sold by each operator and the price he received for it.

It is pretended that this is in the interest of the consumer, because they can with this information reduce prices. The actual experience has been during the last six months in Ohio and West Virginia and in Pennsylvania that the prices have been raised, and I think that that part of it is a good subject for investigation by the Federal grand jury. I propose before we get through to give some of the information I have to the grand jury; but I do not agree with the Senator from Missouri that there is sufficient legislation now upon the books. Many a man can violate the law to the detriment of millions and millions of people, and he may not be made amenable to the law.

Mr. REED. I do not think the Senator is warranted in saying that I made the statement that there is enough legislation now and that I am not willing to enact further legislation.

Mr. POMERENE. I did not so understand the Senator.

Mr. REED. The Senator did not so understand me, but I did make the statement that if the legislation now on the books was employed you would not have much trouble in breaking coal prices; but I am willing that they shall be broken in any other way that they can be.

Mr. NEWLANDS. Mr. President——

Mr. REED. I yield to the Senator from Nevada.

Mr. NEWLANDS. I wish to say a few words regarding the coal supply as brought out in the recent investigation before the Interstate Commerce Committee. According to this evidence the normal demand for coal in the United States is about 600,000,000 tons a year, or 50,000,000 tons a month. It is said there is now an increased demand, and there is likely to be a still further increased demand by reason of the war and by reason of the necessities of our allies, so that it is said that the reasonable demands for coal for America during the next year will be about 100,000,000 tons in excess of the past requirement, namely, that the demand will be for 700,000,000 tons. The country has not, however, of late had its normal supply of coal. The mine operators all attribute that to the fact that there has been what they call a car shortage. Upon inquiring as to that of the railway operators we find that there has been an extraordinary demand for these very cars for other things paying higher freight and perhaps of greater necessity—munitions of war, and so forth—so that the mines have not always been supplied with the cars into which they can immediately load the coal produced. There is very little coal stored at the mine; it is brought out of the mine and immediately put upon the cars; it is then carried to the place of destination.

Of this total of production of 600,000,000 tons of coal in a year it is claimed that about 80 per cent is under contract to the railroads and the factories and only about 15 or 20 per cent is loose, and is what they call "free coal" or "spot coal." It is said that an extraordinary demand has been precipitated upon that small surplus of 15 or 20 per cent of the total production and that the excessive prices have been in the main confined to this so-called spot or free coal, and undoubtedly that has been made the subject of an extraordinary demand and the sport of speculators in the market. Whether they have acted in violation of law or not I do not know, and no sufficient evidence has been produced as to that.

Mr. REED. Will the Senator pardon an interruption?

Mr. NEWLANDS. Yes.

Mr. REED. I do not want to stop the trend of the Senator's discourse, but he speaks of the prices being made the sport of speculators in the market.

Mr. NEWLANDS. Yes.

Mr. REED. Has not the price been raised at the mouth of the mine by the mine operators to large purchasers?

Mr. NEWLANDS. It has been, and has produced a great reluctance upon the part of the mine owners, as I understand, to contract for coal, except at increased rates. They insist that their expenses of mining are increasing, that the number of men available for work is diminishing, and so forth.

I have not the slightest doubt that if the railway operators succeed in operating efficiently the present number of cars annually—2,500,000 or 2,600,000 cars, and make them more efficient by reducing the period in which they are laid up for repairs, by increasing the speed and so forth—I have not the slightest doubt there will be an enormously increased production, which will quickly result in a reduction of the price of coal, just as was instanced by the Senator from Missouri [Mr. REED] on Saturday, with reference to potatoes. When that time will come I do not know. It depends upon the efficiency of the car system and upon the economies of time which are to be worked out by the railway operators. I imagine that the stress of war may bring upon the car system a tremendous strain for other things than these low-priced products, such as coal. I can understand, of course, how the railroads themselves will prefer to carry the high-priced products paying a higher rate of freight, rather than the low-priced products that pay a lower rate of freight. So those things may operate to the derangement of the plan.

I agree with the Senator from Iowa that other legislation is needed. I think there is great force in what the Senator from Missouri has stated with reference to the law of supply and demand ultimately regulating these things. I believe that if the car shortage could be done away with to-day and the mines could quickly put into the cars the coal which they currently produce, the price of coal in this country would go down just as the price of potatoes has gone down.

Mr. REED. Mr. President, all of this is very interesting and illuminating, but all of it is very far from the question I started out to discuss. Since, however, we are on the theme, let me state what I believe the evidence will disclose: That is, that after all excuses have been offered the fact will remain that mine operators have advanced the price of coal at the mouth of the mine, and in a great many instances they have advanced it to an enormous extent. That is not speculation in the sense in which we employ that term; that is a question of raising the price of coal by the owner of it.

If you concede that right, you certainly do not have to concede along with it the right of the mine operator to agree with other mine operators to advance the price of coal at the same time, because when that is done the criminal statutes of our country are violated. I have not the slightest doubt in saying that proper investigation will disclose enough facts to warrant an indictment of more than one of these gentlemen. If it is necessary to enact further legislation to accomplish a desired result in order that extortions of this kind shall not be practiced, I am ready to join in that legislation. Just now, however, I want to call the attention of the Senate back to a little point in controversy.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER (Mr. BRADY in the chair). Does the Senator from Missouri yield to the Senator from Nevada?

Mr. REED. I yield.

Mr. NEWLANDS. Will the Senator from Missouri allow me to add a few words to what I have already said?

Mr. REED. Yes.

Mr. NEWLANDS. Mr. President, an extraordinary demand has been precipitated on the supply of spot coal or free coal on the market. As an evidence of that, the factories of New England, having lost their usual supply this year from Nova Scotia, were terrorized with reference to the situation, and they went into Ohio itself, which is a great coal-producing State, and bought coal so recklessly as to raise the price to an unprecedented figure. In that way they produced a stringency in the coal market which affected every factory in the State of Ohio. The Senator can see, therefore, that there was a cause for increasing this price quite above and beyond any cause existing in the combination of the jobbers or the controllers of the coal.

Mr. REED. Mr. President, I understand that there was consternation everywhere. We have had enough wild talk to scare everybody to death in this country. It has been usually about food, but it has been also about everything else. If we had a few less Jeremiahs in this country going about pouring forth their lamentations and telling us about the evil that is to fall upon us, there would be less terror in the minds of people; there would be less of an attempt to grab everything in sight, and we would not need so much governmental control. Every Senator who stood in this Senate and every man who stood outside of it telling the country that it is going to starve to death has been in part responsible for these high prices. Every man who has dared say anything to the contrary has been pictured to the country as a pro-German.

Mr. President, returning to our muttons, the question was raised here that there had been no attempt made by anybody to regulate the price of coal by making any contracts. I had made a statement that I had read something of that kind in the newspapers. I did not mean that it was an ordinary contract, but that there was an arrangement, an agreement. I was quoting ordinary newspapers. I know that the newspapers make mistakes; but I know that there is one newspaper that never makes a mistake. I refer to the Official Bulletin. There is not a Senator in this Chamber who has the temerity to challenge any word which he may find in that document. It has the stamp of "genuine" blown in the bottle, and here is what I read in the issue of June 29, the headline being:

Big cut in soft-coal prices, beginning July 1, is made voluntarily by mining operators at conference with Government officials—Schedule of rates will be tentative until cost investigation is completed—Secretary Lane lauds producers.

This is the article:

The Committee on Public Information has issued the following:

Three dollars for bituminous coal on cars as it comes from the mine, $3.50 for lump sizes, and a reduction of 50 cents on every ton for the Government are the maximum prices, with few exceptions, that coal operators will take for their product beginning July 1.

This reduction from prices at the mouth of the mine—

"At the mouth of the mine." I call the attention of the Senator from Nevada [Mr. NEWLANDS] to that statement—

ranging as high as $5.50—

Mark you now, this is bituminous coal—

was arranged in a meeting of the special committee of the operators, the committee on coal production of the Council of National Defense, Secretary Lane, and Gov. Fort, of the Federal Trade Commission.

Trade secrets between competitors, cost prices, and other confidential information was laid on the table, and the Government, acting as judge, decided, with the entire approval of the operators, what would be the highest prices paid at mines for coal—

And if Secretaries Baker and Daniels are correct, there is no reason why the mine operators should not have given their entire approval to the prices—

prices to go into effect on July 1, to stay in effect until investigations are made and these prices are raised or lowered.

Representatives from various States were asked to quote the minimum price at which they could furnish coal. The Clearfield district of Pennsylvania agreed to cut its price for coal as it was loaded at the mouth of the mine from $5.25 to $3, with $3.50 for lump sizes.

Tennessee came down from $4.50 to $3. Virginia did likewise. West Virginia reduced the current contract price of $5.60 to $3, and Illinois and Indiana reduced their prices to $2.75 for coal as it came from the mine. Alabama, which mines under difficult conditions with special expenses, reduced its price from $5.50 to $3 at the lowest and $4 at the highest. Maryland lowered its estimate from $5.75 to the standard figures. All the remaining districts east of Illinois that were represented also agreed to the new figures except one or two with special conditions, which were deferred for further consideration. Only the districts west of Illinois—Iowa, Wyoming, Colorado, Oklahoma, and the Southwest—which were not represented, remain yet to be counted, and there is no doubt whatever in the minds of the coal committee of the Council of National Defense that these districts will agree to the price reduction.

These figures met the entire approval of Chairman Peabody and his colleagues and of Secretary Lane and Commissioner Fort. In several instances they discussed frankly the situation in certain districts with the representatives from those districts, while asking for lower figures, and in each instance they met the hearty cooperation of the operators.

Again I remark that if Secretary Baker and Secretary Daniels are right, it is no wonder they met the hearty cooperation of the operators—

Mr. Peabody explained also that in line with the promises he had made in the open sessions of the convention he would, if request were made to him to do so, see that the standard price was altered to allow for special conditions, if his views coincided with those of the other Government agencies, and that any increase in labor costs would also be allowed, pending, and afterwards also, the fixing of permanent prices that will be undertaken as soon as careful investigation of costs has been made.

So that it appears that if they have not fixed prices, they intend to fix permanent prices. Now, this is official; this is from the Official Bulletin.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Nevada?

Mr. REED. I do for a question, but I desire to finish reading this article.

Mr. NEWLANDS. I wish to make an explanation.

Mr. REED. I hope the Senator will not make an explanation of anything that appears in the Official Bulletin. That document ought to stand without a word being taken from or added to it, even by the Senator from Nevada.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. Yes.

Mr. BORAH. The Senator would not want that rule to obtain longer than 30 days, would he?

Mr. REED. Well, I do not know; I am a little tender about interfering with this publication.

Just as the session was about to end Secretary Lane told the operators:

"This is a distinctly novel proceeding. You are pioneers in a good move. We look back with respect and admiration upon those who crossed the hard and stony and waterless places and picked out the richer spots beyond. I hope that you will be looked upon not only by those who succeed you in the coal business but by the industries of the United States with respect and admiration for the manner in which you have acted at this conference.

"You have responded as to a call by the people of the United States. You are not a removed class. You are business men. You belong to the people. Most of you are men who were not born to wealth. You have come up out of the soil like the rest of us. You have shown sympathy with the people and understanding of your relation to them.

Just think of saying that to a lot of fellows who have put the price of bituminous coal at the mouth of the mine up to $5.50 a ton.

"That is everything in a democracy. Unless we maintain in our minds always the consciousness of the sources of power in this country democracy is a failure.

Everyone will catch the logical connection between the last sentences and those that immediately precede them.

REASON TO BE PROUD.

"You have been up against an extremely odd situation and now you have acted hero and met the situation in magnificent fashion. I think you have reason to be proud of what you have done. You have said to the American people that you are not going to be oblivious to the rights of those from whom you sprang. You will protect them. That is spirit of the kind that makes for the success of this country. If all the industries of the United States will make the same effort there will be no question as to whether our people can mobilize our resources. We must not work singly and alone for selfish ends in the hope of reaping rich rewards that will distinguish us merely as men who are in industry as makers of money. We must work as the men who have landed in Europe yesterday must work—in battalions and regiments and companies, with one mind, one purpose, marching forward to victory—victory not for ourselves but victory for the country. We are the greatest business Nation on earth. Therefore we must look to the business men to lead and inspirit us and our people, and I think that the word that goes out from this gathering will be inspiriting to all."

By agreement with the operators the coal committee has deferred treatment of the anthracite problem until after the 1st of July. Seven anthracite operators were represented at the meeting to-day. It is expected that the anthracite dealers will meet the Government in exactly the way that the bituminous dealers have done.

Thus endeth the first lesson.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Nevada?

Mr. REED. I will yield in a moment. I understand the Senator wants to make a little speech, and I will give him the opportunity, but before I leave this interesting subject in connection with this very classical eulogy and with that statement of it which reads:

We look back with respect and admiration upon those who crossed the hard and stony and waterless places and picked out the richer spot beyond.

I desire to read from the Washington Post—all the papers, however, carried it—this item:

Secretary Baker, as president of the Council of National Defense, repudiated last night an agreement fixing a tentative price of $3 a ton for bituminous coal reached at a conference here Thursday between coal producers, Secretary Lane a member of the defense council, members of the council's coal-production committee, and the Federal Trade Commission.

"Neither the council nor its committee," Secretary Baker said in a letter to W. S. Gifford, of the council, "has power to fix prices."

"UNJUST," HE DECLARES.

Mr. Baker added $3 at the mines suggested for bituminous coal is "exorbitant, unjust, and oppressive."

I desire to insert without reading the remainder of the article as a part of my remarks.

The PRESIDING OFFICER. Without objection, the matter will be inserted in the RECORD.

The matter referred to is as follows:

Secretary Daniels, another member of the council, earlier in the day said the agreement would in no way affect coal purchases for the Navy.

The Navy, he said, will continue to buy from the mines at $2.33 a ton, leaving a price to be determined after the Federal Trade Commission has ascertained production costs.

DENIES AGREEMENT'S LEGALITY.

In his letter to Mr. Gifford, Mr. Baker asserted that he believed no members of the defense council disagreed with him as to the limitations of the powers of the council and its committees and as to the effect of the action taken.

The fact that the conferences were attended by members of the council and of the trade commission, he declared, gave no legality to the agreement.

The price-fixing agreement was reached after 400 operators called here by the coal-production committee had adopted resolutions authorizing their committees to give assent to such maximum bituminous prices as might be named by the Secretary of the Interior, the Federal Trade Commission, and the coal committee.

OPERATORS FEARED PROSECUTION.

The resolution was reported by Trade Commissioner Fort from a special committee.

In presenting it for adoption Mr. Fort declared he believed it was entirely safe for the conference to adopt, and that any responsibility as to the legality of fixing prices was put on the Government, and not on the operators, under the terms of the resolution.

Some operators had expressed a fear that they might be prosecuted under the antitrust laws if they entered into an agreement among themselves to lower prices.

An official announcement made through the public information committee said that in the final conference cost prices and other confidential information was laid on the table and the Government representatives, acting as judges, decided what would be the highest prices paid at the mines—the prices to go into effect July 1 and to remain in effect until investigations are made and other prices arranged.

SECRETARY BAKER'S LETTER.

Secretary Baker last night indicated that as president of the defense council he had received no notification of the arrangement reached at the conferences. His letter to Mr. Gifford said:

"My attention has been called through the newspapers to the action reported to have been taken at Washington, D. C., during the past week by the so-called committee on coal production of the Council of National Defense, in cooperation with certain coal producers and representatives of coal-mining enterprises, with regard to the price of bituminous and anthracite coal.

"The facts seem to be that the coal-production committee invited to Washington various coal operators and arranged a conference between them, members of the coal-production committee, and members of the Federal Trade Commission, leading to the adoption of resolutions in favor of an early and accurate determination of the costs involved in the production of bituminous and anthracite coal, as a basis for some future action by some official agency of the Government in fixing fair and just prices for these products, should any such agency be given power to do so.

"Pending such an ascertainment of costs this meeting seems to have adopted a resolution whereby the operators present agreed to sell bituminous coal at a price not higher than $3 per ton, and that this obligation should remain in force until some such action had been taken by an authorized governmental agency.

"The color which has been given to this meeting and this resolution in the newspapers may well mislead the public into believing that the Council of National Defense has either undertaken itself to fix the price of coal or to sanction its being fixed by the coal-production committee or that committee in conjunction with the coal operators.

"I, therefore, as president of the Council of National Defense, write this to say that the Council of National Defense has no legal power, and claims no legal power, either to fix the price of coal or to fix a maximum price for coal or any other product.

BEYOND LEGAL POWER.

"The coal-production committee is a subordinate committee of the Council of National Defense, purely advisory in its character, formed for the purpose of advising the council as to steps which might be recommended leading to a stimulation of production and distribution of coal.

"No power has been even attempted to be delegated to it to consider or deal with the question of price, and any action taken by that committee or sanctioned by that committee dealing with price, either fixed or maximum, for coal is clearly beyond the legal power of the coal-production committee and of the Council of National Defense, from which the committee derives whatever authority it has.

CALLS THE PRICE UNJUST.

"As you are aware, the Federal Trade Commission has been directed by the President to ascertain for his information the costs involved in coal production.

"I am to some extent familiar with the progress made by the commission. The information I have from that and other sources, I think, justified me in believing that the price of $3, suggested or agreed on, as a maximum, is an exorbitant, unjust, and oppressive price.

WRITTEN FOR GUIDANCE.

"The fact that these conferences were attended by members of the Federal Trade Commission and by members of the Council of National Defense, of course, adds nothing to their legal powers, and I am sure that none of my associates in the council will dissent from the view I have herein expressed, both on the limitation upon the powers of the council and the coal-production committee, and the effect of the action alleged to have been taken.

"I write this for the information of the coal-production committee, and for the guidance of all other subcommittees of the council."

SECRETARY LANE SILENT.

Mr. Baker's letter caused much surprise among those officials who considered that the Government had accomplished a notable achievement in inducing the coal operators to agree to a price far below that now effective.

Secretary Lane and the other officials declined to comment, but it was pointed out that Secretary Baker spoke only in his capacity as head of the defense council, and that he did not attempt to repudiate the approval given the operators' new price scale by Interior Department and Federal Trade Commission officials.

SEVERAL EXPLANATIONS OFFERED.

Several explanations for the letter are suggested to-night among those familiar with the situation.

One was that the Department of Justice is anxious that the fate of pending prosecutions in New York against a few coal operators be not jeopardized by the action taken here regarding prices.

Those who take a different view believe that in the near future there may be an issue in the Cabinet that will involve the very problem presented in this case.

VIEWS IN CABINET DIFFER.

Some members of the Cabinet are understood to feel that the best way to handle big business interests in war time is to appeal to their sense of patriotism and fair play, and that a little more than ordinary profit would not be a bad thing if it would stimulate production.

Another group is understood to feel that there must be a constant use of the great power of government to coerce business interests to give the lowest possible prices.

How deep the difference goes has not become apparent, but it is possible that a reappearance will lead to many difficulties among officials.

Mr. REED. In this connection I desire to call attention to the membership of the committee on coal production, one of the advisory committees of the Council of National Defense:

Committee on coal production: F. S. Peabody, president Peabody Coal Co., Chicago, chairman; E. J. Berwind, president Berwind-White Coal Mining Co., New York—

I will put in the remainder of the names without reading. I simply put them in in order that we may know that nearly all of the leading coal operators of the country are on the Council of National Defense, and it is with some curiosity I inquire why these gentleman, at least, did not keep their mine product at a decent price? If they had done so there would have been no possibility of cornering the coal market of the United States. I now ask that the names to which I have referred be put in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee on coal production in full is as follows:

Committee on coal production: F. S. Peabody, president Peabody Coal Co., Chicago, chairman; E. J. Berwind, president Berwind-White Coal Mining Co., New York; W. W. Keefer, president Pittsburgh Terminal Railroad & Coal Co., Pittsburgh; Van. H. Manning, Director United States Bureau of Mines, Washington; C. M. Moderwell, president United Coal Mining Co., Chicago; E. L. Pierce, vice president Semet Solvey Co., Syracuse; Erskine Ramsey, vice president Pratt Consolidated Coal Co., Birmingham; George Otis Smith, Director United States Geological Survey, Washington; James J. Storrow (Lee Higginson & Co.), chairman Massachusetts Committee on Public Safety, Boston; H. N. Taylor, vice president Central Coal & Coke Co., Kansas City; S. D Warriner, president Lehigh Valley Coal & Navigation Co., Philadelphia; J. F. Wellborn, president Colorado Fuel & Iron Co., Denver; Daniel B. Wentz, president Stonega Coal & Coke Co., Philadelphia; George W. Reed, secretary.

Mr. NEWLANDS. Mr. President, with the indulgence of the Senator from Missouri, I would like to say a few words right here regarding Secretary Lane's action and the action of the Council of National Defense and the coal operators upon the subject of coal.

In the first place, almost all of the coal that has been currently produced during the last six months or a year has been produced upon contracts, so that these high prices did not prevail with reference to that coal. The excessive prices relate only to the spot coal, the free coal that is on the market, and, of course, the market price being fixed in that way, the coal operator is enabled—at least in satisfying current demands—to charge the market price. So I have no doubt that, outside of their contracts, the price charged for coal by the operators at the mines has ranged about $5 or $5.50, responding to the market.

Mr. REED. Will the Senator let me ask him a question there, because he has investigated this question?

Mr. NEWLANDS. Certainly.

Mr. REED. What was the price last year for the same kind of coal at the mines?

Mr. NEWLANDS. About a dollar and a half per ton, as stated by the Senator from Iowa.

Mr. REED. Now, if the Senator will let me ask him there a further question I will try not to interrupt him again in his interruption of my address. Will the Senator please tell me why the patriotic gentlemen composing the committee on coal production, whose names appear in the pamphlet that the Senator himself had printed as a part of the Council of National Defense—why those distinguished gentlemen did not reduce the price voluntarily or keep it down where it ought to be?

Mr. NEWLANDS. Mr. President, the answer of the coal operators who appeared before our committee was that they were advised that they could not legally meet together and agree upon a price, even though the result was a reduction of price.

Mr. REED. Mr. President, that is not what I meant. I want to make my question clear. The Senator states that the price of coal last year at the mines was about a dollar and a half, I think, and that it went up to about five dollars and a half. Now, what I am asking the Senator is this: Here are a lot of coal operators serving on the Council of National Defense. Why did not these gentlemen, in the interest of the public and of fairness, each for himself, without combination with others, refrain from skinning the public by raising the price from a dollar and a half to five dollars and a half? Why did they not simply do the fair thing by the public? There are enough of them serving on the coal production committee to have prevented any such price as that being extorted. Now, does the Senator mean to tell me or the Senate or the country that these men came before the committee and said they could not each individually reduce the price at their own mines for fear the Government would prosecute them for reducing the price?

Mr. NEWLANDS. Mr. President, I am not here to defend the coal operators, but I am here to state the facts. I do not know whether or not these gentlemen, Mr. Peabody and others, who are on this committee, and whose names the Senator has given, have charged an excessive price. I do not know whether they held to the old price or whether they adopted the new price. The men on the subcommittee of the National Council of Defense were only a few of the numerous producers of and operators in coal. All I know is that operators who appeared before us, when the suggestion was made that they should all meet together in a patriotic way and agree with each other that the price should be materially reduced, stated that they would be glad to get together, but that they were advised that such a getting together would be a violation of the Sherman antitrust law, even though its result was to fix the price at a figure lower than the price prevailing.

The Senator says that all these men were guilty of extortion, because they raised the price from $1.50 a year ago to $5.50. What is the story told by the operators in reference to that? Their statement was that for 10 years, in the main, the bituminous coal industry has been substantially without profit, and it seemed to be generally conceded that that was the fact; that during this period of low prices they had been receiving under many contracts simply the cost of production, with 25 or 50 cents per ton added.

They made large contracts of that kind with railroads and with great factory consumers of coal; and they stated that many of them felt that they were justified, during a period of advance of prices brought about by an increased demand operating upon a limited supply, in taking those prices and making up the losses of the past. That was their statement.

Now, as to the policy that should be pursued. Here we are upon the verge of a great diminution in the labor market, a diminution in the number of employees, less men bidding for the job, and a consequent increase in the wages, and also a corresponding increase in the price of all the materials that are bought by the producers of anything, whether the product be from the mine or from the factory. It would be unfair, therefore, to confine them absolutely to the price prevailing in the period of production when the supply exceeded the demand and when the price was necessarily low.

The Senator from Missouri insists that he wants the application of the law of supply and demand everywhere, and he insists that in the end it will correct every evil with reference to prices. Well, the law of supply and demand means that when there is a diminished demand for a fixed supply the prices go

down, and, correspondingly, it means that when there is an increased demand for a fixed supply the prices go up. So the Senator, it seems to me, can not consistently arraign the high prices which come simply as the result of the law of supply and demand if there is no element of combination in restraint of trade to enhance the price.

Now, let me say a few words further.

Mr. REED. Mr. President, just let me call the attention of the Senator from Nevada to this fact: Of course the rule that the Senator has just announced ought to be applied to the farmer, and he ought to have the benefit of it as well as anybody else, ought he not? And if we are going to take away from the farmer his free and open market, his world market, we ought at least to see to it that he is permitted to buy in a market where the prices are as well controlled as his own prices.

Mr. NEWLANDS. That seems logical.

Mr. REED. I hope the Senator will help us put that in the bill before we get through.

Mr. NEWLANDS. I am simply addressing myself now to the law of supply and demand. It seems that as a matter of morals the producers must accept low prices when the supply is greater than the demand, and that, on the other hand, as a matter of morals, that the consumers should not arraign as dishonest the high prices created by a demand in excess of the supply. Now, of course, outside of that, we have to consider the question of regulation. When any commodity becomes so affected with a public interest as to compel the regulation of the price in the interest of the public, then it is the duty of the Government to intervene. But I have not the time to go into that subject at present.

Mr. President, I have already stated that there were reasons for an increased price beyond the abnormally low price created by overproduction and underconsumption. What did England do under these conditions when the war came? England saw that it was necessary to increase the supply, and that the best way of producing an increased supply was to raise the price. When England determined to regulate this matter, what did she do? She immediately permitted the operators to add a dollar a ton to the current price. Add a dollar a ton to the pre-war price of one dollar and a half a ton in America, and you have two dollars and a half a ton as the price of the coal at the mine. What did England do in addition to that? The suggestion was made that they should furnish coal to the allies at the same price.

England said, "No; we will allow our coal operators to get a little extra from them," and therefore she provided that the price to foreign purchasers, even the allies, should be 2 shillings and 6 pence in addition to that. Therefore the total additional price, so far as foreigners were concerned—even the allies themselves—was $1.62½, which, if the standard price prior to that time had been $1.50 a ton, would have raised the price to over $3 a ton.

Why did England do that? Because she said it was important, whilst guarding against sky-rocket prices for coal under the extraordinary demands of war, that at the same time production should be increased, and that the best way of stimulating production was to give the producer and his workmen larger compensation; and, as I understand, one of the purposes of this 62½ cents, concurrently with it, was to permit an increase in the wages of the men in the mines to a corresponding amount, or an amount approximating it.

Mr. REED. Mr. President, what about the wages of the other people who do not work in the mines, but have to burn coal? Are they to be increased, too?

Mr. NEWLANDS. I do not know what was done over there with reference to them, but I understand there was a general increase of wages throughout.

Mr. REED. I am speaking about this country.

Mr. NEWLANDS. I am talking about England.

Mr. REED. Oh, we know how the Englishmen got their increase in wages. They demanded it. I hope we will not have a demand of the same kind and in the way made in this country. I hope there will be no demand by strikes.

Mr. NEWLANDS. We also know that England was compelled by the stress of war, practically to take control of the industries.

Mr. REED. But I am talking about the situation here. I understand that the Senator now justifies the increase in the price of coal by a dollar a ton in this country on the ground that it will tend to encourage the mine owners to produce, and that, in the opinion of the Senator, there ought to be an increase in the wages of the miners. Now I am asking him what he is going to do with the rest of the people who have to consume coal? Are their wages, their salaries, their compensations, and so forth, to be advanced also?

Mr. NEWLANDS. The Senator from Missouri will pardon me if I do not allow myself to digress into that field now. I am confining myself to one question, and that is the question of coal; and I am not doing so with a view to justifying anything. I am simply stating the facts, and the economic facts, that led to this increase of price.

Now, then, I ask, What did Secretary Lane and the Council of National Defense find themselves confronted with? Why, a condition where the operators were afraid to combine even to reduce prices.

Mr. REED. Will the Senator let me interrupt him and ask him why it was necessary to combine to reduce prices?

Mr. NEWLANDS. Because they could not rely upon the good faith of everybody in the industry; and, unless they all did it, obviously those who did not take part in it would reap a large profit at the expense of the others.

Mr. REED. But, Mr. President, the man who himself sold at the reduced price would still get a fair profit. What right, then, did he have to refuse to sell, taking a fair profit, because somebody else might practice extortion?

Mr. NEWLANDS. Mr. President, I do not pretend to justify the quality of human nature which impels a man to accept for a commodity which he produces the price which other people accept and which is current in the markets, whether that price be exorbitant or not. It is human nature to accept the current price; and if you appeal to the patriotism of a great body of operators to reduce that current price which is the result of a current demand, of course you diminish their enthusiasm with reference to such an arrangement if they find that one-third or one-fourth or one-half of their numbers refuse to come into the understanding. It is human nature. I am not here as an apologist for human nature. It is a fact that a man will get what he can for what he has. I am talking, of course, about the market rates. I am not talking about extortion or anything of that kind.

Mr. REED. Would the Senator apply that last remark of his—that it is human nature for people to get what they can—to those members of the Council of National Defense who are there representing their own business and themselves in dealing with the Government?

Mr. NEWLANDS. Yes.

Mr. REED. Does the Senator think they would do that?

Mr. NEWLANDS. Yes; except in so far as they are constrained by a sense of responsibility because of the position which they have accepted and the moral obligation which they have assumed by reason of it.

Mr. President, I was inquiring what situation, then, confronted Secretary Lane and the Council of National Defense when this vast body of operators met? Why, there was nothing in the law which provided for a regulation of prices. There is nothing in pending legislation, so far as I know, that provides for fixing of prices. Therefore they were confronted with a market price of five dollars and a half a ton, with a prospect of an increase. It takes some time to set to work the machinery of regulating and controlling the price. They have already started that machinery through the Federal Trade Commission, and the Federal Trade Commission recently came before our committee with a report upon the subject; and what do they report? They reported that the previous cost of production of coal at the mines was about a dollar and a half a ton, and they advised our Government to use a system similar to that of England, and to add $1 a ton in order to stimulate production.

It is very clear that the most important thing for the prosecution of this war is coal. A scanty coal supply may imperil the successful prosecution of the war. Coal is not only essential to transportation but it is essential to the production of every fabricated thing that we know of, and lies at the very basis of production, for it is through coal that power is created. As a matter of public policy, then, what are you to do? Act as you would in normal times and simply fix the normal price prior to the war demand? Or are you to recognize the fact that an increased price will stimulate production and give you the material that will enable you to win the war?

The Federal Trade Commission, inquiring about costs of coal all over the country, recommended that we should pursue the same policy that England had pursued, and that was to add $1 a ton to the price of coal which prevailed before the war, which would make it $2.50 a ton.

Mr. REED. Mr. President, does the Senator understand now that in this conference $1 a ton was added to the price of coal upon the theory that the Senator has just enunciated?

Mr. NEWLANDS. I do not know what process of reasoning was pursued in the discussion; but undoubtedly they knew about all of these conditions, and I have not the slightest doubt that

this very reason operated upon their minds. What advantage, then, did they gain? Why, that during this period of discussion and contention as to what we should do, an arrangement was made whereby they agreed that the price should not exceed $3 a ton until the Government could ascertain the cost and determine a definite war policy with reference to this commodity. They also agreed that for the supply of coal to the Government itself the price should be 50 cents per ton less than the $3 charged to the general public.

Now, I ask, was not that the businesslike thing to do, apart from any consideration of whether or not the law forbade it? Just as a pure business transaction, whilst we are in this condition of contention as to whether we will regulate prices at all; and, if so, how we shall regulate them; and when we are in this condition of uncertainty as to what the costs are and as to what the price should be, if we can get a reduction from the general market price of $5.50 a ton to $3 a ton for the general public and $2.50 to the Government, is it not the wise and businesslike thing to do? Was not Secretary Lane somewhat justified, in the elation of the moment, when he congratulated on their action this great body of three or four hundred coal operators who, having the opportunity within the next three months to reap profits that would recompense them for the losses of years, yielded this advantage voluntarily as an act of patriotism?

Recollect that the consumption of coal in this country is 50,000,000 tons a month. A reduction of $2 a ton means $100,000,000 a month which the coal operators of this country waived and conceded to the patriotic insistence of Secretary Lane.

Mr. KING. Mr. President——

Mr. NEWLANDS. I do not think the Senator from Missouri was informed about these facts. I am sure he has a generous temperament and that he is not disposed to criticize unduly public officials acting as they do, with reference to matters the facts of which are not generally known. So I thought I would develop these facts before he proceeded further with his argument, and particularly with those powers of satire and invective which he possesses to such an extraordinary degree.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Utah?

Mr. REED. I do.

Mr. KING. May I ask the Senator from Nevada a question before he takes his seat?

Mr. NEWLANDS. Certainly.

Mr. KING. I agree with the Senator that coal is indispensable in the prosecution of the war, and that, in the language employed in the discussion of this bill, it is impressed with a "public" character or a "public nature" to a greater extent than any other article, unless it be wheat, steel, or copper. In view of the fact that the spirit seems to be that everybody should charge all that they can and then a little more, does not the Senator think it was unwise for Secretary Lane and the Council of National Defense, or whoever participated in the matter, to give the impression—indeed, to make a tentative arrangement—that coal prices should be doubled? Does not the Senator appreciate what the effect is throughout the country? Instead of officials attempting to stabilize prices in the interest of the people and the Government, they have approved a program—temporary, at least—which doubles the price of coal, and I am afraid that their course will be regarded as permission by everybody else who has something to sell to double and treble the price of the commodities held by them for sale. Does not the Senator think it is a bad example and that it will affect in a disadvantageous manner the future operations of the Government and the public in the purchase and sale of articles essential in this great crisis?

Mr. NEWLANDS. Mr. President, if the facts were as the Senator states, doubtless the action would have been very unwise; but the Senator bases his proposition upon an incorrect predicate. The Council of National Defense did not take any action to treble the price of coal. The present price of coal is $5.50 and $6 a ton. The action which they took was to reduce it about 50 per cent, and they expressly stated that this was simply temporary. There may be a further reduction yet as the result of the action of Congress and the inquiry of the Federal Trade Commission. Congress may conclude to regard coal as a public utility and fix the price, as the charges for gas and water and electricity are fixed; but it is not done yet, and it will take time to consider the method of doing it, and we all know the uncertainties of legislation. Here were these prices soaring in the market under an extraordinary demand, likely to reach altitudes not yet reached, and produce a perfect demoralization of the entire industrial system and a demoralization of our wage system. What was there to be done in this period of contention but to declare a modus vivendi, something analogous to the modus vivendi in diplomacy, a plan for living whilst we are proceeding with deliberation and judgment to the ultimate solution of the question?

I think Secretary Lane acted patriotically, and I do not believe there is a word of exaggeration in any utterance he made when you view the results, for if the modus vivendi is adhered to not only increased prices in the future will be averted, but the existing prices will be diminished 50 per cent.

Mr. REED. Mr. President, of course you may say that the action did not double the price of coal, if you are taking as your basis the extortions being practiced—extortions that are so bad that the evening paper, the Washington Times, states that—

> President Wilson is insistent that the price of coal must be reduced. He made his position clear to Secretaries Daniels and Baker to-day. He regrets that any seeming differences of opinion should have arisen, but believes that, regardless of the misconceptions or misunderstandings, the effort from this day forward should be to bring down the exorbitant prices of coal.

But the prices were substantially doubled if we take the prices that prevailed only a few months ago, even since the war in Europe began. I repeat I do not think the Government is so powerless that it has to compromise with coal operators by giving them an increase of 100 per cent over normal prices. If I were a coal operator and could get that sort of a compromise, I would think I had won my case and gotten all that I could possibly obtain if I had gone on without any compromise. A "compromise" that gives a gentleman twice as much as he is entitled to can hardly be called a compromise.

So far as Secretary Lane is concerned, I did not criticize Secretary Lane. I simply call attention to the fact that every time I have read a fact here this afternoon somebody has said I am attacking somebody. You can look through all that I have said, and you will not find that I have attacked any official. I have used some rather strong language in regard to coal operators who enter into combinations for the purpose of plundering the people; but, Mr. President, I want to drive one fact home, if I can, this afternoon.

We are told that there are a lot of guardians of the public interest serving without pay as advisors of the Council of National Defense. We are given to understand that in their capacities, whatever those capacities may be, the purpose is to have them guard the interests of the Government and people of the United States. We are told, in substance and effect, that we are to have the benefit of their great intelligence and experience in order that our Government may be able to mobilize the industries of the people, the power of the land, control the entire economic situation, and be able in this way to present the most powerful front possible. Now, if these gentlemen are there acting in that capacity, I inquire why they do not begin by reforming themselves and their own business first. They do not need any authority of government to quit practicing extortion. They do not need any statute of the United States to authorize them to reduce the price of coal so that they will be selling at only 25 per cent advance over what they charged last year. They will be guilty of no crime if, instead of limiting the product, they shall continue to produce it in greater quantities; and if, acting each for himself, they reduce the price, surely they violate no law of God or of man.

Bearing in mind that they are put here as the special guardians of the American people, I want to know why this long list of coal operators did not themselves reduce the price; and if each had reduced the price upon the properties he controls, the effect in the markets of the United States undoubtedly would have been to bring the price down to something like a fair level.

At the head of this committee is F. S. Peabody, president of the Peabody Coal Co., of Chicago, as chairman; E. J. Berwind, president Berwind-White Coal Mining Co., of New York; W. W. Keefer, president Pittsburgh Terminal Railroad & Coal Co., Pittsburgh; Van. H. Manning, director of the United States Bureau of Mines, Washington (he is not a coal operator); C. M. Moderwell, president United Coal Mining Co., Chicago; E. L. Pierce, vice president Semet Solvey Co., Syracuse; Erskine Ramsey, vice president Pratt Consolidated Coal Co., Birmingham; and a large number of others. Whether they are all in the coal business I can not say, but it is presumed that they all or nearly all are.

I inquire now, if these gentlemen are put in the position they hold for the purpose of protecting the people of the United States and are to serve a useful end why they themselves have not reduced the price of coal in their own mines, in their own places of business that they do control?

I do not say that Secretary Lane did anything wicked or wrong when he tried to get these gentlemen to reduce prices, but I do say if he made an agreement at $3, intending to give that agreement the sanction of the Government and to put the power of the Government behind it, then he made a mistake,

and a very serious mistake. What does that mean? It means, in the first place, that all the people of the country, speaking by and large, will have to pay nearly twice as much for their coal as they paid last year if they use bituminous coal, and that is the poor man's coal. It means that the great factories of our country will be obliged to employ coal at a very largely increased price. What is to become of the institution that has made a contract to furnish its product at a certain price and suddenly finds that the price of its fuel has been doubled, and that doubling has been sanctioned by the authority of the Government or by the authority of great Government officials?

Mr. NEWLANDS. Will the Senator permit me?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Nevada?

Mr. REED. I yield.

Mr. NEWLANDS. Does not the Senator think the manufacturers who are now paying $5.50 a ton for their coal, with the prospect of its running to $6, $7, or $8 a ton, will view with great satisfaction not a doubling of the present price but a halving of the present price?

Mr. REED. I am talking about the doubling of the price as it existed about two months ago, and I answer the Senator's question fairly, of course. If the present manufacturer found himself helpless, if as a matter of fact the coal combination is in operation to such an extent that he can not break it, then he would regard a movement reducing the price to $3 a ton as a very beneficent thing. But what I say is this: The Senator from Iowa furnishes me with facts from which I can make the assertion that the cost of the production of coal in the United States has only advanced a small amount, that the capacity of production of coal in the United States is as great as it ever was, and greater, says the Senator from Iowa; that this coal is produced in almost every State in the Union in vast quantities and from a multitude of mines, and there is no natural condition that will put the price up to $6 a ton or $5.50 a ton, or any similar price.

If you find that the price of an article that is produced universally has gone up to such exorbitant figures, you have the right to assume that there is a combination among those who produce it.

Mr. CUMMINS. Mr. President——

Mr. REED. If that is not the case, if it is true that we are absolutely in the grip of the coal dealers and producers of the country, and they are so strong that they can charge us $5.50 a ton, and the best compromise we can get is twice the price they charged last year, then I am of opinion that the Government will have to find some means to reach that difficulty and to relieve the people from it. I yield to the Senator from Iowa.

Mr. CUMMINS. I am only interested at this moment in keeping the record straight, and here the argument must be based upon what I understand to be the fact. It is immaterial to me whether the facts bear for or against the coal operators' interests The truth is that at least 80 per cent of the coal produced in the United States is produced under contracts entered into before the production takes place. These contracts are made usually on the 1st of April for a period of one or two years, as the case may be. It is not true that the coal operators get for the coal that they produce under contract any such sum as has been indicated. I venture to say that the testimony before our committee establishes the fact that the coal operators are now selling their contract coal at various prices from $1.75 a ton to $2.87 a ton. I do not remember that any of the contract coal so far as developed in our committee bore a higher price than $2.87 a ton. The contract purchasers are the railroads——

Mr. REED. That has all been gone over, if the Senator please. It has all been put in the record here.

Mr. CUMMINS. To the railroads, the big industries, and the jobbers who buy coal, but in turn sell it to the consumers, the operators have agreed to sell their coal in the main at less than $3. But those who have made contracts with them are selling their coal to the people who have not made contracts with them at any price they can get.

Mr. REED. Of course the Senator knows when the producers agree to sell coal at a contract price they have agreed to nothing; they have to do that anyway or pay the damages.

Mr. CUMMINS. That is true. I only want it to be perfectly clear that accepting $3 a ton has not resulted in reducing the price of any very great quantity of the coal which the operators are now mining and selling. Certainly it does not apply to more than 20 per cent of it, and I doubt whether it applies to that amount, although I hope that it will result in some good to the consumer. On the other hand, I want the Senator from Missouri to know that I agree with him in this, that when we come to fix a price for a commodity like this, no matter where we get our information upon which to fix it, it ought to be fixed so that the producers would have a fair profit. But it is not tolerable to think that those who are to be benefited by the operation, those who are to sell it, should establish the price. The Government, if it interferes at all, ought to interfere from an entirely impartial, unprejudiced, and disinterested standpoint; and that is the amendment that I intend to offer to the bill.

Mr. LEWIS. Mr. President, if the Senator from Iowa has concluded, will the eminent Senator from Missouri allow me to intrude this thought? I have been informed, and in justice to Secretary Lane I make the statement, knowing the Senator from Missouri who holds the floor not only would not do injustice to anyone but he would correct an injustice quickly when done anyone.

It appears that the statement made by the coal operators at the gathering at which Secretary Lane addressed them took on, among other characters, a statement as to what was necessary to pay the men under some new arrangement with the miners' union, of which I can not tell the Senator in detail, and that upon that new basis, according to the new arrangement, coupled with what they must pay for transportation, the $3 suggested gave a very small margin to them for profit, against which they complained. It was then that Secretary Lane made the speech that they owed it to patriotism not to allow their children hereafter to be pointed to as the children of men who had gouged the Republic at a time of peril. Then it was they agreed on the $3 basis. I understand and state to the Senator what they represented to Secretary Lane was what would be their liability to the miners and the transportation.

I thank the Senator.

Mr. REED. I am much obliged to the Senator from Illinois, although I declare I have said nothing whatever about Secretary Lane except to read his speech. I do not know why anybody should get exercised because I read it. I think I read it very well.

Mr. President, I want to bring the Senate back to the question I started to discuss some hours ago, which is the amendment I offered to include the words "aluminum and its products" in the bill. I have shown, I think, conclusively that aluminum is controlled by one concern; it is absolutely essential to the progress of the war, and I think it ought to be in the bill.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri [Mr. REED] to the amendment of the committee.

Mr. REED. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. REED. Let me say that might disclose the fact that there is not a quorum. Let us have a viva voce vote and save trouble. I withdraw the demand that I made, with the consent of the Senate, for the present.

The PRESIDING OFFICER. Without objection, the Senator from Missouri withdraws the request for the yeas and nays.

Mr. THOMPSON. I should like to have the amendment to the amendment read.

The PRESIDING OFFICER. It will be read.

The SECRETARY. It is proposed to amend the amendment of the committee, on page 2, lines 1 and 2, by inserting after the words "copper and its products" the words "aluminum and its products."

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on the amendment of the committee as amended.

Mr. KING. I had intended to move as an amendment to this section the striking out of the words "copper and its products" and the word "lead," but in view of the temper of the Senate, as demonstrated in the vote heretofore in respect to wool, hides, and cotton, I shall pretermit making that motion for the present.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee as amended.

Mr. WADSWORTH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from New York suggests the absence of a quorum, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brady	Jones, Wash.	Newlands	Sutherland
Chamberlain	Kendrick	Norris	Swanson
Cummins	Kenyon	Overman	Thomas
Curtis	King	Phelan	Thompson
Fernald	Knox	Poindexter	Trammell
France	Lewis	Ransdell	Wadsworth
Hale	McKellar	Reed	Warren
Hollis	Martin	Sheppard	Wolcott
Johnson, Cal.	Myers	Smoot	
Johnson, S. Dak.	New	Sterling	

Mr. KIRBY. I desire to announce that my colleague [Mr. ROBINSON] is detained on official business.

Mr. TRAMMELL. I wish to announce the temporary absence on important business of my colleague, the senior Senator from Florida [Mr. FLETCHER]. He is paired with the senior Senator from New Hampshire [Mr. GALLINGER].

Mr. WOLCOTT. I desire to announce the absence of my colleague, the senior Senator from Delaware [Mr. SAULSBURY], who is detained on important business. I ask that this announcement may stand for the day.

The PRESIDING OFFICER. Thirty-eight Senators have answered to their names. There is not a quorum present.

Mr. CHAMBERLAIN. Mr. President, I ask that the names of absentees be called.

The PRESIDING OFFICER. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators, and Mr. KIRBY and Mr. MCNARY answered to their names when called.

Mr. GERRY, Mr. SHIELDS, Mr. BANKHEAD, Mr. MCCUMBER, and Mr. BROUSSARD entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-five Senators have answered to their names. There is not a quorum present.

Mr. CHAMBERLAIN. I move that the Sergeant-at-Arms be directed to request the absent Senators to appear in the Chamber.

Mr. LEWIS. In this connection, I suggest to the Senator from Oregon that in the room of the Committee on Finance there are a number of Senators engaged in the business of the Senate.

Mr. CHAMBERLAIN. I repeat my motion, that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant-at-Arms will execute the order of the Senate.

Mr. SMITH of South Carolina, Mr. PENROSE, Mr. JONES of New Mexico, Mr. LODGE, Mr. LA FOLLETTE, Mr. TOWNSEND, Mr. COLT, Mr. SIMMONS, Mr. BECKHAM, and Mr. BRANDEGEE entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-five Senators have answered to their names. There is a quorum present.

Mr. CHAMBERLAIN. Mr. President, the question before the Senate is on the adoption of the committee amendment to section 1 as amended.

Mr. SMOOT. Mr. President, I move to amend the amendment by striking out all after the word "fuel," on line 8, page 1, down to and including the word "fertilizers," on line 4, page 2, and adding the word "and," after the word "therefor," on line 8, page 1, so that it will read:

That by reason of the existence of a state of war, it is essential to the national security and defense for the successful prosecution of the war and for the support and maintenance of the Army and Navy to assure an adequate supply and equitable distribution and to facilitate the movement of foods, feeds, and containers therefor, and fuel, hereafter in this act called necessaries; to prevent, locally or generally, scarcity, monopolization, hoarding, injurious speculation, or manipulations affecting such supply, distribution, and movement; and to establish and maintain governmental control of such necessaries during the war.

The PRESIDING OFFICER. The question is on the adoption of the amendment to the amendment proposed by the Senator from Utah.

Mr. SMOOT. Mr. President, just a word in connection with this amendment. The title of the bill is "To provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel."

Mr. President, if the items that are now in the bill remain, there can not help but be a conflict of authority in the different appointments that have been made by the President of the United States for carrying out this very work. For instance, steel and iron and their products, copper and its products, and lead are included in this bill, and yet there has been appointed a chairman for the purchase of raw materials, minerals, and metals in the person of Hon. Barney M. Baruch. We may take the other items included in the amendment and we find that this bill confers upon the person whom the President shall appoint authority to execute the provisions of the bill, while there have already been appointed certain individuals by the President of the United States to execute the small class of work. It therefore seems to me, Mr. President, that to make this bill what it was intended in the first place we should confine it to foods, feeds, and fuel.

Mr. LEWIS. Mr. President, may I ask the Senator, is not the Senator's real purpose to execute an idea he has to omit from this bill copper mines and their product, feeling that they are not cognate to the subject or purpose of the bill? Is not that the real purpose of the Senator?

Mr. SMOOT. Not only that, but I would omit hemp, jute, sisal and their products, lead, timber, lumber, farm implements and machinery, cotton and wool, and skins and hides. In other words, I would allow this bill to provide the authority asked for by the President of the United States as it was introduced in the House and passed by that body. I would go no further; and then if Congress in its wisdom should desire to place these other industries of the country under Government control let it be done in the proper way and at the proper time.

Mr. LEWIS. I ask the Senator, is not the Senator's real purpose, however, to eliminate from the bill the particular industry, the copper-mining industry, because he feels that it should be considered, having a knowledge of the subject, as not involved in this bill? Is not that the Senator's real purpose?

Mr. SMOOT. No; no more than as to any other industry or commodity that is mentioned in the bill. I will say, however, that I have in view eliminating the copper products of the country. There is no doubt about that, I will say to the Senator from Illinois, and I have no doubt that the gentleman who has been appointed by the President to look after this particular industry will do so, and with just as much benefit to the Government of the United States as any man that the President could appoint to carry out the provisions of the bill, if that industry were included in the pending measure:

Mr. CHAMBERLAIN. May I interrupt the Senator a moment?

Mr. SMOOT. Yes.

Mr. CHAMBERLAIN. The Senator proposes to leave out the words which were in the original House bill and in the Senate bill also, namely, after the word "fuel," the words "and articles required for their production."

Mr. SMOOT. I am perfectly willing, Mr. President, that those words shall remain in the bill.

Mr. CHAMBERLAIN. Those words were in the bill, but the committee endeavoring to carry out the purposes that Senators have expressed in the arguments which have been made here, itemized these commodities.

Mr. SMOOT. I understand why the committee made the change; but I can not see any wisdom in enumerating the articles which are mentioned in the amendment of the committee as amended.

Mr. CUMMINS. Mr. President——

Mr. SMOOT. If the bill is enacted in the manner in which I propose to amend it, it will give all the power necessary to "assure an adequate supply and equitable distribution, and to facilitate the movement of foods, feeds, containers therefor, and fuel."

Mr. CUMMINS. Mr. President——

Mr. SMOOT. I yield to the Senator.

Mr. CUMMINS. The motion of the Senator from Utah may have merit, but the reason he gives for it, it seems to me, is hardly sufficient. It is that Mr. Barney Baruch has been given authority by the President to make purchases of metals and other commodities of that kind; but the Senator from Utah will remember that the advisory commission, of which Mr. Baruch is one, deals only with purchases by the Government for the Army, the Navy, and other forces of the United States. If I understand this bill, it is intended not to fix prices for the Government alone, but for all the people, and I assume that Mr. Barney Baruch will not attempt to fix prices in the general commerce of the country and for private enterprise.

Mr. SMOOT. Mr. President, I will say to the Senator that I understand that whatever price is fixed for the purchase of copper and other commodities necessary for the conduct of the war by the Government of the United States will also apply to all of our allies. I understand also that our allies have virtually agreed that there shall be one purchasing agency in this country, and that that agency shall purchase not only supplies for our own Government but they shall purchase supplies for the allies as well, and at the same price.

Mr. CUMMINS. The Senator from Utah does not understand me. I am referring to the fact that this bill is intended, if I understand it, to regulate the prices of these commodities in the general commerce of the country, as well for private purchasers as for public purchasers. The Senator does not claim, I assume, that the advisory commission undertakes to fix prices generally throughout the United States for all commercial and industrial purposes?

Mr. SMOOT. No, Mr. President; I do not think it could do that under the law; but I do believe that whatever price is fixed by the Government of the United States and our allies will be the price that will be established by the United States

for all who purchase commodities such as those mentioned in this bill.

Mr. CUMMINS. Does the Senator think that would be true of wheat and corn?

Mr. SMOOT. I believe that the price of wheat and corn will be agreed upon as to what shall be paid for them, and that price will be the price paid by our Government, our allies, and neutral countries.

Mr. CUMMINS. Who shall pay?

Mr. SMOOT. The Government of the United States shall pay.

Mr. CUMMINS. For feeding its Army and its Navy?

Mr. SMOOT. Yes; and for whatever——

Mr. CUMMINS. But for your purposes and mine does the Senator mean that this advisory commission is expected to fix the prices that he and I shall pay?

Mr. SMOOT. I think, Mr. President, that the price fixed for wheat for the Army and the Navy of the United States, for our allies and neutral countries—and I understand that will be the policy—will be the price established in the United States. That is what I believe.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. SMOOT. Yes.

Mr. McKELLAR. As I understand, the head of the particular branch of the advisory commission, of which the Senator speaks, gathers together all the great dealers in a particular product that the Government might want and, after getting them all together, arranges a price with them; in other words, he merely arranges the best price that he can get with those gentlemen, and that is the extent of his power and authority. But under the terms of this bill I want to call the Senator's attention to the fact that the situation would be very different.

Whoever has charge of this particular business under this bill will have the right to call those gentlemen together and say to them that if they do not sell to the Government at a reasonable price the Government will have a right to commandeer the commodity; and it makes all the difference in the world as to the kind of price for which they will get the product.

Mr. SMOOT. Everyone knows that whoever controls the surplus of any product controls the price of that product. That is a law of trade that is just as sure as life and death.

Mr. McKELLAR. Mr. President, that is so—if the Senator will permit me again—unless the Government, as the case may be, would have the right to commandeer the commodity and fix the price for it.

Mr. SMOOT. Mr. President, if the price is fixed upon the surplus, whether that is a reasonable or an unreasonable price, that will be what that product will bring in the market and no more, and I was going to say no less. Therefore it seems to me that this whole proposition will be controlled by whoever is appointed to fix the price for the purchase of commodities for our Government, our allies, and neutral countries, or, in the case of wheat, for the Army of the United States, for our allies, and for the neutral countries of the world.

Mr. CUMMINS. Mr. President, how does it happen that the Government buys coal at one price and private consumers pay another?

Mr. SMOOT. Mr. President, no plan of action has yet been consummated as to just what the public shall pay for coal. We see from the papers what the suggested price was to be, but that has not yet been definitely determined. But if the Government of the United States, or if Mr. Howard E. Coffin, we will say, as chairman of one of the divisions of the advisory commission, should fix the price at which the Government of the United States should purchase its coal, and he should also fix the price at which the coal should be sold to all other countries of the world, I have no doubt at all but that the price fixed by him at the time, and agreed to under normal conditions, would be the universal price in the United States.

Mr. CUMMINS. Mr. President, the Senator from Utah forgets that we are buying coal all the time and paying a certain price for it; we are exporting coal all the time and receiving a certain price for it; and yet the prices paid by the consumers generally throughout the country bear no relation whatever to either the price paid by the Government or the export price.

Mr. SMOOT. I was going to say to the Senator, in that connection, that the reason of that is that until within a short time there has been sufficient coal to meet all the demand, and not only all the demand, but, if necessary, to meet additional demands.

Mr. CUMMINS. That has not been true for at least a year, although that may have been true at a former time. Now, the Senator from Utah invokes a rule of economy which is perfectly well known and is absolutely sound provided there is no interference with it on the part of the Government; but the Government, by its action, can destroy that rule just as effectually as it can destroy any others.

I do not agree with the Senator that if the price of the coal consumed by the Government or consumed by our allies is fixed, thereupon the price of all coal for domestic consumption is at the same time fixed. I do not agree that that would be true of any other product; and it seemed to me that the amendment of the Senator proceeded upon the theory that we were attempting to fix only the price of commodities purchased or taken for public use, if I may use that phrase, as distinguished from an attempt to fix prices generally throughout the United States on a variety of commodities, because the general law of supply and demand has broken down.

Mr. SMOOT. Mr. President, the request that was made to Congress for legislation of this character included only foods, feeds, and fuels, and I think that is exactly where we ought to stop in this bill. Of course, if there were no surplus of any products in the United States, exactly what the Senator says would be absolutely true in relation to trade; but I want to say now that I believe that it is absolutely impossible for the Government of the United States to undertake, through any agency, within the limited time of this war, to control the price of every product of the United States—control its production, control its distribution, and control the transportation of the same. I think it would have the effect, if undertaken, of breaking down the business of the country and at a time when it is necessary to enlarge production instead of limiting or decreasing it. Legislation of this kind is supposed to encourage the production not only of grain and foodstuffs and fuels of all kinds but of everything else that is required in the prosecution of the war. Legislation of this kind will have a tendency not to increase the production but to decrease it, and that is exactly what the people of the United States will disapprove of at this particular time, and it would be a very disastrous thing for our Government if it should happen.

Therefore I made the motion as I did, believing that that was what ought to be done in this bill. If there are reasons why the other commodities should be regulated in a similar way, then let us have a bill covering those particular commodities. I just came from a meeting of the Finance Committee and take it for granted that the committee amendment has been adopted.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER. The Chair does not see how he can entertain the motion of the Senator from Utah.

Mr. SMOOT. It is only a motion in the second degree.

The PRESIDING OFFICER. In the first place, the Senator moves to strike out words that are not in the bill. The committee's amendment is no part of the bill. It has not been agreed to.

Mr. SMOOT. If it is agreed to, then I will have to ask for a reconsideration of the vote by which it is agreed to, and that I do not want to do. I want to strike it out before it is adopted.

Mr. CHAMBERLAIN. Mr. President, I was going to make the point of order——

The PRESIDING OFFICER. Words that are not in the bill can not be stricken out.

In the second place, the Senator moves to strike out a pending amendment of the committee. Such a motion is not in order. The same purpose desired by the Senator from Utah can be accomplished in a parliamentary way that the Chair, of course, need not suggest to the Senator. The Chair believes that a motion to strike out the exact words embraced in an amendment is not in order.

Mr. SMOOT. Then I will withhold the motion until we have a vote on this matter.

Mr. WADSWORTH. Mr. President, may I ask that the committee amendment as now amended be read?

The PRESIDING OFFICER. The Secretary will state the amendment as amended.

The SECRETARY. The committee proposed, beginning on page 1, line 8, after the word "fuel," to strike out the words "and articles required for their production" and insert "including petroleum and its products, steel and iron and their products, copper and its products, aluminum and its products, hides, skins, hemp, jute, cotton, wool, and sisal and their products, lead, timber, lumber, or the joint product or products of two or more of the said materials, farm implements and machinery, and fertilizers and fertilizer ingredients."

Mr. WADSWORTH. Mr. President, it is apparent that little, if anything, has been forgotten. Perhaps some one might have asked that Portland cement be included, but I shall not suggest it seriously at this point.

Mr. President, this is no longer a food-control bill; that is, if we pay attention to the additional products which are brought

within its jurisdiction and compare them to the value of the products raised upon the farm. I agree with the Senator from Utah [Mr. SMOOT] that no government on earth can exercise the powers which this bill seeks to confer upon it if this amendment is adopted and taken in conjunction with that section of the bill which provides for the licensing, in the discretion of the President, of every person, corporation, or concern that is engaged in the production, distribution, or marketing of any of these products.

I had hoped, and have hoped from the beginning, that whatever legislation we should enact at this session on the question of the food supply and its control should be restricted to the actual food supply and its control; and my understanding is that the administration, which presumably knows what is necessary for the successful conduct of this war, has not asked anything more than that. I have been consistent in my attitude, for I voted in the Committee on Agriculture and Forestry against the inclusion in the bill of this long catalogue of articles produced in the United States, which, taken in the aggregate, include practically all the business done by the people.

For that reason I hope that the committee amendment as amended will not be adopted.

Mr. BRANDEGEE. Mr. President, before the Senator takes his seat will he allow me to ask him a question?

Mr. WADSWORTH. Certainly.

Mr. BRANDEGEE. The Senator says that he does not understand that the administration asked for control over anything but foods, fuel, and feeds. I did not have the pleasure of attending the sessions of the committee when Mr. Hoover gave his views to the committee. Did he express any opinion about these other additions which we are now considering?

Mr. WADSWORTH. Mr. President, I have not attended all the meetings—or, if I may use the term, conferences—at which Mr. Hoover was present. In my presence neither he nor any other representative of the administration has indicated any desire to have any control over lead or steel or iron or timber or lumber or cotton or wool, or several other things mentioned in the bill.

Mr. BRANDEGEE. I mean, the question was not asked him then whether it would be wise to include these things or not?

Mr. WADSWORTH. Not in my presence.

Mr. CUMMINS. Mr. President, before this amendment is voted upon I want to say, simply in explanation of the vote I shall cast, that if I were permitted to frame a bill which, according to my view, would best meet the situation, I would confine it to wheat and coal, and I would make the Government the purchaser of all the wheat produced for a given time, paying the farmer a fair profit upon it, and selling it to the consumer at a fair average price. I would do the same thing respecting coal. I would have the Government become the owner of the coal at the mouth of the mine, paying the producer the cost of production and a fair profit, just as I would the farmer; and I would then have the Government direct the distribution and the price at which the commodity should be sold in various parts of the country.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. Just a moment. I am simply explaining my vote.

If, however, we are to pursue the course suggested in this bill—that is, attempt to regulate these matters through the licensing system and through the minimum-price system, both of which are parts of the bill—then to me, at least, it is indispensable that every other important product in the industry of the country shall be also controlled in the bill.

I can not conceive how the system that is provided for in the bill can be fairly and equitably administered without including within its provisions practically everything that tends to make up the industrial life of the country.

Moved by these considerations, and these alone, I shall feel constrained to vote for the amendment as proposed by the committee; while if another system could prevail, which I intend to present after a while if I ever have an opportunity, I should be very glad to see the functions of the Government at the present time limited to the two things I have suggested.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee as amended.

Mr. PENROSE. On that I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I transfer my pair with the junior Senator from Georgia [Mr. HARDWICK] to the senior Senator from New Mexico [Mr. FALL] and vote "yea."

Mr. FLETCHER (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. GALLINGER]. I transfer that pair to the senior Senator from Arkansas [Mr. ROBINSON] and vote "yea."

Mr. THOMAS (when his name was called). I announce the same pair and transfer as heretofore and vote "yea."

Mr. WOLCOTT (when his name was called). I am paired with the senior Senator from Indiana [Mr. WATSON]. I transfer that pair to the Senator from Oklahoma [Mr. OWEN] and vote "nay."

The roll call was concluded.

Mr. GERRY. I have a general pair with the Senator from New York [Mr. CALDER]. I transfer that pair to the Senator from Texas [Mr. CULBERSON] and vote "yea."

Mr. SIMMONS (after having voted in the affirmative). I have a general pair with the junior Senator from Minnesota [Mr. KELLOGG]. I understand he has not voted. I transfer that pair to the Senator from Ohio [Mr. POMERENE] and let my vote stand.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Nebraska [Mr. HITCHCOCK];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from Massachusetts [Mr. WEEKS] with the Senator from Kentucky [Mr. JAMES];

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY].

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD]; and

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS].

The result was announced—yeas 42, nays 16, as follows:

YEAS—42.

Beckham	Hale	Lewis	Shields
Borah	Hollis	Martin	Simmons
Brady	Johnson, Cal.	New	Sutherland
Chamberlain	Johnson, S. Dak.	Newlands	Swanson
Cummins	Jones, N. Mex.	Norris	Thomas
Curtis	Jones, Wash.	Overman	Thompson
Fernald	Kendrick	Pittman	Townsend
Fletcher	Kenyon	Poindexter	Warren
France	Kirby	Reed	Williams
Gerry	Knox	Shafroth	
Gore	La Follette	Sheppard	

NAYS—16.

Bankhead	Lodge	Smith, Ga.	Trammell
Brandegee	McKellar	Smith, S. C.	Vardaman
Broussard	Penrose	Smoot	Wadsworth
King	Ransdell	Sterling	Wolcott

NOT VOTING—38.

Ashurst	Harding	Myers	Smith, Md.
Calder	Hardwick	Nelson	Smith, Mich.
Colt	Hitchcock	Owen	Stone
Culberson	Hughes	Page	Tillman
Dillingham	Husting	Phelan	Underwood
Fall	James	Pomerene	Walsh
Frelinghuysen	Kellogg	Robinson	Watson
Gallinger	McCumber	Saulsbury	Weeks
Goff	McLean	Sherman	
Gronna	McNary	Smith, Ariz.	

So the amendment of the committee as amended was agreed to.

Mr. SMOOT. Does the Senator in charge of the bill wish to have the Senate continue longer in session to-night?

Mr. CHAMBERLAIN. I will say to the Senator that I would like very much to finish section 1. We have been on it for three or four days now, and I hope the Senate will remain in session until we get rid of it.

Mr. JONES of Washington. I suggest to the Senator that we take a recess until 8 o'clock to-night. ["No!" "No!"]

Mr. CHAMBERLAIN. That would be perfectly satisfactory to me, but I would not like to impose on Senators by asking them to come here at 8 o'clock. I think we can dispose of this section shortly.

Mr. JONES of Washington. It seems to me that we are not making very much progress and that we should get along faster than we have been doing with the bill.

Mr. CHAMBERLAIN. Let me say to Senators I am perfectly willing to work here all night, so far as I am concerned, but my experience in the Senate is that unless notice is given in advance that there is going to be a night session we can not maintain a quorum. That is the only reason for not desiring to work to-night. I will say to Senators that if the bill hangs much longer in the Senate I shall ask the Senate to remain in session at night until it is disposed of, but I do not think it would be fair to the Senate without notice to ask it to-day at least to come

here to-night. However, I will ask it if we do not reach somewhere near the end of it in the very near future; and I am going to suggest now that to-morrow I shall present an application or motion signed by the required number of Senators to have a cloture rule applied in due course.

Mr. JONES of Washington. I simply want to suggest that I think it would hardly be proper to try to enforce the cloture rule until we have made a little more earnest effort to get the bill passed in the regular way. We are going along here and have not even voted on the first section yet. It seems to me we ought to use the ordinary methods and get down to business in connection with the amendments, and try to get the bill through in that way before trying to adopt any cloture rule. We ought to run extra hours and see if we can not make more progress that way.

I want to see the bill passed; I am ready to vote upon it at any time; I should like to see a night session to get along with it; but I would not like to see the Senator bring in a cloture rule before we have considered or even voted upon a single section.

Mr. CHAMBERLAIN. I desire to say that we have been following the ordinary rule for two weeks, and, as the Senator says, we have not yet gotten through with the first section. If the Senator will suggest that we ought to go ahead and hold a night session and start in to-morrow night, I shall be very glad, so far as I am concerned, to have it done.

Mr. JONES of Washington. I will be glad to see that. I would be glad to see a night session to-night.

Mr. CHAMBERLAIN. Then I will request that to-morrow night the Senate shall remain in session.

Mr. SMITH of Georgia. And remain in session on the Fourth of July, too.

Mr. PENROSE. Mr. President, as I understand the cloture rule, and I was on the committee of conference which drafted the rule, it is to kill a filibuster, but it was never contemplated that the rule should be invoked to throttle legitimate legislation.

The delay in the bill is largely due to the ill-advised efforts of certain Members of this body to put a drastic prohibition provision in the bill, and it is their fault in ranging all over the universe and putting different subjects in it that have no business in the bill that is causing the delay.

I do not think that any Senator has yet been guilty of a deliberate attempt to filibuster or delay the measure, and it will be a bad day for the Senate and for the country when the cloture rule is invoked to kill off legitimate and illuminating debates.

Mr. JONES of Washington. Mr. President, I wish to say to the Senator from Pennsylvania that there is not anything in the RECORD or proceedings in connection with the consideration of this bill to show that any of the friends of the temperance provision have been trying to delay its passage. On the contrary, they have not consumed a single moment of the time of the Senate.

As a matter of fact, Mr. President, it is the Senators who are opposed to prohibition who have been filibustering against the bill, if any filibustering has been done. They are the Senators who have threatened, at any rate, to filibuster against the bill.

Mr. PENROSE. The Senator misunderstood me.

Mr. JONES of Washington. In just a moment I will yield. There has been a studious attempt not only upon the part of Senators upon this floor but upon the part of newspapers of the country to impress the country with the fact that this prohibition proposition has been brought in here by the friends of prohibition and that Senators who are in favor of it are the Senators who are delaying the passage of the bill.

Mr. President, that impression is absolutely baseless. It is contrary to the fact. The prohibition section was in the bill when it was introduced. It was in it as prepared by the administration. It represented the views of the President himself, or it would not have been in the bill. It was in the bill when it was introduced in the House. Not only the question of regulation, not only the question of limitation upon the use of foodstuffs in the manufacture of liquors, but the prohibition of their manufacture was left to the President, and it was put there at the express desire of the President. The administration brought it to Congress, and not the friends of prohibition. So, Mr. President, they are not to blame for the situation.

If the Senator from Pennsylvania desires to intimate that the Senators on the other side of the Chamber, who have, day in and day out, been fighting this bill, talking upon it and proposing amendments after amendments, have been doing so because of their opposition to the temperance provision in the bill, then, indeed, he is welcome to make the suggestion; but they are not the Senators who are in favor of conserving the food supplies of the country in a real, genuine, practical way by saving them as food for our own people and our own boys at the front and our allies, instead of using them for weakening our armies and destroying our industries and bringing us to the very verge of ruin, as it has brought the nations across the water.

Mr. President, I resent the suggestion made on this floor that the friends of temperance have been delaying the passage of this bill. They have not only not been delaying it but they have not desired to delay it. They have been ready for a vote at any time. They would vote upon the proposition in which they are interested without any protracted debate. They would vote upon it without any debate at all in order to get the bill through.

When the President of the United States appealed to gentlemen outside of this Chamber who are interested in this provision, not as a prohibition measure, not as a temperance measure, but as a food-conservation measure, and appealed to them as patriots not to urge the provision, why did he not go to the brewers of the country that have been filling this Capitol with their lobbies and their representatives and ask them in the name of patriotism to permit the food of the country to be preserved, ask them to withdraw their opposition, and ask them to appeal to Senators not to filibuster against the bill but to allow it to pass, as patriots, for the conservation of the food supply of the country? Why did he not do that? Because he knew they had no patriotism but their own selfish ends. He went to men whom he knew to be patriotic and unselfish and they responded patriotically.

Mr. President, there seems to have been a determined attempt by the great metropolitan press to misrepresent the attitude of the friends of prohibition. We have not been for these provisions because of prohibition. Our friends have been for these provisions because they consider them conservation measures of a real, genuine, practical kind. They have been for these provisions in order to assist this country in winning the war. They are for them because they believe there is no influence in this country that is more weakening upon the strength and efficiency of our people and of our armies than the liquor traffic. They believe in them because it has been shown that one of the greatest enemies that England, France, and Italy have been fighting is the liquor traffic, that it has weakened their forces more than the guns and batteries of Germany.

Mr. President, we are fighting not on behalf of temperance but on behalf of conservation, on behalf of making more efficient our Army and our industries. Mr. President, we have said to our boys in uniform you can not have beer, you can not have liquor. We have taken it away from them, and we have passed a law of that character under a penalty that no man can sell to them intoxicating liquors.

We believe, Mr. President, that what is good for the boys at the front is good for the boys at home, for whose liberty and whose Government these men are fighting, and if we are going to insist that this denial shall be forced upon them we believe that we should also say to our people back at home, you can not have these things that destroy your efficiency, that make you less able to uphold and strengthen the arms of the boys at the front.

So, Mr. President, there is no foundation for the charge that Senators on this floor who are favorable to temperance have been delaying this bill. They have not done it. It is only those Senators who are opposed, if you please, to the provisions regarding temperance who have insisted and are insisting now, and who have threatened that the bill shall not pass for weeks and weeks, that it shall not pass this summer, if these provisions in the interest of our Government and in the interest of victory in this war shall be pressed.

I say this, Mr. President, in the hope that the country may know that these statements given out on this floor, reiterated in the great press of the country, that seems to be somehow owned, controlled, and dominated by the liquor interests as they have appeared in the past to be owned, controlled, and dominated by the munition interests of the country, have been misrepresenting the situation in order to deceive the people. Why Senators should make these statements I can not conceive, but the people will have their opinion.

Mr. President, we are ready to vote on this proposition at any time, at any moment. We are ready to vote now if you can get the various propositions in shape to vote upon them.

Mr. WILLIAMS. Mr. President, there seems to be no real difference between the Senator from Pennsylvania [Mr. PENROSE] and the Senator from Washington [Mr. JONES]. It sounds as though there was a difference, but there really is none. It is all in the sound. The Senator from Pennsylvania denied that there had been any filibuster or undue delay, and then covertly intimated that there had been, but that the prohibitionists had caused it. Then the Senator from Washington arises and denies

that there has been any filibustering or delay, and not only covertly intimates but loudly acclaims that it has all been due to the antiprohibitionists. Thus both agree, first, that there has been undue delay, and, secondly, that the other caused it. The truth is they are both telling the truth.

Let us be frank and honest with one another and with the people. Let the divergent wings, with neither of which I have too much sympathy, be frank and honest with each other. One side wanted to wait until it saw it had the situation so that it could pass the bill in its way, and the other side wanted to wait until it thought it had the situation so that it could pass it in its way. That is about the God's truth of it.

Now, moreover, Senators do not so much differ even upon the conservation of food question. The Senator from Pennsylvania is perfectly willing to put such an extreme tax or in some other constitutional way to pass such legislation as shall prevent the use of foodstuffs for distillation purposes—foodstuffs, grains, cereals—but he wants to leave hops and malt and barley entering into beer and he wants to leave grapes entering into wine free. The Senator from Washington meets him half way, and more than half way, by wanting to do the same thing with regard to the use of grain and human food for distillation purposes, but also wants to forbid the use of hops and barley to make beer and grapes to make wine.

If the sole object were conservation of food for the purpose of feeding armies and navies, they are together upon nearly every point at issue. The balance of it is a mere discussion or a general discussion as to whether or not—and it has nothing to do with this bill; it has nothing to do with the conservation of grain fit for human consumption, but it is a moral question—whether beer is as dangerous to humanity as is whisky and whether light wines are as dangerous to humanity as is whisky. I hope Senators will not go into a side debate concerning things that they do not really differ about. I hope that we may get a vote upon this bill.

Now, I want to say one more word, Mr. President, and I shall have finished.

I have very little patience with the man on either side of these side-issue controversies who concerns himself more about the possible abuse of an authority conferred by the Congress of the United States upon the Executive of the United States, which Executive may be absolutely removed every four years, than he is concerned about whether or not we shall win in this world conflict. If we lose, we lose nearly everything that is worth man's living for; whether we lose it definitely and finally or not, we shall be forced to keep it in abeyance; we shall be forced to keep ourselves in a state of armed preparedness, for fear the day may come when we shall lose it all. If we win the war, we win nearly everything that is welcome to lovers of liberty and Americanism. Now, for Heaven's sake, let us not quarrel about these little things. Settle the matter in one way or another.

Let there be an end to controversy. It is a side issue, a minor issue after all. Conserve your human foodstuffs—it ought to be done; it would be a shame if we did not do it—by preventing their use for distillation purposes. Do not let corn and rye and wheat and molasses, and things that ought to go into the stomachs of suffering people all over the world, and especially of the armed forces engaged in this conflict, be turned aside from the human stomach and turned into whisky and rum.

The other question is a minor one, as far as the war emergency goes. There is no great conservation of food connected with the question of preventing barley and hops from being used in the manufacture of beer. So if the gentlemen be sincere and honest about what they say, and if this be as the Senator from Washington says, not a temperance question, not a prohibition question, but merely a question of conservation of food, then the conservation of food from the use of barley and hops and malt in making beer is almost an infinitesimal question, it is insignificant, and hardly worth considering.

If, of course, upon the other hand, the gentlemen are going to make a prohibition and antiprohibition question of it, then the whole thing is worthy of spending a great deal of time over; but if you regard it as a side issue and as a minor consideration, except as to the conservation of food fit for human beings, then the two Senators from Pennsylvania and Washington and their followers are both upon the same basis, and both substantially agree right now.

Mr. SHEPPARD. Mr. President, I think the minds of Senators are made up on this question, and in order to get it out of the way, I ask unanimous consent that at 1 o'clock to-morrow, without debate, we vote, as in Committee of the Whole, on the section relating to alcoholic liquors and all amendments relating thereto.

Mr. PENROSE. I object.

Mr. CHAMBERLAIN. I request that a vote be had on the remainder of section 1. I think that we can dispose of that in a few minutes.

Mr. JONES of Washington. Mr. President, I want to say just a word. The Senator from Mississippi [Mr. WILLIAMS] has retired from the Chamber. He seems to think that whenever he makes a statement that must settle it and there is no room for further controversy. He says that this matter of the conservation of foodstuffs and beer is a very minor matter. It may appear so to him, Mr. President; but I do not intend to go into a discussion with reference to details. I think, however, that we can show by reliable figures and by very reliable statements from very reliable men that the great conservation of foodstuffs will come from the stopping of the manufacture of beer, much more than from distilled liquors. There are two or three hundred million gallons of distilled spirits, that will last probably for two or three years, which have already been manufactured. To stop the further distillation would not very much conserve foodstuffs and would not very much promote the cause of temperance.

I am not going into a discussion of the details of the matter at this time, but I may do so later if those opposed to these provisions continue to discuss and delay the bill. I am very sorry, indeed, that the Senator from Pennsylvania [Mr. PENROSE] would not consent to a vote upon the proposition to-morrow, as suggested by the Senator from Texas [Mr. SHEPPARD].

The PRESIDING OFFICER. The Secretary will resume the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, in section 1, page 2, line 6, after the word "speculation," to insert "or"; in the same line, after the word "manipulations," to strike out "and private controls"; and, in line 9, after the word "war," to strike out "For such purposes the instrumentalities, means, methods, powers, authorities, duties, obligations, and prohibitions hereinafter set forth are created, established, conferred, and prescribed," so as to read:

To prevent, locally or generally, scarcity, monopolization, hoarding, injurious speculation, or manipulations affecting such supply, distribution, and movement; and to establish and maintain governmental control of such necessaries during the war.

The amendment was agreed to.

RECESS.

Mr. CHAMBERLAIN. Now, Mr. President, I move that the Senate take a recess until to-morrow morning at 11 o'clock.

The motion was agreed to; and (at 6 o'clock and 30 minutes p. m., Monday, July 2, 1917) the Senate took a recess until to-morrow, Tuesday, July 3, 1917, at 11 o'clock a. m.

SENATE.

TUESDAY, *July 3, 1917.*

(Legislative day of Thursday, June 28, 1917.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

PETITIONS AND MEMORIALS.

Mr. POMERENE. I have received a large number of telegrams in the nature of memorials from manufacturers merchants, and professional men of my State, remonstrating against national prohibition and stating their reasons therefor, which I ask to have noted in the RECORD and appropriately referred.

There being no objection, the telegrams were ordered to lie on the table, as follows:

Telegrams from the Central Labor Union of Akron; the Clerks' Union of Chillicothe; the Bricklayers' Union of Chillicothe; the Carpenters' Union of Chillicothe; the Boiler Makers' Union of Chillicothe; the Musicians' Union of Chillicothe; the Blacksmiths' Union of Chillicothe; the Printers' Union of Chillicothe; the Barbers' Union of Chillicothe; the Machinists' Union of Chillicothe; the Trades and Labor Assembly of Massillon; the Central Labor Union of Fremont; the Trades and Labor Assembly of Sandusky; the Drivers' Union, No. 87, of Toledo; the Brewery Workers' Union of Toledo; the Brewery Engineers' and Firemen's Union of Dayton; the Brewery Workers' Union of Chillicothe; the Central Labor Union of Portsmouth; Local Union No. 429, Bartenders' International League of Portsmouth; the Franklin County Trades Union Liberty League, of Columbus; the Machinists' Union, No. 55, of Columbus; the Soft Drink and Mineral Water Workers of Columbus; the Brewery Workers, No. 179, of Akron; the Central Labor Union of Tiffin; the Fairview Civic League, of Cincinnati; the Bakers' Union, No. 81, of Hamilton; the Bartenders' Union, No. 169, of

Hamilton; the Barbers' Union of Hamilton; the Boot and Shoe Workers' Union of Hamilton; the City Firemen of Hamilton; the Carpenters' Union, No. 637, of Hamilton; the Iron Molders' Union of Hamilton; the Meat Cutters' Union, No. 62, of Hamilton; the Metal Polishers' Union, No. 43, of Hamilton; the Painters' and Decorators' Union, No. 135, of Hamilton; the Printing Pressmen's Union, No. 235, of Hamilton; the Stove Molders' Union, No. 8, of Hamilton; the Steam Engineers' Union, No. 91, of Hamilton; the Typographical Union, No. 290, of Hamilton; the Tailors' Union, No. 358, of Hamilton; the Cigar Makers' Union, No. 23, of Hamilton; the Iron Molders' Union, No. 283, of Hamilton; the Machinists' Union, No. 241, of Hamilton; the Musicians' Union, No. 31, of Hamilton; the Plumbers' Union, No. 108, of Hamilton; the Retail Clerks' Union, No. 119, of Hamilton; the Stage Employees' Union, No. 136, of Hamilton; the Stationary Firemen's Union, No. 98, of Hamilton; the Teamsters' Union, No. 175, of Hamilton; the Maltsters' Union of Piqua; the United Brotherhood of Carpenters of America Union, No. 1897, of Toledo; the Ottawa County Retail Liquor Dealers, of Port Clinton; the Columbus Federation of Labor, of Columbus; the Frank H. Hurd Democratic Club, of Toledo; the Boot and Shoe Workers' Union of Cincinnati; the Brewery Workers' Union, No. 175, of Cincinnati; the Brewery Workers' Union, No. 12, of Cincinnati; the Brewery Workers' Union, No. 199, of Cincinnati; the Columbia Automobile Club, of Columbus; the Brewery Driver and Helpers' Union, No. 192, of Dayton; the Painters' and Decorators' Union of Columbus; the Bartenders' Union of Columbus; the Plumbers' Union of Columbus; the Theatrical State Employees' Union of Columbus; the Bottlers' Mutual Aid Society of Columbus; the Cigar Makers' Union, No. 123, of Hamilton; the Brewery & Ice Co. Union, of Portsmouth; the Electricians' Union, No. 71, of Columbus; the Central Labor Union of Toledo; the Bottlers' Union, No. 247, of Toledo; the United Brewery Workers', No. 50, of Dayton; the Structural Iron Workers' Union of Columbus; the Journeymen Barbers' Union of Columbus; the Plasterers' Union of Columbus; the Cooks' and Waiters' Union of Columbus; the Steamfitters' Union, No. 216, of Columbus; the Bill Posters' Union of Columbus; the Hod Carriers' Union of Columbus; the Concordia Singing Society, of Columbus; the Building Trades Council of Columbus; the Chauffeurs' Union of Columbus; the Horseshoers' Union of Columbus; the Main Street Merchants' Association, of Cincinnati; the Grain and Hay Exchange of the Chamber of Commerce of Cincinnati; the International Union of Steam and Operating Engineers, No. 18, of Cincinnati; the Amalgamated Association of Street and Electric Employees of America of Akron; the Milk Exchange of the Chamber of Commerce of Cincinnati; the Schaller Brewing Co., of Cincinnati; the Franklin Brewing Co. and employees of Columbus; the B. Hehle Malt Milling System Co., of Cincinnati; the Huebner Toledo Brewing Co., of Toledo; the Huebner-Toledo Brewery Co. employees of Toledo; the Union Reporter, of Canton; the Herancourt Brewing Co., of Cincinnati; the Cincinnati Home Brewing Co., of Cincinnati; the Ohio Brewing Co., of Columbus; the Courtland Hotel Co., of Canton; the McKinley Hotel Co., of Canton; the Coshocton Glass Co., of Coshocton, all in the State of Ohio; the Hotel Review and Daily Hotel Reporter, of New York; the Farmers' Feed Co., of New York; and the Maltsters' Bureau of Statistics of Chicago, Ill.

Mr. PAGE presented a petition of sundry citizens of Dorset, Vt., and a petition of the annual convention of the Windham County Convention of Christian Endeavors, held at Brattleboro, Vt., praying for national prohibition as a war measure, which were ordered to lie on the table.

Mr. SMITH of Maryland. I present resolutions adopted at a preachers' meeting of the Methodist Episcopal Church of Baltimore, Md., which I ask to have printed in the RECORD.

There being no objection the resolutions were ordered to be printed in the RECORD, as follows:

BALTIMORE, MD., *July 2, 1917.*

Hon. JOHN WALTER SMITH,
Senator from Maryland, Washington, D. C.

DEAR SIR: The preachers' meeting of the Methodist Episcopal Church of Baltimore instructed me this morning to forward to you the inclosed copy of their action and we request you to consider it an appeal to yourself and to present it as their petition to the Senate.

I remain, dear sir,
Yours, truly,

REV. CHARLES W. BALDWIN,
President Preachers' Meeting of the Methodist Episcopal Church of Baltimore.

Whereas Mr. Hoover, adviser to the President, in a letter lately sent to ministers of the Gospel appealed to them that as leaders of the people they, on July 1, urge upon the women of their congregations the duty of food conservation; and

Whereas the House of Representatives has passed a bill prohibiting for the war time the use of any foodstuffs for the production of alcoholic beverages; and

Whereas Mr. Hoover in his aforesaid letter stated that our crop prospects are such that after our own needs shall have been supplied and the surplus shipped to our allies there will be 300,000,000 bushels of wheat yet needed for their proper sustenance: Therefore

Resolved by the preachers meeting of the Methodist Episcopal Church of Baltimore, That we have cheerfully complied with the request of the President and Mr. Hoover, and that we are sure that the women of our country will effectively respond to this call, but, we respectfully and emphatically protest that it is unfair to the women to put this burden upon them so long as the men of our Nation and the purveyors of intoxicating drinks waste billions of money and millions of foodstuffs every year in intoxicating liquors.

Resolved, That we would deeply deplore refusal of the Senate to concur in the bill aforesaid passed by the House.

Resolved, That we respectfully petition the President and Mr. Herbert Hooyer to use their influence to have the aforesaid bill adopted by the Senate and that we call upon the Hon. JOHN WALTER SMITH and the Hon. JOSEPH I. FRANCE, Senators from Maryland, to sustain said bill to the utmost of their abilities and to record their votes in its favor.

Resolved, That a copy of this paper be sent to the President, to Mr. Hoover, and to each of our Senators.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHAMBERLAIN:

A bill (S. 2548) authorizing the Secretary of the Interior to withdraw from the Treasury a certain sum of the permanent fund of the Chippewas of Minnesota, now on deposit therein to their credit; to the Committee on Indian Affairs.

A bill (S. 2549) granting an increase of pension to Henry Janzen; to the Committee on Pensions.

NATIONAL DEFENSE.

Mr. LODGE submitted an amendment intended to be proposed by him to the bill (H. R. 4897) to amend section 10 of the national-defense act, approved June 3, 1916, and for other purposes, which was referred to the Committee on Military Affairs and ordered to be printed.

RIVER AND HARBOR APPROPRIATIONS.

Mr. SHAFROTH submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 4285), which was referred to the Committee on Commerce and ordered to be printed.

CLASSIFICATION OF AMERICAN POTATOES.

Mr. SHAFROTH submitted the following concurrent resolution (S. Con. Res. 9), which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That 50,000 copies of Bulletin No. 176, entitled "Group classification and varietal description of American potatoes," issued by the Department of Agriculture, be printed for the use of that department.

ADDRESS OF DR. J. L. MAGNES.

Mr. GRONNA. I ask unanimous consent to have printed in the RECORD an address by Dr. J. L. Magnes, of New York. I wish to say, Mr. President, that while I do not agree with all of his statements, the address is a very able one and is couched in parliamentary and beautiful language, and is not offensive in any way.

The VICE PRESIDENT. Without objection, it is so ordered.

The address referred to is as follows:

CONFERENCE FOR DEMOCRACY AND TERMS OF PEACE.

[Garden Theater, New York City, May 30-31, 1917.]

OPENING ADDRESS BY DR. J. L. MAGNES, NEW YORK, CHAIRMAN.

We have come in the midst of war to aid the cause of peace. We have come from all parts of our loved country to rededicate ourselves to the cause of democracy and international brotherhood. We come here because we love America and because we want America to assume leadership in bringing about a speedy and universal and democratic peace such as will endure for a long time to come.

We have not come as obstructionists. We are aware of the gravity of the situation confronting our Government. We are eager to be of aid. We do not pretend to advise as to the conduct of the war—we have no talent for that. We do, however, think that we can be of aid in advising our Government and the people of America as to the necessity and the method of bringing about a speedy and universal and democratic peace.

We assume that our Government is anxious to hear what the citizens of this democracy have to say. The Secretary of the Navy said on May 25 that "the spirit of the administration is that comment and criticism are the very life of a democracy." In any event we should have regarded it as our duty as citizens of the American Republic to exercise our constitutional right of free speech, of peaceable assemblage, and of petition, and to express such views and to take such action as in this emergency we think best for America. We agree very seriously and literally with what our President said concerning the "privilege of men everywhere to choose their way of life and of obedience."

We urge upon the President and the Congress an immediate public statement of our war aims and our peace terms. Our young men are about to be drafted into military service and our soldiers are about to be sent across the seas. What, in concrete terms that every man can understand, are they to fight for, and upon what terms will America be ready to end the war and make peace? We urge further that when such concrete aims shall have been formulated, the President declare, as a standing peace offer to Germany that whenever these specified aims shall have been achieved we are ready to end the war.

The President and Congress have said that we have gone to war because of Germany's illegal and brutal submarine warfare. Will

we be ready to end the war and make peace if this ruthless submarine warfare be ended? This question should be answered clearly because as to it there is confusion in the minds of the public.

The President has said also that we have gone to war because "The world must be made safe for democracy." The American people—devoted to this lofty aim—have the right to know just what this means to the President. To make the entire world safe for democracy may take a very, very long time. What particular part of the world, then, do we refer to, and what degree of safety do we require, and what degree of democracy will satisfy us? Does a world made safe for democracy refer to Germany alone, or does it refer to Austro-Hungary, Bulgaria, and Turkey as well, with whom we are not as yet at war? Does it also refer to some of our allies, Japan, for instance, and to some of the possessions held or dominated by our allies—Ireland, India, Morocco, Persia, for instance? If it refers to Germany alone, what are we after there? Is a military defeat of Germany absolutely essential before we shall agree to peace, so that Germany and all men may know that Germany's militarism is not invincible? And what will we exact of Germany if she be defeated? The President has said: "We desire no conquest, no dominion. We seek no indemnities for ourselves, no material compensation." Do we then demand as a condition sine qua non of a world made safe for democracy the dethronement of the Kaiser, or the reform of the three-class Prussian electorial system, or a ministry responsible to the Reichstag instead of to the Kaiser? Or must Germany become a Republic, copied after our own? If we are to make Germany into a democracy, are we to dictate forms of economic as well as of political life, and is the degree of democracy to be determined by our own standards or by those of the freer democracy of the new Russia? The people of this country, who are to bear the burden of this war, have a right to know exactly what a world made safe for democracy means. They have a right to know exactly what it is that we want of Germany, just what we will be satisfied with, concretely and specifically what, if we achieve it, we shall stop fighting for. And it may be that if our Government says all of this clearly and unmistakably, the echo of it will reverberate in Germany, and to use the President's words, we may be "that much nearer a definite discussion of the peace which shall end the present war."

The new Russian minister of foreign affairs said last week: "There are two great new facts in the war—the Russian revolution and the entry of the great Republic of the United States." One of the things this conference on democracy and peace terms is aiming at is to suggest ways and means whereby these two forces may cooperate to bring about a speedy, general, and democratic peace.

The Russian Republic has announced its war aims and its peace terms. And our own conference is called together upon that very basis:

No forcible annexations.

No punitive indemnities.

Free development of all nations and peoples and nationalities.

Because of this eminently humane, just, clear-sighted policy the Russian Republic has been accused of all manner of unscrupulous and blundering subservience to German influence. It does not, however, require much knowledge of the Russian situation to understand the very simple and cogent reasons for the policy of the new and democratic Russia. Russia's revolutionary democracy is dominated by men and women who are the creators and heirs of a rare revolutionary tradition permeated with a deep love of humanity, liberty, justice. Is it not natural that such revolutionaries should be eager for an international peace, that they should not lust after the territory of others, that they should banish all thoughts of inflicting reprisals upon their enemies through punitive indemnities and contributions, and that they should demand the right of all nations to determine their own affairs? But, from a narrower point of view as well, it is easy to comprehend the reasons for the Russian peace terms. Russia wants above all things to save the new democracy and the new Republic. Any other peace terms would be a menace to the new Russia. These peace terms offer a possible basis of a speedy, general, democratic peace, and in order to be saved from reaction within and the enemy from without, Russia needs a world at peace and does not need new territories or indemnities. Russia needs the opportunity now to work out its overwhelming problems in peace. Or shall the suggestion, insidiously made in America, be adopted by Russia that "the best thing to do is to set up a dictatorship and to postpone all reforms until after the war"? If Russia suffers a military reverse, then, indeed, a military dictatorship with a snuffing out of the ardor of the new democracy will inevitably result. If, on the other hand, Russia can not, for whatever reasons, achieve this speedy, general, democratic peace, America must understand that the Russian armies will have the spirit to continue the war on one condition—that their own idealistic war aims be made the war aims of their allies.

For every eventuality, therefore, it is vital for Russia to have America's aid in imposing her own war aims upon all of the belligerents. Russia has asked for this aid. On May 4, when the new formulation of war aims was forced upon the then Provisional Government of Russia by the Council of Soldiers and Workmen's Delegates, Prince Tzeretelli, now a member of the Provisional Government, said: "Now that the question has been settled here our war aims—war without annexations, appropriations, or contributions—also must be realized abroad. We must know the attitude of the democracy of our allies. If a similar movement takes place in the foreign democracies, this will bring peace much nearer."

This Conference on Democracy and Terms of Peace is meeting to-day in an endeavor to bring about this movement in the democracy of America. We aim to let the Russian democracy know the attitude of the democracy of America. We believe in the Russian war aims and peace terms, because we think they are just and because their adoption by all the belligerents would "bring peace much nearer." If we understand the President aright, these are also the war aims and peace terms outlined by him, and it is our hope that he will now confirm this in the clear, precise, specific words of which he is master. We want the Russian democracy to know that in America there are vast numbers of American citizens who, even before the President has spoken, share the Russian war aims, and that we are no less eager than they to bring about a speedy, universal, and democratic peace. We want them to know that the American democracy does not intend to lag behind the Russian in the development of political and economic internationalism, and in all the constructive arts of peace. We want them to know that we would vie with them in working out new forms of freedom and of life.

In the course of this conference we shall tell more in detail what we mean by "no forcible annexations, no punitive indemnities, free development of all nations, peoples, and nationalities."

I think it important, however, briefly to say at the very outset that, in general, the formulation "no forcible annexations" means the restoration of Belgium, Serbia, Roumania, and of all other territories conquered by the one side or by the other. It means that all territorial readjustments must be secured through negotiations, and that in these negotiations the democratic method be applied, namely, that no territory shall be transferred from one sovereignty to another against the will of the people of that territory.

If the minority socialists of France can demand this method as to Alsace-Lorraine, if the socialists of both Serbia and Bulgaria can demand this method as to the Balkans, surely the democratic forces of America, which seeks no conquest or dominion, need not be more royal than the king, and should demand the application of this formula and this method to all the perplexing territorial and frontier adjustments which must no longer disturb the peace of the world.

The formulation "no punitive indemnities" means that however much one belligerent succeeds in crushing another, there shall be a peace without victory; that is, that the victor shall not punish the vanquished by expropriating territory or levying contributions as Germany did with France in 1870. This does not mean that the world shall be indifferent to the sufferings of ravished peoples or of devastated districts. It is perfectly consistent with the thought, as expressed by the Boston League for Democratic Control, of "an international assumption of the expense of reconstructing devastated areas in Europe, a large proportion to be borne by the United States in return for guaranties of future peace."

The formula "the free development of all nations" means that every nation, people, and nationality shall have the right to determine the conditions under which it is to develop its own life. It means that great nations shall not subjugate small nations; that subject and oppressed peoples and nationalities shall have the right to life, liberty, and the pursuit of happiness. Lloyd-George said on Sunday that "lasting peace will come when all the peoples of Europe are free to determine their own fate for themselves." The Russian formulation, which we make our own, means this, but more than this. It means guaranteeing the rights and liberties not only of the subject peoples and nationalities of the central powers but of the subject peoples and nationalities of the entente as well, and not only those of Europe, but also those of Asia and Africa and America and of the Seven Seas, whatever be their religion or their color. For it is only if the peoples of the world are freed politically, economically, spiritually, that the bases of a lasting peace can be laid. It is fatuous to suppose that any league can enforce a peace based merely upon power and not based upon the free will of all the liberated democracies of all of Europe, of all of Asia, of all of Africa, and of all the Americas.

Russia is now attempting to persuade her allies whole-heartedly to agree to this formulation of war aims, and we believe it to be the privilege and obligation of our Government to aid Russia in thus "bringing peace much nearer."

The obligation upon our Government is doubly serious because of the manner in which some of the belligerents have already reacted to the Russian proposals.

Unfortunately, the English reaction to the Russian formula has not thus far been encouraging. According to Lord Robert Cecil, the English must hold the captured German colonies, and, according to Mr. Asquith, there has been no change in the entente's war aims. What we ask is: Is American in the war to help England get Germany's colonies and to achieve the imperialistic ambitions of any of the belligerents? Or will America make common cause with Russia on the basis of no forcible annexations, and thus assure a peace without victory with the chance this gives for freedom and democracy and civilization the world over?

The Government of France has reacted to the Russian proposals by declaring through Premier Ribot that revanche must be satisfied and the "lost provinces" be returned. Everyone must admire the tenacity of France in its struggle to reconquer Alsace-Lorraine. But have we gone to war to help France get back her "lost provinces," and are we committed to the theory of restoring all provinces "lost" in the past 50 years? And is it our theory that these injustices can be cured by war? Rather than embark upon the complicated enterprise of restoring lost provinces, should not the policy of our Government look toward the support of the Russian policy of "no forcible annexations" without quibble and equivocation?

Another reason for our making common cause with Russia is because Austria, in the semiofficial Fremdenblatt, has declared her war aims to be identical with those of Russia.

And Germany! There are those who say that the Russian program for peace is a German program for peace. On what authority is this said? Would to Heaven that this were Germany's program for peace! Would to Heaven that Germany were ready to renounce her desire for annexations and indemnities! Unfortunately, this is not the German program for peace. The German Reichskanzler refused but a few days ago to declare this as the German peace program, despite the manifest advantages of doing so in answer to Russia. But though this is, alas, not the German program for peace, it ought to be made so. And it can be made so by America, not through war, but if America will back Russia's declared war aims, and if America will persuade—as she has the power to persuade—the English and the French to make these war aims their war aims as well. For consider well what was said in the German Reichstag on May 15. This was said: "If France and Great Britain renounce annexation and Germany insists thereon, there will be a revolution in Germany." In other words, if America and Russia, as the new factors in the war, will exercise leadership, if America will back Russia, if America will exert its vast power over England and France and insist upon the adoption of the Russian program, no one can doubt that the German people will rise up in their might and compel the German Government and the German junkers and capitalists to renounce all their hopes of annexations and indemnities, and peace will result.

To be sure, the mere suggestion of peace is regarded as traitorous in many quarters. The word peace is become the most terrifying in the language. But we are undaunted in our cry and in our passion for peace, because we know how futile all wars are, this one among them.

On April 24, but a short while after the Russian revolution had broken out, A. F. Kerensky, now Russian minister of the army and marine, said: "The Russian masses, whom I represent in the Provisional Government, recently established, indorse President Wilson's war aims, provided the President was speaking not as a diplomat but as the mouthpiece of the American people, when, in his peace note, he proclaimed a desire for peace without victory, and a reestablishment of European Governments along lines of racial development, the world will find the Russian soldiers, Russian sailors, and Russian workmen lined up solidly behind him in his desire to free the German people."

We turn to our President and we adjure him to speak as the mouthpiece of the American people, to reaffirm his belief in a peace without victory, and unequivocally to throw in the lot of the American democ-

racy with that of Russia, and bring a speedy, universal, democratic peace to the world.

In any event we shall not cease lamenting the fact that the President found it necessary to urge war in order to achieve his peace aims. Alas, that America, the one haven of refuge for the oppressed and the suffering of all the world, America that might have acted as a harbinger of peace, bringing healing to the afflicted nations, is now bloody with war. On January 22, 1917, our President was still pursuing the method of negotiation, of neutrality, of moral force. Alas, that the suspense could no longer be borne; that the moral and intellectual strain grew too heavy; that patience was exhausted; and the plunge was taken into the abyss of war and death and brute physical force. But the fact that we are at war can not make us abhor war the less. The fact that we are at war makes us but the more determined to loathe it, to teach our children to loathe it, to want to make America and all the world loathe it. In the face of death we stand ready to exalt life. With destruction before us, we express our passionate devotion to the constructive processes of religion, literature, science, art. With suppression threatening us, we speak up for liberty, for freedom, for democracy. Not only have we a rooted and ineradicable repugnance to brute material force but we are also thoroughly convinced of the madness, the inadequacy, the impracticability of the war method to achieve the world peace so touchingly and fervently pictured by the President on January 22, 1917. The war method is the old, the long, the slow method, the unsafe and hopeless way. In this present war it is doubtful if even a military victory—the only possible excuse for war—can be achieved by either side. But victory or no victory, the millions of lost lives and treasure can not be recalled, the anguish of millions of innocents can not be assuaged, the heat of the war passions in millions of the earth's children will not soon be cooled, the bitterness and hatred of men and nations that should be brothers have poisoned innumerable sources of life and light and joy, and the moral and intellectual and religious hypocrisy of leading men will not soon be forgiven. No; the oppressed and driven and helpless peoples of all belligerents—be they called autocracies or democracies—will not forget this crime against them. The plain peoples of the world will find it hard to forgive this riot of power in the hands of a few overlords, and the peoples of the world will surely avenge this betrayal of life. Oh, that our voices, the voices of many peoples, might be heard, and that America might justify the world's high hopes of her by commanding peace forthwith as easily now she might. The President's peace aims can now be achieved without the killing of more millions. But the killing of more millions can never achieve these peace aims.

CONSERVATION OF FOOD AND FUEL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

The VICE PRESIDENT. The amendment to section 2 will be stated.

The SECRETARY. The Committee on Agriculture and Forestry report to strike out section 2 on page 2.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Myers	Sherman
Bankhead	Husting	Nelson	Simmons
Beckham	Johnson, Cal.	New	Sterling
Brady	Johnson, S. Dak.	Norris	Stone
Brandegee	Jones, Wash.	Overman	Swanson
Chamberlain	Kellogg	Page	Thompson
Culberson	Kendrick	Penrose	Trammell
Curtis	Kenyon	Pittman	Underwood
Dillingham	King	Poindexter	Vardaman
Fernald	Kirby	Pomerene	Wadsworth
Fletcher	Knox	Ransdell	Williams
France	McLean	Reed	Wolcott
Gronna	McNary	Shafroth	
Hale	Martin	Sheppard	

Mr. KIRBY. I desire to announce that the Senator from Arkansas [Mr. ROBINSON] is detained on official business.

Mr. WOLCOTT. I wish to announce that the Senator from Delaware [Mr. SAULSBURY] is detained from the Senate on important business. I ask that this announcement may stand for the day.

Mr. SHAFROTH. I desire to announce that my colleague [Mr. THOMAS] is detained from the Senate on official business.

The VICE PRESIDENT. Fifty-four Senators have answered to the roll call. There is a quorum present.

Mr. STERLING. I present two amendments intended to be proposed to the pending bill. I ask that they may be printed and lie on the table.

The VICE PRESIDENT. It is so ordered.

Mr. CURTIS. I ask to have printed in the RECORD a telegram in favor of certain amendments to the bill.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

LARNED, KANS., *June 30, 1917.*

Senator CURTIS,
Washington, D. C.:

The officers and 200 stockholders of the Pawnee Grain & Supply Co. emphatically urge that in adopting food legislation the bill is so framed that control by the Government is obtained over what the farmers buy as well as over what they sell. We also urge with the greatest emphasis that large inheritances and excessive profits be heavily taxed, and that our Senators and Representatives see to it that farmers of this country are not burdened with any class legislation.

J. B. BROWN, *President.*

Mr. CHAMBERLAIN. Mr. President, I desire to express the hope again to the Senate that we may be able to agree upon a time when we may vote on this so-called food-control bill. Two weeks and more have been consumed in the discussion of it, and I think all Senators who intended to deliver a general address on the subject have done so; but, of course, there are many important amendments pending which each Senator will want to discuss, probably not at great length, but to discuss to some extent.

In order to test the feeling of the Senate in reference to the subject of fixing a time to vote, again I desire to submit to the Senate a unanimous-consent agreement, and I ask that it be read. It is the same one which was presented yesterday, changing the date in it from the 3d until the 5th day of July.

Mr. PENROSE. Mr. President, I shall feel compelled to object at this hour in the day to any unanimous-consent agreement. I think it is needless for me to assure the Senator that I am in entire sympathy with his desire to get through with the bill promptly, but I have not yet noted any overt act in the nature of a filibuster, and I certainly favor free and fair discussion. There are a number of important amendments pending which I have not had an opportunity even to read yet. I do not think the Senator wants to throttle debate or, to use the newspaper parlance, "work the steam roller" on legislation of this magnitude and novelty.

I do not intend to adopt the policy indefinitely of making this objection, and I am acting entirely as an individual Member of this body. I want to have an opportunity to consider and, if possible, to discuss briefly some of these amendments. I shall be very glad to talk to the Senator later in the day about this unanimous-consent agreement, when we can ascertain what progress we are making. None of the independent amendments have even yet been taken up for consideration. We have only advanced as far as the first committee amendments, and it certainly is exhibiting undue haste to ask for a unanimous-consent agreement on a bill of which only one section has been read. I must therefore object at this time.

Mr. CHAMBERLAIN. Of course, one objection will prevent the adoption of the unanimous-consent agreement. I want to disclaim any purpose to undertake to apply the steam roller. I would not if I could, and I could not if I would, because whenever that has been attempted in the Senate it has always utterly failed.

Neither, Mr. President, do I desire to indicate that there has been any filibuster against the bill. I do not claim that. All I claim is that it has been discussed pretty generally, discussed now to the exclusion of all other business, I think, for nearly two weeks. I forget just when the discussion commenced.

As I said before, I think those who intend to make general speeches upon the subject of the bill have done so. Even if we seek to apply the so-called cloture rule, that does not defeat debate. Each Senator will still have an hour within which to discuss the bill, and if there is no further general discussion to be participated in, it seems to me that is as much time as Senators would ordinarily require. I hope we may be able during the day sometime to fix a time when we may vote on the bill.

Mr. JONES of Washington. Mr. President, I merely wish to express the hope that the newspapers will not say that the friends of temperance objected to specifying a time for a final vote on the bill.

Mr. CHAMBERLAIN. I hope the reading of the bill may be continued for action on the amendments of the committee.

Mr. GRONNA. Mr. President, I know how anxious the Senator from Oregon is to have this bill passed, and I think that the Committee on Agriculture and Forestry and the Senate are anxious to have it passed. I have not taken a single moment of time to discuss the bill.

I am sorry, Mr. President, that I was not here last night when a very important amendment was offered by the Senator from Utah [Mr. SMOOT]. I am glad, however, to see by reading the RECORD that his amendment was defeated, or rather it was withdrawn. I understand the Chair held that it was not germane. I should of course have voted against that amendment had I been here, and I should have voted as the majority voted for the committee amendment. But I did not rise purposely to explain my absence. I wish to call the attention of the Senate to certain facts.

I clipped from my home newspaper this morning the quotations for grain. The market price of No. 1 northern wheat the day the newspaper was printed, which was one day last week—Friday, I think—was $1.96 per bushel at my own home, Lakota, N. Dak.; No. 2 northern was $1.86; No. 3 northern, $1.76; durum wheat, $1.86, those four grades of wheat making a total of $7.44, or $1.86 per bushel. There is no reason in the world why flour should not be sold to-day at $8.50 and leave a

splendid profit for the miller. Out of the 270 pounds of wheat the miller would have 74 pounds for his profit, which is a large profit in a business conducted on a large scale. I am calling attention to this fact so the Senators may know that the farmer is not getting $3 a bushel or $2 a bushel, as has been so often said on this floor and as has been stated by the press.

Mr. President, I believe that we ought to pass this food bill. I believe that the farmers of the United States have no objection to the passage of the bill provided all industries are treated alike. But I do know, and I am receiving thousands of letters and telegrams from my people not only from the State which I in part have the honor to represent but from all over the United States stating that they are in favor of a food-control bill, but they do not believe it is fair to single out this industry which by its very nature can not become a monopoly. They believe that we ought to give the President of the United States the power to regulate all industries during the war.

It seems to me, Mr. President, when we have given our boys, the best blood of this country, to defend the Nation we ought to be willing to give our wealth and our products to carry on the war in defense of our country. If we are not we will be known to the world as placing the sordid dollar or wealth above that of human life and human blood.

Mr. President, it was said on the floor of the Senate yesterday that this bill is being loaded down simply to defeat it. I resent that statement. I deny that such is my purpose, and I want to pay my compliments and a tribute to the Senator from Missouri [Mr. REED]. I think the Senator from Missouri has done distinguished service to the country by his opposition to certain provisions of the bill.

Do you believe that the farmers of the country are so foolish that they do not understand that it is the purpose at least of some people to single them out and to get their product at whatever prices they may name? You may do it this year. The old expression, a homely one, "You may lead a mule to water, but you can not make it drink" will apply in this instance. You may take the farmer's product this year at your own price, but you will not be able to compel him to plant next year. He will not plant, because he will not be able to plant. He will not have the seed. He will not have the money to buy the seed if you do him an injustice this year.

We know that the farmer can not abandon his farm because his farm is his home, but when Senators say we are doing an injustice to the administration by not passing this bill immediately, and when we are simply adding provisions necessary to carry on the industry of farming, I disagree with such a statement. No Senator on this floor can justify such a position as that I know that binders to-day are worth $200, whereas before the war they sold at $140. We know that steel was sold at $30 per ton, whereas it is to-day being sold to the Government for $95 a ton. The farmer uses steel in all his machinery. We know that everything the farmer buys has advanced in price. He pays out practically everything he makes for machinery, for lumber, and for other material. Why should those not be included in this bill?

I am calling that to the attention not only of Senators here, but to those who are going to administer this bill when it becomes law. I think that those who are going to take charge of the administration of this important bill after it is enacted into law will need some advice. I do not know of any farmer or of any producer who has been called to the membership of the Council of National Defense; I do not know anyone representing this great industry, composed of about 35,000,000 people, who is represented in that council. The Senator from Missouri [Mr. REED] on yesterday pointed out that at least one individual, Mr. Davis, who himself represents one of the great trusts of this country, is a member of that council.

I think we ought to talk plain; I think we had better understand each other. I know that the greatest injury we can do to the country will be to discourage the farmers from planting and producing, and I know of no way we can do that better than to single them out and say, "You are the only ones who shall come under the administration of this law."

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 2, line 24, to change the number of the section from "3" to "2"; in the same line, after the word "That," to strike out "there is hereby established a governmental control of necessaries which shall extend to and include all the processes, methods, instrumentalities and activities of and for the production, manufacture, procurement, storage, distribution, sale, marketing, pledging, financing, and consumption of necessaries, which shall be exercised and administered by the President for the purposes of this act as hereinafter provided; and all such necessaries, processes, methods, and activities are hereby declared to be affected with a public interest. And"; on page 3, line 9, after the word "this," to strike out "section" and insert "act"; in line 11, before the word "use," to insert "create and"; and in the same line, after the word "accept," to insert "in his discretion," so as to make the section read:

SEC. 2. That in carrying out the purposes of this act the President is authorized to enter into any voluntary arrangements or agreements, to create and use any agency or agencies, to accept, in his discretion, the services of any person without compensation, to cooperate with any agency or person, to utilize any department or agency of the Government, and to coordinate their activities so as to avoid any preventable loss or duplication of effort or funds.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. REED. Mr. President, a parliamentary inquiry. The language referred to might possibly be construed to specify the agency through which the President is to carry out the purposes of this proposed act. If this amendment of the committee should be adopted, would it preclude an amendment hereafter, general in its nature, directing that all the purposes of this act should be carried out through a board or commission to be created?

The VICE PRESIDENT. It would not prevent an amendment of that character being offered, but it would create trouble in the administration of the act.

Mr. REED. I do not understand——

Mr. CHAMBERLAIN. Does the Senator from Missouri refer to section 3—the committee amendment?

Mr. REED. I am referring to the very language we are on. There is a rule that an amendment having been adopted can not be further amended as in Committee of the Whole. What I have in mind is this: It may be desired hereafter to offer an amendment providing for the carrying out of the purposes of this act through some board or commission, and as this language now under consideration apparently deals with that same subject matter, I am making the inquiry whether, as a parliamentary question, the adoption of this amendment would preclude an amendment of the character I have indicated?

The VICE PRESIDENT. Two things can be done hereafter. After the adoption of this amendment the Senator from Missouri could move to strike out all of the language between lines 8 and 16, and to insert any language that he chose to insert, placing the carrying out of the provisions of the bill in the hands of persons or commission or officials; or the Senator from Missouri could offer a separate section. That was the answer which the Chair first made, understanding that the Senator from Missouri inquired whether a separate section to the bill could be offered placing the power in the hands of a commission or of certain named officials. The Chair said "Yes," but said, of course, in carrying out the bill there would be trouble, because there would be conflicting sections.

Mr. REED. I now understand the ruling of the Chair, and it is perfectly agreeable to me. I simply wanted to get the question clear.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 3, after line 16, to insert:

SEC. 3. That it is hereby declared unlawful for any person acting either as a voluntary or paid agent or employee of the Government in any capacity, including an advisory capacity to any commission, board, or council of the Government, to procure, attempt to procure, or make any contract for the purchase of any supplies for the use of the Government either from himself, from any firm of which he is a member, or corporation of which he is an officer or stockholder, or in which he has any financial interest. Any person violating this section shall, upon conviction thereof, be punished by a fine not exceeding $10,000 or by imprisonment for not more than five years, or both, in the discretion of the court.

Mr. CHAMBERLAIN. Mr. President, the committee desires to perfect the amendment by adding what I send to the desk to this section.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add the following proviso to the section which has just been read:

Provided, That this section shall not be construed to prevent any such agent or employee of the Government, or any person acting in an advisory capacity, from rendering services and advice on any matter not connected with such purchase of supplies.

Mr. REED. Mr. President, with the general purpose of this amendment as brought before the Senate, I am in complete accord; but as to the amendment which the committee now suggests, I should like to have an opportunity to examine and to look into the language of it. I ask the chairman of the committee to agree to temporarily pass the matter and to go to some other amendment.

Mr. CHAMBERLAIN. That will be perfectly satisfactory to me.

The VICE PRESIDENT. Without objection, the amendment will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, in section 4, page 4, line 17, after the word "producing," to insert "harvesting"; in line 20, after "(d)," to insert "willfully"; in line 21, after the word "any," to strike out "necessaries, or" and insert "necessaries in order"; in line 23, after the word "necessaries," to strike out "s; or to aid or abet the doing of any act made unlawful by this section"; and in line 24, after the word "section," to insert "Any person who violates any of the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not exceeding $10,000, or by imprisonment not exceeding two years, or both"; so as to make the section read:

SEC. 4. That it is hereby made unlawful for any person willfully to destroy any necessaries for the purpose of enhancing the price or restricting the supply thereof; knowingly to commit waste or willfully to permit preventable deterioration of any necessaries in or in connection with their production, manufacture, or distribution; to hoard, as defined in section 6 of this act, any necessaries; to monopolize or attempt to monopolize, either locally or generally, any necessaries; to engage in any discriminatory and unfair, or any deceptive or wasteful practice or device, or to make any unjust or unreasonable rate or charge, in handling or dealing in or with any necessaries; to conspire, combine, agree, or arrange with any other person, (a) to limit the facilities for transporting, producing, harvesting, manufacturing, supplying, storing, or dealing in any necessaries; (b) to restrict the supply of any necessaries; (c) to restrict distribution of any necessaries; (d) willfully to prevent, limit, or lessen the manufacture or production of any necessaries in order to enhance the price thereof, or (e) to exact excessive prices for any necessaries. Any person who violates any of the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not exceeding $10,000, or by imprisonment not exceeding two years, or both.

Mr. REED. Mr. President, I desire to ask the chairman of the committee why the language "or to aid or abet the doing of any act made unlawful by this section" is stricken out? Is it under the general principles of law that a person under such circumstances would be guilty?

Mr. CHAMBERLAIN. That is the reason, Mr. President.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, in section 5, page 5, line 7, after the word "necessaries," to insert "constituting a part of commerce with foreign countries, or among the several States, including the several Territories and the District of Columbia"; in line 10, after the word "shall," to strike out "publicly" and insert "by proclamation"; in line 12, before the word "engage," to strike out "announcement" and insert "proclamation"; in line 13, after the word "specified," to strike out "in the announcement of importation, exportation, manufacture, storage, mining, or distribution of any necessaries as set forth in such announcement" and insert "therein"; in line 17, after the word "President," to strike out "is authorized to issue such licenses and to" and insert "shall"; in line 18, after the word "prescribe," to insert "such rules and," and in the same line, after the word "regulations," to strike out "for the issuance of licenses and requirements for systems of accounts and auditing of accounts to be kept by licensees, submission of reports by them, with or without oath or affirmation, and the entry and inspection by the President's duly authorized agents of the places of business of licensees" and insert "governing the conduct of the business of licensees as may be necessary to carry out the purposes of this section"; on page 6, line 1, after the word "any," to strike out "rate" and insert "storage"; in the same line, after the word "charge," to insert "commission, profit"; in line 4, after the word "discontinue," to strike out "any such unjust, unreasonable, discriminatory and unfair, or wasteful rate, charge, or practice, thereafter" and insert "the same"; in line 7, after the word "order," to insert "which shall recite the facts found"; in line 10, after the word "unfair," to strike out "or wasteful rate" and insert "storage"; in the same line, after the word "charge," to insert "commission, profit"; in line 12, after the word "unfair," to strike out "or wasteful rate" and insert "storage"; in line 13, after the word "charge," to insert "commission, profit"; in line 14, after the word "fair," to strike out "or economical rate" and insert "storage"; in line 15, after the word "charge," to insert "commission, profit"; in line 16, after the word "any," where it occurs the first time, to strike out "suit" and insert "proceeding brought"; in line 17, before the word "court," to strike out "Federal or State"; in the same line, after the word "court," to strike out "of competent jurisdiction"; in the same line, after the word "such," to strike out "finding" and insert "order"; in line 21, after the word "section," to strike out "and any licensee who" and insert "or"; in line 23, after the word "unfair," to strike out "or wasteful rate" and insert "storage"; in the same line, after the word "charge," to insert "commission, profit"; and in line 25, after the word "section," to strike out "or willfully violates any provision of this section," so as to read:

SEC. 5. That, from time to time, whenever the President shall find it essential to license the importation, exportation, manufacture, storage, mining, or distribution of any necessaries, constituting a part of commerce with foreign countries, or among the several States, including the several Territories and the District of Columbia, in order to carry into effect any of the purposes of this act, and shall by proclamation so announce, no person shall, after a date fixed in the proclamation, engage in or carry on any such business specified therein, unless he shall secure and hold a license issued pursuant to this section. The President shall prescribe such rules and regulations governing the conduct of the business of licensees as may be necessary to carry out the purposes of this section. Whenever the President shall find that any storage charge, commission, profit, or practice of any licensee is unjust, or unreasonable, or discriminatory and unfair, or wasteful, and shall order such licensee, within a reasonable time fixed in the order, to discontinue the same, unless such order, which shall recite the facts found, is revoked or suspended, such licensee shall, within the time prescribed in the order, discontinue such unjust, unreasonable, discriminatory and unfair, storage charge, commission, profit, or practice. The President may, in lieu of any such unjust, unreasonable, discriminatory and unfair storage charge, commission, profit or practice, find what is a just, reasonable, nondiscriminatory and fair, storage charge, commission, profit, or practice; and in any proceeding brought in any court such order of the President shall be prima facie evidence. Any person who, without a license issued pursuant to this section, knowingly engages in or carries on any busines for which a license is required under this section, or willfully fails or refuses to discontinue any unjust, unreasonable, discriminatory and unfair storage charge, commission, profit, or practice, in accordance with the requirement of any order issued under this section or any regulation prescribed under this section shall, upon conviction thereof, be punished by a fine not exceeding $5,000 or by imprisonment for not more than two years, or both.

The amendment was agreed to.

The next amendment was, on page 7, line 5, after the word "gardener," to insert "cooperative associations of farmers or gardeners, including live-stock farmers," so as to read:

Provided, That this section shall not apply to any farmer, gardener, cooperative associations of farmers or gardeners, including live-stock farmers, or other person with respect to the products of any farm, garden, or other land owned, leased, or cultivated by him, nor to any retailer with respect to the retail business actually conducted by him, nor to any common carrier, nor shall anything in this section be construed to authorize the fixing or imposition of a duty or tax upon any article imported into or exported from the United States or any State, Territory, or the District of Columbia: *Provided*, That for the purpose of this act a retailer shall be deemed to be a person, copartnership, firm, corporation, or association not engaging in the wholesale business whose gross sales do not exceed $100,000 per annum.

Mr. REED. Mr. President, I am going to ask the Secretary if he will not kindly read a little slower?

Mr. CHAMBERLAIN. Mr. President——

Mr. REED. I yield to the Senator from Oregon.

Mr. CHAMBERLAIN. I merely want, if the Senator is going to make objection to that amendment, to perfect the amendment on behalf of the committee. I ask the Secretary to read it.

The VICE PRESIDENT. The Secretary will read the amendment to the amendment.

The SECRETARY. In section 5, page 7, line 5, after the word "farmer," it is proposed to strike out the comma and insert the word "or," and in lines 5 and 6 in the committee amendment to strike out the words "cooperative associations of farmers or gardeners" and to insert in lieu thereof "agricultural or horticultural asssociations instituted for the purpose of mutual help and not having capital stock or conducted for profit."

Mr. NORRIS. Mr. President, I desire to ask the Senator as to the insertion of the word "or" in the first amendment.

Mr. CHAMBERLAIN. That was simply inserted so as to make the provision read:

Provided, That this section shall not apply to any farmer or gardener.

Mr. NORRIS. It comes in on line 5, between the words "farmer" and "gardener"?

Mr. CHAMBERLAIN. Yes; that is where the word "or" is inserted.

Mr. NORRIS. Very well. I understand as to that. Now, I should like to ask the Senator about the other amendment which he has submitted.

Mr. CHAMBERLAIN. It was thought that the language used in the bill, "cooperative asssociations of farmers or gardeners," might afford a means or a method of practically avoiding the law, because innumerable men might organize themselves into such asssociations.

Mr. NORRIS. Yes; I understand that; but what was the amendment? That is what I want to know.

Mr. CHAMBERLAIN. I will ask the Secretary to read it; I have not a copy of the amendment before me.

The VICE PRESIDENT. The Secretary will read the provision as it will appear if the amendment be adopted.

The SECRETARY. On page 7, line 4, it is proposed to amend the proviso so that it will read:

Provided, That this section shall not apply to any farmer or gardener, agriculture or horticulture association instituted for the purpose of mutual help and not having capital stock or conducted for profit, or other person with respect to the products of any farm—

And so forth.

Mr. CHAMBERLAIN. Mr. President, let me say to the Senator that the language used there is the same as that used in the Clayton Act. We followed that language in its entirety. We thought it would reach the case and not afford a method of avoiding the law.

Mr. WOLCOTT. Mr. President, I should like to ask the Senator in charge of the bill whether, in his judgment, the words "or other person," in line 6, would include a corporate person?

Mr. CHAMBERLAIN. I think they would.

Mr. WOLCOTT. Well, it seems to me, Mr. President, that there ought to be no question that a corporate person which is engaged in the farming business should be within the scope of this proviso.

Mr. CHAMBERLAIN. I call the Senator's attention to section 19, where it is provided:

SEC. 19. That words used in this act shall be construed to import the plural or the singular, as the case demands. The word "person," wherever used in this act, shall include individuals, partnerships, associations, and corporations.

So that it does include corporations.

Mr. REED. Mr. President, may I inquire what words follow immediately after the amendment proposed? I want to know if the words, in line 6, "including live-stock farmers" are left in the bill or taken out?

The VICE PRESIDENT. They have been taken out.

Mr. CHAMBERLAIN. No, Mr. President; those words are left in.

The VICE PRESIDENT. As read by the Secretary they were not left in.

Mr. CHAMBERLAIN. It was not intended to strike out those words, I will say.

Mr. REED. I will ask that the amendment be again stated.

The VICE PRESIDENT. Those words were left out as the amendment was stated by the Secretary a moment ago. The Secretary will again state the amendment.

The SECRETARY. It is proposed to amend the proviso in section 5, page 7, beginning in line 5, so as to read:

Provided, That this section shall not apply to any farmer or gardener, agriculture or horticulture association instituted for the purpose of mutual help not having capital stock or conducted for profit, including live-stock farmers or other person with respect to the products of any farm—

And so forth.

Mr. REED. I suggest to the Senator in charge of the bill that it would be a good deal better constructed if he would take those words "including live-stock farmers" and put them in after the word "farmer," in line 5, so that the provision would read:

That this section shall not apply to any farmer, including live-stock farmers or gardeners,

That is a mere matter of construction, and I simply make the suggestion.

Mr. CHAMBERLAIN. I personally have no objection to that amendment.

Mr. WADSWORTH. Mr. President, this is my first opportunity to hear this amendment which has been suggested to the committee amendment. May I ask the Senator in charge of the bill if the amendment as now proposed would exclude from this exemption any and all farmers' associations that happen to be stock companies?

Mr. CHAMBERLAIN. Organized for a profit?

Mr. WADSWORTH. Yes.

Mr. CHAMBERLAIN. They would not be exempted under the provisions of this bill.

Mr. WADSWORTH. I will ask the Senator in charge of the bill if farmers' cooperative creamery companies—scores of which are stock companies, who necessarily have to sell their finished products, such as butter and cream, through the company and have the proceeds returned to them, some of them in the nature of dividends—are excluded from this exemption?

Mr. CHAMBERLAIN. I think they are, Mr. President.

Mr. WADSWORTH. The same would be the case with a cooperative association of fruit growers who happened, in order to transact their cooperative business in a practical manner, to have issued capital stock, and make some slight return upon that capital stock. This amendment would exclude them from the exemption?

Mr. CHAMBERLAIN. I think it would. That was the purpose of the committee, as I understand it—to exclude those that are organized and doing business for a profit; and it is only intended to exempt those, as the language of the amendment states, who are organized for mutual help, and not for purposes of profit. The committee felt—at least, some of us did, and I did not hear any dissent from that view—that if any other system were adopted, a number of farmers, in order to avoid this law, might organize a corporation and carry it on for a profit; and that was what it was attempted to check in this measure.

Mr. WADSWORTH. I think the Senator from Oregon is fearful of something that can not possibly happen. It is utterly impossible for farmers to organize stock companies to deal in the products of their farms upon any such scale as will threaten the country, or any portion of the country, with a monopoly. I have in mind, however, a very healthy trend in the management of agricultural enterprises which is gradually, I am glad to say, spreading over this country, and that is the tendency of farmers to organize themselves locally into cooperative companies. It really makes for a cheaper food supply to the consumer, because it enables the farmers thus organized to purchase those supplies that are necessary for the operation of their farms by wholesale at a lower price, and it enables them to put their goods upon the market, as it were, by wholesale, and eventually at a lower price to the consumer. Instead of having less of those organizations, be they stock companies or merely mutual associations, I wish that their number were multiplied a thousand times.

Now, these associations are producers of food in exactly the same sense that the individual farmer is, and anything that we put into this bill or any other bill which discourages or casts any reflection upon this growing practice of organization amongst farmers is not going to do the consumers of this country any good. In fact, it will do them harm, for only by this method can we facilitate the production of food, distributing it, and marketing it. In my humble judgment, it represents about the only remedy which can be proposed to decrease the spread in cost between the money given to the producer of the food and the money paid by the ultimate consumer.

My understanding is, Mr. President, that the amendment suggested by the Senator from Oregon arises from some fear that farmers' elevator companies are apt to indulge in the horrid practice of hoarding food and controlling the supply. I confess that I can not become very much frightened upon that score. It simply can not be done. This is too big a country and the farmers are too widely scattered over a country 3,000 miles east and west and 1,500 miles north and south.

This is the first time I have had an opportunity of hearing this amendment read. It was not presented at a meeting of the Committee on Agriculture and Forestry.

Mr. CHAMBERLAIN. Mr. President, let me say to the Senator, with reference to the adoption of the amendment, that, while the Senator from New York was not present, 14 or 15 of the members of the Agricultural Committee were present. They met Sunday and discussed this very proposition and adopted this amendment.

Mr. LODGE. Mr. President, I should like to say to the Senator from New York, if he will allow me, that farmers are specifically allowed under this bill to hoard. They have the specific authority in the next section to hoard.

Mr. WADSWORTH. Mr. President, I hope the Senator from Massachusetts will not ask me to defend some of the inconsistencies of this bill.

Mr. LODGE. I only meant to indicate that the farmer seems to be pretty well cared for. He is allowed to do what it is made a crime for anybody else in the country to do.

Mr. TOWNSEND. Mr. President, may I ask the Senator a question? I received yesterday several letters and telegrams—which I have failed to bring over—from farmers, protesting against the very thing that the Senator is advocating, maintaining that it is a sort of privilege granted to a few farmers to organize themselves for the very purposes which would be condemned in other branches of the business if they were to be carried out. I am glad the Senator is talking about this matter, because I am not familiar with it; but I received these protests to-day and yesterday, insisting that the provision should not be allowed in the bill.

Mr. WADSWORTH. Mr. President, perhaps I have not made myself entirely clear. I do not believe we ought to discriminate against a healthy business tendency. If we are going to exempt from the provisions of this section any persons engaged in agriculture, we ought to exempt them all; and if we have some fear that the exemption may be abused, we ought not to exempt anybody. But, as I have heard the amendment read by the Secretary, it would seem to me that it will disparage and discourage this tendency which is now going on among farmers and which I regard as extremely healthy.

Mr. LODGE. Mr. President, before the Senator takes his seat, what I wished to call attention to was really on page 8, the hoarding section, and that not only specifically allows any farmer or gardener to hoard and withhold, but allows cooperative associations of farmers or gardeners, including live-stock farmers, to do so. It seems to me that the ingenious middle man will soon get in a position where he is a farmer or gardener,

and he will control these cooperative associations, and then you will come back to the old difficulty.

Mr. GRONNA. Mr. President, I want to say, in reply to the Senator from Massachusetts, that he has not read all of the language. It applies only to the products produced on his farm. He will not be allowed to buy or sell. He will not be allowed to be a dealer in farm products.

Mr. LODGE. That is quite true, Mr. President; but the amendment of the committee permits this to be done by cooperative associations with regard to the products of any farm, garden, or other land owned, leased, or cultivated by him or by the association. All the farmers and gardeners in an association may hoard and withhold. When they form an association, it is pretty easy for gentlemen of the middleman class to get in there as farmers and gardeners.

Mr. GRONNA. But the Senator will understand that this provision is simply to permit associations to produce, not to sell.

Mr. SMITH of Georgia. Mr. President, it is impossible for those of us in this part of the Chamber to hear what is being said.

Mr. LODGE. It allows them here to hold and accumulate and hoard for the purpose of holding back food from market.

Mr. GRONNA. Yes. Mr. President, I was going to say, with regard to the statement made by the Senator from New York, that I really agreed with him. I could see no danger in permitting farmers' organizations to be formed. There is only this difference between the language adopted by the subcommittee and the language which is now in the bill: The language proposed by the Senator from Oregon exempts agricultural and horticultural associations not organized for profit. The Senator from New York perhaps heard the statement—or perhaps he was not present—of Mr. Hoover, that there was some fear that the so-called farmers' elevators would be exempt, and that they would be allowed to hoard grain, which, of course, would be unfair. For that reason, we adopted the language proposed by the Senator from Oregon, so that only horticultural and agricultural associations not organized for profit should be exempt; and I can see no objection to that. I do not think farmers' elevators should be exempt any more than elevators organized by any other person or corporation. I do not believe that a public elevator owned by an individual farmer or by a partnership should be exempt any more than an elevator that is owned by a corporation if the individual person is engaged in the business for profit.

Mr. NORRIS. Mr. President, it seems to me that there is some doubt about the amendment suggested by the Senator from Oregon. I was at the meeting of the committee to which the Senator refers, held last Sunday. The Senator from New York [Mr. WADSWORTH] suggests that it was a conference and not a meeting of the committee. I presume it was both. I did not share in the apprehension expressed by Mr. Hoover with regard to his objection to this particular language. At the same time, I had no objection to any amendment that would clarify it and make it clear that farmers' associations should not be allowed to be guilty of hoarding in the sense in which it is defined in the bill. I did not want to exempt them from that.

I agree with the Senator from New York that there is very little danger of farmers forming such an organization that would be harmful. In fact, I can hardly see how it can be possible, in view of the immense scope of the country and the great number of farmers. At the same time, Mr. President, we ought to be careful that we make no mistake here by providing in this bill any regulation or law that will prevent the producer of anything from keeping it if he wants to and storing it until he gets ready to sell it; and that is the reason of the exemption contained in the next section to which our attention has been called by the Senator from Massachusetts.

Somebody must hold the grain that is produced until it is consumed. When wheat is harvested some one must hold the major portion of it until it can be made into flour and consumed by the people. If we made an ironclad rule here that no one could hold wheat, then there would be no possibility of saving enough of the wheat to last through the year.

It was the idea of the committee, and I think it is the idea of everybody who has given it any fair consideration, that the healthy place for the product to be held is in the hands of the man who produces it, and because it is a practical impossibility for the farmers of the United States, scattered as they are over such a vast territory, to organize and by combination bring about undue enhancement of the price, it was thought that we ought to give every encouragement we could to the farmer to hold his wheat, his corn, or the other products that he had raised on land owned, tilled, or rented by him.

Mr. KELLOGG. Mr. President——

Mr. NORRIS. I yield to the Senator from Minnesota.

Mr. KELLOGG. I agree with the Senator that there is not the slightest danger of the farmers getting together to put up prices. They never have done it, and they never can do it. The section to which this amendment applies, however, is not the hoarding section, it is the license section.

Mr. NORRIS. I understand that.

Mr. KELLOGG. If the amendment were adopted and a license system were created by the authority of the President, every farmers' elevator and every creamery organized for profit would have to take out a license, provided the regulations were made to apply to that class of corporations. There is no question about that.

Mr. NORRIS. If the amendment were adopted, the Senator says?

Mr. KELLOGG. Yes; then they would have to take out a license.

Mr. NORRIS. If the amendment were not adopted, they would be specifically exempted?

Mr. KELLOGG. Yes; they would be exempted.

Mr. NORRIS. Mr. President, the exemption in this section, as well as the one following it, providing for another exemption from hoarding applies only to land that is owned by these farmers or rented by them, cultivated by them. They can not go into the general business of buying and selling these products and be exempt, under the language of the amendment as the committee had it originally. The exemption applies only to products that they owned from the time they were produced from the soil. Now, if two or three farmers get together and build a large granary or an elevator, if you want to call it such, to save the expense of having separate granaries or elevators, and want to put their wheat in that elevator and hold it and sell it when they get ready, what is the objection to it?

Mr. SMITH of Georgia. Mr. President——

Mr. NORRIS. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. Would it not be true that under the language as it now stands, with the first amendment, nothing could be stored in a granary and be relieved from the effect of this act unless it was raised upon the farm, garden, or land owned, leased, or cultivated by the particular men who were members of that association?

Mr. NORRIS. Exactly.

Mr. SMITH of Georgia. And it could not in any sense do a commercial business?

Mr. NORRIS. No; in no sense.

Mr. SMITH of Georgia. And the danger that was feared, lest these warehouses might engage in a commercial business, is excluded now by the language of the act.

Mr. NORRIS. Absolutely so, as I understand it. The more I look at it the more it seems to me it ought to remain just as it is. I do not think we can emphasize the importance of having some provision here so that the market for wheat, for instance, can be steadied during the year. We ought to make it easy for those who hold grain, who are not speculating in grain. One of the great objects of this legislation is to protect the man who produces foodstuffs, and, on the other hand, to protect the consumer of those same foodstuffs, to protect both these classes of people from the speculators or dealers, some of whom are necessary, I concede, and honest, I concede, who intervene between these two extremes.

Now, we will take wheat as an illustration. It is harvested in July and August, and it must last until the next July or August. A very large proportion of it must be stored and held by somebody. The man who stores it and holds it, whether he be the farmer or middle man, is entitled to a profit for doing it. That is just as necessary to be done as it is to produce the wheat, to begin with. The question is, where can it be most economically held? We have the producers, to begin with, scattered over an expanse of country thousands of miles in extent, as a class comparatively poor men, as a class unorganized, and from the very nature of conditions it is practically an impossibility to organize, so that monopoly as far as organization among them is concerned, is absolutely improbable if not an impossibility. I think under existing conditions it is an impossibility.

Then we ought to give that class of people all the possible encouragement we can to hold the wheat during the time that it is necessary it should be held. We can do that by exempting the producer. It is conceded that whatever enhancement of price may take place between the time the grain is produced and the time it is consumed can legitimately go and ought to go as much as possible to the man whose toil and whose exertion has produced it. We can prevent speculation in food

products, therefore, if we can permit the food products to remain in the hands of the producer, and go out of his hands as the demand for consumption goes on during the year.

Mr. GRONNA. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. GRONNA. I agree with the Senator from Nebraska absolutely that the farmers ought to be encouraged to hold their own grain, and I agree with everything he says theoretically, but he knows as a practical proposition that the business is not done that way. When grain is taken to an elevator it is not stored in the elevator. The farmer may not sell the grain, but the man who receives the grain immediately sells it. The Senator knows that that is the way business is being done. Now, how are we going to discriminate between an elevator which is a corporation owned by farmers and an elevator owned by people who do not farm? Both do business in exactly the same way.

The language in the bill, as the Senator knows, was proposed by myself, and I thought there was no danger in permitting farmers to store their own grain, but on reflection I must admit that it is impracticable, because when the grain is taken to the elevator it goes into commerce.

Mr. SMITH of Georgia. May I ask the Senator from North Dakota to face us so that we may hear him on this side? The Senator turns his back toward us, and we can not hear him.

Mr. NORRIS. I hope the Senator from North Dakota will not turn his back on me. I want to hear him. He is asking me a question.

Mr. VARDAMAN. I hope we may have order in the Chamber, Mr. President.

Mr. GRONNA. I asked the Senator from Nebraska if he thought we should discriminate between them; if the farmer entered into a partnership or into a corporation and was doing business exactly the same as a corporation is doing business, receiving wheat, when everybody who knows anything about transactions dealing in wheat must agree that when the wheat is taken to the elevator it is not being stored. The farmer may take a storage receipt and he may demand wheat of the same kind in return under our law, but the wheat goes into commerce immediately and is being sold. The wheat is not as a rule being stored there.

Now, I ask the Senator from Nebraska how he could discriminate between the men who are actual farmers owning elevators and the men who do not farm and own the same kind of elevators?

Mr. NORRIS. I shall be glad as best I can to answer the Senator's question. I think it is a very proper question, and I think he assumes something as existing in the bill that is not there now. The question is when the farmers' elevator company buys wheat and sells it why he should not have it subject to the same rules that every other elevator man is subject to? My answer is that is what should be. I answer further that under the bill as it is written now I think that would be the case. In other words, when the farmers' elevator company buys grain of somebody not a member of the company, or even from a member of the company if the grain was produced on some land not owned or cultivated or rented by a member of the company, then the language does not apply as it stands in the bill, and they would be compelled to take out a license the same as anybody else. Is not that true, I will ask the Senator from North Dakota?

Mr. GRONNA. If the Senator will permit me, I will say to him that under the laws of every Western State, at least, I do not care who builds the elevator when an elevator is operated by buying and selling grain it becomes a public elevator and must buy from anybody who may offer grain for sale. It can not take grain only from the farmers, most of whom may be stockholders of that elevator, but it must under the law buy from anybody who offers grain for sale.

Mr. NORRIS. Yes; a public elevator has that kind of a law to work under, no matter where it is, but still the answer I think I made before is good. The elevator that is doing that would not be excluded under the language of the bill. Let me read, on page 7, the proviso commencing in line 4:

> *Provided*, That this section shall not apply to any farmer, gardener, cooperative association of farmers or gardeners, including live-stock farmers, or other person with respect to the products of any farm, garden, or other land owned, leased, or cultivated by him.

Mr. TOWNSEND. By whom?

Mr. NORRIS. "Him" refers to the farmer or gardener or the association of farmers or gardeners. That is the antecedent of "him," as I understand the language here.

Mr. STERLING. I suggest to the Senator from Nebraska that that could be cured and made plain by inserting the words "or them" after "him."

Mr. NORRIS. Yes; if there is any doubt about it. I do not think there can be any doubt about it as it stands, but there can be no objection to adding the words "or them" after "him." I believe on reflection it will have to be conceded that the farmers' elevator company is not exempted if it is located where it buys and sells grain from everybody who offers grain.

Mr. SMITH of Georgia. Let me ask the Senator if when we contemplated this amendment we were not under the impression that this language freed all those elevators?

Mr. NORRIS. That is what we thought, and that is the reason we conceded to the arguments made.

Mr. SMITH of Georgia. We were perfectly willing that all elevators which were engaged in buying and selling and doing commercial business generally so owned by farmers should be treated as other similar elevators.

Mr. NORRIS. Certainly; they ought to be treated like anybody else's elevator.

Mr. SMITH of Georgia. But my own closer study of the language since our committee adjourned satisfies me that the language as written only reaches to products dealt with by those associations; that if the association goes into commercial business generally this language will subject such association to the law.

Mr. GRONNA. Mr. President——

Mr. NORRIS. I yield to the Senator from North Dakota.

Mr. GRONNA. If the Senator will pardon me, I am very glad to hear the distinguished Senator from Georgia say what he has just said. As the Senator knows, I proposed this language, and it was my opinion as stated by the Senator that it only exempts those farmers who really raise the grain. Now the Senator has come to the conclusion that I was right. I should be very glad to join him because I believe I was right when I proposed the language. I did not want to exempt anybody who did business, who entered into interstate commerce in buying and selling grain, but I do not think that the language does that.

Mr. SMITH of Georgia. I should like to make that statement again, if the Senator will allow me, in the presence of the Senator from Oregon.

Mr. NORRIS. I yield to the Senator.

Mr. SMITH of Georgia. It was that my subsequent study of this language since our conference of Monday leads me to the conclusion that it applies only to those cooperative associations of farmers or gardeners which handle the product alone of farmers who are members of those associations, and the product of those farmers raised on their own land or their own leased or cultivated land, and that if such an association undertook to do business with outsiders, or to handle the products of outsiders, they would, as the language is now written, without further amendment, be subject to the regulation covered by this provision. With that view I hardly think the amendment we worked out on Sunday is necessary. I think the language now does what we want it to do.

Mr. CHAMBERLAIN. If the Senator will allow me——

Mr. NORRIS. Will the Senator permit me first to make a few suggestions about the meeting? I will yield to him later.

Mr. CHAMBERLAIN. I was merely going to say to the Senator if the members of the committee are satisfied that the amendment as it is in the bill does what it is our purpose to do, to prevent speculation, and that no amendment is necessary, so far as I am concerned, I am willing to leave the language as it is. As a matter of fact, I am inclined to believe that the language does just what the proposed amendment does anyhow.

Mr. SMITH of South Carolina. I wish to call the Senator's attention to the fact that the discussion in the committee turned on the fact that wherever there was a corporation or an association of farmers the only thing they could deal in was that which they raised themselves. This language was framed with that object in view, not to apply to those organizing themselves to buy other farmers' grain or anybody else's grain.

Mr. NORRIS. Mr. President, at that meeting it was suggested by Mr. Hoover that this language permitted farmers' elevator companies to be excluded. We had a letter there from Mr. Shortell, representing a large number of farmers, the National Association of Farmers, in which he said that he did not want to have farmers' elevator companies excluded; that they wanted to be subject to the same law that everybody else was subject to. Without giving it very much consideration then, the committee said if it does that that is something we have no desire to do. Here are the men we want to protect. A corporation owns a farm, and let us say it raises a thousand bushels of wheat. It ought to be treated just the same as though one individual raised that wheat on his own land. An association or a partnership of two men may rent a half section of land and raise a lot of wheat or corn. They are an association, a

partnership, or a corporation. We want to exclude them from the things they themselves produced, and if we let in anybody else we want to take that out.

This amendment was evolved for the purpose, as I understand it, of excluding something that, without looking into the bill particularly at the time, it was conceded ought to be excluded; but upon further examination and upon further study I believe everyone must admit that the fear was without foundation. A farmers' elevator company doing business as other elevators never was exempt by the language, and the idea of the committee originally was to do that very thing.

I am satisfied if anyone will examine it he will see that by no possible construction can any farmers' elevator company or any individual be relieved from this law if he is operating an elevator and buying and selling wheat or corn or any other products.

Mr. TOWNSEND. Mr. President——

Mr. NORRIS. I yield to the Senator from Michigan.

Mr. TOWNSEND. It seems to me there is no dispute among the members of the committee as to the intent of the language. I take it the amendment which is proposed now was proposed for the purpose of making it clear. But I should like to ask the Senator from Nebraska, who is on the committee and who has given this subject a good deal of attention, what objection there is to the substitution of this amendment if it clarifies the point?

Mr. NORRIS. In the first place it does not clarify the point, as I understand it. I never heard it read until it was read here on the floor. It would eliminate from the exemption such associations as I have mentioned, as I understand it, that produce grain from their own land, wheat or corn, if it was an association, corporation, or partnership.

Mr. JOHNSON of South Dakota. Mr. President——

Mr. NORRIS. I yield to the Senator from South Dakota.

Mr. JOHNSON of South Dakota. I ask the Senator if he does not consider the language now in the bill clear? I think no one could misunderstand it.

Mr. NORRIS. I do not see a possibility of misunderstanding it. All you have to do is to read it, and you will find that it applies to the products that are produced by men who form the association, and whenever it applies to anything else they are not exempted under the law.

Mr. CURTIS. Mr. President——

Mr. NORRIS. I yield to the Senator from Kansas.

Mr. CURTIS. I simply wish to say that under the amendment as amended and reported from the committee an association composed of stockholders would be exempt, but the amendment suggested by the Senator [Mr. CHAMBERLAIN] in charge of the bill would include every association composed of stockholders. I think it would be unwise to adopt the amendment offered by the Senator in charge of the bill, because it will shut out farmers' cooperative associations composed of stockholders. Such organizations should be permitted to hold the products of the farms owned by their members, and they and the farmers and gardeners should be exempted from this section of the bill.

Mr. NORRIS. In conclusion I wish to read the language as it would read without the amendment now offered by the Senator from Oregon. Let me read it:

Provided, That this section shall not apply to any farmer, gardener, or other person with respect to the products of any farm, garden, or other land owned, leased, or cultivated by him.

Just as soon as you get onto somebody else's land and get a product, if they deal in it, they are subject to the same provisions of the law that everybody else is. I hope, therefore, the Senator from Oregon will withdraw his amendment.

Mr. CHAMBERLAIN. Mr. President, in view of the discussion that has been had on it by members of the committee I am willing to withdraw the amendment if there is no objection to its withdrawal. I think myself that the language as it is written in the bill is sufficient.

Mr. NORRIS. I wish to suggest to the Senator from Oregon that the suggestion was made by the Senator from Michigan [Mr. TOWNSEND] that "associations" ought to be in the singular instead of the plural. I would like the attention of the Senator from Oregon.

Mr. CHAMBERLAIN. I did not hear the Senator.

Mr. NORRIS. In line 5 let it read "cooperative association of farmers" in place of "cooperative associations of farmers." Ought it not to be in the singular instead of the plural?

Mr. CHAMBERLAIN. I am perfectly willing to have the "s" stricken out.

Mr. NORRIS. I suggest then that by unanimous consent we change "associations" to "association," and then, though it is not proper now, I think when the time comes when we get to individual amendments after the word "him" we ought to insert "or it."

Mr. GRONNA. Or them.

Mr. NORRIS. I suppose "association" being in the neuter gender we can insert "it," but we can attend to that when we get through with the committee amendments.

Mr. BRANDEGEE. Mr. President——

The VICE PRESIDENT. The Senator from Connecticut.

Mr. WOLCOTT. I want to ask the Senator from Nebraska a question.

The VICE PRESIDENT. The Senator from Connecticut has been recognized.

Mr. BRANDEGEE. I yield to the Senator from Delaware.

The VICE PRESIDENT. This is getting to be a town meeting.

Mr. WOLCOTT. Do I understand it to be the opinion of the Senator from Nebraska that the language "cooperative associations" would embrace stock corporations?

Mr. NORRIS. I presume so.

Mr. WOLCOTT. My impression is that the phrase "cooperative associations" would cover only voluntary associations, unincorporated associations of individuals. Do I understand it to be the view of the Senator—and I am in accord with him on it—that if these associations organize for mutual benefit, if they take the form of a stock company, they ought to be within the proviso?

Mr. NORRIS. Yes.

Mr. WOLCOTT. Therefore I would suggest an amendment so that it would read "cooperative associations or corporations"——

Mr. NORRIS. So far as I am concerned, I have no objection to that, but I think that is included now.

Mr. WOLCOTT. Or the words "or stock companies" should also be added—some such language as that.

Then, I want also to ask the Senator another question, if the Senator from Connecticut will permit me. I understood the Senator from Nebraska to say that this language as phrased would permit the organizing of mutual benefit companies or associations by farmers, which concerns might handle the products of all the members, and thereby exempt themselves from the terms of this proviso.

Mr. NORRIS. Not from the terms of the proviso, but from the section.

Mr. WOLCOTT. Yes. That is to say, there is nothing to prevent a body of farmers in a certain community organizing an association or a corporation for the purpose of taking the products of all and marketing them through a common source?

Mr. NORRIS. Or holding them.

Mr. WOLCOTT. Or holding them. Now, then, I question very much if that will be true, and I call the Senator's attention to this thought: The language is—

that this section shall not apply to any farmer, gardener, cooperative associations of farmers or gardeners "—

And so on, how far—

with respect to the products of any farm * * * cultivated by him.

Mr. NORRIS. Yes.

Mr. WOLCOTT. That is to say, the product must be from a farm cultivated by the association?

Mr. NORRIS. No; they would not necessarily have to cultivate it. By the way, the organization would not have to be composed of men who actually farm if they owned the land.

Mr. WOLCOTT. Oh, yes.

Mr. NORRIS. On which the foodstuff was produced. They would have a right to organize if they wanted to do so, and they would be exempt.

Mr. WOLCOTT. I can not agree with the Senator on that. I think this language clearly indicates that the products must be raised by the association as distinguished from its members.

Mr. NORRIS. Let us see. It reads: "with respect to the products of any farm, garden, or other land owned"—that is one.

Mr. WOLCOTT. Yes.

Mr. NORRIS. "Leased"—that is two.

Mr. WOLCOTT. Yes.

Mr. NORRIS. "Or cultivated by him."

Mr. WOLCOTT. Yes.

Mr. NORRIS. Now, if the land was owned——

Mr. WALCOTT. By him.

Mr. NORRIS. If the land upon which the products were produced were owned by that man, this exemption would apply.

Mr. WOLCOTT. To that man. But we are talking about the case of an association. The word "him" refers back. You would then have the situation that the products must come from lands owned, leased, or cultivated by the association. There should be inserted the words "by him, it, or by any member thereof."

Mr. NORRIS. I do not know that that would cure it.

Mr. WOLCOTT. That is of decided importance.

Mr. NORRIS. I do not see that that would add anything to it.

Mr. BRANDEGEE. Mr. President, the Senator from Delaware [Mr. WOLCOTT] has in a certain way made a suggestion that I have had in mind. I assume that it is the desire of everybody to do ample justice to the farmer in the production and marketing of his food products, and at the same time not to allow any farmer or association of farmers or combination of farmers to do anything in the way of hoarding food or speculating in food. I am sure I want to do perfect justice to the farmer, but I confess, Mr. President, I do not understand clearly the meaning of this proviso.

I have read from time to time of various associations of agricultural producers through their organization handling their crops and their products in such a way as to hold them back from the market. I have read of cotton associations which through their organization were able either by moral suasion or by direct agreement among the members to hold back cotton for higher prices. I have read particularly of the producers of dairy products in the State of New York having such a close organization as that they were able to hold back entirely the dairy products of their farms, and thereby force the consumers in the large cities, who probably were also organized through their retail dealers, to pay such prices as the producers demanded.

It seems to me, if the language of this bill is left as it is, that any kind of an association of producers that have a mind to get together, have a meeting of their members and just agree to hold back from the market the products of their farms, or so much of them as they have a mind to, until the price goes up, it could be done, and they would be specifically exempted from the provisions of this section.

I may be wrong about that; but, if I am right about it, Mr. President, the bill fails right at the source.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Nebraska?

Mr. BRANDEGEE. I yield.

Mr. NORRIS. I know the Senator is just as anxious as I am, and I am just as anxious as he is, as to any combination of that kind, to do the best we can to prohibit it in a practical way; but I want to direct the attention of the Senator, right in connection with the remarks he is now making, to a case. Suppose we exempt nobody, then the individual who produces, let us say, wheat or cotton will probably be frightened, not so much as to this particular provision as the one that follows it in the next section; he would be afraid that he would be guilty of hoarding, though he had produced the article himself. Even though we did let somebody in—I do not believe we do; but even if we did—if we had no exception can not the Senator see at once that there would be great danger in products such as I have mentioned not being produced in sufficient quantities? You would frighten the producer. Does not the Senator agree with me that it is desirable, if we can arrange it so that the producer of a food product, which in the very nature of things must be held, should be held preferentially by the man who produces it?

Mr. BRANDEGEE. Mr. President, so far as the effect on the consumer is concerned—and he is the gentleman whom this bill is trying to relieve from the strangle hold of high prices and hoarding and speculating—it seems to me it is immaterial who has him by the throat.

Mr. NORRIS. May I ask the Senator a question there?

Mr. BRANDEGEE. Yes.

Mr. NORRIS. Of course, if you will do it entirely from the viewpoint of the consumer that would be true; but does not the Senator agree with me that in the end, in order to protect the consumer, we must stimulate production or that in the end the consumer will not be protected? In an article like wheat would it not be better for the consumer now to have these various profits that are made from the time the wheat is produced until it reaches him just as small and just as few as possible? Would it not also be better for the consumer that whatever profit may come in the holding of wheat should be made by the man who produces it, and thus encourage him to produce more, than to permit it to get out of his hands and into the hands of a few people, who by organization or monopoly might be able to unduly increase the price which the consumer in the end would have to pay?

Mr. BRANDEGEE. Mr. President, it must be borne in mind in the consideration of this bill, as applied to farm products, at least, that the President is authorized to fix a minimum price. The producer is the only person who is going to be guaranteed by the United States Government a minimum price, and there is money appropriated in this bill for that purpose. Of course, that is supposed to be a price which will reimburse him for the cost of raising his product and give him a profit. Unless the minimum price fixed by the Government carries to the farmer a profit, of course this bill, instead of promoting production, will stifle it.

If a man starts out with a guaranteed profit by the Government and then also is excepted from the operations of the bill as to hoarding and holding which apply to everybody else, and then is given authority to hold up the market by holding back his product through organized associations of his confrères in the same county and the same State, it seems to me that it is giving him an undue privilege. I want to give him an equal privilege; I want to protect him in every way; but I think he certainly has an equal privilege if he is the only person who has a guaranteed price. While, of course, I can not definitely predict that it will be done under the language of this proviso or how far it would be sustained by the courts, it does seem to me that it leaves the matter in great confusion.

Mr. BORAH. Mr. President——

Mr. BRANDEGEE. I yield to the Senator from Idaho.

Mr. BORAH. It seems to me that the Senator is correct in his construction as to the effect of this proviso. It reads:

Provided, That this section shall not apply to any farmer, gardener, cooperative associations of farmers or gardeners, including live-stock farmers, or other person with respect to the products of any farm, garden, or other land owned, leased, or cultivated by him—

Of course, the "cultivated by him" also means cultivated by the association.

Mr. BRANDEGEE. Yes.

Mr. BORAH. And that association might include all the farmers in a given State.

Mr. BRANDEGEE. I see nothing to prevent it.

Mr. BORAH. I do not see how any other construction can be placed upon it.

Mr. BRANDEGEE. In other words, under this exception here is what I see might be done, if people were evilly disposed and the Government did not have the power to stop it:

All the farmers in any State or all the producers of food might form an agricultural association, of which each one would be a member, and they might all lease their farms to the association, and then the association could run the whole thing as a corporation and control the whole product. If that could be done, I can conceive no more absolute form of monopoly than that which would result from such an arrangement.

Mr. LODGE. Mr. President, I should like to ask the Senator from Connecticut, in connection with what the Senator from Idaho [Mr. BORAH] has said, what is to prevent the middlemen, the packers of Chicago, for example, under the live-stock provision, becoming members of these associations? It would not be a very difficult thing to do, and they have great organizing capacity. Then we would have a food trust that would control pretty much everything.

Mr. WADSWORTH. Mr. President, if it will not interrupt the Senator from Connecticut, in order for that to be accomplished the packers of Chicago would, under the provisions of this bill, have either to buy or lease all the pasture lands of the United States.

Mr. LODGE. All they would have to do to become a member of such an association would be to buy one farm.

Mr. WADSWORTH. To become a member?

Mr. LODGE. That is all—each one of them. They could employ dummies; they have unlimited money; and it would not cost a great deal for them to buy enough farms or enough gardens or enough live stock to become members of such associations.

Mr. WADSWORTH. Does the Senator really think that any persons engaged in a commercial business are going to follow such a course under this bill? They could have done that in the past or they could do it now; and why have they not done that before this?

Mr. LODGE. Because a law has never existed giving to farmers, associations of farmers, associations of gardeners and live-stock owners the sole privilege in the United States to hoard, withhold, and accumulate.

Mr. WADSWORTH. As I remember——

Mr. LODGE. It confers a very valuable privilege.

Mr. WADSWORTH. I am trespassing upon the time of the Senator from Connecticut, and I do not wish to do that.

Mr. BRANDEGEE. The Senator is quite welcome to do so, if he wants to speak further.

Mr. WADSWORTH. It strikes me, Mr. President, that the suggestion of the Senator from Massachusetts is one that we will never see carried out on this earth. Of course, we can imagine almost anything if we let our imaginations run riot; but seriously to contend that the so-called Chicago packers could under this provision furtively become members of a farmers' cooperative association, and then by some hocus-pocus control the whole association through the holding of stock, and

thereby gain control of cooperative associations that deal in cheese, cream, butter, fruit, wheat, and vegetables, is to contend for something that I simply can not comprehend. It is beyond the range of human possibility.

Mr. BORAH. Mr. President, I rather disagree with the Senator from Massachusetts [Mr. LODGE], because it is not necessary for them to do that. The packers already control the situation, so far as that is concerned. They fix the price of farm products, so far as live stock is concerned, now, and it would not be necessary for them to become members of an association in order to do so. But it does seem to me, if we are going to try to get a true construction of this bill, that "cooperative associations of farmers" would include any combination or association, and would include the product which belonged to that association under any fair construction of this bill. That is the way it seems to me. It may be a good thing to put in; I do not say it is not; but that is certainly a fair interpretation of the language.

Mr. BRANDEGEE. Mr. President——

Mr. SMITH of Georgia. Before the Senator from Connecticut resumes, will he pardon me for making one suggestion?

Mr. BRANDEGEE. I yield to the Senator.

Mr. SMITH of Georgia. It may be true that there is nothing in this bill that would prevent so complete an organization of farmers as might entirely control and hoard the grain products of the United States; but, while it is not in this bill, I have no doubt that those who have had any experience with grain farmers, or any other class of farmers, know that without the bill it is utterly impossible. Those who have ever tried to organize farmers, to induce them to take care of their own interests by cooperative holding understand that it is simply almost a hopeless task, and, with nothing in this bill upon the subject, we may all safely rely upon the fact that there will be no such combination or hoarding by farmers as will prevent the American people from getting their food at a reasonable price.

Mr. BRANDEGEE. Mr. President, after listening to the assurance given by the omnipotent Senator——

Mr. SMITH of Georgia. I am simply speaking from experience and observation.

Mr. BRANDEGEE. And the very confident and smooth way he has of giving bond for the people of the country——

Mr. SMITH of Georgia. If I had the money, I would give the bond, but at present such a course would be impossible.

Mr. BRANDEGEE. If the Senator's confidence is well placed, and if his lack of confidence in the organizing ability of these intelligent farmers is also well placed, then there is absolutely no reason for having this proviso excepting them at all. If there is no danger to be apprehended from them, this proviso might as well be stricken out.

Mr. SMITH of Georgia. No; the object is to encourage them to do all they can toward cooperation. I think those who have been giving special attention to the agricultural situation realize the value of whatever cooperation can be brought about among the farmers; and the Department of Agriculture has been sending documents throughout the land to try to inspire them to greater cooperation. The object of putting in this proviso was to say to the farmers, "We do not mean by this measure to discourage cooperation among you; we realize that as a valuable contribution so far as it goes, but it is not going nearly so far as we should like for it to go toward helping the development of the soil of the country."

Mr. BRANDEGEE. Mr. President, nobody has any objection to the kind of cooperation that is exercised in a benevolent way by the Department of Agriculture and the other friends of the farmers through the country, to get them to help themselves. It is the cooperation that results in withholding their products from the market for higher prices that we are concerned in, and that is all. If they have intelligence enough—and I think they have—to combine and cooperate for their mutual benefit in other respects, and if it is profitable for them to hold back their food for a higher price, with a special exemption in this bill prohibiting them from being prosecuted for doing so, I think very likely they will take all that they can get, just as the coal operators say they will take all that they can get in the open market.

Now, I do not object to this language so much in this particular section, because this section is simply the section that authorizes the President to compel them to take out a license. Nobody thinks, of course, that anybody would compel a farmer to take out a license to run his own farm. It is the next section, the holding back from the market, where the same identical language occurs, that I think may import a danger.

Mr. SMITH of Georgia. Mr. President——

Mr. BRANDEGEE. I yield.

Mr. SMITH of Georgia. Now, take grain. It is produced and brought upon the market within about 60 days. For 12 months it is to be eaten. The consumer buys it, probably, by the week. Who is to hold it in the meantime? Somebody must. It is the opinion, I think, of the Department of Agriculture and those who have given study to the development of the agricultural interests that, as far as possible, encouragement to the farmer to sell as the consumer needs his product rather than to rush it upon the market and leave it for the speculator to buy and hold until the consumer needs it is generally beneficial to the agricultural interests of the country and not harmful in any way to the consumer; and it is rather the encouragement to the farmer to sell as the consumer needs his product than any hoarding that has been taught and is now being taught by the National Department of Agriculture and the State departments of agriculture throughout the country.

Now, if they are not encouraged to hold, if they do not hold, then somebody else—some speculator—must buy and hold, because the consumers only buy, as a rule, by the week, and the consumption is to take place in 12 months' time, while production comes from the field, as to the great staple crops, in 60 days.

Mr. BRANDEGEE. Mr. President, there is a great difference between storing simply for the sake of preserving a thing until it is needed for consumption and hoarding. I am not objecting to the farmer storing his grain. If it can be done on his farm cheaper than it can in some storage warehouse, well and good. Nobody is talking about that at all. We are passing a bill here which puts pains and penalties against a producer hoarding a thing, and we put in the bill a provision that whenever the President has reason to believe that he is holding for hoarding purposes—that is, to hoard up the product and hold on to it for the purpose of raising the price—that is a crime. Now, we propose to exempt all the farmers, if I understand the terms of the bill, and say that they can get together and put their farms together and organize the owners of them, and that nothing in this bill that prevents hoarding shall apply to a farmer or an association of farmers or an agricultural association. It is simply a sense of fair play that lies in me, that when you are purporting and pretending to be trying to do justice among the people and produce fairly cheap food and stabilize prices and prevent people from holding up the consumer, when you pass a bill of 22 pages doing that to everybody else, you should not practically say: "Free license is hereby given to all the farmers and horticultural and agricultural societies to do these things." I simply believe that sauce for the goose is sauce for the gander.

Mr. LODGE. Mr. President, before the Senator takes his seat, is there not a broad distinction between the provision of the House bill, which perhaps necessarily and specifically gave the right to the individual farmer, and the Senate amendment allowing him to organize for the purpose of hoarding?

Mr. BRANDEGEE. I think so, and I thought so all the more when I heard the Senator from Nebraska [Mr. NORRIS] say that in his opinion the words "cooperative associations" would include a corporation. If I thought that I should be all the more alarmed about the provision. If they can organize a corporation to hoard and speculate in their own products, what is the use of talking about killing off the middleman, if you give the whole power to the originator to do these things?

Mr. SMITH of South Carolina. Mr. President, I should like to make a statement in reference to this matter.

It seems to be in the mind of the Senator from Connecticut [Mr. BRANDEGEE] and the mind of the Senator from Massachusetts [Mr. LODGE] that the parallel between a farmer and a cooperative organization holds good in reference to the middleman. Now, let us take Chicago or Kansas City or St. Louis. A little group of men there buy the product of America in wheat. Does either one of them pretend to say that there is even an approximate parallel between those men and a little group of farmers in Iowa, in Idaho, or out in Kansas, who meet for the purpose of putting their mutual products together so as to watch a market over which they have not any appreciable control, when the vast army of producers who control the surplus will not join these organizations—the little weak fellows, the men who have already pledged their crop for the production of it, and it is distressed wheat like other distressed farm products, and who must put it on the market? Do you pretend to say that there is any parallel between these small men and the aggregations of unlimited wealth who stand at concentrating points, the points to which all the lines and the entire commerce of the country converge, and who buy the crop from these men who notoriously are without resources, who get but a modicum out of it when the expenses are paid? Is there any comparison between the latter and these corporations that we are attempting to put our hands on, who buy the 12 months' supply when debt and obligations have matured on the farmer, who must meet his obligations?

There is the case of the potato crop now. The farmer has to sell to meet obligations incurred in the production of the crop. Those that want to buy now are comparatively few. There are great potato centers, and the men there buy up the crop, and with their reserve capital they can put on the crop any price that they see fit. Is there any comparison whatever between such small, weak aggregations of actual producers and the middlemen who take advantage of the present conditions?

Mr. LODGE. Mr. President——

Mr. SMITH of South Carolina. I yield to the Senator from Massachusetts.

Mr. LODGE. I have not quite such a low opinion of the farmer's capacity as the Senator from Georgia and the Senator from South Carolina. I think he has shown himself in some States—I know he has in mine—to be an extremely capable and effective organizer. But when he is exempted, when he is the only class in the country who can hoard and accumulate without committing a crime, I think he will not be slow to take advantage of it. The poor farmer, obliged to sell his crop immediately, has just been destroying thousands of bushels of potatoes down in Virginia because the market price was too low.

Mr. SMITH of South Carolina. I have not heard of any destroying. They simply did not want to incur further expense in harvesting a crop on which they are already sustaining a loss.

Mr. LODGE. They destroyed them.

Mr. SMITH of South Carolina. I doubt the accuracy of the information which came to the Senator from Massachusetts in that respect.

Mr. LODGE. At all events, they took organized action in regard to it, and in a great many States they have taken organized action of the most efficient kind. They are quite capable of it, and I think they are perfectly capable—not under the House provision, but under the amendment of the Senate—of making organizations which will control every food crop in the country.

Mr. SMITH of South Carolina. Let me ask the Senator this question, because that is a statement that ought to be clarified right now: Has the Senator any authoritative information that the farmers, the potato producers, have destroyed their potatoes?

Mr. LODGE. I only know what I read in the newspapers about that case in Virginia.

Mr. SMITH of South Carolina. One case?

Mr. LODGE. I have not investigated it. I only know that it was serious enough for Mr. Hoover to investigate.

Mr. KENYON. Mr. Hoover stated that there was nothing to it.

Mr. LODGE. Well, I am delighted to hear it. Of course, they have not organized under this law, because this law has not existed heretofore and does not exist now; but, judging from their capacity in organizing in regard to dairy products, as they do in the East, as they organize in the West, where they control some great States, I think they have lots of intelligence and great capacity for organization, and you are giving them the authority to hold up every food crop in the country, when this whole bill is intended to lower the price.

Mr. SMITH of South Carolina. Let me ask the Senator from Massachusetts, if the farmer is so splendidly organized and is now destroying his potatoes, why did he let the market go down on them? Who was controlling the market that has gotten down to a point where it is not profitable to sell?

Mr. LODGE. Mr. President, I have nothing to do with potatoes.

Mr. SMITH of South Carolina. But the Senator used that as an illustration.

Mr. LODGE. I used what I saw in the papers about Virginia. The Senator from Iowa [Mr. KENYON] tells me that Mr. Hoover has investigated it, and that it was a misstatement. We all saw what was in the papers. That is unimportant, however.

Mr. SMITH of South Carolina. But this is very important: If the farmer organizes to a point where, as the Senator says, he is a menace and a danger to the consuming public, why did he let the potato market go down? Why did he not hoard the crop? The Senator says that the farmer has great capacity for organizing.

Mr. LODGE. He has no opportunity to hoard and accumulate until he is given a monopoly of hoarding and accumulating by this bill.

Mr. SMITH of South Carolina. Well, has he not got the monopoly now, if he is a producer?

Mr. LODGE. He is not organized yet.

Mr. SMITH of South Carolina. Precisely.

Mr. LODGE. If you invite him to organize——

Mr. SMITH of South Carolina. For 2,000 years he has had the same opportunity to organize that the Steel Trust has and that the grain combination in Chicago has. He has not done it, because it is a financial and moral impossibility.

Mr. LODGE. But he never before has had the sole opportunity of any people in this country to organize. You are giving him this great power, which he never has had before.

Mr. SMITH of South Carolina. Yes; and I can tie a bundle of hay in the top of a tree and give a mule the privilege of eating it, but the thing is that he can not get up the tree to get it. The same is true about the farmer.

Mr. LODGE. Would the Senator advise legislating to the effect that mules shall have a right to be fed in the tops of trees?

Mr. SMITH of South Carolina. No; if you are going to benefit the mule, I would advise giving him the hay.

Mr. LODGE. Exactly; that is what I say. You are going to give him the right——

Mr. SMITH of South Carolina. But I want to make this point: The Senator from Massachusetts knows that the farmer that produces this stuff, spread as he is throughout the whole population, if no other economic principle was involved in this matter except this one, should become the beneficiary of the profit on the thing that he produces. It would be a distribution of wealth that the consumers might well contribute, and hope to get back in beneficial returns. But when a little coterie of men at the great centers, made possible by our facilities for transportation, who neither sow nor reap, control the price both to the consumer and the producer, and have a congestion, and a dangerous congestion, of wealth, I think the Senator from Massachusetts would give the privilege to the farmers to distribute among themselves the profits on their own products.

Mr. LODGE. Why, of course I should; but we should not substitute one little coterie for another.

Mr. SMITH of South Carolina. I am substituting the entire agricultural population of this country, and authorizing them to get together and enjoy the profits that accrue from their labor, rather than a coterie of men at the great centers of this country.

Mr. HOLLIS. Mr. President, I send to the desk an amendment to the pending bill, and ask that it lie on the table and be printed.

The VICE PRESIDENT. Without objection, that will be done.

Mr. SHAFROTH. Mr. President, I ask leave to introduce an amendment, and ask that it be printed.

The VICE PRESIDENT. Without objection, that will be done.

Mr. CHAMBERLAIN. Mr. President, I believe that the question was on the adoption of the original amendment, as reported by the committee, appearing in the bill on page 7. I ask for a vote. I believe there was no objection to my withdrawing the subsequent committee amendment, and now the question is on the amendment as it is contained on page 7, lines 5 and 6.

The PRESIDING OFFICER (Mr. FLETCHER in the chair). Without objection, the Senator will be allowed to withdraw his amendment. The question is on the amendment of the committee as modified.

Mr. GRONNA. Mr. President, I do not wish to delay the proceedings of the Senate, but I simply want to say a word.

I do not think it will make very much difference whether we adopt the amendment proposed by the committee or the amendment proposed by the Senator from Oregon. Everybody knows that it will be impossible for farmers to set up an elevator and simply store their own product. That is not the way business is being done, nor could it be done in that way under the laws of any State.

I want to say one word in reply to what the Senator from Massachusetts has said, that this gives the farmers an opportunity to organize and hoard and exact unduly high prices. I think, if the Senator will pardon the statement, that that is rather a visionary statement. I think everybody knows that it would be an absolute impossibility for farmers to any great extent to organize any association and control the entire crop. We all know, as the Senator from Georgia has so well said, that all these crops are marketed within a period of time of about 60 days. The farmer must sell his product because he owes money; he is in debt. He is, as a rule, heavily in debt, and there are only a very few farmers who could hold their crop if they wanted to. I do not believe that this provision will give the farmer an opportunity to hoard his grain if he wanted to, because the moment the farmer takes his crop to a public elevator he deposits that crop there in the same course of business that a man outside the organization would sell it. It immediately becomes a public warehouse or a public elevator. No discrimination can be made.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from South Dakota?

Mr. GRONNA. Certainly.

Mr. STERLING. I should like to ask the Senator from North Dakota if he has ever known a cooperative association of farmers, outside of a farmers' elevator company, organized for the purpose of holding grain or hoarding grain?

Mr. GRONNA. I will say to the Senator that I have not.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. GRONNA. I do.

Mr. BORAH. I had supposed that this language was put in this bill for the specific purpose of permitting farmers to do these precise things. I assumed it was intended to encourage the producers, and that the language was framed to authorize holding products if it was deemed advisable so long as the products were still in the hands of the producers. I am not urging that the purpose is not a wise one. I am simply contending for the plain meaning of the language.

Mr. GRONNA. No; if the Senator will pardon me, that matter was thoroughly discussed in committee. It was put in the bill for the purpose of permitting the farmer to hold at least enough grain on his own farm or in his own warehouse for seed and flour for his own family.

Mr. BORAH. Well, Mr. President, of course that might have been the object, but that can not possibly be the construction of the language. Now, I do not say that this language should go out. I am not arguing that proposition; but certainly the language as it is in here can have no other fair construction than to permit the farmers to do the precise things which have been designated here, and which it is probable that they would do. I do not undertake to say that the farmers could organize and hoard and hold these products; but, as the Senator from Georgia well said, it was put in there, it would seem to me, for the purpose of encouraging those precise things.

Mr. GRONNA. For the purpose of encouraging cooperation.

Mr. BORAH. Exactly; for the purpose of encouraging cooperation. Now, you do not have to have cooperative societies for a man to hold enough grain for seed, nor do you need any permission of law to do so.

Mr. GRONNA. But there are societies known as associations where they are permitted to hold grain to furnish flour for their families and for seed.

Mr. BORAH. I am not saying they should not be permitted to hold it, but I ask does the bill authorize farmers in cooperative societies to hold grain for their own support?

Mr. STERLING. Mr. President——

Mr. GRONNA. I yield to the Senator from South Dakota.

Mr. STERLING. I wish to say in reply to the Senator from Idaho that while possibly the result might follow as described by the Senator from Idaho, yet it is the remotest thing in all the world. Let me say further to the Senator——

Mr. BORAH. The Senator is presenting a question I did not present at all. I did not say that the farmers would do that. What I say is that the construction of this language would undoubtedly permit them to do it.

Mr. STERLING. I may be permitted to say that they ought to be permitted to do it as far as they will do it in the ordinary course of things.

Mr. BORAH. That is an entirely different proposition. That is what I supposed it was put in here for.

Mr. STERLING. For the reason that they could hold it by arrangement or understanding between the members of a community of farmers to avail themselves of a better market, for example, not that they will hold it and hoard it as against consumption generally but that they may for market purposes hold their grain for a time, is deemed wise and advisable, I think, everywhere.

Mr. BORAH. That is what I supposed it was put in for.

Mr. LODGE. They hold it to get the best price they can.

Mr. STERLING. I will not say that, but I will say the interests and the needs of the farmers in any extended community will be such as to prevent their holding it indefinitely. As has been described by the Senator from North Dakota and the Senator from South Carolina, it would be impossible to form that kind of an organization among the farmers.

Mr. GRONNA. Mr. President, I simply want to say, as I said a moment ago, that, in my judgment, it would not make any difference whether the language of the committee is adopted or the language proposed by the Senator from Oregon. We know it is absolutely impossible for several million farmers to get together and agree upon hoarding.

Mr. STERLING If the Senator from North Dakota will permit me, there is just this difference in the language as now suggested by the chairman of the committee and the language in the bill. The language proposed by the chairman is "agricultural and horticultural associations" instead of "cooperative associations" of farmers, and so forth. In nearly every State in the Union I think there are such agricultural associations, and those words have a particular and distinct meaning, and as State agricultural associations provide for and manage the fairs and the agricultural and stock exhibits of the State. Likewise there are State horicultural societies. They would not be included.

Mr. GRONNA. I do not disagree with the Senator about that at all.

Mr. BRADY. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Idaho.

Mr. GRONNA. I yield.

Mr. BRADY. I am somewhat disturbed about the construction that seems to be placed upon the amendment. As a member of the Agricultural Committee, I listened very attentively to all the arguments, and my understanding of the section is that it is to limit the holding in elevators of the grain farmers actually produce.

Mr. GRONNA. That is it.

Mr. BRADY. If that is not the case, then I do not understand the amendment. The proviso reads:

That this section shall not apply to any farmer, gardener, cooperative associations of farmers or gardeners, including live-stock farmers, or other person with respect to the products of any farm, garden, or other land owned, leased, or cultivated by him.

Mr. GRONNA. I think the Senator from Idaho is eminently correct in his definition of the language. It was so understood by me in the committee, but when it was objected to by some Senators I had no objection to modifying it, because I know under the general rules of business the only advantage that the farmer can hope to get will be to permit him to store enough grain for seeding his own farm and for feeding his own family, and that associations of farmers may do the same thing. I do not think it makes very much difference whether we adopt the amendment of the committee or the language proposed by the Senator from Oregon.

The PRESIDING OFFICER. The question is on agreeing to the amendment as modified.

Mr. WADSWORTH. I may be a little late in my understanding, but I understood that the Senator from Oregon had withdrawn his amendment.

Mr. SMITH of Georgia. The Senator from Oregon withdrew the last suggested amendment and the bill stands with the first amendment as printed.

Mr. WADSWORTH. Then the question is not on the amendment as modified.

Mr. SMITH of Georgia. So the question before the Senate will be on the amendment as printed in italics.

The PRESIDING OFFICER. The Chair understands that the word "associations" was changed to "association."

Mr. SMITH of Georgia. Yes; striking out the "s." That was done by consent, I understand.

The PRESIDING OFFICER. The question is on agreeing to the amendment as thus modified.

The amendment as modified was agreed to.

The reading of the bill was resumed.

The next amendment was, in section 6, on page 7, line 18, after the word "That," to strike out "any person who willfully hoards any necessaries shall, upon conviction thereof, be fined not exceeding $5,000 or be imprisoned for not more than two years, or both. Necessaries," and insert "necessaries"; in line 22, after the word "either," to strike out "(a) held, contracted for, or arranged for by any person in a quantity in excess of his reasonable requirements for use or consumption by himself and dependents for a reasonable time"; in line 25, before the word "held," to strike out, in the parenthesis, the letter "b" and insert the letter "a"; on page 8, line 5, after the word "quantities," to strike out "reasonably" and insert "seasonally"; and in line 11, after the word "gardener," to insert "cooperative associations of farmers or gardeners, including live-stock farmers," so as to make the section read:

SEC. 6. That necessaries shall be deemed to be hoarded within the meaning of this act when either (a) held, contracted for, or arranged for by any manufacturer, wholesaler, retailer, or other dealer in a quantity in excess of the reasonable requirements of his business for use or sale by him for a reasonable time, or reasonably required to furnish necessaries produced in surplus quantities seasonally throughout the period of scant or no production; or (b) withheld, whether by possession or under any contract or arrangement, from the market by any person for the purpose of unreasonably increasing or diminishing the price: *Provided, however*, That any accumulating or withholding by any farmer, gardener, cooperative associations of farmers or gardeners, including live-stock farmers, or any other person, of the products of any farm, garden, or other land owned, leased, or cultivated by him shall not be deemed to be hoarding within the meaning of this act.

Mr. CHAMBERLAIN. In order to make that conform to a preceding section, I move to insert the word "or" after the word "farmer," in line 11, and to strike out the "s" at the end of the word "associations."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, in section 7, page 9, line 1, after the word "as," where it occurs the first time, to strike out "near" and insert "nearly," so as to make the section read:

SEC. 7. That whenever any necessaries shall be hoarded as defined in section 6 they shall be liable to be proceeded against in any district court of the United States within the district where the same are found and seized by a process of libel for condemnation, and if such necessaries shall be adjudged to be hoarded they shall be disposed of by sale in such manner as to provide the most equitable distribution thereof as the court may direct, and the proceeds thereof, less the legal costs and charges, shall be paid to the party entitled thereto. The proceedings in such libel cases shall conform as nearly as may be to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any such case, and all such proceedings shall be at the suit of and in the name of the United States. It shall be the duty of the United States attorney for the proper district to institute and prosecute any such action upon presentation to him of satisfactory evidence to sustain the same.

The amendment was agreed to.

The next amendment was, on page 9, after line 8, to strike out:

SEC. 8. That any person who willfully destroys any necessaries for the purpose of enhancing the price or restricting the supply thereof shall, upon conviction thereof, be fined not exceeding $5,000 or imprisoned for not more than two years, or both.

The amendment was agreed to.

The next amendment was, on page 9, after line 13, to strike out:

SEC. 9. That any person who conspires, combines, agrees, or arranges with any other person (a) to limit the facilities for transporting, producing, manufacturing, supplying, storing, or dealing in any necessaries; (b) to restrict the supply of any necessaries; (c) to restrict the distribution of any necessaries; (d) to prevent, limit, or lessen the manufacture or production of any necessaries; or (e) to enhance the price of any necessaries shall, upon conviction thereof, be fined not exceeding $10,000 or be imprisoned for not more than two years, or both.

The amendment was agreed to.

The next amendment was, on page 9, after line 23, to strike out:

SEC. 10. That to carry into effect the purposes of this act the President is authorized to purchase and provide for the production or manufacture of necessities; to store them and to provide storage facilities for them by construction, purchase, lease, or otherwise; to sell them to any citizen of the United States or to any government engaged in war with any country with which the Government of the United States is or may be at war; and to require any person having the control of any necessaries, or any storage space suitable for the storing of necessaries, to furnish the whole or any part of such necessaries or storage space to the Government in such quantities, at such times, and at such prices as shall be determined by the President to be reasonable. Upon failure of the person to comply with such requirement, the President is authorized to requisition and take possession of any such necessaries or storage space, and to pay for them at the price so determined.

The amendment was agreed to.

The next amendment was, on page 10, after line 15, to insert "SEC. 8. That the President is authorized, from time to time, (a) to requisition foods, feeds, fuels, and other supplies necessary to the support of the Army or the maintenance of the Navy, or any other public use connected with the common defense, and to requisition storage facilities for such supplies; and he shall ascertain and pay a just compensation therefor"; in line 22, after the word "the," to strike out "price" and insert "compensation"; in line 24, after the word "paid," to insert "75 per cent of"; in the same line, after the word "amount," to strike out "prescribed" and insert "so determined"; on page 11, line 2, after the words "added to," to strike out "the amount so paid" and insert "said 75 per cent"; in line 3, after the word "will," to insert "make up such amount as will"; in the same line, after the word "compensation," to strike out "for such necessities or storage space, and jurisdiction is hereby conferred on the United States district courts to hear and determine all such controversies" and insert "therefore, in the manner provided for by section 24, paragraph 20, and section 145 of the Judicial Code," so as to read:

SEC. 8. That the President is authorized, from time to time, (a) to requisition foods, feeds, fuels, and other supplies necessary to the support of the Army or the maintenance of the Navy, or any other public use connected with the common defense, and to requisition storage facilities for such supplies; and he shall ascertain and pay a just compensation therefor. If the compensation so determined be not satisfactory to the person entitled to receive the same, such person shall be paid 75 per cent of the amount so determined by the President, and shall be entitled to sue the United States to recover such further sum as added to said 75 per cent will make up such amount as will be just compensation therefor, in the manner provided for by section 24, paragraph 20, and section 145 of the Judicial Code: *Provided*, That nothing in this section shall be construed to require any natural person to furnish to the Government any necessaries held by him and reasonably required for consumption or use by himself and dependents.

The amendment was agreed to.

The next amendment was, in section 8, on page 11, in line 12, after the word "dependents," to strike out "for a reasonable time" and insert: "nor shall any person, firm, corporation, or association be required to furnish to the Government any seed necessary for the seeding of land owned, leased, or cultivated by them; (b) in order to guarantee reasonable prices to the producer and to the consumer, to purchase, in no case paying a less price than the minimum price, if any, fixed in pursuance of this act, to store, to provide storage facilities for, and to sell at reasonable prices, foods, feeds, and fuels."

Mr. CHAMBERLAIN. There is an amendment to the amendment that the committee wants to insert. I offer the following amendment proposed by the committee on page 11, line 21.

The SECRETARY. After the word "fuels," strike out the period and insert a colon and the following proviso:

Provided, That if any minimum price shall have been theretofore fixed pursuant to the provisions of section 11 of this act, then the price for any feeds or fuels so purchased shall not be less than such minimum price.

Mr. STERLING. I should like to suggest another amendment to subdivision (b). Because of the importance of the subdivision, I should like to ask the Senator in charge of the bill if he would not be willing that this subdivision should go over until another day. The amendment, I should like to suggest, is to come in after the word "fuels." I think it will come in properly enough before the committee amendment of the Senator from Oregon. In line 21, after the word "fuels," on page 11, I move to insert "or any other of the necessaries described in this act."

Mr. KENYON. I suggested in committee, and several others agreed to it, that the definition of the words "foods, feeds, and fuels" should be stricken out and in lieu thereof the words "necessaries as defined in this act" inserted, and I gave notice that that amendment would be offered on the floor.

Mr. STERLING. That will be perfectly satisfactory and will accomplish exactly the same purpose I had in mind.

Mr. KENYON. I rose to offer that amendment, and it would be briefer than the language suggested by the Senator from South Dakota.

Mr. CHAMBERLAIN. I am willing to accept it so far as I can.

Mr. KENYON. I move, then, if the Senator from South Dakota will permit me——

Mr. STERLING. Certainly.

Mr. KENYON. To strike out the words, in line 21, "foods, feeds, and fuels" and insert "necessaries as defined in this act."

The PRESIDING OFFICER. Will the Senator from Oregon withhold his amendment for the present?

Mr. CHAMBERLAIN. I withhold my amendment for the present.

The PRESIDING OFFICER. The question, then, is on the amendment offered by the Senator from Iowa to the amendment of the committee.

Mr. BORAH. May I ask what is the effect of the Senator's amendment?

Mr. KENYON. The effect is very plain. Under this section the purchases made by the Government could only be of food, feed, and fuel. My thought is that there ought to be the same power to buy other things that the farmer might need, instead of merely buying things that the farmer has to sell. I do not see any reason why he should be restricted to buying feed and not buy farm implements, because they are necessary for the use of the farmer.

Mr. STERLING. Then the Senator from Iowa contemplates as necessaries all the articles named in the committee amendment in section 1?

Mr. KENYON. We define necessaries in section 1. The Senate put in a great many things the committee did not, but the committee and the Senate put them in, and whatever the Senate may put in finally and remains there as necessaries, then would come under this definition in section 8.

Mr. WADSWORTH. I was going to suggest as amendatory of the description given by the Senator from Iowa changing the phrase to the term "necessaries"; of course this does not restrict the President in purchasing necessaries of farmers, because necessaries are defined in section 1 now of the act, and practically include everything used by the American people, whether farmers need them or not. I ask the Senator from Iowa or the Senator from South Dakota whether it is their opinion that having substituted the word "necessaries" at that point on page 11, giving the President the power to purchase anything practically that is made by the American people for any purpose to sell it to any person or any group of persons, it is their desire and intention to amend the minimum-price section of the bill, which authorizes the President to fix minimum prices only on nonperishable agricultural products?

Mr. KENYON. Speaking only for myself, it is not my purpose. An amendment will follow the amendment I have now offered. The Senator from Oregon already had proposed to change the phraseology of subsection (b). The President will be authorized under this amendment including all necessaries to purchase anything that may be necessary, but it does not affect the question of a minimum guaranty. That applies only to staples of the farm.

Mr. BORAH. If the Senator from New York will excuse me, the amendment offered by the Senator from Iowa would authorize the purchase at reasonable prices of foods, feeds, and fuels, petroleum, steel, iron, lumber, cotton, and so forth.

Mr. KENYON. Anything that is defined as a necessary in section 1 of the bill.

Mr. SMITH of Georgia. Mr. President, surely we do not want to do that unless the purpose is just to break the whole bill down and make it ridiculous.

Mr. KENYON. That is not the purpose on my part.

Mr. SMITH of Georgia. I do not mean for a moment to intimate that was the purpose of the Senator from Iowa, because he has been the sincere friend of all the best provisions in the bill and one of its warmest advocates. There are things in the bill that I like and am willing to support and there are things stricken out of it that I think are extreme and unreasonable, but there are still some things in the bill I would rather should not be in it.

But, Mr. President, are we serious about providing in a bill that the President of the United States should buy petroleum and the products manufactured from wool and cotton and steel and copper and resell at less than the price at which he bought for the use of the people of the country? We have added wool and cotton and steel and cooper and other products. So literally the bill would provide, if the proposed amendment passes, that practically everything which can be produced shall be bought by the President when the prices are too high and be sold below the prices at which he buys for the benefit of the American people.

Mr. BORAH. It would make Wanamaker ashamed of himself.

Mr. SMITH of Georgia. Mr. President, we can not mean to do that. Let us stop and think just a little about it. Possibly it is excusable to buy foodstuffs and furnish them to the public to save them from starving.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Nebraska?

Mr. SMITH of Georgia. I do.

Mr. NORRIS. I should like to call the Senator's attention to subsection (b), also particularly the attention of the Senator from Iowa and the Senator from Oregon in charge of the bill, but the Senator from Oregon does not seem to be here just now.

Mr. SMITH of Georgia. He has stepped out for a few moments.

Mr. NORRIS. Section 8, the Senator will note, authorizes the President to requisition food, feed, fuel, and other supplies for the support of the Army and the maintenance of the Navy. Now, what follows all down to subsection (b) pertains to that power given to the President in those first few lines of section 8. Subsection (b), to which the amendment is directed, is a general proposition and has no relation whatever to the Army and to the Navy.

What I want to call attention to is that subsection (b) ought to be an independent section of the bill, if it is in the bill at all, whether this amendment is agreed to or not. Just think of what we are going to put here if we pass it without change. We say in the beginning of the section that the President is authorized to do certain things for the Army and the Navy, and then we go right on in the same section and say without beginning with a capital letter:

in order to guarantee reasonable prices to the producer and to the consumer, to purchase—

Now, that is the President—

to purchase, in no case paying a less price than the minimum price—

And so forth—

to store, to provide storage facilities for, and to sell at reasonable prices foods, feeds, and fuels.

Does not the Senator think that ought to be cut out of this section or included in such a way with it that we will not be made ridiculous? It seems to me we are providing something for the Army and the Navy here, and then we go right into a general proposition entirely remote and distinct from the power conferred in the beginning of the section.

Mr. SMITH of Georgia. Answering the Senator, I do not think it would lessen the clearness or the style of the bill to take paragraph (b) out of the place it now occupies and put it in a separate section.

Mr. NORRIS. That is what ought to be done if it stays in.

Mr. SMITH of Georgia. I am not objecting to that. What I wish to impress upon Senators is that (b) of the section contemplates allowing the President to use the $125,000,000 or $150,000,000 carried in the bill to buy certain things and to resell them for the purpose of breaking prices in the interests of the public—

in order to guarantee reasonable prices to the producer and to the consumer, to purchase, in no case paying a less price than the minimum price, if any, fixed in pursuance of this act, to store, to provide storage facilities for, and to sell at reasonable prices, foods, feeds, and fuels.

Do we mean for a moment, can we seriously consider when we think about it, putting the President in the attitude of buying wool and woolen products, of buying cotton and cotton products, of buying steel and steel products, of buying copper and copper products, of buying lumber and lumber products, and buying them to the extent that it is necessary to control the price and if he finds it necessary to undersell to the public at less than what he paid for all these different commodities——

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. SMITH of Georgia. I yield; yes.

Mr. KELLOGG. I should like to ask the Senator from Georgia if he does not think it is something of an undertaking to buy all the wheat in the country and to sell it again, and to buy the fuel and the feed, and if it would add very much to the burden of the President if we regulate the other things?

Mr. SMITH of Georgia. It would.

Mr. KELLOGG. It would not compel him to buy them. I should like to remind the Senator that we appropriated $10,000,000—wisely, I have no doubt—for the Government to buy fertilizer or the products going into the manufacture of fertilizer. It may become necessary, if we are going to protect the farmers of this country, to buy what goes into binding twine, if it be true that there is a trust down in Yucatan somewhere, which is controlling it with American money. If we are going into the buying business I do not know why we should stop with buying the farmers' wheat; make the Government the only purchaser of wheat and let the farmer pay what he is obliged to when he comes to buying his binding twine, fertilizer, and other things.

Mr. SMITH of Georgia. Mr. President, if the Senator from Minnesota desires to present to the Senate an argument against buying anything in this way, I shall be glad to hear him.

Mr. KELLOGG. Mr. President, I am inclined to think it would be useless to do it. We are bound to buy the farmer's product, because he has no other market. We closed his market absolutely when we took away every foreign purchaser. We did it with our eyes open; we believed it was necessary in order to carry on this war that the President should have power to control the exports of grain and food from this country to neutral and belligerent countries; yet, nevertheless, when we did it we took away the farmer's market.

Now, we have closed the exchanges, practically, and notice has been served upon the millers and grain dealers of the country that the Government is going to fix the price, and they are therefore afraid to buy anything. The result is that we have no market for the farmer, and we propose to give the Government the power to buy his product and to pay for it whatever the Government pleases. I do not say it is right; economically it is wrong; it illustrates the proposition that whenever the Government goes into business everybody else goes out. But we have been driven into it because we found it necessary to close the markets of Europe to the American farmer. If we are going to give the Government the power—and I think we have got to do it—to take the place of the European market, I do not see any objection to giving the power to the President to buy some of the things that the farmer has got to buy with which to raise his crops. I do not apprehend that the President is going to buy everything named in this bill and sell it to the public; I do not believe he is going to buy anything except wheat, and that because the necessity for doing it has been driven home by the war.

Mr. SMITH of Georgia. Mr. President, I yielded to the Senator from Minnesota; and what has he told us? He has told us that the necessity for the Government to buy the products of the farm grows out of the fact that the Government has cut off the market of the farmer, and as the Government has gone into the market everybody else has gone out. Let us follow him to his logical conclusion; when the Government goes in everybody else goes out. Does the Senator want the Government to go in on copper, and everybody else to go out? Does he want the Government to go in on steel, and everybody else to go out? Does he want the Government to go in on wool manufacturing, and everybody else to go out? Does he want the Government to go in on cotton manufacturing, and every-

body else to go out? It may be that we have cut off the market of the farmer and therefore must protect the farmer. The Senator thinks so, but if our going in drives everybody else out, let us not go in anywhere that we are not compelled to go in. It would seem dangerous to go in anywhere.

Mr. KELLOGG. But we have gone in.

Mr. SMITH of Georgia. Well, the Senator's own argument, when we analyze it, demonstrates the want of wisdom of adding here a provision authorizing the Government to go into the market to buy wool and woolen products, cotton and cotton products, steel and steel products, copper and copper products, all sorts of products—everything—and resell. Surely, unless we wish to destroy the bill and contemplate killing it before we get through with it, we shall not add to this part of the bill a provision authorizing the Government to go into the general purchasing business of everything and the resale of everything at lower prices to the consuming public.

Mr. President, it has been hard for me to satisfy myself that I should vote for this bill in any shape; but the bill has been very much improved, I think, by features which have been stricken from it. One of its features that shocked me in its original shape was a little section which would have allowed special agents to go into any man's house and count his eggs, or count his potatoes, or weigh his meat, and say whether he had too much. I still have something of the feeling of the people from whom I descended, who helped to establish our right to have a Government of our own something over a century and a quarter ago; and I would not like anybody, even one representing the Government, to come interfering with the small quantity of foodstuff that may happen to be in my pantry; and I believe that in that my feelings were the feelings of my average fellow citizen; that it would be offensive; that it would be a nuisance to permit such a system, almost amounting to an inquisition. I believe the people of this country would have resented it, and it was entirely unnecessary. I mention that as merely one of a number of things in this crudely prepared bill as it first came to us that aroused my hostility.

I objected also to the provision which looked toward the fixing of the maximum price at which any product of the farm might sell. I believe that such a provision, instead of furnishing the large volume of foodstuffs that we desired, would deter production. I think the bill has been substantially improved by the things which have been cut out of it, and I do not believe it has been much improved by anything that has been put into it.

Mr. REED. The less of it the better; is that the idea of the Senator?

Mr. SMITH of Georgia. No; not quite that. I say the less of the bad the better.

I want to vote for the bill; I want to vote for it as we perfect it; and, if I possibly can, I shall do so. There are a great many people who feel that the bill is going to serve us. The President believes he can do a great deal of good with it. If we cut out the things that to me are shocking, I am willing to give it a chance. We have cut out most of them. As it was originally introduced, I simply could not have pulled myself across the bars and cast my vote for it; but I should be much embarrassed if we added authority to put the Government in the business of buying everything that is found in the United States and reselling it. I am afraid it might break the Treasury if it were really tried. I do not believe the President will allow it; but why should we put it up to him?

Mr. REED. Mr. President, I should like to get the Senator's view upon one matter. The Senator states that, as the bill was originally prepared, it had maximum prices for the farmer in it, and that in that form he could not support it. I want to ask him if he does not believe that whoever controls the surplus of a product can practically control the price of the product itself?

Mr. SMITH of Georgia. Ordinarily that would be true. In normal times if we produce a surplus the price of the surplus would practically regulate the price of the great body of the product. Let me go a step further. I do not apprehend any serious depression while the war is going on, certainly in the prices of foodstuffs. I think the demand will so far exceed the supply that it will be practically impossible to prevent the producer from getting a good price.

Mr. REED. Well, let us see about that. There will be no more people in the United States to eat because of the war, will there?

Mr. SMITH of Georgia. No.

Mr. REED. And if the food-control enthusiasts carry out their scheme all of the people here will eat less?

Mr. SMITH of Georgia. Answering that, I will say that I do not think that will follow.

Mr. REED. The Senator does not think it amounts to very much?

Mr. SMITH of Georgia. Not as to causing people to eat less. Let me say just here, that one of the provisions in the original bill to which I objected seriously, was what seemed to be the authority for somebody to tell me what I should eat and when I should stop eating. I do not mean simply myself, but I mean everybody. I did not think our country was in a condition where it was necessary for us to allow any representative of any kind of agency whom the President or anybody else named to go into the home and limit the eggs or the biscuits or the bacon or the potatoes that our people should eat.

Mr. GORE. And condemn the farmers' feed corn.

Mr. REED. I really want to get to this one matter, because I am interested in the Senator's opinion, and I am not interested from the standpoint of trying to have an argument or controversy. This is a great question of fact with which we are dealing, and much of it is involved in some uncertainty. It seems to me much of it ought to be pretty clear. It is conceded that there will be no more people to eat in the United States because of the war; no more mouths to feed because of the war. I think it must also be admitted that probably the people of the United States, whether they do it in response to any governmental agency or not, will practice some economy; that in the aggregate there will be a considerable reduction of the amount consumed. I think it must also be conceded there will be a considerable acceleration of production; that that is already manifest in the country; that the farmers have planted more of those things that could be planted since the war began. With those facts before us, it would seem that there ought to be a greater surplus in this country to ship abroad than in normal times, provided we have the average crop. Does not the Senator from Georgia agree to that?

Mr. SMITH of Georgia. I must answer the Senator with a qualification. If the prices of potatoes stay away out of normal figures the quantity of potatoes consumed would probably be less. If the price of any particular commodity is put abnormally high there would be a disposition to refrain from its use. If all prices were put abnormally high it would reduce consumption. If prices are kept normal my own view would be that consumption would be normal in this country.

Mr. VARDAMAN. Mr. President——

Mr. REED. I am only trying to get to this point, and I want to put it in a word. The Senator is a fair man, and a big man, and he wants to solve this question right. Under present conditions, does the Senator not believe that we will create in this country a greater surplus than we would in ordinary times, provided we have average seasons and an average crop?

Mr. VARDAMAN. Mr. President, I should like to make one suggestion for the Senator from Georgia to consider in answering that question. A great many men are taken from industrial enterprises, and the producing force of this country is greatly diminished by the war. That is a point the Senator from Missouri evidently overlooks.

Mr. REED. I am not overlooking that point at all. I think that the places of these men will be taken, and more than taken, by elements of our people who have to a large extent led lives of leisure.

Mr. SMITH of Georgia. I think I can answer the Senator in a way which will cover the inquiry he is making, although perhaps not categorically. I hope there will be an increase of production this year; I believe there will be an increase of demand.

Mr. REED. Home demand?

Mr. SMITH of Georgia. Total demand. I have no hope that we will do more than produce what will be needed for shipment to Great Britain, France, and Italy, and what we will need to keep at home to consume.

Mr. REED. Nobody will claim that. I am trying to get at the home consumption.

Mr. SMITH of Georgia. To cover the question, to reach an aggregate view of the situation it is necessary to take into consideration the demand which will be placed upon our crop—all of the demand. It would be illogical simply to consider home demand. We have practically embarked on the task of producing a surplus required by those with whom we are engaged in the laudable task of suppressing Prussianism. The Senator's question can not be answered by simply applying it to the United States. It is necessary to embrace the responsibility which will rest upon our food crop, and, taking it as a whole, I have no hope that we will produce all that the demand will call for from us.

Mr. REED. I confess I am a little disappointed in the Senator's answer. I am not discussing the question of or trying to get his opinion about the world demand. I am simply trying to arrive at this proposition, whether, in his opinion, he does

not believe there will probably be produced in this country more than we have produced in years past, and whether our local consumption will probably not be somewhat decreased; and, if that is true, whether the surplus to go abroad will not necessarily, to a very large extent, fix the price of the home product, there being no home shortage?

Mr. SMITH of Georgia. I will divide the question and make two answers with reference to it. I believe we will produce this year more than heretofore. I think we will produce largely more of corn. I do not know so much about wheat; but I believe we will produce largely more of potatoes, beans, and that class of foodstuffs called "truck." I think we will produce largely more foodstuffs as a whole than normally.

Now, if there were no Government agency at work supplying the foreign demand, it might be that that surplus going to the ordinary consumer would run down the market price and depress our prices here generally.

Mr. REED. If there were no governmental agency——

Mr. SMITH of Georgia. If there were no Government agency involved in handling the surplus. If it were simply——

Mr. REED. Does the Senator think that if there were no governmental agency, and our wheat was being sent abroad, there would not be all of the allies and all of the neutrals of the world here bidding for that wheat and running the price up?

Mr. SMITH of Georgia. At the present time, yes; certainly. If there were no war going on, and we produced a large excess over a normal crop, and it was simply going to the world to be purchased by individuals and increasing the normal supply in other countries—individuals alone buying—the tendency would be to depress the price of the surplus. What I mean is with the organized forces of four Governments engaged in buying and handling the surplus and with the increased demand abroad I do not look to see the price of the surplus depress the home market.

Mr. REED. That is exactly what I am coming to.

Mr. SMITH of Georgia. I will go a step further——

Mr. REED. I am trying to get the Senator simply to admit or state that there probably will be enough raised in this country this year to feed our own people, that there will be a surplus to be sent abroad, and that that surplus will probably be greater than it has been in average years. Now, if that is true, and the market is left open for all the world to bid, there would be but little question that prices would be pretty high.

Mr. SMITH of Georgia. I think that is true.

Mr. REED. If all that surplus is to be bought through one agency, does not that agency itself practically control the price of the whole product?

Mr. SMITH of Georgia. I think if all the surplus is bought by one agency, it would largely regulate and control the price of the entire product.

Mr. REED. If you are going to put the farmer in a position where the price of that which he produces is to be regulated, how can it be claimed that he should not, upon the other hand, be protected upon all that he has to buy by similar regulation? How can you escape doing it if you are going to treat him fairly?

Mr. SMITH of Georgia. The larger part of what he has to buy is not subject to foreign exportation; it is largely a domestic product. The manufactured product that the farmer buys is largely regulated by his own purchases. I am not objecting to protecting him; I am objecting to the Government going into this enormous business, which I regard as impossible for the Government to conduct.

Mr. REED. But, keeping to this text just for a moment, if the Senator will pardon me, I say again I am not trying to argue something for the sake of arguing it. I think this consideration involves the welfare of the farmers of the United States, and I think, if we make a mistake, it will be a ghastly mistake. The Senator says that the farmer is not obliged to buy things as to which there is competition from Europe. Those were not exactly the Senator's words.

Mr. SMITH of Georgia. No.

Mr. REED. But I am trying to express his view.

Mr. SMITH of Georgia. I said the farmer did not purchase in a market where there was a surplus shipped abroad regulating the price of the commodity that he purchases here.

Mr. REED. I think that is true in normal times, but it is not the case now. For instance, we will take the price of steel. The farmer is to-day paying $7.50 for a shovel plow that cost $2.50 before the war began. The extra cost is occasioned by the foreign demand for steel caused by the war. The farmer is paying an enormous advance on all agricultural implements, because the materials that enter into agricultural implements are in demand by the European nations, and the factories can not supply them fast enough to fill the entire demand of the world. So the farmer has to buy those things in a market that is affected by the market in Europe.

Take the item of shoes which the farmer wears. The price of shoes for our Army before we entered into this war had been run up, I think, from about $1.60 a pair to something like $4.50 to $5 a pair. I do not pretend to quote the figures accurately, but the advance was enormous. Why? Because there was a demand in Europe for shoes and for leather and all the other things entering into shoes. Now, the farmer must buy his shoes, and he must buy them at those world-fixed prices. Take nails, barbed wire, axes, and all sorts of tools that the farmer uses. The price has been similarly advanced by war conditions, by the demand from abroad, either for those tools or other articles of steel which has shortened the supply of steel, so that the price of the tool goes up.

I need not follow that. The farmer consumes just the same as anybody else consumes. Everything that the average man in the United States consumes the farmer has to consume; and he has to consume more than the average man because he is engaged in a business which requires many tools and many implements.

I come back now to the proposition. You propose to take away from the farmer the benefit of the world competition for that which he produces. Are you not, therefore, in fairness, compelled to arrange matters so as to allow him to buy in a market that is similarly controlled? How can you escape it?

Mr. SMITH of Georgia. Has the Senator finished?

Mr. REED. I have. The interruption was long, and I beg the Senator's pardon.

Mr. SMITH of Georgia. I will answer the Senator very candidly. In the first place, I regard food as occupying a different position from anything else. The armies of the United States must be fed; we are engaged in a war in which three other nations which do not produce their own foodstuffs are also engaged upon the same side as ourselves. If we are to win this war, we must provide them with foodstuffs. They must depend principally upon us to raise the foodstuffs which will maintain their armies. In my judgment, to-day the only hope of the Germans is to cut off the food supply of Great Britain and France, and when it is demonstrated that can not be done, I hope to see terms of peace promptly submitted that may be possible of acceptance.

Mr. GRONNA. Mr. President——

Mr. SMITH of Georgia. I can not stop yet; I must answer the Senator from Missouri before I yield. The Senator from Missouri insists, first, that the price of the bulk of the crop will be fixed by the price of the surplus, and his argument is that the contending forces of England, France, and Italy should bid for our food products.

Mr. REED. No; that is not my contention.

Mr. SMITH of Georgia. The criticism of the Senator was that there was to be one agency buying for all.

Mr. REED. No; let me state it right. The Senator would not put me wrong.

Mr. SMITH of Georgia. No; I certainly would not.

Mr. REED. I say that at the present time the farmer sells in a market where world prices prevail. He buys in a market where world prices prevail. If you take away from him the right to sell in the market where world prices prevail, are you not bound, as a matter of justice to him, to protect him, then, against the world prices on that which he buys?

Mr. SMITH of Georgia. Then, I understand that the Senator concedes the propriety of eliminating the competition between Great Britain, France, Italy, and the United States in buying supplies absolutely essential for the conduct of the war?

Mr. REED. I say that is what is proposed to be done.

Mr. SMITH of Georgia. And I do not understand that the Senator censures that course. If he does, I wish to say in support of it that it is absolutely essential to the conduct of the war.

Mr. REED. Suppose we take that for granted.

Mr. SMITH of Georgia. It is absolutely essential to the conduct of the war that England, France, Italy, and the United States shall not enter into competition in the purchase of the grain and meat needed for their soldiers when the supply is not of a character to stand such competition without prices that would soar to fabulous figures. I believe it is right and just, I believe it is essential as a war measure, to control the subject of purchases by these nations engaged in the war. The Senator says, however, that leaves the farmer without the free market of the world in which to sell, but with the things that he must buy affected by it.

Mr. President, this action does not cut the farmer out of a normal free world market. It cuts him out of an utterly abnormal market, and a market made abnormal by our necessities as a nation at war.

Mr. REED. But, now——

Mr. SMITH of Georgia. I have not finished.

Mr. REED. I know the Senator has not.

Mr. SMITH of Georgia. Let me go on. I am coming to a conclusion with reference to the Senator's views.

Mr. REED. Very well.

Mr. SMITH of Georgia. So that our situation is one which justifies the action, and the action simply deprives the middle man of the opportunity of selling foodstuffs at fabulous prices, breaking down the Governments with which we are associated, and breaking down our own Nation in its conduct of the war.

Well, having interfered justifiably as a war measure with reference to these purchases, what should we do? We should see to it that the prices of the farmer are kept not only at the figures that they were before the war but at figures which will sustain him in spite of any increased prices for what he has to buy.

Mr. REED. Then that means that the farmer is to be guaranteed a price high enough so that he can afford to pay these excessive prices made by the war upon the things he has to buy. That is where we come to, is it not?

Mr. SMITH of Georgia. That is where we come to. I am going one step further before I stop, however.

Mr. REED. And that means that the consumer of the country will be compelled to pay the excessive prices fixed by the war upon all farm products, because the guaranteed price is raised to a level now to make up for all the high prices the farmer must pay, and then the consumer must be compelled to buy all his necessities in a market that has been fixed by war conditions.

The Senator from Georgia and I have stood on the floor of the Senate side by side in a hundred battles, and I think he is one of the fairest men in the world. I put it to him now if that does not bring us right around to the same point with reference to the farmer. If you control the farmer's prices, keeping them down in the market of Europe, and then guarantee him a price high enough so that he can pay all the excessive prices charged to him, have you not gotten back to a position where your guaranteed price has been lifted to a point where it is exactly equal to what it would have been if there had been no guaranteed price?

Mr. SMITH of Georgia. No; not at all.

Mr. REED. How do you escape it?

Mr. SMITH of Georgia. I had not finished when the Senator interrupted me. I believe there is much that can be done to check the soaring of other prices without the Government going into the business of buying and reselling. I think many of the increased prices have been due to improper combinations and manipulations. I do not believe that the average increased price of machinery is comparable with what would be the increased price of wheat this fall if we turned England, France, Italy, and the United States all loose upon the market to buy wheat.

Mr. REED rose.

Mr. SMITH of Georgia. I can not yield to the Senator now. Let me finish what I want to say.

Mr. REED. Surely.

Mr. SMITH of Georgia. I do not believe that the increased price of many of the things that the farmer buys is comparable to the price at which there might be no stopping if four great nations, obliged to have wheat from the United States to save their armies, were all struggling for the same wheat. The very high price would be after the farmer had sold, and the speculator would reap the profits.

We put in this bill a provision authorizing the Government to control agricultural implements and fertilizers. What I was objecting to was putting the Government into the business of buying steel and all-steel products to resell them to the public. What I was objecting to was the Government buying all products of the manufactories of wool and cotton and undertaking to sell them back at lower prices to the public. What I was objecting to was the purchase of the products of wool, of cotton, of steel, of copper, of petroleum, of everything, and selling them generally to the public.

If the Senator desires to go further to protect the farmer from exorbitant prices beyond the action with reference to agricultural implements and fertilizers, and he undertakes to shape an amendment of that kind, I shall be glad to discuss it with him when he presents it, but that is a very different proposition from the broad proposition of handling all the products of every kind for all the people of the United States, and it was against that that I rose to speak, supposing that I would hold the floor probably for five minutes.

Mr. REED. Mr. President, I say to the Senator very frankly what I said many days ago upon the floor of the Senate when the Senator was absent working on the Finance Committee—that I believe a condition exists in the world to-day where it is necessary to prevent a wild scramble for the grains of this country between our people and the various peoples and nations of the earth; that I recognize the fact that the power to control that condition being vested in some one man or one agency is the power to control the prices the farmer may receive, for I maintain that whoever fixes the price of all we have to sell abroad will, in ordinary conditions, fix, or at least approximately fix, the price of that which we have at home.

Mr. SMITH of Georgia. Let me interrupt the Senator to suggest this exception: If they absorb and carry abroad so large a portion of our product that there is not the normal supply still to go around at home, the scuffle here at home would produce the same result.

Mr. REED. Certainly.

Mr. SMITH of Georgia. Barring that, I agree with the Senator.

Mr. REED. For if this agent who is to buy for the allies and the neutrals and for our own Government were to buy and ship abroad enough so that our people went hungry, the price would go up; but that, I take it, is unthinkable, and if that were to be attempted I would not be in favor of granting the power.

I think, therefore, that this power must be lodged somewhere. I think it is a very dangerous power. I think it is a power, however, that can be exercised under the Constitution, for I have no doubt of the authority of our Government to control shipments aboard, and that power has already been conferred through the granting of the right to declare an embargo.

That being the case, it being conceded that we must do something to prevent this wild scramble and the draining of our country of its foodstuffs, we ought not to leave the farmer in a position where his price will be held down and controlled in this way, and then when he wants to buy he will be compelled to go into a market and buy where there is the same wild scramble for that which he must have which would exist for his grains if there has been no control established. What I want to get the Senator to help me do is to devise some plan that will protect the farmer so that he will buy in the same kind of market in which he sells; and I do not believe it can be done by guaranteeing a minimum price.

If you put the minimum price at a point high enough to cover all the contingencies, then you have simply made the Government come in and establish here a price for grain that would be as high as the world market without any control whatever. If you put it up to that point, you rob the consumers of the country; you defeat the purpose for which you start out. If you put it below that point, you do an injustice to the farmer. So that it seems to me—and it is pertinent to the question the Senator was discussing—that when you start in to control the farm products of this country, which represent the products of 45,000,000 of our population, you must enter upon a very broad and general control, and I see no escape from it.

It is not enough to put in this bill the power to control these things. There must be imposed the duty to equalize these prices, else who can say where the farmer will end?

When you come to the question——

Mr. SMITH of Georgia. I will yield to the Senator entirely in a few minutes.

Mr. REED. I want to say this in conclusion, and then I will sit down, and I thank the Senator for his great courtesy:

Of course it may be said that food products are essential, and they are; but if we treat the farmer unjustly this year instead of having a great bumper crop planted and harvested next year the farmer will be discouraged and prices will go up.

Mr. SMITH of Georgia. Theoretically the Senator's view might be sound. Practically it is not. It can not at all be contended that the prices of clothing in this country will be affected as the prices of food. There is ample opportunity to produce from our own mills in this country more clothing than our people will wear, and so far as I have been able to observe prices of clothing have not soared. So as to that part of what the farmer buys there has been no change of status to burden him. Now, what else does he buy?

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Does the Senator from Georgia yield to the Senator from North Dakota?

Mr. SMITH of Georgia. I do.

Mr. GRONNA. May not that be true also with regard to the farmer's products? I read this morning in a western paper the statement by a commission merchant of the city of St. Paul that judging from the amount of potatoes planted and the price prevailing now potatoes would sell for 10 cents a bushel. What policy are we to pursue with respect to potatoes?

Mr. POMERENE. Mr. President——

Mr. SMITH of Georgia. I yield to the Senator from Ohio.

Mr. GRONNA. I wanted to have the Senator's answer as to that.

Mr. SMITH of Georgia. I will answer the Senator. In the first place, a potato that is capable of being kept can well be given a permanent minimum price. If potatoes have gotten down to 10 cents a bushel or 50 cents a bushel anywhere in the United States, the reduction has not yet reached Washington by a great deal.

Mr. GRONNA. I will say to the Senator that the price of less than a dollar a bushel has reached some of the cities; but this was a statement made by a man who deals very largely in potatoes, and he ventured the suggestion that potatoes would sell in St. Paul at 10 cents a bushel, judging by the number of acres planted.

Mr. SMITH of Georgia. If it were certainly true that potatoes were going to sell for 10 cents a bushel, there would not be a great deal of need of any food control. The principal thing we would then need would be a minimum price, to encourage the farmer to produce potatoes next year.

Mr. GRONNA. Then is it not reasonable to suppose, since we have reason to believe that there will not be a surplus of grain, that this bill is for the purpose, and the sole purpose, of fixing a price to the farmer lower than he would receive upon the basis of supply and demand?

Mr. SMITH of Georgia. In one sense that is undoubtedly true. If the four countries at war—the three with which we are cooperating and the United States—should each go actively into the market to buy grain in competition for their troops, it would be hard to tell where the price of grain would stop.

Mr. GRONNA. Then does not the Senator think it is a discrimination when we say to the farmer, "You shall not be permitted to get the price for your products according to supply and demand, but you must buy in a market and pay the price based upon supply and demand"?

Mr. SMITH of Georgia. I believe that our Government has the right, in view of the condition that confronts it and in view of the fact that it is engaged in war, to obtain, if necessary, what wheat is needed for military purposes at a reasonable price.

Mr. GRONNA and Mr. REED rose.

Mr. SMITH of Georgia. I can not yield to either one of the Senators any more. I must conclude.

Mr. GRONNA. I simply want to say that I agree with the Senator on that.

Mr. SMITH of Georgia. I rose with the idea of speaking five minutes, and others have occupied the floor so long with questions and discussion that it has been almost impossible for me to finish; but I wish to do so.

I believe it entirely legitimate for the Government to requisition the wheat for military purposes; and I think the Government would be justified also in seeing to it that those conducting the war with the United States had the necessary supplies of food for their armies, because the fight is such a common one that to see they are supplied is almost providing our own troops with food.

The real question with which I wanted to close was this: Are you about to do an injustice to the farmer? I hope not. I would certainly be sure that we paid him a good price. I would be unwilling for him to receive anything but a liberal price; but I would cut out the middleman, who, in view of the necessities of our Nation and of the three countries fighting Germany, if not properly called our allies, with whom we are jointly fighting, has been speculating at the expense of our Nation. I would see that the farmer had a good price, a liberal price, as good a price as he ever had for his wheat; but I would get the wheat from him for the Nation without the middleman to pile up the price on us.

With reference to many of the things that the farmer buys, the same situation with reference to price does not apply. There is not that acute demand; there is not that excessive demand over supply. The woolen productions of this country, the cotton-mill productions of this country, are ample to meet all the wants of the people. France, England, Italy are not placing any demands upon them. They make what they need for themselves. There is but little that the farmer buys which is run up to an exorbitant price against him. Of course, his sugar is a little higher and his machinery is a little higher. I would see to it that the price he received and the price we pay him for his product was enough to make up to him this extra cost. I certainly would not put our National Government into the business of buying the products of the woolen mill and the products of the cotton mill and undertaking to resell them, because there is no necessity for such a line of conduct. There is no condition which either necessitates it or, in my opinion, excuses it.

Mr. GRONNA. Mr. President, I simply want to say to the Senator from Georgia that he is entirely mistaken in his statement that there has been very little advance in the products the farmer buys. I want to say to the Senator from Georgia and to the Senate that I will take the product of cotton. I will take prints, the cheapest fabrics that are woven. The farmer buys them, and everybody buys them. They have advanced 100 per cent. Prints that were sold over the counter at 5 cents a yard are worth to-day at wholesale more than 10 cents a yard. That is not only true of prints, but it is true of all the products that the farmer has to buy. I do not say that they have all advanced 100 per cent, but I do say that cotton goods in many instances have advanced more than 100 per cent.

Wheat has not advanced more than 100 per cent. Is it not reasonable to believe that the Nation would get the wheat just as well by paying a high price as by paying a low one? No one denies the Government the right to commandeer, to requisition, every bushel of wheat in our country if it is needed for the Army and Navy or for the common defense. We all agree to that; but are you helping production, I ask you, when by law you say to the farmer, "You shall not have the same opportunity that other industries have to get the legitimate price based upon supply and demand, but you shall get a price fixed by law"—not only fixed by law, but a price that has been fixed by some administrator, giving that administrator the right to fix the price? I do not believe that any Senator can justify the statement that it is fair to the farmer to take from him his product at a price less than he would receive under the circumstances.

I asked the Senator from Georgia a moment ago what he would do with respect to potatoes. We know that potatoes are going to be cheap this year. We know that there will be a tremendous overproduction of potatoes. Now, what are we doing for the consumers if we allow the Government of the United States to pay the farmer a larger price for potatoes than he would receive if he took the price based upon supply and demand?

Mr. SMITH of Georgia. My theory would be to give him a price that would give a normal and fair profit.

Mr. GRONNA. Then would we not do an injustice to the consumer, under the ordinary course of business?

Mr. SMITH of Georgia. The consumer would be made even by this: Guaranteed against prices at which he could not live, he would pay fair prices at which he could live. The whole theory of the action is to supplant temporarily, on account of the exigencies of war, the normal treatment of the product according to the normal rule of supply and demand and make sure that food may be had at a reasonable price, even though conditions might otherwise let the consumer buy cheaper. The consumer must take his risk of paying more than what might happen to be the price as a return for the surety that he will not be put in a position where he can not buy at a price that will enable him to live. That is about what, I think, would be the effect of it.

Mr. GRONNA. The Senator is always frank in his statements, and I agree with him.

Mr. SMITH of Georgia. It is only on that theory that it is excusable.

Mr. GRONNA. I am not pleading for the farmers more than for the people engaged in any other industry. I believe that some one should have the right to control all the industries during the war. I do not believe that this war should be allowed to unduly enhance the price of anything; and I believe that some one ought to have the authority fixed by law to regulate the prices not only of farm products but of the products of the factory as well. If that is not done, evidently it will be unfair to the producer, and it will be for the advantage of those who do not come under the provisions of this bill.

RELIEF OF HOMESTEADERS.

Mr. MYERS. I ask that the action of the House of Representatives on Senate bill 1811 be laid before the Senate.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1811) providing for counting of service in the Army or Navy of the United States as equivalent to residence and cultivation upon homestead entries, and in the event of the soldier's death in such service providing for the issuance of patent for such land to his widow or minor children.

Mr. MYERS. I move that the Senate disagree to the amendments of the House and request a conference with the House on the disagreeing votes of the two Houses thereon and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. SHAFROTH, Mr. PITTMAN, and Mr. SMOOT conferees on the part of the Senate.

WAR REVENUE.

Mr. SIMMONS. Mr. President, on behalf of the Finance Committee I report back favorably with amendments the bill

(H. R. 4280) to provide revenue to defray war expenses, and for other purposes, and with the recommendation that the bill as amended do pass, and I submit a report (No. 75) thereon, which I will have completed in a few days.

The PRESIDING OFFICER (Mr. GERRY in the chair). The bill reported by the Senator from North Carolina will be placed on the calendar and the report, when completed, will be printed.

Mr. BRANDEGEE. I have no objection to that, of course, but I wish to ask the Senator if he is not going to have printed an additional number of copies of the bill?

Mr. SIMMONS. I am about to submit an order for that purpose.

Mr. SMOOT. It would be well to state that probably there will also be a minority report filed. I thought it would be just as well to call the attention of the Senate to the fact that there will be a minority report filed.

Mr. SIMMONS. As the Senator from Utah indicates, it is possible there will be a minority report. I am not definitely advised as to that, but if any Senator or any number of Senators, who are members of the committee, desire to file a minority report I ask unanimous consent that they may be allowed to file such a report.

The PRESIDING OFFICER. The Senator from North Caroline asks unanimous consent that a minority report may be filed if so desired. Is there objection? The Chair hears none.

Mr. SIMMONS. I send to the desk an order for the printing of the bill and ask for its immediate consideration.

The order was read, considered by unanimous consent, and agreed to, as follows:

Ordered, That 13,000 copies of the bill (H. R. 4280) to provide revenue to defray war expenses, and for other purposes, be printed for the use of the Senate document room.

Mr. SIMMONS. That provides for the largest number of copies that can be printed for the Senate. I present a concurrent resolution authorizing the printing of 50,000 additional copies and ask for its immediate consideration, if there is no objection.

The concurrent resolution (S. Con. Res. 8) was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed in documeat form 50,000 copies of the bill (H. R. 4280) to provide revenue to defray war expenses, and for other purposes, and Senate Report No. 75 thereon, of which 25,000 shall be for the use of the House of Representatives, 20,000 for the use of the Senate, 2,500 for the use of the Committee on Ways and Means of the House of Representatives, and 2,500 for the use of the Committee on Finance of the Senate.

Mr. SMOOT rose.

Mr. SIMMONS. Probably the resolution should go to the Committee on Printing.

Mr. SMOOT. The committee will report it right back.

Mr. SIMMONS. Very well.

The PRESIDING OFFICER. The resolution will be so referred.

Mr. BRANDEGEE. I wish to ask the Senator from North Carolina a question. This is perhaps the most important bill of the whole session. Would there be any objection to having the bill as it has been reported from the committee printed in the RECORD?

Mr. SIMMONS. I would be very glad to have that done, and I thank the Senator for the suggestion.

Mr. BRANDEGEE. It will save us great labor in responding to requests.

Mr. SIMMONS. I ask unanimous consent that the bill as reported may be printed in the CONGRESSIONAL RECORD.

Mr. FLETCHER. With the amendments, of course.

Mr. SIMMONS. The bill with the amendments, of course, as reported.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

An act (H. R. 4280) to provide revenue to defray war expenses, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I.—WAR INCOME TAX.

SECTION 1. That in addition to the normal tax imposed by subdivision (a) of section one of the Act entitled "An Act to increase the revenue, and for other purposes," approved September eighth, nineteen hundred and sixteen, there shall be levied, assessed, collected, and paid a like normal tax of two per centum upon the income of every ~~individual~~ *individual, a citizen or resident of the United States*, received in the calendar year nineteen hundred and seventeen and every calendar year thereafter.

SEC. 2. That in addition to the additional tax imposed by subdivision (b) of section one of such Act of September eighth, nineteen hundred and sixteen, there shall be levied, assessed, collected, and paid a like additional tax upon the income of every individual received in the calendar year nineteen hundred and seventeen and every calendar year thereafter, as follows:

One per centum per annum upon the amount by which the total net income exceeds $5,000 and does not exceed $7,500;

Two per centum per annum upon the amount by which the total net income exceeds $7,500 and does not exceed $10,000;

Three per centum per annum upon the amount by which the total net income exceeds $10,000 and does not exceed $12,500;

Four per centum per annum upon the amount by which the total net income exceeds $12,500 and does not exceed $15,000;

Five per centum per annum upon the amount by which the total net income exceeds $15,000 and does not exceed $20,000;

Six per centum per annum upon the amount by which the total net income exceeds $20,000 and does not exceed $40,000;

~~Ten~~ *Eight* per centum per annum upon the amount by which the total net income exceeds $40,000 and does not exceed $60,000;

~~Thirteen and seventy-five one-hundredths~~ *Eleven* per centum per annum upon the amount by which the total net income exceeds $60,000 and does not exceed $80,000;

~~Seventeen and five-tenths~~ *Fourteen* per centum per annum upon the amount by which the total net income exceeds $80,000 and does not exceed $100,000;

~~Twenty-one and twenty-five one-hundredths~~ *Seventeen* per centum per annum upon the amount by which the total net income exceeds $100,000 and does not exceed $150,000;

~~Twenty-five~~ *Twenty* per centum per annum upon the amount by which the total net income exceeds $150,000 and does not exceed $200,000;

~~Thirty~~ *Twenty-four* per centum per annum upon the amount by which the total net income exceeds $200,000 and does not exceed $250,000;

~~Thirty-three and seventy-five one-hundredths~~ *Twenty-seven* per centum per annum upon the amount by which the total net income exceeds $250,000 and does not exceed $300,000;

~~Thirty-seven and five-tenths~~ *Thirty* per centum per annum upon the amount by which the total net income exceeds $300,000 and does not exceed $500,000;

~~Forty-one and twenty-five one-hundredths~~ *Thirty-three* per centum per annum upon the amount by which the total net income exceeds $500,000 ~~and does not exceed $1,000,000~~.

~~Forty-five per centum upon the amount by which the total net income exceeds $1,000,000.~~

SEC. 3. ~~The~~ *That the* taxes imposed by sections one and two of this Act shall be computed, levied, assessed, collected, and paid upon the same basis and in the same manner as the similar taxes imposed by section one of such Act of September eighth, nineteen hundred and sixteen, except that in the case of the tax imposed by section one of this Act (a) the exemptions *of $3,000 and $4,000* provided in section seven of such Act of September eighth, nineteen hundred and sixteen, *as amended*, shall be, respectively, $1,000 and $2,000, ~~instead of $3,000 and $4,000~~, and (b) the returns required under subdivisions (b) and (c) of section eight of such Act *as amended* shall be required in the case of net incomes of $1,000 or over, in the case of unmarried persons, and $2,000 or over in the case of married persons, instead of $3,000 or over, as therein provided; ~~and (c) the provisions requiring the normal tax of individuals to be deducted and withheld at the source of the income shall not apply to the new two per centum normal tax herein prescribed until on and after January first, nineteen hundred and eighteen, and thereafter shall apply only to incomes exceeding $3,000 as provided in Title I of such Act of September eighth, nineteen hundred and sixteen~~.

SEC. 4. That in addition to the tax imposed by *subdivision (a) of* section ten of such Act of September eighth, nineteen hundred and sixteen, *as amended*, there shall be levied, assessed, collected, and paid a like tax of two per centum upon the income received in the calendar year nineteen hundred and seventeen and every calendar year thereafter, by every corporation, joint-stock company or association, or insurance company, subject to the tax imposed by that *subdivision of that* section, except that if it has fixed its own fiscal year, the tax imposed by this section *for the fiscal year ending during the calendar year nineteen hundred and seventeen* shall be levied, assessed, collected, and paid only on that ~~portion~~ *proportion* of its income ~~for the fiscal year ending during the calendar year nineteen hundred and seventeen~~ *for such fiscal year* which the period between January first, nineteen hundred and seventeen, and the end of such fiscal year bears to the whole of such fiscal year.

The tax imposed by this section shall be computed, levied, assessed, collected, and paid upon the same incomes and in the same manner as the tax imposed by *subdivision (a) of* section ten of such Act of September eighth, nineteen hundred and ~~sixteen~~ *sixteen, as amended*.

~~SEC. 5. That every individual, corporation, joint-stock company or association, or insurance company, that is liable to pay or that has paid the taxes imposed by Title I of such Act of September eighth,~~

~~nineteen hundred and sixteen, upon the net income received in the calendar year nineteen hundred and sixteen, shall pay, in addition to such taxes, a tax equivalent to thirty-three and one-third per centum of such taxes, to be assessed and collected under the provisions of existing law, and paid on or before September fifteenth, nineteen hundred and seventeen, except that in the case of a corporation, joint-stock company or association, or insurance company, which has fixed its own fiscal year such tax shall be paid within one hundred and sixty-five days after the close of the fiscal year ending during the calendar year nineteen hundred and seventeen.~~

~~SEC. 6. That on and after January first, nineteen hundred and eighteen, individuals, partnerships, withholding agents, corporations, joint-stock companies or associations, and insurance companies liable for the payment of income, munitions, or excess-profits taxes, under existing law or under this Act, shall pay, without levy, assessment, or notice, simultaneously with the submission of their return of tax, the amount of tax for the payment of which they are shown by such return to be liable. If any tax is not paid at the time when it is due under the provisions of this section, there shall be added (except in the case of an error made in good faith in computing the amount of the tax) the sum of five per centum to the amount of tax unpaid and interest at the rate of one per centum per month upon the amount of such unpaid tax from the time it becomes due. This section shall not apply in the case of any income tax (payable otherwise than by a withholding agent) imposed upon an individual upon whose net income no tax is imposed under subdivision (b) of section one of such Act of September eighth, nineteen hundred and sixteen, or under section two of this Act.~~

~~SEC. 7. That collectors of internal revenue are authorized to receive uncertified checks in payment of income, munitions, and excess profits taxes, during such time and under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe; but if a check so received is not paid by the bank on which it is drawn the person by whom such check has been tendered shall remain liable for the payment of the tax and for all legal penalties and additions the same as if such check had not been tendered.~~

SEC. 8 5. That the provisions of this title shall not extend to *Porto Rico or* the Philippine Islands, and the *Porto Rican or* Philippine Legislature shall have power by due enactment to amend, alter, modify, or repeal the income tax laws in force in *Porto Rico or* the Philippine Islands, *respectively*.

TITLE II.—WAR EXCESS PROFITS TAX.

~~SEC. 200. That in addition to the tax imposed by Title II of the Act entitled "An Act to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes," approved March third, nineteen hundred and seventeen, there shall be levied, assessed, collected, and paid a like excess-profits tax of eight per centum upon the income received in the calendar year nineteen hundred and seventeen and every calendar year thereafter by every corporation, joint-stock company or association, insurance company, and partnership. Such tax shall be computed, levied, assessed, collected, and paid, for the same years, upon the same incomes, upon the same basis, and in the same manner as the tax imposed by Title II of such Act of March third, nineteen hundred and seventeen, as amended by this Act. Income derived from dividends upon stock of other corporations or partnerships which are subject to the tax imposed by this title and Title II of such Act of March third, nineteen hundred and seventeen shall be exempt from the tax imposed by this title and the tax imposed by Title II of such Act of March third nineteen hundred and seventeen.~~

~~SEC. 201. That sections two hundred, two hundred and two, and two hundred and four of the Act entitled "An Act to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and extensions of fortifications, and for other purposes," approved March third, nineteen hundred and seventeen, are hereby amended to read as follows:~~

~~"SEC. 200. That when used in this title—~~

~~"The term 'corporation' includes joint-stock companies or associations, and insurance companies;~~

~~"The term 'United States' means only the States, the Territories of Alaska and Hawaii, and the District of Columbia; and~~

~~"The term 'taxable year' means the twelve months ending December thirty-first, excepting in the case of a corporation or partnership allowed to fix its own fiscal year, in which case it means such fiscal year. The first taxable year shall be the year ending December thirty-first, nineteen hundred and seventeen, except that in the case of a corporation or partnership which has fixed its own fiscal year it shall be the fiscal year ending during the calendar year nineteen hundred and seventeen.~~

~~"SEC. 202. That for the purpose of this title, actual capital invested means (1) actual cash paid in, (2) the actual cash value of property paid in other than cash, for stock or shares in such corporation or partnership, at the time of such payment, and (3) paid in or earned surplus and undivided profits used or employed in the business: *Provided*, That the good will, including trade marks and trade brands, or the franchise of a corporation or partnership, is not to be included in the actual capital invested, unless the corporation or partnership made payment therefor specifically as such in cash or tangible property, the value of such good will, trade marks, trade brands, or franchise, not to exceed the actual cash or actual value of the tangible property paid therefor at the time of such payment.~~

~~"SEC. 204. That corporations exempt from tax under the provisions of section eleven of Title I of such Act of September eighth, nineteen hundred and sixteen, and partnerships carrying on or doing the same business shall be exempt from the provisions of this title. In the case of professional partnerships having no substantial capital, the income derived from the professional services of the partners shall be exempt from the provisions of this title. Income derived from dividends upon stock of other corporations or partnerships which are subject to the tax imposed by this title shall be exempt from the provisions of this title."~~

SEC. 200. That when used in this title—

The term "corporation" includes joint stock companies or associations and insurance companies;

The term "domestic" means created under the laws of the United States, or of any State, Territory, or District thereof, and the term "foreign" means created under the laws of any other possession of the United States or of any foreign country or government;

The term "United States" means only the States, the Territories of Alaska and Hawaii, and the District of Columbia;

The term "taxable year" means the twelve months ending December thirty-first, excepting in the case of a corporation or partnership which has fixed its own fiscal year, in which case it means such fiscal year. The first taxable year shall be the year ending December thirty-first, nineteen hundred and seventeen, except that in the case of a corporation or partnership which has fixed its own fiscal year it shall be the fiscal year ending during the calendar year nineteen hundred and seventeen. If a corporation or partnership, prior to March first, nineteen hundred and eighteen, makes a return covering its own fiscal year, and includes therein the income received during that part of the fiscal year falling within the calendar year nineteen hundred and sixteen, the tax for such taxable year shall be that proportion of the tax computed upon the excess profits during such fiscal year which the time from January first, nineteen hundred and seventeen, to the end of such fiscal year bears to the full fiscal year; and

The term "prewar period" means the calendar years nineteen hundred and eleven, nineteen hundred and twelve, and nineteen hundred and thirteen, or, if a corporation or partnership was not in existence or an individual was not engaged in a trade or business during the whole of such period, then as many of such years during the whole of which the corporation or partnership was in existence or the individual was engaged in the trade or business.

SEC. 201. That in addition to the taxes under existing law and under this Act there shall be levied, assessed, collected, and paid for each taxable year upon the income of every corporation, partnership, or individual a tax (hereinafter in this title referred to as the tax) equal to the following percentages of the excess profits (determined as hereinafter provided):

Twelve per centum of the amount of such excess profits not in excess of fifteen per centum of the deduction allowed by section two hundred and three, section two hundred and four, or section two hundred and five, as the case may be;

Sixteen per centum of the amount by which such excess profits exceed fifteen per centum of such deduction and do not exceed twenty-five per centum thereof;

Twenty per centum of the amount by which such excess profits exceed twenty-five per centum of such deduction and do not exceed fifty per centum thereof;

Twenty-five per centum of the amount by which such excess profits exceed fifty per centum of such deduction and do not exceed seventy-five per centum thereof;

Thirty per centum of the amount by which such excess profits exceed seventy-five per centum of such deduction and do not exceed one hundred per centum thereof;

Thirty-five per centum of the amount by which such excess profits exceed one hundred per centum of such deduction and do not exceed one hundred and fifty per centum thereof;

Forty per centum of the amount by which such excess profits exceed one hundred and fifty per centum of such deduction and do not exceed two hundred per centum thereof;

Forty-five per centum of the amount by which such excess profits exceed two hundred per centum of such deduction and do not exceed two hundred and fifty per centum thereof; and

Fifty per centum of the amount by which such excess profits exceed two hundred and fifty per centum of such deduction.

For the purposes of this title a corporation or partnership shall be deemed to be engaged in but one trade or business, and all its income shall be deemed to be received from such trade or business.

This title shall apply to all trades or businesses of whatever description (whether continuously carried on or not), including the business of

rendering any services for a commission or of acting as an agent of any description, except—

(a) An office or employment, including that of a commercial traveler or agent whose remuneration consists wholly of a fixed and definite sum irrespective of the amount of business done or any other contingency; and

(b) A profession the profits of which depend mainly on the personal qualifications of the individuals by whom such profession is carried on and in which there is not required the investment of more than a nominal capital.

SEC. 202. That the tax shall not be imposed in the case of a trade or business of a domestic corporation or partnership or a citizen or resident of the United States the net income of which trade or business during the taxable year is less than $5,000, or in the case of a trade or business of a foreign corporation or partnership or a nonresident alien individual the net income of which trade or business during such year from sources within the United States is less than the proportion of $5,000 which such net income from sources within the United States bears to the entire net income, but no exemption shall be allowed to a foreign corporation or partnership or a nonresident alien individual unless a true and accurate return of the entire net income from the trade or business is filed with the collector of internal revenue.

SEC. 203. That for the purposes of this title the amount of excess profits shall be determined, except as otherwise in this title provided—

(a) In the case of a domestic corporation or partnership or of a citizen or resident of the United States by deducting from the net income of the trade or business received during the taxable year the average amount of the annual net income of the trade or business during the prewar period; and

(b) In the case of a foreign corporation or partnership or of a nonresident alien individual by deducting from the net income of the trade or business received from sources within the United States during the taxable year the average amount of the annual net income of the trade or business from sources within the United States during the prewar period.

If the average capital (or in the case of a foreign corporation or partnership or a nonresident alien individual that proportion thereof which the net income of the trade or business from sources within the United States bears to the entire net income) employed in the trade or business during the taxable year is greater or less than the average capital or proportion thereof so employed during the prewar period, the excess profits shall be determined by deducting from the total net income for the taxable year an amount which bears the same proportion to the average annual net income for the prewar period which the average capital or proportion thereof employed during the taxable year bears to the average capital or proportion thereof employed during the prewar period.

If a taxpayer fails to present satisfactory evidence as to the average amount of the annual net income of the trade or business during the prewar period, the excess profits shall be determined as provided in section two hundred and five.

SEC. 204. That if a corporation, partnership, or individual had no net income from the trade or business during the prewar period, or if a corporation or partnership was not in existence or an individual was not engaged in the trade or business, prior to January second, nineteen hundred and thirteen, the amount of the excess profits shall be the same proportion of the net income of the trade or business received during the taxable year as the proportion which the excess profits for the same calendar year of representative corporations, partnerships, and individuals, engaged in a like or similar trade or business and whose excess profits are determined as provided in section two hundred and three, bears to the total net income of the trade or business received by such corporations, partnerships, and individuals. In the case of a foreign corporation or partnership or of a nonresident alien individual the net income received from sources within the United States during the taxable year shall be used as the basis of computation.

The proportion between the excess profits and the net income in each trade or business shall be determined by the Commissioner of Internal Revenue in accordance with regulations prescribed by him with the approval of the Secretary of the Treasury. In the case of a corporation or partnership which has fixed its own fiscal year, the proportion determined for the calendar year ending during such fiscal year shall be used.

A corporation or partnership, although formally organized or reorganized on or after January second, nineteen hundred and thirteen, which is substantially a continuation of a trade or business carried on prior to that date, shall, for the purposes of this title, be deemed to have been in existence prior to that date, and the net income of its predecessor prior to that date shall be deemed to have been its net income.

If the net income of the trade or business for the taxable year, in the case of a corporation or a partnership which was not in existence or of an individual who was not engaged in the trade or business, prior to January second, nineteen hundred and thirteen, is less than six per centum per annum on the average capital employed in such trade or business, there shall be deemed to be no excess profits.

SEC. 205. (a) That if during the prewar period the net income of a domestic corporation or partnership or of a citizen or resident of the United States from a trade or business was less than six per centum per annum on the average capital employed in such trade or business, the excess profits shall be determined either in the same manner as provided in section two hundred and four or by deducting from the net income of the trade or business received during the taxable year an amount equal to six per centum per annum on the average capital employed in such trade or business during such year, at the option of the taxpayer.

(b) If during the prewar period the net income of a foreign corporation or partnership or of a nonresident alien individual from a trade or business carried on within the United States was less than six per centum per annum on that proportion of the entire capital employed in such trade or business which the net income from sources within the United States bears to the entire net income, the excess profits shall be determined either in the same manner as provided in section two hundred and four or by deducting from the net income of the trade or business received during the taxable year from sources within the United States an amount equal to six per centum per annum on that proportion of the entire average capital employed in such trade or business during such year which the net income of such trade or business from sources within the United States bears to the entire net income of such trade or business.

(c) For the purposes of this title capital shall be deemed to be the fair average value of the assets actually invested and employed in the trade or business less the average amount of the liabilities incurred in respect to such trade or business.

The value of any patent, copyright, trade-mark, or like intangible asset shall not be taken to exceed its cash value at the beginning of the prewar period.

The value of good will and franchises shall not be included except to the extent of actual cash, or the actual cash value of tangible property at the time of payment or exchange thereof, specifically paid or exchanged therefor.

Income of a trade or business arising during the taxable year shall not be included as capital employed during such year.

(d) The tax shall be assessed upon the basis of the excess profits determined as provided in section two hundred and three, but the taxpayer claiming the benefit of this section may at the time of making the return file a claim for abatement of the amount by which the tax so assessed exceeds a tax at like rate computed upon the basis of excess profits determined as provided in this section. In such event collection of the part of the tax covered by such claim for abatement shall not be made until the claim is decided, but if in the judgment of the Commissioner of Internal Revenue the interests of the United States would be jeopardized thereby he may require the claimant to give a bond in such amount and with such sureties as the Commissioner may think wise to safeguard such interests, conditioned for the payment of any tax found to be due, with the interest thereon, and if such bond, satisfactory to the Commissioner, is not given within such time as he prescribes, the full amount of tax assessed shall be collected and the amount overpaid, if any, shall upon final decision of the application be refunded as a tax erroneously or illegally collected.

SEC. 206. That for the purposes of this title net income of a corporation shall be ascertained and returned (a) for the calendar years nineteen hundred and eleven and nineteen hundred and twelve upon the same basis and in the same manner as provided in section thirty-eight of the Act entitled "An Act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August fifth, nineteen hundred and nine; (b) for the calendar year nineteen hundred and thirteen upon the same basis and in the same manner as provided in section II of the Act entitled "An Act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October third, nineteen hundred and thirteen, except that the amounts received by it as dividends upon the stock or from the net earnings of other corporations, joint-stock companies or associations, or insurance companies, subject to the tax imposed by section II of such Act of October third, nineteen hundred and thirteen, shall also be deducted; and (c) for the taxable year upon the same basis and in the same manner as provided in Title I of the Act entitled "An Act to increase the revenue, and for other purposes," approved September eighth, nineteen hundred and sixteen, as amended, except that the amounts received by it as dividends upon the stock or from the net earnings of other corporations, joint-stock companies or associations, or insurance companies, subject to the tax imposed by Title I of such Act of September eighth, nineteen hundred and sixteen, shall also be deducted.

The net income of a partnership or individual shall be ascertained and returned for the calendar years nineteen hundred and eleven, nineteen hundred and twelve, and nineteen hundred and thirteen and for the taxable year upon the same basis and in the same manner as provided in Title I of such Act of September eighth, nineteen hundred and sixteen, as amended, except that the credit allowed by subdivision (b) of section five of such Act shall also be deducted. There shall be allowed (a) in the case of a domestic partnership the same deductions as allowed to individuals in subdivision (a) of section five of such Act of September eighth, nineteen hundred and sixteen, as amended; and (b) in the case of a foreign partnership the same deductions as allowed to individuals in subdivision (a) of section six of such Act as amended.

SEC. 207. That corporations exempt from tax under the provisions of section eleven of Title I of such Act of September eighth, nineteen hundred and sixteen, as amended, and partnerships and individuals carrying on or doing the same business, or coming within the same description, shall be exempt from the provisions of this title.

SEC. 208. That every partnership having a gross income of $5,000 or more for the taxable year, and every individual having such a gross income from a trade or business shall render a correct return of the income of the trade or business for the taxable year, setting forth specifically the gross income for such year, and the deductions allowed in this title. Such returns shall be rendered at the same time and in the same manner and form as is prescribed for income-tax returns under Title I of such Act of September eighth, nineteen hundred and sixteen, as amended.

SEC. 209. That all administrative, special, and general provisions of law, including the laws in relation to the assessment, remission, collection, and refund of internal-revenue taxes not heretofore specifically repealed and not inconsistent with the provisions of this title are hereby extended and made applicable to all the provisions of this title and to the tax herein imposed, and all provisions of Title I of such Act of September eighth, nineteen hundred and sixteen, as amended, relating to returns and payment of the tax therein imposed, including penalties, are hereby made applicable to the tax imposed by this title.

SEC. 210. That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make all necessary regulations for carrying out the provisions of this title, and may require any corporation, partnership or individual, subject to the provisions of this title, to furnish him with such facts, data, and information as in his judgment are necessary to collect the tax imposed by this title.

SEC. 211. That Title III (sections three hundred to three hundred and twelve, inclusive) of the Act entitled "An Act to increase the revenue, and for other purposes," approved September eighth, nineteen hundred and sixteen, and Title II (sections two hundred to two hundred and seven, inclusive) of the Act entitled "An Act to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes," approved March third, nineteen hundred and seventeen, are hereby repealed.

Any amount heretofore or hereafter paid on account of the tax imposed by Title II of such Act of March third, nineteen hundred and seventeen, shall be credited toward the payment of the tax imposed by this title, and if the amount so paid exceeds the amount of such tax the excess shall be refunded as a tax erroneously or illegally collected.

No tax shall be imposed for the taxable year nineteen hundred and seventeen under Title III of such Act of September eighth, nineteen hundred and sixteen.

TITLE III.—WAR TAX ON BEVERAGES.

SEC. 300. That on and after the ~~passage~~ *enactment* of this Act there shall be levied and collected on all distilled spirits in bond at that time or that have been or that may be then or thereafter produced in or imported into the United States, except such distilled spirits as are subject to the tax provided in section three hundred and ~~one~~ *four*, in addition to the tax now imposed by law, a tax of $1.10 on each proof gallon, or wine gallon when below proof, and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon, to be paid by the distiller ~~and imposed~~ *or importer when withdrawn*, and collected under the provisions of existing law.

That in addition to the tax under existing law there shall be levied and collected upon all perfumes hereafter imported into the United States containing distilled spirits, a tax of $1.10 per wine gallon, and a proportionate tax at a like rate on all fractional parts of such wine gallon. Such tax shall be collected by the collector of customs and deposited as internal-revenue collections, under such rules and regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe.

SEC. 301. That in addition to the tax imposed on distilled spirits by existing law and under section three hundred, there shall be levied, assessed, collected, and paid on the materials used in the production of such spirits after the enactment of this Act the following taxes: On all grains, cereals, and other solid products and materials, a tax of $60 per one hundred pounds, and on all molasses, sirups, and other liquid fermentable products and materials, a tax of $5 per wine gallon. Every distiller using any such materials shall keep such records and file such returns and bonds, and the tax shall be paid at such times and in such manner, and subject to such credits, as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe or require. Under such rules, regulations, and bonds, as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe, the provisions of this section shall not apply to materials used in the production of distilled spirits withdrawn exclusively for other than beverage purposes or for the fortification of pure sweet wines as defined by the Act entitled "An Act to increase the revenue, and for other purposes," approved September eighth, nineteen hundred and sixteen; but such spirits shall not be withdrawn for export except upon the application of an accredited representative of a nation at war with the Imperial German Government, or of any neutral nation, in which application it is declared that such spirits are withdrawn for other than beverage purposes.

SEC. 302. That no distilled spirits produced after the enactment of this Act shall be imported into the United States from any foreign country, or from the West Indian Islands recently acquired from Denmark (unless produced from products the growth of such islands), or from Porto Rico, or the Philippine Islands. Under such rules, regulations, and bonds as the Secretary of the Treasury may prescribe, the provisions of this section shall not apply to distilled spirits imported for other than beverage purposes.

SEC. 303. That at registered distilleries producing alcohol, or other high-proof spirits, packages may be filled with such spirits reduced to not less than one hundred proof from the receiving cisterns and tax paid without being entered into bonded warehouse. Such spirits may also be transferred from the receiving cisterns at such distilleries, by means of pipe lines, direct to storage tanks in the bonded warehouse and may be warehoused in such storage tanks. Such spirits may be also transferred in tanks or tank cars to general bonded warehouses for storage therein, either in storage tanks in such warehouses or in the tanks in which they were transferred. Such spirits may also be transferred after tax payment from receiving cisterns or warehouse storage tanks to tanks or tank cars and may be transported in such tanks or tank cars to the premises of rectifiers of spirits. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is hereby empowered to prescribe all necessary regulations relating to the drawing off, transferring, gauging, storing and transporting of such spirits; the records to be kept and returns to be made; the size and kind of packages and tanks to be used; the marking, branding, numbering, and stamping of such packages and tanks; the kinds of stamps, if any, to be used; and the time and manner of paying the tax; the kind of bond and the penal sum of same. The tax prescribed by law must be paid before such spirits are removed from the distillery premises, or from general bonded warehouse in the case of spirits transferred thereto, except as otherwise provided by law.

Under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe, distilled spirits may hereafter be drawn from receiving cisterns and deposited in distillery warehouses without having affixed to the packages containing the same distillery warehouse stamps, and such packages, when so deposited in warehouse, may be withdrawn therefrom on the original gauge where the same have remained in such warehouse for a period not exceeding thirty days from the date of deposit.

SEC. ~~301~~ *304*. That upon all distilled spirits produced in or imported into the United States upon which the tax now imposed by law has been paid, and which, on the day this Act is ~~passed~~ *enacted*, are held by a retailer in a quantity in excess of fifty gallons in the aggregate, or by any other person, corporation, partnership, or association in any quantity, (*whether in the original condition or mixed or combined with any other article*), and *which* are intended for sale, there shall be levied, assessed, collected, and paid a tax of $1.10 on each proof gallon, ~~or wine gallon when below proof,~~ and a proportionate tax at a like rate on all fractional parts of such proof ~~or wine~~ gallon: *Provided*, That the tax on such distilled spirits in the custody of a court of bankruptcy in insolvency proceedings ~~at the time of the passage of this Act~~ *on June first, nineteen hundred and seventeen*, shall be paid by the person to whom the court delivers such distilled spirits at the time of such ~~delivery,~~ *delivery, to the extent that the amount thus delivered exceeds the fifty gallons hereinbefore provided.*

SEC. ~~302~~ *305*. That in addition to the tax now imposed or imposed by this Act on distilled spirits there shall be levied, assessed, collected, and paid a tax of 15 cents on each ~~wine~~ *proof* gallon and a proportionate tax at a like rate on all fractional parts of such ~~wine~~ *proof* gallon on all distilled spirits or wine hereafter rectified, purified, or refined in such manner, and on all mixtures hereafter produced in such manner, that the person so rectifying, purifying, refining, or mixing the same is a rectifier within the meaning of section thirty-two hundred and forty-four, Revised Statutes, as amended, and on all such articles in the possession of the rectifier on the day this Act is ~~passed~~ *enacted: Provided, That this tax shall not apply to gin produced by the redistillation of a pure spirit over juniper berries and other aromatics.*

When the process of rectification is completed and the tax prescribed by this section has been paid, it shall be unlawful for the rectifier or other dealer to reduce in proof or increase in volume such spirits or wine by the addition of water or other substance; nothing herein contained shall, however, prevent a rectifier from using again in the process of rectification spirits already rectified and upon which the tax has theretofore been paid.

The tax imposed by this section shall not attach to cordials or liqueurs on which a tax is imposed and paid under the Act entitled "An Act to increase the revenue and for other purposes," approved September eighth, nineteen hundred and sixteen, nor to the mixing and blending of wines, where such blending is for the sole purpose

of perfecting such wines according to commercial standards, nor to blends made exclusively of two or more pure straight whiskies aged in wood for a period not less than four years and without the addition of coloring or flavoring matter or any other substance than pure water and if not reduced below ninety proof: *Provided*, That such blended whiskies shall be exempt from tax under this section only when compounded under the immediate supervision of a revenue officer, in such tanks and under such conditions and supervision as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe.

All distilled spirits taxable under this section shall be subject to uniform regulations concerning the use thereof in the manufacture, blending, compounding, mixing, marking, branding, and sale of whisky and rectified spirits, and no discrimination whatsoever shall be made by reason of a difference in the character of the material from which same may have been produced.

The business of a rectifier of spirits shall be carried on, and the tax on rectified spirits shall be paid, under such rules, regulations, and bonds as may be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury.

Any person violating any of the provisions of this section shall be deemed to be guilty of a misdemeanor and, upon conviction, shall be fined not less than ~~$500 and~~ *$250 and not more than $1,000* or imprisoned not more than two years. He shall, in addition, be liable to double the tax evaded, the same to be recovered, together with the tax, on any bond given by him as rectifier.

SEC. 306. That hereafter collectors of internal revenue shall not furnish wholesale liquor dealer's stamps in lieu of and in exchange for stamps for rectified spirits unless the package covered by stamp for rectified spirits is to be broken into smaller packages.

The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is authorized to discontinue the use of the following stamps whenever in his judgment the interests of the Government will be subserved thereby:

Distillery warehouse, special bonded warehouse, special bonded rewarehouse, general bonded warehouse, general bonded retransfer, transfer grapes, export tobacco, export cigars, export oleomargarine and export fermented liquor stamps.

SEC. 307. That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is hereby authorized to require at distilleries, breweries, rectifying houses, and wherever else in his judgment such action may be deemed advisable, the installation of meters, tanks, pipes, or any other apparatus for the purpose of protecting the revenue, and such meters, tanks, and pipes and all necessary labor incident thereto shall be at the expense of the person, corporation, partnership, or association on whose premises the installation is required. Any such person, corporation, partnership, or association refusing or neglecting to install such apparatus when so required by the commissioner shall not be permitted to conduct business on such premises.

SEC. 303 *308*. That on and after the ~~passage~~ *enactment* of this Act there shall be levied and collected on all beer, lager beer, ale, porter, and other similar fermented liquor, containing one-half per centum or more of alcohol, brewed or manufactured and sold, or stored in warehouse, or removed for consumption or sale, within the United States, by whatever name such liquors may be called, in addition to the tax now imposed by law, a tax of $1.25 for every barrel containing not more than thirty-one gallons, and at a like rate for any other quantity or for the fractional parts of a barrel authorized and defined by law.

SEC. 309. That from and after the enactment of this Act taxable fermented liquors may be conveyed without payment of tax from the brewery premises where produced to a contiguous industrial distillery of either class established under the Act of October third, nineteen hundred and thirteen, to be used as distilling material, and the residue from such distillation containing not to exceed one-half of one per centum of alcohol by volume, which is to be used in making beverages may be manipulated by cooling, flavoring, carbonating, settling, and filtering on the distillery premises or elsewhere.

The removal of the taxable fermented liquor from the brewery to the distillery and the operation of the distillery and removal of the residue therefrom shall be under the supervision of such officer or officers as the Commissioner of Internal Revenue shall deem proper, and the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is hereby authorized to make such regulations from time to time as may be necessary to give force and effect to this section and to safeguard the revenue.

SEC. 304 *310*. That upon all still wines, including vermuth, and upon all champagne and other sparkling wines, liqueurs, cordials, artificial or imitation wines or compounds sold as wine, except *still* wines containing not more than fourteen per centum of absolute alcohol, hereafter produced in or imported into the United States, and removed from the custom-house, place of manufacture, or from bonded premises for sale or consumption, there shall be levied and collected, in addition to the tax now imposed by law upon such articles, a tax equal to such tax, to be levied, collected, and paid under the provisions of existing law. Upon *still* wines containing not more than fourteen per centum of absolute alcohol there shall be levied and collected, in addition to the tax now imposed by law upon such wines, a tax equal to one-half such tax, to be levied, collected and paid under the provisions of existing law; ~~and the tax imposed by existing law and the additional tax herein imposed shall apply to all domestic or imported liqueurs, cordials, or similar compounds by whatever name sold or offered for sale and without reference to the kind of spirits or wines used in the manufacture thereof.~~

Whoever has possession of any empty cask or package which has been used for wine or any article taxable under this section or under subdivision (a) or (e) of section four hundred and two of the Act entitled "An Act to increase the revenue, and for other purposes," approved September eighth, nineteen hundred and sixteen, and on which the stamp or any mark denoting payment of tax has not been effectually destroyed or obliterated, or reuses any such cask or package, having thereon any such stamp or mark previously so used, shall for each such offense be fined not less than $100 nor more than $1,000, or be imprisoned not more than one year, or both; and all such casks or packages, and their contents in the case of reuse, shall be forfeited to the United States.

SEC. 305 *311*. That upon all articles specified in section three hundred and ~~four~~ *ten* upon which the tax now imposed by law has been paid and which are on the day this Act is ~~passed~~ *enacted* held in excess of twenty-five gallons in the aggregate of such articles and intended for sale, there shall be levied, collected, and paid a tax equal to the tax now imposed by law.

SEC. 306 *312*. That upon all grape brandy or wine spirits withdrawn by a producer of wines from any fruit distillery or special bonded warehouse under subdivision (c) of section four hundred and two of the Act entitled "An Act to increase the revenue, and for other purposes," approved September eighth, nineteen hundred and sixteen, there shall be levied, assessed, collected, and paid in addition to the tax therein imposed, a tax equal to such tax, to be assessed, collected, and paid under the provisions of existing law.

SEC. 307 *313*. ~~Upon~~ *That upon* all sweet wines held for sale by the producer thereof upon the day this Act is ~~passed~~ *enacted* there shall be levied, assessed, collected, and paid an additional tax equivalent to 10 cents per proof gallon upon the grape brandy or wine spirits used in the fortification of such wine, and an additional tax of 10 cents per proof gallon shall be levied, assessed, collected, and paid upon all grape brandy or wine spirits withdrawn by a producer of sweet wines for the purpose of fortifying such wines and not so used prior to the ~~passage~~ *enactment* of this Act.

SEC. 308 *314*. That there shall be levied, assessed, collected, and paid—

(a) Upon all prepared sirups or extracts (intended for use in the manufacture or production of beverages, commonly known as soft drinks, by soda fountains, bottling establishments, and other similar places) sold by the manufacturer, producer, or importer thereof, ~~a tax equivalent to ten per centum of the price for which so sold~~ *if so sold for not more than $1.25 per gallon, a tax of 3 cents per gallon; if so sold for more than $1.25 and not more than $2 per gallon, a tax of 4 cents per gallon; if so sold for more than $2 and not more than $3 per gallon, a tax of 6 cents per gallon; if so sold for more than $3 and not more than $4 per gallon, a tax of 8 cents per gallon; and if so sold for more than $4 per gallon, a tax of 12 cents per gallon*; and

(b) Upon all unfermented grape juice, soft drinks or artificial mineral waters (not carbonated), and fermented liquors containing less than one-half per centum of alcohol, sold by the manufacturer, producer, or importer ~~thereof~~ *thereof*, in bottles or other closed containers, and upon all ginger ale, root beer, sarsaparilla, pop, and other carbonated waters or beverages, manufactured and sold by the manufacturer, producer, or importer of the carbonic acid gas used in carbonating the same, a tax of ~~2 cents~~ *1 cent* per gallon; and

(c) Upon all natural mineral waters or table waters, sold by the producer, bottler, or importer thereof, in bottles or other closed containers, at over 10 cents per gallon, a tax of 1 cent per ~~gallon; and~~ *gallon*.

~~(d) Upon all carbonic acid gas in drums or other containers (intended for use in the manufacture or production of carbonated water or other drinks) sold by the manufacturer, producer, or importer thereof, a tax of 3 cents per pound.~~

SEC. 309 *315*. That each such manufacturer, producer, bottler, or importer shall make monthly returns under oath to the collector of internal revenue for the district in which is located the principal place of business, containing such information necessary for the assessment of the tax, and at such times and in such manner, as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulation prescribe.

SEC. 316. That upon all carbonic acid gas in drums or other containers (intended for use in the manufacture or production of carbonated water or other drinks) sold by the manufacturer, producer, or importer thereof, there shall be levied, assessed, collected, and paid a tax of 5 cents per pound. Such tax shall be paid by the purchaser to the vendor thereof

and shall be collected, returned, and paid to the United States by such vendor in the same manner as provided in section five hundred and three.

TITLE IV.—WAR TAX ON CIGARS, TOBACCO, AND MANUFACTURES THEREOF.

SEC. 400. That upon cigars and cigarettes, which shall be manufactured and sold, or removed for consumption or sale, there shall be levied and collected, in addition to the taxes now imposed by existing law, the following taxes, to be paid by the manufacturer or importer thereof: (*a*) On cigars of all descriptions made of tobacco, or any substitute therefor, and weighing not more than three pounds per thousand, 25 cents per thousand; (*b*) on cigars made of tobacco, or any substitute therefor, and weighing more than three pounds per thousand, if manufactured or imported to retail at ~~not more than~~ 4 cents *or more* each, ~~50 cents per thousand; if manufactured or imported to retail at more than 4 cents,~~ and not more than ~~6~~ 7 cents each, $1 per thousand; (*c*) if manufactured or imported to retail at more than ~~6~~ 7 cents *each* and not more than ~~10~~ *15* cents each, ~~$2~~ *$3* per thousand; (*d*) if manufactured or imported to retail at more than ~~10~~ *15* cents *each* and not more than ~~15~~ *20* cents each, $5 per thousand; (*e*) if manufactured or imported to retail at more than ~~15 cents and not~~ more than 20 cents each, ~~$5~~ $7 per thousand; ~~if manufactured or imported to retail at more than 20 cents and not more than 25 cents each, $7 per thousand; if manufactured or imported to retail at more than 25 cents each, $10 per thousand~~: *Provided*, That the word "retail" as used in this section shall mean the ordinary retail price of a single cigar, and that the Commissioner of Internal Revenue may, by regulation, require the manufacturer *or importer* to affix to each box or container a conspicuous label indicating ~~the maximum retail price of each cigar~~ *by letter the clause of this section under which the cigars therein contained have been tax-paid*, which must correspond with the tax-paid stamp on said box or container; (*f*) on cigarettes made of tobacco, or any substitute therefor, made in or imported into the United States, and weighing not more than three pounds per thousand, ~~$1.25~~ *75 cents* per thousand; *weighing more than three pounds per thousand, $1.20 per thousand.*

~~The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall provide the dies and stamps for cigars and cigarettes necessary under the taxes in effect, and the sizes of packages authorized, after the provisions of this title take effect.~~

Every manufacturer of cigarettes (including small cigars weighing not more than three pounds per thousand) shall put up all the cigarettes and such small cigars that he manufactures or has manufactured for him, and sells or removes for consumption or use, in packages or parcels containing five, ~~seven~~, eight, ~~nine~~, ten, *twelve*, ~~fourteen~~, *fifteen*, sixteen, ~~eighteen, nineteen~~ twenty, *twenty-four*, forty, fifty, eighty, or one hundred cigarettes each, and shall securely affix to each of said packages or parcels a suitable stamp denoting the tax thereon and shall properly cancel the same prior to such sale or removal for consumption or use under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe; and all cigarettes imported from a foreign country shall be packed, stamped, and the stamps canceled in a like manner, in addition to the import stamp indicating inspection of the customhouse before they are withdrawn therefrom.

SEC. 401. That upon all tobacco and snuff hereafter manufactured and sold, or removed for consumption or use, there shall be levied and collected, in addition to the tax now imposed by law upon such articles, a tax ~~equal to such tax~~ *of 4 cents per pound*, to be levied, collected, and paid under the provisions of existing law.

In addition to the packages provided for under existing law, manufactured tobacco and snuff may be put up and prepared by the manufacturer for sale or consumption, in packages of the following description: Packages containing one-eighth, three-eighths, five-eighths, seven-eighths, one and one-eighth, one and three-eighths, one and five-eighths, one and seven-eighths, and five ounces.

SEC. 402. That so much of section four hundred as imposes a tax upon cigars, and the whole of section four hundred and one, shall take effect ~~thirty~~ *ten* days after the ~~passage~~ *enactment* of this Act. That section four hundred and four and so much of section four hundred as imposes a tax upon cigarettes and as relates to packages or parcels in which cigarettes may be put up shall take effect ~~ninety~~ *ten* days after the ~~passage~~ *enactment* of this Act: ~~*Provided, That after the passage of this Act and before the expiration of the aforesaid ninety days, cigarettes may be put up in the packages now provided for by law or in the packages provided for in section four hundred.*~~

SEC. 403. That there shall also be ~~assessed~~ *levied* and collected, upon all manufactured tobacco and snuff in excess of one ~~thousand~~ *hundred* pounds *at any one place of business or and* upon cigars *in excess of five hundred at any one place of business or and upon* cigarettes in excess of ~~twenty~~ *one* thousand *at any one place of business*, which were manufactured or imported, and removed from factory or ~~customs house~~ *custom-house* prior to the ~~passage~~ *enactment* of this Act, bearing tax-paid stamps affixed to such articles for the payment of the taxes thereon, and which are, on the day this Act is ~~passed~~ *enacted*, held and intended for sale by any person, corporation, partnership, or association, and upon all manufactured tobacco, snuff, cigars, or cigarettes, removed from factory or ~~customs house~~ *custom-house* after the ~~passage~~ *enactment* of this Act but prior to the time when the tax imposed by section four hundred or section four hundred and one upon such articles takes effect, an additional tax equal to one-half the tax imposed by such sections upon such articles.

SEC. 404. That there shall be ~~levied~~ *levied, assessed*, and collected upon cigarette paper made up into packages, books, sets, or tubes, made up in or imported into the United States and intended for use by the smoker in making cigarettes the following taxes: On each package, book, or set, ~~containing not more than twenty-five papers, one-fourth of 1 cent~~; containing more than twenty-five but not more than fifty papers, one-half of 1 cent; containing more than fifty but not more than one hundred papers, 1 cent; containing more than one hundred papers, 1 cent for each one hundred papers or fractional part thereof; and upon tubes, 2 cents for each one hundred tubes or fractional part thereof. ~~Such tax shall be paid by stamps affixed by the person, corporation, partnership, or association making up or importing such package, book, set, or tube.~~

TITLE V.—WAR TAX ON FACILITIES FURNISHED BY PUBLIC UTILITIES, ~~AND INSURANCE~~.

SEC. 500. That from and after the first day of ~~June~~ ————, nineteen hundred and seventeen, there shall be levied, assessed, collected, and paid (a) a tax equivalent to three per centum of the amount paid for the transportation by rail or water *or by any form of mechanical motor power when in competition with carriers by rail or water* of property by freight consigned from one point in the United States to another; (b) ~~a tax equivalent to six per centum of the amount paid for the transportation of property by express companies consigned from one point in the United States to another~~ *a tax of 1 cent for each 25 cents, or fraction thereof, paid to any person, corporation, partnership, or association, engaged in the business of transporting parcels or packages by express over regular routes between fixed terminals, for the transportation of any package, parcel, or shipment by express from one point in the United States to another: Provided*, That nothing herein contained shall be construed to require the carrier paying such tax to list separately in any bill of lading, freight receipt, or other similar document, the amount of the tax herein levied, if the total amount of the freight and tax be therein stated; (c) a tax equivalent to ~~ten~~ *five* per centum of the amount paid for the transportation of persons by rail or water, *or by any form of mechanical motor power when in competition with carriers by rail or water*, ~~within the United States~~ *from one point in the United States to another or to any point in Canada or Mexico, where the ticket therefor is sold or issued in the United States*, not including the amount paid for commutation or season tickets for trips less than ~~thirty~~ *forty* miles, or for transportation the fare for which does not exceed ~~25~~ *35* cents, and a tax equivalent to ~~ten~~ *five* per centum of the amount paid for seats, berths, and staterooms in parlor cars, sleeping cars, or on vessels. If a ticket or mileage book used for such transportation or accommodation has been purchased before this section takes effect, or if cash fare be paid, the tax imposed by this section shall be collected from the person presenting the ticket or mileage book, or paying cash fare, by the conductor or other agent, when presented for such transportation or accommodation, and the amount so collected shall be paid to the United States in such manner and at such times as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe, *but this tax shall not apply to tickets, other than mileage books, bought and partially used before this section goes into effect;* (d) a tax equivalent to five per centum of the amount paid for the transportation of oil by pipe line; ~~(e) a tax equivalent to five per centum of the amount paid for electric power for domestic use, and of the amount paid for light or heat service, and a tax equivalent to five per centum of the amount paid for telephone service by subscribers, exclusive of the amounts paid for toll or long distance calls; (f)~~ (*e*) a tax of 5 cents upon each *telegraph, telephone, or radio*, dispatch, message, or conversation, which originates ~~at any office, station, or exchange~~, within the United States, ~~of any telegraph or telephone line, which is transmitted over such line~~, and for *the transmission of* which a charge of 15 cents or more is imposed: *Provided*, That only one payment of such tax shall be required, notwithstanding the lines *or stations* of one or more persons, corporations, partnerships, or associations shall be used for the transmission of such dispatch, message, or conversation.

SEC. 501. That the taxes imposed by section five hundred shall be paid by the person, corporation, partnership, or association paying for the services or facilities rendered.

In case a *the* carrier ~~by rail, water, or pipe line~~ does not, because of its ownership of the commodity transported, or for any other reason, receive the amount which as a carrier it would otherwise charge,

such carrier shall pay a tax equivalent to the tax which would be imposed upon the transportation of such commodity if the carrier received payment for such transportation: *Provided*, That in case of a carrier which on May first, nineteen hundred and seventeen, had no rates or tariffs on file with the proper Federal or State authority, the tax shall be computed on the basis of the rates or tariffs of other carriers for like services as ascertained and determined by the Commissioner of Internal Revenue: *Provided* further, That nothing in this *or the preceding* section shall be construed as imposing a tax (*a*) upon the transportation of any commodity which is necessary for the use of the carrier in the conduct of its business as such and is intended to be so used *or has been so used; or* (*b*) *upon the transportation of company material transported by one carrier, which constitutes a part of a railroad system, for another carrier which is also a part of the same system; or* (c) *upon movements by railroad companies of the outfit, property, and persons of any amusement company, which, in the conduct of its business, owns and provides its rolling stock and equipment and which is not engaged in the transportation of commodities for sale or exchange; or* (*d*) *upon the amount paid for special mileage books issued under transportation contract to such amusement companies and used for the transportation of its bona fide employees and agents.*

SEC. 502. That no tax shall be imposed under section five hundred upon any payment received for services rendered to ~~officers or employees of the United States, or of any State or political subdivision thereof, in the course of their official business~~ *the United States, or any State, Territory, or the District of Columbia. The right to exemption under this section shall be evidenced in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulation prescribe.*

SEC. 503. That each person, corporation, partnership, or association receiving any payments referred to in section five hundred shall collect the amount of the tax, if any, imposed by such section from the person, corporation, partnership, or association making such payments, and shall make monthly returns under oath, in duplicate, and pay the taxes so collected and the taxes imposed upon it under paragraph two of section five hundred and one to the collector of internal revenue of the district in which the principal office or place of business is located. Such returns shall contain such information, and be made in such manner, as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulation prescribe.

~~SEC. 504. That from and after the first day of June, nineteen hundred and seventeen, there shall be levied, assessed, collected, and paid the following taxes on the issuance of insurance policies:~~

~~(a) Life insurance: A tax equivalent to 8 cents on each $100 or fractional part thereof of the amount for which any life is insured under any policy of insurance, or other instrument, by whatever name the same is called: *Provided*, That on all policies for life insurance only by which a life is insured not in excess of $500, issued on the industrial or weekly payment plan of insurance, the tax shall be forty per centum of the amount of the first weekly premium: *Provided further*, That policies of reinsurance shall be exempt from the tax imposed by this subdivision;~~

~~(b) Marine, inland, and fire insurance: A tax equivalent to 1 cent on each dollar or fractional part thereof of the premium charged under each policy of insurance or other instrument by whatever name the same is called whereby insurance is made or renewed upon property of any description (including rents or profits), whether against peril by sea or inland waters, or by fire or lightning, or other peril: *Provided*, That policies of reinsurance shall be exempt from the tax imposed by this subdivision;~~

~~(c) Casualty insurance: A tax equivalent to 1 cent on each dollar or fractional part thereof of the premium charged under each policy of insurance or obligation of the nature of indemnity for loss, damage, or liability (except bonds taxable under subdivision two of schedule A of Title VIII) issued or executed or renewed by any person, corporation, partnership, or association, transacting the business of employer's liability, workmen's compensation, accident, health, tornado, plate glass, steam boiler, elevator, burglary, automatic sprinkler, automobile, or other branch of insurance (except life insurance, and insurance described and taxed in the preceding subdivision): *Provided*, That policies of reinsurance shall be exempt from the tax imposed by this subdivision:~~

~~(d) Policies issued by any person, corporation, partnership, or association, whose income is exempt from taxation under Title I of the Act entitled "An Act to increase the revenue, and for other purposes," approved September eighth, nineteen hundred and sixteen, shall be exempt from the taxes imposed by this section.~~

~~SEC. 505. That every person, corporation, partnership, or association, issuing policies of insurance upon the issuance of which a tax is imposed by section five hundred and four, shall, within the first fifteen days of each month, make a return under oath, in duplicate, and pay such tax to the collector of internal revenue of the district in which the principal office or place of business of such person, corporation, partnership, or association is located. Such returns shall contain such information and be made in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulation prescribe.~~

TITLE VI.—WAR ~~TAX ON MANUFACTURES~~ *EXCISE TAXES.*

SEC. 600. ~~That there shall be levied, assessed, collected, and paid—~~

~~(a) Upon all automobiles, automobile trucks, automobile wagons, and motorcycles, and automobile, motorcycle, or bicycle tires (including inner tubes) sold by the manufacturer, producer, or importer a tax equivalent to five per centum of the price for which so sold: *Provided*, That from the tax which otherwise would be imposed upon a manufacturer, producer, or importer of automobiles, automobile trucks, automobile wagons, or motorcycles there shall be deducted an amount equivalent to 5 per centum of the amount paid for the tires, including inner tubes, on such vehicles by such manufacturer, producer, or importer; and~~

(*a*) *That on the day this Act takes effect, and thereafter on July first in each year, and also at the time of the original purchase of a new automobile or motorcycle by a user, if on any other date than July first, there shall be levied, assessed, collected, and paid, upon the use of automobiles and motorcycles not used exclusively for business, an excise tax at basic rates as follows: Motorcycles, $2.50; automobiles, the original listed retail price of which is not over $500, $5; original listed retail price over $500 and not over $750, $7.50; original listed retail price over $750 and not over $1,000, $10; and for each further increase of $500 or fractional part thereof of original listed retail price, an additional tax of $5.*

In the case of a tax imposed at the time of the original purchase of a new automobile or motorcycle on any other date than July first, the amount to be paid shall be the same number of twelfths of the amount of the tax as the number of calendar months, including the month of sale, remaining prior to the following July first.

The tax payable in any year shall be reduced by ten per centum of its basic amount for each twelve months elapsed since the original sale of the automobile or motorcycle by the manufacturer or importer, but in no case shall it be reduced to less than fifty per centum of such basic amount.

~~(b) Upon all musical instruments sold by the manufacturer, producer, or importer for more than $10 each, and upon piano players, graphophones, phonographs, talking machines, and records used in connection with any musical instruments, piano player, graphophone, phonograph, or talking machine, sold by the manufacturer, producer, or importer, a tax equivalent to five per centum of the price for which so sold, and~~

~~(c) Upon all moving picture films (which have not been exposed) sold by the manufacturer or importer a tax equivalent to one half of 1 cent per linear foot; and~~

~~(d) Upon all positive moving picture films (containing a picture ready for projection) sold or leased by the manufacturer, producer, or importer a tax equivalent to 1 cent per linear foot; and~~

~~(e) Upon any article commonly or commercially known as jewelry, whether real or imitation, sold by the manufacturer, producer, or importer thereof, a tax equivalent to five per centum of the price for which so sold; and~~

~~(f) Upon all yachts, pleasure boats, motor boats, or other vessels not used or intended to be used for trade, sold by the manufacturer, builder, or importer, a tax equivalent to five per centum of the price for which so sold; and~~

(*b*) *That on the day this Act takes effect, and thereafter on July first in each year, and also at the time of the original purchase of a new boat by a user, if on any other date than July first, there shall be levied, assessed, collected, and paid, upon the use of yachts, pleasure boats, power boats, and sailing boats, of over five net tons, and motor boats with fixed engines, not used exclusively for trade or national defense, or not built according to plans and specifications approved by the Navy Department, an excise tax to be based on each yacht or boat, at rates as follows: Yachts, pleasure boats, power boats, motor boats with fixed engines, and sailing boats, of over five net tons, length not over fifty feet, 50 cents for each foot, length over fifty feet and not over one hundred feet, $1 for each foot, length over one hundred feet, $2 for each foot; motor boats of not over five net tons with fixed engines, $5.*

In determining the length of such yachts, pleasure boats, power boats, motor boats with fixed engines, and sailing boats, the measurement of over-all length shall govern.

In the case of a tax imposed at the time of the original purchase of a new boat on any other date than July first, the amount to be paid shall be the same number of twelfths of the amount of the tax as the number of calendar months, including the month of sale, remaining prior to the following July first.

SEC. 601. That there shall be levied, assessed, collected, and paid—

~~(g)~~ (*a*) Upon all tennis rackets, golf clubs, baseball bats, lacrosse sticks, balls of all kinds, including baseballs, foot balls, tennis, golf, lacrosse, billiard and pool balls, fishing ~~rods,~~ *rods and* reels ~~and lines,~~ billiard and pool tables, chess and checker boards and pieces, dice, games and parts of games, except playing cards *and children's toys*

and games, sold by the manufacturer, producer, or importer, a tax equivalent to ~~five~~ *two* per centum of the price for which so sold.

~~(b)~~ *(b)* Upon all perfumes, essences, extracts, toilet waters, cosmetics, ~~vaselines, petrolatums~~ *petroleum jellies*, hair oils, pomades, hair dressings, hair restoratives, hair dyes, tooth and mouth washes, dentrifrices, tooth pastes, aromatic cachous, toilet soaps and powders, or any similar substance, article, or preparation by whatsoever name known or distinguished, *upon all of the above which are* used or applied *or intended to be used or applied* for toilet purposes, and which are sold by the manufacturer, importer, or producer, a tax equivalent to ~~five~~ *two* per centum of the price for which so sold; and

~~(i)~~ *(c)* Upon all pills, tablets, powders, tinctures, troches or lozenges, sirups, medicinal cordials or bitters, anodynes, tonics, plasters, liniments, salves, ointments, pastes, drops, waters (except those taxed under section three hundred and ~~eight~~ *fourteen* of this act), essences, spirits, oils, and all medicinal preparations, compounds, or compositions whatsoever, the manufacturer or producer of which claims to have any private formula, secret, or occult art for making or preparing the same, or has or claims to have any exclusive right or title to the making or preparing the same, or which are prepared, uttered, vended, or exposed for sale under any letters patent, or trade-mark, or which, if prepared by any formula, published or unpublished, are held out or recommended to the public by the makers, venders, or proprietors thereof as proprietary medicines or medicinal proprietary articles or preparations, or as remedies or specifics for any disease, diseases, or affection whatever affecting the human or animal body, and which are sold by the manufacturer, producer, or importer, a tax equivalent to ~~five~~ *two* per centum of the price for which so sold; and

~~(j) Upon all chewing gum or substitute therefor sold by the manufacturer, producer, or importer, a tax equivalent to five per centum of the price for which so sold.~~

(d) Upon all cameras sold by the manufacturer, producer, or importer, a tax equivalent to two per centum of the price for which so sold.

SEC. ~~601~~ *602*. That each manufacturer, producer, ~~builder,~~ or importer of any of the articles enumerated in section six hundred *and one* shall make monthly returns under oath in duplicate and pay the taxes imposed on such articles by this title to the collector of internal revenue for the district in which is located the principal place of business. Such ~~return~~ *returns* shall contain such information and be made at such times and in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulations prescribe.

~~SEC. 602. That upon all articles enumerated in subdivisions (a), (b), (c), (f), (g), (h), (i), or (j) of section six hundred, which on the day this Act is passed are held and intended for sale by any person, corporation, partnership, or association other than a retailer who is not also a wholesaler, and upon all such articles which between April sixth, nineteen hundred and seventeen, and the day this Act is passed, both inclusive, have been sold to, and on the day this Act is passed are held and intended for sale by, a retailer who is not also a wholesaler, there shall be levied, assessed, collected, and paid, a tax equivalent to five per centum of the price paid therefor. This tax shall be paid by the person, corporation, partnership, or association so holding such articles. No tax shall be imposed under section six hundred upon any article upon which a tax is imposed under this section.~~

~~The taxes imposed by this section shall be assessed, collected, and paid in the same manner as provided in section eleven hundred and two in the case of additional taxes upon articles upon which the tax imposed by existing law has been paid.~~

~~Nothing in this section shall be construed to impose a tax upon articles sold and delivered prior to May ninth, nineteen hundred and seventeen, where the title is reserved in the vendor as security for the payment of the purchase money.~~

TITLE VII.—WAR TAX ON ADMISSIONS AND DUES.

SEC. 700. That from and after the first day of ~~June~~, ——, nineteen hundred and seventeen, there shall be levied, assessed, collected, and paid *(a)* a tax ~~equivalent to~~ *of* 1 cent for each 10 cents or fraction thereof of the amount paid for admission ~~or subscription~~ to any place, *including admission by season ticket or subscription*, to be paid by the person ~~admitted~~, *making such payment: Provided, That the tax on admission of children where an admission charge for such children is made shall in every case be 1 cent;* and *(b)* a tax of 5 cents for each admission of each person (except in the case of a bona fid employee and children under twelve years of age and municipal officers on official business) admitted free to any place for admission to which a charge is made, to be paid by the person so ~~admitted~~ *admitted; and (c) a tax of 1 cent for each 10 cents or fraction thereof paid for admission to any public performance for profit at any cabaret or other similar entertainment to which the charge for admission is wholly, or in part included in the price paid for refreshment, service, or merchandise; the amount paid for such admission to be computed under rules prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, such tax to be paid by the person paying for such refreshment, service, or merchandise; and, in addition to the above, (d) upon tickets of admission to theaters, operas, and other places of amusement, sold at news stands, hotels, and places other than the ticket offices of such theaters, operas, or other places of amusement, at not to exceed 50 cents in excess of the sum of the established price therefor at such ticket offices plus the amount of any tax imposed under clause (a) of this section, a tax equivalent to five per centum of the amount of such excess, and if sold for more than 50 cents in excess of the sum of such established price plus the amount of any tax imposed under clause (a) of this section, a tax equivalent to thirty per centum of the whole amount of such excess, such taxes to be paid by the person, corporation, partnership, or association selling such tickets; and, in addition to the above, (e) a tax equivalent to fifty per centum of the amount for which the proprietors, managers, or employees of any opera house, theater, or other place of amusement sell or dispose of tickets or cards of admission in excess of the regular or established price or charge therefor, such tax to be paid by the person, corporation, partnership, or association selling such tickets.* In the case of persons having the permanent use of boxes or seats in an opera house or any place of amusement or a lease for the use of such box or seat in such opera house or place of amusement there shall be levied, assessed, collected, and paid a tax equivalent to ten per centum of the amount for which a similar box or seat is sold for performance or exhibition at which the box or seat is used or reserved by or for the lessee or holder: ~~*Provided, That the tax on admission of children under twelve years of age where an admission charge is made shall in every case be 1 cent.*~~ These taxes shall not be imposed in the case of a place the maximum charge for admission to which is 5 ~~cents~~ *cents, or in the case of moving picture shows the maximum charge for admission to which is 25 cents.*

No tax shall be levied under this title in respect to any admissions all the proceeds of which inure exclusively to the benefit of religious, educational, or charitable institutions, societies, or organizations, or admissions to agricultural fairs ~~all the proceeds of which inure exclusively for agricultural purposes~~, *nor in respect to admissions to bona fide Chautauquas and Lyceum courses which are contracted for and guaranteed by local companies, associations, or individuals.*

The term "admission" as used in this title includes seats and tables, reserved or otherwise, and other similar accommodations, and the charges made therefor.

~~SEC. 701. That from and after the first day of June, nineteen hundred and seventeen, there shall be levied, assessed, collected, and paid a tax equivalent to ten per centum of any amount paid as dues or membership fees (except initiation fees) to any social, athletic, or sporting club or organization, such taxes to be paid by the person making such payments.~~

SEC. ~~702~~ *701*. That every person, corporation, partnership, or association (a) receiving any payments for such ~~admission, dues, or fees,~~ *admission* shall collect the amount of the tax imposed by section seven hundred ~~or seven hundred and one~~ from the person making such payments, or (b) admitting any person free to any place for admission to which a charge is made shall collect the amount of the tax imposed by section seven hundred from the person so admitted, and (c) in either case shall make returns and payments of the amounts so collected, at the same time and in the same manner as provided in section five hundred and three of this Act.

Every person, corporation, partnership, or association, liable to the tax imposed by subdivision (d) or (e) of section seven hundred, shall make monthly returns under oath in duplicate and pay the tax imposed by such subdivisions to the collector of internal revenue for the district in which is located the principal place of business. Such returns shall contain such information and be made at such times and in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulation prescribe.

TITLE VIII.—WAR STAMP TAXES.

SEC. 800. That on and after the first day of ~~June~~ ——, nineteen hundred and seventeen, there shall be levied, collected, and paid, for and in respect of the several bonds, debentures, or certificates of stock and of indebtedness, and other documents, instruments, matters, and things mentioned and described in Schedule A of this title, or for or in respect of the vellum, parchment, or paper upon which such instruments, matters, or things, or any of them, are written or ~~printed~~ *printed*, by any person, corporation, partnership, or association who makes, signs, ~~or issues~~ *issues, sells, removes, consigns, or ships* the same, or for whose use or benefit the same are made, signed, ~~or~~ issued, *sold, removed, consigned, or shipped*, the several taxes specified in such schedule.

SEC. 801. That there shall not be taxed under this title any bond, note, or other instrument, issued by the United States, or by any foreign Government, or by any State, *Territory, or the District of Columbia*, or local subdivision thereof, or municipal or other cor-

poration exercising the taxing power, when issued in the exercise of a strictly governmental, taxing, or municipal function; or stocks and bonds issued by cooperative building and loan associations which are organized and operated exclusively for the benefit of their members and make loans only to their ~~shareholders~~ *shareholders, or by mutual ditch or irrigating companies.*

SEC. 802. ~~That whoever makes, signs, issues, or receives, or causes to be made, signed, or issued, any instrument, document, or paper of any kind or description whatsoever, without the tax thereon being duly paid, is guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not more than $100, at the discretion of the court, for each such offense.~~

That whoever—

(a) Makes, signs, issues, or accepts, or causes to be made, signed, issued, or accepted, any instrument, document, or paper of any kind or description whatsoever without the full amount of tax thereon being duly paid;

(b) Consigns or ships, or causes to be consigned or shipped, by parcel post any parcel, package, or article without the full amount of tax being duly paid;

(c) Manufactures or imports and sells, or offers for sale, or causes to be manufactured or imported and sold, or offered for sale, any playing cards, package, or other article without the full amount of tax being duly paid;

(d) Makes use of an adhesive stamp to denote any tax imposed by this title without canceling or obliterating such stamp as prescribed in section eight hundred and four;

Is guilty of a misdemeanor and upon conviction thereof shall pay a fine of not more than $100 for each offense.

SEC. 803. That whoever—

(a) ~~Forges or counterfeits any stamp, die, plate, or other article, or any part thereof, which is provided, made, or used in pursuance of this title;~~

~~(b) Forges, counterfeits, or resembles the impression, or any part thereof, of any such stamp, die, plate, or other article, upon any vellum, parchment, or paper;~~

~~(c) Stamps or marks any vellum, parchment, or paper, with any such forged or counterfeited stamp, die, plate, or other article, or part thereof, with intent to defraud the United States of any tax imposed by this title;~~

~~(d) Utters, sells, or exposes for sale any vellum, parchment, or paper, article or thing bearing the impression of any such counterfeited stamp, die, plate, or other article, or any part thereof, or any such other counterfeit or resembled impression or part thereof, knowing the same to be forged, counterfeited, or resembled;~~

~~(e) Knowingly uses or permits, with intent to defraud the United States, the use of any stamp, die, plate, or other article, provided, made, or used in pursuance of this title;~~ *(f)* Fraudulently cuts, tears, or removes from any vellum, parchment, paper, instrument, ~~or~~ writing, *package, or article,* upon which any tax is imposed by this title, any adhesive stamp or the impression of any stamp, die, plate, or other article provided, made, or used in pursuance of this title;

~~(g)~~ *(b)* Fraudulently uses, joins, fixes, or places to, with, or upon any vellum, parchment, paper, instrument, ~~or~~ writing, *package, or article,* upon which any tax is imposed by this title, *(1)* any adhesive stamp, or the impression of any stamp, die, plate, or other article, ~~which has been provided, made, or used in pursuance of this title, or~~ which has been cut, torn, or removed from any other vellum, parchment, paper, instrument, ~~or~~ writing, *package, or article,* upon which any tax is imposed by this title; *or (2) any adhesive stamp or the impression of any stamp, die, plate, or other article of insufficient value; or (3) any forged or counterfeit stamp, or the impression of any forged or counterfeited stamp, die, plate, or other article;*

~~(h)~~ *(c)* Willfully removes, or alters the cancellation, or defacing marks of, or otherwise prepares, any adhesive stamp, with intent to use, or cause the same to be used, after it has been already used, or knowingly or willfully buys, sells, offers for sale, or gives away, any such washed or restored stamp to any person for use, or knowingly uses the same;

~~(i)~~ *(d)* Knowingly and without lawful excuse (the burden of proof of such excuse being on the accused) has in possession any washed, restored, or altered stamp, which has been removed from any vellum, parchment, paper, instrument, ~~or writing,~~ *writing, package, or article,*

~~(j) Causes, or procures to be done, any acts specified in this section; or~~

~~(k) Knowingly and willfully aids, abets, or assists in committing any act specified in this section,~~

Is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than $1,000, or by imprisonment for not more than five years, or both, in the discretion of the court, and ~~shall also forfeit any such forged or counterfeited stamp, die, plate, or other article and the vellum, parchment, or paper upon which it is placed or impressed~~ *any such reused, canceled, or counterfeit stamp and the vellum, parchment, document, paper, package, or article upon which it is placed or impressed shall be forfeited to the United States.*

SEC. 804. That whenever an adhesive stamp is used for denoting any tax imposed by this title, except as hereinafter provided, the *person, corporation, partnership, or association* using or affixing the same shall write or stamp *or cause to be written or stamped* thereupon the initials of his *or its* name and the date upon which the same is attached or used, so that the same may not again be used: *Provided, That the Commissioner of Internal Revenue may prescribe such other method for the cancellation of such stamps as he may deem expedient.* ~~Whoever fraudulently makes use of an adhesive stamp to denote any tax imposed by this title without so effectually canceling and obliterating such stamp, except as before mentioned, is guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not exceeding $500, or be imprisoned not more than six months, or both, at the discretion of the court.~~

~~SEC. 805. That whenever the stamp required by law has not been affixed to any instrument at the proper time, any party having an interest therein and subsequently desirous of affixing such stamp to said instrument, or, if said instrument be lost, to a copy thereof, may appear before the collector of internal revenue of the proper district, who shall upon the payment of the price of the proper stamp and of a penalty of $10, and, where the whole amount of the tax denoted by the stamp required shall exceed the sum of $50, on payment also of interest, at the rate of six per centum, on said tax from the day on which such stamp ought to have been affixed, affix the proper stamp to such instrument or copy, and note upon the margin thereof the date of his so doing and the fact that such penalty has been paid; and the same shall thereupon be deemed and held to be as valid, to all intents and purposes, as if stamped when made or issued: *Provided further*, That where it shall appear to said collector, upon oath or otherwise, to his satisfaction, that any such instrument has not been duly stamped, at the time of making or issuing the same, by reason of accident, mistake, inadvertence, or urgent necessity, and without any willful design to defraud the United States of the stamp, or to evade or delay the payment thereof, then and in such case, if such instrument, or, if the original be lost, a copy thereof, duly certified by the officer having charge of any record in which such original is required to be recorded, or otherwise duly proven to the satisfaction of the collector, shall, within twelve calendar months after the making or issuing thereof, be brought to the said collector of internal revenue to be stamped, and the stamp tax chargeable thereon shall be paid, the said collector may remit the penalty aforesaid and cause such instrument to be duly stamped.~~

SEC. ~~805~~ *805.* *(a)* That the Commissioner of Internal Revenue shall cause to be prepared and distributed for the payment of the taxes prescribed in this title suitable stamps denoting the tax on the document, articles, or thing to which the same may be affixed, and shall prescribe such method for the affixing ~~and cancellation~~ of said stamps in substitution for or in addition to the method provided in this title, as he may deem expedient. ~~The Commissioner of Internal Revenue,~~

(b) The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is authorized to procure any of the stamps provided for in this title by contract whenever such stamps can not be speedily prepared by the Bureau of Engraving and Printing; but this authority shall expire on the first day of January, nineteen hundred and eighteen, except as to imprinted stamps furnished under contract, authorized by the Commissioner of Internal Revenue. ~~The adhesive stamps used in the payment of the tax levied in Schedule A of this title shall be furnished for sale by the several collectors of internal revenue, who shall sell and deliver them at their face value to all persons applying for the same, except officers or employees of the Internal Revenue Service: *Provided*, That such collectors may sell and deliver such stamps in quantities of not less than $100 of face value, with a discount of one per centum, except as otherwise provided in this title.~~

(c) All internal-revenue laws relating to the assessment and collection of taxes are hereby extended to and made a part of this title, so far as applicable, for the purpose of collecting stamp taxes omitted through mistake or fraud from any instrument, document, paper, writing, parcel, package, or article named herein.

SEC. ~~807~~ *806.* That the Commissioner of Internal Revenue shall furnish to the Postmaster General without prepayment a suitable quantity of adhesive stamps to be distributed to and kept on sale by the various postmasters in the United States. ~~Each~~ *The Postmaster General may require each* such postmaster ~~shall be held accountable under his official~~ *to give additional or increased* bond as postmaster for the value of the stamps so furnished, and *each such postmaster* shall deposit the receipts from the sale of such stamps to the credit of and render accounts to the Postmaster General at such times and in such forms as he may by regulations prescribe. The Postmaster General shall at least once monthly transfer all collections from this source to the Treasury as internal-revenue collections: ~~*Provided*, That adhesive stamps shall be sold by postmasters at their face value without discount.~~

SEC. ~~802~~ *807*. That the collectors of the several districts shall furnish without prepayment to any assistant treasurer or designated depositary of the United States located in their respective collection districts a suitable quantity of adhesive stamps for sale. In such cases the collector may require a bond, with sufficient sureties, to an amount equal to the value of the adhesive stamps so furnished, conditioned for the faithful return, whenever so required, of all quantities or amounts undisposed of, and for the payment monthly of all quantities or amounts sold or not remaining on hand. ~~The collectors shall supply their deputies with a sufficient quantity of such stamps and may sell to other parties within their respective districts who may make application therefor adhesive stamps upon the same terms allowed by law or under the regulations of the Commissioner of Internal Revenue, who is hereby authorized to make such other regulations, not inconsistent herewith, for the security of the United States and the better accommodation of the public, in relation to the matters hereinbefore mentioned, as he may judge necessary and expedient.~~ The Secretary of the Treasury may ~~also~~ from time to time make such regulations as he may find necessary to insure the safe-keeping or prevent the illegal use of all such adhesive stamps.

SCHEDULE A.—STAMP TAXES.

1. Bonds of indebtedness: Bonds, debentures, or certificates of indebtedness issued on and after the first day of ~~June~~ ————, nineteen hundred and seventeen, by any person, corporation, partnership, or association, on each $100 of face value or fraction thereof, 5 cents: *Provided*, That every renewal of the foregoing shall be taxed as a new issue: *Provided further*, That when a bond conditioned for the repayment or payment of money is given in a penal sum greater than the debt secured, the tax shall be based upon the amount secured.

~~2. Bonds, indemnity and surety: Bonds for indemnifying any person, corporation, partnership, or corporation who shall have become bound or engaged as surety, and all bonds for the due execution or performance of any contract, obligation, or requirement, or the duties of any office or position, and to account for money received by virtue thereof, and all other bonds of any description, except such as may be required in legal proceedings, not otherwise provided for in this schedule, 50 cents: *Provided*, That where a premium is charged for the execution of such bond the tax shall be paid at the rate of one per centum on each dollar or fractional part thereof of the premium charged: *Provided further*, That policies of reinsurance shall be exempt from the tax imposed by this subdivision.~~

2. Parcel-post packages: Upon every parcel or package transported from one point in the United States to another by parcel post, a tax of 1 cent for each 25 cents or fractional part thereof charged for such transportation, to be paid by the consignor.

No such parcel or package shall be transported until a stamp or stamps representing the tax due shall have been affixed thereto.

3. Capital stock, issue: On each original issue, whether on organization or reorganization, of certificates of stock by any association, company, or corporation, on each $100 of face value or fraction thereof, 5 cents: *Provided*, That where capital stock is issued without face value, the tax shall be 5 cents per share, unless the actual value is in excess of $100 per share, in which case the tax shall be 5 cents on each $100 of actual value or fraction thereof.

The stamps representing the tax imposed by this ~~paragraph~~ *subdivision* shall be attached to the stock books and not to the certificates issued.

4. Capital stock, sales or transfers: On all sales, or agreements to sell, or memoranda of sales or deliveries of, or transfers of legal title to shares or certificates of stock in any association, company, or corporation, whether made upon or shown by the books of the association, company, or corporation, or by any assignment in blank, or by any delivery, or by any paper or agreement or memorandum or other evidence of transfer or sale, whether entitling the holder in any manner to the benefit of such stock or not, on each $100 of face value or fraction thereof, 2 cents, and where such shares ~~or certificates~~ of stock are without par value, the tax shall be 2 cents on the transfer or sale or agreement to sell on each share ~~or certificate~~, unless the actual value thereof is in excess of $100 per share, in which case the tax shall be 2 cents on each $100 of actual value *or fraction thereof*: *Provided*, That it is not intended by this title to impose a tax upon an agreement evidencing a deposit of stock certificates as collateral security for money loaned thereon, which stock certificates are not actually sold, nor upon such stock certificates so deposited: *Provided further*, That the tax shall not be imposed upon deliveries or transfers to a broker for sale, nor upon deliveries or transfers by a broker to a customer for whom and upon whose order he has purchased same, but such deliveries or transfers shall be accompanied by a certificate setting forth the facts: *Provided further*, That in case of sale where the evidence of transfer is shown only by the books of the company the stamp shall be placed upon such books; and where the change of ownership is by transfer of the certificate the stamp shall be placed upon the certificate; and in cases of an agreement to sell or where the transfer is by delivery of the certificate assigned in blank there shall be made and delivered by the seller to the buyer a bill or memorandum of such sale, to which the stamp shall be affixed: and every bill or memorandum of sale or agreement to sell before mentioned shall show the date thereof, the name of the seller, the amount of the sale, and the matter or thing to which it refers. Any person or persons liable to pay the tax as herein provided, or anyone who acts in the matter as agent or broker for such person or persons who shall make any such sale, or who shall in pursuance of any such sale deliver any stock or evidence of the sale of any stock or bill or memorandum thereof, as herein required, without having the proper stamps affixed thereto with intent to evade the foregoing provisions shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not exceeding $1,000, or be imprisoned not more than six months, or both, at the discretion of the court.

5. Produce, sales of, on exchange: Upon each sale, agreement of sale, or agreement to sell, including so-called transferred or scratch sales, any products or merchandise at any exchange, or board of trade, or other similar place, for future delivery, for each $100 in value of the merchandise covered by said sale or agreement of sale or agreement to sell, 2 cents, and for each additional $100 or fractional part thereof in excess of $100, 2 cents: *Provided*, That on every sale or agreement of sale or agreement to sell as aforesaid there shall be made and delivered by the seller to the buyer a bill, memorandum, agreement, or other evidence of such sale, agreement of sale, or agreement to sell, to which there shall be affixed a lawful stamp or stamps in value equal to the amount of the tax on such sale: *Provided further. That sellers of commodities described herein, having paid the tax provided by this subdivision, may transfer such contracts to a clearing house corporation or association, and such transfer shall not be deemed to be a sale, or agreement of sale, or an agreement to sell within the provisions of this Act, provided that such transfer shall not vest any beneficial interest in such clearing house association but shall be made for the sole purpose of enabling such clearing house association to adjust and balance the accounts of the members of said clearing house association on their several contracts.* And every such bill, memorandum, or other evidence of sale or agreement to sell shall show the date thereof, the name of the seller, the amount of the sale, and the matter or thing to which it refers; and any person or persons liable to pay the tax as herein provided, or anyone who acts in the matter as agent or broker for such person or persons, who shall make any such sale or agreement of sale, or agreement to sell, or who shall, in pursuance of any such sale, agreement of sale, or agreement to sell, deliver any such products or merchandise without a bill, memorandum, or other evidence thereof as herein required, or who shall deliver such bill, memorandum, or other evidence of sale, or agreement to sell, without having the proper stamps affixed thereto, with intent to evade the foregoing provisions, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not exceeding $1,000, or be imprisoned not more than six months, or both, at the discretion of the court.

That no bill, memorandum, agreement, or other evidence of such sale, or agreement of sale, or agreement to sell, in case of cash sales of products or merchandise for immediate or prompt delivery which in good faith is *are* actually intended to be delivered shall be subject to this tax.

6. Drafts or checks payable otherwise than at sight or on demand, promissory notes, except bank notes issued for circulation, ~~and for each renewal of the same,~~ for a sum not exceeding $100, 2 cents; and for each additional $100 or fractional part thereof, 2 cents.

7. Bank check, draft, or certificate of deposit not drawing interest, or order for the payment of any sum of money, drawn upon or issued by any bank, trust company, or any person or persons, companies, or corporations at sight or on demand, if drawn or issued for any amount in excess of $5, 1 cent.

~~7~~ *8.* Conveyance: Deed, instrument, or writing, whereby any lands, tenements, or other realty sold shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, by his, her, or their direction, when the consideration or value of the interest or property conveyed, exclusive of the value of any lien or encumbrance remaining thereon at the time of sale, exceeds $100 and does not exceed $500, 50 cents; and for each additional $500 or fractional part thereof 50 cents: *Provided*, That nothing contained in this paragraph shall be so construed as to impose a tax upon any instrument or writing given to secure a debt.

~~8~~ *9.* Entry of any goods, wares or merchandise at any ~~custom-house~~ *custom-house*, either for consumption or warehousing, not exceeding $100 in value, 25 cents; exceeding $100 and not exceeding $500 in value, 50 cents; exceeding $500 in value, $1.

~~9~~ *10.* Entry for the withdrawal of any goods or merchandise from customs bonded warehouse, 50 cents.

~~10~~ *11.* Passage ticket, *one way or round trip*, for each passenger, sold or issued in the United States for passage by any vessel to a

~~foreign~~ port or place *not in the United States, Canada, or Mexico*, if costing not exceeding $30, $1; costing more than $30 and not exceeding $60, $3; costing more than $60, $5: *Provided*, That such passage tickets, costing $10 or less, shall be exempt from taxation.

~~11~~ *12*. Proxy for voting at any election for officers, or meeting for the transaction of business, of any incorporated company or association, except religious, educational, charitable, *fraternal*, or literary societies, or public cemeteries, 10 cents.

~~12~~ *13*. Power of attorney granting authority to do or perform some act for or in behalf of the grantor, which authority is not otherwise vested in the grantee, 25 cents: *Provided*, That no stamps shall be required upon any papers necessary to be used for the collection of claims from the United States or from any State for pensions, back pay, bounty, or for property lost in the military or naval service or upon power of attorney required in bankruptcy cases.

~~13~~ *14*. Playing cards: Upon every pack of playing cards containing not more than fifty-four cards, manufactured or imported, and sold, *or removed for consumption or sale*, after the ~~passage~~ *enactment* of this Act, *if manufactured or imported to sell at retail for not more than 15 cents per pack, a tax of 3 cents per pack; and if manufactured or imported to sell at retail for more than 15 cents per pack*, a tax of 8 cents per ~~pack~~ *pack*. *Such tax shall be paid* in addition to the tax imposed under existing law.

~~TITLE IX.—WAR ESTATE TAX.~~

~~SEC. 900. That in addition to the tax imposed by section two hundred and one of the Act entitled "An Act to increase the revenue, and for other purposes," approved September eighth, nineteen hundred and sixteen, as amended—~~

~~(a) A tax equal to the following percentages of its value is hereby imposed upon the transfer of each net estate of every decedent dying after the passage of this Act, the transfer of which is taxable under such section (the value of such net estate to be determined as provided in Title II of such Act of September eighth, nineteen hundred and sixteen):~~

~~One half of one per centum of the amount of such net estate not in excess of $50,000;~~

~~One per centum of the amount by which such net estate exceeds $50,000 and does not exceed $150,000;~~

~~One and one half per centum of the amount by which net estate exceeds $150,000 and does not exceed $250,000;~~

~~Two per centum of the amount by which such net estate exceeds $250,000, and does not exceed $450,000;~~

~~Two and one half per centum of the amount by which such net estate exceeds $450,000 and does not exceed $1,000,000;~~

~~Three per centum of the amount by which such net estate exceeds $1,000,000 and does not exceed $2,000,000;~~

~~Three and one half per centum of the amount by which such net estate exceeds $2,000,000 and does not exceed $3,000,000;~~

~~Four per centum of the amount by which such net estate exceeds $3,000,000 and does not exceed $4,000,000;~~

~~Four and one half per centum of the amount by which such net estate exceeds $4,000,000 and does not exceed $5,000,000;~~

~~Five per centum of the amount by which such net estate exceeds $5,000,000 and does not exceed $8,000,000;~~

~~Seven per centum of the amount by which such net estate exceeds $8,000,000 and does not exceed $11,000,000;~~

~~Ten per centum of the amount by which such net estate exceeds $11,000,000 and does not exceed $15,000,000; and~~

~~Fifteen per centum of the amount by which such net estate exceeds $15,000,000; and~~

~~(b) A tax equal to one per centum of the value of the net estate not in excess of $25,000 (such value to be determined as provided in Title II of such Act of September eighth, nineteen hundred and sixteen, except that the exemption provided in subdivision (a) of section two hundred and three of such Act shall be $25,000 instead of $50,000) is hereby imposed upon the transfer of the net estate of every resident of the United States dying after the passage of this Act.~~

~~TITLE X.—WAR CUSTOMS DUTIES AND WAR TAX ON COFFEE AND TEA.~~

~~SEC. 1000. That on and after the day following the passage of this Act there shall be levied, collected, and paid upon all articles when imported from any foreign country into the United States, or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), if such articles are now dutiable by law, a duty of ten per centum ad valorem in addition to the existing duty (whether ad valorem or specific); and if not now dutiable by law, a duty of ten per centum ad valorem. The duties imposed by this section shall be levied, collected, and paid under the provisions of existing law. This section shall not apply to (a) gold or silver bullion; (b) coins of gold, silver, copper, or other metal; (c) printing paper admitted free of duty under paragraph five hundred and sixty seven of section one of the Act entitled "An Act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October third, nineteen hundred and thirteen, as amended; (d) ores of the platinum metals, and platinum, unmanufactured or in ingots, bars, plates, sheets, wire, sponge, or scrap, and vases, retorts, and other apparatus, vessels, and parts thereof, composed of platinum for chemical uses; (e) nitrate of soda; (f) mechanical ground wood pulp, chemical wood pulp, unbleached or bleached, and rag pulp; or (g) articles specified in paragraphs three hundred and ninety seven, three hundred and ninety eight, four hundred and four, four hundred and twenty four, four hundred and twenty eight, four hundred and fifty one, four hundred and ninety nine, five hundred and fifty six, five hundred and eighty two, and six hundred and forty two; of section one, of such Act of October third, nineteen hundred and thirteen.~~

~~And this section shall not apply to the following named articles, to wit:~~

~~First. Any animal imported by a citizen of the United States, specially for breeding purposes, whether intended to be used by the importer himself or for sale for such purposes;~~

~~Second. Horses, mules, and asses straying across the boundary line into any foreign country, or driven across such boundary line by the owner for temporary pasturage purposes only, together with their offspring;~~

~~Third. Animals brought into the United States temporarily for a period not exceeding six months, for the purpose of breeding, exhibition, or competition for prizes offered by any agricultural, polo, or racing association; but a bond shall be given in accordance with regulations prescribed by the Secretary of the Treasury; also teams of animals, including their harness and tackle, and the wagons or other vehicles actually owned by persons emigrating from foreign countries to the United States with their families, and in actual use for the purpose of such emigration, under such regulations as the Secretary of the Treasury may prescribe; and wild animals intended for exhibition in zoological collections for scientific and educational purposes, and not for sale or profit;~~

~~Fourth. Books, engravings, photographs, etchings, bound or unbound, maps and charts imported by authority or for the use of the United States or for the use of the Library of Congress;~~

~~Fifth. Books, libraries, usual and reasonable furniture, and similar household effects of persons or families from foreign countries, all the foregoing if actually used abroad by them not less than one year, and not intended for any other person or persons, nor for sale;~~

~~Sixth. Newspapers and periodicals; but the term "periodicals" as herein used shall be understood to embrace only unbound or paper covered publications issued within six months of the time of entry, devoted to current literature of the day, or containing current literature as a predominant feature, and issued regularly at stated periods, as weekly, monthly, or quarterly, and bearing the date of issue;~~

~~Seventh. Articles the growth, produce, or manufacture of the United States, when returned after having been exported, without having been advanced in value or improved in condition by any process of manufacture or other means; steel boxes, casks, barrels, carboys, bags, and other containers or coverings of American manufacture exported filled with American products, or exported empty and returned filled with foreign products, including shooks and staves when returned as barrels or boxes; also quicksilver flasks or bottles, iron or steel drums of either domestic or foreign manufacture, used for the shipment of acids, or other chemicals, which shall have been actually exported from the United States; but proof of the identity of such articles shall be made, under general regulations to be prescribed by the Secretary of the Treasury, but the exemption of bags from duty shall apply only to such domestic bags as may be imported by the exporter thereof, and if any such articles are subject to internal revenue tax at the time of exportation, such tax shall be proved to have been paid before exportation and not refunded; photographic dry plates or films of American manufacture (except moving picture films), exposed abroad, whether developed or not, and films from moving picture machines, light struck or otherwise damaged, or worn out, so as to be unsuitable for any other purpose than the recovery of the constituent materials, provided the basic films are of American manufacture, but proof of the identity of such articles shall be made under general regulations to be prescribed by the Secretary of the Treasury; articles exported from the United States for repairs;~~

~~Eighth. Professional books, implements, instruments, and tools of trade, occupation, or employment in the actual possession of persons emigrating to the United States owned and used by them abroad; but this exemption shall not be construed to include machinery or other articles imported for use in any manufacturing establishment, or for any other person or persons, or for sale, nor shall it be construed to include theatrical scenery, properties, and apparel; but such articles brought by proprietors or managers of theatrical exhibitions arriving from abroad, for temporary use by them in such exhibitions, and not for any other person, and not for sale, and which have been used by them abroad, shall be admitted~~

~~free of duty under such regulations as the Secretary of the Treasury may prescribe; but bonds shall be given for the payment to the United States of such duties as may be imposed by law upon any and all such articles as shall not be exported within six months after such importation: *Provided*, That the Secretary of the Treasury may, in his discretion, extend such period for a further term of six months in case application shall be made therefor.~~

~~SEC. 1001. That upon all coffee or tea which on the day this Act is passed is held by a retailer (who does not sell coffee or tea at wholesale) in a quantity in excess of fifty pounds in the case of tea and two hundred pounds in the case of coffee, or by any other person, corporation, partnership, or association in any quantity, and which is intended for sale, there shall be levied, assessed, collected, and paid a tax of 1 cent per pound in the case of coffee and of 2 cents per pound in the case of tea.~~

~~Such tax shall be assessed, collected, and paid in the same manner as provided in section eleven hundred and two in the case of additional taxes upon articles upon which the tax imposed by existing law has been paid~~

TITLE IX.—WAR EXCISE TAX ON COFFEE, TEA, COCOA, AND SUGAR.

SEC. 900. That there shall be levied, assessed, collected, and paid—

(a) Upon all coffee or substitutes therefor produced or imported, and sold, or removed for consumption or sale, a tax of 2 cents per pound, to be paid by the producer or importer;

(b) Upon all tea produced or imported, and sold, or removed for consumption or sale (except impure tea, tea waste, tea siftings or sweepings, for manufacturing purposes in bond, pursuant to the provisions of the Act of May sixteenth, nineteen hundred and eight), a tax of 5 cents per pound, to be paid by the producer or importer;

(c) Upon all crude cocoa produced or imported, and sold, or removed for consumption or sale, a tax of 3 cents per pound, and upon all prepared or manufactured cocoa and chocolate imported and sold, or removed for consumption or sale, a tax of 5 cents per pound, such taxes to be paid by the producer or importer;

(d) Upon (1) all refined sugar refined or imported, and sold, or removed for consumption or sale, and (2) all sugar manufactured or imported, if suitable for consumption as an article of human food without further refining, and sold, or removed for consumption or sale, a tax of one-half cent per pound, to be paid by the refiner, manufacturer, or importer.

(e) Upon all saccharine or similar products, glucose, grape sugar, sirup of cane juice, and molasses, produced or imported, and sold, or removed for consumption or sale, a tax of $2.50 per pound in the case of saccharine or similar products, one-fourth of a cent per pound in the case of glucose and grape sugar, 1 cent per gallon in the case of molasses (except beet molasses) and sirup of cane juice, testing by polariscope above forty degrees and not above fifty-six degrees, and 2 cents per gallon in the case of molasses and sirup of cane juice testing above fifty-six degrees, such taxes to be paid by the producer or importer.

Only one tax under this section shall be paid with respect to any article, irrespective of change of form by manufacture or other process.

SEC. 901. That each such manufacturer, producer, refiner, or importer shall make monthly returns under oath to the collector of internal revenue for the district in which is located the principal place of business containing such information necessary for the assessment of the tax, and at such times and in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulation prescribe.

Upon the removal from the custody of customs officials of articles subject to a tax imposed by section nine hundred, the tax shall be collected by the collector of customs and deposited as internal-revenue collections under such rules and regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe.

SEC. 902. That so much of paragraph O of section IV of the Act entitled "An Act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October third, nineteen hundred and thirteen, as authorizes a drawback upon sugar is hereby repealed.

TITLE ~~XI~~ *X*.—ADMINISTRATIVE PROVISIONS.

SEC. ~~1100~~ *1000*. That there shall be levied, collected, and paid in the United States, upon articles coming into the United States from the West Indian Islands acquired from Denmark, a tax equal to the internal-revenue tax imposed in the United States upon like articles of domestic manufacture; such articles shipped from said islands to the United States shall be exempt from the payment of any tax imposed by the internal-revenue laws of said islands: *Provided*, That there shall be levied, collected, and paid in said islands, upon articles imported from the United States, a tax equal to the internal-revenue tax imposed in said islands upon like articles there manufactured; and such articles going into said islands from the United States shall be exempt from payment of any tax imposed by the internal-revenue laws of the United States.

SEC. ~~1101~~ *1001*. That all administrative, special, or stamp provisions of law, including the law relating to the assessment of taxes, so far as applicable, are hereby extended to and made a part of this Act, and every person, corporation, partnership, or association liable to any tax imposed by this Act, or for the collection thereof, shall keep such records and render, under oath, such statements and returns, and shall comply with such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may from time to time prescribe.

SEC. ~~1102~~ *1002*. That where additional taxes are imposed by this Act upon articles or commodities, upon which the tax imposed by existing law has been paid, the person, corporation, partnership, or association required by this Act to pay the tax shall, *within thirty days after its enactment*, make return under oath in such form and under such regulations as the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury shall prescribe. ~~The tax shown to be due by such return shall be collected by assessment, and paid on or before November first, nineteen hundred and seventeen.~~ *Payment of the tax shown to be due may be extended to a date not exceeding four months from the enactment of this Act, upon the filing of a bond for payment in such form and amount and with such sureties as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe.*

SEC. ~~1103~~ *1003*. ~~In~~ *That in* all cases where the method of collecting the tax imposed by this Act is not specifically provided, the tax shall be collected in such manner as the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury may prescribe. All administrative and penalty provisions of Title VIII of this Act, in so far as applicable, shall apply to the collection of any tax which the Commissioner of Internal Revenue determines or prescribes shall be paid by stamp.

SEC. ~~1104~~ *1004*. That whoever fails to make any return required by this Act or the regulations made under authority thereof within the time prescribed or who makes any false or fraudulent return, and whoever evades or attempts to evade any tax imposed by this Act or fails to collect or truly to account for and pay over any such tax, shall be subject to a penalty of not more than $1,000, or to imprisonment for not more than one year, or both, at the discretion of the court, and in addition thereto a penalty of double the tax evaded, or not collected, or accounted for and paid over, to be assessed and collected in the same manner as taxes are assessed and collected, in any case in which the punishment is not otherwise specifically provided.

SEC. ~~1105~~ *1005*. That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is hereby authorized to make all needful rules and regulations for the enforcement of the provisions of this Act.

SEC. ~~1106~~ *1006*. That where the rate of tax imposed by this Act, payable by stamps, is an increase over previously existing rates, stamps on hand in the collectors' offices and in the Bureau of Internal Revenue may continue to be used until the supply on hand is exhausted, but shall be sold and accounted for at the rates provided by this Act, and assessment shall be made against manufacturers and other taxpayers having such stamps on hand on the day this Act takes effect for the difference between the amount paid for such stamps and the tax due at the rates provided by this Act.

SEC. ~~1107~~ *1007*. That (a) if any person, corporation, partnership, or association has prior to May ninth, nineteen hundred and seventeen, made a bona fide contract with a dealer for the sale, after the tax takes effect, of any article ~~(or, in the case of moving picture films, such a contract with a dealer, exchange, or exhibitor, for the sale or lease thereof)~~ upon which a tax is imposed under Title III, IV, VI, or ~~X~~ *IX*, or under subdivision ~~thirteen~~ *fourteen* of Schedule A of Title VIII, or under this section, and (b) if such contract does not permit the adding of the whole of such tax to the amount to be paid under such contract, then the vendee ~~or lessee~~ shall, in lieu of the vendor ~~or lessor,~~ pay so much of such tax as is not so permitted to be added to the contract price.

The taxes payable by the vendee ~~or lessee~~ under this section shall be paid to the vendor ~~or lessor~~ at the time the sale ~~or lease~~ is consummated, and collected, returned, and paid to the United States by such vendor ~~or lessor~~ in the same manner as provided in section five hundred and three.

The term "dealer" as used in this section includes a vendee who purchases any article with intent to use it in the manufacture or production of another article intended for sale.

SEC. ~~1108~~ *1008*. That in the payment of any tax under this Act *not payable by stamp* a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

SEC. 1009. That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may, under regulations prescribed by him with the approval of the Secretary of the Treasury, require all internal-revenue taxpayers, who are required by law to render returns, to pay without prior levy, assessment, or notice, and at the same time

as the return is required to be made, any such internal-revenue tax, any provision of law fixing any other time as the time when such tax is due to the contrary notwithstanding. All penalties provided by existing law for failure to render return and pay tax when due are hereby made applicable to any failure to pay the tax at the time required by such regulations.

SEC. 1010. That collectors of internal revenue are authorized to receive uncertified checks in payment of income and excess profits taxes, during such time and under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe; but if a check so received is not paid by the bank on which it is drawn the person by whom such check has been tendered shall remain liable for the payment of the tax and for all legal penalties and additions the same as if such check had not been tendered.

TITLE ~~XII~~ *XI.*—POSTAL RATES *AND WAR TAX ON PROFITS OF PUBLICATIONS.*

SEC. ~~1200~~ *1100.* That *on and after thirty days after the enactment of this Act* the rate of postage on all mail matter of the first class, except postal cards *and private mailing or post cards*, shall ~~ten days after the passage of this Act~~ be, in addition to the existing rate, 1 cent for each ounce or fraction thereof: *Provided*, That the rate of postage on drop letters of the first class shall be ~~2 cents an ounce or fraction thereof. Postal cards, and private mailing or post cards when complying with the requirements of existing law, shall be transmitted through the mails at 1 cent each in addition to the existing rate~~ *the same as under existing law.*

~~SEC. 1201. That on and after July first, nineteen hundred and seventeen, the zone system applicable to parcel post shall apply to mail matter of the second class, and (a) from that date until November first, nineteen hundred and seventeen, the rate of postage shall be as follows, except as hereinafter provided: 1½ cents a pound or fraction thereof when for delivery within the first zone, 1½ cents a pound or fraction thereof when for delivery within the second or third zone, 1½ cents a pound or fraction thereof when for delivery within the fourth or fifth zones, 2 cents a pound or fraction thereof when for delivery within the sixth zone, 2½ cents a pound or fraction thereof when for delivery within the seventh zone, and 2½ cents a pound or fraction thereof when for delivery within the eighth zone, and (b) from November first, nineteen hundred and seventeen, until March first, nineteen hundred and eighteen, the rate of postage shall be as follows, except as hereinafter provided: 1½ cents a pound or fraction thereof when for delivery within the first zone, 1½ cents a pound or fraction thereof when for delivery within the second or third zone, 2½ cents a pound or fraction thereof when for delivery within the fourth or fifth zone, 3 cents a pound or fraction thereof when for delivery within the sixth zone, 3½ cents a pound or fraction thereof when for delivery within the seventh zone, and 4½ cents a pound or fraction thereof when for delivery within the eighth zone, and (c) after March first, nineteen hundred and eighteen, the rate of postage shall be as follows, except as hereinafter provided: 1½ cents a pound or fraction thereof when for delivery within the first zone, 2 cents a pound or fraction thereof when for delivery within the second or third zone, 3 cents a pound or fraction thereof, when for delivery within the fourth or fifth zone, 4 cents a pound or fraction thereof when for delivery within the sixth zone, 5 cents a pound or fraction thereof when for delivery within the seventh zone, and 6 cents a pound or fraction thereof when for delivery within the eighth zone.~~

SEC. 1101. That on and after thirty days after the enactment of this Act the rate of postage on all mail matter of the second class shall be, in addition to the existing rate, one-fourth of a cent per pound or fraction thereof.

SEC. ~~1202~~ *1102.* That the rate of postage on daily newspapers, when the same are deposited in a letter-carrier office for delivery by its carriers, shall be the same as now provided by law, and nothing in this title shall affect existing law as to free circulation and existing rates on second-class mail matter within the county of publication: ~~*Provided*, That the Postmaster General may hereafter require publishers to separate or make up to zones in such a manner as he may direct all mail matter of the second class when offered for mailing.~~

~~SEC. 1203. That in the case of newspapers and periodicals entitled to be entered as second-class matter and maintained by and in the interest of religious, educational, scientific, philanthropic, agricultural, labor, or fraternal organizations or associations, not organized for profit and none of the net income of which inures to the benefit of any private stockholder or individual, the second-class postage rates shall be, irrespective of the zone in which delivered (except when the same are deposited in a letter-carrier office for delivery by its carriers, in which case the rates shall be the same as now provided by law), 1½ cents a pound or fraction thereof from July first, nineteen hundred and seventeen, until March first, nineteen hundred and eighteen, and thereafter 1½ cents a pound or fraction thereof. The publishers of such newspapers and periodicals before being entitled to the foregoing rates shall furnish to the Postmaster General, at such times and under such conditions as he may prescribe, satisfactory evidence that none of the net income of such organization inures to the benefit of any private stockholder or individual.~~

~~SEC. 1204. That where the total weight of any one edition or issue of any publication mailed to any one zone does not exceed one pound, the rate of postage shall be 1 cent for each eight ounces or fraction thereof.~~

~~SEC. 1205. The rates provided by this title shall relate to the entire bulk mailed to any one zone and not to individually addressed packages.~~

SEC. ~~1206~~ *1103.* That where a newspaper or periodical is mailed by other than the publisher or his agent or a news agent or dealer, the rate shall be the same as now provided by law.

SEC. ~~1207~~ *1104.* That the Postmaster General, on or before the tenth day of each month, shall pay into the general fund of the Treasury an amount equal to the difference between the estimated amount received during the preceding month for the transportation of first and second class matter through the mails and the estimated amount which would have been received under the provisions of the law in force at the time of the passage *enactment* of this Act.

SEC. ~~1208~~ *1105.* That the salaries of postmasters at offices of the first, second, and third classes shall not be increased after July ——— first, nineteen hundred and seventeen, during the existence of the present war. The compensation of postmasters at offices of the fourth class shall continue to be computed on the basis of the present rates of postage, unless compensation be less than that received during the fiscal year ending June thirtieth, nineteen hundred and seventeen, in which case such compensation shall be computed upon the basis of the rates of postage provided for in this Act, but in no case shall the compensation so computed be greater than that received during such fiscal year.

SEC. 1106. That in addition to the taxes under existing law and under this Act there shall be levied, assessed, collected, and paid, for the calendar year nineteen hundred and seventeen and each calendar year thereafter, upon the net income of every individual, corporation, partnership, or association arising from the publication of newspapers, magazines, or periodicals, entitled to be entered as second-class mail matter (whether or not so entered), a tax of five per centum of the amount of such net income in excess of $4,000.

For the purposes of this section net income shall be determined upon the same basis and in the same manner as provided in Title I of the Act entitled "An Act to increase the revenue, and for other purposes," approved September eighth, nineteen hundred and sixteen, in so far as such title is applicable. The provisions of section four of this Act with respect to a tax for a fiscal year ending during the calendar year nineteen hundred and seventeen shall also apply to the tax imposed by this section upon a corporation or partnership.

TITLE XII.—INCOME TAX AMENDMENTS.

SEC. 1200. That subdivision (a) of section two of such Act of September eighth, nineteen hundred and sixteen, is hereby amended to read as follows:

"(a) That, subject only to such exemptions and deductions as are hereinafter allowed, the net income of a taxable person shall include gains, profits, and income, derived from salaries, wages, or compensation for personal service of whatever kind and in whatever form paid, or from professions, vocations, businesses, trade, commerce, or sales, or dealings in property, whether real or personal, growing out of the ownership or use of or interest in real or personal property, also from interest, rent, dividends, securities, or the transaction of any business carried on for gain or profit, or gains or profits and income derived from any source whatever: Provided, That the term "dividends" as used in this title shall be held to mean any distribution made or ordered to be made by a corporation, joint-stock company, association, or insurance company, out of its earnings or profits accrued since March first, nineteen hundred and thirteen, and payable to its shareholders, whether in cash or in stock of the corporation, joint-stock company, association, or insurance company, which stock dividend shall be considered income, to the amount of the earnings or profits so distributed: Provided further, That dividends declared and paid in the year nineteen hundred and seventeen, or subsequent tax years, shall be deemed to have been paid from the net income of the year in which paid or from the most recently accumulated surplus, and shall constitute a part of the annual income of the shareholder for the respective years in which earned by the corporation, joint-stock company, association, or insurance company, and shall be taxed to the shareholder at the rate prescribed by law for such years."

SEC. 1201. (1) That paragraphs second and third of subdivision (a) of section five of such Act of September eighth, nineteen hundred and sixteen, are hereby amended to read as follows:

"Second. All interest paid within the year on his indebtedness except on indebtedness incurred for the purchase of obligations or securities the interest upon which is exempt from taxation as income under this title;

"Third. Taxes paid within the year imposed by the authority of the United States (except income and excess profits taxes) or of its Territories, or possessions, or any foreign country, or by the authority of any

State, county, school district, or municipality, or other taxing subdivision of any State, not including those assessed against local benefits;"

(2) Subdivision (c) of section five of such Act of September eighth, nineteen hundred and sixteen, is hereby repealed.

SEC. 1202. That (1) paragraphs second and third of subdivision (a) of section six of such Act of September eighth, nineteen hundred and sixteen, are hereby amended to read as follows:

"Second. The proportion of all interest paid within the year by such person on his indebtedness (except on indebtedness incurred for the purchase of obligations or securities the interest upon which is exempt from taxation as income under this title) which the gross amount of his income for the year derived from sources within the United States bears to the gross amount of his income for the year derived from all sources within and without the United States, but this deduction shall be allowed only if such person includes in the return required by section eight all the information necessary for its calculation;

"Third. Taxes paid within the year imposed by the authority of the United States (except income and excess profits taxes), or of its Territories, or possessions, or by the authority of any State, county, school district, or municipality, or other taxing subdivision of any State, paid within the United States, not including those assessed against local benefits;"

(2) Subdivision (b) of section six of such Act of September eighth, nineteen hundred and sixteen, is hereby amended to read as follows:

"(b) There shall also be allowed the same credit as specified in subdivision (b) of section five, and likewise a credit for the amount of income, the normal tax on which has been paid or withheld for payment at the source of the income under the provisions of this title."

(3) Section six of such Act of September eighth, nineteen hundred and sixteen, is also further amended by adding a new subdivision to read as follows:

"(c) A nonresident alien individual shall receive the benefit of the deductions and credits provided for in this section only by filing or causing to be filed with the collector of internal revenue a true and accurate return of his total income, received from all sources, corporate or otherwise, in the United States, in the manner prescribed by this title; and in case of his failure to file such return the collector shall collect the tax on such income, and all property belonging to such nonresident alien individual shall be liable to distraint for the tax."

SEC. 1203. (1) That section seven of such Act of September eighth, nineteen hundred and sixteen, is hereby amended to read as follows:

"SEC. 7. That for the purpose of the normal tax only, there shall be allowed as an exemption in the nature of a deduction from the amount of the net income of each citizen or resident of the United States, ascertained as provided herein, the sum of $3,000, plus $1,000 additional if the person making the return be a head of a family or a married man with a wife living with him, or plus the sum of $1,000 additional if the person making the return be a married woman with a husband living with her; but in no event shall this additional exemption of $1,000 be deducted by both a husband and a wife: Provided, That only one deduction of $4,000 shall be made from the aggregate income of both husband and wife when living together: Provided further, That if the person making the return is the head of a family there shall be an additional exemption of $200 for each child dependent upon such person, if under eighteen years of age, or if incapable of self-support because mentally or physically defective, but this provision shall operate only in the case of one parent in the same family: Provided further, That guardians or trustees shall be allowed to make this personal exemption as to income derived from the property of which such guardian or trustee has charge in favor of each ward or cestui que trust: Provided further, That in no event shall a ward or cestui que trust be allowed a greater personal exemption than $3,000, or, if married, $4,000, as provided in this section, from the amount of net income received from all sources. There shall also be allowed an exemption from the amount of the net income of estates of deceased citizens or residents of the United States during the period of administration or settlement, and of trust or other estates of citizens or residents of the United States the income of which is not distributed annually or regularly under the provisions of subdivision (b) of section two, the sum of $3,000, including such deductions as are allowed under section five."

(1) Subdivision (b) of section seven of such Act of September eighth, nineteen hundred and sixteen, is hereby repealed.

SEC. 1204. (1) That subdivisions (c) and (e) of section eight of such Act of September eighth, nineteen hundred and sixteen, are hereby amended to read as follows:

"(c) Guardians, trustees, executors, administrators, receivers, conservators, and all persons, corporations, or associations, acting in any fiduciary capacity, shall make and render a return of the income of the person, trust, or estate for whom or which they act, and be subject to all the provisions of this title which apply to individuals. Such fiduciary shall make oath that he has sufficient knowledgee of the affairs of such person, trust, or estate to enable him to make such return and that the same is, to the best of his knowledge and belief, true and correct, and be subject to all the provisions of this title which apply to individuals: Provided, That a return made by one of two or more joint fiduciaries filed in the district where such fiduciary resides, under such regulations as the Secretary of the Treasury may prescribe, shall be a sufficient compliance with the requirements of this paragraph: Provided further, That no return of income not exceeding $3,000 shall be required except as in this title otherwise provided.

"(e) Persons carrying on business in partnership shall be liable for income tax only in their individual capacity, and the share of the profits of the partnership to which any taxable partner would be entitled if the same were divided, whether divided or otherwise, shall be returned for taxation and the tax paid under the provisions of this title: Provided, That from the net distributive interests on which the individual members shall be liable for tax, normal and additional, there shall be excluded their proportionate shares received from interest on the obligations of a State or any political or taxing subdivision thereof, and upon the obligations of the United States and its possessions, and that for the purpose of computing the normal tax there shall be allowed a credit, as provided by section five, subdivision (b), for their proportionate share of the profits derived from dividends. Such partnership, when requested by the Commissioner of Internal Revenue or any district collector, shall render a correct return of the earnings, profits, and income of the partnership, except income exempt under section four of this Act, setting forth the item of the gross income and the deductions and credits allowed by this title, and the names and addresses of the individuals who would be entitled to the net earnings, profits, and income, if distributed. A partnership shall have the same privilege of fixing and making returns upon the basis of its own fiscal year as is accorded to corporations under this title. The share of the profits of a partnership to which any taxable partner would be entitled for a fiscal year ending in nineteen hundred and sixteen, or subsequent tax years for which the rates of tax have been or shall be changed by law, shall be returned for taxation and the tax paid under the respective rates applicable to each calendar year in the proportion that the period of each calendar year bears to the full fiscal year."

(2) Subdivision (d) of section eight of such Act of September eighth, nineteen hundred and sixteen, is hereby repealed.

SEC. 1205. (1) That subdivisions (b), (f), and (g) of section nine of such Act of September eighth, nineteen hundred and sixteen, are hereby amended to read as follows:

"(b) All persons, corporations, partnerships, associations, and insurance companies, in whatever capacity acting, including lessees or mortgagors of real or personal property, trustees acting in any trust capacity, executors, administrators, receivers, conservators, employers, and all officers and employees of the United States, having the control, receipt, custody, disposal, or payment of interest, rent, salaries, wages, premiums, annuities, compensation, remuneration, emoluments, or other fixed or determinable annual or periodical gains, profits, and income of any nonresident alien individual, other than income derived from dividends on capital stock, or from the net earnings of a corporation, joint-stock company or association, or insurance company, which is taxable upon its net income as provided in this title, are hereby authorized and required to deduct and withhold from such annual or periodical gains, profits, and income such sum as will be sufficient to pay the normal tax imposed thereon by this title, and shall pay the amount withheld to the officer of the United States Government authorized to receive the same; and they are each hereby made personally liable for such tax, and they are each hereby indemnified against every person, corporation, partnership, association, or insurance company, or demand whatsoever for all payments which they shall make in pursuance and by virtue of this title.

"(f) All persons, corporations, partnerships, or associations, undertaking as a matter of business or for profit the collection of foreign payments of interest or dividends by means of coupons, checks, or bills of exchange shall obtain a license from the Commissioner of Internal Revenue, and shall be subject to such regulations enabling the Government to obtain the information required under this title, as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe; and whoever knowingly undertakes to collect such payments as aforesaid without having obtained a license therefor, or without complying with such regulations, shall be deemed guilty of a misdemeanor and for each offense be fined in a sum not exceeding $5,000, or imprisoned for a term not exceeding one year, or both, in the discretion of the court.

"(g) The tax herein imposed upon gains, profits, and incomes not falling under the foregoing and not returned and paid by virtue of the foregoing or as otherwise provided by law shall be assessed by personal return under rules and regulations to be prescribed by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury. The intent and purpose of this title is that all gains, profits, and income of a taxable class, as defined by this title, shall be charged and assessed with the corresponding tax, normal and additional, prescribed by this title, and said tax shall be paid by the owner of such income, or the proper representative having the receipt, custody, control, or disposal of the same. For the purpose of this title ownership or liability shall be determined as of the year for which a return is required to be rendered.

The provisions of this section relating to the deduction and payment of the tax at the source of income shall only apply to the normal tax hereinbefore imposed upon nonresident alien individuals."

(2) Subdivisions (c), (d), and (e) of section nine of such Act of September eighth, nineteen hundred and sixteen, are hereby repealed.

SEC. 1206. (1) That the first paragraph of section ten of such Act of September eighth, nineteen hundred and sixteen, is hereby amended to read as follows:

"SEC. 10. (a) That there shall be levied, assessed, collected, and paid annually upon the total net income received in the preceding calendar year from all sources by every corporation, joint-stock company or association, or insurance company, organized in the United States, no matter how created or organized, but not including partnerships, a tax of two per centum upon such income; and a like tax shall be levied, assessed, collected, and paid annually upon the total net income received in the preceding calendar year from all sources within the United States by every corporation, joint-stock company or association, or insurance company, organized, authorized, or existing under the laws of any foreign country, including interest on bonds, notes, or other interest-bearing obligations of residents, corporate or otherwise, and including the income derived from dividends on capital stock or from net earnings of resident corporations, joint-stock companies or associations, or insurance companies, Whose net income is taxable under this title: Provided, That the term 'dividends' as used in this title shall be held to mean any distribution made or ordered to be made by a corporation, joint-stock company, association, or insurance company, out of its earnings or profits accrued since March first, nineteen hundred and thirteen, and payable to its shareholders, Whether in cash or in stock of the corporation, joint-stock company, association, or insurance company, Which stock dividend shall be considered income, to the amount of the earnings or profits so distributed: Provided further, That dividends declared and paid in the year nineteen hundred and seventeen, or subsequent tax years, shall be deemed to have been paid from the net income of the year in which paid or from the most recently accumulated surplus, and shall constitute a part of the annual income of the shareholder for the respective years in which earned by the corporation, joint-stock company, association, or insurance company, and shall be taxed to the shareholder at the rate prescribed by law for such years."

(2) Section ten of such Act of September eighth, nineteen hundred and sixteen, is hereby further amended by adding a new subdivision as follows:

"(b) In addition to the income tax imposed by subdivision (a) of this section there shall be levied, assessed, collected, and paid annually an additional tax of fifteen per centum upon the amount, remaining undistributed sixty days after the end of each calendar or fiscal year, of the total net income of every corporation, joint-stock company or association, or insurance company, received during the year, as determined for the purposes of the tax imposed by such subdivision (a), but including the amount allowed as a credit under subdivision (d) of section twelve."

The tax imposed by this subdivision shall not apply to—

(1) That portion of the undistributed profits used for the establishment or maintenance of reserves required by law, or

(2) That portion of the undistributed profits of railroads used, with the express approval of the Interstate Commerce Commission, or, if not subject to the jurisdiction of such commission, with the express approval of the State or local authorities having jurisdiction over such expenditure, for extensions, renewals, or betterments, or

(3) An amount of the undistributed profits equal to twenty per centum of such net income of corporations, or joint-stock companies or associations (not including railroads), directly engaged in the production or distribution of commodities or in banking, but only while and to the extent that such exempted amount is derived from such activities, and so employed: Provided, That if any portion of such exempted amount at any time ceases to be so employed and is not distributed, a tax shall be levied, assessed, collected, and paid in respect thereto at the same rate as would have been imposed if such amount had not been so employed during the year in which earned: Provided further, That not more than one of the exemptions in clauses (1), (2), and (3) of this subdivision shall be allowed to the same taxpayer.

The foregoing tax rate shall apply to the undistributed net income received by every taxable corporation, joint-stock company or association, or insurance company in the calendar year nineteen hundred and seventeen and in each year thereafter, except that if it has fixed its own fiscal year under the provisions of existing law, the foregoing rate shall apply to the proportion of the taxable undistributed net income returned for the fiscal year ending prior to December thirty-first, nineteen hundred and seventeen, which the period between January first, nineteen hundred and seventeen, and the end of such fiscal year bears to the whole of such fiscal year.

SEC. 1207. (1) That paragraphs third and fourth of subdivision (a) of section twelve of such act of September eighth, nineteen hundred and sixteen, are hereby amended to read as follows:

"Third. The amount of interest paid within the year on its indebtedness (except on indebtedness incurred for the purchase of obligations or securities the interest upon which is exempt from taxation as income under this title) to an amount of such indebtedness not in excess of the sum of (a) the entire amount of the paid-up capital stock outstanding at the close of the year, or, if no capital stock, the entire amount of capital employed in the business at the close of the year, and (b) one-half of its interest-bearing indebtedness then outstanding: Provided, That for the purpose of this title preferred capital stock shall not be considered interest-bearing indebtedness, and interest or dividends paid upon this stock shall not be deductible from gross income: Provided further, That in cases wherein shares of capital stock are issued without par or nominal value, the amount of paid-up capital stock, within the meaning of this section, as represented by such shares, will be the amount of cash, or its equivalent, paid or transferred to the corporation as a consideration for such shares: Provided further, That in the case of indebtedness wholly secured by property collateral, tangible or intangible, the subject of sale or hypothecation in the ordinary business of such corporation, joint-stock company or association as a dealer only in the property constituting such collateral, or in loaning the funds thereby procured, the total interest paid by such corporation, company, or association within the year on any such indebtedness may be deducted as a part of its expenses of doing business, but interest on such indebtedness shall only be deductible on an amount of such indebtedness not in excess of the actual value of such property collateral: Provided further, That in the case of bonds or other indebtedness, which have been issued with a guaranty that the interest payable thereon shall be free from taxation, no deduction for the payment of the tax herein imposed, or any other tax paid pursuant to such guaranty, shall be allowed; and in the case of a bank, banking association, loan or trust company, interest paid within the year on deposits or on moneys received for investment and secured by interest-bearing certificates of indebtedness issued by such bank, banking association, loan or trust company;

"Fourth. Taxes paid within the year imposed by the authority of the United States (except income and excess-profits taxes), or of its Territories, or possessions, or any foreign country, or by the authority of any State, county, school district, or municipality, or other taxing subdivision of any State, not including those assessed against local benefits."

(2) Paragraphs third and fourth of subdivision (b) of section twelve of such Act of September eighth, nineteen hundred and sixteen, are hereby amended to read as follows:

"Third. The amount of interest paid within the year on its indebtedness (except on indebtedness incurred for the purchase of obligations or securities the interest upon which is exempt from taxation as income under this title) to an amount of such indebtedness not in excess of the proportion of the sum of (a) the entire amount of the paid-up capital stock outstanding at the close of the year, or, if no capital stock, the entire amount of the capital employed in the business at the close of the year, and (b) one-half of its interest-bearing indebtedness then outstanding, which the gross amount of its income for the year from business transacted and capital invested within the United States bears to the gross amount of its income derived from all sources within and without the United States: Provided, That in the case of bonds or other indebtedness which have been issued with a guaranty that the interest payable thereon shall be free from taxation, no deduction for the payment of the tax herein imposed or any other tax paid pursuant to such guaranty shall be allowed; and in case of a bank, banking association, loan or trust company, or branch thereof, interest paid within the year on deposits by or on moneys received for investment from either citizens or residents of the United States and secured by interest-bearing certificates of indebtedness issued by such bank, banking association, loan or trust company, or branch thereof;

"Fourth. Taxes paid within the year imposed by the authority of the United States (except income and excess-profits taxes), or of its Territories, or possessions, or by the authority of any State, county, school district, or municipality, or other taxing subdivision of any State, paid within the United States, not including those assessed against local benefits."

(3) Section twelve of such Act of September eighth, nineteen hundred and sixteen, is hereby further amended by adding a new subdivision as follows:

"CREDITS.

(d) For the purpose of the tax imposed by subdivision (a) of section ten, the income embraced in a return of a corporation, joint-stock company or association, or insurance company shall be credited with the amount received as dividends upon the stock or from the net earnings of any other corporation, joint-stock company or association, or insurance company, which is taxable upon its net income as provided in this title, less that proportion of such amount which the amount received by the distributing corporation, joint-stock company or association or insurance company from similar sources bears to the entire net income of such distributing corporation, joint-stock company or association, or insurance company."

SEC. 1208. (1) That subdivision (c) of section thirteen of such Act of September eighth, nineteen hundred and sixteen, is hereby amended to read as follows:

"(c) All the provisions of this title relating to the tax authorized and required to be deducted and withheld and paid to the officer of the United States Government authorized to receive the same from the income of nonresident alien individuals from sources within the United States shall be made applicable to the tax imposed by subdivision (a) of section ten upon incomes derived from interest upon bonds and mortgages or deeds of trust or similar obligations of domestic or other resident corporations, joint-stock companies or associations, and insurance companies by nonresident alien firms, copartnerships, companies, corporations, joint-stock companies or associations, and insurance companies, not

engaged in business or trade within the United States and not having any office or place of business therein."

(2) Subdivision (f) of section thirteen of such Act of September eighth, nineteen hundred and sixteen is hereby repealed.

SEC. 1209. That section eighteen of such Act of September eighth, nineteen hundred and sixteen is hereby amended to read as follows:

"SEC. 18. That any person, corporation, partnership, association, or insurance company, liable to make a return or to supply information required under this title, who refuses or neglects to make such return or to supply such information at the time or times herein specified in each year, shall be liable, except as otherwise specially provided in this title, to a penalty of not less than $20 nor more than $1,000. Any individual or any officer of any corporation, partnership, association, or insurance company, required by law to make, render, sign, or verify any return or to supply any information, who makes any false or fraudulent return or statement with intent to defeat or evade the assessment required by this title to be made, shall be guilty of a misdemeanor, and shall be fined not exceeding $2,000 or be imprisoned not exceeding one year, or both, in the discretion of the court, with the costs of prosecution: Provided, That where any tax heretofore due and payable has been duly paid by the taxpayer, it shall not be re-collected from any withholding agent required to retain it at its source, nor shall any penalty be imposed or collected in such cases from the taxpayer, or such withholding agent whose duty it was to retain it, for failure to return or pay the same, unless such failure was fraudulent and for the purpose of evading payment."

SEC. 1210. That section twenty-six of such Act of September eighth, nineteen hundred and sixteen, as amended by the Act entitled "An Act to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes," approved March third, nineteen hundred and seventeen, is hereby amended to read as follows:

"SEC. 26. Every corporation, joint-stock company or association, or insurance company subject to the tax herein imposed, when required by the Commissioner of Internal Revenue, shall render a correct return, duly verified under oath, of its payments of dividends, whether made in cash or its equivalent or in stock, including the names and addresses of stockholders and the number of shares owned by each, and the tax years and the applicable amounts in which such dividends were earned, in such form and manner as may be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury."

SEC. 1211. That Title I of such Act of September eighth, nineteen hundred and sixteen, is hereby amended by adding to Part III five new sections, as follows:

"SEC. 27. That every person, corporation, partnership, or association, doing business as a broker on any exchange or board of trade or other similar place of business shall, when required by the Commissioner of Internal Revenue, render a correct return duly verified under oath, under such rules and regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe, showing the names of customers for whom such person, corporation, partnership, or association has transacted any business, with such details as to the profits, losses, or other information which the commissioner may require, as to each of such customers, as will enable the Commissioner of Internal Revenue to determine whether all income tax due on profits or gains of such customers has been paid.

"SEC. 28. That all persons, corporations, partnerships, associations, and insurance companies, in whatever capacity acting, including lessees or mortgagors of real or personal property, trustees acting in any trust capacity, executors, administrators, receivers, conservators, and employers, making payment to another person, corporation, partnership, association, or insurance company, of interest, rent, salaries, wages, premiums, annuities, compensation, remuneration, emoluments, or other fixed or determinable gains, profits, and income (other than payments described in sections twenty-six and twenty-seven), of $800 or more in any taxable year, or, in the case of such payments made by the United States, the officers or employees of the United States having information as to such payments and required to make returns in regard thereto by the regulations hereinafter provided for, are hereby authorized and required to render a true and accurate return to the Commissioner of Internal Revenue, under such rules and regulations and in such form and manner as may be prescribed by him, with the approval of the Secretary of the Treasury, setting forth the amount of such gains, profits, and income, and the name and address of the recipient of such payment: Provided, That such returns shall be required, regardless of amounts, in the case of payments of interest upon bonds and mortgages or deeds of trust or other similar obligations of corporations, joint-stock companies, associations, and insurance companies, and in the case of collections of items (not payable in the United States) of interest upon the bonds of foreign countries and interest from the bonds and dividends from the stock of foreign corporations by persons, corporations, partnerships, or associations, undertaking as a matter of business or for profit the collection of foreign payments of such interest or dividends by means of coupons, checks, or bills of exchange.

"When necessary to make effective the provisions of this section the name and address of the recipient of income shall be furnished upon demand of the person, corporation, partnership, association, or insurance company paying the income.

"The provisions of this section shall apply to the calendar year nineteen hundred and seventeen and each calendar year thereafter.

"SEC. 29. That in assessing income tax the net income embraced in the return shall also be credited with the amount of any excess profits tax imposed by Act of Congress and assessed for the same calendar or fiscal year upon the taxpayer.

"SEC. 30. That nothing in section II of the Act approved October third, nineteen hundred and thirteen, entitled 'An Act to reduce tariff duties and to provide revenue for the Government, and for other purposes,' or in this title, shall be construed as taxing the income of foreign governments received from investments in the United States in stocks, bonds, or other domestic securities.

"SEC. 31. That all contracts entered into after the enactment of this amendment by which any person, corporation, partnership, association, or insurance company agrees to pay any portion of the tax imposed by this title upon any other person, corporation, association, or insurance company, or to reimburse such person, corporation, association, or insurance company for any portion of such tax, shall be void, and any person, corporation, partnership, association, or insurance company entering into such a contract shall be subject to a fine of not more than $1,000."

SEC. 1212. That any amount heretofore withheld by any withholding agent as required by Title I of such Act of September eighth, nineteen hundred and sixteen, on account of the tax imposed upon the income of any individual, a citizen or resident of the United States, for the calendar year nineteen hundred and seventeen, shall be released and paid over to such individual, and the entire tax upon the income of such individual for such year shall be assessed and collected in the manner prescribed by such Act as amended by this Act.

TITLE XIII.—GENERAL PROVISIONS.

SEC. 1300. That if any clause, sentence, paragraph, or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of said Act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SEC. 1301. That Title I of the Act entitled, "An Act to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extension of fortifications, and for other purposes," approved March third, nineteen hundred and seventeen, be, and the same is hereby, repealed.

SEC. 1302. That unless otherwise herein specially provided, this Act shall take effect on the day following its passage enactment.

Mr. SMOOT subsequently, from the Committee on Printing, reported back favorably without amendment concurrent resolution (S. Con. Res. 8), and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed in document form 50,000 copies of the bill (H. R. 4280) to provide revenue to defray war expenses, and for other purposes, and Senate Report No. 75 thereon; of which 25,000 shall be for the use of the House of Representatives, 20,000 for the use of the Senate, 2,500 for the use of the Committee on Ways and Means of the House of Representatives, and 2,500 for the use of the Committee on Finance of the Senate.

CONSERVATION OF FOOD AND FUEL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

Mr. McKELLAR. Mr. President, before going into a discussion of the pending bill I desire to say just a word or two about its constitutionality. I have examined it with just a little care and have convinced myself that the bill is constitutional. I do not intend to go into the cases or go into the constitutional matter at any length, but I do wish to state that I think its constitutionality is hinged upon the four following provisions of the Constitution, namely, those which authorize Congress "to declare war," "to raise and support armies," "to provide and maintain a Navy," and "to provide for the common defense and general welfare, and in addition the following provision:

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by the Constitution in the Government of the United States, or in any department or officer thereof.

Mr. President, it is not necessary to go further than these provisions to ascertain the constitutionality of this measure. There are various other propositions of less degree or authorizations of less degree, but they need not be considered. These give ample constitutional authority for the bill.

Mr. President, when these provisions of our Constitution were being considered the very questions we have been discussing here were considered by the framers of that great instrument.

Among others who discussed them were Mr. Hamilton, and here is what he had to say about it:

> The authorities essential to the common defense are these: To raise armies, to build and equip fleets, to prescribe rules for the government of both, to direct their operation, to provide for their support. These powers ought to exist without limitation, because it is impossible to foresee or define the extent and variety of national exigencies or the correspondent extent and variety of the means which may be necessary to satisfy them. The circumstances that endanger the safety of the nations are infinite, and for this reason no constitutional shackles can wisely be imposed on the power to which the care of it is committed. This power ought to be coextensive with all the possible combinations of such circumstances, and ought to be under the direction of the same councils which are appointed to preside over the common defense.
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> Whether there ought to be a Federal Government intrusted with the care of the common defense is a question in the first instance open for discussion, but the moment it is decided in the affirmative it will follow that the Government ought to be clothed with all the powers requisite to complete execution of its trust. (Federalist, No. 23.)

Mr. Madison also said:

> Is the power of declaring war necessary? No man will answer this question in the negative. It would be superfluous, therefore, to enter into a proof of the affirmative. The existing confederation establishes this power in the most ample form.
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> It is in vain to oppose constitutional barriers to the impulse of self-preservation. (Federalist, No. 41.)

Now, Mr. President, in view of these broad general provisions commonly known as the war powers of the Constitution, in view of their interpretation by those who formed them, and that of the courts which have construed them, take them and apply them to the food question which we have here. What is the most important proposition in connection with supporting an army? It is feeding that army. What is the most important question in maintaining a navy? It is feeding and provisioning that navy. We all know that in the world war that is going on the most important question for each and every nation engaged in it and even those that are not engaged in it is the food question. Here is a direct constitutional authority for providing for the food question to support the Army and to maintain the Navy of our country. Why need we go further for authority? It strikes me that it is as ample and as full and as complete as it is possible to be. As Mr. Madison said when they were considering the Constitution, it is not only ample and complete but must be so. There must be no shackles on it, and there are no shackles upon the power of Congress, in my judgment, to provide for the common defense and to support the Army and Navy of our land, and to pass all needful measures intended to bring about that end.

Why go into finely spun, closely drawn decisions of our courts? I have read many of them, with some of which you can very readily agree and others you can not. But here are the plain provisions of the Constitution authorizing Congress to do anything for the support of the Army and the maintenance of the Navy, and as food is the principal support of the Army and Navy I think we need go no further and there need be no doubt about the constitutionality of the bill.

Mr. President, I can not agree with the views that were expressed by the senior Senator from Illinois [Mr. LEWIS] the other day when he said that during war time certain clauses and phrases of our Constitution were suspended in their operation. As I recall his argument, it was that he thought this bill was unconstitutional, but he was going to vote for it because he believed certain clauses and phrases of the Constitution were nonoperative or suspended during time of the war and that relieved him from all obligations to support those particular provisions and left him with full authority to vote for measures not strictly constitutional.

I do not agree with that thought. I believe such doctrines are harmful to the Republic. I believe that the Constitution is the same for war times that it is for peace times. It was intended alike to cover both and at all times. I would not support any measure on earth, however important it might be, however necessary it might be, if I believed it was not constitutional. I have no such doubt about this bill.

I believe it is constitutional, and therefore I am going to give it my support. As the Senator from Ohio [Mr. POMERENE] says on the side to me, I believe that my oath is worth something, and that I am absolutely bound by it, and I am going to vote for the bill because I believe it is a proper bill and because I believe it is a constitutional bill.

Mr. President, we are facing a great crisis in this country, probably the greatest that was ever known to it. Congress has declared war. It has voted $7,000,000,000 to carry on that war and to bring it to an early and successful conclusion. It has passed a conscription law so that all necessary soldiers may be secured to win the war. It has passed the largest appropriation bill for the use of our Army that has ever been passed in the history of any nation in the world. It has given every dollar that has been asked by the War and the Navy Departments. It has passed a law amending and strengthening the Federal Reserve System so that we might not be handicapped by lack of finance during the war. It has passed a mammoth shipping bill to secure a great merchant marine for our country in these times. It has passed the espionage law so that our country might be protected from its enemies. It has already passed a general bill looking to greater food production and food conservation, and also a law dealing with our transportation lines so that our country will be in the best possible condition to fight the war.

Mr. President, none of these various measures, as important and stupendous as they are, are as important or as far-reaching as the present bill. I realize that some kind of control is necessary, and that this measure, or one along the line of this measure, should be enacted. When the espionage bill was up, I voted for a prohibition of food speculation. We put in some kind of a provision about food speculation, some namby-pamby, meaningless legislation that permits the food gamblers of our country to get together and advise our Government as to how gambling in food shall be carried on. By the way, there is very much such a provision in the present bill. But I voted for whatever we could get then. I preferred a better food-gambling measure and finally voted for the best that we could get through. I think it ought to have been made stronger. I hope it will be made stronger in conference, and I hope we may yet make the provision in the pending bill much stronger.

I also voted in the other measure to prohibit the use of foodstuffs in the manufacture of alcoholic liquors.

I believe there is such a provision in this bill. There have been so many provisions I hardly know which to call the Senate measure and which the House measure, but we all know it is a fight between liquor and prohibition, a fight between what is known as "bone-dry" prohibition and licensed liquor dealing. I voted then, as I expect to vote at this time, for the prohibition of the use of foodstuffs in the manufacture of liquors.

Now, in considering food questions we can not follow the example of our European brethren. They have a different system from what we have. A great many people seem to think that what we need is the experience of France and Germany and Italy and other countries in dealing with the food question. I do not think that at all. All those countries are not self-supporting. They are all great importing countries. Our country makes all its foodstuffs and then has some to spare. Even in lean years we make always more than we can use. There is no such situation confronting our people as confronts the European nations.

There are a number of reasons for high prices, in my judgment. One of these is the war, of course. The increased demand brought about for foodstuffs, brought about by the usual and ordinary war conditions, has tended to raise prices, and to raise those prices very greatly. That is one of the reasons for the present high prices. Another one is that our country has been enjoying unexampled prosperity for a long time. Our circulating medium has greatly increased. It has more than doubled in the last few years. Very naturally that has the effect of increasing prices. I do not think it has the effect argued for it by the distinguished and learned Senator from Missouri [Mr. REED]. I do not think it goes that far, but I think it has an effect on it. I do not recall exactly how far the Senator said it went, but it went some distance.

Mr. REED. No; the Senator is in error.

Mr. McKELLAR. If I find I am in error, I beg the Senator's pardon.

Mr. REED. The Senator has inadvertently stated the matter rather unfairly. I said that it was one of the great causes and I cited Prof. Fisher.

Mr. McKELLAR. On that I agree with the Senator entirely, and if I have stated it too strongly, I beg the Senator's pardon. That is one of the great causes surely, as the able Senator has stated it.

That is the second one, and the third cause is the action of foreign Governments, without any efforts to deal with our Government on the subject, sending their agents for the purpose of buying foodstuffs and various other war matériel. They come in competition with our own people and naturally that has a tendency to raise the prices very greatly, and it is one of the most important causes of high prices to-day.

The fourth is our transportation facilities. They have been bad. We have been trying to improve them, and I believe we will improve them. If we had an equitable and an economical distribution of our foodstuffs throughout the country we would have very much less prices, and our railroads are largely to blame, or, at any rate, considerably to blame, for the present high prices.

Undoubtedly the shortage of the wheat crop had something to do with the former high price of wheat. I believe the price is going down very rapidly, and I have no doubt it will go down a great deal more rapidly in the future if we have a fairly good crop.

But there is another reason for high prices, and that is the calamity howls that have been going up over the country, especially in our newspapers and from some of our officials, for quite a while about the short crops.

Those six causes, as it seems to me, are the principal causes of the high prices.

Just to show how mistaken we can be, how we can be thrown off our balance about these matters, how the excitement of the situation can bring about a kind of hysteria which has the effect of making prices go upward is shown in an article that was written by Mr. Secretary Houston in March for the April number of some food journal. It is a very illuminating article. In that article he shows that there were more meats in our country then, that there were more eggs, more poultry, more fish, more butter, more barley, more oats, more corn, more of every possible foodstuff than ever was known at a similar time of the year in our history, except two articles alone, and yet the high prices apply to all the other foodstuffs just like they apply to the two articles that are scarce. He gives the facts and figures, and I am going to ask unanimous consent to put them in my remarks. He gives in terms the facts, showing that we have more foodstuffs than we have ever had before, and yet these high prices prevail. Here is what he has to say about wheat: In the year 1916 we made the largest crop of wheat that was ever known to the world, over 1,000,000,000 bushels. The wheat crop did fall off last year and only 640,000,000 bushels were raised. The average amount for five years is about 728,000,000 bushels.

In other words, we were 88,000,000 bushels short last year, taking care of ourselves and the export trade, too.

Mr. Houston shows that from the crop of the preceding year of a thousand million bushels the surplus brought over was largely more than enough to take care of the shortage last year, thereby proving that we have more wheat this year, or as much wheat this year, as we have had in former years, and that the present high price was not due to a shortage. In this article, which was prepared about three months ago, after summing up all these facts, the Secretary of Agriculture states that it was highly improbable that we should have to have food control in this country; and yet it has not been a month ago that he came out in a newspaper article and said it was absolutely necessary. The same facts exist.

I quote as follows from a magazine article from the April number of the American Food Journal by Secretary Houston:

ESTIMATED FOOD SUPPLY FOR THE CURRENT YEAR.

The weather conditions during the growing season of 1916 were unfavorable in many parts of the world. They were distinctly unfavorable in this country. Although there was a large wheat acreage, the weather conditions were such as to favor the appearance of the black-rust disease affecting wheat. The consequence was that, although the acreage was large, the yield was relatively small. The conditions were not especially favorable for corn and for some other important crops. Still the food output on the whole for the current year was not so small as to excite alarm. The corn crop was 2,600,000,000 bushels, nearly the five-year average. The oat crop was above the five-year average, the barley very nearly the five-year average, rye 10,000,000 bushels more than the five-year average, and rice 40,000,000 bushels, as against 29,000,000 bushels the year before, and 24,500,000 bushels, the five-year average. The production of Kafir corn, a relatively new crop, was 50,000,000 bushels. The production of peaches, 37,000,000 bushels, of pears 10,400,000 bushels, and of apples 67,500,000 barrels, represents approximately the five-year average, while the estimated production of oranges was 23,800,000 boxes, or 2,600,000 more than that of the preceding year. The crop of sugar beets was one of the largest ever produced. Meat products, likewise, were produced in larger quantities, the estimated amount for the year being 22,378,000,000 pounds, as against a five-year average of 19,712,000,000 pounds, or 2,000,000,000 pounds greater than the output for the year 1915. Dairy products on the whole showed a gain as follows:

	1916	1915	1914	Average, 1910-1914.
Milk produced, gallons	7,959,656,000	7,696,844,000	7,506,794,000	7,569,926,000
Milk, sold, gallons	2,061,551,000	1,993,482,000	1,944,260,000	1,960,611,000
Butter, pounds	1,059,771,000	1,024,780,000	999,476,000	1,007,882,000
Cheese, pounds	12,246,000	11,841,000	11,549,000	11,646,000
Butter fat sold, pounds	326,346,000	315,571,000	307,778,000	310,367,000
Cream sold, gallons	57,988,000	55,977,000	54,595,000	55,054,000

Poultry products also increased as indicated:

	1916	1915	1914	Average, 1910-1914.
Eggs, dozen	1,847,512,000	1,810,912,000	1,774,312,000	1,701,789,000
Fowls raised, number	566,722,000	555,494,000	544,267,000	522,021,000

WHEAT.

The two food products which reveal a marked decrease were wheat and Irish potatoes. It is evident that the public has failed to look at all the facts involved, especially in the case of wheat. The wheat crop for the current year was reported to be 640,000,000 bushels as against a five-year average of 728,000,000 bushels, and the record crop of 1915 of 1,026,000,000 bushels. Apparently, the public has compared the crop of 1916 solely with the record crop of 1915, and failed to take into account the unusually large carry over from that year into the present year of 164,000,000 bushels or more. Furthermore, its attention has been fixed on the large exports of the two years immediately following the outbreak of the war. The exports of wheat in normal times are approximately 105,000,000 bushels. The year preceding the war it was 145,000,000 bushels. In 1914–15 it was 332,000,000 bushels, dropping in 1915–16 to 243,000,000 bushels. Looking only at the crop of 640,000,000 bushels and having in mind the possibilities of export as suggested by the figure of 332,000,000 for 1914–15, the public naturally apprehended that there would be a lack of bread. Dealers and others became unduly excited. The total available supply, including both the crop and the carry over, aggregating 804,000,000 bushels—part of which, it should be said, was not suitable for milling purposes—should have been considered as well as the relatively small exports for the first six months of the current year. Up to the 1st of January the exports were only 97,000,000 bushels, and they have tended to decrease partly on account of the disturbed shipping conditions since the 1st of January. Our normal domestic needs of wheat for human food for seeding purposes and for a reserve to carry over into the next year require 640,000,000 bushels. As I have stated, the total year's supply is 804,000,000 bushels. This would give us an available exportable surplus of 164,000,000 bushels. At the rate of export since the 1st of July, with the tendency to decline recently, we should have enough wheat in the country very nearly to supply normal needs.

CROP PROSPECTS.

I am not a prophet and can not furnish any guaranty for the future. There are certain things, however, I do know. The farmers, governed as they are by ordinary motives, in response to the present level of prices, have in certain directions shown a definite purpose to increase their acreage. Winter wheat was sown in the fall. The reports reveal that the total acreage was 40,090,000. This is nearly 900,000 more than the amount planted the preceding fall. Much of the latter, however, was winter-killed, so that the planting this fall was 5,260,000 acres more than harvested last summer. Spring wheat has not been planted. In 1915 the acreage was 19,445,000 acres. The average acreage for the five years is 18,800,000.

It would be singular if this did not increase; but, taking the average for five years and adding it to the winter-wheat acreage, we have approximately 59,000,000 acres, or practically the same as the record acreage of 1915. What the yield per acre may be will depend largely on the weather conditions. The average of the six lowest yields per acre since 1894 was 12.5 bushels. This would give us 737,000,000 bushels of wheat. The average yield for five years down to the record crop of 1915 was 14.9 bushels. This would give us 879,000,000 bushels of wheat. The average for five years, including the record crop year, was 15.5 bushels. This would give us 914,000,000 bushels. A yield equal to that of 1914 of 16.6 bushels would give us 979,000,000 bushels, while a yield equal to that of the record-crop year would give us 1,000,000,000.

THE SITUATION IN THE SOUTH.

The Department of Agriculture has done all it could prudently do to call attention to the desirability of adjusting the supply of different sorts of agricultural commodities to the demand. As I have said, farmers are doing their own thinking and will not submit to anybody's dictation. In the South, in particular, the department has waged a persistent campaign for some years to bring about a better agriculture, to stimulate the local production of an ampler supply of foodstuffs. The South has heretofore been too dependent on corn and cotton. It has put too many of its eggs in one basket. Although it is largely agricultural, it has imported in the neighborhood of six or seven hundred million dollars' worth of foodstuffs from the West. It is clearly good economy for the South to supply her own foodstuffs and feedstuffs, and it is certainly a safer practice for her to do so. The department, the agricultural colleges, and many other agencies through the daily press, the agricultural journals, the bankers and business men, farmers' associations, bulletins and circulars, and the farm-demonstration machinery reaching into many parts of the South, have urged the necessity of a better-balanced agriculture and the wisdom of largely increasing foodstuffs. There has been a tendency over several years for the South to practice this agriculture, and following the low price of cotton in 1914 the acreage in foodstuffs considerably increased. It remains to be seen how far the recent high price of cotton will check this tendency. It would be unfortunate if it did so.

THE MEAT SUPPLY.

A further word should be said about the tendency of the meat supply to increase. While, following the outbreak of the war, there was a considerable increase in exports of meats, amounting in 1916 to 1,500,000,000 pounds, the domestic production in 1916 was 3,000,000,000 pounds greater than in 1914, and the tendency is still upward. Figures recently submitted show that the number of cattle on January 1, 1917, was 1,037,000 greater than on January 1, 1916, and that the milch cows had increased in the same period 660,000. A very considerable development in live stock is taking place in the South.

NO FEDERAL DICTATORSHIP NEEDED.

The department and all the agricultural agencies in the country are giving definite and careful attention to these problems. The Federal Government through several of its departments is giving continuous consideration to the immediate problems presented and to the possibility of remedial measures. The solution will certainly not involve a Federal dictatorship, and it is highly unlikely that it will involve a dictatorship in any State or community. America does not take kindly to dictators. The difficulties, in any event, would be very nearly insuperable. We have a continent to deal with, and there are difficulties of double jurisdiction. Consider, for instance, the matter of fixing a minimum price. The Federal Government could deal only with commodities passing into interstate commerce. The States might be hampered in attempting to fix prices.

As I stated at the outset, there is no occasion for hysteria. Intelligent planning and constructive action, in conjunction with the operation of normal forces, are what we need, and these only can bring about a satisfactory result.

This just shows, and I am not using this for any other purpose than to show that high prices come, at least to some extent, from

the newspaper statements that have been made from time to time about shortage in this country when the facts do not show that there is any such shortage, and especially from excited interviews from some of our officials. You see, all this food at the time was in the hands of speculators. Flour mounted up to, I believe, $17.50 per barrel at the highest mark, and now it is going down every day. I hope it will continue to go down and that there will be no necessity for food control even if this bill can be enacted. I hope the necessity may not arise for it, but at the same time, knowing that these foodstuffs are in the hands of speculators, I feel that one of the most important provisions of the bill is the control of speculation.

I want to say to the Senate here this afternoon do not let us put in a namby-pamby regulation of food speculators. I have heard men argue against food gamblers and state what horrible creatures they were, and then come right along and vote for a provision that merely organizes the food gamblers and does not abolish food gamblers. What we want to do is to prohibit the food gamblers, to prohibit the mobilization of food gamblers, and these high prices, in my judgment, will be dispelled and normal conditions will rise again.

Mr. REED. Mr. President——

Mr. McKELLAR. I yield to the Senator.

Mr. REED. I agree with the Senator that we ought to do away with the food gambler and, for that matter, with any other kind of a gambler.

Mr. McKELLAR. I agree with the Senator.

Mr. REED. But I want to ask the Senator how much further he would go than the provisions of section 12 of House bill 4188, which we passed, and which provides—stating it briefly—that if the President shall find that any of the dealings on the grain exchanges unduly or unreasonably raise or enhance the price of wheat or other food cereals to the injury of the people of the United States he may direct the traders to desist; and if they do not at once desist, he may suspend the operations of the exchange; and then providing for a fine and imprisonment for those who violate the act? I am not saying that goes far enough, but how much further would the Senator suggest that we go?

Mr. McKELLAR. I am very glad to state my views about it. I think we are putting too much upon an already overburdened President. We know that he can not do the particular things that we place upon his shoulders here every day. The Constitution of the United States does not define our duty as being that of transferring our powers to the President of the United States. You will find no such provision in the Constitution. The Senator from Missouri, with all his learning and ability and his skill in debate, can not put his finger on any clause of the Constitution which says that Congress shall have the right to delegate to the President its powers and functions. We have a duty to perform here; and I say instead of leaving it to the discretion of the President—which means some clerk—to go and examine into whether food gamblers are doing right or doing wrong, we ought to define what is gambling, then prohibit the act, and then impose upon the administrative officers of the law the duty of prosecuting those who violate the law. That is my idea of what the Senate ought to do.

But, to be more specific, I believe that the Senate ought to adopt the Thomas amendment in substance. The Senator from Missouri will recall what that is. It goes much further than the provision we have already adopted, and it would stop food gambling. That is what we all profess we want to do. The country is asking us——

Mr. PHELAN. Mr. President——

Mr. McKELLAR. I will yield to the Senator in just a moment. The country is asking us to stop food gambling, and what do we propose to do in reply to that request? We are going to give the President the right to investigate into what is reasonable gambling and what is not reasonable gambling, and the unreasonable food gamblers are to be knocked out, if there are any such, and the reasonable food gamblers are to be permitted to ply their trades just as before.

I say that we are not doing what the country demands us to do unless we deal with the question directly, unless we put the strong hand of the law against the men who are dealing in the foodstuffs of the country and sending prices skyward in order to fill their own pockets at the expense of the consuming public.

I want to say here and now—I am not a prophet, but I predict—that if we simply turn this matter over to the President for investigation the food gamblers, instead of being hurt in this country, are going to flourish as never before. What will it mean? It will mean simply that Mr. Hoover, the food commissioner, will get all of the food gamblers in the country together, will have representatives from every food-gambling house in the country, put them on one of the floors in the Munsey Building, or in some other building that we may rent for him, gather them all together, and try to explain to them what is reasonable food gambling and what is unreasonable food gambling. And I want to make a prediction about that, that Mr. Hoover and his agents will find that all the food gamblers are reasonable food gamblers, and that there are no such things as unreasonable food gamblers in this country.

Now I yield to the Senator from California.

Mr. PHELAN. Mr. President, I did not want to interrupt the Senator from Tennessee when he departed from that phase of his argument wherein he objected seriously to imposing new duties upon the President of the United States, but I understand that the Committee on Agriculture and Forestry has reported an amendment which leaves it to the discretion of the President whether wine and beer shall be manufactured in this country. At that stage of his argument I desired to ask him—and I ask him now—whether, if he were confronted with the alternative of granting the discretion to the President in the matter or Congress acting directly and decisively on the same subject, he would vote in favor of the proposition to preserve the industries of beer making and wine making or whether he would prefer to leave it discretionary with the President in case of a national emergency to determine what should be done?

Mr. McKELLAR. Mr. President, I had expected to take up that question a little later, but I would as lief take it up right now, since the Senator from California has asked the question. In all my life I never believed in shirking responsibility. I am willing to accept my share of responsibility at any time. I believe that is the correct principle of private life, of public life, of political life, of any kind of life, and any kind of conduct. It is very easy to shirk responsibility and to put the burden on somebody else to decide. The Senate, however, owes it to itself, it owes it to its own dignity, its own power, to decide these questions for itself. I do not believe when we come to a question of this kind upon which Senators differ, and honestly differ, that we should seek to shift the burden and to cast it upon some one else whom we hope will fix it according to our individual view. I do not think it is fair to the President, I do not think it is fair to us, I do not think it is fair to the country, I do not think it is fair to Congress as a legislative body.

Now, let us see what the facts are about this question. We all know that a majority of the American people are in favor of a sober Nation and a "dry" Nation in the conduct of this war; we all know that a majority of the Senate, if left alone, are in favor of a "dry" country and a sober Nation during the time of this war; we all know that a majority of the other House is in favor of prohibition, and especially during the time of war; we all know that our constituencies are expecting us to stand here like men and to vote our principles or our convictions. If a man is in favor of liquor and honestly so, I honor him and I respect him. I have not one word of criticism if he thinks it is the wisest policy to allow a wide-open Nation in time of war or in time of peace, either. I can only say that I frankly differ from him. I believe—and I believe a majority of the Republic think as I do about it—that it is high time that we were getting rid of the liquor traffic and the open saloon in this country. But what are we doing? Are we paying attention to the men back home who voted for us and who believe in a sober Nation? Oh, no; we are attempting to shirk the responsibility; we are attempting to shift the burden somewhere else.

This is a matter of legislation. The President can not make this country "dry"; he has no power under the Constitution to do that. To use a slang phrase, it is not up to him, but it is up to this Congress. The other House has done its duty; it has obeyed the demands of the people; it has lived up to what it professes. As I recall, a Nation-wide prohibition joint resolution passed this body by a two-thirds majority some years ago, and it came within two or three votes of passing the other House by a two-thirds majority. We all know that men vote here according to what their constituents want. The reason they have voted in that way is because their constituents have come to the conclusion that this ought to be a "dry" Nation. What are we doing here on this provision of the bill?

Every Senator here knows that there is not a Member of this body who has not views on the subject of prohibition. What are we yielding to? Well, I do not know how others may vote, but I want to say to the Senator from California, who asked me the question a while ago as to my belief about it, that I am going to vote for a "bone-dry" prohibition measure during this war, and the driest possible kind I can find.

Mr. LEWIS. Will the Senator from Tennessee permit me to ask him to what bill he has just referred?

Mr. McKELLAR. I am delighted to yield to the Senator.

Mr. LEWIS. To what bill does the Senator allude when he says that the Senate passed a prohibition bill by a large majority?

Mr. McKELLAR. A year or two ago, while I was a Member of the other House, the Senate passed, I think, what was known as the Sheppard joint resolution. I am quite sure that it did so, but it lacked about half a dozen votes of receiving two-thirds majority in the other House, of which I was a Member at the time, and I voted for it.

Mr. LEWIS. Mr. President, if the Senator from Tennessee will pardon me, did the joint resolution which was tendered here on the floor of the Senate embody national prohibition?

Mr. McKELLAR. What was the Senator's question?

Mr. LEWIS. Do I understand the Senator to say that it is his conception that there was passed here in the Senate a joint resolution that embodied national prohibition?

Mr. McKELLAR. That is my recollection of it. The joint resolution proposed an amendment to the Constitution.

Mr. LEWIS. And was the joint resolution passed?

Mr. McKELLAR. It was passed, as I recall, by a two-thirds vote of the Senate. I do not now see the chief advocate of the measure, the Senator from Texas [Mr. SHEPPARD] present, but I am sure that other Senators will recall that such a joint resolution did pass the Senate at one time, but failed in the other House.

Mr. President, I am not here to criticize anybody; I do not believe very much is gained by harsh criticism, but I want to say that the House has recently passed, in connection with a food-conservation measure, and properly belonging to that measure, what is known as a "bone-dry" liquor provision. It simply provided that the foodstuffs of our country should not be manufactured into alcoholic liquors. It did shift the burden so far as wine is concerned, but so far as whisky and beer are concerned it met the issue fairly and passed upon it. That measure came over here; and the other day, when it seemed that the Congress was going to follow the demand of the great majority of the people of this Republic to have prohibition during the war, an occurrence took place here which turned a number of prohibition Senators the other way; and now it seems very doubtful whether such a measure will get through. The only thing that I can say about it is that, in my judgment, there never was such a time, there never was such an opportunity, to get a sober Nation as there was on last Friday morning. I think it is very doubtful if the advocates of prohibition—the through-and-through advocates of prohibition—are going to be able to pass that measure now. I regret that that is so; I regret very much that anything should have occurred to prevent the consummation of the hopes of the great body of God-fearing men and women of this country. I believe it would be one of the best food-conservation measures that could possibly be devised. I believe it would have done more to mobilize and make efficient the manhood of our country than any other measure that could have been devised.

Some men have said that the prohibitionists of the Senate are obstructing this bill. As one of those who believe in prohibition, I want to say that I do not think that statement has the slightest foundation in fact. I do not know of a Senator in this body who is a "bone dry" Senator, so to speak, who is not in favor of an immediate vote on this question. I know of no dilatory tactics which have been pursued. I do not know whether I am as "dry" as some of the rest of you, but I know one thing—I am willing to vote on that question at any time. I know another thing, that I am heartily in favor of this bill; and I know still another thing, that I want it passed at the earliest possible moment. I would not put anything in its way. I do not believe that the prohibition Senators here have offered any opposition, individually or collectively, and this great tumult that we have seen in the newspapers recently about the advocates of prohibition filibustering against this bill is, to my mind, the most idle talk and without the slightest foundation in fact. I think it is a calumny upon us; it is a woeful misrepresentation of us, of what we honestly believe, and of what we honestly stand for. Yet we see in every metropolitan paper in the land the statement, even this morning, that the prohibitionists in the Senate are trying to put off a vote on this measure and are trying to filibuster against it.

We know what the facts are. There never was such a lobby in Washington as there is to-day in favor of the liquor traffic. The lobby that was turned out three or four years ago by our splendid President, amid the plaudits of the people, was a Sunday school convention in comparison with the lobby that exists here to-day trying to prevent the passage of a prohibition measure which a great majority of the American people believe in, and we all know it. There is not a Senator on either side of the Chamber who does not know that the lobby of the liquor forces is the lobby that is really doing business in Washington at this good hour, and I have no doubt many of them are listening to the sound of my voice at this moment.

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. PHELAN in the chair). Does the Senator from Tennessee yield to the Senator from Missouri?

Mr. McKELLAR. I yield.

Mr. REED. I do not at all dispute the latter statement of the Senator, and I deplore it; but I want to ask the Senator if there has not been a good deal of lobbying on both sides of this question for a good long time? In all fairness, is not that the case?

Mr. McKELLAR. I will say to the Senator that I have heard that. I had a difficulty with a lobbyist when I first came to the House about five years ago, and since that time I have never had many visits from lobbyists. I believe my door is marked; I do not have much to do with them, and do not know much about them; but I think there are lobbyists probably on both sides of the question. However, one crowd of lobbyists have evidently been very quiet, for I have not even heard of them lately.

However, Mr. President, that is not the way to settle this question. The lobbyists of the country ought not to settle the question as to whether or not this should be a "dry" and a sober nation. We ought to settle it. The House ought to settle it for itself, and the Senate should settle it for itself. That duty is upon us. No man can blame the paid agents of any interest for trying honorably to uphold that interest, and I do not blame them; but I think, Senators, that we ought not to permit conflicting lobbies, or the claims of lobbies, to affect our votes here. It seems to be the idea that if the lobbies can be settled with, we need not bother about the Senate; that the Senate will just yield either for liquor or against it, if we arrange with the lobbies that are here. I am opposed to any such view. I believe that as Senators we ought to vote our convictions on this question and every other question. God has given us the right to think, and the people have imposed upon us the duty to think for ourselves on this and all other questions, and we ought to decide them.

Now, Mr. President, I want to refer to some of the propositions of this bill. As I stated very frankly at the outset, I am in favor of this legislation. There are some provisions in this bill, though, which, it seems to me, ought to be amended. I call the attention of the Senate to the very first section. It is not even rhetorical; it does not even make sense. If you will listen a moment I will demonstrate that fact. It reads:

Be it enacted, etc., That, by reason of the existence of a state of war—

Then there follow a number of other clauses, and it ends in this way:

To prevent, locally or generally, scarcity, monopolization, hoarding, injurious speculation, or manipulations affecting such supply, distribution, and movement; and to establish and maintain governmental control of such necessaries during the war.

It is a recital without a statement; it is not a completed sentence; it is not a completed paragraph; it makes no sense whatsoever. Have you examined it carefully? That is all you need to do. A casual reading will prove that it does not even make a connected sentence. I believe that that section ought to be amended in order to accomplish those things which it is sought to accomplish by the bill. I think we ought to strike out the period at the end of the section and add this:

There is hereby created and established a food board, to be composed of five members, who shall be appointed by the President, by and with the advice and consent of the Senate. The members of such food board shall be citizens of the United States and men of high moral character and business attainments, none of whom shall be connected, directly or indirectly, with any food or fuel corporation. Before assuming the duties of their offices they shall be sworn to uphold the Constitution and laws of the United States and shall each receive a salary of $10,000 per year, payable in monthly installments, and one of said board shall be named by the President as chairman thereof.

I want to explain why I introduced that amendment. I do not believe in organizations such as the so-called advisory committees of the Council of National Defense. We have tried that system and there is great dissatisfaction with it. That council was organized just as it is proposed to organize the food commission. We want to organize a food commission; we want to pay the men whom we employ; and we want to employ the best kind of men. For fear that it might be urged that I had some kind of objection to Mr. Hoover, I have specifically provided in this amendment that the President shall name the chairman, so that Mr. Hoover may be named. I have not the slightest objection to Mr. Hoover. I have no doubt that he is the best man that could be secured for the place. I have no desire to change that in the least; but have we not gone far enough in legislating into the hands of the President powers that he can

not by any possibility or chance perform himself? We know that it is not intended that he should perform them himself; that he is obliged to employ some one; but here we are going to have a man or a board or a great body of people, who have no obligation to their Government, administering the most important law that has ever been enacted in this country; men who are not required to subscribe to an oath, who are not required to be citizens, who are not required to have any responsibilities; the Sultan of Sulu might be a member of the board under the proposed section. We ought to deal with this question as intelligent men.

Do Senators ever think about the fact that we have a Constitution to which we ought to pay some attention? The Constitution of the United States says that all officers of the Government, except some minor ones, shall be appointed by the President, by and with the advice and consent of the Senate. Ought we to disregard that plain provision of the Constitution? What is the matter with the old form of government? Why should we enter upon new and untried fields? What has been our experience? Why, Senators, if we are going to turn over the administration of this most important law to unnamed and irresponsible men, perhaps men who may be the agents of other Governments—we do not know, and that might be possible under this law, for there is nothing to prohibit it—without any responsibility to our Government, are we not doing a very unwise thing? How could anything be very much more unwise than simply to legislate to turn over to irresponsible agents the execution of such an important law as this?

Now, let us see what is the result of it.

Mr. POMERENE. Mr. President, I suggest that there be better order in the Chamber.

The PRESIDING OFFICER. Senators will please preserve order.

Mr. REED. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Johnson, S. Dak.	New	Smith, Md.
Borah	Jones, N. Mex.	Norris	Smith, S. C.
Chamberlain	Kellogg	Overman	Smoot
Culberson	Kendrick	Owen	Sterling
Cummins	Kenyon	Page	Sutherland
Curtis	King	Phelan	Swanson
Dillingham	Kirby	Pittman	Tillman
Fernald	Knox	Pomerene	Townsend
France	La Follette	Ransdell	Underwood
Gronna	Lewis	Reed	Vardaman
Hale	McKellar	Robinson	Wadsworth
Harding	McLean	Shafroth	Warren
Hollis	McNary	Sheppard	Williams
Husting	Martin	Shields	Wolcott
Johnson, Cal.	Nelson	Smith, Ga.	

Mr. TOWNSEND. I announce the absence of my colleague [Mr. SMITH of Michigan] on important business and his pair with the junior Senator from Missouri [Mr. REED]. This announcement may stand for the day.

Mr. LEWIS. I desire to announce the absence of the junior Senator from Rhode Island [Mr. GERRY] and the junior Senator from Kentucky [Mr. BECKHAM] on official business.

Mr. SUTHERLAND. I desire to announce the absence of my colleague, the senior Senator from West Virginia [Mr. GOFF], on account of illness. I will let this announcement stand for the day.

The PRESIDING OFFICER. Fifty-nine Senators have responded to their names. A quorum is present.

Mr. McKELLAR. Mr. President, I can not emphasize too strongly the necessity, in my judgment, of making an amendment of the kind I have named to the first section of the bill. It is the constitutional method of dealing with the situation. It is absolutely required by our experience. It is absolutely required by what seems to me to be the necessary efficiency of the situation and the necessity of the situation. The idea of creating a great department of the Government like the food department when you do not know who is going to be in charge of it, who are going to be the agents of the Government with respect to it! Why, what need be expected if we pursue this policy? No doubt the food commissioner, whoever he may be, will get together the food barons of the country; he will get the packers, he will get the food gamblers. His offices will be as full of these people as it is possible to fill them, all of them willing to serve the Government without compensation. This bill provides that they may serve the Government without compensation; and what does that mean? Why, it is the open door to graft. We all know that.

Take the advisory commission of the Council of National Defense, which I used as an illustration a while ago. It has no responsibility. Its committees are composed in a large measure of those who are dealing with the Government every day. Why, one prominent member of the advisory commission of the Council of National Defense told me openly, in the presence of a number of gentlemen, that if we enacted a provision in this bill which prohibits the members of the advisory boards and committees from buying and dealing with themselves it would put the Council of National Defense out of business. I am using his words. Senators, if any one of us, either Senators or Representatives, has anything to do with a Government contract we are liable to be prosecuted and fined and imprisoned in the penitentiary and dismissed from office; and yet we go right along and establish a body like the advisory boards and committees of the Council of National Defense and give them the right to deal with themselves, to buy from themselves for the Government, and say that because it is voluntary they are relieved from the operation of the same rule that governs us.

Over 2,000 years ago the Man who spake as never man spake said:

> No man can serve two masters.

And it is just as true to-day as it was then. No man can become a member of an advisory commission, with power to recommend the purchase of supplies from a company that he is serving, and not serve the company that pays him his salary at the same time he is serving his Government, to which his services are voluntarily given. There is not a Senator in this body who does not know that what I say is the truth, and there is not a Senator in this body who does not know that under the meager law that was never intended to have the effect that has been given it there are members of the advisory commission of the Council of National Defense that are dealing with themselves. Many proofs have been offered of it, and we ought to stop it, and stop it right now, in this very bill. The best way to stop it is to add such an amendment as I have suggested in the first section. I appeal to the acting chairman of the committee who has this bill in charge and is familiar with legislation, and a man whom I know to be an honest and a straight and a correct man, let us have an amendment to the first section that creates a body that has only one master to serve, and that master the United States Government.

This is a critical time in our history. We are trying to raise every resource of which we are capable. We ought to be frugal. We ought not to be wasteful of the country's money. We ought not to let these men deal among themselves. We ought to see to it that there is an honest administration of the Government's money during this war. We owe it to our constituents and we owe it to the country to provide a system out of the execution of which there will arise no scandal; and that is what I plead for with Senators here this afternoon. Let us have a responsible body to enforce and carry out the terms and provisions of this most important bill. It is the most far-reaching bill that was ever passed by any legislative body in any nation of the world. Let us make it truly an effective measure by having a responsible executive department, responsible alone to the United States Government, having no other interests to serve except that Government, receiving a salary from that Government, and receiving a salary from no other corporation or firm or individual that has a hold up its services. Any other measure is dishonest, or at least opens the door to dishonesty.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from North Dakota?

Mr. McKELLAR. I yield to the Senator.

Mr. GRONNA. I agree entirely with the Senator from Tennessee that we ought to see to it that provisions are incorporated in the bill that will prevent the things he has described; but I want to ask him if he does not think section 3 of this bill will do the very thing he has suggested?

Mr. McKELLAR. I say to the Senator that I do; but I understand that there is a movement on foot to prevent the passage of section 3. I understand that it is not what is wanted. I am pleading for the enactment of section 3.

Mr. VARDAMAN. Who is objecting to it?

Mr. McKELLAR. I do not care to call names here; but a member of the advisory commission of the Council of National Defense told me, in company with others, that if put into effect, section 3 would put the advisory commission of the Council of National Defense out of business, because they were dealing with themselves.

Mr. GRONNA. Mr. President, if the Senator will allow me further, I think I ought to state, in justice to the men who are very anxious to have this bill passed, especially Mr. Hoover, that, so far as I know, Mr. Hoover is not opposed to this provision.

Mr. McKELLAR. I understand not; and I want to say, in all justice to Mr. Hoover, that I know nothing in the world about him except what is absolutely right, and under the amend-

ment that I have offered to section 1 the President will have ample authority to appoint Mr. Hoover as chairman of this board. I think, under the circumstances, he ought to be appointed; and my remarks along this line are not aimed at any individual, but they are aimed at a system and a policy of government that I think is wrong, and which gives an open door to fraud and rascality that we will all be ashamed of in the future unless it is cut out now.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Mississippi?

Mr. McKELLAR. I yield.

Mr. VARDAMAN. Will the Senator permit me to express the hope that Congress, the Senate and the House, will enact such laws as the judgment of the Senate and the House shall dictate, rather than yield to outside influences? It is not a question of whether it is going to please Mr. Hoover or any other very excellent gentleman. Congress is charged with the duty of legislating, and I trust that it may perform that function in a proper and dignified manner.

Mr. McKELLAR. I agree with the Senator, of course. We all do on that question.

Now I want to call the attention of the committee, and especially of the acting chairman, to the second section of this bill. Let me read:

That in carrying out the purposes of this act the President is authorized to enter into any voluntary arrangements or agreements, to create—

And the words "create and" are interlined by the committee—

to create and use any agency or agencies, to accept, in his discretion, the services of any person without compensation, to cooperate with any agency or person, to utilize any department or agency of the Government, and to coordinate their activities so as to avoid any preventable loss or duplication of effort or funds.

So far as coordinating with the other departments of the Government is concerned, they already have the power to do that. There is not any necessity of saying a word about that, but, so far as that part of the section is concerned, it is of no importance. The President will have that power, anyway. But what is the meat in that section? It is the authority to accept the voluntary services of other persons. Why, there will be more food speculators in Washington, there will be more food barons in Washington, more meat packers, more heads of egg trusts, more members of boards of trade dealing in futures in wheat and oats and barley; there will be more millers hanging around Washington getting on these voluntary committees that will be organized than there are down in the Munsey Building to-day—and, to use more slang, that will be going some—if you enact this legislation.

Now, Senators, I want to say this: For my part, I believe that the laborer is worthy of his hire. If we are going to demand the services of anybody, if we are going to accept the services of anybody, we ought to pay what those services are reasonably worth.

Why should we do otherwise? What reason is there for it? There is but one reason upon earth. Some men are going to be patriotic and will be willing to give their services, but they ought not to be required to do it. We have no right to take them without compensation except when we put them in the Army, and even there we give them their pay. The Government is amply able to pay. Why not have agents and representatives that have responsibility solely and alone to the Government if we want to get the best results from this law? Why should we want to accept voluntary services? There can be but one reason—that designing men will desire to get on the inside in the management and control of the food board—the most important legislation that ever was enacted, the most important board that ever was created in this country.

Mr. BRADY rose.

Mr. McKELLAR. I will yield to the Senator in just a moment. They will want to get on the inside, just as they have wanted to get on the inside and get the cream of the contracts in the Council of National Defense, and they will make this splendid bill a laughingstock and a shame to us who made it unless we are careful. Let us have paid agents, and give them salaries worthy of their ability, and have them responsible alone to the Government that pays them.

I now yield to the Senator from Idaho.

Mr. BRADY. Mr. President, may I say to the Senator that I am very heartily in accord with the statements he has made; and he has certainly presented very forceful reasons why no man should be employed by the Government or permitted to render services for the Government in the capacity of advisor who is interested in any article that is sold to the Government. But the committee gave the section he has just read a great deal of thought; and if there is any reason in the world why that section would permit fraud or deception, or permit any man to work for the Government who is selling property to the Government or dealing with the Government—that would enable him to sell, you might say, to himself—I am just as much opposed to it as the Senator from Tennessee can possibly be.

Mr. McKELLAR. I thank the Senator for his views. I thought he was that kind of a Senator and that kind of a man. I will tell you what it is: It is almost in the language of the bill which we passed creating the Council of National Defense. In that bill there is one of those provisions that the council may accept the voluntary services of others, just as there is in this bill, and what have they built up on it? They have built up one of the most powerful institutions in this city or in this Government, purely upon the simple words that the Council of National Defense is permitted to accept the voluntary services of such men as may want to give them and in their opinion can render good service.

Mr. President, we ought not to make a mistake about this. There is not a man in the Senate who does not want to do exactly the right thing, who does not want to do the best thing for his Government during this time of its peril. This, of all times, should make us scrutinize these measures. As the Senator knows, I am heartily in favor of the purpose of this bill, but I want, if I may, to improve it wherever we can, to make it stronger and better, to make it more efficient, to insure a more honest and a more careful administration of the work under it.

Mr. BRADY. In other words, the Senator desires to have it safeguarded in every way possible.

Mr. McKELLAR. I want to have it safeguarded in every way possible, and where we know, as we know in this case, that the use of these words allowing the acceptance of voluntary services has built up a machine down here in the Munsey Building where the rankest kind of favoritism is being shown, where men are dealing with themselves and do not deny it, and at the same time acting for the Government, we ought by all means to strike out these seemingly harmless words which are fraught with so much danger to our Government.

Mr. BRADY. If the Senator will permit another observation, I want to say that the committee gave that matter very careful consideration, some of us, at least, realizing that the condition the Senator so ably illustrates exists, and that is the reason why section 3 was added. Now, section 2 was really put in there for the reason that Mr. Hoover himself is giving his services voluntarily, and is not accepting any salary whatever from the Government.

Mr. McKELLAR. That is very magnanimous conduct on the part of Mr. Hoover; that is very patriotic in Mr. Hoover. I respect him and I honor him for it, but, at the same time, the Government of the United States is no pauper. We ought not to accept the services of Mr. Hoover or any other man without paying him, especially if he is a man gifted and trained as Mr. Hoover is. We ought to pay him what those services are reasonably worth.

Mr. BRADY. But does not the Senator believe that a man might be very patriotic in doing a thing of that kind and render honest service if he intends to abide by the law, if we insert section 3? I want to say to the Senator here and now that if we do not insert section 3 I am absolutely in favor of the very line of procedure that he suggests; but I hope that by inserting section 3 we will protect ourselves so that we can have the services of such splendid men as Mr. Hoover, and that is my only reason for supporting that measure in that way.

Mr. McKELLAR. I see what is running through the Senator's mind and I agree with him that section 3 as it is will prevent or rectify the mistakes of section 2—that is, if any mistake has been made.

In talking in this way about members of the advisory committees, I want to say that I believe that there are some just as honest and patriotic men, generously working for their Government, among those advisory committees, as there are to be found in this country, but, on the other hand, we who have to deal with the situation know that there are others among them who are not so patriotic and not so fair and just, and they ought to be curbed.

Mr. BRADY. And who are at this time in the employ of the Government without pay, and are dealing with themselves. That very thing should be stopped, and it is the purpose and intent of this bill to stop it, and it can only be stopped by adopting section 3. I feel that if that is adopted section 2 will then serve a very useful purpose.

Mr. McKELLAR. I agree with the Senator.

Mr. BRADY. But if section 3 is not adopted, section 2 certainly ought to be amended along the very lines that the Senator from Tennessee so ably suggests.

Mr McKELLAR. I will say to the Senator that I agree with him along that line but, to be absolutely on the safe side, when the vote on section 2 comes I am going to vote against it, and then, when we vote on section 3, I am going to join the Senator in voting in favor of section 3.

Mr. KENYON. Mr. President——

Mr. McKELLAR. I yield to the Senator from Iowa.

Mr. KENYON. Does the Senator believe that when the American people, the folks back home, understand section 3 and what it is aimed at and what has been going on here in Washington, there is any influence, of the advisory commission or of anybody else, that can stop the passage of section 3?

Mr. McKELLAR. I will say to the Senator in all frankness that, knowing what every Senator here knows, and with my knowledge of the absolute honesty and sincerity of every Senator here, section 3 is going to remain in this bill regardless of any objection from that or any other source, and it ought to be there; and I want to thank the committee for putting it in there. I believe that it did the very best and highest and noblest of work when it put it in there. I do not know who is the author of section 3, but he deserves the highest praise of the American people, and in that way he simply puts all agents of the Government on the same basis as Representatives and Senators and other agents of the Government.

So much for that, Mr. President. I now come to section 4. In the bill, as passed by the House, it will be found that section 4 and section 6 and section 8 and section 9 all refer to exactly the same matter, and the draftsman of the bill simply was very careless in the drafting of the bill. The committee has very wisely stricken out sections 8 and 9 and a part of section 6 and put a penalty in section 4 which makes it all right.

I next come to section 5.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER (Mr. PITTMAN in the chair). Does the Senator from Tennessee yield to the Senator from North Dakota?

Mr. McKELLAR. I yield.

Mr. GRONNA. I think it is fair to say to the Senator from Tennessee that section 3 was reported out by a unanimous vote of the committee. There was no dissension among the members of the committee over section 3.

Mr. McKELLAR. My admiration and esteem for the committee, as high as it was before, has been very greatly heightened by the knowledge of that fact.

Now, as to section 5, I wish to say in all frankness I am opposed to that section. I think it is unwise. That section provides for licensing all wholesale dealers in this country, with a few exceptions. I do not believe we have gotten to a point where men ought to take out a Federal license to do business. I do not believe we have reached a point where any such program is necessary. I think it will be hurtful to the business interests of our country. I think it will hamper them. I think it will prevent the very thing that it was intended to accomplish. I believe that it should be stricken out entirely. It is wholly unnecessary in the bill, and I hope when an amendment will be offered—and I expect to offer it myself if no one else does—the Senate will agree to strike that provision from the bill. It has many inequalities in it that ought to be stricken out anyway, but the whole section ought to go out.

Think of how much power it puts in the hands of an agent of the Government. Did any Senator ever have much knowledge—of course, none of them had anything to do with it—of how the liquor business was carried on when the mayors of the cities used to license it in the old days? Some liquor dealers violated the law; they did as they pleased, disregarded the wishes of the community, but they stood in with the powers that were and they did business without let or hindrance to the great damage of the community. Others who were not so fortunate felt the strong arm of the law whenever they violated it.

Now, I do not think that power ought to be placed in the hands of this agent of the Federal Government unless it is absolutely necessary. I do not think there is anything in the present situation or in the prospective situation which makes that necessary. I do not believe we ought to go into that at this time, and I hope an amendment striking out section 5 will be agreed to by the Senate, and that it will not become a part of this law. This is an excellent law, taken as a whole. It is a most valuable law, it is a reasonable law; it has great power; but there are checks and balances on it, and checks and balances that a thinking man must approve. Now, when you put in this provision a power to examine into the business of others you depart from the conservative purposes of the bill and you get on very dangerous ground. I sincerely hope that section 5 will not be adopted.

So far as section 6 and section 7 are concerned, they are just parts of section 4. They are sort of corollaries; but section 4, dealing with the entire subject matter of the bill, I think ought to be there, and it is very proper.

I turn over next to section 8, and there again the committee has acted as it seems to me very wisely. You have limited the requisition of food to the uses of the Army and Navy and the other departments of the Government. I think that will have a very wholesome effect, a very wise effect. I think it will have something to do very largely with the prices of foodstuffs and fuels in this country. I believe that it is an authority that ought to be granted this board or the President, whichever is clothed with the authority. It is a wise provision and it goes just far enough. Under the old bill it went too far. It authorized them to requisition anything for any purpose, but this amendment, as I understand it, limits it, and it is a very proper limitation, and my own purpose is to vote for it as it is amended, and I hope it will be enacted into law.

Mr. NORRIS. Mr. President——

Mr. McKELLAR. I yield to the Senator from Nebraska.

Mr. NORRIS. I do not have the bill before me, but there is a provision in section 8 known as subdivision (b).

Mr. McKELLAR. I have it. I am looking at it right now. I was just going to refer to it.

Mr. NORRIS. It has no relationship whatever to the balance of the section and has nothing to do with the purchase or commandeering of goods for the Army or Navy. I ask if that is not the provision which provides for the President buying in the market of anybody and selling to anybody he pleases?

Mr. McKELLAR. I think so, unquestionably.

Mr. NORRIS. It seems to me that ought to be an independent and separate section. It has not anything to do with the substance or the subject matter of the section. It has to do with the Army and Navy.

Mr. McKELLAR. I will say to the Senator that it seems to me the court would limit the section to purchases by the President for the purposes set out in section 8. In other words, it merely gives him the right to purchase instead of to commandeer. I am inclined to agree with the Senator, but that power in the hands of the President in the section would not be objectionable to me.

Mr. NORRIS. I think the Senator has put his hand on the one reason, outside of a matter of form, why we ought not to couple these things together; but if there is any danger that subdivision (b) would be construed by a court as the Senator has intimated and have application only to things for the Army and the Navy, then certainly we ought to make it separate. I think it was the theory and idea of the committee, it was added there, that it should not be confined to material for the Army and Navy.

Mr. McKELLAR. I have practiced law for quite a while, and of course to some extent I am fairly familiar with the constructions of statutes by courts, and it is my judgment that that would be construed in connection with the section and not in connection with the entire bill. I believe it would be confined to the purposes and objects of the section.

Mr. NORRIS. That is an additional reason, I think, why it ought to be a separate section.

Mr. McKELLAR. I was just coming to that when the Senator called my attention to it.

Mr. KENYON. Mr President——

Mr. McKELLAR. I yield to the Senator from Iowa.

Mr. KENYON. I can see no objection to making it a separate section, but I call the attention of the Senator from Tennessee to subdivision (b). It refers to the question of a minimum price. Subdivision (a) has nothing whatever to do with the minimum price. The President there can take for the Army and Navy food, feed, and fuel at such compensation as may be fixed by him, with the right to go into the court, while under subsection (b) he can do nothing of that kind at all; he can not pay less than a minimum price. So it refers to the section by necessity where a minimum price is guaranteed.

Mr. McKELLAR. I think it is very involved where it is.

Mr. KENYON. It is involved and it ought to be simplified.

Mr. McKELLAR. The Senator is a member of the committee, and I am sorry the Senator in charge of the bill is not here. I think that obscurity in the section ought to be cleared up by amendment. I have not prepared an amendment on that line myself, but I hope the Senators who are on the committee will do so and have it arranged properly. I think it is quite involved and obscure.

Mr. BRADY. I think that is very important, for the reason that several attorneys in addition to the Senator now occupying

the floor have expressed to-day in the Senate the same doubt as to whether it does apply or whether it does not. If there is any doubt about it, it is very easy for us to settle it beyond all doubt by rewriting the same language and inserting whatever we may decide to put in.

Mr. McKELLAR. In a separate section?

Mr. BRADY. In a separate section. Then there would be no question about it at all. If there is anything we should do in this bill, it is to make it plain and understandable by not only judges and attorneys but by the laymen of the land.

Mr. McKELLAR. I think so. As I said, the friends of the measure at this time ought to use every effort to strengthen the bill and to make it fair and just. It has a great many powers attached to it, and we can not be too careful as to the wording of the bill as well as its purposes, and as to its effect.

Mr. NORRIS. Mr. President——

Mr. McKELLAR. I yield to the Senator.

Mr. NORRIS. The amendment necessarily would be a very simple one. It is more a matter of punctuation than anything else. All we would have to do would be to put in section 8½ or section 8a or section 9 and then renumber the subsequent sections, and commence it with a capital letter; that is all.

Mr. McKELLAR. I think that might well be done.

Mr. SMITH of Georgia. Mr. President, I call the Senator's attention to the fact that subdivision (b) provides that the purchases must be at not less than the minimum price, and they are to sell the goods that are to be sold at a reasonable price. That necessarily could not have been for our Army, but I agree with the Senator, as I said before, that it is a poor place to insert it, and that it would be certainly unsuitable in form to change it into a separate section.

Mr. McKELLAR. I will say to the Senator I did not happen to be in the Chamber at the time he was arguing this question or I would not have undertaken to argue it after him. However, I agree with him entirely. I think that unquestionably it ought to be a separate paragraph or section, dealing with the matter separately, so that there can not be any misunderstanding about it. Unquestionably the semicolon and the parentheses and the letter (b) would indicate that it only had connection with the section. Those ought to be stricken out entirely and a new section put in.

Mr. STERLING. Mr. President——

Mr. McKELLAR. I yield to the Senator from South Dakota.

Mr. STERLING. I wish to ask the Senator, as I did not understand clearly his position, whether or not he favors subdivision (b) as an independent proposition which authorizes the President, in order to guarantee reasonable prices to the producer and the consumer, to purchase any of these so-called necessaries?

Mr. McKELLAR. If the Senator desires my opinion, I have already stated it. I think that is a very wise provision of the law. I think the power ought to be somewhere in a bill like this. I doubt if it will ever have to be used. The very fact that it is there and capable of being used at any moment will have the desired effect, just as I stated to the Senator from Utah yesterday when he was talking about copper, I believe, or aluminum, and using the coal barons meeting here the other day as an illustration.

He said the Council of National Defense got together with the coal dealers throughout the country and they had agreed on a reasonable price and it had been settled satisfactorily to everybody. Suppose the head of that committee of the council had had this power to commandeer coal or to buy coal at a price fixed by the Government under the provisions of this bill, do you not think there would have been a very different price arranged for coal between those people? I do; and it no doubt would have been a price that would have satisfied the country, whereas we have already seen that the price which was agreed upon by the chairman of that committee and by the coal dealers of the country has proved to be wholly unsatisfactory, even to the Government. The Government is divided as to whether it was a good settlement or a bad settlement. So I think I may state to the Senator from South Dakota that this power ought to be lodged in the hands of the Executive, who can use it reasonably and fairly for the benefit of the whole people.

Mr. STERLING. Does not the Senator then think it ought to be connected in terms with the prosecution of the war or with the national security and defense?

Mr. McKELLAR. If the Senator had heard the opening part of my argument on the question——

Mr. STERLING. I am sorry I did not hear it.

Mr. McKELLAR. On the constitutionality of this law I think he would have been convinced that this provision is constitutional, even without any statement. In other words, I will say to the Senator in my judgment you do not have to set out a specific provision of the Constitution in connection with a statute to make the statute come under the Constitution. If it does come under it, in effect, it is there whether any reason is stated or not.

Mr. STERLING. Does the Senator think, then, that the provision would be constitutional in time of peace?

Mr. McKELLAR. No; I do not. I think it is constitutional under the war powers of the Government, which are these, to declare war, to build and maintain a navy, to support an army, and all provisions provided by the Constitution to carry out those provisions. As I have stated before, I think the most important function of the Government in time of war is supporting and maintaining an army and navy. Surely, if it can support and maintain the Army and Navy better by having a power such as is stated in subsection (b) it ought to have it, and it is directly within the Constitution.

Mr. STERLING. But subsection (b) does not relate to the Army and Navy. Subsection (a) relates to the Army and Navy, and distinctly relates to them.

Mr. McKELLAR. That is why I say it ought to be an independent section, and it then would relate to all the purposes of the bill as set out in the title. That is my judgment about it.

Mr. BRADY. May I interrupt the Senator?

Mr. McKELLAR. I yield with pleasure.

Mr. BRADY. As a matter of fact, the bill is now being considered and it will be enacted as a war measure, and it so states in the opening sentence of the first section.

Mr. McKELLAR. Of course.

Mr. BRADY. For that reason any part of it we may enact or any section we may insert in the bill will be considered as a war measure and not as a peace measure. There are many things in the bill that neither the Senator nor myself would vote for in time of peace, but we are voting for whatever we do vote for in the bill as a war measure.

Mr. McKELLAR. Declarations in a bill do not affect their constitutionality. You could put as many provisions of the Constitution in a bill as you could name and unless the subject matter was there constitutionally the bill would be unconstitutional; declarations would count for nothing.

Now, Mr. President, I come to section 9.

Mr. REED. Mr. President——

Mr. McKELLAR. I yield to the Senator from Missouri.

Mr. REED. Before the Senator takes up that matter, I desire to call his mind back to his discussion of the question of the necessity of an amendment to prevent men serving the Government and at the same time taking private contracts.

Mr. McKELLAR. To prevent them from serving God and mammon.

Mr. REED. I think there was some challenge made of the Senator's statement that there was a necessity for that kind of an amendment. I desire to call his attention to an article in the Evening Star of to-day under a Chicago headline. It appears to be an Associated Press dispatch:

> Julius Rosenwald, chairman of the committee on supplies of the Council of National Defense, has issued a statement in which he charges that legislation pending in Congress putting members of the council upon the same footing as Congressmen in the matter of accepting contracts for the Government would practically put the council out of business. He said:
>
> "Congressmen, under the Constitution, can not be interested in any contracts with the Government, and Congress now, it appears, has tacked a rider to the food bill, the effect of which, if passed and not vetoed by the President, would be to legislate the committees of the defense council out of business by putting the members in the same class with Representatives and Senators.
>
> "This is stupid, shortsighted, nonsensical, and foolish."

Mr. SMITH of Georgia. What newspaper is that?

Mr. REED. I am reading from the alleged statement of Mr. Julius Rosenwald, chairman of the committee on supplies of the Council of National Defense. This is his frank opinion of the Agricultural Committee which reported this amendment.

Mr. KENYON. Is that limited to the Agricultural Committee?

Mr. REED. They are the only ones who have committed themselves thus far.

Mr. SMITH of Georgia. The Senate has adopted it.

Mr. REED. The Agricultural Committee reported an amendment providing that men should not be engaged in these contracts with themselves. That is the substance of the amendment. I want to give the Agricultural Committee an opportunity to look into this mirror which is held up before them by Mr. Rosenwald.

Mr. SMITH of Georgia. Did not the Senate adopt such a provision?

Mr. REED. I think it has been passed over.

Mr. SMITH of Georgia. I am sure the Senate adopted the amendment.

Mr. REED. Thus far the words must be held to be limited to the Agricultural Committee.

Mr. KENYON. This mirror is a Sears-Roebuck mirror, I presume?

Mr. REED. Yes; it is a Sears-Roebuck mirror, and I have not any doubt that its proprietor will know how to put it into all parts of the country very rapidly and to catalogue it. I think it is very illuminating to get a real business man's opinion of the Agricultural Committee. Let me read on:

This is stupid, shortsighted, nonsensical, and foolish.

Mr. VARDAMAN. That is the Agricultural Committee?

Mr. McKELLAR. That is his opinion of section 3.

Mr. SMITH of Georgia. Of both the Agricultural Committee and of section 3.

Mr. REED. Yes.

Mr. SMITH of Georgia. It is a combination of the two by an able member of the advisory board.

Mr. REED. I think otherwise; as somebody suggested, the section is probably all right in the opinion of this business man. He might have added, however, that it was unbusinesslike. I read on:

This is stupid, shortsighted, nonsensical, and foolish.

Mr. KENYON. Why does the Senator keep repeating those words? [Laughter.]

Mr. REED. In order that the Senate may have the benefit of the context.

Mr. GORE. I submit that the Senator from Iowa rises to a question of personal privilege.

Mr. KENYON. I did not observe that the chairman of the committee was present.

Mr. REED. This statement continues:

It means a return to the old slipshod days of unloading on the Government—the days of rotten contracts in a time of great national emergency.

Rosenwald said if it had not been for the council "the Government would not have been able in this short time to provide supplies for a million soldiers without the slightest suspicion of graft."

Following the statement just made is this article:

The provision in the food-control bill prohibiting, under penalties of $10,000 fines and five years' imprisonment, sale to the Government of supplies by Government agents, employees, officers, or those acting in an advisory capacity in which they have a personal interest was added by unanimous indorsement of the Senate Agriculture Committee in response to widespread demand and frequent debate in Congress.

At the suggestion of Herbert C. Hoover last Sunday the committee agreed to a modification which would not prohibit employment of persons in an advisory capacity in selling to the Government products other than those in which they have a personal interest. With the modification, however, the clause still would prohibit persons acting in an advisory way from selling their supplies to the Government.

Mr. President, I trust that we shall come near enough returning to the old-fashioned, "slipshod" methods to provide that no man can represent the Government of the United States in deals with himself, and I hope that this business man, upon mature reflection, will revise his opinion regarding the Agricultural Committee.

Mr. McKELLAR. Mr. President, I am much obliged to the Senator from Missouri for the introduction of the article which he has read. I think it merely emphasizes the absolute necessity of our dealing sternly with this proposition.

Mr. SMITH of Georgia. Does the Senator still intend to vote for section 3?

Mr. McKELLAR. I not only intend to vote for section 3, but I intend to work for it harder. Really I do not see how any Senator can vote against it after the statement which has just been read. I do not see how a Senator could get his conscience to permit him to vote against section 3.

Mr. KENYON. Does the Senator feel that this dissertation from the Sears-Roebuck Co. will have a very important effect or will influence many votes against this bill?

Mr. McKELLAR. I can not say as to that. I do not understand just exactly what the Senator means, but if I do——

Mr. KENYON. I was making the suggestion rather ironically.

Mr. McKELLAR. I imagined that the Senator was, though at first I thought he was speaking seriously. So I will change my reply. I think this opinion from Mr. Rosenwald will emphasize the absolute necessity of two things in this bill which I have been arguing for here this afternoon. One is that we must have a responsible commission of paid agents of the Government to transact the Government's food business, wholly dissociated from the men who deal with the Government; and the other is to have a penalty and to put any man in jail who violates the provisions of section 3. I want to say right here now——

Mr. SMITH of Georgia. The Senator surely would be willing to make an exception in favor of this gentleman, whose name I can not pronounce, if we will buy from the firm with which he is associated.

Mr. McKELLAR. I am not willing to make any exception; but, of course, the Senator from Georgia speaks in jest when he talks in that way. I do, however, want to say that it emphasizes another thing. You will notice here that some amendment—some little harmless-looking amendment—has been offered; I do not know whether it has been offered in committee or not, but I refer to the amendment which was suggested as a modification of section 3. Has that amendment been offered in committee, I will ask the acting chairman?

Mr. CHAMBERLAIN. The amendment has been offered in the Senate.

Mr. McKELLAR. It has been offered in the Senate by a member of the committee, I suppose. I hope there will not be any modification of this section, and certainly no modification which will make it less stringent. What we ought to do is to make section 3 more stringent. We can not go too far in that direction. It is a very harmful thing, as it seems to me, for opinions like that just read by the distinguished Senator from Missouri to be given out by the agents of the Government. I will correct that, however, because this gentleman, as I understand, is not an agent of the Government.

Mr. SMITH of Georgia. No; he is an agent of his firm.

Mr. McKELLAR. I do not know about that; but certainly he is not paid by the Government; he owes no duty to the Government under the remarkable measure that we passed some time ago; a measure which ought never to have been passed, and which now ought to be repealed. We have built up a system which we ought to be ashamed of. It is a travesty upon law and justice to establish a number of men as a separate department of the Government to trade and traffic among themselves without let or hindrance, and owing no obligation to the Government, which they are supposed patriotically to serve for nothing.

Mr. REED. Mr. President——

Mr. McKELLAR. I yield to the Senator.

Mr. REED. I want to say for the average business men in my section of the country—and I do not claim they are better than the average business men in other States—that there are very, very few of them who would for a moment think of accepting a position of trust for the Government, either of their city or their State or of their Nation, and then proceed, while occupying that trust capacity, to deal with themselves. I deny that the moral horizon of Mr. Rosenwald is that which bounds the conscience of the average business man of the United States.

Mr. McKELLAR. I think the Senator is entirely right; and I want to resent such an aspersion so far as the business men of the State that I have the honor in part to represent on this floor is concerned. I do not believe Mr. Rosenwald's statement represents the business views of the real business men of the country, but only of those who are desirous of getting on the inside, where contracts are being let, in order to get something for nothing out of the Government in this time of her peril.

Mr. LEWIS. Mr. President——

Mr. McKELLAR. I yield to the Senator.

Mr. LEWIS. May I ask if Mr. Rosenwald, to whom the Senator from Missouri refers, and to whom, I assume, the Senator from Tennessee is likewise alluding, is the member of the Advisory Council appointed from the State of Illinois?

Mr. McKELLAR. I so understand, although I can not say with positiveness.

Mr. LEWIS. I just came into the Chamber from the hall, and I should like to inquire what is the infraction that has been noted as to this particular member?

Mr. McKELLAR. Is the Senator a member of the Committee on Agriculture of the Senate?

Mr. LEWIS. I am not. I have some outward appearance of being familiar with horticulture, but not with agriculture. [Laughter.]

Mr. McKELLAR. If the Senator had been a member of the Committee on Agriculture I would have been too timid to read what Mr. Rosenwald is purported to have said about that committee; but, he having disclaimed being a member of that committee, I will now read what Mr. Rosenwald says about section 3, if the Senator will look at section 3 of the bill.

Mr. LEWIS. I know the bill, and I will be very glad to hear the Senator.

Mr. McKELLAR. Mr. Rosenwald says, the item being under a Chicago headline, dated July 3, which is to-day:

Julius Rosenwald, chairman of the committee on supplies of the Council of National Defense, has issued a statement in which he charges that legislation pending in Congress putting members of the council upon the same footing as Congressmen in the matter of accepting con-

tracts for the Government would practically put the council out of business. He said—

Then Mr. Rosenwald is quoted as follows:

Congressmen, under the Constitution, can not be interested in any contracts with the Government, and Congress now, it appears, has tacked a rider to the food bill, the effect of which, if passed and not vetoed by the President, would be to legislate the committees of the Defense Council out of business by putting the members in the same class with Representatives and Senators.

That would be an awful thing to do, of course. I might add I do not blame him for not wanting to be put on the same plane with Representatives and Senators. Very few people would like that. Then he goes on to state:

This is stupid, shortsighted, nonsensical, and foolish—

That is why I asked the Senator if he was a member of the committee. I did not think he would refer to his own Senator that way—

It means a return to the old slipshod days of unloading on the Government—the days of rotten contracts in a time of great national emergency.

That is the end of the direct quotation.

Mr. LEWIS. Those are the allusions——

Mr. McKELLAR. That is why his name was brought in here.

Mr. LEWIS. Those are the expressions to which the Senator from Missouri and the Senator from Tennessee have alluded?

Mr. McKELLAR. They are.

Mr. LEWIS. Assuming the quotation to be accurate, I regret that such has come from him. I have great respect for Mr. Rosenwald, and would like to see him maintain himself in such a manner that he may obtain the respect of this body, and I regret that he has found it agreeable to give out such utterance, to which I can only add the exclamation, "Important, if true!"

Mr. REED. Mr. President——

Mr. LEWIS. I might add, if I may be pardoned——

Mr. McKELLAR. I yield to the Senator.

Mr. LEWIS. I was going to add that I regret that a gentleman, a member of the Council of National Defense, should feel that it is his position at any distance to pass judgment upon the legislative body in such terms as the quotation seems to express in behalf of Mr. Rosenwald. I can not but incline to the idea that the quotation is much stronger than he would have ventured to have uttered.

Mr. McKELLAR. I hope so.

Mr. REED. I desire to ask the Senator from Tennessee——

Mr. McKELLAR. I yield to the Senator.

Mr. REED. I ask if the Senator does not know of his own knowledge that the members of the Council of National Defense, or at least one member of it, has stated that if the amendment we are discussing were to be adopted the council would be put out of business?

Mr. McKELLAR. Yes. I suppose it would now be perfectly proper for me to say that, on official business, together with the senior Senator from Tennessee [Mr. SHIELDS], Representative FISHER, and possibly some others—I have forgotten just who they were—I visited the Munsey Building a few days ago, and was for the first time introduced to the members of that particular advisory board or committee. Mr. Rosenwald then stated that section 3 was a very foolish provision and would put the Council of National Defense entirely out of business, to use his words. I think I am right in that. I will ask my colleague if I am not.

Mr. VARDAMAN. May I ask the Senator——

Mr. McKELLAR. Just a moment. He said that to me; and I took very violent issue with him, as can be imagined from the sentiments which I have expressed here this afternoon. I feel not the slightest unkindness toward Mr. Rosenwald. I never saw him before; I have always heard him spoken of very highly since I have known of him at all; and I have no criticism to make of him now except to say that I do not believe in that kind of business, and I do not believe that the Government of the United States will permit that kind of business; and no man who has that kind of views of business and commercial life should be intrusted with any office by the American Government or the American people.

Mr. VARDAMAN. May I ask the Senator a question?

Mr. McKELLAR. I yield to the Senator.

Mr. VARDAMAN. I desire to ask the Senator if this man said to him that it was a very foolish business in which the Senator and his colleagues were engaged?

Mr. McKELLAR. He did not state that. He said that it was a very foolish business; that it would put the Council of National Defense out of business; and, as I recall, I replied that if it would put the Council of National Defense out of business to prohibit them dealing among themselves the sooner they were put out of business the better it would be for the American people.

Mr. FLETCHER. I presume the Senator means the advisory commission?

Mr. McKELLAR. I mean the advisory commission; I am not speaking of the Council of National Defense, which is composed of members of the Cabinet, who we all know are men of the highest integrity and honor and who are men whose allegiance is to the Government and who are fighting for its interests. Of course any statement made is made in reference to the advisory commission or committees and not in reference to the Council of National Defense, strictly speaking. I believe in the honesty and integrity of the members of the Cabinet on this board to the limit.

Mr. VARDAMAN. Mr. President, I am not inclined to criticize harshly this man. On the contrary, he challenges my sense of charity. His stupid utterances are but the emanations from a mind uninformed and a spirit inflated with the vanity of riches. They are but the manifestation of that contemptuous regard which the purse-proud individual usually entertains for an honest man in public life who dares to do his duty to his country. His conduct is the impudence of ignorance, the arrogance of great wealth—the bad manners of a plutocratic vulgarian. I think it calls for action on the part of the Senate. Senators can not preserve their self-respect and have anything to do with such an ill-mannered, coarsely bred creature, and I shall be glad to vote for a resolution requesting that he withdraw altogether from the Government service.

Mr. McKELLAR. Will the Senator permit me to ask him—and this is not said in a more or less facetious spirit? Does the Senator object to this matter because the gentleman said he did not want to be put on the same plane with Senators and Congressmen?

Mr. VARDAMAN. No; not at all. I hope the man may never be on the plane that I occupy. I should be dissatisfied with the plane if he should get on it.

Mr. GORE and Mr. SHIELDS rose.

Mr. McKELLAR. I yield to the Senator from Oklahoma first.

Mr. GORE. I just wanted to ask the Senator from Mississippi if he really thinks the Senate ought to act in the spirit which he indicates?

Mr. VARDAMAN. To whom does the Senator refer?

Mr. GORE. The Senator from Mississippi.

Mr. VARDAMAN. Why, I have no special spirit in this matter. I am not at all excited or annoyed about it. I think that when a creature of that character undertakes to put on airs and criticizes the Senate in the manner he has it is very well to call attention to it and express your opinion of such a creature.

Mr. McKELLAR. I now yield to the Senator from Tennessee.

Mr. SHIELDS. My colleague has referred to a conversation which he had with Mr. Rosenwald. I was present, and my colleague has stated almost verbatim what was there said by Mr. Rosenwald and by himself. Certainly his statement is substantially correct in every respect. My colleague said considerably more on that occasion than he has said here in giving an account of the interview in his condemnation of an advisory committee or anyone else undertaking to act for the Government and at the same time acting for themselves, all of which I fully approved.

Mr. GORE rose.

Mr. LEWIS. Might I ask the Senator——

Mr. McKELLAR. I will yield to the Senator from Illinois in just a moment. I yield now to the Senator from Oklahoma.

The VICE PRESIDENT. The Chair has been sitting here quite a long while, but nobody has known it.

Mr. GORE. Of course, too, Senators will indulge the presumption that the language was entirely parliamentary; but I wanted to ask the Senator from Tennessee or the Senator from Illinois to tell the business connection of this saintly gentleman.

Mr. McKELLAR. Mr. President, I can not state what it is. I must be very much of an ignoramus; I am not very familiar with great men. I suppose I argue myself unknown, but I never heard of Mr. Julius Rosenwald until a short time ago, when I saw his name in the papers as being a member of this commission. I have no knowledge of him of any kind, nature, or description. I do not know what his business connection is, I do not know what his history is, and I have not the slightest feeling of any kind, nature, or description in regard to him.

I want to say to the Senator that I never would have brought up this subject, inasmuch as this was purely a business visit of my friends and myself to the offices of Mr. Rosenwald, and not even to see him but to see another very delightful gentleman that we met there; and while there we were invited in to meet Mr. Rosenwald and other members of the board, and then this conversation occurred. I did not intend to have a word to say about that conversation and would not have done so

but for this publication, in which Mr. Rosenwald seems to charge very dire things against Members of the Senate.

Mr. VARDAMAN. Well, may I ask the Senator——

Mr. GORE. I think the Senator has rendered a public service——

The VICE PRESIDENT. The Chair would really like to be recognized once in a while and have some rights under the rules of the Senate. Senators rise and proceed to discuss matters without the slightest attention to the Chair. Either the present occupant of the chair is going to vacate the chair or somebody is going to pay some attention to the rules of the Senate.

Mr. McKELLAR. Mr. President, I yield to the Senator from Oklahoma next.

Mr. GORE. With the Chair's permission, I will say that I think the Senator from Tennessee has rendered a public service in detailing this conversation. I am anxious to get in the RECORD, if I can, the business connection of Mr. Rosenwald, and I will ask the Senator from Illinois to give us that.

Mr. McKELLAR. I now yield to the Senator from Illinois to give that information.

Mr. GORE. I want to know on what meat this Daniel who has come to judgment has fed.

Mr. McKELLAR. I do not know anything about him; and I now yield to the Senator from Illinois to give the explanation to the Senate.

Mr. LEWIS. Mr. President. I do know Mr. Julius Rosenwald. I never have borne any intimate connection with Mr. Rosenwald. He is a prominent business man of my city. He is the head of the large house—the parcels-post house, as we may speak of it—of Sears, Roebuck & Co. He has been known for many charities and great generosities and as a man of large wealth. I never heard him charged with a dishonorable act. Knowing him as I do in a casual way, I can not believe him guilty of one. I can not believe that he would use this office as a member of the advisory commission for the enrichment of himself. I deplore to hear from these eminent Senators that he could have lost his usual balance and have said to these Senators that he thought the advisory commission, by action of ours, would be put out of business. It would leave the inference on the part of certain people that the advisory commission or the council were there for business. It is to be regretted that any gentleman should leave the impression that as a member of the advisory commission he took the office for business purposes. I can not believe that Mr. Rosenwald could descend to such a course; and I now answer the Senator from Oklahoma.

The reputation of Mr. Rosenwald in the city of Chicago is as a great benefactor, a great business man, and so eminent in the councils of the Republican Party was he that he was chosen as one of the heads to make its campaign in behalf of Mr. Hughes, the candidate; and he occupied such a very high and exalted position that he was on the council of direction in that great contest and has held the confidence of his fellow citizens. I regret that he has done anything that should lose for him the esteem of the Senate. I trust that this whole observation concerning him, which I understood the Senator to read from the newspaper as a quotation from Mr. Rosenwald, may afterwards be disclosed to have been one brought about by a report that really has no foundation in truth. I can not believe he would have descended to that which in itself is absurd, and certainly defenseless.

Mr. McKELLAR. Mr. President, in order to be entirely fair to Mr. Rosenwald, may I ask the Senator if Mr. Rosenwald or his firm deals in any articles of merchandise which are or might be sold to the Government in any way, such as equipment for the Army and Navy, or anything of that kind? I do not know how it is, but the inference might be that way, and I should be glad to have the Senator explain that on behalf of his friend, if he desires.

Mr. LEWIS. Mr. President, all I can say in that connection is this: The house of Sears, Roebuck & Co. is one of the very large supply houses of America, and I have little doubt but that it engages itself with every form of supply that goes to the household needs of man. It is natural to indulge the thought that, therefore, it may have things for which the Government may have need, but as to whether it has ever supplied the Government, or sought to do so, I have no information whatever.

Mr. McKELLAR. May I ask this: The Senator, from his knowledge of Mr. Rosenwald, would feel assured that Mr. Rosenwald, acting as chairman of this department, would not permit his house to sell anything like clothing supplies or any other supplies dealt in by him to the Government at such a time; would he not?

Mr. LEWIS. I say to the Senator, having been opposed to Mr. Rosenwald in every office for which I contended, being opposed by all the interests which he represents, I can not be said to be a prejudicial witness in his behalf; but it is my sincere conviction that he is a man who would not tender his own business to the Government out of which to make profits, and that he would not, while he was on the advisory commission, attempt to benefit his business or himself by any opportunity that might be afforded him. Such is my personal judgment of a gentleman toward whom I have borne an acquaintance such as I have described.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Missouri?

Mr. McKELLAR. I yield to the Senator from Missouri.

Mr. REED. In order to clear up the connection of Mr. Rosenwald with the advisory commission of the Council of National Defense, allow me to read from the document which was presented by the Senator from Nevada [Mr. NEWLANDS] a few days ago and which he caused to be printed and given to the Senate.

On page 55, under the heading "Council of National Defense," is found the list of the council:

The Secretary of War, Mr. Baker; the Secretary of the Navy, Mr. Daniels; the Secretary of the Interior, Mr. Lane; the Secretary of Agriculture, Mr. Houston; the Secretary of Commerce, Mr. Redfield; the Secretary of Labor, Mr. Wilson.

Advisory commission of Council of National Defense: Daniel Willard (chairman), transportation and communication; Howard E. Coffin, munitions and manufacturing, including standardization and industrial relations; Julius Rosenwald, supplies, including clothing, etc.

Turning to page 60, I find this:

Committees of and cooperating with Mr. Rosenwald—

That is to say, "Committees of Mr. Rosenwald," I take it—

Committee on supplies: Julius Rosenwald, chairman; Stanley King, secretary and director of W. H. McElwain Co.; Charles Eisenman, retired; H. M. Kelso, Sears, Roebuck & Co.; T. W. Cloney, Quaker Oats Co.; E. O. Heyl, Libby, McNeil & Libby.

Now the cooperative committee on cotton goods: There follows a long list of names. I do not want to take the time of the Senate to read them, but I ask leave to print them.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

Cooperative committee on cotton goods: Lincoln Grant, Wellington-Sears Co., New York, chairman; Harry L. Bailey, Wellington-Sears Co., New York; A. F. Bemis, president National Association Cotton Manufacturers; Fuller E. Calloway, La Grange, Ga.; Elisha Cronkhite, Smith, Hogg & Co., New York; E. F. Greene, Pacific Mills, Boston, Mass., Eustis L. Hopkins, Bliss, Fabyan & Co., New York; William D. Judson, 78 Leonard Street, New York; J. Harper Poor, Amory, Browne & Co., New York; W. H. Prankard, Amoskeag Manufacturing Co., Boston, Mass.; John E. Rousmaniere, J. Spencer Turner & Co., New York; Spencer Turner, Turner-Halsey Co., New York; Ridley Watts, Watts, Stebbins & Co., New York.

Mr. REED. Then there is the cooperative committee on woolen manufactures and a long list of names, which I ask to have printed.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

Cooperative committee on woolen manufactures: John P. Wood, William Wood & Co., Philadelphia, chairman; Spaulding Bartlett, S. Slater & Sons, Webster, Mass.; Robert T. Francis, Ponteesue Woolen Manufacturing Co., New York; George C. Hetzel, C. C. Hetzel Co., Chester, Pa.; Winthrop L. Marvin, National Association Wool Manufacturers, Boston, Mass.; Moses L. Shuttleworth, American Woolen Co., New York; Nathaniel Stevens, M. T. Stevens & Sons, North Andover, Mass.; Charles H. Wilson, J. & E. H. Wilson, Pittsfield, Mass.

Mr. REED. Then, there is the cooperative committee on shoe and leather industries, with a long list of names, which I ask to have printed.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

Cooperative committee on shoe and leather industries: J. F. McElwain, W. H. McElwain Co., Boston, Mass., chairman; John A. Bush, Brown Shoe Co., St. Louis, Mo.; W. G. Garrett, Central Leather Co., Boston, Mass.; Charles P. Hall, American Hide & Leather Co., Boston, Mass.; George F. Johnson, Endicott-Johnson Co., Binghamton, N. Y.; John Kent, M. A. Packard Shoe Co., Brockton, Mass.; H. Frederick Lesh, Kistler-Lesh Co., Boston, Mass.; August Vogel, Pfister-Vogel Leather Co., Milwaukee, Wis.

Mr. REED. The next is the cooperative committee on knit goods, which I also ask to have printed.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

Cooperative committee on knit goods: Lincoln Cromwell, William Iselin & Co., New York, chairman; Frank H. Burgher, 32 Thomas Street, New York; J. S. Carr, jr., president Durham Hosiery Mills, Durham, N. C.; Andrew Frey, vice president Onieta Knitting Mills, Utica, N. Y.; Leo M. Flesh, Atlas Underwear Co., Piqua, Ohio; E. J. Goodrich, Clift-Goodrich Co., New York; Frederick S. Haight, 61 Worth Street, New York; Henry Pope, Paramount Knitting Mills, Chicago, Ill.; Rufus W. Scott, William F. Taubel, New York.

Mr. REED. So it would appear that Mr. Rosenwald is not here merely in his individual capacity, but that he is the head of a number of committees handling other activities, covering a large number of things.

Who's Who of 1917 has this to say of Mr. Julius Rosenwald:

Julius Rosenwald, merchant; Springfield, Ill.—

It gives his birth, and so forth—

senior member Rosenwald & Weil, clothiers.

Observe that he is the chairman of the committee on supplies, including clothing.

Then follows a list of a large number of charitable organizations to which he belongs, and the statement of some of his charitable acts.

The article concludes:

Home: 4901 Ellis Avenue. Office: Sears Roebuck & Co., Chicago, Ill.

I think this sufficiently identifies the gentleman.

Mr. McKELLAR. Mr. President, I have already taken more of the time of the Senate than I intended when I arose, and will hurry through what I shall have to say.

Section 9 of the bill is merely an addition to section 8, and gives to the Government the right to requisition any of the packing houses or factories or mines that might be necessary to carry out the provisions of section 8. It is rather an enlargement of the powers of section 8, and I think it is a section that should be enacted into law. If we are going to give the President the authority, we ought to give him sufficient authority to make the purpose intended effective.

Section 10 is the section to which I want to call the attention of Senators most earnestly. That is, in my judgment, a slipshod way of dealing with the most vital thing in this bill, and that is the food speculator:

That undue enhancement or fluctuation of prices of or injurious speculation in—

Now, those of us who are lawyers know that it is very difficult to determine what is "undue" enhancement of prices or "injurious" speculation. What might be held or considered by one judge to be injurious speculation in one instance would be held to be wholly of a proper character by another judge and in another instance.

Mr. CHAMBERLAIN. May I interrupt the Senator?

Mr. McKELLAR. With pleasure.

Mr. CHAMBERLAIN. The committee at its last meeting authorized me to report an amendment which strikes out the following words in section 10 after the first word "That":

Undue enhancement or fluctuation of prices of, or injurious speculation in, or unjust market manipulation, or unfair and misleading market quotations of the prices of necessaries are hereby prohibited, and.

So that it will read:

That whenever the President finds it essential in order to prevent undue enhancement, depression, or fluctuation of prices of, or in order to prevent injurious speculation in—

And so forth.

Mr. McKELLAR. I do not think that improves the section very much. It may, because it leaves it entirely in the hands of the President. As I said before, I think that is the duty of Congress in the premises, and it is a duty we ought to deal with directly. We ought to deal with this question of speculation directly and not through the agency of the President. We ought not to unload on the President this question. Some men think we ought not to legislate about speculation at all, that the speculators ought to regulate themselves. Others think that we had better get rid of it, and the easiest way is just to unload it on the President. The chances are the President will not do anything with it.

The gamblers and speculators who are sending prices skyward at the expense of the consumers of the country are hoping to avoid any trouble, that the President may overlook them, or his agent may overlook them, or he may think it would take so long to investigate them to find out which ones are injurious speculators and which ones are harmful speculators that nothing will be done. Some Senators think that if we put in a straight-out provision somewhat after the manner of the Thomas amendment, which was offered by the distinguished Senator from Colorado, it will have the effect of driving out the speculators, and that is what we ought to do. We ought to do it directly. We ought not to turn it over to the President to investigate and to find out what is harmful speculation and what is not harmful speculation. If we are going to adopt that sort of legislation why not adopt it all along the line? Why should we take the trouble to investigate what laws should be passed or what laws should not be passed? When we come to a question why not just turn it over to the President to examine and report and pass upon it and put a penalty on it? That is no way to legislate. It ought not to be put in the bill in that way. It is a bad policy of government. It is a policy of government that may lead to ruin of the Republic if we keep it up. We ought to do it directly and fairly and pass upon these questions ourselves.

For my part, I am not going to stand up here and in one breath abuse the food speculators and then go right on and vote with them, because they all want this kind of a provision. They want to have the same kind of regulation that the various business men of the country are having in the Council of National Defense.

They want to gather together here in Washington and pass upon the question themselves as to who are engaged in injurious and speculative business and who are not, licensing some and not licensing others. It opens the door to all kinds of fraud and wrong that may be perpetrated not only upon our Government but upon the people of this country. I shall propose, unless the distinguished Senator from Colorado [Mr. THOMAS] does so, the straight-cut, matter of fact, effective legislation that he offered by way of an amendment to the last food bill, and which in my judgment the Senate made a mistake by not adopting.

Now, so much for that. I next come to section 11, and that is the guarantee section, the minimum-price guarantee. I hope Senators will listen to this proposition that I have to make about that. I think the committee has worked out a very excellent provision along that line, just about as good probably as could be prepared with just one exception. I ask Senators to look at the bill on page 16, line 14, the word "profit." This is a very important power that we are conferring on the food controller. It is a power that ought to be exercised most carefully. It is the greatest power that possibly ever was exercised by any Government official. My suggestion is to add after the word "profit" a colon, and then the following:

Provided, That before fixing any reasonable guaranteed price for any such products the said board shall make a careful investigation into all the facts, and prepare a record of their findings on such facts, and submit said record of findings with their recommendations thereon to the President of the United States personally, and if he shall indorse said findings, then such reasonable guaranteed price for any such products may be fixed, but not otherwise.

Now, what will be the effect of that amendment? It is simply to make it more effective. Senators know that there are a good many who will complain of the use of this word, and that it is a very extraordinary power we are conferring. Now, we are conferring it upon a board. Some board, some body of men, are going to fix the guaranteed price under that provision. It will bring about dissatisfaction, it makes no difference what they do; but would it not add to the satisfaction the country will have, to the confidence the country will have in it, if this board, before fixing a price, shall submit their finding to the President of the United States for approval and he pass upon it personally? I think it would add to the section, and I hope the Senator in charge of the bill will accept that amendment and put it in the bill. I believe it will add very materially to it. I believe the country will accept any guaranteed price that the President of the United States personally passes upon, because they have the utmost confidence in his ability and in his integrity and in his desire to do exactly right on all matters that are submitted to him, and for that reason I have offered the amendment.

Hurrying on, I now come to the next section, and that is the prohibition section, which I have already discussed. I am not going to discuss it further, because I think we have all made up our minds what we are going to do about it. I have made up my mind, and I shall vote for it, lobby or no lobby on either side, influence or no influence from any source. I shall vote my personal convictions on the matter. When I was a candidate for the office of Senator in Tennessee I made the statement that I would support prohibition legislation, which was desired by a vast majority of the people of the State which I have the honor in part to represent. I made that promise openly, fairly, squarely, and I am going to live up to it just as openly, just as fairly, and just as squarely as I know how, and I am going to vote for the "driest" amendment that can be offered to the bill. I believe at this time such a vote is the best vote for all our people.

I next come to section 13, which is a corollary, and, of course, goes along with it. With all the other sections I have no quarrel at all. On the contrary, I desire to express my appreciation at the good work of the committee in working it out.

In conclusion I have this to say, that there is one omission in the bill that I think ought to be cured. The President of the United States in recommending food legislation gave, as I recall, as the first reason for it that whatever board was constituted should have the power to buy for foreign Governments, for our allies and the neutral Governments. Manifestly, the board consituted here ought to have that authority. It is absolutely necessary. One of the great causes of high prices is the

fact that foreign Governments have sent their agents here with instructions to buy wheat and to buy corn and to buy other food productions at any price that might be agreed upon. They sent them here without any reference to our own condition, to our own prices, to our own supplies. They were sent here and they have purchased at the very best prices they could obtain. What was the result? The result was that all these purchases by foreign Governments, both for allies and neutrals, had the effect of running the prices skyward. It is manifest, as is pointed out by the President, that this board should be given authority to buy all the supplies for our allies and for the neutrals at a time when it would not affect our own trade and our own commerce, and would not affect adversely the prices of our own supplies, and not buy them at a time when it would send the prices up.

Mr. STERLING. Mr. President——

Mr. McKELLAR. I yield to the Senator from South Dakota.

Mr. STERLING. Does not the Senator think that the board in making its purchases would largely regulate the prices so as to dispense with the necessity of any guaranteed price?

Mr. McKELLAR. I feel sure that there should be the appointment of such a board to deal with our surplus crop. Of course there is no doubt there is plenty being raised in our own country for our own people, for our own Army, and for our own Navy, but the great question is to feed our allies, to support our allied armies and nations. Manifestly, we ought to go about this matter of purchasing our surplus for our allies and for the neutral countries in a businesslike way. We ought not to go about it in a slipshod way, in an indirect way.

I am going to offer this amendment, which I hope will carry out the idea I have. If it does not, and if some other Senator offers a better one, I shall be glad to support it.

Mr. KENYON. Does the Senator believe that under the bill an agency could not be created?

Mr. McKELLAR. Yes; an agency could be created, of course; but we want one of the right kind.

Mr. KENYON. I thought section 2 covered it.

Mr. McKELLAR. But here is what we are going to do about that. I may be unduly prejudiced, but I have the advisory board of the Council of National Defense uppermost in my mind. I am afraid of that kind of legislation, and for that reason while I think unquestionably the food commissioner could establish a board under the broad provisions of this act, Congress ought to do so directly. I do not think we ought to permit a food commissioner to legislate for us. I think we ought to do it directly, and for that reason I am going to offer an amendment which I have already had printed. It is as follows:

SEC. —. That it shall be the duty of such board as may be created under this act, and it is hereby fully authorized and empowered, to take over and transact the entire business of buying necessaries and selling necessaries, as defined in this act, to the allies of the United States during the war, and no necessaries may be bought by any foreign allied government, by its agents or representatives, or by any neutral government, its agents, or representatives, save through the agency of said board under limitations, rules, and regulations to be established by the President from time to time during the emergency. The said board shall not charge any allied government any profit or commission for its service, but it shall charge the actual cost and expense of the service rendered. It is hereby declared to be unlawful for any person, firm, corporation, or association to sell any necessaries to any allied or neutral foreign government, its agents, or representatives, and a violation of this section shall subject the offender to a fine of not less than $10,000 or imprisonment for not more than two years, or both, for each offense.

Mr. BRADY. Mr. President——

Mr. McKELLAR. I yield to the Senator from Idaho.

Mr. BRADY. The amendment the Senator offers does not provide for the appointment of a board any different from that provided in section 2.

Mr. McKELLAR. The reason why that was done was that when I prepared this section I was very much in hopes the Committee on Agriculture would see the necessity of establishing a board in the first section of the bill, and I thought in the powers of that board should be included the power to deal with purchases for foreign governments.

I will say to the Senator, and he is on the committee, that here the President of the United States recommends that this legislation be passed and the very first thing he recommends is the establishment of a board to do the buying for the allied governments. It is so apparent that there ought to be such a board I take it no Senator can undertake to say there should not be such a board, and yet the bill has hardly any direct reference to any such board. It is one of the most important things to be accomplished by the bill, and that board ought to be a constitutional board, it ought to be a responsible board, it ought to be a board that has no other interest to serve except the interests of this Government and its people. It ought not to be a board composed of men who sell to foreign governments themselves. It ought to be a board of men about whom there can not be any question of their good faith. I believe the statement made in the Bible that it is well to avoid the appearance of evil. Now, in this time of war, when our country is torn up, when we have almost hysteria among some people at times, we ought to be exceedingly careful to avoid the appearance of evil, so that there can not be any question about the good faith and honesty of the acts of the agents of the United States.

For that reason I think we ought to have a board duly constituted under the law, appointed by the President, confirmed by the Senate, as the Constitution says we must do. We ought to have such a board as that for this all-important work of buying for the allied Governments of the world. I think there can not be any answer to that, and I do not believe my distinguished friend from Idaho, whom I love very dearly, has an answer to it; and I now yield to him.

Mr. BRADY. The point I wish to make is this: The Senator's amendment is a very good one, but it will not apply to this bill unless he first creates a board.

Mr. McKELLAR. Of course it is in general language. If my amendment for the creation of a board in the first section is lost, then I shall move to change the word "board" into "agency," and require the agency of the Government established under the bill to buy and sell for the allies. It is an important section. This is one of the most important things we have to deal with. It will have more to do with the establishment of fixed prices and to bring about stationary prices of the products of our country than anything else. It will absolutely deal with the situation if it is properly handled, and we ought to be exceedingly careful about it so that the very highest class board is found for this all-important work. The Senator from Idaho is a member of the committee, and it may be that he can tell me why the committee did not provide for it in terms.

Mr. BRADY. The explanation the Senator from Idaho makes is that the bill was before the committee as a food-control bill, with a distinct understanding that it was the intent and purpose of the President to appoint Mr. Hoover as the chairman of the board to manage or control the food in our country during the war. The question was not discussed at length at all relative to the creation of the board.

The Senator's suggestion is a splendid one if it can be enacted, but I am afraid it would only delay the bill. On the other hand, permit me to say that the amendment he offers will not remedy the situation. The only thing that will remedy it is to add a provision limiting the board as an agency, having first provided for the appointment of the board by the President and its confirmation by the Senate, but the bill was simply for the control of the food situation and of speculation, and naturally it drifted off to a great many things that were not originally in the bill.

As to section 3, I may say that that section was put in by the unanimous vote of the committee and it expresses the sentiment of the committee. It applies not only to one member of the committee but to all, and we are willing to accept the consequences.

The amendment can not be utilized to advantage in the form that it is at present. I would suggest to the Senator, before presenting the amendment, that he add a section creating the board and consolidate the two amendments into one. I believe it would then receive much more favorable consideration from the committee, and I think it is a very good suggestion.

Mr. McKELLAR. I will make my amendment conform to the bill, so as to effect the purpose which we have been discussing, and I hope the Senator will vote for it and that other Senators will do so.

Mr. President, I believe I have said all and more than I intended to say on this bill.

Mr. GORE. Mr. President——

Mr. McKELLAR Mr. President, I yield to the Senator from Oklahoma with pleasure.

Mr. GORE. Before the Senator closes I wish to say in connection with his remarks that I entirely agree with him that whoever is to exercise these vast, these unexampled powers, ought to be an officer of the United States; that he ought to be a responsible officer; he ought to be confirmed by the Senate; and he ought to be required to report to the Congress of the United States as to the discharge of his official duties.

If Mr. Hoover be appointed in pursuance of this act, he will have no official status; he will not be an officer of this Government; neither he nor anyone associated with him would be liable to impeachment for misfeasance or malfeasance or nonfeasance—whatever those terms may mean—in regard to his official duties. I entirely agree with the Senator from Tennessee as to that.

I may say that I have introduced a separate measure—joint resolution 62—creating an office and an officer to discharge

these powers, which are only equaled by the Czar's, the Kaiser's, or the Sultan's; but I conferred with some of my associates on the matter, and I did not offer the measure as an amendment to this bill because it was suggested that it might delay the report. I was not willing to delay the report even for a moment; but I have intended to offer that joint resolution as an amendment to this measure. I hope that it or the Senator's amendment or some other amendment will be adopted that will fix the official responsibility of those who are to exercise these unexampled and unprecedented powers.

Mr. McKELLAR. I take it also that the Senator from Oklahoma is old-fashioned enough to believe that when the Government appropriates $152,500,000, as is proposed to be done in this bill, and turns it over to some one else to spend, it is as little as we can do to have a duly sworn and bonded officer to disburse so important an amount. Is that correct?

Mr. GORE. I think so.

Mr. McKELLAR. I have said more than I started out to say. I wish to again assure the Senate that, so far as I am concerned, I shall not in any manner delay or do anything that would tend to delay the early passage of this bill. I believe something ought to be done, and that it ought to be done as quickly as possible in this direction. I think time is of the essence of the matter. I approve of most of the provisions of the bill, and I think by amendment we can get a bill with which most of the people of our country will be entirely satisfied. I think that the discussion that has been had—prior to this date at any rate—has been of great good in determining just what should go into the bill. I, for one, most heartily approve of the proposed legislation, taken as a whole, and hope that it will soon be the law.

Mr. BRANDEGEE. Mr. President, I rather regret that the discussion concerning the advisory commission to the Council of National Defense has arisen in connection with this food-control bill. I regret it, not because I deprecate the discussion, and not because I do not think that it is the duty of Congress and the desire of the country to know all that is to be known in relation to the operations of this advisory commission, and, indeed, of the council itself, but I fear that it raises a subject of such reach and ramifications that, if we treat it with the exhaustiveness with which we ought to treat it, it will necessarily operate to delay the passage of this very important bill.

Mr. President, I think there has been a dearth of information as to the operation of this advisory council, and I have here a report from the director of the advisory council made to the Secretary of War, dated the 28th of May, but which was only released for publication on the 25th of June, and has, I think, received only very scant attention in the press, because perhaps it is not very brief and not particularly adapted to newspaper needs as news. It is, however, very informing. It goes into considerable detail in the effort to analyze and to give to the country a clear view of all the things which have been accomplished by this very necessary commission. I am sending the report to the desk and ask that it be printed in the RECORD.

The first page contains the names of the different committees into which the body is divided. They are arranged in the form of a diagram, which I shall not ask, of course, that the Printing Office attempt to reproduce. It can only print the lines, and so forth, between the names. If they have the diagram set up at the Printing Office, of course, it could be advantageous to use it. I should like to have the report of the matter which I have sent to the desk printed in the RECORD, not in the very fine type in which the printer usually sets up quotations and which is very difficult for most people to read, but in the ordinary type of the RECORD.

Mr. FLETCHER. Mr. President, may I ask the Senator if the report which he presents is accompanied with illustrations?

Mr. BRANDEGEE. There is not a single thing in it in the way of an illustration. I did not know but that the matter might be held up on account of the marked lines and diagrams in which the first page is set up.

The VICE PRESIDENT. Without objection, the report will be printed in the RECORD in the ordinary type.

The report referred to is as follows:

COUNCIL OF NATIONAL DEFENSE (organized by act of Congress Aug. 29, 1916):
- Secretary of War, chairman.
- Secretary of Navy.
- Secretary of Interior.
- Secretary of Agriculture.
- Secretary of Commerce.
- Secretary of Labor.

COUNCIL OF NATIONAL DEFENSE—Continued.

DIRECTOR OF COUNCIL AND ADVISORY COMMISSION—Mr. W. S. Gifford:

SECTIONS AND BOARDS OF THE COUNCIL:
- General munitions board.
- Munitions standards board.
- Aircraft-production board.
- Medical section.
- Commercial-economy board.
- Interdepartmental advisory committee.
- Cooperative committees on purchase of Army supplies (United States Chamber of Commerce).
- Inventions (Naval Consulting Board).
- National research council.
- Committee on shipping.
- Committee on Women's defense work.
- Committee on coal production.
- Section on cooperation with States.

ADMINISTRATIVE ORGANIZATION:
- Secretary of council and of advisory commission, Mr. Grosvenor B. Clarkson.
- Assistants to director.
- Chief clerk.
- Statistics and organization.

ADVISORY COMMISSION (provided for in organic act, nominated by council, and appointed by President):
- Mr. Daniel Willard, chairman.
- Mr. Howard E. Coffin.
- Dr. Hollis Godfrey.
- Mr. Julius Rosenwald.
- Mr. Bernard M. Baruch.
- Mr. Samuel Gompers.
- Dr. Franklin H. Martin.

FUNCTIONS, COMMITTEES, AND COOPERATIVE COMMITTEES OF ADVISORY COMMISSION:
- Transportation and communication—Mr. Willard.
  - Cooperative committees on—
    - Telegraphs and telephones.
    - Railroads.
    - Electric railroads.
- Munitions—Mr. Coffin.
  - Cooperative committees on—
    - Automotive transport.
    - Public utilities.
- Engineering and education—Dr. Godfrey.
- Supplies—Mr. Rosenwald.
  - Cooperative committees on—
    - Cotton goods.
    - Woolen goods.
    - Knit goods.
    - Shoes and leather.
- Raw materials—Mr. Baruch.
  - Cooperative committees on—
    - Alcohol.
    - Aluminum.
    - Asbestos, magnesia, and roofing.
    - Brass.
    - Cement.
    - Chemicals.
    - Coal-tar by-products.
    - Copper.
    - Lead.
    - Lumber.
    - Mica.
    - Nickel.
    - Oil.
    - Rubber.
    - Steel and steel products.
    - Sulphur.
    - Wool.
    - Zinc.
- Labor—Mr. Gompers.
  - Subcommittees on—
    - Wages and hours.
    - Mediation and conciliation.
    - Welfare work.
    - Women in industry.
    - Information and statistics.
    - Press.
    - Publicity.
    - Cost of living.
- Medicine and surgery—Dr. Martin.
  - General medical board.
  - Standardization.

WASHINGTON, D. C., May 29, 1917.

A REPORT FROM THE DIRECTOR OF THE COUNCIL OF NATIONAL DEFENSE AND OF ITS ADVISORY COMMISSION TO THE CHAIRMAN OF THE COUNCIL.

COUNCIL OF NATIONAL DEFENSE,
Washington, May 28, 1917.

Hon. NEWTON D. BAKER,
Secretary of War and
Chairman of the Council of National Defense.

SIR: Herein I have the honor to hand you a statement of the organization and accomplishments of the Council of National Defense, its advisory commission, and the various boards, sections, and committees under both the council and the commission.

As an introductory statement, a few of the accomplishments in question may be concretely instanced as follows:

The mobilization of the 262,000 miles of railroads of the country for the Government's defense.

The close-knit organization of the telephone and telegraph companies of America to insure to the Government the most rapid and efficient wire communications.

The settlement of the recent threatened national railroad strikes.

The very general acceptance by labor and capital of the suggestion of the council that existing labor standards should not be changed until the need for such action had been determined by the council, with the steadying influence on industry growing out of such action.

The procurement of 45,000,000 pounds of copper for the uses of the Army and Navy of the United States at less than one-half of the then current market price—a saving to the Government of approximately $10,000,000.

Similar accomplishments as to steel, zinc, and aluminum.

The completion of the inventory, for military purposes, of 27,000 American manufacturing plants.

The money saving to the Government, through appointment over the country of committees of business men to assist the Quartermaster's Department of the Army in the economical and efficient purchase of supplies.

The saving to the Government of millions of dollars by the proper coordination of purchases through the agency of the general munitions board of the Council of National Defense.

The creation, under the medical section of the council, of a general medical board, consisting of many of the most highly qualified surgeons and physicians of the country.

The selection by the same section of thousands of doctors specifically qualified for membership in the Medical Officers' Reserve Corps, and the standardization, far on its way to completion, of surgical instruments and supplies.

The creation by the council of the aircraft production board, which is setting out to make 3,500 airplanes and to train 6,000 aviators this year.

The very definite results obtained by the council's committee on coal production in the procurement and expeditious shipment of coal, both in the civilian and Federal interests.

The successful initiation of a movement to coordinate activities on the part of the States of the Union for the national defense, brought to a clear and workable focus by the conference of States held recently in Washington at the call and under the auspices of the council.

The organization of a railroad committee to send to Russia.

The enlistment of reserve engineer regiments to aid in rehabilitating the railroads of France.

Such a summary excludes very many accomplishments detailed in the body of the report.

The Council of National Defense, though created under the act of Congress approved August 29, 1916, was not fully organized for business until March 1, 1917. Since that date its record has been one of steady, consistent growth.

The duties and functions of the council as defined by the act of Congress which created it are, briefly stated, as follows:

In the terms of the act the council is, among other things, charged with the "coordination of industries and resources for the national security and welfare," and with the "creation of relations which will render possible in the time of need the immediate concentration and utilization of the resources of the Nation."

In performing its functions the council is further charged with the following duties:

1. To supervise and direct investigation and make recommendations to the President and the heads of executive departments as to—

(a) The location of railroads with reference to the frontier of the United States, so as to render possible expeditious concentration of troops and supplies to points of defense.

(b) The coordination of military, industrial, and commercial purposes in the location of extensive highways and branch lines of railroads.

(c) The utilization of waterways.

(d) The mobilization of military and naval resources for defense.

(e) The increase of domestic production of articles and materials essential to the support of armies and of the people during the interruption of foreign commerce.

(f) The development of seagoing transportation.

(g) Data as to amounts, location, method, and means of production and availability of military supplies.

(h) The giving of information to producers and manufacturers as to the class of supplies needed by the military and other services of the Government, the requirements relating thereto, and the creation of relations which will render possible in time of need the immediate concentration and utilization of the resources of the Nation.

2. To report to the President or to the heads of executive departments upon special inquiries or subjects appropriate thereto.

3. To submit an annual report to Congress, through the President, giving as full a statement of the activities of the council and the agencies subordinate to it as is consistent with the public interest, including an itemized account of the expenditures made by the council, or authorized by it, in as full detail as the public interest will permit, providing, however, that when deemed proper the President may authorize, in amounts stipulated by him, unvouchered expenditures, and report the gross so authorized not itemized.

Specific reference is hereinabove had to section 2 of the Army appropriation act, approved August 29, 1916. In this section will be found the authority for the creation of an advisory commission of seven persons to act with, under, and by authority of the council.

The Council of National Defense is composed as follows:

Secretary of War, Newton D. Baker, Chairman.
Secretary of the Navy, Josephus Daniels.
Secretary of the Interior, Franklin K. Lane.
Secretary of Agriculture, David F. Houston.
Secretary of Commerce, William C. Redfield.
Secretary of Labor, William B. Wilson.

The members of the advisory commission are:

Daniel Willard, chairman, president of the Baltimore & Ohio Railroad, in particular charge of transportation and communication.

Howard E. Coffin, vice president of the Hudson Motor Co., in particular charge of munitions, manufacturing, including standardization and industrial relations.

Julius Rosenwald, president of Sears, Roebuck & Co., in particular charge of supplies, including clothing.

Bernard M. Baruch, financier, in particular charge of raw materials, minerals, and metals.

Dr. Hollis Godfrey, president of the Drexel Institute, in particular charge of engineering and education.

Samuel Gompers, president of the American Federation of Labor, in particular charge of labor, including conservation of health and welfare of workers.

Dr. Franklin Martin, secretary general of the American College of Surgeons, in particular charge of medicine, surgery, and sanitation.

The director of the council and Advisory Commission is Walter S. Gifford, and the secretary of the council and Advisory Commission is Grosvenor B. Clarkson.

Under both council and commission there have been created various boards, sections, and committees. The work and accomplishments of the subordinate bodies under the council will herein first be dealt with.

THE GENERAL MUNITIONS BOARD.

On April 9, 1917, the general munitions board began its work under orders of the Council of National Defense. Its chairman is Frank A. Scott, vice president of the Warner & Swasey Co., an acknowledged authority in the production of munitions for the uses of modern war, and is composed of 17 qualified representatives of the War and Navy Departments and 6 civilians, exclusive of the chairman. It should be stated that prior to the organization of the board the War and Navy Departments might compete with each other in the open market, and even within these two great departments certain subdepartments might compete with each other. The work under the board of coordinating the departmental buying has, of course, eliminated any outstanding cases of this nature. The method adopted is simply to furnish a clearing house for the orders that involve material in which a national shortage exists or is anticipated. Where manu-

facturing facilities are insufficient, the board directs its efforts to developing new facilities.

The subjects dealt with by the board and some of the results so far obtained are as follows:

Small arms—Rifle contracts: Conferences with manufacturers held; enough capacity to supply 1,000,000 men developed; contract form drawn satisfactory to and signed by Chief of Ordnance.

Small arms—Ammunition contracts: Contracts covering supply of ammunition for small arms have been drawn and a sufficient amount and suitable deliveries have been secured.

Artillery—Ammunition: Conferences with manufacturers held; general price situation discussed; specifications in some cases modified; sufficient supply developed; and type of contract to be used arrived at.

Gun forgings: Conferences with manufacturers held; expansion of manufacturing facilities developed; method for reimbursing manufacturers for expansion satisfactory to manufacturers arranged for; manufacture of guns already begun.

Machining of gun forgings 3 inch to 6 inch: Conferences with manufacturers held; possible sources of supply discovered and developed; sufficient facilities found.

Gun carriages, limbers, caissons, forge wagons: Conferences with manufacturers held; sources of supply in process of development; and raw material secured.

Military vehicles, aside from motor transport: Conferences with manufacturers held; sufficient sources of supply developed; specifications modified and standardized; seasoned timber secured.

Motor transport, including ambulances and armored cars: Conferences held with manufacturers; standardization of type secured; supply of material for ambulance bodies arranged for. A satisfactory production of armored cars was arranged for by the Ordnance Department.

Machine guns: A reduction in prices to be paid for machine guns needed for the Army and Navy has been secured, accomplished by conferences with manufacturers. Work is going forward to increase production of these guns.

Armor-piercing shells: A method for payment on the various size projectiles was developed and suggested.

Cotton duck for tentage, cots, and Infantry equipment: Manufacturers of cotton duck were assisted in creating a sufficient supply of duck for haversacks in time to meet the needs of the Army.

Raw materials, including metals, lumber, leather, high explosives: Committees on these subjects have taken the necessary steps toward securing a sufficient supply.

Medical supplies, including surgical instruments: Conferences with manufacturers were held and means for reducing the requirements of the civil and Army and Navy branches to a minimum were discussed. The supply of surgical instruments, etc., is being arranged for.

Stores work: Arrangements have been made for the tuition of large numbers of men anxious to enter the storage branch of the service; storage bases have likewise been developed.

Cantonment work: Form of contract has been drawn satisfactory to Quartermaster Department and contractors. Certain suggestions have likewise been submitted to facilitate construction and create a saving.

Optical glass—Military instruments: After thorough investigation a shortage of this material was found, and steps are now being taken to standardize and eliminate instruments not absolutely necessary and to arrange for increased production.

Recommendations of fair and just prices: The board has been called upon to make recommendations upon prices submitted the Army and Navy and Quartermaster Department as to whether these prices were fair and just. In each case these recommendations have been made.

Adjustment with British Government on small-arm factories in this country: An adjustment has been made with the British Government covering purchase by the United States Government of machinery and equipment in British small-arms factories in this country.

Program of conferences with English commissioners: The secretary of the board has arranged a program of conferences between representatives of various War and Navy Departments and the visiting British commissioners to discuss various technical subjects pertaining to their departments.

Establishment of priority in machine-tool orders and demand for other material: In cases when called upon by the Army and Navy, this board has instructed certain manufacturers to give precedence to machine tools desired in connection with urgent governmental work, and likewise has decided between the needs of private industry and those of the War and Navy Departments.

Investigation of gauges: This board has investigated the status of military material in this country and in Canada; arrangements have been made with the Bureau of Standards for calibrating gauges and for the care and custody of master gauges.

Compilation of statistics: A confidential list of approximately 660 manufacturers of munition and kindred articles has been prepared and submitted to the War and Navy Departments for their guidance in purchasing such material.

The General Munitions Board has, since its organization, through the coordination of purchasing alone, saved many millions of dollars to the Government.

MUNITIONS STANDARDS BOARD.

On March 20, 1917, the Council of National Defense formally created the munitions standards board, previously organized by Commissioner Coffin, the advisory member on munition work, its purpose being to standardize munitions specifications, and, in so far as possible, to permit of quantity production of munitions at the most reasonable prices obtainable. The following experts were appointed to compose the board:

Frank A. Scott, of the Warner & Swasey Co., Cleveland, manufacturers of automatic machinery and optical instruments, chairman.

W. H. Vandervoort, of Root & Vandervoort, builders of special machine tools, and president of the Moline Automobile Co.

E. A. Deeds, formerly general manager of the National Cash Register Co., president of the Dayton Engineering Co., and interested in many industrial activities.

Francis Pratt, of the General Electric Co., Schenectady.

Samuel Vauclain, of the Baldwin Locomotive Works, Remington and Westinghouse Co.

John N. Otterson, vice president, Winchester Arms Co.

Careful investigations have been made and meetings held with manufacturers of shells, machine guns, etc., with resulting introduction of modifications in specification and design to permit of greater quantity of production. A comprehensive list of manufacturing concerns who had been and were manufacturing munitions for the allies was compiled for confidential use, and the productive capacity of the country along these lines was developed and tabulated.

AIRCRAFT PRODUCTION BOARD.

The council authorized this board, as organized by Commissioner Coffin, to proceed with this program in accordance with the plan hereinafter set forth:

1. Engineering: To cooperate with the plane and engine design departments of the Army and Navy, with all manufacturers, engineering laboratories, private, individual, etc., to advance the science of aviation and aerostation, and to stimulate the production of a better type of aircraft.

2. Specifications and standardization: To advise and assist in such standardization of material and parts and, as far as is practicable, of types of aircraft as will aid in increasing the productive capacity of the industry in the most efficient forms of aircraft.

3. Production: To investigate the source of supply of aircraft of all kinds and the materials entering into them and to assist in the formulation and execution of such plans as may be necessary to enable the Government to purchase all kinds of aircraft of the types and in the quantities desired.

This will cover advice in connection with:

(a) Coordination of designs of all aircraft matters through the officers of the allied countries stationed here for that purpose.

(b) Arrangements with existing American factories as to kinds of aircraft best suited to their organizations and facilities and quantities to be built by them.

(c) Suitable arrangements when necessary to advance Government funds where larger contracts are considered than can be privately financed or to make arrangements on a cost-plus basis.

(d) Utilization of such idle facilities and creation of such new sources of supply as in the judgment of the board are necessary to meet the needs of the Government.

4. Inspection: To cooperate with the inspection organizations of the Army and Navy and to assist in coordinating their present systems of inspection to the end that if possible there be one system, one standard, and one organization for the inspection of aircraft in this country.

5. Aviation schools: Following the selection of sites by the military departments, to advise in regard to buying or leasing the land, preparing it for use, and erecting all buildings.

6. Supply depots: Following the approval of sites, to advise in regard to leasing the land, erecting the necessary buildings.

7. Priority: To advise regarding priority of deliveries of aircraft material as between the departments in accordance with a general policy as determined by the Council of National Defense.

A condensed report of the work already accomplished in connection with aircraft production under the aircraft production board or under direction of its chairman previous to organization of the board itself follows:

Assisted in the organization of the Pan American Aeronautical Exposition in New York last February.

Assisted in organizing the aircraft manufacturers into an association.

Negotiated with the Wright-Martin Aircraft Corporation and Curtis Aeroplane Co. and others to secure a basis for the settlement of the airplane patent situation. Agreement has been reached between the parties at interest subject to the preparation of proper legal cross-licensing agreement.

Evolved, in cooperation with the chief signal officer, a training plan for aviators.

Assembled the presidents of six military engineering universities and assisted in starting six schools for the preliminary training of aviator cadets.

Arranged for the sending of professors to take instruction at Toronto on this cadet-instruction work.

Developed in cooperation with the chief signal officer and the aeronautical division a standard type of aviation school buildings and equipment of buildings.

Arranged for complete working drawings, estimates of cost, etc.

Assisted the aeronautical division in investigating sites for aviation schools.

Investigated the production facilities of aeroplanes in the United States and made recommendations to the chief signal officer covering orders that should be placed at once.

Assisted in the preparation of leases covering training fields authorized by the War Department.

Arranged for standardization of training type of machine between English, Canadian, and United States service.

Plans for battle types of machines are being developed, and orders for machines are actually being placed by the military authorities.

MEDICAL SECTION.

The medical section is under the general supervision of Dr. Franklin H. Martin, of the advisory commission, and in the immediate charge of Dr. F. F. Simpson, who acts as chief of the section.

In ascertaining the civilian medical resources of the country and comparing these resources with the actual resources and personnel of the medical departments of the United States Army, Navy, Public Health Service, and the American National Red Cross the prime need was the careful selection from the civilian medical profession of thoroughly qualified doctors who could be recommended to the Army and Navy as members of the medical officers' reserve corps, a list of these men to be submitted to the Surgeon General for inspection, elimination, and final acceptance of those found desirable. In pursuance of this plan committees were formed in each State and asked to submit a selected group of medical practitioners from their respective sections. These lists were carefully compiled and divided into sections according to ages and specialties, and the names of the selected men were furnished to the Surgeon General. The selection of 21,000 competent physicians has been completed. The men represented by these lists were also given applications for positions in the medical officers' reserve corps, with request that they fill out the blanks and file the applications with the Surgeon General.

The next important duty was to obtain young medical men, preferably recent graduates, for service as medical officers in the Regular Army and Navy Medical Corps. The deans of the various medical schools came to Washington at the instance of the medical section and asked that medical officers of the Army and Navy be detailed to said schools to teach graduating classes the administrative details in connection with medical officers, in order to make available the 3,500 medical students to be graduated in June. This action has resulted in materially filling the gaps in the Regular Army and Navy Medical Corps with men of the most desirable type.

The third problem in rank of importance has been to standardize the various instruments, supplies, and equipment common to the Army, Navy, Public Health Service, and Red Cross, coordinating them with the needs of the civilian medical profession. The necessity for this is obvious when it is known that a large percentage of medical instruments and other supplies are manufactured in Germany, and it was vital to obtain suitable substitutes from American manufacturers. Committees representing the Army, Navy, Public Health Service, and Red Cross and civilian doctors were formed to standardize the existing supply tables and to select those necessary for the proper conduct of the departments. These committees, after many months of work, have formulated their recommendations, and catalogues with the authorized standardized instruments are now being published.

Consultations have been had with the deans of the medical schools of the country in cooperation with the Surgeons General, and arrangements made by which medical schools will continue their regular work and supply the normal output of young medical men, thus, it is hoped, avoiding the disastrous results of other countries flowing from the disorganization of medical schools. There has also been established a method by which, in cooperation with the large civil hospitals of the country, their staffs will be segregated, allowing the younger and more active men to enroll in the Officers' Reserve Corps for duty at the front.

A general medical board, composed of civilian medical men of the highest rank, has been formed, which meets at stated intervals in Washington to advise and cooperate with the Surgeons General of the Army, Navy, Public Health Service, and Red Cross in all matters needing cooperation between these branches and the large civilian medical element. This board, working through subcommittees, is in a position to furnish the very latest information on medical and surgical experience in the European war and from the principal laboratories and research organizations of America, and with regard to the relative desirability of men who are candidates for positions in the Medical Reserve Corps or the regular Medical Corps of the Army and Navy. At the instance of the general medical board the Council of National Defense has taken decisive steps for the hygienic and moral welfare of the soldiers and sailors of the Nation.

The general medical board also aids in the selection of civilians, dentists, and veterinarians for service in the Medical Departments of the Army and Navy.

Finally, the efforts of the medical section have been constructively directed toward aiding the Medical Departments of the Army and Navy in securing the doctors and materials needed for an army of such size as may be created, and to do with the minimum disturbance of civilian doctors, hospitals, medical schools, and manufacturers of medical, surgical, and sanitary supplies. The work of the section is too extensive further to detail here.

INTERDEPARTMENTAL ADVISORY COMMITTEE.

This committee was established on March 29, 1917, to suggest, coordinate, and speed work for the national defense and to avoid duplication of effort in the prosecution of that work. It is composed of a representative from each of the 10 executive departments of the Government, together with a representative of the National Research Council, and the assistant to the director of the Council of National Defense in charge of cooperation with the States. The committee is presided over by the director of the council, who reports the formation of all committees by the council or advisory commission with regard to which the various departments may have valuable information. The director also reports all recommendations and suggestions as to which the different departments can give assistance. This committee meets at least twice a week at the offices of the council. The closest and most effective cooperation is being had between the members of this committee, the work of which has materially aided in tightening up the machinery for the national defense.

INVENTIONS.

[Naval Consulting Board of the United States.]

The Naval Consulting Board of the United States, headed by Thomas A. Edison, and composed of eminent scientists and inventors, acts as a board of inventions for the Council of National Defense. The board is now, and has been for some time, actively engaged in the investigations of plans to counteract the submarine menace.

COMMERCIAL ECONOMY BOARD.

The duties of this board, under the chairmanship of A. W. Shaw, are to ascertain how commercial business may best meet demands made upon it by the war, and how men, supplies, and equipments now employed in trade can be made available for the needs of the Government without impairing the essential services of trade and without unnecessary hardships to the public at large.

The following subjects are already under investigation by the Commercial Economy Board:

(a) Delivery service: To the end of determining how the delivery service of retail stores may be curtailed during the war conferences have been held with representative merchants, and

agents of the board have made personal investigation of typical stores in Washington, Philadelphia, Pittsburgh, and other cities, and a carefully prepared schedule of questions is being sent to several thousand stores in all parts of the country. The work has already disclosed that many retail stores can arrange to release men and equipment from their delivery departments for the Government service.

(b) Other services: The board is investigating other means of economy in the operations of retail stores, looking, for example, to the amelioration of the widespread abuse of return privileges, since in numerous stores 20 per cent of the merchandise sold is returned. In this, as in all related subjects, the board is gathering such information as it can regarding European experience.

In wholesale and manufacturing trade matters the board is, for example, as a result of conferences with the National Wholesale Grocers' Association, gathering information from its members on such subjects as economics in wrapping, packing, reduction in size of catalogues, and the employment of fewer salesmen for handling their trade. Likewise, the board has made local investigations regarding the practice among bakers of taking back unsold bread from retailers, the bread thus taken back being resold, in some cases to the poor, but frequently to the farmers for hog or chicken feed. On this matter the board has addressed an inquiry to more than 400 representative bakers in all parts of the United States.

The commercial economy board has likewise made preliminary investigations of the problems likely to arise from the diversion of certain raw materials from ordinary commercial purposes to the production of military supplies. The Government's orders for blankets and clothing will require a large portion of the available supply of raw wool. Hence, the ordinary commercial demand must be modified.

The commercial economy board holds that to advise consumers now to stop buying the styles of garments and shoes already made would be poor public policy. Preliminary investigation by the board shows that consumers who make purchases now should buy what is on hand in retail stores. The board plans to work with manufacturers and merchants to learn what modifications in styles should be made in future in order to secure economy in the commercial use of materials needed by the Government for the purposes of war.

COOPERATIVE COMMITTEES ON THE PURCHASE OF ARMY SUPPLIES.

[In cooperation with the Chamber of Commerce of the United States.]

At the instance and with the approval of the Council of National Defense, advisory committees of highly qualified business men have been appointed by the Chamber of Commerce of the United States in various cities of the country to cooperate with the local quartermasters. These committees have rendered valuable aid in many different ways in many different localities. The knowledge of business and local traffic conditions possessed by these committees has been of the greatest service to the Government in the purchase of supplies. These committees are constantly supplying the Government with lists of buyers in various lines available for service as inspectors of merchandise. Competent traffic and shipping men to cooperate and advise with the quartermasters are being sought.

COMMITTEE ON COAL PRODUCTION.

Under the chairmanship of F. S. Peabody, president of the Peabody Coal Co., of Chicago, the committee on coal production, recently formed, has already accomplished marked definite results. The Department of Labor, with the assistance of the American Federation of Labor and the cooperation of the committee on coal production, has already settled serious difficulties which have arisen between operators and miners in various localities, notably No. 2 district in Pennsylvania. Conferences have been held with the Department of the Interior, resulting in the issuance of a departmental order discontinuing long hauls of cars carrying coal to Indian schools and agencies when nearby coal sources could as well be used, thus releasing the cars for more important movements. The committee is in constant conference with the Navy Department on the subject of coal for battleships. Action has been taken to increase facilities for handling and storing Government coal at Galveston and Texas City, Tex. Conferences with local coal dealers of Washington, D. C., on the supply of coal for public buildings in Washington, have resulted in a promise from the producers of a sufficient supply to cover the Government's requirements.

Another conference of Lake shippers of coal and ore, railroad representatives, and the representatives of Lake vessels to determine how to consolidate cargoes of coal so as to avoid holding both cars and vessels for the accumulation of individual cargoes, resulted, the committee believes, in a solution of the problem satisfactory to all interests—a solution which will probably increase the ability of shippers, railroads, and vessels to carry to the head of the Lakes some additional two and one-half million tons of coal and bring in return the same tonnage of iron ore.

COMMITTEE ON WOMEN'S DEFENSE WORK.

Under the chairmanship of Dr. Anna Howard Shaw, the committee on women's defense work of the Council of National Defense was created April 21, 1917.

Its plan of organization contemplates coordinating the organized forces of the women of the country for the national defense by working through State organizations now in process of formation. Already a temporary chairman has been appointed for each State of the Union and for the District of Columbia. The temporary chairman is instructed to call into conference at the earliest possible date the presidents, or their representatives, of all State organizations of women, such conferences to be executive in character. Permanent committees will be formed composed of the president of or one representative from each State organization of women willing to cooperate. Each committee shall continue during the war and as long thereafter as the Council of National Defense may direct, and shall constitute, with its committee in counties, cities, and towns, the affiliated representatives of the women's committee of the Council of National Defense for that State. The committee on women's defense work contemplates activity under the following headings:

1. Organization of the State (the elected officers should take charge of the work).
2. Finance.
3. Registration for service.
4. Home relief.
5. Allied relief.
6. Production, conservation, and thrift.
7. Educational propaganda.
8. Protection of women workers—wages, hours, conditions.
9. Conservation of the health and welfare of children.
10. Medical section.
11. Courses of instruction: (a) Current events concerning women's war work; (b) training classes in work for which the State furnishes a demand, such as motor service, wireless telegraphy, etc.
12. Conservation of moral and spiritual forces of the Nation.

NATIONAL RESEARCH COUNCIL.

At the request of the Council of National Defense the national research council is maintaining in Washington an active committee under the direction of Dr. George E. Hale and Dr. R. A. Millikan, for the purpose of cooperating with the Council of National Defense in matters pertaining to scientific research for the national defense. The national research council has made a close-knit organization of the scientific forces of the country and represents all of the more important scientific bodies, as well as the scientific bureaus of the Government in their research capacities. It was organized by the National Academy of Sciences, at the request of the President of the United States, for the purpose of coordinating and stimulating the research activities in the United States in the fields of science and engineering. The national research council is at present engaged in such investigations as the study of devices for detecting completely submerged submarines and mines; range finders of various types; devices for detecting invisible aircraft and sapping parties; improvements in wireless apparatus and other instruments used with aircraft; military photography; prevention of corrosion and electrolytic action on the hulls of vessels; balloon fabrics; fabrics for Army slickers; new explosives; and utilization of wastes and by-products. The committee on nitrate supply, appointed at the request of the Secretary of War to consider the process to be used by the Government in its plant for producing nitrates for explosives and fertilizers, has submitted a full report. Through the cooperation of the Bureau of Standards and the geophysical laboratory of the Carnegie Institute with glass manufacturers, the problem of supplying the optical glass for military purposes is well advanced toward solution. Other vital matters which are being fully investigated are antitoxins and serums for diphtheria, tetanus, pneumonia, dysentery, and meningitis, intradermal method of vaccinating for smallpox, polyvalent vaccines for typhoid fever, sterilization of drinking water, soldiers' clothing and blankets, infected wounds, shock, fatigue, occupational diseases with special reference to munition workers, protection of the ear from high explosives, and study of noxious gases and methods of protection against them.

COMMITTEE ON SHIPPING.

To advise the United States Shipping Board and to report through the chairman thereof to the Council of National Defense as to the best methods of increasing the tonnage available for shipment to the allies, a committee on shipping has been created by the Council of National Defense.

DEPARTMENT ON COOPERATION WITH STATE ORGANIZATIONS.

Under the direction of the director of the Council of National Defense and in the immediate charge of George F. Porter, an active department has been established which has for its purpose the coordination of State defense activities throughout the Nation. The initial step of this body consisted in a request made by the Secretary of War, in his capacity as chairman of the Council of National Defense, to the governors of all the States to create State councils of defense or similar committees with broad powers to cooperate with the Council of National Defense and to represent the industries, activities, and resources of the several States. A number of States, more particularly those in the East, had previously organized. Others proceeded at once to do so, and records to date show that 35 States have completed such organization. Those State bodies are generally known as State councils of defense, though some of them are called committees of public safety and by other names.

Following this action, there was called, likewise, by the chairman of the Council of National Defense, a conference of the States, consisting of representatives from the State councils, including the governors of 12 Commonwealths, which met in Washington on May 2, 1917, and remained in session for two days. Every State in the Union was represented. The conference was opened by the chairman of the Council of National Defense, and the conferees were later addressed at the White House by the President of the United States. Meetings subsequently held were addressed by the Secretaries of the Navy, the Interior, Labor, and Commerce; by representatives of the Department of Agriculture and by members of the advisory commission and the director. Frank and thoroughgoing explanation was made to the State representatives of the outstanding needs of the Nation in the prosecution of the war with Germany, and specific outline was made as to how the State defense activities could best be linked up with the work of the Federal Government in the most intelligent and efficient coordination for the Nation's defense.

At the conference in question the following resolution, proposed by the representatives from Rhode Island and seconded by the governor of Iowa, was unanimously adopted by these officially accredited representatives from every Commonwealth in the United States and from the District of Columbia:

"We, the representatives of the various States of the Union assembled here in conference by invitation of the Council of National Defense, desire to express our appreciation of the opportunity the council has given us to become more familiar with the Herculean task they are performing and the magnitude of the patriotic work they are accomplishing.

"We desire also to express our entire confidence in their ability to carry to a successful fruition their organized endeavors to assist the Government of the United States in the present emergency and to pledge each our several States to the fullest cooperation in any direction which may suggest itself to the Council of National Defense wherein we as units may be now, or may hereafter, become helpful in this their great national undertaking."

Following the conference, the work of this department has been to collect information as to the organization and activities of the various State councils, to answer a number of formal inquiries submitted thereby, and to provide a means of keeping in intimate touch with the formation and activities of the State councils as well as to furnish a free-flowing and speedy channel of communication between the State councils and the Federal Government.

The department has also prepared and sent to the State councils a transcript in full of the proceedings of the national defense conference, reports and information from the Department of Labor, full information as to the liberty loan, with request that State councils assist in the successful placing thereof (this at the request of the Treasury Department), and information in connection with registration day, along with a request that this day be made one for national celebration.

COMMITTEES OF OR ASSOCIATED WITH THE ADVISORY COMMISSION.

The advisory commission, which is a body of seven civilians appointed by the President, the members of which serve in an advisory capacity without compensation, have formed or caused to be formed various committees. Their duties and accomplishments to date are as follows:

Transportation and communication.

At the instance of Commissioner Daniel Willard the railroads of the country have been completely mobilized for the Nation's defense. A special committee on national defense of the American Railway Association, comprising the leading railroad executives of the United States, has been formed and its machinery has been in motion for a number of weeks. The executive committee of this special committee is composed of Fairfax Harrison, chairman; Howard Elliott, Hale Holden, Julius Kruttschnitt, Samuel Rea, and Daniel Willard, and Edgar E. Clark, of the Interstate Commerce Commission, ex-officio. This executive committee has established permanent headquarters in Washington with the necessary staff of experts and office employees at the expense of the railways of the United States, and is practically in continuous session. The special committee itself is subdivided over the country into six departments, each to correspond to one of the military departments of the Army. The personnel of these departmental bodies is made up in each case of from four to seven railroad executives. There are in turn subcommittees on car service, military equipment standards, military transportation accounting, military passenger tariffs, military freight tariffs, and materials and supplies, each of these committees being composed of highly qualified transportation executives. The special committee has adopted the broadest attitude in connection with the public interest. It has among other things declared that an emergency exists which requires that coal be given preference in car supply and movement; it has issued necessary instructions to the railways that the movement of ore be preferential, second only to coal; it has caused to be modified the car-service rules to facilitate the free movement of freight so as to permit a larger latitude in the handling of box cars in the interest of national efficiency as distinguished from that of individual railroads; and the specal committee has certified to the Council of National Defense that in its judgment certain preferences should be given to the movement of fuel, as follows:

First. Fuel for the United States Government.

Second. Fuel for the roads upon which mines are located.

Third. Fuel for steam railroads other than those upon which mines are located.

Fourth. Fuel for other purposes.

At Mr. Willard's request the committee submitted suggestions to the Council of National Defense as to persons to compose the proposed railroad commission to visit Russia and recommend methods for the operation of the Siberian railroads. The advisory commission of the Council of National Defense was advised that it was the sense of the special committee that conventions bringing large bodies of persons to one point should be discouraged in the interest of conservation of fuel, to avoid congestion, to prevent interruption to necessary freight traffic, and to conserve equipment and energies which must be applied to the accomplishment of transportation requirements of the country. The special committee has arranged for active study on the part of the department committees of—

(a) Distribution of power as between railroads.

(b) Adjustment of passenger-train service in accordance with national requirements.

Other accomplishments of the special defense committee are as follows:

The issuance to the railways of a bulletin indicating ways in which added efficiency might be obtained by individual roads; the initiation of a movement for the pooling of coal of like characteristics at lake ports in the interest of efficiency and expedition of movement; the undertakng of the enlistment of the nine reserve engineer regiments composed of skilled railway workers to aid in the rehabilitation of the railways of France, as well as in the operation of the French railways behind the English lines; an arrangement for the movement of coal for naval use from mines in West Virginia to the Pacific coast in box cars instead of in open cars, in order to prevent the uneconomical empty haul of open cars from Pacific coast points to the East; the handling of a vast number of requests for priority in car supply and in movement, these questions having been brought to the attention of the special committee by agencies of the Government, Members of Congress, and commercial interests; the preliminary work on relocation of cars so as to produce the largest measure of transportation; the perfection in connection with the proper officers of the Army of a complete scheme of cooperation in the movement of troops and supplies of every description. The definite practical expedition of movement of food products following on many conferences with representatives of the allies and of the Department of Agriculture. The special committee has also under way, among other things—

(a) Through negotiations with the National Industrial Traffic League, a representative body of shippers, the formation of a committee of shippers to cooperate with the special committee.

(b) The simplification of tariffs covering the movement of impediments for troops.

(c) The list of available routes between specified points for the use of military authorities.

Under the committee on national defense of the American Electric Railway Association, acting in cooperation with and at the instance of Mr. Willard, a committee, under the chairman-

ship of Gen. George H. Harries, has been organized and is cooperating with the special defense committee of the American Railway Association.

Mr. Willard has assisted in the creation of a committee of which Mr. John Stephens, one time chief engineer of the Panama Canal, is chairman and four other men prominent in railroad work are members, which has gone to Russia, properly accredited by the President to call on Russian officials. They will be met at Vladivostok and go over the road to find out what particular things are needed in the way of equipment that we can furnish, and what materials or men we can send that will be helpful.

Telephone and telegraph committee.

With regard to the utilization of the telephone and telegraph systems of the country for the Government's needs, the vital thing fully realized by both Federal officers and the wire companies has been to perfect a coordination to insure complete cooperation not only between the Government and the companies but between the companies themselves with regard to communications and censorship of communications. That was all arranged for some two months ago at the instance of Mr. Willard, chiefly through the instrumentality of Theodore N. Vail, president of the American Telephone & Telegraph Co., who acts as chairman of this committee. Elaborate plans have been worked out already throughout the United States, all Government toll calls having been given precedence over official messages. The giving of this special service requires extraordinary action on the part of the telephone officials everywhere, including the special drilling of some 12,000 long-line operators in different parts of the country. The long-distance facilities out of Washington have been increased from 148 wires to 294 wires, and plans are now being made for a still further increase. Good telephone service can be given between Washington and the headquarters of every department and naval district in the United States. Provision has been made for handling telephone calls promptly even with a large increase in business between the various Army department headquarters and the State capitals, the Army posts, and the national and State mobilization camps in each military department. Extensive methods have been devised for special telephone and telegraph wire systems for the exclusive use of the War, Navy, and other departments of the Government. More than 10,000 miles of special systems have already been taken from commercial use and devoted exclusively to the service of the Navy, Agriculture, and other executive departments. A very comprehensive system for the War Department has been evolved and will be put into service upon the call of the Chief Signal Officer of the Army. Plans are being rapidly executed to increase the local telephone facilities of Washington; an entirely new central office with an ultimate capacity of 10,000 lines is being installed. Provision has already been made for the construction of telephone systems in the mobilization camps. Active assistance has been given by the Bell System to the United States Coast Guard officials and plans made for providing telephone connections at approximately 100 lighthouses and 200 Coast Guard stations, involving the laying of some 300 miles of submarine cable, constructing more than 650 miles of pole line, and stringing more than 1,200 miles of wire. Special facilities have been provided for the National Guard, particularly in connection with guarding important railroad points, bridges, and water-supply systems. Even more extensive plans have been put into effect in cooperation with the Navy with brilliant success.

Committee on supplies.

The function of the committee on supplies, of which the chairman is Julius Rosenwald, president of Sears, Roebuck & Co., of Chicago, is to cooperate with the purchasing bureaus of the War and Navy Departments, to advise and assist them in the procurement of necessary clothing, equipage, and food, and, as far as possible, to coordinate the buying of the respective departments in these directions. The committee is composed of six men chosen from different lines of business, who are devoting their entire time to the work of the committee without compensation. Associated with them are two officers of the Army, familiar with purchasing problems. The work of the committee on supplies may perhaps best be instanced by relating its action in an advisory capacity in connection with the method employed by the War and Navy Departments in purchasing supplies through advertising and circulars to bidders. The committee on supplies advanced that this method, while perhaps satisfactory in peace times, embodied very serious disadvantages in time of war in view of the multiplied need of the Government. Hence the committee advised the purchasing departments of the Government that the system of advertisement and bids would necessarily tend to a stimulation of the market with a resultant inflation of prices. On April 12, 1917, the Secretary of War declared that an emergency existed within the meaning of section 3709 of the Revised Statutes, and ordered that contracts be made without advertising for bids. The committee has likewise endeavored, with some success, through the general munitions board, to coordinate the requirements and purchases of the various departments so as to reduce to a minimum or to eliminate altogether the possibility of the Government being a direct competitor of itself by the purchase of supplies through separate channels. Specifications of many of the items required by the Government were written at a time when needs were small and conditions of world trade normal. Radical changes have become necessary since this country entered the war in the specifications for textiles, shoes, and other items. A limited supply of raw materials and the needs of our allies have made immediate action imperative. Therefore the committee has cooperated with the proper departments in drafting new specifications which would provide the best possible substitutes for articles difficult or impossible to obtain in the requisite quantities.

The committee on supplies has wherever possible assisted the purchasing officers to deal directly with the prime producers of the articles needed. In the judgment of the committee a purchaser of the size of the United States needs the services of no middlemen to secure its supplies. In this scope of its work the committee has been subjected to criticism by dealers and Army contractors who have in the past secured options on supplies which they knew the Government would need and which they have then offered to the Government at an increased price.

In many instances the committee on supplies has been able to "peg" the price of supplies required in large quantities by the Government at figures existing at the beginning of the war, or in some cases at figures lower than those prevailing at that time. The committee has also secured options for the Government on large supplies of leather and other materials required at prices in effect at the beginning of the war, available for the Government's acceptance at periods of from four to six months.

The committee on supplies has caused to be created to advise and assist it cooperative committees in the cotton, woolen, shoe and leather, knit goods, and mattress industries. With the assistance of these committees the committee on supplies has been able to mobilize those industries for the service of the Government, to bring to the purchasing departments of the Government the services of many mills and factories which had never before produced Government goods and which would not now be in the market for the Government goods were they not asked by this committee for patriotic reasons to place a portion of their plants at the disposal of the Government. In this way the committee has been able to enlarge the field in which the purchasing departments of the Government are able to buy and also to increase the deliveries.

The committee on supplies has had field agents cooperating with the factories to expedite deliveries of Government goods. These field agents have served without expense to the Government for time or disbursements. Through the securing of options, through the "pegging" of prices of the various articles, through the elimination of middlemen, through the reduction in competition between Government departments in buying, the committee believes it has enabled the Government to make substantial savings in its purchases. The committee has worked primarily on articles of merchandise which involved unusual difficulty, either because of the large quantities in which they were required or because of the shortage of the materials involved in their manufacture or because of the unusual competitive demand for similar articles for civilian use. Members of the committee have conferred with members of the Balfour mission as to the methods of purchasing which have been developed by the Governments of our allies.

Raw materials, minerals, and metals.

This committee, headed by Bernard M. Baruch, has organized the field with regard to raw materials, minerals, and metals in the following industries: Alcohol, aluminum, asbestos, magnesia and roofing, brass, cement, chemicals, coal-tar by-products, copper, lead, lumber, mica, nickel, oil, pig iron, iron ore and Lake transportation, rubber, steel and steel products, sulphur, wool, and zinc.

Cooperative committees have been formed under the foregoing headings. Several of these committees maintain representatives in Washington in order to keep in close touch with the executive departments of the Government, and the chairmen of all of the cooperative committees visit Washington from time to time and get in touch with the departments with which they have to deal. Their endeavor is to become acquainted with the requirements of the Government departments and their speci-

fications and in every way possible be helpful. While those committees were formed to mobilize the industries in given fields and to act only in an advisory capacity, experience has shown that they have been of great immediate value to the Government in perfecting early deliveries and in the making of lower-than-market prices.

The concrete accomplishments of the committee on raw materials, minerals, and metals may be itemized as follows:

(a) Forty-five million pounds of copper have been offered to the Government by the copper interests, acting at the instance of this committee, at an approximate saving to the Government of $10,000,000. It is the belief of this committee that through this agency hundreds of millions of pounds of copper required by the allies and our own departments, such as the Army, Navy, and the Panama Canal Commission, can be bought at prices that will show an enormous saving.

(b) The cooperative committee on zinc has already contracted for some 25,000,000 pounds of zinc at practically two-thirds of the market price and is prepared to use its efforts to effect still further savings on the vast quantities that must be purchased.

(c) Through the cooperative committee on steel the Navy Department contracted for several hundred thousand tons of ship plates and other materials at great concessions. When ship places were selling at $160 a ton the Navy bought them at $58 a ton.

(d) The cooperative committee on aluminum purchased for the Government its need of aluminum at 27½ cents per pound, when the regular price of the sellers to large purchasers was 38 cents and the market price was 60 cents per pound.

(e) The cooperative committee on chemicals is now engaged in negotiations with the fertilizer interests of the country, which will stabilize and lower prices.

(f) The cooperative committee on oil has closed contracts for the delivery of oil to the Navy of a highly satisfactory nature with regard to prices and deliveries.

It should be stated that none of the foregoing committees is in any way exercising executive functions, but each has merely advised with and assisted the executive department of the Government in the purchase of their supplies.

Committee on labor.

This committee has as its chairman Samuel Gompers, president of the American Federation of Labor. For the purpose of mobilizing the labor elements of the country for the Government's assistance in the furtherance of the war Mr. Gompers called a meeting for organization purposes in Washington on April 2, 1917. More than 150 labor representatives and employers were present, as well as the officers and executive committee of the American Federation of Labor, the presidents or representatives of the leading international unions and of the railway brotherhoods, and of the National Association of Manufacturers, and representatives of a wide range of commercial, transportation, financial, and civic interests. It was the definite purpose of Mr. Gompers and his associates to avoid the unfortunate industrial experiences of England in the opening months of the European war. Out of the conference in question it became clear that on the issue of national defense a remarkable unity of purpose had developed among the many diverse groups represented, which it would be possible to utilize to practical ends through the committee on labor of the Advisory Commission. A permanent organization was formed and an executive committee of 11 members named. Growing from this eight national committees have been appointed, of which those whose plans are furthest advanced are the committees in relation to wages and hours, mediation and conciliation, and welfare work, including safety, sanitation, and industrial training. The principle upon which these features of the welfare work committee's assigned task is based is that the health, welfare, and efficiency of the workers in the vital industries, upon which all else depends, are ultimate resources, which must be conserved in the interest of the national defense. To the committee on labor have been pledged the support and cooperation of such national and local organizations, both of labor and of industry, and in various civic and technical fields, as the American Federation of Labor, the National Association of Manufacturers, the American Institute of Architects, the National Fire Prevention Association, the National Board of Fire Underwriters, the Illuminating Engineers Society, the National Council of Safety, the American Museum of Safety, the National Consumers' League, the National Child Labor Committee, the American Association of Industrial Physicians and Surgeons, the American Public Health Association, the Young Men's Christian Association, the National Civic Federation, the National Association for the Promotion of Industrial Education, the Joint Conference of Coal Miners and Operators of Illinois, Indiana, Ohio, and Western Pennsylvania, and the Mining and Metallurgical Society of America.

Conferences with British and Canadian labor.

In response to the cabled request of Mr. Gompers to Premier Lloyd-George, of Great Britain, there is now in this country a commission of four representatives of English labor and welfare work, which has placed at the disposal of the Committee on Labor the English experience throughout the past three years in dealing with employment problems of the utmost gravity. This commission consists of C. W. Bowerman and James H. Thomas, members of Parliament, and, respectively, secretary of the British Trade Union Congress and secretary of the National Union of Railway Men; H. W. Garrod, representing labor in the department of ministry of munitions; and Joseph Davies, secretary to Mr. David Lloyd-George. The members of the British labor commission have been in executive session with members of the Committee on Labor during the greater part of the past two weeks, and have since been joined by two labor representatives sent by the Government of Canada. Both the English and the Canadian commissions were heard at length at a public session of the full Committee on Labor on May 15, 1917. The discussions proved of high practical value, and were participated in by Judge Maurice S. Amos, of the British commission; James Duncan, representing labor on the American commission to Russia; John D. Rockefeller, jr.; Daniel Guggenheim; John R. Alpino, president of the Plumbers & Steamfitters' Association; Emerson McMillin; Arthur O. Wharton, president of the railway employees' department of the American Federation of Labor; Theodore Marburg; George W. Perkins; Colgate Hoyt; Sara B. Conboy, secretary of the United Textile Workers; and former Ambassador Myron T. Herrick, and others. The committee and its guests were received at the White House by President Wilson, who expressed his personal interest in the work of the committee and his desire to cooperate in the furtherance of its purpose. The committee on labor has now a membership of some 400 persons. Its executive committee consists of—

Samuel Gompers, chairman.
Hon. William B. Wilson, Secretary of Labor.
V. Everit Macy, president National Civil Federation.
James Lord, president mining department, American Federation of Labor.
Elisha Lee, general manager Pennsylvania Railroad.
Warren S. Stone, grand chief Brotherhood of Locomotive Engineers.
C. E. Michael, of the National Association of Manufacturers.
Frank Morrison, secretary American Federation of Labor.
Lee K. Frankel, third vice president Metropolitan Insurance Co.
James O'Connell, president metal trades department, American Federation of Labor.
Louis B. Schram, chairman labor committees, United States Brewers' Association.

To maintain existing standards.

Perhaps the most outstanding achievement of the committee on labor has been the following resolution, adopted at the meeting of its executive committee and approved by the Council of National Defense and its advisory commission on April 6, 1917:

The defense and safety of the Nation must be the first consideration of all patriotic citizens. To avoid confusion and facilitate the preparation for national defense and give a stable basis upon which the representatives of the Government may operate during the war, we recommend:

First. That the Council of National Defense should issue a statement to employers and employees in our industrial plants and transportation systems advising that neither employers nor employees shall endeavor to take advantage of the country's necessities to change existing standards. When economic or other emergencies arise requiring changes of standards, the same should be made only after such proposed changes have been investigated and approved by the Council of National Defense.

Second. That the Council of National Defense urge upon the legislatures of the States, as well as all administrative agencies charged with the enforcement of labor and health laws, the great duty of rigorously maintaining the existing safeguards as to the health and the welfare of workers, and that no departure from such present standards in State laws or State rulings affecting labor should be taken without a declaration of the Council of National Defense that such a departure is essential for the effective pursuit of the national defense.

Third. That the Council of National Defense urge upon the legislatures of the several States that before final adjournment they delegate to the governors of their respective States the power to suspend or modify restrictions contained in their labor laws when such suspension or modification shall be requested by the Council of National Defense; and such suspensions or

modifications, when made, shall continue for a specified period and not longer than the duration of the war.

The foregoing resolution was on April 16, by motion of the executive committee of the committee on labor and with the approval of the Council of National Defense, amplified as follows:

There seems to be some misunderstanding of the scope of the statement made by the Council of National Defense when it advised "that neither employers nor employees shall endeavor to take advantage of the country's necessities to change existing standards." In order that that misundersanding may be removed, the following amplification is made:

There have been established by legislation, by mutual agreement between employers and employees, or by custom certain standards constituting a day's work. These vary from 7 hours per day in some kinds of work to 12 hours per day in continuous-operation plants. The various States and municipalities have established specific standards of safety and sanitation and have provided inspection service to enforce the regulations. They have also established maximum hours of work for women and minimum age limits for children employed in gainful occupations. It is the judgment of the Council of National Defense that the Federal, State, and municipal governments should continue to enforce the standards they have established unless and until the Council of National Defense has determined that some modifications or change of standards is essential to the national safety; that employers and employees in private industries should not attempt to take advantage of the existing abnormal conditions to change the standards which they were unable to change under normal conditions.

The one other standard that the council had in mind was the standard of living. It recognizes that the standard of living is indefinite and difficult to determine, because it is in a measure dependent upon the purchasing power of wages. It believes, however, that no arbitrary change in wages should be sought at this time by either employers or employees through the process of strikes or lockouts without at least giving the established agencies, including those of the several States and of the Government, and of the Mediation Board in the transportation service and the Division of Conciliation of the Department of Labor in other industries, an opportunity to adjust the difficulties without a stoppage of work occurring. While the Council of National Defense does not mean to intimate that under ordinary circumstances the efficiency of workers is the only element that should be taken into consideration in fixing the hours of labor, safety, sanitation, women's work, and child-labor standards, such efficiency is the object that must be attained during the period when the Nation's safety is involved. It may therefore be necessary for the council, as a result of its investigations and experiences, to suggest modifications and changes in these standards during that time. It is not the purpose of the council, however, to undertake to determine the wage rate that will be sufficient to maintain the existing standards of living. Such questions as can not be adjusted by private negotiations should be referred to the mediation agencies above referred to or to such other constituted agencies as may exist to the end that such questions may be adjusted in an orderly and equitable manner to avoid the stoppage of industries which are so vital to the interests of the Nation at this critical time.

Munitions and manufacturing (including standardization), and industrial relations.

The Council of National Defense has in its files more than 27,000 detailed reports from the larger manufacturing plants of the country as to capacity of those plants to meet the military and industrial needs of the Government in time of war. This vast fund of information was collected by the committee on industrial preparedness of the Naval Consulting Board of the United States, said committee being headed by Mr. Coffin, and all of the records are now under Mr. Coffin's branch of the work in the Advisory Commission of the Council of National Defense.

Under Mr. Coffin are concentrated the activities of a body known as the committee on automotive transport, which has to do with truck specifications for the War Department, the training of truck masters and chauffeurs, military truck tires, motorization of field artillery, volunteer motor-truck companies, matters of personnel, matters dealing with engine and transmission manufacturers and with drop forge managers, and the necessities of tractor manufacture in connection with the food problem.

The specifications for military trucks, under which bids to be opened on June 10, 1917, in Chicago, have been asked for, will be distributed in printed form within a few days. Their issuance makes the final step in the result of a long-continued cooperation between the motor transport board of the War Department and the Society of Automotive Engineers, represented in the committee on automotive transport in an endeavor to arrive at a set of specifications having a maximum value to the Army, and yet to be drawn in such shape as to meet commercial needs and encourage manufacturers in the greatest possible degree.

On May 14, 1917, a conference of 15 chief engineers, representing the principal truck manufacturers of the United States and held in the rooms of the committee under the auspices of the Society of Automotive Engineers, resulted in a complete standardization of many of the salient details as to special equipment demanded by the Quartermaster's Department on trucks for war service. Great uniformity was obtained, even in those details not completely standardized. This marks the entering wedge of a completely standardized military truck. A still more important and possibly far-reaching effect of the meeting was the agreement arrived at to cooperate in the purchase of the particular parts under consideration. The cost, for instance, of designing and duplicating the die and tool equipment for making each new type of towing hook or guard may exceed a thousand dollars, although the number of pieces needed for any one manufacturer is relatively small. It is hoped to save all of this overhead by concentrating upon one type which will be satisfactory to all the engineers concerned and which can be produced economically in quantities sufficient for all the Army needs by a relatively small number of sources of supply. In the aggregate this constitutes a large saving to the Government and makes it possible for the engineers to focus their labors on the production of essential developments. The Office of the Quartermaster General has expressed approval of, and is cooperating in, a plan put forward by the committee to furnish truck masters and chauffeurs in sufficient numbers. This work embraces the coordination of schools and private concerns so far as possible in the direction of stimulating enlistment in the Reserve Corps and in giving proper instructions to round off the preparation of thousands of passenger-car drivers into truck drivers.

This committee had arranged through the Office of the Quartermaster General for prompt delivery of the steel necessary in the equipment of demountable tires, many technical complications having been cleared away. The committee is prepared to offer to the Government through the channel of the Society of Automotive Engineers alone some 1,000 engineers of the highest type, capable of adaption to practically all of the mechanical transport needs of the Government, from the laying out of designs to the officering and maintenance of motor transport units. The committee is also taking up actively the question of farm tractors in connection with the food problem, being in close touch with the qualified persons on this subject now in the United States with the British commission, and has been as well in conference with the authorities of the Department of Agriculture.

A cooperative committee has been appointed by the Association of Public Utilities Companies to represent said companies in an advisory capacity to Mr. Coffin. This cooperative committee has to do with large problems pertaining to the production and distribution of power and light (both gas and electrical).

Under Mr. Coffin also is serving in an advisory capacity a committee of five appointed by the National Industrial Conference Board, representing the greater percentage of the manufacturing and producing concerns in the country.

Under the committee on engineering and education, the chairman of which is Dr. Hollis Godfrey, the chief consideration has been the development of a comprehensive method for the solution of problems of engineering and education in the United States, brought sharply to the fore under war-time conditions. Working under this committee are consulting, operating, general engineering, production engineering, and education sections, of which the last is divided into a university group and a secondary school group. The consulting section touches general engineering as they relate to manufacture and construction; the operating section is concerned with the consummation of policies outlined by the consulting section, and the checking of these policies in actual practice; the general engineering section deals with the development of engineering as related to war; the production engineering section handles specific problems of production engineering as they relate to certain groups of fundamental industries; and the education section is active in the coordination of the educational resources of the country and their relation to the National Government. The committee has covered a great deal of broad ground which may not be stated in detail here.

The settlement of the railroad strike.

Because of the necessity of maintaining uninterrupted transportation facilities during the war the Council of National De-

fense and its advisory commission took an active interest in the settlement of the recent threatened national railroad strike. Following upon a special meeting of the Council of National Defense to consider this emergent situation, the council recommended to the President of the United States and his Cabinet that two of the members of the council, namely, the Secretary of the Interior and the Secretary of Labor, and two of the members of the advisory commission, Daniel Willard and Samuel Gompers, proceed at once to New York and enter into negotiations with the railroads and employees looking to a successful adjustment of the issue. This was done, and the outcome of these negotiations is too well known to demand specific statement here.

The volunteer nonpaid servants of the Council of National Defense and the advisory commission.

The work of the Council of National Defense is largely carried on through the assistance of civilians who serve without pay. Their services have been obtained in the full realization that the conduct of modern war enlists the nonpartisan specialists of every industry and every science, and in the realization that wars are now won not only by fighting men but also by coordinated industries.

In the service of the council and advisory commission, with the labors of both bodies touching about every angle of the Nation's life, there are but 80 paid employees. Almost all of these are clerks and stenographers. A task similar to that with which the Congress has charged the council and advisory commission can be carried on with so small a salary roll only by the volunteer service of civilians above referred to. Of these there are more than 100 men of the most highly trained type, drawn from the fields of every industry and science the expert knowledge from which it is absolutely vital to obtain and utilize in the present national emergency. These 100 men are giving their entire time to the council and commission without compensation. They themselves pay their living expenses in Washington. In addition there are several hundred more men of the same type giving free a large part of their time to the work, not only in Washington but throughout the country. It can not be made too clear that the council and advisory commission are enabled to carry on their labors at so low a cost only through the ungrudging aid of these volunteer, nonpaid workers, representative in very great measure of the trained brain power of the Nation.

Attached hereto you will find detailed lists of the personnel of the council and advisory commission and of their boards, sections, and committees.

Very respectfully,

W. S. GIFFORD,
Director of the Council of National Defense and of the Advisory Commission.

COUNCIL OF NATIONAL DEFENSE.

Secretary of War, Newton D. Baker, chairman.
Secretary of the Navy, Josephus Daniels.
Secretary of the Interior, Franklin K. Lane.
Secretary of Agriculture, David F. Houston.
Secretary of Commerce, William C. Redfield.
Secretary of Labor, William B. Wilson.

JUNE 28, 1917.

ADVISORY COMMISSION OF COUNCIL OF NATIONAL DEFENSE.

Daniel Willard, transportation and communication (president Baltimore & Ohio Railroad) chairman.

Howard E. Coffin, munitions and manufacturing (including standardization) and industrial relations; vice president Hudson Motor Co.

Julius Rosenwald, supplies (including clothing), etc.; president Sears, Roebuck & Co.

Bernard M. Baruch, raw materials, minerals, and metals; banker.

Dr. Hollis Godfrey, engineering and education; president Drexel Institute.

Samuel Gompers, labor, including conservation of health and welfare of workers; president American Federation of Labor.

Dr. Franklin Martin, medicine and surgery, including general sanitation; secretary General American College of Surgeons, Chicago.

Walter S. Gifford, director of council and advisory commission.

Grosvenor B. Clarkson, secretary of council and advisory commission.

Richard H. Williams, jr., assistant to director.
Everett L. Crawford, assistant to director.
Percy R. Pyne, 2d, assistant to director.
George F. Porter, assistant to director.
Preston Davie, assistant to director.
Waddill Catchings, assistant to director.
E. K. Ellsworth, chief clerk.
Dr. Leonard P. Ayres, statistician.

SUBORDINATE COMMITTEES OF COUNCIL OF NATIONAL DEFENSE.

Aircraft production board.

Howard E. Coffin, chairman; Brig. Gen. George O. Squier, Chief Signal Officer, United States Army; Rear Admiral David W. Taylor, Bureau of Construction; S. D. Waldon, ex-vice president of the Packard Motor Car Co.; E. A. Deeds, Engineering Laboratories, Dayton, Ohio; R. L. Montgomery, Montgomery, Clothier & Tyler, bankers, Philadelphia, Pa.; Arthur G. Cable, secretary.

Committee on coal production.

F. S. Peabody, president Peabody Coal Co., Chicago, chairman; E. J. Berwind, president Berwind-White Coal Mining Co., New York; W. W. Keefer, president Pittsburgh Terminal Railroad & Coal Co., Pittsburgh; Van. H. Manning, Director United States Bureau of Mines, Washington; C. M. Moderwell, president United Coal Mining Co., Chicago; E. L. Pierce, vice president Semet Solvay Co., Syracuse; Erskine Ramsey, vice president Pratt Consolidated Coal Co., Birmingham; George Otis Smith, Director United States Geological Survey, Washington; James J. Storrow, Lee Higginson & Co., chairman Massachusetts Committee on Public Safety, Boston; H. N. Taylor, vice president Central Coal & Coke Co., Kansas City; S. D. Warriner, president Lehigh Valley Coal & Navigation Co., Philadelphia; J. F. Wellborn, president Colorado Fuel & Iron Co., Denver; Daniel B. Wentz, president Stonega Coal & Coke Co., Philadelphia; George W. Elliott, of gas and electric service committee; John P. White, president United Mine Workers of America; Frank Hayes, vice president United Mine Workers of America; William Green, secretary United Mine Workers of America; John L. Lewis, statistician United Mine Workers of America; James Lord, president of the mining department of the American Federation of Labor; John Mitchell, chairman Industrial Commission of the State of New York; H. L. Kerwin, secretary to the Secretary of Labor; Herbert Addison, vice president Big Horn Colleries, Wyoming; L. S. Storrs, president the Connecticut Co., New Haven, Conn.; George W. Reed, secretary.

Commercial economy board.

A. W. Shaw, president A. W. Shaw & Co., chairman; W. D. Simmons, Simmons Hardware Co.; E. F. Gay, dean of the Graduate School of Business Administration, Harvard University; George Rublee, member of eight-hour commission; Henry S. Dennison, president Dennison Manufacturing Co.; Dr. Hollis Godfrey, member ex officio.

Committee on shipping.

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Raw materials, Bernard M. Baruch, L. L. Summers.

Manufacture, Howard E. Coffin.

Supplies, Julius Rosenwald, Charles Eisenman.

Medicine, Dr. Franklin Martin, Dr. F. F. Simpson.

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Committees under and cooperating with Mr. Rosenwald.

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Subcommittee on alkalies: J. D. Pennock, Solvay Process Co., Syracuse, N. Y., chairman; T. N. Hicks, Niagara Alkali Co., Niagara Falls, N. Y.

Subcommittee on electrochemicals: John J. Riker, 19 Cedar Street, New York City.

Subcommittee on fertilizers: Horace Bowker, 2 Rector Street, New York City, chairman; Charles E. MacDowell, president Armour Fertilizer Co., Chicago; Charles G. Wilson, Virginia Iron, Coal & Coke Co., Richmond, Va.

Subcommittee on miscellaneous chemicals: Edward Mallinckrodt, jr., 2600 North Second Street, St. Louis, Chairman.

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burgh, Pa., chairman; Walter C. Carroll, American Sheet Tin Plate, Pittsburgh, Pa.; Charles Hadley, Alan-Wood Iron & Steel Co., Philadelphia, Pa.

Subcommittee on pig tin: John Hughes, assistant to president United States Steel Corporation, 71 Broadway, New York City, chairman; E. R. Crawford, president McKeesport Tin Plate Co., McKeesport, Pa.; John A. Frye, general purchasing agent American Can Co., 120 Broadway, New York City; A. B. Hall, manager metal department National Lead Co., New York City; Theodore Pratt, assistant manager manufacturing department Standard Oil Co. of New York, New York City.

Subcommittee on steel distribution: James A. Farrell, president United States Steel Co., 71 Broadway, New York City, chairman; E. A. S. Clarke, president Lackawanna Steel Co., New York City; John A. Topping, chairman Republic Iron & Steel Co., New York City.

Subcommittee on scrap iron: Eli Joseph, of Joseph, Joseph & Bros., New York City, chairman; Samuel Deutsch, Ohio Iron & Metal Co., Chicago; Vernon Phillips, Perry, Buxton, Doane & Co., Philadelphia, Pa.; Joseph Michaels, Hyman-Michaels Co., Chicago, Ill.

Subcommittee on pig iron, iron ore, and lake transportation: H. G. Dalton, Pickands-Mathers Co., Cleveland, Ohio, chairman; F. Billings, Todd Stambaugh Co., Cleveland, Ohio; H. Coulby, Pittsburgh Steamship Co., Cleveland, Ohio; C. T. Dyer, W. P. Snyder & Co., Pittsburgh, Pa.; Leonard Peckitt, president Empire Iron & Steel Co., Philadelphia, Pa.; F. B. Richards, M. A. Hanna Co., Cleveland, Ohio; W. T. Sheppard, Rogers Brown Co., Buffalo, N. Y.; A. H. Woodward, Woodward Iron Co., Birmingham, Ala.; Amasa S. Mather, Pickands-Mathers Co., Cleveland, Ohio, secretary.

Subcommittee on tubular products: James A. Campbell, president Youngstown Sheet & Tube Co., Youngstown, Ohio, chairman; Anson Mark, Mark Manufacturing Co., Chicago, Ill.; George Matheson, jr., vice president Spang Chalfant & Co., Pittsburgh, Pa.; W. H. Rowe, president Pittsburgh Steel Co., Pittsburgh, Pa.; E. Worcester, vice president National Tube Co., Pittsburgh, Pa.

Subcommittee on tin plate: J. I. Andrews, general manager sales American Sheet & Tin Plate Co., chairman; E. R. Crawford, president McKeesport Tin Plate Co., McKeesport, Pa.; E. T. Weir, president Phillips Sheet & Tin Plate Co., Weirton, W. Va.

Subcommittee on wire rope: Karl G. Roebling, general manager sales John A. Roebling's Sons Co., Trenton, N. J., chairman; John J. Broderick, president Broderick & Bascom Rope Co., St. Louis, Mo.; Frank Baackes, vice president and general sales agent American Steel & Wire Co., Chicago, Ill.

Subcommittee on wire products: Frank Baackes, vice president and general sales agent American Steel & Wire Co., Chicago, Ill.; George A. Mason, manager of sales Jones & Laughlin Steel Co., Pittsburgh, Pa.; John C. Neale, vice president and general manager of sales Midvale, Cambria & Worth Bros. Cos., Philadelphia, Pa.; J. E. Frederick, secretary Kokomo Steel & Wire Co., Kokomo, Ind.; H. Sanborn Smith, vice president and general manager sales Gulf States Steel Co., Birmingham, Ala.

Subcommittee on cold rolled and cold drawn steel of the steel and steel products committee: F. N. Beagle, president Union Drawn Steel Co., Beaver Falls, Pa., chairman; E. L. Parker, president Columbia Steel Shafting Co., Pittsburgh, Pa.; Roland Gerry, assistant general sales manager Jones & Laughlin Steel Co., Pittsburgh, Pa.

Cooperative committee on oil.

A. C. Bedford, president Standard Oil Co., 26 Broadway, New York City, chairman; G. S. Davison, president Gulf Refining Co., Frick Building, Pittsburgh, Pa.; E. L. Doheny, president Mexican Petroleum Co., Los Angeles, Cal.; E. C. Lufkin, president Texas Co., Whitehall Building, New York City; John H. Markham, jr., Daniels Building, Tulsa, Okla.; H. F. Sinclair, president Sinclair Refining Co., Equitable Building, New York City; J. W. Van Dyke, president Atlantic Refining Co., 3144 Passyunk Avenue, Philadelphia, Pa.; William Muir, president National Petroleum Association, Titusville, Pa.; H. G. James, president Western Refiners' Association, Kansas City, Mo.; Joseph F. Guffy, president Natural Gas Association of America, Pittsburgh, Pa.; John A. Moffatt, 26 Broadway, New York City, secretary.

Cooperative committee on rubber.

H. Stuart Hotchkiss, president General Rubber Co., 1790 Broadway, New York City, chairman; Frederic C. Hood, Hood Rubber Co., Watertown, Mass.; Arthur Marks, Bureau of Construction and Repair, Navy Department, Washington, D. C.

Cooperative committee on wool.

Jacob F. Brown, Brown & Adams, 269 Sumner Street, Boston, Mass.; H. E. Campbell, Flagstaff, Ariz.; Joseph R. Grundy, William H. Grundy, Bristol, Pa.; F. J. Hagenbarth, president National Association Wool Growers, Salt Lake City, Utah; Sigmund Silberman, S. Silberman Sons, Chicago, Ill.; James M. Wilson, McKinley, Wyo.

Cooperative committee on zinc.

Edgar Palmer, president New Jersey Zinc Co., 55 Wall Street, New York City, chairman; Charles W. Baker, president American Zinc, Lead & Smelting Co., 120 Broadway, New York City; A. P. Cobb, vice president New Jersey Zinc Corporation, 55 Wall Street, New York City; Sidney J. Jennings, vice president United States Smelting, Refining & Mining Co., 120 Broadway, New York City; Cornelius F. Kelley, vice president Anaconda Copper Co., 42 Broadway, New York City; N. Bruce MacKelvie, president Butte & Superior Copper Co., 25 Broad Street, New York City; Thomas F. Noon, president Illinois Zinc Co., Peru, Ill.; Charles T. Orr, president Bertha A. Mining Co., Webb City, Mo.

Committees under and cooperating with Dr. Godfrey.

Committee on engineering and education.

Dr. Hollis Godfrey, Drexel Institute, Philadelphia, Pa., chairman; Dr. Henry E. Crampton Columbia University, New York City, vice chairman; Charles A. Stone, Stone & Webster, Boston, Mass.; Gano Dunn, J. G. White Corporation; Samuel M. Evans, vice president Eagle-Picher Lead Co.; Frederick W. Webster, Stone & Webster, Boston, Mass.; Van Rensselaer Lansingh, president By-Lo Stores Co., Muncie, Ind.; H. A. Gardner, Institute of Industrial Research.

Subcommittee on general engineering: Dr. Hollis Godfrey, chairman; Dr. Henry E. Crampton, vice chairman; Gano Dunn, J. G. White Corporation; John E. Greiner, member of board of directors, American Society of Civil Engineers; J. V. Davies, member of board of directors, American Society of Civil Engineers; H. W. Buck, president American Institute of Electrical Engineers; Prof. C. A. Adams, chairman standards committee of American Institute of Electrical Engineers; Dr. Ira N. Hollis, president American Society of Mechanical Engineers; Calvin W. Rice, secretary American Society of Mechanical Engineers; Philip N. Moore, president American Institute of Mining Engineers; Bradley Stoughton, secretary American Institute of Mining Engineers; Gen. William Black, office of the Chief of Engineers, United States Army; H. J. Perring, John E. Greiner, New York City; L. L. Summers, raw material committee.

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Committee on labor.

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Subcommittee on wages and hours: Frank Morrison, secretary American Federation of Labor, Washington, D. C., chairman; John R. Alpine, general president United Association of Plumbers and Steamfitters, Chicago, Ill.; Frank C. Armstrong, president Ray Hercules Copper Co., New York City; C. L. Baine, secretary-treasurer Boot and Shoe Workers Union, Boston, Mass.; Albert Farwell Bemis, president National Association of Cotton Manufacturers, Boston, Mass.; M. E. Bryan, general president International United Brotherhood of Leather Workers on Horse Goods, Kansas City, Mo.; W. S. Carter, president Brotherhood of Locomotive Firemen and Enginemen, Peoria, Ill.; Harry Cohn, chairman Cloak, Suit, and Skirt Manufacturers' Protective Association, New York City; William K. Field, president Pittsburgh Coal Co., Pittsburgh, Pa.; Felix Frankfurter, Harvard University, Cambridge, Mass.; John Golden, general president United Textile Workers of America, New York City; Daniel Guggenheim, president American Smelting & Refining Co., New York City; Hale Holden, president Chicago, Burlington & Quincy Railroad Co., Chicago, Ill.; William L. Hutcheson, president United Brotherhood of Carpenters and Joiners, Indianapolis, Ind.; William H. Johnston, president International Association of Machinists, Washington, D. C.; Frank J. McNulty, president International Brotherhood of Electrical Workers, Springfield, Ill.; T. V. O'Connor, president International Longshoremen's Association, Buffalo, N. Y.; George Pope, president National Association of Manufacturers, Hartford, Conn.; Thomas A. Rickert, president United Garment Workers of America, New York City; Joseph F. Valentine, president International Molders' Union of North America, Cincinnati, Ohio; A. O. Wharton, president Railway Employees Department, American Federation of Labor, Washington, D. C.; John Williams, president Amalgamated Association of Iron, Steel, and Tin Workers, Pittsburgh, Pa.; A. J. Berres, secretary-treasurer Metal Trades Department, Washington, D. C.; A. Caminetti, Department of Labor, Washington, D. C.; John Donlin, president Building Trades Department, Washington, D. C.; William Green, secretary-treasurer United Mine Workers of America, Indianapolis, Ind.; W. D. Mahon, president International Association of Street and Electric Railways, Detroit, Mich.; V. Everit Macy, president Civic Federation, New York City; William J. Spencer, secretary-treasurer Building Trades Department, Washington, D. C.; William W. Woods, president American Woolen Co., Boston, Mass.

Subcommittee on women in industry: Mrs. J. Borden Harriman, chairman; Miss Mary Anderson (trade-unionist), international executive board of Boot and Shoe Workers, Chicago, Ill.; Mrs. Frederick Bagley, Washington, D. C., and New York; Miss Kate Barnard, Oklahoma City, Okla.; Miss Gertrude Barnum, Riverside, Ill.; Miss Ella R. Bloor (trade-unionist), New York City; Miss Sophonisba Breckenridge, University of Chi-

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Subcommittee on welfare work: L. A. Coolidge, chairman welfare department National Civic Federation, treasurer United Shoe Machinery Co., Boston, Mass., chairman; Charles F. Brooker, president Coe Brass Manufacturing Co., Ansonia, Conn.; Edwin Farnham Greene, treasurer Pacific Mills, Boston; Edwin M. Herr, president Westinghouse Electric & Manufacturing Co., Pittsburgh; Cyrus H. McCormick, president International Harvester Co., Chicago; A. J. Porter, president Shredded Wheat Co., Niaraga Falls, N. Y.; Thomas F. Logan, Post Building, Washington, D. C.

I. Sectional committee on industrial safety of subcommittee on welfare work: L. R. Palmer, president National Safety Council, Harrisburg, Pa., chairman.

1. Divisional committee on structural safety, Robert D. Kohn, architect, factory buildings, New York City, chairman.

2. Divisional committee on fire prevention, H. W. Forster, construction engineer, Philadelphia, chairman.

3. Divisional committee on accident prevention, M. A. Dow, general safety agent, New York Central lines, New York City, chairman.

4. Divisional committee on dust and fumes, Lewis T. Bryant, State commissioner of labor, Trenton, N. J., chairman.

II. Sectional committee on sanitation of subcommittee on welfare work: Dr. W. A. Evans, chairman, Chicago, Ill.; Dr. W. C. Woodward, vice chairman, Washington, D. C.; Dr. E. R. Hayhurst, Columbus, Ohio; Dr. J. W. Schereschewsky, Pittsburgh, Pa.; Dr. O. P. Geier, Cincinnati, Ohio; Dr. A. M. Harvey, Chicago, Ill.; Dr. F. D. Patterson, Harrisburg, Pa.

1. Shop and industrial sanitation division.—Dr. George M. Price, chairman, New York City; Dr. Thomas Darlington, New York City; Dr. William E. Duncan, Hartford, Conn.; Mr. John Roach, Trenton, N. J.; Dr. John Voght, New York City; Dr. F. D. Patterson, Harrisburg, Pa.; Dr. Louis I. Harris, New York City; Dr. Walter G. Hudson, Wilmington, Del.; Miss Pauline Goldmark, New York City; Mr. William C. Groeniger, Columbus, Ohio.

2. Village and public sanitation division.—Dr. George M. Kober, chairman, Washington, D. C.; Dr. William C. Woodward, Washington, D. C.; Mr. Lawrence Veillier, New York City; Dr. J. W. Kerr, Washington, D. C.; Mr. Charles H. Verrill, Washington, D. C.

3. Industrial fatigue division.—Dr. Thomas Darlington, chairman, New York City; Prof. Frederic S. Lee, executive secretary, New York City; P. Sargent Florence, New York City; Miss Josephine Goldmark, New York City; Mr. E. C. Martin, New York City; Prof. Robert E. Chaddock, New York City; Prof. Raymond Dodge, Middeltown, Conn.; Dr. David L. Edsall, Boston, Mass.

4. Lighting division.—L. B. Marks, chairman, New York City. (Personnel not appointed.)

5. Drinking water division: Albert L. Webster, chairman, New York City; Prof. George Whipple, Harvard Medical College, Boston, Mass.

6. Heating and ventilation division: Werner Nygren, chairman, New York City; Dr. C. E. A. Winslow, Yale University, New Haven, Conn.; Rudolph Hering, New York City; D. D. Kimball, New York City; J. I. Lyle, New York City; Arthur K. Ohmes, New York City.

7. Lunch rooms division: Dr. R. C. Routsong, chairman, National Cash Register Co., Dayton, Ohio; Christoph D. Roehr, New York City; J. W. Ramsdell, Ford Motor Co., Detroit, Mich.

8. Industrial diseases and poisons division: Dr. W. G. Hudson, chairman, Wilmington, Del.; Dr. J. W. Schereschewsky, Pittsburgh, Pa.; Dr. B. S. Warren, Washington, D. C.; Francis D. Patterson, Harrisburg, Pa.; Dr. E. R. Hayhurst, Columbus, Ohio; Dr. R. P. Albaugh, Columbus, Ohio; Dr. Alice Hamilton, Chicago, Ill.; Col. Lewis T. Bryant, Trenton, N. J.; Dr. Lewis Boolsen, New Castle, Del.; Dr. W. Gilman Thompson, New York City; Dr. George Apfelbach, Chicago, Ill.

9. Medical supervision: Dr. Otto P. Geier, chairman, Cincinnati, Ohio; Dr. C. D. Selby, Toledo, Ohio; Dr. C. G. Farnum, Peoria, Ill.; Dr. S. M. McCurdy, Youngstown, Ohio; Dr. H. E. Mock, Chicago, Ill.; Dr. Carl E. Smith, Akron, Ohio.

10. Diagnostic clinics: Dr. Louis I. Harris, chairman, New York City; Dr. W. Gilman Thompson, New York City.

11. Abnormal atmospheric pressure: Dr. Frederick L. Keays, chairman, New York City; Dr. Seward Erdman, New York City; Thomas J. Curtis, New York City; Dr. Lorne M. Ryan, Brooklyn, N. Y.

12. Home nursing division: Miss Lillian D. Wald, chairman, New York City. (Personnel not appointed.)

III. Sectional committee on vocational education of subcommittee on welfare work: H. E. Miles, chairman industrial training committee, National Association of Manufacturers, Racine, Wis., chairman.

IV. Sectional committee on housing of subcommittee on welfare work: Philip Hiss, architect, New York, chairman.

V. Sectional committee on recreation of subcommittee on welfare work: Dr. George J. Fisher, physical department, the international committees of Young Men's Christian Associations, New York, chairman.

VI. Sectional committee on correlation of agencies covering welfare activities, i. e., various national organizations, of subcommittee on welfare work: Chairman to be appointed.

VII. Sectional committee on public education in health matters of subcommittee on welfare work: Dr. Alvah H. Doty, medical director Western Union Telegraph Co., New York, chairman.

VIII. Sectional committee on public cooperation through Federal, State, and municipal agencies, including labor and health departments, of subcommittee on welfare work: Chairman to be appointed.

IX. Sectional committee on standard guides for employers of subcommittee on welfare work: A. Park Nevin, general counsel National Association of Manufacturers, New York, chairman.

Subcommittee on information and statistics: Dr. Frederick L. Hoffman, statistician, Prudential Insurance Co., Newark, N. J., chairman.

Executive committee: Dr. Frederick L. Hoffman, statistician, Newark, N. J.; Hon. Royal Meeker, Commissioner of Labor Statistics, Washington, D. C.; William M. Davis, M. D., chief statistician Division of Vital Statistics, Census Office, Washington, D. C.; J. W. Trask, M. D., Assistant Surgeon General, United States Public Health Service, Washington, D. C.; Miss Julia Lathrop, Children's Bureau, Washington, D. C.; Frank Julian Warne, Washington, D. C.; S. Herbert Wolfe, consulting actuary, 165 Broadway, New York City.

Subcommittee on press: Grant Hamilton, legislative agent American Federation of Labor, Washington, D. C., chairman.

Subcommittee on publicity: Dr. E. T. Devine, director New York School of Philanthropy, New York City, chairman.

Frank Morrison, chairman national committee on wages and hours.

V. Everit Macy, chairman national committee on mediation and conciliation.

L. A. Coolidge, chairman national committee on welfare work.

Mrs. J. Borden Harriman, chairman national committee on women in industry.

Dr. Frederick L. Hoffman, chairman national committee on information and statistics.

Grant Hamilton, chairman national committee on press.

S. Thurston Ballard, chairman national committee on cost of living and domestic economy.

Subcommittee on cost of living and domestic economy: S. Thurston Ballard, Ballard & Ballard, Louisville, Ky., chairman.

Committees under and cooperating with Dr. Martin.

General Medical Board.

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Mr. BRANDEGEE. Mr. President, before yielding the floor, I simply desire to say that I know very little about this matter; I do not pretend to know any more about it than does any other Senator; but I have a feeling that it would be wise for us to inform ourselves pretty thoroughly before we proceed to criticize too severely these very eminent gentlemen who have come here voluntarily and devoted their time and attention to the needs of the Government in the time of the Government's emergency.

I am not sure but what Mr. Rosenwald is correct when he says that if the amendment which the committee put into this bill is adopted it would necessarily abolish this advisory commission, after the enormous work that they have done in coordinating the various industries of the country. I am not sure that it would, either, but I can see this, I think, pretty plainly: These men are all experts, and have been put on this commission because they were experts in their various lines of business. Most of them are very wealthy men, of course, having come from the heads of great corporations. Most of them are stockholders, not only in their own concerns, but in many of the related concerns. If it must be so that no member of this commission at the head of a great coordinated industry reaching all over the country may have anything to do with the Government in the way of directing or advising it to make any contract with any company in which he is in any way interested, either directly or indirectly, or in which he owns any stock, I can readily see that for a man in that position, with this sort of a law in existence, he is put in a position where he has to boycott his own companies, although his honest judgment may be that the Government can get the best material and the cheapest price from a company in which he may own some stock. Take the Steel Trust, for instance. The Government wants steel; it may have a steel expert on the advisory commission; he may be a very wealthy man; he may own stock in some steel company that is subsidiary to the Steel Corporation, and yet if this amendment is adopted, if he stays on the advisory commission, no corporation and no company of the Steel Trust can sell a dollar's worth of product to the Government, or at least this expert can not have anything to do with advising them to do so, or in procuring the contract.

Of course if it is so, that it is better to disband this commission, to throw away the work which they have done, and to proceed de novo to select for a new governmental board men who have no interest in any product that the Government is to purchase during this war, if such men can be found, why, well and good; but I do not think that we ought to proceed so rapidly in the assumption that that must be done. I feel that the various amendments suggested by the Senator from Tennessee [Mr. McKELLAR], the theories advanced by the Senator from Missouri, and the principle ordinarily concurred in, that a man can not properly buy from or sell to himself or intermingle his private relations with the capacity and duties of a trustee are along the right line, still we are operating now under very exceptional circumstances. I do feel, in view of what has been said so far, that it would be the part of wisdom if the Senate would defer the consideration of trying to reorganize the advisory commission of the Council of National Defense until after the food-control bill has departed from the Senate. I think there is too much at stake to rush wildly into trying to reform the whole thing, if it needs reform, by an amendment to the pending food-control bill.

Mr. CHAMBERLAIN. Mr. President, yesterday at the time of the adjournment I said that if we were unable to-day to reach a unanimous-consent agreement as to the time we should vote on this bill, I would present a motion to close debate under the rule adopted by the Senate at its special session in March. Since that time I have conferred with a number of Senators, and I believe that there will be a chance to agree upon a time to vote when we convene day after to-morrow. Therefore I will not present the motion this afternoon, but I will state, Mr. President, that when the Senate convenes on Thursday I will ask again for a unanimous-consent agreement to fix the time for a vote on the bill, and then, if objection is made to the proposed unanimous-consent agreement, I shall at once present a motion to limit debate. I wanted Senators to know my purpose, so that they would be prepared to act accordingly.

Mr. President, I hope and believe that all of us realize the importance of this measure, and that Senators want, if possible, to reach an agreement to fix a time when we shall vote. I shall therefore make the motions in the order which I suggest when the Senate convenes on Thursday.

Mr. SHEPPARD. Mr. President, will the Senator yield to me for a moment?

Mr. CHAMBERLAIN. I yield to the Senator.

Mr. SHEPPARD. I ask unanimous consent to have inserted in the RECORD an important letter from Judge S. Taliaferro, of Houston, Tex., on the subject of this bill.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter referred to is as follows:

HOUSTON, TEX., *June 27, 1917.*

Hon. MORRIS SHEPPARD,
United States Senate Chamber, Washington, D. C.

MY DEAR SENATOR: I have just read in the CONGRESSIONAL RECORD of June 19 the very able analysis made by you on the floor of the Senate of Senate bill No. 2463, and your argument in behalf of the measure is very convincing; but it seems to me that if the bill were amended in certain particulars it would bring about more easily the desired results, which I understand to be—

First. The conservation of the products raised in the United States for food, clothing purposes, etc., to the end not only that our people shall not suffer want but that our armies and the armies and peoples of our allies in this war may not suffer for want of food, etc.

Second. To vest in the President "power to take action, if necessary to increase the production of this country, so as to meet the demands which necessarily will be made upon us for supplies."

Not long ago I read in a magazine an article which estimated that this country will have to produce 150 per cent more food products than it has ever raised in order to supply our own people, our armies, and the people and armies of our allies. If this estimate be true, and it seems to me reasonable, the farmers and stock raisers of this country will have to increase their holdings and cultivation of lands 150 per cent in order to meet this desired increase in production.

Now, Senator, how can the farmers and stock raisers of this country be expected to make this increase? To do so they will have to purchase or open up other lands to cultivation. They will have to correspondingly increase the teams, the farm implements, and they will have to double the force of labor now employed on the farms and make financial arrangements for supplies during the making of the crops.

We must look the situation in the face as it is. Take Texas with her 400,000 farmers; about 200,000 of these are tenant farmers. Will it be possible for them to obtain the money to double their acreage? Take the landlord farmer and the large planter; from what source could they obtain the money to increase their acreage and crop production? We all know that it is difficult for any class of farmers, even the wealthiest, to obtain money for any other purpose than that of carrying him through the crop season, even at the high rates of interest, because the money lender and the credit furnisher take into consideration the liability of crop failure.

"Ceres may plant and Apollo water, but God alone—i. e., the seasons—giveth the increase."

You and I have known of a failure of crops two years out of three in Texas, and the same experience has been had in every portion of this country.

I notice that the bill gives the President the power to fix prices for a three-year period. This period, in my judgment, is too short to admit of the farmer being able to obtain the money necessary to increase his production to the point desired by the Government. Take the tenant farmer, the small-farm owner, or the large planter, if he has to double his production he would not be able to borrow the money for the purpose on three years' credit, or to repay even if he had good crops. If he should suffer failure of crops one year or two years during the three-year period, he would be bankrupt for years to come.

Now, I suggest for your consideration this idea: To fix a price on all products of the farm, ranch, and truck garden which the Government may need, and wool and hides, for a period of five years, the price fixed to be sufficiently high to encourage the farmers to increase their production with the knowledge that the Government will guarantee them a minimum price which will pay the cost of his production with a small profit in addition. Suppose that the Government said to the cotton farmer: We need twice the amount of cotton we are now raising. If you cotton farmers will increase your cultivation, the Government will guarantee you 15 cents per pound for your cotton for a period of five years from January 1, 1918; and to the wheat farmer the Government guarantees $1.25 per bushel for wheat for the same term; to the corn farmer 80 cents for five years; and so on, covering all the products which may be needed.

I believe that if such a guaranty of the Government is given for five years that the farmers of every class will be encouraged to increase their production, and it will stimulate the money and credit men to furnish to the farmer the funds necessary to make this increase. These guaranties should be for a period of five years, whether peace is declared or not, because, naturally, when peace is declared the high price which these products are now bringing will naturally and necessarily decline, and the farmer can not afford to take the risk of having the benefit of the prices fixed by the President, by authority of this bill, cut off within one year after the war ceases. The war may cease within six months or a year; and if the farmer has borrowed money and made preparation for this increase he would very probably be left bankrupt for the balance of his career.

Another point I desire to urge is that hundreds of millions of dollars can be saved to the Government if the Government will constitute the nearest port to the producer a concentration point for the products it will need, and require the Interstate Commerce Commission to fix the same rate per mile for railway carriage to all of the ports of the country. This will be of immense advantage both to the Government and to the farmer, because—

First, the concentration of all supplies needed by the Government at ports will give the Government the opportunity to inspect, classify, and select such products as it may need, and to do this cheaply.

During the Spanish War the Government purchased everything it needed through contracts, and had an army of inspectors of every kind and description traveling over the country to inspect articles it needed, and many millions of dollars were paid out by the Government for the salaries and expense accounts of these employees. That the result was disastrous we all know. "The embalmed-beef" episode has not yet been forgotten by the people. Millions of dollars were spent for rotten hay, diseased and unfit horses and mules, canned goods that poisoned our troops, and, in fact, the Treasury was raided in every way. I believe that by constituting the ports of the country concentration points these incidents will not occur again, but if the same plan is pursued we may expect the same results, and this administration will be as sharply criticized by the people and press of the country as was McKinley's administration.

Second, the suggested concentration of all products at the nearest port to the point of production will create competitive markets for the products, and the farmers, stock raisers, etc., will get the benefit of whatever price is paid without contribution to the middleman.

Third, this concentration at the ports will enable the Government to move its purchases by either rail or water. If the necessity arises to return a part of it to the interior, it will have the railway systems of the country to move it; if it is desired at coastwise or foreign points, the production will be at the ship's side, ready at all times for shipment.

As you are aware the organized farmers, cattlemen, sheepmen, woolmen, and all the agricultural interests have for many years been recommending interior warehouses, controlled by these organizations, with clearing-house warehouses at the ports, and the principal reason why these clearing-house warehouses have not been established at the South Atlantic ports and Gulf ports is because the great transcontinental lines have maintained a freight rate by which the farm products could be carried to the North Atlantic ports at a less freight rate than the same product could be delivered at the South Atlantic and Gulf ports.

To illustrate what I mean:

If to-day you were to start two carloads of wheat from Bismarck, N. Dak., one to New York, a distance of 1,763 miles, and the other carload to Port Houston, a distance of 1,640 miles, the carload to Houston would pay 59 cents per 100 pounds, while the carload to New York, although transported 123 miles farther, would only pay a rate of 42.8 cents per mile. In other words, the Dakota farmer, by reason of the high freight rates charged from Bismarck to the port of Houston, is prevented from shipping his grain to Port Houston by the difference in railroad rates charged by the north and south lines. The carload to New York would pay the railroad $308.16, while the carload to Port Houston would pay the railroad $424.80. This is unfortunate for the grain farmers of the Dakotas, Missouri, Nebraska, Kansas, and Oklahoma, and, in fact, to all the producers occupying the territory east of the Rocky Mountains and west of the Mississippi River, for all of which territory the port of Houston is the nearest port. If the same rate per mile was charged from Bismarck to Port Houston that is charged from Bismarck to New York, the Dakota farmer would save between 9 and 10 cents on every bushel of grain for foreign shipment. The same proposition is true as to all the farm products in the territory above named.

Now, Senator, I hold that Port Houston and the other Gulf ports, as well as the South Atlantic ports, should enjoy a freight rate which will enable these ports to handle the products raised in the territory most nearly adjacent to it; and if each of the Pacific ports, the Gulf ports, and the South Atlantic ports, and perhaps one or two of the ports on the Great Lakes, could have the same freight rate per mile that the North Atlantic ports enjoy, it would increase the price to the farmer of all the products that he raises, and in my judgment would encourage him to increase his product as desired by the Government.

The establishment of all these ports as concentration points would bring together at the points of concentration the buyers of the world, establish competition, and guarantee to the farmer the highest price for his products. These advantages the farmer will never enjoy until the freight-rate situation is adjusted so that the product can reach the nearest port at the same rate per mile as it is carried to North Atlantic ports.

For many years I have been on the deep-water committee of Houston, and since the completion of the channel to a depth and width which admits of its easy use by all ships drawing 25½ feet of water, I have been preaching Houston as the natural concentration and distribution port for the territory indicated, and if Congress can have the railway freight situation adjusted so that the Dakota farmer can ship his grain to Port Houston at the same rate per mile that he pays to New York, the wheat of the Dakotas and of the entire territory above indicated will be brought to Port Houston and other Gulf ports for distribution to the markets of the world. The same difference in freight rates which applies to wheat applies to all the farm products of the country, and to benefit the farmer, as well as assist the Government in controlling the food products of the country, I hold that this change should be put in force at once.

I feel satisfied that if the ports indicated are made concentration points for farm products and the railroad rates are adjusted as suggested that the Government will be able to control the entire surplus of foodstuffs of this country, at a saving of many hundred millions of dollars.

I have had some correspondence with Hon. David F. Houston, Secretary of Agriculture, with regard to the establishment of warehouses and other facilities on the Houston Ship Channel for the purpose of concentrating at Port Houston the products of the ranch, farm, and garden, which will be needed by the Government for its own use, as well as for our allies in this war; and I suggested to him that if his department or any other department could advance, say, two and a half million dollars, to be repaid to the Government with 5 per cent interest and secured by a lien on the land and the properties, that I and my associates will form a company, raise two and a half million dollars and with this money purchase the lands, at a valuation to be placed upon it by the land bank appraisers, and with the residue of the fund construct grain elevators, cotton warehouses, a meat-packing plant, drying barns for potatoes, canneries, a tannery, and such other plants as may be necessary to handle and prepare for market the different products which are raised in the territory tributary to the port of Houston.

I have also suggested that if this arrangement could be made with the Government that we would desire to have one or more representatives of the Government on the board of directors, so that the Government would be assured that the money loaned by it was properly applied. Also, I would want the Agricultural and the food departments to detail men who are experienced in the handling of products and in the construction of plants for their use and holding, so that the plants constructed would be the most economic and convenient for the respective purposes. Mr. Houston seems to think that additional legislation would be necessary in order to have his department or any other make a contract of this kind. If such a contract can be made and the Government advance, say, two and a half million dollars at 5 per cent per annum, payable in 10 years, secured by a first lien on the land and plants I feel confident that construction of the different plants can be begun within 60 days, which would enable us to handle a portion of the now growing crops. I would like to have your judgment on this. Further, I believe that if such a contract can be made that all other ports, except perhaps the North Atlantic ports, which have all necessary facilities, would be glad to make a similar contract with the Government. If this is done it opens up competitive markets to the farmers, reduces the freight rates, and will enable the Government to select what it needs at the different concentration points at small expense.

I shall be glad if you will give this matter your earliest consideration. I am aware that it is presented in a very clumsy way, but I think you will be able to discover the points I desire to make, which, to recapitulate, are:

First. A guarantee for farm and ranch products needed by the Government for a period of five years, at fixed prices sufficiently high to assure the farmer against loss and thus enable him to borrow the money necessary to increase his production.

Second. Adjust the freight rates so that all railways to the ports shall charge the same rate per mile without discrimination in favor of the North Atlantic ports.

Third. Arrange for money to be advanced by the Government at 5 per cent interest per annum for a period, say, of 10 years, to be well secured, provided the parties interested in the respective ports furnish the same amount of money as advanced by the Government, said sums to be expended in the purchase of proper sites and the construction of such plants as will assist the Government in procuring, storing, handling, and shipping of the different products which it will need.

Fourth. Provide for the contract that I suggest I and my associates will be glad to make with the Government.

These suggestions, of course, apply to every portion of the United States producing products which the Government will need, and I believe if they can be carried out by appropriate legislation it will mean a saving to the Government of many millions of dollars and will prove of unquestioned benefit to the great agricultural classes of the United States.

Houston having been selected as the place for one of the training camps to accommodate 25,000 troops, I am of the opinion that a concentration plant, such as I suggest, will prove a great economy to the Government.

Very truly, yours, S. TALIAFERRO.

Table showing distance by rail from western points to New York and Port Houston, Tex.

From—	To New York.	To Houston.
	Miles.	*Miles.*
Guthrie, Okla.	1,675	524
El Reno, Okla.	1,733	465
Oklahoma City, Okla.	1,706	493
Arkansas City, Kans.	1,586	613
Wichita, Kans.	1,549	665
Dodge City, Kans.	1,701	860
Hutchinson, Kans.	1,570	726
Topeka, Kans.	1,415	760
Parsons, Kans.	1,412	612
Pittsburg, Kans.	1,441	620
Kansas City, Mo.	1,348	749
St. Louis, Mo.	1,065	820
Hannibal, Mo.	1,169	916
Bismarck, N. Dak.	1,763	1,640
St. Joseph, Mo.	1,373	812
Quincy, Ill.	1,176	1,001
Des Moines, Iowa.	1,270	970
Sioux City, Iowa.	1,422	1,049
Omaha, Nebr.	1,415	941
Lincoln, Nebr.	1,474	945
Kearney, Nebr.	1,614	1,079
Superior, Nebr.	1,565	901
Cheyenne, Wyo.	1,934	1,248
Santa Fe, N. Mex.	2,199	1,092
Salt Lake City, Utah.	2,486	1,400
Denver, Colo.	1,951	1,098
Pueblo, Colo.	1,970	973

EXECUTIVE SESSION.

Mr. CHAMBERLAIN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session, the doors were reopened.

RECESS OVER FOURTH OF JULY.

Mr. CHAMBERLAIN. I move that the Senate take a recess until Thursday next at 12 o'clock noon.

The motion was agreed to; and (at 5 o'clock and 40 minutes p. m., Tuesday, July 3, 1917) the Senate took a recess until Thursday, July 5, 1917, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate July 3 (legislative day of June 28), 1917.

PROMOTIONS IN THE NAVY.

Capt. Henry B. Wilson to be a rear admiral in the Navy from the 1st day of July, 1917.

Commander William C. Brotherton to be a captain in the Navy from the 1st day of July, 1917.

Lieut. Commander Charles S. Freeman to be a commander in the Navy from the 26th day of June, 1917.

Lieut. Commander Robert L. Berry to be a commander in the Navy from the 1st day of July, 1917.

The following-named lieutenants to be lieutenant commanders in the Navy from the 23d day of May, 1917:

Russell Willson, and

Leigh Noyes.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July 3, 1917.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, our Father in Heaven, for the spirit of '76 which brought forth on this continent a new Nation, "conceived in liberty and dedicated to the proposition that all men are created equal." Now we are engaged in a world-wide struggle testing whether that Nation or any nation so conceived and dedicated can long endure. Exercise, we beseech Thee, Thy holy influence to still internal strife and contentions within our borders and within the borders of all the entente nations; that all liberty-loving men may fix their minds upon the paramount issue, that the world may have a new birth of freedom, and that "government of the people, by the people, for the people shall not perish from the earth." And grant, O most merciful Father, that mankind may be lifted through the sacrifices which are being made and shall be made into the higher altitudes of religious thought and endeavor; that they may live together in brotherly love and learn war no more forever under the spiritual leadership of the Prince of Peace. Amen.

The Journal of the proceedings of Saturday, June 30, was read and approved.

EXTENSION OF REMARKS.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent that my friends save me the trouble of making a speech during this hot weather by letting me print some matters in the RECORD.

The SPEAKER. Is there objection?

Mr. MONDELL. Mr. Speaker, reserving the right to object, does the gentleman want to extend his remarks in the RECORD on some legislation before the House?

Mr. ADAMSON. No, sir. It is some articles from my home newspapers that explain things better than I can do myself. One of the chief subjects is the improvement of the Chattahoochee River by private capital, and there is a little article or two about complying with the law and enforcing the law.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. TIMBERLAKE. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a short telegram from the chairman of the Woman's Party of Colorado on the subject of woman suffrage.

The SPEAKER. The gentleman from Colorado [Mr. TIMBERLAKE] asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The following is the telegram referred to:

COLORADO SPRINGS, COLO., *June 30, 1917.*

Hon. CHARLES B. TIMBERLAKE,
House of Representatives, Washington, D. C.:

Whereas the United States has entered world war to fight for democracy, national enfranchisement of half of the people is urgent political necessity. In name of true patriotism we demand enfranchisement of women by immediate passage of Susan B. Anthony amendment as war measure. Request also above be read into CONGRESSIONAL RECORD.

BERTHA W. FOWLE,
State Chairman Protest Meeting Against Imprisonment Suffragist Pickets, Auspices Colorado National Woman's Party.

Mr. HULBERT. Mr. Speaker, I make the same request.

Mr. LENROOT. Reserving the right to object, on what subject?

Mr. HULBERT. On the subject of aeronautics.

Mr. LENROOT. Is it the matter that was objected to the other day?

Mr. HULBERT. No, sir.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that I may extend my remarks in the RECORD.

Mr. MONDELL. On what subject?

Mr. RAKER. On the question of picketing and woman suffrage.

Mr. LENROOT. The gentleman's own remarks?

Mr. RAKER. A part of it will be. It is short.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. VINSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an article written by W. H. Fleming, a former Member of Congress, on the constitutionality of the conscription law.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend remarks in the RECORD by inserting an article written by Hon. W. H. Fleming, lately Member of the House. Is there objection? [After a pause.] The Chair hears none.

Mr. DYER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an article upon the constitutionality, and so forth, of the conscription law.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD by printing an article upon the constitutionality of the conscription law. Is there objection?

Mr. KINCHELOE. I object.

Mr. HAMLIN. Mr. Speaker, I ask unanimous consent to insert in the RECORD a very brief statement of the wealth, annual income, and so forth, of the seven different nations now engaged in war.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. DYER. I object.

SWEARING IN A MEMBER—RICHARD N. ELLIOTT.

Mr. WOOD of Indiana. Mr. Speaker, I desire to present RICHARD N. ELLIOTT, Congressman elect from the sixth Indiana district, and ask that he be sworn in, his certificate having been filed.

The SPEAKER. The Chair has the certificate of election of the gentleman from Indiana, properly signed by the governor and countersigned by the secretary of state.

Mr. ELLIOTT appeared at the bar of the House and took the oath of office.

EXTENSION OF REMARKS.

Mr. CROSSER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an article by Prof. Johnson, of Harvard, on the subject of the preferential ballot.

Mr. LENROOT. Mr. Speaker, how long is the article, may I ask?

Mr. CROSSER. It is 15 or 20 pages, I think, part of it in pamphlet form.

Mr. LENROOT. I object.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the service of fraternal-insurance organizations during the war.

Mr. LENROOT. Mr. Speaker, reserving to right to object, how lengthy is the article?

Mr. HAWLEY. About two sticks.

The SPEAKER. Is there objection to the request of the gentleman from Oregon? [After a pause.] The Chair hears none.

Mr. STEPHENS of Mississippi. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. DYER. Mr. Speaker, reserving the right to object——

Mr. CRISP. Mr. Speaker, I move that the House do now adjourn.

Mr. MONDELL. Will the gentleman withhold that just a moment?

Mr. LONGWORTH. Will the gentleman withhold that for a moment?

Mr. CRISP. I am willing to withhold it, but I understand that we have a unanimous-consent agreement that nothing will be done this week.

Mr. LONGWORTH. I was going to ask the House to indulge me for 10 minutes on the subject of the food bill.

Mr. CRISP. I will withhold my motion for the gentleman from Ohio to submit his request to the House.

Mr. LONGWORTH. I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. The gentleman from Ohio asks unanimous consent to address the House for 10 minutes. Is there objection?

Mr. CRAMTON. I am obliged to object, Mr. Speaker.

Mr. CRISP. Mr. Speaker, I renew my motion to adjourn.

Mr. LONGWORTH. I ask unanimous consent, Mr. Speaker, to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD.

Mr. HAMLIN. Mr. Speaker, reserving the right to object, I asked a few moments ago for the insertion in the RECORD of a very brief statement of some interesting facts. They will not occupy more than one-fourth of one page. A gentleman on that side of the House informed me that he would not consent to any unanimous consent on this side of the House, but that he would have no objection to what his side desired. Now, if that is to be the rule——

The SPEAKER. Is there objection?

Mr. DYER. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is the motion to adjourn.

Mr. LONGWORTH. I make my request, Mr. Speaker, to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

Mr. COOPER of Wisconsin. Mr. Speaker, reserving the right to object, what was the statement that the gentleman from North Carolina [Mr. KITCHIN] made on Saturday last, that there would be no business transacted of any sort this week?

Mr. GARNER. This is not business.

Mr. COOPER of Wisconsin. This is not business, but this is keeping the people here.

WITHDRAWAL OF PAPERS.

Mr. MOON, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of W. H. Travis (H. R. 3044), no adverse report having been made thereon.

ADJOURNMENT.

Mr. WINGO. Regular order!

The SPEAKER. The regular order is the motion to adjourn. The question is on agreeing to that motion.

The motion was agreed to; accordingly (at 12 o'clock and 15 minutes p. m.) the House adjourned, pursuant to the order previously made, until Friday, July 6, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Delaware River from Trenton, N. J., to Easton, Pa. (H. Doc. No. 226); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Nelson N. Boydston *v.* The United States (H. Doc. No. 227); to the Committee on War Claims and ordered to be printed.

3. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Levi S. Warren *v.* The United States (H. Doc. No. 228); to the Committee on War Claims and ordered to be printed.

4. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John C. Black *v.* The United States (H. Doc. No. 229); to the Committee on War Claims and ordered to be printed.

5. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William J. Berry, son of Joseph G. Berry, deceased, *v.* The United States (H. Doc. No. 230); to the Committee on War Claims and ordered to be printed.

6. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Thomas Derry *v.* The United States (H. Doc. No. 231); to the Committee on War Claims and ordered to be printed.

7. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Oak Park Trust & Savings Bank, executor of Elijah S. Watts, deceased, *v.* The United States (H. Doc. No. 232); to the Committee on War Claims and ordered to be printed.

8. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Sarah J. Grayson, widow of James W. M. Grayson, deceased, *v.* The United States (H. Doc. No. 233); to the Committee on War Claims and ordered to be printed.

9. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Neora Thompson, widow (remarried) of William R. Brazee, deceased, *v.* The United States (H. Doc. No. 234); to the Committee on War Claims and ordered to be printed.

10. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Morgan L. Martin, Sarah G. Martin, and Deborah B. Martin, children of Morgan L. Martin, deceased, *v.* The United States (H. Doc. No. 235); to the Committee on War Claims and ordered to be printed.

11. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Sarah A. Robertson, widow (remarried) of George W. Bolt, deceased, *v.* The United States (H. Doc. No. 236); to the Committee on War Claims and ordered to be printed.

12. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Benjamin P. Blodgett and Fred S. Blodgett, executors of George Blodgett, deceased, *v.* The United States (H. Doc. No. 237); to the Committee on War Claims and ordered to be printed.

13. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Ellen A. Beer, widow of Simon B. Beer, deceased, *v.* The United States (H. Doc. No. 238); to the Committee on War Claims and ordered to be printed.

14. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Cullen E. Cline *v.* The United States (H. Doc. No. 239); to the Committee on War Claims and ordered to be printed.

15. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Erastus Guy *v.* The United States (H. Doc. No. 240); to the Committee on War Claims and ordered to be printed.

16. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John Getchey *v.* The United States (H. Doc. No. 241); to the Committee on War Claims and ordered to be printed.

17. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Benjamin D. Gallino *v.* The United States (H. Doc. No. 242); to the Committee on War Claims and ordered to be printed.

18. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William R. Carlton *v.* The United States (H. Doc. No. 243); to the Committee on War Claims and ordered to be printed.

19. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Clinton C. Brown *v.* The United States (H. Doc. No. 244); to the Committee on War Claims and ordered to be printed.

20. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Ralph H. Osborne *v.* The United States (H. Doc. No. 245); to the Committee on War Claims and ordered to be printed.

21. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Candelario Martinez *v.* The United States (H. Doc. No. 246); to the Committee on War Claims and ordered to be printed.

22. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of George F. Knowlton *v.* The United States (H. Doc. No. 247); to the Committee on War Claims and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. OSBORNE: A bill (H. R. 5317) providing that the United States flag shall be displayed in all United States courts while in session; that the attention of foreign-born applicants for naturalization shall be directed to the national flag, and that they shall be instructed as to its meaning and their duties in relation thereto, and for other purposes; to the Committee on the Judiciary.

By Mr. HULBERT: A bill (H. R. 5318) to commission acting assistant or contract surgeons of the United States Army who have served in the Army for a period of at least three months, to be first lieutenants in the United States Medical Reserve Corps, and to add to the Medical Corps of the Army in case of necessity; to the Committee on Military Affairs.

By Mr. MONDELL: A bill (H. R. 5324) giving applicants under the stock-raising homestead law, whose applications may be rejected, a preference right to enter lands under other provisions of the homestead law; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CANTRILL: A bill (H. R. 5319) granting an increase of pension to Lizzie W. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5320) granting an increase of pension to Leslie C. Holmes; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 5321) granting an increase of pension to Betsey Hodgett; to the Committee on Invalid Pensions.

By Mr. WELTY: A bill (H. R. 5322) granting an increase of pension to Luke Arnold; to the Committee on Invalid Pensions.

By Mr. WOOD of Indiana: A bill (H. R. 5323) granting a pension to Augusta E. Robinson; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DAVIDSON: Petition of T. J. Bylow, Ole Olsen, and others, of Neenah, Wis., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Typographical Union No. 211, Oshkosh, Wis., against increase in postal rates on second-class matter; to the Committee on Ways and Means.

Also, memorial of B. A. Hoffman, Grand Knight Oshkosh Council No. 614, Knights of Columbus, Oshkosh, Wis., pledging support of the organization to the Government; to the Committee on Military Affairs.

Also, petition of Columbia Council, No. 209, Royal Arcanum, of Fond du Lac, Wis., favoring universal military training; to the Committee on Military Affairs.

Also, petitions of Local Union No. 445, United Association of Plumbers and Steam Fitters, of Manitowoc, Wis., and United Garment Workers of America, of Oshkosh, Wis., favoring food-control bill; to the Committee on Agriculture.

Also, petition of Frank A. Miller and others, of Manitowoc, Wis., against bill prohibiting manufacture of beer; to the Committee on the Judiciary.

By Mr. HERSEY: Petition of Horace B. Sellers and other citizens, of Orono, Me., urging national prohibition; to the Committee on the Judiciary.

By Mr. HULBERT: Petition of 71 employees of National Cloak & Suit Co., New York City, on daylight saving; to the Committee on Interstate and Foreign Commerce.

Also, petition of conference of mayors and other city officials of State of New York, relative to prohibition; to the Committee on the Judiciary.

Also, petition of Manufacturers' Association of St. Louis, Mo., relative to prohibition; to the Committee on the Judiciary.

Also, memorial of National Association of Game and Fish Commissioners, favoring migratory-bird treaty; to the Committee on Foreign Affairs.

Also, a petition or memorial of Bronx Emergency War Committee, relative to regulating price of coal; to the Committee on Agriculture.

Also, memorial of employees in engine, train, and yard service of New York, New Haven & Hartford Railroad, favoring passage of the Lever bill for food control; to the Committee on Agriculture.

Also, petition of Henry C. Maine, of Rochester, N. Y., against prohibition as a war measure; to the Committee on the Judiciary.

Also, memorial of Indiana State Council of Defense, asking that the President of the United States be given power to fix the price of coal; to the Committee on Agriculture.

Also, memorial of New York Branch of the Association of Collegiate Alumnæ, relative to protecting morals of those in training camps; to the Committee on Military Affairs.

Also, petition of National Association of Cotton Manufacturers, favoring daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

Mr. KENNEDY of Rhode Island: Petition of Local 217, Carpenters and Joiners, of Westerly, R. I., favoring passage of Lever food bill; to the Committee on Agriculture.

Also, resolution of Woman's Christian Temperance Union and Association of Collegiate Alumnæ of Rhode Island, favoring establishment of zones around military camps prohibiting sale of liquor and presence of prostitutes; to the Committee on Military Affairs.

Also, petition of Trinity Baptist Church, of Providence, R. I., favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of Lonsdale (R. I.) Presbyterian Church; Greenville (R. I.) Women's War Relief Association; Samuel H. Tingley, of Providence, R. I.; and Manton (R. I.) Branch of the Woman's Christian Temperance Union, favoring passage of prohibition legislation as a war measure; to the Committee on the Judiciary.

By Mr. LITTLE: Petitions of 200 citizens of Fort Scott, 86 citizens of La Harpe, 93 citizens of Olathe, 112 citizens of Baldwin, 37 citizens of Mound City, 100 citizens of Kansas City, 97 citizens of Paola, 28 citizens of Pomona, 39 citizens of Gardner, and 63 citizens of Rosedale, all in the State of Kansas; 45 citizens of Mocakettee College, St. Paul, Minn.; and 1,200 citizens of Nome, Alaska, favoring national prohibition; to the Committee on the Judiciary.

By Mr. O'SHAUNESSY: Petition of Local 217, United Brotherhood of Carpenters and Joiners of America, of Westerly, R. I., favoring passage of the Lever bill; to the Committee on Agriculture.

By Mr. TIMBERLAKE: Memorial of Frenchman Valley Farmers' Union, No. 251, Haxtun, Colo., asking that all men trained and engaged in actual production of live stock and other food products be left on farms, but given like honors with those called to Army and Navy; to the Committee on Military Affairs.

By Mr. WOOD of Indiana: Petition of citizens of White County, Ind., favoring prohibition as a war measure; to the Committee on the Judiciary.

SENATE.

THURSDAY, *July 5, 1917.*

(*Legislative day of Thursday, June 28, 1917.*)

The Senate reassembled at 12 o'clock m., on the expiration of the recess.

PETITIONS AND MEMORIALS.

Mr. PAGE presented a petition of sundry citizens of Vermont, praying that malt and vinous liquors be included in the enactment of prohibition legislation, which was ordered to lie on the table.

Mr. KNOX presented petitions of sundry citizens of Pennsylvania, praying for national prohibition as a war measure, which were ordered to lie on the table.

Mr. TOWNSEND presented petitions from the Methodist Episcopal Churches of Iona, Hesperia, Calumet, Hancock, Leaton, Stockbridge, Lowell, Battle Creek, Onekama, Bellevue, St. Ignace, Maryville, Detroit, Norway, and Fremont; of the Friends Church of Ypsilanti; of the First Christian Church of Lansing; of the Epworth League of Kalamazoo; of the Second Reformed Church of Muskegon; of the Mayflower Congregational Church, of Lansing; of the First Baptist Church of Calumet; of the Waterman Avenue Evangelical Church, of Detroit; of the First Baptist Church of Lansing; of the First Baptist Church of Detroit; from the Memorial Baptist Church of Jackson; and of sundry citizens of Chesaning, all in the State of Michigan, praying for national prohibition as a war measure, which were ordered to lie on the table.

Mr. POMERENE. I have received a large number of letters in the nature of petitions from manufacturers, merchants, and professional men, all citizens of my State, asking for the adoption of national prohibition. I ask that they be received and appropriately referred.

The VICE PRESIDENT. The petitions will lie on the table.

Mr. POMERENE presented petitions of the Portsmouth Branch, Council National Defense, Portsmouth; of the Eastwood Congregational Church, Hamilton; of 200 members First Presbyterian Church, Columbus; of the Young Men's Bible Class, First United Brethren Church, Dayton; of three congregations of Vanlue; of 700 members United Brethren Church, Fostoria; of Forest Avenue Presbyterian Church, Dayton; of members Presbyterian Church, Nelsonville; of 151 members Bible Class, Blanchester; of members Christian Endeavor Society, Central Christian Church, Youngstown; of the State Convention Ohio Christian Endeavorers, 1,500 strong, representing 80,000 Christian young people, Hamilton; of 750 Christian Endeavorers, Mahoning County; of the Christian Endeavorers, Plymouth Congregational Church, Hamilton; of the Dry Federation, Brown County; of the Youngstown District Epworth League of the Methodist Episcopal Church, Geneva; of the Prospect Methodist Episcopal Church and of the Prospect Baptist Church, Prospect; of Eagle Creek, Mount Moriah, Jenera, and Arlington congregations, Arlington; of Akron District Conference, Methodist Episcopal Church, representing a constituency of 25,000; of the Brotherhood of Westerville Methodist Episcopal Church, Westerville; of Wayne County Woman's Christian Temperance Union, Wooster; of Good Government League, Cambridge; of three troops of Boy Scouts, Cambridge; of 1,000 members First United Presbyterian Church, Cambridge; of

Portsmouth Ministerial Association, Portsmouth; of Lorain Federation of Women's Clubs, Lorain; of the general faculty of Oberlin College, Oberlin; of the Ohio Sunday School Convention, representing a membership of 1,000,000; of Ohmer Park Methodist Episcopal Church, Dayton; of the Dry Federation of Williams County; of Franklin County Dry Federation; of the Democratic Dry Federation of Ohio, Columbus; of Vinton County Dry Federation; of Federated Temperance Organizations of Geauga County; of Paulding County Dry Federation; of 50 members Loveland Unit Ohio Dry Federation; of Loveland Woman's Christian Temperance Union; of Trinity Methodist Episcopal Church, Chillicothe; of the Food Conservation and Red Cross Committee, Kinsman Station; of Trinity Lutheran Church, Findlay; of representatives of the Dry Federation of Noble County; of Highland County Dry Federation, representing normal dry majority of 1,500; of 700 members Central Methodist Episcopal Church, Toledo; of Union of United Brethren Sunday School, Amanda Township, Hancock County; of committee representing First Presbyterian Church, Huron; of Como Avenue Methodist Episcopal Church congregation, Columbus; of the congregation of First Baptist Church, Akron; of the Methodist Episcopal Church, Morral; of the Methodist Episcopal Church, representing 1,500 members, Alliance; of the Bible Class of Broad Street Presbyterian Sunday School, Columbus; of 2,000 Epworth Leaguers of the Columbus district, Columbus; of 300 citizens assembled in Memorial Methodist Church, Dayton; of the First Presbyterian Sunday School, Middletown; of the congregation of St. Paul's Methodist Episcopal Church, Springfield; of Christian Endeavorers of United Brethren Church of East Ohio, representing a constituency of 15,000, of East Palestine; of West Ohio Conference of Woman's Home Missionary Society, representing a constituency of 13,000, Van Wert; of United Brethren Progressive Bible Class, Tiro; of Malvern charge, representing three Methodist Churches and 500 people, Malvern; of 1,600 Methodists of Barnesville; of Men's Bible Class of the First Methodist Episcopal Church, Ironton; of the Woman's Christian Temperance Union of North Benton; of the Woman's Christian Temperance Union of Leetonia; of the Woman's Christian Temperance Union of Berea; of the Woman's Christian Temperance Union of New Richmond; of the official board of the First Methodist Episcopal Church, Bellaire; of the First Congregational Church, Akron; of the Methodist Episcopal Church, Wheelersburg; of the Presbyterian Church, Apple Creek; of Fairfield County Sunday School Association, Lancaster; of Waterford Bible Class, Waterford; of Salem United Brethren Christian Endeavor Society, Clayton; of Protestant Churches, St. Paris; of the Methodist Episcopal Church, Albany; of the Federation of Churches of Lima and Allen County; of the State Christian Endeavor Convention; of the Woman's Foreign Missionary Society of the Methodist Episcopal Church, Berea; of Butler County Christian Endeavor Society, Hamilton; of Franklin County Christian Endeavor Union; of St. John's Episcopal Church, Cuyahoga Falls; of Protestant Churches, Barberton; of Calvary Presbyterian Church Sunday School, Canton; of Judge Blair Bible Class, Second Presbyterian Church, Portsmouth; of United Brethren Sunday School, Rose Hill; of Painter Creek congregation of the Church of the Brethren, Darke County; of Sunday School Association, Pultney Township, including city of Bellaire; of Trinity Methodist Episcopal Church, Chillicothe; of Board of Temperance of the Presbyterian Church, United States of America; High Street Auxiliary Woman's Home Missionary Society of the Methodist Episcopal Church, Springfield; of Scioto Valley Grange, No. 723; of Junior Order United American Mechanics, Gnadenhutten; of Perry Grange, Salem; of Madison Grange, Lucasville; of Athens County Dry Federation; of City Federation Woman's Clubs, Coshocton; of the Young Men's Christian Association, Van Wert; of Liberty Loan organization, Van Wert; of Lake County Patriotic Federation, Painesville; of Board of Education, Jefferson; of Local No. 245, United Brotherhood of Joiners and Carpenters, Cambridge; of Hamilton County Dry Federation, Cincinnati; of the Sons of the American Revolution, Cincinnati; of Thorn Township Dry Federation, Thornville; of Ashland County Medical Society, Ashland; of Ohio Valley Grange, No. 1969, Manchester; of Federation of Woman's Clubs, Norwalk; of Pomona Granges of Darke and Preble Counties; of East Liberty Presbyterian Church, of Pittsburgh, Pa.; of Steubenville District Epworth League, of Wellsville; of Prospect Street Presbyterian Church, of Ashtabula; of the Methodist Episcopal Church of Lebanon; of Manly Methodist Episcopal Church, of Portsmouth; of First Methodist Episcopal Church of Uhrichsville; of Anderson Bible Class, of Springfield; of Congregational Sunday School of Norwalk; of Building Trades Council of Steubenville; of First Methodist Church of East Liverpool; of Trinity Methodist Episcopal Church, of Washington Court House; of the Methodist Episcopal Church of Greentown; of Men's Bible Class of the Presbyterian Church of Troy; of Union Reformed Church, of Republic; of Salem Sunday School, of Republic; of Union Reformed Sunday School, of Republic, all in the State of Ohio, praying for national prohibition, which were ordered to lie on the table.

He also presented memorials of the Hamilton County Liquor League, of Cincinnati; of Home City Lodge, No. 148, International Association of Machinists, of Springfield; of the Brewery Workers' Union of Columbus; of the National Association of White Corn Millers, of Cincinnati; of the Labor Trades Council of Hamilton; of Local Union No. 2, International Brotherhood of Stationary Firemen, of Toledo; of Hamilton Lodge, No. 241, International Association of Machinists, of Hamilton; of Stationary Firemen's Local No. 49, of Cincinnati; of the Federation of Labor of Cleveland; of United Brewery Workers of America of Cincinnati; of Ohio Brewing Co., of Columbus; of Niles Liquor Dealers' Association, of Niles; of Martin Mason Brewing Co., of Hamilton; of the Cleveland Brewers' Exchange, of Cleveland; of the Consumers' Brewing Co., of Newark; and of Gund Brewing Co., of Cleveland, all in the State of Ohio, remonstrating against national prohibition, which were ordered to lie on the table.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRADY:

A bill (S. 2550) to grant a certain area of land to the city of Boise, State of Idaho, for street purposes (with accompanying papers); to the Committee on Public Lands.

By Mr. KNOX:

A bill (S. 2551) to correct the military record of John L. O'Mara and grant him an honorable discharge; to the Committee on Military Affairs.

AMENDMENT TO PENDING BILL.

Mr. GRONNA submitted an amendment intended to be proposed by him to the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel, which was ordered to lie on the table and be printed.

CONSERVATION OF FOOD AND FUEL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

Mr. CHAMBERLAIN. Mr. President, if there is no pending amendment, I ask that the reading of the bill may be proceeded with.

The VICE PRESIDENT. There is a pending amendment. The pending amendment is the amendment offered by the Senator from Iowa [Mr. KENYON] to the amendment of the committee, which will be stated.

The SECRETARY. On page 11, in the committee amendment, at the end thereof, in line 21, strike out the words "foods, feeds, and fuels," and in lieu insert "necessaries as defined in this act."

Mr. POMERENE. Mr. President, with the permission of the Senate I desire this morning to speak upon the bill—not so much concerning its general provisions as concerning the subject of coal as affected thereby.

If I may have the attention of the chairman of the committee, I wish to call attention briefly to Senate joint resolution No. 77, introduced by myself and relating to the subject of the price fixing and distribution of coal.

Mr. SMITH of Michigan. What is the number of the joint resolution?

Mr. POMERENE. Senate joint resolution No. 77. In the preamble to the joint resolution I have attempted to recite the conditions prevailing throughout the country. If it should be passed the Congress will thereby declare that it is essential for the national security and defense of the country to assure an adequate supply and equitable distribution of coal at a reasonable price for the Government and people of the United States and to protect them against exorbitant prices for such coal.

The preamble of the joint resolution recites further that the prices of coal within the United States have reached an exorbitant level; that a large body of consumers both domestic and industrial are unable to obtain a necessary supply of this prime necessary; and that a failure to procure this supply would impair the health and strength of the people of the United States upon whom the national defense depends and cause the partial or complete cessation of many industries.

I shall not take the time to read the whole of the preamble. I wish now to call particular attention to the provisions of section 1. It recites—

That it is necessary and proper, in order to execute the powers of Congress to raise and support armies, to provide and maintain a navy, and in order to properly and efficiently provide for the common defense, that the President of the United States shall be authorized and empowered, and he is hereby authorized and empowered, whenever and wherever in his judgment it shall be necessary for the efficient prosecution of the war, to fix the prices of coal, whether sold at the mine or elsewhere, and whether sold by the coal-mine operator or dealer in coal, and to regulate the methods of sale, routes of transportation, and the distribution, apportionment, or storage of such coal among merchants, domestic consumers, industrial consumers, common carriers, and others, and of export.

And that this price and this distribution may be fixed by the President through the agency of the Federal Trade Commission or some other agency.

The next section gives to the President the power, when in his judgment occasion requires, to requisition and take over the mines and their appurtenances so as to supply the public with coal. I do not quote the language fully.

The third section provides that when this price is fixed, and it is not satisfactory to the operator, he may begin suit for the difference between that which is allowed by order of the President and that which he thinks he is entitled to receive.

There is a provision in the joint resolution also authorizing the President to fix the wages of the miners when necessary. I desire to say with respect to that provision that it was only intended that it should apply in the event the President should take over the mines and he would appear in the place of the employer himself. I do not believe that the Government should fix the scale of wages while the mines are under the control of and being occupied by the coal operators themselves.

Having in mind these provisions, I desire also to call the attention of the chairman to the provisions of the pending bill. The bill attempts to give certain powers to the President for the successful prosecution of the war and for the support and maintenance of the Army and Navy. In section 8 I read the following:

That the President is authorized, from time to time (a) to requisition foods, feeds, fuels, and other supplies necessary to the support of the Army or the maintenance of the Navy—

And note the following language—

or any other public use connected with the common defense.

The suggestion I desire to make to the chairman of the committee is this: Is the language "or any other public use connected with the common defense" comprehensive enough to permit the President to take control of these mines when, in his judgment, it might be necessary for the purpose of obtaining a supply of coal for our transportation systems or for the operation of our factories?

Mr. GORE. That question will be answered by referring the Senator to another section, I think section 10. I am not familiar with the sections in the new print, but it is my impression that it gives express power to the President to commandeer factories, mines, oil and gas wells, and other plants for the production of anything in connection with the Army and Navy.

Mr. POMERENE. The language has been materially modified. I do not intend to take time this morning to pass an opinion upon the sufficiency of that language, but I desire to suggest, if I may, the wisdom of making this language so comprehensive that there can be no question as to what the judgment of Congress is.

Mr. GORE. If the Senator will look at section 9 I think his question will be answered.

Mr. POMERENE. I may discuss that feature a little later.

Mr. GORE. The Senator is undoubtedly correct in his statement.

Mr. POMERENE. What I desire to impress upon the Senate is this: We have heard a good deal of discussion as to the constitutionality of measures of this character. For myself I have no doubt that in time of war, and as a measure for the purpose of prosecuting the war, we have the power to fix the prices and to commandeer these properties whenever it may be necessary for the common defense. I will add further that, in my judgment, it is necessary for the common defense when we find that the present high prices of coal and other necessities are substantially interfering with the industrial life of the community and thereby impairing our national efficiency.

Mr. GORE. Mr. President——

Mr. POMERENE. Pardon me just a moment. My desire is that there shall be a clear finding by Congress that it is necessary to place these plenary powers in the hands of the President to be exercised by him when in his judgment it is necessary for the national defense. In other words, if there is a finding of fact upon this subject by Congress and by the executive branch of the Government the courts would be less likely to interfere with the operation of the law. I yield to the Senator from Oklahoma.

Mr. GORE. I see the point the Senator has in mind and undoubtedly it ought to be met. If it will not interfere with him I will have the first part of section 9 read at this point.

Mr. POMERENE. I referred to that section just a moment ago, if the Senator please, and I would a little rather, if it makes no difference to the Senator, proceed with my argument in the way in which I have planned it.

Mr. GORE. Very well.

Mr. POMERENE. We have had some hearings before the Committee on Interstate Commerce on the question of coal. The operators with singular unanimity have charged the present high prices to the shortage of cars. With all due respect to what they have said I am convinced that the shortage of the car supply has been the occasion for the increase and not the cause of the increase.

I do not want to be understood to say that the car shortage, and there has been a car shortage, does not to some extent affect the price, but the primary cause for the increase in these prices has not been car shortage. It has not been the rule of supply and demand. It has been, as some of the operators themselves said, the "human element" which permitted the operators to get all that the necessities of the situation would permit them to get.

Now, let me say a word on the subject of car shortage. The total number of railroad-owned freight cars in the country is 2,350,000. The total number of privately owned freight cars in the country is 225,000. The grand total is 2,575,000 cars. The highest estimate of car shortage that has come to my notice was several months ago when the total car shortage in the country reached in one month 147,000 cars. In other words, expressed in terms of per cent, the total shortage in the country was 5.7.

Some of these operators have said that they have had as low as 20 per cent of their supply. That may be so; but it does not, in my judgment, apply to that industry as a whole, and it does not apply to the condition generally throughout the country.

I have a statement here which was issued by the special committee on national defense of the American Railway Association, through its chairman, Mr. Fairfax Harrison. He said, in a circular letter which he issued to the railroads, that it is possible that the equivalent of 779,000 additional freight cars might be added to the present equipment by repairing cars more quickly, heavier loading, and more rapid movement. Without taking the time of the Senate to read the whole of this statement, I desire to call attention to this paragraph:

The increased number of freight cars available for service without any outlay of capital can be accomplished as follows: To quicker repairs, 64,000; to quicker movement of cars, 515,000; to making an average heavier loading, 200,000.

The railroads recently gave orders to the car builders for 100,000 freight cars additional to those now in operation, and that number is now being constructed, though the car manufacturers have been delayed and hampered by reason of the fact that they have not been able to get the necessary iron and steel as promptly as they would like to have it.

Mr. VARDAMAN. I should like to ask the Senator about the length of time required to build these cars.

Mr. POMERENE. I can not answer the Senator.

On the subject of car shortage, about which a number of our Ohio operators were complaining when before the committee, I called their attention to a letter which I had received, under date of June 21, 1917, written by Gen. O. H. Hughes, the chairman of the Ohio Public Utilities Commission, and who has served our State most efficiently under four different governors. I say that to show the great confidence which our governors and our people have had in his ability, his integrity, and his intelligence. A paragraph of his letter reads as follows:

Transportation conditions in Ohio as to coal are very greatly improved, the Toledo & Ohio Central and the Hocking Valley Railways—

And these railroads run through the mining regions of the State—

are now furnishing 100 per cent cars for that service, while other railroads have made considerable improvement. Nevertheless prices of coal have not come down, although the operators have charged the high level of prices to lack of transportation facilities.

Mr. REED. What is the date of that?

Mr. POMERENE. June 21.

In the State of Ohio during the year 1915, when the prices of coal were substantially normal, the total production was 22,000,000 tons. I may say that a part of that year covered the period of the Ohio coal strike, and that will account for the low production of that year. During the year 1916 the total production was 34,000,000 tons.

The attorney general of the State of Ohio, Hon. Joseph McGhee, is my authority for the statement that for four months—the first four months of this year—the monthly increase in production over last year was 875,000 tons. Still these prices have been soaring skyward.

The cross-examination of these coal operators before this committee will prove conclusively certain facts, and they are corroborated by the information of every intelligent citizen of Ohio.

First, that during the first six months of this war there were just as many laboring men employed in our Ohio factories as there were during the corresponding months of the years 1916 or 1915; secondly, the product of those factories during these same six months has been greater than it was during the corresponding six months in 1916 or 1915; thirdly, during the six months of this year the manufacturers did not have any extra supply of coal on hand or, if any, it was normal; fourthly, it must, therefore, follow that as much coal, if not more coal, was consumed by these factories during the six months of this year as was consumed during the corresponding six months of last year or the year before; and, fifthly, we conclude that there must have been as much coal transported during these six months of this year as was transported during the corresponding six months of either 1916 or 1915, and yet these operators say that the railroads are responsible for this shortage.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. POMERENE. I do.

Mr. THOMAS. I do not want to interrupt the trend of the Senator's argument, but I want to call his attention to a condition which, I am told by good authority, exists in regard to coal production and consumption. It is, in substance, this: That the large consumers of coal, particularly the transportation companies, have contracts with the operators for practically their entire output of coal at a maximum price of $3 per ton, with provisos in their agreements that in the event that coal should sell for less than the contract price these contractees should have the benefit of that reduction, and that these contracts are so favorable to the operators, and so much in excess of what they were accustomed to secure at wholesale prices from these large consumers, that they are prefectly willing to run at 60 or 70 per cent of their maximum production or of their regular production, perhaps more willing to do so, than to increase their operations as they might do, which would subject them possibly to a reduction of price in the market, and thereby result in loss from their standing contracts.

Mr. POMERENE. I think the Senator's statement is substantially correct, and I shall have something to say on that matter as I go along.

Mr. THOMAS. The Senator, then, is aware of that situation?

Mr. POMERENE. Yes; I am.

Mr. President, in order that we may have a bird's-eye view of the entire situation in the country, I desire to send to the desk, to be read, a letter from the Director of the Geological Survey, which was sent to me a few days ago, though it does not seem to be dated. I ask that the letter be read. There are certain exhibits here supporting the statements of the Director of the Geological Survey, which I ask to be incorporated in the RECORD, but without reading the statements themselves.

The VICE PRESIDENT. Without objection, it will be so ordered. The Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
WASHINGTON.

Hon. ATLEE POMERENE,
United States Senate.

MY DEAR SENATOR POMERENE: In response to your telephone request of yesterday I am inclosing herewith five statements prepared by the Geological Survey to show the comparative figures of monthly shipments of bituminous coal and beehive coke over the leading railroads of the United States. These statistics indicate that in the first two months of the present year the rate of production was less than a year ago; that in March there was some improvement in the output, and that the shipments in April and May were greatly in excess of those in the corresponding months of 1916. In fact, the increase in the last two months (which increase is being exceeded in June) was so great that the aggregate quantity of coal that was loaded on the railroads and sent forward to consumers, from January to the end of May, 1917, was from 7 to 10 per cent greater than in the same period in 1916. Measured in quantity this increase represents thousands of cars and millions of tons. Practically every district and coal field has contributed its share toward this increase, which has been made possible by increased car supply and steadier work on the part of the miners.

The shipments of Pennsylvania anthracite during the first five months of 1917 were about 2,000,000 tons greater than in the same period of 1916.

A careful estimate of the production of coal in the first six months of 1917 is now being prepared for Secretary Lane, and it is expected that it will be published the first of next week.

Yours, very truly,
GEO. OTIS SMITH,
Director.

Mr. POMERENE. Now, Mr. President, I ask that the statements confirmatory of the letter be printed in the RECORD at the end of my remarks.

The VICE PRESIDENT. Without objection, it will be so ordered.

Mr. POMERENE. Mr. President, in the States of Ohio and West Virginia and in western Pennsylvania the increase in the cost of production of coal is not to exceed 30 cents per ton. In Ohio, I am giving the outside figure when I say that the cost of production, except perhaps in a very few inferior mines, does not exceed from $1.40 to $1.50 or $1.60 a ton at the mouth of the mine. In the western Pennsylvania district the cost of coal production at the mouth of the mine runs from $1.10 to $1.30 a ton, with an average of about $1.20 a ton.

On June 15, 1917, the following prices of coal were quoted in the city of Cleveland by different coal operators: Kendall coal, which is the No. 8 Pennsylvania, $5.30 per ton, Cleveland; R. A. Wood coal, Goshen, $5.25; Goff Kirby, $5.25; Lorain Coal & Dock Co., $5.25; Schroder Kelley, $5.45; Baier Coal, Coshocton, $5.25; O. & P., $5.70; M. A. Hanna & Co., $5. These prices are in carload lots in Cleveland.

In wagon-load lots, Pocahontas lump coal, produced in West Virginia, was quoted as follows: Albright, $9.25 per ton; Zett—the name is abbreviated here, but I think it is Zettlemeyer—$9.75; Goff Kirby, $9 per ton. Those prices prevail generally throughout the State of Ohio. I will give some comparative figures a little later in my remarks.

Mr. SMITH of Michigan. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Michigan?

Mr. POMERENE. I do.

Mr. SMITH of Michigan. I should like to ask the Senator a question, if it will not interrupt him.

Mr. POMERENE. I will yield for a question.

Mr. SMITH of Michigan. I am very much impressed with what the Senator has said about the necessity of promptly meeting the fuel situation. I heard his inquiry of the chairman of the Committee on Agriculture as to whether the language of the bill was sufficient to authorize the practical commandeering of the coal supply of the mines. Now, the Senator has reached a point in his recapitulation of prices which leads me to inquire whether, if there is in this bill only power enough to enable the Government to supply its own necessities, which are larger than they have ever been before, what is left over of the output of these mines will not of necessity be higher to the consumer in industrial enterprises than heretofore?

Mr. POMERENE. Mr. President, I will say in answer to the Senator from Michigan that at the present time in Ohio and Pennsylvania and West Virginia the operators are refusing to contract their coal even at the present exorbitant prices—I am speaking generally now—because they were not anticipating Government action and because they expected these prices to advance still higher.

Mr. SMITH of Michigan. Now, if the Senator will permit a word further——

Mr. POMERENE. Yes.

Mr. SMITH of Michigan. I notice that the output of the West Virginia mines was larger last year than in any previous year of its history. It aggregated the tremendous output of 89,165,774 tons. So there is no shortage of supply. But I desire to avoid for our commercial and industrial people the awful dilemma in which they will be placed if the Government supplies only itself from these coal mines and leaves the manufacturers and private consumers to make their own bargain for the moiety. In a climate that is somewhat trying about half of the year, I shudder at the prospect that confronts our people in reference to the fuel supply.

Mr. POMERENE. Mr. President, I think the Senator's mind and mine are running in the same direction.

Many of these operators make the statement that they have old contracts at greatly reduced figures. That is true in some instances; but, as the Senator from Colorado [Mr. THOMAS] has referred to the question, it is likewise true that there are many loopholes in those contracts, which serve as a means of escape from what were believed to be the original contract terms, and in many instances the operators are trying to evade the conditions of the contract. I have here before me now a statement of an account rendered by the Ajax Block Coal Co., of Columbus, Ohio, to the John Evans Lime & Stone Co. I wish Senators would note these figures, if they are interested in this subject. This invoice was issued January 26 and 27 for 89.4 tons of coal at $1.10 per ton, or a total of $98.34. On January 19 the same coal dealers rendered another statement to the John Evans Lime & Stone Co. for 109 tons at $4.25 a ton, or $463.25. Its first statement was for Hocking run of mine; the second was for West Virginia run of mine. The

grade of coal is substantially the same, and the price under normal conditions is substantially the same. I asked the John Evans Lime & Stone Co. for an explanation of this difference in the figures. I read the telegram received from them under date of June 25, 1917:

Had a contract with Ajax Co. for our fall supply of coal; had all bills paid up, and they tried to break contract; could not get coal from them other than open-market prices. Consequently, we purchased open-market coal; then refused to pay for same until they resumed shipment on contract. That is one way we forced the middlemen to eliminate some of their profits. There is no difference in price of West Virginia coal and Hocking coal, except freight. Both of them in the mine-run grade are very inferior coal. The point that I wanted you to see: The miners receive no more pay for producing this coal, and still the coal companies or middlemen advanced the price 300 per cent.

I have another letter from Mr. Homer McDaniel, a business man, whom I have known for 25 years. He is at the head of the Sheriff Street Market & Storage Co., Cleveland, Ohio. I simply wish to call attention to the prices:

During the year 1916 and up to April 1, 1917, our company paid Zettlemeyer Coal Co. $2.15 per ton, delivered in our bins at the market house, for Youghiogheny slack from mine "299," produced by the Pittsburgh Coal Co., and that we are now paying from the same source and to the same company $5.45 for the same coal, and even at this price we are unable to make contracts for any period.

To show that this situation of attempting to break coal contracts is pretty general, I have a letter, with the contract made by a firm of manufacturers in the city of Springfield, Ohio, with the Norfolk & Chesapeake Coal Co. The company had contracted to deliver 1,000 tons under date of August 1, 1916, at $1.10 per ton f. o. b. cars mine. They furnished about 820 tons of this coal. Then they sought to avoid the contract, and insisted that the manufacturers should pay the current prices, which ran about $3.75 per ton. I am advised this morning by these same people that this company has within the past few days signified their willingness to carry out the terms of the contract, which they had refused to comply with for many months. Other manufacturers in Springfield have had a similar experience.

Now, Mr. President, I wish to call the attention of the Senate to some further facts as illustrating the effects that these high prices have upon the industries of the country. In my own city of Canton—a very substantial manufacturing center, with a population of 75,000—for years we invited industries, and one of the inducements to locate in our city was that we could furnish them coal, run of mine, at 90 cents per ton f. o. b. mines. The manufacturers in that city are now compelled to pay from $4.50 to $5.50 per ton for this same coal. We have several rolling mills in our city. It is a well-recognized rule that it takes one carload of coal to roll one carload of steel sheets. The difference between 90-cent coal and $5 coal means an increase of $4.10 in the cost of steel sheets in converting them from the steel bars to the steel sheets. I call attention to this fact as indicating the effect that this high price of coal has on the steel industry generally throughout the country.

I have another letter here from Erie, Pa. In part the writer says:

A year ago bituminous slack was being sold at a good profit at around $1.30 a ton at the mines. Since the coal dealers arbitrarily raised the price last winter the operators have taken the cue, and now have the price up around $4.50 a ton at the mine, or an advance of 250 per cent.

As you know, their actual excess cost over last year is only 25 or 30 cents a ton.

Now, note this, please:

It takes a little over a ton of coke to make 1 ton of pig iron, so that pig iron legitimately went up $8 or $9 when coal went up.

It takes, for some grades of steel, a ton of coal to convert the pig into the finished product of steel, and in some cases it takes more. Therefore bring down the price of coal to where it belongs and you will bring down the price of everything.

On Tuesday I received a very interesting letter from a large steel company. I do not feel at liberty to give the name of the company, but I am going to read a portion of this letter for the purpose of showing the effect upon steel prices:

The contract price of standard Connellsville coke at the ovens, for the period of six months or a year, ranged from $2.20 to $2.30 per ton up to November, 1916. At that time the price for spot coke began to advance rapidly, and it became increasingly difficult to contract for future deliveries at any price. It is now impossible to make any contracts for future delivery of coke, all purchases being made at spot prices for immediate delivery.

Now, note the prices:

During the past week the price reached $15.50 per ton, ovens, and the last quotation on last Saturday was $13.50 per ton, ovens.

Making the largest allowances in every direction, the price of $2.30 per ton may be distributed as follows: For 1½ tons of coal, at $1.20 per ton, $1.80, and for coking 50 cents per ton. As a matter of fact, 1 ton of coke should be made from 1¼ tons of standard Connellsville coal. The normal profit on this coal is about 15 cents per ton.

To produce 1 ton of pig iron requires about 1½ tons of standard Connellsville coke, making the cost of coke without freight about $2.85 per ton of pig iron.

The smelting of ferroalloys requires a still larger amount of coke per ton. For example, to smelt a ton of 20 per cent spiegel requires 1½ tons of coke, making the cost (at the $2.30 price of coke) $3.45.

At the prices now asked for coke, namely, $13.50 per ton, the cost of coke per ton of pig iron is $17.10—an increase of $14.25 per ton since last October.

On the same $13.50 basis for coke the cost to smelt a ton of spiegel is $20.25—an increase of $16.80 per ton since last October.

Senators will see that by this one operation the price of this class of steel has gone up $16.80 a ton, and if we can reduce the price of coal within reasonable limits we will not only be serving the iron and steel industry but we will be serving every industry in the United States and every one of the more than 20,000,000 families in our country.

I have here some quotations of prices, under date of June 18, by the Philadelphia & Cleveland Coal Co., Rockefeller Building, Cleveland.

Mr. SMITH of Michigan. Is that this year?

Mr. POMERENE. This year.

At the following prices we would furnish a limited tonnage, for prompt shipment, of the various grades of coal offered:

Pocahontas lump	$6.50
Pocahontas egg	6.25
Pocahontas mine run	5.25
Kentucky lump	4.75
West Virginia splint lump	4.75
West Virginia splint nut and slack	4.75
Hocking Valley lump	4.75
Hocking Valley mine run	4.25
No. 8 Pittsburgh, 3-inch lump	4.75
No. 8 Pittsburgh slack	4.75

Above quotations are all net f. o. b. mines and subject to change without notice.

Another very prominent manufacturer—one of the leading bankers and business men in Cleveland—writes that they used to get their No. 8 slack coal at $1.90 per ton delivered. They have been obliged to purchase in the open market to keep their plant going, paying $4.50 to $5.75 per ton for the same coal from parties other than the one with whom they have a contract.

I have a very interesting letter from a prominent lawyer in Cleveland which indicates some of the methods that have been adopted by the coal people. I may say that I have known this lawyer for many years, and he is a very reputable gentleman. A paragraph of his letter reads as follows:

It seems that the opportunity to gouge the public presented itself when the railroads failed to furnish cars for transportation, and also when cars did arrive in the city the railroads neither had the engines nor employees in sufficient numbers to put the coal into the respective coal yards. Right here, however, I would like to know why it was that thousands of carloads of coal were held in this city, demurrage paid upon them, and then released when the price got up around $7.50 to $8?

Under date of June 25, the attorney general of Ohio, who has been investigating this subject with very great care, wrote me that he had been down in the Nelsonville coal-mining region, and he found this situation: The larger operators there are subletting privileges in their mines, and they pay to these miners 99 cents per ton at the mouth of the mine. The operators sell this coal, for which they pay 99 cents at the mine, at approximately $4 per ton.

Mr. SMITH of Michigan. Mr. President, does the Senator mean that that 99 cents is the cost of the coal mined or the cost of the coal not including the mining?

Mr. POMERENE. That, as I understand his letter, represents the amount which is paid to the miner who digs it and brings it to the mouth of the mine.

Another prominent manufacturer of Springfield, Ohio, stated to me personally in my office on June 25, 1917, that he could not contract for his supply for his factories at even $5 a ton. Now, they have to pay for free coal $5.50 per ton and upward f. o. b. Springfield, Ohio; others, f. o. b. mines.

Even the colleges in Ohio are not able to get their supply except at these exorbitant figures.

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Florida?

Mr. POMERENE. I do.

Mr. FLETCHER. I will ask the Senator whether there is any claim that it is impossible to get miners to work in these mines? What is the difficulty about getting out the coal?

Mr. POMERENE. Mr. President, perhaps before the Senator came in I referred to their claim that there was a shortage of cars. In these mines, ordinarily, the coal is dumped from the mine immediately into the car. Some of these mines have been shut down. Some of them have been operating only two or three days in the week. Some of the miners have left these mines to go to other mines where they got more regular employment. Conditions prevail in certain localities whereby there may be a lack of coal miners; in others, lack of car supply; but speaking generally, throughout the country the car supply has been greater or as great during the last six months as it was

during the corresponding six months of last year or the year before; and that is conclusively evidenced by the fact that more coal has been mined and transported than ever before.

I have here a letter from Mr. O. K. Shimansky, who is secretary of the Ohio State Board of Commerce and also secretary of the Ohio Coal Bureau, which, as I understand, is an association of the large coal consumers. He says:

The executive committee met here a few days ago and canvassed the coal situation.

This letter is dated June 18, 1917:

Reports of the bureau indicate that prices are up because of reckless bidding by coal consumers. There is no coal shortage. It is evident to every coal user that he can get coal if he will pay the price.

That is the situation all over Ohio and western Pennsylvania and Kentucky and West Virginia, and I dare say in most of the States throughout the Middle West.

Mr. FLETCHER. Mr. President, may I ask the Senator if there has been any unusual demand for coal? Is the price influenced by a large increase in demand?

Mr. POMERENE. There has been some increase in demand, due to the increased industrial activities in Ohio and elsewhere, and that has some effect; but I shall have a word to say on that subject after I have gone on a little further.

Mr. FLETCHER. I was going to suggest that perhaps that could be figured out on a pretty nearly definite basis.

Mr. POMERENE. I do not know but that I might just as well answer that now, and I answer it in this way:

There was an investigation in Ohio during the past few months, in which these very coal operators that are now getting $3 per ton profit said that during last year and during normal times they would have been content with a profit of 10 cents per ton. Now, the situation is this: These gentlemen who are trying to throw the responsibility for all their shortcomings upon the car supply say: "Furnish us cars and we will furnish the coal at reasonable prices." Well, the railroads have enough shortcomings to answer for; but that does not justify these coal operators, when they have had more coal hauled by the railroads than ever before in their experience, in charging two and three times the normal prices. The logic of the situation is this: We have a supply of coal on hand. It is taken to an industrial center. The consumers have become somewhat nervous about present conditions. They are afraid that their coal supply is going to give out, and they begin to bid, and the price has gone up to $6 and $7 per ton, even $8 and $9 per ton, for domestic purposes. They try to excuse themselves under the law of supply and demand. They would be nearer the truth if they would state the fact that their greed for high profits is such that they are willing to take the last farthing out of the consumer's pockets if they can get it.

They place the responsibility upon the consumers, but, while all the consumers in the country are complaining upon this subject, I have yet to hear that any consumer ever knocked down an operator and forced these excessive prices into the operator's pockets.

Mr. SMITH of Michigan. Mr. President, is it not a fact that coal consigned from the mines to buyers throughout the country has been arrested in the course of its shipment and thrown upon sidings and held there and sold again and rerouted at an advanced price?

Mr. POMERENE. That has been done.

I have other letters here that indicate this situation as one of the causes for car shortage. These coal operators and coal brokers ordered large amounts of coal. They were hauled to centers of consumption. They were placed upon a sidetrack at a time when the prices were being boosted, and they paid the demurrage on these cars to the railroad company while they were waiting for the increased price. If I can put my fingers on a letter, I want to call the attention of the Senate specifically to this matter.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Missouri?

Mr. POMERENE. Certainly.

Mr. REED. If that kind of evidence exists, why is it not pretty clear evidence of a violation of the antitrust act?

Mr. POMERENE. There is no doubt about the fact, as I have stated it. It would have a very wholesome effect if a few of these men were sent to the penitentiary. I do not mean to say that all of them are responsible for it. Many of them are very good citizens.

I have a letter from Judge F. M. Marriott, one of the leading lawyers in Ohio, whom I have had the pleasure of knowing for 25 years. He gives me these facts:

We know that up until last winter the producers of coal furnished the same coal—

The same coal which he speaks of in a former paragraph—

at the mine for $1, $1.25, and $1.35 a ton, making it cost the common people when it reached their homes $2.50 to $3 a ton, whereas since the contagion of greed and avarice took possession of the coal barons the price of this same coal has gone to as high as $7 and $8 a ton at their homes.

Now, note this. In illustration of the truth of the statement which was made to him he cites the following fact:

One of the most prominent coal corporations in Ohio, through an officer and its representative, made a statement to the coal dealer—

He gives the name here—

that their company had paid $400 a week demurrage on coal in order to prevent its unloading while prices were being boosted, and that the company realized $1,600 a week by so doing.

Mr. REED. Mr. President——

Mr. POMERENE. Will the Senator pardon me just a minute? I want to give another fact from this letter. He speaks of a certain coal corporation down in West Virginia and certain stockholders who had subscribed for their stock and are now owners of the stock of this company, in part, and he gets this information:

One of the four brothers took stock to the amount of $5,000, one to the amount of $2,500, and one to the amount of $10,000, and their books and receipts will show that they have received back in dividends more than double the amount paid for the stock within the last two years.

I now yield to the Senator from Missouri.

Mr. REED. In connection with the paragraph the Senator had just read when I took the floor a moment ago, to the effect that this company had paid out a large sum for demurrage on cars, of course the act of one man in doing that or one company might probably not have a great effect on the market, but assume that that was pretty general, so that a rise in price could be produced by it, is there any doubt in the Senator's mind as an attorney that it would be most conclusive evidence of a conspiracy in restraint of trade?

Mr. POMERENE. It would be very persuasive evidence.

Mr. REED. I keep insisting on this because I have insisted all along if the Department of Justice would get busy with its vast machinery I think we would very soon find a change in the situation.

Mr. POMERENE. I think that would have very great effect, but I want to remind Senators, and I measure my words, that the man who will enter into a conspiracy to charge $6, $7, and $8 a ton for coal when it only ought to be worth $2 will very carefully attempt to cover up his tracks.

Mr. SMITH of Georgia. If the Senator will allow me, I wish to repeat once more for the RECORD an illustration that came close home of the improper manner in which the effort has been made to put up the price of coal. The judge of the circuit court of the county next to the one in which I live, 6 miles from Atlanta, was in the city within the past week. From him I learned that during the latter part of last winter 1,200 carloads of coal were kept upon a sidetrack between the cities of Atlanta and Decatur for over two weeks, while the people of both places were short of coal; and when he brought it to the attention of the grand jury and a committee went one afternoon to begin their investigation and returned the next morning to continue it, the coal was gone. It was perfectly evident that the 1,200 carloads of coal were being kept upon a sidetrack to produce a coal famine and to force up the price.

Mr. POMERENE. I would have been very greatly surprised if the good people of Georgia had been saved from being victimized by this same crowd of operators and dealers.

I have another letter from Mr. O. K. Shimansky, secretary of the Ohio State Board of Commerce. He refers to a statement which went out from Washington here the other day to the effect that the operators had beneficently agreed to take $3 per ton at the mouth of the mine. I have a statement here somewhere on my desk—I can not locate it at this moment—which indicates that the price in the Ohio mine was to be $3 to $3.50 per ton. He adds this:

If they were able to sell coal a year ago or so at 10 cents in excess of the cost price and make money, why can they not sell now at 50 cents in excess of the cost and make more money? The best figures we are able to obtain indicate that it is now costing about $1.27 per ton to mine coal in the southern Ohio district. On this basis coal at $4 at the mine is twice too high.

Of course, $2 per ton at that cost for mining would give a profit of 73 cents per ton, when heretofore they have been content with a profit of 10 cents per ton.

I am not here to say that 10 cents per ton is a sufficient profit at the present time, but I am here to say that when it only costs $1.20 a ton to produce the coal it is outrageous to even think of charging a consumer $3 per ton.

Mr. SMITH of Michigan. I think, Mr. President, if the Senator will pardon me, that he might with perfect propriety compli-

ment the Secretary of War for his refusal to be bound by such a contract.

Mr. POMERENE. I do, sir. The country owes the Secretary of War a debt of gratitude.

Mr. REED. And the Secretary of the Navy.

Mr. POMERENE. And the Secretary of the Navy. I desire to say that so far as Secretary Lane is concerned—and I have the profoundest respect for him—I do not believe he has been able to get detailed information concerning the cost of production in the coal fields west of the Allegheny Mountains. I have no doubt that he felt when the price was about to be reduced from $5 and $6 per ton to $3 per ton that that was doing a real service to the country, and it was, in one sense of the word; but it is still too high at that figure.

Mr. SMITH of Michigan. Yes. Mr. President, if the Senator will permit me, but Secretary Lane lives in California, far from the coal-mining sections. Secretary Baker lives in Ohio, in an atmosphere that is surcharged with this very vital question, and I think his judgment and his conduct are worthy of the highest praise in rejecting scornfully the contract presented to him the other day.

Mr. POMERENE. The Secretary of the Ohio State Board of Commerce furnished me this information:

> The secretary of an Ohio corporation which has big mining interests in West Virginia says it does not seem true that we are getting $4 a ton for coal that we sold for 90 cents a ton a year ago. During the last month or two we have sold our coal at the mine at $3 to $3.50 a ton. We had 15,000 tons on hand and have sold that at $4 a ton at the mine, although we had no idea that we would get that price. The fact of the matter is we were offered $4 and could not turn the proposition down. I know a man in West Virginia who is actually getting $4.50 and $5 per ton at the mine for coal. This is outrageous, but the operators can not help it.

Mr. President, I desire to present a few figures from a manufacturer of automobile and buggy tops at Tiffin, Ohio. He gives the prices of coal. They are very interesting. In 1911 the price of coal was $1.20—this is what they paid for it—" in 1912, $1.25; in 1913, $1.35; in 1914, $1.45; in 1915, $1.35; in 1916, $1.50 plus 90 cents per ton for freight." Tiffin is west and north of the coal region of Ohio. "Recently asked for quotations of same company, price made for same coal, was $5.25 per ton plus 90 cents for freight."

A large manufacturer of bricks and a large consumer of coal writes me that he has conclusive evidence—and I know from the facts he gives in his letter, which I will not put in the RECORD—his information is reliable. He says that No. 8 coal in the Pennsylvania district cost at the mine, including everything, $1.30 per net ton. The prices on practically all coal run from $4.50 to $5.70 per net ton. Then he adds this:

> Another peculiar thing is that, although it is almost impossible to get coal under contract, due to car and labor shortage, when you pay the high price you are able to get all you want, and there always seems to be some way to get it through.

And that is the experience of nearly every manufacturer in the great Middle West.

Another good friend, from Alliance, Ohio, a prominent and a very intelligent business man, writes me:

> Alliance is comparatively close to coal fields—

In fact, there are some coal mines right on the outskirts of Alliance—

> and yet the price asked for coal here at present is $6.50 per ton, with the promise of $10 coal this winter. The dealers are getting $4.50 per ton at the mine when it should be produced and a good profit result at $2 a ton.

Another man, from Mechanicsburg, Ohio, writes that soft coal was formerly retailed there at around $3 per ton, was advanced to $5 in April, and dealers are now asking $7.50 per ton.

Another man at Ashtabula writes me it is retailing at $7.25 per ton.

I have quite a large number of letters here, and could fill the ordinary RECORD of a day's proceedings in the Senate with them, all of them to substantially the same effect.

But I want to call the attention of the Senate to this further situation.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER (Mr. THOMPSON in the chair). Will the Senator from Ohio yield to the Senator from Tennessee?

Mr. POMERENE. Certainly.

Mr. SHIELDS. The Senator has read a great many letters from prominent citizens of his State showing the exorbitant prices that are being required for the product of the coal mines of that State by the operators there. It must convince almost anyone that there is some sort of a trust existing between the operators; but what I wish to say, with the consent of the Senator, is that this condition is not confined to the State of Ohio. I have a letter from one of the most prominent and distinguished citizens of Tennessee, from that portion of the State where coal is to be found, written, as he says, in sight of the mountains from which the coal is dug, that forcibly depicts the situation in the State, strongly corroborating what the Senator has so forcibly laid before the Senate; and, with his permission, I should like to have this letter read in this connection.

Mr. POMERENE. I have no objection.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

KNOXVILLE, TENN., *July 2, 1917.*

HON. JOHN K. SHIELDS,
United States Senate, Washington, D. C.

DEAR SIR: The country is being moved by a great fervor of patriotic enthusiasm. The people are in favor of supporting the administration in its attempt to put the world in a condition where it will not be endangered by a powerful and conscienceless Government, such as Germany is. The liberty-bond subscription has been enthusiastically oversubscribed; the Red Cross appeal has been met with universal approbation and support; a food supervisor and conservator has been appointed. The people are advised that they must live economically in dress and diet; they know that increased taxation is inevitable from the large bond issues that are being made by Congress, to forward the mobilization, equipment, and support of the Army; the construction and navigation of both a war and merchant marine; for the manufacture, transportation, and use of ordnance and ammunition, etc.

We see that the Secretary of the Navy, and other Government officials are having supplied to them railroad transportation and fuel at reasonable prices. These things are all right and commendable.

Recently 400 coal operators were called to Washington to confer with a certain board having either actual or advisory powers conferred upon it by the President, and perhaps with the aid of the United States Congress. For 12 months the mass of the people have been groaning under outrageous and unjustifiable coal prices. It was supposed that when this conference was held that a permanent agreement would be secured, obtaining for the citizen and Government just and equal treatment by the coal producers during the continuance of the war and that all people would know what that agreement when consummated is. Immediately upon the adjournment of that conference a long article appeared in our local papers advising that the effect of the agreement entered into was that bituminous coal producers east of the Mississippi River were to be allowed the price of $3 or $3.50 per ton for their coal at the mouth of the mine. The people of Knoxville who have been paying for six months $7 and $7.50 per ton for coal were advised that there might be as much as $1 reduction in coal to local consumers, but that that would depend upon the question as to whether the coal was sold direct by the operator or through some local agency; that in the latter case the prices might be approximately the same as heretofore, since the retail dealers have been complaining that they have not been able to make any profits during the past year, etc.

In to-day's paper we notice that the Cabinet and different members of this board above spoken of differ among themselves about the policy to be pursued in dealing with this and like questions. Some of the members favoring "a liberal profit" to the coal men, etc., for their coal, and others favor the confiscation of the same.

I am writing this letter on my own private account to say that it is absurd for Congress and the President of the United States to ask the people to volunteer and fight the battles of the country and then from their service raise all the food products they can for the support of our Army and that of the entente allies and stint themselves in clothing and diet in order to bring success for the Government, while at the same time the Government, through its heads of department, is allowing a lot of "robbers" to eat up the substance of the people who are denying themselves. In other words, it sounds very much like the speculator and contractor are to be fattened at the expense of the mass of the people. The Government of the United States, through Mr. Daniels, states that he is satisfied with the price made for coal with the Navy Department, at something over $2 per ton. This may suit him and it may suit the President and it may seem to suit Congress, but if the people are not allowed to have their necessary fuel at practically the same price that the Government is paying, then there will be trouble in this country. The people will not stand it, and I for one will vote for no President or head of department or Congressman who is in favor of such discrimination. I will not tolerate such procedure.

Why should John Smith, who is a little farmer, deny himself the comforts of life when Bill Jones, a coal operator in sight of him, is allowed to take all of his earnings—even making it difficult for him to pay his taxes, State and National—for the coal which Jones furnishes his neighbor to keep him from freezing, for his winter coal?

The people do not know what Congress is doing about fixing the prices for the necessities of life during the war. It is perfectly apparent, however, that this must be done either by agreement or by an act of Congress. This last exhibition of patriotism given out by the coal operators since the conference in Washington convinces me that no agreement they will enter into will be observed.

However difficult it is to legislate on this subject without invading the province of the right to make private contracts and other constitutional guaranties, such emergencies render it necessary for arbitrary measures to be enacted for the preservation of the country and the welfare of the people. And I couple these last two factors together because there can be no success of the Government which is not also success for the people. The one can not prosper and the other suffer. One can not be favored and the other oppressed. One treatment must be accorded equally to both.

I write this because I feel strongly and because we do not know what Congress is doing or proposes to do before its adjournment on these vital questions.

You have known me for 40 years, and you know the temper of the Tennessee people also, and must know that something must be speedily done to determine that producers of the necessities of life should be allowed, and they will be cheerfully rewarded, by the mass of the people with a reasonable profit upon their products; but that extortion and robbery of the people under the forms of contract and simulating necessity will not be tolerated and will bring on a revolution inside of our country and dampen and abate the ardor and patriotism of the soldier in the field.

As our immediate Representative, I write to you and ask you to use every power possible to fix, if necessary by act of Congress, the schedule for prices of grain, meat, coal, lumber, iron ore, steel, and all the other indispensable necessities for public and private consumption during the war. And that this shall not be made upon the basis of speculative

price things have been sold for within the last year, but upon the cost price of production increased by a reasonable but not exorbitant profit.

You may not know it, but I do; and now tell you the fact that, for several years prior to a year ago, all the coal operators in the Coal Creek, Jellico, and Middlesboro districts, in Tennessee and Kentucky, were supplying coal to the Southern Railway Co. under contracts extending through long periods of time at $1 per ton, and to the Louisville & Nashville Railroad Co. for $1.10 or $1.12½ per ton. Of course, the coal would not have been sold at these prices if it had not been profitable to the operator. During the period spoken of, it is common knowledge that coal at the mouth of the mine could be produced at 80 cents per ton. Since a year ago there has been, as I understand, an advance of about 10 per cent in the wages of the miners. The other expenses of coal operation should not have increased during that period. I know that coal operators, who are now filling contracts for coal extending through a year or more at $3 per ton, are making several thousand dollars per month clear of all expenses.

Another intolerable outrage is taking place here in Tennessee, which affects and will affect the Democratic Party and elections in the future. The State owns its mines and is getting out large measures of coal and shipping them, and instead of selling them direct to the people it is selling them to local coal dealers in the various towns and cities of the State, and the State's coal is furnished to the citizen at the same high price that local dealers get for the output of other mines.

We have been paying here in Knoxville, in sight of the mountain where the coal is dug, $7 and $7.50 per ton for coal since last Christmas. It has been pretended that this condition was brought about by the lack of railroad facilities to transport it, and when that was investigated and corrected other excuses are being trumped up in order to deceive the people and further impose upon them. This sort of stories will not go down. This is simple robbery and nothing else, and so help me God! I will not submit to such intolerable exaction when I know that it is a combination, either express or implied, of a lot of coal dealers to enrich themselves out of the suffering of the mass of the people.

Very truly, yours, W. L. WELEKER.

Mr. JOHNSON of South Dakota. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from South Dakota?

Mr. POMERENE. I yield.

Mr. JOHNSON of South Dakota. I have been very much interested in the coal discussion, which is being handled so ably by the Senator from Ohio, and I merely desire to say a word in connection therewith. I have received a number of letters on the subject, which I shall ask a little later on to present. They are along the same line as the letter which has been just read at the desk.

One thing more. I know, of my own personal knowledge, that the conditions therein stated are not only true in my particular State, but that the conditions which exist there are worse than those which have been described by the Senator from Ohio.

I live in a city of about 5,000 inhabitants. When the coal market was normal there, we always had trouble in getting cars; but when the price of coal got so unreasonably high, so far beyond reason that everyone wondered, we were then told by our local coal dealers that the combine insisted that we had better fill our bins then, as the price would go still higher. A great many followed their advice and no one had any trouble to get cars or coal. Our people who handle coal there are entirely honest and reliable, but the great coal combine absolutely controlled the entire market, and they were as helpless to protect the consumer as the consumer was to protect himself. I only cite this as an instance, to show that the coal situation is about the same all over the country; and if there is one thing in all the commodities of life that the Government should take hold of and control, it is this great coal industry.

Mr. POMERENE. Mr. President, I received a very interesting letter this morning from a friend who lives in Kentucky, whom I have known for many years. He gives a statement as to the dividends which a man received in one little company. He says this man owns $3,000 worth of stock in a mine in the Guyan Valley, which is now paying him $750 per month in dividends, or 300 per cent per year, and the mine has only been in operation something over a year.

I have another interesting letter. I am sorry that I am not privileged to disclose the name of the writer, for he says that if it were disclosed he would be boycotted. He is one of our manufacturers in Ohio of whom we are very proud. He employs several thousand people in his factory. His consumption of coal is something enormous. The price that he has been paying for his coal was $1.70 per ton until April 1, 1917. The companies in this locality—I speak of Pittsburgh now—are selling to the railroad companies their coal at $1.75 per ton, while they want to charge this and other consumers $4 and over per ton. Some gentlemen are seizing their opportunity to make fortunes in a year or two, and to make them out of the necessities of the people. They break, or attempt to break, their contracts and force their customers to buy spot coal at greatly advanced prices.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. POMERENE. I do.

Mr. SHAFROTH. I heartily concur in what the Senator from Ohio is saying, and I hope this bill will provide punishment for those men who are making such exorbitant profits at the expense of the people.

I wish to call the attention of the Senator from Ohio to a statement that was made by the Geological Survey several years ago relative to the cost of the production of coal in the United States. They reported that the average price per ton at the mouth of the mines for all coal mined in the State of Illinois was $1.11; in Indiana, $1.08; in Pennsylvania, $1.01; in Ohio, $1.03; and in West Virginia, 90 cents. What possible excuse can be given for raising those prices to $3 at the mouth of the mine, or to $4 or $5, as the Senator has shown from some of the letters which he has read has been done, is incomprehensible to me. It indicates a greed that ought to be punished. For that reason I am in favor of this bill, in the hope that, if nothing else will do so, the mere statement that the Government will prosecute those who unduly enhance prices will have a tendency to lower the price which unscrupulous operators are attempting to extort for coal with such enormous profit to themselves. It seems to me the objections raised to the President being vested with the power sought to be given to him, when, as a matter of fact, for the protection of the Government and of the people, it is essential in times of war that such power should be reposed in him, are not valid or well taken.

Mr. POMERENE. Oh, Mr. President, there is an excuse for all of this. Why, these operators told us before the Interstate Commerce Committee that it was the "human element" in them that compelled them to raise the prices! We have an able Medical Corps in the Army and in the Navy, and I hope they may be persuaded to operate upon some of these coal operators so as to relieve them of some part of this "human element," or at least to relieve them from the management of these mines, if it becomes necessary, in the hope that they may recover from this frightful disease—"human element."

Mr. SHAFROTH. Mr. President, does not the Senator think that this bill will have a tendency to cure that disease to some extent?

Mr. POMERENE. Why, they are running to cover now, simply because of the fact that these bills are pending here.

Mr. CALDER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from New York?

Mr. POMERENE. I yield to the Senator from New York.

Mr. CALDER. Mr. President, the Senator has given a great deal of study to this problem. I think that second only to the food problem itself, the fuel situation is the most important that the Senate can possibly consider.

The people of this country to-day, Mr. President, are very much exercised because of the fact that those in charge of our food supply have increased prices abnormally. The same thing holds good of the clothing which the people wear—in fact, of everything that the ordinary man uses—but the prices of coal and the supply of coal are so out of all proportion to the conditions that it warrants the Senate giving it the most careful consideration.

What I have been most fearful about is that, perhaps, next winter in some of the crowded sections of the country we shall have no coal at all. To-day in New York City factory owners, men who use bituminous coal, are asked to pay as high as $7 a ton for it. Men who made contracts years ago can not have their contracts filled, but are compelled to go out into the open market and buy coal.

Now, I should like to ask the Senator, because of his great study of the subject, if he is ready to do so now, to address the Senate on the remedy for the situation. I have in mind the fact, if he will permit me a moment further, that to-day the municipalities of our land control the price of water; the States, through their public-service commissions, control the price of gas and electricity; the Nation, through the Interstate Commerce Commission, controls the cost of transportation. I submit, Mr. President, that there is no commodity more important to the business man and to the ordinary everyday man than fuel.

I had something to do with the investigation by the Federal Trade Commission on this subject. Their last report was the result of a resolution adopted by the Senate at my suggestion. They make a radical suggestion for remedying the situation, and I should like the Senator to advise us how he feels about that or whether we ought to go as far as that commission recommends. I am prepared to go pretty far.

Mr. POMERENE. Mr. President, my recommendation is contained in Senate joint resolution 77, which I have filed here. I hope the committee having charge of this bill may see their way clear to accept some of its more specific provisions.

I want to go on a little further with this question of prices, because I do not want anybody to think that we have picked up

a few high prices here and there. They prevail generally throughout the country.

The mayor of my home city writes me that Goshen run-of-mine coal in 1912 was $1.05 per ton, with 40 cents freight rate to Canton; 1913, $1.10; 1914, $1.15; 1915, $1.15 to $1.20; 1916, $1.30 per ton. In the same period of time No. 8 run of mine ranged in price from 90 cents to $1.20 per ton f. o. b. mines. In the present year Goshen run of mine is selling for from $4.25 to $4.50 per ton f. o. b. mines, Goshen lump coal at $4.50, and No. 8—that is, the Pennsylvania coal—at $4.50.

A prominent manufacturer of my home city writes in the same way. He used to pay for the coal, during the year 1916, $1.30 for run of mine, $1.40 for lump, and had to pay the freight of 40 cents per ton, so that that made it $1.70 and $1.80. In April of this year the operators advanced the price 25 cents per ton, which he was told was the price the miners got, and all coal contracts are based on the advance or decline of the miners' prices. Then he adds:

> They could not keep us supplied regularly, and for several months gave us none at all on account of the shortage of cars—

That is their statement—

> and then the embargo; so we had to buy about 1,000 tons, at an average price of $4.55 to $6 per ton for run of mine, and $2.25 to $5 per ton for slack.

On the subject of the cost of coke, a manufacturer at Barberton, Ohio, writes as follows:

> Do not forget coke.

I now quote exactly:

> Coke, which sold for $1.50 per ton in normal times, has been boosted all the way up to $15. The situation for us is very serious, as we consume 150 tons daily.

The other day I received a letter from a prominent lawyer of Iowa, Mr. M. F. Healy, who, I understand, is a very high-class man. He speaks of the difficulties with which they are contending; and, without taking the time to read all of this letter, I want to read just a paragraph:

> I know of several other instances within the last year of refusals to furnish coal according to written contracts.

These coal companies attempted to take advantage of one contract they had because they were having a strike and did not need their coal; and as some of the public institutions of the city needed coal, they sold a few tons of this coal to them, and the operators tried to avoid the contract because of that fact.

> Prices were arbitrarily raised in this community last winter from $5 to $6.50, and from $6 and $6.50 to $9.50 for better qualities of coal.

The whole letter is a very interesting one, but I shall not take the time to refer to it at greater length.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. POMERENE. I yield to the Senator.

Mr. KENYON. I merely wanted to indorse what the Senator said concerning Mr. Healy. That letter is from my home town, and I know the incident to which he refers. Mr. Healy is a very high-class public-spirited citizen.

Mr. POMERENE. Now, I want to call the attention of the Senate briefly to the effect of these increased prices.

In Ohio and elsewhere the rates for passengers on interurban lines are fixed by ordinance or by the public-utilities commission. Fixed prices have prevailed for many years. The cost of coal to these companies has become so enormous that they tell me they are about to ask for an increase of rates upon the electric lines. I have quite a number of letters from writers who say that they are stockholders in the General Gas & Electric Co., one of the large companies with which Senators generally are familiar. I am told in these letters that for a period of five years dividends have been paid regularly; that their gross earnings are greater to-day than they were last year; and yet they have been compelled to pass their dividends this year because of the increased price of fuel; and we are getting to a point where the price of coal is affecting every industry in the country.

A large manufacturing firm in Toledo says, under date of June 27, that they have recently received coal for which they paid $7 a ton, whereas the price charged them before the war was $3.60.

I have here another letter from a member of the Ohio General Assembly quoting prices of coal in 1916 and 1917. Without reading them I ask to insert them in the RECORD.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

> Retailers buy principally Jefferson County coal.
> Freight, 40 cents and 50 cents.
> Delivery charge for hauling to customers, $0.75.
> Retailers add a profit of about $1.30.
> Prices to customers since September, 1916, as follows:
>
> 1916—September, $2.90 to $3.10; October, $3.50 to $3.40, $4. $4.50; November, $5 to $4; December, $5 to $5.50, $6.
> 1917—January, $6.50 to $5.75, $6; February, $5.75 to $6; March, $5.50 to $5.75; April, $5; May, $5.50 to $6, $6.25; June, $6.50.
>
> Prices paid by retailers to operators at mines:
> 1916—September, $1.35 to $2.30; October, $1.65 to $3.50; November, $3 to $3.50; December, $3.50 to $4.
> 1917—January, $4 to $4.50; February, $4; March, $3.50 to $3; April, $3 to $3.75; May, $4.25 to $4.75; June, $4.50 to $4.75.

Mr. POMERENE. I also have a letter from the attorney general of the State of Ohio giving the prevailing prices charged consumers over the State for domestic coal. He gives the prices in 27 different localities. I ask to introduce this letter without reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter is as follows:

STATE OF OHIO,
OFFICE OF THE ATTORNEY GENERAL,
Columbus, July 1, 1917.

Hon. ATLEE POMERENE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have made a survey of the prices charged for domestic coal to the consumer over the State of Ohio.

The prices prevailing are as follows:

	Lump.	Egg and nut.
Sabina	$8.50	$7.00
Dayton	$7.00–9.00	$7.00–9.00
Milford	7.00–7.50	7.00–7.50
Spencerville	7.50	7.50
Marion	8.75	9.00
Hamilton	7.25	7.25
Massillon	7.00	7.00
Delaware	6.50	6.50
Crestline	6.75	6.25
Troy	7.00	7.00
Mechanicsburg	7.00	7.00
Warren	7.50	7.50
Vermilion	8.00–9.50	8.00–9.50
Napoleon	8.75	8.75
Columbiana	6.50–7.50	6.50–7.50
Tiffin	7.00	7.00
Painesville	7.50–8.50	9.00
Cambridge (mining district)	4.00	4.00
Barberton	7.00	7.00
Oak Harbor	7.00–7.50	8.00
Middletown	6.00	7.00
Elyria	9.00	8.50
Greenville	8.00–8.25	8.00–8.25
Wellsville	5.25	5.25
Washington Court House	6.50–7.00	6.50–7.00
Bucyrus	7.50–7.75	7.50–7.75
Gallipolis	5.00	5.00
Lima	8.00	8.00

These prices are for soft coal; hard coal much higher. Normal price, $4 to $4.50 per ton.

Sincerely, yours, JOSEPH MCGHEE.

Mr. POMERENE. As indicating the profits which are being earned by some of the large companies, a correspondent sends me a prospectus issued by the Bird Coal & Iron Co. They have offices at 206 South Wabash Avenue, Chicago. I want to read just a paragraph from this letter. The writer is soliciting stock subscriptions, and he says to the addressee:

> Having purchased foundry iron for as low as $12 or $13 a ton during the past 12 months, you know that there must be a tremendous profit in it at the present market price of approximately $40 a ton. On a production of 6,000 tons a month, the capacity of our furnace, which will be ready to go in blast within six or eight weeks, you can easily figure what the profits will be when we can produce the iron for approximately $10 a ton and sell it at $40 a ton. A profit of $150,000 a month is well within reason, and on a capitalization of $1,100,000 will be in excess of 100 per cent profit on the entire issue of the common stock of $1,000,000.

Those profits are almost equal to the coal profits.

Mr. President, I could go on for several hours giving similar price quotations throughout the country, but I do not propose to do it. I want to say a word or two further, however, as bearing upon this subject generally.

I gave some quotations of coal prices in the city of Cleveland. The commissioner of heat and light of the city of Cleveland was before our committee the other day. They have a heating plant, an electric-light plant, and a water plant in Cleveland. The prices of coal have become so exorbitant that if they continue the city will be obliged to charge increased prices for light, for water, and for heat, all because of these prices of coal. There is consumed annually in the city of Cleveland 6,000,000 tons of coal. One of the coal operators who appeared before our committee, and who is connected with the committee that has charge of coal, appointed for that very purpose by the advisory commission of the Council of National Defense, said in substance that he thought the operators ought to have a profit of $1 per ton on coal during the war. That means, if you please, the city of Cleveland alone will have to pay $6,000,000 profit to these coal operators if present conditions are to prevail. There is coal

sumed in the United States of America annually 600,000,000 tons. At a profit of $1 per ton, the annual profits of the coal operators and dealers in this country would amount to $600,000,000.

Is the Congress going to submit to this situation? I dare say that during the last six months profits have been paid to coal operators and coal dealers, between the moment the coal leaves the mine and the moment it gets to the consumer, of twice $1 per ton. If that be true, then the profits of the coal barons, at the rate of $2 per ton, would amount to $1,200,000,000 per year. And yet one of the excuses that the coal operators give for these high prices is this: "We have played in hard luck for several years. We ought to be permitted to recoup our losses covering a period of years gone by."

Let me say on that subject, briefly, that it is true that certain coal operators in Ohio and elsewhere have lost some money, or at least have not made any, during the last seven years; but there are many other business men in this country who have not made money, and their failure to make money is in large part due to the fact that they got hold of properties that were not paying investments. They made a misadventure. Now they want the public to pay them for their poor investment. It is not fair to say that the coal operators generally throughout the country have not been making money during the last few years; and now, in the State of Ohio, where we have for so many years boasted of our cheap coal, in West Virginia and in western Pennsylvania, all of our people are paying tribute to these operators and dealers.

I am not willing that all the great manufacturing industries of my State, that all of the 1,000,000 families in that State shall be compelled to pay tribute to this great extent to the coal interests of the country. Let me suggest to Senators that coal is much more easily controlled and managed than foodstuffs or most other necessaries for the reason that in the hills of the country the God of nature has planted an unlimited amount of coal. It is there to be taken out. There is no limit to the supply, as there might be in foodstuffs; and it can be handled with very much less difficulty than any of these other articles, important though they are.

We are objecting to-day because American shipping interests are being submarined at sea. I am not willing that the coal operators and coal dealers shall continue to submarine all the manufacturing interests of my own State or of the country. I am not willing that the 1,000,000 families in my own State or the 20,000,000 families in the United States shall continue to pay these extortionate prices, and this Congress can not defend itself before the people of America unless it gives them some relief.

Mr. BRANDEGEE. I wish to ask the Senator a question, if I may.

Mr. POMERENE. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. Both the Senator from Ohio and the senior Senator from Iowa [Mr. CUMMINS] are members of the Committee on Interstate Commerce, which took the testimony on this coal question. Does the Senator from Ohio agree to the deduction drawn by the Senator from Iowa, who stated to the Senate the other day that the high price of coal was caused by the fact that the public were running forward clamoring for coal and bidding against each other?

Mr. POMERENE. I am not quite sure that I heard the statement made by the Senator from Iowa.

Mr. BRANDEGEE. That is my recollection of his statement.

Mr. POMERENE. It is true, however, that that claim has been made before the committee, and I think it fair to say that the advances are in part due to the fact that there has been some uncertainty in the minds of the consumers. They have been afraid that they would not be able to get their supply of coal in the future, because the mine operators have not in many instances carried out their contracts, and as an extra precaution they have gone out to the mines and have bid against one another. But my contention is that when the situation is such in the country that these exorbitant prices are being charged and paid, and the entire country is suffering as a consequence, whether the high bidding has been due to hysteria, as has sometimes been said, or not, the Government can not permit this condition to prevail and allow the operators and coal dealers to charge these prices.

Mr. BRANDEGEE. Is the Senator prepared to state what his own opinion is upon the testimony that was given before the committee of which he is a member as to whether there was any concerted or organized holdup or agreement among the coal operators to withhold coal or to force up the price?

Mr. POMERENE. I do not think the Senator heard what I said earlier in my remarks. This situation does prevail in certain localities. Cars have been loaded, they have been left on the sidetrack, and they have been kept there until the prices of coal would advance.

Mr. BRANDEGEE. I heard those statements, Mr. President, but that may be attributed to the local consignee.

Mr. POMERENE. That may be true.

Mr. BRANDEGEE. I wondered whether the Senator had formed a definite opinion from all the evidence he heard that there was or was not a holdup on the part of coal miners or operators.

Mr. POMERENE. As to a part of the coal operators, I have no question about it. Let me tell you the condition in Pittsburgh to-day. The coal operators have some sort of a bureau or office. They have a secretary employed. Each operator each day mails to the secretary a statement of his output for the day and of the price he is receiving for it, and when the reports come in from all the operators a statement is sent back to each of them giving the amount of the output of each operator in the district and the price he is receiving for it.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Will the Senator from Ohio yield to the Senator from Nebraska?

Mr. POMERENE. Will the Senator pardon me just a moment until I finish this statement? They claim, of course, that if prices are falling it may be a benefit to the consumer if the operators have this knowledge and act upon it, but the fact is that prices have been advancing all the while.

Necessarily, if I should be one of the men who is engaged as an operator and I saw that a dozen other operators in this association were selling a given amount of coal and that they were getting a little bit more than I was getting, the "human element," as they desire to call it, would suggest that I advance my prices as well. The same situation exists in southeastern Ohio.

Mr. SMITH of Michigan. And in Michigan, too.

Mr. POMERENE. The senior Senator from Michigan tells me that the same condition prevails in his State.

Mr. BORAH. Mr. President——

Mr. POMERENE. I promised to yield to the Senator from Nebraska.

Mr. BRANDEGEE. Inasmuch as the Senator is answering my question, I merely wish to make one observation. I wondered if these facts are established in testimony by responsible witnesses before the Senator's committee whether the testimony has been laid before the Department of Justice for the consideration of that department.

Mr. POMERENE. I understand it to be so. I desire to say in answering the Senator that a portion of the information I have here has not been laid before the committee. One of the largest manufacturers in Ohio did not see his way clear to give his consent to disclose his name, because he felt he would be boycotted. I know that situation prevails in certain localities. I yield to the Senator from Nebraska.

Mr. NORRIS. The last question of the Senator from Connecticut almost anticipated the question I was about to ask the Senator from Ohio. It has seemed to me, after the description the Senator has been giving of the coal situation, that it is one that showed a violation of the Sherman antitrust law, and I was wondering if the Department of Justice had been giving the mater any consideration or, if it had considered it, whether they were of opinion that the men in all the cases the Senator has mentioned were not liable under the penal provisions of the trust law.

Mr. NEW. Mr. President——

Mr. POMERENE. I will yield to the Senator in a moment. I feel that I can say without impropriety that there has been some investigation. I do not care to say anything further than that at the present time.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from West Virginia?

Mr. POMERENE. The Senator from Indiana had risen first, and I yield to him.

Mr. NEW. The soft-coal situation in Indiana has been attracting as much attention there as in any other of the soft-coal producing States, and the conditions there are about as the Senator from Ohio has described them as existing in his State, and as they have been described by other Senators as existing in the States they represent.

In this connection I have here a letter from the governor of Indiana, written to the President a short time ago, which I should like to have read into the RECORD, with the approval of the Senator from Ohio, as descriptive of the conditions there.

Mr. POMERENE. I would be very glad to have the letter read into the RECORD.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

INDIANAPOLIS, IND., *June 15, 1917.*

Hon. WOODROW WILSON,
President United States, Washington, D. C.

DEAR MR. PRESIDENT: I do not want to add to your burdens at this time, and yet I feel that the soft-coal situation in this country is one that calls for the immediate consideration of the Federal Government.

Through the public-service commission and the State board of accounts of this State we have caused to be made a careful investigation of the coal situation in Indiana, and have ascertained the cost of mining and the selling price by the operators to their various customers, both on what is known as contract and free coal.

This examination discloses the fact that the cost of mining coal in this State, including all overhead, interest on investment, and a depletion fund for the removal of the coal, is less than $1.50 a ton. It discloses, further, that at a time in the year when the motive power of the railroads is twice as efficient as it will be next winter, and at a time when the coal can be mined less easily, they are only running 60 per cent of the time; that they are charging for free coal at the mines $2.50 to $3 per ton for slack, which price is running considerably higher for mine run, nut, and domestic coal.

The investigation discloses the further fact that labor is not as efficient as it should be, and there is not that close cooperation and sympathy between the miners and the operators, partially due to the fact that the miners realize the enormous profits made by the operators, and do not give their sympathetic cooperation on that account, and the further fact that they can make sufficient money in the short time they work to enable them to get along.

Some things are evident from the examination made: First, we have demonstrated by actual experience that the car-shortage question can be largely taken care of by a closer cooperation with the railroads; second, if a maximum price is fixed for coal, so as to insure the people of this country during the present crisis coal at a price that would afford even liberal profits to the operators, we can secure a closer cooperation with the miners and the operators and a much greater efficiency in that direction; third, with the price fixed, we can conduct a campaign throughout the country urging people to store coal through the summer for use next winter.

As the output of the mines increases the cost now based upon 60 per cent production will rapidly decrease, and if a liberal profit is fixed upon present cost it would result in a very great profit, with the mines operating 90 per cent of maximum.

If this action is not taken and the opportunity that presents itself in the next four months taken advantage of, I believe the country will face a most serious situation next winter, a situation that will cause widespread distress, suffering, and dissatisfaction and seriously embarrass the proper conduct of the war.

Labor is scarce now, but when a million men are taken from the various fields of industry and placed in the Army the shock of this will be immediately felt in the coal industry and everywhere else.

We would have no difficulty in Indiana in bringing the operators to agree to a fair maximum price for bituminous coal were it not for the Federal situation. Indiana coal comes in competition with Illinois, Kentucky, and Ohio coal, and the action by one State, if the price were fixed below that of other States, would simply result in driving our own coal out of the State.

This is essentially a Federal question and ought to be dealt with in that way. I believe that a joint resolution or bill should pass Congress at once authorizing the Federal Government to fix the price of coal, and following that immediate action should be taken to that end.

Assuming that Congress will pass such a law, we ought not to wait for the passage of the law in order to be prepared to act, and I suggest, therefore, that you call to Washington the governors of the soft-coal States east of the Mississippi River with a view of putting on foot a movement to determine at once the cost of producing coal in these various States, and having all the data ready for the commission to be appointed by you for the purpose of fixing prices after Congress acts upon the bill.

I am perfectly willing that the coal operators of this country should make generous profits, but this war calls for a sacrifice upon the part of everyone. As we are asking our young men to offer their lives, we have a right to ask the men of this country who are dealing with such a necessity as coal to make the lesser sacrifice of some share of what might be called their possible profits.

To put it in a different way, we ought to say to them that they shall not be permitted, without any restriction whatever, to exact the last dollar of profit out of the situation in which the country finds itself engaged.

With the assurance that I am ready to support you in every way in this movement and with the kindest personal regards, I am,

Very truly, yours,

JAMES P. GOODRICH,
Governor of Indiana.

Mr. SUTHERLAND. Mr. President——

Mr. POMERENE. I yield to the Senator from West Virginia.

Mr. SUTHERLAND. I wish to inquire of the Senator from Ohio whether from the testimony gained by his committee he was able to find to what extent the scarcity of cars and the scarcity of labor have caused the present high price of coal?

Mr. POMERENE. I should be very glad to answer that. If you will accept at par the statement of these coal operators who came before the Interstate Commerce Committee, the entire responsibility for the increase in the price of coal is due to the shortage of cars and scarcity of labor and the fact that the people are afflicted with hysteria. But I have had some experience as a practicing lawyer, both in the civil and criminal courts, and I think I can read what is between the lines as well as what is said in the lines. The principal reason—and I say it without any mental reservation whatsoever—the principal reason for the increase of these prices is the rapacity of the people who are selling the coal. Up until the time when this subject was given some publicity here in the halls of Congress all the coal operators were talking about the prices of coal going upward. Now, since legislation is threatened, they are talking about the prices being reduced. It is another case of—

Man's inhumanity to man
Makes countless thousands mourn.

Mr. SMITH of Michigan. Mr. President——

Mr. POMERENE. I yield to the Senator from Michigan.

Mr. SMITH of Michigan. If it is a fact, and I have heard it asserted many times, that the country has been geographically divided by these coal people and one set of coal men refuse absolutely to sell coal within certain specified districts, then of course the people are left at their mercy, but it is a fact that coal has been stored upon the sidetracks of railroad companies—that cars have been used for storage purposes. I know of instance after instance of such practice myself. The Senator from Georgia [Mr. SMITH] told us of a situation which existed near Atlanta which ought to cause us to give this matter very careful attention. There is not a shortage in coal. I do not believe the Senator from West Virginia would contend that there is. Last year the West Virginia mines turned out 20,000,000 tons more than the preceding year and nearly 5,000,000 tons more the preceding year than the year before that. It is not the shortage of coal which causes our trouble. And this coal is a part of the eminent domain. It is a part of the common soil. No one could own one acre of this coal without the consent of the Government and the people to whom the soil originally belonged. It is a vastly different situation from that of a manufacturing concern that takes its product from many sources. Coal is a part of the soil and it is a necessity. Our people are very greatly alarmed over the situation which now confronts us, when hospitals and eleemosynary institutions and industrial establishments and private homes are unable to make contracts upon which they can rely for a fuel supply, with the absolute certainty that when winter comes on they will either be bled for additional profits or refused coal.

Mr. RANSDELL. Will the Senator from Ohio yield to me?

Mr. POMERENE. I yield to the Senator from Louisiana.

Mr. RANSDELL. I have enjoyed very much what I have heard of the Senator's address. I regret I could not hear all of it.

I wish to ask the Senator what he thinks of the advice given by the Federal Trade Commission in its report sent to Congress on the 19th of last month, in which it discusses the bituminous-coal situation very fully? The report is printed as House Document No. 193. After showing the enormous increase in the price of coal the report recommends——

Mr. POMERENE. May I ask is that the report on the bituminous-coal situation?

Mr. RANSDELL. Yes, sir; on the bituminous-coal situation. The conclusion of the commission is as follows:

In view of the foregoing the commission recommends:

First. That the production and distribution of coal and coke be conducted through a pool in the hands of a Government agency; that the producers of various grades of fuel be paid their full cost of production plus a uniform profit per ton (with due allowance for quality of product and efficiency of service).

Second. That the transportation agencies of the United States, both rail and water, be similarly pooled and operated on Government account, under the direction of the President, and that all such means of transportation be operated as a unit, the owning corporations being paid a just and fair compensation which would cover normal net profit, upkeep, and betterments.

I wish to ask the Senator a question in view of the findings of this report. The object of the pending bill, among other things, is to assure an adequate supply and equitable distribution, and to facilitate the movement of food, fuels, and so forth. Now, does the Senator agree with the Federal Trade Commission in regard to the pooling of coal through a central agency and its distribution through another agency for handling the transportation facilities of the country?

Mr. POMERENE. Mr. President, I am very glad to give the Senator my views on that subject. That may be necessary as a last resort. I do not believe the Government ought to go into private business unless it is necessary for the protection of the people of the country. My thought is that if this legislation is passed and the President is given the power to requisition these mines and property and their equipment the coal people almost immediately will take up the subject themselves and give to us reasonable prices. When they realize that conditions have gotten to such a stage where the people and Congress will not submit, I am sure that the most of them will say, by their act at least, "We have gone too far; we will retrace our steps." They might do it without legislation.

But as I study the situation I find that each day they have been reaching out for higher prices until legislation is threatened. I want this legislation to be passed in order that the President may have the power to use it if it becomes necessary. I do not believe the President will be required to go very much further, but if it becomes necessary that we take over the entire

coal product of the country—I say necessary for the well-being of our people in order that we may win this war—I am willing the Government should take the coal mines and operate them. I say this because our people can neither be happy nor efficient if present conditions prevail. To relieve these conditions will aid in winning the war.

Mr. RANSDELL. I have not finished my question. I asked the Senator, Will his plan suffice without any interference whatever in regard to the transportation facilities, and is not the transportation of coal, perhaps, more important in getting it to the ultimate consumer than the mere taking of the coal out of the mine?

Mr. POMERENE. Oh, yes.

Mr. RANSDELL. How would you handle that transportation problem? The Senator is aware, of course, that there is said to be a very great shortage of cars. I am not stating that the railroads have not done the best they could, but there is undoubtedly a great shortage of cars in the country, not only in the movement of coal but in the movement of every other kind of freight. What would the Senator suggest to correct that situation?

Mr. POMERENE. I have just said that if I accept the judgment of the coal operators they would place the entire blame upon car shortage and the hysteria of the people. There has been some car shortage, but, comparatively, not to any very great extent.

I have shown, and, I think, conclusively, in my argument to-day, as it was shown by a cross-examination of the coal operators themselves, that there was more coal produced and more coal hauled during the first six months of this year than in the last year or the year before, and they were not speaking about car shortage then. Congress has already given to the Interstate Commerce Commission plenary power when it comes to the control of the question of car supply and car service.

By the substitute bill for the Esch bill, which the Congress passed, we gave to the Interstate Commerce Commission full power over "the movement, distribution, exchange, interchange, and return of cars" and if it becomes necessary the Interstate Commerce Commission can make an order on the Pennsylvania Railroad Co. to-day to send any number of cars from Harrisburg to Pittsburgh or elsewhere to accommodate shippers. More than that, the legislation which is now, I think, in conference gives to the President the power of preferential shipment, and if it becomes necessary to apply more of these cars to coal transportation the President has that power. And more than that, the railroads themselves say that they have already given contracts for 100,000 freight cars and they are awaiting the output of these cars by the car builders.

A statement which I referred to here earlier in the discussion was to the effect that if the railroads would improve their own service with a car supply now 2,700,000 plus, they could increase their present efficiency by an equivalent of about 700,000 cars plus. The car-shortage question does not trouble me very much.

Mr. RANSDELL. The Senator must be aware that a car shortage was reported recently of 145,000 cars.

Mr. POMERENE. Undoubtedly.

Mr. RANSDELL. I think it would take a good while to get the 100,000 cars which the Senator says the railroads are about to build. In view of all this, I wish to remind the Senator that there is a very serious freight congestion throughout the country. It is not only the coal people who experience a great shortage, but the wheat millers testified before the Agricultural Committee a few days ago that the shortage and high price of wheat was more a question of transportation than anything else. There are great complaints of car shortage everywhere. In Louisiana there is a big sawmill which recently had 95,000,000 feet of lumber on hand in the yard and could not get it taken away because no cars were available.

It seems to me this question of transportation ought to be very carefully considered. In view of its seriousness, does the Senator not think that we ought to utilize not only the railroads of the country to the fullest capacity, but also the waterways?

Mr. POMERENE. Will the Senator excuse me from taking up the waterways question? I am afraid the Senator would not let me finish my speech.

Mr. RANSDELL. I am merely asking a question and have no desire to interrupt the Senator's speech. I simply wish to know from the Senator whether or not he thinks that the great waterways which were created by the Almighty and utilized by mankind for thousands of years before there were any railroads—for we did not have railroads until about 100 years ago—should not be used now, and why should not the improvement of waterways be encouraged?

Mr. POMERENE. Mr. President, "sufficient unto the day is the evil thereof." We have had the river and harbor question up here for many, many years. We had it last year and the year before, when there were sufficient cars for all purposes of government. We have it now, of course, and of course it has something to do with the question. I hope the great rivers of the country will be improved and made navigable for the freight and passenger boats of the country, but that is a thing which is in the future. I will join with the Senator in the improvement of the great rivers, but I will not join now in the spending of large amounts of money on some of the rivulets and creeks of the country.

Mr. RANSDELL. Then the Senator does not agree with the Federal Trade Commission, which strongly advocates utilization of our water transportation, as well as our rail, through Government agency.

Mr. POMERENE. The Senator did not so understand me at all, because I said as to these great waterways I am in sympathy with the movement.

Mr. RANSDELL. I understand, but I ask the Senator if he believes in this advice of the Federal Trade Commission, which says the situation is so bad that the only solution of it is for the Government, through one agency, to pool all the transportation facilities, both rail and water. Does the Senator from Ohio think that is wise, and have we reached that serious point yet?

Mr. POMERENE. Mr. President, I realize that our railway system can be improved and that our waterway system can be improved, but our coal situation can be improved without waiting for either or both of those. There is not any doubt about that.

Mr. RANSDELL. That is probably true, and I sincerely hope it can be.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Mississippi?

Mr. POMERENE. I promised to yield to the Senator from Mississippi.

APPENDIX.

The following statement of carloads of bituminous coal that originated on 53 railroads, and of beehive coke on 11 roads, in January, 1917, is compiled from report received by the Geological Survey, Department of the Interior, by noon, February 15, 1917:

Comparative figures based on reports for January, 1917.

	January, 1917.	December, 1916.	January, 1916.
Number of working days	26	25	25
Carloads of bituminous coal, Pennsylvania (15 roads)	188,161	173,914	204,417
West Virginia, Virginia, Maryland, and Ohio (11 roads)	200,560	188,731	190,440
Illinois and Indiana (13 roads)	43,475	128,891	137,327
Kentucky and Alabama (5 roads)	18,930	17,152	15,471
Iowa, Texas, Colorado, and Southwestern States (6 roads)	22,590	20,197	79,900
53 roads	573,716	528,905	567,555
Carloads of beehive coke (11 roads)	64,669	62,952	69,902

The increase in shipments of bituminous coal in January, 1917, compared with December, 1916, was 8.5 per cent, and compared with January, 1916, was 1.1 per cent. The average number of cars of coal per working day was 22,062 in January, 1917, against 21,152 in December, 1916, and 22,701 cars in January, 1916. These statistics indicate that although shipments in January, 1917, were greater than in December, 1916, in all the five States or groups of States, and were greater than in January, 1916, in all the groups shown, except Pennsylvania, the average daily rate of production is now less than a year ago, but is above that for December, 1916, which in turn was below that for November, 1916.

The shipments of beehive coke in January, 1917, showed an increase of 2.7 per cent compared with December, 1916, and a decrease of 8 per cent compared with January, 1916.

The following statement of carloads of bituminous coal that originated on 58 railroads and of beehive coke on 14 roads in February, 1917, is compiled from reports received by the Geological Survey, Department of the Interior, by noon, March 15, 1917:

Comparative figures based on reports for February, 1917.

	February, 1917.	January, 1917.	February, 1916.
Number of working days	23	26	24
Carloads of bituminous coal, Pennsylvania (13 roads)	148,290	179,974	183,695
West Virginia, Virginia, Maryland, and Ohio (13 roads)	164,002	190,610	185,591
Illinois and Indiana (16 roads)	144,522	164,179	148,771
Kentucky and Alabama (6 roads)	38,785	42,609	33,337
Iowa, Texas, Colorado, and Utah, and Southwestern States (13 roads)	45,557	57,655	46,980
58 roads	541,216	640,116	497,434
Carloads of beehive coke (14 roads)	58,450	72,110	73,121

The decrease in shipments of bituminous coal in February, 1917, compared with January, 1917, was 15.5 per cent, and compared with February, 1916, was 9.4 per cent. The average number of cars of coal per working day was 23,531 in February, 1917, against 24,620 in January, 1917, and 24,893 in February, 1916. The shipments in February were less than in January, which was to be expected because of the fewer working days. These statistics indicate that, except in Kentucky and Alabama, the daily rate of production was lower in February than in January, 1917, and considerably less than in February, 1916. The average daily loading on 23 roads in Pennsylvania, West Virginia, Virginia, Maryland, and Ohio was 7 per cent less in February than in January, 1917, and on 13 roads west of the Mississippi was 19 per cent less.

The shipments of beehive coke in February, 1917, showed a decrease of 18.9 per cent compared with January, 1917, and a decrease of 20.1 per cent compared with February, 1916.

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The following statement of carloads of bituminous coal that originated on 55 railroads and of beehive coke on 10 roads in March, 1917, is compiled from reports received by the Geological Survey, Department of the Interior, by noon, April 16, 1917.

Comparative figures based on reports for March, 1917.

	March, 1917.	February, 1917.	March, 1916.
Number of working days	27	23	27
Carloads of bituminous coal:			
Pennsylvania (13 roads)	191,142	148,290	185,307
West Virginia, Virginia, Maryland, and Ohio (9 roads)	148,557	123,209	137,983
Illinois, Indiana, and Michigan (16 roads)	152,389	144,995	131,435
Kentucky, Alabama, Iowa, and Southwestern States (11 roads)	25,445	25,321	24,023
Rocky Mountain States (6 roads)	13,547	13,979	9,543
55 roads	531,080	455,794	488,303
Carloads of beehive coke (10 roads)	68,125	50,354	75,689

The increase in shipments of bituminous coal in March, 1917, compared with February, 1917, was 16.5 per cent, and compared with March, 1916, was 8.8 per cent. The average number of cars of coal per working day was 19,669 in March, 1917, against 19,817 in February, 1917, and 18,085 in March, 1916. The increase in March over February, 1917, was due to the greater number of working days. On all the groups of roads shown more cars of coal were loaded in March, 1917, than in March, 1916, which had the same number of working days. An improvement in the car supply in the East is indicated by the increase of 6 per cent in the average daily loading on 22 roads in Pennsylvania, West Virginia, Virginia, Maryland, and Ohio, in March over February. The average daily loading on 16 roads in Illinois, Indiana, and Michigan decreased 10 per cent and on 17 other roads 15 per cent.

The shipments of beehive coke in March, 1917, showed an increase of 35.3 per cent compared with February, 1917, and a decrease of 10 per cent compared with March, 1916.

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The following statement of carloads of bituminous coal that originated on 85 railroads and of beehive coke on 13 roads in April, 1917, is compiled from reports received by the Geological Survey, Department of the Interior, by noon, May 15, 1917.

Comparative figures based on reports for April, 1917.

	April, 1917	March, 1917	April, 1916.
Number of working days	25	27	25
Carloads of bituminous coal originating mainly in the following districts: Central Pennsylvania, Maryland, and New River and Pocahontas fields of West Virginia and Virginia (11 roads)	170,548	185,628	157,255
Western Pennsylvania, Ohio, and Michigan (14 roads)	111,901	116,941	72,763
Eastern Kentucky and West Virginia (except New River and Pocahontas fields) (11 roads)	150,684	165,085	147,631
Alabama, Tennessee, and Georgia (5 roads)	14,066	16,499	13,818
Illinois, Indiana, and Western Kentucky (22 roads)	138,300	167,623	62,166
Arkansas, Iowa, Kansas, Missouri, Oklahoma, and Texas (12 roads)	46,782	57,820	36,585
Rocky Mountain States, North Dakota, and Washington (10 roads)	27,553	30,274	18,760
85 roads	659,837	739,843	508,982
Carloads of beehive coke (13 roads)	53,244	54,524	49,597

The decrease in these shipments of bituminous coal in April, 1917, compared with March, 1917, was 11 per cent. The shipments in April, 1917, were 30 per cent greater than in April, 1916. The average number of cars of coal loaded per working day on the 85 roads was 26,393 in April, 1917, a decrease of 3.7 per cent from March, 1917, and an increase of nearly 30 per cent over April, 1916. The daily average of cars loaded in March, 1917, was 27,400, and in April, 1916, 20,359. The daily average loading in April, 1917, in all the districts mentioned, except western Pennsylvania, Ohio, and Michigan, was less than in March, 1917.

The shipments of beehive coke in April, 1917, showed a decrease of 2.3 per cent compared with March, 1917, and an increase of 7.3 per cent compared with April, 1916.

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The following statement of carloads of bituminous coal that originated on 82 railroads and of beehive coke on 16 roads in May, 1917, is compiled from reports received by the Geological Survey, Department of the Interior, by noon, June 15, 1917:

Comparative figures based on reports for May, 1917.

	May, 1917.	April, 1917.	May, 1916.
Number of working days	26	25	26
Carloads of bituminous coal originating mainly in the following districts: Central Pennsylvania, Maryland, and New River and Pocahontas fields of West Virginia and Virginia (11 roads)	186,249	170,560	173,190
Western Pennsylvania, Ohio, and Michigan (12 roads)	113,463	107,374	87,289
Eastern Kentucky and West Virginia (except New River and Pocahontas fields) (11 roads)	173,104	153,406	173,258
Alabama, Tennessee, and Georgia (5 roads)	13,287	12,168	12,371
Illinois, Indiana, and western Kentucky (20 roads)	162,104	135,532	84,855
Arkansas, Iowa, Kansas, Missouri, Oklahoma, and Texas (12 roads)	50,320	41,158	37,584
Rocky Mountain States, North Dakota, and Washington (11 roads)	41,159	37,611	28,990
82 roads	739,674	657,809	597,517
Carloads of beehive coke (16 roads)	75,528	72,222	76,095

The increase in these shipments of bituminous coal in May, 1917, compared with April, 1917, was 12.4 per cent, and compared with May, 1916, was 23.8 per cent. The average number of cars loaded per working day on the 82 roads was 28,449 in May, 1917, an increase of 8.1 per cent over April, 1917, and of 23.8 per cent over May, 1916. The daily average of cars loaded in May, 1917, was 28,449, compared with 26,312 in April, 1917, and 22,981 in May, 1916. The daily average loading in May, 1917, in all districts mentioned was greater than in April, 1917, and, except in eastern Kentucky and part of West Virginia, was greater than in May, 1916.

The shipments of beehive coke in May, 1917, showed an increase of 4.6 per cent compared with April, 1917, and a decrease of 0.75 per cent compared with May, 1916.

Mr. HUSTING subsequently said: The senior Senator from Ohio [Mr. POMERENE] discussed Senate joint resolution 77. I desire to present a letter addressed to me from Frederick W. Walker, of Cedarburg, Wis., dealing with the same question. I ask that it be printed in connection with the remarks of the Senator from Ohio.

The VICE PRESIDENT. Without objection, it is so ordered. The letter referred to is as follows:

MILWAUKEE NORTHERN RAILWAY CO.,
Cedarburg, Wis., June 20, 1917.

Hon. PAUL O. HUSTING,
Senate Chamber, Washington, D. C.

DEAR SIR: I wish to call to your attention bill H. R. 4125, introduced in the House of Representatives on May 3 by Mr. LEVER, and particularly to sections 12, 13, 14, 15, and 16 of this bill, covering the regulation by the Government of coal and the production and distribution of same.

In to-day's papers, under a dispatch from Washington dated June 18, it is reported that Secretary Daniels has ordered the mines to begin at once the shipment of coal at a tentative price of $2.33 at the mines, pending a report of the Federal Trade Commission on the cost of mining, etc. If this price of $2.33 is too high it is to be adjusted in accordance with the finding of the Federal Trade Commission as to what is a reasonable price.

At the same time that the Government is purchasing this coal at $2.33 the mine operators are asking the Milwaukee Northern Railway $5 a ton at the mine for this same coal. If it is required to pay such an exorbitant price it must necessarily increase its rates in order to earn the money necessary to purchase same. The coal operators themselves, and the coal dock operators in particular, frankly admit that $3 per ton would be exceedingly high and return a very handsome profit to the coal operators.

You have probably noticed bill S. 2263, introduced May 11, 1917, by Mr. GORE by request. This bill pulls the teeth out of bill H. R. 4125, which it resembles in title and if substituted for H. R. 4125 would tie the Government's hands so completely that no practical results could be obtained.

The fuel situation in this section of the country is more acute and important than foodstuffs. Crops are coming along well and large areas have been planted, so that unless the season is so unfavorable that it produces a crop failure the total yield will be greater than ever before in the history of the State. This, I believe, is also true of the other States throughout the Middle West and Northwest.

It is necessary for this company to have some West Virginia coal for use in its gas producers. Without this grade of coal, which must be of the smokeless or semismokeless type, it is impossible to operate the down-draft type of producer which is installed in its power plant at Port Washington. At the present time this grade of coal costs between $7.50 and $8 at Port Washington, and on account of embargoes can not be secured all rail even at that figure, but must be purchased from some of the coal-dock operating companies. On account of the high price at the mines these coal-dock companies are not filling their docks, as they feel that the mine price is so exorbitant that the Government will compel a reduction, in which event coal stored at present prices could only be sold to the ultimate consumer at a serious loss. This hesitancy and refusal on the part of the dock companies to store coal on their docks is largely responsible for the small tonnage coming forward over the Lakes, and, as the lake season at best is short, unless this situation is remedied without delay so that the dock companies purchase freely, increasing the volume of coal coming by lake, there will be a shortage of coal in the Northwest during the coming winter, which will raise the price to such a high figure that many individual consumers will be compelled to do without the amount of fuel necessary for their comfort.

Action to be effective must be prompt, as unless it is prompt a coal famine will be inevitable. In my opinion the coal operators are playing for delay in order to hold up the price at the mines during the lake season, well knowing that during the later months of the lake season and the months when navigation on the lakes is closed the demand will exceed the output, and therefore prices can be maintained without diffi-

culty. In fact, one coal operator told me he expected to get $7 to $7.50 per ton at the mine for his coal during the fall and winter months. If the Government is not going to regulate the price of coal, it should so announce without delay and end the present suspense and uncertainty, so that both mine operators and dock operators, as well as the ultimate consumer, will close up the necessary contracts to insure sufficient tonnage being mined, transported by lake, and distributed to prevent a fuel famine.

I desire to apologize for trespassing on your time to the extent of so long a letter, but I feel that the fuel situation is the most serious and critical of all the internal problems with which the Government now has to deal. The food problem is one of concern for our allies and not for citizens of this country. We will all have enough to eat. But unless the present fuel situation is remedied some of our citizens will be unable to keep warm during the coming winter and some of our industries will be shut down for lack of fuel. Pooling and other methods of controlling the output devised and supervised by the mine operators will not relieve the situation and produce beneficial results. A strong commission or branch of the Government with broad powers must exercise the control and regulate the business.

Again apologizing for trespassing on your time, I am,

Yours, truly,

FREDERICK W. WALKER.

P. S.—Since dictating this letter a day or two ago I received a copy of H. R. 4961, Union Calendar 32. This bill, if enacted into law, will remedy the situation and provides the same character of relief that would be secured through H. R. 4125.

Mr. VARDAMAN. Mr. President, I rise simply for the purpose of expressing my gratitude to the able Senator from Ohio [Mr. POMERENE] for his lucid explanation of the existing evil and his very proper castigation of the public enemies. I think, however, the Senator ought to deal rather gently with the patriotic gentlemen who are taking advantage of this, the most extraordinary emergency in the history of the Nation to rob and plunder the people. These plutocratic patriots were much in evidence during the year just past. They were liberal contributors to the payment of the bills for the bands that led the "preparedness" parade and bought the flags that floated in the air, and were otherwise very prominent in those patriotic demonstrations. They bribed the press with their patronage, that inculcated in the sensitive minds of the slow-thinking many the necessity of war. They knew very well that when war should come this "human element" would have an opportunity to assert itself and fill to plethora their lean coffers with ill-gotten gold. This war is largely a matter of their creation. They feel that they should be permitted, I dare say, to exercise a proprietary right over everything pertaining to the war, and I shall not be surprised if the Senator finds in the public press to-morrow criticism of his speech by one of those creatures who fatten on the spoils of war, holding the Senator's able speech up to the public as being "very foolish," "silly," and "stupid," and the Senator himself a very "meddlesome man" for daring to interfere with the carrying out of their little scheme. Notwithstanding all that, I want to assure the Senator that he is doing a great service for the American people; and whether Congress, in pursuance of his suggestion, shall enact laws to correct this evil, the sunlight of publicity which the Senator has turned in upon them, his arraignment of the culprits before the court of public opinion, is going to have a most salutary effect. It is with pleasure that I acknowledge myself under great obligations to the Senator for the splendid service he has rendered the American consumer this afternoon. The Senator has pointed out the evil; there is ample power vested in Congress to correct it, and I trust that the Senate, proceeding along lines within constitutional limitations, may proceed at once to the enactment of a proper measure. Mr. President, I wanted to say this much. I wanted to pay the tribute of my approval to the able and thoughtful effort which the Senator from Ohio has just made.

I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The Senator from Mississippi suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hale	McNary	Smith, Ga.
Beckham	Harding	Nelson	Smith, Mich.
Borah	Hollis	New	Smith, S. C.
Brady	Husting	Newlands	Smoot
Brandegee	James	Norris	Sterling
Broussard	Johnson, S. Dak.	Overman	Sutherland
Calder	Jones, N. Mex.	Owen	Swanson
Chamberlain	Jones, Wash.	Page	Thomas
Colt	Kellogg	Penrose	Thompson
Culberson	Kenyon	Phelan	Tillman
Cummins	King	Poindexter	Trammell
Curtis	Knox	Pomerene	Underwood
Dillingham	La Follette	Ransdell	Vardaman
Fletcher	Lewis	Reed	Warren
France	Lodge	Robinson	Williams
Frelinghuysen	McCumber	Shafroth	Wolcott
Gore	McKellar	Sheppard	
Gronna	McLean	Sherman	

Mr. SUTHERLAND. I desire to announce the absence of my colleague, the senior Senator from West Virginia [Mr. GOFF] on account of illness. I will let this announcement stand for the day.

Mr. FRELINGHUYSEN. I desire to announce the absence of my colleague [Mr. HUGHES] on account of illness, and will let this announcement stand for the day.

Mr. ROBINSON. My colleague, the junior Senator from Arkansas [Mr. KIRBY], is unavoidably absent.

Mr. WOLCOTT. I wish to announce that the Senator from Delaware [Mr. SAULSBURY] is detained on important public business. I ask that this announcement stand for the day.

Mr. LEWIS. I have been requested to announce that the Senator from Rhode Island [Mr. GERRY] is detained on official business, and that the Senator from Montana [Mr. WALSH] is necessarily absent on important public business.

The PRESIDING OFFICER. Seventy Senators have answered to the roll call. There is a quorum present.

Mr. BANKHEAD. Mr. President, the Senate has devoted many days to a discussion of this bill, which seeks to vest executive authority in the hands of the President to regulate and control the food, feed, and fuel resources of the Nation, to the end that they may most economically serve the necessities of our people during the period of the war, and contribute directly in the most practicable, scientific, and efficient manner to the success of our armies, as well as of our allies. A Macedonian cry comes to us from the four corners of the globe not only for our Army to help save the world for democracy and human liberty but for food and clothing, shot and shell, to overthrow and destroy the last remaining dominant autocratic power which would destroy us in order to perpetuate its autocracy.

The need for the prompt enactment of this legislation is imminent and pressing. The hour for action has arrived. It is suicidal to falter or hesitate. Senators are talking too much and too long. We are at war, a war waged by our adversary in the most cruel and barbarous manner. Our ships are being sunk on the high seas, our citizens and soldiers are being murdered, while Senators delay action upon vital legislation, debating constitutional questions, inhibitions, and limitations of power, as if the Constitution was intended as a shield behind which the enemies of the Republic, at home and abroad, can hide while the Government is destroyed.

I yield to no Senator in my devotion to the Constitution. I have sworn to support it; but I must be permitted to construe it in the light of reason and liberty. I can not believe that the framers intended that the Constitution should be invoked and used as an instrument of death to the Republic. The wise men who framed the organic law knew that it was not perfect and that changed conditions would render it necessary to amend and modify it. Accordingly, a number of amendments have been adopted. When the welfare clause was inserted it gave license and broad power to the lawmaking body, which has been frequently invoked. When Mr. Jefferson consummated the so-called Louisiana Purchase, it was urged that he had no constitutional warrant. He believed that the general good and welfare of the country justified his action, and the people approved it. Mr. Lincoln expended large sums of money during the Civil War without express authority of law or constitutional warrant. He said it was necessary to win the war and preserve the Union and the people approved. The people will approve our action if it appears to be necessary to win the war and preserve our independence.

The country cries for relief against oppression by food gamblers, speculators, and manipulators, yet we hear a constant wail from some sources because of the extraordinary powers we confer on the President, which are as necessary to the successful prosecution of the war as the Army and the Navy, food, and clothing. With practical unanimity Congress declared war between this Republic and the Imperial German Government and promptly voted billions of dollars with which to prosecute it. We passed the selective-draft bill to raise an army of millions of soldiers. Already the flag of freedom and democracy is seen everywhere we look. The tramp of the American soldier is heard around the world, marching to rendezvous, preparing for war. All this goes on while the Senate gravely debates constitutional limitations and questions of policy and procedure, as if the Republic would be destroyed by the enactment of this essential legislation.

Extraordinary situations demand extraordinary measures, and, while much has been said in debate about the broad authority vested in a so-called food dictator, using the word in the most offensive way, yet it has no terrors for me. In the practical administration of this measure I have no fear that any citizen will be denied any right or the enjoyment of his property or effects, except in so far as may be necessary for the general good of the country, whose welfare and preservation

It is the duty of everyone to safeguard to the limit of his ability. In this connection, Mr. President, I quote with approval from the recent remarks of a Member of the House during the discussion of this bill:

For one I am not afraid of the application of healthy power, equally and humanely administered, to crush and destroy an existing power that is rooted in iniquity and has no longer an excuse to live. I am not afraid of war-time dictatorship to help and to save our people and our Government, but I am deeply apprehensive of the continuance of an existing dictatorship, which by manipulation and jugglery and secret connivance and sinister cupidity feeds and fattens upon the substance, if not upon the souls, of helpless people. I am not afraid of a so-called food dictatorship, counseled by the best loved and most trusted of all Americans who now presides in large measure over the destiny of this Nation, Woodrow Wilson, who has no ambition to lure him and no inducement to oppress. But, sir, I shiver at the possibility of a dictatorship directed by the morals and inspired by the conscience of that "imperial impersonation of blood and murder" called William the Second.

If we are to win this titanic struggle there must be a guiding hand; unlimited and unusual power must be conferred on the Commander in Chief, to whom we must look for victory. We must implicitly trust him. If we undertake to divide the management and conduct of the war between the President and Congress, if we do not give the President a free hand to direct the prosecution of the war, a fatal mistake will be made, from the effect of which we may not recover. If we and our allies do not win we will have no Constitution to defend. Our liberty will be lost, and we will have the rule of kings and emperors instead of a free Republic.

Mr. President, perhaps no Member of the Senate feels more keenly than myself the condition that confronts us. Four members of my immediate family are under the colors. They are ready to follow the flag and defend it on the far-flung battle fields of France, and, with Pershing and Sibert, shed their blood, and, if need be, die that liberty may live. If they should fall on the field or the ship's deck, we will know that they gave their lives that their country might survive. If they live to bring the flag home, we will welcome them as patriots who were willing to die for their country.

Senators, look! That speck out there on the ocean is our flag—the Stars and Stripes, the emblem of liberty. It is going to the battle fields of France; it is carried on our ships and defended by our soldiers. Listen! Do you hear the roar of the guns? Our battleships and our battle cruisers and merchant ships are engaged in a deadly conflict with German submarines. The universal rule of war is to follow the flag, march to the sound of the guns in the absence of other orders. Why stand we here idle? Why debate abstract questions and constitutional limitations when the world is on fire and we have been drawn into the conflagration?

We commandeered our young men, the flower of the land. Our flesh and blood will soon be on the firing line. Who will dare say that we can not commandeer the food, clothing, wheat, and meat, the shot and shell, the necessaries to enable these boys of ours to win a glorious victory with the least possible suffering and sacrifice? Who among you will say that the Constitution prevents us from commandeering everything necessary to prevent suffering at home? Who will say that it is not our duty to exert all of our power, to resort to extraordinary means, constitutional or otherwise, to prevent the distress and suffering that will follow the failure to pass this bill?

The farmers and producers need not and do not fear the effect of this legislation. It is the merciless speculator and conspirator who will feel the lash that will be wielded by the agents of the Government in the enforcement of this wise and beneficent law. I have no patience or respect for these miserable creatures who fatten and grow rich on the suffering and misery of the people engaged in a desperate war, upon the result of which their liberty and future happiness depends. I would vote for a bill to authorize the trial of these food speculators and conspirators by a drumhead court-martial, convict, and hang them without the benefit of clergy. They are a lot of buzzards perched on the dome of the Capitol waiting for the stark carcass of some man, woman, or child over which they can hold a wake, and thank Congress for its failure to act on this measure. Congress should cry out in tones that can be heard from one end of the Republic to the other, "Attention, America; by States, right wheel, guide right, forward, march!" And send a wireless message to the Kaiser that America is coming with millions of men and billions of money; with ships laden with wheat and meat, shot and shell, and every other thing necessary for the successful prosecution of the war.

Mr. President, before the sun sets to-day the Senate should vote on this bill. The time for action has come. We are at war. We have crossed the river. The bridges are burned behind us. We have put our hands to the plow. Who among us will dare to look back? If the Imperiol German Government can dictate the terms of peace, what may we expect? If Germany can conquer and take over the fleets of England and France, combined with their own, how long would it be before their guns will be thundering at our seaports, demanding tribute in excess of her losses during the war? It makes me shiver to contemplate a situation like that.

That patriot and soldier, Gen. Pershing, is on the firing line. He has been joined by Maj. Gen. Sibert, one of Alabama's best beloved sons, who commands the advance division of the American Army. They are as anxious, perhaps, as Wellington was at Waterloo, when he awaited the arrival of Blucher and his legions.

Mr. President, we are asked why we sent our Army to France. The answer is it is better to fight on French soil than our own. If Germany can win over the allies, the battle field will be transferred to American soil, and the allies will have been eliminated and the struggle will be left to us.

What will be our compensation? What will be received for our sacrifice of blood and treasure? The answer is: The war is over and the warring nations assemble to arrange the terms for peace; our great President will sit at the head of the table; the terms will be an agreement for disarmament, a severe limitation on naval equipment, and a compact entered into that all future disputes shall be arbitrated, and each will pledge the other for an enforcement of the decree of the high court to agree upon, arbitrate, and settle differences. Then, and not until then, will America be free to pursue her own high ideals of justice and humanity, founded on world democracy. The day is almost here when kings and emperors will give place to republics, founded on liberty and progressive democratic theories and principles, supported by free people everywhere under the sun. God, speed the day.

Mr. THOMAS. Mr. President, I fully share the view of the distinguished Senator from Alabama [Mr. BANKHEAD], who has just delivered one of the most eloquent, appropriate, and stirring addresses that it has been my pleasure to hear in the Senate. I should like to see this bill disposed of to-day if that were possible, but I fear that it is not. If it were, I would immediately give way for that purpose. I had not intended to occupy further time in its discussion until this morning, when, upon my return to the city, I found a very large number of letters and telegrams from my State insisting very earnestly, and some of them very arbitrarily, upon my support of what is called the "bone-dry" amendment to the bill. I determined after reading them that the simpler way to answer these requests—although it would perhaps be more appropriate to call them demands—by a brief statement of my views concerning that very important division of the bill.

Mr. President, I am not one of those who attribute to the prohibition element of the country the desire to take advantage of a national crisis as an opportunity for the institution of a great reform. I give them credit for the same spirit of patriotism which I hope they will concede to myself. I think that some of them may be overzealous, but I am sure that all of them believe the measure as it passed the House and was presented to the Senate is in the interest of the public welfare, and, as stated by the senior Senator from Washington [Mr. JONES] the other day, an actual measure of conservation.

Mr. President, I am not a prohibitionist; neither do I swing to the opposite extreme. I am a temperance men in the literal sense of the term. I think, therefore, that I can approach the subject in some degree without passion and as an impartial judge of its merits and its expediency.

I voted against prohibition when the constitutional amendment providing for it was adopted in my State in 1914. I announced, however, that if the people adopted that amendment I should regard it as an instruction to support the amendment for national prohibition when it should be considered. I shall act in accordance with that announcement. When the question of national prohibition is duly presented for our consideration I shall vote for it, because a majority of the people whom I in part represent in this Chamber want it, and because it is my duty to comply with their officially declared opinions.

But, Mr. President, I am unable to give my assent to this measure, which is designed to revolutionize a great industry having up to this time the sanction and the protection of the law, and practically to summarily sweep it out of existence by a legislative stroke of the pen. I do not think that at this time it is either wise, expedient, or desirable to do so for many reasons, some of which I shall discuss.

The prohibition movement in America has been a gradual one, accomplishing its objects deliberately. It has succeeded by a process of evolution and has effected momentous changes gradually. I know of no instance in which any State has adopted prohibition designed to take effect eo instanti. On the contrary, provision has been made for the prospective operation of

the change, thus affording an interval during the passage of which the business to be abandoned and those engaged in it could adjust themselves to the change and accommodate themselves to the new and different order by disposing of their property and by securing occupation in other directions. That is a wise, just, and statesmanlike method of legislation, especially where great property interests are involved which have been created with the sanction and under the protection of existing law.

Mr. President, when we travel from Washington to our homes or from our homes to Washington we like to travel quickly. The faster the train, consistent with safety, the more appropriate it is to our purposes. But few of us would choose such methods of conveyance if we expected that even accidentally we would arrive in the station at the same speed with which we traversed the country to reach it, since the shock of arrival would inevitably invite destruction both of the train and of its occupants.

Such, however, is the method by which we here propose to deal with prohibition as applied to the manufacture of fermented liquors, because, Mr. President, if we are to prohibit the manufacture of beer by the ipse dixit of legislation, to become at once effective, no legitimate reason can be assigned for the exclusion of wines or any other beverage carrying a perceptible degree of alcohol. The milder beverages for the most part disappear at once. Mr. President, I am unable to give my assent to a measure which is designed to operate in that way.

What will be the effect of it? To answer that question is perhaps to indulge in conjecture. My opinions may or may not be verified by actual results. I may, through the operation of the law, be mistaken in the apprehensions which I entertain. But when I consider that some two and a half billions of dollars are invested in this industry, invested under the sanction of law and Constitution, invested for profitable purposes, which may be entirely destroyed, certainly very seriously diminished, by the enactment of legislation like this at this time or at any other, I ask whether we are doing justice to its owners, whether we are not applying to them a system radically different from that which has characterized similar restrictive legislation in the past, and whether they may not complain and charge with justice that the Government which they are required, as ourselves, to support has deprived them of their property without due process of law.

Moreover, Mr. President, it is a fact—a deplorable fact, if you please, but a fact nevertheless—an unfortunate fact, if you please, but like all other facts a stubborn thing—that in this country are literally millions of our fellow citizens, the most of them workingmen, so accustomed to the use of beer as a beverage, so dependent upon it, especially during the warm months of summer, and particularly in a year like this, when industrial activity is unprecedented, that they should not be immediately deprived of it. What will be the social effect, let me ask, upon a vast body of American citizens educated by habit, however reprehensible, to regard indulgence in their daily beer as a necessity of life, if the Government of the United States should suddenly deprive them of it and make it impossible for them longer to secure it?

I think I hear an answer, perhaps the only one, that the habit being a bad, insanitary one, an unhealthful one, the sooner it is stopped the better; and to that ordinarily I would agree. But it can not be ended in a moment. Many a time in my life I have given some poor devil 25 cents to buy a drink of whisky. I have done it because his shattered nerves, his physical condition, craved and needed the stimulant to which it had long been accustomed and of which it was being immediately deprived. No man can instantly absolve himself from a fixed habit of that sort; and while we may not have had personal experience, we can realize from the observation of its effect upon the individual what its consequence would be upon the mass, and that consequence I do not think we should deliberately invite at this time. It would stir those concerned to revolt.

There is a problem, and a mighty one, of sociology involved in this proposed legislation which may culminate in wide and far-reaching disaster if we seek by prohibitory legislation, to become immediately effective, to cut off the beer supply of the country.

When disease makes a surgical operation necessary his physician sees to it that his bodily condition is so far repaired as to enable him to stand an operation with the knife. Only in the most desperate cases, where the one chance for life is an immediate operation, does the careful and wise surgeon immediately resort to so extreme a remedy.

No one will say that this country is in condition for this proposed legislative operation. Socially and industrially we are in a state of unrest. We are also in a state of war. Between the war and social discontent there is no compatibility. I wish I could say with truth that throughout the length and breadth of this country, in the grave crisis which confronts us, there exists a common sentiment of national unity. I wish I could perceive among the masses of our people, and particularly in the great metropolitan centers of the country, that devotion to the flag and to the institutions which it typifies, that spirit of sacrifice without which the marshaling of our armies and the assembling of our fleets may prove to be vain and useless. It is the man behind the guns and the spirit in the man who is behind the guns upon which depends the result of wars and the fate of nations. That spirit exists in many communities and with many people in America, but that it is not universal is evidenced by the news we read every day in the pages of every daily periodical in the country.

Mr. President, yesterday the people of the United States, in obedience to a national custom, set aside their business cares and met to celebrate the birthday of the Republic. The sentiments expressed at these meetings breathed everywhere the loftiest spirit of self-denial and of devotion. In Minneapolis a high dignitary of the church, in welcoming the Belgium commission, referred to the sufferings and miseries of that unhappy country with an eloquence so piteous and sympathetic that the members of the mission burst into tears and were unable to reply.

The archbishop had touched the hearts of his guests, and they responded in the most eloquent of all human testimonials. They deserve, Mr. President, the eulogies then and elsewhere pronounced upon the country which they represent, its heroic conduct, its sufferings, the slaughter of its people, and the desolation of its fields and factories.

Mr. President, the great indictment against Germany is her autocracy, her cruelty, her frightfulness, her long and awful trail of blood, of destruction, and of murder. From that we turn with horror; yet immediately preceding our Fourth—on the 2d and 3d days of July—in one of the cities of one of the States of this Union, a tragedy of horror and of bloodshed was enacted exhibiting a wanton disregard of the sacredness of life and the sanctity of property equal to the extremes of German frightfulness and resulting in the wanton murder of scores of citizens of the United States, bereft of the poor protection of Organized Militia mobilized for their protection, that rivals in its atrocity many of the hideous experiences of Belgium and of Poland.

I read no word of denunciation of that awful crime on yesterday. I saw very few editorial comments in the papers, filled as they were with patriotic fervor, of sympathy with the sufferings of the little peoples of the Old World, and voicing the pronouncement that this Nation had entered the world-wide conflict that democracy might be made safe and the enjoyment of life, liberty, and property be made secure.

Has it come to pass in this country, Mr. President, that the butchery of a part of our people by the rest of them is so much a national pastime as no longer to provoke more than passing comment, save as attention may be directed to something unusually diabolical in the particular act of slaughter? We have in this country 10,000,000 blacks, one-tenth of our entire population. They were brought here against their will. Their loyalty is undoubted—at this crisis is essential. Can we preserve it, Mr. President, when simply for economic reasons—and there were no other—when simply because of an alleged competition in the struggle for existence the laws are to be set aside, the Constitution ignored, and those sacred rights of which we loudly boast are denied them? Will they fight, can we ask them to fight, for the flag, as they have fought for it, and give their whole devotion to the cause which should be theirs as well as ours when perhaps at home their friends and their dependents are subject to butchery and destruction through the passing whim of the lust of murder, because some element of economic competition may be suggested while they are in the trenches across the sea? Is that the sort of country America is to them and theirs? And if so, can we hope to arouse in them a spark of our own enthusiasm for our institutions, our charter of rights, or our immortal declaration?

No, Mr. President! Nor can we afford at this time to provoke the antagonism of other elements of society, which we will certainly do if, in legislation of this sort, in this war measure we shall suddenly, immediately, practicaly without warning, destroy millions upon millions of property values and create an immediate, far-reaching, and forcible change in the social habits and physical needs of a great proportion of our people.

I do not invoke any constitutional limitation, Mr. President. As a war measure I have little doubt of our authority to take over property required or to prohibit occupations thought to be inimical to the Nation's welfare. But we should not forget that the citizen must be well assured that the need is urgent and the danger great. He justly views the organic act of his

country as more essential for his protection in time of war than in the days of peace.

What is this Government for, Mr. President, if it is not to give every man owing allegiance to its flag the protection of its laws?

On yesterday the Speaker of the House, in one of his characteristic addresses, read with emphasis and approval that splendid sentence which constitutes the preamble to the Constitution of the United States:

We, the people of the United States, in order to form a more perfect union, establish justice—

Burke said a government that did not claim to be founded upon justice labored under the imputation of being no government at all—

insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain—

And so forth.

Mr. President, are we at home establishing justice by proposals like this? Is domestic tranquillity secure in the United States? And if we would survive, must they not be the objects of government at all times and everywhere as persistently as the enactment of all legislation needed to carry it safely through a great war?

The Speaker also said yesterday:

I now and here state our case in the fewest words possible: No nation will long endure or deserves to endure that does not protect all of its citizens wherever they may be on legitimate business or errand, by land or sea.

Not a part of its citizens, not some of its citizens, but all of them.

That is merely a statement of the eternal truth that a government must protect in the exercise of their natural rights the meanest of its citizens or it has failed in the supreme object for which it was created.

Mr. President, I hold no brief for the race, the recent assault upon whose fundamental rights has served me as a text to emphasize one of the objections which I entertain to the present enactment of the House amendment to this bill. I cast no reflection upon the great State so well represented by my friend the Senator from Illinois [Mr. SHERMAN] in so doing, for unfortunately and unhappily, Mr. President, these terrible occurrences are common to no section of our Union; they characterize no political party or organization. They are the awful symptoms of a deep-seated national disease, having its origin in lack of respect for law and in the laxity of its enforcement.

But I do not want to add to this situation at this time, Mr. President. We must face the foe now whether we will it or not. We are in war and we need our armies at the front. We must have behind us, we ought to have behind us, the undivided loyalty and support of every man, woman, and child in the country, black and white, Jew and Gentile. We are going to draft them all for the front, within the limitations fixed by law. What right has the Government to call upon any man to offer his life and give his time and his services to his country if the flag does not protect him on the field and his family at home? What country can truthfully proclaim itself to be the land of liberty and justice that fails in the recognition and performance of these tremendous duties?

I referred the other day, Mr. President, to an organization called the Industrial Workers of the World, an organized association officered by murderers and assassins, whose only virtue is that they proclaim their devotion to the slaughter of citizens and to the destruction of their property, to the disintegration of society, and to the creation of industrial revolution. They have been allowed to spread all over this country, to proselytize and to propagate their infernal doctrines, and to become a menace through organization and through numbers. It is impossible for such an organization to persist in a country like ours if the country shall itself continue to perform its functions and to discharge its obligations—an organization busy everywhere and at all times in fomenting disorder, in creating trouble, in inspiring strikes, and counseling assassination, repudiated by the legitimate labor organizations everywhere, and now doubtless in league with the common enemy, since present conditions are its opportunity. It will be swift to take advantage of such a profound disturbance as this amendment would create and double their zeal in the cause of social disintegration.

So, Mr. President, in my judgment this is not the time, and this bill should not be the vehicle, for the accomplishment of that change—that mighty and far-reaching social revolution—to be instantly thrust upon the country by its enactment, and for which there can be no immediate or overpowering occasion.

But there is another reason, Mr. President, perhaps a sordid one. I refer to the revenue which we derive from this industry. My recollection is not accurate as to its annual amounts—the Senator from Wisconsin [Mr. LAFOLLETTE] is better informed than I—but I think it is considerably more than $200,000,000. Mr. President, in these days $200,000,000 is not much, relatively speaking. This body deals in billions, and hundreds of millions are no longer of importance, except as we must raise them; in other words, they are immaterial as items of appropriation but they are of vast consequence as items of assessment.

The Senate Committee on Finance has been in session for a number of weeks, giving practically all of its time to the attempted solution of difficult problems of revenue, and has finally reported a bill which, among other things, includes an increased taxation upon fermented liquors and wines. The enactment of this bill will dispense with a large part of that revenue and require a reconstruction of the bill itself; in other words, the load must be put somewhere else. I do not know where to put it.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Idaho?

Mr. THOMAS. I yield.

Mr. BORAH. Does the Senator from Colorado think, if the liquor traffic were entirely disposed of, taking into consideration the economy which might be assured or realized in the conservation of human life, and so forth, that we should lose any considerable amount of money? Would we not make up our revenue by what we should save in better citizenship?

Mr. THOMAS. I think so, for the reason that the reform proposed is going to be an immediate and violent one. If we approach it by easy stages, I answer no. Moreover, economic conservation does not replenish the Treasury automatically. We must discover another source of revenue and assess it.

Mr. BORAH. I read a statement a day or two ago about the effect of the limitation of drink, including beer and wine, in England, as to the reduction of crime and so forth, during the last two years. If that statement be correct—and I presume it was correct, because it seemed to be a quotation from a member of the commission which has charge of that subject in England—so far as dollars and cents are concerned, we could very well dispense with the $250,000,000 in the way of taxation.

Mr. THOMAS. Let me ask the Senator whether in Great Britain the manufacture of fermented liquor has been prohibited? My understanding is that it has not been.

Mr. BORAH. It has not been prohibited, but it has been very largely reduced; and in proportion to its reduction has the decrease of crime been realized.

This is a statement—I do not, of course, stand sponsor for it myself—but it was made and published a few days ago, and purported to come from a member of the commission which has charge of the liquor interest and the reduction of the use of liquor in England during the war.

Mr. THOMAS. Mr. President, I am in favor of the reduction of the consumption of fermented liquors; I am in favor of it largely for reasons which have made prohibition so successful. Those reasons are practical ones; they are efficient ones. The prohibition issue was a moral one for a century and it made but little progress; but when it became an essentially industrial issue, when the practical and material effect and benefit consequent upon the adoption of the principle was apparent, then it made, as it ought to have made, rapid progress.

Mr. BRANDEGEE rose.

Mr. THOMAS. Just a moment, and I will yield to the Senator from Connecticut.

Mr. President, my impression is that if Great Britain had dealt with the question as the House has dealt with it, and the British workmen's supply of beer had been suddenly cut off, crime in its various phases would have increased very perceptibly instead of having decreased. What its effect would have been upon social conditions I do not know, but I believe it would have seriously interfered with the successful conduct of the war.

Now I yield to the Senator from Connecticut.

Mr. BRANDEGEE. In connection with the statement by the Senator from Idaho [Mr. BORAH] as to the report of the British commission on the effect of the reduction of the amount of liquor used in Great Britain, I saw a statement in the press within two days that the discontent in England was so great on that account that they had to substantially increase the amount of brewing allowed.

Mr. BORAH. Well, Mr. President, if the Senator from Colorado will permit me, the statement which I had reference to was this:

The results of this restriction are conclusively shown in the decrease in the number of convictions for drunkenness. In greater London and 36 boroughs of England and Wales, with a population of over a hundred thousand each, there were 118,267 convictions in 1913, and 52,783 in 1916. Of these 98,115 were men, 28,352 were women, in 1913; and 36,711 men and 16,072 women in 1916.

In Glasgow there were 5,863 convictions during the first four weeks in 1915 and 3,153 for the same period in 1917. The deaths due to alcoholism in England and Wales decreased from 1,831 in 1913 to 953 in 1916.

Mr. LEWIS. Mr. President, if the Senator from Colorado [Mr. THOMAS] will allow me, before he enters upon a reply to the Senator from Idaho [Mr. BORAH], I wish to ask him a question. I am informed—I was in the hall in conference—that the Senator from Colorado has made some allusions to matters transpiring in East St. Louis?

Mr. THOMAS. Yes; I made reference to the subject.

Mr. LEWIS. I am informed that the Senator from Colorado found it agreeable to make some condemnations of matters which, according to the reports in the papers, transpired in East St. Louis. I want to ask the Senator was he making that reference with a view of connecting it with the question of drink or the assumption that beer or drink had entered into the results which he condemns?

Mr. THOMAS. I made the reference, Mr. President, for two reasons: I thought it was the duty of some Senator to speak unsparingly of that unfortunate event while it was fresh in the minds of the people. That was one reason. The other was that it is a terrible example of the condition of unrest in the country, which bodes no good for the prosecution of this war, unrest I do not feel warranted in voting to increase, as I fear it would be increased by the adoption of a so-called "bone-dry" amendment, affecting fermented liquors, going into immediate force, and its effect upon the great army of American beer drinkers.

Mr. LEWIS. If the Senator will allow me, I wish to say to him that I have no personal knowledge of what transpired in East St. Louis, in my State; but I will inform the Senator that I am informed by telegrams that the report which is in the papers is not accurate, and that, while there have been atrocities and outrages and killings, they have been brought forth by circumstances different from those which the public press has informed the country. A request has been made, may I inform the able Senator from Colorado, by the agencies and citizens of East St. Louis for the Federal Government to make an independent investigation, so that the truth may be arrived at and justice may be done to the community, which, I will admit, now stands before the country as more or less impeached for lawlessness and brutality.

I beg the Senator to understand that, from my own personal experience, there is no community with a higher degree of intelligence or a higher degree of lawfulness and a nobler citizenship than that which is represented in the people of East St. Louis.

Mr. THOMAS. Mr. President, there can be no excuse in a civilized country like this in any community, and especially such a community as the Senator from Illinois says the people of East St. Louis are, for the horrible outrages which have been recently perpetrated there upon the negro population; and if one-tenth part of what we have read of its horrors is true, it is a disgrace, not more to the people of East St. Louis than to the United States of America. I earnestly hope it will never be repeated.

I stated before the Senator came in that I did not reflect upon the people of Illinois, or any part of them, as the sole offenders; that this last development happened to be in that State; that all the States have in times past similarly offended; and that, so far as the social conditions of the country were concerned, such events indicated very strongly to my mind not only a spirit of lawlessness and discontent by the absence of that oneness of spirit which should now characterize the people of this Nation, if we are to win the mighty struggle upon which we have entered.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from North Dakota?

Mr. THOMAS. I yield; but I want to say, Mr. President, that I have occupied the floor much longer than I intended because of interruptions.

Mr. GRONNA. May I ask the Senator from Illinois a question for information?

Mr. THOMAS. I yield to the Senator.

Mr. GRONNA. Will the Senator from Illinois inform the Senate if East St. Louis is a prohibition city?

Mr. LEWIS. Mr. President, I have understood that East St. Louis is not in the technical sense a prohibition town in that it has local laws forbidding the drinking or distribution of spirituous liquors; but I can assure the Senator that a very large percentage of its citizens are for prohibition in their own character and are very moral in all their habits.

Mr. GRONNA. Perhaps the Senator did not understand me. Are saloons being conducted and is liquor being sold in saloons in East St. Louis, or is it really a prohibition city?

Mr. LEWIS. I must say to my friend that I have never been in a saloon in East St. Louis, and I can not say whether liquor is bought and sold there from my knowledge, but from reading the public press I admit that liquor may be bought in some places in East St. Louis called saloons.

Mr. THOMAS. Mr. President, there are at present serious industrial disturbances in prohibition States. There was one some time ago in my own.

Mr. SHERMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Illinois?

Mr. THOMAS. In just a moment. The causes which underlie these unfortunate occurrences strike far deeper than the corner saloon. They are found in the discontent with or indifference to the institutions of this country, their requirements, and that sanctity of human life of which we boast, but which unfortunately does not exist. We have in this country high cost of living; but the cheapest things in the world in America to-day are 2-cent postage stamps and human life, and we are raising the price of stamps.

Now I yield to the Senator from Illinois.

Mr. SHERMAN. Mr. President, I do not want it to be understood from any remarks made by my colleague [Mr. LEWIS] that all of the lawless people in East St. Louis on the regrettable occasion mentioned came from some place else, presumably the suburb across the river, known as St. Louis, Mo. [Laughter.] I want to correct any impression of that kind. East St. Louis has a population of over 100,000; it has a considerable overflow of the industrial enterprises that come to the Illinois side for the purpose of escaping the bridge arbitrary on east-bound freights, which has led to a very large development of industry all the way from Granite City, where the Niedringhaus enamel plant is located, to East St. Louis.

I wish, by the courtesy of the Senator, to embrace the occasion to say that East St. Louis for a town of 100,000 people, while it has as large a proportion of law-abiding people as there are in the world, is absolutely the worst saloon town in America. I lived in the county where that city is located from the time I was 20 years of age until I was 23 years old, when I was reading law.

Mr. THOMAS. And the Senator is not a horrible example, either.

Mr. SHERMAN. Well, I will leave that to others to say; no man can estimate himself. The first time I ever knew the town it was engaged in civil war. They had two city administrations—two mayors, two city councils, and only one city hall. Several men were shot in the civil war that occurred before the disturbance was settled. If my memory serves me, there were two shot to death and a number more or less seriously wounded in the affray resulting from the breaking down of the door of the city hall by one of the rival administrations. That was during the old Bowman régime. I was living at that time almost within sight of the city of St. Louis. Since that time, Mr. President, I will say to the Senator from Colorado, the city has grown. Not very many weeks or months ago Judge Landis, of Chicago, held court in the city of East St. Louis, where a United States court is held under legislation permitting it. He called before him in the course of the investigation various city officials, including the mayor, in charge of the local peace officers of the city when this disturbance occurred. The investigation by the United States grand jury showed wholesale violation of the internal-revenue act, selling liquor without a license, keeping open in violation of ordinances and statutes of the city and the State, and Judge Landis was moved to call before him the city officials for an explanation of the extraordinary condition of affairs in that city. The explanation was not satisfactory. Judge Landis asked the mayor of East St. Louis whether he could enforce the statutes of the State relative to the regulation of the saloons within the city limits. After considerable talk by the court, for a time the dramshop laws of Illinois were enforced in East St. Louis.

Over across the river the city of St. Louis, Mo., is "bone dry" on Sunday, unless you carry your supplies with you in some portable form. East St. Louis has been an oasis in the "bone-dry" desert of St. Louis for years. The immigration across the bridge not only shows itself in cash receipts on Sunday and after the midnight closing hour, but it shows itself in a vastly increased traffic in intoxicating liquors in the hundreds of saloons in East St. Louis.

Mr. THOMAS. Mr. President, I want to be as courteous to my friend as possible, but I myself still have something to say.

Mr. SHERMAN. I do not want to exhaust any of the information the Senator has.

Mr. THOMAS. The Senator may proceed, but I will ask him to be as brief as he can.

Mr. SHERMAN. I know I am at the mercy of the Senator, and I would not occupy time at this moment if the question had not been brought up.

Mr. THOMAS. Go ahead. I will cheerfully yield for 10 minutes more.

Mr. SHERMAN. Mr. President, I will not understake to close the subject in 10 minutes, but I will close my remarks hoping at some future time that I may take the floor in my own right.

These delinquencies, investigated by the United States courts—the open violation of the statutes, the flagrant and contemptuous disregard of the ordinary decencies of municipal life, the flagrant sale of liquor of all kinds, from what is called in that neighborhood "3-cent nigger gin," up to the higher forms of gentlemanly dissipation at $8 a bottle—have gone on undisturbed for years inside of the corporate limits of that city.

There is also coming across the river, if the Senator will permit me further, an immigration from St. Louis, not of the desirable elements of the population but of the undesirable. Every time a pickpocket or some municipal tough, who can be dealt with by the police force of St. Louis, finds himself in sore straits he crosses the river. Like every other city of a hundred thousand population, the police force of East St. Louis does not keep pace with the increase of the city and its municipal needs. In East St. Louis he finds not only an inadequate police force to deal with him and his kind, but an indisposition to enforce the law applying to other matters, which breeds a contempt on the part of the lawless ones of a more pronounced type who come from Missouri. We get the drift of this great population across the river, and naturally when disorder occurs there is upon the fringe of the mob the usual lawless element, quick to seize the torch and the bludgeon. That is the natural result of every scheme of lawlessness hatched by whatever authority.

The Industrial Workers of the World are there, too, and, as the Senator has well suggested, they bear a portion of the blame for this affair.

With those conditions present it is the easiest thing in the world for a mob, when once formed, to proceed beyond the limits of municipal restraint. There is no adequate police force to cope with such a situation.

I shall not at this time analyze the conditions existing in that city although I believe I know them. I know that 12 companies of our Illinois National Guard, after they had arrived upon the ground, failed to restore order or to prevent some of the outrages. Some of the companies arriving early at the scene were disarmed; their authority was set at defiance; they were treated with contemptuous disregard; and outrages proceeded even after they were present.

But I wish to say, Mr. President, that the principal source of the vile, the fetid, the corrosive element that blazed the way in disorder and wrote the story of blood across the sky over East St. Louis is the infernal, lawless, damnable saloons that have infested that town and blighted the community for years, and I want to know whether the Senator will be a party to the continuance of those lawless conditions and more lawless men? That is the interrogatory I rose to propound while the Senator was dealing with the question. I will give the story as I understand it on some future occasion when I trespass on no Senator's time.

I have no words of apology for the slaughter that has happened there of American citizens who, under the full panoply of the laws of their country, have been brutally outraged, taken into alleys, shot by revolvers, beaten to death with bludgeons, burned in their own homes, and, fleeing to an opera house for safety, have had it burned and wrecked over their heads, with the result that 34 charred corpses have been taken from the ruins—I have no apology for that for my own State or for any other State. It is something that ought never to happen, and would never happen except for the inherent defect that is lurking in our system, mentioned by the Senator from Colorado—the increasing contempt for law and order that is springing up all over this country and resulting in a grand procession of criminals. It is the saloon keepers of East St. Louis and their kind who lead the van of every lawless movement, and breed and spew their infamous vermin upon every community where they are suffered to exist. I am a "bone-dry" Senator from now on.

I am a bone-dry Senator. There are more distillers in my State than in any other country in the world. Just across the river is the largest brewery in the world. There is not a place in my State where the Anheuser-Busch Co. does not have an agent. I am about to the 10-minute time, Senator. But these are a part of the underlying economic conditions, based upon greed and human appetite, that lead to such outrages as were referred to by the Senator.

Mr. THOMAS. Mr. President, the question asked is a decidedly long one, and much longer than my answer. The Senator's question followed an extended and eloquent description of conditions in the city of East St. Louis, conditions which I will not undertake to deny, conditions of which I know comparatively little. I do know, however, Mr. President, that similar outrages, sometimes against blacks and sometimes against whites—not so extensive, perhaps, nor so atrocious—have been perpetrated in communities which do not deserve the criticisms that the Senator levels at the city of East St. Louis. I know that there are conditions, competitive conditions, in this country breeding outrages upon life and property with which the liquor element will mingle where liquor is sold or permitted, but which do not depend upon and are not bred by those conditions. They lie deeper, they are more extensive, and they must be dealt with accordingly.

Now, the Senator asked me a question which indicates that in his opinion I am identified with the liquor interests. I am not, Mr. President. I never was; I never expect to be. There is written in the body of the proposed revenue law a prohibition upon the manufacture of distilled liquors during the existence of the war, and that also appears in the amendment which is offered here. I am in favor, heartily in favor, of that restriction, but I am painfully aware of the fact that in the great bonded warehouses of this country are quantities of distilled liquor sufficient to meet the demands of consumption for several years. It is my prediction that if the House amendment to this bill shall be enacted into law it will so vastly increase during the next three years the consumption of the only liquor which will then be left for men to secure that there will be in the State of Illinois before the war is ended not one East St. Louis, but half dozen of them; and they will be in other States, for as sure as fate, if we are to put an immediate quietus upon the manufacture of fermented beverages we shall vastly increase the consumption of distilled beverages so long as men can get them. No one will contend that as between the two the consumption of distilled liquors is not the worst and produces by far the worst consequences. So much for the Senator's question.

But, Mr. President, when I was interrupted by the two Senators from Illinois I was considering the query of the Senator from Idaho with regard to the effect upon crime in Great Britain of the reduction there of the quantity of consumption of fermented beverages, which he says has been effected.

I do not pretend to any accurate or, indeed, to any knowledge upon that subject, but the Senator from Connecticut [Mr. McLEAN] has called my attention to a statement of Lord d'Abernon, the liquor controller, as he is called in Great Britain, and he has expressed himself regarding it through Mr. Joseph W. Grigg, the staff correspondent of the World, in the following language. Let me say that I neither indorse nor condemn his statement. I read it for what it is worth in connection with the query of the Senator from Idaho:

DOESN'T SEEK PROHIBITION.

"Desirable results can be attained without prohibition. It would lead to reaction in England. It has led everywhere to shebeening (an Irish term for drink privately and unlawfully sold), drug taking, and consumption of methylated spirit. Alcoholism and drunkenness are largely the product of bad laws.

"It is possible, if not easy, to regulate the liquor traffic infinitely better than hitherto in any country, provided the views of the extremists are set aside and moderate and scientific regulation intrusted to an independent body free from political bias and political pressure."

He emphasized three outstanding features responsible for the success attained by liquor-control regulations in Great Britain:

1. Liquor of lower strength consumed under more healthy conditions.
2. Liquor consumed in "broken hours"—that is, the opportunity for overindulgence is not possible when the consumption is held within 5½ unconsecutive hours as against prewar consecutive drinking period of 17 out of 24 hours.
3. Abolition of treating.

LESS TIME FOR DRINKING.

"Competitive selling," said Lord d'Abernon, "was found to be one of the main causes of excess. This competition has been reduced, but further progress can be made in this direction. By control methods the profits of the trade have hardly been affected, and the exploitation of the trade has been more efficient and less extravagant."

As an example of what has been achieved by the reduction of hours, Lord d'Abernon said:

"When drinking was possible for 17 hours a day, it had such a bad effect on labor that two shifts were often necessary, where now only one shift does the work."

The weekly average of convictions for drunkenness in Great Britain reached a total of 3,956 for the four weeks preceding the new order of things.

This seems to be in line with the Senator's statement:

The average for the following four weeks ending on April 22, 1917, was only 1,421. Regarding this decrease Lord d'Abernon said:

"The heavy reduction in convictions for drunkenness in some areas may be accounted for partly by the withdrawal of men into the army. There has, too, in many quarters, been evident a gradually increasing sense of the seriousness of the national emergency with a consequent tendency to greater self-restraint and sobriety."

I have no doubt that the entire article is worthy of our consideration, but I do not propose to trespass upon the time of the Senate in reading it all. Indeed, I would have been through

before now but for the interruptions, and they were very interesting ones which have occurred. I have read enough, I think, to justify the conclusion that the effect of beer drinking upon economic conservation is nebulous.

Mr. President, I do not believe that we should shift the responsibility which rests upon our shoulders in this matter upon those of the President except for reasons of a controlling nature. It is a very easy thing for us, instead of meeting an issue squarely, to provide that the President, whenever in his opinion the public good requires it, shall suspend the manufacture of fermented beverages, and thus escape disagreeable consequences which might result from the exercise of a positive authority on our own account. But there is an aspect of this proposal to endow the President with the power to determine when, if at all, the manufacture shall cease that deserves serious consideration. It is this: During the progress of the war events may arise where immediate action ought to be taken concerning it, and Congress might not be in session. For example, the shortage of grain might become so great for unexpected reasons—the sinking of an unusual number of vessels laden with grain, for instance, by German submarines, or the sudden and unexpected destruction of large areas planted with grain by storms and floods, and so forth, producing an exigency to meet which some power should be clothed with authority to act and to act expeditiously by prohibiting the transformation of edibles into beverages of any kind, nature, or description. I do not know that such an emergency may present itself, but I am impressed with the fact that it is one of the possibilities of armed conflict, and particularly a conflict such as this which is world-wide in its character, and in which all the agencies of human genius and human experience have been marshaled by one side or the other for mutual destruction. Consequently, I am inclined to look with favor for that reason only upon the proposed amendment whereby the President shall be clothed with authority to deal with this subject as events may require.

Mr. CHAMBERLAIN. Mr. President, I desire to present a proposal for a unanimous-consent agreement in the hope that the Senate may agree upon a time when a vote may be had upon the pending measure. I present the following, and ask the Secretary to read it.

The VICE PRESIDENT. It will be read.

The Secretary read as follows:

UNANIMOUS-CONSENT AGREEMENT.

It is agreed by unanimous consent that at 5 o'clock p. m. on the calendar day of Thursday, July 5, 1917, the Senate will vote, without further debate upon the amendment reported June 28 (calendar day, July 2), 1917, from the Committee on Agriculture and Forestry, to the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel, viz: On page 18, strike out section 12 and insert the following:

SEC. 12. That it shall be unlawful for any person, firm, or corporation to use any foods, food materials, or feeds in the manufacture of distilled spirits for beverage purposes.

(b) Whenever the President shall find that limitation, regulation, or prohibition of the use of foods, food materials, or feeds in the production of vinous, malt, or fermented liquors, or that reduction of the alcoholic content of any such liquors is essential, in order to assure an adequate and continuous supply of food or feed, he is authorized, from time to time, to prescribe and give public notice of the extent of the limitation, regulation, prohibition, or reduction so necessitated. Whenever such notice shall have been given, and shall remain unrevoked, no person shall, after a reasonable time, which shall be prescribed in such notice, use any foods, food materials, or feeds in the production of such vinous, malt, or fermented liquors, except in accordance with the limitations, regulations, and prohibitions prescribed in such notice, or to produce any such liquors having an alcoholic content in excess of the amount prescribed therefor in such notice. When the question arises as to whether any particular product is suitable for food or feed, the question shall be determined by the President, and his determination shall be conclusive for the purposes of this section.

(c) Except as otherwise herein provided, the Commissioner of Internal Revenue shall be charged with the administration of this section, and he is authorized, with the approval of the President, to require the taking out of such permits, the keeping of such records, the execution of such bonds, and the observance of such rules and regulations as may be necessary and proper for the execution of the same.

(d) Any person who willfully violates this section shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine not exceeding $5,000 or by imprisonment for not more than two years, or both.

Mr. CHAMBERLAIN. I desire to perfect the agreement by adding after the words "distribution of food products and fuel" the following "or any amendment that may be offered thereto or substituted therefor." I do not want to confine it entirely to the amendment which was reported out by the committee, because I do not desire to preclude the offering of any amendment or any substitute to it.

Mr. BORAH. Mr. President, may I ask to have the first part of the proposed agreement reread? I do not care to have the amendment read, but the first paragraph which expresses the terms of the unanimous consent.

The Secretary read as follows:

That at 5 o'clock p. m. on the calendar day Thursday, July 5, 1917, the Senate will vote, without further debate, upon the amendment reported June 28 (calendar day, July 2), 1917, from the Committee on Agriculture and Forestry to the bill (H. R. 4961), etc.

Mr. BORAH. Does it not provide for voting on amendments to the amendments?

Mr. CHAMBERLAIN. Yes. On a substitute and amendments proposed to the amendment of the committee.

Mr. CURTIS. Is the amendment offered as a substitute for the committee amendment?

Mr. CHAMBERLAIN. No; it is the committee amendment. The purpose is to get a unanimous-consent agreement, if possible, to fix a time for voting at 5 o'clock this afternoon.

Mr. CURTIS. This is the committee amendment submitted after the bill was reported?

Mr. CHAMBERLAIN. Yes.

Mr. CURTIS. It takes the place of section 12 as reported by the committee?

Mr. CHAMBERLAIN. That is the purpose of it.

Mr. MARTIN. As I understand it, the amendment was offered to take the place of the amendment of the committee as reported?

Mr. CHAMBERLAIN. That is correct.

Mr. PENROSE. Mr. President, may I ask a question? Does this unanimous-consent suggestion permit the offering of amendments after 5 o'clock or must amendments be offered before 5 o'clock?

Mr. CHAMBERLAIN. It is proposed to vote at 5 o'clock.

Mr. PENROSE. After 5 o'clock arrives, when the amendment which the consent agreement recites comes up for a vote, will it be open for amendment?

Mr. CHAMBERLAIN. It is not my intention to have it so.

Mr. BORAH. Then there is no use——

Mr. ROBINSON. I ask the Senator from Idaho to withhold his objection just a moment.

Mr. BORAH. I am trying to find out what the agreement means. I have not yet objected. I shall object unless the agreement provides for a vote on the amendment and all amendments thereto promptly at 5 o'clock. If it can be brought about so that it shall not be so voted upon at that time, I may look upon it differently. I yield now to the Senator from Arkansas.

Mr. CHAMBERLAIN. If the Senator from Arkansas will permit me, I was just going to express the hope that the Senator from Idaho will not object to it. This proposed unanimous-consent agreement was dictated hurriedly. I had no desire to shut off a discussion of the subject. I hope the Senator will help us perfect it and reach an agreement which will be satisfactory to the Senate.

Mr. LODGE. Mr. President, may I ask the Senator from Oregon a question? The amendment of the committee is offered as a substitute for the section as amended by the committee, not merely the amendment proposed by the committee, but the whole section?

Mr. CHAMBERLAIN. After the bill was reported to the Senate the committee got together and remodeled the amendment, the provision in the bill as it was originally reported. This therefore is the amendment which the committee suggests in place of the provision in the bill now.

Mr. LODGE. That would include both the section and the amendment as it appears in the bill?

Mr. CHAMBERLAIN. It would include it all.

Mr. LODGE. It strikes out the whole section?

Mr. CHAMBERLAIN. It strikes out the whole section and substitutes new matter. Will the Senator from Idaho indicate his particular objection? I hope he will assist in formulating a provision which will be agreeable to the Senate.

Mr. BORAH. Perhaps the Senator from Arkansas desires to make a suggestion along that line.

Mr. ROBINSON. I hope an objection will not be interposed to the request for unanimous consent made by the Senator from Oregon. I wish to state that if the unanimous consent is granted it is my purpose to offer a substitute for the committee amendment. The substitute which I contemplate offering is in the following language:

SEC. 12. That from and after 30 days from the date of the approval of this act no person shall use any foods, fruits, food materials, or feeds in the production of distilled liquors, except for governmental, industrial, scientific, or medicinal purposes. Any person who willfully violates this section shall upon conviction thereof, be punished by a fine of not exceeding $5,000 or by imprisonment for not more than two years, or both.

Mr. BORAH. Mr. President, I am perfectly willing to commence the consideration of section 12 and dispose of it in an orderly way, but I do not want to be put in a position where I can not offer an amendment to it. Why does not the Senator

from Oregon provide in his unanimous-consent agreement that we shall begin to vote upon section 12 at 5 o'clock and any amendment offered thereto?

Mr. PENROSE. Without debate?

Mr. CHAMBERLAIN. Without debate.

The VICE PRESIDENT. May the Chair make an inquiry, because the Chair sees some trouble here? The bill is in Committee of the Whole. What is going to be accomplished by voting in Committee of the Whole on one amendment? After it passes out of Committee of the Whole into the Senate it will be open to amendment and discussion in the Senate. The bill is not out of the Committee of the Whole.

Mr. CHAMBERLAIN. I was in hopes that we might reach an agreement which would practically end it in Committee of the Whole. If the suggested unanimous-consent agreement does not do that, I should like to have Senators suggest what they would like to have in it.

Mr. BORAH. I recognize that the Vice President has stated the proposition correctly, and we would not make very much progress; but if the Senator from Oregon desires to proceed along that line and along the unanimous-consent agreement to the effect that at 5 o'clock we shall then begin voting upon section 12 and all amendments thereto——

Mr. CHAMBERLAIN. I am perfectly willing to do that.

The VICE PRESIDENT. And that the section is not to be amended thereafter in the Senate. Then we shall get somewhere.

Mr. BORAH. I do not understand that this cuts off any right in the Senate.

Mr. CHAMBERLAIN. I want to complete it in Committee of the Whole, and I should like to get a vote upon it as soon as it is possible to do so.

Mr. GRONNA. Mr. President, I think it would be unfair for the Senator from Oregon to ask for such an agreement as that. The Senator knows that personally I am anxious to have the bill passed. He also knows that there is a minority against this provision; that when the vote was taken in the committee there were six who voted for it and five who voted against it. It is not a unanimous report. The friends of prohibition have not taken a single minute to discuss this proposition. Does the Senator from Oregon think it would be fair to close debate? Only the friends of the saloon and whisky have taken the time in the discussion of this measure. So far as I am concerned, I can not permit the Senator to get a unanimous-consent agreement simply on this one provision.

Mr. CHAMBERLAIN. Would the Senator object to modifying the provision? I ask the Senator if it is his purpose to object to any unanimous-consent agreement upon this proposition?

Mr. GRONNA. I should think, if the Senator wants to dispose of the bill, instead of getting an agreement to vote upon one single section of the bill, we ought to have an agreement to dispose of the bill.

Mr. CHAMBERLAIN. It was my purpose, if we can agree upon a time to vote upon this particular section, then to propose a unanimous-consent agreement to vote upon the whole bill.

Mr. GRONNA. I have no objection to fixing a date to vote upon the amendment and upon the bill, but I certainly shall object to taking a vote upon this provision alone. As the Chair has so well said, it would not dispose of the question; it would only dispose of it in Committee of the Whole. We can take all the time we want under the rules to discuss the same provision in the Senate.

Mr. CHAMBERLAIN. I understand the rule, and I do not expect to preclude the Senate from further action if it sees fit to take action on the subject.

Mr. NORRIS. Mr. President, may I suggest to the Senator from Oregon, who wants to get unanimous consent in regard to this particular section, that he ask unanimous consent that a certain length of time—two or three hours, or such a matter; or four hours; whatever may be agreed upon—be devoted to the section, that the time shall be equally divided between those who are in favor of it and those who oppose it, and that the debate be limited to speeches of 15 minutes each.

Mr. CHAMBERLAIN. I am perfectly willing to agree to that—anything to finish this bill.

Mr. NORRIS. It would hardly be fair, as the Senator from North Dakota says, to commence to vote in half an hour.

Mr. CHAMBERLAIN. Does the Senator suggest a later date?

Mr. NORRIS. I would suggest that the Senator ask unanimous consent that two hours of time be devoted to section 12 in speeches not exceeding 15 minutes, and then that the vote in the Senate shall be had without debate.

Mr. PENROSE. That would take more time than could likely be given to-day.

Mr. NORRIS. We could conclude it to-morrow.

Mr. REED. Mr. President, I make this suggestion: The amendment which is proposed has not yet been printed in the form in which it is finally offered; it ought to be printed and in the hands of Senators, it seems to me, because it is a very important amendment. I would suggest to the Senator that he put his unanimous-consent agreement in this form: That to-morrow morning at 11 o'clock we begin the consideration of the amendment, and that we proceed finally to dispose of the amendment and any amendments thereto, that speeches be limited to 10 minutes, and that we begin voting not later than some certain hour to be agreeable to the Senate—2 o'clock or 3 o'clock.

Mr. LODGE. Mr. President, I desire again to call attention to the point made by the Chair, because the Senator from Missouri said that we shall proceed to its final disposition. It is impossible to proceed to the final disposition of the bill, or any part of the bill, in my judgment, while the bill is in Committee of the Whole.

Mr. NORRIS. It would be perfectly proper to include in the agreement to meet that objection that in the Senate the amendment should be disposed of without debate.

Mr. REED. When I used the term "final disposition" I meant in Committee of the Whole. It seems to me, if we get the full sense of the Senate in Committee of the Whole, probably that will end any debate afterwards.

Mr. CHAMBERLAIN. I think there is no doubt about that; and I will say to the Senator——

Mr. NORRIS. I suggest to the Senator from Oregon that if he limits the time to 10 minutes in his proposed agreement it will be unnecessary to fix a time when we would commence to vote. It would wind itself up all right.

Mr. CHAMBERLAIN. I do not think so.

Mr. NORRIS. If you fix a time to vote, it puts the matter in the hands of the Chair. If more Senators should want to speak than could speak within that time, whoever might be in the chair could absolutely dictate who should speak. That is a very unsatisfactory arrangement and hardly fair; and the Chair, even if he wanted to be fair, would not always know in advance which side the Senator asking for recognition was going to take, and he could not very satisfactorily divide the time. If you limit the speeches to 10 minutes the debate will end itself. It is not true that all the Senators will want to speak; and even if they did, it would not take long to wind up the debate on that plan.

Mr. CHAMBERLAIN. That is the proposition suggested by the Senator from Missouri. I am satisfied with that.

Mr. NORRIS. Excepting that he limits the time when no more debate shall be had, and that might cut out somebody who would not be allowed to speak even 10 minutes.

Mr. SMITH of South Carolina. Mr. President, if the Senator from Oregon will allow me, I should like to make the suggestion that we begin to discuss this amendment now and fix the limit to-morrow. We can have a recess in the meantime, so that we will lose no time on other things. Let us begin now, and fix to-morrow the hour when debate on this section shall close.

Mr. SMITH of Georgia. With the understanding that speeches from now on shall not occupy more than 10 minutes each.

Mr. SMITH of South Carolina. Let us wind it up, so far as the Committee of the Whole is concerned. Of course, we could not pledge ourselves as to what might occur in the Senate.

Mr. McCUMBER. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from North Dakota?

Mr. CHAMBERLAIN. I yield to the Senator.

Mr. McCUMBER. I want to ask the Senator if this amendment has been printed for the use of the Senate?

Mr. CHAMBERLAIN. Oh, yes; it has been printed for some time.

Mr. McCUMBER. I have not read it as yet, and I understand that the Senator has just now perfected it.

Mr. CHAMBERLAIN. The amendment on which I ask unanimous consent for a vote was printed on the 28th day of June.

Mr. BORAH. It was only printed in the RECORD.

Mr. CHAMBERLAIN. No; it was printed in the RECORD and also printed in the form of a bill. I have a copy of it here.

Mr. McCUMBER. Mr. President, the members of the Committee on Finance have been working every day, as the Senator knows, for about five weeks, and have just reported their bill. They have given very little consideration, I think, to this measure. It seems to me that those who wish to consider that proposition ought to have a little time. If the Senator will ask that at some hour to-morrow we shall begin the consideration of

this particular amendment, and that no Senator shall speak more than once or longer than 15 minutes, without fixing the date, and then, when the debate is through, proceed to a vote on it, we will undoubtedly be through with it to-morrow. But I do not want to consent to fix a time for voting and fix a limit on debate without knowing whether we are going to have an opportunity to express ourselves on it, depending upon how many Senators wish to speak on the subject.

If the Senator will put it in that form—that there shall be no speech longer than 15 minutes, and a vote at the conclusion, and no Senator to speak more than once—he is bound to arrive at a time, and a reasonable time, for a vote on that proposition.

Mr. SMITH of South Carolina. Mr. President, will the Senator from Oregon allow me to suggest to the Senator from North Dakota that those who are prepared might begin the discussion of it now?

We could fix a time to-morrow—whatever time the Senate sees fit—and in the meantime those who are not now ready to proceed could prepare themselves, both from what will be said this afternoon and from what will be said to-morrow until the time when the limitation shall begin.

Mr. McCUMBER. We can go ahead and discuss it now without any agreement for unanimous consent.

Mr. SMITH of South Carolina. Oh, yes; but we wanted, if possible——

Mr. McCUMBER. My point is that the time when the unanimous-consent agreement is to take effect ought not to be before to-morrow.

Mr. CHAMBERLAIN. Will the Senator suggest just what he proposes as a unanimous-consent agreement?

Mr. McCUMBER. If I were to put it in form, I would put the unanimous consent in these words: That to-morrow at 11 o'clock we shall proceed with the consideration of this amendment, that no Senator shall speak more than once or longer than 15 minutes upon the amendment, and that at the close of the discussion the vote shall be taken.

Mr. NORRIS. The Senator ought to include in that all amendments to section 12.

Mr. CHAMBERLAIN. If the Senator will suggest 10 minutes, I will consent to that proposition, if the Senate is willing.

Mr. SMITH of Michigan. That ought to include amendments thereto.

Mr. McCUMBER. Of course I would not agree to anything that would not allow an amendment to that amendment.

Mr. CHAMBERLAIN. Will the Secretary read the proposed unanimous-consent agreement?

The VICE PRESIDENT. It will be read by the Reporter.

The Reporter read as follows:

Mr. McCUMBER. If I were to put it in form, I would put the unanimous consent in these words: "That to-morrow, at 11 o'clock, we shall proceed with the consideration of this amendment; that no Senator shall speak more than once or longer than 15 minutes upon the amendment"—

Mr. McCUMBER. Or any amendment offered thereto.

The Reporter read as follows:

"or any amendment offered thereto, and that at the close of the discussion the vote shall be taken."

Mr. NORRIS. Mr. President, I suggest that in the beginning of the proposed unanimous-consent agreement, where the Senator says "this amendment" it should be "section 12 of the bill."

Mr. CHAMBERLAIN. I think that amendment ought to be added.

Mr. PENROSE. What is that?

Mr. NORRIS. Instead of saying that "the Senate will proceed to consider this amendment," say that "the Senate will proceed to consider section 12, and any amendment that may be offered thereto."

Mr. OWEN. "Any amendment or substitute."

Mr. JONES of Washington. Mr. President, I want to ask the Senator from Oregon if he thinks it necessary to take this unusual course. We have been proceeding with the consideration of this bill under a unanimous-consent agreement to consider the committee amendments in their order—to read the bill for committee amendments. This amendment has never been read under that order. It has not been considered. It has not been brought up.

I am just curious to know the necessity for this unusual proceeding of getting a unanimous-consent agreement as to when we shall vote upon an amendment that has not yet come before the Senate and has not been considered.

Mr. CHAMBERLAIN. I do not know that there is any pressing necessity for selecting one particular section of the bill to be voted on now; but I believe that that section is the storm center of the bill, and I thought that if it were out of the way it might possibly hasten the consideration of the other amendments.

Mr. JONES of Washington. May I ask the Senator what it is that leads him to believe that this is the storm center of the bill?

Mr. CHAMBERLAIN. Possibly one of the speeches that the Senator from Washington made very fervently and very eloquently the other evening, when something was suggested about the bill. I think the Senator feels as I do. Without any particular evidences of the fact that this is the storm center, I think he has a sort of feeling that it is.

Mr. JONES of Washington. No, Mr. President; my speech was made to controvert a statement on the floor here that the friends of temperance had been delaying the bill; that was all. Everybody knew that nothing of that kind had been done.

Mr. CHAMBERLAIN. Well, there was the feeling on the part of the Senator, I know, and a conscientious feeling, too, and I think possibly there were some on the other side of the question who felt the same way. Whether it was justified or not, I do not pretend to say. It is because of that feeling, which we all know exists, that I thought if we could get this section behind us we would make some progress with the bill. I may be mistaken about it.

Mr. JONES of Washington. I judge, of course, that those who are opposed to this proposition have satisfied themselves that they have the votes now and that they are ready to vote. We have been ready to vote all the time. So far as I am concerned, I am ready to consent to a vote then, but I was curious to know why we were following this unusual proceeding to get an agreement upon an amendment that has not yet come up and to do away with the order under which we started to consider this bill.

Mr. CHAMBERLAIN. I will be perfectly frank with the Senator, and say that I am going to vote for the committee amendment. I do not know how other Senators are going to vote. I have not made any effort to find out; but I do have the feeling that if that were out of the way we might make a little better progress.

Mr. REED. Mr. President, I desire to ask the Senator a question: If this agreement fixing a time to vote on this question is arrived at, is it the purpose of the Senator then to offer his cloture resolution?

Mr. CHAMBERLAIN. If we can agree on a time to vote on this section and a time to vote on the bill, it is not my purpose to do so.

Mr. SHERMAN. I hope not.

Mr. CHAMBERLAIN. No; certainly not.

Mr. REED. The Senator's statement is that if there should be an agreement effected fixing a time to vote on this amendment, and also an agreement effected fixing a time to vote on the bill, then he would not offer his cloture rule. Of course he would not. Having fixed it all by unanimous consent, there would be no necessity for cloture; but what I want to get at is this:

I know the purpose of this unanimous-consent agreement that is being asked now. I have not any hesitancy in stating it to the Senate and to the country. I am not trying to interpret the Senator's motives. The purpose is to remove, if possible, an opposition which comes from some Members of the Senate who are fearful that, if unanimous consent is granted generally, the amendment adopted on the liquor question will not be satisfactory to them. Therefore, if that question could be disposed of, that much of opposition would be removed.

Now, I want to do nothing to take any time. I am perfectly willing that this agreement shall be made; but I do not think it would be fair, if we make this agreement to vote on this section, that the Senator should then demand a fixing of a time to vote on the bill, and, in the event that was not done, should introduce his cloture resolution. I mean, he should not do it to-day and he should not do it within any reasonable time in the future, because that would be in the nature of getting an agreement and then proceeding to close the debate by force. I do not think the Senator ought to ask that.

Mr. CHAMBERLAIN. Mr. President, I suggested to the Senate day before yesterday what I wanted to do. I have no personal interest in this measure, but to me has been confided the duty of undertaking to get it through the Senate. We have been at it now since the 18th day of June, and from present prospects there is not any chance of finishing it within the immediate future.

Now, Mr. President, the proposed cloture rule does not stop debate. We can still talk on the bill for 96 hours. Each Senator can devote an hour to the discussion of it, even if cloture should happen to be adopted.

Mr. REED. If we are going to fight it out on the cloture principle, then let us do it without any unanimous consent of

any kind; but if it is the purpose to arrive at this by common consent——

Mr. CHAMBERLAIN. That is what I want to do.

Mr. REED (continuing). You will not find me standing in the way of what I think is reasonable and fair.

Let me correct an oft-repeated statement here, that this bill has been under consideration for two or three weeks. In one sense that may be so, but not in the proper sense. The bill was brought in before the Senate, and we began the discussion of it. While that discussion was going on the committee was giving some consideration to the bill. In other words, the bill was being considered in committee while it was being considered in the Senate—a most unusual proceeding. After the discussion had proceeded at some length the House of Representatives sent over their bill. Thereupon that bill, which was different from the one we had been discussing, was substituted for the one we had been discussing, and then that bill went to the committee for consideration. While the committee was considering it the Senate was going on with this debate, and the bill was finally reported to us by the committee in a form changing it in the most radical respects. Since it has been reported back by the committee the committee has been considering other amendments; and it was only, I think, on day before yesterday that the committee brought in some amendment of importance. Even now the very amendment which it is proposed we shall give unanimous consent to consider, as I understand, has been changed in the last few minutes by the chairman, perhaps in an unimportant manner.

To say that this bill has been held up here for three weeks, and to charge that it has been delayed in the Senate, when, as a matter of fact, the committee itself has hardly been ready with its final report up to this hour, is not just the way in which the matter ought to be stated.

I want to say this in conclusion: I want to further the removal of difficulties. Hence I am perfectly willing to agree to the unanimous-consent proposition which the Senator from North Dakota [Mr. McCUMBER] has made with reference to this section; but I do not want the Senator who is in charge of the bill then to say, "Now, having gained this much by unanimous consent, I propose to put on a cloture rule."

There has been no filibuster on this bill. There have been many changes in it, and I hope there will be many more. No matter how impatient the country may be, or those who hope to administer it, this is a bill that concerns the welfare of the whole Nation, that affects in the most radical way all lines of business. Outside of the declaration of war, there never has been before the Congress of the United States a proposition that is anything like as important as this bill. While we have been considering it here, committees have been engaged in important work elsewhere, and some of the most prominent Members of the Senate have been constantly engaged on the work of the Finance Committee.

So I hope I can have an understanding with the chairman of the committee that he is not going to try to force cloture if we make this agreement. I do not mean that that shall hold forever, but I think after this matter has been disposed of two or three days ought to be allowed to elapse. In the meantime we may be able to dispose of all the other knotty problems.

Some men are quibbling about prohibition here. Some men are greatly concerned in that. I am greatly concerned in the proposition that the farmer, whose prices are going to be regulated, as we all know, shall be protected against the injustice of being compelled to buy in a market the prices of which are fixed by European conditions, and then sell his stuff in a market that is controlled. That is the question in which I am interested, and I think it is about a thousand times greater than this whisky question. I should like to have that settled.

Mr. CHAMBERLAIN. Mr. President, the criticism of the Senator that this bill is following a bad method of procedure that has not been followed by other bills is hardly just, because nearly every bill of any importance that has been considered by the Senate of the United States has had amendments brought in from time to time by the committee to improve it in some way or other, suggested sometimes by the discussions that are had, and sometimes born by recommendations from outside of the Senate. So that the procedure with reference to this measure is about the same as with reference to other measures of the kind.

I do not believe we will get anywhere with this bill, in view of the discussion that has been had, unless we get a unanimous-consent agreement to vote on this particular amendment and on the bill itself. If the Senator will suggest a later date for a vote, either upon section 12 or upon the bill itself, I shall not object to that.

Mr. BORAH. Mr. President, if I may make a suggestion to the Senator, why not add that at the hour of 3 o'clock we shall begin voting upon the bill and all amendments thereto, and that the debate shall be limited to five minutes on the part of each Senator? That would be a final disposition of the bill. When you have a final disposition of this amendment, you are nowhere; but if you ask for a final vote upon the bill and all amendments thereto, and limit each Senator to five minutes, you will soon close up the bill.

Mr. CHAMBERLAIN. This is only one amendment.

Mr. CUMMINS. Mr. President, I do not believe that would be feasible. I should like to see a vote upon the bill as soon as possible; but whenever opportunity is offered, amendments will be brought forward relating to the coal situation, and possibly to the metal situation. The former is vital, even more important than the matter of food control, just at this particular time; and it would be utterly impossible to present by 3 o'clock to-morrow the amendments that will embody the views of the members of the committee who have been investigating this subject. It could not be done.

When the proposal for unanimous consent for a vote upon the entire bill is before the Senate, I intend to ask the Senator from Oregon to modify it——

Mr. CHAMBERLAIN. Mr. President, I will.

Mr. CUMMINS (continuing). At least so as to include a reasonable time that shall be devoted to the consideration of the amendments relating to coal and metal.

Mr. CHAMBERLAIN. That is the bill itself.

Mr. CUMMINS. The bill itself.

Mr. CHAMBERLAIN. Mr. President, I suggest what I send to the desk as a unanimous-consent agreement on the pending amendment.

Mr. OWEN. Let the Secretary read it.

The VICE PRESIDENT. The Secretary will read the proposed unanimous-consent agreement.

The SECRETARY. The Senator from Oregon asks unanimous consent that at 11 o'clock a. m. on the calendar day of Friday, July 6, 1917, the Senate will proceed to the consideration of section 12 of the bill H. R. 4961; that during the consideration of the said section no Senator shall speak more than once or for a longer period than 10 minutes; that the amendment proposed by the committee, with such amendments as may be offered to it, shall first be considered; and that the section as finally amended in Committee of the Whole shall not be reserved for amendment in the Senate.

Mr. CHAMBERLAIN. I think that covers the suggestions of the Senator.

Mr. SMOOT. Mr. President, in this request there is no provision made for discussion of any amendment that may be offered. I think there ought to be a limit upon the time that each Senator can speak upon an amendment, and I believe that five minutes is ample time to speak upon any amendment that may be offered to this particular section. If the Senator will add that, I think it will be satisfactory all around.

Mr. CHAMBERLAIN. Well, I will add that.

Mr. McCUMBER. Let us see, now, what is asked.

Mr. SHERMAN. Mr. President, I am ready to vote on the entire bill; the sooner the better. I do not want more than 10 minutes, but I want that 10 minutes at some time before section 12 is disposed of.

I do not understand that there is any necessity for the application of this voluntary cloture just now. I understand from the cloakroom gossip that there are enough votes to put section 12 in a satisfactory condition; and when the votes are here there is no particular precipitate haste required to force the rule of the majority.

For my part, I see no reason for singling out section 12. There are a number of other sections in the bill. I do not want to object to a vote on any section of it. I am perfectly willing to vote on section 12 within any reasonable time—not at 5 o'clock this evening, however. I shall object to that. I do not understand that there is any use in imposing a voluntary cloture on the Senate. I am going to object to that, unless the request is modified in some way.

Mr. CHAMBERLAIN. Mr. President, I ask the Senator to suggest any modification that he thinks would be desirable. I think if the Senator will hear the proposition read he will not be dissatisfied with it.

Mr. SHERMAN. I can state that I will not make any objection if it is along the line the Senator is explaining. I think 11 o'clock to-morrow, with 10 minutes' time limit, will be sufficient for anybody.

Mr. CHAMBERLAIN. And five minutes on each amendment.

Mr. SHERMAN. But I want to understand, first, before I refrain from objecting, what effect this will have on the consideration of the rest of the bill. When that is disposed of will it go along in due order?

Mr. CHAMBERLAIN. Mr. President, I suggested a while ago that if the Senate would agree to vote on this amendment at a fixed time I would request a vote on the whole bill at such time as the Senate thinks will be a reasonable time—Monday or Tuesday or Wednesday or Thursday of next week. I am not particular about the time, but I should like to be able to say that the bill will be voted on at a certain time. There is no disposition to preclude anyone from discussion. The time can be put far enough ahead to give all Senators an opportunity to be heard.

I do not want to ask for this particular unanimous-consent agreement with anything concealed as to what I desire to ask. The Senator from Missouri [Mr. REED] said that he might object to it if a second unanimous-consent agreement was going to be asked, and I did not want anybody to feel that I was concealing my purpose to make that request.

Mr. JONES of Washington. Mr. President, as I understand, the Senator is going to ask unanimous consent to fix a time to vote on the bill.

Mr. CHAMBERLAIN. Yes, sir.

Mr. JONES of Washington. When this agreement is made?

Mr. CHAMBERLAIN. Yes.

Mr. JONES of Washington. That is the important thing—the passage of the bill, getting it through. I should not be disposed to consent to this proposal unless the Senator is going to try to fix a time to vote on the bill.

Mr. CHAMBERLAIN. That is my purpose.

Mr. JONES of Washington. What I am interested in is the passage of the bill. That is the reason why I am willing to cease discussion upon this amendment, to hasten the passage of the bill; but if disposing of this amendment will not hasten the passage of the bill there is no reason why we should cut off all debate upon this one proposition.

Mr. STONE. Mr. President, as I understand the request for unanimous consent is to fix the time for a vote on section 12 and amendments thereto, with certain limitations as to debate.

Mr. CHAMBERLAIN. Yes; that is correct.

Mr. STONE. The request is, as I am told—I have just come into the Senate Chamber—that that vote be taken at 5 o'clock this evening or 5 o'clock to-morrow.

Mr. CHAMBERLAIN. Mr. President, I ask that the Secretary may read it, so that the Senator will see just what it is.

The VICE PRESIDENT. The Secretary will read the proposed amendment.

The SECRETARY. The Senator from Oregon asks unanimous consent that at 11 o'clock a. m. on the calendar day of Friday, July 6, 1917, the Senate will proceed to the consideration of section 12 of the bill H. R. 4961; that during the consideration of the said section no Senator shall speak more than once or for a longer period than 10 minutes upon the section as a whole, or more than once or longer than 5 minutes upon any amendment that may be pending or that may be offered thereto; that the amendment proposed by the committee, with such amendments as may be offered to it, shall first be considered; and that the section as finally amended in Committee of the Whole shall not be reserved for amendment in the Senate.

Mr. STONE. Mr. President, I ask the Senator to amend his unanimous-consent request so as to begin at 3 o'clock instead of at 11 o'clock to-morrow.

I will say to the Senator that I have been very much engaged up to almost yesterday or day before with a very arduous service imposed upon the Committee on Finance, and I have not been able to give attention to the legislation pending. I am interested in the particular matter referred to in the request for unanimous consent, and I have been to-day, for the first time, conferring with Senators. I should be glad if we could have a little more time for consideration.

Mr. CHAMBERLAIN. Well, Mr. President, I would have no objection——

Mr STONE. If the Senator will arrange for 3 o'clock, I have no objection to a limitation on debate, and to fix the time at which we should vote upon the amendment at 6 o'clock or 5 o'clock—any time—7 o'clock; whatever time he thinks wise.

Mr. CHAMBERLAIN. I suppose it is immaterial whether we commence at 11 o'clock or 3 o'clock. The Senate, if it feels the bill ought to be hurried, could work at night.

Mr. STONE. But there are other reasons, I think, if the Senator will pardon me for not stating them, that are not occult or dangerous, but they will be the result of conferences that ought to be held.

Mr. CHAMBERLAIN. I shall not object to that suggestion—to commence at 3 o'clock instead of 11 o'clock.

Mr. PENROSE. I should like to make an inquiry. Does that mean that the purpose of the Senator from Oregon would be that the Senate shall continue in session all through the evening or that at a reasonable hour a recess shall be taken until Saturday?

Mr. CHAMBERLAIN. I do not know, Mr. President, what the Senate might do, but I should like to get the amendment voted on.

Mr. PENROSE. I only wanted to ask the Senator what he had in his mind on that point.

Mr. STONE. Why not fix an hour, say 6 o'clock, to vote?

Mr. CHAMBERLAIN. I should like to have that done.

Mr. PENROSE. I do not think the Senator could get consent to that?

Mr. STONE. Well, say 7 o'clock.

Mr. PENROSE. I think it ought to be understood, without being embodied in the agreement, that a recess will be taken at a reasonable hour and a final vote taken on the bill on Saturday.

Mr. CHAMBERLAIN. I suggest to the Senator that we make it 2 o'clock instead of 11 o'clock.

Mr. STONE. I shall not object to that.

Mr. PENROSE. Then, Mr. President, one more inquiry: Do I understand now that after 2 o'clock amendments can be offered in the Senate to that section of the bill?

Mr. CHAMBERLAIN. Yes, sir.

SEVERAL SENATORS. Question!

Mr. REED. I still want to understand about the question of cloture. If I understand the Senator from Oregon, he will not offer his cloture proposition for a day or two. He can, of course, present his request for unanimous consent at any time, and we may be able to arrive at a unanimous-consent agreement.

Mr. CHAMBERLAIN. Mr. President, I want to ask for a unanimous-consent agreement on the whole bill.

Mr. REED. I have no objection to the Senator doing that, but I am interested in the question of cloture.

Mr. CHAMBERLAIN. Would the Senator from Missouri object, if we make this agreement with reference to section 12, to agreeing for a time when the bill itself should be voted on?

Mr. REED. If this agreement is now made the Senator from Oregon, of course, could present a request for a unanimous-consent agreement to vote on the bill as a whole, and, so far as I am concerned, I want to be free to pass upon that matter when it is presented. If it is presented in a manner which commends itself to me I shall not oppose it, but what I wanted to get out of the way was not the unanimous-consent agreement, but if we make the unanimous-consent agreement to vote upon this amendment I want an understanding that the Senator from Oregon will not try to force cloture upon us at least for two or three days. Otherwise he would get a unanimous-consent agreement, and then might go on with the cloture.

Mr. WILLIAMS. The Senator from Oregon can go on with it now.

Mr. REED. Of course he can go on with it now. I understand that.

Mr. CHAMBERLAIN. Let me say to the Senator that I have no disposition in the world to undertake to cut off debate on this bill. It seems to me, as evidence of my feeling in the matter, that if we agree to vote upon this question the Senator ought to be willing to fix a time, sometime next week, to vote on the bill itself. At least 42 Senators have signed the motion for a cloture. Many asked to sign it, and some have been asked to sign it. So there is a difference of opinion amongst Senators about the matter.

It seems to me, however, that after agreeing upon this motion we might then agree upon a time to vote upon the general bill, and fix it at a time when the Senator from Missouri must know all reasonable debate would have ended.

Mr. REED. That may be very true, but that is not the question I am trying to get at. That is the question of agreement. I have never been found unwilling to consent to any reasonable agreement that was offered. The other is a question of applying force. I want some assurance if we make this agreement that it will not be immediately taken over by those who are in favor of closing debate, and then they will move forward to force a cloture, and do it immediately. I do not ask the Senator finally to waive his right to cloture; but I do think, if this agreement is to be made, the Senator ought to state to us that at least he will delay trying to force cloture for a day or two after this matter is disposed of.

With reference to the time, let me say to the Senator, and to all Senators here, in all fairness, this day has been taken up by the friends of this bill; it has been taken up by Senators who are ready to vote for the bill, I think, as an entirety; and yet one of those Senators—the Senator from Ohio [Mr. POMERENE]—has injected into this debate a question touching the control of the coal mines and of their entire output. If that question comes be-

fore the Senate it is certainly worthy of serious consideration, and it must have serious consideration; and other questions will come forward.

Mr. CHAMBERLAIN. Let me ask the Senator this question: Suppose we make the unanimous-consent agreement which is now pending, would the Senator from Missouri object to a unanimous-consent agreement on Saturday to vote next week on the whole bill?

Mr. REED. This coming Saturday?

Mr. CHAMBERLAIN. Yes.

Mr. REED. I do not think the Senator from Oregon really could mean that—to debate this bill until to-morrow night and then vote on the whole bill on Saturday.

Mr. CHAMBERLAIN. Oh, no; the Senator misunderstands me. The agreement that we are now about to make will probably end to-morrow night or Saturday. Would the Senator object to a proposition for a unanimous-consent agreement at that time proposing to vote on the whole bill on Monday or Tuesday or Wednesday of next week, or such time as would be necessary to give a full discussion?

Mr. REED. There is a great deal of difference in Monday or Tuesday or Wednesday. I can only answer the Senator——

Mr. PENROSE. Mr. President, this discussion would be more illuminating if it were audible.

Mr. REED. I think that the proper thing to do would be to dispose of this prohibition proposition; to do it to-morrow under a unanimous-consent agreement; and to have an understanding that the Senator from Oregon will not immediately proceed to try to force a cloture. Then let us take up the other great provisions of this bill, and see if we can not dispose of them under the same method we are now undertaking to employ, and go along here in something like the old spirit—that every question is to be given proper consideration and that no Senator is to try to obstruct the public business. I think we will get along in that way.

Mr. CHAMBERLAIN. Let me ask the Senator again—he has not answered what I suggested—if no attempt is made to force cloture now, and we agree upon the proposition that has just been made, would the Senator interpose an objection on Saturday, the day after to-morrow, to consenting to vote on the bill one day next week?

Mr. REED. Some day next week?

Mr. CHAMBERLAIN. Yes, sir.

Mr. REED. No; I think that is long enough.

Mr. CHAMBERLAIN. I think so, Mr. President.

Mr. WILLIAMS. Mr. President, I should like to have that put a little more definitely. What day next week?

Mr. CHAMBERLAIN. Mr. President, as the Senator from Missouri has suggested, this is an important bill; it is measurably a revolutionary measure, and I have no disposition to limit debate upon it unreasonably; but if we can agree upon a time for a vote on it about Wednesday of next week, it seems to me all Senators will have had ample time to discuss it.

Mr. WILLIAMS. Mr. President, I am interposing merely for the purpose of finding out the date upon which we were going to get a final vote upon the bill.

Mr. CHAMBERLAIN. I realize that.

Mr. WILLIAMS. Now, if the Senator from Oregon will modify his statement so that the Senator from Missouri will agree not to interpose an objection to taking the vote upon the whole bill not later than 5 o'clock or 6 o'clock on Wednesday of next week, it seems to me that might suit all of us.

Mr. CHAMBERLAIN. I am not asking that such an agreement be made now, but that the Senator will not interpose an objection.

Mr. WILLIAMS. In the hope that if you give in to the Senator's condition he will give in to yours.

Mr. REED. Mr. President, I do not like the form this is taking. Evidently I am being treated as though I were the only Senator in the Chamber opposed to taking a vote, the only Senator to be dealt with. There are a good many Senators in this body who will have to be considered in this matter. What I have asked the Senator to do is this: To agree not to undertake to apply force in order to close this debate, at least until a day or two has passed, if we make this agreement now. I have said to him that just as soon as these important amendments can be disposed of, I shall be as ready to vote as any other Senator; but I do not think any Senator ought to be asked now to consent absolutely to vote on some particular day next week when these great amendments lie here that change the whole nature of the bill.

I am willing to say, however, that I will not object to voting some day next week, and to fix the particular day, but I do not want to do it at this time.

Mr. WILLIAMS. Mr. President, as I understand it, the request made by the Senator from Oregon is that a time be fixed for a vote upon a particular section of the bill at a particular time after certain debate upon the section and upon amendments to it. The Senator from Missouri then rises in his place and says that he personally will consent to that conditionally, and his condition is that one of the rules of the Senate shall not be invoked for one or two days; he does not state whether "one or two," but either one or two or "a few" days. Then the Senator from Oregon comes back, replying to a proposition with a condition, with another proposition for another condition; and it seems to me that he has just as much right to do that as the Senator from Missouri had to reply to a clean-cut proposition with a first condition. The countercondition of the Senator from Oregon is that the Senator from Missouri himself personally will agree that if the Senator from Oregon will now agree to his condition then the Senator from Missouri must agree to the condition of the Senator from Oregon, which is that not later than 5 or 6 o'clock upon Wednesday of next week there shall be a procedure to begin to vote upon the bill and the amendments to the final disposition of the bill itself. I see nothing that "singles out" the Senator from Missouri, except the fact that he made one condition and the Senator from Oregon replies to that with another and a countercondition. It was a personal condition proceeding *from* the Senator from Missouri in the first case and it was a personal condition proceeding *to* the Senator from Missouri in the second case.

Now, if we are to be asked to make an agreement here not to invoke one of the rules of the Senate, the Senator from Oregon can not make such an agreement. It is not like a unanimous-consent agreement. A unanimous-consent agreement binds the entire Senate; but to make a condition and respond to it by another condition binding every Member of this body not to invoke one of the rules of the Senate, it seems to me could hardly be done; and I think if the Senator from Missouri will think about it a moment he will conclude with me that it can not be done in any fair, binding manner unless the proposition to take a vote upon the entire bill were embodied in the same proposition as that for unanimous consent to take a vote upon section 12.

Mr. CHAMBERLAIN. Mr. President, I will say to the Senator from Missouri that if this proposal for unanimous consent is agreed to, I will not undertake to ask for unanimous consent now to vote next Wednesday, but I will ask it on Saturday; and if unanimous consent is not then given, I will file a motion for a cloture.

Mr. REED. The Senator will ask it on Saturday of this week?

Mr. CHAMBERLAIN. Not for a vote on Saturday of this week. The Senator misunderstands me; but if the unanimous-consent agreement that is now proposed is adopted, I will not ask anything further of the Senate now, but on Saturday of this week I will present a unanimous-consent agreement to vote on the whole bill Wednesday or Thursday of next week; and if that agreement is not obtained, I will then at once file a motion for cloture under the rules.

Mr. REED. I see no objection to that.

Mr. CHAMBERLAIN. Very well.

The VICE PRESIDENT. Is there objection to the proposed unanimous-consent agreement?

Mr. STONE. I should like to hear the agreement read as modified.

The VICE PRESIDENT. The Secretary will state the proposed agreement.

The Secretary read as follows:

That at 2 o'clock p. m. on the calendar day of Friday, July 6, 1917, the Senate will proceed to the consideration of section 12 of the bill H. R. 4961; that during the consideration of the said section no Senator shall speak more than once or longer than 10 minutes upon the section as a whole, or more than once or longer than 5 minutes upon any amendment that may be pending or that may be offered thereto; that the amendment proposed by the committee, with such amendments as may be offered to it, shall be first considered; and that the section as finally amended in Committee of the Whole shall not be reserved for a separate vote or amendment when the bill reaches the Senate.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the agreement is entered into.

Mr. OWEN. Mr. President, I rise to offer an amendment to the bill. I ask that it be printed in the RECORD.

Mr. CHAMBERLAIN. I am not sure but that the roll ought to be called.

The VICE PRESIDENT. I am. It only requires a roll call when a vote is to be taken on the final passage of a bill.

Mr. CHAMBERLAIN. That is all right.

Mr. OWEN. Mr. President, I intend to propose an amendment to the act looking to the control of the officials who will discharge the functions and powers imposed upon the President

of the United States under the act. It is perfectly obvious to every Senator that the President of the United States will not administer this law himself. It will be turned over to many officials, and we have no adequate way to prevent the officials dealing in tyrannical conduct. Some of them may even be guilty of blackmailing citizens and corporations and business under the powers of this act. There ought to be a summary way in which to deal with officials who are exerting the enormous powers which we propose to give to the President of the United States. I have proposed a plan which I will ask to have printed in the RECORD and I will ask Senators to read it.

The amendment submitted by Mr. OWEN is as follows:

Amendment intended to be proposed by Mr. OWEN to the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel, viz: At the end of the bill insert the following:

There is hereby authorized and established a court to be known as the "Official Court," to consist of one judge for each judicial circuit of the United States, to be appointed by the President, by and with the advice and consent of the Senate, the terms of said judges at the beginning of the service to be from one to nine years, respectively, to be determined by lot, and thereafter each successor shall hold for the term of nine years unless sooner removed for cause by the President.

The salary of such judge shall be $6,000 annually.

The judge of the official court shall have jurisdiction over every case of malfeasance, misfeasance, nonfeasance, or neglect of duty in office of any employee, adviser, committeeman, or officer appointed under the authority of the United States except members of the President's Cabinet and justices of the Supreme Court of the United States, with power to issue summons for witnesses, to require the production of evidence, to punish for contempt and render judgment on questions involving officia. misconduct, and issue writs necessary to carry out the authority herein given. The marshal of the United States district court shall serve the writs of the judges of the official court.

Any person, natural or corporate, upon filing bonds for the costs of the suit shall have the right to enter a complaint against any such employee of the United States for malfeasance, misfeasance, nonfeasance, or serious neglect of official duty. The judges of the official court shall impose a fine, but not exceeding $5,000, upon the complainant where the complaint is frivolous or insincere. The costs of the proceeding shall fall upon the complainant if not sustained, and upon the defendant if sustained.

Upon such complaint being filed, the judge within whose circuit such complaint is made shall immediately require the evidence to be submitted orally and recorded or by depositions within 10 days from the date of the filing of the complaint, except upon special order where compliance is impossible, and within 10 days from receiving such evidence the judge shall make his findings.

There is hereby authorized an appellate official court to consist of three justices to be appointed by the President, by and with the advice and consent of the Senate.

The appellate official court shall make rules and regulations and determine forms of procedure for the official court and for appeals therefrom; shall have power to issue such writs as may be necessary to exercise its jurisdiction; and shall sit in Washington City, D. C.

All appeals to the appellate official court shall be made within 5 days from date of the publication of the judgment of the judge of the official court and shall be passed upon within 30 days of the receipt thereof.

The appellate official court justices shall hold office for a period of nine years, one for three years, one for six years, and one for nine years, to be determined by lot, and thereafter each justice shall be appointed for a term of nine years and shall have original jurisdiction over cases arising in the District of Columbia.

The appellate justices shall receive a salary of $7,500 annually.

In the event of a final judgment by the official court against an employee or officer of the United States, he shall have the option of resigning within five days of the rendition of the final judgment. In the event his resignation is not submitted, the office shall be declared vacant and filled by a new incumbent.

The dismissal from office under the proceedings herein authorized shall not preclude a trial or conviction under the Criminal Code where a violation of the statutes is exposed.

Mr. ROBINSON. I ask that the amendment which I stated a while ago I intend to offer as a substitute for the committee amendment to section 12 be printed.

The VICE PRESIDENT. It will be printed.

Mr. MYERS. Is the committee amendment to section 12 now before the Senate?

The VICE PRESIDENT. No; the amendment of the Senator from Iowa [Mr. KENYON] to the amendment of the committee is before the Senate.

Mr. MYERS. I desire to offer an amendment to the committee amendment which is identified and being designated as section 12. I move that the committee amendment be amended by inserting between the word "spirits" and the word "for," in line 3 of the printed amendment, the words "or vinous, malt, or fermented liquors."

I wish further to amend by striking out the committee amendment after line 3 in the printed form thereof.

The VICE PRESIDENT. The amendment will be printed and lie on the table. It is not in order now.

Mr. MYERS. I ask that it be printed and lie on the table, and I send to the desk a written form by which it may be printed. I ask that it may lie on the table, to be brought up in regular order whenever we get to voting on amendments.

The VICE PRESIDENT. The question is on the amendment of the Senator from Iowa [Mr. KENYON] to the amendment of the committee. [Putting the question.] The ayes seem to have it.

Mr. MYERS. I ask for a division.

Mr. REED. Let the amendment to the amendment be read.

The SECRETARY. On page 11 in the committee amendment the Senator from Iowa [Mr. KENYON] proposes, in line 21, to strike out the words "foods, feeds, and fuels" and substitute therefor "necessaries as defined in this act."

Mr. SMITH of Georgia. Mr. President, that would put the President of the United States to the duty of buying iron and its products, copper and its products, steel and its products, wool and cotton and their manufactured products, and reselling them to the public. I hope it will not be adopted. I think it would destroy the provision.

Mr. KELLOGG. Mr. President, the amendment simply gives the same power to the President over other necessaries which it gives over fuel and foodstuffs. If the necessity to obtain reasonable prices of other products is not as great as it is to obtain a reasonable price for wheat, then I can not understand the debate in the Senate for the last two weeks on the bill. It is conceded that many of the necessaries named in the first section of the bill have gone up in price, and they are as important as wheat.

As I said before, I believe it is more evident now that the scheme of the bill originally was to force down the price of the farmers' wheat. It is evident now when we come to put in the other great staple necessities of the country and it is objected to giving the President the same power over them that was given over wheat. I know no reason why, if we are going into the price-fixing business, we should not fix the price of some of the other necessaries as much as wheat. To-day you can not sell wheat in the wheat-raising States because we have destroyed the market. Now, go ahead and you will not have any market for the farmer at all.

Mr. SMITH of South Carolina. Mr. President, I merely wish to state to the Senator from Minnesota [Mr. KELLOGG] that he has entirely misstated the object of those who are trying to work out some scheme. It was not the object to lower the price of wheat; I have never heard that seriously discussed by the proponents of the bill; but it was by some means to guarantee abundance enough to meet our requirements, and if it was found that some individual somewhere, by combination of money and men, was forcing it up unduly high that they could deal with that situation. I have talked with those who had this matter under consideration as well as those who originated it, and their object was to guarantee this country and our allies an abundance of wheat. That seemed to be the object of all this legislation.

Mr. HARDING. Mr. President——

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Ohio?

Mr. SMITH of South Carolina. I do.

Mr. HARDING. I wish to ask the Senator from South Carolina if I understood him correctly to say that the bill was not designed to lower the price of foodstuffs.

Mr. SMITH of South Carolina. I am not talking now about what might come out of the bill; but those who are to have the administration of it—Mr. Hoover and others whom our committee have interrogated—have iterated and reiterated that their object was to encourage an abundance of production of foodstuffs by guaranteeing the farmer a profit and relieving him from the menace of inflated prices at one time and reduced prices at another time, and to guarantee a profit that would encourage the farmers to grow plenty of foodstuffs both for America and for the allies.

I believe myself that the bill needs amendment. I do not believe that as it is drawn it is going to carry out the purpose for which it was alleged to have been drawn. I think the language should be modified so that the farmer may not be menaced, or as some one expressed it here that there should not be a club held over anybody but an encouragement from the very first page of the bill to the last page to the patriotic producers of this country to bend every energy to produce a maximum amount so that the menace of starvation or shortage of food will not be before the country.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Missouri?

Mr. SMITH of South Carolina. I do.

Mr. REED. If the Senator believes that the purpose of those who originated the bill is to raise the price of farmers' products, then why does he not want cotton to be included in that beneficial scheme?

Mr. SMITH of South Carolina. I am saying to the Senate now that I am not defending the terms in which the alleged purpose is expressed. My object in rising was to call the attention of the Senate to the fact that if we want to guarantee an

abundance of food in this country we ought to fix the bill so as to guarantee it and not menace the price to the farmer; and I am claiming that in my opinion the bill will be a menace as it is now written. We ought to so frame the bill that it will encourage production and not threaten the man if he does not produce.

Mr. REED. Now, there are two ways of encouraging. There are two ways of producing that result. One would be to write in the bill the price the farmer is to receive. The other would be to write in the bill some provision that would guarantee the farmer if the price of his product were reduced that the price of everything else would be reduced correspondingly.

The amendment which is now before us, which was offered by the Senator from Iowa, is along the line of putting every one of the great necessities under the same control, the idea being that if one is to be reduced the others ought to be correspondingly reduced. I therefore am in favor, if that is the proposition before us, of putting into one common control everything that the farmer buys, because we propose to put into that control everything he has to sell.

Mr. LEWIS. Mr. President——

Mr. SMITH of South Carolina. Just let me answer the statement made by the Senator from Missouri. He said that there are two objects. One is to guarantee a price that will encourage production; the other is to guarantee that what the farmer has to buy will not eat up what little profit might accrue from the price that he may receive in the open market.

Under the present condition and at this stage of my investigation I think possibly the thing for us to do is to agree on some definite price that we know would encourage an abundance of bread production in this country and fix it so that the farmer would get it.

Mr. REED. Very well, now——

Mr. SMITH of South Carolina. Put it in the bill, if necessary in explicit terms, so that there could be no gerrymandering to commit the farmer to a vast acreage over the yield of which he has no control.

Mr. REED. Mr. President, I wish to show my distinguished friend and the Senate just how idle it is to dream that dream by sending to the desk to be read a letter from a farmer in my State, a good-faith farmer, who writes with a stub lead pencil, but I think all the Senate will learn something by listening to the words of this agricultural philosopher. I ask to have it read.

The VICE PRESIDENT. Is there objection?

Mr. SMITH of South Carolina. Before that is done, I merely wish to make one observation. I do not want to be misunderstood. I have had but little to say in the general debate on the bill, but I propose to have something to say before it is closed. I desire to put myself squarely with reference thereto. I think we all agree that Congress should devise some plan by which the menace of a short bread crop may be removed, if possible. The shortage of foodstuffs is the underlying principle of all that is said in the conditions which now confront us. If we make a mistake, it is fatal and can not be remedied, because we can not force the seasons at our sweet will. It is 12 months between one crop and another, and in those 12 months the fate of the war in Europe may be decided. So, now, beginning with another seeding time in the early fall for our foodstuffs, we ought to address ourselves to this question in such a way as to put the possibility so far as our efforts are concerned beyond any doubt—that is to say, that the farmer of this country shall be encouraged to put in grain the last acre possible so that in 1918, in the reaping time, he can be guaranteed if the seasons are favorable an abundant supply of bread. I think we might accomplish that, and I shall at another time give my reasons and set forth the plans by which it may be accomplished.

Mr. REED. Mr. President, I am going to ask now to have the letter read, but I call the Senator's attention to the fact that he has fallen into the error that many have fallen into. They tell us the most important thing is to raise bread. Mr. President, this country has always produced more bread than it has consumed, and if will continue to do it. The most important thing before us is to get our breadstuffs to Europe and to get our munitions and men to Europe. That is more important than the production of breadstuffs.

However, I wish to call attention to the fact that you will find illustrated in this farmer's letter that if you undertake to fix the price for one farm product you will thereby affect the price of every other farm product, and that you can not begin this effort and end it by simply dealing with one commodity.

Mr. SMITH of South Carolina. Mr. President, if the Senator will allow me, I wish to call his attention to a practical illustration that was given to-day. Last year we had a very small potato crop, and the consequence was that potatoes went to $4 a bushel. The enticing price, the profitable price caused the largest acreage of potatoes perhaps in the agricultural records of the country. The result is that now there is a plethora, an overproduction; that is, for the immediate absorption by the market of potatoes. The result is that the price has gone down until by market quotations I saw in the paper yesterday it is $2 a barrel, less than a dollar a bushel.

Mr. SMITH of Georgia. Not here.

Mr. SMITH of South Carolina. I am not speaking about the local market; I am speaking about the market quotations that go into the pocket of the farmer. He was getting $10 a barrel three weeks ago, and he is now getting $2 per barrel and has quit gathering his potatoes. The result will be that next year, with that disastrous experience, he will not plant potatoes, whereas had he been guaranteed a price for all the potatoes that he might grow and the Government had provided perhaps cold storage, cooling and curing houses, and enabled his large crop to be distributed over the 12 months of consumption he would have received a price that would have been profitable to him as well as profitable and beneficial to the consumer. It is that illustration that I have in view. You can not have the farmers plant all their acreage available in grain unless they have some guaranty that the law of supply and demand temporarily will not make them in the selling time the victim of a glutted market.

Mr. REED. Mr. President, let us have the letter read.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

PATTONSBURG, Mo., R. F. D. No. 4, *July 2, 1917.*

Senator JAMES A. REED,
Washington, D. C.

DEAR SIR: I am very much interested in the pending legislation pertaining to food and price control and the revenue measures. I am feeding two carloads of hogs on my place in Harrison County. They will now weigh about 125 pounds each and are worth about 15 cents a pound. The corn we are feeding them is worth on the St. Louis market about $1.70 a bushel, and the alfalfa on which we are pasturing them is worth, when made into hay, about $20 per ton. According to Wallace's Farmer, published at Des Moines, when prices are quoted as above hogs should be worth about $18 per hundred, according to the 10-year average of prices in Chicago. What is the Government going to do? Should I sell the above articles separately or should I finish my hogs and sell them at a price fixed by the Government, which price, if the public press is to be relied on, certain persons in high authority would have fixed away below cost? What do you think will be the policy of the Government?

Ignorance of the fundamental principles underlying the determining of the prices of agricultural products of many Senators and the public press in general is very discouraging to the farmer. Would it not be a good idea to have the elementary principles of economics taught in a "night school," taught in the Capitol, for the benefit of these Senators and some others in high authority who think that the price of wheat, based on the law of supply and demand, is very much too high. The city people of this country have been spoiled. For several decades following the Civil War agricultural products were sold much below cost of production, due to the fact of a peculiar combination of circumstances, as follows: Large quantities of free fertile land, free-soil fertility, the accumulation of geological ages, large numbers of men turned loose at the close of the Civil War, many of whom went on to these free lands, including great numbers of immigrants, and the use of farm machinery for the first time in the history of the world. This combination can never be repeated. From now on agricultural products, like other products, will not for any length of time be produced below cost. The land must now be purchased at a fairly high price and the soil fertility taken out put back. What economic principles govern the price of agricultural products? Based on the law of supply and demand, I believe it can be shown that wheat and hogs are none too high; are, in fact, too low. The wheat crop of the United States in 1916 was about 40 per cent less than in 1915, and the world's wheat crop in 1916 was about 20 per cent less than in 1915. If this "night school" were established in the Capitol, one of the first laws of economics to be taught is Gregory King's, which is as follows:

A necessary meeting a physiological want like wheat, if the normal supply falls short one-tenth, the price increases three-tenths; if the supply is reduced two-tenths, the price is increased eight-tenths; if the supply is reduced three-tenths, the price is increased sixteen-tenths; if the supply is decreased four-tenths, the price is increased twenty-eight tenths; and if the supply is decreased five-tenths, or one-half, the price is increased forty-five tenths, or nine times as fast as the supply is decreased. I understand that considerable wheat has not been shipped from Australia and Argentina because of the distance. Taking this into consideration and the 20 per cent deficit, and apply Gregory King's law, and you have accounted for a great increase in price and according to natural law. Again, as a general proposition, prices depend on the quantity of money. Hundreds of millions of dollars of gold have been imported since the fall of 1915. According to a well-known principle of banking, which might be taught in the "night school," bankers make about $4 of deposit currency out of each dollar of money, and this deposit currency circulates about three times as fast, thus creating, in effect, about $12 out of each dollar of increase in gold, not counting the amount hoarded or in circulation in the hands of the people. This would have considerable effect in increasing prices. Lastly, there are many more men in the armies of the world and fewer in farming, thus increasing the demand, than in 1915. It seems to me, taking the above and other circumstances into consideration, the competitive price of wheat should be around $2.75 to $3 a bushel. It should be remembered that in other years, when there was a surplus of production, Gregory King's law worked in the same proportion, only adversely to the farmer, who was reduced to great extremity. Many city people think the farmer is rich. This opinion is far from the truth to-day. I believe the farmers are the poorest livers, considering their capital. They work long hours, still use the coal-oil lamp, have no plumbing. Their school system is no better in most cases than in frontier times,

and the country church is decaying. The reason they do not improve these things is for lack of the means to do it. And, my dear Senator, enormous consequences hinge on just treatment to the farmer. The open country is the seed bed of our population. City populations, it is generally thought by sociologists, soon die out. Not so the country's. If, then, conditions in the country are not as good or better than in the city, the best will move to the city, and the "runts" will remain in the country to perpetuate our population.

What, then, should be done? In 1916 the farmer got at thrashing time about $1 for his wheat when it was worth about $2.50. Wherein was the difficulty? Lack of information on the part of the farmer. Who was to blame? The farmer should have had a modern rural-school system as good as you have in Kansas City, in which economics and marketing are taught. The Government should have supplied him at thrashing time with all the information as to world's supply, world's demand, and probable price for several years back, and especially for the current year. Why doesn't it do it? What is it doing now? Why doesn't it send out the information at once? Who got that difference last year between the price of wheat in 1916 and the price this spring? The dealers in wheat and futures men. It is well to remember that wheat has probably not been too high, but dealers have got what the farmer ought to have had, thus leaving the farmer with not enough income to keep up his end of our civilization. What we need, I again repeat, is information and some one to take up the slack when great quantities of wheat come to market following the harvest. If the futures men are not allowed to do it, and the Government does not do it and the Government does not furnish us with any more information than in the past at the proper time, we will be worse off than ever. Can you furnish me the desired information?

Please send me copy of the CONGRESSIONAL RECORD for the rest of the session, and back numbers, and any other documents and information pertaining to marketing and food control.

Why not put a tax of, say, 40 per cent on excess war profits, which would probably produce from $800,000,000 to $1,000,000,000? This would enable you to leave out much petty, annoying taxes, and especially that tax that is aggravating. The postage rates, in my opinion, should not be increased.

Very respectfully,

SAMUEL D. GROMER.

P. S.—Of course, the farmers want to do their part to win this war.
G.

Mr. REED. Mr. President, I notice that there has been some smiling about that letter. I undertake to say that that man knows more about economic laws from the farmer's standpoint than the average legislator knows.

Mr. GORE. Does the Senator regard that as any compliment?

Mr. REED. I adopt the suggestion of the Senator from Oklahoma, that that is a very great compliment to this man. I do not agree with everything in the letter, but I do say that there is one part of it that the Senate ought to consider, either in a day school or in a night school. That is contained on the very first page, where he states the proposition that he has hogs that will bring a certain price in the market; that he must feed them corn that will bring a certain price in the market; and that the relation of these two prices must be the answer to what he is to do with the hogs.

It has been suggested here to-day that everything ought to be stricken out of this bill except wheat and coal, and that a guaranteed price should be written in for wheat. Whoever makes that guaranteed price for wheat must bear in mind that if you put the price of wheat too high you will stop the raising of corn, and if you stop the raising of corn to any appreciable extent you will force the slaughtering of the beef cattle and of the hogs of the country when they are immature, and you will produce a meat shortage as a result of overproduction of wheat and an underproduction of corn and other products fit for food. So that we are dealing here with a question that does require study, and it requires a different kind of consideration than this bill has been receiving.

While I am on the floor let me ask the indulgence of the Senate for two or three minutes to say this: I do not think much of that kind of argument which begins by assuming that we must win the war, that the plan which has been proposed will win the war, and therefore that it ought to be accepted at once. Everybody agrees to the first proposition; we must win the war. The second proposition, however, is the one in dispute. Will the plan which has been submitted win the war or will it weaken us in the conduct of the war?

I warn the Senate and I warn the country that if you pass a law here that is unjust to the farmer you will cut off production at its very source, and you will do more to weaken this country than you will by taking the necessary hours to formulate a bill that will not destroy the agriculturist and will not limit production.

Mr. SHEPPARD. Mr. President, I have here a copy of a statement by William Jennings Bryan on the subject of "Beer v. Whisky." I ask to have it inserted in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

BEER V. WHISKY.

The effort to separate beer and wine from distilled liquors, so as to continue their sale and use under laws prohibiting whisky and other beverages containing a large per cent of alcohol, is supported by arguments which are, to a certain extent, plausible, but the movement would not be a serious one if it rested upon argument alone. The real force behind this proposal lies, first, in the financial and political influence of the brewers, and, second, in the appetite of the drinkers. Those pecuniarily interested in the manufacture of beer or in the making of wine quite naturally contend that they are less harmful than stronger drinks, and those who are fond of their beer or wine echo the argument, but it is not likely to convince the disinterested. It may be worth while, however, to lay before the general public the objections to the beer and wine propaganda in order that well-meaning voters may not be deceived.

The first objection is based upon the fact that a surrender to the brewers and wine makers would compel the temperance forces of the country to give up the fundamental proposition upon which their entire fight is built, viz, that alcohol is a poison, and that, because alcohol is a poison, alcoholic beverages are harmful.

To draw a distinction between whisky, for instance, which contains a high percentage of alcohol, and wine and beer, which contain a lower percentage of alcohol, would be like trying to fix a line between moderate drinking and immoderate drinking.

No words have yet been coined which can fix the point at which the use of liquor becomes excessive. The line moves forward as the habit grows—it recedes like the horizon until it is lost in the black night of intoxication. Failure would in like manner, overtake any effort to fix a line between harmless and harmful alcoholic drinks. It is impossible to classify drinks according to the percentage of alcohol which they contain; they must be classified as alcoholic and nonalcoholic, because it is the alcohol in the drink that makes it objectionable.

Alcohol is harmful, first, because of the immediate injury which it does, and, second, because of the appetite which it creates. Scientific experiments have been carried so far as to leave no doubt of the injury which alcohol does to both the physical and intellectual man. Beverages that contain but a small percentage of alcohol will unsteady the nerves and impair the productive value of the drinker, no matter what his occupation may be. They will lessen the accuracy of his aim at target practice; they will increase the number of his mistakes at typesetting; they will confuse his thought and enfeeble his hand. The use of beer and wine increases accidents in industry and decreases the expectancy of the user, as measured by the insurance tables.

But even if it could be shown that the immediate effect of the alcohol contained in beer and wine was not perceptible, it would be unsafe to permit their sale and use, because alcohol produces disease in both the brain and the blood. It creates an appetite which calls for more and more and more.

The beer hall and the wine room are the vestibules, so to speak, of the whisky shop. The brewer and the wine maker are schoolmasters. They take the beginner through the kindergarten and the lower grades, instructing him in the art of intoxication until he is ready to enter upon the career of the drunkard and the sot.

But few of those who develop into whisky drinkers begin with that beverage. They commence with light wines and beer, and then go on from stronger drinks to drinks still stronger as the taste becomes fixed and the craving increases. For this reason some argue that instead of giving a preference to beer and wine it would even be safer to give the preference to the stronger drinks, on the theory that while they might more quickly kill off those already addicted to the liquor habit they would not bring in so many recruits. But it is not wise to prefer either. Both should be put under the ban, for both are enemies to man's welfare and progress.

If anyone doubts the evil effect of beer and wine upon the individual let him visit the saloons and inquire into the habits of those who have not gone beyond these beverages. He will find that even beer and wine benumb the better nature and deaden the sensibilities. They wean the father, the husband, and the son away from the family and its interests as effectually as the stronger drinks. Even before the drinker begins to stagger and reel he becomes brutish, selfish, and inconsiderate. His thirst for beer and wine will have more influence over him than the hunger of wife or child, and the coarse companionship of the bar room will have more charms for him than the holier environment of the home.

If the champions of the beer saloon and the wine room desire real information as to the character of the beverages which they are trying to protect, let them submit the question to the women voters of the country and get their opinion as to the effect of these kinds of liquor upon men. They will find that the female members of the family have accurate knowledge and very positive convictions as to the effect of beer and wine drinking, as well as to the effect of whisky drinking.

But there is also a political objection to the proposition that beer and wine be excepted from the prohibited drinks. The brewers of the United States have in recent years been the most corrupting influence in our Nation, as shown by investigations conducted in several States. No one interested in the purifying of politics can for a moment think of showing favor to so mercenary and conscienceless a group.

The objections to the sale and use of beer and wine are so weighty and so manifest that any truce entered into would be short lived. To prohibit the sale and use of whiskies and stronger alcoholic drinks, while permitting the manufacture and sale of beer and wine, would simply postpone the real struggle and strengthen the adversary for the final fight. The brewers would be encouraged by any consideration shown them and would use the Government's partiality as an argument in favor of the legitimacy of their business, just as the licensed saloon seeks to cover its crimes against humanity with the cloak of legality.

The brewers' corruption fund has grown from year to year as the temperance sentiment has more and more menaced the industry. The investigation in Texas disclosed the systematic efforts of the brewers to pollute the electorate. Huge sums have been spent throughout the country in the support of lobbies and in the subsidizing of newspapers. In Pennsylvania the brewers, by taking refuge behind the objection that their testimony would incriminate them, confessed that they would be proven criminals if they revealed the business methods shown by their books.

The fight that the brewers have made against woman suffrage is another evidence of their determination to oppose anything and everything calculated to lessen their profits. They libel womanhood while they use the barroom vote to defeat laws proposed for the protection of the home.

The country understands that the issue is indivisible. When a short time ago Congress enacted a law prohibiting the sale of intoxicants to any man in uniform, it did not attempt to draw any distinction between whisky and beer; such an attempt would have been met with derision.

The States that have prohibited saloons can not be inveigled into a return to beer or wine. When in 1914 the State of Colorado adopted constitutional prohibition, the city of Denver by a substantial majority rejected an amendment which proposed to reinstate beer. Any action by the National Congress which would seem to sanction the use of beer and wine would make more difficult the enforcement of the laws in the States, now numbering more than half of the Union, which operate alike against all kinds of alcoholic drinks.

The fight must go on: there can be no compromise. Whisky and beer must stand or fall together; it is the alcohol in both that makes them a menace to health, to home, and to all that is highest and best in the Nation. A division of the temperance forces would be disastrous. Any attempt to make a distinction between beer and whisky would drive away more voters than it would draw to the cause.

Those who have entered upon the work of making the United States saloonless will, therefore, give no heed to the plea of the brewer and the wine maker. The manufacture of these so-called milder beverages have, during all the years past, cast in their lot with the distillers. They have been partners in a long career of lawlessness; they have made the barroom a bureau of information on crime; they have clustered about the saloon every form of vice and sin. It is too late now for them to seek an extension of life by promises of reform or of separation from their associates. The entire firm of "Barley-Corn, Gambrinus & Bacchus" must retire from business—a dissolution of partnership is not sufficient.

WILLIAM JENNINGS BRYAN.

The VICE PRESIDENT. The question is on the amendment of the Senator from Iowa [Mr. KENYON] to the amendment of the committee. [Putting the question.] By the sound the ayes seem to have it.

Mr. SMITH of Georgia. I call for a division.

On a division, the amendment to the amendment was agreed to.

RECESS.

Mr. CHAMBERLAIN. Mr. President, I move that the Senate take a recess until to-morrow morning at 11 o'clock.

The motion was agreed to; and (at 5 o'clock and 55 minutes p. m., Thursday, July 5, 1917) the Senate took a recess until to-morrow, Friday, July 6, 1917, at 11 o'clock a. m.

SENATE.

FRIDAY, *July 6, 1917.*

(Legislative day of Thursday, June 28, 1917.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

Mr. ROBINSON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hollis	Myers	Shields
Beckham	Husting	Nelson	Simmons
Brady	Johnson, Cal.	New	Smith, S. C.
Calder	Johnson, S. Dak.	Norris	Smoot
Chamberlain	Jones, N. Mex.	Overman	Sutherland
Curtis	Jones, Wash.	Page	Swanson
Dillingham	Kendrick	Pittman	Thompson
Fernald	Kenyon	Poindexter	Trammell
Fletcher	King	Ransdell	Vardaman
France	Lodge	Reed	Wadsworth
Frelinghuysen	McKellar	Robinson	Walsh
Hale	McLean	Shafroth	Warren
Harding	McNary	Sheppard	Williams
Hitchcock	Martin	Sherman	Wolcott

Mr. ROBINSON. The junior Senator from Arkansas [Mr. KIRBY] is unavoidably absent. I ask that this announcement may stand for the day.

Mr. WOLCOTT. I desire to announce the absence of my colleague, the senior Senator from Delaware [Mr. SAULSBURY], who is detained on account of important business. I ask that this announcement may stand for the day.

Mr. SUTHERLAND. I wish to announce the absence on account of illness of my colleague, the senior Senator from West Virginia [Mr. GOFF]. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Fifty-six Senators have answered to the roll call. There is a quorum present.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed the following act and joint resolution:

On June 30, 1917:

S. J. Res. 13. Joint resolution extending the time within which the "joint resolution authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River" shall remain in effect.

On July 2, 1917:

S. 2453. An act to authorize condemnation proceedings of lands for military purposes.

ASSESSMENT WORK ON MINING CLAIMS.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 33) to relieve the owners of mining claims who have been mustered into the military or naval service of the United States as officers or enlisted men from performing assessment work during the term of such service, which were, on page 1, line 10, after "been," to insert "or may, during the present war with Germany, be"; on page 1, line 12, after "States," to insert "to serve during their enlistment in the war with Germany"; on page 2, line 3, after "assessments," to insert "during the period of his service or"; on page 2, line 5, to strike out all after service," down to and including "resolution," in line 12, and insert: "*Provided*, That the claimant of any mining location, in order to obtain the benefits of this resolution, shall file, or cause to be filed, a notice in the office where the location notice or certificate is recorded, before the expiration of the assessment year during which he is so mustered, giving notice of his muster into the service of the United States and of his desire to hold said mining claim under this resolution."

Mr. WALSH. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. FERNALD. I present a petition signed by a large number of students of Bates College, Lewiston, Me., favoring national prohibition. I ask that the body of the petition be printed in the RECORD, together with the number of the signatures attached thereto.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

To the PRESIDENT and to the SENATORS AND REPRESENTATIVES OF MAINE IN THE SIXTY-FIFTH CONGRESS OF THE UNITED STATES:

Whereas the attention of the country has been called to the fact that "the world's food reserves are low" and that, in view of the necessity of supplying not only ourselves but our allies, "the importance of adequate food supplies, especially for the present year, is superlative"; and

Whereas the liquor manufacturers are now using over 6,000,000,000 pounds of foodstuffs annually, enough to feed 7,000,000 hard-working men for the entire year; and

Whereas in the present congested condition of our shipping and serious lack of adequate transportation facilities the thousands of cars used in the shipment of liquor are imperatively needed for carrying necessities of life; and

Whereas more than 165,000 men are engaged in the manufacture and sale of intoxicating liquor, whose labor is thus really worse than wasted at a time when men are urgently needed on the farm, in the mill, and in the Army and Navy; and

Whereas the morale of our citizens is seriously affected and the efficiency of our men both in the military service and in industry is decidedly lowered by the use of alcohol; and

Whereas we are unalterably opposed to an increased tax on liquor because, since the demand for liquor depends largely on appetite rather than price, the burden would but be shifted to the consumer and then in turn to the suffering women and children of the drinkers' families:

Therefore, we, the undersigned, students of Bates College, do hereby petition the President and Congress of the United States for the prohibition of the manufacture and sale of all intoxicating beverages during the period of war as a necessary and logical conservation measure.

MARION C. DUNNELLS
(And 215 others).

Mr. TOWNSEND presented a petition of sundry citizens of Port Huron, Mich., praying for bone-dry prohibition, which was ordered to lie on the table.

He also presented a petition of the congregation of the First Baptist Church of De Witt, Mich., praying for national prohibition as a war measure, which was ordered to lie on the table.

Mr. CHAMBERLAIN presented a petition of the congregation of the Whitney Avenue Memorial Christian Church, of Washington, D. C., praying for the adoption of the so-called Barkley amendment to the food-conservation bill, which was ordered to lie on the table.

Mr. PAGE presented a petition of the convention of the Episcopal Church of Vermont and a telegram in the nature of a petition from the Broad Avenue Presbyterian Church, of Altoona, Pa., praying for national prohibition during the war, which were ordered to lie on the table.

Mr. HALE presented petitions of S. D. Emery and 14 other citizens of Alfred; of the Hammond Street Congregational Church, of Bangor; of the Drexel Biddle Bible Class, of Portland; of the congregation of the Methodist Episcopal Church of Falmouth and Cumberland; of the Opportunity Class of the Congregational Sunday School, of Wilton; of Sebasticook Grange, No. 306, Patrons of Husbandry, of Newport; of the Piscataquis County Woman's Christian Temperance Union Convention; of the Cumberland County Sunday School Association; of the New Harbor Woman's Christian Temperance Union; of the Christian Endeavor Society of Woodfords; of sundry citizens of Harpswell Center; and of 216 students of Bates College at Lewiston, all in the State of Maine, praying for national prohibition as a war measure to conserve the food supply, which were ordered to lie on the table.

He also presented petitions of the congregation of the Advent Christian Church, of Bangor; of the Congregational Christian Endeavor Society, of Holden; of the Universalist Church of Old Town; and of the Methodist Church Men's Class, of Fairfield, all in the State of Maine; and of the Tristate Conference of Social Workers, of Maine, New Hampshire, and Vermont,

praying for absolute national prohibition, which were ordered to lie on the table.

He also presented a petition of the Piscataquis County Association of Congregational Churches and of the Aroostook and Penobscot Union, Pomona Grange, Patrons of Husbandry, all in the State of Maine, praying for the prohibition of the manufacture of intoxicating liquors from foodstuffs, which was ordered to lie on the table.

He also presented a memorial of Local Union No. 69, International Brotherhood of Stationary Firemen, of Millinocket, Me., remonstrating against national prohibition, which was ordered to lie on the table.

Mr. POMERENE. I have received a large number of letters in the nature of petitions from manufacturers, merchants, and professional men, all citizens of my State, asking for the adoption of national prohibition. I ask that they be received and appropriately referred.

The VICE PRESIDENT. The petitions will lie on the table.

Mr. POMERENE presented resolutions and petitions from the Trinity Methodist Episcopal Church of Portsmouth, of the Highland Avenue Friends Christian Endeavor Society of Columbus, of the First Methodist Episcopal Church of Gloucester, of the Woman's Christian Temperance Union of Clintonville, of the Woman's Home Missionary Society of Piqua, of the Maumee Union Christian Temperance Union of Maumee, of the Board of Temperance, Prohibition, and Public Morals of the Methodist Episcopal Church, of the faculty and students of Wooster Summer School, Christian Endeavor Society of the Putman Presbyterian Church of Zanesville, of the First Presbyterian Church of Ashtabula, of the Woman's Christian Temperance Union of West Salem, of the First Christian Church of Steubenville, Methodist Episcopal Church and Sabbath School of Nevada, of the citizens of Vinton County assembled at McArthur, of the First Christian Church of Steubenville, all in the State of Ohio, praying for national prohibition, which were ordered to lie on the table.

He also presented sundry letters and memorials of sundry citizens of the State of Ohio, remonstrating against national prohibition, which were ordered to lie on the table.

Mr. COLT presented petitions of the monthly meeting of the Society of Friends of Rhode Island, of the Christian Endeavor Society of Perryville, R. I., and of the Local Council of Women of Rhode Island, praying for national prohibition, which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Rhode Island, praying for the proper safeguarding of the moral conditions existing at military camps, which was ordered to lie on the table.

BILLS INTRODUCED.

Bills were introduced, read the first time, and by unanimous consent the second time, and referred as follows:

By Mr. SHAFROTH:

A bill (S. 2552) to provide for leave of absence for homestead entrymen in one or two periods, and for longer times; to the Committee on Public Lands.

By Mr. FERNALD:

A bill (S. 2553) for the relief of Fred W. McConky, jr.; and

A bill (S. 2554) to refund to John B. Keating customs tax erroneously and illegally collected; to the Committee on Claims.

A bill (S. 2555) granting an increase of pension to Sarah T. Cram;

A bill (S. 2556) granting a pension to Charles E. Haskell;

A bill (S. 2557) granting a pension to John B. Wallace;

A bill (S. 2558) granting an increase of pension to Hosea Butterfield (with accompanying papers);

A bill (S. 2559) granting an increase of pension to Nettie A. Bacheldor (with accompanying papers);

A bill (S. 2560) granting an increase of pension to Emery O. Pendleton (with accompanying papers);

A bill (S. 2561) granting an increase of pension to Esburn Nutt (with accompanying papers);

A bill (S. 2562) granting an increase of pension to Mary A. Bragdon (with accompanying papers);

A bill (S. 2563) granting an increase of pension to Freeman D. Myrick (with accompanying papers);

A bill (S. 2564) granting an increase of pension to Bennett B. Fuller (with accompanying papers);

A bill (S. 2565) granting an increase of pension to Moses F. Hurd (with accompanying papers);

A bill (S. 2566) granting an increase of pension to William T. Eustis (with accompanying papers); and

A bill (S. 2567) granting a pension to Lucinda M. Ballard (with accompanying papers); to the Committee on Pensions.

By Mr. JAMES:

A bill (S. 2568) granting a pension to George R. Hamilton;

A bill (S. 2569) granting an increase of pension to William E. Hayden;

A bill (S. 2570) granting an increase of pension to William H. Kelsay;

A bill (S. 2571) granting an increase of pension to Margaret Leming;

A bill (S. 2572) granting an increase of pension to Joseph M. Love;

A bill (S. 2573) granting an increase of pension to Millard C. Loveless;

A bill (S. 2574) granting a pension to Herman Martin;

A bill (S. 2575) granting a pension to John Magowan;

A bill (S. 2576) granting an increase of pension to Lucy Jane Minugee;

A bill (S. 2577) granting an increase of pension to Samuel McClure;

A bill (S. 2578) granting an increase of pension to Henry McClure;

A bill (S. 2579) granting an increase of pension to Eliza E. McElroy;

A bill (S. 2580) granting an increase of pension to Albert P. Ramsey;

A bill (S. 2581) granting an increase of pension to Regina Roller;

A bill (S. 2582) granting an increase of pension to Catherine E. Richards;

A bill (S. 2583) granting an increase of pension to Sallie Rigney;

A bill (S. 2584) granting an increase of pension to Sarah Spurlock;

A bill (S. 2585) granting an increase of pension to Michael O. Sullivan;

A bill (S. 2586) granting a pension to Leander Thomas;

A bill (S. 2587) granting a pension to George Troutman;

A bill (S. 2588) granting an increase of pension to Susan I. Vantine;

A bill (S. 2589) granting an increase of pension to John W. Vick;

A bill (S. 2590) granting a pension to Maude Woods;

A bill (S. 2591) granting a pension to Jesse Abbott;

A bill (S. 2592) granting a pension to Isaac F. Allen;

A bill (S. 2593) granting a pension to William S. Arnold;

A bill (S. 2594) granting a pension to Ulysses S. Baird;

A bill (S. 2595) granting an increase of pension to Katherine Bird;

A bill (S. 2596) granting an increase of pension to Elizabeth C. Bowman;

A bill (S. 2597) granting a pension to Green Brock;

A bill (S. 2598) granting an increase of pension to Alice J. Buck;

A bill (S. 2599) granting an increase of pension to Elijah Bullock;

A bill (S. 2600) granting an increase of pension to Charles M. Cannon;

A bill (S. 2601) granting a pension to Squire O. Baker;

A bill (S. 2602) granting an increase of pension to David Bethurum;

A bill (S. 2603) granting a pension to William W. Cook;

A bill (S. 2604) granting a pension to George T. Cooney;

A bill (S. 2605) granting an increase of pension to Annie B. Dear;

A bill (S. 2606) granting an increase of pension to Mary Robinson Dobyns;

A bill (S. 2607) granting an increase of pension to Thomas Dunam;

A bill (S. 2608) granting a pension to Henry Ford;

A bill (S. 2609) granting a pension to William M. Graham;

A bill (S. 2610) granting an increase of pension to William R. Jones (with accompanying papers);

A bill (S. 2611) granting an increase of pension to Elijah Borin (with accompanying papers);

A bill (S. 2612) granting an increase of pension to Robert L. McFarland (with accompanying papers); and

A bill (S. 2613) granting an increase of pension to Patrick Walton (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 2614) granting a pension to Mary E. Howard;

A bill (S. 2615) granting an increase of pension to Joseph Wolfe; and

A bill (S. 2616) granting a pension to Phoebe Morgan; to the Committee on Pensions.

THE COMMITTEE ON NAVAL AFFAIRS.

Mr. SWANSON submitted the following resolution (S. Res. 96), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Naval Affairs, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-fifth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

CONSERVATION OF FOOD AND FUEL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

Mr. CURTIS. Mr. President, a parliamentary inquiry. Will it be in order at this time to offer an amendment to the House provision or should it be offered after 2 o'clock under the agreement?

The VICE PRESIDENT. It can be offered and lie on the table.

Mr. CURTIS. Then I offer the following amendment to the House text: On page 18, line 22, strike out the word "or" and insert "or other nonbeverage purposes," and strike out the four words "or of alcoholic beverages" in line 23, so as to make a straight prohibition amendment.

Mr. NORRIS. I should like to suggest to the Senator from Kansas that he has the House text and that he should take the pending bill with the committee amendments added to it, so that we may know where the amendment comes in.

Mr. CURTIS. My own judgment is that it should be offered to the House provision as it came to the Senate, but in order to remove any doubt about it I will offer the amendment to section 12, to strike out lines 16, 17, 18, 19, and 20, down to and including the word "beverages" in line 21 and insert the following:

SEC. 12. That no person shall use any foods, food materials, or feeds in the production of alcohol, except for governmental, industrial, scientific, medicinal, sacramental, or other nonbeverage purposes.

Mr. KENYON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. KENYON. We do not reach that section until 2 o'clock under the unanimous-consent agreement. Is not the question in order to proceed with the consideration of committee amendments until 2 o'clock and then to take up the special amendment which was the subject of the agreement?

The VICE PRESIDENT. Yes; but there is no objection to the Senator from Kansas offering an amendment and having it lie on the table.

Mr. CHAMBERLAIN. Mr. President, I propose the following amendment to the amendment of the committee in section 8.

The VICE PRESIDENT. It will be stated.

The SECRETARY. On page 11, line 21, after the word "act" in the amendment to the amendment agreed to, insert the following proviso:

Provided, That if any minimum price shall have been theretofore fixed pursuant to the provisions of section 11 of this act, then the price paid for any feeds or fuels so purchased shall not be less than such minimum price.

Mr. VARDAMAN. I wish to ask unanimous consent to submit some telegrams from the prohibition workers of Mississippi and have them printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD as follows:

BELZONI, OR GREENVILLE, MISS.,
WASHINGTON COUNTY.

Senator JAMES K. VARDAMAN.

DEAR SIR: As president of the Woman's Christian Temperance Union of Washington County, Miss., I write in the name of our organization urging that you help us gain national prohibition as a war measure for the protection of "our boys" and for the conservation of foodstuffs. As you know, the liquor interests are doing all in their power to defeat the measure. In God's name champion our cause. For God and home and our boys and native land.

Mrs. JAMES ALEMETH FINLEY.

—

WOMAN'S MISSIONARY SOCIETY,
METHODIST EPISCOPAL CHURCH SOUTH,
Vaiden, Miss.

UNITED STATES SENATE,
Care of Senator JAMES K. VARDAMAN, *Washington, D. C.:*

Undersigned petition your honorable body to pass the amendment to the Lever bill prohibiting the use of grain for making wine and beer, as well as whisky, during the war.

The above petition was indorsed by vote at meeting held under auspices of the Woman's Missionary Council, Methodist Episcopal Church South, in the city of Aberdeen, State of Mississippi, by the Woman's Missionary Society.

Mrs. T. W. BAKER, *Presiding*
(And others).

—

STARKVILLE, MISS.

Senator JAMES K. VARDAMAN,
Washington, D. C.:

In the interest of humanity and of the Nation in time of war the Methodist Sunday School of this place appeals for legislation against the use of grain or foodstuffs in beer and wine as well as in distilled liquor.

W. W. MAGRUDER, *Superintendent.*

—

STARKVILLE, MISS., *July 5, 1917.*

Senator JAMES K. VARDAMAN,
Washington, D. C.:

By unanimous vote of the Starkville Methodist Church we respectfully request and urge your influence and vote to prohibit the manufacture of grain and other foodstuffs in distilled liquors, beer, wine, or any other alcoholic product for use as a beverage.

T. W. WOODWARD, *Secretary.*

—

SPARKS, OKLA., *July 1, 1917.*

Senator JAMES K. VARDAMAN,
Care of United States Senate, Washington, D. C.:

Ministers and former citizens of Mississippi request that you support bone-dry feature food-conservation bill and do all in your power to secure passage of same.

T. T. HORTER.
N. T. PEAK.

—

PORT GIBSON, MISS., *April 26, 1917.*

Senator JAMES K. VARDAMAN,
Senate Chamber, Washington, D. C.:

The Methodists' Conference of the Port Gibson district, representing 20,000 Mississippi Methodists, pleads that you support legislation looking to prohibition of the liquor traffic as a war measure.

M. B. SHARBROUGH, *President.*
J. D. ELLIS, *Secretary.*

—

SENATOBIA, MISS., *July 2, 1917.*

Senator JAMES K. VARDAMAN,
Washington, D. C.:

Mass meeting Senatobia Christian citizens urge your support of bill to prohibit manufacture whisky and beer during period of war.

GILL.
DEAN.
BERNARD.

—

STARKVILLE, MISS., *July 2, 1917.*

Hon. J. K. VARDAMAN,
United States Senate, Washington, D. C.:

Urge support of prohibition amendment to food-control bill passed by House.

WOMEN'S CHRISTIAN TEMPERANCE UNION,
M. L. MONTGOMERY, *Acting President.*

—

PHILADELPHIA, PA., *July 3, 1917.*

Hon. J. K. VARDAMAN,
United States Senate, Washington, D. C.:

Hearty congratulations on your telegram to Antisaloon League of Mississippi. You told the truth. Keep up your fight to the bitter end. The people are with you, and you will win.

ISABELLA BROWN.
WILLIAM ALEXANDER BROWN.

Mr. REED. I could not understand where the amendment to the amendment went in. Let it be read again.

The SECRETARY. On page 11, after the amendment to the amendment heretofore agreed to, which reads "necessaries as defined in this act," insert the following proviso:

Provided, That if any minimum price shall have been theretofore fixed pursuant to the provisions of section 11 of this act, then the price paid for any feeds or fuel so purchased shall not be less than such minimum price.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. HARDING. I am in receipt of a series of resolutions passed by Pomona Grange, of Delaware County, Ohio. Two of the resolutions are so pertinent to the pending question that I ask consent of the Senate that the Secretary may read resolutions 5 and 6.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

5. The grange reaffirms its unalterable opposition to the liquor traffic, and is very much pleased to learn that the National House of Representatives has so nearly unanimously adopted a prohibitory measure as to the use of grains in the manufacture of intoxicating liquors. It hopes for speedy concurrence on the part of the Senate in this war measure. The grange also believes that such prohibition measures are equally beneficial to our country in times of peace. The grange insists that the alluring temptations of the saloon and the brothel shall not be placed within reach of the flower of our young manhood about to be concentrated in military training camps at various places throughout our country. The grange also insists that it is the duty of our State and Nation to eradicate the saloon from all parts of our country,

whether in times of war or peace, as the only sensible way of dealing with a business creating so great financial, physical, and moral loss to the manhood, womanhood, and childhood of our country. The grange recommends that the liquor now in stock in this country, which is being used to poison our own people should be taken over by our Government, the alcohol extracted and used for mechanical purposes in the development of our country and for the destruction of our enemies.

6. In view of the fact that there have been many recommendations for expense curtailment, and that there is dire necessity for greater production of food products and of economy on the part of our people, the grange calls to the attention of the public the useless and enormous loss by fire of approximately $1,000,000,000 annually, or $10 per capita, by tobacco users. There has been much legislation and prohibition against the smoke nuisance in the cities of our country and against general incendiarism. If it is illegal to erect a building and then to set it afire, is it not equally wrong to grow crops on fertile land that would produce the necessities of life, thus cutting down the high cost of living, and then to set fire to the product raised on such land, and to inhale the poison of tobacco and blow it into the faces of others to be inhaled secondhand, or to chew the weed and then expectorate in a filthy and unhealthy manner in public or private places? The grange recommends that the people generally abstain not only from the use of intoxicating liquors, but also from the use of tobacco, and that farmers be prohibited from using land for tobacco growing.

Mr. McKELLAR. I present sundry petitions from citizens of Memphis, Tenn. They are very numerously signed and I think they are so pertinent to the issue now before the Senate that I ask that one of them be read.

Mr. CHAMBERLAIN. I should like to ask the Senator from Tennessee if they have to do with the pending measure?

Mr. McKELLAR. Yes; I will state to the Senator that they do. The petitions are very short.

Mr. WARREN. Mr. President, I understood that we took a recess last night, and if the debate is to be opened up for the introduction of such matters I have quite a desk full here, and I presume a great many others have. It seems to me we ought to follow one plan or the other; let them all go in, or have them all go out. I think the Senator should withhold his request until he can make it a part of his remarks if he wishes to do so.

The VICE PRESIDENT. Is there objection to reading the petition?

Mr. WARREN. I object.

The VICE PRESIDENT. Shall the petition be read? [Putting the question.] The ayes have it, and the Secretary will read.

The Secretary read as follows:

Senator K. D. McKELLAR and Congressman HUBERT FISHER,
Washington, D. C.:

We, the undersigned, hereby petition you as a spokesman for the people of Tennessee to introduce or cause to be introduced, and to work for the passage of, a bill designed to throw greater protection about the morals of the young men of the United States who are and who will be in the national military and naval service.

We earnestly desire that the praiseworthy orders of our military authorities designed to create "moral zones" about the camps be strengthened in every manner possible. We suggest that it be made a misdemeanor, punishable by a fine or imprisonment, or both, for an immoral woman to come within 10 miles of a military or naval encampment, regardless of its size, and that heavy penalties be provided for those selling liquor to soldiers within 10 miles of a camp, and that similar restrictions be put upon gambling and other forms of vice.

RUSSELL KENT
(And others).

Mr. JONES of Washington. Mr. President, in connection with the consideration of the amendment which is now pending, and in line with the article which has already been read, I desire, as a part of my remarks, to read a telegram, which is dated at Seattle, July 2, addressed to the United States Senate, and is as follows:

The SENATE OF THE UNITED STATES or
SENATOR WESLEY L. JONES,
Washington, D. C.:

Five thousand women members of West Washington Woman's Christian Temperance Union pledge themselves to rigid household economy for conservation of food supplies and vigorously protest against the waste of food products of any kind in the manufacture of beer and wine.

HATTIE B. DUNLAP,
State President W. C. T. U.
ELIZABETH E. THAYER,
State Corresponding Secretary.

Mr. CHAMBERLAIN. Mr. President, I offer the amendment which I send to the desk, to section 8. In view of the amendment which has just been adopted to this part of the bill, the language which I propose to strike out is unnecessary, and the committee recommend striking it out.

The VICE PRESIDENT. The amendment proposed by the Senator from Oregon to the amendment of the committee will be stated.

The SECRETARY. On page 11, line 18, after the word "purchase," it is proposed to strike out the words "in no case paying a less price than the minimum price, if any, fixed in pursuance of this act."

The VICE PRESIDENT. Without objection, the amendment to the amendment is agreed to.

The amendment as amended was agreed to.

Mr. SMOOT. Mr. President, I should like to have the Secretary now read the amendment which we have just acted upon as amended, so that we may know just what it means.

Mr. CHAMBERLAIN. Mr. President, I may state, before the reading of the amendment as amended, in order that the Senator from Utah may understand the bill as it now stands, as to the amendment to the amendment on page 11, in subdivision (b) of section 8, striking out the words "in no case paying a less price than the minimum price, if any, fixed in pursuance of this act," that I have moved to strike out that portion of it because there has already been adopted a provision which clarifies it, and it does not change the sense. The amendment to which I refer reads:

Provided, That if any minimum price shall have been theretofore fixed, pursuant to the provisions of section 11 of this act, then the price paid for any feeds or fuels so purchased shall not be less than such minimum price.

Mr. SMOOT. That follows the amendment which was offered by the Senator from Iowa [Mr. KENYON]?

Mr. CHAMBERLAIN. Yes.

Mr. SMOOT. I should like to have the Secretary read the amendment as amended, including the amendment to the amendment offered by the Senator from Iowa and the one which has just been offered by the Senator from Oregon.

The VICE PRESIDENT. The Secretary will read as requested.

The SECRETARY. On page 11, line 12, after the word, "dependents," strike out the words "for a reasonable time," and insert:

nor shall any person, firm, corporation, or association be required to furnish to the Government any seed necessary for the seeding of land owned, leased, or cultivated by them; (b) in order to guarantee reasonable prices to the producer and to the consumer, to purchase, to store, to provide storage facilities for, and to sell at reasonable prices necessaries defined in this act: *Provided*, That if any minimum price shall have been theretofore fixed, pursuant to the provisions of section 11 of this act, then the price paid for any feeds or fuels so purchased shall not be less than such minimum price.

The VICE PRESIDENT. The Chair lays before the Senate a certified copy of the report of the Federal grand jury in Chicago, and instructs the Secretary to read it.

The Secretary read as follows:

REPORT OF THE GRAND JURY EMPANELED IN THE UNITED STATES DISTRICT COURT OF THE NORTHERN DISTRICT OF ILLINOIS AT CHICAGO, AT THE JUNE TERM, A. D. 1917, AS TO CONDITIONS OF TRADE IN FOOD PRODUCTS.

The grand jurors, owing to the brevity of the term of court for which they are empowered to act and the country-wide extent of the conditions disclosed, have been unable to make that thorough examination which would warrant presenting indictments against individuals responsible for the present trade conditions in certain lines; but, enough evidence appearing to show in outline what those conditions are, and what are the systems of transacting business under which they are produced, the jurors feel that they should at least make a report to the court upon what they have found.

CANNED GOODS.

These goods are not classed as perishable, and do not require cold storage. Canners of vegetables usually dispose of their product by future sales before the vegetables are grown or canning operations begin. The goods get to the consumer through brokers, wholesalers, jobbers, and retailers. The canners, brokers, wholesalers, and jobbers have associations, which select committees whose function is to meet together at intervals. The canners, wholesalers, and jobbers have devised some means for insuring complete cooperation among themselves, which results in keeping the canner from dealing directly with the consumer or with the retailer. Wholesalers and jobbers will not buy from canners, in most cases, otherwise than through brokers. If retailers attempt to resist the combination by purchasing directly from the canner, they find it difficult or impossible to do any further business with the wholesalers or jobbers as to other groceries.

This situation compels the consumer to pay the expense of maintaining these middlemen; and in times like the present, when an unusual demand for food products exists and is likely to continue, these middlemen exert the power that inheres in this system to extort unconscionable profits from consumers, with no proportionate benefit to those who furnish the principal service, to wit, the farmers, canners, and such retailers as are satisfied with a reasonable profit above the cost.

To illustrate the foregoing, we cite the increase of the price of canned tomatoes and corn in passing through the hands of those middlemen during the past year:

Canned tomatoes were sold by the canners in the spring of 1916, through brokers, for future delivery, to wholesalers and jobbers, at 90 cents per dozen cans. These same tomatoes are being sold to-day by wholesalers and jobbers to retailers at $2.25 and more per dozen, and consumers are now getting one can for 25 cents instead of the two or three cans they got for that sum prior to this season. Cans and labels, being furnished by the canners, do not enter into this increase in cost in the hands of the middlemen.

Canned corn, which was sold in 1916 by the canner to the wholesaler and jobber at 65 cents per dozen, is selling to the retailer at $1.75 per dozen and the consumer is paying a proportionately high price.

In view of this situation in the canned-goods trade, and of the existence of similar conditions in the trade in other food products and necessaries, we urge the passage of laws to eliminate these conditions and to reduce prices to a normal basis as soon as possible.

Furthermore, in consequence of these conditions, brokers, wholesalers, and jobbers are in a position to, and many of them do, hoard up, speculate in, and demand excessive prices for, these commodities; and no doubt they are in the same position with reference to many of the other necessaries of life handled by them.

BUTTER.

Because Elgin was at one time a creamery center the people of the United States continue to follow prices quoted as "Elgin" prices, although very little butter is now made or legitimately traded in there. It seems that a few traders and dealers, most of whom are Chicago traders, take advantage of this situation to go to Elgin once a week and make a few trades on the Elgin Board of Trade, and thus establish a price for butter for those who follow Elgin quotations throughout the country. The "board" opens at 11.45 and closes at 12 noon on Saturday of each week. Practically all of the trades made on the "board" are made by these Chicago dealers who go to Elgin to attend this 15-minute session. It is a question whether the Elgin "board" is a real bona fide market for the purchase and sale of butter, it appearing that it is merely a place where a few trades are made as a basis for Elgin quotations by men who are in most cases Chicago traders, who could make those sales in Chicago without taking the trouble to go to Elgin if their only motive is to buy and sell butter.

As shown by the minutes of the 24 meetings of the Elgin board from January 6 to June 16, 1917, an average of four traders made an average of less than two trades a week affecting an average of 51 tubs of butter sold each week. As against these 51 tubs a week handled on the board at Elgin, it appears that during the same period an average of 53,000 tubs have been handled each week in Chicago.

COLD STORAGE.

It has been the practice of cold-storage warehouse companies to lend large amounts of money on perishable food products, such as butter, eggs, poultry, etc., that go into their cold-storage warehouses.

This practice leads to speculation by other than legitimate dealers, and tends to increase the cost to the consumer. It is the opinion of this grand jury that some legislation should be passed prohibiting this practice, and also prohibiting the cold-storage warehouses from borrowing money on their own warehouse receipts on which they themselves have already made loans.

For the purpose of making public the amounts of food products in cold storage it is our opinion that legislation should be passed requiring all cold-storage warehouse companies to make reports under oath to the proper governmental department at specified times, setting forth in detail all food products held in storage by them, and whenever required to do so to furnish the names of those for whom such products are being held.

And further, that the period during which food products may be held in storage should be limited to a reasonable specified time to prevent the carrying of such products from one season to another, which practice has a tendency to limit the supply and increase the price at certain times of the year.

In addition to the reports to the Government from cold-storage warehouses, reports should be required under oath from all persons making use of railroad cars for storage purposes; that is to say, holding of products on the track after a resonable time for unloading.

Many retail dealers in selling food products to the consumer often continue to charge high prices after wholesale prices have dropped, thereby securing illegitimate and unfair profits. It is our opinion that some method of publishing the wholesale price of food products should be instituted so that the housewife may be informed of the value of foods and will know when she is being charged extortionate prices out of line with the price which the retailer is paying the wholesaler.

WHOLESALE DEALERS IN FOOD PRODUCTS.

Some wholesalers and jobbers in food products urge retailers to advance prices to the consumer—advising them to put on higher prices, which gives the wholesaler a basis for charging higher prices to the retailer. To illustrate, one of the largest wholesale dealers in Chicago sent out a circular to its salesmen containing the following paragraphs:

"Our customers, in particular, have very unusual profits within their grasp at this moment. 'Will they throw them away or tuck them away?'

"Jobbers are affected; they are financially interested. They urge that the greatest haul yet made by the retail grocery world be converted into tangible assets. Wholesale houses are not legally appointed custodians or guardians for anybody, but they do have an interest at this time, one that is definable and that must be apparent to all.

"Of what earthly use are 'futures' if the benefits are wantonly wasted?

"No man ever got very far on the road to competency who was a wise buyer but a spineless seller.

"Will the grocer who has long lamented the scantiness of his profits let up now long enough to bring in the heaping basket left on his doorstep?

"Our representatives should make themselves heard at once on this readjusting of retail prices."

Another sent out a circular from which we quote as follows:

"Raise your prices now on everything we have advised you will advance. The goods are worth more money now than they are bringing. As soon as our prices advance, yours must. We are giving you the benefit of our purchases to give you the extra profit. You can get the extra price this week as well as next."

Practices of this kind indicate the necessity of legislation which will absolutely put a stop to the exploitation of war conditions to raise prices to the consumer for the benefit of the few who are handling food products.

CHARLES M. GORGENSON, *Foreman.*

Indorsed: Filed July 2, 1917, at — o'clock — m. T. C. MacMillan clerk.

In the United States District Court for Northern District of Illinois, eastern division.

I, T. C. MacMillan, clerk of the District Court of the United States of America for the northern district of Illinois, do hereby certify the above and foregoing to be a true and correct copy of the report of the grand jury to the court as to conditions of trade in food products as same appears from the original filed in said court on the 2d day of July, A. D. 1917, and now remaining in my custody and control.

In testimony whereof, I have hereunto set my hand and affixed the seal of said court at my office in Chicago, in said district, this 2d day of July, A. D. 1917.

[SEAL.] T. C. MACMILLAN, *Clerk.*

Mr. NORRIS. Mr. President, I inquire if the committee amendment on page 11, beginning in line 13, has been agreed to? I desire to offer an amendment to the committee amendment.

The VICE PRESIDENT. The committee amendment as amended has been agreed to; and if the Senator desires to offer an amendment to the amendment, the action whereby the amendment as amended was agreed to will have to be reconsidered.

Mr. NORRIS. I ask unanimous consent to reconsider the vote whereby the amendment as amended was agreed to, in order that I may offer an amendment to it.

The VICE PRESIDENT. Is there objection to reconsidering the vote whereby the amendment as amended was agreed to?

Mr. CHAMBERLAIN. I will not object, Mr. President.

The VICE PRESIDENT. The Chair hears no objection, and the vote is reconsidered.

Mr. NORRIS. Now I desire to offer the amendment which I suggested the other day and which received the approval of all Senators in the Chamber at that time who gave it any consideration. Section 8, commencing on page 10, is an authorization to the President to requisition foods, and so forth, for the Army and the Navy, and all that section down to subsection (b), in line 16, on page 11, has reference to the power to secure food for the Army and the Navy, to the taking of the food, to the payment, and so forth, for the same, and to giving the persons from whom it is taken, if dissatisfied with the price, a day in court. Then comes the subsection (b), which reads as follows:

(b) In order to guarantee reasonable prices to the producer and to the consumer, to purchase—

That is, the President is given power to purchase—

in no case paying.

That has been modified; but the subsection relates to a subject entirely different and having no relation whatever to the Army and the Navy, but applying to producers and consumers generally. My amendment, Mr. President, is to strike out the letter "b" in the parentheses and substitute therefor "section 9," so that it would be an entirely new section.

Mr. KENYON. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. KENYON. I should like to suggest to the Senator that, if he will read the context, I think he will discover that something more is necessary.

Mr. NORRIS. I think something more is necessary.

Mr. KENYON. Section 8 begins with the words:

That the President is authorized from time to time (a).

Those words could be inserted before the words "in order to guarantee reasonable prices," and so forth, in line 15.

Mr. NORRIS. I intended to offer that if the amendment I have suggested is agreed to. That would make it complete. I presume, however, it might just as well be offered as one amendment.

Mr. KENYON. That should be a part of the amendment.

Mr. NORRIS. I will offer that, then, Mr. President, as part of the amendment. I move to strike out the designation "(b)" and insert in lieu thereof, "Section 9. That the President is authorized from time to time."

The VICE PRESIDENT. The Secretary will state the amendment to the amendment.

The SECRETARY. In the amendment of the committee on page 11, line 16, it is proposed to strike out the semicolon and insert a period after the word "them"; then to strike out the designation "(b)" and insert, beginning a new paragraph, the following:

SEC. 9. That the President is authorized from time to time.

So as to read:

SEC. 9. That the President is authorized, from time to time, in order to guarantee reasonable prices to the producer and to the consumer, to purchase, to store, to provide storage facilities, and to sell at reasonable prices necessaries, as defined in this act—

And so forth.

Mr. CHAMBERLAIN. Mr. President, may I ask if the proviso is added to that?

The VICE PRESIDENT. The proviso remains.

Mr. CHAMBERLAIN. Then, so far as I can assent to it, I am perfectly willing to have that as a new section and to strike it out of the section where it now stands.

Mr. NORRIS. That is the effect of the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nebraska to the amendment of the committee as amended.

Mr. WALSH. Mr. President, I call the attention of the Senator from Nebraska to the fact that the proviso, being that part of the section following line 8, will not then qualify the new section 9. It now does. I do not think that was his purpose. I understood the Senator from Oregon just now to inquire whether the proviso remains in the section. It does remain in the section,

but it qualifies only what remains of section 8, and does not qualify the new section 9, as it does in the original draft.

Mr. CHAMBERLAIN. I thought that the proviso which was added a while ago by a vote of the Senate to subdivision (b) qualified only that subdivision; but if there is any question about that, it probably ought not to be transferred to a new section. My construction of the bill is that the proviso which was added qualified only subdivision (b). I refer to the proviso reading:

Provided, That if any minimum price shall have been theretofore fixed pursuant to the provisions of section 11 of this act, then the price paid for any feeds or fuels so purchased shall not be less than such minimum price.

Mr. SMITH of Georgia. Mr. President, that is quite an important change. I suggest that it ought to be written out in full, and we all ought to be able to see it before it is acted upon.

Mr. CHAMBERLAIN. Then it might be passed over for a moment until it can be written out; but I did not see any objection to transferring that portion of section 8 into a new section.

Mr. KING. Mr. President, I will say to the Senator from Oregon that I do not understand that the proviso to which he has just called attention will be in any manner disturbed or modified if the amendment suggested by the Senator from Nebraska shall be adopted.

Mr. NORRIS. Mr. President, it seems to me that the only suggestion that has been made that might make it necessary to make another change is the suggestion made by the Senator from Montana [Mr. WALSH], who says that the proviso which would then be left in section 8 as it is now would not apply to section 9. It would not be in order to amend that proviso at the present time, because it is not a committee amendment; but I would suggest to the Senator from Montana that that could easily be met by an amendment to the text, so that the proviso should apply to section 9 as well as to section 8. It would not be in order to offer that amendment now, however. I would suggest something like this:

Provided, That nothing in this section or the following section shall be construed—

And so forth. That would meet the objection made by the Senator from Montana, I think.

Mr. SMITH of Georgia. Mr. President, the changes in this section are so great that surely the Senator from Nebraska would be authorized to add the complete provision; and I suggest to him that we would like to see just how the whole of it would read before we vote on it.

Mr. NORRIS. I will say to the Senator from Georgia that the amendment that I have suggested, making a new section of subsection (b), certainly would not have to be reprinted in order to see just what it means; but these other amendments that the Senator from Oregon has offered, that have been agreed to this morning, might have to be. I have no objection to having it go over. The section could be reprinted in full.

The VICE PRESIDENT. The Chair begs leave to suggest that if this is made a new section, it will change the numbering of the other sections of the bill; and as the unanimous-consent agreement applies only to a certain section, at 2 o'clock the Senate will not be considering the section that it thought it was going to consider.

Mr. NORRIS. Let me say to the Chair that my amendment, as I understand it, at least, applies entirely to a committee amendment. Subsection (b) is a part of a committee amendment. I strike that out, and put in some other language. What may be necessary later on in the bill if we should change the section of course would not make this out of order, because it would make the bill inconsistent if such changes were not made.

The VICE PRESIDENT. It is not out of order. The Chair does not care what is done. The Senate is to consider section 12 at 2 o'clock.

Mr. NORRIS. I presume it will necessitate, as very often happens in the consideration of a bill, a renumbering of the other sections, which would be done, when we got to it, by unanimous consent.

The VICE PRESIDENT. The question is on the amendment.

Mr. SMITH of Georgia. Mr. President, what is the amendment?

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 11, in the committee amendment, on line 16 after the word "them," it is proposed to strike out the semicolon and insert a period; then, beginning a new paragraph and a new section, to strike out the subdesignation "(b)" and to insert "SEC. 9. That the President is authorized, from time to time," so that the paragraph will read:

SEC. 9. That the President is authorized, from time to time, in order to guarantee reasonable prices to the producer and to the consumer, to purchase, to store, to provide storage facilities for, and to sell at reasonable prices necessaries as defined in this act: *Provided*, That if any minimum price shall have been theretofore fixed pursuant to the provisions of section 11 of this act, then the price paid for any feeds or fuels so purchased shall not be less than such minimum price.

Mr. HITCHCOCK. Mr. President, I will suggest that the confusion can be avoided if my colleague, instead of making a new section, will simply make a new paragraph of this section. Then everything will read smoothly, and there will be no necessity of changing the number of the section.

Mr. NORRIS. I will say to my colleague that it is already a separate paragraph, as I understand it. The object I had in making a new section of it was because the power conferred in subsection (b) is foreign to and in no way connected with the subject matter of section 8—the power conferred upon the President to buy something for the Army and Navy.

Mr. HITCHCOCK. I do not think there will be any difference in effect if it is simply made a separate paragraph of this section, and it will avoid considerable confusion which will result if you undertake to renumber these sections.

Mr. NORRIS. In the debate the other day, when my colleague was not here, several Senators expressed a doubt as to just what might be done if this were connected up with the Army and Navy power as it is now. Some Senators even expressed the fear that these purchases would have to be made for the Army and Navy, when it is evidently the intention of subsection (b) to have these purchases made in the market for the public generally, and with no reference whatever to the needs of the Army or the Navy. My own idea is that a court would hold that subsection (b) applied generally, just as I think the committee intended it should apply; but I wanted, in the first place, to remove any doubt that might exist. In the next place, I wanted to make it more consistent.

As a matter of fact, here is a certain section of the bill that has to do entirely with the purchase of supplies for the Army and Navy; and tucked into that section is subsection (b), that has no reference to the Army and the Navy, that applies to the country generally and to the people generally. It would be more consistent if that were a separate section.

Mr. HITCHCOCK. I think my colleague will recognize that the second paragraph will have just as much dignity and just as much strength and just as much force as the first paragraph of the section. As he has phrased it, it will read:

That the President is authorized, from time to time, in order to guarantee reasonable prices—

Now, that has just as much force as the first part of the same section would have.

Mr. NORRIS. Let me call my colleague's attention to the next section. It starts out in this way:

That whenever the President shall find it necessary to secure an adequate supply of necessaries for the support of the Army or the maintenance of the Navy, or for any other public use connected with the common defense, he is authorized to requisition and take over, for use or operation by the Government, any factory, packing-house—

And so forth.

Now, that deals with the taking over of factories, storage houses, and manufacturing establishments. It would be just the same from a legal standpoint if we did not make that a new section. We could tack it right on to this section. In fact, on the same theory that subsection (b) is left in as part of section 8 we ought to have only one section to the bill, because the theory of dividing a bill into sections is for the purpose of a better understanding of the bill and its simplification, taking up various subjects in different sections of the bill.

The point I am making is that section 8 deals with the purchase of supplies for the Army and Navy. We ought to have another section dealing with the purchase of supplies on the market by the President and the storing and selling of them to the people generally. We do have that, but we have tucked it into this other section. We have not done anything like that anywhere else in the bill; and it is just to make it consistent, to make it plainer. My own idea is that it does not change its legal effect in any sense.

The VICE PRESIDENT. The question is on the amendment to the amendment.

Mr. SMITH of Georgia. Mr. President, the Senator has not added to his second section this additional language from line 21 on down—the provision making it a revolving fund—or else it was not read.

Mr. NORRIS. Oh, yes. I will say to the Senator that my amendment does not change that.

Mr. SMITH of Georgia. But the Senator did not embody that in his amendment as read. The amendment was read by the Secretary, omitting that language providing that this money should constitute a revolving fund.

Mr. NORRIS. My amendment does not change that.

Mr. SMITH of Georgia. But the Senator did not carry it in his new section, and it ought to be carried in the new section.

Mr. NORRIS. It is in the new section.

Mr. SMITH of Georgia. Not as read by the Secretary.

Mr. NORRIS. hTe Secretary, of course, did not read the entire section. He just read the amendment I offered. It does not change the language anywhere, except that the effect of it is to make a new section. The language providing for the revolving fund will be in section 9 instead of section 8. It will be with this subdivision (b) as it is now. There will be no difference in that respect.

Mr. SMITH of Georgia. But is there no difference in the proposed section which the Secretary read? He read, then, only part of the proposed new section.

Mr. NORRIS. That is all.

Mr. SMITH of Georgia. The Secretary was asked to read the proposed new section, and he stopped, as I heard him, without covering this language in the latter part of section 8. I ask that the Secretary read the entire new section as it will be according to the proposed amendment.

The SECRETARY. The section, as amended, will read as follows:

SEC. 9. That the President is authorized, from time to time, in order to guarantee reasonable prices to the producer and to the consumer, to purchase, to store, to provide storage facilities for, and to sell at reasonable prices, necessaries as defined in this act: *Provided*, That if any minimum price shall have been theretofore fixed pursuant to the provisions of section 11 of this act, then the price paid for any feeds or fuels so purchased shall not be less than such minimum price. Any moneys received by the United States from or in connection with the disposal by the United States of necessaries under this section may, in the discretion of the President, be used as a revolving fund for further carrying out of the purposes of this section. Any balance of such moneys not used as part of such revolving fund shall be covered into the Treasury as miscellaneous receipts.

Mr. KING. Mr. President, I should like to inquire of the Senator having this bill in charge whether he understands that the amendment offered by the committee would be an inhibition upon private parties from selling at prices less than those fixed by the President?

Mr. CHAMBERLAIN. I do not understand that it would, Mr. President. That was not the committee's understanding of it.

Mr. WADSWORTH. Mr. President, it is quite impossible to hear, over here, what is being said. That is a rather interesting question.

Mr. SMITH of Michigan. I hope the Senator from Utah has not any great anxiety about their buying cheaper than the Government does.

Mr. KING. The Senator from Utah has a great deal of anxiety about this bill, as I think every Senator has.

Mr. SMITH of Michigan. Yes; I know the Senator has a great deal of anxiety about it, and that is very praiseworthy; but the suggestion that private consumers are to get a price less than the Government gets is rather astonishing.

Mr. KING. Mr. President, my purpose in making the inquiry was to get the interpretation placed upon the section by the Senator in charge of the bill. It has not been printed as amended, so that it is almost impossible to determine exactly its effect; but I wanted to be sure that this fixing of the minimum price or the maximum price would not be an inhibition upon private individuals from buying or selling from private parties at prices different from those fixed by the President of the United States.

Mr. SMITH of Michigan. Mr. President, I am strikingly in accord with the Senator upon that proposition; but I would not be content with the construction of the language of this amendment even by the distinguished Senator from Oregon, much as I admire him and have great confidence in his judgment. Contemporaneous construction is often valuable, but unfortunately it does not very often enter into the construction of statutes, and is not given the weight that perhaps the legislator intended that it should have.

So far as I am concerned, if this matter is to be reached and any remedy afforded to the consumer of coal, it ought to be done specifically by statute; but we must not depend upon contemporaneous construction, no matter how enlightening that is.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The VICE PRESIDENT. The proviso of the Senator from Oregon referring to section 11, as the Chair construes it, must now be changed to section 12.

Mr. CHAMBERLAIN. Yes; that ought to be changed by the Secretary to conform to the proper section. I ask unanimous consent to insert in line 9, after the word "section," the words "or in the section that follows," so as to make the sense complete in view of the change that has been made. It makes it refer to the proper section.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and it is so ordered.

The next amendment was, on page 12, line 3, to change the number of the section from "11" to "9"; in the same line, after the word "find," to strike out: "that it is impossible by license or by voluntary arrangement or agreement to assure an adequate and continuous supply of necessaries" and insert: "it necessary to secure an adequate supply of necessaries for the support of the Army or the maintenance of the Navy, or for any other public use connected with the common defense," in line 13 after the word "mined," to insert "and to operate the same," so as to read:

SEC. 9. That whenever the President shall find it necessary to secure an adequate supply of necessaries for the support of the Army or the maintenance of the Navy, or for any other public use connected with the common defense, he is authorized to requisition and take over, for use or operation by the Government, any factory, packing house, mine, or other plant, or any part thereof, in or through which any necessaries are or may be manufactured, produced, prepared, or mined, and to operate the same.

Mr. SMITH of Michigan. I should like to ask the Senator in charge of the bill if the word "mine" as used there would cover the tin-plate industry. "Mine" would not cover the tin-plate industry in my opinion, and I should like to inquire if that industry could be reached by the word "factory."

Mr. CHAMBERLAIN. The tin-plate industry was not mentioned in the committee at all, but I think it was intended to be broad enough to cover all of them.

Mr. SMITH of Michigan. The tin-plate industry is very vital to the question of food conservation. As everyone knows, the world has become accustomed to the use of canned food in all forms. I was wondering whether the committee had this in mind.

Mr. CHAMBERLAIN. The committee had not that particular industry in mind, but it was thought by the use of the word "mine" and the use of the word "factory" it would cover everything that the Government wanted to utilize for furnishing its supplies.

Mr. KENYON. I will ask the Senator from Michigan if that question would not be determined by the question whether necessaries as defined in the act include tin plate? The Senator will observe the language he refers to covers only those necessaries, and necessaries are defined in the act. I think it does not cover tin plate.

Mr. SMITH of Michigan. I am very much obliged to the Senator from Iowa. He has given a great deal of thought, and intelligent thought, to the bill. I desired simply to raise the question whether tin plate used in the making of cans, which play such an important part in the conservation and preservation of food products, ought not to be specifically included in the bill.

Mr. SMITH of South Carolina. I should like to ask the Senator from Michigan if tin plate as ordinarily used in the form of cans is not an iron or steel product? We find in section 1 of the bill steel and iron and their products, copper and its products, and so forth.

Mr. SMITH of Michigan. I can not quite agree that either steel or iron would necessarily include tin.

Mr. SMITH of South Carolina. The reason why I asked the Senator the question is that I thought tin was really a veneer, and the bill includes iron or steel products. It would be impossible to make tin cans without the base of the cans, which undoubtedly would be an iron or steel product.

Mr. SMITH of Michigan. I should like very much, if we are aiming directly at that particular feature, to see the language which has just been read so broadened as to include the containers of food products, inserting after the words "food products" the words "and containers therefor."

Mr. KING. I suggest to the Senator from Michigan that if there should be any doubt in his mind as to whether the word "containers" and the words "steel and iron" are sufficient to cover tin it could be reached by amending the first section by adding after the words "steel and iron" the word "tin."

Mr. SMITH of Michigan. The senior Senator from Utah [Mr. SMOOT] calls my attention to an amendment recently made by the committee in the language just stated, which, of course, does cover cans used as food containers, that are so vital and necessary to the preservation of food.

The amendment was agreed to.

The next amendment was, in line 22, after the word "the," to strike out "amount" and insert "compensation"; in line 24, after the word "paid," to insert "75 per cent of"; in the same line, after the word "amount," to strike out "prescribed" and insert "so determined"; on page 13, line 2, before the word "will," to strike out "the amount paid" and insert "said 75 per cent"; in the same line, after the word "will," to insert "make up such amount as will"; in line 8,

after the word "including," to strike out "the operation of any such factory, mine, or plant, or part thereof"; in line 12, after the word "employees," to insert: "*Provided*, That whenever any person or persons entitled to receive such wages are dissatisfied with the rate of wages so fixed by the President, he or they shall have the right to have the reasonableness of such wages reviewed and determined by the Board of Mediation and Conciliation created by the act approved July 15, 1913; and in case said board shall conclude that a higher rate of wages shall be allowed their finding shall be conclusive in the premises, and said board shall prescribe rules and regulations for carrying this proviso into effect," so as to read:

Whenever the President shall determine that the further use or operation by the Government of any such factory, mine, or plant, or part thereof, is not essential for the national security or defense, the same shall be restored to the person entitled to the possession thereof. The United States shall make just compensation, to be determined by the President, for the taking over, use, occupation, and operation by the Government of any such factory, mine, or plant, or part thereof. If the compensation so determined be unsatisfactory to the person entitled to receive the same, such person shall be paid 75 per cent of the amount so determined by the President, and shall be entitled to sue the United States to recover such further sum as, added to said 75 per cent, will make up such amount as will be just compensation in the manner provided by section 24, paragraph 20, and section 145 of the Judicial Code. The President is authorized to prescribe such regulations as he may deem essential for carrying out the purposes of this section, including the purchase, sale, or other disposition of articles used, manufactured, produced, prepared, or mined therein, and the employment, control, and compensation of employees: *Provided*, That whenever any person or persons entitled to receive such wages are dissatisfied with the rate of wages so fixed by the President, he or they shall have the right to have the reasonableness of such wages reviewed and determined by the Board of Mediation and Conciliation created by the act approved July 15, 1913; and in case said board shall conclude that a higher rate of wages shall be allowed their finding shall be conclusive in the premises, and said board shall prescribe rules and regulations for carrying this proviso into effect.

Mr. REED. Mr. President, I wish to ask the Senator who is in charge of the bill, in view of the fact that the committee thinks it necessary to provide a board of appeals to adjust any inequalities or wrongs that may be done in the matter of wages, why a similar board ought not to be created to adjust the matter of prices in the case of a mistake being made in prices?

Mr. CHAMBERLAIN. I do not think there was any suggestion of that kind made to the committee. The proposition was made to insert this provision in the bill with reference to the regulation of wages, applying the law of July 15, 1913, to the act. It was discussed at some length in committee, and the committee by a majority vote inserted it in the bill. I do not think any proposition was made along the line suggested by the Senator from Missouri about an appeal board for the regulation of prices.

Mr. REED. I am asking the Senator not what the committee may have had before it, but I am asking the Senator now what his opinion is in regard to this matter? I agree it is perfectly proper if we undertake to regulate wages that there should be some opportunity afforded for the wage earner to have a hearing before some kind of a board, and I see no objection to the one named in the bill, but if that is to be accorded to the man who works for wages, why should not a similar protection be put in the bill for the man who raises wheat or corn or cotton? Why should he be left without any right of appeal or any board of arbitration to determine the justice of any price that may have been fixed by some other authority?

Mr. CHAMBERLAIN. Does the Senator suggest any concrete proposition on the subject?

Mr. REED. If the Senator has in mind the suggestion I was endeavoring to present, I am suggesting now something which I think is along that line.

Mr. WALSH. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Montana?

Mr. REED. I do.

Mr. WALSH. I inquire of the Senator whether provision has not already been made in the bill for a board in the matter of prices?

Mr. REED. I think not.

Mr. WALSH. I think there is a provision that if the party who accepts 75 per cent is not satisfied the jury shall fix it.

Mr. REED. That is not the matter that I am speaking of. That is where something is taken over by the Government. I am speaking about the effect of the bill upon the prices of farm products. I claim——

Mr. WALSH. The bill provides for the taking of farm products, not from the farmer but from others, and it provides that a board—namely, the jury—shall determine the price. Would the Senator prefer to have an appointive board to determine the price instead of having it determined by the jury?

Mr. REED. The Senator is talking about one thing and I am talking about a different thing. I would rather have a jury decide any question for me than any board on earth. But the proposition I am discussing is this: The effect of this when it is all taken together, in my judgment, is absolutely to deprive the farmer of any free and open market for the surplus farm products of the country, and his price will in fact be fixed by the price which is fixed by the representatives of the allies and of neutral nations and of our own country buying in the market the surplus products. That, together with the fact that an embargo will be placed upon all shipments, except those which go through the particular channels just indicated, amounts to a fixing of the price, and in connection with that there is the fixing of a minimum price which may and may not prove high enough. I think those questions ought to be left to some board or tribunal where there is an opportunity to be heard. That is the reason why I suggested to the Senator in charge of the bill, that if the right is given to the wage earner whose wages have been fixed to have an arbitration, some similar plan ought to be devised to protect the farmer.

Mr. WALSH. I was simply endeavoring to ascertain just exactly what feature of the bill was to be modified so as to provide for fixing it by a board. The President is authorized to go out and buy and fix the price, and an appeal is authorized from that to a jury. What is the other provision of the bill in respect to which the Senator feels a like amendment ought to be incorporated?

Mr. REED. I tried to make myself understood. The bill contains a provision allowing the President to enter the market and buy, through some agent of course, and as to that I am making no complaint. I take it that purchasing power will be exercised for the purpose of keeping the market from going too low. The bill contains a provision also for fixing minimum prices to the farmer. No human foresight can enable anyone to fix that price so that it will cover all exigencies which may arise. For instance, the minimum price is fixed based upon an average crop, yet it may transpire that there is only half a crop, in which event the minimum price will be of no use whatever. That is one thing that I think is entitled to be considered.

The other proposition that I submit is that there are within the bill provisions which I think amount to an absolute control of the farmer's prices found in the fact that an embargo can be declared, and it is understood that one will be declared. That takes away the foreign market, the market for the entire surplus of farm products.

In addition to that, the products sold to the allies are now to be marketed through a common agency; and it is understood that some common agency will probably purchase all of the goods that are to be shipped abroad, whether to the allies or to neutral countries. If that board or agency should fix a price which is too low, it inevitably would result injuriously to the farmer, because, of course, the price paid for the surplus must affect the whole of the crop.

The question I am now asking is, Whether, if we are going to safeguard the wages of labor—and I agree that is proper—there ought not to be some board to which the producer might appeal for a rectification of prices which may be fixed in the manner I have indicated? I think that is worthy of consideration.

Mr. BORAH. Mr. President, I want to submit a few observations——

Mr. FLETCHER. Will the Senator allow an interruption for me merely to submit an amendment to the revenue bill and introduce a few other bills to be printed?

The VICE PRESIDENT. That would be in violation of the rule, and the Chair is compelled to enforce the rule. The Senator having the floor may not be interrupted for the purpose of introducing bills or making reports other than conference reports.

Mr. FLETCHER. With the consent of the Senator having the floor, I suppose it could be done, for it has been done all the time.

The VICE PRESIDENT. The Chair is compelled to enforce the rule, regardless of the action of any Senator.

Mr. FLETCHER. I am perfectly willing that the rule shall be enforced. I only hope it will be enforced as to others as well as myself.

The VICE PRESIDENT. The Chair has been trying to enforce the rule now for two months.

Mr. BORAH. Mr. President, I desire to submit some observations on what is known as the liquor amendment, or section 12, of this bill before we come to a vote upon it. I shall not pause, Mr. President, to discuss any legal question which may be involved in the amendment. If there be a constitutional or legal question involved in it, it is the same that is involved in the entire measure. The amendment adds no new legal proposition to the bill, and any observations which I have to make

upon that question will be made in connection with the legal question which may be involved in the measure as a whole.

I do not support section 12 because of the fact alone that it is a food-conservation matter. I have no doubt that it is an important food-conservation measure; but that is not solely my reason for supporting it. I support it also because I look upon it as a conservation measure relating to human efficiency and to human life. The two propositions, to my mind, are intertwined and interlaced and inseparable. It might be said that the food-conservation question carries with it all others; and if so, one could well say that he supports it for that reason alone; it relates not only to the question of the conservation of food but it relates also, in my opinion, to the question of efficiency of the human system and the conservation of human energy.

Mr. President, a few years ago in a western State, during some labor troubles, it became necessary to invoke martial law. Martial law was invoked and extended over a very large portion of the State, a portion of the State in which thousands of men were in the employ of mine operators and of other owners of industries. It was a very extraordinary situation, one in which riot and crime for a time held almost complete sway. Before those who had charge of the situation could even begin to restore order and law it became necessary to close the saloons and drinking places in that district, and, under the authority of martial law, every saloon and every place where intoxicating liquors were sold or could be had were closed. They remained closed, and the prohibition of the sale and of the drinking of liquor remained in force for many months.

I had an opportunity to observe personally the effect of that upon that entire district, upon the workingmen in the district, upon the industries, and upon the efficiency which it brought to labor. The homes underwent a change which it would be very difficult for language to portray. When night came the laboring man did not remain at the saloon or upon the streets, but he went to his home. When Saturday night came he did not spend the evening in the saloon, but he returned to his home and took his week's pay with him. When he left his home upon Monday morning it was an entirely different home to what he had been in the habit of leaving while the saloons were open. The transformation was simply marvelous.

It is true that there were some complaints at times, but it was not long until all, both those engaged in toil and those employing labor, realized the beneficial effect of it.

The experience which we had there in the few months while those saloons were closed was one of the most potent factors in the cause of absolute prohibition in that State. I had not myself prior to that time been what you would call a radical advocate of the prohibition cause, but I became so by reason of my opportunity of witnessing with my own eyes the effect upon the labor world of taking liquor out of the laborers' lives. It was not by reason of any theory, but by reason of example, as to the effect of which and the importance of which and the significance of which there could be no doubt.

I think I shall recall another instance. A few years ago one of the great timber syndicates purchased an exceedingly large tract of land in a Western State, and determined to erect in the midst of it what was then to be the largest sawmill in the world. They were practical business men; they had no fads or fancies, and no theories about prohibition, but they consulted their attorney as to how they could protect their plant in that State, which was then not "dry." They did it as a business proposition, for the purpose of protecting them against injury and damage suits, and for the purpose of insuring efficiency among their men; simply, if I may use the phrase, as a cold business proposition, the same as they had put their money into timber and for the same reason that they were sawing it into lumber. After consultation with their attorney it was determined, as they were the owners of the land for miles about, they would not sell it at all, but that they would lease it for 99 years, with a forfeiture clause in case of the sale or the use of liquor upon the premises.

The result of it was that they dedicated that large body of land, or that large space of country, in the midst of what was then an "open" State to prohibition. It became the most perfect hive of industry that it has ever been my privilege to see. There never has been a strike in the institution, and I am told, although it is an organized town, now having a population of some seven or eight thousand, that there has never been what is sometimes called a professional agitator in the town for any length of time. I made it my business upon one occasion while there to visit the homes of the workingmen who were in the employ of this great institution, and I was only confirmed in my hitherto formed opinion as to the desirability of eliminating the liquor traffic in its entirety from the labor world; that it not only brought efficiency and greater service to the employer but it was of incalculable worth to the employee. It resulted in building up a different kind and a different class of homes; it gave the community happier families, better clothed and educated children.

These observations, Mr. President, lead me to say, in support of this amendment, that it is not a question alone of conserving food; it is a question of building up efficiency and conserving and utilizing man power not only for the purpose of war but for the great industrial strife which will come when this war shall have closed.

I feel, sir, that a vast amount of this day dreaming, in which we are indulging, as to what will be the attitude of this Nation toward this or that nation, and all the nations toward other nations when this war closes, will be dissipated within a few years after the war shall have ceased, and we will witness again, if the human family continues to be in the future what it has been in the past, the same tremendous strife for industrial supremacy, only a thousandfold stronger, when the organization which has followed as the result of this war is considered. In that great industrial contest, in that great strife, I am just as anxious to see the American laboring man rid of this great evil as I am at this hour when his efficiency and his strength may be necessary for the preservation of his country.

Mr. President, a short time ago martial law was declared in a part of Montana; and the same thing followed with reference to prohibition of liquor in that State, which at that time was not "dry," as in the cases to which I have referred.

I have not the figures before me. I heard the figures stated, however, by the able Senator from Montana [Mr. WALSH] a short time ago as to the decrease in the number of injuries and in the number of deaths which resulted in the mines during the time when the use of liquor was entirely prohibited among the people; and, while I am unable now to give the figures, they struck me at that time as being most extraordinary and exceptional. They teach a lesson which ought to nerve every lawmaker to do his duty in this hour. They tell us a tale that ought to make every friend of labor put aside once and for all this cowardly, cruel plea that to leave the liquor traffic in the open and practically free is to favor labor.

Mr. KING. Mr. President, will the Senator from Idaho pardon an interruption?

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. Yes; I yield.

Mr. KING. I wish to supplement what the Senator from Idaho is saying by stating that I had occasion recently to make some investigation in the State of Arizona as to the increased efficiency of the laboring man in the mines and the fewer accidents since prohibition went into effect in that State, and my observations are in accord with the statement just made by the Senator from Idaho.

Mr. BORAH. I thank the Senator. The Statistical Abstract of the United States shows that during the year 1913, 25,000 men suffered such accidents in the industrial field as resulted in death in the United States alone, not including railroad accidents, and that during that year 700,000 men were injured in such a way as to be temporarily, and in some cases permanently, incapacitated.

Mr. President, if it be true, as has been demonstrated, I think, in the incidents related in a small and circumscribed way, that one of the contributing causes to these accidents, which are so numerous, resulting in the death of 25,000 men in one year and the injury of 700,000 others—if it be true that liquor is one of the great contributing causes, it occurs to me that we can well base our support of this amendment upon other propositions than that of mere food conservation alone.

I referred yesterday to an article printed a few days ago purporting to state the results of limited prohibition in England during the war. The article purports to come from a member of the commission which is charged with that matter in England. He says:

> Great economies have been effected by the restrictive measures adopted and great things have been accomplished in the release of man power for the war and the increase of efficiency in all activities. Further restrictions are almost certain to come soon, and it is a safe prophecy that eventually total prohibition will be voted.

Further quoting, he says:

> Before the war 34,000,000 standard barrels of beer had been brewed yearly, a supply just about sufficient to meet the demand. The Asquith government passed the restricting act cutting the brewing output to 26,000,000 barrels. When the new government was formed the output was cut to 18,000,000 barrels, and then to 10,000,000. This dates from April 1, and the output includes the supply to the military forces.
>
> In grain this means a saving of over 1,000,000 tons yearly.
>
> On February 20 last an order was issued stopping the malting of barley. Now, there is no imported barley used in brewing. The brewers are using the stocks of barley already malted before February, and these will last them until next autumn.

* * * * * * *

The results of this restriction are conclusively shown in the decrease in the number of convictions for drunkenness. In greater London and 36 boroughs in England and Wales, with a population of over 100,000 each, there were 118,267 convictions in 1913 and 52,783 in 1916. Of these 98,115 were men and 28,352 were women in 1913, and 36,711 men and 16,072 women in 1916. In Glasgow there were 5,863 convictions during the first four weeks of 1915 and 3,153 for the same period in 1917. Deaths due to alcoholism in England and Wales decreased from 1,831 in 1913 to 953 in 1916.

Mr. REED. Mr. President——

Mr. BORAH. I yield to the Senator from Missouri.

Mr. REED. I call the Senator's attention to an article in the Washington Post which I think perhaps might be considered along with the figures he has just given. It is very short, and I will read it.

LONDON, *July 5, 1917.*

Andrew Bonar Law, chancellor of the exchequer, announced in the House of Commons to-day that the Government had decided to permit the brewing during the quarter ending September 30 next, of an additional amount of beer not exceeding 33⅓ per cent of the amount already allowed for that quarter.

This action, he said, was taken owing to the greater consumption during the summer months and the difficulties caused by shortage in large centers of population and in the counties where crops are being harvested.

I was just wondering why they ordered more beer under the circumstances that the Senator has described.

Mr. BORAH. Possibly for the same reason and under the same influence that the Senate will adopt this amendment offered as substitute for section 12 of the House bill.

I read further:

The liquor board in its latest report says: "There has been a heavy, rapid fall in convictions for drunkenness which, following upon the operation of the board's earlier orders, has been again consistently maintained. Incidentally, it may be noted that this fact goes far to invalidate the suggestion that the sudden fall in the convictions for drunkenness in the areas mentioned have been largely due to the withdrawal of men for the army.

CONVICTIONS OF WOMEN DECREASE.

"Confirmatory disproof of this suggestion has also been found in figures of the convictions of women, which had decreased nearly in the same ratio as the convictions of men. It is gratifying also to observe that the predictions of reaction have been falsified and, speaking generally, the decrease of the convictions in the areas scheduled more than a year ago or 18 months ago has been well maintained and in many instances has progressed appreciably."

There is more to this article, Mr. President, which I will ask to have inserted in the RECORD.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Without objection, leave will be granted. The Chair hears no objection, and it is so ordered.

The matter referred to is as follows:

The liquor board denies the statement that drinking in the home has increased since the restrictions were placed on public houses, and has examined many allegations to this effect and invariably found that few have been substantiated by facts. On the other hand, medical officers and health officers report that home drinking is decreasing.

* * * * * * *

MINERS' VIEW OF PROHIBITION.

Here is another side. The secretary of the Northumbrian miners said: "We have been told the Government is afraid workingmen would resist prohibition. That might be true in times of peace and even in time of war were our foodstuffs abundant, but to suggest that workingmen faced with a choice such as they now face between beer and bread would choose beer is such a reflection on the character and intelligence of the workingman that I for one repudiate the suggestion.

"The great majority of workingmen like their glass of beer and whisky, and some of them sometimes take more than is good for them. But make no mistake, when the pinch of hunger comes and their wives and children have to go on short food beer will have to go without any question whatever."

Mr. BORAH. I also ask to have inserted in the RECORD a letter which I have from Camden, N. J., the portion of it which I think is proper to go into the RECORD.

The PRESIDING OFFICER. Without objection, leave will be granted. The Chair hears no objection, and it is so ordered.

The letter is as follows:

JUNE 29, 1917.

MY DEAR SENATOR: Camden has 500 acres under cultivation in 10,000 city gardens in order to increase the world's store of food. Hundreds of people in this city are now already underfed because of high prices, and unless every available pound of foodstuff is conserved for the winter's supply the home guards of our cities will have to quell food riots before another crop is gathered.

It would be biting irony to allow foodstuff to be wasted in manufacturing that which men use to unleash the animal within them when the urgency for its conservation is so great and the need to keep the passions strictly under the control of reason is so urgent. And it would eternally blot American statesmanship to continue such manufactured waste in the face of the threatened food shortage, which our brave boys, my only son among them, may find the only unconquered enemy which may bring defeat and disaster upon them and the cause for which they fight. When they left home and native land to help make the world safe for democracy they looked to those in authority to make fighting safe for them.

In the name of God and the country, and for the sake of our sons on foreign soil as well as the crouching poor, I ask that you favor the prohibition of the use of all foodstuff in the manufacture of intoxicants for the period of the war. Grapes can be profitably used in grape juice.

With best wishes, I am, trustingly,
Yours, for humanity,

ZED H. COPP,
Executive Secretary.

Mr. BORAH. I ask permission also to insert as a part of my remarks a very powerful editorial from the North American.

The editorial referred to is as follows:

[From the Philadelphia North American.]

LIQUOR'S FIGHT FOR LIFE.

In his discussion the other day of liquor in relation to the national defense, Prof. Irving Fisher remarked that it was "nip and tuck" with the question in Washington. "Every day," he said, "I find that the situation has mysteriously shifted."

The aptness of the comment will appeal to every observer. On June 4 the rum interests won a substantial victory when the Senate Committee on Finance, in order to sidetrack the general demand for complete prohibition during the war, recommended the levying of prohibitive taxes merely upon distilled spirits, leaving the beer and wine industries untouched. On June 23 the House, with only five negative votes, passed the food-administration bill, including these two drastic amendments: Absolutely prohibiting the use of food materials in the making of any alcoholic beverages during the war, and authorizing the President to commandeer the present stocks of distilled liquors.

As we have often remarked, there has never been a change in American public affairs comparable in force and rapidity to the progress of the war against liquor. "Despite the efforts of the liquor interests and the political machines," we said eight months ago, "this question has quietly and irresistibly thrust itself into the forefront of our public affairs, there to remain until it is settled and settled right." Two years before that we declared that it was even then "the greatest single issue of the day." It is still the overshadowing problem of legislation, for it has become vital in the program which means national defeat or victory, and it is forcing its way to settlement over the desperate defense of the liquor interests and the tacit opposition of the administration itself.

Expulsion of the liquor evil from American life has long been inevitable. During many years moral sentiment built up against it a steadily increasing pressure of condemnation, but when to this was added the force of economic and scientific testimony, impressed upon the public mind in the records of actual experience, the combination was irresistible. At last November's election 4 States voted themselves dry, making 24 in all, and the achievement of a rum-free Nation was only a question of time.

Enormous impetus had been added to the movement, of course, by the convincing lessons of the war. In the supreme test of human efficiency and endurance the nations learned that they could not defend themselves, could not survive the impiacable ordeal, while their vigor and their resources were depleted by alcoholic indulgence. The conviction already reached by the majority of Americans gained unnumbered adherents because of the demonstration in Europe that enslavement to drink meant national enfeeblement and military disaster.

Then, with the entrance of the United States into the conflict, came the final and unanswerable argument—the world-wide shortage of food, the imperative need that the American people conserve the supplies which alone can overcome the deficiency, and the urgent command to eliminate every wasteful practice, even to the revolutionizing of the diet and kitchen economy in the American household. The issue had become "bread or booze," and from the time that was made clear the judgment of the Nation was sure.

So long ago as January, 1914, a constitutional amendment providing for national prohibition won a majority in the House, although less than the necessary two-thirds. But it was the proof which the war gave of alcohol's deadening and debauching effects which put behind the prohibition movement its strongest single influence. At the last national election it not only swept four States, but was potent in changing the political map in many others, liquor Members of Congress and liquor governors and legislatures being displaced.

All the adroit maneuvering of the rum interests and their allies could not keep the issue from challenging the ensuing Congress, and prohibition won two notable victories—the District of Columbia was made dry and the shipment of liquor and the mailing of liquor advertisements into prohibition States was made unlawful after July 1 next.

No sooner had the present session begun than the question became dominant again The House Democratic caucus declared for national prohibition, but reversed the action in one of those "mysterious shifts," this one being due to a plea that the administration should initiate such legislation. The Senate went through a similar contradictory precedure, adding to the espionage bill, and later eliminating, a provision forbidding the use of food in liquor manufacture.

These checks seemed only to invigorate the purpose of those who wanted the Nation to fight with unimpaired strength, and they kept up a "drumfire" of antirum bills, resolutions, and amendments under which the liquor defenses began to crumble. No important bill reached the floor without a determined attempt to fasten upon it some sort of rider that would free the Nation's energies from the hampering evil.

One by one these projects were struck down, not so much because of the liquor lobby's persistent efforts as because of the disfavor of the administration. President Wilson and his subordinates studiously avoided any indorsement of war prohibition, and their attitude was so well understood that even Democratic leaders who were for the principle—such as Chairman LEVER, in charge of the food-administration bill—discouraged the movement as threatening harmony.

But against the overshadowing fact of the food shortage, emphasized in countless official utterances and news reports, all these adverse forces were powerless. President Wilson, Cabinet members, crop experts, and other well-equipped persons conducted a nation-wide campaign to convince the people that this country faced an alarming deficiency in foodstuffs; that America, even at the cost of privation, must sustain its allies; that unless production were increased enormously and wasteful methods in distribution and consumption corrected, conditions would become serious, even critical.

The campaign was a brilliant success. Never were Americans so rapidly or so thoroughly convinced of anything as they were that food was insufficient and misuse of it threatened dire consequences. Waste, in particular, became a prominent theme; and when powerful official discourses were delivered upon kitchen inefficiency, cheaper standards of diet and the necessity for using as food materials commonly discarded

as garbage, public scrutiny of the far-reaching question of waste became intent.

Then some one said "bread or booze?" and started a prairie fire. Americans were ready to admit that they should eat less and modify their tastes in diet and watch their potato parings, but there was no way of estimating such savings; and before their eyes they had, in a single item, the diversion of nearly 100,000,000 bushels of grain every year from food to intoxicating liquor—11,000,000 loaves of bread daily kept from the tables of the American people, with "war bread" and food cards threatened.

In vain the liquor interests pleaded that theirs was a "great" industry, and that it must help to pay for the war, and that in any event the grain used to make booze was only a minute part of the total yield. Too long they had boasted of their stupendous services to agriculture—how they used grain equal to the entire crop of Maine, Connecticut, Delaware, Nevada, New Mexico, and Wyoming; how they guaranteed prosperity to 300,000 farmers; how their shipments amounted to 2½ per cent of the railroad traffic furnished by all manufacturing industries. The people remembered these arguments and refused to consider the wasting of 100,000,000 bushels of cereals and thousands of tons of sugar products "negligible."

So the liquor men concentrated on Congress, and three weeks ago they exulted in having won a profitable compromise in the Senate committee's plan to stop the distillery business by prohibitive taxation and continue the far greater consumption of foodstuffs in making wine and beer.

But this device was ineffective, and once more the advocates of liquor betrayed themselves. They urged vehemently that it would be fatal to prohibit the manufacture of wines and beer, because there were nearly 300,000,000 gallons of spirits in bond which would take the place of the "harmless" beverages. "You will force the man who wants a glass of beer to drink whisky," they said. "You will make moderate drinkers drunkards." Whereupon the people replied that the logical and necessary course was to eliminate both dangers, which they are about to do, unless the overwhelming decision of the House should be defied by the Senate or blocked by administration influence.

Last Saturday's action shows that this has become a fight to the death. Every compromise scheme was voted down, the administration proposal leaving the matter to the discretion of the President, the exemption of beer and light wines, and the substitution of halfway regulations. Special privilege for the breweries was defeated by a vote of 134 to 124. A motion to strike out the prohibition clause was lost, 152 to 136. The administration's discretionary section was displaced, 132 to 114. And in the end the vote was 365 to 5 for the food bill with the provision, "No person shall use any foods, food materials, or feeds in the production of alcoholic beverages." In addition seizure of distilled spirits now available was authorized.

A desperate drive is under way to swing the Senate against this decisive judgment, but in that body there has been from the beginning a strong section of opinion for war prohibition, and it will not grow weaker.

And the great change, if it becomes effective, will not be temporary. As a fact, it is not prohibition for the term of the war that the rum interests fear most: it is the overpowering demonstration which that would give to the moral and economic and financial gain to be derived from final extinction of the liquor traffic. As Prof. Fisher said: "When 80 per cent of our national area, 60 per cent of our population, the National Capital, and the Army and Navy are under prohibition, it seems the logical thing to make it nation wide." And no less logical to make it permanent.

Liquor stands condemned by moral sentiment, by economic experience, by scientific knowledge, and by the relentless test of the Nation's need in war. Let the people once become habituated to the benefits of a saloonless nation and it will be impossible to revive the evil system after peace comes, when the fierce competition of the released nations will demand from the people of this country intense application and a standard of efficiency which will tolerate no such worthless and wasteful indulgence.

Mr. BORAH. I desire to call attention briefly to an article in the Atlantic Monthly by the dean of the College of Agriculture of the University of Illinois, touching directly upon this question of food conservation. The article says, in the beginning:

Because figures are such treacherous factors in all discussion, and because statements so conflicting have been published, it may be well to remark in advance that all estimates of the grain supply are based upon the latest reports of the International Agricultural Society of Rome, the hightest existing authority on world production. As the yields given are for cleaned wheat or for flour in terms of wheat, they are 5 to 10 per cent lower for that particular grain than are other figures frequently published.

The figures giving the amount of grain consumed in the manufacture of liquors are taken from an unsigned article on "Agriculture and the liquor industry," appearing in the yearbook of the United States Brewers' Association for 1914. Inasmuch as the purpose of the article in question was to show how important to farmers is this form of consumption, the figures may be assumed to be authentic, while the source of information can not be questioned.

Further, it says:

When last season's crop is compared with the average for the five years before the war it is found to be fully 200,000,000 bushels short—an illustration of the fact that variations as high as 25 per cent may be due to season alone.

* * * * * * *

These declines may well cause alarm, for they can not easily be recovered in countries engaged actively in war, with a large proportion of the population withdrawn from industry, especially where the usual supply of fertilizers is unobtainable, either because of lack of transportation or because of shortage in materials. The world's wheat supply, therefore, must be written down as permanently unsatisfactory during and for a considerable period after the war, except as America may be able notably to increase her production.

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The yearbook cited gives the consumption in the form of dollars, based upon the average farm values as determined by the United States Department of Agriculture. Computing backward from these prices for the period in question, the consumption in bushels is as follows:

	Fermented.	Distilled.	Total.
Barley	98,803,882	6,057,646	102,861,528
Corn	22,655,260	22,087,756	44,743,016
Rye	.....	7,262,589	7,262,589
Wheat	1,046,557	2,837	1,049,394

Here are nearly 156,000,000 bushels of grain removed from the food supply. Prodigious as these figures are, and while they cover 58 per cent of all the barley raised in the United States and over 17 per cent of all the rye produced, they account for less than 2 per cent of the corn crop and only one-eighth of 1 per cent of the wheat. Does the use of this amount of grain for brewing, therefore, mean a consumption sufficiently serious to attract attention from an economic point of view?

Measured against the tremendous total of the grain crops of the United States, this amount seems insignificant. But in cases of this kind it is not totals but margins that must be considered. In the budget of a big business, for example, any single item seems negligible when compared with the total; but that total is made up of many items, most of which are fixed charges against the business, leaving but little free money for open use. Just so with food products. The millions of mouths that must be fed and the millions more that are coming on constitute a fixed charge against our food supply that will leave at any one time only a small free margin that may be devoted to other purposes with any degree of safety. Let us, therefore, consider that margin.

Mr. Lubin, the American representative in the International Institute of Agriculture already mentioned, estimates that the world is short about 130,000,000 bushels of grain, again exclusive of the supply of the central powers. Now, it is this small shortage that raises the price and makes all the trouble, for it is this that constitutes the difference between abundance and scarcity, between comfort and distress, between safety and danger. This margin, therefore, needs attention.

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Reference to the table will show that this world shortage of 120,000,000 bushels of grain is more than covered by the amounts consumed in the manufacture of liquors in the United States alone. Does not this afford the most ready means of recovering that shortage with both speed and certainty? Is it wise, is it statesmanlike, to continue to consume grain in this way, in the face of a real shortage of food, when even slight margins may constitute all the difference between success and failure in the great struggle that is upon us? The war will turn not upon the fact that some 39,000,000 men are under arms but upon some slight advantage that one side may gain over the other, and no advantage is more important than a safe margin of food.

Another reference to the table will serve to show that it is the fermented rather than the distilled liquors that call for the greatest consumption of grain in the liquor business. That is to say, about 120,000,000 bushels—or approximately the world shortage—are used for fermented liquors, against some 35,000,000 bushels, practically none of which is wheat, used for distillation.

But it is a different matter when we consider fermented liquors. Here are 120,000,000 bushels of grain, partly wheat, all destroyed so far as food values go, except for minor by-products for the feed lot. This is approximately the amount of the world's shortage, and in that sense it is large and exceedingly significant.

There are other paragraphs which I ask leave to put into the RECORD.

The PRESIDING OFFICER. Without objection, leave will be granted. The Chair hears no objection, and it is so ordered.

The matter referred to is as follows:

To transport the grain now used for fermented liquor in the United States alone would require the entire fleet of a thousand wooden ships, such as are now contemplated for the war trade. This 120,000,000 bushels of grain is the equivalent of over half the wheat crop of France or of Canada, and it is twice that of England. It represents the entire grain food of over 15,000,000 people, and that is no negligible amount. It represents in the form of meat no less than 750,000,000 pounds, or the carcasses of more than a million of the heaviest beeves. With people starving abroad, with large sections of Europe desolate, and with food riots beginning in this country as a result of high prices, there can be but one answer to the question whether this wastage shall continue.

Now, it so happens that the same number of the Brewers' Yearbook contains an article on "The economic importance of the liquor business," in which it is shown that this business affords direct employment to some 500,000 men, and indirectly to as many more. To quote the final sentence, "Thus we may reckon on a total of considerably over a million who are dependent for wages upon the manufacture and sale of liquor. If their dependents are considered, a grand total of about 4,000,000 persons is involved."

Here it is frankly stated, as an economic asset, that practically 1 person out of every 25 in the United States is devoted to the liquor business and dependent upon it for support. Can we afford at any time, much less now, so heavy a draft from an unproductive industry, particularly one that subsists by the destruction of necessary food?

Here again the count is chiefly against the fermented liquors, which consume the bulk, not only of the grain, but also of the labor involved both in the manufacture and in trade. Clearly it is the fermented liquor that economic necessity will first attack.

A principal point made in the article first cited from the Brewers' Yearbook is that the liquor business consumes grain equal in value to the total crops grown in the States of Maine, Connecticut, Delaware, Nevada, Arizona, New Mexico, and Wyoming combined. Rhode Island might have been added, still leaving a balance of some seven or eight millions of dollars to be accounted for. Under present conditions this is surely no sustaining argument. Here is the entire crop output of eight States, great and little, consumed in ways other than for food. More than four-fifths of this consumption serves no useful purpose in the arts or sciences, and at the best caters to an appetite that takes bread from children and support from wives and mothers by the thousands.

Mr. BORAH. Mr. President, these facts and figures have been gathered from sources which seem entirely accurate and

reliable; and they disclose that that which is estimated as being the world's shortage of food is the amount which we, as a single Nation, are permitting to be utilized each year in the manufacture of intoxicating liquors. If, Mr. President, these fermented liquors when manufactured and put into use served any good purpose, or were helpful in any way, one could well reason that we ought not to change the program. But when we take into consideration the fact that the manufacture of these liquors not only deprives the world of its margin of food which is necessary for it to have in order to prevent actual and necessary want, but it undermines and destroys to a certain extent the other great source of power in this fight, the man power of the country, it seems to me that we ought at this time to consider both these propositions; and when they are put together and linked together there is no disputing the assertion that if we are for efficiency, for strength, for supreme power, we must close the institutions which consume both our food and our men. Does anyone dispute these figures? Does anyone claim that food is not a supreme issue? Does anyone claim that when you transform it into intoxicating drinks it serves humanity in any way? We are told that it will result in the destruction of property, but that must come sooner or later; like slavery, it must go. It will not be permitted to forever curse the family of man and the sacrifice must come.

Mr. President, I believe the liquor traffic of this country is near its final doom. Powerful influences may procrastinate the hour, but the hour nevertheless approaches. It is in the hour of execution, however, that we hear singular and surprising pleas for commutation. It is then that ingenuity searches the realm of conjecture for some possible fancy upon which to hang a claim for mercy. We have an example of this here and now in this plea for the workingman, who, they say, must have his beer, otherwise he will strike and break his Government down even in the face of the enemy. And following hard upon this plea to favor labor is the plea that the Government must have more revenue. A great metropolitan paper in an ambitious editorial, pleading plaintively in one part of the editorial for the favor of the laboring man, says, in the close of the editorial, the Government must have $450,000,000 in the way of revenue from this traffic. Let us look upon this logic in all its hideous deformity. The average earnings for the laboring man in this country are from $700 to $900 a year. Upon that sum in these times no man can rear a family in decency, no man can educate his children and fit them for citizenship in a Republic. Under such wages men live constantly on the ragged edge of want and in mortal dread of that illness which may leave them at the mercy of charity. Now, in the name of humanity, you will leave them their drink in order that you may more successfully take from the wife and children a little more in the way of taxes, that you may drive them a little nearer the edge of want, that you may handicap them a little more in their effort to get clothes and an education. You would pull $450,000,000 out of labor, out of the scant and meager homes of labor that you may be more merciful with the excess profits of war. It is not only a cold and brutal policy but it is a short-sighted and futile policy. It undermines and impoverishes and finally destroys that force with which we must ultimately win this war and maintain our supremacy as a Nation. It undermines and destroys that force which must win the war in our industrial conflict, which, as I have said, is to follow this war just so sure as one hour succeeds another. But more than that, the whole thing is unfounded and untrue. Labor will not strike for drink, labor and laboring men are not the trouble in this conflict. It is greed—the cold, conscienceless greed that stands in the way, nothing else, nothing more, nothing less.

Sir, another item: Last year the liquor bill of the United States amounted to $2,438,037,985. Our liberty loan completed for the present is $2,000,000,000. Our Red Cross subscription is $100,000,000. So we have at this time represented in the liberty loan and the Red Cross subscription $2,100,000,000, and we have in the other column, representing the amount expended for liquor in a single year, $2,438,037,985. View this question from any standpoint—from the standpoint of revenue, from the standpoint of food conservation, from the standpoint of human energy and human efficiency, from the standpoint of good citizenship, from the standpoint of success in the war—and the appeal comes to us here, representing this entire Nation now, at this time in connection with this question, to put our seal of disapproval upon the liquor traffic in its entirety.

Sir, our country has at last been drawn into this world conflict. We are now a part of it and it is not immodest in us to say that we are now the controlling part, the dominating factor. The final result will be determined by the way in which this Republic discharges this stupendous task, a task the like of which no people in the history of the world ever assumed before. Consciously and unconsciously our people are moving on to duty. We do not know what is ahead of us. But we do know that every ounce of energy, every form of human exertion, every particle of man power must be conserved for this fearful struggle. We do know that that which will weaken, that which will embarrass, that which will undermine and destroy citizenship is now the common enemy of freedom, for it is not too much to say that our civilization and our conception of government are in the balance. In such an hour and with such a task and at a time when the whole Nation is gripped with the spell of sacrifice and the resolve of duty, let us be bold enough and brave enough and patriotic enough to eliminate this common evil, an evil condemned alike by science, by morality, by religion, and even by the god of war. Why falter, why compromise, why palter and dicker and barter with that which spreads poverty and want and disease in time of peace and disaster and defeat in time of war?

Mr. President, when we think of the fact, the indisputable fact, that drink weakens and demoralizes everything and everybody it touches, that it dissipates the energies and shatters the nerves of workingmen, that it causes indifference and carelessness and thereby brings on accidents with their thousands of widows and orphans; when we think of the wrecks, the disasters, the waste, the insanity, the crime which follow in the wake of this devilish thing; when we think of the jails, the prisons, the insane asylums filled by it and then reflect, upon the other hand, that only by our supreme strength and efficiency, by great economy of energy and human life, can we win; and when we think of the glory for all when we shall win, or the shame and humiliation should we fail, how in the name of our common country, in the name of all we have, can we withhold this final fatal blow to the enemy which has vexed and cursed us long enough. Let us strike now. A few for a time may complain, but countless millions throughout our land, in their happier homes, will bless the act and count it among the compensations of this great war.

Mr. THOMPSON. Mr. President, it will no doubt be conceded that I represent the strongest prohibition State in the Union. We have had longer, better, and more successful experience with the prohibitory liquor law than any other State. The benefits to us have been so great and the results so universally satisfactory that our convictions have become so strong on the subject that it has become a part of our religion. We believe it is one of the best laws upon our statutes, and it is the one law we would fight the hardest to retain. After 36 years of experience with the law, there is not 10 per cent of the people of the State who would consent to its repeal. On the question of war-time prohibition I believe that 99 per cent of the people of Kansas are demanding it. We are therefore practically unanimous in our opinion on this important subject. When I was elected to the Senate I pledged the people of Kansas to work and vote for any and all laws which would tend to bring about better prohibition conditions in my State as well as in the Nation, and I have frequently renewed that pledge, and as Senator have always endeavored to carry it out, and shall continue to do so as long as I am in the Senate. Therefore, by reason of that pledge and my duty and obligation thereunder to the people of my home State as well as to the people of the Nation, I shall support the most complete war prohibition measure that is possible to be enacted during this war.

When the question of the conservation of food products by preventing their manufacture into intoxicating liquors first arose it had my heartiest approval, and I was glad it was indorsed by Mr. Hoover, who has been selected by the President to administer this food-control law, and who is believed to be most able and competent to do so. It also seemed to have the approval of the Secretary of Agriculture. Every expert on food regulations and plans for saving who testified before the Agricultural Committee, of which I am a member, sanctioned the advisability and necessity of saving this great food supply which unnecessarily goes into the manufacture of intoxicating liquors every day.

Therefore, in view of this sentiment and the apparent demand and necessity for the legislation, I prepared and, on the recommendation of those who believe as I do on this question, introduced Senate bill No. 2327, on May 21, 1917, which not only embraces the temperance view on this question but also the strongest conservation ideas, prohibiting absolutely the use of food products in the manufacture of any kind of intoxicating liquor for beverage purposes during the war. I wish to insert this bill as a part of my remarks without reading:

A bill (S. 2327) further to provide for the support of the Army by the prevention of the waste of the food products of the United States during the period of war and to prohibit their manufacture into alcoholic liquors, except in certain cases, to provide for the distillation of liquors in bond or heretofore manufactured, and for other purposes.

Be it enacted, etc., That in order to provide for the support of the Army and Navy by the prevention of the waste of all food products during the war with the Imperial German Government, it shall be unlawful during the period of such war for any person, firm, corporation, partnership, or association to use any such food products in the manufacture of intoxicating liquors for beverage purposes. The Secretary of the Treasury is hereby authorized to issue a permit to any reputable and properly qualified person, firm, corporation, partnership, or association to manufacture alcohol from any such food products for munitions or any other purpose necessary to carry on the war, or intoxicating liquors for industrial, scientific, medicinal, or sacramental purposes under such rules and regulations as the Secretary of the Treasury may prescribe.

SEC. 2. That for the purpose of conserving the man power and resources of the Nation, and to increase the efficiency and safety of the Army and Navy, and the people throughout the country during such war, the manufacture, sale, gift, importation, or transportation in interstate commerce of any alcohol or alcoholic liquors for beverage purposes is hereby prohibited.

SEC. 3. That it shall be lawful for any person, firm, corporation, partnership, or association to use, manufacture, or redistill into alcohol for the manufacture of explosives, or other military, industrial, and scientific purposes any and all intoxicating liquors now in existence, or which may be manufactured or distilled prior to 30 days after the passage and approval of this act; and when such liquors are so used, manufactured, or redistilled, the tax thereon for beverage purposes, as now provided for, shall be waived, refunded, or credited on the amount of tax due on such liquors from the owner thereof, and such use, manufacture, or redistillation, and such waiver, refund, or credit shall be provided for under such rules and regulations as the Secretary of the Treasury shall prescribe.

SEC. 4. That the President is hereby authorized to commandeer any such liquors so manufactured or redistilled for the purpose of supplying the needs of the Government in the prosecution of the war, and to pay such owner a reasonable compensation for the same. If the price so determined be not satisfactory to the person entitled to receive the same, such person shall be paid the amount prescribed by the President, and shall be entitled to sue the United States to recover such further sum as, added to the amount so paid, will be just compensation for such liquors in the manner provided by section 24, paragraph 20, and section 145 of the Judicial Code.

SEC. 5. That any person, firm, corporation, partnership, or association who shall violate the provisions of this act shall be punished by a fine not exceeding $5 000, or by imprisonment at hard labor not exceeding one year, or by both such fine and imprisonment. It shall be the duty of the Secretary of the Treasury, the United States attorneys, United States marshals, their deputies and all other United States officers whose duty it is to enforce Federal laws, to carry the provisions of this act into full force and effect.

SEC. 6. That all laws and parts of laws inconsistent with this act shall be repealed to the extent of such inconsistency only.

Mr. President, I also introduced the bill as an amendment to the first food-control bill reported to the Senate, which was afterwards recommitted. The Agricultural Committee finally adopted the main features of the bill, except that the manufacture of wine was left to the discretion of the President should he find it necessary to conserve perishable fruits. This is the amendment which was originally reported by the committee and for which, on reconsideration, the Gore amendment was afterwards substituted by a very close vote in the committee. I voted against the substitute in the committee and shall vote against it in the Senate. I am favorable to the House provision known as the Barkley amendment, because it gives the greatest measure of food and man conservation and would beyond all question result in the greatest saving of all food products which enter into the manufacture of intoxicating liquor and fairly covers the ideas embraced in my own bill.

Mr. President, I believe in war-time prohibition on moral, economic, humanitarian, and patriotic grounds. As a war measure it has the approval not only of the countries with whom we are allied but also of the food administrator, the commanding officers of the Army and Navy, and many leading citizens of the United States.

As Lloyd-George said—

We are fighting Germany, Austria, and drink, and so far as I can see the greatest of these three deadly foes is drink. I have the greatest conviction, based on accumulating evidence, that nothing but root-and-branch methods would be of the slightest avail in dealing with the evil. I believe it is the general feeling that if we are to settle with German militarism we must first of all settle with liquor.

Ex-President Roosevelt said:

The world is facing a shortage of food. Therefore let us use all the grain we have for food and not for intoxicants. Now that the war is on, let us forbid any grain or corn being used in the manufacture of intoxicating liquors.

Ex-Secretary of State William J. Bryan said:

I am in hearty sympathy with the effort to conserve the food supply by not allowing the bread supply to be shortened in order to lengthen the supply of alcohol. It is not wise to starve the people in order to make them drunk.

Mr. Frank A. Vanderlip, president of the National City Bank, of New York, the biggest bank in the country, said:

I strongly favor complete national prohibition. I believe we are facing a serious test of our national character and efficiency, and am firmly convinced that a national prohibition measure would be of transcendent importance in its effect upon the national spirit in conserving and increasing our food supply and in raising the efficiency of the Nation.

The man power released from the liquor industries could be directed into productive channels where the need for labor will be acute and thus be readily absorbed. The needs of the agricultural and industrial situation will make this a peculiarly opportune time to put through a national prohibition law with minimum shock to our economic machinery during the readjustment. The business interests involved should be fairly dealt with, but many of the plants can be readily converted to important industrial uses.

The plea that Government revenue will be seriously curtailed should not influence action, for prohibition will induce a national efficiency which will open new and far richer sources of revenue. I believe public opinion, particularly in the West, but slightly comprehends the seriousness of the test that this war will put us to.

A national prohibition measure would do much to wake up the people to a realization of what war means and demands.

Our own Maj. Gen. Wood, in a recent address in Little Rock, Ark., denominated "booze" the worst enemy to the Army and advocated war prohibition. He also said:

I am glad the twelfth division of the new national army is to be trained in Arkansas, a "bone-dry" State. That will eliminate three-fourths of our troubles. Whisky is the soldier's worst enemy.

A great deal has been said about the high price of coal, and the senior Senator from Ohio [Mr. POMERENE] has rendered a very valuable service to the country by exposing the methods by which the people of the country have been robbed by the coal operators, and his investigation before the Interstate Commerce Committee will no doubt result in the greatest good. But I have here a practical demonstration which shows the effect that prohibition alone would have on the production of coal, and consequently on the price, which I desire to read:

WHITE OAK COAL CO.,
McDonald, W. Va., October 22, 1915.

We have made a comparison for three months prior to June 29, 1914, and for three months subsequent thereto, combining the production of these days for all mines, and the result is shown in the tabulation below:

Two Saturday pay days and Mondays following saloons.

	Tons.
April	10,960.50
May	7,902.20
June	16,752.70
Total	35,615.40

Two Saturday pay days and Mondays following no saloons.

	Tons.
July	24,852.65
August	16,199.55
September	26,761.45
Total	67,813.65
	35,615.40
Increase	32,198.25

It will be noted that the increase is 32,198 tons in favor of "no saloons" in the period mentioned. It is safe to assume that the same rate of increase would be carried out on the corresponding four days of each month throughout the entire year, and if that be the case, the result would show an increased production per annum, due to the absence of liquor in the field, of 128,793 tons.

The production of our mines has increased considerably since that time. I believe that there are more men in the field than there have been for a number of years, all of which would go to combat the theory that it is impossible to secure and keep miners unless they can be regularly supplied with booze.

Yours, truly,

W. B. REED,
Chief Ac ountant.

Considering this question from the standpoint of food conservation alone, I firmly believe that this section is one of the most important in the bill. It is the one section where you can point absolutely, definitely, and certainly to an enormous saving. Practically every pound of foodstuffs that goes into intoxicating liquor is lost; nearly every dollar that is expended in its manufacture is lost, and every dollar that is expended in its purchase after manufacture is lost, and every hour of labor that is employed in its production is lost. The object of this bill is to save foodstuffs, save money, save productive energy, and to save manhood, in order to promote the highest efficiency among the people at home and the army at the front, to quickly and decisively settle this most horrible of all wars to the best interests of humanity, the United States, and the world. We need every pound of food. We need every dollar, and we need every man preserved in his highest physical and moral condition.

As this conflict rages, and the pinch of want becomes more and more perceptible, and the pangs of hunger are gradually felt more or less by everybody, and we are looking about for things to eat, and for the necessary force and energy to finally carry the awful struggle to a successful conclusion, would not 7,000,000,000 pounds of foodstuffs, which unnecessarily go into intoxicating liquor every year, be a godsend? Would not the energy requirements for a year of 7,000,000 men, about the necessary number that will eventually be in the field, which that great quantity of foodstuffs will supply, be a most welcome and important asset?

As the vast expense of the war increases and the resources of the country grow less, would not $146,000,000 expended for these foodstuffs which go into intoxicating liquor every year be most useful in the Treasury? Would not the $2,400,000,000 unnecessarily expended every year for intoxicating beverages

saved for the purpose of carrying on the war be a most determining factor? It is estimated that the total cost of liquor to the Nation for a year is $5,945,096,500, nearly the amount of our present appropriations for the prosecution of the war. I desire here to insert as a part of my remarks the items which go to make up this stupendous sum, prepared by ex-President Eliot, of Harvard University, and Mr. W. G. Calderwood, executive secretary of War Prohibition Committee of Sixty, without reading:

CONSERVATION OF THE NATION'S MONEY ALSO NECESSARY IN WAR TIME.

Attention has been too exclusively directed to the need of conserving food for victory. Wars have been determined by financial resources oftener than by food supply.

What is the direct retail cost of drink to our people?

Ex-President Charles W. Eliot, of Harvard University, in a table quoted in the Union Signal, March 23, 1916, estimates the "annual liquor bill" of the United States at $2,200,000,000. This is a conservative estimate.

What is the indirect cost of drink as a producer of disease, death, crime, accidents, dependency, and inefficiency?

This can not be answered exactly, but is estimated in following table prepared by W. G. Calderwood, executive secretary of War Prohibition Committee of Sixty, and used in a speech by Representative CHARLES H. RANDALL, which explains the estimates in detail (CONGRESSIONAL RECORD, Appendix):

Loss on foodstuffs	$146,000,000
Loss of commercial value of 120,000 lives (destroyed yearly)	966,720,000
Loss time of 589,000 farmers and wage earners	539,000,000
Loss through crime, insanity, and poverty	93,377,500
Loss in production of wealth (by lowered efficiency)	2,000,000,000
Total indirect cost of drink	3,745,097,500
Add direct retail cost of liquors to people (President Eliot's estimate)	2,200,000,000
Total cost of liquors to the Nation	5,945,096,500

Should hunger stare us in the face and we were looking for bread would not 11,000,000 loaves of bread a day—enough to feed 20,000,000 of people at home, or the entire Army at the front abroad—be mighty welcome? It has been estimated that this would be the great saving from war-time prohibition alone. Mr. President, we do know what even a little saving will accomplish. A saving of 20 per cent in our flour consumption would increase wheat exports 100,000,000 bushels per annum, enough to supply the needs of one-fifth of our population, and an amount equal to our annual export before the war. Seven billion pounds of foodstuffs drunk up in intoxicating liquor reduced to bushels of grain amounts to about 120,000,000 bushels, which saving alone represents the world's shortage and might be the means of turning the scales of war. The saving of only 6 cents per day per capita in consumption or waste amounts to $2,000,000,000 per annum, the total of the liberty-bond issue. Prof. Irving Fisher, of Yale College, says:

I am willing to stake my reputation as an economist on the assertion that with prohibition we could add at least 10 per cent to the annual income of the United States, which is forty-five billions of dollars.

An increase of 10 per cent in efficiency among the people at home as well as with the Army at the front by the nonuse of intoxicants might be the means of bringing about the greatest victory.

The saving of 120,000 lives annually by prohibition might furnish the army to bring complete victory and everlasting peace. Mr. Hoover, the food administrator, is calling upon the women of the country to look to the savings of the crumbs that usually fall from the table upon the floor. Does it require any argument to convince us that we should also look after saving the big things when we know where and how to put our hands upon them? Does not all this saving many times offset the loss of revenue or the individual loss to the breweries and distilleries? In the long run there would not be any loss to either. Every brewery and distillery could be almost immediately put to some profitable and legitimate use; and every man employed by these concerns would soon find better employment in some more stable and satisfactory business. Every thinking man knows that sooner or later the breweries and distilleries must go, and indeed many of them have already made arrangements to go, and why not let them all begin in earnest right now when the country needs the foodstuffs they unnecessarily consume and the men they needlessly employ? No; there is no further use to argue for booze as against bread, or for profits as against patriotism. The handwriting is already upon the wall, and even if complete war prohibition does not come now, it is admitted by all that old John Barleycorn has passed in his checks and is now to be buried so deep that he can never be resurrected when peace returns.

This is in itself a mighty big jump, but it is only halfway across the awful chasm through which the dark and bloody stream of waste, destruction, poverty, human suffering, misery, and death, caused by this iniquitous traffic, has been flowing in such terrible torrents for so many years. The other jump will be taken sooner or later, and a failure to take it now at the time of the country's greatest need will bring the wrath of the people down upon the liquor interests of the country so strongly that the rest of the fight will be easily won.

Mr. President, liquor stands condemned by the moral sentiment of the country, by scientific knowledge, by economic experience, and by the supreme patriotic test of the Nation's need in time of war. The Senator from Washington [Mr. JONES] asked why the President did not call upon the brewers to quit this fight instead of upon the temperance people to yield temporarily on account of the importance of the early enactment into law of the other food provisions in this bill. The reason is clear. The President made his appeal to the patriotism of those he called upon. He knew there is no patriotism among the liquor interests of the country, for they would just as leave sell liquor under the Government of the Kaiser as under that of the President, and the chances are they would prefer to do so. There is no patriotism or humanity among men who destroy manhood and homes and who bring tears and suffering to women and little children daily for the almighty dollar. It is a cold-blooded, sordid question of dollars and cents with them. It is high time that "booze" should not be placed above bread or profits above patriotism. Let the people once become acquainted with the munificent benefits of a saloonless Nation and they will never return to the evil and iniquitous system when peace is declared.

Mr. VARDAMAN. Mr. President, the time for expeditious action by the Senate on the pending measure is so overwhelmingly apparent to us all that I shall be very brief in what I have to say this afternoon. I am quite sure that what I may say will not influence the vote of a single Senator. I am persuaded that the Senate has made up its mind on the various phases of the subjects treated in this bill and is ready for definite, final action. And I would not delay action for a moment. I am somewhat skeptical as to the good results that may flow from this legislation, but I know the country is expecting something of the kind, the President desires the power which the bill confers, and I trust that the matter may be enacted into law at the earliest possible moment. I was in hopes when the bill first came from the House that the Senate might adopt the House provision on the liquor question with a slight amendment. If I could have my way about it, I should amend the House bill by prohibiting the manufacture of wine, which is left discretionary with the President. I think Congress should legislate. However great and good the Executive may be, he has enough to engage all his time and talents looking after the executive department of the Government. In favoring the prohibition legislation proposed in this bill I am greatly rejoiced over the fact that I am in perfect accord with the wishes and sentiments of nine-tenths of the white people of the State of Mississippi. We have tried prohibition in Mississippi and find that it works well in time of peace, and I am very sure it will work infinitely better in time of war.

Mr. President, if I should say that I am surprised at the turn things have taken on this question I would not be altogether candid with the Senate. The events that have come or are about to happen "cast their shadows before," and I am prepared for this change of front on the part of the Senate on the liquor question. Feeling so deeply the importance of prompt radical action touching the regulation or absolute prohibition of the liquor traffic at this juncture of the Nation's history my heart bade me hope that the right thing, from my standpoint, might be done by the Senate, while at the same time my intellect doubted. When the mercenary missiles from the metropolitan press, especially the New York World—a sheet famed for the affluence of its mendacity and the endless variety of its conscienceless scurrility in its dishonest criticism of Congressmen who dare to act independently of the dictations of that saintly organ of misinformation that would—

Stamp God's own name on a lie just made
To turn a penny in the way of trade—

I repeat, when these missiles began to fly fast and furious through the mails and fill the air with forebodings of disaster which it urged would surely come when America got sober and the manufacturers of the drunk-making stuff should be induced by law to pursue an innocuous vocation, I confidently expected an early capitulation and surrender to the powers of evil. In that I am sorry to say I have not been disappointed. May I be permitted at this point, Mr. President, to express my regret that the President of the United States did not see fit to employ his virile, trenchent pen and withering sarcasm in holding up to the world the "little bunch of willful" proponents of the liquor traffic to the withering sarcasm, scorn, and obliquy of an outraged public for their threatened efforts in the interest of vile liquor to prevent a speedy passage

of the pending bill, which is so much desired at this time? But a different course was pursued by our honored President. He thought it, if not the best thing to do, the more easily attained probably to ask the prohibitionists to "blow off the hounds and quit the chase" that the bill might be passed even though it should carry no provision prohibiting this unfortunate and nefarious business.

There are two reasons or motives which move me in my advocacy of prohibition in this bill. First, for the conservation of food, and, second, to save the race—the Nation—from the pernicious moral effect of the saloon, and the deleterious effect of drinking intoxicating liquors. I am quite sure that what I may say will not prevent or hinder in any way the thing determined upon from being done. The order has gone forth. But I am going to ask the Senate to indulge me just a moment while I put into the RECORD a few facts, which I trust the American people may read and, after reading, understand. If the average man or woman capable of understanding the facts which I shall put into the RECORD shall look with any degree of tolerance upon the act of the Senate in surrendering to the liquor interests at this time, even though they were ordered by the President of the United States to do it, I shall marvel at the infinite charity which glorifies the heart of such a person.

I will not presume to sit in judgment upon the acts of other men, but if I should prove recreant to duty, if I should betray the cause of temperance when victory for nation-wide prohibition is within our reach, by voting to lay the question aside as a mere matter of expediency, I imagine that I would experience that peculiar sensation which must have filled the heart of poor, unfortunate Judas Iscariot just before perpetrating his last earthly act.

There is too much at stake—human souls, the happiness of homes; in a word, the well-being of society in this life and the life to come—for me to think of deserting the cause which I hold so dear to my own heart and of such vital interest to the people of America.

Prof. Irving Fisher, political economist of Yale University, states certain facts which can not be answered. He says:

"In 1916 the Federal Government received less than $250,000,000 as revenue from alcoholic liquors, and only $89,000,000 of this was from fermented liquors. This is less than 10 per cent of the subscriptions to the liberty loan, less than 5 per cent of a year's war expenditure.

"These taxes are paid by the consumer, who pays in addition $2,000,000,000, which the Government does not get and which is worse than wasted. The Nation loses annually $2,000,000,000 worth of energy in the production of liquors. Under prohibition this expenditure would be transferred to channels truly productive, the Government could still get its $250,000,000, and the people would have $2,000,000,000 more in their pockets in addition food, munitions, clothing, etc.

"Besides this, there would be an increase in productive energy of from 10 per cent to 20 per cent. In Russia textile mills increased their productivity 9 per cent under prohibition; the Russian mines increased their productivity 30 per cent, and the Finnish mines 50 per cent. A Connecticut manufacturer, after careful reckoning, found that elimination of drunkenness would increase his factory's output 20 per cent.

"The total income of the people of the United States is about $45,000,000,000, of which three-fourths consists of wages and profits. By prohibition we would at least gain $2,200,000,000 through the release of human energy, in addition to the $2,000,000,000 saved by diverting drink expenditure to useful production, to say nothing of the saving in the cost of jails, almshouses, asylums, and the reduction of the death rate.

"Prohibition would not destroy revenue. My colleague, Prof. Adams, has suggested a definite scheme for new tax levies. Other schemes are easy to construct. The net result will not be additional economic or tax burdens, but quite the contrary. One might as well argue against a public-health measure to reduce the death rate on the ground that it would reduce the receipts from inheritance taxes. To keep alcohol for revenue is as absurd as to burn a house in order to roast a pig. Even without laying new taxes the old ones would yield more revenue automatically. For instance, the income tax would yield 10 per cent more. Most other tax receipts would increase correspondingly. We could even, for the present, let the tax bill alone and take a quarter or half billion of the oversubscription to the liberty loan.

"We simply can not afford the drink revenue in war time. It costs too much."

Mr. President, the arguments advanced by Prof. Fisher are unanswerable—that is, if words and figures are capable of making an unanswerable argument.

Without reading, Mr. President, on account of the limited time which I have, I am going to ask permission to insert in the RECORD an article from the pen of Prof. A. Caswell Ellis, of the University of Texas. I desire to print this article in the RECORD as the better expression of my own views. It covers every phase of the subject under consideration, and drives to despair the man who would undertake to answer the arguments and facts therein set forth.

The PRESIDING OFFICER. Without objection, leave will be granted. The Chair hears none.

The matter referred to is as follows:

ALCOHOLIC BEVERAGES COST THE NATION MORE THAN THE SPECIAL WAR TAX—USE THE LABOR OF A MILLION MEN AND SEVEN BILLION POUNDS OF FOODSTUFF ANNUALLY.

To start out in a fight for life with a keg of beer strapped on your back is madness, no matter how much you enjoy a glass on occasion.

FAILURE TO STOP GREAT WASTE NOW IS TREASON.

The United States is face to face with a crisis in her own history and in the history of the human race. Whether government of the people, by the people, and for the people shall perish from the earth rests largely in our hands. Opposed to us is the greatest military and industrial machine the world has ever seen. For three years it has withstood the attacks of 20,000,000 brave men armed with all the weapons of science, adding each year new areas to its conquests, and to-day having in the field more men and equipment than ever before.

Seven million able-bodied men have already been killed and over 50,000,000 more are either in the trenches and training camps or are busy making munitions and army supplies. It is imperative that those left for the factories and field be brought to the highest possible efficiency and that every useless expenditure of material and men be stopped at once. Failure to strip our Nation of its greatest needless handicap to efficiency as we enter this war would be a colossal mistake; to dodge the issue from cowardice or from selfish considerations is treason.

THE LIQUOR BUSINESS THE LARGEST SINGLE WASTE.

The Nation's largest single waste is undoubtedly in the liquor traffic. The loss from the use of alcoholic beverages falls mainly under five heads: (1) The amount of foodstuff used in their manufacture and the human energy, the houses, and transportation facilities employed in the business; (2) the sickness and death resulting from the use of alcoholic beverages; (3) the lowered efficiency in work resulting from drinking by millions; (4) the crime due to drink; (5) the waste of public funds due to debauchery in public office because of the liquor fight.

THE FOOD WASTE.

The internal-revenue reports for 1916 show that 3,603,911,916 pounds of grain and molasses went that year into distilled spirits, and the census of 1900 (Vol. V, p. 602) shows that 2,260,266,146 pounds of corn, malt, and barley went that year into fermented liquors. The 50 per cent increase from 1900 to 1916 in the amount brewed would make 3,390,399,219 pounds as the amount used for fermented liquors in 1916.

A group of the most distinguished and reliable physiologists and economists in Harvard and Yale have shown that, after taking out one-sixth of this 6,994,311,135 pounds of foodstuff to produce denatured alcohol, there is left enough wasted food material each year to supply the energy requirements of 7,000,000 men for a year.

Why should we waste this enormous food supply and then ask the women to peel the potatoes a little thinner and force millions of poor women and children to go on half rations?

Is such saving of drops at the spigot while wasting a stream at the bunghole a reasonable act?

THE MEN AND MATERIAL WASTED.

But the waste of foodstuff is only the beginning. The Other Side (Apr. 2, 1917), published by the National Wholesale Liquor Dealers' Association, gives 1,600,000 as the number of wage earners employed in the liquor business in the United States. The recent advertisement by the brewers states that hundreds of thousands of men are employed by them alone. I can not vouch for the reliability of these figures, but if even half that many, or 800,000 men, are working in the alcoholic-beverage business, they are badly needed now in the new places created by the war and those that will be left vacant by the 2,000,000 men who are going to the trenches. We are short of clerks, accountants, carpenters, brick masons, building material, freight cars, teams and wagons, autos, industrial alcohol, and glass jars. Our Nation needs now for more useful service to humanity not merely the 7,000,000,000 pounds of foodstuff worse than wasted but the hundreds of thousands of men, distilleries,

breweries, warehouses, stores, freight cars, autos, teams, wagons, and tons of glass now used up in the manufacture, distribution, and sale of alcoholic drinks.

$1,750,000,000 PAID OVER THE BAR EACH YEAR.

No one knows exactly how much society pays directly for the support of all this army of men and billions of pounds of material and equipment employed in the liquor business. The lowest estimate made by a responsible party, and based on accurate revenue reports, of the amount paid by our Nation over the bars for alcoholic drinks is $1,750,000,000, or almost exactly the value of the average corn crop of the Nation, and nearly three times the value of an average cotton crop at 10 cents a pound. It is more than the amount of the special war taxes for the year. As it has been shown clearly by disinterested scientific men that even the little food value of the 2 ounces of alcohol that the body can use in a day is in nearly every case more than made up for by bodily wastes produced by the presence in the body of alcohol, this vast sum is just as completely wasted by the Nation as if we used all those hundreds of thousands of men and myriads of tons of food and equipment in shoveling sand on the beach to the right all the morning and then back to the left again all afternoon for the period of the war. Is that the act of intelligent beings?

COST OF SICKNESS AND DEATH RESULTING FROM ALCOHOL.

But what we are doing is worse than paying two billion a year for shoveling sand on the beach. We are allowing the sand to be shoveled into the organs of our bodies and the wheels of industry. Sixty-eight thousand men and women (valued at $1,700 each, or a total of $116,000,000 worth) die in the United States each year from diseases produced by alcohol. The records of 43 American insurance companies from 1885 to 1908, covering 2,000,000 policyholders, show a death rate in excess of the average for very moderate drinkers of 18 per cent, for those occasionally drinking to excess of 50 per cent, and for heavy drinkers of 86 per cent. A number of large separate companies here and abroad have recently published results of their experience that are more striking even than the above. (See Atlantic Monthly, November, 1916.)

Similarly, the reports of the South Australian sick benefit societies show that societies admitting both drinkers and nondrinkers have 92 per cent more cases of sickness per member than do societies admitting only abstainers, and that the members remain sick, on the average, 70 per cent longer. The records of the Leipsic sick benefit societies show that between 25 and 45 years of age habitual "drinkers" were sick 2 7/10 times as often as the average insured person. American, English, and other records show similar facts. One-fourth of our insanity (costing $40,000,000 per year) and probably one-fifth of feeble-mindedness are due to alcohol. Also every commission that has investigated vice has reported alcohol as responsible for a large part of moral debauchery and probably over 50 per cent of venereal disease. Half of the houses of shame in Cincinnati actually had to close for want of support when the selling of alcoholic drinks was forbidden in all such places. Laboratory experiments have clearly shown that minute quantities of alcohol in the blood lower the powers of the blood serum and blood corpuscles to resist the germs of many diseases. These and numerous other similar facts make it very conservative to say that 10 per cent of the preventable diseases of the Nation are due to the use of alcoholic beverages. As our annual loss from preventable disease is admitted to be $1,500,000,000, this means that at least $150,000,000 is wasted by us each year through diseases caused by alcohol.

$600,000,000 WASTED THROUGH LOWERED WORKING CAPACITY.

No one knows exactly how much the productive capacity of the Nation is lowered by reductions of working power in moderate drinkers when not sick. Tests made by unbiased scientists in Germany and Switzerland showed that even as little as two to four mugs of beer a day cut down the work done by moderate drinkers 8 per cent in setting type, reduced the number of hits made in army rifle practice seven-eighths, and increased the time required for heavy mountain marches 22 per cent. Memory power and higher mental activities were reduced 40 per cent or more, although in this and in the sample activities the subjects thought they were doing better when under the influence of the alcohol. Numerous studies made in school and factory work have shown that alcohol usually reduces working power considerably and increases accidents and the destruction of material. While there may be some exceptions to the rule, it is certainly a safe estimate to assume that moderate drinkers are, on the average, 10 per cent less efficient because of alcohol. If one person in five is a moderate drinker, then 2 per cent of our national efficiency is destroyed by alcoholic beverages. The products of human efficiency on farms, and in mines, factories, etc., in the United States are worth about thirty billion per year. Two per cent of this, or $600,000,000, is therefore the price we pay in lowered efficiency for using alcoholic beverages very temperately.

$300,000,000 WASTED IN CRIME.

Conservative estimates by well-informed men place the cost of crime in the United States at $600,000,000 per year. The lowest estimate made of the part of this crime due to alcohol is 30 per cent and the highest is 70 per cent. Probably about 50 per cent, or $300,000,000 worth, is the amount of crime due directly or indirectly to our toleration of alcoholic drinks.

UNKNOWN MILLIONS WASTED THROUGH DEBAUCHERY OF PUBLIC OFFICE.

While we have many worthy officials, both pros and antis, who are well prepared for the duties of their offices, it is painfully obvious that hundreds of millions of money and invaluable opportunities for development of our resources are wasted by officials elected not for their fitness for the office but because either of their friendliness for or hostility to the liquor interests. This will continue as long as any considerable body of voters is left who attack the saloons, and it looks as if such a body will continue at least for the period of this war.

TOTAL PRICE PAID FOR HAVING ALCOHOLIC BEVERAGES.

For the privilege of using alcoholic beverages indiscriminately, then, we are paying each year this price:

The labor of about a million men; 7,000,000,000 pounds of foodstuffs; houses, land, transportation, etc., all to the value of	$1,750,000,000
68,000 men and women killed by alcohol	116,000,000
Sickness produced by alcohol	150,000,000
Lowered efficiency in work due to alcohol	600,000,000
Crime due to alcohol	300,000,000
Debauchery in public office	
Total yearly cost of alcoholic beverages	2,916,000,000

This is nearly double the amount of the special taxes asked for the support of the war for the first year. Can any rational man justify the waste during this emergency of three billion a year, including the use of 7,000,000,000 pounds of foodstuffs and the labor of a million men, merely in order that drunkards may have better opportunities to get drunk and moderate drinkers may lower their working efficiency with greater convenience?

WHAT CAN BE DONE?

Plainly the manufacture, distribution, and sale of alcoholic beverages ought to be stopped at once. The property employed in the business and the stock of liquors on hand should be taken over by the Government immediately and paid for at a price that is fair to the owners as well as the public. Every reasonable help should also be extended to those now employed in the business in finding promptly another employment. Such a plan would really benefit all concerned, as it would give the liquor men the only chance they are likely ever to have to dispose of their property before it is confiscated. On the other hand, the Government can now, with comparative ease, find a use for most of the distilleries, breweries, and other equipment in making munitions, industrial alcohol, and other supplies urgently needed. The supply of liquors on hand could be converted into munitions or sold for medical purposes as seemed best. In this way neither the liquor men nor the public will suffer seriously, while the Nation will step up on a plane of vastly higher efficiency in this war and in the peace that will follow.

A. CASWELL ELLIS,
The University of Texas.

Mr. VARDAMAN. Mr. President, this is about all that I have to say. If the facts and figures here submitted are true—and no man will question their accuracy—there is no escape from the conclusion. Nor can there be any excuse for the Senate's failure to put a stop to this evil and save the Nation from further humiliation at the hands of the liquor demon. The only excuse or justification that can be offered for the continuance of the liquor traffic in this country at this time, or at any other time, is that a few men may make money out of the business. The pernicious effect, mentally and morally, physically and financially, of the liquor traffic upon the human being is too well known to make it necessary for me to go into details or to expatiate at length upon it. Suffice it to say that its effect universally is to defeat the promises and frustrate the ambitions of youth, to blight the hopes of mature manhood, to shadow the evening of old age with disappointment, and adumbrate the last hours with sorrow, regret, and shame. It has contributed more inmates to the lunatic asylums, filled the jails with criminals, the poorhouses with paupers—in a word, caused more unhappiness, broken more hearts—than all other agencies for evil combined. The idea of sacrificing human bodies, damning human souls, and putting a burden upon children yet unborn in order that a few financially bloated, avaricious, sordid individuals might add to their incomes is, to my mind, ineffably monstrous.

The devoted husband is torn from the bosom of his loving wife; the loyal and dutiful son is taken from the arms of his loving mother, a sacrifice to the god of war. He gives his life, his honor, his very soul, that the flag may float triumphantly in the air. Everybody is called upon to make a sacrifice, and the sacrifice is willingly made, except the man who has a thirst for beer or the brewer and distiller who have an insatiable greed for gold.

To borrow a figure of speech from classical history, the liquor traffic in America is verily the economic "Infamy of Crete." It is an evil without a mitigating incident—the blight that sears the heart and gives nothing in return except the leer of the damned. It has no proper place in a civilized country and is an affront to the Christianity of the age. No man can read the Sermon on the Mount or the Decalogue, and believe them, and then vote against this measure which brings Nation-wide prohibition, without an accusing sense of treachery.

Just think of the absurdity of the proposition that it is perfectly proper in war times to limit the amount of bread and meat that a laboring man may eat, or the quantity of milk that feeds the starving babe, while at the same time the Congress is legalizing the liquor traffic, or perhaps I would state the situation more correctly if I should say refusing to prohibit the liquor traffic; using the foodstuffs needed to sustain and nourish the body and converting them into a beverage that kills the body and damns the soul. That this nefarious traffic should be permitted to continue its moral degradations and physical ravages, with congressional and presidential approval, is in such sharp contrast with the spirit of enlightened Christianity that I stand appalled in the presence of the egregious blunder.

Mr. SHEPPARD. Mr. President, on January 9, 1915, the attorney general of the State of Texas, Hon. B. F. Looney, brought suit in the district court of Hopkins County, Tex., at Sulphur Springs, against certain breweries in Texas, to wit: the San Antonio Brewing Association, San Antonio, Tex.; the Lone Star Brewing Co., San Antonio, Tex.; the Houston Ice & Brewing Co., Houston, Tex.; the American Brewing Association, Houston, Tex.; the Galveston Brewing Co., Galveston, Tex.; the Dallas Brewery, Dallas, Tex.; and the Texas Brewing Co., Fort Worth, Tex.

The suit was brought on account of alleged violations by the defendants of the antitrust laws of the State and the use of their corporate means and assets in politics and elections, in violation of both the laws and the constitution of the State of Texas.

When the case came on for trial the defendants, in effect, pleaded guilty and accepted a fine aggregating $281,000, together with the expenses incurred by the attorney general and the court costs, amounting to about $8,000 more. I have here a summary of the testimony which was developed in the case. It is a most interesting exposition of the activities of the brewing interests in politics. I ask that it be set out in the RECORD. I believe it will be of great value in the campaign against the liquor traffic.

The PRESIDING OFFICER. Without objection, leave will be granted. The Chair hears none.

The matter referred to is as follows:

THE BREWERIES AND TEXAS POLITICS.

The cases came to trial at Sulphur Springs January 24, 1916. The defendants in effect pleaded guilty to the charges brought and accepted a fine aggregating $281,000 plus court expenses of $8,000, charters forfeited. The procedure and evidence were published in two volumes entitled "The Breweries in Texas Politics," and the page references below are to pages in said volumes:

Page 5. Texas statutes provided that no corporation should use its properties directly or indirectly for any other purpose whatever than to accomplish the legitimate objects of its creation or that permitted by law, * * * nor shall it directly or indirectly contribute or pay any part of its assets, property, or funds to any political party or to any official or campaign manager of any political party or to any person whatsoever for, or on account of, such party nor to any candidate for any office before or after nominations are made or to aid in defraying the expense of any candidate for office, etc.

Page 6. Corporations forbidden to make any money contributions or equivalent, directly or indirectly, for the purpose of aiding or defeating the election of any candidate. * * *

No one shall knowingly give money to a citizen to pay his poll tax.

Page 8. The petitioners stated that the defendants "continuously, from the very date of its incorporation, deliberately and intentionally misused and abused the powers, right, privileges, and franchises conferred upon them."

Page 21.

HOUSTON, TEX., *June 23, 1908.*

TEXAS BREWERS' ASSOCIATION.

DEAR SIRS: We have a State-wide prohibition fight on our hands and it is fast and furious. It has only one merit, and that is short duration. * * * We need money and are appealing to all merchants, manufacturers, persons, and corporations from whom each of the breweries in Texas bought goods in the year 1907 to give 1 per cent of the amount of the bill bought and paid for.

On this basis we assess you the sum of $——. Kindly send us your check at once, making it payable to the writer individually. This donation from you will be bread cast upon the waters.

Yours, very truly,

TEXAS BREWERY ASSOCIATION.

The letter in acknowledgment of payment says that this cooperation "shows us the large number of friends and adherents we have in Texas and all other States and have given us renewed vigor to press on the fight and let loose the dogs of war."

Page 24. When a firm in Prague, Bohemia, did not pay up this assessment, they wrote: "We would very much appreciate the courtesy of a reply informing us why you have so tacitly refused to contribute toward the funds of our campaign. Yours, truly, Texas Brewers' Association."

Page 31. The petitioners asserted "that such demands were reenforced by threats and understandings of future boycotts against such persons, firms, and corporations."

Charge the brewers with the payment of poll taxes or the advancement of money for many thousands of persons in Texas. * * * Carrying on active campaign to induce persons to secure poll-tax receipts. * * * Paid agents sent out thousands of cards, circulars, and pamphlets issued; payment of campaign expenses; keeping of permanent political headquarters; the use of money in various ways to prevent calling of local-option elections; the use of money contesting the results of such elections, the buying of votes, and influence; the use of money to influence or control city, State, and national elections.

Page 34. Correspondence of brewers subscribing plans to secure a court judgment that the poll-tax law is unconstitutional. A law firm is to receive $2,500 if they can effect such a decision. Brewers to pay two-thirds and liquor dealers the other third.

Page 37. Brewers report for the month of April, 1908, speaks of copying the names of voters in over 80 counties. Keeping a list of 50,000 names of friends scattered all over the State.

Page 41. From general report of office for January, 1909 (Paget): "The office sent out over a quarter of a million handbills. If we had had 10 days more or 4 more men in the field, there would have been 700,000 poll taxes paid."

Page 44. Report "the bitterest fight, which is not yet concluded, was in Hardin County. We met the sawmill interest, who spent much money."

Page 48. From report: "Every colored paper in Texas is carrying our advertisement and is working in the interest of poll-tax payment, and from now on meetings will be held in all communities where the colored people are numerous urging the payment of poll taxes."

Page 52. A letter from Wahrmund to Adoue objects to a phrase in Paget's report, viz: "'Will say in passing that I do not believe the poll-tax matter will cost us one-half this year.' As previously stated, to put such things in black and white is a very dangerous proceeding."

Page 54. O. Koehler says: "I was simply thunderstruck when I learned of the large remittances made to Mr. Wahrmund." W. explained that this represented "items to take care of on account of meeting friends to make the race for the Senate and the House."

Page 56. Adoue (brewer) speaks of Dr. Heit: "Immediately after reading his article I went after the doctor and succeeded in locating him in Evansville, Ind., where they have started the National Reform League, and I expect to have the doctor in Texas at an early date. The head of the league was here last week to arrange preliminaries. * * * Adoue introduces H. to a Prohibitionist who is to bring him out in Texas. * * * I believe the doctor coming to Texas under the auspices of some prominent Prohibitionist will have a vast influence on the next July primaries. His expenses will be paid by the National Reform League. He will have no connection with the brewers or liquor dealers. Who supports the league is another question. Yours, B. Adoue."

Page 57. Letter from O. Koehler to Adoue on the need of sending speakers into northern Texas to influence the primaries to stop agitation for submission of prohibition amendment. "Of course it will cost a great deal of money. * * * We assured them of our support to the extent of $10,000."

Page 64. Otto Koehler writes Adoue that "those interested in the sale of beer have stopped at nothing to induce such payments" (of poll taxes).

"Our efforts have not been confined to any one section of the State, but have extended from the Panhandle to the Gulf and from El Paso to Orange."

Page 66. Koehler makes mention of a McDermott-Gardner fund contributed by all the large breweries of the United States to the 1911 campaign. This was $5,000 a month.

Page 68. J. B. Rayner. "I came here last Friday evening and went immediately to the house of the pastor of the Colored Baptist Church and found out he was carrying on a protracted meeting and was drawing all the colored voters to his meeting. Friday night we had a secret caucus with the best of the leaders. I told them how to mark their tickets and who could vote and set in motion some subtle forces which would get the colored voters to the polls." To Wahrmund: "I have placed the iron hand of Machiavellian diplomacy upon the religious, educational, and business gatherings of my people. I have wet a score of dry counties in Texas or kept them from drying. * * * I am now doing all I can to make the colored pastors of your city your political friends."

Page 70. Letter to Wahrmund: "I now believe that we will get 90 per cent of the negro vote. It required more money than it would have taken had it not been for the Luedde play with the negro saloonkeeper. The indications are that we will be able to handle it on about $4,000."

Page 74. Adoue writes: "Messrs. * * * and Hawes request that when the brewers write to them they would use plain envelopes and plain paper."

Page 78. "Prior to 1910, one J. L. Griffin, a negro preacher, known as Sin-killer Griffin, and other negroes formed an organization under the name of 'Rescue Association of the United States of America and Africa,' and incorporated the same under the laws of the State, the charter granted authorizing it to engage in the work of rescuing fallen women. Such charter was secured in fraud upon the State and the public, and the purpose of such organization has never been such as named, but to do political work principally among negroes for the Texas Brewers' Association." The association has financed it.

Page 79. The Rev. J. L. Griffin is supreme president of the Rescue Association of the United States and Africa.

Page 80. Luedde: Busch's agent organizes the Citizens' Forward Movement to stimulate payment of poll taxes.

Page 89. The United States Brewers' Association membership dues is 1 cent a barrel. This gives an annual fund of $600,000; but there are constantly extra assessments of the same amount. February, 1912, in Chicago, the brewers agreed to pay extra assessment of 2 cents for five years, 1913–1918. This makes the annual income of the association for those years from dues and this extra assessment $1,200,000. In five years this would be seven millions.

Page 92. Letter from Adolphus Busch, October 19, 1905: Describes an educational bureau created by me and some of my friends for the benefit of the brewing business of the United States.

"Most of our people have no idea of the true merits of beer; they know nothing of its wholesomeness and its superior nutritious properties and rather believe all the false things said about this article. No voice has ever been raised to correct this wrong impression people have got about beer. It is my aim to win the American people over to our side to make them all lovers of beer and teach them to have respect for the brewing industry and the brewer. This work has got to be done systematically, and the best writers of the country will have to lend their assistance. It may cost us a million of dollars, and even more, but what of it if thereby we elevate our position? I stand ready to sacrifice my annual profits for years to come if I can gain my point and make people look upon beer in the right light.

"We must pay over to the United States Brewers' Association whatever it may require to represent us properly before Congress, where we have most important bills to defend. We must defeat that Hepburn-Dolliver bill, which is most dangerous and antagonistic to our industry and which makes prohibition possible. Then we want to defeat any bill which may be brought up to increase the revenue tax on beer, with which we are now threatened. We want to reestablish the military canteen at all Army posts and on our men of war. * * * All this will cost lots of money; we do not want to spend one cent bribing the good people, but we will have to be liberal with the press of many States and with friends to gain the ear of Senators or Members of Congress and enlist their good will." October 19, 1905.

Page 93. Hugh Fox writes to the Lone Star Brewing Co.:

"The defeat of the 79 bills of Congress during the past session is in great measure due to our efforts."

Page 94:

NEW YORK, *September 27, 1911.*

Col. M. M. MULHALL,
Washington, D. C.

MY DEAR COLONEL: In the campaign just closed in the State of Maine in which our people were so much interested your assistance and advice was of great help and benefit and is thoroughly appreciated by us * * *.

JOHN A. MCDERMOTT.

Page 99. A letter from Fox, March 19, 1913, marked "Confidential," in which he treats of contracts of the brewers with the unions of their employees; evidently is working to get as low a scale of wages as possible:

"If the local agent of an outside brewer takes the initiative by making an independent contract, he can easily jeopardize the whole negotiations between the local brewers and the unions and thus enable the latter to execute a flank movement."

Page 102. The National Association of Commerce and Labor issues discount stamps to put on bills assessed the customary 1 per cent.

They describe this money as "their voluntary contribution toward the antiprohibition fund."

Page 103. One per cent collections.

"These remarks would also apply to the Whitlock Pipe Co. in case where they refuse to accept stamps we will see them as soon as it is possible to do so * * *.

"NATIONAL ASSOCIATION OF COMMERCE AND LABOR,
"E. T. BUSH."

Page 104. The national association asserts that there are over 50,000 firms supplying the brewing trade (i. e., in the United States). "Only in one or two isolated instances was there any objections raised to the deduction. The inference is permissible that the discount plan has been very generally accepted."

Page 109. The Sons of Hermann protesting against the Hobson bill.

Page 117. The Texas Brewers Association alone, from 1902 to June, 1907, raised on a 20-cent levy per barrel approximately $900,000. For 1908–9, $400,000 in two years. For 1910, at 30 cents per barrel, $300,000; 1911, $370,000.

These sums represent only what the State is able to prove, the indications and the presumptions to be drawn from the evidence being that the sums proved constitute but a part—probably a small part—of the grand total spent. Besides this are large sums spent by the wholesale liquor dealers, the retailers, and saloon keepers.

Page 124. Letter of Texas Brewers' Association (B. Adoue, president) to the Kansas City Machine Works:

"DEAR SIRS: We have a State-wide prohibition fight on our hands, and it is fast and furious. * * * We need money and are appealing to all merchants, manufacturers, persons, and corporations from whom each of the breweries in Texas bought goods in the year 1907 to give us 1 per cent of the amount of the bill bought and paid for. On this basis we assess you the sum of $500. Kindly send us your check at once, making it payable to the writer individually. This donation from you will be bread cast upon the waters."

Page 126. Lists are kept of those not responding to the call.

Page 145, April, 1910, election in Grayson County, $5,000 spent by the brewers' agent Autrey.

Page 150. O. Koehler, of the San Antonio Brewing Co., to Aug. Busch. In 1911 Texas brewers raised $360,000 on barrelage; Busch sent $100,000; Lemp Pabst and Schlitz sent $45,000. In all, $505,000 from these sources.

Adolphus Busch writes from Ivy Wall, Pasadena:

"Everybody must do his full duty and be forced to do it. I will not mind to give $100,000 extra, if necessary * * *. Mr. Cettis is of the opinion that it needs a great deal of money in order to gain a great victory. * * * Missouri recently went through a most strenuous campaign, winning out by an enormous majority. Well, you can barely imagine the cost of that campaign. * * * Now, my dear Adoue, if we sacrifice one-half of our entire earnings in 1911 in order to make up this campaign fund, it is not so very serious. * * * All your home banks should write letters to their correspondents in Texas to use all their influence against State-wide prohibition. All your wholesale grocers in the various cities should write to all customers in the country, imploring them to down State-wide prohibition. That is what we did in Missouri."

Page 154. The vice president of my bank is one of the best friends among the bankers we have, but his associates are strong prohibitionists. He assures me that he has used the desirable balance which I have carried with him for many years successfully as an argument against the Philistines, and that thus we have succeeded, so to speak, in splitting the bank on the question. (Weeden, of the Texas Brewing Co., to Althans, of Anheuser-Busch.)

Page 158. Five hundred dollars from the York Manufacturing Co., York, Pa., for the 1911 campaign fund; $500 from the Southwestern Engineering & Supply Co.

Page 164. Koehler writes to Adoue that he expects to secure six figures from the Cincinnati interest. Koehler writes: "We must get the business element interested in our cause and show them that the breweries and saloon men are the least interested in the great question of personal liberty."

Page 191. Eight entries in Autrey's special account, Cash, Negro Baptist convention.

Page 214. The Texas poll-tax law was adopted in 1902 against strenuous brewer opposition. In 1902 Riggs, manager of the Texas Brewing Association, writes Wahrmund:

"I would suggest that it would be well for us to arrange for the San Antonio Express and other papers that you were to handle to oppose the poll-tax amendment upon the position that it does not give the laboring man or the poor man right to vote. You know how to handle them and get this before the public. * * * It is very important that we advise the laboring element—the poor people—of our State, without thereby making ourselves conspicuous, that this is a kind of class movement, done for the purpose of destroying the rights of the poor man, centralizing governmental power in the hands of a few."

Page 229. Paget writes, December, 1904:

"I have every labor journal in the State, as well as one or two daily papers, carrying in each issue advertisement and other article as written or inspired by this office."

Page 232. Describes campaign for urging payment of poll taxes. Paget writes, February 1, 1905:

"There was sent to every town, village, or hamlet in the State large cards urging payment of poll taxes. Men were employed in the various counties to put them up in conspicuous places. About 12 newspapers were contracted with to carry standing advertisements and editorials bearing on poll taxes. * * * The writer, through labor organizations, is working to that end (repeal of poll tax), but the members of the house or senate seem to fear tackling it."

Page 232. American Brewing Association writes August 2, 1905:

"Mr. L. M. McDaniel called on me several days ago and said that if we would guarantee $50 for expenses he would bring the negro convention to Houston. The principal advantage to be attained by the convention being held here is that it would give the anti speakers an opportunity to impress on the negroes the necessity of paying the poll tax."

Page 234. Paget, November 9, 1905:

"I can perfect arrangements to have the labor organizations of the State take up the fight for us. They did last year in this poll-tax matter."

Page. 235. S. A. Brewing Co., November 12, 1905:

"Under the law we can not pay the poll tax of others without laying ourselves criminally liable, but you may say to Mr. Martin and other friends that the Brewers' Association of the State of Texas is not liable."

Page 236. Paget, December 13, 1905:

"I believe that if the election is called between now and the 1st of February the prohibitionists will win, as very few Mexicans pay their poll taxes."

Page 245. Paget, January 17, 1906:

"I am going, Mr. Hausman, to speak very frankly. I believe these men should have assistance in paying their poll taxes if you want the county to go wet. Ten dollars spent in this way would save one hundred in making a contest."

Page 247. Luedde, Busch's correspondent at Waco:

"I have paid out $500 to the parties at Temple * * * and provided they need more for the poll-tax campaign I will pay it to them. Postscript: Tear this up." (He asks remittance of exchange, i. e., not a check.)

Page 255. Paget, February 4, 1907:

"In several counties we have had men at work urging the payment of poll taxes * * *. We have also had our friends before a couple of religious conventions and gradually the colored man is coming to have a proper understanding of his position relative to local option."

Page 255. Luedde writes, February 7, 1907:

"We feel if this poll-tax law could be knocked out for the small sum of $2,500 that it would be the best investment that we have made in a long while."

Page 257. Luedde writes:

"With the poll tax knocked out we would have no trouble in winning a great many counties that we now can not touch at all, because as a general thing our kind of people are very poor hands to pay their poll taxes, whereas the prohibitionists always pay theirs."

Page 258. San Antonio Brewing Association to Adoue:

"I wrote you several times in regard to letter writing, and again only recently directed your attention to the great danger of certain correspondence on part of Mr. Paget; but I note that he again comes out in an open letter to Mr. Autrey, in which he asks if it is not time that something was being done in matter of payment of poll taxes. I deem that is very dangerous proceeding, and it should by all means be stopped immediately."

Page 258. Kitchner, of San Antonio Brewery, writes, January 9, 1908:

"We are trying to get Judge Dean to run as senator, and I believe he will go if paid for his time while away from his business. I feel quite sure it will take at least $3,000 to pay him while away from his practice here, but he would be a valuable man in the legislature at this time. I think we can get Judge Burns, who is also a good one, without paying him anything. Burns has been speaker of the house in New Mexico and knows how to do things."

Page 261. Weeden, of the Texas Brewing Co., writes, February 1, 1908, of poll taxes in Fort Worth:

"W. matched dollar for dollar with another representative of the liquor interests. On this basis we paid out $1,500 and succeeded in getting a little over 1,000 first-class, picked men sorted out by Mr. Bud Brown from his experience in preceding years."

Page 263. Rayner writes, November 14, 1908:

"I am doing my best to make the indifferent, the purposeless, and homeless negro pay his poll tax inside the time limit while he has money. I have 4,000 cards like the inclosed, and I will place one prominently in every negro barber shop, eating house, saloon, and every other negro business in Texas, and will supplement this advertisement with help of every negro official in secret-society lodges, every negro preacher, and the negro newspapers in Texas. I am satisfied I will induce at least 50,000 negroes in Texas to pay their poll taxes in time."

Paget writes Autrey, of the Houston Brewing Co.:

"Now is the time for working among the negroes; after Christmas they will not have a dollar."

Page 265. Liquor interests asked advice of lawyers as to methods of getting around the poll-tax law:

"Can a corporation be formed under the laws of Texas for the purpose of accumulation and loan of money to its members for the purpose of paying their poll taxes?"

Page 272, Paget, '09, proposes to publish in the papers a list of shysters who refuse to pay poll taxes and to threaten to do so elsewhere.

Page 274. Otto Koehler, of the San Antonio Brewery Association:

"The brewery, being corporation, can not subscribe to the funds in question, as it would be against the law and would constitute a criminal offense, but the writer and our Mr. Wahrmund as individuals can do so, and we hand you herewith our check."

Page 274, Morgan, of the Dallas Brewery, writes to Paget, '09:

"As to this county will state that through the chamber of commerce we have a good organization, consisting of the able support of both the Dallas Morning News and Times-Herald, which papers in every issue are urging the people to pay their poll taxes."

Page 277. Brewers' Report, January, 1909, speaks of the host of colored preachers who in the highways and byways of the State roused up the Negro * * *.

Page 278. Paget says: "If we had had 10 days more or four more men in the field there would have been 700,000 poll taxes paid." This is in the brewers' report.

Page 286: Paget: "Every meeting of colored educational bodies has been attended by our friends, who have kept down with considerable trouble all resolutions opposed to your interests * * *. Every colored paper in Texas is carrying our advertisement and is working in the interest of poll-tax payment."

Page 287. Letter to Paget from Littlefield:

"The Mexican voter should be urged to take out his poll tax, for he can go to the polls in primaries, while the Negro can't participate in primaries."

Page 288. Paget writes:

"Inclosed find copy of a Lincoln circular, of which 100,000 have been distributed in Texas. Forty-five Negro churches read it from the pulpit yesterday in Dallas and four in Beaumont."

Page 288. A beer seller in Gainesville says that he had to pay $100 to our association for poll taxes. This is a single dealer.

Page 294. Poll taxes for State and county, $1.75; for city, $1 additional.

Page 295. Paget, campaign manager, writes, December 7, 1910:

"Here is a letter signed by the president of the Federation of Labor, and over his own signature a request that the address be placed in the hands of every labor man. He is also in the field in an endeavor to awaken an interest in the payment of poll taxes."

Page 296. Paget speaking of equipment of his agents says:

"They carry a power of attorney by which any man can appoint another his agent to pay his poll tax."

Page 300. Sayers, beer dealer at Hondo, writes:

"Now, in regard to State-wide election in 1911, there are some 350 Mexicans in this county and I believe by giving a dinner here and having speeches made I can secure 200 voters to pay their poll tax."

Page 302. Acknowledgment of paying poll taxes and page 303 same.

Page 322. Letter quoted:

"Especial attention should be given to the election of the membership to our next legislature. In this body we should have a certain percentage subject to our command * * *.

"Government of the breweries, for the breweries, and by the breweries."

Page 323. "I believe we have elected a small majority of our friends to the legislatures."

Page 325. Autrey of the Houston Brewery:

"We offer to support the anti regardless of who he is. We don't care what his name is or what he be. It's just a question of his views on prohibition."

Page 326. Option fight in Upshur County. Morgan speaks of two workers who are to be hired. Their fees are $2,000 cash and $2,000 more if they win the fight * * *.

Page 328. The brewers help the railroads:

"We have also received the respective notice from our railroads here and have immediately put ourselves in communication with the different members of our association and notified all our customers along the line to immediately enter a protest against such a bill to their representatives at Austin."

"We have all the good help on the part of the railroads."

Page 328. "We will also endeavor to raise a fund to the extent of $1,000 or more for the purpose of defraying the expense of securing a change by the present legislature of the Sunday law to the closing hours between 9 a. m. and 4 p. m."

Page 328. "It is just one of those bills where we have to muster all our forces very quietly and call her up on a certain day and pass it without even letting it come to debate and therefore it is preferable not to make any amendments."

Page 331. "The enormous expense that we have been put to in fighting adverse legislation."

"We defeated the beer-inspection bill, also the bill to make violation of the local-option law a felony."

Page 331. Busch advises, in case certain legislation failed, "to open all the water mains leading into your beautiful Capitol and drown the rascals out like a lot of rats. The only available solution of the question in our favor seems to lie in the prevention of the election to the Texas Legislature of such men that incline to prohibition and in the forcible election of liberal members. It should be the watchword throughout the entire State."

Page 332. Arnold, of the Lone Star Brewing Co.:

"Yesterday's circular letter will inform you how neatly we have met the railroad bill." (House bill 272.)

Page 338. Frank Arnold, of the Lone Star Brewing Co., to the American Brewers' Association:

"The writer desires to call your attention to the fact that up to date we have not received your first assessment to our vigilance fund to defray any expenses in fighting detrimental measures to our interest at the present legislature."

Page 346. Adolphus Busch: "When Mr. Koehler was here a few days ago I agreed that we all pay 3 cents per barrel on our sales in Texas to defray expenses during this session of the legislature. It is the intention to change the local-option law."

Page 346. 1-23-03. Telegram from Adolphus Busch:

"Do not underestimate prohibition movement and danger of the poll-tax law. Have a vigilant eye and do the necessary, regardless of expenses. We will pay our full pro rata."

Page 347. Eppstein writes to Wahrmund:

"You can handle the press as you see fit. It might not be best to use the columns of the papers with our paid matter, but to so handle that department of the work from Austin that all matters will simply go in as news items * * *. The correspondents of the papers with whom we have contracts would no doubt, if properly handled, give us all the space we want." * * *

Endless chain of elections.

Page 355. William J. Lemp, of St. Louis, interfering in Texas politics.

Page 358. Judge Sherrell and Mr. Gresham hired to do political work for the brewers. Salaries arranged. Dallas brewery writes: "I will send exchange to you for the above amounts on the dates mentioned, and this will do away with the handling of private checks."

Page 360. "Inclosed find New York exchange for $475.95, covering expense account of yourself and the judge for the month of January."

Page 361. Dallas Brewery: "I note the article in the Labor Journal and believe the medium will prove a good one for general distribution among the laboring people. Mr. Paget intimated that he thought it a good idea to have the same thing appear in the labor journals of Dallas and Fort Worth."

Page 361. Dallas Brewery: "Inclosed find New York exchange for $429, covering expense account for yourself and Judge Sherrell."

Page 374. San Antonio Brewing Association, January, 1905: "No doubt Col. Gresham is keeping you well informed as to what is transpiring as well as sending you copies of all bills introduced which are likely to affect our interests."

Page 375. Adolph Busch writes, Cetti writes: "I have to listen to the wrongdoing of every State legislature in the country. * * * This will give you some idea of my troubles and the restless days and nights I spend."

Page 378. American Brewing Association writes to Brunswick-Balke-Collender Co., Chicago: "We have already a delegation in Austin lobbying against the passage of such bills that are detrimental to our business. * * * Our expenses in these matters are considerable, and if you feel inclined to contribute toward the educational fund it would be most thankfully accepted."

Page 379. San Antonio Brewing Association to Adoue of one Linthicum, a lobbyist at Austin. "My instructions to him are never to mention breweries. He is at Austin to represent labor exclusively."

Page 380. Arrangements made by Morgan, of the Dallas Brewery, with railroads: "As the express and railroad companies will be affected by the bill, I wrote Col. Gresham asking him to see the general attorneys of the express and railroad companies and get their opinion, and, if deemed advisable, to act together."

Page 386. C. W. Woodman, editor of the Union Banner, writes to the Texas Brewing Co. proposing to enact laws to better protect the liquor interests and to repeal laws inimical to organized labor and the liquor interests. * * * To make contracts for the publication of labor news on these lines; to furnish all weekly papers with a column or more of such labor news as pertain to the local option question. * * * All bills will be framed up in such a manner as to make them labor bills.

Page 409. Autrey writes to the San Antonio Brewing Association, 1906, in behalf of Mr. C. K. Walters, "a fair-minded man but his financial strength is weak. Perhaps you would like to render him some assistance; if so, just mail check for whatever you donate to me and I will see that it is turned over to him."

Page 413. The breweries kept a record of all the candidates for the legislature and numbered and classed them as one might classify sheep and cattle.

Lists given on pages 413–416.

Page 418. Adoue writes: "When the Fort Worth Record started I subscribed $7,500 stock, which I divided among my friends as an investment."

Page 428. R. F. Cook to Cetti, of the Texas Brewing Co., writes: "Just before the ballot was taken on the original Love amendment, the San Antonio man and I, fearing that the vote would be close, induced two of the members who were hopelessly against us to engage in a domino game where we succeeded in holding them until it was too late for them to do us any harm."

Page 435. Adoue writes of proposed contesting of a law: "It is bad policy for breweries to fight any law; their reputation is bad enough without it. Avoid ostentatious litigation."

Page 440. A telegram from Adolph Busch from Pasadena to Texas Brewers' Convention: "I most earnestly hope that all will make the strongest effort to weed out the strong objectionable saloons and not to permit them to exist. By doing this we * * * prevent greater trouble and danger for the beer industry." S. T. Morgan, of the Dallas Brewery, comments: "So you see that the main offenders in the past have realized that to save the brewing business they must change their ways * * *."

Page 441. Weeden, of Texas Brewing Co., writes: "It was unanimously agreed that a determined effort * * * must be made to influence the selection of the next legislature. This, of course, will cost a good deal of money, and it is plainly evident that the donation of 5 cents per barrel would not be sufficient."

Page 447. Arthur Koenig writes from Pasadena, Cal., February 15, 1908: "Mr. Busch wishes me to thank you for your kind communication, etc. * * * The Catholic clergy should be approached and requested to express its opinion on the present prohibition movement same as was done by Archbishop Gibbons, Baltimore, and Archbishop Glenny, St. Louis. If there is a bishop anywhere in Texas he should be carefully interviewed through channels friendly to our cause, and the substance of such interview made public afterwards. * * * Also the rabbis of the Jewish congregation who always are friendly to us and our industry. * * * I am working with my dear chief day and night on the question, 'To be or not to be.'"

Page 488. Wahrmund is member of the house in Texas in 1909.

Page 453. Notice of a check in payment of T. H. McGregor's salary. McGregor is in the Texas Legislature.

Page 455. Adoue mentions Judge Bellew as writing "If I were able financially to make the race and give time to serve in the legislature I would make the race, but I can not afford it."

Page 468. Morgan, of the Dallas Brewery, writing to San Antonio Brewery, proposes an investigation of prohibition States by members of the legislature who are broad-gauged and liberal.

"The funds necessary to make the investigation should come from the business interests and property owners, and no one directly or indirectly interested in the liquor business should contribute one cent toward such expenses, in order that the men making the investigation could get up on the floor of either House and say that they made the investigation at the request and expense of the business men and property owners of this State."

Page 471. Morgan writes to the S. E. Brewery: "I turned the article inclosed * * * over to Mr. Wortham, and we will both make every effort to have the same published in to-morrow evening's News, but we are very much in doubt if we will be able to get the News to copy the article without having same appear as paid matter; and if this is done, we don't think it would be worth the price, as everyone would know that the brewers had the article reproduced, and, of course, it would not have the desired effect."

Page 481. Texas makes the license fee for selling near beer $2,000.

Page 483. The Texas State Federation of Labor induced to pass a resolution against legislation hostile to any labor men, i. e., brewery trades-unions.

Page 484. "Mr. Lilienthal admitted that the American Brewing Association paid the advertisement in the Texas Deutsche Zeitung regularly every month, and a good price at that, but that was only done because the publisher of that paper was a member of the legislature, just as the American Brewing Association pays for an advertisement in the Cuero Star because Mr. Crisp is a member of the legislature." Letter in which the editor of the South Texas Star speaks of soliciting advertising from the brewers.

Page 495. Mr. A. S. Crisp of the Cuero Star, writes to Morgan asking the renewal of the advertisement contract of $100. "As a member of the liquor committee I accomplished the defeat of a bill designed to teach prohibition in the public schools of the State * * *."

Later Morgan writes that Crisp has appealed several times for advertising, and advises turning him down on the ground that we should not "do so much advertising, especially for people who are holding the same belief as ourselves."

A. S. Crisp writes to H. Prince:

"DEAR SIR AND FRIEND: Please accept my sincere thanks for your courtesy in honoring bill for last half of annual contract at this time. In a little over a month the solons will be again gathering at Austin, and if there is anything there you want attended to it will give me great pleasure to serve you at any time."

Page 512. For a half century it has been the law of Texas that a corporation shall not use its powers, means, or assets for any purpose except to accomplish the legitimate objects of its creation. These particular corporations were chartered to manufacture and sell beer and ice, and were not created for "education," "suffrage," or "elections." Again, since 1907 it has been a criminal offense for any officer or agent of corporations to use the corporations' money directly or indirectly to affect the result of any sort of an election.

Page 513. Hordes of field men, white and negro, employed to carry local-option contests and to get poll taxes paid.

Page 514. Morgan, secretary of the Brewers' Association, cautions utmost secrecy: "We believe that success depends largely upon every member being extremely guarded even in talking to the best of friends, and that our business is ours and does not concern anyone else. Unless this is done and strict secrecy maintained, we will have to make an open fight. * * * Special organizations of saloon men * * * are calculated to create prejudice. * * * We would therefore most earnestly request that you advise all of your customers to let their organization, if they have one at all, be secret."

Page 530. San Antonio Brewing Co. say that their expenses for these fights "almost equal, if they do not exceed, our profits."

Page 555. Adolphus Busch writes Cetti December 5, 1908: "The prohibition agitation has cost me more than a million dollars already, because Anheuser-Busch must always bear the burden of everything. We have been spending $30,000 every month in defense of the beer industry. We have done more than all the breweries together, and I am bound to make a part of this by looking for profits on outside investments, and especially in the real estate line."

Page 562. Busch writes from Pasadena to Cetti: "No money or labor should be spared to recapture Grayson County out of the clutches of the pros."

Koehler complains of Paget's asking for $3,000 for Caldwell County: "It certainly can not be a question of buying the negro votes, for as I understand it there are none to be bought in that county."

Page 567. Adoue writes that for antiprohibition election work "we are going to spend enough money sufficient to build a fine brewery."

In 1911 Busch read a communication to the citizens of Dallas threatening to stop work on the Adolphus Hotel if Dallas went dry. This was a million and a half hotel.

Page 575. Issie Friedlander is described as "one of the best men in the State of Texas to hunt up and haul niggers to the polls."

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Page 578. Kaufman writes to Wahrmund: "The negroes, about 1,500 votes, are well taken care of. Mr. Maier foreseeing this election has paid out about $1,000 paying poll taxes for negroes, which are in his safe."

Page 581. Some officials of the International & Great Northern Railroad having taken part in Anderson County prohibition elections, the American Brewing Co. writes, "that each and every brewery should withhold all the patronage that they possibly can from that road. We request that you have no shipments made to us over the International & Great Northern Railroad."

Page 598. Paget writes as to Adoue that $3,000 is necessary for a county election. "With this amount of money and an extra subscription which we may be able to squeeze out of the saloon men we have a chance to win the fight; without it not any."

Page 606. San Antonio Brewing Co. writes to Blum of an attempt to contest a dry vote: "Our ex-Judge Felps is the one who undertakes declaring the past proelection void. He was county judge at the time and refuses to give information as to his form of work for fear other attorneys detect his plan. The amount required is $1,500 if he is successful. Otherwise it costs nothing, but he is sure that he can do this. Among whisky dealers and breweries the amount is $1,000 and local dealers agreed on $500, which is ready, and Judge Felps instructed to proceed with his work

Brewery Co. answers Blum: "* * * This is a matter about which it will be necessary to be very careful, and it will have to be handled in the strictest of confidence."

Page 650. Koehler writes 1910: "Will abide by your judgment. Handle in your name. We must not be known in transaction. Strictly confidential."

Page 650. Letter to Houston Brewery: "All our voters are Mexicans, but we need money to work it."

Page (?). Miller from San Antonio Brewing Association. After a defeat a contest. In order to facilitate this he proposes: "How would it do to see them and suggest to them in the event we won that a nice saloon would be started for the sale of beer only. We understand their principal objection to the sale of whisky is on account of the trouble it creates with certain of the boys who go there to trade. Beer would not set anyone wild, and if you and other good friends there and in the vicinity wanted a little whisky you can always get it just as you do now."

Page 660. American Brewing Association to Causey:

"If an election is ordered (in Colorado County), we advise that the saloon men use every effort to get the prominent men of the county to assist in making the fight, as our experience has shown that if the fight is made only by the saloon men it has not proved successful."

Page 691. Paget to Levy:

"When a county has become dry, it is nearly impossible to bring it back to the wet column without a large expense of money and energy, especially the former."

Page 698. Horlock to Houston Brewery:

"Plan to run a wagon to Somerville (evidently a dry place). Don't have any lettering on it at all. They promise to start at once on some southern select beer."

Page 724. San Antonio Brewing Association writes congratulating on a wet victory: "We are told that the immigration agents of the Southern Pacific Co. were awaiting the result before turning the tide of immigration to your section."

Page 732. Adoue offers to contribute to an election fund $1,000. I believe that this offer should be strictly private; not even the members of your committee should know it.

Page 737. M. B. Davis, jr., a beer litterateur writes:

"I have written an article, if used, which should be calculated to arouse the Jews, the Catholics, and the laboring element, including the farmer, against the Anti-Saloon League and Rockefeller. For the Jews I quote from the St. Louis rabbi and for the Catholics the St. Louis priest. I see Samuel Gompers, the great labor leader, has come out against prohibition."

Page 740 Davis writes:

"I went to the court dockets to see about statistics as to drunkenness, but, as they are against us in comparison, I quickly withdrew.

Page 742. Davis suggests the organization of the Texas Progressive League:

"Speakers could be sent out under the auspices of this league, and thus with one fell blow rob the pro orators of their stock saying that the breweries and distillers are fighting for their existence and are the ones that are carrying on the fight. * * * I also think we ought to throw out some interviews to the public through the leading State papers of the direful effects of prohibition seen by traveling men, covering a range of subjects, for instance, when men are denied beer they go to whisky; and if moderate users of whisky they are driven to the whole bottle and jug; that men are falling away from church."

Page 744. Davis speaks of the fatal stabbing of a popular deputy constable in the red-light district by a drunken Mexican as causing prohibition sentiment. But we are trying to keep the pro minds diverted by the cotton palace project.

Page 774. Paget: "Elections were held in three precincts in Jefferson County, and were carried because Mr. Gary and I * * * fixed matters so that the election would be declared in our favor. If we had not done so, the elections would have gone pro. * * * It was the cheapest election where so much was involved I was ever in. Mr. Gary asked me to notify you * * * that the goods were delivered, the three boxes were declared anti by a decent majority."

Page 823. Letter of Hail to Wahrmund: "Mr. D. Kelley, representing the Lone Star and American, has put up $200 (to carry an election). He is the man who has been supplying the bootleggers in that community, and before the law went into effect * * * I was sending from 3 to 10 casks daily into that territory."

Paget tells how Lampasas County went dry: "The shooting took place on Friday night. The man died Saturday. The election was held Monday and the funeral procession went past the voting place. Every church in the county was pressed into the crusade Sunday; nothing was preached but the blighting influence of the saloon. There was no time to reply."

Colored antis.

Page 839. Lindsay writes to S. A. Brewing Association: "After winning the election the boys wanted to give a dance to the Mexicans who stayed with us so loyally in the fight, and as the Lone Star had sent five kegs for the barbecue, thought you would willingly donate for the dance."

Page 883. Hedeman writes to Wahrmund affirming that he had bought 34 votes but was surprised to find out that some of the antis voted pro secretly.

Page 900. We have assisted our friends in taking out about 2,000 poll taxes and we now feel that we are safe, as far as McLennan County is concerned. In checking up to-day we find we are about $850 short.

Page 913. Paget describes the negroes as half child and wholly grafter. You must know how to handle them.

Page 917. Moore to Luedde: "Already many evidences exist showing that the colored brother has been pretty well greased. * * * I had hoped that we could make this fight on $3,000, but I confess that it looks to me as if that is not going to be enough."

Page 925. Rayner says he is "going to Washington, D. C., to meet the National Baptist Convention, which meets there the middle of this month. For the last three years I have been holding this question in line on the prohibition question."

Page 927. Moore to Wahrmund says that during the campaign I made it one of my duties to see that not a drop of intoxicants was drunk in the building occupied as headquarters, and I feel sure that manner of campaigning made us votes.

Page 959. S. A. Brewing Association to Andrews: "The law prevents you from paying the poll tax of anyone, but there is no law to prevent your loaning a friend the stipulated amount, so get your friends together and take some concerted action in this respect and we will direct the attention of our State organization to the situation.

Page 970. Mr. Leeds, an agent of the S. A. and A. P. R. R., was assisting in prohibition work. Holmgren writes to Paget: "Wouldn't it be a good plan to ship around by Laredo; and if you would instruct all dealers at Alice to ship via Tex. Mex. R. R., I will do so, and four or five cars per month to meet (?) might cause inquiry, and Mr. L. will have to come across and let others do the fighting.

Paget sends this on to the S. A. Brewing Association, and adds: "The railroad management will not stand for a moment for any such conduct, and if a notification comes from such a high source as the City Brewery or the Lone Star Brewery Mr. Leeds will be brought up with a round turn."

Page 972. Paget, asking for a campaign manager, says: "He must be absolutely sober."

Page 973. Autrey telegraphs to Koehler: "Mr. Keds, local agent of the San Antonio & Pacific Railroad at Alice, is vice president of anti-

Saloon League and strong prohibition worker. I think this offensive conduct should be brought to the notice of his superior officers."

Page 980. Holmgren writes: "It is my aim to now see that antis—Germans—are induced to buy land, and wherever it is possible sell out a pro and replace with an anti."

Page 993. American Brewers' Association proposes some darkies that are good speakers and "can pass off for preachers."

Page 1002. Mitchell writes to Texas Brewing Co. for funds. A great number of railroad employees "will have to be paid in order to get them to vote, otherwise they would go ahead with their work."

Page 1033. Paget to Adoue: "If Smith County could be won by an expenditure of $20,000, it would be cheap, as it would be a setback to prohibition."

Page 1076. Paget describes raising of large fund to secure the services of Justice Briggs, Judge Mayberry, and others for antiprohibition work.

Page 1122. Wright to Page: "We will need some election booze, but will write you in regard to that matter later on."

Page 1162. Riggins to C. C. Turner, 27 Williams Street, New York: "We do not understand why you have not received the polling list of Nolan County. I suppose you have received it by this time." * * * Describes a proposed weekly, the Texas Talker: "To talk Texas from a railroad, agricultural, industrial, and investor's standpoint. * * * The plan would be to publish a paper and immediately put out 10 or more canvassers in the counties threatened with prohibition elections. * * * If the subscribers did not have the ready cash, we would send the paper to them on credit. * * * I believe in less than a year the question of literature would be upon a self-sustaining basis in the State. The paper need not be offensively antiprohibition. It could be Democratic in politics and discuss Texas development, resources, etc. Prohibition could be handled as a 'State killer,' as a tax raiser, and as a crime producer, and in such a way as it would appear only incidental, yet conspicuous enough so that the information which we desired in the minds of the public would be seen and read by the people."

Page 1170. It is very important that this poll-tax amendment be defeated, but our work must be done in such a way as not to allow the public to know that we are fighting this matter.

Page 1173. Morgan to Wahrmund says Paget secures polling lists for C. C. Turner, and Turner mails from New York good, wholesome antiprohibition literature direct to the voters

Page 1188. Morgan writes Luedde that Hon. Duncan B. Harrison, who is looking after the interests of the brewers in Washington, speaks in the highest terms of the Hon. Robert Lee Henry * * * and expresses the hope that our interest will give Mr. Henry every assistance in his approaching renomination.

Page 1195. Morgan writes Adoue acknowledging proof of the article by Bishop Potter, which he describes as good educational matter. This in 1904.

Page 1207. Autrey writes Koehler: "I am very much grieved to note the paragraph of Mr. Adoue's letter saying, 'I have received physical demonstration of the insincerity of most of our members.' Reflecting, I know that the charge is true. I well remember the time when the Brewers' Association was first formed and the resolution committing the brewers to the purification of the business and to the aiding of the officers in suppressing and prosecuting crime was submitted by Mr. Adoue. The resolution was sent to Mr. Hamilton for his consideration, with an injunction from Mr. Adoue that he must reflect on it thoroughly and be prepared to attend a meeting at an early date, when the proposed resolution would be considered. * * * We spoke of the sad fact that the hobo saloon and the disreputable places are the best customers of the Texas brewers. * * * I compared the signing of the resolution to the surgeon's knife severing a limb to save the very existence of the individual."

Page 1209. Busch holds $112,500 in Texas Brewing Co.

Page 1211. Anheuser-Busch writes to Cetti: "We have had a great deal of experience with medical journals and found as advertising mediums there are but few of any value whatever."

Page 1219. Adoue writes to Cetti: * * * "The question you ask is loaded with dynamite. Labor leaders are diplomats of the first order, and all dealings with them must be handled diplomatically."

Pages 1222–1225. Wahrmund, Morgan, etc., discuss Randolph Churchill; advise giving him $100 to get to Washington to confer with W. W. Price, of the brewers' educational work.

Page 1252. Adoue writes to Wahrmund: "I believe you can suggest a plan by which the breweries can make contributions without coming under the crime indicated in section 5, page 312, and at our next meeting shall submit it to you."

Page 1259. Morgan writes Adoue explaining Oklahoma's voting pro as "due largely to the manner in which the breweries have in the past aided the saloon men to conduct their business in the Territory of Oklahoma; that is to say, the breweries in their greed for trade put every Tom, Dick, and Harry, as well as many a jailbird, in the business by not only furnishing them fixtures, loaning them money for licenses, but even going to the extent of buying lots and building houses." Result, excess of places * * * result, encouragement "in every way possible of the many evils that have brought the saloon business in the bad repute it is in to-day * * * law openly and almost defiantly violated by the saloons by connecting up with gambling, bad women, and many other abuses." This he attributes "to the large concerns who, I regret to say, seem to be willing to go any length to sell a few more kegs of beer." Mentions specifically the Anheuser-Busch Co.

Page 1270. Suggests that the Antisaloon League in Washington is financially assisted by the Whisky Trust.

Page 1270. When it is reported that Roosevelt had expressed satisfaction in Oklahoma's going dry Wahrmund suggest that a denial of the report be secured from him. "Report has it that he and our mutual friend, Mr. Adolphus Busch, are close friends. Perhaps we could get at him through that medium."

Page 1308. The Galveston system. No beer to the lawless saloons.

Page 1315. Letter from Busch at Ivy Wall * * *. If you look the whole matter straight in the face, you will have to admit that there is no such thing as drunkenness in this country. Good, healthy beer has long ago weaned off those who heretofore imbibed too much in strong alcoholic drinks. Our people are as sober as the people in any civilized country in the world. With the hero of Appomattox we exclaim, "Let us have peace."

Page 1320. It is stated that for some time past the business of the Anheuser-Busch Brewing Association was being conducted by the clerks; that the entire time and attention of the officials was being devoted in effort to offset the inroads of prohibition.

Page 1331. "The Anheuser-Busch methods and people in the past have done more than all the rest put together to cause the trouble in this State (and elsewhere)." * * * Weeden to Cetti, 1908.

Page 1377. "We have some good campaign matter coming directly from Bryan that we will use for all it is worth. It is to the effect that if a prohibition plank is put in the platform he would not accept the nomination, and should the Democratic Party adopt a pro plank he was of the opinion the party would in 12 months be no larger than the Prohibition Party is now. Strong declarations of this nature from Bryan, who is the idol of the Texas democracy, should make us votes." Morgan Dallas Brewery, 1908.

Page 1400. Adoue (Paget) writes to Fox: "Yours of the 22d instant received requesting that I send you facts and figures relative to the work of the Texas Brewers' Association in our State, which I will gladly do, subject to the approval of the chairman. This, however, I must say: If I write the history of the association, it will make a strong antisaloon document."

The association issued May 20 and 22, 1904, two circulars which were published in nearly all the newspapers in the State (see copies inclosed), and had the members of the association been sincere the Antisaloon League would never have made any progress in Texas, but unfortunately only the chairman of the association undertook to execute the promises made to the public. * * * No one ever did anything to assist him. All their energies appear to be expended in an effort to sell one more keg of beer.

Page 1402. Prince, secretary of the American Brewery Association, writes, Mr. Paget's letter to Mr. Hugh F. Fox covers the ground exactly, and what has been done by the breweries regarding the sale of that keg of beer in Texas years ago is now pursued in the city of New York, so you see the only chance for brewers to become real good will be when they are in the same condition as what they say of a good Indian.

Pages 1425 and 1430. Flattering references to Bishop Johnson's sermon. Paget says he has a large supply on hand for circulation.

Page 1453. The Texas Farmer working with the brewers.

Page 1479. Wahrmund gives Rayner (negro antiprohibition speaker) letter to Gov. Colquit recommending him for the position of superintendent of the colored blind asylum.

Page 1491. Prince writes to A. A. Busch complaining of an attack which Th. A. Ball, head of Prohibitionist Party in Texas, made on Adolphus Busch: "I understand that Mr. Ball's firm are attorneys for the Frisco Railroad, in which your father is a very large stockholder, and as there are many better lawyers in this State than Mr. Ball, if his pocket could be reached by making a change of attorneys it might have a quieting effect on his bombastic style of warfare."

Page 1504. J. F. Wolters writes: "The members of the barbers' union come in daily contact with more voters than any other class of labor. While they wait upon their customers they usually engage them in conversation. * * * While they may not in all instances be able to exercise influence over their customers, they can at least give us valuable information, and in instances where they find them against us if they will advise Mr. Louis Crelling, the local secretary of the local anti-State-wide prohibition organization, it is more than possible that we can find some influential citizens who can bring some influence to bear * * *."

Page 1525. Gov. Harmon approved of as candidate for the Democratic organization. Mr. Woodrow Wilson should be opposed.—May 1, 1912.

Page 1542. Hugh F. Fox, August 1, 1913: "The plan of securing agreements from individual brewing corporations pledging themselves to the payment of 3 cents per barrel annually for five years, which is conditioned on a total of 25,000,000 barrels being subscribed, has already met with such generous response as to make us feel assured of the success of the undertaking."

Page 1552. Lotto, writing to Wahrmund, opposes Ball, because: "If he is elected he will be in a position to take all the preliminary steps as passing an illiteracy bill, etc., to make the next fight a certain success for prohibition."

Page 1596. Prior to 1907, the date of the law prohibiting corporations from making political contributions, the defendants made such contributions. Subsequently these contributions went to the Texas Business Men's Association.

The Allied Brewery Traders' Association, established in 1907. Objects: The alliance of all traders doing business with and to some extent dependent upon brewers in defense of their interests against legislative attacks. Chairman, Arthur Valentine; secretary, John W. Wilson; office, 46 Cannon Street, London, E. C.

Mr. SHEPPARD. Mr. President, some time ago Hon. Lowry Humes, a Federal district attorney, brought suits in the Federal court at Pittsburgh, Pa., against the United States Brewers' Association, the Altoona Brewing Co., and others. The charge in these cases was the violation of the Federal corrupt-practices act and certain other laws. When the case came to trial the defendants filed what is known as a plea of nolle contendere, which is practically a plea of guilty, and paid fines totaling some $70,000. Mr. Humes submitted a memorandum to assist the court in arriving at the amount of the fine. This memorandum contains a summary of the evidence, showing the activities of the United States Brewing Association and its associates in the politics of the country, involving nearly every State in the Union. I have that memorandum here, and I ask that it may be inserted in the RECORD.

The PRESIDING OFFICER. Without objection, leave will be granted. The Chair hears none.

The matter referred to is as follows:

MEMORANDUM FOR THE COURT IN THE CASES OF THE UNITED STATES V. UNITED STATES BREWERS' ASSOCIATION ET AL. AND UNITED STATES V. ALTOONA BREWING CO. ET AL.

In the case of the United States *v.* United States Brewers' Association et al., the indictment includes as defendants the United States Brewers' Association, a corporation organized under the laws of the State of New York, and all of the brewing companies of the State of Pennsylvania that are members of the United States Brewers' Association.

In the case of the United States *v.* the Altoona Brewing Co. et al. the defendants include those brewing companies that in 1914 were members of the Pennsylvania State Brewers' Association, itself not being a corporation but only a voluntary association.

In each of these indictments the defendants have been divided into four classes, as follows:

First. Those brewing corporations one or more of whose officers was an officer of either the United States Brewers' Association or the Pennsylvania State Brewers' Association. This representation brought home to those brewing companies notice as to the purposes and the activities of the respective associations as well as notice as to the real purpose for which the funds which they contributed to those associations were actually used.

Second. Those defendant brewing companies whose contributions to the United States Brewers' Association and the Pennsylvania State Brewing Association were sufficiently large to in itself put the defendant on notice that the funds thus contributed to those associations were not intended solely for the ordinary trade purposes of a trade association.

It is alleged by the Government that the amount of those contributions was sufficiently large to charge those defendants with the obligation of ascertaining the purpose for which those contributions were used by the respective brewing associations, and that on this fact in itself, aside from all other evidence, rests the presumption that they had knowledge of the purposes of the association and the manner in which the funds which they contributed to them were used.

Third. Those defendant brewing companies who alleged that they joined and paid dues or assessments to the respective associations on the theory that they were trade organizations whose contributions, in so far as the Government has been able to ascertain and prove, were not sufficiently large to in itself put them on notice that the organizations to which they contributed said sums were not ordinary trade associations.

As to those, it is not the purpose of the Government to admit a want of guilt on their part, nor to vindicate their course of action in connection with their membership in these respective associations, but the Government does admit that at this time it is not able to satisfactorily prove by competent evidence that the contention of the defendants is untrue. The Government, therefore, recognizing the character and extent of proof necessary in the trial of a case, purposes to enter nolle prosses as to this class of defendants, with the distinct understanding on the part of the defendants that any of these nolle prosses may be taken off at any time by the United States attorney if satisfactory evidence is secured to establish the guilt of said defendants.

Fourth. This class consists of seven defendants, namely, the Uhl Brewing Co., Emmerling Brewing Co., New Lebanon Brewing Co., Clearfield Brewing Co., and the Altoona Brewing Co., which have already been nolle prossed by reason of the fact that since the indictment has been returned it has been discovered that they are not corporations and consequently do not come within the prohibition of section 83 of the Criminal Code, and the Mendville Brewing Co. and the Mercer County Brewing Co., which have gone out of business and which have been nolle prossed for that reason.

It is interesting to note in connection with the consideration of the facts which the court seeks in order that sentence may be intelligently imposed that the United States Brewers' Association, realizing the method by which their funds were raised and expended, sought to secure legal advice as to the rights of corporations to make contributions for political purposes. They caused their general counsel to prepare a digest of the laws of the various States of the Union which might affect such corporation activity, and when this digest was prepared it was mailed to Mr. Hugh F. Fox, the secretary of the United States Brewers' Association, with the following letter of transmittal:

"MY DEAR MR. FOX: I hand you herewith prepared booklet showing by States where it is and is not permissible for corporations to make contributions for any political campaign.

"Apparently the State of Illinois is the only one that is immune on this question.

"The original of this was handed to me by Oscar Schmidt, of the Schlitz Brewing Co.

"No doubt the contents of this will be valuable information to you."

It is interesting to note that in the preparation of this booklet or digest, section 83 of the Criminal Code, the section out of which this indictment grows, was not mentioned but was apparently entirely overlooked. It is therefore likely that the defendants were ignorant of the existence of this statute, as they now allege. It is needless, however, to say the ignorance of the law is no excuse.

A brief summary of the facts out of which the indictment in these cases grew is as follows:

The United States Brewers' Association was incorporated under the laws of the State of New York in 1877, and amended its charter in 1903. Its membership consists of between eight and nine hundred brewing companies in the United States, most of them corporations. The records of this association explain a portion of their organization as follows:

"We have our national association, the United States Brewers' Association; we have in every State our local State association. Then we have in the States local associations, and in some cases there are individuals who do not belong to the State association but they will to the national; then there are some who will not belong to the national but they will to the State association."

Among the Pennsylvania officers of the United States Brewers' Association we find the following:

John Gardiner, connected with the Continental Brewing Co. of Philadelphia, one of the defendants, was a trustee and was also the head of the organization bureau of the association.

Edward A. Schmidt, of the Schmidt & Sons Brewing Co., was an executive officer and also a trustee of the United States Brewers' Association.

G. W. Bergner, of the Bergner & Engel Brewing Co., was a trustee of the United States Brewers' Association.

Prior to the spring of 1913 the United States Brewers' Association showed great activity in political affairs in many States. To illustrate, in reporting the activities of the association to the members of the association, Hugh F. Fox, secretary, claims a membership of 523, representing 80 per cent of the entire brewing business of the country, and that in organization work in 1908 the United States Brewers' Association had taken an active part in "educating the voters" in 25 States, including Pennsylvania; that preliminary organization work had been started in 9 States, and that the association had "won nearly every contest in which we were engaged."

The records of the association clearly indicates, as early as 1908, that the political work of the association was in the hands of a bureau known as the organization bureau of the United States Brewers' Association. At the head of this bureau was Mr. John Gardiner, of the Continental Brewing Co., of Philadelphia. This bureau submitted regularly monthly reports to the association showing the nature and extent of their activities in the various States of the Union, and in reporting the situation in Pennsylvania in the report of May 1, 1908, the organization bureau says: "Our people are well organized in that State."

Some of the methods of the organization bureau are disclosed in a report to the president of the United States Brewers' Association dated June 1, 1908, which says:

"Since the organization of the bureau 36 of the 46 States of the Union have been visited by representatives of our bureau. * * * Manufacturers' and dealers' clubs of the allied industries are in active working order in 19 States; and also M. and E. clubs in Indiana, New York, New Jersey, and Pennsylvania, which are State associations. Traveling men, liberty leagues, and personal-liberty leagues have been organized and are in working order in 8 States."

The same report, in referring to Illinois, says:

"This committee will take up active work for the legislature and also in looking after nominations for Congress."

Relative to Pennsylvania, the report says:

"The large manufacturers' and dealers' club for the State of Pennsylvania, with headquarters at Philadelphia, has been organized, with branches at various cities in the State, and has done effective work."

The November, 1908, report of the organization bureau says with reference to Pennsylvania:

"We assisted in the formation of the Manufacturers and Dealers' Association in Philadelphia for the State of Pennsylvania, which has done very effective work under the guidance of the Pennsylvania State Brewers' Association, and their able president, Mr. John Gardiner. Outside of that, we have done no work in Pennsylvania, nor have we been called on for any."

The annual report of the bureau for the year 1908 says:

"Among other things that the bureau has accomplished in the past year is the solidifying of union labor in the United States in our cause."

The records of the association in 1908 show the outline of the plan to include, among other things, political organization, to include State and congressional campaign organization bureau, and Washington bureau, and points out the value of the labor vote to a political organization.

Under date of May 11, 1908, the United States Brewers' Association directed a letter to all delinquent members, in which they stated, among other things:

"The organization bureau, which is a new and expensive departure, has done and continues to do most effective work in some 20 different States."

In 1909 an organization was formed within the membership of the United States Brewers' Association known as the Interstate Executive Association, and the committee which had the matter in charge made the following recommendations:

"We recommend that a permanent organization be and is hereby perfected of the executive officers, attorneys, and secretaries of the various State and local organizations, and such other officers as may be designated by said various State and local associations, to be known as the Interstate Executive Association; that the officers of such association shall be president, vice president, and secretary; that such officers shall hold their respective offices for the term of one year and until their successors are elected and qualified, and we recommend that John Gardiner, of Philadelphia, be elected as president."

This association was to have and did have quarterly meetings. The report of the committee further sets forth:

"The general purpose and object of this association shall be to interchange ideas, information, and literature bearing upon educational and publicity methods, trade problems, campaign management, etc."

The report further sets forth:

"5. Campaign management and legislation is largely a matter for each State individually, but we believe in a general outline under the auspices of the National Brewers' Association and in a speakers' bureau, to be organized along national lines."

In 1910, in a report to the trustees of the United States Brewers' Association entitled "Activities of the United States Brewers' Association," we find, among other things, the following:

"The organization bureau: This department, which is our fighting field force, is financed by a voluntary fund. It has taken an active part during the past two years in State and local campaigns throughout the country. No less than 46 States and Territories have had the personal service of the bureau. The statement with regard to the elections of November 8, 1910, which has gone out to our members, indicates the extent of the recent work. There were 27 State campaigns in which we were interested, and we won substantial victories in all except 1 of them. Surely this speaks for itself."

And further this report says:

"Our secretary is a member of all of the national societies which have anything to do with public health, political science, social science and economics, criminology, charities, and school hygiene. The alliance thus gained with public men has proved most valuable."

And again, under the heading of "Federal Relations," the report says:

"Our counsel has guarded our interest in the matter of Federal legislation with most remarkable success. During the last two sessions in Congress over 200 bills adverse to our interest have been introduced, many of which have had the backing of the entire prohibition and temperance organizations in this country. Only one measure affecting our interest has passed Congress in this period, and that went through with our assent. You can readily imagine what this has meant in winning and keeping friends in congressional districts. It is also literally true that Congress has been kept from doubling the tax on beer by our unaided efforts.

"These, of course, are confidential matters."

About the same time there was submitted the following under the title, "Skeleton of Reorganization Plan."

"The various activities of this association naturally group themselves as follows:

"(1) Political organization. This includes State campaigns, congressional campaigns, the Washington bureau, and the organization of voters.

"I shall not attempt to deal with this department except to say that it must be organized with a view of getting as much work as possible out of other people. The problem will be how to keep up the interest and activity of affiliated bodies, upon which we must rely, at a minimum cost."

And, further, this plan sets forth, among other things, the following:

"Recognizing our natural limitations, we must, first of all, preach and teach the teachers. This includes the colleges, libraries, newspapers, magazine instructors in economics and physiology, and the men who are leaders of thought in their community. With the coming of woman suffrage this is more than ever necessary. We must supply

campaign material on demand and assist our members and leaders in all matters relating to publicity and newspaper work.

"The scope is enormous, and the value of this department is limited only by the amount of money that the association can spend upon it."

And under the head of "Labor" the plan, among other things, says:

"In addition to this the labor bureau might be of very great value in our political organization by establishing a permanent working connection with the other labor bodies who make up the American Federation of Labor."

The plan contemplates a complete separation between the executive and political departments in the following words:

"The executive department should have the general oversight and direction of the work of all the other departments except the political department."

And as to the necessities of the executive department the plan declares:

"This would require a force of about 15 employees in addition to the heads of departments, the field staff, and the men employed in the political department."

In a call for a meeting of the Interstate Executive Association, under date of December 6, 1910, Hugh F. Fox, the secretary, says:

"The 'deliberations' will take the character of an experience meeting in connection with the recent campaign, and a survey of the field of action with a view to the work that is to be done in the near future."

At about this time Mr. Percy Andrews became president of this Interstate Executive Association. One of the representatives of the organization bureau of the United States Brewers' Association said in his report to the head of that bureau in referring to a particular State:

"I went over the State more with a view of meeting with the most influential labor men and in securing their support now and in the fight that may come; and I am sure that, if it is necessary, we can muster to our support all the labor men in the State, with one or two exceptions, and they believe they can deliver the union-labor vote."

I call this to the court's attention in order that the court may in some degree appreciate the effort those defendants and their associates have made to control every activity that can be of political value to them.

One of the field men, who was using this connection with the German-American Alliance for the purpose of promoting the political work of these brewing companies, said in his report to the organization bureau:

"Financial support necessary. Any attempt to bring about a German State organization must have financial support. I believe that such should come from the State Brewers' Association, and, as I have already indicated, should not be given direct but might pass through the hands of a middleman—perhaps Mr. Wolters, of Houston, or Dr. Horner, of Philadelphia."

In the late winter or early spring of 1913 a meeting of all the brewing companies in the United States was called at Chicago, and as a result of that meeting it was agreed that contracts should be secured from the various brewing companies providing for the payment into the treasury of the United States Brewers' Association of a special assessment of 3 cents a barrel on the annual production of the brewery. These contracts were not to become effective until signatures were secured covering an aggregate barrelage of 25,000,000 barrels, or $750,000. These contracts were for a period of five years. The 25,000,000 minimum was greatly exceeded.

In October of that year an executive session of the United States Brewers' Association was held at Atlantic City, and there was organized at that time an association known as the National Association of Commerce and Labor. At that time a contract was entered into between the United States Brewers' Association and Mr. Percy Andreae, by which he was to receive an annual salary of $40,000 for the purpose of taking charge of and organizing and conducting the National Association of Commerce and Labor. The records show that the name was selected because of its similarity with that of one of the departments of the Federal Government.

In a speech at the time of the organization of this association, Mr. Andreae, who had been engaged in similar work in the State of Ohio, held Ohio up as an example to be emulated, and stated his purpose to extend the principles of the Ohio organization throughout the country. Among other things he said:

"The value of this work to the industry in each State wherein it is accomplished will be very appreciable, for it is impossible to obtain and use, as I have described, the political knowledge concerning congressional districts in any State without at the same time acquiring the same data concerning the counties and senatorial districts of that State, for the simple reason that a congressional district is made up of Representative and senatorial districts, and you can not know the conditions of the larger unit without ascertaining those of the smaller units of which it is composed. It will therefore rest with the interest in each particular State to put to particular use the knowledge obtained concerning these smaller units in order to accomplish within that State what we have accomplished in Ohio. They will find that nearly half the expense of organization within the State for that purpose has thus been taken off their hands by the national organization."

The financial activities of the National Association of Commerce and Labor, in carrying out this comprehensive plan of Mr. Andreae, are most interesting. During the year 1914 the United States Brewers' Association turned over to Mr. Andreae the sum of $330,138. The Wholesale Liquor Dealers' Association paid him $90,000. These items and miscellaneous contributions which he received aggregated in that year $525,116.28. The only activities of Mr. Andreae and his associates were political in nature. They participated extensively in numerous State campaigns concerning themselves and using their funds to influence the election of governors, lieutenant governors, United States Senators, Members of Congress, and members of State legislative bodies. Some of the money was spent directly on conducting State campaigns for State and Federal officers in various States, and perhaps one of the best illustrations is to be found in the State of Iowa, where a three-cornered agreement was entered into with the local political organization in the State of Iowa by Messrs. Andreae, John Gardiner, A. Sunstein, the treasurer of the Wholesale Liquor Dealers' Association, by the terms of which they were to pay into the Iowa campaign fund the sum of $37,500, and the local political organization was to raise within the State of Iowa an equal sum. This $37,500 was to be paid in three equal payments. A third of this amount, $12,500, was to be paid by Andreae; a third, $12,500, was to be paid by John Gardiner, of the organization bureau of the United States Brewers' Association; and a third thereof, or $12,500, by A. Sunstein, the treasurer of the Wholesale Liquor Dealers' Association; and this money was in fact paid to the political organization of the State of Iowa for political purposes. As each of these payments fell due Mr. Sunstein turned over $4,166.67 to Mr. Gardiner; Mr. Gardiner added on an equal amount and forwarded the total of $8,383.35 to Mr Andreae, and Mr. Andreae then added his third and delivered it to the political manager in the State of Iowa.

We find that in almost every instance the records show that when the Andreae bureau, or the organization bureau of the United States Brewers' Association, contributed funds to a political campaign, there was an agreement by which a sum equal to one-half of the contribution of the United States Brewers' Association was to be paid for the same political purpose by the Wholesale Liquor Dealers' Association.

In his efforts to promote these various political campaigns, Mr. Andreae caused to be organized an organization bureau of the German-American Alliance, and used this organization to further his political purposes. This was done through Mr. Joseph Heller, of Indianapolis, and in the year 1914 alone he expended for this purpose the sum of $35,633.41.

The extent of the operations of the United States Brewers' Association in 1914 reached startling proportions. Because of the alleged destruction of records, the Government has no assurance that it has a complete record of the funds raised and distributed by that association. We do, however, have an absolute record of the collection by the United States Brewers' Association in 1913 of $755,385.18, a considerable portion of which remained in the treasury of the association at the close of its fiscal year.

In 1914 we have an absolute record of collections aggregating at least $999,300.88. How much more was collected during that year, of which we have no knowledge because of the destruction of the association records, we can make no estimate. We do know, however, that the bank accounts which we have thus far succeeded in discovering show an aggregate in the neighborhood of a million and a half of dollars.

The Pennsylvania State Brewers' Association was one of the associated organizations which constituted the general scheme of the defendant brewing companies and their associates to control the political affairs of the Commonwealth of Pennsylvania. The Government has little documentary evidence as to their activities. In fact, the Government is quite ready to admit that the operations of both the United States Brewers' Association and the Pennsylvania State Brewers' Association were, so far as the individual brewing companies in Pennsylvania are concerned, really part of the same big scheme. This association was originally a trade organization and was not incorporated. The big Pennsylvania brewing companies who controlled this association diverted it from its original purpose and used it as the basis of their political activities in order to cover up their corporate political activities in order that they might conceal them behind this unincorporated association. They had the Commonwealth of Pennsylvania divided into districts and each district assigned to one of the members of the board of trustees.

The defendant companies through this association undertook to control the nomination and election of practically every public officer elected within the Commonwealth of Pennsylvania from governor down, including Members of Congress and United States Senators. At a conference called by its representatives in 1914, candidates for legislature and State senate, for Members of Congress, for United States Senator, and for governor were elected, and not only the individual effort but the moneys contributed to this association by the brewing companies who have entered pleas in this case were used to put through the slate thus selected.

All the records of the Pennsylvania State Brewers' Association were, it is alleged, destroyed. As a result the Government is not in a position to definitely establish the total amount of money that was raised and expended by these companies in 1914, but the Government does know, and the records of one bank account establish, and there may be other bank accounts which the Government has not been fortunate enough to discover, that there was paid into the treasury of the Pennsylvania State Brewers' Association for its political purposes in 1914 the sum of $349,992.11, and that during that same year, in its effort to elect the slate which it had selected, expended from this one bank account the sum of $346,696.91. I cite these figures because of the fact that the Government has absolute knowledge of them. Whether or not these sums were supplemented by other funds, I am not in a position to state. The very fact that the records of the association were destroyed, as your honor already knows from the evidence in certain contempt cases which have been heard by the court, warrants the conclusion that there may have been other funds of which the Government has no knowledge.

The following is a copy of the contract entered into by one of the defendant corporations, and is the same form that was used by all of the companies who entered into the agreement, decided upon at the Chicago conference:

"To the United States Brewers' Association, New York:

"Memorandum of agreement made and entered into this 19th day of June, 1913, by and between the undersigned for and on behalf of himself or itself, his or its personal representatives, successors, and assigns, hereinafter called the 'brewer,' and the United States Brewers' Association, a membership corporation, duly organized and existing under and by virtue of the laws of the State of New York, hereinafter called the 'association.'

"Whereas the association is about to undertake certain work of vital importance to the brewing industry, which will require the outlay of a large sum of money during the next five years.

"Now, this agreement witnessed, that the brewer, in consideration of the premises and of the sum of $1 to the said brewer, duly paid by the association, receipt of which is hereby acknowledged, it is hereby covenanted and agreed to and with the association to pay to said association the sum of 3 cents per barrel upon the amount of sales to his or its customers yearly, measured in barrels each year, for a period of five years from the 1st day of April, 1913, payable in such installments each year and at such times in each year as the association shall from time to time designate. Such contributions of 3 cents per barrel for each year during a period of five years shall constitute the brewer a member of said association during the life of this agreement without additional cost, provided always, nevertheless, that this agreement shall be and become null and void and of no effect unless on or before the 4th day of October, 1913, the association shall have received similar agreements duly executed and delivered by other brewers in the United States to the association pledging yearly for a period of five years 3 cents a barrel each year upon an aggregate of 25,000,000 barrels. All of such agreements shall be similar in form to this agreement.

"Witness the hand and seal of the said brewer.

"THE ERIE BREWING CO.,
"Per ED. HEUER, *General Manager.*

"In presence of—
"F. A. Brevillin."

Sales for the year ending April 1, 1913, 101,353⅓ barrels.

For the purpose of uniformity and convenience, the sales for the preceding 12 months will be taken as the basis of this calculation. Thus the payment for 1913 should be upon the amount of beer sold during the 12 months from April 1, 1912, to March 31, 1913.

Schedule of basis of dues of Pennsylvania State Brewers' Association:

First 20,000 barrels or part thereof, 2 cents per barrel.
Next 30,000 barrels or part thereof, 2½ cents per barrel.
Next 50,000 barrels or part thereof, 3 cents per barrel.
Next 75,000 barrels or part thereof, 3½ cents per barrel.
Next 100,000 barrels or part thereof, 4 cents per barrel.
Next 125,000 barrels or part thereof and over, 5 cents per barrel.

Mr. STERLING obtained the floor.

Mr. JONES of Washington. Will the Senator from South Dakota yield to me to make a request for printing certain matter in the RECORD?

Mr. STERLING. I yield to the Senator.

Mr. JONES of Washington. I have an editorial from one of the leading newspapers in the East, which I should like to have inserted in the RECORD, and also a recent article by Prof. Irving Fisher, with reference to the conservation phase of this question, which I should also like to put into the RECORD.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

[From the North American, Philadelphia, Tuesday, July 3, 1917.]

THE HAND ON THE SPIGOT.

Americans in most States have witnessed spectacles of legislative dishonesty and degradation due to liquor influence, but the present scandalous developments in Washington set a new mark in discredit as well as in magnitude. When a State legislature sacrifices the public interest to serve the special privilege of booze, decent citizens comfort themselves with the thought that the evil is of local and transitory significance. But when liquor reveals the power to paralyze the will of Congress, to enlist the open advocacy of the national administration, and to dictate the Government's policy in time of war, the whole Nation is profoundly concerned.

If anyone feels that our expressions are unduly harsh, let him glance at the astounding record of political maneuvering and false pretense which now seems about to culminate in complete surrender to rum.

National prohibition for the period of the war, or at least drastic reduction in the manufacture of intoxicants, became a vital issue as soon as the United States entered the conflict. It was obvious that the Nation must exert all its energies and eliminate all controllable wastes in order to achieve victory, and the experience of other belligerents showed that the minimizing of the drain of liquor upon the Nation's material and human resources was the first requisite in promoting efficiency. The present British premier declared that of the three enemies of his country—Germany, Austria, and drink—the last was the most menacing; and in Great Britain, where the liquor interests had been all-powerful, and where the idea of "personal liberty" has dominated the laws for centuries, both the industry and individual rights have been severely restricted.

In the United States, where four-fifths of the area and three-fifths of the population were already under prohibitory laws, suppression of liquor suggested itself as one of the first measures of strengthening national defense, and the project was assured of the support of a majority of the people. Existence of a food shortage, threatening to cause real privation, added immeasurable pressure to the demand.

The attitude of Congress reflected public sentiment and the palpable needs of the situation; and yet the most decisive expressions of judgment were mysteriously reversed—not so much by the desperate efforts of the booze lobby as by the direct influence of President Wilson and his administration.

Thus, when the caucus of Democratic House Members indorsed war prohibition by an overwhelming vote, the action was promptly rescinded upon warning from the White House that only legislation initiated by the administration should be considered. And when the Senate added to the espionage bill a rider forbidding the waste of foodstuffs in making liquor, the administration did not relax its efforts until the clause was stricken out. A dozen bills, resolutions, and amendments of similar import were struck down at the same inspiration.

Hopeless of continuing unchecked during the war their weakening and debauching traffic, the liquor interests sought a crafty compromise. If some sort of prohibition was unavoidable, let the making of spirits be stopped, they said, while the manufacturer of beer and wine was permitted. This would satisfy the public, it was believed, while having no effect upon the consumption of liquor and very little upon the waste of foodstuffs; for with 300,000,000 gallons of spirits in storage the market could be supplied for two years at least, and the breweries would continue, as before, to consume the people's food, beer utilizing vastly more edible material than whisky.

The alarming official warnings of food shortage insisted that the people must undertake the most minute economies, yet the whole power of the administration was put behind a proposal to perpetuate the systematic waste of stupendous quantities of nutritious products. The scheme of the brewers was adopted by the Senate Finance Committee, which offered an amendment to the food bill placing prohibitive taxes upon food materials used in making distilled spirits only.

But the device was too transparently dishonest to succeed without a contest. The people had been convinced by the officially emphasized facts that they must eat less of their accustomed diet and must practice novel and rigid economies; and they could not reconcile these imperative demands with the indorsement of the greatest single item of food waste. Preponderant public sentiment and the clearest requirements of logic and food conservation were obeyed, therefore, when the House 10 days ago amended the bill so as to prohibit the use of food materials in the making of any and all alcoholic beverages. Only 5 votes out of 370 were cast against the measure with this provision.

Popular judgment could hardly have been more decisive, but the rum interests had two other lines of defense—in the Senate and the White House—and they concentrated upon strengthening these. Their success presents perhaps the most remarkable exhibition of the power of special privilege ever witnessed in American public affairs.

A large number of Senators represent prohibition States, and it was predicted that that body would not attempt to overturn the overwhelming decision of the House. The majority sentiment was expressed in Senator GORE's amendment prohibiting the use of nonperishable food materials in making alcoholic beverages and authorizing the President to stop the use of perishable products also, and to commandeer existing supplies of spirits. Nevertheless, liquor and administration influence united to break down the demand.

After three days the result was disclosed in a revised amendment adopted by the Subcommittee on Agriculture. This was an astonishing combination. It took over the House prohibition of the waste of foods in liquor, but added the provision that the President might permit the "limited use" of the people's food in making booze, "whenever in the judgment of the President the public interest would be subserved thereby."

It was a victory for the rum interests, but more embarrassing than a defeat, for it put upon Mr. Wilson the responsibility of canceling war prohibition after enactment—Congress would turn off the spigot and leave it to him to turn it on again, if he dared, as a means of "subserving the public interest"! The situation would have been farcical if it had not been so serious for the Nation.

But the next day there was another shift. The Agricultural Committee repudiated its subcommittee's preposterous "compromise" and reported an amendment prohibiting the use of foodstuffs in any alcoholic beverages, but authorizing the President to permit the utilization of perishable fruits. The effect of this would be to prohibit distilling and brewing, but to protect the wine industry.

By this time the farce had become ghastly, and President Wilson was compelled to make his tacit support of the liquor campaign open and active. The Senate was not amenable to confidential hints and recommendations; it was necessary to crack the whip of administrative coercion. So on Friday the leaders were summoned to the White House and informed plainly that there must be no interference with beer or wine, the arguments being that complete prohibition would cause public discontent and would deprive the Government of large revenues needed for the war.

The result was a new amendment (a) forbidding the use of food materials in the manufacture of distilled alcoholic beverages and (b) authorizing the President to limit, regulate, or prohibit, at his discretion, the use of such products in beer and wine. Naturally the President wanted Congress to settle the matter; he did not relish the prospect of having to interfere with "great industries" himself. But he consented to the arrangement.

This, however, was only temporary. The President was determined to relieve himself of the responsibility, and the liquor interests were equally determined to block all prohibition if they could. Both influences brought about another conference on Saturday, the result being agreement upon an amendment stopping the manufacture of distilled spirits and making no mention at all of beer or wine.

Having won this great victory through the President's rescue of the breweries, the liquor interests immediately planned to save the whisky industry also, and a determined fight is under way to kill the project of authorizing the President to commandeer for Government use in munitions the existing stocks of spirits. Since there is a two-year supply in bond, the net result would be that war prohibition would be reduced to the shabbiest of false pretense; for the market would still be flooded with whisky and the making of beer and wine would continue without restriction.

A curious feature of the situation is that President Wilson by his efforts to avoid the placing upon him of responsibility for the continuance of the liquor traffic unhampered during the war, has succeeded only in focusing public attention upon himself as the most powerful ally of the system. For the record shows incontestably that Congress, left to itself, would have taken the course dictated by the sentiment of the majority of the American people and by the urgent requirements of national efficiency, and that only the determined stand of the President overcame the judgment of the Nation's Representatives. It is his hand that keeps open the rum spigot.

This fact can not be minimized or obscured. The motives that have impelled Mr. Wilson to take this extraordinary course are undoubtedly sincere; that he thinks he is acting for the best interests of the Nation, as well as for the interests of the liquor traffic, can not be questioned.

But the unwholesome episode shows once more the peculiarities of the judgment which the American people are asked to regard as infallible. For it is President Wilson's opinion that patriotism requires them to submit to drastic restrictions in the matter of the food which sustains life, while the supplies their war-diet economies may save are drained away through the distillery, the brewery, and the saloon.

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HOW MUCH FOOD CONSERVATION IS POSSIBLE FROM WAR-TIME PROHIBITION AND HOW GREATLY IS IT NEEDED—LIQUOR USES UP 94,000,000 BUSHELS OF GRAIN A YEAR.

[By Irving Fisher, professor, Yale University.]

Grain used by brewers, 1916.

[Reported by Department of Agriculture 1917; figures given to the nearest 100,000 bushels.]

	Bushels.
Barley	52,400,000
Corn	13,600,000
Rice	2,400,000
Total	68,400,000

Grain used by distillers, 1916.

[Internal revenue report includes that for industrial alcohol; figures given to the nearest 100,000 bushels.]

	Bushels.
Corn	32,100,000
Barley	4,500,000
Rye	3,100,000
Total	39,700,000

Total grain used by distillers and brewers combined.

[Including that distilled for industrial alcohol.]

	Bushels.
Distillers	39,700,000
Brewers	68,400,000
Total	108,100,000

Negligible amounts of other grains (mostly oats and wheat) are also used.

The quantity of grain used by the distilleries in the manufacture of industrial alcohol is not exactly known, but in 1916 the total quantity of distilled spirits for denaturing, manufacturing, and scientific purposes was 87,000,000 gallons, and the remainder presumably as alcoholic beverages, 162,000,000 gallons. In other words, about a third of the total was used industrially. As a much larger proportion of the alcohol from molasses is used industrially than is the case with that from grain, the fraction of the grain so used was probably less than one-third. In other words, the grain used from manufactured alcoholic beverages was more than two-thirds of the total of 39,700,000 bushels, and therefore more than 26,000,000 bushels.

Total grain used in production of alcoholic beverages.

	Bushels.
For distilled liquors	26,000,000
For beer	68,400,000
Total	94,400,000

These 94,000,000 bushels consisting mostly of (about) 55,000,000 bushels of barley at 48 pounds per bushel, and (about) 35,000,000 bushels of corn, rice, and rye at 56 pounds per bushel, make over 4,600,000,000 pounds of grain.

HOW THIS WASTE COULD BE SAVED IN BREAD.

This grain could be exported, or better, used to eke out our own bread supply by mixing with wheat flour and thus releasing the equivalent amount of wheat for export.

It is easy, for any cook, to mix corn with wheat flour up to 10 per cent. In the Mellon Institute, in Pittsburgh, where bread experiments are being made, mixtures have been successful up to 50 per cent, and fairly successful even up to 66 per cent. Barley can be mixed with wheat flour up to 20 per cent by any cook, and up to a higher percentage, given the requisite knowledge and skill. Mr. Hoover recently had in his rooms bread containing 20 per cent barley, which could not be detected by its appearance to the eye or by its taste, from the original wheat bread. This will probably be a popular form of war bread.

HOW MUCH BREAD COULD BE SAVED.

A pound of grain makes about a pound of bread; for the 25 to 30 per cent of the grain removed by milling is almost exactly replaced in the bread by other ingredients—milk, water, salt, etc.

Thus alcoholic beverages divert from bread making the equivalent of 4,600,000,000 one-pound loaves of bread per annum, or about twelve and one-half million 1-pound loaves per day.

The cessation of the brewing and distilling of alcoholic beverages would thus enable us to export these twelve and one-half million 1-pound loaves of bread per day. Even if we make a much larger allowance for the industrial alcohol than we have, the figure will exceed 11,000,000 loaves.

HOW FAR DO BREWERS' AND DISTILLERS' GRAINS HELP THE HUMAN FOOD SUPPLY.

It is true that "brewers' grains" and "distillers' grains"—the waste from the production of alcoholic liquors—while they can not be used directly for human food, contain food value for cattle. When they are fed to cattle, part of their food value can be recovered for human food in the form of meat or milk.

The brewers claim that 35 per cent of the original grain is left in the form of brewers' grains. An English statement by Lord Devenport gives the figure in England as 25 per cent. The discrepancy is explainable by the fact that the brewers' 35 per cent is by volume, not by weight, as it should be. Only a fraction of this is recoverable in milk and only a very small fraction in meat.

We should measure the results in food units. The food unit is the calory, which is also a unit of heating power or energy-giving power.

As we have just seen barley, after brewing, leaves behind about a third of its weight in dried brewers' grains. As a given weight of these grains possesses only three-fourths the food value of the same weight of barley, it follows that only about one-fourth (i. e., three-fourths of one-third) of the original food value is left for cattle feed (a more exact calculation gives the result as 28 per cent).

Similarly, corn, after distilling, leaves behind somewhat less than a third of its weight in dried distillers' grains. As a given weight of these grains possesses nine-tenths of the food value of the same weight of corn it follows that three-tenths (i. e., nine-tenths of one-third) of the original food value, is left for cattle feed (this also, when more exactly calculated, works out at 28 per cent).

When the brewers and distillers' grains are turned into meat, about nine-tenths of the food value is lost in the process. This one-tenth which is recovered is therefore one-tenth of 28 per cent of the original grain, or less than 3 per cent of the food value in the original barley and corn.

If the grains are used for milk production, a much larger recovery is secured—about two-thirds of the value of the brewers and distillers' grains; i. e., two-thirds of 28 per cent, or about 20 per cent of the original food value.

If we count the meat (or milk) thus recovered in terms of equivalent bread the saving from stopping the manufacture of alcoholic beverages would be 3 per cent (or 20 per cent) less than 12,500,000 loaves—roughly 12,000,000 (or 10,000,000) loaves—let us say 11,000,000.

"MILLER'S OFFAL."

These recoveries however, must in their turn be partly offset; for the manufacture of liquor prevents the making of "miller's offal," amounting usually to about 28 per cent by weight (abroad usually about 40 per cent) of the original grain, which would be created as a by-product if the grain were milled into flour.

These figures for miller's offal relate to wheat and may possibly be different for barley or corn. But the net result would be to raise slightly the net wastage figure (10,000,000 to 12,000,000 loaves) above obtained.

We conclude that 11,000,000 loaves is a fair estimate of the bread supply we are now drinking up.

It should be observed that three-fourths of this food waste is from of the grain waste from alcoholic beverages, we next ask, How important food wasters is erroneous.

ALCOHOLIC BEVERAGES NOT PROPERLY FOODS.

No account is here taken of the food value in beer nor of the calories (of little or no use in the human organism) of the alcohol in beer and spirits. As these food and heat values can not be expended without at the same time poisoning the human system with alcohol, it is only technically correct to count even the food value of beer as a real part of the food of the Nation and, according to the best physiological authorities, it is not even technically correct to count the heat value of alcohol as such. It was for these reasons that the American Medical Association at its meeting this month in New York formally condemned alcoholic beverages.

ARE 11,000,000 LOAVES A DAY WORTH COUNTING?

Having secured the figure 11,000,000 loaves as a conservative estimate of the grain waste from alcoholic beverages, we next ask, How important to the Nation is this item?

The distillers and brewers, in full page advertisements, have recently been trying to belittle such waste as a small percentage of the grain crop, although a few years ago they were magnifying their use of grain as an important part of the farmers' market. The grain crop is not the right basis of comparison. Yet even in relation to the grain crop the waste is nearly 2 per cent. The grain crop includes feeds for horses, cattle, swine, poultry, etc., as well as exports. Prof. Sherman, in "Food Products," points out (p. 259) that about nine-tenths of the corn crop is consumed on the farm, and of the one-tenth which is sold not all is used for human food; also (p. 264) that only about one-twentieth of the oat crop is used by milling industries, including that used in breakfast cereals. Only about one-third of the rye crop is made into flour.

The distillers in 1916 consumed over 1 per cent of the total corn consumption by man and beast in the United States, 2 per cent of the total barley consumption, 8 per cent of the total rye consumption. The brewers used over 6 per cent of the total rice consumption, 25 per cent of the total barley consumption.

But it must be remembered that the feeds to cattle, swine, and poultry are recovered in human food, only to a very slight extent, and horse feed is not so recovered at all. From the standpoint of our national food supply we ought to compare the 11,000,000 loaves wasted in alcoholic beverages with the total human food values involved. So measured, the waste of 11,000,000 loaves a day is very appreciable.

A pound loaf of bread contains about 1,250 calories or about half of the average per capita food requirement. Eleven million loaves, therefore, contain calories equal to the total calories required by 5,500,000 people.

Counting our population as 100,000,000, an amount equal at least to 5½ per cent of our entire national human food consumption is wasted in alcoholic beverages.

In terms of total breadstuffs the percentage is still greater. The consumption of bread in the United States, including pastry, is estimated by experts at five-sixths of a loaf per day per capita.

This means that what we waste in beer and spirits is 13 per cent of the total breadstuffs we eat.

WHAT 11,000,000 LOAVES A DAY MEAN IN WAR.

When we turn to the real problem, the war problem, the problem of supplying our allies, the 11,000,000 loaves per day, which means 80,000,000 bushels of grain per year, wasted in the production of alcoholic beverages, is 20 per cent of the total food and feed stuffs exported by the United States in 1916, that total being 405,000,000 bushels, made up as follows:

Food and feed stuffs exported from United States in 1916.

	Bushels.
Barley	22,485,920
Corn	53,543,227
Oats	101,411,239
Oatmeal (also large export of oat breakfast cereals)	1,750,000
Rice	1,330,000
Rye	15,161,090
Rye flour (bushels of rye to make)	500,000
Wheat	154,049,686
Wheat flour (bushels of wheat to make, 4½ bushels to barrel)	54,705,500
Wheat made into bread (estimated from pounds of breadstuffs)	210,000
Total	405,146,662

Again, 11,000,000 loaves a day is enough to supply the bread needs of the English (3,000,000), French (5,300,000), and Italian (3,400,000) Armies, counting the bread ration at a little less than 1 pound per day per soldier. It is much more than enough to supply the entire bread relief of Belgium.

This bread waste would more than supply a bread ration of 1 pound a loaf a day to all the inhabitants of Scotland and Ireland.

It would nearly supply one-third of the bread ration of England and Wales.

It would more than supply a pound loaf to every one of the 39,600,000 inhabitants of France every four days.

It would furnish half a pound a day to the 1,250,000 dependent children in Belgium, and a pound loaf to every man of the 240,000 in the United States Army, Regulars; the 400,000 National Guards; the 500,000 draft; the 5,300,000 in the French Army; the 3,000,000 in the British Army; and then give a loaf to every one of the million families in New York City.

It is true that we could make these same savings out of our large grain crop in some other way. Instead of stopping or reducing beer and whisky making, we could reduce exports to our allies or reduce the production of milk or meat or reduce the number of horses.

But, seriously and solemnly, are these the places at which to economize, rather than economizing on a use which is not only unnecessary but, as we all know, vastly injurious to the Nation?

DOES LIQUOR MAKING REDUCE THE PRICE OF MILK?

We may pause here to answer an ingenious objection.

The liquor interests in a circular to Congress (signed by the "Farmers' Feed Co.," New York) state that "to eliminate brewers' grains for milch cattle food will unquestionably lessen milk production 20 per cent; will unquestionably increase the cost of production to such an extent that the purchase price of a quart of milk now fixed at 11 cents per quart will unquestionably force the price to 25 or 30 cents per quart in all great centers of population where a pure-milk supply is most required."

These bogies need not frighten us, inasmuch as, in the first place, the Department of Agriculture has shown how to secure leguminous foods in substitution, and, in the second place, the brewers' grains could not possibly supply 20 per cent, or even one-third of that figure, of the grain food of milch cattle, or even a far smaller percentage of their total food.

According to a table in the Agricultural Outlook, October 15, 1914, Farmers' Bulletin 629, about 9 per cent of the corn crop, 5 per cent of

the oat crop, and 4 per cent of the barley crop are used for feeding milch cows. These percentages, applied to the production of 1916, would indicate that from these three grains alone, without counting other cattle feeds, the milch cattle obtained 300,000,000 bushels of grain. The entire amount of brewers' grains in that year would, according to the brewers' own claims, not exceed 25,000,000 bushels, or 8 per cent of 300,000,000.

The price of milk may indeed rise from general war conditions, but the withdrawal of brewers' grains will not be the cause.

One of the chief dairy companies in the United States, when asked this question by our committee, replied:

"Probably the single factor of withdrawing brewers' grains from the market would not affect the price of milk or have any material influence on the price of other cattle feeds."

Prohibition would tend greatly to lower the cost of living, including the cost of milk, in many different ways, some direct and others, quite as important, indirect. Some of these will be shown in a later statement on national efficiency in relation to alcohol.

Incidentally, however, we may note that, as we all know, alcoholic beverages now waste both the money and the power to earn money of the poor. Dr. Haven Emerson, health commissioner of New York City, finds in a recent investigation that 5 per cent of the income of the poor in New York City is spent on alcoholic beverages. A much larger per cent of earning power is lost thereby. Consequently out of that saving in both these respects which war-time prohibition would bring there would be a large net gain for the babies' milk (about which the brewers and distillers are suddenly so solicitous) even if the price of milk should rise several fold.

The economy in buying brewers and distillers' grains, as compared with other foods, some of which have a great food value per ton, has also been exaggerated. The prices per ton on May 18, 1917, were as follows:

Spring bran	42.60
Brewers' grains	43.50
Malt sprouts	45.60
Choice yellow gluten	48.60
Winter wheat middlings	50.10
Oil meal	53.10
Distillers' dried grains	53.10
Corn and oats	61.75

Brewers and distillers' grains are not regarded as the best cattle feed. They need to be supplemented by other foods, such as miller's grains, and are not used at all by many of the best dairies. This fact is vouched for by one of the best known of these dairies in a letter to this committee.

GRAIN NOT THE ONLY FOOD WASTED.

Besides the grain used in manufacturing alcoholic beverages, there is an enormous quantity of molasses and considerable quantities of grape sugar or maltose as well as glucose or sirup so used.

Reduced to pounds the items for 1916 are as follows:

	Pounds.
Barley, 56,513,235 bushels, 48 pounds per bushel	2,712,635,280
Corn, 45,643,063 bushels, 56 pounds per bushel	2,556,011,528
Rye, 3,116,612 bushels, 56 pounds per bushel	174,530,272
Rice	141,249,292
Grape sugar or maltose	54,934,621
Molasses, 152,142,232 gallons, 11 pounds per gallon	1,673,564,552
Glucose or sirup, 2,742,894 gallons, 11 pounds per gallon	30,171,394
Total	7,343,096,939

These figures include some two-thirds of a billion pounds of grain used in the manufacture of industrial alcohol. The figures have been carefully compiled by Prof. T. M. Carver, of Harvard University, with others, and reviewed by Prof. Cannon, physiologist, of the Harvard Medical School, and others.

It has been objected that a large amount of the molasses is not fit for human consumption. A large amount of it, however, is so used, namely, that from the cane-sugar refineries; this is being used in the present sugar shortage, particularly in England and France. That from beet-sugar refineries is not good for human consumption; but it is good for stock feed, and can also be used for the manufacture of industrial alcohol. In short, all of the seven and one-third billion pounds could be utilized otherwise than by manufacture into alcoholic beverages and almost all of it could be used for human food. Probably the total food value wasted when the items other than grains are included is a quarter larger than that of the 11,000,000 loaves.

FOOD WASTE IN THE LIGHT OF WORLD FAMINE.

This food waste would be considered important in ordinary times, but in time of war, when there is a great food shortage, the waste is much more serious. The extent of this shortage is not yet realized, although Mr. Hoover has published his findings. These findings are based on studies made by him and his staff in the various countries abroad in collaboration with the food ministers of the various countries. The requirements of bread grains for our allies were calculated by him as follows:

	Bread grains.	Fodder grains.
	Bushels.	*Bushels.*
United Kingdom	225,000,000	170,000,000
France	175,000,000	70,000,000
Italy	90,000,000	60,000,000
Belgium and Portugal	50,000,000	.....
European neutrals	10,000,000	.....
Ex-European neutrals	5,000,000	116,000,000
Total	555,000,000	416,000,000

This makes a total grain requirement of nearly a billion bushels, of which over half is for human consumption. Mr. Hoover thinks that, while it would be impossible for the United States to supply all of the requirement for grain food for humans and grain fodder for animals, the major part of the burden must fall on us.

Certainly, all of the grain we now waste in drink will be needed and more, for, with 20,000,000 men withdrawn from production, with grain fields devastated in France, Belgium, Poland, and Serbia, with grain ships destroyed by submarines, and with short crops at home (the shortage in winter wheat having been estimated by our Department of Agriculture at 189,000,000 bushels), we need food economy as we have never needed it in this country since the Pilgrim Fathers suffered in those historic days, the survival of which led to the establishment of Thanksgiving Day.

The International Bureau of Agriculture at Rome has estimated the shortage of the crops of 1916, as compared with 1915, as follows:

1916 shortage relatively to 1915.

	Per cent.
Wheat, 17 leading countries	25.3
Rye, 11 countries	6
Barley, 16 countries	8.6
Oats, 14 countries	13.6
Corn, 6 countries	14.6
Potatoes, 7 countries	13.6

The chief reason why we in America have not yet appreciated the shortage of our food supply is that, so far, we have eked it out by drawing on reserves. We have been slaughtering animals and reducing their number, and have drawn on foods in cold storage so greatly that the decreases in a year up to March 1, last, are as follows:

	Per cent.
Cheese (American—pounds)	29.3
Eggs (cases—30 dozen)	80.3
Lard (pounds)	31.7
Lamb and mutton (pounds)	31.1
Frozen pork (pounds)	36.9

The foregoing table is one of many of great interest on this subject given by Profs. Seager and Chaddock in "Columbia War Papers," series 1, No. 6, Division of Intelligence and Publicity of Columbia University, 1917.

The important point is that the shortage is growing greater every day. The need in 1917 will be far more than was that in 1916, and that of 1918 and 1919, if the war continues, will be still greater.

In England the food pinch has already become so acute that in May the King issued a proclamation exhorting the people to lessen their consumption of bread by at least one-fourth.

The London Spectator has affirmed that if England had adopted war-time prohibition when Russia did there would now be no peril as a result of the submarine blockade.

We shall do well to exercise foresight and act before we have reached real disaster.

Even if the food saving through war-time prohibition were much less than it actually is, such saving ought to be effected. To plead that the economy is a small one is not only a false contention but a wrong kind of contention. It is not the spirit of war economy to permit a waste on the ground that it is not large. In war we need our full strength and should make every economy, large or small, to get it.

In short, not only is the food economy from war-time prohibition a large economy but it is, large or small, a proper war measure—almost a necessary one. As Mr. Hoover has said, if we can not feed our allies they can not fight and we shall have to fight alone.

As soon as the people of this country realize this fact and that world war is threatening world famine no patriotic citizen, whatever his views on other aspects of the alcohol problem, will hesitate to favor war-time prohibition.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Nevada?

Mr. NEWLANDS. May I ask the Senator from South Dakota whether he will permit me to bring up the question of a conference report? There will be no debate on it.

Mr. STERLING. I shall have to decline to yield for that purpose, I will say to the Senator from Nevada. I regret not to yield, but my time is limited, Mr. President; and I should like to finish before 2 o'clock. I think I shall easily be able to do so.

Mr. President, I am opposed to the amendment offered by the committee as a substitute to section 12 of the House bill, and wish to go on record as in favor of section 12 as it passed the House.

Of course, I have due regard for the overwhelming sentiment in my own State which at the last election declared in favor of state-wide prohibition. In my vote here I shall give expression to that sentiment; but it is also my own sentiment. I have sought to view the question from every standpoint material or relevant to the issue. That issue stated in briefest terms is whether in this time of war food or feed materials shall be used in the production of alcohol for beverage purposes.

We call this a food-control bill. The object of the bill in one word is "efficiency." National efficiency. Efficiency in the Army, in the Navy, in the general citizenship of the country. Efficiency that we may not at any point fail in our support of our allies, and that we may be the great and determining factor we are capable of being in this war against autocracy and in behalf of liberty and humanity.

Hence, we seek through legislation to increase and conserve the food supply in order that the men of the Army and of the Navy may be well fed; in order that we may help make up for the shortage of the last two years and render our allies—England and France, especially—even greater service than we have in the past in the food and feed cereals we shall furnish them.

According to Mr. Hoover, the total needs of all our allies from outside sources will approximate 800,000,000 to 1,000,000,000 bushels, of which vast aggregate there will be needed 500,000,000 bushels of wheat and 250,000,000 to 350,000,000 bushels of other cereals such as corn, barley, rye, and oats. Our exports of all cereals have heretofore amounted to from 400,000,000 to 425,000,000. If Canada should have a surplus of 200,000,000; if the rest of the world is able to contribute 200,000,000 more, there

will still be a shortage unless we increase our production or make available for food and feed much more than we have in the past.

What then can be more just and reasonable than that we should take that action here which will divert the many million bushels of grain from accustomed use for beverage purposes to the higher and more urgent use for food purposes?

To show the need of one of our great allies now and the strict regulations made necessary there by a scant supply of essential foodstuffs, I read from yesterday's Evening Star under the title:

Allies conserving their food supply—Even the Englishman is going hungry, according to American writer.

The article proceeds as follows:

Americans who are asked to conserve food to help feed the allies may inquire, "What are the allies doing to help themselves?"

"Much more than is being asked of America as yet," is the reply of an American writer and political economist, just back from England, who says he went hungry over there, in common with Englishmen, who are doing their utmost to practice food economy.

"I simply could not get enough at any hotel or restaurant to satisfy me," he stated. "This is the common report of others who have studied the food conditions abroad.

REGULATIONS EXACTING.

"The regulations of the ministry of food controlling the serving of meals in public eating places are exact and detailed, and they are being enforced," he stated. "One can not have more than 5 ounces of meat at any meal, and this means 5 ounces of meat in the kitchen as it comes from the butcher. When it comes to the table as edible meat it is half that weight. Nor can one have more than 2 ounces of bread, which bread must be at least 12 hours old, or more than two-sevenths of an ounce of sugar at any meal. The London bakers are making rolls of 1 ounce and 2 ounces each. They are simply miniatures.

"The regulation against waste is drastic. No bread may be thrown away. A piece of bread was found in an ash can by the police. The household was fined 20 shillings. One hundred and fifty pounds of stale cake were found thrown out behind a restaurant. The proprietor was fined £20 ($100).

PASTRIES CAN NOT BE MADE.

"No light pastries, muffins, crumpets, or fancy tea cakes may be made. No currant or milk bread may be made, nor any sugar be used in making any bread. Many similar restrictions exist and are enforced.

"In addition to the governmental regulations the food controller carries on continuously a strong propaganda for voluntary rationing, cutting out of waste, and food saving generally in the home. All households are asked to limit their consumption of bread to 4 pounds a week per person, of meat to 2½ pounds, and sugar three-quarters of a pound. Those families which agree to do this put up in a window, facing the street so that all may see, a conspicuous card bearing the legend: 'In honor bound we adopt the national scale of voluntary rations.'

"This pledge of voluntary restriction has been widely accepted. In the little town of Church Stretton, containing 253 houses, the card is displayed in 225. And there are other records nearly as good. In some towns the average ration per person has been reduced to an amount below that asked for by the Government."

Such, Mr. President, are the conditions in England; such the measures taken by the Government to meet them, and the cooperation of the people in them. They serve to emphasize our duty to do all we can to aid them by furnishing increased food supplies.

But we must not forget the obligation to our own people. The public tranquillity necessary to insure the successful prosecution of this war depends on an ample food supply at reasonable prices to the masses—to the millions of manual workers throughout the land.

Mr. President, a bread riot is worse and more to be dreaded than a beer riot. And there never will be a beer riot in this country unless it is inspired by too much beer.

Reference was made yesterday by the distinguished Senator from Illinois [Mr. SHERMAN] to the disgraceful affair at East St. Louis, in the great State of Illinois. I can not say with absolute certainty, Mr. President, but I almost feel warranted in making the statement that had it not been for the intoxicating liquors in that community there would have been no such disgraceful riot in East St. Louis.

Our situation, Mr. President, in regard to the use of beer and wine as beverages by our laboring classes is different from that of European countries. We are cosmopolitan in the employment of labor. No one drink, as beer in Germany or England, has been the traditional drink for generations of Slav and Slovak, of Polak, Italian, Hungarian, and Greek; and the deprivation caused by prohibiting the manufacture of any one or more than one intoxicant will not be universal, as would be that caused by prohibiting beer in England or Germany, or possibly wine in France. Our problem, therefore, is in this respect an easier one than that which has confronted Lloyd-George or Bonar Law.

To the people of all these various nationalities, represented as they are in our mines, factories, and on our railroads, we shall say, "For the cause of freedom, for the opportunities for which you have sought these shores, in the interests of the public weal and of your own wives and little ones, be prepared to do your 'bit' in the way of self-denial and sacrifice and prove yourselves worthy citizens of that country which now in this great war again proves itself the friend of the oppressed of all nations."

Mr. President, I have no fears that any disturbance will result from the enactment and enforcement of section 12 substantially as it came from the House. Twenty-five States, I think—more than half of the States of the Union—have adopted State-wide prohibition. There has been no rioting, no social upheaval in any of them. On the contrary, business has prospered, labor has been better fed and clothed, and crime has diminished. From the economic standpoint there can be hardly a greater boon to the race than the abolition of the traffic in intoxicating liquors.

What are the essentials of that man power, which in the last analysis is the one thing we are now trying to conserve? It has, first, the physical basis, the sound body, the bodily vigor of men; second, the intellectual basis, the sound, alert, and active mind in the sound body; third, the moral basis, the sense of duty and moral obligation.

It is brawn, then, and brain, and moral fiber which are the essential elements of man power—of man power on the farm, in the mine, in the factory, in every industry or enterprise which engages the thoughts and activities of men—of man power in command in the field, or in the ranks, in the charge, or in the trenches. Intoxicating liquors, instead of conserving or building up, tear down and destroy these necessary elements of man power, all of which are needed in these momentous times. I trust, Mr. President, that, in the interests of our national security and national defense, the Senate may vote its approval of section 12.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee. As many as are in favor of the amendment will say "aye"——

Mr. CURTIS. What is the committee amendment?

Mr. STERLING. Mr. President, is this the amendment proposed by the committee to section 12?

The PRESIDING OFFICER. The pending amendment is the committee amendment which has been under consideration for some hours.

Mr. STERLING. I beg pardon.

Mr. REED. Let it be stated.

Mr. SHAFROTH. What is the amendment?

The PRESIDING OFFICER. Without objection, the Secretary will again state the amendment.

The SECRETARY. On page 13, line 12, after the word "employees," the committee proposes to insert the following proviso:

Provided, That whenever any person or persons entitled to receive such wages are dissatisfied with the rate of wages so fixed by the President, he or they shall have the right to have the reasonableness of such wages reviewed and determined by the Board of Mediation and Conciliation, created by the act approved July 15, 1913; and in case said board shall conclude that a higher rate of wages shall be allowed their findings shall be conclusive in the premises, and said board shall prescribe rules and regulations for carrying this proviso into effect.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. GRONNA. Mr. President, the Senate of the United States is about to decide the important question of whether or not during the period of this war this Government shall permit the use of foodstuffs in the manufacture of alcoholic liquors. It is a question which most vitally affects the welfare of our Nation. It is both an economic and a moral question.

In speaking of alcoholic liquors I include beer and wine as well as whisky, rum, gin, or any intoxicating liquors containing a high percentage of alcohol.

From the standpoint of a prohibitionist this question is indivisible. To prohibit one or a few of these varieties and not include all means an absolute failure so far as it affects prohibition. Any alcoholic liquor used as a beverage and which contains more than one-half of 1 per cent comes under our revenue laws and is taxed. Any legislation which merely limits or even prohibits the manufacture and use of one and not all alcoholic liquors is a sham and a fraud.

Now, as to the economic phase of the question: According to a statement issued by Irving Fisher, professor of political economy at Yale University, he estimates that $2,225,000,000 is paid by the consumer for alcoholic liquors in a single year. The Government received during the year 1916 from revenue taxes on alcoholic beverages $159,000,000 from distilled spirits and $89,000,000 from fermented liquors, making considerably less than one-quarter of a billion altogether. But the consumer ultimately pays this tax, and in addition to this amount more than $2,000,000,000, which the Government does not get and which is far worse than wasted for the Nation.

If I had the time I could show to the Senate that in every "bone-dry" State by the eradication of the saloon taxes as

well as crimes have decreased. So the argument used by the liquor people that we can not dispense with the manufacture and sale of alcoholic liquors because we need the revenue is no argument at all, but mere buncombe.

If the public is taxed a quarter of a billion dollars to permit the manufacturer and the dramseller to engage in the business, which is injurious to public health and public morals, why would it not be better to stop this traffic in the United States when one-half of the States of the Union have already enacted laws forbidding the manufacture and sale of alcoholic liquors?

Now, let us consider the moral side of prohibition. This is the most important of all questions. This Congress has just passed a bill prohibiting the use of intoxicating liquors in military camps. The President of the United States approved this provision, and it is now a law. If beer and wine are so essential to public welfare, as is claimed by the friends of the saloon and the liquor traffic, why did we think it necessary to prohibit the sale or the use of it in military camps?

Senators, you can not defend the position of partial prohibition. No man with convictions against the liquor traffic can maintain his position as a friend of prohibition who permits the manufacture, sale, or use of any of these intoxicating liquors. With only beer and wine the American saloon will exist, and the American soloon barroom will continue to administer this poison which has been condemned by the American Medical Association as injurious to public health and public welfare.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, under the unanimous-consent agreement heretofore entered into, the Senate will now proceed to the consideration of section 12 of the bill. The question is upon the amendment of the Senator from Oregon [Mr. CHAMBERLAIN]. The Secretary will state the amendment.

The SECRETARY. On page 18, it is proposed to strike out section 12 and to insert the following:

SEC. 12. That it shall be unlawful for any person, firm, or corporation to use any foods, food materials, or feeds in the manufacture of distilled spirits for beverage purposes.

(b) Whenever the President shall find that limitation, regulation, or prohibition of the use of foods, food materials, or feeds in the production of vinous, malt, or fermented liquors, or that reduction of the alcoholic content of any such liquors is essential, in order to assure an adequate and continuous supply of food or feed, he is authorized, from time to time, to prescribe and give public notice of the extent of the limitation, regulation, prohibition, or reduction so necessitated. Whenever such notice shall nave been given, and shall remain unrevoked, no person shall, after a reasonable time, which shall be prescribed in such notice, use any foods, food materials, or feeds in the production of such vinous, malt, or fermented liquors, except in accordance with the limitations, regulations, and prohibitions prescribed in such notice, or to produce any such liquors having an alcoholic content in excess of the amount prescribed therefor in such notice. When the question arises as to whether any particular product is suitable for food or feed, the question shall be determined by the President, and his determination shall be conclusive for the purposes of this section.

(c) Except as otherwise hereln provided, the Commissioner of Internal Revenue shall be charged with the administration of this section, and he is authorized, with the approval of the President, to require the taking out of such permits, the keeping of such records, the execution of such bonds, and the observance of such rules and regulations as may be necessary and proper for the execution of the same.

(d) Any person who willfully violates this section shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punisned by a fine not exceeding $5,000, or by imprisonment for not more than two years, or both.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER (Mr. HOLLIS in the chair). The Senator from North Dakota.

Mr. GRONNA. I might just as well take my 10 minutes now.

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. GRONNA. I hope the parliamentary inquiry will not be taken out of my time.

The PRESIDING OFFICER. It will not be.

Mr. NORRIS. I will withdraw it if it is going to be.

The PRESIDING OFFICER. It will not be. The Chair rules that the parliamentary situation should be settled.

Mr. NORRIS. I think it ought to be cleared up, and that is the reason I make the inquiry now, as much for the benefit of the Senator from North Dakota as anyone else.

Mr. GRONNA. I thank the Senator.

Mr. NORRIS. This unanimous-consent agreement says:

No Senator shall speak more than once or longer than 10 minutes upon the section as a whole, or more than once or longer than 5 minutes upon any amendment that may be pending.

The question is this, Mr. President: Will the Chair hold that while an amendment is pending a Senator is entitled to his 10 minutes on the section as a whole, or will it be only when no amendment is pending that a Senator will be allowed to talk 10 minutes?

The PRESIDING OFFICER. The Chair will hold, in accordance with the ruling of the Vice President on a previous occasion, that when an amendment to the amendment is pending the 5-minute rule will prevail; that it is only when the original amendment is being considered that the 10-minute rule will prevail.

Mr. NORRIS. If that is true, Mr. President, after we have voted on this amendment offered by the Senator from Oregon there will be no longer any opportunity to talk 10 minutes.

Mr. ROBINSON. Mr. President——

The PRESIDING OFFICER. When there is an amendment pending to either of the propositions, a Senator getting the floor may discuss the amendment; but if the Senator who gets the floor offers an amendment to perfect either amendment, he will be held to five minutes.

Mr. NORRIS. Yes; but will that apply to others than the Senator offering the amendment?

The PRESIDING OFFICER. It will, as long as there is an amendment to the amendment pending.

Mr. NORRIS. I wanted to have it made clear to begin with. I am not particular what the ruling is, just so we understand when a Senator must use his 10 minutes, if at all.

Mr. SMITH of South Carolina. Mr. President, a parliamentary inquiry.

Mr. ROBINSON. Mr. President——

The PRESIDING OFFICER. The Senator from South Carolina will state it.

Mr. SMITH of South Carolina. The parliamentary inquiry is this: Under this agreement will the Chair rule that a Senator speaking to the bill in whatever time he sees fit, may speak 10 minutes, but when he addresses himself to an amendment he may speak only 5 minutes? Has he or has he not the right to speak 10 minutes on the bill and 5 minutes on any amendment?

The PRESIDING OFFICER. The Chair will rule, in accordance with the ruling by the Vice President under a similar unanimous-consent agreement, that when an amendment to perfect either question is pending the 5-minute rule will obtain. If any Senator gets the floor when there is no amendment to either question pending, he may take 10 minutes on either question.

Mr. ROBINSON. Mr. President——

Mr. SHAFROTH. Mr. President, I should like to know what the situation is.

The PRESIDING OFFICER. The Senator from Arkansas addressed the Chair first and is recognized.

Mr. ROBINSON. If I correctly understand the ruling of the Chair, the 5-minute rule is now in order.

Mr. PENROSE. Oh, no.

Mr. SHAFROTH. No, Mr. President.

Mr. ROBINSON. Well, I make the point of order that the 5-minute rule is now in order, and upon that I wish to be heard just briefly. I understand, of course, that it is not to come out of the time of the Senator from North Dakota.

The language of the unanimous-consent agreement is:

That during the consideration of the said section no Senator shall speak more than once or longer than 10 minutes upon the section as a whole, or more than once or longer than 5 minutes upon any amendment that may be pending or that may be offered thereto; that the amendment proposed by the committee, with such amendments as may be offered to it, shall be first considered.

The effect of this unanimous-consent agreement is to make the amendment of the Senator from Oregon the pending question, and that is the pending question; and so long as an amendment is pending the 5-minute rule applies.

Mr. GRONNA. Mr. President, will the Senator yield to me for just a question?

Mr. ROBINSON. Let me finish this statement, please. Now, section 12 can not be the pending question. The parliamentary situation is this: The committee first reported that section with a large number of amendments. Those amendments would have been the pending question but for the unanimous-consent agreement, which displaces the first report of the committee and makes the amendment of the Senator from Oregon the pending question. The rule provides that as long as an amendment is pending, or an amendment to that amendment, the 5-minute rule shall apply. When the amendments have been disposed of and the section has been perfected, then, and not until then, under the plan, the literal language of the unanimous-consent agreement, does the 10-minute rule apply.

Mr. CURTIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Kansas will state it.

Mr. CURTIS. Under the rule as I understand it, the order of amendment is reversed. Under the old rule, the perfecting of the House provision would have been first in order. Now, after the committee amendment is voted upon, whether the substitute offered by the Senator from Arkansas is agreed to or the committee amendment, will we have the opportunity to vote

as between the amendment and the original House provision, and then may we perfect the House provision before the vote is taken?

The PRESIDING OFFICER. As the Chair understands it, the pending amendment is the committee amendment offered by the Senator from Oregon. That is the pending question. If a substitute is offered—it has not yet been offered—if a substitute is offered, which is a motion to strike out and insert, that will be another question, and either the pending question or the substitute may be perfected before the vote is taken on the substitute. All of that will be under the five-minute rule. After the Chamberlain amendment has held the boards against all substitutes, then that will be the question, as amending the section. Not until that is disposed of, and the section comes up for passage, will the 10-minute rule apply.

Mr. LODGE. Mr. President——

Mr. CURTIS. But the point I wanted to get at is this: When will we have the opportunity to perfect the House provision?

The PRESIDING OFFICER. That will be done after the Chamberlain amendment is disposed of, one way or the other.

Mr. LODGE and Mr. THOMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. LODGE. Mr. President, as I understand it, the motion of the Senator from Oregon is to strike out and insert—to strike out the section, and to insert the amendment proposed by the committee. That leaves the amendment proposed by the committee, under our rules, open to amendment. It has to be dealt with first under the unanimous-consent agreement, as I apprehend, which sets aside the rule which gives priority to the original clause; but I take it that the original clause can be perfected after we have perfected the amendment. Am I right?

The PRESIDING OFFICER. That was the ruling of the Chair.

Mr. MYERS and Mr. GRONNA addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MYERS. I rise to a point of order.

Mr. GRONNA. Mr. President, I rise to a question of privilege.

Mr. MYERS. Well, I rise to a point of order, Mr. President.

The PRESIDING OFFICER. The Senator from Montana will state his point of order.

Mr. MYERS. The point of order will not come out of the Senator's time. The Senator from Arkansas [Mr. ROBINSON] said that the Chamberlain amendment is the pending question before the Senate.

The PRESIDING OFFICER. It is.

Mr. MYERS. I make the point of order that my amendment, which I offered yesterday to the Chamberlain amendment, is the question before the Senate.

The PRESIDING OFFICER. There was no amendment offered yesterday, if the Senator will pardon the Chair. It was merely proposed, and is now lying on the table, and may be called up when the Senator gets the floor for that purpose; but it is not pending.

Mr. MYERS. Can I call it up now?

The PRESIDING OFFICER. No; the Senator has not the floor for the purpose of offering an amendment. He has the floor for the purpose of stating a point of order.

Mr. GRONNA. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from North Dakota will state his parliamentary inquiry.

Mr. GRONNA. I do not understand that the Chair has yet rendered his decision. Are we entitled to 10 minutes while the proposed committee amendment is pending?

The PRESIDING OFFICER. The Chair has ruled that the five-minute rule is in order until the amendment proposed by the Senator from Oregon is disposed of.

Mr. GRONNA. Very well.

Mr. JONES of Washington. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Washington will state it.

Mr. JONES of Washington. I did not understand the answer made to an inquiry. Is the amendment proposed by the Senator from Oregon a substitute for section 12 of the House bill.

The PRESIDING OFFICER. Yes; to strike out and insert a substitute.

Mr. JONES of Washington. Is it not in order to perfect the House provision before a vote is taken upon the substitute?

The PRESIDING OFFICER. It would have been but for the unanimous-consent agreement.

Mr. JONES of Washington. Well, Mr. President, I want to say that I am satisfied that there were very few Senators here who understood the unanimous-consent agreement as suspending all the rules of the Senate. The unanimous-consent agreement may have been worded in order to bring about a situation like this, but it was not understood by those who gave their consent to it.

The PRESIDING OFFICER. The present occupant of the chair was not a party to any negotiations. He is merely construing the agreement.

Mr. THOMPSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Kansas will state it.

Mr. THOMPSON. Before I can state it, I desire to call the Chair's attention to the fact that the committee amendment is the one now contained in the bill. I can not understand how a substitute offered by the committee could take precedence over the amendments as previously reported by the committee in section 12.

THE PRESIDING OFFICER. Because the unanimous-consent agreement distinctly states that it shall.

Mr. THOMPSON. No; I beg the Chair's pardon. It states, if the Chair will read it, that the amendment proposed by the committee shall be first considered, and I construe that to be the committee amendment now in the bill, and not the Chamberlain amendment.

The PRESIDING OFFICER. The Chair is informed that the amendment proposed by the committee is the one offered by the Senator from Oregon now; not the one printed in the bill.

Mr. THOMPSON. That is the amendment that is offered as a substitute, as I understand it.

Mr. STONE. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator from Kansas has the floor.

Mr. THOMPSON. All that I am interested in is this: On the assurance of the Chair that we can have a vote on the original House provision somewhere along the line, I do not care where it takes place; but I should like to have a vote as between the House provision and the original Senate committee amendment and then the substitute as finally offered. I do not understand, as a parliamentary proposition, that a substitute offered by a committee has any greater force than a substitute offered by an individual Senator.

The PRESIDING OFFICER. It has not. The Senator is right about that.

Mr. STONE. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator from Missouri will state his point of order.

Mr. STONE. I make the point of order that there is no quorum present, and I should like to have the roll called.

The PRESIDING OFFICER. The Senator from Missouri suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	McLean	Sherman
Bankhead	Hale	McNary	Shields
Beckham	Hitchcock	Martin	Smith, Ariz.
Borah	Hollis	Myers	Smith, Mich.
Brady	Husting	Nelson	Smith, S. C.
Brandegee	James	New	Smoot
Broussard	Johnson, Cal.	Newlands	Sterling
Calder	Johnson, S. Dak.	Norris	Stone
Chamberlain	Jones, N. Mex.	Overman	Sutherland
Colt	Jones, Wash.	Page	Thomas
Culberson	Kellogg	Penrose	Thompson
Cummins	Kendrick	Phelan	Tillman
Curtis	Kenyon	Poindexter	Townsend
Dillingham	Knox	Pomerene	Trammell
Fernald	La Follette	Ransdell	Underwood
Fletcher	Lewis	Reed	Wadsworth
France	Lodge	Robinson	Warren
Frelinghuysen	McCumber	Shafroth	Watson
Gerry	McKellar	Sheppard	Wolcott

Mr. ROBINSON. I announce the unavoidable absence of my colleague, the junior Senator from Arkansas [Mr. KIRBY].

The VICE PRESIDENT. Seventy-six Senators have answered to the roll call. There is a quorum present.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. The Senator from North Dakota.

Mr. THOMPSON. Mr. President, will the Senator yield to me for just a minute?

Mr. GRONNA. I can not yield now, Mr. President.

Mr. THOMPSON. A parliamentary inquiry, Mr. President.

Mr. GRONNA. On June 11, 1917, the American Medical Association passed resolutions condemning alcoholic beverages and stated: "We are justified in saying that the Nation loses two billions worth of energy in their production." Under pro-

hibition the same two and a quarter billions would be spent on nonalcoholic drinks and on other things necessary and beneficial to the human race.

We have an opportunity to-day to make this Nation "bone dry," and let us do it. Let us take from the young boy and the young girl the temptation of frequenting the dramshops. Let us raise this tax in a manner which will not reduce the efficiency or corrupt the morals of American humanity. And those of you who fear riots should remember that it is far more dangerous to have bread riots without bread than beer riots without beer.

Mr. President, I am exceedingly sorry to find myself in opposition to the President of the United States. I am not opposed to any legislation that will give the Chief Executive of this Nation, especially in these days of peril, all the authority necessary to enable him to command and mobilize every industry in this land, in order to win for this Nation a glorious victory and a lasting and durable peace. But I am confident that the President is mistaken in his opinion that it is necessary in order to collect revenue to continue the manufacture of brandies, beer, and wine. I am also convinced that it is a mistaken idea to assume that there would be any dissatisfaction among the people of this country to prohibit the use of alcoholic beverages, when we know that every ounce of foodstuff will be needed to feed the American people and the allies of Europe.

Sir, I have the conviction—and in the words of the Apostle Paul, when appearing before the governors and King Agrippa, he said—

> And herein do I exercise myself to have always a conscience void of offense toward God and toward men.

Therefore I can not follow the President of the United States but must follow my own conscience, because I know that the elimination of alcoholic beverages from the human race will add to their efficiency. I know that it will benefit their condition morally. I know from practical experience, living as I do in a State where for 30 years we have had prohibition, that from an economic standpoint the eradication of the saloon and the prohibition of the manufacture and sale of intoxicating liquors is one of the great factors for economic prosperity, for intellectual, social, and moral advancement. In taking this position I voice not only my own conviction but the sentiments of the people of my State and, I believe, a majority of the people of the United States.

About one-half of our country is to-day "bone dry." We all admit that in order to supply the allies of Europe our supply of cereals, especially wheat, is insufficient and short. As a partial remedy for this a majority of the people of the United States believe that instead of taking these important food products and converting them into alcoholic beverages we should conserve them and manufacture them into bread.

A majority of the Members of the House seemed to recognize the wishes of the people of the country, and they provided for a "bone-dry" provision in this food bill. A majority of this body was in favor of this provision, but a few days ago our hopes were shattered by the announcement from the White House that the President of the United States is opposed to the prohibition of beer and wine.

Mr. President, I am sorry that the Chief Executive of this Nation has taken such a step. I know that he is woefully mistaken, both from an economic and an ethical standpoint. This is a question which in times of peace has been advocated by millions of our people. It is a question which will be agitated and discussed until it has been justly solved. It will not do to say that the demand for prohibition will cease because the President of the United States has seen fit to enter his protest against this legislation. Those of you who are sincere in the belief that prohibition is for the best interests of this country, both from an economic and moral standpoint, have no right to surrender your views to any man, not even the President of the United States.

Is there anybody who dares to question the advantage and the necessity of a sober people during war as well as in times of peace? There is not a Member of this body who can successfully contradict the statement that the revenue derived from the liquor traffic is a most expensive system of collecting the revenue for our Government. There is not a Member of this body who can successfully deny that in prohibition States taxation has been decreased and wages have increased to the laboring man. And as wages have increased the efficiency of labor has increased to the advantage of the employer. Social conditions have improved for the betterment of the individual, the family, and society. Conditions in prohibition States have changed, not for the worse, as is always stated by the friends of the liquor traffic; not with dissatisfaction to the laborer or the employer; it has not increased taxation; it has not resulted in riots among any class of men, but it has improved conditions of men in all businesses and in all walks of life. Institutions of learning for the enlightenment of man have been substituted for the bawdy house and the saloon. Men and women have improved their condition financially, physically, intellectually, and morally. So, why should we abandon our position because the Chief Executive of this Nation is opposed to it?

I remember well when the Webb-Kenyon bill was vetoed by President Taft. When that veto came back to Congress we met his objection with a determination to follow our own consciences, and we refused to sustain his veto. Not a single Member who belonged to the party with which I am affiliated changed his position. We voted to override his veto, and, although President Taft said in that veto that he believed it was unconstitutional, the Supreme Court of the United States has since upheld that law, and it is in full force and effect to-day.

Now, so far as I am personally concerned, I care not whether it is a Republican President or a Democratic President on questions as important as this is, affecting every citizen of our land not only from an economic standpoint, but from the standpoint of morality, I shall refuse to follow him.

I refuse to follow President Wilson because I know that so far as the revenue is concerned it is an economic waste for the Government to continue the license system and to continue to collect revenue for the manufacture or sale of intoxicating liquors.

I have during my business career employed thousands of men. I know from the practical standpoint that the services of a sober man are infinitely more valuable than the services of a drunk or even the services of a man who even drinks moderately. That fact is being recognized by the large as well as by the small business man and employer all over this land.

I am not qualified to speak from a military standpoint, but I do not believe that it is true that the efficiency of a soldier is increased by feeding him intoxicating liquors. I believe that in war as well as in peace the services of the sober man are far superior to those of the man who uses alcoholic drinks.

I am sorry that our President failed to realize this great opportunity to show his appreciation of the efforts made by the millions of mothers of men and women in this country to do away with the liquor traffic at least during the war.

Mr. President, I ask to have printed, in connection with my remarks, part of a speech delivered by the immortal Abraham Lincoln at a meeting of a temperance society on February 22, 1842.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

EXTRACTS FROM AN ADDRESS BEFORE THE SPRINGFIELD WASHINGTONIAN TEMPERANCE SOCIETY, FEBRUARY 22, 1842, BY ABRAHAM LINCOLN.

Turn now to the temperance revolution. In it we shall find a stronger bondage broken, a viler slavery manumitted, a greater tyrant deposed; in it, more of want supplied, more disease healed, more sorrow assuaged. By it no orphans starving, no widows weeping; by it none wounded in feeling, none injured in interest; even the dram maker and dramseller will have glided into other occupations so gradually as never to have felt the change, and will stand ready to join all others in the universal song of gladness. And what a noble ally this to the cause of political freedom; with such an aid its march can not fail to be on and on, till every son of earth shall drink in rich fruition the sorrow-quenching drafts of perfect liberty. Happy day when—all appetities controlled, all poisons subdued, all matter subjected—mind, all conquering mind, shall live and move, the monarch of the world. Glorious consummation! Hail, fall of fury! Reign of reason, all hail!

Mr. GRONNA. I have before me a statement printed by the board of temperance, prohibition, and public morals of the Methodist Episcopal Church, under date of June 28, 1917, entitled "Let the churches buy a bone-dry bond issue to replace liquor revenue," which reads as follows:

WASHINGTON, D. C., *June 28, 1917.*

LET THE CHURCHES BUY A BONE-DRY BOND ISSUE TO REPLACE LIQUOR REVENUE.

In the event of national prohibition we pledge that the churches of the United States will buy $500,000,000 of liberty bonds annually during the period of the war, which will more than replace the revenue that might be derived from the liquor traffic.

BOARD OF TEMPERANCE, PROHIBITION, AND PUBLIC MORALS OF THE METHODIST EPISCOPAL CHURCH,
By CLARENCE TRUE WILSON, D. D., *Secretary.*
BOARD OF TEMPERANCE OF THE PRESBYTERIAN CHURCH IN THE UNITED STATES OF AMERICA,
By CHARLES SCANLON, LL. D., *Secretary.*
CHURCH TEMPERANCE SOCIETY OF THE PROTESTANT EPISCOPAL CHURCH,
By Rev. JAS EMPRINGHAM, D. D., *Secretary.*
THE NORTHERN BAPTISTS,
By Rev. SAMUEL ZANE BATTEN, D. D., *Secretary.*
COMMITTEE ON TEMPERANCE AND SOCIAL SERVICE OF THE SOUTHERN BAPTIST CONVENTION,
By A. J. BARTON, D. D., *Chairman.*
AMERICAN TEMPERANCE BOARD OF DISCIPLES CHURCH,
By Rev. L. E. SELLERS, D. D., *Secretary.*

A study of over a million recorded lives, based upon records made by expert investigators employed by insurance companies, shows that on an average, of those who reach 20 years of age, abstainers live to be 64 years old, moderate drinkers live 51 years, and hard drinkers are not accepted.

I also have a letter from the National Eclectic Medical Association, signed by H. H. Helbing, recording secretary, which I ask to have included in my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter referred to is as follows:

NATIONAL ECLECTIC MEDICAL ASSOCIATION,
St. Louis, Mo., June 25, 1917.

Hon. A. J. GRONNA,
Washington, D. C.

HONORABLE SIR: As the recently elected secretary of the National Eclectic Medical Association, I beg your indulgence while I bring to your notice action taken at our meeting held in Nashville June 19–22, 1917. It was a resolution similar to that passed by the American Medical Association relating to the deleterious effects of alcoholic beverages upon the human system and calling for war prohibition.

We should have war prohibition so as to increase our efficiency in this crisis, the greatest in our history. There is, or will be, a shortage of labor; therefore brewery and distillery workers will be needed in the other trades and at the front.

The revenue song of the liquor traffic is as old as the Civil War and as foolish as the story of Baron Munchaussen. A moment's reason will convince any sane man that the food value of the grain wasted will pay all the liquor revenue and a billion dollars more, since it will feed 7,000,000 men per year.

Your constituents at home are becoming more and more convinced that it is a sensible thing to do during the war, and public sentiment is rapidly changing in favor of the absolute prohibition of the manufacture of alcoholic beverages, including wine and beer, during the war. I hope you will so view the question and give prohibition for the war your valuable vote.

Yours, very truly, H. H. HELBRING,
Recording Secretary.

Mr. GRONNA. I also have a memorial signed by Leo F. Rettger, a professor at Yale University, and other members of the faculty of the university, and one from R. J. Caldwell Co., of New York, which I ask to have inserted in my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

Hon. A. J. GRONNA,
Washington, D. C.

MY DEAR SIR: Undersigned urge immediate legislation by which Congress shall itself prohibit use of any foodstuffs to make any intoxicating liquors, also preventing use of whisky on hand as a beverage. We believe American people will not approve legislation that spares either whisky, wine, or beer, or transfers responsibility to overburdened President.

Leo F. Rettger, Yale University; T. C. White, Connecticut Agricultural College; Karl B. Musser, United States Department of Agriculture and Connecticut Agricultural College; H. F. Judkins, Connecticut Agricultural College; B. A. McDonald, Connecticut Agricultural College; H. L. Garrigus, Connecticut Agricultural College; L. H. Lamson, jr., Connecticut Agricultural College; Howard D. Newton, Connecticut Agricultural College; Marshall Dawson, Connecticut Agricultural College; W. F. Kirkpatrick, Connecticut Agricultural College.

NEW YORK, *June 29, 1917.*

Hon. ASLE J. GRONNA,
United States Senate, Washington, D. C.

DEAR SIR: I trust that beer will be included in the prohibition, for the manufacture of it consumes quite enough grain to constitute its suppression on economic grounds. If it is true that there are $500,000,000 revenue to the Government from the manufacture and sale of beer, which the Finance Committee of the Senate seems to fear the Government would lose and the people have to make up in some other way, by the suppression of the traffic in beer, I contend that this is a mistaken premise.

The amount of grain liberated for food purposes by the abolishment of the manufacture of beer would quite likely influence the price of grains for food purposes to a sufficient extent to make up to the public far more than the tax on beer, so if they did have to pay it in some other way they could do so with profit. Moreover the money they would save from not spending it on beer would very easily, in the aggregate, equal the present beer tax many times over.

The Government would be the gainer by, first, more efficient results from workmen; second, by releasing a large number of men from an unproductive industry to engage in a productive industry, which would mean much more to the Government than any other single item in the whole argument.

Faithfully, yours, R. J. CALDWELL.

Mr. GRONNA. I also ask leave to have printed as an appendix to my remarks certain telegrams which have been sent to me—I have only collected a few of them—and an extract from the CONGRESSIONAL RECORD of this year.

The VICE PRESIDENT. In the absence of objection, it is so ordered.

The matter referred to is as follows:

BISMARCK, N. DAK., *June 29, 1917.*

Senator A. J. GRONNA,
Washington, D. C.:

Stand by House provision intact. We want neither wine nor beer, but food for the world.

Mrs. A. S. HOFFMAN,
President Woman's Christian Temperance Union.
Mrs. H. W. RICHHOLT,
President Ladies' Aid, Methodist Episcopal Church.
Mrs. F. L. WATKINS,
Secretary North Dakota Epworth League.

BISMARCK, N. DAK., *June 29, 1917.*

Senator A. J. GRONNA,
Washington, D. C.:

Stand by House provision intact. We need food, not booze.

W. J. Hucheon, pastor Methodist Church; J. Jack, president Officials' Methodist Church; G. Newcomb, superintendent Friendless Society; H. Lobach, collector; F. McCurdy, States' attorney; R. Wilcox, editor Public Opinion; P. Wessel, manager telephone company; H. Johnson assistant.

VALLEY CITY, N. DAK., *July 6, 1917.*

Hon. A. J. GRONNA,
Washington, D. C.:

Please use your best influence against the eliminating of wine and beer from the food-control bill, and use every possible means that in your judgment will safeguard our boys in the Army and Navy.

Mrs. S. H. COOK,
President Woman's Christian Temperance Unions of Getchell Prairie, Leal, Valley City, Scandinavian Societies.

BOTTINEAU, N. DAK., *July 5, 1917.*

Senator A. J. GRONNA,
Washington, D. C.:

We protest against eliminating wine and beer from food-control bill. Ask for national prohibition.

O. Rishoff; P. J. Scully; K. Weeks; J. E. Martin; G. Hebert; H. Layne; John H. Kirk; A. Bertiume; P. L. Klyver; A. R. Mackay; Dr. J. A. Johnson; Mrs. R. E. Evers, president Woman's Christian Temperance Union.

OLYMPIA, WASH., *June 23, 1917.*

W. G. CALDERWOOD,
Executive Secretary Committee on Wartime Preparation,
Raleigh Hotel, Washington, D. C.:

Quoted advertisement in Washington papers simply rehash. Familiar with liquor campaign. Falsehood everywhere exploded. Actual prohibition experience after 18 months, practically every former brewing interest, including largest, adopted other productions, increased pay rolls, better business, safer investments, vastly improved material prosperity, and moral welfare. No suggestions whatever to return to conditions permitting manufacture and sale of alcoholic liquors.

GEORGE F. COTTRELL,
Chief Engineer State Highway Commission and Ex-Mayor Seattle, Wash.

LA GRANGE, GA., *June 22, 1917.*

W. F. CALDERWOOD,
Executive Secretary Committee on Wartime Preparation,
Raleigh Hotel, Washington, D. C.:

From my observation prohibition greatly lessens drinking. All forms of intoxicants, also their attendant crimes and court records, indisputably sustain this. Breweries need not suffer loss if they will divert operations to making alcohol for fuel and industrial uses. It will be a national crime if we do not prohibit use of grains for making intoxicants.

FULLER E. CALLAWAY,
President Merchants' Cotton Mills Co.

TACOMA, WASH., *June 23, 1917.*

W. F. CALDERWOOD,
Executive Secretary, Raleigh Hotel, Washington, D. C.:

Our business best in history. City's bank deposits and building permits show large increase. Jail inmates cut one-half. Saloon buildings now occupied by business that is a benefit. Most brewery buildings of State now used for other purposes. Pay rolls of State greatly increased; money formerly wasted for drink now goes for legitimate uses benefiting buyer and seller. Emphatically our experience proves prohibition a decided success.

W. H. REED,
Secretary West Coast Steel Co.
LOVE, WARREN, MONROE CO.,
By A. V. LOVE, *President.*
YOUNGLOHE GROCERY CO.,
By E. A. YOUNGLOHE, *President.*

SPOKANE, WASH., *June 22, 1917.*

COMMITTEE ON WAR-TIME PROHIBITION,
Care W. G. Calderwood, Executive Secretary,
Raleigh Hotel, Washington, D. C.:

Seventeen months of permit-liquor system cut off three-fourths of use of whisky and beer in Washington. Total prohibition in force here for past two weeks has brought drunkenness and crime in Spokane to minimum. Nearly all former saloon rooms now occupied by useful business. Many former breweries in State now used for soft drink and canning factories. Wages are going up. Factories and farms calling in vain for workmen; banks hold 50 per cent more deposits than two years ago, and poorhouse has shrunk 50 per cent. No argument could coax people of Washington to return to saloon system.

HENRY RISING,
Editor Spokane Chronicle.

OLYMPIA, WASH., *June 22, 1917.*

W. G. CALDERWOOD,
Executive Secretary, Committee on War-Time Prohibition,
The Raleigh Hotel, Washington, D. C.:

Replying your wire 21st saloons in this State closed January 1, 1916. Brewery properties practically without exception have been converted to other uses, notably manufacture fruit juice and dairy products. Permit system under which individuals can import limited quantities intoxicants at stated intervals has doubtless increased proportionate consumption hard liquors among certain classes. This permit system will discontinue July 1. Since saloons closed committments to prisons and county jails have decreased 50 per cent. Purchase larger quantities and better qualities of merchandise and pay more promptly.

There is no question but that people of the State of Washigton are better off in every respect morally, physically, and financially under prohibition than when saloons were in operation.

ERNEST LISTER,
Governor of Washington.

—

HOQUIAM, WASH., *June 23, 1917.*

W. G. CALDERWOOD,
Executive Secretary, Committee on War-Time Prohibition, Raleigh Hotel, Washington, D. C.:

Answering your wire of yesterday, prohibition in our Western States has not driven men to drink whisky, brandy, or rum. On the contrary, it has proven the greatest blessing to the working class and everyone else. There has been a constant increase in wages and prosperity in business ever since Oregon and Washington went dry, and that was true before war conditions affected this western country. I suppose it is true that investments in breweries have very materially decreased although have not become worthless because all the large concerns I know of have been turned into manufacturing something else. Taxes have not increased because the increase in property has more than taken care of this item. As to pay rolls being cut off there has been a great deal more work in Oregon and Washington since they went dry than ever before. Instead of a decrease in pay rolls they have been very largely increased. Altogetner it is the best investment that these two States have ever made, and the sentiment in favor of it to-day is very much greater than when it was carried. Nearly everybody, even the drinking class, are in favor of prohibition because of the great benefit derived from it.

N. J. BLAGEN,
President Grays Harbor Lumber Co.

—

[From CONGRESSIONAL RECORD, June 27, 1917, p. 4741.]

THE RESULTS OF TURNING FRUITS INTO WINE AND BRANDY.

[Prepared by Scientific Temperance Federation, of Boston, Miss Cora F. Stoddard, executive secretary.]

The proposal to leave the way open for the continued manufacture and sale of wines and distilled liquors from fruits is a proposal to open a Pandora's box of troubles from which the United States has been relatively free.

The total consumption of wines in the United States in 1850 was 6,316,371 gallons. In 1915 it was 32,911,909 gallons. But while the total consumption had increased fivefold, the per capita consumption in 1915 was but 0.32 gallon as against 0.27 gallon in 1850. The highest per capita consumption of wine was 0.67 gallon in 1909 and 1911. These figures show that up to now wine has constituted a relatively small part of our alcohol consumption, less than 3 per cent at the most.

The increase which has taken place in the total amount consumed is an increase in the use of domestic wines. The consumption of imported wines has remained fairly constant through all these years (6,095,000 gallons in 1850, 5,656,219 gallons in 1915), never rising above 10,000,000 gallons or falling below 3,000,000 gallons.

But the total consumption of domestic wines increased from 221,249 gallons in 1850 to a maximum of 9,863,735 gallons in 1915. (United States Statistical Abstract, 1915, p. 514.)

This indicates in a measure the development of the wine-producing industry which began in Ohio shortly after 1850, and in the sixties was given a strong foothold in California, which is now the largest wine-producing section of the United States.

The emphasis laid by the wine producers upon what they call "light wines," which they urge as desirable "hygienic drinks" likely to promote "temperance," has obscured the fact that along with the development of the wine industry there has been an increased consumption of spirits made from fruits. The consumption of these fruit spirits (brandy, etc.) has increased from 1,223,830 gallons in 1870 to 2,516,054 gallons in 1915; that is, has practically doubled. (United States Statistical Abstract, 1915, p. 514.) This means that the development of wine production is accompanied by production of a form of spirits, brandy, which averages 45 per cent alcoholic strength—stronger in alcohol than the average whisky. (Report committee of 50, Physiological Aspects of Liquor Problem, vol. 2, p. 339.)

Furthermore, the wines themselves are by no means all "light wines." The report of the Commissioner of Internal Revenue (1916, p. 17) shows that normally nearly 5,000,000 gallons of brandy are used in fortifying wines; that is, in increasing their alcoholic strength above the 10–13 per cent of alcohol obtainable by fermentation. These fortified wines may contain from 15 to as much as 24 per cent of alcohol. That this is no small item to be considered appears in the fact that in 1915, an average year, there were 4,852,848 gallons of brandy used in fortifying 15,646,086 gallons of wine, resulting in 18,580,373 gallons of this stronger wine. (Report committee internal revenue, 1916, p. 117.)

If fruits are exempted from the measure prohibiting the use of foodstuffs for the manufacture of distilled liquors, we not only leave the way open but give direct encouragement to the development of another spirits' industry which will draw from the food supply by taking fruits, and those some of the commoner fruits necessary in several ways to the health of the people.

Anything that tends to reduce the available supply of these fruits, to make them expensive, either deprives the people of needed food constituents or compels them to seek them elsewhere through vegetables, grains, milk, eggs, etc., of which there is already a scarcity.

For health reasons, therefore, it is important that we should not encourage the greater use of fruits in making spirituous or various liquors, as will be the case if we do not include fruits among the foodstuffs prohibited in the manufacture of alcoholic beverages.

Again, such exemption will encourage the making of stronger alcoholic beverages than those produced from grains. The lightest wine has, on the average, a larger alcoholic content than strong beer. The fortified wines, as already stated, contain from 14 to 24 per cent alcohol. Fruit brandy contains from 40 to 60 per cent of alcohol, as against from 40 to 50 per cent in whisky.

From the point of view of conserving man power as well as foodstuffs, we shall therefore gain nothing by opening the way to a larger production and use of wine and brandy. No one can doubt for a moment that if the use of grain is prohibited in the manufacture of whisky, rum, and fermented liquors, and the use of fruits is not prohibited, we shall see a lively increase of activity among the wine and brandy producers.

THE DRUNKENNESS OF HISTORY MOSTLY ON WINE.

There is nothing in the history of the nations that gives us any reason to suppose that this will be anything but a detriment to the efficiency of the Nation at a time when every particle of energy is required.

As long as human deeds have been recorded, whether in song and story or on stones, papyrus, or printed page, the record has contained accounts of man's drunkenness. Edicts and exhortations against it are found in the most ancient writings of China, India, and Persia. In Egypt its origin is credited to Isis or Osiris. Pompeii had a statue of Bacchus. The Bible contains many references to drunkenness. It closed the career of Alexander the Great and many of the high and low in ancient Greece and Rome.

But the drunkenness of the ancients was wine, beer, or cider drunkenness. The accredited inventor of distillation died in 1106 A. D., hence whisky and other distilled liquors were not responsible for the intemperance of the olden times.

THE WOES OF WINE IN FRANCE.

At the beginning of the present war France abolished absinthe, but left her wine and brandy and other liquors. Here is what is said by a poster issued in 1916 by the French Society Against Alcoholism, the honorary president of which is M. Raymond Poincaré, the President of France:

L'ALARME.

[Société Francaise D'Action Contre Alcoolisme; honorary president, M. Raymond Poincaré.]

To French women and French young people:

1. Alcohol is as formidable an enemy to you as Germany.

2. It has cost France since 1870 in men and in money more than the present war.

3. Alcohol pleases the taste; but, a veritable poison, it destroys the body.

4. Drinkers grow old early. They lose half their normal life and are easy prey to numerous weaknesses and maladies.

5. The "little glasses" of parents are transformed into hereditary weaknesses in their descendents. France has to-day about 200,000 insane, twice as many consumptives, to say nothing of the victims of gout, scrofula, rickets, premature degeneracy, and the majority of criminals.

6. Alcoholism reduces our productivity two-thirds, increases the cost of living and misery.

7. Like the criminal Kaiser, alcoholism decimates and ruins France, to the great joy of Germany. Mothers, young people, husbands, fight alcoholism and remember the glorious wounded and dead for the country.

8. You will thus accomplish a great task, equaling that of our heroic soldiers.

This poster was approved by M. Clementel, minister of commerce, and was placed by direction of the under secretary of the health service in all offices under his direction. This is a French declaration after absinthe was prohibited; wine and spirits remain.

France and Italy have been through the experience that lies before us if we open the way to a larger production of wine and spirits made from wine. After the grapevine pest, phylloxera, was conquered in France numerous regions previously devoted to grain were converted into vineyards. If France had this acreage still producing grain, it would now be helping out her food supply. Overproduction of wine encouraged its conversion into spirits. To-day there are not far from 2,500,000 wine and cider producers and a million home distillers (Fréderic Riemain, secretary of the Le Ligue Nationale contre L'Alcoolisme, 1916), and these constitute a body of interests which have blocked every effort during the war to free France from the handicap which drink places upon her, as stated in the poster already presented. The French press publishes lively demands that the spirits be requisitioned and turned to military and industrial uses instead of into the stomachs of the people. "Alcohol," said Le Figaro a few months ago, "is at the same time one of the best aids to national defense—in the powder mills—and one of its most cruel enemies—in the stomachs of the workmen in war industrial establishments. Who dares hesitate to choose between these uses?"

A recent book by Jean Finot, editor of La Revue, which has been passed by the censor, portrays some of the conditions with which France is struggling, due to her wine-spirits interests. (See CONGRESSIONAL RECORD, May 4, p. 1802.) It shows that the wine and spirits shops undermine the health and morals of the soldiers when off duty; drinking in convalescence retards or prevents recovery from wounds, increases infractions of discipline, handicaps employers in the production of munitions, delays transportation of supplies. Many of the generals have found it necessary to take measures to protect the soldiers at the front. Gen. Joffre forbade absolutely the sale of alcohol and of alcoholic drinks to soldiers of all grades in the army zone. He specified as forbidden "absinthe, bitters, vermonite, liqueurs, fruit spirits, and all other alcoholic liquids not specified." He forbade soldiers to accept as a gift any amount whatever of the drinks above named, and announced that any seller violating this rule would be brought before the police and military courts, and that he would go so far as to definitely close up establishments guilty of violating this decree. Such are the difficulties which France has had during the war after prohibiting what was believed to be her worst enemy—absinthe—and leaving wine, fruit spirits, and other drinks.

How was it before the war?

An official proclamation in Paris as long ago as 1903, written by Dr. Débove, dean of the faculty of medicine, and Dr. Faisans, physician to the principal general hospital of Paris, declared that "alcoholism is chronic poisoning, resulting from the habitual use of alcohol, even when not taken in amounts sufficient to produce drunkenness. The so-called hygienic drinks (wine, beer, and cider) also contain alcohol. The man who daily drinks an immoderate amount of wine, of cider, or of beer becomes as surely alcoholic as the one who drinks brandy. Alcoholism causes a great variety of diseases. It is one of the most frightful scourges, whether regarded from the point of view of the health of the individual, of the existence of the faculty, or of the future of the nation."

Such was the official warning given in wine and fruit-spirits drinking France 15 years ago.

A report to the French Academy of Medicine in 1907 by Dr. Fernet showed that among 1,500 deaths in hospitals and insane asylums in Paris, more than one-third were due in part to alcoholism; alcoholism was a contributory cause in 23.6 per cent of the cases; the sole cause in 10.2 per cent.

How cheapness and abundance of wine (such as would be fostered if we do not include fruits among the foodstuffs to be conserved) did not tend to promote temperance in France is shown by a survey by Ernest Massard in the St. Antoine quarter of Paris in 1901. Of 500 patients who came under his observation in the hospital, the average used from 4 to 5 quarts of wine a day; 56 who declared they were never drunk used from 1 to 2 quarts of wine a day and brandy, rum, and absinthe in addition, and 400 of the 500 patients showed signs of alcoholism.

"The scourge of drink," wrote M. Bourgeois, an ex-cabinet minister, "has a permanent place in all our social miseries. We meet it everywhere. It hides itself behind tuberculosis, in insanity, in crime, but it is always at the bottom of our evils and degeneracies."

An enormous increase in tuberculosis in France has been one of the serious developments of the war in consequence of trench life and conditions. But long before the war physicians had called attention to the fact that statistics on the consumption of alcohol according to departments in France showed a parallel with those of tuberculosis. Dr. Jacques Bertillon declared that "alcohol appears to be the most deadly cause of the weakening of the organism in preparation for tuberculosis. It is the master cause. All other causes disappear in comparison." Dr. Roubinovitch, of the Saltpetriere, declared: "They talk about the great scourge, tuberculosis, which decimates France. The greatest scourge, however, is alcoholism. It is this which gives up the key to the house and permits the sacking. There is no more burning question than the battle against this cause of all other scourges." And, again, Dr. Landowzy in picturesque phrase declared, "Alcoholism prepares the bed for tuberculosis."

Figures compiled in 1907 under the direction of the French ministry of the interior (La Sémaine Médicale, July 10, 1907) showed that of 71,551 inmates of insane asylums 9,932, or 13.6 per cent, were there as the direct or indirect result of alcohol.

These facts are not cited as any derogation of our great ally whose splendid spirit and achievements we in this war hail with honor. But they do show that the nation which has freely produced and used wine could not stop there, but passed on to the use of fruit brandy and worse liquors, and that it has suffered before the war and during the war from all the consequences that we had seen from other alcoholic liquors.

SWITZERLAND'S WARNING AGAINST WINE.

Switzerland, another wine-using country, found that alcoholism developed in alarming proportions.

In 1885 the Government took a Government monopoly of the manufacture and sale of distilled liquors, and has ever since appropriated a part of the profits to preventing drunkenness and the curing of inebriates. The use of brandy decreased as a result of the monopoly, but the use of wine increased from 38 liters per person in 1884 to 69 liters in 1898. One of the ardent advocates of the monopoly legislation, E. W. Milliet, of Bern, found on comparing the consumption of actual alcohol that during the five-year period 1880–1884 preceding the adoption of the spirits monopoly the average per capita consumption of actual alcohol was 14.3 liters. In the decade 1892–1902, although the consumption of distilled liquors had decreased, the consumption of wine had so greatly increased that the actual per capita consumption of alcohol had gained by 10 per cent and amounted to 15.78 liters per capita, as against 14.3 liters before the impetus was given to wine drinking by adoption of the spirits monopoly.

The actual increase was even greater, as during the interval thousands of Swiss had become total abstainers.

ITALY'S LESSON OF WINE PERILS.

Italy, too, a wine producing and using country, shows a growing tragedy from drink.

Dr. Leonardo Bianchi published in Nuova Antologia (August, 1916) a long article on the development of the wine industry in Italy and its economic disadvantages to a country which has to import so heavily its grain supplies. He urges that there be no extension of vine cultivation, that vines destroyed by the phylloxera be not replaced, that instead the land be used for the cultivation of wheat and other grains greatly needed by Italy.

But here, too, is a physical problem similar to that of France. "The problem for Italy," says Dr. Bianchi, "is not so much attention to acute alcoholism (drunkenness) as to chronic intoxication, which slowly and daily undermines the vigor of the country.

"In all such diseases as apoplexy, epilepsy, hysteria, general paralysis, progressive paralysis, and insanity, suicide, alcohol holds a not insignificant place as a cause." But while he considers that only one-fifth of these deaths were attributable in part to alcohol, they mount into tens of thousands in a period of years. And "between these and the perfectly healthy of a race is a large zone which swarms with human weaklings, delinquents, those brutal to wives and children, deaf to the voice of conscience, and the children who suffer in the higher mental functions from the influence of alcoholic intoxication in the parents."

Dr. Gina Lombroso-Ferrero, daughter of the great criminologist Lombroso and wife of the historical Ferrero, says of alcoholism in Italy in a recent article: "The whole drink problem is being grappled with determinedly in Italy at the present time. The recent increase in alcoholism has been so tremendous as to cause anxiety in Government circles and among people interested in social questions.

"The epidemic of alcoholism is all the more remarkable in a country like Italy, because it was practically free from it 30 years ago. Our experts assign to the evil two main causes—the stupendous spread of industrialism employing machinery, and overproduction by wine growers.

"From 1890, and still more from 1900 onward, the evil grew. Official statistics show that the quantity of wine consumed per inhabitant in 1884 was 72½ liters (a liter is slightly more than a quart); in 1905 it was 111½ liters. As to beer, the figures for 1879 is 0.50 liter per head, and for 1905, 0.89. Consumption of distilled alcohol jumped from 0.49 per head to over 1 liter. These figures are in reality much below the truth, as they do not cover contraband or illicit drinking. The anti-alcohol league of Milan recently made a special inquiry, which showed that consumption per head of all forms of alcohol in Milan had increased threefold in 25 years.

"Parallel with this increased drinking runs a corresponding rise in the death rate, which was only 1.5 per 100,000 inhabitants in 1887, and which in 1909 had risen to 4 per 100,000.

"It follows as a matter of course that cases of insanity kept pace with the increase in alcoholic consumption. Dr. Paolo Amaldi, director of the Florence Asylum and one of the leaders of the Italian Anti-alcoho, League, who has for many years conducted a minute inquiry into the causes of insanity, has found that in the three years 1903–1905 out of a total of 38,764 asylum inmates (22,168 men, 16,596 women) the cases due to drink numbered 3,398 (3,075 men, 323 women). But these figures nearly doubled in the triennial period 1909–11, the total inmates crazed through drink being 7,092.

"Crime, too, kept pace. The ministry of justice has issued statistics showing that in 1906 the proportion of crimes due to drink was 4.46 per cent; by 1909 it had risen to 6.41 per cent, with an increase in the number of condemnations from 6,468 to 9,302. In addition the courts found for the same year that drink caused irresponsibility for various offenses in 5,426 cases. On this aspect of the drink evil Lombroso wrote:

"'Crime grows apace with pauperism. The old saying, in the presence of every unsolved criminal mystery, "Look for the woman," might be completed, perhaps corrected, by adding "or the bottle." Prof. Ferril discovered the curious fact that in France, while crimes of bodily injury diminished notably during a given period, they showed a marked increase in the month of November, which is the wine-gathering season. And Sciopis declared in our own Parliament that nine-tenths of the crimes committed in Italy were done in saloons.'"

THE WINE WAY TO DRUNKENNESS PICTURED.

Vance Thompson, the well-known journalist, in a recent book speaks out of personal observation of what has happened in France and Italy: "The greater part of my life I have lived in wine countries. Always one remembers the best of life; the dirty and tragic parts slip out of mind. * * * And so with the wine lands. Go to the real facts of life—banish the haze of poetic fancy—and what you see is not the cannikin-clinking merriment of comic opera but a sadder, drearier way of life.

"I am speaking of lands where the grapes grow, where wine is 'natural, pure, and cheap.' It is there at its best. The alcohol, always a poison, is in its least harmful form concealed in the beneficent juice of the grape—hidden in suavity and perfume. And what it does to the race of men, dwellers in sunlight, you know; for you have shuddered at these crippled and distorted generations, with their beggars and idiots, bearing one and all to the eye of the physiologist the stigmate of alcoholic penalties.

"No drunkenness in southern Europe?

"He who makes that statement speaks out of deep ignorance. He has never dwelt in the villages of Province or wandered over the wide roads of Italy. You do not, I admit, see so wild and manifest a drunkenness as in the harsh, northern, spirit-drinking lands; but the southern drinker, making up in quantity what was wanting in the alcoholic strength of his beverage, reaches the same stage of physical impairment, begets the same poisoned offspring, dies in the same kind of alcoholic dissolution—to use the technical phrase. His moral corruption, as his physical degeneration, is slower in its progress; but statistics must be piled hospital high to show it reaches the same end.

* * *

"It was in my horoscope to watch for 20 years the growth of the alcohol habit in France. I saw the nation weary of the too feeble intoxicant of wine and take to strong drink. During those years the drinking of absinthe alone arose from an annual consumption of 1,000,000 gallons to over 5,000,000 gallons. The French race, with dangerous deterioration, turned from the slow poison of wine to the fiercer and more active of alcohol poisons—to the wilder alcohol of amers and absinthes.

"With what fine spiritual energy, born of battle peril, France drew herself back from the abyss of racial degeneration you shall see, but assuredly she was going—even as the wine boy is making for whisky drunkenness—toward the alcoholic deterioration which is national deterioration, which is national death.

"Let there be no doubt about it; the wine way to drunkenness is a way like any other. You say it is cleaner, with gayer prospects and brighter skies? Nine-tenths of that is cant and cheap apologia of second-rate, brandy-loosened peets. It is not a clean way—if you have followed the trail of the wine drunkard, home faring."

Thus the experience of three wine-producing and wine-using countries show that wine production, when encouraged, tends to divert to this purpose land needed for other foods so long as the growers produce grapes for wine instead of for food or nonalcoholic drinks. In all three countries the tendency has been toward an increased use of wine, leading to chronic alcoholism, with all its physical and moral waste of human power and efficiency. In both France and Italy, but especially in France, it has led to production and use of spirits, which has intensified the evils of alcoholism and which to-day, in the midst of this world war, is a tremendous handicap in affecting the food supply, in reducing the present effectiveness of the nation, in reestablishing normal industrial relations which must be restored as rapidly as possible, and in impairing the future generations.

HOW NOT TO DO IT.

For the United States now to leave open the way to these losses by giving the wine and fruit brandy industries an opportunity to enlarge and take the place of beer and whisky is to ignore the solemn lessons of experience which are already written large in tragedy in the national life of these other nations.

If the United States really intends to stop waste of food and human power by alcohol, it must include the prohibition of the use of fruits as well as of grain in the manufacture of liquor for beverage purposes.

Mr. ROBINSON. Mr. President——

The VICE PRESIDENT. The Senator from Arkansas.

Mr. THOMPSON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Kansas will state it.

Mr. THOMPSON. Just before the call of a quorum I rose and made a parliamentary inquiry which has not yet been settled, and I should like to have it settled.

The VICE PRESIDENT. The Senator will state it now.

Mr. THOMPSON. I should like to have the Chair settle it, so that we may know exactly what we are doing. I wish to call the Chair's attention to the fact that section 12, which we are now considering, contains the original House provision, with the original amendment made by the Agricultural Committee; and there has been read here an amendment introduced by the Senator from Oregon [Mr. CHAMBERLAIN], which is in the form of a substitute for that section. Now, what I want to know is, are we not permitted to perfect section 12 as it came originally from the committee, this amendment of the Senator from Oregon being in the nature of a substitute which, under our rules, is simply a motion to strike out the entire section and amend by the insertion of a new section? There is no section to strike out until we perfect the amendment of the committee. As I understand the rules, we have the right first to perfect the House amendment.

Mr. HOLLIS. Mr. President, may I suggest, as a part of the parliamentary inquiry, that, as I understand it, the original section 12 which came over from the House was proposed to be

amended by the Committee on Agriculture and Forestry. Now, the Committee on Agriculture and Forestry, through its chairman, has offered another amendment, which takes the place of its first amendment. That leaves the language of the House section 12 as it came over here the pending question, with the amendment offered by the Senator from Oregon, a motion to strike out and insert; so that the two matters to be considered are the House language in section 12 and the amendment offered by the Senator from Oregon. I think that must be so.

Mr. ROBINSON obtained the floor.

The VICE PRESIDENT. Let the Chair get a clear understanding. Section 12 as contained in the bill is now before the Senate, and has certain committee amendments in it. Does the Chair understand that the committee has withdrawn the amendments as shown in the printed bill and offered in lieu of the House text this amendment?

Mr. CHAMBERLAIN. That is correct, Mr. President. May I make this further statement? It is true that section 12 of the House bill was amended in committee, and it was reported out with those amendments, but subsequently the Committee on Agriculture and Forestry reported out a substitute for what they had done in committee. So the pending amendment is the committee amendment. It was not the purpose of the unanimous-consent agreement to prevent the perfecting of the House provision or what is contained in the bill as originally reported out from the Senate committee.

The VICE PRESIDENT. Does the Chair understand that the committee has withdrawn the committee amendments to section 12?

Mr. CHAMBERLAIN. That is the first report of the committee, but the committee amendment that is now pending was reported out on the 28th of June, and takes the place of the former committee amendment.

Mr. THOMPSON. I do not think there has been any action in the Senate withdrawing the amendment, and my point is that a committee amendment coming in that way has no more force than if it were an amendment introduced by an individual Senator as a substitute, except, of course, it now has the sanction of a majority of the committee behind it; but from a parliamentary standpoint it does not seem to me to be in any better situation than if an individual Senator would have offered the substitute.

It makes no difference when it comes in, but I want a fair understanding of the matter before we commence to vote. I should like to have a vote between the original House provision and the original Senate amendment which is before us now, and then, if the former fails, of course a vote would come upon any substitute to strike out and insert. It has been held here squarely that we have a right to vote upon and perfect the section to be stricken out. How can a substitute strike out something that is not in the bill?

Mr. MYERS. Mr. President, I rise to a point of order, and I wish to state the point of order. Yesterday I sent to the desk a proposed amendment to the Chamberlain amendment, and the Senator from Arkansas [Mr. ROBINSON] offered a substitute for the Chamberlain amendment. I contend that the amendment I offered should be disposed of first, that we should be allowed to perfect the Chamberlain amendment before we know whether we want to adopt the substitute offered by the Senator from Arkansas.

Mr. ROBINSON. Mr. President, if I may be permitted to make a suggestion in reference to the point of order, not in the discussion of the amendment of the Senator from Oregon——

Mr. MYERS. I shall be glad to hear the Senator.

Mr. ROBINSON. I will state to the Chair that neither the amendment of the Senator from Montana nor my own amendment has been formally offered. I have the floor now, and expect during my time to offer that amendment.

Mr. MYERS. But my point of order is that my amendment should come first.

Mr. ROBINSON. The Senator can not take me off the floor on the theory that he wants to offer an amendment when I have the floor for the purpose of discussing an amendment that is already pending.

Mr. MYERS. The Senator stated that he is going to offer a substitute, and it might be voted on before I can offer mine.

Mr. THOMPSON. Will the Senator permit me a moment on the question of order?

Mr. ROBINSON. Mr. President, as to the parliamentary inquiry of the Senator from Kansas, the situation is very simple. The unanimous-consent agreement, according to the ruling of the previous occupant of the chair, the Senator from New Hampshire [Mr. HOLLIS], and I think it is entirely correct, is that by virtue of that agreement the Chamberlain amendment, which is the committee amendment, is the pending question; that is, the motion to strike out and insert, and it is to that question that I wish to address myself, if I am given the opportunity of doing so. The Senator from Kansas will be afforded his own opportunity, and the Senator from Montana will have an opportunity of offering any amendment that he desires.

The VICE PRESIDENT. Now, let us settle this question so that there can not be any doubt about it. There is not any doubt but that the committee had a perfect right to withdraw the amendment that it proposed to section 12, prior to the consideration by the Senate, and to offer a substitute for section 12 in the nature of an amendment. That leaves before the Senate the original section 12 of the House and the proposed amendment of the committee in the nature of a motion to strike out and insert, each of which is open to amendment, the part to be stricken out being first subject to amendment. The Senator from Kansas has a perfect right hereafter, not in the time of the Senator from Arkansas, to offer upon his own behalf the amendment now printed to section 12 of the bill and to have a vote upon it.

Mr. THOMPSON. Mr. President, a parliamentary inquiry. Does not the action of the Senate have to be taken before a committee or a Senator can withdraw an amendment?

The VICE PRESIDENT. No; when a committee reports an amendment the committee can withdraw the amendment before any action has been taken. The Senator from Arkansas has the floor.

Mr. ROBINSON. Mr. President, the amendment which I intend to offer, in the nature of a substitute for the amendment reported by the Committee on Agriculture, forbids the use of foods, food materials, or feeds in the manufacture of distilled spirits for beverage purposes.

The amendment of the Senate Committee on Agriculture carries substantially the same provision and in addition authorizes the President to limit, regulate, or prohibit the use of foods or feeds in the production of vinous, malt, or fermented liquors whenever he shall find that such action is necessary in order to assure an adequate and continuous supply of food.

The original provision as it passed the House forbade the manufacture of distilled spirits and also of vinous, malt, or fermented liquors.

It became apparent that controversy over this feature of the bill was delaying its passage, and the President, who regards the early enactment of food-control legislation as indispensable to the efficient and successful conduct of the war, suggested to representatives of the legislative committee of the Anti-Saloon League of America that vinous, malt, and fermented liquors be eliminated from the bill. His letter making this suggestion has been published in the press. It is as follows:

THE WHITE HOUSE,
Washington, D. C., June 29, 1917.

MY DEAR DR. CANNON: I am very glad to respond to the request of Senator MARTIN, the Democratic floor leader in the Senate, that I give to your legislative committee an expression of my opinion with regard to the wisest and most patriotic policy to be pursued toward the food administration legislation now pending in the Congress.

I regard the immediate passage of the bill as of vital consequence to the safety and defense of the Nation. Time is of the essence; and yet it has become evident that heated and protracted debate will delay the passage of the bill indefinitely if the provisions affecting the manufacture of beer and wines are retained and insisted upon. In these circumstances I have not hesitated to say to Members of the Senate who have been kind enough to consult me that it would undoubtedly be in the public interest in this very critical matter if the friends of those provisions should consent to their elimination from the present measure. Feeling that your committee is actuated by the same patriotic motives which inspire me, I am confident that these considerations will seem to you, as they seem to me, to be imperative.

With much respect, sincerely, yours, WOODROW WILSON.

Rev. JAMES CANNON, JR., D. D.,
Chairman Legislative Committee,
Anti-Saloon League of America.

The legislative committee, the general superintendent, and the legislative superintendent of the Anti-Saloon League of America promptly accepted the President's proposition, and, in so far as they were concerned, agreed to the elimination of vinous, malted, or fermented liquors from the pending bill, reserving, however, the right to urge hereafter the passage of legislation prohibiting the use of foodstuffs in the manufacture of beer and wines either in the form of a separate bill or in connection with other war legislation.

The reply of the representatives of the Anti-Saloon League to the President's letter has also been published. It is as follows:

WASHINGTON, D. C., *June 30, 1917.*

To the PRESIDENT,
White House, Washington, D. C.:

We have earnestly considered the statement in your letter of yesterday to the legislative committee of the Anti-Saloon League of America that in the face of the present food crisis you are greatly concerned lest the early passage of the food-administration legislation now pending in Congress be jeopardized by a heated and protracted debate upon cer-

tain sections of the bill relating to the manufacture of foodstuffs into intoxicating liquors.

We are aware of the threats made by the friends of beer and wine in the Senate of an indefinite and protracted filibuster against those provisions of the bill. We beg to assure you that, as patriotic Americans, determined to uphold you as Commander in Chief of the Army and Navy in the present war, we will not, for our constituency, offer any obstruction to the prompt passage of the food-control bill.

Of course we can not presume to indicate to Members of Congress what action they should take in view of this request from the President of the United States. They will doubtless act in accordance with their own convictions of duty.

We are glad to note that your request applies only to the pending food-administration legislation. It will be our purpose to urge the passage of legislation prohibiting the waste of foodstuffs in the manufacture of beer and wines at the earliest possible date, either in the form of a separate bill or in connection with other war legislation. We assure you of our purpose as patriotic American citizens to cooperate in every possible way in the winning of the great war in which our Nation is engaged.

Sincerely and respectfully, yours,

JAMES CANNON, JR.,
ARTHUR J. BARTON,
WAYNE B. WHEELER,
E. H. CHERRINGTON,
Legislative Committee.
P. A. BAKER,
General Superintendent.
E. C. DINWIDDIE,
Legislative Superintendent.

My substitute for the committee amendment conforms in letter and in spirit to the compromise suggested by the President and agreed to by the Anti-Saloon League. The committee provision is objectionable because it imposes upon the President a function which is clearly legislative and which Congress ought to exercise itself whenever conditions justify or require.

In the next place the committee provision is not only subject to criticism because it expressly imposes upon the Chief Executive duties which are legislative in their nature, but it is also objectionable to Senators on the other side of the Chamber because they claim it confers a great political power and influence upon the Executive. It is urged that the existence of authority of the President to confiscate hundreds of millions of dollars' worth of property through the activities of agents upon whose judgment and conduct he must necessarily depend is unprecedented and unreasonable. Expressing no approval of this argument, I mention it merely to emphasize the fact that unless the Congress determines this question for itself the passage of the food-control bill will probably be indefinitely delayed.

As a still further objection to the committee provision it may be said that since Congress is likely to be in almost continuous session during the war, the Executive would be very slow to exercise the power sought to be conferred upon him, and would likely relegate the matter to Congress. Therefore nothing is accomplished by its passage.

Much has been said, and no doubt more will be, during the progress of this debate concerning the subject of bone-dry prohibition. No doubt the sentiment in favor of national prohibition is growing. The prohibition issue, however, is not directly involved in this legislation, nor can it be. No provision suggested to this bill contemplates national prohibition.

This, of course, is due to the fact that under the Constitution no power exists in Congress to enact a statute forbidding the sale or use throughout the Nation of liquors as a beverage. Before such legislation can be passed an amendment to the Constitution is required. The question in Congress is therefore confined to food-conservation measures, and does not seek to prevent the importation or sale of alcoholic beverages. If none were manufactured in the United States, it would still be possible to import such beverages from foreign countries and sell them here. If the manufacture of liquors should be totally suspended in the United States, we would not and could not have prohibition. Importation would probably be increased and the total consumption would probably be diminished because of the inevitably higher prices which would prevail.

Mr. President, I offer the following amendment. I ask that the Secretary may read the amendment. I offer it as a substitute for the committee provision. It is to strike out the committee amendment and insert the following in lieu thereof.

The VICE PRESIDENT. It will be read.

The SECRETARY. In lieu of the part proposed to be inserted by the committee insert:

SEC. 12. That from and after 30 days from the date of the approval of this act no person shall use any foods, fruits, food materials, or feeds in the production of distilled liquors, except for governmental, industrial, scientific, or medicinal purposes. Any person who willfully violates this section shall, upon conviction thereof, be punished by a fine of not exceeding $5,000 or by imprisonment for not more than two years, or both.

Mr. ROBINSON. Mr. President, I address myself now to the amendment which I have just offered.

Importation would probably be increased and the total consumption would probably be diminished because of the inevitably higher prices which would prevail. It is also true that such legislation might tend to promote national prohibition through the adoption of the necessary constitutional amendment and statute. If the committee provision prevails, national prohibition will, in my judgment, be postponed until after the war. By the adoption of the substitute, which as stated represents the compromise agreed upon between the President and the representatives of the Anti-Saloon League, everything of probable benefit will be accomplished that is likely to be done under the committee provision. The manufacture of distilled spirits in the United States will be suspended, and an enormous amount of food materials which would enter into the same if manufacture were continued, will be conserved. Of course a part of it may be shipped abroad and used there in the production of distilled spirits.

If the manufacture of beer is suspended, the price of that beverage will be greatly increased, because after a short time only imported beer can be obtained. Many influences are at work to create unrest and dissatisfaction in the great industrial centers where it is of supreme importance that nothing occur to disturb the peaceful and contented attitude of laborers. In some localities, at least, it is probable that great dissatisfaction will temporarily grow out of the increase in the price of malt liquors, which must occur if manufacture of beer be at once suspended. I do not think this condition could be permanent or of far-reaching importance, but it is worthy of consideration.

Congress is proceeding rapidly with temperance legislation, and it is proceeding within the Constitution. We have recently passed the Webb-Kenyon Act making interstate shipments of liquors subject to State prohibition laws. That was a great step forward. We have also enacted prohibition for the District of Columbia. In the Army bill of the present year the sale of intoxicating liquors to soldiers in uniform is prohibited and penalized. Congress has also forbidden the publishing of liquor advertisements in prohibition territory. By the legislation now proposed we are suspending the manufacture of distilled liquors. It is not remarkable in view of this record that many of the friends of temperance should be willing and anxious to avoid the reactionary movements which must inevitaby result from ill-considered legislation calculated to accomplish nothing of benefit and pregnant with possibilities of evil. The overshadowing consideration in the minds and hearts of all patriots is to win the war against Germany and vindicate the right of our citizens to life, liberty, and the peaceful pursuit of their lawful avocations; to preserve the spirit of liberty and enkindle the fires of democracy beneath the thrones of autocracy. I have no doubt that all Senators, indeed, all Members of Congress, are imbued with this spirit and purpose. The war, for the present at least, is to be fought in France. Congress can not regulate the liquor question there. However closely the promotion of temperance may be associated with progress, the mere existence of a state of war does not empower Congress to enact national prohibition. I believe this substitute represents a sane, reasonable, and fair solution of the present controversy and that it will promote the speedy passage of this bill.

Mr. MYERS. I offer an amendment to the Chamberlain amendment.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. Amend the committee amendment designated as section 12 by inserting between the word "spirits" and the word "for" in line 3, page 1, of the printed amendment the words "or of vinous, malt, or fermented liquors."

Further amend the committee amendment by striking out all thereof after line 3, on page 1, of the printed amendment.

Mr. ROBINSON. Mr. President, I make the point of order that the amendment of the Senator from Montana is not now in order.

Mr. MYERS. Mr. President, I desire to be heard on the point of order. I contend that we have a right to perfect the Chamberlain amendment before we vote on the substitute for it. The Senator from Arkansas offers a substitute for the Chamberlain amendment. The Senate has a right to take the Chamberlain amendment in hand and fix it up in the way a majority of the Senate want it before the substitute is voted on, because we do not know whether we would perfect the substitute on the Chamberlain amendment until a majority of the Senate takes the Chamberlain amendment and puts it in the shape it wishes it. Therefore I contend that my amendment should be considered ahead of any substitute for the entire section.

The VICE PRESIDENT. The Chair believes the amendment of the Senator from Arkansas is amendable. The amendment of the Senator from Oregon is a proposition to strike out and insert and, under Rule XVIII of the Senate rules, the part to be stricken out and the part to be inserted must, for purposes of amendment, be regarded as a question. This rule makes the

amendment of the Senator from Arkansas [Mr. ROBINSON] an amendment of the first degree. This amendment itself is therefore clearly open to amendment.

Mr. CURTIS. I offer the following amendment to the House provision.

The VICE PRESIDENT. It will be read.

The SECRETARY. On page 18 strike out line 16 down to and including the word "beverages" on line 21 and insert the following:

SEC. 12. That no person shall use any foods, food materials, or feeds in the production of alcohol, except for governmental, industrial, scientific, medicinal, sacramental, or other nonbeverage purposes.

Mr. ROBINSON. Mr. President, I make the point of order that the amendment of the Senator from Kansas is not now in order, and I would like to be heard on it for just a moment, if the Chair will hear me.

Mr. CURTIS. I offered it on the statement of the Presiding Officer.

Mr. ROBINSON. Will the Chair give me just a moment on the point of order? I shall take only a moment. I am clearly satisfied the Chair overlooks the language of the unanimous-consent agreement. It is true that under the rule of the Senate the House provision would be first perfected, but under the unanimous-consent agreement it is as expressly provided that the amendment of the Senator from Oregon shall be first perfected. The language in that express provision is this:

That the amendment proposed by the committee, with such amendments as may be offered to it—

Which makes my amendment in order; it is subject to being perfected—

shall be first considered, and that the section as finally amended in Committee of the Whole—

And so forth.

That reverses by unanimous consent of the Senate the rule of the Senate, which would ordinarily apply, requiring that the Senate shall first perfect the House provision. It is an anomalous situation. I will say that I think it is the only construction that the language justifies. What effect could be given to the provision that the amendment of the Senator from Oregon and such amendments as may be offered to it shall be first considered unless you do give it the construction and effect that I am insisting upon, and that is that before you perfect the House provision you first perfect this amendment. In other words, the substantive proposition now before the Senate, the one that takes the place of everything else, is the amendment which the Senator from Oregon has offered for the amendment reported by the committee, and the committee amendment, by virtue of the unanimous-consent agreement, becomes the pending question, and, by the express language of the agreement and such amendments as may be offered to it, must first be perfected before we can take up the House provision.

Mr. CURTIS. I think the agreement applies to only the Senate amendment and was not intended in any way to change the rule in reference to the vote being first had upon the House provision. The agreement applies to only such Senate amendments that might be offered.

The VICE PRESIDENT. It is not the business of the Chair to construe unanimous-consent agreements made by the Senate. It is a senatorial construction.

Mr. SMOOT. Mr. President, I think the Chair is right in ruling that the amendment offered by the Senator from Kansas is in order. Rule XVI provides that when an amendment is offered by way of a substitute the substitute and the original House provision can be amended with a view of perfecting them. The Senator from Kansas offered an amendment to the House provision to perfect it. The first vote will come on the amendment offered by the Senator from Arkansas as perfected, but the vote should not come upon the amendment of the Senator from Kansas until the House provision is also perfected, so that the Senate shall know exactly what it is voting upon.

The VICE PRESIDENT. The ruling of the Chair has not been changed on the subject at all. This must be construed in the light of the rules of the Senate in the opinion of the Chair.

Mr. HOLLIS. I understood the Chair to rule that the amendment offered by the Senator from Arkansas is in order. If so, it is the pending amendment until it is disposed of, and another amendment can not be also before the Senate.

The VICE PRESIDENT. The Chair thinks the amendment of the Senator from Arkansas is in order, and as it is the purpose of both the Senator from Oregon and the Senator from Arkansas to strike out the original House text, the original House text is first to be perfected.

Mr. HOLLIS. Then the effect of the ruling of the Chair is that there can be two motions pending at the same time, and that the amendment of the Senator from Kansas is to be passed upon before the amendment of the Senator from Arkansas.

The VICE PRESIDENT. No; the effect of the ruling of the Chair is that if an amendment to the House text is offered and there be no amendment pending to it, that amendment is in order and takes precedence.

Mr. THOMPSON. Mr. President, in connection with this question I beg to call the attention of the Chair to a decision of the former President pro tempore, Senator Clarke of Arkansas, on page 259 of the Precedents, wherein it is held exactly as the Chair has held at the present time. The statement of the President pro tempore then was:

A substitute under our rules is practically a motion to strike out and insert; it constitutes two questions. The friends of the original text of the bill may perfect it—

Just as the Senator from Kansas proposes to do—

if they so desire, before the question is put on the adoption of the substitute; but if no amendment shall be offered to the original bill, the question will be on the adoption of the substitute.

The unanimous-consent agreement was made in view of the rules of the Senate——

Mr. ROBINSON. May I be indulged for a few words more?

Mr. OVERMAN. Will the Senator yield to me for a moment on this question?

Mr. ROBINSON. Certainly.

Mr. OVERMAN. I wish to suggest to the Senator from Arkansas, and I call the attention of the Senator from Kansas to it, the words the Senator from Kansas proposes to strike out in his amendment are committee words and were put in by the committee originally. The committee have withdrawn that amendment, so his amendment is not in order because it proposes to strike out words even the committee have not proposed.

The words proposed to be stricken out by his amendment are:

That from and after 30 days from the date of the approval of this act.

The committee have withdrawn that, as I understand it. So the amendment is not in order from that standpoint.

Mr. THOMPSON. The committee certainly can not withdraw the House text of the bill.

Mr. ROBINSON. The Senator from North Carolina is correct in his suggestion. The language which the Senator seeks to strike out is not in the House provision. It is in an amendment heretofore reported by the committee, and withdrawn by the committee. So the Senator is seeking to strike out something that has been heretofore withdrawn. He does not address his amendment to the amendment of the Senator from Oregon, which is the pending question, nor does he address it to the language in the House provisions, but he addresses his amendment to the language which was first reported by the Senate committee and afterwards withdrawn by it. Therefore he is striking out something which has already been withdrawn.

But in addition to that, the remark has been made that the rules of the Senate govern the matter. Mr. President, the object of the unanimous-consent agreement is to suspend the operation of the rule. Everyone understands that. The plain effect of this provision, and it must be construed according to its language, is that the first thing to be considered is the Chamberlain amendment, and that that must be perfected together with such amendments as may be offered to it. That plainly makes the amendment which I have offered subject to amendment, in my judgment.

Mr. NORRIS. May I ask the Senator a question?

The VICE PRESIDENT. The Chair would suggest that there is an orderly way of overruling the Chair by taking an appeal.

Mr. HITCHCOCK. I think the suggestion of the Chair is wise, and because the Chair has intimated that the Senate ought to settle it, I appeal from the decision of the Chair.

Mr. ASHURST. I move to lay the appeal on the table.

The VICE PRESIDENT. The Senator from Nebraska appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. STONE. Will the Chair state his decision?

The VICE PRESIDENT. The Chair stated that notwithstanding the express terms of the unanimous-consent agreement the amendment proposed by the committee with such amendments as may be offered to it shall be first considered, and that the amendment being one to strike out section 12 and insert a different section, the original section 12 is first subject to amendment.

Mr. FLETCHER. Mr. President, I ask to have the amendment proposed by the Senator from Kansas [Mr. CURTIS] stated. If it is true that it simply strikes out what was proposed as a

committee amendment, but never offered as a committee amendment, and leaves the provision as it came to the Senate, then there is nothing to strike out and nothing to insert, and the Senator's object would be accomplished by voting down the amendment.

The VICE PRESIDENT. That is undoubtedly true.

Mr. ASHURST. Mr. President, in order to cut off debate, I move to lay the appeal from the decision of the Chair on the table.

Mr. JONES of Washington. On that I ask for the yeas and nays.

Mr. FLETCHER. I am not debating the matter. I have a right to have the amendment stated.

The VICE PRESIDENT. The Chair would like to know what the amendment is. The Secretary will please state it.

The SECRETARY. Mr. CURTIS offers the following amendment: On page 18, to strike out, beginning with line 16, down to and including the word "beverages," in line 21, and to insert the following:

SEC. 12. That no person shall use any foods, food materials, or feeds in the production of alcoholic beverages or of alcohol except for governmental, industrial, scientific, medicinal, or sacramental purposes.

Mr. CURTIS. Mr. President, in order that the Senate may understand the purpose of the amendment, may I state that all it proposes to do is to transpose the words "or of alcoholic beverages" in the House provision in order to make the section read as it was originally intended it should read. Were the language left as it now is, it would not accomplish what was intended to be accomplished by it. I hope the amendment may be adopted.

SEVERAL SENATORS. Vote!

The VICE PRESIDENT. The question is on laying the appeal from the decision of the Chair on the table.

Mr. JONES of Washington. I have asked for the yeas and nays on the motion.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FLETCHER (when his name was called). I have a pair with the senior Senator from New Hampshire [Mr. GALLINGER], but I transfer that pair to the Senator from Delaware [Mr. SAULSBURY] and vote "yea."

Mr. GERRY (when his name was called). I desire to be counted as present.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Arkansas [Mr. KIRBY] and vote "yea."

The roll call was concluded.

Mr. JAMES (after having voted in the negative). I transfer the pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the senior Senator from New Jersey [Mr. HUGHES] and will allow my vote to stand.

Mr. ROBINSON. I announce the unavoidable absence of my colleague, the junior Senator from Arkansas [Mr. KIRBY].

The result was announced—yeas 55, nays 29, as follows:

YEAS—55.

Ashurst	Hale	Myers	Smith, Mich.
Beckham	Johnson, Cal.	Nelson	Smith, S. C.
Borah	Johnson, S. Dak.	New	Smoot
Brady	Jones, Wash.	Newlands	Sterling
Chamberlain	Kellogg	Norris	Sutherland
Colt	Kendrick	Page	Thomas
Cummins	Kenyon	Poindexter	Thompson
Curtis	King	Reed	Tillman
Dillingham	Knox	Shafroth	Townsend
Fernald	La Follette	Sherman	Trammell
France	Lodge	Shields	Vardaman
Frelinghuysen	McKellar	Simmons	Watson
Gore	McLean	Smith, Ariz.	Wolcott
Gronna	McNary	Smith, Ga.	

NAYS—29.

Bankhead	Hollis	Penrose	Stone
Brandegee	Husting	Phelan	Swanson
Broussard	James	Pittman	Underwood
Calder	Jones, N. Mex.	Pomerene	Wadsworth
Culberson	Lewis	Ransdell	Williams
Fletcher	McCumber	Robinson	
Harding	Martin	Sheppard	
Hitchcock	Overman	Smith, Md.	

NOT VOTING—12.

Fall	Goff	Kirby	Walsh
Gallinger	Hardwick	Owen	Warren
Gerry	Hughes	Saulsbury	Weeks

So the appeal from the decision of the Chair was laid on the table.

Mr. MYERS. Mr. President, I move to amend the amendment offered by the Senator from Arkansas [Mr. ROBINSON] by inserting between the word "spirits" and the word "for," in line 3, of page 1, of the printed amendment, the words "or of vinous, malt, or fermented liquors."

The VICE PRESIDENT. The Senator from Kansas has an amendment pending.

Mr. CURTIS. I will say to the Senator from Montana that I have an amendment pending.

The VICE PRESIDENT. The question is on the amendment.

Mr. MYERS. I did not understand the Senator's amendment was pending to the amendment offered by the Senator from Arkansas.

The VICE PRESIDENT. No; it is pending to the original bill.

Mr. MYERS. Is not the amendment offered by the Senator from Arkansas pending? It was received.

The VICE PRESIDENT. The Chair thought the Senate had just settled that question.

Mr. MYERS. Then, it is not in order to amend his amendment.

The VICE PRESIDENT. The Senator from Kansas [Mr. CURTIS] has an amendment pending. The question is on that amendment.

The amendment was agreed to.

Mr. CUMMINS. I offer the amendment to the House text, which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "beverages," on page 18, line 21, it is proposed to insert:

No alcoholic beverage shall be imported into the United States during the existing war, and no part of the distilled spirits now in bond in the United States shall be withdrawn during the said war to be used as a beverage.

Mr. CUMMINS. Mr. President, I am in favor of the House provision of the bill as against either of the amendments which have been heretofore proposed; but I believe the House provision is weak in two respects: First, there is nothing to prevent the importation of alcoholic liquor. I understand that the revenue bill which is now before the Senate contains a provision of that kind, but we do not know what its fate will be. I have therefore proposed this as an amendment to the House provision.

One of the objections urged to the House provision is that the 300,000,000 gallons of distilled spirits now in bond can be used during the war for beverage purposes, and that we shall thereby convert this country into a whisky-drinking Nation. There is some force in the suggestion so repeatedly made that strong liquor is more objectionable than the weaker liquor; and the amendment that I have just proposed is intended to keep the distilled spirits in bond during the war, except in so far as they may be withdrawn for other purposes, or except in so far as the President of the United States may commandeer them for governmental purposes. The fundamental idea of the amendment is that we can prosecute the war in which we are now engaged more energetically and more efficiently without liquor than with it, and I want the opinion of the Senate upon that subject.

Mr. SHAFROTH. Mr. President, I am opposed to the amendment offered by the Senator from Arkansas [Mr. ROBINSON], and I heartily approve of the amendment offered by the Senator from Iowa [Mr. CUMMINS], which prohibits the importation of distilled liquors during the existing war with Germany after their manufacture has been prohibited in the United States. As the Senator from Iowa has stated, conservation not only of food but of human energy is sought to be accomplished in this bill.

I want to direct attention to the fact that David Lloyd-George, premier of England, has recently said:

We are fighting Germany, Austria, and drink. So far as I can see, the greatest of these three deadly foes is drink.

Von Moltke, who for many years was the commander in chief of the German forces, used this expression:

Beer is a far more dangerous enemy to Germany than all the armies of France.

Maj. Gen. Frederick Dent Grant used this language:

Ninety-five per cent of the desertions and acts of lawlessness in the Army are due to liquor. If I could by offering my body as a sacrifice free my country of this fell destroyer, drink, I would thank God for the privilege of doing it.

There is the testimony of three men, the most highly qualified judges possible to be found, and they practically say that we can not win this fight without adopting measures that will prevent the use of liquor.

Mr. President, some complaint is made that we purpose interfering with an industry, and that to enact prohibition legislation of this kind will cause that industry to suffer a great loss. When, however, that question is closely examined, it is found not to be serious. The provisions of this bill in regard to the prohibition of the manufacture of alcoholic liquors will apply only for the duration of the war. Consequently, if the

war ends in six months all the loss sustained will simply be that resulting from closing the breweries and the distilleries for that period of time.

Mr. VARDAMAN. Mr. President, if the Senator will permit me to say just one word at this point, I wish to say that whenever the United States goes "dry" for two years, it will never return to the liquor traffic.

Mr. SHAFROTH. That may be true; and I hope there will never be a return to the traffic. We can then provide for an equitable arrangement.

Mr. President, there is also a clause in the House bill providing for the commandeering of distilled liquor, and when we consider that it takes 1 pint of alcohol to manufacture 1 pound of powder, and further, that at the present time in this war more powder is being used in every three minutes than was exploded in the three days' battle at Gettysburg, we can realize the extent of the demand there will be for alcohol for the purpose of manufacturing munitions of war. Consequently there should practically be no loss to the distillers by reason of the passage of this bill.

Mr. President, in every prohibition measure that has been presented or adopted in the States beers and wines have been included with distilled liquors.

Why is that? There must be some reason for it. It is true that beer is a milder drink than whisky; it is true that wine is a milder drink, but why are they always coupled with distilled liquors? It is because if they are not coupled the saloon is bound to exist. That is the reason. We will have wine saloons and we will have beer saloons, which will also mean a great deal of "bootlegging" of distilled spirits. It is only by including in prohibition measures all intoxicating liquors that we can get rid of the saloon.

Mr. President, it does seem to me that when we consider the fact that prohibition already exists in 24 or 25 States, the effect of this bill will not be so serious as Senators contend. The fact that there are large numbers of men employed in these industries is no indication that we are going to throw out of work permanently the 289,000 men now in the employ of the liquor industries. There is now a greater demand for labor at higher wages than has ever existed in the United States, and hence they will not remain without employment. That labor as now used is nothing but wasted energy—nay, more, it is used in the manufacture of that which weakens our energies and impairs our minds. According to a recent resolution of the American Medical Association, "alcohol is wholly without drug value, either as a tonic or stimulant or in any other therapeutic way." The imperative need of this crisis is the production and preservation of foods and the prohibition of the use of those things which impair our efficiency. It is only by the conversion of useless into productive labor that we can hope to win the war and thereby accomplish our high ideals in the preservation and extension of human liberty.

The VICE PRESIDENT. The time of the Senator from Colorado has expired.

Mr. BRADY. Mr. President, I had not intended to address the Senate on the pending amendment relative to prohibition for the reason that I know full well that no amount of argument by another Senator could cause me to change my views, formed after due deliberation and careful thought on the subject of temperance, or as to the advisability of permitting the use of beer and wine during the war, and I am equally certain that nothing I may say will change very many of the votes that will be cast to-day on the amendment now pending relative to the manufacture and sale of wines and beers during the present war. But as a member of the Agricultural Committee that considered and reported this bill, I feel that I owe it to myself, my constituents, and the country to offer a few words of explanation relative to the action that I shall take to-day when the final vote on this question is taken; for I shall vote against this amendment and in favor of the House one, for the reason that I am opposed not only to the use of distilled liquors, but am also opposed to the use of wine and beer as beverages. What I shall say will be somewhat in the nature of a review of the history of the bill so far as it concerns the Senate and the Committee on Agriculture and Forestry.

On June 25 H. R. 4961 was introduced, read twice, and referred to the Committee on Agriculture and Forestry. On June 26 the chairman of the Committee on Agriculture and Forestry appointed a subcommittee, consisting of seven members, to consider the bill and make recommendations relative to the same to the full committee. The subcommittee appointed by the chairman agreed upon the following amendment.

Mr. President, I ask that this amendment be printed as a part of my remarks without reading.

The VICE PRESIDENT. In the absence of objection, it is so ordered.

The amendment referred to is as follows:

(a) That from and after 30 days from the date of the approval of this act it shall be unlawful for any person, firm, or corporation to use in the manufacture of any intoxicating liquors for beverage purposes any perishable or nonperishable feeds, foods, or food materials. (b) Whenever the President shall find it necessary to conserve the perishable products referred to in the preceding paragraph he is empowered to permit the use of such products in the manufacture of vinous liquors; and when the question arises as to whether any particular product is perishable or nonperishable, or is suitable for foods or feeds, the President is authorized to determine that question, and his determination shall be conclusive for the purposes of this act. (c) Whenever in the judgment of the President the public interest would be subserved thereby he is empowered to permit the limited use of the materials mentioned in paragraph (a) of this section in the manufacture of malt or fermented liquors, and to prescribe the alcoholic contents thereof. (d) The Commissioner of Internal Revenue shall be charged with the administration of this section, and he is authorized with the approval of the President to require the taking out of such permits, the keeping of such records, the execution of such bonds, and the observance of such rules and regulations as may be necessary and proper for the execution of the same. (e) Any person who willfully violates this section shall be deemed guilty of a misdemeanor and shall upon conviction thereof be punished by a fine not exceeding $5,000 or by imprisonment for not more than two years, or both.

Mr. BRADY. On June 27, at a full meeting of the Senate Committee on Agriculture and Forestry, after due consideration of H. R. 4961, adopted an amendment, which was in substance the House amendment forbidding the manufacture of foodstuffs into intoxicating liquors, with an exception of wine-making from fruits; and another amendment authorizing and directing the President to commandeer distilled liquors for war purposes was made mandatory. I ask, Mr. President, that the amendments referred to, being sections 12 and 13, be inserted in the RECORD, as a part of my remarks, without reading.

The VICE PRESIDENT. In the absence of objection, it is so ordered.

The sections referred to are as follows:

SEC. 12. That from and after 30 days from the date of the approval of this act no person shall use any foods, food materials, or feeds in the production of alcohol, except for governmental, industrial, scientific, medicinal, sacramental, or other nonbeverage purposes. Any person who willfully violates this section shall, upon conviction thereof, be punished by a fine not exceeding $5,000 or by imprisonment for not more than two years, or both: *Provided*, That whenever the President shall find it necessary to conserve perishable fruits he is empowered to permit the use of such perishable fruits in the manufacture of vinous liquors; and when the question arises as to whether any particular fruit is perishable or nonperishable the President is authorized to determine that question, and his determination shall be conclusive for the purposes of this act: *Provided further*, That the Commissioner of Internal Revenue shall be charged with the administration of this section, and he is authorized, with the approval of the President, to require the taking out of such permits, the keeping of such records, the execution of such bonds, and the observance of such rules and regulations as may be necessary and proper for the execution of the same.

SEC. 13. That the President is authorized and directed to commandeer any or all distilled spirits in bond at the date of the approval of this act for redistillation in so far as such redistillation may be necessary to meet the requirements of the Government in the manufacture of munitions and other military and hospital supplies, or in so far as such redistillation would dispense with the necessity of utilizing products and materials suitable for foods and feeds in the future manufacture of distilled spirits for the purposes herein enumerated. The President shall determine and pay a just compensation for the distilled spirits so commandeered; and if the compensation so determined be not satisfactory to the person entitled to receive the same, such person shall be paid 75 per cent of the amount so determined by the President and shall be entitled to sue the United States to recover such further sum as, added to said 75 per cent, will make up such amount as will be just compensation for such spirits, in the manner provided by section 24, paragraph 20, and section 142 of the Judicial Code.

Mr. BRADY. This amendment, with the full committee present, was adopted by a vote of 9 to 7, and the bill with this amendment was reported to the Senate and substituted for S. 2463; and the Senate commenced consideration of the bill and it was presumed by the minority, although they voted against the amendments offered to the House sections, that the matter was settled and that the members of the Committee on Agriculture and Forestry would give their support to the measure as agreed upon by the full committee on June 27.

On June 29, 1917, the President wrote the following letter to Rev. James Cannon. I ask, Mr. President, that the letter of the President be inserted in the RECORD, without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter referred to is as follows:

JUNE 29, 1917.

MY DEAR DR. CANNON: I am very glad to respond to the request of Senator MARTIN, the Democratic floor leader in the Senate, that I give your legislative committee an expression of my opinion with regard to the wisest and most patriotic policy to be purposed toward the food-administration legislation now pending in the Congress. I regard the immediate passage of the bill as of vital consequence to the safety and defense of the Nation. Time is of the essence; and yet it has become

evident that heated and protracted debate will delay the passage of the bill indefinitely if the provisions affecting the manufacture of beer and wines are retained and insisted upon. In these circumstances I have not hesitated to say to Members of the Senate who have been kind enough to consult me that it would undoubtedly be in the public interest in this very critical matter if the friends of those provisions should consent to their elimination from the present measure. Feeling that your committee is actuated by the same patriotic motives which inspire me, I am confident that these considerations will seem to you, as they seem to me, to be imperative.

With much respect, sincerely, yours,

WOODROW WILSON.

Rev. JAMES CANNON, Jr., D. D.,
Chairman Legislative Committee
Anti-Saloon League of America.

Mr. BRADY. In consequence of this letter written by the President, the committee was again called together and the committee by a vote of 6 to 5 adopted the following amendment prohibiting the making of whisky and other distilled liquors and leaving beer and wine to the discretion of the President:

SEC. 12. That it shall be unlawful for any person, firm, or corporation to use any foods, food materials, or feeds in the manufacture of distilled spirits for beverage purposes. (b) Whenever the President shall find that limitation, regulation, or prohibition of the use of foods, food materials, or feeds in the production of vinous, malt, or fermented liquors, or that reduction of the alcoholic content of any such liquors is essential, in order to assure an adequate and continuous supply of food or feed, he is authorized, from time to time, to prescribe and give public notice of the extent of the limitation, regulation, prohibition, or reduction so necessitated. Whenever such notice shall have been given and shall remain unrevoked, no person shall, after a reasonable time, which shall be prescribed in such notice, use any foods, food materials, or feeds in the production of such vinous, malt, or fermented liquors except in accordance with the limitations, regulations, and prohibitions prescribed in such notice, or to produce any such liquors having an alcoholic content in excess of the amount prescribed therefor in such notice. When the question arises as to whether any particular product is suitable for food or feed, the question shall be determined by the President and his determination shall be conclusive for the purposes of this section. (c) Except as otherwise herein provided, the Commissioner of Internal-Revenue shall be charged with the administration of this section, and he is authorized, with the approval of the President, to require the taking out of such permits, the keeping of such records, the execution of such bonds, and the observance of such rules and regulations as may be necessary and proper for the execution of the same. (d) Any person who willfully violates this section shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding $5,000 or by imprisonment for not more than two years, or both.

Mr. President, as a member of the Committee on Agriculture and Forestry, I voted against this amendment in the committee and reserved the right to oppose it on the floor of the Senate. It is plain to be seen that in consequence of the President's interposition the committee vote of 9 to 7 for the amendment above described was suddenly changed to a vote of 6 to 5 in favor of the amendment, leaving the manufacture of beer and wine to the discretion of the President. It is my desire and purpose to support the President whenever I can conscientiously do so, and I will do so whenever I believe that it will be for the benefit of my country or will contribute to the winning of the war; but I do not propose that the President shall set moral standards for me when in doing so we weaken rather than strengthen the defense of our country. No intoxicated general ever won a battle; no intoxicated soldier ever did effective service in the line of battle, and no man can produce food, fuel, or munitions of war, all of which are necessary for the defense of our country, if he spends his idle hours in drinking wine, beer, or intoxicating liquors of any kind, and I do not propose by my vote to place temptation before the young men that we are compelling by conscription and draft to sacrifice their lives, while we permit the slackers at home to consume by drink and to thus waste the products of the soil that we need so much to feed the needy and the hungry. If we ask the soldier to die for us, we ought to be willing to go dry for him.

I am in favor of the House provision, and I hope that it will be adopted.

Mr. President, I therefore ask to have inserted in my remarks the portions of the CONGRESSIONAL RECORD on pages 4584 and 4585, being a statement by the Senator from Oregon [Mr. CHAMBERLAIN], who has charge of the bill, and some remarks by the junior Senator from Mississippi [Mr. VARDAMAN], together with a telegram received by him and his answer to it. It seems to me that that part of the RECORD would be especially interesting at this time, and I hope that each and every Member of the Senate will again read it.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

Mr. CHAMBERLAIN. * * * Mr. Hoover, accompanied by Judge Lindsley, who advises with him on the legal aspects of the food bill, came to see me Saturday morning just before the convening of the Senate to discuss a few proposed amendments to the bill. It was so near the hour of convening the Senate that I requested them to come up to the office Sunday morning, and promised them I would endeavor to have the members of the Agricultural Committee present so that the proposed amendments might be discussed by them.

I submitted the matter of Mr. Hoover's request to the members of the committee, and they subscribed to the following agreement:

We, members of the Committee on Agriculture and Forestry, will meet informally with Mr. Hoover Sunday morning at 10 o'clock in the Military Affairs Committee room of the Senate to discuss with him certain features of the food-regulation bill.

GEORGE E. CHAMBERLAIN.	A. J. GRONNA.
WILLIAM H. THOMPSON.	JAMES H. BRADY.
T. P. GORE.	WILLIAM S. KENYON.
MORRIS SHEPPARD.	G. W. NORRIS.
HOKE SMITH.	JOHN B. KENDRICK.
E. D. SMITH.	JOSEPH E. RANSDELL.
ED. S. JOHNSON.	F. E. WARREN.

I believe the agreement was signed by every member of the committee to whom it was presented.

In pursuance of the request of the committee, a meeting was held in the Military Affairs Committee room at 10 o'clock. Mr. Hoover was present, and Judge Lindsley as well, the proposed amendments were discussed.

* * * * * * *

I will say, Mr. President, that I do not remember ever having met any of these gentlemen except Mr. Dinwiddie, and he has always treated me with the greatest courtesy and consideration, and has never attempted to intrude his presence upon me either as a member of the Agricultural Committee or in any other way. I think the article in question does all these distinguished gentlemen very great injustice. I ask that the letters to which I have referred may be read.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

JUNE 29, 1917.

MY DEAR DR. CANNON: I am very glad to respond to the request of Senator MARTIN, the Democratic floor leader in the Senate, that I give your legislative committee an expression of my opinion with regard to the wisest and most patriotic policy to be purposed toward the food-administration legislation now pending in the Congress. I regard the immediate passage of the bill as of vital consequence to the safety and defense of the Nation. Time is of the essence; and yet it has become evident that heated and protracted debate will delay the passage of the bill indefinitely if the provisions affecting the manufacture of beer and wines are retained and insisted upon. In these circumstances I have not hesitated to say to Members of the Senate who have been kind enough to consult me that it would undoubtedly be in the public interest in this very critical matter if the friends of those provisions should consent to their elimination from the present measure. Feeling that your committee is actuated by the same patriotic motives which inspired me, I am confident that these considerations will seem to you, as they seem to me, to be imperative.

With much respect, sincerely, yours,

WOODROW WILSON.

Rev. JAMES CANNON, Jr., D. D.,
Chairman Legislative Committee
Anti-Saloon League of America.

JUNE 30, 1917.

To the PRESIDENT,
The White House, Washington, D. C.:

We have earnestly considered the statement in your letter of yesterday to the legislative committee of the Anti-Saloon League of America, that in the face of the present food crisis you are greatly concerned lest the early passage of the food-administration legislation now pending in Congress be jeopardized by a heated and protracted debate upon certain sections of the bill relating to the manufacture of foodstuffs into intoxicating liquors.

We are aware of the threats made by the friends of beer and wine in the Senate of an indefinite and protracted filibuster against those provisions of the bill. We beg to assure you that as patriotic Americans, determined to uphold you as Commander in Chief of the Army and Navy in the present war, we will not for our constituents offer any obstruction to the prompt passage of the food-control bill.

Of course we can not presume to indicate to Members of Congress what action they should take in view of this request from the President of the United States. They will doubtless act in accordance with their convictions of duty.

We are glad to note that your request applies only to the pending food-administration legislation. It will be our purpose to urge the passage of legislation prohibiting the waste of foodstuffs in the manufacture of beer and wines at the earliest possible date, either in the form of a separate bill or in connection with other war legislation.

We assure you of our purpose as patriotic American citizens to cooperate in every possible way in the winning of the great war in which our Nation is engaged.

Sincerely and respectfully, yours,

P. A. BAKER,
General Superintendent.
EDWIN C. DINWIDDIE,
Legislative Superintendent.
JAMES CANNON, Jr.,
ARTHUR BARTON,
WAYNE B. WHEELER,
Legislative Committee.

Mr. CHAMBERLAIN. Mr. President, in pursuance of the call of the members of the committee for the meeting yesterday, the committee met and discussed some of the proposed amendments, and adjourned to meet again this morning at 10 o'clock. The amendments which were suggested by the committee will be reported to the Senate in due course. The committee, not by unanimous consent, but by a majority of the members present, have agreed upon a substitute for the liquor provision in the bill. I desire at this time to have it read into the RECORD, so that Senators may know what has been done with respect to it.

Mr. VARDAMAN. May I ask the Senator in charge of the bill if he knows whether or not the President made the request of the patriotic Senators who opposed this prohibition feature of the bill to withdraw their opposition in order that the bill might pass?

Mr. CHAMBERLAIN. Mr. President, the foregoing letter contains all I know about the President's views. I have not had any communication with or from him on the subject, and the letter which has just been read covers all I know about his views. I ask that the proposed amendment be read.

The VICE PRESIDENT. The Secretary will read it.

The Secretary read as follows:

"SEC. 12. That it shall be unlawful for any person, firm, or corporation to use any foods, food materials, or feeds in the manufacture of distilled spirits for beverage purposes. (b) Whenever the President

shall find that limitation, regulation, or prohibition of the use of foods, food materials, or feeds in the production of vinous, malt, or fermented liquors, or that reduction of the alcoholic content of any such liquors is essential, in order to assure an adequate and continuous supply of food or feed, he is authorized, from time to time, to prescribe and give public notice of the extent of the limitation, regulation, prohibition, or reduction so necessitated. Whenever such notice shall have been given and shall remain unrevoked, no person shall, after a reasonable time, which shall be prescribed in such notice, use any foods, food materials, or feeds in the production of such vinous, malt, or fermented liquors except in accordance with the limitations, regulations, and prohibitions prescribed in such notice, or to produce any such liquors having an alcoholic content in excess of the amount prescribed therefor in such notice. When the question arises as to whether any particular product is suitable for food or feed, the question shall be determined by the President, and his determination shall be conclusive for the purposes of this section. (c) Except as otherwise herein provided, the Commissioner of Internal Revenue shall be charged with the administration of this section, and he is authorized, with the approval of the President, to require the taking out of such permits, the keeping of such records, the execution of such bonds, and the observance of such rules and regulations as may be necessary and proper for the execution of the same. (d) Any person who wilfully violates this section shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding $5,000 or by imprisonment for not more than two years, or both."

Mr. VARDAMAN. Mr. President, I wish to ask permission out of order, and I think it is pertinent at this time, to have a telegram read, addressed to me from the Anti-Saloon League of Mississippi, and my reply thereto.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

"JACKSON, MISS., *July 1, 1917.*

"Senator J. K. VARDAMAN,
"*Washington, D. C.:*

"We are depending on you to do your best for a bone-dry war measure. Do not exempt beer and wine.

"MISSISSIPPI ANTI-SALOON LEAGUE,
"Per T. J. BAILEY, *Superintendent.*"

"WASHINGTON, D. C., *July 1, 1917.*

"Rev. T. J. BAILEY,
"*Superintendent Anti-Saloon League, Jackson, Miss.:*

"Your telegram received.

"The good old ship Prohibition, heavily loaded with the hopes of millions of consecrated women and men for nation-wide prohibition, sailing with fair winds and good prospects to the port of victory, was submarined day before yesterday by the President of the United States. It is now lying on the bottom beneath about 40 fathoms of beer and wine, with one whole side knocked out. I am afraid some of the officers of the crew deserted before it went down. Will do my best to save the wreck. But it is my deliberate judgment that no power on earth except the people can raise it.

"JAMES K. VARDAMAN."

Mr. BRADY. I ask, Mr. President, to have inserted as a part of my remarks the views of the minority of the Committee on Agriculture and Forestry, signed by the Senator from North Dakota [Mr. GRONNA] and myself, on section 12 of the bill.

The VICE PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

VIEWS OF THE MINORITY, H. R. 4961, SENATE COMMITTEE ON AGRICULTURE AND FORESTRY, ON NEW SECTION 12 (SUBSTITUTE FOR OLD SECTION 14).

On calendar day, June 22, H. R. 4961 was read twice and referred to the Committee on Agriculture and Forestry. The chairman of the committee appointed a subcommittee of seven to consider the bill and recommend amendments. On June 27, at a full meeting of the Senate Committee on Agriculture and Forestry, after due consideration of H. R. 4961, it rejected what is known as the prohibition amendment recommended by the subcommittee and adopted House amendment forbidding the manufacture of foodstuffs into intoxicating liquors, in substance, with an exception of wine making from fruits; and another House amendment authorizing the President to commandeer distilled liquors for war purposes was made mandatory. These are sections 14 and 14a in House act—12 and 13 in Senate revision as reported in the bill now before the Senate for consideration.

On July 1 another meeting of the Agricultural Committee was called and the committee was asked to reconsider that action adopting sections 12 and 13. The same was reconsidered and a section known as section 12 was adopted, permitting the manufacture of wines and giving the President power to authorize the manufacture of beer, authority being given in subsection (b), which reads as follows:

"Whenever the President shall find that limitation, regulation, or prohibition of the use of foods, food materials, or feeds in the production of vinous, malt, or fermented liquors, or that reduction of the alcoholic content of any such liquors is essential, in order to assure an adequate and continuous supply of food or feed, he is authorized, from time to time, to prescribe and give public notice of the extent of the limitation, regulation, prohibition, or reduction so necessitated. Whenever such notice shall have been given and shall remain unrevoked, no person shall, after a reasonable time, which shall be prescribed in such notice, use any foods, food materials, or feeds in the production of such vinous, malt, or fermented liquors except in accordance with the limitations, regulations, and prohibitions prescribed in such notice, or to produce any such liquors having an alcoholic content in excess of the amount prescribed therefor in such notice. When the question arises as to whether any particular product is suitable for food or feed, the question shall be determined by the President, and his determination shall be conclusive for the purposes of this section."

The minority adhere to the previous amendments, which was at best a compromise made for the sole purpose of assisting in the speedy passage of the bill and with the hope that at a later date the committee might report a bill creating effective prohibition. We give notice that we will move to strike out sections 14 and 14a, House bill, and insert the same amendment as reported June 27, except such minor corrections in the language of the amendment. The amendment to be offered will read as follows:

"SEC. 12. That from and after 30 days from the date of the approval of this act no person shall use any foods, food materials, or feeds in the production of alcoholic liquors except for governmental, industrial, scientific, medicinal, sacramental, or other nonbeverage purposes. Any person who willfully violates this section shall, upon conviction thereof, be punished by a fine not exceeding $5,000, or by imprisonment for not more than two years, or both: *Provided*, That whenever the President shall find it necessary to conserve perishable fruits he is empowered to permit during the year 1917 only the use of such perishable fruits in the manufacture of vinous liquors; and when the question arises as to whether any particular fruit is perishable or nonperishable the President is authorized to determine that question, and his determination shall be conclusive for the purposes of this act: *Provided further*, That the Commissioner of Internal Revenue shall be charged with the administration of this section, and he is authorized, with the approval of the President, to require the taking out of such permits, the keeping of such records, the execution of such bonds, and the observance of such rules and regulations as may be necessary and proper for the execution of the same."

JAMES H. BRADY,
A. J. GRONNA.

Mr. LODGE. Mr. President, I have just examined the pending amendment. It seems to me that the first part of the amendment relating to the importation of distilled liquors is clearly going beyond the power of the Senate. That is provided for in the revenue bill now pending, which contains a provision prohibiting the importation into the United States of distilled liquors of any kind. That is where the provision should be—in the bill to raise revenue, which has come from the House. But I do not think, in connection with this bill, the Senate can originate revenue legislation, and the matter is entirely taken care of, as I have said, in the revenue bill.

Mr. CUMMINS. Mr. President, does the Senator from Massachusetts make a point of order?

Mr. LODGE. I can not make a point of order on the Constitution.

Mr. CUMMINS. But it sounded very much as though the Senator were making a point of order.

Mr. LODGE. I merely wished to call attention to the fact that we were exercising the power of originating revenue legislation, and I do not think under the Constitution the Senate can do that. I know that it is rather old-fashioned to refer to the Constitution, but the House is apt to stand upon its rights in that matter.

Mr. CUMMINS. Mr. President, the House ought to stand on its rights; but this is not an amendment for raising revenue.

The VICE PRESIDENT. The Senator from Iowa has spoken once.

Mr. SHERMAN. I should like to make an inquiry of the Senator from Massachusetts for information. I have understood, from the arguments of many Senators here of long experience and great ability, that the Constitution has been suspended by the declaration of war.

Mr. LODGE. That is a possible view.

The VICE PRESIDENT. The question is on the amendment of the Senator from Iowa.

Mr. JONES of Washington. Mr. President, I am opposed to the amendment known as the Chamberlain amendment. I am opposed to it, because I am not in favor of placing the responsibility upon the President of determining a matter which we ought to determine ourselves. The Congress of the United States knows whether or not it wants to conserve the food of this country by stopping the manufacture of beer and wines. If it wants to do that, it ought to do it, and it ought not to impose a burden of that character upon the President of the United States, who already has sufficient duties to perform, even though the President may have been in favor of having a duty of this kind placed upon him, as would appear from the original bill as introduced in the House of Representatives, which provided for placing this whole power, not only with reference to wines and beer but also with reference to distilled liquors, upon his shoulders.

Mr. President, I am opposed to the amendment in the nature of a substitute proposed by the Senator from Arkansas [Mr. ROBINSON]. I am opposed to it, because it does not attempt to prohibit the manufacture of foodstuffs into wine and beer. I am in favor of the House provision. I am in favor of it unamended, if it can not be amended in certain particulars. I am in favor of the amendment proposed by the Senator from Iowa to the original text of the House bill. I hope that it will be adopted. It may be that the revenue bill has a provision in it prohibiting the importation of distilled liquors, but we do not know what will be the fate of that provision on that measure. This amendment is not an amendment raising revenue, and I doubt very much whether it is subject to the constitutional objection which has been raised.

The amendment also provides that distilled liquors in bond shall not be taken out and used for beverage purposes. That ought to please the honorable Senator from Massachusetts [Mr. LODGE], who made such a great speech a few days ago in behalf

of the manufacturers of beer out of the foodstuffs of the country in this time of stress and sorrow. He was fearful that if we prohibited that we would drive men to drinking distilled liquor or whisky. Now, Mr. President, we want to meet that very serious objection of the honorable Senator from Massachusetts by prohibiting the use of distilled liquors for beverage purposes; and I hope that the amendment of the Senator from Iowa will have his support.

Mr. HOLLIS. Mr. President, the constitutional prohibition in regard to revenue bills is that they must originate in the House of Representatives. This bill did originate in the House of Representatives. Moreover, this is not a bill to raise revenue, nor is the amendment offered by the Senator from Iowa an amendment intended to raise revenue. It is a prohibitory amendment pure and simple. There is not even an incidental revenue in it.

I make these remarks because the Senator from Iowa had spoken once, and was not free to support his own amendment, and I think there can be no doubt that the amendment is perfectly constitutional.

Mr. GORE. This is a regulation of commerce, and obviously constitutional.

Mr. STONE. Mr. President, I should like to make an inquiry of the Senator from Iowa with regard to the purposes of his amendment. I did not hear his remarks in explanation of it. I was called out, and while I suppose he made an explanation of the purposes of his amendment, I did not hear it.

Just what object has the Senator in mind to accomplish by the amendment which forbids the withdrawal of distilled spirits in bond during the period of the war?

Mr. CUMMINS. The purpose is to limit the amount of spirits that can be consumed during the period of the war. I would rather fight the war sober than otherwise.

Mr. STONE. That is a frank statement. I understand, then, stating it in a somewhat different way but in substance the same, that the Senator's purpose is not to decrease or diminish revenue, nor is it to conserve the production and distribution of foods or foodstuffs. It is not to accomplish anything of that kind, but just simply to put upon this bill an amendment which in its essence—aye, in its declared and inevitable purpose—is to forbid the withdrawal from bond of distilled liquors for consumption during the period of the war. The Senator proposes that, notwithstanding the fact, with which he must be familiar—I would not suppose that any Senator here could be more familiar with that fact—that it would involve a loss during the war of a revenue amounting to approximately $250,000,000, which would have to be made up in some way, either by the levy of additional taxes directly on the people in some form to be collected during the current fiscal year, or by the issuing of interest-bearing nontaxable bonds. Now, there is the proposition presented by this amendment.

Mr. NORRIS. Mr. President, the question as to whether the use of foodstuffs should be permitted in the manufacture of beer is a question of conservation. There are other reasons, I concede, sufficient to impel me, at least, to vote against such permission; but I want now for a few moments to consider it entirely and solely as a conservation proposition. As a conservation proposition it is closely related to the problem of winning this war.

In round numbers there are about 50,000,000 bushels of barley, 15,000,000 bushels of corn, and 2,000,000 bushels of rice used every year in the manufacture of beer. Mr. President, we are engaged in a war that we all want to win. We are all willing to make all kinds of sacrifices in order that we may win. The widow must give up her son to be sacrificed on the altar of his country. The wife must surrender her husband. The maid must bid farewell to her lover. We must all part from those that are near and dear to us in order that they may, if necessary, shed their lifeblood in the trenches on a foreign soil. Everybody is called upon to sacrifice something. All over the country we are now organizing the women to conserve the food supplies of the Nation. Everyone is called upon to sacrifice, to eat less, to work more, to give up all luxuries in order that the food for the Army and the Navy and those who are laboring to sustain and supply the Army and the Navy may be conserved and used to the best possible purpose. Women are doing the work of men in order that the ranks of the Army may be kept filled. In all the patriotic homes of America we are called upon to conserve and prevent the waste of food in order that we may be able to feed the soldiers and contribute to the food supply of our allies. Every patriotic citizen is called upon to do his utmost in the production and conservation of human food in order to win this war. He must give up all his luxuries and many of the comforts of life. He must not hesitate to make any sacrifice in this hour of his country's distress. We are facing a world shortage of food. Disaster and defeat will be ours unless we do our part in conserving the food of the world. The major part of the food must come from America. Is this predicament is it asking too much to demand that men should give up their beer? It may mean the difference between victory and defeat. Can patriotic men refuse to make that much of a sacrifice?

Why is it that we demand of all of our people these sacrifices, and yet when it comes to the manufacture of beer we apply a different rule? If we must give up the lives of those we love, if we must surrender the luxuries and the comforts of life, if we must all strive in every way possible to produce a little more food, why should not those who make beer be called upon to suspend their operations in order that the food that is used in the manufacture of beer may be utilized for the sustaining of human life?

Mr. President, it seems to me that it should be done alone on the ground of conservation, to conserve the food products of the country, in order to feed not only ourselves and our soldiers but the soldiers and the people of our allies. How many loaves of bread would these millions of bushels of grain make? How many hungry children would they feed? How far would they go toward sustaining human life where it is imperatively necessary in order that success may come to our arms?

It is argued here that those who have been in the habit for years of drinking beer will object to it. Why it is even said by some that they will strike. I do not believe it. I will not impute to the laboring men of the country who drink beer such a lack of patriotism. Can it be possible that men will refuse to give up the pleasure, the comfort, or even the benefit, if you want to put it that way—although I do not concede that it is a benefit—of drinking beer when by continuing to do so they will lessen the efficiency of the American Army and the efficiency of the armies of our allies and make it harder for the people who are not in the Army to sustain human life?

The VICE PRESIDENT. The time of the Senator from Nebraska has expired. The question is on the amendment of the Senator from Iowa.

Mr. CUMMINS. On it I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. COLT (when his name was called). I have a pair with the senior Senator from Delaware [Mr. SAULSBURY], but I am at liberty to vote upon this bill and the amendments. I vote "nay."

Mr. FLETCHER (when his name was called). I announce my pair and its transfer as before and vote "yea."

Mr. SUTHERLAND (when his name was called). I have a pair upon this question with the junior Senator from Massachusetts [Mr. WEEKS]. I therefore withhold my vote. If at liberty to vote on this subject, I would vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the senior Senator from West Virginia [Mr. GOFF] to the junior Senator from Arkansas [Mr. KIRBY] and vote "nay."

Mr. LODGE (when Mr. WEEKS's name was called). My colleague [Mr. WEEKS] is unavoidably absent from the city. His pair with the junior Senator from West Virginia [Mr. SUTHERLAND] has already been announced. If present, my colleague would vote "nay."

The roll call was concluded.

Mr. STONE (after having voted in the negative). I desire to change my vote from "nay" to "yea."

Mr. ROBINSON. I again announce the unavoidable absence of my colleague [Mr. KIRBY].

The result was announced—yeas 54, nays 30, as follows:

YEAS—54.

Ashurst	Johnson, S. Dak.	New	Smith, S. C.
Beckham	Jones, Wash.	Norris	Smoot
Borah	Kellogg	Overman	Sterling
Brady	Kendrick	Owen	Stone
Chamberlain	Kenyon	Page	Swanson
Cummins	King	Phelan	Thompson
Curtis	Knox	Poindexter	Townsend
Fernald	La Follette	Ransdell	Trammell
Fletcher	McCumber	Robinson	Vardaman
Gore	McKellar	Shafroth	Walsh
Gronna	McNary	Sheppard	Watson
Hale	Martin	Sherman	Wolcott
Hollis	Myers	Shields	
Johnson, Cal.	Nelson	Smith, Mich.	

NAYS—30.

Bankhead	Frelinghuysen	Lodge	Thomas
Brandegee	Gerry	McLean	Tillman
Broussard	Harding	Newlands	Underwood
Calder	Hitchcock	Penrose	Wadsworth
Colt	Husting	Pomerene	Warren
Culberson	James	Reed	Williams
Dillingham	Jones, N. Mex.	Smith, Ga.	
France	Lewis	Smith, Md.	

NOT VOTING—12.

Fall	Hardwick	Pittman	Smith, Ariz.
Gallinger	Hughes	Saulsbury	Sutherland
Goff	Kirby	Simmons	Weeks

So Mr. CUMMINS's amendment was agreed to.

Mr. STONE. Mr. President, I wish to ask whether a motion to reconsider will be in order at any time during the consideration of the amendment covered by the special unanimous-consent order of the Senate?

The VICE PRESIDENT. The Chair is of opinion that a motion to reconsider would be in order at any time while the bill is in Committee of the Whole.

Mr. CUMMINS. Well, Mr. President——

Mr. STONE. I desire to say that before the pending matter—that is, section 12—is disposed of, I shall desire to make a motion to reconsider the vote by which the amendment offered by the Senator from Iowa was agreed to.

Mr. CUMMINS. Mr. President, I did not hear the early part of the suggestions of the Senator from Missouri. Does he move to reconsider, or merely give notice of his intent so to do?

The VICE PRESIDENT. He gives notice of his intention to move to reconsider before the amendment is finally passed on.

Mr. STONE. I think that is what I will do; but I asked the Chair a moment ago, and I understood the Chair to state that I could offer a motion to reconsider at any time while the bill was in Committee of the Whole.

The VICE PRESIDENT. The Chair expressed the opinion that the Senator has a right to do that.

Mr. STONE. I understood the Chair to say that; and I said I thought I would do so before section 12 was finally disposed of.

Mr. CUMMINS. Mr. President, I hope the Chair will not forget the unanimous-consent agreement; and I doubt whether a motion to reconsider this particular amendment would be in order after the final vote upon this section, as provided for in the unanimous-consent agreement.

Mr. ROBINSON. Mr. President, what is the pending question?

The VICE PRESIDENT. The pending question, if the Chair can remember it, is the amendment offered by the Senator from Arkansas [Mr. ROBINSON] to the committee amendment.

Mr. MYERS. Mr. President, I move to amend the amendment offered by the Senator from Arkansas by inserting a comma after the word "distilled" at the end of line 3, and inserting after the comma the words "vinous, malt, or fermented."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In the amendment offered by the Senator from Arkansas, at the end of line 3, after the word "distilled," it is proposed to insert a comma and the words "vinous, malt, or fermented," so that it will read:

From and after 30 days from the date of the approval of this act, no person shall use any foods, fruits, food materials, or feeds in the production of distilled, vinous, malt, or fermented liquors, except for governmental, industrial, scientific, or medicinal purposes.

Mr. MYERS. Mr. President, there is a great movement on in this country to bring about economy in everything during the prosecution of the war, and especially economy in the use of foodstuffs. We have been advised from high sources to waste nothing, especially to waste no food, to eat less, and to see that no more food is put on the table than will be consumed. We are urged to have wheatless days, wheatless meals, meatless days and meatless meals. The good housewives of the country are signing pledges to economize in the household in every way possible, to restrict as much as possible within the limits of reason and the bounds of health the amount of food prepared and consumed. Cards by the hundreds of thousands and millions are being distributed all over the country, and the signing of those pledges has begun here in Washington, the fountain head of our Government. The foremost ladies in the land are signing those cards, thus pledging themselves to economy in the use, preparation, and consumption of food. It will rapidly spread all over this city and over all the country.

I understand that about 112,000,000 bushels of grain are consumed in this country annually in the manufacture of beer; and yet, while we are binding ourselves to the strictest economy in the matter of food, in preparing and eating less and wasting none, if the amendment presented by the Senator from Arkansas [Mr. ROBINSON] prevails we will be devoting 112,000,000 bushels of grain per year to the manufacture of beer in this country. It seems to me it would be highly inconsistent for housewives and families to be grinding themselves down to the last ounce of food that will maintain health and strength, and then to throw away 112,000,000 bushels of grain in the manufacture of beer.

It reminds me a good deal of a man saying to his family: "Now, mother, you must prepare just as little food as possible; you must give the children just as little food as necessary to keep them alive; you must mend and patch their old clothes; you must deny yourself many of the comforts of life," and they act upon his advice, and then he goes out and spends 50 cents or a dollar each and every day for beer. I think that would be inconsistent and farcical. It seems to me we would be acting upon the same principle if we should put that plan into practice on a broader scale by adopting, unamended, the amendment of the Senator from Arkansas. We should be consistent in all we do.

Mr. VARDAMAN. Mr. President, I suggest to the Senator that everybody is expected to make sacrifices except the man who has a thirst for liquor or the man who owns a brewery.

Mr. LODGE. Mr. President, as I understand it, this amendment extends to beer and wine the prohibition of the amendment offered by the Senator from Arkansas which is confined to distilled liquors. If I am wrong the Senator from Montana will correct me.

Mr. MYERS. That is correct, Mr. President.

Mr. ROBINSON. The statement of the Senator from Massachusetts is correct. If the amendment of the Senator from Montana is agreed to, it will be substantially the House of Representatives' provision which forbids the use of food material and feeds in the manufacture of either distilled spirits or malt or vinous liquors. I am unable to agree to the amendment which the Senator from Montana has offered. In presenting my amendment to the Senate I discussed the fact that in order to effect what appears to be a fair and reasonable settlement of this controversy the President suggested, and the representatives of the Anti-Saloon League agreed to the elimination of malt and vinous liquors from the bill. That, of course, does not bind anyone upon the subject of national prohibition or other legislation that may hereafter arise.

The necessity for the speedy passage of this measure has been emphasized by many Senators as well as by the President. I am aware that some criticism of the President's action has been interposed here this afternoon on both sides of the chamber. I do not believe the men who represent the prohibition, who consented to the suggestion the President made, or anyone else who has fairly considered the subject, will reach the conclusion that the President did anything else than what he considered to be his patriotic duty in order to relieve the country from the perils that now threaten it by reason of the speculation in food products which are necessary to maintain our Army abroad and our people at home.

I express the hope under these circumstances that the amendment of the Senator from Montana may not be adopted.

Mr. PITTMAN. Mr. President, I did not vote on the last amendment because I could not vote on it and maintain a consistent stand. I will vote for a bill separate and apart from this bill that shall provide for bone-dry prohibition in this country during the war. I have heretofore gone as far as I could on this matter under the constitutional authority of Congress.

But I know this that these prohibition amendments are being voted for by certain Senators here not because they want prohibition, nor because they expect prohibition in any form whatever, but solely for the purpose of killing this bill. There are Senators in this body who have spoken against the House provision and have spoken against provisions such as we just carried, and yet they voted for the amendment just now. Why? It was not because they wanted it, it was not because they ever expected it to be a law, and therefore it must have been because they sought an excuse to filibuster against the passage of this bill.

There are two classes of Senators in this body who are opposing the bill. One of these is opposing it because they are opposed to prohibition. The other class is opposing it for the reason that they resent any Government control over the business interests of this country. Neither one of these classes has sufficient votes to prevent a cloture bill from passing, but both classes acting together have more than one-third of this body and can prevent any vote from being obtained on the bill at any time. That is the whole situation.

I am going to vote against the tacking of a beer-prohibition amendment on this bill, because I believe that by the defeat of such amendment we will obtain the necessary support for the bill of that class who are against prohibition. We will then get two-thirds of the votes of this body, and it requires two-thirds of the votes to terminate debate and obtain a final vote.

As it requires two-thirds of this body to stop debate, it can only be accomplished by dividing the opposition to the bill. This fact is well known to practically every Senator on this floor.

I know that there are thousands of families in this country who are the victims of alcohol, but there are 100,000 times as many who are suffering to-day by reason of the criminally exorbitant price of food.

Much as I would like to crush out the effect of liquor in this country, I would far rather to-day place in the reach of the poor people of this country the food that they must have. This fight is now on between those who seek to immediately grant food to the poor and those who are opposed to the bill or who hold prohibition above human life. That is the thing we are facing now, and I regret to say that some Senators on this floor who are to-day voting to put prohibition amendments on the bill will later be found using such amendments, if they are adopted, as an excuse for a filibuster against the bill. I ask the country to watch and see if some of the men here who are voting to tack on this bill prohibition amendments do not do everything in their power to prevent the bill from ever coming to a vote. If that is so, then their votes are insincere and are given for the very purpose of defeating the bill, and for no other purpose.

I regret to see some of those who have charge of the bill on the floor here voting for prohibition amendments that they will later move to strike out. It is an inconsistency that the country will not understand, and it is their own fault if the country does not understand them. There is not a Senator here who does not know that if you tack prohibition on this bill it means the death of the bill, because more than one-third of the body are opposed to prohibition and will do everything in their power to prevent prohibition from being maintained. I but seek the passage of the bill. I will vote for the bill with or without prohibition amendments.

The VICE PRESIDENT. The time of the Senator from Nevada has expired.

Mr. THOMAS. I should like to ask the Senator in my time if he is not aware of the fact that the amendment which has just been adopted upon the liquor traffic, if my information is correct, does not affect rectified spirits at all? Consequently its operation would be only upon the manufacture of artificial liquor and a monopoly of the whisky business of the country during the war.

Mr. NORRIS. Mr. President, I have heard it said often that there are Senators who are going to filibuster against this bill; in fact, that the prohibitionists are going to filibuster against it. If it is going to be filibustered against by somebody else——

Mr. PITTMAN. I did not understand the Senator.

Mr. NORRIS. I have heard it said repeatedly by various classes of Senators that Senators were going to filibuster against the bill. I have never believed it. I do not believe it now.

Mr. President, I have the greatest respect for those who are opposed to the so-called prohibition provision. They are just as loyal as the other Senators are to the country. They are just as anxious to give honest legislation; they are viewing it from their viewpoint. But, Mr. President, to say that if prohibition is tacked on the bill it means the defeat of it, because more than a third of the Senators are opposed to prohibition, it seems to me, is making a statement that is without any foundation whatever.

There has been no debate on the bill that has not been legitimate. Although I have not agreed with those who are opposing parts of it and some who are opposing the entire bill, I must concede that they have made logical and able arguments from their standpoint.

Are we to get frightened because some Senators who are opposed to prohibition threaten a filibuster? I think it is only a bluff. There will be no filibuster. Let us settle the question on its merits. I certainly would not want to admit that the liquor interests were so strong that they could hold up such important legislation, using the United States Senate as the instrument.

The President is likewise entitled to his view, but he should not be allowed to frighten anybody. He said in a letter:

> Time is of the essence; and yet it has become evident that heated and protracted debate will delay the passage of the bill indefinitely if the provisions affecting the manufacture of beer and wine are retained and insisted upon.

Mr. President, somebody ought to tell the President that he is mistaken; that he is misinformed. That was the argument the President used in his letter. It had the effect of changing the Agricultural Committee. That committee, after extended hearings, put in a provision that prohibited the use of foodstuffs in the manufacture of beer; but when the President wrote that letter, and after it had been circulated, the committee met again and undid all of their work along that line. They went up the hill as prohibitionists, but when the President spoke they went down on the other side with their prohibition knocked out. They heard the President; and it is evident that at least some Senators recognized the master's voice.

Mr. President, this prohibition question ought to be determined on this measure upon its merits. No man ought to be induced to vote one way or the other through fear of defeat of the bill if some particular thing happens.

As far as I am concerned, if somebody wants to filibuster they must take the responsibility. I do not believe there is any Member of this body who has any intention or idea of filibustering. He will probably debate the bill legitimately and honestly and from his viewpoint bring out what argument he may think has a proper bearing upon the question; but there is not any danger, in my judgment, of the bill not passing. I think a large majority of the Senators are for it.

I am going to vote for it myself even though I expect to vote for a good many of the pending amendments, whether prohibition is put on or whether it is left off. I believe that the effect of putting on or taking off the prohibition amendment will not control on the final vote half a dozen votes. At least, the fate of the bill does not depend upon it. It is hardly fair, it seems to me, for Senators to say if we put on this amendment we defeat the bill, and try to induce those who are anxiously trying to bring about the passage of the bill to vote against such an amendment.

Mr. President, while I am on my feet I want to put into the RECORD some correspondence. I have a letter from Gustave Hafer, the president of the Farmers Feed Co., of New York City. This is a company that deals in feed products, and makes a specialty of brewers' wet and dried grains. He wrote a letter making an argument against the prohibition of food products in the manufacture of beer. I consider it a very able argument. It is scientific in its nature.

The VICE PRESIDENT. The time of the Senator from Nebraska has expired.

Mr. SHERMAN. Mr. President, I have two telegrams which I have selected from a great number which I have received. I am in favor of the amendment offered by the Senator from Montana. I do not desire at this time on this amendment to take the time of the Senate, but I send to the desk two telegrams urgently in favor of the manufacture of malt liquors and the use of the same, and I ask the Secretary to read not only the body of the telegrams but the names.

The PRESIDING OFFICER (Mr. HOLLIS in the chair). Without objection, the Secretary will read the telegrams.

The Secretary read as follows:

CHICAGO, ILL., *June 27, 1917.*

Senator LAWRENCE Y. SHERMAN,
Washington, D. C.:

Remember the laboring class; a glass of beer is invigorating after a day's hard work.

Alex Jankowski, William Kavalikas, Henry Telkes, F. Kazimir, F. Kruting, P. Dubikaitis, Charles Jankaitis, P. Sirios, C. Christman, John Chovanec, W. Michalowski, M. Somson, August Graff, G. Kurniakop, W. Facklan.

CHICAGO, ILL., *June 27, 1917.*

Senator L. Y. SHERMAN,
Washington, D. C.:

We and our wives and grown-up children desire a glass of beer with our meals. Don't take it away from us.

P. Vishontas, Charles Luzaitis, N. Faguttia, Peter Rosja, J. Woluzis, T. Pappas, G. Boichardt, S. Bousami, Ed Thomenz, Albert Pohl, F. Zopletal, F. Teister, B. Suk, R. Eral, M. Segdonna, M. Miller, F. Fiedler, S. Ewalt.

Mr. GORE. I merely wish to say, Mr. President, that I was under the impression the proceedings of the Senate were conducted in English.

Mr. STONE. Mr. President, I should like to have the pending amendment read.

The PRESIDING OFFICER. The Secretary will read it.

The SECRETARY. The Senator from Montana [Mr. MYERS] proposes to amend the amendment offered by the Senator from Arkansas [Mr. ROBINSON] as follows: After the word distilled and before the word "liquors" insert a comma and the words "vinous, malt, or fermented," so that it will read——

Mr. STONE. Yes; I know how it would read. Of course that amendment, if agreed to and written into the law, would peremptorily end the manufacture not only of distilled spirits but of fermented and vinous beverages.

Mr. President, I am not going to debate this at this time. I say at this time I am not going to undertake in the four or five minutes at my disposal to state my objections to that scheme, but, to my thinking, the proposition is so absolutely indefensible that

it ought to be debated and must and will be debated in the Senate before the bill passes if it is agreed to here now. That ought to be understood.

I am not willing that a bill containing a proposal of that kind should be enacted into law right off the bat, so to speak. I am not going to discuss it. I mean later, if the occasion should unhappily arise—I say unhappily, perhaps I should say unwisely projected here—I shall debate it at such length as I please, and I think there are other Senators who will do the same thing.

Mr. President, I believe the President of the United States is absolutely right. I want to ask gentlemen here—I will not say upon this side or that, for it is not a partisan question—I want to ask Senators whether the President was right when he asked that the question of fermented and vinous manufactures should be eliminated from the bill in the interest of expediency if nothing else, and he put expediency on the ground of patriotism?

We did not enter into an agreement by which we are bound to vote upon section 12 with a limitation on debate of five minutes; but if a proposal like that of the Senator from Iowa [Mr. CUMMINS] is written into this section I will be heard from a little later on. I repeat that the request, the urgent invocation to the Congress of the President, based on high principles of patriotism——

The PRESIDING OFFICER. The time of the Senator from Missouri has expired.

Mr. STONE. I am sorry, for I had not quite finished.

Mr. CHAMBERLAIN. Mr. President, I intend to vote against the amendment proposed by the Senator from Montana [Mr. MYERS], not because I am opposed to prohibition, for I believe in it, and the people of my State have adopted it, but I place the national crisis above the wishes of any class of citizens in my State.

Mr. President, in the great crisis that confronts us now, it seems to me there are enough delicate questions to be met and overcome without injecting into the situation a provision in this bill which will antagonize a great many of the people of our country, particularly in the larger cities. That one question might be eliminated from this crisis, and we ought to eliminate it, if it is possible to do so. The President has undertaken wisely to eliminate it; the Senate committee has undertaken to eliminate it by absolutely prohibiting the use of food products in the manufacture of distilled spirits, and leaving to the discretion of the President the question of permitting the use of such products in the manufacture of malt and vinous liquors, in such quantities and at such times as his judgment dictates.

Mr. President, it seems to me that the temperance people and the prohibitionists as well, one of whom I happen to be, have an opportunity to fortify their position in this country for prohibitory legislation by voting for the amendment as reported out of the committee by me and as the action of the committee. The prohibitionists have an opportunity to strengthen and fortify the prohibition sentiment by leaving to the President the power of controlling the situation during this crisis; and if the President does, as I think he will do—for he is an astute, wise, and a patriotic man—control the manufacture of malt and vinous liquors and the alcoholic contents thereof, at the end of three years he can practically put the American people upon a nonstimulating beverage, and eventually bring about prohibition in its best, in its wisest, and in its most statesmanlike form.

For that reason, Mr. President, and not because I am in favor of the manufacture of alcoholic liquors of any kind, I am going to vote against the amendment of the Senator from Montana, in the hope that the Senate will in its wisdom adopt the proposition which was reported out of the committee and for the committee by myself.

Mr. JONES of Washington. Mr. President, a few days ago the honorable Senator from Massachusetts [Mr. LODGE] prophesied a rebellion if this provision were inserted in the bill. He said that the laboring men were the ones who were likely to rebel. That was a libel upon labor and the laboring man. Mr. President, the people of this country now see where the rebellion comes from. We have a rebellion threatened here upon the floor of the Senate; it is a remarkable spectacle, and yet I am glad that it has been presented. I am glad that the people of the country have the declaration made here on the floor of the Senate by the Senator from Nevada [Mr. PITTMAN], and the Senator from Missouri [Mr. STONE], showing clearly where the rebellion will come from.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Nevada?

Mr. JONES of Washington. I can not yield, Mr. President.

The PRESIDING OFFICER. The Senator from Washington declines to yield.

Mr. PITTMAN. The Senator misrepresents——

Mr. JONES of Washington. The RECORD will speak for itself.

Mr. PITTMAN. I rise to a question of privilege.

The PRESIDING OFFICER. The Senator has no right to interrupt the Senator for a question of privilege. He will be recognized after the Senator from Washington has concluded.

Mr. PITTMAN. The Senator has misrepresented my position.

Mr. JONES of Washington. The RECORD will speak for itself. I certainly do not desire to misrepresent him. The Senator from Nevada, as I remember, stated that there were a third at least of Senators on this floor who would not consent to a conclusion of the debate on this bill, and who would not vote for a cloture resolution under which debate could be closed. If that is not rebellion or a threat of rebellion against the action of a majority of the Senate I do not know what it is.

The Senator from Missouri, after he had joined in the unanimous-consent agreement on yesterday that not only should we vote upon section 12 but that, after we had done so in Committee of the Whole, it should not be reserved for the consideration of the Senate, makes a threat. If that is not rebellion, I do not know what it is. I am glad, however, that the people of the country have it shown clearly upon the RECORD who it is who propose to defeat this bill unless their will is incorporated in it.

The Senator from Arkansas [Mr. ROBINSON] referred to the Anti-Saloon League. I am not here to speak for them; I am here as a Senator; I am not acting under their direction. I am discharging my duty as a Senator from the State of Washington, but, Mr. President, I do not think the Senator's statement with reference to the temperance organizations of the country was just exactly fair to them. I know the Senator did not intend it to be unfair, but the President appealed to these organizations. Instead of coming to the Senate or to Congress in an official way and appealing to the Representatives of the people here, who have sworn to do their duty, he went to outside organizations and appealed to them as patriotic citizens to withdraw their efforts in behalf of certain legislation. They patriotically said they would agree to do that, but they did not agree to support any legislation that might be proposed here. They did not agree to the proposition of the Senator from Arkansas; it was not presented to them, but they did say this:

> We are aware of the threats made by the friends of beer and wine in the Senate of an indefinite and protracted filibuster against these provisions of the bill. We beg to assure you that as patriotic Americans, determined to uphold you as Commander in Chief of the Army and Navy in the present war, we will not for our constituencies offer any obstruction to the prompt passage of the food-control bill.

Mr. President, they are not offering any obstruction to the passage of this bill. The Senators on this floor in favor of temperance are not offering any obstruction to the passage of this bill. We agreed upon yesterday to a proposition submitted by the friends of the brewery interests, and now it is before the Senate under that agreement. It is for a majority of the Senate to say what legislation they desire and to represent their constituencies and the great majority sentiment of the people of this country.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PITTMAN. Mr. President, I think the Senator from Washington [Mr. JONES] might be excused, because of his fanaticism, if he had not known how the Senator from Nevada stands on this question. The Senator from Nevada has voted on prohibition measures in this body in the presence of the Senator from Washington, and has on every and all occasions in the last few years voted on the prohibition side. Therefore, if there was any doubt as to the meaning of the Senator from Nevada in the remarks he made, and had the Senator from Washington desired to be just in his expression, he would have resolved the doubt at least along the line it was natural to resolve it. He should have asked the Senator from Nevada what he meant by his statement if he were in any doubt.

The Senator from Washington knows that the Senator from Nevada stated here that he would vote for absolute prohibition, and that statement stands in the record of my remarks. I stated very plainly here that the only reason why I was voting against attaching this prohibition amendment to this bill was because I believed it was intended to kill the bill, and whether it was intended in that way or not it would kill the bill. That is what I said, and I stated that I refrained from voting upon the Cummins amendment because it would be inconsistent for

me to vote against the Cummins amendment when I favored that kind of legislation and yet later vote to eliminate that character of legislation from the bill because I believe it will be destructive of this bill. My whole position in this matter must have been understood. It was understood by the other Senators in this body, but it seems that there are some here who are uncharitable to others whenever their position is opposed at all. I do not care for that; I do not care for the criticism of the Senator from Washington. It neither injures me in the eyes of my people, nor in my self-respect; but I regret that at this time, when there are thousands of poor people throughout this country barely able to get sustenance, that this matter should be dragged in here for months and months of debate, to satisfy the vanity and the love of publicity of some Members of this body. It is to be deplored.

My position is known here. I say that the fight against this bill to-day is furthered on one side by intent and on the other by ignorance. There are those here who openly have declared on this floor that they are opposed to any form of control of big business in this country through the means of Government instrumentalities. There are others here who have time and time again declared to the country their unalterable opposition to prohibition, and they have demonstrated by their actions that they will go to any length, that they will filibuster for any length of time, to defeat a bill that contains such a provision.

We know now that that which urged the President of the United States was the deplorable condition throughout this country to-day; we know that that which actuated the President of the United States was patriotism of the highest character—a patriotism that can be realized by a man of intelligence, but can not be comprehended by those lacking in that respect. I would rather follow him blindly than to follow some of the Senators in this body even after months and months of their harangues and debates; but I do not have to follow him blindly. I know that there are over one-third of the Members of this body, including those who are bitter antiprohibitionists and those who are bitter anti-Government controllers, who would prevent this bill ever coming to a vote. I am not one of those, and none of my actions in the past would justify any such accusation.

The PRESIDING OFFICER. The time of the Senator from Nevada has expired.

Mr. JONES of Washington. Mr. President, I rise to a question of personal privilege.

Mr. STONE. Mr. President——

The PRESIDING OFFICER. The Chair desires to make an explanation. The Chair was informed before the Senator from Nevada [Mr. PITTMAN] was recognized a second time, that the Senator's previous speech was on the Cummins amendment; otherwise the Senator would not have been recognized, and his being recognized is not to be taken as a precedent for anyone else being recognized on a question of personal privilege.

Mr. STONE. I desire to rise for the same reason.

The PRESIDING OFFICER. The Senator from Missouri has spoken once on this amendment. So has the Senator from Washington.

Mr. STONE. I rise to a question of privilege.

The PRESIDING OFFICER. The Senator can not be recognized under the unanimous-consent agreement for a question of personal privilege.

Mr. STONE. The Chair did recognize another Senator.

The PRESIDING OFFICER. That was under a mistake, and if any Senator had objected the Chair would not have recognized that Senator.

Mr. STONE. Very well; I do not care.

The PRESIDING OFFICER. The Senator from Nevada proceeded by unanimous consent.

Mr. PHELAN. Mr. President, as I understand, the amendment before the Senate is the one proposed by the Senator from Montana [Mr. MYERS], which would, in effect, forbid the manufacture of distilled, vinous, and malt liquors in any form; in other words, it would serve the purposes of those who desire to make the country "bone dry" not only during the period of the war but for all time.

The President of the United States at this stage has ventured his views, and I submit that the President of the United States is in the possession of information of the most serious and impelling character; otherwise he would not have taken part in a controversy of this kind, certainly not for protecting either vinous or malt liquors for their own sake. He had in mind the effect of invading the rights of the people with respect to their habits of life.

The Constitution is the protection of the people, and the Constitution does not tolerate the invasion of personal rights in this manner, as I take it, because the law frowns upon the doing indirectly what can not be done directly. There has been proposed a constitutional amendment by which the manufacture of all liquors will be barred in this country, and that doubtless will come up sooner or later; but now the advocates of that constitutional amendment are seeking by mere legislation to accomplish the same end, which, I contend, is something which, in the essence and in the spirit, is not jurisdictional for the Congress.

The President is of the opinion that the masses of the people of this country—and they may be very remote from the Senate and they have not always had spokesmen in Washington—consider the proposed legislation an invasion of their rights, in so far as it affects their daily habit of drinking beer with their luncheons or their dinners, and as well an intolerable interference; and they laugh derisively at the claim that this is a free land which denies them a privilege which is enjoyed in the autocratic countries from which they came.

The Senator from Illinois [Mr. SHERMAN] proclaimed yesterday that he was a "bone dry" advocate, and, I think, as a matter of pleasantry he introduced telegrams, appended to which were the names of some of our foreign fellow citizens who have done much to develop industrially the United States and who should be considered in all measures of legislation. I would be sorry to believe that the Senator had been imposed upon; but it does not detract one iota from the appeal which was made because there were appended to those telegrams unpronounceable names.

There are involved these two questions—and I know my time is very brief—one the destruction of a valuable industry without compensation—something repugnant to the ideas of equity of all good men. This property has yielded vast revenues to the Government, and which is to be destroyed at one fell blow. One hundred and forty million dollars, under the new revenue bill, will be yielded by beer and five or six million dollars by wine—incomes which we need very much at this crisis.

The PRESIDING OFFICER. The time of the Senator from California has expired.

The question is on the amendment offered by the Senator from Montana to the amendment proposed by the Senator from Arkansas.

Mr. SHEPPARD. Mr. President, shortly after the present session of Congress began I was asked by representatives of the press as to the course I intended to pursue in reference to prohibition. I replied that I would continue to do everything I could for prohibition; that I believed it especially desirable as a war measure, but that I would not support prohibition or anything else to the extent of interfering with the plans of the President for the conduct of the war. When, therefore, the President publicly announced that it had become evident to him that insistence on the wine and beer provisions of the bill to conserve the Nation's food supply, as reported by the Senate Committee on Agriculture, would delay this great measure indefinitely—a measure the immediate passage of which the President said he considered as of vital consequence to the safety and defense of the Nation—I concluded, so far as I was concerned, that I would not insist on those provisions, but would fight for complete, unqualified prohibition in connection with some other measure or in the form of separate legislation. The present bill does not by any means offer the only opportunity of voting for prohibition during the present session. I propose, so far as my voice and vote may go, to hold up the hands of Woodrow Wilson in the management of this war.

Mr. PAGE. Mr. President, I expect to vote for the amendment offered by the Senator from Montana [Mr. MYERS]. If I correctly understand his amendment, I am in full accord therewith. I do not like to have anyone question my patriotism because I vote in this way, for I am voting in accordance with my own judgment and conscience and in accordance with what I believe to be the will and wishes of a very large majority of the people of the State which I have the honor in part to represent.

I have taken very little time in the discussion of this measure, as you all know, and I have made it a point from the beginning not to ask for the publication in the RECORD of a single telegram or letter of the many I have received on this bill; but I have received a letter recently which considers this question solely upon the ground of food and labor conservation, a letter, by the way, written by a man who confides that he sometimes drinks. From the viewpoint of labor conservation he certainly has valuable views, and I am going to read them, if my time will permit. The letter is very brief. It is from the manager of the Jones & Lamson Machine Co., of Springfield, Vt., one of the largest, the most vigorous, and most prosperous of the business corporations of Vermont. It is a corporation composed of men of the very highest character, and its manager, Mr. Flanders, I

personally know to be a man of great executive and business ability.

I read from Mr. Flanders's letter:

SPRINGFIELD, VT., *June 26, 1917.*

Hon. CARROLL S. PAGE,
Washington, D. C.

MY DEAR SENATOR: The backwoods Vermonter has no convenient way of knowing what goes on in Congress other than through the reports in the daily papers. I see by the New York Times that the food bill has come to the Senate from the House with a drastic prohibition clause attached to it. I see also that there is danger of this being modified or mollified or nullified in the Senate. That would be without any question a serious mistake.

In giving my reasons for asking you to use all your wisdom and energy in retaining a drastic measure of prohibition in this bill, let me state first that I have never called myself nor allowed myself to be called a teetotaler. I drink beer occasionally, and am particularly fond of some varieties of wines, though I do not often indulge in them. I feel, however, that these indulgences on my part are a matter of very small importance as compared with the following considerations relating to prohibition as a war measure:

The first and most important advantage of it is, of course, that it will release a large volume of food that is urgently needed. Grains employed in the manufacture of malt or spirituous liquors, even when the brewers' grains are afterwards used for feeding stock, do not finally bring into the human system anything like the amount of food value they would bring if used as foods in the first place. There is, of course, no argument about this matter.

The thought in the next paragraph is one to which I wish the Senators would give especial attention:

The second argument for war prohibition relates to its effect on the labor market. We and every other industry are feeling the labor shortage very keenly, and will feel it still more when we come to remove 500,000 men from productive work and put them into the nonproductive activity of war. The hundreds of thousands of men engaged in the manufacture and sale of alcoholic liquors should be the first source of supply drawn on to fill in this tremendous hole in useful industry. They will thus be removed from labor that is almost invariably useless and harmful, to activities that will be of the utmost importance for the maintenance of our existence as a nation.

In the third place, prohibition will affect not merely the quantity of labor available, but also its quality as well. No one knows better than a large employer of labor the immense amount of mental incapacity, bodily ill health, and unreliability in working time caused by liquor drinking, and this condition can be seen as plainly in a so-called prohibition locality like our own as it can anywhere.

This brings me to a fourth consideration, which is purely a personal one, namely, that this business of trying to make a pretense of keeping up prohibition against liquor selling in a community surrounded by liquor selling, liquor manufacturing, and liquor dealing areas is a colossal farce. It is one that sickens every decent Christian citizen every time he looks into it, and it is thrust under his nose so strongly that he has to look into it whether he wants to or not. It would be a great personal satisfaction, despite my liking for some of the lighter forms of alcoholic drinks, to have its manufacture absolutely shut off.

Lastly, let me say with all earnestness that no one, except those interested, are fooled for a moment by the plea that the business is needed for the sake of furnishing taxes. It would be ten times preferable to take the tax raised by this industry and put it directly onto income—the burden would be less heavy in the long run. The wasteful consumption of food materials, the diminishing of the quantity of labor available for the necessities of the war, and the depreciation in the quality of that labor impose a tax infinitely greater than the few millions of dollars of revenue obtained from the business itself.

Yours, sincerely,

RALPH E. FLANDERS.

Mr. HUSTING. Mr. President, I have here a letter which I desire to read to the Senate, written by Hon. John M. Olin, of Wisconsin, one of the foremost lawyers of Wisconsin, if not of the Northwest, and a man who has been more prominent in the prohibition movement in Wisconsin than any other one man in the State. I received from him a letter dated June 26, as follows:

MADISON, WIS., *June 26, 1917.*

Senator PAUL O. HUSTING,
Washington, D. C.

DEAR MR. HUSTING: I am inclosing herewith copy of a letter which I have just dictated to the chairman of the prohibition national committee, and am also including the circular letter which I got from such chairman, thinking that you might be interested in the matter.

Very truly, yours,

JOHN M. OLIN.

The inclosure is as follows:

JUNE 26, 1917.

Mr. VIRGIL G. HINSHAW,
Chairman Prohibition National Committee,
326 West Madison Street, Chicago, Ill.

DEAR SIR: I have your letter of June 21, asking contribution toward meeting expense of securing petitions, etc., in favor of prohibition of the manufacture of any intoxicating liquors, including wine and beer.

I have for some 40 years or more been in favor of absolute prohibition, but I can not aid in any such movement as is being made at Washington, the object of which is to attach to a bill for the regulation of food, etc., a provision in effect establishing absolute prohibition during the continuance of the war. I do not believe in any such method as is here being pursued and recommended by your circular letter. The result of such legislation at this time, put through in this way, would be, I think, disastrous.

The bill, as shown by the vote in the House, is not an honest one, or at least is not being advocated honestly. I refer here to the vote in favor of the bill in the House by those who are known as "wets." Why does this element in Congress vote for this bill? This question is very easily answered. They are voting for the bill for the purpose of harassing the President in the measures that should be taken to prepare for and prosecute the war. I hope sincerely that your movement will not succeed.

Prohibition should stand upon its own merits. If you desire to ask for a prohibition amendment at this time, then have a resolution introduced to that effect so that the different Members of Congress can vote squarely on the question one way or the other without tying the matter up to any other phase of legislation.

Very truly, yours,

JOHN M. OLIN.

Mr. President, I believe that is the view held by a great many people of the United States who favor prohibition. They object to having it considered at this time or attached to this bill for fear it may delay, hinder, or defeat this bill. I believe that Mr. Olin agrees with the chairman of the Anti-Saloon League. I have stated before that I am not in favor of prohibition, but if or when the time comes when the barley or other cereals needed in the manufacture of beer are necessary for the purpose of food conservation I shall vote for it. I can not believe, however, that that is necessary now, nor can I bring myself to vote for it when the effect of this bill will be not to conserve the food but merely to shift it into the markets of our allies, who have not yet seen fit to prohibit the brewing of beer. Now, I find no fault with that. I cite that, however, as evidence which convinces me that the time has not yet arrived when it is necessary for the United States to do something which the allies by their actions say is not necessary. If that is the case, I do not believe we are justified in bringing about the disastrous results that this amendment would bring to people intimately connected with this industry, or to disarrange or put awry the domestic conditions of this country.

There are two kinds of people in this country, some favoring prohibition and some opposing it, and they are very evenly divided. I do not believe in rolling the apple of discord into the arena at this time, to divide the people, when it seems to me the vital thing to do is to cement the people together and not drive them apart. I do not look to see anybody rebel, no matter what happens in this matter, but I do not believe in promoting the possibility or probability of any such thing.

I stand by the President on this matter. He has taken this thing under advisement, and he believes, and even those who are strongly in favor of prohibition agree with him, that it would be unwise at this time to fasten a prohibition bill on a food bill, which may result in its defeat or its indefinite postponement. The thing in which I am vitally interested is the winning of this war, and I am going to vote for anything and everything that will promote that end.

Now, this proposition as a prohibition measure has no place in a food bill. As a food-conservation measure it would be futile, inasmuch as our allies are now using the grain in the same way we are now using it. Thus no benefit to anybody could come of it. The sacrifices of those who would suffer disaster thereby would be fruitless and the injury done them wanton. Its passage would hinder, delay, if not defeated, the food bill, which is particularly calculated to remedy serious public ills whereby millions and millions of people are suffering and in want because of these delays. The defeat of the food bill would spell irretrievable disaster. The President is right in asking to have the prohibition question set aside rather than imperil the bill, and that he is right is acknowledged by some of the warmest and most zealous prohibitionists both in and outside this Chamber.

The PRESIDING OFFICER. The time of the Senator from Wisconsin has expired. The question is on the amendment offered by the Senator from Montana to the amendment of the Senator from Arkansas.

Mr. McKELLAR. On that I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FLETCHER (when his name was called). Making the same announcement of my pair and its transfer as before, I vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the senior Senator from West Virginia [Mr. GOFF] to the junior Senator from Arkansas [Mr. KIRBY] and vote "nay."

Mr. LODGE (when Mr. WEEKS's name was called). My colleague [Mr. WEEKS] is detained from the Senate and is paired with the junior Senator from West Virginia [Mr. SUTHERLAND]. If my colleague were present and at liberty to vote, he would vote "nay."

The roll call was concluded.

Mr. SUTHERLAND. I have a pair on this subject with the junior Senator from Massachusetts [Mr. WEEKS], and therefore withhold my vote. If at liberty to vote, I would vote "yea."

Mr. ROBINSON. I again announce the unavoidable absence of my colleague [Mr. KIRBY].

The result was announced—yeas 34, nays 52—as follows:

YEAS—34.

Ashurst	Brady	Dillingham	Gronna
Beckham	Cummins	Fernald	Hale
Borah	Curtis	Gore	Johnson, S. D.

Jones, Wash.	Myers	Sherman	Townsend
Kellogg	Nelson	Shields	Trammell
Kendrick	Norris	Smith, Mich.	Vardaman
Kenyon	Page	Smoot	Wolcott
McCumber	Poindexter	Sterling	
McKellar	Shafroth	Thompson	

NAYS—52.

Bankhead	Hollis	New	Smith, Ga.
Brandegee	Husting	Newlands	Smith, Md.
Broussard	James	Overman	Smith, S. C.
Calder	Johnson, Cal.	Owen	Stone
Chamberlain	Jones, N. Mex.	Penrose	Swanson
Colt	King	Phelan	Thomas
Culberson	Knox	Pittman	Tillman
Fletcher	La Follette	Pomerene	Underwood
France	Lewis	Ransdell	Wadsworth
Frelinghuysen	Lodge	Reed	Walsh
Gerry	McLean	Robinson	Warren
Harding	McNary	Sheppard	Watson
Hitchcock	Martin	Simmons	Williams

NOT VOTING—10.

Fall	Hardwick	Saulsbury	Weeks
Gallinger	Hughes	Smith, Ariz.	
Goff	Kirby	Sutherland	

So Mr. MYERS's amendment to the amendment of Mr. ROBINSON was rejected.

Mr. CUMMINS. I offer the following amendment to the amendment proposed by the Senator from Arkansas.

The PRESIDING OFFICER. The Secretary will read the amendment to the amendment.

The SECRETARY. Insert after the word "purposes," in line 5 of the printed amendment, the following:

No distilled liquors or spirits now in bond in the United States shall during the existing war be withdrawn to be used as a beverage, nor shall there be imported into the United States during said war any distilled liquors.

Mr. CUMMINS. Mr. President, according to the amendment proposed by the Senator from Arkansas, prohibition is limited to distilled liquors or spirits. The amendment which I now present prohibits the importation during the war of distilled liquor or spirits, and also prohibits the withdrawal from bond of such liquor during the same period. It is exactly the same amendment limited to distilled spirits that the Senate has already adopted modifying the House provision which is extended to fermented and vinous liquors.

I have nothing to add to the suggestion I have already made with regard to the propriety of such an amendment. I have heard it said that if the amendment were adopted by the Senate rectified spirits would not be included. That is true in so far as rectified spirits have passed out of the supervision of the Government and taxes have been paid upon them. I do not hope to be able to bring within the provisions of the amendment all the liquors in the United States, but it is my desire to bring just as many of them within its scope as is possible.

Mr. JAMES. Mr. President, the amendment proposed by the Senator from Iowa presents two distinct and separate propositions, first prohibiting withdrawal of whiskies in bond, and second the prohibition of the importation of whiskies. I ask for a division of those two questions.

Mr. WILLIAMS. Mr. President, the Senator from Massachusetts made a point on the previous amendment which was lightly cast aside by the Senator from Iowa, in which I think there is very much merit. This House can not originate a revenue measure nor can it originate a revenue amendment or a revenue provision. I heard the new and startling doctrine that a provision which affected the revenue was not a revenue provision unless it increased the revenue. Of course, a provision decreasing revenue is just as much a revenue measure as a provision increasing it. This provision if it is adopted by the Senate will reduce the revenue of the United States on liquors imported and liquors forbidden to be taken out of bond when the tax is paid, and that is, when it is paid, $250,000,000, as I roughly estimate it in my mind now. It is a provision affecting the revenue; it is a revenue provision, and there is no right to originate it in this House.

Mr. OWEN. Mr. President, the House provision itself would preclude the manufacture of not only distilled liquors but vinous liquors as well. The Senate therefore has a perfect right to amend the bill in such form as it sees fit. Moreover, while it has been argued that the liquors in bond have been used as the basis of credit, and that might affect business conditions in the country, I call the attention of the Senate to the fact that while it would have the effect of making certificates issued against such property in bond no longer a quick asset it would be an asset of constantly increasing value, because under this process the whiskies that would be in bond would continue to increase and would increase quite rapidly as an asset although not a quick asset.

Mr. BRANDEGEE. Mr. President, I shall be perfectly willing to vote that no food material should be used for the manufacture of distilled liquors during the period of the war, but I am unable to support this amendment, which provides that no distilled liquors or spirits now in bond in the United States shall during the existing war be withdrawn to be used as a beverage. It seems to me that would be an act of pure confiscation. A man who has invested his money in liquor or who has manufactured liquor and put it into a bonded warehouse is paying storage on it and insurance, I assume. If he can not withdraw it to sell it in the market, if it is for beverage purposes, we are practically saying that all the liquor that is in bond shall be kept there during the war at the expense of the man who put it there, although it is his property and he desires to sell it. The only thing he can do to stop the running charges, the insurance on storage, is to destroy his own property himself.

I do not think that such an amendment is either wise or necessary at this time. It must be so that hundreds of thousands if not millions of dollars have been borrowed upon liquor that is now in storage. It affects existing contracts. It would impair many banks and business men.

At the outset of this war, with every foreign belligerent having participated in the war pretty effectively for two or three years without any such drastic legislation as this, it does not seem to me that it is necessary for this country to start with such a revolutionary and possibly unconstitutional procedure as this.

I have no doubt in my own mind that if the country can be put upon a beer and light-wine basis, if the subject is approached reasonably in a spirit of gradual progress, a great deal of good can be done, and I have no doubt whatever that any possible stopping or decrease in the bringing of distilled liquors which might be accomplished by legislation of this kind will be tremendously overbalanced by the wave of indignation that will arise from all classes in this country.

The greatest source of strength that this Nation can have in the war is to have a united spirit of its people in favor of its prosecution, but if one-half or more of all the people of this country are to be hounded and persecuted by the other half in a hysterical spirit of bigotry and intolerance, instead of fighting a foreign war we will be fighting an internecine war, and we will be fighting ourselves when we ought to be fighting the foreign enemy.

For that reason, Mr. President, I can not support the amendment.

Mr. POINDEXTER. Mr. President, in regard to the point of order made by the Senator from Mississippi [Mr. WILLIAMS], he says that this amendment is out of order because it affects the revenue and consequently must originate in the House of Representatives. I do not think the Senator from Mississippi would seriously urge that position. There is not any constitutional requirement that bills which affect the revenue shall originate in the House of Representatives. The Constitution says that those raising revenues shall originate in the House of Representatives. To hold that a bill which cuts off revenue of the United States comes within that provision of the Constitution would be equivalent to saying that a prohibition law itself passed by a State was unconstitutional, because it affected the revenues of the United States, and nobody ever heard of such a suggestion or ever would make it.

This amendment of the Senator from Iowa might cut off some revenues of the United States, just as legislation which is passed almost every day by Congress affecting the business of the country affects directly or indirectly the sources of revenue. We have an income tax. We pass a law authorizing the Government to commandeer a man's business, his shipyard, or his coal mine. It destroys the income of that man or that corporation, and consequently destroys that source of revenue of the United States. All that is no more beyond the power of the Senate to enact on that account than this amendment of the Senator from Iowa, nor is the amendment any more beyond the jurisdiction of the Senate than such legislation as that.

Mr. STONE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Missouri?

Mr. POINDEXTER. I yield.

Mr. STONE. This is an academic discussion.

Mr. POINDEXTER. I do not think it is academic unless the Senator from Mississippi is not going to insist upon his point of order.

Mr. STONE. I will take the floor in my own time, but I will ask a question of the Senator. We have now a law levying an income tax, levying an excess profits tax, and so on. Does the Senator think that a bill could be introduced in the Senate, originated here in the Senate, be considered and passed merely to reduce—not to raise but to reduce—the income tax, to reduce

the excess-war profits tax, or reduce any other tax levied? Does he draw the distinction in this way, that it is all right and within the Constitution to have a bill in the Senate that reduces taxes but unconstitutional to put a bill in the Senate that raises taxes. Is that the Senator's view?

Mr. POINDEXTER. Not at all. The case the Senator states is an entirely different case from the amendment of the Senator from Iowa, for this reason, that that would be a revenue act; it would be necessarily an amendment of the existing law, as it reduces the income tax or the import duties; it is a change of the revenue law, and consequently fixes the terms of the revenue law itself, and under which the revenue is raised. This has nothing whatever to do with any revenue law. It does not change in the slightest degree any existing revenue statute. It affects conditions of business and trade which indirectly may affect sources of revenue, the means by which the business of the country pays revenue for the support of the Government. That is an entirely different thing from a law raising revenue.

The VICE PRESIDENT. The time of the Senator from Washington has expired.

Mr. NORRIS. Mr. President, a short time ago I was about to place in the RECORD some correspondence in regard to the question of the food value of the ingredients of beer. I was interrupted by the expiration of my time. As I was about to say, I had a letter from Mr. Gustave Hafer, president of the Farmers' Feed Co., of New York City, a company engaged in brewers' wet and dried grains, in which Mr. Hafer made an argument showing the value of these feeds after the beer had been extracted from them. It was, I thought, a very able argument from that standpoint, and to a great extent it was a technical one. I sent the letter to E. A. Burnett, one of the professors of the University of Nebraska, who is the dean of the College of Agriculture of that State, and asked him for his analysis of it. I got a reply from Prof. Burnett. I ask unanimous consent to insert in the RECORD without reading the letter of Mr. Hafer and also the analysis made by Prof. Burnett.

The VICE PRESIDENT. Without objection, it is so ordered.

The letters referred to are as follows:

FARMERS' FEED CO.,
New York, May 3, 1917.

Hon. GEORGE W. NORRIS,
Senate Chamber, Washington, D. C.

DEAR MR. NORRIS: In this great crisis, and actuated by a sincere desire to assist the Government in its effort tending to a conservation of all food products and the protection of business interests, we beg to subjoin concisely the following facts and statistics concerning the amount of grain utilized in brewing during the past year and the salvage recovered from that process, which is used for the purpose of feeding dairy cattle and horses:

TOTAL AMOUNT OF GRAIN USED IN BREWING BEER DURING THE PAST YEAR.

Product in natural state.

	Bushels.
Barley	48,000,000
Corn grits	15,000,000
Rice	2,000,000
Total used in brewing beer	65,000,000

By-product consumed as a dairy feed and horse ration.

	Bushels.
Brewers' dried grains equal to 450,000 tons	50,000,000
Malt sprouts equal to 50,000 tons	7,142,857
Recovered for utilization as dairy feed and horse ration	57,142,857

(One bushel of brewers' dried grains of 18 pounds per bushel has the feeding value of a bushel of oats of 32 pounds per bushel.)

Total amount of grains produced in the United States in 1915 and 1916.

	1915	1916
	Bushels.	*Bushels.*
Corn	2,994,793,000	2,583,241,000
Wheat	1,025,801,000	639,886,000
Rye	54,050,000	47,383,000
Barley	228,851,000	180,927,000
Oats	1,549,030,000	1,251,992,000
Total	5,852,525,000	4,703,429,000

The brewers consumed of these grains a total of 65,000,000 bushels per annum, or a percentage as follows:

	Per cent.
1915	1.116
1916	1.382

A comparison of the raw grains consumed in the brewing process and the salvage recovered in the form of by-products will show as follows:

	Bushels.
Utilized in brewing	65,000,000
Recovered through the operation of brewing, directly available as a dairy and horse food	57,142,857

In this connection we beg to submit a unit of weight per bushel and the protein contents per pound:

	Per bushel.	Digestible protein.
	Pounds.	*Per pound.*
Barley	48	8.4
Corn grits	56	7.8
Rice	48	6.8
Dried brewers' grains	18	23.6
Malt sprouts	14	21.6

As shown above, approximately half a million tons of brewers' dried grains and malt sprouts are produced and used in the United States annually, and, as their digestible protein contents are about three times greater than the original raw grain, it is clear that over a million tons of the latter, or its equivalent, would have to come from somewhere in order to fill up the hole in the Nation's food supply if these excellent products were taken off the market.

In view of the recent agitation to curtail the production of beer during the war on the theory that it will release a quantity of grain for more useful or necessary purposes, permit us to suggest, in view of the above tables, which show so small a proportion of the total crop diverted to brewing operations and so large a conservation in reclaimed by-products, that you will be doing the agricultural interests of the country in general, and milk producers in particular, a very marked service by giving these important facts your serious consideration.

We feel that anything broadly affecting the agricultural and live-stock interests of the country can not fail to be the concern of every good American among us, which, we trust, is sufficient apology for addressing you in the matter.

Very truly, yours,

FARMERS' FEED CO.,
GUSTAVE HAFER, *President.*

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THE UNIVERSITY OF NEBRASKA,
COLLEGE OF AGRICULTURE,
Lincoln, May 28, 1917.

Hon. GEORGE W. NORRIS,
United States Senate, Washington, D. C.

MY DEAR MR. NORRIS: Your favor of the 5th instant inclosing a letter from Mr. Gustave Hafer has lain sometime on my table awaiting an opportunity for answer.

I have asked our chemist to go over this letter and he disagrees with Mr. Hafer on several important points. In the first place, it would seem that Mr. Hafer has undertaken to estimate feeding value purely upon protein contained in the grains as compared with that contained in the salvage recovered. This is not an accurate method of estimating feeding value, which should be determined either upon dry matter or upon digestible nutrients, including both protein and carbohydrate foods.

I have no figures to show the accuracy of this letter as to the amount of grain used in the brewing industry. You would have much better facilities than I to determine whether or not this estimate is correct. The analysis made by our chemist, Dr. F. W. Upson, is as follows:

"The 65,000,000 bushels of grain used in the brewing industry are equivalent to 1,621,000 tons of grains. The recovered by-products according to Mr. Hafer's own statement are equivalent to 500,000 tons. In other words, of the total amount of grain which goes into the process 30.8 per cent by weight is recovered in the by-products. The difference of 69.2 per cent is largely carbohydrate lost in the brewing process.

"The statement that 'One bushel of brewers' dried grains of 18 pounds per bushel has the feeding value of a bushel of oats of 32 pounds per bushel,' is not true. The table at the bottom of page 2 has no meaning for the reason that the unit for the protein is not stated. While it is true that the per cent by weight of protein in the brewers' grains is higher than in oats, the per cent of carbohydrate is lower. The following table shows the number of pounds of food material in 1 bushel of oats, 32 pounds, as compared with 1 bushel of brewers' grains, 18 pounds.

	Water.	Ash.	Protein.	Fiber.	Carbohydrate (starch).	Fat.
	Pounds.	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*
1 bushel oats, 32 pounds, contains	3.3	1.02	3.65	3.46	19.0	1.53
1 bushel brewers' grain, 18 pounds	1.57	.65	4.5	2.45	7.6	1.25

"We see that one bushel brewers' grain contains more protein than one bushel oats; not, however, twice as much, but one and one-fourth as much. The brewers' grains contains, however, 7.62 pounds carbohydrate per bushel, as against 19 pounds for a bushel of oats. According to Henry the total digestible food material in one bushel of oats (32 pounds) equals 20.1 pounds, and in one bushel of dried brewers' grains 10.2 pounds. One bushel oats has therefore twice the feeding value of one bushel dried brewers' grains.

"The statement in paragraph 1 on page 3 of Mr. Hafer's letter is misleading. He states that over one million tons of grain would have to come from somewhere in order to fill up the hole in the Nation's food supply if these excellent products (brewers' grains) were taken off the market. The answer is that if no grain were used for brewing we would have Mr. Hafer's million tons in the grain thus saved, plus 621,000 tons left over.

"We should call attention also to Mr. Hafer's inconsistency in emphasizing the importance of the 500,000 tons of brewers' grains to the feeding industry, while not admitting the importance of the million-odd tons which are lost to useful purposes in the brewing process."

I am returning you the letter of Mr. Hafer and hope that this statement may still be useful to you.

I am, very truly, yours,

E. A. BURNETT.

Mr. CUMMINS. Upon the amendment pending I ask for the yeas and nays.

Mr. JAMES. I asked for a division of the amendment. The Vice President was not in the chair at the time. The amendment provides for a prohibition against the importation of liquors in the United States, and also prohibition against taking out of bond whiskies in the United States. There are two separate and distinct propositions, and I ask for a separate vote.

The VICE PRESIDENT. The Senator from Kentucky is entitled to it. The vote will be taken on the first part of the amendment:

No distilled liquors or spirits now in bond in the United States shall during the existing war be withdrawn to be used as a beverage.

That is the first part of the question involved upon which the yeas and nays are requested.

Mr. CUMMINS. I ask for the yeas and nays upon both propositions.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FLETCHER (when his name was called). Making the same announcement of my pair as before and its transfer, I vote "yea."

The roll call was concluded.

Mr. TILLMAN. Making the same announcement as heretofore of my pair and its transfer, I vote "yea."

Mr. SUTHERLAND. I desire to make the same announcement as to my pair and its transfer as I did on the previous vote. I am paired with the junior Senator from Massachusetts [Mr. WEEKS], and therefore withhold my vote. If permitted to vote, I should vote "yea."

The result was announced—yeas 44, nays 41, as follows:

YEAS—44.

Ashurst	Johnson, Cal.	Nelson	Smith, Ga.
Beckham	Johnson, S. Dak.	Norris	Smith, Mich.
Borah	Jones, Wash.	Overman	Smith, S. C.
Brady	Kellogg	Owen	Smoot
Cummins	Kendrick	Page	Sterling
Curtis	Kenyon	Phelan	Thompson
Fernald	La Follette	Poindexter	Townsend
Fletcher	McCumber	Ransdell	Trammell
Gore	McKellar	Shafroth	Vardaman
Gronna	McNary	Sheppard	Walsh
Hale	Myers	Sherman	Wolcott

NAYS—41.

Bankhead	Harding	New	Swanson
Brandegee	Hitchcock	Newlands	Thomas
Broussard	Hollis	Penrose	Tillman
Calder	Husting	Pittman	Underwood
Chamberlain	James	Pomerene	Wadsworth
Colt	Jones, N. Mex.	Reed	Warren
Culberson	Knox	Robinson	Watson
Dillingham	Lewis	Simmons	Williams
France	Lodge	Smith, Ariz.	
Frelinghuysen	McLean	Smith, Md.	
Gerry	Martin	Stone	

NOT VOTING—11.

Fall	Hardwick	Kirby	Sutherland
Gallinger	Hughes	Saulsbury	Weeks
Goff	King	Shields	

The VICE PRESIDENT. On the first part of the amendment of the Senator from Iowa [Mr. CUMMINS], the yeas are 45 and the nays are 40. So that is agreed to. The vote will now be taken on the second part of the amendment, which reads:

Nor shall there be imported into the United States during said war any distilled liquors.

The yeas and nays have been ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. FLETCHER (when his name was called). Making the same announcement as heretofore of my pair and its transfer, I vote "yea."

The roll call was concluded.

Mr. SUTHERLAND. I desire to make the same announcement with regard to my pair as heretofore. I am paired with the junior Senator from Massachusetts [Mr. WEEKS] and therefore withhold my vote.

The result was announced—yeas 69, nays 10, as follows:

YEAS—69.

Ashurst	Hale	Nelson	Smith, S. C.
Bankhead	Harding	New	Smoot
Beckham	Johnson, Cal.	Norris	Sterling
Borah	Johnson, S. Dak.	Overman	Swanson
Brady	Jones, N. Mex.	Owen	Thomas
Brandegee	Jones, Wash.	Page	Thompson
Calder	Kellogg	Phelan	Townsend
Chamberlain	Kendrick	Pittman	Trammell
Colt	Kenyon	Poindexter	Vardaman
Cummins	King	Ransdell	Wadsworth
Curtis	Knox	Reed	Walsh
Dillingham	La Follette	Shafroth	Warren
Fernald	McCumber	Sheppard	Watson
Fletcher	McKellar	Sherman	Williams
France	McLean	Simmons	Wolcott
Frelinghuysen	McNary	Smith, Ariz.	
Gore	Martin	Smith, Ga.	
Gronna	Myers	Smith, Mich.	

NAYS—10.

Broussard	Hollis	Lewis	Underwood
Gerry	Husting	Pomerene	
Hitchcock	James	Robinson	

NOT VOTING—17.

Culberson	Hughes	Saulsbury	Tillman
Fall	Kirby	Shields	Weeks
Gallinger	Lodge	Smith, Md.	
Goff	Newlands	Stone	
Hardwick	Penrose	Sutherland	

The VICE PRESIDENT. The entire amendment of the Senator from Iowa is adopted.

Mr. CUMMINS. A parliamentary inquiry, Mr. President. If the amendment proposed by the Senator from Arkansas [Mr. ROBINSON] by way of substitute is rejected, will the amendment which has been proposed on behalf of the committee by the Senator from Oregon [Mr. CHAMBERLAIN] be still open to amendment under the unanimous-consent agreement?

The VICE PRESIDENT. Certainly. The question is on the amendment of the Senator from Arkansas as amended.

Mr. CURTIS. Mr. President, I am opposed to the Chamberlain amendment or the committee amendment. I am also opposed to the Robinson amendment. I prefer the House provision as amended to either, but I believe the Robinson amendment is better than the Chamberlain amendment. I believe it would be a mistake to leave the question as to beer and wine to the President of the United States, as is done by the Chamberlain amendment, and I shall therefore cast my vote for the Robinson amendment, and upon the final vote shall cast my vote for the House provision.

The VICE PRESIDENT. The question is on the amendment of the Senator from Arkansas [Mr. ROBINSON] as amended.

Mr. WADSWORTH. Mr. President, I desire to ask the Senator from Arkansas if he would be willing to accept an amendment to his amendment which would insert the word "manufacturing" after the word "industrial"? I believe that that would clarify the section somewhat and permit the use of distilled spirits.

Mr. ROBINSON. I have no objection to the amendment, and, so far as I am authorized to do so, I am willing to accept it.

Mr. PENROSE. Mr. President——

The VICE PRESIDENT. The Senator from New York [Mr. WADSWORTH] offers an amendment, which will be stated.

Mr. PENROSE. I was going to offer an amendment in view of certain things which have occurred, but I shall take the opportunity perhaps to offer it later on some other occasion.

The VICE PRESIDENT. The amendment proposed by the Senator from New York to the amendment will be stated.

The SECRETARY. The Senator from New York [Mr. WADSWORTH] moves, after the words "governmental, industrial," to insert "manufacturing."

The VICE PRESIDENT. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. REED. I now ask that the amendment as amended be reported.

The VICE PRESIDENT. The Secretary will read the amendment as amended.

The SECRETARY. In lieu of the words proposed to be inserted by Mr. CHAMBERLAIN for the committee it is proposed to insert the following:

SEC. 12. That from and after 30 days from the date of the approval of this act no person shall use any foods, fruits, food materials, or feeds in the production of distilled liquors except for governmental, industrial, manufacturing, scientific, or medicinal purposes. No distilled liquors or spirits now in bond in the United States shall, during the existing war, be withdrawn to be used as a beverage; nor shall there be imported into the United States during said war any distilled liquors. Any person who willfully violates this section shall upon conviction thereof be punished by a fine of not exceeding $5,000 or by imprisonment for not more than two years, or both.

Mr. VARDAMAN. Mr. President, a parliamentary inquiry. Is that the amendment that is offered as a substitute for the committee amendment?

The VICE PRESIDENT. It is.

Mr. SMITH of Michigan. Mr. President, if I understood the reading of the amendment, it relates to "persons" entirely, and not to companies or corporations. Am I correct in that?

Mr. GORE. The word "persons" is defined in the bill as including corporations.

Mr. SMITH of Michigan. That is a part of this bill?

Mr. GORE. It is a part of the bill.

Mr. ROBINSON. Mr. President, did the Senator from Michigan address an inquiry to me?

Mr. SMITH of Michigan. Mr. President, if the Senator from Arkansas will permit me, I understand the committee bill defines a person to be a company or corporation, artificial or natural?

Mr. MARTIN and others. Question!

The VICE PRESIDENT. The question is on the amendment of the Senator from Arkansas [Mr. ROBINSON] as amended. (Putting the question:) By the sound the "ayes" seem to have it.

Mr. PENROSE. Mr. President, I desire to offer an amendment to the amendment. After the word "purposes," I move to insert the following proviso:

Provided, That the word "manufacturing" as used in this paragraph shall not include the manufacture of brandies and distilled spirits for the fortification of wines.

The VICE PRESIDENT. The question is on the amendment of the Senator from Pennsylvania to the amendment of the Senator from Arkansas as amended.

Mr. POMERENE. I ask that that amendment to the amendment be again stated. I am not quite sure that I understand it.

The VICE PRESIDENT. The Secretary will again state the amendment offered by the Senator from Pennsylvania.

The SECRETARY. After the word "purposes," in line 5 of the amendment of Mr. ROBINSON, it is proposed to insert:

Provided, That the word "manufacturing" as used in this paragraph shall not include the manufacture of brandies and distilled spirits for the fortification of wines.

Mr. PHELAN. Mr. President, I do not desire the Senate to act upon that amendment or any other amendment without understanding its significance. The question was about to be put by the Chair and the sentiment seemed to be in favor of the Robinson amendment.

The amendment of the Senator from Arkansas forbids the use of distilled liquors except for governmental, industrial, scientific, and medicinal purposes. The word "manufacturing" was proposed to be added by the Senator from New York. If the amendment as originally proposed by the Senator from Arkansas were adopted, I contend that the word "industrial" would embrace wine-making, and therefore I supported the amendment. I think the amendment proposed by the Senator from New York is superfluous. It is merely cumulative, because "industrial" and "manufacturing" are substantially the same thing. However, because it is cumulative, I am in favor of it.

But the Senator from Pennsylvania, for reasons best known to himself, has seen fit to introduce an amendment which will prevent the manufacture of sweet wines. I voted against whisky because I am opposed to whisky. I voted for the Cummins amendment because I believe it to be in the public interest, and I have consistently contended that the use of light wines and beers has never done anyone any harm; that to prohibit them is an invasion, without sufficient justification, of the personal rights of our citizens; and that there is no strong demand, either in this Chamber or outside of this Chamber, for the abolition at this time of light wines and beer. The people who work with their hands and support this structure of Government ask for that little comfort with their daily meals—the mixture of water and wine and the glass of beer. It does not seriously affect the purposes of the war by the conservation of food.

I am opposed to whisky because it destroys the food of the people and destroys the life and moral stamina of the people.

Now, if the Senator from Pennsylvania, for the purpose of punishing those who favor light wines and beer, as an eleventh-hour provision seeks to prevent, in this food measure, the manufacture of light wines and beer, then I should like to know it and I should like the line to be drawn in this Chamber.

Are we to abolish light wines and beers because King John Barleycorn decrees it—he who is consuming the substance of the people and the grains and cereals of the land?

I hope that the amendment of the Senator from Pennsylvania will not be adopted.

Mr. PENROSE. Mr. President, I do not intend to speak in favor of this amendment. I only wanted to have an opportunity of calling to the attention of the country the broad and patriotic and statesmanlike qualities of the Senator from California, his sympathies embracing, as they do, the needs and requirements of 100,000,000 people, extending from the Atlantic to the Pacific Ocean.

It is unfortunate that whisky in bond is not located in California. If it were, its beauties would immediately become apparent and the zealous activities of the Senator from California would be enlisted. But it happens to be largely a product of New England and the East, and hence it is obnoxious in his sight. But as to wines, they are medicinal and healthful and inspiring, no matter how decocted or adulterated, provided they are made in California.

The Senator has been most active in trying to have everything done to diminish taxation on wines of every kind, so that they might escape their burden of war taxes, and in every way to benefit this industry. He has deliberately by his vote practically destroyed by confiscation several hundred million dollars, much of it carried in banks, loaned in good faith, located in New England and in Pennsylvania, and helped to enact a law which will unquestionably be unconstitutional, and which places the Senate of the United States before the people of all the world as prompted by a spirit of fanaticism to absolutely ignore the Constitution and the rights of property not located in California.

Mr. PHELAN. Mr. President——

The VICE PRESIDENT. The Senator from California has had his time.

Mr. PHELAN. Has my time expired?

The VICE PRESIDENT. Yes; the Senator has had his time. The question is on the amendment of the Senator from Pennsylvania to the amendment of the Senator from Arkansas.

Mr. PENROSE. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SUTHERLAND (when his name was called). I make the same announcement as before with reference to my pair, and withhold my vote, not knowing how my pair would vote on this question.

The roll call was concluded.

Mr. KNOX (after having voted in the affirmative). I voted under a sympathetic misapprehension. [Laughter.] I desire to change my vote from "yea" to "nay."

Mr. FLETCHER. I make the same announcement as before as to my pair and its transfer and vote "nay."

The result was announced—yeas 6, nays 72, as follows:

YEAS—6.

McCumber	Sheppard	Stone	Townsend
Reed	Sherman		

NAYS—72.

Ashurst	Hale	Martin	Smith, Ga.
Bankhead	Hollis	Myers	Smith, Mich.
Beckham	Husting	Nelson	Smith, S. C.
Borah	James	New	Smoot
Brady	Johnson, Cal.	Newlands	Sterling
Broussard	Johnson, S. Dak.	Norris	Swanson
Calder	Jones, N. Mex.	Overman	Thomas
Chamberlain	Jones, Wash.	Owen	Thompson
Culberson	Kellogg	Page	Tillman
Cummins	Kendrick	Penrose	Trammell
Curtis	Kenyon	Phelan	Underwood
Dillingham	King	Pittman	Vardaman
Fernald	Knox	Poindexter	Wadsworth
Fletcher	La Follette	Pomerene	Walsh
France	Lewis	Ransdell	Warren
Frelinghuysen	Lodge	Robinson	Watson
Gerry	McKellar	Shafroth	Williams
Gronna	McNary	Shields	Wolcott

NOT VOTING—18.

Brandegee	Gore	Kirby	Smith, Md.
Colt	Harding	McLean	Sutherland
Fall	Hardwick	Saulsbury	Weeks
Gallinger	Hitchcock	Simmons	
Goff	Hughes	Smith, Ariz.	

Mr. PENROSE's amendment to the amendment of Mr. ROBINSON was rejected.

The VICE PRESIDENT. The question now recurs on the amendment of the Senator from Arkansas [Mr. ROBINSON] as amended.

Mr. UNDERWOOD. Mr. President, I desire to state my position on this question.

So far as I am personally concerned, I should be very glad to vote for an amendment or a bill that would conserve the grain supply of the country to the people of the United States; and it was my purpose to vote for an amendment that would prohibit the use of grain in manufacturing distilled spirits during the period of the war, if I could have done so. As this amendment is now presented to the Senate, by reason of the amendment offered by the Senator from Iowa, it presents the proposition that in order to vote to conserve the grain supply of the country I shall be compelled to vote to confiscate a large amount of property without just compensation. I shall also be compelled to vote to destroy something like $300,000,000 of revenue to this Government. If this bill as now amended becomes a law, I doubt its constitutionality, but it is not for me to pass upon that question now. I believe the Supreme Court will decide in the end that you can not take a man's property without paying just compensation; and if you provide in the bill that liquor in bonded warehouses can not be taken during the period of the war, for the time being and perhaps forever, you take away these people's property. You destroy the securities on which thousands of dollars have been loaned by the banks of this country. You may produce a financial panic.

I am not willing, for the sake of conserving a portion of the grain supply of this country, to jeopardize the financial condition of the country by my vote. I am not willing to vote to take a man's property without just compensation. If you want to add to this bill a provision that if this property is withheld

the Government of the United States shall pay for it, I am willing to go that far with you; but I am not willing to confiscate the property of these people, nor am I willing to destroy this revenue. Therefore, I find myself in an attitude where I can not vote for this amendment as it is presented, or any other amendment carrying these terms.

I have not discussed the question, but I do not think I can allow my vote to stand in the negative, as I intend to vote, without making this explanation in the RECORD to endeavor to show my constituents what my position is.

Mr. PENROSE. Mr. President, I simply desire to say that I entirely concur in what the Senator from Alabama has said, and I intend to vote against the amendment.

Mr. BRANDEGEE. Mr. President, I voted against the amendment offered by the senior Senator from Iowa for the same reason as stated by the Senator from Alabama; but I much prefer the Robinson amendment to the so-called Chamberlain amendment, which is the committee amendment, and I know that if the Robinson amendment should be voted down the Senator from Iowa will probably offer the same amendment to the Chamberlain amendment, and the votes are here to put it on. Therefore, unwilling as I am to vote for it in its present shape, I find myself in the dilemma of being compelled to choose the lesser of two evils, and on that theory I shall vote for the Robinson amendment. Whether or not I shall vote for section 12 of the bill as amended I do not know.

Mr. CHAMBERLAIN. Mr. President, I hope the Senate will vote down the amendment of the Senator from Arkansas, because that leaves the whole question as to vinous and malt liquors open to be fought out on the floor of the Senate in some other shape.

Now, Mr. President, the committee amendment, it seems to me, will settle this question. I think I may safely say that with the exception that it absolutely prohibits the use of food products in the manufacture of distilled liquors, it is in conformity with the wishes of the Commander in Chief of the Army and of the Navy as originally expressed to the House of Representatives. I do not say that that is a sole reason why the Senate should adopt the committee amendment, but I say that he, as the Commander in Chief of the Army and Navy, is in a position to know just what is best to be done in this critical emergency.

The amendment that comes from the committee absolutely prohibits the use of food products in the manufacture of distilled liquors, and it leaves to the President the power to say what amount of food products shall be used in the manufacture of malt and vinous liquors and to fix the alcoholic content. Now, with that power, and with his ample knowledge of the conditions which confront this country, it seems to me that the amendment of the Senator from Arkansas ought to be voted down and the committee amendment adopted, leaving it to the President, as the emergencies present themselves in the course of the war, to adopt that policy which will be safest for the country. I am satisfied that the Members of the Senate have enough confidence in the President to know that power will be used by him only in such a way as to best suit the emergencies as they arise during the progress of the war.

I hope the committee amendment may be adopted, and to that end the pending amendment voted down.

Mr. BORAH. Mr. President, a parliamentary inquiry. Do I understand that in case the Robinson amendment should be adopted, we would then have an opportunity to vote upon that as a substitute for section 12?

The VICE PRESIDENT. Undoubtedly.

Mr. BORAH. And we have a choice between section 12 and the Robinson amendment?

The VICE PRESIDENT. Between section 12 and the Robinson amendment.

Mr. BORAH. Mr. President, I shall vote for the amendment offered by the Senator from Arkansas because I believe that this is a matter which the Congress itself ought to meet and dispose of. I think it is a responsibility which rests upon us. It is a policy that is either wise or unwise, and we should not shift that responsibility.

Believing that the Congress ought to meet the question and determine it and settle it for itself, I prefer to vote for the amendment offered by the Senator from Arkansas rather than the amendment offered by the Senator from Oregon.

Mr. LEWIS. Mr. President, we have in this body, conjointly with the House of Representatives, from time to time passed laws providing that they should be executed by different heads of departments according to the time and occasion requiring such; notably, the regulations concerning the pure-food act, the execution of which was put in the hands of the Secretary of Agriculture and his agents; that concerning oleomargarine, for a long time under the Secretary of the Interior and his agents; those respecting the administration of public lands, in certain respects under the administration of the Secretary of the Interior, to be enforced or not, limited or expanded, according to the circumstances as they shall develop.

With this policy in my mind I introduced an amendment here as a substitute to take the place of section 12, providing, sir, that the whole subject matter of the limitation of the use of food for beverages should be left to the same source at which the food act has been left for administration. Such is my view now. I feel that the whole matter should be left to the President to be executed by him through such aid as shall be provided, upon the same theory that we have left the administration of other foods to the Secretary of Agriculture and the administration of land to the Secretary of the Interior.

My view, which I beg to impose on the Senate, is this: Conditions to-day may justify to the mind of Senators a peremptory and absolute enactment which may so change when we are not in session as to seriously embarrass the enactment of that law and embarrass the Government in the execution of it. Therefore for myself I regard it more prudent for the country, I regard it more for its welfare, to vest the execution of such a measure in the discretion of those who command the whole subject, that it may from time to time change such administration of it or limit it according to the conditions as they arise.

For that reason, Mr. President, I prefer to support the amendment of the committee and oppose the amendment of the distinguished Senator from Arkansas, thinking that the method of the amendment by the committee would serve a better object and a better purpose to the end which we have in view.

Mr. SHEPPARD. Mr. President, when the present food-conservation measure came from the administration, after having been developed by the combined efforts of the House and Senate Committees on Agriculture, the Secretary of Agriculture, and various agricultural authorities and heads of farmers' organizations throughout the country, it contained a section giving the President the power to limit, regulate, or prohibit the making of foodstuffs into any kind of alcoholic liquors, and authorizing him to determine the alcoholic contents thereof in the interest of food conservation. This is a complete answer to the charge, so widely repeated, that prohibitionists forced the liquor question into the deliberations on this bill. The presence of this section in the bill, as originally framed, showed that the President, the Secretary of Agriculture, and both House and Senate Committees on Agriculture believed that the use of foodstuffs in making alcoholic liquors was a waste, and that power to limit or prevent this waste should be given. This section was in the bill when the President requested both these committees to confer with him at the White House, and when from time to time he talked to Members of both Houses regarding the measure, expressing the deepest anxiety over its fate. The House amended this section by directly prohibiting the making of foodstuffs into alcoholic liquors. The Senate Committee on Agriculture reported a similar amendment, except as to wine, after the bill had reached the Senate, and it was then that the beer interests threatened the defeat of the entire measure. Evidently the President had in mind the provision added by the Senate committee, in line with the House action, when he made an appeal for its elimination.

It would be a distinct step backward, therefore, if an amendment should now be adopted relieving wine and beer of all restriction and control. Whatever decrease may take place in the amount of grain made into whisky will be largely offset by the making of additional foodstuffs into beer and wine, due to their increased consumption, which is sure to follow, if no restrictions are imposed, and no material saving in foodstuffs would in the end be effected. Dr. Wiley, one of the greatest food experts of the time, tells us that barley, the main constituent of beer, is an excellent human food, as well as a valuable animal food. Alcohol is a liquid poison, which attacks the tissues composing every organ of the human body. As the tissues composing the brain and nerves are the most delicate of all, it attacks them first, and the result is a loss of control over the normal functions of thought and action, ranging from hilarity to murder. This is the result whether alcohol is taken in the form of wine or beer or whisky, or in some other guise. It has been demonstrated that the alcohol in a single glass of beer will so affect the brain and nerves and arm of an engineer as appreciably to prolong the time between the sight of a danger signal and the swing of the throttle, and thus to imperil or destroy the lives of hundreds of passengers. The need of a clear brain and steady nerve in an age of machinery is doing more for prohibition than all other agencies put together. Men drink whisky, wine, and beer for the same purpose—for the alcohol they contain.

Let me quote here a resolution adopted by the American Medical Association at its sixty-eighth annual session held at New York City last month:

Whereas we believe that the use of alcohol as a beverage is detrimental to the human economy; and
Whereas its use in therapeutics, as a tonic or a stimulant, or as a food has no scientific basis: Therefore be it
Resolved, That the American Medical Association opposes the use of alcohol as a beverage; and be it further
Resolved, That the use of alcohol as a therapeutic agent should be discouraged.

Let me say that therapeutics is the term applied to that branch of medicine which deals with the methods of curing disease, or of controlling and resisting its evils. The language of the above resolution is that of one of the foremost scientific bodies of the world, not the language of dreamers, enthusiasts, or fanatics. It is one of the plainest and most effective indictments of alcohol that has yet been drawn. It makes no distinction as to whisky and wine and beer, because all represent stages of alcoholism. Prohibition prevails by State or local action in three-fourths of the territory of the United States, a territory in which lives more than 60 per cent of the American people, and yet in none of this territory is the line drawn between whisky on the one side and beer and wine on the other.

The difference, therefore, between the amendment proposed by the Senator from Arkansas and that proposed by the Senator from Oregon [Mr. CHAMBERLAIN] is fundamental. If we surrender control of wine and beer in this dreadful time and regulate whisky alone, we endeavor to draw a distinction which does not exist and blind ourselves to the truth. The object of food conservation is the development of man power to the highest possible limit. Put wine and beer beyond control and our man power will be menaced by alcoholism practically as much as ever before. The adoption of the amendment proposed by the Senator from Arkansas will destroy the admirable plan which the President evidently had in mind when this food-protection bill was first developed, namely, the gradual decrease of the alcoholic contents in all liquors until the shackles of alcoholism could be permanently broken, an emancipation comparable to that which his immortal predecessor, Lincoln, effected for millions of the human race. If the Chamberlain amendment should be adopted, the President will gradually lower the alcoholic contents of beer and wine until those addicted to these beverages will have become accustomed to the change and we will pass to the condition of a dry nation without the disturbance and without the resentment and financial loss so many seem to fear.

I hope therefore that the Chamberlain amendment will finally be adopted.

Mr. CUMMINS. Mr. President, in view of the observations of the Senator from Alabama [Mr. UNDERWOOD] I desire to be heard just a moment upon the pending question. The amendment which has been adopted and which I had the honor to offer does not take property without due process of law. It merely suspends for the time being the right of the citizen to use the property. I assume that it is within our power to say that in the period of storm and trouble through which we are now passing, if any citizen has property that can not be used without increasing the storm and trouble, or if being used diminishes our power and strength to pass safely through the storm, he must not use it until the storm has passed.

If when war is over, Mr. President, the Government shall determine that intoxicating liquor of this kind shall not be used in the United States, then common fairness and honesty will require the Government to make adequate compensation for the property which it has taken; but until that time comes we need not meet the point raised by the Senator from Alabama. I know that it will deprive for the moment the country of a revenue of some $200,000,000 or $250,000,000, but it must be remembered, Mr. President, that when the 300,000,000 gallons of whisky are sold the people of the United States will pay for it nearly $2,000,000,000, and by just so much will their capacity to respond to the demands of this time be lessened. I would rather lose a revenue of $250,000,000 than stand by, when every resource is to be called upon, and see the people of the country pay out $2,000,000,000 a year for the beverages from which we derive a revenue of $250,000,000.

I shall feel constrained to vote against the amendment proposed by the Senator from Arkansas because, as much as I believe in the Senate or Congress determining for itself this matter of commerce, I would rather leave to the President the power to exclude beer and wine from the commerce of the country than to do nothing whatever with respect to those beverages.

I would have some hope that in the exercise of his discretion he would banish these drinks from the public use, and therefore I think the amendment of the committee is preferable.

I say now, as was anticipated by the Senator from Connecticut, that if the amendment of the Senator from Arkansas is rejected, I shall offer as applicable to the committee amendment the same provision with regard to bonded spirits and imported spirits that has already been adopted to the House text and to the amendment of the Senator from Arkansas.

Mr. HARDING. Mr. President, I am moved to make some remarks because the Senator from Iowa [Mr. CUMMINS] has touched on the particular theme that impels me to oppose the pending legislation. I have understood that the question of the prohibition of manufacture was introduced as a method of food conservation, and the drift of the afternoon is toward prohibition, not toward food conservation.

If I could have my way, Mr. President, I would give assent to the complete abolition of the liquor traffic in this land, but I shall never give my vote to that abolition when I think the procedure is unjust; and I contend that the amendment of the Senator from Iowa is unjust in every application. If it does not literally confiscate the lawful property of the United States, it does suspend the use of that property for the period of the war, and the war may be 1, 2, or 10 years in duration; and by the suspension of the use of that property you jeopardize every loan, amounting to millions of dollars, secured by certificates of storage. Aside from that, you apply the lash of confiscation to lawfully existing property that has been taken under the wing of Government partnership since the first internal-revenue law was ever written.

Mr. President, there seems to be an impression that we have got to become a prohibition country to win the war. It ought to be the first thought in the mind of every Senator and every citizen to win the war. I am for that, and if I believed it were necessary to adopt prohibition in this country to win the war, I would vote for it in spite of my conviction of the injustice involved.

But, Mr. President, it has not been proven necessary for the United States to be prohibition to win a war. We have never been a prohibition Nation heretofore to win a war, and there is not an allied country engaged in this war with us that is a prohibition nation. I know of only one prohibition nation on the face of the earth, and it has the least to its credit in the way of triumphant warfare. I refer to Turkey.

It is not, Mr. President, that I for a moment rise to defend "John Barleycorn" or the malted beverages of this land. I have already stated my position. I think no man can stand and make a speech in defense of intoxicating liquors. But, Mr. President, on the calendar lying on my desk, on page 6, calendar No. 61, is a joint resolution proposing an amendment to the Constitution of the United States. In that amendment the prohibition question itself is frankly, flatly, and squarely submitted. Why has not this body the courage to take up and settle the prohibition question under that amendment? Then when such an amendment is adopted the country can righteously and justly undertake to dispose of the liquor traffic and the manufacture of distilled and fermented liquors and add a just compensation to the property thereby destroyed. Whenever that is proposed it shall have my vote in this body.

I want to be just, Senators. At the same time I want to be committed to the cause of this country. Let us for a moment put aside the narrow view. I can not find fault with the prohibitionist who is insistent on furthering the cause in which his heart is so deeply enlisted; I can not find fault and I do not find fault with the manufacturer of intoxicating beverages who is opposing this legislation, but I have a very strong conviction, Senators, that this difficult question ought to be settled quite apart from the extremists on either hand. This is a time when men can march safe to the front in the middle of the road, and, coming to the front, settle this question.

In my State, Mr. President, we have twice had the prohibition question submitted to a vote of the people, and though we are very evenly divided, the majority has been against us. The same story might be told of many other States that are still in the liberal column. On the other hand, there are some 24 or 25 States in the Union in the dry column. Why, in the name of sense, must we as a war proposition divide among ourselves and rend the concord of American spirit and the unity of American citizenship, which is far more essential to the winning of this war than the adoption of prohibition for the moment?

Mr. President, I presume I am trespassing. Perhaps later——

The VICE PRESIDENT. The Senator's time has expired.

Mr. SHAFROTH. In my time I should like to ask the Senator from Ohio a question.

Mr. HARDING. I would be glad to have the Senator ask it.

Mr. SHAFROTH. Would it be acceptable to the Senator for a commandeering provision to be made in either of these amendments by which the Government of the United States would pay to the person who owned these liquors the fair value thereof?

Mr. HARDING. Mr. President, if the Senator from Colorado can write an amendment that will stand not only for commandeering liquor in the storage warehouses of the country but under Government supervision and at the same time take over every brewery and distillery in the United States, I shall support him and vote for the prohibition which will result from that amendment.

Mr. SHERMAN. Mr. President, I will vote to settle the property rights involved in this amendment in its own time and place, if given the opportunity. I wish the question now settled whether a sober nation is a better nation in war and that we approach that settlement freed from the entangling questions of property rights. That is what the Senate has this day voted. I am looking in the faces of Senators on the majority side of this Chamber whose ancestors saw vanish overnight by the signature of an Executive pen countless millions of property that was as sacred as the property contained in a whisky barrel.

Mr. HARDING. Mr. President——

The VICE PRESIDENT. Will the Senator from Illinois yield to the Senator from Ohio?

Mr. SHERMAN. I yield.

Mr. HARDING. I do not want to trespass, but the Senator will say that the Great Emancipator himself believed in justice and desired to compensate for the property that was taken.

Mr. SHERMAN. Yes; he did, and it was rejected by certain of the States to which the proposition was made. I could not go into that detail now in the time allotted here. It is known to the Senators and their constituents of that time. Your ancestors, my fellow Senators, in the States where you lost the property by the proclamation of half century ago, when slavery melted instantly into nothingness, bound up your wounds, economically and otherwise, turned to your ruined homes, girded up your loins like men, and bore the loss without complaint. Not one dollar has ever been paid you by this Republic. Your fathers and grandfathers lost every dollar of the slave property that vanished into thin air overnight. It was the fortunes of war, and, like vanquished warriors, your fathers bore the burdens of defeat.

Is a distillery more sacred than a human soul, in peace or in war? If your ancestors in certain States lost millions by the proclamation of emancipation, can you not stand overnight sincere to your convictions, and continue to vote steadfastly as you have begun, and that the holders of stocks of whisky may abide the results of this amendment, and trust hereafter to legislation to pay for the property values involved in the action of this day? I will meet that, Mr. President, when I reach it in due time.

Mr. WILLIAMS. Mr. President, may I ask the Senator from Illinois a question?

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Mississippi?

Mr. SHERMAN. Yes, sir.

Mr. WILLIAMS. Does not the Senator from Illinois recognize a clear distinction between confiscating the property of an enemy and confiscating the property of your own citizen? My father's property was confiscated, but he was an enemy fighting the United States.

Mr. SHERMAN. There is a distinction without a difference. The man who for pecuniary gain will pour liquid hell-fire into a soldier's blood and brain under the pretense of making a soldier of him is a public enemy. He is worse infinitely than the one who raised the standard of revolt in 1861. If this Nation endures it will not be saved by the spurious courage born of whisky but the clear eye and steady hand of sober men. Your ancestor felt the bitterness of defeat. To-day his descendants are living under the flag and are patriotic and making the same sacrifices we of the Northern States are making, who won in that great struggle. Do not think for a moment I do not appreciate the spirit that animates you Senators and your constituents of this day. You made the great sacrifice; you are in the Union; you are here now as living evidences, preserved to this day, of the loyal sentiment that animates you this year and hereafter in this war of a united American people. There is, it is true, a distinction, but it is a distinction without a difference.

The VICE PRESIDENT. The time of the Senator from Illinois has expired.

Mr. REED. I offer an amendment, to come in after the amendment of the Senator from Iowa.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. At the end of the amendment heretofore agreed to it is proposed to insert the following proviso:

Provided, however, That the President is hereby empowered to permit the withdrawal of liquor in bond if, in his opinion, such withdrawal is in the public interest.

Mr. STONE. How would it read if that amendment were agreed to?

The VICE PRESIDENT. The Secretary will read the amendment as it will read as proposed to be amended.

The Secretary read as follows:

No distilled liquors or spirits now in bond in the United States shall, during the existing war, be withdrawn to be used as a beverage; nor shall there be imported into the United States during said war any distilled liquors: *Provided, however*, That the President is hereby empowered to permit the withdrawal of liquors in bond if, in his opinion, such withdrawal is in the public interest.

Mr. REED. Mr. President, the vote on the adoption of the amendment of the Senator from Iowa was pretty close, and it seems to me that the amendment I have offered may afford a means of adjustment. There is much to be said in favor of the argument which was adduced by the Senator from Ohio [Mr. HARDING]. The cold truth of the matter is, I think, that nearly all of the liquor, or at least a great part of the liquor, that is held under Government bond has been mortgaged to banks and other financial institutions. This law would, of course, make it impossible to foreclose upon that liquor; hence the security would be destroyed. It is likely to break some banking institutions and to visit loss upon innocent stockholders. I think we can become so radical that we will do harm instead of good. I believe it would be safe to pass this question over to the President; and if, upon investigation, he finds that great injustice is to be done, and that it is to the public interest to relieve this liquor from the inhibition of the bill, he can be trusted to act wisely and justly in the matter.

SEVERAL SENATORS. Question!

The VICE PRESIDENT. The question is on the amendment of the Senator from Missouri to the amendment of the Senator from Arkansas as amended.

Mr. STONE. Mr. President, I ask the Senator from Oregon if he will not consent to let us recess until 11 o'clock to-morrow morning, and in the meantime I will ask if the Senate will not direct that section 12, with the amendments so far agreed to, may be printed. We can consider it then to-morrow morning advisedly. This very important matter involves far more than the mere question of stopping the sale of liquor. It involves other things, and I think, Mr. President, we ought to allow the section to go over until to-morrow morning, in order that Senators may familiarize themselves with it as it now stands.

Mr. CHAMBERLAIN. Mr. President, quite a number of Senators have expressed a desire to see the amendment printed in its amended form, so that we may act intelligently upon the matter when the vote is taken; and, at the suggestion of the Senator from Missouri, if there is no objection to taking a recess, I move that the Senate take a recess until to-morrow morning at 11 o'clock.

Mr. STONE. I suggest that the Senator ask that the section be printed as amended.

Mr. CHAMBERLAIN. And in the meantime I ask that the section as amended be reprinted.

The VICE PRESIDENT. Without objection, the section as amended will be reprinted.

Mr. CUMMINS. Mr. President, will the Senator from Oregon withhold his motion just a moment?

Mr. CHAMBERLAIN. I withhold the motion.

Mr. CUMMINS. I ask unanimous consent to present an amendment to the bill, not relating to this section, for the purpose of having it printed and referred to the Committee on Agriculture and Forestry.

The VICE PRESIDENT. Without objection, the amendment will be received, printed, and referred to the Committee on Agriculture and Forestry.

Mr. KING. If the Senator from Oregon will withhold his motion for a moment further, I desire to submit an amendment, and ask that it be printed and lie on the table.

The VICE PRESIDENT. The amendment will be received, printed, and lie on the table.

RECESS.

Mr. CHAMBERLAIN. Mr. President, I renew my motion that the Senate take a recess until to-morrow at 11 o'clock.

The motion was agreed to; and (at 6 o'clock and 30 minutes p. m., Friday, July 6, 1917) the Senate took a recess until to-morrow, Saturday, July 7, 1917, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *July 6, 1917.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Take us, O God our Heavenly Father, into Thy confidence and make us susceptible to Thy will, that we may be faithful servants in the working out of Thy plans and purposes.

We can not always trace the way
Where Thou, Almighty One, dost move;
But we can always, always say
That God is love.

And that in the dispensation of Thy providence the dark shall be made light, truth though crushed to earth shall rise again, and every wrong shall be made right. For faith shall find its purpose, hope its answer, and love its full fruition. Man may retard or accelerate, but he can never thwart Thy purposes, for Thou art God.

Hear us and answer our prayer, in His Name. Amen.

The Journal of the proceedings of Tuesday, July 3, 1917, was read and approved.

LEAVE TO EXTEND REMARKS.

Mr. LONGWORTH. Mr. Speaker, I ask permission to extend my remarks in the RECORD by publishing two statements, one by Dr. Taylor, an aid of Mr. Hoover, on the relation between the manufacture of yeast and malted liquors, together with some comments of my own thereon.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. COOPER of Wisconsin. Mr. Speaker, reserving the right to object, I wish, in this connection, to direct the attention of the House to what was said here on Friday, June 29. I do this now because inadvertently, when I reserved the right to object on Tuesday last, I mentioned the wrong date, Saturday, June 30, in referring to what the gentleman from North Carolina [Mr. KITCHIN] had said. I should have referred to his language on Friday, June 29, and therefore before this request is granted I desire to remind gentlemen of the agreement made by the House on that day.

On page 4491 of the RECORD, right-hand column, after some preliminary remarks, the gentleman from North Carolina [Mr. KITCHIN] said:

We can have an understanding that nothing will be done during the week except to meet and adjourn for three days at a time until Monday week.

Mr. ADAMSON. If the gentleman will yield for one minute, I want to emphasize the importance of understanding absolutely that nothing will be done except what is stated, because if Members go away under a gentlemen's agreement and a handful come here and somebody gets up a little insignificant thing and asks unanimous consent it ought not to be allowed.

Mr. KITCHIN. I think every man will be committed in honor to stand by this understanding that nothing will be done next week except to meet and adjourn over.

Now, the understanding was clear that nothing of any sort was to be done here except to obey the constitutional mandate which prohibits an adjournment for longer than three days without the consent of the other House. That this was the understanding is shown by what the gentleman from Wisconsin [Mr. LENROOT] said during the same discussion, on page 4492, left-hand column, near the top:

Mr. LENROOT. The gentleman's agreement, as stated, would not permit even a request for unanimous consent. My only point was that should not apply to a request for unanimous consent, but that if this bill comes back the gentleman should have full opportunity to object.

The discussion went on, and the gentleman from North Carolina [Mr. KITCHIN] said:

My judgment is we will lose no time, but make time, by consenting to the unanimous-consent request that I have made.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. COOPER of Wisconsin. I yield to the gentleman from Texas.

Mr. GARNER. Does the gentleman believe that the asking of unanimous consent to extend remarks in the RECORD is embraced in that agreement? If I got the gist of that agreement, and, as I understood it on the floor at the time, there was to be no business transacted in the House that the Journal would record. The mere extension of remarks is not a matter that is embraced in the Journal. If a bill were called up here for action by unanimous consent, certainly it would be objected to, and ought to be under that agreement, but I can not see any particular objection to gentlemen extending remarks.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. GARNER. Yes.

Mr. COOPER of Wisconsin. The other day when I reserved the right to object, somebody else made the objection. Having heard what the gentleman from Wisconsin [Mr. LENROOT] said on Friday, June 29, by way of interpreting the agreement as proposed by the gentleman from North Carolina [Mr. KITCHIN], and remembering the general acquiescence of the Members of the House in that interpretation, I sought the other day to remind the House of this understanding that absolutely nothing should be done here during the present week except to meet and adjourn. We are awaiting action by the Senate on bills we have passed and sent to that body.

Mr. LONGWORTH. But if the gentleman will pardon me, I doubt the accuracy of his conclusion as to our gentleman's agreement. I do not think it ever prohibited the extension of remarks in the RECORD. But even if it did, that was violated about 10 times on Tuesday, and it was not until I made my request that the gentleman from Wisconsin and other gentlemen rose. It is very seldom that I ask to extend remarks in the RECORD. I only do it now because I hope that before final action on the food bill Members will read in the RECORD some data and information that I want to present. That is my only reason for asking consent at this time, because the food bill will probably come back to us from the Senate very shortly.

Mr. GARNER. Will the gentleman from Wisconsin permit this suggestion? There is a very vast difference, as he knows, between the RECORD and the Journal. Anything undertaken to be done by the House that would have to be recorded in the Journal would, I think, be a legitimate subject to object to under this gentlemen's agreement.

Mr. COOPER of Wisconsin. Mr. Speaker, before I reply to what the gentleman from Texas has said, I wish again to direct attention to the language on June 29 of the gentleman from Georgia [Mr. ADAMSON]:

If the gentleman will yield for one minute, I want to emphasize the importance of understanding absolutely that nothing will be done except what is stated, because if Members go away under a gentlemen's agreement and a handful come here and somebody gets up a little insignificant thing and asks unanimous consent it ought not to be allowed.

Mr. ADAMSON. Mr. Speaker, will the gentleman yield?

Mr. COOPER of Wisconsin. One moment. I am not going to object, but that was an express statement, not questioned by anybody, that under the agreement nothing would be done except to meet and adjourn for three days. Now, in reply to the question of the gentleman from Texas [Mr. GARNER] let me put a question to him. It is a supposititious case, but it might occur: Suppose that somebody had printed an article in a newspaper that the gentleman from Texas did not think told the truth about a subject important to him, and that some Member wishing to get it into the RECORD should ask leave to extend his remarks and, leave being granted, should print that article while the gentleman from Texas was absent. Might not that be a matter of serious consequence to the absent gentleman from Texas?

Mr. GARNER. I will say to the gentleman that I do not anticipate any such state of affairs.

Mr. COOPER of Wisconsin. It is not a question of whether the gentleman would anticipate any such state of affairs. I am directing attention to the agreement of June 29 which sought to make such a thing impossible.

The SPEAKER. Is there objection to the request of the gentleman from Ohio? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 1811) providing for counting of service in the Army or Navy of the United States as equivalent to residence and cultivation upon homestead entries, and in the event of the soldier's death in such service providing for the issuance of patent for such land to his widow or minor children, had requested a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHAFROTH, Mr. PITTMAN, and Mr. SMOOT as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following concurrent resolution:

Senate concurrent resolution 8.

Resolved by the Senate (the House of Representatives concurring). That there be printed in document form 50,000 copies of the bill (H. R. 4280) to provide revenue to defray war expenses, and for other purposes, and Senate Report No. 75 thereon, of which 25,000 shall be for the use of the House of Representatives, 20,000 for the use of the Senate, 2,500 for the use of the Committee on Ways and Means of the House of Representatives, and 2,500 for the use of the Committee on Finance of the Senate.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to the Committee on Interstate and Foreign Commerce:

S. 1854. An act to save daylight and to provide standard time for the United States.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that on June 30, 1917, they had presented to the President of the United States, for his approval, the following bill:

H. R. 3548. An act providing for the modification of the designs of the current quarter dollar.

ADJOURNMENT.

Mr. DIXON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 12 minutes p. m.) the House, under its previous order, adjourned until Monday, July 9, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Navy, recommending an authorization for the use of the appropriation of $30,000 for equipment for the commissary department, United States Naval Academy, contained in urgent deficiency appropriation act approved June 15, 1917, for pay of additional employees of that department (H. Doc. No. 248); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Little River, S. C. (H. Doc. No. 249); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of communication of the acting president of the Board of Commissioners of the District of Columbia, submitting supplemental estimates of appropriations required by the District of Columbia for the fiscal years 1917 and 1918 (H. Doc. No. 250); to the Committee on Appropriations and ordered to be printed.

4. A letter from the chairman of the Interstate Commerce Commission, transmitting report of tests of the Wooding train-control system (H. Doc. No. 251); to the Committee on Interstate and Foreign Commerce and ordered to be printed, with illustrations.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MANN: A bill (H. R. 5325) in relation to trading with the enemy; to the Committee on Interstate and Foreign Commerce.

By Mr. DENT: A bill (H. R. 5326) to authorize the President to increase temporarily the Signal Corps of the Army, and to purchase, manufacture, maintain, repair, and operate airships, and for other purposes; to the Committee on Military Affairs.

By Mr. KEHOE: Memorial of the State Legislature of the State of Florida, requesting that the reservation known as the Choctawhatchee Reservation in West Florida be withdrawn and the land therein be restored to homestead entry; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 5327) granting an increase of pension to Robert J. Clark; to the Committee on Pensions.

Also, a bill (H. R. 5328) granting a pension to Mary J. Allen; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 5329) granting an increase of pension to William H. Rock; to the Committee on Invalid Pensions.

By Mr. SHOUSE: A bill (H. R. 5330) granting an increase of pension to William Criswell; to the Committee on Invalid Pensions.

By Mr. SWEET: A bill (H. R. 5331) granting an extension of patent to Rosella Rebecca Reilly; to the Committee on Patents.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the City Council of Cedar Rapids, Iowa, praying that the President and Congress of the United States insist on the freedom and independence of Bohemia; to the Committee on Foreign Affairs.

Also (by request), petition of Tyler Place Senior Christian Endeavor Society, St. Louis, Mo., favoring war-time prohibition; to the Committee on the Judiciary.

Also (by request), petition of the National Woman's Party, meeting at Salt Lake City, Utah, protesting against imprisoning women pickets in the District of Columbia; to the Committee on the District of Columbia.

Also (by request), petition of the membership of the Congregational Church of Wasco, Cal., favoring national prohibition; to the Committee on the Judiciary.

Also (by request), petition of Kauai (Hawaii) Chamber of Commerce, pledging loyalty and support to the Government of the United States; to the Committee on Military Affairs.

By Mr. ALEXANDER: Petitions of Jesse Wright and 181 other citizens; W. S. Walker and 40 other citizens; Mrs. E. W. Prentiss and 50 other citizens; Rev. P. F. Meek and 73 other citizens; J. S. Vanzant and 28 other citizens; C. H. Edson and 15 other citizens; Miss Ethel Cunniff, noble grand, and 22 other ladies of the Rebekah Lodge; Mrs. M. D. Shamblin and 18 other ladies; Mrs. E. S. Miner and 56 other citizens; R. J. Tilley and 33 other citizens, all of Bethany, Harrison County; and Mrs. A. O. Stanley, Mrs. V. H. Sanders, and 70 other ladies of Sheridan, all in the State of Missouri, favoring the prohibition of the liquor business as a war measure; to the Committee on the Judiciary.

By Mr. BROWNING: Memorial of Haddon Grange, Patrons of Husbandry, No. 38, favoring the closing of distilleries and breweries in the United States as a war measure; to the Committee on Agriculture.

By Mr. COOPER of Wisconsin: Petition of the Evangelical Lutheran Congregation of Edgerton, Wis., asking that the law relating to the carrying in the mails of matter containing liquor advertisements be amended in certain respects; to the Committee on the Post Office and Post Roads.

Also, petition of Mrs. P. L. Munger and other residents of Janesville, Wis., urging enactment of House bill 5118, providing for osteopathic physicians in the Army and Navy; to the Committee on Military Affairs.

Also, petition of the congregation of the First Evangelical Luthern Church of Racine, Wis., and the members of the First Methodist Church, Clinton, Wis., urging the enactment of legislation prohibiting the use of foods in the manufacture of alcoholic liquors, etc.; to the Committee on Agriculture.

By Mr. DALE of New York: Petition of the Evangelical Lutheran Congregation of Brooklyn, N. Y., urging that the act of Congress approved March 3, 1917, House bill No. 19410, be amended to allow the mails to carry such mailing matter as is unconditionally necessary to enable churches, one and all, to secure the wine needed for sacramental purposes; to the Committee on the Post Office and Post Roads.

By Mr. DRUKKER: Petition of residents of Paterson, N. J., favoring woman suffrage; to the Committee on the Judiciary.

By Mr. EAGAN: Petition of P. F. Volland Co., Chicago, Ill., urging that the Federal law against the misuse of the flag be amended so that it shall not apply to sheet music; to the Committee on the Judiciary.

Also, petition of National Association of Owners of Railroad Securities, in re the general rate increase requested by the carriers of the country; to the Committee on Interstate and Foreign Commerce.

Also, petition of Federal Council of the Churches of Christ in America, urging that incomes and profits should be taxed to the furthest possible point without checking production and the exemption of the incomes dedicated to the maintenance of religious and social agencies; to the Committee on Ways and Means.

Also, petition of the Publishers' Association of New York City, indorsing the protest of American Newspaper Publishers' Association against the levying of a special discriminating war tax on the newspaper business; to the Committee on Ways and Means.

Also, petition of State Council of the Amalgamated Sheet Metal Workers' International Alliance of the State of New Jersey, protesting against the high cost of living and urging that a remedy be found therefor; to the Committee on Agriculture.

By Mr. HASTINGS: Petition of Maywood Presbyterian Church, Oklahoma City, Okla., protesting against use of food supplies in the manufacture of beer, wine, or distilled liquors; to the Committee on Agriculture.

Also, petition of the Methodist Church South, Atoka, Okla., protesting against the use of any foodstuffs in the manufacture of beer, wine, or distilled liquors; to the Committee on Agriculture.

By Mr. JOHNSON of Washington: Petition of members of the Woman's Christian Temperance Union and voters of the seventh ward, Tacoma, Wash., favoring the prohibition of the manufacture and sale of intoxicating liquors; to the Committee on the Judiciary.

By Mr. LONERGAN: Resolution signed by 21 Swedish-American citizens of Hartford, Conn., in favor of prohibition during the war; to the Committee on the Judiciary.

By Mr. LUNN: Petition of W. A. Campbell and citizens of Hagaman, N. Y., asking for an amendment to the Constitution that will suitably express national acknowledgment of Almighty God, as the source of all authority in civil government, etc., and the placing of all Christian laws, institutions, and usages of the Government on an undeniable legal basis in the fundamental law of the land; to the Committee on the Judiciary.

Also, petition of Mrs. John H. Giles, of Amsterdam, N. Y., asking for full national prohibition during the period of the war; to the Committee on the Judiciary.

Also, petition of G. Cozzi, C. Buonocore, N. Fabrioni, Simon Straus, and sundry citizens of New York City, asking that enactment of national prohibition be defeated; to the Committee on the Judiciary.

Also, petition of D. C. Brownell and citizens of the towns of Perth and Mayfield, asking for national prohibition for the period of the war as a measure to conserve the food supply of the Nation; to the Committee on Agriculture.

Also, petition of J. C. E. Van Etta, of Schenectady, N. Y., asking that Congress take such measures as may be necessary to eliminate all sources of profit in the production, transportation, and distribution of the food supply of our country, to the end that every man, woman, and child shall be supplied with sufficient good and wholesome food to keep them in perfect physical condition; to the Committee on Agriculture.

Also, petition of Mrs. Francis A. De Graff and 800 members of the Woman's Christian Temperance Union of Montgomery County, N. Y., asking for prohibition during period of the war and asking that religious papers be exempted from taxation; to the Committee on the Judiciary.

By Mr. McCLINTIC: Petition of Raywood Presbyterian Church, Oklahoma City, Okla., signed by E. B. Surface, pastor, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. McFADDEN: Petitions signed by 99 residents of Montrose, Pa., urging Congress to enact legislation prohibiting the manufacture of alcoholic beverages from foodstuffs, to conserve the world's food supply, and to prohibit the sale of such beverages during the period of the present world war to preserve the physical and moral strength of the Nation; to the Committee on the Judiciary.

By Mr. RANDALL: Petitions of Woman's Missionary Society, Duarte; Woman's Missionary Society, San Diego; Methodist Episcopal Church South of California; Woman's Missionary Council of the Methodist Episcopal Church of Downey, all in the State of California, praying for prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of 180 citizens of Pasadena, Cal., for national prohibition; to the Committee on the Judiciary.

Also, memorial of Boy Scouts' Association of Los Angeles County, representing 2,600 Boy Scouts of the ninth and tenth congressional districts, with more registered voters than were cast for President in any one of 18 separate States, that while Boy Scouts enthusiastically plant, produce, and save, they call upon Congress to prevent monstrous waste of food grains in the breweries and distilleries; to the Committee on the Judiciary.

Also, petition of the Philotos Club, of Los Angeles, for prohibition of the manufacture and sale of intoxicating liquors during the war; to the Committee on the Judiciary.

Also, petition of 31 citizens of Glendale and Tropico, Cal., favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of 464 citizens of Schenectady, 368 citizens of Albany, 112 citizens of Amsterdam, and 485 citizens of Watertown, all in the State of New York, urging Congress to enact national prohibition of the manufacture and sale of intoxicating liquors for the period of the war; to the Committee on the Judiciary.

By Mr. RAINEY: Petition of the Home Missionary Society, of Waverly; F. H. Payne and 39 other citizens of Maredosia; the Methodist Church of San Jose; Mrs. Clara Sperry and 30 other citizens of Jacksonville; Methodist Church of Rockport; and First Baptist Church, of Jerseyville, all in the State of Illinois, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of First Congregational Church, of Jacksonville, Ill., favoring food conservation; to the Committee on Agriculture.

By Mr. SNELL: Petition of citizens of Plattsburg, N. Y., favoring full national prohibition of the manufacture, sale, and transportation of intoxicating beverages for the period of the war in conservation of the man power, military and industrial efficiency, and the food supply of the Nation, and that all liquors now in bonded warehouses and elsewhere shall be commandeered by the Government and redistilled for undrinkable alcohol, to be purchased by the Government for war purposes, and that we oppose an increase in the tax on intoxicating liquors as a means of raising a revenue to prosecute the war; to the Committee on the Judiciary.

Also, petition of the Brotherhood of the Keeseville Methodist Episcopal Church, Keeseville, N. Y., favoring prohibition of the manufacture and sale of every form of intoxicating beverage liquor for the duration of the war; to the Committee on the Judiciary.

By Mr. SNYDER: Memorial of the Mowhawk Valley Branch of Collegiate Alumnæ for the moral protection of the Army; to the Committee on Military Affairs.

Also, memorial of the Federated Men's Bible Class of the Mohawk Valley, N. Y., pledging loyalty to the Government and administration in the present situation of the country; to the Committee on Military Affairs.

By Mr. STEENERSON: Petition of mass meeting on the Fourth of July of producers of grains and other food products, for the passage of laws prohibiting the manufacture and sale of intoxicating liquors, to conserve the food and man power of the country and help win the war; to the Committee on Agriculture.

Also, petition of the Minnesota Woman Suffrage Association, protesting against picketing and other unpatriotic demonstrations in Washington by persons purporting to represent the women of America; to the Committee on the District of Columbia.

By Mr. TEMPLETON: Petition of the Trinity Lutheran Congregation of Hazleton, Pa., against the manufacture of intoxicating liquors from grains; to the Committee on Agriculture.

By Mr. TIMBERLAKE: Petition of J. R. Haynes and 36 other citizens of the State of Colorado, urging prohibition as a war measure; to the Committee on the Judiciary.

By Mr. WARD: Petition for the passage of a bill to prohibit the use of foodstuffs during the war for the manufacture of intoxicating beverages, signed by John Dingman, presiding officer, at a meeting of the Evangelical Lutheran Church, Sharon Springs, N. Y.; to the Committee on the Judiciary.

Also, petition of citizens of Kingston, East Kingston, Saugerties, and vicinity, Ulster County, N. Y., protesting against prohibition legislation; to the Committee on the Judiciary.

By Mr. WOOD of Indiana: Petition of citizens of Reynolds, Ind., opposing prohibition of the liquor business, and especially as to wine destined for sacramental purposes; to the Committee on the Judiciary.

SENATE.

SATURDAY, *July 7, 1917.*

(Legislative day of Thursday, June 28, 1917.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

CONSERVATION OF FOOD AND FUEL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Myers	Smith, S. C.
Bankhead	Hollis	Nelson	Smoot
Beckham	Husting	New	Sterling
Borah	James	Norris	Stone
Brady	Johnson, Cal.	Overman	Sutherland
Brandegee	Johnson, S. Dak.	Penrose	Swanson
Broussard	Jones, N. Mex.	Pittman	Thompson
Chamberlain	Jones, Wash.	Poindexter	Tillman
Colt	Kellogg	Pomerene	Townsend
Culberson	Kenyon	Reed	Trammell
Cummins	King	Robinson	Underwood
Curtis	Knox	Shafroth	Vardaman
Dillingham	Lewis	Sheppard	Wadsworth
Fernald	Lodge	Sherman	Walsh
Fletcher	McCumber	Simmons	Warren
Frelinghuysen	McKellar	Smith, Ariz.	Watson
Gerry	McLean	Smith, Ga.	Williams
Gronna	McNary	Smith, Md.	
Hale	Martin	Smith, Mich.	

Mr. SHAFROTH. I desire to announce the unavoidable absence of my colleague [Mr. THOMAS] on account of sickness.

Mr. SUTHERLAND. I wish to announce the absence of my colleague, the senior Senator from West Virginia [Mr. GOFF], on account of illness. He has a general pair with the senior Senator from South Carolina [Mr. TILLMAN]. I will let this announcement stand for the day.

Mr. ROBINSON. I desire to announce that the senior Senator from Delaware [Mr. SAULSBURY] is detained on important public business.

The VICE PRESIDENT. Seventy-four Senators have answered to the roll call. There is a quorum present.

Mr. CHAMBERLAIN. Mr. President, in view of the fact that the discussion of this subject has been prolonged, I shall have to object to the introduction of any resolutions or any other business than the regular order. I hope that we may proceed now with the regular order.

The VICE PRESIDENT. The question is on the amendment of the Senator from Missouri [Mr. REED] to the amendment of the Senator from Arkansas [Mr. ROBINSON] as amended.

Mr. REED. Mr. President, I desire to perfect that amendment by adding, after the words "withdrawal of" and before the word "liquors," the word "distilled," and, after the word "liquors," to add "or spirits." That simply makes the language of the amendment comply with the language of the amendment offered by the Senator from Iowa [Mr. CUMMINS]. It makes the language of the exception comply with the language of the section to which the exceptions apply. So the amendment would read as follows:

Provided, however, That the President is hereby empowered to permit the withdrawal of distilled liquors or spirits in bond if, in his opinion, such withdrawal is in the public interest.

Mr. BORAH. I ask to have the amendment of the Senator from Iowa [Mr. CUMMINS] read as it will read with the amendment of the Senator from Missouri attached.

The VICE PRESIDENT. The Secretary will read it.

Mr. UNDERWOOD. I ask leave to introduce, out of order, a bill.

Mr. CHAMBERLAIN. I suggest——

The VICE PRESIDENT. The Chair is compelled to enforce the rule. The Chair wishes the rule would be repealed, because it is very embarrassing to the Chair, but there is a rule that when a Senator has the floor he can not be interrupted for the purpose of introducing bills, resolutions, or anything else except a conference report. The amendment of the Senator from Iowa will be read.

The SECRETARY. The amendment of the Senator from Iowa as already agreed to in Committee of the Whole reads:

No distilled liquors or spirits now in bond in the United States shall, during the existing war, be withdrawn to be used as a beverage, nor shall there be imported into the United States during said war any distilled liquors.

The amendment proposed by the Senator from Missouri is after the word "liquors," at the end of the amendment, to insert:

Provided, however, That the President is hereby empowered to permit the withdrawal of distilled liquors or spirits in bond if, in his opinion, such withdrawal is in the public interest.

Mr. BORAH. In view of the provision of section 13, I think it is, with reference to commandeering these liquors, may I ask the Senator from Missouri what is hoped to be obtained by this amendment? Why is it necessary? The President can commandeer under section 13 any liquors which may be necessary for the public use.

Mr. REED. Mr. President, I have already spoken on the question, and I shall have to answer in the Senator's time.

Mr. BORAH. Yes; I expected the Senator to do so.

Mr. REED. The amendment of the Senator from Iowa absolutely ties up all liquors that are in bond. It was stated on yesterday that that would result probably in wrecking some banking and financial institutions that loaned large sums of money upon liquor so bonded, and that it would be a very violent measure.

With that in view I offered the amendment so that if the President found it in the public interest to vest in him the discretion to allow the withdrawal of such liquors. That applies to the amendment of the Senator from Iowa. The other proposition in regard to commandeering I understand to be different entirely. That is a provision enabling the President to take the liquor over for the use of the Government, whereas this gives the President the power to release the liquors which are in bond.

I have no special interest in this matter. It seemed to me from what was said yesterday that it may be the remedy proposed by the Senator from Iowa is too violent and might do some harm in the country, and I offered this to vest it in the President to determine the question of merit with reference to the injury or noninjury of the public.

Mr. CUMMINS. Mr. President, the bill already provides that the President can commandeer these liquors for public purposes. He needs no further authority with regard to that phase of the matter. If the amendment offered by the Senator from Missouri has any application at all, or could have any application, it would be that the President would regard it for the public interest to withdraw these liquors to be used as a beverage, for the amendment which I proposed and which has been adopted is limited to a prohibition against the withdrawal of the liquors as a beverage or to be used as a beverage. I can hardly conceive that the President of the United States would like to be put in the position of withdrawing liquors from bond in order that the people of this country might have an opportunity to drink. I think you are doing the President no good and conferring upon him a power that he would not want to exercise. I would protect him against that power.

Mr. JAMES. Mr. President, will the Senator from Iowa yield for a question? Under the provision of your amendment it is provided that whisky shall not be withdrawn from bond. The longest term the whisky can remain in bond is eight years. It must be tax paid at the end of seven years. Now, there are millions of gallons of whisky in bond. The term of eight years is probably expiring every week as to several million gallons.

The question I ask the Senator is this: Under your amendment you require people to pay millions of dollars as taxes on whisky which you refuse to allow to be taken out of bond, or which you require shall be kept in the Government bonded warehouse with the constant outage or seepage or loss and wasting of whisky.

Mr. CUMMINS. The Senator recognizes that he has taken up practically the whole of my time. I answer the question put by the Senator immediately, that if this bill becomes a law in the present form it will modify the particular statute to which the Senator from Kentucky has referred.

One word with regard to the general exigency of the measure to which there was grave objection made yesterday. Suppose, Mr. President, that the supply of gasoline should become short, do you think it would be any great injustice to the people of this country if Congress were to say that during a certain period those who own automobiles should not use them? Would that be confiscating the automobile because we thought that the fuel should not be used in that way?

All these gentlemen agree that we may close the distilleries, that we may suspend the use of the distilleries, during the period of the war. Is it more confiscatory to say that the liquor shall not be used during the period of the war than it is to say that the distillery itself shall not be used for the production of liquor during the war?

It seems to me a moment's reflection will show that the suggestion that there is any confiscation, any real injustice, in enforcing the policy my amendment provides for disappears at once.

Mr. JAMES. Mr. President, the Senator from Iowa is mistaken in his statement that his amendment changes existing law in regard to tax-paying whisky. That is not true. The Senator's amendment does this: It provides that the distiller shall not take the whisky out of bond during the period of the war, but there is no provision anywhere in the amendment which requires that he shall not tax pay the whisky which he has already given a bond to do, with approved security, which the Government itself holds and can enforce.

When the distiller makes his whisky and places it in bond the Government holds the key. It is a Government warehouse, and it is under the supervision and control of the Government. The distiller can not go into the warehouse without the consent, and under the eye of a Government official, and then only for the purpose of repairing his barrels to prevent his whisky from leakage. The Government requires the distiller to give a bond that at the end of the period for which the whisky is bonded he will pay the tax of $1.10 per gallon, which is the existing law, or $2.20 per gallon which is provided under the new revenue bill. The amendment offered by the Senator from Iowa [Mr. CUMMINS] provides that the distiller must tax pay the whisky, notwithstanding the Government will not allow him to take it out of the warehouse or remove it, or use it in any way. The banks throughout the country, hundreds of citizens, and bonding companies are upon these obligations given by the distiller to the Government to tax pay this whisky.

If the Cummins amendment is adopted, the distiller and the bonding company and the citizen who constitute the distiller's surety to the Government will find themselves in this situation: They must tax pay the whisky, pay the interest upon the money, the outage or loss of whisky shall continue, the cost of keep-

ing men there to prevent the leakages of the barrels in the warehouse shall be continued, and they shall be denied absolutely the right to remove it. I do not believe that is fair. The good Christian people of this country are not in favor of such unjust treatment as that. It is even worse than confiscation. If you are going to say to these people that they shall not remove the whisky from the distillery, where they entered it under a solemn contract with the Government that upon the tax payment provided under the law—$1.10 per gallon—they could remove it from bond, I say it is manifestly unjust to deny them the right to remove it and then require of them the tax payment of it, taking from them not only their product, placing upon them the burden of the cost of its distillation, the outlay and probable loss of the money, but, in addition, saying to them: "You must tax pay this whisky at not less than $1.10 per gallon"—and probably $2.20 per gallon—"which the Government will not allow you to use or withdraw from the warehouse."

The Finance Committee, of which I am a member, unanimously reported from that committee the bill which is now on the calendar which prohibits the distillation of whisky during the war. This was done to conserve the grain for food purposes. I supported that measure. The distilleries are required to remain idle. There is no provision of remuneration to them. Now, to say that the whisky which they have on hand they shall not use, but shall, in addition to this denial, tax pay it, is so manifestly unfair that I believe the Senator from Iowa [Mr. CUMMINS] himself can see that such an injustice as that ought not to be perpetrated.

There are many innocent holders, Mr. President, who must be considered in this matter. The distillers are not the only ones who will suffer. Various banks throughout the country will be greatly injured, if not wrecked. Warehouse receipts for bonding whisky have been good security in the localities where whisky is distilled for a quarter of a century. The Government issues these storage receipts, and the banks and citizens of the State loan money upon them and hold the receipt as security. How unjust it would be to say to these banks: "Your security is destroyed. It is true that when you took it it was as good as a mortgage upon a blue-grass farm, but now the Government steps in and says that not only shall you not remove this property for which you hold a receipt, which is the very title to it, but you shall do the further thing, that will impose the additional injury upon you of requiring you to tax pay this whisky, which they will not allow you to get, to the extent of $1.10 per gallon, or probably $2.20 per gallon." Mr. President, the outage of whisky, which means the seepage, evaporation, and so forth, from the barrel for a term of eight years amounts to 25 per cent. Under the provisions of the Cummins amendment you could keep this whisky in bond until it all had evaporated, until the outage had consumed the whisky, and the distiller not only would lose his whisky, but the tax which the Government required him to pay. This, Mr. President, is not fair play. No great moral cause can be so immoral. Justice demands that tax payments upon whisky should be suspended during the period which you deny the distiller and the banker the right to remove the whisky from bond. I can not conceive anyone who will consider this question coolly and deliberately denying the justice of this contention.

Mr. PENROSE. Mr. President, the Senator from Iowa [Mr. CUMMINS] is an able lawyer, and I can not furnish any explanation to myself as to his advocacy of his amendment, unless it be that he is not familiar with the situation of whisky in bond. After the adjournment last evening, I took occasion to compile some figures in this connection and some data as to the facts, and I appeal to him as a lawyer, and shall ask him later on, what answer he may have to some of the conditions which I intend very briefly to present.

Distilled spirits in bond on June 30, 1916, the end of the fiscal year, 1916, amounted to 232,402,873.3 tax gallons, or an actual amount of about 208,000,000 gallons, subtracting leakage and evaporation, present in the internal-revenue bonded warehouses.

The total for the fiscal year 1917, ended on June 30 last, will not be available until the computations are made; but it is estimated that distilled spirits placed in bond during the year just closed have at least equaled in amount the withdrawals in the same period, and that therefore the present bonded stock of distilled spirits represent not less than 208,000,000 actual gallons.

These bonded stocks, Mr. President, of distilled spirits are owned either by the distillers themselves or by dealers to whom the distillers have sold the goods by transfer of warehouse receipts therefor.

I want to refer to the money which has been loaned by the banks. Under the internal-revenue laws distilled spirits may be held in bond for not more than eight years. Warehouse receipts issued by the distillers for their serially numbered barrels of distilled spirits in the warehouses have long been recognized as prime collateral for bank loans all over the United States, whether the bank be located in a "dry" State where prohibition exists or in a "wet" State.

A careful estimate made by prominent distillers and bankers is that not less than $80,000,000, and perhaps considerably over $100,000,000, of bank loans are now outstanding upon the collateral of these internal-revenue bonded warehouse receipts. These are legitimate business transactions, involving an enormous amount of money in the hands of innocent holders, the loans having been made during a very long period of years, when these receipts were considered the best collateral that a bank could have.

What does the Supreme Court of the United States, Mr. President, say of this transaction? The Supreme Court of the United States, in the case of Taney *v.* The First National Bank of Reading, Pa. (232 U. S., 174), considered the validity and use of internal-revenue bonded warehouse receipts as bank collateral. The court upheld the propriety in law of their use as bank collateral when issued direct by the distiller. Mr. Justice Hughes stated that the special circumstances of the Government control of the warehouse enabled the distiller himself to issue his own warehouse receipts.

And what further does Justice Hughes say, Mr. President, about the propriety and the character of this financial transaction? He says:

> But we know of no ground for thus condemning honest transactions which grow out of the recognized necessities of a lawful business. The case is not one where credit may be assumed to be given upon the face of the ostensible ownership of goods in the debtor's possession. Everyone dealing with distillers is familiar with the established practice in accordance with which spirits are held in store under governmental control and are transferred by the delivery of such documents as we have here. * * * The usage serves a fair purpose, and there is no public policy which requires that the trade should be thrown into disorder by a refusal to uphold it.

The VICE PRESIDENT. The Senator's time has expired.

Mr. HARDING. Mr. President, there are 48 Members of this body who represent 24 prohibition States. It is not surprising, therefore, that the great majority of that 48 should be favorable to "bone-dry" prohibition legislation, nor is it surprising that there should be prohibition advocates from States which are not yet committed to that policy. Those who are familiar with the progress of prohibition legislation are aware, however, that no State in the Union, so far as I am aware, has attempted to abolish the business without assuming the fair attitude of attempting to allow a perfectly lawful business to adjust itself in advance of the effectiveness of the prohibition decree, and yet no one of the prohibition forces has been fair enough to propose an advance adjustment of conditions looking to the effectiveness of this war prohibition. It seems to me we are a little inconsiderate of a business which has been recognized and which in part has been a partnership concern with the Federal Government.

Let me read a telegram I have received this morning from Cincinnati:

> Associated Press dispatches announce the passage of the Cummins amendment prohibiting further use of distilled liquors for beverage during war—

That is at least the effect of the Cummins amendment, though that is not its language—

> Bonding companies are on distillers' bonds for over $250,000,000. This is more than their combined capital. The adoption of the Cummins amendment would bring about financial chaos. We estimate banks of the country carry over $50,000,000 whisky certificates as collateral; also unsecured loans to liquor dealers of over $75,000,000. The adoption of the Cummins amendment would bring about insolvencies carrying liabilities of over $750,000,000.

It seems to me, Mr. President, if that is a fair representation of the financial situation involved in this legislation, that Congress, eager to have the business of the country go on, eager to maintain and stabilize conditions, would at least hesitate before adopting so drastic a proposition as that which the Senate, momentarily at least, adopted at the suggestion of the Senator from Iowa.

I am not favorable, Mr. President, to the Senate adopting the so-called Reed amendment. In part it accomplishes a bestowal of fairness, but I think the Senate ought to hesitate to reach such a desired end by this method of indirection. The Senate ought, in reasonable fairness, to come right out and declare its policy. If we are going to insist on the maintenance of liquors in bond, let us say so frankly and distinctly; but if we are going to allow the owners of this property to come to a realization of their just possessions let us do that by direct legislation, instead of going and whipping the devil about the stump as this amendment necessarily does.

Mr. BORAH. Mr. President, may I ask the Senator a question?

Mr. HARDING. Certainly.

Mr. BORAH. Would the Senator be willing to support this measure in case an amendment were proposed postponing its actual operation, say, for six months?

Mr. HARDING. I should infinitely prefer it to the present arrangement.

Mr. BORAH. Well, but would it be satisfactory to those who oppose it?

Mr. HARDING. Mr. President, I will answer the Senator's question with explicitness when I have five minutes more time to go into details. I do not propose to answer it by a mere "yes" or "no," but I will be very glad to answer the question later on.

The VICE PRESIDENT. The time of the Senator from Ohio has expired.

Mr. ROBINSON. Mr. President, in presenting the amendment which has been designated in the press as the administration compromise I was inspired solely by the purpose of promoting a speedy conclusion of this controversy. I am satisfied that the Senate did not understand the full effect of the amendment to my amendment offered by the Senator from Iowa. I am also convinced that the Senate does not desire to do any injustice to anyone.

The statement which has just been made on the floor by the Senator from Kentucky [Mr. JAMES] as to the effect of the amendment by the Senator from Iowa discloses that, while it will deny to the owners of distilled spirits the use of their product, it will still require them to pay the Government tax. I do not believe there is a man in this Chamber, or anywhere else for that matter, who would regard legislation of that character as fair, reasonable, or just.

Mr. President, it will undoubtedly produce a reaction against the very laudable movement in behalf of national prohibition, which I favor. It is not fair to undertake, Senators, the settlement of a question of so far-reaching importance as the question of national prohibition upon this bill. It is not fair to undertake to determine it exclusively as an alleged conservation of food measure.

We all understand the constitutional limitations on the power of Congress to enact statutory national prohibition; we all know that we have the power to pass a joint resolution proposing a constitutional amendment in an orderly way and submit it to the States. When ratified this will authorize Congress to enact national prohibition; but now, in a great national crisis, when more than ever in the history of this country we need and require the solid support of our people, we are proposing here to pass a measure which practically confiscates hundreds of millions of dollars' worth of property and at the same time imposes a tax burden upon that property. I want to say that while the representatives of the prohibition movement, commonly known as legislative representatives of the Anti-Saloon League, have been criticized on the floor of the Senate for agreeing to eliminate wine and beer from this bill and thus enable the Senate to reach a speedy conclusion concerning the subject—while they have been criticized for that action, I think they were prompted by patriotic purposes and motives and deserve commendation. The Cummins amendment, if retained in the bill, will occasion indefinite delay in the passage of the food-control bill.

I think the Senate ought to pass this food bill, and pass it speedily. We ought not to retain the amendment of the Senator from Iowa in this bill, because it will work an injustice which will occasion a reaction against this Government. It can not do good to impose a tax upon these people while we are confiscating their property. Let us be fair and just; let us determine this national prohibition question like men. I will vote for it whenever the opportunity arises; but I do not believe any fair-minded person would want me to stultify myself by confiscating hundreds of millions of dollars' worth of property and at the same time imposing a burden of taxation upon it. I think the Cummins amendment ought to be reconsidered.

Mr. LODGE. Mr. President, I was very much struck with the figures given by the Senator from Ohio [Mr. HARDING], and I should like to know, as the Senator from Pennsylvania [Mr. PENROSE] was speaking of that matter when he was cut off, if he has any other figures relating to that subject, for I think it is a very important consideration, affecting, as it does, general business. If the Senator will answer me, I will yield to him in my time.

Mr. PENROSE. Mr. President, if I may be permitted in the time of the Senator from Massachusetts, I will be very glad to furnish him with those figures, for I think they are really striking; but, first, I want to refer to warehouse receipts which are hypothecated with banks throughout New England, New York, Pennsylvania, Maryland, Ohio, Indiana, Illinois, Kentucky, Wisconsin, Missouri, Minnesota, Louisiana, California, and other States as collateral for loans to distillers and owners of distilled spirits in bond, reaching in the aggregate, in the opinion of experienced persons, nearly $100,000,000. These loans have been made upon the faith of the distilled spirits in bond, the loans to be paid upon resale in bond or upon withdrawal from bond in due course.

Mr. BORAH. Mr. President, may I ask what is the question which the Senator from Pennsylvania is answering the Senator from Massachusetts?

Mr. LODGE. I asked the Senator from Pennsylvania if he could give me the figures as to the amount involved under the liability of the bonding companies.

Mr. PENROSE. If the Senator from Idaho will not take up my time, I will endeavor to answer now.

Mr. BORAH. We have at least discovered a method by which an address may be made upon this bill.

Mr. PENROSE. I hope this interruption will not be counted against my time, Mr. President, or the time of the Senator from Massachusetts. I am giving the Senate real facts, not the usual speech of the demagogue or the fanatic, and I want these facts to sink into the minds of Senators, and expect some of them to be called upon by me to answer them.

Now as to bonding companies, concerning which the Senator from Massachusetts makes inquiry: Every gallon of distilled spirits in bond is covered by a warehousing bond guaranteeing the payment of the tax thereon within eight years from the date of warehousing. Millions of gallons of distilled spirits must be withdrawn within the next six months, as the Senator from Kentucky has stated—spirits of a character which can not be used except for beverage purposes, and consequently can not be withdrawn by their owners for other than beverage purposes. When the distiller fails the bank has a bad loan, and the bonding company has to make good the tax. The Government, under existing laws, will force these spirits out of bond, and call upon the bonding companies for the payment of the tax. The total liability of the bonding companies exceeds their combined assets and capital, Mr. President; and with the ruin and disaster brought upon the entire distilling and owning trade in distilled spirits, the bonding companies will be compelled to stand back of the tax liability upon all goods now in bond, and I am assured that there will be more than one bank in the New England States and in Pennsylvania and New York and Maryland and more than one bonding company which will fail should the so-called Cummins amendment be retained in the bill.

Mr. President, in closing my answer to the inquiry of the Senator from Massachusetts—for I do not want to take up too much of his time—I will only refer to the revenues which the Government derives from this source, and which the Finance Committee in its scheme of taxation has constituted an important part of its fiscal program. These facts are generally admitted and well understood and have been frequently referred to.

I hope I have answered the Senator's question.

Mr. LODGE. The Senator has.

The VICE PRESIDENT. The time of the Senator from Massachusetts has expired.

Mr. JONES of Washington. Mr. President, it occurs to me that it is a very easy matter for us to take care of the tax proposition by providing that this tax shall not be required to be paid until these liquors are taken out of bond. That is not beyond the constitutional power of Congress, I think, and I am satisfied that nobody will object to an amendment of that sort.

Mr. JAMES. Mr. President, will the Senator yield for a question?

Mr. JONES of Washington. If the Senator will not take as much time as the Senator from Pennsylvania did in answering the Senator from Massachusetts, I will.

Mr. JAMES. No; I will not. I will be very brief. The Senator knows that the Government allows outage to the distillers.

Mr. JONES of Washington. I really do not know very much about those things. I am very glad to get that information from the Senator.

Mr. JAMES. The Government allows outage, and allows up to 13½ gallons for seven years. Now, suppose you keep the distiller's whisky in there for three years longer, or two years longer. Are you going to allow him any additional outage?

Mr. JONES of Washington. I think probably we could take care of that; but——

Mr. JAMES. The trouble is that it has not been done.

Mr. JONES of Washington. As I understand, we do not compel the distiller to keep this liquor in bond for any length of time, but we say he must take it out within a certain time.

Mr. JAMES. Oh, yes; you do. He can not take it out of bond for bottling purposes until it has been in bond four years.

Mr. JONES of Washington. It must be in bond four years before it can be taken out?

Mr. JAMES. Oh, yes; absolutely.

Mr. JONES of Washington. But I understand that there is a great deal that has been in bond more than four years now. Does anyone doubt, Mr. President, but that that will all come out, with this provision adopted, before this bill passes? That is the only thing I fear in regard to the Cummins amendment—that it will bring out so much of this liquor that the country will be flooded by what so many of our Senators fear; that they will bring it right out of these bonded warehouses and have it all ready for beverage purposes.

Mr. PENROSE. Mr. President, may I correct the Senator on that point?

Mr. JONES of Washington. Yes.

Mr. PENROSE. That is a physical and a financial impossibility, Mr. President. It would be beyond the financing power of the banks and of the distillers to take this stuff out of bond prior to the passage of this law.

Mr. JONES of Washington. Well, Mr. President, they would take out enough to supply the beverage demands of the country for a year or two. I am satisfied of that.

Mr. PENROSE. The Senator may be.

Mr. JONES of Washington. I am glad to know that there is one thing, anyhow, that is beyond the power of this interest, that is impossible at its hands.

Mr. President, I am very much in accord with the suggestions made by the Senator from Arkansas. I should like to see the constitutional amendment presented and submitted and passed by the Senate, as I think it would be, and get rid of much of this, and I hope it will be called up and voted upon before this session ends and let the people have a chance to speak; but I am not urging these matters, so far as that is concerned, upon the grounds of prohibition. Senators on the other side suggest and declare that those who are urging this are doing it in order to get prohibition. That is not it, Mr. President. I am just as patriotic as the Senators who are opposing this proposition. I may be mistaken, but I believe that there is nothing that we can do better to strengthen the arm of this country to win the contest that it is in now than to suspend during the pendency of the war this influence that has done more to weaken the arms of England and France than any other one influence, and that will do more to weaken and destroy our power than any other one influence. If I did not think that, if I did not believe it with all my heart and soul, I would not be urging this proposition here.

Senators talk about wanting a unanimous sentiment in this country. Why, Mr. President, for this Congress to deny what millions and millions of the very best people of this country are praying for and desiring with all their heart and soul, in order that we may win this war, will do more to weaken and dampen the spirit and the patriotism of our people than any other action that we can take. I may be mistaken in that, but that is my judgment. That is the main reason why I am anxious to see this done.

Why, they said when the conscription act was urged that that would cause riots all over the country; yet we did not hesitate to pass it, and say that we will take the first born of every home in this land if it is necessary to save this Nation of ours. The people were patriotic. They did not respond with riots and insurrection and rebellion. But, Mr. President, after doing that, shall we say to the financial interests of this country and the interests that are represented in these industries: "You can go on with your business; we will let this waste continue," in the face of the appeals for conservation, in the face of the appeals to the women of the land to take care of every crumb?

Mr. President, that is why I want it done. I may be mistaken, but I am not unpatriotic.

The VICE PRESIDENT. The time of the Senator from Washington has expired.

Mr. WILLIAMS. Mr. President, it is the common lot of humanity for men to run to extremes. No matter what a man is advocating or what he is opposing, when he begins to make a fetish or a fad of it he allows it to disturb his vision to such an extent that he takes no note of actual facts. I do not apply that to either side of this controversy alone, but to both sides. It is true not only of this controversy but of all other controversies when men get worked up; somebody will contend that there is a millenium in the thing, and somebody will contend that there is a hell in it, and they are both perhaps equally sincere and both nearly equally wrong.

I was struck with a realization of this fact a moment ago when the Senator from Washington was speaking, by his assertion that inefficiency in the French and British Armies was owing to the consumption of alcoholic drinks of various sorts. Now, according to the British Medical Journal "2½ ounces of rum are issued to each man in the British Army twice a week. For men in the trenches, this allowance is increased to 3 ounces twice a week under ordinary weather conditions, and to 2½ ounces daily in very bad weather, making a minimum of 5 ounces a week and a maximum of 17½ ounces." Keep that in your minds.

The French soldier receives daily 50 grams of rum, containing 20 grams of alcohol, and a half liter of wine.

The German soldier is allowed 1,793 grams of beer and 20 grams of brandy a day. The beer, which is of the ordinary lager variety—that is, very low alcohol beer—has an alcohol content of only about 3½ per cent; but this quantity plus the brandy would amount to a total of 70.7 grams of actual alcohol a day in the Germany Army, as against 17½ in the English Army.

Now, the Senator, in letting his fetish run away with him, is trying to account for the fact that the English and French have not whipped Germany to a standstill up to date by the fact that they are taking too much alcohol, totally oblivious for the time being of the fact that the Germans are taking a very great deal more.

"The Austrian soldiers receive each day one-half of a liter of wine, equivalent to 40 grams of alcohol." Their armies have been least efficient of all, not *because* they had less alcohol, of course, but they had less.

Now, Mr. President, I want to state just this: When a man rises and says that a great war can not be fought without prohibition no sort of parliamentary language can properly designate his attitude. The Revolution was fought without it; the Civil War was fought without it; the Napoleonic wars were fought without it. No armies of Europe were so abundantly supplied with good red wine as the armies of Napoleon, wherever he could get it for them. Of course alcohol is a curse—the man that takes it must confess that—if it is abused at all; and when you meet a man that tells you that he drinks, but he drinks moderately all the time and never drinks to excess, he is generally either mistaken about himself or he is lying. It is a thing the excess of which is easy, the abuse of which is constant, and the evil of which is awful; but to come here and try to confiscate millions of dollars' worth of property and to render worthless millions of dollars' worth of securities in addition to that, and to give up, besides all that, two hundred and fifty millions of revenue, all three of which things the Cummins amendment involves, strikes me as carrying unreason to the superlative point.

You have got it now with the Robinson amendment, without the Cummins amendment to the Robinson amendment, so that you have food conservation. The Senator says that he wants it for food conservation. Will you tell me how forbidding whisky already made from being taken out of the warehouse multiplies the amount of food or contributes to food conservation? How are you going to "unscramble" the whisky and get the corn and rye out? The Senator in the next breath denies that he is voting for the Cummins amendment because he wants prohibition. I leave him to reconcile his argument with the facts as they exist and his vote with his assertion of purpose.

The VICE PRESIDENT. The time of the Senator from Mississippi has expired.

Mr. NORRIS. Mr. President, I voted for the Cummins amendment both times. I should be glad if the use as a beverage of the whisky in bond could be prevented, but at the same time I do not want to take any step that would be contrary to absolute justice to the men who have their money invested in it. I confess that I was a great deal impressed by what the Senator from Kentucky [Mr. JAMES] said about these taxes. I am not posted as to the law or the details of it, but it seems to me that if the Senator from Kentucky has it right—and I have no reason to dispute his knowledge of it—he has presented an objection to the so-called Cummins amendment that is serious.

I have wondered—and I should like to have the opinion of the Senator from Kentucky if I can—whether an amendment could not be added in the shape of a proviso that would meet that objection with regard to those taxes.

I have at my desk here blocked out an amendment as follows, and I want to call the attention of the Senate to it, particularly the attention of the Senator from Kentucky. I suggest adding a proviso something like this:

Provided, however, That the payment of any taxes that may become due on said liquor during the continuance of said war shall not be required until said war is ended.

I should like to know whether that would be a remedy, as far as the payment of taxes is concerned, and whether it is a practical proposition to add this kind of a proviso. If the Senator from Kentucky desires to answer in my time I shall be glad to yield to him now.

Mr. JAMES. Mr. President, I will say to the Senator from Nebraska that I have drawn an amendment myself, which I expect to offer if the Senate finally determines to accept the amendment offered by the Senator from Iowa, to suspend the tax payment; and an amendment ought to be drawn also in regard to the outage allowance.

Mr. NORRIS. Perhaps that is true. I was not endeavoring to cover that part of it; but I can see that if the Senator has the facts right in regard to the outage, it ought to be met.

Mr. BORAH. Mr. President, does the Senator from Nebraska think that under all the circumstances it is necessary for the Government of the United States to guarantee that these men who have made an investment in liquor shall lose nothing and make no sacrifice?

Mr. NORRIS. No; and I am not undertaking to cover the indebtedness part of it or the mortgaging of it or anything of that kind. To me that does not appear to be serious. But if these men are required to pay taxes and not permitted to take out the property, it seems to me that is an injustice, and that it ought to be remedied. We ought not to require them to pay taxes and at the same time refuse to permit them to take out the liquor. The fair thing would be to defer the payment of taxes until the time comes when they are allowed to take possession of the liquor.

Mr. VARDAMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Mississippi?

Mr. NORRIS. I yield for a question.

Mr. VARDAMAN. I want to suggest to the Senator that if this amendment is adopted, certainly Congress will not tax the whisky that is to remain in bond.

Mr. NORRIS. That is, if the Cummins amendment is agreed to.

Mr. VARDAMAN. Of course, in that event it will not be taxed, as I understand.

Mr. NORRIS. I understood that it would be.

Mr. VARDAMAN. Well, that is a matter in the hands of Congress.

Mr. NORRIS. I understood that what the Senator was objecting to was the compulsory payment of taxes while the Government refused to permit the people to take out the product taxed, and that is the difficulty I desire to remedy.

Mr. SMITH of Michigan. Mr. President, I was very much impressed by what the Senator from Mississippi [Mr. WILLIAMS] said when he quoted the practice of Britain with reference to serving liquor to the soldiers; but, as I now recall, the Senator from Mississippi on the 18th day of May voted to prohibit the sale of intoxicating liquors to American soldiers, and made it a crime for any one to sell them liquor. How the Senator can bolster up his present attitude by quoting Britain, while this statute remains unrepealed, is beyond my comprehension.

Mr. CURTIS. Mr. President, in view of section 13 of the bill I doubt if the situation is nearly as bad as stated by either the Senator from Pennsylvania or the Senator from Kentucky. I am going to ask to have section 13 read in my time. It is the section which permits the Government to take over all liquors needed for governmental purposes and pay for them, and if the party is not satisfied with the price he may bring suit for the balance. I am opposed to the Reed amendment.

The VICE PRESIDENT. The section will be read.

The SECRETARY. Section 13, as proposed by the committee amendment, reads:

SEC. 13. That the President is authorized and directed to commandeer any or all distilled spirits in bond at the date of the approval of this act for redistillation, in so far as such redistillation may be necessary to meet the requirements of the Government in the manufacture of munitions and other military and hospital supplies, or in so far as such redistillation would dispense with the necessity of utilizing products and materials suitable for foods and feeds in the future manufacture of distilled spirits for the purposes herein enumerated. The President shall determine and pay a just compensation for the distilled spirits so commandeered, and if the compensation so determined be not satisfactory to the person entitled to receive the same such person shall be paid 75 per cent of the amount so determined by the President and shall be entitled to sue the United States to recover such further sum as, added to said 75 per cent, will make up such amount as will be just compensation for such spirits, in the manner provided by section 24, paragraph 20, and section 145 of the Judicial Code.

Mr. STONE. Mr. President, I have heard it said in a way, without knowing whether my information is accurate, that a motion to reconsider the vote by which the amendment of the Senator from Iowa to the substitute amendment offered by the Senator from Arkansas was agreed to would be made. If that is to be done, I would think it would be better if we could have an arrangement to vote upon the motion to reconsider first—that is, ahead of the vote on the amendment of my colleague [Mr. REED], which is the pending amendment.

I would be very reluctant to vote to send a question of this kind to the White House and submit it to the President for his action. I am not in sympathy with that policy. Still I would vote for it as a last resort. But I would be very glad if such a motion as I referred to for reconsideration could be offered, that it could be determined before the other question is taken up, for if a vote to reconsider should be in the affirmative it would relieve some of us of some embarrassment in casting our vote on the motion to remit the matter to the President. I would make the motion to reconsider if I could do so. I changed by vote yesterday when the Senator from Iowa offered the very same amendment to the House text, but I did not change it when he offered his amendment to the amendment of the Senator from Arkansas. Therefore my vote stands in the negative, and I can not move to reconsider. I do not know that any Senator could, but if so I should like to have that done now. Otherwise I shall vote for the amendment of the Senator from Missouri [Mr. REED] to the Robinson amendment, and later on when we come to consider the House provision, and the final amendments to the House provision are proposed, I shall probably be in a position to move a reconsideration of the whole subject.

Mr. BORAH. Mr. President, aside from the merits or demerits of the amendment offered by the Senator from Iowa, I am going to vote against the amendment offered by the Senator from Missouri, because I can see no reason why we should refer such a matter as this to the President. Indeed, I do not see how the President could possibly execute this amendment if it is to be executed along the lines suggested by the Senator from Missouri.

The VICE PRESIDENT. Did not the Senator from Idaho open the discussion on the Reed amendment this morning?

Mr. BORAH. I did not know that I had spoken upon it. I made an inquiry in somebody else's time. But I have said about all I desire to say, and I do not wish to trespass upon the rule.

Mr. SMOOT. Mr. President, I certainly can not vote for the pending amendment. I can not see how it is possible for the President to exercise the power and do justice to all concerned in the United States.

I simply rose, Mr. President, to give notice now that if I can receive recognition after the pending amendment is voted upon I shall offer an amendment directing the President of the United States to take over for and on behalf of the Government of the United States all liquors in bond, and pay for the same. That will take care of all the questions that have been raised here to-day by the Senator from Kentucky and by the Senator from Pennsylvania, and I think it will take care of all the financial institutions of the country and those that have advanced money in any way upon liquors in bond, and do justice to the distillers who made the liquor under a permit from the Government of the United States in good faith, and that they can not complain if they are paid the actual cost and a reasonable profit over and above that cost.

Mr. REED. Mr. President, will the Senator yield for a question?

Mr. SMOOT. I yield.

Mr. REED. How much of our money would it take at this time to carry out the Senator's plan?

Mr. SMOOT. I can not tell how many millions of dollars it would take; I am frank to say, Mr. President, it would take many millions of dollars, but even if it were $150,000,000 it would be cheap for the Government of the United States in case it will do away with the boozing bill of the country which amounts to nearly $2,500,000,000. It would be a very, very splendid investment for the Government of the United States if by paying half a billion dollars it could stop the waste and expenditure of nearly two billion and a half dollars that brings nothing but ruin and destruction to the people of the country who consume it.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. SMOOT. I do.

Mr. NORRIS. I rose to ask a question entirely for information. If the Government took over the liquor, it would be for the purpose of redistillation in order to make material for munition purposes.

Mr. SMOOT. And hospital and whatever other purposes desired, as provided for in the bill.

Mr. NORRIS. What I want to ask is if that process is an expensive one; I mean, in the redistillation of such liquors would the alcohol cost more than it would cost to manufacture alcohol in the regular way? I desire to know what the operation would cost, and if so, how much.

Mr. SMOOT. I will say there is no question but that there is a slight loss in the redistillation of spirits, and that if all

whiskies that are in bond were redistilled for the purpose of taking out the alcohol in them it would cost the Government, besides the slight loss, about 5 cents per gallon. Of course, the Senator knows that the cost of making pure alcohol does much exceed 30 cents per gallon, but I take the position that I do not care what it would cost the Government, now is the time to stop the manufacture of distilled spirits. It is a splendid time now for the Government of the United States to say that henceforth and forever there shall be no distilled spirits manufactured in the United States except for certain specified purposes, and in no case for beverage purposes.

Mr. WILLIAMS. I agree with the Senator that if we are going to take this liquor it ought to be paid for, but I wish to ask for information, What will the Government do with it? It would not redistill it all for munitions.

Mr. SMOOT. I think the Government of the United States can use ultimately every gallon of it. There will be a slight loss, as I have already stated, in the redistillation.

The VICE PRESIDENT. The time of the Senator from Utah has expired.

Mr. SHAFROTH. Mr. President, according to the amendment which was offered by the Senator from Iowa and adopted, these liquors that are in bond are not to be sold for beverage purposes. Everybody seemed to concede that that is wise, if there is no loss to the distillers of the liquor.

Mr. President, there is a commandeering proposition which was read at the desk a few minutes ago, and which, it seems to me, by proper amendment, could prevent any financial loss by the distillers. If that is true, there should be no complaint in keeping in the bill the Cummins amendment as it has been adopted.

I have been informed, and I found it in print somewhere, that the total amount which would be required to commandeer all the distilled spirits in the United States was $80,000,000. Of course, that does not take into consideration the amount that would have to be paid if it was used for beverage purposes. As quickly as it is withdrawn from bond, of course, a tax of $1.10 a gallon has to be paid, and that, of course, raises the price very much. In the revenue bill which is about to be enacted the tax is raised to $2.20 per gallon, and that much more, of course, would be added if the liquor was taken out of bond. But, Mr. President, in all these provisions the tax would not be paid if the Government commandeers it, and if it had been paid it should be refunded. That being the case, it seems to me that the commandeering proposition would not cost very much; but even if, as the Senator from Utah [Mr. SMOOT] has said, it cost three or four times the amount of $80,000,000, as estimated, it would be a most excellent investment by the United States.

I believe, Mr. President, that in this war it is necessary that something of this kind should be done, and the only question in my mind that is at all debatable is the question as to whether these distillers shall be saved from loss. As they can be freed from loss by the expenditure of a mere bagatelle compared to $2,500,000,000 that is expended every year in intoxicating drink, it seems to me that a commandeering proposition ought to follow this amendment of the Senator from Iowa, and it ought to be adopted and thereby save this loss to the distillers.

Mr. SIMMONS. Mr. President, I have no question about the propriety at this time of imposing absolute prohibition against the use of grains and other food products in the distillation of liquor. I take it there is not much division in the Senate upon that question. That is a food-conservation proposition, and meets my hearty approval.

But the question now presented is not a food-conservation question at all. The Senator from Missouri [Mr. REED], who sits near me, suggests that it is a confiscation proposition. It is either a confiscation proposition or it is a pure and simple prohibition proposition. I think it is chiefly the latter.

Mr. President, I challenge any man in the Senate to present a more consistent prohibition record than I have in my State. I think there is hardly a man in North Carolina who will deny that I largely initiated and successfully led the fight for prohibition in that State.

I know, as every man knows who has been as I have been in hot prohibition conflicts, that there is no question upon which people who are divided feel more intensely and more bitterly than upon this question, and I can conceive of no question that could be injected into this war situation that will create more dissension and more discord and disturb that unity which is so necessary if we are to win the war than would this question in those States where the sentiment is against prohibition and in favor of liberty and license in the sale and use of liquor.

It seems to me that in these circumstances it is unwise from every standpoint, especially from the standpoint of patriotism and of the successful conduct of the war, that this prohibition question should be injected into this situation. That the President of the United States feels that way, I think, is apparent from his letter to the head of the Anti-Saloon League in this city, which was yesterday read into the RECORD. In this letter he appeals to the league, upon the grounds of patriotism, to hold the fight upon this question in abeyance until a more opportune time; at least not to jeopardize this bill or delay its passsage by ingrafting it upon it.

To this appeal those gentlemen readily and patriotically have responded. They have recognized the force of the President's appeal and made public announcement of their purpose and action in this behalf. They said in substance to the President, "If, in your judgment, our course is unwise and unpatriotic, we will withdraw from the fight." It seems to me that the friends of prohibition in this body should follow their example and let this bill pass as quickly as possible, as the President says, and all admit in the public interest it should.

It must be obvious to every Senator that if this amendment be attached to this bill it will jeopardize its passage. Yea, Mr. President, I will go further than that. The President feared it would delay its passage, greatly to the detriment of the public weal. I agree with the President, and I go further, and I give it as my deliberate opinion that if this amendment is added to the bill it may, and probably will, drag it down to defeat.

The VICE PRESIDENT rapped with his gavel.

Mr. MYERS. Mr. President, apropos of what will be done with the whisky in bond in this country if the Cummins amendment be allowed to stand, I understand that at the Battle of Verdun, covering a period of several months, the quantity of high explosives used by the entente allies would require far more alcohol in the making thereof than could be obtained from the redistillation of all the whisky now in bond in the United States. If we are to wage much war in Europe, we shall need high explosives in large quantities, and I know of no better way of obtaining them than by the redistillation of the whisky now in bond in the United States. It seems to me we shall have use for all of it if this war should last long, and that disposition of it would repay the people who have money invested in the whisky and at the same time would serve the interests of our country.

Mr. JONES of New Mexico. Mr. President, I must say that I am somewhat confused as to the attitude of some Senators upon this question. Next November there will be submitted to the voters of New Mexico a proposed amendment to their constitution prohibiting the use of liquors and wines as a beverage. I hope, if the Senate adjourns in season, to get out to New Mexico to vote for that constitutional amendment. I hope the time is not far distant when we shall have such an amendment to the Federal Constitution, but until that time comes it seems to me that we ought to deal with this question in a sane manner.

Senators upon this floor who are ardent prohibitionists have expressly declared themselves in favor of permitting the use of wine and beer in unlimited quantities. Senators have taken that position upon this floor who would not do that in their own States. They have done it upon the ground that this is not a prohibition measure. They have voted to prevent the use of grain in the manufacture of distilled spirits upon the ground that it is a conservation measure. It has been repeatedly stated upon the floor that it is not a prohibition movement; that it is a conservation measure. As a conservation measure it has my hearty support, but I do not believe that this is the time to inject the prohibition question into the measure now before the Senate in which the country is so much interested. When the Prohibitionists stand here and say they are in favor of the use of wine and beer in unlimited quantities, it seems to me they are proving false to the principle upon which prohibition is founded. If you consider this as a conservation measure, then you are going too far. By the Cummins amendment you are turning it, as has already been stated, into a confiscation measure.

As the Senator from Montana [Mr. MYERS] has just stated, it is true these liquors may be redistilled and the alcohol taken from them. Much of this liquor has been in bond for a number of years. The cost to the owner is far beyond the ordinary cost of alcohol. Do you want the Government of the United States at this time to pay such an exorbitant price for the alcohol to go into munitions as would be necessary if you convert this liquor to such a purpose?

It seems to me that we are making a mistake if the Cummins amendment shall remain in the bill and become a law. In my judgment, it would confiscate many millions of dollars; it would drive into bankruptcy a number of the banks of the country. I believe that we want to carry on this war with as little disturb-

ance to business as possible. The revenue bill, which we have just framed and submitted to the Senate, was framed with that in view. We have dealt with this question; we have planned that millions of dollars shall be raised for revenue purposes upon these very liquors. It is true that we have prohibited in our revenue bill the use of grains in further distillation, but we expected to derive, and have planned to derive, a large revenue from whisky already in bond.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. GRONNA. Mr. President, in reply to the statement of the Senator from New Mexico [Mr. JONES], I simply want to read the testimony of Col. Pabst, one of the biggest brewers, I believe, in the United States.

Mr. PABST. The total number of bushels of grain used in 1916—

He is speaking of the brewing of beer—

is 70,505,488; return to the farm as a dairy food, 35 per cent, 24,676,920 bushels. Net number of bushels of grain used in the manufacture of beer, 45,828,568—

And so forth. He further states:

The number of bushels of barley used in the United States in 1916 was 52,439,973, and the total number of bushels grown in the United States was 180,927,000 bushels

I call the Senator's attention to the fact that there are less than 40,000,000 bushels used in the manufacture of whisky or in the manufacture of any distilled spirits. So I deny that a vote in favor of the pending amendment or the amendment offered by the Senator from Arkansas [Mr. ROBINSON] is a conservation measure.

I am giving the Senate the figures of the men who are interested in the business; they are not figures which I have myself compiled. This testimony will be found in the hearings before the Committee on Agriculture and Forestry, on pages 320, 321, and following.

Mr. President, I believe that section 13 of the bill, which not only authorizes but which directs the President of the United States to commandeer any distilled spirits in bond, will do exactly what the Senator from Utah suggests, that the Government of the United States shall pay those who own this liquor a fair price. Section 13 provides that the President of the United States is not only authorized but directed to commandeer, if he sees fit, every gallon in bond. For what purpose?

To meet the requirements of the Government in the manufacture of munitions and other military and hospital supplies.

I agree, Mr. President, that there would be a tremendous loss to the Government of the United States in the redistillation of this liquor. What are we going to do with it? Is there any Senator here who will deny that the condition to-day is such that every pound of grain fit for food will be required? I ask Senators to study the reports, the special reports, which have just been made and which are available. Take those reports, study them for yourselves, and see whether or not we are in a condition to supply the people of the United States and our allies with the foodstuffs that we and they will require. There will be a tremendous loss, Mr. President, to the Government of the United States in taking over this bonded whisky and redistilling it into alcohol. Potatoes will, of course, be cheap next fall, and we could manufacture alcohol from potatoes at from 20 to 25 cents a gallon; but when a gallon of whisky is redistilled there will not be obtained from it three-fourths of a gallon, and it would, perhaps, cost a maximum of $1 a gallon to do that. If, however, it would serve the purpose of saving this Nation is it not worth it? How are we going to get the foodstuffs in any other way, I ask you? I do not believe that there is a human being in this country or anywhere else who can suggest any other method and call it a conservation measure than taking this whisky over and redistilling it for military purposes.

The VICE PRESIDENT. The time of the Senator has expired. The question is on the amendment of the Senator from Missouri to the amendment proposed by the Senator from Arkansas.

Mr. CUMMINS. On that I ask for the yeas and nays.

Mr. SHAFROTH. Mr. President, I ask that the amendment to the amendment be stated.

The VICE PRESIDENT. The Secretary will state the amendment to the amendment.

The SECRETARY. After the words "distilled liquors," in the proposed amendment of the Senator from Arkansas, on page 2, line 17, of the printed amendment, it is proposed to insert:

Provided, however, That the President is hereby empowered to permit the withdrawal of distilled liquors in bond if, in his opinion, such withdrawal is in the public interest.

The VICE PRESIDENT. The yeas and nays have been requested. Is the request seconded?

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from New Hampshire [Mr. GALLINGER]. He is absent, and I do not know how he would vote on this question. However, I transfer that pair to the Senator from Delaware [Mr. SAULSBURY] and vote "yea."

Mr. ROBINSON (when Mr. KIRBY's name was called). My colleague, the junior Senator from Arkansas [Mr. KIRBY], is unavoidably absent. I ask that this announcement may stand for the day.

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. THOMAS]. I have been just informed by the pair clerk that that Senator will be absent during the day, and I therefore withhold my vote.

Mr. WOLCOTT (when Mr. SAULSBURY's name was called). I desire to announce the absence of my colleague [Mr. SAULSBURY] on account of important business. I ask that this announcement stand for the day.

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the Senator from South Dakota [Mr. STERLING]. He is absent, and therefore I withhold my vote.

Mr. CURTIS (when Mr. STERLING's name was called). I desire to announce the absence of the senior Senator from South Dakota [Mr. STERLING] on account of illness and will let this announcement stand for the day.

Mr. SUTHERLAND (when his name was called). I have a pair with the junior Senator from Massachusetts [Mr. WEEKS]. Not knowing how he would vote on this proposition, I withhold my vote.

Mr. SHAFROTH (when the name of Mr. THOMAS was called). I desire to announce the unavoidable absence of my colleague [Mr. THOMAS] on account of illness. I desire that this announcement may stand for the day.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Arkansas [Mr. KIRBY] and vote "yea."

The roll call having been concluded, the result was announced—yeas 38, nays 45, as follows:

YEAS—38.

Ashurst	Husting	Owen	Smith, Ariz.
Bankhead	James	Penrose	Smith, Ga.
Broussard	Jones, N. Mex.	Phelan	Smith, Md.
Calder	Lewis	Pittman	Stone
Colt	Lodge	Pomerene	Swanson
Culberson	McLean	Ransdell	Tillman
Fletcher	Martin	Reed	Underwood
Gerry	New	Robinson	Warren
Hitchcock	Newlands	Sheppard	
Hollis	Overman	Simmons	

NAYS—45.

Beckham	Gronna	McKellar	Thompson
Borah	Hale	McNary	Townsend
Brady	Harding	Myers	Trammell
Brandegee	Johnson, Cal.	Nelson	Vardaman
Chamberlain	Johnson, S. Dak.	Norris	Wadsworth
Cummins	Jones, Wash.	Page	Walsh
Curtis	Kellogg	Poindexter	Watson
Dillingham	Kendrick	Shafroth	Williams
Fernald	Kenyon	Sherman	Wolcott
France	King	Shields	
Frelinghuysen	Knox	Smith, Mich.	
Gore	La Follette	Smoot	

NOT VOTING—13.

Fall	Hughes	Smith, S. C.	Weeks
Gallinger	Kirby	Sterling	
Goff	McCumber	Sutherland	
Hardwick	Saulsbury	Thomas	

So Mr. REED's amendment to the amendment of Mr. ROBINSON was rejected.

Mr. SMOOT. Mr. President, I offer the amendment, which I send to the desk, to the amendment of the Senator from Arkansas [Mr. ROBINSON].

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to add, after the words "distilled liquors," the following:

Provided, That the President of the United States be, and hereby is, directed to take over for and on behalf of the Government of the United States all distilled liquors that are held in bond at the time this act goes into effect, and he is hereby authorized to pay the owners of such liquors the actual cost of the same plus a profit not exceeding 10 per cent.

Mr. SMOOT. Mr. President, just a word in relation to this amendment.

I recognize that there was some justice in the criticism made by the Senator from Kentucky [Mr. JAMES] and also the statement made by the Senator from Pennsylvania [Mr. PENROSE], as to those who are the owners of the distilled spirits in bond,

and banks that have advanced money to the distillers, and particularly the bonding companies that guaranteed the payment of the tax when withdrawn from bond.

There will be 208,000,000 gallons of distilled spirits in bond at least—there may be more than that—by the time this bill becomes a law. If the Government of the United States lost all of the money it is claimed it would lose, and the actual cost of the distilled spirits plus 10 per cent would amount to $1.50 a gallon, it would be $300,000,000. But the Government of the United States is not going to lose that amount. In fact, a very small proportion of it will be lost to the Government. I therefore believe that in view of the fact that the distillers have run this business for over a century in partnership, as it were, with the Government of the United States, at least with its approval, the Government now, to be absolutely fair with them, should at least hold them safe from loss.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER (Mr. KING in the chair). Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. I do.

Mr. CUMMINS. What is the estimated actual cost of these liquors in bond?

Mr. SMOOT. I have tried to arrive at the figure of the actual cost of distilled spirits in bond, but I have been unable to arrive at a figure that I could say with safety would be even close to the actual cost. Under the law, whenever the bottled spirits go into bond they are required to remain there four years before they can be withdrawn, and under the law they are compelled to be withdrawn and tax paid upon them within eight years; or, in other words, under the law they are not allowed to remain in bond over eight years. The value of distilled spirits is based upon the age of the same. I have been unable so far to find the amount of spirits in bond that have been in there, say, two years, four years, five years, six years, or seven years; and I would have to know the age of the liquor in order to arrive at anything that would be an approximate figure.

But grant, as I say, that the value would be $1.50 a gallon. Then there could not possibly be a loss of more than half that price, and much of it would be not to exceed 50 or 60 cents a gallon. With those figures in view, it could not possibly cost the Government of the United States more than $150,000,000 to pay all that the actual cost of the spirits may prove to be. Then, Mr. President, there must be deducted from that all of the advantages that will come to the Government from taking over that 208,000,000 gallons of distilled spirits. The Government of the United States certainly would not lose more than half of the amount, and half of the $150,000,000 would only be $75,000,000; and that is a very cheap way for the Government of the United States to dispose of this matter.

The PRESIDING OFFICER. The time of the Senator from Utah has expired.

Mr. WILLIAMS. Mr. President, it seems to me that every dictate of justice and common honesty requires that if the Cummins amendment is to become law this proviso offered by the Senator from Utah should also become law.

The other day, when dwelling upon this question of taking private property without compensation, the Senator from Illinois [Mr. SHERMAN] referred to the fact that the United States Government had taken the slaves and had never paid anything for them. Now, so far as the slaves belonged to slave owners, who were citizens of the Confederate States and were fighting the Federal Government at that time, that was the confiscation or the taking for war purposes by one belligerent of the property of the citizens of another belligerent, and has no reference to this sort or thing. But at that time there were slaves held in Delaware, Kentucky, Maryland, and Missouri, that had never seceded, and Mr. Lincoln's friends in all the legislatures of those bodies, except possibly Missouri, tried to pass bills—the Senator from Illinois said Mr. Lincoln made propositions to these States; that is not quite accurate, but friends of his did, and he was in sympathy with their purpose—tried to pass bills to pay the slave owners in the border States, where there had been no secession, for their slaves. Long before that, when Mr. Lincoln was a Member of Congress here, he introduced a bill to emancipate the slaves in the District of Columbia, and accompanied it with a provision for the valuation of them and the payment to their owners of their value.

One of the greatest blots upon the escutcheon of the United States to-day is that they did not pay the loyal slave owners in the border States for their slaves. There was nothing that we of the Confederate States had a right to complain of about freeing our slaves as a war measure, being a confiscation of enemy property—not a private "enemy that went like liquid hell-fire in somebody's stomach," as the Senator from Illinois irrelevantly said, but a public enemy actually in arms against the Nation itself.

Now, Mr. President, it is just a matter of common honesty if you let a man go on in a business and give the sanction of law to the possession and the accumulation of a certain sort of property, and then by law take that property away from him, that you should put him in statu quo. Now, whatever is statu quo in this case may be a little indefinite; but undoubtedly it is at least the cost of the material, the cost of the distillation, and the interest on the money during the time the stuff has been in the warehouse, including the expense of the warehousing, whatever that may be, and then finally a fair profit—10 per cent, as stated by the Senator from Utah. Even then you leave the man's property in the still itself partially destroyed, but only partially, because it can be converted to other uses; can be, say, used for a munition plant. It is not like a brewery in that respect. You can do nothing with an old brewery except throw it in the scrap heap, but you can turn a distillery into a munition plant. You would leave the owner with that much less demand for the use of his still, of course, and with that much less value attached to his plant, but that is so indefinite that it is hard to go into.

I think that a nation, like an individual, ought to be honest. If the Government of the United States agreed that cigar smoking and the use of tobacco were doing me harm, the Government would be exactly right; and if the Government had the constitutional right, say, under the taxing power in some way, indirectly or in the exercise of a war power, if I were a soldier and they thought it was decreasing my efficiency, to take a box of cigars away from me, but the Government ought to pay me for the box of cigars. Now, I have no doubt that the whisky which any of us drinks does us harm, and I have no doubt that the distillery in making the whisky has made a thing that has done humanity harm; but you have permitted it, you have allowed it, you have given it the sanction of a legal title in every way in the world, and you have no right to rob him of it under forms of law.

The PRESIDING OFFICER. The time of the Senator from Mississippi has expired.

Mr. SMITH of Georgia. Mr. President, 10 years ago, as governor of the State of Georgia, I approved a State-wide prohibition bill. I have voted for every measure that has come before the Senate looking to the curtailment of the sale of liquor. I shall vote with a great deal of pleasure for the constitutional amendment, which I hope will soon be adopted, and give an opportunity in the next few years for three-fourths of the States legally to terminate the sale of intoxicating drinks for beverages in the United States. But, Mr. President, this is not a prohibition measure. This is a food-control measure. I do not believe we ought to load it down with our prohibition views. I believe we ought to handle prohibition separately.

I voted for the amendment of the Senator from Iowa; but after serious reflection I believe I am hindering the passage of a food-control bill by helping put that provision in the bill. The same reasons that the President gave for asking that beer and wine be left out of this bill are equally applicable to this matter. The revenue bill will be up in a few days. The amendment which the Senator from Utah has offered proves the fact that the whole problem of revenue is involved, and the whole problem of handling this question from a business standpoint is involved. Therefore, the more appropriate place, I believe, to consider the amendment of the Senator from Iowa and the amendment of the Senator from Utah will be when the revenue bill is before the Senate.

I believe that this food-control bill should have stricken from it the outside matter. I should like to see the Senate substitute the amendment of the Senator from Minnesota on the subject of grain exchanges which we adopted some time ago, and the amendment of the Senator from Washington which we adopted some time ago, for the provision of this bill covering the prevention of improper conduct by middlemen. Then I should be glad to see stricken out of this bill all but the food regulation, and then put it through and give an opportunity for its immediate use. We can discuss this other subject when the revenue bill comes up.

Mr. President, I move to reconsider the vote of yesterday afternoon by which the Senate declared that no distilled liquor or spirits now in bond in the United States shall, during the existing war, be withdrawn to be used as a beverage.

Mr. President, this food-control bill is a war measure. The President, the war council, those charged with the responsibility for the war, believe that it is absolutely essential to the vigorous conduct of the war that the food part of this bill should pass, and pass speedily.

I did not approve the bill called the food-control bill as it first came from the Department of Agriculture, but most of the objectionable features have been stricken out.

The President urges prompt passage of the food-control features of this bill, and declares they are essential to the vigorous conduct of the war. Let us lay aside for the time being our pet theories of legislation. Let us refrain from adding them to this food bill. Let us defer all things not essential.

Let us place the food supply in the hands of the President to conduct the war, so that it will add to our strength in the war.

The energy and force of every American should support our Nation. Let us concentrate our forces. Let us put our hearts, our heads, and our bodies into this struggle until, by God's help, we may crush our enemy, or drive our enemy to a place where we can obtain an honorable and a lasting peace.

Mr. CUMMINS. Mr. President, I rise to a question of order.

The PRESIDING OFFICER. The Senator from Iowa will state the point of order.

Mr. CUMMINS. The pending question is the amendment of the Senator from Utah [Mr. SMOOT], and during the pendency of that question it is not in order for the Senator from Georgia to move to reconsider an amendment adopted at a former time.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. The Chair is ready to rule.

Mr. SMITH of Georgia. I give notice of a motion to reconsider and will offer it as soon as the pending amendment is disposed of.

The PRESIDING OFFICER. The Chair would have sustained the point of order.

Mr. SHAFROTH. Mr. President, I am in accord with the Senator from Utah relative to his amendment, but I wish to suggest to him whether it would not be well to insert in addition to his amendment the following:

> If the price so determined be not satisfactory to the person entitled to receive the same such person shall be paid 75 per cent of the amount prescribed by the President and shall be entitled to sue the United States to recover such further sum as added to the amount so paid will be just compensation for such liquors in the manner provided by section 24, paragraph 20, and section 145 of the Judicial Code.

Mr. President, in the amendment as I understood it there is no provision made where there is a dispute between the owner of the bonded liquors and the Government; and if the Government has the right to commandeer that property there should be some mode of determining how much shall be paid in cash and how much shall be determined by a trial. On that account it seems to me we ought to have a provision similar to the one which was discussed several times before the committee. I hope the Senator from Utah will accept that amendment to his amendment.

Mr. SMOOT. Will the Senator yield to me a moment to answer the question in his time?

Mr. SHAFROTH. I yield to the Senator.

Mr. SMOOT. I wish to say that that proposition has no place here. There can be no question as to the cost plus not to exceed 10 per cent when the plant is involved, the stopping of the plant and the cost of production of that plant by commandeering, the question will arise perhaps as to what the actual cost is, but this stuff is put in by the Government, they know just the age of it and know the cost of it. Therefore I did not put in the provision the Senator has suggested, and I do not think it is necessary.

Mr. SHAFROTH. I must concede, of course, that it would be an amendment in the third degree, and therefore can not be offered to the amendment presented by the Senator from Utah, but it seems to me there ought to be some way of determining by some tribunal what is the value of the liquor. I understand that the quotation price is $1.40 now, and when you consider that the amount of the tax is $1.10, it leaves only for the manufacture of it 30 cents a gallon, which would not make the amount of $75,000,000 or $80,000,000 referred to by the Senator from Utah. It does seem to me that the amendment I have suggested ought to go in somewhere.

Mr. SMITH of Georgia. Mr. President, a motion to reconsider is a privileged motion under the rule and may be made at any time. It is entered at once and it is for the Senate to determine when it shall be considered. I suggest that it is desirable that it should be disposed of at once, because if it carries it would save the necessity of further amendment.

Mr. SHAFROTH. Does not the Senator realize, though, that the question as to a reconsideration depends very largely upon whether there are provisions that will compensate the people for the liquor which they have in bond. That would be one of the considerations for a Senator in voting upon the question as to whether compensation should be made. For that reason it seems to me the motion to reconsider ought not to be made until it is determined whether or not these liquors are to be paid for.

The PRESIDING OFFICER. The Chair desires to inquire of the Senator from Georgia whether he renews the motion. The Chair understood the Senator from Georgia to withdraw the motion to reconsider.

Mr. SMITH of Georgia. I made a motion to reconsider. I take the position that it is then with the Senate to determine when it shall be considered, but that it can be entered at any time.

Mr. SMOOT. The rule provides that a motion to reconsider may be made within the next two days of actual session, and that it shall be decided by a majority. The question of reconsideration does not take precedence over a pending motion. The only question now before the Senate is the amendment presented by myself. I think the Chair was perfectly right in ruling as he did.

Mr. SMITH of Georgia. The Chair did not rule.

Mr. SMOOT. The Chair ruled that the point of order raised by the Senator from Iowa was sustained.

Mr. SMITH of Georgia. If the Chair so ruled, I will not appeal from the decision of the Chair; but I do insist that a motion to reconsider is a privileged motion and should be entered at once, though the question as to when it is to be considered is a matter to be controlled by the Senate.

The PRESIDING OFFICER. The present occupant of the chair remembers that the Vice President passed upon this same question yesterday and announced the conclusion which the present occupant of the chair announced a moment ago.

Mr. CUMMINS. Mr. President, just a word with regard to the amendment offered by the Senator from Utah. The amendment which seems to be the storm center this morning was not offered with any contemplation of confiscation, nor do I believe if it remains in the bill the effect of it will be confiscation. There is a well-determined difference between the suspension of the use of property for a reasonable time and the taking of the property itself, so far as war is concerned. Nevertheless, I would infinitely rather see the amendment presented by the Senator from Utah adopted than to see this volume of liquor poured out among the people at the close of the war. There never was a better opportunity to do something, not only for the war but for the general welfare, than to take the liquors that are now in bond and pay for them a fair and reasonable price.

I do not concern myself about the standards. It is immaterial to me whether it is the standard suggested by the Senator from Utah or whether it is the standard prescribed in the section of the bill which gives the President the right to commandeer. I shall vote for the amendment, no matter which of these standards shall be adopted. I shall be very glad to vote for the amendment, although I reiterate that the suspension of the use of a hundred million or two hundred million gallons of intoxicating liquor for the period of the war is not confiscation or anything approaching confiscation, and it will be found before we have gone far in this war that it will be necessary that the citizens of the country shall surrender without immediate and full compensation a great many privileges which they have heretofore been accustomed to enjoy.

I sincerely hope the amendment of the Senator from Utah will be adopted.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. CUMMINS. I do.

Mr. VARDAMAN. I should like to have the Senator from Utah, who offered the amendment, tell me what it means and to what use the Government will put this liquor. Will it be stored in a warehouse or will it be poured out on the prairie or in the river, or what will become of it?

Mr. SMOOT. The Senator has asked me a question, and I desire to answer in his time. When the Government of the United States purchases this liquor of course the Government is going to use it. It will use it in the manufacture of munitions. There will be a redistillation, as I said before, and all the pure alcohol, after the redistillation, the Government of the United States will use; and it will need more than it will get out of the redistillation of bonded spirits before the war is over if it lasts a year.

Mr. VARDAMAN. Would it not be rather expensive alcohol?

Mr. SMOOT. We will not get every dollar that we would if we were going to buy the alcohol itself straight. But I think it is a very cheap way now to arrive at a position that I believe will be maintained—that no more distilled spirits shall ever be manufactured in the United States for beverage purposes.

Mr. VARDAMAN. If I thought that would be the effect of the amendment I would vote for it very cheerfully. I would vote for it if the whisky were taken and emptied out into the Atlantic Ocean. I would rather that disposition would be made of it than to have it drunk by the people.

Mr. SMOOT. There would be no necessity for that.

Mr. VARDAMAN. I do not, however, feel that that would be money lost. Indeed, it would be a splendid investment if it would stop permanently the distillation of liquor. I wish very much that we could dispose of this question. We have debated the main question thoroughly. Every Senator has made up his mind upon every phase of the measure, and while I am not assuming the rôle of dictator or advisor of Senators as to how they should perform their respective functions here, I wish very much that the Senate would dispose of this matter or come to some definite understanding upon it and not consume so much time. I am weary waiting and listening to the interminable eloquence that has been repeated in this Chamber a thousand times since this bill was taken up.

Mr. REED. Mr. President, I wish simply to call attention to the fact that if this amendment is adopted it will place upon the Federal Government probably a billion dollars of obligations. Of course I can not state that absolutely, but with two hundred and odd million gallons of liquor on hand and with the fact that if it is confiscated and taken over by the Government no matter what arbitrary rule we may set up here the courts will declare if it is taken over the market is the determining thing, as the courts have held in other cases. I do not believe the figure I have named to be very far out of the way, but I am not an expert on whisky and therefore only make the suggestion.

Now, that amount, whatever it may be, must be raised by a tax. That tax must be borne by the American people; and as far as I am concerned I do not propose to vote in the Senate that the farmers of my State who do not drink whisky at all and who may be dry in their habits and dry in their views shall be taxed to take over a lot of whisky by the Government. I do not propose to levy a tax upon a man who does not want to drink whisky in order to take over liquor at such a time as this.

There would be a good deal more sense in the proposition if it was frankly recognized that if the war lasts very long all this liquor might be needed in the hospitals and on the field of battle because, Mr. President, the man is simply out of harmony with all the scientific knowledge of the age who does not know that liquor is a very great essential in hospitals and in places of great stress and trial.

The proposition, however, is this: We start out by saying that we are going to conserve the food of the country by stopping the manufacture of it into liquor. Then we do the remarkable thing of proposing to take over the liquor that has already been manufactured and to tax the raiser of the food for the purpose of taking it over right at a time when we need every energy we possess to levy an additional burden of taxation upon the American people.

It seems to me we are abandoning the purpose for which this bill was framed. It seems to me without any question that men are willing in the interests of what they are pleased to term prohibition to sacrifice the interests of the country, that they would rather put a prohibition rider on this bill than make a good bill. It is a strange thing to me that you can get so much interest up over a little whisky either one way or the other, but with the markets for wheat already destroyed and the future of the wheat industry jeopardized you can not really get the attention of the Senate.

As far as I am concerned, I am going to vote against this proposition for I am not going to vote to tax the wheat farmers to buy the booze that there may be on hand.

Mr. SMOOT. I ask for the yeas and nays.

Mr. JONES of Washington. Mr. President, I merely wish to say that I hope the amendment will be adopted. I think it is fair under the circumstances and just. Furthermore, I should like to see the Government and this Whisky Trust out of partnership. That is one of the main reasons why I shall vote for it.

The Senator from Georgia and the Senator from Missouri seem to take the view that this is not a conservation proposition. The Senator from Georgia refers to the bill as a food-control bill. The bill is more than that. The title of the bill says "to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products."

There are two very important elements that I think are pretty largely conserved by the provisions that we have under consideration. That is all I care to say. I hope the amendment will be adopted.

Mr. NORRIS. Mr. President, the question has been asked, and, of course, it very naturally arises, What will the Government do with this liquor when it gets it? There are reasons sufficient to some people, of course, why the amendment should be agreed to even though it be a total loss, but it would be well to have certain figures showing exactly what it would cost the Government in its purchase. While I am not an expert on it, and I have not any definite information at my command, I have been told since the discussion has been going on by those who have made some investigation of the subject that the Government would come out just about even if it bought the liquor now in bond on the terms propounded and laid down in the amendment of the Senator from Utah. It provides for the payment of cost plus a profit of 10 per cent. The Government, as I understand it, will need vast quantities of alcohol for the manufacture of munitions during the war. A large amount will be used if we utilize the whisky now in bond by redistilling it into alcohol, and we would therefore make it unnecessary to use for the purpose of munitions the amount of grain and other products necessary to make the identical amount of alcohol. So as a matter of fact, it seems to me there is good ground to say it is a conservation provision. The amount of alcohol that will be utilized from the whisky taken out of bond would save just that much grain, assuming that we would need that much grain in the manufacture of alcohol.

I have a table here given me that purports to be taken from Bonfort's Directory for 1909 and 1910 which gives the cost value, as I understand it, of the whisky in bond for the various years.

It commences with 30 cents per gallon when deposited. When it is there 12 months its value is 33.53 cents per gallon; when it is there 24 months its value is 37.19 cents per gallon; when it is there 36 months its value is 40.98 cents per gallon; when it is there 48 months its value is 44.91 cents per gallon; when it is there 60 months its value is 49 cents per gallon; when it is there 72 months its value is 53.25 cents per gallon; when it is there 84 months its value is 57.67 cents per gallon; and when it is there 96 months its value is 62.28 cents per gallon. This allowed something for insurance; it allowed municipal taxes and 6 per cent interest compounded semiannually. So as to the value, I understand, if we had to buy the product now that is necessary to make alcohol and pay present prices for it we would come out just about even. So there is going to be perhaps no loss, perhaps a small profit, but not much either way, as I understand it, if we enter into this proposition.

But, Mr. President, it will end, it seems to me, the whisky question; it will settle it. I think we can well afford to do it in order to have it determined finally, without doing anybody any injury and doing the fair thing to the men who own the property. I have here a circular letter issued by the Distillers' Securities Corporation, in which they set forth the value and the amount of alcohol necessary to make powder. It says:

It is well known that alcohol is an essential and indispensable ingredient in the production of smokeless powder, and that is the only kind that is used in modern warfare.

Now, listen to this:

Two pounds of alcohol are required to make 1 pound of powder, and every time a giant howitzer is fired about a barrel (50 gallons) of alcohol is consumed. Practically all of the distilled spirits that have been exported during the years ending June 30, 1915, and June 30, 1916, and about nine-tenths of the tax-free alcohol that has been used for industrial and manufacturing purposes have been used in the production of smokeless powder in the United States and by the allies. Alcohol is indispensable to the manufacture of the only kind of powder that can be used by the United States Army and Navy. An expert on the use of alcohol for the manufacture of smokeless powder has recently stated that "the present output of alcohol in this country would not be sufficient to supply one-third of the smokeless powder used in a four days' engagement at Verdun, during which large-caliber guns were discharged 4,000,000 times."

It seems, therefore, Mr. President, at least as I look at it, that everything is in favor of the adoption of this amendment. No loss, or at least no loss of a material kind, will come to the United States, and it will conserve millions of bushels of grain and other products which would otherwise be used in the manufacture of alcohol for the purpose of making powder.

The PRESIDING OFFICER. The time of the Senator from Nebraska has expired.

Mr. NORRIS. Mr. President, I ask unanimous consent to print the table from which I read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

COST OF CARRYING WHISKY IN BOND.

The following table shows the cost of aging, or carrying whiskies in bond. The calculations are based on original gauge proof gallons, 47½-gallon barrels. Storage, 5 cents per barrel per month; fire insurance, one-half of 1 per cent per annum; State, county, and city

taxes, 15 cents per barrel per annum; interest at the rate of 6 per cent per annum, compounded annually:

Value including carrying charges for time indicated.

	Cents per gallon.
At deposit	30.00
After 12 months	33.53
After 24 months	37.19
After 36 months	40.98
After 48 months	44.91
After 60 months	49.00
After 72 months	53.25
After 84 months	57.67
After 96 months	62.28

Taken from Bonfort's Directory, 1909–10.

The farm value of corn for the five years preceding the war was 57¼ per bushel. Cash quotations to-day are 172¼. Allowing for freight and commissions this would still leave the present cost of material nearly three times the cost at the date the liquors were manufactured and would seem to make purchase of aged whisky for redistillation financially feasible.

The price of 30 cents per gallon at time of deposit was suggested as reasonable average price by an official in the revenue department.

Respectfully submitted.

H. G. CALDERWOOD.

JUNE 10.

Mr. McKELLAR. Mr. President, I am in favor of the amendment offered by the Senator from Utah on three grounds: First, I think it is right that if we take the property of these people we should pay for it what it is reasonably worth. I think under the amendment of the Senator from Utah that is provided for. It is a matter of common honesty and justice if the Government takes this property, or confiscates this property, it ought to pay for it. Just compensation for property taken by the Government is a principle as old as our Government.

In the next place, it is peculiarly appropriate that we should do it now, because we can utilize the property that we are obliged to buy. We can use it in manufacturing explosives for fighting our enemies instead of using the whisky in debauching our own people. As bad as war is, it is perhaps better to use alcohol for war purposes rather than to use it for beverage purposes.

For that reason the Government will not be out anything if it takes over this property and uses it for its very proper purposes. In other words, the Government will use it for the highest purpose, the defense and protection of our own people in war instead of using it and allowing the people to use it for a very degrading and base purpose.

In the third place, my proposition is, Mr. President, that we all know—or I think most of us believe—that if the Government does confiscate whisky and prevent its distillation it means that we have gone on a prohibition basis for all time in this country. We have done it fairly, we have done it justly, we have done it honestly toward the people who are now engaged in the business and who have a license to be engaged in the business. There can be no doubt about the ultimate result of this legislation. If once stopped by national law, there will never be any more legal distillation of alcoholic spirits in this Republic. If that point is once gained, the American people will never permit again the manufacture of whisky. For these three reasons we should adopt the amendment of the Senator from Utah. I for one am going to vote for it, and I hope and believe that it will be agreed to by this body and become the law.

Mr. JAMES. I ask permission at this time to print in the RECORD a few telegrams which I have received from various citizens of Kentucky protesting against the adoption of the Cummins amendment.

The PRESIDING OFFICER. Without objection, the telegrams will be printed in the RECORD.

The telegrams referred to are as follows:

PADUCAH, KY., *July 7, 1917.*

Hon. OLLIE M. JAMES,
United States Senate, Washington, D. C.:

Save one of your State's largest industries from practical bankruptcy. The Cummins amendment will embarrass practically every bank in Kentucky.

GEO. H. GOODMAN.

—

LOUISVILLE, KY., *July 7, 1917.*

Hon. OLLIE JAMES,
Senate, Washington, D. C.:

Passage of Cummins amendment grave danger to every interest of this country and a special assistance to the pro-Germans.

GEORGE L. DANFORTH.

—

PADUCAH, KY., *July 7, 1917.*

Hon. OLLIE M. JAMES,
United States Senate, Washington, D. C.:

Please protest the Cummins amendment. No good is accomplished by stopping tax payments, and it would ruin not only the distillers and wholesalers of this State, but our banks and bonding companies would likewise be seriously affected. Stop manufacture, if necessary, but do not stop tax payment.

CHAS. K. WHEELER.

PADUCAH, KY., *July 7, 1917.*

Hon. OLLIE JAMES,
United States Senate, Washington, D. C.:

Please protest the Cummins amendment. No good is accomplished by stopping tax payments, and it would ruin not only the distillers and wholesalers of the State, but our banks and bonding companies would likewise be seriously affected. Stop manufacture, if necessary, but do not stop tax payments.

W. F. PAXTON.

—

PADUCAH, KY., *July 7, 1917.*

Hon. OLLIE M. JAMES,
Washington, D. C.:

If amendment of Senator CUMMINS becomes a law every distiller and wholesale liquor dealer in the State of Kentucky is ruined, and our banks and bonding companies will be broke. The country gains nothing by this amendment. Stop manufacture of distilled spirits and you have your grain left, but stop tax payment of that which is now in bond and you will ruin without giving an American citizen a chance 90 per cent of the distillers and wholesale dealers of America.

FRIEDMAN KEILER & CO.

—

PADUCAH, KY., *July 7, 1917.*

Hon. OLLIE M. JAMES,
United States Senate, Washington, D. C.:

Please protest the Cummins amendment. No good is accomplished by stopping tax payments, and it would ruin not only the distillers and wholesalers of this State, but our banks and bonding companies would likewise be seriously affected. Stop manufacture if necessary, but do not stop tax payments.

J. C. UTTERBACK,
President City National Bank.

—

LOUISVILLE, KY., *July 7, 1917.*

Hon. OLLIE M. JAMES,
United States Senate, Washington, D. C.:

The banks of Kentucky and all over the United States hold as collateral thousands of barrels of whisky in bond, and if this whisky can not be tax paid it will be worthless and the notes, in most instances, can not be collected. It will therefore be ruinous to the banks.

GERMAN SECURITY BANK.

—

HENDERSON, KY., *July 7, 1917.*

Hon. OLLIE M. JAMES,
United States Senate, Washington, D. C.:

Adoption of Cummins amendment prohibiting withdrawal from bond would mean great distress in this section to banks and public.

HENDERSON NATIONAL BANK.

—

PADUCAH, KY., *July 7, 1917.*

Hon. OLLIE M. JAMES,
United States Senate, Washington, D. C.:

We heartily protest against unfair Cummins amendment. Every bank in the State of Kentucky would feel such unfair and undemocratic legislation, and the distillers and wholesale liquor dealers would be virtually ruined. The revenue would be lost to the Government and no good accomplished by such a ruling.

PADUCAH WATER CO.

—

PADUCAH, KY., *July 7, 1917.*

Hon. OLLIE M. JAMES,
United States Senate, Washington, D. C.:

Please protest the Cummins amendment. No good is accomplished by stopping tax payments, and it would ruin not only the distillers and wholesalers of this State, but our banks and bonding companies would likewise be seriously affected. Stop manufacture if necessary, but do not stop tax payment.

W. F. BRADSHAW, JR.,
President Mechanics Trust & Savings Bank.

—

PADUCAH, KY., *July 7, 1917.*

Hon. OLLIE M. JAMES,
United States Senate, Washington, D. C.:

We urge your influence against the Cummins amendment, as it seriously impairs value of collateral represented by whisky certificates largely held by Kentucky banks.

FIRST NATIONAL BANK.

—

BOWLING GREEN, KY., *July 7, 1917.*

Hon. OLLIE M. JAMES,
United States Senate, Washington, D. C.:

The adoption of the Cummins amendment or similar legislation would cause unnecessary loss and hardship to large numbers of people not in liquor business, including banks holding distillery papers.

CITIZENS' NATIONAL BANK,
By ROBERT RHODES,
President.

—

FRANKFORT, KY., *July 7, 1917.*

Senator OLLIE JAMES,
Washington, D. C.:

If Cummins amendment is passed, it will mean financial disaster to all banks in the country holding warehouse receipts. We hereby make vigorous protest against such drastic action at this critical time, and hope you can give us protection in some way.

NATIONAL BRANCH BANK OF FRANKFORT, KY.

—

LOUISVILLE, KY., *July 7, 1917.*

Senator OLLIE JAMES,
Washington, D. C.:

The adoption of the Cummins amendment means absolute prohibition and the destruction of property without any warning, making thousands of people idle.

VIC. LORCH.

LEXINGTON, KY., *July 7, 1917.*

Hon. OLLIE M. JAMES,
United States Senate, Washington, D. C.:

The Cummins amendment would work great hardship on our distillers and on banks carrying their paper. Your opposition to it would be very much appreciated.

PHOENIX AND THIRD NATIONAL BANK.

LOUISVILLE, KY., *July 7, 1917.*

Senator OLLIE JAMES,
Washington, D. C.:

We desire to enter protest against Cummins amendment to food bill. We consider absolutely ruinous to insurance companies.

FIDELITY & CASUALTY CO.,
C. L. NELSON,
Resident Manager.

LOUISVILLE, KY., *July 7, 1917.*

Hon. OLLIE JAMES,
United States Senator, Washington, D. C.:

Cummins amendment passed in Senate yesterday would work untold hardship upon this city and State. Aside from capital invested in distilling business and thousands employed in this industry, banks and trust companies would suffer great loss. We strongly urge that President's views be upheld in this matter and that no other proposed prohibition legislation be considered.

MERCHANTS & MANUFACTURERS ASSOCIATION,
H. E. PFINGST, *President.*

LEBANON, KY., *July 7, 1917.*

Hon. OLLIE M. JAMES,
Washington, D. C.:

Defeat the Cummins amendment, as it would mean ruin to our State.

SAM J. SPALDING, *County Clerk.*

LEBANON, KY., *July 7, 1917.*

Hon. OLLIE M. JAMES,
Washington, D. C.:

Do all in your power to defeat the Cummins amendment.

HUGH MURREY MARION.

LOUISVILLE, KY., *July 7, 1917.*

Hon. OLLIE M. JAMES, or
Hon. J. C. BECKHAM,
Washington, D. C.:

The Cummins amendment will bankrupt our business. Trust you will use your best efforts against this amendment.

BOOKER BOX CO.

LOUISVILLE, KY., *July 7, 1917.*

Hon. OLLIE JAMES,
United States Senate, Washington, D. C.:

I am in whisky bottle jobbing business. My customers owing me thousands of dollars; will go broke if the Cummins amendment stands. My entire business and all I have accumulated during my life will be totally destroyed. Congratulate you on your vote and am wiring as additional bit of evidence to show your colleagues.

I. T. AXTON.

FRANKFORT KY., *July 7, 1917.*

Senator OLLIE JAMES,
Washington, D. C.:

If the Cummins amendment is adopted to-day, preventing us from marketing whisky now in bond during the war, it will cause great financial disaster to banks and bonding companies and all holders of warehouse receipts. At this most critical time it means absolute financial ruin to anyone holding these securities. We hereby enter vigorous protest against such drastic action, and hope that in some manner you can give us protection.

LABROT & GRAHAM.

COVINGTON, KY., *July 7, 1917.*

Hon. OLLIE JAMES,
United States Senate, Washington, D. C.:

The passage of the Cummins amendment or like legislation will not only ruin this company but cause heavy loss to banks, bonding companies, and private capital. Please oppose this vicious and unjust measure.

THE W. J. FRAZIER CO.

LOUISVILLE, KY., *July 7, 1917.*

Senator OLLIE JAMES,
Washington, D. C.:

We, in common with many other banks, have large loans based on warehouse receipts for whisky in bond as collateral. The Cummins amendment, if enacted, would in many instances force the ownership of this whisky on the banks. We have viewed with the greatest satisfaction the orderly liquidation of these loans involved in the President's message for the discontinuance of the use of grain in such manufacture, but feel it to be absolutely vital to the interests of this bank and practically all business in this and other communities where considerable distilling operations have been permitted under the law in the past that the orderly withdrawal of liquor from bond may be allowed. It seems unbelievable that tremendous loss should be thrust on the banks and hundreds of thousands of laborers put out of business overnight.

S. B. LYND,
President Citizens' National Bank.

LEBANON, KY., *July 7, 1917.*

Hon. OLLIE JAMES,
Washington, D. C.:

Defeat the Cummins amendment. It means ruin to our State.

JNO. A. BURTON,
Judge Marion County, Ky.

OWENSBORO, KY., *July 7, 1917.*

Hon. OLLIE JAMES,
Washington, D. C.:

Proposed legislation in Senate prohibiting withdrawal of spirits in bond would not only bankrupt every distillery in Kentucky but throw out of employment thousands of industrious men, and would seriously embarrass all financial institutions holding bonded-warehouse receipts as collateral. It in no way conserves the grain supply, and such legislation would create discord among our people which should be avoided in the crisis now before our Nation. Please use your influence to defeat such an unwise, unpatriotic, and un-American measure.

NATIONAL DEPOSIT BANK.
FIRST NATIONAL BANK.
CENTRAL TRUST CO.
OWENSBORO BANKING CO.
U. S. NATIONAL BANK.
FARMERS & TRADERS' BANK.

LOUISVILLE, KY., *July 7, 1917.*

Hon. OLLIE M. JAMES,
Washington, D. C.:

We believe the banking interests of this State would be imperiled by the enactment of the Cummins amendment or kindred legislation. It seems to us that any seeming breach of good faith or interference with laws of long enactment should be avoided at this critical juncture in the Government's affairs. Credit is essential, and any impairment of credit is to be avoided. The amendment would be also detrimental to the credit of the State, and we are confident of injury to the banks and their customers.

THE STATE NATIONAL BANK.

Mr. SMOOT. I ask for the yeas and nays on agreeing to my amendment to the amendment.

The yeas and nays were ordered.

Mr. SIMMONS. Mr. President, I do not desire to enter into any discussion of the amendment of the Senator from Utah. As I said a little while ago, if this question is to be settled at all in my judgment it ought not to be settled indirectly; it ought to be settled directly. I am for national prohibition, provided that the people of the country have an opportunity to pass upon that question. If I am given a chance to do so I shall vote for a constitutional amendment providing nation-wide prohibition. I voted and fought for prohibition in my State. I rejoiced when the fight was won there, and I would resist with all my power any effort to overthrow it. But I am not willing, especially by indirect methods as proposed here, to vote a forced prohibition upon States whose people do not want it. I believe under the Constitution as now written that is a question for the people of each State to settle for themselves. That much in passing.

The point I rose to make is this: This discussion has made one thing clear. It has shown clearly that if this matter is to be dealt with in the way proposed by the so-called Cummins amendment and the other amendments which have been offered to it many very complicated questions will have to be adjusted. Questions which should have careful and mature consideration and treatment to adjust the equities of the interest affected, and legislation of this hurried and ill-considered sort hurriedly prepared and tacked on as a rider to a bill relating to a different subject affecting millions of dollars' worth of property ought to prevail in a great deliberative body like this.

Mr. President, why is it necessary to inject this question in the pending bill? Everybody knows that if this amendment is put in this bill it will probably jeopardize it. It may defeat its passage. If it does not defeat it it will delay its passage, when conditions require, in the public welfare, that it should be speedily enacted.

In these conditions should the friends of prohibition insist upon ingrafting it on this bill? Let the bill be passed; the public exigency be met. Prohibition has sufficient merit to stand on its own feet. Its friends will have a chance to present it to the Senate as a separate measure if they so wish, and the Senate will and the House can vote upon it after it has been carefully prepared and perfected by the appropriate committees in accordance with the precedents which obtain here. Legislation of such broad and sweeping consequence and importance to the American people as this should in all conscience receive that mature consideration our rules and ordinary procedure contemplates.

It is bad form at best, Mr. President, to undertake to settle a great question like this by way of an amendment in the nature of a rider to another bill.

I think we ought to have enough respect for intelligent procedure, for just action, to let this matter be taken up as a separate proposition, and to deal with it in the usual and ordinary course of procedure in this body.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Mississippi?

Mr. VARDAMAN. I desire to address the Senate in my own time.

The PRESIDING OFFICER. Has not the Senator already spoken on this amendment?

Mr. VARDAMAN. I have not.

The PRESIDING OFFICER. The Chair entertains a different view. The Senator from Mississippi was recognized in his own time and yielded to the Senator from Utah [Mr. SMOOT], whereupon a colloquy ensued between the Senator from Mississippi and the Senator from Utah.

Mr. VARDAMAN. I think the Chair is right about it.

Mr. GRONNA. Mr. President, I assure the Senate that I do not wish to delay its proceedings; but, answering the statement of the Senator from North Carolina [Mr. SIMMONS], I wish to say that his argument will not convince me that this is not the proper time to enact legislation, if that legislation will conserve food, conserve man power, and conserve the morals of the country.

There has been a great deal said by Senators on this floor as to the attitude of the so-called Anti-Saloon League. I want to read briefly from a statement issued by some 21 or 22 societies, in which I understand the Anti-Saloon League is included, as follows:

WASHINGTON, D. C., *July 5, 1917.*

MY DEAR SIR: Below please find a statement outlining the legislative policy unanimously adopted by the national legislative conference, representing the allied temperance forces of the whole country, and which these forces desire to see enacted.

We earnestly and respectfully request for this statement your most careful and serious consideration.

Very sincerely, yours,

ANNA A. GORDON,
Vice Chairman,
D. LEIGH COLVIN,
Secretary.

—

III. WAR PROHIBITION.

We urge Congress to conserve all our national resources needed to win the war by prohibiting the conversion of any foodstuffs into intoxicating liquors; by authorizing and directing the President to commandeer all stocks of distilled liquors for munitions and other governmental purposes; by preventing the importation of intoxicating liquors and the exportation of foodstuffs for the manufacture of intoxicating liquors abroad; and we oppose any except prohibitive taxes on the manufacture and sale of intoxicating liquors.

In view of the President's expressed fear of a filibuster on the food-control bill and of consequent serious delay in its passage, we desire to say that we have done nothing and will do nothing to delay the passage of this bill, but will press for adequate food conservation and for complete war prohibition, and will rely upon our trusted leaders in Congress to decide whether these objects can be best secured by a separate bill or by an amendment to some other measure.

Mr. President, if I interpret that language correctly, the Anti-Saloon League and these 21 other societies, which I believe represent a large constituency in this country, have not said to Congress or to anyone that they are opposed to this particular legislation. They have only said that they will not interfere with the passage of the food-control bill, but leave it to the judgment of the Members of this body and the other body to decide.

Mr. President, there has been a great deal said about the importance and the necessity of whisky and beer for the use of the Army. If I had time, I could show from the reports made by the consuls general from different countries which are now at war. These reports are certified to by the Librarian of Congress. I will read a line or two from the French report:

The French soldier has been specifically warned against alcohol by the Academy of Medicine in Paris, which has drawn up an appeal to the army and is circulating it by means of leaflets, which are entitled "Soldiers, beware of alcohol."

We all know that all these beverages consist of alcohol. I also want to read from Capt. Bathurst, in the House of Commons, a short extract.

In the course of a discussion of grain and food regulation, Capt. Bathurst said:

That far too much shipping was taken up with barley being brought across the seas for conversion into intoxicating liquor of one sort or another.

Mr. President, in Great Britain, in France, and in Germany they criticize the action of the legislative bodies for not conserving the grain for food, but using it in the manufacture of alcoholic liquors.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CALDER. Mr. President, I have not occupied the time of the Senate in discussing this question. It is my intention to vote for the substitute presented by the Senator from Arkansas [Mr. ROBINSON], but I can not, in justice to the great business interests of the city of New York, which I in part represent, permit this question to come to a vote without submitting my protest against that part of the so-called Cummins amendment which prevents whisky and other distilled spirits from being taken out of bond. I have in my hand a large number of telegrams—at least 20 from leading banking institutions of the city of New York, savings banks, trust companies, and national banks—all protesting against this sort of legislation. The Irving Savings Institution of New York State telegraphs me as follows:

Hon. W. M. CALDER,
United States Senate, Washington, D. C.:

As affecting real estate on which we hold mortgages, we respectfully urge that you oppose legislation prohibiting the withdrawal of whisky from bond.

IRVING SAVINGS INSTITUTION.

The First National Bank of New York State telegraphs me:

BROOKLYN, N. Y., *July 7, 1917.*

Hon. WILLIAM M. CALDER,
United States Senate, Washington, D. C.:

We respectfully protest against the passage of the Cummins amendment to the food-control bill. Prohibiting the withdrawal of distilled spirits from bond during the period of war would be most disastrous to many financial institutions having as collateral to loans warehouse receipts for distilled spirits.

FIRST NATIONAL BANK.

Among other telegrams which I have are the following:

NEW YORK, N. Y., *July 7, 1917.*

Hon. WILLIAM M. CALDER,
Senate, Washington, D. C.:

Adoption of the Cummins amendment prohibiting withdrawal of whisky from bond will bring serious financial distress to banks and bonding companies. Use your influence against it.

CHELSEA EXCHANGE BANK.

—

NEW YORK, N. Y., *July 7, 1917.*

Hon. WILLIAM M. CALDER,
Washington, D. C.:

Any amendment that would prospect the withdrawal of whiskies from bond at this time would be a serious disaster. It would affect real estate values as well as banking institutions, bonding companies, etc.

M. BERNARDINI STATE BANK,
New York.

—

NEW YORK, N. Y., *July 7, 1917.*

Hon. WILLIAM CALDER,
Senate, Washington, D. C.:

Adoption of the Cummins amendment prohibiting withdrawal of whisky from bond will bring serious financial distress to banks and bonding companies. Use your influence against it.

WESTSIDE BANK.

—

BROOKLYN, N. Y., *July 7, 1917.*

Hon. W. M. CALDER,
Senate Chamber, Washington, D. C.:

We urge your opposition to passing of prohibition measure as latest amended by Cummins.

THE CITY SAVINGS BANK OF BROOKLYN.

—

NEW YORK, N. Y., *July 7, 1917.*

Hon. WILLIAM M. CALDER,
United States Senate, Washington, D. C.:

Cummins amendment to food bill prohibiting importation and withdrawal of spirits from bond during period of war would cause great disturbance and distress to trade and serious loss to banks. We respectfully urge strong opposition to such actions. Importation, withdrawal, and sale of spirits actually in existence should be permitted.

NEW YORK COUNTY NATIONAL BANK.

Mr. President, though I have very many other telegrams, I shall not encumber the RECORD with them; but I desire to say that it seems to me that Senators should hesitate before taking a step which I am sure will very materially disturb many financial institutions, bonding companies, and business concerns, who, as the Senator from Utah said a moment ago, have been conducting their business in partnership with the Government for these hundred and odd years. I shall vote against the manufacture of distilled spirits, both as a measure of conservation of grains and because, in my opinion, the country will be better off morally and economically; but I can not agree to confiscate property created in compliance with law without due compensation for it.

The PRESIDING OFFICER. The Secretary will call the roll on the amendment proposed by the Senator from Utah [Mr. SMOOT] to the amendment.

The Secretary proceeded to call the roll.

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the Senator from South Dakota [Mr. STERLING]. In his absence I withhold my vote. If I were allowed to vote, I should vote "nay."

Mr. SUTHERLAND (when his name was called). I have a pair with the junior Senator from Massachusetts [Mr. WEEKS], but not knowing how he would vote I withhold my vote.

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from West Virginia [Mr. GOFF], which I transfer to the Senator from Arkansas [Mr. KIRBY] and vote "yea."

The roll call was concluded.

Mr. McCUMBER. I have a general pair with the senior Senator from Colorado [Mr. THOMAS], but I am informed that if present he would vote the same way as I shall on this par-

ticular question. Therefore I am at liberty to vote. I vote "yea."

Mr. DILLINGHAM. I observe that the Senator from Maryland [Mr. SMITH] has not voted. I have a general pair with him and therefore withhold my vote.

Mr. FLETCHER. Making the same announcement as before of my pair and its transfer, I vote "yea."

The result was announced—yeas 65, nays 12, as follows:

YEAS—65.

Ashurst	Harding	McKellar	Sheppard
Bankhead	Hollis	McLean	Sherman
Beckham	Husting	McNary	Smith, Ariz.
Brady	James	Myers	Smith, Mich.
Brandegee	Johnson, Cal.	Nelson	Smoot
Broussard	Johnson, S. Dak.	New	Thompson
Calder	Jones, N. Mex.	Newlands	Tillman
Colt	Jones, Wash.	Norris	Townsend
Cummins	Kellogg	Overman	Underwood
Curtis	Kendrick	Page	Wadsworth
Fernald	Kenyon	Penrose	Warren
Fletcher	King	Phelan	Watson
Frelinghuysen	Knox	Pittman	Williams
Gerry	La Follette	Poindexter	Wolcott
Gore	Lewis	Pomerene	
Gronna	Lodge	Ransdell	
Hale	McCumber	Shafroth	

NAYS—12.

Borah	Hitchcock	Simmons	Trammell
Chamberlain	Owen	Smith, Ga.	Vardaman
France	Reed	Stone	Walsh

NOT VOTING—19.

Culberson	Hardwick	Saulsbury	Sutherland
Dillingham	Hughes	Shields	Swanson
Fall	Kirby	Smith, Md.	Thomas
Gallinger	Martin	Smith, S. C.	Weeks
Goff	Robinson	Sterling	

So Mr. SMOOT's amendment to the amendment was agreed to.

Mr. SMITH of Georgia. I move to reconsider the action of the Senate yesterday whereby there was added to the amendment of the Senator from Arkansas the amendment embraced in the following language:

No distilled liquors or spirits now in bond in the United States shall during the existing war be withdrawn to be used as a beverage.

The PRESIDING OFFICER. The Senator from Georgia moves that the vote whereby the amendment just adverted to was passed shall be reconsidered.

Mr. CUMMINS. Mr. President, I do not intend to take up a moment's time to discuss this matter. I am quite ready to have a decision. I only suggest that the amendment is just as meritorious to-day as it was yesterday. Whether the hours that have intervened for reflection have furnished new and additional reasons for rejecting the amendment, time alone can tell. Before I sit down I ask that the vote be taken by yeas and nays.

Mr. VARDAMAN. Yes; let us have the yeas and nays.

Mr. PENROSE. Mr. President, before this motion is voted upon I desire to say that I am confident that when this amendment was adopted last evening a number of Senators really did not understand the situation as it has been explained this morning, and I doubt whether all the Members of this body fully realize the result of the action which they have taken just now.

Reference has been made to the revenues of the Government from distilled spirits, and I want to put in the RECORD here, in a couple of minutes, just what they amount to.

In the year ended June 30, 1916, the Government collected $158,682,439.53 from distilled-spirit sources, an increase of $14,062,740.16 over the preceding year.

For the first 11 months of the fiscal year 1917, just closed, the Government collected more than $162,000,000 from this source; and when the figures are computed for the entire year just closed, the rate being but $1.10 per proof gallon, the total will probably exceed $180,000,000.

Under the proposed rate of $2.20 per proof gallon, double the present rate, the Government should realize upon distilled spirits now in bond at the least figure $457,600,000. This amount would be paid into the Treasury over a period of 18 months or 2 years. In other words, the Government would receive approximately $225,000,000 per annum during the period present bonded stocks are being disposed of, despite diminishing withdrawals.

This total revenue would be lost to the Government, and, in addition to that, it is proposed to buy the distilled spirits in bond, costing several hundred million dollars more. Therefore, including the loss of revenue and the expenditure required to purchase, the total loss to and disbursement of the Government will soar up toward $1,000,000,000. That is the road which we are being left to follow by a course of action unnecessary, in connection with this particular measure not germane, and, in my opinion, absolutely sure to defeat the food bill if persisted in.

Mr. CHAMBERLAIN. Mr. President, the Senator from Iowa [Mr. CUMMINS] suggested a while ago that something might have happened in the night to change the opinion of Senators. I do not know exactly what is meant to be conveyed by that intimation, but something has happened in the Senate this morning to make me change my mind. By a vote of 65 to 12, I think, the Senate has just adopted an amendment proposed by the Senator from Utah, reading as follows:

Provided, That the President of the United States be, and hereby is, directed to take over for and on behalf of the Government of the United States all distilled liquors that are held in bond at the time this act goes into effect, and he is hereby authorized to pay the owners of such liquors the actual cost of the same plus a profit not exceeding 10 per cent.

The provision of the amendment of the Senator from Iowa, which was adopted yesterday, reads:

No distilled liquors or spirits now in bond in the United States shall during the existence of the war be withdrawn to be used as a beverage, nor shall there be imported into the United States during said war any distilled liquors.

If the President of the United States is authorized to commandeer the liquor and pay the owners what it is worth plus a profit of 10 per cent, what is the use of keeping it tied up in bond? If the Government takes it over, the Government certainly is not going to use it for beverage purposes; it will use it for the purposes of the Government. So I shall vote to reconsider the amendment.

Mr. JONES of Washington. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Washington will state his parliamentary inquiry.

Mr. JONES of Washington. What is the motion to reconsider upon? Is it simply upon that part of the Cummins amendment that was adopted yesterday or is it upon the Cummins amendment as modified by the amendments adopted to-day?

The PRESIDING OFFICER. The present occupant of the chair understands that the motion to reconsider relates only to that part of the so-called Cummins amendment which interdicted the removal of certain liquors held in bond.

Mr. JONES of Washington. A further parliamentary inquiry, Mr. President. If that is the case, then the amendment that we have just adopted directing the President to take over these distilled liquors will still be a part of the Robinson amendment? Is that correct?

The PRESIDING OFFICER. In the opinion of the Chair, that is correct.

Mr. PENROSE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary proceeded to call the roll, and Mr. ASHURST answered "Present."

Mr. STONE. Mr. President——

Mr. POINDEXTER. Mr. President, I make the point of order that the roll call has begun and can not be interrupted.

The PRESIDING OFFICER. The Chair thinks the point of order is well taken.

The Secretary resumed and concluded the calling of the roll, and the following Senators answered to their names:

Ashurst	Gronna	McNary	Smith, Ariz.
Bankhead	Hale	Nelson	Smith, Ga.
Beckham	Hitchcock	New	Smith, Mich.
Borah	Hollis	Newlands	Smith, S. C.
Brandegee	Husting	Norris	Smoot
Broussard	James	Owen	Stone
Calder	Johnson, Cal.	Page	Sutherland
Chamberlain	Johnson, S. Dak.	Penrose	Thompson
Colt	Jones, N. Mex.	Phelan	Tillman
Culberson	Jones, Wash.	Pittman	Trammell
Cummins	Kendrick	Poindexter	Underwood
Curtis	Kenyon	Pomerene	Vardaman
Dillingham	King	Ransdell	Wadsworth
Fernald	Knox	Reed	Walsh
Fletcher	La Follette	Robinson	Watson
France	Lewis	Shafroth	Williams
Frelinghuysen	McCumber	Sheppard	Wolcott
Gerry	McKellar	Sherman	
Gore	McLean	Simmons	

The PRESIDING OFFICER. Seventy-four Senators have answered to their names. A quorum is present.

Mr. BORAH. Mr. President, I desire to see if I can find a path out of this forest primeval with reference to these amendments. We are now about to vote upon a reconsideration of the vote had upon yesterday by which the amendment of the Senator from Iowa was adopted. We have since that time adopted an amendment by 65 to 12, I believe, providing for the purchase of these liquors and the payment for the same by the Government. If we should reconsider this vote, as we will, and that provision should go out, would it at all affect the Robinson amendment with reference to the amendment offered by the Senator from Utah? As I understand, the amendment of the Senator from Utah was offered to the amendment of the Senator from Arkansas and would be a part of it, notwithstanding the fact that we will reconsider this particular amendment.

I should like to ask the Senator who moved to reconsider if that is not the fact?

Mr. SMITH of Georgia. I can only say this: My understanding is that my motion to reconsider is limited to a single proposition. We voted upon that proposition as a distinct proposition, and therefore the motion to reconsider must be limited to that proposition.

Mr. BORAH. May I ask the Senator what is the object of the Senator in moving to reconsider this vote, in view of the fact that we have since adopted an amendment which annuls entirely as a legal proposition, it would seem, the effect of that amendment? The amendment of the Senator from Iowa provided that the liquor should not be taken out of bond; but we have since adopted an amendment by which the President may take it out of bond and pay the owners for it. Now, what is the object of the Senator in securing a revote upon that proposition?

Mr. SMITH of Georgia. Because the Senate having adopted it and put it into the bill, I desire to take it out.

Mr. BORAH. I should like to know why the Senator wants it taken out, in view of the fact that he voted to put it in.

Mr. SMITH of Georgia. I stated my reason this morning. I did not happen to have the good fortune to have the Senator from Idaho in my audience.

Mr. BORAH. Yes; I heard the Senator.

Mr. STONE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. BORAH. I yield.

Mr. STONE. May I say that I am quite sure that the Senator voted for what we may call the Smoot amendment on the theory that the so-called Cummins amendment might remain in the bill, preventing the taking of bonded whiskies out of bond. If that is not done, however, then the other matter should be taken up for subsequent consideration.

Mr. BORAH. A light begins to dawn upon me.

Mr. STONE. It has dawned as far as I am concerned.

Mr. BORAH. I say upon me, because, as I understand it now, we voted for the amendment of the Senator from Utah for fear that the Cummins amendment might remain in the bill; but in case the amendment of the Senator from Iowa goes out, then we will have another reconsideration and take out the amendment of the Senator from Utah.

Mr. STONE. I say we ought to. I do not know whether we will or not. That is my opinion.

Mr. SHAFROTH. Mr. President, it seems to me to be impracticable to reconsider the amendment offered by the Senator from Iowa at this time for this reason. I will read the amendment as it is now perfected. It is called the Cummins amendment:

> No distilled liquors or spirits now in bond in the United States shall, during the existing war, be withdrawn to be used as a beverage, nor shall there be imported into the United States during said war any distilled liquors.

What is the result of the reconsideration of that amendment? It is, of course, to say that distilled liquors now in bond during the existing war can be used as a beverage; but more important than that even is the proposition that there may be imported into the United States during the war distilled liquors.

Mr. SMITH of Georgia. My motion does not apply to that.

Mr. SHAFROTH. Oh, it does not?

Mr. SMITH of Georgia. No. The question was divided when it was submitted to the Senate, and we voted separately, first upon the bond proposition and second upon the importation proposition.

Mr. JAMES. Mr. President, the Finance Committee has recently reported a bill which, so far as it relates to the importation of liquors, prohibits the importation of whiskies, wines, beers, or anything of an alcoholic character, so that a bill is pending here with a unanimous report, which I joined in making, that goes a great deal farther than the Cummins proposition. For that very reason I voted against it when it was up here yesterday.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from North Carolina?

Mr. SHAFROTH. I do.

Mr. SIMMONS. If the motion of the Senator from Georgia should prevail, and then this part of the Cummins amendment should be stricken out, the balance of it, with reference to importation, will remain as a distinct and separate proposition.

Mr. SHAFROTH. I should like to inquire of the President of the Senate as to what the motion to reconsider by the Senator from Georgia involves? I will ask that the matter to which it refers may be read.

The VICE PRESIDENT. The Secretary will read it.

The Secretary read as follows:

> No distilled liquors or spirits now in bond in the United States shall, during the existing war, be withdrawn to be used as a beverage.

Mr. SHAFROTH. That is the first part. That is all that the motion to reconsider goes to?

Mr. SMITH of Georgia. That is all.

Mr. JAMES. Let me ask the Senator a question. Which would he prefer, the provisions of the bill reported by the Finance Committee, which prohibits the importation of all alcoholic liquors—whiskies, wines, beers, and so forth—or the provision that merely prohibits the importation of whisky?

Mr. SHAFROTH. The difficulty about that situation, Mr. President, is that that bill has not been passed, and this provision has been adopted. That is just the difference between having a provision adopted and one that is in the chaotic condition of not even being presented to the Senate as yet.

Mr. JAMES. In which place does the Senator prefer to handle questions affecting the revenue, through a revenue committee or just haphazard, as the matter might come into the Senate?

Mr. SHAFROTH. No; I think this matter came up in a regular way. This measure came over from the House. The House put a provision in it with relation to limiting the use of intoxicating liquors; and inasmuch as that is true, all of these matters are germane to this bill, as much so as if it were a revenue bill or any other kind of a bill.

It seems to me that since the amendment of the Senator from Utah has been adopted substantially all the objections that have been made have been eliminated. For that reason I hoped at the time the Senator from Georgia first attempted to make his motion to reconsider that he would not do so until the amendment of the Senator from Utah was disposed of. That having been disposed of and having been adopted, as these liquors are to be paid for, I can not see why we should emasculate this section and take out the provision of the Senator from Iowa.

Mr. McCUMBER. Mr. President, I should like to ask the Senator from Iowa what reason he would now urge for retaining his amendment in the bill, the Senate having voted to purchase all of these distilled liquors? It is certain that the two are inconsistent with each other. If there is not a reconsideration and the striking out of one, we shall have two directions in the same bill inconsistent with each other. If the Government purchases the intoxicating liquors, is there anything to be gained by preserving in the bill the amendment offered by the Senator from Iowa?

Mr. CUMMINS. Mr. President, there is nothing inconsistent between the two proposals. If the President takes out all the bonded liquor, there will be no spirits to which my amendment could apply; but until he does that my amendment would still prevent the withdrawal of these liquors to be used as a beverage.

Mr. McCUMBER. But, Mr. President, the amendment offered by the Senator from Utah does not leave it discretionary with the President. He is compelled to proceed to purchase the spirits at the time this bill goes into effect.

Mr. CUMMINS. I do not so construe it.

Mr. McCUMBER. The word "shall" is used. It does not use the word "may."

Mr. CUMMINS. I am trying to prevent the use of this liquor as a beverage. That is all I have been trying to do. There is no harm at least in leaving the original prohibition in it. It can not do anybody any harm, at any rate, and if for any reason the President does not acquire these liquors for six months to come we will prevent their withdrawal in the meantime.

Mr. BORAH. Mr. President——

Mr. McCUMBER. Mr. President, it seems to me there is considerable harm in having a proposition in a bill directing that distilled liquors shall not be removed from bond, and having another provision in the same bill directing the President to purchase all of the distilled liquors that are now in bond.

Mr. CUMMINS. The Senator from North Dakota must know that my amendment related to withdrawing the liquors to be used as a beverage.

Mr. McCUMBER. I am assuming that having voted for that, and then having voted that the President shall take the liquors out of bond and pay for them, the Government will not sell them again for beverage purposes, so I can not see the necessity of retaining them both.

Mr. BORAH. Mr. President, may I ask the Senator a question?

Mr. McCUMBER. Certainly.

Mr. BORAH. Does the Senator see any legal inconsistency in these two propositions?

Mr. McCUMBER. I certainly do.

Mr. BORAH. Does the Senator think that the clause in the bill with reference to the purchasing of these liquors will be in it when it finally comes out of conference?

Mr. McCUMBER. Oh, I can not say as to that; neither can the Senator. It might be that they would eliminate both of them in conference; but at present there are two inconsistent provisions.

Mr. BORAH. It is not necessary, then, for the friends of the proposition to begin to eliminate in advance. Why should we take out this provision when we do not know which one of the provisions will satisfy the conferees?

Mr. McCUMBER. We should take it out because we should pass an intelligible bill. We should not pass in the Senate a bill containing two provisions that are absolutely at variance with each other. One or the other should be adopted. I voted for the Cummins amendment, and if it shall remain in the bill I shall vote for it; but I could not vote for both of them consistently.

Mr. BORAH. Did not the Senator also vote for the Smoot amendment?

Mr. McCUMBER. Yes; I voted for the Smoot amendment. I have assumed, therefore, that this was to be the sentiment of the Senate and the other would be removed from it. I still would insist that we should not send this bill from the Senate with those inconsistent provisions.

Mr. OWEN. Mr. President, the first part of the Cummins amendment provides that no alcoholic beverage shall be imported into the United States during the existing war. That has no relation to the withdrawal from bond. The latter part provides that no part of the distilled spirits now in bond in the United States shall be withdrawn during the war to be used as a beverage. So that if the Government buys this liquor it could not, in that event, withdraw it to be used as a beverage. Otherwise it could be withdrawn by the Government to be used as a beverage. There is no inconsistency between them.

The VICE PRESIDENT. The question is on the motion to reconsider, on which the yeas and nays have been requested. Is the request seconded?

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FLETCHER (when his name was called). Making the same announcement as before as to my pair and its transfer, I vote "nay."

Mr. McCUMBER (when his name was called). I again announce my pair with the senior Senator from Colorado [Mr. THOMAS]. I am informed that he would vote the same way that I shall vote upon this proposition, and I therefore vote "yea."

Mr. SMITH of South Carolina (when his name was called). I again announce my general pair with the senior Senator from South Dakota [Mr. STERLING] and withhold my vote.

Mr. SUTHERLAND (when his name was called). I make the same announcement with reference to my pair with the junior Senator from Massachusetts [Mr. WEEKS] and withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the senior Senator from West Virginia [Mr. GOFF] to the junior Senator from Arkansas [Mr. KIRBY] and vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN], who is absent. I transfer that pair to the senior Senator from New Jersey [Mr. HUGHES] and vote "yea."

The roll call having been concluded, the result was announced—yeas 44, nays 39, as follows:

YEAS—44.

Bankhead	Harding	Martin	Smith, Ariz.
Brandegee	Hitchcock	New	Smith, Ga.
Broussard	Hollis	Newlands	Smith, Md.
Calder	Husting	Penrose	Stone
Chamberlain	James	Phelan	Swanson
Colt	Jones, N. Mex.	Pittman	Tillman
Culberson	Knox	Pomerene	Underwood
Dillingham	Lewis	Ransdell	Wadsworth
France	Lodge	Reed	Warren
Frelinghuysen	McCumber	Robinson	Watson
Gerry	McLean	Simmons	Williams

NAYS—39.

Ashurst	Hale	McNary	Shields
Beckham	Johnson, Cal.	Myers	Smith, Mich.
Borah	Johnson, S. Dak.	Nelson	Smoot
Brady	Jones, Wash.	Norris	Thompson
Cummins	Kellogg	Owen	Townsend
Curtis	Kendrick	Page	Trammell
Fernald	Kenyon	Poindexter	Vardaman
Fletcher	King	Shafroth	Walsh
Gore	La Follette	Sheppard	Wolcott
Gronna	McKellar	Sherman	

NOT VOTING—13.

Fall	Hughes	Smith, S. C.	Weeks
Gallinger	Kirby	Sterling	
Goff	Overman	Sutherland	
Hardwick	Saulsbury	Thomas	

So the motion to reconsider was agreed to.

The VICE PRESIDENT. The question now recurs on the amendment of the Senator from Iowa.

Mr. STONE and Mr. POINDEXTER called for the yeas and nays, and they were ordered.

Mr. ASHURST. Let the question be stated.

Mr. SMITH of Georgia. We can not understand here what the question is.

The VICE PRESIDENT. It is on the adoption of the first clause of the Cummins amendment, the vote by which it was adopted having just been reconsidered. The Secretary will call the roll.

The Secretary called the name of Mr. ASHURST, and he voted "yea."

Mr. OWEN. Mr. President——

The VICE PRESIDENT. The roll call has started.

Mr. OWEN. The Secretary did not call the first name, I think, Mr. President.

Mr. PENROSE. Yes; he did.

The VICE PRESIDENT. A response has been made to the roll call. The Chair can not stop the roll call.

The Secretary resumed the calling of the roll.

Mr. FLETCHER (when his name was called). Making the same announcement as before as to my pair and its transfer, I vote "yea."

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the senior Senator from South Dakota [Mr. STERLING] and withhold my vote.

Mr. SUTHERLAND (when his name was called). I again announce my pair with the junior Senator from Massachusetts [Mr. WEEKS] and withhold my vote. If at liberty to vote, I would vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Arkansas [Mr. KIRBY] and vote "nay."

Mr. WARREN (when his name was called). Making the same announcement as before as to pairs, I vote "nay."

The roll call was concluded.

Mr. McCUMBER. I am informed that my pair, the senior Senator from Colorado [Mr. THOMAS], if present would vote "nay." I therefore feel at liberty to vote. I vote "nay."

The result was announced—yeas 39, nays 43, as follows:

YEAS—39.

Ashurst	Hale	McNary	Shields
Beckham	Johnson, Cal.	Myers	Smith, Mich.
Borah	Johnson, S. Dak.	Nelson	Smoot
Brady	Jones, Wash.	Norris	Thompson
Cummins	Kellogg	Owen	Townsend
Curtis	Kendrick	Page	Trammell
Fernald	Kenyon	Poindexter	Vardaman
Fletcher	King	Shafroth	Walsh
Gore	La Follette	Sheppard	Wolcott
Gronna	McKellar	Sherman	

NAYS—43.

Bankhead	Harding	Martin	Smith, Ga.
Brandegee	Hitchcock	New	Smith, Md.
Broussard	Hollis	Newlands	Stone
Calder	Husting	Penrose	Swanson
Chamberlain	James	Phelan	Tillman
Colt	Jones, N. Mex.	Pittman	Underwood
Culberson	Knox	Pomerene	Wadsworth
Dillingham	Lewis	Reed	Warren
France	Lodge	Robinson	Watson
Frelinghuysen	McCumber	Simmons	Williams
Gerry	McLean	Smith, Ariz.	

NOT VOTING—14.

Fall	Hughes	Saulsbury	Thomas
Gallinger	Kirby	Smith, S. C.	Weeks
Goff	Overman	Sterling	
Hardwick	Ransdell	Sutherland	

So the first clause of Mr. Cummins's amendment was rejected.

Mr. JONES of New Mexico. Mr. President, a short time ago the Senator from Utah [Mr. SMOOT] offered an amendment, which was adopted, by which the President was "directed to take over for and on behalf of the Government of the United States all distilled liquors that are held in bond at the time this act goes into effect, and he is hereby authorized to pay the owners of such liquors the actual cost of the same plus a profit not exceeding 10 per cent."

When that amendment was offered I favored it for the reason that at that stage of the proceeding the Senate had voted to prohibit distilled liquors.

The VICE PRESIDENT. The Chair must inquire what is before the Senate?

Mr. JONES of New Mexico. I am just making a statement to be followed by a motion to reconsider. Under the situation as it presented itself, then, I felt that it was nothing but right if we were to practically confiscate the liquors involved to take them over and do it actually and pay for what we were taking. The Senate has now voted to reconsider what is known as the Cummins amendment and has voted it down. Under the circumstances it seems to me that the Smoot amendment should also be reconsidered.

I do not believe that this is the time to consider the question of purchasing all the distilled liquors in the country which are now in bond. I think the revenue situation is critical at this time. I believe this would involve the raising of at least a billion dollars. I do not believe it should be done in this rather haphazard way. The question of raising the revenue with which to pay for the liquors has not been considered. The Finance Committee has framed a bill which contemplates taxing the liquors and raising revenue, and if we have to turn around and elimfnate over $200,000,000 of revenue per annum and at the same time raise another half a million dollars for the purchase of the liquors, then we have got to reframe that bill and undoubtedly it would result in the issuance of a billion dollars in bonds.

I therefore, Mr. President, move to reconsider the vote by which the amendment of the Senator from Utah was adopted.

Mr. LODGE. I voted for the amendment offered by the senior Senator from Utah [Mr. SMOOT] because the Robinson amendment as it then stood included the Cummins amendment, which provided for taking the whisky in bond, and although that liquor was the property of distillers it seemed to me that it was not well to take it without due compensation. I do not know that it would be worth while for me to advance as a reason that I considered it a violation of the Constitution, but it did not seem to me to be entirely honest to take property, if it was the property of distillers, without paying for it. The Senate has now reversed its action on a part of the Cummins amendment relating to that matter, and it seems to me that the Smoot amendment no longer serves any useful purpose and had better be reconsidered also.

I do not care to go into the reasons particularly, because they have been stated very compactly and well by the Senator from New Mexico [Mr. JONES], but the taking of that liquor and paying for it and then distilling it into alcohol, which would cost the Government about $6 a gallon, or something of that kind, seems to me to be a rather large expenditure of money to enter upon at this moment.

We have completed a revenue bill which carried $1,670,000,000. The bill as it came from the House carried $1,800,000,000. In both measures the taxes on liquor are important and component parts, and now suddenly not only to throw out those taxes, which form a part of the structure of both bills, but to make an enormous expenditure which has nothing whatever to do with war purposes and brings no conservation of any kind, seems to me to be unwise. In order to carry on this war successfully, at the back, the great support of everything, is the money, and I do not think there is anything to-day that warrants the great loss of revenue which is implied in the amendment of the Senator from Utah, together with the great expenditure which is also needed in order to pay those persons whose property has been taken.

Mr. SMOOT. Mr. President, the Senator from Utah is not unmindful of the fact that the program is going along just as it was mapped out yesterday at the time the Senate recessed, but I do want to say just a word in answer to what has been said in relation to this amendment.

The Senator from Massachusetts states that the alcohol is going to cost the Government of the United States under this amendment some $6 a gallon. It would cost the Government of the United States $6 a gallon, providing the Government of the United States had to pay what the distillers expect to get for the spirits in bond from the people of the United States if this bill becomes a law. All the liquor interests are happy. The distillers wanted this provision in the bill. They intend to make enough out of it to liquidate all of the distilling companies in the United States if the bill becomes a law, and with that provision in it you will find that every distiller in the country will immediately advance the price of his distilled spirits. With the 208,000,000 gallons now and what will be put in bond before the passage of the bill the distillers will make two or three dollars a gallon and wind up at the end, perhaps, with five or six dollars a gallon profit, and there is in sight a profit to them of at least $500,000,000.

If you adopt this amendment of mine, the President of the United States will pay back the cost of producing it at a profit not to exceed 10 per cent. Then after redistillation the price will not be based upon the price the distillers intend to sell to the American public, but it will be upon what it actually costs plus a profit not to exceed 10 per cent.

It is not going to cost the Government of the United States so much money. I can not say exactly what it will cost the Government, but of the alcohol that will be taken out by redistillation every gallon will be wanted by the Government of the United States, and if we get into this war, as no doubt we will be compelled to do, we will have to buy more alcohol for munitions than we will ever get out of the distilled spirits in bond to-day.

Mr. President, I want to call the attention of the Senate to the fact that it costs not to exceed 5 cents a gallon to redistill these spirits, and remember, too, that it takes 2½ pounds of alcohol to make 1 pound of smokeless powder, and where are we going to get it? Are we to pay the distillers a profit of 100 per cent over and above what they claim it will cost them or shall we give the President of the United States power to purchase it all at a cost which is absolutely fair to the distillers of the country, and then it is in our possession?

Mr. President, I hope the Senate will consider this upon its merits, and I hope the Senate will vote to include this amendment in the bill. I feel like promising the Senate, if it does so, there will be no more distilled spirits manufactured in the United States for beverage purposes. This will be the end of it. This will be the end of King Alcohol.

I wish to say now to those who believe in the prohibition cause to vote against this amendment means that they are voting for the future distilling of liquors to be sold for beverage purposes in the United States. Put this in the bill and it is doomed; the American people will never consent again to its manufacture for the purpose of selling to the people of the United States for beverage purposes.

Mr. LEWIS. Mr. President, I make free to state the real legal status of this amendment as I see it. I am one of those to whom the Senator aptly alluded as having figured in something of a program. I am one of those who participated in the arrangement to bring before the Senate the reconsideration of this subject that Senators may have a calm moment to reflect upon the consequences of these amendments as well as upon the result of their vote.

Mr. President, when the amendment of the Senator from Arkansas [Mr. ROBINSON] was adopted and then there was added the amendment of the Senator from Iowa [Mr. CUMMINS], we were practically in the position of having by the amendment of the Senator from Iowa appropriated whiskies which were in bond when, if we had done so, every one in this body will recognize we would open a very serious question as to whether we had not taken property without providing just compensation. To overcome that constitutional difficulty as well as to meet the abstract sense of justice the amendment tendered by the Senator from Utah [Mr. SMOOT], equivalent to an expression that the Government then should pay for what was appropriated, was passed.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Missouri?

Mr. LEWIS. I yield, knowing the Senator will not take very much of my time in view of the short time allowed me under the rule.

Mr. REED. About three days ago the Senator made a very great speech in which he pronounced the Constitution dead. I am glad to know that he has resurrected it for the purpose of the present moment.

Mr. LEWIS. Mr. President, the eminent Senator from Missouri during all that debate was constantly asserting I was announcing that the Constitution was suspended. I was constantly saying in return, and I was insisting, that certain provisions had their operation suspended in time of war different from that in which they were executed in time of peace. The only thing that really seems dead to me constitutionally is the capacity of my friend from Missouri to constitutionally understand the distinction I presented before the Senate.

Mr. REED. If the Senator will pardon me, it would require some one who had been dead and had gone into the upper heavens and received celestial information ever to detect that distinction.

Mr. LEWIS. Mr. President, I accept my eminent friend from Missouri as wholly complying with that standard, for he constantly tenders me spiritual unction.

Mr. President, I return to the subject. As I understand it, it is that having reconsidered the Cummins amendment and practically restored the property back to the owners, which property we had previously appropriated, there is now no need of making provision for the payment of that which we have

already redelivered to the proprietors, and we are now merely wresting the Government from the financial obligation of paying for that which we have heretofore decided we shall not have but shall remain the property of its possessor. Otherwise, sir, we will be paying vast sums, millions, for that which we would not possess.

In his last observation the Senator from Utah makes a very pertinent remark. It is that there should be some provision providing how the Government may obtain the alcohol or the spirits for munition purposes. Mr. President, I concede that; but, sir, we need not now buy all the whisky or buy all the spirits. If the time shall come when we shall need these, then let us take the steps at that time for such quantity as we shall actually need by contract, or if opposed by avarice we can then commandeer it, as provided by now existing law. That, sir, is the situation as I behold it, and I sustain the motion of the Senator from New Mexico [Mr. JONES] for a reconsideration.

Mr. OWEN. Mr. President, I am opposed to the reconsideration of this amendment. When it was before the Senate I voted against it under a misapprehension. I thought we were paying too much, and for that reason I voted against it. I believe, however, with the Senator from Utah, that if the United States pays for this liquor at this time the people of the United States will never again permit it to be manufactured for beverage purposes in this country.

Mr. President, I think that as a matter efficient in war making we are justified in taking this liquor over and making it into alcohol, because that would be a salvage, coming high, but we can afford to pay the price in order to end the manufacture and distribution of distilled liquors in this country. No man knows just what the cost is in the way of national efficiency; no man knows just what the cost is in the destruction of human life, but we all know that it is very, very large; and this measure, even if it does cost $200,000,000, $300,000,000, or $400,000,000, is an economical step in promoting the efficiency of the American people for war-making purposes and for peace purposes as well.

I am opposed to the reconsideration and I hope the Senate will maintain the principle already laid down in the bill.

Mr. SHAFROTH. Mr. President, I can not understand how Senators by a vote of probably 4 to 1 will indorse a proposition which seems as plain as that which was presented by the Senator from Utah and then immediately thereafter almost wish to reconsider it for the purpose of killing that provision.

Mr. President, with that provision out of the bill it means that the 200,000,000 gallons of whisky that are now in bond will be sold to the people, and it will be done to the detriment of the efficiency of our Nation. It will mean that the $2,500,000,000 of expenditure that is made every year by the people in taking into their mouths that which steals away their brains will continue. It is a question as to whether a few million dollars which can prevent that will be voted by the Congress of the United States.

Mr. President, it has been estimated, according to a print I saw, that it would cost not to exceed $80,000,000 for the Government to take over all the liquor that is now in bond. The Senator from Utah has calculated that it would amount to $75,000,000. Is it possible that when we start in for the purpose of indemnifying or paying the people who were to lose this liquor and to save the bankers from the losses which they would sustain by reason of having certificates as collateral security for the payment of debt, when we go to that extent, immediately Congress turns around and says, "No; we will not have anything to do with it, but will resort to the old way of letting this great expenditure go on, to the detriment of the people of the United States, to the detriment of the soldiers if they ever drink it"?

Notwithstanding that, it seems to me, as a measure of conservation, the way of getting at it is equitable. I do not see why any person should change his mind. There was one Senator who said, "What is the use of keeping both provisions in the bill when they are practically the same and relate to the same subject matter?" I have no doubt that he voted as he did on the motion to reconsider the amendment offered by the Senator from Iowa, solely because of this other provision, which he was heartily in favor of. Is it possible that, as a conservation measure, when we are dealing with the question of distilled liquors we are going to open wide the door and let this liquor be sold in these times when every energy of the people is necessary, and where in war time the very salvation of our country is dependent upon keeping it from the people?

Mr. President, I shall vote against the motion to reconsider.

Mr. NEWLANDS. Mr. President, I have always voted against prohibition measures in this body. But I have not been regardless of the evil of the alcoholic traffic and I have not been opposed to its regulation and control. I believe that the use of alcohol should be controlled just as the use of any other poison should be controlled. But I have felt that in the legislation thus far proposed no proper consideration has been given to the equities of those who have built up businesses and produced alcoholic commodities under the sanction of the law in quasi partnership with the National Government. I have also felt that radical and intemperate action would not be sufficiently considerate of that class of people who, using intoxicants, from which the Government receives a substantial part of the profits, have formed the drink habit, which humanity requires should be treated scientifically as a malady rather than as a crime. I have feared that radical prohibition would encourage the drug habit and substitute a worse malady for the alcoholic malady.

I have also feared, and my experience has confirmed the fear, that extreme laws would result in their evasion and that we would have a government of spies throughout the country, whose function it would be to secure the punishment of such evasion.

But, Mr. President, the consciousness of the enormity of the evil has been growing upon me and I have been approaching the conclusion to vote for extreme measures rather than fail altogether of accomplishment. The amendment of the Senator from Utah, which proposes that the Government take over and pay for the existing stock of whisky in bond, is the first rational suggestion that tends toward a recognition of the equities of the people who have produced commodities under the sanction of the law. I believe that the amendment which he has offered should remain in the bill, and I intend to support it. If we can only follow this up hereafter by some moderate and progressive action which within a reasonable period will secure the reduction of the use of alcohol to those mild beverages which cheer but do not inebriate, we can in a rational and fair and just way, in a considerate and humane way, deal with this subject, and later on we can proceed to absolute prohibition if experience points that way.

I have not been willing to identify myself with the prohibition propaganda because it has been in the hands of radicals, as all such propagandas are. I have hoped that after the period of radical agitation some rational and wise solution would be suggested by more conservative men.

I welcome the amendment offered by the Senator from Utah as a step in that direction, one which will lead ultimately to a real, practical, and just solution of this important question.

The VICE PRESIDENT. The time of the Senator from Nevada has expired.

Mr. SIMMONS. Mr. President, I think there should be a clear understanding of the amount of money the Government would have to pay out in the purchase of distilled spirits in bond and the amount of revenue the Government would lose if the amendment of the Senator from Utah should be adopted. The Senator from Utah says that there are 208,000,000 gallons of liquor in bond. I think that his estimate is too low. My understanding is that there is in excess of 232,000,000 gallons in bonded warehouses; but I will for the sake of argument admit his estimate and for the sake of easy calculation take an even lower estimate. Assume that there are only 200,000,000 gallons in bond, 8,000,000 less than he claims, and assume that the Government would under his amendment have to pay only $1 per gallon, or 25 cents a quart—and surely that is an extremely low figure—that would mean that the Government would have to pay for the 200,000,000 gallons of untax-paid spirits out of the Treasury of the United States, $200,000,000, to say nothing about the cost of redistillation, which would be at least 20 cents per gallon.

But the Government, if it purchases this liquor, will lose the tax, and that amount would have to be added to the cost of the liquor. Under the present law the tax is $1.10 a gallon, and under the revenue bill which the Finance Committee has just favorably reported to the Senate an additional tax of $1.10 a gallon is imposed, making the total tax $2.20 a gallon. If the amendment of the Senator from Utah is adopted, the loss in the tax on these 200,000,000 gallons would amount to $440,000,000. Added to the $200,000,000 which the Government would have to pay for the spirits in bond, the total would be $640,000,000.

In the revenue bill reported by the Finance Committee it is estimated we will realize from distilled spirits for the fiscal year 1918 $278,000,000. If this amendment passes we will get nothing from this source and will have to raise at least $200,000,000 additional revenue to pay for the commandeered liquor. So that, in some way or other, we shall, if this amendment is adopted, have to scurry around and find a way to raise at least $478,000,000 more than is provided for in the present revenue bill.

Therefore, Mr. President, taking into consideration the matter of revenue only, it is clear to my mind that in the conditions which now confront us the adoption of this amendment would create a very serious situation, to say the least, especially because of the fact that the bill as reported necessarily had to impose heavy burdens on the people.

Mr. President, there is another view of this matter besides that of revenue. It is obvious, if this amendment is adopted, the prohibition question will be injected into this war situation, because if the Government shall buy all of the liquor now—and no more liquor is permitted to be distilled—that would mean absolute prohibition as to liquors in the States that now permit the sale of liquor.

Mr. President, I do not wish to elaborate the views which I expressed a little while ago, but I wish to repeat that, in my judgment, we could not do anything that would more disturb the unity and harmony of the sentiment that now is arrayed in behalf of the great war in which we are engaged and engender discord and dissension where there should be harmony and cooperation than to inject this irritating question, upon which people feel so deeply, into this war situation. Because of the revenue condition and because I believe from the bottom of my heart that it is to the interest of the public welfare in this situation that we should not do that which will, in my judgment, so divide and chill the ardor of a considerable part of our people, especially in some of the larger and more populous States, I think this amendment ought to be reconsidered.

Mr. McCUMBER. Mr. President, I have been listening for several days to Senators discussing the prohibition question and I have been somewhat surprised to ascertain the universality of the sentiment in this body in favor of "bone-dry" prohibition all over this country. Now, for the first time in the history of the United States, the Senate of the United States has an opportunity to go on record and make good the assertion that it has been making here ever since the discussion of this proposition began.

I voted for the amendment offered by the Senator from Iowa [Mr. CUMMINS] to entirely eliminate the use of distilled liquors. I was not satisfied with it; I did not think it was entirely just; and it did not dispose of the proposition as a finality. When the Senator from Utah [Mr. SMOOT] offered his better amendment, an amendment that would dispose of this subject I believe for all time, I was very glad to have the opportunity to support it. It went through the Senate with only 11 or 12 votes against it. If the Senate meant what it said by that vote, if it was playing square with the people of this country, if it was not merely jockeying to get in a position to strike a blow at prohibition and the very societies that it was assuming it had been serving all this time, then it seems to me that it is incumbent upon the Senate now to make good what it has done; to vote now against the reconsideration of this proposition, to leave this food amendment in this proposed law, to keep it in the law, and then we shall have taken the first great step that means the total annihilation of the liquor traffic in the United States.

We all know that the great evil of intoxication flows almost entirely from the use of distilled liquors, and that very little intoxication comes from the use of beer or the use of wine. If we strike the dealthblow to King Alcohol in a vote to-day, we shall find little difficulty in disposing of that remnant of the liquor traffic in the United States in a very short time.

The amendment which has been adopted is fair to the distillers. It takes possession of everything that they have produced; it pays them what it cost to produce it in addition, and 10 per cent profit. If the Government could get out of this with a billion-dollar expense, it would be the cheapest bargain and the best bargain that the Government of the United States ever entered into with the liquor interest. I hope, Mr. President, to see it disposed of.

I am going to vote against the reconsideration of that proposition, and to stand by the colors in favor of prohibition. The Senator from Utah has correctly stated the position of the distillers when he says that they were all happy when we in the Committee on Finance decided that there should be no further distillation. Anyone who looked at the reports in the newspapers would have noticed that immediately distillery stocks mounted upward when we had prohibited any more distillation. Why? Because, Mr. President, they could dispose of their liquor. I sincerely hope that we can do justice to the prohibition cause in this vote.

Mr. HITCHCOCK. Mr. President, it seems to me that we have lost sight of the fact that this is a bill to enable the Government to fight a great war. Here we have come in, every man riding his own particular hobby, every man espousing his own particular reform, and willing, at any expense to the Government, to carry it through. I ask the Senate to come back to the proposition that we are in a great war. We are making the most desperate efforts that this Nation has ever been called upon to make. This war may last for five years; it may bring the Nation to the verge of bankruptcy, and it may cost us millions of lives of our citizens. The great question is whether this country, confronted by this emergency, will permit itself to be turned aside to carry through the fads and fancies, or, if you please, the reforms—the pet reforms—of individuals.

The chairman of the Finance Committee has shown that to permit the Smoot amendment to remain in the bill will cost the Government $600,000,000 at a minimum. Where are we going to get that money? By levying additional taxes on a people already overburdened with taxes. The Smoot amendment compels the President to buy this whisky, whether the Government has any use for it or not. There is already a provision in the bill permitting and requiring the President to commandeer the stuff if it is needed for public use; but the Smoot amendment compels him to buy it, compels this Nation to load itself with $600,000,000 additional burden in this war. I do not see how a sane man can look at that situation and calmly vote to retain this amendment in the bill when we are confronted by one great emergency, when we are making sacrifices in all directions, when we are burdening the Government with debt and are burdening the people with enormous taxes. I hope the reconsideration of the amendment will be carried.

Mr. TOWNSEND. Mr. President, I had not felt like saying anything on this subject until the debate had reached the present situation, when it seems as though it is my duty to express my sentiments in reference to the matter. The country ought to know, and I think does know, that this is called a conservation bill. The Senators with great unanimity, as it seemed, agreed that no food or food products shall be used during the pending war for the manufacture of alcoholic liquors. I say that seemed to be the almost unanimous sentiment of the Senate until the President suggested that the prohibition ought not to apply to beer and wine. Then, with usual servility, a majority of the Senate changed its mind and concluded to eliminate beer and wine. They, however, adhered to the thought that no more food should be used in the manufacture of distilled spirits. They could easily do that, because there was no opposition anywhere. The distillers themselves all over the country welcomed it, because it meant multiplied profits on the ample supply which they had already in bond, which profits would more than offset any loss which they could sustain by reason of the suspension of manufacture for a few years. They could suspend their distilleries, but their stock of liquors would multiply in price. Why should they complain?

This purchase proposition is a food-conservation measure. The Government must have large quantities of alcohol to prosecute the war. It can obtain it from the whisky or the spirits already produced or it can use food, which is needed for other purposes, to accomplish the same end. The alcohol is already in the distilled spirits, but some Senators present the argument that it is going to cost the Government much money to take over these distilled spirits and convert them into alcohol.

Mr. President, the price of whisky now, as I understand it, is $1.40 a gallon after the tax of $1.10 is paid to the Government. Under this proposition the whisky would cost the Government 30 cents a gallon, which would be a reasonable price for the liquor out of which this alcohol could be made. The distillers, of course, can well afford to pay the tax of $1.10 a gallon and the proposed additional tax of $1.10, because they can readily add the amount to the retail price. They are indifferent as to the amount of Government tax levied so long as it is not prohibitive. At present after paying the Government tax they sell whisky at $1.40 a gallon. One dollar and ten cents of that amount is tax, so that I repeat the selling price without tax would be 30 cents a gallon. That is all the Government should pay. At 30 cents a gallon the Government would pay $60,000,000 for the 200,000,000 gallons now in bond. It would not thereafter receive the $2.20 per gallon on this amount of spirits. But under no circumstances would all of it be released from bond in one year. It could not be. So that this year's revenue would not be lessened by $500,000,000. One-third of that amount would be a maximum figure. The Government could, however, better spend $300,000,000 of the people's money to buy this whisky for munition purposes than to allow the distillers to take four times that amount from the pockets of a portion of the people.

Senators do not properly consider all the elements which enter into this problem. I repeat, that I had not expected to say anything about it, but it seems to me that most specious

arguments are made for the evident purpose of favoring an already favored class in this country, namely, the great producers of distilled spirits.

I have no personal feeling in this matter—none at all; I do not believe I am prejudiced; but I do believe that the end accomplished by the amendment of the Senator from Utah would be real conservation, and would at the same time help, as has been said so frequently, the efficiency, not only of our soldiers and sailors, but of the people themselves who are to support the Army and the Navy.

Mr. President, I hope that the motion to reconsider will not prevail, and that the country may know that the Senate is controlled only by the highest motives of good to the people, and not by any unworthy influences which have come in overnight and effected a change in the minds of Senators who seemed so steadfast in their convictions but yesterday.

The VICE PRESIDENT. The question is on the motion to reconsider the vote by which the amendment was agreed to.

Mr. CURTIS. I ask for the yeas and nays.

Mr. GORE. Mr. President, before the vote is taken, I desire to say that I do not agree with either the Senator from Nebraska [Mr. HITCHCOCK] or with the chairman of the Committee on Finance [Mr. SIMMONS] touching the effect of this amendment upon the revenues of the country. The chairman of the Finance Committee states that it would cost $200,000,000 for the Government to purchase the whisky now in bond. I think that estimate is twice as high as it ought to be. I think that $100,000,000 would be nearer the mark. It costs about 25 cents in ordinary times to produce one gallon of distilled spirits. It would cost about 5 cents per gallon to convert this whisky into alcohol suitable for the manufacture of munitions of war.

Now, Mr. President, I will take the Senator's own figures. Assume that it cost $200,000,000 to condemn and pay for the whisky now in bond. That would not be an entire loss. When redistilled there would be a salvage amounting to something like $100,000,000 on that assumption. Not only that, but the redistillation of this whisky and its use in the manufacture of munitions would dispense with the necessity of converting other grain into distilled spirits for use in the manufacture of munitions.

The chairman of the Committee on Finance says that this amendment would cause the Government a loss of $420,000,000 in revenue. Of course, if the law remains as it is, and if we double the existing tax, distilled spirits would in due course of time render into the Treasury of the United States a revenue of $420,000,000. The chairman of the Finance Committee proceeds on the theory that the distillers pay this tax; he proceeds on the theory that the whisky bears the burden of the tax. Why, Mr. President, the distiller, indeed, pays the tax in the first instance, but who pays it in the last analysis? It is the man who consumes the whisky.

All that can be said in favor of the tax on whisky as a revenue measure is that it is a convenient method, a convenient agency, for the collection of a large amount of revenue. That is all. If we abolish the tax on whisky it does not dry up the sources of revenue. The $420,000,000 remains in the hands of the people; it is available through the agency of taxation; it can be brought into the Treasury in the form of revenue, and by a much juster tax than licensing distilled spirits to go out on their mission of destruction.

It is estimated that the amount of whisky now in bond when sold to the retailer will cost the consumer $2,500,000,000. Suppose, sir, the Government should lose $620,000,000, as suggested by the chairman of the Finance Committee. Would there not still be a saving of $1,900,000,000 in the hands of the people of this country, not only to carry on the ordinary processes of business, but available as a source of revenue, if the Government in its time of stress should desire to lay hands upon it? Instead of drying up the fountain of revenue, it will allow to remain in the hands of the people, available for taxation, a vast sum, approximately $2,000,000,000.

I repeat, Mr. President, there is no weight in the argument that the so-called Smoot amendment deprives the Government of one single dollar of revenue. Whatever argument may obtain against this proposal, the one touching revenue is a fallacy, and has no foundation in fact or in finance.

The VICE PRESIDENT. The question is on the motion to reconsider.

Mr. REED. Mr. President, in the interest of accuracy, I want to put some figures in the RECORD. They will serve to correct some figures that I myself gave from my estimate. Mr. Gates, the Assistant Commissioner of Internal Revenue, gives me this information: It now costs about 30 cents a gallon to manufacture alcohol. The average cost of the whisky now in bond is 75 cents a gallon. It would require about 5 cents a gallon to convert this whisky into alcohol. Therefore alcohol made in this way would cost about 80 cents a gallon, instead of 30 cents a gallon. That would be a loss of 50 cents a gallon net. Assuming now that the Government can take the whisky over at cost—and my own opinion is, as a matter of law, that it will have to take it at the market price—if there be 230,000,000 gallons, and if there be 50 cents loss on each gallon it converts into alcohol, then there would be a loss of $115,000,000 on account of the acquisition of the whisky.

I do not know whether there is any loss in converting whisky into alcohol, but I simply make this statement because a while ago I was speaking without investigation, as many others have done, and I presume this statement is accurate.

Mr. SHERMAN. Mr. President, the Senator from Oklahoma [Mr. OWEN] more clearly describes my frame of mind on the motion to reconsider than I can express it myself. I believe that at some time we will meet this question, and that, if injustice be not done, the Government must expend some money. It is a sane and an equitable proposition which is contained in the amendment of the Senator from Utah [Mr. SMOOT]. It will work no injustice. Whatever the cost may be, whether it be 30 cents a gallon or 80 cents a gallon, at last it will be worked out in a specific sum of money.

I am gratified beyond my weak powers of expression to observe the praiseworthy spirit of frugality that manifests itself this afternoon for the first time in the four or five years I have been here. I wish I could indulge the hope, Mr. President, that it would continue; but I have small anticipation, except, I wish to remark incidentally in the few minutes I am allowed for the discussion of this question—the five-minute rule still applying—that I am still living in hopes that at some time, Mr. President, the light of pitiless publicity will be applied to what occurred between the time of adjournment last night and the roll calls which have been had in the Senate here to-day.

I hope, Mr. President, that sometime the American people may faintly realize the power of an invisible government that can reach out into the United States Senate and overnight compel it to reverse its vote, as if it were a mere playhouse upon a mimic stage and not a parliamentary body, in which sober affairs of life and death, peace and war, are being considered.

I voted, and will vote again, for such an amendment as that offered by the Senator from Utah. I believe in paying what is just for property rights that may be eventually interfered with by such legislation.

Who is holding up food legislation now? It is the distillers and the brewers of this country, at whose doors lies the delay since last night. I know the power of the liquor interests of this country; and when it has once been demonstrated, Mr. President, that they can reach even into the United States Senate and overnight can reverse the sober vote of Senators, it will not be many years until the American people will themselves reach out in turn to seize this power, and by the strong voice of a constitutional amendment put it where it belongs. We can well afford to lose this struggle this day in the hope that ultimately it will lend to a proposed constitutional amendment such power that it can no longer be stayed.

No greater argument was ever offered in a parliamentary body than that offered to-day in the course of our votes. A constitutional amendment submitted to the several States and ratified by them would place it beyond the power of the House and the Senate longer to be mere phrasemongers and jugglers with words.

A food-conservation measure! Yes; to wage war! Certainly. If it be conceded for argument's sake that the more drunken a race is the more warlike and powerful it is, then there is an argument to be offered here worthy of consideration. I think if this country is to be saved it will be saved by sober men and not by the unfortunate drunkards of our race. The course of the argument here to-day, Mr. President, has been that this is a food-conservation measure designed to aid us in conducting the war. Certainly it is; and only if liquor be food is there nourishment in bond that ought to be drawn out and be used, not to be hoarded by the Government, but to be administered to our soldiers in order that they may cope with the enemy across the sea. If it is not, then all grains used in its production are wasted, and the proposed restrictions ought to be applied.

Mr. PHELAN. Mr. President, I do not quite understand the purport of the remarks of the Senator from Illinois [Mr. SHERMAN]. He seemed to intimate that there was some influence at work which changed the minds of certain Senators overnight, and by that process, which is a very simple one if it is correct, he determines the motives which govern Members of this body in voting one way or another.

In discussing the Myers amendment yesterday afternoon which barred the making of vinous, malt, and spirituous liquors,

making the country "bone dry," I observed that I was opposed to it, among other reasons, because it took property without compensation. The Senator from Iowa [Mr. CUMMINS] introduced his amendment, by which all distilled spirits in bond were to be kept in bond during the period of the war. The object of that was to increase the efficiency and power of our people, because we know that distilled spirits, spirituous liquors, are detrimental to their health and undermine their efficiency. Then—and I see no inconsistency in this—when the Senator from Utah proposed that the Government purchase all spirits in bond, instead of tying them up, one was in conscience and in good faith, if he so thought, released from further supporting the Cummins amendment. He might have been quite willing to tie up the spirits; but if he could at one blow destroy the spirits and at the same time compensate the owners of the spirits, then, indeed, he would accomplish a double purpose, both equally advantageous to the State.

I believe in compensation. I do not believe in taking a man's property without due process. This property was built up under governmental protection. The Government was a party, or, if you please, particeps criminis, in the creation of distilled spirits, and has been taking its revenue, just as is urged now, from this source. We are the sinners, as much so as those who are accused here as marching under the banner of John Barleycorn, and we must atone that sin. One way of atoning a sin is to pledge ourselves to pay the price and compensate those whom we have, if you please, led astray.

Therefore I am going to support—and I see no inconsistency in it—the amendment of the Senator from Utah; and I trust that it shall prevail.

Mr. BORAH. Mr. President, I had supposed that it was pretty generally agreed that during the pendency of the struggle in which we are now engaged the use of distilled liquors ought to be prevented throughout the country. There has not been very much difference of opinion or very much debate over that particular phase of the liquor question. Whatever difference of opinion has obtained has been with reference to beer and wine; but apparently it has been the consensus of opinion of the people that, so far as distilled liquors were concerned, they ought not to be permitted to be used, certainly during the pendency of this war, and in my judgment at no time.

Now, Mr. President, what is the situation with reference to it? We find in bond between 275,000,000 and 300,000,000 gallons of liquor—a sufficient amount to supply the people of this country for a very long period of time. It would seem desirable either to confine that liquor where it can not be used—to corral it, as it were, and hold it—or else to purchase it, and thereby in that way withhold it from use. If we are to carry out what is undoubtedly the public opinion of this country with reference to this liquor almost regardless of those who hold different views upon the liquor question in time of peace, how are we to do it?

In the first place, the question was presented in the amendment of the Senator from Iowa, withholding this liquor from the public, restraining it in bond until the war shall have closed. Some of us supported that; but the constitutional question was raised in regard to it, and some believed that it was in a measure a taking of private property even to restrain its use during that time. I do not, and did not, hold that opinion. I do not believe it is a violation of the Constitution to withhold this property, during an exigency of the national life, for a stated period of time. I do not think it constitutes a taking within the sense of the Constitution. But, Mr. President, there were those who did believe and sincerely believed that it was a violation of the Constitution, and if they so believed it was undoubtedly their duty to vote against the Cummins amendment. I still hold to the proposition that we may save the Government without destroying our Constitution.

Then came the second proposition, and that was to purchase the liquor and to pay for it. We have therefore the two propositions submitted to the Senate—the one to corral this liquor; the other, if that be unconstitutional, to take it over and pay for it. That leaves just one proposition to be considered, and that is the question of expense upon the part of the Government.

Is it worth while for us to incur this extra expense upon the part of the Government rather than to have 275,000,000 or 300,000,000 gallons of red liquor in use during the pendency of this war? In my humble opinion, we can not expend the amount of money which it has been said will be necessary—some placing the amount higher and some lower—to better advantage to the people of the entire country in this struggle than to do this thing.

Mr. President, there is much more in this in the way of conservation than the mere question of the drinking of the liquor and of the injury which it will do to the particular individual who imbibes it. It is eliminating and taking out of our social life, with all its waste and wreckage, during this war, this tremendous evil. It is an evil, which can not be confined in its effects simply to those who make use of the liquor which they may desire to imbibe. Therefore it is a simple question of the cost of putting down this tremendous evil and thus doing away with the effects which it will otherwise have during this war. It ought to be remembered, too, that we will be getting rid of the distilled-liquor question. Once the amendment goes into effect, so far as distilled liquors are concerned, the Nation will never return to its former status. The value of that is incalculable.

The PRESIDING OFFICER (Mr. KING in the chair). The time of the Senator from Idaho has expired. The question is upon the motion to reconsider submitted by the Senator from New Mexico [Mr. JONES].

Mr. CURTIS. On that I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FLETCHER (when his name was called). I make the same announcement as before as to my general pair and its transfer to the Senator from Delaware [Mr. SAULSBURY] and vote "nay."

Mr. McCUMBER (when his name was called). I again announce my pair with the senior Senator from Colorado [Mr. THOMAS]. Understanding that he would vote as I shall on this proposition, I feel at liberty to vote. I vote "nay."

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the senior Senator from South Dakota [Mr. STERLING] and withhold my vote.

Mr. SUTHERLAND (when his name was called). Repeating the announcement made on earlier votes, I have a pair with the junior Senator from Massachusetts [Mr. WEEKS]. Not knowing how he would vote on this question, I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Arkansas [Mr. KIRBY] and vote "yea."

The roll call was concluded.

Mr. OVERMAN (after having voted in the negative). I have a general pair with the senior Senator from Wyoming [Mr. WARREN], who is absent. I therefore withdraw my vote, as I do not know how he would vote on this question.

Mr. BRADY (after having voted in the negative). I have a general pair with the junior Senator from Mississippi [Mr. VARDAMAN]. As he is not in the Chamber, I withdraw my vote.

Mr. THOMPSON. I desire to announce that the Senator from Mississippi [Mr. VARDAMAN] is detained on official business.

The result was announced—yeas 25, nays 52, as follows:

YEAS—25.

Bankhead	Hitchcock	McLean	Smith, Md.
Brandegee	Husting	Penrose	Stone
Broussard	James	Pomerene	Tillman
Colt	Jones, N. Mex.	Reed	Underwood
Culberson	Knox	Simmons	
France	Lewis	Smith, Ariz.	
Gerry	Lodge	Smith, Ga.	

NAYS—52.

Ashurst	Hale	Martin	Sheppard
Beckham	Harding	Myers	Sherman
Borah	Hollis	Nelson	Shields
Calder	Johnson, Cal.	New	Smith, Mich.
Chamberlain	Jones, Wash.	Newlands	Smoot
Cummins	Kellogg	Norris	Swanson
Curtis	Kendrick	Owen	Thompson
Dillingham	Kenyon	Page	Townsend
Fernald	King	Phelan	Trammell
Fletcher	La Follette	Pittman	Wadsworth
Frelinghuysen	McCumber	Poindexter	Watson
Gore	McKellar	Ransdell	Williams
Gronna	McNary	Shafroth	Wolcott

NOT VOTING—19.

Brady	Hughes	Saulsbury	Vardaman
Fall	Johnson, S. Dak.	Smith, S. C.	Walsh
Gallinger	Kirby	Sterling	Warren
Goff	Overman	Sutherland	Weeks
Hardwick	Robinson	Thomas	

So the motion to reconsider was rejected.

Mr. JAMES. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to add, at the end of the amendment offered by the Senator from Utah [Mr. SMOOT], and agreed to, the following:

Provided further, That the collection of all taxes on distilled spirits now in bond shall be suspended so long as this act is in force; and the distiller, in event that said distilled spirits shall be taken over by the Government, as herein provided, shall be discharged from all obligations for any and all taxes levied and assessed against said distilled spirits.

Mr. SMOOT. Mr. President, I should like to have the Secretary state the amendment again. I did not catch the first part of it.

The Secretary again stated the amendment to the amendment.

Mr. JAMES. Mr. President, the purpose of that amendment is perfectly clear. When whisky is placed in bond the distiller has to give a bond, with approved securities, that he will tax pay that whisky within the eight-year period. Of course, there are millions of gallons of whisky the time of the payment of the tax upon which is expiring and will be expiring during the coming months. If this amendment is not adopted you will require these bonds to be paid, and yet the purpose of the Government under this provision is to commandeer this whisky; so that if this amendment is adopted it will merely suspend the payment of this tax until the Government takes over the whisky, which I think is perfectly fair, and I do not see that anyone could make any objection to it.

Mr. PAGE. Mr. President, I should like to ask the Senator from Kentucky if the adoption of his amendmen would not place the owner of the distillery where he would be free, now and in the near future, to dispose of a great deal of his whisky and be relieved from the tax thereon?

Mr. JAMES. Not at all, because whenever the amendment of the Senator from Utah is adopted the Government takes over this whisky. It can not be taken out of bond, and no whisky can be taken out of bond until it is tax paid. I merely suspend the tax payment of this whisky, and I do not suppose anybody wants to require the distiller to pay a tax upon the whisky that the Government itself is going to take over. The most that could be said for that proposition is that you intend to pay it right back to him.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Utah?

Mr. JAMES. I do.

Mr. SMOOT. I am rather in sympathy with the position that the Senator from Kentucky takes, but I am fearful that this amendment will do more than that stated by the Senator. I want to read the amendment to the Senator and then call his attention to where I think there is a loophole in it, although I do not mean, of course, that the Senator intended it:

Provided further, That the collection of all taxes on distilled spirits now in bond shall be suspended so long as this act is in force; and the distiller, in event that said distilled spirits shall be taken over by the Government as herein provided, shall be discharged from all obligations—

And so forth. Now, the bill may become an act of Congress; and under this amendment, just as soon as it becomes an act all the taxes are suspended on distilled spirits in bond.

Mr. JAMES. Yes.

Mr. SMOOT. Now, it may be some time before the President of the United States can take over the distilled spirits in bond. That being the case, at any time between the passage of the act and the time the President may take over the distilled spirits the tax is suspended, under this amendment, and in that case they can take all of the spirits out of bond under this provision.

Mr. JAMES. Oh, not at all. They have the warehouse receipts. They take the warehouse receipt, which is a statement of the number of barrels of whisky that the distiller owns there. He must tax pay that whisky. As I understand it, the amendment of the Senator from Utah directs the President to take over this whisky.

Mr. SMOOT. It does.

Mr. JAMES. It provides that none of the whisky shall be taken out of the warehouse. Then, what is the necessity of requiring the distiller to pay the tax on whisky that he can not take out of the warehouse?

Mr. SMOOT. The Senator and I do not see this amendment alike. My amendment simply provides that the President is directed to take over distilled spirits in the bonded warehouses. It does not say how soon it shall be consummated, but your amendment provides a suspense of taxes upon the passage of this act.

Mr. JAMES. I am perfectly willing for the Senator to suggest any amendment he wishes. All I want to do is this: If the Government is going to take over this whisky it ought not to require the distillers to go around, and the banks, and all of the sureties, to try to borrow money to tax pay whisky to prevent it from confiscation, when the Government has already legislatively declared that it is going to take it over.

Mr. OWEN. Mr. President, I suggest that this language would meet the point in mind:

The owners of distilled spirits in bond which are taken over by the United States shall be relieved of all obligation to pay any tax thereon.

Mr. SMOOT. Let me suggest to the Senator from Kentucky that after the words "distilled spirits," at the end of his amendment, he add this:

Provided, That no distiller shall take the spirits from a bonded warehouse without paying the tax.

Mr. JAMES. Mr. President, I think the Senator is mistaken about his own amendment, which has just been handed to me by the Senator from North Dakota. The Senator's amendment provides—

That the President of the United States be, and hereby is, directed to take over, for and on behalf of the Government of the United States, all distilled liquors that are held in bond at the time this act goes into effect.

Mr. SMOOT. Yes.

Mr. JAMES. You direct the President to do that thing—take over all distilled liquors in bond at the time of the passage of this act.

Mr. SMOOT. Yes.

Mr. JAMES. Now, the President is not going to refuse to obey the direction of Congress when you direct him to take over every particle of whisky that is held in bonded warehouses at the time this act takes effect. All that my amendment does is simply to suspend these bonds that the people have given under the laws that then existed, that they would tax-pay this whisky; but I have no objection to any amendment the Sentaor wants to suggest that will make it clear, if it is not already so.

Mr. SMOOT. If the Senator will just withdraw the amendment for a moment I will take up the question with him, and he can present it again in a few moments.

Mr. JAMES. Just let the amendment be pending. That is all right.

The PRESIDING OFFICER. Without objection, the amendment will be considered as pending. The question recurs upon the amendment of the Senator from Arkansas [Mr. ROBINSON].

Mr. JAMES. Mr. President, it seems to me that this amendment would have to be acted upon before that question could be taken up.

The PRESIDING OFFICER. The Chair is of that opinion.

Mr. JONES of Washington. Mr. President, I notice that the Senator's amendment refers to suspending the tax on liquors "now in bond." I suggest that the Senator leave out the word "now," and say "on liquors in bond at the time of the passage of this act."

Mr. JAMES. I have no objection to that.

Mr. JONES of Washington. I thought the Senator would have no objection to that.

Mr. SMOOT. Mr. President, I do not understand what the Senator refers to.

Mr. JONES of Washington. The amendment refers to liquors now in bond. I want to make it refer to liquors in bond at the time of the passage of the act.

Mr. JAMES. Of course it could only refer to the time of the passage of the act.

Mr. JONES of Washington. I will say to the Senator that there was an act passed some time ago where the word "now" was used, and it was construed by the court to apply to the conditions existing at that time. There was, however, some additional language in that act.

Mr. JAMES. I have no objection to that. I will modify the amendment as suggested by the Senator from Washington.

Mr. CHAMBERLAIN. Mr. President, while there is nothing immediately pending before the Senate, I want to express the hope that the Senate will be able to dispose of this section of the bill and all of the amendments thereto before adjournment this evening. I believe that the majority sentiment of the Senate favors remaining in session until this section is finally disposed of; and I want to say to the Members of the Senate that I am going to request them to remain in session until it is disposed of.

Mr. CUMMINS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Iowa will state his parliamentary inquiry.

Mr. CUMMINS. Will it be in order to offer to the amendment proposed by the committee an amendment such as was offered by the Senator from Utah, and adopted, before the vote is taken upon the amendment offered by the Senator from Arkansas [Mr. ROBINSON]?

The PRESIDING OFFICER. The Chair will ask the Senator from Iowa to state the first part of the interrogation again. The Chair did not hear the first part of the Senator's sentence.

Mr. CUMMINS. The inquiry is this: Will it be in order to offer an amendment to the committee amendment prior to the vote upon the amendment offered by the Senator from Arkansas, as amended?

The PRESIDING OFFICER. To which part of the committee amendment does the Senator allude—the part proposed to be stricken out or the residue of the committee amendment?

Mr. CUMMINS. Well, presently we shall have to vote upon this question: Shall the amendment proposed by the Senator

from Arkansas be substituted for the amendment proposed by the committee?

Now, I should like to see the same kind of amendment adopted to the committee amendment that has already been adopted to the amendment proposed by the Senator from Arkansas, so that we may be able to express our opinion fairly and fully as to the merits of the two amendments, but I doubt whether it is in order, and that is the reason why I ask the question.

Mr. ROBINSON. Mr. President, will the Chair indulge me to reply to the inquiry of the Senator from Iowa?

The PRESIDING OFFICER. The Chair will be glad to hear the Senator from Arkansas.

Mr. ROBINSON. It certainly could not be in order. The pending question is the amendment of the Senator from Arkansas, and two questions can not be pending at once. Until that is disposed of the amendment to the committee amendment could not be in order.

Mr. LODGE. Mr. President, the committee amendment is offered as a substitute for the provision of the bill. That is the original situation on which we are acting. We can amend the committee amendment, and we can amend the House provision, but so far as amending the committee amendment by putting into it the same thing that is in the amendment that is offered to the substitute I do not see how we can get at it.

Mr. NORRIS. The amendment of the Senator from Arkansas is a substitute for the amendment of the Senator from Oregon. We have been amending the proposed substitute. It is a general rule of parliamentary law that where a substitute is offered both the substitute and the section to which the substitute refers are subject to amendment, so that each one can be perfected before the final vote is taken between the two.

Mr. LODGE. But the amendment of the Senator from Oregon is an amendment to the House text. The House text is the original proposition, and the amendment of the Senator from Oregon is a second proposition. Each of those is a separate question. Each can be perfected.

Mr. NORRIS. No; the contest is between the substitute offered by the Senator from Arkansas and the amendment offered by the Senator from Oregon. There is a contest between those two. We have been perfecting one of them by amendments for a day or two. We ought to have the same privilege of perfecting the other before the final contest is disposed of.

Let me illustrate, Mr. President, by taking the case before the Senate. We have adopted to the Robinson amendment the so-called Smoot amendment. If we are prohibited from offering a similar amendment to the Chamberlain amendment, then Senators who desire to vote between those two propositions will be in this dilemma: They may prefer the Smoot amendment to the Chamberlain amendment rather than to the Robinson amendment. In other words, there are Senators who want the Smoot amendment and who want the Chamberlain amendment, and if that is the ruling of the Chair they are prohibited from voting their sentiments. That is a parliamentary impossibility.

The PRESIDING OFFICER. If the Senator from Nebraska will permit the Chair, it occurs to the Chair that the way to reach that would be for the Senate to vote down the Robinson amendment and then the question would come up on the Chamberlain amendment.

Mr. NORRIS. On the other hand, there are Senators who prefer the Robinson amendment to the Chamberlain amendment, so that they would not be able to vote their sentiments. In other words, there ought to be permission given, and I think that is a general proposition of law, so that when a substitute is offered you can perfect both the substitute and the matter to which the substitute is directed.

Mr. JAMES. I ask that the amendment be read.

The PRESIDING OFFICER. The amendment offered by the Senator from Kentucky will be read.

The SECRETARY. The Senator from Kentucky proposes the following amendment:

Provided further, That the collection of all excise taxes on distilled spirits in bond at the time of the passage of this act shall be suspended so long as this act is in force, and the distiller in the event that said distilled spirits shall be taken over by the Government, as herein provided, shall be discharged from all obligations for any and all taxes levied and assessed against said distilled spirits: *Provided, however*, That the owner of the distilled spirits shall not withdraw any part thereof without the payment of the excise tax in force.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kentucky [Mr. JAMES] to the amendment offered by the Senator from Arkansas [Mr. ROBINSON].

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs upon the amendment of the Senator from Arkansas as amended.

Mr. LODGE. Mr. President, to recur a moment to the question of amending the Chamberlain amendment, there is the House provision. The Chamberlain amendment is to strike out and insert. Those are two questions. We can perfect the House text. We can perfect the Chamberlain amendment. We have here an amendment pending to the Chamberlain amendment. We can not consider two questions at once.

Mr. HOLLIS. Mr. President, the motion to strike out and insert under our rules is well recognized in the Senate. Each is regarded for the purpose of amendment as a question. Therefore we have two questions pending before the Senate. One has already been settled; that is, the portion to be stricken out has been perfected. We are now perfecting the portion that is to be inserted. In order to do that the Senator from Arkansas moves a substitute, but he does not make a technical motion to strike out and insert. It is not recognized in the Senate practice to have one motion to strike out and insert superimposed upon another motion to strike out and insert. Therefore the motion of the Senator from Arkansas is to be considered as a simple amendment, as a substitute. We are now perfecting the language that is proposed to be inserted, and the only way to perfect that is by amendment. Until the pending amendment is disposed of no other amendment can be considered.

The PRESIDING OFFICER. That is correct.

Mr. LODGE. Mr. President, I agree with the Senator from New Hampshire, but may I call his attention to this further point? The desire is to put the amendment of the senior Senator from Utah into the Chamberlain amendment. If we substitute the Robinson amendment for the Chamberlain amendment and that amendment goes in it becomes part of it, of course. If the Robinson amendment fails, the Chamberlain amendment is open to amendment. Nothing is lost.

Mr. SMOOT. I will say now at this point what I intend to do. If the Robinson amendment is not agreed to—that is, if it is not substituted for the Chamberlain amendment—I propose to offer the same amendment to the Chamberlain amendment that I offered to the Robinson amendment, and I shall also move to perfect the House provision before we vote on it.

Mr. STONE. Mr. President, I ask that the Robinson amendment, the one we are about to vote upon, be now read.

The PRESIDING OFFICER. The Secretary will read it.

The SECRETARY. In lieu of the words proposed to be inserted by the committee insert the following:

SEC. 12. That from and after 30 days from the date of the approval of this act no person shall use any foods, fruits, food materials, or feeds in the production of distilled liquors, except for governmental, industrial, manufacturing, scientific, or medicinal purposes; nor shall there be imported into the United States during said war any distilled liquors: *Provided*, That the President of the United States be, and hereby is, directed to take over, for and on behalf of the Government of the United States, all distilled liquors that are held in bond at the time this act goes into effect, and he is hereby authorized to pay the owners of such liquors the actual cost of the same plus a profit not exceeding 10 per cent: *Provided further*, That the collection of all excise taxes on distilled spirits in bond at the time of the passage of this act shall be suspended so long as this act is in force, and the distiller in the event that said distilled spirits shall be taken over by the Government as herein provided shall be discharged from all obligations for any and all taxes levied and assessed against said distilled spirits: *Provided, however*, That the owner of the distilled spirits shall not withdraw any part thereof without the payment of the excise tax in force. Any person who willfully violates this section shall, upon conviction thereof, be punished by a fine of not exceeding $5,000, or by imprisonment for not more than two years, or both.

Mr. NORRIS. Mr. President, under the ruling of the Chair it would not be in order to offer an amendment now to the so-called committee or Chamberlain amendment. I prefer the Chamberlain amendment to the Robinson amendment as it stands, without the Smoot amendment added. I am very much in favor of what is known as the Smoot amendment, but the only way to get the Smoot amendment and the Chamberlain amendment under the parliamentary situation is to vote against the Robinson amendment now, and if it is defeated, then offer the Smoot amendment to the Chamberlain amendment.

I wanted to say that much in order to make plain the vote I am about to cast on this question, and I think it will probably make the parliamentary situation clear to others who feel as I do as between these two amendments.

Mr. OWEN. Mr. President, I rise to a parliamentary inquiry. Is it not within the parliamentary rule to perfect the amendment offered by the committee by proposing an amendment to the amendment offered by the Senator from Utah?

Mr. FLETCHER. I suggest to the Senator the situation is that the Senator from Arkansas moved an amendment, which is in lieu of the amendment reported by the committee. The committee propose certain matters to be inserted after striking out a certain portion of section 12. The Senator from Arkansas

proposes matter which has been amended now and is submitted as amended in lieu of the committee proposal. Therefore the question is whether you favor the amendment, as completed, offered by the Senator from Arkansas or the committee amendment. If you prefer the committee amendment, you will vote against the amendment proposed by the Senator from Arkansas, and if that is rejected we can deal with the committee amendment as we see fit by offering amendments to it or otherwise.

The PRESIDING OFFICER. That is the view heretofore announced by the Chair, and the Chair adheres to that ruling.

Mr. BRANDEGEE. Mr. President, I wish to ask the Senator from Utah a question in relation to his amendment that we have adopted. It provides that the President is directed to take over this alcohol at cost and a profit not exceeding 10 per cent. The Senator intends to allow the President to say, then, whether the owner of this liquor shall have 1 per cent or 10 per cent, as I understand it?

Mr. SMOOT. That would be a fair construction of the amendment, but I think it is virtually a direction to the President to pay not to exceed 10 per cent.

Mr. BRANDEGEE. I think in that case we ought to say at cost plus 10 per cent profit, if that is the intention of the Senator.

I wish to ask, further, Mr. President, for I think this method of procedure is going to result in great confusion when it is applied, does the Senator intend to leave to the President the absolute authority to fix the cost of this liquor?

Mr. SMOOT. The amendment provides that the President shall have the authority to ascertain the actual cost. As to how he will do that I can not say, but I take it for granted that the cost of distilled spirits is known by everybody who is in the business. I do not think there could be any contention as to the cost. They are all staple articles.

Mr. BRANDEGEE. Of course it may be that the ordinary kind of whisky is made approximately from the same kind of material, but where whisky has been in bond all sorts of periods, from one year to eight years, where it has been made in many different distilleries, and where the ingredients of it have been brought forth in many different markets at many different prices, I think it would be very complicated for the President to take a barrel of whisky or each barrel of the contents of a bonded warehouse and establish the cost of it.

I wish to suggest further that in every other instance, as far as I recall it, when we have given the President the power to commandeer an article we have provided that he might fix the price in the first instance; but if the owner was not satisfied with it he could go into court and get some sort of judicial proceeding to determine the cost.

Mr. SMOOT. That is only in cases where the President is authorized to commandeer the plant making the particular article named. Then it becomes a question of cost as to whether he shall take so much for overhead expense, so much for wear and tear of the plant, so much for unforeseen expenses. In that case I think it is absolutely right that it should be left to the court, but in this case there is only one product, and the price of it is generally known all over the United States by those engaged in the business.

Mr. BRANDEGEE. I think it would be quite an unsatisfactory proceeding, Mr. President, to make the President of the United States fix the price of whisky all over the country in the different bonded warehouses. I do not think it is a very congenial task for him, but I hope for the best.

Mr. PITTMAN. Mr. President, for the purpose of perfecting the pending amendment, as I do not believe there is any difference between the pending amendment and the so-called Chamberlain amendment except a provision for the control of the manufacture of malt and vinous products, I offer as an amendment to the pending amendment that portion of the Chamberlain or committee amendment dealing with that question. It is found in House bill 4961, section 12, being subdivisions (b) and (c) thereof.

The PRESIDING OFFICER. The Secretary will read the amendment to the amendment offered by the Senator from Nevada.

The SECRETARY. It is proposed to insert at the end of the amendment:

(b) Whenever the President shall find that limitation, regulation, or prohibition of the use of foods, food materials, or feeds in the production of vinous, malt, or fermented liquors, or that reduction of the alcoholic content of any such liquors is essential, in order to assure an adequate and continuous supply of food or feed, he is authorized, from time to time, to prescribe and give public notice of the extent of the limitation, regulation, prohibition, or reduction so necessitated. Whenever such notice shall have been given, and shall remain unrevoked, no person shall, after a reasonable time, which shall be prescribed in such notice, use any foods, food materials, or feeds in the production of such vinous, malt, or fermented liquors, except in accordance with the limitations, regulations, and prohibitions prescribed in such notice, or to produce any such liquors having an alcoholic content in excess of the amount prescribed therefor in such notice. When the question arises as to whether any particular product is suitable for food or feed, the question shall be determined by the President, and his determination shall be conclusive for the purposes of this section.

(c) Except as otherwise herein provided, the Commissioner of Internal Revenue shall be charged with the administration of this section, and he is authorized, with the approval of the President, to require the taking out of such permits, the keeping of such records, the execution of such bonds, and the observance of such rules and regulations as may be necessary and proper for the execution of the same.

Mr. LODGE. That amendment, as I heard it read, is the committee amendment—the Chamberlain amendment—for which we are now considering the substitution of the Robinson amendment. It seems to me impossible to add it to the Robinson amendment.

Mr. PITTMAN. Mr. President, it is only a part of the committee amendment; it is not all of the committee amendment, and it is different in that respect.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nevada [Mr. PITTMAN] to the amendment of the Senator from Arkansas [Mr. ROBINSON].

Mr. STONE. Mr. President, before this vote is taken I desire to say a word or two about the amendment proposed by the senior Senator from Utah [Mr. SMOOT], which is now describing its shining course of glory under the attractive nomenclature of the Smoot amendment. This amendment proposes to direct the President of the United States to commandeer and to take charge of 250,000,000 gallons of distilled spirits in bond, and to pay the owners of that property the cost of its manufacture to them, respectively, plus not over 10 per cent.

I appreciate the difficulties that confronted the acute mind of my friend from Connecticut [Mr. BRANDEGEE] when he discussed this matter a moment ago; but difficulties of that kind do not seem to attract the attention of many Senators with any degree of seriousness at this juncture.

Mr. President, I have just one thought to express in this connection, and I confine what I have to say to that one thought, because time forbids that I should undertake to enlarge upon the subject, so as to give expression to other thoughts which I regard as equally pertinent.

Under this Smoot amendment the President of the United States is authorized and directed to take charge of this great aggregate of distilled spirits and to pay the owners what it costs them to produce the spirits they own plus not exceeding 10 per cent.

Mr. President, suppose it should be true, as it is more than likely to be true—in fact, almost certain to be true—that the owners of these manufactured products held in public bond houses under a statutory contract with the Government of the United States, might be able to dispose of their possessions at 20 per cent profit or some other larger profit than 10 per cent? An owner may, probably will, have numerous purchasers appearing and offering to pay him as much as 20 or 25 per cent, or some other price above the 10 per cent spoken of in this proposed statute; but then comes the President, clothed with the extraordinary powers which you are conferring upon him, takes the man's property, and pays not exceeding 10 per cent, or it may be only 8 per cent or 5 per cent profit, as the President or his agent sees proper. Mr. President, if that is not the taking of private property for public uses without just compensation, then I do not know what the Constitution means in that regard.

Mr. CHAMBERLAIN. Mr. President, the amendment now offered by the Senator from Nevada [Mr. PITTMAN], it seems to me, will raise the whole question at issue between the Members of the Senate. The so-called Robinson amendment deals only with distilled liquor, and the part of the committee amendment which the Senator from Nevada offers deals with vinous and malt liquors, leaving to the President the power of using foodstuffs in their manufacture and fixing the alcoholic content. So, it seems to me, if Senators now vote for the amendment to the Robinson amendment, which has been offered by the Senator from Nevada, the Senate will determine by its adoption that vinous and malt liquors are to be regulated by the President of the United States fixing the amount of foodstuffs that may be used in them, as well as the alcoholic content. If the Senate votes down the amendment of the Senator from Nevada, then it leaves the Robinson amendment to be finally voted on, dealing only with distilled liquors. So it seems to me, though it is rather an anomalous method of procedure, it will determine the question and enable the Senate to settle the whole matter on a vote on the amendment proposed by the Senator from Nevada.

Mr. JONES of Washington. Mr. President, I have a petition here, addressed to the Senate and signed by many pastors of

many of the leading churches of the District of Columbia, asking for the prohibition of spirituous and malt liquors for beverage purposes. I ask that it may be printed in the RECORD with the names.

The PRESIDING OFFICER. In the absence of objection it will be so ordered.

The petition referred to is as follows:

WASHINGTON, D. C., *June 25, 1917.*

To the UNITED STATES SENATE.

HONORABLE SIRS: We the undersigned, composing a committee of clergymen of the various religious bodies, Jew, Gentile, Roman Catholic, and Protestant, in the city of Washington, D. C., meet from time to time to consider all subjects pertaining to the general welfare of our city. By unanimous agreement we urge as a war measure for the conservation of foods and the sobriety, health, and the reliability of our Army and Navy, that you prohibit the manufacture, sale, and gift of spirituous and malt liquors for beverage purposes within our country's domain. For this we do most earnestly petition and pray.

Abram Simon, Eighth Street Temple, Jewish; C. C. McLean, minister Douglas Memorial Methodist Episcopal Church; Charles Wood, minister Church of the Covenant, Presbyterian; Roland Cotton Smith, St. John's Church, Protestant Episcopal; Ulysses G. B. Pierce, All Souls' Church, Unitarian; George A. Miller, minister Ninth Street Christian Church; F. J. Prettyman, minister Emory Methodist Episcopal Church South; L. E. Purdum, minister Ingram Memorial Congregational Church; Charles F. Steck, pastor Epiphany Lutheran Church; W. W. McMaster, pastor First Baptist Church; John M. Cooper, assistant pastor St. Matthew's Roman Catholic Church; John Van Schaick, Universalist Church of Our Father.

Mr. JONES of Washington. Mr. President, with reference to this matter, I merely desire to say that I am opposed to the amendment as proposed by the Senator from Nevada [Mr. PITTMAN]. I am opposed to it because I do not want to place, and I do not think Congress ought to place, that responsibility on and discretion in the hands of the President of the United States. If Congress wants the brewing of beer and the making of wine prohibited, we ought to say so. If we do not want it done, we ought not to put such a tremendous responsibility as that upon the President, where he will be subjected to all sorts of pressure from both sides of this proposition. I am opposed to that amendment, and I am in favor of the Robinson amendment as it now stands in preference to the Chamberlain amendment.

Mr. GRONNA. Mr. President, just a word in explanation of my vote. I shall vote for the Robinson amendment without the amendment submitted by the Senator from Nevada [Mr. PITTMAN], not because I am opposed to prohibition—to "bone-dry prohibition"—for I would be glad to strike out the words "distilled liquors" and to insert the words "alcoholic liquors." As I understand, we had a vote on that yesterday. I believe, however, if I understand the parliamentary situation, that if the pending amendment, which is the Robinson amendment, shall be adopted, we still have an opportunity to vote on the House provision. While I shall vote for the Robinson amendment without the amendment proposed by the Senator from Nevada, it is not because that suits me at all, but because I shall have another opportunity to vote for the House measure, which is a "bone-dry" provision.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Nevada [Mr. PITTMAN] to the amendment of the Senator from Arkansas [Mr. ROBINSON].

Mr. REED. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FERNALD (when his name was called). I have a pair with the junior Senator from New York [Mr. CALDER] on this question. I understand, however, that if he were present he would vote as I shall vote, and I will therefore vote. I vote "nay."

Mr. FLETCHER (when his name was called). I desire to make the same announcement as I did on a former vote, that I am paired with the senior Senator from New Hampshire [Mr. GALLINGER], but I transfer that pair to the Senator from Delaware [Mr. SAULSBURY] and vote "yea."

Mr. McCUMBER (when his name was called). Again announcing my pair with the senior Senator from Colorado [Mr. THOMAS] and not knowing how he would vote on this question if present, I withhold my vote.

Mr. SMITH of South Carolina (when his name was called). Again announcing my pair with the Senator from South Dakota [Mr. STERLING] I withhold my vote.

Mr. SUTHERLAND (when his name was called). I desire to make the same announcement as previously, that I am paired with the junior Senator from Massachusetts [Mr. WEEKS]. Not knowing how he would vote if present, I will withhold my vote.

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from West Virginia [Mr. GOFF], which I transfer to the Senator from Arkansas [Mr. KIRBY], and vote. I vote "yea."

Mr LODGE (when the name of Mr. WEEKS was called). My colleague [Mr. WEEKS] is unavoidably detained from the city. If present, he would vote "nay." As has been stated, he is paired with the Senator from West Virginia [Mr. SUTHERLAND].

The roll call was concluded.

Mr. BRADY. I have a general pair with the junior Senator from Mississippi [Mr. VARDAMAN]. However, if he were present he would vote the same way as I shall vote on this question, and I therefore vote. I vote "nay."

The result was announced—yeas 34, nays 46, as follows:

YEAS—34.

Beckham	Johnson, S. Dak.	Nelson	Smith, Ariz.
Chamberlain	Jones, N. Mex.	New	Stone
Colt	Kellogg	Newlands	Thompson
Cummins	Kendrick	Norris	Tillman
Fletcher	Kenyon	Owen	Trammell
Gore	King	Pittman	Walsh
Hollis	Lewis	Poindexter	Wolcott
Husting	McKellar	Shafroth	
Johnson, Cal.	McNary	Sheppard	

NAYS—46.

Ashurst	Gerry	Myers	Smith, Md.
Bankhead	Gronna	Overman	Smith, Mich.
Borah	Hale	Page	Smoot
Brady	Harding	Penrose	Swanson
Brandegee	Hitchcock	Phelan	Townsend
Broussard	James	Pomerene	Underwood
Culberson	Jones, Wash.	Ransdell	Wadsworth
Curtis	Knox	Reed	Warren
Dillingham	La Follette	Robinson	Watson
Fernald	Lodge	Sherman	Williams
France	McLean	Shields	
Frelinghuysen	Martin	Simmons	

NOT VOTING—16.

Calder	Hardwick	Saulsbury	Sutherland
Fall	Hughes	Smith, Ga.	Thomas
Gallinger	Kirby	Smith, S. C.	Vardaman
Goff	McCumber	Sterling	Weeks

So Mr. PITTMAN's amendment to Mr. ROBINSON's amendment was rejected.

The VICE PRESIDENT. The question recurs on the amendment of the Senator from Arkansas [Mr. ROBINSON] as amended.

The amendment as amended was agreed to.

The VICE PRESIDENT. The question now is on the committee amendment as amended.

Mr. SMOOT. Mr. President, I offer the amendment which I send to the desk to the committee amendment. I want to perfect the House provision, and for that reason I offer this amendment.

Mr. HOLLIS. Mr. President, I make the point of order that the House provision has already been perfected under the ruling of the Vice President yesterday. The Vice President ruled that the House provision had the right of way and might be amended first. It was amended, and then we proceeded to perfect the part to be inserted, and we have now perfected that; and I make the point of order that the House provision can not be further amended.

The VICE PRESIDENT. The Chair must overrule the point of order. It is amendable at any time prior to the prior vote.

Mr. SMOOT. Mr. President, I do not think it is necessary to take the time of the Senate to have the amendment read. It is exactly the amendment that was offered to the Robinson amendment by myself, and adopted. This is an amendment perfecting the House provision.

Mr. SHAFROTH. I ask that the amendment be stated.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. The Senator from Utah proposes to amend the House text as follows: After the word "beverage," the last word in the amendment agreed to, and before the penalty clause, insert:

Provided, That the President of the United States be, and hereby is, directed to take over, for and on behalf of the Government of the United States, all distilled liquors that are held in bond at the time this act goes into effect; and he is hereby authorized to pay the owners of such liquors the actual cost of the same, plus a profit not exceeding 10 per cent thereof.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Utah.

The amendment was agreed to.

The VICE PRESIDENT. The question now recurs on the committee amendment, as amended.

Mr. JONES of Washington. Mr. President, a parliamentary inquiry. That comes now as a substitute for the House provision, as I understand it.

The VICE PRESIDENT. What is denominated the committee amendment as amended is the Robinson amendment as

amended. The question is whether it shall take the place of the House text as amended.

Mr. JONES of Washington. If that should be adopted in place of section 12 of the House bill, then would it come up as a section to be voted on?

The VICE PRESIDENT. No; it would be adopted.

Mr. JONES of Washington. What I am trying to get at is this: Some of the Senators have asked me when the provision under the unanimous-consent agreement for making ten-minute speeches would be in order.

Mr. ASHURST. Never, we hope.

Mr. JONES of Washington. Will that be in order now, or at any time?

Mr. PENROSE. Some of us hope the time will never come.

Mr. JONES of Washington. I agree with the Senator so far as that is concerned.

Mr. WILLIAMS. Mr. President, a parliamentary inquiry concerning the actual parliamentary status. The question now is upon the committee amendment as amended by the Robinson amendment, and as further amended by the Smoot amendment, is it not?

The VICE PRESIDENT. What was known as the Robinson amendment was amended in two or three particulars; among others, by the amendment offered by the Senator from Utah. The same identical amendment which the Senator from Utah offered to the Robinson amendment was offered and adopted to the original House text.

Mr. WILLIAMS. But what are we voting on now? That is what I want to know.

The VICE PRESIDENT. When the vote comes, if there be no other amendment, it will be, actually speaking, a question between the House text as amended and the Robinson text as amended.

Mr. WILLIAMS. But which would be "yea" and which "nay"?

The VICE PRESIDENT. Senators who want the amendment will vote "yea." Those who want the House bill as amended will vote "nay."

Mr. WILLIAMS. But they are both amendments, Mr. President. The committee amendment is an amendment to the House provision. The Robinson amendment is an amendment to it. I thought we had voted on the Robinson amendment instead of the committee amendment.

Mr. SHAFROTH and Mr. ROBINSON addressed the Chair.

The VICE PRESIDENT. The Chair can probably get the view of the Chair to the Senator from Mississippi. There was a House text. The Senator from Oregon, on behalf of the committee, offered an amendment. The Senator from Arkansas offered an amendment to the committee amendment.

Mr. WILLIAMS. Striking it out and substituting.

The VICE PRESIDENT. In lieu of it. Now, that has already been adopted by the Senate; so that the only question now pending before the Senate is the vote between the House text as perfected and the Robinson amendment.

Mr. SHAFROTH. Mr. President, a parliamentary inquiry. There was adopted by the Senate, as an amendment to the amendment offered by the Senator from Arkansas, the provision of the Senator from Iowa that no distilled liquors shall be imported into the United States during the war. I will ask whether that amendment is also in the House bill?

The VICE PRESIDENT. Yes; it is in the House text.

Mr. POINDEXTER. Mr. President, I move to amend the House provision by inserting, after the word "alcohol," in line 19, the words "or alcoholic beverages." That is what is intended to be reached by the legislation, and if we are going to vote upon the question, it ought to read in the proper way.

The VICE PRESIDENT. That is in the amendment once.

Mr. POINDEXTER. I withdraw the amendment, then.

Mr. HOLLIS. Mr. President, the parliamentary situation is easy to understand if the Senate recognizes that the motion is now the motion of the committee, through the chairman, to strike out and insert. The part to be stricken out is the House provision. The part to be inserted is now the amendment of the Senator from Oregon, as amended by the amendment of the Senator from Arkansas. It is to strike out the House provision and insert the Robinson amendment, so called.

Mr. LODGE. Mr. President, do I understand that the amendment now pending is that of the Senator from Washington?

The VICE PRESIDENT. No; he withdrew it.

Mr. JAMES. Mr. President, I desire to offer the same amendment which I offered to the amendment which the Senator from Utah [Mr. SMOOT] offered to the substitute offered by the Senator from Arkansas [Mr. ROBINSON] to the House text of the bill as amended, following the Smoot substitute.

The VICE PRESIDENT. Does the Senator desire it read?

Mr. JAMES. It has already been read to the Senate. There is no objection to it.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Kentucky.

The amendment was agreed to.

The VICE PRESIDENT. The question recurs on the amendment of the committee as amended.

Mr. CURTIS and other Senators called for the yeas and nays.

Mr. LODGE. Mr. President, a parliamentary question. The House provision contains the Cummins amendment unmodified. I take it that if the Robinson amendment is not now substituted for the House text, the motion to reconsider, of which the Senator from Missouri [Mr. STONE] yesterday gave notice would be in order.

The VICE PRESIDENT. The Chair is not now in possession of the facts necessary to enable him to rule. The question is on the amendment of the committee as amended.

Mr. CURTIS and other Senators called for the yeas and nays, and they were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. FERNALD (when his name was called). On these matters I am paired with the junior Senator from New York [Mr. CALDER.] If at liberty to vote, I would vote "nay." As the Senator from New York is absent, I withhold my vote.

Mr. FLETCHER (when his name was called). I make the same announcement as before as to my pair and its transfer and vote "nay."

Mr. McCUMBER (when his name was called). Again announcing my pair with the senior Senator from Colorado [Mr. THOMAS], I withhold my vote.

Mr. SMITH of South Carolina (when his name was called). Again announcing my pair as heretofore, I withhold my vote.

Mr. SUTHERLAND (when his name was called). I desire to make the same announcement as heretofore with reference to my vote. Having a pair with the junior Senator from Massachusetts [Mr. WEEKS], I withhold my vote. If at liberty to vote, I would vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Arkansas [Mr. KIRBY] and vote "yea."

Mr. LODGE (when Mr. WEEKS's name was called). My colleague [Mr. WEEKS], as I have already stated, is absent from the city. He is paired with the Senator from West Virginia [Mr. SUTHERLAND]. If present, my colleague would vote "yea."

The roll call was concluded.

Mr. FERNALD. I transfer my pair with the Senator from New York [Mr. CALDER] to the Senator from New Mexico [Mr. FALL] and vote "nay."

The result was announced—yeas 45, nays 37, as follows:

YEAS—45.

Bankhead	James	Overman	Smith, Md.
Brandegee	Johnson, Cal.	Penrose	Stone
Broussard	Jones, N. Mex.	Phelan	Swanson
Colt	Knox	Pittman	Tillman
Culberson	La Follette	Pomerene	Underwood
France	Lewis	Ransdell	Wadsworth
Frelinghuysen	Lodge	Reed	Warren
Gerry	McLean	Robinson	Watson
Harding	McNary	Sheppard	Williams
Hitchcock	Martin	Simmons	
Hollis	New	Smith, Ariz.	
Husting	Newlands	Smith, Ga.	

NAYS—37.

Ashurst	Gore	Myers	Smoot
Beckham	Gronna	Nelson	Thompson
Borah	Hale	Norris	Townsend
Brady	Johnson, S. Dak.	Owen	Trammell
Chamberlain	Jones, Wash.	Page	Vardaman
Cummins	Kellogg	Poindexter	Walsh
Curtis	Kendrick	Shafroth	Wolcott
Dillingham	Kenyon	Sherman	
Fernald	King	Shields	
Fletcher	McKellar	Smith, Mich.	

NOT VOTING—14.

Calder	Hardwick	Saulsbury	Thomas
Fall	Hughes	Smith, S. C.	Weeks
Gallinger	Kirby	Sterling	
Goff	McCumber	Sutherland	

So the committee amendment as amended was agreed to.

The VICE PRESIDENT. The unanimous-consent agreement is at an end.

WAR REVENUE.

Mr. SIMMONS. If it is in order at this time, I wish to ask unanimous consent that the bill (H. R. 4280) to provide revenue to defray war expenses, and for other purposes, be recommitted to the Finance Committee. This is made necessary by reason of the agreement of the Senate to the bill pending which has just been reached.

Mr. PENROSE. Mr. President, I wish we could have order.

The VICE PRESIDENT. The Senator from North Carolina moves that the revenue bill be recommitted to the Committee on Finance. The question is on the motion of the Senator from North Carolina.

The motion was agreed to.

Mr. SIMMONS. Under the circumstances it will be necessary to hold the bill in the Finance Committee until there has been final action upon this bill, because until there is final action upon this bill the Finance Committee will not know how much revenue will be necessary to meet the expenditures of the Government.

Mr. HUSTING. I desire to have printed in the RECORD a speech delivered by Senator OWEN, of Oklahoma——

Mr. SMOOT. Mr. President, we can not hear a word the Senator is saying.

Mr. CHAMBERLAIN. I insist upon the regular order. I should like to get the pending bill disposed of in some sort of way or shape.

The VICE PRESIDENT. The Senator from Oregon made the announcement that he would not permit the bill to be laid aside for the purpose of introducing bills, resolutions, or other routine matters.

Mr. CHAMBERLAIN. I will say to Senators that I will make a motion to adjourn until 12 o'clock Monday when we do finish this day's work, so that Senators may have an opportunity to get rid of routine business.

Mr. HUSTING. I have the floor.

The VICE PRESIDENT. Over the objection of the Senator from Oregon, for the purpose for which the Senator from Wisconsin rose he has not the floor.

Mr. HUSTING. I should like to ask the Senator to permit me to make this request.

Mr. PENROSE. I object.

The VICE PRESIDENT. The Chair is not responsible for objections. The Chair simply stated the fact.

SEVERAL SENATORS. Regular order!

CONSERVATION OF FOOD AND FUEL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

Mr. CHAMBERLAIN. I submit the following unanimous-consent agreement.

Mr. PENROSE. Let it be read for information.

The VICE PRESIDENT. It will be read.

The Secretary read as follows:

UNANIMOUS-CONSENT AGREEMENT.

It is agreed by unanimous consent that at not later than 1 o'clock p. m. on the calendar day of Wednesday, July 11, 1917, the Senate will proceed to the consideration of the bill H. R. 4961, a bill to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel, and that at not later than 5 o'clock p. m., on said calendar day, will proceed to vote, without further debate, upon any amendment that may be pending, any amendment that may be offered, and upon the bill itself through the regular parliamentary stages to its final disposition; and that after the said hour of 1 o'clock p. m., on said day, no Senator shall speak more than once or longer than 10 minutes upon the bill, or more than once or longer than 5 minutes upon any amendment offered thereto.

Mr. WADSWORTH. Mr. President, I do not think I can agree to the unanimous-consent agreement. In my judgment the bill is of such surpassing importance and the consideration thus far has so proceeded through only a portion of it, so that it would be impossible for the Senate to consider the bill in the way it should be considered by 1 o'clock on Wednesday. We have all had a good deal of experience in the fixing of unanimous-consent agreements, and particularly as to the limitation of debate carried in the agreements. Unfortunately, there is no limitation placed in such agreements upon the introduction of amendments after the debate has been limited. The bill is of such tremendous importance, there are so many amendments which I am quite sure will be offered from the floor in addition to the committee amendments, that I think it is impossible for the Senate to conclude an intelligent consideration of it by Wednesday.

Mr. CHAMBERLAIN. It may be the Senator can suggest a later date when he thinks the bill will have an opportunity to be more fully discussed?

Mr. WADSWORTH. That would be almost impossible for me to do, much as I should like to do it. I have not the slightest intention of delaying the intelligent consideration of the bill. When Monday or Tuesday or Wednesday comes and we see how far we are progressing with the consideration of amendments it may be possible to fix a day. Thus far we have not even finished the consideration of the committee amendments.

Mr. CHAMBERLAIN. Does the Senator make an objection?

Mr. WADSWORTH. I object, Mr. President.

Mr. CHAMBERLAIN. Mr. President, it is because of the great importance of this bill that it seems to me the Senate ought to be willing to fix a time when it will vote on the bill itself. I wish the Senator instead of objecting might suggest a later date.

Mr. PENROSE. I think we have worked pretty hard all day, and if the Senator will bring this matter up on Monday he would do better than to try to force it this evening.

Mr. CHAMBERLAIN. Mr. President, the Senator from Pennsylvania has been very kind in his efforts to assist in reaching an agreement by unanimous consent in reference to the amendment just disposed of. I am satisfied if we had not gotten this one question settled to-day, limited by a unanimous-consent agreement, we might have been discussing it for weeks.

Now, Mr. President, I dislike very much to file a motion for a cloture rule; I know how the Senate feels about it, yet it seems to me that after three weeks of discussion there ought to be a time fixed now to vote on the bill.

Mr. WADSWORTH. Mr. President——

Mr. CHAMBERLAIN. I notified the Senate the other day that I would file a motion for cloture this evening if I failed to get a unanimous-consent agreement. I am going to extend the time for filing that motion until Monday in the hope that the Senate will get rid of much of the bill on Monday, and I will then file it whether I succeed in securing its adoption later on or not.

Mr. WADSWORTH. I simply desire to say the Senator is slightly inaccurate when he says the bill has been under discussion for three weeks.

Mr. CHAMBERLAIN. Since the 18th of June.

Mr. WADSWORTH. It was not reported from the Committee on Agriculture and Forestry until June 27.

Mr. CHAMBERLAIN. We commenced discussing the bill before the Senate and it was made the unfinished business on the 18th of June.

Mr. WADSWORTH. It was then referred to the Agricultural Committee as it came from the House, and something like 60 amendments were suggested by the committee, and the Senate has not even finished the consideration of those committee amendments.

Mr. CHAMBERLAIN. We have been discussing the bill since the 18th day of June.

Mr. PENROSE (exhibiting). Here are some of the amendments to be offered to the bill. They have not even been read in the Senate.

Mr. CHAMBERLAIN. And I do not think we will get along any faster in the future than we have done in the last three weeks unless some agreement is reached.

Mr. JONES of Washington. Mr. President, I wish to suggest to the Senator that the section of the bill which it has been claimed heretofore has been causing delay has been disposed of under the unanimous-consent agreement. It can not be reserved even for a separate vote when the bill is out of Committee of the Whole.

I should like to see the bill passed. I am very anxious to have it passed. I know it is a very important measure and that time is of the essence in the matter. So I should like to see the Senator from Oregon either file his motion for cloture this evening or else keep the Senate in session for quite a while this evening in the hope that we may go on and consider some of the many amendments that the Senator from Pennsylvania has shown and that have not even been read.

Mr. CHAMBERLAIN. At the suggestion of the Senator from Washington, I will file the cloture motion this evening, and then the Senators who are responsible for the delay in disposing of the bill can assume that responsibility by a record vote.

Mr. NORRIS. Will the Senator permit me?

Mr. CHAMBERLAIN. I ask to have the motion read.

Mr. REED. I wish to inquire if that is a cloture motion.

Mr. CHAMBERLAIN. It is.

Mr. REED. I thought the Senator and I had an understanding that he would not file that motion——

Mr. CHAMBERLAIN. But I was requested to do it by the Senator from Washington. It was suggested that I should do it, and it is in accordance with the original proposition I made on Thursday when the unanimous-consent agreement was entered into. I suggested a few moments ago that it might be well to postpone making the motion, but, at the suggestion of the Senator from Washington, I will file the motion now and ask that it be read.

Mr. REED. Mr. President, I just want to have a plain understanding. When I gave my consent to the unanimous-consent agreement to consider the committee amendment which has just

been disposed of I very explicitly requested an understanding with the Senator from Oregon.

Mr. CHAMBERLAIN. I do not recall having made any agreement, but the RECORD will show.

Mr. REED. The RECORD will show what transpired. I have such a high regard for the Senator from Oregon that I could not think him guilty of any bad faith; but I say to him now he will recall he exacted from me an agreement that I would not object to a unanimous consent to vote some time next week.

Mr. GORE. At a certain date?

Mr. REED. No; there was no date mentioned. He asked me——

Mr. CHAMBERLAIN. I will say to the Senator——

Mr. REED. If it is to be done, it is all right; only you will not get any unanimous consent——

Mr. CHAMBERLAIN. If there was any misunderstanding about that at all, and the Senator from Mississippi [Mr. VARDAMAN] suggests to me that a misunderstanding might have arisen as to what would take place, and as to what I intended to do, I will postpone making this motion for a cloture in order to avoid any question about good faith in the matter until Monday evening.

Mr. VARDAMAN. May I make a statement? I was present when the conversation took place between the Senator from Oregon and the Senator from Missouri regarding this matter, and my understanding is that the Senator from Missouri expressed to the Senator from Oregon the desire that after the section under consideration should be disposed of he hoped that the Senator would not urge the adoption of the resolution providing for cloture for a day or two at least. The Senator from Missouri, as I understood him, hoped, after a day or two's trial, the bill would either be passed or an agreement on a day to vote could be reached.

Mr. CHAMBERLAIN. I do not propose to rest under the imputation of violating any agreement that I made here, whether express or implied, and in order to avoid any question about it I will withdraw the motion until Monday evening, notwithstanding the fact that the official record shows I made no such agreement, but quite the contrary.

Mr. NELSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Minnesota?

Mr. NELSON. Will the Senator yield to me for a minute?

Mr. CHAMBERLAIN. I was going to ask that the unfinished business be laid aside temporarily.

Mr. NELSON. Will the Senator yield to me for a minute? I desire to say to the Senator that I have not taken up any time in this debate so far. There are some portions of the bill that relate particularly to the welfare and well-being of the wheat farmers of the country, very important and very vital, and I think that those provisions ought to be carefully considered before we pass the bill. The indications are now that unless it is stopped in some way the wheat market of the farmer is ruined for this year. I shall aim to point it out when the opportunity is given, and I simply ask a reasonable time next week to do it.

Mr. CHAMBERLAIN. I ask that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Is there objection to laying aside the unfinished business? The Chair hears none.

Mr. REED subsequently said: Mr. President, a few moments ago, when the Senator from Oregon [Mr. CHAMBERLAIN] filed, or started to file, a notice of cloture, I objected and raised the point that the Senator from Oregon had promised not to introduce the cloture resolution until some time next week. The Senator from Oregon stated that that was not his recollection, and I disputed his recollection. I find on an examination of the RECORD that the Senator from Oregon was right, and that I was wrong, and I want to make my statement as public as I can in order to do justice to him. Under the colloquy that occurred between the Senator from Oregon and myself the Senator from Oregon is at perfect liberty to file his cloture resolution if he so desires.

Mr. CHAMBERLAIN. Mr. President, I am not particular about doing it this evening. It may be that we can get along faster with the bill on Monday, and I will let the matter go over until Monday afternoon, and then, if necessary, I will present it.

Mr. SHAFROTH. Mr. President, I have a joint resolution in charge which is an emergency measure. It has been favorably reported by the Committee on Mines and Mining. It provides for a suspension of assessment work on mines. I will ask for a present consideration. The committee has had it under advisement for a month or more. It is a short measure. It was unanimously reported by the committee.

The VICE PRESIDENT. Is there objection?

Mr. VARDAMAN. Mr. President, I rise to a question of personal privilege.

The VICE PRESIDENT. The Senator from Mississippi will state it.

Mr. VARDAMAN. Regarding the understanding between the Senator from Missouri and the Senator from Oregon, I had forgotten what was said for the RECORD, but I heard the conversation between those two gentlemen privately, and the Senator from South Carolina [Mr. SMITH] was also present. My understanding was that the Senator from Oregon agreed with the Senator from Missouri that he would not press the adoption of cloture until he discovered whether or not the matter could be disposed of promptly one day early next week.

That was my understanding. While I am on my feet I desire to say that I hope for a speedy passage of this bill. I have signed the petition for cloture, and should like to see it invoked, if necessary, to bring about the early passage of the measure. I made the suggestion a moment ago to the Senator from Oregon, not for the purpose of delaying action on the bill but because I knew the Senator from Oregon would not under any circumstances break his promise, and I was also convinced that the Senator from Missouri would not want him to do so. Nor would the Senator from Missouri ask or contend for anything that he was not entitled to. It was for that reason that I went to the Senator from Oregon and called his attention to what I thought was the agreement or understanding between the two Senators. My office in the matter was as a friend to both parties, and my suggestion was offered to prevent a misunderstanding between honorable gentlemen.

The VICE PRESIDENT. Is there objection to the request of the Senator from Colorado for the immediate consideration of the joint resolution named by him?

Mr. HITCHCOCK. I should like to have it read, Mr. President.

Mr. SHAFROTH. I can explain it very quickly.

Mr. KENYON. I am going to object to doing business in this way. I object to the consideration of the joint resolution.

The VICE PRESIDENT. Objection is made.

AMENDMENT OF INTERSTATE-COMMERCE ACT.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2356) to amend the act to regulate commerce as amended.

Mr. NEWLANDS. I move that the Senate disagree to the amendment of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. NEWLANDS, Mr. SMITH of South Carolina, and Mr. CUMMINS conferees on the part of the Senate.

PETITIONS AND MEMORIALS.

Mr. McLEAN presented a petition of the Woman's Suffrage Association of Connecticut, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was referred to the Committee on Woman Suffrage.

He also presented a petition of the Connecticut Chapter of the Daughters of Founders and Patriots of America, praying for the enactment of legislation to protect the morals of soldiers and prohibit vice at Army posts, which was ordered to lie on the table.

He also presented a petition of the Chautauqua Union of New Haven and the Young Men's Christian Association of Ansonia, in the State of Connecticut, praying for national prohibition, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Bridgeport, Hartford, and New Britain, all in the State of Connecticut, remonstrating against national prohibition, which was ordered to lie on the table.

He also presented petitions of the Committee of Food Supply of Connecticut and of sundry citizens of Elliott, Conn., praying for the passage of the so-called food-control bill, which was ordered to lie on the table.

Mr. SHEPPARD presented a petition of the congregation of the Shiloh Baptist Church, of Washington, D. C., praying for the adoption of the prohibition section of the so-called food-control bill, which was ordered to lie on the table.

He also presented petitions of the Woman's Methodist Missionary Society, of Aspermont; of the Woman's Missionary Society, of Naples; of the Home Missionary Society, of Newton; of the Hall County Medical Society; and of sundry citizens of Beeville, all in the State of Texas, praying for national prohibition, which were ordered to lie on the table.

He also presented petitions of the Woman's Missionary Society of the Methodist Episcopal Church, of Sylvester, of the Woman's Missionary Society, of Sweetwater; of the Wesley

Methodist Church, of Greenville; and of the Woman's Missionary Societies of Terrell, Hermleigh, Andrews, Caldwell, Snyden, Wolfe City, Big Springs, Dallas, Bellevue, and Hempstead, all in the State of Texas, praying for the prohibition and opposing the taxing of the liquor business as a war measure, which were ordered to lie on the table.

Mr. KNOX presented petitions of sundry citizens of Pennsylvania, praying for national prohibition as a war measure, which were ordered to lie on the table.

Mr. SMITH of Maryland. I present a communication, which I ask to have printed in the RECORD.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

MARYLAND STATE HORTICULTURAL SOCIETY,
Ashton, Md., July 2, 1917.

Hon. JOHN WALTER SMITH,
United States Senate, Washington, D. C.

DEAR SENATOR: The Society of Friends at its quarterly meeting held at Sandy Spring June 12, 1917, pursuant of its time-honored stand against the manufacture, sale, or use of intoxicating liquors as a beverage, desires that your best efforts be used to bring about national prohibition to the fullest degree.

SAMUEL P. THOMAS, *Clerk.*
MARIANA S. MILLER.

The Enterprise Farmers' Club, of Montgomery County, at its regular meeting June 30, 1917, sends the same prayer.

SAMUEL P. THOMAS, *Secretary.*

Mr. WILLIAMS presented petitions of the congregation of the Moore Memorial Methodist Church, of Winona, and of the Woman's Missionary Society of Okolona, in the State of Mississippi, remonstrating against the taxing and favoring the prohibition of the liquor business as a war measure, which were ordered to lie on the table.

Mr. PHELAN presented a resolution adopted by the directors of the Napa County Farm Bureau, of Napa, Cal., favoring the establishment of a minimum price for staple farm products, which was ordered to lie on the table.

Mr. MYERS presented a resolution adopted by the American Society of Equity, of Big Sandy, Mont., relative to the minimum price of wheat, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Geraldine, Mont., praying for national prohibition, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Flathead County, Mont., praying for the enactment of legislation authorizing an examination of the outlet of Flathead Lake, with a view of controlling the waters of said like, which was referred to the Committee on Commerce.

Mr. PAGE presented a petition of sundry citizens of Johnson, Vt., praying for the enactment of legislation prohibiting the manufacturing of all intoxicating liquors, including beer and wine, which was ordered to lie on the table.

Mr. SMITH of Maryland presented petitions of Baraca Class of Union Square Methodist Episcopal Sunday School, Baltimore; Men's Bible Class of North Avenue United Presbyterian Church, Baltimore; Evergreen Christian Endeavor Society, Baltimore; Franklin Street Memorial United Brethren Church, Baltimore; Harford County Christian Endeavor Union, Havre de Grace; Churchville Presbyterian Church; Methodist Church, Dunkirk, all in the State of Maryland, praying for the prohibition of manufacture and sale of liquors and the conservation of food products, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Cumberland, Hagerstown, Frostburg, Baltimore, Relay, Rising Sun, Rowlandsville, Liberty Grove, New Valley, Pilot, Laytonsville, Etchison, Damascus, Cedar Grove, Woodfield, all in the State of Maryland, praying for the prohibition of manufacture and sale of alcoholic liquors and the conservation of food products, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Baltimore, Md., remonstrating against the adoption of an amendment to the so-called food bill to prohibit the withdrawal of spirits from bond, which was ordered to lie on the table.

Mr. SHEPPARD. I send to the desk a telegram and ask to have it printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

SAN ANTONIO, TEX., *July 6, 1917.*

Senator MORRIS SHEPPARD,
Washington, D. C.:

Texas State Council of Defense adopted the following resolution:

"Whereas in the food-control bill now before Congress it is being attempted to fix the price of cotton; and

"Whereas your committee is of the opinion that to regulate or attempt at this time to fix the price of cotton would be most unfair and disastrous to the South for the reason that this is the most costly crop ever produced, and for the further reason that all farming implements and necessities were purchased prior to any attempt to fix prices on these articles by our Congress; and

"Whereas such price fixing will at this time place the cotton growers at the mercy of the domestic and foreign cotton-goods manufacturers, causing the farmer to face a nightmare and bankruptcy which overtook him in 1914; and

"Whereas the exigencies of this war do not call for any legislation touching price fixing as to cotton and not being an administrative measure: Therefore be it

"*Resolved*, That the secretary of this council be requested to wire our Senators and Representatives to oppose any legislation fixing cotton prices at this time."

Which they request you to lay before the United States Senate and call it to the attention of the Texas delegation in Congress.

J. F. CARL,
Secretary Texas State Council of Defense.

Mr. VARDAMAN. I ask to have printed in the RECORD, without reading, a telegram from the Board of Trade of Yazoo City, Miss.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

YAZOO CITY, MISS., *July 5, 1917.*

JAMES K. VARDAMAN,
Care United States Senate, Washington, D. C.:

Whereas the action of the United States Senate having cotton placed under the food-control bill and the attempts of Lord Northcliffe, the head of the British mission in the United States, to influence the Agricultural Department of the United States to have the American cotton exchanges coordinate trading to conform with the Liverpool exchange, which practically eliminates active trading, with the avowed purpose of lowering the price of cotton, thereby placing the southern cotton farmer at the mercy of the shipper of the world, is against the interest of the entire South. Therefore we earnestly protest against such action by Congress, and hereby urge our Senators and Congressmen to do everything in their power to defeat such action.

YAZOO CITY COTTON EXCHANGE,
A. S. GARDNER, *President.*
W. T. PRIESTLEY, *Secretary.*

Mr. WARREN. I have a telegram which I ask to have printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the telegram was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

KOOI, WYO., *July 6, 1917.*

Hon. FRANCIS E. WARREN,
Senate Office, United States Senate, Washington, D. C.:

According to the Billings Gazette, July 5, Senator WALSH, in hearing before Public Lands Committee, advocates opening of public lands to reduce the price of coal, and submits letter from C. O. Meyer, manager Billings Utility Co., which are in line with facts. More coal mines in a district where production is far in excess of demand spells disaster for the Sheridan fields. What we want is more railroad cars and prices will regulate themselves. Mines in this district now working one-third to one-half time account car shortage.

PETER KOOI.

Mr. FLETCHER. I ask to have printed in the RECORD a telegram from Memphis, Tenn., dated July 5, signed by the president of the Saunders Grocery Co., Clarence Saunders, referring to business transactions which I think are very important. I will not take time to read the telegram, but I ask to have it printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

MEMPHIS, TENN., *July 5, 1917.*

Hon. DUNCAN U. FLETCHER,
Member Senate Committee on Commerce, Washington, D. C.:

We are wholesale grocers dealing in a general line of food products, selling direct to the retail trade. Prior to April 1 we had in our stock a quantity of Octagon soap. Before we had sold out this particular lot of Octagon soap Colgate & Co., of New York City, who are the manufacturers and distributors of this particular brand of soap, advised us of an advance in price, naming us a revised jobbing cost price and a revised retail selling price, which retail selling price they requested that we adhere to strictly, even on the stock that we had in our warehouse and which was bought before the advance in price. We quote from their letter, which quotation is as follows: "It is understood that the retail prices are to apply to jobbers' present stock as well as to future purchases. We believe it is to the best interests of all concerned to adhere to the above selling prices and we will consider those disregarding them undesirable customers." We direct your attention in particular to the two words found in the first sentence which we designate as "present stock," which clearly indicated the desire of Colgate & Co. that we take for ourselves an extra profit on what stock of soap we had on hand at that time by advancing the price on same in conformity with their notification of such advance. Had we done this we would have received more than a legitimate profit on that particular lot of soap; also had we advanced the price on that particular lot of soap, the retailer having had to pay such an advance, would necessarily have been compelled to have added to his retail price that he might have maintained his regular margin of profit. We refused to advance our price on Octagon soap until we had disposed of the stock we had on hand. We were notified by the personal representative, Mr. Roy Freeman, of Colgate & Co. that we would henceforth be considered undesirable customers, "for the reason that we had failed to put into effect immediately an advance in our reselling price on Octagon soap. We were further notified by Mr. Roy Freeman, of Colgate & Co., that he had no option whatever in the matter and was acting under orders from headquarters in notifying us that we would not receive any further shipments of soap from Colgate & Co. Two words in the last sentence of the quotation that has been referred to as being part of Colgate & Co.'s letter in which they notified us of the advanced price we call special attention to. Those words are "undesirable customers." The preceding portion of that sentence explains on what grounds wholesale grocers will be considered by Colgate & Co. as undesirable cus-

tomers. We disregarded the notice of Mr. Roy Freeman, acting for Colgate & Co., that we would not receive any more Octagon soap, and we submitted on the last day of March to Colgate & Co. an order for another carload of Octagon soap and washing powder. We received no definite word directly from Colgate & Co. until we had sent them a telegram under date of April 20, this reading as follows: "When are you going to ship our car of soap? Answer." Seven days later, and which was under date of April 27, we received in answer to our telegram of April 20 a telegram, signed Colgate & Co., reading as follows: "Answer your wire. Have been forced to consider your account undesirable." We have not yet received the car of Octagon soap that we ordered from Colgate & Co. The purpose of this telegram is to present for your consideration some vital trade facts in your avowed endeavor to restrain speculation and exorbitant profits that you may be advised of the high-handed methods that are in practice by the various manufacturers of the country.

Much talk has been made about the price of wheat; much talk has been made about controlling the price of cotton; much talk has been made about controlling other products, but nowhere have we seen any talk about controlling the manufacturer. Will it be fair that the man who raises cotton, that the man who produces other everyday essentials of food be told by positive law what he shall do and what he shall not do and allow the manufacturers of the country who deal in soap necessary for cleanliness, even if it can not be eaten, and the manufacturers of other items just as necessary, we ask again, will it be fair to allow these manufacturers to tell us as wholesale grocers or others who may be in the same line of business what price we and they shall obtain in the resale price of their products? If we have not got a law now that will make it possible for a wholesale grocer or a retail merchant to so conduct his business as will afford the consuming public the lowest possible price that can be effected by up-to-date methods and close scrutiny of all details, won't it be possible, in the consideration of the food bill that is now before Congress, that there be incorporated in that bill such provision as will make it impossible for a manufacturer to be so high handed in his methods as will allow him to control the wholesale grocers' resale price and the retailers' price down to the consumer? Is the manufacturer to be the mighty lord of our country, while everybody else in every walk of life makes sacrifices and gives up part of his heretofore freedom? Patriotism, we believe, should dwell in the manufacturer's office as well as in the most humble place of the wholesale grocer and the retail merchant, and certainly if a wholesale grocer pays a manufacturer the price that he asks for his goods, such a wholesale grocer most assuredly should have the protection of the law in naming his own price, even if the law does not now give him the right to have such protection in his rights of free merchandising as will make it a crime for a manufacturer to dictate to a wholesaler grocer or to a retail merchant what profit he shall charge to him who may buy from him. The writer of this telegram can furnish data upon data showing the injustice, showing the domineering spirit that prevails in manufacturing circles as it concerns those who buy from the said manufacturers. The writer can show that the firm of which he is president is conducting practically the largest wholesale grocery business in Memphis; he can show that this is being done at an overhead expense account of approximately 4 per cent out of our sales less than similar institutions. Is it patriotism that we keep this extra 4 per cent, or is it not a higher order of patriotism that we be allowed under the law by its protection to pass this saving of 4 per cent on through the retailer's hands down to the consumer? We have been forced ever since we have been in business by the browbeating of various manufacturers to exact of the retailer a higher per cent of profit than was necessary for us to show satisfactory earning power. But what could we do except to submit to the domination of the manufacturer when he stood with a stick drawn at our heads with the warning that if we didn't do like he said to do we could not buy any more goods from him? What would it have booted us had we acted stubborn and sold goods at a margin of profit which we could have afforded to have sold them? Had we not been able to have received any further goods we would have been out of business and the manufacturer would still be in with a shouldering applause of those wholesale grocers who have a top-heavy expense account. The writer of this telegram will appear before any committee in Washington at his own expense and elucidate the facts that have been broadly touched upon in the foregoing truth. He will be glad to render such a service to the consumers of the country. Should it be desired that the writer appear before any committee and give any further information, a telegram indicating such desire will receive personal response of the writer at Washington at the appointed time.

SAUNDERS-BLACKBURN GROCERY CO.,
By CLARENCE SAUNDERS, *President.*

Mr. REED. Mr. President, I have a telegram from a wholesale house in Tennessee. I am informed by both Senators from that State that the institution is a large and reliable one. The telegram gives some startling information as to the methods that are being taken not only to boost prices of food but to coerce dealers into raising prices. In my judgment, it discloses facts which are absolutely violative of the antitrust laws of this country, and I commend the telegram to the Committee on Agriculture and Forestry having in charge this bill, and I commend its consideration to the Department of Justice.

Mr. FLETCHER. Is that telegram from the Saunders-Blackburn Grocery Co.?

Mr. REED. It is; and if the Senator has presented a similar telegram, I will withdraw my request.

Mr. FLETCHER. It is the same telegram, I think, as the one just presented by me; and while I quite agree with what the Senator from Missouri says with reference to it, I hardly think it ought to be printed again in the RECORD.

Mr. REED. I learn that the Senator from Florida has placed in the RECORD the same telegram as the one offered by me. I did not know it had been sent to other Senators. I withdraw the telegram, but will let my remarks apply to the telegram submitted by the Senator from Florida.

Mr. FLETCHER. I present a memorial of the Legislature of the State of Florida, which I ask to have printed in the RECORD.

There being no objection, the memorial was ordered to be printed in the RECORD, as follows:

Senate memorial No. 1.

Senate memorial requesting Congress to use their efforts to have the port of St. Andrews properly fortified against the enemies of the United States.

Whereas the port of St. Andrews and vicinity have a population of over 10,000, and located there are great milling plants, one of which is known as the German-American Lumber Co., and practically owned by German capital; and

Whereas the said port has a depth of 23 feet over the entrance bar, sufficient to permit large hostile men-of-war to enter; and

Whereas the greatest portion of the population are within 5 miles of deep water outside in the Gulf of Mexico and in easy gun range of even the smaller war vessels: Therefore be it

Resolved by the Legislature of the State of Florida, That our Representatives in Congress be and are hereby respectfully requested and urged to exercise every honorable means at once to have Congress request the proper authorities to take immediate steps for the protection of the said port of St. Andrews by proper fortifications upon the lands that are reserved by the United States Government at the entrance to the said harbor; be it further

Resolved, That the secretary of state be requested to mail each of our Senators and Representatives in Congress under his seal a copy of these resolutions.

Approved, April 19, 1917.

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House memorial 1.

To memorialize the Congress of the United States to pass and submit an amendment of the Constitution of the United States to the several States proposing nation-wide prohibition of the manufacture, sale, barter, or exchange of all alcoholic or intoxicating liquors or beverages.

Be it resolved by the Legislature of the State of Florida, That the Congress of the United States be, and is hereby, requested to pass and submit an amendment of the Constitution of the United States to the several States proposing nation-wide prohibition of the manufacture, sale, barter, or exchange of all alcoholic or intoxicating liquors or beverages.

Be it further resolved, That the Florida delegation in Congress be, and it is hereby, requested to use all honorable means to bring about the passage of this amendment.

Be it further resolved, That the secretary of state be instructed to mail a copy of this resolution to each of the Florida Senators and Representatives in Congress of the United States.

Approved April 20, 1917.

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House memorial 2.

A memorial to the Congress of the United States, to be presented by and through the congressional delegation from the State of Florida at Washington, D. C., requesting that the reservation known as the Choctawhatchee Reservation in West Florida be withdrawn and that the land therein be restored to homestead entry, and that all citizens be allowed to make homestead entry thereon in compliance with the laws of the United States.

Whereas the Choctawhatchee Reservation, which is composed of land that is especially suitable for cultivation for all kinds of agricultural purposes; and

Whereas, by reason of the topographical condition of the land, it is not desirable as a forest reserve; and

Whereas there are a large number of homestead settlers interspersed throughout the reserve who are deprived of privileges that they would otherwise receive in the way of education and other useful and beneficial training by reason of the isolation brought about by the determination of the United States authority to set apart this land as a reserve; and

Whereas the people of the whole western section of the State desire that the land should be opened to homestead entries: Therefore be it

Resolved by the Legislature of the State of Florida, First, that our Senators and Representatives in the Congress of the United States be, and they are, earnestly requested to present this memorial to the Congress of the United States and to use every effort to induce Congress to withdraw the Choctawhatchee Reservation and cause the land therein that has not already been homesteaded made subject to homestead entry under the laws of the United States now in force relating to and governing the entry of land for homestead purposes.

Resolved further, That the secretary of state be, and he is hereby, directed to furnish to the Senators and Members of Congress of the United States certified copies of this resolution under the great seal of the State.

Approved May 15, 1917.

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House memorial 3.

A memorial to memorialize the Congress of the United States to place into effect the prohibition of the manufacture and sale of intoxicating liquors during the existence of the present state of war between the United States and the Imperial German Government.

Whereas this Nation is now facing a crisis in the grain supply and it is vitally necessary that steps be taken to conserve every bushel of grain possible, so that it may be used for the greatest benefit of our people and allies for food. And quoting from statistics carefully gathered it has been estimated that the war prohibition measure would save enough grain alone to make a loaf of bread a day for each of 11,000,000 fighting men. This alone is a convincing argument of the vast benefits that would accrue from putting grain into the use of furnishing food when it is going to be so badly needed: Therefore, be it

Resolved by the Legislature of the State of Florida in biennial session assembled, That we memorialize the Congress of the United States to prohibit the manufacture of intoxicating liquors or beverages during the war now being waged against the Imperial German Government.

When we consider the greatly increased price the people of this country will have to pay for bread, to say nothing of the vast amount that will be wasted in the consumption of these alcoholic drinks, it is a question as to whether there would be any actual net revenue derived from the taxes on alcoholic drinks. Viewing the question, therefore, from every standpoint of public good, and our vital needs, there is not a single argument against the war prohibition measure, while there are many sound, economic, and beneficial reasons in its favor.

In these times it is the duty of our national legislators to the people to conserve wherever possible the country's food supply, and where there is found such a tremendous wastage in the manufacture of products not needed, it is our duty to stop this wastage and allow the grain to be diverted to food purposes; be it further

Resolved, That our Representatives in the Congress be respectfully requested to use all honorable means to bring about this result; be it further

Resolved, That the secretary of state shall furnish each of our Representatives with a copy of this memorial.

Approved May 21, 1917.

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House memorial 4.

To memorialize the Congress of the United States to impose graduated income taxes; to regulate profits on war supplies and services, including transportation, and to enact legislation regulating profits on necessities of life.

Whereas many hundreds of thousands of American citizens are to be conscripted to fight the war of our country;

Whereas the labor of our country is called upon to exert its highest and most efficient efforts to feed and maintain our soldiers and people, as well as our allies;

Whereas our soldiers and laborers must have a proper supply of wholesome food and other necessities to perform the highest and most efficient service;

Whereas any excess profits by persons, firms, or corporations is unpatriotic and will operate to the great disadvantage of the interests of the people of these United States;

Whereas justice in taxation does not mean equality in the amount of money paid in, but means equality in the effect of the tax upon the people who pay it and equality upon the protection and promotion of the interests taxed;

Whereas large incomes spent frivolously set an example that is detrimental to the best interest of the country in the present crisis and has a tendency to withdraw labor from necessary fields: Therefore be it

Resolved by the Legislature of the State of Florida in biennial session assembled, That we memorialize Congress—

To conscript dollars as well as men through the imposition of large graduated income taxes that will totally absorb all incomes over $100,000 per annum until all war debts and bonds are paid.

To enact laws that will compel the furnishing of war supplies or war service, including transportation, at a reasonable profit, same to be fixed by Congress.

That Congress enact legislation preventing excessive profits on the necessities of life, enabling them to reach the consumer from the producer at a reasonable profit during the war.

That our Representatives in Congress be respectfully requested to use all honorable means to bring about these results.

And that the secretary of state shall furnish each of our Representatives a copy of this memorial.

Approved May 28, 1917.

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House memorial 5.

A memorial to the Congress of the United States of America asking that it adopt the Old Spanish Trail Highway—the Ocean-to-Ocean, Gulf-Coast Highway—from Miami and Tampa, Fla., to Los Angeles, Cal., as a national military highway—to regrade, widen the same, and erect and maintain the bridges thereon where said highway crosses navigable streams; to use Federal convict labor and obtain the use of State convicts in the construction of said military highway from those States only through which said highway passes.

Whereas a state of war now exists between this Government and a foreign nation; and

Whereas along the southern Gulf Coast States there are very few forts or other protection against invasion by a foreign army; and

Whereas there is more seacoast unprotected in said section than in any other part of our country; and

Whereas there are few railroad facilities in said section suitable for the transportation of troops from one coast of the United States to the other and the local dirt roads are not passable by heavy motor-driven trucks sufficiently large to carry heavy guns from one section to another; and

Whereas we believe it to be one of the most important assets in time of warfare and one of the most lasting in time of peace to have said military highway—as a preparedness measure—for internal protection of our homes against foreign invasion: Be it

Resolved by the Legislature of the State of Florida, That the Congress of the United States be and hereby is memorialized to make such appropriations and to pass such legislation as to empower the Government to take over the highway known as the Old Spanish Trail Highway from Miami and Tampa, Fla., through the Gulf Coast States to California; to take charge of able-bodied male State convicts in Florida, Alabama, Louisiana, Texas, New Mexico, Arizona, and California, and to place also to work on said road all able-bodied male Federal convicts now in prison who were sentenced from said States, and to put said work in operation at once, and to push the same to a speedy completion.

Resolved further, That the Florida Senators and Representatives in Congress be, and they are hereby, requested to place this important matter before their representative body for immediate action; and that a copy of this resolution be sent to each Representative from Florida.

Approved May 26, 1917.

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Senate concurrent resolution 5.

Senate concurrent resolution requesting the War Department to guard the bridges and terminals of the C. H. & N. Railroad.

Whereas the harbor of Bocagrande, Fla., is the most southern deep-water harbor, except Key West, in the United States; and

Whereas the facilities for loading and discharging large cargoes at said harbor may become of great value to the United States Government during the present war with Germany; and

Whereas the railroad terminals, including the bridges across the Myakka River and Gasparilla Pass are exposed to destruction by hostile enemies: Therefore, be it

Resolved (*the house concurring*), That the War Department at Washington be urged to take immediate steps to properly safeguard the railroad terminals and bridges above mentioned.

Approved April 21, 1917.

Senate concurrent resolution 13.

Be it enacted by the senate (*the house concurring*), That our Senators and Representatives at Washington be requested and instructed to use all honorable means to have New Smyrna, Volusia County, Fla., made a port of entry.

That the secretary of state is hereby instructed to furnish each of our Senators and Representatives at Washington with a copy of this concurrent resolution.

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Senate concurrent resolution 16.

Whereas the official map of 1916, issued by the United States Land Office at Washington, does Florida injustice by representing the south end of the State to be water and swamp under the general title of "The Everglades," with Lake Okeechobee as a part of it, showing but a narrow strip of Dade, Broward, and Palm Beach Counties as being dry land and habitable, and the same appearance of water applying in full to Monroe County and in part of Lee, De Soto, Osceola, and the new county of Okeechobee; and

Whereas the impression this fact makes is seen in a statement appearing in connection with a map printed recently in Viereck's Weekly, of New York City, in connection with the following description of Florida: "The map accompanying should be of interest to every reader of Viereck's Weekly. It is a photographic reproduction of the large map which hangs in our office. Each tiny dot represents a city, town, or village where we have subscribers. You may notice that in the State of Florida there are not many dots; but as Florida is largely covered by the Everglades (great swamps inhabited only by the picturesque Seminole Indians) our agents have had considerable difficulty in doing business there." And

Whereas Northern papers are regularly printing similar stories, as for example a recent interview in the Daily Globe, of Atchison, Kans., with a man who spent the past winter in Dade County—on the narrow white strip down as land in the Government map—and who said: "Florida hasn't a thing except climate. In the south half of the State you have to blast a hole in the rock to plant an orange tree. I couldn't find any man who owns orange or grapefruit groves who isn't anxious to sell. Rattlesnakes are so thick that when inhabitants of the town go out at night they have to have torchlights on the end of their canes, or carry flash-lights to frighten snakes off the sidewalks. The snakes are big rattlers, 6 to 10 feet long, and men, women, and children have to wear leggins or boots." And

Whereas the author of this libel on Florida can point to the Government map to verify his claim that it is swamp and water and accordingly the abode of reptiles and poisonous insects; and

Whereas a recent book entitled "What About Florida?" in a chapter devoted to "The Everglades" declares, among other things, that "Because the Seminoles live on the edge of the Everglades is not to be taken as the best evidence that other people can thrive there. Even with drainage, the territory is low, the saw grass is high, the mosquitoes physically gigantic in size, the air laden with noxious vapors at times, the atmosphere heavy and inert, and there is everything enervating calculated to depress and not have that exhilarating influence that one feels in a higher altitude or in a northern climate. Health and living conditions are of paramount importance. It is impossible to conceive that this will ever be satisfactory in this part of Florida"; and

Whereas the author of this book can point to the Government land map to verify his claim that it is water and swamp, regardless of the fact that there are wide areas of dry prairies and woodlands over which automobiles can travel in any direction without difficulty; and

Whereas it is not necessary to go north to find Florida discredited, as not long ago a Georgia paper said there was "nothing in Florida except oranges and sick Yankees"; and

Whereas Florida gets it coming and going, through the deceptive methods of certain land companies, followed by victims indulging in wholesale condemnation and misrepresentation, and now the Federal Government's map spreads a swamp over the south part of the State, which can be pointed to as evidence that that part of Florida is not habitable; and

Whereas the State has no publication to enumerate her resources and no specimens of resources to illustrate and support her claims to greatness, but depends upon private enterprises, which in some cases have worked incalculable injury; and

Whereas some of the fraternal societies have not entered the State because of a belief in her unhealthfulness; and

Whereas Dr. Wilson, founder of the Royal Arcanum, one of the great fraternal societies of the North, is now a resident of Florida, and recently said that "the idea is widespread that Florida is unhealthy, but by coming here I find that Florida is one of the healthiest States in the Union. I came here in my 79th year to live out the balance of my life, and you can take it from me that I now wouldn't care to live anywhere else, and it will be my pleasure to urge others to come. I stayed away only because I heard too many conflicting stories about the State": Therefore be it

Resolved, That the Legislature of Florida authorize the preparation, printing, and circulation of a handbook to accurately and fully describe the advantages of the State, and also collect specimens of the natural and economic products of the State for display at fairs and expositions to convince visitors that there is more in our State than swamps, insects, and reptiles; and further be it

Resolved by the Legislature of Florida, That our Senators and Representatives in Congress be requested to take the necessary steps to have forthcoming issues of the United States Land Office map, and any other misleading maps issued by the Government, so corrected as to at least show that Lake Okeechobee is not surrounded by water.

Approved May 24, 1917.

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House resolution 20.

Whereas the Ladies' Civic League of Bushnell, Fla., has organized a movement for and has secured the necessary land to establish a memorial park and monument at or near the scene of Dade's massacre in Sumter County, Fla.; and

Whereas the scene of Dade's massacre is one of the historical points of this State and should be marked by such fitting memorial; and
Whereas there has been introduced in the Congress of the United States of America a bill making appropriation for such memorial: Be it

Resolved by the house of representatives (the senate concurring), That the movement on the part of the Ladies' Civic League of Bushnell, Sumter County, Fla., to establish a memorial park and monument at or near the town of Bushnell in the said county of Sumter for the purpose of marking and preserving the historic spot where Maj. Dade and his men were massacred during the late Indian war, be, and the same is hereby, approved; be it further

Resolved, That the secretary of state is hereby authorized and requested to send a copy of this resolution to Hon. H. J. DRANE, at Lakeland, Fla., representing the first congressional district of this State; a copy to each of our United States Senators, Hon. PARK TRAMMELL and Hon. DUNCAN U. FLETCHER; and a copy to the Ladies' Civic League at Bushnell, Fla.

Approved May 21, 1917.

—

House concurrent resolution 15.

Whereas the improvement of waterways of this country is one of the most vital needs of the Nation for the development of its commerce, both in peace and in time of war; and
Whereas at this particular time the development of our waterways is one of the most important pieces of work that the Federal Government could undertake; and
Whereas the rivers and harbors bill, which failed to pass during the last session of Congress, was the most constructive piece of legislation ever attempted along this line, and its failure to pass meant that millions of dollars' worth of work would be left uncompleted at the end of the fiscal year, which would necessitate additional expense in taking the work up anew when appropriations are again made: Therefore be it

Resolved by the house of representatives (the senate concurring), That our Representatives in Congress be urged to use every effort to have a bill in substance similar to the one drafted at the last session of Congress, and passed by the House of Representatives, enacted into law at this special session of the Sixty-fifth Congress; and be it further

Resolved, That copies of this resolution be forwarded to our Representatives in Congress and to the Chief of Engineers, Washington.

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STATE OF FLORIDA,
Office of Secretary of State, ss:

I, H. Clay Crawford, secretary of State of the State of Florida, do hereby certify that the foregoing is a true and correct copy of senate memorial No. 1 and house memorials Nos. 1, 2, 3, 4, 5, and senate concurrent resolutions Nos. 5, 13, 16, and house resolutions Nos. 15 and 20, passed by the Legislature of Florida, session of 1917, and filed in this office.

Given under my hand and the great seal of the State of Florida, at Tallahassee, the capital, this the 20th day of June, A. D. 1917.

[SEAL.] H. CLAY CRAWFORD,
Secretary of State.

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TALLAHASSEE, FLA., *June 20, 1917.*

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

DEAR SENATOR FLETCHER: I inclose herewith copies of memorials and resolutions passed by the legislature of 1917.

Yours, very truly,

H. CLAY CRAWFORD,
Secretary of State.

Mr. FLETCHER presented a petition of the congregation of the First Congregational Church of St. Petersburg, Fla., praying for national prohibition during the war, which was ordered to lie on the table.

Mr. GRONNA. I present several telegrams and ask that they be inserted in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

FARGO, N. DAK., *July 7, 1917.*

Hon. A. J. GRONNA,
Washington, D. C.:

We earnestly protest against the eliminating of beer and wine from the food-control bill. We want our grain conserved for food, and not converted into intoxicants which would destroy our boys that we are sending to the front. Please do all in your power for the bill.

Prof. G. R. Vowles, Fargo College; J. D. Penhiter, B. G. Tenneson, August Hanson, Christ Sydness, Rev. Wuffestark, Rev. G. A. Schoberg, Rev. A. Mehus, Prof. Waldron, Rev. E. O. McCracken, H. C. Thomsen, J. W. Jones, M. V. Larson, S. J. Syverson, O. S. Hadland, V. J. Baldwin, J. M. Johnson, Oscar Herrier, Rev. E. Bernstson; J. W. Riley, superintendent of schools; H. O. Lund, James Johnson, G. F. Hoff, E. G. Hedland, A. T. Nestern, George Martinson, Fred Acton, A. J. Westerdale, C. D. Hedland, Otto Comes, Arthur Moer, O. T. Korsund, H. H. Vidger.

—

BARTLETT, N. DAK., *July 7, 1917.*

Hon. A. J. GRONNA,
Washington, D. C.:

We the undersigned urgently request you to do all in your power to prevent the eliminating of wine and beer from the food-control bill.

G. W. WHITINER, C. E. WEBER.
THOMAS HYDE, B. W. NORTROP.
ALFRED SOHLIN, H. E. ADLER.
J. C. JOHNSON, F. B. FREEBERG.
JOE CLARK, A. M. ENNEY.

NEW ROCKFORD, N. DAK., *July 6, 1917.*

Hon. A. J. GRONNA,
Washington, D. C.:

We protest against the elimination of the wine and beer clause in food-control bill.

Twenty-two members of the Woman's Christian Temperance Union and Hitchcock, Goss, Rodenberg, Davidson, Hayes, Rager, Maxwell, Manley, Reynolds, Johnson, Terpening, Hudson, Maddux, Crawford, Coe, Perry, Adams, Carson, Reed, Ritchie, Biggs, Mahin, and Whitcome.

—

JAMESTOWN, N. DAK., *July 6, 1917.*

Senator A. J. GRONNA,
Washington, D. C.

SIR: We the undersigned, representing the Woman's Christian Temperance Union of Jamestown, protest against the eliminating of wine and beer from the food-control bill. We urge you to use your influence against same.

Yours for victory,

Mrs. M. S. RILEY,
Mrs. P. W. EDDY.
Mrs. W. E. BOISE.
Mrs. FRED WANNER.

AGRICULTURAL PRODUCTS.

Mr. GORE. I ask unanimous consent to have printed in the RECORD without reading a letter concerning the food production bill now in conference.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

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NEW YORK STATE COLLEGE OF AGRICULTURE,
Ithaca, N. Y., July 6, 1917.

Hon. THOMAS P. GORE,
Chairman Committee on Agriculture, Washington, D. C.

DEAR SIR: I am writing you concerning the Lever food-supply bill, H. R. 4188, Calendar No. 59, which carries appropriations for the Department of Agriculture and for cooperative work between the Department of Agriculture and the States. Our immediate interest is in the paragraph carrying the appropriation of $4,348,400 "for increasing food production and eliminating waste and promoting conservation of food by educational and demonstrational methods through county, district, and urban agents and others." You undoubtedly know that in anticipation of the passage of this act officials of the Department of Agriculture wrote to the various States indicating expected apportionments to each State for cooperative work in agricultural and home economics county agent work. For New York State the original apportionments were indicated as follows: For county agent work, $59,300; for women's county agents, $50,500; for home economics in cities, $53,400. This was based on the original request of five and one-half millions for the above item. When Congress reduced this amount to $4,348,400, on which we understand both Houses agreed, and the item seemed, therefore, to be assured, we were informed that, according to the redistribution of funds, the following items would very probably be available for work in this State: For county agent work, $47,000; for women's county agents, $44,700; for home economics in cities, $20,000. In order that these funds might be of any use whatever this season, it was necessary for us to make our plans immediately, as the growing and preserving season is now under way. Because of the seeming certainty that these funds would be available, we have drawn up a State program in cooperation with the New York State food-supply commission for the placing of food-conservation agents and of additional agricultural agents in counties throughout the State. Our State council of defense, of which the governor is chairman, has approved our budget, showing the joint State and Federal funds. Furthermore, we have taken steps in nearly all of the counties of the State and in the larger cities to perfect organizations so as to place the agents immediately upon the receipt of the funds. Other State organizations throughout the State have adapted their plans to our program, and it will mean a disastrous disturbance of the entire food-conservation program in this State if these funds are not forthcoming and if they are not received soon. The situation is extremely acute, in view of the fact that communities throughout the State are insisting on having service. It would seem impossible that we should have to inform people throughout the State that this work can now not be done because of failure of Congress to make the appropriations available.

Furthermore, in view of the assurances that the funds would be forthcoming, we have held a special training school of two weeks in length to give the final preparation to the first lot of food conservation agents who are to go out, and we have announced a second training conference of similar length for the remaining number.

I realize that you are doing all that you can to further this legislation. I thought it might be helpful if you knew how much the States were depending upon this legislation, and the fact that entire State programs are being jeopardized by the delay in obtaining the funds. If there are other persons to whom this information should be sent we should be glad to write to such persons.

Yours, sincerely,

A. R. MANN.

THE COMMITTEE ON NAVAL AFFAIRS.

Mr. THOMPSON. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably without amendment Senate resolution No. 96, submitted by the Senator from Virginia [Mr. SWANSON] on the 6th instant.

Mr. SWANSON. I ask unanimous consent for the present consideration of the resolution. It simply authorizes an investigation.

Mr. KENYON. Let the resolution be read.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Naval Affairs, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-fifth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject

which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee or any subcommittee thereof may sit during the sessions or recesses of the Senate.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. UNDERWOOD:

A bill (S. 2617) authorizing the restoration of John T. Melvin, a lieutenant (junior grade), to the active list of the Navy; to the Committee on Naval Affairs.

By Mr. FRELINGHUYSEN:

A bill (S. 2618) to aid our Government in war against Germany by producing foodstuffs and to aid farmers and give employment to the unemployed and encourage agriculture; to the Committee on Agriculture and Forestry.

By Mr. BRANDEGEE:

A bill (S. 2619) to reimburse the State of Connecticut for expenses incurred in protecting bridges over waterways on main railroad lines under direction of the commanding general Eastern Department; to the Committee on Claims.

By Mr. PHELAN:

A bill (S. 2620) granting a pension to Arthur Johnson (with accompanying papers); to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 2621) granting an increase of pension to Francis Mathews (with accompanying papers); and

A bill (S. 2622) granting an increase of pension to Joseph Galbraith (with accompanying papers); to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 2623) defining the status of citizens of the United States who have entered the military or naval services of certain countries during the existing war in Europe; to the Committee on Military Affairs.

A bill (S. 2624) for the relief of occupants of certain premises within the naval station at Pensacola, Fla.; to the Committee on Naval Affairs.

By Mr. SMITH of Maryland:

A bill (S. 2625) for the relief of Mary J. Higgs; to the Committee on the District of Columbia.

WAR REVENUE.

Mr. FLETCHER submitted an amendment intended to be proposed by him to the bill (H. R. 4280) to provide revenue to defray war expenses, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

NATIONAL DEFENSE.

Mr. WATSON submitted an amendment intended to be proposed by him to the bill (S. 1786) to amend certain sections of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, and for other purposes, which was ordered to lie on the table and to be printed.

THE CENTER MARKET.

Mr. KING submitted the following resolution (S. Res. 97), which was referred to the Committee on the District of Columbia:

Whereas the Government owns the Center Market, located between Seventh and Ninth Streets, near the Mall, in the District of Columbia, and it is imperative that foodstuffs be furnished to the people of the District free from excessive prices caused by speculation and middlemen: Therefore be it

Resolved, That the Senate Committee on the District of Columbia is hereby requested to investigate and report to the Senate upon the advisability of taking over the Center Market, putting it into the hands of the Commissioners of the District of Columbia, and authorizing them to either furnish the use of the market free to parties who, under their supervision, will sell the products of the farm with a reasonable profit approved by the commissioners, or, if necessary, authorize the commission to purchase foodstuffs and furnish them to the people of the District at cost.

Resolved further, That if for any reason the Center Market can not be used by the Government, then said committee is requested to consider and report to the Senate upon the advisability of some other action by the commissioners which may free the people of the District of Columbia from excessive charges for food products and supplies.

EMPLOYMENT OF STENOGRAPHER.

Mr. McKELLAR submitted the following resolution (S. Res. 98) which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Civil Service and Retrenchment, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-fifth Congress to send for books and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee or any subcommittee thereof may sit during the sessions or recesses of the Senate.

SPEECH OF SENATOR WALSH.

Mr. OVERMAN. I have here a copy of a speech delivered by the Senator from Montana [Mr. WALSH] before the Bar Association of North Carolina on the question of the power given by Congress to the President in time of war. I ask that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

WHO IS AFRAID OF A DICTATOR?

[Delivered at Asheville, N. C., July 4, 1917.]

"In times of extraordinary peril to the Republic, generally in consequence of the exigencies of war, it was customary in ancient Rome to appoint a dictator who, for a brief period, never longer than six months, exercised supreme power. He was a temporary despot, armed with full authority to adopt what measures he thought expedient, without consulting the Senate, and to dispose of the lives and fortunes of the citizens without appeal.

"As an institution the dictatorship has generally been regarded as a restoration pro hac vice of the regal authority. The belief has been indulged that resort to it by the Romans amounted to a confession on their part that a republican form of government is unsuited to the stern necessity of a war involving the national life.

"The very name by which the official was designated, who thus exercised over his fellow citizens the power of life and death, has become odious. The most autocratic ruler of our times would resent being referred to as a dictator, though at one time the chief executive of some of the South American Republics assumed that title.

"Machiavelli considered the dictatorship, however, as one of the most essential features of the republican constitution of Rome, and one which contributed most to the greatness of the State. His views are thus paraphrased by a modern writer:

"Popular governments particularly need provision for prompt and efficient action in critical times, from the fact that the normal action of the administration, requiring cooperation as it does of many wills, is feeble and slow. If the constitution does not provide for the necessary concentration of authority, the constitution will be broken when the stress comes and the requisite action will be taken regardless of the fundamental law. Thus, however, a precedent will be created in a good cause which may later be followed in a bad. The Roman dictatorship, therefore, carefully limited as it was by well-defined methods of creation and termination, furnishes a model for all free governments.

"Macaulay was not able to dispel the suspicion with which anything emanating from the Florentine philosopher is quite universally regarded, yet an eminent American commentator upon political theories, ancient and modern, William A. Dunning, professor of political science in Columbia University, remarks concerning the sage reflections to which your attention has been invited that 'this judgment upon the necessity of dictatorial power in republics was as sound as it is unusual.'

"If it be true that to promote the success of the war the President is being invested with the sweeping authority with which a dictator was clothed, as some timorous souls and captious critics proclaim, it does not follow that there is any departure from the just principles upon which republican institutions rest nor that any violence is being done to the Constitution through which our liberties are made secure.

"It is certain that powers startlingly vast have been and are being conferred upon him, so extensive, as compared with those ordinarily exercised by the Chief Executive or even with those ever delegated any President, that a catalogue and review of the acts approved and bills under consideration by which the investiture has been or is to be accomplished can not fail to awake your interest. If the enumeration shall excite, I trust the discussion may allay, your alarm.

"1. By the Army reorganization act, approved June 9, 1916, the President is authorized in time of war or when war is imminent to order any individual or institution, having the facilities to comply, to furnish any supplies or equipment for the Army he may order, in preference to any other commitments, at a price to be named by him. In case of default he may seize and operate the plant.

"2. By the same act he is authorized to construct and operate a nitrate plant and to develop and install a hydroelectric system to furnish power necessary to the operation of such plant.

"3. By the Army appropriation bill approved August 29, 1916, the President was empowered in time of war to take possession, assume control, and utilize, in whole or in part, any railroad system for the movement of troops or for any other purpose connected with the emergency.

"4. By the Navy appropriation bill approved March 4, 1917, the President may, in time of war, command any person or corporation having the facilities to comply to produce for or deliver to the Government ships or any war material, prior commitments notwithstanding. In case of refusal he may seize

and operate the shipyard or other plant controlled by the recusant.

"5. By the so-called espionage act approved June 15, 1917, the President may—

"(a) In case of war or threatened war, direct the seizure of any vessel in our waters, may remove the officers and men therefrom, put others in charge, and exclude from it any persons not specially authorized by him.

"(b) In time of war or national emergency, forbid anyone to enter upon or fly over any place in which anything is being prepared, constructed, or stored for the use of the Army or Navy.

"(c) During the present war, to forbid exportations except at such time or times and under such regulations and orders and subject to such limitations and exceptions as he may prescribe.

"6. By the act of May 12, 1917, the President was authorized to seize every enemy vessel in our ports and to operate the same.

"7. The selective-draft act does not require but authorizes the President to raise the great army which we are now assembling, and to devise and call into being much of the administrative machinery through which the additional troops are to be secured. It vested in him discretion to accept or reject Col. Roosevelt's offer to raise one or more divisions of volunteers, and gave him authority to exempt many classes at will from the draft and to make regulations to free military camps from the evils of easy access to saloons.

"8. A bill which has passed the Senate, generally referred to as the food-survey bill, authorizes the President at any time during the war to close grain exchanges which decline or neglect to purge their transactions of operations in futures.

"9. Another has passed the House which rests in the President full control, through rules and regulations to be promulgated by him, over the manufacture, shipment, sale, and distribution of high explosives.

"10. Another bill, which has received the sanction of both Houses, empowers the President during the war to direct that preference in shipment be given to any commodities the movement of which he may deem it wise to expedite.

"11. Food-control bills now under consideration in both Houses of Congress authorize the President during the war—

"(a) To license the importation, exportation, manufacture, storage, or distribution of food, feed, and fuel; to prescribe regulations governing the business of licensee, violations of which are punishable criminally.

"(b) To purchase such necessaries at a price to be fixed by him, or by proceedings in court if the owner is dissatisfied, and to sell them; and to require any person having storage facilities to supply the same for the keeping or preservation of any necessaries so purchased, compensation being made in like manner.

"(c) To requisition and take over any factory, mine, or other plant in which such necessaries may be manufactured, produced, prepared, or mined, similar provision being made for compensation.

"(d) To make regulations governing operations on boards of trade and grain exchanges, observance of such being assured by penal provisions.

"(e) To guarantee a minimum price for agricultural products.

"(f) To prohibit the use of foodstuffs in the production of beverages, alcoholic or nonalcoholic.

"The foregoing list is not exhaustive, but is sufficiently portentous.

"Of the necessity or wisdom of this legislation it is scarcely appropriate that much be here and now said. The history of the chapter of the espionage act authorizing the President to declare embargoes may move those to suspend judgment who might be disposed to be critical. By a very decisive vote the Senate substituted for the language of the bill giving to the President plenary power a restrictive amendment, offered by the senior Senator from Georgia, providing that whenever the President should determine that exports to any neutral country were finding their way to the enemy he might interdict shipments to such country. Thereafter Senator MARTIN, majority leader, moved a reconsideration of the vote, asking an executive session, and when the doors were again opened the Senate had restored and approved the language of the bill as it had been reported by the committee.

"Consideration of the power to enact legislation such as that referred to is more appropriate to the present occasion, however interesting might be a recital of the reasons urged for and against it or a justification from a standpoint of public policy of those who advocated it. It was quite generally assailed as violative of constitutional limitations in many of its features with vigor, ability, and persistence. And it must be admitted that the fate of much of it, when it shall ultimately be tried out in the courts, is involved in no little doubt. As a whole, it must be sustained, if it is to be sustained at all, as a legitimate exercise of the war power of Congress. Elaborate arguments appear in the CONGRESSIONAL RECORD in justification of the food-control bill, most of them the work of gentlemen not Members of either House, in which is advanced the view that that measure is warranted by the interstate-and-foreign-commerce clause of section 8 of Article I. But the contention is idle, as the bill is framed on no such theory. It contemplates an administration of all the food and fuel resources of the country, that part which never leaves the State in which it is produced as well as that which passes into interstate or foreign commerce. More in detail concerning that particular measure hereafter. It suffices for the present to say that if it can not be sustained under the war power it must fail. Jefferson declared that he had stretched the Constitution until it cracked to effect the Louisiana Purchase. Let us pursue the inquiry as to whether the fundamental law has been thus far unduly strained to win the war against Germany.

"The war power is vested in Congress through the following provisions of the Constitution. Congress shall have power—

"To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

"To raise and support armies.

"To provide and maintain a Navy.

"To make rules for the government and regulation of the land and naval forces.

"To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

"To provide for organizing, arming, and disciplining the militia and for governng such part of them as may be employed in the service of the United States.

"An obligation on the part of the Nation to wage war is implied in section 4 of Article IV, which provides that 'The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the legislature or of the executive (when the legislature can not be convened) against domestic violence.'

"It is equally implied in the last paragraph of section 10 of Article I, as follows:

"No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

"And the obligation is enforced by the inhibition of the first paragraph of the same section, as follows:

"No State shall enter into any treaty, alliance, or confederation, (or) grant letters of marque and reprisal.

"Perhaps if no mention of the subject had been made in the Constitution at all, the power to defend itself by force of arms would be deduced from the fact that by that instrument a nation had been created. The right of self-preservation would be easily inferred. That the Nation, the Federal Government, was to wage war whenever resort to the arbitrament of arms became necessary or unavoidable is a necessary conclusion from the whole scheme of government designed by the framers of the Constitution. It accordingly made the President 'the Commander in Chief of the Army and Navy of the United States and of the militia of the several States when called into actual service of the United States.'

"That this is a tremendous power which has been thus vested in Congress no one can doubt; that in the granting of it a wide field of legislation was opened to Congress must be recognized, a field the limits of which, so far as they can be scanned by the judicial eye, expands with the ever-increasing complexity of the life we call or once called civilized and the development of military science. It must be clear that it was intended that, so far as the necessities of the case required, any war in which the Republic might be engaged should be waged with all the power and the resources it could command, and that Congress must have been endowed with power to utilize them to the limit to bring the conflict to a speedy and successful issue.

"It could not have been considered that it would be necessary, and accordingly no authority was granted to effect any radical change in our system of government; but, short of that, it must have been the purpose of those who took from the States the power to wage war and lodged it in the National Government to endow that Government with all the authority necessary to bring a war in which it might engage to a successful conclusion, at least all such authority as had customarily been exercised by democratic governments to such an end and particularly by the Government of Great Britain, whose system was

uppermost in the minds of the men who gave us our Constitution. Von Holst says that the clause which makes the President Commander in Chief of the Army and Navy of the United States invests him, as such, with all the power which the King of England enjoyed as the commander of the land and naval forces of the United Kingdom. Willoughby says, section 715:

"The constitutional power given to the United States to declare and wage war, whether foreign or civil, carries with it the authority to use all means calculated to weaken the enemy and to bring the struggle to a successful conclusion. When dealing with the enemy, all acts that are calculated to advance this end are legal. Indeed, the President in the exercise simply of his authority as Commander in Chief of the Army and Navy, may, unless prohibited by congressional statute, commit or authorize acts not warranted by commonly received principles of international law; and Congress may by law authorize measures which the courts must recognize as valid, even though they provide penalties not supported by the general usage of nations in the conduct of war. Thus during the Civil War in certain cases the provision by congressional statute for the confiscation of certain enemy property or land was enforced, though such confiscation was not in accordance with the general usage of foreign States.

"Even in dealing with its own loyal subjects, the power to wage war enables the Government to override in many particulars private rights which in time of peace are inviolable.

"The power to wage war carries with it the authority not only to bring it to a full conclusion but, after the cessation of active military operations, to take measures to provide against its renewal. As the court says in Stewart against Kahn: 'The measures to be taken in carrying on war and to suppress insurrection are not defined. The decision of all such questions rests wholly in the discretion of those to whom the substantial powers involved are confided by the Constitution.'

"The case referred to is found in Eleventh Wallace, 493.

"The power to wage war having been conferred upon Congress the further power is expressly granted by the last paragraph of section 8 of Article I of the Constitution to 'make all laws which shall be necessary or proper' to carry into execution such authority. What measure may be necessary or proper, in the language of the Supreme Court in the case referred to, rests wholly in the discretion of Congress. 'Let the end be legitimate,' Marshall said in McCulloch against Maryland, 'let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional.' (4 Wheat., 421.)

"It is not necessarily fatal to an act of Congress passed pursuant to the war power that it curtails the rights of the citizen as they are ordinarily enjoyed in times of prosperous peace. Few of our rights are altogether unlimited, even those guaranteed by the first 10 amendments to the Constitution. Of these it was said in Robertson *v.* Baldwin (165 U. S., 275) that they were not—

"Intended to lay down any novel principles of government, but simply to embody certain guaranties and immunities which we had inherited from our English ancestors, and which had from time immemorial been subject to certain well-recognized exceptions arising from the necessities of the case. In incorporating these principles into the fundamental law there was no intention of disregarding the exceptions, which continued to be recognized as if they had been formally expressed. Thus the freedom of speech and of the press (Art. I) does not permit the publication of libels, blasphemous or indecent articles, or other publications injurious to public morals or private reputation; the right of the people to keep and bear arms (Art. II) is not infringed by laws prohibiting the carrying of concealed weapons; the provision that no person shall be twice put in jeopardy (Art. V) does not prevent a second trial, if upon the first trial the jury failed to agree or if the verdict was set aside upon the defendant's motion (United States *v.* Ball, 163 U. S., 662, 672); nor does the provision of the same article that no one shall be a witness against himself impair his obligation to testify if a prosecution against him be barred by the lapse of time, a pardon, or by statutory enactment. (Brown *v.* Walker, 161 U. S., 591, and cases cited.) Nor does the provision that an accused person shall be confronted with the witnesses against him prevent the admission of dying declarations or the depositions of witnesses who have died since the former trial.

"It may be justifiable to dwell in this connection, for the purpose of enforcing the point made, on the so-called censorship clause of the espionage bill, eventually rejected by Congress, repeatedly declared in the effective newspaper campaign waged against it, and quite commonly believed to be violative of the first amendment, forbidding the enactment of any law abridging the freedom of speech or of the press.

"In the form in which it was finally voted on in the Senate it read as follows:

"In time of war the President is hereby authorized to prescribe and promulgate rules and regulations for the purpose of preventing the disclosure to the public, and thereby to the enemy, of information with respect to the movement, numbers, description, and disposition of any of the armed forces of the United States in naval and military operations, or with respect to any works intended for the fortification or defense of any place; and whoever, in time of war, shall willfully violate any such rule or regulation shall be punished by a fine of not more than $10,000 or by imprisonment for not more than five years, or by both such fine and imprisonment: *Provided*, That nothing in this section shall be construed to limit or restrict, nor shall any regulation herein provided for limit or restrict, any discussion, comment, or criticism of the acts or policies of the Government or its representatives or the publication of the same.

"The conference committee recommended the following:

"When the United States is at war the publishing willfully of information with respect to the movement, numbers, description, or disposition of any of the armed forces of the United States in naval or military operations, or with respect to any of the works intended for the fortification or defense of any place, which information is useful to the enemy, is hereby prohibited; and the President may from time to time by proclamation declare the character of such above-described information which, in his opinion, is not useful to the enemy, and thereupon it shall be lawful to publish the same. In any prosecution hereunder the jury trying the cause shall determine not only whether the defendant did willfully publish such information, but also whether such informed was of such character as to be useful to the enemy.

"It will be noted that no provision was at any time made for the appointment of a censor, nor was any authority to be given to anyone to blue-pencil any newspaper or prohibit in advance the publication of any matter its managers might choose to insert in it. The proposed law made it penal to publish information concerning the movement of the troops and news of like character, that, reaching the enemy, might prove disastrous to our cause. Does the freedom of the press imply the right to print without penal responsibility such information? Possibly at this very hour some thousands of the gallant sons of this State are embarking on transports on their way to the western front. Can it be that there is no power in the Federal Government to protect the men thus called to the service of the Nation from ruthless destruction at sea by enemy submarines, by appropriate legislation, making it a penal offense to make public through the press when they depart, by what route they travel, and by what convoy they are guarded? It is no answer to say that the newspapers of the country will patriotically refrain, have refrained, from publishing such news, interesting as it would prove to their readers. Why should we take the risk that every newspaper will resist the chance to make a "scoop"? Besides the loyalty of not a few newspapers published in this country—only a few and those of no great character—is not above suspicion. Why should we not hold all such strictly responsible for the publication of information that may spell some horrible disaster to our forces? These comments may seem a defense of the policy of the statute rather than an exposition of the power to enact it, but they are made to enforce the point that the freedom of the press does not imply the right to print anything and everything.

"It does not, and no one will contend that it does, extend so far as to warrant the publication or to afford immunity for the publication of matter that is libelous or obscene or blasphemous. Similar provisions in State constitutions do not invalidate laws that forbid the circulation of papers carrying advertisements to promote the sale of intoxicating liquors or noxious drugs or other articles the indiscriminate sale of which is by the law-making power justly held to be inimical to the public welfare. A number of the States have prohibited the sale of newspapers devoted largely to the publication of scandals, immoral occurrences, and the like. These prohibitory statutes have been uniformly upheld, the decisions fully justifying the declaration of a standard work that 'it is universally conceded that there is some limitation of the right of free speech and free press. Such limitation is fixed by common-law principles and statutory declarations of the police power.' The same authority continues, 'Statutes required to protect the public morals or general welfare of the people do not infringe this constitutional right.' (8 Cyc., 892.)

"Cooley declares that the constitutional guaranty does not extend to 'publications injurious to private character or public morals or safety.' (Cooley Const. Lim., 615.)

"Story, in combating the idea that the press is subject to no legislative restraint, inquires: 'Is it contended that the liberty of the press is so much more valuable than all other rights in society that the public safety, nay, the existence of the Government itself, is to yield to it? Is private redress for libels and calumny more important or more valuable than the maintenance of good order, peace, and safety of society?' (Story, 1887.) Following the discussion, he observes that the 'right of government to punish the violators of these "public rights and public liberties" flows from the primary duty of self-preservation.'

"One Johann Most, a product of the kind of government to preserve the world from which we have entered into the present war, held a latitudinarian view of the free-press amendment to the Constitution, but the Court of Appeals of New York refused to accept his idea that it protected him in the promulgation through his newspaper of the notion that the evils of society were to be redressed through murder and assassination. Commenting on the principle to which he appealed, that court said:

"It places no restraint upon the power of the legislature to punish the publication of matter which is injurious to society according to the standards of the common law. It does not deprive the State of the primary right of self-preservation.

"As there is an implied limitation on the right to speak and print, arising from a condition of war, so there is a limitation on the right to contract guaranteed by the fifth and the fourteenth amendments.

"It has been held that the right to dispose of one's property is of the essence of the right to his property and is protected by the due-process clause of the amendments referred to. Its comprehensive character was expounded in Allgeyer *v.* Louisiana (165 U. S., 578, 589), as follows:

"The liberty mentioned in that amendment means not only the right of the citizen to be free from the mere physical restraint of his person, as by incarceration, but the term is deemed to embrace the right of the citizen to be free in the enjoyment of all his faculties; to be free to use them in all lawful ways; to live and work where he will; to earn his livelihood by any lawful calling; to pursue any livelihood or avocation, and for that purpose to enter into all contracts which may be proper, necessary, and essential to his carrying out to a successful conclusion the purposes above mentioned.

"Yet contracting with the enemy in time of war can not be tolerated, and before Congress adjourns it will pass a 'trading with the enemy act,' making all commercial intercourse with alien enemies criminal. Indeed, it was said in Knoxville Iron Co. *v.* Harbison (183 U. S., 22) that 'the right to contract is not absolute in respect to every matter, but may be subjected to the restraints demanded by the safety and welfare of the State and its inhabitants.'

"In fact, all our prized liberties so carefully guarded by the first 10 amendments to the Constitution are held subject to the all-embracing war power of Congress. Confiscation statutes passed during the Civil War were assailed in Miller *v.* United States (11 Wall., 268) as contrary to the fourth and fifth amendments. Touching the contention made in that behalf, the court said:

"But if the assumption of the plaintiff in error is not well made, if the statutes were not enacted under the municipal power of Congress to legislate for the punishment of crimes against the sovereignty of the United States, if, on the contrary, they are an exercise of the war powers of the Government, it is clear they are not affected by the restrictions imposed by the fifth and sixth amendments. This we understand to have been conceded in the argument.

"The court then entered upon an inquiry as to whether the acts in question came within the compass of the war power, and, finding they did, sustained their validity, and in that connection said:

"Of course the power to declare war involves the power to prosecute it by all means and in any manner in which war may be legitimately prosecuted.

"While there was a dissenting opinion in that case, the principle announced in the majority opinion, as recited above, is not only approved but elaborated in that filed by the justices withholding their assent from the judgment, Justice Field saying:

"It is evident that legislation founded upon the war powers of the Government, and directed against the public enemies of the United States, is subject to different considerations and limitations from those applicable to legislation founded upon the municipal power of the Government and directed against criminals. Legislation in the former case is subject to no limitations, except such as are imposed by the law of nations in the conduct of war. Legislation in the latter case is subject to all the limitations prescribed by the Constitution for the protection of the citizen against hasty and indiscriminate accusation, and which insure to him, when accused, a speedy and public trial by a jury of his peers.

"The war powers of the Government have no express limitation in the Constitution, and the only limitation to which their exercise is subject is the law of nations."

"That the provision that Congress shall pass no law depriving one of life, liberty, or property without due process of law did not forbid the confiscation of the property of an alien enemy by direct legislative act was decided by the Supreme Court in Brown *v.* United States (8 Cranch, 120).

"In fact, the great writ of liberty itself may be suspended when, in case of rebellion or invasion, the public safety may require it. Other rights appertaining to the person of the citizen are at best but shadowy if he can not secure a writ of habeas corpus for the purpose of having an inquiry into the cause of his detention. The Constitution recognizes the right to suspend the writ as falling within the powers granted to Congress by section 8, the war powers heretofore referred to. The succeeding section, in which reference is made to the writ, imposed limitations upon Congress and sets bounds to powers granted.

"Not only the rights of individuals but the rights of the States may be restricted in the exercise of the war power by Congress. The case of Stewart *v.* Kahn (11 Wall., 493), heretofore referred to, is illustrative.

"The right of a State to make laws regulating the procedure in its courts, and particularly to enact statutes of limitation, is recognized as fundamental in our system. Equally indisputable is the proposition that in normal times the Federal Government has no right to prescribe rules for the conduct of business in State courts, to enact statutes of limitation to be observed by them, or laws that operate to toll those the State commands its courts to observe. Yet the Supreme Court, in the case referred to, in an opinion assented to by all the judges, sanctioned an act of Congress passed in 1864, which provided that any statute of a State resisting the Federal authority by force of arms, to the contrary notwithstanding, no suitor should be denied a recovery in its courts because of delay in bringing his action occasioned by conditions growing out of the state of war. That law, it was held, was enacted in a proper exercise of the war power, the court remarking, as quoted by Willoughby, that—

"The measures to be taken in carrying on war and to suppress insurrection are not defined. The decision of all such questions rests wholly in the discretion of those to whom the substantial powers involved are confided by the Constitution.

"It is not at all improbable that in the administration of the act authorizing the President to lay embargoes a preference may be given to the ports of one State over those of another. It is conceivable that the submarine menace may grow so alarming as to make it necessary to assemble merchant ships undertaking trans-Atlantic voyages at one or more ports, from which convoy shall be provided, as was customary with the nations uniting in the Armed Neutrality League during the troubles out of which it grew.

"It may be prudent to forbid the departure of vessels for Europe from any other port that the precious cargoes they might carry of food and supplies for the armies of the allies in the field and their civilian population might not be on the voyage 'in the deep bosom of the ocean buried.' It may become advisable to refuse insurance under the war-risk insurance act except to vessels thus sailing from the ports from which convoy is to be furnished or following lanes patrolled by the destroyer craft of the allies. It is scarcely to be conceived that the authors of the Constitution intended that Congress should be hampered in the exercise of the war power by the provision of section 9 of Article I, referred to. In other words, many of the restrictions and limitations of the Constitution are to be understood as yielding to the necessary, that is to say, the appropriate exercise of the power conferred on Congress to make war, the right of self-preservation being paramount.

"This does not mean that the Constitution or any of its provisions are suspended during war. It merely means that an exception is to be implied in all cases in which a conflict arises through the legitimate exercise of the war power which Congress is charged by the solemn adjuration of the Constitution to wield. It is not strange, perhaps, that having lived the peaceful career that has characterized our Nation, the depths of the vast war power never having been sounded except during our unfortunate civil strife, an impression should obtain that Congress is proceeding in total disregard, if not in defiance, of the Constitution, effecting a revolution in our system of government. But it is in the light of the adjudications to which reference has been made, in recognition of what the war power means, that the measures attacked must be considered.

"If the food-control bill is not vulnerable it will be vain to assail any other unit of the war legislation. It authorizes the President, as it was passed by the House, to buy and sell food and fuel, denominated as 'necessaries'; to license anyone engaged in the importation, exportation, or storage of such necessaries, and to make rules and regulations under which the business of such licensee shall be carried on; to guarantee a minimum price to the producers of nonperishable agricultural products; to regulate or suppress hoarding of and transactions in such necessaries on boards of trade, and to prohibit the use of foodstuffs in the production of alcoholic beverages.

"Read in the light of prevailing conditions and current history, of which the court takes judicial notice, the purpose of the bill is to stimulate the production and to conserve the food and fuel resources of the Nation. The productive capacity of our allies has been materially reduced by the ravages of three years of war. They maintain enormous armies in the field, made up, for the larger part, of men who would normally be employed in the basic industries. Multitudes who, had peace prevailed, would be tilling the fields 'sleep the sleep that knows no waking,' and others in distressing numbers are helpless cripples. Still others, making a veritable army in point of numbers, are drawn from their ordinary avocations to produce the horrible enginery of war. The capacity of the countries associated with us is overtaxed to produce food and fuel, at least adequate to meet the demands of the occasion. Even in normal times they draw largely on foreign supplies for food not now available to them because of the exigencies of the war. Their soldiers fighting our battles, their people, who by their labor maintain the forces in the field, must lose their efficiency unless nurtured with food which we alone can supply. Famine among them would be more deadly than all the fiendish ingenuity and fero-

cious valor of the common foe. The right of our Government to supply their troops with the necessary munitions can not be doubted; and if munitions for the army, then certainly food for the army and as well for the civilian population, that must have it to conduct the industries through the operation of which alone the army can maintain its existence as such. No one questions our right to supply them with money by way of loan that they may more effectively carry on the war, and if we may supply them with money, why not with food, as an appropriate means of bringing ultimate success to their and our arms?

"As indicative of the extent to which they are obliged to rely upon us for subsistence, note the following table of our exports of foodstuffs for the past five years:

1912	$418,737,763
1913	503,111,639
1914	430,713,457
1915	961,568,583
1916	979,697,253
1917, to Apr. 30	992,777,055

"Prominent in the strategy of the war, taking perhaps first place in it, is the effort of each side to shut off the food supplies of the other. To this end the allies maintain their blockade of the German ports and the central powers carry on their relentless submarine operations. Argosies from our shores laden with foodstuffs have been sunk beneath the waves, victims of the assassins of the seas. It is the part of prudence to assume that our losses from that source may increase. Every cargo that goes down must be made up from our store or the pinch of want will be felt among the people whose necessities it was destined to relieve.

"Unfortunately the reports reaching us concerning the condition of the crop in the countries with which we are allied are not reassuring. All or nearly all of them drew on Germany for their potash, an essential ingredient of most fertilizers. We have been importing 250,000 tons of potassium salts from Germany annually, most of it for use in the production of fertilizer extensively used in all the eastern and southern States. That country has hitherto enjoyed a practical monopoly of that mineral, and now that none of it is obtainable from the ordinary source the price of potash has risen from $35 to $475 per ton, a price that makes the use of it for agricultural purposes prohibitive.

We are building an enormous fleet of merchant vessels, the construction of which will involve the expenditure of three-quarters of a billion dollars that we may get supplies, largely foodstuffs, to the people with whom destiny has for the time being linked us.

It can scarcely be doubted that it is within the power of Congress, under the circumstances, to stimulate the production of cereals that there may be a surplus which the ships being constructed under its authority may carry to the nations battling with us to "make the world safe for democracy." But the necessities of the situation are not met if we do no more than increase production. Britain, France, Italy and Portugal, among our allies, are all clamoring for bread which we alone can supply, and unfortunately jealousies have been aroused among them in their eagerness, springing from their necessities, to make ample provision for their people, respectively. It is well known that the spectacular rise in the price of wheat in May last, when it reached $3.40 in Chicago, was occasioned by the placing of large orders by the Government of one of those countries and through the competition in which they engaged with each other. If there is not a phenomenal crop, sufficiently bounteous to supply fully all needs, and dealing is unregulated, they will bid against each other and buy at famine prices with money loaned to them by our Government.

"Moreover, the neutral nations of Europe have scarcely been less clamorous. In normal times they import foodstuffs in vast quantity from our shores, and to no little extent their rural population, as in the countries at war, have been drawn into the industries other than agriculture that have felt the stimulating effect of war demands. Switzerland, Denmark, and Sweden have each sent deputations to present to our Government the necessities of their people in the matter of foodstuffs and to urge governmental action here or to cultivate public opinion looking toward more liberal treatment of their people in their efforts to secure a part of our surplus.

"If we should allow importers from those countries to compete unrestrictedly in our markets it might be that their resources not having been wasted by the war, our allies would be outbid by them and the people of the former suffer from the lack of nourishment necessary to enable them most efficiently to prosecute the war. And finally it is easily conceivable that in the dire straits to which they may be reduced, they, with the neutral nations, may draw off so large a part of our crop as they want, the fruitful parent of social disorder would stalk through our crowded industrial centers and riot and revolution follow in its wake. At the approach of such conditions, hoarding would be resorted to and the evil intensified, while the food speculator would find the season propitious for the prosecution of his business in its most nefarious form.

The food-control bill provides, as heretofore stated, for licensing all persons through whose hands foodstuffs pass after leaving the farm and for the conduct of their business under regulations to be prescribed by the President. It authorizes him to buy at a price to be named by him, or by the district court in case his price is not accepted, and to sell at his discretion. If it may be fairly argued that such procedure is calculated more certainly to bring the war to a speedy and successful conclusion, the act which authorizes it is within the powers of Congress. Justification for it need not be found in any other provision of the Constitution. It is sufficient that it is an appropriate war measure within the scope of the powers enumerated in the Constitution authorizing the National Government to wage war.

"It is advanced, however, that a feature found in the food bill and others authorizing the President to make rules and regulations having the force of law, the violation of which is punishable as a penal offense, is an unwarranted delegation by Congress. But this objection is so completely answered by the decision in United States against Grimaud, 220 United States, 506, that it is quite unnecessary to dwell upon it. In that case an act of Congress was sustained making it punishable to violate rules and regulations prescribed by the Secretary of Agriculture concerning the use of the forest reserves.

"Some Members of Congress, feeling genuine alarm at intrusting one man, however able and patriotic he might be, the vast power given and being given to President Wilson by the legislation reviewed, made a vain effort in the case of some of the measures to intrust the administration of the law to a board, but it found no great favor anywhere and was practically abandoned. It was quite urgently insisted upon for a time in connection with the railway bill, by which the President was authorized to direct that a priority in shipment be given certain commodities or consignments. But it was speedily recognized by all that as to the movement of troops, equipment, and supplies the President and his representatives at the head of the Army and Navy Departments ought not to be required to go before a board to establish that the military situation required that priority be given such freight either generally or in specific instances. So it was soon appreciated that it would be impracticable to require an order from such a board to expedite the shipment of coal to munitions factories or steel to shipyards, or a multitude of articles necessary to manufacturers engaged in supplying the Government with arms and equipment. Such a board would be obliged to hear representatives of the Army and Navy Departments on the urgency of the case and, possibly, interested parties in opposition. The whole strategy of war would have to be unfolded to such a board, whose views might not coincide with those of the men actually directing it. It might at any time become necessary to hurry a consignment of flour to France because of conditions in that country with which the President had become familiar through the State, War, and Navy Departments. It would be intolerable to have an administrative board determining against the Commander in Chief that the exigencies of the situation did not require the expedition for which he asked. The more the plan was studied the less practical and practicable it appeared, and it was rejected eventually by an overwhelming vote.

"For like reasons it will be recognized that the power to proclaim an embargo upon exports to any particular foreign country, neutral or ally, could not be reposed in a board which might decline to accept the view of the President concerning the necessity or propriety of a line of action either was desirous of pursuing. Should there seem to be occasion for holding suspected persons against whom no substantial proof can be adduced, it is more than likely that, as in the War between the States, the President will be authorized to make due proclamation of the suspension of the writ of habeas corpus. It seems that when authority is to be exercised under acts of Congress, justifiable only as war legislation or designed to aid in bringing the conflict to a speedy close, it can be nowhere so appropriately lodged as in the Commander in Chief of the Army and Navy, upon whom rests the responsibility for the military operations as a whole.

"I have heard Senators, Republicans as well as Democrats, confess to arriving in the morning at the Chamber swearing they never would consent to giving a particular power to the President in connection with the war, to depart i. the evening in a more pliant mood and returning next day to vote for the further grant. And so it is being demonstrated in the grandest

Republic of modern times that they were long-headed statesmen who designed the constitution of the greatest republic of the ancient world.

The Roman people never had cause to feel that the republic had suffered or its virility or permanency been impaired because when the enemy were at their gates the word of Cincinnatus was made the supreme law. Neither have the American people any just ground for apprehension that Woodrow Wilson will seek to retain or the Congress of the United States hesitate to recall the extraordinary powers with which it has invested him, when the occasion for their use shall have happily passed away and a triumphant democracy shall have assured a lasting peace to the world.

ADJOURNMENT.

Mr. CHAMBERLAIN. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m., Saturday, July 7, 1917) the Senate adjourned until Monday, July 9, 1917, at 12 o'clock meridian.

SENATE.

MONDAY, *July 9, 1917.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, lend us Thine aid this day as we face the problems that confront us. Give to us grace to work out the problems according to the Divine will. Give us, we pray Thee, an ever-increasing appreciation of moral values. May we know out of our own history and out of all history that the true, the beautiful, and the good must at last prevail. Help us to square our action with the Divine law. Give us Thy favor in the performance of our task. We ask for Christ's sake. Amen.

On request of Mr. CHAMBERLAIN, and by unanimous consent, the reading of the Journal of the proceedings of the legislative day of Thursday, June 28, 1917, was dispensed with and the Journal was approved.

WOODING TRAIN-CONTROL SYSTEM.

The VICE PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, transmitting the report of the Chief of the Division of Safety relative to the test of the automatic train-control system of the Wooding Railway Warning Device Co., Denver, Colo., etc., which, with the accompanying papers and illustrations, was referred to the Committee on Printing.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the chief clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions filed by the court in the following causes:

The cause of Minnie E. Fife, daughter, and Elizabeth Creager, widow (remarried), of William W. Brady *v.* United States (S. Doc. No. 59); and

The cause of Pauline W. Bryant, daughter of James M. Willett, deceased, *v.* United States (S. Doc. No. 60).

The foregoing communications were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

DEATH OF SENATOR LANE.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Superintendent of the United States Indian Service, regarding the death of Senator LANE, of Oregon. The communication will be incorporated in the RECORD.

The communication is as follows:

BLACKFEET AGENCY,
Browning, Mont., June 28, 1917.

CLERK OF THE UNITED STATES SENATE,
Washington, D. C.

DEAR SIR: I transmit herewith copy of the resolutions passed by the business council of the Blackfeet Tribe of Indians on June 2, 1917, regarding the death of the honorable Senator HARRY LANE.

Respectfully,

THOMAS FERRIS, *Superintendent.*

—

At a session of the business council of the Blackfeet Tribe of Indians duly called by Supt. Thomas Ferris, held on the 2d day of June, A. D. 1917, at Blackfeet Agency, Mont., the following resolutions were duly passed and adopted:

Whereas the Blackfeet Tribe of Indians have heard with profound sorrow of the death of the Hon. HARRY LANE, a Senator from the State of Oregon; and

Whereas this tribe of Indians feel that in expressing this mark of respect know how futile it is to address words, idle words, to the family in this moment of supreme anguish, with which it has pleased God to visit the family, and shall not say more than that the loss of pure, good, useful Senator and exponent of justice and fair play for the American Indian is a source of deep sorrow to the numerous friends who have had the privilege of knowing him and to none more than families in deep sympathy and affection; and

Whereas the said late Senator HARRY LANE has done much toward the better treatment of the Indians in general; and

Whereas he was instrumental in the investigation of this reservation and brought to it a better service and improvement in all respects of its economics, social, temporal, industrial activities: Therefore be it

Resolved, That this council communicate these resolutions to the Tomahawk for publication and copies to the family and to the Senate of the United States.

ROBT. J. HAMILTON,
Chairman Blackfeet Business Council.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a resolution of the Kauai Chamber of Commerce, of Hawaii, pledging support of the President and the country during the period of the war, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the Alameda County Council of Defense of California, favoring a suggested plan that the Federal Government take over the idle lands in the country and farm them for the people of the Nation as an emergency war measure, which was referred to the Committee on Public Lands.

Mr. WARREN. Mr. President, during the past month I have received 240 letters, which I now send to the desk. Some of these are signed by one person, others signed by more, the aggregate number of signers being about 735—all, I believe, residents of Wyoming.

These letters are identical in form and substance, and evidently all were prepared on the same typewriter or printing press, and all were mailed in the same kind of envelopes, evidently addressed and stamped at the headquarters of an association or bureau, although mailed in various post offices.

I ask that the text of one of these letters, with the number of its signers, be printed in the RECORD.

There being no objection, the letters were ordered to lie on the table and one of them was ordered to be printed in the RECORD, as follows:

CHEYENNE, WYO., *May 21, 1917.*

Hon. F. E. WARREN,
United States Senate, Washington, D. C.

SIR: Two hundred million bushels of grain suitable for food are used annually in this country to manufacture beer and whisky. The United States and its allies are in acute need of all the food that can be produced. In the liquor business 150,000 men are employed, while the farmers are combing the country for men to tend and harvest the crops.

The products made by the employees of breweries and distilleries make workmen less efficient and fighters less dependable and resolute. Right now we need every man physically and mentally at his best.

Common sense demands that prohibition be put through as a move to help win the war. "We can keep our powder dry by making our country dry!"

The people of Wyoming urge and expect you to work for the suspension of the liquor traffic during this crisis.

Very sincerely,

RALPH HAROLD BOLIN
(And 9 others).

Mr. WARREN. I have three short telegrams signed by officers of labor unions. They are very short, and they refer to matters now being discussed. I ask that they may be printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

SHERIDAN, WYO., *June 26, 1917.*

Hon. FRANCIS E. WARREN,
United States Senate, Washington, D. C.:

We, the members of Local 820, urgently request you to vote against the prohibiting of beer and wine.

W. C. DUNNING,
Secretary.

—

SHERIDAN, WYO., *June 26, 1917.*

Hon. FRANCIS E. WARREN,
United States Senate, Washington, D. C.:

We, the members of Local Union 273, urgently request you to use your utmost influence protesting against the prohibition of beer and wine and vote against the bill.

F. T. WARNSTEDT,
Secretary.

—

SHERIDAN, WYO., *June 26, 1917.*

Hon. FRANCIS E. WARREN,
United States Senate, Washington, D. C.:

Sheridan Trades' Council urgently requests you to vote against the prohibiting of beer and wine.

GEO. HAYWOOD,
President.

Mr. WARREN. I present a number of telegrams protesting against prohibition, and I ask that the substance be printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

CHICAGO, ILL., *June 27, 1917.*

Hon. FRANCIS E. WARREN,
Washington, D. C.:

In behalf of the malting industry of the United States we respectfully protest against the prohibition provisions in the food bill already passed by the House of Representatives. They will not only force every malting company into bankruptcy but will bring about social and economic disruption which our country can ill afford to face at this

critical moment. The time within which malsters will be obliged to go out of business is so short in the bill that it seems almost superfluous to call your attention to it. Instead of 30 days most malsters would require from six to eight months to liquidate, and even then their plants will be practically useless for other purposes. We do not believe this is a time appropriate for such legislation, and above all, beer and light wines should not be prohibited; the dairy interests will suffer from the loss of dried malted grains and malt sprouts now used in balanced rations in cattle feeding, thereby lowering the milk production of the country in quantity and quality when it is so much needed. The amount of grain used for malting is so small—less than 1 per cent of the crop—that its conservation for direct use as food is overshadowed by the benefits derived from the use of the malted grains as feed for dairy cows. Numerous other industries will be likewise affected, and the revenue needed for the war will have to be levied on business generally in such a manner that the goose which is responsible for the golden egg may have to stop laying. We ask you to bear all this in mind and to vote against war prohibition on the ground that it is uncalled for, uneconomic, unexcusable, and fraught with grave dangers to business as a whole. Reform legislation when advisable and necessary is commendable, but when it is sentimental, emotional, unjustly confiscatory, and against the principles of democracy, it jeopardizes the stability of our Government.

MALTSTERS' BUREAU OF STATISTICS,
Representing the Malting Industry of the United States.

—

NEW YORK N. Y., *June 29, 1917.*

Hon. FRANCIS E. WARREN,
Washington, D. C.:

While a most representative delegation of the world's foremost hotel and restaurant proprietors are preparing to leave for Washington tonight at the request of Commissioner Hoover to volunteer their personal services in the conservation of food and solve its problems, it is unbelievable that the Senate, in its great wisdom and fatherly guardianship of all our American peoples, even though your majority might in normal times favor a dry country, will permit this terrible war to be used as a subterfuge to impose the will of prohibition agitators, whether paid or sincere, upon the will of the great majority of temperate liberty-loving and law-abiding citizens appealing in behalf of the millions of employers in the hotels and restaurant business, and including purveyors, supply houses, and other kindred industries; also those whose enterprise is directly affected. We most respectfully urge you to help defeat prohibition measure reported in its present form. It does not actually create an economy; it does, because of sudden action, mean ruthless destruction of real estate values. It will throw over 1,000,000 men out of employment and bring misery and want to over 5,000,000 dependants; it will deny a harmless beverage to 70,000,000, and create and, at least temporarily, their resentment. It will disorganize and destroy many hotel and purveying enterprises; it will lose a tremendous, and always cheerfully paid, Government revenue; besides it will alienate the good will of millions of foreign-born citizens who will naturally resent being denied temperate beverages of their childhood. We ask you to cooperate with us for temperance and strictest regulations. We ask you to avoid the calamity of this untimely and ill-advised and undesirable prohibition. Why create panic which the war itself did not bring about? Why arouse resentment to satisfy an unreasonable minority? Look at the liberty loan with $1,000,000 subscribed from New York hotel men alone. Look at the Red Cross fund from hotel men and industries. Above all, we are for and with our country; we look to you for fair play and protection.

CHARLES E. GEHRING,
Publisher Hotel Review and Daily Hotel Reporter.

—

CINCINNATI.

Hon. FRANCIS E. WARREN,
United States Senate, Washington, D. C.:

The National Association of White Corn Millers registers a vigorous protest against the prohibition of the manufacture of beer. This association represents twenty millions investment and one hundred and twenty millions of annual business. Prohibition will render our mills useless and valueless and will deprive the Nation of forty millions of human food and animals of forty millions of the best stock food made. We can not successfully operate our mills without making and selling brewers' grits made from white corn.

CHAS. W. SCHMIDT,
Secretary National Association of White Corn Millers.

Mr. WARREN. I present three telegrams urging prohibition and ask that the subject matter be printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

PITTSBURGH, PA., *July 7, 1917.*

Hon. FRANCIS E. WARREN,
Washington, D. C.:

Outside of the question of revenue, serious at this time, is the ruthless destruction of a legal business by the Cummins amendment. Other important interests besides liquor are involved.

T. H. GIVEN,
President Farmers' Deposit National Bank.

—

EVANSTON, WYO., *June 24, 1917.*

Senator WARREN,
United States Senate, Washington, D. C.:

If you are asking the women of America to economize in the use of foods, then the food resources should be conserved. Liquor causes the greatest waste of these resources. Therefore we respectfully and earnestly express our desire that you vote for the national prohibition amendment as a war measure.

WOMAN'S CHRISTIAN TEMPERANCE UNION OF EVANSTON.

—

BUFFALO, WYO., *July 3, 1917.*

Senator WARREN,
Senate Chamber, Washington, D. C.:

In order to conserve food supply, help out labor situation, add to transportation facilities, and insure better moral condition, we ask you to support the prohibition measure now before Congress.

C. J. MEKKETSON.
CHAS. GRAY MILLER.
T. C. WATT.
DAVID MUIR.
EARL SMITH.
EDWARD FURHMAN.
ROBERT WALL.
WM. HOSSIC.
SAMUEL WEST.
WM. BAXTER.

Mr. WARREN presented a memorial of sundry citizens of Kemmerer, Wyo., remonstrating against the prohibition of beer and light wines, which was ordered to lie on the table.

He also presented a resolution adopted by the Board of Education of Superior, Wyo., favoring an appropriation of $150,000 for the education and Americanization of aliens, which was referred to the Committee on Appropriations.

Mr. THOMPSON. I present a resolution passed by the National Legislative Conference, which I should like to have printed in the RECORD without reading. It is short.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

DECLARATION ADOPTED BY THE NATIONAL LEGISLATIVE CONFERENCE.

The National Legislative Conference, representing 22 national allied temperance organizations, met at Washington, D. C., July 2, 1917, and unanimously adopted the following:

I. Thanks for legislation achieved.

We heartily commend the Sixty-fifth Congress for the enactment of provisions prohibiting the sale of liquors to enlisted men and officers of the Army and Navy in uniform, prohibiting the possession of liquor for beverage purposes in training camps, authorizing the establishment of dry and antivice zones around the training camps, and the appropriation of $500,000 for training-camp equipment and activities.

II. Safeguarding enlisted men abroad.

We appeal to the administration to provide the same safeguards for our soldiers and sailors in foreign lands as have been provided at home.

III. War prohibition.

We urge Congress to conserve all our national resources needed to win the war by prohibiting the conversion of any foodstuffs into intoxicating liquors, by authorizing and directing the President to commandeer all stocks of distilled liquors for munitions and other governmental purposes, by preventing the importation of intoxicating liquors and the exportation of foodstuffs for the manufacture of intoxicating liquors abroad, and we oppose any except prohibitive taxes on the manufacture and sale of intoxicating liquors.

In view of the President's expressed fear of a filibuster on the food-control bill and of consequent serious delay in its passage, we desire to say that we have done nothing and will do nothing to delay the passage of this bill, but will press for adequate food conservation and for complete war prohibition, and will rely upon our trusted leaders in Congress to decide whether these objects can be best secured by a separate bill or by an amendment to some other measure.

We would point out that hitherto there has been absolutely no delay on account of the prohibition features of the food-control bill. In the House of Representatives the entire debate on prohibition lasted but seven hours, and the bill reached the Senate at precisely the same moment it would have reached it had there been no such debate; that is, at the opening of the Senate on the following legislative day.

IV. National constitutional prohibition.

We reaffirm our devotion to national constitutional prohibition as the ultimate of all prohibition legislation, and we hereby call upon Congress promptly to pass the pending resolution submitting a constitutional amendment to the several States for their action.

Mr. THOMPSON presented a petition of sundry citizens of Dighton, Kans., praying for the enactment of a complete prohibition war measure, which was ordered to lie on the table.

Mr. KING. Apropos of the pending food legislation, I have received a letter from a prominent citizen of my State, which I desire to have read. It is very short.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The Secretary read as follows:

SALT LAKE CITY, UTAH, *June 28, 1917.*

Senator W. H. KING,
Washington, D. C.

DEAR SIR: On account of the great agitation that is going on and also on account of the bill now pending in the Senate relative to the Government control of the food and grain supplies, we are absolutely up in the air as to what preparations to make regarding the conduct of our business the coming year and the handling of the grain crop in this section, as we have been accustomed to doing in the past. In explanation might say that we are operating a line of country elevators through Utah and Idaho, through which we buy grain from the farmers and distribute it to the mills or big terminal elevators and exporters who may be in the market for the products.

We contemplate the erection of a number more of the elevators during the summer in order to keep pace with the rapid development of this section the grain-growing capacity. There are a number of stations where we should increase our facilities for handling the crop, but, as stated above, under the existing conditions and uncertainty we do not know what to do. Naturally we don't feel justified in making permanent investments at this time when we can see no reasonable assurance that we will get returns on the investments.

Now, we assure you, Senator, we will very greatly appreciate any information you can give us relative to the position the Government is going to take in regard to housing the accumulation and the handling of the grain crop directly from the farmers for the coming year; also any other information you can give relative to the line of business in which we are interested.

Assuring you we will greatly appreciate as prompt response to this inquiry as you can give us, and thanking you in advance for any information you can give us, we are,

Yours, truly,

INTER-MOUNTAIN MILLING CO.,
By R. E. MILLER.

Mr. GRONNA presented a petition of the Bismarck district, North Dakota conference, praying for the enactment of legislation to prohibit the use of all grain, fruits, and other foodstuffs in the manufacture of alcoholic liquors, to include beer and wine, and also the sale of such alcoholic liquors, which was ordered to lie on the table.

Mr. SHERMAN. I present a copy of resolutions adopted by the Chamber of Commerce of East St. Louis, July 6, 1917, relating to the recent civil commotion in that city. I ask that the resolutions be printed at length, but not read.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, July 7, 1917.]

CITIZENS OF EAST ST. LOUIS DEMAND THAT LAW BE ENFORCED AND GUILTY PUNISHED.

EAST ST. LOUIS, ILL., *July 6.*

The citizens' committee, at the meeting called by the chamber of commerce, to-day adopted the following resolutions in condemnation of the political causes and official negligence leading to the recent riots:

"Whereas riots have occurred which have appalled our good citizens and brought shame and disgrace to our city and done incalculable injury to the prosperity and future welfare of the city; and

"Whereas these riots and the unlawful acts attending them have brought upon us the severest condemnation from the entire country; and

"Whereas there is a feeling among our own citizens that there may be a recurrence of these tragedies, and this feeling is retarding the resumption of normal conditions; and

"Whereas we believe it is necessary that the law-abiding citizens of East St. Louis take such action as will reinstate us in the good opinion of our neighbors and friends, and to assure the entire country that steps will be immediately taken for the enforcement of the law and the preservation of life and property, and that assurance be given to all of our law-abiding citizens, irrespective of race or condition, that in the future they will be absolutely secure in our midst: Therefore the following declaration is promulgated:

"We, the citizens of East St. Louis, who are in favor of law and order and the protection of life and property, in a meeting assembled declare that—

"First. Without undertaking to specifically account for the recent riots, it is necessary to state briefly what has occurred. About a month ago a riot took place in which a number of citizens, under the pretext of driving from the city all colored people located here, marched down our streets and assaulted every colored person that came in their way, and it so happened that nearly all of the negroes assaulted were of our old-time citizens and most of them law-abiding people.

"A number of vicious and lawless negroes took advantage of the excitement brought about by this riot, and, under their leadership and impassionate plea for revenge, the worst element began to organize and arm themselves for this purpose, and on Sunday evening, July 1, when it was reported among them that some one was riding through the southern portion of the city shooting into their homes, this lawless and armed band met at a late hour of the night in one of their churches on an agreed signal given.

"When the police officers learned that the negroes were assembling in the church, believing that a riot was likely to start, a number of officers were sent to dispel them, and as they reached the church these officers, without any warning, were fired upon and two of them murdered. This greatly aroused the white people and was the immediate cause of the riot July 2, in which so many people lost their lives and so much property was destroyed.

"Second. We in the most emphatic terms condemn the action of the rioters in the latter part of May. By their action they were defying the law and were administering punishment to innocent and unoffending people.

"In the same manner we condemn the action of the lawless and savage negroes who on Sunday night, July 1, armed themselves for the purpose of committing deliberate murder, and who carried out these intentions by killing two of the officers of the city.

"We are at a loss to find language to express our indignation concerning the action of the rioters on July 2; their unwarranted acts stand without a parallel in the history of our country. These rioters, without the slightest effort to discover the persons who had murdered the East St. Louis officers, directed their wrath against colored people who they knew had nothing to do with the murder. They in the most savage and brutal manner set fire to their homes and shot them down as they were fleeing for their lives. Some were not permitted to escape and lost their lives in the flames of their burning homes.

"Third. We believe that the principal cause of this riotous conduct was the laxity in the punishment of crime that has prevailed for some time past. On account of this indisposition to punish crime there has grown up in our midst irreverence for the law that has brought about the harvest that we have just reaped.

"Many criminals, both black and white, have found a congenial home in our city and have carried on their criminal acts without the slightest fear of the pains and penalties of the law. For all of this the police department of our city and those officials charged with the conservation of the law are the most to blame. They have not taken the step that should have been taken to rid our city of this lawless element, and they are to be condemned in the severest terms for the helpless and inefficient manner in which they permitted these disgraceful riots to take place in our city.

"We believe that this is largely due not from a disposition upon the part of our various police officers to fail to enforce the law, but from a lack of an organization and an understanding on the part of the head of the police department that all violators of the law, irrespective of race, politics, conditions, or associations, should be apprehended and punished.

"While we commend the action of Adjt. Gen. Dickson for the able and efficient manner in which he and the men under his direction are handling the present situation, and for which we feel extremely grateful, we must condemn the action of the militia who were in our city on the 2d day of July pretending to give to the city aid, but who were wholly inactive and in some instances aiding and abetting the rioters.

"It is said that a municipality usually receives the government that it merits. We believe that the good people of the city of East St. Louis are not without blame for the terrible experiences through which they have just passed; they have not been ignorant of the reign of crime that has been going on in the city and the failure on the part of the police officers and other officials to punish offenders, and yet they have been so engrossed in their individual affairs that they have entirely overlooked and neglected to perform a public duty, and it has taken this terrible tragedy to arouse them to a sense of the responsibility they are under to the community in which they live.

"Fourth. The good people demand that our city be rid of the criminal class that has recently infested it, that the law be strictly enforced without fear or favor, and that there be no influence in the city that can screen or immune any offender; that all law-abiding persons in our city, be they ever so humble, white or black, rich or poor, be absolutely secure in their lives, property, and the pursuit of happiness, that all persons hereafter who have a grievance, be it real or imaginary, must resort to the law for redress, and we pledge that we will see that nothing be spared to punish persons, white or black, who attempt to take the law into their own hands.

"Fifth. We demand that the police department of the city be reorganized upon such a basis that the law will be enforced as hereinabove stated. And we pledge to the mayor our entire support in so reorganizing the police department of our city and in the bringing about every reform that tends to peace and good order.

"Sixth. We demand that every effort possible be put forth to punish the persons who murdered the officers Sunday night, July 1, and to punish all of the persons guilty of murder and arson and assaults on Monday, July 2."

Mr. SHERMAN. I further present some telegrams in view of the statement made by the senior Senator from California [Mr. PHELAN] July 6, when I presented and had read with their signatures two telegrams from Chicago, Ill., the statement of the Senator being:

I would be sorry to believe that the Senator has been imposed upon.

In corroboration of the validity and good faith of those telegrams I now send a selection from some 600 telegrams in my office, comparatively small in number. Several of them I ask may be printed in the CONGRESSIONAL RECORD and not read, including the names. All, with a few exceptions, are of the same kind as those read on a previous occasion. Some of these telegrams are very earnest in saying that the proposed legislation affecting intoxicating liquors is un-American.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

CHICAGO, ILL., *June 27, 1917.*

Senator LAWRENCE Y. SHERMAN,
Washington, D. C.:

We are hard-working people and do not like to be deprived of our beer.
K. Doksas, J. Scharek, A. Filopoulos, D. Zlobis, M. Biliaswf, J. Schneider, Fred Sommerfield, G. Pappas, J. Pappas, F. Mersdorf, A. Boldt, N. Dannis, H. Endriats, Louis Michalik, Fred Long, T. Stoniskiaw, Michael Haijz, Anton Matje.

CHICAGO, ILL., *June 27, 1917.*

Senator LAWRENCE Y. SHERMAN,
Washington, D. C.:

Beer is healthy and wholesome; the laboring man must have it.
Max Starck, O. Schroeder, B. Stogle, F. Staroba, Hubert Schreuer, Charles Sippel, G. Swastovic, Olof Swenson, Joseph Schlitt, William Steinam, John Schlitt, Henry Spahn, Jul Scheer, Edw. Schirber, U. Sorenson.

CHICAGO, ILL., *June 27, 1917.*

Senator LAWRENCE Y. SHERMAN,
Washington, D. C.:

As American citizens we protest against that part of the food bill that prohibits the manufacture of beer and light wines.
Charles Haberle, M. Hartung, Johan Haeberle, Joe Jukner, Joseph Jarolim, Charles Hoffman, Chris Hardeegen, William Hannig, Pat Kane, Tony Hasslinger, John Hoppmann, August Haushalter, John Gungwir, Joseph Helmer, Fritz Heine.

CHICAGO, ILL., *June 27, 1917.*

Senator LAWRENCE Y. SHERMAN,
Washington, D. C.:

Radical prohibition of the manufacture of beer and light wines would deprive us of our constitutional rights as American citizens.
A. Kozinszcy, O. Zimmerman, M. Grealish, G. Krause, J. Hari, F. Schwarz, J. Alexa, A. Warga, S. Krumenaker, A. Korpitz, S. Kramer, P. Pess, L. Kabet, M. Novak, W. Linkau.

CHICAGO, ILL., *June 27, 1917.*

Senator LAWRENCE Y. SHERMAN,
United States Senate, Washington, D. C.:

Moderate use of beer is the best weapon against drunkenness and will keep us better fitted to work and fight and win. Keep us satisfied.
J. Patterson, C. Moravec, P. Dieter, F. Weinert, J. Wopart, T. Fulton, Phil Bucky, H. Michan, W. A. Saracino, A. Willin, E. Barte, J. Dougherty, P. Bernacchi, H. Leimbeck, J. B. Helzing.

CHICAGO, ILL., *June 27, 1917.*

Senator LAWRENCE Y. SHERMAN,
United States Senate, Washington, D. C.:

Contentment of our people depends on the safeguarding of constitutional rights. We favor light wines and brewing of beer for our country.
A. Wingate, F. Zakar, J. Smrcina, R. Telkas, L. Zamman, C. McLean, W. Pfohl, T. Wingate, G. Josephson, J. Guringer, Joe Schopech, O. Busse, Aug. Hoffmann, J. Pichlar, G. Petkus, E. A. Devic.

CHICAGO, ILL., *June 27, 1917.*

Senator L. Y. SHERMAN,
Washington, D. C.:

We have consumed a moderate quantity of beer every day for many years, are still in good health and able to do a good day's work. Don't take it away from us.
Anton Schimkers, J. Ringhofer, Nick Schuck, F. Sikas, P. Horvath, D. Andrulis, W. Andrulis, John Loesmandy, J. Schimkus, A. Sintich, Gus Niemeier, N. Stefane, Michael Blazek, L. Kiermeier, P. Spigt.

CHICAGO, ILL., *June 27, 1917.*

Senator LAWRENCE Y. SHERMAN,
Washington, D. C.:

We are a bunch of laboring men not able to stock up our cellars with whisky and wine for future years. Please let us have our beer.

W. Fara, F. Macek, L. Weinscheimer, A. Putz, J. Shramek, J. Ludewig, G. Jenner, E. Birkholz.

—

CHICAGO, ILL., *June 27, 1917.*

Senator LAWRENCE Y. SHERMAN,
Washington, D. C.:

We are a bunch of laboring men not able to stock up our cellars with whisky and wine for future years. Please let us have our beer.

J. Steele, P. Reiff, W. Berkelman, H. Prinz, J. S. Ekerka, B. Johnson, H. Althammer, R. Wallet.

—

CHICAGO, ILL., *June 27, 1917.*

Senator LAWRENCE Y. SHERMAN,
Washington, D. C.:

We are a bunch of laboring men not able to stock up our cellars with whisky and wine for future years. Please let us have our beer.

H. Reichman, J. Kubon, J. Holoway, E. Zelinka, C. Turner, J. Leichtenberg, F. Kornfind, G. Gauzer.

—

CHICAGO, ILL., *June 27, 1917.*

Senator LAWRENCE Y. SHERMAN,
Washington, D. C.:

Modification of House amendment of Lever bill authorizing manufacture of beer and wine would best fit our sentiments.

G. Bradtkem, A. Schirmang, E. Budnick, N. Braun, F. Wernig, B. Wajerski, W. Voelz, H. Serger, J. Miskinis, L. Michorl, J. Polasky, J. Balya, Karl Haupt, L. Dominick, J. Lazarich.

—

CHICAGO, ILL., *June 27, 1917.*

Senator LAWRENCE Y. SHERMAN,
Washington, D. C.:

Beer is healthy and wholesome. The laboring man must have it.

Frank Holy, F. Pokorny, A. Blank, Fred Piper, S. Biernat, W. Koop, F. Bardowski, S. Bartokovish, J. Hajzle, J. Gaische, F. Oreovicz, N. Zimmerman, J. Schaar, C. Catilup, R. Tomal, W. Racowsky, F. Katzian, R. Benz.

—

CHICAGO, ILL., *June 27, 1917.*

Senator LAWRENCE Y. SHERMAN,
Washington, D. C.:

We enjoy our glass of beer, our work, and the happiness of our families every day.

Wm. Ogara, G. J. Patitz, J. Portenkirschner, Wm. Ramm, Henry Reichelt, Edw. Reigoll, John Paul, M. Peters, Louis Pakieser, Chas. Rasch, H. Reber, August Riberger, Aug. Paulat, F. H. Perle, B. Querfurth, Albert Relles, Ernst Reichau, Tobias Rist.

—

CHICAGO, ILL., *June 27, 1917.*

Hon. LAWRENCE Y. SHERMAN,
United States Senate, Washington, D. C.:

The true sentiment of the people in the West is unequivocally for moderate use of brewed beverages and light wines, unscrupulous newspapers notwithstanding. Act for the people.

H. Rothenburger, P. Gromke, S. Halligan, J. Patterson, J. Murphy, J. Oldfield, A. Wielubowski, G. Seapel, F. Cerney, W. Versailes, G. Graupner, J. Turik, J. Sullivan, J. Mulhaney, V. Fara, V. Wollner, P. Dieter, J. Singer, J. Fitch, E. C. Ekanek, E. Odenback.

—

CHICAGO, ILL., *June 27, 1917.*

Hon. LAWRENCE Y. SHERMAN,
United States Senate, Washington, D. C.:

No warring nation except Turkey forbids beer and wine. Experiments are dangerous at the present time. As fellow workers and voters we emphatically protest any attempt to interfere with our rights and guaranteed liberty.

E. Paulsen, W. Jucus, J. Patterson, L. Henryickson, A. Engel, R. Menzel, J. Mauloff, W. Boll, M. Fischer, E. Hecker, F. Becker, J. Martinson, S. Clarkowiski, Otto Lexnar, J. Mueller, J. Selinka, M. Schuster, F. Seffield, Tom Rockberg, J. Petrie, J. Vohasek.

—

CHICAGO, ILL., *June 27, 1917.*

Hon. LAWRENCE Y. SHERMAN,
United States Senate, Washington, D. C.:

Why send malt to England and legislate total prohibition for this, our country? We are for America first, and your undersigned constituents demand fair treatment regarding beer and light wines.

J. Skinder, H. Buchholz, A. Young, J. Mader, L. Hallman, S. Jacobs, A. Conlon, J. Pawlick, J. Schmiedt, V. Goturka, J. Gebele, C. Krauss, S. Rauch, J. Modrala, A. Stewart, M. Madigan, C. Fischer, J. Neuffer.

—

EAST ST. LOUIS, ILL., *June 27, 1917.*

Senator L. Y. SHERMAN,
Washington, D. C.:

We feel that the laboring interests of the country would be badly injured by national prohibition, and we ask you to oppose the measure.

THE ILLINOIS LABOR PRESS,
By BEN A. SHEPMAN,
Editor and Manager.

—

CHICAGO, ILL., *June 27, 1917.*

Senator LAWRENCE Y. SHERMAN,
Washington, D. C.:

We enjoy a few glasses of beer every day and don't like to be deprived of it.

George Conrad, E. Diener, E. Eibie, Ernst Frank, Mike Doser, John Evans, And Dunca, M. Ceberg, Chas. Eiserer, P. Darte, Phila Emmerch, Peter Deitrich, Leo Ernst, Chas. Eifler, Andolph Erbad, John Dubberke, E. Denner, Martin Ebatt.

CHICAGO, ILL., *June 27, 1917.*

Senator LAWRENCE Y. SHERMAN,
Washington, D. C.:

As American citizens we protest against that part of the food bill that prohibits the manufacture of beer and light wines.

P. Stretski, J. Eischelberger, A. Schneider, A. Schirmang, P. Justus, A. Drigot, J. Jablonsky, L. Golub, A. Frank, D. Grink, F. Gabics, J. Tomaschko, J. Buck, P. Pauzoles, P. Stecher.

—

CHICAGO, ILL., *June 27, 1917.*

Senator LAWRENCE Y. SHERMAN,
Washington, D. C.:

We enjoy our glass of beer, our work, and the happiness of our families every day.

J. Ulm, Herman C. Egdorf, John Klenner, Chas. Schechner, Henry Guillaume, H. Wiese, Peter Rebholz, J. Laub, H. Kuechel, A. Andrules, P. Norvid, N. Schreiber, F. Grietic, J. Hanig, J. Wilck.

—

CHICAGO, ILL., *June 27, 1917.*

Senator LAWRENCE Y. SHERMAN,
Washington, D. C.:

We enjoy a few glasses of beer every day and don't like to be deprived of it.

J. Bominger, J. Kraemer, E. Miller, H. Wright, J. E. Heiser, C. E. Lambright, A. J. Enner, J. Reigel.

—

CHICAGO, ILL., *June 27, 1917.*

Senator LAWRENCE Y. SHERMAN,
Washington, D. C.:

Remember the laboring class. A glass of beer is invigorating after a day's hard work.

Fred Schaerr, J. S. Zabo, A. Sieck, Andrew Santner, D. Tesarek, Louis Schlecht, Anton Stava, Geo. Sippel, H. Steinbrecher, Fred Thomas, V. Schwarz, J. Schmit, Geo. Schleichert, Frank Tausau, Albert Tischler.

—

CHICAGO, ILL., *June 27, 1917.*

Senator LAWRENCE Y. SHERMAN,
Washington, D. C.:

Beer is healthy and wholesome. The laboring man must have it.

Fred Trost, Stanley Wagner, J. Waska, Steve Wildkatsch, Gus Wohlers, Aug. Urbahn, Joe Wagner, John Welzien, John Winkelhofer, Wm. Zahler, John Velton, Theo. Wahlberg, F. Wezauek, Joe Winkelhofer.

—

CHICAGO, ILL., *June 27, 1917.*

Senator LAWRENCE Y. SHERMAN,
United States Senate, Washington, D. C.:

Let those who want beer and light wines pay the revenue of seven hundred millions while the country needs the money. Be for the people first and last.

A. Goldenbogen, G. Grimsman, A. Gruninger, C. Hollengren, H. Hanke, W. Hubeny, A. Jarshishek, R. Johnson, Geo. Timke, M. Vanick, J. Vanicek, J. Voltz, F. Walters, R. Witty, E. Reinhardt, A. Schaffer, Warren Burkhard.

—

CHICAGO, ILL., *June 27, 1917.*

Senator LAWRENCE Y. SHERMAN,
United States Senate, Washington, D. C.:

Kill any attempt, under whatever disguise, to deprive us of our inalienable right to a refreshing glass of beer or wine and we shall never forget your services.

H. Ploen, T. Pridmore, P. Reilly, A. Saunders, P. Schultheiss, E. Sevak, Henry Weiss, John Machnick, John Peters, E. Mildenstein, Chas. Lackewicz, Frank Kallal.

—

CHICAGO, ILL., *June 28, 1917.*

Senator LAWRENCE Y. SHERMAN,
United States Senate, Washington, D. C.:

National prohibition would bankrupt many a community. Defeat it; it is non-American.

JOHN W. WINZENBURG.

—

CHICAGO, ILL., *June 27, 1917.*

Senator LAWRENCE Y. SHERMAN,
Washington, D. C.:

We enjoy our glass of beer, our work, and the happiness of our families every day.

Otto Rhein, F. Santner, Jos. Schaeflein, G. Schroettenbaum, J. Schleyhofen, W. Roth, Elmer Sauser, H. Schicht, Mike Sterna, Carl Sticht, Gust Redlich, Phil Schleyer, M. Sesselman, Herman Schwarz, A. Svoboda.

—

CHICAGO, ILL., *June 27, 1917.*

Senator LAWRENCE Y. SHERMAN,
Washington, D. C.:

We enjoy our glass of beer, our work, and the happiness of our families every day.

F. Silha, A. Smrcka, P. Klein, W. Checkas, J. Muzich, J. Hirtreiter, Tony Romaszco, A. Bull, Wm. Mathews, A. Brounz, R. Jakubunis, J. Gall, A. Ramasaukas, Wm. Heinrich, Jos. Swiatek.

—

CHICAGO, ILL., *June 27, 1917.*

Senator LAWRENCE Y. SHERMAN,
Washington, D. C.:

We have consumed a moderate quantity of beer every day for many years, are still in good health, and able to do a good day's work. Don't take it away from us.

Aug. Mantel, Peter Michelsen, Julius Michalke, H. C. Niblo, Chas. Obermeyer, Jacob Masek, Wm. Muzika, George Mahn, Larry Nolan, John Ott, Frank Mutchler, Chas. Moersch, Tony Nelson, John Novigny, James Ott.

CHICAGO, ILL., *June 27, 1917.*

Senator LAWRENCE Y. SHERMAN,
Washington, D. C.:

We have consumed a moderate quantity of beer every day for many years, are still in good health, and able to do a good day's work. Don't take it away from us.

J. Harzich, J. Shuld, J. Bradke, J. Wilhelm, J. Hari, Jos. Kirsch, G. Rungger, Paul Amand, Chase Sykas, E. Schmidt, S. Knef, J. Albuja, T. Kappel, J. Heinrich, C. Mancineili, A. Vormitag, A. Kovacik, F. Schoenbeck.

Mr. BRADY. I have resolutions passed by the Lewiston (Idaho) Commercial Club relative to the duty of citizens in the present war. I ask that they be referred to the Committee on Military Affairs without reading.

The VICE PRESIDENT. The resolutions will be referred to the Committee on Military Affairs.

Mr. SMITH of Michigan. I have a telegram from Allan A. Templeton, president of the Detroit Board of Commerce, of Michigan, making certain representations with reference to the so-called profit tax of the revenue bill. I ask that the telegram may be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

DETROIT, MICH., *July 6, 1917.*

Hon. WILLIAM ALDEN SMITH,
Washington, D. C.:

At a meeting of the board of directors of the Detroit Board of Commerce, representing a membership of over 4,000, held this day, by unanimous vote, I was requested to urge you to use your utmost efforts to defeat all measures to take profits earned in former years as a basis for the computation of excess-profits taxes. It was the unanimous consensus of opinion that excess profits should not be computed until at least 8 per cent of capital, surplus, and undivided profits had been deducted for purpose of such computation. It was also the unanimous opinion that inasmuch as business activities have not taken into consideration possible taxation of this nature, profits earned in previous years should not be taxed.

DETROIT BOARD OF COMMERCE,
ALLAN A. TEMPLETON,
President.

Mr. MYERS presented a petition of sundry citizens of Missoula, Mont., praying for national prohibition, which was ordered to lie on the table.

Mr. DILLINGHAM presented a petition of sundry citizens of Dorset and Castleton, in the State of Vermont, praying for national prohibition as a war measure, which was ordered to lie on the table.

Mr. SHEPPARD presented petitions of the Woman's Missionary Societies of the Methodist Episcopal Church, of Plainview; of the Kelly Memorial Methodist Church, of Longview; and of the Roberts Avenue Methodist Episcopal Church, of Beaumont, all in the State of Texas, praying for national prohibition, which were ordered to lie on the table.

Mr. FRELINGHUYSEN presented petitions of the General Synod of the Reformed Church of America and of sundry citizens of Denville, N. J., praying for national prohibition, which were ordered to lie on the table.

He also presented a memorial of Plumbers' Local Union, No. 257, of Perth Amboy, N. J., remonstrating against the prohibition of beer and light wines, which was ordered to lie on the table.

He also presented a petition of sundry citizens of the State of New Jersey, praying for the conservation of foodstuffs used in making intoxicating beverages, the passage of all war-prohibition measures, and urging that no added tax be placed on liquors, which was ordered to lie on the table.

He also presented a memorial of the New Jersey Conference of Seventh-day Adventists, remonstrating against the observance of Sunday as a day of rest in the District of Columbia, and also against the enactment of legislation that would result in persecution of individuals or religious sects, which was ordered to lie on the table.

Mr. POMERENE. I have received a number of letters from manufacturers, merchants, ministers, and professional men, all citizens of my State, asking for the adoption of national prohibition. I ask that they be received and appropriately referred.

The VICE PRESIDENT. The petitions will lie on the table.

Mr. POMERENE presented resolutions of the South Solon Christian Endeavor Society, of South Solon; of the Pomona Grange, of Delaware County; of the Up-to-Date Grange, of De Graff; of the Woman's Christian Temperance Union, of Ashtabula County; of the Champaign County Dry Federation, of Urbana; of the Studer Avenue School Teachers, of Columbus; of the Broad Street Presbyterian Church, of Columbus; of the First Methodist Church Sunday School, of Oberlin, all in the State of Ohio, praying for national prohibition, which were ordered to lie on the table.

He also presented a number of letters and resolutions from bankers, merchants, and manufacturers, all in the State of Ohio, remonstrating against national prohibition, which were ordered to lie on the table.

Mr. SMOOT. Mr. President, I have an editorial from the St. Louis Globe-Democrat of July 7, relative to the conferring by Congress of a medal for bravery. I do not desire that it be printed in the RECORD, but I ask that it be referred to the Committee on Military Affairs for their consideration.

The VICE PRESIDENT. That action will be taken.

REPORTS OF COMMITTEES.

Mr. SWANSON, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 2477) to authorize the construction of a building for the use of the Treasury Department, reported it with an amendment and submitted a report (No. 76) thereon.

Mr. NELSON, from the Committee on the Judiciary, to which was referred the bill (S. 746) to provide for the appointment of a district judge in the northern and southern judicial districts in the State of Mississippi, and for other purposes, reported it without amendment.

OREGON AND CALIFORNIA LAND GRANT.

Mr. CHAMBERLAIN. From the Committee on Public Lands I report back favorably without amendment the bill (S. 2423) to amend section 9 of the act entitled "An act to alter and amend an act entitled 'An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon,' approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled 'An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon,' approved May 4, 1870, and for other purposes," approved June 9, 1916, and I submit a report (No. 79) thereon. I am going to ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The Secretary will read the bill.

Mr. CHAMBERLAIN. I ask unanimous consent for its consideration, and I can make a statement about it that will explain it in a moment.

The act which forfeited the Oregon and California land grant last year has been sustained by the Supreme Court of the United States. Section 9 not only provided for the payment of the taxes accrued and now unpaid—that is, at the time the act took effect. The result is that much of the taxes accrued after it took effect, and there is no provision under which the taxes can be paid to the Government.

In order to save that question, and in order to comply with the wishes of the Department of the Interior, I ask that the act may be amended so that the taxes which have accrued since the act was passed may be paid.

Mr. GRONNA. May I ask the Senator a question?

Mr. CHAMBERLAIN. Yes, sir.

Mr. GRONNA. As I understand it, the bill would exempt certain parties who formerly owned the land from paying taxes.

Mr. CHAMBERLAIN. It does not exempt anybody, but authorizes payment of taxes which have accrued since the act of June took effect; that is all.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. HUSTING. I should like to ask the Senator if the bill was before the Committee on Public Lands?

Mr. CHAMBERLAIN. Yes, sir; it is reported favorably by the committee.

Mr. HUSTING. When?

Mr. CHAMBERLAIN. It was reported this morning.

Mr. HUSTING. I should like to look at it before it is taken up, and I enter an objection to its consideration at this time.

Mr. CHAMBERLAIN. I can assure the Senator that it is costing the Government a good many thousand dollars a day, because the counties will not accept any partial payment. The bill provides for the payment of taxes accrued and the interest which is accruing since the date of the act of June, 1916.

Mr. HUSTING. I should like to look at it before it is acted upon. I have not seen the bill.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. BRADY subsequently said: Mr. President, referring to Senate bill 2423, which was reported by the Senator from Oregon [Mr. CHAMBERLAIN] this morning relative to the taxes on certain lands in the State of Oregon, I desire to say that it is a bill of very great importance to the people of the West, and I feel very sure, with the explanation which the Senator from Oregon has made to the junior Senator from Wisconsin [Mr. HUSTING], there will be no further objection to its consideration. The bill simply provides for the payment of taxes from June 1 up to the time the Government takes possession of the land; and as the law itself now provides for the payment of taxes up

to that time, there can be no good reason given why the bill should not pass. I therefore hope the Senator from Oregon will again call attention to the matter.

Mr. CHAMBERLAIN. Mr. President, the Senator from Wisconsin who made the objection is willing to withdraw it, and I hope that the bill may be considered and passed at this time.

The VICE PRESIDENT. Has the Senator from Wisconsin any further objection to the consideration of the bill?

Mr. HUSTING. I have no further objection, Mr. President.

The VICE PRESIDENT. Is there any other objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That section 9 of the act entitled "An act to alter and amend an act entitled 'An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon,' approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled 'An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon,' approved May 4, 1870, and for other purposes," approved June 9, 1916, be, and the same is hereby, amended to read as follows:

"SEC. 9. That the taxes due and unpaid on June 9, 1916, together with all penalties, interest, and costs now accrued, or which will have accrued on the date of payment, on lands the title to which has revested in the United States, whether situated in the State of Oregon or the State of Washington, shall be paid by the Treasurer of the United States, upon order of the Secretary of the Interior, as soon as may be after the approval of this act, and a sum sufficient to make such payment is hereby appropriated out of any money in the Treasury not otherwise appropriated."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LAND AT PORT ANGELES, WASH.

Mr. MYERS. From the Committee on Public Lands I report back favorably without amendment the bill (S. 309) authorizing the county of Clallam, in the State of Washington, to convey to the city of Port Angeles certain lands, and I submit a report (No. 77) thereon. I call the attention of the Senator from Washington [Mr. POINDEXTER] to the bill.

Mr. POINDEXTER. This is purely a municipal matter, local to the town of Port Angeles. The purpose of it is to enable the county of Clallam to convey to the city a small portion of the land which it originally obtained from the Government, and to enable the city to erect a public library building thereon. They have a donation from the Carnegie fund, and they are desirous of proceeding with this public matter and can not do it until they get the cloud removed from the title. I ask for the present consideration of the bill.

Mr. SMOOT. I have no objection whatever to the bill, but I understood it was the policy of the Public Lands Committee that no legislation would be reported from that committee at this session of Congress unless it was emergency legislation. I have so stated to people writing to me in reference to land matters from all parts of the United States. If it is going to be the policy of the committee to report such legislation, I must notify the people I have already written to that that policy has been changed. I should like to ask the chairman of the committee reporting the bill if that is going to be the policy of the committee from now on? Has the committee changed its policy?

Mr. MYERS. The policy of the committee has been to report out no bills that were not war bills. These two bills were brought up this morning—the one I have just reported and the one reported by the Senator from Oregon [Mr. CHAMBERLAIN]—and they were acted upon by the committee and ordered reported out at a meeting when I was not present. If I had been present, I would not have objected, because I think they are rare and extraordinary exceptions which justified reporting them out. They are not in accordance with the rule, but exceptions to the rule. I doubt if there is any other exception to be made at all. These two bills were unanimously ordered reported out by the committee when I was not present.

Mr. SMOOT. I am not going to object, but I want to understand what the policy will be in the future. If the Senator will carry out, as chairman of the committee, the policy heretofore announced, and in this connection I want to say that is the policy, and I believe it ought to be carried out, I shall not answer my letters differently from what I have done in the past.

Mr. MYERS. Of course, I can not control the committee. Speaking for myself, I am not anxious to have them reported out.

Mr. SMOOT. I will say to the chairman if he can not control the action of the committee he can object to the consideration of the bills on the floor of the Senate.

Mr. MYERS. I am not asking unanimous consent for the consideration of the bill. The Senator from Washington made the request.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. GRONNA. I do not think that I shall object, but I should like to ask the Senator from Washington for some information. How did the county acquire the land? Was it given to the county by the Government?

Mr. POINDEXTER. It was given to the county by the Government.

Mr. GRONNA. Are there no adverse claims of any sort?

Mr. POINDEXTER. No.

Mr. GRONNA. And the county now, as I understand it, sells it or turns it over to some corporation?

Mr. POINDEXTER. Yes; the county donates it to the county seat, the purpose being to group the public buildings in the town around a common civil center. They are about to erect a library. They have $12,500 donated to them for the purpose of erecting a library. It is the desire of everybody that this land shall be used for that purpose. In the patent from the United States, following the language of the act of Congress which donated the land, there was a provision that it would be used for county purposes. The act of Congress specified that that should be incorporated in the patent. Some lawyers have advised the city and county that on account of that language being in the patent they could not convey it to the city. This is for public purposes, but it is not strictly speaking for county purposes. It is to relieve that situation that I ask for the consideration of the bill.

Mr. GRONNA. If the Senator will permit me, were the lands granted to the county for park purposes? What was really the purpose of the Government in making the grant?

Mr. POINDEXTER. The language of the act was for county purposes. It did not specify what county purposes.

Mr. JONES of Washington. My recollection is that this is for a courthouse. I think the courthouse has been erected on a part of the land, that a part of it is needed for that purpose.

Mr. POINDEXTER. Yes. That was not expressed in the act. It did not say for a courthouse, but a courthouse was erected.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the county of Clallam, in the State of Washington, through its proper officials duly authorized to convey real estate for the county, is hereby authorized to convey to the city of Port Angeles, in said county and State, in fee simple, any part of that parcel of land situated in said city, county, and State described in the act of Congress of January 12, 1903, as a parcel of land 220 feet in width off the east side of suburban block No. 26, as shown on official plats of the town site of Port Angeles, in said county, and as subsequently conveyed in the patent of the United States of America to the said county of Clallam, dated March 21, 1903.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRINTING OF ADDRESSES AT THE NAVAL ACADEMY (S. DOC. NO. 58).

Mr. SMITH of Arizona. I present a report from the Committee on Printing, and ask for its present consideration. The estimated cost is $54.

The resolution (S. Res. 99) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the manuscript submitted by the Senator from South Carolina [Mr. TILLMAN] on June 30, 1917, entitled "Addresses of Hon. Josephus Daniels, Secretary of the Navy, and Capt. E. W. Eberle, United States Navy, Superintendent Naval Academy," delivered at the graduating exercises of the United States Naval Academy, March 29 and June 28, 1917, be printed as a Senate Document.

HECTOR A. ROBICHON.

Mr. FLETCHER. I report back from the Committee on Military Affairs favorably, with an amendment, the bill (S. 980) for the relief of Hector A. Robichon. The bill was introduced by the Senator from New York [Mr. CALDER]. He is not present, but I know he would like to have it considered, and I therefore ask unanimous consent for its present consideration.

Mr. PENROSE. What is the bill, Mr. President? Let it be read for information.

The VICE PRESIDENT. The Secretary will read the bill.

The SECRETARY. It is proposed to strike out all after the enacting clause and to insert the following:

That the President be, and he is hereby, authorized, in his discretion, by and with the advice and consent of the Senate, to appoint Hector A. Robichon a first lieutenant of Infantry in the United States Army, to be an additional number, and to take rank at the foot of the list of first lieutenants of Infantry.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The VICE PRESIDENT. The question is on the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONSTITUTIONAL SOURCES OF THE LAWS OF WAR.

Mr. FLETCHER. Mr. President, I present a report from the Committee on Printing, and ask unanimous consent for its immediate consideration. The report has to do with the printing of a document entitled "Constitutional Sources of the Laws of War," which was prepared by Mr. Horace L. B. Atkisson, of the bar of the District of Columbia. It is quite appropriate at this time, and I think it is worthy of being printed.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the resolution (S. Res. 100), as follows:

Resolved, That the manuscript submitted by the Senator from Florida [Mr. FLETCHER] on June 9, 1917, entitled "Constitutional Sources of the Laws of War," by Horace L. B. Atkisson, of the Washington, D. C., bar, be printed as a Senate document.

Mr. SMOOT. Did the Senator from Florida ask unanimous consent for the present consideration of the resolution?

Mr. FLETCHER. Yes.

Mr. SMOOT. I think the resolution ought to go over. There are four or five other documents which have been prepared, I think, on the same subject. When it has been decided as to the printing of one, I think it should be decided as to the printing of all of them.

Mr. SMITH of Arizona. This is the only one, I think, on this subject.

Mr. PENROSE. I object to the consideration of the resolution.

Mr. SMITH of Arizona. This is the only document on that subject, I will say to the Senator.

The VICE PRESIDENT. Being objected to, the resolution will be placed on the calendar.

STEAMSHIP "CALDERA."

Mr. HARDING. From the Committee on Commerce I report back favorably, without amendment, the bill (S. 2469) to authorize the change of name of the steamship *Caldera* to *A. T. Kinney*, and I submit a report (No. 80) thereon. It is merely a formal matter, and I ask the Senate to consider and pass the bill at this time.

The VICE PRESIDENT. Is there objection to the request of the Senator from Ohio?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed upon application of the owner, the Kinney Steamship Co., of Cleveland, Ohio, to change the name of the steamer *Caldera*, official number 204864, to *A. T. Kinney*.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HARRY GRAHAM.

Mr. MYERS. I report unanimously from the Committee on Military Affairs, with an amendment, the bill (S. 1418) to authorize the President of the United States to appoint Harry Graham captain of Infantry, and I submit a report (No. 78) thereon. I ask unanimous consent for the immediate consideration of the bill. It is similar to the one which has just been passed and which was reported by the Senator from Florida [Mr. FLETCHER].

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. The amendment of the Committee on Military Affairs was, in line 7, to strike out "as such next after Capt. John Randolph," and to insert "at the foot of the list of captains of Infantry," so as to make the bill read:

Be it enacted, etc., That the President of the United States, in his discretion, be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, Harry Graham, formerly a captain of Infantry, a captain of Infantry, to take rank at the foot of the list of captains of Infantry; and that no back pay or allowances shall accrue as a result of the passage of this act, and there shall be no increase in the total number of captains of Infantry now authorized by law by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SUSPENSION OF MINING REGULATIONS.

Mr. SHAFROTH. I ask unanimous consent for the present consideration of Senate joint resolution 78. It is a war measure and has received the unanimous indorsement of the Committee on Mines and Mining. I think it will elicit no discussion whatever.

The VICE PRESIDENT. The joint resolution for the consideration of which the Senator from Colorado asks unanimous consent will be read by title.

The SECRETARY. A joint resolution (S. J. Res. 78) to suspend, during the present war with Germany, the requirement that not less than $100 worth of labor shall be performed or improvements made on each mining claim during each year for all owners who, in lieu of such assessment work, expend the sum of $100 or perform 25 days of labor in the raising or manufacturing of products necessary for the maintenance of the Army, Navy, or people of the United States, or pay into the Treasury of the United States $100.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which had been reported from the Committee on Mines and Mining with an amendment, on page 2, line 9, after the numerals "$100," to strike out "or perform 25 days of labor," and, in line 13, after the name "United States," to insert "or shall perform 25 days of labor in any beneficial occupation," so as to read:

Resolved, etc., That in order that labor may be most effectively used in raising and producing those things needed in the prosecution of the present war with Germany, that provision of section 2324 of the Revised Statutes of the United States which requires on each mining claim located, and until a patent has been issued therefor, not less than $100 worth of labor to be performed or improvements to be made during each year, be, and the same is hereby, suspended during the present war with Germany: *Provided*, That the owner of each mining claim desiring to avail himself of the suspension hereby extended shall during each year expend, in lieu of such assessment work, the sum of $100 in the raising, producing, or manufacturing of products necessary for the maintenance and support of the Army, Navy, or people of the United States, or shall perform 25 days of labor in any beneficial occupation, or pay into the Treasury of the United States the sum of $100: *Provided further*, That on or before the 31st day of December of each year of said period of the war the owner of each of such mining claims shall file in the office of the county clerk and recorder of the county in which such mining claim is situated an affidavit that he has expended or paid such sum or performed such labor as is required herein, describing same, since the 1st day of January of that year.

The amendment was agreed to.

The next amendment was, on page 2, after line 22, to insert:

This act shall not be deemed to amend or repeal Senate joint resolution 33 of the Sixty-fifth Congress.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "Joint resolution to suspend, during the present war with Germany, the requirement that not less than $100 worth of labor shall be performed or improvements made on each mining claim during each year for all owners who, in lieu of such assessment work, expend the sum of $100 in the raising or manufacturing of products necessary for the maintenance of the Army, Navy, or people of the United States, or shall perform 25 days of labor in any beneficial occupation, or pay into the Treasury of the United States $100."

AMERICAN ACADEMY OF ENGINEERS.

Mr. BRANDEGEE. From the Committee on the Judiciary, I report back favorably the bill (S. 2360) to incorporate the American Academy of Engineers. I ask permission of the Senate to file a written report later on when I have the time.

The VICE PRESIDENT. Without objection, permission is granted to file a written report later on, and the bill will be placed on the calendar.

EMPLOYMENT OF STENOGRAPHER.

Mr. THOMPSON. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment resolution 98, submitted by the Senator from Tennessee [Mr. MCKELLAR] on the 7th instant, and I ask unanimous consent for the present consideration of the resolution.

The Senate, by unanimous consent, proceeded to consider the resolution.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Civil Service and Retrenchment, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-fifth Congress to send for books and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee or any subcommittee thereof may sit during the sessions or recesses of the Senate.

PROTECTION OF MIGRATORY BIRDS.

Mr. SMITH of Arizona. I ask unanimous consent to take from the calendar and to consider at this time the bill (S. 1553) to give effect to the convention between the United States and Great Britain for the protection of migratory birds concluded at Washington August 16, 1916, and for other purposes.

The VICE PRESIDENT. Is there any objection?

Mr. CHAMBERLAIN. What is the request?

The VICE PRESIDENT. The Senator from Arizona asks unanimous consent for the consideration of the migratory-bird convention bill.

Mr. SMITH of Arizona. It is a war measure.

Mr. CHAMBERLAIN. Mr. President, I hope that just as soon as morning business is over the unfinished business will be taken up.

The VICE PRESIDENT. Morning business has not yet been concluded. Is there objection?

Mr. CHAMBERLAIN. I object.

Mr. PENROSE. I object if it is going to lead to any debate, and I am informed that it will.

The VICE PRESIDENT. Objection is made.

Mr. SMITH of Arizona. Mr. President, a parliamentary inquiry. I could not hear the grounds of the objection of the Senator from Pennsylvania.

Mr. PENROSE. Mr. President, I was informed that the bill which the Senator from Arizona desires to have considered at this time will lead to prolonged debate.

Mr. SMITH of Arizona. It can not consume more time than the morning hour, which will expire at 2 o'clock.

Mr. PENROSE. I understand that, but some of us have morning business to present, and we are desirous of doing so during the morning hour.

Mr. SMITH of Arizona. I do not wish to interrupt the morning business, but I give notice of my intention to call up the bill when the morning business shall have been concluded. I thought we had already concluded morning business.

Mr. PENROSE. Oh, no; not by any means.

The VICE PRESIDENT. Bills and joint resolutions are in order.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PENROSE:

A bill (S. 2626) granting an increase of pension to Samuel Cooper; and

A bill (S. 2627) granting a pension to Sarah Ann Ross; to the Committee on Pensions.

ACTIVITIES OF COMMITTEE ON PUBLIC INFORMATION.

Mr. PENROSE. Mr. President, I have a resolution here which I am led to offer on account of the widespread criticism which has been made all over the country concerning the performance of the committee on public information. I desire here to refer to an editorial from the New York Times. I do not often interject quotations from a newspaper into a discussion in the Senate, but this is so entirely to the point that I will refer to it. The editorial says:

> There was a correspondent of the Associated Press aboard one of the ships of war acting as convoy for our troop transports in their recent voyage across the Atlantic.
>
> Upon his arrival in the European port of destination this correspondent sent a cable dispatch reporting that they had had "a smooth sea and an uneventful voyage."
>
> Yet the Fourth of July announcement prepared by Mr. George Creel and put forth by Secretary Daniels informed the American people that our transports were "twice attacked by German submarines on the way across."
>
> The first attack—

According to Mr. Creel's announcement—

> "was made in force"; our "high-seas convoy circling with their searchlights answered with heavy gunfire, and its accuracy stands proved by the fact that the torpedo discharge became increasingly scattered and inaccurate"; one U-boat "was certainly sunk, and there is reason to believe that the accurate fire of our gunners sent others to the bottom"; five torpedoes "were counted as they sped by bow and stern."
>
> There was a second attack beyond the rendezvous where the troopships met destroyers sent out from the other side, and "one submarine at least was sunk."
>
> The dispatch of the Associated Press correspondent announcing his safe arrival after an uneventful voyage is evidence against the theory that his sudden demise and burial at sea prevented his reporting these two spirited naval engagements.
>
> Did he sleep at ease through both? It must have been lethargy, not slumber, if the "heavy gunfire" of our high-sea convoy and the uproar, stir, and bustle necessarily incident to these naval battles failed to rouse him.
>
> Yet again stubbornly persisting in his resolve to ignore the battles which inspired Mr. Creel to apply his skill as an artist in elaboration and adornment to Admiral Gleaves' official report of the U-boat attacks this correspondent sent a second dispatch to the Associated Press on July 5 in which he brazenly said that "there was no submarine attack whatever, no torpedoes were seen, and there was no gunfiring at submarines from our destroyers."
>
> This mystery should be cleared up. We should suppose the Associated Press would be required by its members to undertake an investigation to determine just where its correspondent was during this "heavy gunfire" and why he failed to report the battle which so thrilled the soul of the chairman of the committee on public information.
>
> Was there a fight? Were there two fights or more than two? The American people do not know. They want very much to know.
>
> There is need for more investigations than one.
>
> It is manifestly the duty of Congress to inquire into the manner in which Mr. George Creel exercised his art upon the official dispatches received by the Secretary of the Navy and what basis there was for the "appropriate announcement on the eve of the Fourth of July," which was issued on the Secretary's authority.

Mr. President, knowing full well the inveterate tendency of the press to print war news with artistic embellishments and to take the slightest excuse of gunfire at a piece of wreckage of flotsam on the surface of the ocean as the destruction of a periscope, I am curious to know how the American correspondent lost his inborn enterprise and failed to report this battle or whether the battle was an hallucination of the Secretary of the Navy and the chairman of the committee on public information. Therefore, Mr. President, I have prepared a resolution, which is short, and as I have hastily written it in my own hand I will not tax the ingenuity of the Secretary to read it, but will read it myself. It is as follows:

Senate resolution 101.

Resolved, That the Secretary of the Navy is directed to send to the Senate copies of official dispatches, including the report of Admiral Gleaves, relating to the alleged encounter of the American fleet with submarines, as described in a statement issued under the authority of Mr. George Creel, chairman of the Committee on Public Information; and he is further directed to furnish the Senate with the names of all persons employed by such Committee on Public Information, and the salaries received by them, and the character of the duties performed by each, together with a full statement of the rules regulating press censorship, and the reason for the frequent changes in the same, especially concerning cable messages.

I ask that the resolution go over and be printed, and I wish to give notice that to-morrow, should there be a morning hour, I shall ask for its consideration.

The VICE PRESIDENT. The resolution will lie over and be printed.

NATIONAL PROHIBITION.

Mr. CURTIS. Mr. President, I ask unanimous consent for the present consideration of Calendar No. 61, being the joint resolution (S. J. Res. 17) proposing an amendment to the Constitution of the United States. I do this because within the last few days in debate Senators have announced that they would like to have this question settled, and the best way to settle it is to submit this amendment to the States. I believe the mind of every Member of the Senate is made up upon it, and I think all will be glad to vote on the question.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. PENROSE. What is the proposed amendment to the Constitution?

The VICE PRESIDENT. The Secretary will read the joint resolution.

The Secretary read the joint resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution be, and hereby is, proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several States as provided by the Constitution:

"ARTICLE —.

"SECTION 1. The manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, and the exportation thereof from, the United States and all territory subject to the jurisdiction thereof for beverage purposes are hereby prohibited.

"SEC. 2. The Congress shall have power to enforce this article by appropriate legislation, and nothing in this article shall deprive the several States of their power to enact and enforce laws prohibiting the traffic in intoxicating liquors."

Mr. PENROSE. I object to the present consideration of the joint resolution.

The VICE PRESIDENT. Objection is made. Are there further concurrent or other resolutions? If not, morning business is closed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President

had, on July 9, 1917, approved and signed the following joint resolution:

S. J. Res. 67. Joint resolution to fix the status and rights of officers of the Public Health Service when serving with the Coast Guard, the Army, or the Navy.

PROTECTION OF MIGRATORY BIRDS.

Mr. SMITH of Arizona. Mr. President, I move that the Senate proceed to the consideration of Senate bill 1553, to give effect to the convention between the United States and Great Britain for the protection of migratory birds concluded at Washington, August 16, 1916, and for other purposes.

The VICE PRESIDENT. The Senator from Arizona moves that the Senate proceed to the consideration of Senate bill 1553. All in favor of the motion will say "aye."

Mr. CHAMBERLAIN. Mr. President——

The VICE PRESIDENT. Those opposed will say "no."

Mr. CHAMBERLAIN. Mr. President, I desire to be heard.

The VICE PRESIDENT. The Senator can not be heard on a motion of this kind.

Mr. CHAMBERLAIN. Can I not offer a substitute for it?

The VICE PRESIDENT. No; the Senator can not offer a substitute for it. The Chair was proceeding in order. All in favor of the motion of the Senator from Arizona will say "aye." [A pause.] Those opposed will say "no." [A pause.] The Chair can not decide.

Mr. SMITH of Arizona. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FRELINGHUYSEN (when Mr. HUGHES's name was called). I announce the absence of my colleague, the senior Senator from New Jersey [Mr. HUGHES], on account of illness. I ask that this announcement may stand for the day.

Mr. ROBINSON (when Mr. KIRBY's name was called). I announce the unavoidable absence of my colleague, the junior Senator from Arkansas [Mr. KIRBY]. I ask that this announcement may stand for the day.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Arkansas [Mr. KIRBY] and vote "yea."

The roll call was concluded.

Mr. FLETCHER. I have a general pair with the Senator from New Hampshire [Mr. GALLINGER], which I transfer to the Senator from New Jersey [Mr. HUGHES] and vote "yea."

Mr. WATSON (after having voted in the affirmative). I have a general pair with the junior Senator from Delaware [Mr. WOLCOTT]. In his absence I withdraw my vote.

Mr. DILLINGHAM. I have a general pair with the senior Senator from Maryland [Mr. SMITH], who is absent. I therefore withhold my vote.

Mr. FERNALD. I have a pair with the junior Senator from New York [Mr. CALDER], but I understand that on this matter he would vote as I do. I vote "yea."

Mr. McCUMBER (after having voted in the affirmative). I observe that my pair, the senior Senator from Colorado [Mr. THOMAS], is absent. I therefore withdraw my vote.

Mr. SHAFROTH. I desire to announce that my colleague, the senior Senator from Colorado [Mr. THOMAS], is absent on account of illness.

Mr. OVERMAN (after having voted in the negative). I wish to inquire if the senior Senator from Wyoming [Mr. WARREN] has voted?

The VICE PRESIDENT. He has not.

Mr. OVERMAN. Having a general pair with him, I withdraw my vote.

Mr. BECKHAM (after having voted in the affirmative). As the junior Senator from West Virginia [Mr. SUTHERLAND] has not voted, and I have a general pair with him, I transfer that pair to the senior Senator from California [Mr. PHELAN] and will let my vote stand.

Mr. JAMES (after having voted in the affirmative). I observe that the junior Senator from Massachusetts [Mr. WEEKS], with whom I have a pair, has not voted. I transfer my pair with him to the junior Senator from Louisiana [Mr. BROUSSARD] and will allow my vote to stand.

Mr. CHAMBERLAIN (after having voted in the negative). I have a pair with the junior Senator from Pennsylvania [Mr. KNOX]. In his absence I transfer that pair to the junior Senator from New Hampshire [Mr. HOLLIS] and will let my vote stand.

Mr. CURTIS. I desire to announce that the Senator from Rhode Island [Mr. COLT] is paired with the Senator from Delaware [Mr. SAULSBURY].

Mr. ROBINSON. I desire to announce that the Senator from Delaware [Mr. SAULSBURY] is detained from the Senate on important business.

Mr. CHAMBERLAIN. I have been requested to announce that the Senator from Mississippi [Mr. VARDAMAN] is detained from the Senate on official business. He is paired with the Senator from Idaho [Mr. BRADY].

The result was announced—yeas 40, nays 25, as follows:

YEAS—40.

Ashurst	Hitchcock	New	Smith, Ariz.
Bankhead	Husting	Norris	Smith, Mich.
Beckham	James	Page	Smith, S. C.
Borah	Kendrick	Penrose	Sterling
Fernald	Lewis	Pittman	Swanson
Fletcher	Lodge	Poindexter	Thompson
France	McKellar	Ransdell	Tillman
Frelinghuysen	McLean	Robinson	Townsend
Gerry	Myers	Shafroth	Underwood
Harding	Nelson	Shields	Wadsworth

NAYS—25.

Chamberlain	Johnson, S. Dak.	McNary	Smith, Ga.
Culberson	Jones, N. Mex.	Martin	Smoot
Curtis	Jones, Wash.	Pomerene	Trammell
Gore	Kellogg	Reed	Walsh
Gronna	Kenyon	Sheppard	
Hardwick	King	Sherman	
Johnson, Cal.	La Follette	Simmons	

NOT VOTING—31.

Brady	Gallinger	Newlands	Thomas
Brandegee	Goff	Overman	Vardaman
Broussard	Hale	Owen	Warren
Calder	Hollis	Phelan	Watson
Colt	Hughes	Saulsbury	Weeks
Cummins	Kirby	Smith, Md.	Williams
Dillingham	Knox	Stone	Wolcott
Fall	McCumber	Sutherland	

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1553) to give effect to the convention between the United States and Great Britain for the protection of migratory birds concluded at Washington, August 16, 1916, and for other purposes.

The VICE PRESIDENT. The pending amendment is the amendment offered by the Senator from Idaho [Mr. BORAH] on page 3, lines 15, 16, and 17, which will be stated.

The SECRETARY. On lines 15, 16, and 17, of page 3, the Senator from Idaho proposes the following amendment:

On line 15, strike out the word "without" and insert the word "upon."

After the word "warrant," insert the words "duly issued."

On line 16, strike out the words "other than" and insert a comma and the word "including."

On lines 16 and 17, strike out "and, with warrant, to search any dwelling."

So that if amended the sentence will read:

Any such employees shall have authority, upon warrant duly issued, to search any place, including a dwelling, if he shall have reason to suspect that there is concealed therein any bird—

And so forth.

Mr. GRONNA. Mr. President, I voted in the negative on this question, not because I have any particular objection to this bill, but the unfinished business of the Senate is the food-control bill and I believe it is more important to take up that bill during the morning hour than to take up this bill. I am quite sure that this bill will at least occupy the morning hour, because I understand there is considerable opposition to it, and for that reason I opposed taking it up at this time.

Mr. SMITH of Arizona obtained the floor.

Mr. McLEAN. Mr. President, will the Senator yield to me for a moment?

Mr. SMITH of Arizona. Certainly.

Mr. McLEAN. I understand that the amendment that has just been stated by the Secretary is the amendment proposed by the Senator from Idaho [Mr. BORAH].

The VICE PRESIDENT. It is.

Mr. McLEAN. I will say that after consultation with the Senator from Idaho the other day we agreed upon an amendment, which I think the chairman of the committee has in his possession. The Senator from Idaho is not present, but he told me that if the amendment which the chairman of the committee had should be offered he would accept it as a substitute for his amendment.

Mr. BORAH entered the Chamber.

Mr. SMITH of Arizona. Mr. President, carrying out the purpose of the Senator from Idaho in his proposed amendment, and to meet the very reasonable objection of the Senator from Missouri [Mr. REED] as to the issuance of warrant before arrest in these cases, I wish to propose the following amendment as a substitute for the amendment of the Senator from Idaho, or if he will withdraw his amendment I will then offer this one.

On line 14, page 3, after the words "United States," insert:

That any warrant necessary for the enforcement of the provisions of this act or any regulation made thereunder shall be issued by the several judges of the courts established under the laws of the United States and the United States commissioners, within their respective jurisdictions, upon proper oath or affirmation showing probable cause for the issuance of such warrant.

Mr. BORAH. Mr. President, as I understand this amendment, it strikes out all after the words "United States," in line 14, on page 3, down to the word "All," the last word on that page, on line 25, and inserts in lieu thereof: "That any warrant necessary for the enforcement of the provisions of this act or any regulation made thereunder shall be issued by the several judges of the courts established under the laws of the United States and the United States commissioners within their respective jurisdictions upon proper oath or affirmation, showing probable cause for the issuance of such warrant."

That is to take the place of the clause which reads as follows:

Any such employees shall have authority, without warrant, to search any place other than a dwelling, and, with warrant to search any dwelling, if he shall have reason to suspect that there is concealed therein any bird, or any part, nest, or egg thereof, which has been captured, killed, taken, shipped, transported, or carried, or which is possessed contrary to the provisions of this act or of any regulation made pursuant thereto. The several judges of the courts established under the laws of the United States and United States commissioners may within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

I have no objection to that amendment taking the place of that provision.

The VICE PRESIDENT. Does the Chair understand that the Senator from Idaho withdraws his amendment?

Mr. BORAH. Yes; I withdraw the amendment.

Mr. REED. Mr. President, the form of the amendment as offered by the Senator does not embrace a proposition to strike out the words beginning with "Any," on line 14, does it?

Mr. SMITH of Arizona. Yes; my motion is to strike out all that section and to insert.

Mr. REED. I did not understand it that way. I should like to have the Secretary state just the form in which the amendment is offered.

The SECRETARY. Beginning on page 3, line 14, after the words "United States," it is proposed to strike out all of the bill down to and including the words "in all such cases," on line 25, page 3, and to insert in lieu thereof the matter already read.

Mr. REED. That certainly improves the bill.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Arizona.

The amendment was agreed to.

Mr. REED. Mr. President, I hope the Senator from Arizona will not try to force this bill through in the morning hour. We have the food-control bill here and the attention of the Senate is riveted upon it. There can be no proper attention given to this bill at this time. If it is going to be forced through Congress I want an opportunity to offer amendments to it, and I am not prepared to do that this morning. There are a great many things that I want to submit. For instance, section 3 undertakes to confer upon the Secretary of Agriculture authority from time to time to make regulations governing the time when game may be killed.

Mr. President, I am opposed not only now in reference to this bill, but I am opposed as a general proposition to conferring power of that kind upon an agent of the Government. The attempt at the enforcement of the present alleged law by the Secretary of Agriculture furnishes a very good illustration of the objections to which this class of legislation is subject.

To begin with, of course the Secretary of Agriculture does not himself know anything about what is going on, what the rules and regulations are with reference to matters of this kind. He probably is as ignorant of them at the present hour as almost any man in the Senate may be, and that is a somewhat extreme degree of ignorance in reference to regulations of that department.

A little examination by the Committee on Agriculture with reference to the method of enforcing the present game law develops the fact that the Secretary of Agriculture has turned this important matter over to a department head. I have forgotten what the name of that department is. That gentleman knew that he did not know anything about the climate or habitat of birds or when they should be taken or when they should not be taken. So he proceeded to organize an advisory board composed of men not in any way connected with the Government. Most of those gentlemen live in New York. Some of the gentlemen who live in New York had probably been out West and some of them probably have not been out West. This board of private citizens, some of whom had axes to grind, proceeded to make the rules and to specify when the citizens of States of the Union might or might not take game. They made their own arbitrary zone. They undertook to say that it would be a jail offense or a finable offense if a citizen of a State would shoot birds upon the north side of a certain line, an imaginary line drawn on a map, or an imaginary map, on a given day, and that it would be perfectly legitimate to shoot the same birds on the south side of that line on the same day. These regulations made by private parties were O. K'd by the Secretary of Agriculture and it was undertaken to set them up as the law of the land.

Now, this bill contains the same vice. It will be enforced, I take it, in the same way. Section 3 proposes to turn these powers over to the Secretary of Agriculture for the creation of zones, to tell white men when and where they can hunt, to make it a crime for a man to shoot game on his own farm or to make it perfectly legal to shoot it on his own farm; according to the sweet will of some gentlemen in New York who are not even connected with the Government, but whose ruling is accepted by the Secretary of Agriculture.

When a Secretary of Agriculture does a thing of that kind I have no hesitancy in saying that he is doing a thing that is utterly indefensible, and that the Secretary of Agriculture who does do it ought to be driven from office. And yet it was done. The discretion thus put in the Secretary of Agriculture, which we undertook to vest in him, was turned over for all practical purposes to private citizens, most of whom reside in New York. That does not make any difference to the Senate. The Senate will vote this power perhaps, but not this morning.

I ask that the bill be laid aside, and that we go on with the regular business of the Senate. You are not going to gain any time; you are going to waste an hour.

I move that the Senate proceed to the consideration of the food-control bill.

The PRESIDING OFFICER (Mr. POMERENE in the chair). It is moved that the Senate proceed to the consideration of the unfinished business, which is House bill 4961.

Mr. McLEAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	New	Smith, Ariz.
Bankhead	Husting	Newlands	Smith, Ga.
Beckham	James	Norris	Smith, S. C.
Brandegee	Johnson, S. Dak.	Overman	Smoot
Chamberlain	Jones, N. Mex.	Page	Sterling
Curtis	Jones, Wash.	Pittman	Swanson
Dillingham	Kenyon	Poindexter	Thompson
Fernald	King	Pomerene	Underwood
France	Lewis	Reed	Wadsworth
Frelinghuysen	Lodge	Robinson	Warren
Gerry	McCumber	Shafroth	Watson
Gronna	McKellar	Sheppard	Williams
Hale	McLean	Sherman	
Harding	McNary	Shields	
Hardwick	Martin	Simmons	

Mr. CHAMBERLAIN. I have been requested to announce that the Senator from Mississippi [Mr. VARDAMAN] is detained from the Senate on official business. He is paired with the Senator from Idaho [Mr. BRADY].

The PRESIDING OFFICER (Mr. KING in the chair). Fifty-seven Senators having answered to their names, the Chair announces that a quorum is present. The question recurs on the motion of the Senator from Missouri [Mr. REED] to proceed to the consideration of House bill 4961.

Mr. CHAMBERLAIN. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). Because of my general pair with the senior Senator from Maryland [Mr. SMITH], who is absent, I withhold my vote.

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from West Virginia [Mr. GOFF], which I transfer to the Senator from Arkansas [Mr. KIRBY] and vote "nay."

Mr. SHAFROTH (when the name of Mr. THOMAS was called). I desire to announce the unavoidable absence of my colleague [Mr. THOMAS] on account of illness, and will state that he is paired with the senior Senator from North Dakota [Mr. McCUMBER].

The roll call was concluded.

Mr. CURTIS (after having voted in the affirmative). I am paired with the junior Senator from Georgia [Mr. HARDWICK], and in his absence I withdraw my vote.

Mr. BECKHAM. I transfer my pair with the Senator from West Virginia [Mr. SUTHERLAND] to the senior Senator from California [Mr. PHELAN] and vote "nay."

Mr. CHAMBERLAIN (after having voted in the affirmative). Again announcing the transfer of my pair, I desire to have my vote stand.

Mr. GERRY. I have a general pair with the Senator from New York [Mr. CALDER]. I transfer that pair to the Senator from Oklahoma [Mr. OWEN] and vote "yea."

Mr. HUSTING. I wish to announce the absence of the senior Senator from Kentucky [Mr. JAMES], and to state that he is paired with the Senator from Massachusetts [Mr. WEEKS].

Mr. BRADY. I desire to inquire if the junior Senator from Mississippi [Mr. VARDAMAN] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. BRADY. I have a pair with the junior Senator from Mississippi. I do not see him in the Chamber, and I therefore withhold my vote.

Mr. SIMMONS (after having voted in the affirmative). I inquire whether the junior Senator from Minnesota [Mr. KELLOGG] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. SIMMONS. I have a pair with that Senator, but I transfer that pair to the Senator from Missouri [Mr. STONE] and will change my vote from "yea" to "nay."

Mr. CHAMBERLAIN. I have been requested to announce that the Senator from Mississippi [Mr. VARDAMAN] is detained from the Senate on official business. He is paired with the Senator from Idaho [Mr. BRADY].

Mr. REED. What is the result of the vote, Mr. President?

The PRESIDING OFFICER. On the motion of the Senator from Missouri to proceed to the consideration of the food-control bill the yeas are 22 and the nays are 32.

The roll call resulted—yeas 22, nays 32, as follows:

YEAS—22.

Chamberlain	Kenyon	Overman	Swanson
Gerry	King	Pittman	Thompson
Gronna	La Follette	Reed	Warren
Johnson, S. Dak.	McNary	Robinson	Williams
Jones, Wash.	Martin	Sheppard	
Kendrick	Norris	Smith, Ga.	

NAYS—32.

Ashurst	Harding	New	Smith, Ariz.
Beckham	Hitchcock	Page	Smith, Mich.
Brandegee	Husting	Penrose	Smith, S. C.
Broussard	Jones, N. Mex.	Poindexter	Sterling
Fernald	Lewis	Ransdell	Tillman
France	Lodge	Shafroth	Townsend
Frelinghuysen	McKellar	Shields	Wadsworth
Hale	McLean	Simmons	Watson

NOT VOTING—42.

Bankhead	Gallinger	McCumber	Stone
Borah	Goff	Myers	Sutherland
Brady	Gore	Nelson	Thomas
Calder	Hardwick	Newlands	Trammell
Colt	Hollis	Owen	Underwood
Culberson	Hughes	Phelan	Vardaman
Cummins	James	Pomerene	Walsh
Curtis	Johnson, Cal.	Saulsbury	Weeks
Dillingham	Kellogg	Sherman	Wolcott
Fall	Kirby	Smith, Md.	
Fletcher	Knox	Smoot	

So Mr. REED's motion was rejected.

The PRESIDING OFFICER. The bill is before the Senate, as in Committee of the Whole, and open to amendment.

Mr. REED. Mr. President, I desire to call the attention of the Senate to an article appearing in one of the morning papers of date of July 7, under the date line "Fort Sheridan, Ill., July 7," as follows:

Julius Rosenwald, of the National Council of Defense, yesterday told men in training here for Army commissions that the council's purchasing committee would go right ahead awarding contracts, despite the attitude of Congress. He said Congress possibly was jealous of the committee's powers and had attempted to legislate it out of existence.

"Congress," continued Mr. Rosenwald, "apparently is working on the theory that nobody is honest except its own Members, especially business men who have something to sell. We will go right ahead awarding contracts until the council is legislated out of existence or the President changes the personnel of the committee."

The Senate will remember the article that was placed in the RECORD a few days ago, in which Mr. Rosenwald was quoted as declaring, in substance and effect, that the Members of Congress were a lot of foolish people, whose opinions were not entitled to very much consideration. That, of course, was not Mr. Rosenwald's exact language, but I think it is rather a mild statement of his views. Now comes this further statement, at least according to the newspaper account; and as this account is not said to have been censored, it is entitled to the ordinary degree of credence.

It appears that Mr. Rosenwald's further opinion of Congress is as stated in the interview, and that the commission proposes to go straight ahead to do exactly as it pleases, disregarding the attitude of Congress. This man, who has been recognized by some sort of an appointment for a few days, now tells the country that Congress is possibly jealous of the committee's power.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Tennessee?

Mr. REED. I do.

Mr. SHIELDS. I will say to the Senator from Missouri that it seems to me it might be of interest to the gentleman who gave out the interview to the effect that he would proceed regardless of the criticisms of Congress to read section 1783 of the Revised Statutes, an act passed in 1863, during the Civil War. I have not investigated the CONGRESSIONAL RECORD at that time to see whether the passage of that act was brought about by any scandal or speculating at the expense of the Government or not, but it is pertinent that it was enacted during the Civil War at the time when things of this kind might have prevailed. I will ask that the section be read by the Secretary.

Mr. REED. I thank the Senator from Tennessee. I have some other authorities, including that one, which I have just sent for, but I am glad to have the Senator call attention to that section of the statutes, and I ask that it be read. Before it is read, however, I call the attention of the Senators who are present, as indeed the Senator from Tennessee has already called their attention, to the fact that it has been found advisable in the past, in other wars, to pass some laws relating to Army contractors. I shall have something more to say when the section is read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

[Rev. Stat., 2d ed., 1878, p. 316, Mar. 2, 1863, chap. 67, sec. 5, vol. 12, p. 698.]

SEC. 1783. No officer or agent of any banking or other commercial corporation, and no member of any trading firm, or person directly or indirectly interested in the pecuniary profits or contracts of any such corporation or firm, shall be employed or shall act as an officer or agent of the United States for the transaction of business with such corporation or firm; and every such officer, agent, or member or person so interested who so acts shall be imprisoned not more than two years and fined not more than $2,000 nor less than $500.

Mr. KENYON. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Iowa?

Mr. REED. I do.

Mr. KENYON. I should like to ask the Senator if in the interview Mr. Rosenwald says they are going ahead making these contracts?

Mr. REED. What part of the article is interview and what part of it is the comment of the newspaper man—that is, as to what part Mr. Rosenwald is quoted accurately or absolutely on and what is the newspaper man's inference—I am unable to say, but the article reads:

Julius Rosenwald, of the National Council of Defense, yesterday told men in training here—

That is, at Fort Sheridan, Ill.—

for Army commissions that the council's purchasing committee would go right ahead awarding contracts despite the attitude of Congress.

Mr. KENYON. Right there, does the Senator understand that this advisory commission makes contracts in any way? I do not know. It has been stated here upon the floor that they do nothing but advise; and I wondered where the gentleman assumed to get the authority to make these contracts.

Mr. REED. I think they do make contracts, to all intents and purposes. I suppose that the contracts are, in fact, signed by some officer of the Government other than them. I think that men like Mr. Rosenwald and the men occupying a position similar to his are, in fact, officers of the Government. Let me call the attention of the Senate to the language of the act:

SEC. 2. That a Council of National Defense is hereby established for the coordination of industries and resources for the national security and welfare, to consist of the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor.

That the Council of National Defense shall nominate to the President, and the President shall appoint, an advisory commission, consisting of not more than seven persons, each of whom shall have special knowledge of some industry, public utility, or the development of some natural resource, or be otherwise specially qualified, in the opinion of the council, for the performance of the duties hereinafter provided. The members of the advisory commission shall serve without compensation but shall be allowed actual expenses of travel and subsistence when attending meetings of the commission or engaged in investigations pertaining to its activities. The advisory commission shall hold such meetings as shall be called by the council or be provided by the rules and regulations adopted by the council for the conduct of its work.

That creates a Council of National Defense and then gives authority to appoint an advisory commission, the members of which are to be appointed by the President upon the recommendation of the Council of National Defense. I think that makes them officers of the Government.

The law continues—

That it shall be the duty of the Council of National Defense to supervise and direct investigations and make recommendations to the President and the heads of executive departments as to the location of railroads with reference to the frontier of the United States so as to render possible expeditious concentration of troops and supplies to points of

defense; the coordination of military, industrial, and commercial purposes in the location of extensive highways and branch lines of railroad; the utilization of waterways; the mobilization of military and naval resources for defense; the increase of domestic production of articles and materials essential to the support of armies and of the people during the interruption of foreign commerce; the development of seagoing transportation; data as to amounts, location, method and means of production, and availability of military supplies; the giving of information to producers and manufacturers as to the class of supplies needed by the military and other services of the Government, the requirements relating thereto, and the creation of relations which will render possible in time of need the immediate concentration and utilization of the resources of the Nation.

That the Council of National Defense shall adopt rules and regulations for the conduct of its work, which rules and regulations shall be subject to the approval of the President, and shall provide for the work of the advisory commission to the end that the special knowledge of such commission may be developed by suitable investigation, research, and inquiry and made available in conference and report for the use of the council; and the council may organize subordinate bodies for its assistance in special investigations, either by the employment of experts or by the creation of committees of specially qualified persons to serve without compensation, but to direct the investigations of experts so employed.

So now you have this situation—the Council of National Defense, the advisory commission of the Council of National Defense, and then subcommittees created by the Council of National Defense, subordinate bodies. That gives to these gentlemen an official character. While they are given very considerable powers it will be noticed that they are nowhere given power here to make contracts. If they were given power to make contracts, a different proposition would be presented. Now, if they assume to enter upon that duty while holding these official positions, acting either as the official representatives of their corporations or as the representatives of the Government while holding these official positions, I claim that they come within the provisions of this act to which the Senator from Tennessee [Mr. SHIELDS] has already called attention; and I want to read it now in connection with what I have just said:

No officer or agent of any banking or other commercial corporation, and no member of any mercantile or trading firm, or person directly or indirectly interested in the pecuniary profits or contracts of such corporation or firm shall be employed or shall act as an officer or agent of the United States for the transaction of business with such corporation or firm; and every such officer, agent, or member, or person so interested who so acts shall be imprisoned not more than two years, and fined not more than $2,000 nor less than $500.

Now, how can it be said that these gentlemen are not acting when they meet and advise that a certain contract should be made, and that that contract should be made with a concern in which they are pecuniarily interested? I commend to the gentlemen engaged in the making of this contract an examination of this statute.

Mr. SMITH of Arizona. Mr. President, will the Senator yield to me?

Mr. REED. I yield.

Mr. SMITH of Arizona. As the time is getting short, I was wondering to what particular section of the migratory-bird bill the argument of the Senator is now being applied..

Mr. REED. I think I shall be able to apply it. It is another illustration of loose legislation and loose delegation of power.

Recently we undertook to allow the creation of a large number of boards without any supervision of those boards by the Congress of the United States, and immediately we find that a lot of gentlemen are willing to assert their right to make contracts with themselves for their own enrichment; and now comes the distinguished Senator from Arizona with a bill in which he proposes to give the Secretary of Agriculture the right not only to name all the agents for the enforcement of the law, but to divide the United States of America into zones or districts, and to say that it shall be a crime punishable by fine and imprisonment to do a certain thing in one of those zones upon a certain day, but that it shall be perfectly legitimate to do the same thing in the adjoining zone on the same day. You undertake to confer upon the Secretary of Agriculture the authority to say that west of the Missouri-Kansas line it shall be unlawful to shoot ducks on the 1st day of June, but that upon the east side of that line it shall be lawful to shoot ducks upon the 1st day of June. You undertake to confer upon a man this discretion which ought to be exercised by the law-making authority, and then that individual proceeds to organize an advisory council. It was out of the consideration of that proposed advisory council which he organizes that my thought naturally drifted to the Advisory Commission which has been created down here, and which consists of the men who are making contracts with themselves. This advisory council is to consist of a lot of interested gentlemen, a number of whom are interested in powder factories and in the making of shotguns that are sold to the sportsmen of this country; and these institutions are financing this propaganda that has manifested itself in so many letters and telegrams to Members of Congress. I think if you will investigate you will find that the arms companies of this country have a good deal more interest in this legislation than almost any other class of people; and I am opposed to any more legislation that will confer upon any officer of this Government the power and authority that ought to be exercised by the law-making body itself.

Of course everybody respects Secretary Houston. I do not know whether or not he ever shot a bird in his life. I do not know whether he ever went hunting in his life. He might be like a certain Secretary of War I once heard of, who admitted that he never had fired a gun in his life. But Secretary Houston does not do this work. He does not create these zones. He turns it over to subordinates. The man who has had the creation of the zones under the present national game law is in one of the departments. I have forgotten what that department is. That individual knew that he did not know how to make these zones; he knew that he was ignorant as to the habits of birds and as to their seasons; so, as I said a little while ago, he got some gentlemen to act as an advisory committee. It is the parallel between that advisory committee, which is made up of interested parties, at least in part, and the Advisory Commission which has been created under the bill which we passed here on August 29, 1916, that caused my mind to revert to Mr. Rosenwald, and hence I put in Mr. Rosenwald's most recent statement.

I say to the Senator that I do not think this legislation ought to be forced upon Congress when it is well known that the proposition as to the Government's jurisdiction is involved in a case now pending in the Supreme Court of the United States. If that decision sustains the decision of the district court of Arkansas—a decision which was concurred in by two other Federal judges, not in the same case, but the same principle being cited—then this statute which the Senator from Arizona has brought forward would be clearly illegal in some of its parts, though it might be legal in some other parts. I can not understand why the proponents of this legislation are not willing to wait until the Supreme Court of the United States has determined the question. If the Supreme Court of the United States reverses all the decisions that have ever been rendered and the law as it has been written in the text books and in the decisions and holds that game is not the property of the States, but that it is the property of the Nation—if that sort of decision is rendered by the Supreme Court, then, Mr. President, my contest is ended. You can go on and pass any kind of law that you want to pass, and I shall have nothing further to say. But why, pending the decision of that case, should this impatient and determined effort be made to pass laws that may be wiped out when that decision is rendered?

Mr. SMITH of Arizona. Mr. President, if the Senator will yield to me for the balance of the time, I shall not press the bill further after concluding what I have to say on it, unless the Senator merely wishes to keep the floor.

Mr. REED. I shall be glad to yield to the Senator with that understanding.

Mr. SMITH of Arizona. Mr. President, in the brief time between now and the closing of the morning hour I shall not attempt to go into the defense of any assault that has been made on the bill, especially in the last half or quarter of an hour of my friend's argument. As the RECORD will show, it is extremely embarrassing for me, coming to defend this bill, to find myself carried so far to sea that it would be an easy matter to submarine one long before he got halfway home.

This is a bill of an importance that the Senator from Missouri has failed to see, in my judgment. We have made a treaty with Canada about this game law. I have before me a telegram from Ottawa, Ontario, dated June 19, from C. Gordon Hewitt to Mr. Nelson, of the Biological Survey of the Department of Agriculture, in this city:

Answering your telegram, we expect our migratory-birds convention act will be passed during the present session of Parliament. Everything will be done to expedite its enactment, notwithstanding the fact that the Government and Parliament have war measures of grave importance under consideration. Please advise what progress your enabling act is making.

C. GORDON HEWITT.

In response to one or two things, where the Senator from Missouri touched the outskirts of the bill, I should like to have read at the desk resolutions adopted by the National Association of Game and Fish Commissioners. This is not the Secretary of Agriculture; it is a national association of those people engaged in the laudable purpose of preserving the life of the fast-disappearing migratory birds, whose life is so essential not only to the growth of the crops and the life of the trees but in many other respects easily to be set forth whenever the matter is before the Senate for actual discussion.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

NATIONAL ASSOCIATION OF GAME AND FISH COMMISSIONERS.

At a meeting of the executive committee of the National Association of Game and Fish Commissioners, held at Washington, D. C., on the 13th day of June, 1917—present M. L. Alexander, Carlos Avery, John P. Woods, J. Quincy Ward, George H. Graham, and W. E. Barber—the following resolution was unanimous adopted:

"Whereas there is pending in Congress a bill (S. 1553; H. R. 2612) to give effect to the migratory-bird treaty between the United States and Great Britain for the protection of migratory game and insectivorious birds in the United States and Canada; and

"Whereas the conservation and protection of the migratory insectivorous birds is so closely related to the conservation of the food, cotton, and timber crops of the country, and the migratory game birds constitute an important source of the food supply, the conservation of which is so necessary to the success of the United States and her allies in the war upon which we are now engaged: Therefore be it

"Resolved, It is the sense of the executive committee of the National Association of Game and Fish Commissioners that the said bill is, and should be, considered as an important war measure, and we respectfully recommend the immediate passage of said bill by Congress as one of the most effective means of conserving the resources so necessary for the welfare of the country; and be it

"Resolved further, That a copy of these resolutions be forwarded to the President of the United States, to each Member in Congress, and to the Secretary of Agriculture."

M. L. ALEXANDER, *President.*
CARLOS AVERY, *Secretary.*
JNO. P. WOODS, *Treasurer.*
W. E. BARBER.
J. QUINCY WARD.
GEO. H. GRAHAM.

Mr. SMITH of Arizona. Mr. President, I have put that in the RECORD for two purposes: First, to show that it is not a mere effort of the Agricultural Department to assume extraordinary powers, but a concerted effort of those men who know the importance of this legislation, who are not exactly like our friend of other years, that friend of the world, Frederick the Great. We are informed by history that this worthy, in a fit of passion, because a flock of sparrows had pecked at some of his cherries, ordered every small bird that could be searched out to be instantly killed. Within two years his cherry trees, though bare of fruit, were weighted down with a splendid crop of caterpillars.

Any man that will take the history of the insectivorous birds and the amount of destruction they do to the ruinous insect life feeding on the plants and trees of this country, it seems to me, would stop any opposition to this bill. Nobody is trying to do anything here except to keep pothunters from killing game out of season, ruining the eggs of nesting birds, and ruining the country by it. Enough birds will keep every insect off of every tree in America, and if you will quit shooting them they will do it.

Now, Mr. President, the hour of 2 o'clock having about arrived, and inasmuch as I have taken this opportunity to say all I shall say now or hereafter in any proceedings on the bill, I submit for what it is worth for the consideration of my colleagues here as an addendum an argument made before the Supreme Court of the United States in the case of the United States, plaintiff in error, against Harvey C. Shauver, the case to which the Senator referred. The brief of the appellant in that case sets forth the historical facts to which I have alluded.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

STATEMENT OF CASE.

This is a criminal proceeding against Harvey C. Shauver upon an indictment alleging the unlawful killing of "three coots, genus Rallidæ, the same being migratory birds," in violation of the so-called migratory bird law approved March 4, 1913 (c. 145, 37 Stat., 828, 847).

Defendant filed a demurrer to the indictment averring the act to be invalid because unauthorized by the Federal Constitution. Upon the hearing the demurrer was sustained and the indictment quashed. (Record, p. 6; 214 Fed., 154.) Motion for rehearing was duly filed, and, after being entertained by the court, denied. (Record, p. 13; 214 Fed., 154, 160.)

The case comes to this court from the district court of the United States for the eastern district of Arkansas by writ of error in accordance with the criminal appeals act of March 2, 1907 (c. 2564, 34 Stat., 1246).

The material portions of the migratory bird law are as follows:

"All wild geese, wild swans, brant, wild ducks, snipe, plover, woodcock, rail, wild pigeons, and all other migratory game and insectivorous birds which in their northern and southern migrations pass through or do not remain permanently the entire year within the borders of any State or Territory, shall hereafter be deemed to be within the custody and protection of the Government of the United States, and shall not be destroyed or taken contrary to regulations hereinafter provided therefor.

"The Department of Agriculture is hereby authorized and directed to adopt suitable regulations to give effect to the previous paragraph by prescribing and fixing closed seasons, having due regard to the zones of temperature, breeding habits, and times and line of migratory flight, thereby enabling the department to select and designate suitable districts for different portions of the country, and it shall be unlawful to shoot or by any device kill or seize and capture migratory birds within the protection of this law during said closed seasons, and any person who shall violate any of the provisions or regulations of this law for the protection of migratory birds shall be guilty of a misdemeanor and shall be fined not more than $100 or imprisoned not more than 90 days, or both, in the discretion of the court."

Suitable regulations were promulgated by the Department of Agriculture, and the killing of the birds was in violation thereof.

SPECIFICATION OF ERROR.

The assignments of error appear on pages 15 and 16 of the record. They allege that the court erred in holding the law unconstitutional and in dismissing the indictment.

ARGUMENT.

The sole question presented in this case is the constitutionality of the act. The Government maintains that it is authorized by paragraph 2, section 3, Article IV, and paragraph 3, section 8, Article I, of the Constitution.

I. The migratory bird law is authorized by the second paragraph of section 3 of Article IV of the Constitution, which provides: "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

That the ownership of wild game is in the sovereign is a legal principle founded entirely on interpretation given to the common law. In no instance does it rest on any statute or other written declaration of the sovereign.

In this case the question is what sovereign owns the migratory wild life in the United States, whether the Nation as a whole or the several States. On account of the peculiar dual nature of our Government, decisions other than our own are not very helpful in determining conflicts between Federal and State rights and powers. Therefore the decisions of foreign courts will not assist us except in establishing the principle that such ownership is in the sovereign, a conclusion reached by the courts of all nations. (Geer *v.* Connecticut, 161 U. S., 519.)

The question of ownership of wild game has arisen in this country only in cases which did not involve claim of ownership in the United States Government or the distinction between migratory animals and those local to a particular State. In several cases the courts have referred to these questions, but in each instance expressly declined to pass on them, leaving them open for future determination, as was done by this court in the cases of *The Abby Dodge* (223 U. S., 166), and Manchester *v.* Massachusetts (139 U. S., 240).

The question presented in this case, therefore, is an original one involving the nature and source of property rights, and this decision, being the first of its kind, must declare the common law determining such rights, and may do so upon principle, uninfluenced by supposed authority.

"* * * The first statement presents the principle as certainly as the last. Multiplication of declarations merely adds certainty. For, after all, the common law is but the accumulated expressions of the various judicial tribunals in their efforts to ascertain what is right and just." (Kansas *v.* Colorado, 206 U. S., 46, 97.)

The question involved being justiciable and necessarily one of common law, the court in this case must declare "what is right and just" in this particular matter, based upon present-day conditions.

"Constitutional provisions do not change, but their operation extends to new matters as the modes of business and the habits of life of the people vary with each succeeding generation." (In re Debs, 158 U. S., 564, 591.)

Let us then examine this common-law principle of the sovereign's title to animals feræ naturæ and endeavor to apply it to present conditions in the United States, keeping in mind that the people is the sovereign.

Animals feræ naturæ are common property, belonging, by the law of nature, in common to all citizens of the sovereignty. This has been recognized from time immemorial, not only by common-law writers, but also by the civilians.

"Like recognition of the fundamental principle [common ownership] upon which the property in game rests has led to similar history and identical results in the common law of Germany, in the law of Austria, Italy, and, indeed, it may be safely said in the law of all the countries of Europe. (St. Joseph Concordance, vol. 1, p. 68.) The common law of England also based property in game upon the principle of common ownership, and therefore treated it as subject to governmental authority." (Geer *v.* Connecticut, 161 U. S., 519, 526.)

"Thus it appears by the common law that a property in those living creatures which, by reason of their swiftness or fierceness, were not naturally under the power of man, was gained by the mere caption or seizure of them, and that all men had an equal right to hunt and kill them." (Vol. 4, Bacon's Abridgment, title, "Game," p. 435.)

"Whilst the fundamental principles upon which the common property in game rests have undergone no change, the development of free institutions has led to the recognition of the fact that the power or control lodged in the State, resulting from this common ownership, is to be exercised, like all other powers of government, as a trust for the benefit of the people, and not as a prerogative for the advantage of the Government, as distinct from the people, or for the benefit of private individuals as distinguished from the public good. Therefore, for the purpose of exercising this power, the State, as held by this court in Martin *v.* Waddell (16 Pet., 410), represents its people, and the ownership is that of the people in their united sovereignty." (Geer *v.* Connecticut, 161 U. S., 519, 529.)

"Here [in the United States] the sovereign power is in the people, and the principle, founded upon reason and justice, obtains, that by the law of nature every man, of whatever rank or station, has an equal right of taking, for his own use, all creatures fit for food that are wild by nature, so long as he does no injury to another's right." (Sterling *v.* Jackson, 69 Mich., 488.)

The property being common to all citizens, each has the same right to its enjoyment. That this right may be safeguarded and rendered available to all the common law vests the title to animals feræ naturæ in the Government in trust for the people "in order to protect them from undue destruction, so that the right of the common owners, the public, to reduce to possession may be ultimately efficaciously enjoyed." (Ohio Oil Co. *v.* Indiana, 177 U. S., 190, 210.)

The only reason or purpose subserved by so placing the title is that the common property may be protected and controlled. If there is no government which has power to protect, there is no reason for a trustee, and the title, as well as the beneficial ownership, may well rest in the people. The Government's title, therefore, to animals feræ naturæ has its source in and depends upon its ability to protect and control same for the benefit of all. This being true, the common law, in case of conflict, will uphold the title of that Government which has the superior power to protect and control such property for the benefit of its common owners.

Let us apply this principle to our peculiar system of governments within a government.

The State, in contradistinction to the United States, has for the benefit of, and in trust for, its people ownership of all wild animals remaining permanently within its territorial limits. Having entire control over such animals, the State can protect and conserve them by its laws for all of its people. From this power of control and protection the common law, as interpreted by both Federal and State courts, has deduced State ownership of animals feræ naturæ.

In the case of migratory wild life, however, the several States have not such control or power over same as renders possible its protection by the States for the benefit of the people. While such animals are on other territory than their own they have absolutely no power over them and can not enter into treaties with other Governments for their protection, or even make agreements concerning the same among themselves, without consent of Congress. For the greater part of the time a particular State has, therefore, because of express provisions of the Constitution, no power to control or protect migratory wild life. The Federal Government alone can protect and regulate at all times animals feræ naturæ remaining permanently within the limits of the United States, yet migrating over several States, and is also the only Government which can enter into treaties with foreign countries where such animals migrate beyond the limits of the United States. Therefore, by reasoning from this exclusive power analogous to that which vests title to local game in the State, the common law should declare ownership of migratory birds to be in the United States as trustee for all the people.

"* * * There is a domain which the States can not reach and over which Congress alone has power; and if such power be exerted to control what the States can not, it is an argument for, not against, its legality. Its exertion does not encroach upon the jurisdiction of the States." (Hoke *v.* United States, 227 U. S., 308, 321.)

"Our dual form of Government has its perplexities, State and Nation having different spheres of jurisdiction, as we have said, but it must be kept in mind that we are one people; and the powers reserved to the States and those conferred on the Nation are adapted to be exercised, whether independently or concurrently, to promote the general welfare, material and moral." (Hoke *v.* United States, 227 U. S., 308, 322.)

"The genius and character of the whole Government seem to be that its action is to be applied to all the external concerns of the Nation, and to those internal concerns which affect the States generally, but not to those which are completely within a particular State, which do not affect other States, and with which it is not necessary to interfere for the purpose of executing some of the general powers of the Government." (Gibbons *v.* Ogden, 9 Wheat., 1, 195.)

This common law interpretation of property rights fits in with our constitutional system of enumerated powers. When the Constitution of the United States was ratified a new and distinct sovereignty and people were created. This new Government emanated from the people and not from the States as such.

"Its powers are granted by them and are to be exercised directly on them, and for their benefit. * * * It is the Government of all: its powers are delegated by all; it represents all and acts for all." (McCulloch *v.* Maryland, 4 Wheat., 316, 405.)

By ratifying the Constitution the people expressly delegated to the Federal Government the exclusive right to protect wild life by treaties with foreign nations and at the same time withdrew from the States the right, without the consent of Congress, to make among themselves agreements for such purpose, thus vesting in Congress the ultimate control and protection of same. By thus stripping the States of all power to protect migratory wild life for the greater part of the time, and expressly granting such power to the Federal Government, the people, by necessary implication from these express grants and the nature of the property, changed their trustee and vested the title to all migratory animals feræ naturæ in the Federal Government in trust for themselves, the people of the United States and the common owners of such animals.

By analogous reasoning, this court seems to have upheld the constitutionality of a statute enacted for the protection of Indians.

"The power of the General Government over these remnants of a race once powerful, now weak and diminished in numbers, is necessary to their protection, as well as to the safety of those among whom they dwell. It must exist in that Government, because it never has existed anywhere else, because the theater of its exercise is within the geographical limits of the United States, because it has never been denied, and because it alone can enforce its laws on all the tribes." (United States *v.* Kagama, 118 U. S., 375, 384–385.)

The principle announced in the Kagama case has been repeatedly upheld and the above excerpt has been quoted with approval by this court in the following cases: United States *v.* Sandoval (231 U. S., 28, 46); Tiger *v.* Western Investment Co. (221 U. S., 286, 312); Lone Wolf *v.* Hitchcock (187 U. S., 553, 566, 567); Cherokee Nation *v.* Southern Kansas Ry. Co. (135 U. S., 641, 655); United States *v.* Thomas (151 U. S., 577, 586); Stephens *v.* Cherokee Nation (174 U. S., 445, 486).

In this connection see also the opinions in Downes *v.* Bidwell (187 U. S., 244, especially the concurring opinion, p. 287) and Jones *v.* United States (137 U. S., 202).

The total extinction of three species of birds, including the prolific carrier pigeon, which formerly existed in enormous numbers, as well as the appalling decrease in other species, until now only approximately 10 per cent of their previous number exists (Appendix, p. 35), show the impotency of State protection. The following excerpt from a report to the Legislature of Ohio in 1857 shows how incredible to the legislators of that time would have been the prophecy that the last of these "myriads" would die in 1914, caged as a curiosity in a zoological park. Yet such has been the fate of this now extinct bird:

"The passenger pigeon needs no protection. Wonderfully prolific, having the vast forests of the North as its breeding grounds, traveling hundreds of miles in search of food, it is here to-day and elsewhere to-morrow, and no ordinary destruction can lessen them or be missed from the myriads that are yearly produced."

On the other hand, the remarkable increase since the passage of the migratory-bird law, reported by the officials of 40 States of the Union, show the efficiency of Federal protection and control. See Appendix, page 35.

The doctrine that the United States own migratory wild game is not contrary to existing authority. In the cases cited to establish the claim that wild game belongs exclusively to the several States, we find that in each either the animals were local to the particular State, as in the cases involving the taking of oysters and sponges, or the question of their migratory character was not raised.

Furthermore, we find that the decisions of this court have expressly left open the question of ownership and regulation of migratory wild life by the Federal Government.

"Again, in Manchester *v.* Massachusetts (139 U. S., 240), in upholding a statute of the State of Massachusetts regulating the taking of menhaden in Buzzards Bay, the doctrine of the case just cited was expressly reiterated. True, further in that case, probably having in mind the declaration made in the opinion in the McCready case, that fish running within the tidewaters of the several States were subject to State ownership 'so far as they are capable of ownership while so running,' the question was reserved as to whether or not Congress would have the right to control the menhaden fisheries. But here also for the reason that the question arising relates only to sponges growing on the soil covered by water, we are not concerned with the subject of running fish and the extent of State and national power over such subject." (*The Abby Dodge*, 223 U. S., 166, 174–175.)

From the above quotation, in which all of the pertinent decisions of this court were referred to, it will be seen that the court, in their latest expression on the subject, took pains to say that this question had not been decided and would be left open for future determination.

But even had the courts decided that migratory animals were subject to State jurisdiction, nevertheless such decisions would still not be hostile to the present argument. Until the enactment of this law Congress had not assumed control over the subject, and it was therefore entirely within the police power of the several States to pass laws for the protection of wild game until Congress should act.

"* * * But there is no occasion to consider the power of the United States to regulate or control, either by treaty or legislation, the fisheries in these waters, because there are no existing treaties or acts of Congress which relate to the menhaden fisheries within such a bay, * * * and the subject is one which a State may well be permitted to regulate within its territory, in the absence of any regulation by the United States. * * * If it [the Federal Government] does not assert by affirmative legislation its right or will to assume the control of menhaden fisheries in such bays, the right to control such fisheries must remain with the State which contains such bays." (Manchester *v.* Massachusetts, 139 U. S., 240, 264, 265, 266.)

"Aside from the authority of the State, derived from the common ownership of game and the trust for the benefit of its people which the State exercises in relation thereto, there is another view of the power of the State in regard to the property in game, which is equally conclusive. The right to preserve game flows from the undoubted existence in the State of a police power to that end, which may be none the less efficiently called into play, because by doing so interstate commerce may be remotely and indirectly affected. (Kidd *v.* Pearson, 128 U. S., 1; Hall *v.* De Cuir, 95 U. S., 485; Sherlock *v.* Alling, 93 U. S., 99, 103; Gibbons *v.* Ogden, 9 Wheat., 1.) Indeed, the source of the police power as to game birds (like those covered by the statute here called in question) flows from the duty of the State to preserve for its people a valuable food supply." (Geer *v.* Connecticut, 161 U. S., 519, 534.)

"While the State can not, under cover of exerting its police power, directly regulate or burden interstate commerce, a police regulation which has real relation to the proper protection of the people, and is reasonable in its terms, and does not conflict with any valid act of Congress, is not unconstitutional because it may incidentally affect interstate commerce." (Savage *v.* Jones, 225 U. S., 501, headnote 7.)

In the Geer case the court held that the State has the power to protect wild game subject to its jurisdiction by the exercise of the police power and also by virtue of its common ownership of such game. It is not claimed in this argument, however, that the United States have the right to protect migratory wild birds by the exercise of a general police power independent of the ownership or authority granted by the Constitution, such as was declared in the Kansas-Colorado case not to exist in the Federal Government; but it is maintained that the United States have such power by virtue of their ownership of migratory birds as trustee for all the people of the United States. It is a question of ownership of property and not of extending the power to "make all needful rules and regulations respecting the territory" of the United States to embrace "legislative control over the States." The act merely provides "needful rules and regulations" respecting property of the United States within the territory of the several States, a power daily exercised by the Federal Government.

While there are many features of this case that appeal to the æsthetic and one longs to see upheld a law that will conserve for the future the fascinating creatures which charm us with their song and beauty, amaze us by their marvelous skill and wonderful flight, or delight us in the chase, nevertheless the case is not here because of these features, but because property rights of great economic value are involved, the property in birds which afford annually a food supply valued at millions of dollars (Appendix, p. 36), and which by their policing of the air save our forests, our animals, and our crops.

"It was clearly shown that the economic aspect was twofold. The game birds yield a considerable and an important amount of highly valued food, and if given adequate protection will be a constant valuable asset. The insectivorous migratory birds destroy annually thousands of tons of noxious weed seed and billions of harmful insects. These birds are the deadliest foe yet found of the boll weevil, the gypsy and brown-tailed moths, and other like pests. The yearly value of a meadow lark in a 10-acre field of cotton, corn, or wheat is reckoned by experts at $5. The damage done to growing crops in the United States by insects each year is estimated by those who have made the matter a special study at about $800,000,000." (House Committee Report on Migratory Bird Bill, 49th Cong. Rec., pt. 2, p. 1485.)

Excerpts from official publications of the Department of Agriculture and treatises of ornithologists of recognized authority, quoted in the appendix (pp. 23–34), show how great is the insect peril and how dependent we are upon the migratory insectivorous birds for protection against it.

Migratory birds, therefore, being property of the United States, Congress, by virtue of the authority granted by the Constitution to "make all needful rules and regulations respecting the territory or other property belonging to the United States," may pass any laws it may deem proper for the protection of same, though such laws may have the quality of police regulations. (Hoke *v.* United States, 227 U. S., 308, 323.)

"'All the public lands of the Nation are held in trust for the people of the whole country.' (United States *v.* Trinidad Coal Co., 137 U. S., 160.) And it is not for the courts to say how that trust shall be administered. That is for Congress to determine." (Light *v.* United States, 220 U. S., 523, 537.)

"The General Government doubtless has a power over its own property analogous to the police power of the several States, and the extent to which it may go in the exercise of such power is measured by the exigencies of the particular case." (Camfield *v.* United States, 167 U. S., 518, 525.)

II. The migratory-bird law is authorized under the grant to Congress in paragraph 3 of section 8 of Article I of the Constitution of power "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes."

Should it be admitted, for the purposes of this argument, that the title to migratory birds while actually within a State is in such State,

then of necessity title thereto must pass from one State to another as such birds cross the boundary line between the States. Thus a migratory bird flying from one State into another, under such theory, passes from the ownership of the former into that of the latter State.

If this be true, a thing recognized by the courts as an article of commerce when passing between individuals passes from the ownership of individuals in their collective capacity to other individuals in their collective capacity, the ownership of the States being merely ownership in trust for their respective citizens.

Such transmission of title in connection with the actual passage of the birds from one State to another constitutes, it is submitted, interstate commerce within the meaning of the Constitution.

It is to be remarked that the Constitution does not define the word "commerce." Likewise, the courts, no doubt purposely, have refused to attempt an all-inclusive definition of this word, but have contented themselves with deciding as occasions arose whether the facts of the case before them constituted commerce within the meaning of the Constitution. Wisely have they done so, for human mind can not foresee all the possible combinations of facts which might properly constitute commerce.

The Supreme Court have said, however, that—

"Commerce, as defined by this court, means something more than traffic—*it is intercourse;* and the power committed to Congress to regulate commerce is exercised by prescribing rules for carrying on that intercourse." (Lottery case, 188 U. S., 321, 348.)

"Commerce was defined in Gibbons *v.* Ogden (9 Wheat., 1, 189) to be *'intercourse,'* and the thousands of people who daily pass and repass over this bridge may be truly said to be engaged in commerce as if they were shipping cargoes of merchandise from New York to Liverpool." (Covington, etc., Bridge Co. *v.* Kentucky, 154 U. S., 204, 218.)

"Commerce with foreign countries and among the States, strictly considered, consists in *intercourse* and traffic, including in these terms navigation and the transportation and *transit of persons and property,* as well as the purchase, sale, and exchange of commodities." (County of Mobile *v.* Kimball, 102 U. S., 702.) [All italics ours.]

From the last quotation it will be seen that the mere "transit" of persons or property, independently of purchase, sale, or exchange, was such intercourse as falls within the meaning of the word "commerce." "Transit" means "the act of passing over or through; passage." (New Standard Dictionary.) The word "commerce" as used in the Constitution and defined by this court is sufficiently comprehensive to include the periodical and systematic "passage" of migratory birds among the States. Therefore, under the power to regulate commerce among the States, Congress was acting entirely within its authority in passing this act for the protection of migratory birds.

It is under definitions like the above that such phenomena as purely social intercourse over the telephone or telegraph between citizens of different States (Telegraph Co. *v.* Texas, 105 U. S., 460; Western Union Telegraph Co. *v.* Milling Co., 218 U. S., 406); or the mere passage for social intercourse or pleasure of a person over an interstate bridge (Covington, etc., Bridge Co. *v.* Kentucky, 154 U. S., 204, 218); or the driving of sheep on foot from one State into another (Kelley *v.* Rhoads, 188 U. S., 1) are held to constitute interstate commerce within the meaning of the Constitution. The cases of Pedersen *v.* Del., L. & W. Railroad (229 U. S., 146); Hoke *v.* United States (227 U. S., 308); Hipolite Egg Co. *v.* United States (220 U. S., 45); McDermott *v.* Wisconsin (228 U. S., 115) are other examples of the liberal construction always given by this court to the commerce clause of the Constitution.

It is sought now merely to extend the principle of these cases to new facts. To illustrate this identity in principle, suppose the ranch of a cattle owner is situated wholly within a quarantined State, but near the boundary line between two States, and that his cattle, affected with the foot-and-mouth disease, may roam at will on account of liberal stock laws over grazing lands located in the two States. Undoubtedly, under Kelley *v.* Rhoads (188 U. S., 1), the Federal Government could prevent the owner from driving diseased cattle from the quarantined State into the other. It is submitted that the fact that the same cattle cross the quarantine line of their own volition instead of that of their owner does not so change their status as participants in interstate intercourse as to destroy the power of Congress to prevent their crossing the State line.

If the Federal Government may prevent such intercourse between States because it is harmful, under the same principle beneficial intercourse between the States may be safeguarded.

It would seem therefore, under the theory of State ownership, that the facts in this case, especially since there is a transmission of title, as well as a "transit" or "passage" of property from one State to another, bring the case within the commerce clause of the Constitution.

III. Constitutional interpretation.

The migratory-bird law was enacted by Congress and approved by the President. Two coordinate branches of the Government have evidenced the opinion that the law is constitutional. The judicial branch of the Government therefore should not decide that Congress and the President have transcended their powers unless it is manifest that they have done so.

"It is incumbent therefore upon those who affirm the unconstitutionality of an act of Congress to show clearly that it is in violation of the provisions of the Constitution. It is not sufficient for them that they succeed in raising a doubt." (Legal Tender cases, 12 Wall., 457, 531.)

"* * * When this court is called on in the course of the administration of the law to consider whether an act of Congress, or of any other department of the Government, is within the constitutional authority of that department, a due respect for a coordinate branch of the Government requires that we shall decide that it has transcended its powers only when that is so plain that we can not avoid the duty." (Trade-Mark cases, 100 U. S., 82, 96.)

CONCLUSION.

Migratory birds are either the property of the United States or of the several States; if of the United States, then the migratory-bird law is constitutional as an exercise of a property right granted by the Constitution.

If, however, such birds are the property of the several States while within their bounds, then the passage of birds in periodic migrations among the States constitutes interstate commerce, and the act is constitutional as an exercise of the power to regulate interstate commerce.

JOHN W. DAVIS,
Solicitor General.
E. MARVIN UNDERWOOD,
Assistant Attorney General.

SEPTEMBER, 1915.

APPENDIX A.

[Excerpts from official publications of the Department of Agriculture and from writings of ornithologists of recognized authority, showing the value of migratory game and insectivorous birds and necessity for their protection.]

I. Value of insectivorous birds:

THE INSECT PERIL.

Few people know how enormous is the number of insect species or how amazing is their power of multiplication. The number of insect species is greater by far than that of the species of all other living creatures combined. * * *

The fecundity of certain insect forms is astounding, the numbers bred reaching such prodigious proportions as to be almost beyond belief. Riley once computed that the hop aphis, developing 13 generations in a single year, would, if unchecked to the end of the twelfth generation, have multiplied to the inconceivable number of ten sextillions of individuals. * * *

Kirkland has computed that one pair of gypsy moths, if unchecked, would produce enough progeny in eight years to destroy all the foliage in the United States.

* * * * * * *

The voracity of insects is almost as astounding as their power of reproduction. The daily ration in leaves of a caterpillar is equal to twice its own weight. If a horse were to feed at the same rate he would have to eat a ton of hay every 24 hours.

* * * * * * *

Some years ago the agriculturists of Hungary, moved to the insane step by ignorance and prejudice, succeeded in getting the sparrow (Passer domesticus) doomed to destruction. Within five years the country was overrun with insects, and these same men were crying frantically for the bird to be given back to them lest they should perish. The sparrow was brought back, and, driving out the hordes of devastating insects, proved the salvation of the country.

* * * * * * *

In 1895, the ravages of two species of cutworms and some 10 species of locusts produced a famine in the region of Ekaterinburg, which is in Russian Siberia. The local Society of Natural Sciences inquired into the cause which had permitted such numerous propagation of insect pests, and reported that it was due to the almost complete destruction of birds, most of which had been killed and sent abroad by wagonloads for millinery purposes.

Those grass ticks which now make the keeping of most breeds of cattle impossible in Jamaica are not mentioned in the records of the early nineteenth century. The appalling destruction in more recent years of insect-eating birds, chiefly to supply the demands of the millinery market, has led to an inordinate increase of the ticks and to the dying out of all but Indian cattle. This correlation of birds and ticks, to say nothing of mosquitoes and other insect plagues in Jamaica, was put fully and circumstantially before the secretary of state for the colonies by a deputation in 1909.

* * * * * * *

This worthy [Frederick the Great], in a fit of passion because a flock of sparrows had pecked at some of his cherries, ordered every small bird that could be searched out to be instantly killed. Within two years his cherry trees, though bare of fruit, were weighed down with a splendid crop of caterpillars.

* * * * * * *

Though I could give a hundred cases similar to the foregoing, I must rely on the few I have cited to show that the wholesale destruction of birds is surely followed by disaster to man. (Value of Birds to Man, by James Buckland, Annual Report Smithsonian Institution, 1913, pp. 439, 440, 441, 442, 448.)

* * * * * * *

The enormous losses which have occurred in the United States from the destruction of growing crops by insects must seem incredible to those who do not realize how vast are the numbers of insects, how stupendous their power of multiplication, how insatiable their voracity.

* * * * * * *

In 1854 the loss in New York State alone from the ravages of the insignificant wheat midge (*Contarinia tritici*), as estimated by the secretary of the New York State Agricultural Society, was $15,000,000. Whole fields of wheat were left ungarnered. So destructive was this insect in the following years as to stop the raising of white wheat and reduce the value of all wheat lands 40 per cent.

* * * * * * *

Dr. C. L. Marlatt, of the Bureau of Entomology of the United States Department of Agriculture, who has made careful calculations of the loss still occasioned by the Hessian fly (*Mayetiola destructor*) in the wheat-growing States, says that in comparatively few years does it cause a loss of 10 per cent of the crop. On the valuation of the crop of 1904 this would amount to over $50,000,000. Dr. Marlatt states that in the year 1900 the loss in the wheat-growing States from this tiny midge undoubtedly approached $100,000,000.

The chinch bug *Blissus leucopterus* attacks many staple crops, and has been a seriously destructive pest in the Mississippi Valley States for many years, where it injures chiefly wheat and corn. Dr. Shimer, in his notes on this insect, estimates the loss caused by it in the Mississippi Valley in 1864 as $100,000,000, while Dr. Riley gives the loss in that year as $73,000,000 in Illinois alone.

* * * * * * *

The Rocky Mountain locust (*Melanoplus spretus*) began to destroy crops as soon as the country it inhabits was settled, and is still injurious. From time to time its enormous flights have traversed a great part of the Mississippi Valley. It reached a maximum of destructiveness from 1874 to 1877, when the total loss from its ravages in Kansas, Nebraska, Iowa, Missouri, and neighboring States, including injury by depression of business and general ruin, was estimated at $200,000,000. * * * (Useful Birds and Their Protection, fourth edition, 1913, Edward H. Forbush, ornithologist to the Massachusetts Board of Agriculture, pp. 27, 32, 33, 34.)

The gypsy moth (*Porthetria dispar*), a well-known pest of European countries, was introduced into Medford, Mass., by Leopold Trouvelot in 1868 or 1869. Twenty years later the moths had increased in numbers to such an extent that they were destroying the trees and shrubbery in that section of Medford where they were first liberated.

They swarmed over the houses of the inhabitants, invaded their gardens, and became such a public nuisance that in 1890 the legislature appropriated $50,000 for their extermination. It was learned within the next two years that the moths had spread over 30 towns. The

State board of agriculture was given charge of the work in 1891 and over $1,000,000 were expended within the next 10 years in the attempt to exterminate the insect. As at the expiration of that time all the larger moth colonies had been destroyed, the legislature, deeming further expenditures unwise, gave up the work, despite the protest of the board of agriculture, and its prediction that a speedy rise of the moth would follow the cessation of concerted effort against it. This prediction has been abundantly fulfilled, and the policy of the board has been fully justified.

Dr. Marlatt, who in 1904 visited the region infested by the moth, reported to the Bureau of Entomology at Washington that the people of the infested district were then fighting the insect at a greater annual cost than that formerly assumed by the State. Since the State gave up the work, a single citizen, Gen. Samuel C. Lawrence, of Medford, has expended over $75,000 to protect the trees and plants on his estate.

Finally, in 1905 the legislature was obliged to renew the fight, and appropriated the sum of $300,000 for work against both this insect and another imported pest, the brown-tail moth (*Euproctis chrysorrhœa*), which had been introduced into Somerville some time in the latter part of the nineteenth century.

The State has also been obliged to call on municipalities and individuals to assist in the work of suppressing these moths, at an annual expense to those concerned which exceeds all previous yearly expenditures for this purpose. * * *

These insects have gained a much larger territory than ever before, and thousands of acres of woodland have been attacked by them during the present year (1905), and many pine and other trees have been killed.

The gypsy moth has been found in Rhode Island, Connecticut, and New Hampshire, and the brown-tail moth is also spreading into other States.

The prospect now seems to be that our protective expenses against these two insects, as well as the injury done by them, will increase constantly; and that other States also will be put to similar expense, with no prospect of permanent relief save by such checks as may come in time through natural causes. (Useful Birds and Their Protection, Forbush, 4th ed., pp. 38–40.)

According to an official report in the Yearbook of the Department of Agriculture for 1904, the table here shown gives the annual values of farm products in the United States and losses chargeable to insect pests:

(CONGRESSIONAL RECORD, v. 49, pt. 5, p. 4336.)

Product.	Value.	Percentage of loss.	Amount of loss.
Cereals	$2,000,000,000	10	$200,000,000
Hay	530,000,000	10	53,000,000
Cotton	600,000,000	10	60,000,000
Tobacco	53,000,000	10	5,300,000
Truck crops	265,000,000	20	53,000,000
Sugars	50,000,000	10	5,000,000
Fruits	135,000,000	20	27,000,000
Farm forests	110,000,000	10	11,000,000
Miscellaneous crops	58,000,000	10	5,800,000
Total	3,801,000,000	.....	420,100,000
Animal products	1,750,000,000	10	175,000,000
Natural forests and forest products	.....	.....	100,000,000
Products in storage	.....	.....	100,000,000
Grand total	5,551,000,000	.....	795,100,000

PROTECTION AFFORDED BY BIRDS.

Who or what is it that prevents these ravening hordes from overrunning the earth and consuming the food supply of all? It is not man. Man, by the use of mechanically applied poisons, which are expensive, unnatural, and dangerous, is able to repel to an extent the attacks on his orchard and garden. Out in the fields and in the forests he becomes, before any very great irruption of insects, a panic-stricken fugitive. Neither is it disease, or the weather, or animals, or fungi, or parasitic and predacious insects within their own ranks. However large may be the share of these particular natural agencies in keeping insects in check, experience has shown that it is lamentably insufficient. Then what is it? The bird. Bird life, by reason of its predominating insect diet, is the most indispensable balancing force in nature. (Value of Birds to Man, by James Buckland, Ann. Rept. Smithsonian Inst., 1913, p. 440.)

The chickadee returns to her brood about 200 times a day with not less than 25 plant lice each time for the young. It has been found that a cuckoo consumes daily from 50 to 400 caterpillars or their equivalent, while a chickadee will eat from 200 to 500 insects, or up to 4,000 insect or worm eggs. One hundred insects a day is a conservative estimate of the quantity consumed by each individual insectivorous bird. By carefully estimating the birds in several areas it has been found that in Massachusetts there are not less than 5 insect-eating birds per acre. Thus the State, with its 8,000 square miles, has a useful bird population of not less than 25,600,000, which for each day's fare requires not less than the enormous total of 2,560,000,000 insects. Or better to express such figures in common measurements, 120,000 average insects fill a bushel measure. This means that the daily consumption of chiefly obnoxious insects in Massachusetts is about 21,000 bushels. This estimate is good for above five months in the year—May to September, inclusive—during the remainder of the year the insects, eggs, and larvæ destroyed by the winter, late fall, and early spring migrants will be equivalent to nearly half this quantity.

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Birds afford a natural check upon the injurious insects, and wherever forests denote the presence of great numbers of destructive caterpillars or grasses indicate that grubs are destroying the grass roots the birds are not slow to assemble and help restore equilibrium.

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The Mexican cotton-boll weevil, that has cost the United States Government so much money, probably about $1,000,000 in direct appropriations and $5,000,000 to the growers in lessening the crop production, can not be controlled by man, but the following birds are proving almost a specific remedy against the weevil: Six species of orioles, the nighthawk, the martin, the bank swallow, the barn swallow, the rough wing, and the cliff swallow. (The Economic Value of Birds to the Farmer, by R. J. H. de Loach, CONGRESSIONAL RECORD, vol. 49, pt. 5, pp. 4332, 4333.)

In his report on Egypt for the year 1912 Lord Kitchener stated that the indiscriminate destruction of bird life had allowed an enormous increase of insect pests, steps for the combating of which were to be taken. Lord Kitchener knew that in spite of the improved methods of fighting insects there was only one step that he could take that would be effective. A khedivial decree was issued forbidding the catching or killing of, or taking the eggs of, Egypt's insectivorous birds. (Value of Birds to Man, Buckland, Annual Report Smithsonian Institution, 1913, p. 453.)

Shore birds perform an important service by their inroads upon mosquitoes, some of which play so conspicuous a part in the dissemination of diseases. Thus, nine species are known to feed upon mosquitoes and hundreds of the larvæ or "wigglers" were found in several stomachs. Fifty-three per cent of the food of 28 northern phalaropes from one locality consisted of mosquito larvæ. The insects eaten include the salt-marsh mosquito (*Ædes sollicitans*), for the suppression of which the State of New Jersey has gone to great expense. (Our Vanishing Shore Birds, by W. L. McAtee, Bureau of Biological Survey, Circular No. 79.)

After many years of study in New Hampshire, as well as many other States, of these relations of birds to agriculture we are convinced that the birds are a most potent factor in making crop production possible, that without them we should be overrun with pests—vertebrate and invertebrate—to an extent of which we now have no conception. (Birds in Their Relation to Man, Weed and Dearborn, p. 4.)

Birds attain their greatest usefulness in the forests, because the conditions there closely approach the primeval. Forest trees have their natural insect foes, to which they give food and shelter, and these insects in turn have their natural enemies among the birds, to which the tree also gives food and shelter. Hence it follows that the existence of each one of these forms of life is dependent upon the existence of the others. * * *

I regard as profoundly true Frank N. Chapman's statement "that it can be clearly demonstrated that if we should lose our birds we should also lose our forests." (Value of Birds to Man, Buckland, Annual Report Smithsonian Institution, 1913, pp. 446, 447.)

It is especially with regard to insects and plants that the regulative influence of the work of birds is felt. In agriculture experience has taught us that some work, which is indispensable to the productivity of the soil, can be carried on only by winged squads of workmen. * * *

It was in the second half of the nineteenth century, after the development of intensive agriculture, that insects commenced to increase in a most alarming way. In Europe the German farmers and foresters proved that this change was connected with the rapid decrease of birds useful in agriculture, and they were the first to take public action. In 1868 the twenty-sixth general convention of German farmers and foresters recognized the necessity of securing international protection for the birds useful in farming and forestry.

This assembly decided to intrust to Austria-Hungary the duty of taking the initiative and prayed in 1868 that the minister of foreign affairs of these two States take steps toward establishing among all European States an agreement for the protection of birds useful in agriculture and forestry. (Report of the general convention of the International Institute of Agriculture, December, 1909, pp. 1, 4.)

Birds useful in agriculture, especially insectivorous ones, more particularly the birds enumerated in the list No. 1, annexed to this agreement, which list shall be subject to additions by legislation of each country, shall enjoy absolute protection, in such a way that it shall be forbidden to kill them at any time or in any way, whatsoever, or to destroy their nests, eggs, or young. (Translation article 1 of Agreement of Paris, entered into in 1902, for the protection of birds useful in agriculture, by Austria-Hungary, Germany, Belgium, Spain, France, Greece, Luxembourg, Monaco, Portugal, Sweden, Norway, and Switzerland.)

II. Value of game birds and efficacy of migratory-bird law:

Formerly migratory waterfowl frequented the United States in enormous numbers, and the supply appeared to be inexhaustible. During the last 75 years, however, the growth of population and the vast increase in the number of hunters, combined with greatly improved firearms, and an extraordinary increase in the facilities for rapid transportation to the most remote haunts of wild life, has resulted in an appalling reduction in their numbers. It is believed to be a conservative estimate that the gross number of migratory game birds of all kinds existing to-day in the United States does not exceed 10 per cent of the number which existed here 75 years ago. The decrease has been especially rapid during the last 25 years. During this period some species have become extinct, while others are nearly so.

Thoughtful sportsmen and others interested in our wild life have long realized the impossibility of saving what was left of this great national asset by State action. The rapid progress of our waterfowl toward extinction under State laws was too obvious. To save the dwindling remnant, in 1913 the Federal migratory-bird law was enacted. The law has now been in effect about two years, and an extended inquiry has been made by the Biological Survey as to its effect on migratory game birds. A large number of reports from State and Federal game officials and private individuals in nearly all of the States of the Union have been received. The replies from a small number of States have been doubtful, usually owing to a lack of definite information on the subject. From 40 of the States, extending from Maine to California and from the Gulf States to the Canadian border, is given unimpeachable evidence of an extraordinary increase in waterfowl during the short period the law has been in effect. The increase is commonly stated, according to the locality, to be from 10 to several hundred per cent, and includes such important species as mallards, black mallards, widgeon, sprigtails, blue-winged teal, green-winged teal, wood ducks, canvasbacks, Canada geese, and swans.

Many of the reports are to the effect that the number of waterfowl remaining to breed exceeds anything seen during the past 10 to 25 years. The results indicate what may be expected from a long period of adequate protection.

The importance of our wild fowl as a national asset is evident when their great aggregate value is considered. The State of Maine estimates the annual income from its game resources at $13,000,000, of which about 5 per cent, or $650,000, can safely be allotted to the returns from migratory wild fowl. Oregon values the annual returns from its game resources at $5,000,000. Of this amount about $1,000,000 may be attributed to migratory wild fowl. It is evident that the actual annual returns from this source in the several States reach a very large amount, and the value of this resource to the Nation amounts to hundreds of millions of dollars. (Weekly News Letter, an official publication of the Department of Agriculture, issue of Sept. 15, 1915.)

III. Threatened extermination of birds:

More interest is evidenced in the history of the passenger pigeon and its fate than in that of any other North American bird. Its story reads like a romance. Once the most abundant species, in its flights and on its nesting grounds, ever known in any country, ranging over the greater part of the continent of North America in innumerable hordes, the race seems to have disappeared within the past 30 years, leaving no trace.

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The last great nesting place of which we have adequate record was in Michigan in 1878. Prof. H. B. Roney states in the American Field (vol. 10, 1879, pp. 345–347) that the nesting near Petoskey that year covered something like 100,000 acres, and included not less than 150,000 acres within its limits. It was estimated to be about 40 miles in length and from 3 to 10 miles in width. It is difficult to approximate the number of millions of pigeons that occupied that great nesting place.

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It has been stated that the wild pigeon "went off like dynamite." Even the naturalists failed to secure sufficient specimens and notes, as no one had an idea that extinction was imminent. (Game Birds, Wild Fowl, and Shorebirds, Forbush, pp. 433, 446, 455.)

Shorebirds were found by the early settlers of this country in vast numbers on the coasts, the inland lakes, and even on the prairies, and while comparatively few now remain it was not until the early seventies that there was a marked lessening of their numbers. Since then shorebirds have been so persecuted that vigorous measures must be taken, and immediately, to save them.

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How they abounded formerly and how they were slaughtered by southern gunners is forcibly shown by the record of a single hunter in Louisiana, who, during the 20 years from 1867 to 1887, killed 69,087 birds—an average of 3,500 snipe a winter. In 1870 about 100 snipe were killed by this man for each day that he hunted. The maximum was reached in 1875, with 150 birds a day; this fell to 100 in 1880 and to 80 in 1887.

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One of the most striking examples of the havoc wrought by man in the ranks of shorebirds is afforded by the Eskimo curlew. When Audubon visited the Labrador coast in 1833 he said of their numbers: "The accounts given of these birds border on the miraculous"; and later, when he saw them for himself, he reports that they "arrived in such dense flocks as to remind me of the passenger pigeons."

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These enormous flocks now exist only in memory; scarcely a dozen individual birds have been seen in the last dozen years. (Wells W. Cooke, Yearbook of the Department of Agriculture for 1914, pp. 275, 279, 286, 287, 289.)

Many years ago the wood duck was the most abundant of all wild fowl in many well-wooded regions of the United States. Hundreds flocked along the wooded streams and about the woodland ponds.

* * *

This species is the loveliest of all wild fowl. Even the Mandarin duck of China is not so strikingly beautiful.

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Within my own recollection it bred commonly over a considerable part of Massachusetts, but at the beginning of this century the species was evidently in danger of extinction. (Forbush, Game Birds, Wild Fowl, and Shore-birds, pp. 106, 107.)

From the records that with great pains and labor were gathered by the State game commission, and which were furnished me for use here by President Frank M. Miller, we set forth this remarkable exhibit of old-fashioned abundance in game, A. D. 1909:

Official record of game killed in Louisiana during the season (12 months), of 1909–10.

Wild ducks, sea and river	3,176,000
Coots	280,740
Geese and brant	202,210
Snipe, sandpiper, and plover	606,635
Quail (bobwhite)	1,140,750
Doves	310,660
Wild turkeys	2,219
Total number of game birds killed	5,719,214

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Here is a case by way of illustration, copied very recently from the Atlanta Journal:

"EDITOR JOURNAL: I located a robin roost up the Trinity River, 6 miles from Dallas, and prevailed on six Dallas sportsmen to go with me on a torchlight bird hunt. This style of hunting was, of course, new to the Texans, but they finally consented to go, and I had the pleasure of showing them how it was done.

"Equipped with torchlights and shotguns, we proceeded. After reaching the hunting grounds the sport began in reality and continued for 2 hours and 10 minutes, with a total slaughter of 10,157 birds, an average of 1,451 birds killed by each man.

"But the Texans give me credit for killing at least 2,000 of the entire number. I was called 'the king of bird hunters' by the sportsmen of Dallas, Tex., and have been invited to command in chief the next party of hunters which go from Dallas to the Indian Territory in search of large game.

"F. L. CROW,
"Dallas, Tex., former Atlantan.

"Dallas, Tex., papers and Oklahoma papers, please copy!"

As a further illustration of the spirit manifested in the South toward robins, I quote the following story from Dr. P. P. Claxton, of the University of Tennessee, as related in Audubon Educational Leaflet No. 46, by Mr. T. Gilbert Pearson:

"A man would climb a cedar tree with a torch while his companions with poles and clubs would disturb the sleeping birds on the adjacent trees. Blinded by the light, the suddenly awakened birds flew to the torchbearer, who as he seized each bird would quickly pull off its head and drop it into a sack suspended from his shoulders.

"The capture of three or four hundred birds was an ordinary night's work. Men and boys would come in wagons from all the adjoining counties and camp near the roost for the purpose of killing robins. Many times 100 or more hunters with torches and clubs would be at work in a single night. For three years this tremendous slaughter continued in winter, and then the survivors deserted the roost.

"One small hamlet sent to market annually enough dead robins to return $500 at 5 cents per dozen, which means 120,000 birds."

There is time and space only in which to notice the most prominent of the doomed species and perhaps discuss a few examples by way of illustration. Here is a partial list of North American birds threatened with early extermination. Whooping crane, trumpeter swan, American flamingo, roseate spoonbill, scarlet ibis, long-billed curlew, Hudsonian godwit, upland plover, red-breasted sandpiper, golden plover, dowitcher, willet, pectoral sandpiper, black-capped petrel, American egret, snowy egret, wood duck, band-tailed pigeon, heath hen, sage grouse, prairie sharptail, pinnated grouse, and white-tailed kite. (Our Vanishing Wild Life, Wm. T. Hornaday, pp. 5, 106, 107, 18.)

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APPENDIX B.

THE BIRDS OF THE UNITED STATES.

[Data prepared by the Department of Agriculture.]

I.

Migratory species, game and nongame birds (82 per cent)	544
Nonmigratory or resident species, game and nongame birds (18 per cent)	118
Total species	662

II.

Migratory game birds of the United States.

Largely confined to United States territory throughout the year (36 per cent)	39
Not so confined (64 per cent)	69
Total species	108

Nonmigratory or resident game birds of the United States.

Total species	18

III.

Migratory insectivorous birds of the United States.

Largely confined to the United States throughout the year (25 per cent)	38
Not so confined (75 per cent)	113
Total species	151

Nonmigratory or resident insectivorous birds of the United States.

Total species	31

IV.

Migratory game birds which are wholly or largely confined to United States territory throughout the year.

American merganser, hooded merganser, mallard, black duck, gadwall, baldpate, green-winged teal, blue-winged teal, cinnamon teal, shoveler, pintail, wood duck, redhead, canvasback, lesser scaup, ring-necked duck, harlequin duck, ruddy duck, Canada goose, emperor goose, sandhill crane, king rail, clapper rail, Virginia rail, sora or Carolina rail, purple gallinule, Florida gallinule, coot, woodcock, Wilson snipe, spotted sandpiper, long-billed curlew, killdeer, piping plover, mountain plover, band-tailed pigeon, passenger pigeon (extinct), mourning dove, white-winged dove.

Nonmigratory or resident game birds of the United States.

Florida duck, Franklin grouse, bobwhite, mountain quail, scaled quail, California quail, gambel quail, mearns quail, dusky grouse, spruce grouse, ruffed grouse, white-tailed ptarmigan, willow ptarmigan, rock ptarmigan, prairie chicken, sharp-tailed grouse, sage hen, wild turkey.

V.

Some of the more important of the migratory insectivorous birds which are largely confined to the United States throughout the year.

Robin, bluebird, western bluebird, catbird, brown thrasher, phoebe, house wren, bewick wren, tree swallow, flicker, yellow-bellied woodpecker, red-headed woodpecker.

Some of the more important of the nonmigratory or resident insectivorous birds of the United States.

Hairy woodpecker, downy woodpecker, ant-eating woodpecker, black phoebe, mocking bird, Carolina wren, white-breasted nuthatch, tufted titmouse, chickadee.

CONSERVATION OF FOOD AND FUEL.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 4961.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

Mr. CHAMBERLAIN. I think the pending amendment is to be found in section 9, on page 13, beginning at line 12. I ask for a vote on that amendment.

Mr. TOWNSEND. Mr. President, during most of the long discussion on the pending bill I was engaged in the work of the Finance Committee on the revenue bill which was on Tuesday last submitted to the Senate, and therefore I have not been able to listen to all of the arguments upon the measure, although I have tried to acquaint myself with its provisions and to follow the kaleidoscopic changes which have been made in it since it was prepared by some influence outside of Congress and during its course through the House and Senate up to this hour.

It was undoubtedly conceived in an honest desire to meet and overcome present and impending evils growing out of the European war affecting the food and food materials of our country. In the midst of an abundance of food retail prices climbed to an altitude beyond the reach of many of our people. It seems that producers and dealers generally have seen an opportunity to increase their profits abnormally and have taken advantage of it. The European war was the proximate excuse for extortion. A

large proportion of the producers of Europe were changed to consumers, and fields and factories were laid waste. Americans saw their opportunity, and their selling prices to the allies indicate more greed than sympathy, and after they had tasted the blood of European necessities, tigerlike, they could not be satisfied with anything other than the blood of American consumers. As a result, from all over our countrty came the demand for cheaper necessities of life. This, added to the evident fact that our allies in Europe must depend to a great extent for their success upon food products from the United States, induced many thoughtful men to believe that something must be done to stimulate production and to conserve and distribute our food resources in the most efficient manner possible. . The first thought was for Federal food control, which necessarily included production and distribution. The thoughtless seemed to understand that this was an easy task, but those who gave proper attention to it discovered that it was a most complicated one, for legal control as viewed by the thoughtful might mean possibly restricted production and enhanced prices—things clearly to be avoided. Every plan which was brought forth seemed certain to produce such disadvantages. The bill therefore has been changed from time to time until it is very different from the original proposition, which was evidently intended, as its name implies, purely as a food-control measure.

The great natural incentives for increased production are increased demand and its corollary, increased rewards. To the stimulus of this natural law patriotism contributed in this crisis no little assistance to increased production, and before any legislative aid was proposed the largest acreage of American soil ever known in our history was devoted to food crops. No maximum or minimum price fixed by Federal law was necessary to induce the people to plant and cultivate. All that was needed from the Government, in my judgment, was for it to enact and enforce a law (if existing laws were inadequate) with capital punishment if necessary, prohibiting speculators and manipulators in foods and other necessities and who live and grow rich by the sweat of other mens' brows from prosecuting their unpatriotic and nefarious avocations. I will not impeach the patriotism of the men who, desiring victory for American arms in the present contest with Germany, and who, seeing, as they think they see, a great shortage of food in the future for the United States and its allies, urge autocratic power at this time. I am, however, impressed with the thought that these men do not fully appreciate the great possibilities of their proposals. It seems to me that possibly they are more sanguine than wise. It is not simply a question of distributing food already collected to a starving alien people. In it is involved the continuance of production of food and the effect upon business generally, the success of which is absolutely necessary to the success of our Army and Navy. Early it was discovered that the successful production and distribution of food was intimately and inextricably connected with the production, transportation, and distribution of fuel and other articles entering into the life and business of the country, and the bill has been enlarged to embrace other necessities. Personally, I believe that the regulation of fuel prices is even a more imperative necessity than is Federal food control. But the enlarged bill has complicated the questions, and thinking men are wondering whether what is proposed will minimize or magnify the difficulties. That an all wise, all powerful, and all good autocrat would be more efficient in this crisis than a democracy I have no doubt. But no such man lives now or ever has lived. The Chief Executive is just a human being subject to all the limitations which circumscribe the average strong man. Until recently, at least, he has felt himself sufficient for the executive and legislative needs of the Government and has not been inclined to counsel with others, however fitted by experience and character, to advise on the unusual matters which has attended his administration. Of late he seems to have changed his mind or disposition in this regard and has called to his assistance some men who know. If it may be admitted that his Cabinet would be sufficient in time of peace, when little more than the ordinary details of a smoothly running Government machine constituted their functions, it can not be successfully denied that no member of that Cabinet, with possibly one or two exceptions, was especially fitted by training, experience, or ability for the extraordinary responsibilities which the Mexican and European wars brought to the Government.

I have been heartened therefore by the admission to the council board of the President of some really good advisers in this supreme crisis. In many of these advisers the country has great confidence. Some of them stand out like stars of the first magnitude among the hosts of satellites which reflect the White House light. But there are others, and here again a new danger threatens. The possibility of great profits out of war has attracted to this capital, as vultures to the carcass, hordes of worse than grafters whose greatest concern is profit to themselves, and it will require almost superhuman vigilance and ability if scandals so gigantic as to disturb the success of the war and shake the country to its foundations are avoided. These mercenaries are skillful men and know just what they want. Already some of these speculators in life and liberty, in democracy itself, are asking that all legislative restraints be removed and unchecked opportunity be given them to confiscate a large portion of the taxes paid by the people to meet the stupendous needs of this war. They are complaining because Congress is so slow. The responsibilities which the passage of this bill will impose upon the President, who, however, is demanding it, will be very great. He and his Cabinet will do well to advise with successful and experienced men, but the final decision rests with the administration. It approves contracts, it adopts policies, and it will be held responsible. I repeat that I have great faith in many of the volunteer business men who have come to the Government's aid at this time. It has been widely published that they have, at great financial and physical sacrifice, enlisted for the war in such capacity as money could not compensate. I know that this is true in many instances, but if it shall be disclosed that any of them are serving themselves or their concerns to the detriment of the Government then such will have shown themselves enemies rather than friends, and mob law executed upon them would be more justifiable than the outrageous barbarism recently demonstrated at East St. Louis. I am opposed to mob law under any circumstances, and at a time when our country is trying to teach the benighted nations of Europe the blessings of democracy, and to make it safe in the world, the seeming approval by the police and the militia in East St. Louis of the uncivilized acts of people in that city against a helpless class of our own citizens brings a blush of shame to every true American's cheek. They were fiendish and inhuman. But if an officer of this Government or any man trusted with responsibility should betray the people whose sacrifices in blood and treasure have been and will be supreme, I would have greater hope of success before the jury of civilization in defending the mob which would visit summary punishment upon him than I would have in a similar defense of the East St. Louis barbarians.

I realize the dangers from autocracy even in time of war, and I feel that much of the agitation which has led to the introduction of this bill has not been well founded on any reasonable probabilities of great disaster; yet I may be mistaken, for I also realize that the condition of our country and of those nations engaged with us in this war against a common enemy may indeed be serious. And I now understand that many of our people who look askance at our citizens of German ancestry and who cry aloud in the market place against alien enemies in our midst, and who subscribe with great publicity to the liberty loan, bearing 3½ per cent interest in gold, are really more dangerous to our country than is the Kaiser. The President has said that we have no special grievance against Germany. I do not agree with him, but I know that we do and will have a mortal grievance against those so-called Americans, and their name is legion, whose patriotism is measured simply by profits. What language can be employed properly to describe in all his horrid moral deformities the loathsome Shylock who wins Executive favor by proffered service but exacts a bond with forfeitures of human blood and suffering?

Mr. LEWIS. Mr. President, did the Senator ask not to be interrupted?

Mr. TOWNSEND. No; I did not.

Mr. LEWIS. Mr. President, may I ask the able Senator to direct me to what expression the Senator has in mind where the President said the United States had no grievance against Germany?

Mr. TOWNSEND. No special grievance against Germany. All I can refer to is what was widely reported in the papers.

Mr. LEWIS. Ah, the Senator refers to the speech that the President made at the Red Cross gathering?

Mr. TOWNSEND. Yes; and the Senator from Illinois has discussed that on the floor of the Senate.

Mr. LEWIS. I only ask the Senator if that is what he alluded to?

Mr. TOWNSEND. That is it.

Mr. LEWIS. The Senator is right; it has been referred to, and I think it has been justly explained.

Mr. TOWNSEND. Sir, if I had my way, there would be no war profits except such as were necessary to meet the expenses of war. I honor the patriotic captain of industry and finance who in these times volunteers his great experience and ability to his country's good, but I brand with treason the man who exploits his country's necessity for private gain to himself or

friend. This is a time for universal service and sacrifice. Legitimate business should be encouraged, for upon it our success will as much depend as upon our arms, but the business man, whether producer, transporter, or distributor, should have in mind his country's good as much as has the lad who lays his young life upon his country's altar when he goes into the trenches of Europe. Let there be profit, but let it be dedicated to the support of the soldier, who gives his all, and of the Government, which is all, and which requires billions for its defense. And what I say of business men applies with equal force to labor. In this national crisis no man—no man has the right even to ask that his prewar status of selfishness be maintained and made secure. I am voting to tax our people in amounts never dreamed of as possible by any man prior to August, 1914, but not one dollar of these amounts should go as a reward to greed or graft. Through ignorance much money will be wasted—aye, worse than wasted. The people may forgive mistakes, but they will not, they must not, forgive corruption. They must annihilate it and its beneficiaries.

I am not in accord with the proposition that the Government should fix prices of supplies which it buys either for itself or the allies at less than cost of production, for that would mean that the producer selling under such conditions would be obliged, if he continued his business, to charge American consumers an amount large enough to compensate for his loss to the Government and its allies. I want the price the same to all, and I want it reasonable. Our people are financing this war. Their taxes pay the bills, and they are entitled to just and reasonable prices for what they buy. I have little fear that the seller will not get a reasonable price for what he sells. He ought not to get rich out of war. The Government should neither wantonly nor ignorantly decrease production or enhance prices under the alleged remedy of Government control. What America may need, what the world now needs, is food and clothing and fuel. If greed, avarice, and undue selfishness can be held in check; if the spirit of patriotism which established this Republic in 1776 and preserved it in 1861–1865 can be aroused, we will produce enough to feed and clothe and save the world. The Nation which gave to Europe the submarine, the aeroplane, and the most powerful guns in the world has the genius, the ability, and the disposition to overmatch these now most deadly engines of war, and it will meet every emergency. It will do this unless its Government paralyzes initiative by ignorance or folly. We can and must feed the antagonists of Germany. Let us fetter the enemies of patriotism, whether they be of American, German, or whatnot ancestry, but let us maintain unshackled American enterprise, and there will be food and fuel enough and to spare.

This bill covers articles of necessity not contemplated when it was first prepared. I deplore the conditions which seem to compel their inclusion, but so related are food, fuel, iron, copper, and cotton to the national defense and welfare and so unconscionable are many dealers in these products that the situation has become desperate, and a desperate remedy seems to be assured. I am sorry that this is so, but trust that the exercise of the power conferred will not be required; and if it shall be, that only honest, efficient men will execute it.

We are legislating in an atmosphere of hysteria and I fear that the normal vision is being obscured. No man can condemn more strongly than I will the extortion that is being practiced by Americans upon our people and their allies, and I want to go as far as I can to correct this evil. If that could be done, the natural laws of supply and demand would not need suspension. Our people would practice proper economy and the fruits of agriculture would multiply to meet all demands. I realize, however, that the pending measure is the only tangible proposition before us. I shall assist in the endeavor to amend it so as to make it less objectionable, and to render it more helpful to increased production, to a more equitable distribution, and to more reasonable prices. If in the end I am convinced that its probable benefits outweigh its possible injuries, I shall support the bill with my vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. WADSWORTH. Will the Presiding Officer indicate which amendment that is?

The PRESIDING OFFICER. It will be read.

The SECRETARY. On page 13, line 12, after the word "employees," insert a colon and the following proviso:

Provided, That whenever any person or persons entitled to receive such wages are dissatisfied with the rate of wages so fixed by the President, he or they shall have the right to have the reasonableness of such wages reviewed and determined by the Board of Mediation and Conciliation created by the act approved July 15, 1913; and in case said board shall conclude that a higher rate of wages shall be allowed their finding shall be conclusive in the premises, and said board shall prescribe rules and regulations for carrying this proviso into effect.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee just read by the Secretary.

The amendment was agreed to.

The next amendment was, on page 14, line 6, after the word "receipts," to insert: "The word 'mine' as used in this section shall be held to include oil and gas wells and oil and gas pipe lines."

Mr. WADSWORTH. In the discussion in the Committee on Agriculture of this particular amendment the question arose, I think it is fair to state it, as to the status of pipe lines. It was suggested that pipe lines were common carriers and ought to be subject, therefore, in their rates to the Interstate Commerce Commission, and that to that extent the jurisdiction conferred in this broad language upon the President in the bill would conflict with the jurisdiction already possessed by the Interstate Commerce Commission. It was understood that that matter would be looked into before definite action was taken.

Mr. CHAMBERLAIN. I have not examined any further. After the discussion in committee this provision was agreed to. I assume if there is any pipe line engaged in interstate commerce it would probably be subject to the jurisdiction of the Interstate Commerce Commission, and where it applies only to interstate traffic it would be under the jurisdiction of the bill. I do not assume, however, that under the bill its operation is limited to interstate commerce. That has been discussed a good deal. I think Congress has power to act on matters intrastate, and on matters interstate under the war power of the Constitution.

Mr. WADSWORTH. Does the Senator in charge of the bill remember whether a provision similar to that has been placed at the end of any other section of the bill?

Mr. CHAMBERLAIN. No; I will say——

Mr. WADSWORTH. I notice that this section refers only to power granted to the President to requisition and take over any mine.

Mr. CHAMBERLAIN. Any mine; and this was added to the provision in order to remove any question as to whether or not oil and gas mines were included within the term mine.

Mr. WADSWORTH. I have no objection to the language added to this particular section.

The PRESIDING OFFICER. Without objection, the committee amendment is agreed to.

Mr. REED. I was engaged otherwise. I simply ask for information. Is that the amendment on page 14 at the end of section 9?

The PRESIDING OFFICER. Yes; lines 6, 7, and 8, on page 14.

Mr. REED. Very well.

The amendment was agreed to.

The reading of the bill was continued to line 25, on page 14, as follows:

SEC. 10. That undue enhancement or fluctuation of prices of, or injurious speculation in, or unjust market manipulation or unfair and misleading market quotations of the prices of necessaries, are hereby prohibited, and whenever the President finds it essential in order to prevent undue enhancement, depression, or fluctuation of prices of, or in order to prevent injurious speculation in, or in order to prevent unjust market manipulation or unfair and misleading market quotations of the prices of necessaries, hereafter in this section called evil practices, he is authorized to prescribe such regulations governing, or may either wholly or partly prohibit, operations, practices, and transactions at, on, in, or under the rules of any exchange, board of trade, or similar institutions or place of business as he may find essential in order to prevent, correct, or remove such evil practices.

Mr. KENYON. I should like to ask the Senator in charge of the bill if there is not a committee amendment there striking out four lines?

Mr. CHAMBERLAIN. There is a committee amendment, which I overlooked, commencing in line 10 to strike out the words "undue enhancement or fluctuation of prices of, or injurious speculation in, or unjust market manipulation or unfair and misleading market quotations of the prices of necessaries, are hereby prohibited, and," so that it would read "That whenever the President finds it essential," and so forth.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 14, commencing in line 9 strike out the following words:

Undue enhancement or fluctuation of prices of, or injurious speculation in, or unjust market manipulation or unfair and misleading market quotations of the prices of necessaries, are hereby prohibited, and.

The amendment was agreed to.

The next amendment was, on page 14, in line 25, after the word "practices," to strike out "Further, for the purposes of this section, the President" and insert "Such regulations"; on page 15, line 2, after the word "within," to strike out "its" and insert "their"; in line 15, after the word "transactions," to strike out "and he may appoint agents to conduct the inves-

tigations necessary to enforce the provisions of this section and all rules and regulations made by him in pursuance thereof, and may fix and pay the compensation of such agents"; in line 22, after the word "section," to strike out "or who willfully aids or abets any such violation or any such prohibited operation, practice, or transaction," so as to read:

Such regulations may require all persons coming within their provisions to keep such records and statements of account, and may require such persons to make such returns, verified under oath or otherwise, as will fully and correctly disclose all transactions at, in, or on, or under the rules of any such exchange, board of trade, or similar institutions or place of business, including the making, execution, settlement, and fulfillment thereof. He may also require all persons acting in the capacity of a clearing house, clearing association, or similar institution, for the purpose of clearing, settling, or adjusting transactions at, in, or on, or under the rules of any such exchange, board of trade, or similar institutions or place of business, to keep such records and to make such returns as will fully and correctly disclose all facts in their possession relating to such transactions. Any person who willfully violates any regulation made pursuant to this section, or who knowingly engages in any operation, practice, or transaction prohibited pursuant to this section, shall, upon conviction thereof, be punished by a fine not exceeding $10,000 or by imprisonment for not more than four years, or both.

The amendment was agreed to.

Mr. CHAMBERLAIN. I desire to offer from the committee the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment submitted by the Senator from Oregon will be stated.

The SECRETARY. On page 16, at the end of line 2, it is proposed to add the following:

Provided, That such operations, practices, and transactions at, on, or in, or under the rules of any exchange, board of trade, or other similar institution or place of business as are not prohibited by the regulations made by the President pursuant to provisions of this section shall not be deemed to be within the intent and meaning of section 6 of this act.

Mr. REED. Mr. President, I wish the chairman of the committee would give us a little time to read and consider that amendment or else explain the purport of it. I should like to know about it.

Mr. CHAMBERLAIN. I have no objection to passing the amendment over for the present, if the Senator desires to read it; but I will say that, according to my recollection, the purpose of the amendment is to exclude from the operation of this section the provisions of section 6, which apply rather to individuals than to boards of trade and other institutions of that kind.

Mr. REED. Mr. President, let the amendment be again stated.

The PRESIDING OFFICER. The amendment will be again stated.

The Secretary again read the amendment proposed by Mr. CHAMBERLAIN.

Mr. KENYON. May I say to the Senator from Missouri that the testimony before the committee was that the provisions of section 6, it was feared, could close every exchange in the country overnight? Consequently, it was deemed wise to put such a proviso as this either in section 6 or section 12, so that section 6 would not apply to these exchanges. It would be a calamitous thing to close all these exchanges overnight. That construction might not be carried out, but it was feared it would be. So, out of abundance of caution, this proviso was put in section 12. It does not make any difference whether it goes in section 12 or section 6.

Mr. REED. It seems to me it ought to go in section 6, instead of section 12.

Mr. KENYON. It perhaps might more properly have been inserted in that section. I think the truth was, however, that we had passed over section 6, and so we put it into section 12.

Mr. REED. I do not know enough about it to venture an opinion.

Mr. GRONNA. I ask that this amendment go over. I want to take sufficient time to examine it, though I do not object to it.

Mr. SMITH of Michigan. Mr. President, if we begin to construe this bill we shall be entering upon a pretty broad field. I do not know why we should construe that provision. The courts will construe it, and it matters very little what we say about it.

Mr. KENYON. The point is that under section 6 there is a chance that this provision could be construed in such a way as to close every exchange in this country immediately; and I think no one wants to bring about a result of that kind. The only purpose of the amendment was to obviate that.

Mr. SMITH of Georgia. Is the Senator using the new sections or the old sections when he refers to section 12?

Mr. KENYON. When I refer to section 6, I refer to the hoarding section, and when I refer to section 12 it is section 10 of the new numbering.

Mr. SMITH of Michigan. Section 6 says:

That necessaries shall be deemed to be hoarded within the meaning of this act when either (a) held, contracted for, or arranged for by any manufacturer, wholesaler, retailer, or other dealer in a quantity in excess of the reasonable requirements of his business for use or sale by him for a reasonable time.

To undertake to construe that language and to narrow its scope and purpose is rather a dangerous thing, it seems to me. I do not know why we should do it.

Mr. KENYON. I will say to the Senator that Judge Lindsey, who is the legal adviser of Mr. Hoover, came before the committee with Mr. Hoover and asked that it be made perfectly clear that section 6 would not accomplish what many thought it would, namely, the closing of all of these exchanges overnight. That was the only purpose of this proviso being inserted.

Mr. SMITH of Georgia. Mr. President, where is the proviso to be inserted?

Mr. KENYON. The proviso suggested by the chairman of the committee would come in at the end of section 10, after the word "both," in line 2, page 16.

Mr. GRONNA. Mr. President, I ask the chairman of the committee if it will not be satisfactory to him to let this amendment go over?

Mr. CHAMBERLAIN. Entirely so.

Mr. GRONNA. I want sufficient time to examine it.

The PRESIDING OFFICER. Without objection the further consideration of the amendment will be suspended and it will go over.

The next amendment was, on page 16, line 3, to change the number of the section from "13" to "11"; in line 6, after the word "products," to insert "being necessaries as hereinbefore defined"; on page 17, line 3, after the name "United States," to strike out "seriously interferes or is likely seriously to interfere with the practical operation of any guaranteed price therefor fixed pursuant to this section, or," so as to make the section read:

SEC. 11. That, whenever the President shall find that an emergency exists requiring stimulation of production and that it is essential that the producers of any nonperishable agricultural food or feed products, being necessaries as hereinbefore defined, produced within the United States shall have the benefits of the guarantee provided for in this section in order to stimulate production of such products, he is authorized, from time to time, seasonably and as far in advance of seeding time as practicable, to determine and fix and to give public notice of what, under specified conditions, is a reasonable guaranteed price for any such products, in order to assure such producers a reasonable profit. Thereupon, the Government of the United States hereby guarantees every producer of any merchantable nonperishable agricultural food or feed products produced within the United States, for which a guaranteed price shall be fixed by notice in accordance with this section, that, upon compliance by him with the regulations prescribed by the President, he will receive for any such products produced in reliance upon this guarantee within the period, not exceeding 18 months, prescribed in the notice, a price not less than the guaranteed price therefor as fixed pursuant to this section. In such regulations the President shall prescribe the terms and conditions upon which any such producer shall be entitled to the benefits of such guaranty. When the President finds that the importation into the United States of any such product produced outside of the United States materially enhances or is likely materially to enhance the liabilities of the United States under guaranties of prices therefor made pursuant to this section, and ascertains what rate of duty, added to the then existing rate of duty on any such product and to the value of such product at the time of importation, would be sufficient to bring the price thereof at which imported up to the price fixed therefor pursuant to the foregoing provisions of this section, he shall proclaim such facts and thereafter there shall be levied, collected, and paid upon such product when imported, in addition to the then existing rate of duty, the rate of duty so ascertained; but in no case shall any such rate of duty be fixed at an amount which will effect a reduction of the rate of duty upon any such products under any then existing tariff law of the United States. For the purpose of making any guaranteed price effective under this section, or whenever he deems it essential in order to protect the Government of the United States against material enhancement of its liabilities arising out of any guaranty under this section, the President is authorized also, in his discretion, to purchase any such products for which a guaranteed price shall be fixed under this section, and to hold, transport, or store them, or to sell, dispose of, and deliver the same to any citizen of the United States or to any government engaged in war with any country with which the Government of the United States is or may be at war or to use the same as supplies for any department or agency of the Government of the United States. Any moneys received by the United States from or in connection with the sale or disposal of any products under this section may, in the discretion of the President, be used as a revolving fund for further carrying out the purposes of this section. Any balance of such moneys not used as part of such revolving fund shall be covered into the Treasury as miscellaneous receipts.

The amendment was agreed to.

The next amendment was, on page 19, after line 13, to strike out:

SEC. 14a. That the president is authorized, if, in his opinion, it is necessary to conserve necessaries, to require any person having control of alcohol and distilled spirits, to turn over to the Government, for use or redistillation, such proportion of said alcohol or spirits as the President may deem necessary to meet the requirements of the Government in the manufacture of munitions and other military and hospital supplies in so far as such use or redistillation would dispense with the necessity of utilizing products and materials suitable for food and feeds in the future manufacture of alcohol or distilled spirits for the pur-

poses herein enumerated. Upon the failure of the person to comply with the President's requirement, the President is authorized to requisition and take possession of the alcohol and distilled spirits required to be turned over and to pay for same a just compensation, to be determined by the President. And if the price so determined be not satisfactory to the person entitled to receive the same, such person shall be paid the amount prescribed by the President and shall be entitled to sue the United States to recover such further sum as, added to the amount so paid, will be just compensation for such spirits or alcohol, in the manner provided by section 24, paragraph 20, and section 145 of the Judicial Code.

Mr. CHAMBERLAIN. Mr. President, in reference to that amendment, the committee proposed section 13, in italics, on pages 20 and 21, as an amendment to the House provision on page 19, section 14a. I do not feel at liberty to withdraw that amendment, proposed by the Committee on Agriculture and Forestry, for they have had no meeting since; but it seems to me that the action of the Senate on Saturday would make that commandeering section for distilled liquor useless. Under the amendment which was adopted on Saturday the President simply takes possession of all of the distilled liquors in bond and utilizes them for governmental purposes. I therefore submit the matter to the Senate without any recommendation, for, as I have said, I have no power from the committee to withdraw the amendment.

Mr. SMOOT. I have no doubt that the whole provision ought to be stricken from the bill, because that entire subject matter has been covered by the amendment which I offered and which the Senate agreed to on Saturday. It seems to me that the Senator having the bill in charge would have a perfect right to withdraw the amendment.

Mr. SMITH of Georgia. Under our unanimous-consent agreement can this committee amendment now be considered?

Mr. SMOOT. This is a committee amendment—the commandeering section.

Mr. SMITH of Georgia. I think, under the unanimous-consent agreement, we disposed of the subject matter last Saturday, and that therefore this committee amendment would go out.

Mr. SMOOT. That only applied to section 12; but the Senator from Oregon [Mr. CHAMBERLAIN] is correct; there is no necessity for the provision now, and it ought to go out.

Mr. SHIELDS. I think this may be the only valid provision of this bill regarding the disposition of or in any way affecting distilled spirits. When the amendment of Senator SMOOT providing for the purchase of distilled spirits by the President was offered, I had very serious doubt as to its constitutionality, and apprehended that it was not only void but that it would invalidate the entire amendment offered by the Senator from Arkansas [Mr. ROBINSON] and did not vote for it. On investigation I am confirmed in that opinion. I have looked up some authorities, and I will present them to the Senate. If section 12 is unconstitutional, then section 13 is very material, and ought not to go out of the bill. This is a matter that ought to have the very serious consideration of the Senate, for, as stated by the Senator from North Carolina [Mr. SIMMONS], the chairman of the Finance Committee, when he asked that the revenue bill be recommitted, if the amendment offered by the Senator from Utah prevails the revenue bill will have to be entirely rewritten in order to purchase the liquors as directed and to supply the revenue that will be lost. Before that committee acts along those lines this matter should be given attention.

Furthermore, if my view of the amendment is sound the bill will be without a provision to prohibit the manufacturer of intoxicating liquors from foodstuffs during the present war, a condition that in common with a majority of the Senators in this Chamber I will regret very much. Now is the time to cure this defect if it can be done.

The vice in the amendment is that therein Congress undertakes to fix the compensation to be paid for the property taken, which is a judicial and not a legislative question, provides no remedy for ascertaining the value of the property to be taken, and denies just compensation for it by authorizing an arbitrary deprivation for cost and a small profit instead of providing for payment of its market value. The Congress would in this way assume judicial powers, and take the property without due process and without just compensation.

Mr. SMITH of Michigan. Mr. President, will the Senator from Tennessee permit an inquiry right there?

The PRESIDING OFFICER (Mr. BROUSSARD in the chair). Does the Senator from Tennessee yield to the Senator from Michigan?

Mr. SHIELDS. I do.

Mr. SMITH of Michigan. If the first part of section 13 down to the words "the President" in line 4, page 21, be stricken out, it would save the point made by the Senator from Tennessee, I think.

Mr. SHIELDS. I can not agree with the Senator as to that, because I do not think the point I am making affects that section so much as it does section 12 as amended and adopted by the Senate on Saturday.

The suggestion of the Senator might meet the objections, at least in part.

Mr. SMITH of Michigan. I think it would.

Mr. SHIELDS. The Senator may be right; but I have not the time to examine it and give an opinion now.

Mr. SMOOT. Mr. President, if the Senator will permit me, if there is any question about it, why not adopt section 13 as it is, and let both sections 12 and 13 go to conference? Then there would not be any question that the conferees could adopt a portion of section 13 if they thought it would add anything to the constitutionality of the so-called Smoot amendment.

Mr. SHIELDS. The question, in my opinion, is so important, not only as affecting this bill but the revenue bill as well, that I think it is best that I present the authorities now so that the Senate may investigate the questions before the bill is disposed of and take proper action in the matter.

The amendment offered by the Senator from Utah is in these words:

Provided, That the President of the United States be, and hereby is, directed to take over for and on behalf of the Government of the United States all distilled liquors that are held in bond at the time this act goes into effect, and he is hereby authorized to pay the owners of such liquors the actual cost of the same plus a profit not exceeding 10 per cent.

THE POWER OF CONGRESS.

There can not be any doubt that while the Congress has the power to judge of the necessity of taking private property for public use in the exercise of the power of eminent domain, it can not fix the compensation to be paid the owner. Further, an act providing for the condemnation of property must always provide a remedy whereby the value of it can be ascertained and recovered by the property owner.

In Black on Constitutional Law, page 495, it is said:

The legislature in exercising the power of eminent domain can not in the law itself fix the amount of compensation to be paid to the property owner. Such compensation, in case of disagreement between the parties, must be ascertained and awarded by a fair and impartial tribunal. "While the legislature is the judge of the necessity or expediency of the exercise of the power of eminent domain, it is not the judge of the amount or justness of the compensation to be made when the power is exercised," and therefore, "when the Constitution prescribes no particular mode in which the compensation shall be ascertained, it would seem to follow that, as to the question of the amount of compensation, the owner of land taken for public use has a right to require that an impartial tribunal be provided for its determination and that the Government is bound in such cases to provide such tribunal, before which both parties may meet and discuss their claims on equal terms."

The leading case upon this subject is that of the Monongahela Navigation Co. against The United States, reported in One hundred and forty-eighth United States, page 338.

Before reading from the opinion I will state how the case arose. The State of Pennsylvania granted to the Monongahela Co. the right to improve the Monongahela River for navigation, and authorized it to charge tolls upon all vessels passing through its locks. It proceeded with the construction of those locks and exercised the franchise granted to it for some years. Afterwards the General Government, under its power to regulate commerce, which is paramount to that of the State's over navigable streams, undertook to improve the river, and in the act providing for the condemnation of the property of the Navigation Co. it excluded the value of the franchise granted to the company by the State of Pennsylvania. The question came before the Supreme Court of the United States whether the franchise was an element of value which the Navigation Co. had the right to have considered and receive compensation for. Thus it will be seen that the power of the legislature to fix the elements of value of the property condemned, and also the compensation to be paid, arose, and both were determined. I am not going to read all the case, but certain extracts that will show what was adjudged:

By this legislation Congress seems to have assumed the right to determine what shall be the measure of compensation. But this is a judicial and not a legislative question. The legislature may determine what private property is needed for public purposes—that is a question of a political and legislative character—but when the taking has been ordered, then the question of compensation is judicial. It does not rest with the public taking the property through Congress or the legislature, its representative, to say what compensation shall be paid or even what shall be the rule of compensation. The Constitution has declared that just compensation shall be paid, and the ascertainment of that is a judicial inquiry.

The court quoted with approval other cases, as follows:

Charles River Bridge Proprietors v. Warren Bridge Proprietors (36 U. S., 11 Peters, 420, 571 [9:773, 833]). Mr. Justice McLean in his opinion referring to a provision for compensation found in the character of the Warren Bridge, uses this language: "They (the legislature) provide that the new company shall pay annually to the college in behalf of the old one a hundred pounds. By this provision it

appears that the legislature has undertaken to do what a jury of the country only could constitutionally do—assess the amount of compensation to which the complainants are entitled."

Isom v. Mississippi Central Railroad Co. (36 Miss., 300), where it is held:

The right of the legislature of the State by law to apply the property of the citizen to the public use and then to constitute itself the judge in its own case to determine what is the "just compensation" it ought to pay therefor or how much benefit it has conferred upon the citizen by thus taking his property without his consent or to extinguish any part of such "compensation" by prospective conjectural advantage or in any manner to interfere with the just powers and province of courts and juries in administering right and justice can not for a moment be admitted or tolerated under our Constitution. If anything can be clear and undeniable upon principles of natural justice or constitutional law it seems that this must be so.

Montgomery County v. Schuylkill Bridge Co. (110 Pa., 54, 58) in which the condemnation of a bridge belonging to the bridge company was sought, where the court said:

The bridge structure, the stone, iron, and wood, was but a portion of the property owned by the bridge company and taken by the county. There were the franchises of the company, including the right to take toll, and these were as effectually taken as was the bridge itself. Hence, to measure the damages by the mere cost of building the bridge would be to deprive the company of any compensation for the destruction of the franchises. The latter can no more be taken without compensation than can its tangible corporeal property.

The court, in the Monongahela case, further said:

In other words, it is within the competency of Congress to make such provision respecting the improvement of the Monongahela River as in its judgment the public interests demand. Its dominion is supreme.

But, like the other powers granted to Congress by the Constitution, the power to regulate commerce is subject to all the limitations imposed by such instrument, and among them is that of the fifth amendment we have heretofore quoted.

Referring to the clause requiring just compensation to be paid for property taken for public use.

Congress has supreme control over the regulation of commerce, but if, in exercising that supreme control, it deems it necessary to take private property, then it must proceed subject to the limitations imposed by this fifth amendment, and can take only on payment of just compensation. * * * Because Congress has power to take the property, it does not follow that it may destroy the franchise without compensation. Whatever be the true value of that which it takes from the individual owner must be paid to him before it can be said that just compensation for the property has been made. And that which is true in respect to a condemnation of property for a post office is equally true when condemnation is sought for the purpose of improving a natural highway. Suppose, in the improvement of a navigable stream, it was deemed essential to construct a canal with locks in order to pass around rapids or falls. Of the power of Congress to condemn whatever land may be necessary for such canal there can be no question, and of the equal necessity of paying full compensation for all private property taken there can be as little doubt. If a man's house must be taken, that must be paid for; and if the property is held and improved under a franchise from the State, with power to take tolls, that franchise must be paid for, because it is a substantial element in the value of the property taken. So, coming to the case before us, while the power of Congress to take this property is unquestionable, yet the power to take is subject to the constitutional limitation of just compensation.

That case has been frequently cited and approved. There can be no question, upon this authority, but that the attempt in this act to fix the measure of compensation of the owners of the vast amount of property proposed to be condemned for the public use renders the entire section of the bill a nullity.

Furthermore, not only has the Congress no power to fix the compensation, but it must provide a remedy for the owner of the property to recover the just compensation in some character of tribunal.

Judge Cooley, in his work on Constitutional Limitations, says:

It is sufficient if provision is made by the law by which the party can obtain compensation, and that an impartial tribunal is provided for assessing it.

In this case the bill merely provides that the President shall take and pay for the property. There is no provision whatever for the property owner to institute any proceeding or in any way compel the payment of the compensation to which he is entitled. The decisions upon this point assume that when the State has provided a remedy by resort to which the party can have his compensation assessed, adequate means are afforded for its application, since the property of the municipality or of the State is a fund to which he can resort without risk of loss. It is essential, however, that the remedy be one which the party can resort to of his own motion. If the provision be such that only the public authorities appropriating the land are authorized to take proceedings for the assessment, it must be held to be void.

Mr. Black, in his work on the Constitution, has something to say upon that subject. It is in these words:

If the power of eminent domain is exercised for the benefit of the State or one of its municipalities, it is not essential that payment should first be provided, for it is supposed that the public faith is a sufficient pledge and guarantee for the payment of what is awarded. But in this case, the law must provide a means for making his claim effective against the State or municipality, which shall be adequate and certain, and which may be initiated by the property owner himself at his own discretion.

This bill contains no such provision, but places the entire matter in the hands of the Government, through the President.

Not only has the Congress no power to fix the compensation, and must provide a remedy by which it may be recovered in a tribunal of some nature, but it must allow the property owner to recover the market value of the property; and any attempt to fix any other measure of damages or of compensation than that value renders the act void. This bill, it will be remembered, fixes the compensation to be paid at the cost of the distilled spirits with 10 per cent profit. It allows nothing for the value which comes with age to this character of property. It allows nothing for the market value that will be so greatly increased by the provision of the Robinson amendment prohibiting the further distillation of distilled spirits during the war.

Mr. KING. Mr. President——

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Does the Senator from Tennessee yield to the Senator from Utah?

Mr. SHIELDS. I will yield to the Senator in a moment.

It has been said here by some that it cost about 25 cents per gallon to distill these liquors, and by others about 75 cents per gallon. I do not know how that is; but anyone reading the quotations in the public prints knows, and in fact it is common knowledge, that many of these liquors now sell for from $6 to $12 a gallon on the market. They are worth that money to the owners. They are worth that money as security to the banks which hold the notes and other obligations of the owners of them. Will anyone say that those who own these liquors or those who hold these securities are going to allow their property to be confiscated in this way without challenging the act in the courts of the country? It is evident that this legislation will not stand for a moment before any court of competept jurisdiction.

I now yield to the Senator from Utah.

Mr. KING. Mr. President, it seems to me the position of the Senator is impregnable. The suggestion has been made by some, however, that this legislation is justified upon the ground of military necessity; and they liken this act to the act of the general who, in the prosecution of a war, encounters property which is indispensable to his operations, and seizes it, commandeers it; and if it is ever paid for it is a mere act of grace upon the part of the Government, rather than a matter of right.

Does the Senator concede that that proposition is the law? And if it is, may not that be entirely differentiated from the question under consideration now?

Mr. SHIELDS. That is a question that I will discuss, at the suggestion of the Senator, later, when I finish the one in hand; but there was never a greater sophistry or heresy propounded in a legislative body than that this property or any other property, in the state of affairs in this country, can be commandeered and taken without compensation. I will present some authorities on that subject. I did not intend to go into the question at this time, but I will answer it briefly when I reach it.

I have stated that the owners of this property are entitled to recover its market value, and not its cost price with a limited profit, and I will do no more than present the authorities upon that subject.

Mr. REED. Mr. President, the Senator gave a number of reasons why the market value might be different from the cost. I say that I think his statement can not be answered by anybody; but, in addition to the reasons which he gave, let me suggest this:

It would hardly be claimed, if the Government wanted to take a piece of real estate, that the Government could propose to pay what the owner paid for the property and set that up as the value, or what the owner paid and 10 per cent additional, and set that up as the value, because the owner may have obtained the property for much less than its real value, or since the owner has acquired it the property may have attained an entirely different value. So it may be said, with reference to everything that is capable of barter and sale, that the price it cost the owner does not at all determine the question of value.

I simply wanted to make that observation in addition to the illustrations the Senator was giving.

Mr. SHIELDS. Yes. I shall present some authorities directly upon that point in a moment. The converse equally applies to the Senator's illustration. Suppose the property cost $100,000 and a railroad company was proposing to condemn it. The same rule applies to a corporation that applies to the Government, and the same rule applies to personal property as to real property. There is no distinction in the nature or character of the property concerning the measure of damages or compensation to be paid when the right of eminent domain is exercised. Now, following the illustration of the Senator from Missouri [Mr. REED], suppose the property cost $100,000, but

at the time it was taken it had so depreciated that it was worth only $25,000. Would the party condemning it be required to pay the cost? Certainly not. The rule is that he pays the market value at the time the property is taken, as if the owner wanted to sell and the party seeking to condemn wanted to buy in the ordinary course of business.

Speaking about the compensation to be paid, Judge Cooley, in his work on Constitutional Limitations, at pages 819 and 820, says:

If the whole of a man's estate is taken, there can generally be little difficulty in fixing upon the measure of compensation, for it is apparent that in such case he ought to have the whole market value of his premises, and he can not reasonably demand more. The question is reduced to one of market value, to be determined upon the testimony of those who have knowledge upon that subject and whose business or experience entitles their opinions to weight. It may be that in such a case the market value may not seem to the owner adequate compensation, for he may have reasons peculiar to himself, springing from association or other cause, which make him unwilling to part with the property on the estimate of his neighbors; but such reasons are incapable of being taken into account in legal proceedings where the question is one of compensation in money, inasmuch as it is manifestly impossible to measure them by any standard of pecuniary value. Concede to the Government a right to appropriate the property on paying for it and we are at once remitted to the same standards for estimating values which are applied in other cases, and which necessarily measure the worth of property by its value as an article of sale or as a means of producing pecuniary return.

I will also read from Mr. Black upon the same subject:

The rules for ascertaining the amount of compensation to be paid to the owner of property taken under the power of eminent domain are subject to some variations, depending on the circumstances of the particular case. But the general principles are always the same. And these may be arranged in three classes, according as the appropriation is of the whole of the tract or other property, or only a portion thereof, or consists in injury and damage to the property without a physical taking of it.

Of course this is a taking of the whole of the property; and that is the class we are now discussing.

In the first place, if the State or corporation takes the whole of the tract of land, or the franchise and plant of a corporation, or any other entire piece of property, the owner is entitled to receive the entire market value of the property. The market value is not the mere amount which the property has cost the owner; it may be much greater. Neither does it mean the amount which the property would bring at a forced sale, but what it would bring in the hands of a prudent seller at liberty to fix the time and the conditions of the sale. If the property taken consists in the franchise and plant of a corporation, the market value is not to be ascertained by the par value of the stock, or the cost of the improvements, but it is measured by the actual selling value of the entire capital stock.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Michigan?

Mr. SHIELDS. I do.

Mr. SMITH of Michigan. Does the Senator believe that that authority would connect the distillery itself with the product—that the distillery would be a part of the property which is thus affected?

Mr. SHIELDS. Oh, no; it is the whisky alone that is to be valued.

Mr. SMITH of Michigan. The whisky alone?

Mr. SHIELDS. I suppose the Senator's question is suggested by Mr. Black's reference to real estate in giving the illustration.

Mr. SMITH of Michigan. Yes.

Mr, SHIELDS. That is the most common character of property concerning which the power of eminent domain is exercised.

Mr. SMITH of Michigan. Yes.

Mr. SHIELDS. And he gives an illustration as to that. But if the Senator will remember the quotation, he says "land or other property"; and there is no better-settled principle than that the rule applicable to real estate is applicable to personal property, or to intangible values such as franchises when so condemned and taken. The character or nature of the property does not affect the compensation to be paid. The rule is the same as to all.

The Congress by undertaking to fix the value of the property and compensation to be paid has usurped the prerogatives and powers of the judiciary, and for that reason the act is void. It is void for failure to provide any remedy to the owner of the property by which he can enforce payment of compensation. It is also void because it undertakes to fix the value of the property at cost, with 10 per cent profit, instead of its market value.

THE WAR POWER.

I am asked by the Senator from Utah [Mr. KING] whether the Congress has not the right to commandeer this property, and consequently the validity of the act can be sustained as a war measure.

Section 13 is a provision for commandeering the property in the exercise of what, I think, is inaccurately called the war power. This section is not undertaken to be enacted under that power. In fact, several Senators spoke of it as being the best and the most effective prohibition law that ever had been suggested or proposed to be enacted; and if you get down to the truth of it, there was nothing moving this amendment but the desire to enter into immediate prohibition in the United States. But it is immaterial what the Congress or any Member of it calls the law. The question is, What is the nature of it?

The war power, so called, in my opinion, has been misapplied, misinterpreted, and misstated frequently since we have been considering emergency legislation during this special session. There is no general power of government floating about in the atmosphere that can be brought down and applied to conditions whenever we declare war. Whatever power Congress has in a state of war must be found within the four corners of the Constitution. Whatever power the President can exert must be found within the same limits. There is no such thing as military power to be exercised by Congress. There is such a power to be exercised by the the President, as Commander in Chief of the Army, and not otherwise.

I find a very clear definition of military power and of martial law in the Encyclopedia of the United States Supreme Court Reports, volume 8, page 272, which, I think, it will be well to read in this connection:

Martial law is the law of military necessity in the actual presence of war.

Martial law is to be distinguished from military law, which is used in peace and war, and is found in acts of Congress prescribing rules and articles of war or otherwise providing for the government of the national forces.

Martial law is also to be distinguished from military government, which is exercised in time of foreign war without the boundaries of the United States, or in time of rebellion and civil war within the States or districts occupied by rebels treated as belligerents.

Martial law is called into action by Congress, or temporarily, when the action of Congress can not be invited, and in the case of justifying or excusing peril, by the President, in times of insurrection or invasion, or of civil or foreign war within districts or localities where ordinary law no longer adequately secures public safety and private rights. And a State itself may determine whether a crisis demands the creation of martial law.

Martial law is administered by the general of the Army, and is, in fact, his will. Of necessity it is arbitrary, but it must be obeyed.

Martial law is to be exercised in times of invasion or insurrection within the limits of the United States, or during rebellion within the limits of States maintaining adhesion to the National Government when the public danger requires its exercise.

Martial law can not arise from a threatened invasion. The necessity must be actual and present; the invasion real; such as effectually closes the courts and deposes the civil administration.

Martial law is confined to the locality of actual war. Martial rule can never exist where the courts are open and in the proper and unobstructed exercise of their jurisdiction.

Mr. President, these definitions and statements of the distinction between martial and military law, and the characteristics of each, are abundantly sustained by numbers of the adjudged cases of the Supreme Court of the United States. Indeed, there is no controversy but that they are sound.

Can there by any control, use, or appropriation of private property under military law? Certainly not. Military law is confined to control of the Army under the acts of Congress, applicable equally in war and in peace. So no warrant for such legislation can be found under it.

Martial law is the law of necessity, of military necessity, in case of foreign invasion or in case of insurrection, when the courts of the country are closed and can not be resorted to. Do such conditions prevail in a single State, in a single county, or in a single neighborhood of this country? Absolutely none. Peace and order prevail everywhere within our boundaries. The courts are open and the law prevails.

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Illinois?

Mr. SHIELDS. I yield.

Mr. LEWIS. I wish to ask the able Senator from Tennessee, whose ability as a jurist we all know, and his great reputation as chief justice of the State which he now represents, with which we are familiar, does he insist that during war, when the Commander in Chief is exercising powers, that before the act can be done you must find in the Constitution an express provision directing or giving assent; or is not the reverse of that the rule, that one must find in the Constitution where the act is prohibited before it can be regarded as interdicted or illegal?

Mr. SHIELDS. I have no trouble in answering the Senator's question. If there is any principle well settled in constitutional law in the United States it is that the United States is a Government of enumerated powers; and if the Congress or the Executive or the judiciary or any officer undertakes to exercise any power or authority under that Government, he must place his finger upon the power to do so within the four corners of the Constitution.

Mr. LEWIS. Mr. President, I beg to interrupt the Senator. The eminent junior Senator from Missouri [Mr. REED] took

that position the other day. What I wish to ask the Senator from Tennessee now is to draw this distinction that must be recognized. In matters of war the Commander in Chief, and, indeed, other officials of the Government in executing the orders of Congress after the war has been declared, is there not the inherent power in the Executive—that is, in the people at large—to do such things as will be necessary to carry on the war, and before it can be prohibited there must be some expression of the Constitution disclosed that prohibits that particular act before it can be regarded as prohibited.

Mr. SHIELDS. I unhesitatingly say no to the Senator from Illinois, and I challenge him to find the slightest authority for his proposition in the Constitution, adjudged cases of our courts, or in any textbook upon the subject.

Mr. LEWIS. I ask my able friend if he recalls the McNabb case? I will send for it. I think the words are these: The Supreme Court of the United States say that where a law is unconstitutional those making the contention should be able to put their finger upon the particular provision of the Constitution that specifically prohibits the act before it can be urged or should be urged that the deed itself is in violation of the Constitution. Does not the Senator recall that language of the Supreme Court of the United States?

Mr. SHIELDS. Apply that rule to State constitutions. The States have all the powers of government which are not prohibited to them in their constitutions or surrendered to the Federal Government. But the opposite rule applies to the Federal Government. It has only the powers that are expressly granted to it in its Constitution.

Mr. LEWIS. I think, Mr. President, we will see the distinction. The Senator contends that as to a State constitution the inherent power of the sovereignty of the people in the State is unlimited, and that before you could claim that the act was illegal you would have to put your finger upon the provision of the State constitution that prohibited it; but as to the Federal Government the position of the Senator is that we have only conferred such powers as we have contributed to that Federal Constitution, and without the power there specifically to authorize the act, it shall be presumed not to be constitutional.

Mr. SHIELDS. Of course that is elementary law.

Mr. LEWIS. There is where the eminent Senator and myself differ in the construction. I catch his distinction.

Mr. McCUMBER. The Senator from Tennessee will recall that at the Battle of New Orleans in the War of 1812 the American soldiers used bales of cotton to build a fort. I suppose the Senator would concede that they had the right to take that cotton without any further ado or without any action. Now, suppose the cotton had been destroyed, burned up entirely, what would be the right of the owners of that cotton as against the Government of the United States? I mean the legal right and not merely the moral right. The Government can not be sued without its consent.

Mr. SHIELDS. The Senator will recall that the Supreme Court of the United States held in relation to the cotton taken by Gen. Jackson that there was no remedy against the United States because the cotton was taken by the army in the field, that it was the ravage of war, which is entirely different from taking property in time of peace, using it as here proposed. Entirely different rules prevail in the two cases.

Mr. McCUMBER. I recall the decision. The point I wanted to make to the Senator and to get his judgment upon was where a question of imminency is to be determined may not the legislature of a State or the Congress of the United States determine what is imminent, what is absolutely necessary, and inasmuch as the Government can not be sued without its consent, can it not make such regulations with reference not only to the measure of damages, but the evidence by which those damages are to be established, either limiting them or extending them, once conceding the right of the legislature to determine that question?

Mr. SHIELDS. I do not agree with the Senator. There are numbers of cases that arose on account of damages to property that was destroyed by the ravages of war and in battle. One case which occurs to me I remember, although I have not read it for some time, where Confederate sharpshooters got into a brick residence and were picking off Federal soldiers. They were dislodged by shelling the building, and during the night the Federal authorities sent out and burned the building. The battle was renewed the next morning. The owners brought suit, and it was held that that was a loss growing out of imminent military necessity for the protection of the country and the ravages of the war and no liability existed.

Mr. GORE. It was immediate and imminent.

Mr. SHIELDS. It was immediate and imminent and no damages could be recovered.

Mr. McCUMBER. Does the Senator hold that the imminency of the question can never be determined by the legislative department of the Government? That is the question.

Mr. SHIELDS. This is not a new question. There are a number of cases of this kind growing out of the Civil War, some out of the Mexican War, and I will read an extract from one of them. None of these questions are new; they are elementary; the books are full of them.

In Mitchell *v.* Harmony (13 Howard, 134) the facts were as follows: Gen. Mitchell seized the property of a citizen who was following the Army and trading with the natives, but under such conditions he was not prohibited from so doing. The property was destroyed. After the war Harmony brought suit against Mitchell for trespass on the ground that he had exceeded his power as a general; that there was no military necessity for such seizure and destruction of property; and the Supreme Court of the United States gave him a judgment. The court said:

> There are, without doubt, occasions in which private property may lawfully be taken possession of or destroyed to prevent it from falling into the hands of the public enemy; and also where a military officer, charged with particular duty, may impress private property into the public service or take it for public use. Unquestionably in such cases the Government is bound to make full compensation to the owner, but the officer is not a trespasser.
>
> But we are clearly of opinion that in all of these cases the danger must be immediate and impending, or the necessity urgent for the public service, such as will not admit of delay and where the action of the civil authority would be too late in providing the means which the occasion calls for. It is impossible to define the particular circumstances of danger or necessity in which this power may be lawfully exercised. Every case must depend on its own circumstances. It is the emergency that gives the right, and the emergency must be shown to exist before the taking can be justified.

That answers the Senator's question. Raymond against Thomas, found reported in Ninety-first United States, page 716, is a case very instructive along these lines. I think it grew out of the Civil War. The court said:

> It is an unbending rule of law that the exercise of military power where the rights of the citizen are concerned shall never be pushed beyond what the exigency requires.

Can it be said that there is any urgency or exigency which requires that property in the United States shall be seized and used and applied to military purposes without resort to the courts, all of which are open? Is there such an impending necessity for the public good, to preserve the national existence? I do not believe any Senator will contend for a moment that that is the fact.

Now, about this war power. To my mind it is clear——

Mr. SMITH of Michigan. If the rule for which the Senator from Tennessee contends with so much force is true, the Government is not left powerless. The Government still has its remedy of taxation and can reach the article in question in a strictly legitimate way. It may be burdensome, but that power still resides.

Mr. SHIELDS. And it has its power to go into the courts and condemn the property required for national defense.

Mr. SMITH of Michigan. It has its right of eminent domain.

Mr. SHIELDS. Congress has the right to create a commission to condemn it, to ascertain how much of this whisky it wants, and to find the market value to be paid. Our courts are open. There is no interruption whatever in civil process or civil procedure. There is no trouble with the Government in this case getting necessary supplies of distilled spirits.

Now, the war power of Congress, in my opinion, is to be found, and found nowhere else, in the provisions authorizing Congress to declare war, to raise and support armies, to provide and maintain a navy. It is also authorized to make rules for the government and regulation of the land and naval forces, but this provision is not here involved. It is also authorized to provide for calling forth the militia to execute the laws of the Union, suppress insurrection and repel invasion, and to provide for organizing armies and disciplining the militia and for governing such parts of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of officers and the authority of training the militia according to the discipline prescribed by Congress.

The vital provisions are the power to declare war, to raise and support armies, and that includes the supporting of the militia, to provide and maintain a Navy. I think those provisions authorize the Congress to do whatever is necessary to raise the Army. Under that comes the power of conscription. It is authorized to do whatever is necessary to support the Army and maintain the Navy, and under that power it has the right and the power, in my opinion, to conserve the food supply of the country, and for that reason I am supporting that character of legislation. But those powers are not unlimited. They are to be exercised in harmony with every other provision of the Federal Constitution. The President is the Commander in Chief of

the Army, and when the Army and the Navy are raised and organized by the Congress he has absolute control over them. He may send them where he pleases, and Congress has no power over them, but in the exercise of that power he must be controlled by the other provisions of the Constitution from which he derives his powers. Neither Congress nor the President can rise higher than their creator, than their source of power.

Talk about any provision of the Constitution being suspended during war, how are you going about selecting the provisions? Are you going to suspend those creating the courts? If one is suspended all are suspended. The President would have no power under which he could command the Army, because the source of his power would be destroyed, suspended, and Congress would not have the right to enact this or any other legislation because the provisions vesting in it legislative powers would be suspended.

It is said this suspension is necessary for preservation of national existence, that war is made upon us, and as a matter of necessity, higher than the Constitution, we may adopt means which are violative of the provisions of the fundamental law.

How far are you going to carry that? The war of 1812 was the first waged by us under this Constitution. That was a war of national defense. That was a case where you say the necessity arose. Did it arise in the War with Mexico, which was a war of aggression and of conquest? Have you a right to suspend the Constitution in order to go marauding about the world seeking new territory and booty of other nations?

Was the Constitution suspended when we had war with the Indian tribes? Was it suspended when we in the name of humanity officiously went down to Cuba and despoiled Spain of her colonies? Was the Constitution suspended when we committed acts of flagrant war against Mexico in seizing Vera Cruz and taking charge of the customs of that port and appropriating them?

If you say a state of war suspends the Constitution, it must apply to all cases, not to mere cases of defense. War is war, whether is is a war of conquest or a war of defense.

Now, I say I believe Congress and the President have the right to exercise all powers necessary to carry the powers expressly given them to a successful, if possible, conclusion, provided they violate no provision of the Constitution.

Perhaps the first case defining the extent of the powers given the Federal Government by the Constitution was Gibbons *v.* Ogden (4 Wheaton, 196), involving the power of Congress under the commerce clause. There the court said:

This power—

That of the regulation of commerce—

like all others vested in Congress, is complete in itself and may be exercised to its utmost extent and acknowledges no limitations other than are prescribed in the Constitution.

In McCulloch *v.* Maryland (4 Wheaton, 421) the court said:

We admit, as all must admit, that the powers of the Government are limited, and that its limits are not to be transcended. But we think the sound construction of the Constitution must allow to the National Legislature that discretion with respect to the means by which the powers it confers are to be carried into execution which will enable that body to perform the high duties assigned to it in the manner most beneficial to the people. Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution are constitutional.

I have heard these quotations from those cases read several times here and great emphasis given to the clauses stating that the powers vested in Congress are complete and may be exercised to their utmost extent—

Let the end be legitimate; let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consistent with the Constitution, may be used—

but no emphasis was given to the statement in Gibbons against Ogden, concluding the excerpt I have read in these words:

acknowledges no limitations other than are prescribed in the Constitution.

Or in McCulloch against Maryland in these words:

and all means which are appropriate, which are plainly adapted to that end, which are not prohibited and consistent with the Constitution.

Mr. GORE. And with the spirit and letter of the Constitution.

Mr. SHIELDS. Yes. There is no clause in the Constitution that is of any greater scope of authority, that is of any greater dignity or that is more binding upon the President and upon Congress or upon the people than any other clause. Every provision there owes its origin to the same high source—the people of the country. They all stand upon the same basis, upon the same platform, and you can not exercise one in violation of another.

That question has been before the courts frequently, and I am only going to refer you to one case upon the subject, for it illustrates the principle fully. I could read you from both Cooley and Black to the same effect, but I am not going to do it now. I am going to read you an excerpt from the very late case of Adair against the United States, involving the commerce clause of the Constitution. It is reported in 208 United States, page 177:

Of course, as has been often said, Congress has a large discretion in the selection or choice of the means to be employed in the regulation of interstate commerce, and such discretion is not to be interfered with, except where that which is done is in plain violation of the Constitution.

The power to regulate commerce is just as full, just as authoritative, as that of war, and it has frequently been said by the Supreme Court that it and taxation are the two greatest and highest powers vested in the American Congress by that Constitution.

Now, proceeding in the Adair case, I read:

Manifestly any rules prescribed for the conduct of interstate commerce in order to be within the competency of Congress, under its power to regulate commerce among the States, must have some real or substantial relation to or connection with the commerce regulated. * * * We need scarcely repeat what this court has more than once said, that the power to regulate interstate commerce, great and paramount as that power is, can not be exercised in violation of any fundamental right secured by other provisions of the Constitution.

CONSTITUTION SUPREME IN PEACE AND WAR.

The power vested in the President as Commander in Chief, and the power of Congress to declare war and to raise and support armies and maintain navies is no higher than that vested by the commerce clause, and it can not be exercised to violate the fifth amendment—to deprive a citizen of his property without compensation. The leading case upon limitations of the powers of the President and Congress when the country is at war is Ex parte Milligan. I am going to read some extracts from it.

The court in that case, among other things, said:

Time has proven the discernment of our ancestors, for even these provisions, expressed in such plain English words that it would seem the ingenuity of man could not evade them, are now, after the lapse of more than 70 years, sought to be avoided. These great and good men foresaw that troublous times would arise, when rulers and people would become restive under restraint, and seek by sharp and decisive measures to accomplish ends deemed just and proper; and that the principles of constitutional liberty would be in peril unless established by irrepealable law. The history of the world has taught them that what was done in the past might be attempted in the future. The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times and under all circumstances. No doctrine involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism, but the theory of necessity on which it is based is false, for the Government, within the Constitution, has all the powers granted to it which are necessary to preserve its existence; as has been happily proved by the result of the great effort to throw off its just authority.

* * * * * * *

If this position is sound to the extent claimed, then when war exists, foreign or domestic, and the country is subdivided into military departments for mere convenience, the commander of one of them can, if he chooses, within his limits, on the plea of necessity, with the approval of the Executive, substitute military force for and to the exclusion of the laws, and punish all persons, as he thinks right and proper, without fixed or certain rules.

The statement of this proposition shows its importance; for, if true, republican government is a failure, and there is an end of liberty regulated by law. Martial law, established on such a basis, destroys every guaranty of the Constitution, and effectually renders the "military independent of and superior to the civil power"—the attempt to do which by the King of Great Britain was deemed by our fathers such an offense that they assigned it to the world as one of the causes which impelled them to declare their independence. Civil liberty and this kind of martial law can not endure together; the antagonism is irreconcilable; and, in the conflict, one or the other must perish.

This Nation, as experience has proved, can not always remain at peace, and has no right to expect that it will always have wise and humane rulers, sincerely attached to the principles of the Constitution. Wicked men, ambitious of power, with hatred of liberty and contempt of law, may fill the place once occupied by Washington and Lincoln; and if this right is conceded, and the calamities of war again befall us, the dangers to human liberty are frightful to contemplate. If our fathers had failed to provide for just such a contingency, they would have been false to the trust reposed in them. They knew—the history of the world told them—the Nation they were founding, be its existence long or short, would be involved in war; how often or how long continued, human foresight could not tell; and that unlimited power, wherever lodged at such a time, was especially hazardous to freemen. For this, and other equally weighty reasons, they secured the inheritance they had fought to maintain by incorporating in a written Constitution the safeguards which time had proved were essential to its preservation. Not one of these safeguards can the President, or Congress, or the judiciary disturb, except the one concerning the writ of habeas corpus.

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The illustrious men who framed that instrument were guarding the foundations of civil liberty against the abuses of unlimited power; they were full of wisdom, and the lessons of history informed them that a trial by an established court, assisted by an impartial jury, was the only sure way of protecting the citizen against oppression

and wrong. Knowing this, they limited the suspension to one great right, and left the rest to remain forever inviolable. But it is insisted that the safety of the country in time of war demands that this broad claim for martial law shall be sustained. If this were true, it could be well said that a country, preserved at the sacrifice of all the cardinal principles of liberty, is not worth the cost of preservation. Happily it is not so.

* * * * * * *

It follows, from what has been said on this subject, that there are occasions when martial rule can be properly applied. If, in foreign invasion or civil war, the courts are actually closed, and it is impossible to administer criminal justice according to law, then on the theater of active military operations, where war really prevails, there is a necessity to furnish a substitute for the civil authority, thus overthrown, to preserve the safety of the Army and society; and as no power is left but the military, it is allowed to govern by martial rule until the laws can have their free course. As necessity creates the rule, so it limits its duration; for, if this Government is continued after the courts are reinstated, it is a gross usurpation of power. Martial rule can never exist where the courts are open, and in the proper and unobstructed exercise of their jurisdiction. It is also confined to the locality of actual war. Because, during the late Rebellion it could have been enforced in Virginia, where the national authority was overturned and the courts driven out, it does not follow that it should obtain in Indiana, where that authority was never disputed and justice was always administered. And so in the case of a foreign invasion, martial rule may become a necessity in one State when in another it would be "mere lawless violence."

Mr. President, I had not intended to go into the question of war power at this time, but I am very glad to have done so. I think these authorities are worthy of consideration by every Senator in this Chamber. All these cases involve the question whether or not Congress can enact laws under the powers vested in it to declare war, to support armies, and to maintain navies, in violation of other provisions of the Constitution. It is clear that it can not, without a gross usurpation of power which is unauthorized, and which will never be approved by the people of this country.

I am of opinion that the vices which I have pointed out in the amendment of the Senator from Utah [Mr. SMOOT] to the amendment of the Senator from Arkansas [Mr. ROBINSON], authorizing the President to take over all of the two hundred and odd million gallons of whisky now in bond in the United States and pay the cost price of it, with 10 per cent profit, makes the whole provision a nullity. I believe that the courts would hold that the original provision of the Robinson amendment providing for the prohibition of the distillation of spirits during the present emergency is so intimately connected with this amendment that Congress would not have passed one without the other, and that the entire section would be held null and void; and thus there would be no restraint upon the manufacture of intoxicants under this bill, so earnestly desired by a majority in this Chamber.

I have favored such legislation; I have voted for all the provisions prohibiting the manufacture of foodstuffs during the present war into alcoholic liquors during this great emergency, except this amendment, and I have given my reasons for not voting for it.

I dislike to see all this legislation destroyed and nullified by an overzealous amendment. I had hoped that all these amendments would be voted down and that the House provision would ultimately be approved and retained in the bill.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Oregon?

Mr. SHIELDS. I believe the section as it now stands is void, and that if the bill becomes a law without alteration there will be no legislation upon the subject. That is the reason that impels me to call attention to its infirmities at this time.

Now I yield to the Senator from Oregon.

Mr. CHAMBERLAIN. Mr. President, I have listened with much interest to the argument of the Senator from Tennessee, and there is great force in what he says about the possible unconstitutionality of the section that was agreed to on Saturday; but does not the Senator think that this provision might remain in the bill and give us an opportunity to try to whip it into shape in conference?

Mr. SHIELDS. Mr. President, I have always thought when a vicious and an unconstitutional measure showed its head it ought to be struck right then. I never thought it ought to be tolerated.

How can the Finance Committee act with such a provision as this in the bill? Can it say it is constitutional and go on and not provide the money to pay for this whisky and not provide for the additional revenue that they have levied upon distilled spirits? They ought to have some basis upon which to frame their bill intelligently and meet the necessities of the Government.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Missouri?

Mr. SHIELDS. I do.

Mr. REED. In connection with what the Senator is saying now I call his attention to the fact that the chairman of the Finance Committee, upon the adoption of what is known as the Smoot amendment, which the Senator is now discussing, announced upon the floor of the Senate that he would be obliged to ask that the revenue bill be recommitted to the Finance Committee, and he further stated that, in his opinion, that committee would not be able to bring in any report until a final disposition was made of this provision. That in all human probability, in my judgment, will take three or four weeks. I mean it will take that long to get this bill out of conference and to then take up and pass the revenue bill. So the Senator's point, that this matter ought to be disposed of now, is certainly entitled to very great weight.

Mr. SHIELDS. Mr. President, I think so. The Smoot amendment, I believe, is clearly unconstitutional, and in order that the Finance Committee may act intelligently it ought to be eliminated, and in the view I take of it—and I believe a majority of Senators concur with me in that—as it is the only provision in this bill prohibiting the distillation or the manufacture of intoxicating liquors out of foodstuffs, if it is void it ought to be known now and eliminated and a valid constitutional provision effecting that end included.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Michigan?

Mr. SHIELDS. I do.

Mr. SMITH of Michigan. If what the Senator says is true and the manner of meeting his objection is correct, how can we dispose of this amendment, when under the unanimous-consent agreement it is in the bill to the final passage by the Senate? That being true, I should like very much to hear what the Senator has to say about the provision in the bill lying before him—section 13, I think—which does provide a manner in which distilled spirits may be commandeered and the owners thereof compensated. That is the situation which confronts the Senate; we are powerless to do otherwise, even if the very strong statement of the Senator from Tennessee is to be accepted. The bill will have to go to conference under our self-imposed rule, and whether that provision, section 13, ought to go to conference also is a parliamentary question that we must now meet.

Mr. SHIELDS. Mr. President, the Senator has now asked me a question that I must confess I am unable to answer, for if there is anything I know nothing of it is the rules of the Senate and, I might add further, parliamentary law. The Senator has been in Congress for about 25 years; he is an able parliamentarian, and I will go to him for advice upon that subject.

Now, as to section 13, authorizing or empowering the President to commandeer all the whisky needed for governmental purposes, I approve of it and I intend to vote for it. I think it ought to stay in the bill, even if there is a provision of the kind attempted to be put into it by the amendment of the Senator from Utah. I do not think the necessities of the Government ought to be jeopardized by this extreme measure in a sense which has no relation particularly to the war. This bill is primarily a war measure, and that consideration should dominate every other impulse, every other motive, and every other action in enacting it.

Mr. SMITH of Michigan. Mr. President, I think I ought to say, in order that I may not be misunderstood, that when I voted for the Smoot amendment I realized that a mere arbitrary award was not such a day in court as the owner of the property was entitled to have. The provision to which I have called the Senator's attention does provide the means of ascertaining the value of this property and a forum where the issue may be tried.

If that same provision could be attached to the so-called Smoot amendment, the point made by the Senator from Tennessee would not be so compelling.

Mr. SHIELDS. Mr. President, I have not considered the suggestion of the Senator from Michigan, but I have no doubt that what he suggests is possible. I believe the section could be rewritten and that the same object could be accomplished by following the suggestion of the Senator from Michigan. I understand, however, that section 12 relates to the conservation of food and the conservation of the manhood of the country during this emergency, and that section 13 relates to another and entirely different matter—that of furnishing the Government, the Army, and the Navy with the necessary distilled spirits for the manufacture of munitions and for other purposes required by existing conditions.

Mr. KENYON. Mr. President, when it was first suggested that section 13 should go out of the bill because it had been covered by the Smoot amendment I acquiesced in that suggestion, because I believed the subject matter was covered; but

after reflecting upon the Smoot amendment I am satisfied that that amendment in its present form is not worth the paper it is written on, and I do not believe there is any answer to the legal argument of the Senator from Tennessee that the Smoot amendment is absolutely unconstitutional.

I assume we are precluded from going back to the Smoot amendment under the unanimous-consent agreement and that it never can be brought up again. It has been reconsidered once and I assume it can not be reconsidered again.

Mr. STONE. Mr. President, at that point, if the Senator will yield, I will say that the Vice President, occupying the chair at the time, in answer to a parliamentary inquiry I propounded, expressed, at least tentatively, the opinion that a motion to reconsider would be in order at any time while the bill was in Committee of the Whole and before it went to the Senate.

Mr. KENYON. I will ask the Senator was not the motion to reconsider made and was not that passed on?

Mr. STONE. To reconsider the Smoot amendment?

Mr. KENYON. Yes. I think such a motion was made.

The VICE PRESIDENT. It was.

Mr. STONE. I had forgotten that fact.

Mr. KENYON. I am quite sure that was done.

Now, Mr. President, I merely rose to offer the suggestion that section 13 be kept in the bill. It will then certainly be possible for the conferees to shape the Smoot amendment and section 13 so that the provision will be entirely constitutional. I do not know, but I assume that the conferees might have the power in any event to make such a change in the Smoot amendment as would provide for a method of compensation such as written in section 13, so as to make that amendment constitutional; but if the two sections are kept in, while somewhat inconsistent, the question can certainly be worked out by the conferees.

Mr. STONE. Mr. President, the situation confronting us at this moment illustrates very clearly the passion, the unwise riotous passion, that too often influences the judgment of Senators who are bent upon accomplishing a given end at all hazards.

It is surprising to me that Senators of the rank and recognized ability and standing of the Senator from Iowa [Mr. KENYON] and the Senator from Tennessee [Mr. SHIELDS], the latter of whom adorned the supreme bench of his State for years, with his learning and high judicial capacity, should have found it necessary to take 30 hours or more, including a Sunday, to discover that the Smoot amendment was violative of the Constitution of the United States.

Mr. President, during the debate on this bill my colleague, the junior Senator from Missouri [Mr. REED], fully laid before the Senate, with elaborate comment, most of the very decisions bearing upon this question which have been read in our hearing to-day. There was no reason for any misunderstanding. And even while the Smoot amendment itself was under consideration I know that several Senators protested against it on the ground that it was unconstitutional. True it is, that Senators under the rule had only five minutes in which to register their protests. I made one of those five-minute protest speeches myself, urging upon the Senate that the effect of the amendment would be to take and appropriate private property for a supposed public use without due process of law and without providing for just and adequate compensation. The matter was fully before the Senate, and ought to have been understood; and I repeat my expression of astonishment that Senators who voted for that amendment should now appear to tell us that the amendment is not worth the paper it is written upon; that it is invalid because clearly unconstitutional.

Mr. SMITH of Michigan. Mr. President, the Senator from Tennessee [Mr. SHIELDS] does not happen to be in the Chamber. I think, however, that the Senator from Tennessee did not vote for the amendment, but did express his doubt as to its constitutionality within five minutes after it was agreed to.

Mr. STONE. I am under the impression that he did vote for the amendment.

Mr. CHAMBERLAIN. No; he did not.

Mr. STONE. He did not?

Mr. CHAMBERLAIN. No.

Mr. STONE. Then I apologize, for I spoke under a wrong impression in so far as the Senator from Tennessee is concerned.

Mr. CHAMBERLAIN. He did not vote; he was not in the Chamber.

Mr. STONE. The Senator from Oregon says that the Senator from Tennessee was not present and did not vote; but the Senator from Iowa was present and did vote.

Mr. KENYON. I think I did not hear the Senator's argument, though. I was out of the Chamber at the time.

Mr. STONE. Well, it ought not to have been necessary for anybody to make an argument to so astute and able a lawyer as the Senator from Iowa upon a subject of that kind, and he need not have taken 24 or 36 hours to find out that the amendment is, as he now says it is, not worth the paper it is written upon.

Mr. KENYON. It is probably true that I had not given it sufficient consideration; but I followed the argument of the Senator from Tennessee to-day very closely and have been convinced by it.

Mr. STONE. Other Senators no doubt have done the same thing. I merely wish at this moment to emphasize—that is the purpose I had in rising—how improvidently we act, how unwisely we act, when we have in mind to do something without regard to how we do it or the consequences. The Constitution is of little concern to some gentlemen if it stands in the way of something they are anxious to do. They just brush the Constitution aside and go on and vote for whatever may be presented, so that it will further the thing that they have in mind to accomplish.

I hope this very pertinent situation, this very impressive situation, may have some sort of leveling and sobering effect upon the judgment and the action of Senators hereafter.

Mr. NELSON. Mr. President, I have thus far avoided taking up much of the time of the Senate on this important legislation. It is one of the most complicated problems and one of the most discouraging schemes that has ever been brought to my attention. Coming events cast their shadows before. From the time this bill was incubated to the present the price of wheat has gradually gone down and down until to-day it is a dollar a bushel less than it was during the early part of May.

I can explain in a few words what seem to me the serious considerations in connection with this bill. Who were the purchasers and what was the market in normal times under the conditions which prevailed before this novel scheme was inaugurated? We had three sets of purchasers. We had the gristmills, we had the exporters, and we had the men who traded on the exchanges. These different classes furnished the wheat market for the farmers, and that market was of such a character that the farmer who had a load of wheat was in almost as good a situation as the man who had a bank account. If he needed cash, he could always take his wheat to the elevator and get the money for it.

We have—and I am speaking more particularly of the spring-wheat section, for I am not so familiar with the winter-wheat section—we have in that country a few of what are called large terminal elevator companies in the cities of Minneapolis and Duluth. These companies have a large number of country elevators. They have them at nearly all the little railroad stations throughout the Northwestern, or the spring-wheat, States. In addition to that the farmers have organized themselves in many localities and have a large number of elevators. There are perhaps—I can not give the exact number—between five and six thousand of these country elevators, and perhaps a third of them are what are commonly called farmers' elevators.

How is the money furnished to these local market places where the farmers go with their loads of wheat? The big terminal companies, who speculate and trade on the grain exchanges every day, send the funds out through the country to the local stations, as a result of which their agents who are running the elevators have money on hand, so that when the farmer comes to the railroad station, if he wants to sell his load of wheat, he can have a chance to sell immediately and get cash for it.

The farmers' elevators operate on a somewhat different line—not all of them, but most of them. As a rule, these farmers' elevators have not sufficient funds to handle the business; so they make arrangements with commission men in the cities and through them secure the funds with which to buy the wheat, the funds being sent out to the country elevators. When those carloads of wheat arrive at the terminals at Minneapolis and St. Paul, as I have said, up to the present time they have had three classes of customers. They have had the local millers, who perhaps have been the smallest customers, in addition to whom they have had the representatives of the mills in different parts of the country, chiefly in the East, where grain is not raised to any extent; they have had the exporters; and then they have had the traders on the grain exchange. While the market would fluctuate from day to day, ordinarily, in normal times, except in the peculiar conditions which prevailed early last spring, on the whole these boards of trade have been

wholesome and safe regulators of the market, and have continually furnished the farmers with a cash market.

A short time ago—and this was brought to my attention by an article in a paper published at St. Peter, Minn., a town of about 6,000 people—there appeared an account of a farmer who had recently come to the elevator with his load of wheat to sell it, and the elevator company said to him: "We can not buy it. We will store your wheat." Now, just imagine, my friends, such a condition in the wheat trade that the farmer when he comes to his local railroad station with his load of wheat can not find a buyer ready to purchase it. In what situation is he then? He is obliged to store his wheat and must go to the bank and borrow the money if he needs it; and all farmers need it.

We have deprived the farmer of this market. We have now, by adopting an embargo provision, cut off the export trade. I am not criticizing that provision. I think an embargo is highly appropriate as a means of bringing this war to a successful termination, but I call your attention to the fact that that embargo provision has utterly cut off the trade of exporters. Under it there will be no exporters to buy wheat at the terminal stations or elsewhere. Manifestly there can be no other buyer except the Government of the United States. What will be the result of that? Why, in order to keep afloat the scheme of this bill the Government must provide the buyers at these terminal stations with sufficient money to take the wheat when it comes there by carload lots from the country points. Unless that is done there will be no market at all for the grain.

Mr. STONE. Mr. President, what effect does the Senator think that will have on the price of wheat?

Mr. NELSON. It will have a most deleterious and depressing effect, and the only beneficiaries of it will be the consumers. The farmers will be utterly wrecked. It is folly to talk about encouraging the farmers to raise bigger crops if you are going to destroy their market, which you will do by this proposed legislation.

There is $150,000,000 provided in this bill, but that will be a mere drop in the bucket if the Government is going to handle the wheat crop of the country. Besides, the bill does not provide the proper machinery. I presented these matters a short time ago to Mr. Hoover. It was not a confidential talk. I told him about the matter and asked him: "What are you going to do? How are you going to take care of the wheat when it comes in by carload lots from the farmers? How are you going to furnish the necessary money to the country elevators? How can you compel the owners of the terminal elevators to advance the money when they can not deal in futures on the grain exchange?"

"Well," he said, calmly and blandly, as becomes a statesman, "we are going to provide, at these terminal points, buyers who will be there equipped with money." He told me, further—and I think he was correct about that, and I have been expecting the Senator from Oregon [Mr. CHAMBERLAIN] to introduce an amendment along that line—that he had in view the creation of a corporation, analogous to the one organized under the shipping bill, through which they could operate in the buying of wheat. I think he had the plan of the corporation before him when I called. I did not take the time to read it, for I supposed he would probably send it here and have it offered as an amendment to this bill; but thus far it has not appeared.

To make this effective, what must you do? You have stopped trading on the grain exchanges. By your embargo you have absolutely stopped the export trade. You have left as customers only the millers, and the local millers can absorb only a part of the grain. It must be bought up. Our mills at Minneapolis, while they are the largest mills in the country, can not begin to absorb more than a small part of the wheat that comes to those terminals.

Mr. VARDAMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Mississippi?

Mr. NELSON. I do.

Mr. VARDAMAN. I noticed in to-day's paper a statement that the English Government was contemplating organizing a commission to make these purchases, which is to cooperate with Mr. Hoover or some like organization in America. Does the Senator think that organization, if it should be organized as contemplated, would be effective?

Mr. NELSON. No; I do not think so, and I do not think it is the Government's plan. The plan is to have our allies act through one purchasing agency, to wit, the officials of our Government, so that there will be no competition in the export trade.

Mr. VARDAMAN. But this London dispatch or cable stated that there was to be a commission created by the English Government which would cooperate with a like commission in America for the purpose I have stated.

Mr. NELSON. I do not know anything about it. It is probably as unreliable as this Creel message that we heard of to-day from the Senator from Pennsylvania.

Mr. VARDAMAN. It may be. A great many unreliable things appear in the newspapers—things that have no foundation in fact or warrant in truth, and it is a pity, too.

Mr. REED. Mr. President——

Mr. NELSON. I yield to the Senator from Missouri.

Mr. REED. The Senator's statement that there is no market left to the farmer except the miller, and that the miller would find it impossible to absorb the wheat as rapidly as it ought to be absorbed in order to furnish the farmer a market, is, of course, exactly in accordance with the facts. I wanted to make this suggestion, with his permission: The miller, when he comes to try to absord that wheat, will find himself also under the handicap that he will not know what Mr. Hoover is going to do with him. He will not know what his market is going to be. He therefore must purchase, taking ordinary commercial chances, and, in addition to that, the chance of some action by Mr. Hoover that may absolutely take away his flour market. So, as suggested by the Senator from Utah [Mr. SMOOT] he can only buy from hand to mouth himself.

Mr. NELSON. I have concrete cases in mind. As I said a moment ago, you are all aware of the fact that Minneapolis is the greatest milling center in the country, perhaps the greatest in the world, except Budapest, in Hungary, before the war. The mills have connected with them small elevators in which they carry a limited quantity of grain, enough to supply them for a few days, but they have heretofore relied on going to the exchange and buying from the terminal elevators from time to time the wheat they needed to grind.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Utah?

Mr. NELSON. Will the Senator allow me to finish this statement?

Mr. KING. Certainly.

Mr. NELSON. The wheat that is dumped into Minneapolis comes in showers in the early fall, because the farmers need money with which to pay their bills. When it comes there, the local mills can only absorb a very limited quantity.

The rest must be distributed throughout the country at the different milling points where they have not grain, or else it must be exported.

Now I yield to the Senator from Utah.

Mr. KING. I have been informed that there were in Minneapolis about 1,000 seats upon the board of trade, but that they were owned practically by 10 or 15 concerns; that in the past, long before this war broke out, the farmer was not able to get any price for his products except that which was fixed by this board of trade; that the millers themselves did not buy and did not fix the price.

Mr. NELSON. Oh, that was not true at all. Of course the prices made by the grain exchange from day to day regulated the other prices, but the farmers were not obliged to go to the grain exchange. They would ship their grain to their commission men in the cities, and those commission men would sell it, as a rule, either to the mills in Minneapolis, the mills in Duluth, or the mills at other points.

Mr. KING. Is it not a fact that the exchange to which I have referred determined the price that would be paid to these commission merchants?

Mr. NELSON. To a large extent that market regulates the price; but I introduced an amendment on that subject, which was adopted in the other food bill which we passed here. My idea about that is to give the President the power to regulate the grain exchanges when they run wild. Once in a while there is an attempt among them to get up a corner so as to increase prices to an undue point.

When that condition arises, I would have the President of the United States armed with the power to check them and regulate them.

Mr. SMITH of Georgia. Mr. President——

Mr. NELSON. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. The provision of section 12 of the bill that we passed, prepared principally by the Senator from Minnesota, is the one to which he refers?

Mr. NELSON. Yes, sir.

Mr. SMITH of Georgia. I wish to ask the Senator if he does not think it might be wise to substitute that provision for this provision? Does the Senator think he can improve on that provision as it was perfected in the Senate and as it is found in section 12, page 11, House bill 4188?

Mr. NELSON. I think it would be better to incorporate it in this bill; but I am now aiming to call attention in a general way to the danger which lurks in this bill to all the grain-raising farmers of this country.

Mr. PENROSE. Mr. President——

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Pennsylvania?

Mr. NELSON. Certainly.

Mr. PENROSE. I know the Senate is greatly interested in what the Senator says, because he has complete familiarity with the subject, and illuminates it with a great deal of common sense. I have been reliably informed that the large milling concerns in his State in Minneapolis and St. Paul are in favor of this bill, and I was curious to know what argument prevailed with them to make them favor it.

Mr. NELSON. I am not in their confidence. I live 140 miles from Minneapolis, in a small country town, where I have always lived, and I have never had any intimate relations with the grain trade, with the milling trade, or with the lumber trade in our Twin Cities. I know as little about them in a general way, outside of the study I have given to the subject in connection with legislation here, as the Senator from Pennsylvania. I only know this—and I have nothing to conceal:

You are all familiar with the fact that we have a great army of people on the advisory commission of the Council of National Defense. They are divided into a multitude of sections, and they have a number of men here from all over the country. Mr. Hoover, for instance, has a prominent grain man here from Duluth, and I was informed the other day that one of the largest milling companies at Minneapolis had one of their representatives here in an advisory capacity. I have no doubt the millers will be satisfied, for they will get their wheat, compared with what the market price would be under ordinary conditions, cheaper than ever; and, more than that, they will not have to resort to hedging, as it is called, to the same extent that they have heretofore.

Mr. PENROSE. The Senator is throwing considerable light on the peculiar character of their patriotism.

Mr. NELSON. It will turn out as it did in the days of the Civil War. We had a lot of contractors who took advantage of our dire straits to bleed the Government during that war. So to-day there are a lot of these quasi-patriotic citizens who are trying to manipulate the Government. But there is one consolation. I have survived the Civil War more than 50 years, and most of the men who got rich so quickly during the Civil War have sunk into obscurity and much of the gains they made have evaporated. So I trust that the pirates who are now seeking to bleed the Federal Government and trying to make money in every way they can will find that the future has in store for them something akin to what happened to the contractors of the Civil War.

Mr. PENROSE. Mr. President, will the Senator permit me to interrupt him further?

Mr. NELSON. Certainly.

Mr. PENROSE. I have been greatly instructed by the Senator's answer to my inquiry. It would seem to me, then, that the "goat"—to use a newspaper parlance or common phrase—is the farmer, and that the Milling Trust is the beneficiary of this legislation.

Mr. NELSON. I do not say that they are more vicious than other elements in the average community. The spirit of Mammon, which the ministers of our churches apparently are unable to eliminate, seems to percolate through all classes of society. These men found our Government in need, and they took advantage of it.

I read in the newspapers the other day the testimony of a coal dealer who was prosecuted. I think he was a dealer up at Boston, Mass. He got soft coal for $1.36 a ton at the mines. He kindly sold it to the Boston people—that is, to the trade; he did not peddle it out by retail—for, I believe, $3.50 a ton; but to the poor allies who bought it he sold it for $9.50 a ton!

Mr. PENROSE. I do not know who the party was, but he was not trying to get a bill through to make his position all the stronger, to coerce the public.

Mr. NELSON. No.

Mr. REED. Mr. President——

Mr. NELSON. I yield to the Senator from Missouri.

Mr. REED. I think perhaps what I am about to say may throw a little light on the inquiry of the Senator from Pennsylvania.

I have been informed that the packing plants of the country proposed to put themselves under the direction of Mr. Hoover, or, if they did not propose that, they proposed that they would allow Mr. Hoover to fix the price on their meats. At the first blush that might seem to be a very generous proposition, but when it is remembered that the packing houses constitute the only market for the meat products of the farmers and stock raisers, except the foreign market, if the foreign market is to go under the control of Mr. Hoover, it, of course, follows that if Mr. Hoover regulated the price they were to charge for their meat he could not deny them the right to fix a corresponding price to the farmer. Accordingly, to use the expression that was used a moment ago, and which I think we can lift from common slang into the classics by applying it here, the farmer was again to be the "goat."

Mr. NELSON. If the Senator will allow me to continue, I am glad that he has called my attention to the packers. I want to call the attention of the Senate to one fact in that connection. The packers and the meat buyers may not be saints, but during all this time, while wheat has been dropping in price from $3.35 or $3.40 down to a little over $2 a bushel, the price of hogs and cattle has gone up, because so far that market has not been hamstrung by this proposed legislation. It has not had that cold-blooded threat hanging over it.

I know about this from experience. My tenant wrote me a few days ago that he had sold a few hogs—I am only a small farmer—and got a bigger price for them than he ever had received before. I had one or two old cows, and I got bigger prices for them than I did for the cows I told you about some time ago.

Mr. KING. More than that brindle cow?

Mr. NELSON. There you see the difference. You knock out entirely the grain exchanges, you choke off the export trade, and you have nothing left but the millers; and when you have the market glutted, of course, they will not pay more than they are obliged to pay.

What is the substitute? It is hard to tell. The bill proposes a minimum price as a substitute. I can not conceive of any substitute to take the place of this, except to have the agents of the Federal Government at the terminal points equipped with money ready to offer the farmers a spot price, a good price, for their products.

Instead of prescribing in advance the minimum price, let them be there on the spot, armed and equipped with money, ready to pay the farmers full value for their wheat.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator for just a moment?

Mr. NELSON. Yes, sir.

Mr. CHAMBERLAIN. Speaking of these grain exchanges, boards of trade, and so forth, the amendment which is pending before the Senate now was intended to save that very question, and to have section 10 of the bill operative only against those which are doing an illegitimate business under the regulations adopted by the President. At least, that is the purpose of the amendment, and I think if the amendment were adopted it would have that effect.

Mr. NELSON. I wish to say to the Senator that, while I have sometimes felt very hostile to the grain exchanges, on the whole I see that they are an absolute necessity if they are kept within proper bounds. It is the only public market place you have.

Mr. CHAMBERLAIN. That is what I am calling the Senator's attention to.

Mr. NELSON. When the grain comes to the terminal points, if the exporters or the representatives of the exporters are not there ready to buy, and the millers have all the wheat they want and do not want to buy, if you do not have men on the grain exchange ready to buy, you have no market at all.

Mr. CHAMBERLAIN. I realize the force of what the Senator says; but what I am trying to impress on the Senator is this: I do not believe he was present when the amendment was read. The very purpose of the pending amendment to section 10 is to except from the operation of section 10 those companies which are doing a legitimate business. In other words, the President can, in connection with rules and regulations adopted by him, relieve from the operation of the rules and regulations those which are doing a fair business and are not engaging in unfair practices.

Mr. NELSON. Mr. President, I would leave the exchanges free to operate under what I regard as their proper sphere and function, and then I would give the President power to say to these men, "You must suspend operations unless you conduct your business properly; and if you will not do it voluntarily, I will order your grain exchanges closed."

Mr. CHAMBERLAIN. If the Senator will pardon me, I think that is the very purpose of the amendment.

Mr. NELSON. I think it is more of a milk-and-water amendment.

Mr. CHAMBERLAIN. I refer to section 10.

Mr. NELSON. I do not say that in a discourteous way.

Mr. CHAMBERLAIN. I understand what the Senator means. I believe he will find that section 10 is intended to be operative only against those engaged in unfair practices.

Mr. NELSON. It is a general scale. It does not come down to the real question of the grain exchange.

Mr. WADSWORTH. May I ask the Senator from Minnesota a question? Apropos of the suggestion made by the Senator from Oregon, let me suggest that the amendment to which he refers relates to the grain exchanges as now operated. He must remember there are other provisions of the bill which if enacted will put the entire wheat business under the control of the Federal Government, and grain-exchange operators will be put out of business with this hanging over them, because the operation of a grain exchange inevitably involves the making of contracts to be paid for three months or six months hence. The grain exchanges do not dare open to-day. We can put saving amendments in the bill until we are black in the face, but so long as the Government contemplates or announces through Mr. Hoover or anybody else that the wheat business generally is to be controlled and regulated by the Government no man dare to buy any wheat.

Mr. REED. Either cash or spot.

Mr. WADSWORTH. Of course not. That is why the exchanges will be closed.

Mr. NELSON. The grain exchanges have been practically closed for a month——

Mr. WADSWORTH. Absolutely.

Mr. NELSON. Because they have been in this state of uncertainty, if I may use the expression. The cloud in this bill——

Mr. KING. Mr. President——

Mr. NELSON Give me a chance to get in a word once in a while. I say that in a Christian spirit. The cloud of this bill hangs over the business, and all the reformers here threatening brought about the closing of the grain exchanges. We see what the effect has been. I have already called your attention to it. Just think of it. In the early part of May No. 2 wheat was selling for $3.30 and $3.40 a bushel. To-day it is a little over $2 a bushel.

Mr. LEWIS. Will the Senator from Minnesota allow me?

Mr. NELSON Let me finish this statement. The July option, as it is called, is $2.10. I think the cash wheat is $2.20 or $2.25, and September option is down to $1.80 and some odd cents. That indicates that wheat is likely to drop in September, about the time when our spring wheat comes in the market, to $1.80. Now I yield to the Senator from Illinois.

Mr. LEWIS. I am interested in the Senator's statement that wheat has dropped in the last few days in the manner he has described. I may ask the Senator's judgment on this point. It has been asserted on the floor, and I think demonstrated by argument, that the allies have made contracts for practically our wheat output, and that has done a great deal to cause the rise. I ask the Senator, in view of those contracts still existing, what would he say was the reason for the fall of wheat at this particular time from the high price to which he alludes to the present price to which he now refers? What reason would he give?

Mr. NELSON. Nothing in the world except cutting off the export trade and cutting off the grain exchanges. It is nothing in God's world outside of that, because there is less wheat in the United States by 50,000,000 bushels than there was in the early part of the year, when the price was $3 a bushel. A week ago it was estimated that the surplus of the old crop was less than 50,000,000 bushels, and we are only adding to it by little driblets from the extreme southern portion of the winter wheat belt as the grain is thrashed.

Mr. LEWIS. Then the Senator, I feel, does not attribute the fall of wheat to the prospective operation of this law?

Mr. NELSON. Yes; I do. I think it is the threat of this law that has brought it about, with the embargo which we propose, and the plan which has been discussed by Mr. Hoover and his advisors of having the allies buy their grain not in competition with each other but all under one head. There will be only one buyer. What helped to make the price of wheat high last spring was the fact that the foreign Governments, the allies and the neutrals, were in sharp competition to get the grain. That provision is entirely eliminated, and if you put the buying of our export wheat by the allies and the neutral countries under one head there is no competition; whatever they may see fit to pay will be the price.

Heretofore in normal times the Senator knows that as a general rule the price of our wheat in this country has been regulated by the foreign demand and the export price. Now, if you hamstring the export demand and the export price in the way I have indicated, the market is obliterated and gone.

Mr. LEWIS. May I ask the Senator, from his knowledge, does the farmer have his profit at the present price, and if he does, would not the Senator favor the price being low, so that the vast thousands of the consumers would get it at a low price, if the farmer likewise profits by a low price?

Mr. NELSON. I will disabuse the Senator's mind on that point. We hear much said about how the farmers are making money. There is not a farmer who within the last two years has made a profit on farming, if you figure it as the manufacturers do. When the manufacturers make their estimate, they figure what they call overhead charges, depreciation, interest on their investment and so on. If the farmer were to apply that rule, there is not a farmer in the country who would be able to show a single cent of profit.

I will tell you how the farmer gets along. Take the average farmer with 150 to 200 acres of land in our country. How does he get along? He has a family. His daughters help to do the kitchen work. In many instances, among some of our farmers, they help to do the milking and to feed the calves. The boys work in the field. Neither the farmer's daughters nor the farmer's sons get any wages. They get their board and clothing, and it may be a little extra change for a Fourth of July celebration or something of that kind. So, at the end of the year, because he has been relieved of the onus of paying for that labor, the labor of his daughters and the labor of his sons, and has had nothing but board and clothing to furnish them, his account shows a little on the credit side. But if you should figure it in the way the manufacturers do, overhead charges, depreciation, interest, and all that, all those extra touches that we hear of when a tariff bill is up, there is not a farmer in this broad land who ever makes a penny of profit.

Ordinarily there is no profit to the farmer. The only profit is in a new part of the country where he takes wild land or partly improved land, which he gets at a low price and by the efforts of himself and family makes of it a good tillable farm, when, of course, its price goes up. The land only cost him $5 to $10 an acre, and in the course of 25 or 30 years by the hard work of himself, his wife, and his children that land may be worth $50 to $75 or $100 an acre. But he can show no bank account, though he may have more stock on his farm; he may have more grain in the granary; he may have a few more cattle, a few more horses, and a few better buildings. He probably started with a mere lumber or log shack. He has a little better buildings, a better barn, and all that, and his farm has increased in value; but so far as any profit is concerned, profit in the way manufacturers and commercial men count it, the farmer has not anything of the kind. I speak now from dear, personal experience.

But speaking about the price of wheat, to my mind under present conditions the farmer can not afford to sell sound, good wheat, No. 1 wheat, at less than $2 a bushel. And why? Because of the wages he has to pay, the machinery, the agricultural implements, and the twine he has to buy. The prices he has to pay have more than doubled within the last 8 or 10 years. A few years ago he could hire a boy on a farm for five or six months for some $20 to $25 and board and washing. He has to pay now from $50 to $60 a month and board and washing.

I read a while ago—and one of the Senators from North Dakota can probably bear witness as to whether it is true or not—that the leaders of the nonpartisan leagues up in North Dakota and some of the leaders of the I. W. W. had a convention and had come to an understanding that fair wages for this summer and for this harvest was $4 a day. Four dollars a day on the farm, with board and lodging, is equivalent to at least $5 to $5.50 a day. Then, more than that, these I. W. W.'s have refused to do any work until after breakfast time. They do not want to go out in the morning, feed the hogs and feed and harness the horses before breakfast. No, bless your soul; they want to lie in bed until the breakfast bell rings; and when night comes, at 6 o'clock, they want to retire, whether the pigs are fed or the cow is milked, that is of no consequence to them.

That, however, is not all. The price of agricultural implements has gone up immensely within the last two or three years. You talk about depreciation. The manufacturers have a technical system. Whether their plant appreciates or not in fact, they figure out so much depreciation every year. As a matter of fact, the agricultural implements on a farm do not last, on an average, take them all in all, over five or six years on a good farm. At the end of that time they are gone. Some tools may last a little longer, but take binders and mowers and hay rakes and cultivators and corn planters, and almost everything else a farmer has to use; in five or six years the tools he bought are useless and gone and he has to buy a new lot.

Take binding twine, so necessary to our farmers in these modern days, not only to bind their small grain, oats, barley, and wheat, but their corn. Our farmers cut their corn. They have corn binders and use twine, and the price of that has gone up. So with the increases in price of all the commodities

the farmer has to buy; and I have said nothing about his grocery bills or the other store bills he has to meet.

Take into account what the farmer has to pay for these things and what he has to pay for his hired help, and you will see that he needs $2 a bushel for his wheat to-day as much as he needed $1 a bushel five or six years ago. I have seen the time five or six years ago, when we were in normal condition, when I thought $1 a bushel was a fair price for good wheat. To-day I would not feel that $2 a bushel was of as much value to me as $1 a bushel was in those days.

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). Does the Senator from Minnesota yield to the Senator from Missouri?

Mr. NELSON. Certainly.

Mr. REED. I call the Senator's attention, in connection with his remarks, to the fact that I put in the RECORD a few days ago a table substantially showing that the circulation of money or substitutes for money in the world has practically doubled in the last two or three years. In our own country the per capita has run from about $32 to over $45, which means that the purchasing power of money has gone down at least to some extent. Then I call the Senator's attention to the fact——

Mr. SMITH of South Carolina. I wish to give the Senator the exact figures that were given to the Interstate Commerce Committee about the purchasing power of money to-day.

Mr. REED. Who gave it?

Mr. SMITH of South Carolina. The general attorney for the railroads. Mr. Thom stated in the hearing that the purchasing power of a dollar to-day as compared with 10 years ago is 48 cents.

Mr. NELSON. Now, if the Senators will allow me to proceed, here is another thing that has handicapped our farmers, and I am speaking particularly of the spring-wheat farmers. The Senator from Missouri, I know, is able to defend the winter-wheat farmers. The spring-wheat farmers are mainly in Minnesota, North and South Dakota, Montana, and a smaller number in northern Iowa and northwestern Wisconsin.

I have a weekly letter here from the Van Dusen-Harrington Co., one of the great elevator companies in Minneapolis, which has perhaps more country elevators than any other firm there. They send out weekly reports, and up to the last issue their reports were good, but now it is shown that in the spring-wheat belt, in many instances, they will have a poor crop. If the farmer in the spring-wheat belt has a poor crop, and you supplement that with low prices, you do not give him a chance to take advantage of the fact that the crop is small. You handicap him; you burden him in two directions. God Almighty, or the elements, have made an infliction in the one direction, by giving him a poor crop, and then our paternal Government inflicts him by depressing the prices of his products.

Mr. PENROSE. Will the Senator permit me? I do not want to interrupt his logical discourse, but I should like to make an inquiry. It is a simple one. As I understand it, the appropriation is $150,000,000 to carry out the purposes of this bill.

Mr. NELSON. Yes.

Mr. PENROSE. If the Government is to take charge of the wheat and all the cereals of the country, it would seem to me that we might just as well provide a couple of billion dollars at least.

Mr. NELSON. One hundred and fifty million dollars will be a drop in the bucket. As I have said, Mr. Hoover, when I talked to him the other day, suggested the creation of a corporation, analogous to the shipping corporation, that would have authority to issue bonds and borrow money to carry on the business.

Mr. PENROSE. Could this transaction be handled, in the Senator's opinion, for much under several billion dollars?

Mr. NELSON. No; the money would either have to be furnished by the Government or borrowed from the banks.

Our spring-wheat crop will be in the neighborhood of from 250,000,000 to 300,000,000 bushels. At least 200,000,000 bushels of that will be marketed inside of six months. You can just imagine what it will take to handle that crop. Take it at $2 a bushel. Then take the winter-wheat crop. I do not know what it amounts to. The Senator from Missouri can tell better than I.

Mr. PENROSE. I understand the total crop of wheat in 1916 amounted to 607,557,000 bushels. At $2 a bushel, roughly speaking, it would take between two and three billion dollars to handle that one cereal alone, not to mention corn. Why should Congress deceive by the little miserable appropriation of $150,000,000 when we are being led into a trap which will call for an expenditure of several billion dollars?

Mr. NELSON. I want to read from the letter to which I referred, to show you the conditions, in order that you may realize how the farmers of the Northwest are handicapped. It is from the Van Dusen-Harrington Co., of Minneapolis, one of the greatest concerns there. I read from their weekly letter, dated July 5:

> The wheat crop in North Dakota at present is very uncertain. With the most favorable weather from now on the State could produce only a fair crop. A large territory in the northwestern part of the State has suffered severely from lack of moisture. Wheat in other sections has good color and strong, healthy roots. Soaking rains and warm weather are badly needed. Early sown barley is in much the same condition as wheat; late-sown poor. Much of the flax has not germinated where the moisture has been insufficient.
>
> Minnesota conditions are spotted, but much more favorable than North Dakota. There has been sufficient moisture, except in a few localities north of the center. While the stand of wheat is not heavy, with favorable weather an average yield could be produced. Barley is about the same as wheat, but corn is late, and warm weather is necessary to insure an average crop.

I will not read what is said about South Dakota, because as to that State the report is more encouraging. I am willing to help the Government, and Senators who have been associated with me, especially since this war came on, have known full well that I have not been lacking in constant and earnest support of the Government; I intend to support it in every direction that is necessary, but I declare that I have never had a scheme presented to me that has caused me so much doubt and trouble as this has done. I can not see any salvation to the farmers if the language remains in the bill as it now is, for the effect of it will be to destroy the markets which the farmers have heretofore had.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Utah?

Mr. NELSON. Certainly.

Mr. KING. Does not the Senator's argument, then, lead to one of three conclusions: Either that the Government must make a large appropriation, as suggested by the Senator from Pennsylvania, to purchase all the products which it seeks to control, or have no legislation at all, and remit the people back to the same intolerable condition of which we have been complaining and which has led to the demand for legislation, or—and this is the third one—the Government take control of all commodities and activities? The Senator has spoken about the high prices of the articles that the farmer purchases. Does not the Senator think, then, or rather is it not the rationale of his argument, that the Government would have to take charge of those industries?

Mr. NELSON. No; not at all. I simply cited that for the purpose of showing that the farmer ought to have a good price for his wheat. I have merely cited these instances in support of the argument that under present conditions the farmer can not very well afford to raise wheat for less than $2 a bushel; that is all.

My ideas—and they may be crude—are these: I think the President should be equipped with power to control the grain exchanges, to suspend their operation if they grow wild and lawless; give the exporters for the allies a chance to buy in our markets, simply limiting the operation to regulating the surplus wheat which we can spare for the neutral trade; and leave the grain exchanges and the conditions surrounding the market as nearly as possible as they are to-day. Where you violate the permanent rules of trade in business bad results will always follow. So far as my reading of history goes, in every instance where there has been an attempt at price fixing, so called, it has proven an abject failure.

Mr. President, I quote from the report of the Chicago market of to-day the following:

> Wheat trade was reduced to next to nothing, pending assumption of full Government control of the market. September opened 1 lower at 1.93, and later sold at 1.92.

I can conceive of but one practical way of carrying on this business without injury and detriment to the farmers, and that is to have the Government furnish an ample supply of money and be ready with its buyers to offer the farmers good prices at all the markets; to supply the local country elevators with funds so that the farmer, whenever he comes to town—to the railroad station or country elevator—can always get cash for his grain.

I tell you if this proposition leads to the stoppage of the local markets, if the conditions should turn out as they did in the St. Peter case, to which I have referred, if a farmer came to the elevator with his load of grain and should be told, "I can not buy this wheat of you, but I will store it for you"—if that should become the universal practice throughout the grain region, you would see almost a revolution or a rebellion in this country. I would not be responsible for the consequences. What could the poor farmers do? Store their wheat; pay storage and elevator charges, and then they would have to go to the banks and borrow money.

But, Mr. President, when I rose to speak I rose merely to explain to the Senate in a brief and perfunctory manner the conscientious scruples that made me doubt the value and validity of this legislation. I fear to-day that if we adopt it in the crude form in which it is now embodied in this bill, without more ample machinery and far greater appropriations, it will prove an abject failure.

The laboring men may get cheaper flour; they may get other products more cheaply; but the main sufferers will be the farmers of our land; and the farmers, above all others, are entitled to our protection, for they are the mainstay of the country. They are the ones who furnish us with the staff of life, with bread and meat and cotton. If we allow them to suffer and to be left in distress, we destroy that class on whom we must mainly rely. It is idle to tell the farmers they must sow more grain. How can we compel the farmers to do so? Are we going to compel the farmer to sow more wheat? When fall comes and he finds that the price of his wheat is whittled down, what will he say? He will say, "I will stop raising wheat; I will raise cattle and hogs, or I will raise chickens. There is some profit in raising chickens; there is still more profit in cattle and hogs; but I will never go into the wheat business, because it will be raising wheat for Mr. Hoover's market, and I can not stand that."

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Missouri?

Mr. NELSON. I have concluded, but I shall answer the Senator's question if I can.

Mr. REED. I am interested in the Senator's view, because he has brought to this question his practical, hard sense and he has said many things that I think are unanswerable. However, I want to get his view on this proposition: It has been stated here by the Senator from Utah [Mr. KING] that there were, as he looked at it, three alternatives.

Mr. KING. As I looked at the argument of the Senator from Minnesota.

Mr. REED. As the Senator looked at the argument of the Senator from Minnesota.

Mr. NELSON. I think the Senator from Utah misunderstood a part of my argument.

Mr. REED. I thought so; and I wanted to call attention to a part of the Senator's argument. One of the alternatives stated by the Senator from Utah was that we must permit the present intolerable conditions to continue. It is to that I want to direct the attention of the Senator from Minnesota. There is a condition, a market, which consisted of many things, and, among other things, grain exchanges. Does it follow that, if we allow the grain exchanges to continue to exist, we have to allow the evils, the intolerable things, if you please—to borrow the expression of the Senator—to exist with them? On the contrary, does not the course of reason lie in allowing the market which has been created in the United States to continue its machinery and to continue to lay the hand of the law upon the abuses which have grown up—the gambling and cornering of the market? Is not that the real course of remedy?

Mr. NELSON. That is my view of the case. I will say no more to-night; but before this bill is disposed of I may say something further by way of suggestion. I must confess to my brother Senators that I am in grave doubt as to what we ought to do. I am impressed to-night with the great danger that confronts us if we adopt this legislation and the plan now contemplated in the bill. Whether we can formulate some better plan or get out of the difficulty in some other way is a most serious problem. If I were to pass upon it to-night I would say, "Do not close the grain exchanges; leave them open, but hold a stiff regulating hand over them. Leave that power in the Government, so that all abuses can be eliminated, but leave the exchanges open." After all, when you come to consider and boil it down, the great market place of the farmer is not the exporter or the miller but the grain exchange. However, Mr. President, I shall not further continue the discussion this evening.

Mr. CHAMBERLAIN. Mr. President, I again make a request for unanimous consent. I send to the desk the draft of a unanimous-consent agreement, and ask that the Secretary read it.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

It is agreed by unanimous consent that at not later than 5 o'clock p. m., on the calendar day of Friday, July 13, 1917, the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment that may be offered, and upon the bill H. R. 4961, a bill to provide further for the national security and defense, etc., through the regular parliamentary stages to its final disposition; and that during said day, Friday, July 13, 1917, beginning at 2 o'clock p. m., no Senator shall speak more than once or longer than 10 minutes upon the bill, or more than once or longer than 5 minutes upon any amendment offered thereto.

Mr. CHAMBERLAIN. Mr. President, that proposed unanimous-consent agreement gives until Friday for general discussion of the bill and any and all amendments thereto, and on that date, beginning at 2 o'clock, it limits debate.

Mr. REED. Mr. President, would not that preclude the recommitment of the bill?

Mr. CHAMBERLAIN. It would.

Mr. REED. Now, let me call the Senator's attention to this, and I am going to see if I can not persuade him not to insist upon the request for a unanimous-consent agreement to-night. It seems to be conceded now that the amendment offered by the Senator from Utah [Mr. SMOOT], which we had under consideration on Saturday, is unconstitutional and void, and yet it appears to be the case that we have bound ourselves by a unanimous-consent agreement so that we can not bring that question up for further consideration as a separate proposition in the Senate. At the same time we have precluded ourselves from any further action in Committee of the Whole, because a motion was made to reconsider, and that motion was defeated.

The only way, therefore, it would appear, out of this dilemma would be to refer the bill back to the committee, in which event the committee might return it to us with the section eliminated and with some substitute presented. Now, if we were to enter into the unanimous-consent agreement which is proposed by the Senator, I take it we would not be permitted to recommit the bill.

Mr. CHAMBERLAIN. I think that would be the effect of it, Mr. President.

Mr. REED. I think, then, the Senator ought not to ask us to agree to it.

Mr. CHAMBERLAIN. Mr. President, I do not feel about this bill as does the Senator. The Senator has argued against the constitutionality of many sections of this bill, as have other Senators here. I do not question the sincerity of views of the Senator at all; but it does seem to me, Mr. President, that the majority of this body disagree with the views of the Senator as he has stated them with reference to the constitutionality of this measure. I feel that we ought to bring this discussion to an end at some time, and so I shall insist upon asking for the unanimous-consent agreement which I have proposed. If any Senator objects to it, of course, that is his privilege.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Utah?

Mr. CHAMBERLAIN. I yield.

Mr. SMOOT. The Senator from Oregon knows that I have no desire whatever to delay the passage of the bill. I have only taken about 15 minutes of the time of the Senate in discussing it, and I do not expect to take any more of the time of the Senate; but I do believe that before unanimous consent is given we ought to dispose of the committee amendments. I have never yet seen in my experience in the Senate a unanimous-consent agreement proposed until at least the committee amendments had been acted upon. I merely suggest this to the Senator from Oregon. It may, perhaps, take but a little while early in the day to-morrow to dispose of the committee amendments, and then, so far as I am personally concerned, I would not object in any way to the Senator asking unanimous consent; but it does seem to me it is too early now to ask unanimous consent, taking into consideration the fact that even the committee amendments have not all been acted upon.

Mr. CHAMBERLAIN. Mr. President, it will be noticed that this proposed unanimous-consent agreement does not become operative to limit debate until next Friday, and it seems to me that within that time not only committee amendments but other amendments can be fully discussed and disposed of.

Mr. WADSWORTH. Mr. President, I call the attention of the Senator from Oregon to the fact that section 3 of the bill, as now printed, which prohibits "any person acting either as a voluntary or paid agent or employee of the Government," either in a direct or advisory capacity, having any interest remote or direct in any purchases or contracts made by the Government, has not yet been considered by the Senate. It is a committee amendment. If that amendment all by itself were presented to the Senate, it would constitute one of the most important pieces of legislation that could possibly be introduced into this body at this time. I can not tell—I suppose none of us may prophesy accurately—what the action of the Senate will be upon that particular committee amendment; but I ask the Senator from Oregon to consider that that particular amendment, if adopted in its present form, will compel a complete reorganization and

readjustment of the greater portion of the war-making machinery of the United States.

Mr. CHAMBERLAIN. Well, I think some of it ought to be readjusted, Mr. President.

Mr. WADSWORTH. I am not arguing upon that point pro or con; but before we have even reached that amendment, before the Senate has decided whether or not that particular piece of legislation shall go into this statute, the Senator from Oregon insists upon getting a unanimous-consent agreement to close debate. That amendment, taken by itself, is worthy of two or three days' serious consideration by this body. There has not been a more important thing suggested to the Senate than section 3 of this bill as it is now printed, and it has not even been discussed. It has been passed over. If it is going to be enacted in the closing hours of a debate perhaps limited to 10 minutes' time, we may find ourselves doing as foolish a thing as we have done on former occasions when, by the adoption of a unanimous-consent agreement with a limitation placed upon debate, the Senate has enacted proposals which the next day it had to repeal.

I think it would at least be reasonable on the part of the Senator to refrain from asking for a unanimous-consent agreement until the committee amendments to this bill are disposed of. That one amendment alone is worthy of the most serious consideration, not only by the Senate but by the administration and people of the country, for it goes to the war-making machinery of the United States.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon?

Mr. WADSWORTH. Mr. President, for the reasons I have just recited, I object.

Mr. CHAMBERLAIN. Then, Mr. President, I submit another proposition for unanimous consent, which I now send to the desk.

The PRESIDING OFFICER. The Secretary will state the request.

The SECRETARY. The Senator from Oregon asks unanimous consent that at 11 o'clock a. m. on the calendar day of Tuesday, July 10, 1917, the Senate will proceed with the consideration of the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel, and to vote without further debate upon any amendment that may be pending, any amendment that may be offered, and upon the bill itself through the regular parliamentary stages to its final disposition; and that after the said hour of 11 o'clock a. m. on said day no Senator shall speak more than once or longer than 10 minutes upon the bill, or more than once or longer than 5 minutes upon any amendment offered thereto.

Mr. CHAMBERLAIN. Mr. President, that amendment is only intended to limit debate; that is all.

Mr. STONE. Mr. President, may I ask the Senator whether that goes into effect to-morrow?

Mr. CHAMBERLAIN. It goes into effect to-morrow; but if the Senator would prefer to fix it at a little later date, I shall be glad to have him suggest it.

Mr. STONE. No; I am just trying to ascertain exactly what it is.

Mr. CHAMBERLAIN. It goes into effect to-morrow.

Mr. STONE. And what does the Senator desire the Senate to agree to?

Mr. CHAMBERLAIN. That after 11 o'clock to-morrow no Senator shall speak more than once or longer than 10 minutes upon the bill, or more than once or longer than 5 minutes upon any amendment offered thereto. That is the substance and purpose of the unanimous-consent agreement.

Mr. WADSWORTH. Mr. President, I have sat here with a good deal of patience for the last week or ten days, and have been glad to listen to remarks upon this bill, and have been highly instructed thereby. It occurs to me, however, that possibly with two exceptions no member of the Committee on Agriculture and Forestry has yet addressed the Senate on this bill, nor has this bill been explained in detail by anybody on that committee nor by anybody else. The Senator now asks that debate upon the bill from now on be limited to speeches of 10 minutes. I make the observation that the bill not having ever been explained, to the best of my knowledge, the people of this country do not know what is in it, in addition to which I am moved to object to this particular request on the ground that I do not think section 3 of this bill—the committee amendment which affects the Council of National Defense—should be considered by this body under a 10-minute rule. It is too big and serious a matter.

As one member of the committee, I had grave doubts as to the wisdom of that proposed legislation. The majority of the committee was in favor of it. Personally, I think it is too drastic; but we are approaching a tremendously big subject. The administration has organized this elaborate scheme to establish a clearing house through which the goods required by the Federal Government in the waging of this war shall be purchased, and it is now proposed that we should consider under the 10-minute rule a piece of legislation to wipe it out of existence, for that is what it amounts to. It might just as well be entitled, "A section to disband the Council of National Defense." It is proposed that the Senate shall consider a piece of proposed legislation of that kind under a 10-minute rule of debate!

Personally, I do not think we would be doing our duty as legislators and men of independent judgment, having at heart the best interests of this country in this war, were we to subject ourselves to any such limitation as that. I have begged and implored the Senator from Oregon to wait until the committee amendments on this bill are disposed of before endeavoring to fix a time to bring the discussion to a close.

May I suggest that the legislation contained within the covers of this bill, taken collectively, is the most important piece of legislation ever presented to the Senate since the days of the Civil War. Not even the great Army bill containing the proposal for a selective draft was so revolutionary, nor did it hit at the fundamentals of our business life and our social existence to the extent that this bill does. It occurs to me that it is not the wise and statesmanlike thing to do to drive this bill to a hasty conclusion. At least we should refrain from efforts to limit debate and to set a day for voting until the committee amendments have been disposed of.

My experience here has been short in comparison with that of most of the Members of this body; but I think I am fairly safe in saying that unanimous-consent agreements fixing a time for voting and placing a limitation upon debate in the Senate of the United States have not been insisted upon ordinarily until committee amendments are finished, and that this amendment with regard to section 3 ought not to be subjected to such a limitation.

Mr. CHAMBERLAIN. Mr. President, with reference to asking unanimous consent to vote on this bill, the making of the request now is not out of the ordinary. Other great bills that have been pending before the Senate have "drawn their weary length along," just as this has done, when every phase of the bills has been discussed, and then, before amendments have been voted on, a unanimous-consent agreement was asked for and frequently obtained. But let me remind the Senator that nobody here can compel the Senate to act on this bill now or at any other time, as far as that is concerned; and the Senator, if he sees fit to object, can interpose his objection.

I feel, Mr. President, that the country is asking that the Senate of the United States act promptly upon this measure. If the Senate are opposed to it, they will vote it down. If any Senator is opposed to an unanimous-consent agreement, he can stop it by simply interposing an objection. But, notwithstanding the Senator's criticism, there has not been a single section of this bill that has not been gone into and analyzed and discussed and criticized at length.

Mr. PENROSE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Pennsylvania?

Mr. CHAMBERLAIN. I do.

Mr. PENROSE. So far is that not a fact that the first section of the bill is so awkwardly worded as to be ungrammatical, to be ridiculous, and to disgrace a coterie of schoolboys endeavoring to learn parliamentary procedure.

Mr. CHAMBERLAIN. Mr. President, I am not responsible for the grammatical construction of the bill. I did not write it myself. I have had something to do with trying to get it in shape before the committee, and a small part in undertaking to get it in shape in and passed by the Senate; but if it is grammatically incorrect the Senator from Pennsylvania can suggest the corrections, and I have no doubt but that they will be promptly made.

Mr. PENROSE. It is absurdly ungrammatical.

Mr. CHAMBERLAIN. The Senator can suggest those absurdities, and I am sure that by unanimous consent every one of them will be corrected wherever the absurdities exist.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Connecticut?

Mr. CHAMBERLAIN. I yield.

Mr. BRANDEGEE. I do not want to delay action on this bill one minute, but I looked at the stack of amendments that Senators have already offered and which are printed. The Secretary has them over here. I doubt if two Senators have even read most of them yet. I hold in my hand three proposed amendments offered by the Senator from Tennessee [Mr. McKELLAR]. One of them proposes to create a national food board of five members, to be appointed by the President and confirmed by the Senate, and proceeds to delineate their powers. There are two or three pages of it here. The next one proposes an entirely new scheme about hoarding and destroying necessaries, and the penalties therefor. Those amendments are vital. Instead of having one food director, it is proposed to have a commission—a board. We have in the bill a proposition to take control not only of food, feed, and fuel but of all these other things that we have denominated to be necessaries, like lumber, metals, and so forth. This proposition proposes an extra board to take care of the food proposition.

I do not propose to expatiate upon the various propositions covered in these proposed amendments, but I ask the Senator from Oregon if he thinks that on an amendment of that kind a Senator of the United States ought to be confined to 10 minutes in which to express his views on a proposition to create a commission of five to take control of all the food of the country and to say how he can square it with the other provisions of this bill?

Mr. CHAMBERLAIN. Will the Senator assist in fixing a later date than that named in the proposed agreement when the debate shall be limited? The Senator from New York objected to that proposition.

Mr. BRANDEGEE. Mr. President, I am not going to object, but I do say that we have all had enough experience with this business of talking about a bill until everybody says all he wants to about the bill and then at the last moment a hundred amendments of the most vital importance are thrown in and no discussion worthy of the name can be had. I should say, when Senators have said what they want to about the bill, go ahead with the amendments and discuss them. Some of these amendments are fully as important and vital and intricate as the bill itself. Perhaps we may take too much time in discussing the bill, but one of the most serious defects in our senatorial procedure in the making of unanimous-consent agreements is that we throttle and muzzle ourselves in all sorts of things. I do not know but that somebody will get up here and introduce a woman-suffrage amendment to the bill at the last minute, or another prohibition amendment, and Senators will have only 5 or 10 minutes each on those matters.

I do not think the time has arrived for an agreement of this kind, but, as I say, I shall not object, although I do not think the consent should be given.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from South Dakota?

Mr. CHAMBERLAIN. I yield.

Mr. STERLING. I merely wish to say that I thought there was some reason in the first request of the Senator from Oregon for unanimous consent, which would have brought an end to general discussion on Friday; but it seems to me that this second request, in view of the importance of this bill, is altogether unreasonable.

Just to call attention to one provision of this bill, subdivision (b) of section 8 reads as follows:

> In order to guarantee reasonable prices to the producer and to the consumer, to purchase, in no case paying a less price than the minimum price, if any, fixed in pursuance of this act, to store, to provide storage facilities for, and to sell at reasonable prices, foods, feeds, and fuels.

That amendment has been added to by incorporating in it the language found in the amendment made by the committee to section 1, together with the numerous articles added to the amendment of the committee in the Committee of the Whole.

Mr. CHAMBERLAIN. Mr. President, I realize the importance of these amendments, but the country is asking for action by Congress. Now, let me ask the Senator this question:

Suppose the first proposed unanimous-consent agreement were modified so as to extend the date until a week from to-day or 10 days from to-day, or to some date still later. I do not care, so far as I am individually concerned, when it is, just so that the country may know when this matter is going to be finally disposed of. I will modify the first unanimous-consent agreement to that extent, if the Senators will not object to it.

Mr. STERLING. I should not object to the first unanimous-consent agreement proposed by the Senator from Oregon. That would have given, it seems to me, quite sufficient time; but other Senators think not.

Mr. CHAMBERLAIN. Mr. President, all I want to do is to get a time fixed to dispose of this matter with ample opportunity to Senators to discuss the various amendments. I suggest again, in the hope that we may reach an agreement, that we take the first unanimous-consent agreement that I suggested and put the date a week later, or 10 days later if need be. That will certainly give everybody an opportunity to discuss the bill, taking into consideration the three weeks already spent in its discussion.

Mr. PENROSE. Mr. President——

Mr. WADSWORTH. Mr. President, I did not distinctly hear the colloquy between the Senator from Oregon and the Senator from South Dakota.

Mr. CHAMBERLAIN. The first unanimous-consent agreement that I proposed fixed the date for next Friday. I am willing to postpone the date to a time when the Senator thinks we can fully discuss this bill.

Mr. WADSWORTH. Let me ask the Senator from Oregon a question. In his judgment, does that unanimous-consent agreement as it is drafted now, irrespective of the date, operate to prevent the entertainment of a motion to recommit the bill for any purpose with instructions?

Mr. CHAMBERLAIN. I am inclined to think so, although I am frank to say I know very little about parliamentary law.

Mr. WADSWORTH. I should like to know what I am agreeing to, if I do agree.

Mr. CHAMBERLAIN. Mr. President, if the Senators will consent to that unanimous-consent agreement, so far as I can do so, I am willing to have the two sections of the bill referring to liquors and commandeering the same referred to the committee for further report.

Mr. WADSWORTH. Does the Senator limit it to those two sections?

Mr. CHAMBERLAIN. Those two sections, for they seem to be the sections most earnestly complained of to-day as in conflict and as unconstitutional.

Mr. GRONNA. Mr. President, I object to that. I object to section 3 being referred back to the committee.

Mr. SWANSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Virginia?

Mr. CHAMBERLAIN. I yield.

Mr. SWANSON. The unanimous-consent agreement could have a provision in it that before a final vote is taken on the passage of the bill a motion may be entertained to recommit. That could be included in the unanimous-consent agreement, which would obviate the suggestion made by the Senator from New York that it applies only to those two sections.

Mr. CHAMBERLAIN. Mr. President, I have been with this committee, operating with it, and acting with the members of the committee, and to refer this bill to the committee again simply means that when the bill gets there we will be just where we are now. The committee is almost evenly divided on nearly every section of the bill. The Senator from New York knows what difficulty we have had in getting a report from the committee, and I do not think there ought to be embodied in this unanimous-consent agreement anything with reference to recommitting.

Mr. PENROSE. Mr. President, the Senator from Oregon knows that I aided him in securing his last unanimous-consent agreement. I believe there are a number of Senators here ready to object to this unanimous-consent agreement this evening. It is getting near 6 o'clock, and in order to stop the discussion and let us adjourn, I shall object to-night and hope the Senator will bring up the matter in a spirit of hope to-morrow.

Mr. CHAMBERLAIN. To-morrow evening?

Mr. PENROSE. To-morrow, late in the day. I hope he will bring it up for consideration by the Senate.

Mr. CHAMBERLAIN. That is, the unanimous-consent agreement?

Mr. PENROSE. Yes; I hope the Senator will present it to the Senate then. It is getting too late now to give it the judicial consideration to which it is entitled. I do not say that the Senator can get the agreement to-morrow.

Mr. CHAMBERLAIN. Does the Senator think I can?

Mr. PENROSE. No; I say, I do not say that; but, I say, let the Senator bring it up in a spirit of hope.

Mr. CHAMBERLAIN. I have brought it up in a spirit of hope several times, and only to meet with disappointment.

Mr. LEWIS. Let the Senator offer it in a spirit of charity.

Mr. CHAMBERLAIN. That would be a better way to express it.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Mississippi?

Mr. PENROSE. I have objected and must——

Mr. CHAMBERLAIN. So far as I am concerned, I will have discharged my duty when I file a motion for cloture, and failing to reach any agreement, that is what I now propose to do, but with much reluctance. I wish to say in reference to it that on July 2 a number of Senators—40 or more, I think—signed a motion for cloture, and for reasons that were stated from time to time in the Senate that motion was not presented. I do not know how many of those who then signed would now want that motion to be presented with their names, but I am going to present it as an evidence of the fact that Senators as far back as July 2 desired the motion for cloture presented. I am not basing the motion on that, however. I simply file it to show the feeling of the Senate.

Mr. VARDAMAN. May I ask the Senator from Oregon a question?

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Mississippi?

Mr. CHAMBERLAIN. In a moment. I now present another motion for a cloture signed by about 20 Senators.

Mr. LODGE. Is that under the rule?

Mr. CHAMBERLAIN. It is under the rule.

Mr. LODGE. It will have to be voted on without debate day after to-morrow.

Mr. CHAMBERLAIN. Yes, sir; I yield to the Senator from Mississippi.

Mr. VARDAMAN. I wish to ask the Senator from Oregon how much time would be given a Senator to discuss the bill under the cloture rule which he now proposes?

Mr. CHAMBERLAIN. Every Senator has an hour to discuss it.

Mr. VARDAMAN. That means 96 hours, if the Senate wants to take that much time.

Mr. REED. Will the Senator from Mississippi pardon me? The Senator from Mississippi would have an hour, and each Senator who had any interest in the bill would have an hour, and those Senators would not get time that was not occupied by others, no matter how many amendments come up, no matter how many unconstitutional things are proposed, and no matter what discoveries are made, as we now know that the action of Saturday was unconstitutional. No matter what may happen, the total time any Senator can have is one hour.

Mr. VARDAMAN. I understand that; but I think one hour is enough for any Senator to empty his mind on this question. If the Senator will concentrate his thoughts and digest his facts, he can say all he has of value in his mind to say in one hour.

There is too much careless, irrelevant, scattering talk in the Senate, if I may be permitted to say as much. Some Senators seem to think there is logic in length and eloquence in mere multiplicity of words. One hour devoted to a close compact argument on this bill is, it seems to me, sufficient time to either exhaust the subject or his store of information on the subject matter contained in this bill.

Mr. ASHURST. Let the motion be read.

The PRESIDING OFFICER. The Secretary will read the notice.

The Secretary read as follows:

The undersigned Senators, in accordance with the amendment to Rule XXII of the Standing Rules of the Senate, adopted March 7, 1917, move that debate upon the pending measure (H. R. 4961) be brought to a close.

George E. Chamberlain Robert L. Owen, Henry F. Hollis, Wm. H. Thompson, Jos. T. Robinson, A. A. Jones, John B. Kendrick, Paul O. Husting, John F. Shafroth, J. C. W. Beckham, Peter G. Gerry, Henry F. Ashurst, H. L. Myers, Ed. S. Johnson, Wm. S. Kenyon, George P. McLean, Kenneth McKellar, LeBaron B. Colt, Atlee Pomerene, B. R. Tillman, Claude A. Swanson.

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry. What is the status of this derelict of July 2?

The PRESIDING OFFICER. Let the Secretary finish the reading.

Mr. BRANDEGEE. I thought he had finished.

The PRESIDING OFFICER. No; he has not.

The Secretary read as follows:

UNITED STATES SENATE,
Washington, D. C., July 2, 1917.

The undersigned Senators, in accordance with the amendment to Rule XXII——

Mr. BRANDEGEE. That I raise the objection to. What has July 2 to do with it? We have ended the important matter to which that was directed.

Mr. CHAMBERLAIN. I want to have it read and filed.

Mr. BRANDEGEE. What does the filing consist of?

Mr. CHAMBERLAIN. It consists of the presentation of it to be read into the RECORD; that is all.

Mr. BRANDEGEE. I object to having the paper of July 2 read into the RECORD. The Senator can not file two motions at the same time under the rule.

Mr. CHAMBERLAIN. I have presented one with 20-odd names, I do not remember the number, as the motion for cloture.

Mr. BRANDEGEE. I know; and I make the point that the other one ought to be put in the waste-paper basket.

Mr. CHAMBERLAIN. The Senator and I differ about that. I desire to have it read for the reasons I have stated; and if the Secretary is not permitted to read it I will read it in my own time.

Mr. BRANDEGEE. I make the point of order that it is not in order to read it under the rule. The rule provides for a motion, which has been read and filed. Now, the Senator has another old one, and he wants to have it read. I object.

The PRESIDING OFFICER. The question, then, is left to the Senate, Shall the paper be read. [Putting the question.] The ayes seem to have it. The ayes have it.

Mr. CHAMBERLAIN. Mr. President, I want to have my position distinctly understood. The paper now about to be read is not the motion for cloture; but I ask to have it read into the RECORD to show how the Senators who signed it felt on July 2 about this matter. The one which has already been read, with 21 names on it, is the motion for cloture.

The PRESIDING OFFICER. The Secretary will read the paper.

The Secretary read as follows:

UNITED STATES SENATE,
Washington, D. C., July 2, 1917.

The undersigned Senators, in accordance with the amendment to Rule XXII of the standing rules of the Senate adopted March 7, 1917, move that debate upon the pending measure (H. R. 4961) be brought to a close.

Jas. E. Ransdell, Jas. K. Vardaman, Thomas S. Martin, Ed. S. Johnson, Claude A. Swanson, J. O. Wolcott, John Walter Smith, Frederick Hale, W. F. Kirby, W. L. Jones, F. E. Warren, Duncan U. Fletcher, John Sharp Williams, Robert L. Owen, J. C. W. Beckham, James D. Phelan, C. A. Culberson, C. S. Thomas, J. S. Frelinghuysen, Paul Trammell, Peter G. Gerry, LeBaron B. Colt, Ollie M. James, Key Pittman, George E. Chamberlain, Wm. S. Kenyon, James H. Brady, Jos. T. Robinson, Henry F. Ashurst, Henry F. Hollis, Morris Sheppard, Wm. H. Thompson, P. C. Knox, Frank B. Kellogg, Chas. L. McNary, Geo. P. McLean, Paul O. Husting, Atlee Pomerene, John B. Kendrick, H. L. Myers, T. J. Walsh, Francis G. Newlands, John F. Shafroth, A. A. Jones.

Mr. PENROSE. Mr. President, I simply want to call attention to the absurdity of this proceeding. Those signatures were attached to that paper when the situation was entirely different, and I know that some of the names on that paper this afternoon, at least, do not intend to vote for cloture.

Mr. CHAMBERLAIN. I stated to the Senate that the reason why I did not base the application on that was because the conditions had changed and I did not know how many of them, if any, desired to have cloture now.

Mr. PENROSE. The Senator consumes the time of the Senate by reading an obsolete paper which comes in the classification of useless papers and ought to be destroyed by a committee.

Mr. CHAMBERLAIN. The Senator from Pennsylvania read one of such papers himself this morning and took a good deal of time to get it in the RECORD.

RECESS.

The PRESIDING OFFICER. What is the further pleasure of the Senate?

Mr. CHAMBERLAIN. I move that the Senate take a recess until to-morrow morning at 11 o'clock.

The motion was agreed to; and (at 6 o'clock and 6 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, July 10, 1917, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *July 9, 1917.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in Heaven, hold us close to Thee in the great crisis through which we are passing lest we forget that "God's in His heaven; all's right with the world," in the terrible shock, in the shaking up of the dry bones, in the waking up of the soul from its lethargy through the clash of arms, the sanguinary conflict, the great sacrifice of life and limb, the trials and sorrows which chill the heart. Out of it all shall come a higher,

purer, nobler civilization, for Thy will is supreme; and through the baptism of fire the world shall be purified and made better for all mankind and Thy name shall be glorified. In the name of Him who taught us life, liberty, wisdom, and justice. Amen.

The Journal of the proceedings of Friday, July 6, 1917, was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had agreed to the amendments of the House of Representatives to the joint resolution of the following title:

S. J. Res. 33. Joint resolution to relieve the owners of mining claims who have been mustered into the military or naval service of the United States as officers or enlisted men from performing assessment work during the term of such service.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 2356) to amend the act to regulate commerce as amended, and for other purposes, had requested a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. NEWLANDS, Mr. SMITH of South Carolina, and Mr. CUMMINS as the conferees on the part of the Senate.

The message also announced that the President had approved and signed bill and joint resolution of the following titles:

On July 2, 1917:

S. 2453. An act to authorize condemnation proceedings of lands for military purposes.

On June 30, 1917:

S. J. Res. 13. Joint resolution extending the time within which the "Joint resolution authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River" shall remain in effect.

SENATE CONCURRENT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate concurrent resolution of the following title was taken from the Speaker's table and referred to the Committee on Printing:

Senate concurrent resolution 8.

Resolved by the Senate (the House of Representatives concurring), That there be printed in document form 50,000 copies of the bill (H. R. 4280) to provide revenue to defray war expenses, and for other purposes, and Senate Report No. 75 thereon, of which 25,000 shall be for the use of the House of Representatives, 20,000 for the use of the Senate, 2,500 for the use of the Committee on Ways and Means of the House of Representatives, and 2,500 for the use of the Committee on Finance of the Senate.

LEAVE OF ABSENCE.

By unanimous consent, upon the request of Mr. WOOD of Indiana, leave of absence was granted for 10 days to Mr. SANDERS of Indiana.

By unanimous consent, upon the request of Mr. MCFADDEN, indefinite leave of absence was granted to Mr. HEATON, on account of illness.

By unanimous consent, indefinite leave of absence was granted to Mr. GREENE of Massachusetts, on account of illness in his family.

EXTENSIONS OF REMARKS.

Mr. CHANDLER of New York. Mr. Speaker, I ask unanimous consent to extend in the RECORD the aims and purposes of the Patriotic Service League, a league formed in my district, and now extending throughout the United States, for the purpose of aiding the Government in the prosecution of the war.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. WALSH. Mr. Speaker, I object.

Mr. MEEKER. Mr. Speaker, I ask unanimous consent to print in the RECORD a report and also the papers of incorporation of the White Cross Society, of St. Louis, which is organized for the purpose of caring for the wounded and cripples who may return from the war in Europe.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. WALSH. Mr. Speaker, I object.

Mr. MEEKER. Mr. Speaker, will the gentleman withhold his objection for a moment?

The SPEAKER. The matter is not debatable.

Mr. HUDDLESTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

Mr. DYER. On what subject?

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. WALSH. Mr. Speaker, I object.

Mr. RANDALL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a short story of the landing of the Pilgrims on Plymouth Rock and the notable achievements of some of the early settlers of New Bedford, Mass.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD by printing a short history of the landing of the Pilgrims on Plymouth Rock, together with the achievements of some of their successors. Is there objection?

Mr. MANN. Mr. Speaker, I object.

Mr. GARNER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein the proclamation issued by the President with reference to the exportation of foods and other materials and the regulations of the Secretary of Commerce.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, and I do not intend to object, I would like to ask the gentleman from Texas whether he knows why the President eliminated cotton, a war munition, from the embargo proclamation?

Mr. GARNER. I have no knowledge on the subject at all.

Mr. HEFLIN. Cotton is not a food.

Mr. MOORE of Pennsylvania. Neither is coal.

Mr. GARNER. I merely ask that this be printed in the RECORD because I think it is public information such as the country ought to have.

Mr. MOORE of Pennsylvania. Of course.

The SPEAKER. Is there objection?

There was no objection.

The proclamation is as follows:

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA—A PROCLAMATION.

Whereas Congress has enacted and the President has on the 15th day of June, 1917, approved a law which contains the following provisions:

"Whenever during the present war the President shall find that the public safety shall so require, and shall make proclamation thereof, it shall be unlawful to export from or ship from or take out of the United States to any country named in such proclamation any article or articles mentioned in such proclamation, except at such time or times and under such regulations and orders and subject to such limitations and exceptions as the President shall prescribe, until otherwise ordered by the President or by Congress: *Provided, however*, That no preference shall be given to the ports of one State over those of another.

HEAVY PENALTIES PROVIDED.

"Any person who shall export, ship, or take out, or deliver, or attempt to deliver for export, shipment, or taking out, any article in violation of this title, or of any regulation or order made hereunder, shall be fined not more than $10,000, or, if a natural person, imprisoned for not more than two years; and any article so delivered or exported, shipped, or taken out, or so attempted to be delivered or exported, shipped, or taken out, shall be seized and forfeited to the United States; and any officer, director, or agent of a corporation who participates in any such violation shall be liable to like fine or imprisonment, or both.

POWERS FOR ENFORCEMENT.

"Whenever there is a reasonable cause to believe that any vessel, domestic or foreign, is about to carry out of the United States any article or articles in violation of the provisions of this title, the collector of customs for the district in which such vessel is located is hereby authorized and empowered, subject to review by the Secretary of Commerce, to refuse clearance of any such vessel, domestic or foreign, for which clearance is required by law, and by formal notice served upon the owners, master, or person or persons in command or charge of any domestic vessel for which clearance is not required by law, to forbid the departure of such vessel from the port, and it shall thereupon be unlawful for such vessel to depart.

VESSELS TO BE FORFEITED.

"Whoever in violation of any of the provisions of this section shall take, or attempt to take, or authorize the taking of any such vessel out of port or from the jurisdiction of the United States, shall be fined not more than $10,000 or imprisoned not more than two years, or both, and, in addition, such vessel, her tackle, apparel, furniture, equipment, and her forbidden cargo shall be forfeited to the United States."

And whereas the public safety requires that succor shall be prevented from reaching the enemy.

ARTICLES AND NATIONS NAMED.

Now, therefore, I, Woodrow Wilson, President of the United States of America, do hereby proclaim to all whom it may concern that, except at such time or times and under such regulations and orders and subject to such limitations and exceptions as the President shall prescribe, until otherwise ordered by the President or by Congress, the following articles, namely: Coal, coke, fuel oils, kerosene and gasoline, including bunkers; food grains, flour and meal therefrom; fodder and feeds, meat and fats, pig iron, steel billets, ship plates and structural shapes, scrap iron and scrap steels, ferromanganese, fertilizers, arms, ammunition, and explosives, shall not, on and after the 15th day of July, 1917, be carried out of or exported from the United States or its territorial possessions to Abyssinia, Afghanistan, Albania, Argentina, Austria-Hungary, Belgium, her colonies, possessions, or protectorates; Bolivia, Brazil, Bulgaria, China, Chile, Colombia, Costa Rica, Cuba, Denmark, her colonies, possessions, or protectorates; Dominican Republic, Ecuador, Egypt, France, her colonies, possessions, or protectorates; Germany, her colonies, possessions, or protectorates; Great Britain, her colonies, possessions, or protectorates; Greece, Guatemala, Haiti, Honduras, Italy, her colonies, possessions, or protectorates; Japan, Liberia, Leichtenstein, Luxemburg, Mexico, Monaco, Montenegro, Morocco, Nepal, Nicaragua, the Netherlands, her colonies, possessions, or protectorates; Norway, Oman, Panama, Paraguay, Persia, Peru, Portugal, her colonies, possessions, or protectorates; Roumania, Russia, Salvador, San Marino, Serbia, Siam, Spain, her colonies, possessions, or protectorates; Sweden, Switzerland, Uruguay, Venezuela, or Turkey.

ORDERS FROM TIME TO TIME.

The orders and regulations from time to time prescribed will be administered by and under the authority of the Secretary of Commerce, from whom licenses in conformity with the said orders and regulations will issue.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 9th day of July, in the year of our Lord 1917 and of the independence of the United States of America the one hundred and forty-first.

WOODROW WILSON.

By the President:
FRANK L. POLK,
Acting Secretary of State.

MRS. NANCY E. MULLINS.

Mr. CANDLER of Mississippi. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 646) for the relief of Mrs. Nancy E. Mullins, which I send to the desk and ask to have read.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, let the bill be reported.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That Mrs. Nancy E. Mullins, mother of W. S. Mullins, late captain Company I, First Regiment Mississippi National Guard, shall be regarded as the duly designated beneficiary of the late Capt. W. S. Mullins under the act approved May 11, 1908, as amended by the act approved March 3, 1909.

The SPEAKER. Is there objection?

Mr. WINGO. Mr. Speaker, reserving the right to object, I would like to ask the gentleman to explain the necessity for action upon this bill at this time? There are other local bills that are being held up under the plea that we can not let down the bars for any of them without letting them down for all.

Mr. CANDLER of Mississippi. Mr. Speaker, I am satisfied that the gentleman from Arkansas will not object when he knows the facts in reference to this. This is the case of a soldier who died after going into the service during the present war. He failed to designate a beneficiary. He has a mother who is living, who is old and feeble, and who was dependent upon him. She had another son who has died since this boy died. People down in that section, relatives and others, write me that this old woman is absolutely in distress, and if this bill is passed it will permit her being designated as the beneficiary of her soldier son, and she can get the salary due him. That is all there is to it.

Mr. WINGO. Mr. Speaker, I appreciate the condition that exists. There are other cases similar to this that should be reported and taken care of by Congress. I am glad to see this one taken care of, and for that reason I shall not object.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, will the gentleman explain why this deserving mother can not obtain relief under the general law? As I understand the general law, a mother is entitled to six months' pay when she is dependent upon the soldier who has died from injuries received in the service. What is the necessity of having a private bill to entitle her to this six months' pay?

Mr. CANDLER of Mississippi. The general law requires that the soldier shall designate the beneficiary. He failed to make the designation and died without making it. If he had designated his mother——

Mr. STAFFORD. If the gentleman will permit, I think there is no question if the mother makes a showing she is dependent upon the soldier that she is entitled to this six-months' salary of the soldier.

Mr. MANN. The gentleman is mistaken. The soldier has to make a designation, and in this case there are some——

Mr. STAFFORD. If the gentleman will permit, a case was called to my attention a year ago where a dependent mother received the six-months' allowance granted by the act upon the decease of her son.

Mr. MANN. She can where he makes the designation.

Mr. STAFFORD. I believe in that case no designation had been made.

Mr. MANN. We passed a good many of these bills at different times.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CANDLER of Mississippi, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. HUDDLESTON. Mr. Speaker, I wish to renew my request for unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, I would like to ask the gentleman upon what subject?

Mr. HUDDLESTON. Upon the subject of raising money to carry on the war and the proper expenditure thereof.

Mr. WALSH. Does the extension contain only the gentleman's remarks?

Mr. HUDDLESTON. Only my own remarks.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MEEKER. Mr. Speaker, I renew my request to extend my remarks in the RECORD in regard to the organization of the White Cross. It is one of the most important pieces of work——

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD on the subject of creating the order named. Is there objection?

Mr. WALSH. Mr. Speaker, I object.

Mr. CHANDLER of New York. Mr. Speaker, I renew my request to extend my remarks in the RECORD on the subject of the aims and purposes of the Patriotic Service League, a league which has been formed in my district and has now gone throughout the country, for the purpose of aiding the Government in the prosecution of the war.

The SPEAKER. Is there objection?

Mr. WALSH. Mr. Speaker, I object.

TRADING WITH THE ENEMY.

Mr. MONTAGUE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 4960) to define, regulate, and punish trading with the enemy, and for other purposes; and pending the motion, Mr. Speaker, I would suggest to my colleague from Wisconsin [Mr. ESCH] if we could not agree upon time for general debate.

Mr. ESCH. Mr. Speaker, I have had several requests, and I think we could utilize on our side possibly two hours.

Mr. MONTAGUE. Mr. Speaker, I will say to my colleague from Wisconsin and gentlemen of the House generally, that, so far as I am concerned, and I believe so far as every member of the committee is concerned, our purpose is to have liberal debate under the five-minute rule.

Mr. MANN. Will the gentleman allow me to make a suggestion?

Mr. MONTAGUE. Certainly.

Mr. MANN. I do not think it desirable to commence the reading of the bill under the five-minute rule to-day. Why not

say that general debate shall conclude to-day, the time to be equally divided between the two gentlemen?

Mr. MONTAGUE. I understood from the gentleman from Wisconsin [Mr. ESCH] that two hours on a side would be ample.

Mr. ESCH. Mr. Speaker, since making that statement I have had three additional requests which would make at least two and a half hours, which would take this afternoon.

Mr. MONTAGUE. Then, Mr. Speaker, I submit a unanimous-consent request that general debate on this bill in the Committee of the Whole House on the state of the Union shall close upon adjournment this afternoon.

Mr. MANN. The time to be equally divided.

Mr. MONTAGUE. To be equally divided between my colleague from Wisconsin [Mr. ESCH] and myself.

Mr. PARKER of New Jersey. Will the gentleman add to that request an agreement that the debate shall be confined to this bill?

Mr. MANN. I do not think that is necessary. That will be controlled by gentlemen who yield time. Somebody might want to say something else.

Mr. MONTAGUE. I would like to see that, but it seems to be an insuperable obstacle in the progress of the business of this House.

The SPEAKER. The gentleman from Virginia [Mr. MONTAGUE] asks unanimous consent that the general debate on this bill close with the adjournment of the House to-night, one-half to be controlled by himself and one-half by the gentleman from Wisconsin [Mr. ESCH]. Is there objection? [After a pause.] The Chair hears none.

The question is on going into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 4960, with Mr. BYRNS of Tennessee in the Chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 4960, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 4960) to define, regulate, and punish trading with the enemy, and for other purposes.

Mr. MONTAGUE. Mr. Chairman, I ask unanimous consent that the committee substitute for H. R. 4960 may be considered in lieu of the original bill, with all of the privileges attaching to the original bill. My purpose in making this request is that there were a good many amendments considered in connection with the bill, which the committee adopted, and in order to make the whole bill more convenient for consideration by the House a committee substitute was reported in lieu of the original bill which was agreed upon, as the substitute itself was unanimously agreed upon. And every member, Mr. Chairman, has had a copy.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the committee substitute be considered in lieu of the House bill on the same subject, with all of the privileges attaching to the House bill. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, this is a very unusual request. If the committee had a substitute why did they not report it to the House? Here is the original bill reported to the House, and no committee substitute and no amendment reported to the House.

Mr. ADAMSON. I will state to the gentleman that long subsequent to reporting the bill the gentleman having in charge the bill had a meeting of the committee called and submitted a good many committee amendments, and all were merely consolidated in the version of the bill.

Mr. MANN. The gentleman ought to obtain permission to withdraw the report and file a new report with the substitute report submitted to the House.

Mr. ADAMSON. We had it printed and furnished every Member with a copy several days ago, and there are many other copies here.

Mr. MANN. The gentleman says he furnished every Member of Congress with a copy. I was out of the city, but I have been back nearly a week and I have not heard of nor seen any committee substitute.

Mr. ADAMSON. We tried to do so.

Mr. MANN. The gentleman's effort was not very valiant.

Mr. MONTAGUE. I will say to the gentleman from Illinois that when this substitute was offered we expected the consideration of the bill that was in the House, and there was no time to formulate another report.

Mr. MANN. There has been plenty of time since.

Mr. MONTAGUE. That is true.

Mr. MANN. I shall object to the request at this time, and suggest to the gentleman that when the committee rises and we go into the House that he ask unanimous consent to have a reprint of the bill with the committee substitute printed in italics in place of the bill, and then probably there will be no objection to considering the substitute. But this is a very important measure. We have the right to have the print that is to be considered before the Members of the House, and not merely up in the committee room.

Mr. ADAMSON. Mr. Chairman, I think that is entirely satisfactory, that we go on with general debate, and on adjournment to-night we ask unanimous consent to have a reprint of the bill, and when we reprint it, we reprint it as pertaining to this subject.

The CHAIRMAN. Objection is heard. The Clerk will read the bill.

Mr. ADAMSON. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to dispense with the first reading of the bill. Is there objection? [After a pause.] The Chair hears none. The gentleman from Virginia [Mr. MONTAGUE] is recognized.

Mr. MONTAGUE. Mr. Chairman, international law, as adjudicated by our nisi prius courts and our Supreme Court, holds that one of the immediate consequences of war is the interdiction of commercial relations between the citizens or subjects of the belligerent nations. International law has been often held by our Supreme Court to be a part of the law of our country, so it is necessary for the committee and the country to realize that from the outbreak of this war all commercial intercourse, with negligible exceptions, between American citizens and German subjects has been abruptly suspended or revoked. Any continuance or revival of this commerce on the part of our citizens can only be had by the express permission of our Government. This seems the accepted Anglo-American doctrine.

In 1799 Sir William Scott, in the leading English case of the ship *The Hoop*, after stating the case as one involving the shipment of goods from Holland to Great Britain, declared:

In my opinion there exists such a general rule in the maritime jurisprudence of this country, by which all trading with the public enemy, unless with the permission of the sovereign, is interdicted. It is not a principle peculiar to the maritime law of this country; it is laid down by Bynkershoek as a universal principle of law—Ex natura belli commercia inter hostes cessare non est dubitandum. Quamvis nulla specialis sit commerciorum prohibitio, ipso tamen jure belli commercia esse vetita, ipsae indictiones bellorum satis declarant, etc. He proceeds to observe that the interests of trade and the necessity of obtaining certain commodities have sometimes so far overpowered this rule that different species of traffic have been permitted—prout e re sua, subditorumque suorum esse censent principes. But it is in all cases the act and permission of the sovereign. Wherever that is permitted it is a suspension of the state of war quoad hoc. It is, as he expresses it, pro parte sic bellum, pro parte pax inter subditos utriusque principis. It appears from these passages to have been the law of Holland. Valin (1. III, title 6, art. 3) states it to have been the law of France whether the trade was attempted to be carried on in national or in neutral vessels; it will appear from a case which I shall have occasion to mention—*The Fortuna*—to have been the law of Spain; and it may, I think, without rashness, be affirmed to have been a general principle of law in most of the countries of Europe.

Mr. Chairman, this opinion is still the law of England, as may be seen by an examination of her text writers and her latest decisions. I would refer here to the report submitted in relation to the pending bill to the cases of Hugh Stevenson & Sons (Ltd.) against Aktien-Gesellschaft and the Distington Hematite Iron Company (Ltd.) against Possehl, both decided by the high court of justice of the King's bench division in 1916, as confirming what I have stated to be the law of Great Britain.

Mr. Chairman, I would now ask brief consideration of the American view. The leading case is *The Rapid*, decided by the Supreme Court in 1814, involving the bringing into the United States, from a small island situated near the boundary line between our country and Nova Scotia, goods purchased in England and carried to this island before the outbreak of the War of 1812, where the court held the transaction a trading with the enemy, and a consequent forfeiture followed.

In the case of Insurance Company against Davis, decided in 1877, the Supreme Court discussed quite fully this doctrine in relation to an insurance contract between parties resident, respectively, of opposing belligerents, but the policyholder and the agent of the company, appointed before the outbreak of the war, were residents of the same State, and the court said:

That war suspends all commercial intercourse between the citizens of two belligerent countries or States, except so far as may be allowed by the sovereign authority, has been so often asserted and explained in this court within the last 15 years that any further discussion of that proposition would be out of place. As a consequence of this fundamental proposition it must follow that no active business can be maintained, either personally or by correspondence, or through an agent, by the citizens of one belligerent with the citizens of the other. The only

exception to the rule recognized in the books, if we lay out of view contracts for ransom and other matters of absolute necessity, is that of allowing the payment of debts to an agent of an alien enemy, where such agent resides in the same State with the debtor. But this indulgence is subject to restrictions. In the first place, it must not be done with the view of transmitting the funds to the principal during the continuance of the war, though if so transmitted without the debtor's connivance he will not be responsible for it. Washington, J., in Conn *v.* Penn (Pet. C. Ct., 496); Buchanan *v.* Curry (19 Johns. (N. Y.), 141). In the next place, in order to secure the subsistence of the agency during the war it must have the assent of the parties thereto—the principal and the agent. As war suspends all intercourse between them, preventing any instructions, supervision, or knowledge of what takes place on the one part, and any report or application for advice on the other, this relation necessarily ceases on the breaking out of hostilities, even for the limited purpose before mentioned, unless continued by the mutual consent of the parties. It is not compulsory, nor can it be made so on either side to subserve the ends of third parties. If the agent continues to act as such, and his so acting is subsequently ratified by the principal, or if the principal's assent is evinced by any other circumstances, then third parties may safely pay money for the use of the principal into the agent's hands; but not otherwise. It is not enough that there was an agency prior to the war. It would be contrary to reason that a man, without his consent, should continue to be bound by the acts of one whose relations to him have undergone such a fundamental alteration as that produced by a war between the two countries to which they respectively belong—with whom he can have no correspondence, to whom he can communicate no instructions, and over whom he can exercise no control. It would be equally unreasonable that the agent should be compelled to continue in the service of one whom the law of nations declares to be his public enemy.

Mr. Chairman, it would weary the committee to discuss in detail the cases of our Supreme Court upon this great question. I desire, however, for the sake of brevity, to read the syllabi of a few of these cases taken from the Digest of the Supreme Court, published by the Lawyers' Cooperative Publishing Co.:

In war the belligerents and all their citizens and subjects are enemies to each other. All intercourse and communication between them is unlawful. (Jecker *v.* Montgomery, 18 How., 110.)

While the existence of war closes the courts of each belligerent to the citizens of the other, it does not prevent the citizens of one belligerent from taking proceedings for the protection of their own property, in its own courts, against the citizens of the other whenever the latter can be reached by process. (Masterson *v.* Howard, 18 Wall., 99.)

Absolute suspension of the right of the citizens of one belligerent to sue the citizens of the other, and prohibition to exercise such right, exist during war by the law of nations; but the restoration of peace removes the disability and opens the doors of the courts. (Caperton *v.* Bowyer, 14 Wall., 216.)

Citizens of a neutral country established in business in the enemy's country may be regarded as enemies and their property as enemy's property. (The Flying Scud *v.* United States (The Flying Scud), 6 Wall., 263.)

Mr. Chairman, the most abbreviated discussion of this subject would be incomplete without reference to Judge Gray's great opinion in Kershaw against Kelley, decided in the Supreme Judicial Court of Massachusetts in 1868, and where his extraordinary genius for assembling precedents was, perhaps, never equaled by him in his subsequent career upon the Supreme Bench of the Nation. After an exhaustive collocation and analysis, he says:

The result is that the law of nations, as judicially declared, prohibits all intercourse between citizens of the two belligerents which is inconsistent with the state of war between their countries; and that this includes any act of voluntary submission to the enemy or receiving his protection, as well any act or contract which tends to increase his resources; and every kind of trading or commercial dealing or intercourse, whether by transmission of money or goods or orders for the delivery of either, between the two countries, directly or indirectly, or through the intervention of third persons or partnerships, or by contracts in any form looking to or involving such transmission, or by insurances upon trade with or by the enemy.

So, Mr. Chairman, I may affirm that the suspension, the interdiction, and sometimes the revocation of all commercial intercourse between the citizens or subjects of belligerent nations, upon the outbreak of war, is the accepted Anglo-American law. All such trading or commercial intercourse, unless specially licensed, becomes ipso facto illegal upon the outbreak of war. This rule, I may add, is undoubtedly also the law of Europe.

The converse of the rule, namely, that all such trading is permissible until prohibited, is contended for by some publicists, but it does not seem to be sustained by administrative pronouncements or juridicial deliverances, however desirable such international practice may be.

The nearest approximation to such a rule may be found in the new provision of article 23 of the "regulations respecting the laws of land warfare," added under the letter (h) at the second Hague peace conference in 1907, and which runs as follows:

It is forbidden "to declare extinguished, suspended, or unenforcible in a court of law the rights and rights of action of the nationals of the adverse parties."

The interpretation of this rule by Great Britain and the United States is likely to confine the provision to the right of the belligerent nation to instruct the commanders of its forces in the enemy's country not to declare such rights extinguished, suspended, or unenforceable in a court of law in such country. For example, Germany has no authority to extinguish or suspend such rights on the part of the citizens of Belgium, as a matter of administration, during military occupancy of her territory. This seems to be the interpretation of the rule by Davis, one of the American delegates to the second Hague conference, as found in the third edition of his very excellent work, The Elements of International Law, page 576. I may add that Germany was the author of section (h), but that her practice is in brutal conflict with an interpretation of the rule even so narrow as that made by Davis; indeed, Germany seems rather to have forgotten the rule in all of its aspects, or designedly to have considered it another "scrap of paper."

Mr. Chairman, I venture now to hope I am justified in concluding that this committee, in view of the state of the law of nations as recognized by the United States, realizes that our commercial intercourse with Germany has been brought to an impasse, and that none of this trade, no matter how necessary and beneficial to our citizens, can be resumed or carried on in the absence of appropriate legislation by Congress. This bill, therefore, is submitted as according the most adequate, the most equitable, and the most practicable method for the conduct of all desirable trade.

Mr. GRAHAM of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MONTAGUE. I will.

Mr. GRAHAM of Illinois. Before the gentleman leaves that subject I would like to have him expand his statement a little as regards contractual rights between people or citizens of belligerent countries. As to those countries, are these contractual rights ipso facto null and void, or do they continue after the resumption of peace?

Mr. MONTAGUE. As a rule, all contracts concluded during war are void. No action upon such contracts will be entertained during or after the war, as I understand the law. But contracts made before the war are usually suspended as to their execution, and the right of action or suit revives after the war to the former enemy.

Mr. MADDEN. Mr. Chairman, will it interrupt the gentleman if I ask him a question?

Mr. MONTAGUE. No.

Mr. MADDEN. I am interested to find out just exactly what effect this law will have, and I think the people of the United States who are not lawyers are anxious to know what effect this law, when passed, will have upon alien enemies living in this country and doing business in this country.

Mr. MONTAGUE. This bill does not recognize "alien enemies living in this country" as enemies. Germans living in America are not enemies; they are entitled to all the rights of American citizens unless their conduct becomes so hostile or offensive that they must be reached by Executive proclamation, as provided for in the bill. The chief definition of an enemy is one resident within Germany or within the territory occupied by her military forces.

Mr. Chairman, perhaps in no former war was trade ever so potential a weapon in the hands of a belligerent as in the present conflict. This is not a war of soldiers so much as a war of economic forces. Trade extended or trade suspended—commerce wisely withheld or commerce employed to exert the greatest economic pressure—is of transcendent moment now. But, happily for us, this bill seeks to accomplish these great ends by creating no new rules of international law. It recognizes that these rules work an abatement of trade by reason of war, but it undertakes to surmount this barrier by allowing trade under the sanction of law. That is to say, the bill recognizes and affirms the interdiction of international law, and then at once relaxes the scope and rigor of such interdiction by allowing almost all forms of trade under the authority of licenses issued by the Secretary of Commerce, under the direction of the President. In other words, the bill would prohibit all trading with a German subject by an American citizen unless permitted by the license of the Government. The extent and content of these licenses are almost unlimited, depending upon prudent and wise administrative discretion. Therefore it may be affirmed that all trade will be allowed that does not conflict with the national safety and the successful prosecution of the war.

Mr. FESS. Will the gentleman yield for a question?

Mr. MONTAGUE. I will.

Mr. FESS. Without this legislation what is the legal status of an enemy resident here? Has he any standing in court at all?

Mr. MONTAGUE. A German resident in the United States is not an enemy under the terms of the bill, unless he should be so declared subsequently by the proclamation of the President, in which case he would have no standing in court.

Mr. FESS. He could not sue on a contract?

Mr. MONTAGUE. Not unless the contract were one of the exceptions contemplated by general international law.

Mr. FESS. And therefore this legislation is simply to enable him to do what otherwise he could not do.

Mr. MONTAGUE. The gentleman in his interrogatory has stated the response to his question. Under existing international law there is no forum in which enemies can stand to protect or enforce their contracts. The courts do not open their doors to enemies.

Mr. FESS. The citizen of an enemy country resident here has no rights under the patent law, has he—rights that he had already secured before the war? Such rights, either under the patent law or the copyright law, do not longer exist, do they?

Mr. MADDEN. Will the gentleman answer a question right there in connection with this?

Mr. MONTAGUE. Yes.

Mr. MADDEN. Suppose that some German patentee has entered into a contract with an American citizen to manufacture his product in America for sale to the American people. What becomes of the contract after the declaration of war?

Mr. MONTAGUE. It is suspended under existing law—that is, the general law. This bill gives reciprocal rights as respects patents.

Mr. MADDEN. Would there be any means by which an American citizen having any such contract could prosecute the business under the contract during the pendency of the war? He may have invested a lot of money.

Mr. MONTAGUE. He may conduct the business under the license provided in this bill. Under this bill the citizen can obtain a license to do everything provided in the original patent.

Mr. MADDEN. Would there be any means by which the money could be impounded?

Mr. MONTAGUE. This bill undertakes also to do that if the income of the enemy is in form of money or demand notes.

Mr. MADDEN. Yes; so that he could continue to do his business without losing his investment.

Mr. MONTAGUE. The enemy patentee would not continue to do business, but the American licensee under the patent would do the business, being ultimately liable for certain profits or royalties prescribed in the bill.

Mr. HULBERT. Do I correctly understand that the purpose of this bill is to provide rules and regulations for the carrying on of business which now we are permitting to be carried on as a mere matter of suffrance?

Mr. MONTAGUE. Of course trade now carried on is carried on in violation of general international law and at a very great risk to those conducting it. They may be violating international law, and these violations may be recognized by the American courts without congressional legislation.

Mr. FESS. Will the gentleman permit an interruption?

Mr. MONTAGUE. Yes.

Mr. FESS. The general opinion regarding the enemy-trading act has been that it has an element of punishment in it, but instead of that this is a friendly attitude toward the enemy citizen——

Mr. JOHNSON of Kentucky. Enemy resident.

Mr. FESS. Enemy resident. It is in his behalf rather than against him?

Mr. MONTAGUE. The first intention of the bill is to give the German resident in the United States almost every right that a citizen has. The German resident can be disturbed, not by the first operation of the act, but by the subsequent proclamation of the President, issued in pursuance of authority given in the act, manifestly to be done only when it is apparent that the German or ally of Germany residing in America is giving aid or comfort to the enemy or doing some act of somewhat similar character.

Mr. STAFFORD. Will the gentleman yield?

Mr. MONTAGUE. I will.

Mr. STAFFORD. Do I understand that this bill confers upon the President any authority to grant to an alien subject doing business in this country the right to sue in the courts to enforce his contract?

Mr. MONTAGUE. If he is a resident of this country, he has that right under this bill without the proclamation of the President.

Mr. STAFFORD. If so, where is that authority?

Mr. MONTAGUE. In the very terms of the bill defining an enemy, whereby German residents in the United States have all rights in this respect of native-born citizens, unless these rights be recalled by the proclamation of the President for hostile conduct on the part of the Germans resident in the United States.

Mr. LENROOT. Will the gentleman yield?

Mr. MONTAGUE. I will.

Mr. LENROOT. With reference to the statement the gentleman has just made, that the purpose of this bill is not to infringe in any way upon international law, I wish to ask the gentleman with reference to section 2—

The word "enemy" shall be deemed to mean any resident outside of the United States and doing business within such belligerent territory.

Mr. MONTAGUE. Where is the gentleman reading?

Mr. LENROOT. At the bottom of page 1 of the committee substitute. I want to ask the gentleman whether that does not violate international law in this, that, irrespective of whether the business of the resident outside of the United States is within belligerent territory or not, if he does any business within belligerent territory it makes him an enemy, not only for such business but for all business done by that resident, and is not that in violation of existing international law?

Mr. MONTAGUE. The purpose of the bill is to make neutral citizens or subjects doing business within the enemy's country enemies. This is not new law. The English trading-with-the-enemy act so determines such neutrals, and I think our Supreme Court declares business so carried on in the country of the enemy by neutrals makes them enemies. Certainly it is not in contravention of international law for the Congress to declare such business residents to be enemies.

Mr. LENROOT. I call the gentleman's attention to the consequence of section 7, where it renders void any contract or payment made to any enemy. To illustrate, a citizen of Denmark, we will say, has an agent doing business in Germany, a very small percentage of his business and a business which he has the right to do under international law; but he has had business dealings with American citizens, not with relation to the business which he has done with Germany but entirely foreign to it. Under the bill as it stands it renders void every contract, irrespective of the kind of business in which the Denmark subject is engaged, and treats him as an enemy, not only so far as business done with Germany but all business done.

Mr. MONTAGUE. I can only repeat that a neutral carrying on business in Germany is an enemy under this bill, and because he does business, the larger part of the business as to that, with citizens of friendly countries does not alter his enemy character. It would be impossible to separate or distinguish his enemy business from his neutral business. His credit, his solvency, could not be separated and apportioned. He has in law a business residence in Germany, and of necessity he must, quoad this business, stand as other residents of Germany.

Mr. LENROOT. But section 7 has no exceptions, but renders every contract void.

Mr. MONTAGUE. That seems true, but there is no practicable way of distinguishing and separating his business as to enemy credits and neutral credits. It is one business, regardless of the character or residence of the purchasers or contractors.

Mr. Chairman, returning now to my line of argument, I have heretofore suggested that the definition of enemy found in the bill is significant, for it is determinative. This is the Anglo-American definition in that it makes the residence of the person in enemy territory the test of the enemy character, in contrast with that of Europe which makes nativity or nationality the test. A German subject residing in America, for example, is not per se an enemy, and under this bill is only an enemy when the proclamation of the President so declares him upon grounds of public safety.

Mr. LENROOT. Will the gentleman give his construction of the phrase "resident outside of the United States doing business within such territory"?

Mr. MONTAGUE. I have heretofore discussed this definition and test of enemy character, and endeavored to show that it was in no sense novel or an extension of the rule recognized by England and by the United States. I will now answer that it would be most unfortunate to exclude enemies falling under this definition, for it is this class of enemies who by indirect methods and circuitous routes carry on trade of America to strengthen the credit of Germany.

Mr. LENROOT. The gentleman's construction is that it means all business done by that resident, if he does any business within enemy territory?

Mr. MONTAGUE. Yes; his business is not susceptible of division into lines or degrees of hostile activity or friendly activity. No such apportionment is practicable, and a definition of enemy into such a divided character would destroy the entire definition. He can not be half enemy and half neutral at the same time.

Mr. LENROOT. How does the gentleman think the United States would have considered Germany's action if, prior to the

beginning of the war, she had treated every citizen who did business with England as an enemy and forfeited all property held in Germany by that citizen?

Mr. MONTAGUE. Germany would have had a right to so hold if he did business within England.

Mr. LENROOT. Absolutely not, under international law—only that part of the business done with England would she have a right to forfeit.

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. MONTAGUE. Yes.

Mr. HILL. There is one question that troubles me a little in regard to this bill and that is this: What becomes of the dividends of railroad companies due to foreign stockholders? For many years the great railroads of the country have been placing loans abroad and many of them are held there now represented by bonds and stocks. Understand me, I am in sympathy with the general provisions of the bill, but I would like to know what becomes of future dividends and future interest upon stocks and bonds, amounting to millions and millions of dollars due to foreigners.

Mr. MONTAGUE. I am answering the gentleman generally. The bill provides machinery by which there shall be a complete disclosure and discovery of all foreign stockholders and their interests, and provides that that interest shall be impounded and cared for by our Government during the war.

Mr. HILL. How cared for? Is it compulsory that these dividends and that interest shall be paid to the Secretary of the Treasury, or can it be held back by the companies owing the debt?

Mr. MONTAGUE. It will be compulsory in this sense, that the Secretary of Commerce shall make rules and regulations with respect to the payment. The report is compulsory, the collection of the money reported may or may not be compulsory. I imagine a great deal of it will never be attempted to be collected.

Mr. HILL. Then there is no definite provision in the bill?

Mr. MONTAGUE. There is a definite provision in that the bill gives ample authority to deal with that subject. Administrative discretion, under appropriate regulations, is provided for.

Mr. HILL. But no specific provision is made by the bill itself, except that millions of dollars are to be put into the hands of the Secretary of the Treasury if the Secretary of Commerce shall so prescribe.

Mr. MONTAGUE. One of the objects of this bill is to put those particular millions into the hands of this Government if it is deemed wise or necessary so to do. If it is money or demand notes, it goes into the Treasury and can then be invested in Government bonds and certificates by the Secretary of the Treasury.

Mr. HILL. Is there any provision made for a subsequent payment to the owner of that property?

Mr. MONTAGUE. After the war?

Mr. HILL. What is the provision then made? As I read the bill the owner of a patent can sue and recover for royalties and for use, but there is no provision in the bill whatever for the return of dividends and interest upon stocks and bonds, an investment which we ourselves have solicited from investors in foreign countries.

Mr. MONTAGUE. The question of patents is a reciprocal one.

Mr. HILL. Certainly.

Mr. MONTAGUE. That right is given provided the enemy nation accords a similar right to the citizens of America. There is a provision made that all money and property may be impounded by the Government. If it is money it can be reinvested by the Secretary of the Treasury. At the end of the war Congress may deal with all property so impounded. No hard-and-fast rule can be made now, because the question of indemnity, of offsets, will arise and we should fortify our Government for the final negotiations of peace.

Mr. HILL. Then, as I understand it, it is practical confiscation now, but subject to the courtesy and kindness of Congress after the war is over, so far as actual money is concerned, but giving a legal right to recover in case of patents?

Mr. MONTAGUE. Not confiscation at all. The Government will act, if I may use a legal term, as bailee. It will take this property and invest it in the best security in the world. It will take property which does not belong to debtors in this country, and who may not be solvent at the end of the war, and hold it for final disposition after the war. In other words, the Government undertakes to do by these enemy creditors better than the resident debtors or such enemy creditors could do for themselves.

Mr. HILL. That might be. I do not want to take the gentleman's time, but I want an understanding of this situation, because it is true that we shall in the future, as in the past, probably be applicants for the investment of foreign funds in the development of the industries and the railroad situation of this country, and no one needs it more than the railroads do now. What position are we going to be in if we confiscate the stocks and bonds owned abroad and put the dividends and interest from them into the Treasury of the United States for the Secretary of the Treasury of the United States to hold, to invest, to sell, and make no provision whatever at the time we do it that there shall be at least a prescribed legal way for the owner to come back and make claim against the United States.

Mr. MONTAGUE. I think the gentleman's assumption that the bill authorizes confiscation is a violent one.

Mr. HILL. No disposition is made of it.

Mr. MONTAGUE. The disposition is to hold it in safety, and use it to our advantage during the war.

Mr. HILL. Why not let the companies hold and refuse to pay the dividends and interest to the foreign stockholders instead of taking it out of investment. Let them refuse and hold it and report to the Government they have got it, and let the Government authorize them to hold it back, absolutely hold it back and not pay it over until——

Mr. MONTAGUE. Because in war enemy property can be best held and cared for by the Government itself. It is primarily the function of government to deal with enemy property.

Mr. HILL. I heartily agree with the gentleman on that proposition.

Mr. MONTAGUE. That is what the bill endeavors to accomplish.

Mr. HILL. Why not make some declaration of what will be done with it after the war is over?

Mr. MONTAGUE. Because you can not make a proper disposition in advance of the end of the war. We preserve this property in its integrity until the war is over, and then we will deal with it in the final negotiations.

Mr. HILL. These dividends and interest must be paid to a United States custodian?

Mr. MONTAGUE. Yes.

Mr. HILL. And held by the Secretary of the Treasury until after the war is over.

Mr. MONTAGUE. The dividends go into the Treasury.

Mr. HILL. There is no provision whatever for the presentation of claims on the part of owners, except that they must trust entirely to the action of Congress after the war is over. Do I understand the gentleman correctly?

Mr. MONTAGUE. In so far as the Government has taken possession of the money or other property.

Mr. HARDY. If the gentleman will permit, it seems to me the purpose of this bill is to leave the international rights of citizens of different nationalities for adjustment between the nations now at war after the war is ended.

Mr. MONTAGUE. The gentleman correctly states it.

Mr. STAFFORD. Will the gentleman yield for just a question? Will the gentleman inform the committee, either now or before he concludes his remarks, whether belligerent Governments have pursued any similar policy since the beginning of the great war?

Mr. MONTAGUE. Great Britain and France have, so far as I am informed. They may not invest or reinvest the moneys so taken over; that is an American contribution to belligerent finance.

Mr. STAFFORD. To the extent as embodied in this bill?

Mr. MONTAGUE. I think Great Britain goes further than we do. I am not prepared to say how far the French Government has gone as respects the custodian.

Mr. ESCH. If the gentleman will permit, I understand the Germans also have a custodian.

Mr. MONTAGUE. In response to the question of the gentleman from Wisconsin my answer was meant to convey the idea that the laws of the other belligerent nations as respects enemy property are perhaps more drastic than this bill.

Mr. ESCH. If the gentleman will permit, in reference to an inquiry made by the gentleman from Connecticut [Mr. HILL], these stocks and bonds are not to be turned over to the custodian, but they must be left with depositories selected by the Secretary of Commerce on recommendation by Secretary of the Treasury.

Mr. MONTAGUE. Yes.

Mr. ESCH. And after the depositories pay over to the custodian they deposit in the Treasury the dividends on the stocks and interest on the bonds.

Mr. DEWALT. And further, in reference to that, these depositories must furnish bonds for safekeeping.

Mr. MONTAGUE. I will say that was in my mind when I replied to the gentleman from Connecticut that the Government

was a quasi bailee. Now, the increment, the interest, goes to the custodian, and the custodian turns it over to the Secretary of the Treasury, who may invest it in Government bonds or certificates.

Mr. HILL. I am not criticizing that, but I wonder if some better way could not be had? For instance, take the case of the Pennsylvania Railroad. Nobody questions the financial solvency of that railroad. Would it not be better to pass a law authorizing and requiring the Pennsylvania Railroad to withhold the dividends from the foreign stockholders until the close of the war to be then paid, rather than require them to pay it over to a custodian and that custodian invest it in such bonds as he sees fit——

Mr. MONTAGUE. The character of investment is prescribed by the act.

Mr. HILL. Within the last 30 or 60 days the 3 per cent Panama bonds have gone to the eighties. Is there any justice in taking the money of the foreigner, investing it without his knowledge or consent, if it can be safely retained in the property in which he made the investment?

What harm would there be in allowing the Pennsylvania Railroad, for example, to withhold the dividends and also keep here the interest on the bonds held by foreigners?

Mr. DEWALT. The answer to that, let me say to the gentleman from Connecticut [Mr. HILL] is this: The purpose here is to take the increment arising from these bonds, place it in the hands of this Government, and let this Government use that for its purposes during the continuance of the war.

Mr. HILL. I would not have the slightest objection to that if there was any provision in the bill that the full amount should be returned when the war was over.

Mr. DEWALT. When the war is over, these parties are relegated to their rights under the act of Congress. This property is not confiscated at all.

Mr. HILL. To all intents and purposes it is, because it says it shall be held subject to the action of Congress, then——

Mr. DEWALT. Very true.

Mr. HILL. And who knows what the Government or Congress will do then?

Mr. DEWALT. But the gentleman seems to forget that these bonds themselves are not in the hands of the Government.

Mr. HILL. That is the way I understood it when reading the bill.

Mr. DEWALT. They are in depositories to be selected by the Secretary of the Treasury—trust companies or other security companies. Those security companies must enter bonds with the United States Government for the safe-keeping thereof.

Mr. HILL. What I think ought to be done should be to require those people to withhold the dividends during the continuance of the war.

Mr. MONTAGUE. As long as we do that the German owner of the dividends has a substantial basis of credit.

Mr. HILL. Not under the law. It is confiscation as the bill puts it.

Mr. MONTAGUE. Why should a private or corporate debtor be permitted to hold property belonging to the enemy? The money belongs to the enemy. No individual should control it unless allowed by his Government.

Mr. HILL. Why does the bill provide that in the case of a patentee that provision shall be made for procuring his rights afterward, but not in the case of actual cash?

Mr. MONTAGUE. There is no analogy between patents and the dividends due enemies by citizens of America. We give patent rights to Germany upon condition that she give similar rights to the United States.

Mr. HILL. I want this country to so fairly and justly protect the foreigner that in the years to come when we go, as individuals and corporations in your State and my State and other States of the Union will go, to Europe to solicit funds, as they have done in the past, we will not be met with the reply that we have confiscated property.

Mr. MONTAGUE. If the act does not permit the debtors of these dividends to retain them there is no injury to their rights, for their right is to pay it over to the owner, and when that owner is an enemy the Government steps in to forbid such payment.

Mr. HILL. Of course, there is not, but it is an injustice for the Secretary of the Treasury to have authority to invest in any form that he sees fit in Government funds, and then not return that money when the war is over until Congress shall provide how it shall be done or whether it shall be done at all or not.

Mr. MONTAGUE. Of course, the gentleman may take a case that he feels would be better conducted by doing as he suggests, but all of these debtors are not Pennsylvania Railroads. No one can foretell the status of business in the era now facing us, and therefore I submit that if the United States should become the custodian of this property it would protect rather than jeopardize the interests of enemy creditors.

Mr. HILL. Why not permit it to be placed in the bill, and not say as this bill does that we will invest it for our own benefit, and perhaps by and by, five years from now, after the war is over, Congress may take some action for their relief?

Mr. MONTAGUE. My individual views are that by impounding this property it is made to serve the interests of America in this great struggle, and, at the same time, its final and honest payment to the creditor is made more secure.

Mr. MOORE of Pennsylvania. Will the gentleman yield? As to this Pennsylvania Railroad illustration, I understand the gentleman from Connecticut [Mr. HILL] fears that the foreign investment in an American railroad may be disturbed and that its usefulness will be destroyed; that there will be a vacuum when the alien investment is taken away that will have to be filled up? If I understand the gentleman from Pennsylvania [Mr. DEWALT] and the gentleman from Virginia [Mr. MONTAGUE] the investment itself is not disturbed at all?

Mr. MONTAGUE. Not at all.

Mr. MOORE of Pennsylvania. The increment is taken over by the alien property custodian and is held in the Treasury, but the investment goes on and serves its purpose. Am I right about that?

Mr. DEWALT. Yes. And permit me further. This is also true, that whilst there may be in time of war loss to the Pennsylvania Railroad investor, that may apply to the home holder of the same stock. So that it would not work any injustice to anybody at all.

Mr. MOORE of Pennsylvania. The disposition of the investment itself and the increment is left for Congress to determine after the war?

Mr. DEWALT. Exactly.

Mr. MOORE of Pennsylvania. And the investment fund itself remains in the hands of the operating companies?

Mr. DEWALT. Yes.

Mr. MOORE of Pennsylvania. And is kept working in the United States?

Mr. MONTAGUE. Yes; and money so held by the Government is for the benefit of the creditor and the Nation alike.

Mr. HILL. The bill does not so provide. I think it should do so specifically. May I ask the gentleman why provision is not made for the claiming and proving of the title, as in the case of a patent suit, in the matter of interest and dividends on bonds? As it is now it is temporary confiscation, trusting in the goodness of Congress after the war is over to provide some remedy. I can not understand why preference is made in one case and not in the other.

Mr. MONTAGUE. I answered the gentleman a few minutes since. The difference between the gentleman and myself is that he believes in private "confiscation" and I believe in Government "confiscation," to use the term employed by him, which is wholly inapplicable.

Mr. HILL. I do not believe in railroad confiscation. I believe in honesty in business. I do not believe in repudiation of State debts or any other kind of debts. I believe the Federal Government has the power to say to the Pennsylvania Railroad or to any other railroad, "You shall not pay one penny of interest on any bond to a foreign stockholder."

Mr. MONTAGUE. What would you do with it?

Mr. HILL. I would let them hold it where the investor originally put it. Your bill says, "We will temporarily confiscate it and leave it to the goodness of Congress by and by to provide some law by which relief will be afforded."

Mr. MONTAGUE. The gentleman's use of the word "confiscation" is wholly arbitrary. This is only a question as to which is to be bailee or custodian—the private debtor or the United States. That is the whole question. The bill provides that the Government may be the custodian, not the private debtor of the enemy.

Mr. HILL. Oh, in one case the stockholder has a right to sue the corporation after the war, and he can not sue the Government.

Mr. MONTAGUE. There will be no trouble about suing the Government.

Mr. HILL. There is trouble. The law does not permit him to sue the Government. I say, "Treat them fairly and treat them strictly, but do not confiscate property." We may have occasion to go to them again for loans by and by.

Mr. MONTAGUE. The enemy creditor might not recover from the debtor in the absence of this law after the war is over?

Mr. HILL. Why not leave the investment there, but not let the proceeds go to him?

Mr. MONTAGUE. It is wiser and more expedient that earnings belonging to the enemy creditor may be turned over to the Government as bailee than that it should remain in the hands of the debtor. That is evidently the principle underlying the bill.

Mr. HILL. Suppose that money had been invested in Panama 3 per cent bonds two or three months ago, and the Secretary of the Treasury at the end of the war should sell those. Who is going to stand good and make the loss?

Mr. MONTAGUE. I do not think there will be any loss. But in any case where loss should occur, it would occur as well as if the interest were retained in the hands of the debtor himself.

Mr. HILL. Oh, you do not think there will be. There has been on every bond issued by every belligerent nation in the world, depending on the length of the war.

Mr. MANN. Mr. Chairman, will the gentleman from Virginia yield for a question?

Mr. MONTAGUE. I yield to the gentleman with pleasure.

Mr. MANN. I thought the gentleman had been diverted from any argument.

Mr. MONTAGUE. I thank the gentleman for his rescue.

Mr. MANN. Is there any authority in this bill for an alien enemy to bring a suit pending the war against the United States, except in patent matters?

Mr. MONTAGUE. Not during the war.

Mr. MANN. How about a bankruptcy case?

Mr. MONTAGUE. The same prohibition applies, I would say.

Mr. MANN. Here is a bankruptcy case. A man has to file his claim or lose it. What are you to do? Shut him out entirely?

Mr. MONTAGUE. How could he bring a suit without this bill, I will ask the gentleman?

Mr. MANN. I think under international law he could. That claim has been made, but that has nothing to do with the question.

Mr. MONTAGUE. But if he has no such right in the absence of legislation, how is he injured?

Mr. MANN. We are passing a bill now to fix the rights. It seems perfectly manifest that if there is a case in bankruptcy and the alien enemy has a claim, there ought to be some way of proving the claim. It might not be desirable to pay the money to an alien enemy during the war, but does not the gentleman think that the claim ought to be allowed to be proven? There are many cases similar to that.

Mr. MONTAGUE. I do not think suit, as suggested by the gentleman from Illinois, could be maintained under this bill or under international law.

Mr. MANN. This bill, as I understand it, covers the law on this subject. I am informed by reputable attorneys that there have been cases where it was held that in a bankruptcy proceeding an alien enemy could prove his claim, although the money might not be paid to him during the war. But this bill, determining the rights of the alien enemy, would forbid that right to be preserved.

Mr. DECKER. May I ask what part of it would forbid that?

Mr. MANN. The bill fixes the whole status.

Mr. DECKER. I think not. A claim or suit would not be a question of trading with the enemy, would it?

Mr. MANN. It plainly forbids the bringing of a suit except in patent cases.

Mr. DEWALT. Mr. Chairman, if the gentleman from Virginia will permit, in reply to the gentleman from Illinois [Mr. MANN], if he will refer to section 9, on page 13, he will find that that section intimates, if it does not clearly express, the rights of those who have claims. I am very free to grant what the gentleman says, that there would be no inherent right of suit in the bankruptcy court.

Mr. MANN. I think there would be, except by this bill.

Mr. DEWALT. Except by this bill; and I judge from what the gentleman says in reference to it that a provision of that sort might be the part of wisdom; but if the gentleman will read section 9, it declares that anyone who has—

any interest, right, or title in any money or other property which may have been conveyed, transferred, assigned, delivered, or paid to the alien property custodian hereunder—

may file his claim, and may also pursue his remedy in the district court. Now start out with the absolute idea that all the property assets of the alien bankrupt are conveyed ab initio to the custodian. Another thing that must be remembered is this, that in this bill the enemy is not described as an enemy by nativity or by citizenship. He is described as an enemy by the mere fact of location. In other words, it does not affect a man who is resident in this country. It does affect those who are resident in hostile territory.

Mr. MANN. It might affect a citizen of the United States in Germany.

Mr. DEWALT. Yes.

Mr. MANN. Although he has an agent here with a power of attorney, under this bill the agent here with that power of attorney can not do anything and might entirely lose his claim, though evidently that is not the purpose of the bill.

Mr. DEWALT. The latter statement that the gentleman makes is a little too broad.

Mr. MANN. I do not think so.

Mr. DEWALT. Basically it might be correct, but it must be couched with an exception. If there is an established agency in this country which is recognized both by the agent and the party who employs him and the employer be living in a foreign country, then the agent can receive payment for the principal, and that is legally valid under the law and acts as an acquittance.

Mr. MANN. Is that provided for in this bill?

Mr. DEWALT. Yes; that is provided for in this bill, with this provision also, however, that if the Government of the United States has reasonable cause to believe that the agent located here will transmit to the alien in the foreign country the property which he collects, then he can be prohibited from so doing.

Mr. MANN. Are the provisions to which the gentleman refers in the original bill or in the substitute?

Mr. DEWALT. In the original bill and the substitute.

Mr. MANN. I must say I do not find them in the original bill. I have not examined the substitute. I should be glad to have any gentleman point out where they are in the original bill.

Mr. MONTAGUE. I think they are in the substitute.

Mr. STAFFORD. Where?

Mr. MANN. I shall be glad to know where that is in the substitute.

Mr. MONTAGUE. Mr. Chairman, I now desire to proceed in my own time. When interrupted, some minutes since, I was addressing myself to the definition of enemy, the enemy to whom trade and intercourse and communication are forbidden in this bill. I now desire to direct attention to the kind of trade and intercourse interdicted. The interdiction is very ample, very comprehensive; it embraces all forms of trade and commercial intercourse and communication; it forbids the transportation of an enemy or the ally of an enemy; it forbids the transmission out of the United States of all letters, documents, writings, pictures, diagrams, maps, or other forms of communication intended to be delivered to any enemy or his ally—prohibitions in the main and in principle long recognized by international law.

Mr. Chairman, it should be observed that these interdictions are at once comprehensive and definite. We know what is forbidden. We do not have to grope and search for meaning or subjects or argue for authority. But if the interdiction is of ample extent, so are the exceptions to the interdiction, for the doing of all the things prohibited is allowed in the next line of the bill. In one line, so to speak, we are told what we must not do, and in the next we are told that all these things can be done if properly sanctioned by the President under the form of licenses issued by the Secretary of Commerce under appropriate rules and regulations. So the character and scope of the licenses constitute the real measure of the modifications, the real extent of the relaxation, of the interdictions imposed by the bill. The prohibition and the exception go hand in hand.

Mr. Chairman, commerce in its ultimate analysis is property, and it is this property and the credits based thereupon that we wish to withhold from the enemy. To reach this end the bill provides for the discovery and disclosure of enemy property and a report thereof. So, under appropriate regulations, with the approval of the President, all corporations, associations, companies, or trustees within the United States must make a report enumerating every officer, director, or stockholder who is an enemy or ally of an enemy, together with the amount of stock or shares owned by such enemy officer, director, or stockholder. I will not, however, elaborate these provisions, as the interrogatories and colloquies heretofore occurring in my time have covered the subject.

But, Mr. Chairman, this property must be conserved. The report of its existence and character having been first made, the next step will be the taking over of the property by the Government, should it be proper and expedient to do so. It should be observed that the discovery and report of such property is compulsory, but its acquisition by the Government is discretionary. When acquired, however, it is manifest that some agency of Government must become the custodian of this property. To this end the bill provides the agency to be known as "the alien-property custodian," who is empowered to receive all money and property in the United States due and belonging

to an enemy or to an ally of an enemy, and who is to hold and account for the same under prescribed regulations. This custodian is appointed by the Secretary of Commerce, with approval of the President. He receives a salary not exceeding $5,000 per annum, must give approved bonds for the discharge of his duties, and the clerks, investigators, accountants, and other employees necessary for the conduct of the office are to be selected from the list of eligibles prescribed by civil-service regulations and methods.

Mr. Chairman, in this connection a very novel and interesting feature of this bill should at least be brought to the attention of the committee. This is the provision authorizing the alien-property custodian to deposit all moneys, including checks and demand drafts, in the Treasury of the United States, and that this money may be invested and reinvested in United States bonds or certificates of indebtedness, and the interest and increment thereon may be used in the conduct of the war.

The holders of mortgages and liens, if not enemies or allies of the enemy, have their rights protected as far as possible. For mortgagees and lienors may enforce their liens under such regulations and after such notice as the Secretary of Commerce may prescribe, provided, however, that the regulations shall require no other notice than that required by the terms of the contract or the law in force at the time of making the contract of mortgage or lien. And, generally speaking, contracts entered into prior to the war between citizens or corporations of the United States with an enemy or ally of an enemy may be terminated upon notice in accordance with the terms of such contracts when served upon the alien-property custodian, and the notice so served is as effective as if served upon the enemy or ally of the enemy.

Mr. LENROOT. Will the gentleman yield?

Mr. MONTAGUE. I will.

Mr. LENROOT. Upon this subject of lienors the bill provides that any person not an enemy having a lien may have a remedy. The word "person" is defined in the bill, but what I want to ask the gentleman is this question: In the case of securities subject to taxation by the State or municipality and upon which they have a lien for tax, under the provisions of this bill the State or municipality will lose all such taxes, will they not?

Mr. MONTAGUE. Why does the gentleman think so?

Mr. LENROOT. Because section 14 provides that there shall be no lien upon any of this property except as specifically provided in the bill. That is in section 9, page 14. The word "person" as defined in the bill does not include State governments or municipalities.

Mr. MONTAGUE. The gentleman may be correct, and the definition of "person" may not embrace States or political subdivisions. I incline to believe he is correct, and perhaps an amendment should be offered to meet the difficulty.

So, too, Mr. Chairman, are the rights and interests of persons, not enemies or allies of the enemy, in and to property conveyed, transferred, or assigned or paid to the alien property custodian fully protected. The claimants of such property may litigate their rights under the rather wide latitude conferred by the bill, the procedure provided for being somewhat analogous to the interpleader commonly known to lawyers.

I would now advert for a moment to the subject of patents, trade-marks, and copyrights. All of these subjects are dealt with in section 10. This section has been drawn with great care, has had the consideration of the Commissioner of Patents, and the Committee on Interstate and Foreign Commerce, and I am justified in affirming that the rights of American citizens are fully protected. Fundamentally, patent rights are intended to be reciprocal.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. MONTAGUE. Yes.

Mr. LAGUARDIA. Will the gentleman point out where that is provided for?

Mr. MONTAGUE. Section 10, dealing with this precise question, says:

Provided, The nation of which the said applicant is a citizen, subject, or corporation shall extend substantially similar privilege to citizens and corporations of the United States.

Mr. LONGWORTH. Will the gentleman yield on that point?

Mr. MONTAGUE. Certainly.

Mr. LONGWORTH. I did not understand from the hurried reading of the bill exactly what the regulations are in regard to patents. Suppose a patent is taken over under a license, is there any provision as to what price may be asked for the goods?

Mr. MONTAGUE. It gives the licensee a right to take the patent not to exceed a prescribed charge.

Mr. LONGWORTH. And he can sell at his own price.

Mr. MONTAGUE. The Federal Trade Commission may prescribe the conditions under which the license is granted, the fee to be charged therefor—which, however, is not to exceed $100—and a further charge not exceeding 1 per cent upon 5 per cent of the gross sums derived by the licensee from the sale of the invention, or 1 per cent upon 5 per cent of the value of the use of such invention as decided by the Federal Trade Commission. Subsections (c) and (b) of section 10 deal fully with the fee and charges to be paid by the licensees.

Mr. LAGUARDIA. Will the gentleman yield again?

Mr. MONTAGUE. Yes.

Mr. LAGUARDIA. Has the gentleman any information as to what the rights are of American citizens in regard to patents in Germany at this time?

Mr. MONTAGUE. I think Germany accords reciprocal rights. Russia is the only exception.

Now, Mr. Chairman, with respect to the clearances of vessels, I need only say it is obvious that the Government should have regulatory powers as to the clearance of all vessels, and the bill gives ample powers in this particular.

Mr. FESS. Will the gentleman yield?

Mr. MONTAGUE. Yes.

Mr. FESS. Before the gentleman takes his seat I want to say that my recollection as to the international requirements touching the annulment of contracts does not touch the issuance of bonds by the Government or the State. The question was suggested awhile ago by the gentleman from Wisconsin.

Mr. MONTAGUE. The validity of the bonds is not in question; the question is how to collect the interest on them. The right is either suspended or abrogated by war; the remedy for collection must be afforded by legislation.

Mr. FESS. In other words, the Government would not discount its own obligation?

Mr. MONTAGUE. Payment is suspended, and when the war is over the question of an accounting and settlement arises, the question of offsets and indemnities, and therefore this whole matter, it seems to me, is wisely left to Congress when the conflict is over.

Mr. FESS. As a Member well informed in international law as is the gentleman——

Mr. MONTAGUE. I thank the gentleman for his compliment, but I am afraid he does violence to the fact.

Mr. FESS. No; I do not. Is it not true that that is one exception in international law—the matter of annulling contracts?

Mr. MONTAGUE. I would not like to answer the gentleman offhand.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. MONTAGUE. Yes.

Mr. LAGUARDIA. The reciprocal provision applies to applications for patents.

Mr. MONTAGUE. Yes.

Mr. LAGUARDIA. What I had in mind was paragraph (c) of section 10, which provides that citizens of this country may manufacture any article protected by patent belonging to an alien enemy. That is not reciprocal, is it?

Mr. MONTAGUE. That right is acquired by license.

Mr. LAGUARDIA. Has Germany in any way suspended patents applying to American citizens?

Mr. MONTAGUE. The war suspends them.

Mr. LAGUARDIA. Why should not this be limited to similar action taken on the part of the German Government?

Mr. MONTAGUE. If we did, we might find our hands tied.

Mr. LAGUARDIA. Is the gentleman aware of the fact that a good many patents are owned in Germany by American citizens?

Mr. MONTAGUE. That is true; more than are owned by German citizens in this country.

Mr. LAGUARDIA. I would want to limit that to similar action taken by the German Government.

Mr. MONTAGUE. I doubt whether it is practical to effect such an arrangement.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. MONTAGUE. Yes.

Mr. LONGWORTH. What effect would this bill have upon the collection of the income tax from foreigners?

Mr. MONTAGUE. The gentleman means enemy foreigners?

Mr. LONGWORTH. Yes.

Mr. MONTAGUE. I do not know how it is possible to collect it. If the foreigner had property here, it could be subjected to payment of the tax, but I do not see how the tax could be collected in the absence of such property in this country. Perhaps there might be at the end of the war collections made in the form of offsets.

Mr. Chairman, I have not discussed this bill with the detail and continuity I anticipated, and the many interruptions have perhaps rendered my explanations unsatisfactory to the committee. The bill, Mr. Chairman, is complex, technical, and dry,

but is nevertheless a great war measure, and I hope it may reach a final passage at the earliest practicable moment. I thank the committee for its attention. [Applause.]

Mr. ESCH. Mr. Chairman, I yield now to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Chairman, I asked the gentleman from Virginia [Mr. MONTAGUE] some questions during the early portion of his speech, as to whether or not this bill in any of its particulars violated existing international law. He replied that it did not, that it was not the intention of the committee in reporting the bill to do anything other than to mitigate the harsh conditions of existing international law, and I am entirely in sympathy with the committee in that, but in section 2, defining the word "enemy," we find this language:

The word "enemy" as used herein shall be deemed to mean: Any individual, partnership, or other body of individuals, of any nationality, resident within the territory (including that occupied by the military and naval forces) of any nation with which the United States is at war—

And this is the language to which I particularly wish to direct attention—

or resident outside the United States and doing business within such territory.

Section 7 of the bill makes void all contracts of every character and payments made after the beginning of the war to any such enemy. I contend that that is clearly in violation of international law, and such a violation that, if it had been made by Germany when we were neutral, would have called for notes and condemnation second only to the condemnation with which the submarine warfare was met by us. It will be observed that this is not limited to business done with the enemy by residents outside of the United States. If it were so limited, it would be proper and in accordance with existing international law, but as the language reads, if anyone outside of the United States in a neutral country has an agent in Germany for the purpose of carrying on a business which he has a perfect right to carry on under international law, the existence of that agency in Germany makes that man an enemy not only so far as the business with Germany is concerned, but so far as all business is concerned, and renders void all contracts that he has made in this country.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. MONTAGUE. Does the gentleman think his argument is wholly sound in consideration of the proviso found in line 21, on page 9?

Mr. LENROOT. The proviso has nothing whatever to do with it, because if the payment is made to a person in Holland, we will say, and it is known at the time the payment was made that that Holland party had an agent in Germany, but that the subject of transaction had nothing to do with Germany, might have concerned England, nevertheless the contract and the payment would be absolutely void under the bill. The proviso does not in any degree limit it or rectify it. What is international law on the subject? I was amazed at the statement of the distinguished gentleman from Virginia [Mr. MONTAGUE], an eminent international lawyer, which he made in response to a question which I put to him. I asked him what we would have thought of Germany's action if, when we were neutral, Germany had undertaken, because of some American citizen carrying on some perfectly ligitimate transaction with England, to render void all contracts made in Germany, had undertaken to confiscate all of the property of the American citizen in Germany, because he had done a perfectly legitimate business in England. The gentleman made the surprising statement that he believed Germany would have had the right to so confiscate the property of Americans in Germany. I am very sure upon reflection the gentleman will see that that could not possibly be done without the grossest and most palpable violation of international law. Now, what is the international law upon this subject? I read first from Woolsey, page 297:

But a person having a house of commerce in the enemy's country, although actually resident in a neutral country, is treated as an enemy—

But it does not stop there—

is treated as an enemy so far forth as that part of his business is concerned, or is domiciled there quo ad hoc.

That is to that extent, and that extent only. And in Hall's International Law, reading from page 494, we find this:

A person though not resident in a country may be so associated with it through having, or being a partner in, a house of trade there, as to be affected by its enemy character, in respect at least of the property which he possesses in the belligerent territory; if he is a merchant—

Mark the words "if he is a merchant"—

in two countries, of which one is neutral and the other belligerent, he is regarded as neutral or belligerent, according to the country in which a particular transaction of its commerce has originated. Things are different when a merchant living in a neutral country and carrying on an ordinary neutral trade has merely a resident agent in the belligerent State, the agent being looked upon as only an instrument for facilitating the conduct of a trade which in other respects is not distinguishable from that of other neutral merchants.

That is the unquestioned international law upon this subject, and yet this bill, as at present framed and reported by the committee, would regard as an enemy and render void all contracts made by anyone residing in a neutral country if he did any business within the territory of an enemy, and before the committee has any right to ask this House to adopt that provision, clearly violating international law as I see it, the House is entitled to some better exposition than the gentleman from Virginia [Mr. MONTAGUE] has undertaken to give that it is justified by existing international law. Now, Mr. Chairman, it is important that the United States, as it has entered upon this war for justice and democracy, shall be careful that in the prosecution of this war it shall not itself violate plain and unquestioned principles of international law. We can not be too careful in observing international law in everything that we shall do in the prosecution of this war, and I am sure that the committee has had in mind throughout the preparation of this bill that it has no intention of violating those principles of international law, but rather to mitigate them, but the fact remains that if this bill does remain, as reported by the committee in this provision, it does violate international law, and violates it in such a way that if it had been practiced by Germany when we were neutral we would most vigorously have protested. Indeed, we all remember that while we were neutral England had what was called a blacklist and we protested then.

England made no attempt to forfeit contracts made by American citizens because of their doing business with Germany. What they attempted to do in that black list was to operate upon their own citizens only to prevent them from trading with certain firms. It was merely domestic and municipal legislation. It did not in the least attempt to affect the rights, duties, and obligations of any citizen of any foreign country. It may be—I would not care to discuss that now—that we would have the right to pass any legislation we choose, so far as obligations of our own citizens are concerned, and penalize them in any way we choose, but when we undertake to deal with rights and properties of citizens of neutral nations and say they shall be forfeited and confiscated, we can only do it by violating one of the plainest and most unquestionable principles of international law, and I sincerely hope before we reach the consideration of this bill under the five-minute rule the committee will see to it that this provision, so far as citizens outside the United States are concerned, will be amended so that in treating them as enemies they shall be treated as enemies only to the extent of business done by them in the enemy's territory. I yield back the balance of my time.

Mr. ESCH. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. WATSON].

Mr. WATSON of Pennsylvania. Mr. Chairman, I shall speak more particularly upon section 10, relative to patents. I am not going to make a very broad address but narrow my remarks probably to one or two patents. Much has been said here to the effect that probably Germany will suffer because of the rules or laws laid down by this bill, but I feel sure that since the Federal Trade Commission has control of it, no injustice will be meted out to any alien patentee.

In the early part of the session I introduced a bill for the suspension of a patent that was issued to a citizen and resident of Germany. The administration afterwards drafted the intent of my bill in section 10 as part of the measure now under consideration. This is the first bill in the history of our legislation to suspend a patent owned by an enemy. The Department of Justice, in its judgment, did not advise this step without compensation to the patentee. The Magna Charta, which guaranteed the rights and provileges to the English barons, contained the principle that "merchant strangers are, upon the breaking out of war, to be attached and kept without harm to body and goods until it should be known how English merchants are treated by the sovereign of their State, and if the latter are safe there then the former are to be safe here."

In the case of Brown against the United States, Chief Justice Marshall said, "It is urged, in executing the laws of war, the Executive may seize and the courts condemn all property, which according to the modern laws of nations is subject to confiscation, although it might require an act of legislation to justify the condemnation of that property which according to modern usage ought not to be confiscated." Thus the rule of civilized nations is to favor moderation and humanity in dealing with the property of an enemy in time of war.

This section has been drawn with the view of carrying out those reasonings under rules and regulations prescribed in

section 12. On account of the conditions issuing out of the war trade relations for a time between the people of Germany and ourselves will be abandoned. There are many German drugs covered with American patents that are extensively used in this country but manufactured in Germany, and have become indispensable to the medical world. It is for the public welfare that these drugs be manufactured in America in order to obtain them. An infection prevails in the Army and Navy—not necessarily originating from camp life—but an infection most important to be eradicated in order that greater efficiency may be obtained from our officers, soldiers and sailors. The German remedy to which I allude is 30 times more effective than any other known drug. Chemical history reveals that our Army is more infected than any other in the world, being 16.77 per cent among the younger men and a larger percentage among the older. It is impracticable to extend to every recruit a complete physical examination; the infection becomes known after his enlistment, and then he is a patient under the care of the Government. I have been informed by the medical department of the Council of National Defense that 100,000 ampoules are needed at once, and that it is impossible to obtain them even at the market price of $4.50 per ampul, which represents one dose. Before the war the price was $2.50 an ampul. The office of the Surgeon General reports that during the year 1914 the Army purchased 9,380 ampuls, and during the fiscal year of 1917 to June 1 the Army purchased 2,074 ampuls at a cost of $9,344, nearly $4.50 an ampul.

To show the very great importance of this I ask that the letter from Surg. Gen. Gorgas be read.

The Clerk read as follows:

WAR DEPARTMENT,
Washington, April 25, 1917.

Hon. HENRY W. WATSON,
House of Representatives, Washington, D. C.

MY DEAR MR. WATSON: In reply to your favor of the 24th, inclosing copies of H. R. 3768, 3769, 3770, and 3771, I have the honor to inform you that salvarsan or its equivalent is now considered an indispensable remedy in the treatment of syphilis. Being produced by German manufacture under the protection of American patents, the existing conditions have caused great difficulty in obtaining the drug. A limited quantity is obtainable from the Farbwerke-Hoechst Co., who it is understood are the agency in this country, under the management of Mr. Metz, for the German producers. The Medical Department has been obliged to pay the agency $4.50 a dose for all supplies recently obtained as compared with $2.50 before the war.

The Dermatological Institute in Philadelphia can make this same material, which it designates arsenobenzol. Arsenobenzol is an entirely satisfactory substitute for salvarsan, and Dr. Schamberg, the director of the institute, informs me it could be sold for $1 a dose or less, were the patent laws not in question.

I should be very glad if it were possible to abrogate or suspend the patents upon salvarsan or if some other step could be taken that would enable us to purchase arsenobenzol in quantities needed in the Army.

Very truly, yours,

W. C. GORGAS, *Surgeon General.*

Mr. LAGUARDIA. Will the gentleman yield right there?

Mr. WATSON of Pennsylvania. I yield to the gentleman from New York.

Mr. LAGUARDIA. Is the gentleman aware of the results of this Philadelphia preparation?

Mr. WATSON of Pennsylvania. To a degree.

Mr. LAGUARDIA. Has it been as successful as the original salvarsan?

Mr. WATSON of Pennsylvania. I think so.

Mr. LAGUARDIA. Is it not true that the doctors would not use it because they could not obtain the same results?

Mr. WATSON of Pennsylvania. On the contrary.

Mr. LAGUARDIA. Is it not true that a preparation has been made in Canada and that the doctors of this country have used it in the hospitals and that they say that it is not satisfactory?

Mr. WATSON of Pennsylvania. I do not know it.

Mr. LAGUARDIA. The hospitals in New York have made a practical investigation of it——

Mr. WATSON of Pennsylvania. I am not fighting for Canada, but for America.

Mr. LAGUARDIA. Is it not true that the salvarsan people in New York are in a position to make it and put it on the market?

Mr. WATSON of Pennsylvania. They are not. I have a letter from them stating that they are not able to put it on the market.

Mr. LAGUARDIA. I have a letter saying that they can.

Mr. WATSON of Pennsylvania. They asked the Philadelphia people to manufacture it for them, and they have been promising the Government to supply its needs, but they are unable to do so.

Mr. LAGUARDIA. The trouble is that they can not make the preparation in this country.

Mr. WATSON of Pennsylvania. I can not yield further, as I have but a few minutes left.

If this bill is enacted the drug can be manufactured for $1 per ampul and within a year at a much lower cost. The medical profession is in need of 3,000 ampules per diem to treat the cases under their care. The statistics from a Government report issued by the authority of the Surgeon General show that 20 per cent of the adult made population of the United States, that 22.10 per cent of the inmates of the soldiers' homes, and that 21.65 per cent of the Army prisoners are infected, and further, "that the infection is a greater menace to the public health than any other infectious disease, not even excepting tuberculosis."

It is of great consequence to preserve the health of the men of our Army and Navy in order to procure the best of service, and it is quite as essential to guard the sanity of the public, from whom our soldiers must be conscripted in the future. Grave responsibilities have been forced upon our Government by the great nations of the Continent, and no man can foretell how they may affect our Constitution or change our present policies. We are therefore compelled to use every honorable means to terminate the war. The youth of America are fast developing into the highest type of soldiers, for in them we find intelligence and patriotism combined. The old Roman maxim is imprinted in their hearts, "Dulce et decorum est pro patria mori."

It is greater to be an American than ever it was to be a Roman. Rome rose to the zenith of her power by the might of the sword, America by the love of liberty. [Applause.] Liberty, love, and home are the three sweetest words in the English language, and by those words we will preserve the perpetuity of our Republic. [Applause.]

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. WATSON of Pennsylvania. I yield to the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. I dislike to disturb the effect of that beautiful peroration, but as the gentleman is a prominent member of the Committee on Patents I desire to interrogate him before he yields the floor. I have a recollection that the gentleman introduced a bill covering the matter of the manufacture in the United States of salvarsan, a German patented product about which many physicians have been memorializing Congress. Do the provisions of this bill embody the points covered in the bill introduced in the House by the gentleman?

Mr. WATSON of Pennsylvania. My bill was simply to suspend the patent, without any provisions. This bill is broader and takes care of the German patentees.

Mr. MOORE of Pennsylvania. The point was to obtain for the United States this German product, which we have been unable to get by reason of the German patent. The gentleman's bill proposed to cover that?

Mr. WATSON of Pennsylvania. My bill covers the point—in order to suspend the patent during the time of the war.

Mr. MOORE of Pennsylvania. And what the gentleman had in his bill is incorporated in the present trading-with-the-enemy bill?

Mr. WATSON of Pennsylvania. Yes. In order that the product may be obtained in this country, as the letter from the Surgeon General says it is greatly needed.

Mr. MOORE of Pennsylvania. In effect, then, we are making a short cut to the purposes intended by the gentleman when he introduced his bill?

Mr. WATSON of Pennsylvania. Yes.

Mr. MANN. Will the gentleman yield for a question?

Mr. WATSON of Pennsylvania. I yield to the gentleman from Illinois.

Mr. MANN. I have not given as much attention to this bill as perhaps I should have given it if I had been here all of the time, but I would like to ask the gentleman a question. Under the terms of this bill a German-owned patent may be worked in the United States, as I understand it, on obtaining a license and upon the payment of 5 per cent of the gross receipts as royalties?

Mr. WATSON of Pennsylvania. Yes. If the sales are $10,000, then the German patentee would get $500. If he is not satisfied with the $500, then he has the right to sue for the sum which he thinks he ought to have.

Mr. MANN. After the war he can commence suit?

Mr. WATSON of Pennsylvania. After the war is ended, within the year, he can commence suit.

Mr. MANN. If he can commence suit after the war is ended, how does the licensee know on what basis he can carry on the business?

Mr. WATSON of Pennsylvania. The person who obtains the license knows he must not only pay $100 for the license but must also pay 5 per cent.

Mr. MANN. He does not know how much more he will have to pay?

Mr. WATSON of Pennsylvania. Under this bill the patentee may sue for a much greater sum than the 5 per cent if he feels that this amount is insufficient.

Mr. MANN. How is that going to get people to work the patent?

Mr. WATSON of Pennsylvania. I do not know, except in cases such as I have just alluded to, where it is very important. The people will be willing to take a risk. In the case of ordinary patents I fancy they would not.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield to me for a further question?

Mr. WATSON of Pennsylvania. Yes; with pleasure.

Mr. MOORE of Pennsylvania. Is there anything in the patent law which requires a foreign patentee to manufacture in the United States?

Mr. WATSON of Pennsylvania. Not so far as I know.

Mr. MOORE of Pennsylvania. Is it not a fact that England requires of one to whom a patent is issued that manufacture shall ensue within the jurisdiction of England?

Mr. WATSON of Pennsylvania. Yes; for instance, in the case of a war with Germany, or any war, if a foreigner obtains a patent in England, and the foreigner refuses to manufacture that patent, a subject of Great Britain has the right to manufacture it within a certain time.

Mr. MOORE of Pennsylvania. In other words, while Great Britain grants a patent, it controls it in any event?

Mr. WATSON of Pennsylvania. Yes.

Mr. MOORE of Pennsylvania. And that is what we have failed to do in the United States?

Mr. WATSON of Pennsylvania. Yes; our laws should be amended in order that we may exercise our control over patents issued to foreigners.

Mr. MONTAGUE. Mr. Chairman, I yield 20 minutes to the gentleman from Pennsylvania [Mr. DEWALT].

The CHAIRMAN (Mr. MCKEOWN). The gentleman from Pennsylvania is recognized for 20 minutes.

Mr. DEWALT. Mr. Chairman and gentlemen of the committee, necessarily in the consideration of this bill we have to do considerably with the question of international law. In fact, as far as we have already gone there has been considerable discussion in regard to that subject. Primarily it should be understood by the members of this committee that during a state of war the sovereign belligerent power has plenary powers. It has the absolute right of confiscation, if you please. It has the undoubted right of use. In other words, the sovereign belligerent power, as against the citizens of the other belligerent, has unlimited powers unless one thing is provided, and that one thing is if there be an existing treaty which operates against that international law.

Now, I know of no clearer explanation of the definite powers given to belligerents under international law than is expressed in the case of the Insurance Co. against Davis. In the starting and beginning of this argument it might be well to refresh our minds upon that subject. Now, what is it? I read:

> That war suspends all commercial intercourse between the citizens of two belligerent countries or States except so far as may be allowed by the sovereign authority, has been so often asserted and explained in this court within the last 15 years, that any further discussion of that proposition would be out of place. As a consequence of this fundamental proposition it must follow that no active business can be maintained, either personally or by correspondence, or through an agent, by the citizens of one belligerent with the citizens of the other. The only exception to the rule recognized in the books, if we lay out of view contracts for ransom and other matters of absolute necessity, is that of allowing the payment of debts to an agent of an alien enemy, where such agent resides in the same State with the debtor. But this indulgence is subject to restrictions. In the first place, it must not be done with the view of transmitting the funds to the principal during the continuance of the war; though, if so transmitted without the debtor's connivance, he will not be responsible for it. Washington, J., in Connecticut *v.* Pennsylvania (Pet. C. Ct., 496); Buchanan *v.* Curry (19 Johns (N. Y.), 141). In the next place, in order to the subsistance of the agency during the war, it must have the assent of the parties thereto—the principal and the agent. As war suspends all intercourse between them, preventing any instructions, supervision, or knowledge of what takes place, on the one part, and any report or application for advice on the other, this relation necessarily ceases on the breaking out of hostilities, even for the limited purpose before mentioned, unless continued by the mutual assent of the parties. It is not compulsory; nor can it be made so, on either side, to subserve the ends of third parties. If the agent continues to act as such, and his so acting is subsequently ratified by the principal, or if the principal's assent is evinced by any other circumstances, then third parties may safely pay money for the use of the principal into the agent's hands, but not otherwise. It is not enough that there was an agency prior to the war. It would be contrary to reason that a man, without his consent, should continue to be bound by the acts of one whose relations to him have undergone such a fundamental alteration as that produced by a war between the two countries to which they respectively belong; with whom he can have no correspondence, to whom he can communicate no instructions, and over whom he can exercise no control. It would be equally unreasonable that the agent should be compelled to continue in the service of one whom the law of nations declares to be his public enemy.

Now, I cite this case of Davis and the insurance company simply for the purpose of surely establishing, by this edict of the Supreme Court, what the relation of the parties who are belligerent to each other clearly are during the continuance of the war; in other words, to reaffirm what I stated in the beginning, that the sovereign power has the absolute right of confiscation if it seeks and determines to enforce it.

Now, the purposes of this bill, may it please the committee, are not for a strict enforcement of the provisions of international law, but they are really in amelioration thereof. They are a relaxing of the strict tenor and effect of international law.

I was rather surprised at my friend from Wisconsin [Mr. LENROOT] when he stated as an absolute fact, as a primary fact in international law, that the belligerent power and sovereign power of the Government had no right either to suspend or to take over the contracts of a citizen of a belligerent power, or of a citizen of a neutral country who was living in the belligerent country.

Mr. LENROOT. Mr. Chairman, will the gentleman yield there?

Mr. DEWALT. Yes.

Mr. LENROOT. The gentleman should not attribute that statement to me.

Mr. DEWALT. That is what I understood the gentleman to say.

Mr. LENROOT. No; I made no such statement. What I said was that a belligerent had no right to sequester the property of a neutral with reference to the business of that neutral outside of the belligerent country.

Mr. DEWALT. That is a different proposition. I did not so understand the gentleman.

Now, the fact of the matter is this, that as to the power of the belligerent Government, and in our case as to the power of the United States, as fixed by international law, we have the determinate right of confiscation if we desire to use it in regard to every dollar's worth of property of any alien enemy wherever he has residence. But this bill does not go as far as that, and it is well for some of those who are vitally interested in the welfare of those who are not naturalized citizens of the United States, and who are really aliens to this territory, to consider primarily this important fact, that the enemy as described in this bill is not described in terms of nativity, if you please, or in terms of citizenshp, but he is described in terms of locality.

What do I mean by that? The enemy is a party who lives in enemy territory, or who lives in territory of the allies of the enemy, and it makes no difference whether that party be a citizen of the United States or whether he be a citizen of the alien country. In other words, to repeat what I have tried to make clear, the enemy description is a local description. It is not one of nativity, or of naturalization, or of citizenship. Therefore this bill primarily sets forth to do this, that it does not in any way affect anyone who is a resident of Germany, if you please, now living in the United States, nor does it affect in any way a party who is, if you please, a resident of Austria and who is now temporarily here, or who has been here for continued time. The same thing applies to citizens of Turkey and of Bulgaria, except in so far as the bill provides that if the emergency demands and the necessities of the case arise the President may by proclamation make those parties who are residents of this country and who are citizens of Germany, or Turkey, or Bulgaria, or Austria, subject to the provisions of this act.

Mr. MOORE of Pennsylvania. Will the gentleman yield at that point?

Mr. DEWALT. Certainly.

Mr. MOORE of Pennsylvania. The gentleman recalls the discussion about holders of Pennsylvania Railroad stock?

Mr. DEWALT. I do.

Mr. MOORE of Pennsylvania. Let us take another illustration which will get nearer to the plain people, that of holders of building association stock, with whom I assume the gentleman is familiar. Taking the gentleman's description of alien residents, does this bill mean that a German alien resident in the United States would be liable to have his stock in a building association seized?

Mr. DEWALT. No; it does not in any way affect the rights of any citizen of any enemy country who is a resident of this country, unless the President, by proclamation, determines that that party shall be thus affected.

Mr. MOORE of Pennsylvania. To put it plainly, so that a layman like myself may understand it, a resident of my city who is an alien——

Mr. DEWALT. Who is a German by birth and who never has been naturalized——

Mr. MOORE of Pennsylvania. Yes—owns stock in a building association.

Mr. DEWALT. His rights will not be affected by this bill one iota.

Mr. MOORE of Pennsylvania. But if a German alien resident in Germany, or in any other unneutral country——

Mr. DEWALT. Or in any country, the ally of Germany——

Mr. MOORE of Pennsylvania. Yes—owns stock in a building association or railroad, that would be taken into custody.

Mr. DEWALT. And placed in the hands of the alien-property custodian, and the disposition thereof would await the determination of an act of Congress after the war.

Mr. MOORE of Pennsylvania. So that an alien resident of the United States would not be affected in his property rights by this bill?

Mr. DEWALT. He would be absolutely unaffected, unless he misbehaved himself and the President of the United States by special proclamation made him subject to the provisions of this act.

Mr. MOORE of Pennsylvania. Exactly. That makes it clear.

Mr. MANN. Does it require a special proclamation?

Mr. DEWALT. When I used the word "special" I meant special in regard to the subject, and not in regard to the individual.

Mr. MANN. It is not a matter of misbehaving. It is a matter of opinion of the President as to whether it is desirable to cut off all communication.

Mr. DEWALT. I should judge that is the primary idea; yes.

Mr. MOORE of Pennsylvania. Will the gentleman yield for one more question?

Mr. DEWALT. Certainly. We are all here for information, and if I have it I will give it. If not, I will refer the gentleman to some one else.

Mr. MOORE of Pennsylvania. The gentleman is a member of the Committee on Interstate and Foreign Commerce, and I am now addressing him as the spokesman of that committee. Does this bill have the approval of the President of the United States?

Mr. DEWALT. This bill, as I understand from the information I have received, not only from the chairman of the committee but from the membership of the committee, is the draft of the Department of Justice partially, the Patent Office partially, and the Department of Commerce as well, and has the approval, if you so choose to call it, of the administration.

Mr. MOORE of Pennsylvania. By whom was it indorsed before the Committee on Interstate and Foreign Commerce?

Mr. DEWALT. Mr. Warren appeared. He is one of the assistant attorneys general. Mr. Redfield also appeared.

Mr. MOORE of Pennsylvania. Mr. Warren, of the Department of Justice?

Mr. DEWALT. Yes.

Mr. MOORE of Pennsylvania. Mr. Redfield, of the Department of Commerce?

Mr. DEWALT. Yes.

Mr. MOORE of Pennsylvania. And Secretary Lansing?

Mr. DEWALT. I believe Secretary Lansing did not appear in reference to this bill.

Mr. SNOOK. Yes; Secretary Lansing, also.

Mr. DEWALT. Yes; he did appear in reference to this bill, as well as another one.

Mr. MOORE of Pennsylvania. Then, it may be stated authoritatively that this is an administration measure.

Mr. DEWALT. That is possibly a definition which is subject to the ideas of the party who seeks to define. I would not call it an administration matter. I would call it a matter of general public interest which the administration desires for the public welfare.

Mr. MOORE of Pennsylvania. There is just this about that, if the gentleman pleases: Many Members of Congress on both sides of the political aisle are expected to stand by the President on these bills.

Mr. DEWALT. Yes.

Mr. MOORE of Pennsylvania. I assume it would help the passage of this bill very much if it were known that the President approved it.

Mr. DEWALT. No better proof of that could be obtained than the fact that his Secretary of Commerce, his Secretary of State, and a representative of his Attorney General all appeared in person and advocated the provisions of the bill. Of course, the bill as reported was changed somewhat from the bill as originally presented.

Mr. MOORE of Pennsylvania. Does this bill follow the English form?

Mr. DEWALT. It is not as drastic as the English form. It follows the English form, but it is not as severe.

Mr. MOORE of Pennsylvania. It may be called an American bill, then? It originated in this country?

Mr. DEWALT. It did.

Mr. MOORE of Pennsylvania. And it originated in the departments of this administration?

Mr. DEWALT. So far as I know, that is the fact; yes.

Mr. STEELE. Will the gentleman yield?

Mr. DEWALT. Yes.

Mr. STEELE. Have your committee considered this bill in connection with any treaty obligation?

Mr. DEWALT. We have.

Mr. STEELE. Is there anything in the provisions of this bill that would violate the treaty with Prussia of 1828?

Mr. DEWALT. Nothing. I am glad the gentleman referred to it, although it is rather out of the line of my sequence of argument; but the provision which the gentleman refers to is this:

> If war should arise between the two contracting parties the merchants of either country then residing in the other shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects without molestation or hindrance.

Now, if the gentleman will observe, that article 23 of this treaty has reference to whom? "The merchants of either country then residing in the other." Bearing in mind that specific definitive mark as to the contracting parties, namely, that they shall be merchants then residing in one or the other of the countries, and knowing also that this bill does not in any way affect the alien whether he be merchant or otherwise who is residing in this country, and that the description of the enemy is a local description, and that the enemy must be resident in the territory which is hostile or a territory of the allies hostile to this country, then you will clearly see that this provision does not in any way affect merchants resident in this country.

Mr. STEELE. Will the gentleman permit another question?

Mr. DEWALT. Certainly.

Mr. STEELE. In the discussion of this morning reference was made to some provision in this bill being confiscatory. The Hague Convention of 1907, to which the United States and Germany were both signatory parties, provided against the confiscation of private property in the event of war between any parties to the convention.

Mr. DEWALT. Yes.

Mr. STEELE. Are any of the provisions of this bill in violation of that convention?

Mr. DEWALT. Absolutely none, and I think it was in conformity with that idea that the proclamation of the President as early as last June was made reaffirming the doctrine that private property should not be confiscated and that the provisions of this bill were made as they are. If the gentleman has studied the bill, as I have no doubt he has, for I know his assiduity as a student and his carefulness as a lawyer, he will see clearly that instead of its being confiscatory in its nature it is in the nature of a requisition of property and a conservation of the property in the hands of the trustee, who is to hold it in escrow until the termination of the war, when this property is to be returned to the legal owner thereof subject to the equities existing between the parties.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. DEWALT. Mr. Chairman, I shall have to have some more time.

Mr. MONTAGUE. How much more time does the gentleman want?

Mr. DEWALT. How much time can the gentleman give me—15 minutes?

Mr. MONTAGUE. I yield to the gentleman from Pennsylvania 15 minutes more.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. DEWALT. As soon as I get through with the inquisitor on my right, I will yield to the gentleman on my left.

Mr. STEELE. Under the provisions of this bill, no property is forfeited to the public.

Mr. DEWALT. No property is forfeited.

Mr. STEELE. The holding of the property by the public agent is only for the benefit of the owner of the property?

Mr. DEWALT. Precisely so. Now, I will yield to the gentleman from Illinois.

Mr. GRAHAM of Illinois. The gentleman read an extract from what treaty convention?

Mr. DEWALT. Article 23 of the Prussian treaty of 1799. The gentleman will find it on page 644 of Senate Document, volume 37.

Mr. GRAHAM of Illinois. I am somewhat familiar with that. Does the gentleman contend that that treaty or any other treaty with Prussia is still in force?

Mr. DEWALT. I do not. I think they are all abrogated by the conduct of Germany. My position is very clear and emphatic on that.

Mr. CHANDLER of New York. Does the gentleman say that hostilities between nations abrogate treaties between the belligerents?

Mr. DEWALT. It does not necessarily. If the conduct of any belligerent at war with another party, with whom we are not at war, as against us, a neutral, having a treaty with one of the belligerents, is so outrageous as to make us declare the treaty abrogated, we should abrogate it at once.

Mr. CHANDLER of New York. We have declared that they are abrogated and repudiated them.

Mr. DEWALT. Certainly.

Mr. ROSE. Will the gentleman yield?

Mr. DEWALT. I beg the gentleman's pardon, but I have only 10 minutes remaining and I have not time to yield. This power of the sovereign is so great that it oftentimes presents itself in the oddest of instances. Let me refer the committee to a very noted case, that of Mottley against the Nashville Railroad Co., and see how far the powers of Congress can go in reference to matters of this sort. It is found on page 480, volume 219, United States Reports, and I desire to state only the doctrine so as to enforce what I have already said in regard to the powers of the Government.

This is from the opinion of Justice Harlan:

> In the Addyston Pipe case, this court said that, under its power to regulate commerce, Congress "may enact such legislation as shall declare void and prohibit the performance of any contract between individuals or corporations where the natural and direct effect of such a contract will be, when carried out, to directly, and not as a mere incident to other and innocent purposes, regulate to any substantial extent interstate commerce."

Applying that in the same opinion, he said:

> As in a state of civil society, property of a citizen or subject is ownership, subject to the lawful demands of the sovereign, so contracts must be understood as made in reference to the possible exercise of the rightful authority of the Government, and no obligation of a contract can extend to the defeat of legitimate Government authority.

This case was rather peculiar, and I desire to cite it for this particular purpose. Mottley was a passenger on the Louisville & Nashville Railway. He met with an accident. In consideration for his settlement of the case, they gave him an annual pass. After he had enjoyed the privileges of this annual pass for a number of years Congress passed an act by which it declared that no railway company could, under any circumstances, accept anything except money or the equivalent thereof for transportation. In other words, they forbade the giving of passes. Mottley had settled his case, and in consideration or part consideration he had received a pass. He asked for his pass and they refused to grant him an extension of the same. He then brought mandamus proceedings in the Kentucky courts to enforce his rights. The Kentucky courts affirmed his rights and said that the railroad company must regrant the pass. The case was carried to the Supreme Court of the United States and, in this decision I have just read, Mr. Justice Harlan states this rule and lays it down flatly, that although the man was paid a consideration, namely, the settlement of his case with the railroad company, although he had enjoyed the rights of that pass for a number of years, yet when Congress passed an act declaring that he did not have the right to that pass, that the railroad company had no right to issue a pass, that was the end of the matter. And now I am coming to the point that the gentleman who has this bill in charge delegated me to speak upon, namely, What is the right of a patentee under the Government of the United States? Because if he has a vested right for 17 years to the exclusive enjoyment of that privilege, then he has a property right, and under the decision in this Louisville & Nashville case that property right is always subject to what? It is subject to the sovereign power of the United States Government which at any time, according to its necessities, may declare, first, that that right given to him, either exclusive or in part with others, can be declared void.

That being the law it follows as a matter of legal sequence that, as to patents issued by foreign countries enjoyed in this country or as to patents issued to residents of foreign countries by the United States, the sovereign power has the right to do what? It has the right to confiscate, if you please, that patent, it has the right to make sole use of that patent under this decision, and the right to declare that the foreign patentee who obtained his patent in the United States can no longer use the same in any regard and obtain no profits or emoluments therefrom; but this bill does not go so far as that. This bill says this: That where the patentee is a foreigner he shall have his rights suspended during the war unless he receives a license from the Government to go on with his patents. The bill goes further than that. The bill goes so far as to say that if the patentee be a foreigner and has obtained a patent in the United States, that then any citizen of the United States may apply to the United States Government and obtain from the Federal Trade Commission a license to operate under that patent; but in consideration of so operating the sublicensee, I shall call him, or the subpatentee, must do what? He must pay 5 per cent of what? First, 5 per cent of the gross receipts if that is demanded. If, however, that is not demanded, or if it is thought that that is not commensurate with the value of the patent, then he has to pay 5 per cent of the value use of that patent as determined by the Federal Trade Commission. This 5 per cent is to be paid to the Treasury of the United States and it is to remain there during the continuance of hostilities; and upon the declaration of peace ther what happens? Then the original patentee has the right to demand of the subpatentee that he be reimbursed, and he gets his reimbursement from this 5 per cent, or if not from the 5 per cent thus deposited, he gets his reimbursement from the 5 per cent of the gross value of the use of the patent. This I make as clear as I can in order to inform my friend, Mr. LAGUARDIA, in order that he may know perhaps more definitely the rights of the patentee and the licensee.

Mr. LAGUARDIA. I thank the gentleman, but I do not agree with his law.

Mr. DEWALT. It may be that the gentleman does not agree with it, but after all it is conservation of the property. He has received a license from the United States, and that property should be used by the granting power if it becomes necessary during a state of war.

Mr. LAGUARDIA. I do not agree with the analogy drawn by the gentleman from the Mottley case.

Mr. DEWALT. Reasoning by analogy is always dangerous, particularly when the other fellow does it.

Mr. MCKEOWN. Is it not a fact that Russia has already confiscated German patent rights?

Mr. DEWALT. Russia is the only belligerent country that has done that. The rest of the countries have still observed the amenities of the situation, and have not forfeited the patents. This is not a new theory as to patent rights, and it is not a new theory as to confiscation, as some have it, of property. We call it a requisition of property, a conservation of property. During the Civil War this same thing was done in regard to property, and by reading the report of Gov. MONTAGUE, or rather the testimony in regard to this matter when pending before the committee, the gentlemen of this committee will find a long list of cases, all of which reaffirm and clearly establish the right of the Government even if confiscation is necessary or the granting of licenses for the permission of doing business. Now, I have as clearly as I possibly could explained what I believe to be the vital and pivotal points in regard to this matter of licensing under the rights of the original patentee. However, there is one thing that should be remembered as well. After the subpatentee, as I call him, gets a privilege from the Government, the Government does not give him by this act an unrestricted privilege, but still holds a check upon the valuable right which it has given to the original patentee, and gives to this subpatent or license a right under the original patent, for how long? "We will give it to you for such time as we deem proper, and, more, we will give it to you for such time as you obey the regulations which we enforce from time to time"; and to make it liberal, so that no man will lose by going into the venture, they say this: "If in the meantime you invest large sums of money for the establishment of plants or other means of production, then you shall be granted a license to operate under this patent during the lifetime of the patent, or so long as we find that it is necessary to remunerate you and to recompense you the outlay you have made."

Now, the value of this matter is very clear. There are millions and millions of dollars' worth of remuneration annually coming from the use of these patents that are held by foreign patentees. Resuming the argument, then, gentlemen, this is a privilege given by a sovereign power, given for a period of 17 years, and if that sovereign power has the right to revoke and annul that privilege at any time, it may do that according to the necessities of the Government in a state of war; then it follows, as a matter of clear reasoning, that if it has the power to annul it has also the power to restrict, and if it has the power to restrict, then it has the power to grant a sublicense, and if it has the power to grant a sublicense it has the right to define the terms upon which those sublicenses shall be granted; and then the United States Government steps in and says, "We grant this license, this subpatent, to a citizen of the United States." And then he must do what? He must pay a license fee of $100 as provided by the act, and must also pay the sum of 5 per cent, as above stated, of the gross receipts for the use of the patent, or 5 per cent of the value of the use of the patent as determined

by the Federal Trade Commission. At the end of the war the alien who has a patent right originally from the Government is recouped, and how does he get it? He gets it from the United States Government, which is holding in escrow this 5 per cent from the gross receipts, or 5 per cent of the value of the patent.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. DEWALT. Mr. Chairman, I ask unanimous consent that my remarks in regard to the pending bill may be revised; not extended, but revised.

The CHAIRMAN. The gentleman asks unanimous consent to revise his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. ESCH. Mr. Chairman, I yield one minute to the gentleman from Illinois [Mr. McKENZIE].

Mr. McKENZIE. Mr. Chairman, I rise this time for the purpose of asking unanimous consent to extend my remarks in the RECORD by having published a short patriotic poem written by Mr. J. M. Burriss, of Leavenworth, Kans., who is secretary to the Hon. D. R. ANTHONY.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The poem is as follows:

O STARRY BANNER!

[By J. M. Burriss.]

O Starry Banner! Above the clamor
And clash of men with the army of might,
We hail thy beauty, O flag of duty,
O wondrous emblem of power for right!
Oh, may thy stars hold and may thy bars fold
The golden truth that thy mission's designed
To have thy story of peace and glory
Enshrined in all of the hearts of mankind!

CHORUS.

So wave, wave, wave, Starry Banner, liberty proclaiming;
Shield America from foes unknown!
But flash, flash, flash when the battle o'er the field is raging
Till the enemy is overthrown!

To thy defender, O flag of splendor—
O boy in blue, how our hearts you thrill!
Resolve unaltered, you have not faltered
From Saratoga to San Juan Hill.
And where Old Glory has led before thee
The nations know that a wrong was made right;
That Yankee manhood has ever firm stood;
That Dixie Land never ran from a fight.

O native land, dear, the bugle call hear;
Salute the flag and the boy in blue!
On field of battle, through muskets' rattle,
Just think what blessings they've wrought for you!
Whate'er thy station or thy vocation,
O son of freedom, be loyal, be true!
Let thy devotion, deep as the ocean,
Exalt the banner of red, white, and blue!

Mr. ESCH. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. MEEKER].

NATIONAL HOSPITAL-SCHOOL FOR CRIPPLES.

Mr. MEEKER. Mr. Chairman, I ask unanimous consent to extend and correct my remarks in the RECORD.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. WALSH. Mr. Chairman——

Mr. MEEKER. Mr. Chairman, the gentleman from Massachusetts can take his seat——

Mr. WALSH. Mr. Chairman, I have not objected. I simply desired to ask the gentleman if this is the same matter——

Mr. MEEKER. It is.

Mr. WALSH. Mr. Chairman, I object.

Mr. MEEKER. Mr. Chairman, I shall insert as a part of my remarks a copy of a letter sent to the Council of National Defense, the articles of agreement and incorporation, and some other items in regard to the organization of the National Hospital-School for Cripples. This organization, which is to be national in its scope, has been brought into existence by a body of St. Louis women for the purpose as stated of teaching the crippled and wounded soldiers who will return from the battle fields of Europe, who, because of incapacities which they suffer, will be no longer able to follow their old trades and vocations. It is the purpose of this organization, which has already come to be known as the White Cross, to provide for such instruction as is now being done by the people of England at a tremendous cost, something like over £7,000,000 having been already subscribed for this work. It is furthermore the purpose of this organization to take off of the hands of the Government the board and care of soldiers and sailors who are wounded in the European conflict, to take from the shoulders of the Government the care of those men and do it so far as possible by teaching them some new trade whereby they may become self-supporting.

Mr. DYER. Mr. Chairman, will the gentleman yield for one question?

Mr. MEEKER. I will.

Mr. DYER. Will the gentleman state what is the difference between the scope of this organization in reference to these matters and the Red Cross?

Mr. MEEKER. The work of the Red Cross is primarily the relief work in the field, to look after the wounded and after the families of the wounded and those killed, while the purpose of this organization is that of the education in some new line of activity of those who are incapacitated to follow their old vocation. It is a hospital-school for cripples.

Now, Mr. Chairman, without taking any more of the time of the committee, I ask that I may extend my remarks by inserting there the articles of incorporation to which I have referred.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks by inserting the articles referred to. Is there objection? [After a pause.] The Chair hears none.

Mr. MEEKER. Mr. Speaker, in further extension of my remarks, I submit herewith the letterhead of the National Hospital-School for Cripples, which letterhead gives the names of the officers of the members of the board of directors and members of the medical staff. I follow this with a few extracts from a letter of Mrs. J. G. Nugent, the president:

ST. LOUIS, MO., *June 25, 1917.*

Hon. JACOB E. MEEKER,
Washington, D. C.

SIR: Attached hereto please find copy of a communication and data addressed to the Council of National Defense, which is self-explanatory.

As a Representative in Congress of the State of Missouri, will you not be good enough to give this some of your personal attention?

For instance, first, to add to an already chartered, recognized, and growing movement the valuable moral aid and support of our Government, and at the same time relieve the Government of what will eventually become an enormous financial burden.

This organization has already perfected every detail of executive effort and is ready and able to carry its cause before the entire Nation. It has even gone so far as to perfect an organization of eminent physicians, who have worked out the details of training and management.

Respectfully, yours,

NATIONAL HOSPITAL-SCHOOL FOR CRIPPLES,
Mrs. J. G. NUGENT, *President.*

I submit here a copy of the letter addressed to the Council of National Defense on June 25, and attach thereto such other data as will be of service to those interested in aiding in the splendid enterprise of mercy undertaken by these noble and self-sacrificing women and their assistants:

ST. LOUIS, MO., *June 25, 1917.*

COUNCIL OF NATIONAL DEFENSE,
Washington, D. C.

GENTLEMEN: A news report in this morning's St. Louis Globe-Democrat advises that a number of physicians have made a report to the medical board of your body with reference to the education and training of maimed and crippled soldiers and sailors.

Inclosed is a copy of the constitution of the National Hospital-School for Cripples, which is self-explanatory.

This organization was incorporated by the State of Missouri as a benevolent corporation on June 2, 1917. Since that time and while the general plans were being worked out its membership in the city of St. Louis alone has grown to nearly 5,000, without any intensive effort. Within the next two weeks the St. Louis membership will have totaled more than 25,000. A definite working organization has been evolved. It is now ready to forge ahead. It has already been established and proven that the idea, which is known as the White Cross, finds a ready response in the hearts of our people. Within the next 90 days the White Cross idea will have spread throughout the entire United States and its membership will have reached the million mark.

An organization has been perfected. The advisory board in St. Louis is composed of 150 of the most prominent citizens—male and female. Among others are the governor of the State and the postmaster of the city of St. Louis, and others as influential though perhaps less prominent.

The idea has received the enthusiastic indorsement of the Associated Advertising Club of the World, the United Spanish War Veterans of Missouri, the Egyptian Hustlers (an organization of the traveling salesmen of the States of Illinois, Indiana, and Kentucky), and many minor organizations. All of these have not only pledged themselves to membership but have agreed to put forth their individual efforts when called upon.

Inclosed you will find clippings from the various papers showing the impetus that has already been given to the movement. The idea has sprung from the existence of a similar organization in England and to which the English public has subscribed the sum of £7,000,000. The inceptors of this movement felt it to be a subject for private charity, and that inasmuch as the Governments of other lands had left the matter to the initiative and generosity of their citizens, such should be done in the United States.

If, in accordance with the above-mentioned newspaper item, it is the council's intention to take up the matter in addition to its other arduous duties, the National Hospital-School for Cripples desires the cooperation of the council, or should the matter be considered a proper subject of direct governmental action, then it desires to cooperate with and aid the movement whenever and wherever possible.

It should be noted that the idea of the White Cross is feasible as a private charity, since the Red Cross, an organization operating on identical lines, has just raised a sum of money in excess of $100,000,000, thereby relieving the Government and administration of all expenses and responsibility.

Inasmuch as the National Hospital-School for Cripples is at present directing most of its work to prepare for the care and retraining of the crippled soldiers and sailors, it would appreciate an immediate and direct advice as to what action is to be taken by the Council for Defense, to the end that should the Government take up the work the energy and finance of the National Hospital-School for Cripples can be devoted to its more permanent end—the care and education and training of the crippled child, whose numbers in the United States count up to approximately 300,000.

Very truly, yours,

NATIONAL HOSPITAL-SCHOOL FOR CRIPPLES,
MRS. J. G. NUGENT, *President.*

STATE OF MISSOURI,
DEPARTMENT OF STATE.

To all to whom these presents shall come:

I, John L. Sullivan, secretary of state of the State of Missouri and keeper of the great seal thereof, hereby certify that the annexed pages contain a full and true and complete copy of articles of incorporation of the National Hospital-School for Cripples, filed June 2, 1917, as the same appears on file in this office.

In testimony whereof I hereunto set my hand and affix the great seal of the State of Missouri. Done at the city of Jefferson this 4th day of June, A. D. 1917.

[SEAL.]

JOHN L. SULLIVAN, *Secretary of State.*
L. J. POWERS, *Chief Clerk.*

ARTICLES OF AGREEMENT OF NATIONAL HOSPITAL-SCHOOL FOR CRIPPLES.

Know all men by these presents, that the undersigned, residents of the State of Missouri, desiring to establish hospital-schools for cripples for educational purposes, as in these articles set forth, do hereby associate themselves together and form an association to be incorporated under and pursuant to the provisions of article 10 of chapter 33 of the revised statutes of Missouri, 1909, and acts amendatory thereof, and do hereby adopt for the said corporation the following:

CONSTITUTION.

ARTICLE 1. Name: The name of the corporation shall be "National Hospital-School for Cripples."

ART. 2. Location: The location of this corporation shall be at the city of St. Louis and State of Missouri.

ART. 3. Objects: The objects and purposes of this corporation shall be—

First. For the purpose of reducing mendicancy, vagrancy, and pauperism; to promote the educational, moral, mental, spiritual, and physical betterment of all crippled children of mental power and of all persons who may be now or hereafter become crippled or disabled on account of having participated in any lawful war to which these United States shall be or become a party.

Second. To promote social service among crippled children and crippled soldiers, as above.

Third. To promote the employment of crippled children and crippled soldiers, as above, under the name of the National Hospital-School for Cripples.

Fourth. To initiate, promote, and aid in the passage of such legislation—municipal, State, or National—as will further the educational facilities and opportunities of crippled children and crippled soldiers, as above, and concerning any other matter conducive to the needs, objects, and purposes of this corporation.

Fifth. To own, operate, erect, or maintain, or assist in the erection, maintenance, and operation of schools, industrial colleges, universities, and hospitals, wholly or in part, especially constructed, equipped, and fitted for the training, education, and medical and surgical treatment of crippled children and crippled soldiers, as above, in which shall be taught such trades, occupations, or professions as in the discretion of this corporation may be suitable and practicable to the physical and mental needs of the individual requirement.

Sixth. To solicit, receive, hold, manage, and dispose of all money and property—real, personal, or mixed—which may from time to time be given, loaned, conveyed, devised, bequeathed, or endowed in any manner to the said corporation for the objects and purposes aforesaid, and to sell, pledge, transfer, and mortgage the same. And the said corporation shall have the power to recognize or cause to be recognized, affiliate, or cooperate with such auxiliary persons, societies, associations, or corporations as in its judgment may be useful to promote or further any or all of the objects and purposes of this corporation.

Seventh. To provide or aid in providing the necessary medical or surgical treatment for any crippled child or crippled soldier, as above, in whose welfare this corporation is concerned.

Eighth. This corporation shall be forever exclusively charitable, nonsectarian, and nonpartisan, and shall be operated solely through humanitarian motives and for the purposes heretofore set forth, and, as it is not formed for pecuniary profit, all money and property and income and the increase thereof, if any, shall be held by the corporation upon express trust to apply and use the same for the purposes aforesaid.

ART. 4. The membership of this corporation shall consist of the signers hereof and such other persons as may be hereafter admitted as members of this corporation under and in pursuance of the by-laws of this corporation.

ART. 5. The first officers of this corporation shall be: President, Mrs. James G. Nugent; secretary, Dr. Julius Rotteck; and treasurer, Mrs. Colin N. Selph.

ART. 6. In the event that it should become necessary in the judgment of the membership of this corporation to dissolve this corporation and abandon the objects for which it has been formed, then and in that event all of the assets, both real and personal, of this corporation shall be sold and the proceeds thereof applied in payment of the debts of this corporation, and the remainder, if any, shall be given to the Red Cross Society, in part or all, or to any other association or society that this corporation may choose: *Provided*, That in the absence of any other choice the Red Cross Society shall receive same.

ART. 7. First meeting: The first meeting of this corporation for the adoption of by-laws and for the transaction of such other businesses as may properly come before it shall be held at the city of St. Louis, Mo., at 10 o'clock a. m., on the 14th day of June, 1917. No further notice need be given of such meeting. Other meetings of this corporation shall be held as provided by the by-laws.

ART. 8. This constitution may be amended by a two-thirds vote of the membership present at any annual meeting or any special meeting called for that purpose: *Provided*, That notice of the proposed amendment or amendments shall be given as provided in the by-laws.

In witness whereof we, the undersigned named persons forming this corporation, have hereunto set our hands and seals this 17th day of May, 1917.

MRS. COLIN N. SELPH.
MRS. A. E. MORGAN.
A. D. TIBBALS.
MRS. W. H. HUDSON.
DR. ALEXANDER E. HORWITZ.
DR. JULIUS ROTTECK.
MRS. J. G. NUGENT.

Filed May 18, 1917.

NAT GOLDSTEIN, *Clerk.*

[In the circuit court, city of St. Louis, State of Missouri. In the matter of the National Hospital-School for Cripples. 2602. April term. Monday, May 28, 1917.]

And now on this day comes Mrs. J. G. Nugent, as president; Dr. Julius Rotteck, as secretary; and Mrs. Colin N. Selph, as treasurer, of the National Hospital School for Cripples, and submit to the court the articles of agreement of said association, together with a petition praying for a pro forma decree thereon, in manner provided by law, and it appearing to the court that said petition has remained on file in the clerk's office of this court for at least three days since the same was first presented to the court, and the court having duly examined said articles of agreement and being duly advised in the premises, do now consider, adjudge, and determine that such articles of agreement and the purposes of the association as therein expressed come properly within the purview of article 10 of chapter 33 of the Revised Statutes of the State of Missouri, 1909, entitled "Benevolent, religious, scientific, educational, and miscellaneous associations," and are not inconsistent with the Constitution or laws of the United States or of the State of Missouri.

STATE OF MISSOURI,
City of St. Louis, ss:

I, Nat Goldstein, clerk of the circuit court of the city and State aforesaid, certify the above to be a true copy of the order made in the matter aforesaid, as fully as the same remains of record in my office.

In witness whereof I hereunto set my hand and affix the seal of said court at the office in the city of St. Louis, this 29th day of May, A. D. 1917.

[SEAL.]

NAT GOLDSTEIN, *Clerk Circuit Court.*

Filed for record, Corporation Book 60, page 51, May 30, 1917, 3.25 p. m.

CHAS. F. JOY, *Recorder.*

STATE OF MISSOURI,
City of St. Louis, ss:

I, the undersigned recorder of deeds for said city and State do hereby certify that the foregoing instrument of writing was filed for record in my office on the 29th day of May, A. D. 1917, at 3.25 o'clock p. m., and is truly recorded in Corporation Book 60, page 51.

Witness my hand and official seal on the day and year aforesaid.

[SEAL.]

CHAS. F. JOY, *Recorder.*

Filed and copy issued June 2, 1917.

JOHN L. SULLIVAN, *Secretary of State.*

[Extract from St. Louis Republic.]

WHITE CROSS FOUNDED IN ST. LOUIS—ORGANIZATION OF NEW RELIEF BODY APPROVED BY AD CONVENTION—CARE FOR MAIMED SOLDIERS—ORGANIZATION EXPECTED TO SPREAD ALL OVER THE UNITED STATES.

A St. Louis movement, which is expected to become national in scope, to take care of the soldiers maimed and crippled in the war, yesterday was indorsed at the convention of the Associated Advertising Clubs of the World. It is planned to call it the "White Cross."

The National Hospital-School for Cripples was organized by a score of St. Louis women several weeks ago and was granted a charter by the State on June 2.

The organization, which has gained more than 1,000 members in a remarkably short time, has the following officers: President, Mrs. J. G. Nugent; treasurer, Mrs. Colin M. Selph; chairman, Mrs. A. E. Morgan; secretary, Mrs. Charles H. McDaris; corresponding secretary, Mrs. F. H. Littlefield; vice presidents, Mrs. W. H. Hudson, Mrs. John C. Roberts, and Mrs. E. P. Melson. Gov. Fred D. Gardner and Postmaster Selph are members of the advisory board.

The plan of the organization is to retrain and reeducate all of the soldiers who return from the war crippled. The association also has pledged itself to educate all crippled children of sound mind who are not taken care of through the present educational system of the schools.

The present medical staff of the hospital are Dr. Alexander E. Horwitz, Dr. Julius Rotteck, Dr. Cleveland H. Shutt, Dr. I. Lee Kelly, jr., Dr. Max W. Jacobs, and Dr. J. J. Houwink.

A campaign to get a membership of 25,000 and to raise funds to establish a permanent hospital will be started in a few weeks, following the drive of the Red Cross.

[Extract from St. Louis Star.]

"WHITE CROSS" FOR CRIPPLED TROOPS IS ORGANIZED HERE—PLAN FOR NATION-WIDE AFTER-CARE SYSTEM IS INDORSED BY "AD" MEN.

The National Hospital-School for Cripples, an organization perfected in St. Louis in the last two months, has grown to such proportions and aroused such interest that it is planned to make it nation-wide. It is planned by the advisory board to adopt the name of "White Cross."

The movement yesterday was indorsed by the Associated Advertising Clubs of the World at the closing session of the convention. Festus J. Wade recommended it in a letter, and it also had the backing and indorsement of Gov. Gardner and prominent business men.

The idea of forming an organization to care for crippled American soldiers who will return from France was conceived by Mrs. A. E. Morgan, 1338 Euclid Avenue, last January. Friends became interested.

"It is our plan," said Mrs. J. G. Nugent, president of the organization, "to make every cripple self-sustaining and to give every man his chance. Some of the greatest works of history and some of the best results obtained in any field have been due to the inspirations of those who were crippled in body.

"We hope to be in a position, by the time our crippled boys will be returning to us, to take them in hand, train and reeducate them, so that they will not be a burden on the State, but will be able to aid in the world's work."

The organization will not only care for the cripples returning from the war, but also will take the children and dependents of those called to the front who are not provided for by the State and train them so they may obtain self-sustaining work.

At the close of Red Cross week next Friday a campaign for new members and for funds to spread the movement will be initiated. Buttons bearing the emblem of the Liberty Bell, under which will be the initials C. S. F.—Crippled Soldiers' Fund—will be sold at prices ranging from $1 to $100. As soon as the local organization is established representatives will be sent to near-by cities and the work continued.

The work is not identified with that of the Red Cross or like organizations. The officers say no similar movement has been attempted before. It is hoped that the "White Cross" can be so firmly established that it will endure not only during the present war but also far into the future. It is nonsectarian.

At a recent meeting of the advisory board a committee consisting of Dr. A. E. Horwitz and Dr. Julius Rotteck was appointed to select a site for a permanent home.

At an informal meeting of members of the advisory board to-day plans were discussed for waging the campaign for funds when Red Cross week closes.

The officers are: President, Mrs. J. G. Nugent; vice presidents, Mrs. W. H. Hudson, Mrs. John C. Roberts, Mrs. E. P. Melson, and Mrs. E. C. Van Nort; secretary, Mrs. Charles H. McDaris; chairman, Mrs. A. E. Morgan; corresponding secretary, Mrs. F. H. Littlefield; treasurer, Mrs. Colin M. Selph.

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[Extract from Post Dispatch.]

HUSTLERS JOIN WHITE CROSS—CONVENTION DELEGATES PLEDGED TO OBTAIN MEMBERS.

The Egyptian Hustlers on the final day of their convention at Highland, Ill., yesterday joined the Order of the White Cross in a body. Each delegate was pledged to sponsor membership campaigns in his trade territory. It was announced that the four local camps of Spanish-American War Veterans would engage in competitive campaigns for new members for the organization.

The White Cross, an organization for aiding disabled soldiers, has already an enrollment of 1,000 in St. Louis, although it was established June 2. A campaign to increase the number to 25,000 will be started July 4.

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[From the St. Louis Globe-Democrat, June 9, 1917.]

THE WHITE CROSS.

One of the last acts of the 1917 convention of the Associated Advertising Clubs of the World was the formal indorsement of the work and aims of the new organization to be called "The White Cross." From such action taken by such a body should arise many influences to encourage and aid the St. Louis originators of this movement in their plan to make "The White Cross" an organization of national scope and activities.

The White Cross was first raised in this city, or had its inception here, when, some weeks ago, the National Hospital School for Cripples was instituted here through the encouragement and active efforts of a number of leading St. Louis women. Since then the membership of the organization has increased to more than 1,000. The plan of the organization is to train and educate all of the American soldiers returning from the war crippled or maimed along those lines best fitting their diminished capabilities and promising the best opportunities of affording them employments which will at once relieve the monotony of their lives and contribute to their self-support. The scope of the plan, as it will touch St. Louis, includes also the education of crippled children of sound mind for whom no provision is made under existing systems of education.

The wish to make the White Cross a national organization is one which ought to be easy of realization. If we enter the war in an active way and with a large army of men, as now seems probable, the return home of many crippled and unable to maintain themselves is certain. Their number will be greater than the number of those who will return not at all. A generous government will pension all of them, but to young men, a reliance upon a pension as the only means of livelihood, and who still feel in themselves the ability to do something for themselves, as they once did, must be abhorrent. The debt the country will owe such men can not be discharged in the quarterly payment of pensions. The White Cross organization, acting as the agent of all who are willing to help such men back to the independent standing which once was theirs, can do a great and necessary work. A campaign for a membership of 25,000 will soon be started. Enlist under the White Cross when you find it raised. (Reprinted from St. Louis Globe-Democrat, June 9, 1917.)

TRADING WITH THE ENEMY.

Mr. MONTAGUE. Mr. Chairman, I yield 30 minutes to my colleague on the committee, the gentleman from Ohio [Mr. SNOOK].

Mr. SNOOK. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. SNOOK. Mr. Chairman and gentlemen of the committee, Congress has now been in session a little over three months, and almost all of that time has been devoted to subjects directly connected with the war.

It has been criticized by the public and the press for not acting more promptly, and it has often been asserted in the newspapers that it has wasted time.

As the question now under discussion is one of the last war measures it will have to pass upon at this session, in order to determine whether or not this criticism is well founded, it may not be out of place to briefly review its work and call attention to some of the more important measures acted upon.

At this session, which convened April 2, in addition to the routine work the House has passed the following measures, many of which have been concurred in by the Senate:

The resolution declaring that a state of war existed between the United States and the Imperial German Government. No more far-reaching and important step was ever taken by an American Congress.

The bill authorizing the Government to issue bond to the amount of $5,000,000,000 and Treasury certificates in the sum of $2,000,000,000, to sustain its credit and provide funds for carrying on the war.

The law to increase the military force and to provide for the raising of an Army to carry on the war in which we are engaged, and under which 9,500,000 men have already registered. This same act also authorizes the raising of the National Guard and the Regular Army through volunteers to full war strength, which when complied with will furnish an Army of about 1,000,000 men in these two branches of the service.

The law increasing the enlisted men of the Navy to 150,000 and the Marine Corps to 30,000, which, with the officers, the Naval Militia, and apprentice seamen, will afford this branch of the service about 200,000 men.

The Regular Army appropriation bill, carrying $281,176,000, which failed to pass the Senate at the last session of the Sixty-fourth Congress.

The bill to supply deficiencies in the Regular Army and Navy appropriation bills, which as it passed the Senate carried $3,342,404,000.

The bill to raise revenue for the support of the Government, which has not yet passed the Senate, but which as it passed the House provided for the levying of taxes in the sum of $1,800,000,000.

The espionage bill, conferring power on the Government to protect itself against enemies who may be within its own border.

The bill to promote export trade, which permits exporters to maintain joint agencies to further the sale of American goods in foreign countries.

The two important bills reported by the Committee on Agriculture, the one to conserve the food supply and to provide for a survey of food products, and the other to conserve and control the supply of feed, food, and fuel, known as the food-control bill.

The act to regulate and control the railroads in respect to car service.

The bill amending the interstate-commerce law and increasing the number of Interstate Commerce Commissioners.

The bill amending the act providing for a War-Risk Insurance Bureau, so as to provide for adequate insurance of our vessels engaged in foreign trade, together with their cargoes, and compensation for the sailors and workmen thereon in the event of injury, and to their dependents in case of death or capture by an enemy.

These are the most important bills only and do not include those of less importance.

In many instances the subjects dealt with have been new, and there have been very few, if any, precedents by which to be guided. Therefore much more than the usual time was required for the preparation and consideration of these laws.

The amounts to be raised by taxation and the sums appropriated to meet the expenses entailed by the war have been far in excess of that ever considered by any legislative body.

The questions presented for solution were as difficult to solve as have ever been presented to Congress. It may be that we deserve criticism for not acting more speedily, but, speaking for myself, I must confess that the time given for the consideration of these measures has been none too long.

While I have devoted my whole time and attention to these questions, I am quite sure that the subjects under consideration were so important and complex, the objects sought to be attained of such great importance to the country, that I have been unable in the short time allotted to give these matters the investigation and study that they deserved.

I feel that we have made some mistakes, yet if one will examine the question in an impartial manner he will be bound to conclude that Congress has not wasted its time or been negligent in the manner that it has met and performed the duties presented to it.

I am not unmindful that there have been times in the history of our country when Congress has had the duty of meeting and solving questions which involve the very existence of the Government itself.

Every time that it has stood face to face with such a crisis it has fulfilled the hopes and expectations of the people. When the war in which we are now engaged has been fought and won and its history has been written, I have faith to believe that it will be recorded that the first session of the Sixty-fifth Congress fulfilled its duty in a spirit of patriotism as lofty as that displayed by any of its predecessors.

In closing what I have to say upon this subject, let me read part of an editorial from the Evening Star of July 2:

Congress has been sitting three months, and has not wasted a day. On the contrary, it has been complimented for the progress made. As experienced a parliamentary "hand" as Mr. Balfour, who had been interested in the record, spoke publicly while on his visit of how much important legislation had been accomplished in a very short period.

The chatter heard in some quarters that Congress is in the way and retarding operations is unworthy of serious attention. It proceeds in the main from those who amuse themselves and disgust thoughtful men with occasional suggestions that the country would profit if Congress met only once in 10 years and then for a session of a few months.

Congress is in session; its work should not be hurried or shirked and can not be delegated; war is on by the decree of Congress; and hence it is the duty of Congress to "stand by"

"While the waves of trouble roll,
While the tempest still is high."

The title of the bill now under consideration is "To define, regulate, and punish trading with the enemy, and for other purposes." This advises us that it is a war measure.

A study of the act shows that it deals with questions and situations growing out of the war in which we are now engaged; in fact, the hearings show clearly that it was a study of questions connected with and growing out of the war as presented to the Secretary of State, the Secretary of the Treasury, the Secretary of Commerce, and the Attorney General in the daily conduct of their official duties which suggested the preparation of this measure and a determination by these officials to bring the matter before Congress.

In speaking of the bill as originally presented to the Committee on Interstate and Foreign Commerce, Secretary Redfield says a committee was appointed, representing four departments—the State Department, the Department of Justice, the Treasury Department, and the Department of Commerce—to consider what we should do in this particular matter. That committee gave this subject very, very thoughtful study. The committee was composed of Assistant Attorney General Charles Warren, the Comptroller of the Currency, Mr. Woolsey, the Solicitor nominate of the Department of State, and Dr. Pratt, the Chief of the Bureau of Foreign and Domestic Commerce of the Department of Commerce. They went over the matter for weeks with very great care. They submitted their draft of a bill to the Secretary of State, the Attorney General, the Secretary of the Treasury, and myself. We made a number of comments upon it, and it was returned to them. It was then again studied with great care, and this is the result of their unanimous report, which was, in substance, conveyed to you.

The language of Secretary Redfield in this respect will answer the question, to some extent, that was asked by the gentleman from Pennsylvania [Mr. MOORE] as to whether this bill has the indorsement of the committee or not.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. SNOOK. Yes.

Mr. MOORE of Pennsylvania. The gentleman is also a prominent member of the Committee on Interstate and Foreign Commerce, and I would like to have an expression from him as to whether he regards this as an administration measure, one that the President deems necessary for the proper prosecution of the war?

Mr. SNOOK. I can not answer the gentleman in any other way than by the answer of my colleague from Pennsylvania [Mr. DEWALT] and by the statement I have just read from the Secretary of Commerce.

Mr. MOORE of Pennsylvania. Secretary Redfield, having originated the movement, conferred with his colleagues in the Cabinet, and some of them appeared before the committee. But what I am interested in knowing, and what some of my colleagues are interested in knowing, is whether the President is interested in this?

Mr. SNOOK. Doubtless he is.

Mr. MOORE of Pennsylvania. So it may be regarded as an administration measure?

Mr. SNOOK. I can not say as to that. The gentleman can put it that way if he likes.

Mr. MOORE of Pennsylvania. If the gentleman pleases, it is a serious question. The people are asked to support the President in the prosecution of this war.

Mr. SNOOK. I understand the gentleman's position.

Mr. MOORE of Pennsylvania. And it may be that a great deal of the legislation that we are passing is not what the President wants and feels is necessary for the prosecution of the war.

Mr. SNOOK. I have no doubt he feels that this is necessary.

Mr. MOORE of Pennsylvania. I wanted to get the gentleman's view. That is his opinion.

Mr. SNOOK. The courts of all the civilized countries hold it to be the law that war suspends all commercial intercourse between the citizens of two belligerent countries or States, except so far as may be allowed by sovereign authority.

In time of war, therefore, some such law as the one under consideration becomes a necessity. The rule of law to which I have referred is announced by the Supreme Court of the United States in the case of United States *v.* Lane (8 Wall., p. 195) in the following language:

At the time this contract purports to have been made this country was engaged in war with a formidable enemy, and by a universally recognized principle of public law commercial intercourse between States at war with each other is interdicted. It needs no special declaration on the part of the sovereign to accomplish this result, for it follows from the very nature of war that trading between belligerents should cease. If commercial intercourse were allowable it would sometimes be used as a color for intercourse of an entirely different character, and in such case the mischievous consequences that would ensue can be readily foreseen. But the rigidity of this rule can be relaxed by the sovereign, and the laws of war so far suspended as to permit trade with the enemy. Each State settles for itself its own policy and determines whether its true interests are better promoted by granting or withholding licenses to trade with the enemy.

There seems to be but one exception to this rule; this exception is explained by the Supreme Court in the case of Insurance Co. against Davis, in Ninety-fifth United States, page 425, where that court announces the rule laid down in the Lane case and then explains the exception in the following language:

The only exception to the rule recognized in the books, if we lay out of view contracts for ransom and other matters of absolute necessity, is that of allowing the payment of debts to an agent of an alien enemy where such agent resides in the same State with the debtor. But this indulgence is subject to restrictions. In the first place, it must not be done with the view of transmitting the funds to the principal during the continuance of the war, though, if so transmitted without the debtor's connivance, he will not be responsible for it. (Washington, J., in Conn. *v.* Penn, Pet. C. Ct., 496; Buchanan *v.* Curry, 19 Johns. (N. Y.), 141.) In the next place, in order to the subsistence of the agency during the war, it must have the assent of the parties thereto—the principal and the agent. As war suspends all intercourse between them, preventing any instructions, supervision, or knowledge of what takes place on the one part and any report or application for advice on the other, this relation necessarily ceases on the breaking out of hostilities, even for the limited purpose before mentioned, unless continued by the mutual assent of the parties. It is not compulsory, nor can it be made so on either side to subserve the ends of third parties. If the agent continues to act as such, and his so acting is subsequently ratified by the principal, or if the principal's assent is evinced by any other circumstances, then third parties may safely pay money for the use of the principal into the agent's hands, but not otherwise. It is not enough that there was an agency prior to the war. It would be contrary to reason that a man, without his consent, should continue to be bound by the acts of one whose relations to him have undergone such a fundamental alteration as that produced by a war between the two countries to which they respectively belong, with whom he can have no correspondence, to whom he can communicate no instructions, and over whom he can exercise no control. It would be equally unreasonable that the agent should be compelled to continue in the service of one whom the law of nations declares to be his public enemy.

Before analyzing the provisions of the bill I might say that this exception is recognized, and situations growing out of facts such as are discussed in this exception are provided for in the proviso found on the bottom of page 9 and top of page 10 of the bill.

Inasmuch as under the law as stated in the cases from which I have quoted practically no commercial intercourse can be carried on between two citizens of belligerent countries or States except so far as allowed by the sovereign authority, it follows that it becomes necessary to have some exercise of that authority. This is attempted to be done by this bill, as it attempts to define what things a law-abiding citizen may do and what he may not do in regard to his commercial intercourse with an enemy, and what disposition he may make of the property of an enemy that may come into his hands or under his control.

Exercising the sovereign authority to make clear just what a citizen may do, what he may not do, and what he should do the bill defines certain terms and lays down certain rules which I shall undertake to analyze as briefly as possible.

Section 2 defines the words "enemy and ally of enemy"; these being the persons or classes of persons with whom trade is forbidden except as provided in the law. An enemy is any person resident of the nation with which we are at war or resident outside of the United States and doing business within such nation with which we are at war.

This provision is the one which the gentleman from Wisconsin [Mr. LENROOT] criticized, and I am inclined to think that in connection with section 7, subdivision (b), there is something to his criticism. I want to be fair and frank. Because the bill comes from the committee of which I am a member I do not feel that I am certain that it is not open to honest amendment in the House. And I wish to say, in connection with this subdivision (b), of section 7, there is something to the criticism which the gentleman made in this regard, and I think that can be remedied by an amendment which will be offered probably before the bill comes to passage.

Any corporation formed within a nation with which we are at war or formed within any country other than the United States and doing business within such nation.

The Government of any nation with which we are at war or any of its divisions, agents, or agencies.

It is plain to be seen that this is an essential provision, because the Government with which we are at war or any of its agencies or divisions would certainly come within the term "enemy" as described in this or any other measure along this line.

Such other persons as may be natives or are subjects of any nation with which we are at war wherever resident or doing business as the President may by proclamation include within the term "enemy."

Section 2 also defines the term "ally of enemy." This definition follows in substance the terms used in defining the term "enemy" with such changes as make the terms applicable to an "ally" of enemy.

Section 2 also defines the word "trade" as covering every sort of commercial transaction that may be carried on between persons or nations. This definition is minute in its details and is found in paragraphs (a), (b), (c), (d), and (e), on pages 4 and 5.

Section 3 forbids trading with an enemy or an ally of an enemy, and makes such trade unlawful except under a license issued by the Secretary of Commerce. By this section the forbidden intercourse or commerce also extends to the transportation of an enemy or ally of an enemy, and also to the transmission, or attempted transmission, out of the United States of any letter, document, writing, message, picture, diagram, map, device, or other form of communication addressed to an enemy or the ally of an enemy. The necessity of this particular prohibition is too obvious to require explanation.

As my colleague from Pennsylvania [Mr. DEWALT] just said, this is no new provision as to issuing a license under which trade may be had. In the case to which the committee's attention has been called, the Lane case, decided by the Supreme Court of the United States, you will find there is a review of all the acts of this kind that were in effect during the Civil War and an exposition of the law regarding them. And so it is an application of an old principle that was in effect during the Civil War—this providing for a license for trading with the enemy.

Mr. McKEOWN. Is there any provision in this bill that will cover a case like this: Suppose horses in Oklahoma have been sold to Austrian agents or German agents, to be delivered in New York, and a contract made and an agreement made before the declaration of war, and the horses are delivered in New York after the declaration of war, but have not been delivered to the enemy, in that case what provision is there, if any, to take care of the owners or the men who have sold this property?

Mr. SNOOK. I am afraid there is no provision in the bill to take care of such a thing as that, and I do not know that there ought to be a provision of that kind, because I really think we ought not to send horses or property of that kind to the enemy to help them in this war in which we are engaged against them. I do not see how you can make a provision of that kind. It is one of the risks of war that they will have to assume.

Mr. McKEOWN. Then, those people in Oklahoma in that case will have no redress in the courts under this bill?

Mr. SNOOK. I think not. Under section 5 of the bill the President may suspend the act so far as it applies to an ally of the enemy. This is a provision that the department thought to be wise, because at sometime it might be necessary in the course of trading for the President to suspend it.

This provision further provides that licenses may be granted under the direction of the President to any person if he be of opinion that such license is advisable. This is the provision of the bill that allows the President to grant licenses to alien citizens who may be residents of the United States, so that that matter may be taken care of if he thinks that some person is transgressing the law or is pursuing some kind of trade to the detriment of this country.

As to the provisions of section 6, I only want to say this: It seems to be the opinion of some Members of the House that this bill provides for the confiscation of the property that is to be turned into the hands of this custodian. On the other hand, it is the opinion of the committee and of the people who framed this bill that that will not be the result if this bill is enacted into law. Indeed, it is the opinion of the committee and of the people who framed the law that it will take care of that property, so that it will be in readiness to be disposed of at the end of the war according to an act of Congress.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. SNOOK. Yes.

Mr. STAFFORD. What provision is there in the bill that at the close of the war the property of those enemy foreigners who have seen fit to allow their property to be invested in this country is to be returned to them?

Mr. SNOOK. The provision in the bill is that that is to be disposed of in the discretion of Congress.

Mr. STAFFORD. Well, if Congress does not act, then their property is withheld from them and confiscated by the Government.

Mr. SNOOK. Does the gentleman think that Congress will assume that position? Has the gentleman so little confidence in the Congress of the United States as to think it will not act fairly and justly with those men?

Mr. STAFFORD. Oh, it is not a question of acting fairly, but a question of Congress not acting expeditiously—a question of how long the property of these foreigners will be withheld.

Mr. SNOOK. The thing is not one-sided, the gentleman should know. There will be so many things to adjust when this war is over. The enemy will have property of our citizens. There will be claims for indemnity, and the German Government will undoubtedly have property belonging to our citizens. And it seemed wise to the committee, although it may not seem wise to the gentleman, that this property should be left in the position it is in, so that when all these questions are taken up they can be adjusted equitably.

Mr. STAFFORD. The gentleman is confusing in the statement he has made the rights of the belligerent government with the rights of individual subjects. It is not sought by this bill to appropriate the property of foreigners who are domiciled in this country. That remains in the hands of those aliens who are domiciled here, but you are attempting to take the property of foreigners resident abroad who have seen fit to leave their property for investment perhaps with a corporation or some individual, or turn it over to the Government without any right whatever, so far as the provisions of the bill are concerned, to require the Government to turn it over to them after the end of the war.

Mr. SNOOK. This property is taken and placed in the hands of the custodian under the powers of Congress. Congress passes the law under which it is done, and I do not see why Congress could not be trusted to pass a law governing the matter when the war is over; why it should not be trusted to adjust this matter and see to it that the property is returned to the owner. I am sure there is no disposition on the part of the Congress to confiscate any property.

Mr. STAFFORD. Does the gentleman know of any treaty at the close of any war where the conditions have been to take the property of subjects resident abroad and adjust those claims? They are always exempt. It is only the property of the government itself that is taken into consideration.

Mr. SNOOK. I would remind the gentleman of this fact, that when the war is over Germany may have enacted a law similar to this, under which the property of our citizens will be held in Germany. Does the gentleman think that, without regard to the way they have treated our citizens, we should turn this property over to them?

Mr. STAFFORD. While the Government has the right to take the property of an alien living in its jurisdiction, no government has in recent times gone to that extent, and all authorities on international law recognize the fact that individual property should not be taken during a state of belligerency.

Mr. SNOOK. I understand that; but this proposition is not only—as the gentleman will see if he examines it closely—for the benefit of our Government, but is also for the benefit of the foreigners who own this property, because in all cases the property will not be, as the gentleman from Connecticut [Mr. HILL] pointed out, held by corporations which are as solvent as the Pennsylvania Railroad. This property, if it must be kept in the hands of the debtors, may be lost; but if it is put into the hands of the United States it will be saved.

Mr. STAFFORD. If the gentleman will permit right there, I have in mind a case where an alien enemy, formerly a governess in the home of a constituent of mine, left property in this country in his hands to take care of. She exercised her judgment as to who should be her debtor. Now, you enact this bill and take away her right of recovery—of suing her agent or trustee for her property.

Mr. SNOOK. Well, that is the gentleman's view of the matter.

Mr. STAFFORD. That is the bill itself.

Mr. SNOOK. I think the property would be just as much safeguarded and all rights as well protected if it is left to Congress to dispose of after the war as it would be to give the party a right to bring a suit in the Court of Claims.

Mr. GORDON. Will the gentleman yield?

Mr. SNOOK. Yes.

Mr. GORDON. If the custodian of the money of this governess that the gentleman speaks about were to send it to her, and when it got across the sea it were to get into the hands of one of the Governments at war with Germany, they would take it and keep it?

Mr. SNOOK. Yes.

Mr. GORDON. And use it against Germany?

Mr. SNOOK. Certainly. Alien enemies have no legal rights that a belligerent is bound to respect, as a matter of law.

Mr. STAFFORD. But this Government does recognize them.

Mr. GORDON. We are recognizing them in this country by providing in this act for a trustee to hold the property until the close of the war.

Mr. SNOOK. I see that my time is running.

By section 4 an enemy and an ally of an enemy is forbidden to assume and use any other name than that by which it was known at the beginning of the war, except under license issued by the Secretary of Commerce.

Under section 5 the President may suspend the act so far as it applies to an ally of an enemy and licenses may be granted under the direction of the President to any person if he shall be of opinion that such grant shall be compatible with the successful prosecution of the war.

Section 6 provides for the appointment of a Government agent to be known as the alien-property custodian, and all money and property in the United States due or belonging to an enemy or an ally of enemy is to be delivered to this custodian to be held by him and accounted for under the terms of the act.

Such clerks and employees as may be necessary to carry out the law shall be appointed through the Civil Service Commission, and the Secretary of Commerce is empowered to accept voluntary services. In this connection it has been stated that it will require an additional force of 1,000 employees to administer the law.

In the hearings, on page 30, Secretary Redfield assures us that this report is entirely unfounded, and that it will not require one-tenth of this number; on pages 17 to 19 of the hearings the Secretary minutely describes the nature of the work that this bureau will have to do and estimates the number of clerks that will be required to perform these duties at 45; he then makes the statement, to be found on page 19, that he is of the opinion that he will be able to secure volunteers to do quite a large part of this work without compensation.

Section 7 (a) provides for the disclosure of all property of an enemy or of an ally of enemy situate within the United States and of all debts due an enemy or an ally of enemy through reports which must be made to the custodian.

Section 7 (b) declares that any conveyance or transfer of the property of an enemy or ally of enemy after the beginning of the war with knowledge that it was such property shall be void. This section also contains the exception to which I have heretofore referred to concerning payment to an agent.

Section 7 (c) provides that if the Secretary shall so require any money or other property of an enemy or ally of enemy or which is owing to or belongs to an enemy or ally of enemy shall be conveyed, assigned, delivered, or paid to the custodian, and that any person not an enemy or ally of enemy who owes to such persons any money may, at his option, pay the same to the custodian, and that such delivery of such money or property to the custodian shall be a full discharge of the obligation to the extent of such payment or delivery, and the custodian is empowered to issue receipt for the same, which shall be evidence of such delivery or payment.

Section 8 provides a method of disposing of property belonging to an enemy or an ally of an enemy where it is incumbered by mortgage or other lien.

Section 9 provides a method whereby any person not an enemy or an ally of enemy, claiming an interest in money or property which has come into the hands of the custodian or to whom a debt may be owing from an enemy or an ally of enemy, may have such claim adjudicated and adjusted.

Section 11 provides that all moneys, including checks and drafts payable on demand, received by the custodian shall be deposited in the Treasury of the United States and invested in United States bonds; this section also provides for the keeping and safeguarding of all property coming under the control of the custodian. It contains the further important provision that the final disposition of the property coming under the control of the custodian belonging to an enemy or to an ally of enemy shall be disposed of at the conclusion of the war at the discretion of Congress.

1. Sections 12 and 13, pages 20 and 21, relate to the regulation of clearance of vessels bound for foreign ports, in order that there may be full control of both vessels and cargoes, domestic as well as foreign.

2. An appropriation of a sum not to exceed $250,000 is contained in the act to be used in the discretion of the Secretary of Commerce for the administration of the provisions of the act during the fiscal year ending June 30, 1918, and for the payment of salaries of all persons employed under the act, together with the necessary expenses for transportation, subsistence, rentals in the District of Columbia, books, periodicals, stationery, miscellaneous supplies, printing, and other necessary expenses.

Section 15, page 22, provides punishment and penalty for the violation of the act. And section 16, pages 22 and 23, confers jurisdiction upon the district courts of the United States to issue such process as may be necessary to enforce the provisions of the act, with the right of appeal as provided in sections 128 and 238 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary." Jurisdiction of offenses against the act committed in the Philippine Islands and the Canal Zone is given to the several courts of the first instance in the Philippine Islands and the district court of the Canal Zone, and concurrent jurisdiction for like offenses is conferred upon the district courts of the United States for offenses against the act committed upon the high seas.

The analysis I have made of the act under consideration will show that its purpose is to define what trade may be carried on and what trade is forbidden. The object of its framers was to provide authority to protect our country against any aid being given to the enemy by our citizens or any other persons, and yet to cause as little interruption as possible of our commerce. To accomplish this the trade forbidden to an enemy or an ally of an enemy in the first instance is not fixed by the nationality of the person with whom the trade is to be carried on but by the domicile or the residence of that person.

The intention is to make it impossible to aid our enemy by forbidding that money or property of any kind held in this country should reach the hands of the enemy.

Secretary Lansing, who was one of the persons responsible for this bill, in the hearings before the committee put the matter in this way:

> You will observe, in the definition of the word "enemy," that an enemy is a person, corporate or otherwise, who resides in the territory of an enemy or an ally of an enemy, or in territory occupied by their armed forces, or in neutral countries and doing business in such territory, on an official or agent of the Government of the enemy or his ally. By proclamation the President may extend this definition to include natives, citizens, or subjects of the enemy or his ally wherever resident, i. e., in neutral countries or even in the United States.

The officers of the Government inform us that there may be some kinds of business transactions between citizens of this country and enemies, allies or enemies, or subjects of such countries which may be carried on with safety to the United States. The bill, therefore, provides for the granting of licenses for the carrying on of such business if such grant shall be compatible with the safety of the United States and with the successful prosecution of the war.

This principle was applied during the Civil War quite successfully. It is believed that it can now be used in many cases with great benefit to the Government. A discussion of this principle as it was applied during the Civil War, together with an analysis of the various acts, rules, and regulations in force at that time, are set forth in the Lane case, to which I have referred.

It will be noted in this connection that trade with aliens who reside in the United States is to be forbidden only by proclamation of the President, and then only "if he shall find that the safety of the United States or the successful prosecution of the war shall so require." The bill is drafted in this way to permit as little interference with our domestic affairs as possible.

While we are passing so many laws for the regulation of our trade and commerce, it is also highly important to keep in mind that we now have in this country the greatest source of credit in the world, and that if we hope to win the war it is necessary to maintain that credit.

War can not be carried on successfully in these times without credit. In the long run credit will probably be the deciding factor in this great struggle. So while regulation in certain cases is absolutely necessary, it is also important that both our domestic and foreign commerce be just as free as it is possible to keep it without impairing our efficiency or giving aid and comfort to our enemy.

The first object of the bill, therefore, is to provide such regulations as will prevent anything from this country reaching the enemy that might prove of value to it in carrying on the war. Another object of the legislation which is worked out through the alien-enemy custodian is to protect the rights and property of enemies and allies of enemies.

It is perfectly apparent that such persons are the owners of valuable property situate in the United States; that they are parties to contracts entered into prior to the beginning of the

war which have not yet been carried out, and that there are millions of dollars now due to such persons from Americans and American business concerns; and that there will be, before the close of the war, many more millions due them from dividends on stocks in American business concerns and from interest on American securities.

The law as it now stands prevents the turning over of this property, the carrying out of these contracts, and the payment of such interest and dividends.

It would be neither right nor moral to confiscate the property of these persons because they happen to reside in a country with which we are at war. A study of these facts show that a law like this, providing for the safe-keeping of such property by a custodian, is both just and proper.

The Secretary of Commerce, in the hearings before the committee, stated the case in this way:

> The creation of an alien-property custodian is a novelty and is in line with that same effort toward equity which impels us to indicate an earnest desire to show to the people with whom, unfortunately, we are engaged in war that here is the opposite of confiscation and here is the opposite of requisition. A responsible officer of the Government is created who shall receive the property of an enemy and put it in the safest place known to us—that is, in the Treasury of the United States—and invest it in Government bonds, so that the property of the enemy in our country shall be used to support the war, but at the same time to remain safely in the custody of the Treasury, and to remain there until the war is over. Then this bill does not give to that custodian the final disposition of that property, but it expressly declares that after the war shall have ceased the property thus secured shall be at the disposition of Congress and that it shall be for Congress to say how it shall be handled. It is evident to you, sir, I am sure, what a remarkable power the possession of that enemy property thus safeguarded would be to you if you were negotiating terms of peace. I hardly need do more than to suggest the weight that this would give your words, and also as being an act of good faith even toward an enemy.

Then, too, you can readily see in what an embarrassing position our own people are placed on account of the rule of law to which I called your attention. Many of our people hold property which belongs to an enemy; many others have entered into contracts before the war with persons who are now our enemies; still others have money which belong to such persons.

Almost daily these persons are asking the Department of Justice for advice; they wish to know what to do. The adoption of this measure will relieve the embarrassing position in which they are placed; all property held by our citizens belonging to an enemy or to an ally of an enemy may be turned over to the custodian and all money in which an enemy or an ally of an enemy has any interest may be paid to the custodian and the holder relieved of further liability, and everyone will be assured that this money and property will be safely held and equitably and justly disposed of.

The necessity for this law, then, grows out of the fact that all this money and property of the enemy held by the people of this country can not, under the present state of the law, be turned over to the foreign enemy in any way and can not be used by the enemy as a basis of credit nor for his benefit.

Therefore unless the law is changed all this money and property must remain in the hands of the present holders, and no one can receive any benefit therefrom except such people as hold it for the owners.

The theory of the bill is that it shall not be allowed to remain in the hands of the debtor or the holder, but that it shall be turned over to the custodian, to be held by him during the war and to be invested in Government securities, thereby helping to finance our Government and to build up its credit.

Thus this feature of the bill provides a means for assisting the Government, but at the same time is just and fair to the enemy.

For if the war is to last very long and a measure of this kind is not passed, the enemy will be bound to take the risk of the solvency of his debtor in America. In times of peace, in the ordinary course of business, the risk of insolvency is quite great. This risk may be increased in times of war. This bill does away with that risk. It absolutely affords a means by which all this property and money will be taken care of and invested in the highest securities, so that when the war is ended the owner may make and prosecute a claim for his property.

At the same time the bill safeguards and protects the rights of the Government, for the whole question as to the final disposition of this property and money, together with the income thereof, is left to the discretion of Congress and is to be settled by appropriate legislation when the war is over.

Heretofore I have not referred to section 10 of the act for the reason that the provisions of this section refer to a subject different from that which we have been discussing. This section is divided into eight paragraphs, the first of which provides that an enemy or ally of enemy may file and prosecute in the United States an application for a patent, trade-mark, print, label, or copyright in practically the same manner as if we were not at war "provided the nation of which the said applicant is a citizen, subject, or corporation shall extend substantially similar privileges to citizens and corporations of the United States."

Paragraph (b) provides, in substance, that this same action may be taken by a citizen of the United States in an enemy country, but that his application therefor must be first approved by the Secretary of Commerce.

Paragraph (c) provides that any citizen or corporation of the United States may be licensed by the Federal Trade Commission to manufacture or produce any article under patents or copyrights owned or controlled by an enemy or an ally of enemy.

The commission shall prescribe the regulations under which such license shall be exercised and require the licensee to pay a fee not exceeding $100 and not exceeding 1 per cent of the fund to be deposited by such licensee under the provisions of the act.

Paragraph (d) provides that the licensee must file with the commission a report showing to what extent it has used and enjoyed the license and pay to the commission not to exceed 5 per cent of the gross sum received by it from the sale of articles produced by it, or 5 per cent of the value of such products as established by the commission. These sums are to be paid to the custodian and held by him as a fund for the payment of the owner of the patent or copyright for its use.

Paragraph (e) provides for the term of the license.

Paragraph (f) provides that at any time within one year after the end of the war the owner of such patent or copyright may bring suit for the recovery of compensation for the use of his invention or copyright. The custodian is to be made a party to this suit, and the owner is to be paid in so far as can be done from the fund in his hands arising from the 5 per cent payments provided for in the paragraph.

Paragraph (g) provides for the bringing of suits by an enemy or an ally of an enemy to prevent the infringement of letters patent and copyright.

Many patents and copyrights have been granted by this country to citizens falling within the classes designated in the act as enemies and allies of enemies. It is also true that many of our citizens hold patents and copyrights of great value issued to them by the German Government and by Governments that are allies with Germany in the present war. After much careful thought the scheme contained in this bill is presented as the very best under all the circumstances that can be devised to protect the Government and at the same time to deal justly with aliens and our citizens who hold such patents and copyrights.

Let me call your attention to a letter written by the Commissioner of Patents to the Attorney General in explanation of this provision of the law.

> DEPARTMENT OF THE INTERIOR,
> UNITED STATES PATENT OFFICE,
> *Washington, D. C., May 11, 1917.*
>
> Hon. ATTORNEY GENERAL,
> *Washington, D. C.*
>
> SIR: The European countries at present at war have (with the exception of Russia and a retaliatory measure by Germany directed against Russia only) mutually respected the patents and copyrights and trade-marks of each other's citizens and subjects and have granted privileges of filing applications and paying fees, annuities, etc., necessary to preserve these rights and have granted liberal extensions for filing and prosecuting applications and paying fees.
>
> It is essential that our citizens be permitted to file applications and pay fees and annuities and and receive the benefit of extensions, and these advantages can be gained only by similar concessions upon our part.
>
> Moreover, in the patent acts of many of the foreign countries there are general provisions for the granting of compulsory licenses. These provisions were not found to be of much importance and were in many respects disadvantageous prior to the outbreak of this war, but since the outbreak of the war they have become important in connection with enemy-owned patents.
>
> Our Government may supply its own needs under existing laws either directly or through contractors who are protected against suit or interference, the only remedy to the patentee being recovery through the Court of Claims. But the needs of State governments, municipalities, and private citizens can not be supplied in this way. It is therefore suggested that our patent statute be amended to provide that whenever a state of war exists the Federal Trade Commission may grant licenses under enemy-owned patents.
>
> I have in a large measure myself drafted and have discussed with Mr. Warren in detail the bill herewith submitted covering the points indicated.
>
> Respectfully, THOMAS EWING, *Commissioner.*

Some of the articles covered by these patents and copyrights are almost indispensable. During the war some are required by the Government and are of almost daily use.

Since the war has begun the production of these articles has been interrupted, and some have become so scarce that they can hardly be obtained at all. The demand for some of these articles

of necessity has become so great that bills have been introduced in Congress to annul the patents under which they have been produced.

The Commissioner of Patents has devised and presented this scheme whereby these articles may be produced under this license system. It will be observed that this scheme is far more simple, and that it can be worked out and the rights of every party interested be amply protected. We are also assured that the scheme will be successful, and that many persons and firms are anxious to take out these licenses and undertake the work of producing these various articles which are protected by foreign patents.

The plan proposed in the bill follows the course taken by all other countries engaged in the war except Russia. It is a broad and liberal one and in my judgment deals fairly and justly with a great subject in which the Government is directly interested. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONTAGUE. Does the gentleman from Ohio desire any further time?

Mr. SNOOK. No; but I thank the gentleman from Virginia for offering it to me.

Mr. ESCH. I yield to the gentleman from New York [Mr. CHANDLER].

Mr. CHANDLER of New York. I ask unanimous consent to extend in the RECORD a statement of the aims of the Patriotic Service League, an organization formed in my congressional district and designed to be extended into all the congressional districts of the United States. The aims and purposes are stated in the printed leaflet which I submit, and whose contents I ask the privilege of inserting in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York [Mr. CHANDLER] to extend his remarks, as stated by him?

There was no objection.

The statement is as follows:

"PATRIOTIC SERVICE LEAGUE—STATEMENT OF AIMS.

"At present our business is war, with no likelihood of 'a short war.' The time to strike hard is now. Therefore, to shorten this war, to lessen the misery, we must organize all the resources of our Nation. We must link ourselves to the Federal Government. We must be the third line of defense.

"Patriotic men and women in the nineteenth congressional district of the State of New York have seen this need. They started with the smallest political division—the election district. Now all the 115 election districts have been organized to form the first congressional district member of the Patriotic Service League. Neighbors inspired with community spirit are acting together.

"The question arises, 'Why are we organizing?' And the answer is: We are organizing that we may serve the Government of the United States and assist to the full in this great 'fight for the things which we have always carried nearest our hearts—for democracy, for the right of those who submit to authority to have a voice in their own governments, for the rights and liberties of small nations, for a universal dominion of right by such a concert of free peoples as shall bring peace and safety to all nations and make the world itself at last free.'

"The Patriotic Service League aims to form in every congressional district an organization to arouse, coordinate, and direct on the nonmilitary side the patriotic efforts of all citizens of both sexes and of every age so that an early and successful termination of the war may result.

"There are other war organizations in existence, but not on local geographic lines. For an organization such as the Patriotic Service League, which is founded upon geographic lines, there is real need. The other societies with their particular objects will find contact through this local unit of neighbors with the individual men and women in every household by whose loyal service the Nation's task will be accomplished. We are not competing; we desire to cooperate.

"It is at this time obviously impossible to name all of the activities in which the organization may become engaged; but it is wise to state some present specific duties.

"First. Food requirement, the nutrition of children, the economical purchase and use of food in the home and cooperation with the food administration of the Government must be taught and practiced in order that we and our allies may not fail of an adequate food supply.

"Second. The welfare of soldiers' families is to a large degree peculiarly a neighborhood affair. It will be our duty to investigate and ascertain where relief is needed; to furnish immediate assistance pending Governmental action; to cooperate with other organizations having relief work in charge; to raise funds not only through our neighborhood units, but also through our larger divisional units and generally to do all in our power to protect these families from unnecessary hardship and need.

"Third. Enlistment, conscription, and exemptions present problems which such an organization as the Patriotic Service League, both through its neighborhood divisions and its larger divisions, can aid in solving.

"Fourth. We must work with the Red Cross in all its urgent, manifold activities.

"Fifth. Men in training camps and at the front must be provided with amusement and recreation. We can collect reading matter for them. Other methods to this end will later become evident.

"Sixth. The Boy Scouts, the Campfire Girls, the Woodcraft League, the Junior Police, the movement of boys to the farms, and like social activities must be recognized, used, and encouraged by us for their general patriotic value, and also especially as a means of preventing such juvenile delinquency as has resulted in other countries from the absence of the father from home.

"Seventh. We shall make known to those who may lose their jobs and those women who must seek employment the method of finding work.

"Eighth. The Government will need our aid to float coming loans. Each bond issue must have our aid in creating enthusiasm and in organizing participation.

"Finally. The Patriotic Service League, realizing that it is more difficult in a democracy than in an autocracy for the Government to initiate and to get things done, will bring home to every citizen through speakers and literature and its neighborhood and other meetings the necessity and opportunity for universal service.

"The Patriotic Service League knows no distinction of party. Its motto is universal service and its standard the flag."

PATRIOTIC SERVICE LEAGUE—GENERAL ADVISORY COUNCIL.

Charles S. Fairchild (chairman), James C. Egbert, Franklin H. Giddings, Charles E. Hughes, William T. Manning, Langdon P. Marvin, Morgan J. O'Brien, Alton B. Parker, James T. Shotwell, John B. Stanchfield, Oscar S. Straus, Maude Wetmore, Everett P. Wheeler, George W. Wickersham.

Ellery C. Stowell, secretary.

Office of the league, 509 Fifth Avenue (near Forty-second Street), New York City. Telephones, Murray Hill 1166-1167-1168.

Mr. ESCH. I yield eight minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman, it is indeed gratifying and restful to find that the regiment of employees to be engaged under this bill are to be appointed in pursuance with the civil-service laws. I do not know whether that indicates that the supply of "faithful and deserving" in certain sections of the country is becoming scarce or whether it is due to the action of the House accepting the civil-service rule in the food-control bill. However, as a member of the Committee on Reform in the Civil Service, a committee somewhat dormant and inactive, I wish to thank the chairman and members of the Committee on Interstate and Foreign Commerce for relieving me from the necessity of introducing such an amendment to this bill.

The gentleman from Virginia [Mr. MONTAGUE] emphasized the fact that the patent provision of this bill was a reciprocal measure; that it was to apply in the event that a similar privilege was extended to citizens of this country having patent rights in Germany. I want to point out that this reciprocal provision refers only to applications for patents or trade-marks, and does not apply to the license provision permitting citizens of this country to manufacture an article patented and owned by an alien enemy. I believe, however, that the reciprocal provision should extend to the entire section dealing with patent rights.

Now, the gentleman was unable to state whether the German Government intended or at this time had limited or abrogated patents or patent rights owned by citizens of this country. If the purpose and intent of this bill is only one of reciprocity or retaliation, I suggest that a similar provision should be inserted in this bill to cover the provisions of subsection (c) under section 10. From what I gather from what has been said to-day and from the testimony before the committee, the only purpose of subsection (c) is to manufacture salvarsan, commonly known as "606." The trouble with that is that if salvarsan could be manufactured in this country there would be no need of any such provision. It is conceded that it is a medicine much needed and demanded by the requirements of public health. If

a Philadelphia concern or any other concern in this country were able to manufacture salvarsan they could have done so and there is not a court in the country that would restrain them. The only limitation that any court would impose in connection with an action for infringement would be an order to keep complete and accurate accounts pending the action. That would protect all parties for the duration of the war when the matter could be immediately adjusted.

Mr. WATSON of Pennsylvania. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. WATSON of Pennsylvania. I will state that Mr. Metz had a contract with Dr. Shoenberg to manufacture at a certain price salvarsan, and therefore it could be made. Mr. Metz has the sole agency of the drug in this country and is the only one who could make a contract.

Mr. LAGUARDIA. I am glad the gentleman from Pennsylvania made that statement. I will state now that salvarsan has not been successfully made in this country. It has been tried since 1914. They have tried and experimented, imported an imitation from Canada, yet they can not obtain the result which careful practitioners say is equal to the original. It does not equal the result of Dr. Ehrlich's product.

What these men want is not the right to manufacture salvarsan, but they want the Government to O. K. and let them put on the market a spurious article. The health of the people is concerned here, and that is why we should be very careful before granting to anyone a license to manufacture an imitation salvarsan of uncertain result and sell it as the original preparation under a Government license. It is misleading. The public will be deceived. Patients will believe that they are being cured with the original "606." Results may be fatal. The gentleman from Pennsylvania [Mr. WATSON] states that Mr. Metz had a contract with a manufacturer and that the preparation could be made in this country. I have a letter from Mr. Metz, and he is very frank and honest in his statement. He says this:

> Salvarsan has been and is being manufactured in this country by others. If through the competition a better article or a cheaper article can be placed on the market than I can produce I will be taking the ordinary business risk and will have no reason to complain. I feel confident that I can do at least as well, if not better, than anyone else, and believe I am in a more favorable position, owing to past experience with the patented product which I control, and no doubt there are others whose relations to enemy patents are the same as mine.

I will put the whole letter in the RECORD.

This is an honest statement from Mr. Metz, who is the sole agent of the original salvarsan. He does not state that the preparation can be duplicated here. He admits the chances. It is all a matter of experiment, which after nearly three years has not yet been successfully accomplished. If the gentlemen of the committee who must have given serious study and consideration are able to state that anyone in this country has experimented and has reached a stage of making a preparation as good as the original salvarsan, then, of course, there will be no danger. But I repeat that so far they have not been able to do so. They are seeking to market an imitation of doubtful medical value. This is the only patent article mentioned. If it is the only reason for the section, I do not hesitate to say that the section should be stricken out, for two reasons, first, it will not accomplish the purpose as far as salvarsan goes, and, second, citizens of this country have more at stake. You seem to overlook the fact that we have hundreds of patent rights in Germany owned by American citizens. We must protect them as much as a certain few chemical companies. We do not hear that Germany is interfering with their rights. Let us consider that. In all fairness, let us protect the American citizen in his patent rights in Germany and limit the enforcement of this provision to a confiscation or limitation of patent rights owned by American citizens in Germany.

Mr. HILL. One moment. Two months ago, when the tax bill was under consideration, on the proposition of the president of the American Chemical Society, correspondence was had with the leading chemists of the country as to the possibility of manufacturing salvarsan, and replies came back, three out of four or four out of five of which stated that the only thing which stood in the way of the manufacture of salvarsan in this country was the rights under the German patent, and that if they could be abrogated or suspended there would be no trouble in making it just as good as that made in Germany. That correspondence is in the possession of the gentleman from Illinois [Mr. RAINEY].

Mr. LAGUARDIA. I do not care what the chemical people say. I will say that no self-respecting, reliable practitioner will make such a bold statement. I am concerned with the health of our own people. The Ehrlich preparation was subjected to 50,000 actual tests before it was placed on the market. The chemical people have the formula; they have experimented very largely, and yet have not reached the stage of perfection of the original preparation. The medical profession admit it. I repeat if it were possible to make it no one would be asking Congress for permission.

Mr. HILL. I simply call attention to the statements that have been made.

Mr. LAGUARDIA. Yes; and I simply want to call attention to actual conditions. I want to guard against the marketing of any untried or uncertain preparation with the Government's guarantee that it is "just as good" as the original and manufactured with the Government's license. Do not you see how dangerous that would be?

I shall present an amendment, if the committee does not do so, making the provision regulating patents subject to the attitude and action of the German Government toward the rights of our citizens in similar cases.

The letter referred to is as follows:

NEW YORK, *July 6, 1917.*

Hon. F. H. LAGUARDIA,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: I have your favor of July 2 addressed to me in care of the H. A. Metz Laboratories in Brooklyn.

In reply beg to say that I shall have salvarsan, made by the original process, on the market within the next few weeks. I will also manufacture other medical preparations covered by German patents in this country.

From my point of view I see no objection to the section in the Adamson "trading-with-the-enemy" bill which permits the granting of a license for the American manufacture of goods covered by enemy patents. So far as I am concerned, naturally my own personal interests would be best served if such licenses were not granted, but I take a broader view of the situation and feel that we should not be deprived of our ability to obtain necessary products just because their importation is prevented or their manufacture restricted by the foreign patents, provided the interests of the patentees are protected so that after the war they will have the benefit of their patents and receive a fair compensation while the patents are being used by others. It would be eminently unfair to abrogate or cancel the patents. Under the provisions of the Adamson bill we place our interests above those of the foreigner, which, of course, is perfectly proper, but at the same time preserve and safeguard his interests by certain restrictions which protect him for the future after peace has been declared.

Salvarsan has been and is being manufactured in this country by others. Undoubtedly they will apply for licenses, and if so, I shall have to face their competition. I will be manufacturing under license from the patentees, as the patents could not be transferred owing to the impossibility of communicating with Germany without censorship or confiscation on the part of the British during the last two years. If through the competition a better article or a cheaper article can be placed on the market than I can produce, I will be taking the ordinary business risk and will have no reason to complain. I feel confident that I can do at least as well, if not better, than anyone else, and believe I am in a more favorable position owing to past experience with the patented products which I control, and no doubt there are others whose relations to enemy patents are the same as mine. My only suggestion to Judge ADAMSON was that it might be possible in granting licenses to give preference to American citizens or American corporations who had before the war contractual relations with the patentees, if the Federal Trade Commission can be assured that they would use the licenses to the best interests of the United States during the term of such licenses.

I shall be glad to discuss this matter further whenever you are in the city or will look you up when I am next in Washington.

Yours, very truly,

HERMAN A. METZ.

Mr. SNOOK. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. HULBERT].

Mr. HULBERT. Mr. Chairman, nothing has been said during the debate upon this bill which even suggests that I should vote against it, and I can think of at least a dozen reasons why I should vote in favor of it, as I propose to do. But once again I desire to call the attention of this House to the fact that whenever Congress itself seeks to promote the commercial welfare of the country it does so only by the enactment of legislation of a restrictive character. I can not recall, nor have I been able to find, a single statute passed by this Congress in all of its history which has sought to improve commercial conditions except by restrictive legislation.

During the first session of the Sixty-fourth Congress I introduced a resolution directing the Secretaries of the Treasury, War, and Commerce to report as to the advisability of establishing free ports at various points in the United States (H. Res. 209); subsequently I amended this resolution to omit of its application to the Panama Canal Zone, in accordance with the suggestion made by Gen. Goethals (H. Res. 296). During the consideration of the Webb export bill on September 2, 1916, I offered as an amendment the substance of my said resolution, full discussion of which will be found on pages 13714 to 13725, inclusive, of the CONGRESSIONAL RECORD of that date. The amendment was rejected.

I have again introduced the resolution (H. Res. 6) which reads as follows):

> *Resolved*, That the Secretary of the Treasury, the Secretary of War, and the Secretary of Commerce be, and they are hereby, directed to report to Congress, on or before December 15 next, as to the advisability of the establishment of free ports within the limits of the established customs districts of the United States.

All that the resolution does is to direct the Secretaries of the three departments named to report to the House upon the advisability of the establishment of free ports in this country, and I may add that such a legislative provision, if found to be desirable in its application under our form of government, is *designed to aid commercial development by the removal of restrictions.* Some gentlemen on that side of the aisle voted against the amendment and were frank enough to say afterwards that they did so because they had been misled by the term "free port" into believing that it was some kind of a free-trade proposition. The fact of the matter is that free ports have thrived abroad in countries that operate under the protective tariff.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman give his interpretation of what a free port is? It is a term that is not thoroughly understood in the United States.

Mr. HULBERT. A free port is a harbor or a part of a harbor substantially free from customs control. It would have such customs surveillance as would be necessary to see that the goods entering such free port on leaving it went seaward, or, if inland, that the goods came under customs authority. It would be a neutral territory within which district vessels laden with foreign goods could dock and the cargo be transshipped to foreign countries or stored, handled, worked upon, and finally exported without coming under the administration of the customs law.

Of all hindrances to business transactions there is none equal to customs control for waste of time, trouble, and expense, especially as to goods imported for subsequent exportation either altered or after having been subjected to a greater or less number of processes. The result is no gain to the revenue, but simply an aggravation of the difficulties caused by foreign competition.

Not only could business now successfully carried on under customs restrictions be put upon a still more favorable footing by the help of such a free port, but many which are at present incapable of being remunerative undertakings would be changed to profitable enterprises.

Goods which under the present system are imported and reexported after various processes pay duties on their entries, of which 95 per cent are returned when the goods go out again. This involves loss of both time and money. This is what is known as drawback. There is no doubt a great deal of fraud practiced in this feature of our custom's administration, the proof required is often difficult to obtain, and a large part of what is paid back is consumed by the agents who make a business of collecting drawbacks, and there are thousands of articles manufactured here wholly or in part of imported materials on which a drawback is paid.

The various substances which are employed or consumed in their manufacture, such as oil, coal, machines, etc., carry no claim to compensation for the duties originally paid by them, all of which tends to enhance the difficulty of competing with foreigners.

A free port has little to do with goods imported into the country and consumed there. All such goods will naturally pay duty on leaving the grounds of the free port to be carried inland.

Its principal concern, therefore, is with goods imported from abroad and destined to be reexported with or without an intermediate operation. Transactions of other kinds may, of course, be combined therewith, but the main object of a free port will remain the transit trade.

A free port is not one exempt from dues, but only from customs. The same port dues may be charged as in the ordinary portion of the harbor, of which the free port forms one part. Its object would be defeated, however, were not the dues to be kept as low as possible.

Nobody denies that the exemption from duties should be accorded reexported foreign goods. It is equally clear that under the present system an immense deal of time and labor is wasted in the unavoidable customs operation, cramping and hindering trade and industry.

By the establishment of a free port all this can be saved. Great indeed must be the necessity which should require the maintenance of the present system with all its useless and costly hindrances in preference to one which would admit of ships running in and out of port at all times of the day with the least possible delay and expense.

Bonded warehouses afford considerable facilities for both inland and foreign trade. At the same time, they are but makeshifts when compared with a free port.

All the advantages they offer are shared to a greater extent by the other, and any possible disadvantage connected with the latter exist tenfold in bonded warehouses. These are, in fact, merely portions of a free harbor, hampered by restrictions and expenses unknown to the latter, the continued customs inspection, custom entries, permits, discharges, and cartage by bonded car men, bonded warehouse charges, the limit of business hours, the contracted space, the restriction upon the importer to exhibit his goods in the bonded warehouse, and many other obstacles combine to render transactions through the bonded warehouse difficult, expensive, and vexatious.

In order to allow commerce to have free play there ought to be one or more free ports in this country authorized by Congress, to be under the direction of the Secretaries of the Treasury and Commerce, where vessels with cargoes from foreign countries for distribution could go, and where such cargoes could be warehoused until a market should be found without having to go into customs custody or go through the delays and expense of the customs when not intended for domestic consumption. When a cargo of goods arrives and goes into bonded warehouse with intent even to be reexported, it is obliged to be entered in the customhouse, to be weighed, measured, or its value ascertained, a permit for its delivery to be obtained, to be carted by a private bonded truck to a private bonded warehouse, and when taken out for reexport it must go through the same involved process; a permit obtained for reexportion, the goods accounted for and marked off, and their reexportation followed. All of this involves unnecessary trouble and expense to the Government and the merchant.

It does seem to anyone who fairly and reasonably examines our tariff laws and statutes, relative to commerce and the customs regulations and practices, that there are too many dont's, too many restrictions. I believe most of these have been done unconsciously through excessive zeal to protect the Government.

Mr. MOORE of Pennsylvania. Is not that covered to a large extent in the United States by what we call the drawback system?

Mr. HULBERT. To some extent; but I am informed by the Secretary of Commerce that if the war-revenue bill that is pending over in the Senate passes in the form in which it is drawn, and substantial provision is not made with regard to the operation of the drawback provision, unless you adopt some means substantially of the nature of a free port you will have a more chaotic condition in this country than you have ever had in its commercial history; and all I want to direct the attention of gentlemen of this House to, and particularly the gentleman from Pennsylvania [Mr. MOORE], with whom I enjoy very cordial relations and with whom I have discussed this subject off the floor, is that the resolution that I have introduced does not commit the Government to anything, but if, as the gentleman has intimated by the question propounded to me a moment ago, he is looking for information, he can get it—Congress can get it—by the passage of my resolution, which, I again repeat, is to enable the Secretary of Commerce to collate the information that is now in his office, to enable the Secretary of the Treasury to collate the data now in his office, and also the Secretary of War, because his office, through the Engineer Corps, exercises jurisdiction over rivers and harbors, and the depth of the harbor and its tributaries is an essential factor in the establishment of a free port, to enable these three departments to report to this House, to inform you upon that subject. I stood here a year ago and I have been endeavoring ever since to awaken the interest of the Members of this House to that extent, in order that those who do not know anything about free ports will give the office of the Secretary of the Treasury and the Secretary of Commerce an opportunity to enlighten them upon the subject; and if, after you have received their reports, you are not satisfied that the operation of a free port under our form of government can be made a financial and a commercial success you do not need to do anything more about it. The Government will be put to very little expense in collating this information and laying it upon the Speaker's desk, because it is now available, but only needs to be systematized and submitted.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HULBERT. Mr. Chairman, I desire to include an article which appeared in the New York Evening Post (Greater Port of New York Supplement, issued June 20, 1917) from the very able pen of the Hon. Frederic C. Howe, Commissioner of Immigration, Ellis Island, N. Y., and the distinguished author of "Socialized Germany":

BENEFITS OF ESTABLISHMENT OF FREE PORT—A MEANS OF STIMULATING OVERSEAS COMMERCE—NEW YORK HAS UNUSUAL NATURAL AND OTHER ADVANTAGES FOR THE CREATION OF A FREE PORT HERE—ITS IMPORTANCE TO SHIPPING.

New York is destined to remain far and away the greatest port of the world. At the close of the war there will be a great shifting of international trade and international finance. The United States has

become an important creditor Nation, and New York is likely to supersede London as the financial center of the world. In addition, the clearance or exchanging of commodities which has heretofore been performed largely by England and Germany is likely to be performed in this country as an adjunct to international finance and as a result of the enormous increase in American shipping.

Our protective tariff is the greatest obstacle to international trade and the free movement of commodities. It is this that prevents our port from being a clearing house for South America, Africa, and other countries, and so long as the protective tariff intervenes we can never perform this function in competition with England, a free-trade country, and the Continental ports, where substantial free trade prevails or where free ports have been established.

One means of overcoming this obstacle and stimulating over-seas commerce is the creation of a great free port at New York similar to those established in Hamburg, Bremen, Copenhagen, and a number of other cities.

PROPOSAL HAS BEEN NEGLECTED.

In the discussion and legislation now going forward for the reestablishment of the American merchant marine and the development of our carrying trade a very important, possibly the most important, of all elements has been neglected. And that is the necessity of cargoes, not only for incoming ships but for outgoing ones as well. In order to recreate our merchant marine and enter the field for the carrying trade of the world in competition with England and Germany, it is necessary that ships should be able to speedily and surely find cargoes. And neither the modification of the registration acts nor the acquisition of ships by the Government will achieve the desired result unless provision is made for this primary condition as well. Incoming as well as outgoing cargoes are a sine qua non to the development of American trade and shipping.

It is the countries that have substantially free trade that do the carrying trade of the world. They are England, Germany (through her free ports), Belgium, Holland, and Denmark. The great bulk of the carrying trade is done by Great Britain, because she is a free-trade country, and a reference to the rise of British shipping in the years which followed the repeal of the corn laws shows a tremendous and immediate increase in her over-sea trade following the establishment of free trade. For 50 years she has been mistress of the seas, for the very simple reason that ships could come to her ports from all over the world; they could there discharge their cargoes and find other cargoes awaiting them without delay. Here there were no obstacles, obstructions, or tariff barriers to interfere with traffic.

ESCAPING TARIFF BARRIERS.

All history is unanimous in its demonstration that carrying trade will go hundreds of miles to escape tariff barriers. Protective tariffs killed the Spanish trade; they destroyed the rich and prosperous cities of the Netherlands. They killed our own foreign shipping, for commerce hates tariff barriers. In recent years Germany has begun to compete with Great Britain for the carrying trade of the world. She has been able to do this through her free ports, which have existed in Hamburg, Bremen, and Lübeck, ever since the Franco-Prussian War. These concessions were insisted on by these old free cities when they entered the Empire. And by imperial law there exists in the harbor of these cities a large free harbor, into which ships can come and go without the payment of customs duties upon their cargoes.

America can not hope to establish herself as a clearing house of the world until cargoes exist with which to fill ships' bottoms. For ships must be filled not only going but coming; they must be able to change their destination and do a tramp trade.

As it is now, we have cargoes of raw materials to European countries, and some outgoing and incoming cargoes to South America and the Orient. But our protective tariff prevents the importation of European wares and compels a large part of the trans-Atlantic shipping to go empty one way.

How can this obstacle be overcome? Aside from a policy of free trade, the only other alternative is the development of the free-port idea along the lines of German experience. And the suggestion is that Congress should provide for a half dozen free ports as an experiment, three of which should be on the Atlantic seaboard, one on the Gulf, one at Panama, and one or two upon the Pacific coast.

Quite obviously these free ports should recognize existing transportation and industrial conditions; they should be linked up with rail transportation. The leading Atlantic ports are New York, Boston, and Philadelphia. And New York and Boston have admirable natural advantages and harbor facilities for the planning of such ports.

New Orleans is a natural port upon the Gulf of Mexico and may become a port of great prominence in connection with the Panama Canal traffic. Upon the Pacific Coast San Francisco, Los Angeles, and Seattle are all ports of importance, all of which either own or plan to own a comprehensive system of municipal docks. These would seem to be the natural harbors for the making of preliminary experiments. In addition, all of these cities are rail terminals and have a substantial industrial life which would be quickened by contact with the free-port idea.

OPERATION OF FREE PORTS.

These ports might be opened in cooperation with various cities. Or it might be provided that any city with a certain amount of customs receipts that offered dockage for a free port would be entitled to enjoy this privilege. This would be an encouragement to cities to acquire and develop their own docks and harbors, which for the most part are in the control of private interests.

Into these ports ships could come from all over the world—from Europe, Africa, Asia, and South America. Here their cargoes could be placed in warehouses without the payment of customs dues, or cargoes could be broken and remade. Goods which remained in the warehouses would be placed in bond, as is now done for importers.

Now is the opportune moment for the development of this policy, while the ports of many nations are closed to trade. In addition, South America, the Pacific Islands, and the Orient have become more accessible to our ports through the Panama Canal than they have to the older ports of Europe. There is every reason why many of these countries should prefer to trade with us. But they can only do so when ships are in a position to earn the same return from our ports that they now earn from the ports of England, Germany, and the other countries of Europe.

ADVANTAGES OF A FREE PORT.

The advantages of a free port are obvious. They may be summarized as follows:

(a) Without exception the free ports—those of England, Hamburg, Bremen, Lubeck, Antwerp, Copenhagen, Hongkong, and Singapore—are among the commanding ports of the world.

(b) The free port will aid in the reestablishment of American shipping; it will furnish cargoes going and coming, as well as employment in the harbors.

(c) It will link the United States with South America, Asia, and Africa by trade connections which will tend to the promotion of friendly relations to the commercial advantage of each, and will supply an easier outlet for American goods.

THE DIRECT GAIN TO AMERICA.

(d) The most important gain is the direct gain to America. It will cheapen commodities by bringing great quantities of goods to our doors for importation or export, as trade needs demand. It will stimulate the growth of exporting houses, which can hold goods for an indefinite period without the payment of tariff dues—often equal to the cost of the article itself—for disposal to meet the trade demands of the whole world. It will upbuild international credit and shift to Amtrica an increasing and ultimately a predominant share in international exchange.

It will also aid American manufacturers in need of foreign supplies, who will be able to secure them at American ports of entry, in which merchants can exhibit samples, can mix, grade, and alter for domestic or export use, and to which buyers from America and other countries can come as to a great market place in which commodities of the world are exhibited for purchase and sale.

Mr. ESCH. Mr. Chairman, it is not my purpose to go into an elaborate discussion of the details of this bill. The details have already been gone over with sufficient fullness, but there are a few features in connection with the bill that have not been adverted to in the course of the discussion, and as to them I wish to call particular attention. The discussion thus far impresses me with the necessity of amending the bill along the lines suggested by my colleague, the gentleman from Wisconsin [Mr. LENROOT], and also with the necessity for some amendments protecting payments in cases of bankruptcy proceedings, and no doubt amendments for these purposes will be offered in due course.

The purpose of the bill is to modify the severity of the law of the courts and of international law in time of war, to mitigate the severities of law in time of war, as was well said by the gentleman from Virginia [Mr. MONTAGUE], and to see to it that business in the United States is interfered with as little as possible during the pendency of the present strife. This bill does not seek to affect enemies or allies of enemies resident in the United States, with this qualification—that is the President, in his judgment, believes the safety of the Government or the successful prosecution of the war requires it he may by proclamation cover them into the "enemy" class, and they will then become subject to all the other provisions of the bill relating to enemies. It is the purpose to interfere with business as little as possible. Business and commerce are the basis of our financial strength, and our Nation, as well said by one of the witnesses, has become "the purse of the world." We have the largest gold reserve in the world, and it is to maintain our gold reserve and increase it and to maintain our business and increase it that we advocate the pending bill. Credits are based upon business, and international relations are indicated by credits, and the purpose of this bill is to make it as difficult as possible to exchange credit between the United States and her enemies. It may be difficult to do this, in view of the fact that credit can now be exchanged by cable or by wireless. Under existing law, under the espionage bill, control over cables and wireless has already been granted.

But even with censorship of the cables and the wireless it may be possible through wireless stations in Mexico or South America to communicate with stations in Spain or even in Germany itself and thus make transfers of credits to Germany. We believe this bill will greatly prevent such transfers. This war is to be won as much by dollars as it is by men and guns, and for this reason we are trying in this bill to make it impossible for a dollar of trade or business to inure to the advantage of the enemy.

Mr. HULBERT. Will the gentleman yield right there for a brief question?

Mr. ESCH. For a brief question.

Mr. HULBERT. What is intended to be done, so far as this bill is concerned, in relation to a company doing business wholly in this country, not with aliens but wholly in this country, where the stock of the corporation is owned wholly by citizens of the German Empire?

Mr. ESCH. I suppose the gentleman is referring possibly to an insurance company?

Mr. HULBERT. No; I have reference to a commercial company.

Mr. ESCH. Well, there are such. They are aliens and enemies under this bill, because corporations are not given the same rights and privileges as individuals or associations or a body of individuals, and the reason for it is this: A foreign corporation made up of German stockholders doing business in the United States and doing business wholly with citizens of the United States is nevertheless under the control of Germany, because such corporation is a creature of the laws of Germany. That does not obtain as to the alien enemy resident in the United States. He is not subject to the laws of Germany.

Mr. HULBERT. I think the gentleman misinterprets my question.

Mr. ESCH. Possibly.

Mr. HULBERT. For instance, I know a number of concerns in New York City which, before the war broke out, were acting in this country as purchasing agents for German concerns. Those concerns were organized under the laws of the State of New York. Two-thirds of the incorporators had to be citizens of the State, it is true, but a majority of the stock was owned by German citizens.

After the declaration of war between Germany and England some of those corporations, in order to continue their existence, suspended that part of their activities where they acted as purchasing agents or for the shipment of materials over there and entered into direct competition here with local concerns, because everybody connected with those companies were American citizens except as to the control of stock. Now, is it the purpose of this bill that those companies shall continue in existence and that their profits will be trusteed, or is it the intention under this bill absolutely to suspend its business and shut them off from all trade with the people here?

Mr. ESCH. Are those American corporations?

Mr. HULBERT. They are organized under the laws of the several States.

Mr. ESCH. And incorporated under the laws of the several States?

Mr. HULBERT. Certainly; and the stock is owned by German citizens.

Mr. ESCH. Then they will be permitted to do business in the United States, but the officers of those corporations, the president, the secretary, and trustees, will be required under this bill to report to the alien-property custodian the name of every German stockholder or bondholder, as the case may be, and when that is listed with the custodian, then the dividends on the stock or the interest on the bonds will be paid to the custodian or to a depositary, and put in the Treasury of the United States to be invested by the Secretary of the Treasury in bonds or in certificates of indebtedness. It will not mean that that corporation will cease business. It can apply for a license.

Mr. HULBERT. Now, will the gentleman allow one further question along the same line? What will be the course pursued in relation to a copartnership of German citizenship which is operating in this country through a power of attorney in which the power is vested in an American manager, an American citizen?

Mr. ESCH. The copartners are German?

Mr. HULBERT. Yes, sir.

Mr. ESCH. They are not residents of the United States?

Mr. HULBERT. No.

Mr. ESCH. Then they are aliens and enemies within the purview of this bill.

Mr. HULBERT. Yes.

Mr. MONTAGUE. And of international law.

Mr. HULBERT. Does this bill give any additional right to those men beyond existing international law?

Mr. ESCH. No; I do not think it gives any more right.

Mr. HULBERT. If they try to carry on business, will this bill step in——

Mr. ESCH. They could make their application for a license to continue business, and all assets or profits and so on would have to be accounted for to the alien-property custodian or to some other person designated by the President.

Mr. HILL. If the gentleman will pardon me, I think the committee has struck a great deal bigger problem than they have provided for. There are literally millions of such investments of European countries in this country, not only stocks and bonds of railroads, and so forth, but in corporations and in partnerships, and it seems to me that the honor and good faith of the United States would seem to require that it should be explicitly provided. I have this suggestion to make to the gentleman if he will be kind enough to allow it. If the gentleman will turn to section 11 of the bill, what earthly objection can there be to inserting something of this kind:

That all moneys paid to or received by the alien-property custodian pursuant to this act—

Now, understand I do not object to the purpose of the bill, but I am in favor of it. However, I want to do it squarely, openly, and above board—

shall be deposited forthwith in the Treasury of the United States and held in trust for the original owners.

And at the top of page 21, at the end of the word "Treasury":

To the credit of the individual owners.

Then turn over to page 22, and in line 17 insert, and I will note the words in a minute:

After the end of the war any claim of any enemy or of an ally of enemy to any money or other property received and held by the alien-property custodian or deposited in the United States Treasury shall—

And I add the words—

on proof of ownership be paid as Congress shall direct.

Now, what harm is there in that? It would absolutely remove all possibility of a claim of confiscation of private property.

Mr. ESCH. I can not conceive it is a case of confiscation, although the gentleman seems to believe that it is.

Mr. HILL. Let me ask the gentleman this question: How long do you suppose that a corporation such as the gentleman from New York [Mr. HULBERT] has suggested would continue to do business if they knew the entire profits, dividends, and proceeds of any kind or character whatever were to be turned into the United States Treasury in an indistinguishable fund and disposition of them should be left until after the war was over, and after an act of Congress provided for their disposition?

Mr. HULBERT. I would like to say to the gentleman in that connection that there are thousands of people in New York City—American citizens—who are employed by such concerns, and who, if those concerns were put out of business, would be thrown out of work, and starvation and deprivation would be brought to their front doorstep.

Mr. HILL. Of course. And I want to say to the gentleman that New York City is the second largest German city in the world, next to Berlin, and this is going to raise complications that ought to be carefully considered. I am in favor of doing it, but let us do it so that there will be no mistake about it when the war is over.

Mr. ESCH. I do not want to pass on the amendments of the gentleman from Connecticut, because I have not had opportunity to consider them, for this is the first time I have heard them suggested, but I would be glad to consider them when they appear in the RECORD in the morning.

I wish to conserve these rights, and I wish to see that there is assurance that there will be a payment made at the conclusion of the war.

Mr. HILL. I will say to the gentleman that I have looked in vain through the bill to find any reference whatever to the holder of United States Government bonds in Germany. There is a case where the Government has a right to step in and provide definitely what shall be done, but the other cases to which I referred are cases between individual citizens of the two countries.

Mr. ESCH. This bill by its terms puts bankers, merchants, manufacturers, and all other citizens upon notice. In other words, they will know after it is enacted that they can not deal with an alien enemy without risk or hazard. They will know there is now an official, if this bill becomes a law, to whom they can apply in case of doubt and get authority by means of a license to continue the conduct of their business. In this way this bill will bring relief to commerce, will clarify the atmosphere, and will remove the last vestige of doubt.

There are many in the United States who, knowing that they are indebted to an enemy or an ally of an enemy, and desiring to be relieved from such obligation, can make payment into the hands of this Government official, the custodian, and receive from him the necessary quittance. This quittance will be protanto, based on the amount so paid, and the receipt which will be given by the custodian or by a depositary, or such other person as the President may designate, will be evidence in any court of such payment.

The money or property when turned over to the custodian becomes absolutely safe. In the ordinary course of business the creditor runs the risk of his debtor's malfeasance, of his conversion of the property, of his sudden death or bankruptcy. All these risks the creditor runs in ordinary course of business, but under this bill this money—these obligations—can be paid, evidenced by a proper receipt, and no further risks will be suffered by the creditor because of the death, bankruptcy, malfeasance, or criminal conduct of such debtor. The creditor will feel secure in the knowledge that his money is in the safest place in the world—the Treasury of the United States.

There is a provision in section 2 of the bill to which I wish to call brief attention. It is:

Provided, That nothing in this act shall impair or affect the President's proclamation of April 6, 1917, or any amendment or modification thereof, in relation to the branches of enemy or ally of enemy insurance companies in the United States when such branches are under the management of citizens of the United States and subject to rules and regulations prescribed by the Secretary of Commerce.

There are several very large and powerful German insurance companies that have been doing business in the United States for many years, and they have policies running up into the hundreds of millions upon property in the United States. At the outbreak of the war with Germany many of these policyholders and agents of these companies appealed to the President of the United States for relief and asked that these companies should be permitted to continue to do business within the United States.

The insurance commissioners of the various States of the Union met in conference and resolved upon a set of rules which should be enforced upon the German insurance companies, and the President on the 6th of April issued a proclamation authorizing and permitting these insurance companies to continue to do business under certain safeguards and restrictions. If this were not done it would result in great losses throughout the United States.

In the great Atlanta fire a few weeks ago these companies held risks of over $100,000. Unless they were permitted to do business, as indicated in this proviso, the policyholders in these insurance companies would be denied their right to claim indemnity against these companies. The committee therefore saw fit to insert this proviso as a portion of section 2.

I wish to call your attention to another provision in section 5, "That the President, if he shall find it compatible with the safety of the United States and with the successful prosecution of the war, may, by proclamation, suspend the provisions of this act so far as they apply to an ally of enemy"; not so far as they should apply to an enemy, but "so far as they apply to an ally of enemy," the thought being that possibly after this bill has been in effect a short time it may be found unnecessary to maintain its provisions against an ally of the enemy, we therefore gave the President the power by proclamation to exempt allies of the enemy from the provisions of the bill.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. ESCH. Yes.

Mr. COX. Would that enable the President to take care of a condition between this country and Austria and Bulgaria and Turkey?

Mr. ESCH. Yes. Those are allies of the enemy, and I think there might be at the bottom of that proviso something more than is indicated upon the surface. I think it is quite evident that in the diplomacy of the United States in the last six or nine months there has been a desire not to antagonize Austria-Hungary, and in fact an attempt to conciliate her and possibly estrange her from her ally, Germany, is indicated.

It may be that this very power which we seek to give in this provision, to suspend the operation of the bill as to an ally of an enemy, may become a useful instrumentality in affecting the destinies of this war. I have not time—and in fact the matter has been gone over already to quite a large extent—to go into many of the details of this bill, but it seems to me that the one feature that has met with most criticism upon this floor is the one requiring the payment of quick assets into the hands of the custodian or depositaries, who are in turn to pay them to the custodian, and he to deposit them in the Treasury to be converted into Government bonds or certificates of indebtedness. It seems to me that this is the most characteristic feature of this legislation. While other nations have created custodians, no nation, so far as I know, has given the custodian this power of taking the money due to the enemy nation and converting it into bonds by means of which war can be continued against such nation. It is a new feature in legislation, and while at first it seemed to me to be rather impracticable, the more I considered it the more I believed it was a very meritorious provision of the bill, and ought to be supported. I can not understand how there can be confiscations if the debtor corporations in the United States hold a debt due to the alien creditor, and it is not confiscation when the Government takes over the money and converts it into Government bonds to help prosecute the war. It seems to me we are acting wisely and safely when we use this money, which no longer belongs to the debtor of the United States, but convert it into bonds to help finance the war. For this reason I believe we should sustain this provision of the bill, giving the custodian this power, and where the assets are not quick assets—and by quick assets I mean checks and sight drafts—where they are notes and bonds and certificates of stock and time bills of exchange and other forms of security, they can be held in various depositaries throughout the United States, where in fact they are now held, and these depositaries can be required monthly or semiannually or annually to report and pay to the custodian here the amount of accrued interest, or the amount of accrued dividends on the stock held in the depositary. In this way we shall marshal these funds for a common purpose, to promote the prosecution of the war. [Applause.]

Mr. DEWALT. Mr. Chairman, before the gentleman leaves the floor, I would like to have his time extended, because he has been interrupted several times. I do not think the gentleman referred to the provisions of the bill in regard to the transmission of letters, books, and things of that kind.

Mr. ESCH. No; I had forgotten that. That is a new provision. I am glad the gentleman from Pennsylvania called my attention to it. It gave considerable concern to the committee during the progress of the bill through the committee.

Mr. DEWALT. It is on page 6.

Mr. ESCH. Yes; it makes it unlawful—

to transmit or take, or attempt to transmit or take, out of the United States, in any manner, any letter, document, writing, message, picture, diagram, map, or other device or form of communication addressed to or intended to be delivered or communicated to any ally of enemy, with knowledge or reasonable cause to believe that the intended recipient is an ally of enemy.

As the bill first came to us from the committee which drafted it, it practically was confined to letters, documents, writings, or messages. The committee, after due deliberation, added "picture, diagram, map, or other device," and broadened the langauge, because much valuable information might be conveyed to the enemy through a picture, diagram, or map.

My impression is that we might still further broaden that language by incorporating the words "phonographic record"; for a phonographic record in these days is one of the most important and practical means of communication.

Mr. WALSH. Will the gentleman yield?

Mr. ESCH. Yes.

Mr. WALSH. Is not what is sought to be prohibited there covered in the espionage bill?

Mr. ESCH. Not fully. We asked the Secretary of State and the Secretary of Commerce with reference to that, and a discussion arose as to whether we were not duplicating the features of the espionage bill. We considered that this was not really a duplication and even if the provisions were cumulative they would do no harm.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. ESCH. Yes.

Mr. LAGUARDIA. Is this intended to cover personal correspondence between persons in this country and residents of Austria-Hungary and Bulgaria?

Mr. ESCH. It means any letter taken or attempted to be taken out of the United States.

Mr. LAGUARDIA. Does not the gentleman regard that as rather extreme, with our censorship and control over letters? I am referring solely to personal letters.

Mr. ESCH. Yes; I know. There was correspondence presented to the committee by an organization in the city of New York, asking that the bill be so amended as to permit the sending out and receipt of what were designated as family or domestic letters—that is, letters between members of a family; but the committee did not deem it wise to open the bill to such enlargement. And while I can realize how gratifying it would be to members of a family resident in the United States to receive communications from their relatives resident in the enemy countries and vice versa, still I am afraid that if you open the door through the private letter, even though it be of domestic concern, it may be possible at a time of danger to communicate information of great value to the enemy. In illustration of that let me say that during the cutting-in process at the Sayville and Tuckerton wireless stations here a year ago the cutting-in station found that a certain message was being repeated in varied form for some days at a time. The message was even pathetic, stating in substance that little Emily died on such and such a day and was buried in such a part of the cemetery. On its face a message of that kind would have no ulterior significance whatsoever. Yet because the statement of the death of little Emily was repeated it gave in the end a clue through which the key to the message was discovered; and a similar experience has occurred in reference to one of the other wireless stations of the United States. Therefore how easy it might be in a domestic letter to convey some such simple, pathetic domestic message, which might have lying behind it and beneath it information of the very gravest importance.

While I sympathize most sincerely—because I myself have relatives in this very situation—with those who seek to get news from friends and relatives in enemy countries, still as a safeguard we should prohibit the taking out of the United States of any letter, even though it be a domestic letter, addressed to an enemy country. [Applause.]

Mr. SNOOK. Calling the gentleman's attention to the latter part of section 5, which provides for the issuance of licenses by the Secretary of Commerce under the direction of the President, and to which he has referred in connection with the question of the gentleman from New York [Mr. HULBERT], would it not

be possible under this provision of the section if the President or the Secretary of Commerce should find that a partnership or an individual of this kind was doing a business which was not in contravention with the interests of the United States, or against the successful prosecution of the war, to license such a firm or person to carry on that business?

Mr. ESCH. I rather think that that might meet the situation and take care of the partnership business that he had reference to.

Mr. SNOOK. So wherever there was a partnership or firm pursuing a legitimate business, and the money was not reaching the enemy, they could be licensed.

Mr. ESCH. Yes.

There is one other feature of the bill that has not been adverted to, and to which I wish to call attention. That is subsection (c) on page 5, being the part of section 3 making it unlawful to transport or attempt to transport an enemy with knowledge or reasonable cause to believe that the person transported or attempted to be transported is an enemy. This does not merely include transportation of an enemy from the United States to the enemy country or to an ally of the enemy, or to any other foreign country, but it is broad enough to cover transportation within the limits of the United States; for it is possible to conceive how the transportation of a person from New York to El Paso, Tex., might be of aid to the enemy, that person carrying messages and documents to some central station in Mexico, where they might be transmitted by wireless to a station in Spain or elsewhere.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. ESCH. Yes.

Mr. STAFFORD. Do I understand the gentleman's interpretation of that provision to be that it would prevent or prohibit the transportation in this country of any alien enemy domiciled in this country?

Mr. ESCH. It is broad enough to do that. It says—

transport or attempt to transport an enemy.

Mr. STAFFORD. Ah, but the word "enemy" has been previously defined by subsections (a) and (b) of section 2.

Mr. ESCH. Yes.

Mr. STAFFORD. And those subsections do not include an enemy domiciled in this country——

Mr. ESCH. That is true.

Mr. STAFFORD. Unless the President under subsection (c) should include other individuals.

Mr. ESCH. That is true, unless he includes them in the definition of enemy. It would not prohibit alien enemies resident in this country from being transported unless and until they were classed as enemies by proclamation of the President.

Mr. STAFFORD. So it would not prohibit the transportation of an alien enemy living in this country unless he had been designated as such under subdivision (c).

Mr. ESCH. That is true.

Mr. ELSTON. Will the gentleman yield?

Mr. ESCH. I will.

Mr. ELSTON. In regard to the powers of the custodian, would it reach so far as to permit the executor or administrator to turn over to the custodian undistributed interest in personal property of an enemy heir and get thereby from the custodian his discharge from the court?

Mr. ESCH. I do not know whether it would operate as a discharge from the court, but I rather think he would have to report to the custodian.

Mr. ELSTON. That is a situation that would occur in almost any lawyer's office. The transfer of legal title to real property would have to go to the custodian, and he might have to pay taxes and retransfer it at the end of the war to the German heir. Has the committee considered all these possibilities in regard to the obligations of an executor of enemy heirs?

Mr. ESCH. I do not know as to the members of the committee giving so much study to all the features of the bill and its ramifications, but the war committee of the Cabinet, assisted by Mr. Warren, Assistant Attorney General, and Mr. Woolsey, of the State Department, and Mr. Pratt of the Bureau of Foreign and Domestic Commerce, all gave very full consideration to the bill, and received hundreds of communications from all parts of the United States on almost every conceivable phase of the situation.

Mr. ELSTON. Another case would be where a mortgage debt is due to an alien enemy residing outside, where the money would be paid to the custodian and the question would be whether a release of that mortgage could be made by the custodian and thereby clear the property.

Mr. ESCH. Mr. Chairman, how does the time stand now?

The CHAIRMAN. The gentleman from Wisconsin has consumed 1 hour and 21 minutes and the gentlemen on the other side 2 hours and 10 minutes.

Mr. THOMAS. Mr. Chairman and gentlemen of the committee, it is not my intention to detain this large and intelligent and, I trust, enthusiastic audience of about 40 Congressmen for a great while. [Laughter.] I hardly know just what I am going to talk about, but will venture a few random shots concerning the food bill which recently passed this House and is now in the hands of its enemy, the Senate. [Laughter.] I may also make a few remarks about some other matters.

The Senate for some days has been solemnly if not prayerfully wrestling with this gigantic problem, and the last I noticed of its proceedings had arrived at the conclusion—or at least some of the distinguished and hereafter may be extinguished Members of that body had—that the Constitution is a mere scrap of unenforcable paper, not in effect during war, and not binding among friends in any event. [Laughter.]

I have always been taught that the Constitution is the supreme law of this land, and in full force and effect in war as well as in peace. I believe such was the intent of the founders of this Republic. The Constitution was ratified by the States as a covenant between them and the General Government and as the ark of the people's safety. As the waves of the sea during the mightiest storm can not beat beyond the immovable bulwark of the rock-bound shore, so legislation can not rightfully and legally pass beyond the well-marked lines of constitutional limitation without grave danger to the permanency of our institutions. [Applause.]

It appears to me that the other end of the Capitol had forgotten there is such a thing as the Federal Constitution until the question of alcoholic beverages came up in that body in the food-bill discussion, when suddenly eyeglasses were cleaned and adjusted. The Constitution was dragged from moldy shelves, cobwebs were brushed away, and then it was discovered that it is unconstitutional to prohibit the use of grain in the manufacture of alcoholic liquors. [Applause.]

In the history of the world there have been three great law-giving nations—Babylonia, Rome, and England. The beginning of law is lost in the mists of antiquity. The force of custom and the force of arms are the original and continuing forces behind all law, and I presume will be until the end of time, if time shall ever end.

From before the time of the code of Hammurabi, which antedates the Mosaic law by thousands of years, men have fought and killed and murdered to establish what they call law, which, in the main, has been power and exemptions for the strong and injustice for the weak and ignorant.

All nations have fallen because they have ignored and violated their own fundamental laws of right, written or unwritten. Greece, which borrowed the laws and shone in the reflected light of Babylonia, was first a monarchy, then an oligarchy, afterwards a democracy, and last a despotism—and then fell because of violations of its own just and organic laws.

It seems to me that we, in inverse ratio, are traveling the same road that Greece and most other nations traveled before us. We begun as a democracy, with reverence and regard for the Constitution of our country. Now, I fear we are tending toward an oligarchy and, in violation of the Constitution, autocratic powers are granted the Government and the Constitution itself is declared to be but a scrap of paper, not binding during war. [Applause.]

However, I intended to say something about the food bill. I, as most of you, voted for it as it passed the House. I had grave doubts then, and still have, as to the expediency of that bill as passed. I fear it does not strike at the root of the evil of high prices. I fear that the farmer and the small dealer will be the ones who will be injured by it, while the food speculator and manipulator will continue his nefarious practices. I fear that the price of food products while in possession of the farmer will be forced down, and when he has parted with the products of his toil prices will then go up. I hope this will not occur; and realizing the fact that it is imperative that something be done to put a halter on the vultures of food manipulation I was willing to vote for any measure that gives any promise of relief. Matters in any event can not be made worse, and I hope will be made better. What the food bill means, I do not know, and none of you know. That will be largely a matter of construction, and that construction will be determined by the officials whose duty it is to enforce the law; and what that may be is as difficult to foretell as how a jury will decide a case or whom a woman will marry. [Laughter.]

In these latter days when things go wrong in governmental matters the custom is to appoint a committee of investigation or a commission to look after and remedy the matter. We have so many commissions now that I can hardly keep track of the number. If any of them have ever accomplished anything for the betterment of the Government or for the relief of the people, I have failed so far to discover what it is. They all draw large salaries, and about all they have ever done so far as I know is to draw their salaries and their breath. [Laughter.]

Any law to be of value must be practically administered. An ounce of practice is worth more than a pound of theory any time. I believe in this Government we now have employed many persons who never made one blade of grass grow, much less two grow where one only grew before, advising farmers who have tilled the soil all their lives just how to farm. The farmers of the country, men of practical experience, who by their labor are feeding the greater part of the world, do not take as kindly as may be imagined to that sort of thing.

I believe that the persons who by common report will administer the food bill are enthusiastic and withal honest theorists without any practical experience in that line of work. I believe that the reputed controller of the food problem is lifted by his own ideas far above the earth. He is soaring above the clouds and dwelling in that mystic region peopled by the stars. Therefore we have the advocacy of wheatless and meatless days for the people of this Republic, as well as placing all the women in 90-cent uniforms. In these days of high prices I hardly know how a woman would look in a 90-cent uniform, especially when, as I am informed, about a dollar is the prevailing price of a pair of stockings of any worth at all. Women wear few enough clothes these days anyway, and 90-cent uniforms might exceed the limit. If all the women could be induced to wear 90-cent uniforms, it would bring a nice profit to the manufacturers of the cloth of which the uniforms are to be made, but I do not see how that would lessen the price of food or teach women how to cook. [Applause.]

Not long since a young man of my town enlisted in the service and was assigned to the Artillery. He is now at Fort Sam Houston, Tex., having a glorious time according to his own description of conditions there. Recently he wrote a letter home, which was published in the local paper. Among other things he says:

> They sure do feed us here. Every thing you can think of. Fresh vegetables, pie, cakes, lots of meat, biscuits; always coffee for breakfast. Then for dinner or supper we had roast, green peas, new corn on the cob, potatoes, lemonade, peach pie, and light bread, and all cooked just fine. We have sure got good cooks, and it makes no difference what we have to eat there is always plenty of it. You can help yourself three, four, or five times if you want to.

What glorious appetites those soldier boys must have to help themselves five times. No wonder the Government is calling on the common citizen for wheatless and meatless days. You gentlemen who advocate meatless and wheatless days for the people who produce the meat and wheat will observe how the soldiers at Fort Sam Houston are entertained at the expense of those you desire to go meatless and wheatless.

Mr. HULBERT. Will the gentleman yield?

Mr. THOMAS. Yes.

Mr. HULBERT. Does not the gentleman think that letter would stimulate recruiting?

Mr. THOMAS. I do not know whether it will or not. It might in case of those who are hungry. There is not a hotel in Washington that will furnish as good a bill of fare of fresh uncold-storage food as the one I have just read, and yet the proposition is to make the majority of the people go meatless and wheatless and the women wear 90-cent uniforms, that the soldiers may live on pie and cake and ice cream and roast beef, and fare sumptuously every day. I think the soldiers should be well fed and clothed, but not better than the people who furnish the food and clothing. [Applause.]

But presto, veto, change. The 90-cent uniform has suddenly gone up to $2.95 at the stores. Uniform all the women in the United States in 90-cent uniforms of cheap, shoddy material, at $2.95 per uniform, and somebody will of course get rich. Who gets the profit? Not the women who buy the uniforms.

It is argued in some official quarters that we must save our wheat for the allies, because the allies can not eat corn bread. That is to say, the people of America must eat corn bread and send their wheat to the allies, because the fastidious stomachs of the allies can not stand the strain of corn meal. And then, besides, we are loaning them the money to buy our wheat, and it is selling for much lower prices in Europe than the food manipulators will permit it to be sold here, and it is expected to remedy this condition of affairs by furnishing the women with 90-cent uniforms at $2.95 per uniform.

As I stated before, it seems to have been suddenly discovered at the other end of the Capitol that the part of the bill which restrains the activities of John Barleycorn is unconstitutional. That is quite a discovery, if true, but I can not see why it is constitutional to control the prices and output of wheat, corn, and fuel, and at the same time be unconstitutional to interfere in any way with the manufacture of alcoholic beverages. And no one else can, as for that matter. If it is unconstitutional in the one case, it is in the others.

While meatless and wheatless days are being demanded we see so-called patriots trying to amend the food bill so as to permit the use of millions of bushels of grain in the manufacture of fermented liquors, and in New York an organization has been started with the avowed purpose of using no more wheat for breakfast until the war is over.

This Government claims to have the inherent right to take the body of the poor man and place him in the Army to serve his country and be shot and most likely killed, yet there are men who claim the Government has the right over the fortunes and destinies of the common citizen but does not have the right to take the property of the rich to maintain the soldier who is risking his life on the field of battle to protect the lives and property of all citizens. They also make the absurd, indefensible, and unpatriotic claim that it is unconstitutional to forbid the use of grain in making fermented liquors. If the Government has the right to demand the life and services of its citizens, it certainly has the right to demand property in defense of the Nation and its citizens. Is a bushel of corn or barley to make liquor of more value than the life of the citizen who is willing to fight in defense of his country? Evidently there are numerous persons in this country who think so, but their ideas of real patriotism are crude, to say the least of it. I believe the country should demand bread in abundance before any grain is allowed to be used in the manufacture of liquors, if at all.

To kill an evil, one must strike at the root of that evil. A tree can not be deadened by cutting the bark a portion of the way around it. The ax must hew around its whole circumference so that the life-giving sap can not ascend to give strength and growth.

To control and regulate the trust magnates and the food pirates, the ax of strenuous and uncompromising law, enforced by unyielding and unpurchasable officials, must be laid with ability and vigor to root and bark and branch of the deadly poisonous upas tree of speculation in the food products and necessities of the masses.

We have, in my opinion, now law sufficient to control, regulate, and imprison the trust magnates, food pirates, and others who are growing rich on the necessities of the people. The Sherman and Clayton antitrust laws, if properly administered, are ample to put an end to their nefarious practices. A law that is not enforced is not a law. It is worse than no law because it breeds disrespect for all law. Laws of such magnitude and far-reaching importance should have the ablest lawyers and old and experienced practitioners to meet the able attorneys always employed by the men who have grown rich speculating in the food products of this Republic.

The amount of food products used yearly in this Republic in making beer and whisky amount to over $145,000,000, and yet the people are advised that they must have wheatless and meatless days in order that this vast amount of food products may go into whisky and beer to enrich the beer and whisky manufacturers and bring woe and poverty to countless homes. They say this is patriotism. It is not. It is graft and greed. The manufacture of whisky and beer should be stopped before the people are called upon to inaugurate meatless and wheatless days. [Applause.]

Government experts have of late been advising the women of the country to can and preserve fruits and vegetables, while society ladies who never canned or preserved any fruit or vegetables in their lives and do not know when any of these things ripen or should be planted are vying with each other in giving advice to their country sisters who know all about these things. Advice is sometimes cheap and often worthless.

The Government instead of giving sophomoric dissertations to country people about how to can fruits and vegetables had best be looking after the manufacturers of the cans in which they are to be preserved. I doubt if the Government knows it, but cans are nearly or quite double the price they were a year ago.

But alack and alas, while we have fallen on evil times every patriot will stand by his country to the very end, and that is

what every true American will do despite the fact that the grafter and war speculator is abroad in the land.

I voted against conscription because I thought I was right, and I know it now. In March war was declared and we have hardly begun to assemble an army. Had a volunteer army been called for at once it would now be in drilling and nearly ready to be sent to Europe, but as it is we have not yet begun to get an army together.

War is an awful thing, but it seems to be the natural state of mankind. In the beginning Cain murdered Abel and then declared he was not his brother's keeper.

A history of war and rapine is recorded by Herodotus on the very first page of profane history, and so the long story of blood and war and desolation blackens the pages of human history through all the ages, and there seems no probability that such a state of affairs will ever cease to exist.

There are nations that are called civilized nations and Christian nations. They carry the cross and the Bible in one hand, as did the olden crusaders, and guns and cannon and poisonous gases in the other, slaying without mercy all they can, and this in the name of Christianity and civilization. It seems that Christianity and civilization are measured by the capacity to slay.

When the untutored son of the forest and plain conceives that his rights are violated and goes to war and with crude weapons kills fifty or a hundred, we call him a savage, and send missionaries to save his soul. When Christian nations, using all the methods of warfare that genius and invention can produce, kill millions, then we call them highly civilized.

And so it goes. Such things lead me to believe there is no such thing as civilization. What seems so is only a fancy of the idealist, a dream of the philosopher. That which we call civilization is merely a thin veneer, and beneath the surface lie all the vicious instincts and brutal passions of the primitive savage.

Let no man deceive himself. Our country will win in this war if it takes the last man and the last dollar. [Applause.]

Mr. ESCH. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM of Illinois. Mr. Chairman, recently the lawyers in my own judicial circuit at home met in a patriotic meeting and adopted certain resolutions which seem to me to so clearly and succinctly justify our national attitude in our present war with Germany that I thought it might be somewhat useful if incorporated in the RECORD. I will ask the Clerk to read in my time those resolutions.

The Clerk read as follows:

PATRIOTIC RESOLUTIONS OF BAR ASSOCIATION OF THE FOURTEENTH JUDICIAL CIRCUIT ADOPTED JUNE 29, 1917.

Whereas after a long period of patience with the most exasperating aggressions of the arrogant military autocracy of Germany and her allies, our country has been forced into a defensive war to preserve and defend her rights and dignity as an independent and self-respecting people, and to prevent the subversion of democratic government throughout the world; and

Whereas many of our profession throughout our judicial circuit have enlisted in our Nation's military service or announced their intention to enlist; and

Whereas we deem it our patriotic duty to make fitting announcement of our approval of our country's acts and purposes in the premises; and of our high appreciation of the devotion and self-sacrifice of those of our profession who have enlisted or propose to enlist in the military service; and of the purpose of our members each to do his part in such service as he can render our country in its emergency: Now, therefore, be it

Resolved, That we condemn the military aggressions of Germany and her allies and their disposition and purpose to impose upon the world by military force, with all its horror, bloodshed, misery, and destruction, her domination and ideals of autocratic military government, and her aggressions and intolerable conduct toward our own country.

That we express our high appreciation of President Wilson's earnest efforts to secure peace to the world, and of his long-continued patience and forbearance in his effort to avert war on the part of our country, even in the face of the most aggravating and unjustifiable provocation.

That we fully and unqualifiedly approve the acts and doings of our President and Congress in declaring war and making fitting preparation for the defense of our Nation and of our ideals and principles of Democratic government in this land and throughout the world in cooperation with our allies, and we unqualifiedly condemn any and all men, measures, or dissension tending to disrupt our councils or prevent absolute unity of national action in the prosecution of the war to an honorable peace, in the most effective manner, whether at home or abroad; and be it further

Resolved, That we express our great appreciation of the bravery, heroism, self-sacrifice, and patriotism of those of our profession in this judicial circuit who have entered or will enter the military service of our country and thus uphold and maintain the traditions of our profession for loyalty and patriotism; and be it further

Resolved, That we do hereby express our desire and purpose each to do our patriotic duty and part in accordance with our respective abilities in the protection and defense of our beloved country and its institutions, to the end "that government of the people, by the people, and for the people may not perish from the earth"; and be it

Resolved, That copies of these resolutions be by the secretary of this meeting forwarded to President Wilson, Senators SHERMAN and LEWIS, and Representatives GRAHAM, KING, and MCKENZIE, and that these resolutions, together with the minutes of this meeting, be, by the clerk, spread at large upon the records of this court; and that the clerk transmit a copy of these regulations to each circuit clerk of this circuit; and that a copy of these resolutions be forwarded by the clerk of this court to each of the members of the bar of this circuit who have enlisted or hereafter enlists.

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STATE OF ILLINOIS,
Rock Island County, ss:

I, George W. Gamble, clerk of the circuit court in and for the county of Rock Island, in the State of Illinois, aforesaid, and keeper of the records, files, and seal of said court, do hereby certify the above and foregoing to be a true, perfect, and complete copy of a series of resolutions passed by the Rock Island County Bar Association at a patriotic meeting in open court in the circuit court of Rock Island County, on the 29th day of June, in the year of our Lord 1917.

Witness my hand and the seal of said court affixed at Rock Island, Ill., this 29th day of June, A. D. 1917.

[SEAL.] GEO. W. GAMBLE,
Clerk of the Circuit Court in and for Rock Island County, Ill.

Mr. ESCH. Mr. Chairman, I have no further requests for time on this side.

Mr. MONTAGUE. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana [Mr. COX].

Mr. COX. Mr. Chairman, I shall support the bill under consideration and before it is concluded shall avail myself under the five-minute rule to say something in its behalf.

Certain people persistently object to giving the President power and control over the resources of the Nation during war time. For one, I am not afraid to give him all the power necessary to bring the war to an immediate and successful conclusion. It requires the resources of a nation, men and money, to successfully fight a war. It means not only a mobilization of men and munitions of war, but a complete mobilization of all the resources of a nation, whatever the resources of a nation may be. Since the beginning of the war a Saturnalia of high prices, almost ruinous prices, to the consuming public has been the rule in the United States. I hate to think that our Nation is in the hands of a lot of high-handed pirates who, taking advantage of war conditions and without rhyme or reason, continue to boost the prices of the necessities of life; but I am constrained to believe that in a large sense this is true. The raising of the prices of the necessities of life, like the "itch," seems to be catching. The idea seems to be, as the other fellow is raising the prices without regard to the necessity of the raise or increase we are entitled to do likewise. I do not pretend to say who is responsible for this continued increase in the cost of the necessities of life, but I am of the opinion that the fault does not lie entirely with the producer of the article, no matter who the producer may be, whether farmer or manufacturer; but in my judgment the fault largely lies with the middlemen, the distributors of the necessities of life. I recently had a little experience along this line. Coming through the wholesale part of Center Market, on Seventh Street, I chanced to price blackberries, and found they were being sold by the case at $3.50 per case, a fraction of a cent above 10 cents per quart.

The retail part of Center Market was selling the same blackberries at the same time at the rate of 20 cents per quart. I found corn selling at less than 1 cent per ear in the wholesale part of the market and retailing at 5 cents per ear in the retail side of the market. I found many other articles of the same way and manner. This meant that the retailer, almost under the same roof, in the Center Market, as soon as the necessities of life came to his stand was adding on from 100 to 400 per cent profit, and by the time the same necessities are distributed throughout the various groceries in the city another 100 or 200 per cent profit is added before it reaches the ultimate consumer. These prices are abnormal, they are unjust, unfair, un-American, and unpatriotic.

The middlemen and distributors of the necessities of life are to-day adding on all that traffic will bear, and that means all the money that the laboring people and the middle class have to spend for the necessities of life. In my opinion and in my judgment, based upon some investigation of the conditions here in Washington City, the abnormal high cost of living is due very largely, if not totally, to profits added on by the retailers. Go where you will, step into what store you may, and price what article you desire, and you are quickly and promptly told you can buy the article to-day for a given price but to-morrow or next week an increase is going to be added to it. If the Department of Justice would look into the matter carefully, I think it would find a wholesome field right at its own door; and if these men are found to have entered into an agreement to raise prices of the necessities of life they should be dealt with sternly and harshly. They should be brought to the bar of justice and made feel the strong arm of the law; and I am equally sure what is true in the city of Washington is true in every city of the United States. Prices of the necessities of life are higher to-day in American cities than they are in any of the cities of England or France, and this amidst plenty and prosperity in our own Nation. Something is wrong—radically

wrong—and I know of nothing to correct this wrong and evil except the Department of Justice.

This evening I desire to discuss the coal situation, especially as it applies to the State of Indiana and throughout the Central West. For the past few weeks we have read much in the press about autocratic power that is being given to the President. For one I am not afraid to give the President power during this world-wide crisis. It is the only way this war will be successfully fought. Divided power means divided responsibility, and divided responsibility also spells ruin, if not disaster, in times of war. It is true we have given the President much power, but the people should remember that he is the Commander in Chief of the Army and Navy. No commander of an army can successfully command it when his power is divided with subordinates. We have not given the President as much power as was given President Lincoln during the Civil War, yet no harm ever came to the Government as a result of the power given to President Lincoln. Soon after the Civil War closed war powers given the President by Congress were repealed, and the Government moved forward as it had in the past. The same thing will happen again as soon as the war is over. The war powers given to the President by Congress will be repealed. The Government will resume its normal functions, and business will again go forward in the future as in the past.

The House recently passed what is known as the food-control bill containing many drastic provisions, but every one of which, in my opinion, is not only necessary but essential to a successful conclusion of this war on the part of the United States. When the Senate will get through with this bill no one knows. The Senate has added one important provision to the bill, and that is giving to the President power to fix the price of coal. I doubt the wisdom and propriety of Congress going into details in the fixing of the price of coal, but in my opinion the price of coal should be fixed and fixed at the earliest possible date. Business men are justified in making a reasonable profit upon their investments, but if we quit the war successfully and business men keep their business intact they ought to be satisfied. It is no time for men, corporations, or copartnerships to undertake to make exorbitant profits out of business while this war is in progress. The individual or corporation taking advantage of war conditions and forcing the prices of the necessities of life to the point of being prohibitory is little short of piracy. It is not my purpose to pass a eulogy on the governor of Indiana, but in the coal situation he has done a wonderful work along this line. Indiana has a splendid public-utility law, one of the most progressive in the country. It has a splendid body of men at its head. About two months ago the governor of Indiana, through the public-utility commission, made an exhaustive investigation of the price of coal in the State. He required the public accountants of the State to make a thorough investigation of the cost of producing a ton of coal. The State utility commission working in connection with the Federal Trade Commission by deputizing in Indiana the public accountants arrived at exactly what it costs to mine a ton of coal in Indiana.

Quoting from their report:

> Our investigation has left no shadow of doubt in the mind of a single one of the five members of this commission that in this critical period prices for this necessity have been advanced to a point that we can not designate other than outrageous. This is a just statement, especially in light of the fact that this is a time of war crisis, when our people of all classes will be called on to make sacrifices for the public welfare and for the world-wide cause of democracy, and when personal greed, if not voluntarily laid aside, must be met, if necessary, by sovereign powers of the State even if the exercise of those powers in the matter of necessities must go to the extreme of either temporarily or permanently sweeping aside the individual with old asserted rights.

The public accountants found from the books of the operators of coal in the State of Indiana that it cost $1.48 per ton to mine coal at the mine. This amount covers every conceivable item of cost that should be charged up by the coal operator. It covers the recent increase of wages granted by the coal operatives, interest upon investment, depreciation, insurance, in fact every item that possibly could enter into the cost of mining coal. About two months ago I had a conversation with the governor of Indiana in his office concerning the coal investigation in Indiana. He summoned the coal operators to Indianapolis with the hope of getting them to agree upon what would be a reasonable profit per ton, and the governor informed me that one of the mine operators assured him that last year his mine lost money, when in truth and in fact the books of the same mine operator showed that his mine netted him last year $360,000.

The price of coal has gone up in Indiana in the past two years from 100 to 400 per cent. Slack has been selling in the last three months from $5 to $7 per ton. This rapid and unjust increase in the price of coal without any cause due to the inordinate greed and desire of certain coal operators to make money is an outrage upon the people. Something should be done and done quickly in order to stop the everlasting increase in the cost of coal. The governor of Indiana has the power to commandeer or take over all the coal mines in the State of Indiana, but Indiana is surrounded by large bituminous coal fields in Illinois on the west, Ohio, Pennsylvania, and West Virginia on the east, and Kentucky on the south.

Having no control over the shipment of rates going into interstate commerce it would do no good in the State of Indiana for him to commandeer coal mines in Indiana, because the bituminous coal mines of Illinois, Ohio, West Virginia, Pennsylvania, and Kentucky engaged in interstate commerce would then ship coal into the State cheaper than it could be mined in Indiana.

The average freight for coal mined in the State of Indiana ranges from 63 cents per ton to $1.07 per ton. The average freight haul of coal in the State is probably 78 cents or 80 cents per ton. I have received telegrams in the last few days from manufacturers in my district stating if something is not done in the way of fixing the price of coal they will be compelled to shut down their business of manufacturing.

Mr. STAFFORD. Will the gentleman yield?

Mr. COX. I will.

Mr. STAFFORD. What is coal selling for in Indiana at the present time?

Mr. COX. It sells at from $2.50 to $4 per ton—soft bituminous coal on board of cars.

Mr. MADDEN. At the mines?

Mr. COX. At the mine on board cars. The coal operators in Indiana have made liberal reductions to railroad companies for coal, as compared to what they charge public utilities and private manufacturers, but even railroads in Indiana are required to pay from $1.90 to $2.10 a ton for coal on board of cars. This is the contract railroads have made with the operators in the State of Indiana in the last two or three months, yet public utilities and private manufacturers are required to pay from $3 to $4, and in many instances as high as $5, per ton for coal. I observed recently in the press that the operators of coal mines had a meeting in which they agreed to furnish coal at $8 per ton, and the same press dispatches said that the Secretary of War had declined to pay $3 per ton for coal, as agreed upon by the coal operators. Even $3 for coal is an outrageous price and an exorbitant tax on the people.

I am informed that coal operators before the war were content with a profit of 15 cents per ton. The governor of Indiana sought to get the coal operators in Indiana to agree on a profit of 25 cents per ton, but they refused to agree to it.

England and France shortly after the war began were confronted with the same condition of affairs. Those nations undertook to regulate the price of coal to the consumer, but this failed, and then those nations commandeered all their coal mines. If the price of coal is not fixed by some authority in our country having control of the interstate shipments the same condition will come here. We will have to commandeer all the coal entering into interstate commerce.

Congress can not afford to remain idle, passive, and inactive while business is suffering for lack of fuel, for lack of coal. Something drastic will have to be done; either an arbitrary price fixed for coal at the mine or else the governor will have to commandeer the coal mines entering into interstate commerce.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ESCH. Mr. Chairman, I yield three minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Chairman, since the war broke out in Europe there have been many enemy-trading acts passed by European countries, and especially by Great Britain, some of them by orders in council and others by act of Parliament. Those passed by orders in council, such as were published, I have printed in the RECORD from time to time and afterwards included them in the diplomatic notes which I compiled, and which was printed by order of the House in last Congress as Document No. 2111. The orders in council touching trading with the enemy were printed in the second volume of the document on restraints of trade, and can be readily found by consulting the index. I need not reprint them here. I now rise simply to ask unanimous consent that I may print in the RECORD to-night the acts of Parliament, including the Colonial Parliament of Canada, on the question of enemy-trade acts. These acts were not included in the document referred to. There are four of them by the British Parliament. Those referring to Canadian legislation were put in force by the Governor General in council under the authority of the war-measures act of 1914. This will not occupy many pages of the RECORD and it will complete that particular part of this trade relation; and I thought it might be

very well to have it in the RECORD to-night to readily discern what Great Britain did on enemy-trading legislation at least as a matter of comparison while we were considering this bill to-morrow. The matter I propose to insert is correct and was prepared by the Legislative Reference Division under the direction of J. David Thompson, the law librarian.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks by printing in the RECORD certain acts of the British Parliament, and the Colonial Parliament, to which he referred. Is there objection? [After a pause.] The Chair hears none.

The matter referred to is as follows:

GREAT BRITAIN.

TRADING-WITH-THE-ENEMY ACT, 1914.

(4 and 5 Geo. V, c. 87.)

An act to make provision with respect to penalties for trading with the enemy, and other purposes connected therewith (18th Sept., 1914.)

Be it enacted, etc., as follows:

1. (1) Any person who during the present war trades or has, since the 4th day of August 1914, traded with the enemy within the meaning of this act shall be guilty of a misdemeanor, and shall—

(a) On conviction under the summary-jurisdiction acts be liable to imprisonment with or without hard labor for a term not exceeding 12 months, or to a fine not exceeding £500, or to both such imprisonment and fine; or

(b) On conviction on indictment be liable to penal servitude for a term not exceeding seven or less than three years or to imprisonment with or without hard labor for a term not exceeding two years or to a fine, or to both such penal servitude or imprisonment and fine.

And the court may in any case order that any goods or money, in respect of which the offense has been committed, be forfeited.

(2) For the purposes of this act a person shall be deemed to have traded with the enemy if he has entered into any transaction or done any act which was, at the time of such transaction or act, prohibited by or under any proclamation issued by His Majesty dealing with trading with the enemy for the time being in force, or which at common law or by statute constitutes an offense of trading with the enemy: *Provided*, That any transaction or act permitted by or under any such proclamation shall not be deemed to be trading with the enemy.

(3) Where a company has entered into a transaction or has done any act which is an offense under this section, every director, manager, secretary, or other officer of the company who is knowingly a party to the transaction or act shall also be deemed guilty of the offense.

(4) A prosecution for an offense under this section shall not be instituted except by or with the consent of the attorney general: *Provided*, That the person charged with such an offense may be arrested and a warrant for his arrest may be issued and executed, and such person may be remanded in custody or on bail notwithstanding that the consent of the attorney general to the institution of the prosecution for the offense has not been obtained, but no further or other proceedings shall be taken until that consent has been obtained.

(5) Where an act constitutes an offense both under this act and under any other act, or both under this act and at common law, the offender shall be liable to be prosecuted and punished under either this act or such other act, or under this act or at common law, but shall not be liable to be punished twice for the same offense.

2. (1) If a justice of the peace is satisfied, on information on oath laid on behalf of a secretary of state or the board of trade, that there is reasonable ground for suspecting that an offense under this act has been or is about to be committed by any person, firm, or company, he may issue a warrant authorizing any person appointed by a secretary of state or the board of trade and named in the warrant to inspect all books or documents belonging to or under the control of that person, firm, or company, and to require any person able to give any information with respect to the business or trade of that person, firm, or company to give that information, and if accompanied by a constable to enter and search any premises used in connection with the business or trade, and to seize any such books or documents as aforesaid: *Provided*, That when it appears to a secretary of state or the board of trade that the case is one of great emergency and that in the interests of the State immediate action is necessary, a secretary of state or the board of trade may, by written order, give to a person appointed by him or them the like authority as may be given by a warrant of a justice under this subsection.

(2) Where it appears to the board of trade—

(a) In the case of a firm, that one of the partners in the firm was immediately before or at any time since the commencement of the present war a subject of, or resident or carrying on business in, a State for the time being at war with His Majesty; or

(b) In the case of a company that one-third or more of the issued share capital or of the directorate of the company immediately before or at any time since the commencement of the present war was held by or on behalf of or consisted of persons who were subjects of, or resident or carrying on business in, a State for the time being at war with His Majesty; or

(c) In the case of a person, firm, or company, that the person was or is, or the firm or company were or are, acting as agent for any person, firm, or company (resident) or carrying on business in a State for the time being at war with His Majesty.

The board of trade may, if they think it expedient for the purpose of satisfying themselves that the person, firm, or company are not trading with the enemy, by written order, give to a person appointed by them, without any warrant from a justice, authority to inspect all books and documents belonging to or under the control of the person, firm, or company, and to require any person able to give information with respect to the business or trade of that person, firm, or company to give that information.

For the purposes of this subsection, any person authorized in that behalf by the board of trade may inspect the register of members of a company at any time, and any shares in a company for which share warrants to bearer have been issued shall not be reckoned as part of the issued share capital of the company.

(3) If any person having the custody of any book or document which a person is authorized to inspect under this section refuses or willfully neglects to produce it for inspection, or if any person who is able to give any information which may be required to be given under this section refuses or willfully neglects when required to give that information, that person shall on conviction under the summary jurisdiction acts be liable to imprisonment with or without hard labor for a term not exceeding six months, or to a fine not exceeding £50, or to both such imprisonment and fine.

3. Where it appears to the board of trade in reference to any firm or company—

(a) That an offense under this act has been or is likely to be committed in connection with the trade or business thereof; or

(b) That the control or management thereof has been or is likely to be so affected by the state of war as to prejudice the effective continuance of its trade or business, and that it is in the public interest that the trade or business should continue to be carried on.

The board of trade may apply to the high court for the appointment of a controller of the firm or company, and the high court shall have power to appoint such a controller, for such time and subject to such conditions, and with such powers as the court thinks fit, and the powers so conferred shall be either those of a receiver and manager or those powers subject to such modifications, restrictions, or extensions as the court thinks fit (including, if the court considers it necessary or expedient for enabling the controller to borrow money, power, after a special application to the court for that purpose, to create charges on the property of the firm or company in priority to existing charges).

The court shall have power to direct how and by whom the costs of any proceedings under this section, and the remuneration, charges, and expenses of the controller, shall be borne, and shall have power, if it thinks fit, to charge such costs, charges, and expenses on the property of the firm or company in such order of priority, in relation to any existing charges thereon, as it thinks fit.

4. (1) This act may be cited as the trading-with-the-enemy act, 1914.

(2) In this act the expression "attorney general" means the attorney or solicitor general for England, and as respects Scotland means the lord advocate, and as respects Ireland means the attorney or solicitor general for Ireland.

(3) In the application of this act to Scotland the secretary for Scotland shall be substituted for a secretary of state, and the court of session shall be substituted for the high court; the court exercising summary jurisdiction shall be the sheriff court; references to a justice of the peace shall include references to the sheriff and to a burgh magistrate; and references to a receiver and manager shall be construed as references to a judicial factor.

(4) In the application of this act to Ireland the lord lieutenant shall be substituted for a secretary of state.

(5) Anything authorized under this act to be done by the board of trade may be done by the president or a secretary or assistant secretary of the board, or any person authorized in that behalf by the president of the board.

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TRADING-WITH-THE-ENEMY AMENDMENT ACT, 1914.

(5 Geo. V, c. 12.)

An act to amend the trading-with-the-enemy act, 1914, and for purposes connected therewith (27th Nov., 1914).

Whereas it is expedient to make further provision for preventing the payment of money to persons and bodies of persons resident or carrying on business in any country with which His Majesty is for the time being at war, which persons and bodies of persons are hereinafter referred to as "enemies," in contravention of the law relating to trading with the enemy, and for preserving, with a view to arrangements to be made at the conclusion of peace, such money and certain other property belonging to enemies; and to make other provisions for preventing trading with the enemy:

Be it enacted etc., as follows:

1. (1) The board of trade shall appoint a person to act as custodian of enemy property (hereinafter referred to as "the custodian") for England and Wales, for Scotland, and for Ireland, respectively, for the purpose of receiving, holding, preserving, and dealing with such property as may be paid to or vested in him in pursuance of this act, and if any question arises as to which custodian any money is to be paid to under this act, the question shall be determined by the board of trade.

(2) The public trustee shall be appointed to be the custodian for England and Wales, and shall, in relation to all property held by him in his capacity of custodian, have the like status, and his accounts shall be subject to the like audit, as if the same were held by him in his capacity of public trustee, and the public-trustee act, 1906, shall apply accordingly.

(3) The custodian for Scotland and Ireland, respectively, shall have such powers and duties with respect to the property aforesaid as may be prescribed by regulations made by the board of trade with the approval of the treasury.

(4) The custodian may place on deposit with any bank, or invest in any securities, approved by the treasury, any moneys paid to him under this act, or received by him from property vested in him under this act, and any interest or dividends received on account of such deposits or investments shall be dealt with in such manner as the treasury may direct: *Provided*, That the custodian for any part of the United Kingdom shall, if so directed by the treasury, transfer any money held by him under this act to the custodian of another part thereof.

2. (1) Any sum which, had a state of war not existed, would have been payable and paid to or for the benefit of an enemy, by way of dividends, interest, or share of profits, shall be paid by the person, firm, or company by whom it would have been payable, to the custodian to hold subject to the provisions of this act, and any order in council made thereunder, and the payment shall be accompanied by such particulars as the board of trade may prescribe, or as the custodian, if so authorized by the board of trade, may require.

Any payment required to be made under this subsection to the custodian shall be made—

(a) Within 14 days after the passing of this act if the sum, had a state of war not existed, would have been paid before the passing of this act; and

(b) In any other case within 14 days after it would have been paid.

(2) Where before the passing of this act any such sum has been paid into any account with a bank, or has been paid to any other person in trust for an enemy, the person, firm, or company by whom the payment was made shall, within 14 days after the passing of this act, by notice in writing, require the bank or person to pay the sum over to the custodian to hold as aforesaid, and shall furnish the custodian with such particulars as aforesaid. The bank or other person shall, within

one week after the receipt of the notice, comply with the requirement and shall be exempt from all liability for having done so.

(3) If any person fails to make or require the making of any payment or to furnish the prescribed particulars within the time mentioned in this section, he shall, on conviction under the summary jurisdiction acts, be liable to a fine not exceeding £100 or to imprisonment, with or without hard labor, for a term not exceeding six months, or to both such fine and imprisonment, and in addition to a further fine not exceeding £50 for every day during which the default continues, and every director, manager, secretary, or officer of a company, or any other person who is knowingly a party to the default shall, on the like conviction, be liable to the like penalty.

(4) If in the case of any person, firm, or company whose books and documents are liable to inspection under subsection (2) of section 2 of the trading-with-the-enemy act, 1914 (hereinafter referred to as the principal act), any question arises as to the amount which would have been so payable and paid as aforesaid, the question shall be determined by the person who may have been or who may be appointed to inspect the books and documents of the person, firm, or company, or, on appeal, by the board of trade, and if, in the course of determining the question, it appears to the inspector or the board of trade that the person, firm, or company has not distributed as dividends, interest, or profits the whole of the amount properly available for that purpose, the inspector or board may ascertain what amount was so available, and require the whole of such amount to be so distributed, and, in the case of a company, if such dividends have not been declared, the inspector or the board may himself or themselves declare the appropriate dividends, and every such declaration shall be as effective as a declaration to the like effect duly made in accordance with the constitution of the company.

Provided that where a controller has been appointed under section 3 of the principal act this subsection shall apply as if for references to the inspector there were substituted references to the controller.

(5) For the purposes of this act the expression "dividends, interest, or share of profits" means any dividends, bonus, or interest in respect of any shares, stock, debentures, debenture stock, or other obligations of any company, any interest in respect of any loan to a firm or person carrying on business for the purposes of that business, and any profits or share of profits of such a business, and, where a person is carrying on any business on behalf of an enemy, any sum which, had a state of war not existed, would have been transmissible by a person to the enemy by way of profits from that business shall be deemed to be a sum which would have been payable and paid to that enemy.

3. (1) Any person who holds or manages for or on behalf of an enemy any property, real or personal (including any rights, whether legal or equitable, in or arising out of property, real or personal), shall, within one month after the passing of this act, or, if the property comes into his possession or under his control after the passing of this act, then within one month after the time when it comes into his possession or under his control, by notice in writing, communicate the fact to the custodian, and shall furnish the custodian with such particulars in relation thereto as the custodian may require; and if any person fails to do so he shall, on conviction under the summary jurisdiction acts, be liable to a fine not exceeding £100 or to imprisonment, with or without hard labor, for a term not exceeding six months, or to both such a fine and imprisonment, and, in addition, to a further fine not exceeding £50 for every day during which the default continues.

(2) Every company incorporated in the United Kingdom and every company which, though not incorporated in the United Kingdom, has a share transfer or share registration office in the United Kingdom shall, within one month after the passing of this act, by notice in writing communicate to the custodian full particulars of all shares, stock, debentures, and debenture stock and other obligations of the company which are held by or for the benefit of an enemy; and every partner of every firm, one or more partners of which on the commencement of the war became enemies or to which money had been lent for the purpose of the business of the firm by a person who so became an enemy, shall, within one month after the commencement of this act, by notice in writing, communicate to the custodian full particulars as to any share of profits and interest due to such enemies or enemy; and if any company or partner fails to comply with the provisions of this subsection, the company shall, on conviction under the summary jurisdiction acts, be liable to a fine not exceeding £100, and, in addition, to a further fine not exceeding £50 for every day during which the default continues; and the partner and every director, manager, secretary, or officer of the company who is knowingly a party to the default shall on the like conviction be liable to the like fine, or to imprisonment, with or without hard labor, for a term not exceeding six months, or to both such imprisonment and fine.

4. (1) The high court or a judge thereof may, on the application of any person who appears to the court to be a creditor of an enemy or entitled to recover damages against an enemy, or to be interested in any property, real or personal (including any rights, whether legal or equitable, in or arising out of property real or personal), belonging to or held or managed for or one behalf of an enemy, or on the application of the custodian or any government department, by order vest in the custodian any such real or personal property as aforesaid, if the court or the judge is satisfied with that such vesting is expedient for the purposes of this act, and may by the order confer on the custodian such powers of selling, managing, and otherwise dealing with the property as to the court or judge may seem proper.

(2) The court or judge before making any order under this section may direct that such notices, if any, whether by way of advertisement or otherwise, shall be given as the court or judge may think fit.

(3) A vesting order under this section as respects property of any description shall be of the like purport and effect as a vesting order as respects property of the same description made under the trustee act, 1893.

5. (1) The custodian shall, except so far as the board of trade or the high court or a judge thereof may otherwise direct, and subject to the provisions of the next succeeding subsection, hold any money paid to and any property vested in him under this act until the termination of the present war and shall thereafter deal with the same in such manner as His Majesty may by order in council direct.

(2) The property held by the custodian under this act shall not be liable to be attached or otherwise taken in execution, but the custodian may, if so authorized by an order of the high court or a judge by whose order any property belonging to an enemy was vested in the custodian under this act, or of any court in which judgment has been recovered against an enemy, pay out of the property paid to him in respect of that enemy the whole or any part of any debts due by that enemy and specified in the order: *Provided*, That before paying any such debt the custodian shall take into consideration the sufficiency of the property paid to or vested in him in respect of the enemy in question to satisfy that debt and any other claims against that enemy of which notice verified by statutory declaration may have been served upon him.

(3) The receipt of the custodian or any person duly authorized to sign receipts on his behalf for any sum paid to him under this act shall be a good discharge to the person paying the same as against the person or body of persons in respect of whom the sum was paid to the custodian.

(4) The custodian shall keep a register of all property held by him under this act, which register shall be open to public inspection at all reasonable times free of charge.

(5) In England and Ireland the lord chancellor and the lord chancellor for Ireland may, by rules, and in Scotland the court of session may, by act of sederunt, make provision for the practice and procedure to be adopted for the purposes of this and the last preceding section.

6. (1) No person shall by virtue of any assignment of any debt or other chose in action, or delivery of any coupon or other security transferable by delivery, or transfer of any other obligation, made or to be made in his favor by or on behalf of an enemy, whether for valuable consideration or otherwise, have any rights or remedies against the person liable to pay, discharge, or satisfy the debt, chose in action, security, or obligation, unless he proves that the assignment, delivery, or transfer was made by leave of the board of trade or was made before the commencement of the present war, and any person who knowingly pays, discharges, or satisfies any debt, or chose in action, to which this subsection applies, shall be deemed to be guilty of the offense of trading with the enemy within the meaning of the principal act: *Provided*, That this subsection shall not apply where the person to whom the assignment, delivery, or transfer was made, or some person deriving title under him proves that the transfer, delivery, or assignment or some subsequent transfer, delivery, or assignment was made before the 19th day of November, 1914, in good faith and for valuable consideration, nor shall this subsection apply to any bill of exchange or promissory note.

(2) No person shall, by virtue of any transfer of a bill of exchange or promissory note made or to be made in his favor by or on behalf of an enemy, whether for valuable consideration or otherwise, have any rights or remedies against any party to the instrument unless he proves that the transfer was made before the commencement of the present war, and any party to the instrument who knowingly discharges the instrument shall be deemed to be guilty of trading with the enemy within the meaning of the principal act: *Provided*, That this subsection shall not apply where the transferee, or some subsequent holder of the instrument, proves that the transfer, or some subsequent transfer, of the instrument was made before the 19th day of November, 1914, in good faith and for valuable consideration.

(3) Nothing in this section shall be construed as validating any assignment, delivery, or transfer which would be invalid apart from this section or as applying to securities within the meaning of section 8 of this act.

7. Where during the continuance of the present war any coupon or other security transferable by delivery is presented for payment to any company, municipal authority, or other body, or person, and the company, body, or person has reason to suspect that it is so presented on behalf or for the benefit of an enemy, or that since the commencement of the present war it has been held by or for the benefit of an enemy, the company, body, or person may pay the sum due in respect thereof into the high court, and the same shall, subject to rules of court, be dealt with according to the orders of the court, and such a payment shall for all purposes be a good discharge to the company, body, or person.

8. (1) No transfer made after the passing of this act by or on behalf of an enemy of any securities shall confer on the transferee any rights or remedies in respect thereof, and no company or municipal authority or other body by whom the securities were issued or are managed shall, except as hereinafter appears, take any cognizance of or otherwise act upon any notice of such a transfer.

(2) No entry shall hereafter, during the continuance of the present war, be made in any register or branch register or other book kept in the United Kingdom of any transfer of any securities therein registered, inscribed, or standing in the name of an enemy, except by leave of a court of competent jurisdiction or of the board of trade.

(3) No share warrants payable to bearer shall be issued during the continuance of the present war in respect of any shares or stock registered in the name of any enemy.

(4) If any company or any body contravenes the provisions of this section the company or body shall be liable on conviction, under the summary jurisdiction acts, to a fine not exceeding £100, and every director, manager, secretary, or other officer of the company or body who is knowingly a party to the default, shall be liable on the like conviction to a like fine or to imprisonment, with or without hard labor, for a term not exceeding six months.

(5) For the purposes of this section the expression "securities" means any annuities, stock, shares, debentures, or debenture stock issued by or on behalf of the Government or by any municipal or other authority, or by any company or by any other body which are registered or inscribed in any register, branch register, or other book keept in the United Kingdom.

9. (1) During the continuance of the present war a certificate of incorporation of a company shall not be given by the registrar of joint-stock companies until there has been filed with him either—

(a) A statutory declaration by a solicitor of the supreme court or, in Scotland, by an enrolled law agent, engaged in the formation of the company, that the company is not formed for the purpose or with the intention of acquiring the whole or any part of the undertaking of a person, firm, or company the books and documents of which are liable to inspection under subsection (2) of section 2 of the principal act; or

(b) a license from the board of trade authorizing the acquisition by the company of such an undertaking.

(2) Where such a statutory declaration has been filed it shall not be lawful for the company, during the continuance of the present war, without the license of the board of trade, to acquire the whole or any part of any such undertaking, and if it does so the company shall, without prejudice to any other liability, be liable on conviction under the summary jurisdiction acts to a fine not exceeding £100, and every director, manager, secretary, or other officer of the company who is knowingly a party to the default shall on the like conviction be liable to the like fine or to imprisonment, with or without hard labor, for a term not exceeding six months.

10. (1) Section 1 of the principal act shall apply to a person who during the present war attempts, or, directly or indirectly, offers or proposes or agrees, or has since the 4th day of August, 1914, attempted or, directly or indirectly, offered or proposed or agreed to trade with the enemy within the meaning of that act in like manner as it applies to a person who so trades or has so traded.

(2) If any person without lawful authority in anywise aids or abets any other person, whether or not such other person is in the United Kingdom, to enter into, negotiate, or complete any transaction, or do any act which, if effected or done in the United Kingdom by such other person, would constitute an offense of trading with the enemy within the meaning of the principal act, he shall be deemed to be guilty of such an offense.

(3) If any person without lawful authority deals, or attempts, or offers, proposes, or agrees, whether directly or indirectly, to deal with any money or security for money or other property which is in his hands or over which he has any claim or control for the purpose of enabling an enemy to obtain money or credit thereon or thereby he shall be deemed to be guilty of the offense of trading with the enemy within the meaning of the principal act.

11. (1) In addition to the grounds on which an application can be made to the court by the board of trade to appoint a controller under section 3 of the principal act, such an application may be made in any case in which the board think it is expedient in the public interest that a controller should be appointed owing to circumstances or considerations arising out of the present war, and that section shall be construed accordingly.

(2) Section 3 of the principal act as amended by this section shall extend so as to enable a controller to be appointed of a business carried on by a person in like manner as it applies to the appointment of a controller of a business carried on by a firm.

12. (1) Where, on the report of an inspector appointed to inspect the books and documents of a person, firm, or company under section 2 of the principal act, it appears to the board of trade that it is expedient that the business should be subject to frequent inspection or constant supervision, the board of trade may appoint that inspector or some other person to supervise the business with such powers as the board of trade may determine, and any remuneration payable and expenses incurred, whether for the original inspection or the subsequent supervision to such amount as may be fixed by the board of trade, shall be paid by the said person, firm, or company.

(2) Paragraph (c) of subsection (2) of section 2 of the principal act shall have effect and shall be deemed always to have had effect as if for the word "trading" there were substituted the word "resident."

13. Where a person has given any information to a person appointed to inspect the books and documents of a person, firm, or company under section 2 of the principal act, the information so given may be used in evidence against him in any proceedings relating to offenses of trading with the enemy within the meaning of the principal act, notwithstanding that he only gave the information on being required so to do by the inspector in pursuance of his powers under the said section.

14. (1) This act may be cited as the trading with the enemy amendment act, 1914, and shall be construed as one with the principal act.

(2) No person or body of persons shall for the purposes of this act be treated as an enemy who would not be so treated for the purpose of any proclamation issued by his majesty dealing with trading with the enemy for the time being in force, and the expression "commencement of the present war" shall mean as respects any enemy the date on which war was declared by his majesty on the country in which that enemy resides or carries on business.

(3) In the application of this act to Scotland "real property" shall mean "heritable property"; "personal property" shall mean "movable property"; "chose in action" shall mean "right of action"; "attached or otherwise taken in execution" shall mean "arrested in execution or in security or otherwise affected by diligence"; "assignment" shall mean "assignation"; "judgment has been recovered" shall mean "decree has been obtained"; a reference to a vesting order made under the trustee act, 1893, shall be construed as a reference to a warrant to complete a title granted under section 12 of the trusts (Scotland) act, 1867, and any money paid into the court of session in terms of this act shall be paid in such manner as may be prescribed by act of sederunt.

(4) Nothing in this act shall be construed as limiting the powers of his majesty by proclamation to prohibit any transaction which is not prohibited by this act or by license to permit any transaction which is so prohibited.

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TRADING-WITH-THE-ENEMY AMENDMENT ACT, 1915.

(5 and 6 Geo. V, c. 79.)

An act to amend the trading-with-the-enemy acts, 1914 (20th July, 1915).

Be it enacted, etc., as follows:

1. (1) Section 2 of the trading-with-the-enemy amendment act, 1914 (hereinafter referred to as the principal act), which relates to the payment to the custodian of dividends, interest, and profits payable to or for the benefit of enemies, shall extend to sums which, had a state of war not existed, would have been payable and paid in the United Kingdom to enemies—

(a) In respect of interest on securities issued by or on behalf of the Government or the Government of any of his majesty's dominions or any foreign Government, or by or on behalf of any corporation or any municipal or other authority whether within or without the United Kingdom; and

(b) By way of payment off of any securities which have become repayable on maturity or by being drawn for payment or otherwise, being such securities as aforesaid or securities issued by any company; and in the case of such sums as aforesaid (other than sums in respect of the payment off of securities issued by a company) the duty of making payments to the custodian and of requiring payments to be made to him and of furnishing him with particulars shall rest with the person, firm, or company through whom the payments in the United Kingdom are made, and the said section shall apply accordingly, and as if for references therein to the date of the passing of the principal act there were substituted references to the date of the passing of this act.

(2) Where the custodian is satisfied from returns made to him under section 3 of the principal act that any such securities as aforesaid (including securities issued by a company) are held by any person on behalf of an enemy, the custodian may give notice thereof to the person, firm, or company by or through whom any dividends, interest, or bonus in respect of the securities or any sums by way of payment off of the securities are payable, and upon the receipt of such notice any dividends, interest, or bonus payable in respect of, and any sums by way of payment off of, the securities to which the notice relates shall be paid to the custodian in like manner as if the securities were held by an enemy.

(2) For the purpose of this section "securities" includes stock, shares, annuities, bonds, debentures or debenture stock or other obligations.

2. (1) Subsection (1) of section 3 of the principal act, which requires returns to be made to the custodian of property held or managed for or on behalf of enemies, shall apply to balances and deposits standing to the credit of enemies at any bank, and to debts to the amount of £50 or upwards, which are due or which, had a state of war not existed, would have been due to enemies, as if such bank or debtor were a person who held property on behalf of an enemy, and as if for references to the passing of the principal act there were substituted references to the passing of this act.

(2) The duty of making returns under the said subsection as so amended, shall extend to companies as if the expression "person" included company, and if any company fails to comply with the provisions of that subsection as so amended, every director, manager, secretary, or officer of the company who is knowingly a party to the default shall, on summary conviction, be liable to a fine not exceeding £100 or to imprisonment with or without hard labor for a term not exceeding six months or to both such a fine and imprisonment, and in addition to a further fine not exceeding £50 for every day during which the default continues.

(3) The custodian shall keep a register of all property returns whereof have been made to him under section 3 of the principal act as amended by this section, and such register may be inspected by any person who appears to the custodian to be interested as a creditor or otherwise.

3. Sections 6, 7, and 8 of the principal act shall apply as if the expression "enemy," where used in those sections, included any person or body of persons who is an enemy or treated as an enemy under any proclamations relating to trading with the enemy for the time being in force: *Provided*, That the said sections 6 and 8 shall apply as respects persons who were not enemies nor treated as enemies under the proclamations in force on the 19th day of November, 1914, with the substitution of references to the 19th day of July, 1915, for references to the said 19th day of November, and of references to the date of the passing of this act for references to the date of the passing of the principal act, and except in cases where a license has been duly granted exempting any particular transaction from the provisions of any of the said sections.

4. No action shall be brought or other proceedings commenced by a company the books and documents of which are liable to inspection under subsection (2) of section 2 of the trading-with-the-enemy act, 1914, unless notice in writing has previously been given by the company to the custodian of their intention.

5. This act may be cited as the trading-with-the-enemy amendment act, 1915, and shall be construed as one with the principal act; and the trading-with-the-enemy act, 1914, the trading-with-the-enemy amendment act, 1914, and this act shall be cited together as the trading-with-the-enemy acts, 1914 and 1915.

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TRADING-WITH-THE-ENEMY AMENDMENT ACT, 1916.

(5 and 6 Geo. V, c. 105.)

An act to amend the trading with the enemy acts. (27th January, 1916).

Be it enacted, etc., as follows:

1. (1) Where it appears to the board of trade that the business carried on in the United Kingdom by any person, firm, or company is, by reason of the enemy nationality or enemy association of that person, firm, or company, or of the members of that firm or company or any of them, or otherwise, carries on wholly or mainly for the benefit of or under the control of enemy subjects, the board of trade shall, unless for any special reason it appears to them inexpedient to do so, make an order either—

(a) Prohibiting the person, firm, or company from carrying on the business, except for the purposes and subject to the conditions, if any, specified in the order; or

(b) Requiring the business to be wound up.

The board of trade may at any time revoke or vary any such order, and may, in any case where they have made an order prohibiting or limiting the carrying on of the business, at any time, if they think it expedient, substitute for that order an order requiring the business to be wound up.

(2) Where the board of trade make any such order they may at the same time or at any time subsequently appoint a controller to control and supervise the carrying out of the order and, if the case requires or it appears expedient to the board of trade, the board may, as occasion requires, confer on the controller such powers as are exercisable by a liquidator in a voluntary winding up of a company (including power in the name of the person, firm, or company, or in his own name, and by deed or otherwise, to convey or transfer any property, and power to apply to the high court or a judge thereof to determine any question arising in the carrying out of the order), or those powers subject to such modifications, restrictions, or extensions as the board think necessary or convenient for the purpose of giving full effect to the order, and the remuneration of and costs, charges, and expenses incurred by the controller, and any remuneration payable and costs, charges, and expenses incurred in connection with the supervision or inspection of the business, whether before or after the passing of this act, to such amount as may be approved by the board, shall be defrayed out of the assets of the business, and shall be charged on such assets in priority to any other charges thereon.

In England and Wales an official receiver may, if the board of trade think fit, be appointed controller.

(3) The distribution of any sums or other property resulting from the realization of any assets of the business, whether those assets are realized as the result of an order requiring the business to be wound up or as the result of an order prohibiting or limiting the carrying on of the business, shall be subject to the same rules as to preferential payments as are applicable to the distribution of the assets of a company which is being wound up, and these assets shall, so far as they are available for discharging unsecured debts, be applied in discharging such debts due to creditors who are not enemies in priority to the unsecured debts due to creditors who are enemies; and any balance, after providing for the discharge of liabilities, shall be distributed amongst the persons interested therein in such manner as the board of trade may direct:

Provided, That any sums or other property which had a state of war not existed would have been payable or transferable under this section to enemies, whether as creditors or otherwise, shall be paid or transferred to the custodian under the trading with the enemy amend-

ment act, 1914, to be dealt with by him in like manner as money paid to him under that act.

(4) Where there are assets of the business in enemy territory, the controller shall cause an estimate to be prepared of the value of those assets and also of the liabilities of the business to creditors, whether secured or unsecured, in enemy territory, and of the claims of persons in enemy territory to participate in the distribution of any balance available for distribution, and such liabilities and claims shall, for the purposes of this section, be deemed to have been satisfied out of such assets so far as they are capable of bearing them, and the balance (if any) of such liabilities and claims shall alone rank for payment out of the other assets of the business. A certificate by the controller as to the amount of such assets, liabilities, claims, and balance shall be conclusive for the purpose of determining the sums available for discharging the other liabilities and for distribution amongst other persons claiming to be interested in the business:

Provided, That nothing in this provision shall affect the rights of creditors of and other persons interested in the business against the assets of the business in enemy territory.

(5) The board of trade may, on application for the purpose being made by a controller appointed under this section, after considering the application and any objection which may be made by any person who appears to them to be interested, grant him a release, and an order of the board releasing the controller shall discharge him from all liability in respect of any act done or default made by him in the exercise and performance of his powers and duties as controller, but any such order may be revoked on proof that it was obtained by fraud or by suppression or concealment of any material fact.

(6) If any person contravenes the provisions of any order made under this section he shall be guilty of a misdemeanor punishable and triable in like manner as the offense of trading with the enemy, and section 1 of the trading-with-the-enemy act, 1914, shall apply accordingly.

(7) Where an order under this section has been made as respects the business carried on by any person, firm, or company, no bankruptcy, petition, or petition for sequestration or summary sequestration against such person or firm or petition for the winding up of such company shall be presented, or resolution for the winding up of such company passed, or steps for the enforcement of the rights of any creditors of the person, firm, or company taken without the consent of the board of trade, but the board of trade may present a petition for the winding up of the company by the court, and the making of an order under this section shall be a ground on which the company may be wound up by the court.

(8) The board of trade shall from time to time prepare and lay before Parliament lists of the persons, firms, and companies as to whom orders have been made under this section, together with short particulars of such orders, and notice of the making of an order under this section prohibiting or limiting the carrying on of any business, or requiring any business to be wound up, shall be published in the London, Edinburgh, or Dublin Gazette, as the case may require.

(9) Where a person, being a subject of His Majesty or of any State allied to His Majesty, is detained in enemy territory against his will, that person, for the purposes of this section, shall not be treated as an enemy or as being in enemy territory.

(10) An order made under this section shall continue in force, notwithstanding the termination of the present war, until determined by order of the board of trade.

2. Where it appears to the board of trade that a contract entered into before or during the war with an enemy or enemy subject, or with a person, firm, or company in respect of whose business an order shall have been made under section 1 of this act, is injurious to the public interest, the board of trade may by order cancel or determine such contract either unconditionally or upon such conditions as the board may think fit, and thereupon such contract shall be deemed to be canceled or determined accordingly.

3. The power of the board of trade to appoint inspectors and supervisors under the trading-with-the-enemy acts, 1914 and 1915, shall include a power to appoint an inspector or supervisor of the business carried on by any person, firm, or company in the United Kingdom for the purpose of ascertaining whether the business is carried on for the benefit of or under the control of enemy subjects, or for the purpose of ascertaining the relations existing, or which, before the war existed, between such person, firm, or company, or of any members of that firm or company and any such subject; and the board of trade may require any inspector, supervisor, or controller appointed under the said acts or this act to furnish them with reports on any matters connected with the business.

4. (1) The board of trade, in any case where it appears to them to be expedient to do so, may by order vest in the custodian under the trading-with-the-enemy amendment act, 1914, any property, real or personal (including any rights, whether legal or equitable, in or arising out of property, real or personal), belonging to or held or managed for or on behalf of an enemy or enemy subject, or the right to transfer that property, and may by any such order, or any subsequent order, confer on the custodian such powers of selling, managing, and otherwise dealing with the property as to the board may seem proper.

(2) A vesting order under this section as respects property of any description shall be of the like purport and effect as a vesting order as respects property of the same description made by the high court under the trustee act, 1893, and shall be sufficient to vest in the custodian any property, or the right to transfer any property as provided by the order, without the necessity of any further conveyance, assurance, or document.

(3) Where in exercise of the powers conferred on him by the board of trade or by the court under this act or by virtue of the trading-with-the-enemy amendment act, 1914, the custodian proposes to sell any shares or stock forming part of the capital of any company or any securities issued by the company in respect of which a vesting order under either of the said enactments has been made, the company may, with the consent of the board of trade, purchase the shares, stock, or securities, any law or any regulation of the company to the contrary notwithstanding, and any shares, stock, or securities so purchased may from time to time be reissued by the company.

(4) The transfer on sale by the custodian of any property shall be conclusive evidence in favor of the purchaser and of the custodian that the requirements of this section have been complied with.

(5) All property vested in the custodian under this section, and the proceeds of the sale of, or money arising from, any such property shall be dealt with by him in like manner as money paid to and property vested in him under the trading-with-the-enemy amendment act, 1914, and section 5 of that act as amended by this act shall apply accordingly.

5. It shall be the duty of every enemy subject who is within the United Kingdom, if so required by the custodian, within one month after being so required, to furnish the custodian with such particulars as to—

(a) Any stocks, shares, debentures, or other securities issued by any company, government, municipal, or other authority held by him or in which he is interested; and

(b) Any other property of the value of £50 or upward belonging to him or in which he is interested—

as the custodian may require, and if he fails to do so he shall, on conviction under the summary jurisdiction acts, be liable to a fine not exceeding £100, or to imprisonment with or without hard labor for a term not exceeding six months, or to both such a fine and imprisonment, and, in addition, to a further fine not exceeding £50 for every day during which the default continues.

6. If the benefit of an application made by or on behalf or for the benefit of an enemy or enemy subject for any patent is, by an order under the trading-with-the-enemy amendment act, 1914, or this act, vested in the custodian, the patent may be granted to the custodian as patentee and may, notwithstanding anything in section 12 of the patents and designs act, 1907 be sealed accordingly by the comptroller general of patents, designs, and trade-marks, and any patent so granted to the custodian shall be deemed to be property vested in him by such order as aforesaid.

7. Any restrictions imposed by any act or proclamation on dealings with enemy property shall continue to apply to property particulars whereof are or are liable to be notified to the custodian in pursuance of section 3 of the trading-with-the-enemy amendment act, 1914, as extended by any subsequent enactment, not only during the continuance of the present war, but thereafter until such time as they may be removed by order in council, and orders in council may be made removing all or any of those restrictions either simultaneously as respects all such property or at different times as respects different classes or items of property.

8. (1) Where the custodian executes a transfer of any shares, stock, or securities which he is empowered to transfer by a vesting order made under section 4 of the trading-with-the-enemy amendment act, 1914, or under this act, the company or other body in whose books the shares, stock, or securities are registered shall, upon the receipt of the transfer so executed by the custodian, and upon being required by him so to do, register the shares, stock, or securities in the name of the custodian or other transferee, notwithstanding any regulation or stipulation of the company or other body, and notwithstanding that the custodian is not in possession of the certificate, script, or other document of title relating to the shares, stock, or securities transferred, but such registration shall be without prejudice to any lien or charge in favor of the company or other body or to any other lien or charge of which the custodian has notice.

(2) If any question arises as to the existence or amount of any lien or charge the question may, on application being made for the purpose, be determined by the high court or a judge thereof.

9. Where a vesting order has been made under section 4 of the trading-with-the-enemy amendment act, 1914, or under this act as respects any property belonging to or held or managed for or on behalf of a person who appeared to the court or board making the order to be an enemy or enemy subject, the order shall not nor shall any proceedings thereunder or in consequence thereof be invalidated or affected by reason only of such person having, prior to the date of the order, died or ceased to be an enemy or enemy subject or subsequently dying or ceasing to be an enemy or enemy subject, or by reason of its being subsequently ascertained that he was not an enemy or an enemy subject, as the case may be.

10. (1) Where on an application for the registration of a company it appears to the registrar of joint-stock companies that any subscriber of the memorandum of association or any proposed director of the company is an enemy subject, he may refuse to register the company.

(2) No allotment or transfer of any share, stock, debenture, or other security issued by a company made after the passing of this act to or for the benefit of an enemy subject shall, unless made with the consent of the board of trade, confer on the allottee or transferee any rights or remedies in respect thereof, and the company by whom the security was issued shall not take any cognizance of or otherwise act upon any notice of any such transfer except by leave of a court of competent jurisdiction or of the board of trade.

If any company contravenes the provisions of this section the company shall be liable on conviction under the summary jurisdiction acts to a fine not exceeding £100, and every director, manager, secretary, or other officer of the company who is knowingly a party to the default shall be liable on conviction to a fine for a like amount or to imprisonment, with or without hard labor, for a term not exceeding six months.

(3) Where the right of nominating or appointing a director of a company is vested in any enemy or enemy subject the right shall not be exercisable except by leave of the board of trade, and any director nominated or appointed in exercise of such right shall, except as aforesaid, cease to hold office as director.

11. Where the board of trade certify that it appears to them that a company registered in the United Kingdom is carrying on business either directly or through an agent, branch, or subsidiary company outside the United Kingdom, and that in carrying on such business it has entered into or done acts which if entered into or done in the United Kingdom would constitute the offense of trading with the enemy, the board of trade may present a petition for the winding up of the company by the court, and the issue of such a certificate shall be a ground on which the company may be wound up by the court, and the certificate shall, for the purposes of the petition, be evidence of the facts therein stated.

12. In subsection (2) of section 5 of the trading-with-the-enemy amendment act, 1914, for the words "by whose order any property belonging to an enemy was vested in the custodian under this act or of any court in which judgment has been reported against an enemy" there shall be constituted the word "thereof."

13. For removing doubts it is hereby declared that the custodian under the trading-with-the-enemy acts 1914 and 1915, has and shall be deemed always to have had power to charge such fees in respect of his duties under that act and this act, whether by way of percentage or otherwise, as the treasury may fix, and such fees shall be collected and accounted for by such persons in such manner and shall be paid to such account as the treasury direct, and the incidence of the fees as between capital and income shall be determined by the custodian.

14. All things required or authorized under the trading-with-the-enemy acts, 1914 and 1915, or this act to be done by, to, or before the board of trade, may be done by, to, or before the president or a secretary or an assistant secretary of the board of trade or any person authorized in that behalf by the president of the board of trade.

15. In this act the expression "enemy subject" means a subject of a State for the time being at war with His Majesty, and includes a body corporate constituted according to the laws of such a State.

16. This act may be cited as the trading-with-the-enemy amendment act, 1916, and shall be construed as one with the trading-with-the-enemy acts, 1914 and 1915, and those acts and this act may be cited together as the trading-with-the-enemy acts, 1914 to 1916.

TRADING-WITH-THE-ENEMY (EXTENSION OF POWERS) ACT, 1915.

(5 and 6 Geo. V, ch. 98.)

An act to provide for the extension of the restrictions relating to trading with the enemy to persons to whom, though not resident or carrying on business in enemy territory, it is by reason of their enemy nationality or enemy associations expedient to extend such restrictions. (Dec. 23, 1915.)

Be it enacted, etc., as follows:

1. (1) His Majest may by proclamation prohibit all persons or bodies of persons, incorporated or unincorporated, resident, carrying on business, or being in the United Kingdom from trading with any persons or bodies of persons not resident or carrying on business in enemy territory or in territory in the occupation of the enemy (other than persons or bodies of persons, incorporated or unincorporated, residing or carrying on business solely within His Majesty's dominions) wherever by reason of the enemy nationality or enemy association of such persons or bodies of persons, incorporated or unincorporated, it appears to His Majesty expedient so to do, and if any person acts in contravention of any such proclamation he shall be guilty of a misdemeanor triable and punishable in like manner as the offense of trading with the enemy.

(2) Any list of persons and bodies of persons, incorporated or unincorporated, with whom such trading is prohibited by a proclamation under this act may be varied or added to by an order made by the lords of the council on the recommendation of a secretary of state.

(3) The provisions of the trading with the enemy acts, 1914 and 1915, and of the customs (war powers, No. 2) act, 1915, and all other enactments relating to trading with the enemy, shall, subject to such exceptions and adaptations as may be prescribed by order in council, apply in respect of such persons and bodies of persons as aforesaid as if for reference therein to trading with the enemy there were substituted references to trading with such persons and bodies of persons as aforesaid, and for references to enemies there were substituted references to such persons and bodies of persons as aforesaid, and for references to offenses under the trading with the enemy acts, 1914 and 1915, or any of those acts, there were substituted references to offenses under this act.

(4) For the purposes of this act a person shall be deemed to have traded with a person or body of persons to whom a proclamation issued under this act applies if he enters into any transaction or does any act with, to, on behalf of, or for the benefit of such a person or body of persons which if entered into or done with, to, on behalf of, or for the benefit of an enemy would be trading with the enemy.

2. This act may be cited as the trading-with-the-enemy (extension of powers) act, 1915.

TRADING-WITH-THE-ENEMY (COPYRIGHT) ACT, 1916.

(6 and 7 Geo. V, ch. 32.)

An act to make provision with respect to copyright in works first published or made in an enemy country during the present war. (Aug. 10, 1916.)

Whereas doubts have arisen with respect to the existence of copyright in works first published or made in an enemy country during the present war, the copyright wherein would, had a state of war not existed, have vested in any person as the first owner thereof by virtue of the application to an enemy country of any order in council made under the copyright act, 1911, and it is expedient to make such provision as is hereinafter contained with respect to copyright in such works:

Be it enacted, etc., as follows:

1. Copyright in all such works, whether first published or made after or before the passing of this act, shall be deemed to vest or to have vested in the public trustee in his capacity as custodian under the trading with the enemy amendment act, 1914; and the public trustee shall, subject to regulations made by the board of trade, have all such powers, rights, and remedies in relation to the work as such person as aforesaid would, had a state of war not existed, have had; and all copyrights so vested in the public trustee, and any money arising from the exercise of his rights as the owner of any such copyright, shall be dealt with by him in like manner as property vested in him under the trading with the enemy amendment act, 1914, and section 5 of that act as amended by any subsequent enactment shall apply accordingly.

Provided, That where, before the passing of this act, any person has taken any action whereby he has incurred expenditure or liability in connection with the reproduction or performance of any such work as aforesaid the public trustee shall, on application for the purpose being made within six months after the passing of this act, grant to him a license to reproduce or perform the work on such terms and conditions as, in the opinion of the public trustee, are fair and reasonable.

2. This act may be cited as the trading-with-the-enemy (copyright) act, 1916, and shall be construed as one with the trading-with-the-enemy amendment act, 1914.

TRADING-WITH-THE-ENEMY AND EXPORT-OF-PROHIBITED-GOODS ACT, 1916.

(6 and 7 Geo. V, ch. 52.)

An act to amend the law relating to trading with the enemy and the export of prohibited goods. (18th December, 1916.)

Be it enacted, etc., as follows:

1. If for the purpose of obtaining any license, authority, or approval for any transaction or matter under or in connection with any proclamation or act relating to trading with the enemy or for the purpose of obtaining a license to export any goods the exportation of which without a license is prohibited under any proclamation or order in or of council any person—

(a) makes or presents any declaration or statement or representation which is false in any material particular; or

(b) produces a guaranty certificate or undertaking which is false in any material particular, or has not been given by the person by whom it purports to have been given, or which has been in any way altered or tampered with;

he shall be liable, on summary conviction, to a fine not exceeding £500, or, alternatively, in the case of goods for export, treble the value of the goods, or to imprisonment with or without hard labor for a term not exceeding three months, or to both such fine and imprisonment, unless he proves that he had taken all reasonable steps to ascertain the truth of the statements made or contained in any document so presented or produced or to satisfy himself of the genuineness of the guaranty certificate or undertaking.

2. Where a person has been authorized upon section 2 of the trading-with-the-enemy act, 1914, to inspect the books and documents of any person, firm, or company, and any book or document is found by him to have been destroyed, mutilated, or falsified, any person having or having had control of such book or document shall be guilty of a misdemeanor and liable to the same punishment as if he had been guilty of trading with the enemy unless he proves that the destruction, mutilation, or falsification was not intended for the purpose of concealing any transaction which would constitute an offense of trading with the enemy.

3. For removing doubts, it is hereby declared—

(a) That in section 2 of the customs (exportation restriction) act, 1915 (which relates to penalties in respect of the exportation of goods in contravention of any proclamation or order in or of council under section 8 of the customs and inland revenue act, 1879, or the exportation of arms act, 1900, as amended by any subsequent enactments), the reference to goods exported includes goods brought to any quay or other place to be shipped for exportation in the United Kingdom; and

(b) That in section 186 of the customs consolidation act, 1876 (which relates to illegal dealings in goods subject to prohibitions and restrictions), the references to prohibited or restricted goods and to any prohibitions and restrictions includes (except where the context otherwise requires) references to goods the exportation of which is prohibited or restricted and to prohibitions and restrictions on the export of goods.

4. This act may be cited as the trading-with-the-enemy and export-of-prohibited-goods act, 1916.

CANADA.

Consolidated orders respecting trading with the enemy, enacted and put in force by the Governor General in council May 2, 1916, under the authority of the war-measures act, 1914.

[P. C. 1023.]

1. (1) For the purposes of these orders and regulations, the following expressions shall be construed so that—

(a) "Person" shall extend to and include persons and bodies of persons, incorporated and unincorporated, such as firms, clubs, companies, and municipal authorities, and, as well, trustees, executors, and administrators.

(b) "Enemy" shall extend to and include a person (as defined in this order) who resides or carries on business within territory of a State or sovereign for the time being at war with His Majesty, or who resides or carries on business within territory occupied by a State or sovereign for the time being at war with His Majesty, and, as well, any person wherever resident or carrying on business, who is an enemy or treated as an enemy and with whom dealing is for the time being prohibited by statute, proclamation, the following orders and regulations, or the common law; but said expression does not include a subject of His Majesty or of any State or sovereign allied to His Majesty who is detained in enemy territory against his will, nor shall such last-mentioned person be treated as being in enemy territory.

(c) "Enemy subject" extends to and includes a person (as defined in this order), wherever resident, who is a subject of a State or sovereign for the time being at war with His Majesty. (Br., 1916, s. 15.)

(b) "Securities" shall extend to and include stock, shares, annuities, bonds, debentures, or debenture stock or other obligations issued by or on behalf of any Government, municipal or other authority, or any corporation or company, whether within or without Canada. (Br. Cap. 79/15, s. 1 (3); Br. Cap. 12/14, s. 8; Br. Cap. 79/15, s. 8, interp. "Enemy.")

(e) "Dividends, interest, or share or profits" shall extend to and include any dividends, bonus, or interest in respect of any shares, stock, debentures, debenture stock, or other obligations of any company, any interest in respect of any loan to a firm or person carrying on business for the purposes of that business, and any profits or share of profits of such a business, and, where a person is carrying on any business on behalf of an enemy, any sum which, had a state of war not existed, would have been transmissible by a person to the enemy by way of profits from that business, shall be deemed to be a sum which would have been payable and paid to that enemy. (Br. Cap. 12/14, s. 2 (3); Br. Cap. 97/15, s. 1 (3).)

(f) "Commencement of the present war" shall mean, as respects any enemy, the date on which war was declared by His Majesty on the country in which that enemy resides or carries on business. (Br. Cap. 12/14, s. 14 (2).)

2. Any person who during the present war trades or attempts to trade, or directly or indirectly offers or proposes or agrees to trade, or has since the 4th day of August, 1914, traded, attempted, or directly or indirectly offered or proposed or agreed to trade, with the enemy, within the meaning of these orders and regulations, shall be guilty of an offense. (P. C. 2724, Oct. 30, 1914, part sec. 1, Br. Cap. 87/14. Amendment sec. 10 (1), Br. Cap. 12/14.)

3. Without restricting the generality of the terms of the immediately preceding order, it is declared that the following set forth matters constitute trading with the enemy within the meaning of these orders and regulations:

(1) Entering into any transaction or doing any act which was at the time of such transaction or act prohibited by or under any proclamation issued by His Majesty, for the time being in force, dealing with or trading with the enemy, or which at common law or by statute or under any orders or regulations constitutes an offense of trading with the enemy. (P. C. 2724, Oct. 30, 1914. Part sec. 1, Br. Cap. 87/14.)

(2) Entering into any transaction or doing any act with, to, or on behalf of or for the benefit of, any person (other than a person resident or carrying on business solely within His Majesty's Dominions) after the issue of any proclamation by his royal highness the Governor General of Canada, declaring that such person, although not resident or carrying on business in enemy territory or in territory in occupation of the enemy, was, by reason of his enemy nationality or enemy associations, a person with whom trading was prohibited, and which transaction or act, if entered into or done with, to, or on behalf of or for the benefit of an enemy would be trading with the enemy. (Br. Cap. 98/15.)

(3) Dealing or attempting or offering, proposing, or agreeing, whether directly or indirectly, to deal with any money or security for

money or other property which is in the hands of the person so dealing, attempting, or offering, proposing, or agreeing, or over which he has any claim or control, for the purpose of enabling an enemy to obtain money or credit thereon or thereby. (Sec. 10 (3), Br. Cap. 12/14.)

(4) Aiding or abetting any other person, whether or not such person is in Canada, to enter into, negotiate, or complete any transaction or do any act which, if effected or done in Canada by such other person, would constitute an offense of trading with the enemy. (Sec. 10 (2), Br. Cap. 12/14.)

(5) Knowingly paying, discharging, or satisfying any debt or chose in action to which subsection (1) of order 4 hereof applies.

(6) The knowingly discharging by any party to the instrument of any bill of exchange or promissory note to which subsection (2) of order 4 hereof applies.

Provided, That any transaction or act permitted by or under any proclamation or otherwise by competent authority shall not be deemed to be trading with the enemy. (Br. 87/14, sec. 1 (2); Can. P. C., 2724.)

4. (1) No person shall by virtue of any assignment of any debt or other chose in action, or delivery of any coupon or other security transferable by delivery or transfer of any other obligation, made or to be made in his favor by or on behalf of an enemy, whether for valuable consideration or otherwise, have any rights or remedies against the person liable to pay, discharge, or satisfy the debt, chose in action, security, or obligation, unless he proves that the assignment, delivery, or transfer was made by leave of the secretary of state or was made before the commencement of the present war; and any person who knowingly pays, discharges, or satisfies any debt or chose in action to which this subsection applies shall be deemed guilty of the offense of trading with the enemy: *Provided*, That this subsection shall not apply where a license has been duly granted exempting the particular transaction from the provisions of this order or where the person to whom the assignment, delivery or transfer was made, or some person deriving title under him, proves that the transfer, delivery, or assignment or some subsequent transfer, delivery, or assignment was made in good faith and for valuable consideration before the publication in the Canada Gazette of these orders and regulations, nor shall this subsection apply to any bill of exchange or promissory note. (Br. Cap. 12/14, sec. 6; Br. Cap. 79/15, sec. 3, and interp. "Enemy.")

(2) No person shall by virtue of any transfer of a bill of exchange or promissory note made or to be made in his favor by or on behalf of an enemy, whether for valuable consideration or otherwise, have any rights or remedies against any party to the instrument unless he proves that the transfer was made before the commencement of the present war, and any party to the instrument who knowingly discharges the instrument shall be deemed to be guilty of the offense of trading with the enemy: *Provided*, That this subsection shall not apply where a license has been duly granted exempting the particular transaction from the provisions of this subsection, or where the transferee or some subsequent holder of the instrument proves that the transfer or some subsequent transfer of the instrument was made in good faith and for valuable consideration before the publication in the Canada Gazette of these orders and regulations. (Br. Cap. 12/14, sec. 6; Br. Cap. 79/15, sec. 2.)

(3) Nothing in this order shall be construed as validating any assignment, delivery, or transfer which would be invalid apart from this order or as applying to securities within the meaning of order 6 of these orders and regulations.

5. Where during the continuance of the present war any coupon or other security transferable by delivery is presented for payment to any company, municipal authority, or other body or person, and the company, body, or person has reason to suspect that it is so presented on behalf or for the benefit of an enemy, or that since the commencement of the present war it has been held by or for the benefit of an enemy, the company, body, or person may pay the sum due in respect thereof into any superior court of record in the Province where the same is payable, and the same shall, subject to rules of court, be dealt with according to the orders of the court, and such a payment shall for all purposes be a good discharge to the company, body, or person. (Br. Cap. 12/14, sec. 7; Br. Cap. 79/15, sec. 3, interp. "Enemy.")

6. (1) No transfer made after the publication of these orders and regulations in the Canada Gazette (unless upon license duly granted exempting the particular transaction from the provisions of this subsection) by or on behalf of an enemy of any securities shall confer on the transferred any rights or remedies in respect thereof, and no company or municipal authority or other body by whom the securities were issued or are managed shall, except as hereinafter appears, take any cognizance of or otherwise act upon any notice of such a transfer. (Br. Cap. 12/14, s. 8; Br. Cap. 79/15, s. 3; Interp. "Enemy.")

(2) No entry shall hereafter, during the continuance of the present war, be made in any register or branch register or other book kept within Canada of any transfer of any securities therein registered, inscribed, or standing in the name of an enemy, except by leave of a court of competent jurisdiction or of the secretary of state. (Br. Cap. 12/14, s. 8; Br. Cap. 79/15, s. 3; Interp. "Enemy.")

(3) No share warrants payable to bearer shall be issued during the continuance of the present war in respect of any shares or stock registered in the name of any enemy. (Br. Cap. 12/14, s. 8; Br. Cap. 79/15, s. 3; Interp. "Enemy.")

(4) Any violation of any provision of this order shall be an offense against these orders and regulations.

7. If a stipendiary magistrate is satisfied, on information on oath laid on behalf of the secretary of state, that there is reasonable ground for suspecting that an offense under any of orders 2 to 6, inclusive, of these orders and regulations has been or is about to be committed by any person who is within the territorial jurisdiction of said stipendiary magistrate, he may issue a warrant authorizing any person appointed by the secretary of state and named in the warrant to inspect all books or documents belonging to or under the control of that person, and to require any person able to give any information with respect to the business or trade of the suspected person, to give that information, and if accompanied by a police officer to enter and search any premises used in connection with the business or trade, and to seize any such books or documents as aforesaid: *Provided*, That if it appears to the secretary of state that the case is one of great emergency and that in the interests of the State immediate action is necessary, the secretary of state may, by written order, give to a person appointed by him the like authority as may be given by a warrant of a stipendiary magistrate under this section. (Br. Cap. 87/14, s. 2; 1.)

8. (1) Where it appears to the secretary of state—

(a) That one of the partners in a firm was immediately before or at any time since the commencement of the present war a subject of, or resident or carrying on business in, a State for the time being at war with His Majesty; or

(b) That one-third or more of the issued-share capital or the directorate of a company immediately before or at any time since the commencement of the present war was held by or on behalf of or consisted of persons who were subjects of, or residents or carrying on business in, a State for the time being at war with His Majesty; or

(c) That a person, firm, or company was or is acting as agent for any person, firm, or company trading or carrying on business in a State for the time being at war with His Majesty;

The secretary of state may, if he thinks it expedient for the purpose of satisfying himself that the person, firm, or company is not trading with the enemy, by written order given to a person appointed by him, without any warrant from a stipendiary magistrate, authority to inspect all books and documents belonging to or under the control of the person, firm, or company, and to require any person able to give information with respect to the business or trade of that person, firm, or company, to give that information. (Br. Cap. 87/14, s. 2; 2.)

(2) No action shall be brought or other proceedings commenced by a company, the books and documents of which are liable to inspection under this order, unless notice in writing has previously been given by the company to the custodian of their intention. (Br. Cap. 79/15, s. 4.)

9. Any person who, having the custody of any book or document which a person is authorized to inspect under orders 7 or 8 hereof, refuses or willfully neglects to produce it for inspection, and any person who being able to give any information which may be required to be given under said orders 7 or 8 refuses or willfully neglects when required to give that information, shall be guilty of an offense against these orders and regulations.

10. For the purposes of order 8 hereof any person authorized in that behalf by the secretary of state may inspect the register of members of a company at any time, and any shares in a company for which share warrants to bearer have been issued shall not be reckoned as part of the issued share capital of the company. (Br. Cap. 87/14, s. 2; 2.)

11. Where a person has given any information to a person appointed to inspect the books and documents of a person, firm, or company, under orders 7 or 8 hereof, the information so given may be used in evidence against him in any proceedings relating to offenses of trading with the enemy within the meaning of these orders and regulations, notwithstanding that he only gave the information on being required so to do by the inspector, in pursuance of his powers under the said orders. (Br. Cap. 12–14, sec. 13.)

12. Where, on the report of an inspector appointed to inspect the books and documents of a person, firm, or company, under orders 7 or 8 hereof, it appears to the secretary of state that it is expedient that the business should be subject to frequent inspection or constant supervision, the secretary of state may appoint that inspector or some other person to supervise the business, with such powers as the secretary of state may determine, and any remuneration payable and expenses incurred, whether for the original inspection or the subsequent supervision, to such amount as may be fixed by the secretary of state, shall be paid by the said person, firm, or company. (Br. Cap. 12–14, sec. 12 (1).)

13. (1) Where it appears to the secretary of state in reference to any person, firm, or company—

(a) That an offense against any of these orders and regulations has been or is likely to be committed in connection with his or its trade or business; or

(b) That the control or management of said trade or business has been or is likely to be so affected by the state of war as to prejudice the effective continuance thereof and that it is in the public interest that the said trade or business should continue to be carried on; or

(c) That it is expedient in the public interest owing to circumstances or considerations arising out of the present war that a controller or manager of said trade or business should be appointed.

The secretary of state may apply to the same court as would, within the Province wherein said person, firm, or company carries on said trade or business, have jurisdiction to appoint a receiver under the companies-winding-up act of Canada for the appointment of a controller of the firm or company, and said court shall have power to appoint such a controller for such time and subject to such conditions and with such powers as the court thinks fit; and the powers so conferred shall be either those of a receiver and manager or those powers subject to such modifications, restrictions, or extensions as the court thinks fit (including, if the court considers it necessary or expedient for enabling the controller to borrow money, power, after a special application to the court for that purpose, to create charges on the property of the firm or company in priority to existing charges).

(2) The court shall have power to direct how and by whom the costs of any proceedings under this order, and the remuneration, charges, and expenses of the controller, shall be borne, and shall have power, if it thinks fit, to charge such costs, charges, and expenses on the property of the firm or company in such order of priority, in relation to any existing charges thereon, as it thinks fit. (Br. Cap. 87–14, sec. 3, and Br. Cap. 12–14, sec. 11 (1) and 11 (2).)

14. Where the secretary of state certifies that it appears to him that a company registered within Canada is carrying on business either directly or through an agent, branch, or subsidiary company outside Canada, and that in carrying on such business it has entered into or done acts which, if entered into or done within Canada, would constitute the offense of trading with the enemy, the secretary of state may present a petition for the winding up of the company by the court under the companies-winding-up act of Canada, and the issue of such a certificate shall be a ground on which the company may be wound up by the court, and the certificate shall, for the purposes of the petition, be evidence of the facts therein stated. (Br., 1916, sec. 11.)

15. No company shall during the continuance of the present war, without the license of the secretary of state previously obtained, acquire or attempt to acquire the whole or any part of the undertaking of a person, firm, or company the books and documents of which are liable to inspection under order 7 or 8 hereof. (Br. 12–14, sec. 9 (1).)

16. Any company which in violation of order 15 hereof acquires or attempts to acquire the whole or any part of the undertaking of a person, firm, or company the books and documents of which are liable to inspection under order 7 or 8 hereof shall, without prejudice to any other liability, be guilty of an offense against these orders and regulations.

17. (1) Where it appears to the secretary of state that the business carried on within Canada by any person, firm, or company is, by reason of the enemy nationality or enemy association of that person,

firm, or company, or of the members of that firm or company or any of them, or otherwise carried on wholly or mainly for the benefit of or under the control of enemy subjects, the secretary of state shall, unless for any special reason it appears to him inexpedient to do so, make an order either—

(a) Prohibiting the person, firm, or company from carrying on the business, except for the purposes and subject to the conditions, if any, specified in the order; or

(b) Requiring the business to be wound up.

(2) The secretary of state may at any time revoke or vary any such order, and may in any case where he has made an order prohibiting or limiting the carrying on of the business, at any time, if he thinks it expedient, substitute for that order an order requiring the business to be wound up. (Br. 1916, sec. 1 (1).)

(3) Where the secretary of state makes any such order he may at the same time or at any time subsequently appoint a controller to control and supervise the carrying out of the order, and, if the case requires, to conduct the winding up of the business; and in any case where it appears expedient to the secretary of state he may, as occasion requires, confer on the controller such powers as are exercisable by a liquidator in a voluntary winding up of a company (including power in the name of the person, firm, or company, or in his own name, and by deed or otherwise to convey or transfer any property and power to apply to the court having jurisdiction in winding-up proceedings under the companies winding up act of Canada, or a judge thereof, to determine any question arising in the carrying out of the order, or those powers subject to such modifications, restrictions, or extensions as the secretary of state thinks necessary or convenient for the purpose of giving full effect to the order, and the remuneration of and costs, charges and expenses incurred by the controller, and any remuneration payable and costs, charges and expenses incurred in connection with the supervision or inspection of the business, to such amount as may be approved by the secretary of state, shall be defrayed out of the assets of the business and shall be charged on such assets in priority to any other charges thereof. (Br. 1916, sec. 1 (2).)

(4) The distribution of any sums or other property resulting from the realization of any assets of the business, whether these assets are realized as the result of an order requiring the business to be wound up or as the result of an order prohibiting or limiting the carrying on of the business, shall be subject to the same rules as to preferential payments as are applicable to the distribution of the assets of a company which is being wound up under the companies winding-up act of Canada, and those assets shall, so far as they are available for discharging unsecured debts, be applied in discharging such debts due to creditors who are not enemies in priority to the unsecured debts due to creditors who are enemies; and any balance, after providing for the discharge of liabilities, shall be distributed amongst the persons interested therein in such manner as the secretary of state may direct: *Provided*, That any sums or other property which, had a state of war not existed, would have been payable or transferable under this subsection to enemies, whether as creditors or otherwise, shall be paid or transferred to the custodian, to be dealt with by him in like manner as money paid to him under these orders and regulations. (Br. 1916, sec. 1 (3).)

(5) Where there are assets of the business in enemy territory, the controller shall cause an estimate to be prepared of the value of those assets, and also of the liabilities of the business to creditors, whether secured or unsecured, in enemy territory, and of the claims of persons in enemy territory to participate in the distribution of any balance available for distribution, and such liabilities and claims shall, for the purposes of this order, be deemed to have been satisfied out of such assets so far as they are capable of bearing them, and the balance (if any) of such liabilities and claims shall alone rank for payment out of the other assets of the business. A certificate by the controller as to the amount of such assets, liabilities, claims, and balance shall be conclusive for the purposes of determining the sums available for discharging the other liabilities and for distribution amongst other persons claiming to be interested in the business: *Provided*, That nothing in this provision shall affect the rights of creditors of and other persons interested in the business against the assets of the business in enemy territory. (Br. 1916, sec. 4.)

(6) The secretary of state may, on application for the purpose being made by a controller appointed under this order, after considering the application and any objection which may be made by any person who appears to him to be interested, grant him a release, and an order of the secretary of state releasing the controller shall discharge him from all liability in respect of any act done or default made by him in the exercise and performance of his powers and duties as controller, but any such order may be revoked on proof that it was obtained by fraud or by suppression or concealment of any material fact. (Br. 1916, sec. 1 (5).)

(7) Where an order under subsection (1) of this order has been made as respects the business carried on by any person, firm, or company, no steps shall be taken for the enforcement of the rights of any creditors of the person, firm, or company, nor shall any petition for the winding up of such company be presented, nor any resolution for the winding up of such company be passed, without the consent of the secretary of state, but the secretary of state may present a petition for the winding up of the company by the court, and the making of an order under this order shall be on a ground on which the company may be wound up by the court. (Br. 1916, sec. 1 (17).)

(8) The secretary of state shall from time to time prepare and publish in the Canada Gazette lists of the persons as to whom orders have been made under this order, together with short particulars of such orders, and notice of the making of an order under this section prohibiting or limiting the carrying on of any business, or requiring any business to be wound up, shall likewise be published in the Canada Gazette. (Br. 1916, sec. 1 (8).)

(9) An order made under this order shall continue in force notwithstanding the termination of the present war until determined by order of the secretary of state. (Br. 1916, sec. 1 (10).)

18. If any person contravenes the provisions of any order made under subsection (1) of order 17 hereof, he shall be guilty of an offense punishable and triable in like manner as the offense of trading with the enemy and such of these orders and regulations as relate to the trial and punishment of that offense shall apply accordingly. (Br. 1916, sec. 1 (6).)

19. Where it appears to the secretary of state that contracts entered into, before, or during the war with an enemy or enemy subject or with a person, firm, or company in respect of whose business an order shall have been made under order 17 hereof is injurious to the public interest, the secretary of state may by order cancel or determine such contract either unconditionally or upon such conditions as he may think fit, and thereupon such contract shall be deemed to be canceled or determined accordingly. (Br. 1916, sec. 2.)

20. The power of the secretary of state to appoint inspectors and supervisors under orders 7, 8, and 12 hereof include a power to appoint an inspector or supervisor of the business carried on by any person, firm, or company within Canada for the purpose of ascertaining whether the business is carried on for the benefit of or under the control of enemy subjects, or for the purpose of ascertaining the relations existing, or which before the war existed, between such person, firm, or company, or any member of that firm or company, and any such subject; and the secretary of state may require any inspector, supervisor, or controller appointed as aforesaid to furnish him with reports on any matters in connection with the business. (Br. 1916, sec. 3.)

21. (1) Where on an application for the registration of a company it appears to any registrar of companies that any subscriber of the memorandum of association or any proposed director of the company is an enemy subject he may refuse to register the company. (Br. 1916, sec. 10 (1).)

(2) No allotment or transfer of any share, stock, debenture, or other security issued by a company made after the publication in the Canada Gazette of these orders and regulations to or for the benefit of an enemy subject shall, unless made with the consent of the secretary of state, confer on the allottee or transferee any rights or remedies in respect thereof, and the company by whom the security was issued shall not take any cognizance of or otherwise act upon any notice of any such transfer except by leave of a court of competent jurisdiction or of the secretary of state; and any company which contravenes any provision of this subsection shall be guilty of an offense against these orders and regulations. (Br. 1916, sec. 10 (2).)

22. Where the right of nominating or appointing a director of a company is vested in any enemy or enemy subject, the right shall not be exercisable except by leave of the secretary of state, and any director nominated or appointed in exercise of such right shall, except as aforesaid, cease to hold office as director.

23. (1) The minister of finance and receiver general is hereby appointed to receive, hold, preserve, and deal with such property as may be paid to or vested in him in pursuance of these orders and regulations, and he is herein referred to as "the custodian." (Br. Cap. 13-14, sec. 1 (1).)

(2) All moneys payable to the custodian in pursuance of these orders and regulations shall be paid to the credit of the custodian through such officers, banks, or persons and in such manner as the custodian from time to time directs and appoints.

(3) The custodian may place on deposit with any bank or invest in any securities approved by the treasury board any moneys paid to him or received by him from property vested in him pursuant to these orders and regulations, and any interest or dividends received on account of such deposits or investments shall be dealt with in such manner as the treasury board may direct. (Br. 12/14, s. (4).)

24. (1) Any sum which, had a state of war not existed, would have been payable and paid to or for the benefit of an enemy by way of dividends, interest, or share of profits shall be paid by the person, firm, or company by whom it would have been payable to the custodian, to hold subject to the provisions of these and any future orders and regulations, and the payment shall be accompanied by such particulars as the secretary of state may prescribe or the custodian require. Any payment required to be made under this subsection to the custodian shall be made—

(a) Within 14 days after the publication of these orders and regulations in the Canada Gazette if the sum, had a state of war not existed, would have been paid before said publication; and

(b) In any other case within 14 days after it would have been paid. (Br. Cap. 12/14, s. 2 (1).)

And this section shall extend to sums which, had a state of war not existed, would have been payable and paid within Canada to enemies—

(a) In respect of interest on securities.

(b) By way of payment off of any securities which have become repayable on maturity or by being drawn for payment or otherwise. (Br. Cap. 79/15, s. 1 and Sec. Interp. "securities.")

(2) Where before the publication of these orders and regulations in the Canada Gazette any such sum has been paid into any account with a bank or has been paid to any other person in trust for an enemy, the person, firm, or company by whom the payment was made shall, within 14 days after the publication of these orders and regulations as aforesaid, by notice in writing, require the bank or person to pay the sum over to the custodian to hold as aforesaid and shall furnish the custodian with such particulars as aforesaid. The bank or other person shall, within one week after the receipt of the notice, comply with the requirement and shall be exempt from all liability for having done so. (Br. Cap. 12/14, s. 2 (2).)

Provided that in the case of such sums as, had a state of war not existed, would have been payable and paid within Canada to enemies (other than sums in respect of the payment off of securities issued by a company) the duty of making payments to the custodian and of requiring payments to be made to him and of furnishing him with particulars shall rest with the person, firm, or company through whom the payments within Canada are made. (Br. Cap. 79/15, s. 1.)

(3) Any such person who refuses or fails to make or require the making, as the case may be, of any payment or to furnish the prescribed particulars within the time mentioned in this order shall be guilty of an offense against these orders and regulations.

25. If in the case of any person, firm, or company whose books and documents are liable to inspection under order 8 hereof any question arises as to the amount which would have been so payable and paid as provided in the last preceding order, the question shall be determined by the person who may have been or who may be appointed to inspect the books and documents of the person, firm, or company, or, on appeal, by the secretary of state, and if in the course of determining the question it appears to the inspector or the secretary of state that the person firm, or company has not distributed as dividends, interest, or profits the whole of the amount properly available for that purpose the inspector or secretary of state may ascertain what amount was so available and require the whole of such amount to be so distributed, and, in the case of a company, if such dividends have not been declared, the inspector or the secretary of state may declare the appropriate dividends, and every such declaration shall be as effective as a declaration to the like effect duly made in accordance with the constitution of the company: *Provided*, That where a controller has been appointed under order 18 hereof this section of this order shall apply as if for reference to the inspector there were substituted references to the controller. (Br. Cap. 12/14, s. 2 (4).)

26. (1) Any person who holds or manages for or on behalf of an enemy any property, real or personal (including any rights,

whether legal or equitable, in or arising out of property, real or personal), shall, within one month after the publication in the Canada Gazette of these orders and regulations, or if the property comes into his possession or under his control after the said publication, then within one month after the time when it comes into his possession or under his control, by notice in writing communicate the fact to the custodian, and shall furnish the custodian with such particulars in relation thereto as the custodian may require. (Br. Cap., 12–14, sec. 3.)

(2) The preceding subsection shall extend and apply to balances and deposits standing to the credit of enemies at any bank and to debts to the amount of $100 or upward which are due or which, had a state of war not existed, would have been due to enemies, as if such bank or debtor were a person who held property on behalf of an enemy. (Br. Cap., 79-15, sec. 2 (1).)

(3) Every company incorporated by or under the authority of the Parliament of Canada or by or under the authority of the legislature of any of the Provinces of the Dominion of Canada, and every company which, though not incorporated by or under the authority of said Parliament or any of said legislatures, has a share transfer or share registration office in Canada, shall, within one month after the publication in the Canada Gazette of these orders and regulations, by notice in writing, communicate to the custodian full particulars of shares, stock, debentures, and debenture stock and other obligations of the company which are held by or for the benefit of an enemy; and every partner of every firm, one or more partners of which on the commencement of the war became enemies or to which money had been lent for the purpose of the business of the firm by a person who so became an enemy, shall, within one month after publication aforesaid of these orders and regulations, by notice in writing, communicate to the custodian full particulars as to any share of profits and interest due to such enemies or enemy. (Br. Cap., 79–15, sec. 2 (2).)

(4) Any such person, bank, or company, if he or it refuses or fails to furnish the information and particulars within the time mentioned in this order, shall be guilty of an offense against these orders and regulations.

27. (1) Where the custodian is satisfied from returns made to him under order 26 hereof that any securities are held by any person on behalf of an enemy, the custodian may give notice thereof to the person, firm, or company by or through whom any dividends, interest, or bonus in respect of the securities or any sums by way of payment off of the securities are payable, and upon receipt of such notice any dividends, interest, or bonus payable in respect of, and any sums by way of payment off of the securities to which the notice relates shall be paid to the custodian in like manner as if the securities were held by an enemy. (Br. Cap., 79–15, sec. 1. (2).)

28. (1) Any superior court of record within Canada or any judge thereof, may, on the application of any person who appears to the court or judge to be a creditor of an enemy or entitled to recover damages against an enemy, or to be interested in any property, real or personal (including any rights, whether legal or equitable, in or arising out of property, real or personal) belonging to or held or managed for or on behalf of an enemy, or on the application of the custodian or any department of the Government of Canada, by order vest in the custodian any such real or personal property as aforesaid if the court or the judge is satisfied that such vesting is expedient for the purpose of these orders and regulations, and may by the order confer on the custodian such powers of selling, managing, and otherwise dealing with property as to the court or judge may seem proper. (Br. Cap., 12–14, sec. 4.)

(2) The court or judge, before making any order under this section, may direct that such notices (if any), whether by way of advertisement or otherwise, shall be given as the court or judge may think fit. (Br. Cap., 12-4, sec. 4 (2).)

29. (1) It shall be the duty of every enemy subject who is within Canada, if so required by the custodian, within one month after being so required, to furnish the custodian with such particulars as to—

(a) Any stocks, shares, debentures, or other securities issued by any company, government, municipal, or other authority held by him or in which he is interested; and

(b) Any other property of the value of $200 or upward belonging to him, or in which he is interested, as the custodian may require. (Br., 1916, sec. 5.)

(2) Any such person who refuses or fails to furnish such particulars within the time mentioned, if required, shall be guilty of an offense against these orders and regulations.

30. If the benefit of an application made by or on behalf or for the benefit of an enemy or enemy subject for any patent is, by an order under these orders and regulations vested in the custodian, the patent may be granted to the custodian as patentee and may, notwithstanding anything in any statute to the contrary, be sealed accordingly, and any patent so granted to the custodian shall be deemed to be properly vested in him by such order as aforesaid. (Br. 1916, sec. 6.)

31. (1) Where in exercise of the powers conferred on him by the court under these orders and regulations, the custodian proposes to sell any shares or stock forming part of the capital of any company or any securities issued by the company in respect of which a vesting order has been made, the company may, with the consent of the court, purchase the shares, stock, or securities, any law or any regulation of the company to the contrary notwithstanding, and any shares, stock, or securities so purchased may from time to time be reissued by the company. (Br. 1916, sec. 4 (3).)

(2) The transfer on sale by the custodian of any property shall be conclusive evidence in favor of the purchaser and of the custodian that the requirements of these orders have been complied with. (Br. 1916, sec. 4 (4).)

32. (1) Where the custodian executes a transfer of any shares, stock, or securities which he is empowered to transfer by a vesting order made under these orders and regulations, the company or other body in which books the shares, stock, or securities are registered shall, upon the receipt of the transfer so executed by the custodian, and upon being required by him so to do, register the shares, stock, or securities in the name of the custodian or other transferee, nothwithstanding any regulation or stipulation of the company or other body, and notwithstanding that the custodian is not in possession of the certificate, scrip, or other document of title relating to the shares, stock, or securities transferred, but such registration shall be without prejudice to any lien or charge in favor of the company or other body or to any other lien or charge of which the custodian has notice.

(2) If any question arises as to the existence or amount of any lien or charge the question may, on application being made for the purpose, be determined by any superior court of record or a judgment thereof. (Br. 1916, sec. 8.)

33. Where a vesting order has been made under these orders and regulations as respects any property belonging to or held or managed for or on behalf of a person who appeared to the court making the order to be an enemy or enemy subject, the order shall not nor shall any preceedings thereunder or in consequence thereof be invalidated or affected by reason only of such person having prior to the date of the order, died or ceased to be an enemy or enemy subject or subsequently dying or ceasing to be an enemy or enemy subject, or by reason of its being subsequently ascertained that he was not an enemy or an enemy subject as the case may be. (Br. 1916, sec. 9.)

34. Any restrictions imposed by statute or proclamation on dealings with enemy property shall continue to apply to property particulars whereof are or are liable to be notified to the custodian in pursuance of these orders and regulations, not only during the continuance of the present war, but thereafter until such time as they may be removed by order in council, either simultaneously as respects all such property or at different times as respects different classes or items of property. (Br. 1916, sec. 7.)

35. (1) The custodian shall, in addition to his other duties as defined by these orders and regulations, keep a record of:

(a) Debts, including bank balances, due to persons resident or being within Canada from persons residing or being in enemy countries.

(b) Other property in enemy countries, including securities, belonging to persons residing or being in Canada.

(2) Any person desiring to record such claims or property may obtain the necessary forms for that purpose from the custodian, but the action of the custodian will be confined to entering upon the record claims of which particulars are supplied to him, and it shall in no way commit the Government of Canada either to responsibility for the correctness of the claim entered or to taking any action on the conclusion of hostilities or otherwise for the recovery of the debtor property in question.

(3) The custodian shall record claims against enemy governments in respect of public securities of these governments held by the claimants, but not any other claims against enemy governments, as distinct from claims against enemy subjects.

36. (1) The custodian shall, subject to all other provisions of these orders and regulations, hold any money paid to and any property vested in him under authority of any of these orders and regulations until the termination of the present war and shall thereafter deal with the same as the governor general in council may by order in council direct. (Br. Cap. 12/14, sec. 5 (1); Br. 1916, sec. 4 (5).)

(2) The property held by the custodian under these orders and regulations shall not be liable to be attached or otherwise taken in executions, but the custodian may, upon an order of a superior court of record or a judge thereof, or of any court in which judgment has been recovered against an enemy, pay out of the property paid to him in respect of that enemy the whole or any part of any debts due by that enemy and specified in the order. (Br. Cap. 12/14, sec. 5 (2), and Br. 1916, sec. 12.)

Provided that before paying any such debt the custodian shall take into consideration the sufficiency of the property paid to or vested in him in respect of the enemy in question to satisfy that debt and any other claims against the enemy of which notice verified by statutory declaration may have been served upon him. (Br. Cap. 12/14, sec. 5 (2).)

(3) The receipt of the custodian or any person duly authorized to sign receipts on his behalf for any sum paid to him under these orders and regulations shall be a good discharge to the person paying the same as against the person in respect of whom the sum was paid to the custodian. (Br. Cap. 12/14, sec. 5 (3).)

(4) The custodian shall keep a register of all property whereof returns have been made to him, or which is held by him, under these orders and regulations, and such register may be inspected by any person who appears to the custodian to be interested as creditor or otherwise at all reasonable times free of charge. (Br. Cap. 12/14, sec. 5 (4); Br. Cap. 79/15, sec. 2 (3).)

37. The custodian shall have power to charge such fees in respect of his duties under these orders and regulations, whether by way of percentage or otherwise, as the treasury board may fix, and such fees shall be collected and accounted for by such persons in such manner and shall be paid to such account as the treasury board direct, and the incidence of the fees as between capital and income shall be determined by the custodian. (Br. 1916, sec. 13.)

38. Anything authorized under these orders and regulations to be done by, to, or before the secretary of state may be done by, to, or before any person authorized by him in that behalf, and all the functions of the custodian thereunder may be performed as well by the deputy receiver general and deputy minister of finance; and for the effective operation of all the provisions of these orders and regulations the various assistant receivers general throughout Canada shall perform, in addition to their ordinary duties, such services connected with the operating and enforcing of these orders and regulations as by the custodian may be required of them from time to time. (Br. Cap. 87/14, sec. 4 (5), and Br. 1916, sec. 14.)

39. (1) Nothing in these orders and regulations shall be construed as limiting the power of His Majesty by proclamation to prohibit any transaction which is not prohibited by these orders and regulations, or by license (granted directly or in pursuance of power delegated) to permit any transaction which is so prohibited. (Br. Cap. 12/14, sec. 14 (4).)

(2) No person shall, for the purposes of these orders and regulations, be treated as an enemy who would not be so treated for the purpose of any proclamation issued by His Majesty or the Governor General of Canada dealing with trading with the enemy for the time being in force. (Br. Cap. 12/14, sec. 14 (2).)

40. The judges of the court to which any jurisdiction is by these orders committed may make provision by rules for the practice and procedure to be adopted for the purpose of the exercise of such jurisdiction. (Br. Cap. 12/14, sec. 5.)

41. No prosecution for an offense under orders 2, 3, 4, 17, or 18 of the orders and regulations shall be instituted, except by or with the consent of the attorney general of Canada; provided that the person charged with any such an offense may be arrested and a warrant for his arrest may be issued and executed; and such person may be remanded in custody or on bail, notwithstanding that the consent of the attorney general of Canada to the institution of the prosecution for the offense has not been obtained, but no further or other proceedings shall be taken until that consent has been obtained. (Br. Cap. 87/14, sec. 1 (4) and Can. P. C. 2724/1914.)

42. Where an act or default constitutes an offense both under these orders and regulations and under any statute, or both under these orders and regulations and at common law, the offender shall be liable to be prosecuted and punished under either these orders and regulations, or such statute, or at common law; but he shall not be liable

to be punished twice for the same offense. (Br. Cap. 87/14, sec. 1 (5) and Can. P. C. 2724/1914.)

43. Subject to the provisions of order 41 hereof, any offense declared and any penalty or forfeiture imposed or authorzied by these orders and regulations may in the absence of any provision for a different procedure be prosecuted, recovered, or enforced by summary proceedings and conviction under the provisions of Part XV of the Criminal Code. (Can. P. C. 2724/1914.)

44. Any person guilty of the offense of—

(a) Trading, attempting or directly or indirectly offering or proposing or agreeing to trade with the enemy in violation of orders 2, 3, or 4 hereof, or

(b) Contravening the provisions of any order made under order 17 hereof, shall be liable—

(a) On summary conviction to imprisonment with or without hard labor for a term not exceeding 12 months, or to a fine not exceeding $2,000, or to both such imprisonment and such fine, or

(b) On conviction on indictment to imprisonment for a term not exceeding five years or to a fine not exceeding $5,000, or to both such imprisonment and fine.

And the court may in any case order that any goods or money in respect of which the offense has been committed shall be forfeited. (Br. Cap. 87/14, s. 1 (3), Can. P. C. 2724/1914.)

45. Any person guilty of an offense mentioned in—

(a) Order 6, order 16, or order 21 hereof shall be liable to a fine not exceeding $500.

(b) Order 9 hereof shall be liable to imprisonment with or without hard labor for a term not exceeding six months or to a fine not exceeding $250, or to both such imprisonment and such fine.

(c) Order 24, order 26, order 27, or order 29 shall be liable to a fine not exceeding $500 or to imprisonment with or without hard labor for a term not exceding six months, or to both such fine and such imprisonment, and, in addition, to a further fine not exceeding $250 for every day during which the default continues.

(a) Br. Cap. 12/14, s. 8, Br. 79/15, s. 3, Br. 12/14, s. 9 (1), Br. 1916, sec. 10 (2).

(b) Br. Cap. 87/14, s. 2 (3), Br. Cap. 12/14, s. 12 (3).

(c) Br. Cap. 12/14, s. 2 (3) and 3, Br. Cap. 79/15, s. 2 (2), Br. Cap. 79/12, s. 2 (2), Br. 1916, s. 5.

46. Where a company, incorporated or unincorporated, or other body of persons, has been guilty of an offense or default under these orders and regulations, and the penalty or punishment provided as respects said offense or default is or includes a fine and whether or not imprisonment, additionally or alternatively, the company or other body shall be liable to the fine only (with any additional fine or fines provided by any of these orders and reguiations with respect to continuing defaults, and every director, manager, secretary, or other officer of such company or body of persons and every partner or member of such unincorporated company or body of persons, who is knowingly a party to the offense or default, shall also be deemed guilty of the offense or default and liable on conviction to the like fine or fines as the company or other body of persons or to imprisonment with or without hard labor for a term not exceeding six months, or to both such fine or fines and such imprisonment.

Br. Cap. 87/14, s. 1 (3), Can. P. C. 2724/1914. Br. Cap. 12/14, s. (8), Br. Cap. 79/15, s. (3).

47. These orders and regulations may be cited as the "Consolidated orders respecting trading with the enemy, 1916."

48. The order in council of October 30, 1914 (No. 2724), is hereby, as from the date hereof, revoked, and from and after the date hereof, these present orders and regulations are substituted therefor.

Mr. ESCH. Mr. Chairman, I yield three minutes to the gentleman from North Dakota [Mr. YOUNG].

Mr. YOUNG of North Dakota. Mr. Chairman, I received by special-delivery letter this morning a copy of the Memphis Commercial Appeal, containing a very important statement made by a wholesale grocery concern there known as the Saunders-Blackburn Grocery Co. I imagine other Members have received copies of the same article, so I shall not comment upon it at length. It is a concrete example of what conscienceless manufacturers and dealers are doing the country over. It is a shame, during this time of war, when all citizens should be sensitive to the call of patriotism, that some—and, I fear, many—large concerns, and some small ones, too, are playing the part of pirates. The pay of the great majority of the people is no longer sufficient to meet their cost of living. The situation is most serious and is becoming desperate. Prices can not be permitted to go on mounting skyward. Our responsibility is great. It is up to us to stop the looting and exploiting of the people. The food-control bill, enlarged to cover the necessaries of life, should be quickly passed. And we should remain in session to see how it works, and supplement it with other legislation if necessary.

I desire to have permission to extend my remarks by inserting in the RECORD the statement of Messrs. Saunders and Blackburn.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

The matter referred to is as follows:

Squarely up to official Washington and to the people at home we have put it.

Night lettergrams as per copy found below were sent to Washington last night:

President WOODROW WILSON, Attorney General THOMAS W. GREGORY, Hon. HERBERT C. HOOVER, Hon. DUNCAN U. FLETCHER, Hon. WILLIAM ALDEN SMITH, Hon. WILLIAM C. ADAMSON, Hon. D. V. STEPHENS, and others:

We are wholesale grocers, dealing in a general line of food products, selling direct to the retail trade. Prior to April 1 we had in our stock a quantity of Octagon soap. Before we had sold out this particular lot of Octagon soap Colgate & Co., of New York City, who are the manufacturers and distributors of this particular brand of soap, advised us of an advance in price, naming us a revised jobbing cost price and a revised retail selling price, which retail selling price they requested that we adhere to strictly, even on the stock that we had in our warehouse and which was bought before the advance in price. We quote from their letter, which quotation is as follows:

"It is understood that the retail prices are to apply to jobbers' present stock as well as to future purchases. We believe it is to the best interests of all concerned to adhere to the above selling prices, and we will consider those disregarding them undesirable customers."

We direct your attention in particular to the two words found in the first sentence, which we designate as "present stock," which clearly indicated the desire of Colgate & Co. that we take for ourselves an extra profit on what stock of soap we had on hand at that time by advancing the price on same in conformity with their notification of such advance. Had we done this we would have received more than a legitimate profit on that particular lot of soap; also had we advanced the price on that particular lot of soap the retailer, having had to pay such an advance, would necessarily have been compelled to have added to his retail price that he might have maintained his regular margin of profit. We refused to advance our price on Octagon soap until we had disposed of the stock we had on hand. We were notified by the personal representative, Mr. Roy Freeman, of Colgate & Co., that we would henceforth be considered "undesirable customers" for the reason that we had failed to put into effect immediately an advance in our reselling price on Octagon soap. We were further notified by Mr. Roy Freeman, of Colgate & Co., that he had no option whatever in the matter and was acting under orders from headquarters in notifying us that we would not receive any further shipments of soap from Colgate & Co.

Two words in the last sentence of the quotation that has been referred to as being part of Colgate & Co.'s letter, in which they notified us of the advanced price, we call special attention to, and those words are "undesirable customers." The preceding portion of that sentence explains on what grounds wholesale grocers will be considered by Colgate & Co. as undesirable customers.

We disregarded the notice of Mr. Roy Freeman, acting for Colgate & Co., that we would not receive any more Octagon soap, and we submitted on the last day of March to Colgate & Co. an order for another carload of Octagon soap and washing powder. We received no definite word directly from Colgate & Co. until we had sent them a telegram under date of April 20, this reading as follows:

"When are you going to ship our car of soap? Answer."

Seven days later, and which was under date of April 27, we received in answer to our telegram of April 20, a telegram signed by Colgate & Co., reading as follows:

"Answering your wire, have been forced to consider your account undesirable."

We have not yet received the car of Octagon soap that we ordered from Colgate & Co.

The purpose of this telegram is to present for your consideration some vital trade facts in your avowed endeavor to restrain speculation and exorbitant profits that you may be advised of the high-handed methods that are in practice by the various manufacturers of the country.

Much talk has been made about controlling the price of wheat; much talk has been made about controlling the price of cotton; much talk has been made about controlling other products, but nowhere have we seen any talk about controlling the manufacturer. Will it be fair that the man who raises cotton; that the man who produces other everyday essentials of food be told by positive law what he shall do and what he shall not do, and allow the manufacturers of the country who deal in soap, necessary for cleanliness, even if it can not be eaten, and the manufacturers of other items just as necessary, we ask again, will it be fair to allow these manufacturers to tell us as wholesale grocers or others who may be in the same line of business what price we and they shall obtain in the resale price of their products?

If we haven't got a law now that will make it possible for a wholesale grocer or a retail merchant to so conduct his business as will afford the consuming public the lowest possible price that can be effected by up-to-date methods and close scrutiny of all details, won't it be possible, in the consideration of the food bill that is now before Congress, that there be incorporated in that bill such provision as will make it impossible for a manufacturer to be so high-handed in his methods as will allow him to control the wholesale grocer's resale price and the retailer's price down to the consumer? Is the manufacturer to be the mighty lord of our country, while everybody else in every walk of life makes sacrifices and gives up part of his heretofore personal freedom? Patriotism, we believe, should dwell in the manufacturer's office as well as in the most humble place of the wholesale grocer and the retail merchant, and certainly, if a wholesale grocer pays a manufacturer the price that he asks for his goods, such a wholesale grocer most assuredly should have the protection of the law in naming his own price, even if the law does not now give him the right to have such protection in his rights of free merchandising as will make it a crime for a manufacturer to dictate to a wholesale grocer or to a retail merchant what profit he shall charge to him who may buy from him.

The writer of this telegram can furnish data upon data showing the injustice; showing the domineering spirit that prevails in manufacturing circles as it concerns those who buy from the said manufacturer; the writer can show that the firm of which he is president is conducting practically the largest wholesale grocery business in Memphis; he can show that this is being done at an overhead expense account of approximately 4 per cent on our sales less than similar institutions.

Is it patriotism that we keep this extra 4 per cent or isn't it a higher order of patriotism that we be allowed under the law, by its protection, to pass this saving of 4 per cent on through the retailer's hands down to the consumer?

We have been forced ever since we have been in business by the browbeating of various manufacturers to exact of the retailer a higher percentage of profit than was necessary for us to show satisfactory earning power, but what could we do except to submit to the domination of the manufacturer when he stood with a stick drawn at our heads, with the warning that if we didn't do like he said to do we could not buy any more goods from him? What would it have booted us had we acted stubborn and sold goods at a margin of profit which we could have afforded to have sold them. Had we not been able to have received any further goods we would have been out of business and the manufacturer would still be in with the shouting applause of those wholesale grocers who have a top-heavy expense account.

The writer of this telegram will appear before any committee in Washington at his own expense and elucidate the facts that have been broadly touched upon in the foregoing. In truth, he will be glad to render such a service to the consumers of the country.

Should it be desired that the writer appear before any committee and give any further information, a telegram indicating such desire will receive personal response of the writer at Washington at the appointed time.

SAUNDERS-BLACKBURN GROCERY CO.,
By CLARENCE SAUNDERS, *President*.

Mr. MONTAGUE. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 4960 and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, Mr. KREIDER was granted leave of absence indefinitely, on account of illness.

SUBSTITUTE REPRINT OF H. R. 4960.

Mr. MONTAGUE. Mr. Speaker, I ask unanimous consent that the committee substitute for the bill H. R. 4960 may be printed as an amendment for that bill.

The SPEAKER. The gentleman from Virginia asks unanimous consent that the committee substitute for the bill H. R. 4960 be printed in bill form as an amendment to that bill. Is there objection?

Mr. MANN. I think the gentleman's request was to reprint the bill——

Mr. MONTAGUE. As an amendment.

Mr. MANN. With the committee amendment printed as a substitute amendment, so it would be all together.

The SPEAKER. The gentleman from Virginia asks unanimous consent that the bill referred to be reprinted with the committee amendment as a substitute amendment, all together. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed joint resolutions and bills of the following titles:

On June 21, 1917:

H. J. Res. 105. Joint resolution to correct an error in the sundry civil appropriation act for the fiscal year 1918; and

H. R. 3673. An act to amend the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts of August 4, 1914, August 15, 1914, March 3, 1915, and September 7, 1916.

On July 9, 1917:

H. R. 3548. An act providing for the modification of the designs of the current quarter dollar; and

S. J. Res. 67. Joint resolution to fix the status and rights of officers of the Public Health Service when serving with the Coast Guard, the Army, or the Navy.

ENROLLED JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. 33. Joint resolution to relieve the owners of mining claims who have been mustered into the military or naval service of the United States as officers or enlisted men from performing assessment work during the term of such service.

LEAVE OF ABSENCE.

Mr. SHOUSE. Mr. Speaker, I rise to ask for an indefinite leave of absence for my colleague, Mr. AYRES, on account of serious illness in his family.

The SPEAKER. The gentleman from Kansas asks indefinite leave of absence for his colleague, Mr. AYRES, on account of illness in his family. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. MONTAGUE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 35 minutes p. m. the House adjourned until to-morrow, Tuesday, July 10, 1917, at 12 o'clock noon.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. EVANS: A bill (H. R. 5332) authorizing the State of Montana to select other lands in lieu of lands in section 16, township 2 north, range 30 east, within the limits of the Huntley irrigation project and the ceded portion of Crow Indian Reservation in said State; to the Committee on the Public Lands.

By Mr. MILLER of Minnesota: A bill (H. R. 5333) to supplement existing legislation relative to the United States Court for China and to increase the serviceability thereof; to the Committee on Foreign Affairs.

By Mr. MOON: A bill (H. R. 5334) providing for the issuance of a special Red Cross stamp and fixing a rate for the transmission of first-class mail matter by the American Red Cross, its chapters, and the auxiliaries thereof; to the Committee on the Post Office and Post Roads.

By Mr. LANGLEY: A bill (H. R. 5335) to extend the time for constructing a bridge across the Tug Fork of the Big Sandy River near Warfield, Ky., and Kermit, W. Va., authorized by an act approved January 28, 1916; to the Committee on Interstate and Foreign Commerce.

By Mr. CARAWAY: A bill (H. R. 5336) to authorize the construction, maintenance, and operation of a bridge across Little River at or near the foot of the gar hole, about one-half mile south of the Jonesboro, Lake City & Eastern Railway bridge across Little River, Ark.; to the Committee on Interstate and Foreign Commerce.

By Mr. ADAMSON: A bill (H. R. 5337) to prevent cheating and swindling in interstate and foreign commerce; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 5338) extending the benefits of care and treatment by the Public Health Service to seamen on vessels used in the service of the United States; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 5339) to prohibit the slaughter, sale, purchase, shipment, and transportation through interstate commerce of calves and cows under certain ages and conditions; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 5340) to regulate the importation of viruses, serums, toxins, and analogous products, to regulate interstate traffic in said articles, and for other purposes; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 5341) to amend an act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 5342) to authorize common carriers in interstate commerce to contract with newspapers for publication of schedules and other information, and issue receipts good for payment of transportation; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 5343) to amend an act entitled "An act to prevent cruelty to animals while in transit by railroad or other means of transportation from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia and repealing sections 4386, 4387, 4388, 4389, and 4390 of the United States Revised Statutes," approved June 29, 1906; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 5344) to provide Federal aid for public roads; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 5345) to regulate the personnel of the Coast Guard; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 5346) to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 5347) to provide divisions of mental hygiene and rural sanitation in the United States Public Health Service; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 5348) to regulate the interstate use of automobiles and all self-propelled vehicles which use the public highways in interstate commerce; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 5349) to amend an act entitled "An act to change the name of the Public Health and Marine-Hospital Service to the Public Health Service, to increase the pay of officers of said service, and for other purposes," approved August 14, 1912; to the Committee on Interstate and Foreign Commerce.

By Mr. BLANTON: A bill (H. R. 5350) to authorize the Secretary of the Interior to expend funds for drainage purposes; to the Committee on Irrigation of Arid Lands.

By Mr. HADLEY: A bill (H. R. 5351) providing for the disposal of certain lands in block 32, in the city of Port Angeles, State of Washington; to the Committee on the Public Lands.

By Mr. DYER: Joint resolution (H. J. Res. 118) creating a joint committee from the membership of the Senate Committee on the Judiciary and the House Committee on the Judiciary to investigate the causes that led to the murdering, the lynching, the burning, and the drowning of innocent citizens of the United States at East St. Louis, Ill., on July 2, 1917; whether

the Constitution and laws of the United States were violated; and what legislation, if any, is needed to prevent like outrages in the State of Illinois and other States and Territories of the United States; to the Committee on Rules.

By Mr. TAYLOR of Colorado: Joint resolution (H. J. Res. 119) to provide for an official county war record of all men in the service of the United States; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CLAYPOOL: A bill (H. R. 5352) granting a pension to Theresa Emma Bright; to the Committee on Invalid Pensions.

By Mr. FAIRFIELD: A bill (H. R. 5353) granting an increase of pension to Mason Malott; to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 5354) granting an increase of pension to Catharine D. Houver; to the Committee on Invalid Pensions.

By Mr. KEY of Ohio: A bill (H. R. 5355) granting an increase of pension to David E. Rench; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5356) granting an increase of pension to Richard M. J. Monroe; to the Committee on Invalid Pensions.

By Mr. McKENZIE: A bill (H. R. 5357) granting an increase of pension to John Hatch; to the Committee on Invalid Pensions.

By Mr. NICHOLS of Michigan: A bill (H. R. 5358) for the relief of James Strachan; to the Committee on Claims.

By Mr. OSBORNE: A bill (H. R. 5359) granting a pension to Miriam R. McCauley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5360) granting a pension to Anna M. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5361) granting a certificate of merit or distinguished-service medal to John Faraday James; to the Committee on Military Affairs.

By Mr. RAMSEYER: A bill (H. R. 5362) granting an increase of pension to Robert M. Rice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5363) granting a pension to Sabra J. Swisher; to the Committee on Invalid Pensions.

By Mr. ROBBINS: A bill (H. R. 5364) granting an increase of pension to Dr. Joseph W. McKee; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 4365) granting a pension to Lizzie Broyles; to the Committee on Pensions.

By Mr. SHOUSE: A bill (H. R. 5366) granting a pension to Ellen J. Barnard; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 5367) for the relief of Fred Larsen; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of the Second Baptist Church of St. Charles, Mo., favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, memorial of Kansas State Council of Defense, relative to fixing the price of wheat; to the Committee on Agriculture.

Also (by request), memorial of Virginia Branch of National Woman's Party, favoring suffrage for women; to the Committee on the Judiciary.

By Mr. ANTHONY: Petition of business men of Holton, Kans., favoring passage of House bill 4737; to the Committee on the Post Office and Post Roads.

By Mr. BROWNING: Petition of Camden County Medical Society, favoring amendments to the Army and Navy laws to increase the pay of all members of the Medical Reserve Corps 50 per cent during their active service; to the Committee on Military Affairs.

By Mr. BURROUGHS: Memorial of Bay Grange, of Sanbornton, N. H., favoring passage of food-control bill; to the Committee on Agriculture.

Also, memorial of Wicwas Grange, of Meredith, and Mount Belknap Grange, of Gilford, N. H., favoring passage of food-control bill; to the Committee on Agriculture.

Also, memorial of Merrimack Valley Circuit Epworth League, of Salem, N. H., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Tri-State Conference of Social Workers, of Maine, New Hampshire, and Vermont, favoring national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. CAREW: Memorial of Indiana State Council of Defense, relative to fixing the price of coal; to the Committee on Agriculture.

Also, petition of 1,476 wholesale liquor dealers of the State of New York, against any prohibition measure; to the Committee on the Judiciary.

By Mr. CARY: Telegrams from Henry Balzer and other citizens; also from president of Wisconsin Association of Wholesale Liquor Dealers, all of Milwaukee, Wis., protesting against passage of Cummins amendment; to the Committee on Agriculture.

Also, petition of Mark J. Forecke, Michael W. Nowak, Walter English, William J. Nachtsheim, Louis Tons, and A. C. Juul, all of Milwaukee, Wis., protesting against any prohibition legislation; to the Committee on the Judiciary.

Also, petition of Charles E. Kubicek and George L. Tifft, of Milwaukee, Wis., urging the immediate passage of the daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

By Mr. DALE of New York: Petition of United Singers of Brooklyn, N. Y., against national prohibition; to the Committee on the Judiciary.

By Mr. DOOLING: Petition of American Newspaper Publishers' Association, against war tax upon newspaper business; to the Committee on Ways and Means.

By Mr. ESCH: Petitions of the Permanent Temperance Committee of the General Synod of the Evangelical Lutheran Church and the National Legislative Conference, favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of Mrs. B. W. Colby and others, of Loyal, Wis., favoring prohibition; to the Committee on the Judiciary.

Also, petition of National Woman's Party, Virginia branch, favoring passage of woman-suffrage amendment; to the Committee on the Judiciary.

By Mr. FITZGERALD: Petition of citizens of the Borough of Brooklyn, State of New York, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. FOCHT: Petition from citizens of Greencastle, Huntingdon, and Lewistown, Pa., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. FULLER of Illinois: Petition of the Protestant Churches, the Woman's Christian Temperance Union, and the antisaloon forces, of Sandwich; Rev. Walter Spence, pastor of the First Congregational Church of Peru; N. T. Morley, of Yorkville; and the Swedish Temperance Union, of Rockford, all in the State of Illinois, for national prohibition of the liquor traffic as a war measure; to the Committee on the Judiciary.

Also, petition of Forest City National Bank, of Rockford; First National Bank of De Kalb; Farmers' State Bank, of Somonauk; Exchange Bank, of Genoa; and the First National Bank of Ottawa, all in the State of Illinois, protesting against any proposed stamp tax on bank checks and drafts; to the Committee on Ways and Means.

By Mr. HERSEY: Memorial of Miss Marion C. Dunnells and 213 other students of Bates College, Lewiston, Me., favoring prohibition during the war; to the Committee on the Judiciary.

By Mr. KALANIANAOLE: Petition of the Child's Welfare Association, the Woman's Christian Temperance Union of Hawaii, the Women's Section of the Navy League, the Outdoor Circle of Honolulu, the Women's Society of the Central Union Church, the Association of Punahou Mothers, the Honolulu Branch of the Association of Collegiate Alumnæ, the Methodist Missionary Society, and the Women's Department of the Christian Church, all of Hawaii, urging that there be created about all military camps effective zones within which the sale of liquor and the presence of prostitutes shall be prohibited; to the Committee on Military Affairs.

By Mr. KENNEDY of Rhode Island: Resolution of Rhode Island Branch of Association of Collegiate Alumnæ, urging creation about all military camps of effective zone within which the sale of liquor and the presence of prostitutes shall be prohibited; to the Committee on Military Affairs.

Also, petition of Dodge & Camfield Co., of Providence, R. I., protesting against Cummins amendment to food bill; to the Committee on Agriculture.

Also, petition of Hanley, Hoye & Co., of Providence, R. I., protesting against the prohibition of withdrawal of whisky from bond; to the Committee on Agriculture.

Also, petition of Home Bleach & Dye Works of Pawtucket, R. I., favoring passage of Moon bill for revision of postal rates; to the Committee on the Post Office and Post Roads.

By Mr. KETTNER: Resolution of the Merchants and Manufacturers' Association of Santa Ana, Cal., urging passage of the Madden reclassification bill, House bill 1654; to the Committee on the Post Office and Post Roads.

Also, resolution adopted by Reformed Presbyterian Congregation of Hemet, Cal., for total prohibition; to the Committee on the Judiciary.

Also, telegram from Canners' League of California, San Francisco, Cal., to prevent prohibiting distillation of fruits, peelings, and cannery waste; to the Committee on Agriculture.

Also, resolution signed by Rev. G. E. Twomley, pastor Methodist Episcopal Church, Yucaipa, Cal., favoring prohibition; to the Committee on the Judiciary.

Also, letter of R. H. Collins, chairman, and I. J. Hoban, secretary, expressing the views of the citizens of Needles, Cal., relative to the freedom of the Irish race; to the Committee on Foreign Affairs.

Also, resolution of national Federation of Postal Employees, Union No. 197, San Diego, Cal., urging passage of Lever bill, House bill 4961; to the Committee on Agriculture.

Also, resolution of Fish and Game Commission of California, urging enactment of laws preventing discharging of waste into streams, etc., which prevents production of marine food life; to the Committee on the Merchant Marine and Fisheries.

Also, resolution of Southern California Associated Dailies, comprising 50 leading daily newspapers opposing any form of newspaper advertising taxes; to the Committee on Ways and Means.

Also, resolution of Woman's Christian Temperance Union of Riverside, Cal., for protection of the military camps; to the Committee on Military Affairs.

By Mr. LEA of California: Petition of citizens of Arcata, Cal., and vicinity, favoring prohibition immediately; to the Committee on the Judiciary.

Also, petition of citizens of Healdsburg, Cal., against the Sunday law in the District of Columbia, House bill 128; to the Committee on the District of Columbia.

By Mr. LINTHICUM: Petition of McCormick & Co., Baltimore, Md., favoring passage of House bill 4280, amending income-tax law; to the Committee on Ways and Means.

Also, petition of Baltimore Branch Woman's Foreign Missionary Society, Methodist Episcopal Church, favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of sundry organizations of Baltimore, Md., against prohibition of any kind; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Baltimore, Md., favoring passage of House bill 5118, relative to right of osteopathic physicians to serve their country; to the Committee on Military Affairs.

Also, petition of John Littig, president National Marine Bank; T. Courtney Jenkins; Merchants-Mechanics First National Bank; and Poe & Davies, all of Baltimore, Md., protesting against the Cummins amendment to the food-control bill; to the Committee on Agriculture.

By Mr. MAGEE: Petition of Mr. Erwin Freeman and other citizens of the village of Cincinnatus, Cortland County, N. Y., in favor of national prohibition; to the Committee on the Judiciary.

Also, petition of Mr. H. F. Lee, Syracuse, N. Y., and many other citizens, favoring full national prohibition; to the Committee on the Judiciary.

By Mr. MEEKER: Petition of 31 citizens of St. Louis, Mo., protesting against the enactment into law of national prohibition; to the Committee on the Judiciary.

By Mr. MOON: Papers to accompany House bill 5334, in relation to Red Cross stamp postage; to the Committee on the Post Office and Post Roads.

By Mr. RAINEY: Memorial of Woman's Christian Temperance Union, Jerseyville, Ill., favoring national prohibition; to the Committee on the Judiciary.

By Mr. RAMSEYER: Petition of citizens of Webster, Iowa, and vicinity, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. ROBBINS: Petition of Renfrew (Pa.) Review of the Women's Benefit Association of the Maccabees, favoring suffrage for women; to the Committee on the Judiciary.

By Mr. SANDERS of New York: Petition of the Nineteenth Ward Woodrow Wilson Democratic Club, opposing Nation-wide prohibition of wine and beer; to the Committee on the Judiciary.

Also, petition of the united congregations of the First Baptist, Lake Avenue Baptist, and Methodist Episcopal Churches, of Hilton, N. Y., unanimously favoring national prohibition of all liquors, not excepting beer and wine; to the Committee on the Judiciary.

Also, petition of Juliet L. Matteson and eight other residents of the town of Sheldon, N. Y., favoring national prohibition during the period of the war; to the Committee on the Judiciary.

Also, petition of the First Baptist Church of Rochester, N. Y., with a membership of over 900, at its midweek meeting, favoring the prevention of the use of grains and cereals in the manufacture of liquors for beverages and the prohibition of the sale of liquors; to the Committee on the Judiciary.

Also, petition of SS. Peter and Paul's Branch, No. 82, C. M. B. A., of Rochester, N. Y., with a membership of 350, urging the passage of the Lever food-conservation bill, and favoring the appointment of a food dictator; to the Committee on Agriculture.

Also, petition of the ladies of the Protestant Churches of Byron, N. Y., protesting against the exclusion of beer and wine from the food-control bill; to the Committee on Agriculture.

Also, petition of Local Union 72, United Brotherhood of Carpenters and Joiners of America, of Rochester, N. Y., urging the immediate passage of the Lever food-administration bill; to the Committee on Agriculture.

Also, petition of the Central Trades and Labor Council of Rochester, N. Y., urging the passage of the Lever bill but protesting against the Barkley amendment; to the Committee on Agriculture.

Also, petition of the Progress Club of Art in Buttons (Inc.), of Rochester, N. Y., consisting of about 800 employees, urging the passage of the Lever food-control bill; to the Committee on Agriculture.

By Mr. TEMPLETON: Memorial of Zion United Evangelical Church at Hazleton, Pa., favoring prohibition; to the Committee on the Judiciary.

By Mr. VARE: Memorial of Pennsylvania Retail Coal Merchants, indorsing action of the committee on coal production of the Council of National Defense in reducing the price of bituminous coal; to the Committee on Agriculture.

Also, memorial of Philadelphia Chamber of Commerce, against the inclusion of prohibition in food-control bill; to the Committee on Agriculture.

SENATE.

TUESDAY, *July 10, 1917.*

(Legislative day of Monday, July 9, 1917.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

CONSERVATION OF FOOD AND FUEL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

Mr. CHAMBERLAIN. I do not recall the amendment that was up for consideration at the time the recess was taken.

The VICE PRESIDENT. On pages 19 and 20.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Johnson, S. Dak.	Norris	Stone
Beckham	Jones, N. Mex.	Overman	Sutherland
Calder	Jones, Wash.	Page	Swanson
Chamberlain	Kellogg	Penrose	Tillman
Culberson	Kendrick	Poindexter	Townsend
Curtis	Kenyon	Pomerene	Trammell
Dillingham	King	Ransdell	Vardaman
Fernald	Knox	Reed	Wadsworth
Fletcher	La Follette	Robinson	Walsh
Frelinghuysen	Lodge	Shafroth	Warren
Hale	McCumber	Sheppard	Watson
Harding	McLean	Smith, Ga.	Weeks
Husting	McNary	Smith, S. C.	Williams
James	Nelson	Smoot	
Johnson, Cal.	New	Sterling	

Mr. CURTIS. I desire to announce the absence of the junior Senator from Idaho [Mr. BRADY] on account of illness. I will let this announcement stand for the day.

Mr. FRELINGHUYSEN. I wish to announce the unavoidable absence of my colleague, the Senator from New Jersey [Mr. HUGHES], on account of illness. I will let this announcement stand for the day.

Mr. ROBINSON. The junior Senator from Arkansas [Mr. KIRBY] is unavoidably absent. I ask that this announcement may stand for the day.

Mr. SHAFROTH. I desire to announce the unavoidable absence of my colleague [Mr. THOMAS] on account of sickness.

Mr. SUTHERLAND. I desire to announce the absence of my colleague, the senior Senator from West Virginia [Mr. GOFF],

on account of illness. I ask that this announcement may stand for the day.

Mr. POMERENE. I wish to announce the unavoidable absence of the senior Senator from Delaware [Mr. SAULSBURY] on public business.

Mr. HUSTING. I desire to announce that the Senator from Rhode Island [Mr. GERRY] and the Senator from California [Mr. PHELAN] are detained from the Senate on official business.

The VICE PRESIDENT. Fifty-eight Senators have answered to the roll call. There is a quorum present.

RIVER AND HARBOR APPROPRIATIONS.

Mr. FLETCHER. I ask unanimous consent to submit a report from the Committee on Commerce. I am directed by the Committee on Commerce, to which was referred the bill (H. R. 4285) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, to report it favorably with amendments, and I submit a report (No. 81) thereon.

The VICE PRESIDENT. Without objection, the report will be received and the bill will be placed on the calendar.

Mr. FLETCHER. I desire to give notice that as soon as the pending measure is disposed of I shall ask the Senate to proceed to the consideration of this bill.

Mr. POINDEXTER. I ask unanimous consent to submit an amendment intended to be proposed by me to the river and harbor bill.

The VICE PRESIDENT. The amendment will be printed and lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (H. R. 646) for the relief of Mrs. Nancy E. Mullins, in which it requested the concurrence of the Senate.

ENROLLED JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (S. J. Res. No. 33) to relieve the owners of mining claims who have been mustered into the military or naval service of the United States as officers or enlisted men from performing assessment work during the term of such service.

PETITIONS AND MEMORIALS.

Mr. PAGE presented a petition of sundry citizens of Irasburg, Vt., praying for national prohibition during the period of the war, which was ordered to lie on the table.

Mr. SHEPPARD presented petitions of the Methodist Episcopal Missionary Society of Crowell and the Women's Missionary Society of the Methodist Church of Sour Lake, in the State of Texas, praying for national prohibition as a war measure, which were ordered to lie on the table.

Mr. TOWNSEND presented a petition of the congregation of the Grace Methodist Episcopal Church, of Houghton, Mich., and a petition of sundry citizens of Ann Harbor, Mich., praying for national prohibition as a war measure, which were ordered to lie on the table.

Mr. PHELAN presented a petition of the Presbytery of San Joaquin, Synod of California, praying for national prohibition, for the prohibition of interstate transmission of race-gambling bets, and for the Federal censorship of motion pictures, which was ordered to lie on the table.

He also presented a petition of sundry employees in the Lighthouse Service, praying for an increase in the salaries of lighthouse keepers, which was referred to the Committee on Commerce.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FERNALD:

A bill (S. 2628) granting an increase of pension to Isaac B. Childs (with accompanying papers);

A bill (S. 2629) granting an increase of pension to Francis Dwelley (with accompanying papers); and

A bill (S. 2630) granting an increase of pension to Amariah K. Wheeler (with accompanying papers); to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 2631) granting a pension to Eva Maurer (with accompanying papers); to the Committee on Pensions.

WAR REVENUE.

Mr. LEWIS submitted an amendment intended to be proposed by him to the bill (H. R. 4280) to provide revenue to defray war expenses, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

AMENDMENTS TO PENDING BILL.

Mr. LODGE submitted an amendment intended to be proposed by him to the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel, which was ordered to lie on the table and be printed.

Mr. NORRIS submitted an amendment intended to be proposed by him to the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel, which was ordered to lie on the table and to be printed.

Mr. McKELLAR submitted four amendments intended to be proposed by him to the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel, which were ordered to lie on the table and to be printed.

HOUSE BILL REFERRED.

H. R. 646. An act for the relief of Mrs. Nancy E. Mullins was read twice by its title and referred to the Committee on Military Affairs.

CONSERVATION OF FOOD AND FUEL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

Mr. LODGE. Mr. President, I am as anxious as anyone can possibly be to have this bill disposed of at the earliest possible moment. I have been in hopes that some agreement could be reached on one or two points, and some modifications made that would enable us to pass the bill in the course of the day. For that reason I regret that cloture has been proposed. I realize very fully, having had similar experiences, the stress under which a Senator in charge of a bill like this is placed, and the Senator from Oregon [Mr. CHAMBERLAIN] has certainly shown the greatest possible good nature and patience in the management of the bill. But I think, under the circumstances, it would have been better to have allowed us to go a little further without cloture in order to see if we could not come to an agreement on some of the contested points which would have enabled us to pass the bill, as I have already said, without delay.

The bill has been up for some time, but the first week was devoted to discussing another bill. Two whole days were given to one section—that involving the question of prohibition. The bill has been much changed in character, and we have a large number of proposed amendments. The committee amendments are not concluded, and there is a score or more of other amendments of great importance which are pending.

I am told there is an amendment in regard to coal pending, which I heard the Senator from Iowa say would take a day or two of itself. Under these circumstances suddenly to limit and shut down debate seems to me to be unwise, and would very possibly jeopardize the passage of the bill.

This bill is of very great importance. If passed in proper form it will be, in my opinion, a help to the country and the administration in conducting the war, but if it is not put in a proper form it assumes a much larger importance, for it is then capable of being ruinous to the country in its application.

I have nothing to say about the action taken on the prohibition question. That is of importance; it involves a very serious loss of revenue as well as a large expenditure of money which will have to be met in other ways; but the Senate has decided that question, and I have nothing more to say about it.

That which troubles me in this bill is the fact that it is an attempt to set aside and disregard economic laws—the natural laws which always exist and which always control in a large measure the distribution and the sale of all products. These laws are inexorable and merciless, and attempts to override them mean disaster. This bill undertakes to give a power to the President and his agents not simply to regulate the distribution of or to control the food supply but to fix prices absolutely to control the entire business of the country.

I have no reflection to make upon anybody who will be concerned in that work. I have a very great admiration for the work Mr. Hoover did in Belgium. No one could admire it more than I do. But the problem to be met in Belgium, serious as it was, is nothing compared to undertaking to run the whole business of the United States. That is beyond the power of any one man or any small group of men.

The purposes are excellent, the intentions are good. As I understand it, the prime purpose is to assist our allies by seeing

that we sustain them in all possible supplies at the cheapest price.

Mr. President, that is a very important thing for success in this war, but it is not the only thing. The matter of food, the matter of supplies, is very important. So are ships very important; so are airplanes enormously important; and the Army and Navy are most important of all. And behind them all is the necessity for money, and the money must come from a prosperous and a united country. It must come from industries in the highest state of productivity. It is not enough to say that we shall send supplies to the allies at the lowest possible rate. We must look beyond that proposition and see what else is involved.

Mr. President, consider the effects already produced by the mere threat of this bill. It has been stated here on the floor. I have myself asked Senators who represent not only the wheat States but the great distributing centers of wheat, and I get but one reply to my question, that for the moment the market for wheat is dead. Nobody dares to buy. For the moment, at least, by the mere threat of this bill the whole machinery of sale and distribution involved in that great article of food is disarranged.

Consider some of the propositions that are made. Sugar necessarily is controlled in the regulation of food. It is a very important article of food. I am told that propositions have already been made to fix the price on sugar which would make it impossible for our beet-sugar factories which have already made their contracts with the farmers for beets to produce sugar at a reasonable profit. It is not helping the allies nor helping us forcibly to make a price on sugar which will tend to curtail production and reduce the large profits which have already been made and are in progress now on sugar making from which we should draw great revenue.

We must look beyond the immediate object of getting sugar cheaply into the hands of the allies. It is necessary to see first what all the consequences are. It would be a fatal mistake to force down the price of sugar and thereby diminish the supply. It is better to have sugar in reasonable plenty at a profitable price than to have no sugar at all at any price.

It is further proposed, I understand, to compel Cuba to make a low price on sugar. About a third, or perhaps more, of the sugar we consume we must import. We are not self-sustaining with our own sugar production, although it is increasing largely.

That imported sugar fixes the price. It is proposed, I have heard, to compel Cuba, by withholding from her foodstuffs—which would involve a complete disregard of treaties, and wholly apart from treaties, what a thing that would be to do to a country under our protection, our ally in the war, who followed us into the war—to compel her to make a price lower than a fair market price for sugar. The men who are thinking only of low prices and only of feeding the allies at low prices appear to forget where excessive action in that direction would lead. All the consequences in so grave a problem must be considered, not merely the immediate purpose.

This bill has come before us and has been agitated before the country as a food-control bill. Cotton and its products have been put into it. You can connect them, as I did the other day in referring to them, with the raising of cereals and the making of munitions, but cotton is not a food product. The mere threat of putting the cotton crop into the control of one man to fix the price, if I am not misinformed, caused within 48 hours a decline of $13 a bale in the price of cotton. I do not know but that it has declined further than that since.

Mr. WILLIAMS. The price has gone back to where it was before.

Mr. LODGE. Well, I am glad to hear that it has recovered; but that was the first effect of it.

Mr. President, it seems to me very dangerous to make an arrangement, perhaps with foreign countries, that we are to sell cotton at a low price to them. The larger part—much the larger part, I think—of our cotton crop goes abroad.

Mr. SMITH of South Carolina. Two-thirds of it.

Mr. LODGE. It is a revenue raiser of enormous importance to this country. If we wish to do to others as we would be done by, let me again call attention to the fact that the imports from England to this country are larger than they have ever been. They reached $308,000,000 last year. I do not understand that we have asked or that England has given any reduction of prices to us because we are her ally in this war. I think she is eminently wise not to do so; I entirely approve of her attitude. I think it would be a mistake for her to do otherwise, and I think it would be an equal mistake for us to do otherwise.

So far as possible we ought to leave the course of trade and the natural economic laws unmeddled with. There have been attempts throughout history to upset and to go contrary to economic laws by legislation and by administrative and executive acts, but they have uniformly failed. The economic laws are stronger than anything men can do to disturb them and are very revengeful when disobeyed.

Now, again, there is copper. That is not precisely a food product, but it is included in this bill; and I am told that it is said by those who are to be responsible for the exercise of these vast powers that copper is to be sold to countries with which we are allied against Germany at the same price as to our own Government. I think it was a great economic mistake to induce or compel the copper producers of this country to sell at a very low price to our own Government. I think it would be more profitable in the end to the Government to allow business to take, so far as possible, its natural course. I have no doubt the copper producers would be ready and willing to sell at a lower price to our own Government than to anybody else, but to force them to an abnormally low price will result, probably, in two ways: The price to the domestic consumer and other private consumers will rise; they will have to pay a great deal more, and that will enhance the cost of every great product in this country into which copper enters. We may save something on buying copper at an abnormally cheap price—a price abnormally lower than the market price—but, in my judgment, by such a course we shall lose a great deal more.

The same is true of all these things. Force prices down by arbitrary acts, and you will reduce the profits; you will close the weak mines which are now giving a surplus which is so necessary, so vital to the production of that metal which is used as much as any other in the war.

If the mines make profits, we are going to take a large share of them in taxation. The Senate perhaps does not realize what we are planning to do in that way. In our excess profits tax in the bill which has been prepared by the Finance Committee where the profits reach 200 per cent excess over the prewar profits we propose to take 50 per cent; where it is 150 per cent, to take 45 per cent; where it is an advance of 100 per cent, to take 40 per cent. That is to be done under the revenue bill.

The Senator from Wisconsin [Mr. LA FOLLETTE] has a bill on a different system from ours—a coherent system but a different theory. I do not agree with the theory, but there is no doubt that it is a coherent and intelligent system of raising revenue, if you prefer that to the other.

Mr. CHAMBERLAIN. Mr. President, will the Senator from Massachusetts permit me to interrupt him for just a moment?

Mr. LODGE. Yes.

Mr. CHAMBERLAIN. Does the Senator think it is incumbent on the President of the United States to take absolute charge of all of the things named in the bill and to take charge of the mines and to operate them as provided in the bill?

Mr. LODGE. I am coming to that, Mr. President——

Mr. CHAMBERLAIN. Or does not the bill simply propose to authorize the President to do these things when the public interest so requires?

Mr. LODGE. I am coming to that, Mr. President, in a moment. I have not forgotten that point.

The bill of the Senator from Wisconsin proposes to take the great bulk of the revenue from excess profits while he leaves our income-tax arrangement of the committee bill substantially unchanged. He also takes the committee provisions about liquor, and those, I think, he will have to revise. If we are going on as we are now, we shall all have to revise them; but the Senator's theory is to raise taxes chiefly from excess profits. I think that is the best course; that is the view of the committee; it is a question of degree; but if you are not going to have any excess profits you will not have any revenue, and you will throw the burden of taxation more and more on the great body of the people. Those taxes which we are trying to keep very moderate, and which the Senator from Wisconsin has tried to get rid of entirely, will be forced upon us if you reduce abnormally and unnaturally the profits of business. If you are going to have no regard for that, you also will see your income taxes dwindle, because the income taxes come largely from the dividends which shareholders receive. Your liberty loan and your other loans that are to follow must be the borrowings from surplus income and from surplus profits. From those also you must get the money which is necessary to extend your industries and keep them in high productivity. Money lies at the back of it all, and whatever system we adopt of raising taxes, incomes and excess profits are the principal sources. Before we enter on measures which will have a tendency to reduce them and perhaps in many cases to wipe them out altogether, we ought to go very slowly and very carefully.

I have heard threats or promises freely spoken of as to what the people who are to be intrusted with these powers mean to do. That is what they are talking about. I do not know what they

will do; no man can tell; but they are talking about doing the things I have spoken of in regard to sugar, in regard to cotton, and in regard to copper; and I say that it is extremely dangerous.

We hear a continual cry raised against the food speculator and the people who make corners. We have passed the most drastic legislation in regard to that already. Everybody desires to reach those people. Men who undertake to make corners and to raise prices artificially in time of war, to my mind, are criminals and ought to be punished with the utmost severity; but that is only a small part of the trouble. We can have all the legislation which anyone can demand on that point, but there is a vast body of people who raise prices who are in no food trust, who are not making corners, and whom you can reach only by the operation of economy. Human nature is pretty generally distributed, and human nature is pretty much alike when it comes to economic questions or others. The average man, when he is selling anything, wants to get as much as he can for it. Every grocer, every butcher, every farmer, every producer longs to get as much for the article he sells as he can. If there is a chance to advance prices and to make a little larger profit, they each individually try to do so, and no amount of law will reach them. We can deal with the speculator, with the man who makes corners, and with the man who tries to take advantage of the troubles of the war; we can reach them; but, beyond that, is the natural rise of prices owing to withdrawal of a great body of producers from active work who at the same time are turned into consumers and destroyers of property and products of all kinds.

I believe, Mr. President, that the great body of our business men are thoroughly patriotic and anxious to do everything they can for this country. I have entire confidence in them, but I do not think that high patriotism is confined to them. I think that is the desire of the Senate and of all men who have right feelings about their country, and that is the overwhelming mass of the American people. We need the business men; we need to encourage and not to discourage them unduly, and no business can prosper if there is hanging over it all the time the hand of the Government, which may descend at any moment and fix the maximum price.

I wish to call the attention of the Senate to the example of France and to tell the Senate what happened there. France was better prepared in her army than any of the allies who entered the war against Germany, but she was no better prepared than the others in the organization of industry in what may be called the civil organization which must stand behind the army in case of a great war. She found herself suddenly precipitated into this enormous struggle. She had a ministry which took upon themselves the powers which we are now asked to grant without consideration to the agents of the President. Each minister in his own department exercised autocratic powers. It seemed the only way to meet the dangers which then confronted the country. We talk about these powers being left in the hands of the President. It is impossible for the President to exercise them. They are distributed to agents, and those agents distribute them to subordinates, and the lower you go, the more obnoxious is the exercise of these unrestrained powers. "Conceit in weakest bodies strongest works," and when some local man is suddenly invested with power to control his neighbor's business or take his neighbor's property his head is very apt to be turned. That is what happened in France. Then the chambers came together. I do not think they were any better fitted for executive functions than any other parliamentary body. I know Congress is not fitted for executive functions, and the French were not, but they appointed some committees and investigated the situation, and when there was laid bare the situation which had been created by the exercise of these autocratic powers, without regard to constitutions or economic law, by members of the ministry, with the best intentions in the world, they found an enormous waste of money, they found powers exercised in such a way as to do great harm. Then France turned and called in the private industries of the country. The Government, with all its vast powers, was making 40,000 shells a day. They called upon the private industries, and in a short time they were making 200,000 shells a day. They rallied behind the Government the private industries which had been stopped by the exercise of powers too great for any one man to use, and which ran contrary to all economic laws. There is the lesson of France. That is the way she rallied her social and economic organization behind her armies.

Success is not to be found in indiscriminate and unlimited powers, and we ought to take great care before we give powers which if misdirected will dislocate the whole course of business, will lower the productivity of our industries, and cut off our great revenue-yielding taxes at the source.

We ought to be very careful before we do any such thing as that.

The Senator from Oregon says it is all discretionary. Mr. President, it was all discretionary in France. There is nothing so dangerous as to intrust unlimited, unrestricted powers to men on the theory that they will not use them. To use them as a threat if the victims are not doing what they want, where does that lead? You say to a great business concern, "We are not satisfied with the prices at which you are selling copper or steel, or whatever you please, to the allies. You must sell it at a lower price." They say, "We can not do it and we will not do it." "Very well; we will take your plant." What is the result? Of all incompetent managers of a business plant, governments are the most incompetent. There would be not only vastly increased costs, but, what is far worse, there would be endless delays.

Is it to be supposed for a moment that men suddenly drawn from anywhere, with no previous experience, can run these great businesses as well as men who have given their lives to them? The result would be that you would upset business and you would not get the supplies to the allies. They would not get the copper they need and the sugar they need and all these other things.

It is all very well to talk about threatening, but when your threat simply consists in saying, "The Government will take over a factory and run it," the Government can take over the factory, but it can not run it. Instead of having 200,000 shells a day you will have 40,000.

Mr. CHAMBERLAIN. May I interrupt the Senator?

Mr. LODGE. Certainly.

Mr CHAMBERLAIN. It might be true, as the Senator has suggested, that the Government could not take these plants and operate them at a profit to sell and dispose of the output as business men do; but is it not true that at the arsenals at Springfield, Mass., and at Rock Island, Ill., where the Government manufactures for itself, the output has been placed in the hands of the Government at a cheaper rate than by private hands?

Mr. LODGE. Mr. President, that is a delightful example of just what I mean by Government management. We have two arsenals, one at Rock Island and the other at Springfield, Mass. They make the Springfield new model. They are the only people who do. Nobody else makes it. They have no competition whatever. They are capable of turning out on an eight-hour shift 500 rifles a day at Springfield and 250 at Rock Island.

Mr. CHAMBERLAIN. Further in that same——

Mr. LODGE. Let me finish what I am going to say about it. I desire to show the beauties of Government management. Two years ago they were turning out at Springfield 147 rifles a day. Rock Island was shut down. At the previous session of Congress the House put in a provision of $5,000,000 to run both those arsenals on full time, and, I think, even to run them on additional shifts. There was a contest here about it, but the House provision was passed. We came to the declaration of war and, I believe, we were still making 147 rifles a day. That is Government management.

Mr. CHAMBERLAIN. Now may I interrupt the Senator?

Mr. LODGE. It is very well to talk about making cheap rifles. They do not make rifles of any kind.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from Massachusetts yield to the Senator from Oregon?

Mr. LODGE. Certainly.

Mr. CHAMBERLAIN. I think the testimony of the ordnance officers will show that the guns, and so forth, are manufactured cheaper by the Government than by private firms. But I call the Senator's attention to this further fact: If the Government itself were manufacturing powder for sale and put it on the market, I question if it could do it or would do it as cheaply as an individual; but is it not true that the testimony which was taken before the Military and Navy Committees of the Senate has shown that the Government can manufacture powder cheaper than it is being sold to the Government, and they have compelled the private manufacturers of powder to reduce the cost more than a third?

Mr. LODGE. That is true. That is not the point I am making. I will say just here the cheapness of Government manufacture when we are at war is a secondary consideration. It is not much matter whether we can make a Springfield new model at the Springfield Arsenal a dollar or two cheaper than some private firm can make it. The question is that at the Springfield Arsenal and at Rock Island we have not been getting any rifles at all. It is better to pay a little too much for a rifle than to leave our soldiers unarmed; and at this moment, if I am not misinformed, we are turning to private enterprise

to supply us with Enfields, an inferior rifle, but which can be obtained rapidly and in large quantities from private sources.

Mr. JOHNSON of South Dakota. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from South Dakota?

Mr. LODGE. I do.

Mr. JOHNSON of South Dakota. I simply wish to ask the Senator a question as to the subject of fixing prices. Does the Senator believe that in dealing with the corporations that are turning out much-needed things all through the country, instead of fixing the price there might be an agreement as to the per cent which they should receive of profit?

Mr. LODGE. Mr. President, you can under the power of this bill prevent all the industries from making any profit. If you think it is a bad thing for them to make profits you can stop it. You are going to do it very largely by this bill, in my judgment. Where are you going to get the taxes from?

Mr. JOHNSON of South Dakota. That is not the point.

Mr. LODGE. I think that is the point. The Senator may think the Government can be run without money, but so far we have provided for $5,000,000,000 in loans. We have a tax bill here that carries from $1,600,000,000 to $1,800,000,000. That money must come from somewhere. You can not take it out of the air. And we must have $600,000,000 more in order to obtain aeroplanes. We must have $600,000,000 more to make up for what was done about prohibition. You will not get it if you are going to kill business in the country.

Mr. JOHNSON of South Dakota. I agree fully with what the Senator says on that point, but I do not agree with him as to his conclusion as to profits. In regard to all the great basic products of our country that are so vitally necessary for the preservation of our armies and our defense, if any firms in that line of business are patriotic, and they are good citizens, they should be perfectly willing to agree as to a specified profit that they might make, not fixing the price but an agreement as to a reasonable per cent, say, 10 or even 20 per cent. The point I want to make is that all those concerns, if they want to do the right thing by the Government at this critical time, should be willing to try to reach an agreement along the line of prices.

Mr. LODGE. That is exactly what they are trying to do. I am not advocating extortionate prices to the Government. On the contrary, I think to our own Government they should make prices at a very reasonable profit. But it is proposed to make us sell at the same price, near cost or but slightly above it, to all the allies, and the next step will be to make us sell in the same way to all the domestic consumers, because if you do not do that, by forcing them to sell to the Government and to the allies at abnormally low prices you will raise the price of the product to every private consumer and increase the cost of every article into which copper or steel enters. You can not raise taxes unless you have something to tax. I wish to preserve business, and to make it as productive as possible, and then take all you please from their net profits. Take all that is necessary. They can go on and they can extend. They will believe that in the time to come when the war pressure is off they can make perhaps better profits. But if you destroy them they will not make any profits at all.

I do not think much is gained by haggling about what we buy. The result of making small savings on what the Government buys is that we are not getting the things we need, and delay is the most expensive luxury possible. There is great delay in haggling, which is more ruinous than anything else at this time. But I am certain that the business of the country in supplying the Government as a rule will be content with any reasonable profit which the Government will name. They have shown that in many instances already.

But the main point that I feel so strongly is putting these gigantic powers into the hands of men of whom we know very little, to distribute them among hundreds of agents of whom we know nothing, to give to these agents the power under the licensing clause to put out of business any concern, partnership, individual, or corporation which is engaged in foreign or interstate commerce. They are living under a threat of extinction at any moment. Some agent somewhere comes in and makes an adverse report on a corporation or a partnership or an individual. The principal agent takes it up here and the thing is done; the man is put out of business. I say that is a power which should not be intrusted to any human being.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Missouri?

Mr. REED. If it will not interrupt the Senator——

Mr. LODGE. Certainly; I yield.

Mr. REED. Why is not what the Senator has just said absolutely applicable to the farmer, and in a somewhat aggravated form, perhaps, because at least as to many articles an ordinary manufacturer can produce he can produce his article and get it upon the market in a short time, whereas the farmer invariably requires 12 months, sometimes three or four years, to bring a farm product to a marketable condition?

Mr. LODGE. Mr. President, of course it applies to the farmer. I was taking my illustration from industries naturally because I come from an almost entirely industrial State. It is just the same with wheat. Now, see where that has led us. Undertaking to fix the price of the farmer's products, the obvious injustice of fixing a price on his products for sale, led us to add the articles which he had to buy, and gradually you find this power of price fixing extending over every industry in the country. We have then to go on and protect the farmer by a minimum, and if you protect the farmer by a minimum you must protect the man who works in the copper mine or the coal mine by a minimum, and it spreads and spreads indefinitely in every direction carrying with it business and production paralysis.

Mr. GRONNA. May I ask the Senator a question?

Mr. LODGE. Certainly.

Mr. GRONNA. Is it not just as dangerous to leave to one man the power of fixing the minimum?

Mr. LODGE. I agree with the Senator entirely. I think it is.

Mr. GRONNA. I am very much interested in what the Senator says; I am always interested in hearing him; and I should be very much pleased to have the Senator go into the history of England and show what the corn laws of England did for agriculture. I think it was in 1846 when that law was passed, and, if I am not mistaken, it ruined the industry of agriculture in England.

Mr. LODGE. It did; and the fixing of prices that was effected by import duties led to the complete overthrow of protection for the farmer.

Mr. NORRIS. Mr. President, is the Senator opposed to the provision in the bill which gives the power to fix a minimum price?

Mr. LODGE. If we are going to fix the price of wheat to the farmer, whatever you put as a minimum——

Mr. NORRIS. That is not the question. I thought the Senator's argument was rather in opposition to that power.

Mr. LODGE. I am against the power of fixing prices on either maximum or minimum.

Mr. NORRIS. The Senator would strike out of the bill the power, then, that is given to the President to fix the minimum price for anything.

Mr. LODGE. I would; but where almost all the provisions of the bill relate to prices if I can not strike out all I would strike out as many as I can.

Mr. JONES of New Mexico. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from New Mexico?

Mr. LODGE. I do.

Mr. JONES of New Mexico. Within the last day or two the President has issued a proclamation which will have the effect of controlling the exports of this country. Necessarily to produce the exports we would increase the production of a great many of our commodities so that there must be a supply greater than this country will consume. The price necessarily, it seems to me, will be controlled to a great extent by the price which obtains for the exported portion. If the President has the power under existing law to control the exports of the country, how can we prevent his controlling through that process the domestic prices, and perhaps may it not be better, inasmuch as we have given to the President the power to control exports, that we should go further now and practically put the complete control of all prices in the hands of the President? In other words, having gone as far as we have gone can we safely stop where we are?

I wish to say that the Senator has been making a very clear statement to my mind of the conditions which are confronting us, and I realize the problem which he is trying to solve, and I think it is worthy of the very earnest, serious, unselfish consideration of every Senator. I know of nothing more important than the very thing the Senator is now discussing; and yet I am troubled as to what course we should pursue. Having gone to the extent which we have, shall we stop or what shall we do to supplement and minimize, if necessary, the effect of what is being done regarding the control of exports?

Mr. LODGE. Mr. President, I of course have considered the question of the control of exports. I was thoroughly in favor of giving the President that power. The control of exports indirectly may mean the control of prices; but it is far more than that. The President represents the country necessarily and abso-

lutely in all our foreign relations. Now, it is an essential feature of this war to prevent the sending to Germany of supplies, of foods, and of metals. That is a question of the first importance, and the President, if he thinks that exports are finding their way in large quantities through neutral countries, as they undoubtedly have done, must be in a position where he can stop it. I think those powers are just, and they seem to me to meet all the necessities of the case as affecting exports.

He can also, through that power, control what has been a very unfortunate incident at recent times—the allies coming into our markets and bidding against each other. He can compel purchases for the allies to be made through one agent; but that agent, buying for all the allies, will buy at the market price. All that is removed is what you may call the competition of fear from the other allies. Now, I think that ought distinctly to be done; but that would still leave the general course of the markets untouched.

Mr. JONES of New Mexico. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from New Mexico?

Mr. LODGE. I do.

Mr. JONES of New Mexico. Just at that point, if there is to be one purchasing agency for the Federal Government and our allies of the surplus commodities, does not that necessarily fix the price of the commodities to the domestic consumers?

Mr. LODGE. Undoubtedly it is an economic law that the price of the world market where there is a surplus and export will fix the price of the home market. There is no doubt, in my judgment, about the soundness of the law which the Senator has stated. But we are not fixing the price which the one agent shall give. We are only preventing an abnormal competition between the agents of all the powers. There is no reason why that one agent should be given wheat at an abnormally low price.

Mr. JONES of New Mexico. Mr. President——

Mr. LODGE. I yield.

Mr. JONES of New Mexico. If there is only one purchaser for the surplus product, how do you prevent that one purchaser from fixing the price? And is not that the condition in which the country finds itself to-day—the control of exports, with the combination of the purchasing agents of this country and the allies forming only one purchaser?

Does that not now give to the Government the power to fix a price by saying what it shall pay for its supplies, as well as the allies? And being the only purchaser, how can you work it out other than that that will absolutely fix the price in an indirect way? And if that fixes the price in an indirect way, would we do any harm, or perhaps would we not do good, if we went further and gave the President the power to do absolutely what he will do indirectly, through powers already conferred?

Mr. LODGE. Mr. President, under these abnormal conditions, which are artificial to a large extent, I do not think the economic law of the world's price as fixing the domestic price can be taken as absolute. Because there is only one agent buying for the belligerent Governments of the allies, it does not follow that we are bound to sell at any price he shall name. As a matter of fact, as we have seen by the way they have bid against each other, they must have the wheat. It is in our hands to name the price, really, if it is left to one agent. He must have that wheat. It is not like normal times. What we desire, of course, is a reasonable adjustment, and I think the necessity will be met in that way. Although I see, of course, the power the President now has and which he must have to regulate exports, I think it is going a great deal beyond that to give to a presidential agent—for that is what it comes down to—the power to name the price on everything for the domestic as well as the foreign market and to name the minimum price of everything.

Mr. JOHNSON of South Dakota. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from South Dakota?

Mr. LODGE. I do.

Mr. JOHNSON of South Dakota. Does not the Senator believe that an embargo without any restrictions can only add to the burden of the actual producer in prices?

Mr. LODGE. I do not think I understand the Senator.

Mr. JOHNSON of South Dakota. The point raised by the Senator from New Mexico, in asking if an embargo would cure all evils. Now, it occurs to me that an embargo on the output of foods would not remedy the very thing that we are all trying to remedy. It would not affect the profits of the middlemen, but would reflect directly upon the producers of any article.

Mr. LODGE. Mr. President, I am not talking about middlemen. Those men we can reach by other laws. I am discussing with the Senator from New Mexico the very difficult and important point of the control of exports, which must be controlled to the degree which the President is now controlling them for many other reasons besides the economic ones. But because he has that control, which indirectly might be used to make the price, I do not think it therefore follows that we ought to confer the power to make all prices, maximums and minimums, upon some one agent or group of agents who are not even selected and appointed and confirmed by the Senate, who have not the responsibility which attaches to offices as usually created.

I think we are running a terrible risk. When I heard in conversation again and again what some of these agents propose to do, it seemed to me that it could mean nothing but the absolute dislocation of business and of agriculture from one end of this country to the other, and that we should tread again the path that France trod when she had to get out of the dreadful conditions created by the autocratic powers assumed, from necessity no doubt, by the ministry at the outset of the war, and that we should have to go back to normal conditions, and, so far as possible—of course, it is limited, but so far as possible in a time of war—give the economic laws free play.

Mr. President, I have spoken longer than I intended to; but there are provisions in this bill which if carried through, and if we confer these powers on agents unknown to us, it seems to me, are in the highest degree dangerous. It will not advance this war, it will not help the allies, to have a business panic in the United States.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Ohio?

Mr. LODGE. I do.

Mr. POMERENE. I think I share the apprehensions of the Senator from Massachusetts when it comes to governmental control of these matters in normal times; but, of course, we all appreciate that conditions are now abnormal. May I ask the Senator whether he is opposed to any legislation and all legislation regulating the price of foodstuffs, and particularly wheat and flour?

Mr. LODGE. No, Mr. President; but I wish to confine our legislation and our grant of powers as far as possible to matters immediately connected with the war and the operations of our Army and Navy. I do not want to give these blank checks to men about whom I know nothing. I know these are most abnormal times; but that does not prevent an abuse of power, and human beings do not change their nature materially in war times. When they get power in their hands it is a tremendous temptation. I wish to go no further than is absolutely necessary. I think this bill goes a great deal too far. I do not think it is necessary for food control to give Mr. Hoover or anybody else the right to fix the price of cotton.

You are involving yourself in grave questions when you allow Mr. Hoover to fix the price of cotton in conjunction with Great Britain or France. I do not think he ought to have the power to fix the price of copper or steel or wool, or any of those things enumerated there; and I think if we are going to fix prices on wheat and establish minimums, because the farmer is in just as much danger, we had better do some price fixing ourselves, here and in the House of Representatives, where the farmers are represented, and not have it done by a man who is thinking neither of the shareholder nor of the business man nor of the farmer, but simply how he can buy most cheaply for the allies.

Mr. President, it will not do the allies much good to buy cheaply for them if you cut down the whole source of supplies. It will not do the allies much good to have low prices fixed for them if you find yourself without the ability to lend them money. What is the first aid we have had to give them? Money. My one point is, do not let us do anything which can injure the prosperity of the country. Let us encourage it in every possible way. You will not encourage it if you give to a lot of nameless agents the power to interfere in any business, and say whether they shall have a license or whether they shall do business at all. They will be walking in terror by day and night, and they will not do business.

Mr. POMERENE. Mr. President, I agree with the Senator that we want to continue the prosperity of this country; but knowing that the Senator has thought very deeply upon this subject, as he always does when he discusses questions that present themselves to the Senate, I should like to know from him how far he is willing to go, and what methods he would adopt to control the prices of food.

Mr. LODGE. I will give the Senator a practical point. I am utterly opposed to the licensing clause.

Mr. POMERENE. What method would the Senator adopt?

Mr. LODGE. I do not think licenses are needed. I do not think there is any occasion for it. If we must regulate food and fuel, let us do it. That is all that this bill was intended for when it started.

Mr. POMERENE. Now, I should like to have the Senator's views as to how he would do that.

Mr. LODGE. We have got to give some unusual power——

Mr. POMERENE. I think so.

Mr. LODGE. But I should reserve a few powers in the hands of Congress; and if there is to be a minimum-price fixing, I should like to see it done here by the men who represent the farmers on this floor, who represent great farming constituencies, who know something about it.

Who are the agents who will have charge of this work? It is not one; it is a hundred agents spread all over the country. What do they know about those questions? We want the other side. The situation would be different if we could have a commission with representation of Congress, of the farmers, and of the manufacturers upon it. Let it be formed as the Immigration Commission was formed—partly by Congress and partly by the President.

Let a body be created of men like that, who know something about more than one side of the matter, and confer the powers on the President to be administered through those men. That would be making it safe. But here you throw no safeguards whatever around the vast powers you bestow. You give a blanket authority to men whose names you do not even know. You know one; but he will have hundreds of agents whom you will know nothing about, who will be selected simply at his pleasure.

Mr. HARDWICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. LODGE. I yield.

Mr. HARDWICK. If the Senator will pardon me, all of them will be selected without our consent or approval, too.

Mr. LODGE. Oh, of course, without our consent or approval.

Now, I earnestly desire to finish this bill. I wish to see as good a bill as possible passed. I wish to see all the powers given that are necessary to meet the food situation; but I do not want to make that an excuse for piling up any number of powers which were not asked for in this bill when it appeared, even, and which it is not necessary to give. That is the reason why I deplore the fact that we should not have more time to consider this bill and see whether we can not reach some reasonable conclusion. If the bill is forced through now, it may go through in such a mutilated form as to be of little value. It may fail, or it may carry powers which, if wrongfully exercised, will bring this country to the verge of financial ruin within three months.

Mr. SMITH of South Carolina rose.

Mr. LODGE. I yield to the Senator from South Carolina.

Mr. SMITH of South Carolina. I did not care to interrupt the Senator. I have made some investigations with reference to the production of cotton in this country covering a period of years, and the price of food. In my own time I am going to take occasion to incorporate these figures in the RECORD, along the lines the Senator has suggested, about the possibility of our doing just exactly the contrary of what we desire in our efforts to increase production, unless we do it wisely. The very point that we are all stressing here is to encourage the greatest possible volume of production of the things that are absolutely essential to the proper conduct of this war; and at a later time I shall submit some figures here upon that point.

Mr. LODGE. Mr. President, I have finished what I have to say. I merely desired to make a protest against hurrying a bill like this. The character of the measure we pass is more important than the speed with which we pass it. Two or three days are very little here if it will save us from fatal mistakes; but two or three months or six months or a year of business depression, of lack of confidence, of failure of taxes, may result in the failure of the war.

Mr. SMITH of South Carolina. Mr. President, like every other Senator here, I am greatly desirous of our putting into operation some law that will encourage to the fullest extent the production of those things we need. We have heard a good deal here about the speculator. I shall not discuss that matter, but I want to submit to the Senate some figures that possibly we have lost sight of. In our desire to punish the man who would corner foodstuffs and jeopardize our efforts in this war I am afraid we are likely to cripple the very ones whom we want to encourage in production. It is one thing to legislate for a general rule; that is our function and office; but whenever we begin to try to legislate on exceptions we are likely to destroy the good in the general rule.

I call the attention of the Senate to these figures:

All of us were startled at the price to which wheat went recently. In 1915, the producing year—not the consuming year of that crop, but the producing year—we produced, according to figures furnished me by the Agricultural Department, 1,025,801,000 bushels of wheat, the most enormous crop ever known in the history of this country. The average price to the producer in May of 1916, according to figures furnished by the Agricultural Department, was $1.02 a bushel. We had produced in round numbers 1,026,000,000 bushels of wheat. In 1916 we had exported up until the outbreak of the war an average——

Mr. GRONNA. The Senator from South Carolina means in 1915, I think.

Mr. SMITH of South Carolina. Yes; in 1915.

Mr. GRONNA. I want to get the Senator, if he will be kind enough to do so, to give the price of wheat on the farm during the fall month of, say, November and in December.

Mr. SMITH of South Carolina. I shall be very glad to give those figures. I will read the figures for the instruction of the Senate.

In January, 1916, the price of wheat was $1.02; in February, $1.13; in March, $1.02; in April the average was 98 cents; in May, $1.02; in June, $1; in July, 93 cents; in August, $1.07; in September, $1.31; in October, $1.36; in November, $1.58; in December, $1.60.

Then, in January, 1917, following, for the same crop, the price was $1.50 per bushel; in February, 1917, it was $1.54—still following the same crop—in March the price was $1.64; and then on up.

Mr. President, one other feature enters into this matter that we ought to take into consideration in framing a bill of this kind. The average exports from the United States abroad up until the outbreak of the war was 13½ per cent of our total production; in 1915 it was 37 per cent of our total production. In spite of the enormous crop, we exported 37 per cent of the wheat produced in this country. In 1916 we produced only 640,000,000 bushels of wheat—just a little more than half of what we had produced in 1915; in other words, we produced 640,000,000 bushels as against 1,026,000,000 bushels. The per cent of the crop exported that year was 23 per cent—practically double the volume exported in the years previous to the war. We made, in round numbers, a half crop, and exported twice as much as we had been exporting, and the price doubled. So much for wheat. That shows that as the volume was great, the price declined, and as the amount was scarce the price rose.

In 1916 we produced 281,000,000 bushels of potatoes—just a half crop. Potatoes rose in price this last spring to about $4 a bushel. We exported an average, up until the outbreak of the war, in potatoes of about six-tenths per cent of our production. In 1916 we exported 1.43 per cent, but we made a half crop of potatoes in 1916.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Nebraska?

Mr. SMITH of South Carolina. I do.

Mr. NORRIS. The Senator, as I understood him, stated that we exported six-tenths of 1 per cent of our potato crop. Is not that an error?

Mr. SMITH of South Carolina. Those are the figures which were given me by the Agricultural Department. Of course I have no personal knowledge of the matter.

I want to emphasize the fact that we made a half crop of potatoes in 1916, and the price rose to $4 a bushel. Wheat was scarce; consequently, there was a greater demand for a substitute, and as potatoes were likewise scarce, they rose in consequence of the scarcity. So the high price of potatoes now, right in the emergency which we were deploring in the spring of this year, encouraged production. Every nook and corner available for potatoes has been planted in that crop, and the result is to-day that the producers are not getting enough for them to pay for the cost of production, gathering, and marketing.

In 1914 we made 16,000,000 bales of cotton, and the price dropped to where it did not nearly pay for the cost of production. We were led to believe that, on account of the demoralization of the usual channels of trade, the excessive freight rates incident to the dangers incurred in transporting that crop abroad, the demoralization in our great market, which is England, would cause a diminution in consumption approximating 5,000,000 bales. The price of cotton that year averaged about 7.1 cents per pound for a 16,000,000-bale crop.

In 1915—the year in which the enormously large crop of 1914 was marketed, in which it was to be consumed—we made two-thirds of a crop, 11,060,000 bales; in round numbers, 5,000,000 bales less than we made in 1914. The surplus coming over from 1914 into 1915 plus the 1915 crop sold on the market at an average of about 9.7 cents per pound.

In 1916—last year—we made practically the same crop that we made in 1915, around 11,000,000 bales of cotton. We were 5,000,000 bales short in 1915; we consumed the surplus of 1914

and entered 1916 with the surplus practically wiped out. In 1916 we still were short 5,000,000 bales of cotton. The average price was just double the price which obtained in ante bellum years.

To the astonishment of the cotton world, producer and consumer alike, in 1915, instead of there being a shortage in consumption of cotton, both domestic and foreign, there was an increase to such an extent that 14,800,000 bales of American cotton were consumed in the cotton year of August 1, 1914, to August 1, 1915. The demand of the world increased by leaps and bounds, because cotton was used in enormous quantities in producing explosives and used in enormous quantities in providing clothing for the soldier, tents, and all the textiles necessary and incident to a state of war.

Now, there is not a man on this floor who dares say there has been any corner in the cotton market. Cotton has risen simply because the demand has outstripped the supply.

So great was the fear throughout the entire cotton-producing regions of the South that the enormously high prices would induce the southern cotton grower to plant too largely of cotton that there was a propaganda throughout the South last spring that he should reduce his cotton acreage and plant foodstuffs. He responded, and, in spite of the fact that cotton was bringing from 25 to 27 cents a pound and guaranteeing him something like from $100 to $125 an acre, the southern planter has reduced his cotton acreage and put it in foodstuffs. The statistics of the Agricultural Department will verify that statement. To the patriotic appeal made to the notoriously poor southern cotton farmer, in the face of an inviting profit on his land, he responded and cut his cotton acreage anywhere from 10 to 15 per cent and put it in foodstuffs. The rise in the price of cotton, as I said a moment ago, has been due to the natural operation of the law of supply and demand.

Mr. VARDAMAN. But, Mr. President, if the Senator from South Carolina will permit me, there was something that happened in 1914 which suspended the inexorable law of supply and demand. That caused the price of cotton to go down. The law of supply and demand is now operating unhindered, and that has caused the price to rise. Cotton went down because of the war, which came on and suspended the operations of that law.

Mr. SMITH of Georgia. It cut off the opportunity to ship the cotton to places where there would have been a demand and left it here, where we had more than the immediate market required.

Mr. SMITH of South Carolina. Mr. President, I should say, in justice to all parties, that it was natural that the demoralization caused by the oncoming of war on such a large scale should affect the market; but one of the prime causes for the disastrous conditions around about November or December, I believe, when the price went down to the point where we had no market at all, and could not sell the cotton at all, and the price that was quoted was simply nominal and nobody bought it, was that the exchanges of this country, which represent the great concentrating points to which buyer and seller gravitate, and where they transact their business, were closed, and the only cotton markets left were those mills that cared to buy and risk the chance of selling their finished goods. However, after a while, that was remedied and the exchanges opened again, but the price still remained low.

To reiterate and recapitulate, what I have attempted to show here is that the crop of wheat in 1915 was 1,026,000,000 bushels and the price during the greater period of that time to the farmer was less than a dollar a bushel. In 1916 we made something like a half crop of wheat, and, with the exports increasing and the supply diminishing, the consequence was a doubling in price. In 1916 we had a failure in the potato crop. At the same time wheat and other staple foodstuffs—and the Irish potato, commonly so called, is in a great many communities as staple an article of food as wheat—were scarce, and the result was that potatoes went to enormous prices. The same was true of cotton. So the point that I want to impress upon the Senate is this: The only hope of encouraging production is to make production profitable. We can not eliminate from humanity the desire to make gain; we can not eliminate from ourselves or from any man the desire to realize laudable ambitions. I thank God that we can not eliminate from America the desire to maintain her democracy and that she will go to any lengths to maintain it. The same motives that actuate us en masse actuate us individually. I have no patience whatever with the man who becomes so besotted in his greed for gain that money is to him his patriotism, his conscience, and his God; but I do honor the man who attempts to convert the energies of his body and brain into capital and to use that capital for the onward progress of civilization.

Buckle, in his History of Civilization, uses one expression that is an epitome of the elements involved in human progress. He says that there are but three elements in the civilizing process—wealth, leisure, and learning. The accumulation of wealth is a divine instinct, because it enables us to express ourselves. The accumulation of wealth is necessary for the purpose of liberating our hands from toil, in order that we may have time to study the problems that vex humanity and to solve them.

I am just as much opposed to the man who would speculate now, to the disaster of this Government and our people, as any man in this Chamber; but because of the action of Providence that cut down the wheat crop, and the action of another law of Providence as immutable in its operation as the law of gravitation—the law of supply and demand—I am afraid that because bread was high, because God did not give us a great wheat crop, we are likely not to charge the shortage to the proper place, and, in attempting to legislate, to bring about disaster where we hope to do good.

I want to read in this connection an expression said to be 150 years old. It covers the very point I am making:

> To announce to the people that the dearness of food from which they suffer is the effect of artificial maneuvers and not due to the derangement of the seasons; to tell them that they endure dearness in the midst of abundance, is to authorize all calumnies, past, present, and future, to which they too readily surrender themselves. * * * It is, at the same time, to render the Government responsible for the inevitable scarcities that may exist or may again occur; it lays on the ministry the obligation to furnish abundance, whatever may happen, and they should be very sure of their ability before they undertake such an engagement. The people well know that the Government is not the master of the seasons, and they should be taught that they have no right to violate the property of the agricultural workers or the dealers in corn. We stand firm, even before the people, when we say to them: "What you ask is an injustice." Those who do not accept this reason will accept none and will always calumniate the Government, whatever efforts are made to please them.

Mr. SMITH of Arizona. Mr. President, may I ask the Senator who is the author of that?

Mr. SMITH of South Carolina. That was written by a great French administrator, Turgot, 150 years ago.

Mr. President, I am in favor of this legislation, properly expressed. The great liberty incident to democracy, like every great good, has its corresponding potentiality for evil. A mountain a thousand feet high means a valley a thousand feet low; and the great good that we enjoy in personal liberty, the sovereignty of self, may, in times of stress, and with a distorted view of facts, become as potential for evil as it is for good. In the cool, quiet deliberations of those chosen to represent the people in this Chamber, it becomes manifestly our duty—aye, it is a responsibility that has never come to any Senate before in the history of America—so to see the facts, so to observe and regard the facts as, so far as in us lies, to turn the present emergency to our benefit, and to perpetuate the blessings that we have.

I do not think this bill, as it now stands, without some modifications, is likely to reach the end that we desire.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Mississippi?

Mr. SMITH of South Carolina. I do.

Mr. VARDAMAN. I always listen with great interest to the Senator from South Carolina, especially when he is speaking upon a subject of this character. I have been impressed with the utter disintegration of the Senate on this question within the last 24 hours. It seems, to use a cant phrase, to have gone into the air. Now, I want to ask the Senator from South Carolina and the chairman of the committee if they do not think that these differences which the Senator has referred to could be ironed out and composed more readily in the committee than on the floor of the Senate? It does not seem to me that we are coming to any conclusion in the Senate. We are further from agreeing upon this bill this afternoon than we were two weeks ago; and I for one am very desirous of seeing the matter brought to an end.

The Senator from South Carolina is an honored member of the Committee on Agriculture and Forestry. I want to ask him if he does not think progress would be made by recommitting this bill to the Committee on Agriculture and Forestry and seeing if something can not be agreed upon which is likely to bring about the early passage of the bill? I sincerely desire its early passage in some form. I think the Senate wants to get rid of it, and I know the American people want the question settled. It is disorganizing trade, it is discouraging business; and something ought to be done, if possible, to bring the Senate to an agreement upon the measure.

Mr. SMITH of South Carolina. Mr. President, I am scarcely in a position to advise. The bill is here before us. I am thoroughly convinced, after eight years of service in the United States Senate, that most Senators know practically nothing at

all about farming. It is from the farmers of the country that we are to draw the sinews of war that are to determine this conflict; and the manner in which we treat them is going to determine, in my opinion, whether the result of this war shall be with us or against us.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Oregon?

Mr. SMITH of South Carolina. Certainly.

Mr. CHAMBERLAIN. The Senator from Mississippi asks if any member of the committee believe that if this bill were recommitted to the committee these differences might be ironed out. If the Senator will permit me to express my opinion about it, I should say no. When this bill was in the Senate the first time it covered foods, feeds, and fuels, and the articles necessary for their production. When it was being discussed in the Senate a great many Senators objected to that general expression and insisted that the bill ought to be particularized and the particular articles stated which were necessary for the production of these necessaries.

It went down to the committee, and the committee, being influenced largely by the expressed wishes of Senators who had discussed the subject, particularized, and when it came back into the Senate again it was further particularized by the addition of cotton and some other commodities.

Now, if the bill goes back to the committee, those same differences will be there again. The committee is almost evenly divided. On the question of prohibition, the handling of distilled liquors and vinous and malt liquors, the same differences existed in the Senate and existed in the committee. So if the bill goes back to the committee, in my opinion these differences will be not only multiplied but strengthened, and we will have just the same trouble in the Senate that we are having now. In the last analysis I believe the bill will have to be determined here in the Senate and not in committee.

Mr. SMITH of South Carolina. I rather agree with the Senator. I take it, Mr. President, that all of the Senators are anxious to do something to pass some law that will guarantee us the greatest possible abundance of produce and not jeopardize the earning capacity of our people. It is true that the committee did take out the general clause and specify. I think it would be well for us to discuss here those things that could be put under direct governmental control and get a consensus of opinion. I see that the newspapers and others, when cotton was included, said that the southern people objected. I doubt not that that is true, but there is a reason why from every standpoint cotton should not be hampered at all in the open market and should be subject only to the law of supply and demand.

Why? Two bales out of every three bales of American cotton are sold in Europe and in the Americas contiguous to us. In an ordinary crop something like nine or ten million bales are shipped abroad in the raw state, with no other manufacturing expense except the ordinary ginning that takes the lint from the seed and the compression necessary to make carload space possible.

Every time cotton goes up 1 cent a pound there is brought into this country in gold $50,000,000. Cotton has advanced something like 10 cents a pound, which spells an increase in the importation of European gold and South American gold in exchange for your raw cotton from the very field of the farmer approximating $1,000,000,000. It is jeopardizing no interest at home. It is pouring into the coffers of this country one of the essential sinews of war, without which disaster will follow.

It is not very greatly to the credit of America that in spite of her monopoly of the production of the raw material of cotton two-thirds of the raw material is converted into the finished product abroad and sold in disastrous competition with the production of our mills in every country in the world.

It is the one and only product that has held the balance of trade in favor of America for 43 years. Had it not been for the exportation of raw cotton this country would have been on the debtor side of its international relations for 43 years.

Now, in this time of our travail, when money and produce are needed not only to sustain us but to enable us to sustain our allies, the price of cotton has gone to where? The amount of money poured into this country, in spite of the short crop, is practically the same as that in the full years, so that the balance of trade is still on the side of America in multiplied form because of the great exportation of other articles along with this article. It is not a food crop in any sense, compared with the actual food crops. Bread and meat a man must have every day of his life. He can patch his old suit and wear it two years. He can not eat his dinner and have that same food to-morrow.

Cotton was put into this bill because other articles have been put in. I know that if cotton is put under the control of any man or set of men who are not familiar with the conditions of its production, and the market is hampered, the price of cotton will drop as it dropped the other day with the threat of putting it in the bill, not only with disaster to the producer, who has been scorned here because of his seeming sensitiveness to any interference, but to the disaster of American finances.

Mr. VARDAMAN. Mr. President, does the Senator think there was any reason for cotton dropping on account of that interference? Was not that merely the work of the exchange, the trick of exchange gamblers, without any just or adequate cause? I am afraid that is one of the evils of the exchange. The law of supply and demand cut very little figure in the transaction.

Mr. SMITH of South Carolina. If the Senator will allow me, I think this is what happened: If I am buying potatoes to store them in cold storage because I have a constituency to supply, and this place that I am buying and storing in is capable of accumulating a vast amount of potatoes, and there is legislation pending which makes it a felony for me to be caught with more potatoes than are justifiable in my business, and some other man is to determine what is justifiable, I will quit buying potatoes. If I am on the cotton market and buying and selling cotton, and I have contracts out for six or eight months ahead, and there is a threat that the market within the next two or three months is to be taken into the hands of somebody else in such a way as to jeopardize the fulfillment of my contracts, I will dump them overboard now, regardless of consequences. I will get out of the way.

Mr. FLETCHER. Mr. President, in that connection, may I interrupt the Senator and ask his judgment as to whether the effect he speaks of was not brought about also by the fact that the spinner, who has been in the habit of buying his supplies whenever he thought it was advisable to buy, would probably figure that if the Government was going to take hold of cotton and fix the price of it he might be able to get his supplies a little cheaper later on, and therefore he decided not to buy now? I think that had something to do with it.

Mr. SMITH of South Carolina. Mr. President, all of us recognize that the interrelation of all of our commerce is so intimate and delicate that you can not put your hand on one commercial article in America without affecting every other commercial article.

Mr. VARDAMAN. That argument holds good against the entire bill.

Mr. SMITH of South Carolina. My idea was this: That in this bill, as I said a moment ago, we ought to select those things that we think are of absolute importance and are absolutely necessary, and so shape our legislation that we will be guaranteed an abundance of those. I will put this question to the Senator: Would not he rather have a guaranty of a profit year in and year out than to take his chances on seasons and the fluctuations of the market?

Mr. VARDAMAN. Certainly I would; and I want the Senator to understand that I am not advocating putting cotton in this bill. I voted against it, and shall do so hereafter, if the occasion shall arise. I am afraid that the whole measure is going to prove disappointing; but the point is, we have got to come to some understanding about it. There must be some confluence, some running together of the opinions of Senators in order to reach a conclusion. We have got to agree upon some sort of a bill, and that was the purpose of my question to the Senator.

Mr. SMITH of South Carolina. My idea is that we should take the foodstuffs, one or all of them, and guarantee the producers of this country a profit, so as to put beyond a peradventure any question of scarcity, if the seasons are propitious.

Mr. VARDAMAN. If the Senator will pardon a further interruption, I have noticed, as the Senator has doubtless noticed, that Senators from wheat-growing States who formerly apparently were very ardently for this bill have now taken fright lest the bill will interfere with the price of the products of the farms of their constituents, and the case seems to me almost hopeless in regard to coming together upon any definite plan to accomplish the purpose of the proposed measure.

Mr. SMITH of South Carolina. Mr. President, I believe that a definite plan can be worked out by eliminating from this bill every extraneous matter and simply concentrating ourselves on the production of food, and making the conditions of that production so inviting to the producer that we will guarantee that we will have it, and stop there.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Nebraska?

Mr. SMITH of South Carolina. I do.

Mr. NORRIS. I am not sure but that the Senator is right in that statement. I do not mention this in a spirit of faultfinding, but the Senator will remember that when the bill was in that form this objection was made, and I confess it appealed to me: "If you are going to regulate the price of the things the farmer produces, then you must regulate the price of the things the farmer has to buy." The Senator will remember that that was one of the serious objections made to the bill. If the man who produces foodstuffs is to be regulated, then you must see that he is protected in the things he has to buy.

Mr. SMITH of South Carolina. My theory is this, that rather than go into all these ramifications, taking steel and copper and iron and cotton and every conceivable kind of commerce and putting it in a bill, we shall guarantee the price of foodstuffs to keep pari passu with these, having no regard to them, so that if the man who produces steel is going to charge 300 per cent he must eat 300 per cent bread by the action of the Government; in other words, to see that the price of foodstuffs in this country is going to give a profit to the man who produces them.

Mr. NORRIS and Mr. OWEN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from South Carolina yield; and if so, to whom?

Mr. SMITH of South Carolina. I yield first to the Senator from Nebraska.

Mr. NORRIS. That would not take in the man who is working on a salary. The steel man might be able to save 300 per cent, but the man working for $100 a month with a family to support would not be able to do that.

Mr. SMITH of South Carolina. It is a very vexing problem about the salaried man. It is the easiest matter in the world to solve that problem temporarily by increasing the salaries.

Mr. NORRIS. That does not reach the root of the evil.

Mr. SMITH of South Carolina. We all know it is very easy to put salaries up and almost impossible to put them down. It is not a very easy matter, for the conditions under which the salary is to be earned go up or down at the caprice of the market. Now the salaried man, just like exceptional unfortunate people you will find everywhere, is at this time the victim of circumstances over which we can not have any control. We are legislating now for the great body of consumers and producers, and we have got to so regulate the matter as to do the greatest possible good and the least possible evil and in fixing the prices to the producer that will guarantee the maximum profit.

My view of it is that it is the duty of the Government in this emergency to exhaust every means within its power to encourage the production of staple breadstuffs in America and not leave the producers thereof at the mercy of a fickle market, as the potato growers of 1917 find themselves now. The result of the disaster that has overtaken the potato grower will reflect itself next year in the growing of potatoes again. No man is going to plant a maximum amount of wheat at the solicitation of the Government unless he is guaranteed that there shall be a market to meet and absorb the vast increase of that which he has produced. If we will get together and decide here in the Senate and the House what is a reasonable price for a billion and a half or two billion bushels of wheat and guarantee that price no matter what the crop may do you will have the wheat.

Mr. OWEN and Mr. REED addressed the Chair.

The PRESIDING OFFICER. Does the Senator from South Carolina yield; and if so, to whom?

Mr. SMITH of South Carolina. I yield to the Senator from Oklahoma.

Mr. OWEN. If I clearly apprehend the argument being made by the distinguished Senator from South Carolina, it is that we had better not go beyond the fixing of prices on food products for the reason that it involves so many other questions which are full of perplexity and difficulty. I remind the Senator that we are in this Congress appropriating and providing for the expenditure of many thousands of millions of dollars. If these expenditures are to be poured out on a profit of 300, 400, 500, and 600 per cent they will not last long.

I remind the Senator that steel plate, now in great demand, has risen in price 600 per cent. It has had a disastrous effect upon my own State. We are there producing oil on a large scale. One man during the last 10 days, named Cosden, stopped twenty-odd drilling outfits because he could not get steel at a reasonable price to justify him in going on with that expenditure. It costs twice as much now to drill for oil as it did before the war started. We can not go on in this country and carry the war to a successful issue unless the hand of the Government itself is put upon the unrestrained greed of individuals.

Mr. SMITH of South Carolina. I am a little astounded to hear the Senator even indirectly advocate putting that article in here when we have a Council of National Defense, and if I am advised rightly the representatives of steel producers are members of that body. Am I correct in that?

Mr. OWEN. I believe the Senator is correct.

Mr. SMITH of South Carolina. It does seem to me that the very patriotic gentlemen on that board ought to be in a position to know conditions and take care of them in the interests of America.

Mr. OWEN. Does the Senator appeal to the doctrine that guided David Copperfield's wife in buying meat from the butcher on the principle that the butcher knew what the meat was worth?

Mr. SMITH of South Carolina. Wheat seems to be going on that principle at this time.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Iowa?

Mr. SMITH of South Carolina. I yield.

Mr. KENYON. I should like to suggest to the Senator that the chairman of the United States Steel Corporation, Mr. Gary, is chairman of the cooperative committee of the advisory council on steel products, and that the president of the United States Steel Corporation, Mr. Farrell, is the vice chairman, and they ought to be able to remedy the matter.

Mr. SMITH of South Carolina. It seems to me so, if you want to protect their interest and not that of the public. Besides that, I call the attention of the Senator to the fact that if these prices have soared beyond any justification or reason found in the law of supply and demand, you have the Sherman antitrust law, you have the Clayton supplementary act, and you have a commission known as the Trade Commission. There are three branches. First, there is the Council of National Defense to safeguard and take care of the interests of America along these trade lines of artificial production. I am not advised as to who compose, in the Council of National Defense, the body that represents the farmers, or those who look to natural production.

Mr. OWEN. Mr. President, will the Senator permit me to say the advisory committee of the Council of National Defense are acting of course only in an advisory way, or properly should act only in an advisory way, and that the Council of National Defense itself consists of the Secretaries representing the people of the United States and representing the administration, while they may receive advice from these sources which are supposed to be peculiarly expert, and about which now there are some elements of doubt because of the large interest which they have adverse to the Government and which we ought to look frankly in the face. The Federal Trade Commission can, in fact, exercise an independent inquiry into the recommendations of value made by the advisory commission, but when you have the advice concluded and the fact ascertained the Government of the United States ought to have the right to definitely act with authority and power.

Mr. SMITH of South Carolina. I was under the impression that under the Sherman antitrust law wherever it was found that there were combinations of men and capital and prices were unduly enhanced in restraint of trade the Government could intervene.

But be that as it may, I believe that articles not per se food articles should be eliminated from this bill, and the original House draft, in my opinion, is better, though imperfectly drawn. The purpose and aim of it was to take care of those things which do not come under the operation of artificial laws and combinations, but to pertain to the farmer. Restrict the bill not even to all the farm products, but to those staple products that have a world market and are essential to the sustenance of life to the allies and the American people, just restricting it to foodstuffs alone and to the staple foodstuffs, and, if necessary, to fix the price here in Congress, or, if that be not advisable, put it into the hands of those in whom we have confidence to fix a price that will encourage production without disastrously high prices as the minimum, but will encourage production to meet the end we are aiming at.

Mr. KENDRICK. Mr. President——

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). Does the Senator from South Carolina yield to the Senator from Wyoming?

Mr. SMITH of South Carolina. I do.

Mr. KENDRICK. Mr. President, more than once during the discussion of this measure it has been asserted that the power

to fix prices as provided in this bill should be restricted to foodstuffs, but to do so would be to discriminate against the farmer. Now, I should like to ask the Senator from South Carolina if he does not think or believe that the question of limiting this measure to food products solely might be made entirely practicable without working any hardship on the farmer or producer by a simple provision in the bill that no price fixed on the products of the farm should operate to reduce the price to the farmer, and that no price fixed should, in other words, work a hardship on the producer.

Mr. SMITH of South Carolina. I think that the producers of this country are perfectly willing to bear their share of any sacrifice necessary to bring the war to a successful conclusion. Now, I want to be definitely understood on that point.

Mr. KENDRICK. I do not believe the Senator has exactly the idea I had in mind.

Mr. SMITH of South Carolina. Yes; I caught the Senator's idea.

Mr. KENDRICK. It was my thought that it would be in the interest not only of the people of this Nation but of the allies for us to see to it that the producers were not discriminated against, that they were rather encouraged in production.

Mr. SMITH of South Carolina. I think so. The point I desire to make is this: We have a very apt illustration in the case of the potato crop right now. That is a disaster to the potato producer. We want to avoid that. Such a thing might occur in the production of wheat. Suppose we were to produce 2,000,000,000 bushels of wheat, the farmer having within 60 days from the time the gathering begins to take it to the market, and with a supply which it would take 12 months to consume, the very weight to-morrow will glut the market and break the price and be disastrous to every farmer who had to sell his entire output.

Now we come right to the crux of the matter. What are you going to do to guarantee the proper storage, the proper price, and the proper distribution when he has made that crop? If we will address ourselves to that specific, definite thing we will accomplish the purpose for which we are so ardently striving here.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from North Dakota?

Mr. SMITH of South Carolina. I do.

Mr. GRONNA. If the price of wheat had been extremely low, does the Senator believe the bill would have been pending in this body?

Mr. SMITH of South Carolina. I prefer not to give an expression of opinion on that line for this reason——

Mr. GRONNA. Will the Senator answer the question or not?

Mr. SMITH of South Carolina. I will answer it in another way, if you will allow me to finish the sentence, right in connection with that. It does not make any difference whether this measure originated outside of the Senate or originated in the Senate, I believe it is our duty not to take chances on foodstuffs in the light of the experience of Europe.

Mr. GRONNA. I do not think the Senator understood me.

Mr. SMITH of South Carolina. Yes; I think I understood you.

Mr. GRONNA. If the price of wheat had been low, is it reasonable to suppose that any bill would have been here fixing a higher price?

Mr. SMITH of South Carolina. I do not suppose it would, but just let me call the Senator's attention to this fact: He knows that when the price of a thing is very low on account of overproduction the tendency the next year is to reduce production in order to avoid the expense of a large production, and you get the higher profit from the less amount. We know that in Europe on account of conditions there they can not hope to make anything like enough to support the armies that are fighting for the allies. We know that with 1,026,000,000 bushels, carrying a surplus of something like 300,000,000 bushels over the normal production, was absorbed and the price went up in spite of that. So I say if this bill had not originated in any of the departments it would have been the duty of the Senate or of Congress to have taken some steps to guarantee, as far as human legislation could guarantee it, an adequate, abundant supply of foodstuffs.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Oklahoma?

Mr. SMITH of South Carolina. I do.

Mr. OWEN. The means by which the crop might be safeguarded, I understand, have been adopted by the citizens of North Dakota providing for State warehouses and State elevators for the safeguarding of the crop that is raised there. I would like to know from the Senator from North Dakota if that is correct?

Mr. GRONNA. The Senator is correct, but he must know that the provisions of this bill would very seriously interfere with that.

Mr. SMITH of South Carolina. If the Senator will allow me to answer the proposition put interrogatively by the Senator from North Dakota, the warehouse is only an incident, a necessary concomitant to the proper preparation for a large crop. The price guaranteed against a loss will stimulate the production. Then I agree with the Senator that there must be some places where it can be kept.

Mr. OWEN. You have got to store it.

Mr. SMITH of South Carolina. To store it and then have it distributed by the proper means. I believe that the purpose of the bill was along right lines. I think it is as Paul said about the Jews, that they had a zeal of God but not according to knowledge. They did not understand the minute details or the reaction that might come from some, in my opinion, unfortunate provisions in the bill. But the general purpose of the bill is right, to encourage production. That should be the general purpose.

I want to say, Mr. President, that we have an illustration right now under another law of avoiding the very thing that we have been apparently most afraid of, and that is speculation. Under the power of embargo given to the President he can shut the door to all exporters and he can indirectly regulate the market for every bushel of wheat or foodstuffs in this country so far as keeping the price of it from going up is concerned. I believe in that embargo, but for other than financial reasons. I believe that we ought to see to it that the food we produce is either consumed by ourselves or our friends, and not to take chances of portions of it leaking through some other channel and getting to those who are our enemies.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield further to the Senator from North Dakota?

Mr. SMITH of South Carolina. I do.

Mr. GRONNA. I do not disagree with the Senator's statement. There is no Senator in this body who is more conversant with the conditions of production than the Senator from South Carolina. But if we take away the market from the producer of grain, is it not reasonable to believe that the Government owes something to the producer?

Mr. SMITH of South Carolina. That is the argument I have been making all the morning, that if we are going to encourage him to produce enough for us and the allies let us encourage him along the proper lines, which is to guarantee against loss and financial ruin for himself and those dependent upon him. I believe if we are going to close his market in normal times for patriotic and right reasons and still leave an enormous crop we should create temporarily an artificial market for him that will guarantee him at least the level of prices and profits that he had for 10 or 15 years, or it may be more.

Mr. GRONNA. With the uncertainty, with no price fixed by any legislative body, merely leaving it to some one regardless of how wise and how able that one man may be that the great industry of agriculture, in which more than $10,000,000,000 is produced in a single year, does the Senator believe we would encourage production by leaving it absolutely uncertain, without fixing any minimum price but simply leaving it to some agency or some individual? I ask the Senator does he really believe that that would encourage production?

Mr. SMITH of South Carolina. I think we should have before planting time a definite price fixed for a specific crop, not to leave it, as the Senator says, in the air. Giving some man the power to fix the price without his naming the price before planting time would be absolutely disastrous and demoralizing. I would not take the chance to plant any crop in the world if after I had planted I stood in danger of some man having not my interest at heart but at his own sweet will having a right to fix the price. But the amount planted under the provisions of this bill is going to be determined by the minimum price on the condition guaranteed for the growing and selling of that product. If the price of wheat before the seeding time in this year, 1917, is not fixed and guaranteed and does not appeal to the farmer when so fixed and guaranteed, we will not have the amount that we hope to have, but if before seeding time there is a price fixed that is inviting to him and that price is guaranteed until the last bushel of that crop is sold by the farmer, you may look for a maximum production of wheat.

Mr. GRONNA. If the Senator will allow me further to interrupt him——

Mr. SMITH of South Carolina. Certainly.

Mr. GRONNA. Would not that necessarily mean that the cost of production to the producer will have to be taken into consideration if the Government is to regulate the price of the farmers' product? We might as well talk plainly. What the Government wants is the farmer's wheat and the farmer's grain. I think the Government cares very little for anything else. Now, then, we know, those of us who are conversant with agriculture, the increased cost of production. We know that there is not a single article or implement the farmer uses that has not advanced all the way from 25 to 100 per cent, and on certain articles, such as twine, as the Senator knows, the price has advanced 300 per cent to the farmer. Does not that necessarily mean that the cost of production must be taken into consideration, and not only the food value of these articles should be taken into consideration?

Mr. SMITH of South Carolina. In reply to that, all I have to say is that it goes without saying if you are going to guarantee the farmer a profit it means a profit over and above the cost of the article to him, and when we have concentrated on the foodstuffs and fixed the price, then we have necessarily discounted the price of all the articles that he must buy. I believe that we can accomplish it in this bill by the proper amendments and modifications.

I do not take very much stock in this great cry about the speculators having a corner on these things and putting up the prices.

Mr. GRONNA. I did not wish to go into that.

Mr. SMITH of South Carolina. I think that some of the local retailers have taken advantage of high prices and have charged ruinous and extortionate prices to the consumers, but, as I showed in the outset of my speech, the wheat crop was just a little above half, the potato crop was a little above half, the cotton crop a little above half. So the increased demand and the abnormal decrease in supply resulted in the high prices. We can, for the purpose of this bill, disregard what we call the speculative influence and address ourselves to the encouragement of the tremendous surplus which must be produced in order to supply the shortage of foodstuffs in Europe as well as to supply ourselves.

Mr. GRONNA. The Senator from South Carolina has now given a concrete problem. He has called attention to the rise in the price of wheat, which is true. He has also called attention to the fact that in 1916 there was produced of all kinds of wheat only a half crop. Naturally, the price of wheat rose; but the average price of wheat during the year was only about $1.60, according to the statement of the Agricultural Department. Now, I want to ask the Senator does he believe that the price of $1.60 is an abnormally and an unreasonably high price compared with the price of other food products?

Mr. SMITH of South Carolina. Mr. President, I am not in a position to name any price for wheat, because I am not familiar with its production, its handling, and its sale; but I do believe that there are Senators enough in this body who are sufficiently conversant with the subject to approximate the price. I am sure there are an abundance of men in the United States to arrive at a proper solution of that.

Mr. GRONNA. If the Senator will permit me, I will state to him and to the Senate that at $2 a bushel there are 4,000 more calories per dollar in wheat than in any other food product to-day at present prices.

Mr. SMITH of South Carolina. Well, Mr. President, so far as that is concerned, I am merely speaking now of a principle. That principle is the necessity upon us to provide ourselves with ample food and to provide our allies also by proper legislation. I believe everything ought to be eliminated from this bill except the provisions and sections that will promote and safeguard the production of an adequate supply of food——

Mr. GRONNA. Yes, Mr. President——

Mr. SMITH of South Carolina. And to guarantee a sufficiency, as far as may be, to our own people and also to our allies, and we should address ourselves to this end. I do not think that we can arrive at that by going out into every ramification and trying to readjust the delicate, far-reaching, and infinite departments of trade and their manifold diversifications and bring them all down like the surface of water so that when one declines the other declines, and vice versa. The commerce of the world has been built up through thousands and thousands of years, and each department is so interrelated that a disastrous touch on one reflects itself through them all; but I believe that if we will take that which is produced by the soil—the natural production of the soil—and will with wisdom fix the price, control the market, and guarantee that price, we shall come to a solution of this problem.

So far as the fuel element is concerned, to that I can not address myself, because I know nothing about its production; but, as a farmer, I do know that if there is a staple crop to be made, and a guaranteed price, eliminating the element of risk, leaving me to understand that, whether the seasons are good or whether they are bad, I shall be guaranteed a profit, and everything moving along the line of least resistance, I shall move along that line, and so will every other farmer of this country. We had rather take a small guaranteed profit than run the risk of a big one or none at all.

Mr. GRONNA. I agree with the Senator; but should we not also in a crisis like this pay some attention to the real food value of a certain article, say, for instance, wheat?

Mr. SMITH of South Carolina. That may be; but that enters into the cost of production. I am not speaking about it from a technical or from a comparative value, or the different constituent elements of its food properties; I am not talking about that. I am talking about getting a volume of foodstuff that will put us beyond the danger of hunger amongst ourselves or our allies. I believe that by the elimination of certain features of this bill and the modification of others, in other words, concentrating on foodstuffs, not to hold a club over anybody, not to be threatening anybody, but to encourage everybody patriotically and profitably, too, to produce that which we want, we can put this bill right here in such shape that it could be passed and meet the requirements of the American people without doing harm to anybody. I do not, however, believe you can do it by threatening here in a supposed case, and over there in another, and allowing some one to draw a sharp distinction between whether you are hoarding or whether you are providing normally for conditions which might arise. I think those things will take care of themselves as they occur.

Now, as I said before, with the power given to embargo the shipment and exportation of our foodstuffs or other American products, with the power to encourage production, we can control the situation logically, normally, or abnormally just now, but logically, without any disaster whatever to the general commercial interests of this country, aye, for their benefit, and disrupt nothing. However, to have threats here and there, to give tremendous power to punish here and there, without clearly defining the evil so that it can be apprehended at once and punished accordingly, you are likely to do more harm than you are to do good. The thing to do is to put all encouragement in this bill you can, to eliminate all the discouragement that you can.

Mr. GRONNA. Mr. President, I desire to ask the Senator another question before he takes his seat. If I understand the Senator correctly, he would fix a price; that is, he believes that the legislative body of this country should fix a price, a minimum, which would be satisfactory to the farmer; or does the Senator mean that it should be left to some agency or to some individual?

Mr. SMITH of South Carolina. I admit here and now unequivocally that either we should fix it or so fix it in the law that whoever does fix it shall fix it representing a profit.

Mr. GRONNA. Well, does the Senator believe that there is a human being who is able to adjust the price on a commodity of this kind—on wheat, grain?

Mr. HITCHCOCK. Why not on cotton?

Mr. SMITH of South Carolina. The Senator from Nebraska suggests why not cotton. If the Senator had done me the honor to hear what I had to say about cotton, I think he would very readily acquiesce in eliminating cotton from this bill, as well as a great many other articles which have been put into it.

Mr. HITCHCOCK. I did listen to the Senator, and, as I recall, he classified cotton with wheat and corn in showing that the advanced price was due to a reduced supply.

Mr. SMITH of South Carolina. I did; but that had nothing to do with the relation as to other natural foodstuffs. I say I was simply using that as an illustration that the law of supply and demand, rather than speculation, had controlled their price.

Mr. HITCHCOCK. If that is the case, why not treat them both alike?

Mr. SMITH of South Carolina. Simply because we are here to encourage food production and not to interfere with other things that are not pertinent and germane to food production.

Mr. HITCHCOCK. Does the Senator from South Carolina think including these articles in the matter of regulation is going to encourage their production? I understand he desires cotton taken out because he thinks that to include cotton would discourage the cotton growers. If it would discourage the cotton growers to include cotton, why will it not discourage the wheat growers to include wheat?

Mr. SMITH of South Carolina. Simply because I believe as to everything included under this bill you have got to fix the minimum price. What we are after is to encourage bread production. I desire the minimum of interference with natural laws. We want bread. We can do without cotton; we can do

without steel temporarily; you can wear your last year's suit of clothing; but you can not eat yesterday's dinner.

Mr. HITCHCOCK. Suppose out in the West, where these foodstuffs are grown, the producers of the foodstuffs regard their selection in a bill like this as a discrimination against them——

Mr. SMITH of South Carolina. But——

Mr. HITCHCOCK. Wait a moment. If other articles are not also included—the articles which they must buy—does the Senator think that the producers of grain in the West will be encouraged to produce when they find that they are discriminated against?

Mr. SMITH of South Carolina. I have labored for the time that I have been on the floor to state clearly and emphatically that I think a price should be fixed to the grain producers, the food producers, that will guarantee them a profit under the conditions. That has nothing to do with what they buy, for when you go to fix the price to them, plus a profit, you have to take into account everything that they have to buy.

Mr. HITCHCOCK. The fixing of the price was to guarantee the producer a profit and also limit the profit. What limit is there in the profit of the cotton grower? What limit is there on the profit of the steel maker? What limit is there on the profit of the agricultural implement maker? What limit is there on the profit of anything that the farmer must buy?

Mr. SMITH of South Carolina. Have I said a word about limiting it, except that he shall not suffer loss?

Mr. HITCHCOCK. No; but the Senator knows——

Mr. SMITH of South Carolina. I have said nothing about any maximum.

Mr. HITCHCOCK. But the Senator knows that the principal purpose or one of the purposes of the bill is to limit the price so as to reduce the cost of food. The farmer can see that as well as the Senator can.

Mr. SMITH of South Carolina. That is not my purpose, and I do not think it would be the purpose of any man who has this measure at heart. The question for us to settle first and foremost is a supply to take care of our necessities.

Mr. HITCHCOCK. That is exactly what I am telling the Senator. I am telling the Senator that the farmers will not be induced to increase the supply if they are picked out and singled out alone of all the producers in the country to have their profits limited.

Mr. SMITH of South Carolina. Let me give an illustration to the Senator and see where his argument stands. Potatoes now can not find a market. Why? Because they were $4 a bushel in the spring and now they are not paying the cost of production.

Mr. OWEN. Because they are perishable, I will say to the Senator.

Mr. SMITH of South Carolina. Suppose they were not. Let us take this view of it. Suppose the plan that I have been advocating had been in effect, and, regardless of the amount of potatoes produced, we should say, "They shall not go below the cost of production plus a profit." We would then have the Government committed to properly storing and taking care of them, and we would encourage the farmer to plant more potatoes next year; but if we leave him without a price that will guarantee him a profit, then when the law of supply and demand operates, as it has done in this case, the potatoes will become a drug on the market, because the public can not consume them as fast as they are rushed to market; the farmer is discouraged; and next year he will not plant so large an acreage; so with wheat. What we want to do is to provide a minimum below which he will know that the price will not go and thereby jeopardize him; and then let the law of supply and demand apply.

Mr. HITCHCOCK. The Senator no doubt can speak for the cotton raisers of the South——

Mr. SMITH of South Carolina. I am speaking now momentarily for the wheat raiser.

Mr. HITCHCOCK. But I want to tell the Senator that he can not speak for the food producers of the West. The Senator can not convince them, and no one else can convince them, that they are not being discriminated against when their product is taken into the control of the Government, while the things they buy are not taken into the control of the Government.

Mr. SMITH of South Carolina. I want to reply to the Senator from Nebraska by saying that if cotton were as essential to the prosecution of the war as is wheat, and we were called upon to plant the face of the earth in cotton, I would be on this floor advocating that the Government should take such action as would safeguard us against the disaster of 1914, when we produced 16,000,000 bales of cotton, and the price dropped to where we had no market for it. I would say, "If you want us to produce 16,000,000 bales of cotton, guarantee us against loss." I have answered the Senator's argument now. If we want 2,000,000,000 bushels of wheat, let us say to the western farmer, "You will suffer no loss."

Mr. McCUMBER. Mr. President, I want to ask the Senator from South Carolina what system would he adopt a year or six months prior to the raising of a crop to determine what the minimum price should be?

Mr. SMITH of South Carolina. Well, I have in my mind vaguely taking the 10 or 12 year average price plus a profit. That might be somewhat pari passu with the abnormal conditions in which we now find ourselves.

Mr. McCUMBER. Mr. President, let me say to the Senator that that would not work at all in the agricultural sections. The Senator himself gave a short time ago the figures as to production and price of the 1915 crop. He also gave the figures as to the production and price of the 1916 crop. They show that in 1916 the price was more than doubled in comparison with 1915; but the farmers in my State made money in 1915, with a cheap crop, while they lost very much money on the 1916 crop, with the price double what it was in 1915. Now, how would the Senator arrive beforehand at some system that would determine what the minimum price should be?

Mr. SMITH of South Carolina. I think the Senator suggested a plan right there. The farmers received $3 a bushel on a half crop and $1.50 a bushel on a full crop. Now, we want more than a full crop, and if there was no cry of hardship growing out of the crop on which the farmer made a profit at $1.04, if he made more money than he did with the crop selling at $3, let us adjust matters so that if he makes a billion bushels he shall get $1.04. Then, the farmer will have made a profit, according to the Senator's own statement.

Mr. McCUMBER. Let us see. Then, let us take Kansas, which raised a splendid crop in 1916 and got splendid prices, and the Dakotas and Minnesota, which did not raise a quarter of a crop, although theirs was a different character of wheat. Will you not have to have a different rule in order to do justice to all sections? Under the plan the Senator suggests, if justice is done to one will it not do less than justice or more than justice, as the case may be, to the other?

Mr. SMITH of South Carolina. I am surprised at the Senator asking any such question, for the simple reason that everyone of them sells in the same market and inequalities of production are the work of God and not of man, and we can not legislate to interfere with that. Here is a man who is living right at a railroad station, who does not have to hire a team to put his crop on the train, while I am 2 miles away. I say the man who is at the railroad is fortunate, and the fellow outside is not; but that is a question that you and I can not control. We can not all be at the same place at the same time and receive the same treatment. So we try to generalize so as to assure such equality to all as the circumstances will permit.

Mr. McCUMBER. Therefore the Senator has demonstrated the absolute impossibility of the adoption of any rule beforehand to fix a minimum price that would be just to the consumer and also just to the producer. The general law of supply and demand will take care of that far more equitably than it would be possible for any food controller to do.

Now, there is a little rule which I think the Senator could adopt. If we say to the farmers of the great Northwest who raise the spring wheat, the hard wheat, which always under normal conditions brings a better price than other wheat, "We will simply guarantee to you, if you will put in all the acreage that you can, that you shall be allowed the cost of production with the usual rate of wages, and, whether the services are performed by you, by your sons, your wives, or your daughters, that there shall be taken into consideration the value of your services, the value of the services of your families and of any hired help in arriving at the cost of production, including the value of the investment, and assure you a reasonable return upon that investment," every acre would be put under cultivation and the greatest possible crop would be raised.

The trouble to-day is—and I want to bring this home to the Senator—that the farmers of this country have never been put on a parity, so far as their labor wages are concerned, with city labor. If, for instance, the lowest-class city labor, which to-day is receiving about 50 cents an hour, can by that hour's work purchase 10 5-cent loaves of bread, then the labor on the part of the farmer who produced the wheat to make that bread should be paid for at 50 cents an hour. Then we would equalize the condition between the ultimate consumer of the poorest class and the producer, whose wages have always been the poorest in the United States. That, in my opinion, is the only way we can reach an equitable solution of the problem.

Mr. LEWIS. Mr. President——

Mr. SMITH of South Carolina. I am going to yield the floor in just one second when I reply to the Senator from North Dakota. What the Senator suggests, of course, is rather a Utopian idea at present; I mean it is rather a speculative one. We are face to face with an unusual condition in the midst of our old methods of producing and marketing. We want now, without introducing any new or extraneous principles in the settlement of prices, to arrive at what we believe will induce production, safeguard the producer, feed the American people and the allies; and in conclusion I say that we can do so whenever we fix the price that will mean, no matter what the crop may be, a reasonable profit to the producer.

Mr. NORRIS and Mr. LEWIS addressed the Chair.

Mr. LEWIS. The Senator from Nebraska addressed the Chair first, Mr. President.

Mr. NORRIS. I yield to the Senator from Illinois.

Mr. LEWIS. I merely desire to tender an amendment and ask to have it sent to such committee as is appropriate. Lest I may mislead Senators unintentionally, Mr. President, may I say that my amendment is an amendment to the revenue bill, having for its object to tax all vacant and unimproved land, so as to stimulate production as well as to get revenue? If I am violating any understanding which limits the submission of amendments to the present food bill, I do not wish to do so, without the Senate knowing that I am doing it, if there is any Senator to object.

The PRESIDING OFFICER (Mr. JONES of New Mexico in the chair). The amendment offered by the Senator from Illinois will be printed and referred to the Committee on Finance.

Mr. NORRIS. I desire to offer an amendment and ask that the Secretary read it.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The SECRETARY. On page 23, line 21, after the word "act," it is proposed to insert "except section 12."

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. McCUMBER. Mr. President, I should like to ask the Senator what that means, if he will explain it?

Mr. SMOOT. Let the amendment be again stated.

Mr. NORRIS. The amendment I have offered is in pursuance with the rules, as I understand them. I am not offering it to take it up now, as the committee amendments have not been disposed of as yet; but, as I remember the rule, if the cloture should be adopted, it will be necessary before any amendment may be considered to have it read to the Senate before the adoption of the cloture. So I have offered this amendment. It simply excepts from the provisions of this bill, which repeal the entire act when the war is ended, section 12, which relates to the manufacture of whisky; in other words, the effect of it, if adopted, will be to make that a permanent law instead of a temporary law.

Mr. REED obtained the floor.

Mr. McCUMBER. Mr. President, in that connection, may I be heard on the question of the unanimous-consent agreement?

The PRESIDING OFFICER. The Senator from Missouri has been recognized.

Mr. REED. Does the Senator from North Dakota want to take the floor to make an address?

Mr. McCUMBER. I merely wish to refer to the unanimous-consent agreement and to some of these amendments that are being offered to section 12, and I desire, if the Senator will allow me——

Mr. NORRIS. I have not offered any amendment to section 12.

Mr. McCUMBER. But the amendment of the Senator refers to section 12, and I want to say just at this time, because I understand that the Senator from Utah [Mr. SMOOT] probably stampeded somewhat by the constitutional arguments that were made yesterday, now proposes to modify his own amendment to section 12. Now, let me call attention to the unanimous-consent agreement, which provided—

> And that the section as finally amended in Committee of the Whole shall not be reserved for a separate vote or amendment when the bill reaches the Senate.

If that means anything, Mr. President, it means that the vote by which we amended and adopted section 12 was a final disposition of that matter, and we can not consider, without a gross violation of the unanimous-consent agreement, an amendment of any character, whether it be attached to section 13 or section 14, so long as it modifies section 12, which we adopted under the unanimous-consent agreement.

Mr. NORRIS. May I ask the Senator a question?

Mr. McCUMBER. Yes.

Mr. NORRIS. Has the Senator any reference to the amendment that I presented a moment ago?

Mr. McCUMBER. I have special reference to any amendment that may be offered affecting the application, either by way of limitation or extension, of the provisions of section 12 as they were finally adopted by the Senate.

Mr. NORRIS. I have no desire or disposition to violate the unanimous-consent agreement, and, of course, if objection is made on that ground when my amendment comes up, if it ever does, the question will be passed on then. I will say to the Senator that, in my judgment, it does not even indirectly have any relation to the unanimous-consent agreement; it has nothing whatever to do with it.

Mr. McCUMBER. Does it modify, extend, or limit the provisions of section 12?

Mr. REED. Mr. President, I think that is a question that will have to be settled in the future.

Mr. NORRIS. Yes; we can not settle it now.

Mr. REED. It will perhaps come up to-morrow. I do not want to take either of the Senators from the floor, but I think we have perhaps reached a point in connection with that matter where we can wait until to-morrow to discuss it.

Mr. President, I want to call the attention of the Senate to the fact that to-morrow, within one hour after the Senate convenes, we will be compelled to vote upon the cloture resolution unless the Senator offering it shall withdraw it, and I see no indication of a change of heart on his part. That being the case, I think the Senate ought to have in mind the provision of the cloture rule that after a cloture is adopted, "except by unanimous consent, no amendment shall be in order * * * unless the same has been presented and read prior to that time."

We are approaching an hour this afternoon when the clock admonishes us that the time is getting short. There are a vast number of amendments which have been submitted to this bill that have not been read, and I desire now to send to the desk, in order to save my rights, and have read a certain amendment which has been printed.

The PRESIDING OFFICER. Without objection, the Secretary will read the proposed amendment of the Senator from Missouri.

The Secretary read as follows:

> SEC. —. That any person carrying on or employed in commerce among the several States or with foreign nations or with or in the Territories or other possessions of the United States in any article suitable for human food, fuel, or other necessaries of life, who, either in his individual capacity or as an officer, agent, or employee of a corporation, or member of a partnership, carrying on or employed in such trade, shall store, acquire, or hold, or who shall destroy or make away with any such article for the purpose of limiting the supply thereof to the public or affecting the market price thereof in such commerce, whether temporarily or otherwise, shall be deemed guilty of a felony and be punished by imprisonment in the penitentiary for not less than six months nor more than three years: *Provided*, That any storing or holding by any farmer, gardener, or other person of the products of any farm, garden, or other land cultivated by him shall not be deemed to be a storing or holding within the meaning of this act: *Provided further*, That farmers and fruit growers, cooperative and other exchanges, or societies of a similar character shall not be included within the provisions of this section: *And provided further*, That the foregoing shall not be construed to prohibit the acquiring, storing, or holding of such article for future sale for such advanced price as might prevail in the ordinary course of business and in a free and unrestricted market.

Mr. REED. Now, Mr. President, I give notice that I shall offer the same amendment with the last proviso omitted; and I ask that it may be read in that form.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

> Add a new section as follows:
>
> "SEC. —. That any person carrying on or employed in commerce among the several States or with foreign nations or with or in the Territories or other possessions of the United States in any article suitable for human food, fuel, or other necessaries of life, who, either in his individual capacity or as an officer, agent, or employee of a corporation, or member of a partnership, carrying on or employed in such trade, shall store, acquire, or hold, or who shall destroy or make away with any such article for the purpose of limiting the supply thereof to the public or affecting the market price thereof in such commerce, whether temporarily or otherwise, shall be deemed guilty of a felony, and be punished by imprisonment in the penitentiary for not less than six months nor more than three years: *Provided*, That any storing or holding by any farmer, gardener, or other person of the products of any farm, garden, or other land cultivated by him shall not be deemed to be a storing or holding within the meaning of this act: *Provided further*, That farmers and fruit growers, cooperative and other exchanges, or societies of a similar character shall not be included within the provisions of this section."

Mr. LEWIS. Mr. President, may I take the liberty of asking the Senator, if it is not too much trouble, to lay his finger on the difference between his amendment and the provisions of the bill upon the same subject?

Mr. REED. Oh, the difference is very considerable. This proposition that I have offered is an exact copy of a provision in the bill which we passed here some time ago, and which went to the House of Representatives, and is still held in conference.

Mr. LEWIS. The Senator means the price-fixing bill?

Mr. REED. Yes—well, I do not call it the price-fixing bill.

Mr. LEWIS. It has been so designated, I believe, from time to time. I may be wrong, however.

Mr. McKELLAR. The food-survey bill.

Mr. LEWIS. Yes; the food-survey bill.

Mr. REED. Now, Mr. President, I send to the desk another amendment which I ask to have read.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The SECRETARY. It is proposed to add to the bill a new section, as follows:

SEC. —. That any building or room occupied or used by a board of trade, chamber of commerce, grain exchange, or otherwise in which wheat or other food cereals are bought or sold for present or future delivery shall, for the purpose of this act, be known as a grain exchange.

All persons engaged in buying or selling in interstate or foreign commerce, for present or future delivery, any wheat or other food cereal in or about any such grain exchange shall be known and designated as traders in grain.

All sales of wheat or other food cereals by such traders in such exchanges for future delivery and not for present or immediate delivery shall be known and designated as dealing in futures.

If at any time during the pendency of the existing war between the United States and the German Empire the President of the United States shall find that such dealings in futures in or about any grain exchange unduly or unreasonably raise or enhance the price of wheat or other food cereals to the injury of the people of the United States he may at once request the traders in such exchange to discontinue for a time specified by him all the dealings in futures. In case such request of the President is not promptly complied with, then he is hereby empowered to order such dealing in futures as last aforesaid to be entirely suspended and discontinued for such limited time as he may direct, and if such order is not promptly complied with he may by proclamation declare such exchange closed, and thereafter it shall be unlawful to utilize or permit to be utilized such building or room as a grain exchange or for any person being a trader in grain on such exchange to engage in the business theretofore conducted on or at such closed exchange.

Any person violating any of the provisions of this act shall be punished by a fine of not less than $500, or by imprisonment for not more than one year, or by both such fine and imprisonment.

Mr. REED. Mr. President, if it can be done by unanimous consent, I ask unanimous consent to have this amendment considered so that any section of the bill may be stricken out and the amendment now offered substituted. I want to offer it in that form also, or may desire to offer it in that form. If I can have unanimous consent to have that right conceded, I shall not find it necessary to rewrite it.

The PRESIDING OFFICER. The Chair hears no objection.

Mr. GRONNA. Mr. President, I certainly shall object to any such unanimous consent as to adopting an amendment offered by any Senator in place of what is in the bill.

Mr. REED. Oh, no; the Senator does not understand me. I am simply asking the right to have this amendment considered after cloture shall be ordered, if it is ordered, as though I had offered it as a substitute for some particular section of the bill.

Mr. GRONNA. I have no objection to that.

Mr. REED. It is a mere matter of form, and the matter would have to be voted on at that time.

Mr. GRONNA. I did not hear all of the Senator's statement.

Mr. REED. I make the same request now with reference to the first amendment which I offered.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. McCUMBER. Mr. President, a parliamentary inquiry. Do I understand that under the cloture rule only those amendments can be considered after any cloture shall have been adopted that have been presented for actual consideration before that time?

Mr. REED. Only amendments that have been read, under the rule. I will read the rule to the Senator:

Thereafter—

That is, after cloture has been ordered—

no Senator shall be entitled to speak in all more than one hour on the pending measure, the amendments thereto, and motions affecting the same, and it shall be the duty of the presiding officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time.

Mr. McCUMBER. That being the case, Mr. President, I will ask to have read the amendment which I now send to the desk, so that it may be pending.

The PRESIDING OFFICER. The Senator from Missouri has the floor.

Mr. REED. I do not desire to yield the floor, but I do not desire to deny to the Senator the courtesy that he asks.

Mr. McCUMBER. That is all that I am asking at this time. I may not be present at some other time.

The PRESIDING OFFICER. If the Senator from Missouri will yield, the Secretary will read the amendment.

The SECRETARY. On page 10, line 22, after the word "therefor," it is proposed to insert the following:

In determining the compensation to be paid for farm products, all labor employed in producing the same, whether furnished by the farmer or members of his family, including the necessary domestic service, shall be computed and allowed for at the same rate of wages paid for like labor, or labor requiring a like degree of intelligence and arduous efforts, in other lines of business or trade; and in addition thereto there shall be allowed as a charge in the cost of production a reasonable rate of interest upon the capital invested in both real and personal estate and a further reasonable charge for deterioration and upkeep. There shall also be taken into consideration the increased cost to the farmer of all necessary farm equipment, food and clothing required, and other advanced cost in the ordinary necessaries of life.

Mr. REED. Mr. President, apropos of the amendment just offered, I ask unanimous consent to have printed in the RECORD a short address of Lloyd-George upon the subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

AGRICULTURE AND THE WAR.

In his memorable speech on the 23d of February in the House of Commons, in which he dealt with the Government proposals with regard to food and shipping problems, the prime minister made the following remarks on the position of agriculture:

THE DECLINE IN AGRICULTURE IN THE PAST.

"Twenty years after the corn laws were abolished in this country we produced twice as much wheat as we imported. * * * Since then four or five million acres of arable land have become pasture, and about half the agricultural population—the agricultural laboring population—has emigrated to the colonies. No doubt the State showed a lamentable indifference to the importance of the agricultural industry and to the very life of the nation, and that is a mistake which must never be repeated. No civilized country in the world spent less on agriculture, or even spent so little on agriculture, either directly or indirectly, as we did. * * * Between 70 and 80 per cent of our staple cereal for consumption has been imported yearly, and at the present moment, I want the country to know, our food stocks are low, alarmingly low—lower than they have been within recollection. That is very largely due to the bad harvest. It is not altogether submarines. It is in the main due to our having had about the worst harvest within our recollection. Last year's crops were a failure, and that, of course, is a very serious fact when our tonnage is absorbed to such an extent by war exigencies and when our tonnage is diminishing.

NEED FOR INCREASED PRODUCTION.

"It is essential, therefore, for the safety of the nation, for the maintenance of the nation, for the life of the nation, that we should put forth every effort to increase production for this year's harvest and the next, and that we should do it immediately.

"The immediate concern is this year's harvest. It would have been easier to have done it had we done it some time ago, but some of the measures we have had to take have had to be crowded into a few weeks, and I ask, when that occurs, that some measure of indulgence should be given to a man who, like the president of the board of agriculture, is working under very difficult conditions * * * and crowding into six weeks work that ought to have been done two years ago. * * * There are only a few weeks in which to sow the spring wheat, the oats, the barley and the potatoes. The winter wheat season has gone, and it is urgently necessary that the farmers should be induced to increase the area under cultivation at once, otherwise the nation may have to choose between diminishing its military effort and underfeeding its population. That is the choice which Germany is taking—the choice of giving too little food rather than to diminish its military power and strength and striking power. That is a choice we wish to avert if we possibly can in this country, and we can do so.

SUPPLY OF LABOR.

"What is the main obstacle to inducing farmers to increase cultivation? [Hon. Members: 'Lack of labor'] Partly lack of labor. In some counties under the voluntary system labor flocked to the standard and farms were left derelict. Some of those are about the most important corn-producing districts in this country. There was no system. When the laborer chose to go there was no one to stop him, and there is no doubt at all that a good many districts have been depleted owing to the overzeal and patriotism of the laborers themselves. Since the military service acts there has been some discrimination exercised. At any rate, there are tribunals who have been sitting in judgment in these cases and considering the facts placed before them. May I say with regard to the 30,000 men called up out of the 60,000 whom the tribunals have dispensed with only 10,000 have really been called up. If you travel across and athwart France, you will find no able-bodied men of military age engaged anywhere. All the cultivators of the soil are engaged in defending that soil, and there the farmer is dependent almost entirely upon men over or under military age, upon women working on the farms, and upon substitutes.

PLOWING UP PASTURE.

"But the greatest obstacle to taking immediate action to meet this exigency is the timidity of the farmer when it comes to cutting up his pasture. He has been caught twice with too much arable land, and caught very badly—once in 1880 and the other time in 1890—and then he had years of anxiety, depression, and insolvency, his savings completely absorbed, and very often he himself for years water-logged.

"There is no memory as tenacious as that of the tiller of the soil, and the furrows are still in the agricultural mind. Those years have given the British farmer a fright of the plow, and it is no use arguing with him. You must give him confidence; otherwise he will refuse to go between the shafts. Now the plow is our hope. You must cure the farmer of his plow fright, otherwise you will not get crops. What does he say? The farmer thinks in rotations; he is not thinking merely of what will happen next year. When he is cutting up his pasture he has got to think of years ahead, otherwise he is a loser. It is no use promising him big prices for next year and then dropping him badly for the next few years. He has got before his eyes a picture of accumulated crops across the seas, ready to be dumped down in this country the moment the war is over. He says, 'Prices will break; I

shall have cut up my pasture, and I shall be done for,' and he thinks of 1880 and of 1890 and what happened then, and he can not face it again. That is the real fact. Every farmer we have appealed to has always talked in that sense, and we must get over that, otherwise he will not cut up his pasture land.

GOVERNMENT GUARANTY OF MINIMUM PRICES AND WAGES.

"I do not agree myself that prices are going down immediately after the war. * * * You can not persuade the farmer of that, and it is essential that we should get him persuaded, and persuaded within the next few days, and it is no use going on to argue with him. My right honorable friend has done his best to persuade him, but, after all, you have got to cover a very extensive country, and, therefore, there is only one way of insuring immediate action on the part of the farmer, and that is by guaranteeing prices for a definite period of time—minimum prices.

"There are two or three corollaries to a guaranty of prices. The first is that if the Government guarantees prices labor must also be guaranteed. I do not believe any farmer, looking at the prospects, can fail to see that the old wages are gone—and a good thing, not merely for the laborer, but for the farmer. The best farmers in a district are those who give the best wages. Take Scotland, for example. A guaranty of minimum wages will hardly touch Scotland.

"There is no better farmer—I do not say anything about other farmers—but there is no doubt the Scottish farmer is about the best in the world.

"There is another point which the farmer must realize. The agricultural laborer has flocked to the standard in shoals. His wife is getting a bigger separation allowance than the poor fellow earned as wages before the war; and can anyone imagine that in face of that the first thing the man will do will be to start work at a figure lower than the allowance which was thought to be the minimum which the State ought to give to keep his wife and family going? It is utterly impossible; you will not do it; you will not get the laborer back to the land unless you pay him a minimum wage, and the farmer must see that.

"There is also another fact which has brought it home to the farmer, and that is that in Mr. Neville Chamberlain's scheme for national service a minimum wage has been fixed at 25s., which is obviously applicable to the agricultural labor, and every farmer knows that, and we propose to take that figure. We discussed for some time the question of whether you should have a wage board to fix wages or whether you should have a fixed minimum. That is what influenced us eventually in not setting up a wage board during the war. The farmer—I will not say preferred to know the worst, but he preferred to know exactly what he had to face. He did not want to be bothered with wage boards; he preferred to concentrate the whole of his mind on plowing the land. After the war wage boards can be set up, and the farmer will then, of course, make use of them. * * * A wage of 25s. per week will be guaranteed to every able-bodied male between the ages indicated in the scheme of Mr. Neville Chamberlain.

"Then comes another question. There will, of course, be disputes. I should hope there will not be many. But there may be disputes. It is obvious that when you guarantee a minimum wage of 25s. old men who have been taken on and kept very much through the charity of the farmer, and whom the farmer could dispense with readily, will come into account. Such an old man might very well be worth 10s. or 11s. a week for just dawdling about the farm, and liking it; but if you say a man of that sort is to have 25s. a week, it is the greatest unkindness you can do him. There are other similar cases of men who are not old, but who may be inefficient or crippled, but who would be able to render a little assistance about the farm. It is obvious that cases of this kind must be exceptions. We propose during the war to adopt a rough-and-ready method similar to the machinery set up by Mr. Neville Chamberlain to decide similar questions under his scheme. * * * My right honorable friend beside me [Mr. Balfour] reminds me that it is not merely during the war that this guaranty of a minimum wage will be given, but during the period when there will be a guaranty of prices. I will come to that period later.

THE QUESTION OF RENTS.

"There is a second plan. * * * There must be a guaranty, if the State is going to guarantee a minimum price, that it shall not inure to the advantage of any individual or of any class. There must not be any return to what happened during the Napoleonic wars. There was an enormous increase in prices, and rents were practically doubled at the end of the war. It would be obviously unfair that any class should take advantage of war conditions, and especially that they should take advantage of a guaranty by the State by which the State might lose money—should take advantage of that State guaranty to raise rents.

"Let me say at once that I have not heard of such cases. No complaints have reached the Government of anything of the kind, and in all the meetings we have had with the agricultural community no one has ever suggested that anything of the kind has happened. When, however, the House of Commons is asked to guarantee prices, I think it is entitled to have a guaranty that even in exceptional cases—cases, for instance, where estates are sold and a new owner comes into possession and proposes to raise rents—there should be some opportunity for review, and that in these cases rents shall not be raised in consequence of this guaranty of price. Of course there are some cases where rents would have been raised even in times of peace, and even under old prices. For instance, you have the case where the old tenant has been allowed to remain for 40 or 50 years at a very low rent, and it has been thoroughly understood that once there was a change of tenancy the landlord intended, and rightly intended, to put up the rent to what was just and fair between the parties. In those cases there is not going to be any interference. Another case is a rather complicated one. The tithe rent charge has gone up enormously since the rise in prices. It is obvious that the landlord should have the right to, at any rate, adjust the rent in consequence of the rise in prices, which brings better profit to the farmer himself. There have not been many cases, but the way in which we propose to deal with these cases is to say that the landlord shall not be allowed to raise his rent except with the consent of the board of agriculture, so that each particular case can be examined by the board of agriculture to see whether there is or is not a case. Powers are to be given to the board of agriculture to enforce cultivation. It is obvious that it is an injustice to the community that a man should sit on land capable of producing food when he is either too selfish or too indolent to do anything. So that the Government must have the right, through the proper department, to enforce cultivation in these cases.

PRICES OF WHEAT, OATS, AND POTATOES.

"I come now to the question of prices. In 1915 the price of wheat was 52s. 10d. a quarter; in 1916, 58s. 5d.; in the last quarter of 1916 it went up to 68s. 2d.; it is now 76s. 3d."

AN HON. MEMBER. "What was it before the war?"

The PRIME MINISTER. "Thirty-four shillings and 11 pence. Let me, however, say this, that the price of everything has gone up, and has gone up not merely for the ordinary community but for the farmer. The farmer has had to pay very much higher wages, and I am glad of it. He has, however, got to pay much higher prices for everything which he uses on his farm. He has got to do with less labor and with inferior labor. I was assured by a farmer whom we consulted, and who is one of the most upright men I have ever met, and who, I am perfectly certain, would not mislead the Government, that on the prices we were guaranteeing the farmer, on the whole, he would not make much out of them, having regard to all the conditions. That was, he said, the very minimum you could give him if you are going to induce him to cultivate at all. Oats in 1915, 30s. 2d.; in 1916, 33s. 5d.; last quarter, 38s. 4d.; and for the week ending the 17th of February, 47s. 3d. Barley has gone up correspondingly, and potatoes—well, the House knows fairly well what the price of potatoes is. I can assure the House that I know fairly well all about the price of potatoes.

"But let me say just a word about that, because there has been a good deal of trouble about it. The moment you interfere with the price of potatoes it becomes a very difficult thing—it is the most difficult thing in the world. My honorable friends knows very well that if we had not interfered the price was going up to £20 a ton. Potatoes had been sold at £20 a ton. Were we to allow that to be done? There is a shortage of potatoes, but that has nothing to do with the submarines. The potato crop is raised here mostly, and the price is determined by what you have got in this country. It would have gone to almost any figure, because the potato crop was a great failure here. It was a great failure in Ireland, and Ireland, instead of being a contributor to this country, had almost ceased to assist us. My right honorable friend Lord Devonport was bound to interfere or to allow the price to get completely out of hand. Of course the moment you begin to interfere with prices there is always a conflict, and everybody who knew nothing about it begins interfering, and here we had the usual results. My right honorable friend was absolutely right in trying to cut down the prices, and the farmer, on the other hand, was equally right in trying to get as good a price as he could. At any rate, the matter has been fought out, and I believe it has been substantially settled, though we had not much time to settle it in. That is the position in regard to potatoes; but the great advantage has been that we have managed to keep down the prices, and, on the whole, we have managed to satisfy the farmers as well. So much for the vexed question of potatoes.

"These are the guaranties we propose to give: We propose that in the present year we shall guarantee—

"For wheat, 60s. a quarter of 504 pounds—that is the minimum.

"For 1918 and 1919, 55s.

"For 1920, 1921, and 1922, 45s. Then the guaranty comes to an end.

"For oats, in 1917, we propose to guarantee 38s. 6d. per 336 pounds. That is higher than the minimum price we arranged with Ireland some months ago.

"The guaranty for 1918 and 1919 is 32s., and

"For the next three years 24s.

"Potatoes we simply propose to guarantee for this coming season at £6 per ton.

"The only guaranty we have given of the maximum is this, that if the State commandeers either potatoes or cereals the prices will not be fixed without the consent of the boards of agriculture of England, Scotland, and Ireland, and therefore, there will be an opportunity of consultation before the prices are fixed. Obviously, you can not limit the power of the State to commandeer for national purposes.

"I hope and trust that with this guaranty the farmers will put their backs into it. We are having excellent reports from Scotland. In Ayrshire, Lanarkshire, Forfar, and other counties they are cutting up pasture on a very considerable scale to sow oats and plant potatoes. Although it is very late, the farmers could increase even now by hundreds of thousands of tons the food of this country this year. And thus they can help to defeat the grimmest menace that ever threatened a country's life. I do not believe that they will fail us. Substitutes are used in every other country. Women are working now on the land, and I hope the farmers will assist to make the best of the labor which is available. They need not apprehend that in the future the country will be indifferent to the importance of the agricultural interest to the State. The country is alive now as it has never been before to the essential value of agriculture to the community, and, whatever befalls, it will never again be neglected by any Government. The war, at any rate, has taught us one lesson—that the preservation of our essential industries is as important a part of the national defenses as the maintenance of our army or our navy. So much will I say about food production."

The prime minister also dealt in his speech with the question of the dependence to a greater extent on home-grown meat, and remarked that the slaughter of cattle would mean a saving of feeding stuff to a considerable extent.

With regard to brewing, he stated that in 1914 there were 36,000,000 standard barrels of beer brewed in this country, and that in 1916 this quantity was reduced to 26,000,000 barrels. Early in the present year it was proposed to reduce the quantity still further—to 18,000,000 barrels. Mr. Lloyd-George, however, made it clear that the quantity is to be cut down still further. "It is absolutely impossible for us to guarantee the food of this country without making a very much deeper cut into the barrelage of the country, and we must reduce it to 10,000,000 barrels. That means that you will save nearly 600,000 tons of foodstuffs per annum, and that is nearly a month's supply of cereals for this country. * * * We must have a corresponding restriction on the placing of spirits on the market."

Mr. KING. Mr. President, will the Senator yield to me?

Mr. REED. I yield.

Mr. KING. In the light of the cloture rule to which attention has just been called, I desire to send to the desk a proposed substitute for the pending measure which I offered several weeks ago, and ask that it be read.

The PRESIDING OFFICER. In the absence of objection, the amendment will be read.

The SECRETARY. It is proposed to strike out all after the enacting clause and to insert the following:

SECTION 1. That during the present state of war and until the same shall have been terminated and the fact declared by proclamation of the President, the President is authorized and empowered to exercise for the uses of the United States and of its allies and contractor the right of preemption and priority of purchase in the market of food, animal feed, and fuel stocks, and this preemption may be extended to such other commodity stocks, whether raw, fabricated, or manufactured, as the President shall designate by proclamation. It shall be unlawful as against the preemptive right of the United States for any person to purchase any food, animal feed, fuel, or other designated commodity stocks except for his proper use and consumption. The President may waive the preemption of the United States as to any particular commodity in favor of any use, purpose, or purchaser in his discretion, and in such cases may determine the use to which such commodities shall be subjected. Any hoard, store, or accumulation of food, animal feed, fuel, or other designated commodity stocks in the hands of a purchaser who shall have forestalled the market against the United States, or who shall have purchased or shall hold such stocks for regrating, engrossment, or speculation, may be requisitioned and taken by the President before or after delivery to such purchaser at the primary prices paid or agreed to be paid for such stocks. Notice of intention to exercise the right of preemption as to any particular commodity shall be given by proclamation of the President, but such proclamation shall not be necessary for the exercise of the right in the case of commodities within the general classification of food, animal feed, and fuel. The President may by proclamation limit the preemption to particular commodities, geographical areas or markets, and periods as he in his discretion shall determine. The President is further authorized to requisition commodity stocks in the hands of any producer, fabricator, or holder of the same, and may take such stocks by process of law for the use of the United States, its allies, and contractors. In such cases the President may pay three-fourths of his estimate of the value of such commodities and have immediate use of the same, payment of the balance to be made upon ascertainment of the compensation according to law.

SEC. 2. That the President is further authorized and empowered to establish and provide, by requisition, license, or otherwise, depots, refrigerators, warehouses, and elevators for the reception, storage, preservation, and distribution of stocks of commodities, and to pay for the same the use value of such property as prevailed before the war, or the fees, rates, or rents established by custom or law, or such as he shall deem to be reasonable. There shall be delivered to particular depots, refrigerators, warehouses, and elevators such commodities as the President shall designate; and the President is further authorized to prescribe standards of weight, measure, grading, classification, and packing for commodities purchased and taken for the use of the United States and to be delivered to such depots, refrigerators, warehouses, and elevators under the powers conferred by this act.

SEC. 3. That the President may permit, upon such terms as he shall prescribe, any producer of commodities whose stock shall be packed and prepared in conformity to the standards prescribed by him, to deliver and store the same in such depots, refrigerators, warehouses, and elevators until withdrawal for sale in the consuming market, at which time the United States shall have the first right to purchase such commodities. It shall be lawful for any national bank or bank in the Federal Reserve System to make loans and extend credit upon the security of warehouse or storage receipts for commodities stored in any Government or licensed warehouse. The President is authorized to sell the stocks of the United States at prices to be fixed by him and to exercise discretion as to the purposes and uses for which such stocks shall be sold in particular cases.

SEC. 4. That the President may deliver raw food stocks, whether of live stock or of milk, fish, fruit, vegetables, or cereal grains, to mills, canneries, condenseries, refineries, packing plants, or factories, and require that the same be milled, canned, refined, processed, packed, fabricated, or manufactured according to specifications made by him, and shall pay the reasonable or customary cost for such service; that in ascertaining such reasonable cost the charges for interest, rent, and depreciation shall be computed and distributed to the units of production upon the basis of the capital cost of a standard factory or mill unit of economic size, arrangement, and equipment running at capacity for the time required for the execution of the orders of the United States.

SEC. 5. That the President shall have the power to requisition the products of any coal or ore mine at basic prices for the coal or ore in place equal to the price at the mine less cost of extraction which prevailed before the war, and may deliver the same to any smelter, furnace, refinery, mill, or reduction works and require that the same be received for treatment, extraction, refinement, or fabrication according to specifications to be made by him, and at a cost to be ascertained as prescribed for the processing of food stocks in the foregoing section.

SEC. 6. That the requisitions herein provided may be enforced by process of seizure, libel, and condemnation in any district court of the United States, within the jurisdiction of which the goods or property requisitioned may be found, and preference shall be given to process for this purpose. In cases where compensation is not fixed by law, it shall be ascertained according to law.

SEC. 7. That the President is hereby authorized to make contracts for the purchase of the specified produce of particular farms, lands, mines, factories, mills, or other works. The stipulated price for specific produce shall be uniform in such contracts, and such contracts shall contain such stipulations as to culture, inspection, packing, and delivery as the President may prescribe.

SEC. 8. That in the withdrawal of stocks from particular depots, refrigerators, warehouses, or elevators for export or transport, the President may, in his discretion, consider the needs of the consuming market in particular municipal communities and may arrange to accommodate such markets and consumption with persons or purveyors authorized by law to act upon behalf of any such community.

SEC. 9. That the President is authorized to employ, appoint, and commission agents, purveyors, and committees to carry out the provisions of this act and to fix the compensation of such persons. He may employ any agent or department of the Government and may accept the voluntary services of any person or committee for this purpose.

SEC. 10. That there is hereby appropriated out of any moneys in the Treasury not otherwise appropriated the sum of $200,000,000 to carry out the provisions of this act.

Mr. REED. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Evidently a quorum is not present. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Husting	McNary	Smith, Md.
Bankhead	James	New	Smith, Mich.
Broussard	Johnson, Cal.	Norris	Smith, S. C.
Calder	Johnson, S. Dak.	Overman	Smoot
Chamberlain	Jones, N. Mex.	Owen	Sterling
Culberson	Jones, Wash.	Page	Sutherland
Curtis	Kellogg	Pittman	Swanson
Fernald	Kendrick	Pomerene	Thompson
Fletcher	Kenyon	Ransdell	Tillman
France	King	Reed	Underwood
Gore	Lewis	Shafroth	Vardaman
Gronna	Lodge	Sheppard	Wadsworth
Harding	McCumber	Sherman	Warren
Hardwick	McKellar	Simmons	Williams
Hitchcock	McLean	Smith, Ga.	

Mr. FRELINGHUYSEN. I desire to announce the absence of my colleague [Mr. HUGHES] on account of illness.

Mr. SHAFROTH. I desire to announce the unavoidable absence of my colleague [Mr. THOMAS] on account of sickness.

The PRESIDING OFFICER. Fifty-nine Senators have answered to their names. A quorum is present.

Mr. McNARY. Mr. President, I have a short amendment which I desire to offer and have read.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read the amendment.

The SECRETARY. It is proposed to amend section 19 by adding a new paragraph, as follows:

Provided further, That the President, in his discretion, may expend from the amount hereby appropriated not to exceed the sum of $20,000,000 on reclamation projects in accordance with the provisions of the reclamation act approved June 17, 1902, and acts amendatory thereto

Mr. OWEN. Mr. President, I wish to offer an amendment, so that it may be pending; and I should like to have it read.

The PRESIDING OFFICER. In the absence of objection, the amendment will be read.

The SECRETARY. It is proposed to add at the end of the bill the following:

There is hereby authorized and established a court to be known as the "administrative court," to consist of one judge for each judicial circuit of the United States, to be appointed by the President, by and with the advice and consent of the Senate, the terms of said judges at the beginning of the service to be from one to nine years, respectively, to be determined by lot, and thereafter each successor shall hold for the term of nine years unless sooner removed for cause by the President.

The salary of such judge shall be $6,000 annually.

The judge of the administrative court shall have jurisdiction over every case of malfeasance, misfeasance, nonfeasance, or neglect of duty in office of any employee, adviser, committeeman, or officer appointed under the authority of the United States except members of the President's Cabinet and justices of the Supreme Court and judges of the district courts of the United States, with power to issue summons for witnesses, to require the production of evidence, to punish for contempt and render judgment on questions involving official misconduct, and issue writs necessary to carry out the authority herein given. The marshal of the United States district court shall serve the writs of the judges of the administrative court.

Any person, natural or corporate, upon filing bonds for the costs of the suit shall have the right to enter a complaint against any such employee, advisor, committeeman, or officer of the United States for malfeasance, misfeasance, nonfeasance, or serious neglect of official duty. The judge of the administrative court shall impose a fine not exceeding $5,000 upon the complainant where the complaint is frivolous or insincere. The costs of the proceeding shall fall upon the complainant if not sustained, and upon the defendant if sustained.

Upon such complaint being filed, the judge within whose circuit such complaint is made shall immediately require the evidence to be submitted orally and recorded or by depositions within 10 days from the date of the filing of the complaint, except upon special order where compliance is impossible, and within 10 days from receiving such evidence the judge shall make his findings.

There is hereby authorized an appellate administrative court, to consist of three justices to be appointed by the President, by and with the advice and consent of the Senate.

The appellate administrative court shall make rules and regulations and determine forms of procedure for the administrative court and for appeals therefrom; shall have power to issue such writs as may be necessary to exercise its jurisdiction; and shall sit in Washington City, D. C.

All appeals to the appellate administrative court shall be made within 5 days from date of the publication of the judgment of the judge of the administrative court and shall be passed upon within 30 days of the receipt thereof.

The appellate administrative court justices shall hold office for a period of nine years, one for three years, one for six years, and one for nine years, to be determined by lot, and thereafter each justice shall be appointed for a term of nine years and shall have original jurisdiction over cases arising in the District of Columbia.

The appellate justices shall receive a salary of $7,500 annually.

In the event of a final judgment by the administrative court against an employee or officer of the United States, he shall have the option of resigning within five days of the rendition of the final judgment. In the event his resignation is not submitted, the office shall be declared vacant and filled by a new incumbent.

The dismissal from office under the proceedings herein authorized shall not preclude a trial or conviction under the criminal code where a violation of the statutes is exposed.

Mr. SIMMONS. Mr. President, for several days I have been very much concerned about this bill. It has assumed a condition which I think has greatly increased its importance, in its effect upon the country, over the bill as it was originally pre-

sented to the Senate. With the amendments that have been attached to this bill, if it should be enacted into law in its present form, I think in its effects upon the country it will be one of the most important measures which has passed the Congress in many years.

The bill came to the House, in which it originated, from the committee to which it was referred without much consideration. It was referred to the Committee on Agriculture of that body on the 11th day of June and was reported out and presented to the Committee of the Whole on the 12th day of June. It received from the Committee on Agriculture and Forestry of this body, to which it was referred, equally scant consideration. In fact, as first reported to this body from that committee it received practically no consideration. It was presented to us without any recommendations from that committee. It was subsequently recommitted, and came back almost immediately, slightly and, I think, only slightly changed.

Since that time, without any reference to any committee, without any consideration except such as can be procured on the floor of the Senate, many amendments of the most sweeping character and far-reaching effect upon the business interests of the country have been placed upon the bill, some of them as riders.

Mr. President, I am a firm believer in the wisdom of the thorough consideration of important legislation in the council rooms of the committees of this body. I believe that that is a very great safeguard against hasty and unwise legislation. My experience and observation during my 17 years' service here has been that if a measure comes from a committee in bad shape, especially when dealing with big questions, it is exceedingly difficult on the floor of the Senate to get it in good shape.

I had hoped that before we were forced to vote upon this bill, in some way, either by a recommittal to the Committee on Agriculture or by some worked-out scheme, supplementary, if you please, to the House bill, offered in the nature of a substitute, we might get the bill in a shape that would be satisfactory to Senators, satisfactory to those who especially want to give the administration the power that it thinks it needs in order to deal with the situation which confronts us, but who are not willing in giving that necessary power to couple it with powers that may be dangerous to the safety and the prosperity of the business of the country.

But the Senator in charge of the bill has felt it his duty to invoke the recently adopted rule of cloture and a vote is to be taken upon his motion to-morrow morning, leaving insufficient time to untangle the snarl this bill has got into, thereby forcing us to vote on the final passage of the bill in its present unsatisfactory shape without the right or opportunity of further amendment.

Mr. President, it is the first time that this new rule of the Senate has been invoked. I think in this instance it has been invoked before debate has been exhausted, before the full benefits of debate have been realized, and that the effect of adoption of the pending motion by the Senate will be to prematurely force the bill to a final vote.

I do not know what I may do if compelled to vote upon the bill on its final passage in its present shape, but under the circumstances, as much as I shall regret to do it, my sense of duty after the most mature reflection will compel me, if the Senator insists upon a vote of cloture to-morrow morning an hour after we meet, will compel me to cast my vote against that motion, whether any other Senator upon this side of the Chamber shall do so or not.

I had not intended to take any part in this debate, for, as Senators well know, my time during the last six weeks has been so completely taken up with the work of the Committee on Finance that I have had practically no time, or but little time, to attend the sessions of the Senate. For that reason I had intended to refrain from taking any part in the discussion; but in view of my position, as just stated, with reference to cloture, I feel I ought to ask the indulgence of the Senate for a short time while I point out the reasons which impel me to the course I shall pursue.

Mr. SMITH of Georgia. Will the Senator allow me to call his attention to the fact that if cloture is adopted, except by unanimous consent, no amendment will be in order after the vote to bring the debate to a close has been agreed to?

Mr. SIMMONS. Of course, while I did not refer to that, I was not oblivious of it. I intended to embrace that in the general statement I made that the effect of the enforcement of the rule would be to tie our hands not only as to further debate, except under the most fettering conditions and circumstances, but with reference to the power of improving the bill by amendment or by substitute.

Mr. OWEN. Mr. President——

The VICE PRESIDENT. Does the Senator from North Caroline yield to the Senator from Oklahoma?

Mr. SIMMONS. I yield.

Mr. OWEN. The cloture rule provides that, except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close unless the same has been presented and read prior to that time. So many amendments which are desired to be considered can be read before the Senate and shall be voted upon; and in that event they would be in order, regardless of the language of the rule.

Mr. SMITH of Georgia. But an amendment could not be presented as a result of thought developed during the debate after that time.

Mr. REED. Let me, for the benefit of the Senator from Oklahoma, suggest this thought: Suppose an amendment has been printed and read, and suppose it is adopted, and, having been adopted, it creates a necessity for some other amendment, and without that other amendment serious consequences may result, that other amendment to supplement the one which has been adopted could not be offered because it had not been read in advance of the agreement, unless unanimous consent were given.

Mr. SMITH of Georgia. No amendment or change can be made in any amendment that has been read.

Mr. REED. You could not even amend your own amendment by taking a word out, except by unanimous consent. That is the situation we will be in.

Mr. SIMMONS. Mr. President, I think Senators know the situation we will be placed in. I think they fully realize our helplessness so far as amending the bill in a way to remedy those obvious defects we have been discussing here, in the cloakrooms, and in the conference rooms, and upon the floor of the Chamber for several days. We would practically have to vote on the bill as it is now amended. That places the friends of the legislation asked by the administration for the national defense, and as it passed the other House of Congress and as it was originally presented to the Senate from the Committee on Agriculture in a very embarrassing dilemma. It forces those of us who favor the legislation desired by the President to either accept things which are in our judgment fraught with great peril to the business interests of the country or to a vote against legislation which we believe important in connection with the present situation. I say that is a dilemma in which the Senator in charge of the bill ought not to place the friends of this legislation as it was originally presented by his committee to the Senate. I do not believe that half a dozen Senators in this body are satisfied with the bill in its present shape. I believe there are not 20 Senators in this body who favor the riders which have with little consideration been placed on it, and who do not believe there are provisions in it which will operate greatly to the detriment of the public interest.

There is, Mr. President, a feeling in this Chamber that if this matter could be withheld, difficult as it is under the unanimous-consent rule under which we operated the other day, the friends of this legislation could work out some practical scheme by which the bill would be put in a more satisfactory shape, if not in a shape that would be generally acceptable to Senators. I do not know whether it is too late. The Senator from Oregon may change his purpose about this measure, but I do sincerely regret that we shall be forced to act upon the bill under the compulsion of the situation as I have described it. I hope if there is any way in which we can delay this matter, those of us who are honestly and diligently trying to work out some solution of this tangle will be given a reasonable opportunity to accomplish our purpose, whether a majority of Senators do or do not approve it.

In the circumstances which encompass and environ us I am in favor of the legislation asked by the President and passed by the House. That is, I am in favor of the principle embodied in the bill in the form in which it passed the House, which I think is substantially what the President desires and has asked.

There is but one condition under which I would vote to confer the power upon an administrative officer to arbitrarily fix the price of foods and of fuel. Unfortunately, Mr. President, that one condition exists to-day. It is a power dangerous to confer. It is a power that ought never to be conferred except upon and under such compelling circumstances as now surround us.

In consenting to the fixing of the prices of foodstuffs and fuels, while opposing like powers over the prices of the industries generally, I do not mean to take a position discriminatory against the farmer and miner.

There is a situation with reference to foodstuffs and fuels that clearly differentiates them from these other products. I do not think we need to concern ourselves with reference to the prices the Government will have to pay for products for its

own use in connection with the war or those bought for our allies, because that power is probably already conferred upon the President. The power to commandeer for purposes connected with the national defense would probably give him sufficient power to prevent any imposition in the prices of food products and of fuel so far as the Government is concerned.

But, Mr. President, the situation of the people of this country with regard to food and fuel is wholly different. With prices already enormously inflated and increasing every day no mortal man can tell how soon the day will come, if the war continues, when the prices of foods and of fuels will mount to such heights in this country that the plain people of the land, the people of moderate incomes and small salaries and wages, will not be able to supply themselves with the comforts or necessaries of life. It is the duty of protecting these poor people of the country against the possibility of an inflation which may advance prices of the absolute necessaries of life and existence beyond their ability to buy that appeals to me with tremendous force. We must protect them against hunger and the chill of winter.

Mr. CHAMBERLAIN. May I suggest a unanimous-consent agreement now that I think will be satisfactory to the Senator from North Carolina and satisfactory to the Senate? If the Senator will let me submit it now it may possibly meet his objection and the objections of other Senators.

Mr. SIMMONS. I shall be very glad to have the Senator submit it.

Mr. CHAMBERLAIN. I submit the following proposed unanimous-consent agreement.

The VICE PRESIDENT. It will be read.

The SECRETARY. The Senator from Oregon asks unanimous consent that the motion for cloture may be withdrawn, and in lieu of the proposal for cloture that at not later than 5 o'clock p. m., on the calendar day of Saturday, July 21, 1917, the Senate will proceed to vote without further debate upon any amendment that may be pending, any amendment that may be offered, and upon the bill H. R. 4961, a bill to provide further for the national security and defense, and so forth, through the regular parliamentary stages to its final disposition, and that during said day, Saturday, July 21, 1917, beginning at 2 o'clock p. m., no Senator shall speak more than once or longer than 10 minutes upon the bill, or more than once or longer than 5 minutes upon any amendment offered thereto.

Mr. SIMMONS. That is entirely satisfactory to me.

Mr. SMITH of Michigan. Let me ask if I understood the reading correctly. Does the unanimous request say "not later" than such a date?

Mr. LODGE. We are to commence voting at 5 o'clock.

Mr. SMITH of Michigan. Let the Secretary read that part of it.

The Secretary read as follows:

That at not later than 5 o'clock p. m. on the calendar day of Saturday, July 21,

Mr. SMITH of Georgia. Let the Secretary read the whole of it.

The VICE PRESIDENT. It will be again read.

The Secretary read as follows:

It is agreed by unanimous consent that the motion for cloture may be withdrawn and in lieu of the proposal for cloture that at not later than 5 o'clock p. m. on the calendar day of Saturday, July 21, 1917, the Senate will proceed to vote without further debate upon any amendment that may be pending, any amendment that may be offered, and upon the bill H. R. 4961, a bill to provide further for the national security and defense, etc., through the regular parliamentary stages to its final disposition, and that during said day—Saturday, July 21, 1917—beginning at 2 p. m., no Senator shall speak more than once or longer than 10 minutes upon the bill, or more than once or longer than 5 minutes upon any amendment offered thereto.

Mr. LODGE. Mr. President, I merely desire to say that that seems to me to be a liberal provision and will give us the opportunity that some of us desire to see if the bill can not be put into a safe and satisfactory form, so that it can receive practically a unanimous vote of the Senate. It will give us time to do that, and I hope it will be agreed to. I agree to it very cordially.

Mr. NORRIS. Mr. President——

Mr. SMITH of Georgia. I wish to suggest to the Senator from Oregon and the Senator from Massachusetts, would it not be well to start Friday morning limiting the debate, because that would make it sure that every amendment would receive consideration before being disposed of.

Mr. NORRIS. That was the suggestion I rose to make.

Mr. LODGE. I have no objection to that change of detail, but I want to have the vote taken by Saturday, the 21st.

Mr. NORRIS. I wish to ask the Senator from Oregon if he will not make the change suggested by the Senator from Georgia, that five-minute debate be applied to the day before.

Mr. SMITH of Georgia. To Friday.

Mr. CHAMBERLAIN. I am perfectly willing to do that.

Mr. SMITH of Georgia. Then we will be sure to get rid of amendments before the time for debate ends.

Mr. NORRIS. As far as I am concerned, I think it ought to be earlier.

Mr. SMITH of Georgia. So do I; but certainly it should extend to Friday.

Mr. CHAMBERLAIN. I am perfectly willing to accept that suggestion.

Mr. NORRIS. The voting is to commence on Saturday at 5 o'clock in the afternoon?

Mr. CHAMBERLAIN. Yes, sir.

Mr. NORRIS. Then let the five-minute debate commence to apply on Friday at the beginning of the session?

Mr. CHAMBERLAIN. I am perfectly willing to do that.

Mr. NORRIS. Say at 11 o'clock.

Mr. REED. Mr. President, I should like to make an inquiry. Of course, if the bill is to remain the unfinished business and is to be kept before the Senate, I say frankly that I think the time allowed is all that anybody ought to ask; but if the bill should now be taken out of the Senate and put into a committee and should be displaced, that is quite different. I think it ought to remain the unfinished business.

Mr. CHAMBERLAIN. I am perfectly willing to put that into the agreement.

Mr. LODGE. To be constantly before the Senate.

Mr. SIMMONS. I think it ought to be kept constantly before the Senate.

Mr. LODGE. And make it the unfinished business.

Mr. SMITH of Georgia. And to remain the unfinished business until disposed of.

Mr. REED. I ask that the words "the bill shall remain the unfinished business until disposed of" be inserted. I think that is in the interest of getting the bill through. It works both ways.

Mr. CHAMBERLAIN. I am perfectly willing to have that done.

Mr. REED. I have just one objection to make. I do not like to have this unanimous consent offered with the threat of cloture hanging over the Senate. I think the cloture proposition ought to be withdrawn and this matter ought to be accepted, and I will make no objection to it.

Mr. CHAMBERLAIN. I will state to the Senator that the only reason why I put that in in the beginning was that under the cloture rule the motion has to be voted on one hour after the Senate meets on the second calendar day after it is presented. It was not put in in the nature of a threat, but to comply with the rule.

Mr. REED. I do not think the Senator meant that.

Mr. SHAFROTH. I should like to ask the Senator from Oregon whether he would not grant, instead of 5 minutes, 10 minutes for the discussion of amendments.

Mr. CHAMBERLAIN. I accepted the change that was suggested. I have no objection to making it 10 minutes.

Mr. SHAFROTH. I think the amendments are very important, and a Senator may not have time to present his views fully in five minutes.

Mr. NORRIS. I ask the Senator from Oregon if he does not think we ought to put the time further back than Friday, making another day of limited debate?

Mr. SMITH of Georgia. Yes; put it Thursday.

Mr. NORRIS. Put it Thursday instead of Friday.

Mr. SHAFROTH. That after the Senate meets on Thursday debate shall be limited to 10 minutes on the bill or any amendments thereto.

Mr. WADSWORTH. Mr. President, I think it is better as it is.

Mr. CHAMBERLAIN. I will ask the Secretary to read the proposed agreement as he has changed it, limiting the debate to 5 minutes, beginning on Thursday, instead of 10 minutes, beginning on Friday. I think the Senator from Colorado suggested 10 minutes.

Mr. SHAFROTH. Yes; I suggested that that would give a reasonable time for debate.

Mr. CHAMBERLAIN. To commence on Thursday.

Mr. SHAFROTH. Yes; commencing on Thursday.

The VICE PRESIDENT. The Secretary will read the request as modified.

The Secretary read as follows:

And that after the hour of 11 o'clock a. m. on Thursday, July 19, 1917, no Senator shall speak more than once nor longer than 10 minutes upon the bill or any amendment offered thereto.

Mr. CHAMBERLAIN. Mr. President, I hope the Senate will agree to that,

Mr. GRONNA. Mr. President, I was unavoidably absent, and I should like to have the entire agreement read before I consent to it.

The VICE PRESIDENT. The Secretary will read as requested.

The SECRETARY. The Senator from Oregon asks unanimous consent that the motion for cloture may be withdrawn and in lieu of the proposal for cloture submits the following:

That at not later than 5 o'clock p. m. on the calendar day of Saturday, July 21, 1917, the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment that may be offered, and upon the bill H. R. 4961, a bill to provide further for the national security and defense, etc., through the regular parliamentary stages to its final disposition; and that after the hour of 11 o'clock a. m. on Thursday, July 19, 1917, no Senator shall speak more than once nor longer than 10 minutes upon the bill or any amendment offered thereto: *Provided*, That the said bill shall remain the unfinished business.

Mr. WADSWORTH. Mr. President, does not the Senator from Oregon believe that three whole days of 10-minute debate would be too much?

Mr. CHAMBERLAIN. I only accepted that at the suggestion of some other Senator. It is immaterial to me.

Mr. WADSWORTH. I think two days would be sufficient.

Mr. SMITH of Georgia. Let me suggest that if that is too much we shall get through with the bill before Saturday. I hope that we will get through with it before Thursday of next week.

Mr. SMITH of Michigan. We can not get through with it before then.

Mr. SMITH of Georgia. Oh, yes; the agreement reads "not later than 5 o'clock on Saturday" we vote.

Mr. SMITH of Michigan. We shall have to vote on Saturday.

Mr. SMITH of Georgia. No later than then.

Mr. SMITH of Michigan. The voting starts on that day.

Mr. SMITH of Georgia. Not later than then.

Mr. WADSWORTH. That is the point, Mr. President.

Mr. SMITH of Michigan. We have got to vote on Saturday. Let there be no misunderstanding about it.

Mr. NORRIS. It will be remembered that on one section—section 12—we spent two days of five-minute debate.

Mr. LODGE. If there is any misunderstanding about it, we have got to have it corrected. It is all important that Senators should know when the vote is to be taken.

Mr. WADSWORTH. That is the object of my inquiry.

Mr. CHAMBERLAIN. I am willing to change the request, and have the 10-minute debate begin on Friday instead of Thursday. I think it is immaterial as to that.

Mr. SMITH of Michigan. The final vote is on Saturday.

Mr. WADSWORTH. It is on Saturday.

Mr. CHAMBERLAIN. The final vote, then, comes on Saturday.

The VICE PRESIDENT. The unanimous-consent agreement is of no interest to the Chair, but unless it definitely states that the vote is to begin at 5 o'clock on Saturday, the 21st of July, the Chair would rule that if the Senate wished to vote before that time the Senate had a right to do so.

Mr. LODGE. Then, I ask that the unanimous-consent agreement be so amended as to meet that difficulty.

Mr. CHAMBERLAIN. Strike out the words "not later."

Mr. LODGE. Strike out the words "not later," and vote at 5 o'clock.

The VICE PRESIDENT. That settles the time definitely.

Mr. NORRIS. I should like to inquire whether that means that we shall not vote on any amendment until that time?

Mr. LODGE. Oh, no.

Mr. NORRIS. That had better be in the agreement. I think it a great deal better the way it was. Unless that statement is not in the agreement, if we should get through with the debate on any amendment, we should have to sit here and wait for two or three days before voting.

Mr. CHAMBERLAIN. I suppose we could vote by unanimous consent whenever we get through with an amendment or with the bill.

Mr. SMOOT. Mr. President, I desire to call the attention of the Senator from Missouri [Mr. REED] to the request made by him that this bill may be made the unfinished business and continue so until voted upon. There may be conditions arise which would make it very undesirable to have that provision in the unanimous-consent agreement. There may be something arise which would cause every Senator in the body to desire to have the bill recommitted for certain purposes; but under the unanimous-consent agreement, if that clause is in it, that could not be done. The question of having it remain the unfinished business rests entirely with the majority of the Senate, anyway. They can make it the unfinished business any day, and I have not any doubt about that. I ask the Senator from Missouri if he will not withdraw that request?

Mr. REED. Mr. President, I am not wedded to the request. I have not any serious objection to withdrawing it. I really want this unanimous-consent agreement made, for I want to end this bill at sometime. I do not insist upon the request.

Mr. SHAFROTH. I should like to ask the Senator from Utah, if this agreement is made as it now stands, whether any other measure could be put before the Senate by temporarily laying aside the unfinished business?

Mr. SMOOT. Under the rule, of course, that could be done.

Mr. SHAFROTH. That can be done under the rule, but could that be done in view of the provision of the unanimous-consent agreement that the bill shall remain continuously the unfinished business?

Mr. SMOOT. I am asking that that part be eliminated from the proposed unanimous-consent agreement.

Mr. CHAMBERLAIN. I believe with the Senator from Utah that it would be the purpose of the Senate to keep the bill before the Senate as the unfinished business, and, so far as I am concerned, I do not see any use of adding that at the end of the unanimous-consent agreement.

Mr. SMITH of Michigan. If that provision remains in the agreement, we should be absolutely unable to take up any other business.

Mr. SMOOT. I do not think the Senator from Missouri will object to having that withdrawn.

Mr. REED. I have said that it is immaterial to me.

Mr. CHAMBERLAIN. Then, Mr. President, I suggest that those words be eliminated. I now ask that the unanimous-consent agreement be read with that elimination, and I hope the Senate will be able to agree to it.

The VICE PRESIDENT. The request for the unanimous-consent agreement will be read in its present form.

The SECRETARY. The Senator from Oregon [Mr. CHAMBERLAIN] asks unanimous consent that the motion for cloture may be withdrawn and in lieu of the proposal for cloture submits the following:

That at 5 o'clock p. m. on the calendar day of Saturday, July 21, 1917, the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment that may be offered, and upon the bill H. R. 4961, a bill to provide further for the national security and defense, etc., through the regular parliamentary stages to its final disposition; and that from and after 11 o'clock a. m. on the calendar day of Friday, July 20, 1917, no Senator shall speak more than once nor longer than 10 minutes upon the bill or any amendment offered thereto.

Mr. McCUMBER. Mr. President, as I now understand, the Senator from Oregon has eliminated the provision that the bill shall be kept as the unfinished business?

Mr. CHAMBERLAIN. I was willing to do that, Mr. President. Of course if any Senator thinks he would object to the agreement on that account——

Mr. McCUMBER. Suppose that a Senator wishes to propose an amendment before that time and there should be some other business brought before the Senate. He may have an amendment and might want to speak for half an hour on it, and yet the majority of the Senate could hold some other bill before the Senate. That would prevent any action or any discussion on this measure until that day.

Let me suggest to the Senator that if we have this unanimous-consent agreement and leave the matter open, so that the bill may be displaced as the unfinished business at any time, any Senator desiring to speak upon the bill or present an amendment in the interim may call it up for discussion.

Mr. SMITH of Georgia. Would not the morning hour give us all the time we might need for matters disconnected with this bill? Is not this bill of sufficient importance for us to keep it the unfinished business and to work on it?

Mr. LODGE. Absolutely.

Mr. McCUMBER. It certainly is; but what assurance have we that the majority will keep it as the unfinished business?

Mr. CHAMBERLAIN. I do not believe there will be any disposition on the part of the Senate to act unfairly about it. I am sure that the Senator from North Dakota would have no difficulty on that score.

Mr. McCUMBER. I will accept the assurance of the Senator from Oregon

Mr. CHAMBERLAIN. I promise the Senator from North Dakota that I will do my best to keep the bill as the unfinished business; and whenever it suits the convenience of the Senator, or of a goodly number of Senators, to have a morning hour, I shall always consider the wishes of the Senate, so far as I am concerned.

Mr. McCUMBER. If the Senator from Oregon says it will be his intention to keep the bill before the Senate, I am sure he can do so.

Mr. CHAMBERLAIN. I will try to do so, Mr. President. Now, I presume that the roll will have to be called, Mr. President.

The VICE PRESIDENT. The Chair was waiting to see whether any Senator present objected; and if there was no objection, the Chair would order the roll called.

Mr. JONES of Washington. As I understand, there is nothing in the unanimous-consent agreement to prevent the Senate from voting on any amendment when it gets ready to do so, either on Friday or Saturday? I want the construction of the Chair. We have had so many misunderstandings with reference to unanimous-consent agreements that I think we ought to have this perfectly clear.

The VICE PRESIDENT. There is nothing in the proposed agreement to prevent the Senate voting on amendments at any time.

Mr. CHAMBERLAIN. Then, Mr. President, if there is no objection on the part of Senators in compliance with the rule, I suggest that the roll be called.

Mr. SMITH of Georgia. I could not hear what the Chair said about amendments.

The VICE PRESIDENT. The Chair said there is nothing in the proposed unanimous-consent agreement to prevent the Senate voting on amendments at any time prior to Saturday, the 21st of July. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Johnson, S. Dak	New	Smith, Md.
Borah	Jones, N. Mex.	Newlands	Smith, Mich.
Calder	Jones, Wash.	Norris	Smith, S. C.
Chamberlain	Kellogg	Overman	Smoot
Culberson	Kendrick	Owen	Sterling
Curtis	Kenyon	Page	Sutherland
Fernald	King	Penrose	Swanson
France	Knox	Pittman	Thompson
Frelinghuysen	La Follette	Pomerene	Trammell
Gore	Lewis	Ransdell	Underwood
Gronna	Lodge	Reed	Vardaman
Harding	McCumber	Shafroth	Wadsworth
Hitchcock	McKellar	Sheppard	Walsh
Husting	McLean	Sherman	Warren
James	McNary	Simmons	Williams
Johnson, Cal.	Martin	Smith, Ga.	Wolcott

Mr. HUSTING. I desire to announce the unavoidable absense, on official business, of the senior Senator from Arkansas [Mr. ROBINSON] and the senior Senator from California [Mr. PHELAN].

Mr. SHAFROTH. I desire to announce the unavoidable absense of my colleague [Mr. THOMAS] on account of sickness.

The VICE PRESIDENT. Sixty-four Senators have answered to the roll call. There is a quorum present. The Secretary will read the proposed unanimous-consent agreement.

Mr. CHAMBERLAIN. I will say to the Senate that I have stricken out two or three words in the beginning, as will be observed from the reading.

The Secretary read as follows:

It is agreed by unanimous consent that the motion for cloture be withdrawn and that at 5 o'clock p. m., on the calendar day of Saturday, July 21, 1917, the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment that may be offered, and upon the bill H. R. 4961, a bill to provide further for the national security and defense, etc., through the regular parliamentary stages to its final disposition; and that from and after 11 o'clock a. m., of the calendar day of Friday, July 20, 1917, no Senator shall speak more than once nor longer than 10 minutes upon the bill or any amendment offered thereto.

Mr. HITCHCOCK. Mr. President, there are a number of Senators who would like to have the hour on Saturday when the voting shall begin made 4 instead of 5 o'clock. That will enable us surely to get through before late in the evening. I ask the Senator from Oregon to modify the proposed agreement in accordance with that suggestion, unless some Senator objects.

Mr. NORRIS. I hope that the proposed agreement will not be so modified unless the time when the 10-minute rule shall apply is put further back, so that the 10-minute rule may be in force for a day longer. Otherwise we may have amendments offered with no time to debate them, and every Senator admits that is a very undesirable thing to have happen. On one section we devoted two days under the 5-minute rule, and debate under the 10-minute rule will, of course, consume more time than under the 5-minute rule.

Mr. PENROSE. Mr. President, I think the last two suggestions are very good, and I suggest to the Senator from Oregon to modify the proposed agreement so that the 10-minute rule may begin on Friday at a certain hour—say, 11 o'clock.

Mr. NORRIS. It begins on Friday now. It should be Thursday.

Mr. PENROSE. I will correct my statement and say Thursday instead of Friday, and that the vote on the bill be taken at 3 o'clock on Friday, or at 2 o'clock.

Mr. CHAMBERLAIN. I am willing to do that.

Mr. NORRIS. Make it 3 o'clock.

Mr. PENROSE. Well, half past 2 o'clock, I will say, if the Senator from Oregon will accept that suggestion.

Mr. CHAMBERLAIN. I will accept it. I ask that the unanimous-consent agreement be submitted to the Senate as modified.

The VICE PRESIDENT. How is it now?

Mr. CHAMBERLAIN. Beginning on Thursday the 10-minute rule will apply, and the vote will be had at 3 o'clock on Saturday.

The VICE PRESIDENT. At what time on Thursday will the 10-minute rule apply?

Mr. PENROSE. Let the voting begin at 2.30 o'clock on Saturday.

The VICE PRESIDENT. What time on Thursday, the Chair inquires, is it desired to have the 10-minute rule apply?

Mr. NORRIS. On Thursday at 11 o'clock.

Mr. PENROSE. At 11 o'clock on Thursday.

The VICE PRESIDENT. The Secretary will again read the proposed agreement as modified.

The Secretary read as follows:

It is agreed by unanimous consent that the motion for cloture be withdrawn and that at 2.30 o'clock p. m. on the calendar day of Saturday, July 21, 1917, the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment that may be offered, and upon the bill H. R. 4961, a bill to provide further for the national security and defense, etc., through the regular parliamentary stages to its final disposition; and that from and after 11 o'clock a. m. of the calendar day of Thursday, July 19, 1917, no Senator shall speak more than once nor longer than 10 minutes upon the bill or any amendment offered thereto.

Mr. LA FOLLETTE. Mr. President, if I understand the proposed agreement, amendments may be offered as late as 2.30 p. m. on Saturday.

Mr. PENROSE. And after that.

The VICE PRESIDENT. They may be offered after that, but not debated.

Mr. LA FOLLETTE. And even after that hour they may be offered without any opportunity whatever to debate them or to have any explanation made of them or to answer any objection made to them. I do not think that that ought to be permitted, and I hope that the proposed agreement in that respect may be changed. I think that if we are to begin voting at 2.30 on Saturday on the amendments and the bill some time prior to that hour, say some time on Friday, should be fixed after which no amendment can be offered. Then there will be an opportunity to debate amendments at least for 24 hours.

Mr. CHAMBERLAIN. I have no objection to inserting that. I think the suggestion is a good one, and I will ask that the agreement be modified so that the time for offering amendments be limited to, say, on Friday at 12 o'clock. Would that suit the Senator?

Mr. PENROSE. Or else, Mr. President, why not limit the time when amendments may be offered up to 2.30 o'clock on Saturday and provide that no amendments may be offered after that time.

Mr. CHAMBERLAIN. The vote is to be had at 2.30 o'clock.

Mr. REED. If that is done, I want to make a suggestion. If we cut off the right to offer amendments, we ought at least to retain the right to offer amendments by unanimous consent, because we may accept some amendment that makes other changes necessary.

Mr. LA FOLLETTE. I think that is a good suggestion.

Mr. SMITH of Georgia. And, furthermore, Mr. President, it should be the right of any Senator, if that were done, to present an amendment at any time, even if not then in order, and have it read from the Secretary's desk for information prior to that time, and then it ought to be subject to the common right.

Mr. CHAMBERLAIN. I think the proposal of the Senator from Wisconsin, if adopted, will arrange all that. It will leave it open. I will ask the Secretary to insert the proposal of the Senator from Wisconsin that no amendment shall be offered after the hour suggested—2 o'clock on Friday, I think, it was.

Mr. REED. Except by unanimous consent.

Mr. NORRIS. Except by unanimous consent.

Mr. CHAMBERLAIN. Except by unanimous consent; yes.

The VICE PRESIDENT. The Secretary will restate the proposed agreement.

The SECRETARY. It is proposed to strike out the words "any amendment that may be offered" where they appear in the body of the proposed unanimous-consent agreement and add at the end thereof the following words:

And, further, that no amendment shall be proposed to the bill from and after the hour of 2 o'clock p. m. of the calendar day of Friday, July 20, 1917, except by unanimous consent.

The VICE PRESIDENT. Is there any objection?

Mr. BORAH. Mr. President, how does the proposed agreement read with the clause stated by the Secretary stricken out? It seems to me it would change the meaning.

The VICE PRESIDENT. The Secretary will read the proposed modification.

The Secretary read as follows:

That at 2.30 o'clock p. m., on the calendar day July 21, 1917, the Senate will proceed to vote, without further debate, upon any amendment that may be pending, and upon the bill H. R. 4961—

And so forth.

The VICE PRESIDENT. The words "any amendment that may be offered" are stricken out. Is there any objection? The Chair hears none; and the unanimous-consent agreement is entered into.

The agreement as finally made is as follows:

It is agreed by unanimous consent that the motion for cloture be withdrawn and that at 2.30 o'clock p. m., on the calendar day of Saturday, July 21, 1917, the Senate will proceed to vote, without further debate, upon any amendment that may be pending, and upon the bill H. R. 4961, a bill to provide further for the national security and defense, etc., through the regular parliamentary stages to its final disposition; and that from and after the hour of 11 o'clock a. m., of the calendar day of Thursday, July 19, 1917, no Senator shall speak more than once nor longer than 10 minutes upon the bill or any amendment offered thereto; and, further, that no amendment shall be proposed to the bill from and after the hour of 2 o'clock p. m., of the calendar day of Friday, July 20, 1917, except by unanimous consent.

Mr. CHAMBERLAIN. Mr. President, I ask leave of the Senate to have printed for the use of the Senate the usual number of copies of the bill as amended up to date.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. REED obtained the floor.

Mr. GORE. Mr. President, will the Senator yield to me to offer an amendment to the pending bill?

Mr. REED. I yield.

Mr. GORE. I send to the desk an amendment in the nature of a substitute for the pending bill. I wish to say that I prepared it in anticipation of the cloture which was to be invoked for to-morrow. Since the cloture has been abandoned, I may or may not present this substitute. I wish to say that I have prepared it after a conference with a number of Senators. It does not embody my own views entirely. It contains some provisions to which I object. But I realize, as Macaulay said, that compromise is the essence of politics, and when there are conflicting views to be adjusted there must be reciprocal concessions. I have prepared the amendment in that spirit, and may or may not present it.

I thank the Senator.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. REED. Mr. President, upon this point of the power of control, I desire to call the attention of the Senate to some testimony given by Mr. Hoover before a House committee, which I think ought to be given considerable attention by the Senate. I call the attention of the Senate most earnestly to the statement I am about to read. I read an answer of Mr. Hoover:

The plan I proposed was that we should create in that particular a small board which for lack of a better name we would call the food strategy board, the members of the board to be chosen by the food controllers of each country. The board would not be a legislative board nor have binding authority on any of the Governments, but would simply plan the origin of the food supplies for the European allies as between all of the different sources and would determine its distribution as between the different allies, and once it had made its determination, it would hand the actual operation from the European allied point of view over to functions like the wheat executive to purchase that wheat and distribute it. We on this side need to set up, obviously, some organization for food control in order that we may deal with that particular situation among others. Now, just in passing, in setting up an implement of that kind among the allies, we will have set up a dangerous implement for our own country unless we participate in its control. I might point out to you that if any of you gentlemen or myself held that position of the single buying agent with a four months' supply of wheat behind us as they will have, or other cereals when their harvest comes in, we could probably drop the price of wheat in this country to 75 cents a bushel. I do not say they will do it, but it is an implement which must be a matter of concern to us both that they do not manipulate it so to either inflate our prices by a continuation of competition or too excited purchasing or, on the other hand, that they do not use it to depress prices.

Now, as to the problems in this country—

I call attention to this language—

Now, as to the problems in this country, I feel myself very much of a stranger to my own country, as I have been away since the war began.

He might have added and many other years before the war began.

But as I look on the food problem here with the background of Europe and with some knowledge as to currents in this country, it appears to me that we have a lot of Scyllas to get between. There is no royal road in this matter, and in order to clarify what I mean I might take the question of wheat alone and follow it through as to how it strikes my view, looking at it from both sides. There is in this country a very considerable movement for the establishment of a minimum price in order that the producer may have a guarantee of a market; a justifiable measure, indeed, for the stimulation of production, but a minimum price does not protect the consumer. A minimum price is capable of enforcement, because obviously it rests on the Government to pay the money and it can be done. There is also in this country a current of feeling toward maximum prices. That current of feeling obviously originates with the consumer.

A maximum price——

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. Let me finish reading the sentence:

A maximum price is a device intended to protect the consumer only, not the producer, and I may say, as a broad generalization, that without some reenforcing implement in the shape of actual control of a large portion of the commodity in question, the maximum price has been a universal failure in Europe.

I yield to the Senator from Idaho.

Mr. BORAH. I understand the Senator is reading from Mr. Hoover's testimony before the Senate committee.

Mr. REED. Before a House committee.

Mr. BORAH. In that he evidently condemns the maximum-price project.

Mr. REED. Yes, sir.

Mr. BORAH. How under this bill would you protect the consumer?

Mr. REED. That is a question the Senator will have to answer or Mr. Hoover will have to answer.

Mr. GRONNA. Right in connection with the question asked by the Senator from Idaho, I wish to ask the Senator if he thinks we could protect the consumer by controlling the price of the raw product, as it is called, the raw material wheat. That does not protect the consumer.

Mr. REED. I wish to read some more of this testimony. Continuing where I read:

Mr. ANDERSON. I do not know that I understand that exactly. You mean unless the Government controls at least the surplus, or a large proportion of the surplus, it can not enforce any provision for maximum prices.

Mr. HOOVER. That is true. For instance, the French Government has enforced a maximum price on wheat—

Now, let me call attention to the fact that Mr. Hoover sat before the committee of the Senate and made the statement that price regulation in France had put the price of flour down. I am sorry Mr. Hoover did not give this statement at the same time. Let me read it:

For instance, the French Government has enforced a maximum price on wheat, because they control, by way of the imports on Government account, about 20 per cent of the total consumption. They sold that 20 per cent at a large loss to the Government in order to hold down the indigenous wheat to the Government's maximum. In this country we have a surplus of practically all products, and I see no possibility of success in maximum prices except possibly as a bogie to frighten some one in an emergency.

Mr. President, as we have been proceeding in this bill from time to time a little additional light has filtered in. The statement was boldly made to the Committee on Agriculture of the Senate that the success in keeping down the price of flour in Europe was due to the food control—the speculator was driven out of the market, and so forth; but it transpires now that the French Government at least took the taxpayers' money and put it into the price of wheat, and thus, of course, the price of flour was kept down to the consumer. If the Government paid part of the price the consumer would have that much less to pay.

But this is the point I started to illustrate a moment ago: There are so many angles to this question that one can hardly continue in a straight line. The point I wanted to call attention to is that Mr. Hoover states that whoever controls 20 per cent of a product will control the price of the product, and that the foreign purchasers now that they have the plans to buy through one agent can, unless there be some counter-controlling force set up, reduce the price of wheat to 75 cents a bushel. That illustrates the tremendous power of control that is already vested in the Federal Government, for we have given the control in this wise: We have permitted the President by a simple proclamation to stop the exportation of any article of food, and if he can stop the exportation of any article he absolutely controls, either himself or through his agents, the price of the entire product in this country, for the price of the surplus fixes the price of the product, and Mr. Hoover states that the mere power to buy through one agent would enable them, unless controlled, to reduce the price to 75 cents a bushel of wheat. Under those circumstances, it seems to me, Congress ought to pause before it gives any further or greater power to be exercised by Mr. Hoover or anybody else.

There are one or two statements in this document in addition to those I have called attention to that I want to bring to the attention of the Senate, and in connection with them I want to furnish some facts.

Mr. VARDAMAN. Mr. President, this is a very important question. If the Senator will yield to me, I should like to call for a quorum.

Mr. REED. I really hope the Senator will not.

Mr. VARDAMAN. Very well, I shall not insist upon it.

Mr. REED. It is late in the afternoon, and I do not blame Senators for going away. What I have said may attract enough attention to be read in the RECORD.

I want the Senate to listen to this statement. Mr. Hoover goes on to state what is necessary and then makes the statement I shall read. I will give a little of the context.

Mr. HOOVER. With an organization of that kind, I see no way where speculation would come. It is quite difficult to set up a control over the whole list of every kind of commodities which would make it wholly impossible for any mortal soul to speculate in some of them. In cotton your control might need to be a general control between two bodies in order to avoid the overlapping of controls.

Let me say to the cotton raisers, all of whom seem to be absent, they had better look out a little, for Mr. Hoover has his eye on them.

In cotton your control might need to be a general control between two bodies in order to avoid the overlapping of controls. There is the question of administration in all these things. The result of three years of turmoil and an enormous accumulation of blundering and experience has been the universal development in every European government of foodstuffs, munitions, and shipping into administration bodies of equal importance with the other administrative bodies of the Government. That has been found necessary in order to give prestige to these organizations under which they may cooperate with the commercial interests of the country and to give the prestige with which they may cooperate with the similar departments of the allies.

Now notice this language:

Above all to create in the minds of the people a certain imaginative alarm resulting in saving and arising from the very fact that you set up a food control in the country. The fact that it is set up and given wide powers is in itself an advertisement to the people that there is cause for concern. The operations of this department fall into those larger issues which I endeavored to describe to you with regard to wheat. They fall into attempts to secure a better internal distribution: to eliminate the overlapping of haulage, and, of almost equal importance, to secure the elimination of waste in consumption and voluntary restraint of the people as to extravagance both in food and living. As the situation involves further degeneration in Europe, we may have to go further with the measures of forced restraint.

The point I call attention to is the creation of an imaginative alarm. That is to be one of the means employed by this distinguished gentleman, and he has employed it most disastrously for our country up to this date. He started in telling the American people in substance and effect that the grim figure of starvation was stalking or was about to stalk through this country. If I wanted to take the time I could quote the utterances of Senators upon this floor to the effect that want, grim and horrible want—starvation—was already fastening itself upon the American citizen. I heard talk upon the floor of the Senate of food riots in New York City. It transpired a little later that, according to the best evidence that could be obtained, probably some German sympathizers or agents went down into the congested and poorer sections of New York City and stirred up a few old ladies to make raids upon the push carts of some Italian vendors of fruit and bananas. But it was all to help create an imaginative alarm. Only to-day we heard a Senator, usually well informed, talking about the starvation and want in our cities.

Mr. President, there has always been in every country of this world, I am sorry to say, some unfortunate people who have always been upon the verge of want. For those people the hearts of all decent men and women bleed, and until we do something to so transform our civilization as to make that sort of thing impossible it will be a sad reality upon this earth.

I said when Mr. Hoover was making these statements, and when other Senators were making them, that there was less of misery and less of want and less of famine than I have ever known to exist in the United States of America. In order to refute these statements I wrote to the mayors of a large number of cities, generally to the mayors of cities of 100,000 inhabitants or more, because it is in such cities and among such congested population that we find hardship and want and sorrow and starvation more than we do in smaller communities. I wrote a letter to the mayors of these cities. I want to read that letter to the Senate. This is the letter, and I say it is a fair letter. Then I am not going to read the replies; I am going to file them; but I am going to give you a digest of the replies. The letter was dated June 18, and mark you that was at the very time when flour was at its highest point, and potatoes were at their highest point. Since that time the price of flour has fallen enormously and the price of potatoes is off 66⅔ per cent and is still falling, and nobody knows where it is going to stop. So these replies were received under the most adverse conditions. Here is the letter I wrote:

UNITED STATES SENATE,
COMMITTEE ON MANUFACTURES,
June 18, 1917.

MY DEAR MAYOR: I am very anxious to secure at once, probably for use in the Senate, a perfectly fair statement of certain conditions in important American cities, to the end that the conditions of these cities may be compared with each other, and also compared with conditions existing at this period of the year 1914. (The latter year being selected because it precedes the European war.)

It will very greatly oblige me if you will briefly answer the following questions at once and forward to me:

1. What is the financial condition of the people and business institutions of your city at the present time compared with that of June, 1914?

2. How does the employment of labor at the present time compare with the wages of 1914?

3. How do wages at the present time compare with the wages of 1914?

4. There is nearly always some portion of the people, usually small, who are unable for various reasons to support themselves in a reasonable degree of comfort. Kindly give me a comparison of the number and condition of this element at the present time with that of June, 1914.

Sincerely, yours,

JAS. A. REED.

Mr. President, I received polite answers to those letters, including the one I am about to read:

CITY OF GRAND RAPIDS, MICH., *June 19, 1917.*

Senator JAMES A. REED,
United States Senate, Washington, D. C.

DEAR SIR: Your communication to me, as mayor of Grand Rapids, received. The citizens of this city are indignant at your conduct as Senator. You may represent Missouri, but you do not represent the city of Grand Rapids, and until we see a change, I, as mayor, decline to send you any information unless compelled to do so by law, that you may use to delay the plans of not only the Army and Navy but the President in carrying out this war.

Yours, very truly, PHILO C. FULLER, *Mayor.*

Mr. President, when I received that letter from the distinguished mayor of Grand Rapids I, of course, felt utterly crushed and humiliated, but I was particularly disappointed that I had not received the information. A few days later I was furnished with a newspaper clipping from Grand Rapids. It appears that the mayor, having written this exceedingly courteous and somewhat brilliant reply to my letter of inquiry, had turned the matter over to the public press, and in the Herald of Grand Rapids I find this statement:

HERE ARE THE ANSWERS.

Just what Senator JAMES REED expected to prove by the facts which he sought from Mayor Philo C. Fuller regarding business conditions in Grand Rapids we do not know. In fact, we don't know what the Missouri Senator is about much of the time. But because of the Senator's energetic though unwise opposition to the administration food bill the natural supposition was that he planned an attack upon this measure. It was this thought which prompted Mayor Fuller's patriotic and timely refusal to furnish the desired report. If such were the Senator's plans, he is better off without the statistics.

Believing that it would be impossible for Senator REED or anyone else to gather business statistics showing that Grand Rapids now is anything but immensely prosperous the Herald obtained from City Manager Cummin the Missourian's questions. With the answers, prepared by Municipal Secretary John L. Boer, after careful investigation, they are as follows:

"Question No. 1. What is the financial condition of the people and business institutions of your city at present, compared with June, 1914?

"Answer. Every answer to this question has been that the present conditions are far better than in 1914. Bank deposits have increased since March, 1914, by $10,600,000.

"Question No. 2. How does the employment of labor at present compare with June, 1914?

"Answer. State Employment Bureau and Grand Rapids Manufacturers' Association advise that there never was so great a demand for labor as at present. Other sources of information agree.

"Question No. 3. How do wages at present compare with 1914?

"Answer. State labor bureau statistics show the average daily wage increase from $2.22 in 1914 to $2.38 in 1916. Figures for 1917 are not available, but general impression is that wages have increased materially since last year.

"Question No. 4. There is nearly always some portion of the people unable to support themselves. Kindly give me comparison of the number and condition of this element at the present time with that of June, 1914?

"Answer. In June, 1914, the Social Welfare Association of Grand Rapids assisted 382 cases. In May, 1917, the same association assisted only 207 cases, which indicates clearly that the condition of the city's poor is much better now than it was three years ago. The welfare department advises me that they have had no applications for assistance from an able-bodied man for some time."

Now, the editor comments:

If Senator REED had any hopes that Grand Rapids conditions would aid him in crying calamity as an excuse for discontinuing shipments of food to our allies or otherwise interfering with most efficient warfare he started from an erring premise. Secretary Boer's report permits Grand Rapids to enjoy its second laugh at the expense of Missouri's oratorical Senator.

Incidentally the report provides ample and pleasant proof of the present prosperity of Grand Rapids.

Let me assure the editor of this paper that I am deeply obliged to him for having furnished this bit of truthful statement regarding the condition of Grand Rapids. Let me also assure him that I did not seek the information for the purpose of crying calamity, but I sought it for the purpose of refuting the cry of the greatest calamity howler who has appeared upon this earth since Jeremiah went about crying out "Woe! Woe! Woe!" to all the earth. I wanted to reply to the statements which have been put forward to the effect that this country is upon the very verge of bankruptcy and destruction. Let me, without taking the time to read the answers—and I shall file these letters—give an epitome of the answers. I want to put them in the RECORD. The questions asked of all were the same. There is one city, I believe, in all that gives an adverse report, and it gives an adverse report to

nearly all of the questions. That is Mobile, Ala. When you come to ascertain the reasons, the letter gives them, and here they are:

It must be observed that the evil effects of this war upon sea commerce has fallen as a heavy blow upon the coast, outside of a few capital ports like New York. Added to this, I may say we have been peculiarly disfavored by Providence during the last 12 or 15 months by a destructive hurricane and by the advance of the boll weevil, with the two combining to paralyze, in some measure, the agricultural enterprises of Alabama and Mississippi. Then, too, we have here the misfortune to be nearly adjacent to sundry large trade cities and towns that do not lie under the ban of liquor legislation, and therefore attract, in large measure, the personal trade of our territory.

So that is what is the matter with Mobile, Ala.

Let me for a moment take the time of the Senate to call attention to the other answers. This is the answer to question No. 1—"What is the financial condition of the people and business institutions of your city at the present time compared with that of June, 1914?"

"REPLIES RECEIVED FROM CITIES HAVING A POPULATION OF MORE THAN 50,000.

"Question No. 1. What is the financial condition of the people and business institutions of your city at the present time compared with that of June, 1914?

"Little Rock, Ark.: At least 50 per cent better.

"Mobile, Ala.: Distinctly inferior at present time. (Assigns as reason effects of war and migration of negro labor, etc.)

"Denver, Colo.: General depression 1914. Been improving since.

"New Haven, Conn.: Conditions better.

"Waterbury, Conn.: Never better than at present.

"New Britain, Conn.: Far better financial condition.

"Wilmington, Del.: Much better.

"Tampa, Fla.: No worse, although principle industry—phosphate mining—seriously affected on account of war shutting off foreign market.

"Atlanta, Ga.: Better.

"Savannah, Ga.: Excellent shape; ample money.

"Peoria, Ill.: Condition better.

"Rockford, Ill.: Substantially the same. Iron industry booming.

"Springfield, Ill.: Much better.

"Louisville, Ky.: Materially better.

"New Orleans, La.: Decidedly better.

"Portland, Me.: Decided improvement.

"Baltimore, Md.: Much more prosperous.

"Boston, Mass.: Much better.

"Cambridge, Mass.: Little better.

"Brockton, Mass.: Better condition.

"Holyoke, Mass.: Much better.

"Lawrence, Mass.: Big improvement. Bank deposits increased 25 per cent.

"Lowell, Mass.: Far more prosperous.

"Lynn, Mass.: Better.

"New Bedford, Mass.: Considerably improved.

"Somerville, Mass.: Financial condition increased 25 per cent.

"Malden, Mass.: Better.

"Worcester, Mass.: Great improvement.

"Flint, Mich.: Forty per cent improvement.

"Grand Rapids, Mich.: (See letter.)"

I have read you a report as to Grand Rapids—

"Saginaw, Mich.: Better.

"St. Paul, Minn.: Much more prosperous.

"St. Louis, Mo.: Never more prosperity.

"St. Joseph, Mo.: Greatly improved.

"Omaha, Nebr.: Much better condition.

"Manchester, N. H.: Compares favorably; nearly all business assuming greater volume.

"Passaic, N. J.: Compared with 1914 conditions are excellent.

"Trenton, N. J.: Much better.

"Binghamton, N. Y.: Considered improved.

"Rochester, N. Y.: Infinitely better.

"Yonkers, N. Y.: Generally better.

"Albany, N. Y.: Better.

"Cleveland, Ohio: Amount of business unprecedented.

"Cincinnati, Ohio: Much better.

"Dayton, Ohio: Business has been good; better than 1914; had flood in 1913."

They always tell you about that when they report from Dayton, and very properly so.

"Toledo, Ohio: Much better.

"Oklahoma City, Okla.: Had disastrous financial collapse in 1914 account of boom. Volume of business increased 200 per cent.

"Erie, Pa.: Much better.

"Harrisburg, Pa.: Considerably better.

"Altoona, Pa.: Slightly better.

"Reading, Pa.: Very much improved.

"Scranton, Pa.: Better.

"Allentown, Pa.: Much better.

"Houston, Tex.: Better.

"Dallas, Tex.: Business practically the same.

"Fort Worth, Tex.: Condition of business—but of people as a whole hardly as good."

I noticed in reading that gentleman's letter that he has been infected with the idea that there is some disaster hanging in the air.

"San Antonio, Tex.: Condition of the people as a whole not as good. Had unprecedented drought.

There you get a local reason.

"Richmond, Va.: Greatly improved.

"Spokane, Wash.: Much better. Bank deposits increased 50 per cent.

"Tocoma, Wash.: Much improved.

"Milwaukee, Wis.: Ten per cent increase in financial condition of business institutions."

Mr. President, I have the answers to all the other questions, and they are collated in the same way, alphabetically arranged according to the States in which the cities are located.

Mr. CALDER. Will the Senator yield for a moment?

Mr. REED. When I finish this sentence. I do not care to take the time of the Senate to read them, but I ask permission to put them in the RECORD.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The matter referred to is as follows:

"REPLIES RECEIVED FROM CITIES HAVING A POPULATION OF MORE THAN 50,000.

"Question No. 2. How does the employment of labor at the present time compare with that of June, 1914?

"Mobile, Ala.: Employment of labor fallen off, due to migration of negro labor to the North.

"Little Rock, Ark.: Demand greater.

"Denver, Colo.: Labor conditions better.

"New Haven, Conn.: Difficult to obtain help.

"Waterbury, Conn.: Difficult to obtain labor.

"New Britain, Conn.: Scarcity of labor, surplus 1914.

"Wilmington, Del.: Labor scarce, demand great.

"Tampa, Fla.: Labor scarce, owing to fact that large amount of negro labor has migrated to the North.

"Atlanta, Ga.: Labor scarce.

"Savannah, Ga.: All labor employed.

"Peoria, Ill.: Demand for labor exceeds supply.

"Rockford, Ill.: Labor in demand, plenty of work.

"Springfield, Ill.: Less idle labor by 100 per cent.

"Louisville, Ky.: Have work for all.

"New Orleans, La.: Idle population reduced to a minimum.

"Portland, Me.: Demand in excess of supply.

"Baltimore, Md.: Labor more fully employed; practically no unemployment.

"Boston, Mass.: Number unemployed greatly diminished.

"Cambridge, Mass.: Difficult to get all labor required.

"Brockton, Mass.: Number unemployed very small, much smaller than in 1914.

"Holyoke, Mass.: Most lines about the same number employed; ironworkers increased 60 per cent.

"Lawrence, Mass.: Work for everybody; mills running full capacity; large number out of work in 1914.

"Lowell, Mass.: Labor at a premium; business of employment bureaus at a standstill; civil-service list exhausted on public works; more unemployed in 1914 than could be accommodated.

"Lynn, Mass.: Conditions are improved.

"New Bedford, Mass.: Labor scarce.

"Somerville, Mass.: Hard for city to obtain labor.

"Malden, Mass.: Plenty of work for everyone.

"Worcester, Mass.: Skilled labor employed June, 1914, 15,000; skilled labor employed June, 1917, 42,000 to 43,000; no figures on unskilled labor, but 'everyone is working now.'

"Flint, Mich.: Labor conditions better.

"Grand Rapids, Mich.: See letter.

"Saginaw, Mich.: More generally employed.

"St. Paul, Minn.: Many more people employed.

"St. Louis, Mo.: More unemployment in 1914 than now; no need for able-bodied persons to be out of work.

"St. Joseph, Mo.: Demand for labor greater and more general.

"Omaha, Nebr.: Surplus of labor 1914. This year every man can find work. Shortage in common labor. Wages common labor increased 50 per cent.

"Manchester, N. H.: Labor scarce—hard to secure good workmen.

"Passaic, N. J.: Labor scarce.
"Trenton, N. J.: Demand exceeds supply.
"Binghampton, N. Y.: 'Apparently all employed now.'
"Rochester, N. Y.: 'Can not get labor now.'
"Yonkers, N. Y.: Employment of labor much better now.
"Albany, N. Y.: 'Employment of labor less than it was three years ago.'
"Cleveland, Ohio: Conditions better.
"Cincinnati, Ohio: Two and one-half times as many now employed.
"Dayton, Ohio: Demand for labor much heavier; supply inadequate.
"Toledo, Ohio: Labor better employed; scarcity especially in skilled trades.
"Oklahoma City, Okla.: Surplus in 1914, shortage to-day.
"Erie, Pa.: Labor is high and men are scarce.
"Harrisburg, Pa.: More labor employed and greater demand than in 1914.
"Altoona, Pa.: More labor employed; practically no idle men.
"Reading, Pa.: Labor scarce.
"Scranton, Pa.: Labor scarce.
"Allentown, Pa.: Labor fully employed—difficult to obtain.
"Houston, Tex.: Labor more nearly employed.
"Fort Worth, Tex.: No one need be without work.
"Dallas, Tex.: Seems to be less demand; building operations and kindred activities suspended.
"San Antonio, Tex.: Labor scarce.
"Richmond, Va.: Labor scarce.
"Spokane, Wash.: Labor conditions much improved.
"Tacoma, Wash.: Employment in 1914 compared to June, 1917, probably in about the ratio of 78 per cent to 98 per cent.
"Milwaukee, Wis.: General labor conditions better.

"REPLIES RECEIVED FROM CITIES HAVING A POPULATION OF MORE THAN 50,000.

"Question No. 3. How do wages at the present time compare with the wages in 1914?
"Mobile, Ala.: Wages higher; municipality now paying 10 per cent to 15 per cent more.
"Little Rock, Ark.: General increase of about 5 per cent.
"Denver, Colo.: General increase.
"New Haven, Conn.: Wages increased 15 per cent to 25 per cent.
"Waterbury, Conn.: Wages high; difficult to obtain common labor at less than 30 cents per hour; many contractors offering 35 cents to 40 cents.
"New Britain, Conn.: Increase of about 30 per cent.
"Wilmington, Del.: Wages 25 per cent to 40 per cent higher.
"Tampa, Fla.: General increase 10 per cent to 15 per cent.
"Atlanta, Ga.: Wages increased to about 25 per cent.
"Savannah, Ga.: Wages higher.
"Peoria, Ill.: Wages increased.
"Rockford, Ill.: Wages 25 per cent to 33⅓ per cent higher.
"Springfield, Ill.: General increase; common labor about 15 per cent.
"Louisville, Ky.: Increase.
"New Orleans, La.: Increase.
"Portland, Me.: Wages 25 per cent higher.
"Baltimore, Md.: Wages higher.
"Boston, Mass.: Wages higher.
"Cambridge, Mass.: Wages higher.
"Brockton, Mass.: Increase of about 15 per cent.
"Holyoke, Mass.: Increase of from 20 to 40 per cent.
"Lawrence, Mass.: Increase from 25 to 40 per cent.
"Lowell, Mass.: General increase 10 to 20 per cent.
"Lynn, Mass.: Wages higher.
"New Bedford, Mass.: Increase of about 10 per cent.
"Somerville, Mass.: Wages higher.
"Malden, Mass.: General increase.
"Worcester, Mass.: Increase 25 to 40 per cent.
"Flint, Mich.: Wages higher.
"Saginaw, Mich.: Wages higher.
"St. Paul, Minn.: Wages 10 to 25 per cent higher.
"St. Louis, Mo.: Wages higher.
"St. Joseph, Mo.: General increase.
"Omaha, Nebr.: Increase of from 10 to 12½ per cent.
"Manchester, N. H.: General increase.
"Passaic, N. J.: Wages higher than in history of city.
"Trenton, N. J.: Wages higher.
"Binghamton, N. Y.: Wages higher.
"Rochester, N. Y.: Wages higher.
"Yonkers, N. Y.: General increase.
"Albany, N. Y.: Wages higher.
"Cleveland, Ohio: Wages higher.
"Cincinnati, Ohio: Forty per cent increase.
"Dayton, Ohio: Increase of from 25 to 100 per cent.
"Toledo, Ohio: General increase.
"Oklahoma City, Okla.: Increase of from 20 to 30 per cent.
"Erie, Pa.: Wages higher.
"Harrisburg, Pa.: Wages higher.
"Altoona, Pa.: General increase.
"Reading, Pa.: In a large number of cases wages have more than doubled.
"Scranton, Pa.: Increase 35 per cent.
"Allentown, Pa.: General increase.
"Fort Worth, Tex.: Increase 2 to 33 per cent.
"Houston, Tex.: Wages high in some industries; common labor and mechanics receiving about same wage.
"Dallas, Tex.: General increase.
"San Antonio, Tex.: Wages higher.
"Richmond, Va.: General increase.
"Spokane, Wash.: Wages higher.
"Tacoma, Wash.: Increase 10 to 50 per cent.
"Milwaukee, Wis.: Increase 7½ to 15 per cent.
"Question No. 4. There is nearly always some portion of the people, usually small, who are unable for various reasons to support themselves in a reasonable degree of comfort. Kindly give me a comparison of the number and condition of this element at the present time with that of June, 1914.
"Mobile, Ala.: Proportion of absolutely indigent decidedly greater. Cites effect of war on commerce. Had severe hurricane in last 12 months, together with advance of boll weevil. Lost a great deal of trade to adjacent territories not having liquor legislation.
"Little Rock, Ark.: June, 1914, 498 cases, 20 transient or homeless men. June, 1917, 218 cases, 11 transient or homeless men.
"Denver, Colo.: Number practically the same.
"New Haven, Conn.: Does not specifically answer question, but in general statement shows that where hundreds were out of work in 1914 it is now difficult to obtain help.
"Waterbury, Conn.: Number less. (See table attached to letter.)
"New Britain, Conn.: Condition about the same. Slight increase in number of patients in insane hospitals.
"Wilmington, Del.: Less number of dependents.
"Tampa, Fla.: Increase of about 10 per cent. Many from other sections of the country.
"Atlanta, Ga.: Unable to make comparison, but in all probability number is less.
"Savannah, Ga.: If any men are unable to support themselves it must be due either to physical inability or to unwillingness to work.
"Peoria, Ill.: About the same number.
"Rockford, Ill.: Amounts paid for Rockford Township, April, 1914, to April, 1915, $15,497.37; April, 1915, to April, 1916, $14,854.14; April, 1916, to April, 1917, $10,165.24.
"Springfield, Ill.: Less number dependents.
"Louisville, Ky.: Less number dependents.
"New Orleans, La.: Comparatively small if not insignificant numbers unable to support themselves.
"Portland, Me.: Less number.
"Baltimore, Md.: Smaller number.
"Boston, Mass.: (See letter.)
"Cambridge, Mass.: Less number.
"Brockton, Mass.: (See letter.)
"Holyoke, Mass.: Number of families June, 1914, 351; number of families June, 1917, 233. Amount expended June, 1914, $10,144.14; amount expended June, 1917, $5,842.36.
"Lawrence, Mass.: Number fallen off about 55 per cent.
"Lowell, Mass.: Number slightly less.
"Lynn, Mass.: Not much difference.
"New Bedford, Mass.: Large number. Gives as reason the large number of enlistments.
"Somerville, Mass.: (See letter.)
"Malden, Mass.: About the same number.
"Worcester, Mass.: (See letter.)
"Flint, Mich.: Although population has increased about one-third have no larger number of dependents.
"Saginaw, Mich.: Number about the same.
"St. Paul, Minn.: Number very much less.
"St. Louis, Mo.: Less number dependents.
"St. Joseph, Mo.: Larger number dependents. (Assigns reason to high cost of living.)
"Omaha, Nebr.: Has no definite information, but estimates the number to be 25 per cent greater.
"Manchester, N. H.: Of the opinion that it is a greater hardship for many families to support themselves in a reasonable degree of comfort at present time than in 1914, due largely to high cost of living.
"Passaic, N. J.: Number materially lessened.

"Trenton, N. J.: June, 1914, 171 families; June, 1916, 92 families.

"Binghamton, N. Y.: Usual number of dependents.

"Rochester, N. Y.: Only those unable to work are dependents.

"Yonkers, N. Y.: Only a small number unable to support themselves.

"Albany, N. Y.: Not so many applicants for relief.

"Cleveland, Ohio: June, 1914, 2,223 families, or 8,198 persons; June, 1917, 1,120 families, or 5,123 persons.

"Cincinnati, Ohio: Twenty per cent less than in June, 1914.

"Dayton, Ohio: June, 1914, 227; June, 1917, 184.

"Toledo, Ohio: May, 1914, 183 families; May, 1917, 111 families.

"Oklahoma City, Okla.: Number very small; confined to sick.

"Erie, Pa.: Number great deal less.

"Harrisburg, Pa.: Number greatly decreased.

"Altoona, Pa.: Estimates number to be practically the same.

"Reading, Pa.: No excuse for anybody to be unable to support themselves.

"Scranton, Pa.: Number very small.

"Allentown, Pa.: There is very little evidence of want among our people.

"Houston, Tex.: About the same number.

"Dallas, Tex.: Dependents are on the decrease in Dallas.

"Fort Worth, Tex.: This element * * * practically unknown in this section now.

"San Antonio, Tex.: Condition better.

"Richmond, Va.: Families helped fiscal year 1914, 771; families helped fiscal year 1917, 433; amount expended, 1914, $8,363.29; amount expended, 1917, $5,263.63.

"Spokane, Wash.: Less in number.

"Tacoma, Wash.: Less number.

"Milwaukee, Wis.: Conditions better."

Mr. REED. Now, I yield to the Senator from New York.

Mr. CALDER. Has the Senator received an answer from the mayor of New York City?

Mr. REED. I believe not. If so, it is not collated here.

Mr. CALDER. I am very sorry, because the conditions there are the same as in the other cities, practically every workingman being employed at wages approximately from 10 to 15 per cent higher than two years ago.

Mr. REED. Well, these answers are coming in in a peculiar way. They came in first very rapidly, and now every once in a while I get a letter from some mayor who apologizes for having overlooked the request or some mayor who has referred the letter to some department of the city government. Therefore, I take it, I may yet receive a letter from the mayor of New York.

Mr. CALDER. Mr. President, if the Senator will permit me, I should like to add that the cost of living in New York has increased at least 25 per cent over that of two years ago.

Mr. REED. I have no doubt of that; but the point is this: The answers to the questions go directly into that proposition—and I could take the time to read them, but they will be printed in the RECORD, where they can be read, and I will file the original letters—but the answers to those questions which relate to the cost of living amount to this, that labor is better employed, that wages are better, that those who are applying for public help are reduced in number, and that is nearly, if not quite, universal. Nearly all of these mayors in their letters state that the high cost of living is burdensome to their people. Some of them complain bitterly about it. I call attention to the fact that these letters were written on the very day when wheat had touched its zenith, when flour was the highest, when potatoes were $12 a barrel, and every calamity howler throughout the world, it seemed to me, was standing on the house tops shouting, "Woe, woe, woe!" to the American people.

Now, Mr. President, since then what has happened? The price of wheat has fallen more than a dollar a bushel, and the new crop is not yet in the market in sufficient quantities to affect prices; but the corner that was created by the allies coming into our market and purchasing enormous quantities has been broken. If anybody shall rise here to deny that was the chief cause of the rise in prices, let me say that I have Mr. Hoover's testimony before me that it was the chief cause.

Since these letters were written potatoes have fallen in New York from $12 to as low as $2 a barrel. Since these letters were written old Mother Nature has given her answer to the calamity howler, and I want to read into the RECORD, so that it will at least be preserved in this dry-as-dust document, that some future historian may go through, as Carlyle went through the musty documents and tomes of France when he coined the phrase "dry as dust." I want to put into the RECORD this from the Washington Post of this morning:

BUMPER CROPS OF FOOD—BILLION-BUSHEL INCREASE FARMERS' RESPONSE TO WILSON'S APPEAL—CORN YIELD LARGEST EVER—FOUR, AND POSSIBLY FIVE, OTHER CROPS WILL MAKE NEW RECORDS, DEPARTMENT OF AGRICULTURE FINDS—PRODUCTION OF PRINCIPAL FOODSTUFFS ALL TOLD TO BE 6,093,000,000 BUSHELS.

A billion bushels increase over last year's production in the principal food crops is the response American farmers have made to President Wilson's April appeal, saying that upon them "rests the fate of the war and the fate of nations."

The extent of the farmers' response was disclosed yesterday when a production of 6,093,000,000 bushels of principal food crops was forecast in the Department of Agriculture's July crop report. It shows this year's corn crop will be the largest in history, except one, and that four, and possibly five, other crops will make new high records.

RECORD CORN CROP.

The corn crop, which, with favorable weather from now on, may equal the bumper yield of 1916, shows an increase of 541,000,000 bushels over last year, with a total of 3,124,000,000 bushels. The acreage is 14 per cent larger than last year.

The combined winter and spring wheat crop will be 38,000,000 bushels more than last year's, with a total of 678,000,000 bushels.

Barley, with prospects of the third largest crop ever grown, will exceed last year's production by 33,000,000 bushels, with an output of 214,000,000 bushels.

OATS UNDER RECORD.

Oats promises to exceed last year's crop by 201,000,000 bushels, the total production being forecast at 1,453,000,000 bushels. That is slightly under the record. Improvement between now and harvest, however, may result in a record crop.

While potato production on a 22½ per cent increase in acreage, will be a record crop with 452,000,000 bushels, or 167,000,000 bushels more than last year, not taking into account the home-garden production, which this year is estimated to be much larger than ever before.

Rye, another record crop this year, will amount to 56,100,000 bushels, or 8,700,000 bushels more than last year.

SWEET POTATOES' BIG YIELD.

Sweet potatoes will register a new high total with 82,200,000 bushels, or 11,000,000 bushels more than last year.

Rice production will be 34,400,000 bushels, the second largest crop ever produced.

Production of tobacco will break another record with a crop of 1,215,000,000 pounds, 64,000,000 pounds more than was grown last year.

Over a three billion corn crop; over three thousand million bushels of corn; to state it accurately, 3,124,000,000 bushels! We thought we were doing a wonderful thing the other day, some of us, when we said that we would conserve the corn crop by stopping the manufacture of any of it into whisky. I have no quarrel with that kind of conservation—not a bit—but what we saved was so small in comparison with the total crop that it will not be counted in the grand aggregate.

Now, Mr. President, this crop is coming on. If we act wisely, and the Lord is equally kind next year, we will have another crop like it. If we act unwisely, we will not have another crop like this. We can kill off this great productivity. An ordinary insect can sometimes destroy a forest monarch that has been a hundred years in growing. A foolish interference can destroy the confidence that is necessary in order to induce men to plant and to toil. It takes the hands of myriads of men to produce these mighty crops, this six billion bushels of foodstuffs; but it takes confidence in the hearts and souls of those people to start them sowing in the springtime, toiling in the summer sun, struggling and battling and contending with the elements until the winter's frosts have fallen on the earth. If Congress does nothing, we may be assured the crops will come; if Congress acts wisely, the crops will yet come; but if Congress plays the fool, they will not come.

When you say to the 45,000,000 people engaged in the business of farming, "We propose to turn over your destiny, your fortunes, your labor, to the appraisement of one man," that man giving testimony before a committee of Congress that he is not well posted in regard to American affairs because of his long absence from this country, you do a thing that is utterly defenseless, utterly outrageous, utterly infamous—for these American citizens have some rights that must be respected—and you do a thing that is utterly foolish.

What made the farmer plant, as he planted this year, more corn than he ever did before in the history of the world? Because there was a great world's market opening its doors; because there were good prices being offered; and then, in addition to that, there was a thing that always touches the farmer's heart—there was the appeal of the country to him to produce for the benefit of the hungry world; and he responded as he has always responded. Let us see to it that we treat him with justice. Let us see to it that if there must be any control of his prices, that control shall be put in the hands of a commission having some knowledge of farming, some knowledge of costs, some knowledge of the struggle of the agriculturist, and not in the hands of some man who admits his lack of knowlege regarding American affairs.

Mr. President, I think it a very happy thing that this bill has gone over and we are to have time to consider it. I do not intend to take the time of the Senate further to-night. Indeed,

there are very few Members here. We have had strenuous days and been under a great strain. But at some time, if no one else does it, I intend to call the attention of the Senate to the law in regard to gentlemen dealing for themselves and at the same time for the Government of the United States. The Senator from Tennessee [Mr. SHIELDS] put into the RECORD one of the statutes governing this matter, and did the country a service when he placed that statute before the country. I want to have the privilege of calling attention to the immorality and illegality of any scheme or plan that proposes to allow a man to represent his own business in dealing with the United States Government and at the same time to represent that Government.

RECESS.

Mr. CHAMBERLAIN. Mr. President, if no one else is ready to speak this evening, I move that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 4 o'clock and 50 minutes p. m., Tuesday, July 10, 1917) the Senate took a recess until to-morrow, Wednesday, July 11, 1917, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July 10, 1917.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty Father, in whom all our longings, hopes, and aspirations are centered, let Thy blessing descend upon us and inspire us with the largest hopes and brightest anticipations; that we may work and faint not and reálize at last for ourselves and for all mankind the desires of Thine own heart as exemplified in the life and character of Thy Son Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2423. An act to amend section 9 of the act entitled "An act to alter and amend an act entitled 'An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon,' approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled 'An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon,' approved May 4, 1870, and for other purposes," approved June 9, 1916;

S. 309. An act authorizing the county of Clallam, in the State of Washington, to convey to the city of Port Angeles certain lands;

S. 980. An act for the relief of Hector A. Robichon;

S. 2469. An act to authorize the change of name of the steamship *Caldera* to *A. T. Kinney;*

S. 1418. An act to authorize the President of the United States to appoint Harry Graham captain of Infantry; and

S. J. Res. 78. Joint resolution to suspend, during the present war with Germany, the requirement that not less than $100 worth of labor shall be performed or improvements made on each mining claim during each year for all owners who, in lieu of such assessment work, expend the sum of $100 in the raising or manufacturing of products necessary for the maintenance of the Army, Navy, or people of the United States, or shall perform 25 days of labor in any beneficial occupation, or pay into the Treasury of the United States $100.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2423. An act to amend section 9 of the act entitled "An act to alter and amend an act entitled 'An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon,' approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled 'An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon,' approved May 4, 1870, and for other purposes," approved June 9, 1916; to the Committee on the Public Lands.

S. 309. An act authorizing the county of Clallam, in the State of Washington, to convey to the city of Port Angeles certain lands; to the Committee on the Public Lands.

S. 980. An act for the relief of Hector A. Robichon; to the Committee on Military Affairs.

S. 1418. An act to authorize the President of the United States to appoint Harry Graham captain of Infantry; to the Committee on Military Affairs.

S. J. Res. 78. Joint resolution to suspend, during the present war with Germany, the requirement that not less than $100 worth of labor shall be performed or improvements made on each mining claim during each year for all owners who, in lieu of such assessment work, expend the sum of $100 in the raising or manufacturing of products necessary for the maintenance of the Army, Navy, or people of the United States, or shall perform 25 days of labor in any beneficial occupation, or pay into the Treasury of the United States $100; to the Committee on Mines and Mining.

TRADING WITH THE ENEMY.

Mr. MONTAGUE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 4960) to define, regulate, and punish trading with the enemy, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4960, with Mr. BYRNS of Tennessee in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4960, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 4960) to define, regulate, and punish trading with the enemy, and for other purposes.

Mr. MONTAGUE. Mr. Chairman, general debate is exhausted.

The CHAIRMAN. The Clerk will read the bill for amendment.

Mr. ADAMSON rose.

The CHAIRMAN. Does the gentleman from Georgia desire that the bill be read?

Mr. ADAMSON. No; the substitute.

The CHAIRMAN. Without objection, the Clerk will read the substitute to the bill.

Mr. MANN. What is the request?

The CHAIRMAN. That the substitute be read.

Mr. ADAMSON. With all the privileges of an original bill.

Mr. MANN. Of course the substitute has not yet been offered, but let the gentleman ask that it be considered that the substitute has been offered.

Mr. MONTAGUE. I understood that was done yesterday.

Mr. MANN. It has not been offered.

Mr. ADAMSON. It is offered, Mr. Chairman.

Mr. MONTAGUE. Mr. Chairman, I offer it and ask that it be considered as read.

Mr. MANN. Let the gentleman ask that it be considered as offered and then read as an original bill. That is all right.

Mr. MONTAGUE. Mr. Chairman, I ask that the substitute be considered as offered and then read as an original bill.

The CHAIRMAN. The gentleman from Virginia offers the substitute and asks that it be considered as an original bill.

Mr. MANN. He asks that it be considered as offered, and then read under the five-minute rule.

Mr. ADAMSON. The reading of the bill the first time was dispensed with yesterday.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the committee amendment, which he sends to the Clerk's desk, be considered as offered, and that it be read for amendment under the five-minute rule as an original bill. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read the substitute for amendment.

The Clerk read as follows:

SEC. 2. That the word "enemy," as used herein, shall be deemed to mean—

(a) Any individual, partnership, or other body of individuals, of any nationality, resident within the territory (including that occupied by the military and naval forces) of any nation with which the United States is at war, or resident outside the United States and doing business within such territory, and any corporation incorporated within such territory of any nation with which the United States is at war or incorporated within any country other than the United States and doing business within such territory: *Provided*, That nothing in this act shall impair or affect the President's proclamation of April 6, 1917,

or any amendment or modification thereof, in relation to the branches of enemy or ally of enemy insurance companies in the United States, when such branches are under the management of citizens of the United States, and subject to rules and regulations prescribed by the Secretary of Commerce.

(b) The government of any nation with which the United States is at war, or any political or municipal subdivision thereof, or any officer, official, agent, or agency thereof.

(c) Such other individuals, or body of individuals, as may be natives, citizens, or subjects of any nation with which the United States is at war, wherever resident or wherever doing business, as the President, if he shall find the safety of the United States or the successful prosecution of the war shall so require, may, by proclamation, include within the term "enemy."

The words "ally of enemy" as used herein shall be deemed to mean—

(a) Any individual, partnership, or other body of individuals, of any nationality, resident within the territory (including that occupied by the military and naval forces) of any nation which is an ally of a nation with which the United States is at war, or resident outside the United States and doing business within such territory, and any corporation incorporated within such territory of such ally nation or incorporated within any country other than the United States and doing business within such territory.

(b) The government of any nation which is an ally of a nation with which the United States is at war, or any political or municipal subdivision of such ally nation, or any officer, official, agent, or agency thereof.

(c) Such other individuals, or body of individuals, as may be natives, citizens, or subjects of any nation which is an ally of a nation with which the United States is at war, wherever resident or wherever doing business, as the President, if he shall find the safety of the United States or the successful prosecution of the war shall so require, may, by proclamation, include within the term "ally of enemy."

The word "person," as used herein, shall be deemed to mean an individual, partnership, association, company, or other unincorporated body of individuals, or corporation.

The words "United States," as used herein, shall be deemed to mean all land and water, continental or insular, in any way within the jurisdiction of the United States or occupied by the military or naval forces thereof.

The words "the beginning of the war," as used herein, shall be deemed to mean midnight ending the day on which Congress has declared or shall declare war or the existence of a state of war.

The words "end of the war," as used herein, shall be deemed to mean the date of exchange of ratifications of the treaty of peace, unless the President shall, by proclamation, declare a prior date, in which case the date so proclaimed shall be deemed to be the "end of the war" within the meaning of this act.

The words "to trade," as used herein, shall be deemed to mean—

(a) Pay, satisfy, compromise, or give security for the payment or satisfaction of any debt or obligation.

(b) Draw, accept, pay, present for acceptance or payment, or indorse any negotiable instrument or chose in action.

(c) Enter into, carry on, complete, or perform any contract, agreement, or obligation.

(d) Buy or sell, trade in, deal with, exchange, transmit, transfer, assign, or otherwise dispose of, or receive any form of property.

(e) To have any form of business or commercial communication or intercourse with.

Mr. MOORE of Pennsylvania. Mr. Chairman. I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. MOORE of Pennsylvania. I wish to draw the attention of the gentleman from Virginia to line 21, on page 3, the paragraph beginning, "The words 'the beginning of the war,' as used herein," and so forth.

Mr. MONTAGUE. The gentleman should look at the other print of the bill.

Mr. MOORE of Pennsylvania. Yes. At the top of page 26 of the new bill.

Mr. MONTAGUE. Yes.

Mr. MOORE of Pennsylvania. The paragraph reads:

The words "the beginning of the war," as used herein, shall be deemed to mean midnight ending the day on which Congress has declared or shall declare war or the existence of a state of war.

I take it that this bill, like other war bills that have been passed by this Congress, is a bill making law for the emergency that now exists. Is not that the fact?

Mr. MONTAGUE. Emergencies growing out of the war.

Mr. MOORE of Pennsylvania. And it is intended to cover the existing European war?

Mr. MONTAGUE. I think the gentleman generally states it correctly.

Mr. MOORE of Pennsylvania. Why, then, on line 5, use the words "or shall declare war," looking to future wars?

Mr. MONTAGUE. This is a general act. I will say to the gentleman, While it meets the present emergencies, it was thought best that those words should be inserted; they might be very necessary hereafter without the enactment of further legislation.

Mr. MOORE of Pennsylvania. Then this bill is not to be put in the same category with other war bills that have been passed. It is not an emergency measure for the present European war?

Mr. MONTAGUE. I think that the bill is intended to meet the emergencies growing out of the present world-wide conflict; but inasmuch as we have this bill upon this particular subject, there is no reason why there should not appear in it a general statement meeting similar conditions hereafter arising.

Mr. MOORE of Pennsylvania. Let us see if we understand the situation. Up to the present time we have simply declared the existence of a state of war with the Imperial Government of Germany.

Mr. MONTAGUE. That is true.

Mr. MOORE of Pennsylvania. And this bill, so far as trading with the enemy is concerned, is intended to apply only——

Mr. MONTAGUE. Only to Germany.

Mr. MOORE of Pennsylvania. Only to the enemy in Germany or to allies of the enemy in Germany?

Mr. MONTAGUE. Yes. But suppose war should be declared with some other power within two or three weeks. Why not have a law to fit that case rather than to come back here and go over all this again?

Mr. MOORE of Pennsylvania. Is that the purpose of the language used in this paragraph?

Mr. MONTAGUE. So far as respects this particular thing, that is the purpose.

Mr. MOORE of Pennsylvania. Then the gentleman wants to be prepared against the possibility of some other declaration of war, apart from that as to the state of war now existing with Germany?

Mr. MONTAGUE. I am not exuberant in my anticipations of other troubles, but I am not shutting my eyes to them.

Mr. MOORE of Pennsylvania. What I want to know is whether the gentleman is preparing permanent legislation, or whether this bill is intended only to meet the exising emergency?

Mr. MONTAGUE. The bill as a whole is intended to meet the existing emergency. The paragraph to which the gentleman has animadverted goes beyond that, as the gentleman has stated. War may produce other complications. We do not know. Other similar emergencies may arise. Other wars may grow out of this war; and therefore it is best to make one bite of a cherry.

Mr. MOORE of Pennsylvania. I think we have not taken this anticipatory step in any other war bill; this evidently is intended to be permanent legislation, and to cover any situation that may arise—any war that may be declared hereafter.

Mr. MONTAGUE. I think the gentleman's construction is in the main a correct one.

Mr. MOORE of Pennsylvania. I think it is clear that the committee itends to make permanent legislation.

Mr. MONTAGUE. With respect to this particular matter, it does.

Mr. FESS. Will the gentleman yield?

Mr. MONTAGUE. I yield to the gentleman from Ohio.

Mr. FESS. A succeeding paragraph of this bill says:

The words "the beginning of the war," as used herein, shall be deemed to mean midnight ending the day on which Congress has declared or shall declare war or the existence of a state of war.

Now, Congress passed a joint resolution declaring a state of war to exist. Is the time determined by the passage of that joint resolution or by the time when the President signed it?

Mr. MOORE of Pennsylvania. I can answer the question of the gentleman only by saying that the language of this bill, so far as trading with the enemy is concerned, puts it in effect as of midnight on the day Congress "has declared or shall declare war."

Mr. FESS. Is it the midnight after Congress acted or midnight after the President signed the joint resolution?

Mr. MOORE of Pennsylvania. I leave the gentleman from Virginia [Mr. MONTAGUE] to reply, but the language is plain to me. It means that so far as trading with the enemy is concerned the state of war begins as of midnight——

Mr. FESS. Of which day?

Mr. MOORE of Pennsylvania. The day on which Congress "has declared or shall declare war."

Mr. MANN. So far as the passage of bills and joint resolutions is concerned the President is a part of the Congress, and when Congress passes an act the date that it passes it is when the President signs it; or, if he vetoes it, when it is passed over his veto. That is always the construction of it.

Mr. FESS. Will the gentleman yield to an interruption?

Mr. MANN. Certainly.

Mr. FESS. The only thing that bothered me was that the Constitution says that the declaration of war is a matter for Congress, not the executive department.

Mr. MANN. The Constitution also provides that all joint resolutions passed by Congress shall be submitted to the President for signature and approval or disapproval.

Mr. FESS. Yes.

Mr. MANN. And in that respect the President is a part of Congress in the passage of bills and joint resolutions.

Mr. MONTAGUE. Mr. Chairman, I offer a committee amendment. On page 24, line 8, after the word "any," I move to strike out the word "or" and insert in lieu thereof a comma, and after the word "modification" insert the words "or revocation."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Committee amendment: Page 24, line 8, after the word "amendment," insert a comma, strike out the word "or," and after the word "modification" insert the words "or revocation."

So that the line as amended will read:

The President s proclamation of April 6, 1917, or any amendment, modification, or revocation thereof.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. MONTAGUE. On page 24, line 12, after the first word "and," I move to insert the following:

Such branches, and the managers and trustees thereof, shall be subject to license by the Secretary of Commerce regulating the business thereof and the control and disposition of the funds thereof.

And after the word "commerce," in line 13 of the same page, I move to strike out the period and insert the words "with the approval of the President."

The CHAIRMAN. Will the gentleman send up his amendment?

Mr. MONTAGUE. I will ask the Clerk to read the whole paragraph as amended.

The Clerk read as follows:

Amend the proviso beginning on line 6, page 24, and ending on line 13, page 24, so that it will read as follows:

"*Provided*, That nothing in this act shall impair or affect the President's proclamation of April 6, 1917, or any amendment, modification, or revocation thereof, in relation to the branches of enemy or ally of enemy insurance companies in the United States, when such branches are under the management of citizens of the United States, and such branches, and the managers and trustees thereof, shall be subject to license by the Secretary of Commerce regulating the business thereof and the control and disposition of the funds thereof, subject to rules and regulations prescribed by the Secretary of Commerce, with the approval of the President.

Mr. STAFFORD. Mr. Chairman, that is rather an important amendment. I assume that the purpose is to throw the protecting arm of the Government around these foreign insurance companies that have been given licenses under the proclamation of the President to continue business as provided generally in this bill, and not to exempt them from the general provisions of this bill?

Mr. MONTAGUE. That is true, and to protect the insurance companies that have licenses to operate in the several States of the Union. The amendment I have offered would probably protect reinsurance. I think the amendment permits a wider range of business activity by insurance companies, and at the same time gives the Government more regulatory control under the form of license.

Mr. STAFFORD. I assume that under the President's proclamation of April 6, 1917, these foreign insurance companies at the present time are allowed, through their agents, to collect funds and dispose of them in the regular course of business without any report to a governmental agency.

Mr. MONTAGUE. As contained in another provision of the bill, if they are stock companies they will have to report their foreign stockholders.

Mr. STAFFORD. Will the gentleman inform the committee what is the extent of the proclamation of the President of April 6, 1917?

Mr. MONTAGUE. I have not the proclamation at hand, but I will insert it in the RECORD.

Mr. ESCH. I have it here.

Mr. MONTAGUE. Then I will yield to the gentleman.

Mr. ESCH. Does the gentleman from Wisconsin desire to have it read?

Mr. STAFFORD. No; but will the gentleman give the effect of the proclamation?

Mr. ESCH. It provides:

Provided, however, That all funds of such establishments now in the possession of their managers or agents, or which shall hereafter come into their possession, shall be subject to such rules and regulations concerning the payment and disposition thereof as shall be prescribed by the insurance supervising officials of the State in which the principal office of such establishment in the United States is located, but in no event shall any funds belonging to or held for the benefit of such companies be transmitted outside of the United States, nor be used as the basis for the establishment, directly or indirectly, of any credit within or outside of the United States to or for the benefit or use of the enemy or any of his allies without the permission of this Government.

Mr. STAFFORD. I would like to inquire whether, under the amendment proposed and now offered, it will be obligatory on the insurance companies to turn over these funds to the foreign property custodian of the Government?

Mr. MONTAGUE. It would be obligatory on them to report and disclose; whether or not they shall turn over the funds depends on whether the President directs it or under the rules and regulations made by the Secretary of Commerce in pursuance of the direction of the President.

Mr. STAFFORD. I assume that these companies will no longer be an exception of the rule as provided in the bill.

Mr. MONTAGUE. I will state that this amendment is a distinct and generous concession on the part of our Government to these companies. As far as I am individually concerned, I doubt the wisdom of this proviso at all, before amended or as amended, but if we are to have such a provision as this we do not wish to impair the effect of the President's proclamation, and this proviso as amended seems to cover the entire situation. In that I am supported by a letter from the Secretary of Commerce, which I received this morning, stating that if we have this provision he approves of this amendment.

Mr. STAFFORD. This proposal is at the suggestion of the Secretary of Commerce?

Mr. MONTAGUE. At the suggestion of the insurance commissioners of several States of the Union, especially those of New York and Illinois, and seconded by the Secretary of Commerce. It was submitted to the Secretary of Commerce.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken, and the amendment was agreed to.

Mr. ROGERS. Mr. Chairman, I move to strike out the last two words. Has the gentleman from Virginia another amendment?

Mr. MONTAGUE. The gentleman from Wisconsin [Mr. LENROOT] has an amendment pertinent to this proviso, and if agreeable to the gentleman from Massachusetts I think it had better be disposed of now.

Mr. PARKER of New Jersey. I have one also.

Mr. LENROOT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 24, line 2, after the word "territory," insert the words "to the extent of such business"; and on page 24, line 5, insert, after the word "territory," the words "to the extent of such business.

Mr. PARKER of New Jersey. Mr. Chairman, I have an amendment which properly comes before that. It is to line 22, page 23. I desire to offer it first.

Mr. LENROOT. I will yield to the gentleman from New Jersey, although his amendment has no relation to my amendment. Mr. Chairman, I ask leave to withdraw my amendment for the present.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New Jersey, Mr. PARKER.

The Clerk read as follows:

Page 23, line 22, after the word "deemed," insert the words "for the purpose of such trading and of this act"; and on page 24, line 1, strike out the words "resident outside of the United States and."

Mr. PARKER of New Jersey. Mr. Chairman, this is the essence of the bill. This bill has two effects. One is to relieve the rules of international law with reference, we will say, to German citizens living in the United States who mind their own business and do business here and do not try to do business with Germany. Under the old international law they could to a certain extent do business, but they could not collect a debt. They were aliens, foreigners, enemies. We want to say to them that as long as they behave themselves with Americans they are friends, unless the President names them under a subsequent part of the bill and tells them that they will have to be put under special guard. The other side of this bill is just as strong.

Business now is world-wide, and we have come to a war, and we want to stop trading, not only with anyone in Germany, but we also want to say to any business man throughout the world, "You can trade with Germany or with us, but you can not trade with both; if you do business in Germany, we will not do business with you." It is, in effect, the "We do not patronize," which we have heard so much of, which may be a boycott or a blacklist, a thing which must be abolished in time of peace, but in time of war has been found to be absolutely necessary. We do not want to send funds or allow Americans to send funds to firms that have German connections, and who may see that those funds get into Germany, whether those transactions be conducted in Holland, South America, or in any other neutral country. We are forced to say, as England has said, "We will not do business or allow our subjects to do business with persons who are likely to deal with Germany." Therefore

this bill says that the term "enemy" shall include persons outside of the United States who do business in Germany. It is a strong statement.

I have proposed two amendments to that, as you will notice. They are separate amendments, but I think both are necessary. The words "outside the United States and" should be stricken out. A man in this country who is doing business with Germany ought to be boycotted, if you choose to so put it, and put out of business, just as much as a man outside, or more. If a man in this country is doing business with Germany, American citizens should not do business with him, because he comes under the list of those with whom we should not do business just as much as does the man in Holland or in Sweden who is doing business with Germany. American citizens ought not to do business with anyone in or outside of the country who is doing business with Germany. On the other hand, the first amendment that I propose is very necessary. We say rightly that we will not trade with men who trade with Germany, but we ought not to call such a man an enemy. That is a strong term. He is an enemy only for the purposes of such trading and under this act. This is an act to limit trading with the enemy; it says that we will not trade with a man who does business with Germany, and that for the purposes of this act he shall be regarded as an enemy; but it should not say that an honest man who happens to have German connections, if he live abroad in a neutral country, is an enemy and should be defined for all purposes as an enemy.

And I therefore suggest that my first amendment, the definition of the word "enemy," should be limited by the words "for the purposes of such trading and of this act"; and I suggest, in the second place, that there should be no requirement that a man who trades with Germany should live abroad. It is a great deal worse if he lives here. Anyone who does business with Germany should be barred to the trade of the United States in time of war.

This gives me an opportunity to speak of the suggestion made by the gentleman from Wisconsin [Mr. LENROOT], that we should only bar such a man so far as trade with Germany is concerned. That will not meet the question. If we are sending wheat, we will say, to Holland, we do not want to send it to any man who is doing business in Germany. He may or will send the wheat or its proceeds to Germany, and, therefore, we do not want to have the bill restricted to his trade with Germany. That would make it necessary to find out where he is going to send the wheat. The point is to stop shipment of wheat to anyone who is in business with Germany or an ally of Germany, and it ought to be so limited.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. PARKER of New Jersey. Certainly.

Mr. LENROOT. It does not require anything in this act to prevent that. That is already provided for in the espionage act and covered by the proclamation of the President.

Mr. PARKER of New Jersey. What is covered?

Mr. LENROOT. The shipment of wheat.

Mr. PARKER of New Jersey. Oh, export trade?

Mr. LENROOT. Yes.

Mr. PARKER of New Jersey. This goes further than the export of wheat. A great many other business transactions might be carried on with honest gentlemen in Holland.

Mr. LENROOT. The gentleman gave that illustration.

Mr. PARKER of New Jersey. Yes; I gave only that illustration, it is true, but we can give a great many other illustrations in which we do not want to furnish funds to anyone who does business with Germany, because those funds indirectly get there. The United States wants to say to the world, "You can deal with Germany or you can deal with us, but you can not deal with both at the same time."

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. PARKER of New Jersey. Mr. Chairman, I ask unanimous consent to proceed for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PARKER of New Jersey. Mr. Chairman, I think it very important, first, that the bill should not say that every business man is an enemy because he does business with Germany, but that it should say only that for the purpose of trading he is regarded as one. Therefore I suggest that the words "for the purposes of such trading and of this act" shall be inserted. It is likewise true that a man in America who does business with Germany is a great deal worse than a man in Holland who does business with Germany, and therefore the words "outside of the United States and" should be stricken out.

Mr. DENISON. Are there any people in this country who are now doing business with Germany?

Mr. PARKER of New Jersey. I do not know.

Mr. DENISON. How can they be doing business with Germany?

Mr. PARKER of New Jersey. How about the insurance companies? There are a great many ways of doing business through South America, through Holland, through Sweden, through the wireless, through the cable, through the wonderful organization of business of this day.

The CHAIRMAN. The time of the gentleman from New Jersey has again expired.

Mr. MONTAGUE. Mr. Chairman, so far as the first amendment offered by the gentleman from New Jersey [Mr. PARKER] is concerned, I do not see that it affects the bill one way or the other, and I am willing to accept it. Now, if I may have the attention of the committee for a moment, the second amendment I fear materially weakens——

Mr. PARKER of New Jersey. If the gentleman will permit, why should not we pass the first amendment and be done with it?

Mr. MONTAGUE. Very well.

Mr. PARKER of New Jersey. Mr. Chairman, I ask that the first amendment be put to a vote; it has been accepted by the chairman of the committee.

The CHAIRMAN. The question is on the first amendment offered by the gentleman from New Jersey.

The question was taken, and the amendment was agreed to.

Mr. MONTAGUE. Mr. Chairman, if I understood this amendment, it is to strike out the first six words of line 1, page 24, "resident outside the United States and." The distinguishing feature of this bill is that residence determines the enemy rather than nationality or nativity. This purpose is intended to be carried out as far as it is practicable, and when a person, no matter where resident, does business within enemy territory he is a resident of that territory, and therefore an enemy.

Mr. PARKER of New Jersey. If the gentleman will permit, suppose he lives in this country and is secretly carrying on business with Germany. That is why I propose to strike out those words.

Mr. MONTAGUE. You reach that case in another way, but this bill contemplates, for illustration, a resident of Mexico having a place of business in Mexico and also in Germany, and you can not reach him simply because he has a place of business in Mexico. He must do business within Germany to constitute the enemy character. The language of the act is "or resident outside the United States and," conjunctively, "and doing business within such territory." I therefore submit to the committee——

Mr. PARKER of New Jersey. Suppose the resident is in the United States and he is doing business in Germany and you can not get hold of him or——

Mr. MONTAGUE. No; there are other laws to reach him.

Mr. PARKER of New Jersey. How would you get him?

Mr. MONTAGUE. As to this particular act, if these words are stricken out you may not reach him at all.

Mr. PARKER of New Jersey. Yes; you do, because by striking them out you hit everybody who does business in Germany, no matter where he lives.

Mr. MONTAGUE. The preceding sentences of the bill would cover a resident within the territory, and by striking out the words contained in the amendment we can not accomplish any material good and may seriously weaken this bill.

Mr. PARKER of New Jersey. If I can make myself plain. I had first, "or resident anywhere and doing business." Would the gentleman rather have it in that form? That is the sense of what I wanted to get, so that anybody who is doing business with Germany would be hit, no matter where they reside.

Mr. MONTAGUE. The gentleman's amendment I do not think accomplishes the purpose.

Mr. PARKER of New Jersey. Suppose we should say, "Residing anywhere or doing business."

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. MONTAGUE. I will.

Mr. MILLER of Minnesota. Suppose a citizen of the United States resident within the United States should be surreptitiously carrying on business with some one resident within the German Empire. Under the gentleman's proposed amendment there would be an enemy who shall be actually a citizen of the United States resident within the United States—an enemy of the United States. In other words, would not he come in a different category?

Mr. MONTAGUE. Yes; I think so.

Mr. MILLER of Minnesota. Is not that precisely a situation in which an individual would be covered completely?

Mr. MONTAGUE. I think the gentleman's observation is pertinent.

The CHAIRMAN. The question is on the second amendment offered by the gentleman from New Jersey.

The question was taken, and the amendment was rejected.

Mr. LENROOT. Mr. Chairman, I move to strike out the last two words. Yesterday, with reference to the point raised by me as to the violation of international law in section 2, at the suggestion of the gentleman from Virginia, I prepared an amendment that I thought would cover the question, and late last evening submitted to him another in a different form, and this morning he signified that the latter one presented would not be objectionable, but in the last few minutes, upon further reflection, I think this should be modified, and I am going to ask the gentleman from Virginia if he will not ask unanimous consent to pass this over. I am sure we can get together upon it later on.

Mr. MONTAGUE. I will be very glad to concur with the gentleman in that request to pass it over and take it up later. There is no objection.

Mr. LENROOT. I will ask unanimous consent that this paragraph at the top of page 24 be passed for the present, to be returned to later.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the paragraph at the top of page 24 be passed for the present to be returned to later. Is there objection? [After a pause.] The Chair hears none.

Mr. PARKER of New Jersey. Mr. Chairman, I think the same course should be adopted with reference to paragraph A, on the following page, in the same language.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent that paragraph A, at the top of page 25, be passed for the present. Is there objection?

Mr. DEWALT. Mr. Chairman, I object. There is a committee amendment to this paragraph, which the gentleman from Virginia desires to offer.

Mr. ROGERS. Mr. Chairman, I move to strike out the last three words.

Mr. MONTAGUE. Will the gentleman yield to me for one moment?

Mr. ROGERS. Yes, indeed.

Mr. MONTAGUE. I would like to offer an amendment to page 24, line 18. After the word "body" insert the words "or class."

The CHAIRMAN Does the gentleman from Massachusetts [Mr. ROGERS] yield for that purpose?

Mr. ROGERS. Yes, indeed.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Virginia.

The Clerk read as follows:

Page 24, line 18, after the word "body," insert the words "or class."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MONTAGUE. On the same page, line 23, after the word "proclamation," insert the words "or Executive order."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 24, line 23, after the word "proclamation," insert the words "or Executive order."

Mr. MANN. Mr. Chairman, what is the purpose of that amendment? Are you going to declare somebody an alien enemy of the United States and put them under this bill? Is it not proper to have a public proclamation instead of a secret Executive order?

Mr. MONTAGUE. I am glad the gentleman called my attention to that That amendment was offered through inadvertence and I desire to withdraw it.

Mr. ESCH. Mr. Chairman, in view of the fact that an amendment has just been adopted inserting the words "or class," ought not those words to be inserted on line 14, page 25, after the word "body"? It will then read, "such other individuals or body or class of individuals."

Mr. MONTAGUE. Yes.

Mr. ESCH. I offer the amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ESCH: Page 25, line 14, after the word "body," insert the words "or class."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. ROGERS. Mr. Chairman, I desire to call the attention of the committee to the word "natives," in line 19, page 24, and the same word in line 15, on page 25. The effect of the provision in the two paragraphs taken together is that the President may by proclamation and of his volition, with or without adequate cause, declare to be our enemies any United States citizens or groups of citizens merely because they happen to have been born in Germany or in Austria or in any other of the central powers. I should like to learn from the committee some reason for that authorization, which seems a very drastic one, to declare to be enemies of the United States and perhaps ruin men because perhaps 40 or 50 or 60 years ago they were born in a country with which the United States is at war, or an ally of a country with which the United States is at war. There are men in this House—I know of one man, and I think there are several men—who were born in Germany. If this bill should become law in its present form it would permit the President to treat as public enemies Members of this House and several million other men or women who are now in the United States, and who are just as loyal as are any Members of this House. I can not see the reason for treating a naturalized citizen whose country of origin is Germany or Austria or Bulgarin in the drastic way which this bill permits. I should like an explanation from the chairman of the committee.

Mr. MONTAGUE. Acting for the chairman, I would reply to the gentleman by saying that such drastic action will not be taken unless it is necessary for the safety of the United States or for the successful prosecution of the war.

In other words, it is perfectly obvious that a citizen of the United States or a body of citizens will not be embraced within the proclamation unless some act or acts performed on their part gives aid or comfort to the enemy or is of so hostile a character that it threatens the success of the war and the safety of the Nation.

Mr. ROGERS. Now, the gentleman, of course, will agree——

Mr. MONTAGUE. If the gentleman will permit, I submit that it is beyond the range of possibility that the present President or any President would embrace in the proclamation the character of citizens in the mind of the gentleman from Massachusetts, for it is only the class of citizens that jeopardize the safety of this country and the success of the war that is referred to. If any body of citizens exercises such hostile conduct, it is a matter of self-preservation of the Government that they be embraced within the proclamation.

Mr. ROGERS. The gentleman recognizes that a naturalized citizen of the United States is practically on a parity with a native-born citizen, with very few exceptions, which are unimportant in this connection. As the gentleman from Minnesota [Mr. MILLER] suggested a few moments ago, in discussing the amendment of the gentleman from New Jersey [Mr. PARKER], those naturalized citizens of the United States of German origin are in all respects citizens of the United States.

If they do wrong, they can be reached under the general provisions of our Penal Code and of the recently enacted espionage act. There would seem to be no reason for putting them in a different category and classification in this bill simply because, forsooth, 50 or 60 years ago they were born in Germany or Austria-Hungary, or some other one of the central powers.

Mr. MONTAGUE. I would say that the word "natives" here does not necessarily mean the native must be a citizen of the United States of German extraction.

Mr. ROGERS. What is the purpose of using the word "native" in this connection if it is not to include men of German origin who are now citizens of the United States? Why do not the words "citizens or subjects of any nation with which the United States is at war" accurately embrace all whom the bill should properly embrace?

Mr. MONTAGUE. But they are not citizens. They may be of German origin and residing in the United States, but not citizens of the United States.

Mr. ROGERS. Then they would be covered by the other words of the bill—"citizens or subjects"——

Mr. MONTAGUE. Not of the United States, but of a nation with which the United States is at war.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. MANN. Mr. Chairman, as I understand this bill, where anyone is declared an alien enemy you can do no trading with that person. That is a correct interpretation, is it not—where one under the terms of this bill is declared an alien enemy, it is taboo to trade with that person, is it not, under the terms of this bill?

Mr. DEWALT. Except as he has a license.

Mr. MANN. Well, here, to begin with, is a German subject of the United States declared to be an alien enemy. He can not buy groceries, he can not pay a street car fare, he can not deal with anything that is property, he can not go into a restaurant or a hotel.

Mr. DEWALT. Will the gentleman allow an interruption?

Mr. MANN. Certainly. I am trying to get information.

Mr. DEWALT. I think the gentleman misapprehends the scope of the bill.

Mr. MANN. Perhaps. I have only read it; that is all. I may not know what it means.

Mr. DEWALT. The alien enemy, such as the gentleman terms him, is not the party who has residence in the United States.

Mr. MANN. That depends. We are discussing a proposition now that does make the party in the United States an alien enemy. That is the very paragraph now under consideration. It gives the President the power to declare any German citizen living in the United States an alien enemy, and then says if he is an alien enemy you can not pay him any money, you can not trade with him, you can not exchange or transmit any property with him, you can not deal with him for any property, you can not sell him a bill of groceries, you can not sell him a dinner at a hotel.

Now, that goes a good ways. But then here is a proposition that authorizes the President to declare an alien enemy a naturalized American citizen born in Germany, and then undertakes to say that, though he is an American citizen, you can not sell him property, he can not sell his property.

I know we have forgotten that there is a Constitution of the United States, but the departments have gone crazy in reference to these matters. They see a German spy on every housetop and on every street corner, and they are afraid of the spies. They are scared stiff, and no occasion for it. We are in war. We have got to carry on the war remorselessly. But that is no reason why we should all get scared to death at home.

By what authority do we propose to say that some Member of this Congress, born in Germany, naturalized as an American citizen, can not draw his pay from the Sergeant at Arms, can not rent a house, can not live, must die—must starve to death—on the street; he can not even do that in a bed?

Now, the gentleman says that will not be done. Then what is the purpose of putting the provision in authorizing it to be done if you do not intend to do it? Why offend every sense of decency and propriety by stating that we give to the President the power to take away the right of every naturalized citizen of the United States who happens to be born in a country at war with us? I do not think that we ought to say, even as to German citizens in the United States whom it may be desirable to place under some kind of ban, that they can not trade in order to live. It is ridiculousness gone mad.

Mr. ROGERS. Mr. Chairman, I move to strike out the word "natives," in line 19, page 24.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ROGERS: Page 24, line 19, strike out the word "natives."

Mr. MILLER of Minnesota. That should also include the comma following the word "natives."

Mr. ROGERS. Yes.

Mr. DEWALT. Mr. Chairman, the gentleman from Illinois [Mr. MANN], who is always emphatic and always pungent in his remarks, has been equally emphatic and pungent in regard to this word "natives," in subsection (c), on page 24. The emphasis of his remarks goes so far as to say that any native of a foreign country, although that native might be a naturalized citizen of the United States, would be prohibited by the terms of this act from obtaining either food or shelter or sustenance of any kind if the President of the United States by proclamation should declare that he should be thus deprived.

Now, that is the basic proposition, and I take it as a proposition which is well founded in reason under the emergencies of the case. Why should not a native of a foreign country, although he may be naturalized, be subject to the provisions of this act if he makes himself subject to it by saying or doing anything which militates against the successful prosecution of the war?

Mr. MILLER of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. DEWALT. Yes.

Mr. MILLER of Minnesota. The gentleman evidently contemplates each individual standing on his own feet. That paragraph, however, authorizes the President to name a whole class of citizens—a body of citizens—not one—not Tom, Dick, and Harry, but a whole class together, and make them alien enemies.

Mr. DEWALT. Yes.

Mr. MILLER of Minnesota. Now, let us take Mr. A, who is a native of Germany but a naturalized citizen of the United States. He is as innocent and loyal to the flag as any man that ever lived.

Mr. DEWALT. I grant you that.

Mr. MILLER of Minnesota. Likewise he has ten thousand brothers of the same kind. There may be others. There is nothing here to prevent the President from saying that all that are born in Germany and naturalized citizens of the United States are alien enemies. Now, the gentleman can surely see that that is not proper if it can be avoided.

Mr. DEWALT. I understand that, and I understand it very well.

Mr. MILLER of Minnesota. How is any strength given to the bill, or how is the bill strengthened by including the word "natives" in there?

Mr. DEWALT. If the gentleman permits me for a moment to refer him to the first three words in this subsection, he will see that it contains this clause, "such other individuals."

Mr. MILLER of Minnesota. Just read the next two or three phrases.

Mr. DEWALT. Yes; I understand. I will. The President of the United States might select you, if you please, if you were a native of a foreign country, as an individual, and by special proclamation declare that you should not have any of the rights that otherwise you would have; or he might say that you in connection with others, constituting a body of individuals, should be thus deprived. But you go to the extremity of asserting and declaring that the President by his proclamation would, of his own volition and act, include everybody of a class to which German citizens or Turkish citizens or Austrian citizens might belong. Now, if there be such a class, and if it could be determined by reasonable proof that they were militating against the successful operation of the war, I care not whether they be a class or whether they be individuals, I maintain that they should be subject to these provisions. And whether they are deprived of food or sustenance, whether, as the gentleman from Illinois [Mr. MANN] says, they could not get a bed to sleep in, or whether they could not buy a street car ticket, or buy a meal at a restaurant, any individual who puts himself up against the Government of the United States in this emergency, whether he be born in a foreign country, naturalized here, or whether he be a citizen or subject of that foreign country, he ought to be subject to the provisions of this act.

Mr. GARD. Will the gentleman yield?

Mr. DEWALT. I yield to the gentleman from Ohio.

Mr. GARD. I should like to ask the gentleman to explain to me the meaning of the word "class" that has just been adopted.

Mr. DEWALT. I myself do not know just exactly why the words "or class" were put in, or at whose instigation they were put in. They were offered by Gov. MONTAGUE just a few moments ago.

Mr. MILLER of Minnesota. I am sure the gentleman knows as much about the meaning of the word "class" as any Member of the House. I apprehend the real purpose of his inquiry is to draw a conclusion. A class means a class—a group of individuals who come within the denomination of that class. We might say "all Bavarians." We might say "all those who were born in Prussia."

Mr. GARD. What is the practical application of the word "class"?

Mr. MILLER of Minnesota. The practical application is left to the President. He can designate any group of individuals as a class and make them alien enemies. Now, just let me put this inquiry. I know we all want to get this thing straight.

Mr. GARD. Sure.

Mr. MILLER of Minnesota. Turkey is an ally of an enemy of the United States, not an enemy at the present time. Suppose certain Turkish subjects in this country should be guilty of very improper conduct. I can readily see how they might; and suppose the President should issue a proclamation declaring that all citizens of Turkey are hereby declared alien enemies of the United States. That would embrace all Armenians, who have for many, many years looked upon the United States as the one asylum in the world to which they could come and secure freedom from Turkey; and we should be taking those who have thus come to us for help and assistance, and have heretofore received it, and declaring them alien enemies and putting them in the category of those who can not contract or buy anything, who can not, as has been said, get a meal of victuals. That would not be fair.

Mr. DEWALT. I suppose, however, that the gentleman will concede this, that the President of the United States is supposed to have some discretionary wisdom.

Mr. MILLER of Minnesota. Why give him the discretion if it is not necessary and if he is not going to use it?

Mr. DEWALT. I hold that it is necessary, because if an emergency arises where any class or body of individuals, or any individuals acting separately and alone, militate against the successful prosecution of the war, this power should be given and these restrictions placed upon them.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MILLER of Minnesota. I move to strike out the last word, for the purpose of asking the gentleman a further question. Could you not reach the purpose of your bill entirely, after you have described and mentioned individuals, by then adding a provision including individuals who are grouped or associated together for the purpose of doing this, that, or the other thing hostile to the United States, so that the operation of this law shall be confined only to those who as individuals act, or those who associate themselves together with other individuals for the purpose of doing hostile things?

Mr. DEWALT. I see no objection to that at all, provided always the question of the grouping of these individuals and their acting in concert be left for the determination of the President of the United States.

Mr. MILLER of Minnesota. I am perfectly willing to do that. One question further. A man who is a naturalized citizen of the United States is amenable to the laws of the United States in all respects. Now, are not those laws ample to punish or to handle any citizen of the United States who may be so far forgetful of his duties as a citizen as to perform acts that bring him within the scope of this bill? In other words, could you not just as well afford to leave out entirely the word "natives"?

Mr. DEWALT. I do not think so, for this reason: The parties who are foreign born, whether they be from Germany or from any other foreign country, can be divided into these separate classes, namely, those who are residents of this country and who may not be citizens of this country by naturalization, or they may be natives of the foreign country who are naturalized here and therefore no longer citizens of the foreign country. The provision of this section is to include both those classes; and whilst I see the force of the argument of the gentleman from Illinois [Mr. MANN] that it may work hardship in some cases, nevertheless, as he has very well said, we want to fight this war to a finish without doing harm, of course, to any innocent party.

This being an emergency measure and placing in the hands of the President this highly penal power seems to me ought to be restricted, but the restriction ought not in any way to hamper the action of the President.

Mr. MANN. Will the gentleman yield?

Mr. DEWALT. I will.

Mr. MANN. The gentleman would not claim that there is any distinction in the rights between the naturalized American citizen and the native-born American citizen?

Mr. DEWALT. Basically, no.

Mr. MANN. The gentleman by the bill confines the power of the President to shut off trading rights to naturalized American citizens, thereby drawing a distinction in favor of the native-born American citizens. Is it not the fact that there are many native-born American citizens who are making much more trouble about the war than are the naturalized American citizens?

Mr. DEWALT. They are subject to the laws of treason.

Mr. MANN. This bill does not attempt to cover them.

Mr. DEWALT. This provision does not apply to the native-born American citizen.

Mr. MANN. That is just what I am saying. It applies to the naturalized citizen. What is the distinction, as far as the constitutional rights are concerned, between the American citizen, native born, and the American citizen, naturalized? I always supposed that they stood on the same footing.

Mr. DEWALT. A naturalized citizen possesses all the rights of the native-born American citizen.

Mr. MANN. Then you have no greater power over the naturalized citizen than you would have over the native-born citizen, and yet we propose by the bill to exercise a power over the naturalized citizen which we do not attempt to exercise over the native-born citizen, drawing a distinction as to the patriotism of the German-born citizen naturalized in the United States and his son born in the United States, and other people born in the United States. Does not the gentleman think it is rather an unwise distinction after all?

Mr. DEWALT. I can not agree with the gentleman, for the reason that there is always in my mind this subdivision of these foreign-born citizens.

Mr. MANN. And further, if the gentleman will permit, if the native-born citizen of the United States aids the enemy, we have ways of punishing him.

Mr. DEWALT. Yes.

Mr. MANN. And these same methods of punishment apply to the naturalized citizen. If we are safe in relying upon the existing laws to govern the native-born citizen, why are they not equally efficacious to rely upon in the case of the naturalized citizen; why make any distinction in this bill?

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MILLER of Minnesota. Mr. Chairman, I ask unanimous consent that I may offer this amendment and have it pending.

The CHAIRMAN. There is an amendment already pending.

Mr. MILLER of Minnesota. Then I withdraw my request.

Mr. MONTAGUE. The pending amendment, Mr. Chairman, is the motion of the gentleman from Massachusetts?

The CHAIRMAN. Yes.

Mr. STAFFORD. Mr. Chairman, there is only one purpose sought by the committee in their insistence upon having the word "natives" retained in the bill, and that is to authorize the President of the United States to classify naturalized citizens of German birth as enemies and subject them all to the penalties applicable to enemies, as provided in this bill. There are decisions of the Supreme Court of this country that hold under the liberalized rules of international law that it is not considered inimical to the welfare of the country to allow alien-born citizens of an enemy country domiciled in this country to trade with each other, provided they do not lend any assistance to the enemy, and yet the gentleman from Pennsylvania, backed by other members of the committee, is insistent on giving this drastic power to the President, this absolute power that would be unbecoming even to the Czar of Russia, to allow him to take out and classify those in our country who are naturalized citizens, though as loyal as any native born. We are going indeed afar in this bill, and I am surprised that anybody will rise on the floor and advocate an autocracy like this, no matter who the man to exercise it may be. I am not saying anything against the wisdom or the high devotion of our President, but we should not, with the constitutional privileges guaranteed by the Constitution to citizens, native and naturalized, confer upon him power to single out natives of countries with which we are at war, and who have become naturalized, and classify them as enemies and refuse to permit them to do business or even to exist in this country.

Under public law there are two classes of residents, citizens and subjects. Those who are domiciled here and are not citizens of the United States will be included in the word "subjects." Even those who have taken out first papers under our law of naturalization are still subjects of the foreign government.

This bill is a war measure and sought to be enacted under the war powers of the Constitution. We have authority to exercise powers of sovereignty as a nation over citizenship, whether that citizen is native born or naturalized. If there are in this country—and I question whether there are—naturalized citizens who are disloyal to the country, they can be reached by municipal law, but we ought not to go to the extent, as advocated by the gentleman from Pennsylvania and the committee, of putting the sanction of Congress—because that is what we do—by conferring power on any individual to say that naturalized citizens of this country who happen to be natives of foreign countries living in this country shall have the ban put upon them of being refused the right to trade and be subject to all the other drastic penalties that apply to enemies. The gentleman from Virginia in his prefatory statement yesterday is in conflict with the position he now takes. Yesterday the gentleman stated that it was based on residence in the belligerent country, and now he is seeking to apply it to citizenship and domicile, apparently in contradiction of the position taken yesterday. I think we have not yet come to that pass in this free American country when we should even by appearance vest that power in the President or any other executive authority. [Applause.]

Mr. SEARS. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. SEARS. If the word "natives" includes naturalized American citizens, would it not be class legislation to impose upon them a more drastic law than we impose upon other citizens?

Mr. STAFFORD. Certainly. It is almost unthinkable that we should find any person in this House advocating the retention of that word when the purpose of it has been pointed out by the gentleman from Massachusetts [Mr. ROGERS]. The surprising thing to me is that since war was declared not only these naturalized citizens of German extraction but those of German birth who are not even naturalized, but who wish to be natu-

ralized, are standing loyally by the Government. There is no disposition anywhere, so far as I am aware, among those six or eight or ten million persons of German extraction who are in this country not to stand loyally by the country. They have subscribed liberally to the liberty bonds, and they have subscribed to the Red Cross fund, and they are doing everything that the native American citizens would be expected to do, and it ill becomes any Member here to try to justify the sanctioning of such authority as is embodied in this clause.

Mr. ROMJUE. Mr. Chairman, I move to strike out the last word. In a discussion of this question a very interesting proposition has been raised. I have listened with extreme interest to the arguments which have been presented, and the argument of the gentleman from Wisconsin [Mr. STAFFORD] meets a good deal with my approval, so far as it refers to the word "natives." We need a modification, but it will not do to strike the word out entirely. If you will follow me carefully I think I can show you why this section should be modified. The gentleman from Illinois [Mr. MANN] a few moments ago hit the nail squarely on the head when he said that a naturalized citizen of this country stands upon the same footing that a native-born American citizen does; and to my mind it seems that if we should draw any distinction in the enforcement of our laws as between naturalized citizens and native-born citizens of America, our bill in that regard would be unconstitutional, because it would not be guaranteeing equal rights to all the citizens of our country. When a person from a foreign country becomes a citizen of this country he is guaranteed all of the rights that you and I native-born citizens have. Some have suggested that to get around the point at issue we strike out the word "natives." That would then permit the native-born German who has become a naturalized citizen to stand equally with the American citizen here; that far it is all right, but what is the result when you strike out the word "natives"? This paragraph reads:

> Such other individuals, or body of individuals, as may be natives, citizens, or subjects of any nation with which the United States is at war, wherever resident or wherever doing business, as the President, if he shall find the safety of the United States or the successful prosecution of the war shall so require, may, by proclamation, include within the term "enemy."

I can see where there might be a native of Germany who is not a citizen of this country nor a citizen of any of the warring powers.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. ROMJUE. Yes.

Mr. STAFFORD. Can the gentleman conceive of any individual who is not a citizen or a subject of some nation?

Mr. ROMJUE. No; I can conceive of no individual who is not a citizen or a subject of some nation.

Mr. STAFFORD. Then these two classes would cover all those who are citizens or subjects of any nation. There are only two classes recognized in international law—citizens or subjects.

Mr. ROMJUE. I will ask the gentleman to follow me for just a moment. You will notice that the text is:

> That if the President finds that a successful prosecution of the war or the safety of the United States requires he may, by proclamation, designate natives, citizens, and subjects of our enemy nations in this war, as enemies.

You will notice from a reading of the paragraph that it covers all natives, citizens, and subjects of the nations with which we are at war. But a man may be a native of Germany and yet not now be a citizen or subject of Germany for the very simple reason that, though he was born in Germany, he has renounced his citizenship and has become a citizen of some other power, to wit, he may have become a citizen of Brazil or Sweden, and if you strike "natives" out of this bill you will deprive the President of authority under this bill to handle such a person as he could handle the undesirable citizen of Germany. So to strike it out would be to err in that regard at least.

On the other hand, to leave the word "native" in the bill unmodified would mean that we would be enacting a law that would be enforceable against a native of Germany who is now a subject and citizen of this country, and who is no longer a citizen and subject of Germany, but yet a native of Germany. This would set up a rule, or rather a statute, enforceable against native-born Germans who are now citizens of the United States, and the same law would not apply to nor affect American-born citizens. Manifestly this would be wrong, and the President and no other thoughtful American citizen wants anything else than that all American citizens, whether naturalized or native born, abide by the same laws.

We are not at war with some of the nations of the world, and I repeat, that a native-born German may have renounced his German citizenship and yet he may not have taken out American citizenship. He may be a citizen of some other country that is at peace with all of the warring factions, if that be possible at this time. Therefore I say it is important that you do not strike out the word "natives" entirely.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. ROMJUE. Yes.

Mr. BLACK. Does not the gentleman think that it would be sufficient to say "natives, except naturalized American citizens"?

Mr. ROMJUE. Yes; I think an amendment of that kind would correct the entire matter, and I really believe it ought to be adopted, because, as I said a moment ago, I do not believe we can constitutionally draw a distinction and enforce it as between naturalized and native-born citizens in this country, and ought not to attempt to do so.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. ROMJUE. Yes.

Mr. WALSH. Will the gentleman state how he construes the words "if he shall find the safety of the United States or the successful prosecution of the war shall so require"? Does he construe that to mean that these people shall do some positive act which will threaten the safety of the country or the successful prosecution of the war, or does he construe it to mean that the mere fact that they are naturalized citizens of enemy or ally to the enemy origin is sufficient to threaten the safety of the country or the successful prosecution of the war?

Mr. ROMJUE. In answer to the gentleman I would say this, that there has been a great deal said here in this House from time to time about the authority that is given to the President of the United States, and we might as well say now that we are in a war, the most serious war that the world has ever seen, and we must trust some one. Some doubt the wisdom of giving President Wilson the authority that has been given to him, but there is not a man on the floor of this House who would intentionally sacrifice the honor of this Nation or do any injustice in carrying on the war, and I think it ill becomes us to question Mr. Wilson's motives and what he will do. We must give to somebody general blanket authority if we want to carry this war on successfully. If the President is given the authority under this bill it seeks to bestow, so far as dealing with enemies of this Government is concerned I have no hesitancy in believing that authority will not be abused and the power it is sought to give is essential to the welfare of this Government. I will say I know of no better way of judging President Wilson's attitude in the future than by a consideration of the past, so far as regards people who will come under the provision of this bill, and, so far as I am concerned, I am ready for a little more drastic medicine for the spies who have sought to undermine our country.

Mr. PARKER of New Jersey. Mr. Chairman, just a moment. I am infavor of striking out the word "natives." It may be worth while to give the President power over all aliens, but I do not believe in giving the President any power over naturalized citizens that is not given over other citizens. Whether they be native or naturalized—born abroad—they are citizens.

Mr. FESS. Mr. Chairman, will the gentleman from New Jersey yield for a question?

Mr. PARKER of New Jersey. If I have the time.

Mr. FESS. Is there a stage in the process of naturalization where the one seeking naturalization is neither a subject or a citizen of the country from which he comes?

Mr. PARKER of New Jersey. No. He declares his intention, but he does not renounce allegiance until he is naturalized.

Mr. FESS. When he renounces allegiance that does not affect the entire loss——

Mr. PARKER of New Jersey. The declaration of intention does not renounce allegiance. Allegiance is renounced upon naturalization but not before.

Mr. FESS. There is no twilight zone when a man is without a country?

Mr. PARKER of New Jersey. No, sir.

Mr. FESS. Is the gentleman sure of that?

Mr. PARKER of New Jersey. Yes.

Mr. DEWALT. Mr. Chairman, in line with the suggestion and at the instigation of the gentleman from Virginia [Mr. MONTAGUE], who has charge of the bill, let me propose to the gentlemen who have taken exception to the word "natives" this tentative proposition, as suggested by the gentleman from Missouri. After the word "natives" insert the words "other than naturalized citizens."

Mr. MILLER of Minnesota. Why not use the language "who are not citizens of the United States"? That will take away any stigma that may seem to attach.

Mr. DEWALT. That would be the same thing—"who are not citizens of the United States." What would the gentleman say as to that phraseology? The gentleman from Illinois had objection to the word "natives," and I understood he had an-

other amendment. How would that meet the objection of the gentleman from Illinois?

Mr. MILLER of Minnesota. Yes.

Mr. MANN. Where would that come?

Mr. DEWALT. After the word "natives," on page 24, line 19, insert "who are not citizens of the United States."

Mr. MANN. Well, the purpose would be all right, as far as I am concerned, but it would have to be a parenthetical insertion there. It would have to be a provision put inside of parentheses, and that is not very good legislation.

Mr. DEWALT. If you insert after the word "natives" these words: "Such other individuals or body of individuals as may be natives, except such as are citizens of the United States"?

Mr. LONGWORTH. Let me ask, Who would that leave in the category? Who would be natives who would not be citizens of the United States under this paragraph?

Mr. DEWALT. Those who are natives of foreign countries.

Mr. LONGWORTH. Of the enemy's country. Who would they be?

Mr. DEWALT. There might be a great many of them.

Mr. LONGWORTH. I can not think of any.

Mr. ROGERS. Let me answer the question. Take the case of a man born in Germany who goes to Holland and is naturalized there and then comes to the United States and is naturalized here.

Mr. BURNETT. Why not have the word "natives" stricken out entirely and leave it "citizens or subjects of any nation"?

Mr. DEWALT. I do not know whether the gentleman from Alabama listened to the argument of the gentleman from Missouri, which was very able, in reference to the retention of the word "natives" in some form.

Mr. GARD. If the gentleman will permit a suggestion, how would the suggestion that the word "nonnaturalized" be placed before the word "natives" strike the gentleman? What does the gentleman think of that?

Mr. DEWALT. That would cure it, "or body of individuals as may be nonnaturalized." I think that would cure it, and that would meet the suggestion.

Mr. MANN. Why not strike out the word "natives"? Every other case is covered by the language of the bill.

Mr. BURNETT. That is my suggestion.

Mr. MANN. Strike out the word "natives."

Mr. DEWALT. Mr. Chairman, I recognize the force of the argument of the gentleman from Illinois in regard to the constitutionality of the provision, as it would clearly make a distinction between naturalized citizens of the United States and native-born citizens of the United States, and recognizing also that we all desire to frame the best legislation that we can with due regard to the interest of all the citizens of the United States whether they be natural or native born or foreign born, and yielding to none, in spite of the remarks of my eloquent friend from Wisconsin, in my admiration for the Germans, because I, too, am of German birth—my forefathers were born there, and I am of Pennsylvania German stock—recognizing all that, and desiring the best legislation in the interest of all, I would ask to strike out the word "natives." [Applause.]

Mr. MANN. We again recognize the ability of the gentleman from Pennsylvania.

Mr. LAGUARDIA. Mr. Chairman, I offer an amendment to the amendment.

Mr. MONTAGUE. Mr. Chairman, I ask that we may have a vote on the pending amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from Massachusetts [Mr. ROGERS] striking out the word "natives."

The question was taken, and the amendment was agreed to.

Mr. ROGERS. Mr. Chairman, I desire to strike out the word "natives," in line 15, on page 25. I ask unanimous consent that that word may be stricken out.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ROGERS: Page 25, line 15, after the word "be," strike out the word "natives."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MILLER of Minnesota. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MILLER of Minnesota: Page 24, line 18, after the word "class," insert: "of individuals associated together for any purpose inimical to the safety of the United States or the successful prosecution of the war."

Mr. MILLER of Minnesota. Mr. Chairman, may I inquire of the gentleman in charge of the bill if he is willing to accept that?

Mr. MONTAGUE. Mr. Chairman, I ask that the amendment be read again.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

The amendment was again reported.

Mr. MILLER of Minnesota. Mr. Chairman, by inadvertance the words "of individuals" were inserted and should not be included.

Mr. MONTAGUE. May I ask the gentleman how far his words——

The CHAIRMAN. Without objection, the gentleman from Minnesota [Mr. MILLER] will be permitted to modify his amendment.

Mr. MILLER of Minnesota. The amendment must be made to strike out the words "of individuals" and insert it as I have made it.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Strike out the words "of individuals" and insert the following: "associated together for any purpose inimical to the safety of the United States or the successful prosecution of the war."

Mr. MILLER of Minnesota. The words "of individuals" must be included in the amendment.

Mr. MANN. Insert that after the word "individuals."

Mr. DEWALT. Will the gentleman from Minnesota [Mr. MILLER] yield for a moment?

Mr. MILLER of Minnesota. Certainly.

Mr. DEWALT. I ask, with the permission of the Chairman, that the Clerk read the subsection now as it would read with the gentleman's amendment in it.

The CHAIRMAN. The Clerk will again report the amendment as modified.

The Clerk read as follows:

Amendment offered by Mr. MILLER of Minnesota: Page 24, line 18, after the word "class," strike out the words "of individuals" and insert the following: "of individuals, associated together for any purpose inimical to the safety of the United States or the successful prosecution of the war."

Mr. MONTAGUE. The words "of individuals" stricken out, not the word "individuals" contained in your amendment as offered and not the "individuals" contained in the bill itself?

Mr. MILLER of Minnesota. That is correct.

Mr. DEWALT. Suppose the Clerk reads the section with the amendment in it.

Mr. MANN. It is just as though the word "individuals" had not been stricken out.

Mr. MONTAGUE. We have no objection to that.

Mr. MANN. I think the gentleman ought to consider it very seriously. Will the gentleman yield for a question?

Mr. MILLER of Minnesota. I will be glad to do so.

Mr. MANN. Under the gentleman's amendment, as I understand it, if the President desires to declare anyone an alien enemy under the provisions of this act as a body or a class it must be people who are associated together for the purpose of injuring the United States in the war?

Mr. MILLER of Minnesota. That is correct.

Mr. MANN. Of course, that would be a matter of proof. The Government would have to prove when the matter came into court that these people were associated together. Now, does it not occur to the gentleman that there may be cases, quite a number of them, arising where the President should have the power to forbid German citizens or corporations in the United States to carry on business? We are commencing not merely a regular war, but we are commencing a trade war with Germany, partly by this bill and partly by what has taken place heretofore. We may find as a result of this bill that all American citizens in Germany are forbidden to do business over there. That might be prevented if the German Government knew that if they did that over there the President would promptly respond by forbidding German citizens over here doing business.

Mr. MILLER of Minnesota. I am very frank to answer that I do not think the President ought to have the power in a wholesale manner to put the stigma of alien enemy upon a class of people who are resident within the United States, without any proof or knowledge that many of the individuals included are disloyal to the Government of the United States or are engaged in hostile or improper conduct.

Now, I do not think England has gone that far, and she has gone a good ways when she has made a blacklist, which she has done to our exceeding sorrow and disadvantage. She did not blacklist groups or classes, but individuals, and that ought to be the test in the United States. We ought not to punish inno-

cents any more than we ought to permit guilt while we are trying to avoid punishing innocents. We ought to be able to pick out the guilty and punish them. That is the theory upon which all law is founded, and that ought to be the theory of law in case of war. If there is a class of individuals or citizens of Germany, Austria, or Bulgaria, or any other nation, who are associated together for purposes hostile to the United States, in any form, it is easy to find out who they are and to punish them. But let us not put the stigma upon everybody that happens to be a citizen of those countries.

Mr. MANN. Mr. Chairman, will the gentleman permit?

Mr. MILLER of Minnesota. Certainly.

Mr. MANN. If there is any body or class of foreigners in the United States cooperating to injure the United States in this war, have we not got laws to punish them?

Mr. MILLER of Minnesota. Well, I suppose that is so.

Mr. MANN. What is the use, then, of putting this in? We have penal provisions against anything of that sort. That is treason, to begin with. We have laws covering those things. We passed a number recently covering everything of the sort.

Mr. MILLER of Minnesota. This is much broader language than that respecting treason. A person can be punished under this paragraph who could not be punished for treason.

Mr. MANN. It might not be treason so that it could be proved; but we have laws covering the cases to which the gentleman would confine this to.

Mr. MILLER of Minnesota. I do not think so, if the gentleman will permit. This language says, "in the successful prosecution of the war." That might mean anything.

Mr. MANN. The gentleman is trying to reduce his amendment to an irreducible minimum by stating that it does not mean anything.

Mr. MILLER of Minnesota. Oh, no; I am not.

Mr. MANN. If it means that the President is restricted in making his proclamation to classes who are actually engaged in cooperation with each other, which is a conspiracy to begin with and punishable under the conspiracy statutes, the gentleman takes away all power of the President over the matter at all; and if you want to do that the proper way to do it is to strike out all except "individuals" here; strike out "body or class." It would not mean anything, it seems to me; but I say that with due deference for the opinion of the gentleman, for whom I have the highest regard. It would not mean anything to say that the President may declare to be alien enemies the men engaged in a body who are actively engaged in a conspiracy against the United States.

Mr. MILLER of Minnesota. There is a distinction between an individual who is performing by himself what we might call direct acts against the safety of the United States, or against the successful prosecution of the war, and——

The CHAIRMAN. The gentleman's time has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MILLER of Minnesota. There is a distinction which should be drawn between that kind of an individual and one who may be associated with a large number of others, he himself doing nothing whatever except to give aid and comfort to the organization or agents of the organization doing the active work, and therefore there are two classes that the President ought to have the right to reach. Now, instead of the language I have quoted restricting the President, in my opinion it enlarges the field of his operations. Why? It enables him to issue his proclamation against all individuals as such and all who are associated together or in any way engaged in any enterprise against the successful prosecution of the war. That might be an association of individuals who are opposed to the selective draft. They are not amenable to the laws of the United States at this minute, but the President might, if they were aliens, say that such an organization is inimical to the safety of the United States and against the successful prosecution of the war, and make these men that which they really are—enemies of the United States.

Mr. DEWALT. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Minnesota. Certainly.

Mr. DEWALT. The fault in the gentleman's amendment to my mind and to the minds of the members of the committee is this—and it is suggested very well by the gentleman from Illinois [Mr. MANN]—that it would place upon the Government the burden of proof as to this association for inimical purposes. When the gentleman first spoke of his amendment I suggested to him that he should incorporate in it these words, "that such association be determined by the President of the United States solely," and said that there was no objection to that.

Mr. MILLER of Minnesota. I have no objection to that being incorporated in it; none whatever.

Mr. DEWALT. Now, I ask, Mr. Chairman, that the Clerk read in the gentleman's time, if he will permit it, subdivision section (c) as amended, so that we shall have it clearly.

The CHAIRMAN. Does the gentleman from Minnesota yield for that purpose?

Mr. MILLER of Minnesota. I do.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Page 24, line 18:

"(c) Such other individuals or body or class of individuals associated together for any purpose inimical to the safety of the United States or the successful prosecution of the war as may be citizens or subjects of any nation with which the United States is at war, wherever resident or wherever doing business, as the President, if he shall find the safety of the United States or the successful prosecution of the war shall so require, may, by proclamation, include within the term 'enemy.'"

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Minnesota. Yes.

Mr. LAGUARDIA. Would not such an act within itself constitute a crime under existing law?

Mr. MILLER of Minnesota. No; it would not.

Mr. LAGUARDIA. I do not agree with the gentleman.

Mr. MILLER of Minnesota. I have just cited an instance.

Mr. LAGUARDIA. Yes; and the instance cited is opposition to the selective draft. The gentleman no doubt is aware of the fact that yesterday two persons were convicted in the United States Court for the Southern District of New York of that very act.

Mr. MILLER of Minnesota. A man doing that might bring himself within the laws now existing, but he might do a whole lot of acts that are not included in the laws now existing.

Mr. LAGUARDIA. He is taking that man and classifying him as an alien.

Mr. MILLER of Minnesota. That is what I am trying to do.

Mr. LAGUARDIA. If he commits an act and that act is a crime, the laws now take care of it.

Mr. MILLER of Minnesota. The purpose of this act is to prevent the commission of acts that are not crimes under existing laws.

Mr. LAGUARDIA. I think the gentleman is making this section vicious.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Minnesota. Yes.

Mr. MANN. The gentleman has noticed that the latter part of this paragraph requires the President to make the findings before he can name these individuals or bodies or classes of individuals.

Mr. MILLER of Minnesota. I noticed that.

Mr. MANN. And that he shall find, if the safety of the United States or the successful prosecution of the war shall require, that these people shall be declared alien enemies. Now, the gentleman proposes to insert at the beginning of the paragraph a jurisdictional class against which the President makes a finding at the end of his confirmation, but making it jurisdictional as to his authority to do anything about it at all that certain facts exist, which facts probably could not be ascertained until the war was over. It is drastic as the bill stands, but if we are going to have it drastic, and if the gentleman is in favor of having it drastic——

Mr. MILLER of Minnesota. I am in favor of having it drastic but not drastic in the sense of working a hardship upon innocent individuals.

Mr. MANN. I understand that, but the paragraph itself provides that the President shall make the finding, which the gentleman from Minnesota proposes to make jurisdictional.

Mr. MILLER of Minnesota. I do not think so.

Mr. MANN. Oh, yes.

Mr. MILLER of Minnesota. Not jurisdictional in that sense.

Mr. MANN. Oh, yes. If it is not jurisdictional, then it is merely duplication, because he has to make the finding. If it is jurisdictional, it is destructive, as it seems to me.

Mr. MILLER of Minnesota. If the gentleman will give me his attention, I desire to say this: As the paragraph is drawn the President can find that these individuals are acting in such a way as to be opposed to the safety of the United States or the successful prosecution of the war. If this amendment that I propose be adopted, there will be two things. Not only will he have authority to find that individuals are doing that, but he will also have authority and be required, if he exercises his authority, to find that individuals are associated together for the purpose—he has to make a finding of the purpose—for the

purpose of being opposed to the safety of the United States or the successful prosecution of the war. Then he can do to them the same things that he can now do to individuals under the provisions of the bill as drawn.

Mr. MANN. Well, he can do that now.

Mr. MILLER of Minnesota. There are two findings that he will have to make. Under this provision as drawn he has to make one finding. If the amendment is adopted he will have to make two, as far as the individuals affected by this are concerned, namely, he must find that they are associated for this purpose——

Mr. MANN. The gentleman is one of the clearest-headed lawyers in this House, but on this matter he is wrong.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MILLER of Minnesota. I ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that his time be extended two minutes. Is there objection?

There was no objection.

Mr. MILLER of Minnesota. The purpose of this amendment is just one thing, and, to my mind at least, it can not be befogged so as to be obscured. It is to relieve from the harshness of this proposed law a class of individuals in the United States. I at first thought we might better strike out the body and the class. I think that is the opinion of the gentleman from Illinois [Mr. MANN], and that is the reason for his objection to this. After the debate that has occurred I do not go quite that far, because I can readily see that a class of individuals might be associated together for purposes that they ought to be prevented from carrying out and yet they would not be brought within the terms of this bill if we strike out the body or the class. But in order that in handling them we may not by that act inflict an unjust and unwarranted hardship upon innocent individuals, I propose to modify it so that if it shall become necessary for the President to act in reference to a body or class of individuals he must first find that the individuals who comprise the class and are being proceeded against are associated for an improper or enemy purpose.

Mr. MONTAGUE. Mr. Chairman, after the amendment of the gentleman from Minnesota [Mr. MILLER] was presented I indicated my acceptance of it, but subsequently I found, upon reading it at the Clerk's desk, that I had not fully understood it. I therefore believe I was premature in indicating such acceptance.

This bill has been very carefully drawn. A great deal of time has been spent upon it. I submit to the committee that we ought to be conservative in making changes in it. Now, as respects this amendment, the provision that the individuals must be associated for what he terms inimical purposes—affecting the safety of the United States or impairing the successful prosecution of the war—requires the finding of a precedent jurisdictional fact. It imposes a condition precedent before the President can act. He must, as the gentleman from Illinois [Mr. MANN] has suggested, duplicate his actions. It is either a duplication or it puts an unnecessary burden upon the President, for he must practically first find the existence of a conspiracy, which should not be put upon him in this emergency; and I submit to the committee that we had better let it stand as found in the section.

Mr. GARD. Mr. Chairman, I ask that the clerk read the section as it is already amended, with the proposed amendment of the gentleman from Minnesota, so that we may understand it.

The CHAIRMAN. If there be no objection, the Clerk will report the paragraph, as suggested by the gentleman from Ohio.

There was no objection.

The Clerk read as follows:

Page 24, line 18:

"(c) Such other individuals or body or class of individuals associated together for any purpose inimical to the safety of the United States or the successful prosecution of the war as may be citizens or subjects of any nation with which the United States is at war wherever resident or wherever doing business as the President, if he shall find the safety of the United States or the successful prosecution of the war shall so require may, by proclamation, include within the term 'enemy.'"

Mr. BURNETT. Mr. Chairman, if the amendment of the gentleman from Minnesota [Mr. MILLER] is left as it is it seems to me to be a most dangerous proposition. I believe that the amendment offered by the gentleman from Minnesota modifies it and perhaps makes it just. If it is left in its present form, an innocent member of a body of individuals may be punished simply because that body is doing something inimical to the Government.

The gentleman from Illinois [Mr. MANN] has made a very cogent suggestion in regard to the two findings required of the President. The finding of one fact would be the finding of the other, and certainly whether the word "find" was in there or not the President ought not to do that unless he finds the fact to be true. He simply ascertains it; that is all. Talk about the burden of proof. Certainly the President will want to be convinced in some way before he does an injustice to somebody, and whenever he is convinced, and he has to be convinced by an investigation or by proof, and whenever he finds that they are banded together for purposes inimical or hostile to the United States, then the other finding follows, and it seems to me the gentleman, in splitting hairs, has made an argument here that shows a tendency, if the committee contention prevails, to bring about a dangerous condition. We have in our Constitution the right of trial by jury. We suspend all those things as to aliens during the war. Possibly that is right in emergencies, but certainly the President ought to have something upon which to act, and can he just pick up any man and merely because he is a native of Germany conclude therefore that that man is guilty of something that is inimical to the Government or that he ought to be suppressed or regarded as an alien enemy? Certainly the President will act upon some proof. He must act upon some fact, and some reasonable fact. Now, we all know that the President is a busy man, and we know that he will not have time to give these matters the personal investigation that perhaps a judicial tribunal would have the time and the opportunity to give, and that is a greater reason why we ought to hedge it about so that we will not be a government by autocracy.

Believing that our President is patriotic and would not desire to do an injustice to anyone, and the very fact that he can not give each individual case that kind of investigation that ought to be given when we declare that a man is an enemy to this Government, ought to cause us to hedge the law about by every means possible to keep an injustice from being done. I think the talk about putting the burden of proof is an argumentum ad absurdum, because it implies that the burden will not be on the President otherwise to reach his findings. Whenever the first finding is passed then it seems to me he passes easily to the second finding, and that is easily determined by the proof that authorizes the first.

I have very few German people in my district, not one-thirtieth of the population of that district, and I believe that the most of them, especially the naturalized citizens, are just as true and loyal to the Government and our flag as anybody else. I was glad when we struck out the opprobrium sought to be placed upon them by saying that a native-born German, even though he was a naturalized citizen, and even if he had joined the Army and was following the flag, if some evil genius wanted to bring trouble to him, might be declared an enemy under the great power given to the President. I tell you, gentlemen, we ought not to be swept off our feet; we ought to proceed cautiously. I believe the whole of this sentence ought to be stricken out. I believe it ought to be an individual proposition. If the President can find that anyone is inimical to our Government, why could not he fix a penalty for individual responsibility without embracing a whole class? I believe the whole sentence ought to go out in the form in which it is presented to us, because if we do not strike it out it will make more enemies, and say to our German friends, even though they have taken out naturalization papers and are not doing anything against us, "We are branding you as enemies," and will make in their hearts enmity that they do not all feel. [Applause.]

Mr. MONTAGUE. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was rejected.

Mr. WALSH. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Page 25, line 23, after the word "corporation," insert "or State or any political or municipal subdivision thereof."

Mr. WALSH. Mr. Chairman, this amendment is offered because the word "person" used in subsequent sections of the act may not include a State, city, or town or any other political subdivision of the State. It might be that an alien enemy would have property situate in some State or some political subdivision of a State upon which property the State or the city or town or township might expect to collect State or local taxes, and this amendment to the definition of the word "person" would permit the State or a municipal, local, or political subdivision of a State to present its claim for the taxes assessed on the property to the custodian of such prop-

erty provided for in this bill and have that claim adjudicated or passed upon and approved and the money paid over. The State, city, county, township, or whatever subdivision of the State it might be might have a lien on that property for taxes or for betterments and the like, and under the provisions of the bill it is not clear in my opinion that the word "person" as defined in this paragraph and especially used in the sections following would include a city, town, township, or a county or the State.

I have in mind, for instance, where a person who under the provisions of this bill would be classed as an alien enemy, owning a summer estate and that estate being assessed and liable for taxes. I doubt if under the provisions of the bill the town in which that estate is situated would be able to file its claim for taxes with the alien property custodian and receive payment therefor.

Mr. MANN. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. MANN. Does not the word "corporation" include it?

Mr. WALSH. It would not include a State, and it would not include some towns in Massachusetts, for instance, which are not strictly incorporated.

Mr. MANN. They do not have to be incorporated.

Mr. WALSH. Well, there is a doubt about it applying to such corporations.

Mr. MANN. Municipal corporation.

Mr. WALSH. Municipal corporation is not included in the division.

Mr. MANN. It says corporation.

Mr. WALSH. But the word corporation as used in the bill, as I have stated, especially in subsequent sections, would, I am inclined to believe, be interpreted to mean that it applied only to business or commercial corporations and not to municipal or political corporations. This amendment would clear up the doubt. Certainly after the property got into the custody of the Treasury of the United States or into the custody of this alien-property custodian, if there was any doubt about whether it included a political subdivision of a State and it meant the payment of money, the doubt probably would be resolved against the person: that is to say, the State, county, city, or town that was claiming payment. Certainly it would seem these taxes should not be lost to the State or localities levying them.

Mr. ELSTON. The gentleman is trying to particularize and cover all possible stages. Why can not you say corporation, body politic, or municipal? That would cover everything. If you said body politic it would cover it all.

Mr. WALSH. Well, Mr. Chairman, I ask unanimous consent to withdraw my amendment and substitute therefor, in line 23, page 25, the words "or body politic" after the word "corporation," in view of the suggestion of my learned friend, the gentleman from California [Mr. ELSTON].

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to modify his amendment to the extent stated. Is there objection?

There was no objection.

Mr. MILLER of Minnesota. Does the gentleman think that a State is a body politic?

Mr. WALSH. I do not know what else it is if it is not a body politic.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Page 25, line 23, after the word "corporation," insert "or body politic."

The CHAIRMAN. The question is on the amendment.

Mr. MILLER of Minnesota. Mr. Chairman, I desire to make an inquiry about this term "body politic" of the gentleman from Massachusetts [Mr. WALSH]. I have no doubt but that in a very general sense a body politic consists of any body or group of individuals grouped together for governmental political purposes. That is old language that used to be current a hundred years ago or more. It has practically disappeared from the textbooks and from the decisions, and in a strictly technical sense I question whether a State is a body politic, as States are organized now as parts of the Federal Government. Why not leave it as it was originally?

Mr. ELSTON. It is not intended to refer to States within the United States at all?

Mr. MILLER of Minnesota. Oh, I understand so. Why not leave that "or corporation, commercial or municipal"?

Mr. WALSH. Does the gentleman desire an answer from me?

Mr. MILLER of Minnesota. I am propounding my inquiry to the distinguished gentleman from Massachusetts,

Mr. WALSH. Mr. Chairman, in answer to the inquiry propounded by the gentleman from Minnesota, I would say that I think a State is a body of citizens upon whom are conferred certain rights by the Congress of the United States in pursuance of the Constitution of the United States. They are given certain duties to perform and are subject to certain liabilities, and certainly that political division could be construed to be a body politic just as much as a city which might be incorporated within a State, by and under the constitution of that State, the citizens of which should be given certain rights and privileges and would be subject to certain liabilities. The State would include the city and the city would be a body politic, certainly; and I think the State would be a body politic, perhaps raised to the "nth" power. Has the gentleman from Illinois [Mr. MANN] completed the search he desired to make?

Mr. MILLER of Minnesota. Does not the gentleman think the language would be improved if he were to strike out the word "or," before the word "corporation," and say "corporation, municipal corporation, or State"? Then there would not be any doubt about it.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. WALSH. Mr. Chairman, inasmuch as the modified amendment has been seconded by a member of the committee, I will ask the gentleman from Virginia whether the chairman will accept the amendment?

Mr. MONTAGUE. Mr. Chairman, the amendment is agreeable to me.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

Mr. SEARS. Mr. Chairman, a moment ago we amended the bill on pages 24 and 25—in line 19, on page 24, and in line 15 on page 25—by striking out the word "natives," but we failed to strike out the comma. I think the comma in both places should be stricken out.

Mr. MANN. That is a matter for the enrolling clerk. It does not require action on the part of the committee.

The CHAIRMAN. Without objection, the comma will be stricken out.

There was no objection.

Mr. LAGUARDIA. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 24, line 18, strike out all of subdivision (c).

Mr. LAGUARDIA. Mr. Chairman, I can not conceive of any act committed as described in subdivison (c) which is not already covered by the penal laws. We seem to have lost sight of the fact that we included punishment in the espionage act, in the food-control bill, and in the selective-draft act. What is sought to be accomplished here is not to punish an individual or a class of individuals because of an act committed, but in cases where there is suspicion and no evidence sufficient to warrant an indictment. To take these people, this whole class, declare them alien enemies and deprive them of any right under the law, deprive them of the writ of habeas corpus and detain them during the war, not because they have committed a crime, but on the say-so of the President or any other officer, violates every principle of free government known to us. We have extended extraordinary power to the President of the United States in every bill that we have passed. We have added riders in every bill, so much so now that we do not know whether we will pass the food-control bill before all of the food is consumed, wasted, or controlled by speculators. All because certain gentlemen in this House lost their heads one Saturday afternoon. Here we are writing into this bill after decrying autocracy, after praising the Russian commission for dethroning the Czar, words which will give the President or his administrative officers power to take any class of individuals, declare them enemies, and send them to concentration camps and keep them there, not because they have committed any act, because if they commit any act described in subdivision (c) there is ample provision to punish them, but because there is mere suspicion.

Mr. BLAND. Will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. BLAND. Does not the gentleman think there ought to be some provision here to meet extraordinary circumstances that might arise?

Mr. LAGUARDIA. Will the gentleman state the circumstances that might arise?

Mr. BLAND. If I could state them it would probably be included in the bill, but there might be circumstances arise with which we are not now familiar.

Mr. LAGUARDIA. I stated that I could not conceive of any act intended under this section which is not actually covered by

other statutes if the act is committed or attempted. I say now that if one conspires against the selective draft, we have provided for it. If one does anything in reference to controlling food, we have provided for it. If one tries to impart information to an enemy, we have provided for it. You can not conceive of any act inimicable to the Government or to the successful prosecution of this war that is not covered by statutes; and yet here you are granting to the President power to take persons, to take classes of persons, declare them enemies and so treat them. This is the first time in the history of this country that we have included "classes" in a bill. We are giving power to take people by class and groups, without trial, without jurisdiction, without showing cause, without proper cause, and hold them until the termination of the war.

Mr. ELSTON. Will the gentleman yield?

Mr. LAGUARDIA. I will.

Mr. ELSTON. The gentleman speaks of the classification of the enemy in such a way as to make it appear as if this was including the enemy in the general sense, whereas it is classified only in the sense in which this bill classifies the enemy. It will deprive him of certain rights in reference to trade and commerce. The gentleman speaks as if the designation of enemy would apply every penalty——

Mr. LAGUARDIA. As has been stated on the floor of this House he can not contract, he can not buy food, he can not——

Mr. ELSTON. He would not be put in concentration camps or be thrown into prison, as the gentleman says. It deprives him of certain civil rights.

Mr. LAGUARDIA. He could not go on a street car according to this bill; he could not buy food, and I respectfully submit this suggestion that this whole section should be stricken out. It is unnecessary. We have too many statutes now. We have created so many departments and offices, extended unheard-of powers, that we can not begin to remember them all. We should at least at this late day exercise better judgment and more calm deliberation.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the Chair announced the noes appeared to have it.

Mr. LAGUARDIA. Mr. Chairman, I ask for a division.

The CHAIRMAN. The gentleman from New York demands a division.

Mr. LAGUARDIA. Mr. Chairman, I withdraw the request.

So the amendment was rejected.

The Clerk read as follows:

SEC. 3. That it shall be unlawful for any person in the United States, except with the license of the Secretary of Commerce, as hereinafter provided in section 5—

(a) To trade, or attempt to trade, with an enemy, or for, or on account of, or on behalf of, or for the benefit of an enemy, either directly or indirectly, with knowledge or reasonable cause to believe that the person with or for, or on account of, or on behalf of, or for the benefit of whom such trade is conducted, or attempted to be conducted, is an enemy.

(b) To trade, or attempt to trade, with an ally of enemy, or for, or on account of, or on behalf of, or for the benefit of, an ally of enemy, either directly or indirectly, with knowledge or reasonable cause to believe that the person with or for, or on account of, or on behalf of, or for the benefit of whom such trade is conducted, or attempted to be conducted, is an ally of enemy.

(c) To transport, or attempt to transport, an enemy, with knowledge or reasonable cause to believe that the person transported, or attempted to be transported, is an enemy.

(d) To transport, or attempt to transport, an ally of enemy, with knowledge or reasonable cause to believe that the person transported, or attempted to be transported, is an ally of enemy.

(e) To transmit, or take, or attempt to transmit or take, out of the United States, in any manner, any letter, document, writing, message, picture, diagram, map, or other device or form of communication addressed to or intended to be delivered or communicated to an enemy, with knowledge or reasonable cause to believe that the intended recipient is an enemy.

(f) To transmit or take, or attempt to transmit or take, out of the United States, in any manner, any letter, document, writing, message, picture, diagram, map, or other device or form of communication addressed to or intended to be delivered or communicated to any ally of enemy, with knowledge or reasonable cause to believe that the intended recipient is an ally of enemy.

Mr. ESCH. Mr. Chairman, I offer an amendment. Line 5, page 28, after the word "map," insert the words "phonographic record."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. ESCH: Page 28, line 5, after the word "map," insert the words "phonographic record."

The question was taken, and the amendment was agreed to.

Mr. ESCH. I desire to offer a like amendment, in line 12, the same page, after the word "map."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 28, line 12, after the word "map," insert the words "phonographic record."

The question was taken, and the amendment was agreed to.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. I do not have an amendment to offer to this section except this pro forma amendment, but I would like to comment upon the section briefly before it is passed. It provides that it shall be unlawful for any person in the United States, except with a license from the Secretary of Commerce, to do certain things, which things are enumerated and which include under subsection (f):

To transmit or take, or attempt to transmit or take, out of the United States, in any manner, any letter, document, writing, message, picture, diagram, map, or other device or form of communication addressed to or intended to be delivered or communicated to an ally of enemies—

And so forth.

Now, that is conferring a very wide power upon the Secretary of Commerce and a power which hitherto, to a large extent, has been exercised in another of the departments of the Government, to wit, the Department of State. I have been wondering as I read this section whether there will not be a conflict of authority here as between two of the departments of the Government. We are by this act creating a great deal of business for the Secretary of Commerce and giving him a tremendous power, much of which, perhaps, involves diplomatic action by the Secretary of State, as, for instance, in the matter of documents, communications, and letters. You might go so far as to include passports. Is all this business to be taken over from the Department of State, business that may not pertain to trade at all, to the Secretary of Commerce; and if that is so, will it not lead to confusion in this country and a conflict of jurisdiction?

Mr. MANN. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. MANN. The gentleman will notice under the terms of the bill the Secretary of State himself may not communicate with Austria, Bulgaria, or Turkey except he obtains a license from the Secretary of Commerce.

Mr. MOORE of Pennsylvania. That is in point. These are certainly extraordinary powers that are being given to the Secretary of Commerce, who hitherto has exercised no such authority with regard to our international affairs.

Mr. WINGO. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. WINGO. In reply to the interrogatory of the gentleman from Illinois, these restrictions in reference to license apply to no one other than persons. They do not apply to officials. It is limited to persons, and does not include officials.

Mr. MOORE of Pennsylvania. An official is a person; he must necessarily be.

Mr. WINGO. He does not send a communication as a person; he sends it as an official.

Mr. MANN. Official person, of course.

Mr. WINGO. The gentleman does not think an official communication is sent by a person. It is sent by an official of the department.

Mr. MANN. Any official in the United States of a petty corporation may send anything he pleases, regardless of this.

Mr. WINGO. I am talking about public officials.

Mr. MANN. I am talking about public officials—a public official of Podunk County, or some other official, of the city of Chicago, say.

Mr. WINGO. We are talking about those communications which officials have the legal capacity to send. A public official of Podunk County has no official right, nor can he send an official communication to Austria.

Mr. MOORE of Pennsylvania. Suppose there is a dispute as to whether a communication is going to an enemy or ally of an enemy, and it is such business as would ordinarily go through the Department of State, is the American citizen who desires to enter into communication with some one in a foreign land to go to the Department of Commerce and then be turned over to the Department of State, or is he to apply in the usual way to the Department of State?

Mr. WINGO. I will answer the gentleman that if it is a communication addressed to the Austrian Government, for instance, it would be proper communication to go through the Department of State. If it is a communication with reference to commerce, should it not go through the Secretary of Commerce?

Mr. MOORE of Pennsylvania. The language does not confirm that. No one can send a letter or document—and "document" is a term usually applied to official papers—without obtaining a license. Not from the Secretary of State but from the Secretary of Commerce. It may be an official matter. It may be a

matter having no relation to the enemy or the ally of an enemy. It may be diplomatic, yet the license must be had from the Secretary of Commerce.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. MOORE] has expired.

Mr. LAGUARDIA. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. LAGUARDIA offers the following amendment: Page 28, line 1, after the word "manner," insert the words "other than by means of the United States mails."

Mr. LAGUARDIA. Now, Mr. Chairman, if the chairman of the committee will kindly give me a little bit of his attention, I wish to say that I was startled yesterday when a member of the committee stated that under this provision no letter could be mailed to a relative residing in a country allied to the enemy. Now, then, if it is the purpose to stop all communication, well and good, but let us not make the mere mailing of a letter a crime, because I am sure the gentlemen of the committee will agree that there are a good many law-abiding, innocent people in this country who do not read the CONGRESSIONAL RECORD or the Official Bulletin, and it may be many weeks before they learn that the United States Congress passed any such extraordinary, unnecessary, and unusual provision.

Now, then, if we will permit the mailing of a letter, the Government, of course, can control the mail. Whether they send the letters on or not is another question. But let us not make the mailing of a letter a crime. There are thousands of law-abiding persons—Croatians, Ruthenians, Slavonians, Turks, and Bulgarians—all over this country who have relatives abroad, and who are likely to mail a letter. And what is going to happen? These men will be listed in the various mining camps and the different coal regions, or wherever they may be; and if there is any labor disturbance, or if at any time the local authority may wish to exercise this power, these innocent people will be indicted under this provision for the very innocent act of mailing a letter. I wish to make it clear. The Government has power to intercept mail—stop communications—but this provision makes the mere mailing of a personal letter a crime carrying severe punishment.

Mr. WINGO. Does the gentleman interpret the language of this bill as to communicating to an ally of an enemy as having any bearing upon a man writing to his relatives?

Mr. LAGUARDIA. Yes. I asked a member of the committee yesterday, and I was surprised to hear it. That is just what it means.

Mr. WINGO. I am surprised to hear the gentleman's viewpoint.

Mr. LAGUARDIA. I got the viewpoint of the members of the committee, and I am trying to express it. Now, if the committee's purpose is to have this bill enacted into law, and it is an emergency purpose, let us try to send one bill to the Senate that is logical, sensible, and necessary. The Senate is now overworked in trying to untangle our blunders here. I urge the adoption of my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. LAGUARDIA].

The question was taken, and the amendment was rejected.

Mr. GARD. Mr. Chairman, I desire to offer an amendment, and in doing so I wish the attention of the gentlemen in charge of the bill. I notice in section 3 and in its subdivisions (a), (b), (c), (d), (e), that there is duplication, and I would suggest for the sake of economy in the bill and a better understanding of it, using the illustrations in (a) and (b) on line 6, page 27, it be made to read as follows:

To trade, or attempt to trade, with an enemy, or with an ally of the enemy.

Because subdivision (a) and subdivision (b) are identical in terms, except one is trading with the enemy and the other is trading with an ally of the enemy, and it can be made much more comprehensive and concise by putting "ally of the enemy" in with "enemy." I do not desire to offer the amendment, but I desire to call it to the attention of the committee also in respect to subdivisions (c) and (d). One is attempting to transport an enemy and the other is attempting to transport an ally of an enemy. And the same with regard to subdivisions (e) and (f), with regard to transmission out of the United States. One is to an enemy, and one is to an ally of an enemy in a certain matter.

Mr. MONTAGUE. If the gentleman will permit me for a moment, this subject was quite carefully considered in the committee, and we came to the unanimous conclusion that we had better leave it as it was. There is force in the suggestion of the gentleman from Ohio, I will say, and if I had drafted the bill perhaps I would not have framed it as it is.

Mr. MANN. The purpose of it was, no doubt, to enable the President to suspend the law as to an ally of the enemy.

Mr. MONTAGUE. Yes. It may give uniformity, but I think we had perhaps better leave it as it is.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. Mr. Chairman, under these two paragraphs of this section it becomes impossible for anyone in the United States to communicate in any way whatever with their relatives or friends in Germany, Turkey, Austro-Hungary, or Bulgaria, with the further statement that the President may suspend the operation of the act as to the three latter named countries.

Of course this is a very hard rule to enforce. We who have been raised in the United States for several generations and who do not have a mother or father or brothers or sisters or nephews or nieces or other close relatives abroad may not fully appreciate this drastic provision, that the son or daughter here may not even make an effort to learn whether the mother or father in Germany or Turkey is alive.

Now, I do not say that this legislation ought not to be enacted, although I have grave doubts about it. But if this legislation is enacted, it seems to me that it is the duty of the Government itself, then, through the State Department, to make inquiry at the request of people here, citizens of the United States, concerning their relatives in Germany, to know whether they are alive. That the State Department now refuses to do. We do not in fact now have any real communication. You can not send a letter now—a relative here can not—and get it through the lines to a relative in Germany, and you can not get information here unofficially in reference to relatives in Germany, because they are not permitted to send communications here; and the State Department—I do not say they are not right about it up to date—refuses to make any inquiry, which, of course, they could do through the Swiss and Spanish legations.

I have always observed in a good many political fights the amenities of life between partisans. I do not feel myself that, because we are in a war where it is our duty to exercise every power which we can bring to bear to win victory, it is necessary for me to add personal hatred toward all the people who are born in Germany, nor do I think it advisable in the United States to undertake to inculcate the idea that all people born in Germany are therefore monsters and ought not to be communicated with. I think that the Government of the United States ought, when it forbids private communication, to at least have some method of ascertaining as to the living of some of the people in Germany who are relatives of people in the United States.

Mr GARD. Mr. Chairman, I move to strike out all the language on page 28 between lines 3 and lines 16, inclusive; in other words, to strike out subdivisions (e) and (f).

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARD: Page 28, strike out all of subdivisions (e) and (f).

Mr. GARD. Mr. Chairman, I do that because it seems to me that the question of communication, in so far as it may exist in the judgment of the United States, between anyone in the United States and an enemy thereof is amply taken care of by legislation which was recently passed. I refer to the so-called espionage bill, which had its approval only on June 17 of the present year. Section 2 (a) of that act provides that—

SEC. 2 (a) Whoever, with the intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates, delivers, or transmits, or attempts to, or aids or induces another to, communicate, deliver, or transmit, to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, note, instrument, appliance, or information relating to the national defense, shall be punished by imprisonment for not more than 20 years: *Provided*, That whoever shall violate the provisions of subsection (a) of this section in time of war shall be punished by death or by imprisonment for not more than 30 years; and (b) whoever, in time of war, with intent that the same shall be communicated to the enemy, shall collect, record, publish, or communicate, or attempt to elicit any information with respect to the movement, numbers, description, condition, or disposition of any of the armed forces, ships, aircraft, or war materials of the United States, or with respect to the plans or conduct, or supposed plans or conduct of any naval or military operations, or with respect to any works or measures undertaken for or connected with, or intended for the fortification or defense of any place, or

any other information relating to the public defense which might be useful to the enemy, shall be punished by death or by imprisonment for not more than 30 years.

It seems to me, Mr. Chairman and gentlemen of the committee, that the language I have read, and preceding and succeeding language also, with which the members of the committee are as familiar as I am, and which therefore I shall not read, will take care of every possible and proper situation. I question—seriously question—if it be the rightful province of the Congress of the United States at this time to take such drastic action as to say to a son of an old resident of Germany that he may not communicate with his father in the old country—that he may not send a letter to know what the state of his health may be.

This war, as the President of the United States has well said, is not a war of hatred of the German people, but a hatred of the autocracy of their Government; and I fear that the incorporation of proposed legislation such as this would have but one effect, and that would be the beginning of a great hate, which we have sought to avoid.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes; I yield.

Mr. McKEOWN. I will ask the gentleman, if this section remains in the bill will it prevent a son or a daughter who is maintaining an aged father in Germany from remitting money to him to maintain him?

Mr. GARD. I would say unquestionably it would.

I go as far as any man, Mr. Chairman, in desiring to do everything possible for the protection of the United States, but I do not think we should go so far as to say that the most intimate of innocent family relationships should be severed by legislative action, or should be absolutely prevented, when there is no harm coming to the United States. Some one yesterday—I think it was a member of the committee—said it was intended to cover all possibilities of communication by cipher code or otherwise. Surely that is reaching the extremity in legislation, because the United States has an abundance of opportunity to inspect outgoing and incoming mail. It has done it and is doing it now; and the law at present provides a drastic penalty for anyone who sends or attempts to send any information abroad which may be beneficial to the enemy or prejudicial to our national defense. I think we have safeguarded every American interest. To go beyond that would be, to my mind, an invasion of the province of humanity and would suspend the very intimate relations of members of the family for no purpose except to inspire a degree of hatred which fortunately does not at this time exist

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONTAGUE. Mr. Chairman, I will say to the committee, as I said on yesterday, in relation to this amendment, that these sections lessen the present rigor and inhibitions of international law; they give the right to issue licenses whereby letters may be sent out of the United States. I concede that existing law is hard and drastic, but in the midst of war we can not have qualms about matters of this sort. Sending money abroad for the purpose of assisting the aged mother or father needing support has been suggested by the gentleman. That appeals to the instincts of humanity, but manifestly no Government conducting a war would permit its citizens to send money to the enemy country for any purpose. It is subject to confiscation when it gets to the other Government, and it seems to me the wisest and best course is that contemplated by this bill, namely, that these hardships may be taken care of by licenses, and that the Government in the administration of the matter, as suggested by the gentleman from Illinois [Mr. MANN] a while ago, can best meet the necessities and respond to the humanities of the case.

Mr. MANN. Will the gentleman yield for a question?

Mr. MONTAGUE. I will.

Mr. MANN. The gentleman stated that international law now forbids doing any of these things, and that this will permit them to be done, as I understood him.

Mr. MONTAGUE. I think international law forbids the transmission of letters between the citizens or subjects of belligerent nations.

Mr. MANN. If international law already forbids it, I suggest that there is some doubt whether this would permit it. This is negative in form, not positive. This does not grant a right; this forbids certain things. If international law now forbids them, this does not grant the right.

Mr. MONTAGUE. But if the gentleman will turn to section 5, I think he will find that licenses can be given to effectuate the proper transmission of letters.

Mr. MANN. But it does not say what they can be given for. This section says it shall be unlawful for any person in the United States, except with the license of the Secretary of State as hereinafter provided in section 5. Now it may be inferentially understood that that gives a right now forbidden by law, if you obtain a license, but that is only an inference. To give a positive right by an inference is never a good method of legislation. If the gentleman is correct in concluding that all of these matters are now forbidden by international law, then the language of the bill ought to be changed, and it ought to be made lawful, with the licensing, to do these things.

Mr. MONTAGUE. Does not the gentleman think that when the license is issued it does make such transmission lawful?

Mr. MANN. I think myself that the gentleman overstated the case when he said that the sending of a letter from a private citizen in the United States to a private citizen in Germany is forbidden by international law, if the letter relates only to private affairs.

Mr. GARD. Will the gentleman inquire if the gentleman in charge of the bill [Mr. MONTAGUE] has any authority or any precedent for the statement that the sending of family letters is prohibited by international law?

Mr. MANN. I think the gentleman from Virginia did not intend to say that. I think he meant to say that if general trading was now forbidden, this would permit it; but it is only a permission by inference.

Mr. LAGUARDIA. Will the gentleman permit a question?

Mr. MONTAGUE. Yes.

Mr. LAGUARDIA. The purpose of my amendment was not to permit the transmission of letters, but to moderate the severe punishment provided in this bill for the mere mailing of a letter.

Mr. MONTAGUE. I understand the gentleman's amendment has been disposed of.

Mr. DEWALT. Quite a long while ago.

Mr. MONTAGUE. We are now dealing with the amendment of the gentleman from Ohio.

Mr. GRAHAM of Illinois. I should like to ask the gentleman a question.

Mr. MONTAGUE. I yield to the gentleman from Illinois.

Mr. GRAHAM of Illinois. Does the gentleman in charge of the bill know of any power in the Government at this time under existing law to open and inspect the contents of letters passing between this country and other countries?

Mr. MONTAGUE. There is the censorship power.

Mr. GRAHAM of Illinois. Does it extend that far?

Mr. MONTAGUE. I think it does. I think that power has been exercised in nearly every war. It was exercised very drastically during the Civil War.

Mr. GARD. It is being exercised now.

Mr. GRAHAM of Illinois. By the general powers of the Government, so that a letter written here to some one in Germany could be examined by our authorities?

Mr. DEWALT. Certainly. There is no doubt about that.

Mr. WINGO. Mr. Chairman——

Mr. WALSH. Will the gentleman yield for a question?

The CHAIRMAN. The gentleman from Ohio has the floor.

Mr. GARD. I wish to ask the gentleman from Virginia whether he has read the section of the law which was read to the committee, and whether he is not satisfied therefrom that it affords every protection, so far as the transmission of any information relative to the national defense is concerned?

Mr. MONTAGUE. The Secretary of Commerce in the hearing did not think it afforded the necessary protection. Therefore he insisted on these provisions, as the gentleman will observe by reading the hearings.

Mr. WINGO. I assume that all desire to pass legislation embodying the main purpose of this bill—that is, to prevent trading with the enemy. I assume that we purpose to prohibit any kind of communication that will be of military advantage to the enemy or a military detriment to our own country. I think we can accomplish these ends without at the same time prohibiting the class of communications to which attention has been called.

I do not agree that international law now prohibits the sending of private letters. I think a more correct statement of international law is that international law permits a belligerent government to censor or prevent the delivery of letters that under the censorship is deemed detrimental from a military standpoint.

After all, international law on this subject, I suspect, is susceptible of misunderstanding, as on many other things. I can conceive how it is possible for a man being liable to criminal punishment under this act by simply mailing a letter to a relative in Germany, even though it be a proper letter of no value to the enemy or injury to this country. In any event the Government controls the mail and may hold the letter.

Take the illustration some one has already given. Some man of German parentage living in this country, a loyal American citizen, a man whose soul is wrapped up in loyalty to the flag and our own country, as much so as any native born, and yet he has in his heart a very natural desire to know something about the welfare and condition of his parents in the enemy country. Now, I agree with the gentleman from Illinois that we do not undertake to relieve that situation by providing that the Secretary of Commerce may license these things.

If it be prohibited by international law, as is contended, then in order to give the relief it appears to me we should by some affirmative declaration impose upon some department of the Government the duty of trying to get this information for these unfortunate people who are loyal to this country, but yet who have a right to get information as to the relatives who happen to be living in a belligerent country, and I can not see where any injury could come to the Government if we made it the duty of some one to do that.

Mr. DECKER. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Yes.

Mr. DECKER. Did the gentleman understand that the bill itself specifically defines what the word "enemy" means?

Mr. WINGO. Yes; that occurred to me after I made the statement a moment ago.

Mr. DECKER. According to international law, I think probably the gentleman's statement would be correct.

Mr. WINGO. That occurred to me after I made the statement a minute ago. We undertake to say in this bill that the word "enemy" shall include persons living in a belligerent country, but the thing that appeals to me is the suggestion of the gentleman from Illinois, as well as the suggestion of the gentleman from New York. There are a great many good people in this country who are loyal—I know some of them—who have relatives living in Germany. I know a Frenchman, born in France, a loyal citizen of this country for years and years, a man who has been elevated to high office in his community, who wants to keep in touch with his sister and nieces in Germany, who are detained there—not permitted to go out of the country. I have as best I could through the State Department obtained the information for him during the last few years. Now that war has been declared between the United States and Germany, that man, hating the German Government as much as any native-born American citizen, might address a letter to his French sister in Germany, and under this bill he would commit a crime. That ought not to be permitted by any language in this bill, and we ought to go further. We ought to make it the duty of the Secretary of Commerce, or of the State Department, which I think would be preferable, to conduct these inquiries and in that way not only protect the Government against information going there but still at the same time afford the information that these unfortunate people are entitled to.

Mr. TEMPLE. Mr. Chairman, there is one question that I should like to ask the chairman of the committee. The word "enemy" as used in this bill is defined in section 2, and the definition includes this language:

> Any individual, partnership, or other body of individuals of any nationality, resident within the territory * * * of any nation with which the United States is at war.

It is with regard to the word "resident" that I desire to make the inquiry. Does that mean having acquired what we know as a legal residence, a domicile?

Mr. MONTAGUE. No; it does not. The word "residence" is much broader than the word "domicile." Domicile would give you perhaps the idea of permanency, of a legal habitat, but the word "resident" means a sojourner staying or residing in. It embraces domicile and is broader than domicile.

Mr. TEMPLE. If it is not limited to domicile but includes residents of any kind, would it include an American boy in the Army of the United States who had been captured and held as a prisoner of war in Germany?

Mr. MONTAGUE. I should think not.

Mr. TEMPLE. What is there in the bill to show that such a temporary sojourner in Germany is not included in this definition?

Mr. MONTAGUE. He is still a citizen of the United States.

Mr. TEMPLE. Oh, but I asked the gentleman whether it meant domicile or legal residence, and his reply is that it means a temporary sojourn. If it means a temporary sojourn, it may be conceivably applied to one of our American soldiers in prison there.

Mr. MONTAGUE. I will say to the gentleman that I do not mean it does not include a sojourn. It includes that, and it includes much more, but the gentleman's opinion upon that matter is one that I would give great deference to.

Mr. TEMPLE. I have no opinion. I am trying to find out what the bill is intended to cover.

Mr. MONTAGUE. I could not think that the bill is intended to cover a member of the expeditionary force sent to the enemy country.

Mr. TEMPLE. Without being so intended, does the bill actually do that?

Mr. MONTAGUE. I do not think so.

Mr. TEMPLE. I attempted to clear the ground with my first question to learn what the word "resident" meant in this section; whether it meant one who acquired a legal domicile, a legal residence, and the reply was no.

Mr. MONTAGUE. I did not say that. I said it includes that, and it includes much more.

Mr. TEMPLE. Oh, yes; it includes much more. Then I want to know whether it includes anybody who might in any sense be a resident of Germany, and if so, why does it not include our own soldiers who may be unfortunate enough to be captured?

Mr. MONTAGUE. Because a soldier upon the soil of Europe is in no sense a resident. He is not there by his own volition. He is not there exercising any of the civil functions of a resident.

Mr. TEMPLE. He has acquired no domicile or legal residence.

Mr. MONTAGUE. He may not be a sojourner at any given spot for one minute. He is under the flag of the United States and under the command of the United States.

Mr. TEMPLE. There is no doubt about that.

There is no doubt that he has not acquired a legal residence, but might it not be wise to make the bill unmistakable on that point?

Mr. MONTAGUE. What would be the gentleman's suggestion?

Mr. TEMPLE. I have not had time to formulate any definite ideas, and I am not sure that it is necessary. I was seeking information from the committee.

Mr. WINGO. Will the gentleman yield?

Mr. TEMPLE. I will.

Mr. WINGO. May I call the gentleman's attention to the fact that one State court has passed upon the word "resident"? The legal decision, and it was in a liquor case, of the word "resident" is one who has fixed a place of abode——

Mr. TEMPLE. I know the definition.

Mr. WINGO (continuing). With the intention of remaining there until unknown exigencies of life call him hence. I believe that is the wording.

Mr. TEMPLE. I am well acquainted with that. Another point I want to speak about in connection with this matter is the statement which has been made two or three times that communications of any kind by mail or otherwise are contrary to international law. It seems to me that is a mistake. So far as I am acquainted with the law of nations, it does not make any provision as to what may take place between two belligerents, except that they must conduct their warfare under certain restrictions and in accordance with certain rules and usages. If they wish to arrange any kind of communication, they may do so. Arrangements have been made by which prisoners in Germany may receive even packages from home. I have seen letters written by English prisoners in Germany saying they received packages of food from home and that Russian prisoners are sometimes hungry because they have not received like parcels from Russia.

Mr. MONTAGUE. That is done under permit or license of the Government.

Mr. TEMPLE. International law neither requires nor forbids it. It depends on what arrangements the opposing belligerents make.

Mr. MONTAGUE. But under international law all trade and instrumentalities of trade are either suspended or interdicted upon the breaking out of war——

Mr. TEMPLE. That is true of commercial relations.

Mr. MONTAGUE. And there are included in such instrumentalities everything for the transportation of mail.

Mr. TEMPLE. Mail from this country?

Mr. MONTAGUE. To a belligereat country.

Mr. TEMPLE. It might easily be sent to Holland and then into Germany; that would be the natural line of communication.

Mr. MONTAGUE. That is another question.

Mr. TEMPLE. That will depend upon whether the Post Office Department shuts off the transportation of the mail.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DEWALT. Mr. Chairman, I ask that the time of the gentleman be extended for one minute for the purpose of asking him a question. I believe the gentleman will agree as a

lawyer that residence is a matter of intention coupled with facts consistent with that intention.

Mr. TEMPLE. I am quite familiar with the legal interpretation of the word "resident."

Mr. DEWALT. That is the legal definition.

Mr. TEMPLE. My first question was whether the term as used in this bill was to be confined to that, and the answer was it was not.

Mr. DEWALT. Now, the word "resident" having that definition of law, namely, that it is a matter of intention coupled with facts consistent with that intention, it certainly could not apply to a captured soldier who was upon German territory or allied territory, because he has no intention of residing in that country and there are no facts consistent with that intention which might make him a resident, and therefore it certainly could not include that.

Mr. TEMPLE. The gentleman will remember, however, when I asked whether the word "resident" was to be interpreted in that way he replied, at the beginning of my remarks, that it was not to be limited to that interpretation.

Mr. DEWALT. I understand, but the gentleman re-formed his answer.

Mr. TEMPLE. Then I will re-form my remarks.

Mr. MONTAGUE. The gentleman is correct, but in my answer I stated that it might be included, but that it also included much more.

Mr. WALSH. Mr. Chairman, I understand this is the section which gives to the Secretary of Commerce authority to license certain things to be done, which powers otherwise would be contrary to law unless so licensed. It seems that certainly one other department of the Government recently has taken occasion to license something which in its result was very surprising to the American people, and on the evening of the 3d of July in many of our large communities our good citizens were awakened by the cries of the newsboys hawking extra editions announcing to an anxious people the adventurous and perilous journey which had been taken by some of our transports and their safe arrival after attacks in the night by enemy submarines, "in force," as it was stated. It might have been "poetic" license or possibly a lively and lurid imagination aroused by the approach of the Nation's holiday that on the receipt of official dispatches from an admiral of our Navy setting forth the safe arrival of our transports at their destination across the seas that permitted, with official sanction from high official sources, their transcription and elaboration worthy of a chronicler of Capt. Kidd, relating to an attack that was made, as it was so vividly stated, upon our ships "in force" under cover of darkness, with torpedoes speeding by and the defense that was made by our fleet, with "our high-seas convoy" which "circled with their searchlights, answering with heavy gunfire, which heavy gunfire and the accuracy of that fire resulted in the torpedo discharge becoming increasingly scattered," but, Mr. Chairman, up to the present moment we have only this tale coming from high official sources about what actually took place. We are told the attack was made in force, although the night, illumined by searchlights though it was, "made impossible any exact count of the U-boats gathered for what they deemed a slaughter."

The world also was told that the expedition was divided into contingents, and that a rendezvous had been arranged, and that the attack was made beyond the rendezvous.

This announcement, coming as it did, couched in flamboyant style, was the work presumably of the Bureau of Public Information, which bureau was presumably to have been the official censor of the Nation had not the Congress eliminated the censorship section from the espionage bill. We have now had exemplified what would possibly occur should we have authorized any sort of censorship heretofore, or should we provide for it in this bill or in any other measure which later may come before the Congress. And when the gentleman who is in charge of this bureau of information established upon somewhat hazy authority, as I view it, was asked to give the official news, he stated that if he did that, I understand it might disclose the latitude and longitude where this attack of U-boats was made upon our fleet, as if, perchance, the captains of the U-boats were interested in knowing the latitude and longitude of the ships which they were at that moment attacking. I submit that that blundering method of arousing the interest of our citizens and seeking to frighten the people of America by elaborating official reports is not to be encouraged and ought not to be accepted as a method or plan to be followed in the future. The people are entitled to know the facts without "frills and furbelows," at least such facts as may be divulged without giving useful information to the enemy.

We should take all steps necessary to cloak with secrecy the movements of our ships. But it is likewise true that our people at home should not be aroused by any such sensational accounts which were made public in order to give the American people "a happy American holiday." To do things like that, in view of the experience that Great Britain has had in shipping her troops, both across the Channel and from Canada, in safety, which she has been able to accomplish during the past three years, and to embellish and color official reports, in order to give assurance of success in a great undertaking, will only tend to frighten the American people, will have ill effects upon them, arouse them, and cause them unnecessary apprehension and terror, and cause discontent and anger when the truth becomes known.

And so I trust if there is any power to license given in this bill that the instance of license, poetic or otherwise, which we have recently witnessed and read of during the past week can not be taken as an example of how that power and authority will be exercised in the near future. What the people would now like to know is whether there was an attack, or attacks; and if so, what happened?

As a matter of fact, as I understand it, the Associated Press, that great news-gathering agency of this country, loyal to our Government, every member of it, had a correspondent accompanying our troops, and he sent dispatches to this country announcing the safe and uneventful voyage of our troops; he, at least, was not aroused by heavy gunfire and the uproar of battle; and on July 5 he sent a second dispatch stating there had been no attack. Later Associated Press dispatches which had passed the censor of our forces in France were received here, but were intercepted and were not delivered until they were taken to one of the departments and there inspected and, possibly—I do not know—censored; but they were delayed for several hours, with no previous notice of this intended action having been given. Possibly because they did not correspond to the highly tinged account which had been published and which bore the approval of one of the Secretaries of an executive department of this Government, they were withheld from those sources for which they were intended—from the press association, to which they were addressed, and delayed for several hours—a questionable proceeding. That is another exercise of assumed or pretended censorship that the American people will not take kindly to. The American press of our Republic has set a high standard, as a whole, of patriotism. Indeed, I believe the editors may possibly be the best censors of news. Their judgment in the main can be safely trusted. [Applause.]

Mr. MONTAGUE. Mr. Chairman, I ask unanimous consent that all debate on this amendment shall close at the end of three minutes.

Mr. TEMPLE. Will the gentleman yield for just a moment? My attention was diverted from the point I intended to make.

Mr. MONTAGUE. I will say to the gentleman from Pennsylvania [Mr. TEMPLE] that the gentleman from Ohio [Mr. GARD] has the floor.

Mr. TEMPLE. I beg the gentleman's pardon.

Mr. GARD. I will be very glad to yield to the gentleman from Pennsylvania.

The CHAIRMAN. The gentleman from Virginia [Mr. MONTAGUE] asks unanimous consent that all debate upon the section and all amendments thereto close—in what time?

Mr. MONTAGUE. In four minutes.

Mr. HULBERT. Mr. Chairman, reserving the right to object, I think the request as submitted was as to the amendment and not to the section. I would like to have five minutes for the presentation of an amendment to the section.

Mr. MONTAGUE. Make it 10 minutes.

The CHAIRMAN. The gentleman from Virginia [Mr. MONTAGUE] asks unanimous consent that debate on the section and all amendments thereto close in 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GARD. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. TEMPLE].

Mr. TEMPLE. Mr. Chairman, this was the point I intended to make, but my attention was diverted. If we intend to maintain communication with our boys who may be prisoners in Germany it must be with the consent of the German Government. We can not do that, probably; we can not get that consent unless we make it possible for German prisoners in this country to communicate with their friends at home. I was laying the ground for this conclusion to my remarks, but interruptions had the double effect of consuming my time and diverting my attention.

Mr. GARD. Mr. Chairman, it is well recognized what is the existing status in the matter of communication by mail with

foreign countries. It has been said in the debate, and I suspect it is true, that the Government of the United States has availed itself of its powers and has opened and examined mail which was addressed to some one in a foreign country, a country with which we are at war. That has prevailed, as has been said, and it is a proper provision under existing circumstances, but it is proposed in this legislation which is embodied in subdivisions (e) and (f) of section 3 to make it a crime for anyone in the United States to deposit in a mail box, here in Washington or in Chicago or elsewhere, a letter entirely free of wrong intent addressed to a parent, or other relative, or friend in a country with which we are at war. Now, I think we discussed here for many days the proposition which is at the base, it seems to me, of all these matters, and that is that we should do everything possible to bring the war to a hasty and successful conclusion, and do everything to bring victory to American arms. And we have been trying in our legislation to do that sensibly and well. But this goes so far, indeed, as to invade the common province of humanity. Why is it necessary to say at this time that with the safeguards we have around us, with not alone the absolutely stringent penalty under the espionage law, but with the power of the Government to open, examine, and suppress mail matter as well—why is it necessary to say to all of the people of the United States, to all our population that has come to us even from the countries with which we are at war, many of them as loyal as our native-born citizens, that if one of them deposits a letter in a mail box here to his mother in some place in Germany he is guilty of a crime and shall be punished? Why, wars are not fought alone in the trenches and on the firing line. Wars have become a matter of resources affecting the welfare of young and old. And surely no war should still the dictates of humanity, should take away from an American citizen the desire to know of the safety of his father and mother abroad, possibly aged persons who can in nowise contribute to the success of our foreign foe, and can give them no aid and comfort.

That is precisely the position we are in if the section prevails; that in addition to our present law, which most properly provides a drastic penalty for anyone who transmits or attempts to transmit information prejudicial to our national defense or beneficial to the enemy, we now go on record, if this legislation prevails, and make it a crime for one to deposit a letter to a friend or a relative which has not the slightest connection with any matter of national defense or giving aid to a foreign foe; and I do not think—and I say it with all due regard to those who have brought the bill here—that the time or the occasion is at hand when such drastic rules should be invoked, for in all respects we are amply protected by existing law.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. MOORE of Pennsylvania. I am impressed with what the gentleman says, and I am sure others in the House are impressed by it from the human side of the question. Suppose some one having relatives over there should want to write abroad. Would he apply to the Secretary of Commerce and lay his case before him? I raised the question a little while ago as to whether the Secretary of State or the Secretary of Commerce would have jurisdiction in a case of that kind. Will the license of the Secretary of Commerce permit one to write abroad if it be shown to the Secretary of Commerce that the writing is harmless?

Mr. GARD. I assume that that would be true, but I do not know. That would be the only object of issuing a license.

Mr. MOORE of Pennsylvania. Of course, the gentleman, not being on the committee, need not answer; but is that the formula with which one would have to comply in order to communicate with a relative on the other side?

Mr. GARD. I do not speak for the committee, not being a member thereof, but I presume the regulations are to be prescribed by the Secretary of Commerce under section 3. The form I know nothing about.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. HULBERT. Mr. Chairman, I send an amendment to the Clerk's desk and ask that it be reported.

The CHAIRMAN. There is already an amendment pending, which will be disposed of first. The question is on agreeing to the amendment offered by the gentleman from Ohio [Mr. GARD].

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. MONTAGUE. A division, Mr. Chairman.

The CHAIRMAN. A division is called for.

The committee divided; and there were—ayes 30, noes 17.

So the amendment was agreed to.

Mr. HULBERT. Mr. Chairman, I ask that my amendment be reported.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York [Mr. HULBERT].

The Clerk read as follows:

Amendment offered by Mr. HULBERT: Page 37, line 19, after the word "enemy," insert:

"*Provided*, That nothing herein contained shall make unlawful the business of any corporation organized or existing under any State or Territory of the United States or the District of Columbia the stock of which corporation is owned in whole or in part by or for the benefit of an enemy or ally of an enemy: *Provided*, That such corporation shall not directly or indirectly trade or attempt to trade with, for, or on behalf of, or for the benefit of, an enemy or ally of an enemy, as herein provided: *Provided further*, That the stock of such corporations shall be under the control of the provisions of this act."

Mr. HULBERT. Mr. Chairman, before the present war broke out practically all of the fur business, which is but one illustration of many others with which I am familiar, was in control of citizens of the German Empire, who had agencies at New York, St. Louis, and other cities throughout the United States, the principal ones, however, being in the two cities that I have indicated. Because of the existence of a state of war many of these various agencies were incorporated under the laws of the several States, and while the incorporators and directors, and in some cases the officers of these corporations, are American citizens, they represent investments made with money belonging to citizens of the German Empire, to whom either the stock was issued or for whose benefit it was issued and is held by American citizens; and since the war broke out, and as the result of these operations, America has now become the unquestioned center of the fur trade.

Yesterday I propounded a question to the gentleman from Wisconsin [Mr. ESCH], who, in reply, said that corporations similarly situated would be permitted to do business in the United States; but, he added:

The officers of those corporations—the president, the secretary, and trustees—will be required under this bill to report to the alien-property custodian the name of every German stockholder or bondholder, as the case may be, and when that is listed with the custodian, then the dividends on the stock or the interest on the bonds will be paid to the custodian or to a depositary and put in the Treasury of the United States to be invested by the Secretary of the Treasury in bonds or in certificates of indebtedness. It will not mean that that corporation will cease business.

Now, a gentleman who is very extensively interested in this particular line of commercial activity has conferred with the representative of the Department of Justice, and they do not seem to be quite clear upon the exposition of the law as it was made by the gentleman from Wisconsin yesterday, with whom, however, I thoroughly agree. And therefore, in order to relieve the doubt upon that point, and to make it possible for corporations organized under the laws of the several States, which corporations are being officered and managed by American citizens, and which are employing American citizens in their daily activities, and which are carrying on business in the United States and wholly with people who are neither enemies nor allies of enemies, I propose this amendment. I might add these very concerns, with the approval of the British Government, are purchasing furs from Australian and Canadian concerns, and I can not believe we should even leave in doubt a matter upon which the British authorities have not found it necessary, through their experience, to impose such restrictions. I hope that the amendment will prevail.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. ESCH. Is this the amendment suggested by Mr. Heermance?

Mr. HULBERT. Yes. I have added to that amendment that the stock of such corporations shall be subject to the control of this act.

Mr. ESCH. So far as I am concerned, we have no objection to the Heermance amendment as printed as part of the hearings. I am not sure as to the last part of the stock provision.

Mr. HULBERT. If the committee objects to the last part of the provision, I will ask unanimous consent to strike it out.

Mr. MONTAGUE. Agreeing with the gentleman from Wisconsin [Mr. ESCH], I would be very glad if you would. The amendment did not occur to me when the gentleman first presented it. On looking at the hearings, I find that that is the amendment, with the exception of the portion which the gentleman from New York suggested to strike out.

The CHAIRMAN. The Clerk will report the amendment.

Mr. HULBERT. May I ask, Mr. Chairman, that the Clerk report the last clause of the amendment?

The CHAIRMAN. The clerk will read.

The Clerk read as follows:

Provided further, That the stock of such corporations shall be under the control of the provisions of this act.

Mr. HULBERT. In view of the statement made by the gentlemen of the committee, I ask unanimous consent to withdraw from the amendment a clause as read by the clerk, beginning with the words "*Provided further.*"

The CHAIRMAN. The gentleman from New York asks unanimous consent to modify his amendment by eliminating the language just read by the Clerk. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the amendment of the gentleman from New York as modified.

Mr. MADDEN. Mr. Chairman, I should like to hear the amendment reported again.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HULBERT: Page 27, line 19, after the word "enemy," insert:

"*Provided*, That nothing herein contained shall make unlawful the business of any corporation organized and existing under any State or Territory of the United States or the District of Columbia the stock of which corporation is owned in whole or in part by or for the benefit of any enemy or ally of an enemy: *Provided*, That such corporation shall not, directly or indirectly, trade or attempt to trade with, for, or on behalf of, or for the benefit of, an enemy or ally of an enemy as herein provided."

Mr. MANN. Mr. Chairman——

The CHAIRMAN. The Chair will state to the gentleman that all debate has expired by unanimous consent.

Mr. HULBERT. I ask unanimous consent that the gentleman be permitted to proceed for five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the gentleman from Illinois be allowed to proceed for five minutes. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, here is a provision of the bill that authorizes trading by a corporation or an individual upon obtaining a license from the Secretary of Commerce. Thereupon the gentleman from New York offers an amendment which takes out from any prohibition to trade a corporation the stock of which is owned in whole or in part by or for the benefit of German citizens. What is the purpose of that? Under the provisions of the section, they could obtain authority to trade by obtaining a license. Why should you give a corporation any right, more than a partnership or an individual, to trade with the enemy? Then, because the stock of the corporation is owned in whole or in part by German citizens, it is proposed to say that you shall not forbid them at all to trade with the enemy. This section relates only to trading with the enemy in some form, and forbids trading with the enemy by anybody unless he gets a license. Now, here is the situation resulting from the amendment of the gentleman from New York: If the stock of a corporation in the United States is owned wholly by citizens of the United States, then they can not trade with the enemy without obtaining a license; but if a portion of the stock is owned by or for German citizens, then there is no taboo here by this section. What is the purpose of that? Why should you give a corporation in the United States partly owned by Germans a better right to trade with the enemy than you give to a corporation owned wholly by citizens of the United States?

Mr. HULBERT. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. HULBERT. I would call the attention of the gentleman to the fact that the amendment which I have offered provides expressly that those corporations can not trade either with the enemy or with an ally of the enemy. That is the distinction which evidently the gentleman from Illinois has not appreciated.

Mr. MANN. The only purpose of this section is to forbid persons in the United States trading with the enemy. Now the gentleman says nothing in this section shall forbid a corporation owned in whole or in part by Germans from doing certain things, but they shall not trade with the enemy.

Mr. HULBERT. Will the gentleman yield further?

Mr. MANN. Certainly.

Mr. HULBERT. There is not any intention, as I understand it, to forbid any corporation, no matter whether the stock is owned by citizens of the United States or by citizens of the German Empire, from doing business, so long as they do not do business with an enemy or an ally of an enemy. Now, while, as the gentleman from Wisconsin [Mr. ESCH] explained yesterday, and as I have said, to my entire satisfaction, there can be no question of the right of a domestic corporation whose stock is owned by foreigners to do business under this section if they make an application for a license. Unfortunately that does not seem to be the opinion of the Department of Justice, and, therefore, in order to meet that situation, I have presented this amendment, which was submitted to the committee. Mr. Clayton J. Heermance, a very distinguished member of the bar in my city, with whom I have been acquainted for a number of years, appeared before the committee and submitted this amendment to them. He gave his testimony in the hearings there. I have no doubt that the committee has given serious consideration to this matter.

I do not think the gentleman in charge of the bill [Mr. MONTAGUE] and the gentleman from Wisconsin [Mr. ESCH] have acceded to the suggestion contained in this amendment without mature reflection and deliberation; and I think if the gentleman from Illinois——

Mr. MANN. I am trying to get some really mature deliberation and reflection from those gentlemen now.

Mr. HULBERT. If the gentleman from Illinois will get the amendment and read it for himself, he will realize that it is not what he evidently has caught it to mean from the reading by the Clerk.

Mr. MANN. I have heard the amendment read twice, which is not a very satisfactory way of getting at its true meaning; but here is a section of the bill devoted wholly to forbidding trading with the enemy, except under a license from the Secretary of Commerce; and if the gentleman's amendment is what he thinks it is it has no place in this section. It has no relation to this section.

Mr. HULBERT. May I call the attention of the gentleman again to the amendment?

Mr. ELSTON. I heard the colloquy yesterday between the gentleman from New York [Mr. HULBERT] and the gentleman from Wisconsin [Mr. ESCH], and I think the gentleman from Illinois [Mr. MANN] is absolutely correct. The objection that the gentleman from New York made yesterday referred to an explanation of the rights of the custodian, where the custodian would have a right to take over the property owned by aliens in this country, and the gentleman from New York objected to the taking over of alien property in this country owned and operated by domestic corporations.

Mr. HULBERT. I beg the gentleman's pardon. The gentleman is confusing what I said yesterday with what the gentleman from Connecticut [Mr. HILL] said.

The CHAIRMAN. The time of the gentleman from Illinois has expired. The question is on the amendment offered by the gentleman from New York [Mr. HULBERT].

The question was taken; and on a division (demanded by Mr. HULBERT) there were—ayes 7, noes 25.

Accordingly the amendment was rejected.

The Clerk read as follows:

SEC. 5. That the President, if he shall find it compatible with the safety of the United States and with the successful prosecution of the war, may, by proclamation, suspend the provisions of this act so far as they apply to an ally of enemy; and the Secretary of Commerce may, under direction of the President, grant licenses under this act, special or general, to any person or class of persons, if he shall be of opinion that such grant shall be compatible with the safety of the United States and with the successful prosecution of the war, and he may, with the approval of the President, make such rules and regulations not inconsistent with law as may be necessary and proper to carry out the provisions of this act

Mr. LENROOT. Mr. Chairman, I move to strike out the last word. I would like to inquire as to the construction of this section. It authorizes the Secretary of Commerce to grant licenses; but licenses to do what? The sentence is not completed in that section.

Mr. MONTAGUE. I will say to the gentleman from Wisconsin that I realize the force of his suggestion. With the consent of the committee I would like to have this section passed over until to-morrow.

Mr. MANN. Reserving the right to object, I would like to call the attention of the gentleman from Virginia to another matter in this section. It provides that the President may suspend the act so far as it applies to the allies of the enemy. I take it that it may be very desirable for the President to suspend the act, and it may be that the word "suspend" is sufficiently indicative to say that the act could afterwards be put in force, although I am not sure of it. It is perfectly patent that if it is desirable for the President to suspend the operation of the act as to Turkey, Bulgaria, or Austria, it may later become desirable to put this provision of the act into effect, and that ought to be provided for. The President is not likely to suspend it unless it can afterwards be made effective.

Mr. MONTAGUE. The suggestion of the gentleman is that it should be a temporary suspension?

Mr. MANN. It ought to be worded some way so that the President may suspend and thereafter revoke his suspension.

The gentleman asked that the section be passed over, and I call it to his attention that he may think of it.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that this section be passed over until later in the consideration of the bill. Is there objection?

There was no objection.

Mr. ROGERS. Mr. Chairman, I move to strike out the last two words. I desire to read in full article 23 of the treaty entered into between the United States and Prussia in 1799.

ARTICLE 23.

If war should arise between the two contracting parties, the merchants of either country then residing in the other shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects without molestation or hindrance; and all women and children, scholars of every faculty, cultivators of the earth, artisans, manufacturers, and fishermen, unarmed and inhabiting unfortified towns, villages, or places, and in general all others whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, and shall not be molested in their persons, nor shall their houses or goods be burnt or otherwise destroyed, nor their fields wasted by the armed force of the enemy, into whose power by the events of war they may happen to fall; but if anything is necessary to be taken from them for the use of such armed force, the same shall be paid for at a reasonable price.

We entered into a further treaty with Prussia in 1828, and, by article 12 of the 1828 treaty, article 23, which I have just read from the treaty of 1799, was continued in full force and effect. I suppose there can be no doubt under the decisions of the Supreme Court, and under the course of the State Department during the European war, that certainly until our declaration of war with Germany on the 6th day of April, 1917, article 23 of the treaty of 1799, which I have just read, was still in full force. I suppose there can be no doubt that certain provisions of the bill before the House are inconsistent with article 23. Notably would this be true of the provision on page 24 of the bill, subsection c, which was discussed at some length this morning and which permits the President, by proclamation, to include within the term "enemy" the citizens or subjects within the United States of Germany or any other country with which the United States may be at war.

Now, the question comes whether article 23 of the treaty of 1799 is to-day in full force and effect. The committee will notice that the treaty contemplates a state of war. It can not be said of article 23, as it can be said of many articles of a treaty between two belligerents, that it was abrogated by our declaration of war last April. The article itself, as the opening words disclose, specifically contemplates a state of war between the two parties to the treaty. "If war should arise between the two contracting parties" is the language of the treaty. It seems to me that it is of importance for the record, in order that there may be accurate knowledge of our exact status as a party to that treaty, and of the exact status of United States citizens in Germany and German citizens in the United States, that we should be fully cognizant whether in passing this trading-with-the-enemy bill we are recognizing the provisions of the treaty of 1799 as still in force. If I can get the opinion of the gentleman from Virginia [Mr. MONTAGUE] or the gentleman from Pennsylvania [Mr. DEWALT] on this subject, I should like to do so.

I notice that the gentleman from Pennsylvania in his remarks yesterday seemed to indicate that the treaty, in his opinion, was abrogated and no longer in force. I should like to ask him to state on what ground he arrived at that opinion.

Mr. DEWALT. Mr. Chairman, in response to the inquiry of the gentleman from Massachusetts, what I did state yesterday was, concisely, this: My colleague from Pennsylvania [Mr. STEELE] inquired of me whether the committee had taken into its thought the fact that there existed a treaty between Prussia and the United States, referring specifically, of course, to the treaty which has just been mentioned by the gentleman from Massachusetts—that of 1799. Fortunately, it so happened that I had that very treaty at that time before me and still have it, as reported in Senate Document No. 37, on the page therein referred to.

In the course of my remarks then, I stated this, and I desire now to repeat it, not only for the information of the gentleman, who I have no doubt is thoroughly informed upon the subject, but for the information of the other members of the committee who may have doubts upon the subject. This act provides that the enemy shall be, by description, one who is living in hostile territory; in other words, in territory of the nation with whom we are at war, or in the territory of the ally of that nation, and all of the provisions of this bill necessarily only apply to those who are resident within that territory.

Mr. ROGERS. How does the gentleman deal with subsection (c) of section 2, which is to be found on page 24 and which specifically deals with the citizens or subjects of Germany within the United States?

Mr. DEWALT. They are by proclamation of the President to be made subject to the provisions of this bill.

Mr. ROGERS. Yes; but if the President took advantage of this law and issued such a proclamation, he would thereby make an enemy, within the language of the law, of a person of German extraction and citizenship now living in the United States.

Mr. DEWALT. Why should he not, if that person is doing anything which is hostile to the interests of this country?

Mr. ROGERS. I am entirely in sympathy with the propriety of granting that permission to the President, but how does it dovetail in with the treaty?

Mr. DEWALT. It does not interfere with the treaty at all for this reason: If at any time within the war powers of the Government, by reason of the hostile acts of the belligerent who is at war with another nation or who is now at war with us, to wit, Germany, it becomes necessary for this Government to abrogate the treaty, it can do so at once without any negotiations, and that would be in effect an abrogation of this treaty.

Mr. ROGERS. I understand that fully. It is, then, the position of the gentleman from Pennsylvania that the treaty of 1799 is now in full force and effect as far as article 23 is concerned, but that the passage of this law will make it possible for the President, in his discretion, to abrogate article 23?

Mr. DEWALT. I believe that the policy of the Government was best indicated by the President's proclamation, in which he said that the property of neutrals residing in this country should be held inviolate.

Mr. ROGERS. Will not the gentleman state his opinion as to whether article 23 of the treaty of 1799 is effective to-day or not?

Mr. DEWALT. I can not answer that except in consonance with the action of the President of the United States by his proclamation; but this I can say, that I do not believe that treaty applies to any of the individuals who are residents in this country, except by specific proclamation, because they are not enemies within the terms of the bill. The basic idea must not be forgotten that the enemy is one who is resident in hostile territory, and therefore it does not apply to German residents here.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ROGERS. Mr. Chairman, of course the gentleman knows very well that there are perhaps six or eight different classifications of the word "enemy" contemplated in this bill. It is quite true, as he states very clearly, that in so far as certain of those classifications are concerned there could be no suggestion that article 23 was being violated, but in so far as other classifications are concerned it seems reasonably clear that if the treaty is still in full force and effect, and if the proclamation which this bill permits were issued, there would be a direct and square violation of the treaty. Therefore it would seem to be of consequence to ascertain whether or not to-day article 23 of the treaty of 1799 is still in effect.

Mr. DEWALT. In reply to that let me quote for the gentleman's information from page 34 of the testimony that was taken in the testimony before the committee, and I am now reading from the testimony of Mr. Warren, one of the Assistant Attorneys General. Mr. ESCH asked him a question, and I quote now from his testimony:

Mr. ESCH. Did not the old Prussian treaty provide for the protection of merchants and that they should have nine months to return to their own country and dispose of their goods, and so on, with reciprocal rights for our merchants in Germany?

Mr. WARREN. That applies to alien enemies domiciled in this country, and the bill has no application at all to them, except so far as the President is authorized, if he finds the safety of the country demands it, to extend the term "enemy" to cover those persons. You will note that we specifically make no provision at all regarding alien enemies resident in the country. The bill does not touch them.

* * * * * * *

The CHAIRMAN. And if they behave themselves their property will not be placed in charge of a custodian.

Mr. WARREN. Oh, no. This bill does not in any way touch the property of an alien enemy resident in this country. The line of policy laid down in the President's proclamation of April 6, that the lives and property of all alien enemies in this country shall be absolutely protected and safe so long as they behave themselves—to put it in a popular way—is absolutely adhered to in this bill.

Mr. PARKER of New Jersey. Is there not a treaty which covers the German ships in this country?

Mr. WARREN. No, sir; that is a very popular misapprehension. That particular section of the first treaty was not confirmed in the later treaty, so that the only treaty provision which is now in existence is the treaty provision relative to merchants domiciled in this country, who may have nine months in which to depart therefrom with their goods and effects.

The CHAIRMAN. Mr Warren, if I understand your statement, a German domiciled in this country—one who is not naturalized—if he is living here and transacting business, is not affected at all in his person or property by this bill?

Mr. WARREN. He is not affected in the slightest degree, with this single limitation: If the safety of the country demands it, the President is given the power to extend the term "enemy" to such persons.

The CHAIRMAN. Which would depend entirely upon the conduct of him and others like him?

Mr. WARREN. Which would depend absolutely on the conduct of such persons in this country. So far as we can see at the present time, no necessity for the inclusion of alien enemies in this country within the term "enemy" has arisen or is likely to arise; but no one can tell. If this war continues the length of time which some persons believe it may, no one can tell what conditions may arise in this country with reference to alien enemies. It may be necessary for the term "enemy" to be applied to them also; but the bill as drawn does not now apply to them.

I think that is a categorical answer to the gentleman's question, and in further response to the gentleman's inquiry permit me to state that Mr. Warren, from whom I have quoted, said specifically that the only treaty provision which is now in existence is the treaty provision relative to merchants domiciled in the country, who may have nine months within which to depart therefrom with their goods and effects.

Mr. ROGERS. That, of course, answers my question in so far as the opinion of Mr. Warren can answer it. Mr. Warren thinks that provision from the treaty of 1799, which I read, is still in full force and effect.

Mr. DEWALT. Yes.

Mr. ROGERS. And the gentleman agrees, does he not, that the very day after this bill is signed by the President he would have the power under the law to issue a proclamation defining as enemies the residents of German citizenship in this country?

Mr. DEWALT. Precisely.

Mr. ROGERS. Does the gentleman think it is wise for us to leave extant and in force a treaty with Germany and at the same time give the President power to fly contrary to the terms of the treaty?

Mr. DEWALT. In reply to that I would say to the gentleman from Massachusetts that I have long desired and have had an ambition to become Secretary of State, but not having yet arrived at that distinction I do not think I can answer the question.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. LENROOT. Mr. Chairman, I move to strike out the last word. With reference to the very interesting proposition raised by the gentleman from Massachusetts as to whether the treaty of 1799 is still in force, he refers to article 23, and I think it might be well to read article 12 of the same treaty, which is as follows:

Experience having proved that the principle adopted in the twelfth article of the treaty of 1785, according to which free ships make free goods, has not been sufficiently respected during the last two wars, and especially in that which still continues, the two contracting parties propose, after the return of a general peace, to agree either separately between themselves or jointly with other powers alike interested, to concert with the great maritime powers of Europe such arrangements and such permanent principles as may serve to consolidate the liberty and the safety of the neutral navigation and commerce in future wars. And if in the interval—

That is the situation raised at the time the declaration of war was made.

And if in the interval either of the contracting parties should be engaged in a war to which the other should remain neutral, the ships of war and privateers of the belligerent power shall conduct themselves toward the merchant vessels of the neutral power as favorably as the course of the war then existing may permit, observing the principles and rules of the law of nations generally acknowledged.

Now, Mr. Chairman, the very cause of the war in which we are now engaged was not only a violation of the rules of international law in the submarine warfare by Germany, but the express and flagrant violation of article 12 of this very treaty of which the gentleman speaks, and there can be no question that when one of the contracting parties to a treaty deliberately and flagrantly violates one of its principal provisions the other contracting party is no longer bound by that treaty or held to it. On that I quote from Hall on international law:

The general rule, then, is clear that a treaty which has been broken by one of the parties to it is not binding upon the other, through the fact itself of the breach, and without reference to any kind of tribunal.

Woolsey lays down the same doctrine. So that whether or not this present bill does violate article 23 of the treaty, Germany certainly will never be in a position to complain, because she was the first violator of that treaty and the United States is perfectly free to consider it as no longer binding.

Mr. ROGERS. Will the gentleman yield?

Mr. LENROOT. I will.

Mr. ROGERS. I am told the State Department takes exactly the position of the gentleman from Wisconsin, that the treaty of 1799 has been abrogated by the acts of Germany; but does not the gentleman think it is more cognizant with upright dealing as a nation if we face the question in some way or other through the action of the State Department and Congress in announcing that the treaty is dead and we are no longer bound by it in legislating on any trading-with-the-enemy act?

Mr. LENROOT. I think that would be preferable; I was simply arguing what I believed the situation was. I would like to insert in the RECORD, without reading, article 13, which is along the same line and is, as the gentleman from Pennsylvania [Mr. TEMPLE] suggests, and even stronger than section 12. It is as follows:

ARTICLE 13.

And in the same case of one of the contracting parties being engaged in war with any other power, to prevent all the difficulties and misunderstandings that usually arise respecting merchandise of contraband, such as arms, ammunition, and military stores of every kind, no such articles carried in the vessels, or by the subjects or citizens of either party, to the enemies of the other shall be deemed contraband, so as to induce confiscation or condemnation and a loss of property to individuals. Nevertheless, it shall be lawful to stop such vessels and articles and to detain them for such length of time as the captors may think necessary to prevent the inconvenience or damage that might ensue from their proceeding, paying, however, a reasonable compensation for the loss such arrest shall occasion to the proprietors; and it shall further be allowed to use in the service of the captors the whole or any part of the military stores so detained, paying the owners the full value of the same, to be ascertained by the current price at the place of its destination. But in the case supposed of a vessel stopped for articles of contraband, if the master of the vessel stopped will deliver out the goods supposed to be of contraband nature, he shall be admitted to do it, and the vessel shall not in that case be carried into any port nor further detained, but shall be allowed to proceed on her voyage.

All cannon, mortars, firearms, pistols, bombs, grenades, bullets, balls, muskets, flints, matches, powder, saltpeter, sulphur, cuirasses, pikes, swords, belts, cartouche boxes, saddles, and bridles beyond the quantity necessary for the use of the ship, or beyond that which every man serving on board the vessel, or passenger, ought to have, and in general whatever is comprised under the denomination of arms and military stores, of what description soever, shall be deemed objects of contraband.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. LENROOT. I will.

Mr. HUDDLESTON. The treaty that the gentleman has referred to is a so-called treaty of amity and commerce?

Mr. LENROOT. Yes, sir.

Mr. HUDDLESTON. There could have been no war between the contracting parties for a breach of that treaty. The treaty itself provides for a condition of war. The treaty itself provides what shall occur in the event one or the other of the contracting parties shall violate the treaty.

Mr. LENROOT. Let me make this statement: I have not recently read the treaty in all of its articles, but I apprehend that there might be a cause for war that would not be an express violation of the different articles of that treaty.

Mr. HUDDLESTON. The matter I direct to the gentleman's attention is the fact that the treaty itself is a peace provision—it is a treaty of amity and friendship.

Mr. LENROOT. Surely.

Mr. HUDDLESTON. And hence there could not have been any war without a breach of a treaty which is a treaty of amity and friendship, and since the treaty itself makes provision for cases which necessarily arise after a breach of the treaty, how can the gentleman say that because one of the provisions of the treaty is broken that which provides for that which shall be done is also abrogated?

Mr. LENROOT. The title of this, of course, is "a treaty of amity and friendship," but the gentleman will recognize there might be a treaty termed one of "amity and friendship" dealing with certain specific subjects, and yet there might be a cause for war, and war would be actually engaged in outside of any infringement of the specific articles named in the treaty.

Mr. HUDDLESTON. But the gentleman has said that this war arose because of the breach of article 12.

Mr. LENROOT. I said it arose because of a violation of international law that was expressly covered in article 12.

Mr. HUDDLESTON. So that this article 23, if I recollect the correct number of it, was intended to cover just the particular case that could arise when article 12 was broken?

Mr. LENROOT. No. The gentleman does not get my point. I assume that the general rule of international law concerning the breaking of a treaty would still prevail, but war might exist through some other cause than a violation of the particular articles of the treaty, in which case article 23 would, of course, prevail.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUDDLESTON. Mr. Chairman, I move to strike out the paragraph, for the purpose of continuing my colloquy with the gentleman.

The CHAIRMAN. The Chair will state to the gentleman that by unanimous consent the paragraph was passed by until later on in the consideration of the bill.

Mr. MONTAGUE. That paragraph is passed.

Mr. HUDDLESTON. Mr. Chairman, I ask unanimous consent for two minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent for two minutes. Is there objection?

There was no objection.

Mr. HUDDLESTON. Mr. Chairman, I want to call the attention of the gentleman from Wisconsin [Mr. LENROOT] to the fact that as between private contracting parties the relation is not necessarily terminated because of the breach of one of the terms of the contract by one of the parties. The breach must be of a term which is essential to the subject matter of the contract. If we should apply to contracts between nations the same rules of good faith and reasonable construction that we apply to contracts between private parties, we can not say that merely because one of the terms of the treaty has been broken another provision of the treaty, which necessarily implies that it shall remain in force after a breach of the other provisions and war has occurred between the contracting nations, has been abrogated.

Now, it seems to me that this is an important point. Are we to regard our treaties as "scraps of paper"? If we are to do so, let us do it, at least as a frank and brave Nation, by saying so. Let us denounce the treaty. But let us not slip and slide around and ignore the plain provisions of a treaty intended to apply to the very conditions that exist at this time.

Mr. LENROOT. I would like to ask the gentleman a question: Assuming that Germany violates every paragraph of the treaty, violates every principle of international law, does the gentleman think that the United States in its relations with Germany should consider itself bound in all of its promises with Germany and let Germany go free?

Mr. HUDDLESTON. I will say in reply to the gentleman that I am not arguing that we ought to observe this clause of the treaty or expressing an opinion whether it is still in effect, but I do say that we ought to say one thing or the other. We ought to say bravely and honorably that the entire treaty has been terminated by the acts of Germany; we ought to take that responsibility; or we ought to live up to it and not try to evade the effect of it. It is clear to me that we are now legislating inconsistently with the terms of that treaty.

Mr. MONTAGUE. Mr. Chairman, I ask for the reading of the next section.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 6. That the Secretary of Commerce, with approval of the President, is authorized to appoint, prescribe the duties of, and fix the salary (not to exceed $5,000) of an official to be known as the alien property custodian, who shall be empowered to receive all money and property in the United States due or belonging to an enemy, or ally of enemy, which may be paid, conveyed, transferred, assigned, or delivered to said custodian under the provisions of this act; and to hold, administer, and account for the same under the general direction of the Secretary of Commerce and as provided in this act. The alien property custodian shall give such bond or bonds, and in such form and amount, and with such security as the Secretary of Commerce, with approval of the President, shall prescribe. The Secretary of Commerce may further employ in the District of Columbia and elsewhere and fix the compensation of such clerks, investigators, accountants, and other employees as he may find necessary for the due administration of the provisions of this act; and he may in his discretion accept the voluntary services of individuals therefor: *Provided*, That such clerks, investigators, accountants, and other employees shall be appointed from lists of eligibles to be supplied by the Civil Service Commission and in accordance with the civil-service law.

Mr. MOORE of Pennsylvania and Mr. LENROOT rose.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] is recognized.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 30, line 9, after the word "law," insert the following:

"*Provided further*, That the Secretary of Commerce shall cause a detailed report to be made to Congress on the 1st day of January of each year of all proceedings had under this act during the year preceding. Such report shall contain a list of all persons appointed or employed, with the salary or compensation paid to each, and a statement of the different kinds of property taken into custody and the disposition made thereof."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman——

Mr. MONTAGUE. Mr. Chairman, I have no objection to that amendment.

Mr. MOORE of Pennsylvania. It is the same amendment in substance as was included in the food bill.

Mr. MONTAGUE. I think it is all right.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was agreed to.

Mr. LENROOT. Mr. Chairman, I move to amend, page 29, line 13, by inserting after the figures "$5,000" the words "per annum." I presume that was the intention.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The Clerk read as follows:

Amendment offered by Mr. LENROOT: Page 29, line 13, insert after the numerals "$5,000," the words "per annum."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MONTAGUE. We have no objection to that, Mr. Chairman.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. ESCH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wisconsin [Mr. ESCH].

The Clerk read as follows:

Amendment offered by Mr. ESCH: Page 29, line 17, after the word "enemy," insert "or to any person whom there may be reasonable cause to believe to be an enemy or ally of an enemy."

Mr. MANN. Mr. Chairman, let us see what the effect of that amendment may be.

Mr. ESCH. After the word "enemy" on page 29, line 17, we insert the words "or to any person whom there may be reasonable cause to believe to be an enemy or ally of an enemy."

Mr. MONTAGUE. If the gentleman from Illinois [Mr. MANN] will pardon me, do I understand my colleague from Wisconsin to place his amendment at page 29, line 17, after the word "enemy"?

Mr. ESCH. Yes.

Mr. MILLER of Minnesota. May I inquire of the gentleman who is to determine whether there is reasonable cause?

Mr. MANN. Here is the situation: The law would authorize and direct the payment of money, and so forth, to the custodian—money belonging to an enemy or ally of an enemy. That is a question of fact. Reasonable belief is not a question of fact.

Mr. ESCH. But it enlarges the scope of the section.

Mr. MANN. Supposing he is a citizen of the United States; if the money is deposited with the custodian and he is a citizen of the United States he is entitled to have the money paid over to him, but as deposited under this amendment I do not know whether he would ever get his money or not. If he is an enemy under the terms of this bill, then the custodian receives it. If he is not an enemy and the custodian has received it, then he can make the custodian turn it over to him. But under your provision you authorize the custodian to receive money which I may owe to the gentleman from Wisconsin. I turn it over to the custodian with the statement that I have reason to believe that the gentleman from Wisconsin is an enemy, and then the custodian has it. I know of no way of getting it away from him. But if we turn the money over to the custodian improperly—money belonging to some one who is not an enemy—it is recoverable. I am not sure, but I know what the gentleman wants to cover.

Mr. ESCH. It will have to be carried in subsequent sections of the bill. There are other places where like language can be inserted.

Mr. MANN. You propose by the bill to pay over to the custodian money or property which belongs to an enemy, under the definition of the term "enemy" in the bill. You do not want to do any more than that. You do not want to turn anybody else's property over to the custodian unless he is in fact an enemy, and if the custodian receives the property belonging to some one who is not an enemy, I think the custodian could be sued for it.

Mr. LENROOT. Express provision is made in the bill for that later on.

Mr. MADDEN. If the custodian is in doubt about it he could keep it.

Mr. LONGWORTH. Would the custodian or the Secretary of Commerce be the one to decide whether or not there is reasonable cause to suspect a person of being an enemy?

Mr. ESCH. The custodian would be the person officially to administer this property.

Mr. MANN. A man might have reason to believe that the man is an enemy when that is not the fact.

Mr. LONGWORTH. The custodian might believe it and the Secretary of Commerce might not believe it.

Mr. ESCH. I do not think that would work out in actual practice.

Mr. HUDDLESTON. Mr. Chairman, I would like to ask the gentleman a question as to the constitutionality of this amendment, as applicable to the citizen who is suspected of being an alien enemy—that part of the Constitution about taking property from a man without due process of law. This would take a citizen's property without due process of law.

Mr. MANN. Under the gentleman's amendment?

Mr. HUDDLESTON. Yes.

Mr. MANN. It seems to me, personally, that it would be safer to leave it where it is, so that if the money is turned over to the custodian the right of the custodian to hold it would depend on whether the debtor is in fact an enemy.

Mr. ESCH. I shall not insist on the amendment.

The CHAIRMAN. Does the gentleman from Wisconsin ask to withdraw it?

Mr. ESCH. Yes; I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. HUDDLESTON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Alabama moves to strike out the last word.

Mr. HUDDLESTON. Mr. Chairman, I want to ask the gentleman in charge of the bill, or some member of the committee, to be kind enough to answer a question with reference to the use in this bill of the word "ally." I interpret that to include, we will say for purpose of illustration, Bulgarian subjects. Now, we have a treaty with Bulgaria, and we are not at war with that country. That treaty gives to the Bulgarian citizens certain rights and privileges in reference to their property, and it seems to me this section is clearly inconsistent with our Bulgarian treaty. I want to ask some member of the committee whether it was intended to abrogate that treaty or ignore it, or how it was expected to reconcile these terms of the act, which is clearly at variance with the treaty? What was intended by that? Will some gentleman explain that?

Mr. DEWALT. Mr. Chairman, the question asked by the gentleman from Alabama is similar to the question propounded by the gentleman from Massachusetts [Mr. ROGERS] in regard to the operations of treaties.

Mr. HUDDLESTON. Will the gentleman pardon me for a moment?

Mr. DEWALT. Yes.

Mr. HUDDLESTON. It is argued that the Prussian treaty was abrogated and is not now in effect, whereas there can be no doubt that our treaty with Bulgaria is in full effect.

Mr. COOPER of Wisconsin. We are at war with Prussia.

Mr. HUDDLESTON. Yes; and we are not at war with Bulgaria.

Mr. DEWALT. Irrespective of the fact that we are at war with Germany, the treaty obligation of 1799, in so far as it applied to merchants having the right to transport their goods from this country within nine months, was recognized by the President of the United States by his proclamation of April 6. In conformity with that idea this bill was drawn, with the provision, however, that when the President of the United States deemed it necessary for the protection of this country, in the furtherance of the interests thereof in the prosecution of the war, he might declare by proclamation that those parties in this country were subject to the provisions of this act. Now, this act also provides not only that the enemy shall be subject to the provisions of the act, but that the allies of the enemy shall be subject thereto. Admitting, then—which is the fact—that Bulgaria is an ally of Germany, and admitting also that we have treaties existing between Bulgaria and the United States by which Bulgarian citizens have certain rights, the fact still remains that if the emergency arises by which the President of the United States deems it necessary, for the preservation of the interests of this country, to abrogate any or all of the provisions of that treaty, I maintain that under the war power he has that right, and it would be given to him by this section of the bill.

Mr. HUDDLESTON. Will the gentleman inform us whether he regards the position of Bulgaria with reference to this country as different from that of Norway, we will say?

Mr. DEWALT. I do not think so, except——

Mr. TEMPLE. Oh, yes.

Mr. DEWALT. Except that Bulgaria is an ally of Germany.

Mr. HUDDLESTON. That does not change her aspect toward us, so far as our treaties are concerned.

Mr. DEWALT. No; but it might very materially change our aspect toward her.

Mr. HUDDLESTON. May I call the attention of the gentleman to the fact that so far as the legality of this bill is concerned it might as well apply to subjects of neutral nations? Would the gentleman say that we could authorize the President, or that we ought to authorize the President, to ignore treaties with neutral nations because it happens to be for our convenience?

Mr. DEWALT. No.

Mr. HUDDLESTON. Treaties are the supreme law of the land. How can we authorize the President to ignore them or set them aside by proclamation?

Mr. DEWALT. No such thing is contemplated in the bill, and it is a wide stretch of the imagination to think that anything of the kind could be contemplated, because the bill itself provides, first, as to the enemy; and, second, as to the allies of the enemy. They are the only two classes that are contemplated by the bill.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. DEWALT. Certainly.

Mr. STAFFORD. As I understand the general principles of international law, intercourse is only forbidden with those nations with which the Government is at war, and intercourse is not forbidden with any country, though an ally of the belligerent with which the Nation is not at war. If I am right in that position, are we not then trenching upon the rights of citizens domiciled in countries other than the country with which we are at war, though they may be domiciled in the country of an ally of the country with which the Nation is at war?

Mr. DEWALT. The gentleman's question may be entirely clear to himself, but I must say that it is rather confusing to me, though that may be because of my lack of comprehension.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I ask unanimous consent that the time of the gentleman may be extended five minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the time of the gentleman from Pennsylvania be extended five minutes. Is there objection?

There was no objection.

Mr. STAFFORD. I first propounded to the gentleman my understanding of the principle of international law that intercourse is forbidden only between the countries with which the Nation is at war, and not with any allies of those countries with which the Nation is at war. If such is the fact, that that is public law, acknowledged by text writers and by the Supreme Court of the United States in many decisions, are we not transgressing or going beyond international law when we seek to appropriate the property of citizens of the allies of the country with which we are at war, for instance, Bulgaria, Turkey, or Austria-Hungary?

Mr. DEWALT. I think not, because in the first place——

Mr. STAFFORD. Does the gentleman agree with my first postulate, that the intercourse is only forbidden in international law with the country with which we are at war?

Mr. DEWALT. I agree as far as the general proposition is concerned, namely, that international law recognizes that there is a cessation of commerce and intercourse between belligerents. I agree with the proposition that it does not ipso facto apply to the allies of the belligerents. But I also couple it with this reservation, that if the acts of the belligerents with whom we are at war or the acts of the allies are such as are inimical to the best interests of ourselves, being at war with the nations with whom the ally is acting, that then we would have the right under international law to enforce the provisions of this act.

Mr. STAFFORD. The provisions of this bill are broader than that. It does not say property of foreigners domiciled with the allies of the belligerents shall only be appropriated when that country commits acts inimical to our country. It says that all the dividends and profits in this country belonging to citizens of an ally of the belligerents shall be turned over to the foreign custodian.

Mr. DEWALT. Very well. Let me ask the gentleman a question, admitting that Bulgaria is an ally of the country with which we are at war. What is the gentleman's idea of the word "ally"?

Mr. STAFFORD. One who is associated in acts of aid or assistance to the belligerent but not necessarily in any act as an aid in the position of a belligerent to our Government.

Mr. DEWALT. I do not see that the distinction can be made. If the gentleman's definition of an ally is, "such a party as is giving aid and assistance to a belligerent nation," then it must follow as a matter of clear sequence that any act that is done by an ally must be in opposition to us. Does not that follow?

Mr. STAFFORD. When Italy declared war on Austria-Hungary it was not considered as war against Germany until much later after the declaration of war was made by Italy.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONTAGUE. Mr. Chairman, I ask for the reading of the bill.

Mr. SIEGEL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 30, line 9, after the word "law," strike out the period and insert a colon and the following:

"*Provided*, That no person shall be appointed who is liable to be drafted into the military service of the United States."

Mr. SIEGEL. Mr. Chairman, that provision was put in the other bill, and it is to prevent the appointment of any clerk who might be drafted into the service of the United States.

Mr. DEWALT. Mr. Chairman, I would like to say to the gentleman from New York that I do not think it is necessary to discuss that amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 7. (a) That every corporation incorporated within the United States, and every unincorporated association, or company, or trustee, or trustees within the United States issuing shares or certificates representing beneficial interests shall, under such rules and regulations as the Secretary of Commerce, with approval of the President, shall prescribe and, within 30 days after the passage of this act, transmit to the alien property custodian a full list, duly sworn to, of every officer, director, or stockholder who is an enemy or ally of enemy, together with the amount of stock or shares owned by each such officer, director, or stockholder, or in which he has any interest.

Any person in the United States holding or having custody or control of any property, beneficial or otherwise, alone or jointly with another or others, for or on behalf of an enemy or ally of enemy, and any person in the United States indebted in any way to an enemy or ally of enemy shall, under such rules and regulations as the Secretary of Commerce shall prescribe, and within 30 days after the passage of this act, or within 30 days after such property shall come within his custody or control, or after such debt shall become due, report the fact to the alien property custodian by written statement under oath, containing such particulars as said custodian shall require. The Secretary of Commerce may extend the time for filing the lists or reports required by this section for a period not exceeding 90 days from date of passage of this act.

(b) If any property, money, or other property so held or so owned shall have been, after the beginning of the war, conveyed, transferred, assigned, delivered, or paid to, for the account or benefit of or in trust for an enemy, with knowledge or with reasonable cause to believe that such was the nature of the transaction, such assignment, conveyance, transfer, delivery, or payment shall be void: *Provided*, That the foregoing provisions of this subsection (b) shall not apply to any payment of money or delivery of property made prior to the passage of this act in performance or in satisfaction of an obligation or right incurred or created prior to the beginning of the war, where such payment or delivery was made to an agent or trustee appointed prior to the beginning of the war, and who at the time of such payment or delivery had authority to receive the same and there was no reasonable ground to believe that such agent or trustee intended to transmit, or to connive in the transmission of, such money or property to an enemy during the continuance of the war.

(c) If the Secretary of Commerce, by direction of the President, shall so require, any money or other property owing or belonging to an enemy or ally of enemy, or which the Secretary of Commerce, after investigation, shall determine is owing to or belongs to an enemy or ally of enemy, shall be conveyed, transferred, assigned, delivered, or paid over to the alien-property custodian, under such rules and regulations as the Secretary of Commerce shall prescribe. And if not so required, any person not an enemy or ally of enemy who owes to an enemy or ally of enemy any money or other property, or to whom any obligation or form of liability is presented for payment, may, at his option, pay, convey, transfer, assign, or deliver to the alien-property custodian said money or other property is due, with such exceptions and under such rules and regulations as the Secretary of Commerce, with approval of the President, shall prescribe.

(d) No person shall be held liable in any court for or in respect to anything done or omitted in pursuance of any order, rule, or regulation made by the Secretary of Commerce under the authority of this act.

Any payment or delivery of money or property to the alien-property custodian which this act authorizes shall be a full acquittance and discharge for all purposes of the obligation of the person making such payment or delivery, to the extent of such payment or delivery. The alien-property custodian and such other persons as the Secretary of Commerce may appoint shall have power to execute, acknowledge, and deliver any such instrument or instruments as may be necessary or proper to evidence upon the record or otherwise such acquittance and discharge, and shall deliver up any notes, bonds, or other evidences of indebtedness or obligation respecting, or any security that may have come into the possession of the alien-property custodian for, the payment or delivery of the moneys so paid or property so delivered, with like force and effect as if they, respectively, were attorneys duly appointed by the obligee or owner. The Secretary of Commerce shall issue to every person so appointed a certificate of the appointment and authority of such person, and such certificate shall be received in evidence in all United States courts or other courts within the United States. Whenever any such certificate of authority shall be offered to any registrar, clerk, or other recording officer, Federal or otherwise, within the United States, such officer shall record the same in like manner as a power of attorney, and such record or a duly certified copy thereof shall be received in evidence in all courts of the United States or other courts within the United States.

Mr. ROGERS. Mr. Chairman, I move to amend, on page 32, lines 3 and 4, by striking out the words "appointed prior to the beginning of the war and."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 32, lines 3 and 4, after the word "trustee," strike out the words "appointed prior to the beginning of the war and."

Mr. ROGERS. Mr. Chairman, international law does not forbid the payment of money to an agent resident in the United States of an enemy who is in an enemy's territory, although it does not permit the transmission of the money by the agent to the principal. The theory of this bill which prevents the transmission of money to the enemy country and to the enemy I think is entirely sound; and the theory which proposes in the future to keep out of an agent's hands money which otherwise might be lawfully paid to him is also entirely sound. But, in view of the fact that under international law it has been perfectly proper for the debtor in the United States since the 6th day of April up to the present time, and will be lawful up to the time when this bill becomes a law, to pay a debt which he owes to a man in Germany to the agent of the German in the United States, it does not seem proper now to require that the appointment of that agent should have occurred prior to the beginning of the war. In other words, if on the 1st of last May a German in Germany who was owed money in the United States by a citizen of the United States appointed X in the United States his agent to receive that money, it was a perfectly proper transaction, and it was a perfectly proper transaction on the part of the debtor in the United States to pay that money to X, provided he did not have a reasonable ground to believe that the money when paid by him was to be transmitted to enemy territory. What we are seeking to avoid is the transmission of money to Germany. We are not seeking to avoid the liquidation of the debt to the agent, provided payment has in good faith been made to the agent prior to the enactment of this law. By simply eliminating the words "appointed prior to the beginning of the war and" we provide that all appointments of agents after this law has been passed shall be void, and payment to the agent shall be void; but we do not impress with an unlawful character perfectly bona fide and legitimate transactions which have resulted from agencies created subsequent to the declaration of war and prior to the enactment of this law. As the bill now stands, it is retroactive in that it makes unlawful a transaction which, in the absence of legislation, was perfectly proper and legitimate. Such a result would be unfair and seems to be attended by no compensating advantages. In giving the plan retroactive effect it may produce great hardships upon persons who in the best of faith have made payments to agents in the United States of German principals without contemplating that such transaction might later be declared illegal and the payment void. Any such proposal works an entirely unnecessary hardship upon our own innocent citizens.

Mr. MONTAGUE. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 4960, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. HICKS for 10 days, on account of official business.

EXTENSION OF REMARKS.

Mr. LESHER. Mr. Chairman, I ask unanimous consent to extend in the RECORD an account of the dedication exercises adopted at a patriotic mass meeting of the American citizens of Slavonic descent, held in the city of Pittsburgh, Pa., on the 24th day of June, 1917, including a speech of my colleague, Hon. GUY E. CAMPBELL, of Pittsburgh.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. WALSH. Mr. Speaker, I object.

HOUR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. Is there objection?

Mr. MADDEN. Mr. Speaker, I object.

BUSINESS IN ORDER ON CALENDAR WEDNESDAY.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the business in order to-morrow on Calendar Wednesday be dispensed with, and that we proceed with the consideration of the trading-with-the-enemy bill.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to dispense with business in order on Calendar Wednesday, to-morrow, and proceed with the trading-with-the-enemy bill. Is there objection?

Mr. MADDEN. Mr. Speaker, I object.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 49 minutes p. m.) the House adjourned until to-morrow, Wednesday, July 11, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Commerce, submitting supplemental estimates of appropriations required by the Coast and Geodetic Survey for the fiscal year ending June 30, 1918 (H. Doc. No. 252); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Secretary of Commerce, submitting supplemental estimates of appropriations required by the Department of Commerce for the fiscal year ending June 30, 1918 (H. Doc No. 253); to the Committee on Appropriations and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DYER: A bill (H. R. 5368) providing for an advisory referendum by the people of the District of Columbia on certain questions relating to municipal self-government and representation in Congress; to the Committee on the District of Columbia.

By Mr. BURNETT: A bill (H. R. 5369) to provide for the deportation of certain aliens, and for other purposes; to the Committee on Immigration and Naturalization.

By Miss RANKIN: A bill (H. R. 5370) authorizing and providing for the support of the dependent wives, mothers, minor brothers and sisters, and minor children of enlisted men in the Regular Army, of enlisted men in the Organized Militia or National Guard, called or drafted into the service of the United States, and of the enlisted men of the forces raised by the act of May 18, 1917; to the Committee on Military Affairs.

By Mr. BRAND: Resolution (H. Res. 114) to reward women and girls for certain agricultural services during the war; to the Committee on Agriculture.

By Mr. LONDON: Resolution (H. Res. 115) calling upon the Postmaster General to furnish to the House certain information; to the Committee on the Post Office and Post Roads.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FORDNEY: A bill (H. R. 5371) granting a pension to Mary Muehleder; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 5372) granting a pension to Mary Botsford; to the Committee on Invalid Pensions.

By Mr. NICHOLS of Michigan: A bill (H. R. 5373) granting an increase of pension to William C. Adams; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 5374) granting an increase of pension to Charles W. Green; to the Committee on Invalid Pensions.

By Mr. YOUNG of North Dakota: A bill (H. R. 5375) granting an increase of pension to Patrick Keligher; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Report of the grand jury empaneled in the United States district court of the northern district of Illinois, at Chicago, at the June term, 1917, pointing out the conditions of trade in food products and urging the necessity of legislation which will absolutely put a stop to the exploitation of war conditions to raise prices to the consumer for the benefit of the few who are handling food products; to the Committee on Agriculture.

By Mr. DALE of New York: Memorial of Conference on High Cost of Living, relative to tax on value of all land; to the Committee on Ways and Means.

By Mr. DOWELL: Petition of employees of the post-office department of Des Moines, Iowa, relative to conscription of incomes; to the Committee on Military Affairs.

By Mr. DRUKKER: Petition of citizens of Paterson, N. J., favoring woman suffrage as a war measure; to the Committee on the Judiciary.

By Mr. EAGAN: Memorial of the American Drug Manufacturers' Association, relative to gross-sales' special tax; to the Committee on Ways and Means.

By Mr. FULLER of Illinois: Memorial of the Ladies of the Grand Army of the Republic, Department of Ohio, favoring House bill 2572, to increase pensions of certain widows and former widows of deceased soldiers and sailors of the Civil War; to the Committee on Invalid Pensions.

By Mr. HAWLEY: Petitions of Jeannette Taylor, S. Patterson, and others, opposing vaccination and inoculation for soldiers; to the Committee on Military Affairs.

By Mr. HUTCHINSON: Petition of the New Jersey Conference of Seventh-Day Adventists, opposing the passage of Senate bill 2260 and House bill 128; to the Committee on the District of Columbia.

Also, resolution adopted by the New Jersey Branch of the National Woman's Party, protesting against the arrest and jail sentence of six suffrage pickets in Washington, D. C.; to the Committee on the Judiciary.

By Mr. KEHOE: Memorial of the Legislature of the State of Florida, requesting that the reservation known as the Choctawhatchee Reservation, in west Florida, be withdrawn, and that the land therein be restored to homestead entry, and that all citizens be allowed to make homestead entry thereon in compliance with the laws of the United States; to the Committee on the Public Lands.

By Mr. KELLEY of Michigan: Petition of Mrs. Warren P. Lombard and 39 other residents of Ann Arbor, Mich., relative to national prohibition; to the Committee on the Judiciary.

Mr. KIESS of Pennsylvania: Evidence in support of House bill 1034, for the relief of Jonathan B. Rhodes; to the Committee on Invalid Pensions.

By Mr. LUNDEEN: Resolutions of the Minnesota Scandinavian Grand Lodge of the International Association of Good Templars, demanding the passage of a national total prohibition amendment to the Constitution; to the Committee on the Judiciary.

By Mr. MAGEE: Petition of C. R. Drum and other citizens of the city of Syracuse, N. Y., favoring full national prohibition; to the Committee on the Judiciary.

By Mr. NOLAN: Petition of Sherwood & Sherwood, Scharlin Bros., and Julius Levin Co. (Inc.), of San Francisco, Cal., protesting against the passage of legislation prohibiting withdrawal of distilled spirits from bonded warehouses; to the Committee on Agriculture.

By Mr. RANDALL: Memorial of Highland Park Baptist Church, of Los Angeles, favoring national prohibition and conservation of food; to the Committee on the Judiciary.

By Mr. REED: Petition of Clyde Waters, secretary, and the members of Branch 96 of the Glass Bottle Blowers' Association, of Clarksburg, W. Va., urging the passage of the food-control bill; to the Committee on Agriculture.

By Mr. SCHALL: Petitions of sundry citizens of the State of Minnesota, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. SNYDER: Petition of sundry citizens of the thirty-third New York district, favoring Nation-wide prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of the thirty-third district of New York and Teamsters' Union, No. 445, of Utica, N. Y., against Nation-wide prohibition; to the Committee on the Judiciary.

By Mr. TEMPLETON: Petition of Presbyterian Church of White Haven, Pa., protesting against the manufacture of intoxicating liquors; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota: Memorial of State Federation of Labor of North Dakota, declaring loyalty to the Government, commending the selective conscription law, and protesting against any effort to lengthen the hours of labor; to the Committee on Military Affairs.

SENATE.

WEDNESDAY, *July 11, 1917.*

(Legislative day of Monday, July 9, 1917.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

ENROLLED JOINT RESOLUTION SIGNED.

The VICE PRESIDENT announced his signature to the enrolled joint resolution (S. J. Res. 33) to relieve the owners of mining claims who have been mustered into the military or naval service of the United States as officers or enlisted men from performing assessment work during the term of such service, which had previously been signed by the Speaker of the House of Representatives.

NEWS-PRINT PAPER INVESTIGATION (S. DOC. NO. 61).

The VICE PRESIDENT laid before the Senate a communication from the Federal Trade Commission, transmitting, pursuant to a resolution of June 27, 1917, a report of the Federal Trade Commission relative to the news-print paper investigation, which was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the General Synod of the Reformed Church of the United States, praying for the establishment of "white zones" around all military and naval camps and stations of the United States for the protection and conservation of the young manhood in the service of the Government, in which the sale of all intoxicating liquors and institutions of vice be strictly prohibited, which was ordered to lie on the table.

He also presented a telegram in the nature of a memorial from the Socialist League of Elizabeth, N. J., remonstrating against the undemocratic persecution of the socialist press of the country and praying for the repeal of the law permitting the Post Office Department to censor publications, which was ordered to lie on the table.

He also presented a telegram embodying a resolution of the Southern Newspaper Publishers' Association, expressing willingness to cooperate in the raising of the necessary additional revenue and to stand their just and fair proportion of the increased taxation of the country, which was referred to the Committee on Finance.

CALLING OF THE ROLL.

Mr. CHAMBERLAIN. Mr. President, the amendment pending I ask to have stated, but in view of the fact that there are very few Senators present I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Johnson, Cal.	New	Smith, Mich.
Calder	Johnson, S. Dak.	Norris	Smith, S. C.
Chamberlain	Jones, N. Mex.	Overman	Smoot
Culberson	Jones, Wash.	Page	Sterling
Curtis	Kendrick	Penrose	Swanson
Dillingham	Kenyon	Pittman	Thompson
Fernald	Knox	Pomerene	Vardaman
Frelinghuysen	Lodge	Ransdell	Wadsworth
Gerry	McCumber	Reed	Walsh
Gore	McLean	Shafroth	Williams
Gronna	McNary	Sheppard	Wolcott
Hale	Martin	Sherman	
Hollis	Myers	Smith, Ariz.	
Husting	Nelson	Smith, Ga.	

Mr. FRELINGHUYSEN. I desire to announce that my colleague, the Senator from New Jersey [Mr. HUGHES], is necessarily absent on account of illness. I ask that this announcement may stand for the day.

Mr. THOMPSON. The junior Senator from Arkansas [Mr. KIRBY] is necessarily absent on business of the Senate.

Mr. GERRY. I desire to announce the absence on public business of the senior Senator from Arkansas [Mr. ROBINSON] and the senior Senator from Delaware [Mr. SAULSBURY]. I wish also to announce the absence of the senior Senator from California [Mr. PHELAN] on official business.

Mr. WOLCOTT. I desire to announce that my colleague, the senior Senator from Delaware [Mr. SAULSBURY] is absent on important business. I ask that this announcement may stand for the day.

Mr. HOLLIS. I desire to announce that the junior Senator from Kentucky [Mr. BECKHAM] is detained on official business.

The VICE PRESIDENT. Fifty-three Senators have answered to the roll call. There is a quorum present.

SELECTIVE-DRAFT REGISTRATION.

Mr. CALDER. I ask permission of the Senate to have inserted in the RECORD a table by States showing the registration for the selective draft, the number of aliens and enemy aliens of military age, and the percentage of aliens as compared to the total registration.

Mr. CHAMBERLAIN. I dislike to object, but there will be other Senators who will want to have morning business transacted, and I feel constrained to object until we get rid of the pending bill.

Mr. CALDER. If the Senator will pardon me, I only ask that this table may be printed in the RECORD. I do not desire to discuss it.

Mr. CHAMBERLAIN. I shall not object to that, but any other request I shall have to object to.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Total registration, aliens, and alien enemies.

United States.	Total registration.	Aliens.	Alien enemies.	Per cent of aliens.
Alabama	179,828	1,173	59	.7
Arizona	36,932	14,652	193	40.0
Arkansas	147,527	566	98	.4
California	297,532	67,464	2,948	24.1
Colorado	83,038	9,027	272	11.0
Connecticut	159,761	18,519	1,126	12.0
Delaware	21,864	2,883	92	13.1
District of Columbia	32,327	1,570	79	.5
Florida	84,683	6,582	208	7.8
Georgia	231,418	1,224	120	.5
Idaho	41,150	3,883	181	9.8
Illinois	672,498	95,145	6,051	15.0
Indiana	255,145	13,651	1,149	5.8
Iowa	216,594	11,788	1,865	6.0
Kansas	150,029	6,358	311	4.5
Kentucky	187,573			
Louisiana	157,827	2,966	216	2.8
Maine	60,176	10,043	120	16.8
Maryland	120,453	7,387	912	6.8
Massachusetts	359,323	106,014	1,508	29.7
Michigan	372,872	69,282	3,021	19.0
Minnesota	221,747	24,599	1,971	11.0
Mississippi	139,525	567	45	.4
Missouri	299,825	10,992	1,008	4.0
Montana	88,273	11,790	687	14.0
Nebraska	118,123	5,044	1,154	.5
Nevada	11,894	3,670	87	31.0
New Hampshire	37,643	9,597	79	25.0
New Jersey	302,742	77,372	4,956	27.0
New Mexico	32,202	4,324	108	13.0
New York	1,060,693	233,909	14,807	24.0
North Carolina	200,032	560	78	.3
North Dakota	65,007	7,705	615	12.0
Ohio	565,384	82,108	6,180	15.0
Oklahoma	169,211	2,947	219	1.8
Oregon	62,618	6,131	577	10.7
Pennsylvania	830,507	174,898	12,674	22.6
Rhode Island	53,458	15,043	126	28.0
South Carolina	128,039	447	58	.3
South Dakota	58,011	2,606	484	5.0
Tennessee	187,611	1,030	85	.5
Texas	408,702	26,029	1,834	6.8
Utah	41,952	7,145	344	17.0
Vermont	27,658	3,487	72	12.8
Virginia	181,823	2,575	179	1.5
Washington	108,330	16,001	791	15.5
West Virginia	127,409	10,678	1,008	9.0
Wisconsin	240,170	25,588	23,121	11.7
Wyoming	22,848	3,353	321	15.0
Alaska				
Indians	6,001			
National parks	85	4	2	7.0
Total	9,666,078			

Mr. McLEAN. The Senator from New York introduced a bill, if I remember correctly, some two weeks ago seeking to remedy injustices in the registration. I should like to ask the Senator if there has been any committee meeting on that bill, and whether there is any possibility of an early report upon it. It seems to me that it is a very important matter.

Mr. CALDER. I introduced a bill two weeks ago which, in effect, would have placed the draft on the citizen registration. That bill is pending in the Committee on Military Affairs. It has not yet been reported from the committee.

Mr. CHAMBERLAIN. Mr. President, I insist on the regular order.

CONSERVATION OF FOOD AND FUEL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

The VICE PRESIDENT. The pending amendment will be stated.

The SECRETARY. On page 19 strike out lines 14 to 25, and on page 20 strike out lines 1 to 19, and insert section 13 in the following words:

SEC. 13. That the President is authorized and directed to commandeer any or all distilled spirits in bond at the date of the approval of this act for redistillation, in so far as such redistillation may be

necessary to meet the requirements of the Government in the manufacture of munitions and other military and hospital supplies, or in so far as such redistillation would dispense with the necessity of utilizing products and materials suitable for foods and feeds in the future manufacture of distilled spirits for the purposes herein enumerated. The President shall determine and pay a just compensation for the distilled spirits so commandeered; and if the compensation so determined be not satisfactory to the person entitled to receive the same, such person shall be paid 75 per cent of the amount so determined by the President and shall be entitled to sue the United States to recover such further sum as, added to said 75 per cent, will make up such amount as will be just compensation for such spirits, in the manner provided by section 24, paragraph 20, and section 145 of the Judicial Code.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 21, line 15, to change the number of the section from "16" to "14."

The amendment was agreed to.

The next amendment was, on page 21, line 18, to change the number of the section from "17" to "15."

The amendment was agreed to.

The next amendment was, on page 21, line 24, to change the number of the section from "18" to "16," and on page 22, line 6, after the word "essential," to strike out: "*Provided*, That all persons, excepting persons serving without compensation, shall be appointed in accordance with the provisions of the civil-service act of January 16, 1883," so as to make the section read:

SEC. 16. That the sum of $2,500,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be available until June 30, 1918, for the payment of such rent, the expense, including postage, of such printing and publications, the purchase of such material and equipment, and the employment of such persons and means, in the city of Washington and elsewhere, as the President may deem essential

Mr. OVERMAN. I should like to inquire of the Senator from Oregon why this large sum of money is required. Is it simply for office expenses and the employment of bureau officers? There is no bureau in the Government that costs anything like we are appropriating here. It says "purchase of material and equipment." What equipment? Is it to build a house or something of that kind? I should like to know how this sum of money—$2,500,000—was arrived at. What is it for?

Mr. CHAMBERLAIN. It is to cover the cost of administration as estimated by those having the food control in charge.

Mr. OVERMAN. It seems to me to be a very large amount of money for the purposes specified. There is not a bureau in the Government which costs anything like this amount of money. If it is simply for bureau expenses, it seems to me that it is enormous. Take the great Agricultural Department and the War Department and the Navy Department, the expenses of administration do not cost anything like this sum.

Mr. CHAMBERLAIN. I think it will be found that it will be the largest establishment of the Government.

Mr. OVERMAN. I think so myself.

Mr. CHAMBERLAIN. If we want to make it a success.

Mr. OVERMAN. I would like to know how this sum of money was arrived at.

Mr. GRONNA. Mr. President——

Mr. OVERMAN. I yield to the Senator from North Dakota.

Mr. GRONNA. I wish to say to the Senator from North Carolina that while the committee have not gone into details, I, as one of the members of the committee, am sure that this amount will be required. We can not compare the appropriations for this bureau with the Agricultural Department. Take the product of wheat alone, the Senator will realize the immense amount of money that will be required and the force that will be necessary to take care of that product alone.

Mr. OVERMAN. That is just what I am talking about. This does not provide for any purchases, but it is a direct appropriation.

Mr. GRONNA. It is not for purchases, but for running expenses.

Mr. OVERMAN. What is this appropriation of $2,500,000 for?

Mr. GRONNA. It is to pay the expenses of this force. I do not think it is any too large. If anything it is too small. I am quite sure of that.

Mr. SMITH of Michigan. Are these appointments to be made from the civil service or are they appointments that may be made entirely at the discretion of the head of this bureau?

Mr. CHAMBERLAIN. They do not come under the civil service.

Mr. OVERMAN. Anyone can see that they ought not to come under the civil service. It would be impossible to get them in that way.

Mr. SMITH of Michigan. Does that mean that better service can be obtained without going through the ordinary usual custom of a civil-service examination?

Mr. GRONNA. If I may be permitted to answer the Senator from Michigan, I do not think these men ought to be placed under the civil service. These are men who will be appointed, and their services will be only temporary. If we place them under the civil service we must keep them. The service of these men will be required only during the war.

Mr. SMITH of Michigan. Is it the opinion of the Senator that efficient men can be obtained without going to the Civil Service Bureau for them?

Mr. GRONNA. It is my opinion that for this particular work we can find men as capable of doing the work as those under the civil service, and perhaps more so.

Mr. SMITH of Michigan. According to the statement of the Senator this is to be the largest bureau that is to administer the affairs of the Government.

Mr. GRONNA. It is.

Mr. SMITH of Michigan. Larger than the War Department, larger than the Treasury Department, with all the extraordinary demands that are to be made upon them.

Mr. GRONNA. I think it will be larger, and more money will be required.

Mr. SMITH of Michigan. That being true, why leave it outside of the civil service entirely? Are you hopeful that you can obtain the services of competent people without subjecting them to the delay of an examination and the test which the civil service requires?

Mr. GRONNA. It was the opinion of the committee, and I think the committee was unanimous—if I am mistaken I trust the Senator in charge of the bill will correct me—I think it was the unanimous opinion of the committee that these men should not be placed under the civil service; that the President of the United States should be left unhampered in this work; that he should be allowed to select his men and those men appointed by the President should be allowed to select their subordinates.

Mr. SMITH of Michigan. Of course, the Senator knows the President will have very few appointments to make under this provision. They probably will be made by the head of this department, whoever he happens to be.

Mr. GRONNA. I do not think there will be only one man. I think it will be a board; at least I hope it will.

Mr. SMITH of Michigan. If they are unhampered by a tenure of office and by civil-service rules these men may be employed in the discretion of the head of this department and may be discharged whenever in his opinion they are not doing the work that is required or are not necessary.

Mr. GRONNA. May I ask the Senator a question?

Mr. SMITH of Michigan. In that respect, I presume the Senator contends that the public service is being administered with more judgment than if hampered by established law?

Mr. GRONNA. I do not know; I would not make that statement, but may I ask the Senator this question? Does the Senator think it would be wise for the Government to agree to keep on the pay roll the several thousand men who will now be required just for a short time, which is during the war?

Mr. SMITH of Michigan. I have never been an ardent advocate of the civil-service laws. I would rather trust to the sound judgment of men of intelligence and experience in the selection of such subordinates as may be needed in this emergency than I would any bureau. I think the Government is tremendously hampered to-day by the civil-service laws. I think there is more favoritism to-day in the departments of the Government under civil service than there has ever been under the spoils system. I do not think the public service is as efficient in all respects as it ought to be, as it was before the civil-service laws became effective.

Furthermore, I do not believe that promotions are made upon merit. Under the civil-service law I think the rankest favoritism prevails. It is almost impossible to reach an incompetent—I was going to say "noncompetent," but it is almost impossible to reach an incompetent—official under the civil-service law. Even heads of departments find it difficult and often unsatisfactory to conduct public business with such a restriction.

Mr. OVERMAN. Mr. President——

Mr. SMITH of Michigan. Am I trespassing upon the Senator's time?

Mr. OVERMAN. What the Senator says is very interesting, and I did yield to the Senator.

Mr. SMITH of Michigan. I thought the Senator had yielded the floor.

Mr. OVERMAN. No; but the Senator is very interesting in what he is saying.

Mr. SMITH of Michigan. I apologize to the Senator.

Mr. OVERMAN. The Senator and I have discussed this matter before, and I agree with much that he has said.

Mr. SMITH of Michigan. Almost everyone agrees with the position which the Senator from North Carolina and a few other Senators hold upon this question, but we are continually giving this system greater power. These appointees have no direct responsibility to the public, and I assert that they do not do better work than will be done by employees of the Government who are selected with care by the heads of departments.

Mr. OVERMAN. Right along that line I desire to say that we passed a bill here called the narcotic-drugs bill, under the provisions of which certain experts were appointed, and they performed faithful service. There has since been a law passed requiring that appointments under that service shall be made by the Civil Service Commission. They now have a civil-service examination for such employees, and men who have now been performing faithful service for two years, because they can not answer some geographical question and work out certain problems in mathematics are all to go out, and in their stead are to be put some young boys from college, pharmacists, who are able to stand the examination and to work out problems in mathematics, or to state where some town is located in Egypt. They get the highest marks in the examination, while these experts will have to go out. That is the result of the civil-service examination. However, I am not going into that, Mr. President.

All I want to say is that I notice $150,000,000 is provided to be appropriated here in one section, and it seems to me that the figures ought to be transposed—that the appropriation of $2,500,000 ought to be in section 17, and the appropriation of $150,000,000 should be for the bureau expenses. If, however, Senators on the committee have thoroughly investigated the matter and have ascertained how this money is to be spent, and it is absolutely necessary, I shall have no more to say; but to appropriate $2,500,000 in a lump sum just simply for a bureau here in Washington, seems to be an enormous appropriation. If, however, the committee have examined the matter in detail, and say this department is to cost more than other departments in Washington, including the great Treasury Department and the War Department, I shall have nothing more to say. All I want to know is if the committee have investigated the matter, or if somebody has merely said that this will take $2,500,000.

It seems to me that there ought to be some amendment here providing that Congress should be informed of what will be done with this money. In all these great appropriations we always require the heads of departments to make to Congress a detailed statement of the moneys expended. I hope the Senator from Oregon will offer an amendment of that sort, in order that we may keep track of how this money is being spent, where it goes. Congress ought to keep in touch with the matter, and know how the money is expended. We require that of all other bureaus of this Government and why should we not do the same as to this one under this lump-sum appropriation, a form of appropriation which I have always fought. I see it is important in this case, for as a new bureau is created, it is necessary that they should have a lump-sum appropriation, but lump-sum appropriations are dangerous, since the heads of departments are inclined to fix extravagant salaries. Congress adopted the policy some five or six years ago that we would not appropriate lump sums. The practice of the Government formerly was to make lump-sum appropriations, and when a man was getting a thousand dollar or two thousand dollar salary, he would be transferred to some other department and given $4,000 or $5,000 out of a lump sum, for under that system the head of a department can expend any amount of money he desires for the salary of anybody he pleases.

However, I repeat, if the committee has examined into the matter and says that it will require $2,500,000, the responsibility is with them; but I think some detailed statement ought to be made as to how the money is expended.

Mr. SMOOT. Mr. President, the evil that follows a lump-sum appropriation has been well stated by the Senator from North Carolina [Mr. OVERMAN]. It is less than a year since we found from the last lump-sum appropriation made for a certain bureau of this Government salaries sometimes as high as 300 per cent greater than the other bureaus or divisions of our Government were being paid for similar work where a direct appropriation was made to pay the same class of labor. I do not believe that we ought to make a lump-sum appropriation in this case without some kind of a statement as to what it is to be used for. There is here proposed an appropriation of $2,500,000, to be expended in any way that the head of the bureau may desire.

Mr. CHAMBERLAIN. Mr. President, if the Senator will permit me to propose it, I have an amendment to that section and the following section, which meets the suggestion he is now making.

Mr. SMOOT. I will withhold further remarks, Mr. President, until the amendments referred to by the Senator from Oregon may be offered.

Mr. CHAMBERLAIN. Then, Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. Is there objection to agreeing to the amendment striking out the proviso?

Mr. SMOOT. Yes. I do not want to agree to striking out the proviso at this particular time. I should like to know what are the amendments to be proposed by the Senator from Oregon.

Mr. CHAMBERLAIN. I offer the amendment which I send to the desk, which I think meets the suggestion of the Senator from Utah, and probably covers ground which has not been suggested at all.

The VICE PRESIDENT. The amendment proposed by the Senator from Oregon will be stated.

The SECRETARY. On page 22, at the end of line 16, it is proposed to add the following:

The appropriations specified in this section and in section 16 of this act——

Mr. SMOOT. Is the Secretary reading from the old print of the bill or the new print?

The VICE PRESIDENT. The Secretary can never use anything save the original print.

Mr. SMOOT. I am aware of that, Mr. President.

The SECRETARY. On page 22, at the end of line 16, it is proposed to add the following:

The appropriations specified in this section and in section 16 of this act shall be immediately available, and shall be paid out on the order of the President or on the order of such officer or officers as may be designated by him for that purpose, which order of the President or of such officer shall be conclusive and binding upon all departments and the accounting officers of the Government as to the correctness of said accounts and disbursements.

In order to provide for necessary office accommodations and facilities for the use of any agency or agencies which may be created or used by the President in carrying into effect the provisions of this act, the President may, in his discretion, cause to be constructed a temporary office building or buildings upon any lands owned by the United States or within the District of Columbia, not required for other governmental uses, and which may be designated by him or he may lease ground from private owners and construct such temporary office building or buildings thereon. For these purposes the President may utilize and expend so much of said appropriation as may be necessary, not exceeding the sum of $200,000.

It is also proposed to amend section 17, page 22, by inserting after the word "section," in line 16——

Mr. CHAMBERLAIN. Mr. President, the second amendment comes in after the one just read by the Secretary.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. After the first amendment, it is proposed to add the following:

And provided further, That itemized statements covering all purchases and disbursements under this and the preceding section shall be filed with the Secretary of the Senate and the Clerk of the House of Representatives on or before the 10th day of each month after the taking effect of this act, covering the business of the preceding month, and said statements shall be subject to public inspection.

Mr. REED. Mr. President, I desire to inquire——

Mr. CHAMBERLAIN. Just a moment. Let me perfect that amendment by striking out the portion providing for leasing the property. The committee thought that the Government owned enough property in the District of Columbia upon which to erect these temporary office buildings without leasing.

Mr. OVERMAN. Mr. President, will the Senator yield to me for a moment?

The VICE PRESIDENT. The Senator from Utah has the floor.

Mr. SMOOT. I yield to the Senator from North Carolina.

Mr. OVERMAN. Mr. President, I see the Senator has offered the amendment I suggested about requiring detailed statements, but I want to ask the Senator a question. The amendment seems to confer general authority to erect a building anywhere in Washington. I do not imagine the President would want to utilize any portion of the Capitol grounds, but I assume from the general language of the amendment that it would include the Capitol grounds.

Mr. CHAMBERLAIN. I presume it covers any property that is owned by the Government, but I imagine the President would not permit buildings to be erected anywhere where they would mar the beauty of the city and its public grounds generally.

Mr. SMOOT. So far as the first part of the amendment is concerned, Mr. President, I sincerely hope the Senate of the United States will not adopt it.

Mr. REED. Mr. President, will the Senator permit me to make an inquiry before he enters into an argument?

Mr. SMOOT. Yes; I will yield to the Senator.

Mr. REED. Has the amendment that is now offered been before the Committee on Agriculture?

Mr. CHAMBERLAIN. Yes, sir.

Mr. REED. And passed by them?

Mr. CHAMBERLAIN. It has been.

Mr. REED. Now let me make a further inquiry. Is not the Committee on Agriculture in session now considering changing this bill?

Mr. CHAMBERLAIN. It is considering a substitute which was offered for the bill by the Senator from Oklahoma [Mr. GORE] yesterday.

Mr. REED. If the Senator from Utah will pardon me, what is the use of Senators considering this bill when it is well known that the committee is considering a substitute for it? Now, we have a most peculiar situation about this whole bill. A bill was introduced into the Senate and we considered that bill a while, well knowing that the House was considering a similar bill and would send it over in a few days. Nevertheless, in hot haste we were required to proceed to the consideration of the Senate bill, and after having considered that bill for a while the House bill arrived in the Senate; and then the committee were assembled in hot haste, and, without any proper consideration whatever of that bill—and I make the charge broadly and flatly—they hurried it back to the Senate, and it was substituted for the Senate bill—a bill different from the Senate bill in many respects. So that the primary discussion of the bill was to some extent lost.

We have been treated to the spectacle ever since the House bill came in of the committee bringing in amendments day after day of the most radical character. Instead of bringing us a bill that was completed, or substantially completed, they brought us a bill that they are continually asking us to change, and now we are going on this morning to consider that bill and this patchwork which has been brought in by the committee, and at the time we are considering those questions the Agricultural Committee is considering a substitute for the entire bill. Information, which I do not undertake to say is accurate, but which comes to me, is that the committee are very likely to bring in a substitute. Now, where do we get with that sort of procedure? It is unusual. I think we ought to know what we are going to have brought in by the committee.

Mr. OVERMAN. Mr. President, will the Senator yield to me for a moment?

Mr. REED. The Senator from Utah has the floor.

Mr. OVERMAN. If the Senator from Utah will yield to me, I think it is well to discuss this matter in the Senate now while we are considering it. The reason I brought up this matter as to where this building should be erected was that, while I have no doubt the President would not allow a building to be erected in the Capitol grounds proper, I have heard that somebody has selected one of the squares in the vicinity of the Capitol the buildings on which have been torn down and which it is intended to beautify and make part of the Capitol grounds. Those squares are not now really a part of the Capitol grounds proper, but it is intended that they shall be. I doubt whether we ought to mar these squares around the Capitol, for example, the one next to the Senate Office Building, or any of the others, with a temporary building. I think it would be unwise to do so.

I merely wanted to make these remarks. Probably the Senator knows of other ground that may be selected, but the rumor I have heard is that they propose to erect a building near the Capitol, the building to cost something in the neighborhood of $150,000, which, of course, will be no more than a temporary structure. I should dislike to see the Capitol grounds—perhaps I should not say the Capitol grounds, for the President would not allow that, of course, but what is intended to become a part of the Capitol grounds—marred by the erection of a temporary structure. It was the intention originally, when the additional squares were acquired, to beautify them and make them a part, as I have said, of the Capitol grounds. In view of these facts I thought it advisable to call the attention of the Senate to the matter, so that it may be examined. I am not going to offer an amendment, but it seems to me that we ought not to have any such temporary structure erected in the immediate vicinity of the Capitol.

Mr. KNOX. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Pennsylvania?

Mr. SMOOT. I yield.

Mr. KNOX. I was very much interested, Mr. President, in the information developed by the question of the Senator from Missouri [Mr. REED] that another bill is in the course of preparation, to be substituted for the bill which is now before the Senate. It seems to me this puts us in the rather ridiculous position of discussing a bill here which is probably to be abandoned and another bill substituted in its place. My judgment would be that the Senate should proceed to the transaction of some business that is likely to stick, rather than to discuss a measure that is likely to be replaced in the next few hours by some other measure.

I do not know where the Senator from Missouri got his information. I read in the newspapers that such a program was pending, but had heard nothing from it otherwise. Now, I want to make my own personal protest against the Senate solemnly meeting here and discussing matters that will amount to nothing. We are not a moot court, and it seems to me that the wise Senators are the Senators who stay away under the circumstances.

Mr. SMOOT. Now, Mr. President, I will proceed.

The first part of the amendment offered by the Senator from Oregon should not, in my opinion, be adopted by the Senate. The bill is temporary, and as soon as the war is over this whole bureau will go out of existence. Why, then, should we now appropriate $200,000 for the purpose of erecting a temporary building for this bureau when we know that it will not be used very long. It will be a waste of money.

Mr. OVERMAN. Mr. President, will the Senator yield to me?

Mr. SMOOT. Certainly.

Mr. OVERMAN. The Senator knows that we have $3,000,000 worth of buildings here in this city that are absolutely unoccupied, except, perhaps, Poli's Theater. That property can be turned over—that whole hotel building there, all those buildings on the square opposite the Willard Hotel. One of the buildings there was once a great wholesale grocery store, and in the case of both of those great squares that are now owned by the Government the buildings are absolutely unoccupied, except such as are rented temporarily. Then here is the Maltby Building, and there are other buildings that might be occupied.

Mr. SMOOT. Mr. President, the Committee on Public Buildings that was appointed at the last session of Congress has not made a complete examination and report as to the buildings owned by the Government in the District of Columbia, but it has made a report sufficient to demonstrate that there is ample space in different buildings owned by the Government to-day for every person that will be employed under this bill to have ample office room without costing the Government one-tenth part of what is asked here for an appropriation to put up a temporary building.

Mr. KING. Mr. President, will my colleague permit me to ask him a question?

Mr. SMOOT. Yes; I yield to my colleague.

Mr. KING. I was down at the new Interior Department Building a short time ago, and ascertained that Mr. Hoover was about to have quarters assigned to him there. I found a large number of persons employed there, and was advised—that was my observation, too—that there was ample room in that building for these quarters or for any offices that Mr. Hoover and his associates might require.

Mr. NORRIS. Mr. President, will the Senator yield to me?

Mr. SMOOT. Yes; I yield to the Senator from Nebraska.

Mr. NORRIS. The statement of the Senator from North Carolina is interesting, and it may be a solution of this problem; but the report was made to the Agricultural Committee that a search for rooms had been made all over this District, and that it was an impossibility to rent anything; that other departments of the Government, particularly the Army and the Navy, had had their agents out all over the District and in the adjoining towns and villages near here, and had rented every available space; that it was an impossibility to house this new bureau, or department, or whatever it may be called, in the District of Columbia.

I presume we are all aware that the Government owns the property mentioned by the Senator from North Carolina. There is certainly lots of room there. It is possible, however, that the Government leased the property several years ago, when they first got it. They have had it for five or six years. They may have leased it. I do not know what the facts are; but the report at least came to the committee that it was an impossibility to get any place to house these people.

Mr. CURTIS. Mr. President——

Mr. SMOOT. In answer to the Senator, I wish to say that the lease upon the whole block of buildings opposite the Willard Hotel can be terminated any day.

Mr. NORRIS. Well, then, I think they ought to terminate it.

Mr. SMOOT. The complaints that have been made to the Committee on Appropriations when asking for new quarters are somewhat as follows: "We can not rent buildings like all of the other departments are now occupying"; or, in other

words, they want a building like the State, War, and Navy Building. They want a new building with modern offices and the finest furniture.

Mr. NORRIS. Oh, well, it is not contemplated to build such a building with this money. It will be just a frame, one-story building, likely.

Mr. SMOOT. But it will be a waste of money.

Mr. NORRIS. It is a waste of money if there is any place where they can get quarters; but if there is not any place, something has to be done.

Mr. SMOOT. I will say to the Senator, that the Census Building, that our Census Bureau was in for years and years, and until we built a new building for the Department of Labor, is at present unoccupied.

Mr. NORRIS. It is vacant now, is it?

Mr. SMOOT. It is vacant now, and there are other vacant buildings all over the city. They are not as good as the other departments have, however, and that is why a new building is wanted.

Mr. NORRIS. Well, certainly that building is good enough—I concede that—if it could be had at any reasonable price.

Mr. CURTIS. Mr. President, in addition to the buildings across from the Willard Hotel, I understand that the Maltby Building is only partially occupied.

Mr. LODGE. That is an unsafe building.

Mr. NORRIS. They investigated the Maltby Building, and I remember inquiry was made——

Mr. LODGE. That building has been unsafe for years. They had to take books out of it on account of the weight, when we occupied it.

Mr. NORRIS. The House of Representatives used it for offices prior to the completion of the House Office Building, after the last census, when the membership of the House was increased.

Mr. SMOOT. For instance, we have the buildings that the Bureau of Engraving and Printing moved out of. Those buildings could be fixed up for a tithe of the appropriation asked for.

Mr. CHAMBERLAIN. Mr. President, I desire to confirm the statement of the Senator from Nebraska. Mr. Hoover and those associated with him appeared before the committee and said that they had been all over this town to try to find buildings that would accommodate them, either buildings that the Government now owns or buildings that were subject to rent, but that they could not get along without a temporary building.

Mr. SMOOT. The Senator knows that the buildings that the Census Bureau was in is empty, and they certainly will not have any more employees in this bureau than they had in the Census Bureau. I have no doubt that that building could be rented, and save the greater part of this appropriation.

The bill itself provides, in section 16, for the payment of rent necessary for this bureau, and I think that is the wise thing to do—to rent quarters for a year, say, and perhaps it will not be needed longer than that—rather than to go to work and put up a temporary building and have that building destroyed as soon as the war ceases.

Mr. NORRIS. Mr. President, if the Senator will permit me right there, when the bill was originally drawn and reported to the Senate that was the theory of the committee. I think that is still their theory. But these people representing the administration presented to the committee the proposition that it was going to be an impossibility to rent anything. Of course, if that is true, some provision ought to be made to house these employees. There will be a large number of them and they will have to be housed here, unless we move the bureau to some other city than Washington. They represented to the committee that investigation had been made not only by them but by the War and Navy Departments as well, and that every vacant room in the District of Columbia that could be rented was rented.

It was on that information that the committee acted and reported this amendment. Now, if the committee were misinformed, nobody would be better pleased than the members of the committee themselves to have the mistake rectified. If these gentlemen misrepresented the facts to the committee, they certainly do not want to build a temporary building. They are anxious, if they can, to rent the needed offices for these temporary purposes, and not go to the extraordinary expense of building a building. They do not want to build except as a last resort.

Mr. SMOOT. Mr. President, I will ask the Senator, as a member of the committee, if he does not think that if the buildings on the square opposite the Willard Hotel, beginning with the hotel proper upon that corner, are available for this bureau, it would be wise for the Government of the United States to set that property aside for that purpose?

Mr. NORRIS. Most assuredly. I have no hesitancy in saying that.

Mr. SMOOT. Then I want to say to the Senator now that that can be done.

Mr. NORRIS. Then it ought to be done. There is not any doubt about it.

Mr. SMOOT. And for that reason I am opposed to this amendment.

Mr. NORRIS. If that can be done, it ought to be done. I would suggest to the Senator from Oregon that he pass this amendment over, and not dispose of it now, so as to let the chairman investigate and see what the facts are.

Mr. SMOOT. Mr. President, the second part of the amendment, I think, is a wise one, and ought to be adopted. It simply asks for an itemized statement covering all purchases and disbursements under this and the preceding section; that is, sections 16 and 17. The language is:

And provided further, That itemized statements covering all purchases and disbursements under this and the preceding section shall be filed with the Secretary of the Senate and the Clerk of the House of Representatives on or before the 10th day of each month after the taking effect of this act, covering the business of the preceding month, and said statements shall be subject to public inspection.

That is the ordinary provision that has been placed in all lump-sum appropriations.

Now, Mr. President, I hope that the amendment which the committee has recommended striking out—

Provided, That all persons, excepting persons serving without compensation, shall be appointed in accordance with the provisions of the civil-service act of January 16, 1883—

will not be agreed to. I think that if we are going to have a civil-service law, as long as it remains upon the statute books, it ought to be adhered to. If the Congress of the United States decides that that is not the best way to secure employees for the Government, let us repeal the law.

Mr. SMITH of Michigan. Surely.

Mr. SMOOT. But as long as the law is as it is, whenever there is $150,000,000 to be expended and whenever there is $2,500,000 to be expended in the employment of people by the Government of the United States, that law should apply. It ought to apply particularly under the conditions existing today. If these employees are to be selected under the civil-service law, then we will know what they are going to be paid for the class of work they perform. If they are clerks of class 1, of class 2, of class 3, or of class 4, if they are laborers or mechanics or skilled laborers or watchmen or whatever positions they may take examinations for, we will know just exactly the wage they are to receive. Without this provision they can receive anything that the head of the department may determine to give them.

As I said before, in the case of the last bureau that we created and for which we appropriated a lump sum of $450,000 no provision at all was made for an itemized statement of the salaries; but when the Committee on Appropriations asked for a statement as to the wages that were being paid they found, in some cases, as I say, that the bureau was paying more than twice the amount that was paid for the same work in other departments of the Government. Not only that, but the Senator from North Carolina referred to the fact that the bureau referred to had taken employees from other departments of our Government, paying them not the wage they were receiving, but sometimes twice as much for similar work.

Therefore, Mr. President, we ought to have a provision here that all of these employees shall be under the civil service, or else we ought to abolish the civil-service law altogether.

Mr. CHAMBERLAIN. Mr. President, when this bill was before the House of Representatives it had in it the provision that all persons, except persons serving without compensation, should be appointed in accordance with the provisions of the civil-service act of January 16, 1883. The committee struck that out because it would lead to the employment of a large number of men who would be on the permanent civil-service roll. There are not enough men who have stood the examination and are now on the classified register to fill the requirements of this act; and the committee thought it ought to be stricken out because the employment was entirely temporary, and therefore there was no use in getting permanent employees on this roll, thereby increasing the expenditures of the Government.

Mr. SMOOT. Mr. President, will the Senator yield to me there, on this one point?

Mr. CHAMBERLAIN. Yes.

Mr. SMOOT. When they go on the civil-service roll, that does not mean that the Government of the United States has got to continue their employment when not needed. It means

that they are employed under this appropriation, and as soon as the work is over they still remain on the rolls under the law for a year; and I think they are entitled to that. I think that as long as they have passed the civil-service examination they ought to have the right to be employed by the Government of the United States, where they are needed, before anyone else who later takes the civil-service examination.

Mr. CHAMBERLAIN. But when these persons once go into the employ of the Government, whether men or women, the Senator knows what their insistence is when their term of employment has expired. The committee did not want that condition to exist, and therefore we struck out the civil-service part of it.

I am greatly in sympathy, Mr. President, with the views of the Senator from North Carolina [Mr. OVERMAN] and the Senator from Michigan [Mr. SMITH] on this question, and feel that it would not do very much harm to repeal the whole civil-service act, because it does not work with justice and equity among those who are in the employ of the Government.

One other thing, Mr. President: The Senator from Missouri [Mr. REED] is disposed to criticize the action of the committee in keeping this bill before the Senate because the committee has been from time to time making suggestions of amendments, and because the committee is now in session in the hope that some of these conflicting provisions may be reconciled. As the Senator in charge of this bill, permit me to say that there is only one bill pending before the Senate. It is true that this committee, like other committees, has been engaged in undertaking to amend the bill from time to time, to meet objections made from time to time on the floor of the Senate. The opponents of this bill seem to be hard to satisfy. They have insisted upon amendments being offered here from time to time, and then, when those amendments are suggested, they object to the amendments that are made.

Efforts have been made from time to time to have this bill referred to the committee. I have never approved entirely of that. I think this bill ought to be put in shape by the Senate itself, rather than having efforts made to refer it back to the committee, because the committee is divided upon the fundamentals of this bill just exactly as the individual Members of the Senate are divided upon it.

When the proposition was made yesterday to have the committee meet and confer about this bill again, it was communicated to me. I had no objection to their meeting, but I objected to referring the bill back. I have not any idea that the committee will agree now upon the fundamentals of this bill. They may be able to do it, and in the hope that they may be able to do it they are discussing this morning the substitute bill proposed by the Senator from Oklahoma [Mr. GORE]. Whether or not they will agree on that, I do not know; but I want to say to the Senator from Pennsylvania [Mr. KNOX] that there is only one bill before the Senate. There may not be any other. The arguments that are being had now are on provisions which would be in any bill which might be presented to the Senate, and the very matter which is being discussed now I think is in the proposed substitute of the Senater from Oklahoma; so that the discussions are not wasted.

Mr. OVERMAN. Mr. President, will the Senator yield to me for a moment?

Mr. CHAMBERLAIN. I yield.

Mr. OVERMAN. The Senator is on the Appropriations Committee. Does he not believe it would be wise to form a subcommittee to examine into all those buildings in the blocks opposite the Willard Hotel, together with the Maltby Building over here, and see whether, by the appropriation of a certain amount of money, those buildings could not be put in the necessary condition for this bureau, and save this Government, if possible, this amount of money? Of course $200,000 does not amount to much nowadays, but still I think it might be a good plan, if we could, to save it. It would be that much saved, anyway.

Here are these buildings unoccupied on the most important corner in Washington. With a little expenditure of money they could be made useful for any department of this Government. They are not built of Indiana sandstone; they are not built of marble; but that great hotel and the great Cornwell Building are well built. If a subcommittee could be appointed to investigate the matter, then, if the conditions are such that they can not be occupied, of course everybody would be in favor of giving these people new buildings. We can utilize those buildings. The question comes up here at every session, and I must say without the Senate giving it consideration. It seems to me we should save this money. Those buildings could be put in a condition by a small expenditure of money, and it would save this outlay of $200,000.

Mr. CHAMBERLAIN. The Senator from North Carolina is a member of the Committee on Appropriations, and he has heard the question of the lack of accommodations for the Government offices discussed time and time again before that committee. We are paying now, if I recollect aright, something like $400,000 a year for rent.

Mr. OVERMAN. Eight hundred thousand dollars.

Mr. CHAMBERLAIN. We are paying $800,000 in rent. The gentlemen who appeared before the committee stated it would be cheaper to expend $200,000 in temporary buildings than to have to rent buildings that would accommodate this bureau.

I wish to say again that there is no assurance that in the discussion of any bill before the committee any agreement would be reached, so that in the last analysis the bill which is now pending before the Senate is a bill which will have to be gotten into shape. I have been opposed all the time to referring the bill back to the Committee on Agriculture.

Mr. SMITH of Michigan. Let me ask the Senator from Oregon what this appropriation of $150,000,000 is to be used for?

Mr. CHAMBERLAIN. It is to be used under either this bill or any substitute that has been proposed for the purchase of grain and other commodities.

Mr. OVERMAN. The item we are considering in section 16 appropriates $2,500,000.

Mr. CHAMBERLAIN. The Senator from Michigan asked me about the appropriation of $150,000,000.

Mr. SMITH of Michigan. I asked particularly about the appropriation of $150,000,000. It seems to me that that vests very great discretionary power. The only limitation on it is that it shall not be expended for the purposes described in the preceding section. If that is the only limitation on the use of the $150,000,000 by some head of a department not already created, it seems to me it is a very loose way of doing public business.

I think there should be an amendment made to section 16 that none of the moneys hereby appropriated shall be used in the construction or equipment of any building, temporary or permanent, in the District of Columbia, and I think that the use of the appropriation of $150,000,000 provided for in the other section ought to be restricted. It is perfectly absurd to pass that amount of money here.

Mr. VARDAMAN. May I ask the able Senator from Michigan if there is any restriction upon the appropriation or anything else in the provisions of this bill? It seems to me that it is too great a discretion to be left to the administration. Really it is so far-reaching in its consequences that I doubt the wisdom of vesting such discretion in any one man. I should like to have information as to the basis of the calculation for the $2,500,000 to be used for office expenses. I should like also the basis or the facts upon which the President bases the recommendation for an appropriation of $150,000,000 to be used by the food dictator. Does the Senator know whether there is such a basis or statement of facts?

Mr. SMITH of Michigan. There is none.

Mr. VARDAMAN. The fact is we are spending public money like a drunken pirate. Any department can ask for an appropriation for any amount and it is voted without a word of protest. We are spending so lavishly funds wrung from the toilers of this country by taxation and the sale of bonds that this sum is merely a lagniappe—a tip to the waiter.

Mr. SMITH of Michigan. The truth is that there is no estimate. The appropriation of $150,000,000 here and $150,000,000 there prompts me to say——

Mr. SMOOT rose.

Mr. SMITH of Michigan. If the Senator from Utah will pause for a moment, I have read this bill through from one end to the other, and I do not think the bill now under consideration is comparable to the bill which the Senate has already passed and which is now in conference. I can not understand for the life of me why that conference committee does not proceed with the bill, making it a crime to corner food products at a time like this, fixing certain limitations and restrictions upon the right of storage and otherwise protecting the public from gambling in foodstuffs, which that bill so successfully does. I refer to House bill 4188. It is the bill with which the public is concerned. I think the public have gotten the wrong impression about the bill now pending before the Senate. The bill they are interested in most is the bill which will prevent gambling in foodstuffs and cornering them for the purpose of raising the price.

Mr. VARDAMAN. I understand that the Senate passed that bill more than a month ago.

Mr. SMITH of Michigan. It was passed more than a month ago, as the Senator from Mississippi says, and was passed with-

out a roll call and with practical unanimity, and yet it never went to conference until a week ago, and only two conferences have been held. I do not understand why a bill so wholesome as that, calculated to restrain the rapacity and the greed of people who have made a business of speculating in foodstuffs, can not be brought forward from the conference committee. It is a most wholesome bill. If that bill were now pending and we were drifting along as we are drifting with the present bill, if the Senate were drifting along with that bill unacted upon and the unfinished business before this body, the Senate would be properly the subject of severe criticism. It is a bill which will save the people from the difficulties under which we now labor. It will prevent gambling in foodstuffs. It will prevent their undue storage. It will prevent an attempt to inflate values by securing the product by a deliberate plan. The bill has been passed, and it only awaits the action of the conferees. I can not understand why this bill is not brought back here.

Mr. REED. Does not the Senator know why it has not been acted on?

Mr. SMITH of Michigan. No; I do not know. I know the Senator from Missouri has been very much interested in that bill, as I have been and as other Senators have been, and we have in one way and another exchanged views about it here in an indefinite sort of way, but I do not understand why it has not been passed.

Mr. REED. I think I can tell the Senator.

Mr. SMITH of Michigan. I should like to know.

Mr. REED. It was stated here on the floor three or four times. Perhaps the Senator was not present.

Mr. SMITH of Michigan. Yes; I have been present every minute. I have heard everything going on.

Mr. REED. It has been held up by friends of this bill, because it was thought if that bill, the one the Senator has referred to, were allowed to become a law, it might be soundly urged that it was unnecessary to pass this bill.

Mr. SMITH of Michigan. I think the Senator is entirely correct. I was suspicious that that was true.

Mr. CHAMBERLAIN. Let me interrupt the Senator a moment. I am not on the conference committee, but I think the Senator from Missouri ought to modify the statement he makes as to friends of the bill. I understand now that some of the friends of the pending bill who are on the conference committee have been trying their best to get it out of conference.

Mr. REED. I did not say all the friends of this bill.

Mr. CHAMBERLAIN. The Senator said the friends, without qualification.

Mr. REED. I should have said by friends of this bill.

Mr. CHAMBERLAIN. That is all right.

Mr. REED. And some of them are pretty high up.

Mr. CHAMBERLAIN. That is true.

Mr. SMITH of Michigan. The bill which passed the Senate makes it a criminal offense to do the very things about which the country is so much disturbed. The bill says, on page 12:

> If at any time during the pendency of the existing war between the United States and the German Empire the President of the United States shall find that such dealings in futures, in or about any grain exchange, unduly, or unreasonably, raise or enhance the price of wheat or other food cereals, to the injury of the people of the United States, he may at once request the traders in such exchange to discontinue for a time specified by him all dealings in futures.

This is such a pertinent and wholesome and helpful and necessary piece of legislation that some pressure ought to be brought to bear upon the Senate conferees to see if we can not get action upon the bill. If the word "fuel" was stricken out of the pending bill and added to the bill that has already passed the Senate, the bill now lying upon our tables as the unfinished business would not be necessary at all. It would reach the very difficulties which we complain of. If that bill is being deliberately held up for the purpose of whipping Senators into line for the creation of a new department over which any individual may be asked to preside, I think it is time the Senate displayed its independence and its patriotism by stopping such a proceeding as that.

I want to see the bill now in conference reported back, and if our conferees are unable to make any headway I would be in favor of discharging them and appointing other conferees in their places.

Mr. REED. I do not think the trouble is with our conferees. The trouble, I think, is with the House conferees. I think they are acting under instructions, but not instructions from the House.

Mr. SMITH of Michigan. Well, it is a very unfortunate situation that a bill as necessary, which passed the Senate unanimously and without a roll call, can not be brought back here for final action.

Mr. JOHNSON of South Dakota. Mr. President, I have not taken up five minutes on the floor of the Senate to discuss the bill under consideration, but I believe the causes which are holding the bill up, referred to by the Senator from Michigan [Mr. SMITH], are identical to those which are delaying this bill, which has now been before this body since the middle of June. I see by this morning's paper that the President is very much dissatisfied with the action of this body yesterday in putting off a final vote upon this bill until the 21st.

Mr. WADSWORTH. Mr. President——

The PRESIDING OFFICER (Mr. HARDWICK in the chair). Does the Senator from South Dakota yield to the Senator from New York?

Mr. JOHNSON of South Dakota. I do.

Mr. WADSWORTH. Will the Senator indicate the dispatch or article in the newspaper which describes the displeasure of the President with the Senate?

Mr. JOHNSON of South Dakota. It was the letter I referred to published this morning.

Mr. WADSWORTH. I understood that was Mr. Hoover's displeasure.

Mr. JOHNSON of South Dakota. Mr. President, the bill before the Senate is an administration bill, as I understand, and I believe the Senator from New York knows as well as everyone knows that it has the approval of the President of the United States. This measure was introduced in the Senate on the 15th of June and reported out from the committee on the 16th of June. A bill similar to the Senate measure passed the House nearly three weeks ago, and every Member of the Senate has had ample opportunity to become thoroughly familiar with its provisions.

I am not able myself to understand why a body of men like the United States Senate can not determine in a month whether they desire to vote for a bill or whether they desire to vote against it.

We have been told that this bill was not in the proper form, and from that day those opposing it began to beat the tom-tom. They commenced to fight shadows and raise constitutional questions. I am not going to discuss that phase of it, because I am not a lawyer. I will say, however, that the greatest surprise of my life was when the senior Senator from Tennessee [Mr. SHIELDS] defined the difference between the Federal Constitution and State constitutions. If I remember his explanation, it was to the effect that each State has all the powers of government not prohibited in its constitution or surrender to the Federal Government, but that the Federal Government has only the powers that are expressly granted to it in its Constitution.

If I am mistaken in this in a general way, I should like to be corrected.

The only comment I desire to make is that, as I view it as an ordinary layman, both State and Federal constitutions come from the people, and it is a peculiar thing, to my mind, without any knowledge on the subject, that State constitutions lead in one direction and the Federal Constitution leads directly opposite. But I am not going to discuss that, because I am not capable of doing so intelligently.

The claim has been set up that the bill before the Senate would demoralize business. I ask the question: What business?

If it demoralizes the business of the food speculators, many of whom ought at this time to be in the penitentiary and should have been there long ago, then I say let us demoralize it.

I myself do a good deal of farming. I am a producer. Perhaps no one in this body produces more than I do.

I believe that this bill will be a benefit to every producer in the United States. I believe that it will be a benefit to every citizen of the United States. I look at it, Mr. President, as the most important bill for the people generally that has been before Congress at this special session. I think this body is doing the people of the United a very great wrong by allowing this measure to drag along as has been done. Every man has his right to oppose a measure, but the great trouble has been that there are many opposing this measure who have not had the courage—and I mean the word I use—to come out in the open and state their reasons why they are against it.

I believe that the packers of the United States, the owners of the great terminal elevators of the United States, and the great storage concerns of the United States are lending all the assistance they can to those who are opposing this bill.

There has been a good deal of talk among Senators claiming to be favorable to this bill about desiring to help the President in this great fight on monopoly and about voting vast sums of money for that purpose. That is all right, Mr. President, so far as it goes. It is an easy thing for us to vote away vast sums of money, and we ought to do it in a case of this kind; but there are greater things than that. Many Members of this body, sitting in their senatorial dignity, seem to be afraid to give the President of the United States, the Commander in Chief of the

Army, the real power necessary to carry this great war to a successful termination.

Mr. President, there is no power that I would not give to the man who is held responsible for the successful prosecution and termination of the war that he might ask for, and in withholding that power we are only withholding that which is of vital importance not only to our sailors and soldiers and their families, but also to the families of the citizens of this land generally. Can it be possible that we can justify our position in refusing to grant him the power necessary to regulate the living expenses of our people in time of war? That is the power which is needed now, and it is much greater to my mind than the power of appropriating money.

All of the basic products of the United States, such as lumber, coal, foodstuffs, and everything of that kind, should be regulated during the period of this war at least; and instead of endeavoring to fix prices upon these articles let the Government say to those who handle them: "You may make a reasonable per cent of profit, and only a reasonable per cent." If they are patriotic citizens, if they are good citizens, they would be satisfied and would not continue along the path of what is worse than highway robbery, as they have been doing.

Mr. President, when the conscription measure was under consideration, in the few remarks which I then made I said that I was opposed to any age limit put on those conscripted. I pointed out then, and I am more firmly convinced now than ever, that it was the right solution, that all could then serve in some capacity in the hour of their country's need if they were called into service. Then if the manager of one of these big food depots of the country should refuse to run his business for the benefit of the country in war times at a reasonable profit, he could have been conscripted by the Government and been compelled to run his business for the real benefit of the people. If that had been done, Mr. President, I believe this food problem and all other matters pertaining to the living of the people of the United States would have been solved in a correct and truly democratic manner.

I do not care to take up more time in my few remarks; but I desire to say, in conclusion, that the people of the United States—those who are suffering under existing conditions, and will continue to suffer in a greater degree as time goes on—are watching the action of this Congress. We will have hard work to convince them that it took us a month to make up our minds whether we wanted to vote on this bill or whether we did not—a bill of the greatest importance to all of the people.

Let me further say to you, in conclusion, that the Senate of the United States is discrediting itself in the eyes of the people with its dilatory and do-nothing tactics in connection with this bill and its failure to act promptly. Every Senator knows this as well as I do.

The PRESIDING OFFICER (Mr. KING in the chair). The question is upon agreeing to the committee amendment.

Mr. WADSWORTH. I ask that the amendment be now read. I understand there have been some changes made in it.

The PRESIDING OFFICER. The Chair is advised that there were no changes made in respect to the amendment under consideration. The amendment will be reported.

The SECRETARY. On page 22, embracing lines 7, 8, 9, and 10, the committee proposes to strike out the following words:

Provided, That all persons, excepting persons serving without compensation, shall be appointed in accordance with the provisions of the civil-service act of January 16, 1883.

Mr. SMOOT. Is that on page 22, beginning in line 7?

The PRESIDING OFFICER. It is on page 22 of the old print of the bill.

Mr. SMOOT. Mr. President, as expressed before, I hope the Senate will not agree to that amendment. The House provided that these employees should be under civil service, and so long as this is a lump-sum appropriation the appointments ought to be under the civil service. Otherwise it is going to cost the Government of the United States nearly twice the amount of money that it otherwise would. I sincerely hope that the Senate will not adopt the amendment.

Mr. HOLLIS. Mr. President, I very much hope the amendment of the committee will be adopted. I made substantially the same argument at the time the farm-loan bill was before the Senate that I wish now to make, and I do not know that I can add much to that, except to say that the present emergency is deeper and greater and more serious in its consequences.

When a bureau is to be newly established, it is almost impossible within a reasonable time to create an entirely new set of officials.

Mr. OVERMAN. Will the Senator allow me to interrupt him a moment?

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from North Carolina?

Mr. HOLLIS. I yield.

Mr. OVERMAN. I want to suggest to the Senator from New Hampshire that if this provision were adopted it would be impossible to get the employees. If there were an appropriation for the holding of an examination by the Civil Service Commission it would take three or four months to get the employees on the eligible list as the result of the examination. The Senator from Utah [Mr. SMOOT] will remember that in the last appropriation bill we had to insert an appropriation of $20,000 additional in order to hold civil-service examinations, because the civil-service funds were practically exhausted. All these great departments have demanded during these war times many additional employees, but they can not get them, and if we do not adopt some such provision as this it will be impossible to administer the law. How low would it take to hold such examinations? At least three or four months, if the money was available for that purpose; but we should have to make an additional appropriation in order to enable the Civil Service Commission to hold examinations.

Mr. HOLLIS. Mr. President, I should like to continue my remarks. I was going to say precisely what the Senator from North Carolina has said.

Mr. OVERMAN. I beg the Senator's pardon.

The PRESIDING OFFICER. The Senator from New Hampshire declines further to yield.

Mr. HOLLIS. The reason I interrupted was because the Senator from Utah [Mr. SMOOT] rose, and I thought he wanted to reply to the Senator from North Carolina [Mr. OVERMAN].

Mr. OVERMAN. I beg the Senator's pardon. I agree with him.

Mr. HOLLIS. I am very glad to have the Senator from North Carolina give me that information, because it comes from an authoritative source.

Mr. SMOOT. I want to say to the Senator——

Mr. HOLLIS. I want to finish what I have to say now, if the Senator will pardon me.

Mr. SMOOT. I merely wanted to correct a statement made by the Senator. The Senator from Utah did not rise to ask to interrupt the Senator from New Hampshire.

Mr. HOLLIS. The Senator from Utah, as I understood, was rising to reply to the Senator from North Carolina; but that is immaterial.

I do know, as a matter of fact, that the Civil Service Commission is crippled at this time for lack of funds to do its ordinary work. It is my impression that the Senate Appropriations Committee reported an appropriation that was asked for by the Civil Service Commission, and it was agreed to by the Senate, but that the House conferees insisted on cutting it out; at least, it went out because the House insisted that it should. I do know that the Civil Service Commission is now called upon to supply hundreds and thousands of employees for the War Department, something that has not before been done; but to undertake to start out a new bureau of this sort under civil-service rules would be a very foolish proceeding. I say this as a friend of civil service. I am on the Civil Service Committee; I believe in civil service absolutely. After the Farm Loan Board had gotten started and the Appropriations Committee thought they should submit schedules of the employees they wanted I had no particular objection. I did, however, object, as some Senators will remember, to cutting the salaries of the members of the Farm Loan Board, but I do feel that if this measure is worth passing, if we are to go at it with vigor, we can not afford to cripple the administrators by the civil-service rules. I therefore hope the committee amendment will be adopted.

Mr. McCUMBER. I desire to ask the Senator in charge of the bill if he will not accept an amendment to the amendment which he has proposed? It has been stated here—and I think accurately—that where appropriations have been made in lump sums salaries have been paid sometimes 300 per cent higher than salaries for like services in other departments which are under the civil service. Now, it seems to me that there ought to be some protection or some shield against the payment of exorbitant salaries or wages. I therefore ask the Senator if he would have any objection to adding at the end of the amendment the following words:

All salaries and wages paid under the provisions of this act shall be the equivalent of salaries and wages paid in other departments of the Government for like services.

Mr. CHAMBERLAIN. I have no objection to that, Mr. President.

Mr. McCUMBER. I offer that amendment.

The PRESIDING OFFICER. As the Chair is advised, the pending amendment relates to striking out lines 7, 8, and 9, and the amendment of the Senator from North Dakota would not be appropriate to the amendment under consideration.

Mr. McCUMBER. I appreciate that fact, Mr. President, and will offer my amendment to the other amendment, when the one pending is disposed of.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

Mr. NORRIS. Mr. President, I do not remember that any particular reason was given why this language should be stricken out, at least at any meeting of the committee when I was present. Personally I do not see why the civil service should not be applicable at the starting of a bureau of this kind as well as to have it applicable later on. Certainly the temptation to make it partisan and to make a political machine out of it would be taken away. I am not charging, nor do I believe, that that would be done if the amendment were agreed to, for, so far as I know, there has been no reason given of a partisan nature why the provision as to civil service should be excluded from the bill; but I believe, Mr. President, that these employees could be selected by the Civil Service Commission better than by any other bureau or set of men. They must be selected by somebody. They will be selected under certain rules and regulations, if they are to be efficient employees, if the right men and women are selected. The Civil Service Commission do nothing else except that kind of business; they are better equipped to do it than is anybody else, and I do not see any reason why they should not do it. Therefore I do not think that the language proposed to be stricken out should go out of this bill.

Mr. OVERMAN. Mr. President, if the bureau is established, how will it get employees from the Civil Service Commission?

Mr. NORRIS. They would have, in the first place, I presume, an investigation made as to the nature of the work to be done and the kind of men and women who ought to do it, determine when examinations should be held, and then hold the examinations, to take which everyone who desired could apply.

Mr. OVERMAN. The Senator does not understand my question. These prospective employees will have to stand an examination if they are to be appointed under civil service. How are the examinations going to be held? The Civil Service Commission came before the Appropriations Committee and said that they needed to provide a list of eligibles for the War Department, and asked us for an appropriation of $20,000 to hold examinations. We put that amount in a bill then pending in the Senate, but I understand now they have no appropriation available to hold examinations.

Mr. NORRIS. I do not know anything about the appropriations.

Mr. OVERMAN. It takes at least three or four months to hold these examinations and to establish an eligible list. The War Department, the Navy Department, and other departments have not been able to get the stenographers they need, although they have brought, as the Senator probably knows, in the neighborhood of 6,000 people to Washington. The list has now been about exhausted, and it will take three or four months to get another list from which eligibles can be appointed.

Mr NORRIS. The Civil Service Commission could get employees just as quickly as the heads of the bureau could get them——

Mr. OVERMAN. Not at all.

Mr. NORRIS. Unless they select them at random and make a political machine out of it.

Mr. OVERMAN. I do not think anybody is going to make a political machine out of it. I do not have any idea that that will be done.

Mr. NORRIS. I hope not. I do not think any of us want that to be done.

Mr. OVERMAN. I sincerely hope not.

Mr. NORRIS. I have no doubt of that.

Mr. OVERMAN. What I meant to say was that it would be necessary for the Civil Service Commission to give notice and to send officers to conduct the examinations.

Mr. NORRIS. Will not that have to be done in any event, unless the employees are picked at random? If the Senator himself were appointed by the President at the head of this bureau, and he wanted to get a number of stenographers, a number of clerks, and a number of other assistants, he would have to adopt some method of selecting them.

Mr. OVERMAN. Yes.

Mr. NORRIS. He could not pick them at random on the street corners.

Mr. OVERMAN. That is what I am talking about——

Mr. NORRIS. The Civil Service Commission is better equipped to do that than the Senator would be, because the machinery, to a certain extent, or at least the nucleus of the machinery, is all there. They know how to do it; they have had experience along that line; and they could get at it more quickly. They have their assistants and secretaries in every State and important city in the Union, and they could cover the whole country almost overnight.

Mr. OVERMAN. Suppose they wanted to appoint some good farmers in Nebraska, does the Senator suppose the farmers would stand a civil-service examination?

Mr. NORRIS. I should think so.

Mr. OVERMAN. Mr. President, I have no idea that they would. It is mighty difficult in my section of the country to get anybody to stand a civil-service examination for anything, I am told.

Mr. NORRIS. Suppose the Senator wanted a stenographer and went out into the country and found a man plowing corn, and said, "Here, I want you to be a stenographer," would he get employees in that way?

Mr. OVERMAN. I could go and get a stenographer in some office who had not taken the examination and who would not stand an examination. I might want an expert in farming, and I could go to some good farmer somewhere, or I could correspond with some farmers' association, or with the governor of the State, and in that way get a better man than one who could stand an examination, but who might not be competent.

Mr. NORRIS. That may be true; but, if a farmer was wanted, the Civil Service Commission would have a method of examination for a farmer, which would, of course, be entirely different from a stenographer's examination. In this case, however, the bureau will not be desirous of securing farmers; they will want to get clerks and stenographers. A great many assistants of that character will be required.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Ohio?

Mr. NORRIS. I yield to the Senator from Ohio.

Mr. POMERENE. Of course, when it comes to the selection of stenographers and typewriters and, perhaps, bookkeepers, I assume that there is some one connected with the Civil Service Commission who is capable of conducting examinations of that kind; but the question comes up here with regard to food distribution, the production of food, and so forth Can the Senator name anybody connected with the commission who is competent to conduct an examination on those subjects?

Mr. NORRIS. I can not even name a stenographer there; I can not even name offhand the heads of that commission; but I will say to the Senator that most of those employed in the proposed new bureau will be bookkeepers and people of that kind. A great many stenographers, a great many clerks, a great many bookkeepers will have to be appointed and there is hardly any class of employees for whom the Civil Service Commission could not hold examinations and establish a list of eligibles. They can hold examinations for lawyers, for bookkeepers, for farmers, for clerks, for stenographers, or for any class of employees. Selecting employees is part of their business, and they are equipped for it. The Civil Service Commission is the organization of the Government which we have organized and equipped to do that kind of work. Somebody must do it, and we had better have some one who is an expert secure these employees than to have them selected offhand without any reference to their qualifications.

Mr. SMOOT. Mr. President, this applies to section 16 only, and provides for the employment of stenographers and clerks mostly here in the District of Columbia. Now, let me tell you what is going to happen if this provision is stricken from the bill.

The officials of the bureau will go to work, and they in many cases will select from the other departments of our Government the very best stenographers and clerks they can get. They will raise their salaries 25 to 50 per cent; and then the other departments of the Government will have to go to the Civil Service Commission to get clerks to replace those that will be taken away from them.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Ohio?

Mr. SMOOT. Just as soon as I finish this statement I will yield. When the next appropriation bill comes before our committee, the heads of all of these other departments will appear before the committee and say: "We could not keep our clerks of the first and second and third and fourth classes; we could

not keep our best stenographers. They were taken by the new bureau, just the same as has happened in the past."

Mr. POMERENE. Mr. President, the senior Senator from North Dakota [Mr. McCUMBER] just a minute ago offered an amendment which would prevent the very thing which the Senator is criticizing.

Mr. SMOOT. Well, that amendment has not been adopted. Then this is what the result of that will be: They will take an employee from one class of work in one department and advance him to another class, and claim it is not for similar work. I speak from actual experience, because I have served on the Appropriations Committee for years; and I know what the heads of the other departments that have to operate under the civil service say, every time an appropriation bill comes before us, in relation to giving them extra help or increasing the salaries of employees of those departments.

Mr. POMERENE. Mr. President, is it quite fair to say that that evil, if it exists—and I have no doubt it does exist—would be accentuated by this provision of this bill? Is it not rather due to the fact that there has been a feeling in all of these departments that the wages of the employees, and particularly of those in the lower classes, ought to be increased?

Mr. SMOOT. I will say to the Senator that I am not charging this up to the head of this bureau nor the men who do the work under the head of the bureau. It comes about in this way, and is just as natural as life itself: Every employee of our Government is looking for an advance. They want to be advanced; and when one of them gets to be a clerk of class 4 he has got to secure a promotion or his wages can not be advanced under the law, because the law fixes the salary of a clerk of class 4. Now, when a new bureau is created, if that bureau does not come under the rules of the civil service, there is not a clerk in any department of this Government but what knows at once that he has a chance of an advancement in salary. I am simply speaking of our experience in the past.

Mr. POMERENE. Does not the Senator overlook the fact that this is purely a temporary department?

Mr. SMOOT. No.

Mr. POMERENE. These clerks would be likely to lose their positions if they got over in this temporary department.

Mr. SMOOT. Well, Mr. President, I have seen too many chances taken by them in the past; and I do not blame them, as far as that is concerned, for getting all that they possibly can. I do not want it understood that I object to their trying to secure an increase. I am only telling the Senate what the result will be.

If the Senate wants to take that responsibility, well and good. However, if it is adopted and this money is to be expended outside of the civil service, I say now, without fear of successful contradiction, that it will cost our Government 25 per cent more than it would if the civil-service rules applied.

It is for that reason, and that only, that I hope the amendment will be rejected.

Mr. JONES of Washington. Mr. President, we have had some rather startling suggestions and statements made here today. It has been stated that a bill which passed the House of Representatives some time ago and came over to the Senate, and was amended here, and then passed the Senate, is being delayed in conference under pressure outside of Congress, and for the very purpose of forcing the passage of this bill before that

I know, Mr. President, that some of the Senate conferees on legislation is enacted.

that bill have been very earnestly in favor of early action upon it. I know that the Senator from Iowa [Mr. KENYON], who is a member of the conference on the part of the Senate, for some time called attention to the fact that this bill had not gone to conference, and that he was especially insistent that the bill should be sent to conference, so that an agreement of some kind might be reached and brought back to the two Houses. So I feel safe in asserting that the Senate conferees are not to blame for the delay in acting upon that bill.

It is a peculiar situation, to say the least of it, that a measure of the importance of House bill 4188 should be held up in conference with a view to forcing action by one of the coordinate branches of the Government upon another bill. House bill 4188 was supposed to be an administration measure. It was a measure considered of very great importance in the present crisis, and it was urged and presented as the first bill, and was passed by the House, and came over here. We were criticized very severely because we did not pass it promptly. I think the Senate did act pretty promptly upon that measure.

When the bill came upon the floor of the Senate, after careful consideration, two very important amendments were put upon it—two amendments which, in my judgment, would very largely meet the demands of the public sentiment of this country. As I see it, what the people of this country really would like to have is legislation that would prevent the storing and hoarding of food supplies for the purpose of exacting exorbitant prices from the people for those food supplies; and they would like to have gambling in farm products stopped. If those two things were done, and the people left to their normal activities, in my judgment the food problem would be largely solved, and the public sentiment of this country would be met and the interests of the producers and consumers largely served.

The Senate put two amendments upon this bill. One of them is section 10, which provides very stringent penalties against the hoarding of foodstuffs for the purpose of exacting exorbitant rates from the consuming public; and section 33 was a section which, in my judgment, would go a long way to stop and prevent gambling in food products. The bill was passed with those two very important propositions in it. I think it was so important that the people of the country have a right to criticize anybody or any part of the Government that delays early action upon those two amendments.

As was said a while ago, the bill passed the Senate a month ago. It was not sent to conference until about a week ago, and apparently nothing has been done in the conference. It was stated broadly a few minutes ago on this floor that the delay was caused by pressure outside of either House of Congress, and that the delay is being caused in order to force the passage of this measure. Mr. President, if that is so the people of the country ought to know it, and they ought to have an opportunity to express themselves with reference to such action as that.

Now, Mr. President, another suggestion was made.

Mr. POMERENE. Mr. President, may I ask the Senator whether he has personal and direct information that pressure has been brought to bear to delay that conference?

Mr. JONES of Washington. Mr. President, I did not make that assertion on the floor of the Senate. The Senator from Missouri [Mr. REED] made that assertion on the floor of the Senate a while ago. I am satisfied that he had good reasons for making it and that he can answer the Senator from Ohio.

It was also suggested that the bill that we are now considering should be sent back to the committee. It was stated that the committee is considering the matter of submitting to the Senate a substitute.

I do not think a suggestion of that sort ought to be entertained for one moment. I do not believe that the Senate ought to abdicate its functions in behalf of any committee. If anybody should abdicate them, it should be the committee. The committee is simply the servant of the Senate.

What has been the course of this bill? A bill similar to the House bill was introduced in the Senate on the 15th of June by the Senator from Oregon [Mr. CHAMBERLAIN] and referred to the Committee on Agriculture and Foresty. On the 16th of June it was reported from the committee to the Senate without any amendment. We have a right to assume that the committee gave some consideration to the bill.

Mr. WADSWORTH. Mr. President——

Mr. JONES of Washington. But I think it was stated on the floor of the Senate—I am not sure, but my recollection is that it was stated on the floor of the Senate by the chairman—that it was reported without amendment because the committee seemed to be so divided that they were not able to reach a committee decision with reference to it; and so it was brought to the Senate for its consideration without any recommendation.

Mr. WADSWORTH. I was going to suggest to the Senator that not only was it reported without amendment but also without recommendation; and I doubt if the committee intended to make any recommendation upon that bill until it had been discussed for some time.

Mr. JONES of Washington. Well, there was no recommendation made. The Senate bill was considered for a few days, and then the House bill passed the House and came over here, and was referred to the committee. It came over here on the calendar day of June 25, and was referred to the Committee on Agriculture and Forestry. That committee, as I understand, gave special consideration to that bill, spending a great deal of the time of two days on it, and on the 27th of June it was reported to the Senate with a great many amendments, which, I understand, had the approval of the committee; and we have the bill here with these various amendments recommended by the committee.

The Senate has been at work on this bill now for a good many days. We have amended it in various particulars. We have amended the committee amendments. We have gone through the bill for the consideration of the committee amendments, and we have reached page 22 in the consideration of committee amendments. There are only 24 pages in the bill, and, aside

from the amendment we are now considering, there are only three other committee amendments.

Mr. WADSWORTH. Four. Section 3 was passed over.

Mr. JONES of Washington. I was going to say that some amendments recommended have been passed over. We will go back to them.

In this state of affairs, after we have considered nearly all the committee amendments and after we have left one or two, possibly, for further consideration by the Senate, it is now suggested that because the Agricultural Committee has seen fit to have a meeting for the purpose of considering whether or not it will propose a substitute, the Senate should stop the consideration of this bill and wait upon its committee. I think not, Mr. President. I think the Senate should go on, consider these committee amendments, and make this bill. The Senate will make the bill in any event. The Senate has more jurisdiction and more power over the bill than the Committee on Agriculture and Forestry. As a matter of fact, it has no jurisdiction over the bill now, as it is before the Senate. If that committee sees fit to consider the proposition of submitting a substitute, very well. I am glad it is trying to get matters in good shape. It is to be commended for that. It can report its substitute or bring it out and propose it as an amendment to this bill; but this bill ought not to be recommitted. Furthermore, after we have been considering it all this time, the Senate on yesterday reached a unanimous-consent agreement upon this bill and set it for a final vote on the 21st of this month.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Oregon?

Mr. JONES of Washington. I do.

Mr. CHAMBERLAIN. I want to say to the Senator that I am glad he takes that position. This bill is now before the Senate, and of course it can be perfected just as completely in the Senate as it could be in the committee.

Mr. JONES of Washington. I certainly think so. I do not believe the Senate has any right, under the unanimous-consent agreement, to refer this bill back to the committee except by unanimous consent, and I do not believe that by a majority vote we could practically set aside a unanimous-consent agreement and refer this bill back to the Committee on Agriculture and Forestry. At any rate, I do not think we ought to do it.

Mr. PAGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Vermont?

Mr. JONES of Washington. I do.

Mr. PAGE. I want to say to the Senator that the committee will not change section 12 in the slightest respect in any recommendation it may make. It has simply taken for that section the unanimous-consent-agreement provision and made that section absolutely identical with the section that we have passed.

Mr. JONES of Washington. As the Senator has just come in, I will state that I have not referred to section 12 at all in my remarks, but I was coming to it. I was going to do it, but I had not done it.

Mr. PAGE. Is there any unanimous-consent agreement that would in any way prevent the committee from passing upon or considering an elimination of the many articles we had in the original bill?

Mr. JONES of Washington. Not at all.

Mr. PAGE. For instance, in the original bill there have been included cotton, hides, and leather, the manufactures of iron, and so forth. In the bill that the committee have been trying to perfect and improve we have eliminated everything except wheat, meal, coal, potatoes, and beans. We have tried to improve the bill. We thought it was entirely proper to make improvement if we could except as to section 12, which we have in no way changed.

Mr. JONES of Washington. Mr. President, I do not want to criticize the Committee on Agriculture and Forestry; but it seems to me, from the statement of the Senator from Vermont, that it is assuming to know more about what ought to be in this bill than the Senate itself. The Committee on Agriculture and Forestry, when it reported this bill, did not recommend that cotton and wool and hides and skins be put in it; but the Senate itself, by a vote of the Senate, did put those things in, and the Senate amended the bill that it had under consideration by inserting those articles. In other words, it has been the expressed judgment of the Senate that those articles should be in the bill. Now the Senator says that the Committee on Agriculture and Forestry have come to the conclusion that the Senate was wrong, and they are going to take out those things or recommend that they be taken out. That may be wise upon their part; but I do want to remind the Senator that the Senate itself put those articles in; that the Senate itself expressed its judgment that those articles should be covered by this bill, and only the Senate can undo that action.

Mr. PAGE. The Senator from Washington is reminded that the Committee on Agriculture does not propose to do more than to ask its chairman at his convenience to make a motion to amend the bill when it is properly up for consideration. I see no impropriety in the committee suggesting to the chairman that he express the views of the committee.

Mr. JONES of Washington. I have already said that the Committee on Agriculture had a perfect right to make a recommendation to the Senate and offer the amendments which have been offered.

Mr. PAGE. That is what the committee propose to do.

Mr. JONES of Washington. I know, but I am calling attention to the situation. I was referring more particularly to the suggestion made on the floor that because the Committee on Agriculture was considering the matter of a substitute we should stop the consideration of the bill here and send it back to the committee. That was the thought I was really referring to when the Senator interrupted me.

Mr. PAGE. Has anyone proposed to send the bill back to the committee?

Mr. JONES of Washington. It has been suggested two or three times by Senators that we should do that.

Mr. PAGE. That is without my knowledge.

Mr. JONES of Washington. The Senator has been engaged with the committee. He was not here.

Mr. PAGE. Perhaps I ought not to bring up the matter at this time, because I suppose the chairman of our committee will, at the proper time, speak for the committee. It has left the matter in his hands to make such motions as will accord with the views of the committee as they have been expressed after a very careful reconsideration of the bill.

Mr. JONES of Washington. Mr. President, I have said about all I care to say with reference to it, and I am going to take only a moment or two more. I was just coming to section 12 to which the Senator referred. As I understand it, section 12 has been disposed of by the Senate. I have understood that it has been, in effect, actually passed by the Senate, because we have gone further than we usually do with these unanimous-consent agreements. In the first place, it is very unusual for the Senate in the consideration of a bill to sit down or dispose of a particular amendment by unanimous consent, but that was done with reference to section 12. We further provided in that unanimous-consent agreement that after the Senate, as in Committee of the Whole, had acted upon section 12 that section should not be reserved in the Senate for further consideration or further amendment. In other words, by the unanimous consent of the Senate section 12 has, in effect, been passed by the Senate.

I noticed in the papers this morning that it was claimed that the Committee on Agriculture and Forestry had reframed a bill, and that they had reframed section 12, and that they were putting in the substitute another provision for section 12. I am glad to have the assurance of the Senator from Vermont that the committee, in whatever substitute it shall submit to the Senate, will incorporate in it section 12 as it has actually been agreed to by the Senate, thereby keeping full faith with the unanimous-consent agreement made by the Senate.

Mr. PAGE. And that is exactly what the committee has done.

Mr. JONES of Washington. I do not believe this statement made in the papers was even the voice of any member of the committee. I think the wish was father to the thought and the father to the expression in that paper, and that it was the expression of some one who hoped that section 12 would be changed in some way. As I said, I am glad to hear the Senators say they are going to report whatever substitute they have with that provision as the Senate adopted it, because it seems to me, Mr. President, that to take any other course would be violative of the good faith and honor of the Senate itself, and that we can not afford to do that.

Mr. President, I am not going to take any further time except——

Mr. CHAMBERLAIN. May I interrupt the Senator again? The Senator would not think it was a violation of the unanimous-consent agreement on section 12 of the bill if a proposed amendment were reported out of the committee leaving section 12 just as the Senate passed it the first time?

Mr. JONES of Washington. As the Senate finally passed it?

Mr. CHAMBERLAIN. Yes; as the section was finally passed.

Mr. JONES of Washington. No; that is what I said. I do not think that would be, but any attempt to change section 12 as it was finally agreed to by the substitute or in any other way would be violative of good faith. I do not think any substitute would even be subject to amendment, so far as section 12 is

concerned, under the agreement under which it has been acted upon.

Mr. CHAMBERLAIN. I asked whether I understood the Senator to mean that it would be a violation of faith to report anything out of the committee by way of a substitute or otherwise but the Senator only feels that it would be a violation of faith to report out an amendment of the liquor provision.

Mr. JONES of Washington. Oh, no; the other was not covered by the unanimous-consent agreement at all. I refer to section 12; that is all.

Mr. President, I have here a comment upon the food amendment as contained in section 12 showing the actual cost of distilled liquors and showing it to be very much less than that contended for by some on the outside. I ask that it may be printed in the RECORD and referred to the Committee on Finance. I think that is where it should properly go.

There being no objection, the paper was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

THE SMOOT AMENDMENT.

The Smoot amendmen. to the House food bill directs the President to purchase the distilled spirits in bond at cost and not more than 10 per cent profit.

MISREPRESENTATION BY OPPONENTS OF BILL TO CONSERVE FOODS WASTED IN MAKING LIQUOR.

The enemies of the bill to prohibit the use of foodstuffs for making liquor now say that the Senate amendment will cost the Government $1,000,000,000. In the same article they inconsistently argue that it will not aid prohibition, as the liquor interests will withdraw the liquor in bond before the new revenue law and the food bill go into effect.

WHAT ARE THE FACTS?

The cost of making a gallon of whisky is grossly misrepresented by the opponents of this legislation. The following facts were given by M. Marcel, manager of the Anti-Trust Distilleries Co., of Kansas City, Mo.:

Cost to produce a gallon of whisky.

	Cost of 50-gallon barrel.	Cost of single gallon.
9 bushels of No. 2 or No. 3 corn, at 50 cents	$4.50	.....
1 bushel rye and barley malt	1.00	.....
Yeast for fermenting	.10	.....
Cost of distillation	.40	.....
Cost of producing	6.00	$0.12
Cooperage for barrel of 50 gallons	2.75	.05½
Freight and hauling from district to original warehouse	1.50	.03
Total cost in warehouse per gallon	.....	.20½

This represents the cost of practically all the whisky now in bond. The recent additional price is caused by the war price of corn and other food material. Seven years of whisky supply is in bond on the above cost basis. Whisky was recently advertised for sale in Washington at $1.40 a gallon, which included the $1.10 Government tax. The same whisky has now been boosted to $2 a gallon without the addition of any cost of value to it in the meantime

The original cost, on the above basis, of 4-year-old whisky which is ready to take out of bond for beverage purposes is about 21 cents per gallon. Add 10 per cent profit and it would make a little over 23 cents a gallon. It will cost about 2 cents a gallon to redistill, according to Mr. Marcel, distiller. This would make it about 25 cents per gallon if the President gave the full 10 per cent profit, which is discretionary with him.

Senator PENROSE, who is in a position to know, says that there are 208,000,000 gallons of whisky in bond subject to this purchase, less what may be withdrawn before the President can purchase it under the law. On the above basis the cost to the Government would be only about $50,000,000. Its value to the Government will be as much or more than this when we consider that by the time the Government would purchase these distilled spirits for munition purposes the liquor dealers will demand the advanced prices of the material, labor, and revenue which will be in effect at that time. From the standpoint, therefore, of economy, this purchase is a wise one. The actual cost of the liquor now in bond is not a matter of guesswork. The Internal Revenue Department has access to every book of the distillers and can determine accurately the cost of each season's crop during the eight years covered by the whisky now in bond.

LIQUOR REVENUE A BURDEN TO THE GOVERNMENT.

Every dollar the Government gets in revenue from the liquor traffic is paid not by the liquor dealer but ultimately by the consumer. It costs the Government many dollars in return to care for the wreckage which liquor causes. The liquor dealer never has and never will ultimately pay this tax. By advancing a few million dollars he gets the privilege to rob the people of two and a half billion dollars every year.

The liquor dealers complained when the Senate passed the Cummins amendment preventing the withdrawal of whisky for beverage purposes. Banks holding whisky securities wired the Senate that they would be ruined. Now, when the Government offers to purchase the whisky this same crowd yells disaster! The reason for their present cry is that the proposed plan prevents the liquor dealer from selling the whisky at retail at about $6 per gallon profit instead of a possible 10 per cent profit, as proposed in the Senate amendment.

SENATE AMENDMENT A BENEFIT TO THE GOVERNMENT AND PEOPLE.

It takes a barrel of distilled spirits to produce the powder or explosive to fire one of the great guns in this war. When the water is taken out of the alcohol there will only be something like a hundred million gallons. If it takes a barrel to fire one gun this would only leave enough alcohol to fire 2,000,000 shots. All the alcohol in America, it is calculated, would not make the powder or the explosives for the cannonading for three days in a battle like that of Verdun. The Government can use this liquor to make liquor to kill the enemy instead of killing its own subjects and allowing these selfish interests to make abnormal profits out of it.

This Government never can grow strong by encouraging a traffic and getting revenue from a business which weakens and destroys the two essentials to victory, "Food supply and man power." When the liquor business has been entirely prohibited and the last distillery and brewery closed we will then realize the wisdom of Justice Grier's decision years ago, when he answered this whole revenue bugaboo from the Supreme Court bench in these words: "If there should be a loss of revenue from use of this power, she (meaning the Government) would be the gainer a thousandfold in the health, wealth, and happiness of her people."

JAMES CANNON, Jr.,
A. J. BARTON,
WAYNE B. WHEELER,
E. H. CHERRINGTON,
Legislative Committee of Anti-Saloon League of America.
E. C. DINWIDDIE,
Legislative Superintendent.

Mr. JONES of Washington. I have here a proposition by many of the great church organizations of the country submitting a proposal to take care of the question of revenues that the Government may lose by way of the stoppage of the manufacture of liquors. I ask that it may be printed in the RECORD.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

BOARD OF TEMPERANCE, PROHIBITION, AND PUBLIC MORALS OF THE METHODIST EPISCOPAL CHURCH,
Washington, D. C., June 28, 1917.

LET THE CHURCHES BUY A BONE-DRY BOND ISSUE TO REPLACE LIQUOR REVENUE.

In event of national prohibition, we pledge that the churches of the United States will buy $500,000,000 of liberty bonds annually during the period of the war, which will more than replace the revenue that might be derived from the liquor traffic.

Board of Temperance, Prohibition, and Public Morals of the Methodist Episcopal Church, by Clarence True Wilson, D. D., secretary; Board of Temperance of the Presbyterian Church in the United States of America, by Charles Scanlon, LL. D., secretary; Church Temperance Society of the Protestant Episcopal Church, by Rev. Jas. Empringham, D. D., secretary; the Northern Baptists, by Rev. Samuel Zane Batten, D. D., secretary; Committee on Temperance and Social Service of the Southern Baptist Convention, by A. J. Barton, D. D., chairman; American Temperance Board of Disciples Church, by Rev. L. E. Sellers, D. D., secretary.

Mr. JONES of Washington. I have also a copy of a letter sent by Dr. S. P. Kramer, a very prominent physician of Cincinnati, to Representative LONGWORTH, of Ohio, answering a statement based upon a memorandum prepared by the Fleischman Co. and put in the RECORD a few days ago. I ask that it may be printed in the RECORD also.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CINCINNATI.

Hon. NICHOLAS LONGWORTH,
House of Representatives, Washington, D. C.

MY DEAR MR. LONGWORTH: The Cincinnati Enquirer of July 7, 1917, publishes an extract from a memorandum submitted by you for publication in the CONGRESSIONAL RECORD, wherein it appears that the abolition of brewing would seriously affect the production of bread by interfering with the manufacture of yeast

The basis of this memorandum is given as a statement by the Fleischman Co., which is said to produce 90 per cent of the yeast used by the bakers of the United States.

Herein I beg to submit for your consideration a statement relative to this important subject. To begin with, let me say that the Fleischman Co. produce whisky and not beer. The compressed yeast marketed by this company is a by-product of the manufacture of whisky, and the yeast used by the bakers of this country is really an offal of whisky. As the result of a good deal of scientific investigation on my part, I have come to the conclusion that this is a very inferior yeast to that which would be produced as soon as the manufacture of this almost universal poison is prohibited.

Distillers' yeast necessarily is very grossly contaminated by other microorganisms, such as the lactic acid bacillus and various other bacilli. The presence of these bacilli in the yeast is really the cause of the disturbance of digestion which many persons acquire as the result of consuming fresh bread which, as is often the case in this country, has been insufficiently baked.

If, however, yeast were made independently of the manufacture of alcohol, as it will be as soon as our archaic revenue regulations are changed, then the public and the bakers would be supplied with a pure culture compressed yeast, one which does not contain these contaminating microorganisms, and our people would no longer be poisoned either by the narcotic drug whisky or by bread made from contaminated yeast, the offal of the distillery.

Permit me to add that some years ago one of the Cincinnati plants of the National Biscuit Co., Muth's Bakery, was producing and using such a pure-culture yeast. They were, however, threatened with closure of their yeast plant, and this was finally accomplished through the pressure of the Revenue Department by the enforcement of archaic internal-revenue regulations.

When the ancestors of the Fleischman Co. fled from Egypt they fled from the breweries; they had no yeast and were compelled to eat unleavened bread. This we may still eat without sin. The conclusion to be drawn from your statement is that if the people of America wish to eat bread other than matzos they must continue to permit the descendants of the aforesaid ancestors to sell poison to the people.

Very sincerely, yours,

S. P. KRAMER.

Mr. JONES of Washington. I wish to call attention to a statement in a letter from Dr. Kramer to me, in which he says:

As the matter now stands, the whisky men are drawing the whisky from bond to the limit of their credit. All of the available money in this part of the country is going into whisky, which constitutes another grave accusation against the traffic.

Mr. WADSWORTH. Mr. President, I am very glad that Senators this morning have laid emphasis upon the failure of Congress to enact the first so-called Lever bill which was passed by the Senate more than a month ago and went to conference and has since failed to emerge. Senators have referred to those provisions of the bill which are intended to prevent the undue hoarding of food products and to make such offenses punishable by fine and imprisonment, and they have also referred to those provisions of that bill which give the President discretionary jurisdiction over the grain exchanges in the event that the practices or methods indulged in by the members of such exchanges are injurious to the public in the matter of undue enhancement of prices. The President is authorized, as you remember, to correct those practices and issue regulations governing the exchanges.

The Senators, however, have omitted mention of the appropriations carried in that bill which are held up by reason of its failure to be reported from the committee of conference. The appropriations do not seem to be very large as compared with some of the appropriations which we are making but they are directed at exceedingly important undertakings. It will be remembered that some of those appropriations were made for the purpose of enabling the Department of Agriculture in cooperation with the State departments of agriculture and State agricultural colleges or any other suitable agency to carry on a nation-wide thoroughly organized campaign of education in the matter of not only food production but food conservation.

The Department of Agriculture fully expected that the bill would have reasonably prompt consideration. So confident was it that it would have such consideration at the hands of Congress that it laid plans in advance and notified the State governments and the State commissioners of agriculture and the State colleges of agriculture of its plans and invited them to cooperate and perfect the organizations within the States.

The situation resulting from the failure of the bill to be reported from the conference and to receive any final action by the Congress has been very serious in this respect. I have here a letter from the dean of the New York State College of Agriculture at Cornell, one of the greatest institutions of its kind in the world, which I beg leave to read to the Senate in order to show the Senate the seriousness of this situation. It is addressed to me at Washington and says:

NEW YORK STATE COLLEGE OF AGRICULTURE,
OFFICE OF THE DEAN,
AT CORNELL UNIVERSITY,
Ithaca, N. Y., July 2, 1917.

(Albert R. Mann, acting dean.)

Senator JAMES W. WADSWORTH,
Senate Office Building, Washington, D. C.

DEAR SIR: I am writing you concerning the Lever food-supply bill, H. R. 4188, Calendar No. 59, which carries appropriations for the Department of Agriculture and for cooperative work between the Department of Agriculture and the States. Our immediate interest is in the paragraph carrying the appropriation of $4,348,400 "For increasing food production and eliminating waste and promoting conservation of food by educational and demonstrational methods through county, district, and urban agents and others."

He continues:

You undoubtedly know that in anticipation of the passage of this act officials of the Department of Agriculture—

That means here in Washington—

wrote to the various States indicating expected apportionments to each State for cooperative work in agricultural and home economics county agent work. For New York State the original apportionments were indicated, as follows: For county-agent work, $59,300; for women's county agents, $50,500; for home economics in cities, $53,400. This was based on the original request of five and one-half millions for the above item. When Congress reduced this amount to $4,348,400, on which we understand both Houses agreed and the item seemed, therefore, to be assured, we were informed that according to the redistribution of funds the following items would very probably be available for work in this State. For county-agent work, $47,000; for women's county agents, $44,700; for home economics in cities, $20,000. In order that these funds might be of any use whatever this season it was necessary for us to make our plans immediately, as the growing and preserving season is now under way.

This letter was dated July 2. Of course, the season is even more under way since it was written—

Because of the seeming certainty that these funds would be available, we have drawn up a State program in cooperation with the New York State Food Supply Commission for the placing of food conservation agents and of additional agricultural agents in counties throughout the State. Our State council of defense, of which the governor is chairman, has approved our budget showing the joint State and Federal funds. Furthermore, we have taken steps in nearly all of the counties of the State and in the larger cities, to perfect organizations so as to place the agents immediately upon the receipt of the funds. Other State organizations throughout the State have adapted their plans to our program and it will mean a disastrous disturbance of the entire food conservation program in this State if these funds are not forthcoming and if they are not received soon. The situation is extremely acute in view of the fact that communities throughout the State are insisting on having service. The time is ripe to do a far-reaching piece of work. It would seem impossible that we should have to inform people throughout the State that this work can now not be done because of failure of Congress to make the appropriations available.

Furthermore, in view of the assurances that the funds would be forthcoming, we have held a special training school of two weeks—

That was at the Cornell College of Agriculture—

in length to give the final preparation to the first lot of food conservation agents who are to go out; and we have announced a second training conference of similar length for the remaining number.

It means a very great deal for the State of New York that this bill shall be passed. The same is true of all of the other States, as I am given to understand that practically every State in the Union has taken steps much like our own in confident expectation that these funds will be forthcoming. I respectfully request that you do all that you can to secure the passage of this important measure; and I can not urge upon you too strongly the importance of haste in order that any effective work may be done this year.

Yours, sincerely,

A. R. MANN.

Mr. President, it is rather difficult for the Senate and perhaps for the general public to understand the seriousness of the situation confronting the people, and particularly the producers of food at this very moment. This letter from the dean of the New York State College of Agriculture refers to the New York State Food Commission, which was established to investigate very important work throughout that State, which, contrary to the impressions that exist perhaps in the far West, is one of the greatest agricultural States in the country.

It is well known that the acreage in nearly all crops planted this year is very much larger than that of last year all over the country. Two reasons stand back of that increase in acreage—first, the patriotic desire of the agricultural population to respond to the demands of the time; and, second, the comparatively high prices that have prevailed for agricultural products during the last winter and spring. Farmers in large numbers have increased their acreage in order, if possible, to make more money, a tendency in human nature that can not be overlooked. The most powerful element in this situation is the desire of every man to be prosperous.

The increase in the acreage in the State of New York on some of these products is truly remarkable, and at the risk of tiring Senators and largely for the purpose of putting it in the RECORD in the hope that some of the public at least, particularly the public which lives in the great cities and constitutes the great mass of the consumers, will have a clearer understanding of the situation, I am going to read the percentages of increases in acreage in the State of New York on certain products, comparing this year's acreage with last year's acreage. I take these figures from the bulletin issued by the New York State Food Supply Commission under date May 22, 1917.

We find, for instance, that the acreage in corn to be used for grain, as distinguished from corn which is to be used as ensilage, has increased over last year by 47.2 per cent. Corn for the silo has increased 16.7 per cent. Oats show 13.5 per cent increase in acreage; barley, 20.8 per cent increase; buckwheat, 16.3 per cent; winter wheat, 12.6 per cent; spring wheat, 162.1 per cent. I may remark in passing, Mr. President, that the spring wheat increased acreage in New York, while exceedingly large in percentage, does not indicate a tremendous total acreage, because spring wheat is not ordinarily raised in the State of New York upon a large scale, and it would require a comparatively small number of additional acres to bring about an increase of 162 per cent of the total. So that is not quite as impressive as the figures would indicate. However, it shows the tendency.

The increase in rye is 4.8 per cent. In beans—and the State of New York, I think, next to the State of Michigan, is the greatest bean-producing State in the Union—the increased acreage in beans is 43.1 per cent; alfalfa, 13 per cent.

The only decrease shown is in hay—a decrease of 2.7 per cent, accounted for by the fact that meadows have been plowed up in order to plant cultivated crops.

The acreage in cabbage has increased 77.1 per cent; potatoes, 25 per cent.

Mr. President, when the State of New York increases its acreage in potatoes 25 per cent—and, mind you, the State leads all the other States in the production of potatoes—it means 77,000 additional acres of potatoes, and at 100 bushels to the acre, which is an average yield, a fairly decent yield, that single increase in that State makes 7,700,000 additional bushels of potatoes.

The canning-factory crops have increased in acreage 36.4 per cent and the other vegetable and garden crops have increased 23.1 per cent, and miscellaneous crops 16.7 per cent.

Mr. President, these increases do not include the so-called home gardens which have been so encouraged throughout all the

villages and towns and cities. These increases in acreage that I have read are on the actual farms of the State operated by professional farmers who know their business, and who have gone into this increased production confident, I may say, that they shall have a chance to sell this increased production for what it is worth on the market.

The State authorities report that, so far as home gardens are concerned, the increase in that State amounts to 151 per cent, which means a vast production of perishable products by a very large number of small holders.

The bill which is pending in the conference is the one by which it is contemplated to show the people of this country, if they need any showing—to teach the people of the country, if they need any teaching—how to conserve this enormous increase in the production of food. Here it is the middle of July. It is pretty late to teach anybody to preserve the crops that are ripening to-day. The bill that is now reposing in conference, through the exercise of some mysterious influences which have succeeded in keeping it buried there, is of infinitely more importance in the months of July and August, 1917, than the bill which is now the unfinished business of the Senate.

I undertake to prophesy—I am emboldened to do it because I am in the farming business myself—I undertake to prophesy that the production of crops in the United States this year, with the single exception, perhaps, of wheat, will exceed even the figures indicated by the most recent Government reports. In other words, I believe there can be no question whatsoever that we are to have the largest production in the history of the country, and I believe that it will reach such figures as even to startle the most confirmed optimist. Not even the Department of Agriculture may really estimate what is going on in this country in the production of food.

Mr. BORAH. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Idaho.

Mr. BORAH. The Senator, in making the statement which he has just concluded, has touched upon a subject to which we are not giving quite sufficient apprehension. While our legislation has been going on here somewhat slowly, the producers of the country have gone out and really solved this question so far as the production of foodstuffs is concerned, and the great question now is, How are we going to get the foodstuffs to the point where they ought to be for consumption?

Let me call attention to the fact that in my State we will have from 12,000 to 15,000 carloads of potatoes within the next 60 days, and the State of Utah will have, perhaps, from 6,000 to 8,000, the State of Washington from 10,000 to 12,000, and there will be found within the next 60 days in those three or four States some 30,000 or 40,000 carloads of potatoes.

Now, there will be no market for them, as we are informed, by reason of the fact that the means of transportation will not be sufficient and adequate to take care of them and get them to market. The food is there in abundant quantities and the production has been had—that is to say, those agriculturists and those in the business have gone forward and done the work—and the serious question now is, What are you going to do with those potatoes after you have raised them?

Mr. WADSWORTH. I was going to discuss that very point. I think an infinite harm has been done to the food-supply problem in this country so far as it affects the conservation of these crops by the wild and reckless conversation that has been indulged in by certain people in the newspapers. It would be a good thing, Mr. President, if some of the gentlemen who are constantly advising farmers how to do their business would take the elevator from the top floor of the office building and go down to the street and walk far out into the country and learn something.

The Senator from Idaho has brought out an exceedingly important phase of this situation, what to do with this tremendous crop that is coming, mind you, a crop that did not come as a result of any legislation whatsoever. Entirely natural economic causes brought it out, assisted, of course, by a patriotic impulse. The farmer can not sell his product, and, in my judgment, will seldom if ever be able to sell his product direct to the consumer across great distances. We will take the State of Idaho and its potatoes. The farmers of Idaho have no effective method of selling to the consumers in Boston. They must sell to some one who will collect, transport, and distribute them. They sell to the local produce dealers. There are produce dealers by the thousands in the United States. There is one in every little village hamlet of 300 or 400 people to whom the farmer may go and get cash for what he has to sell. Those produce dealers or a good many of them have storage facilities. They take up the slack or the surplus, as it were, in the supply and put it in storage and feed it out to the larger produce dealers in the great cities, or, if it is grain, it goes to the millers, or for whatever purpose the article is used it proceeds through the channels of commerce.

Now, we have frightened every produce dealer in the United States. The Senator from Minnesota [Mr. NELSON] described day before yesterday what has happened in the wheat market. The dealer whose business it was to purchase wheat from the farmer and give him cash for it does not dare buy it to-day. Wheat is the first article affected by this lack of confidence on the part of the dealers, because it is the first staple article that comes to market in any large quantity. The next one will be oats. The bulk of the oats crop will ripen in August, and if the conditions in August are as they are to-day the farmers will not be able to sell their oats. Along with that will come the rye and the barley, and the same kind of dealers buy oats, rye, and barley, and the farmers will not be able to sell their rye or their barley. Next will come corn, and the same situation will result. All of these are staple products, which are listed upon the grain exchanges. Through no act of Congress, but through the utterances, public and otherwise, of gentlemen who are supposed to have tremendous influence with the administration here in Washington, every one of the dealers has reached the conclusion that he can not afford to take any chances in buying wheat. His business is to be regulated. How dare he enter into a contract involving the purchase and sale of wheat—particularly the sale of it some months hence—when there hangs over his head the suggestion that the Government may in the meantime step in and regulate the entire business? That is what is going to block the distribution of food. I believe the railroads, if they strain themselves, can carry it, but you have got to have somebody willing to buy it, and the danger at present, Mr. President, is that nobody is going to be willing to purchase.

Several days ago I ran across a dispatch which was published in the Evening Star of this city, dated from Chicago, on June 28. It says:

Government plans for food control, according to a statement given out here to-day by President Griffin, of the board of trade, include absolute control of the wheat trade in all its commercial aspects. There can be no speculation in it. Buying and selling of other grains for present or future delivery will be unrestricted.

Then Mr. Griffin's statement follows; and, mind you, Mr. Griffin, when he speaks, speaks with a good deal of authority from the nature of the position which he holds, and I venture to say that hundreds and hundreds of produce dealers read this statement. I am going to read it.

Mr. Griffin said: "Tuesday and Wednesday of this week representatives of the grain exchanges of the United States held a conference at Washington with Mr. Herbert C. Hoover, food administrator; Julius H. Barnes, his chief assistant; and others connected with the food administration. The exchanges, through their representatives, have given their whole-hearted support to the administration plans for food control."

Of course they have. They are perfectly safe when they do that. They take no chances.

Mr. Hoover and his associates have unfolded to us their plans in great detail. Naturally they are withholding the announcement of their plans and intentions until such time as the food-control bill is enacted into law. Consequently the detailed plans were submitted to us in confidence.

Imagine what the farmer who raises wheat thinks when he reads that this thing is being arranged "in confidence." What is going to happen to his wheat?

I am therefore not privileged at this time to make any complete statement. Nevertheless, there are in circulation many unfounded and unauthorized rumors affecting the situation. Therefore I have decided to announce the plan decided upon in general, but must refrain from discussing the matter in detail, as an announcement must necessarily come from Mr. Hoover. The plans decided upon will permit restricted competitive buying and selling of all commodities for present and future delivery with the exception of wheat.

Leaving out of consideration for the moment, Mr. President, the wheat problem, what is meant by "restricted competitive buying and selling of all commodities"? Dare any produce dealer buy a car of oats in the month of August when it is announced, apparently from a source that is reasonably authoritative, that some kind of "restricted competitive"—whatever that may mean—"buying and selling" will be permitted?

Mr. BORAH. Mr, President, what does "restricted competitive buying" mean?

Mr. WADSWORTH. I wish the Senator from Idaho would tell me. That is what every produce dealer in the United States wants to know; and until he does know, he will not buy Idaho potatoes nor New York beans in any great quantity. He can not do so. He does not know what is going to happen. I will continue reading this article, although I think I have just read what is perhaps the most important sentence in this rather remarkable announcement:

The United States Government, through its food administration, will completely dominate the distribution of wheat for domestic and export purposes. Not only will they purchase the wheat for this Government,

but for the allies and the neutrals as well. Millers, likewise, will come under control of the food administration, and their wheat will be purchased and flour distributed under the same control.

That is why the millers are not buying wheat to-day; that is why flour is not being ground to anywhere near the full capacity of the mills in Minneapolis or anywhere else. The price of flour to the consumer remains high because there is very little of it being ground while the wheat is in the hands of the farmer and can not be sold. It is a strange thing to see wheat with a downward tendency, and flour quoted at a very high price. The reason is that the channel of trade has been interrupted with an obstacle which the wheat can not get over; it can not be sold. I continue quoting:

As must be apparent the operation of this plan will preclude the possibility of trading in wheat for future delivery. However, commission merchants, receivers, and others acting as agents in the purchase and sale of sample grain, will be permitted to handle sample wheat on the same basis as all other commodities.

Of course, that last sentence is not so important.

Mr. BORAH. May I ask the Senator a question?

Mr. WADSWORTH. I yield, Mr. President.

Mr. BORAH. The Senator from New York is discussing now the effect of this suspense, uncertainty, and lack of information as to what would happen, what will happen, and so forth; but is the Senator going to discuss this question: Suppose the food bills to have passed and are in operation, and this food control is going on, and the farmers know what the price and what the regulation will be, what effect, does the Senator think, it will have upon the business of the country?

Mr. WADSWORTH. Mr. President, if the Senator from Idaho had not added that last phrase in his sentence, I think I could answer it with fair accuracy; but after this bill is passed the farmers will not know what the regulations are going to be from time to time. Let us take this bill and look at the first section. There is recited a list of articles which would come pretty near filling the Sears-Roebuck catalogue, which are classed as necessaries, practically everything that is produced in the United States; everything of importance, with the exception, as I think I said on a former occasion, of Portland cement. That is the only thing that I could think of that could be added to that list as an important product.

Then in the fifth section, which is the licensing section, we find that the Government or its agents are authorized to establish a licensing system controlling every person and concern engaged in the production, manufacture, distribution, or marketing of all of the necessaries mentioned in section 1. Undoubtedly it is the purpose of the people who are to have the administration of this proposed law under their charge, to make their first effort to regulate the wheat market; but under the bill, as now drafted, there is not the slightest obstacle to their making efforts to regulate every other market, and just so long as that possibility exists, contained in the statutes of the United States enacted by the Congress, men will not dare to go out and do business with that freedom and initiative and enterprise that they do in ordinary times.

As I have said before, the effect of this bill will not stop at wheat, though the actual regulations affect wheat only. It will affect every product of the farm or factory.

Mr. REED. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Missouri.

Mr. REED. I do not desire to interrupt the Senator's discussion, in connection with the theme which he is now on, but if he has concluded as to that particular subject I should like to ask him to give us his views on the language of the article which he has just read:

The plans decided upon will permit restricted competitive buying and selling of all commodities for present and future delivery, with the exception of wheat. The United States Government, through its food administration, will completely dominate the distribution of wheat for domestic and export purposes.

I want to ask the Senator what he really thinks of the bald proposition that the destiny and fortune of every farmer in the United States who raises wheat in any considerable amount shall be put into the hands of a man who boldly announces that the entire wheat market is to be taken away from the farmers and to be absolutely "controlled"?

Mr. WADSWORTH. Well, Mr. President, of course, there is only one remedy for the situation that will be created by such a practice, and that is for the Government itself to appropriate millions and millions of dollars to be used in the maintenance of the price of wheat to the farmer at a level high enough to guarantee him against loss—I was about to say almost regardless of climatic conditions, but I shall not add that. It is the only solution. It is State socialism run wild. If you take his market away, or if you stagnate his market, you have got to guarantee him a living profit in some other way, and the only way to do it is to appropriate millions and millions of money and pay him. Otherwise we will not have any wheat in 1918.

Mr. REED. Mr. President, if we do appropriate millions and millions of money and guarantee the farmer a price high enough to insure him against loss of every kind, and, as the Senator stated he was about to say, even climatic conditions, does it not then follow under those conditions that he would plunge into the raising of wheat and stop raising other things, so that we may find a corn shortage, a cattle shortage, or a potato shortage, and has not that been the experience of countries which have allowed themselves to be Hooverized?

Mr. WADSWORTH. Well, Mr. President, undoubtedly if we start upon this policy of absolute control of any article of commerce, we will have to go clear back to the point of origin and control every little thing that enters into it; and if it should turn out, as the Senator from Missouri has suggested, that by relieving the farmer through governmental appropriations of all risk in the raising of wheat and assuring him a profitable price for that product, to be paid him by the Government if necessary—if it shall turn out, as the Senator from Missouri has suggested, that that will lead the farmer to plant nothing but wheat—why, then, of course we will have to regulate the acreage of wheat; we will have to regulate the amount of seed sown per acre; we will have to go clear back to the beginning of things and start to build up, and our people will all become automatons, Mr. President, when that system is established in the United States.

Mr. President, the phase of this situation which leads me to think very seriously about this legislation and about the conditions confronting the country is the fact that a good many people confuse our conditions here in the United States with the conditions existing in other countries. People who have lived in the atmosphere of a besieged city and who month after month have seen poor people standing in line, in fact, have seen the whole population standing in line, each with a bread card, and have seen carefully measured and weighed rations handed out to each and every one of the population—people who have lived in that atmosphere or who have read about it and have read of the measures taken by the Governments of Europe seem to think that we must meet something of the same conditions in this country in order to enable us to help the allies win this war. There could not be a worse or more serious confusion of ideas.

England and France and Belgium and Italy are tremendous importers of food supplies. They have been such for generations, and will be such for all time to come, unless their populations are greatly reduced. It is quite easy, comparatively, for the British Government or the French Government or the Belgium food administration or the Italian Government to regulate the distribution of food supplies, because each of those governments can control the importations. Those supplies are not produced in those countries, and they are not so much concerned in encouraging the production of food. All they are concerned with is that they shall be able to buy it somewhere else, bring it in, and distribute it. But with us our concern is the production of the food. No man can frighten me into the belief that we are going to have meatless days or bread cards in the United States. It is inconceivable. No man can frighten me into the belief that the food supply of the United States is decreasing. I regret exceedingly that Mr. Hoover made the announcement, in the address he made at Providence, R. I., that the food supply of the United States was decreasing, when the facts show that it is increasing by leaps and bounds.

What is the result of an announcement of that sort? What is the result of editorials penned by gentlemen who know nothing about the production of food, warning people that the days of starvation are coming? The housewives in the great cities immediately become nervous, become frightened, and they go and clean off the shelves of the grocers. I know of one woman who bought 16 barrels of flour when she read one of those announcements, and used a good part of her savings in doing so. She consoled herself with the thought that she was not going to be without bread for some years to come.

Now, when you multiply that one person by hundreds of thousands—and that is what happened in the month of May in the United States—who are rushing to the stores, to groceries, to supply houses, and buying beyond their immediate needs, you run up the price, you disorganize business, and you create the condition of hysteria that has been so prominent in all the discussions in the press and before the public on the matter of food control.

I am not at all disturbed about the production of food in this country in the year 1917; I am disturbed about the production of food in the year 1918, for, if a situation exists in 1918, or at the end of 1917, which would lead the food producer to believe

that it has not paid him to increase his acreage, that, as a matter of fact, he has been a loser by it, that he has not been able to sell or conserve his increased production, then the acreage of 1918 will be reduced.

Mr. BORAH. Mr. President, may I ask the Senator a question?

Mr. WADSWORTH. I yield.

Mr. BORAH. How long is it now until the work of plowing and preparing the ground for the wheat crop of 1918 begins, particularly in the Middle States?

Mr. WADSWORTH. The fall plowing for winter wheat is done largely in the months of September and October, and the wheat is generally planted in the part of the country in which I live about the middle of October; and, of course, thousands of acres of land are plowed in the fall of the year in which crops are to be planted in the following spring. Every farmer who operates his farm with any intelligence—and I was about to say with any success—has to plan all those things in advance; he has to make provision for all his requirements, for the seed, to finance himself, and perhaps to purchase new machinery; and if there is a state of uncertainty in the autumn of 1917, and these obstacles which now obstruct the wheat market are then existing against oats and corn and rye and barley and potatoes and beans and a dozen other articles, the farmer will not and can not duplicate in 1918 the acreage of 1917. Then we will have a food shortage in so far as our ability to supply our allies is concerned in the year 1918; and that is the important consideration which every American legislator should think about when we start in discussing how we are going to control the food supply of the United States.

Mr. President, we can sit here and legislate and legislate, but we can not force production. There is no way under heaven by which we can force men to plant seed; but it is the easiest thing in the world to prevent production, and my only dread in this whole situation is that we shall so legislate and by our legislation so hamper and restrain and restrict and so stagnate the domestic markets of the United States that we will not have the production we need in 1918. That is why, Mr. President, I have deemed it my duty upon more than one occasion to express some doubts, some very grave doubts, as to some of the provisions of this bill—not all of them, but some of them. I regard the licensing section, so called, as the one which constitutes the gravest danger along the line I have just indicated, for it must be its purpose—else it would not be in the bill—to establish a restrained, restricted, and therefore inevitably stagnant market; and when you do that, you have reduced the food production of the United States.

This bill is to be before the Senate for some time to come—until Saturday, July 21. It is true, as has been intimated upon the floor this morning, that the members of the Committee on Agriculture are endeavoring to work out a substitute not to be presented by the committee as a committee substitute, because the committee no longer has jurisdiction over this bill, but the effort is being made in a perfectly proper and, I think, highly commendable way, to straighten out this situation and legislate upon those things which the majority—a clear majority—of the Senate concede to be absolutely necessary and to avoid in our legislation, if possible, incurring even the slightest risk of decreasing the production of food in this country in the year 1918. I can not prophesy that the efforts of the committee will receive my unqualified approval in every detail, and I do not suppose they will receive the unqualified approval in every detail of any Senator upon this floor; but it is perfectly apparent today that the bill now before the Senate holds more of evil for this country than of good. When the committee amendments to the first section were adopted and the Senate amendments added to it, I opposed the section as amended, because a great addition had been made in the list of articles which would fall under absolute Government control pursuant to the provisions of section 5, the licensing section.

At that time I ventured the opinion that there never has been, there is not to-day, and there never will be a government upon the face of the earth that can exercise such powers effectively. It is beyond the abilities of any group of human beings. The alternative to effective operation, which I hold is humanly impossible, is disaster; and I do not want disaster to overtake the industries of the United States nor the farmers of the United States, and thereby bring about what might amount to disaster to our allies in this war.

Mr. BORAH. Mr. President, before the Senator sits down, in the exceedingly interesting remarks of the Senator there has been no mention of one feature which I should have liked to hear him discuss, and concerning which it seems to me he may yet add something.

If you take one or two or three of these articles in section 1 and undertake to regulate and control and fix the prices of those articles, how is it possible to do that in justice to the people who are dealing in those articles without fixing the price and controlling the articles which they must purchase and which they must utilize in producing the articles which you do regulate and control?

I think there is tremendous force in what the Senator says as to the impossibility of the human mind organizing a system or a scheme of government by which all these things can be regulated and controlled; but there is this other question: If you enter upon the subject at all and undertake to regulate and control one or two of the staple articles or important articles of the country, then must you not necessarily, in order to protect the man who is producing those articles, control all the articles he purchases and utilizes in the production of those things?

Mr. WADSWORTH. What the Senator from Idaho says would be entirely true. Of course, the instrument which the Government may use in order to protect the producer of the article thus controlled is the "minimum price." For instance, if it is decided to be absolutely necessary for the proper waging of the war and the proper assistance to our allies—who seem to be so entirely dependent upon white bread—to regulate wheat, in my humble judgment, in order to obviate the very difficulty mentioned by the Senator from Idaho, it will be necessary to fix a minimum price to the farmer for his wheat. That would relieve him from any hardship due to the restrained and regulated control of his product or arising from the high cost of clothes or farm machinery.

Mr. BORAH. Exactly; but you indirectly do, then, what you have declined to do directly. You indirectly fix the price of all these other articles in a measure, because you must make that minimum price such as will enable him to purchase these articles at these increased prices. For instance, if you fix a minimum price for wheat, you have got to fix it at such a figure that the man will know that he is justified in paying the increased prices which will be asked for the other products, and you are really putting upon the taxpayers of the country the increased price of all these products.

Mr. WADSWORTH. The last suggestion of the Senator from Idaho is a very interesting one, and so are his others. This is going to be a taxpayer's burden.

Mr. BORAH. Yes.

Mr. WADSWORTH. No food legislation is going to make something out of nothing. There is an impression around that simply by passing a food-control bill we are going to make food. There is an impression that the Congress of the United States can produce something out of nothing, somewhat after the fashion of a sleight-of-hand artist upon the vaudeville stage, who takes a pair of rabbits out of a silk hat. Now, we are not going to do anything like that. If we pay a minimum price to farmers to protect them against the conditions which the Senator from Idaho suggests may arise, and that minimum price amounts to more than the wheat is actually worth with the law of supply and demand operating, the taxpayers of the United States are going to pay the difference. We may be putting money in the right-hand pocket of some people, but we are taking it out of the left-hand pocket of those same people.

Mr. BORAH. Mr. President, Mr. Hoover has referred to the fact that by regulation, by control in France they have kept down the price of bread, and so forth; but they have performed that service to their people by the very method suggested by the Senator from New York. They have simply appropriated from the treasury a sufficient amount to meet the situation. That is to say, they go into the market and buy the wheat and then they sell it to their people at a loss, and they pay it through the treasury of France.

Mr. WADSWORTH. And the burden incident to that selling at a loss is distributed among the French people in the way of taxes.

The SECRETARY. On page 22, lines 7, 8, 9, and 10, the committee proposes to strike out the following proviso found in the House text:

Provided, That all persons, excepting persons serving without compensation, shall be appointed in accordance with the provisions of the civil-service act of January 16, 1883.

Mr. JONES of Washington. Mr. President, the Senator from Utah [Mr. SMOOT] wanted to be here when that amendment was voted on, so I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. JOHNSON of California in the chair). The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Calder	Dillingham	Gronna
Bankhead	Chamberlain	Fernald	Hale
Borah	Culberson	France	Hollis
Broussard	Curtis	Frelinghuysen	Husting

James	McNary	Shields	Underwood
Johnson, Cal.	New	Smith, Ariz.	Vardaman
Jones, N. Mex.	Norris	Smith, S. C.	Wadsworth
Jones, Wash.	Overman	Smoot	Warren
Kendrick	Page	Sterling	Watson
Kenyon	Penrose	Sutherland	Weeks
King	Pomerene	Thomas	Williams
Lodge	Ransdell	Thompson	Wolcott
McCumber	Reed	Tillman	
McKellar	Shafroth	Townsend	
McLean	Sheppard	Trammell	

Mr. FRELINGHUYSEN. I again announce the absence of my colleague [Mr. HUGHES] on account of illness.

Mr. SUTHERLAND. I desire to announce the absence of my colleague, the senior Senator from West Virginia [Mr. GOFF], on account of illness. I will let this announcement stand for the day.

The PRESIDING OFFICER. Fifty-seven Senators have answered to their names. There is a quorum present. The question is on the amendment of the committee.

Mr. SMOOT. Upon that I ask for the yeas and nays.

Mr. LODGE. Mr. President, do I understand that this is the proviso at the top of page 22?

Mr. SMOOT. Lines 7 to 10 on page 22 of the original bill.

The PRESIDING OFFICER. The amendment will be stated.

The Secretary again stated the amendment.

Mr. LODGE. Mr. President, of course the purpose of striking that out is to make all these appointments political. It seems to me that in time of war that is a great mistake. Putting entirely aside for the moment the preservation of the classified service, I think to draw the political line on persons serving the country is a very great error; and I think to do it, besides striking down the civil service, and filling this service with persons to whom a political reward is being paid, is introducing politics into these war measures in the most offensive manner.

Mr. CHAMBERLAIN. Mr. President, I want to say to the Senator from Massachusetts that that was not the purpose of this proposed amendment; and I do not remember that there was a dissenting voice in the committee in regard to it, although there were both Republicans and Democrats there. It was stricken out simply for the reason that a very large force would be required, and it was thought that it would be impossible to get the necessary force by resorting to the civil-service classified list. The question of politics was not considered for a moment.

Mr. LODGE. Of course I understand that that explanation is the one always given. The civil-service registers are crowded with names. There is not the slightest difficulty in getting clerks. These are routine offices. Whatever the intention was, the object and purpose is perfectly plain.

Mr. PENROSE. Mr. President, another very wonderful opportunity that will be afforded by the adoption of this amendment, in addition to giving sinecures to deserving Democrats to show farmers where they are to sell their potatoes or in what back yard they are to raise wheat, will be to permit escape from conscription, so that our armies will be filled with Republicans from Pennsylvania and other Northern States, while deserving Democrats will be serving their country in the agricultural districts instructing the farmer, thoroughly outside of the danger zone. I can see many ramifications that would make the committee unanimous on this point, so far as the Democratic end of the committee was concerned.

Mr. OVERMAN. Mr. President, I understand there is an order in all of the departments that no man between the ages of 21 and 31 shall be appointed to any office. I know that is the policy in many of them.

Mr. PENROSE. Well, I can picture a vision, Mr. President, of this food-control department gradually assuming a military cast. The food controller doubtless will be a brigadier general. I am told that some of the gentlemen mentioned in connection with this appointment contemplate donning a uniform and wearing spurs—and they are putting them on now—and drawing a sword should a farmer be recalcitrant, and threatening to commandeer his farm.

Mr. LODGE. Mr. President, will the Senator yield to me?

Mr. PENROSE. Yes.

Mr. LODGE. The Senator spoke of the matter of exemption. The committee have taken care of that on the next page. The House put in a provision that the employment of any person under the provisions of this act shall not exempt him from military service, and our committee struck that out.

Mr. CHAMBERLAIN. Mr. President, will the Senator permit me for just one moment?

Mr. PENROSE. Yes; I yield to the Senator.

Mr. CHAMBERLAIN. In answer to the Senator from Massachusetts, I simply wish to say that we struck that out, because it is already provided for in the selective draft.

Mr. PENROSE. Well, it would not do any harm to have it in again.

Mr. LODGE. It would do no harm to cover these particular people who are going in on political appointments without any regard to the civil service, overthrowing the civil service to do it. It would not do any harm to say that they are not to be exempted; but care is taken in that respect.

Mr. PENROSE. Mr. President, I have, as other Senators have, hundreds of callers during the week, afflicted fathers and anxious mothers, desirous of securing some kind of exemption for their young men, and one of the frequent suggestions made is this: "Is there not some department of the Government where he could be safely stowed away and still avoid the reputation of being a slacker?"

I can see great possibilities that the food controller will have, over and beyond the control of foods and the designation of what back yards wheat shall be planted in, in this respect. So strongly impressed am I with the suggestion that these officials are contemplating assuming a military garb and becoming a military adjunct of the Government that I have been intending to offer an amendment, and I think I will offer it now, to add at the end of line 9, page 20, the following paragraph:

All persons appointed or employed under this act whether remunerated by salary or any other form of compensation or acting as volunteers shall be considered and treated as civilian employees and shall not be commissioned or enlisted in the military or naval service of the United States.

I ask that that amendment lie on the table and be printed.

Mr. President, we are making majors and colonels overnight. Civilian employees by the scores and hundreds performing only civilian duty are being sworn in and given military commissions in my opinion to the demoralization and detriment of the real soldiers of the country and in an entirely unnecessary way.

The Senate, when the Army appropriation bill was up, very foolishly provided that these appointments to military office should not be sent to the Senate when they were below the rank of colonel. I thought at the time that that was an unnecessary giving up of the prerogatives of the Senate and might lead to unfortunate consequences. I am now convinced that I ought to have done at that time what I had thought of doing and that I should have asked to have that paragraph stricken out of the bill, because I openly charge here that the grossest abuses are being perpetrated in the commissioning to military offices of civilians who are performing only civilian dutes. I intend to offer a resolution as soon as I can prepare it calling on the Secretary of War to send to the Senate a list of persons appointed from civil life to military office below the rank of colonel while performing civilian duties. I want the whole list in order to examine it. I have a number of names in my mind now which, when investigated, will appear to the country so grotesque and ridiculous as almost to bring scandal on this whole transaction.

My attention was called yesterday to two gentlemen whom I happen to know personally—Francois de St. Phalle, a young gentleman of French origin, but either a naturalized American citizen or taking out his papers, and Mr. W. H. Garrett, from Delaware County, Pa. These two gentlemen were connected with the Parsons committee, which I believe is a civilian committee sent over to France to investigate the condition of the railroads in France back of the western front, and report thereon to the Council of National Defense and the advisory commission. They have made very instructive and very elaborate reports on the conditions there. They were over there entirely in civil employment examining the railroads and could have performed their duty attired in blouses much more effectively than in military costume, yet both of these men, when they were appointed, were instructed to get into a major's uniform, and they were actually appointed majors in the military service of the United States to engage in doing railroad work back of the lines in France.

I want to say for Mr. Garrett that, being a noncombatant and a sterling Pennsylvania Quaker, he bought his uniform, but has never had it on, and has threatened to resign if compelled to wear a major's uniform; and I am told that Mr. St. Phalle, the Frenchman, did appear in his uniform "somewhere in France," as the censorship bureau would describe it, and happened to meet his mother, and she burst into tears and fainted. She had two sons at the front and thought that Francois was safely hidden away in America, away from the firing line; and she was so grieved at seeing this young gentleman in a major's uniform while he was inspecting coal cars and locomotives that she fainted. [Laughter.] I am reliably informed that one of these gentlemen has never had on his uniform and the other only once, and both of their uniforms doubtless can be sold to

some aspiring warrior at a considerable reduction of price. [Laughter.]

Mr. SMOOT. I call for the yeas and nays on the amendment.

Mr. GRONNA. Mr. President, I should like to ask the Senator from Pennsylvania if he believes that the fact of these men coming into the civil service will prevent them from wearing the uniform?

Mr. PENROSE. I did not quite catch the Senator's question.

Mr. GRONNA. I want to know from the Senator from Pennsylvania if the fact of taking under the civil service these men who are to be employed in the food bureau, as I may call it, would preclude them from wearing the uniform?

Mr. PENROSE. No; it would not. My amendment, which I have offered and which is lying on the table, aims to provide that they shall be treated as civilian employees, and that they shall not be appointed, commissioned, or enlisted in the military or naval service of the country.

Mr. GRONNA. May I ask the Senator another question? We hope, of course, that this war will not last forever.

Mr. PENROSE. I hope not.

Mr. GRONNA. Some think it may last one or two or three years. Now, what are we to do with all these men after the war is over? Are we to keep them on the pay roll?

Mr. PENROSE. As long as the Democratic Party is in power I believe they will be kept on the pay roll. [Laughter.]

Mr. GRONNA. I will say to the Senator that I was not asking this in a partisan spirit.

Mr. PENROSE. Well, I was trying to tell the Senator the truth, in an entirely nonpartisan spirit, myself.

Mr. GRONNA. But, as a matter of fact, when the war is over, there will be no work for a great number of them—for many hundreds and thousands of them.

Mr. PENROSE. There is no work for a large percentage of them now.

Mr. GRONNA. I will say to the Senator that we are short of labor out in my country.

Mr. PENROSE. I refer to the gentlemen who hold these places. There is no work for them now.

Mr. GRONNA. While we are on that point, if the Senator will pardon me, I find no fault with the Senator from Pennsylvania because he is anxious to get some of his constituents into the service of farming. I am a member of the Committee on Indian Affairs and I know something about some of the Senator's constituents. I know we had one of them on a certain reservation in my State; he was sent out to buy macaroni wheat, but after the grain came up and after it was harvested it turned out to be barley. It seems that the gentleman did not know the difference between macaroni wheat and barley when he bought the seed.

It may be a favor to some people in the Eastern States to be enrolled under the civil service. To my mind, Mr. President, I think it is a disadvantage to them. I think, instead of taking these men and guaranteeing them positions as long as they behave themselves under the civil-service rules, it is the worst thing that can happen to young men if, instead of letting young men go out into the world to try to get positions upon their own merits, they are enrolled under any such law. Thousands of young men would be without a home in my part of the country to-day if they had not had the opportunity to go out for themselves and work out their own salvation.

I do not think that it is any favor to the laborers to say that they shall have the first opportunity to get these positions. I think instead of being a blessing to labor it is a curse to it. We all know that these positions are only temporary positions.

I wish to say, as one of the members of the committee, that there was no partisan politics injected into this proposition. There was not a Republican member of the committee who was in favor of putting these men under the civil service, so far as I know. It was discussed, and I think it was understood, and I believe I am safe in saying it was the unanimous opinion that these men should not be appointed under the civil service, but that the President should have the authority and the right to appoint his own men and that those appointees should have the right to appoint their own subordinates.

Mr. PENROSE. Will the Senator permit me? Of course, there would be a special examination for these particular duties that would provide a special list of eligibles. There would be taken into the service men who were graduates of State colleges, who had taken farming courses, and knew something about farming. I think there would be a special examination to ascertain the qualifications of a man in connection with his knowledge of farming, and I have no doubt it would bring about better results than to permit every Tom, Dick, and Harry to be appointed without any official test of his qualifications.

Mr. GRONNA. I admit that there are many positions where men could be appointed as stenographers and clerks, and I take it that perhaps they will be appointed, in the way the Senator suggests.

Mr. PENROSE. I do not mean that men who have passed an examination for clerks should be appointed under this food-control measure, but I do claim that they should be examined to ascertain their qualifications and knowledge of farming, and then an eligible list should be formed, and they should not be appointed simply on their looks or their appearance.

Mr. GRONNA. I hardly think the section applies to that. It makes very little difference to me whether the amendment of the committee is rejected or not. I simply want to say that, so far as the committee is concerned, there was no partisan politics injected into it in committee.

Mr. CHAMBERLAIN. Mr. President, the remarks of the distinguished Senator from Pennsylvania, humorously made——

Mr. PENROSE. They were not humorously intended, Mr. President.

Mr. CHAMBERLAIN. Evidently they impressed the Senate and the gallery as humorous, because there was a smile, an audible smile, both in the Chamber and in the galleries; and because that does not appear of record I wish to call the attention of the Senate to the references which the Senator made to the appointment of civilian officers in order that they might go to France dressed in uniform and create an impression there as possessing military genius and skill that they really did not possess.

It is true that the President has commissioned a few civilians, and they can wear uniforms if they want to, and probably under regulations they will be compelled to wear uniforms, but it is done under a provision of the act to increase the Army temporarily and during the war. The proviso to section 2 of that act is as follows:

> That the President is authorized to raise and maintain by voluntary enlistment or draft, as herein provided, special and technical troops as he may deem necessary, and to embody them into organizations and to officer them as provided in the third paragraph of section 1 and section 9 of this act.

Paragraph 3 of section 1 of the act provides how officers shall be appointed not only to the Regular Army but to all the forces, and under that subdivision of the section the President can select officers from the country at large. In other words, the technical troops can be officered by their own class, which is very essential.

I think the two gentlemen the Senator refers to were railroad men. It has been insisted here all the time that one of the defects in the Russian campaign was the total lack of railroad facilities. Among other distinguished gentlemen who have gone into this technical troop is Mr. Parsons, of New York City, one of the greatest engineers of this country. I presume if the Senator knows those Pennsylvania gentlemen they must be railroad men. It is the same case with France where their transportation facilities have fallen down and they have appealed to America to send technical men who are commanded as provided in this bill, in order that the officers may assist in the proper handling of the particular class of men.

Mr. PENROSE. Mr. President, I am not objecting to these men being sent to France. I think they ought to be sent. But I do object to the practice which is rapidly growing up of giving men military titles and standing who are merely discharging temporary civilian duty. I do not want to mention any more names, but I could give the Senate the names of members of these advisory boards who have been invited to wear uniforms and receive a military commission.

Mr. CHAMBERLAIN. I will say to the Senator I will second his efforts to get before the Senate any case where the military authority has been abused by appointing men to military command who are doing civilian duty.

Mr. PENROSE. These men are not appointed to military commands. They are not of the line. They are of the staff or attached to some alleged corps. I do not mean that the two men I referred to had any military command because they had none. They would not have known how to lead a detachment of 10 men over a road of any intricacy without getting them mixed up. They were in the discharge of civilian duties. I do not know whether the Senator thinks the advisory board ought to be sitting around in uniforms as generals and colonels and majors.

Mr. CHAMBERLAIN. No; I do not think they ought to be; but I think when we send men over there to build railroads and construct bridges and arrange for pontons and such things we ought to have civilians from the United States who are

skilled in that particular work. They may not be in the command of men at all, but they are doing just as much military duty as if they were commanding troops, because they command the laborers under them.

Mr. PENROSE. Does the Senator think a man in charge of a gang of a thousand men laying the extension of a railroad could have better influence over the men as a general with epaulettes and spurs and drawn sword than as a civilian superintendent?

Mr. CHAMBERLAIN. I think not, Mr. President.

Mr. OWEN. Mr. President, the military authority would have more influence with the men. He could command them to do this particular thing. If he is going to ask as an employer for the purpose of building their railroads and bringing munitions to the front, he certainly ought to have control of the men under him.

Mr. PENROSE. These men are not enlisted men; they are per diem laborers. I do not know how it is in France, but I know in America a military officer standing over a gang of per diem laborers working along a railroad track would be mighty apt to find himself run out of camp at the end of the day.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee, on which the yeas and nays have been requested.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. KENDRICK (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL]. As I do not know how that Senator would vote on this question if present, I feel constrained to withhold my vote.

Mr. VARDAMAN (when his name was called). I have a general pair with the junior Senator from Idaho [Mr. BRADY] and therefore withhold my vote.

The roll call was concluded.

Mr. WATSON (after having voted in the negative). My pair, the Senator from Delaware [Mr. WOLCOTT], not having voted, I withdraw my vote.

Mr. FLETCHER. I have a general pair with the Senator from New Hampshire [Mr. GALLINGER], which I transfer to the Senator from New Jersey [Mr. HUGHES] and vote "yea."

Mr. SIMMONS. I transfer my general pair with the junior Senator from Minnesota [Mr. KELLOGG] to the senior Senator from Arkansas [Mr. ROBINSON] and vote "yea."

Mr. DILLINGHAM (after having voted in the negative). I have already voted, but I observe the senior Senator from Maryland [Mr. SMITH], with whom I have a pair, has not voted. I therefore transfer my pair to the Senator from Washington [Mr. POINDEXTER] and allow my vote to stand.

Mr. CHAMBERLAIN (after having voted in the affirmative). I have a general pair with the junior Senator from Pennsylvania [Mr. KNOX]. In his absence I transfer that pair to the Senator from Illinois [Mr. LEWIS] and let my vote stand.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Connecticut [Mr. BRANDEGEE] with the Senator from Tennessee [Mr. SHIELDS].

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY].

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS].

The result was announced—yeas 38, nays 24, as follows:

YEAS—38.

Ashurst	Hollis	Owen	Thomas
Beckham	Husting	Pittman	Thompson
Broussard	James	Ransdell	Tillman
Calder	Johnson, S. Dak.	Shafroth	Trammell
Chamberlain	Jones, N. Mex.	Sheppard	Underwood
Culberson	Kenyon	Simmons	Wadsworth
Fletcher	King	Smith, Ariz.	Warren
Gore	McKellar	Smith, Ga.	Williams
Gronna	Martin	Smith, S. C.	
Hardwick	Overman	Swanson	

NAYS—24.

Borah	Hale	McNary	Sherman
Curtis	Johnson, Cal.	New	Smoot
Dillingham	Jones, Wash.	Norris	Sterling
Fernald	La Follette	Page	Sutherland
France	Lodge	Penrose	Townsend
Frelinghuysen	McCumber	Reed	Weeks

NOT VOTING—34.

Bankhead	Harding	Myers	Smith, Md.
Brady	Hitchcock	Nelson	Smith, Mich.
Brandegee	Hughes	Newlands	Stone
Colt	Kellogg	Phelan	Vardaman
Cummins	Kendrick	Poindexter	Walsh
Fall	Kirby	Pomerene	Watson
Gallinger	Knox	Robinson	Wolcott
Gerry	Lewis	Saulsbury	
Goff	McLean	Shields	

So the amendment was agreed to.

Mr. McCUMBER. Mr. President, at this time I wish to offer the amendment which I sent to the desk a short time ago, and which I understand is agreeable to the Senator in charge of the bill.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 22, at the end of line 6, after the word "essential," insert the following proviso:

Provided, That all salaries and wages paid under the provisions of this act shall be the equivalent of salaries and wages paid in other departments of the Government for like services.

Mr. PENROSE. Will the Senator permit me before he speaks on the amendment to say just a word?

Mr. McCUMBER. Certainly.

Mr. PENROSE. Mr. President, the minority Members of the Senate have been sitting here for four or five years and have witnessed frequent repetitions of the performance which we have just observed on the roll call, taken on the committee amendment regarding civil service. I want to put into the RECORD the prediction that before the expiration of the present Congress the President by Executive order will cover all these places into the civil service that have been filled by Democrats.

Mr. THOMAS. Mr. President, may I ask the Senator if that was not done immediately after the close of the Spanish-American War by President McKinley.

Mr. PENROSE I do not remember. I supposed we were going to get a higher grade of employees after Democracy came into power.

Mr. McCUMBER. Mr. President, we have just eliminated the civil-service rule so far as it applies to this bill in the appointment of employees. I think all Senators agree with me that inasmuch as we are to vote a lump sum without any reference to salaries there ought to be some limitation. The only limitation that I propose is that the salaries and wages shall correspond with like salaries and wages paid in other departments of the Government for like services. I understand there is no objection to the amendment.

Mr. CHAMBERLAIN. I have no objection to it so far as I am concerned.

Mr. REED. Mr. President, I am in full accord with the spirit of the amendment, but it seems to me to be so very vague and indefinite that a man possessing the ordinary ability to control prices would have no difficulty in fixing the salaries to suit himself under the amendment, because it will be found impossible to show that the individual belonged to any particular class. Hence you can not get a comparison.

Mr. OVERMAN. He would have to go into one of the regular classes. There is a class at $900; there is a class at $1,200; a class at $1,400; a class at $1,600; and a class at $1,800 a year. Those are fixed by law. Take stenographers, typewriters, or messengers, the pay of all those positions is absolutely fixed by law. Any one covered by this amendment would be paid a salary according to his class. All the appropriation bills fix salaries according to classes, and instead of making the appointment without respect to class the appointment would have to be made according to the class of the service to be performed.

Mr. REED. I do not agree with the Senator at all. I do not think, under the terms of the bill, they would be required to appoint by any strict class. I do not think any classes exist at present that would embrace many of the employees they will have to use here.

Mr. OVERMAN. It applies only to clerical positions. Other positions, of course, are not fixed.

Mr. REED. For instance, Mr. Hoover now tells us, according to the latest reports, that they propose entirely to take away the farmer's market for wheat, and that would seem to imply that the Government is going to put out agents to buy wheat. If that is done, how would you classify such an agent?

What I say about this matter is not in the way of criticizing the effort that is being made by the Senator from North Dakota, but to ask him if there is not some further limitation that should be embraced in his amendment, that no one should receive a salary above a certain amount, and those who perform a clerical service shall be classified in the manner indicated by the Senator from North Carolina indicates that they are classified. I do not agree with him on that. I think the bill as it is now drawn gives an absolutely wide-open authority to those who may execute it to pay any kind of salary they want. There is no limitation upon it.

Mr. McCUMBER. I do not think it would be possible to make it more definite under the circumstances. I can not imagine any line of employees under the bill that would be particularly different from the lines of employees in the several other branches of the Government and especially in the Agricultural Department. We now have inspectors. We have crop inspectors, and

we now provide for those who are skilled in the grading of grain. We have instructors along every line of agriculture in other departments, and the pay of all is fixed by law and by rule. It seems to me that that is the only way, and that the nearest we can approach a degree of fairness and definiteness is by the provision which I offer, which I will read again:

Provided, That all salaries and wages paid under the provisions of this act shall be the equivalent of salaries and wages paid in other departments of the Government for like services.

I do not think it could be made more definite or more equitable.

Mr. SHAFROTH. Mr. President, it seems to me the amendment offered by the Senator from North Dakota is a wise precaution to take. It prevents favoritism. If the amendment is adopted then there will be no such thing as paying a large salary to somebody. Salaries of five or ten thousand dollars might be paid under this appropriation. If this amendment is passed it will be a curb upon those who fix the salaries. It seems to me it ought to pass.

Mr. REED. I move to amend the amendment by adding the following:

In no event shall any salary be paid in excess of $3,500.

Mr. McCUMBER. I am willing to have the amendment voted on. I would sooner leave it in the form it now is because there might be some instance in which an expert might be required, where the salary paid in any other department would be more than that amount.

Mr. CHAMBERLAIN. I was just going to suggest that I doubt whether the salary should be fixed at $3,500. While as a general proposition $3,500 is more than the average salary paid in some instances where peculiar skill is required they receive more. So I think the limitation proposed by the Senator from North Dakota would be safe.

Mr. REED. The Senator from Oregon has stated himself out of court. His claim is that the amendment offered by the Senator from North Dakota puts a sufficient limitation and insures very moderate salaries, yet when I offer an amendment limiting a salary to $3,500, the Senator in charge of the bill says there may be those whom they will want to pay greater salaries, which is, in other words, an open confession that there is in fact no real limitation carried by the amendment of the Senator from North Dakota, that it can be easily gotten by, and that there can be jobs under it that will pay more than $3,500 a year. I predict there will be jobs made here that will pay better than $10,000 a year if we leave it as it is. I commend the Senator from North Dakota for having gone as far as he does, but I should like to have a maximum put on it.

Mr. McCUMBER. I do not think for expert service in any line in the Agricultural Department, and perhaps in none of the others is there a salary of more than $3,500 paid, but I do think that there are probably in each of the departments experts in certain lines whose salary and compensation is more than $2,500. I think the Senator fixed the limit a little too low in placing it at $2,500.

Mr. REED. I did not fix it at $2,500. I said $3,500.

Mr. McCUMBER. I did not understand the Senator. I think there are few if any getting $3,500.

Mr. PAGE. Before the Senator from North Dakota sits down I should like to ask him a question. Does he not think that the rule which would obtain under the amendment of the Senator from Missouri would result in making pretty much every man who is appointed to a particular place classified as a $3,500 man?

Mr. McCUMBER. I am a little afraid there might be an excuse of that kind. I think, as I stated in the beginning, it is safer to leave it as I had drawn it so that the salaries would be the same as those paid in other departments for similar services.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri [Mr. REED] to the amendment offered by the Senator from North Dakota [Mr. McCUMBER].

On a division, the amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GORE. Mr. President, on yesterday I offered a substitute to the pending bill which I had prepared in expectation of the cloture. I wish to say that the Committee on Agriculture met this morning and yesterday afternoon and recommended a number of important and material amendments. I do not know what final action will be taken by the committee, but I ask unanimous consent to have the substitute printed for the information of the Senate and that it may lie on the table.

The PRESIDING OFFICER. If there is no objection, it will be so ordered.

Mr. JONES of Washington. I wish to ask the Senator from Oklahoma if what he has just presented is the substitute he offered yesterday with the amendments suggested by the committee?

Mr. GORE. Yes; I may say the amendments are embodied in the bill I now submit as a substitute.

Mr. JONES of Washington. Do I understand that the committee now recommends what the Senator presents?

Mr. GORE. No, sir; I say the committee met and considered the bill yesterday afternoon and this morning and agreed on or rather recommended these amendments. They did not take final action and authorize it to be reported as a substitute. The committee may probably meet again to consider that proposition.

Mr. CHAMBERLAIN. The amendment, as I understand, is not an amendment to the bill, but a proposed substitute.

Mr. GORE. Yes, sir; perfecting, I might say, the substitute; but I do not officially report it from the committee as yet.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 22, line 11, to change the number of the section from "19" to "18."

The amendment was agreed to.

The Secretary read as follows:

SEC. 18. That for the purposes of this act the sum of $150,000,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be available during the time this act is in effect: *Provided*, That no part of this appropriation shall be expended for the purposes described in the preceding section.

Mr. SMOOT. Mr. President, I should like to ask the Senator having charge of the bill if there was any estimate made showing that $150,000,000 will be all that will be necessary for this purpose?

Mr. CHAMBERLAIN. Mr. President, there was no estimate presented to the committee or to any member of it, so far as I know, but the $150,000,000 was thought by those who have the bureau in charge—Mr. Hoover and his advisers—to be enough. My own opinion is that it will not be enough. It is, however, to be used as a revolving fund, and it is probable that as the commodities are bought and disposed of the fund might be sufficient. I do not know whether or not it will be.

Mr. SMOOT. Mr. President, I suppose that Mr. Hoover decided upon $150,000,000 at the time when the bill was to include only foods, feeds, and fuel, but we have added to the bill since then petroleum and its products, aluminum and its products, hides, skins, steel and iron and their products, copper and its products, hemp, jute, cotton, wool, and sisal and their products, lead, timber, lumber, or the joint product or products of two or more of the said materials, farm implements and machinery, and fertilizers and fertilizer ingredients.

It is perfectly apparent that $150,000,000 will be a mere bagatelle if the provisions of this bill as amended are to be carried out. Mr. President, $150,000,000 would not purchase what wheat will be offered within the next two or three months. To try to administer this bill, including all the products named in it, with $150,000,000 would simply be absurd.

Mr. SMITH of Georgia. The Senator does not think the appropriation in this bill would undertake to purchase all the wheat, does he?

Mr. SMOOT. I will say to the Senator that unless some other market is allowed to be developed the United States will certainly have to purchase all the wheat that is offered, and I have no doubt but that 60 days after the wheat crop is harvested and ready for market there will be over $150,000,000 worth of wheat alone offered, which somebody has got to purchase.

Mr. SMITH of Georgia. Why does the Senator think the Government will have to purchase all of the wheat under the provisions of this bill? If the bill is so drawn that the Government will have to purchase all of the wheat, ought we not to amend the bill so that such a necessity would not exist?

Mr. SMOOT. I think we ought to amend the bill—there is not a question about that—but the Senator from Georgia must know that if the farmer's market is destroyed, as it is to-day, and there is a price put upon the wheat at which it shall be purchased by the Government, of course, the Government will have to take all wheat offered; it will have to handle it as any other purchaser would, and will sell it at a price fixed by it to purchasers in the United States and to our allies; and that is the program already mapped out. I am not complaining, for it may be the Government will be a better customer for the farmer than he has to-day; and if that is what the Senate wants and Congress is going to authorize, then I want the Congress of the United States to appropriate sufficient money so that the men administering the law can do so without question.

Mr. SMITH of Georgia. Mr. President, has the Senator from Utah pointed out to the Senate why this bill would destroy the entire market for wheat?

Mr. SMOOT. Mr. President——

Mr. SMITH of Georgia. Just one word more: If he has done so, then, if he can show that clearly, does he not think that

it will appeal to the Senate and that the Senate will be ready to so modify the bill as not to destroy the farmer's market?

Mr. SMOOT. Mr. President, the Senator from Georgia must know that the Senator from Minnesota [Mr. NELSON] and several other Senators have spoken upon that very subject matter and have called the attention of the Senate to the fact that there is not a question but that the wheat market is destroyed to-day. The Senator from Minnesota particularly called attention to the three purchasers of wheat that the farmer has to-day, and also called attention to the fact that those purchasers, for fear of the passage of this bill, would not buy wheat to-day, and if that continues the Government of the United States would be the only purchaser of wheat. I have not heard it disputed by the public press or by anyone else that the program is to be that not one of our allies or any neutral countries can buy a bushel of American wheat except through the bureau which is to be created under this bill. If that be true, where is the market for wheat other than the one we are providing now?

Mr. SMITH of Georgia. Would not the general American market still remain?

Mr. SMOOT. There would remain the little local markets, where the wheat is used for local consumption.

Mr. SMITH of Georgia. One moment. I asked the Senator that question not by way of argument but rather to draw out a discussion from him upon the subject.

Mr. SMOOT. Mr. President, I admit that gristmills that simply grind wheat for people within the city or county in which the gristmill is located no doubt would buy wheat from the farmer to carry on their small business and to provide enough flour for local consumption; but so far as exportations are concerned, and so far as the market for flour or wheat which goes into interstate commerce to any extent is concerned, there would be only the one purchaser.

Mr. McCUMBER. Mr. President——

Mr. SMITH of Georgia. Let me ask the Senator one more question.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Dakota?

Mr. SMOOT. I do.

Mr. SMITH of Georgia. Will the Senator permit me to proceed for one moment?

Mr. McCUMBER. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. Would not the foreign countries that buy, if they would buy with the United States, furnish a fund entirely outside of this fund; and is not this fund solely intended to handle domestic consumption?

Again, I wish to say to the Senator from Utah that I am not asking these questions argumentatively, but rather to have them discussed, for I agree with the Senator that we have no right to destroy the wheat growers' market, and if we do so we should put up enough money to take care of it.

Mr. SMOOT. Mr. President, I admit that this appropriation is intended as a revolving fund, but the Senator from Georgia knows enough about the market to understand that somebody has got to advance the money to the farmer, for the farmer has got to sell his wheat when harvested in order to pay the debts that he owes to the local store and to the bank from which he may have borrowed money. The farmer has only one pay day in the year, and that pay day comes when he harvests his wheat and other products. Then he must pay his obligations. I admit that we should not appropriate all the money necessary to buy all the wheat produced in this country. If we did, $150,000,000 would be a mere bagatelle for the wheat crop alone. There must be a certain amount of wheat carried the same as it has been carried by the trade in the past, and it must be distributed as it is called for, the same as in the past.

I admit, of course, that when our allies buy from the bureau created under this bill they have got to pay the money for it, and that would be a part of the revolving fund; but I am speaking now of the $150,000,000 that is supposed to take care of the payments that are absolutely necessary for all the wheat and all of the other articles mentioned in this bill, if it becomes necessary in order to control them.

Mr. SMITH of Georgia. Mr. President——

Mr. McCUMBER. May I ask the Senator a question, which I have been trying to ask him?

Mr. SMOOT. I yield first to the Senator from North Dakota, and then I will yield to the Senator from Georgia.

Mr. McCUMBER. I want the Senator to realize that from the time the earlier crops are thrashed for the market and begin to come in until the crops are ready for the market in the North will cover substantially three months of time, that the Government will have simply announced the price that it will pay, and that that will necessarily fix the price for all grain coming from the crop of that season, whether it is hauled in a hurry or whether it is hauled in two or three or six months. The Government can not possibly get hold of the actual grain to the amount of $100,000,000 by any possibility, or $50,000,000, or probably even $25,000,000 worth. Therefore, while it is buying the first wheat and getting possession of the physical bushels of wheat, it will be turning it off at the same time for the purposes for which it has purchased. So I do not think there will be any danger whatever of $150,000,000 not being sufficient to cover all of these things.

Mr. SMOOT. Mr. President, the Senator's ideas as to the amount of business that is covered under the provisions of this bill and mine are radically different. I can take, for instance, the one product of wool and its products. While most of that article has been sold this year for fabulous prices, if the Government of the United States undertook to control the wool in this country and its products, what would $100,000,000 amount to in purchasing it? It would be a mere bagatelle for that one item alone, without the innumerable other articles named in the bill, covering nearly all the business of this country.

Mr. SHAFROTH. Mr. President, I should like to ask the Senator whether there is anything in this bill that requires the Government to buy except for the purpose of guaranteeing a minimum price?

Mr. SMOOT. Mr. President, if the Government guarantees a minimum price, in view of the authority and the directions given in this bill, the only way it can guarantee that price is to buy the product, and that is exactly what they would do.

Mr. SHAFROTH. Yes; that is true; but the question of supply and demand would always come in as tending to make a higher price than the minimum, and we are not going to fix as the minimum price the regular market price. So I doubt very much whether the Government will have to buy any of the product.

Mr. SMOOT. Now, let me call attention to a condition that I have been told existed in the month of May. The neutral countries were buying wheat in that month, and wheat went up to three dollars and some odd cents a bushel—nearly $3.25—through the neutrals buying and competing for American wheat. If reports are true, the neutral countries were told that they must cease buying American wheat, and that, if they did not do so, an embargo would be placed upon it and they could not get the wheat. They were also advised to unload the wheat they had purchased if reports be true. Those who have followed the wheat market must know that the price of wheat began to decline from that time on, and has declined over a dollar a bushel.

Mr. SHAFROTH. How much of that maximum price did the farmers get, I will ask the Senator?

Mr. SMOOT. Of course, I can not tell when the wheat was sold. If the farmer did not sell his wheat, but held it until the price rose to $3.25, he got perhaps whatever the price was, less commission and freight to Chicago or some other grain center. But if he sold right after thrashing, I do not believe he got much more than $1.50 a bushel.

Mr. SHAFROTH. I saw in the newspapers a statement, I think from Mr. Hoover, that the average price which the farmer received was $1.51, whereas the speculators got as high as $3.15. Now, if the minimum price on wheat is put at $1.50, which is indicated in his interviews, I do not believe that there will be any sales to the Government, because I believe other purchasers will be ready to take the wheat off the market at $1.60 or $2 or even $2.25, and consequently I think this appropriation will be amply sufficient for the purposes intended.

Mr. McCUMBER. Mr. President, will the Senator from Utah yield to me for a moment?

Mr. SMOOT. I yield.

Mr. McCUMBER. I merely desire to respond to the statement made by the Senator from Colorado. I think the Senator misunderstands Mr. Hoover's declaration. The farmers, of course, for the entire crop may have received an average of $1.51; but certainly the Senator can not estimate the middleman's profit as the difference between $1.51 and the highest market price for wheat, because there was a gradual rise all along, and the speculator bought and sold. At first he only sold for a little—perhaps 3 cents or 4 cents a bushel—higher than the farmer's price, with freight, and therefore the quantity influenced by speculation was but a few million bushels at the very most.

Mr. SHAFROTH. What the Senator now says is true. There was a gradual increase up to the maximum, I think, of $3.25 a bushel; but the average would be somewhere in the neighborhood of $2.50 or $2.60; and if that is the average, then the difference between $1.51 and $2.50 would be the profit the middleman and the speculator received.

Mr. McCUMBER. The Senator's average is too high.

Mr. SMOOT. The trouble with the Senator from Colorado is that his average of what wheat has been selling for for the last year as compared with what the farmer received is altogether too high. He can not figure that wheat during the year 1917 has averaged $2.50 a bushel, sale price. That is the weakness in the Senator's argument. I know, and I presume the Senator knows, that if the farmer held his wheat until May, as the speculators did who bought it perhaps a few months before—and I do not know what they may have given for the wheat; but certainly a great deal more than when it was harvested, because they are always turning over sales—but if the farmer had kept his wheat until May and the wheat had been in his bin, there is no question that he would have received over $2.50 a bushel for it.

Mr. SHAFROTH. But, as a usual rule, the farmer does not do that. The farmer sells reasonably soon after the harvest.

Mr. SMOOT. That is what I have already said. There is no question about that. There is no difference between the Senator and myself upon that point.

Mr. SMITH of Georgia. Mr. President, the other question that I desire to ask the Senator is this: I realize fully the necessity of the farmer having a market for at least a large part of that portion of his crop which he intends to sell shortly after he harvests it.

Like the cotton farmer, his big crop is harvested practically altogether. He has spent his money to produce it; he has to pay up his obligations; and must sell part of the crop to pay his obligations. Now, what is there in this bill that will eliminate entirely the usual purchaser, and why is it that the men to whom the Senator refers who usually buy will not buy; and if they will not, what changes ought to be made in the bill to free that market and produce something like normal conditions?

Mr. SMOOT. Now, let us take the three purchasers that the farmer has had in the past and see where he stands to-day. First, was the gristmill. To-day the miller is not buying wheat to store it. The miller dare not push his mill to its utmost capacity and pile up a surplus stock of flour. The flour that is being sold to-day to the people of the United States is from the surplus stock of the gristmills of this country. The millers are not buying wheat to-day to make flour to sell at some future time; they are not accepting large orders for exportation, and then buying on the stock exchange enough wheat to protect them; so that it is impossible for them to lose if wheat should advance. That has all stopped. Now they are selling from their surplus stock, and I presume that to-day there is less flour held by the mills in the United States than there has been at any time for almost a quarter of a century.

Mr. SHAFROTH. Mr. President, I should like——

Mr. SMOOT. That is only one part of the answer to the question of the Senator from Georgia, and if the Senator from Colorado will allow me to complete the answer, I will yield to him.

Mr. SHAFROTH. Right there I should like to ask the Senator, Is not that condition of the market now due to the fact that no minimum price has been fixed, and it is not known what the minimum price will be? If the minimum price should be $2.50, of course it would make a different condition than if it were $1.50. Consequently it is due to the chaotic condition and to the fact that this bill has not been passed so that a minimum price can be fixed that the market is in the disturbed condition to which the Senator refers.

Mr. SMOOT. Mr. President, with a bureau able to fix the price of flour, with an administration having the power to say that no flour or wheat shall be exported from this country, and at the same time to fix a minimum price for wheat, who is going to handle it? The business men of the country are not going to purchase wheat unless they can make one or two or three cents a bushel upon it; and where are they going to find a market? If a minimum price is fixed, the farmer is not going to sell his wheat for any less than the minimum price, because he knows that he can get that price from the Government of the United States; and, of course, if that is the case, the farmer is not going to sell his wheat to anyone for less than he can get from the Government, and therefore there will be no incentive for a person to purchase the wheat.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Missouri?

Mr. SMITH of Georgia. I hope Senators will allow the Senator from Utah to answer my second question.

Mr. REED. I want to contribute something on this particular matter, but I will wait.

Mr. SMOOT. I will yield to the Senator from Missouri. I will not forget to answer the question of the Senator from Georgia.

Mr. REED. Mr. President, I have been told, on pretty good authority I think, that a potential gentleman has said that if this bill should pass, his method of controlling the market would be that if the wheat began to go too high he would go into the exchanges and sell wheat in sufficient quantities to put the price down. Mr. President, if anybody wants to grant that kind of power to an individual, and furnish him the money of the United States to go in and bull and bear the market, and then thinks that there will be any legitimate buying or selling upon the market and that business will not be generally disrupted, that individual and myself can not think in the same way.

Mr. SMOOT. Mr. President, replying further to the Senator from Georgia [Mr. SMITH], we will take the second market that the farmer has depended upon in the past, and that is the grain exchange. Under this bill there is not to be allowed any speculating in grain on the grain exchange where in the past there has been an unlimited market for wheat. In the past a miller would sell, say, 10,000 barrels of flour. He can not run the risk of wheat going up, and he does not know whether it is going to decline, but he makes the sale to be delivered within three months, we will say. In the past the miller has gone to the grain exchange and purchased for delivery as he wanted it during the following three months, enough wheat to make that 10,000 barrels of flour, and he pays a small commission for the privilege. That will all cease in the future. It is just the same with the cotton manufacturer. He sells his goods six months before the time of delivery. He must sell them. He takes his orders before ever a yard of the goods is made for delivery, and the first thing he does is to go into the cotton exchange and buy enough cotton to make the goods he has sold, at a price based upon the selling price of his goods. He can not run the chance of cotton advancing, and the only way that he has to protect himself to-day is to do just what he has been doing for a quarter of a century or more. Either that or he must have money sufficient to buy enough cotton at once with which to make the goods he has already sold.

Mr. SMITH of Georgia. Or he must be a speculator and take the chances of trade.

Mr. SMOOT. Or he must take the chance of an advance in cotton, and if a sharp advance in cotton did come up would go his business.

The farmers other market has been the foreign one. In the past the farmers have enjoyed the competition of all purchasers of all the foreign countries of the world. If Sweden wanted wheat more than Denmark, Sweden would bid more for the wheat than Denmark. If England wanted wheat more than France, England would bid more than France, and the highest bidder got the wheat; trade took its regular course, and there was no interference with it. Now, however, that is to be changed.

Mr. SMITH of Georgia. That is already changed.

Mr. SMOOT. Yes; as the Senator from Georgia says, that is already changed by the embargo act. The farmer has no foreign purchasers to bid for his wheat. Now, there is only one purchaser, and the Senator must know that without a foreign market and with more wheat raised in this country than it is possible for the American people to consume prices would not go above the minimum price named. That would be next to impossible. Therefore the Government would be compelled to purchase at the minimum price.

That is the situation, and it is for those reasons that I say that $150,000,000 is not sufficient, if we are going to carry out the provisions of this bill. I am speaking now of the $150,000,000 to cover only food, feeds, and fuel, the three items originally included in the bill; but when we have added all these other items, covering practically all the business of the United States, to appropriate $150,000,000 for the purpose of controlling or of purchasing even an infinitesimal part of the products of this country would be utterly inadequate, a mere bagatelle.

Mr. SMITH of Georgia. Will it interrupt the Senator for me to suggest one thought that is in my mind, which, I think, indicates that the price might go above the minimum in spite even of these conditions?

Mr. SMOOT. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. It is this: It is known that a large quantity must be shipped abroad, even if only one purchaser handles it; that it will leave in this country certainly not more, probably less, than will be required for a normal, free use of the commodity. Therefore the knowledge of the fact that the private demand for what is left in this country will probably be more than the quantity left here would be calculated to stimulate the price. I agree that the conditions the Senator stated, unless that is true, would put wheat certainly not above the minimum price.

Mr. SMOOT. The Senator's reasoning is correct if there was not a further control. If the price of flour was not to be controlled, the Senator's reasoning would be absolutely correct; but the price at which flour is to be sold is to be controlled, and the decision is to be arrived at in this way: It will take so many bushels of wheat to make a barrel of flour. It costs so much to make that wheat into flour. Therefore, with wheat at $2 a bushel, a barrel of flour costs just so much money, and the profit, or whatever is agreed upon, will be added, and it can not be sold for more.

Mr. SMITH of Georgia. Mr. President, if the Senator will allow me——

Mr. SMOOT. Yes.

Mr. SMITH of Georgia. I only meant to carry my thought to the extent that the mere embargo would not hold the wheat down to the minimum price.

Mr. SMOOT. The Senator is right, if it was a mere embargo.

Mr. SMITH of Georgia. And I was asking the consideration of the Senator to the features of the bill that affect the domestic market. We must keep that in mind. The embargo is a war measure. I think that all agree we must support the embargo.

Mr. SMOOT. There is no doubt about it.

Mr. SMITH of Georgia. The question in my mind is, How can we modify anything that is affecting the local market so as to remove this burden upon the local wheat grower, and yet preserve those features of the bill that seek to prevent extortion?

Mr. SMOOT. Mr. President, of course I did not rise to speak upon that phase of the bill, though I may do so before I get through.

Mr. REED. Mr. President——

Mr. SMOOT. Just a moment. What I was interested in was this: I never like to vote for an appropriation to carry out any bill when I know the appropriation is not enough. We have seen it a thousand times down here. We have seen bureaus started with a promise that the expense of maintaining them would not be more than $25,000 a year, and we have seen them grow until they have cost over $300,000 a year; and I have seen appropriations of $100,000 asked for here when anybody that knew the subject matter knew that it would have taken a million dollars to carry them out. Then, after we have made the appropriation of $100,000, and after we have started upon the scheme, we can not help but make further appropriations; and we go on and pile it up, and when the million-dollar mark is reached there is something added to it, and it must be increased; and there is no telling when it will end.

Mr. SHAFROTH. Mr. President——

Mr. SMOOT. But, of course, I recognize that to-day a million dollars is such a little, nasty, contemptible amount of money that it is not worth spending a minute's time in considering. Anything less than a billion is to-day considered too small an amount to haggle over.

Mr. SMITH of Georgia. I was wondering if the Senator wanted a billion in this?

Mr. SHAFROTH. Mr. President, the argument of the Senator from Utah would be a good argument against providing for a bureau at all; but it seems to me that when they come and ask for $150,000,000, for him to say that he wants to increase it to double or treble or quadruple that amount is not wise. We do not know that the position the Senator is taking is going to prove to be true, and consequently we had better appropriate only the $150,000,000, instead of appropriating double or treble or quadruple that amount. If it turns out that it is required, Congress is in session all the time and will be ready to respond if it is deemed wise, and Congress ought to hold somewhat of a check upon the appropriation.

Mr. SMOOT. Mr. President, the Senator could not have been here a short time ago when I touched upon this very subject that he now brings up. You say that Mr. Hoover asked for $150,000,000. Grant that it is true; but when Mr. Hoover asked for $150,000,000 all that he ever thought would be covered in this bill was foods, feeds, and fuel. Since that time the Senate has added nearly every product manufactured in the United States; and if it took $150,000,000 to handle foods, feeds, and fuel, does the Senator from Colorado think that with all the balance of the products of the United States it could be handled for the same amount?

Mr. SHAFROTH. Mr. President, I must say that if Mr. Hoover or the Government wanted more than $150,000,000 they would manifest their desire here. I want to ask the Senator a question: Does he believe in giving $300,000,000 or $900,000,000 or $1,200,000,000 at this place and for this purpose?

Mr. SMOOT. Mr. President, the Senator from Utah believes that if we are going to pass a bill and lead the American people to believe that all the products they produce shall be taken care of by the Government of the United States, it is nothing more than fair to them that the Government of the United States shall provide the money to pay for them and carry out the provisions of the bill in good faith; and I know that the Government of the United States can not carry it out and do that with all of the items that are put in this bill with an appropriation of $150,000,000.

Therefore, I am in favor of increasing it, if we are going to pass the bill.

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. FERNALD in the chair). Does the Senator from Utah yield to the Senator from Missouri?

Mr. SMOOT. Yes; I yield to the Senator.

Mr. REED. I think the Senator from Utah can compose his soul. If the bill is about to pass in this enlarged form, Mr. Hoover will send down word that he wants a few billions more, and opposition will vanish like mist before the sun. I think even our friend from Colorado will be found enthusiastically supporting the proposition.

Mr. SHAFROTH. Mr. President——

Mr. REED. Mr. President, I should like to ask the Senator from Utah a question. However, I, of course, will pause now for the Senator from Colorado to tell us what his position might be.

Mr. SHAFROTH. Mr. President, I believe this $150,000,000 is sufficient. I believe, as a matter of fact, that not that amount will be used. The bill provides only for the minimum price to be fixed by the Government, and provides for the Government taking over only in the event that wheat or other products are lower than that minimum price.

Mr. REED. Oh, no.

Mr. SHAFROTH. For that reason, I do not believe that the Government will have to buy any.

Mr. REED. There is no such provision in the bill.

Mr. SHAFROTH. There is a provision fixing and guaranteeing the minimum price. When the question as to appropriation comes up I am rather inclined to scrutinize appropriations pretty closely, and I do not want any more than are necessary, and if I believe that an appropriation is asked that is greater than is needed I must say that I feel that I will vote against any such increased appropriation.

Mr. SMOOT. Well, Mr. President, I feel that I shall do my duty to the American people when I call the attention of the Senate to the fact that if this bill passes with present items in it and the bureau is to execute the law $150,000,000 will be a mere bagatelle. The Senator from Colorado knows too well my position in relation to extravagant appropriations; he has served on the Appropriations Committee with me long enough to know that there is no one in this body that scrutinizes the money appropriated any more than the Senator from Utah.

Mr. SHAFROTH. Mr. President, I must say that in my association with the Senator from Utah on the Committee on Appropriations he has nearly always been in favor of lower appropriations. For that reason I was utterly astonished to find that the Senator on this occasion was talking about increasing the amount from $150,000,000 to two or three times that amount.

Mr. SMOOT. Mr. President, I know that the Senator from Colorado is too intelligent a man and too clever a business man to think for a minute that if it took $150,000,000 to carry out the provisions of this bill when it included only foods, feeds, and fuels, when we have added to it every other product of the country—yes; ten times more than the original amount—that the administration can be done with the same amount of appropriation. I know that the Senator, if he will stop to think of it, will say that it is an impossible thing to do. I should be delighted if it could be done.

Mr. SHAFROTH. Mr. President, I know the economical tendencies of the Senator from Utah; and I venture the assertion that if an amendment were made to this bill to increase this amount even $50,000,000, he would vote against it.

Mr. SMOOT. The Senator could not say that after what I have said, unless he has an idea in the back of his head that this bill is not going to pass in its present form. I will say to the Senator that if this bill is to pass in its present form, and includes all of the items provided for now in the bill, not only would I vote for $50,000,000 but I would vote for $300,000,000 for it, because I know that we would have to provide the money for it, and I know that a deficiency would be asked for by the Secretary of the Treasury, as all other deficiencies are, as it will be an utter impossibility to administer this bill in its present shape with $150,000,000 or $300,000,000 if it would have taken $150,000,000 in the first instance.

I wanted to call attention to that fact so that if this bill passes and there is an appropriation asked for of $500,000,000

in the form of a deficiency no one can point to me if I object to it and say, "Why did you not call the attention of the Senate to it when the bill was under consideration?" I have done so, Mr. President; and I know, just as well as I know that I live, that if this bill passes and these items remain in the bill, and if it is administered as it ought to be, it will not cost $150,000,000, but it will cost half a billion dollars.

I have said all that I care to say about this item. I do not expect to see a change made in it. Perhaps it will be said, as it has been said in other instances when appropriations have been made that were insufficient to cover what we knew would be the expense, that it is far better when we meet in December to make an appropriation, even though it be a deficiency, than to provide for it at this time. Now, I do not like that kind of legislation. If I vote for a bill, I want to vote also at the same time for sufficient money to carry the provisions of the bill out.

If that policy were followed to-day, it would save this Government millions and millions of dollars. Under the law, no officer of our Government has a right to make a deficiency, and yet there is not a single session of Congress but that deficiencies are made—first a deficiency bill, then an urgency deficiency bill, then another urgency deficiency bill, and I do not know how many will yet pass the Senate at this session of Congress.

Mr. VARDAMAN. Mr. President, may I ask the Senator from Utah a question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Mississippi?

Mr. SMOOT. Yes; I yield to the Senator.

Mr. VARDAMAN. The Senator stated, if I understood him correctly, that it would cost half a billion dollars to execute this law. What evidence has the Senator that it would cost that much money? Has the Senator any information as to how the men who wrote this bill reached the conclusion that it would take $150,000,000? I have never been able to get any information at all on that subject, and I have made a great many inquiries. Of course I do not charge that an investigation has not been made and the figures which appear in the bill are incorrect. All that I contend is I have not seen the figures and the facts, and they have not been given to the Senate.

Mr. SMOOT. If the Senator will indulge me just a moment, when this bill was reported to Congress the men who expect to administer it stated that it would cost $150,000,000. Included in the bill then were foods, feeds, and fuels. Now, we have added these items: Aluminum and its products, hides, skins, steel and iron and their products, copper and its products, hemp, jute, cotton, wool, sisal, and their products, lead, timber, lumber, or the joint product or products of two or more of the said materials, farm implements and machinery, and fertilizers and fertilizer ingredients. Now, I say to the Senator that if it cost $150,000,000 to administer the bill as it was reported to Congress, in which was included only foods, feeds, and fuels, to include all of these items I have not a doubt that it will take more than half a billion dollars.

Mr. VARDAMAN. I think the Senator's reasoning is logical; but has the Senator any information upon which to base the statement that it is going to cost $150,000,000? I understand that that is just what the proponents or authors of this bill stated that it would cost, without giving any data upon which Congress could reach an independent conclusion on the subject at all. I am willing to accept the food dictator's opinion on many things—most things connected with this bill—but I must not be blamed or censured if I occasionally hang out an interrogation point.

Mr. GRONNA. Mr. President——

Mr. SMOOT. I want to say to the Senator that I think the $150,000,000, even for the administration of the bill as it was reported to Congress, is too little.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Dakota?

Mr. SMOOT. Yes; I yield to the Senator from North Dakota. I think the Senator from North Dakota the other day made the statement that $150,000,000 was not sufficient.

Mr. GRONNA. I can not agree with the Senator from Mississippi, nor can I agree with the Senator from Utah. As I understand this fund, it is a revolving fund, not an expense fund. It is a fund to be used as a purchasing fund.

Mr. SMOOT. That is what I said.

Mr. GRONNA. And it is supposed that we are not to lose anything. Unless the buyer, the man who is to administer this law, does not understand his business, the Government is supposed not to lose anything. The expense fund in the bill is the two and a half millions. That is the only money that is appropriated for expense.

Mr. SMOOT. I hope the Senator will revise his statement as to not agreeing with me. I have said time and again that this is a revolving fund, and I have not even intimated that the Government of the United States would not receive from the wheat that it purchases every dollar that it costs; but I have contended that with all these items, if they are to be purchased by the Government, revolving fund as it is, it is not sufficient for the Government's purchases.

Mr. GRONNA. If the Senator will permit me, I do not disagree with the Senator from Utah in his statement that if all these articles are to be included $150,000,000 would be insufficient capital to handle the entire industry.

Mr. VARDAMAN. Well, this fund revolves. It changes form. It is used over and over again.

Mr. GRONNA. I will say to the Senator that it is not an expense fund.

Mr. VARDAMAN. I do not see why it should take such an enormous fund, if the investments the Government makes shall be realized on, and the money used to buy wheat to-day, converted into money to-morrow, and the money used again next day. It seems to me it should not take such a large amount if it is going to be used in that way. It will be ample unless it is going to be used also in the employment of men to gather statistics and data, and paid out in that way. A prodigious amount of business can be conducted with $150,000,000 if wisely and prudently used.

Mr. SMOOT. Why, the $2,500,000 provides for that. Of course under this provision, however, it could be spent even for other purposes than buying and holding the products named in the bill.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. I do.

Mr. KENYON. Mr. Hoover stated before the committee, and there is no secret about it and no need of beating around the bush about it, that this fund of $150,000,000 was a revolving fund to buy wheat.

Now, of course, if all these other matters were to be purchased, it would not be enough.

Mr. SMOOT. Why, there is no doubt at all about it.

Mr. KENYON. But I want to call the attention of the Senator from Utah to one thing, if I may, while I am on my feet.

Mr. SMOOT. Yes.

Mr. KENYON. He continually refers to the fact that only foods, feeds, and fuels were covered in the original bill. I want to call his attention to the fact that it also covered "articles required for their production," which of course includes nearly everything as now defined in the bill.

Mr. SMOOT. I suppose there is no question in the mind of any Senator, and particularly in the minds of the members of the committee, but that Mr. Hoover stated before the committee that the object of the appropriation was to purchase wheat.

Mr. KENYON. That was what the $150,000,000 was for. He was asked that, and said that. There is no question about it.

Mr. SMOOT. Yes; and as I stated in my remarks, I believe that every penny of the $150,000,000 will be necessary to handle the wheat of this country, even though it be a revolving fund.

Mr. President, I do not want to take any more of the time of the Senate, but I felt that I ought to call the attention of the Senate to the fact that if the bill passes in its present form it would be unjust to Mr. Hoover or any other man who may be placed in a position to administer the law to ask him to do so with this appropriation only provided for.

The PRESIDING OFFICER. The Secretary will state the pending amendment.

The SECRETARY. The Senator from Oregon offers the following amendment:

On page 22, at the end of line 16, add the following:

"The appropriation specified in this section and in section 16 of this act shall be immediately available and shall be paid out on the order of the President or on the order of such officer or officers as may be designated by him for that purpose, which order of the President, or of such officer, shall be conclusive and binding upon all departments and the accounting officers of the Government as to the correctness of said accounts and disbursements.

"In order to provide for necessary office accommodations and facilities for the use of any agency or agencies which may be created or used by the President in carrying into effect the provisions of this act, the President may, in his discretion, cause to be constructed a temporary office, building, or buildings upon any lands owned by the United States within the District of Columbia not required for other governmental uses and which may be designated by him, and construct such temporary office, building, or buildings thereon. For these purposes the President may utilize and expend so much of said appropriation as may be necessary, not exceeding the sum of $200,000.

"*Provided further*, That itemized statements covering all purchases and disbursements under this and the preceding section shall be filed with the Secretary of the Senate and the Clerk of the House of Repre-

sentatives on or before the 10th day of each month after the taking effect of this act, covering the business of the preceding month, and said statements shall be subject to public inspection."

Mr. SMOOT. Mr. President, I desire a division of that amendment. I should like a separate vote upon the first proposition and then a separate vote on the second one.

The first one provides $200,000 for the building of a temporary office building in Washington, and if the other members of the Appropriations Committee and myself are correctly informed, they have already selected a point on which this building shall be erected near the Senate Office Building, upon ground owned by the Government of the United States. Now, the idea of appropriating $200,000 for a temporary building, to be torn down just as soon as the war ceases, is extravagance that can not be defended, when we can rent the old Census Building, with ample room for every employee that will be employed under the provisions of this bill. We had the Census Bureau in that building for years, and, while I forget exactly how many employees they had, certainly they had as many as will be employed under this bill. A mere tithe of the amount that is asked here to put up a building will pay the rent for at least two years for that building.

Mr. OVERMAN. We have other buildings, too.

Mr. SMOOT. Yes; as the Senator from North Carolina states, we have other buildings that they can go into, and that will cost us nothing at all for rent.

Mr. McKELLAR and Mr. JONES of Washington addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Tennessee?

Mr. SMOOT. Yes; I yield to the Senator.

Mr. McKELLAR. Who recommends the erection of this temporary building?

Mr. SMOOT. The amendment was sent to the committee, I suppose, through the regular channels.

Mr. McKELLAR. I know; but what department, what officer of the Government, recommended it? Whose testimony was taken in regard to it?

Mr. SMOOT. I shall have to ask the Senator from Oregon to answer that question.

Mr. McKELLAR. Can the chairman of the committee tell me?

Mr. CHAMBERLAIN. Mr. President, we went all over that once this morning. Mr. Hoover and Judge Lindsey appeared before the committee and explained to the committee that they had been unable to find quarters to occupy for the purposes proposed in this act, and that temporary quarters would have to be erected for them; and upon their recommendation the committee suggested this amendment.

Mr. JONES of Washington. Mr. President, do we not own a lot of buildings down here next to the Maltby Building?

Mr. SMOOT. We do.

Mr. JONES of Washington. Why can not those buildings be used?

Mr. SMOOT. I do not think they are fine enough.

Mr. JONES of Washington. But, as I understand, they are going to put this temporary building out here on the Plaza. And my recollection is that we own all of these buildings down here to the alley this side of the Driscoll Hotel.

Mr. SMOOT. Yes.

Mr. JONES of Washington. All of those buildings along there connected with the Maltby Building we own, and I understand that the Maltby Building is being used now for some purpose.

Mr. SHAFROTH rose.

Mr. SMOOT. It is partly used; and, as the defender of the Maltby Building, I introduce the Senator from Colorado.

Mr. SHAFROTH. Mr. President, I hope the Maltby Building will be used. It is a good five-story building.

Mr. JONES of Washington. It seems to me the Maltby Building and those other buildings along there, all owned by the Government, could be put to good use.

Mr. SHAFROTH. There are 20 or 30 of them.

Mr. SMOOT. Every inch of space ought to be used.

Mr. SHAFROTH. There are 20 or 30 residences there that are now occupied temporarily; and, besides that, facing upon the other street there is a good-sized school building that has been occupied in the past year and is in good repair, and there are other buildings facing upon that court there. I can not see why they can not find, not palatial quarters, but quarters with good roofs on them and good heating apparatus. I do not see why they can not utilize those buildings.

Mr. SMOOT. I will not say anything more. I think it is so apparent that this ought not to go into the bill that I am willing to submit it to a vote of the Senate right now.

Mr. CHAMBERLAIN. My attention was called to the fact here by a member of the committee that the appropriation ought to have been $150,000 instead of $200,000. The amount of $200,000 was discussed while in committee, but it was fixed at $150,000. I wish to make that change in the amendment.

Mr. SMITH of Michigan. Senators serving here have occupied quarters in the Maltby Building for years.

Mr. SMOOT. I did so.

Mr. SMITH of Michigan. The Senator from Utah was there, and I was there, and a number of Senators occupied quarters there. They were good enough for anyone. I think we ought to strike out the second paragraph of this amendment. We have ample buildings, and if this food-administration company want to have something more elaborate than we have now, Senators can very easily vacate the Senate Office Building, or perhaps the Supreme Court room might be borrowed. There is nothing going on there and there is a throne and ample space there for garbing these people appropriately.

The PRESIDING OFFICER. The question is on agreeing to the first part of the amendment of the Senator from Oregon.

The first part of the amendment was rejected.

Mr. SMOOT. The second part of the amendment ought to be adopted.

Mr. SHAFROTH. I ask that the second part be read.

Mr. SMITH of Michigan. The second part is the part which appertains to itemizing and reports to the Clerk of the House and the Secretary of the Senate.

The PRESIDING OFFICER. It will be read.

The SECRETARY. Add, at the end of line 16, after the word "section" and before the period, the following proviso:

Provided further, That itemized statements covering all purchases and disbursements under this and the preceding section shall be filed with the Secretary of the Senate and the Clerk of the House of Representatives on or before the 10th day of each month after the taking effect of this act, covering the business of the preceding month, and said statements shall be subject to public inspection.

The PRESIDING OFFICER. The question is on agreeing to the second part of the amendment.

The second part of the amendment was agreed to.

The next amendment was, on page 22, after line 16, to strike out:

SEC. 20. That the employment of any person under the provisions of this act shall not exempt any such person from military service under the provisions of the selective draft law approved May 18, 1917.

The PRESIDING OFFICER. Without objection the amendment is agreed to.

Mr. SMOOT. I do not ask to have a record vote upon it, but I do not like to have the amendment agreed to without objection. I ought to state that I have a strong objection to the action of the committee. The House provision should be agreed to.

Mr. JONES of Washington. I wish to ask the Senator in charge of the bill why that was stricken out?

Mr. CHAMBERLAIN. Because the selective-draft act covers the whole subject.

Mr. JONES of Washington. I understand under the selective draft law the President could exempt all these employees if he saw fit to do so.

Mr. CHAMBERLAIN. Certain classes of men—for instance, customhouse clerks—were definitely named in the act. Those were exempt from the service, and all other Government employees could be called on for voluntary military service as they might be utilized in connection with the national defense.

Mr. JONES of Washington. Then the employees in this temporary service could be put on the same basis as the permanent employees.

Mr. CHAMBERLAIN. Yes; temporarily, while they are in the Government employ.

Mr. SMOOT. As I said, I am not going to ask for a yea and nay vote on this amendment, but as the employees under this bill will be temporary, perhaps to be in the Government service not over one year, I can not see why they should be exempt from draft. If it affected the administration of the provisions of the act, if it affected the Government in any way, there would be some excuse for it, but I can not see why they should not be drafted the same as many other employees of the Government will be.

Mr. KING. May I inquire of my colleague does he interpret the bill as exempting the employees under the bill from military service?

Mr. SMOOT. In my opinion it can not have any other effect.

Mr. KING. I understood from the Senator in charge of the bill this morning that a general statute covers all Government employees, and that none as a class are exempt from the operation of the selective-draft act.

Mr. CHAMBERLAIN. In order that Senators may understand just what the law is, let me call attention to it.

Mr. SMOOT. I shall be glad to have the Senator do so.

Mr. CHAMBERLAIN. Section 4 of the act to increase temporarily the Military Establishment of the United States provides—

That the Vice President of the United States, the officers, legislative, executive, and judicial, of the United States and of the several States, Territories, and the District of Columbia, regular or duly ordained ministers of religion, students who at the time of the approval of this act are preparing for the ministry in recognized theological or divinity schools, and all persons in the military and naval service of the United States shall be exempt from the selective draft herein prescribed; and nothing in this act contained shall be construed to require or compel any person to serve in any of the forces herein provided for who is found to be a member of any well-recognized religious sect or organization at present organized and existing and whose existing creed or principles forbid its members to participate in war in any form and whose religious convictions are against war or participation therein in accordance with the creed or principles of said religious organizations, but no person so exempted shall be exempted from service in any capacity that the President shall declare to be noncombatant; and the President is hereby authorized to exclude or discharge from said selective draft and from the draft under the second paragraph of section 1 hereof, or to draft for partial military service only from those liable to draft as in this act provided, persons of the following classes:

Now, the act mentions them:

County and municipal officials; customhouse clerks; persons employed by the United States in the transmission of the mail; artificers and workmen employed in the armories, arsenals, and navy yards of the United States, and such other persons employed in the service of the United States as the President may designate; pilots; mariners actually employed in the sea service of any citizen or merchant within the United States.

Then it mentions the other classes.

Mr. SMOOT. I remember the law as the Senator has read it; but the House put in section 20 so that there could be no question but that the employees under the provisions of the bill would fall under the same draft law as all the other employees of the Government. But this bill, if it becomes a law, will have passed Congress after the passage of the draft act of May 18, 1917, and the House thought the best and surest way was to specifically state in this law that all the employees shall fall under the draft law of May 18, 1917.

Mr. LODGE. I think also, Mr. President, that the intent of the House was to prevent persons employed under this act taking advantage of their position to claim exemption on the ground of Government service. As to the other people now in the service, the President can grant exemption or not as he pleases, but this would prevent them, I think, from claiming exemption on the ground of Government service. I think it is a great mistake to strike it out. It makes a home for slackers.

Mr. KING. Mr. President, I agree with the expression of the Senator from Massachusetts and my colleague, the senior Senator from Utah. In this connection I wish to speak of an experience which doubtless most, if not all, Senators have had. It is a fact that many young men wholly unpatriotic are seeking service in the Government now, hoping thereby to escape conscription. Almost every day applications are made to some, if not all, Senators.

Mr. LODGE. We all get them. I think it is a very undesirable class, and I do not want to extend it.

Mr. KING. I certainly hope that the President of the United States will signify at a very early moment that few of those who are in the Government's service and who are amenable to draft shall be excused from the operation of the law. Personally I should like to see the House provision adhered to.

Mr. SMOOT. In this connection I wish to say that I had a young man call upon me the other day who asked me to get him a position in the Government service. He said, "I do not care what wages they pay me; I am perfectly willing, if necessary, to work for $50 a month." I had never met him before in my life; he came with a letter of introduction from a friend of mine here in Washington. I asked him right out, "Why do you want to work for the Government?" He said, "If I get employment in the Government service, they can not draft me."

Mr. KENYON. The committee, I am sure, struck out this provision because they thought there was no question that these people would be subject to the draft. If there is any question about it the committee amendment ought to stay in, and I think I shall vote to keep it in.

Mr. LODGE. It can do no harm to keep it in.

Mr. KENYON. No.

Mr. LODGE. If it is superfluous or a duplication it is no harm in my judgment. It takes from the employee the right to make claim for exemption on that ground.

Mr. SMITH of Michigan. Whether it is in or out, the President still has the right under the power we gave him to exempt. He can do it on any ground.

Mr. LODGE. Of course, he may do it on any other ground, but not on the ground of Government service.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee striking out section 20, page 22, lines 17 to 21, inclusive.

The amendment was rejected.

The next amendment was, on page 22, line 22, to change the number of the section from "21" to "18."

The amendment was agreed to.

The next amendment was, on page 23, after line 9, to strike out:

SEC. 22. That if any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof, directly involved in the controversy in which such judgment shall have been rendered.

The amendment was agreed to.

The next amendment was, on page 23, after line 16, to insert:

SEC. 19. That words used in this act shall be construed to import the plural or the singular, as the case demands. The word "person," wherever used in this act, shall include individuals, partnerships, associations, and corporations.

The amendment was agreed to.

The next amendment was, on page 23, line 21, to change the number of the section from "23" to "20."

The Secretary resumed and concluded the reading of the bill.

The PRESIDING OFFICER. The reading of the bill has been completed.

Mr. CHAMBERLAIN. There were one or two amendments passed over at the request of Senators. I think the Senator from Missouri requested that the amendment inserting section 3 be passed over.

Mr. REED. Section 3 is very important. If there is any possibility of the committee amendment being rejected as it is printed, I want to be heard. But I make this suggestion to the chairman of the committee. I understand every amendment of the committee is disposed of now except one. Is not that correct?

Mr. CHAMBERLAIN. I think there were one or two provisions that went over; I am not sure. I ask the Secretary what other provision was passed over?

The SECRETARY. On page 16, line 2, after the word "both," the committee report to insert:

Provided, That such operations, practices, and transactions, at, on, or in or under the rules of any exchange, board of trade, or other similar institution or place of business, as are not prohibited by the regulations made by the President, pursuant to the provisions of this section, shall not be deemed to be within the intent and meaning of section 6 of this act.

Mr. REED. I object to the last clause.

Mr. NORRIS. On what page is that?

The PRESIDING OFFICER. Page 16, line 2, at the end of section 10. It is an amendment proposed by the chairman of the committee.

Mr. REED. Let it be read again, please.

The PRESIDING OFFICER. It will be again read.

The SECRETARY. On section 10, beginning on page 14, on page 16, after the penalty clause, line 2, after the word "both," insert the following proviso:

Provided, That such operations, practices, and transactions, at, on, or in, or under the rules of any exchange, board of trade, or other similar institution or place of business, as are not prohibited by the regulations made by the President, pursuant to the provisions of this section, shall not be deemed to be within the intent and meaning of section 6 of this act.

Mr. CHAMBERLAIN. Mr. President, if the Senator from Missouri will permit me, I will state the purpose of that amendment. It was suggested by Judge Lindsey. The object is to remove any doubt which might arise in construing section 6 in connection with section 10. Section 10 contemplates that ordinary course of trading in exchanges and boards of trades in commodities which may for the time being be deemed not to require regulation, should not be inhibited by the regulation, and thus if you can take section 10 standing alone, it would be perfectly legal.

If at any time the President desires to place any given operation, practice, or transaction on the prohibited list, he may do so, but until he does so, business should be permitted to proceed on customary lines.

The proposed amendment would remove any ambiguity between the two sections, and it was for that reason that this amendment was put in. In other words, there was fear that the two sections taken together would put even legitimate exchanges out of business.

Mr. REED. Then the proviso ought to be to section 6 instead of section 10. I have not given it careful study. Who is Judge Lindsey?

Mr. CHAMBERLAIN. He is quite a prominent western lawyer. I have only met him recently. I will state to the Senator that he suggested it did not make any difference whether it was put on section 6 or section 10, but at the request of some members of the committee we fixed the amendment so as to attach it to section 10.

Mr. REED. Since I made the inquiry of the Senator as to Judge Lindsey I have been informed by the Senator from Utah [Mr. KING] that Judge Lindsey is very well and very favorably known in the profession. I make that statement because my inquiry a moment ago might seem to indicate that I was raising a question as to his ability. I did not mean to do that. There might be a thousand Judge Lindseys, and I wanted to identify the man. I do not make any objection to this amendment under the explanation that has been made.

Mr. GRONNA. Mr. President, I am a member of the Committee on Agriculture and Forestry, but I do not think we ought to adopt this amendment in the form in which it has been presented by the Senator from Oregon.

Mr. CHAMBERLAIN. I will say to the Senator, as he will probably remember, that the amendment was not prepared by me, but was prepared by Judge Lindsey himself, after having taken these sections together, and after having gone over them carefully.

Mr. GRONNA. I was going to come to that, Mr. President. It is not a committee amendment; it is an amendment suggested by Mr. Hoover or by his attorney. If I understand the amendment correctly, it will permit transactions on boards of trade, the buying and selling of grain, according to rules and regulations adopted by such exchange; but at the same time it would not allow outside of the board of trade, or permit an individual, say a miller, or an individual engaged in some other business, to buy the actual grain and store it. I think we ought to give the matter a little more consideration.

The amendment legalizes and permits transactions which we have condemned in the strongest terms, but it does not permit of legitimate transactions. Although I am a member of the committee and would like to support the Senator in charge of the bill, because he certainly has worked diligently and has done everything possible to make this bill as good as it can be made, I shall have to vote against it. I do not think the amendment in its present form ought to be adopted.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Oregon, which has been read by the Secretary.

Mr. SMOOT. Let the amendment be again stated. If the amendment really does what the Senator from North Dakota says it does, I think it is a very serious matter.

The PRESIDING OFFICER. The Secretary will again state the amendment.

The SECRETARY. On page 16, line 2, after the word "both," it is proposed to insert the following proviso:

Provided, That such operations, practices, and transactions at, on, or in, or under the rules of any exchange, board of trade, or other similar institution or place of business as are not prohibited by the regulations made by the President, pursuant to the provisions of this section, shall not be deemed to be within the intent and meaning of section 6 of this act.

Mr. CHAMBERLAIN. Mr. President, let me state again that Judge Lindsey thought that section 6 and section 10, standing alone, would stop legitimate purchases and sales on boards of trade, transactions which, under ordinary circumstances, would not be prohibited, and thus might destroy markets for wheat. There has been some complaint here on the floor of the Senate that if we abolish them all overnight there would probably be a destruction of the wheat market.

Mr. NORRIS. Mr. President——

Mr. CHAMBERLAIN. Just a moment, if the Senator please. For the purpose of permitting those who are engaged in perfectly legitimate transactions to proceed, this amendment was proposed. Of course, if the Senate wants to put them all out of business, that is one thing; but if the Senate wants to leave the President the power to make regulations which would permit legitimate institutions to do business, and exclude those which were engaged in purely a speculative business, then this amendment ought to be adopted.

Mr. NORRIS. Mr. President, I may be mistaken, but, as I understand, there is no inhibition in regard to boards of trade under section 10, unless the President by rule or regulation or order interferes with their method of doing business. Is not that true?

Mr. CHAMBERLAIN. I think that is true; but section 6 should be taken in connection with section 10.

Mr. NORRIS. Yes. What I do not quite understand about this amendment is that section 10 provides, in effect, that certain practices on boards of trade prohibited by rule or order or regulation of the President shall be illegal. The proviso proposed to be added is almost in substance a repetition, it seems to me, because it says that those things which the President does not prohibit shall not be illegal. The question I want to ask is, What effect would it have, anyway, if it were adopted? I doubt whether it would have any effect.

Mr. CHAMBERLAIN. I am frank to say that the insistence of Judge Lindsey seemed to me to be a distinction without a difference. I have never been able to make up my mind positively that it was necessary, and yet he was so insistent that if we did not put in this saving clause, this amendment, there would be ambiguity which might make the bill difficult of construction, the committee concluded to put it in.

Mr. NORRIS. I do not know that I see any objection to the amendment; but it seems to me, really, that it does not change the effect of section 10 whether we leave it in or whether we leave it out. Section 10 says that certain things the President shall prohibit shall be illegal and provides punishment for those who violate the President's order. This amendment provides that those practices which he does not prohibit shall not be illegal. I think that would follow in any event. I should like to ask the Senator from North Dakota if that would not be true?

Mr. GRONNA. Mr. President, my attention was diverted for the moment, and I did not hear the Senator.

Mr. NORRIS. I was saying that I did not understand, from listening to the reading of this amendment, that it would really have any effect. Section 10, in substance, provides that the President shall have the power to cause practices and regulations of boards of trade to cease; he can provide by order that they shall cease; and if they do not, then those who violate the order become liable to the penalty provided in the act. This amendment simply says that those things which the President does not condemn in his order shall not be illegal. Would not that be true any way, whether we had this amendment or not?

Mr. GORE. Mr. President, I will say to the Senator from Nebraska that it is necessary to take into consideration subdivision (a) in section 6, which prohibits certain contracts.

Mr. NORRIS. Yes.

Mr. GORE. The amendment is designed to permit certain contracts that are not permitted to be made on boards of trade, which otherwise would be prohibited under subdivision (a) of section 6.

Mr. NORRIS. Subdivision (a) in section 6 is stricken out, as I understand.

Mr. GORE. No.

Mr. NORRIS. Subdivision (b) became subdivision (a).

Mr. GORE. But afterwards the amendment was reconsidered, and subdivision (a) was reinserted.

Mr. NORRIS. There is a subdivision (a) in the bill, but under an amendment agreed to, as I remember, what is now subdivision (a) in the bill was formerly subdivision (b).

Mr. GORE. Is that the subdivision that prohibits certain contracts?

Mr. CHAMBERLAIN. Yes; that is subdivision (b) now.

Mr. NORRIS. No; it is subdivision (a) now.

Mr. GORE. I thought it was subdivision (a).

Mr. NORRIS. It reads as follows:

(a) Held, contracted for, or arranged for by any manufacturer, wholesaler, retailer, or other dealer in a quantity in excess of the reasonable requirements of his business for use or sale by him for a reasonable time, or reasonably required to furnish necessaries produced in surplus quantities seasonally throughout the period of scant or no production.

Mr. CHAMBERLAIN. The proposed amendment, as the Senator will notice, is to protect legitimate contracts and to remove them from the danger of ambiguity.

Mr. NORRIS. As I understand, the amendment really means in effect that hoarding, as defined in section 6, shall not be held to be hoarding unless the President says so.

Mr. GRONNA. Mr. President, the Senator asked me a question a moment ago. According to my interpretation of the amendment, it applies to section 6 as well as to section 10——

Mr. NORRIS. I see that it does.

Mr. GRONNA. And provides that transactions on boards of trade shall not come within the meaning of the first provision of section 6, which reads:

The necessaries shall be deemed to be hoarded within the meaning of this act—

And so on.

Mr. NORRIS. Yes.

Mr. GRONNA. The way I interpret that is, for instance, if wheat is bought by any board of trade according to the rules and regulations of that board, then it is excepted from the provisions of section 6, but otherwise it is not.

Mr. NORRIS. When I first called attention to it I had not considered it in connection with section 6; but, considering it

in connection with section 6, it seems to me that it would have this effect: In section 6 we have defined hoarding and made it a crime. Now, this amendment, if agreed to, would have the effect of nullifying section 6, unless the President has said that the acts are illegal.

Mr. GRONNA. It would have the effect, if the Senator will pardon me, of excepting transactions made on boards of trade, but no others.

Mr. NORRIS. And they would all be excepted unless the President had ordered that they should not be.

Mr. GRONNA. That is my interpretation.

Mr. NORRIS. I am rather inclined to think that the Senator is right. The amendment has not been printed in the form of an amendment——

The PRESIDING OFFICER. It has not.

Mr. NORRIS. Senators have not had an opportunity to examine it. This is a very important amendment; and, since we are not going to conclude the bill anyway to-night, I think that it ought to go over and be printed, as other amendments are printed, so that we may be able to examine it and gather the full effect of it. I ask, Mr. President, that the amendment be passed over until to-morrow.

Mr. CHAMBERLAIN. I did not hear the request of the Senator.

Mr. NORRIS. I ask that the amendment go over until to-morrow and that it be printed in the form of an amendment and laid on the desks of Senators.

Mr. CHAMBERLAIN. I have no objection to that, Mr. President, and ask that it be done.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. CHAMBERLAIN. Mr. President, I do not know whether there are any other Senators who desire to address the Senate this afternoon. No one has indicated a desire to do so. I believe the Senator from Missouri would prefer to address the Senate to-morrow; and, if there is no objection to that course, I shall move that the Senate take a recess.

The PRESIDING OFFICER. The question is on the motion of the Senator from Oregon that the Senate take a recess until to-morrow. The Chair will inquire at what hour?

Mr. OVERMAN. I think we ought to have an executive session.

Mr. REED. One moment. I do not intend to address the Senate upon this proposition. I think we can act upon the amendment to-night if the Senator will withdraw the second committee amendment.

Mr. CHAMBERLAIN. I was just suggesting to the Senator to let it go over until to-morrow, and the Senator can address the Senate if he desires to do so at that time.

Mr. NORRIS Mr. President, since all the amendments of the committee have been acted upon except these two, I wish the Senator from Oregon would ask for a reprint of the bill with the amendments that have been adopted.

Mr. CHAMBERLAIN. I make the request that the bill be reprinted as amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WOLCOTT. I offer an amendment to the pending bill, and ask that it be printed.

The PRESIDING OFFICER. The amendment will lie on the table and be printed.

EXECUTIVE SESSION.

Mr. CHAMBERLAIN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 50 minutes p. m., Wednesday, July 11, 1917) the Senate adjourned until to-morrow, Thursday, July 12, 1917, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate July 11 (legislative day of July 9), 1917.

SECRETARIES OF EMBASSIES OR LEGATIONS.

CLASS 1.

Arthur Hugh Frazier, of Pennsylvania, now a secretary of embassy or legation of class 2, to be a secretary of embassy or legation of class 1 of the United States of America.

Leland Harrison, of Illinois, now a secretary of embassy or legation of class 2, to be a secretary of embassy or legation of class 1 of the United States of America.

CLASS 2.

Perry Belden, of New York, now a secretary of embassy or legation of class 3, to be a secretary of embassy or legation of class 2 of the United States of America.

Edward Bell, of New York, now a secretary of embassy or legation of class 3, to be a secretary of embassy or legation of class 2 of the United States of America.

Sheldon L. Crosby, of New York, now a secretary of embassy or legation of class 3, to be a secretary of embassy or legation of class 2 of the United States of America.

Franklin Mott Gunther, of Virginia, now a secretary of embassy or legation of class 3, to be a secretary of embassy or legation of class 2 of the United States of America.

CLASS 3.

Norman Armour, of New Jersey, now a secretary of embassy or legation of class 4, to be a secretary of embassy or legation of class 3 of the United States of America.

Henry R. Carey, of Massachusetts, now a secretary of embassy or legation of class 4, to be a secretary of embassy or legation of class 3 of the United States of America.

Allen W. Dulles, of New York, now a secretary of embassy or legation of class 4, to be a secretary of embassy or legation of class 3 of the United States of America.

Oliver B. Harriman, of West Virginia, now a secretary of embassy or legation of class 4, to be a secretary of embassy or legation of class 3 of the United States of America.

John F. Martin, jr., of Florida, now a secretary of embassy or legation of class 4, to be a secretary of embassy or legation of class 3 of the United States of America.

Ferdinand L. Mayer, of Indiana, now a secretary of embassy or legation of class 4, to be a secretary of embassy or legation of class 3 of the United States of America.

Stokeley W. Morgan, of Arkansas, now a secretary of embassy or legation of class 4, to be a secretary of embassy or legation of class 3 of the United States of America.

Lithgow Osborne, of New York, now a secretary of embassy or legation of class 4, to be a secretary of embassy or legation of class 3 of the United States of America.

Livingston Phelps, of New York, now a secretary of embassy or legation of class 4, to be a secretary of embassy or legation of class 3 of the United States of America.

Robert M. Scotten, of Michigan, now a secretary of embassy or legation of class 4, to be a secretary of embassy or legation of class 3 of the United States of America.

Benjamin Thaw, jr., of Pennsylvania, now a secretary of embassy or legation of class 4, to be a secretary of embassy or legation of class 3 of the United States of America.

Sumner Welles, of New York, now a secretary of embassy or legation of class 4, to be a secretary of embassy or legation of class 3 of the United States of America.

Francis White, of Maryland, now a secretary of embassy or legation of class 4, to be a secretary of embassy or legation of class 3 of the United States of America.

John C. Wiley, of Indiana, now a secretary of embassy or legation of class 4, to be a secretary of embassy or legation of class 3 of the United States of America.

L. Lanier Winslow, of New York, now a secretary of embassy or legation of class 4, to be a secretary of embassy or legation of class 3 of the United States of America.

COLLECTOR OF CUSTOMS.

William H. Berry, of Philadelphia, Pa., to be collector of customs for customs collection district No. 11, with headquarters at Philadelphia, Pa. (Reappointment.)

NAVAL OFFICER OF CUSTOMS.

William M. Croll, of Philadelphia, Pa., to be naval officer of customs in customs collection district No. 11, with headquarters at Philadelphia, Pa. (Reappointment.)

SURVEYOR OF CUSTOMS.

Charles R. Kurtz, of Philadelphia, Pa., to be surveyor of customs in customs collection district No. 11, with headquarters at Philadelphia, Pa. (Reappointment.)

AGENT AND CONSUL GENERAL OF THE UNITED STATES.

Maxwell Blake, of Missouri, now a consul general of class 5, assigned to Tangier, to be agent and consul general of the United States of America at Tangier, Morocco.

COLLECTOR OF INTERNAL REVENUE.

Justus S. Wardell, of San Francisco, Cal., to be collector of internal revenue for the first district of California, in place of Joseph J. Scott, removed.

UNITED STATES DISTRICT JUDGE.

W. E. Thomas, of Valdosta, Ga., to be United States district judge for the southern district of Georgia, vice William Wallace Lambdin, deceased.

PUBLIC HEALTH SERVICE.

Dr. James Edge Faris to be assistant surgeon in the Public Health Service, to take effect from date of oath.

Dr. Anthony A. S. Giordano to be assistant surgeon in the Public Health Service, to take effect from date of oath.

Dr. Mark Victor Ziegler to be assistant surgeon in the Public Health Service, to take effect from date of oath.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Lieut. Col. Francis E. Lacey, jr., Infantry (General Staff Corps), to be colonel from June 26, 1917, vice Glenn, Eighteenth Infantry, appointed brigadier general.

Lieut. Col. Charles Crawford, Tenth Infantry, to be colonel from June 26, 1917, vice Lacey, retained in the General Staff Corps upon promotion.

Lieut. Col. William S. Graves, Infantry (General Staff Corps), to be colonel from June 30, 1917, vice Bullard, Twenty-sixth Infantry, appointed brigadier general.

Lieut. Col. Frank D. Webster, Twenty-second Infantry, to be colonel from June 30, 1917, vice Graves, retained in the General Staff Corps upon promotion.

Maj. Charles W. Castle, Infantry, detached officers' list, to be lieutenant colonel from May 24, 1917, subject to examination required by law, vice Moore, Seventh Infantry, detailed in the Inspector General's Department.

Capt. William E. Hunt, Second Infantry, to be major from May 16, 1917, vice Rosenbaum, Fourteenth Infantry, detailed in the Inspector General's Department.

Capt. Ernest E. Haskell, Twenty-seventh Infantry, to be major from May 24, 1917, vice Simmons, Thirty-fifth Infantry, detailed in the Inspector General's Department.

Capt. Jack Hayes, Infantry (Quartermaster Corps), to be major from June 4, 1917, vice Shelton, Tenth Infantry, detailed in the General Staff Corps.

Capt. William H. Waldron, Twenty-ninth Infantry, to be major from June 4, 1917, vice Goodale, Thirty-third Infantry, detailed in the General Staff Corps.

Capt. Joseph K. Partello, Fifth Infantry, to be major from June 4, 1917, vice Fassett, Thirteenth Infantry, detailed in the General Staff Corps.

Capt. Leon L. Roach, Infantry, detached officers' list, to be major from June 4, 1917, vice Black, unassigned, detailed in the Signal Corps.

Capt. Horace P. Hobbs, Infantry, detached officers' list, to be major from June 4, 1917, vice Williams, unassigned, detailed in the General Staff Corps.

Capt. Louis J. Van Schaick, Infantry, detached officers' list to be major from June 4, 1917, vice Merrill, unassigned, detailed in the General Staff Corps.

Capt. George S. Tiffany, Twenty-first Infantry, to be major from June 4, 1917, vice Conger, unassigned, detailed in the General Staff Corps.

Capt. Edgar A. Myer, Infantry, detached officers' list, to be major from June 4, 1917, vice Drum, detailed in the General Staff Corps.

Capt. Arthur M. Shipp, Sixteenth Infantry, to be major from June 4, 1917, vice Hayes, retained in the Quartermaster Corps on promotion.

Capt. George D. Freeman, jr., Sixteenth Infantry, to be major from May 15, 1917, to fill an original vacancy.

To be captains with rank from May 15, 1917, to fill original vacancies.

First Lieut. Owen R. Meredith, Infantry, detached officers' list.

First Lieut. James C. Williams, Infantry, detached officers' list.

First Lieut. Robert E. O'Brien, Fifth Infantry.

First Lieut. Edward S. Hayes, Fifteenth Infantry.

First Lieut. Simon B. Buckner, jr., Twenty-seventh Infantry.

First Lieut. Charles H. Bonesteel, Infantry, detached officers' list.

First Lieut. Robert H. Fletcher, jr., Infantry, detached officers' list.

First Lieut. Frederick A. Barker, Second Infantry.

First Lieut. Agard H. Bailey, Twenty-sixth Infantry.

First Lieut. George C. Bowen, Infantry, detached officers' list.

First Lieut. John H. Hester, Infantry, detached officers' list.

First Lieut. Franklin L. Whitley, Ninth Infantry.

First Lieut. Alfred H. Hobley, Second Infantry.

First Lieut. Arthur J. Hanlon, Thirty-fourth Infantry.

First Lieut. Olin O. Ellis, Infantry, detached officers' list.

First Lieut. Elmer C. Desobry, Twenty-seventh Infantry.

First Lieut. Emile V. Cutrer, Eighth Infantry.

First Lieut. Harry B. Crea, Fifteenth Infantry.

First Lieut. Robert C. Cotton, Infantry (Signal Corps).

First Lieut. G. Barrett Glover, jr., Thirty-second Infantry.

First Lieut. Henry J. Weeks, Infantry, detached officers' list.

First Lieut. Roy A. Hill, Infantry, detached officers' list.

First Lieut. Arthur E. Bouton, Ninth Infantry.

First Lieut. Enoch B. Garey, Infantry, detached officers' list.

First Lieut. Leonard H. Drennan, Infantry, detached officers' list.

First Lieut. Charles K. Nulsen, Infantry, detached officers' list.

First Lieut. John H. Muncaster, Fourth Infantry.

First Lieut. Theodore K. Spencer, Seventh Infantry.

First Lieut. Charles D. Hartman, Third Infantry.

First Lieut. Edgar S. Miller, Twenty-ninth Infantry.

First Lieut. Thomas C. Lonergan, Thirteenth Infantry.

First Lieut. Albert L. Sneed, Seventh Infantry.

First Lieut. Lester D. Baker, Infantry, detached officers' list.

First Lieut. George A. Matile, Twenty-sixth Infantry.

First Lieut. Walter R. Weaver, Infantry, detached officers' list.

First Lieut. Alva Lee, Infantry, detached officers' list.

First Lieut. Roy W. Winton, Fourteenth Infantry.

First Lieut. Frederick C. Phelps, Twelfth Infantry.

First Lieut. James L. Frink, Infantry, detached officers' list.

First Lieut. Edmund R. Andrews, Infantry (Signal Corps).

First Lieut. Henry J. Damm, Infantry, detached officers' list.

First Lieut. Max R. Wainer, Twenty-eighth Infantry.

First Lieut. Robert H. Willis, jr., Infantry (Signal Corps).

First Lieut. Charles E. Coates, Infantry (Signal Corps).

First Lieut. Martin C. Shallenberger, Infantry, detached officers' list.

First Lieut. William B. Loughborough, Infantry, detached officers' list.

First Lieut. James W. Peyton, Infantry, detached officers' list.

First Lieut. Oral E. Clark, Infantry, detached officers' list.

First Lieut. Robert Coker, Infantry, detached officers' list.

First Lieut. William F. Hoey, jr., Infantry, detached officers' list.

First Lieut. John H. Stutesman, Infantry (Signal Corps), subject to examination required by law.

First Lieut. William G. Langwill, Infantry, detached officers list.

First Lieut. James A. Sarratt, Infantry, detached officers' list, subject to examination required by law.

First Lieut. Frank M. Kennedy, Tenth Infantry.

First Lieut. John T. Harris, Thirty-seventh Infantry.

First Lieut. Albert S. J. Tucker, Thirty-seventh Infantry, subject to examination required by law.

First Lieut. Marion O. French, Third Infantry.

First Lieut. George W. C. Whiting, Infantry, detached officers' list.

First Lieut. Charles W. Elliott, Infantry, detached officers' list.

First Lieut. James D. Rivet, Infantry, detached officers' list.

First Lieut. George R. Koehler, Fourteenth Infantry.

First Lieut. Oliver S. Wood, Thirty-fourth Infantry.

First Lieut. Allen M. Burdett, Twenty-seventh Infantry.

First Lieut. Herbert C. Fooks, Sixteenth Infantry.

First Lieut. John C. Walker, jr., Infantry, detached officers' list.

First Lieut. Jacob H. Rudolph, Twenty-ninth Infantry.

First Lieut. Elbe A. Lathrop, Thirty-fifth Infantry.

First Lieut. Raymond C. Baird, Infantry, detached officers' list.

First Lieut. Matthew A. Palen, Infantry, detached officers' list.

First Lieut. Joseph T. Clement, Infantry, detached officers' list.

First Lieut. Frederick C. Rogers, Infantry, detached officers' list.

First Lieut. Clarence E. Partridge, Thirteenth Infantry.

First Lieut. Thom Catron, Twenty-third Infantry, subject to examination required by law.

First Lieut. James G. Ord, Infantry, detached officers' list.

First Lieut. Wallace C. Philoon, Infantry, detached officers' list.

First Lieut. Herbert L. Taylor, Infantry, detached officers' list.

First Lieut. Delos C. Emmons, Thirty-seventh Infantry.

First Lieut. Arnold N. Krogstad, Twenty-second Infantry.

First Lieut. Eley P. Denson, Twenty-fifth Infantry.

First Lieut. Roy H. Coles, Infantry (Signal Corps).
First Lieut. Robert L. Eichelberger, Infantry, detached officers' list.
First Lieut. Edwin F. Harding, Infantry, detached officers' list.
First Lieut. Joseph C. Morrow, jr., Infantry (Signal Corps).
First Lieut. Arthur R. Underwood, Thirty-fourth Infantry.
First Lieut. Robert Sears, Infantry, detached officers' list.
First Lieut. Thomas S. Bowen, Infantry (Signal Corps).
First Lieut. Lee D. Davis, Infantry, detached officers' list.
First Lieut. Frank L. Purdon, Infantry, unassigned.
First Lieut. Merl P. Schillerstrom, Infantry, detached officers' list.
First Lieut. Carlin C. Stokely, Infantry, detached officers' list.
First Lieut. Louis P. Ford, Infantry, detached officers' list.
First Lieut. Clifford Bluemel, Infantry, detached officers' list.
First Lieut. Wentworth H. Moss, Infantry, detached officers' list.
First Lieut. John Pullman, Twelfth Infantry.
First Lieut. Manton C. Mitchell, Twenty-fourth Infantry.
First Lieut. William H. Simpson, Infantry, detached officers' list.
First Lieut. Walker E. Hobson, Ninth Infantry.
First Lieut. Vernon G. Olsmith, Infantry, detached officers' list.
First Lieut. Ralph E. Jones, Infantry, detached officers' list.
First Lieut. James A. McGrath, Thirty-fifth Infantry.
First Lieut. Courtney H. Hodges, Infantry, detached officers' list.
First Lieut. Rollo C. Ditto, Twentieth Infantry.
First Lieut. Clarence M. McMurray, Infantry, detached officers' list.
First Lieut. Guy I. Rowe, Twenty-first Infantry.
First Lieut. Charles M. Everitt, Infantry, detached officers' list.
First Lieut. Robert E. Jones, Thirteenth Infantry.
First Lieut. Alexander W. Cleary, Infantry, detached officers' list.
First Lieut. George M. Parker, jr., Twenty-first Infantry.
First Lieut. James I. Muir, Infantry, detached officers' list.
First Lieut. Daniel H. Torrey, Infantry, detached officers' list.
First Lieut. John R. Emory, jr., Infantry, detached officers' list.
First Lieut. Durward S. Wilson, Thirteenth Infantry.
First Lieut. Parker C. Kalloch, jr., Infantry, detached officers' list.
First Lieut. Maurice D. Welty, Infantry, detached officers' list.
First Lieut. Joseph E. Carberry, Infantry (Signal Corps), subject to examination required by law.
First Lieut. Frank F. Scowden, Thirty-fifth Infantry.
First Lieut. Emmett W. Smith, Eighteenth Infantry.
First Lieut. Herbert E. Marshburn, Infantry, detached officers' list.
First Lieut. Thomas S. Bridges, Infantry, detached officers' list.
First Lieut. Walter H. Frank, Infantry, detached officers' list.
First Lieut. Fred B. Carrithers, Infantry, detached officers' list.
First Lieut. Frederick E. Uhl, Infantry, detached officers' list.
First Lieut. Harvey H. Fletcher, Infantry, detached officers' list.
First Lieut. Jasper A. Davies, Seventeenth Infantry.
First Lieut. John F. Landis, Infantry, detached officers' list.
First Lieut. Joseph S. Leonard, Fifteenth Infantry.
First Lieut. Walter Moore, Infantry, detached officers' list.
First Lieut. Oscar W. Griswold, Infantry, detached officers' list.
First Lieut. Robert H. Dunlop, Fifteenth Infantry.
First Lieut. John R. Walker, Infantry, detached officers' list.
First Lieut. John E. Beller, Infantry, detached officers' list.
First Lieut. Emil F. Reinhardt, Eighth Infantry.
First Lieut. Harrison C. Browne, Sixteenth Infantry.
First Lieut. John G. Thornell, Infantry, detached officers' list.
First Lieut. William A. Beach, Infantry, detached officers' list.
First Lieut. James A. Stevens, Infantry, detached officers' list.
First Lieut. Emmert W. Savage, Infantry, detached officers' list.
First Lieut. Tolbert F. Hardin, Twentieth Infantry.
First Lieut. David O. Byars, Thirty-fourth Infantry.
First Lieut. Frank A. Sloan, Second Infantry.
First Lieut. Russell P. Hartle, Twentieth Infantry, subject to examination required by law.
First Lieut. Oswald H. Saunders, Infantry, detached officers' list, subject to examination required by law.
First Lieut. Spencer B. Akin, Infantry, detached officers' list, subject to examination required by law.
First Lieut. Robert G. Sherrard, Infantry, detached officers' list.
First Lieut. Horace G. Ball, Infantry, detached officers' list.
First Lieut. Marion P. Vestal, Twelfth Infantry.
First Lieut. Frederick R. Palmer, Twentieth Infantry, subject to examination required by law.
First Lieut. Alexander Wilson, Infantry, detached officers' list.
First Lieut. Xavier F. Blauvelt, Infantry, detached officers' list.
First Lieut. Frank D. Lackland, Thirty-first Infantry.
First Lieut. Mason W. Gray, Ninth Infantry.
First Lieut. Albert S. Peake, Sixth Infantry, subject to examination required by law.
First Lieut. Floyd D. Carlock, Seventeenth Infantry.
First Lieut. Arthur Boettcher, Infantry, detached officers' list.
First Lieut. Fred L. Walker, Infantry, detached officers' list.
First Lieut. Alvan C. Gillem, jr., Infantry, detached officers' list.
First Lieut. Rapp Brush, Infantry, detached officers' list.
First Lieut. Bert M. Atkinson, Infantry (Signal Corps).
First Lieut. Edward G. McCormick, Eighteenth Infantry.
First Lieut. William A. Reed, Infantry, detached officers' list.
First Lieut. Harry R. Kutz, Infantry (Ordnance Department).
First Lieut. Thompson Lawrence, Infantry, detached officers' list.
First Lieut. Harry J. Keeley, Infantry, detached officers' list.
First Lieut. Charles P. Hall, Infantry, detached officers' list.
First Lieut. Alfred J. Betcher, Infantry, detached officers' list.
First Lieut. George R. Hicks, Fifteenth Infantry.
First Lieut. Haig Shekerjian, Twenty-fourth Infantry.
First Lieut. Charles S. Floyd, Infantry, detached officers' list.
First Lieut. Benjamin C. Lockwood, jr., detached officers' list.
First Lieut. Carroll A. Bagby, Infantry, detached officers' list.
First Lieut. Oliver S. McCleary, Infantry, detached officers' list.
First Lieut. Gregory Hoisington, Infantry, detached officers' list.
First Lieut. Ziba L. Drollinger, Sixteenth Infantry.
First Lieut. Frank B. Clay, Seventeenth Infantry.
First Lieut. Jesse A. Ladd, Infantry, detached officers' list.
First Lieut. Paul W. Baade, Infantry, detached officers' list.
First Lieut. James R. N. Weaver, Infantry, detached officers' list.
First Lieut. William H. H. Morris, jr., Infantry, detached officers' list.
First Lieut. Carl F. McKinney, Infantry, detached officers' list.
First Lieut. Allen R. Kimball, Infantry, detached officers' list, subject to examination required by law.
First Lieut. Ira A. Rader, Infantry (Signal Corps), subject to examination required by law.
First Lieut. William J. Calvert, Infantry, detached officers' list, subject to examination required by law.
First Lieut. Kenneth E. Kern, Infantry, detached officers' list.
First Lieut. David H. Cowles, Infantry, detached officers' list.
First Lieut. Arthur C. Evans, Eighth Infantry.
First Lieut. Joseph D. Patch, Twenty-sixth Infantry.
First Lieut. Archibald D. Cowley, Infantry, detached officers' list.
First Lieut. Patrick Frissell, Eleventh Infantry.
First Lieut. Edward L. Hoffman, Twenty-fourth Infantry.
First Lieut. Casper B. Rucker, Infantry, detached officers' list.
First Lieut. John P. Edgerly, Infantry, detached officers' list.
First Lieut. Lindsay McD. Silvester, Twenty-fourth Infantry.
First Lieut. Herbert M. Pool, Tenth Infantry.
First Lieut. Leonard T. Gerow, Infantry, detached officers' list.
First Lieut. George D. Murphey, Tenth Infantry.
First Lieut. Norman W. Peek, Infantry, detached officers' list.
First Lieut. Mord P. Short, Fifteenth Infantry.
First Lieut. William C. Rose, Eighteenth Infantry.
First Lieut. Emanuel V. Heidt, Infantry, detached officers' list.
First Lieut. Wesley F. Ayer, Infantry, detached officers' list.
First Lieut. George C. Elsey, Tenth Infantry.
First Lieut. James A. O'Brien, Infantry, detached officers' list.
First Lieut. George A. Sanford, Infantry, detached officers' list.
First Lieut. Maxon S. Lough, Thirtieth Infantry.

First Lieut. Ford Richardson, Nineteenth Infantry.
First Lieut. Lester M. Wheeler, Infantry, detached officers' list.
First Lieut. Eugene W. Fales, Infantry, detached officers' list.
First Lieut. John T. Rhett, Sixth Infantry, subject to examination required by law.
First Lieut. Livingston Watrous, Twenty-fifth Infantry.
First Lieut. Lester Gehman, Infantry, detached officers' list.
First Lieut. J. Pendleton Wilson, Thirty-first Infantry.
First Lieut. Charles S. Little, Thirty-fifth Infantry.
First Lieut. Herbert A. Wadsworth, Tenth Infantry.
First Lieut. George M. Halloran, Infantry, detached officers' list.
First Lieut. William E. Brougher, Infantry, detached officers' list.
First Lieut. Medorem Crawford, jr., Twenty-ninth Infantry.
First Lieut. Sumner Waite, Infantry, detached officers' list.
First Lieut. Albert M. Jones, Fourteenth Infantry.
First Lieut. John E. Creed, Fifteenth Infantry.
First Lieut. Harrison McAlpine, Infantry, detached officers' list.
First Lieut. Samuel H. Houston, Infantry, detached officers' list.
First Lieut. James R. Alfonte, Infantry, detached officers' list.
First Lieut. Gerald E. Cronin, Ninth Infantry, subject to examination required by law.
First Lieut. Glenn P. Wilhelm, Fourth Infantry.
First Lieut. Andrew G. Gardner, Infantry, detached officers' list.
First Lieut. Albert S. Kuegle, Twenty-eighth Infantry.
First Lieut. Theodore R. Murphy, Thirty-third Infantry.
First Lieut. Matthew J. Gunner, Tenth Infantry.
First Lieut. Herbert E. Pace, Infantry, detached officers' list.
First Lieut. James R. Jacobs, Infantry, detached officers' list.
First Lieut. Robert S. Lytle, Infantry, detached officers' list.
First Lieut. Henry Terrell, jr., Twenty-ninth Infantry.
First Lieut. Thomas J. Camp, Second Infantry.
First Lieut. Harry A. Musham, Twenty-ninth Infantry.
First Lieut. Frank C. Mahin, Thirty-first Infantry.
First Lieut. Lawrence S. Churchill, Infantry, detached officers' list.
First Lieut. Dale F. McDonald, Eighth Infantry.
First Lieut. Paul K. Johnson, Infantry, detached officers' list.
First Lieut. Edward H. Bertram, Seventh Infantry.
First Lieut. Hayes A. Kroner, Fifteenth Infantry.
First Lieut. Allan S. Boyd, jr., Infantry, detached officers' list.
First Lieut. Harry L. Twaddle, Fourteenth Infantry, subject to examination required by law.
First Lieut. John H. Harrison, Twenty-seventh Infantry.
First Lieut. Clarence L. Tinker, Infantry, detached officers' list.
First Lieut. William R. White, Seventh Infantry.
First Lieut. Donald B. Sanger, Infantry, detached officers' list.
First Lieut. Martin F. Scanlon, Infantry, detached officers' list.
First Lieut. Philip Coldwell, Twenty-first Infantry.
First Lieut. William H. Gill, Eighth Infantry.
First Lieut. Lee H. Stewart, Infantry, detached officers' list.
First Lieut. Gilbert P. Strelinger, Infantry, detached officers' list.
First. Lieut. Thomas J. Hayes, Infantry, detached officers' list.
First Lieut. d'Alary Fechét, Fifth Infantry.
First Lieut. William H. Wilbur, Infantry, detached officers' list.
First Lieut. Edgar S. Gorrell, Infantry (Signal Corps), subject to examination required by law.
First Lieut. Basil D. Edwards, Infantry, unassigned.
First Lieut. Davenport Johnson, Infantry, detached officers' list, subject to examination required by law.
First Lieut. Wade H. Haislip, Nineteenth Infantry.
First Lieut. William Dean, Infantry, detached officers' list.
First Lieut. Walter M. Robertson, Thirty-fifth Infantry.
First Lieut. John H. Hinemon, jr., Infantry (Signal Corps).
First Lieut. Charles N. Sawyer, Infantry (Signal Corps).
First Lieut. Gilbert R. Cook, Infantry, detached officers' list.
First Lieut. Max W. Sullivan, Twenty-seventh Infantry.
First Lieut. Franklin C. Sibert, Infantry, detached officers' list.
First Lieut. John N. Smith, jr., First Infantry.
First Lieut. Stephen J. Chamberlin, Eighth Infantry.
First Lieut. William H. Hobson, Infantry, detached officers' list.
First Lieut. Walter G. Kilner, Infantry (Signal Corps), subject to examination required by law.
First Lieut. Raymond O. Barton, Infantry, detached officers' list.
First Lieut. Walton H. Walker, Infantry, detached officers' list.
First Lieut. Millard F. Harmon, jr., Infantry, detached officers' list, subject to examination required by law.
First Lieut. Edward C. Rose, First Infantry.
First Lieut. Albert E. Brown, Infantry, detached officers' list.
First Lieut. Ralph C. Holliday, Second Infantry.
First Lieut. William G. Weaver, Twenty-seventh Infantry.
First Lieut. Adrian K. Polhemus, Twelfth Infantry.
First Lieut. Charles C. Drake, Infantry, detached officers' list.
First Lieut. James D. Burt, Infantry, detached officers' list.
First Lieut. Max S. Murray, Infantry, detached officers' list.
First Lieut. William J. Morrissey, Infantry, detached officers' list.
First Lieut. Robert T. Snow, Infantry, detached officers' list.
First Lieut. Henry C. McLean, Twenty-ninth Infantry.
First Lieut. Gustav J. Gonser, Infantry, detached officers' list.
First Lieut. Frank V. Schneider, Infantry, detached officers' list.
First Lieut. Frank J. Riley, First Infantry.
First Lieut. Benjamin F. Delamater, jr., Nineteenth Infantry.
First Lieut. Ralph S. Kimball, Infantry, detached officers' list.
First Lieut. Francis B. Mallon, Infantry, detached officers' list.
First Lieut. Lathrop B. Clapham, Infantry, detached officers' list.
First Lieut. Carl J. Adler, Nineteenth Infantry.
First Lieut. Otto G. Pitz, Infantry, detached officers' list.
First Lieut. Theophilus Steele, Infantry, detached officers' list.
First Lieut. George H. Gardiner, Thirty-first Infantry.
First Lieut. Dabney C. Rose, Infantry, detached officers' list.
First Lieut. Edward F. Witsell, Infantry, detached officers' list.
First Lieut. Alfred L. Rockwood, Second Infantry.
First Lieut. George W. Polhemus, Twenty-ninth Infantry.
First Lieut. Floyd C. Hecox, Seventh Infantry.
First Lieut. Carl A. Hardigg, Second Infantry.
First Lieut. Carl L. Cohen, Thirty-second Infantry.
First Lieut. William T. Pigott, jr., Thirty-first Infantry.
First Lieut. Herbert J. Lawes, Fourth Infantry.
First Lieut. Robert C. Williams, Twenty-ninth Infantry.
First Lieut. Paul H. English, Thirty-third Infantry.
First Lieut. Estil V. Smith, Infantry, detached officers' list.
First Lieut. Troy H. Middleton, Infantry, detached officers' list.
First Lieut. Roland F. Walsh, Infantry, detached officers' list.
First Lieut. Paul Murray, Fifth Infantry.
First Lieut. Robert C. Calder, Infantry, detached officers' list.
First Lieut. William D. Faulkner, Eighth Infantry.
First Lieut. Edgar A. Stadden, Thirty-first Infantry, subject to examination required by law.
First Lieut. Roy M. Jones, Infantry (Signal Corps).
First Lieut. Arthur R. Christie, Infantry (Signal Corps), subject to examination required by law.
First Lieut. Percy E. Van Nostrand, Infantry, detached officers' list.
First Lieut. Frederic V. Hemenway, Thirty-third Infantry.
First Lieut. Clarence M. Dodson, Eighth Infantry.
First Lieut. James M. Moore, Infantry, detached officers' list.
First Lieut. Percie C. Rentfro, Fourteenth Infantry, subject to examination required by law.
First Lieut. Sidney B. Colquitt, Infantry, detached officers' list.
First Lieut. Carl J. Ballinger, Twenty-fifth Infantry.
First Lieut. Richard T. Taylor, Twenty-second Infantry.
First Lieut. George Le R. Brown, jr., Fifth Infantry.
First Lieut. John R. Baxter, Thirty-second Infantry.
First Lieut. John C. P. Bartholf, Infantry (Signal Corps), subject to examination required by law.
First Lieut. James P. Cole, Infantry, detached officers' list.
First Lieut. Robert H. Barrett, Thirty-first Infantry.
First Lieut. Ernest J. Carr, Twenty-fifth Infantry.
First Lieut. Patrick J. Hurley, Thirty-third Infantry.
First Lieut. Donald R. McMillen, Thirty-first Infantry.
First Lieut. Hugh B. Keen, Thirty-second Infantry.
First Lieut. Ora M. Baldinger, Infantry, detached officers' list.
First Lieut. Lewis K. Underhill, Infantry, detached officers' list.
First Lieut. Samuel J. Heidner, Second Infantry.
First Lieut. Harold S. Martin, Infantry (Signal Corps), subject to examination required by law.
First Lieut. John H. Van Vliet, Fifteenth Infantry.
First Lieut. Leland S. Devore, Infantry, detached officers' list.
First Lieut. Charles A. Ross, Infantry, detached officers' list.
First Lieut. Douglass T. Greene, Twenty-first Infantry, subject to examination required by law.
First Lieut. Clarence H. Danielson, Second Infantry.
First Lieut. James N. Peale, Infantry, detached officers' list.

First Lieut. Francis R. Fuller, Thirty-third Infantry.
First Lieut. Clinton W. Russell, Infantry, detached officers' list.
First Lieut. William R. Schmidt, Infantry, detached officers' list.
First Lieut. George L. Hardin, Infantry, detached officers' list.
First Lieut. Otis K. Sadtler, Infantry, detached officers' list.
First Lieut. William H. Jones, jr., Infantry, detached officers' list.
First Lieut. John E. Ardrey, Thirty-second Infantry.
First Lieut. David B. Falk, jr., Thirty-second Infantry.
First Lieut. Henry P. Perrine, jr., Fourteenth Infantry, subject to examination required by law.
First Lieut. Dennis E. McCunniff, Sixth Infantry.
First Lieut. Henry B. Lewis, Infantry, detached officers' list.
First Lieut. Henry B. Cheadle, Infantry, detached officers' list.
First Lieut. Samuel A. Gibson, Infantry, detached officers' list.
First Lieut. Paul W. Newgarden, Twenty-first Infantry.
First Lieut. Harley B. Bullock, Infantry, detached officers' list, subject to examination required by law.
First Lieut. Charles A. King, jr., Infantry, detached officers' list.
First Lieut. Dana Palmer, Thirty-seventh Infantry.
First Lieut. Alexander M. Patch, jr., Eighteenth Infantry.
First Lieut. Charles B. Lyman, Infantry, detached officers' list.
First Lieut. Robert L. Spragins, Infantry, detached officers' list.
First Lieut. George W. Krapf, Infantry, detached officers' list.
First Lieut. Charles H. Corlett, Infantry (Signal Corps).
First Lieut. Hans R. W. Herwig, Infantry, detached officers' list.
First Lieut. Howard C. Davidson, Infantry, detached officers' list.
First Lieut. William L. Roberts, Infantry, detached officers' list.
First Lieut. William A. McCulloch, Infantry, detached officers' list.
First Lieut. William A. Rafferty, Nineteenth Infantry.
First Lieut. Lathe B. Row, Infantry, detached officers' list.
First Lieut. Frank B. Jordan, Thirty-first Infantry.
First Lieut. Alfred E. Sawkins, Twenty-second Infantry.
First Lieut. Roy M. Smyth, Fourth Infantry.
First Lieut. Cleveland H. Bandholtz, Infantry, detached officers' list.
First Lieut. Fritz P. Lindh, Twenty-third Infantry.
First Lieut. Harry C. Ingles, Infantry (Signal Corps), subject to examination required by law.
First Lieut. James L. Bradley, Nineteenth Infantry.
First Lieut. Willis J. Tack, Twenty-eighth Infantry.
First Lieut. Floyd R. Waltz, Infantry, detached officers' list.
First Lieut. Weldon W. Doe, Twenty-sixth Infantry.
First Lieut. Carl Spatz, Infantry (Signal Corps).
First Lieut. Harold L. Bull, Infantry, detached officers' list.
First Lieut. Charles M. Milliken, Infantry (Signal Corps).
First Lieut. James F. Byrom, Infantry (Signal Corps).
First Lieut. Woodfin G. Jones, Thirty-second Infantry.
First Lieut. Paul C. Paschal, Thirtieth Infantry.
First Lieut. John L. Parkinson, Twentieth Infantry, subject to examination required by law.
First Lieut. Rudolph G. Whitten, Thirtieth Infantry.
First Lieut. Louis T. Byrne, Thirty-third Infantry.
First Lieut. Francis R. Kerr, Infantry, detached officers' list.
First Lieut. Francis M. Brannan, Infantry, detached officers' list.
First Lieut. William R. Orton, Sixteeth Infantry.
First Lieut. Francis H. Forbes, Thirty-third Infantry.
First Lieut. Rufus S. Bratton, Thirty-second Infantry.
First Lieut. Thomas G. Lanphier, Thirty-third Infantry.
First Lieut. Jefferson R. Davenport, Thirty-third Infantry.
First Lieut. Benjamin G. Weir, Infantry (Signal Corps).
First Lieut. Ralph Royce, Infantry (Signal Corps), subject to examination required by law.
First Lieut. Harry M. Brown, Twenty-second Infantry.
First Lieut. Thomas H. Monroe, Sixth Infantry, subject to examination required by law.
First Lieut. Roger B. Harrison, Infantry, detached officers' list.
First Lieut. Cedric W. Lewis, Thirty-third Infantry.
First Lieut. Clifford J. Mathews, Thirty-seventh Infantry.
First Lieut. Howard P. Milligan, Twenty-fifth Infantry.
First Lieut. Frank W. Milburn, Fifth Infantry.
First Lieut. J. Warren Weissheimer, Seventeenth Infantry.
First Lieut. Isaac Gill, jr., Ninth Infantry.
First Lieut. Walter C. Gullion, Infantry, detached officers' list, subject to examination required by law.
First Lieut. Hamner Huston, Infantry, detached officers' list.

MEDICAL CORPS.

To be captains with rank from June 16, 1917, after three years' service.

First Lieut. Charles L. Gandy.
First Lieut. Alexander W. Williams.
First Lieut. Louis H. Bauer.
First Lieut. William W. Vaughan.
First Lieut. John B. Anderson.
First Lieut. E. Frederick Thode.
First Lieut. Walter P. Davenport.
First Lieut. Harry N. Kerns.
First Lieut. Robert H. Wilds.
First Lieut. Austin J. Canning.
First Lieut. Lanphear W. Webb, jr.
First Lieut. John H. H. Scudder.
First Lieut. Wilson C. von Kessler.
First Lieut. John M. Pratt.
First Lieut. Coleridge L. Beaven.
First Lieut. William G. Guthrie.

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

FIELD ARTILLERY ARM.

To be captains of Field Artillery.

Capt. Lewis S. Ryan, Coast Artillery Corps, with rank from January 25, 1907.
Capt. Walter D. Smith, Cavalry, with rank from June 3, 1916.
Capt. Creed F. Cox, Cavalry, with rank from June 12, 1916.
Capt. Walter H. Smith, Cavalry, with rank from July 1, 1916.
Capt. E. R. Warner McCabe, Cavalry, with rank from July 1, 1916.
Capt. Charles H. Patterson, Coast Artillery Corps, with rank from July 1, 1916.
Capt. Donald C. McDonald, Coast Artillery Corps, with rank from July 1, 1916.
Capt. Clifford L. Corbin, Coast Artillery Corps, with rank from July 1, 1916.
Capt. Henry R. Smalley, Cavalry, with rank from July 1, 1916.
Capt. Henry H. Pfeil, Coast Artillery Corps, with rank from July 1, 1916.
Capt. James L. Collins, Cavalry, with rank from March 31, 1917.
Capt. Thomas D. Sloan, Coast Artillery Corps, with rank from April 1, 1917.
Capt. Harold Geiger, Coast Artillery Corps, with rank from April 2, 1917.

To be first lieutenants of Field Artillery.

First Lieut. Ronald D. Johnson, Cavalry, with rank from March 17, 1916.
First Lieut. Robert S. Donaldson, Cavalry, with rank from July 1, 1916.
First Lieut. Horace H. Fuller, Cavalry, with rank from July 1, 1916.
First Lieut. Belton O'N. Kennedy, Coast Artillery Corps, with rank from July 1, 1916.
First Lieut. Francis H. Miles, Coast Artillery Corps, with rank from July 1, 1916.
First Lieut. Herbert A. Dargue, Coast Artillery Corps, with rank from July 1, 1916.
First Lieut. Avery J. French, Coast Artillery Corps, with rank from July 1, 1916.
First Lieut. William C. Harrison, Coast Artillery Corps, with rank from July 1, 1916.
First Lieut. Byron Q. Jones, Cavalry, with rank from July 1, 1916.
First Lieut. Robert N. Bodine, Coast Artillery Corps, with rank from July 1, 1916.
First Lieut. Stephen M. Walmsley, Cavalry, with rank from July 1, 1916.
First Lieut. John K. Boles, Cavalry, with rank from July 1, 1916.
First Lieut. Richard B. Barnitz, Cavalry, with rank from July 1, 1916.
First Lieut. Paul D. Carlisle, Cavalry, with rank from July 1, 1916.
First Lieut. Casey H. Hayes, Cavalry, with rank from July 1, 1916.
First Lieut. Harvey B. S. Burwell, Coast Artillery Corps, with rank from July 1, 1916.
First Lieut. Alfred E. Larabee, Coast Artillery Corps, with rank from July 1, 1916.

First Lieut. Cuyler L. Clark, Cavalry, with rank from July 1, 1916.

First Lieut. John H. Woodberry, Cavalry, with rank from July 1, 1916.

First Lieut. William A. Robertson, Cavalry, with rank from July 1, 1916.

First Lieut. Joseph B. Treat, Cavalry, with rank from July 1, 1916.

First Lieut. Sylvester D. Downs, jr., Cavalry, with rank from July 1, 1916.

First Lieut. Orlando Ward, Cavalry, with rank from July 1, 1916.

First Lieut. John S. MacTaggart, Coast Artillery Corps, with rank from July 1, 1916.

First Lieut. William S. T. Halcomb, Cavalry, with rank from July 1, 1916

First Lieut. Walter W. Hess, jr., Coast Artillery Corps, with rank from July 1, 1916.

First Lieut. Thomas J. Brady, Coast Artillery Corps, with rank from July 1, 1916.

First Lieut. Herbert R. Corbin, Coast Artillery Corps, with rank from July 1, 1916.

First Lieut. Joseph D. Coughlan, Coast Artillery Corps, with rank from July 1, 1916.

First Lieut. Harry A. Harvey, Cavalry, with rank from July 1, 1916.

First Lieut. Norman J. Boots, Cavalry, with rank from July 1, 1916.

First Lieut. Hugh P. Avent, Cavalry, with rank from July 1, 1916.

First Lieut. Leo A. Walton, Cavalry, with rank from July 1, 1916.

First Lieut. Arthur A. White, Cavalry, with rank from July 1, 1916.

First Lieut. Frederick J. Williams, Coast Artillery Corps, with rank from July 1, 1916.

First Lieut. James A. Pickering, Coast Artillery Corps, with rank from July 1, 1916.

First Lieut. William Spence, Cavalry, with rank from July 1, 1916.

First Lieut. John W. Rafferty, Cavalry, with rank from July 1, 1916.

First Lieut. Robert B. McBride, jr., Coast Artillery Corps, with rank from July 1, 1916.

First Lieut. Paul V. Kane, Coast Artillery Corps, with rank from July 1, 1916.

First Lieut. William H. Cureton, Cavalry, with rank from July 1, 1916.

First Lieut. Fay B. Prickett, Cavalry, with rank from July 1, 1916.

First Lieut. Roland P. Shugg, Cavalry, with rank from July 1, 1916.

First Lieut. Craigie Krayenbuhl, Cavalry, with rank from July 1, 1916.

INFANTRY ARM.

To be captain of Infantry.

Capt. Thomas F. McNeill, Coast Artillery Corps, with rank from February 1, 1917.

To be first lieutenants of Infantry.

First Lieut. Elkin L. Franklin, Cavalry, with rank from July 1, 1916.

First Lieut. Hubert R. Harmon, Coast Artillery Corps, with rank from July 1, 1916.

First Lieut. Weir Riché, Coast Artillery Corps, with rank from July 1, 1916.

First Lieut. John F. Goodman, Cavalry, with rank from July 1, 1916.

PROVISIONAL APPOINTMENT IN THE ARMY.

INFANTRY ARM.

Battalion Sergt. Maj. James Lester Ballard, First Infantry, to be second lieutenant of Infantry with rank from date of appointment.

APPOINTMENT IN THE ARMY.

CHAPLAIN.

Henry Jouette Geiger, of Alabama, to be chaplain with rank of first lieutenant from July 3, 1917.

PROMOTIONS IN THE NAVY.

Midshipman Gale A. Poindexter to be an ensign in the Navy from the 30th day of March, 1917.

The following-named chief warrant officers of the Navy to be ensigns in the Navy, for temporary service, from the 1st day of July, 1917:

CHIEF BOATSWAINS.

James Dowling,
John F. Brooks,
Hugh J. Duffy,
Edward J. Norcott,
Albert F. Benzon,
Christian Crone,
John W. Stoukley,
John D. Walsh,
Martin Fritman,
Dennis J. O'Connell,
William Johnson,
Arthur Smith,
Belmar H Shepley,
Gustav Freudendorf,
Robert Rohange,
Patrick Shanahan,
John Eberwine,
August Wohltman,
John A. Riley,
David White,
Edward J. Damon,
Michael J. J. Farley,
Thomas M. Cassidy,
Edwin Murphy,
William A. Macdonald,
Karl Rundquist,
Allen T. Webb,
Albion O. Larsen,
Thomas W. Healey,
Joseph Heil,
Frank Bresnan,
Peter Emery,
Claus K. R. Clausen,
Henry A. Stanley,
John McCloy,
Joseph E. Cartwright,
Harold S. Olsen,
John C. Rickertts,
Frederick Meyer,
James Glass,
Nels Drake,
John Davis,
Gerald Ollif,
Owen T. Hurdle,
John Law,
Henry H. Richards,
Frederick W. Metters,
George E. McHugh,
Arthur D. Warwick,
Michael Higgins,
William Jaenicke,
John Danner,
James F. Hopkins,
Charles Schonborg,
Walter J. Wortman,
Alexander Stuart,
Frank D. Blakely,
Christopher Murray,
John P. Judge,
John C. Lindberg,
Birney O. Halliwill,
Albert Seeckts,
William E. O'Connell,
Harry T. Johnson,
Harry N. Huxford,
Thomas James,
William Fremgen,
George R. Veed,
Niles A. Johnsen,
Isidor Nordstrom,
John Atley,
Gregory Cullen,
Bertram David,
Michael J. Wilkinson,
George Knott,
Thomas Macklin,
Meade H. Eldridge,
Ernest R. Peircey,
William R. Buechner,
Bernhard Schumacher,
Benjamin F. Singles,
Emory F. Hosmer,
Ernest Heilmann,
Otto J. W. Haltnorth,

Percy H. Bierce,
Franklin E. Chester,
Frank G. Mehling,
James J. O'Brien,
Edward Crouch,
William De Fries,
John B. Hupp,
Daniel Dowling,
Joseph W. Bettens,
Frank Bruce, and
Michael J. Conlon.

CHIEF GUNNERS.

Frank L. Hoagland,
William G. Moore,
Allan S. Mackenzie,
Otto Fries,
Theodore B. Watson,
Simon Jacobs,
Samuel Chiles,
Patrick Hill,
David F. Diggins,
William J. Foley,
Charles Hierdahl,
Thomas S. Aveson,
Stephen Donely,
Otto E. Reh,
Charles C. Steinbrenner,
Thomas P. Clark,
William G. Smith,
John T. Swift,
Benjamin P. Middleton,
Leonard Roll,
David B. Vassie,
Joseph Mitchell,
John G. Nicklas,
Arthur S. Pearson,
Harold B. Barr,
Anthony McHugh,
James P. Dempsey,
William T. Baxter,
William H. Leitch,
Augustus Anderson,
Charles J. Miller,
William J. Creelman,
Frederick T. Montgomery,
Henry Rieck,
Constantine Clay,
William C. Bean,
William H. Dayton,
Glendon W. Irwin,
Joseph F. Carmody,
Clarence D. Holland,
James H. Bell,
Charles H. Anderson,
Richard O. Williams,
Charles S. Schepke,
William O. King,
William Cronan,
Arthure Langfield,
John Ronan,
William T. McNiff,
Arthur D. Freshman,
Leroy Rodd,
Edward Wenk,
Louis M. Wegat,
David P. Henderson,
Herman Kossler,
Lawrence Wittmann,
Joseph Chamberlin,
Clyde Keene,
William Seyford,
William A. Cable,
Herbert Campbell,
Clifford H. Sheldon,
John H. Lohman,
William Zeitler,
Andrew Olsson,
James T. Roach,
Edwin N. Fisher,
James C. McDermott,
Joseph Hill,
Adolph Hasler,
Conrad W. Ljungquist,
Wilhelm H. F. Schluter,
Robert E. Cox,
Harry A. Davis,
John J. Murray,
Herbert A. Nevins,
Oscar Borgeson,
Thomas J. Hurd,
George A. Messing,
Bernard P. Donnelly,
Daniel Duncan,
Edward T. Austin,
Henry Ernest,
Stanley Danielak,
Gotthilf C. Layer,
Emil Swanson,
Franklin Heins,
Ulysses G. Chipman,
Kieran J. Eagan,
James F. McCarthy,
Harry Adams,
John Sperle, jr.,
Roderick M. O'Connor,
James A. Martin,
Edward W. Furey,
Daniel W. Nelson,
Joseph H. Aigner,
Charles H. Foster,
John J. Clausey,
Edward S. Tucker,
Michael Macdonald,
George D. Samonski,
James E. Orton,
Charles L. Bridges,
Albert Klingler,
William Seach,
Arthur B. Dorsey,
Gustav C. Tanske,
Charles W. A. Campbell,
Frank C. Wisker,
Harry E. Stevens,
Harry A. Pinkerton,
Oscar E. Anderson,
Alvin E. Skinner,
Henry W. Stratton,
George C. Smith, and
Gottlieb Sherer.

CHIEF MACHINISTS.

James H. Morrison,
John E. Cleary,
Harold I. Lutken,
Charles H. Hosung,
Robert J. Vickery,
Ralph F. Nourse,
David Purdon,
Clarence M. Wingate,
Charles A. Rowe,
William B. Stork,
Thomas O'Donnell,
Charles Hammond,
Daniel Mullan,
Samuel L. Wartman,
Lemuel T. Cooper,
Francis P. Mugan,
George C. Ellerton,
Murray S. Holloway,
Ernest Evans,
Clarence R. Johnson,
William James,
Patrick Fernan,
Frank Risser,
Llewellyn H. Wentworth,
Henry E. White,
Ellwood W. Andrews,
Adolph A. Gathemann,
Edward G. Affleck,
James J. Cotter,
Edward G. Higgins,
Matthias A. Thormahlen,
John I. Ballinger,
Carl Johanson,
William T. Robinson,
Fred F. Ingram,
Herbert E. Fish,
Barnett B. Bowie,
John P. Richter,
John R. Likens,
Frank O. Wells,

Raymond L. Drake,
William Herzberg,
Zenas A. Sherwin,
Otto Boldt,
Arthur H. Hawley,
Charles S. Wolf,
Olav Johnson,
Byron C. Howard,
Francis G. Randall,
Henry I. Edwards,
Willis Dixon,
Adolph Peterson,
Axel V. Kettels,
Albert A. Hooper,
Charles Dunne,
Walter Collins,
Edwin W. Abel,
George L. Russell,
Otto T. Purcell,
Joseph R. Bradshaw,
William M. Miller,
Louis F. Miller,
Paul B. Cozine,
Newton R. George,
Ralph G. Moody,
Robert G. Greenleaf,
Frank R. King,
James MacIntyre,
Stephan H. Badgett,
Walter M. Shipley,
Walter Lau,
Charles D. Welker,
John E. Burger,
Jannis V. Jacobsen,
George W. Johnson,
John Bryce,
Rasmus Iversen,
Charles C. Holland,
Cornelius J. Collins,
William C. Gray,
John A. Oliver,
Arthur A. Smith,
John L. Barnswell,
Louis C. Higgins,
Augustine D. Devine,
Fred W. Cobb,
James L. McCormack,
George Crofton,
Walter S. Falk,
James J. Cullen,
John R. Burkhart,
Charles Franz,
Bernard Christensen,
Henry Lobitz,
Jarrard E. Jones,
Paul R. Fox,
John B. Martin,
David W. Harry,
George R. C. Thompson,
Ole P. Oraker,
William S. White,
Franz J. M. Parduhn,
Arthur W. Bird,
Charles Allen,
Frederick T. Lense,
John W. Merget,
Harry Champeno,
George J. Lovett,
Frederick W. Teepe,
Albert C. Byrne,
Orin R. Hewitt,
William R. Gardner,
George W. Fairfield,
Joseph C. Stein,
Robert M. Huggard,
Earl F. Holmes,
Frank Smith,
John McN. D. Knowles,
Charles F. Beecher,
William H. Hubbard,
Ernest W. Dobie,
Jonathan H. Warman,
John C. Parker,
Robert B. Sanford, jr., and
Rufus H. Bush.

The following-named chief carpenters in the Navy to be assistant naval constructors in the Navy from the 1st day of July, 1917, for temporary service:

George J. Shaw,
Frank Johnson,
James I. Haley,
Joseph A. Barton,
Frank H. Preble,
Thomas W. Richards,
Joseph M. Simms,
Matthew B. Pollock,
Walter W. Toles,
Frederick W. Witte,
Charles S. Kendall,
John A. Lord,
Frederick M. Kirchmier,
John T. S. Miller,
Timothy E. Kiley,
William Boone,
Charles Thompson,
McCall Pate,
William E. Powell,
Frederick C. Le Pine,
William H. Squire,
William C. Hardie,
William F. Hamberger,
Thomas J. Logan,
William O'Neill,
George A. Lazar,
Frank Gilbert,
Lawrence A. Maaske,
Harry E. Cooper,
Timothy S. Twigg,
Joseph Feaster, jr.,
Harry T. Newman,
Peter Treutlein,
Robert H. Lake,
Brandt W. Wilson,
Stuart P. Mead,
Francis X. Maher,
William H. Sampson,
Caleb Whitford,
Robert Morgan,
Joel A. Davis,
Robert H. Neville,
Alfred R. Hughes,
Ernest P. Schilling,
James L. Jones,
Frank M. Smith,
Harold F. McCarty,
Frederick Mackle,
Samuel C. Burgess,
Robert E. Wilkinson,
Charles R. Barr,
Herbert Duthie,
Herbert Van C. Wetmore,
Clarence P. Baker,
Stephan L. Lovett,
William R. Thomas,
Thomas B. Casey,
Elvie L. Kempton,
Albert Tucker,
Clifton Greenwell,
Wilbert O. Crockett,
Arno W. Jones,
James W. Costello,
James J. Murphy,
Thomas O. Covell,
Joseph J. Redington,
Robert Velz,
Louis Haase,
Charles J. Kerr,
Frederick G. McKay,
James P. Shovlin,
John A. Price,
Joseph F. Gallalee,
Ernest L. Bass,
Reuben R. Clarke,
Harry R. Taylor,
Tony L. Hannah,
William L. Wall,
Frank Weber,
Francis J. Wilson,
Alfred Biedsoe,
Morgan M. Saylor,

James G. McPherson.
William E. Fitzgerald, and
Albert G. Merrill.

The following-named chief pharmacists in the Navy to be assistant surgeons in the Navy, for temporary service, from the 1st day of July, 1917:

Edward R. Noyes,
Oscar G. Ruge,
Richard F. S. Puck,
Charles E. Alexander,
Howard E. Sausser,
Laurence O. Schetky,
Paul J. Waldner,
Maury D. Baker,
Carl B. Furnell, and
Stephen Wierzbicki.

The following-named chief pay clerks in the Navy to be assistant paymasters in the Navy, for temporary service, from the 1st day of July, 1917:

Otis F. Cato,
Fred E. Crossman,
Archy W. Barnes,
Frank Hunt,
George A. Wilcox,
Alpheus M. Jones,
Carroll F. Bennett,
John H. Rauch,
John M. Holmes,
William Craig,
Nils B. Olsen,
William H. Crap,
George W. Masterton,
Walker A. Settle,
Timothy J. Mulcahy,
Dayton Fisher,
Helmer H. Koppang,
Samuel H. Knowles,
Harry Price,
Rudolph A. Ashton,
Malcolm D. Stuart,
Joseph Reay,
Theodore F. Howe,
Emil E. Artois,
Edward W. Poore,
James E. Reed,
Frank H. Baasen,
Richard R. Bolles,
George P. Seifert,
Ambrose J. Barnum,
Orlo S. Goff,
Oscar J. Phillips,
Edgar L. Cary,
Arthur Hesford,
John J. Lynch,
Joseph A. Rebentisch,
Thomas M. Schnotola,
Charles R. Sies,
Charles E. Sandgren,
Philip A. Caro,
James Gately,
Miles Gilman,
Lewis S. Sutliff,
Charles H. Breyer,
Thomas A. Culhane,
Andrew J. McMullin,
Noble R. Wade,
Frederick Scherberger, jr.,
William T. Williams,
Burnice W. Shumaker,
Harry Mack,
Edward R. von Preissig,
Carl E. Beaty,
Frank D. Foley,
Harry A. Hooton,
Arthur W. Babcock,
Gerald A. Griffin,
William O. Wood,
Henry L. Battle,
Charles W. Charlton,
Alvah B. Canham,
Ross B. Deming,
Effinger E. Hartline,
Henry E. Brown, and
Charles E. Rappolee.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 11 (legislative day of July 9), 1917.

RECEIVER OF PUBLIC MONEYS.

John J. Birdno to be receiver of public moneys at Phoenix, Ariz.

COAST GUARD.

Third Lieut. Joseph Francis Farley, jr., to be second lieutenant.
Third Lieut. David Patterson Marvin to be second lieutenant.
Third Lieut. Gustavus Urban Stewart to be second lieutenant.
Third Lieut. Edward Mount Webster to be second lieutenant.

PROMOTIONS IN THE NAVY.

Capt. Henry B. Wilson to be a rear admiral.
Commander William C. Brotherton to be a captain.
Lieut. Commander Charles S. Freeman to be a commander.
Lieut. Commander Robert L. Berry to be a commander.
The following-named lieutenants to be lieutenant commanders:
Russell Willson.
Leigh Noyes.

POSTMASTER.

ARKANSAS.

Albert S Snowden at Paragould.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July 11, 1917.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, Infinite Spirit our Heavenly Father, for the genius of our Republic which contemplates for each and every citizen the right to think his own thoughts, to worship Thee according to the dictates of his own conscience, and to enjoy the fruits of his own industry. Help us to cherish and hold these rights sacred to our hearts, and with patriotic zeal and fervor to guard them against all intruders. Above all, help us to use them in the spirit of the Master who taught us to do unto others as we would be done by. Amen.

The Journal of the proceedings of yesterday was read and approved.

SENATE CONCURRENT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate concurrent resolution of the following title was taken from the Speaker's table and referred to the Committee on Foreign Affairs.

Senate concurrent resolution 7.

Resolved by the Senate (the House of Representatives concurring), That the Congress have heard with profound satisfaction the assurance of Special Ambassador Bakhmetieff of the devotion of the Russian people and their constituted representatives to their new-found liberties and of their determination to defend and maintain these liberties and institutions.

Resolved further, That it is the earnest hope of the Congress that democracy and self-government may bring to the people of Russia that large measure of prosperity, progress, and freedom which they have brought to the people of America, and that Russia may be entirely successful in her concerted efforts to secure the unequaled blessings of an honorable and enduring peace.

CALENDAR WEDNESDAY.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent to dispense with the business of Calendar Wednesday to-day.

Mr. MADDEN. Mr. Speaker, I will have to object; this day is sacred——

The SPEAKER. The Chair would like to ask the gentleman from North Carolina [Mr. KITCHIN], and also the gentleman from Illinois [Mr. MADDEN], if the order that was made here the other day does not cut out Calendar Wednesday to-day?

Mr. MADDEN. I do not think it does.

Mr. STAFFORD. That depends upon whether the special order be a continuing order.

Mr. MADDEN. Of course, if the Speaker wants to make that ruling he can do so, but I do not think it does.

The SPEAKER. The Chair has examined into that. Of course, the Chair is as anxious to preserve the rights under Calendar Wednesday as anybody, but it looks to the Chair as if a fair construction of that order cuts out to-day. The order reads as follows:

On motion of Mr. KITCHIN, by unanimous consent,

Ordered, That on Monday, July 9, 1917, immediately after the reading of the Journal and the disposition of business on the Speaker's table, it shall be in order to proceed with the consideration of the bill

H. R. 4960, to punish trading with the enemy, and that such order shall be continuing until the bill is disposed of, consideration of conference reports, revenue and appropriation bills excepted.

It seems to the Chair it cuts out to-day.

Mr. MADDEN. Then it would cut out conference reports?

The SPEAKER. Oh, no; they are excepted. The Chair is always particular to include conference reports, appropriation bills, and revenue bills.

Mr. MADDEN. Mr. Speaker, if that is the order, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present, and evidently there is not.

Mr. KITCHIN. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from North Carolina moves a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Almon	Fields	Key, Ohio	Schall
Anderson	Fisher	Kiess, Pa.	Scott, Iowa
Anthony	Flynn	Kincheloe	Scott, Pa.
Ashbrook	Focht	Kreider	Scully
Ayres	Fordney	Langley	Shackleford
Bacharach	Francis	Lazaro	Shallenberger
Barkley	Freeman	Lea, Cal.	Sherwood
Barnhart	Fuller, Mass.	Lehlbach	Siegel
Bathrick	Gallivan	Linthicum	Sisson
Bland	Gandy	Little	Slemp
Borland	Garland	McArthur	Smith, Idaho
Britten	Garrett, Tenn.	McCormick	Smith, Mich.
Bruckner	Gillett	McCulloch	Smith, C. B.
Caldwell	Glass	McKinley	Snell
Candler, Miss.	Godwin, N. C.	Maher	Snyder
Cannon	Good	Martin, Ill.	Steagall
Capstick	Gould	Mason	Stedman
Carew	Gray, N. J.	Mondell	Stephens, Nebr.
Cary	Green, Iowa	Mott	Sterling, Ill.
Clark, Fla.	Greene, Mass.	Mudd	Sterling, Pa.
Clark, Pa.	Gregg	Neely	Stiness
Classon	Griest	Nelson	Strong
Coady	Griffin	Nichols, Mich.	Sullivan
Connelly, Kans.	Hamill	Nolan	Swift
Cooper, Ohio	Hamilton, N. Y.	Oliver, Ala.	Switzer
Cooper, W. Va.	Haskell	Overmyer	Talbott
Costello	Hayes	Padgett	Templeton
Currie, Mich.	Heaton	Paige	Thompson
Dale, N. Y.	Helm	Parker, N. Y.	Tinkham
Davis	Helvering	Peters	Treadway
Dempsey	Hensley	Phelan	Van Dyke
Denton	Hersey	Platt	Vare
Dickinson	Hicks	Porter	Venable
Dominick	Hollingsworth	Pou	Vinson
Dooling	Houston	Powers	Walker
Doughton	Hull, Iowa	Rainey	Ward
Drukker	Husted	Ramsey	Watson, Pa.
Dunn	Hutchinson	Randall	Watson, Va.
Dupré	James	Rayburn	Weaver
Eagan	Jones, Va.	Riordan	Webb
Eagle	Juul	Rubey	White, Ohio
Edmonds	Kearns	Rucker	Williams
Ellsworth	Kehoe	Sanders, Ind.	Winslow
Emerson	Kelley, Mich.	Sanders, N. Y.	Woodyard
Estopinal	Kennedy, R. I.	Sanford	
Fairchild, G. W.	Kettner	Saunders, Va.	

The SPEAKER. On this roll call 248 Members, a quorum, answered to their names.

Mr. KITCHIN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will unlock the doors. The Chair lays before the House the following personal request.

The Clerk read as follows:

JULY 10, 1917.

Hon. CHAMP CLARK,
Speaker House of Representatives.

MY DEAR MR. SPEAKER: I desire to ask leave of absence for nine days, beginning to-day, on account of official business. I leave this afternoon to join the other members of the Naval Affairs Committee in Boston, and it is our purpose to be away until July 18 investigating the navy yards of the Atlantic coast.

Thanking you, I am,
Yours, very sincerely, W. W. VENABLE.

The SPEAKER. Without objection, the request will be granted.

There was no objection.

EXTENSION OF REMARKS.

Mr. GORDON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a couple of communications about the revenue bill.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by printing communications about the revenue bill. Is there objection?

Mr. WALSH. Mr. Speaker, I object.

The SPEAKER. The gentleman from Massachusetts objects.

TRADING WITH THE ENEMY.

Mr. MONTAGUE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4960.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4960, with Mr. BYRNS of Tennessee in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4960, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 4960) to define, regulate, and punish trading with the enemy, and for other purposes.

The CHAIRMAN. When the committee arose on yesterday there was under consideration an amendment offered by the gentleman from Massachusetts [Mr. ROGERS]. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS: Page 32, lines 3 and 4, after the word "trustee," strike out the words "appointed prior to the beginning of the war and."

Mr. MONTAGUE. Mr. Chairman——

Mr. ROGERS. I understood the amendment was satisfactory to the gentleman from Virginia, and, if so, I do not care to take any time on it.

Mr. MONTAGUE. I just wanted it to go over.

Mr. ROGERS. I conferred with the gentleman from Pennsylvania [Mr. DEWALT], and I understood it was satisfactory to him.

Mr. MONTAGUE. Mr. Chairman, the amendment offered by the gentleman from Massachusetts [Mr. ROGERS] withholds the application of the provision relating to payments to the agent or trustee, whether or not that agent was appointed prior to the oubreak of the war.

I desire to call the attention of the committee to the exception to the appointment of agencies of this character, as held by the decisions of the Supreme Court, some of which I have heretofore read, is in allowing payment of debts to the agent of an alien enemy where such agent resides in the same State with the debtor. Now, that is American law, but in every case which I have examined the agent was appointed prior to the outbreak of the war. International law prevents the appointment of an agent by the enemy in our territory. It interrupts all intercourse; all trade. There are very grave reasons why this principle of law should not obtain.

Mr. STAFFORD. Will the gentleman yield there?

Mr. MONTAGUE. Yes; I will.

Mr. STAFFORD. I have read several text writers on international law, and they invariably use the phrase "commercial intercourse," and there are writers who say that private communications are not forbidden during the pendency of war.

Mr. MONTAGUE. I will say to the gentleman that he evidently has not in mind the amendment of the gentleman from Massachusetts.

Mr. STAFFORD. I am questioning the gentleman's statement that all intercourse is absolutely forbidden by international law. So far as I have read the text-writers they only refer to the interception of commercial intercourse.

Mr. MONTAGUE. That is all that this bill deals with.

Mr. STAFFORD. Further than that, by all means. You prevent the transfer of any property whatsoever, the rents from any property, whether it is the result of commercial intercourse or not, and prevent the payment to the duly accredited agent of the creditor domiciled in this country.

Mr. MONTAGUE. I desire to call the attention of the committee to only one principle, which is vital, that after the outbreak of a war the citizen of one belligerent has no authority to appoint an agent in the territory of another belligerent to handle his property, to hold his property, to attend to his business. If so, we establish a basis of credit in our country by which the enemy creditor will derive immense benefits. Should we thereby enlarge and augment the commercial resources of the enemy? This is the fixed principle, as I understand it, of international jurisprudence. No power of attorney can be made after the war has opened. So all of the agents, found in the decisions examined by me, falling within the exception to which I have alluded are agents that were appointed prior to the outbreak of war. And therefore the section in question was drawn with that view in mind, of preserving the law as declared by the decisions of our own courts in relation to this question.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DEWALT. Mr. Chairman, I ask that the gentleman's time be extended.

Mr. MONTAGUE. I do not care for any more time.

Mr. LENROOT. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended for five minutes?

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LENROOT. I would like to ask the gentleman as to what his view is as to what is accomplished by subdivision section (b)? That would not exist in the absence of this subdivision.

Mr. MONTAGUE. So far as the agent is concerned, to which I am addressing myself, this amendment permits you to appoint an agent after the outbreak of the war, whereas the bill requires the agent to have been appointed before the outbreak of the war, and the appointment of an agent prior to the outbreak of the war complies with international law as interpreted by our courts.

Mr. LENROOT. The question I wanted to ask is: Does the language as reported from the committee in any sense or degree modify or change existing international law? In other words, if the section was stricken out would not the situation then be exactly as the gentleman now contends it should be?

Mr. MONTAGUE. I am not prepared to answer that question affirmatively, but it is safe to say that there are perhaps several portions of this bill that if stricken out the subject matter to which they relate would be taken care of by international law. But the purpose of the bill, as I have heretofore accentuated, is to define more concretely international law.

Mr. LENROOT. Well, was it not the general purpose of this bill, as stated by the gentleman, to rather mitigate the harshness of existing international law, and so far as that was not done, international law still applied in all of its parts?

Mr. MONTAGUE. I think as a general statement the gentleman's position is correct, but I do not think that that position touches the particular amendment of the gentleman from Massachusetts.

Mr. LENROOT. Mr. Chairman, I would like to be recognized in my own time.

The CHAIRMAN. The gentleman is recognized.

Mr. LENROOT. As has just been stated, in so far as enemies are concerned, that are recognized as such under international law, the language of this subsection does nothing more than declare what existing international law is. But as the bill now stands, and even as it will stand as amended—if section 2 is amended, as I hope it will be when we return to it later on—even then the word "enemy" will have a much wider definition than is now recognized by existing international law; and as the bill now stands it would prohibit and make unlawful this kind of a transaction: Suppose a cargo of coffee has been shipped to this country from Rio de Janeiro, in Brazil, and the merchant that shipped it has an agent—not an established house of business, but an agent—in Germany, and transacts some business, if he can get coffee into Germany, and sells such coffee in Germany as he may be able to get through. A cargo of coffee is shipped into this country prior to the beginning of the war. A draft is drawn on the consignee or purchaser of the coffee, through the National City Bank of New York, we will say, for the payment of that cargo of coffee. Under this bill the merchant in Rio Janeiro, Brazil, is an enemy of this country; will be an enemy even if the amendment that I have suggested to the gentleman from Virginia shall be adopted. If, then, the purchaser of that coffee pays that draft to the National City Bank in New York, under the bill as it now stands the payment is unlawful. The man has not paid his debt at all, and the merchant in Rio de Janeiro can not recover the money from the National City Bank of New York that has been paid for that cargo of coffee.

I do not believe, Mr. Chairman, that in this bill this House desires to go to any such extent, and it seems to me that this subdivision (b) of section 7 ought not to remain in the bill at all. We ought not, certainly so far as transactions are concerned prior to the passage of this act——

Mr. MONTAGUE. Mr. Chairman, will the gentleman permit an interruption?

Mr. LENROOT. Yes; when I have finished this sentence. We ought not to put a ban on all commercial transactions and say that they are void in every instance. The merchant in South America may happen to have an agent in Germany, which he has a perfect right to have under international law, and under international law we have no right to treat that merchant in South America as an enemy in this country, so far as business not relating to Germany is concerned, but only as to business between that country and our own.

Now I yield to the gentleman.

Mr. MONTAGUE. May I state to the gentleman that I partially concur in his views as respects subdivision (b) on page 31? That was not in the original bill as reported and considered by the committee. It was subsequently put in after elaborate hearings accorded to an association of importers in order to ameliorate the trade relations and to give benefits to those who do business of the character described by the gentleman, which they could not do without the authority contained in the proviso.

Mr. LENROOT. That was the proviso?

Mr. MONTAGUE. Yes.

Mr. LENROOT. I have read the hearings; and, of course, without the proviso everything would have been void, and, of course, this ameliorates the condition to some extent. But, as I have read the hearings very carefully from beginning to end, it seems to have escaped every person who appeared before the committee—the wide and broad definition of the word "enemy"—and it never seems to have been discussed before the Committee on Interstate and Foreign Commerce as to whether or not that definition of the word "enemy" was not so sweeping as not only to be in violation of international law but as to prevent all commerce with all neutrals wherever any business was done by a neutral with an enemy of ours.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. LENROOT. I ask for five minutes more, Mr. Chairman.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. LENROOT. While I am on my feet discussing this subdivision (b) I would like to ask the gentleman from Virginia as to what his construction of this section is on the language, "If any property, money, or other property so held or so owned shall have been after the beginning of the war conveyed," and so forth. Is it the gentleman's construction that this provision relates only to transactions occurring after the beginning of the war and prior to the passage of this act, or is it his construction that it relates to transactions not only prior to the passage of the act and the beginning of the war but to all future transactions?

Mr. MONTAGUE. My construction is that the provision relates from the outbreak of the war and continues as long as the war lasts.

Mr. LENROOT. Very well. Then, I want to call the gentleman's attention to this fact: That under that construction that he now gives it there is no exception in the language, "all payments to all enemies are made absolutely void." There is no exception, although the person might be licensed to trade with the enemy, and that license includes the making of payments. Nevertheless under this subdivision payments would be absolutely void, although he held a license to trade.

Mr. DEWALT. Mr. Chairman, addressing myself particularly to the point now at issue, and having reference only to the amendment offered by the gentleman from Massachusetts, which is to strike out, on page 32, in line 3, after the word "trustee," the following words, "appointed prior to the beginning of the war," we have this situation confronting us: International law recognizes and has established that payments can be made and considered to be valid acquittances in law to an agent who is duly authorized, and with whom his principal is still consulting, and which principal recognizes the agent. But the Supremen Court of the United States, in Insurance Co. against Davis, clearly foreshadows and states that this agency must have been established prior to the declaration of war. In confirmance of that, permit me to refer the gentleman from Massachusetts [Mr. ROGERS] to page 431 of Ninety-fifth United States, in which this is said:

> But though a power of attorney to collect debts, given under such circumstances, might be valid, it is generally conceded that a power of attorney can not be given during the existence of war by a citizen of one of the belligerent countries resident therein to a citizen or resident of the other, for that would be holding intercourse with the enemy, which is forbidden.

Further on it is said as follows:

> Perhaps it may be assumed that an agent ante bellum, who continues to act as such during the war, in the receipt of money or property on behalf of his principal, where it is the manifest interest of the latter that he should do so, as in the collection of rents and other debts, the assent of the principal will be presumed unless the contrary be shown; but that, where it is against his interest, or would impose upon him some new obligation or burden, his assent will not be presumed, but must be proved, either by his subsequent ratification or in some other manner.

Mr. ROGERS. Will the gentleman yield?

Mr. DEWALT. One moment, after I have finished this citation. On page 429 of the same opinion we find this:

As war suspends all intercourse between them, preventing any instructions, supervision, or knowledge of what takes place, on the one part, and any report or application for advice on the other, this relation necessarily ceases on the breaking out of hostilities, even for the limited purpose before mentioned——

Mr. STAFFORD. Will the gentleman read the following clause?

Mr. DEWALT. Yes.

Mr. STAFFORD. "Unless continued by the mutual assent of the parties."

Mr. DEWALT. Exactly—

unless continued by the mutual assent of the parties.

But all through this decision the Supreme Court, through Mr. Justice Harlan, said that the agency must have been established ante bellum, and the reason for it is very clear in the mind of the justice, that immediately upon the breaking out of hostilities and the declaration of war all intercourse between the belligerents ipso facto ceases.

Mr. LENROOT. Will the gentleman yield for a question?

Mr. DEWALT. Yes.

Mr. LENROOT. Is it the gentleman's contention that the declaration of war in itself suspends all intercourse between neutrals who may be doing some business——

Mr. DEWALT. Oh, that is not the question which we are now discussing.

Mr. LENROOT. That is the question.

Mr. DEWALT. It is not pertinent to this inquiry. We are now discussing the question as to whether or not an agency can be established and maintained after the declaration of war. That is the question.

Mr. LENROOT. Can it not, by a neutral who may be doing business with the enemy? That is my question, and it is directly pertinent to the gentleman's amendment.

Mr. DEWALT. No; if he is dealing with the enemy and the enemy profit by such dealings, then of course he is the agent of the enemy.

Mr. LENROOT. Although the dealings he has with us have no relation to his dealings with the enemy?

Mr. DEWALT. Ah, I grant you that that would be the exception; yes.

Mr. LENROOT. Yes; but it is absolutely prohibited under the language of the bill as it now stands.

Mr. DEWALT. No; I am not talking about that provision of the bill. I am talking now about this amendment of the gentleman from Massachusetts [Mr. ROGERS].

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROGERS. I ask unanimous consent that the time may be extended five minutes.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman be extended five minutes. Is there objection?

There was no objection.

Mr. LENROOT. May I ask the gentleman this? He thinks that the inquiry does not relate to the gentleman's amendment. Supposing a neutral does business with an enemy as an agent appointed after the war, in this country, with relation to a business that has no connection with his business in Germany. Unless the gentleman's amendment is adopted, is not that transaction made absolutely void?

Mr. DEWALT. I can not follow the gentleman's conclusion at all.

Mr. ROGERS. Will the gentleman yield for a question?

Mr. DEWALT. Yes.

Mr. ROGERS. I should like to read to the gentleman a sentence in the Davis opinion prior to that which he read, and which begins at the bottom of page 430:

What particular circumstances will be sufficient to show the consent of one person that another shall act as his agent to receive payment of debts in an enemy's country during war may sometimes be difficult to determine.

And the sentence which the gentleman read—

But though a power of attorney to collect debts given under such circumstances might be valid—

And so forth.

Mr. DEWALT. Oh, yes; a power of attorney to collect debts might be valid.

Mr. ROGERS. In other words, the Supreme Court certainly leaves open the question whether a power of attorney to collect debts created after war has begun is valid.

Mr. DEWALT. Now, will the gentleman permit me?

Mr. ROGERS. Yes, indeed.

Mr. DEWALT. That would be true if the Supreme Court had not in the very same breath said in the succeeding line that—

A power of attorney can not be given during the existence of war by a citizen of one of the belligerent countries resident therein to a citizen or resident of the other.

Mr. ROGERS. But it specifically intimates that a power of attorney to collect debts may be valid. The question presented by my amendment relates to the legitimacy of payments of debt in this country. Now, will the gentleman consider this case: Supposing an agency is created by a German in Germany, the agent being a resident and citizen of the United States. That agency is created May 1. There was nothing hostile about that act. There is no commercial intercourse involved in that act. As a result of it a citizen of the United States pays the debt—which he owes to a German subject—to the agent in the United States.

It is conceded that if that agency had existed prior to the war and continued after war began it would have been a perfectly valid payment. Is there any difference in the nature of things between an agency established one day before the declaration of war and one established one day after the declaration of war? Does it help out the debtor citizen of the United States to tell him that if he had paid an agent appointed April 5 it would have been valid, but because he paid the agents appointed April 7 the payment is void, although made in perfectly good faith?

Mr. DEWALT. In response to that I will say that while it may not be fair to the individual to whom the gentleman has referred, it is fair and eminently just to the whole body of the people. Why? Because the initial idea in the whole act, the initial idea of international law, is immediately upon the declaration of war all intercourse shall cease between the belligerents. And further than that, granting that it is a hardship on the individual, nevertheless just as soon as you allow the establishment of these agencies subsequent to the declaration of war you are forming a basis of intercourse between the belligerents which the act prohibits and international law does not recognize. When you do that you are establishing a basis of credit for the enemy in this country by recognizing agencies established after the declaration of war. I can not make it any clearer than that.

Mr. MANN. Mr. Chairman, the amendment of the gentleman from Massachusetts relates only to the proviso, paragraph (b), section 7. The proviso only legitimatizes payments made before the passage of this act. It does not relate to future transactions. Now, what is the objection? Somebody has appointed an agent in this country in good faith, after the declaration of war and before the passage of this act, and money has been paid to that agent. What is the objection to permitting that payment to stand as valid?

Mr. MONTAGUE. I will say to the gentleman that I have an amendment which I shall offer which perhaps may cover the point in the gentleman's mind. Will the gentleman permit me to read it?

Mr. MANN. Certainly.

Mr. MONTAGUE (reading)—

Page 32, line 8, after the word "war," strike out the period, insert a colon, and add:

"*Provided further*, That no person shall, by virtue of any assignment, indorsement, delivery, or transfer of any debt, obligation, or chose in action, made or to be made in his favor by or on behalf of an enemy or ally of an enemy, have any right or remedy against a debtor, obligor, consignor, indorser, or person delivering the same, unless he prove that the assignment, indorsement, delivery, or transfer was made under license as provided in this act, or was made before the beginning of the war."

Mr. MANN. I will not undertake to express an opinion upon that, because it has not yet soaked into my mind; but it has nothing to do with the question involved in this amendment. Here is the proposition: You propose to say by this proviso that if a payment is made by a citizen of the United States of a debt owing to a German citizen to the agent of the German citizen, not to be transmitted during the war, that that payment is valid provided the agent was appointed before the war commenced. What is the objection to extending that by saying provided the agent is appointed and payment is made before this act takes effect? We do not want to absolutely undertake to prevent all payments of indebtedness which our people may owe to German citizens. The world has changed much since these provisions of international law were called international law. Business transactions have changed throughout the world. It is better for us to keep good faith as far as possible. I can not see what objection there is if such payment has been made in good faith before the passage of the act to let it stand, even if it were for the benefit of the German citizen.

But take the case suggested by the gentleman from Wisconsin [Mr. LENROOT], where payment is made in good faith for a neutral country; what is the sense in saying that if payment was made before the passage of the act it is void? This does not extend to the future. The proviso does not legitimatize payments made in the future; it only refers to payments made before the passage of the act. As far as the enemy is concerned,

I am in favor of prosecuting the war with Germany. I am in favor of licking the German Government. There is nothing else for us to do. As far as commerce is concerned that has taken place in the past, I believe in keeping good faith, as gentlemen throughout the world endeavor to do.

Mr. MONTAGUE. Mr. Chairman, I am as much in favor as the gentleman from Illinois of keeping good faith with Germany, and I recognize fully the rights existing at the outbreak of the war, but I am first in favor of protecting American rights and American trade, and I shall cast no vote here, if I know it, by which German credit shall be established or enhanced. [Applause.] I shall not vote to give the enemy a base of supplies in America through commercial agents, trustees, or otherwise, and I beg the committee not to insert this amendment by which we in a measure will emasculate our rights and impair our safety.

Mr. MANN. Mr. Chairman, the gentleman makes a speech that is very good but has nothing to do with the subject.

Mr. MONTAGUE. That is the gentleman's opinion.

Mr. MANN. I am going to explain it, if the gentleman will permit me. This proviso proposes by itself to cut off what would be some of the rights of American citizens. It proposes to legitimatize certain payments made for indebtedness. Now, the gentleman says you go just so far and that is proper, but if you go a step further in good faith that is improper. I do not think that is good judgment. If these payments have been made in good faith before the passage of this act, the gentleman proposes to recognize a part of them, and I propose to recognize all of them made in good faith, the payments of course not to be transmitted to the enemy.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. SHERLEY. What does the gentleman say about payments that may be made from now until this becomes a law? If the gentleman's proviso is put in, you are inviting payments until the passage of this act.

Mr. MANN. Permitting them undoubtedly.

Mr. SHERLEY. I suggest to the gentleman that it is a rather serious matter.

Mr. MANN. Oh, I do not think there is anything serious about it at all. Why should not we permit payments? Payments in the main go to neutrals; they do not go to the German citizens. The neutrals are the ones who are specially interested.

Mr. SHERLEY. If the gentleman's position is right, why should we have any limitation of time? You have to have one at some point. The gentleman is urging that the time limitation shall be when the act takes effect, whereas the committee has been urging that the time limitation should be the appointment of an agency before the war.

Mr. MANN. Until the law is passed.

Mr. SHERLEY. Why put it then? Why not let it go on continuously, if the gentleman does not think it is important?

Mr. MANN. I think it is important that payments made now which are permitted under the law to these neutrals should stand as valid payments.

Mr. MONTAGUE. If the gentleman will permit, how long would the gentleman continue it?

Mr. MANN. Until the passage of the act.

Mr. MONTAGUE. When will this act likely be passed?

Mr. MANN. I hope that we shall pass it very soon.

Mr. SHERLEY. If payments are permitted now, the prohibition in this act will not make invalid a payment that was valid when made.

Mr. MANN. That is exactly what it does do.

Mr. SHERLEY. Perhaps the gentleman is right.

Mr. MANN. This is a proviso——

Mr. SHERLEY. The gentleman is probably right.

Mr. MANN. It does make it invalid.

Mr. SHERLEY. I was thinking for a moment of an ex post facto law and not of a law impairing the validity of contracts.

Mr. MANN. This bill proposes that you can not make a payment to a neutral doing business in the United States who happens to have had or who has an agent in Germany, though that neutral may be doing a great amount of business with us. This prohibits those payments, makes them invalid, and the exception provides that if payments are made to an agent appointed before the war they shall be valid. I say that the exception should come down as far as the time when you make the payment itself invalid. By the section we make the payment invalid, but payments that have been made before they are made invalid ought to be treated as valid payments. To do otherwise is outraging all commercial sense of honor.

Mr. MONTAGUE. Mr. Chairman, I ask for a vote upon the amendment of the gentleman from Massachusetts [Mr. ROGERS].

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken; and on a division (demanded by Mr. ROGERS) there were—ayes 39, noes 48.

So the amendment was rejected.

Mr. MONTAGUE. Mr. Chairman, I have a few committee amendments which are purely formal, which I desire to offer at this time. On page 30, line 12, after the words "United States," I move to amend by inserting a comma.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 30, line 12, after the words "United States," insert a comma.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MONTAGUE. On the same page, line 15, after the word "President," strike out the word "shall" and insert the word "may."

The Clerk read as follows:

Page 30, line 15, after the word "President," strike out the word "shall" and insert in lieu thereof the word "may."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agred to.

Mr. MONTAGUE. On page 31, line 6, after the word "shall," insert the word "have."

The Clerk read as follows:

Page 31, line 6, after the word "shall," insert the word "have."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MONTAGUE. On the same page, line 7, after the word "shall," insert the word "have."

The Clerk read as follows:

Page 31, line 7, after the word "shall," insert the word "have."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MONTAGUE. On page 32, line 14, after the word "enemy," insert a comma.

The Clerk read as follows:

Page 32, line 14, after the word "enemy," insert a comma.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MONTAGUE. On page 30, line 16, after the word "act," insert "and at such other times thereafter as the Secretary of Commerce may require."

The Clerk read as follows:

Amendment offered by Mr. MONTAGUE: Page 30, line 16, after the word "act," insert the following: "and at such other times thereafter as the Secretary of Commerce may require."

Mr. MONTAGUE. Mr. Chairman, that amendment was suggested to me by the gentleman from Wisconsin [Mr. LENROOT] and I think it helps to clarify the paragraph.

Mr. MANN. What is the penalty if a corporation does not comply with paragraph (a) of section 7 with respect to giving a full list of officers, directors, and stockholders? Is there any penalty?

Mr. MONTAGUE. I think there is a penalty, but to be frank I would say that I can not at this moment answer. If the gentleman will indulge me for an instant, I will read it.

Mr. ESCH. It is section 15.

Mr. MANN. What is the penalty?

Mr. ESCH. It is not more than $10,000.

Mr. MONTAGUE. Not to exceed $10,000.

Mr. MANN. Is not this rather an onerous provision to put every corporation in the United States under a penalty of $10,000 to transmit these names?

Mr. ESCH. That is the maximum.

Mr. MANN. The names of every officer, director, or stockholder who is an enemy or ally of the enemy. Suppose they do not know; suppose they make a mistake?

Mr. MONTAGUE. Well, they would be fined a dollar, a nominal fine.

Mr. MANN. Oh, they could be perhaps fined a dollar; yes; but the penalty is $10,000.

Mr. MONTAGUE. That is the maximum penalty.

Mr. MANN. The maximum penalty is the penalty which may be imposed. Here is a very short time—30 days' time. As to the

United States Steel Co., I venture to say it would be a physical impossibility, a mental impossibility, for them to comply. Of course, a penalty of $10,000 against that corporation would not bother them any, but it is a mental and physical impossibility for them to comply with this provision in the bill.

Mr. ESCH. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. ESCH. I call the attention of the gentleman to the last sentence in the paragraph, at the top of page 31, where it says:

> The Secretary of Commerce may extend the time for filing the list or report for a period of not exceeding 90 days from date of passage of this act.

Mr. MANN. That is a wise provision. I do not know whether he will do it or not. I do not see why we do not extend the time. We know it can not be complied with in 30 days, and to put a penalty if they make a mistake and not know the citizenship or residence of every one of their stockholders—why, no corporation in the United States does that.

Mr. ESCH. Does the gentleman wish to amend by making it six months? We have no objection.

Mr. MANN. I would make it 90 days in the bill, to begin with, and then give them leave to extend it for 90 days.

Mr. ESCH. Why, we leave the requirement for 30 days within which to file the list, and then we permit a further extension of 90 days. I realize that is a short time. There are in the Treasury Department something like 340,000 corporations listed under the corporation-tax provision. Now, there may be in those corporations thousands and possibly hundreds of thousands of people who would come under the definition of "enemy" under this act, and it may take a very large amount of time to list them.

I would be willing, as far as I am concerned, to extend the time.

Mr. MANN. Probably the department will wish to issue a form on which these returns are to be made, and if we can judge from experience the form will not be ready until the end of 29 days or perhaps 31 days.

Mr. MONTAGUE. What time would the gentleman suggest?

Mr. MANN. I would make it at least 90 days.

Mr. MONTAGUE. It can be extended now.

Mr. MANN. I would make it 90 days in the beginning and then with leave to extend for 90 days. Where it says 30 days I would make it 90 days and then I would extend it for 90 days.

Mr. ESCH. Mr. Chairman, as to many of these corporations in which there are foreign stockholders and bondholders the lists are already practically complete. That is true in reference to railroads and public utilities generally, and it would not take them but a very few days to make a list of their foreign stockholders and bondholders, but there are a great many other manufacturing institutions and other institutions where it might take considerable time to ascertain the ownership of the stock. In the markets of New York and Chicago a great deal of stock is listed as in care of some other individual. The officers of the corporation would have to make inquiries and I can realize that it would take time.

Mr. MANN. Of course where a corporation has listed the stockholders and has it arranged according to residence, it is easy to make up the list of the stockholders. That is a simple proposition, but the foreign stockholders may have an address in the United States, care of some one here.

Mr. ESCH. Yes, that is true.

Mr. MANN. And he might still be a German citizen or a Germany enemy or a banking house somewhere.

Mr. MILLER of Minnesota. Then the stockholders do not remain the same for any length of time; they are constantly changing, and those who are on the list one week may not be there the next week.

Mr. MANN. I do not know under what authority a German citizen can transfer stock to anyone in the United States or any other thing. An American citizen can not transfer stock to an alien enemy.

Mr. MILLER of Minnesota. He might do it, although it might be illegal.

Mr. TEMPLE. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MILLER of Minnesota. I move to strike out the last word. Mr. Chairman. If the point I last raised is not of any particular value, I would like to suggest one other. The list of aliens under this act when it becomes a law is likely to change from time to time. A man who is an alien to-day may not be one next week, and a man who is an alien next week may not be an alien to-day. Why?

Mr. MANN. The gentleman's amendment proposes to make this from time to time hereafter.

Mr. MILLER of Minnesota. I understand that. For instance, if the President should exercise the authority vested in him under subsection (c), on page 24, he could make individuals who are in the United States and who are not citizens of the United States enemies by making appropriate proclamation, either if they are individuals or if they are members of a class or body.

Now, a man who is not an enemy to-day—a stockholder—naturally would not be listed as an enemy and his name sent in. The President may issue a proclamation making all members of a certain class enemies next week, whereupon this list as provided for here would not be correct in any sense of the term. Of course, the Secretary might require from time to time additional lists, but there is nothing here that instructs him to do it. He has authority to do it.

Mr. ESCH. The amendment offered by the gentleman from Virginia [Mr. MONTAGUE] would cover that point.

Mr. MONTAGUE. Mr. Chairman, the gentleman from Illinois [Mr. MANN] suggested 90 days, as I understood it.

Mr. ESCH. I suggest 60 days in the first period.

Mr. MONTAGUE. I accept that, if I may be permitted to do so.

Mr. MANN. After the gentleman's amendment is disposed of.

Mr. MONTAGUE. Will the gentleman from Minnesota [Mr. MILLER] pardon me for one moment?

Mr. MILLER of Minnesota. Certainly.

Mr. MONTAGUE. How much time does the gentleman desire?

Mr. MILLER of Minnesota. I wanted to make another inquiry in regard to subsection (c).

Mr. MONTAGUE. Mr. Chairman, I want to ask unanimous consent that all debate on this amendment shall conclude in five minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate on this amendment shall conclude in five minutes. Is there objection?

Mr. QUIN. Mr. Chairman, I would like to have that amendment read, if there is no objection.

The CHAIRMAN. Is there objection to the Clerk again reporting the amendment? [After a pause.] The Chair hears none.

The amendment was again reported.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia [Mr. MONTAGUE] that all debate upon the pending amendment close in five minutes?

There was no objection.

Mr. MILLER of Minnesota. Has not that amendment been adopted?

The CHAIRMAN. No. The gentleman from Pennsylvania [Mr. TEMPLE] is recognized.

Mr. TEMPLE. Mr. Chairman, it seems to me that here again, as in many other places, we run into a difficulty arising out of the breadth of definition of the word "enemy," on page 23, line 23, and following. A good deal has been said about the effect of war in breaking off commercial intercourse with the enemy. This effect of the outbreak of war is recognized in international law—not required by it. It should not be overlooked that this interruption has to do only with commerce with the enemy, as the word "enemy" is ordinarily defined in international law. This bill makes a particular definition of the word for the purposes of this act, which is quite different. I shall quote it presently.

Now, if we require the officers of every corporation to make within 30 days a list of all enemies who own stock in the company, that will include every variety of enemy included in the definition beginning on page 23, any resident of Argentina or of Peru, whatever his nationality, provided only that in carrying on his business he has a branch house in Germany or employs an agent in that country.

It will be absolutely impossible for the officers of the corporation to run down all these facts in 30 or in 90 days. In the case of a corporation which has a great many thousand stockholders, the stockholders may be listed according to address, but the officers of the corporation do not have a history of each man's life, with information covering all his business relationships, and they may be violating the law without having any possibility of knowing they are violating the law. If the enemy spoken of here were an enemy in the sense ordinarily given to that word by writers on international law, the difficulty would not be so great, but the term "enemy" as defined in this act covers anybody resident anywhere that is doing business in any way within the limits of a country with which we are at war. Now, it seems to me that the paragraph, taking that fact into consideration, requires impossibilities.

Mr. MONTAGUE. Does the gentleman allude now to the suggestion of the gentleman from Illinois [Mr. MANN] or to the amendment I have offered?

Mr. TEMPLE. To both—to the requirement of the paragraph as it stands and the amendment, that such a list shall be furnished within 30 days and at such times thereafter as the Secretary of Commerce may require.

My point is that the officers of the company, so far as I know, have no means of finding out these facts about all their stockholders.

Suppose I am a stockholder and sell to somebody, and the stock is to be transferred on the books of the company, must I furnish or must the company acquire in some way information about the new purchaser, a knowledge of all his business relations all over the world, in order to be sure that he does not employ an agent doing business in Germany?

Here is the definition of "enemy":

That the word "enemy" as used herein shall be deemed to mean:
(a) Any individual, partnership, or other body of individuals, of any nationality, resident within the territory (including that occupied by the military and naval forces) of any nation with which the United States is at war, or resident outside of the United States, and doing business within such territory, and any corporation incorporated within such territory—

And so forth.

Subsection (c) further enlarges the definition of "enemy" as follows:

Such other individuals, or body of individuals, as may be citizens or subjects of any nation with which the United States is at war, wherever resident or wherever doing business, as the President, if he shall find the safety of the United States or the successful prosecution of the war shall so require, may, by proclamation, include within the term "enemy."

Even resident within the United States.

Mr. GARD. Will the gentleman yield for a question?

Mr. TEMPLE. Yes.

Mr. GARD. Would the gentleman's inquiry be covered by striking out the words "who is," in line 18, page 30, and inserting the words "known to be," or some similar words?

Mr. TEMPLE. That would evade the difficulty. Whether it would accomplish the purpose of the section is another question. But it does seem to me that it is involving officers of every corporation in the country in a serious difficulty to require them to furnish facts about the business relationship of their stockholders, when there is no way by which they can require the stockholders to furnish the desired information.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. TEMPLE. Yes.

Mr. LENROOT. I wish to say that at the proper time I shall offer an amendment confining the scope of this section to enemies resident within enemy territory and citizens or subjects of the nation with which we are at war.

Mr. TEMPLE. That would meet the situation, it seems to me, precisely, because the difficulty lies in the broad definition of the word "enemy," found in section 2 of this bill, which I have quoted above.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. The question is on agreeing to the amendment offered by the gentleman from Virginia [Mr. MONTAGUE].

Mr. MONTAGUE. Mr. Chairman, I ask that the amendment be again reported.

The CHAIRMAN. Without objection, the amendment will again be reported.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MONTAGUE. Now, will the gentleman indulge me just a moment? I will then be through with the so-called committee amendments.

Mr. MANN. There is an amendment about 30 or 90 days. Is the gentleman going to offer that?

Mr. DEWALT. This is a committee amendment prior to that, if the gentleman from Illinois will permit.

Mr. MANN. Mr. Chairman, I move to amend, page 30, line 16, by striking out the word "thirty" and inserting in lieu thereof the word "sixty."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amendment offered by Mr. MANN: Amend, page 30, line 16, by striking out the word "thirty" and inserting in lieu thereof the word "sixty."

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. MONTAGUE. The committee has no objection to that, so far as I have been able to confer with the members.

Mr. STAFFORD. I understood it was the desire to grant to the Secretary of Commerce the right to extend to file reports 90 days beyond that.

Mr. MANN. That is the purpose.

Mr. STAFFORD. Under that authorization he would be allowed to extend the time only 90 days after the passage of this act, whereas I understood it was the consensus of opinion that the Secretary of Commerce should have the power to extend the time 90 days beyond the expiration of the 60-day period.

Mr. MANN. I think we ought to strike out "from the date of the passage of this act," so that it would give the Secretary authority to extend the time 90 days beyond the 60 days, which may be essential in some cases. I will offer that amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out, on page 31, line 12, the balance of the paragraph after the word "days."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amendment offered by Mr. MANN: Page 31, line 12, strike out all the paragraph after the word "days."

Mr. MANN. That would simply permit the Secretary to extend the time, and might meet such an emergency as arose a few years ago with reference to the income tax on a lot of corporations that did not make a report within the time required because they thought they were not required to make reports, and they were penalized all over the country.

Mr. SHERLEY. Mr. Chairman, if the gentleman will permit, I suggest that there be put in, in front of the word "period," the words "for an additional period not exceeding ninety days," because now the 90 days might be construed to include the original 60. That would make it perfectly plain.

Mr. MANN. All right. I will offer that amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. MANN. Then, Mr. Chairman, I move, on page 31, line 12, to strike out the word "a" and insert in lieu thereof the words "an additional."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amendment offered by Mr. MANN: On page 31, line 12, strike out the word "a" and insert in lieu thereof the words "an additional."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MONTAGUE. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 32, line 8, after the word "war," strike out the period, insert a colon and add:
"*Provided further*, That no person shall, by virtue of any assignment, indorsement, delivery, or transfer of any debt, obligation, or chose in action, made or to be made in his favor by or on behalf of an enemy or ally of enemy, have any right or remedy against a debtor, obligor, consignor, indorser, or person delivering the same, unless he prove that the assignment, indorsement, delivery, or transfer was made under license, as provided in this act, or was made before the beginning of the war."

Mr. MANN. Mr. Chairman, will the gentleman permit me to make a suggestion as to that, possibly as to the form? It says, "unless he prove." Why not simply say "unless license was issued"?

Mr. DEWALT. That is all right.

Mr. MANN. I do not know where he would prove it. I do not know just what language would come out.

Mr. MONTAGUE. I have no objection. I will accept that.

Mr. STAFFORD. Mr. Chairman, may I inquire of the chairman of the committee whether this amendment contemplates those instances where the money has been paid over in good faith following the declaration of war to an agent that has heretofore been appointed prior to the war to receive these funds?

Mr. DEWALT. It does not apply to those instances, for the reason that——

Mr. MANN. If the gentleman will permit, the language that I would strike out of the amendment reported by the gentleman would do this. He proves that the assignment, indorsement, delivery, or transfer, was made so that it would read, "remedy

against a debtor, obligor, consignor, indorser, or person delivering the same was licensed as provided in this act."

Mr. MONTAGUE. That is as I understood the gentleman.

Mr. ROBBINS. Mr. Chairman, will the gentleman yield?

Mr. MONTAGUE. Yes.

Mr. ROBBINS. I see you use the words "beginning of the war." Why not use the technical term "declaration of war"?

Mr. MONTAGUE. We used the words as defined in the act.

The CHAIRMAN. Does the gentleman from Virginia ask to modify his amendment or withdraw it and offer another?

Mr. MONTAGUE. I ask leave to modify it as indicated by the gentleman from Illinois.

The CHAIRMAN. The gentleman from Virginia asks leave to modify his amendment. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the modified amendment as it will read.

The Clerk read as follows:

Modified amendment: Page 32, line 8, after the word "war," strike out the period, insert a colon, and add:

"*Provided further*, That no person shall by virtue of any assignment, indorsement, delivery, or transfer of any debt, obligation, or chose in action, made or to be made in his favor by or on behalf of an enemy or ally of enemy, have any right or remedy against the debtor, obligor, assignor, indorser, or the person delivering the same, unless under license as provided in this act, or was made before the beginning of the war."

Mr. LENROOT. Mr. Chairman, this amendment again raises this very troublesome question of the status of transactions occuring prior to the passage of this act and after the beginning of the war. If this amendment is adopted in its present form, and an assignment has been made by a neutral in good faith to an American citizen upon a purely business transaction between that citizen and this country, if that neutral happens to have an agent residing in Germany, all his rights are cut off. Not only that, but the American citizen may have paid to that neutral the full extent of the obligation, secured an assignment of it, which he had a right to do under international law, and yet if this amendment is adopted that American citizen, holding that obligation by indorsement or assignment, is prohibited from suing the debtor.

Mr. MONTAGUE. Will the gentleman from Wisconsin permit me?

Mr. LENROOT. Yes.

Mr. MONTAGUE. From the gentleman's standpoint that conclusion obtains. I do not concede it. But if the amendment which the gentleman offered relating to the definition of "enemy" should be carried, then the objection made to this amendment would not obtain.

Mr. LENROOT. No.

Mr. MONTAGUE. Therefore I suggest to the gentleman——

Mr. LENROOT. I hope the gentleman will accept the amendment which I have offered. I think the gentleman is correct, that if that amendment should be adopted it would take care of this.

Mr. MONTAGUE. In other words, the definition of "enemy" will or will not control the amendment.

Mr. LENROOT. That is true; but unless that amendment is adopted the bill as it now stands would render absolutely void innocent transactions carried on in the utmost good faith, and undoubtedly would deprive many American citizens of property rights that they would enjoy under international law.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

Mr. LENROOT. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LENROOT: Page 30, line 19, after the word enemy," insert "Resident within the territory, or a subject or citizen of any nation with which the United States is at war, or resident within the territory or a subject or citizen of any ally of any nation with which the United States is at war.

Mr. LONGWORTH. Mr. Chairman, may we have that amendment read again?

The CHAIRMAN. Without objection the amendment will be again reported.

The amendment was again read.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. STAFFORD. Would not the scope of the gentleman's amendment apply to alien citizens of Germany living in this country? As I gleaned the effect of the amendment, it would apply to citizens of Germany domiciled in this country.

Mr. LENROOT. It would. I ask leave to modify it by inserting after the word "citizen" the words "residing outside of the United States."

Mr. MONTAGUE. Will the gentleman from Wisconsin permit me?

Mr. LENROOT. Yes.

Mr. MONTAGUE. Does not the gentleman think that the definition of an enemy, as embraced in the present amendment, had better be considered in relation to section 2, where the enemy is defined? Does he not think that if we attach it at this point of the bill it will have a tendency to dislocate or disarrange the whole bill?

Mr. LENROOT. Let me call the attention of the gentleman to why the situation is different with reference to this paragraph than with reference to the one we last considered. In the one we last considered the word "enemy" would be applied, I concede, to the business done; but in this paragraph a neutral would be occupying a dual position—an enemy with respect to any business that he did with Germany, but not an enemy otherwise. This would require the inclusion within this list of stockholders of any neutral doing business in Germany; so that it is different than in the case that we last considered; and as the gentleman from Pennsylvania [Mr. TEMPLE] so well stated, it would be imposing an impossible task upon the corporations of this country, where they have neutral stockholders all over the world, to ascertain as to whether or not they are doing business with Germany and thus come within the inclusion of the term "enemy" as is provided in this section. It seems to me everything is accomplished, so far as the safety of the United States is concerned, if we require the corporation to include every officer and stockholder resident in Germany and every enemy citizen or subject of Germany, wherever resident outside of the United States. It seems to me we then cover all possible cases of real enemy character.

Mr. MANN. Will the gentleman yield?

Mr. LENROOT. I yield to the gentleman.

Mr. MANN. I take it that the purpose of this provision is to get a list of stockholders, so that the Government may require the dividends on the stock to be paid to the custodian, in order to help us carry on the war. Now, does the gentleman think it is even desirable that the Government of the United States should undertake to say that dividends due to Germans living in Brazil shall be commandeered in the United States for the purpose of carrying on the war against Germany?

Mr. LENROOT. Of course this section does not commandeer any dividends.

Mr. MANN. No; but this section undertakes to get a list, and the list is for the purpose of commandeering dividends. Why should not the list be a list of those where it is proper for us to take the money due to them for temporary use in order to lick Germany?

Mr. LENROOT. In reply to the gentleman, I frankly say that everything will be accomplished if we limit it to those residing in Germany, but I included the others in the hope that it might help to pass the amendment.

Mr. MONTAGUE. Suppose we take the instance that the gentleman suggests, that a German citizen resident in the Argentine Republic and that his business is that of buying coal and transporting it to Germany, and that he is also a large stockholder in an American corporation. Does not the gentleman think that he should be reached in some way?

Mr. LENROOT. My amendment covers him.

Mr. MONTAGUE. The point I make again is that we had better stick to the section devoted to definitions, and not make definitions from place to place throughout the bill, otherwise endless confusion may result.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, my good friend from Virginia has suggested that if a corporation in the United States owes a dividend to a German in Argentina, we ought to take that away and put it in the Treasury of the United States to carry on the war against Germany.

Mr. MONTAGUE. If he is doing business in Germany.

Mr. MANN. He is in business in the Argentine Republic.

Mr. MONTAGUE. That is not the case I instanced.

Mr. MANN. The amendment offered by the gentleman from Wisconsin would cover the case of the gentleman in Argentina that I have referred to, and so would the original bill. You are endeavoring to gain the sympathy and aid of the South American Republic in the war, and in the end it will be a great advantage for us to have it. Does the gentleman think that he will gain the sympathy and the aid of the South American Republics by undertaking to take away arbitrarily money due to them by the people of the United States?

What would we have thought if Great Britain had said to the United States—and the Lord knows that she went arbitrarily as far as she could—if she had said that it would be an illegal act for corporations to pay money in the United States to a German? We have got to be fair about these things if we want to gain the sympathy of the world, and it is very important that we should gain it. I do not think we gain anything by undertaking to commandeer dividends due from corporations in the United States belonging to German subjects or citizens who may have left home many years ago living in South America and other countries and not involved in any way in the war.

Mr. HILL. Mr. Chairman, the gentleman says that we can not commandeer dividends, and I do not think we can successfully. In the first place, you can not compel a corporation to pay dividends, and it is so easy to avoid some of the provisions of this bill. We can do ourselves a great deal of harm by being too severe and attempting to cover too much.

Less than a year ago a Member of this House, to my knowledge, for I believe what he said, was prevented by Great Britain from selling to his agent in the Argentine Republic several thousand dollars worth of products of his establishment because Great Britain had blacklisted the man, who was a German and who had been doing business in the Argentine Republic for 40 years. The business was supplying of machinery for farms. It had no more to do with Germany than it had with the kingdom of heaven, but because he was a German Great Britain blacklisted him in the Argentine Republic. We are going way beyond that.

Mr. MONTAGUE. He must be doing business within Germany, otherwise he is not embraced.

Mr. HILL. I understand under the terms of this bill, although I may be mistaken, that if he is an alien citizen he can be listed by the President in a class—every citizen of Germany anywhere in the wide, wide world, under the terms of this bill, as I understand, can be listed as an alien enemy, and he then becomes subject to the provisions of this bill. The provisions of this section are utterly impossible of being carried out, and I do not want to see them carried out for another reason. This war is not going to last forever. The end of the world has not come. We are going to do business in the future. We have an enormous country. It is a good deal like undertaking to control the food supply.

Mr. Hoover could do it in a little country like Belgium or a portion of it not much larger than the State of Connecticut, where he only had to control it for a small population, but in my judgment it is impossible to control it by legislation in a country 3,000 miles long and 2,500 miles wide, with more than a hundred million people, unless he can repeal the somewhat long-standing law of supply and demand. While the Senate is debating the food-supply bill the Almighty is controlling the food supply of this country.

Mr. QUIN. Will the gentleman yield?

Mr. HILL. Yes.

Mr. QUIN. Does the gentleman say that a German citizen in Brazil would have his business controlled by this bill?

Mr. HILL. I mean to say that this bill would prevent any railroad in this country paying him a dividend on stock he owned in that railroad. I will ask the gentleman from Illinois if he does not so understand it?

Mr. MANN. I will say yes, but I did not hear the question. [Laughter.]

Mr. HILL. Of course the gentleman would say yes. I would like to have it disputed if it is true. Is that what we are trying to do, Mr. Chairman?

Mr. MONTAGUE. I am not the chairman of the committee.

Mr. HILL. Well, I hope the gentleman will be some day.

Mr. MONTAGUE. What is the question?

Mr. HILL. Is a citizen of the United States forbidden to do business with an alien enemy wherever he may be in this wide, wide world if the President classes all German residents anywhere in the world as alien enemies, as the bill authorizes him to do?

Mr. MONTAGUE. I do not think so. The President has a right so to class him providing he does business within Germany no matter where he resides. His business is helping to augment the resources of Germany, and we ought not to permit him to draw supplies and moneys and credits from the United States for any such purpose.

Mr. HILL. If we do not know what the bill means and the committee does not know what the bill means, it seems to me that they ought to withdraw it and give it more thorough discussion, and come back prepared to say what it does mean.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. HILL. Yes.

Mr. LENROOT. The gentleman from Virginia is incorrect wherein he states that the President has a right by proclamation to prevent United States citizens from doing business with any alien, wherever resident, provided that alien does business with Germany.

Mr. MONTAGUE. I did not say that he has a right to prevent his doing business.

Mr. HILL. He can not do business without entering into a financial transaction.

Mr. MONTAGUE. This bill classes a man who does business within Germany as an enemy of America. He is, quoad that business, a resident of Germany.

Mr. LENROOT. If the President so proclaims, a German citizen, a resident of the Argentine Republic, having no business relations with Germany, still comes within the provisions of the bill.

Mr. HILL. Mr. Chairman, I want to go a little bit further. I want to look out for the future, after the war is over. We can not live for ourselves for the rest of time. We have to consider conditions after the war is over. I think we are duplicating tremendously annoying propositions here that will come back to plague us after the war is over. If I have a correct recollection of the facts, at the second Hague conference the nations of the world agreed that private property in time of war should not be subject to confiscation. An attempt was made to have that so with private property on sea.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. HILL. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HILL. The conference asked that the same thing might be done with regard to private property on sea, and Great Britain, with the largest navy in the world, refused to permit it. It was done in regard to private property on land. Now, we say that we will do what we choose under the stress of war. The nations have agreed that under the stress of war private property in the hands of an individual owner shall be sacred on land. I do not care whether Great Britain has violated it or not. Because she has violated it she has no right to ask us to do the same. The gentleman says that she has not. I say that we are following in her footsteps under entirely different conditions, 3,000 miles removed from the scene of the conflict.

Mr. QUIN. Mr. Chairman, will the gentleman yield?

Mr. HILL. Yes.

Mr. QUIN. I want to know if this is a war measure; whether it will continue after the war. The gentleman seems to think it will go on after the war is over.

Mr. HILL. It will depend entirely upon the Paris conference and the agreement of the allies after the war, and we are bound by it morally, whether we are actually or not. I do not want to see this Nation enter into an economic war after the war is over.

Mr. QUIN. I agree with the gentleman.

Mr. HILL. We are laying the foundation for just that sort of thing in bills of this character.

Mr. MOORE of Pennsylvania. Mr. Chairman, if the gentleman will permit——

Mr. HILL. Yes.

Mr. MOORE of Pennsylvania. The gentleman from Virginia admitted yesterday that this was permanent legislation.

Mr. MONTAGUE. Mr. Chairman, with all due respect to the gentleman from Pennsylvania, he does not quote me correctly. I admitted, so far as that particular paragraph was concerned, that it would meet similar conditions hereafter arising, but it is apparent that the bulk of this act ipso facto dissolves when the war ends.

Mr. MOORE of Pennsylvania. I took the gentleman at his word yesterday, that the bill provided for such future wars. That was the very question raised. I took the word of the gentleman as a lawyer, and understood from his statement that this was to be permanent legislation to meet the future as well as the present emergency.

Mr. MONTAGUE. Either the gentleman from Virginia [Mr. MONTAGUE] or the gentleman from Pennsylvania [Mr. MOORE] was very unfortunate in expression or in understanding.

Mr. HILL. Mr. Chairman, it is already admitted, both upon the part of the committee and on the part of other Members of the House that the real scope of this bill is not clear. I want to say to you that its scope and extent is not understood or comprehended. No man thought two years ago that the United States would be sending, as the President says we may possibly do now, millions of its citizens, the best blood of America, to fight in the battle fields of Europe. You can not tell where this

thing is going. To-day there is far more likelihood of covering other nations than those now engaged in the war under the provisions of this bill than I think the committee ever realized or expected. I say that we ought not to duplicate these things.

We ought not to provide that three or four different departments of the Government shall be doing the same class of work at duplicated expense, although that is small account compared to other features of the bill. We are now beyond the point where in many respects the bureaucracy of Russia does not compare with what we have here now, and ours is being increased and extended to an infinite extent. Let me tell you a circumstance that occurred the other day. A resident of Connecticut, the president of one of our manufacturing corporations, residing for years in this country, having recently applied for naturalization papers, never dreaming it was necessary, the selling man of that concern, sent to me, through his attorney in New York, and applied for a permit and a license from the Attorney General's Office to travel in his usual accustomed way in the country. He got the license and permit to go from New York, his business office, to his factory in Connecticut. He had to get a license in this free country of ours—just as loyal a man and resident as you or I—and he asked me, "Can not I travel in the United States without going to every district for a license?" He is limited to 50 miles, as I recall, and that is the only portion of the United States he can go in without being subject to arrest. I went to the Attorney General's Office for the permit to transact his business, a straightforward, legitimate business. If I am not mistaken, he was requested to come here years and years ago from Germany to do business here, and he was refused by the Attorney General's Office, and he is now shut down to within 50 miles of his residence and his factory, and he has got to have somebody else to sell his goods; and we are now saying that he shall take the list of stockholders of his concern and report them to the custodian, and that the money from dividends on the property shall be paid into the Treasury of the United States, to be treated in some way when the war is over, when nobody knows what conditions will arise and when nobody dreams what the conditions may be; when nobody realizes the enmities that may possibly have been incurred between now and then. He is shut down to a 50-mile area of freedom in this free country of ours. Why, a convict, a criminal—and I have talked with them—in Siberia can go 250 miles from home without a passport, and my loyal friend can not go any more than 50 miles from his home here. He has got to go into every district in the United States and apply for a permit to travel to save being arrested because he may be within half a mile of a navy yard or some public building, or something of that kind. Where are we going in bureaucratic legislative power?

Mr. QUIN. If the gentleman will permit, would there be any way for a good loyal man like that to be exempted from this——

Mr. HILL. Yes; he can go into every marshal's district in the United States and get a permit to travel in that district.

Mr. McKENZIE. Will the gentleman yield?

Mr. HILL. I will.

Mr. McKENZIE. I did not understand how long the gentleman had lived in this country?

Mr. HILL. Oh, I do not know.

Mr. MONTAGUE. Naturalized?

Mr. HILL. He came here years ago. He has applied for naturalization papers, as I am informed.

Mr. McKENZIE. Since the war began?

Mr. HILL. My impression is that he made application either immediately before or at once after the war began, but I am not sure about that. But we invited those people years ago to come to this country, the refuge of the oppressed and suffering of all nations, as we proudly called it, and now we turn around and say that they are made criminals, and we must apply criminal laws to them.

Mr. DEWALT. It might have been well for this citizen of whom the gentleman speaks to have applied for naturalization papers——

Mr. HILL. He has.

Mr. DEWALT. Just now. If he is a suspect, he ought to be confined.

Mr. HILL. Does the gentleman want to send him back home? We invited millions of them here. Do you want to send back the Danes and the Hollanders and the Swedes, and all foreigners? If you do, you would depopulate the whole country, and who knows to whom the provisions of this bill will apply before peace comes.

Mr. DEWALT. If they do not do anything against the country——

Mr. HILL. I want to be loyal to them, and I want them to be loyal to us.

Mr. DEWALT. If this gentleman had been so loyal of whom the gentleman speaks he would have taken out naturalization papers long ago.

Mr. HILL. What did the gentleman's father do when he came to this country?

Mr. DEWALT. He was born in this country and helped to make it.

Mr. BUTLER. Does the gentleman's question apply to all of us? I would send them back if they did not comply with the law, and I would not permit them to criticize us at this time.

Mr. HILL. I would not permit them to criticize us, but I would try to stop it first by making our law fair and just.

Mr. BUTLER. Not one.

Mr. HILL. I do not come here pleading for foreigners; I take no criticism of my patriotism here from anybody. My ancestors came to this country 270 years ago, and there has not been a war from colonial times down until now in which they have not participated. They have never been in any rebellion and have always stood by the Government. I do not take any lessons in patriotism from anybody, either the committee or anybody else. I want at least to try to treat these people fairly.

Mr. MONTAGUE. If the gentleman from Connecticut will permit, I have never impugned his patriotism.

Mr. HILL. I know, but——

Mr. MONTAGUE. The gentleman is very gratuitous in intimating that I reflected on his patriotism.

Mr. HILL. In my opinion this legislation goes too far. I say that it overlooks what is going to occur after the war. We have got to have capital from citizens of foreign nations interested in all forms of industry here, in the future just as we have had it in the past. This bill is not a question between government and government. It is a question of men who have come here honestly and loyally and faithfully and invested private funds, and this bill practically says that we will confiscate those funds, and that we will use them for our purposes. I have not any objection to that, but it adds that when the war is over we will leave it to the disposition of Congress as to whether we will pay it back or not. I do not believe that is honest, gentlemen. I do not believe this Government can afford to be dishonest, and I do not believe the terms of this bill are honest.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONTAGUE. Mr. Chairman, I ask for a vote upon the pending amendment.

Mr. LENROOT. Mr. Chairman, may we have the amendment reported?

The CHAIRMAN. Without objection, the Clerk will again report it. Does the gentleman want to modify the amendment?

Mr. LENROOT. I want to know if it was modified by the suggestion of the gentleman from Wisconsin [Mr. ESCH].

The CHAIRMAN. Without objection, the gentleman will be permitted to modify the amendment, and the Clerk will report it as modified.

The Clerk read as follows:

Amendment offered by Mr. LENROOT: Page 30, line 19, after the word "enemy," insert:

"Resident within the territory, or a subject or citizen residing outside of the United States, of any nation with which the United States is at war, or resident within the territory, or a subject or citizen residing outside of the United States, of any ally of any nation with which the United States is at war."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. LENROOT. A division, Mr. Chairman.

The committee divided; and there were—ayes 28, noes 19.

Mr. MONTAGUE. Mr. Chairman, I ask for tellers.

Tellers were refused.

So the amendment was agreed to.

Mr. LENROOT. Mr. Chairman, I have one other amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LENROOT: Page 31, line 17, after the word "enemy," insert the words "by any person not holding a license under the provisions of this act."

Mr. LENROOT. Mr. Chairman, I have proposed to insert, after the word "enemy," in line 17, page 31, the words "by any person not holding a license under the provisions of this act." If that is not included, you have made unlawful the payment of money to an enemy although a license has been granted to trade with the enemy. Surely the committee does not wish any such condition as that.

Mr. MONTAGUE. I have no objection to that.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 8. That any person, not an enemy or ally of enemy, holding a mortgage, pledge, or lien on or other right in the nature of security in, property of an enemy or ally of enemy, may, after default, dispose of such property under such rules and regulations and after such notice as the Secretary of Commerce shall prescribe; and such notice shall have in all respects the same force and effect as if duly served upon the enemy, or ally of enemy, personally: *Provided*, That no such rule or regulation shall require that notice shall be given in any case in which by law or by the terms of the contract by which such mortgage, pledge, lien, or other right was created, no notice was, prior to the passage of this act, required; and that in case where by law or the terms of such contract notice is required, no longer period of notice is or shall be required: *And provided further*, That if on any such disposition a surplus shall remain after the satisfaction of such mortgage, pledge, lien, or other right in the nature of security, notice of that fact shall be given to the Secretary of Commerce pursuant to such rules and regulations as he may prescribe, and such surplus shall be held subject to the further order of the Secretary of Commerce.

That any contract entered into prior to the beginning of the war between any citizen of the United States or any corporation organized within the United States and an enemy or ally of enemy, the terms of which provide for a termination thereof upon notice from such citizen or corporation, may be terminated by like notice served by such citizen or corporation upon the alien property custodian, and said notice so served shall have in all respects the same force and effect as if duly served upon the enemy or ally of enemy personally, in accordance with the terms of the contract.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

Does this section apply to mortgages on real property?

Mr. MONTAGUE. It applies to all property, real and personal. Mortgages, as a rule, apply to real property; liens and pledges apply to personal property.

Mr. MANN. Have we a right to go into a State and prescribe how mortgaged real estate shall be shown, contrary to the statutes of the State? I have always supposed that as to real property the State had absolute control over the method of transferring, and that the General Government had no jurisdiction whatever over it.

Now, here is a provision which says, apparently, that if I hold a mortgage upon real property which belongs to an alien enemy—and there is much of such property held by people in the United States—that on the default—and there must be default in payment, because they can not make payment—I shall dispose of the property under the rules and regulations prescribed by the Secretary of Commerce.

Now, as to real property in my State, the law says the mortgagee can not dispose of it; he can not sell it. It has to be sold by order of court. Of course the mortgagor can sell it subject to the mortgage. This undertakes to say that the mortgagee shall on default sell the property under rules and regulations prescribed by the Secretary of Commerce. It may be that we do have authority where the State law fixes the notice to be served, to change that notice. The law of my State would provide that with the real property held in Illinois belonging to a German resident in Germany, notice should be given by publication, and published notice should be mailed to the resident's address in Germany. We have forbidden the sending of such mail. It may be as to that alien enemy we could do away with the notice, but I am very sure—although I am not so sure, as I am not sure about anything, but I used to be a lawyer who examined title to real estate, and I have passed millions and millions of dollars of real estate on examination of title—but I am fairly confident, although not really sure, that I would not pass a title acquired in this way. I do not believe anybody in my State would do so.

Mr. MILLER of Minnesota. May I make a further suggestion to the gentleman?

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. MILLER of Minnesota. I move to strike out the last two words.

Might I further observe, in harmony with what the gentleman has said, that I am sure in my own mind that the gentleman is correct? This is absolutely null and void so far as ever being enforceable is concerned, because Congress has no authority to pass a law fixing the way, within the confines of a State, for real property to be transferred. It can not be done. Every State has its own mortgage laws, and those laws have to be followed. In some States aliens can not hold property within its confines, and some States say they can within a limited amount. We can not change the law either of the right of an alien to hold property or restrict his right to a certain amount, or say that a mortgage held by him on real property under the laws of that State shall be of no value.

I would like to make this further observation, in harmony with that, if I may: We have designated a man as an "enemy." He is an enemy. He owns a piece of land under the laws of the State upon which there is a mortgage. In other words, he is indebted to a citizen of the United States, which citizen has a mortgage on the land, and under the laws of the State the alien has a right to own that land. Under this we forbid that man from making any payment or doing any business with respect to this land. Now, by this paragraph we say that if default in the payment occurs—and there will be default, because the man can not make the payment—we provide an entirely new and different method by which the mortgagee can come in and take the property. Let alone its legality and its constitutionality, is it in any sense right or just?

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. ROBBINS. It violates the terms of the contract.

Mr. MILLER of Minnesota. Yes; I yield to the gentleman from Ohio.

Mr. FESS. What is the status of either a mortgagor or a mortgagee with the war on, without any legislation?

Mr. MILLER of Minnesota. I would not want to answer that offhand.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Minnesota. Certainly.

Mr. McKENZIE. Is not the purpose of this section simply to start the machinery in motion by serving notice upon the custodian of the enemy's property? It does not abrogate or do away with the usual forms of law for the sale of pledged property. Is not that the purpose of this section?

Mr. MILLER of Minnesota. I do not understand that that is the purpose or the effect. This permits the disposition of the property after the default.

Mr. McKENZIE. That is notice. Would you not have to pursue the same course——

Mr. MILLER of Minnesota. Any person not an enemy—that is, a citizen of the United States—who holds a mortgage against property belonging to an enemy, "may after default dispose of such property under such rules and regulations and after such notice as the Secretary of Commerce shall prescribe."

Mr. McKENZIE. Notice served upon the custodian.

Mr. BUTLER. Could he not do it?

Mr. MILLER of Minnesota. I do not think he could under the laws of the State, which are at variance with any such process as this.

Mr. GRAHAM of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Minnesota. Yes.

Mr. GRAHAM of Illinois. If it is true, as has been stated here—and I think it is—that contractual relations are ended on the outbreak of the war, there is no contract existing between our citizen and the citizen of the foreign country. Now, therefore, there being no contract between them, unless Congress makes some legislation by which the machinery can be started, you can not start anything in any court.

Mr. MILLER of Minnesota. I do not agree with the gentleman that the contract is abrogated by the declaration of war.

Mr. GRAHAM of Illinois. I take it for granted on the statement of gentlemen of the committee. I have not investigated it myself. But those relations are at least suspended, are they not?

Mr. MILLER of Minnesota. They are suspended.

Mr. GRAHAM of Illinois. And during the continuance of the hostilities you can do nothing.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. DEWALT. Mr. Chairman, there is no amendment pending, and I ask for the regular order.

Mr. MOORE of Pennsylvania. Mr. Chairman, I present an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 34, line 12, after the word "Commerce," insert a comma and the words "with the approval of the President."

Mr. MOORE of Pennsylvania. Mr. Chairman, the amendment is offered with a view of making uniform the various provisions of the bill. In the section just passed, section 7, in subsection (c), the Secretary of Commerce is to do what he is required to do "by direction of the President," in the first instance, and "with the approval of the President" in the second instance. In other subsections throughout the bill it is contemplated that the President shall approve what is done.

Mr. MONTAGUE. I did not catch the gentleman's amendment, I am sorry to say. Will he kindly indicate what it is?

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again read.

Mr. MONTAGUE. I have no objection to it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 9. That any person, not an enemy, or ally of enemy, claiming any interest, right, or title in any money or other property which may have been conveyed, transferred, assigned, delivered, or paid to the alien property custodian hereunder, and held by him or by the Treasurer of the United States, or to whom any debt may be owing from an enemy, or ally of enemy, whose property or any part thereof shall have been conveyed, transferred, assigned, delivered, or paid to the alien property custodian hereunder, and held by him or by the Treasurer of the United States, may file with the said custodian a statement or notice of his claim under oath and in such form and containing such particulars as the said custodian shall require; and, if said person so filing notice shall, within three months after the end of the war, institute a suit in equity in the district court of the United States for the district in which such claimant resides, or, if a corporation, where it has its principal place of business (to which suit the alien property custodian or the Treasurer of the United States, as the case may be, shall be made a party defendant), to establish the interest, right, title, or debt so claimed, then the money or other property of the enemy, or ally of enemy, against whom such interest, right, or title is asserted, or debt claimed, shall be retained in the custody of the alien property custodian or in the Treasury of the United States, as provided in this act, and until any final judgment or decree which shall be entered in favor of the claimant shall be fully satisfied by payment or conveyance, transfer, or assignment by the defendant or by the alien property custodian or Treasurer of the United States on order of the court, or until final judgment or decree shall be entered against the claimant, or suit otherwise terminated.

Except as herein provided, the money or other property conveyed, transferred, assigned, delivered, or paid to the alien property custodian shall not be liable to lien, attachment, garnishment, trustee process, or execution, or subject to any order or decree of any court.

This section shall not apply, however, to money paid to the alien property custodian, under section 10 hereof.

Mr. PARKER of New Jersey and Mr. MANN rose.

Mr. MONTAGUE. Will the gentleman from Illinois permit me to offer a pro forma amendment?

Mr. MANN. The spelling of the word "section" should be corrected there on line 1 of page 37.

The CHAIRMAN. Without objection, the Clerk will make the correction indicated by the gentleman from Illinois.

There was no objection.

Mr. MONTAGUE. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MONTAGUE: Page 36, line 1, after the word "shall," strike out the word "within" and insert in lieu thereof the words "at any time before the expiration of."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PARKER of New Jersey. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New Jersey.

The Clerk read as follows:

Mr. PARKER of New Jersey offers the following amendment: Page 36, line 19, after the word "terminated," insert the following:

"*Provided*, That if any property belonging to an enemy or ally of the enemy insurance company be delivered to the alien property custodian or deposited in the Treasury of the United States under the provisions of this act, and any insurance company not an enemy or ally of the enemy shall claim any right, title, or interest in such property which has been so delivered to the alien property custodian or to the Treasurer of the United States, such insurance company, not an enemy or ally of the enemy, may institute suit in equity in the district court of the United States for the district in which the principal office of the company is located, or in the Court of Claims, for the purpose of establishing his right, title, or interest, and procuring a decree thereon, and such court may thereupon, on proper showing, direct that the property in the custody of the alien property custodian or of the Treasurer of the United States, to which such company may show itself to be entitled, be delivered to such company, and such case may be heard and determined and the property delivered before the end of the war. The alien property custodian or the Treasurer of the United States, as the case may be, shall be made party defendant to such suit."

Mr. PARKER of New Jersey. Mr. Chairman, this amendment meets a special case. It has been submitted to the gentleman from Pennsylvania [Mr. DEWALT] who, with the gentleman from Virginia [Mr. MONTAGUE], is in charge of this bill, and he has no objection to it.

It is well known that some of the insurance companies in this country reinsure in foreign insurance companies that have branches here. At least one of those foreign insurance companies—the Munich Insurance Co.—has a manager here who is a foreigner, and who may not get out. This bill would cancel all the reinsurance carried in that company; and inasmuch as the premiums on this reinsurance for long periods of time were paid to the Munich Insurance Co., on the cancellation of the reinsurance the premiums so paid would or should be returned. In the case of one of the insurance companies of my city—the Firemen's—these return premiums would amount to over $300,000, and under the present provisions of this bill that money would be tied up until three months after the end of the war and until the termination of a suit brought, if the money went into the hands of the alien property custodian. This provision, which, as I say, has been submitted to the gentleman from Pennsylvania [Mr. DEWALT] and approved by him, is to allow the insurance company immediately to obtain the return of these return premiums. These return premiums belong to them and not to the foreigners upon the cancellation of the contract, and there is no reason why the money should not be returned to the American insurance company. If any further explanation is needed, I shall be glad to give it.

Mr. DEWALT. Mr. Chairman, the gentleman from New Jersey [Mr. PARKER] is correct in stating that his proposed amendment was submitted to me this morning in conference with some gentlemen from New Jersey who are engaged in the insurance business. The facts, in brief, are these: There are 14 domestic insurance companies which have underwritten a portion of their risks with enemy insurance companies. In order to underwrite their insurance they, of course, were obliged to pay to these enemy insurance companies a portion of the premiums. By the provisions of this act these contracts, made between the enemy insurance companies and our domestic insurance companies, fall and become void. By the provisions of this act also the custodian takes possession of the property of these alien insurance companies. Now, what is that property? In every State in the Union in which these alien insurance companies are doing business they have been obliged to place in the hands of the insurance department security as collateral for the repayment of these premiums that have been paid to them, which would again be returned to the domestic insurance companies either on the lapse of the insurance or on the cancellation thereof. Now, when, by the provisions of this act, the custodian takes into his possession all the property of the alien insurance company, these 14 domestic insurance companies—and there may be a greater number, but these gentlemen mentioned only 14—would be obliged, under the present provisions of the act, to wait until three months after the expiration of the war before they could recover, from this property which is in the hands of the custodian, these returned premiums, which they certainly ought to be entitled to immediately upon the cancellation of the insurance contracts. Therefore upon the submission of the question to me—I am sorry that the gentleman from Virginia [Mr. MONTAGUE] was not present at the interview—it seemed that it was no more than equitable and just that this property, on coming into the hands of the custodian or the Treasurer of the United States, should be given to our domestic insurance companies immediately upon the affirmance of a judgment in their behalf by a court of competent jurisdiction. That is all there is in the amendment.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from New Jersey [Mr. PARKER].

The amendment was agreed to.

Mr. MANN. Did that amendment come in at the end of section 9?

Mr. DEWALT. No; after the word "terminated."

Mr. MANN. Very well. I offer an amendment to come in at the end of the section.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MANN: At the end of section 9 insert the following:

"That if any property belonging to a loyal citizen of the United States who, by virtue of his residence in a foreign country, comes within the definition of the word 'enemy' as used in this act, is delivered to the alien property custodian or deposited in the Treasury of the United States under the provisions of this act, and the owner thereof afterwards removes to a neutral country or returns to the United States; or if it is ascertained that such owner was not in fact, by virtue of his residence when this act takes effect, properly included within the definition of the word 'enemy' as used herein; or if by inheritance from or by will duly executed by one who comes within the definition of the word 'enemy' as used herein, a citizen of the United States residing therein becomes entitled to all or any part of or interest in any property which has been so delivered to the alien property custodian or to the Treasurer of the United States, the Secretary of Commerce, may, upon application, by or on behalf of such person and proper showing of the facts, authorize and direct the return to him, in such manner as the Secretary shall determine, of any such property or any part or interest therein to which he may be so entitled. If the Secretary of Commerce does not grant such application within three months after the same is made, the person so entitled

may institute a suit in equity in the district court of the United States for the district in which such person resides or in the Court of Claims for the purpose of establishing his right and procuring a decree thereon, and such court may thereupon, on proper showing, direct that the property in the custody of the alien property custodian or in the Treasury of the United States, to which the claimant may show himself to be thus entitled, be delivered to him, and such case may be heard and determined and the property returned before the end of the war. The alien property custodian or the Treasurer of the United States, as the case may be, shall be made party defendant to such suit."

Mr. DEWALT. After consultation with the gentleman in charge of the bill I will say that there is no objection to the amendment of the gentleman from Illinois, but if he desires to explain it——

Mr. MANN. I introduced it as a House bill, so as to have it in print.

Mr. ADAMSON. I would be very glad if the gentleman would make a little explanation of it, because it occurred to some of us that the matter was already covered by the terms of the bill.

Mr. MANN. I will not undertake to be certain that it is not covered already by the terms of the bill. This amendment, to be frank about it, was sent to me by the Merchants' Loan & Trust Co., of Chicago, one of the most responsible organizations in the United States, with the statement that in their opinion it was not covered by the terms of the bill, and it seemed to be perfectly patent that no one would object to the provisions in this amendment. I introduced it as a House bill in order to get it into print and have it before the committee, and I offer it now with the idea that there is no objection to what is intended to be covered by the amendment. This bill will pass through another body, and will pass through conference. I think it is very likely that some of these things may be consolidated with other provisions of the bill, but I do not see how anybody could really object to the provision that is here made. If an American now in Germany, and hence an alien enemy, has his property placed in the hands of the custodian and then he manages to get back to the United States, there is no reason why the money should not be turned over to him.

Mr. MONTAGUE. When he manages to get back to the United States, as the gentleman says, does not his return, ipso facto, remove his enemy character, as if he had never been out of the country?

Mr. MANN. But his property is in the hands of the custodian and I doubt if there is any way by which he could get it out unless we permit him to make the application.

THE CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was adopted.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 10. That nothing contained in this act shall be held to make unlawful any of the following acts:

(a) An enemy, or ally of enemy, may file and prosecute in the United States an application for letters patent, or for registration of trade-mark, print, label, or copyright, and may pay any fees therefor in accordance with and as required by the provisions of existing law. Any such enemy, or ally of enemy, who is unable during war, or within six months thereafter, on account of conditions arising out of war, to file any such application, or to pay any official fee, or to take any action required by law within the prescribed period, may be granted an extension of nine months beyond the expiration of said period, provided the nation of which the said applicant is a citizen, subject, or corporation shall extend substantially similar privileges to citizens and corporations of the United States.

(b) Any citizen of the United States, or any corporation organized within the United States, may pay to an enemy or ally of enemy any tax, annuity, or fee which may be required by the laws of such enemy or ally of enemy nation in relation to patents and trade-marks, prints, labels, and copyrights; and any such citizen or corporation may file and prosecute an application for letters patent or for registration of trade-mark, print, label, or copyright in the country of an enemy, or of an ally of enemy, after first submitting such application to the Secretary of Commerce and receiving license so to file and prosecute.

(c) Any citizen of the United States or any corporation organized within the United States who desires to manufacture, or cause to be manufactured, a machine, manufacture, composition of matter, or design, or to carry on or cause to be carried on a process under any patent or copyrighted matter owned or controlled by an enemy or ally of enemy at any time during the existence of a state of war may apply to the Federal Trade Commission for a license; and said commission is hereby authorized to grant such a license, nonexclusive or exclusive, as it shall deem best, provided it shall be of the opinion that such grant is for the public welfare, and that the applicant is able and intends in good faith to manufacture, or cause to be manufactured, the machine, manufacture, composition of matter, or design, or to carry on or cause to be carried on the process or to use the copyrighted matter. The Federal Trade Commission may prescribe the conditions of this license and the rules and regulations under which it may be granted and the fee which shall be charged therefor, not exceeding $100 and not exceeding 1 per cent of the fund deposited as hereinafter provided.

(d) The licensee shall file with the Federal Trade Commission a full statement of the extent of the use and enjoyment of the license, in such form and at such stated periods (at least annually) as the commission may prescribe; and the licensee shall pay at such times as may be required to the alien property custodian (or to such other officer as the President shall direct) not to exceed 5 per cent of the gross sums received by the licensee from the sale of said inventions or use of the copyrighted matter, or 5 per cent of the value of the use of such inventions or copyrighted matter to the licensee as established by the Federal Trade Commission; and sums so paid shall be deposited by said alien property custodian (or by such other officer as the President shall direct) forthwith in the Treasury of the United States as a trust fund for the said licensee and for the owner of the said patent or copyright registration as hereinafter provided, to be paid from the Treasury upon order of the court, as provided in subdivision (f) of this section, or upon the direction of the alien property custodian, or such other officer as the President shall direct.

(e) Unless surrendered or terminated as provided in this act, any license granted hereunder shall continue during the term fixed in the license or in the absence of any such limitation during the term of the patent or copyright registration under which it is granted. Upon violation by the licensee of any of the provisions of this act, or of the conditions of the license, the Federal Trade Commission may, after due notice and hearing, cancel any license granted by it.

(f) The owner of any patent or copyright under which a license is granted hereunder may, at any time within one year after the end of the war, file a bill in equity against the licensee in the district court of the United States for the district in which the said licensee resides, or, if a corporation, in which it has its principal place of business (to which suit the Treasurer of the United States shall be made a party), for recovery from the said licensee for all use and enjoyment of the said patented invention or copyrighted matter: *Provided, however,* That whenever suit is brought, as above, notice shall be filed with the alien property custodian (or with such other officer as the President shall direct) within 30 days after date of entry of suit: *Provided further,* That the licensee may make any and all defenses which would be available were no license granted. The court on due proceedings had may adjudge and decree to the said owner payment of a resonable royalty. The amount of said judgment and decree, when final, shall be paid on order of the court to the owner of the patent from the fund deposited by the licensee, so far as such deposit will satisfy said judgment and decree; and the said payment shall be in full or partial satisfaction of said judgment and decree, as the fact may appear; and if, after payment of all such judgments and decrees, there shall remain any balance of said deposit, such balance shall be repaid to the licensee on order of the alien property custodian (or such other officer as the President shall direct). If no suit is brought within one year after the end of the war, or no notice is filed as above required, then the licensee shall not be liable to make any further deposits, and all funds deposited by him shall be repaid to him on order of the alien property custodian (or such other officer as the President shall direct). Upon entry of suit and notice filed as above required, or upon repayment of funds as above provided, the liability of the licensee to make further reports to the Federal Trade Commission shall cease.

If suit is brought as above provided, the court may at any time terminate the license, and may in such event issue an injunction to restrain the licensee from infringement thereafter, or the court, in case the licensee prior to suit shall have made investment of capital based on possession of the license, may continue the license for such period and upon such terms and with such royalties as it shall find to be just and reasonable.

(g) Any enemy, or ally of enemy, may institute and prosecute suits in equity against any person other than a licensee under this act to enjoin infringement of letters patent and copyrights in the United States owned or controlled by said enemy or ally of enemy, in the same manner and to the extent that he would be entitled so to do if the United States was not at war.

(h) Except as provided in this section, nothing in this act shall be construed to authorize the prosecution or maintenance of any suit or action at law or in equity by an enemy or ally of enemy in any court within the United States. All powers of attorney heretofore or hereafter granted by an enemy or ally of enemy to any person within the United States, in so far as they may be requisite to the performance of acts authorized in subsections (a) and (g) of this section, shall be valid.

Mr. MONTAGUE. Mr. Chairman, on page 37, line 8, the first word "any" should be "an." A typographical error.

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

Mr. MONTAGUE. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 40, lines 2 and 3, strike out the words "a license is granted hereunder may, at any time within one year after the end of the war, file a bill in equity against the," and insert in lieu thereof the following: "a license is granted hereunder may after the end of the war and until the expiration of a year thereafter file a bill in equity against the."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken, and the amendment was agreed to.

Mr. MONTAGUE. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 42, line 3, after the word "States" strike out the period and insert a comma, and in lieu thereof add the words "prior to the end of the war: *Provided further,* That an enemy or ally of the enemy may defend by counsel any suit in equity or action at law which may be brought against him."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken, and the amendment was agreed to.

Mr. SNOOK. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 39, line 8, after the word "or," insert the words "if such commission shall so order."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was agreed to.

Mr. MILLER of Minnesota. Mr. Chairman, I move to strike out the last word. I understand that this section was drawn by the Department of Justice; is that so?

Mr. DEWALT. And the Patent Office.

Mr. MILLER of Minnesota. And the Patent Office in consultation. I assume that the language must have been drawn with care, and yet it is very strange language. I want to invite the gentleman's attention to see if I am all wrong or whether the language is incomplete.

I direct the gentleman's attention to the subsection (c), page 38. I am referring to the language describing the things that are patented or copyrighted, and this is the language that is used:

Any citizen of the United States or any corporation organized within the United States who desires to manufacture, or cause to be manufactured, a machine, manufacture, composition of matter, or design—

And so forth.

Now, that language "composition of matter," if taken in a reasonable sense, comprehends everything in God's created universe. But is it not so general, is it not so comprehensive, that the court would refuse to construe it?

Mr. MONTAGUE. That is the exact language of the patent law copied into the bill.

Mr. MILLER of Minnesota. Is that the exclusive language of the patent law, or is there other language and then that added as a sort of basket clause for fear that they had left out something? The language frequently used is "manufacture, machine, design, preparation, compound," and things of that kind. None of that is in here except "manufacture" and "design." I have no desire to criticize or ask this to be changed if it is going to do the business.

Mr. MONTAGUE. I have the patent law here in pamphlet form, and some of these amendments that were added were copied from that law directly.

Mr. MILLER of Minnesota. I have had an extended correspondence with many distinguished physicians in the United States, beginning with the Drs. Mayo, in my own State, which caused me to introduce a bill which embraced all of these things relating to medicine compounds; but, of course, I readily laid that bill aside in view of this coming out, but I want to be sure that this does the business. The preparations that the physicians are interested in are medicines that have been manufactured and compounded by German scientists, patented in the United States, and now can not be obtained for love or money unless they are permitted to be manufactured in the United States.

Mr. MONTAGUE. Is the gentleman in doubt as to whether or not the medicinal preparations he has in mind are covered by these words?

Mr. MILLER of Minnesota. I have.

Mr. MONTAGUE. I will say to the gentleman that after a good deal of consideration, the conclusion was inexorable that it did cover just the preparations the gentleman speaks of. I do not know of any other language that could more completely cover it.

Mr. MILLER of Minnesota. I am sure that the words "composition of matter" include it.

Mr. MONTAGUE. Yes.

Mr. MILLER of Minnesota. I do not know anything that it does not include, but courts very frequently say that language is so general and indefinite that therefore they will refuse to apply it to a specific case. What would be the objection to inserting the words "medicine, medicinal compound, or preparation"?

Mr. MONTAGUE. This is the language not only of the statute but the language suggested by the Commissioner of Patents himself as covering medicinal preparations. I am not a patent lawyer, but I think, under the long adjudications on this subject, the gentleman will find that this covers all those subject matters.

Mr. DEWALT. I refer the gentleman to line 9:

or cause to be carried on, a process under any patent or copyrighted matter——

Mr. MILLER of Minnesota. I was about to revert to that after we had finished with the first. Assuming that the language does comprehend the medicinal preparation we have in mind, what is the authority conferred to do in respect to that—to carry on a process under any patent or copyrighted matter owned or controlled by an enemy or ally of an enemy at any time during the existence of a state of war. I would not be surprised if the court would hold that that language would permit the manufacture of a preparation in the nature of a medicine, but it does not exactly say so.

Mr. DEWALT. I do not think there is any doubt about it. You could not make it any broader, and, as it is inclusive, it would not be exclusive.

Mr. MILLER of Minnesota. Oh, yes; you could; but if the gentleman has given careful consideration to that feature, I shall not try to be captious about it.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Minnesota. Yes.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MILLER of Minnesota. Mr. Chairman, I ask unanimous consent that my time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COX. Mr. Chairman, what does the gentleman think about the language just below—giving to the Federal Trade Commission the power to issue either a nonexclusive or an exclusive license to the patentee? In other words, what does the gentleman think about the propriety of giving to the Federal Trade Commission the power to give to one concern an exclusive license to manufacture any of this material?

Mr. MILLER of Minnesota. My answer would have to be confined within my own knowledge, and my knowledge of the manufacture of patented articles is exceedingly limited. However, my knowledge in respect to the medicinal preparation that the Drs. Mayo brought to our attention some weeks ago, and that I had brought to my attention in the Orient shortly after the war started, is fairly full. In other words, there is but one concern in the United States that is competent to manufacture this particular medicinal compound.

Mr. COX. What is the compound?

Mr. MILLER of Minnesota. The compound is salvarsan and neo-salvarsan.

Mr. COX. Does it not include another one called aspirin?

Mr. MILLER of Minnesota. Possibly; but the medical men are agreed that there is one concern in Philadelphia, controlled by Dr. Schamberg, that has made, under license from the German patentees since the war has begun, this compound which is better than that which the Germans heretofore have manufactured and sold in the United States. The ingredients of this are such powerful drugs that unless the compound is made with the greatest care by the most accurate scientists and in laboratories perfectly fitted for the work, a patient who takes it is likely to receive serious injury, and so the Surgeon General's Office of the War Department and the officers of the medical associations with whom I have conferred are alike agreed that any license to manufacture this particular compound should be exclusive to this one concern, and I assume that is the reason that language was put in.

Mr. DEWALT. That was the reason.

Mr. COX. In order to get a pure compound.

Mr. MILLER of Minnesota. Absolutely pure.

Mr. COX. Does the gentleman have any knowledge or information of what is known as aspirin? I am somewhat interested in that, because I have taken large quantities, especially German aspirin. Are there any concerns in this country manufacturing that?

Mr. MILLER of Minnesota. I am sorry to say that I do not know.

Mr. MADDEN. Mr. Chairman, I have a nephew who is a chemist, and he tells me that he can make aspirin just as well as they do in Germany, but that he has not dared to do it because of the patents and the penalties for a violation of the patent laws. He said, however, that any chemist can make it.

Mr. COX. I think about two years ago I bought what was said to be the last ounce in Indiana and I paid $7 for that ounce.

Mr. MONTAGUE. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The gentleman from Minnesota has the floor.

Mr. MONTAGUE. I do not want to take the gentleman off the floor, but I thought he was through.

Mr. MILLER of Minnesota. If we are not in too big a rush, I would like the indulgence of the committee for two or three minutes.

Mr. MONTAGUE. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MILLER of Minnesota. Now that the gentleman from Indiana [Mr. Cox] has asked the name of this particular compound, and it has been given, some further additional words might be appropriate. This is the only specific ever yet discovered for syphilitic conditions, and all the world knows, conversant with the facts, that syphilis is contracted in an innocent way just as often as, if not more often than, in any other way. When I was in the Orient, two years ago, I went

through several hospitals. I recall one distinctly that was devoted exclusively to children afflicted with syphilis. They are in a helpless, miserable, hopeless condition. Why? Because, I was informed, that the price of this compound had been so exorbitantly raised that it was beyond charity patients. That, however, was not enough of a proposition to disturb us particularly in this country, but the physicians of this country became greatly alarmed about two years ago over the difficulty of securing these various compounds, of which this is the main ingredient. Some came in the *Deutschland*, but not sufficient. I have a letter from one of the leading surgeons of the country which says that the total supply in the United States to-day is practically exhausted and that no more can be found here at all.

Now, the German agents who represented the patentees of this company conducted themselves, to my mind, in a most despicable manner. They raised the price of this compound enormously because they saw they had a monopoly and could do it. The Drs. Mayo, of Minnesota, brought this to the attention of Congress early in May and requested that this compound be manufactured by Dr. Schamburg and that the patents be suspended.

Mr. COX. Will the gentleman yield?

Mr. MILLER of Minnesota. I will.

Mr. COX. I am glad to hear the gentleman say that it can be manufactured in this country just as well as in Germany. If I recollect correctly, the gentleman from New York [Mr. LAGUARDIA] the other day said the manufacture of this particular drug in this country was a total failure so far as the effect of the compound upon the individual was concerned.

Mr. MILLER of Minnesota. I will ask unanimous consent to extend as a part of my remarks a communication that I received from Dr. Stokes, who is the head of the dermatological section of the Mayos Hospital, of Rochester, Minn., in which he goes very fully into this subject.

Mr. COX. That will make it authoritative from the Drs. Mayo themselves?

Mr. MILLER of Minnesota. Dr. Mayo himself subscribed to all these statements from Dr. Stokes.

Mr. LAGUARDIA. Do I understand they have been experimenting with the Philadelphia preparation?

Mr. MILLER of Minnesota. Not only experimenting, but they have manufactured it for a considerable period of time; but now they do not manufacture it, because the German patents will not permit it.

Mr. LAGUARDIA. Has any action been brought restraining its manufacture?

Mr. MILLER of Minnesota. They had only the permit of the German patentee to manufacture, and after the war started they could not manufacture.

Mr. LAGUARDIA. But does the gentleman know whether any action has been taken restraining them from manufacture?

Mr. MILLER of Minnesota. They can not manufacture without infringing upon the patents.

Mr. LAGUARDIA. If it is asserted that it is for the interest of public health and they could show that it is impossible to obtain the original article, would any court in this country restrain them from manufacturing it?

Mr. MILLER of Minnesota. The court would have to comply with the law.

Mr. LAGUARDIA. But is not the law well established that where the infringement is such that the infringing party can not obtain the original article and the owner of the patent can not supply, then the court will simply order the keeping of complete and accurate account and would permit the manufacture, pending the action?

Mr. MILLER of Minnesota. I think the court would confine itself to a construction of the law.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by the insertion of the matter indicated.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

The matter referred to is as follows:

As the head of the section of dermatology and syphilology in the Mayo Clinic, I beg leave to ask your attention, and that of the Council of Defense, to the conditions existing at this time in this country in regard to the drug known as salvarsan and neosalvarsan, used in the treatment of syphilis. As you know, both these drugs have been patented in this country by the Farbwerke-Hoechst Co., of New York, whom I understand to be the purchasers of the original Ehrlich patents. (This is a misstatement; Prof. Schamberg informs me the patents are held by the German company and can therefore legally be suspended or abrogated.) These patents I understand to be very extensive in their scope and to include not only the names under which the drugs are marketed but all the details of their manufacture. In fact, it is said to be virtually impossible by any variation upon them to manufacture the drugs without infringement and consequent suit in the courts.

The salvarsan and neosalvarsan supplied to the profession of this country up to the outbreak of the European war was manufactured in Germany, under the direction of Ehrlich's laboratories in Frankfort, and marketed in this country at a price of $3.50 per maximum dose (0.6 gram salvarsan and 0.9 gram neosalvarsan). After the outbreak of the war the importation of both drugs was interfered with by the British blockade, and the price rapidly reached a speculative level, to my personal knowledge, as high as $16 a dose. The Farbwerke-Hoechst Co. then inaugurated a system of direct distribution, raising the price to $4.50 a dose, ostensibly to cover increased cost. At this price original salvarsan was available for some time, but the supply of neosalvarsan was rapidly exhausted. The advance in price and the difficulty of securing the preparation, of course, still further restricted the use in this country of one of the most important curative agents in existence.

Finally, as a result of the complete suspension of imports, the entire supply of both neosalvarsan and salvarsan in this country failed entirely, and a large proportion of the profession was obliged to return to the antiquated methods in use with mercury alone, a slower and less effective procedure, making abortive cure out of the question and admittedly unsatisfactory in controlling syphilis as a contagious disease.

In this emergency the Dermatological Research Laboratories of the Philadelphia Polyclinic, which had for some time, under the directorship of Prof. Jay Frank Schamberg, been studying a salvarsan of their own manufacture, identical with the German product, entered into a gentlemen's agreement with the holders of the German patents by which they were permitted to supply the profession of this country a salvarsan of domestic manufacture. This product was supplied under the name arsenobenzol. Its distribution was allowed by the German patentees on the understanding that as soon as they could reimport the manufacture of arsenobenzol would be suspended.

Arsenobenzol, as prepared under Prof. Schamberg's direction, is identical in composition with, and equal in clinical efficiency to, original salvarsan (606) of the Ehrlich patents. This has been attested by the studies of the council on pharmacy and chemistry of the American Medical Association. My own impressions and those of other clinicians who have used the drug all seem to agree that its efficiency is the same as that of salvarsan, and that its toxicity and the incidence of unfavorable complications after its use is, if anything, lower than that of the German product. Prof. Schamberg and his collaborators, Drs. Kolmer and Raizlss, have made a thoroughgoing study of the drug from every angle, and there can be no reasonable question that they are in position to furnish this country with a product thoroughly surrounded by all the guaranties demanded in the case of so powerful and potentially dangerous a therapeutic agent.

I understand that during the period when German imports were suspended, some 25,000 doses of arsenobenzol were supplied to physicians in this country. The manufacture of the drug was suspended in the latter part of July, 1916, as the result of the reimportation of the German salvarsan through special arrangement with the belligerent powers. German salvarsan and neosalvarsan have been supplied to the American market at the price of $4.50 a dose until the supply has been again cut off by the suspension of submarine commerce between this country and Germany via the *Deutschland* and the recent rupture of diplomatic relations. Recent information in my hands estimates the amount of salvarsan and neosalvarsan still available in the hands of the Farbwerke-Hoechst Co. as sufficient for two months if the supply is husbanded.

I might mention at this point that the manufacture of arsenical compounds practically identical with salvarsan has been carried on in the belligerent countries since the beginning of the war. Kharsivan is, I think, the name of the British product, manufactured by the Burroughs Welcome Co. Diarsenol and neodiarsenol are manufactured at Toronto under the direction of the Canadian Government by the Synthetic Drug Co. (Ltd.), the direct supervision being carried out by the medical department of the University of Toronto. A good deal of the former drug has been used in this country, although its importation is an infringement of the German patents. Reports of its unstable character have appeared in the literature, and I have myself within a short time nearly had disastrous results in five cases on a single day from the use of this product, and have known of other serious effects. In view of the fact that its importation is a violation of the patent law, and that it is an unstable and apparently dangerous substitute, it can scarcely be looked upon as a source of supply in an emergency.

In this connection I might also call your attention to the increased toxicity of German salvarsan and neosalvarsan itself. The recent importations have been markedly inferior to the product marketed before the war. This has been abundantly testified to by reports appearing in the Journal of the American Medical Association and by my own experience. In the course of a series of 500 injections during August, September, and October of this year, I have witnessed every known type of reaction to the drug, more reactions than I had seen in 3,000 previous injections, even under a rigidly exacting technique. On a single day, from one control number, six of my patients had nitritoid crises on the table, any one of which might have terminated fatally. Dr. Ormsby, of Chicago, and other clinicians, had similar experiences. All of us had abundant occasion to realize our helplessness, and to appreciate that to leave the manufacture and sale of so powerful and potentially toxic drug to the vicissitudes of commercial expediency is a fundamentally short-sighted public policy.

With reference to the current price of salvarsan the following considerations are in point: Prof. Schamberg has stated that if such steps are taken as will permit its unrestricted American manufacture, it can be supplied to hospitals at $1 or less per maximum dose. If this is possible, it is apparent that the German patentees have reaped prodigious profits from their monopoly and that it would be reasonable now to subordinate the interest of this lucrative monopoly to the public good. The patents on salvarsan have still 11 years to run, and it is, to say the least, under protest that those of us who work with it all the time and realize the immense public benefit that could be derived from it see the sick of this country the victims of this form of extortion. This country is ripening for a public-health campaign against syphilis, and to its inauguration many of us are bending our best efforts. To have to delay the initiation of this movement for 11 years, until the claims of the patentees shall have been satisfied on an exorbitant scale, seems intolerable. It is still more unthinkable when one realizes that an effective campaign against syphilis is an integral part of national preparedness and must take its place among measures of national defense. The effect of the mobilization of troops, the increase of the personnel of Army and Navy, the importance of the health of

enlisted men is being daily better appreciated. Salvarsan in abundance is therefore a weapon, and it would seem to be quite within the province of the Executive to command it as such, or to provide for its home manufacture. The protection of the civil population after hostilities, no less than that of the Army and Navy, deserves consideration in this connection.

Realizing this situation, and believing that the state of our relations with Germany affords the psychological and practical opportunity for terminating this unreasonable monopoly, a number of us have sounded Prof. Schamberg in his willingness to place his facilities at the disposal of the Government and the medical profession of this country. It appears from his communications to Dr. William Allen Pusey, of Chicago (now in my hands), and the communication to me inclosed herewith, that suitable governmental action will make it possible for him to supply arsenobenzol to the Government and to the profession of this country in quantities sufficient for all our needs. Suitable action, apparently in the form of an abrogation of these patents by Congress, will make possible the radical reductions in the price so much to be desired in the interest of public health. Prof. Schamberg, as you will note, would welcome the supervision of the United States Public Health and Marine Hospital Service in the manufacture of the drug. If the Council of National Defense will give this matter its consideration, I have no doubt that Prof. Schamberg would be pleased to appear before this body and make known in full his point of view upon the matter, and the results of his study of the situation. I understand that the German patentees have endeavored to carry through an agreement with him which will maintain the price far above the figure at which he could place it on the market. From such an arrangement he has endeavored to hold back in the effort to accomplish a radical readjustment. I would respectfully urge that governmental action in this matter should be prompt, or it will be ineffectual, and relief from the existing unjust state of affairs will be delayed at least 11 years.

I beg to thank you for the opportunity of bringing this matter to your attention, and remain,

Respectfully, yours,

JOHN H. STOKES, M. D.,
Mayo Clinic.

Mr. MONTAGUE. Mr. Chairman, I ask for the regular order.

Mr. GRAHAM of Illinois. Mr. Chairman, I move to strike out the last two words simply for the purpose of calling attention to what I take to be a typographical error in the print. In line 7, on page 37, the word "registration" seems to be misspelled.

Mr. MONTAGUE. I thank the gentleman for the suggestion.

The CHAIRMAN. Without objection, the Clerk will make the correction.

There was no objection.

Mr. LAGUARDIA. Mr. Chairman, I offer the following amendment and ask that it be read by the Clerk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 38, line 25, strike out the period, insert a colon, and add the following:

"*Provided*, That the provisions of section (c) shall take effect in the event only that the Government of any nation with which the United States is at war abrogates, suspends, or in any manner limits within its own territory the full and unhampered use and enjoyment of a patent or patent right of a citizen of the United States, and the President shall make proclamation thereof."

Mr. LAGUARDIA. Mr. Chairman, so far the only purpose for a provision of this kind that has been stated is the desire to make salvarsan in this country. Whether or not salvarsan can be made successfully here is a question of grave doubt. The medical profession, as I stated the other day, are frank to say that the preparations so far made have not been successful. If it is necessary to make salvarsan, and if it can not be imported from Germany, it strikes me we might find some other manner of permitting its manufacture rather than resorting to the extreme measure of abrogating all patent rights. The committee has not stated that the German Government has abrogated patent rights applying to American citizens. There are more patents owned by American citizens exploited in Germany than there are German patents exploited in this country. When these patents were granted the Government pledged a monopoly for a certain number of years on those articles, and now to go back on its word is just as dishonorable as the violation of a treaty. It is treating the certificate of patent—the solemn obligation of this Government—as a "scrap of paper."

If the committee were in a position to state to the House that the German Government had taken such action in reference to patents owned by American citizens there might be some justification, but the committee is honest in saying that they do not know. We are bound by our own laws, as well as by treaty, to protect patents owned by foreign citizens. And with the one exception of this medical preparation, there has been nothing presented to justify this section.

Mr. WINGO. Will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. WINGO. I was not present the other afternoon when the gentleman discussed the proposition that they could not successfully manufacture it in this country. They have a formula, have they not?

Mr. LAGUARDIA. They have a formula, it is true.

Mr. WINGO. Can the gentleman explain why they can not manufacture it here?

Mr. LAGUARDIA. I suppose for the same reason that we can not raise Turkish tobaccos or make Pilsner beer here. They have tried it in Canada, but I will say to the gentleman that reliable physicians in New York have been using the Canadian and Philadelphia preparations, and have taken care to warn their patients that a substitute preparation was being used.

Mr. WINGO. Is salvarsan a chemical compound?

Mr. LAGUARDIA. It is.

Mr. WINGO. Then, it is a proposition of mixing chemicals?

Mr. LAGUARDIA. Yes. I will state to the gentleman from Minnesota [Mr. MILLER] that I am not an expert on salvarsan or on the reason why salvarsan is used, and I know nothing about it. But I say this, that if it is necessary to make it here, and if it can be manufactured here, we can do so without this section. There is no need of this section in the bill. Its purpose is dishonest. There is no necessity for it, and it is going to give justification to retaliation in Germany, which will result in enormous losses to American citizens. I am not interested in salvarsan. I am keenly interested in our national honor and the rights of our citizens.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I think the gentleman from New York [Mr. LAGUARDIA] is mistaken in thinking that the only patent and remedy which really would be affected by this paragraph is salvarsan.

Some years ago I introduced in the House a bill, which was very carefully considered by the Committee on Patents, reported favorably to the House, and passed by the House, designed to require a working in the United States of patents granted to foreign citizens. At that time I collected, a portion of which I showed to the Committee on Patents of the House, a very large number of samples of different things—medicines, in some cases dyes, and things of that sort, giving the price in the United States, where the patent was not required to be worked, and having purchased the same amount across the line in Canada, where the patent was required to be worked, and in many cases for the same amount of money you received ten times the amount of the product across the line at Niagara, in Canada, that you could buy in Buffalo, on this side.

There are many of those cases. They still exist. That bill passed the House. But all the patent attorneys in the United States woke up while the bill was pending in the Senate, and they poured in such a volley upon it that it never received favorable consideration there. It is the business of the patent attorneys in the United States to prevent any adverse change in patent laws. They have succeeded in doing it for years, and will continue, probably, in the future, except on an occasion like this.

We have the right in granting a patent to grant it upon such terms as we please. The patent is a monopoly, not an actual one but an artificial monopoly. We have the right. I can not understand the theory of gentlemen who propose where a patent now granted in the United States to a German citizen and worked in Germany, and the product can not be brought from Germany into the United States, and the owner of the patent itself can not work it in the United States—I can not understand the theory of gentlemen who oppose granting some one the right under guarded conditions to work that patent in the United States.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. SNOOK. Mr. Chairman, I wish to say a word as to the matter mentioned by the gentleman from New York [Mr. LAGUARDIA] in connection with what was said by the gentleman from Minnesota in regard to salvarsan.

I want to make a statement that I think ought to be made in addition to what the gentleman from Minnesota [Mr. MILLER] has said on the subject of salvarsan. I took this matter up, at the instigation of the committee, with the War Department. We have not only the word of the Mayo brothers, but Col. H. C. Fisher, of the War Department, who has this matter in charge, tells me that this institute in Philadelphia, to which the gentleman from Minnesota has called attention, is ready to manufacture salvarsan and furnish it to the Government at a dollar a dose, which is now costing, if manufactured under the old processes, $4.50 to $5 a dose. And not only that, but he says the War Department have experimented with it and tried it, and they have found that in every way it was as efficient as that made under the German patent.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. SNOOK. I will.

Mr. LAGUARDIA. Is the gentleman aware that before it was marketed over 50,000 tests were made, and that it would take a year to determine its efficiency?

Mr. SNOOK. I do not know how many tests were made. It is known as "606." The War Department has tested it out fully as prepared by this firm in Philadelphia and have found it efficient in every way.

Mr. WINGO. Is there anything in the suggestion, from the investigation you have made, that it is impossible to compound these chemicals in this country?

Mr. SNOOK. Not at all. We are compounding them, and are ready to do so; and if the bill is passed these people in Philadelphia are ready to take out a license under this bill, so the War Department informs me, and begin furnishing it right away at $1 a dose and soon thereafter as low as 50 cents a dose.

Mr. LAGUARDIA. Does the gentleman believe that it is so important that we should take this extreme measure and risk all the patents owned by American citizens in Germany for the sake of salvarsan?

Mr. SNOOK. The gentleman talks about something outside the question.

Mr. LAGUARDIA. That is the whole thing.

Mr. MILLER of Minnesota. Will the gentleman permit me to read Col. Fisher's exact words? I have them right before me.

Mr. SNOOK. I would be very glad to have the gentleman do that.

Mr. MILLER of Minnesota. He says:

The Medical Department of the Army has been obliged to pay $4.50 per dose, compared with $2.50 before the war. It is a fact that the Dermatological Institute in Philadelphia can make this same material, which the institute designates arsenobenzol. This is an entirely satisfactory substitute for salvarsan; and the director of the institute, Dr. Schamberg, informs me it could be sold for $1 a dose or less.

Now will the gentleman permit me to read a statement on the same subject from the Mayo Hospital?

Mr. SNOOK. I shall be very glad to have the gentleman read it.

Mr. MILLER of Minnesota. I read:

Arsenobenzol, as prepared under Prof. Schamberg's direction, is identical in composition with and equal in clinical efficiency to original salvarsan (606) of the Ehrlich patents. This has been attested by the studies of the council on pharmacy and chemistry of the American Medical Association. My own impressions and those of other clinicians who have used the drug all seem to agree that its efficiency is the same as that of salvarsan, and that its toxicity and the incidence of unfavorable complications after its use is, if anything, lower than that of the German product. Prof. Schamberg and his collaborators, Drs. Kolmer and Raiziss, have made a thoroughgoing study of the drug from every angle, and there can be no reasonable question that they are in position to furnish this country with a product thoroughly surrounded by all the guaranties demanded in the case of so powerful and potentially dangerous a therapeutic agent.

Mr. SNOOK. Mr. Chairman, I want to say just one more word.

Mr. MILLER of Minnesota. I thank the gentleman for his courtesy.

Mr. SNOOK. Dr. Fisher also tells me that a company that is now operating in Canada and whose agents appeared before the committee are manufacturing a substitute called diarsenol, which has been tested by the Johns Hopkins Institute of Baltimore.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. SNOOK. Yes.

Mr. FESS. Is the remedy mentioned by Dr. Schamberg such that we could not manufacture it without infringing on the foreign patents?

Mr. SNOOK. Well, ordinarily there may be some question about that; but under the terms of this bill there can be no question about it, and these gentlemen are willing to take out a license and manufacture it.

Mr. FESS. Is it in order that this composition may be made?

Mr. SNOOK. It is necessary, and for this reason——

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. SNOOK. Mr. Chairman, I ask leave to proceed for one minute more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. SNOOK. There is another necessity for this provision in the bill, and that is this: These people who own the German patents are circularizing the trade and the people who use the remedy and are trying to bring about the impression which the gentleman from New York [Mr. LAGUARDIA] is trying to bring before the minds of the Members of the House—that these other preparations made by other people are not efficient, and therefore the people hesitate to use them. But if they take out a license under this bill they would be protected in every way.

Mr. FESS. If the gentleman will permit, I understood that since the existence of war has annulled almost all contractual relations between citizens here and citizens in Germany this bill merely makes legal what otherwise would be of no value?

Mr. SNOOK. It makes it legal, and it also protects the German patentee, because it provides for money to be deposited with a custodian for his protection and for the use of his patent.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask that the gentleman's time be extended two minutes. I wish to ask him a question.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MOORE of Pennsylvania. I want to call the gentleman's attention to the clause relating to the Federal Trade Commission, empowering that commission to issue licenses, which would seem to take away the power from the Patent Office. On page 38, subsection (c), it is provided that the citizen may apply to the Federal Trade Commission. It seems to me there ought to be a limitation upon the period of time during which the license shall extend, and all that I can find in the bill pertaining to such a limitation are the words "nonexclusive or exclusive."

Mr. SNOOK. No. There are other provisions in the bill providing for the extent of the license.

Mr. MOORE of Pennsylvania. How long would be the life of the license?

Mr. SNOOK. It would be issued for the life of the patent, but it is left to the discretion of the department.

Mr. MOORE of Pennsylvania. That might be as long as 17 years?

Mr. SNOOK. It might be that long.

Mr. MOORE of Pennsylvania. Then the license of the Federal Trade Commission, authorized in this war-emergency act, taking the place of the patent issued by the Patent Office itself, would run as long as the ordinary patent?

Mr. SNOOK. Not necessarily so, but that is left to the discretion of the commission. In some cases, I would say to the gentleman, probably like the case of the firm that is operating in his city of Philadelphia, the expense in preparing for the manufacture of these remedies is very great, so great that they must be guaranteed that they will get a return for the money they expend.

Mr. MOORE of Pennsylvania. I can understand that in the case of this drug perhaps it would not be well to limit the life of the patent to the period of the war, because the use of the drug will go on after the war.

Mr. SNOOK. That is it, exactly.

Mr. MOORE of Pennsylvania. That being the case, is there any limitation at all upon that patent within the 17 years?

Mr. SNOOK. The time is in the discretion of the commissioner.

Mr. MOORE of Pennsylvania. Where is that found?

Mr. SNOOK. In the last paragraph, I think. I can not point it out just at this moment.

Mr. MOORE of Pennsylvania. That is not covered by the words "nonexclusive or exclusive," in line 14, page 38, is it?

Mr. SNOOK. No; there is another provision in the bill limiting the time.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. LAGUARDIA. I ask unanimous consent that the time of the gentleman be extended one minute. I want to ask him a question.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the time of the gentleman from Ohio be extended one minute. Is there objection?

There was no objection.

Mr. LAGUARDIA. Will the gentleman for a moment put aside salvarsan while I ask him, as a member of the committee, has any effort been made on the part of the committee to ascertain what rights American citizens have with reference to patents in Germany?

Mr. SNOOK. Certainly; we understand that American citizens have valuable rights in patents in Germany.

Mr. LAGUARDIA. And the gentleman is ready not only to abrogate a sacred contract which the Government has made with patentees in this country but to sacrifice the rights of Americans having patents in Germany——

Mr. SNOOK. I do not yield for an argument. I say there is no abrogation provided for by this bill. This bill absolutely protects the foreign patentee. It is for his protection. I can not understand the way in which the gentleman looks at it. I can not understand his point of view at all.

Mr. LAGUARDIA. The gentleman's point of view would disregard American rights in Germany.

Mr. SNOOK. Not at all.

Mr. LONGWORTH. Is not the very reverse of that true?

Mr. SNOOK. Yes.

Mr. HILL. Mr. Chairman, I am opposed to any amendment of this provision——

Mr. MONTAGUE. Will the gentleman from Connecticut indulge me?

Mr. HILL. Certainly.

Mr. MONTAGUE. How long a time does the gentleman want?

Mr. HILL. Five minutes.

Mr. MONTAGUE. I ask unanimous consent that all debate on this pending amendment and all amendments to this section shall conclude in five minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that debate on the pending amendments and all amendments to this section conclude in five minutes. Is there objection?

There was no objection.

Mr. HILL. Mr. Chairman, I do not object to any technical amendment, but I am opposed to any serious amendment to the substance of this provision, because I think the provision of the section in relation to patents was written by those who fully understood their business.

When the Payne tariff bill was reported by the Committee on Ways and Means to this House I wrote the working-patents clause, which abrogated patents of other countries in this country where they were not worked here within a certain time. Other Governments were doing the same thing. It passed the House of Representatives, and immediately the Bernstorff-Bacon treaty was negotiated between Germany and the United States, providing that the working of patents in either country was equivalent to working them in both, and my understanding is that is the law now. The working-patents clause was eliminated from the Payne tariff bill.

Some two or three months ago this very question which the gentleman raises in regard to salvarsan and other articles came up, and at my request and at the request of the gentleman from Illinois [Mr. RAINEY] the former president of the American Chemical Society wrote to the leading chemists of this country to know whether it was possible, if these patents were abrogated, to manufacture salvarsan and other drugs in this country.

The replies were sent to me. I transmitted them to the gentleman from Illinois [Mr. RAINEY]. My recollection is that three out of four of the replies that we received, or four out of five—whichever the number was—stated unequivocally that there was no trouble about it except the patents, either in regard to salvarsan or aspirin or other chemicals and other articles. I do not think any question need be raised in regard to it. The answers were conclusive, I think, and were so considered, both by the gentleman from Illinois [Mr. RAINEY] and myself. Three months ago I was in favor of abrogating these patents as a war measure. I think this provision is a great improvement on that, because it is an attempt on the part of this country to deal honestly with private individuals in Germany. I have no sympathy whatever with the proposition to question Germany's action concerning our patents there. Because Germany may not wish to be honest is no reason why we should not be. This bill in this particular feature deals honestly with our people and with private individuals everywhere. I wish the rest of the bill did the same thing. I hope there will be no amendment to this provision.

Mr. MOORE of Pennsylvania. The gentleman has some time remaining. I would like to have him yield to me for a moment.

Mr. HILL. Certainly. I yield to the gentleman with pleasure.

Mr. MOORE of Pennsylvania. I call attention to subsection (b):

> Any citizen of the United States, or any corporation organized within the United States, may pay to an enemy or ally of enemy any tax, annuity, or fee which may be required by the laws of such enemy or ally of enemy nation in relation to patents and trade-marks, prints, labels, and copyrights.

If I understand this bill, it shuts off all communication with the enemy or with any ally of the enemy.

Mr. HILL. They may pay, under the terms of this bill, into the Treasury of the United States; and I am going to offer an amendment——

Mr. MOORE of Pennsylvania. I am asking the gentleman now in his time, because I do not want to take up the time of others. Some member of the committee may answer later on. The Secretary of Commerce issues a license in this case, but it is not clear how these payments by citizens of the United States are to be made to aliens during the war.

Mr. HILL. It says that all moneys, including checks and drafts, payable on demand, paid to or received by the alien-property custodian under this act, shall be deposited in the Treasury of the United States. I think that is sufficient to cover it.

Mr. MOORE of Pennsylvania. How shall these payments to aliens be made—through the Secretary of State or the Secretary of Commerce?

Mr. HILL. That is the point I am coming to directly. I think it is covered elsewhere in the bill. I think this is a really good attempt on the part of one out of three or four or more departments of the Government to protect private-property rights of everybody, and to deal honestly with everybody, not only with American citizens but with private citizens in enemy countries.

The CHAIRMAN. The time of the gentleman has again expired. The question is on the amendment proposed by the gentleman from New York [Mr. LAGUARDIA].

The question being taken, the amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. By order of the committee all debate on section 10 has been closed.

The Clerk read as follows:

> SEC. 11. That all moneys (including checks and drafts payable on demand) paid to or received by the alien property custodian pursuant to this act shall be deposited forthwith in the Treasury of the United States, and may be invested and reinvested by the Secretary of the Treasury in United States bonds or United States certificates of indebtedness, under such rules and regulations as the Secretary of the Treasury, with the approval of the Persident, shall prescribe for such deposit, investment, and sale of securities; and as soon after the end of the war as the Secretary of the Treasury shall deem practicable such securities shall be sold and the proceeds deposited in the Treasury.
>
> All other property of an enemy, or ally of enemy, conveyed, transferred, assigned, delivered, or paid to the alien property custodian hereunder shall be safely held and administered by him except as hereinafter provided; and the Secretary of Commerce is authorized to designate as a depositary, or depositaries, of property of an enemy or ally of enemy (under such rules and regulations as he may prescribe) any such bank, or banks, or trust company, or trust companies, located and doing business in the United States, as may be recommended by the Secretary of the Treasury. The alien property custodian may deposit with such designated depositary or depositaries, or with the Secretary of the Treasury, any stocks, bonds, notes, time drafts, time bills of exchange, or other securities, or property (except money or checks or drafts payable on demand which are required to be deposited with the Secretary of the Treasury), and such depositary or depositaries shall be authorized and empowered to collect any dividends or interest or income that may become due and any maturing obligations held for the account of such custodian. Any moneys collected on said account shall be paid and deposited forthwith by said depositary or by the alien property custodian into the Treasury of the United States as hereinbefore provided.
>
> The Secretary of Commerce shall require all such designated depositaries to execute and file bonds sufficient in his judgment to protect property on deposit, such bonds to be conditioned as he may direct.
>
> The alien property custodian shall have power to sell any tangible personal property transferred, assigned, or delivered to him hereunder (not including, however, bonds, stocks, or choses in action) which, in his opinion, is likely to be perishable, and he shall deposit the proceeds thereof forthwith in the Treasury of the United States, as hereinbefore provided.
>
> After the end of the war any claim of any enemy or of an ally of enemy to any money or other property received and held by the alien property custodian or deposited in the United States Treasury shall be settled as Congress shall direct: *Provided, however,* That on order of the court, as set forth in sections 9 and 10 hereof, the alien property custodian or the Treasurer of the United States, as the case may be, shall convey, transfer, assign, and pay to the person in whose behalf final judgment or decree shall be entered any property of an enemy or ally of enemy held by said custodian or by said Treasurer, so far as may be necessary to comply with said order of the court: *And provided further,* That the Treasurer of the United States, on order of the alien property custodian (or such other officer as the President shall direct), shall, as provided in section 10 hereof, repay to the licensee any funds deposited by said licensee.

Mr. HILL. Mr. Chairman, I would like to ask the gentleman from Virginia if he has an amendment he wishes to offer? If so, I will withhold mine.

Mr. MONTAGUE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

> Page 43, lines 4 and 5, strike out the words "with the Secretary of the Treasury" and insert in lieu thereof "in the Treasury of the United States."

Mr. MANN. How are you going to deposit in the Treasury of the United States stocks, bonds, notes, time drafts, time bills of exchange, or other securities?

Mr. MONTAGUE. You can not deposit them with the Secretary of the Treasury. The bill in other places provides that deposits shall be made in the Treasury of the United States.

Mr. MANN. Money is deposited in the Treasury of the United States. If you say "with the Treasury Department,"

that will be all right. The Treasury of the United States is a place where money is held, and nothing else.

Mr. MONTAGUE. The gentleman will observe that it says:

The alien property custodian may deposit with such designated depositary or depositaries, or with the Secretary of the Treasury.

Mr. MANN. This is the language of the bill:

The alien property custodian may deposit with such designated depositary or depositaries, or with the Secretary of the Treasury, any stocks, bonds, notes, time drafts, time bills of exchange, or other securities, or property (except money or checks or drafts payable on demand which are required to be deposited with the Secretary of the Treasury)—

And so forth.

Now, that is the way it ought to be. You do not deposit them in the Treasury of the United States; you deposit them with the Secretary. When he collects them, that money under the other provisions of the bill may be deposited in the Treasury of the United States or with the Government depositary.

Mr. MONTAGUE. Mr. Chairman, I fell into an error. I think the gentleman is correct, and by unanimous consent I will withdraw the amendment. I had in mind moneys coming into the hands of the Government, which should be covered into the Treasury.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. HILL. Mr. Chairman, has the gentleman from Virginia any further committee amendments?

Mr. MONTAGUE. I have not.

Mr. HILL. Then, Mr. Chairman, I will offer the following amendment.

The Clerk read as follows:

Page 42, line 10, after the word "deposited," insert the words "to the credit of the owner"; and in line 15, page 43, after the words "United States," insert the words "to the credit of the owner"; and in line 4, page 44, after the word "shall," insert "on proof of ownership"; in line 4, page 44, strike out the word "settled" and insert in place thereof the word "paid."

Mr. HILL. Mr. Chairman, I hope the committee will accept that amendment. I can see no possible harm if it is adopted, and I can see much harm to come from the language of the bill as it now stands. My view in regard to that has been greatly strengthened by a remark made to me a few minutes ago by a Member of the House with regard to the cotton claims in the South. He tells me that from service on the committee he found that during the Civil War the proceeds of some of the captured cotton, to a considerable amount, were deposited in the Treasury of the United States to the credit of the owners, and that there had been little or no trouble in the adjustment of these claims and the refunding of that money. But he said there has been a great deal of trouble when the funds were merged with other funds and no distinguishing record kept of them.

The same is true in regard to the French spoliation claims. What I am afraid of is that the sanctity of private property is going to be swept away and destroyed, as it has been in mediæval times in the past, long before The Hague conference declared in favor of it, and that we are going to go into a system of retaliation, the taking of private property of individual owners in the adjustment of lump-sum disagreements of governments after the war is over.

I can see no possible harm to come to anybody from this amendment. We do not want to rob people of their property. We want to be honest with them, and we are the last ones in the world to go into a war for the maintenance of treaty rights because treaty rights have been abrogated by the enemy, and to begin now to set an example for the first time of breaking such treaties.

Mr. FESS. Will the gentleman yield?

Mr. HILL. Yes.

Mr. FESS. What would be the latitude, if any, in the language of the gentleman's amendment "shall be paid as Congress shall direct"? Has Congress any latitude in that direction?

Mr. HILL. Congress has all the latitude in the world. It need not be paid at all after the war is over, as the language now stands. My amendment would make it paid as Congress shall direct. Suppose we put the money all together in the Treasury, and then we say to Germany or Austria we have a lot of claims against your people, and you have a lot of claims against our people, and we will offset ours against yours and allow our citizens to sue us and make their claims against the Treasury of the United States. We did that in the French spoliation claims, and the American people have not got their money yet. The nations of the world agreed that private property should not be confiscated in time of war. Why should we not follow out the agreement made at The Hague Conference?

Mr. FESS. As I understand the gentleman's desire, it is to so secure the private-property owner that the presence of war will not deprive him of any right.

Mr. HILL. Absolutely. We admit the right and powers specified in the bill of the Government to take that money and use it in its own way, to use it for a vigorous prosecution of the war against Germany, which I am in favor of, to invest it and reinvest it; but somewhere, somehow, we should make a declaration that this property of private citizens who, certainly in Germany, no matter whether here or anywhere else, have no power to begin or close this war, shall be held as a sacred trust by somebody to use it in any way we will, but in some way or other and somehow we should declare now that we will pay it back.

I feel just as Robert Ingersoll once said in regard to certain claims when he came before Congress: "For God's sake settle, if you never pay a cent." I want to be honest in the beginning whether we are honest in the end or not.

Mr. FESS. Can the gentleman conceive of a contingency arising where the United States would not want to make good an obligation that a citizen of the United States held to a foreign citizen?

Mr. HILL. It has never been done in the past. It has always been done the other way. Before The Hague Conference said that private property or land should be sacred from confiscation in time of war, the Government has claimed those debts and swapped them; and if a citizen could get it back, well and good. I want to see that stopped. Does the gentleman from Ohio know of a reason why we should not make this declaration now?

Mr. FESS. I do not.

Mr. HILL. If we are going to make it by and by, after the war is over——

Mr. FESS. I will say to my friend that I do not; but I was wondering whether there was a contingency possible.

Mr. HILL. Does the gentleman know of a case in the history of the past——

Mr. FESS. I do not.

Mr. HILL. Where this has been done? Let us set a new example to the world of a straightforward declaration of what we intend to do. We were a signatory to The Hague Conference. What if other countries do not agree to it? Should we refuse to pay our private debts because other people do not pay theirs? I hope the committee will accept this amendment.

Mr. ESCH. Mr. Chairman, the gentleman from Connecticut [Mr. HILL], in the course of his argument, seemed to intimate that this money paid in to the custodian and by him paid in to the Treasury of the United States will be placed in jeopardy. I have no such fear. When that money is paid in to the custodian and paid in to the depositary, or such other person as the President may direct, an acquittance is given by a Government official to the party paying, indicating that the Government of the United States received on such and such a date such and such an amount of money. That in itself practically impresses the money so received with the character and nature of a trust fund.

There is another feature, and it is the practical side of it, which seems to me to be insurmountable, when you consider that there may be thousands and thousands of these amounts coming in. Under the amendment suggested by the gentleman there must be separate accounts kept of every single item that is paid in to the custodian. It may be $50 by way of interest, $75 by way of dividends on a transaction, and yet this must be segregated, must be kept separate and apart, and a distinct account kept of every one of these items. Why, you would have to have an army of clerks, in my humble judgment, to take care of the business should the amendment of the gentleman prevail.

Mr. HILL. Mr. Chairman, just one word in reply. As to the question of accounts, it is a matter, in my judgment, of no importance. We have just issued a loan of $2,000,000,000, and we have from three to four million subscribers to that loan. We have to keep those accounts. The gentleman says that thousands and thousands of these accounts will have to be kept. Why should we not keep an account of the money that we take and keep without paying any interest on, or anything of that kind?

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. HILL. Certainly.

Mr. MANN. Does the gentleman think that the Treasury intends to keep a separate account of each individual owning a bond?

Mr. HILL. I think the Treasury has to keep an account with each individual——

Mr. MANN. Oh, no.

Mr. HILL. Practically. They have to keep it by the number of every bond that they have.

Mr. MANN. The gentleman knows that no separate account is kept with individuals.

Mr. HILL. In the sense in which bookkeeping is done, no; but a register of every single bond is made, whether $50 or $100 or of a $1,000 bond. There is no trouble about that; if there is, we can afford to do that. If we take away a man's money, if we have the use of it during the war without compensation to him, we can afford to do that. If the transaction that we are entering upon is so great, we ought to enter upon it with double care. It has to be kept, anyhow. The gentleman sitting by my side properly suggests that if it is taken by the custodian there will have to be a record made of it. If such a record is not made, how is proof of ownership to be established? It seems to me it is a simple matter. If we are going to adopt a policy of this kind, it is a simple matter to so arrange that the accounts shall be kept properly.

It is simply a record of the receipt of so much money from such and such a person. Then there is no trouble about the proof of the ownership in the end, and that is all there is to this, and I feel that we ought to make a full declaration now.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman may have two minutes more in order that I may ask him some questions.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin? [After a pause.] The Chair hears none.

Mr. STAFFORD. As I understand, if we would not pass this act, then the contractual obligation requiring the payment of money back to the creditors would merely be suspended during the pendency of the war?

Mr. HILL. That is right; and the Government would have the use of it.

Mr. STAFFORD. And at the conclusion of the war the creditor could begin suit in our own courts.

Mr. HILL. He could make a claim on the Treasury, if my amendment is adopted.

Mr. STAFFORD. I am assuming if there be no such provision carried in this bill.

Mr. HILL. That is right.

Mr. STAFFORD. As we are invalidating in a way the rights of the alien property owner, why should not we in all fairness guarantee him the payment of the money, because international law does not recognize the abrogation of property rights of citizens of a belligerent; it merely suspends the collection of them.

Mr. HILL. That is all.

Mr. TILSON. If the gentleman will permit?

Mr. HILL. I will.

Mr. TILSON. Is there anything to the accounting more than the keeping of a list?

Mr. HILL. Not a thing.

Mr. TILSON. The making of a catalogue?

Mr. HILL. Simply the keeping of a register of the amount.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MANN. Mr. Chairman, of course a list will be kept of all money paid into the Treasury of the United States and of all money paid into the depository, a record will be kept of all those things whether the amendment of the gentleman from Connecticut prevails or not. His amendment is that the money shall be turned into the Treasury to the credit of the owner. A credit account is a technical expression. It requires the opening of a separate account on the books of the Treasury of the United States. It seems to me that is going to carry a burden entirely unnecessary. It will not add any to the record, and the gentleman's amendment, while it pretends to say that the money in the end shall be paid back to the owners, will not accomplish that purpose, because, under the Constitution of the United States, when money is paid into the Treasury of the United States it can not be paid out without an appropriation by Congress.

Mr. HILL. Will the gentleman yield?

Mr. MANN. The gentleman is not proposing to make an appropriation by Congress. Certainly I will yield.

Mr. HILL. If this money is paid in under the terms of this bill, will it appear in the Treasurer's statement as a debt against the United States?

Mr. MANN. I do not know.

Mr. HILL. I do not think it will.

Mr. MANN. I do not think anyone on this side of the House can predict how any money paid into the Treasury of the United States will appear in the Treasury statement after our recent experience. [Laughter.]

Mr. HILL. I fully agree with the gentleman in regard to that. I want this money paid in so that it may appear on the Treasury statement as a debt of the United States.

Mr. MANN. I assume it will appear as money held in trust by the United States for this purpose. Now, there is no money in the Treasury of the United States, no matter what gentlemen may sometimes say on the floor of the House, which belongs to somebody else. We hear about cotton taxes and various things of that sort. All funds in the United States Treasury which were held for the benefit of individuals growing out of contracts during the war were paid out to those people shortly after the end of the war, and undoubtedly will be done in this case unless it should happen, which I do not think at all likely, that in making the treaty of peace we should make a trade off with the German Government, which I do not think we are likely to do so far as these accounts are concerned. We keep a record and that is all that is necessary.

Mr. MONTAGUE. Mr. Chairman, I beg the attention of the committee. I hope very earnestly that the amendment of the gentleman from Connecticut will not prevail. The impracticability of the amendment has been demonstrated by the gentleman from Illinois [Mr. MANN]. The identity of owners of property coming into the custody of the Government will be well established because of the report and record thereof. We speak of millions and millions that may come into the Treasury, but the bill does not require that all or any of this money shall be carried in the Treasury or impounded by the Government. The mandatory features of the bill are the disclosure, and, secondly, the report of this disclosure. Then arises the question as to whether or not it will be acquired and taken into the Treasury. We have recently had experience in legislation of somewhat similar character. This House debated quite elaborately what should be done with the interned German ships taken over by our Government.

Mr. HILL. Will the gentleman pardon me just a moment? It is mandatory that that money shall be paid into the Treasury.

Mr. MONTAGUE. The mandatory feature is the report of the discovery or disclosure, not that all the money shall be carried into the Treasury. That is not my construction of the act, and it is not, as I understand it, the interpretation of the Department of Justice.

Mr. HILL. It refers to all the money that is collected.

Mr. MONTAGUE. But not all of it is required to be collected.

Mr. HILL. Then the job of taking account of it is very much lessened, and no harm will be done by adopting the amendment.

Mr. MONTAGUE. The less that is put in the Treasury the less will have to be accounted for, of course.

Now I wish to call attention to the joint resolution approved by Congress on May 12, 1917. Here a similar question was raised—it was practically analogous—as to what should be done with the value of the ships. The language then adopted was:

> Make a written report of findings to the Secretary of the Navy, who shall preserve such report with the records of his department. These findings shall be considered as competent evidence in all proceedings on any claim for compensation.

That brings us abruptly to this conclusion, namely, it is unquestionably the purpose, and the wise purpose, of this Government—and, in my judgment, the inexorable duty of this Government—to see that this property is so held that it can be available for consideration and disposition when the treaty of peace is entered upon. If we take the property and hold it in trust for each individual, then the question of offsets or cognate questions that may arise in the final negotiations will be immensely curtailed if not forbidden.

I concur with the gentleman from Connecticut [Mr. HILL] in appreciation of the honesty of our Government. I have not the slightest apprehension that we will deal dishonestly. Moreover, in my judgment, the property taken over by the Government, so far as individual claims are concerned, will not only be held by a more solvent stakeholder than if it be left in the hands of the debtor, but it will perhaps thereby be more available for the enemy creditors.

Mr. SNOOK. May I call my colleague's attention to the provision in the British act, providing for the disposition of property held by custodian, similar to that of the bill under consideration? I am reading from the matter put into the RECORD by my colleague from Ohio [Mr. FESS] on page 4871. Section 5 of the British act provides:

> The custodian shall, except so far as the board of trade or the high court or a judge thereof may otherwise direct, and subject to the provisions of the next succeeding subsection, hold any money paid to and any property vested in him under this act until the termination of the present war, and shall thereafter deal with the same in such manner as His Majesty may by order in council direct.

Mr. HILL. Will the gentleman tell us the substance of the next section, so that we may have a more intelligent [illegible]

standing? It is just like the patent law, in allowing the courts to deal with it.

Mr. SNOOK. The preceding section is this:

The vesting order under this section as respects property of any description shall be of the like purport and effect as the vesting order as respects property of the same description made under the trustee act, 1893.

And the next preceding section is:

The court or judge before making any order under this section may direct that such notice, if any, whether by way of advertisement or otherwise, shall be given as the court or judge may think fit.

Mr. HILL. You read the first quotation in the succeeding section showing how it should be dealt with by the court. Now, this is as to the disposal of your patents. Is it not provided that the court shall dispose of them? This provision provides that the money shall be lost in an indistinguishable fund and go into the Treasury of the United States.

Mr. SNOOK. I am quoting the provision of the British act, and, let me say to my colleague, the same provision is in the Canadian act.

Mr. HILL. I think it covers substantially what I want to cover in a feeble way. In other words, it places the whole thing in the jurisdiction of the court, and I want to make the declaration now in order to save all trouble.

Mr. MONTAGUE. I want to say a word more.

I have no apprehension as to the honesty and good faith of our Government when this war is over. I am not willing to vote a want of confidence in our Government or in our institutions or in ourselves.

Mr. TILSON. Will the gentleman yield?

Mr. MONTAGUE. I will.

Mr. TILSON. Does not the gentleman think that our conduct in the French spoliation claims has been blameworthy?

Mr. MONTAGUE. Well, I incline to think so; but the trouble about that was that there was a lack of record evidence as to those claims; but in this case the record is kept just as an instance occurs, and that record is preserved.

Mr. HILL. Will not the gentleman admit that the relations of private property to governmental institutions have been wholly changed by the action of the nations of the world in The Hague conference, and that the old actions of the Governments in the past they have been attempting to do away with?

Mr. MONTAGUE. This tribunal undertook to effect some wholesome changes, but that noble institution and its work has been radically changed by the devastation that is now destroying the holy accumulations of years.

Mr. HILL. I admit that; but are we going to be a party to it?

Mr. MONTAGUE. No; I am not asking to be a party to it, save to prevent its further devastation, especially its spreading to our shores.

Mr. TEMPLE. I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. TEMPLE. Will the gentleman yield for a moment?

Mr. MONTAGUE. I do.

Mr. TEMPLE. Is it not true that The Hague convention, that the gentleman refers to, specifically provides that it shall not be binding in any way unless all the belligerents in that war are signatory powers?

Mr. HILL. Does the gentleman say that that obviates or does away with the morality of the proposition?

Mr. TEMPLE. The contract certainly is not violated when we keep that particular section of it which provides that it shall not be binding under certain circumstances, and those circumstances now exist.

Mr. MONTAGUE. In answer to the gentleman's question, Mr. Chairman, I can only say that he is a far better authority than I am on this matter, but as my memory serves me, he is entirely correct in the statement just made.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. MOORE of Pennsylvania. Mr. Chairman, I am in favor of the amendment offered by the gentleman from Connecticut [Mr. HILL]. I believe that if citizens of the State of Texas, for example, invited citizens of the State of Pennsylvania to make investments in Texas, and those investments were made in good faith, and a state of war should break out between the two States, the property rights of those investors should be preserved. By the same token, if citizens of Germany, in good faith and at a time when we were at peace with Germany, upon invitation from citizens of the United States, made their investments in this country, we should preserve the property we take from them during the existence of a state of war, and hold it so that the ownership might be properly determined at the close of the war. We have the use of their property meanwhile; in fact, we use it temporarily for the benefit of the United States.

It seems to me the gentleman from Connecticut, apart from the technical and legal or international questions raised by others, is morally right, and that it would do no harm to establish a precedent based on honesty, even if there be no international law to sustain it.

Long before the United States entered this war it was actually suggested by certain persons in interest in this country that we should take out of certain warehouses goods deposited there by German merchants and appropriate them to our own use.

As there was no state of war then existing, that proposition at that time seemed to be an immoral proposition. It looked to me little short of highway robbery. It meant to take away from a man property which he had intrusted to us in good faith and which for the time being we had agreed to protect.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. GORDON. You also heard it advocated by a very prominent citizen of the United States that these foreign ships that were interned here should be seized by the Government.

Mr. MOORE of Pennsylvania. I think they were seized.

Mr. GORDON. Before the declaration of war?

Mr. MOORE of Pennsylvania. Oh, no; after the declaration; but it was proposed that we take them over and appropriate them to ourselves before the declaration of war.

Mr. GORDON. Certainly——

Mr. MOORE of Pennsylvania. When we had no legal or international right to do so. That was not the real American spirit. We should preserve our own morale, even though we are at war with Germany. If an American citizen was doing business in good faith with Germany before the war and has property over there at the present time, I presume we would expect Germany to hold it so that the American citizen at the conclusion of the war at least could put in a plea and recover it. That is what the Hill amendment means, if I understand it.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. The question is on agreeing to the amendment offered by the gentleman from Connecticut [Mr. HILL].

The question was taken, and the amendment was rejected.

Mr. ROGERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Massachusetts.

The Clerk read as follows:

Amendment offered by Mr. ROGERS: Page 43, line 1, after the word "companies," insert "or in the case of tangible personal property, other suitable depositary or depositaries."

Mr. ROGERS. Mr. Chairman, this bill provides that the alien-property custodian shall have intrusted to him not only intangible personal property but also tangible personal property. At the bottom of page 42 is the provision that he may, under the direction of the Secretary of Commerce, deposit the property intrusted to him in any bank or banks or in any trust company or trust companies.

The bill clearly contemplates that he will have in his hands, and will have to dispose in some suitable way of, tangible personal property also. A bank or trust company is obviously not a natural place for the deposit of tangible personal property. In proposing this amendment I am simply seeking to give effect to the clear intent of the law by allowing the Secretary of Commerce to designate other suitable depositaries in the case of tangible personal property.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. STAFFORD. The gentleman is an honored member of the Committee on Foreign Affairs, and during this debate has shown considerable information about matters contained in this bill. I would like to inquire, because it has not been brought forth so far in the debate, as to the extent of property that may be taken over by the Government under the authority of this act, owned by German citizens living abroad and invested in this country.

Mr. ROGERS. I can not give the gentleman any detailed information on that subject.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. Does the gentleman from Massachusetts yield the floor?

Mr. ROGERS. My amendment is to be disposed of first, I take it.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word.

Mr. STAFFORD. I would like to engage the attention of the gentleman having this bill in charge as to whether he can furnish the committee with any estimate of the amount of money that is to be taken over under the provisions of this act—the amount or value of property owned by German citizens living abroad and invested in this country?

Mr. MONTAGUE. I have no way of giving any accurate answer to that inquiry. It was propounded in the committee. The amount may be very large, but, of course, there can be no accurate approximation at this time.

Mr. STAFFORD. I suppose that when this bill is enacted it will provoke upon the part of Germany a similar bill authorizing the German Government to take over the property of American citizens invested in Germany. Can the gentleman furnish us any estimate of the amount of American capital invested in Germany by such concerns as the International Harvester Co., the Standard Oil Co., and other concerns which have large investments in Germany?

Mr. MONTAGUE. I can not inform the gentleman.

Mr. STAFFORD. Am I rightly informed that Germany up to the present time has taken no action whatever toward trying to take possession of property invested by American citizens in Germany?

Mr. MONTAGUE. I have no information on that point. I imagine that information relating to such matters is quite hermetically sealed by Germany.

Mr. STAFFORD. I will ask the gentleman whether it has been claimed by representatives of the State Department that any such action has been taken by Germany?

Mr. MONTAGUE. I do not know. I have made no inquiry.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. ROGERS].

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. MONTAGUE. I have no objection to the gentleman's amendment.

Mr. MANN. Surely the gentleman is not opposed to it.

Mr. MONTAGUE. No.

Mr. MANN. I suggest to the gentleman that he ask for a division.

Mr. MONTAGUE. I ask for a division. There is a misapprehension about this. I have no objection to the amendment of the gentleman from Massachusetts.

The CHAIRMAN. The gentleman from Virginia demands a division.

The committee divided; and there were—ayes 40, noes none.

Accordingly the amendment was agreed to.

Mr. MOORE of Pennsylvania. I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 42, lines 26 and 27, after the word "regulations," in line 26, strike out the words "he may prescribe" and insert the words "may be approved by the President."

Mr. MOORE of Pennsylvania. Mr. Chairman, the committee accepted a similar amendment in a preceding paragraph, and unless this amendment is accepted at this point section 11 will be anomalous in that the Secretary of the Treasury is required——

Mr. MONTAGUE. This is all right. It will preserve the uniformity of the provisions.

Mr. MANN. Mr. Chairman, this is a highly technical amendment, and hence it may be considered from a highly technical standpoint. As the amendment was read, it proposed to insert, after the word "regulations"——

Mr. MOORE of Pennsylvania. It should be after the word "as."

Mr. MANN. That makes a material difference, speaking from a technical standpoint.

Mr. MOORE of Pennsylvania. If the technical objection is withdrawn I will ask to insert the word "as."

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Amendment by Mr. MOORE of Pennsylvania: Page 42, lines 26 and 27, after the words "regulations as," in line 26, strike out the words "he may prescribe" and insert the words "may be approved by the President."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The amendment was agreed to.

The Clerk resumed and completed the reading of the bill.

Mr. MANN. We passed over a paragraph on page 34.

Mr. MONTAGUE. Yes; I am coming to that. First we passed over a paragraph on page 29, with the understanding that we would recur to it again. I desire to submit the following amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 29, line 2, after the word "enemy," insert a comma and the words "and he may revoke or review such suspension from time to time."

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. MONTAGUE. I will.

Mr. STAFFORD. Do I understand that this section merely gives to the President and the Secretary of Commerce the right to grant licenses, so far as trading with allies of the enemy is concerned, or would the President under any circumstances have the right to grant licenses, so far as trading with the enemy as defined by this act is concerned?

Mr. MONTAGUE. To any person or any class of persons, it does not make any difference who they are; but that is not the amendment now under consideration.

Mr. STAFFORD. No; I am asking the effect of this section, whether it is limited to allies of the enemy or whether it is applicable also to enemy subjects.

Mr. MONTAGUE. It is applicable to enemy subjects also.

Mr. STAFFORD. I do not see where there is any reference to that in the bill.

Mr. MANN. That is one reason why it was passed over. That is to come later.

Mr. STAFFORD. Does the gentleman propose to offer an amendment to cover that?

Mr. MONTAGUE. I am coming to that in a moment.

Mr. STAFFORD. I was not aware of that, or I would not have asked the question.

Mr. GARD. Mr. Chairman, referring to section 15, does not the gentleman think that the word "willfully" should appear before the word "violate," in line 19, page 46? It says:

That whoever shall violate this act.

The violation may be entirely unintentional. Of course, if it be intentional, it should be punished. I make the suggestion that the word "willfully" ought to be inserted.

Mr. MONTAGUE. I have no objection to that.

The CHAIRMAN. The Chair will state that there is a committee amendment pending. The question is on the amendment offered by the gentleman from Virginia [Mr. MONTAGUE].

The amendment was agreed to.

Mr. MONTAGUE. Another amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 29, lines 3 and 4, after the word "licenses," strike out the words "under this act," and at the end of the line, after the word "person," insert the words "to perform any act made unlawful in section 3 of this act without such license."

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. GARD. Mr. Chairman, I ask unanimous consent to return to section 15 to offer an amendment.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to return to section 15 for the purpose of offering an amendment. Is there objection?

There was no objection.

Mr. GARD. Now, on page 46, line 19, before the word "violate," I move to insert the word "willfully."

The Clerk read as follows:

Page 46, line 19, after the word "shall," insert the word "willfully."

The amendment was agreed to.

Mr. LENROOT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 24, line 13, after the word "commerce," strike out the period and insert a colon and the following:

"*Provided further*, That the definition of 'enemy' in this subdivision shall not include any person outside of the United States residing outside of the territory of any nation or ally of any nation with which the United States is at war, in so far as such person does business with neutrals, allies of the United States, or with the Government or people of the United States, and such business is not connected, directly or indirectly, with any business done by such person within the territory of any nation or ally of any nation with which the United States is at war."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The amendment was agreed to.

Mr. LENROOT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 25, line 9, after the word "territory," strike out the period and insert a colon and the following:

"*Provided*, That the definition of 'ally of enemy' in this subdivision shall not include any person outside the United States residing outside the territory of any nation or ally of any nation with which the United States is at war, in so far as such person does business with neutrals, allies of the United States, or with the Government or people of the United States, and such business is not connected, directly or indirectly, with any business done by such person within the territory of any nation or ally of any nation with which the United States is at war.

The amendment was agreed to.

Mr. MONTAGUE. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendment, with the recommendation that the amendment be agreed to, and that the bill as amended do pass.

Mr. MOORE of Pennsylvania. Will the gentleman withhold that motion until I offer an amendment?

Mr. MONTAGUE. Reserving the right to object, let us hear what the amendment is.

The Clerk read as follows:

Page 24, line 13, after the word "commerce," strike out the period and insert a colon and the following words "and approved by the President."

Mr. MANN. Did not we agree to an amendment of that kind offered by the gentleman from Pennsylvania?

Mr. MOORE of Pennsylvania. At another place.

Mr. MANN. No; at this particular place, and the Clerk has it.

Mr. MOORE of Pennsylvania. I want to say to the gentleman that this amendment was not introduced at that point, and it simply makes uniform the various provisions of the bill.

The CHAIRMAN. The Chair will state that it will require unanimous consent to return to this section.

Mr. MONTAGUE. I do not object.

Mr. ROBBINS. Mr. Chairman, was not an amendment offered to that very place by the gentleman from Wisconsin?

Mr. MOORE of Pennsylvania. My amendment follows the word "regulation," preceding the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The CHAIRMAN. Does the gentleman submit a request for unanimous consent?

Mr. MOORE of Pennsylvania. Yes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to return to the section indicated for the purpose of offering an amendment that has been read at the Clerk's desk. Is there objection?

There was no objection.

The Clerk read as follows:

Amendment by Mr. MOORE of Pennsylvania:

Page 24, to follow the amendment just adopted offered by Mr. LENROOT——

Mr. MOORE of Pennsylvania. Oh, no; to follow the word "commerce" preceding the amendment of the gentleman from Wisconsin.

The CHAIRMAN. The Chair will state to the gentleman that the Clerk informs the Chair that a similar amendment has been adopted.

Mr. MOORE of Pennsylvania. If such an amendment has been adopted, I withdraw mine.

The CHAIRMAN. It was offered by the committee and adopted.

Mr. MOORE of Pennsylvania. Then I withdraw my amendment.

The CHAIRMAN. The question is on the motion of the gentleman from Virginia that the committee do now rise and report the bill with the amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 4960) to define, regulate, and punish trading with the enemy, and for other purposes, and had directed him to report the same back with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. MONTAGUE. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MONTAGUE, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill just passed.

The SPEAKER. Is there objection?

There was no objection.

Mr. MONTAGUE. Mr. Speaker, I ask unanimous consent to extend and revise the remarks which I made in my opening address upon this bill.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT OVER UNTIL FRIDAY.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 12 o'clock noon on Friday next.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 12 o'clock noon on Friday next. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I think it would be well if the gentleman from North Carolina would inform the House of the probable program for the next week or two.

Mr. KITCHIN. The aviation bill will be reported on Friday next, and it will be taken up Saturday. I understand that it will be easily passed upon that day. Then we hope to have a gentlemen's agreement for adjournments three days at a time, as we did last week, until Monday, July 23.

Mr. MANN. It is not expected, then, that the conference report upon the first food bill will be in before the 23d of July?

Mr. KITCHIN. I do not think it will. I think they are waiting on the other.

Mr. SHERLEY. Mr. Speaker, if the gentleman will permit, there are various estimates pending before the Committee on Appropriations. No hearings have yet been had upon them, and I do not know how soon the committee may be prepared to present a bill to the House.

Mr. KITCHIN. The committee would have hearings probably next week, and would be able to present a bill on the week following.

Mr. SHERLEY. I just wanted the House to have in mind that there is that legislation ahead of it.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 12 o'clock noon on Friday next. Is there objection?

There was no objection.

ORDER OF BUSINESS.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. ROGERS] have leave to address the House for one hour on Friday next.

The SPEAKER. The gentleman from Illinois asks unanimous consent that on Friday next, after the reading of the Journal and the transaction of business on the Speaker's table, the gentleman from Massachusetts [Mr. ROGERS] be permitted to address the House for not to exceed one hour. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to address the House for 20 or 30 minutes on Friday next, after Mr. ROGERS, of Massachusetts.

The SPEAKER. The gentleman from Illinois [Mr. MADDEN] asks leave to address the House, not to exceed 30 minutes, on next Friday, after the speech of Mr. ROGERS——

Mr. MADDEN. On the subject of food regulation.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 37 minutes), under its previous order, the House adjourned to meet at 12 o'clock noon on Friday, July 13, 1917.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting draft of a bill to provide rates of duty on merchandise imported into the Virgin Islands of the United States and for the administration of customs in those islands (H. Doc. No. 254); to the Committee on Ways and Means and ordered to be printed.

2. A letter from the Secretary of the Navy, transmitting draft of a bill to provide for the reimbursement of officers, enlisted men, and others in the naval service of the United States for property lost or destroyed in such service (H. Doc. No. 255); to the Committee on Naval Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. RAKER, from the Committee on Immigration and Naturalization, to which was referred the bill (H. R. 3132) to amend section 2171 of the Revised Statutes of the United States relating to naturalization, reported the same with amendment, accompanied by a report (No. 92), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. O'SHAUNESSY: A bill (H. R. 5376) to provide for the award of medals of honor and distinguished-service medals; to the Committee on Military Affairs.

By Mr. DYER: A bill (H. R. 5377) providing for an advisory referendum by the people of the District of Columbia on certain questions relating to municipal self-government and representation in Congress; to the Committee on the District of Columbia.

By Mr. TAYLOR of Colorado: A bill (H. R. 5378) to authorize the reuse of containers of tobacco or snuff; to the Committee on Ways and Means.

Also, a bill (H. R. 5379) to authorize the reuse of containers of tobacco or snuff; to the Committee on Ways and Means.

By Mr. RUSSELL: A bill (H. R. 5380) to forbid the payment of pensions to anyone who is or may hereafter become disloyal to the United States Government; to the Committee on the Judiciary.

By Mr. STEELE: Joint resolution (H. J. Res. 120) amending the Constitution of the United States; to the Committee on the Judiciary.

By Mr. DRANE: Memorial of the Legislature of the State of Florida, favoring nation-wide prohibition; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of Florida, favoring the prohibition, manufacture, and sale of intoxicating liquors during the war; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of Florida, urging Congress to impose graduated income taxes, to regulate profits on war supplies and services, including transportation, and to enact legislation regulating profits on necessities of life; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of Florida, urging the War Department to guard the bridges and terminals of the Charlotte Harbor & Northern Railway; to the Committee on Military Affairs.

Also, memorial of the Legislature of the State of Florida, favoring appropriation for the completion of the Old Spanish Trail Highway from Miami and Tampa, Fla., to California; to the Committee on Appropriations.

Also, memorial of the Legislature of the State of Florida, requesting that the rivers and harbors appropriation bill be enacted into a law at this session of Congress; to the Committee on Rivers and Harbors.

Also, memorial of the Legislature of the State of Florida, requesting that necessary steps be taken to have forthcoming issues of the United States Land Office map, and any other misleading maps issued by the Government, so corrected as to at least show that Lake Okeechobee is not surrounded by water; to the Committee on the Public Lands.

Also, memorial of the Legislature of the State of Florida, requesting the establishment of a memorial park and monument in Sumter County, Fla., marking the site of Dade's massacre; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARNHART: A bill (H. R. 5381) granting an increase of pension to Winfield S. Smith; to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 5382) granting a pension to Ellen M. Smith; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 5383) conferring authority upon the Secretary of the Treasury to consider application for bounty and back pay on account of the military services of John Wallace; to the Committee on War Claims.

By Mr. JOHNSON of Washington: A bill (H. R. 5384) granting an increase of pension to Asa Gatton; to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 5385) granting an increase of pension to Henry Winters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5386) granting an increase of pension to John O. Harmon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5387) granting a pension to Katherine E. Brewer; to the Committee on Pensions.

Also, a bill (H. R. 5388) granting an increase of pension to Theodore Eichlepp; to the Committee on Pensions.

Also, a bill (H. R. 5389) granting a pension to Loren Bishop; to the Committee on Pensions.

Also, a bill (H. R. 5390) granting a pension to John W. Hamilton; to the Committee on Pensions.

Also, a bill (H. R. 5391) granting an increase of pension to Katie Carr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5392) granting an increase of pension to Annie E. Doss; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5393) granting an increase of pension to Jeannie Elliott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5394) granting an increase of pension to Pauline Joseph; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5395) granting an increase of pension to Thompson N. Lupton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5396) granting an increase of pension to Mary L. Papineau; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5397) granting an increase of pension to Augustus A. Prugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5398) granting an increase of pension to Maggie Radabaugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5399) granting an increase of pension to Isaac B. Robinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5400) granting an increase of pension to Charles Schmidt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5401) granting an increase of pension to Martha Sollenberger; to the Committee on Invalid Pensions.

By Mr. POLK: A bill (H. R. 5402) granting an increase of pension to James N. Russell; to the Committee on Invalid Pensions.

By Mr. ROBBINS: A bill (H. R. 5403) granting an increase of pension to Capt. James J. Wirsing; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 5404) granting a pension to Sarah F. Henry; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of sundry citizens of The Dalles, Oreg., relative to freedom for Ireland; to the Committee on Foreign Affairs.

Also (by request), memorial of First Christian Church of St. Louis, Mo., favoring national prohibition; to the Committee on the Judiciary.

By Mr. CAMPBELL of Pennsylvania: Petitions of Retail Liquor Dealers of the West End, Eugene S. Reilly, G. J. Bluchner, William Henning, Birmingham Fire Insurance Co., and George J. Raun, all of Pittsburgh, in the State of Pennsylvania, against prohibition during the war; to the Committee on the Judiciary.

Also, petitions of First Presbyterian Church of Carnegie; Valley Presbyterian Church of Imperial; Montour Presbyterian Church, Oakdale; First Baptist Church, Duquesne; Bethel Presbyterian Church, Allegheny County; Homestead United Presbyterian Church, Homestead; Mifflin United Presbyterian Church, Mifflin Township; First Methodist Protestant Church, Castle Shannon; First Methodist Church, Homestead; First Presbyterian Church, Ingram; Knoxville Presbyterian Church, Knoxville; St. Clair United Presbyterian Church, St. Clair; Sheraden United Presbyterian Church, Pittsburgh; First Unitarian Church, Pittsburgh; and Mount Washington Methodist Episcopal Church, Pittsburgh, all in the State of Pennsylvania, favoring prohibition during the war; to the Committee on the Judiciary.

Also, petitions of Beechview Methodist Episcopal Church; Union Baptist Church, South Side; Fourth United Presbyterian Church, North Side; Washington Avenue Methodist Episcopal Church; Men's Bible Class of Brookline Boulevard United Presbyterian Church; Sunday School Board of Washington Avenue Methodist Episcopal Church; Sheraden Terrace Adult Men's Bible Class; and National Reform Association, all of Pittsburgh; sundry citizens of Bridgeville; Woman's Christian Temperance Union of Bridgeville; Ladies' Aid Society of Methodist Epis-

copal Church, of Bridgeville; Women's Bible Class of the Ingram United Presbyterian Church, of Ingram; Men's Bible Class of the Hawthorne Avenue Presbyterian Church, of Crafton; Men's Bible Class of the Crafton Heights United Presbyterian Church; Federated Temperance Committee of Allegheny County, representing a mass meeting attended by 2,000 citizens; Pittsburgh Coal Producers' Association, Pittsburgh; Rotary Club, Pittsburgh; and members of the staff of the Allegheny County Hospital for the Insane and Tuberculosis Sanitorium, Woodville, all in the State of Pennsylvania, favoring prohibition during the war; to the Committee on the Judiciary.

Also, petitions of James L. McKee, Castle Shannon; Grant Dodds, Duquesne; William G. Thompson, and Miss Helen R. Pershing, both of Pittsburgh; Dr. F. R. McGrew, Carnegie; Mrs. Amanda Vierheller and John M. Beatty, both of Pittsburgh; Amos F. Ohl, Crafton; sundry citizens of Clinton; G. Francis Gray, Albert M. Travis, Alex. Black Coal Co., A. O. Myers & Co., and Buse & Caldwell, all of Pittsburgh, in the State of Pennsylvania, favoring prohibition during the war; to the Committee on the Judiciary.

Also, petitions of Pittsburgh-Des Moines Steel Co., McClintic-Marshall Construction Co., Peerless Biscuit Co., West Virginia Lumber Co., Lockhart Iron & Steel Co., Haller Baking Co., Harry H. Willock, J. W. Alexander, Mrs. Bertha H. Acheson, Harry F. McNutt, Samuel G. Sheriff, Samuel W. Callen, George W. Link, A. M. Phillips, Oliver Atkinson, all of Pittsburgh, in the State of Pennsylvania; and Westinghouse Electric & Manufacturing Co., New York, N. Y., favoring prohibition during the war; to the Committee on the Judiciary.

By Mr. COOPER of Wisconsin: Petition of the Rock County Dry League, of Wisconsin, urging the abolition of the liquor traffic as a war measure; to the Committee on Agriculture.

By Mr. DALE of New York: Memorial of National Association of Fisheries Commissioners, Providence, R. I., favoring regulation of use of streams and tidal waters; to the Committee on the Merchant Marine and Fisheries.

By Mr. DYER: Petition of the members of the First Christian Church of St. Louis, Mo., urging the absolute prohibition of the manufacture and sale of all alcoholic beverages during the present war; to the Committee on Agriculture.

Also, petition of the Tenth Ward Improvement Association, the Manufacturers' Association of St. Louis, the Central Civic Council, representing 18 improvement associations, with a total of 11,000 members, protesting against the attempt to prohibit the manufacture of beer and wines upon the alleged ground of conserving the grain product of the country; to the Committee on Agriculture.

Also, petition of Corporal William L. White Camp, United States Spanish War Veterans, St. Louis, Mo., protesting because colored men are denied enlistment in the Army, Navy, and Marine Corps; to the Committee on Military Affairs.

By Mr. GLYNN: Petition of Rev. Charles N. Fitch, Cornwall, Conn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HILL: Petition of the Immanuel Lutheran Church of Danbury, Conn., protesting against the act of March 3, 1917, in so far as it applies to the matter of wines for the sacrament; to the Committee on the Judiciary.

By Mr. LINTHICUM: Petition of the Rice & Hutchins Baltimore Co., Baltimore, Md., urging the enactment of a law restricting the killing of cattle and prohibiting the killing of calves, kids, etc., before they arrive at a reasonable age; to the Committee on Agriculture.

Also, petition of S. Halle Sons, Baltimore, Md., protesting against any increase in letter postage without a liberal advance in second-class rate; to the Committee on Ways and Means.

Also, petition of Becker Bro. & Son, Baltimore, Md., protesting against the inclusion of beer and wine in the law prohibiting the use of grain for beverages; to the Committee on Agriculture.

Also, petition of Guy K. Mitchell, Baltimore, Md., protesting against the passage of prohibition under the plea of food control; to the Committee on Agriculture.

Also, petition of M. Samuels & Co.; Sylvan, Hayes & Lauchheimer; J. Engel & Co.; and Albert W. Rayner, all of Baltimore, Md., favoring the passage of the Hollis and Myers amendments to the war-revenue bill; to the Committee on Ways and Means.

By Mr. McCLINTIC. Petition of Henry C. Gilliland, Jackson County, Okla., signing for 17 companies of United Confederate Veterans in southwest Oklahoma, in favor of the division of the "cotton-tax money" among the Confederate soldiers and their wives; to the Committee on War Claims.

By Mr. MAGEE: Petition of Mr. E. B. Van Riper and other citizens of the city of Syracuse, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. RAKER: Memorial of Navy League of Riverside, Cal., in re establishment of effective zones about military camps; to the Committee on Military Affairs.

Also, petition of California Wet Federation, San Francisco, Cal., against prohibition legislation; to the Committee on the Judiciary.

Also, memorial of brotherhood and members of Methodist Church of Eureka, Cal., favoring prohibition as war measure; to the Committee on the Judiciary.

Also, petition of T. C. Wilson, of San Francisco, Cal., in re letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of State Council of Defense, Indianapolis, Ind., in re fixing price of coal and control over its distribution; to the Committee on Agriculture.

By Mr. RANDALL: Petition of 56 citizens of Los Angeles, Cal., praying immediate enactment of prohibition of manufacture of alcoholic liquors as a measure of food conservation, etc.; to the Committee on the Judiciary.

By Mr. REED: Petition of Miss Linnie Pierpoint, president; Mr. J. Cecil Cottrill, secretary; and the members of the Christian Endeavor Society of the Methodist Protestant Church of Harrisville, W. Va., urging the passage of the "bone-dry" amendment to the food-control bill; to the Committee on Agriculture.

By Mr. TAGUE: Petition of Boot and Shoe Workers' Union, Boston, Mass., favoring bill calling for conscription of aliens; to the Committee on Military Affairs.

By Mr. TAYLOR of Colorado: Memorial of Weld County (Colo.) Commercial Clubs, urging exemption of farm labor from military duty; to the Committee on Military Affairs.

By Mr. TEMPLE: Petition of St. Peter's Evangelical Lutheran Church, Knob, Beaver County, Pa., and Trinity Evangelical Lutheran Church, Freedom, Pa., requesting such modification of act of March 3, 1917, as will make it lawful for churches in dry States covered by this act to secure sacramental wines; to the Committee on the Judiciary.

By Mr. WALDOW: Petition of Polish citizens of Buffalo, N. Y., declaring for an independent Poland, including Polish Provinces in Germany and Austria, and pledging their loyalty and devotion to the United States; to the Committee on Foreign Affairs.

Also, petition of citizens of Buffalo, N. Y., favoring prohibition; to the Committee on the Judiciary.

By Mr. WINGO: Petition of citizens of Waldron, Ark., favoring prohibition during the war; to the Committee on the Judiciary.

By Mr. ZIHLMAN: Memorial of the Society of Friends at Sandy Spring, Md., for national prohibition; to the Committee on the Judiciary.

Also, petition of the Enterprise Farmers' Club, of Montgomery County, Md., for national prohibition; to the Committee on the Judiciary.

Also, memorial of the Allegany Trades Council, urging such steps as may be necessary to eliminate all sources of profit in production, transportation, and distribution of the food supply; to the Committee on Agriculture.

SENATE.

THURSDAY, *July 12, 1917.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we thank Thee that Thou hast enabled us to unite in the maintenance of spiritual ideals, that we have been enabled to demonstrate to the world that we are inspired not by the material but by the spiritual. We thank Thee for the unity of effort of Thy people in this great land, and for our ability to follow those great lines of human conduct that have their birth in the revelations of Thy will to men. We pray Thee to look upon us with Thy fatherly care and love this day. Fill us more and more with the unity of spirit and purpose which comes out of the ministries of Thy grace. Give to us success in our enterprises. We ask for Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Monday, July 9, 1917, when, on request of Mr. JAMES and by unanimous consent, the further reading was dispensed with and the Journal was approved.

RECENT DISTURBANCES IN EAST ST. LOUIS, ILL.

The VICE PRESIDENT. The Chair was waited upon by a delegation of citizens this morning who presented a memorial to the Senate of the United States. It has to do with the recent loss of life and destruction of property in the State of Illinois.

These citizens are of colored birth, and headed by Rev. Dr. Waldron, of this city, breathed such a spirit of loyalty and devotion to the Republic that the Chair instructs that the petitions be inserted in full in the RECORD and that they be referred to the Committee on Privileges and Elections. The Chair thinks that is the appropriate place for the petitions to go.

The petitions were referred to the Committee on Privileges and Elections, as follows:

WASHINGTON, *July 11, 1917.*

To the Senate of the United States,
Vice President THOMAS R. MARSHALL, *President:*

Your petitioners, citizens of the United States and residents of Maryland, Virginia, District of Columbia, Pennsylvania, and other States, respectfully represent that the Constitution of the United States guarantees to every American citizen the safety of life, liberty, property, and equal protection of the laws; and that the citizens of each State shall be entitled to all privileges and immunities of the citizens of the several States; and that the people of the United States shall be secure in their persons, houses, papers, and effects against unreasonable searches and seizures; and that no person in the United States shall be held to answer for a capital or otherwise infamous crime unless on the presentment or indictment of a grand jury, except in cases arising in land or naval forces or in the militia when in actual service in time of war or in public danger; and that every American citizen before being condemned or executed shall be entitled to a fair and impartial trial by an impartial jury of the State and district wherein the crime shall have been committed. Your petitioners respectfully represent to you that the above-mentioned provisions of the Constitution of the United States have been flagrantly violated by several of the States of the United States, notably Tennessee in its recent lynchings and burning of American citizens at Memphis, and Illinois in its more recent wholesale lynchings, murders, and burnings of citizens of the United States at East St. Louis; and your petitioners request that the United States Senate and the United States House of Representatives appoint at once a joint commission empowered, authorized, and instructed to investigate thoroughly and well the violations of the United States Constitution referred to above and to discover their causes and the reasons why the authorities of the State of Tennessee and the city of Memphis, and the authorities of the State of Illinois and the city of East St. Louis failed to enforce the constitutions of their States and the Constitution of the United States, and to ascertain whether Tennessee and Illinois are in the possession of a republican form of government.

Your petitioners are of the opinion that the outrages committed upon colored American citizens in East St. Louis, Ill., are a part of a deep-laid conspiracy by the enemies of the United States to promote strife, bloodshed, and revolution in the many communities North and West into which colored American citizens from the South have recently settled in large numbers, in order to make it impossible for our country to send to Europe the men, material, and munitions necessary to subdue Germany and her allies. By reason of the strong race prejudice and the animosity of foreign and organized labor against the colored people which prevail in the northern and western communities to which colored American citizens have recently migrated in large numbers, it is comparatively easy for the foes of our country to arouse these said communities to deeds of violence, murder, and conflagration. For these reasons we appeal to the honorable Senate of the United States to exercise the power vested in her by the Constitution and enact immediately such legislation that will prevent the recurrence of such crimes as were committed in Memphis, Tenn., and in East St. Louis, Ill., recently.

And we will ever pray, etc.

The Committee of 100 Colored Citizens on the War, J. Milton Waldron, president; Chas. M. Thomas, secretary; and delegates from religious, civic, and business organizations of colored citizens in Maryland, Virginia, District of Columbia, Pennsylvania, and other States, William Pickens (Maryland delegation), chairman, Jennie H. Ross (Maryland), clerk.

—

JULY 12, 1917.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

More persons have suffered death by mob violence than were killed in the Spanish-American War.

Just about ten times as many Americans have lost their lives by mobs—in violation of the law—as have become victims of German submarines.

According to the records, which have been kept consecutively since 1885, 3,373 American citizens have been hanged, burned, or otherwise unlawfully done to death. This large number of men and women have not found democracy in our country safe, and have been lynched without warning.

This last outbreak in East St. Louis came on the eve of the Fourth of July celebration, and at a time when to our positive knowledge colored Americans were in hearty accord with the President in this war crisis, standing ready and willing to do service in any capacity.

Thirty-seven persons are thus known to have lost their lives, not strike breakers only but old men, women, and children. Alleged causes of the riot conflict. This much is certain: It began as a labor disturbance, and ended as a race riot.

Two points stand out clearly:

1. The local police were unable to handle the situation.
2. The State militia disarmed the blacks and provided arms and ammunition for the whites.

The lynching records show that every mob that has committed violence has been strong enough to prevent conviction of its members in the local courts. So long as the Federal Government stands aloof mob law may feel encouraged, not discouraged.

The citizens of Baltimore urge the President and Members of Congress to act immediately upon the Dyer resolution (known as H. J. Res. 118), which urges—

The appointment of a congressional committee to study and report upon the riot in East St. Louis.

The discovery of what laws, if any, are needed to prevent like occurrences in Illinois or any other State.

WM. PICKENS,
Mrs. JENNIE H. ROSS,
BESSIE COLEMAN,
JUNIEL GRAY,
CARL J. MURPHY, *Editor Afro-American,*
Committee.

MESSAGE FROM THE HOUSE.

A message from the House, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 4960) to define, regulate, and punish trading with the enemy, and for other purposes, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of Frederick Stearns & Co., of Detroit, Mich., remonstrating against a tax being placed on gross sales, which was referred to the Committee on Finance.

He also presented a resolution adopted by the General Synod of the Reformed Church in America in session at Asbury Park, N. J., favoring national prohibition, which was ordered to lie on the table.

Mr. MYERS. I present a joint memorial of the Legislature of the State of Montana for the submission of a constitutional amendment for national prohibition. I ask that the memorial be printed in the RECORD.

There being no objection, the memorial was ordered to be printed in the RECORD, as follows:

House joint memorial 5.

Memorial to Congress of the United States to pass an amendment to the Federal Constitution and submit the same to the several States for ratification prohibiting the manufacture and sale of intoxicating liquors for use as a beverage.

To the Honorable Senate and House of Representatives in Congress of the United States of America:

Your memorialists, the members of the Fifteenth Legislative Assembly of the State of Montana, the senate and house concurring, respectfully represent:

Whereas it appears that a majority of the people of the United States are in favor of prohibiting the manufacture and sale of intoxicating liquors for use as a beverage; and

Whereas there is now pending before Congress of the United States a measure proposing an amendment to the Federal Constitution designed to effect such prohibition: Now, therefore, be it

Resolved by the house (the senate concurring), That we, the members of the Fifteenth Legislative Assembly of the State of Montana, do hereby petition and earnestly pray the Congress of the United States that such measure proposing an amendment to the Federal Constitution so prohibiting the manufacture and sale of intoxicating liquors be passed and submitted to the several States for ratification; and

Resolved further, That a copy of this memorial be forwarded by the secretary of state of Montana to the Senate and to the House of Representatives of the United States, and that copies hereof be transmitted by the secretary of state of Montana to the Senators and Representatives of Montana in Congress.

JAS. F. O'CONNOR,
Speaker of the House.
W. W. MCDOWELL,
President of the Senate.

Approved February 13, 1917.

S. V. STEWART, *Governor.*

Mr. MYERS presented a petition of Butte Local No. 1, Socialist Party of the United States, of Butte, Mont., praying for the submission of the selective-draft law to a vote of the people, which was ordered to lie on the table.

He also presented a petition of the Yellowstone Association of Congregational Churches, of Montana, praying for national prohibition, which was ordered to lie on the table.

Mr. NELSON presented petitions of the congregations of the Highland Park Presbyterian Church, of Minneapolis, of the Christian Endeavor Society of Minneapolis, of the congregation of the Methodist Episcopal Church of Fosston, of sundry citizens of St. Paul, and of the combined congregations of the churches of Hutchinson, all in the State of Minnesota, praying for national prohibition as a war measure, which were ordered to lie on the table.

Mr. SHEPPARD presented petitions of the Woman's Missionary Societies of the Methodist Episcopal Church South, of Winnsboro, and of the Bonham Street Methodist Episcopal Church South, of Paris, in the State of Texas, praying for national prohibition as a war measure, which were ordered to lie on the table.

Mr. ASHURST. I present a petition signed by a number of citizens of Miami, Ariz., which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the petition was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

MIAMI, ARIZ., *July 6, 1917.*

Hon. HENRY ASHURST,
Senate, Washington, D. C.

DEAR SIR: We, the undersigned, take this means of expressing to you our earnest desire that you give your unremitting support to the Chamberlain bill for universal military training.

Yours, truly,
C. E. ARNOLD
(And others).

Mr. GRONNA. I ask unanimous consent to have printed in the RECORD a petition of certain citizens of Englevale, N. Dak., and that one of the names be printed with the petition.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

ENGLEVALE, N. DAK.

United States Senate,
Care of Mr. GRONNA:

The undersigned urge conservation of foodstuffs used in making intoxicating beverages and passage of all prohibition measures, also urge that no added tax be placed on liquors.

Mrs. W. W. ANDERSON
(And 38 others).

POEM BY ALBERT T. LEHMANN.

Mr. GRONNA. I ask to have printed in the RECORD, without reading, a song poem written by Albert T. Lehmann, entitled "Hurrah for the U. S. A.!" It is a beautiful and patriotic poem, and I am sure that it will be an inspiration to those who may read it. Mr. Lehmann is a young man living in the State which I have the honor in part to represent.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

HURRAH FOR THE U. S. A.!

In days gone by, Old Glory, boys,
Has always won the day;
She's fought for freedom's right, boys,
In the good old U. S. A.

CHORUS.

Hurrah! Hurrah! Fall in, boys;
Hurrah for the U. S. A.!
She's going in to win, boys,
The world's democracy.
When we'll see Old Glory waving
In the midst of the densest fray
Then we'll shout with all our might, boys,
"Hurrah for the U. S. A.!"

Our fathers fought and died, boys,
To win democracy;
Like them we'll gladly die, boys,
For a free humanity.

DEVELOPMENT OF WATER POWER.

Mr. SHIELDS. I am directed by the Committee on Commerce, to which was referred the bill (S. 1419) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce, to report it without amendment. I give notice that I will submit a report to accompany the bill at a later day.

The VICE PRESIDENT. The bill will be placed on the calendar.

MILITARY SERVICE ACTS OF GREAT BRITAIN (S. DOC. NO. 62).

Mr. SMITH of Arizona. From the Committee on Printing I report a resolution providing for the printing of the manuscript submitted by the Senator from Wisconsin [Mr. LA FOLLETTE] on Tribunals and Certificates of Exemption Under the Military Service Acts of Great Britain. The estimated cost is about $87. I ask unanimous consent for the present consideration of the resolution.

The resolution (S. Res. 102) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the manuscript submitted by the Senator from Wisconsin [Mr. LA FOLLETTE] on May 18, 1917, entitled "Tribunals and Certificates of Exemption Under the Military Service Acts of Great Britain," be printed as a Senate document.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHAMBERLAIN:

A bill (S. 2632) for the relief of Charles Leon, to the Committee on Claims.

By Mr. McCUMBER:

A bill (S. 2633) to reinstate John K. Thompson as a gunner in the United States Navy, to the Committee on Naval Affairs.

By Mr. SHAFROTH:

A bill (S. 2634) to construct a bridge across the Arkansas River at or near the United States Naval Hospital in Bent County, Colo., so as to facilitate the transportation of supplies to said hospital.

Mr. SHAFROTH. The bill relates to the naval hospital. I thought at first it should go to the Committee on Appropriations, but on reflection I ask that it be referred to the Committee on Naval Affairs.

The VICE PRESIDENT. Does the bill provide for a bridge over a navigable river?

Mr. SHAFROTH. No; it is not over a navigable stream; it is over a nonnavigable stream, and is to be constructed for taking supplies to the naval hospital. The hospital is under the jurisdiction of the Navy Department, and it is for the use of the Navy that the bill is introduced. On that account it seems that the Committee on Naval Affairs would be the proper committee to which it should be referred.

The VICE PRESIDENT. The bill is not to authorize the construction of a bridge; it makes an appropriation for that purpose, but it will go to the Committee on Naval Affairs.

Mr. OVERMAN. If the bill provides for an appropriation it ought to go to the Committee on Appropriations.

Mr. SHAFROTH. I have no objection. I first marked it to go to the Committee on Appropriations, and then thought that being for the use of the naval hospital it should go to the Committee on Naval Affairs.

The VICE PRESIDENT. Being an appropriation for naval affairs, the bill will be referred to the Committee on Naval Affairs.

By Mr. SHAFROTH:

A bill (S. 2635) granting a pension to Nelson E. Bucknam;

A bill (S. 2636) granting an increase of pension to Thomas J. Hargrave;

A bill (S. 2637) granting a pension to John D. Harkless; and

A bill (S. 2638) granting a pension to William G. Neeley; to the Committee on Pensions.

By Mr. JONES of New Mexico:

A bill (S. 2639) to amend the act approved June 12, 1917, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes"; to the Committee on Appropriations.

A bill (S. 2640) for the relief of Sara H. Mitchell; and

A bill (S. 2641) granting to the State of New Mexico 300,000 acres of land in said State for the use and benefit of the military institutions of New Mexico; to the Committee on Military Affairs.

A bill (S. 2642) for the relief of Nicolas Gallegos; to the Committee on Claims.

By Mr. NELSON:

A bill (S. 2643) authorizing the appointment of Morten R. Brock as a captain in the United States Army, and providing for his retirement; to the Committee on Military Affairs.

A bill (S. 2644) granting a pension to W. H. Johnston; to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 2645) providing for the issuance of a special Red Cross stamp and fixing a rate for the transmission of first-class mail matter by the American Red Cross, its chapters, and the auxiliaries thereof; to the Committee on Post Offices and Post Roads.

A bill (S. 2646) for the relief of Edward W. Whitaker (with accompanying papers); to the Committee on Military Affairs.

RIVER AND HARBOR APPROPRIATIONS (H. R. 4285).

Mr. McCUMBER submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was ordered to lie on the table and be printed.

Mr. SHIELDS submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was ordered to lie on the table and be printed.

THE COMMITTEE ON PATENTS.

Mr. JAMES submitted the following resolution (S. Res. 103), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Patents or any subcommittee thereof be, and hereby is, authorized during the Sixty-fifth Congress to send for persons, books, and papers; to administer oaths and to employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee or any subcommittee thereof may sit during the sessions or recess of the Senate.

Mr. THOMPSON subsequently, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the foregoing resolution, reported it favorably without amendment, and it was considered by unanimous consent and agreed to.

PRICES OF COAL.

Mr. FLETCHER. I ask to have read a letter which I have received bearing on matters under consideration. It is brief, and I think it is important.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

BUILDING OWNERS AND MANAGERS ASSOCIATION,
Cincinnati, Ohio, July 3, 1917.

Chairman COMMERCE COMMITTEE,
United States Senate, Washington, D. C.

DEAR SIR: As secretary of the Building Owners and Managers Association of Cincinnati, I have been instructed to address you in behalf of the members of our association, and ask you to further consider the price of coal at the mines.

Our association considers the price of $3 or $3.50 per ton for coal at the mines exorbitant. One year ago we were buying coal at 90 cents per ton at the mines. Labor and other conditions have not advanced sufficiently enough to charge anything near these prices.

A little investigation as to the cost and profit for operating coal at the mines will readily place before you the right figures to be charged, which will not be anything like $3 and $3.50.

Our association stands ready to cooperate with you in every way possible.

Respectfully, yours, M. W. McINTYRE, *Secretary.*

Mr. SHERMAN. I present a communication from the Independent Harvester Co., of Plano, Ill., on the price of bituminous coal. I ask that it be read.

The VICE PRESIDENT. Is there objection? The Chair hears none and the Secretary will read.

The Secretary read as follows:

THE INDEPENDENT HARVESTER CO. (Inc.),
Plano, Ill., July 9, 1917.

Hon. LAWRENCE Y. SHERMAN,
United States Senate, Washington, D. C.

MY DEAR SENATOR: We have been recently reading of some activity on the part of the Government in an attempt to control or regulate the price of bituminous coal to the consumer, and it occurs to me that our experience of the past 60 days might prove interesting.

We have been endeavoring to contract for our coal requirements for the coming year, but so far without success. Last year we contracted for 2,500 tons at a price of $1.35 per ton at the mines. Of the 2,500 tons we consumed 96 per cent, which I believe is strong evidence that we did not overestimate our needs or store the coal. This year we require approximately the same quantity as last year and July 5 were quoted a price of $3.50 per ton at the mines, and further informed on July 6 that there undoubtedly would be no further reduction during the year from the price quoted. The quotation of $3.50 submitted July 5 was the price we were paying during May and June, or before the recent agitation and conference, and it would seem that in spite of the discussion and widely heralded reduction in price the tangible results do not justify the statement that coal will cost the consumer less.

Trusting the above may prove interesting to you, I am,

Very truly, yours,

W. D. STEWARD.

DEMOCRACIES AGAINST AUTOCRACIES.

Mr. FLETCHER. I submit a paper prepared by Mr. David Lubin, delegate of the United States International Institute of Agriculture at Rome, on the subject of Democracies against Autocracies. I ask to have it referred to the Committee on Printing with a view to having it printed as a document.

The VICE PRESIDENT. That action will be taken.

PROFITS ON WHEAT.

Mr. STERLING. Mr. President, I have here an article taken from the New York Journal of Commerce of July 9, written by Mr. J. J. Slechta, a frequent contributor to that paper on economic and commercial subjects. The article relates to the claim that $250,000,000 were made in profits by wheat merchants during the last few months. Mr. Slechta discusses that question in this article, and I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

SEES NO EXTREMELY HIGH CROP PRICES—J. J. SLECHTA TELLS OF THE 1916 WHEAT AND FLOUR PRODUCTION—DECLARES THAT TO HAVE MADE A PROFIT OF $250,000,000, AS ALLEGED IN RECENT CHARGES, WHEAT MERCHANTS AND MILLERS MUST HAVE NECESSARILY CLEARED ABOUT A DOLLAR PER BUSHEL—GIVES STATISTICS TO REFUTE CLAIMS.

EDITOR OF THE JOURNAL OF COMMERCE:

Discussions and various recommendations concerning the necessity for food control have operated to obscure some of the most salient facts relating to the production, distribution, and consumption of American wheat and flour. It has been alleged in press organs, without indication of serious effort to consider the fundamental facts, that the American people have paid a profit of $250,000,000 during the last five months of the crop year (February-June) in the excess of flour cost to consumer over the price received for the wheat by the farmer producing it. Merely in the interest of accuracy I have compiled some statistics the consideration of which is indispensable if an impartial inquiry into the accuracy of such a statement as above mentioned is to be made.

The agricultural reports of the Crop Bureau have placed the 1916 wheat crop of the United States at about 640,000,000 bushels. A profit of $250,000,000 would amount to slightly over 40 cents per bushel on the whole crop, whereas fully 60 per cent of the crop had already been exported or sold for consumption, if not already consumed. A careful tabulation of the figures for the movement of grain at primary points by months during the past 10 years shows conclusively that approximately 60 per cent of every wheat crop leaves the farmers' hands during the first six months of the crop year. On February 1, 1916, certainly not more than 250,000,000 bushels of the 1916 crop remained unsold to consumers. To have resulted in a profit of $250,000,000 wheat merchants and millers must have necessarily cleared about a dollar per bushel. Let us examine the facts so far as they bear upon this question. It should not be difficult to show the source of so unusual a profit, if it existed.

It has also been stated that the average price received by the farmer for the 1916 crop did not exceed $1.50 per bushel. This statement I am not prepared to dispute, but that it should be taken as the measure of the farmer's remuneration, in contradistinction to the highest market price in New York and Chicago, at a time when conditions closely resembling an absolute corner were brought about by the excessive buying of options on futures by the European Government buyers, is hardly short of ridiculous. This will be clear to anyone who cares to consider carefully the following figures:

	Wheat.	
	Farm price per bushel (Government report).	Chicago cash prices, No. 2 hard winter.
1916.		
July 1	$0.929	$1.04
Aug. 1	1.071	1.22
Sept. 1	1.312	1.45
Oct. 1	1.563	1.55
Nov. 1	1.584	1.62
Dec. 1	1.603	1.71
1917.		
Jan. 2	1.503	1.88
Feb. 1	1.648	1.67
Mar. 1	1.648	1.90
Apr. 2	1.80	2.09
May 1	2.459	2.98
June 1	2.485	$2.61-2.71

	Wheat—Chicago option prices, No. 2 hard winter.	Flour—Average New York prices, Kansas Strt. bags, 196 lbs.
1916.		
July	$1.03	$5.30
September	1.24	5.74
Do	1.41	7.56
December	1.56	8.30
Do	1.82	9.17
Do	1.67	8.45
1917.		
May	1.80	8.67
Do	1.63	8.20
Do	1.82	8.85
Do	1.99	9.45
Do	2.57	$13.50-13.70
July	1.98	12.50-13.75

I do not believe that a great deal of confidence can be placed in the Government's reports of farm wheat prices. These figures must, by the very nature of things, be more or less rough estimates. It is manifestly impossible for any bureau to get an accurate estimate of the actual average price which the farmer receives for his wheat on a given day. The price varies in almost every primary market in every wheat-producing State in the Union. It is very doubtful whether the farmer received a price as high as that indicated in the Government reports, but, on the other hand, it is certainly true that a not inconsiderable portion of the crop was marketed at prices very close to the cash prices. This is particularly true of wheat in the soft winter sections, which is sold in a larger proportion direct to the millers, or at least for immediate local consumption. The writer knows of instances where mills have purchased wheat for cash at prices which were actually higher than the cash prices on the Chicago market.

But taking the Government's figure at their face value, let us analyze them in comparison with market prices. Take the price on July 1—92.9 cents per bushel. It must be obvious even to the man on the street, who knows anything at all about the machinery of modern American business, that this price of 92.9 cents was determined largely by the quotations in the large distributing markets, such as Chicago, Minneapolis, Omaha, or Toledo. On that same day the price of No. 2 hard winter was $1.04, delivered on the tracks. Bear in mind that the average of the crop is not equal in quality to No. 2 hard, or anywhere near it. Prices at this period of the crop year were steadily mounting, yet the largest profit which might have been realized was 12 cents per bushel, from which must be deducted the cost of handling several times, rail freight, insurance, shrinkage in weight, etc. Note the comparison with flour prices. A barrel of flour sold in New York at $5.33, requiring 4½ bushels of wheat, represents a value in wheat of about $1.20 per bushel. Probably the average price paid by millers for wheat bought and delivered in July did not much exceed the price on July 1, $1.04, which indicates a comfortable margin of profit. But the universal milling practice is to sell options against wheat stock bought for milling to avoid risk of a fall in price; hence, the profit realized by increased price for flour is offset by loss on sale of option. The profit was probably realized by the speculator or by the purchaser for export, who bought in the miller's options to provide cargoes for future shipment.

Confused thinking on matters of this kind results inevitably from inability to visualize exactly what happens in a given transaction. I was much interested in Senator REED'S effort, during the examination of Mr. Hoover before the committee, to get such a visualization of a certain farmer's crop of a thousand bushels, sold to an elevator at Fargo, N. Dak. So far as could be learned from the report of the hearing, that thousand bushels was lost in transit. Let us see what actually does happen to a similar thousand bushels.

The farmer probably gets a postcard bid from one or more elevators, or he may call up on the rural telephone. Let us suppose that he has his first thrashing ready on September 1. The Fargo elevator offers him $1.31 per bushel and he sends in his wagons. Some of it he may deliver at once, but he has sold it all and may not deliver it for two weeks. The elevator is in touch by wire with Minneapolis. If he is a close and careful trader, he is sure to sell each day as much as he has contracted for with farmers, to be delivered on board cars within a specified date. He cleans it, weighs it a second time, grades it, and puts it into freight cars. He may succeed in keeping as much as a

cent and a half a bushel after paying his expenses. If he takes chances on a rising market he may make more, but more probably the elevator man takes no chances when wheat is $1 a bushel, and is lucky if he can turn over the season's crop at a net profit of a half cent per bushel. The man who bought the 1,000 bushels from the country elevator is probably a wheat commission dealer, acting for a big Minneapolis miller or for a wheat buyer in Chicago. He has orders to buy at a maximum price given him. Probably a quarter of a cent per bushel is his reward. The commission man's principal miller or wheat merchant is now in legal possession of the 1,000 bushels of wheat, though it has not yet left the farm near Fargo.

At this stage of the proceedings, during which it may be that not over 24 hours have elapsed from the time the farmer agreed on a price with the country elevator until the same identical wheat is sold either to the miller or to a wheat merchant at a central market, the next series of transfers is entered upon in the course of getting the wheat to the consumer. If a miller of flour is the purchaser, the price which he has paid forms the basis upon which he fixes his price of flour. Perhaps the farmer's 1,000 bushels is part of a month's requirements, which the miller now offers for sale for delivery from 30 to 90 days later. These transactions follow each other so closely that thus far, even in a market with the price rising abruptly, there is little opportunity for any party to any one transaction to abstract more than a nominal profit. In fact, the more uncertainty there is in market indications the greater is the promptness with which each transfer takes place. If the miller sells the product of the 1,000 bushels of wheat to an exporter, there appears the widest variation in the amount of profit possible. If the exporter is doing a straight commission business, his margin is always the same, but if he act as exporting merchant his risks necessitate taking all the profit he can get. Should the mill sell for domestic consumption, sale may be made either direct to bakers in consuming centers, through its own representative, or to flour merchants or middlemen. Contrary to common belief, the flour dealer has little opportunity for speculation. Only a very small minority of such merchants have storage facilities for flour. They sell, in most cases, ex cars. They base their sale prices on the price of the miller, and if the baker is not too close a buyer they may extract as much as 50 cents per barrel, or they may get only 10 cents per barrel. If the market price has slumped in the meantime, they run a very large risk of having the flour rejected upon arrival and sell it at a loss. Probably it is fair to say that the retailer, either large or small, has the best opportunity to make large profits when the prices are consistently rising. He has no opportunity to make hedge sales, as he sells only in small quantities. The rule which the retailer invariably follows is to fix a price based on what it costs him to replace his stock, and it must be admitted that year in and year out this is the only safe and business-like course to pursue.

Comparison will show that the farm price is never long in narrowing the margin which may appear when cash prices at leading markets take a sudden rise. Very frequently a considerable disparity in prices is due to purely physical conditions, as, for example, the unparalleled railroad congestion made it all but impossible to move grain promptly at the end of 1916. Wheat was much less valuable on the farm than at a point of consumption, as is indicated in the prices.

Special attention is called to the option prices, for the reason that millers, being inclined to make prices on flour on a basis which will enable them to replace the wheat already milled, naturally base their calculations on the option market. It will be noted that the options on nearby futures of wheat deliveries invariably follow the farm values much more closely than do cash quotations. An exception is indicated in the figures for June 1, when the closing of the option markets on new trading made futures merely nominal.

If we now compare the foregoing table of prices with the actual record of wheat deliveries at the 11 principal river and lake ports, which must be taken as a fair guide to the movement of the crop from the farms, it will be seen how impossible of verification are the assertions made concerning excessive profits to grain merchants and flour millers:

Monthly arrivals at 11 principal western points (approximate.)

1916.	Bushels.
July	28,730,000
August	48,475,000
September	52,000,000
October	42,000,000
November	40,000,000
December	45,000,000
1917	
January	21,000,000
February	23,000,000
March	20,000,000
April	26,000,000
May	22,000,000
June (estimated)	15,000,000

Arrivals at these 11 ports account for 60 per cent of the entire crop, and must be fairly indicative of the entire crop movement. Note that two-thirds of the deliveries were made in the first six months of the crop year. Nevertheless, according to the estimates of the Department of Agriculture, there was still 15.8 per cent of the crop in farmers' hands on March 1, after which the highest farm prices were paid. The significance of the comparatively heavy arrivals after March 31, when the prices first touched the $2 mark, should also be noted.

It is not my purpose to dispute any statement to the effect that prices to the consumer could be reduced by a socialization of the wheat and flour merchandising, but it would seem that the figures herewith quoted are ample refutation of the extreme statements accredited to Mr. Hoover and others, regarding the amount of the return to the producer, as compared to the price paid by the consumer. What the result would be upon production and upon distributive factors in the course of a season or two, should the laws of supply and demand be wholly eliminated from the process which determines prices, and ipso facto, the amount of production, is a wholly different matter, not within the scope of this article.

JOSEPH J. SLECHTA.

ADDRESS BY THE PRESIDENT OF THE UNITED STATES.

Mr. SMITH of Georgia. Every true American must have been delighted this morning when he read the powerful call by the President to the business interest to substitute patriotism for profits. His language is so clear and so thrilling, so expressive of the great burden which he carries, and yet so inspiring to others to carry their share, I believe the response he has a right to expect will be made to the call.

The call of the President is not alone to the business interests; it is an appeal to every man to stand by the President's side and do his part. I wish that the appeal should have the most general circulation, and ask that it be printed in the RECORD.

There being no objection, the President's address was ordered to be inserted in the RECORD, as follows:

"My fellow countrymen, the Government is about to attempt to determine the prices at which it will ask you henceforth to furnish various supplies which are necessary for the prosecution of the war and various materials which will be needed in the industries by which the war must be sustained.

"We shall, of course, try to determine them justly and to the best advantage of the Nation as a whole; but justice is easier to speak of than to arrive at, and there are some considerations which I hope we shall all keep steadily in mind while this particular problem of justice is being worked out. I therefore take the liberty of stating very candidly my own view of the situation and of the principles which should guide both the Government and mine owners and manufacturers of the country in this difficult matter.

"A just price must, of course, be paid for everything the Government buys. By a just price I mean a price which will sustain the industries concerned in a high state of efficiency, provide a living for those who conduct them, enable them to pay good wages, and make possible expansions of their enterprises which will from time to time become necessary as the stupendous undertakings of this great war develop.

"We could not wisely or reasonably do less than pay such prices. They are necessary for the maintenance and development of industry; and the maintenance and development of industry are necessary for the great task we have in hand. But I trust that we shall not surround the matter with a mist of sentiment. Facts are our masters now. We ought not to put the acceptance of such prices on the ground of patriotism.

"Patriotism has nothing to do with profits in a case like this. Patriotism and profits ought never in the present circumstances to be mentioned together.

"It is perfectly proper to discuss profits as a matter of business, with a view to maintaining the integrity of capital and the efficiency of labor in these tragical months when the liberty of free men everywhere and of industry itself trembles in the balance; but it would be absurd to discuss them as a motive for helping to serve and save our country. Patriotism leaves profits out of the question.

"In these days of our supreme trial, when we are sending hundreds of thousands of our young men across the seas to serve a great cause, no true man who stays behind to work for them and sustain them by his labor will ask himself what he is personally going to make out of that labor.

"No true patriot will permit himself to take toll of their heroism in money or seek to grow rich by the shedding of their blood. He will give as freely and with as unstinted self-sacrifice as they. When they are giving their lives will he not give at least his money?

"I hear it insisted that more than a just price, more than a price that will sustain our industries, must be paid; that it is necessary to pay very liberal and unusual profits in order to 'stimulate' production; that nothing but pecuniary rewards will do it—rewards paid in money, not in the mere liberation of the world.

"I take it for granted that those who argue thus do not stop to think what that means. Do they mean that you must be paid, must be bribed, to make your contribution, a contribution that costs you neither a drop of blood nor a tear, when the whole world is in travail and men everywhere depend upon and call to you to bring them out of bondage and make the world a fit place to live in again, amidst peace and justice?

"Do they mean that you will exact a price, drive a bargain, with the men who are enduring the agony of this war on the battle field, in the trenches, amidst the lurking dangers of the sea, or with the bereaved women and the pitiful children, before you will come forward to do your duty and give some part of your life, in easy, peaceful fashion, for the things we are fighting for, the things we have pledged our fortunes, our lives, our sacred honor to vindicate and defend—liberty and justice and fair dealing and the peace of nations? Of course you will not.

"It is inconceivable. Your patriotism is of the same self-denying stuff as the patriotism of the men dead or maimed on the fields of France, or else it is no patriotism at all.

"Let us never speak, then, of profits and of patriotism in the same sentence, but face facts and meet them.

"Let us do sound business, but not in the midst of a mist. Many a grievous burden of taxation will be laid on this Nation, in this generation and in the next, to pay for this war. Let us see to it that for every dollar that is taken from the people's pockets it shall be possible to obtain a dollar's worth of the sound stuffs they need.

"Let me turn for a moment to the shipowners of the United States, and the other ocean carriers whose example they have followed, and ask them if they realize what obstacles, what almost insuperable obstacles, they have been putting in the way of the successful prosecution of this war by the ocean freight rates they have been exacting.

"They are doing everything that high freight charges can do to make the war a failure, to make it impossible. I do not say that they realize this or intend it.

"The thing has happened naturally enough, because the commercial processes which we are content to see operate in ordinary times have without sufficient thought been continued into a period where they have no proper place.

"I am not questioning motives. I am merely stating a fact, and stating it in order that attention may be fixed upon it. The fact is that those who have fixed war freight rates have taken the most effective means in their power to defeat the armies engaged against Germany.

"When they realize this we may, I take it for granted, count upon them to reconsider the whole matter. It is high time. Their extra hazards are covered by war-risk insurance.

"I know and you know what response to this great challenge of duty and of opportunity the Nation will expect of you; and I know what response you will make.

"Those who do not respond, who do not respond in the spirit of those who have gone to give their lives for us on bloody fields far away, may safely be left to be dealt with by opinion and the law, for the law must, of course, command these things.

"I am dealing with the matter thus publicly and frankly, not because I have any doubt or fear as to the result, but only in order that in all our thinking and in all our dealings with one another we may move in a perfectly clear air of mutual understanding.

"And there is something more that we must add to our thinking. The public is now as much part of the Government as are the Army and Navy themselves; the whole people in all their activities are now mobilized and in service for the accomplishment of the Nation's task in this war; it is in such circumstances impossible justly to distinguish between industrial purchases made by the Government and industrial purchases made by the managers of individual industries; and it is just as much our duty to sustain the industries of the country, all the industries that contribute to its life, as it is to sustain our forces in the field and on sea.

"We must make the prices to the public the same as the prices to the Government. Prices mean the same thing everywhere now; they mean the efficiency or the inefficiency of the Nation, whether it is the Government that pays them or not. They mean victory or defeat.

"They mean that America will win her place once for all among the foremost free nations of the world or that she will sink to defeat and become a second-rate power alike in thought and in action. This is a day of her reckoning, and every man amongst us must personally face that reckoning along with her.

"The case needs no arguing. I assume that I am only expressing your own thoughts—what must be in the mind of every true man when he faces the tragedy and the solemn glory of the present war for the emancipation of mankind.

"I summon you to a great duty, a great privilege, a shining dignity and distinction.

"I shall expect every man who is not a slacker to be at my side throughout this great enterprise. In it no man can win honor who thinks of himself."

ADDRESS BY WILLIAM S. CULBERTSON.

Mr. CURTIS. I have copies of two addresses by William S. Culbertson, member of the United States Tariff Board, which I desire to have printed as public documents. I ask that the addresses be referred to the Committee on Printing for action.

The VICE PRESIDENT. The matter will be referred to the Committee on Printing.

MEDALS OF HONOR.

The VICE PRESIDENT. The morning business is closed.

Mr. WARREN. I ask unanimous consent to call up the bill (S. 1720) to provide for the award of medals of honor and distinguished-service medals.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments.

The amendments were, on page 2, line 3, after the word "officers," to insert the words "but not"; on page 2, line 7, to strike out "has distinguished himself or" and after the word "himself" at the end of the line to insert the words "or within three years prior to the approval of this act has distinguished himself"; on page 2, line 22, to strike out "section 1216 of the Revised Statutes" and insert "previously existing law"; on page 3, line 1, to strike out "authorized by section 1285, Revised Statutes" and insert "heretofore authorized by law"; on page 4, line 8, strike out "Act" and insert "act"; on page 4, line 21, strike out "representatives" and insert "representative"; and on page 5, line 12, after the word "proviso," to insert a comma and the words "but all consideration of and action upon any of said cases shall be based exclusively upon official records now on file in the War Department," so as to make the bill read:

Be it enacted, etc., That the provisions of existing law relating to the award of medals of honor to officers, noncommissioned officers, and privates of the Army be, and they are hereby, amended so as to authorize the President to present, in the name of the Congress, a medal of honor only to each person who, while an officer or enlisted man of the Army, shall hereafter, in action involving actual conflict with an enemy, distinguish himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty.

That for especially distinguished service not sufficient to justify the award of the medal of honor the President may, on the recommendation of the proper commanding officer, but not in the name of Congress, award a distinguished-service medal of appropriate design and a ribbon, with a rosette or other device to be worn in lieu thereof, to any person who while an officer or enlisted man of the Army shall hereafter distinguish himself, or within three years prior to the approval of this act has distinguished himself, by exceptionally meritorious service to the Government in a duty of great responsibility or by extraordinary heroism in the line of his profession, and the award of such medal shall entitle an enlisted man of the Army to additional pay at the rate of $2 per month from the date on which he distinguished himself, and said additional pay shall continue throughout his active service, notwithstanding the fact that the service may not be continuous.

That the distinguished-service medal shall be issued to all enlisted men of the Army to whom the certificate of merit has been granted up to and including the date of the passage of this act under the provisions of previously existing law in lieu of such certificate of merit, and after the passage of this act the award of the certificate of merit for distinguished service shall cease. The additional pay heretofore authorized by law for holders of the certificate of merit shall not be paid to them, an equal payment being provided for them as holders of the distinguished-service medal by the last preceding paragraph of this act.

That no more than one medal of honor or one distinguished-service medal shall be issued to any one person; but for each succeeding deed of gallantry in action sufficient to justify the award of a medal of honor, and for each succeeding act of distinguished service sufficient to justify the award of a distinguished-service medal, such act being performed by an officer or enlisted man of the Army who shall have received one such medal, the President may award a suitable bar in lieu of another medal, and each bar in lieu of a distinguished-service medal received by an enlisted man shall entitled him to further additional pay of $2 per month from the date of the distinguished service for which the bar was awarded.

That the Secretary of War is hereby authorized to expend from the appropriations for contingent expenses of his department so much as may be necessary to defray the cost of the medals of honor, distinguished-service medals, bars, rosettes, and other devices hereinbefore provided for.

That whenever a medal, bar, ribbon, rosette, or other device presented under the provisions of this act shall have been lost, destroyed, or rendered unfit for use, without fault or neglect on the part of the person to whom it was awarded, such medal, bar, ribbon, rosette, or device shall be replaced without charge therefor.

That, except as otherwise prescribed herein, no medal of honor, distinguished-service medal, or bar in lieu of either of said medals, shall be issued to any person after more than three years from the date of the act justifying the award of said medal or bar, nor unless a specific statement or report distinctly setting forth the distinguished service and suggesting or recommending official recognition thereof shall have been made at the time of the distinguished service or within two years thereafter, nor unless it shall appear from the official records in the War Department that the officer or enlisted man, as the case may be, has so distinguished himself as to entitle him to the medal or bar: *Provided*, That in case an individual who shall distinguish himself becomes separated from the military service or dies before the award of the medal or bar to which he may be entitled, the award may nevertheless be made and the medal or bar presented within three years from the date of the act justifying the award of the medal or bar, to such person if living, or if he be dead, delivered to such representative of the deceased as the President may designate: *Provided further*, That no medal or bar shall be awarded or presented to any individual whose entire service subsequently to the time he distinguished himself shall not have been honorable: *And provided further*, That in cases of officers and enlisted men now in the Army for whom the award of the medal of honor has been recommended in full compliance with then existing regulations but on account of services which, though insufficient fully to justify the award of the medal of honor, appear to have been such as to justify the award of the distinguished-service medal hereinbefore provided for, such cases may be considered and acted upon under the provisions of this act authorizing the award of the distinguished service medal, notwithstanding that said services may have been rendered more than three years before said cases shall have been considered as authorized by this proviso, but all consideration of and action upon any of said cases shall be based exclusively upon official records now on file in the War Department.

That the provisions of this act and other acts hereafter enacted for the award of campaign or service medals or badges shall apply to officers and enlisted men of all classes of troops hereafter in the military service of the United States.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAVID L. BRAINARD.

Mr. CALDER. I ask unanimous consent for the present consideration of the bill (S. 979) for the promotion and retirement of Col. David L. Brainard, Quartermaster Corps, United States Army.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes in view of the conspicuous service in the Arctic of Col. David L. Brainard, Quartermaster Corps, United States Army, he being one of the seven survivors of the original 25 members of the Greely Expedition, and of the injury to his eyesight resulting from exposure while in said service, which injury will necessitate his early retirement from active service, that the President be authorized to place that officer on the retired list of the Army, after over 40 years' active service, as a brigadier general, with the pay and emoluments of a retired officer of that grade, and to grant him a commission in accordance with such advanced rank.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL PROHIBITION.

Mr. SHEPPARD. I ask unanimous consent for the present consideration of the joint resolution (S. J. Res. 17) proposing an amendment to the Constitution of the United States.

The VICE PRESIDENT. Is there objection?

Mr. PENROSE. Mr. President, I have just returned to the Chamber. What is the request of the Senator from Texas?

Mr. SHEPPARD. I have asked unanimous consent to take up the Senate joint resolution providing for Nation-wide prohibition, with a view of determining whether a date might not be agreed upon for a vote.

Mr. PENROSE. Does the Senator expect a vote on the joint resolution this morning?

Mr. SHEPPARD. I do not, but I wish to see if we can not agree on a date for a vote at some future time.

Mr. PENROSE. Does the Senator want to discuss the joint resolution this morning?

Mr. SHEPPARD. I do not.

Mr. PENROSE. As I understand, the joint resolution is simply brought up with the desire of the Senator to have a unanimous-consent agreement as to a date to vote on the measure?

Mr. SHEPPARD. That is true.

Mr. PENROSE. Well, Mr. President, I do not know but that the Senator from Texas may be able to obtain that agreement a little later, but I do not think he can do so this morning. We have one unanimous agreement now, and I do not think there are very many precedents for piling up unanimous-consent agreements. Later on, when the pending bill is disposed of, I want to assure the Senator that, so far as I am personally concerned, I shall not have any very strong disposition to create any permanent obstacle in the way of disposing of this measure, but I can not consent to it this morning.

Mr. SHEPPARD. Very well, Mr. President.

Mr. SHAFROTH. Would the Senator from Pennsylvania object to making this joint resolution the special order for a night session?

Mr. PENROSE. Mr. President, I do not think we have reached a point where we need to have a night session. We are all working very hard, and many of us are working overtime.

Mr. SHAFROTH. I do not believe there will be any lengthy discussion upon it. For that reason we could dispose of it in one or two evening sessions.

Mr. PENROSE. I do not think there will be any very long discussion on the joint resolution, but I think there will be some very serious discussion of it.

Mr. SHEPPARD. In view of the statements of the Senator from Pennsylvania, I withdraw my request for the present.

ACTIVITIES OF COMMITTEE ON PUBLIC INFORMATION.

Mr. PENROSE. Mr. President, I rise to state that I had intended calling up a resolution offered by me to investigate the activities and authority of the so-called public information committee, more particularly relating to an embellished story of an alleged encounter with submarines, but the junior Senator from Virginia [Mr. SWANSON] was compelled to leave Washington last night on account of sickness in his family, and he made a special request that I should not call up the resolution until his return to Washington in the course of a few days. In deference to his request, I shall not call up the resolution this morning but shall await his return.

CONSERVATION OF FOOD AND FUEL.

Mr. CHAMBERLAIN. Mr. President, I move that the unfinished business be laid before the Senate, if the morning business has been concluded.

The VICE PRESIDENT. It has been concluded.

Mr. SMITH of Michigan. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Michigan?

Mr. SMITH of Michigan. I desire to make an inquiry regarding a conference report pending between the two Houses. The Senator from Oklahoma [Mr. GORE], I believe, is chairman of the conference committee on the part of the Senate.

Mr. CHAMBERLAIN. May I interrupt the Senator to have the motion I have made disposed of, and then I will yield for that purpose?

Mr. SMITH of Michigan. Certainly.

Mr. CHAMBERLAIN. I renew my motion that the Senate proceed to the consideration of the unfinished business.

The VICE PRESIDENT. The question is on the motion of the Senator from Oregon that the Senate proceed to the consideration of the unfinished business.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

Mr. SMITH of Michigan. Mr. President, I desire to ask the Senator from Oklahoma [Mr. GORE] if any progress is being made by the conferees on House bill 4188, making it a crime to store or to corner food products? Some of us are very much interested in that bill and regard it as of the highest importance. We think it reaches a situation that should be controlled, and that an agreement between the two Houses upon this bill, which passed the Senate with practical unanimity, ought to be facilitated. I desire to ask the Senator whether any progress is being made?

Mr. GORE. Mr. President, in answer to the Senator's inquiry, I will say that the bill to which he refers passed the Senate on June 1. The conferees were appointed by the House, I think, on June 28 or 29. Since the appointment of the conferees on behalf of the House there have been several meetings of the conferees of the two bodies. We have, however, been unable to agree. The Senate conferees are insisting that the so-called Poindexter-Walsh amendment be retained in the bill; also that the Nelson amendment in regard to boards of trade be retained in the bill, and also several amendments in regard to the arid lands in the West.

The Senate conferees, representing the wishes of the Senate, have felt obliged to insist upon the retention of those amendments which passed the Senate, as suggested by the Senator from Michigan, by practically a unanimous vote. The House conferees have not seen proper to recede from their disagreement to those amendments. The result is that we have not as yet been able to reach an agreement, although we have had several conferences. I can not venture a prediction as to when an agreement will be reached.

Mr. SMITH of Michigan. Mr. President, I should like to ask the Senator if, in his opinion, this is not a very important bill, having for its purpose the conservation of our food supply?

Mr. GORE. I share that opinion; and I was led to believe that the desire to pass it was urgent on the part of the Department of Agriculture, which was to administer the bill.

Mr. SMITH of Michigan. May I ask the Senator whether he is at liberty to state what influences, if any, are at work to prevent Congress from disposing of this bill which originated in the House and passed the Senate unanimously?

Mr. GORE. Mr. President, I do not believe that I would feel at liberty to answer the Senator's question. I believe other Senators have suggested from time to time perhaps the reason for the delay as to that measure in conference, but I feel obliged to state that we have not been able to agree. Of course, if the Senate conferees would recede on the amendments to which I have referred, the bill would probably come out; but we have not felt at liberty to recede, certainly not up to this time.

Mr. SMITH of Michigan. I will ask the Senator a further question. I ask whether or not the failure to pass this bill and make it a law does not afford latitude for the widest kind of speculation in foodstuffs, and whether there is any restraining hand to-day upon those who attempt to corner foodstuffs in the absence of this legislation?

Mr. GORE. I will say that whatever restraining power was intended to be conveyed by the Nelson amendment and the Poindexter-Walsh amendment, and whatever virtue they pos-

sess, are being withheld from the country in consequence of this delay; but if the Senate conferees should recede from those amendments the country would still be deprived of whatever advantage might come from those two amendments, and we have not felt justified, as representing our own views and as representing the views of the Senate, in surrendering those amendments.

Mr. SMITH of Michigan. Mr. President, if those amendments, those wholesome amendments, adopted by the Senate were to be stricken from the bill, it would practically resolve itself into a seed-regulation measure, and would not have the effect or the importance which the bill now possesses. Would the Senator be willing to say whether the opposition of the House conferees is directed against the Senate amendments?

Mr. GORE. Of course, the House opposition is addressed to the Senate amendments, because the conferees have virtually reached an agreement as to the other amendments to the bill as it came over from the other House, relating to the amount of the appropriation, the seed provisions, and so forth. The disagreement is respecting the Nelson amendment, which undertakes to control or regulate the boards of trade, and the Walsh-Poindexter amendment, which undertakes to penalize cornering, holding, and monopolizing of foodstuffs and speculation in foodstuffs——

Mr. SMITH of Michigan. And gambling in foodstuffs.

Mr. GORE. Yes, sir; and certain arid-land amendments. Those provisions were placed in the bill by the Senate. The Senate conferees are insisting upon their acceptance, and the House conferees are holding out against them and persisting in their disagreement—and I use the word "persisting" in no offensive sense.

Mr. KENYON. Mr. President, I should like to add a word to what the Senator from Oklahoma has said. The Senator from Michigan will observe, if he will examine the bill, that a number of sections were added by the Senate on many different subjects that had nothing whatever to do with the real subject at issue in the bill. That is customary in the Senate. Section 11, which caused a good deal of delay, is a public-land question, and really has nothing whatever to do with this bill. Under that section the conferees have practically heard testimony and arguments of Senators at some length, which has tended to delay the bill.

The Senator will also observe, in going through the bill, that there are a number of public-land questions and reclamation questions involved, which have nothing whatever to do with the bill. I think that this should be added to the statement of the chairman of the committee as one of the causes for the delay.

Mr. GORE. I included in the suggestion the statement that those amendments have been the points of dispute.

Mr. SMITH of Michigan. The title of the act as it came from the House of Representatives was "An act to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products." I assume that "facilitating the distribution of agricultural products" means that they shall not be cornered; that they shall not be monopolized for undue profit; and that their distribution among consumers shall be facilitated.

So far as the Nelson amendment is concerned, which deals directly with the regulation of boards of trade, it is very properly a part of this bill; it is a very wholesome provision; it met the unanimous approval of the Senate, and I can not understand why a measure of such transcendent importance should not be passed.

Mr. KENYON. Mr. President, I think possibly the Senator would have a remedy in moving the discharge of the conferees and the appointment of others. I am one of the conferees myself, and I should be very glad to have the Senator do that.

Mr. SMITH of Michigan. I do not think the Senate could be represented in any more efficient way than it is represented by the Senate conferees. That is the remotest thing from my mind. Nevertheless it must be a very strange thing to the conferees on the part of the Senate that action can not be obtained; that no consideration was given for weeks to a measure of such transcendent importance as this. Except for the fuel provisions of the bill that is now the unfinished business, I regard that measure as of more importance than the one we are now considering.

Mr. GORE. Mr. President, perhaps I ought to say on behalf of the House conferees that they are of opinion that the section in the pending bill relating to boards of trade is preferable to the Nelson amendment, and that the section in the pending bill in regard to holding is better than the Walsh-Poindexter amendment to the bill in conference, and that perhaps is a restraining influence on them. I feel that we ought to say that in justice to the House conferees.

Mr. President, I desire to offer a substitute for the pending bill. I may say that it is an amendment in the nature of a substitute, striking out all after the enacting clause and substituting the substitute which I had printed on yesterday. Senators will find this substitute on their desks, excepting that section 1 has been changed, in the copy which I shall have read, to meet certain contingencies that were unprovided for in the bill as printed on yesterday. There is only one other slight amendment.

I ask that the substitute be read down to and including section 9. I shall not ask that section 10 be read, because it is a literal transcript of the Nelson amendment in regard to boards of trade heretofore adopted. I shall not ask to have section 11 read, because it is a literal transcript of the Poindexter-Walsh amendment heretofore agreed to by the Senate and bearing the stamp of the Senate's approval. I have merely added one sentence, providing that it shall not be construed to repeal the Sherman antitrust law. I shall not ask to have read the sections of the substitute following section 11, because they are substantial copies of the sections of the pending bill.

The VICE PRESIDENT. The substitute is not in order at the present time, as there is an amendment pending that has not been disposed of.

Mr. GORE. I was not aware of that.

The VICE PRESIDENT. Therefore the substitute is out of order at this time.

Mr. GORE. Very well. Then I will not prefer the request at this time. I was not so advised.

Mr. THOMAS. Mr. President, President Wilson's first administration was a brilliant record of things accomplished. From its commencement to its close he was buttressed by a safe and reliable majority in both Houses of the Congress. Between the Executive and that majority was a common purpose, outlined in the Democratic platform of 1912. To the due performance of that purpose both were solemnly committed. Their responsibility to the country was mutual. It was effectively discharged through close and constant cooperation of the Executive and the Senate and the House, upon planes of procedure comprehended and accepted by them all. This presupposed conference and discussion, through which differences were composed or eliminated, objections recognized or discarded, and contentions accepted or abandoned. Conferences were in turn the offspring of organized efforts and our legislative majorities became efficient through the cohesion of their units, who after full and unlimited discussion among themselves voiced their conclusions through the machinery of the caucus. Teamwork was both watchword and byword of Democratic procedure.

Through the systematized processes of political strategy and tactics, Democracy then proved fully equal to the burden of its self-assumed task; it kept the faith it had pledged to the people; the fruitage of its labors became the harbinger of a second and greater triumph; its deeds were catalogued in the platform of 1916 and emphasized as a guaranty of kindred performances yet to be achieved; and the people in generous response to the fidelity of its chosen representatives gave its President the largest vote of confidence ever cast in the annals of the Republic.

During the eventful sessions of the last two Congresses, when reform after reform was enacted into law and abuse after abuse was successfully assailed, when Democratic trenches were always held and Democratic drives were always successful, our opponents sought to weaken our assaults and undermine our strength by attacking the caucus system. They denounced it by day and by night, in season and out of season. It was undemocratic, tyrannical, enslaving. It suppressed conviction, deprived its Members of all initiative, destroyed individuality, and substituted the majority of the majority for Senate and House. It was the stronghold of national abuses, the citadel of legislative despotism. He who entered its circle surrendered his opinions, abandoned his independence, stifled his conscience, lost his self-respect, and ceased to be a public representative. This chorus was sung in many keys. It was voiced in countless changes of expression by progressive, by reactionary, and by independent, but it was always the same refrain. We were warned of the coming of a day of wrath, when the people, waxing indignant over Democratic indifference to these remonstrances, would overflow its restraints and bury us under the overwhelming flood of its disapproval. We were making a travesty of self-government by exalting the prerogative of "King Caucus." We had created a Frankenstein which had bound us with cords. We had become its puppets and registered its decrees as it demanded.

But we were not the sole offenders. The President, it was said, had sinned and was sinning as grievously. He had with sinister presumption assumed the leadership of the Nation. He did not advise legislation but commanded it. He trans-

gressed the proprieties by frequently visiting the Capitol and conferring with party leaders. He urged support for administration measures. He had invaded the province of legislation. He had arrogated many of its functions to himself. He was a flagrant usurper. He was an Executive meddler in things that were designed for other spheres of action. He was disturbing, if not seriously disarranging, the distribution of constitutional powers. He menaced the equilibrium of coordinated authority. He was degrading the powers and the dignity of the Congress. This conduct, too, was said to be under the angry scrutiny of a jealous electorate, outraged by Executive usurpations, and impatient for the arrival of the hour when it could launch its thunderbolt of disapproval; but the work of constructive legislation continued its course, and when the hour came the work and the workmen received the approval of the people; the work had been performed as the workmen selected had promised; results had been demanded; when achieved, they became the silent but eloquent advocates of the methods which wrought them.

We were returned to power charged with the completion of an unfinished task of constructive legislation. Under normal conditions we should have continued that task as we had conducted it; but our entrance into the great war has turned us away from it. Economic and social problems, however compelling and insistent, have been thrust aside by the tremendous demands of the hour. They have been shelved until peace shall have returned to the nations. Party lines have been obscured by the fervent heat of a common patriotism. Ancient and ineradicable party differences have for the time been forgotten. Congress has responded with alacrity until now to the President's call for support. We have declared war, enacted universal conscription, voted vast supplies, increased the personnel of the Army and Navy, and equipped the President with unlimited powers of espionage on land and sea, and we have assumed a common responsibility in committee work and in conforming to the recommendations of the departments. This would be commendable if it were not the obvious course for freemen in a time of crisis. Would that it might continue.

But, Mr. President, time is passing. As we recede from the supreme moment when the die was cast and the Nation's decision declared our zeal for cooperation seems to be declining. We are becoming less compliant with the demands of the administration, more critical of its policies, more apprehensive of its possible misuse of undue and enlarged authority. The concerns of business and the profit mongerer are becoming more obtrusive. The vast opportunities for gain which a great war creates and the limitations upon them which the Executive may impose through bills like that under consideration are crystallizing into vigorous opposition. Reformers are perceiving the opportunity to accomplish their objects by short cuts in legislation through amendments to war measures. Ambition whispers loudly and yet more loudly, in ears accustomed to her voice, of the harvest that may be reaped from seed now wisely sown; and some good men, wise men, honest, patriotic men, are beginning to shrink from a task whose performance is imperative if we are to triumph, lest mistakes occur and disaster come to men and to occupations through laws seemingly required for the commonweal.

I reflect upon the motive of no man when I assert that the plight of the pending bill is due to the operation of all these influences and to the absence of any organized support behind it. It has been set upon by almost everyone. Friend and foe have sought to improve or mutilate it. Both have partially succeeded. What it will resemble when it passes through yonder door on its lame and reluctant journey to the conference chamber omniscience alone can tell. And what it will resemble when it returns from that perilous journey is mercifully hidden from its sponsors by the impenetrable curtain of the future.

Mr. President, the injection of prohibition into this measure under the guise of food conservation, albeit well intended, has proven unfortunate for the country, for the bill, and for the cause. I will not say that it was not germane, for under our system of legislation all things are germane to a measure for a designated object "and for other purposes." A bill introduced to regulate the Papago Indians may emerge from this Chamber as an act to provide penalties for transporting onions by mail, or a bill to encourage enlistments in the Army may be readily transformed into an act providing pensions for deserters. But the proposal to enforce prohibition by drastic methods, by the confiscation of property, and by providing for its summary operation is unprecedented. It arouses controversy too deep, too widespread, and too far-reaching to make possible its speedy enactment. Moreover, its hasty and passionate consideration necessitates a result which satisfies no one.

Section 13 of the bill as it passed in committee of the whole on Saturday last may well claim consideration as the most unique, the most absurd, the most serious, the most expensive, and the most revolutionary, half-baked, ill-considered specimen of compromise legislation to be found in the records of an English-speaking lawmaking body of any country at any time in any age. It is a reflection upon our intelligence and a libel upon our common sense. It can only serve to humiliate us at home and abroad, if, indeed, it does not engender a grave doubt of our capacity to confront and dispose of crises as they shall develop during the progress of the war.

The section passed the House in intelligent form. It prohibited the use of foodstuffs for the distillation or fermentation of beverages during the war period. I did not indorse it. It was simple, but drastic. Here it has been bombed and gassed and shelled into linguistic fragments. It successively encountered contention, controversy, and chaos. In so far as it admits of construction, it seems to require that the President shall purchase all distilled liquors held in bond when the act goes into effect at their actual cost plus 10 per cent. To do this he must be equipped with from $400,000,000 to $500,000,000 for the investment, and this at a time when we are straining every nerve to secure revenue for national needs of the most insistent description. He will be the most colossal owner of distilled liquor the world ever saw, but he can not dispose of his wares except as we may hereafter direct. Presumably this is to be done in the cause of prohibition, and also to guard the owner against confiscation of his wares.

Apart from our obvious constitutional inability to take the property of the citizen at a rate of compensation fixed by legislative enactment, it is apparent that this prohibitory process will not prohibit. On the contrary, it will for the time being increase the consumption of distilled liquors. These will be taken out of bond in prodigious quantities in anticipation of our final action. Once removed they must find a market. They will be made attractive to consumers, who will, in turn, lay in as large a store as possible against the dread day when moisture is no longer a fact but a sweet and lingering reminiscence.

Moreover, the crisis of the distiller will be the opportunity of the rectifier. The latter has no liquors in bond. I wonder if the Senator from Iowa knew this when on Friday last he presented his amendment forbidding the withdrawal of distilled liquors from bond during the war. He stated his purpose in offering it with his customary clearness and candor. He wanted to wage the war with a sober Nation. But this commendable purpose could not be accomplished by a policy which restrains the traffic of one class of liquor manufacturers only. It merely gives a monopoly to the other class, which will naturally make hay while the sun shines. I have no wish to misrepresent anyone here, not even the rectifier. I hope I do him no injustice in saying that of all offenders against national sobriety he is the most reprehensible. He does not offer his patrons the "liquid hell," so repellant to the perfervid Senator from Illinois, but something "just as good." He needs neither distillery nor bonded warehouse for his production. All he requires is a lot of neutral spirits commonly known as alcohol, a supply of water reasonably free from impurities, a little bead oil, and a variety of flavoring extracts. From these he compounds a perfect imitation of any distilled beverage known to the trade. He will run the gamut from a mild distillate designed to inspire genial conviviality to a mixture two fingers of which would start a Quaker on the warpath, and his output is whisky. A President of the United States has so decided.

Section 13 as we have amended it does not require the President to buy this sort of merchandise, nor yet prohibit its manufacture. No foodstuffs are needed to produce it, and nothing short of national prohibition can eliminate it. Until that great object can be effected what a boon to the rectifier will section 12 become when written upon the statute books of the country. He will doubtless, like the bootlegger, become for commercial reasons an advocate of war-prohibition measures.

This section adds fully half a billion dollars to the total of our annual expenditure, if we may assume it to be proof against constitutional objections. To my mind that assumption is a most violent one. The Supreme Court, however, has quite recently destroyed the State's essential powers of eminent domain over the domain within its boundaries not actually used by the Federal Government for its own purposes; so I am finally prepared to concede that law is law, save as that omniscient tribunal shall otherwise declare. To add this vast sum to the enormous burden under which we are now staggering is excusable only by the stress of a dire necessity which can not be avoided. Who will pretend the existence of such a necessity?

If any such there be, let me ask him to suggest the rock from which this treasure may be still supplied, and the Moses who can strike it with his rod and compel its streams of revenue to gush forth.

Not only do we impose this new expense upon the people, we deprive them of one of their largest and most reliable sources of revenue, a source from which half our supplies have been obtained for more than a generation. I am perfectly familiar with the attitude of the prohibitionist toward it, and I am unreservedly committed to his proposed elimination of it by constitutional amendment. But I am opposed to its arbitrary elimination by statutory process, which substitutes nothing for it and which leaves us groping blindly and against the bitter opposition of taxpayers for something else as a base of revenue for the pressing needs of a distressed Government. Indeed, I am frankly amazed that the Senate of the United States, sometimes regarded as the greatest deliberative body in the world, ostensibly comprising men of experience in affairs of state, reasonably familiar with national needs and with the capacity to provide for them, should have done this thing. I fully understand and appreciate the motive which led it to vote for purchase as a sole alternative to confiscation when that seemed inevitable, and I should have so voted at that juncture had I been in my seat; but I can account for the final acceptance of section 13, as it passed on Saturday afternoon, upon no hypothesis of a national character. It is a farrago of nonassimilable elements, the net result of a rough-and-tumble fight between elemental forces conducted without rules, without reason, and without an umpire. Neither side prevailed, nor either yet unhorsed. But the prestige of the Senate has suffered, and the prospect of an adjournment before the snows of November has gone with the breeze of yesterday.

What other casualties this bill may encounter before a final vote is reached may not be wholly foreseen. That it will confront a number is inevitable. And I fear the same may be prophesied of every war measure which from now on we shall be required to consider. That they should be discussed and analyzed is obvious. Such is our duty. But that they are to become the vehicles for divers schemes of legislation not germane to the needs and crisis of war is neither obvious nor desirable. Yet it seems inevitable unless the party here dominant shall assert its authority and hold our procedure to the needs which summoned us in extraordinary session. Mr. President, order and system are the binding forces of community life. They are essential to human progress. They are merely other names for modern civilization. Action is possible only when they prevail. Inaction and disintegration assume the reins when they disappear. They are as necessary in legislative bodies as in the courts of justice or the currents of trade. Without them responsibility can not be centralized.

To secure them in free Government political parties are essential—one to rule, the other to criticize. The people choose between them, and their choice is final until it is changed. But we are now trying to legislate here without regard to fundamentals. Ordinary methods are suspended. Party organization is nominal. Responsibility is neither felt nor recognized. Every man acts for himself. Each is an independent. Cohesion is either absent or is accidental. Groups form to aid or to obstruct through personal or local considerations, and section 13 is a natural, albeit an extreme, specimen of their handiwork.

Neither the caucus nor the rule of the individual can be reproached by such offspring. Better the caucus as pictured in the lurid background of Republican imagery; better Aldrichism, more baleful than ever described by the genius of Democracy; better a continuation of both at this hour of the Nation's destiny than a chamber of deputies animated by lofty purposes but without the mechanism to accomplish them. A babel of tongues is not more barren than a confusion of methods.

Mr. President, this Nation has successfully waged four great wars. For the prosecution of each the party then in power was justly held responsible. Each had the cooperation of all good citizens without regard to party. To each was awarded the full meed of praise that goes with victory. It could not be otherwise. We are now in the opening stages of a fifth great war, the greatest of them all. The crisis came with the reinauguration of a Democratic President, whose hands are upheld and whose action is supported by the entire Nation, the devotion of whose representatives knows neither party nor section. As they have begun so may they continue. The voice of the President is the voice of America.

But, Mr. President, war legislation is not and will not be unanimous. It should not be. War policies, however capable and efficient, are not perfect. They can not be. Both will provoke comment, and frequently bitter criticism. They should do so. Both will provoke opposition. That is inevitable. Free government will disappear when such conditions disappear. By such methods errors are corrected, mistakes are rectified, evil or mistaken policies eliminated, inefficient men retired, and capable leadership and service secured. It follows that in war intelligent opposition is more necessary, more useful, nay, more indispensable than ever. Healthy, conscientious, and vigorous criticism at all times, and opposition when required, is consistent with the loftiest and most disinterested patriotism.

It must come from the party in opposition. It will be directed against the party in power. That party must yield to it or overcome it. It should yield when conditions justify it, and overcome it when they do not. Hence, Democratic responsibility for the successful prosecution of this war is as obvious as will be the same responsibility for defeat, should that be the end of the conflict.

This is not to assert that we are waging a Democratic war. It is the Nation's war, in the conduct of which both great parties have their parts to play. They are in concert as to the Nation and its needs. They may be in dissent as to details and prosecution. And this will become more extensive as events are unfolded by the future.

Hence we must and should answer for all that goes wrong in the tremendous drama now staged across the world. And hence the greater need for wise and mature legislation, for the union of heads and of hearts for the better service of our country and ourselves.

My fellow Democratic Senators, we are at least morally responsible for section 13, and for the fate of this bill, for we are in control of the Senate. It behooves us to make due compliance with administration requests for needed war legislation by supporting them whenever we can and by promoting their speedy disposition whether we can or not. If we are to do this effectively, we must again resort to teamwork. I do not counsel the indorsement of war bills as party measures, nor yet their previous consideration apart from our associates across the aisle. But I do urge that when any bill reaches or threatens to reach an impasse like that now confronting us we should discharge our duty as the dominant force in this body, and relieve ourselves from the reproach of incompetency by counseling together and outlining an effective method for the speedy disposition of the pending business. This will relieve, if it does not satisfy, our Republican colleagues. It will receive the indorsement of public opinion, and it will vindicate our asserted capacity for managing the affairs of the Nation, and aiding the administration to conduct the affairs of the war to a successful issue. Unless we do this we shall make slow headway in sorely needed legislation. Bills for revenue, for trading with the enemy, to promote our export trade, practically all the so-called war measures in contemplation are apt otherwise to go awry. They will be amended, as doubtless they should be; but they should pass under the control and be guided by the intelligent organism of a majority when in their progress they threaten to become waterlogged. Either this or they will drift like rudderless vessels subject alike to the influence of every storm and every vagrant breeze. They may reach a harbor some time, somewhere, but far more apt to become submerged in a Sargasso Sea of senatorial controversy.

Mr. POMERENE. I ask leave to submit an amendment to the pending bill and that it may lie on the table and be printed.

The PRESIDING OFFICER (Mr. JONES of New Mexico in the chair). It is so ordered.

Mr. CHAMBERLAIN. I ask that the pending amendment may be submitted to the Senate.

The PRESIDING OFFICER. The pending amendment will be read by the Secretary.

The SECRETARY. The Senator from Oregon [Mr. CHAMBERLAIN], on behalf of the Committee on Agriculture and Forestry, offers the following amendment:

On page 16, at the end of line 2, in the original print of the bill, insert the following proviso:

"*Provided*, That such operations, practices, and transactions, at, on, or in, or under the rules of any exchange, board of trade, or other similar institution or place of business, as are not prohibited by the regulations made by the President, pursuant to the provisions of this section, shall not be deemed to be within the intent and meaning of section 6 of this act."

Mr. SMOOT. The Senator from North Dakota [Mr. MCCUMBER] is interested in this amendment and he temporarily stepped out of the Chamber.

Mr. HARDWICK. I was about to take the floor.

Mr. SMOOT. If the Senator from Georgia, however, desires to take the floor I shall not suggest the absence of a quorum, as I intended to do for the reason stated.

Mr. HARDWICK. Mr. President, I do not care to detain the Senate very long, certainly not at all upon the pending amendment. I have not yet had time to determine what its exact

effect will be. But there are some brief observations which I wish to make with respect to the bill and the situation we are in with respect to it, if we may believe current newspaper reports and current gossip in the Senate itself. It seems that the Committee on Agriculture and Forestry is preparing a substitute for the bill, or has prepared such a substitute——

Mr. CHAMBERLAIN. Let me correct the Senator.

Mr. HARDWICK. I shall be glad to have the Senator do so.

Mr. CHAMBERLAIN. The committee had under consideration the proposed substitute of the Senator from Oklahoma [Mr. GORE] and the committee concluded not to report it as a committee amendment, so it has been presented this morning as the Gore substitute and will be treated as an individual proposition.

Mr. SMOOT. Mr. President, as discussion has begun on the bill, there are so few Senators present that I suggest the absence of a quorum, so that those who are interested may hear the discussion.

The PRESIDING OFFICER (Mr. KING in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Gronna	McKellar	Simmons
Beckham	Hale	McNary	Smith, Ariz.
Borah	Harding	Martin	Smith, Md.
Brandegee	Hardwick	New	Smith, Mich.
Broussard	Hollis	Newlands	Smoot
Calder	Husting	Norris	Sterling
Chamberlain	James	Overman	Sutherland
Culberson	Johnson, S. Dak.	Page	Thomas
Curtis	Jones, N. Mex.	Poindexter	Tillman
Dillingham	Jones, Wash.	Pomerene	Townsend
Fernald	Kellogg	Ransdell	Trammell
Fletcher	Kendrick	Reed	Wadsworth
France	Kenyon	Shafroth	Warren
Frelinghuysen	King	Sheppard	Watson
Gerry	Knox	Sherman	Weeks
Gore	La Follette	Shields	Williams

Mr. SUTHERLAND. I desire to announce that my colleague, the senior Senator from West Virginia [Mr. GOFF], is absent on account of illness. I ask that this announcement may stand for the day.

Mr. POMERENE. I desire to anounce that the senior Senator from Delaware [Mr. SAULSBURY] is detained on account of important business. I ask that this announcement may stand for the day.

Mr. TRAMMELL. I wish to announce the unavoidable absence on public business of the junior Senator from Arkansas [Mr. KIRBY].

Mr. HOLLIS. I desire to announce that the senior Senator from Arkansas [Mr. ROBINSON] is detained on public business.

Mr. GERRY. The senior Senator from Illinois [Mr. LEWIS] and the senior Senator from California [Mr. PHELAN] are absent on official business.

The PRESIDING OFFICER. Sixty-four Senators have answered to their names. There is a quorum present. The Senator from Georgia will proceed.

Mr. HARDWICK. Mr. President, as I was remarking, it seems to be reasonably true that no matter whether formal action by the committee is officially taken or not a majority—a very great majority—of the Committee on Agriculture has succeeded in framing and agreeing upon a substitute for this measure, which, to my mind, would greatly improve it and would render its passage at an early date a practical certainty. Let me say, before I pass from that, that I have had some little opportunity to examine the substitute, and while I would not vote for the bill even if the substitute were adopted, because I am utterly opposed to the basic principles that underlie all of this legislation, yet, in my judgment, the substitute would be much better than the bill itself and I shall, therefore, vote for the substitute, although I am opposed to the main proposition. If we could get a vote on the substitute, and it should have the strength in the Senate that its friends believe it has, and should be adopted by the Senate, I think we can settle this controversy without any considerable delay and send this entire matter to conference where it must be finally thrashed out anyway, no matter what we send there. I hope we will take a test of the sentiment of the Senate at an early day on that question, because if that is the true situation we have a quick way out of the present difficulty. It seems to me as though the Senate in the consideration of this bill has muddled the waters every time it touched it. It has got it so now that I believe most of its friends are afraid to vote for it or, at least, they are not eager to do so. It has got it in such shape that even its most ardent advocates look at it with coy shyness, and are not certain whether they are ruining or helping the country when they vote to pass it.

Of course, a situation like that is somewhat amusing to a man in my position, who does not believe in any of it and who is perfectly willing to vote against all of it. The only thing that I covet, so far as my personal record is concerned, is an opportunity to vote against it. However, I think it is my duty as a Member of the Senate to help the Senate perfect the proposition, if such a proposition as this can be perfected, or, if according to my viewpoint it can not be perfected, to make it as little injurious as possible. I am willing to discharge that function whenever I have an opportunity to do so.

While on this subject, Mr. President, I want to suggest to the Senate that there is a provision in this bill totally disconnected with the basic principles which are supposed to underlie and, which, to my mind, is the only good proposition in it; and that is the proposition in section 3, in the original print, preventing these patriots who are serving the country without compensation on these various advisory commissions which we have from coupling their patriotism and their profits in selling from their own private concerns, or the concerns with which they are associated, to the Government which they are supposed to represent. I earnestly hope that the new draft, for which I hope to be able to vote, will not omit that very wise and salutary provision.

Mr. President, I do not agree, as every Member of this body knows, blindly with everything that the President of the United States says; in fact, I disagree with him so frequently that it is a matter of pleasure to me to have him say something once in a while that I can agree to. I want to express my hearty concurrence in one sentiment which he expressed this morning. The President of the United States said, in an interview published in the newspapers this morning—I am not attempting to quote literally—that it was infamous for people to undertake to couple their profits and their patriotism. Well, so I say it is; and for the first time in my life I have heard it suggested among honorable men that it is something that Congress ought to be censured for, because we object to men posing as patriots and serving the Government without compensation, selling with their left hand and buying with their right hand, because we are opposed to any set of men representing the Government and turning around and buying from themselves or the concerns in which they are pecuniarily interested. I do not intend to reflect, of course, upon the opinion or view of any Senator who may entertain a contrary view, but it always looked to me as though such line of conduct was in direct opposition to the elementary propositions of common honesty in all public dealings. In the smallest town or village——

Mr. BRANDEGEE. Mr. President——

Mr. HARDWICK. If the Senator from Connecticut will pardon me just a moment, I will yield to him. In the smallest town or village in my State it is an unthinkable thing, and one punishable by law, that a member of a council should buy supplies for the public, for the city, from any concern in which he is pecuniarily interested. So it is an unthinkable thing in the county that the county commissioners—and you must remember the members of the council in most of the little towns in this Republic serve entirely without compensation—the county commissioners of the several counties of the Commonwealth in which I reside should buy for the county from any concern in which they are pecuniarily interested. So it is with State officers, and so it ought to be as to one of the highest tribunals and commissions in this land. With all respect to any Senator who may take a different position, or who may entertain a different opinion, I can only say that it is incomprehensible to my mind that it should be seriously insisted that these men ought to represent the Government in a fiduciary capacity—whether with or without compensation is utterly immaterial—in a capacity which gives their recommendation the virtual force and effect of law, and then turn around and buy from the concerns in which they are pecuniarily interested. I think the Senate ought to stop it. If it is not stopped, it is liable to cause a public scandal. If not, the lid will blow off, and that without very much longer delay.

During a temporary absence from the Senate I was shocked and astonished to see that members of this advisory committee had the temerity to rush into print to defend their right to do that sort of thing and to assail and assault the Senate of the United States because it had the manhood and the honesty to put into the law the express provision that this sort of thing should not be allowed; that if they desire to sell to the Government, they must not buy for the Government, even in a position that carries no salary with it. The President is right. Let us separate patriotism and profits; they do not go hand in hand; they have no real connection, and they should not be connected even in these advisory committees, in my opinion.

Therefore I express the hope, Mr. President, that whatever form this measure takes, whether the Senate shall agree to the amendment to be proposed by the distinguished Senator from Oklahoma [Mr. GORE], the chairman of the Committee on Agriculture and Forestry, or not, that, whatever proposition we

finally adopt, the language contained in the section originally reported in the bill by the Senate committee prohibiting transactions of the kind I have complained of should be retained.

I have no feeling against these gentlemen; I do not know any of them; I have no desire to do any one of them the slightest injustice. It is simply incomprehensible to me that they could seriously insist that they have any such right as Mr. Rosenwald asserted in a published statement. If they want to serve the Government, they must get rid of their private interests, if those interests are to sell to the Government, or, at least, must sever their connection with them; or certainly, if they want to serve the Government, they must not buy from concerns in which they hold and have a pecuniary interest.

Mr. President, the Senator from Connecticut [Mr. BRANDEGEE] wanted to interrupt me. Does he still desire to do so?

Mr. BRANDEGEE. I was either going to put it in the form of a question or a suggestion. I do not understand that the members of this advisory council of the Council of National Defense are buying from themselves.

Mr. HARDWICK. Well, they buy from the concerns in which they are interested.

Mr. BRANDEGEE. No; I do not understand that they are buying at all. I can not speak by the card about it; I have had no communication with any of these gentlemen; and I do not know any of them. I am in that respect in the same situation as is the Senator from Georgia. I do not think enough is known by the public about the methods which they have adopted; but, so far as I have any idea about it, it is this—that they do advise when certain supplies shall be bought——

Mr. HARDWICK. From whom?

Mr. BRANDEGEE. And say what in their judgment would be a fair price. They take the bids that are made and advise the department whether the bids——

Mr. HARDWICK. Will the Senator——

Mr. BRANDEGE. Just a moment, please—whether the bids offer a fair price or not.

Mr. HARDWICK. I want to correct the Senator. I happen to have accurate knowledge, and I do speak by the card on that question. I can tell the Senator exactly what they do, because we had that question before the Appropriations Committee.

Mr. BRANDEGEE. I did not suppose that they bought of themselves or that they made any contract in behalf of the Government or that they had any authority to make contracts in behalf of the Government. Of course, if they do, I would not approve of that at all. Has the Senator any knowledge that they have authority to make contracts?

Mr. HARDWICK. I am going to tell the Senator exactly how it is done, because it was told by a Cabinet officer at the head of it—I refer to the Secretary of War—to a subcommittee of the Appropriations Committee on which I was serving. The law, the Senator will remember, simply authorizes these gentlemen to investigate facts and to report their conclusions to the Council of National Defense, but the actual practice has been, unless it has been changed since Secretary Baker gave his testimony before the Senate Committee on Appropriations—and I see several Senators here who were associated with me in that work, and I hope, if I do not state it with absolute accuracy, that they will correct me; I am stating my recollection but think I am right—the practice has been that the War Department would want to buy blankets for instance, and the War Department officials would say, "We are going to buy blankets according to the recommendations of the Council of National Defense," and the Council of National Defense would recommend not only the price they ought to pay but from whom the Government ought to buy. The War Department and every other department of the Government have taken the position that they were absolutely going to follow the recommendations of this committee. I will ask the Senator from Utah if that is not his understanding of it?

Mr. SMOOT. I did not follow the Senator.

Mr. HARDWICK. I think that is right. I should like to be corrected if it is not. That is the impression that was made upon my mind at least.

Mr. BRANDEGEE. Suppose that is so, the heads of the departments are responsible.

Mr. HARDWICK. That is true, if the Senator please; but, after all, under the policy adopted and the practice, these men are really buying, for every department is buying according to the recommendations of these men.

Mr. BRANDEGEE. Now, if that is so, why should criticism be directed against these men? It seems to me that, even if this advisory council were abolished, if the head of the War Department or of the Navy Department or of any other department of the Government needing supplies is responsible, he ought to make due inquiry and find out, from consultation, not only with bidders but from the best information he can get all over the country, whether or not he ought to accept a certain price.

Mr. HARDWICK. I agree to that.

Mr. BRANDEGEE. If there were no Council of National Defense at all and the department chief was thrown upon his own resources to go out and consult the experts of the country, he would not consider that he was bound to take the advice of a certain expert or a certain set of experts. It seems to me that the criticism ought to be directed at the heads of the departments.

Now, while I am on my feet, I simply desire to say that I have been told—and I am not sure about it—that in England they have a similar council——

Mr. HARDWICK. I presume they have; and probably that is the reason we have it here.

Mr. BRANDEGEE. Composed of men who are interested in companies, which, when the contracts are awarded, participate in the sale of the product under the contract to the Government; but it is required that whenever one of the members of the council is interested in any company which may furnish a part of the supplies, he shall file a written declaration to that effect in advance——

Mr. HARDWICK. And retire.

Mr. BRANDEGEE. And shall not participate in advising about that product.

Mr. HARDWICK. That is all in the world that this statute would require.

Mr. BRANDEGEE. All in the world what statute would require?

Mr. HARDWICK. The provision of this bill, which I am urging shall be kept in it.

Mr. BRANDEGEE. I was directing my remarks not so much to the suggestion of the Senator about this particular amendment, but to the remarks that were made on the floor the other day by the Senator from Tennessee [Mr. MCKELLAR] and the Senator from Missouri [Mr. REED], that this advisory commission itself was at fault and ought to be abolished and superseded by a purchasing board of supplies or something of that kind.

Mr. REED. No, Mr. President——

Mr. HARDWICK. I yield to the Senator from Missouri.

Mr. REED. The Senator from Connecticut has inadvertently misquoted me. I dealt with the proposition of men dealing with themselves, and I mentioned a concrete case. I protested against the proposition as a matter of principle. I did not say that the board ought to be abolished. Some people have said that if the rule of equity, the rule of the statute, and the rule of conscience, as it is expressed in this amendment, were applied, the board would have to go out of business; but I never said that.

Mr. BRANDEGEE. I do not mean that the Senator from Missouri and the Senator from Tennessee agreed entirely in their remarks, but the Senator from Tennessee certainly introduced an amendment here, which is now pending, to create a purchasing board of supplies and food, or something of that kind.

Mr. HARDWICK. Mr. President, I have about concluded what I have to say. The Senator from Connecticut makes a suggestion that I think comes squarely within the language, and certainly within the purpose, of this amendment reported by the committee. If anyone of these men is interested in the question, of course he ought not to be allowed to advise the Government, and the law will not permit him to advise it if this section is adopted. I think we ought to stick to it, and I think the Senate will agree with me.

Now, I quite agree that the heads of the executive departments of this Government ought not to permit this thing to be done, and to a certain extent, if what we are being informed is accurate, I think the Secretaries themselves could correct it; but the principle——

Mr. BRANDEGEE. Will the Senator permit me there

Mr. HARDWICK. Yes.

Mr. BRANDEGEE. Here is what is lying in my mind: The Government needs steel in great quantities, of course.

Mr. HARDWICK. Yes.

Mr. BRANDEGEE. If it is so that no governmental department can send for an official of the Steel Corporation, which perhaps produces 60 per cent of the product of the country, and ask him anything about steel, or get his expert opinion, without depriving the Government of using any product made by the great subsidiaries of the Steel Corporation, it would seem to me to be an absurd proposition.

Mr. HARDWICK. I quite agree with the Senator, and I for one moment would not favor that; but I do say that if that man is representing the man who is going to sell, he ought not to stand behind the buyers' counter. Let us confer with him and

get all the information and all the help that his patriotism will permit him or will induce him to give to the Government, but frankly——

Mr. BRANDEGEE. I agree to that.

Mr. HARDWICK. Yes.

Mr. BRANDEGEE. But I am simply so amazed that I can not give credulity to the assertion or the suggestion made by the Senator from Georgia that these departments absolutely duck the responsibility, that they are simply rubber stamps of the advisory council and have to order whatever the council suggest.

Mr. HARDWICK. The Senator from Georgia thinks he is right about it; that is the impression the Secretary's statement made on his mind; but if he is not right, he not only challenges, but invites, any Senator here to correct him.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Nevada?

Mr. HARDWICK. Yes.

Mr. NEWLANDS. Is the Senator from Georgia correct in his assumption as to the relations of the advisory commission to the Council of National Defense? I am aware that there is a great deal of misunderstanding regarding those relations; or, rather, there is a lack of certainty of knowledge upon the subject.

Mr. HARDWICK. I agree with the Senator about that.

Mr. NEWLANDS. And I think the matter might well be cleared up by some clear and definite statement from the Council of National Defense; but, if the Senator will permit me for just a moment——

Mr. HARDWICK. Yes; I yield willingly to the Senator.

Mr. NEWLANDS. I will give my view of what those relations are.

As I understand, the Council of National Defense and the advisory commission were both authorized by law, and Congress, of course, is responsible for that, though it was probably done at the suggestion of the administration. Now, as I understand, the purpose of the Council of National Defense is to bring a number of Cabinet officials into coordination——

Mr. HARDWICK. The Senator is right.

Mr. NEWLANDS. So that they can form a united judgment upon information regarding matters of importance relating to the national defense. I understand that the advisory commission was organized—perhaps it is a misnomer to term it an advisory commission—for the purpose of mobilizing, in some definite form, the various industries of the country, so that these industries which must furnish materials for the war would have committees composed of the most capable and efficient men in those various industries, regarded as the chiefs of these industries—captains of industries, if we may so term them—with whom the Council of National Defense could advise; and the assumption was that these men, having the information, would not lack the patriotism and the sense of duty that is essential in the discharge of the duties that belong to that position.

I do not understand that the members of the advisory commission have anything to do with the fixing of prices. On the contrary, I understand that they are there frankly as sellers. The very purpose of the legislation was to mobilize the sellers, through their responsible heads, so that they could aid the Government itself in this business of furnishing supplies to the Army and Navy. Thus we have in the advisory commission the sellers of transportation, a committee representing the railroad companies; we have the sellers of steel products, represented by Mr. Gary and others who are at the head of the steel industry; we have the sellers of coal, represented by Mr. Peabody and others who represent the great coal industry. They are there frankly as sellers, and I do not understand that there is any concealment about it.

Mr. HARDWICK. If the Senator from Nevada were right about that, there would not be a single excuse in the world for this section that the committee reported, and not a single reason to take that sort of action. Unfortunately, however, I think he is wrong, and if the Senator will read the statement of Secretary Baker before the Senate Committee on Appropriations, when its subcommittee was considering this great $3,000,000,000 appropriation bill, I think he will find that it is not the way it works out in practice.

Mr. NEWLANDS. I shall be glad to read that, because I can not believe that men as capable as these men who constitute the Council of National Defense would turn over to these committees that are frankly committees of sellers, organized for the purpose of giving information, any part of the purchasing power of the Government.

Mr. HARDWICK. If the Senator will let me conclude, I think, if the Senator pleases, that the thing has been a little twisted from the way it started. I expect that the idea to start on was as now suggested by the Senator from Nevada, but unless I am misinformed—and I certainly do not want to do anyone injustice—it has worked out in this way: Your committee of "advisors"—frankly, sellers, you say—have become a committee of buyers, because whatever they recommend as to price and as to the person from whom the purchase is to be made is adopted and agreed to by everybody in the several executive departments.

Mr. NEWLANDS. Will the Senator let me give one illustration of what was done?

Mr. HARDWICK. Yes.

Mr. NEWLANDS. As I understand, the building of cantonments came up—these structures that are intended for our soldiers. It is said that these structures composed of wood are much cheaper than tents if they are to be used longer than six months; and the Council of National Defense got into communication with a committee of the advisory commission representing all the lumber operators of the country, and wished them to mobilize that industry, to see to it that the Government could get an ample supply of lumber at every point desired within a reasonable time, so that these structures could be quickly put up.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. NEWLANDS. Certainly.

Mr. HARDWICK. I yield to the Senator from Tennessee.

Mr. McKELLAR. I just wanted to make this suggestion: They certainly did not undertake to mobilize all the lumber industry. I happen to come from a city which is one of the largest lumber markets in the world, and I believe the largest in this country at the present time; and no lumber merchant from my city was permitted to be either on the Council of National Defense or on the inside circle, as it is called. Surely there could not have been a mobilization of the lumber industry of the country without including Memphis.

Mr. NEWLANDS. Of course I know nothing of that particular instance; and, understand me, I do not claim accurate knowledge about the subject. I am stating what I——

Mr. HARDWICK. The Senator is stating what he thought they would do.

Mr. NEWLANDS. Yes. Now, then, what I heard was done—and it seemed to me a rather reasonable thing——

Mr. HARDWICK. Well, it would be reasonable if it worked that way.

Mr. NEWLANDS. It was very obvious that if they put out immediately public bids for lumber all over the country at specified prices, this extraordinary demand, precipitated upon perhaps a limited supply, would result probably in very excessive prices being charged by all the bidders.

Mr. HARDWICK. Competition would make that?

Mr. NEWLANDS. Yes. I think myself that the beneficial features of the law of supply and demand are almost paralyzed now in this country, owing to the extraordinary demands caused by the war, and that if you rely upon the law of supply and demand the necessary result of this enormous demand, precipitated upon a moderate supply, will be an enormous increase of prices.

Mr. HARDWICK. If the Senator will pardon me, I believe I would rather let him take the floor in his own right later on. I want to finish. I am almost through.

The PRESIDING OFFICER. The Senator from Georgia declines to yield further.

Mr. NEWLANDS. I was only going to add another statement.

Mr. HARDWICK. I yield to the Senator, then, of course.

Mr. NEWLANDS. I will simply state that they appealed to these men to confer throughout the country with reference to a reasonable price and immediate delivery, and that the statement was made that they would furnish lumber everywhere at the uniform price of seventeen dollars and a half per thousand. With my limited knowledge of such matters, I should regard that as a reasonable price, and probably a much more reasonable price than would have been secured by public bidding, and certainly the speed of delivery was much promoted by this method, as probably the railroad committee and the lumber committee of the advisory commission cooperated to that end.

Mr. HARDWICK. Of course, if the thing had been done in the way the Senator thinks it ought to have been done and thought it was to be done, I do not think there would be any necessity for this section. On the other hand, if it has not been done in any way except the way the Senator thinks it ought to be done and thought it had been done, the section will not hurt anybody; because the section referred to, which is carried in both propositions—both the pending bill and the substitute

proposal of the Senator from Oklahoma [Mr. GORE]—reads in this way:

That it is hereby declared unlawful for any person acting either as a voluntary or paid agent or employee of the Government in any capacity, including an advisory capacity to any commission, board, or council of the Government, to procure, attempt to procure, or make any contract for the purchase of any supplies for the use of the Government either from himself, from any firm of which he is a member, or corporation of which he is an officer or stockholder, or in which he has any financial interest.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. HARDWICK. Not just for the moment. Now, if he does not do those things, the statute will not do him any harm. If he does do those things, the statute ought to prevent it and punish him. It will not have any effect on people who are only doing what the Senator from Nevada thinks ought to be done—and he is right about it—and no more; but if they do undertake to do more, then the law itself must enforce this rule of honesty and morality upon them. So it seems to me that the Senator from Nevada would be perfectly willing, as I have no doubt he will be, to strike hands with those of us who say that this ought to be the declared law of the land, as well as one of the first and soundest rules of morals and honesty.

Mr. KENYON. Mr. President——

Mr. HARDWICK. These men, of course, if they come together in the frank capacity of sellers, to give the Government in a patriotic way the benefit of whatever information or ability they have in their respective lines of business, are doing the country a great patriotic service; but they must not put themselves in the position of acting for the Government and determining that contracts are to be given to firms in which they have an interest, either direct or indirect. The Secretary of War stated plainly to the Committee on Appropriations, unless my memory is woefully inaccurate, that the Council of National Defense said to the different departments of the Government, acting on information and advice given to them by these auxiliary committees: "You can get shoes from Thomas Cook; you had best get blankets for each one of your departments from John Jones." Then he went on to say that all the executive departments carried out those instructions. Now, if that is not these men determining in a practical way where the Government shall buy, from whom it shall purchase, and at what price, I do not know what it is or ought to be called.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Iowa?

Mr. HARDWICK. Will the Senator pardon me? I want first to yield to the Senator from Tennessee, who asked me to yield some time ago.

Mr. McKELLAR. I want to make this suggestion as to the statement of the Senator from Nevada that these men are all sellers.

In the first place, if they are all sellers, I do not know why Congress should have been called upon to appropriate $500,000 to help these sellers organize to sell to the Government, or to form an arrangement by which they could sell to the Government, to the exclusion of others. In the next place, if they are nothing but sellers—if the Senator is correct in the statement that this is an organization of sellers mobilized here—then the prohibition offered in this amendment can not possibly affect them, and I do not see why any of them should object.

Mr. HARDWICK. Exactly. It will not do any harm at all, if they are only doing what the Senator from Nevada suggests, to adopt this amendment.

Mr. McKELLAR. None whatever.

Mr. HARDWICK. And if they are doing more it ought to do it.

Mr. NEWLANDS. Mr. President, I will state to the Senator that I have not examined the language to which he refers. I was not speaking with reference to that. All of my remarks were directed toward a proper understanding——

Mr. HARDWICK. Of what was transpiring.

Mr. NEWLANDS (continuing). Of the advisory commission.

Mr. HARDWICK. Now I yield to the Senator from Iowa.

Mr. KENYON. Mr. President, I wanted to suggest to the Senator from Georgia that when this amendment was before the committee Judge Lindsey, who was Mr. Hoover's legal adviser, suggested the proviso which is found in the bill, which reads as follows:

Provided, That this section shall not be construed to prevent any such agent or employee of the Government, or any person acting in an advisory capacity, from rendering services and advice on any matter not connected with such purchase of supplies.

The committee did not want to do anything that would prevent these great business men from rendering service to the Government. It was realized that it must have their advice, and in order that there might be no question about that this proviso, out of an abundance of caution, was placed in this section. So that it leaves it, as the Senator from Georgia has so well said, that unless these men are making contracts or procuring contracts or attempting to procure contracts, this section does not affect them at all.

I do not believe anybody wants to deprive the Government of the services of these business men, whose services it must have in this time of crisis; but it is simply the common, honest proposition of not having men contract with themselves. Of course, most of these men who have been called here are honest men, and a provision of that sort ought not to injure them. It ought to protect them against the few there may be who want to combine patriotism and profit.

Mr. HARDWICK. Precisely; and therefore it was with utter astonishment that I read that some of the leading members of this commission very seriously objected to this provision. If they do object, that is all the more reason why we had better be sure to enact it.

Mr. NORRIS. Mr. President, some of the provisions of this bill—in fact, most of them—are astounding; but they are intended to meet an astounding and remarkable situation, one that has never presented itself to the country or to the world before.

It is not remarkable under these conditions that honest men, wise men, patriotic men, should disagree as to what is the best thing to do. We are traveling along a road where there are no landmarks to guide our steps. There are no blazed trees in this wilderness to tell us which way to go. There never has been a condition in the world before, for instance, where the man between the plowhandles was of equal importance with the man who carried the gun or served in the trenches. There never has been a war before where more than 30,000,000 people have left the producing ranks and have gone into the business of destroying property as well as life. So we have no precedent to guide us.

While in the main I have favored this legislation and this bill, I have realized that there was much weight in the arguments of those who are opposing it, and particularly in the arguments of those who are opposing portions of it. We are all trying to arrive at the same goal, to accomplish the same object. There are two important things we want to do. We want to increase production, and we want to control distribution. We want to give a sufficient reward to the man who produces food, and we want to prevent the manipulation of the market so that the consumer will not have to pay an exorbitant price. The war is dependent upon the production of food, and under the peculiar condition of things our own country must bear the great bulk of the burden of the production of those foods. It is not remarkable, therefore, that we should find under those conditions that the old law of supply and demand to a great extent has been repealed. It will do no good, Mr. President, for us to denounce the food speculator unless we take some action to prevent him from carrying on his nefarious business in these critical times. The objects the framers of this bill had in mind, I think, was to stimulate production and to provide for fair distribution. We must do those two things. In order to do them we must take some extraordinary steps, steps that no legislature has ever taken before.

I confess that under any ordinary conditions there is very little in this bill that would meet with my approval. It may be that mistakes have been made; the legislation to a great extent is experimental; but we must meet a condition, and it seems to me that we are called upon to do something that will remedy that situation.

Now, it is thought best, in order to stimulate production, for instance, to provide that there shall be power given by which a minimum price shall be fixed and guaranteed by the Government to those who produce food. The people of the country, in the main, are patriotic. All classes of our people desire that we should be successful in the war, however much they may have regretted that we went into it or opposed our going into it. But when we call upon the farmers of the country to raise an extraordinary crop to meet an extraordinary condition under circumstances that make it expensive and very difficult for them to increase the operations on account of the increased cost of the things that they must buy and the lack of labor that the very war itself makes imminent, so that they can not avoid it, it is but fair that we should say to these people that we will guarantee to you, if you will produce abundantly, a certain price. That price ought to be large enough to cover all possible costs of production, together with a reasonable profit. The farmer ought not to be compelled to go to an extraordinary length, because he does not know but that by the sudden ending of the war or other causes he may produce an abundant crop that will not pay for the expense and the labor of producing it.

On the other hand, Mr. President, when we do that we are bound, I think, to take into consideration the interest of the consumer. We must see that he is not compelled to pay a price that is exorbitant for the things that he has to eat and the things that he has to wear and for the fuel that keeps him warm.

We have found some astounding conditions existing, and I want to call the attention of the Senate to some of them briefly, some conditions that are remarkable when it comes to the high cost of living. It is getting now to be the wonder of the day how millions of our people live. Men who a few years ago were receiving a salary that was almost a luxury are now practically paupers, unable to support themselves and those dependent upon them. We can not win this war if our people are suffering from hunger and shivering with cold. We must provide some method by which the bulk and mass of the great common people will be protected from these exorbitant prices.

I do not believe it is necessary to produce evidence to convince anybody that a condition exists which, as the Senator from Nevada [Mr. NEWLANDS] said, has practically paralyzed the ancient law of supply and demand. People must have food. It is useless to talk about the cause, the reason why they are hungry and do not have enough to eat, if the fact is that they do not have enough to eat. It is useless to say that this or that is to blame for the high cost of clothing if the people are unable to buy clothing. We must bring about a condition that will make this suffering impossible. To do that it will be necessary to take extraordinary measures, as this bill does.

I read a dispatch from a Chicago paper of the 25th of May. This is what the mayor of Chicago said:

UNDERFED DIE IN CHICAGO—MAYOR BLAMES HIGH PRICES OF NECESSARIES FOR 1,500 DEATHS.

CHICAGO, *May 25.*

More than 1,500 died in Chicago this year because they were "undernourished and underclothed," declared Mayor Thompson to-day.

"Prices have been so high that people have been denying themselves the necessities of life."

Mr. SHERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Illinois?

Mr. NORRIS. I yield.

Mr. SHERMAN. Is there a further statement about the comparative quantity of garbage cans?

Mr. NORRIS. No; I read all that is contained in the dispatch.

Mr. SHERMAN. It is the same interview I have, and it contains also the reason why he thinks there is undernourishment and more deaths, because there were 500 tons of garbage in a preceding period and only 300 tons in the latter period, and he inferred that the people have been eating 200 tons of garbage. That is in the same interview. I have the entire interview. He inferred that they died by consuming garbage, it seems.

Mr. NORRIS. I presume that the best of food if not consumed and kept will become garbage. In fact, one of the things that the bill undertakes, at least indirectly, to do is to prevent good food from becoming garbage. In other words, the people must be taught and must learn and must practice economy in everything pertaining to food. There is enough garbage thrown out from some of the homes to feed thousands of children and poor people in other homes, and feed them in the best possible manner.

I notice an article of July 2, taken from a Washington paper, which has this heading:

CORNER CANNED GOODS—"MIDDLEMEN" EARNING A PROFIT OF 100 PER CENT, DATA SHOWS—PRICES DOUBLE IN SIX MONTHS—OBTAIN MORE THAN DO PRODUCERS AND THE RETAILERS COMBINED—CONDITION EXISTS, UNITED STATES FIGURES DISCLOSE, WHILE CROP IS ABOVE NORMAL—TABLES OF WASHINGTON HOMES SUFFER.

Facts and figures which are easily accessible to Herbert Hoover, national food administrator, or to any other Government official, show that the so-called "middle man," who in this instance is apparently the wholesale grocer, is exacting a profit of 100 per cent on the canned vegetables that are eaten in the homes of Washington.

The wholesaler's profit, the figures demonstrate, on canned tomatoes, corn, peas, and other staples more than equals the combined compensation and profits of the producer of the vegetables, the manufacturer who cans them, and the grocer who retails them to the consumers.

PRICES HAVE BEEN DOUBLED.

This condition is permitted to exist, too, when this season's supply of these vegetables is above normal and when fresh vegetables are as abundant for table use as in any recent previous year.

Within six months the retail price of vegetables in cans has more than doubled.

Recently some significant information was obtained by the Federal Trade Commission. It made an investigation as to prices received by 2,000 canners throughout the United States.

FIGURES OBTAINED SURPRISE.

The results of the investigation, when compared to the price lists of wholesale grocers in this city, are of the nature of an astonishing revelation.

It is shown, for instance, that quart cans of tomatoes and peas, which have been sold by the canner to the wholesaler at a rate of $1.10 a dozen, are sold by the wholesaler to the retailer at $2.26 a dozen. The wholesaler's profit, less transportation charges, is $1.16.

CONTRACT FOR WHOLE OUTPUT.

Practically the entire output of the canning factories of the United States for this year's pack, the trade commission ascertained through its inquiry, has been contracted for by the wholesalers.

The contract price for tomatoes and peas is $1.10 a dozen cans and for corn it is 90 cents a dozen cans.

The commission discovered also that a large part of the canned goods now being sold at elevated prices is last year's pack, and was sold by the canners at considerably lower prices than now prevail under the new contract.

HAS FIGURES FOR HOOVER.

All of this information is available to the Government authorities. The Federal Trade Commission has a mass of facts and figures which it is anxious to turn over to Mr. Hoover at the asking.

It would be a simple matter for the officers of the Government to obtain the price lists of wholesale grocers and jobbers. Also, it would not be difficult to obtain figures as to transportation from the Interstate Commerce Commission.

WHERE THE BLAME LIES.

Experts who have studied the high cost of living problem traced the trouble partially to the transportation system. But it is considered by them that it is unthinkable that a 100 per cent profit on canned goods could be absorbed to any great extent by transportation.

Mr. President, right on that point as applying to the Capital City here, I wish to read an article I clipped from a paper to-day in which these remarkable statements are made:

Gamblers' grip on Center Market—

That is the principal market, as we all know, in the city of Washington—

GAMBLERS' GRIP ON CENTER MARKET—FOOD PRICES FIXED BY MANIPULATORS WHO ARE KNOWN AS FARMERS' AGENTS—"EARLY BIRDS" THEY ARE CALLED, AND METHOD IS TO "CORNER" PRODUCE AS IT ARRIVES—VIRTUALLY DICTATE TO RETAILERS, WHO IN TURN MAKE PUBLIC PAY—OPERATE WITHOUT LICENSE—PRODUCERS AT A DISADVANTAGE.

Gamblers and manipulators, who conduct their operations daily in the vicinity of the Center Market, practically control the fresh vegetable situation in Washington. Performing no economic service to the public, fearless of the law, for they think there is no law that can touch them, these men in many cases actually dictate the prices that shall be paid by the consumers in this city of farm products brought here for marketing.

Some of these men call themselves farmers' agents. A few are licensed commission men, but in reality are only produce merchants, for they buy and sell outright with no pretense at assessing a commission. Their profits are said to be unreasonable in comparison with the profits made by the producer and the retailer.

OPERATE WITHOUT LICENSE.

The co-called farmers' agents operate without license from the District. They are unidentified in many instances. They make it a practice of arriving early at the market, about the time the shipments from the farms begin to arrive. "Early birds," they are called. They make a survey of the produce arrivals and then proceed to institute a kind of monopoly on anything in which there appears to be a shortage.

With the entire supply in their hands when the retail dealers reach the market, the farmers' agents are in a position to abrogate the law of supply and demand and exact a price which, in their judgment, is the limit the market will stand.

When all kinds of farm produce is plentiful these men find the market "poor picking." But on days when there is a scarcity of produce they make a "killing."

I ask leave to insert the balance of the article without reading as a part of my remarks.

The PRESIDING OFFICER (Mr. POMERENE in the chair). Without objection it is so ordered.

The matter referred to is as follows:

WATCH THEIR CHANCE TO "CORNER."

If, for instance, 50 crates of cultivated blackberries and 50 crates of raspberries constitute the entire supply of those fruits brought to the market on a single morning, the farmers' agents quickly buy it all.

"Why, it is all bought up before 4 o'clock in the morning," said a retail merchant yesterday. "And this happens with anything that is scarce."

The retail merchants and the commission merchants, too, then must buy from the agents, and at the agents' prices.

The Washington market for fresh farm products is a very fluctuating market. The speculators and manipulators have taken advantage of this condition. It furnishes a field for their operations that would not be possible in a well-stocked and steady market.

Washington has a population of 360,000 persons. It is not a manufacturing city. Baltimore, a near neighbor, has a population twice that of Washington. Baltimore is a manufacturing center. Wholesalers, jobbers, and commission merchants in this city are careful not to buy a larger stock of perishable foodstuffs than the trade will readily consume. It they did, they soon would find themselves at big financial loss through the condemnation of goods that have become unfit for consumption. Baltimore, on the other hand, has a market handy for all the surplus stock of its wholesalers, jobbers, and commission merchants. The factories buy the surplus, at a slightly lower figure probably than the current wholesale price, and it is put up in cans and soon is ready again for the retail trade.

It is these conditions, say local market experts, that have given rise to the scheme of market speculation that has Washington in its grasp.

WHOLESALE METHODS PUZZLE FARMERS.

Then, too, it is pointed out by the experts, there is a slipshod method of wholesaling in vogue in Washington. It is a method that is never the same on two successive days. The farmers who have products to market here are mystified by it. Through experience they are dissatisfied to come here. And here, again, has Baltimore profited.

The shippers, knowing that the Baltimore market is steady and regular, have diverted their shipments to that city.

A market, therefore, which by circumstances and by mismanagement has curtailed the field from which it must draw the foodstuffs that are its stock in trade, has become a Mecca for small speculators and manipulators—for the "early birds."

One farmer decided to try the experiment of selling direct to the retail grocer. He found that the grocer, when in need of any of the products the farmer had on his wagon, was glad to take advantage of the lower prices that could be obtained in this way. But the farmer was not always successful in disposing of all the vegetables he had brought to town. Sometimes he found the market glutted. So he gave up the plan and went back to the commission merchant.

REJECTED BY COMMISSION MEN.

"Oh, no," the commission merchant told him, "you can't sell to us while you are selling also to the retail trade. You must bring all of your stuff here or else none of it."

Talk to the retail men in Center Market and they will admit that on many of the foodstuffs they sell to the public the prices are high, out of all proportion. Few of them, however, care to furnish an analysis of the situation, though when pressed they will say that somewhere between the producer and themselves a big profit is being made by a "middleman."

"It is difficult to say who is getting the larger share of the profits," said a retailer yesterday. "But one thing is certain, the retail men are not making any money."

They shake their heads doubtfully when the suggestion is made that a remedy might be found in a municipal wholesale market for foodstuffs. It would not be practicable for the Government to conduct a business of that character, they say.

High officials in the District government are of the opinion that the solution of the problem is in a wholesale market, and it is probable that Congress will receive a recommendation along that line soon.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. NORRIS. I yield.

Mr. KING. I wish to state to the Senator, apropos of what he has just read, that I have had some investigations recently made in the city of Washington with a view to determining whether or not there is a monopoly or trust controlling the retailers in the disposition of farm products. I introduced a few days ago a resolution calling for an investigation and for the restoration to the Government, if possible, of the market now occupied by a large number of retailers. From what I can learn it has been held by a corporation which claim title, and many of the people of the District labor under the impression that this market is controlled by the Government, and wonder why it is that such extortionate prices are permitted to be charged in a market which they suppose is owned by the District. I wish to say to the Senator that if the District Committee can be induced to act upon the resolution an investigation soon will be made with respect to the causes of the extortion practiced in this city upon the part of the retailers.

Mr. NORRIS. I sincerely trust the committee may act in accordance with the suggestion of the Senator from Utah.

Mr. JONES of Washington. Mr. President——

Mr. NORRIS. I yield to the Senator from Washington.

Mr. JONES of Washington. I do not know whether this is apropos to what the Senator is talking about or not, but it occurred to me while he has been talking that there ought to be some pretty reliable information available to the Senate especially. As I understand it, the Senate is running the restaurant downstairs here, and it seems to me that the committee having charge of it ought to be able to furnish us some very valuable information with reference to wholesale prices and retail prices and all the elements that make up the ultimate cost to the consumer. I was wondering whether the Senator had made any inquiries of the Committee on Rules, or whatever committee is in charge of the restaurant?

Mr. NORRIS. No; I have not.

Mr. JONES of Washington. Does it not occur to the Senator that that committee ought to be able to furnish us some pretty valuable information touching the question of the cost of living?

Mr. NORRIS. It had not occurred to me before. It may be that that suggestion is worthy of consideration.

Mr. JONES of Washington. Just as one illustration, I notice that we can get one roasting ear for 15 cents down here in the restaurant.

Mr. NORRIS. It would be interesting to know how much the farmer who brought it in got for the roasting ear?

Mr. JONES of Washington. I take it that they buy the corn at wholesale prices. I would like to know how many transactions there are before we have to pay 15 cents, and the various increases along to make it up. It seems to me that we might get some very valuable information, something that would be rather authoritative.

Mr. NORRIS. Mr. President, while a large number of the people called the middle class and down are suffering severely from conditions, and naturally are made discontented, there are other classes of our people who are making more money than they have ever made. Such a condition brings dissatisfaction. Such a condition is the very worst that could possibly be in existence when we are fighting a war and want our people to be united.

Here is an editorial I have clipped from one of the leading newspapers. It reads as follows:

That the people may have a better idea of these things—

Which it had been considering, the profits of large corporations—

we call attention to the fact that the net profits of the Armour Packing Co. rose between 1913 and 1916 from $6,000,000 to $20,000,000.

That is a company engaged in supplying food to the people of the United States. Every family practically in the United States has to pay tribute to that institution.

Then make note of the fact that the Swift Packing Co.'s—

Another one engaged in the same kind of business—

Then make note of the fact that the Swift Packing Co.'s profit in the same time rose from $9,000,000 to $20,000,000—

Everybody must contribute to that, the poor as well as the rich.

The Central Leather Co.'s from $4,000,000 to $15,000,000—

Another one.

The United Fruit Co.'s from $5,000,000 to $11,000,000—

Another company engaged in the food business.

And those of the United States Steel Corporation from $81,000,000 to $271,000,000.

That certainly was bad enough up to 1916, but all the above corporations are making larger profits in 1917 than ever before.

If the American people are going to stand for dividends all the way from 50 to 200 per cent, then they should not complain about the high cost of living.

Mr. KENDRICK. Mr. President——

The PRESIDING OFFICER (Mr. KING in the chair). Does the Senator from Nebraska yield to the Senator from Wyoming?

Mr. NORRIS. I yield to the Senator.

Mr. KENDRICK. I should like to ask the Senator if he knows that many of the companies which he has enumerated are only subsidiary companies of the packing interest and are under the direction of those companies? Those parent institutions are in control of nearly every other line of industry that is at all incidental to that line.

Mr. NORRIS. I thank the Senator.

Mr. President, all these companies, either directly or indirectly, are supplying products that practically all the people of the United States have to pay for and have to use in their business; they can not live without them. Under the stress of war conditions, with the ordinary rule of supply and demand abandoned, it is necessary, in my judgment—and I think that is one of the main objects of this bill—that the Government should put its strong hand upon every man, every firm, and every corporation engaged in handling food and see that robbery is not committed. It seems to me these figures practically demonstrate that between the time the food leaves the producer and the time it reaches the consumer there have been too many men who have taken a large and unreasonable profit as the produce passes along its road.

Mr. McCUMBER. Does it not apply to everything just the same?

Mr. NORRIS. I think it does, but particularly to the people interested in the things they must eat and in the things they must wear.

Mr. CALDER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from New York?

Mr. NORRIS. I yield.

Mr. CALDER. Has the Senator had an estimate made of the increase in the cost of living this year as compared with last year?

Mr. NORRIS. No; I have seen an estimate; I can not give it from memory.

Mr. CALDER. The Department of Labor estimates that between April this year and April last year there has been an increase of about 25 per cent. I inquired of them what the increase of wages amounted to, and they said approximately 15 per cent. So the cost of living has increased on an average 25 per cent and of wages approximately 15 per cent.

Mr. NORRIS. I thank the Senator.

Now, Mr. President, I want to read briefly from a statement made by Mr. Vrooman, Assistant Secretary of Agriculture. I take it from a Washington newspaper of some time ago. In part the article reads as follows:

Assistant Secretary Vrooman, of the Department of Agriculture, who has just returned from a tour on which he observed the food situation, declared in a statement last night he had seen much hardship and suffering, especially among the poor, because of the "crime being perpetrated against the American people by the control of food prices by disloyal food pirates."

"Everywhere I have found a growing feeling that there must soon come a reckoning with these manipulators of the Nation's food supply," said he—

And so on.

Mr. President, I have two articles here clipped from newspapers showing where the Chicago Board of Trade themselves took occasion to limit the maximum price of corn on the Chicago Board of Trade. I ask that they be printed as a part of my remarks without reading.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

MAXIMUM CORN PRICE FIXED TO PREVENT SPECULATION.

Fearing a repetition of the wild upturns in prices that characterized the wheat market before maximum value was fixed, directors of the board of trade yesterday decided to limit the corn market in about the same way.

At a special meeting it was decided to fix a maximum price on all deliveries of corn at $1.65, and it will be considered a grave offense for any member to make any contracts in excess of that figure. The decision was reached after a long discussion.

WARN AGAINST OFFENSE.

The directors adopted the following resolution:

"*Resolved*, That on and after Wednesday, June 6, 1917, until further notice, members of this board, in making contracts for the purchase or for the sale, by grade alone, of corn to be delivered in store, either for immediate or future delivery, shall not, in entering into such contracts, exceed the price of $1.65; be it further

"*Resolved*, That any member trading in violation of the foregoing shall be deemed to have committed a grave offense against the good name of the institution."

SUPPORT WILSON POLICY.

"I wish to announce that the directors were prompted in taking the action they did by purely preventive reasons," said J. P. Griffin, president of the board of trade, last night. "While it is a fact that governments and consumers are liberal buyers of corn for present and future delivery, there is no indication that this buying has reached proportions that might result in unduly enhancing values.

"It is the policy of the administration at Washington to prevent the price of foodstuffs reaching an abnormally high level. The action of our directorate to-day is simply in support of the policy of President Wilson and his advisers."

July corn sold at $1.50 yesterday, an advance of about 14 cents from the extreme low price reached a few days ago, while September touched $1.37. Both months reacted sharply on the announcement the directors were to consider establishing a maximum price.

STOCKS NOW ARE SMALL.

Stocks of corn in store at Chicago and at other points are extremely small, and with the car supply limited, cash corn handlers do not look for enough corn to come in to make any appreciable supply available for delivery on contracts. As a result, July shorts at least were in about the same position as were the shorts in wheat.

Traders were of the opinion that big advances were possible in case of a general stampede of the shorts.

Wheat futures advanced sharply. July wheat closed 9 cents higher, while September was up 4 cents.

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[From the Washington Post, July 12, 1917.]

CHICAGO PUTS CURB ON PRICE OF CORN—LIMIT OF $1.28 SET FOR DECEMBER AND MAY DELIVERIES.

Directors of the Chicago Board of Trade this afternoon fixed a maximum price of $1.28 for the December and May, 1918, deliveries of corn. No action was taken as to September corn.

In taking such a measure the directors were said to feel that more drastic steps were averted, including the possible closing of the board of trade. It was said that, owing to the smallness of stocks of corn at present and the unlikelihood that any large accumulations would be available for a long time to come, the trade in future options had much less substantial basis than under normal conditions, so that dangers of sudden wild inflations of value had to be taken into account.

Only the options of the new 1917 crop were dealt with in to-day's action of the Chicago Board of Trade directors. A maximum price of $1.65 for the September delivery here and for all other old crop future was already in effect and was not disturbed, as the value of old corn for immediate delivery was now much in excess of that limit and had to-day touched the highest figures ever known for Chicago—$1.91½ a bushel for ordinary No. 2 white.

—

KANSAS CITY, MO., *July 11.*

Trading in September corn by members of the Kansas City Board of Trade is discontinued, except to close existing contracts, according to a resolution announced to-day by the board of directors. No change is made in the maximum price of $1.62 previously established.

—

ST. LOUIS, MO., *July 11.*

The directors of the St. Louis Merchants' Exchange to-day declared all trading in September corn off except where necessary to close contracts. The maximum price at which contracts are to be closed was fixed at $1.67. The directors also fixed the value of June corn at $1.70.

Mr. NORRIS. It seems to me this demonstrates that even those who are in the business see the necessity of taking some steps which shall prevent speculation in food products. Is it any worse that the Government itself should take a hand, either in fixing a minimum price or in a regulation that would prevent those who have gotten hold of the food products from demanding of the consumer too much, than it is to permit the people themselves who are speculating and dealing in those food products to fix a price proposed for their own protection, for fear that they might be put out of business if they did not? I wish to refer briefly again to the canned-goods situation.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from North Dakota?

Mr. NORRIS. I yield.

Mr. McCUMBER. Before the Senator leaves that branch I should like to ask him if he has made any comparison between the advance in the price of food products compared with the advance in the price of ordinary clothing and products of every kind? I refer only to the retail price. I have not examined it within the last few months, but up to within a few months ago the retail prices of clothing of all character had advanced far in excess of the advance in the retail cost of food products. So if those who produce these food products are receiving more than ordinary profit, it must be remembered that they are paying more for the things that they purchase. I have looked to find out where the particular poor class the Senator speaks of are located. I find among the classes in our great cities that are regarded and very generally referred to as the poor class have a greater amount of money to their credit in the savings banks to-day than they ever had before; and if you attempted to hire one of those people to do a little work you would be surprised to ascertain the fact that they do not care very much whether they work or not, because they can get all the work they wish at very high prices.

But there is one class, if the Senator will allow me, that I think are feeling the pinch of the high prices of both food products and clothing, and those are the clerks throughout all the departments and in every line of business. Their wages have not gone up to compare either with the laborers' wages that produce the things they must purchase nor have their wages gone up to meet the demand of the higher prices for food products.

Mr. NORRIS. Mr. President, in the last statement the Senator has made I agree with him fully.

There are, however, in addition to that class, millions of people who are beginning to feel and who have for some time felt the burdens of the high cost of living. I do not have the testimony here, because I did not anticipate going into the subject, but I have listened to the testimony of men who have been investigating, and the testimony has been most remarkably startling, where we had the bread riot in New York and the bread riot in Philadelphia.

I refer to the men who are getting salaries now, for instance, in Philadelphia. While I can not give the figures, I remember the testimony of one of the professors of the University of Pennsylvania, who was appointed by the mayor of Philadelphia to make the investigation. He gave us some remarkable facts showing that people there—the poorer class of people—had formed a sort of a mob and made an attack on some of the grocery stores, taking food by force. The commission appointed by the mayor made an investigation which showed the per cent the cost of living in Philadelphia had risen during the year; how much increase there had been in the wages of the various classes of the people—clerks, laborers, and so forth—and it was a remarkable thing that, while the cost of labor had gone up, while the men who were working in the various mills and factories were receiving higher wages, the increase had not gone up nearly as rapidly as had the cost of living. So it was almost impossible for men getting salaries from $50 to $150 a month, with the ordinary family of wife and children to support, to make both ends meet.

I think we can observe that as a matter of our own knowledge. I know I am acquainted with a great many cases, where men are getting salaries of from $100 to $200 a month, who would be absolutely put in the poorhouse if sickness occurred in their families.

I want to read from the report of the committee on the high cost of living in the District of Columbia which was made last January or February, and which was put into the RECORD by the Senator from Iowa [Mr. KENYON]. I want to repeat just a little of what he then read. I now read from the report of the committee:

Interesting figures were obtained from the proprietors of some of the smaller stores, whose business is with the poorer people. They show clearly that the poor have been compelled to resort to the strictest economy in order to provide food, on account of high prices. Their purchases are of the cheapest possible articles and in smaller quantities than heretofore. The sale of ordinary cuts of meat in this class of stores seems to have been discontinued, and the meat now purchased consists of hog livers, hog kidneys, neck bones, hog faces, etc.

Further on the committee says:

In the opinion of the committee the element of speculation in food products has been one of the potent factors in the enormous increase in prices which consumers have been compelled to pay.

Mr. President, the Vice President of the United States the other day put into the RECORD a report of the grand jury of Chicago, where an investigation was made with, I presume, a view of indicting some of the people who are engaged in this

character of business. I confess it has seemed to me all the time that a great deal of this work of food speculation has been contrary to the Sherman antitrust law, and I have wondered, from some of the testimony which has been given to the committee, why prosecutions have not taken place. It seems to me there could be no escape, if the testimony was true, from a conviction in case an indictment were found. From the report of this grand jury made to the Federal judge in Chicago it almost seems to me that at least a prima facie case is made as to a criminal violation of the Sherman antitrust law by the facts which the committee report. I am not going to read it all. I want to read a part of it, however. The grand jury go into detail in a great many respects, but I want to read a part of what they state about canned goods. I do that not because it is any exception from the balance of the report but because it relates to something which comes into every home. Everybody who has a family to provide for has to purchase canned goods.

These goods are not classed as perishable—

Says the report—

These goods are not classed as perishable, and do not require cold storage. Canners of vegetables usually dispose of their product by future sales before the vegetables are grown or canning operations begin. The goods get to the consumer through brokers, wholesalers, jobbers, and retailers. The canners, brokers, wholesalers, and jobbers have associations, which select committees whose function is to meet together at intervals. The canners, wholesalers, and jobbers have devised some means for insuring complete cooperation among themselves—

It seems to me that is a violation of the law right there—

which results in keeping the canner from dealing directly with the consumer or with the retailer. Wholesalers and jobbers will not buy from canners, in most cases, otherwise than through brokers. If retailers attempt to resist the combination by purchasing directly from the canner, they find it difficult or impossible to do any further business with the wholesalers or jobbers as to other groceries.

This situation compels the consumer to pay the expense of maintaining these middlemen; and in times like the present, when an unusual demand for food products exists and is likely to continue, these middlemen exert the power that inheres in this system to extort unconscionable profits from consumers, with no proportionate benefit to those who furnish the principal service, to wit, the farmers, canners, and such retailers as are satisfied with a reasonable profit above the cost.

To illustrate the foregoing, we cite the increase of the price of canned tomatoes and corn in passing through the hands of those middlemen during the past year:

Canned tomatoes were sold by the canners in the spring of 1916, through brokers, for future delivery, to wholesalers and jobbers, at 90 cents per dozen cans. These same tomatoes are being sold to-day by wholesalers and jobbers to retailers at $2.25 and more per dozen, and consumers are now getting one can for 25 cents instead of the two or three cans they got for that sum prior to this season. Cans and labels, being furnished by the canners, do not enter into this increase in cost in the hands of the middlemen.

Canned corn, which was sold in 1916 by the canner to the wholesaler and jobber at 65 cents per dozen, is selling to the retailer at $1.75 per dozen and the consumer is paying a proportionately high price.

In view of this situation in the canned-goods trade, and of the existence of similar conditions in the trade in other food products and necessaries, we urge the passage of laws to eliminate these conditions and to reduce prices to a normal basis as soon as possible.

Furthermore, in consequence of these conditions, brokers, wholesalers, and jobbers are in a position to, and many of them do, hoard up, speculate in, and demand excessive prices for these commodities; and no doubt they are in the same position with reference to many of the other necessaries of life handled by them.

Later on this grand jury in the same report say something else about the wholesalers of food products, as follows:

Some wholesalers and jobbers in food products urge retailers to advance prices to the consumer—advising them to put on higher prices, which gives the wholesaler a basis for charging higher prices to the retailer. To illustrate, one of the largest wholesale dealers in Chicago sent out a circular to its salesmen containing the following paragraphs:

"Our customers, in particular, have very unusual profits within their grasp at this moment. 'Will they throw them away or tuck them away?'

"Jobbers are affected; they are financially interested. They urge that the greatest haul yet made by the retail grocery world be converted into tangible assets. Wholesale houses are not legally appointed custodians or guardians for anybody, but they do have an interest at this time, one that is definable and that must be apparent to all.

"Of what earthly use are 'futures' if the benefits are wantonly wasted?

"No man ever got very far on the road to competency who was a wise buyer but a spineless seller.

"Will the grocer who has long lamented the scantiness of his profits let up now long enough to bring in the heaping basket left on his doorstep?

"Our representatives should make themselves heard at once on this readjusting of retail prices."

That was a letter which was sent out to retailers by a wholesale dealer in the city of Chicago. Here is part of another one:

Raise your prices now on everything we have advised you will advance.

Mr. President, I have an extract from a letter of an acquaintance of mine who is now and has been in the employ of one of the leading railroads of the Northwest for more than 25 years. I do not feel at liberty to use his name, although in his letter he said nothing in regard to that. I hardly know why he wrote me, but from his letter I have taken a quotation that I want to read to the Senate. I know him to be able, honest, conscientious, patriotic, and fearless, and a man who, while he is in the employ and has been in the employ for a great many years of a great railroad corporation and is loyal to it in every way, at the same time has a feeling in his heart that something ought to be done under present conditions to relieve the situation as it faces the ordinary consumer. He says:

When potatoes were almost unobtainable last winter, at Franklin Park, a small station near Chicago, there were at one time more than 60 cars on the track, that had been there for more than 30 days, and all paying demurrage.

He is speaking of something that he knows about, because it is a part of his business to know.

In addition to that, every warehouse along the Soo line was filled to the roof.

That line runs through Wisconsin, one of the greatest potato-producing countries that there is anywhere in the world, and at every station through the potato country there are a great number of immense storehouses used for the purpose of storing potatoes.

Again, it does not make me feel like depriving myself any more than I am now, to read that 1914 was the most successful year for industries and that the profits of the United States Steel Co. went from over $23,000,000 that year to over $271,000,000 in 1917; Armour & Co. from $7,000,000 to $20,000,000; Du Pont Powder Co. from $4,000,000 to $82,000,000. And I might go on indefinitely. However, such things do not encourage the sale of liberty bonds.

That letter was written at the time the campaign was on to sell liberty bonds.

Mr. President, it is announced that if this bill is passed—and I presume it will pass in some form—Mr. Hoover will be appointed by the President to have charge, in the main, of the various activities that will be provided for in the bill. I think anyone who has come in contact with Mr. Hoover as he has appeared before the committees and at other times before the public or who has been brought in contact with him in any other way must be impressed not only with the man's ability but with his honesty; and I am induced to support some of the provisions of this bill which under ordinary circumstances I would not vote for by the fact that I understand Mr. Hoover is going to be appointed to carry them out. I do not believe there is a better equipped man in the world for that place than Mr. Hoover. I am satisfied——

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from North Dakota?

Mr. NORRIS. I yield to the Senator.

Mr. GRONNA. I dislike to interrupt the Senator while he is speaking of the good qualities of Mr. Hoover, and I want to assure him that I have just as high respect for Mr. Hoover as has the Senator from Nebraska; but does the Senator from Nebraska really believe that Mr. Hoover knows as much about agriculture as some other men in the United States?

Mr. NORRIS. No; I do not; and Mr. Hoover certainly would not claim that knowledge.

Mr. GRONNA. That is what he will have to deal with.

Mr. NORRIS. Yes; he will have to deal with that, but he also will have to deal with a great many other things. There is not a man living, and there never will be a man living, who will be able to know about all of the things that are controlled and handled by this bill. I do not think there is any doubt of that. I have no doubt, either, that Mr. Hoover is just as anxious to protect, and will just as sincerely protect, the farmers of the country as he would protect anybody else. I think he realizes as fully as any man can that the success of his undertaking, the success of this proposed law, if it shall be inaugurated, and the success of our country in this war, if we are successful, depend more upon the farmer than upon any other one element. He must be protected.

Mr. GRONNA. Mr. President, will the Senator pardon another interruption?

Mr. NORRIS. I yield again to the Senator from North Dakota.

Mr. GRONNA. I think the Senator will remember that before the Committee on Agriculture it was stated that the only products which the allies require are the products of the farm, and especially wheat. Does the Senator believe that it is the intention of the director, no matter who he may be, whether Mr. Hoover or anyone else, seriously to consider the fixing of prices of anything except farm products?

Mr. NORRIS. My own idea is that, unless conditions should change by the developments of the war, there would not be any occasion to fix a minimum price—and that is the only kind of price that can be fixed directly—on anything except wheat. I have heard Senators suggest that we ought to fix in the bill itself a minimum price for wheat, and I am not sure that that would be the better thing to do, although it seems to me there

are so many contingencies that might arise that would make it necessary to change that price, perhaps when Congress is not in session, that I doubt somewhat the wisdom of doing it by direct legislative act. I hope it will not become necessary to fix any other minimum price than that. I do not believe there is any intention of doing so now; but conditions may arise and there may come a time when it will be necessary to fix the minimum price of some other essential products.

Mr. GRONNA. Suppose we do fix the price of wheat, and suppose we make the price of wheat exceedingly low, does the Senator believe that that will remedy the evils complained of growing out of the high cost of living?

Mr. NORRIS. No; and it is not Mr. Hoover's idea to fix the price exceedingly low. He wants to fix it so as to resolve every doubt in favor of the producer. If there is any fixing, high or low about it, he would fix it exceedingly high. He would fix it so as to take in every possible cost of production, and provide a profit on top of that.

Mr. GRONNA. Has the Senator made any comparison as to the relative value of wheat and wheat flour and other food products, and the cost thereof?

Mr. NORRIS. Well, I have not made any comparison, but I have seen a great many comparisons. I think the Senator himself gave some very valuable figures as to the comparative prices, for instance, of flour and wheat; and I have listened to Mr. Hoover also, when he has given some comparative figures on that score.

Mr. GRONNA. Is it not a well-known fact that wheat and flour and bread even to-day are the cheapest articles of food in the country?

Mr. NORRIS. Well, no; I do not think that is a well-known fact. I listened to some figures that the Senator himself gave the other day, from which I thought he demonstrated pretty fully that the price of flour, according to the price of wheat, was higher than it ought to be.

Mr. McCUMBER. Mr. President, I do not think that the Senator from Nebraska understands my colleague. He is considering relative food values. I should like to ask the Senator whether or not flour itself is not the cheapest food product there is in the United States to-day?

Mr. NORRIS. Well, Mr. President, I do not know whether it is not, but that is perfectly immaterial so far as this bill is concerned. It is one of the principal food products, and even if it is cheaper than anything else, if it is still too high, it ought to be cheapened. It does not make any difference whether it is cheaper than anything else or not.

Mr. McCUMBER. How is it to be determined whether any one article is too high? By what standard of measurement would that fact be determined? If the Senator will put himself upon record as to any other one commodity produced in the United States, I will demonstrate to him in a minute that flour is not only not too high, but that, at $15 a barrel, it is still the cheapest thing that can be purchased in the United States.

Mr. NORRIS. Does the Senator mean by that that he thinks flour ought to advance in price from what it is now? Does he think it is too cheap?

Mr. McCUMBER. Compared with the labor that produces the raw material that the producer of flour has to purchase, I say that flour to-day is cheaper than it ought to be.

Mr. NORRIS. Now——

Mr. McCUMBER. Just a moment. If we were to give to the producers of grain the same amount for their labor, hour for hour, that we give to other producers in the United States who are engaged in equally intelligent forms of labor, then still there is a vastly lower price for flour than for anything else that is produced by human labor.

Mr. NORRIS. Now, let me ask the Senator again, does he believe that the price of flour now, as compared to the price of wheat, is too high or too low?

Mr. SMITH of Georgia. Mr. President, we can not hear the figures that the Senator mentions, and I am anxious to hear them.

Mr. McCUMBER. As compared with the present price of wheat, the price of flour is not greatly out of proportion. As compared with the price at which the bulk of the crop was sold by the farmer at an earlier period, it is decidedly out of proportion and too high. In other words, there is too much of a difference between the price paid for the wheat and the price for which flour is now selling.

Mr. NORRIS. The Senator in answering that question, I think, has got at what the object of this bill, in the main, is. Between the producer and the consumer there is too great variance in prices. The Senator says the price received by most of the producers of wheat as compared with the price of flour now makes a variation that is too great. One of the objects of this legislation is to take away, if possible, some of the great differences between the producer and the consumer that are not necessary in the ordinary course of business.

Mr. McCUMBER. But let me correct the Senator right there.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield, and, if so, to whom?

Mr. NORRIS. I yield first to the Senator from North Dakota, and then I will yield to the Senator from Missouri.

Mr. McCUMBER. Let me correct the Senator, because we want to be fair. When the farmer was selling his 1916 crop of wheat for a price which I think has been estimated as $1.51 a bushel, flour was not so high in price as it is now.

Mr. NORRIS. I understand that.

Mr. McCUMBER. There was a fair difference between the farmer's price and the flour price; but after the farmer got rid of his crop, then many considerations came into being that raised the price of wheat, and flour went up, even though the first purchaser of the wheat that went into that flour did not pay a price for it that would warrant the present price of flour.

If the Senator will allow me a word further, it is just the same as the case of a merchant who purchases a stock of goods when they are cheap. Suddenly, within a month or two, they treble in price, and the merchant immediately raises the price of the whole consignment of goods he has.

Mr. NORRIS. Yes.

Mr. McCUMBER. And sells them all upon that advanced price. That is just what the flour dealers are doing to-day.

Mr. NORRIS. Of course there is nobody who has disputed that. I do not think anybody has contended otherwise. Flour has gone up in accordance with the way wheat went up, but that does not do away with the fact that the majority of the men who produced the wheat sold it before it went up.

I am not complaining of the miller; I am not making any charge against the miller; I practically have no charge to make against anyone.

These people are getting all they can for what they can sell, and I presume everyone would do that.

Mr. REED. Mr. President——

Mr. NORRIS. In just a moment I will yield. I think it was illustrated the other day by a letter the Senator from Ohio [Mr. POMERENE] read from a coal operator, who said, in substance, that the operators were getting fabulous and outrageous prices for their coal, but he said, "We can not help it; there are men ready to pay it; and everybody else is charging the same price." It will never help the poor washerwoman who has to buy coal to say that there was no competition in coal and that somebody else would have paid the same price charged to her. She eventually pays it. The condition that exists, though it comes about naturally, must have, I believe, some remedy, and it is the object of this bill to provide a remedy. It may not do so, but I hope it will.

Mr. REED. Mr. President——

Mr. NORRIS. I yield now to the Senator from Missouri.

Mr. REED. Mr. President, I think that nine-tenths of the trouble now confronting us arises from an entire misunderstanding of terms and of a few fundamental facts. The Senator from Nebraska represents a great agricultural State, and the Senator from Nebraska is a perfectly fair man. I do not always agree with his conclusions, but I do agree with his fairness; and so I want to see if we can not get at one or two facts here through the medium of a colloquy.

The Senator says that he wants to eliminate speculative prices between the producer of agricultural products and the consumer. Now, let me ask him, in the first place, what he means by the "consumer"? Does he mean the ordinary citizen who buys at retail, or does he mean the retail merchant, having in mind the prices paid by him? We must get at that point to get anywhere.

Mr. NORRIS. I think I mean both of them.

Mr. REED. Of course, we will not get anywhere if we do not consider it seriously. I really am serious about trying to arrive at it.

Mr. NORRIS. I am serious, too; I am answering the Senator seriously, and I think I realize what the Senator is leading up to. So far as this bill is concerned, it eliminates the retailer.

Mr. REED. Let me say——

Mr. NORRIS. Just let me refer to that for a moment. In theory, at least, we ought to go beyond the retailer. In practice, however, it would perhaps be an impossibility, because there are so many of them and this machinery is going to be complicated, anyhow; it is going to be top-heavy; and we shall have to confine ourselves to that portion of the distance between the producer and the consumer that is measured on the far side

of the retailer, not, perhaps, because we want to do so, but because of the very necessity of the case.

Mr. REED. Mr. President, that gives us a starting point. The Senator proposes to eliminate whatever profits or extra charges may be made by the retailer, because he recognizes the fact that it is impracticable to regulate the profits of the retailer. I say now, for the sake of clarity, that it is impossible to do that unless you deal with every particular case by itself, because the profits of a groceryman who is renting a storeroom and paying $1,500 a month rent or $2,000 a month rent must be different than the profits that are necessary for the groceryman who is paying $100 a month rent. The prices that must be charged by a man who delivers to a little local neighborhood must be or may be different than the prices charged by a man who delivers several miles from his store. So that each one of the retailers must be taken by himself, and therefore the necessity of eliminating them.

Now, I want to ask the Senator if he does not know that it is true that fully 50 per cent of the increase of price between the producer and the ultimate consumer is added in the retail institution?

Mr. NORRIS. I presume that is true. I know quite a large part of it is added by the retailer.

Mr. REED. Yes. So we have now already eliminated from the equation one-half of these alleged speculative profits, and we are not going to be able to reach them, whether they are just or unjust. I add at this point that it is perfectly absurd to say that there can be any combination between the numerous grocery stores and meat markets of a town under ordinary circumstances, and that if one should get his price much too high the others would speedily cut into the trade.

Now let us go to the next point.

Mr. NORRIS. I believe that kind of a combination would be possible, but as a practical proposition it is a good deal like the farmers combining; it is not practicable.

Mr. REED. No. Now we will go to the next step. Does the Senator claim that this speculation that we are going to reach—the 50 per cent that is left of it—is to be found among the wholesalers? If so, to what extent, and what evidence have we of it?

Mr. NORRIS. Mr. President, I do not think the Senator was in the Chamber, but I have gone over that somewhat—not nearly to the extent, I think, that I might have gone—and read from a report of the Trade Commission, from a committee investigating Washington, and from other evidences, showing, for instance, in regard to the entire canned-goods crop of the country, what profits were made by the jobbers who brought the canned goods from the canners.

Mr. REED. Mr. President, I saw those figures, given out by the Federal Trade Commission; and I say to the Senator and to the country that I was astounded that any board claiming to take official cognizance of trade conditions would present to the country the kind of figures that were presented by the Federal Trade Commission, at least in some respects. Let me call attention to them.

It asserted that robbery was being practiced, and proved it by showing that the retail price for a can of tomatoes was about twice as much at the present time as the wholesale price of that can of tomatoes was a year ago. Now, to begin with, everybody who has any sense at all knows that the groceryman buys his cans of tomatoes by the case or by several cases, and maybe some of them buy them by carload lots; I do not know; but they get them in large quantities in bulk. When they sell them, they generally sell them a single can at a time; and when they sell that single can they generally have to tote it from their store to a residence that may be miles away. Everybody knows that if you went to that same groceryman and proposed to back up your wagon and take a case of tomatoes, take them in the same form that he buys them, he would sell them to you for much less than the retail price on the basis of a single can. So the figures that this illustrious and sometime famous board down here give us by comparing retail prices with wholesale prices are not a fair basis of comparison.

Now, I call attention to another thing. We are getting a little away from the question I wanted to discuss, but while I am on it let me discuss this for a minute. A comparison was made of this year's retail prices with last year's wholesale prices. Mr. President, the currency of the world has almost doubled in that length of time. The price of every conceivable thing has mounted. In addition to that, there was a short crop last year and an abnormal demand this year. So that these figures that these gentlemen gave did not demonstrate speculation; they did not demonstrate extortion; they did not demonstrate anything, to my knowledge, except that the Federal Trade Commission had not gone to the bottom of the question.

I will tell the Senator where I think there is some reason for complaint with the wholesale trade that has been demonstrated, and where I think some relief can be had. It is in evidence here by a grand-jury report that certain members of the wholesale trade, having sold goods to the retailers, and having observed a rise in prices, and desirous to raise prices themselves, have sent to their retailers a demand, or what amounts to a demand, that they shall raise their prices. Now, Mr. President, that is a violation of the Sherman Antitrust Act.

Mr. NORRIS. Mr. President, let me interrupt the Senator right there to say that I have already put in those figures, and I have already said what the Senator has said now—that, in my judgment, the very grand-jury report shows on its face, if it is true, that there was a violation of the Sherman Antitrust Act.

Mr. REED. Exactly; but will the Senator let me conclude my statement, so that it will not be partial? There was put in the RECORD the other day a telegram showing that the Colgate Soap Co., which had been regularly selling its soap to a large wholesale house in Tennessee, had demanded that that house should raise its price upon soap which it had already bought, and had said to it, "If you do not raise your price, we must consider you an undesirable customer," and that upon this Tennessee wholesale house refusing to comply, the Colgate Co. refused any longer to sell it soap.

There are other things that I do not care to go into that point very clearly, in my mind, to the fact that there are certain of these institutions engaged in those practices. Every one of those practices that I have heard mentioned can be reached and ought to be reached by the Department of Justice of the United States and by the departments of justice of the several States and counties of this Nation.

I do not think we gain a single thing by proposing to abandon criminal processes against rogues of that sort and to substitute for the criminal laws of this country the mandate or dictate of some man or some board.

I should like to ask the Senator, however, if he believes that there is in the wholesale business, growing out of the practices that we have referred to, such an extensive system as has materially affected the prices of the country?

Mr. NORRIS. Mr. President, I want to say to the Senator that I do. I want to refer to the report of the grand jury, which I have not at hand at this moment, as it has been taken by the reporter. I read from that report the fact, as I remember now, speaking from memory, that the wholesalers and the jobbers had bought all of the canned goods of the country from the canners and were engaged now in selling them to the retailers at a profit somewhat in excess of 100 per cent. It seems to me that that is an exorbitant profit——

Mr. REED. Yes.

Mr. NORRIS. Particularly when they buy the goods before the farmer has raised the products that are canned, and they sell them again before that time. I am not complaining of that. That is a method of doing business, but it only demonstrates that they do not even have money invested in it for any great length of time until they get it back from the retailer, and they are charging a profit of from 100 to 150 per cent in that one transaction.

Mr. REED. Mr. President, if the Senator will pardon me, I understand it to be true that the regular course of business is for the canners to buy goods in advance of the season—I mean for the wholesalers to buy goods in advance of the season——

Mr. NORRIS. Well, the canners do it, too.

Mr. REED. To contract for it in advance, and that what was done this year is what has been done regularly every year. I want to ask the Senator from Maine [Mr. FERNALD], who is in that business, what the facts are in regard to that.

Mr. FERNALD. Mr. President——

Mr. NORRIS. I yield to the Senator from Maine.

Mr. FERNALD. I ought to know something about this matter. It has been my business for 30 years, and I propose to be absolutely fair in what I have to say. There are so many inaccurate things said, not from any desire to be unfair but from a lack of knowledge, that it seems to me this is a proper time to set this matter right.

Referring to the article that has been read by the Senator from Nebraska, while some parts of it are true, there are statements in it that are absolutely untrue. The regular course of the purchase of canned goods is this:

Every canner in the country, I suppose, so far as I know—and I think I know most of them—sells his goods in advance. The vegetables that are to be packed this year were sold last winter, in January or February.

We have to furnish the farmers with their seed and fertilizer and make preparations for the coming pack; and in doing that,

in naming our price, we have to determine what it is going to cost to pack the goods. The goods are sold from 6 to 10 months before they are ever packed. In order to do that we must determine the price of cans, the price of solder, the price of labor, and the price of everything that goes to make up the canned pack.

There has been an advance in canned goods during the past year. The article from which the Senator has read would show that there has been a very great advance, but this was for just one year. I have known years when jobbers lost money on canned goods. It is not an absolutely sure proposition that you are going to make money because you are dealing in canned goods. Some years you make and some years you lose. If the dispositions of all men were the same there would not be much activity in business; but when a packer goes out to sell his goods in the winter months, he goes to one buyer, who is an optimistic fellow, and he looks to the future and sees a profit in buying at the price that is made by the packer. Another buyer is of a pessimistic nature. He buys less than he naturally would buy. He looks forward to the future and sees a prospect that the war is to be closed and that people are to return to their natural vocations of labor, and he buys less.

This is what was done last year in the jobbing trade. Now, the man who bought last year rather more than his usual wants has had goods to sell now. The jobber who bought less than he usually needed has been short, and he has been obliged to go to the man who had the goods to sell. The man who had the goods, knowing that for two years there has been only 65 per cent of a normal delivery, has been able, in order to supply his retail trade and have goods to carry his retail merchants through, to make an advanced price.

The price named for corn in the article from which the Senator read was 65 cents. There is an error there. That price was 95 cents. Another error is that I do not know of a single packer in this country who does not sell to anybody. There is no combination among the packers of the country. There is no reason why we should not sell to the retailer; and, so far as I know, every packer does sell to the retailer. He sells to the individual; he sells to anybody that will pay the price.

The price depends altogether upon the conditions and the elements.

Some years we may have a very large pack; we pack 140 or 150 per cent of the normal. Perhaps the next year it is only 65 per cent of the normal. The price depends entirely upon the crops. Within five years I have seen the finest apple crop that was ever grown in this country rot upon the trees because there were more apples than the people could consume. Within five years, and I think within three years, we have seen cotton at the lowest price that it was ever known to bring, because there was a large crop. So these prices depend entirely upon the crop conditions.

If a minimum price should be established on any one thing, that price, in order to be a fair one, would have to be changed every day of the year. Last year, for instance, we had a very small potato crop. The demand for potatoes was unusually large because of the conditions in the foreign countries that have been in the habit of raising enormous crops of potatoes. Our country raises but a very small part of the potatoes that are raised in the world. Russia, under normal conditions, raises three times as many potatoes as we raise in this country. Germany, under normal conditions, raises four and a half times as many potatoes as we raise in this country. France raises about the same, rather more than we raise in this country. In addition to these crops being cut off in foreign countries, there was an unsual demand in this country because of the fact that every farmer was asked to plant a larger acreage. New York State alone planted 77,000 acres extra of potatoes. My State of Maine planted 46,000 acres extra of potatoes. It takes six bushels of seed potatoes to plant an acre, so the conditions that arise from a large acreage made a tremendous demand for potatoes, and the price went as high as $12 or $14 a barrel. Now conditions have entirely changed, and there is going to be a large crop of potatoes, and they are down to $2 and $4 a barrel. So that any price that might have been named three months ago which would have been considered a fair price then would be at this time an exceedingly unfair price to the consumer.

In my judgment these matters adjust themselves. I do not think it is the wise thing to undertake to set a price on any article. Certainly if a price is to be established on one thing, everything that the farmer buys ought to have a price established on it. One commodity that has not been mentioned in the discussion up to this time—and I must say that it has been very thoroughly argued on both sides—is the question of labor. About 60 per cent of the cost of producing a crop anywhere in this country, certainly in my part of the country, is the cost of labor. If a price is to be established on the farmer's crop, certainly that must be taken into consideration.

It seems to me, however, that we are working from the wrong angle here. Everybody seems to admit that the farmer has not tried to advance prices, and that he has not received any too much for his crop, either potatoes or wheat or any of the crops that he raises; but it is this "wicked middle man" that is spoken of. I do not know who he is. I know that the canned-goods broker gets 2 per cent for doing the business; I know that the jobber does not make any too much, and everybody knows that only about 2 per cent of the retailers of this country succeed.

This is a very serious question with me. It is a matter which I believe deserves all the consideration it is having at this time in order to determine just what is the right thing to do in this matter. If there were any way in which we could stop the hoarding or stop the gambling or stop any unfair practices or methods of trade in regard to cereals or food products. I would go to any length to get at that fellow; but it has seemed to me, not being an attorney, that by enforcing the Sherman antitrust law or the Clayton antitrust law or the Federal Trade Commission law, or from some source or from some amendment that might be added, we might stop that unfair competition, if there is any.

Certainly the crops must be financed. As the Senator from North Dakota has said, the farmers can not carry these crops. They have been patriotic in furnishing the largest acreage of everything in this country, as they were asked to do. Every farmer has gone to the limit, and has raised every acre that it is possible to raise—in fact, even more than he finds himself able to harvest without some help from the State or Government.

In my State the farmers are writing me letters to the effect that something must be done to give them labor. In Aroostook County, Me., that is raising the largest crop and the largest acreage of potatoes that was ever known in the county's history, the farmers write me every day that something must be done to furnish labor to harvest that crop. Those are things that must be considered if we are going to consider the price of foodstuffs in this bill.

I do not feel that this article which the Senator from Nebraska has read is entirely fair to the jobbers. I do not feel that it is entirely fair to the canners. There is no combination among the canners of the country, the meat packers, the vegetable packers, the fruit packers, because you gentlemen who come from every State in this Union where they have canning factories know that no such combination exists, and know that there is not a packer, so far as I know, but that is willing to sell his goods to anybody. But it has been found to be an economical way of handling goods to sell to the jobber, and, as the Senator from Missouri says, they are not sold by the can or the case or the hundred cases, but they are sold by the carload. The packer distributes his goods by the carload, in large quantities, and it is not possible for the packer to carry those goods.

Because of the conditions surrounding the plants in my State all of the goods have to be shipped out before the cold weather sets in. Before it begins to freeze in our warehouses the goods must be distributed, and they have to be sold in order to be distributed before the freezing weather sets in. All of these things are considered by business men, by the canners themselves, and they themselves work out the most economical plan for handling those products.

While I am not at all interested in the wheat crop, it seems to me to be entirely unfair to take a single article and determine what the market price of that article shall be. It is not fair to the farmers of the West who are raising wheat, in my judgment. It would not be fair to take one article in my State, such as potatoes, and determine the price at which potatoes should be sold, because the conditions surrounding the growing of the crop determine what the price should be, and those conditions are changing every day.

Senators, while we have discussed this measure at considerable length and for many days, I feel confident that there has been no filibustering or attempting to filibuster, because every day I am enlightened; but when such articles as this appear, it seems only fair that any Senator who knows about these things should tell the facts exactly as they are. If there is any combination, no man in this Senate will go further than I will after the unfair operator; but it does seem to me that having had the Sherman antitrust law on the statute books for 27 years these offenses can be reached under that law. If it is not strong eough, let us make it stronger. Two years ago it was suggested by Senators that it was nobody's business in particular to attend to the enforcement of the Sherman antitrust law.

I beg the pardon of the Senator from Nebraska for taking up so much of his time. I rose just to make clear the matter

to which he referred, and I felt that he would be glad to get such information as I might have on the subject.

Mr. NORRIS. Mr. President, I am very much obliged to the Senator from Maine, and I am satisfied that the Senate appreciates his contribution to this discussion.

Mr. SHERMAN. Mr. President——

Mr. NORRIS. I yield to the Senator from Illinois.

Mr. SHERMAN. The Senator from Maine [Mr. FERNALD] finds the same trouble among his constituents that we do in the Mississippi Valley country—shortness of labor. Nobody has yet discovered, it seems, a remedy for that condition; but the Legislature of West Virginia has made a very sensible move in a statute passed May 19, 1917, and in effect June 19, which requires every able-bodied male citizen of West Virginia to have some occupation, profession, trade, or calling. If he has not, they bring him before a magistrate and adjudge him guilty of vagrancy, and put him to work.

With the Senator's permission I should like to offer for printing in the RECORD a circular letter addressed "To all manufacturers, coal operators, and mill owners," signed by John J. Cornwell, governor of West Virginia, attached to it being a copy of this extraordinary statute, which appears to be a very sensible one in many ways. I should like to have it inserted as a part of the current information in regard to the inquiry made by the Senator from Maine.

Mr. NORRIS. I have no objection, of course, to its insertion, Mr. President.

The VICE PRESIDENT. In the absence of objection, the matter referred to will be printed in the RECORD.

The matter referred to is as follows:

STATE OF WEST VIRGINIA,
EXECUTIVE DEPARTMENT,
Charleston.

To all manufacturers, coal operators, and mill owners:

On June 19 the act passed by the last legislature requiring all able-bodied male residents between the ages of 16 and 60 years to work at least 36 hours each week becomes effective. To aid in the enforcement of this law you should report to the mayor of your city or town, or to the nearest justice of the peace, the names of any persons on your rolls who do not work the 36 hours any week during the war and who have no good excuses for not working.

I suggest, also, you keep an honor roll of employees who work full time, post a copy of the honor roll in a public place, and send a copy to this office.

We have a roll of the chronic idlers in the State and would like to obtain a list of men who work full time at their various callings. The men who put all their time and energy into production of any kind of commodities during this war are doing real patriotic service and records should be kept of their service.

Respectfully,
JNO. J. CORNWELL, *Governor.*

[Advance copy of an act of the Legislature of West Virginia, second extraordinary session, 1917, being Senate bill No. 7, passed May 19, 1917. In effect 30 days from passage.]

An act to prevent idleness and vagrancy in West Virginia during the continuance of the war in which the United States is now engaged.

Be it enacted by the Legislature of West Virginia:

SECTION 1. It is hereby declared to be the duty of every able-bodied male resident of this State between the ages of 16 and 60 years to habitually and regularly engage in some lawful, useful, and recognized business, profession, occupation, or employment whereby he may produce or earn sufficient to support himself and those legally dependent upon him.

SEC. 2. From the time this act becomes effective, and thenceforward until six months after the termination of the present war between the United States and the Imperial German Government, any able-bodied male resident of this State between the ages of 16 and 60, except bona fide students during school term, who shall fail or refuse to regularly and steadily engage for at least 36 hours per week in some lawful and recognized business, profession, occupation, or employment, whereby he may contribute to the support of himself and those legally dependent upon him, shall be held to be a vagrant within the meaning and effect of this act and shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $100 for each offense, and as a part of such sentence and punishment such offender shall be by the trial court ordered to work not exceeding 60 days upon the public roads or streets or upon some other public work being done by and in the county in which such person shall be convicted, or by any municipality therein. One-half of the fair value of any such labor so performed under such sentence shall be paid by the county or municipality receiving the same toward the support of any persons legally dependent upon such vagrant, but if there shall be no such legal dependents, then no payment shall be made on account of any labor performed under such judgment. Any labor so required by a judgment of conviction hereunder shall be rendered in all respects as is now provided by law in the case of other prisoners in jail.

Prosecutions for vagrancy hereunder shall be instituted and conducted as other criminal prosecutions, and in no case shall the possession by the accused of money, property, or income sufficient to support himself and those legally dependent upon him be a defense to any prosecution under this act. In no case shall the claim by the accused of inability to obtain work or employment be a defense to a prosecution hereunder unless it shall be proved that the accused promptly notified the proper representative of the State council of defense of his inability to obtain employment and requested that work or employment be found for him and that such employment was not furnished him.

SEC. 3. All justices of the peace, mayors, and police judges within the State are hereby given jurisdiction to try and punish all offenders under this act, or such prosecution may be by indictment. Each week or portion thereof that such resident shall continue a vagrant hereunder shall constitute a separate offense, and no appeal shall be allowed from any judgment of conviction for a vagrancy unless the accussed shall give bond, with penalty and security to be fixed and approved by the court granting the appeal, conditioned not to violate this act during the pendency of such appeal. Any judgment for the performance of labor hereunder may be suspended by the court pronouncing the same upon the execution by the person convicted of a bond, with the penalty and security approved by the court, conditioned to comply with the provisions of this act for one year from the date of such bond. A violation of the condition of such last-mentioned bond shall entitle the State to recover the amount of the penalty thereof, and in addition thereto the convicted person shall be rearrested and required to serve the sentence formerly pronounced against him.

SEC. 4. For the purposes of this act any male person found in this State shall be deemed a resident, and in any prosecution hereunder proof that the accused habitually loiters in idleness in streets, roads, depots, pool rooms, hotels, stores, or other public place, or that he is habitually intoxicated, or is addicted to the use of narcotic drugs, or is a professional gambler, or, being able bodied is supported in whole or in part by the labor of any woman or child, shall be prima facie evidence of vagrancy.

SEC. 5. All acts and parts of acts in conflict with this act, or any part hereof, are hereby repealed.

Mr. NORRIS. Mr. President, I was very much interested in what the Senator from Maine said. However, he is laboring under a misapprehension as to my attitude on at least a good many things he mentions. I do not think anybody has thought for a moment that a price on canned goods should be fixed arbitrarily by some governmental authority. I do not think anybody has contemplated that. I have not heard it suggested. I do not believe myself it would be a practical thing to do.

I have been reading from the report of the grand jury in Chicago. I suppose their report was made up from conclusions drawn from the testimony of witnesses who appeared before them. I have no knowledge as to any combination among the packers. In fact the statements in this report of the grand jury that might be construed to mean that there was a combination among canners had not occurred to me until the Senator from Maine spoke. That was not the object in reading it. What I was showing was that the jobbers who bought the canned goods of the canners had sold them at a profit to the retailers, in many cases, of considerably over 10 per cent. The grand jury report says they bought up practically the entire product of the articles mentioned in the report.

Mr. REED. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. REED. It appears from the statement of the Senator from Maine that that is the ordinary custom.

Mr. NORRIS. Yes; buying up any product; that is the ordinary custom. The report of the grand jury says that.

Mr. REED. Buying it a year in advance.

Mr. NORRIS. Yes; there is nothing wrong about that that I know of.

Mr. REED. What I am trying to get at is something practical. The Senator, I take it, would hardly claim that a wholesaler's profits could be limited by law, or that if a wholesaler happened to have on hand something that the country was short of and the price went up he could not reap the benefit of the price.

Mr. NORRIS. No; but, Mr. President——

Mr. REED. If the Senator will kindly let me finish the question; of course, I am proceeding by his courtesy alone.

Mr. NORRIS. All right.

Mr. REED. Therefore are we not left to this, that about the only place the law can lay its hand on the wholesaler is if he engages in some conspiracy in restraint of trade or if he seeks to create a monopoly in trade, and if he does not do either the one or the other we can not reach him at all unless we reach him under the clause—the hoarding clause of the bill which we recently passed and which the House has not yet seen fit to consider? Is not that about all that we can do?

Mr. NORRIS. No; I do not agree with the Senator. That would not be hoarding. The practice that is spoken of here, the profits mentioned here by the grand jury, would not be hoarding.

Mr. REED. No; the Senator did not understand my question. I asked is there anything else that we can do except to get him for conspiracy in restraint of trade or for endeavoring to establish a monopoly or else under the hoarding provision that we recently passed which the House has not concurred in. I am referring to all three of them.

Mr. NORRIS. The Senator refers to the definition for hoarding in section 6 of this bill?

Mr. REED. No; I refer to what we call the Poindexter-Walsh amendment.

Mr. NORRIS. Oh, yes; probably we could reach him under that. My own idea has been that the conditions described by the grand jury existing among the jobbers in canned goods showed on its face that there was a violation of the Sherman antitrust law, that it was a conspiracy in restraint of trade. That seemed plain to me.

Mr. REED. That is my opinion, if the report is accurate.

Mr. NORRIS. If the report is accurate and is taken for its face value. That is true, Mr. President, of a great many of the things that we are attempting to remedy by this proposed legislation. That is true of the coal situation, which the Senator from Ohio [Mr. POMERENE] laid before us the other day. I am one of those who, while favoring the bill, still have always believed that if the Department of Justice would follow up its duty a great many of these conditions, nearly all of them, would be found to be violative of the Sherman antitrust law and subject to prosecution.

Mr. REED. Now——

Mr. NORRIS. Just let me go a little further.

Mr. President, I have seriously debated in my own mind whenever these things were presented whether it was wise to do what is wanted to be done by the administration in passing this bill or to stand up and say that is a violation of existing law, and if you do your duty you will prosecute these men as violators of the law. I have always rather resolved the doubt in favor of the Department of Justice or the administration and thought they were going to enforce the law. I believe here is a condition existing that absolutely demands a remedy, and I have better resolved the doubt in favor of giving them the kind of law they want.

Mr. REED. The Department of Justice is not asking for this law. I say to the Senator, I think the antitrust laws could be strengthened. When we had the Clayton bill before us it came to us from the House of Representatives a very strong and forceful measure. It was emasculated in the Senate and against its emasculation I contended as bitterly as I have been contending on this bill.

Mr. NORRIS. And I was with the Senator in his contention.

Mr. REED. The Senator will remember that we were told at that time it was desired that the bill should have these stringent provisions taken out of it. That argument was urged. I do not know that it does any good to go back and refer to this matter except as a lesson, and the lesson ought to be for Congress to exercise its own judgment and do what it thinks is right.

I started on a theme with the Senator, and I have been getting along so well I want to take a further step. We have dealt now with the wholesaler and we have dealt with the retailer. Now, what other element is there that we can reach that is controlling the prices of food between the producer and the consumer? Is there anything left but the boards of trade? Does the Senator think so?

Mr. NORRIS. I presume the fellow who hoards food or the corporation that hoards food would probably not be strictly included in the class the Senator has alluded to.

Mr. REED. What would the Senator mean by that; the cold-storage house?

Mr. NORRIS. Possibly. I would mean those that are defined by section 6 of this act.

Mr. REED. Now, let us come to the cold-storage plant. I think we can get some light on that if we will deal with it fairly. Of course, we all know that a cold-storage plant properly operated has a tendency to get better prices for the producer during the season of great plenty when there is a surplus.

Mr. NORRIS. Yes; it has a tendency to equalize prices to the consumer.

Mr. REED. Exactly.

Mr. NORRIS. And it is a good thing for both the producer and the consumer if properly managed.

Mr. REED. And gets lower prices for the consumer in the time of scarcity.

Mr. NORRIS. Yes, sir.

Mr. REED. So if it is properly operated it is a great blessing. It is that which enables us perhaps to have eggs in January in plenty and to have apples and other edibles in January and February and March, when we could not get them otherwise. Now, does the Senator know of any evidence of any holding in the cold-storage plants of this country sufficiently great to account for any very large increase in prices? I have been waiting for that evidence.

Mr. NORRIS. I saw the statement—it seems to me it was in the paper this morning; if it was not the morning paper, I read it in something to-day or within a few days—that at the present time there is a larger quantity of meat, of poultry, of eggs, and several other kinds of products in cold storage than there has ever been in cold storage before in the history of the United States, and at a time when the prices are higher than ever before. That of itself might not necessarily mean that there was anything wrong, but it would be evidence of it.

Mr. REED. Let us assume there was more meat in cold-storage houses, or more eggs or more chickens, is it not true that there is not more than enough there to make up in ordinary times for the deficiency of our shipments to Europe occasioned by the interference through the German blockade? I am trying to differentiate between——

Mr. NORRIS. That would not necessarily make any difference with the amount. If there is more of these food products in cold storage now than there ever has been at any one time in the history of the United States it would be some evidence, at least, that there was something tending toward holding back products that ought to be released.

Mr. REED. If the motive was not to hold them to run up American prices; but if they were held because they had been purchased, perhaps at high prices, and were being held for the European market and not for the purpose of booming prices in this country, or forestalling the market, the Senator, of course, would admit that to be quite a different question than if the motive had been otherwise.

Mr. NORRIS. I do not say that because there was a larger quantity now than ever before there is necessarily anything wrong in it. I say that would be perhaps evidence, and good evidence, of a hoarding or of a combination.

Mr. REED. Now, without any evidence as to combinations, the fact that there is more on hand, it seems to me, does not argue very much. Besides, I call the Senator's attention to the loose figures which are constantly given out. I called attention to the fact that the statement which was in the papers and went all over the country that there were 100,000,000 eggs in cold storage sounded big, and yet it would not have made one breakfast for the American people.

Mr. NORRIS. No; but let me say to the Senator the statement that I said I thought I read in the paper to-day was a report from the Agricultural Department, these storage houses reporting to the Agricultural Department in answer to their inquiries. The statement was put out by the Agricultural Department. There has been such a statement within the last few days from the Agricultural Department.

Mr. REED. Whatever that fact may be, if there is an actual conspiracy, the Sherman law would meet it, would it not?

Mr. NORRIS. I should think so.

Mr. REED. If it was just a hoarding, then the Walsh-Poindexter amendment would probably reach it.

Mr. NORRIS. That has not become a law as yet.

Mr. REED. No; but I am speaking about what we can do.

Mr. NORRIS. I think it would if it were a law.

Mr. REED. Now, let us proceed. We have reached the point that these conditions can be remedied by existing laws or by the bill we have just spoken of. Now, where else do we come to, except boards of trade? I want to get the Senator's view in regard to boards of trade, because there has been very much said about them, and it is almost all a man's life is worth to say a word with reference to them unless it be a demand that all the members be executed without trial. I want to call the Senator's attention to a letter which I have here from a grain firm in Amarillo, Tex. I will just read a sentence to him:

> Wheat harvest is on in Texas and Oklahoma. Wheat is being daily offered for sale, but there are no buyers. The mills, elevators, the exporters, are all afraid to acquire any wheat, fearing drastic action by the food administrator as soon as the present bill is passed. If a given price is fixed by this department as a fair value for wheat, it will mean that the farming interests of the country will be forced to carry this wheat, as the Government is not prepared to handle it, and will not be for many months, if it should desire to do so. The farmer will not be able to meet his obligations under these conditions, and the grain business of the country, unless it is absolutely controlled and operated by the Government, will be paralyzed.
>
> It is almost the universal opinion of grain men throughout this section that this bill will prove ineffective and disastrous. Rabid speculation can be stopped without resorting to means embodied in the present bill.

Mr. NORRIS. I hope the Senator will let me proceed now.

Mr. REED. I was proceeding with the Senator's consent. I wish to ask him now if he does not recognize the fact, after all this debate, that if we close the grain exchanges of the country and do not provide some other market for the farmer or some means of carrying his grain we will deprive him of his market?

Mr. NORRIS. Yes; probably we will.

Mr. President, the letter that the Senator has read shows that there is a fear, and I am told it is more or less general. I think there are some reasons for the fear. I believe naturally from the very fact that we are legislating, that this bill, as important and as stringent as it is, is pending in the Senate, without anybody being able to tell just what may be the outcome, it will necessarily follow that in the country there should be some uncertainty in regard to the markets of the products that are affected by the bill. I do not believe, however, that that is a sufficient reason why the bill should be defeated. In my judgment that is one of the natural effects that would exist now. It will be cured, I think, when the bill is enacted

into law or when it is defeated; in other words, when the question is settled. It is in an unsettled condition now and necessarily must affect more or less, regardless of the merits of this measure, the markets of the United States.

Mr. SHERMAN. Mr. President——

Mr. NORRIS. Just wait a moment. The Senator from Maine and the Senator from Missouri have taken an hour and a half in questions now. I should like to have just a few minutes and then I will yield to the Senator.

I started to say when I was interrupted by the Senator from Missouri that the Senator from Maine, in my judgment, has a misconception as to what those who favored this legislation are trying to accomplish, a misconception of what would be done if the bill became a law. He evidently was laboring under the impression that if the bill became a law there would be a price fixed on canned goods and the per cent of profit that the wholesaler would be allowed to make, that there would be a price fixed on everything; and yet, in his argument in favor of protecting the farmer, he said if you fix the price of the farmer's wheat then you must fix the price of the things the farmer has to buy. If it were a definite price, I believe that would be true; but the law does not anticipate that anything except a minimum price shall be fixed for the farmer, and it is the intention of those who put it in the law that that shall be for the farmer's protection and the farmer's benefit. If that would be to his injury, then those who favor this legislation are mistaken. While there are things in the bill that to a certain extent indirectly will permit the President, through the powers that are given him to affect the maximum price, there is no direct fixing of a maximum price for anybody for anything. Of course, to protect the consumer, on the other hand, it is necessary, if we are going into it at all, that the President, or whatever board should have this authority, should have the power by which the consumer could be protected.

We have the two extremes. Both of them must be protected. It is the object of this legislation to protect them both, and therefore the stringent regulations through which the power is given to the President to control even the profits of some of the men, corporations, and institutions that are dealing in food products from the time they leave the producer until they reach the consumer.

Now, those are drastic propositions. As I said in the beginning, they almost startle one; but we are living and legislating in a condition the like of which has never before existed. I believe the evidence is sufficient and is ample and is practical, within the common knowledge of all, that the high cost of living is going to make it absolutely necessary that some steps be taken by the Government to protect the people against the high prices. Now, that is true, regardless of the cause of the high cost. It may be like the coal dealer said, "We are getting too much money, but we can not help it." They are getting it and somebody has to pay it. The consumer in the end foots the bill. We may be mistaken as to the necessity of passing this legislation. I may be wrong. I confess I have a lot of doubt about almost all of it; but I know of no other way than to do the best under all the circumstances. After listening to all the evidence that has been offered, I am going to do the best for all the people as I see it.

The Senator from Missouri said he did not understand that the Attorney General wanted this bill, or was asking for it, rather. I think those were his words. Of course everybody knows it is an administration measure. The President wants it; the Attorney General wants it; every member of the Cabinet wants it. I say that without finding fault with anybody. It is not suggested in a critical sense, but it is true nevertheless, and everybody knows it.

The doubt that I have about a great many of these things which we are trying to cover here being already covered by existing law I think enters the mind of practically all legislators who have given the subject careful consideration. The fact that the Senator from Maine, himself a canner and understanding the business thoroughly, has claimed that there is no combination among canners, when there was not any charge made that there was such a combination except as it incidentally appeared in the report, does not, in my judgment, do away with that part of the grand jury's report in which they set out the letter that the jobbers have written to the retailers asking them to increase the price, telling them that now is the hardest time, when they themselves are making a profit of over 100 per cent on the goods as it passes through their hands. You may call it legal or illegal, but if that condition exists it is one that must be remedied. The great consuming public can not always tolerate it or put up with it. With the increase in the cost of living and the increased taxation there must follow suffering and misery among a large portion of our people, and it will reach that class who heretofore have been living at least in comfort if not in partial luxury; and with that condition, even if we escaped revolution, we would not be in a proper condition to fight successfully a great war.

I yield now to the Senator from Illinois.

Mr. SHERMAN. The Senator may go on and close.

Mr. REED. Will the Senator let me put in the figures on wheat and flour? We were dealing with that a little while ago. It is just the market quotations.

Mr. NORRIS. I did not hear the Senator.

Mr. REED. A while ago the Senator was dealing with the relative prices of wheat and flour.

Mr. NORRIS. No; I was not dealing with it; it was the Senator from North Dakota [Mr. MCCUMBER]. If the Senator wants to put in the figures, I have no objection. I would be glad to have him do it.

Mr. REED. I just thought it would be in the interest of accuracy.

Mr. NORRIS. Yes; I would be glad to have the Senator do it.

Mr. REED. The Journal of Commerce of to-day shows practically no wheat moving in New York. So I can not give the New York quotations for wheat; but in Chicago July wheat is quoted at $2.05, in Kansas City at $2.04, in St. Louis at $2.03. The Chicago market is always a few cents below the New York market. Unfortunately I do not have the Chicago price for flour, but I do have the New York price for flour, and it is as follows: Patent, $11.75 to $12; straight, $11.40 to $11.65; clear, $10.50 to $10.75; low grade, $6.25 to $8.50.

It will be observed therefore that the price of flour in New York per barrel is probably not more than five times the price of a bushel of wheat, and accordingly there is, as I have concluded, a complete harmony between wheat prices and flour prices.

Mr. NORRIS. Has the Senator concluded?

Mr. REED. Yes; I just wished to put those figures in.

Mr. NORRIS. I think it would be well to call the attention of the Senate to the letter that the Senator from Iowa [Mr. KENYON] put in the RECORD on the 25th day of June. It appears to be a report of the grand jury. I do not care to repeat it. It is already in the RECORD under date of June 25, on page 3919, where it is shown that the report of the grand jury in Chicago was practically duplicated in the State of Iowa.

From information gathered—

This letter says—

I find that the sweet-corn pack for Iowa for 1917 will approximate 2,000,000 cases of two dozen cans each. During the month of January this pack was sold to jobbers at from $1.76 to $1.80 per case. In quoting prices for delivery of this pack the jobbers ask $2.90 to $3.20 per case—

That is about the same kind of increase the jobbers had at Chicago that the grand jury were investigating—

The sale price by the canners I have from records and the delivery price I obtained from the dealers who have asked for quotations. The pack for 1916 was sold at from $1.30 to $1.36, and for this corn, which is in the hands of the jobbers, quotations from $3.20 to $3.50 are made. These figures I have from records of sales and purchases.

I do not believe there can be any doubt on that proposition, Mr. President, and that some of these profits are enormous. The Senator from Ohio [Mr. POMERENE] showed the other day from the quotations that the men who mine coal are charging 100, 200, 400, and, I think, in some cases, as high as 600 per cent in excess of what they charged a year ago for the same coal, and some of them, in their own letters, admitted that they were not justified in doing it. Coal enters into every home; it comes to every fireside. The poorer people suffer from this increased price, and most of the middle class, in my opinion, because they must all have fuel as well as food.

In conclusion, I wish to put in the RECORD a letter written by myself to Mr. Hoover, and his reply. I wrote this letter on behalf of some of the farmers' organizations or their representatives here, who were fearful as to what Mr. Hoover contemplated in case this bill became a law. I will not take the time to read it, but I think it is a fair answer, although Mr. Hoover is unable to answer definitely all the questions that I put to him.

Mr. STERLING. Will not the Senator read it?

Mr. NORRIS. My letter is quite long, and he answers the questions by number and does not repeat the questions, so it would not be intelligible to have it read. One must have it before him and read it. I might read the questions I asked him:

1. Is it your purpose to take over any of the big productive plants of the country, such as packing plants, large grain elevators, and flouring mills?

2. If you do, what protection will you give the small plants in the same line, which will be, in a measure, shut out from the Government market?

3. What changes do you have in mind making in our present live stock, grain, and other markets?
4. Is there any class of business men that you have in mind that it will be necessary to eliminate?
5. Will you eliminate, for instance, the commission merchant who receives consignments to these markets, such as hay, live stock, grain, or produce?
6. If the commission merchants are to continue to do business, how will your department handle them?
7. How do you propose to handle the small industries of the country in your system of distribution, such industries as small packing plants, small flouring mills, etc.?

Mr. President, I ask to insert the letter and Mr. Hoover's answer in the RECORD, without reading.

The PRESIDING OFFICER (Mr. MYERS in the chair). In the absence of objection, permission to do so will be granted.

The matter referred to is as follows:

WASHINGTON, D. C., *June 22, 1917.*

Hon. HERBERT C. HOOVER,
New Interior Department Building, Washington, D. C.

MY DEAR MR. HOOVER: I have been requested by the representative of the National Farmers' Cooperative Association to ask you several questions. I intended to have asked these questions this morning, if the hearing that was contemplated had been had, but since that hearing has been abandoned and no other hearing arranged for, I thought best to submit the questions to you by letter. These questions are asked in no spirit of antagonism or ill will. I understand from the representative of the National Farmers' Cooperative Association that the association is friendly to the enactment of the so-called "food-control bill." However, these farmers are somewhat anxious to know just what will be the condition at the close of the war of the farmer elevator companies. Not many years ago the farmers were shut out of the central markets, so that they were compelled to sell to the local grain dealers. They were not able to ship as grain dealers were to the regular markets of the country and have their grain sold by commission firms as the grain from the elevators was sold. Then organizations of farmers were formed but it was some time before these organizations were even recognized. They had some difficulty in getting commission merchants to handle their business. The work of organization was continued, however, and now all the markets of the country are open to them, very much the same as they are to the grain dealers. These farmers naturally have some anxiety as to the future of their organizations. They do not want to stand in the way of any regulations that present conditions seem to warrant. They are, however, anxious that when the present emergency has passed and peace again has come, that they will not find themselves out of business, with a long struggle ahead of them to again gain recognition. They have some fear that if the big plants are taken over and operated under Government supervision that such operation might work an injury to the smaller plants controlled and operated by the farmers themselves. They feel that the farmer elevator companies are now a most effective competition to the larger plants, and they are anxious that no step be taken, so that at the close of the war the business would be entirely controlled by the larger plants, those taken over by the Government during the war. The questions which they desire me to ask you are as follows:

1. Is it your purpose to take over any of the big productive plants of the country, such as packing plants, large grain elevators, and flouring mills?
2. If you do, what protection will you give the small plants in the same line, which will be in a measure shut out from the Government market?
3. What changes do you have in mind making in our present live stock, grain, and other markets?
4. Is there any class of business men that you have in mind that it will be necessary to eliminate?
5. Will you eliminate, for instance, the commission merchant who receives consignments to these markets, such as hay, live stock, grain, or produce?
6. If the commission merchants are to continue to do business, how will your department handle them?
7. How do you propose to handle the small industries of the country in your system of distribution, such industries as small packing plants, small flouring mills, etc.?

Your early attention and reply will be greatly appreciated by

Yours, truly,

G. W. NORRIS.

WASHINGTON, *June 29, 1917.*

Hon. GEORGE W. NORRIS,
United States Senate, Washington, D. C.

DEAR SENATOR NORRIS: In reply to your letter of the 22d. Nothing whatever has been determined in any direction with regard to the matters which you mention. We have been giving a great deal of thought to the whole question, and have had consultations with numerous bodies and persons interested in one trade and another, with a desire that all plans formulated should, so far as humanly possible, receive the support of the people interested and should be adapted to their needs so long as they do not trespass upon paramount public interest.

As to the questions which you ask, I should say as to question No. 1, for instance, that it is not our present purpose to do anything of the sort, but a national emergency might arise within the next five years when it would be necessary. Question No. 2, therefore, falls out. Question No. 3 I simply can not anticipate. The matter is under study and differs with each different commodity. Question No. 4 and question No. 5 can be answered in the negative, provided they are prepared to accept regulation in the interest of the country as a whole. Question No. 6 depends entirely on the licensing clause in the bill as to what can be done for the protection of the consignee. This clause has been under alteration so many times that it seems impossible to define now what kind of regulations could be imposed. Question No. 7 and the whole of the questions generally seem to be based on the theory that we propose to take over industry and operate it for the Government. This is not either our view or my understanding of the legislation proposed, which is based entirely on a sense of regulation so as to excise as much as possible wasteful practices, exorbitant profits, and vicious speculation.

I would like to suggest that if the National Farmers' Cooperative Association can arrange to send a delegate to Washington, it would be a great assistance to us to discuss the whole situation. We are very anxious to initiate nothing which will disturb the growth of such institutions.

Yours, very truly, HERBERT HOOVER.

Mr. SHERMAN and Mr. NEW addressed the Chair.

Mr. NORRIS. I yield first to the Senator from Illinois, who rose awhile ago.

Mr. SHERMAN. Does the Senator desire to speak on this point?

Mr. NEW. No; I want, if the Senator from Illinois will yield to me just a moment——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Indiana?

Mr. NORRIS. I yield to the Senator if he wants to ask me a question.

Mr. NEW. Has the Senator from Nebraska concluded his remarks?

Mr. NORRIS. I have, except that the Senator from Illinois wanted to ask me a question. After I have replied to him I shall yield the floor.

Mr. NEW. What I desire to say concerns another subject.

Mr. NORRIS. Then I yield to the Senator from Illinois.

Mr. SHERMAN. In connection with what the Senator from Missouri [Mr. REED] said as to the market found by the Texas farmer for wheat, I desire to add, because it relates to the same subject, the condition of the wheat trade in Chicago on the 9th day of July, 1917.

Mr. NORRIS. I have no objection, Mr. President; but I shall be glad to have the Senator from Illinois put that in.

Mr. SHERMAN. The article to which I refer states:

SLOW TRADE IN WHEAT.

Wheat trade has become insignificant. Receipts are small enough to confirm the reports of exhaustion of old supplies. With premiums still firm for good wheat, there is little being offered; and primary arrivals for the week were less than half as large as a year ago. The export trade as well as the buying of new wheat by dealers is of small proportions, as all business in wheat is waiting developments at Washington. Until it is known definitely what the program of the food administration will be, there will be little doing in this cereal. Millers are buying wheat in a hand-to-mouth way, but the flour trade also is quiet and waiting developments.

Hog receipts in the West for the week were 365,700 against 427,300 a year ago. Receipts showed a big falling off from the previous week, largely on account of the holiday. Prices for hogs have been fairly strong, and a better demand for fresh and cured meats was reported, while the demand for lard was slow. The foreign demand is expected to be good, although quiet at the present time, while the domestic requirements will be liberal.

In connection with the same matter mentioned in the report of the Federal grand jury of Chicago, a copy of which I also have, signed by the foreman of the grand jury, Mr. Gorgenson, there is another matter that has been placed in the CONGRESSIONAL RECORD by the Senator from Florida [Mr. FLETCHER]. It concerns the Colgate Co. I think it is very similar to the matter mentioned in the report of the grand jury in Chicago, but it is not exactly the same state of facts.

Mr. NORRIS. The Senator has reference to a telegram which was read at the request of the Senator from Florida.

Mr. SHERMAN. I refer to the telegram and to other matters, including an advertisement and communications from a wholesale grocery firm at Memphis, Tenn. I should like to have these matters in the CONGRESSIONAL RECORD connected with the grand jury report in Chicago. It shows a similarity of dealings that I think are unfair.

Mr. President, I want to ask the Senator from Nebraska if this is not directly related to the bill that has been pending in Congress for one or two sessions, which is known as the price-fixing bill, or the resale-price bill, commonly known as the Stephens bill? In the case to which I have referred the Colgate Co. undertook to do exactly what this bill would permit if it were enacted into law. It would control not only the merchandise which is consigned to the agents and held for sale as their represenatives, but it as well undertakes to fix the price on absolute sales where the title passes to the purchaser and the property is paid for. Not only that, but in the Memphis, Tenn., case the wholesale grocers had bought from the Colgate Co. a quantity of soap of a certain brand—the Octagon brand, I believe it is called—and owned it and had paid for it, and because they would not raise the price to the wholesale grocers' trade on the stock they had bought and paid for to a figure which would be equal to that for future sales of a like soap from the Colgate Co. the manufacturers and these jobbers put them on the unfair list, wired them that they were undesirable customers, and refused to sell them any further supplies of this kind. What would the Senator think of a transaction of that sort?

Mr. NORRIS. I do not know what the Senator means by asking me what I think of that kind of a transaction.

Mr. SHERMAN. Ought it to be legalized, as contemplated in the Stephens bill?

Mr. NORRIS. No; it ought not to be legalized.

Mr. SHERMAN. That will come up at some time.

Mr. NORRIS. I am not in favor of the Stephens bill, I will say to the Senator. I do not believe that that kind of practice ought to be permitted, much less legalized. There ought to be no doubt that it is illegal.

Mr. SHERMAN. If the Senator will permit me, I desire to say that the same practices are known to me in innumerable instances.

Mr. NORRIS. Well, it is stated in this grand jury report—although the Senator from Maine [Mr. FERNALD] says that he does not think that is true—

> The canners, wholesalers, and jobbers have devised some means for insuring complete cooperation among themselves which results in keeping the canner from dealing directly with the consumer or with the retailer.

I can see, I think, however, that the Senator from Maine, being in the canning business in Maine, might not have kowledge of the custom or practice, or the conspiracy, if you want to call it such, that is in existence in the vicinity of Chicago among canners there who do business on that market.

> Wholesalers and jobbers will not buy—
>
> This report says—
>
> from canners, in most cases, otherwise than through brokers. If retailers attempt to resist the combination by purchasing directly from the canner, they find it difficult or impossible to do any further business with the wholesalers or jobbers as to other groceries.

That is somewhat similar to the case which the Senator from Illinois puts regarding the Colgate Co.

Mr. SHERMAN. They are the same general course of business.

Mr. NORRIS. The same general principle is involved in each. Of course such things are wrong, as I look at them, and they ought not to be permitted.

Mr. SHERMAN. Not only in the case referred to in Memphis, Tenn., but in many instances in the city of Chicago, manufacturers have sought to control the prices of goods in the hands of jobbers, who were in turn told to increase their prices to the retail dealers who could recoup themselves by increasing the prices to the consumer. This practice is universal, and, I think, Mr. President, in connection with the Senator's concluding remarks, that it is a question for the district attorneys of the various districts in which these practices occur, and, to use a phrase that I do not like very well, to coordinate their activities in a number of cases of this kind so that they may secure a general advance on offenders.

Mr. McCUMBER. Mr. President, I judge from the argument of the Senator from Nebraska [Mr. NORRIS], that he favors a minimum price for the wheat product. I have been waiting a long time here for anyone who favors that minimum price to give me the practical application of his theory. I want to know what the standard of measurement should be in fixing the minimum price. I want to know, Mr. President, because I feel that many a mere theory will meet its Waterloo whenever it is brought up against the battery of reason; and I want to take this theory of the Senator, that seems to him to be plausible; and I should like to ask him, or any other Senator, how he would operate this method of fixing a standard of measurement?

I remember in 1912 my friends on the other side were promising the dear public that the farmer would get better prices for his wheat and for everything else that he produced, and that the consumer would pay less for the things to eat which the farmer produced. I could not very well, then, understand how that could be worked out satisfactorily to both sides; but now I find a class of Senators here who feel that they can work that out in an entirely satisfactory manner. It is a Chinese puzzle that I should like to have solved by those who are advocating it.

They want to keep down the price of bread to the ultimate consumer and they wish to raise the price of wheat to such a standard that the farmer can make money out of it, even with the higher cost of labor, while he is farming.

Now, what will be your rule? Will you fix a definite standard of, say $2 per bushel? Well, let us see how that will work out. I will go down into Nebraska and perhaps raise 20 bushels of wheat to the acre this year, and if the price is $2 per bushel I would get $2 a bushel for a 20-bushel-per-acre crop. That would be an excessive price to charge against the consumer. I think we would all admit that that would be a little heavy. The average yield of wheat, I think, throughout the United States, taking one year with another, is about 13 bushels. But now we will suppose you fix the price at $2 per bushel, and your farmer down in Nebraska, on the basis of last year, if he would raise the same crop in 1917 and would apply that rule to this year's crop, would receive $40 an acre.

The farmers in my State raise about 5 bushels of wheat per acre. Am I correct, I will ask my colleague, because he is a better farmer than I?

Mr. GRONNA. The Senator is correct.

Mr. McCUMBER. The farmers in my State raise about 5 bushels of wheat to the acre. Then, if you would give them $2 a bushel, they would realize but $10 an acre; and with $10 an acre, in view of the present price of labor in the United States and what the farmer must pay for everything he purchases, he could not make a living. Then you would have one class receiving almost double what perhaps would be right and another class not receiving half of what is right. I inquire how are you going to determine it? What rule are you going to apply that will be satisfactory alike to the producer, the miller, and the final consumer?

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Missouri?

Mr. McCUMBER. I yield, Mr. President, because I am trying to get information.

Mr. REED. I do not rise to give any information.

Mr. McCUMBER. I am sorry.

Mr. REED. I rise to get some information. The Senator's analysis, of course, is very disturbing to the price regulator. The Senator has been asking the question how are "you," meaning the Congress, going to fix a price?

Mr. McCUMBER. Yes; or a food commissioner or anyone else.

Mr. REED. I was going to ask the Senator this question: Of course, the price must be fixed in advance of the sowing of the crop. If Congress can not fix it, how is anybody else going to fix it?

Mr. McCUMBER. I am trying to find out how anyone could fix it in a manner that would be entirely satisfactory to both the consumer and the producer.

Mr. HARDWICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Georgia?

Mr. McCUMBER. I yield to the Senator from Georgia.

Mr. HARDWICK. Possibly the Senator might get a satisfactory answer to that sort of a question from Col. Mulberry Sellers.

Mr. McCUMBER. Yes; he was always very optimistic, as I remember.

Mr. President, I think the difficulty can be solved, and I am going to suggest a method now. Although I will not argue that the amendment which I intend to propose is a solution that is going to work with absolute justice and equality to everyone, it is a solution that will at least approach equity. We can not say what will be a fair price, a just price, for crops that are going to be raised in 1918, because we do not know whether we are going to raise in any great section half a crop, whether we are going to raise a quarter of a crop, or whether we are going to raise a bumper crop, and what would be reasonable would depend entirely upon the quantity produced by a given section. If a farmer ordinarily produces 13 bushels per acre, we could take that as a fair average and base our price upon that; but the yield fluctuates. For instance, in 1915 it ran from 20 to 40 bushels per acre in my State, and the very next year the yield dropped down to about 5 bushels per acre. It is upon the yield per acre that we must base any estimate of what it costs the farmer per acre; and who can prognosticate as to what the weather will be in any particular section of the country, or what the crop yield will be per acre?

Mr. President, I am going to suggest an amendment, not that I can offer it now, because we have not yet completed the consideration of the committee amendments, but I will make the suggestion to the Senate. It is conceded by everyone that the farmer is entitled to a reasonable profit upon his investment. If he raises only a half crop, it requires three-fourths as much labor as it does to raise a full crop, and he ought to have a greater price for that half crop per bushel or per acre than he would have if he raised a much larger crop—not in the same proportion, but at least he should have a greater price. Suppose that we simply provide a guaranty in this bill to encourage the farmers of this country to produce next year all the wheat they can produce by saying to them not that we will fix a price but will ascertain the amount they have invested in farm lands over a given area of the country. For instance, as to spring wheat the area would embrace the two Dakotas, eastern Montana, and Minnesota. There is produced in those three States practically all of the spring wheat. It is a singular fact that if we have a failure or a half failure or a quarter failure in any one part of this vast section the same influence is felt to a great extent over the whole section.

The crop was short throughout Minnesota, throughout the two Dakotas, and throughout Montana last year. The crop was exceedingly good in every one of those States during the year 1915, and if you take the figures for a period of several years—15 or 20 years—you will find that that rule prevails with very little variation. We know what the average value of land in my State is, and it is very easy to ascertain what is the usual reasonable price paid for farm labor. We can estimate very carefully, as soon as we know what the crop is, what it has cost to produce that crop in a large section, and exactly what that crop would have to sell for to pay the labor and to pay a reasonable return upon the investment. If the Government will say to me next year, "We will guarantee a full return upon your investment," I will see that every acre of land that I own in the State—and I have a considerable number of acres there—will go into wheat, and I will take my chances that the Government will deal fairly with me and that I would get what my wheat was worth. That is all I have a right to ask during this time of stress when the country itself may be battling for life. Such a guarantee would encourage the farmer; it would assure him a fair return. If he raises a good crop and the market does not bring him a fair return the Government will say, "I will stand ready to see that you get so much for your grain, and if the market prices do not reach that level I will make it good to you by purchasing it, and I will purchase enough of it so that I will hold the price up to that standard."

Mr. FLETCHER and Mr. NORRIS addressed the Chair.

Mr. McCUMBER. I think I ought first to yield to the Senator from Florida, who first rose.

Mr. FLETCHER. I was just going to ask the Senator a question. The Senator said that the average value of land in his State was known. I was not quite clear in my mind as to that, and I would like to ask the Senator if he will give the figures.

Mr. McCUMBER. I think a fair average would be about $40 per acre.

Mr. FLETCHER. Is that for land before it has ever been cleared and cultivated or put in shape for cultivation?

Mr. McCUMBER. Yes; a fair average would be about $40 per acre. Now, I think that we can work out something along that line that will be fair. I am willing to vote $2 a bushel, if Congress thinks that wise, but I think the plan I have suggested would be fairer to the Government and fairer to all sections of the country. Then if an exceedingly large crop is raised, we will say in the Kansas, Nebraska, Oklahoma, and Texas section, where they raise practically the same kind of grain under practically the same atmospheric conditions, we could arrive at what their crop down there was worth, and if they raised twice as much as we did in the Northwest they would not be entitled to twice as much per bushel. That is the only method, Mr. President, that I can imagine that would be fair to all sections and to all producers alike.

Mr. KING. Mr. President, will the Senator yield to me?

Mr. McCUMBER. Certainly.

Mr. KING. With the permission of the Senator, I would like to direct his attention to a matter he has just discussed, which was that it was impossible for the Government to fix the price of grain. Doubtless the Senator remembers that Lloyd-George, and those associated with him in the government, after full investigation, fixed the price to be paid the farmers of England for wheat up to and including the year 1921, and that the maximum to be paid was, as I remember, $1.80 per bushel; that this maximum was for one year only, and then was reduced, so that the farmer for the last year is to receive but $1.40 per bushel.

Mr. McCUMBER. Yes.

Mr. KING. Without expressing approval or disapproval of the action of Lloyd-George, or of the excellent argument of the Senator from North Dakota, I should like to inquire whether he thinks the action of Lloyd-George was wise or unwise, and whether it was practicable and politic in the light of the conditions in which Great Britain found herself? I would also like the opinion of the Senator as to whether or not it would be impossible for our Government to fix a price, taking into account, of course, the labor question, the increased prices to the farmer of the commodities purchased by him, and all the ramifications that are involved in farming activities?

Mr. McCUMBER. Mr. President, Great Britain is a little country, about two-thirds the size of Minnesota. The proportion of acreage that can be planted in wheat, for instance, would probably be not more than one-quarter of the acreage of the State of Minnesota, and a favorable yield would reflect alike all over that little island, so far as the crop is concerned. Great Britain raises very little wheat. She is a purchaser of wheat, and, therefore, it would be quite easy, if she has the power, to say what she will pay for wheat or to commandeer the wheat of Canada or commandeer the wheat of Australia, even though by doing so an imposition were worked upon the farmers who produce that wheat.

Mr. KING. Mr. President, will the Senator pardon a further interruption?

Mr. McCUMBER. Let me just add this: This country, on the contrary, must be an exporter of grain. No two great sections of the country are subject to exactly the same conditions. There may be a complete failure or a two-thirds failure in one section of the country, and at the same time a bumper crop in other sections. So the Senator can see how a general law fixing definitely a standard price must necessarily work inequitably over so vast an area and under such conditions.

Mr. KING. What I was about to suggest, of course, would not change the position or argument of the Senator; but I ought to have stated that Great Britain, in addition to fixing the price to be paid for wheat, also fixed the price for barley, oats, rye, and potatoes, covering the same period to which I referred a moment ago.

Mr. McCUMBER. Yes. I can not say how it will work out in England, except that I understand that it works out very unsatisfactorily, and that the law of supply and demand probably would work to better advantage than the rules they have applied. There may be a difference of opinion upon that, and I confess that I have not such definite information as would allow me to form an accurate judgment.

Mr. KING. If the Senator will pardon me a further suggestion, the information I have also indicates that, instead of its having a bad effect and diminishing the acreage cultivated, the action of Lloyd-George has increased very largely the number of acres the farmers have cultivated. It seems to have stimulated production and encouraged agriculture. Whether it was because he fixed prices so high as to encourage production or other causes entered into consideration, I am unable to speak with certainty; but, at any rate, the statements made by Lloyd-George and by others, so far as I am advised, are to the effect that the action of the Government in establishing prices has stimulated production very greatly and increased the acreage cultivated in Great Britain.

Mr. McCUMBER. Mr. President, there is another reason why it would work very much more equitably in Great Britain than here. Under her conscription laws she will use her conscripted forces at home upon the farms, if necessary. I do not know that we have any such power here in the United States; and even if we should attempt to enforce such a power and use a class of laborers upon the farm who are not used to farm labor, I very much fear that we would not make a success of it. Take the average boy in the city of Washington who has spent most of his afternoons and evenings at a 10-cent movie show. He has not that muscle or strength which will enable him to stand and pitch bundles for 16 hours steadily upon a farm in North Dakota, and sleep on the barn floor during the night. I think we would find that he would be a failure. I think we would find that the average laborer, who has been receiving a dollar and a quarter an hour for doing three-fourths of a day's work laying brick here in the city, would faint the moment the farmer in North Dakota indicated the character of work he would be expected to do side by side with one of the farmer's own sons in taking care of the crop of any year. I am certain it would be a failure.

I remember some years ago there were sent from England to Minnesota a number of boys, with the idea that they would be taught farming. They were the sons of well-to-do men, and they had no employment in England. Some of them committed suicide, others died because of the hardships, and none became successful farmers. So the average boy who is brought up in the city can not do farm work. I admit that those who are used to shoveling all day long and doing that kind of work could possibly perform farm labor. But, Mr. President, getting right back, you have got to fix a price that will be satisfactory to both the consuming public and the producing public. If you are to allow the farmer for his son and his wife and his daughter the prices you pay here in the city of Washington for a colored laborer, for a colored cook, or for a colored table waiter, you are not going to get any wheat for $2 a bushel, or even $2.50 a bushel. What the farmer has been suffering from all of these years, and that which has created more discontent than anything else in the world, is that as a matter of fact, with an ordinary crop, the net earnings of the farmer and his sons and grown-up daughters do not exceed 20 cents a day, as against $1.25 an hour for your carpenter, for your plasterer, for your paperhanger, for your bricklayer, or for anyone else engaged in the building trades.

While I am on that subject, we are complaining about the high cost of articles at retail. I do not know many of the re-

tailers that are making any exorbitant profits. I know they charge very heavy prices; and it is surprising, when you recall the manufacturer's price of a given article, and buy the same thing in any retail store here, to find that it has increased from several hundred to several thousand per cent; but what is the trouble? You have got to construct houses to live in; you have got to have buildings in which to do business and if the brickmaker and the bricklayer and the carpenter and the plasterer and the paperhanger and everyone else, including the plumber, must have prices that will range from seven to ten dollars a day, how in Heaven's name can you expect the retailer to sell goods very cheaply in those costly edifices? How can you expect the clerk, who is receiving $2 a day, or the laborer, who is receiving from $2 to $2.50 a day, to live well when he must purchase his products in structures that are built with labor costing from $10 to $15 per day? When you get right down to the real question, it is that maladjustment in the labor market to-day that is at the bottom of all of your high prices in the city.

I will elucidate that more when I come to discuss the amendment, and when that amendment is before the Senate. I simply give out these little feelers in order that you may give the matter some thought and some consideration, and see if you can not arrive at the real trouble that is afflicting our body politic to-day.

Mr. CALDER. Mr. President——

The PRESIDING OFFICER (Mr. KELLOGG in the chair). Does the Senator from North Dakota yield to the Senator from New York?

Mr. McCUMBER. I yield to the Senator from New York.

Mr. CALDER. I know that the Senator is anxious to be accurate. I live in New York City, and I build houses occasionally. The average wage of a mechanic approximates $5 a day in New York City. In some of the trades the wage is higher. The bricklayers get as high as $6 a day. That is the highest wage paid to any mechanic in the building trades. I will say to the Senator, though, that the common labor, the unskilled laborer, the man who mixes the mortar in the street and carries the brick and mortar up to the man who lays the brick, is paid to-day from $3.50 to $4 a day. The time is coming, too, I will say to the Senator, unless we secure more common labor for New York and the other large cities, when the unskilled laborer will be paid as much as the skilled laborer; but the wages are not in the neighborhood of $10 or $15 a day.

Mr. McCUMBER. Mr. President, out here to-day and next Sunday carpenters will be working and receiving $14 a day—$7 for week days and double price on Sunday—for eight hours' labor, so I am informed. Why, in my State last fall a banker was putting up a little building. I asked him what he was paying. He said he was paying the brick men $10 a day. Now, as a rule, these wages are much less out in the West than they are in your cities, and they are running here all the way from $1 even up to $1.25 an hour for some of the labor.

Mr. CALDER. I employ these men myself in my State.

Mr. McCUMBER. Oh, yes; I know they run five and six and eight dollars a day; but remember that the farmer gets but 20 cents a day as against your six and eight dollars a day.

Mr. CALDER. He has my sympathy; but of late, Mr. President, it may be said that he has been "getting his."

Mr. SHERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Illinois?

Mr. McCUMBER. I yield to the Senator from Illinois.

Mr. SHERMAN. In fixing prices and in legislation of this kind, I wish to inquire from the Senator whether he has not heard the experience of other countries referred to, especially England? I think we all have; and I should like to add, if the Senator will permit me, at the close of his remarks, an extract from the Corn Trade News, of Liverpool, England, edited by George Broomhall, who is a statistician of world-wide note, whose ability we all recognize, in which this language occurs:

The international wheat market finds itself, as it were, in two watertight compartments. In North America supplies available are abundant, with prices fluctuating widely from week to week. In Europe the supplies available for millers are severely restricted by Government regulations, prices meanwhile are held firmly at a high level, or, in the case of native wheat, which is still a free market, prices are steadily mounting upward, as high as 89s. per 504 pounds having been realized on at least one provincial market yesterday, a rise of nearly 30s. per quarter since the wheat commission was called into existence last October to check the exploitation of the public by corn merchants and others and to conserve the supply of foodstuffs in the United Kingdom. This persistent rise in the price of wheat in this country affords a good instance of the powerlessness of a government department in combating natural economic laws. No one in his senses would think of accusing the royal wheat commission of the intention of exploiting the public in the matter of its food supply, but the fact remains that since the commission came into existence the position of the consumer in this country has greatly worsened in every respect. During the first two years of the war, before the wheat commission was called into existence, we had some experience of fits of high prices; for instance, English wheat rose as high as 62s. a quarter in the year 1915, and as high as 60s. a quarter in the year 1916; but as offsets to these high prices there were periods in each year of low prices; for instance, in 1915 the price fell as low as 42s. 9d., and in the first nine months of 1916, before the commission came into existence, it fell as low as 46s. 3d. During the past five months, since the wheat commission has held control, prices from a consumer's point of view have gone from bad to worse, rising in the case of British wheat by over £1 per quarter, and in the case of foreign wheat by 10s. or 15s. a quarter. Flour has risen 10s. a sack and been reduced in quality by several shillings. Millers' sharps have risen about £2 a ton and bran about £5 per ton. Maize, oats, and barley have risen proportionately.

We show in a tabular form the course of prices of British wheat since the outbreak of war:

Price of British wheat per quarter of 480 pounds, since outbreak of war, during four periods of time.

	Lowest.	Highest.	Average period.
	s. d.	s. d.	s. d.
1914, between Aug. 4 and Dec. 31	34 9	43 3	39 0
1915, 12 months	42 9	62 0	53 0
1916, 9 months, whole market was free	46 3	60 0	55 2
Period during which wheat commission has had control, Oct. 19 to date	[1]59 2	[2]82 0	72 1

[1] Price ruling when commission began operations.
[2] Average price to-day for whole country per 480 lb.

We think the course of events, as outlined above, should convince the newspaper critic and the thoughtless public speaker that the charge brought against the wheat merchant of exploiting the public may have been ill founded. If a Government department in full control of a market can not prevent prices from rising, what chance has a mere merchant of making his influence felt?

In North America, as we have said, prices are fluctuating widely from week to week. During the past week the swing of the market has been upward, May wheat in Chicago, St. Louis, and Kansas City having advanced about 8 cents per bushel; in Duluth and Minneapolis, 6 to 7 cents per bushel. July wheat on the winter-wheat markets advanced about 5½ cents per bushel; in Duluth and Minneapolis, 7 cents per bushel. September wheat in Chicago advanced 3 cents per bushel. In Winnipeg, May advanced 4¼ cents per bushel, July 3¼ cents per bushel, October 5½ cents per bushel. The South American markets, Rosario and Buenos Aires, have advanced 40 to 50 cents per bushel (10 cents per bushel is the equivalent of about 4½d. per quarter).

Mr. McCUMBER. I have understood that general criticism has been leveled against the action taken in Great Britain, but I have nothing more than those reports to go by.

Mr. LODGE. Mr. President, when I spoke a day or two ago upon this bill, I made some allusion to the current and widely diffused reports in regard to the intent of the gentlemen who were to be invested by this bill with power in regard to making prices for sugar. I said that I had heard that they were endeavoring to make a price to the domestic producer which would leave him little or no profit, because he had already made his beet contracts, and then I referred particularly to Cuba. It must be remembered that the Cuban sugar, duty paid, makes the price in this country.

I had heard it said, on what I thought good authority, that it was the intention of the controllers of food to compel Cuba to make a very low price, and to compel her to do so by withholding foodstuffs from the island. I thought, apart from the economic objections, that to treat, with an absolute disregard of treaties, a country which is our ally, and virtually under our protection, and which has followed us into the war, would be a very great mistake.

I received this morning a letter from Mr. Hoover telling me that the reports to which I have referred—the rumors, if you choose to call them so—were wholly unfounded so far as he was concerned.

I am extremely glad to hear it. I wanted to make this statement, because he was kind enough to write me a letter saying that they had no foundation; and I am very glad to know from so high an authority, who is to be charged, certainly in large measure, with fixing the food prices in this country, that he did not intend to compel Cuba to make an unduly low price on her sugar.

Mr. CHAMBERLAIN. Mr. President, may I suggest to the Senator that I believe, too, that he was corroborated in the statement by the representative of the beet-sugar interests.

Mr. LODGE. Oh, yes. Mr. Hoover sent me a letter from the representative of the organization, Mr. Peterkin, saying that they were satisfied with the arrangement which had been made with them. Precisely what that arrangement was I do not know, but if they are satisfied it shows that Cuba has received proper treatment, because it would be impossible to fix the domestic price without regard to the Cuban price.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Missouri?

Mr. LODGE. I yield to the Senator.

Mr. REED. It might be suggested that if what is commonly known as the Sugar Trust is satisfied with the price agreed upon, the consumer may not be so well pleased. So far as I am concerned, I should like to know what that agreement in regard to price was.

Mr. LODGE. Mr. President, the gentleman whose letter Mr. Hoover inclosed did not represent in any respect what is known as the Sugar Trust. He did not represent the refiners. He represented the beet-sugar interest in this country.

Mr. HARDWICK. In which the Sugar Trust has a considerable interest.

Mr. LODGE. It may possibly have a dispassionate interest in it.

Mr. HARDWICK. Dispassionate? It has a financial interest.

Mr. LODGE. At all events, Mr. Peterkin, who is the head, said that he was satisfied with it. What prices have been made for the country by the beet-sugar people and Mr. Hoover, of course I do not know. That was not stated to me.

Mr. REED. Mr. President, may I ask the Senator from Massachusetts if he does not think that the public have such an interest in this matter that they have really a right to know what agreement has been made in regard to one of the prime necessities of life?

Mr. LODGE. I think it will be disclosed in time. Of course, the price fixing was done, I assume—it must have been—by fixing the price on Cuban sugar; so much on the raw sugar in Cuba, so much for freights, so much for refining, so much for sales, and as good a differential as the beet-sugar people could get for their additional cost of transportation.

Mr. HARDWICK. Mr. President, if the Senator will yield, will he please tell me how, even if we pass this bill, Mr. Hoover could possibly do that?

Mr. LODGE. I do not know how he could do it. Apparently he has done it without the bill.

Mr. HARDWICK. He could not do it with the bill, to save his soul, in my judgment; and I know something about beet sugar.

Mr. LODGE. I only know what was said to me. He said that the rumors I had referred to in regard to the fixing of prices in Cuba were unfounded, and he inclosed a letter from the representative of the beet-sugar interests in which he spoke of the entirely satisfactory character of the arrangements made with Mr. Hoover.

Mr. HARDWICK. In other words, he has consulted them about it?

Mr. LODGE. He consulted them; certainly. They are the chief domestic producers. I do not know whether he consulted the Louisiana people or not or whether he consulted the Hawaiians or the Porto Ricans. The person who expressed satisfaction was the representative of the beet-sugar interests; and, as I say, it must be by fixing the price on Cuban sugar, because the imported sugar, duty paid, fixes the price.

Mr. WATSON. Mr. President——

Mr. LODGE. They must have made some agreement that Cuban sugar, duty paid, and with all the additions that I have mentioned, should not go above a certain price, and that was satisfactory to the representative of the beet-sugar interests.

Mr. HARDWICK. Mr. President, I did not intend to say anything about this matter, but it happens that sugar is one of the few things connected with the tariff that I do know something about. It is utterly impossible for Mr. Hoover, even if we pass this bill, to regulate the price that we will pay for Cuban raws, unless Cuba undertakes to regulate by law in her own country what price they shall bring there; but that is neither here nor there. It looks to me like a marvelous proposition that this gentleman, who holds no office, who has no official position in this Republic, to presume and assume to go around and make agreements with different interests about what he is going to do after we pass a law.

Mr. JONES of Washington. Mr. President——

Mr. LODGE. Mr. President, if the Senator will allow me to interrupt him, I do not want to be misunderstood. Mr. Hoover sent me this letter, and he also sent a copy of it to the Senator from Oregon [Mr. CHAMBERLAIN] in charge of the bill, who thought it would be well that I should make a statement saying that those reports to which I have referred were unfounded——

Mr. HARDWICK. I am not criticizing the Senator from Massachusetts——

Mr. LODGE. And I am very glad to do it, because I do not wish to do injustice to anybody.

Mr. HARDWICK. The Senator understands that I am not criticizing him. I was simply wondering by what power, by what right, by what authority, Mr. Hoover assumes to be making arrangements, in advance, about prices, when he has no authority of law to do it.

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Washington?

Mr. HARDWICK. I yield to the Senator.

Mr. JONES of Washington. I got the impression from what the Senator from Massachusetts said that Mr. Hoover has already fixed the price of sugar.

Mr. HARDWICK. It seems so; so what does it matter whether we enact any law or not? Of course, I do not think there is much necessity to do it; it seems that authority is to be assumed and exercised, anyhow.

Mr. WATSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Indiana?

Mr. HARDWICK. I yield to the Senator.

Mr. WATSON. It seems to me that it might throw some light on the proposition under discussion if we had a copy of the letter.

Mr. LODGE. It is in my office.

Mr. WATSON. I gathered from the language of the Senator from Massachusetts that Mr. Hoover had denied making any attempt to fix prices in Cuba, but stated finally that they had been fixed to the satisfaction of the sugar interests.

Mr. LODGE. Not the Cuban sugar; to the satisfaction of the representative of the beet-sugar interests in this country; and I said they must take the Cuban sugar to fix the price, because the duty-paid imported sugar necessarily fixes the price.

Mr. HARDWICK. I wonder if anybody has consulted the consumer? Does the letter say that anybody has consulted the consumers of sugar?

Mr. LODGE. That is not mentioned in the letter.

Mr. HARDWICK. Would the Senator mind reading the letter in my time? I will yield to him for that purpose.

Mr. SMITH of Michigan. Let us have the letter read.

Mr. LODGE. I will read the letter. Mr. Hoover sent copies to the Senator from Oregon [Mr. CHAMBERLAIN], and it is quicker to read that than to send to my office for the original:

JULY 11, 1917.

Hon. HENRY C. LODGE,
United States Senate, Washington, D. C.

DEAR SENATOR: My attention has been called to your statement in the Senate, as shown in the first column, page 4883, of the CONGRESSIONAL RECORD, as to the propositions which you quote having been made in fixing the price of sugar.

Those are the propositions I have explained.

I am, of course, unaware from whom you received these statements, and I can not believe they refer to the situation as interpreted by anyone associated with me. In this connection the inclosed letter from the chairman of the beet-sugar producers' committee should, I think, entirely clear up your mind.

The statement made by you is causing some anxiety.

Yours, faithfully,

HERBERT C. HOOVER.

I was told subsequently that that was anxiety among the sugar growers.

Mr. SMITH of Michigan. Now, can we have the other letter?

Mr. LODGE. Yes; I am going to read it:

WASHINGTON, D. C., *July 11, 1917.*

Mr. HERBERT C. HOOVER,
Washington, D. C.

DEAR SIR: I was surprised to read the statement of Senator LODGE in the Senate yesterday, apparently referring to your attitude toward the beet-sugar producers and the Cuban producers. The whole discussion with you by our representatives of the beet-sugar industry has been in the direction of stimulating production, protecting the producer, and stabilizing the price, in cooperation with the industry, so as to eliminate the speculator and to prevent practices which lead to extortion of the consumer. In all this constructive program we are and have been in perfect accord, and the beet-sugar producers unhesitatingly pledged their support to your administration and proposed plans. I feel that Senator LODGE must have been misinformed as to your attitude in the matter.

Very truly, yours,

W. L. PETERKIN,
Chairman Committee on National Affairs,
United States Sugar Manufacturers' Association.

Mr. HARDWICK. Mr. President, a more remarkable correspondence was never disclosed to public view. With the sugar interests of this country getting profits that are so fabulous that they stagger the imagination, with the sugar producers of this country getting profits so stupendous that they are unequalled in the history of the industry in all the world, how beautiful and disinterested it was to assure them that in order "to stimulate sugar production" the Government is going to take care of their prices; it is a proposal that does not particularly appeal to me. It seems to me that they had better be consulting with somebody about some way to get the price of sugar down. I do not know by what authority Mr. Hoover is making

these arrangements. I do not suppose it is official, because I am not aware of any office that the gentleman holds, yet, at least. But I do not suppose it is necessary, in these days, to wait to exercise the functions of an office until the office is created, or to wait to exercise powers until those powers are lawfully conferred.

Mr. KENDRICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Wyoming?

Mr. HARDWICK. I yield to the Senator from Wyoming.

Mr. KENDRICK. In answer to the statement made by the Senator from Georgia that he would like to see the prices reduced, I wish to state that I was told yesterday by a man high up in the councils of the Western Sugar Co. that there was an abundance of sugar in sight, and that if there was no further agitation of the price it would have to go down from $1.50 to $2 a hundred.

Mr. HARDWICK. I am very glad to get that information. It ought to do it, but the trouble is that there is a scarcity of sugar all over the world. We might just as well look the economic facts in the face, and the chances are that sugar is going higher instead of going down. There is no doubt about that in my opinion.

Mr. KENDRICK. Mr. President, I asked this gentleman particularly as to the supply, and I have occasion to know that he is well informed. He referred not only to the supply in this country but to the supply in Cuba and one of the other great producing countries, and he said it was a mistaken idea that there was a very great scarcity of sugar.

Mr. HARDWICK. I am sorry to inform the Senator from Wyoming that the gentleman in question, in my judgment, is utterly mistaken, and I have studied this question for years. You can read any of the English trade journals, any of the European trade reports, any of the market or crop reports anywhere, and nobody on earth has the idea that sugar is likely to go down during this war to any considerable extent. Its necessary tendency is upward.

The thing I am objecting to is that this man, without the slightest authority to do it, seems to have agreed already to a specific price for which he is going to tax the American consumer of sugar everywhere—$6.75, I believe, was suggested. Was not that figure in the letter? At all events, I understood it to be that figure. I am amazed at the performance, in its entirety. If there is anybody on this earth, in this country, that does not need any fostering care or protection from the Government at this time, it is the sugar producer, whether he lives in Louisiana or in the West.

Now, Mr. President, that is all I want to say on that subject.

Mr. SMOOT. Mr. President, will the Senator yield to me at this point, if he is going on to another subject?

Mr. HARDWICK. I yield to the Senator.

Mr. SMOOT. I want to call attention to a statement that has been made. It is generally understood throughout the United States that there is a scarcity of sugar in all the world. As far as the United States is concerned, and as far as all of our allies are concerned, and as far as the balance of the world is concerned outside of Germany and her allies, there is ample sugar to take care of all of the people of the world.

Mr. HARDWICK. I would rather the Senator would make his argument in his own time. I do not want to yield further just now. The Senator can make his argument when I get through with mine.

Mr. SMOOT. I thought the Senator was going to leave that subject.

Mr. HARDWICK. No; I am not going to leave that subject. Sugar is higher to-day in England than it is in America. It is higher to-day in France than it is in America.

Mr. SMOOT. At retail?

Mr. HARDWICK. Yes; and at wholesale.

Mr. SMOOT. Oh, no.

Mr. HARDWICK. Oh, well, I disagree with the Senator about the facts, then, and I think I know.

Mr. SMOOT. I can show the Senator telegrams on that subject.

Mr. HARDWICK. I do not care anything about the telegrams. I have some documents, too. But anyhow, Mr. President, the man who needs protection in this sugar business is not the sugar producer, but the sugar consumer in this country. The men who need help, if any help is to be given on these industrial questions by Government action, are not the opulent sugar manufacturers of this country, whether they are located in the South or the West, but the great masses who consume the sugar of the country. As I have said, before we went into this war—of course it has hardly touched us yet in its industrial aspects—sugar was higher in this country than it was in England or in France. I do not know to what extent Mr. Hoover has authority to settle all of our problems, economic and industrial, to fix prices in advance of any authority conferred on him by law to do so—an authority that I hope will never be conferred on him by law, and that certainly will never be conferred on him by law with my consent, if he is to have such authority.

Mr. KING. Mr. President, will the Senator yield to me for a moment?

Mr. HARDWICK. I yield.

Mr. KING. I am very much in sympathy with some of the views expressed by the Senator; but does not the Senator think that, in the light of the demands which have been made—the extortionate demands by the steel companies and some other companies which are selling their products to the United States—it was wise to vest in the President and in the Secretary of War in some of the measures that have heretofore become law authority to fix prices with respect to articles which the United States must have in the prosecution of the war?

Mr. HARDWICK. The Senator means with respect to articles needed by the Government to prosecute the war?

Mr. KING. Yes.

Mr. HARDWICK. The Senator may be right about that. I am not prepared to say. But look at this sugar proposition. The relief that we need, if we need any—I think we do—is the relief that the American housewife needs. The relief that we need is the relief that the consumer needs. Yet this man who is going to administer this law goes to dickering with the producers, in order to guarantee their price, instead of trying to do something to get it down for the American consumer. I think that is a pretty plain indication of what we may expect from such administration.

Mr. KING. If the Senator will pardon me, without going into that question, it appears that when our country is at war there is a desire upon the part of many people to exact, not only from the Government but from the citizen consumer, extortionate prices; and it seems to me that we will inevitably be driven sooner or later, if this war shall last for any length of time, to the position of authorizing some one to fix prices for the things required by the Government.

Mr. HARDWICK. If the Senator will pardon me a moment, I have said about all I wanted to say and I want to yield the floor. If that is true, and the Senator does it for that reason, we are getting the boot on the other leg as fast as we can, because if we get any precise knowledge about it it is not to endeavor to reduce the price of our sugar, but it is to guarantee to these beet-sugar factories that we will keep the price up. Is that the reason why the Senator thinks we ought to have a food administrator, to keep the prices up?

Mr. KING. I was not expressing an opinion in regard to a food administrator, or the wisdom or necessity of controlling the prices of any article or commodity except such as were imperatively required by the Government to raise and support the armies and to equip the Navy and to carry on the war.

Mr. LODGE. Mr. President, I think I ought to say——

Mr. HARDWICK. I yield to the Senator.

Mr. LODGE. I understand it is simply that the sugar producers agreed that the price should not go further than a certain point, whatever that point is. There is nothing to prevent its going lower.

Mr. HARDWICK. What is the statement of the Senator?

Mr. LODGE. I say, as I understand it, the agreement simply is by the producers that the price of sugar shall not go up above a certain point.

Mr. HARDWICK. I did not understand it that way. Has the Senator the language of the proposition?

Mr. LODGE. That is what I understand, that the agreement among the producers is that they will not allow sugar to go above a certain point; but if the operation of the economical laws of supply and demand carry it lower, there is no agreement that it shall not go lower.

Mr. HARDWICK. I should like very much to be informed upon that point. Has the Senator the language upon which he bases that statement?

Mr. LODGE. No; I am simply stating the fact in my own language; that is all.

Mr. HARDWICK. Where does the Senator get that information?

Mr. LODGE. That is merely my understanding of their agreement.

Mr. HARDWICK. An agreement made by whom?

Mr. LODGE. That is what I understand to be the agreement. It may be contradicted to-morrow, but that is my understanding of the agreement.

Mr. HARDWICK. I wish to see the letters, if I may.

Mr. LODGE. I gave it to the official reporter.

Mr. HARDWICK. Until I have them I can not tell what sort of an agreement they made. These agreements, of course, are made by people who have no authority to make them whatever, and they do not take the public into their confidence. This is the first I have ever heard of it. I suppose it will be news to the public. Of course it will be very gratifying, indeed, if it is discovered that the real agreement with these sugar producers is that it is to reduce these abnormally high prices of sugar. I will be very much gratified if that is true. I say that unhesitatingly. But if this letter means what I think it does, it is no indication that that was the character of their agreement at all. Mr. Herbert Hoover, who has very fine stationery, does not say what office he holds or what duties he discharges, just "Herbert Hoover, Washington." Royal purple is the color, and he addresses this letter to the distinguished Senator.

Mr. LODGE. If the Senator will allow me, I do not want to be misunderstood. I do not disprove at all of having the sugar industries understand that they are not to be forced down to an unreasonable price. I think it is very proper, because I am a member of the committee on taxation, and I want to get excess profits out of them.

Mr. HARDWICK. I think the Senator has always taken that side of the question. I am not surprised at it. I do not approve of any such policy as that; and never have, and never will.

Hon. HENRY C. LODGE,
United States Senate, Washington, D. C.

DEAR SENATOR: My attention has been called to your statement in the Senate, as shown in the first column, page 4883, of the CONGRESSIONAL RECORD, as to the propositions which you quote as having been made in fixing the price of sugar.

I am, of course, unaware from whom you received these statements, and I can not believe they refer to the situation as interpreted by anyone associated with me.

Who are his associates? What does he represent? Who are his associates, anyhow?

In this connection the inclosed letter from the chairman of the beet-sugar producers' committee should, I think, entirely clear up your mind.

The statement made by you is causing some anxiety.

To whom? To these sugar people, the sugar producers, I reckon, and he evidently has some understanding with them. I am just a little suspicious of the authority that starts out with having an understanding secretly, until it comes to light in this way, with producing interests rather than taking the consuming public into their confidence at one and the same time.

Now, what is this letter?—

WASHINGTON, D. C., *July 11, 1917.*

Mr. HERBERT HOOVER.
Washington, D. C.

DEAR SIR: I was surprised—

Which is from the real beet-sugar interests; I know this man or what his connection is and what his affiliations are. He is frankly the representative of the beet-sugar producing companies of this country and writes in their interest, of course—

I was surprised to read the statement of Senator LODGE in the Senate yesterday apparently referring to your attitude toward the beet-sugar producers and the Cuban producers. The whole discussion with you by our representatives of the beet-sugar industry has been in the direction of stimulating production—

Here is what this man said. He has said nothing about the consumer yet:

protecting the producer—

Not the consumer—

and stabilizing the price in cooperation with the industry so as to eliminate the speculator and to prevent practices which lead to extortion of the consumer.

That is all they propose. First, they want to stimulate production—but it is stimulated now to a point the world has never seen equaled in its history—and to stabilize production, to stimulate production, protecting the producer. The only thing proposed to do for the poor consumer is to see that too many middlemen do not rob him too atrociously. If we are to have any such food control as that, in the interest of the masses of the citizens who are suffering and who want lower prices, God help us all!

Mr. President, I did not intend to say anything about the sugar question, but I want to have the Secretary read in my time before I take my seat the statement of the Secretary of War about the advisory committee of the Council of National Defense. I ask that that be done in justice to myself as well as the Secretary of War, and so that the Senate and the country may have the precise information.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary proceeded to read, and was interrupted by

Mr. HARDWICK. At the suggestion of the Senator from Oregon, I ask that the balance, down to the heading "Unexpended balance of former appropriation," may be inserted in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

STATEMENT OF HON. NEWTON D. BAKER, SECRETARY OF WAR.

The CHAIRMAN. What was the immediate matter you wanted to bring to our attention, Mr. Secretary?

Secretary BAKER. It was the item of $500,000 for the Council of National Defense.

The CHAIRMAN. Mr. Secretary, will you give us some light on that?

Secretary BAKER. I want to tell you just what the Council of National Defense is doing and what it is likely to have to do.

There is a bill in the House, 4210, introduced by Mr. CARTER of Massachusetts, making a separate appropriation of $500,000 for the Council of National Defense, and I saw Mr. CARTER about it and asked him to hold it over because that was under discussion here, and it did not seem as if it ought to be in two places.

The Council of National Defense, proper, consists of six Cabinet officers, including the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor. Then there is an advisory committee appointed by the President, and that is headed by Daniel Willard, the president of the Baltimore & Ohio Railroad, and it has on it Julius Rosenwald and Franklin H. Martin, of Chicago, and Howard E. Coffin, of the automobile industry, and the others are immaterial to name, although important to the work.

What that body is doing at present is being the center of what in England ultimately came to be the munitions board and supply department. They are organizing every industry in this country in such a way that it deals with the Government through a single head or committee. For instance, they send out and ask all the men who deal in shoes and make shoes to get together in conference and appoint a committee that can deal with the Government. Then when we want to buy 500,000 pairs of shoes for the Army, that board knows the whole shoe trade, and knowing exactly what contracts for shoes there are for our allies, and knowing what the necessities are for shoes in the Navy and in the country at large, it picks out the factories that can be best spared, or are best equipped to make Army shoes, and it knows what previous contracts they have had with the War Department, and it sends word to the War Department: "Brown & Co., of St. Louis, is the best company to make your shoes, and we will keep them free so that they will be free from other engagements to make your shoes."

In the same way they take the cloth manufacturers and find out what the supply of wool is, and they look over the raw material market, and they say to John Jones, "You must stop making some less useful kinds of cloth and start to making Army cloth, and you can get your material from this part of the wool industry, and we will secure a relaxation of the embargo on foreign wool so that you can get the material." They are surveying the whole business field in this country all the time and preparing the facilities for making contracts.

The seven men who are presiding get no pay. They are appointing committees of each trade and each industry. They are not receiving anything for their services, but it requires the accumulation of a clerical force to tabulate their results. They now have three floors of the Munsey Building, and they will probably have to have more floors of the Munsey Building.

Senator HARDWICK. Can not all that be done by the heads of the executive departments?

Secretary BAKER. It would be the same thing, and it would be done less efficiently. I will answer that question just by making this observation. I want to make an illustration of a thing that has just been done. We need in this country an enormous increase in the forging capacity for steel forgings for making armor. The capacity required for making 3-inch guns and 8-inch guns is enormously in excess of the capacity of the Midvale and the Army works for forgings. This board has had half a dozen of the best steel experts in the Nation working without pay for weeks on that matter.

Senator HARDWICK. I wonder why the heads of the departments who have to get these things made can not have those things done.

Secretary BAKER. I will answer that right away. We will assume that that service is a tremendously valuable service.

Senator HARDWICK. Yes; of course it must be done.

Secretary BAKER. The reason why it would not be any cheaper to have it done if the Secretaries of the departments undertook to do it is that they would have to do it through paid employees.

Senator HARDWICK. Undoubtedly.

Secretary BAKER. Now, this board is doing it; and more than half of all the service of the board is voluntary service, not paid, service of the highest character, service of people who could not be employed. For instance, we could not hire Mr. Charles Schwab.

Senator HARDWICK. The Secretary of War, in an emergency like that, it seems to me, could get him.

Secretary BAKER. There is no real way, in an emergency, in which he could work in with the Secretary as he can with a board of which he is a member.

The CHAIRMAN. Excuse me a moment. This has been established by law.

Senator HARDWICK. Its operations seem extraordinary as well as its cost, and that is the reason I am inquiring into them.

Secretary BAKER. I am anxious to have you do it.

The second answer I want to make to you about the Council of National Defense doing this instead of the departments is that the Council of National Defense does consist of six Cabinet officers, and they have the entire power. All the rest of it is merely advisory. All of this $500 000 is to be spent by these six Cabinet officers and not by some third agent. The necessity for having it as a fixed appropriation is that it touches all of the departments, and it is a centralization of the points at which these six departments come together, and this makes it a separate appropriation instead of having six appropriations and having it distributed from the six Cabinet officers into a common fund.

Senator SMOOT. What I would like is to have you give your opinion as to the amount. Five hundred thousand dollars for clerk hire is a lot of money.

Secretary BAKER. Of course, Senator, it will not all be for clerk hire. It is not clerk hire in that sense. It is transportation expenses sometimes.

Senator SMOOT. Of course, there will be some expenses of that kind.

Secretary BAKER. There is a good deal of that. For instance, when you undertake to correlate the aeroplane industry of the country, and you send to every place where aeorplanes are made and get the pres-

dents of those companies to come down to Washington and get together to try to standardize specifications, and consult together about the aeroplane industry——

Senator SMOOT. Would not a letter bring them?

Secretary BAKER. A letter brings them, but sometimes it is necessary to pay their expenses. Ordinarily it is not. A good deal of money is spent in just paying the traveling expenses of people.

Mr. SMOOT. Mr. President, I would not take the time of the Senate now to refer to the sugar question but for one reason. I should like to have the people of the United States know that there is no scarcity of sugar. The crop of sugar this year is phenomenal not only in Cuba, Porto Rico, the Sandwich Islands, the cane sugar in the Southern States, and the beet sugar of this country.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Massachusetts?

Mr. SMOOT. Certainly.

Mr. LODGE. The Senator's statement in regard to Porto Rico, Hawaii, and Louisiana is undoubtedly true, but is it true about Cuba? Did not the revolution have some effect on their crop?

Mr. SMOOT. It had some effect upon the crop, but even under the conditions existing it is the largest crop produced in Cuba for years past.

Mr. REED. Is the Senator sure of that? Let me read a statement of Mr. Hoover at the hearing before the Committee on Agriculture and Forestry, United States Senate.

Mr. SMOOT. I will state to the Senator I am not going to take over five minutes.

Mr. REED. This will take only a second.

Mr. SMOOT. Then I will let the Senator make the statement.

Mr. REED. Mr. Hoover's testimony is very interesting in connection with the Senator's statement in regard to sugar. He says at page 413, part 4, of the hearing:

> The outlook for sugar is very poor. The Cuban crop may be down a million and a quarter tons below the 4,000,000 normal; and, generally, there is a scarcity of sugar in the world.

Mr. SMOOT. Of course Mr. Hoover is wrong in saying that the Cuban crop is 4,000,000 tons normal, but I am not going to discuss those figures at all. I simply want to call attention to the fact that, as far as sugar is concerned, there is no necessity for the American people to get alarmed about the amount of sugar produced this year and available for their consumption.

Mr. President, the beet fields of Germany—the beet fields of Austria—of course, as we all know, are not producing as much sugar as they did before, but the sugar produced in all other parts of the world can not reach Germany and Austria to-day. They are raising sugar enough for their own use and no more. There is nothing to speak of exported from those countries, but the vast increase in the production of sugar in the United States, in the Hawaiian Islands, Cuba, Porto Rico, and in Java particularly, and in the Philippine Islands, has more than made up for all the sugar that Austria or Germany would have exported if normal conditions existed.

Mr. President, I want to say this, because it is a fact: Some three months ago here in the city of Washington there was a sugar scare, and some of the retailers here advanced sugar to 12 cents a pound. There was no necessity for it, and all the sugar producers of the country notified through the press, as far as they could, the people of the country that it was uncalled for; and it was simply a move made by a scare, and profited nobody but the retail sugar men.

Mr. THOMAS. If the Senator will permit me, I will say that I know personally that at the time to which he refers there was more sugar in the city of Washington than the normal supply. It was rushed here by the American Sugar Refining Co. It was a combination of retail dealers on that occasion which kept sugar up to 12½ cents a pound, and sold only very limited quantities of it.

Mr. SMOOT. When the advance of sugar came in the District to the retail price to which I referred, I telegraphed to New York——

Mr. THOMAS. So did I.

Mr. SMOOT. I telegraphed to New York to find out whether there was a shortage of sugar in the United States sugar market on that day. I received an answer that there was no shortage; that they would fill any order that they would receive from any part of the United States. Yet this increased retail price of sugar in the District lasted for nearly three weeks.

Mr. GRONNA. May I ask the Senator if he knows what was the wholesale price of sugar in New York at that time?

Mr. SMOOT. The wholesale price of sugar at that time was $7.75.

Mr. GRONNA. May I ask the Senator another question? What is the price of sugar to-day in New York?

Mr. SMOOT. The last quotation I saw was $7.50. I have not seen a quotation for the last few days.

Mr. GRONNA. In view of the statement the Senator from Utah has made—and I know that no man is better qualified or knows the situation better than the Senator from Utah as to the amount produced—does the Senator think it would be wise to fix the price of sugar now?

Mr. SMOOT. I do not understand that the price of sugar has been fixed. Even in the letter it does not say that any price of sugar has been fixed. It says they came to an understanding as to the stability of the price of sugar in the future. I want to say to the Senator that the sugar producers of this country would very much prefer to have a stable market, they would very much prefer to know that there would be a regular market for sugar, than to have a market up one day and down the next, and speculating upon the curb for the sugar that they produced.

Mr. KENDRICK. Mr. President——

Mr. SMOOT. I yield to the Senator from Wyoming.

Mr. KENDRICK. I should like to say to the Senator from Utah, in corroboration of his statement, that the gentleman to whom I was talking yesterday and to whom I referred made the statement that when this advance occurred in New York his company gave public notice that they would continue to sell sugar at the same price they were selling it without regard to any advances made in New York or in the East.

Mr. SMOOT. I know the statement the Senator has just made is correct. I know there were millions of dollars taken out of the pockets of the consumers of this country by the retail combination that made the people believe there was a shortage of sugar in the world and they could in the future buy only a limited amount.

Mr. President, in relation to the price of sugar in England and France, three weeks ago the quotation for sugar in England was $6.50, and at the same time it was $7.50 in New York, or $1 more in New York than it was in England. That comes about by the $1 tariff that is imposed upon the sugar that we import from Cuba and that is not imposed upon sugar that goes to England. The price was the same barring the fact that we place a tariff tax upon the sugar that was sold in this country.

Mr. President, it is the same to-day. If sugar is $7.40 in the United States, it will be quoted at $6.40 in London. I am speaking about Cuban sugar. I noticed that the other day, after the Finance Committee had agreed that the drawback provision for sugar should be repealed, England immediately placed large orders for Java sugar. I do not know whether that will have any particular effect upon the price of Cuban sugar or not. It certainly will not if there is no more sugar than will be wanted by all the countries of the world, but if there is a surplus of sugar in the world, of course it would affect the price of sugar in Cuba.

Now, I am not going to discuss the drawback provision at this time, because that will be discussed when the revenue bill is before the Senate. But what I want the American people to understand is, that there is no reason whatever for them to become excited over the question of sugar, for there is plenty of sugar for every man, woman, and child in the United States. What the producers of sugar in the United States want is a steady market; and I think, Mr. President, that, when that is understood, there will be a steadier market than there has been in the past.

CANTONMENT OF NINTH DIVISION.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of June 27, 1917, certain information relative to the reports of the board of officers appointed to select and designate the site for the cantonment of the Ninth Division, comprising the States of Indiana and Kentucky, and so forth, which will be incorporated in the RECORD and lie on the table.

The communication is as follows:

WAR DEPARTMENT,
Washington, July 9, 1917.

The PRESIDENT OF THE SENATE,
Washington, D. C.

SIR: Under date of May 6, 1917, I instructed the territorial department commanders to select the sites for those cantonments of the National Army which were to be located within the limits of their respective departments. To aid them in making this selection they were directed to avail themselves of the services of the appropriate staff officers who had been assigned to their headquarters. Each department commander was entirely free to use these services as he thought best. But, whether he visited each proposed site in person and there conferred with his staff officers or whether he found it desirable to form them into a board to make an independent investigation and report their recommendation to him in writing—in either case they were merely his advisers, the department commander being left in this, as in any other military question, with sole responsibility for decision.

In all cases where the department commander made an unqualified decision, with no evidence in the papers nor subsequently submitted

which could raise a reasonable doubt as to the soundness of his decision, it received the approval of the War Department. But when that decision was not positive, was qualified by any degree of doubt, or was frankly submitted for the action of the War Department, the question was carefully considered by me in the light of all the evidence originally submitted or that could be otherwise attained by me. In doing this the opinions and evidence offered by Members of the Congress and many other persons were patiently heard and carefully weighed. Decision was suspended until, acting in my executive capacity on this purely executive question, I was satisfied as to the relative merits of sites in controversy. No personal considerations were taken into the slightest account in any case. On the other hand, sole consideration was given to the best interests of the Government, which, in such matters as these, means the health, the comfort, and the facilities for instruction of the citizen soldiers to be provided for in these cantonments. It was a task of large proportions, coming as it did at the same time with many other grave problems pressing for quick solution; nor was it lightened by the many heated controversies between individuals or localities in the course of it.

All the decisions that have been made, whether in the form of approval of a prior decision of a department commander or made in the first instance here, after prolonged and careful consideration, are the decisions of the Secretary of War made in the execution of mandatory law. The records which form part of each case, including the one which is the subject of the Senate resolution herewith, involve more or less bitter controversies between individuals or communities. The reopening of any case means the reopening of these controversies leading to no result other than the accentuation of differences of opinion and without giving any further aid to this department in performing its executive duty.

In connection with the foregoing remarks I submit herewith the reports and recommendations called for by the resolution of the Senate.

Very respectfully,

NEWTON D. BAKER,
Secretary of War.

FINAL REPORT ON SITES FOR CANTONMENTS TO BE LOCATED IN NINTH DIVISIONAL AREA.

Proceedings of a board of officers convened pursuant to paragraph 3, Special Order No. 87, Headquarters, Central Department, Chicago, Ill., May 15, 1917:

[Extract.]

Special Orders, No. 87.

HEADQUARTERS CENTRAL DEPARTMENT,
Chicago, Ill., May 15, 1917.

* * * * * * *

3. Pursuant to instructions from the War Department, dated May 4, 1917, the following boards of officers are appointed to investigate and report upon available camp sites for cantonments to be located in the Central Department as follows:

* * * * * * *

(b) Board for cantonment to be located in Ninth Divisional Area (Indiana, Kentucky): Col Edward M. Lewis, Infantry; Lieut. Col. Orin B. Meyer, Fourteenth Cavalry; Maj. E. L. Ruffner, Medical Corps; Capt. Francis B. Wilby, Engineer Corps; Capt. Perry M. Shepard, Quartermaster Reserve Corps.

* * * * * * *

The junior line officer of each board will act as recorder. Each board will assemble without delay at such place as may be indicated by the senior member thereof, and will thence proceed to such points in its respective divisional area as may be necessary to inspect and investigate proposed camp sites. Such journeys as are required under this provision are necessary in the military service.

Boards will be guided in their recommendations by instructions transmitted from the War Department and such other instructions as may from time to time be furnished. Individual reports on sites will be submitted to these headquarters as quickly as they become ready in each case and will be forwarded to reach these headquarters not later than June 3, 1917. Each report will consist of an original and 11 copies.

The travel directed is necessary in the military service.

* * * * * * *

By command of Maj. Gen. Barry:

H. O. S. HEISTAND,
Adjutant General, Department Adjutant.

INDIANAPOLIS, IND., *June 2, 1917.*

1. The board convened at 10 a. m., May 18, 1917, at Louisville, Ky.: Present, all members, except Col. O. B. Meyer, Fourteenth Cavalry, who joined the board that evening. Delegations from the following cities offering sites for cantonment to be located in the Ninth Divisional Area appeared before the board and were heard: Indianapolis, Ind.; Evansville, Ind.; New Albany and Jeffersonville, Ind.; Louisville, Ky.; Lexington, Ky.

That afternoon (May 18th) the site offered near the city of Louisville was visited and inspected by the board.

On May 19 delegations were received from Terre Haute, Ind.; West Point, Ky.; and Ligonier, Ind.; and the board proceeded to Jeffersonville, Ind., and thence to New Albany, Ind., for the purpose of inspecting a site near those two cities and returned to Louisville.

On May 20 a delegation from Bowling Green, Ky., was received after which the board inspected additional sites offered by the city of Louisville, and in the afternoon proceeded to Lexington, Ky., where a delegation from Danville, Ky., was heard.

On May 21 the board inspected sites offered by the city of Lexington, Ky., and returned to Louisville, where delegations were received from Louisville, Ky., New Albany, and Jeffersonville, Ind., and Huntington, Ind., after which the board proceeded to Bowling Green, Ky.

On May 22 the board inspected sites offered by the city of Bowling Green and then proceeded to Evansville, Ind.

On May 23 delegations were received from Paducah, Ky., and Fort Wayne, Ind., and sites offered by the city of Evansville were inspected by the board, which then proceeded to Terre Haute, Ind.

On May 24 the board inspected sites offered by the city of Terre Haute, and then proceeded to Indianapolis, Ind.

On May 25 the delegations were received from Rochester, Marion, Huntington, and Columbus, Ind., and sites near Indianapolis were inspected by the board.

On May 26 the board proceeded to Fort Benjamin Harrison and inspected site offered by the city of Indianapolis, located near that post, and returned to Indianapolis, where a delegation from Fort Wayne, Ind., was heard.

On May 27 the board worked on the preparation of its reports and then proceeded to Marion, Ind.

On May 28 the board inspected the site offered by the city of Marion; proceeded to Huntington, Ind., and inspected the site offered by that city; proceeded to Fort Wayne, Ind., and inspected the site offered by that city; and returned to Indianapolis.

Since May 29, except on the afternoon and evening of June 1, the board has been at Indianapolis, Ind., engaged in the preparation of its reports, with the exception of one member, Maj. E. L. Ruffner, Medical Corps, who was delegated by the board to make preliminary inspection of the site offered by the city of Paducah, Ky., and proceeded to that place (via Louisville, Ky.) on May 29, returning to Indianapolis (via Louisville, Ky.) on May 30 after inspecting the site offered at Paducah. Upon the recommendation of Maj. Ruffner, as the result of his preliminary inspection, the board decided not to visit Paducah.

On June 1 the board decided that in order to prepare their final report it was necessary to inspect the Jeffersonville and New Albany site a second time in order to satisfy themselves as to whether or not it showed evidence of affording proper drainage after the recent heavy rains. The board therefore on this date proceeded to Jeffersonville, Ind., inspected the proposed site at that place, and returned to Indianapolis the same night for the preparation of its final report.

2. The board has already mailed separate reports covering the following proposed sites to the commanding general, Central Department, on dates given below:

May 27: Louisville, Ky. (supplemental report also mailed June 1); New Albany and Jeffersonville, Ind.; Lexington, Ky.; Bowling Green, Ky.

June 1: Evansville, Ind.; Terre Haute, Ind.; Fort Wayne, Ind.; Marion, Ind.; Huntington, Ind.

June 2: Indianapolis, Ind.; Paducah, Ky.

3. The following proposed sites were considered by the board but not visited, as in the opinion of the board, from the evidence submitted, they did not meet the requirements laid down in instructions transmitted from the War Department: West Point, Ky.; Danville, Ky.; Hopkinsville, Ky.; Columbus, Ind.; Rochester, Ind.; Ligonier, Ind.; Dune Park, Ind.; Crawfordsville, Ind.; Logansport, Ind.

4. Of the sites reported on by the board, three are believed to be not suited for the purpose intended as regards the qualifications laid down in War College memorandum furnished the board for its guidance, and are, therefore, not recommended: Bowling Green, Ky.; Paducah, Ky.; Indianapolis, Ind.

Regarding the Indianapolis site, near Fort Benjamin Harrison, which is offered free for five years, it is believed the site could be utilized if desired in connection with the Government-owned land in the military reservation.

5. The remaining eight sites were believed to be suited for use as cantonment sites, but with varying advantages and disadvantages as given in the separate reports which have been forwarded covering each site. Although the instructions given the board do not call for recommendations as to which is the best site visited, the following conclusions of the board as to the relative merits of these eight sites are submitted:

6. Conclusion: (a) The eight sites may be arranged in the following order with respect to cost to the Government for rental only:

Terre Haute, Ind., offered free for five years, together with about $50,000 cash for improvements.

Lexington, Ky., offered free for five years, "if necessary to secure site."

Louisville, Ky., offered free for two years, after that $10,000 per year.
Evansville, Ind., offered free for one year, after that $30,000 per year.
New Albany and Jeffersonville, Ind., rental of $18,000 per year.
Marion, Ind., rental of $20,000 per year.
Huntington, Ind., rental of from $20,000 to $30,000 per year.
Fort Wayne, Ind., rental of $35,000 per year.

(b) The board is unanimously of the opinion that the site offered at Huntington, Ind., is by far the best cantonment site inspected by the board, provided little weight is attached to the following disadvantages: (1) Not centrally located in training area; (2) longer winters than if located farther south; (3) adjacent city of only 15,000 population; (4) rental price of from $20,000 to $30,000 per year.

(c) Taking all the requirements into consideration, the board is of the opinion that the eight suitable sites should be rated in the following order: First, New Albany and Jeffersonville site; second, Louisville site; third, Evansville site; fourth, Huntington site; fifth, Lexington site; sixth, Terre Haute site; seventh, Marion site; eighth, Fort Wayne site.

(d) It is the opinion of the board that if it should be desired to locate the division in tents rather than in buildings, the order of the sites as given above would be materially modified, with the position of Lexington much nearer the top.

E. M. LEWIS,
Colonel, Infantry, President.
E. L. RUFFNER,
Major, Medical Corps.
F. B. WILBY,
Captain, Corps Engineers.
PERRY M. SHEPARD,
Captain, Quartermaster Reserve Corps.
O. B. MEYER,
Lieut. Colonel, Fourteenth Cavalry, Recorder.

HEADQUARTERS CENTRAL DEPARTMENT,
Chicago, June 4, 1917.

These proceedings are so inconclusive, and there are so many "ifs" about them that it is difficult to come to a determination. There are two States in this district—Indiana and Kentucky. Indiana already has a large camp at Fort Benjamin Harrison, which constrains the opinion that the National Army cantonment site should be in Kentucky. From all the board says, I am inclined to the belief that Lexington, Ky., will prove as satisfactory a site as any, and from an examination of that site and report thereon made by the department inspector, Col. Hunter, and Maj. Hampton, Quartermaster Corps, no mistake, in my opinion, can be made in selecting that site, and I recommend it be selected.

T. H. BARRY,
Major General, Commanding.

[Western Union special.]

CHICAGO, ILL., *June 4, 1917.*

ADJUTANT GENERAL OF THE ARMY,
Washington:

The boards convened to report upon National Army cantonment sites in the six divisional areas, this department, recommend as follows:

Eighth divisional area, including West Virginia and Ohio, board unanimously recommends Chillicothe, Ohio, without rival. Martinsburg, W. Va., second. I approve.

Ninth divisional area, including States of Indiana and Kentucky. Recommendation of board not at all conclusive. Must be considered by War Department. In view of the fact that Indiana, one of the States in the district, has considerable camp at Indianapolis, I believe the other State in the area should have the National Army cantonment. I was much impressed with the Lexington site by reason of reports made upon it by the department inspector and Maj. Hampton, Quartermaster Corps. Of nine sites, arranged only with respect to cost to the Government, the board puts Terre Haute, Ind., first and Lexington second. Attaching little weight to four conditions, the board is unanimously of the opinion that the best site is Huntington, Ind., but taking all the requirements into consideration, of eight sites, the board recommends the New Albany and Jeffersonville, Ind., site first, Louisville second, Lexington fifth, and then makes a fourth recommendation that if the division is put in tents rather than in buildings, states the position of Lexington would be much nearer the top.

The whole report is inconclusive and should be considered by the department before action is taken. If I were called upon to determine, I would recommend Lexington site.

By accepting it I am satisfied no mistake would be made.

Tenth divisional area, including States of Michigan and Wisconsin. The board recommends site at Battle Creek, Mich. I approve.

Eleventh divisional area, State of Illinois. Board recommends Rockford, Ill., first; Dixon, Ill., second. I approve.

Thirteenth divisional area, including States of Minnesota, Iowa, Nebraska, North and South Dakota. Board recommends in the order named Twin Cities site, Minn.; Des Moines, Iowa; Cedar Rapids, Iowa. I approve.

Fourteenth divisional area, States of Missouri, Kansas, and Colorado. Board recommends in order named Fort Leavenworth, Colorado Springs, and Fort Riley. I approve.

All proceedings except for eighth divisional area go forward June.

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HOUSE OF REPRESENTATIVES, U. S.,
Washington, D. C., June 12, 1917.

Hon. NEWTON D. BAKER (personal),
Secretary of War.

MY DEAR MR. SECRETARY: The excuse for this letter is the belief on my part that you are always anxious to secure information of importance to your department and the further belief that I can submit some information of real value.

In last night's paper appeared notice that the concentration camp for Kentucky has been located at Louisville. I do not know whether you passed upon this selection personally or simply left it to the commanding general of the Central Department and to the General Staff, but in either case I feel that you should make some investigation of the site near Louisville proposed to be utilized.

It so happens that I was at Louisville last month when the board appointed by Gen. Barry to inspect camp sites in Kentucky and Indiana came there. In conversation with one of the most prominent business men of that city concerning the land which Louisville had offered that gentleman made the following statement, which I quote practically verbatim:

"Of course, my business would be benefited by the location of a cantonment here. It would mean many millions of dollars annually to Louisville. But, from the standpoint of the Army and from the standpoint of the troops about to be assembled, it would be a crime to accept Louisville's proposition. The land offered is at the falls of the Ohio River. It is cold, crawfish land, infested by mosquitoes, constantly subject to fogs, more noted for the malaria which it gives to all forced to occupy it than for anything else. Much as I am interested in Louisville, I think a more unfit camp site could scarcely be found, and in justice to the truth I feel impelled to express myself."

Mr. Secretary, I can scarcely imagine a more definite or striking indictment of a camp site than was this, voiced by a man whose interests were entirely on the side of that which he condemned. Personally I do not pretend to be unprejudiced. I am so thoroughly acquainted with the desirability of a camp site for Kentucky near Lexington that I think it would be a grave mistake to locate the cantonment elsewhere in the State. As explained to you in personal conversation, I have no interests there. I have been away from Kentucky five and a half years. My property holdings there were disposed of long since. But I have a profound desire that the Government may not make a serious blunder in connection with any of these locations. The health and welfare of the boys being called to the colors is the most important consideration with me and should be with every Member of Congress and every citizen.

I therefore feel justified in urging that you shall hold up the definite selection of Louisville until you can make a thorough investigation of conditions described by one of Louisville's leading citizens. In justice to yourself and in justice to the young soldiers, whose health and life will be at stake, it seems to me you can not do less.

With great respect, I have the honor to be,
Sincerely and cordially, yours, JOUETT SHOUSE.

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WAR DEPARTMENT,
OFFICE OF THE SURGEON GENERAL,
Washington, June 20, 1917.

From: Lieut. Col. Frederick P. Reynolds, Medical Corps, United States Army.
To: The Adjutant General of the Army.
Subject: Sanitary inspection of site for cantonment at Louisville, Ky.

1. In compliance with orders dated War Department, June 15, 1917 (copy attached), I submit herewith the following report of inspection of the site near Louisville, Ky., selected for cantonment of the National Army, with reference to its availability from a sanitary point of view.

2. The land offered by the Louisville Board of Trade consists of two parts; one for the buildings of the cantonment, the other for drill and maneuver purposes. Misunderstanding may have risen in regard to the use which the last-named part is intended to be put. This is of level and rather low-lying ground, and while quite suitable for use as a drill ground, it is evidently undesirable for camping or cantonment purposes. In the report of the board, dated May 27, 1917, it was suggested that but little of this part need be used for buildings. Since that date additional land suitable for building has been offered which increases the total area of 2,000 acres, 1,000 in each tract.

3. The land included in the part offered for building purposes is partly rolling country with gentle slopes. It is between 500 and 600 feet above sea level and drains toward the city of Louisville. It is excellently drained in all parts. The soil is loam over red clay. The land is largely used for truck farming. Part of it is now in growing crops; the rest is in meadow. There is no standing water on the land or near the tract. There are numerous shade trees on the land. The site adjoins the Audubon Country Club, part of the club's ground being included in the tract. It also adjoins a small residence suburb called Prestonia. From all parts the outlook is pleasing. There is a noticeable absence of dust and glare. The roads are metalled and in good condition. The houses on the tract are occupied by white farmers, and there are no closely settled districts near by.

4. The center of the business section of Louisville is 5 miles distant. The city's water supply is offered for the use of the troops and is already upon the ground. The supply is taken from the Ohio River and is sedimented, filtered, and chlorinated. It is excellent in quality and abundant in quantity. The city undertakes to construct a brick sewer which will care for nearly all the building area. Disposal to be into the city trunk sewers. Should it be impracticable to sewer any part of the area, disposal could satisfactorily be made by means of septic tanks and subsurface porous tile drains. The control of fly and mosquito breeding on the site offers no more difficulties than are found in country districts generally. Malaria is not common in the vicinity. Health conditions in the city do not materially differ from those in other cities in the same part of the country. The social evil is under careful surveillance. There is a restricted district which is being gradually done away with in accordance with the plan formulated by a committee which recently investigated and reported upon the subject. The sale of liquor is licensed in the city. Sunday closing law is strictly enforced.

5. In my opinion the site selected is satisfactory from a sanitary viewpoint.

F. P. REYNOLDS,
Lieutenant Colonel, Medical Corps, United States Army.

[First indorsement.]

WAR DEPARTMENT,
SURGEON GENERAL'S OFFICE,
June 29, 1917.

TO THE ADJUTANT GENERAL, UNITED STATES ARMY:

1. Forwarded. The opinion of Col. Reynolds, as expressed in this paper, is concurred in.

W. C. GORGAS,
Surgeon General United States Army.

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WAR DEPARTMENT,
HEADQUARTERS CENTRAL DEPARTMENT,
Chicago, June 30, 1917.

Hon. NEWTON D. BAKER,
Secretary of War, War Department, Washington, D. C.

MY DEAR MR. SECRETARY: The inclosed is Col. Hunter's report on the Louisville cantonment site in connection with my telegram of this date. I ask your special attention to paragraphs 4, 6, and 8.

Very sincerely, yours,

T. H. BARRY.

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WAR DEPARTMENT,
HEADQUARTERS CENTRAL DEPARTMENT,
Chicago, June 30, 1917.

From: Col. George K. Hunter, Inspector General.
To: Commanding General Central Department.
Subject: Report upon an inspection of the cantonment camp site at Louisville, Ky.

1. I visited the camp site on June 28, 1917, and went over all of the ground on which it is intended to place buildings, and I went entirely around the tract known as the maneuver area. These two tracts are separated from each other by the Preston Street Road.

2. I find the site to be used for the camp proper is most admirably adapted to the purpose. All of the ground on which buildings will be erected is practically the highest ground in the neighborhood of Louisville. There is a small creek bed running through this tract which will enable the sewer lines to be constructed with proper fall for all. From this camp site fine views are obtainable in all directions.

3. The maneuver ground which is the large tract to the west and south of Preston Street Road has a gradual slope to the south, and it is likely that perhaps as much as one-fourth of this tract might become boggy in the early spring or in a wet season. At the time of my inspection none of this ground was wet; however, I am informed that the county had constructed a ditch leading to the Ohio River to the west of the Louisville & Nashville Railroad and that they are now running three laterals from that ditch to the southern and western portions of the maneuver tract, and when those laterals are completed the tract will be well drained so that it can all be used in any kind of weather. In my judgment there are at least a thousand acres that will always be satisfactory for maneuvering, and, personally, I would prefer to have the lowland undrained so that troops might receive instruction in handling themselves under conditions which will undoubtedly confront them at some time in their service.

4. On June 29 I made another trip to this camp site in company with Mr. F. M. Sackett, president of the Louisville Board of Trade, Mr. J. C. F. Hegewald, of Louisville, and Gen. Roger D. Williams, Kentucky National Guard. On this occasion we viewed all of the camp site and a portion of the maneuver grounds. Gen. Williams expressed his astonishment at what he saw and stated that he could not understand upon what basis the Lexington papers had made their attacks upon this site which was in every way most satisfactory for the purpose.

5. I visited the waterworks of the city and find they are using the most modern methods of treating the Ohio River water, and their daily capacity is over 70,000,000 of gallons, and the present consumption of the city of Louisville is less than 30,000,000 of gallons per day, so that there will be the greatest abundance of most wholesome water.

6. Whilst I inspected the Lexington site and approved of it for the smaller camp needed by the National Guard of Kentucky, I unqualifiedly would prefer the Louisville site for cantonment holding 40,000 men.

7. The barracks buildings are already under construction; the street railway has begun work on double-tracking their road to the camp site; the Southern Railway has commenced work on their sidetracks, and I was informed would put on a shuttle train to the camp from Louisville next week.

8. I have seen some of the most remarkable statements against this camp site, and I wish to state that they have no foundation in fact. If there are any mosquitoes, or have any sickness in this camp, it will be due to the fault of the occupants and not to the location of the site, which should be as healthy as any to be found in the United States.

9. The inclosed map is taken from the Sunday edition, Lexington Herald, June 24, 1917.

GEO. K. HUNTER.

[Western Union special.]

CHICAGO, ILL., *June 30, 1917.*

Hon. NEWTON D. BAKER,
Secretary of War, War Department, Washington:

In view of controversy over selection of Louisville cantonment site, the department inspector, Col. Hunter, went to Louisville to inspect the First Kentucky Infantry. He had inspected and was thoroughly familiar with the Lexington site. When in Louisville, by my direction, he inspected the Louisville cantonment site, and, notwithstanding his knowledge and former report on the Lexington site, he now reported that the Louisville National Army cantonment is beautiful and satisfactory in all respects. He will make a detailed report to-day, which I will forward to you by mail. In forwarding the report on the cantonment site for the ninth divisional area which was inconclusive, I was favorable to the Lexington site because of the former report thereon by board consisting of Col. Hunter and Maj. Hampton.

BARRY.

Mr. NEW. Mr. President, with reference to the reply sent by the Secretary of War this afternoon to Senate resolution No. 94, introduced on June 22, I simply desire to say that I can see no profit to anyone in any further discussion of this matter. It is perfectly evident that the cantonment is to remain at Louisville. I desire to add, however, that at no time have I ever entertained the slightest suspicion that the cantonment would be removed from Louisville.

I had but one object, Mr. President, in introducing the resolution, and that was to make sure, if possible, that the troops from my own State of Indiana, as well as those from Kentucky, the two States comprising the ninth district, were given the benefit of the best camp site available within that territory. I am still far from convinced by the report sent here by the Secretary of War that this is the case. However, as I have said, I can see no profit whatever in any further discussion of the matter; but in order that my own motives may be the more fully understood, and in order that it may be plainly shown that I acted not upon impulse but upon information, and that that information came from engineers, residents of the State of Kentucky, I ask that the reports of those engineers be printed in the RECORD at the conclusion of my remarks, in order that it may appear in conjunction with the report of the Secretary of War.

I am aware of the fact, Mr. President, that these engineers have no official status, but they have reputations to sustain, and those reputations they stake upon the correctness of their reports.

The PRESIDING OFFICER [Mr. MYERS in the chair]. Is there objection? The Chair hears none, and the matter referred to by the Senator from Indiana will be printed in the RECORD.

The reports referred to are as follows:

REPORT OF GEORGE MCLEOD, ENGINEER, WHO EXAMINED LOUISVILLE CAMP SITE.

EDITOR LEXINGTON HERALD, *Lexington, Ky.:*

ENGINEER'S REPORT.

The engineer who examined it Tuesday reports:

Pursuant to your request, I spent some six hours on Tuesday, the 19th, in examination of the training camp site south of Audubon Park and between the Poplar Level Road and the Ash Bottom Road south of Louisville, and beg to submit the following as result of these observations:

I went out the Preston Street Road, crossing the Southern at Prestonia, and examined first that portion of the site which is to be, as I understand it, devoted to the maneuvers, viz, that portion between the Preston Street Road and the Ash Bottom Road.

MANEUVER SITE.

To identify this, I attach hereto a blue print, the hatched portion of which covers the proposed training site. I found approximately 100 acres of land north of Dr. Standiford's old residence, the eastern line of the 160 acres abutting on the Preston Street Road, running thence in a southeasterly direction at approximately right angles to said road, that had apparently been drained by means of agricultural tile and was good farming and gardening land. This was in cultivation.

CRAWFISH BOGS.

The remainder of the 980 acres, some 800 acres, between the Preston Street Road and the Ash Bottom Road is mostly an uncultivated crawfish bog. I drove through this diagonally in a machine, getting out at a number of places and walking over the country. I found that a great portion of the ground was hard and sun baked at present, the crawfish having just begun to make their little houses or mounds. These mounds could be found over practically the entire 800 acres, or at least over that portion I examined—and I gave the 800 acres a close investigation. I brought with me to Lexington, in my car, several of these mounds, one reaching here in very good shape, which is on exhibition in the window of the Fayette Drug Co., together with the soil of another that was broken in the trip and photographs of the land. These crawfish mounds indicate very clearly the wet subsoil.

FIT ONLY FOR A SNIPE BOG.

Having been a resident of Louisville all during my boyhood days, I was thoroughly familiar with this section. I have hunted snipe and the Carolina rail over practically all of this property, now belonging to Dr. Bailey, which formerly belonged to Dr. Standiford. It is eminently qualified for a snipe bog, and that is practically the only use it has ever been put to.

There are scattered plantings of corn, none of which, by the way, had been cultivated this spring, cultivation only having started within the last day or so, owing to the extreme wet condition of the soil. A large part of this 800 acres in the spring, fall, and winter is and always has been covered with water. This I know of my own knowledge, and, furthermore, it is easily to be seen by anyone who will take the trouble to walk over it that this is true by observation of the innumerable crawfish mounds, which indicate that to-day just a short distance below the surface the subsoil is saturated with water.

NO GRASS OR SOD.

There is no grass or sod on the entire 800 acres beyond a few acres of poor timothy, the great majority of the acreage being entirely left to lie waste because it is not of the character that would bear tilling.

WATER STANDING IN WOODS.

I found Tuesday that in spite of the fact that farmers who are tilling the soil, cultivating onions and potatoes on that portion of the land along the Preston Street Road which has been drained by the use of agricultural tile, were looking forward to a rain, that water was standing in the woods between the Ash Bottom Road and the Louisville & Nashville Railroad, which woods were included within the proposed maneuver site. These wooded portions of this 800 acres should make excellent breeding grounds for mosquitoes, as the shade is there, and the wet, soggy ground.

While in the dry, hot season of the summer this ground will be hard and when the few crops which are grown on it are removed will give fairly good results for maneuvers, unless the soldiers find the stepping over the crawfish mounds difficult, in the wet season of spring it will be slippery, wet, and boggy, and absolutely unfit for drilling. An examination will show that there is no sod beyond a limited amount of timothy, above mentioned, the remainder being all bare, thick white clay, which takes the place of soil on this 800 acres.

TESTIMONY OF RESIDENTS.

This observation was borne out by remarks of the farmers in the neighborhood. Mr. Mike Brightenstein, who farms a small place across the Preston Street Road about half a mile north of the old Standiford residence, and directly across the Preston Street Road from that portion of the maneuver ground which abuts on this road, stated to me that the reason practically none of the 980 acres beyond the 160 acres directly across the road from him was cultivated was because of the fact that in the spring and fall and during all the wet season water laid on it, rendering it too wet to cultivate, and that in the hot weather of the summer it was too hard for decent cultivation; that until it was properly drained by the use of agricultural subsoil tiling, connecting with ditches, that it would never be used for agricultural purposes.

This was also borne out by the testimony of Mr. John Kahney, who lives southwest of the Standiford residence and across the lane from that portion of the Standiford farm which has been reserved and is not included in the offered site. While he seemed to be very anxious that the training camp should be located on the Standiford property and was guarded in his remarks, his wife, who was working in the field with him, told me that this land was not suitable for cultivation owing to being "crawfishy" resulting in thousands of crawfish mounds coming out through the dry, sun-baked clay in the summer and being more or less covered with water in the wet and rainy seasons of the spring, fall, and winter.

DIRT ROADS IN SITE.

This 980 acres is well supplied with macadamized roads on the east and west, with a fairly good macadamized road on the south. The roads through the property are nothing more than dirt roads, which will be practically impassable for haulage in wet weather.

CHARACTER OF BUILDINGS.

I also investigated the buildings on this 980 acres and found them all of the most dilapidated kind, the residences and barns being in the very worst of order, as might be expected from the character of the ground itself.

CAMP SITES.

After examining the maneuver site, I crossed the Preston Street Road to examine the three or four locations on the east side of that road, the largest of which is situated between the Preston Street Road and the Poplar Level Road, the next largest being just east of the Poplar Level Road. These are rather irregular in shape, the larger proportion being bounded on the north by the land of the Audubon Park Club.

NO BLUE GRASS.

I had been told that this ground to the east of the Preston Street Road—which is described as the camp site—was largely in blue grass. This, I found, is not a fact. If there is any blue grass on any of this property set aside for the camp, I was unable to find it, and I looked very carefully for it. The Audubon Club golf links, some 80 acres, I would judge, which I believe the Louisville people are trying to add to the encampment site, is very nicely covered with grass sod, which it has taken several years to secure.

COVERED WITH TIMOTHY AND WEEDS.

A goodly portion of the property which has thus far been set aside for the camp site is in timothy and weeds—rather a poor stand of timothy, with a large portion of white top. This land is considerably higher than that set aside for maneuvers and is of a rough, rolling type—I would say was well drained, and possibly two-thirds of it could be used for the buildings.

TIGHT CLAY SUBSOIL.

It has a tight clay subsoil, a soil which will shed water, but which will hold water in all depressions. Ten acres, I would judge, on the cross pike leading from the Preston Street Road to the Poplar Level Road, bounding the southern edge of the largest tract, has been excavated to the depth of from 4 to 10 feet and the clay hauled away and used for making brick. This, in itself, gives some idea of the character of the soil and the fact that it would be of a water-holding

character. This, however, would only apply to the depressions, as the roll of ground would, I think, guarantee fairly satisfactory conditions for the encampment.

RESERVATIONS SCATTERED.

The reservations for this encampment site, as will be noted from the map, are scattered, the main easterly reservation being probably 2½ miles from the maneuver grounds.

ROADS.

The Poplar Level Road, as well as the Preston Street Road, is a well macadamized pike, as is also the crossroad above spoken of leading from the Preston Street Pike to the Poplar Level Road or Pike. The road, however, leading from the Poplar Level Road east and passing south of that portion of the encampment site which lies east of the Poplar Level Road is narrow and the macadam is in miserable condition. I would say that the metal of this pike is not over 8 or 10 feet wide and presents a very bad appearance, in some places water having washed deep ditches along the side of the road in places 4 or 5 feet deep.

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REPORT OF WILLIAM A. NEWMAN AND J. WHITE GUYN, ENGINEERS WHO EXAMINED LOUISVILLE CAMP SITE.

LEXINGTON, KY., *June 27, 1917.*

Hon. J. C. ROGERS,
Mayor Lexington, Ky.

DEAR SIR: At your request we visited the proposed training camp on June 26, located near Louisville, Ky. As indicated on the map furnished us, the maneuver grounds are to the west of the Preston Street Road and the camp site to the east. We spent five hours in making an investigation of the camp site and the maneuver site, beg to report as follows:

CAMP SITE.

The camp site, as indicated on the plat, consists largely of rolling ground, the drainage being to small natural branches. The soil consists of a fine white clay and is covered largely with weeds and white top. A section of some 60 or 70 acres between the Preston Street Road and the Southern Railroad is covered with a fairly good stand of blue-grass sod. Eighty per cent of the camp site is well suited for building and camp purposes. Construction work had started, and there were approximately 500 men engaged in constructing buildings, laying off building sites, erecting poles, laying water lines, and grading for railroad tracks. Approximately 20 construction cars had been placed on a Southern Railway siding, and also other cars loaded with ties, lumber, etc. Numbers of wagons and trucks were delivering material from the city.

MANEUVER SITE.

Leaving the camp site, we proceeded along the Preston Street Road, turning west into a lane which bisects a small section of the maneuver grounds and is the northern boundary of the main maneuver site. A section of the maneuver grounds comprising about 150 acres located on each side of this lane is under cultivation and drains fairly well. After proceeding along or down the lane for 2,500 feet to a point opposite the main body of the maneuver grounds, the area of which is approximately 800 acres, we left our machine and walked through this section for a distance of about 1,800 feet, crossing many drainage ditches which were lined with a thick, heavy undergrowth; in some cases it was necessary for us to cut our way through. We found the surface of all this section hard and dry, dotted with many crawfish mounds. At two points in this walk we used the sounding rod, striking water at a depth of 3½ feet in one place and 3 feet in another. In using the sounding rod we found the first 4 or 5 inches to be very hard; beyond this the rod could be easily pushed down from 3 to 5 feet with but little effort. Returning to the car we proceeded west along the lane to a large field containing about 200 acres, which lies at the intersection of the lane and the Ash Bottom Road. Going through this field, we found it to be sparsely covered with swamp grass and weeds. The surface here was also full of crawfish mounds. There was a corn patch in one corner, containing 10 or 15 acres. Water was again found at an average depth of 2½ feet. We then proceeded down the lane to the Ash Bottom Road, turning south we stopped at a house, the occupants of which had the 200-acre field leased. We inquired at this house for a drink of water and held a conversation with a woman who was born and raised at this place; she said it was seldom that they could produce a crop, the water nearly always drowning it out; that in the winter and spring the soil was very soft and many times it was impossible to even walk over it; that she had seen horses mired while they were cultivating crops on this land, the ground at the time not being sufficiently dry and hard to prevent the horses from breaking through the top surface. It was easy to understand how this could happen by the action of the sounding rod when working it down into the ground, the soil being very soft after going 8 or 10 inches below the surface; at this depth being of about the same consistency as fresh putty, the soil becoming softer and softer until water was reached, at which point it was simply soft, thin mud.

After leaving the house we proceeded south along the Ash Bottom Road, which traverses the main maneuver site; a large section lying between the road and the Louisville & Nashville Railroad. We made investigation at many points, and found water a very short distance below the surface, indicating the general drainage of the surface to be from the Preston Street Road west toward the Louisville & Nashville Railroad. Between the Ash Bottom Road and the Louisville & Nashville Railroad there is a large woodland, the boundaries of which are those of the maneuver site. This woodland, comprising some 200 acres, is covered with many large trees and a heavy, swampy undergrowth. The soil of the maneuver site near the woodland is damp in many places, the water being easily reached at a depth of 18 inches. We investigated at other points along the Ash Bottom Road and the lane which forms the southeast boundary line of the maneuver grounds, and found conditions generally the same.

The main body of the maneuver grounds was covered with a system of old drainage ditches from 1 to 3 feet in depth and from 100 to 200 feet apart in an effort to reclaim the land for agricultural purposes; but this was a failure, as only a few acres are now in cultivation.

The entire 800 acres comprises an abandoned, low, flat swamp with a surface sparsely covered with a few weeds, swamp grass, and thousands of crawfish mounds.

WM. A. NEWMAN.
J. WHITE GUYN,
City Engineer, Lexington, Ky.

Mr. JAMES. Mr. President, I do not think the country is interested in any petty contention that may be made by various aspiring localities for the location of cantonments. To my mind, the only vital question is whether Louisville, having secured this cantonment site, has offered a healthful location.

While the Senator from Indiana [Mr. NEW] has put into the RECORD the reports of some engineers or of some private citizens who were sent from the city of Lexington to investigate the site at Louisville, Lexington being a rival for the location of this site, I should like to call the attention of the Senate just briefly to the report from the Secretary of War, which was made by Gen. George K. Hunter, in which he says this about the Louisville site:

On June 29 I made another trip to this camp site in company with Mr. F. M. Sackett, president of the Louisville Board of Trade, Mr. J. C. F. Hegewald, of Louisville, and Gen. Roger D. Williams, Kentucky National Guard. On this occasion we viewed all of the camp site and a portion of the maneuver grounds. Gen. Williams expressed his astonishment at what he saw, and stated that he could not understand upon what basis the Lexington papers had made their attacks upon this site, which was in every way most satisfactory for the purpose.

Gen. Roger D. Williams is a citizen of Lexington, Ky. He is one of our State's best citizens and most splendid soldiers. This general of the United States Army, making this report, says that Gen. Williams himself expressed surprise at the reports in the Lexington papers, which actuated my good friend, the distinguished Senator from Indiana [Mr. NEW], in offering the resolution. Gen. Hunter concludes his report in this way:

I have seen some of the most remarkable statements against this camp site and I wish to state that they have no foundation in fact. If there are any mosquitoes, or have any sickness in this camp, it will be due to the fault of the occupants and not to the location of the site which should be as healthy as any to be found in the United States.

That is the report of the Army officer. I do not believe the American people are quite ready yet to discount the reports of our generals in command of our soldiers, simply because some aspiring city sent some unofficial individual down who made a report that he thinks is unfavorable to the Louisville site.

In addition to that, I have here a letter written to the Louisville Post by Andrew Cowan. Mr. Cowan was formerly chief of artillery in the Sixth Corps of the Army of the Potomac. He is one of Kentucky's greatest Federal soldiers, and one of her most distinguished Republican citizens. I shall not take the time of the Senate to read the letter, but I shall ask that it be incorporated in the RECORD. It shows that he had investigated the site most thoroughly, and that it is a healthful site, in fact, as fine a site as could be desired.

The PRESIDING OFFICER. Without objection, the request of the Senator from Kentucky to have the letter printed in the RECORD is complied with.

The letter referred to is as follows:

ARMY CAMP SITE A SPLENDID ONE, SAYS COL. COWAN.

Col. Andrew Cowan, veteran of the Sixth Corps of the Army of the Potomac, has made an inspection of the cantonment and maneuver ground sites and has found them admirable.

Col. Cowan's judgment on the camp site will be accepted as conclusive by Louisville people, who know how thoroughly he is qualified to pass on it.

He invites the Lexington Board of Trade and the disgruntled editor to make an examination of the site.

Col. Cowan's opinion on the site is set forth in the following letter:

"EDITOR EVENING POST:

"DEAR SIR: I was unable to visit the cantonment site until yesterday. There had been a deluge of rain the evening before, and I expected to see it under water, as I had been impressed by the Lexington criticisms.

"I was surprised to find that the entire site for the encampment of the troops is high and dry, several hundred feet above the city at Main Street, gently rolling land, with excellent surface drainage. There was not a puddle to be seen on the entire thousand acres.

"No finer site for a great encampment could be found anywhere. There are no swampy or unwholesome places upon it or near it. It is bounded on the north by Audubon Country Clubhouse and its beautiful golf field; on the west by the well-paved, broad Preston Street Road and the Interurban Traction Line, now being double-tracked; on the south by 'Durretts Lane,' which is a smooth, paved road, wide enough for two big motor trucks, and extending eastward to the Poplar Level and the Newburg Turnpikes. The eastern boundary is about half way between the Poplar Level and the Newburg Road.

"So much for the encampment site, which will have an ample supply of wholesome, filtered water, and with sewers connecting with the city sewer system. The camp will be lighted with electricity. Very attractive and comfortable barrack buildings are being built with amazing speed. There will not be a more sanitary nor a more convenient cantonment in all the land.

"Now, for the maneuvering field and drill grounds, which cover about 1,200 acres, bounded on the east by the Preston Street Road, and extending a couple of miles, west and south, to the Louisville & Nashville road and Douglas Park. Here lies a level tract, admirably suited for drilling and maneuvering large bodies of Infantry, Cavalry, and Artillery. Twenty regiments may be drilled there without crowding. It affords excellent opportunity for teaching trench and fortification work.

"Invite the Lexington Board of Trade and the Lexington Herald to send a committee of intelligent men to examine the site and there will be an end to such criticism as tends to discourage the friends of our soldiers who will be encamped here. We want all to know in advance that this camp site is beautiful, sanitary, and fit in every way.

"Yours, truly,

"ANDREW COWAN,
"Formerly Chief of Artillery,
"Sixth Corps, Army of the Potomac.

"LOUISVILLE, KY., *June 30, 1917.*"

Mr. JAMES. I have telegrams from sundry citizens of Kentucky. Gen. John B. Castleman, for many years the head of the Kentucky State Guard, a distinguished Confederate soldier, and leading citizen of our State, sends me a telegram, as follows:

LOUISVILLE, KY., *July 2, 1917.*

Senator JAMES, *Washington, D. C.:*

By a conference of most representative citizens I am delighted to wire to you and ask that you will bring before the attention of the Senate the facts concerning the military camp selected near Louisville. Having more than 50 years' experience with troops in the field I have not known personally any camp site so suitable in all respects, so advantageous in topography, and so desirable from a sanitary point of view. Added to most unusual natural advantages, the site is penetrated by admirable city sewerage, city water, and city lighting; also electric and steam railway service. Our fellow citizens are led to ask that your colleagues in the Senate be advised of the foregoing, because our distinguished neighbor, Senator NEW, has unintentionally done a most serious injustice to the State of Kentucky and to the very competent and conservative representatives of the War Department.

JOHN B. CASTLEMAN.

I have a telegram from Gen. W. B. Haldeman, one of the editors of the Courier Journal and of the Louisville Times, and national committeeman and distinguished citizen, in which he says:

LOUISVILLE, KY., *July 2, 1917.*

Hon. OLLIE M. JAMES,
United States Senate, Washington, D. C.:

The site selected for the cantonment at Louisville is in every way suitable and admirably adapted for the uses to which it will be put. The statements in a Lexington newspaper as to Congressman SHERLEY and as to the cantonment at Louisville are absolutely without foundation in fact.

W. B. HALDEMAN.

I have another telegram from Attilla Cox, jr., one of the leading business men of Louisville, which is as follows:

LOUISVILLE, KY., *July 2, 1917.*

Hon. OLLIE M. JAMES,
Washington, D. C.:

In addition to what others have said, desire to add my assurance based upon examination of the property that the Louisville cantonment site by reason of topography, sanitation, transportation, and other facilities could not be surpassed anywhere.

ATTILLA COX, Jr.

I have a telegram from Hon. Alexander P. Humphreys, one of the most distinguished lawyers of the State of Kentucky and the South, in which he says:

LOUISVILLE, KY., *July 1, 1917.*

Hon. OLLIE M. JAMES,
Washington, D. C.:

Just back from a drive to the camp site. You need have no fear of the fullest investigation as to its absolute fitness. All you need is to ask objectors to come and see it.

ALEX. P. HUMPHREYS.

I have also a telegram from Mr. R. V. Board, president of the Louisville Wagon Co., which reads:

LOUISVILLE, KY., *July 1, 1917.*

Hon. OLLIE M. JAMES,
Washington, D. C.:

Have had many years as manufacturer of munitions. Am well acquainted with Army encampment of Louisville, and the opinion of a number of Army officers as well as my own is that the site is healthful, convenient, and peculiarly adapted for purpose. Our Representatives in Congress and Senate, as well as the War Department, are to be congratulated.

R. V. BOARD,
President Louisville Wagon Co.

Mr. President, I merely desire to place these telegrams in the RECORD to show that the site is a splendid one, whatever may have been the rivalries and contentions between Kentucky and our good friends in Indiana, who have already had given to them the officers' training camp, with thousands of soldiers located there, known as Fort Benjamin Harrison. The War Department, after considering all the facts, decided that Indiana ought not to have two and Kentucky none and gave one to Kentucky and one to Indiana. I think all the facts disclose clearly and conclusively that the War Department acted wisely in selecting Louisville.

Personally I took no part as between the contending cities within my State. I was anxious to have the cantonment located in Kentucky, as I know my friend, Senator NEW, was anxious to have it located in Indiana; but after the issue has been decided we Kentuckians never fight over lost battles. We accept the decision as good, patriotic Americans. The report of the Secretary of War is overwhelming and conclusive, speaks for itself, and needs neither apology nor defense at my hands.

Mr. CHAMBERLAIN obtained the floor.

Mr. NEW. Mr. President, just a word further.

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Indiana?

Mr. CHAMBERLAIN. I yield to the Senator from Indiana, if he desires to make a further explanation.

Mr. NEW. Mr. President, just a word to say that I did not at any time seek to have the Secretary of War consider the claims of Indiana sites ahead of any of those in Kentucky, I made no personal effort, and did not seek in any way to exert any influence, personally or otherwise, with the Secretary of War or with any officer having anything to do with the selection of that site. I have never understood, and I have never intimated, that either my friend the senior Senator from Kentucky [Mr. JAMES] or the junior Senator from Kentucky [Mr. BECKHAM] had anything to do with securing the location of the site at Louisville.

Mr. President, so far as telegrams are concerned, I should like to say that there have been sent to me a great many telegrams from the State of Kentucky, and a good many exhibits, some of them physical, indicating that Louisville should not have been selected. I have not thought it best to introduce them on the floor of the Senate, and as I have said before, Mr. President, I think, under the circumstances, all has been said that it is necessary to say here concerning this matter.

The Secretary of War, in transmitting this report, says that he assumes responsibility for the selection of the Louisville site. I think that is proper, and I, Mr. President, am abundantly willing that the responsibility for it shall rest there. If the reports of the engineers, on which I based my original statement are correct, and if the objections which they make are well founded, that fact will be demonstrated in the course of time, and to time the whole matter must be left for final judgment.

EXECUTIVE SESSION.

Mr. CHAMBERLAIN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 5 minutes spent in executive session the doors were reopened.

RECESS.

Mr. CHAMBERLAIN. I move that the Senate take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to; and (at 5 o'clock and 40 minutes p. m., Thursday, July 12, 1917) the Senate took a recess until to-morrow, Friday, July 13, 1917, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 12, 1917.

CHIEF JUSTICE COURT OF APPEALS, DISTRICT OF COLUMBIA.

Constantine J. Smyth to be chief justice of the Court of Appeals, District of Columbia.

DISTRICT JUDGE.

Frederick M. Brown to be United States district judge, district of Alaska, division No. 3.

MEMBER OF THE EXECUTIVE COUNCIL OF PORTO RICO.

Luis Sanchez Morales to be a member of the Executive Council of Porto Rico.

REJECTION.

Executive nomination rejected by the Senate July 12, 1917.

W. E. Thomas to be United States district judge for the southern district of Georgia.

SENATE.

FRIDAY, *July 13, 1917.*

(*Legislative day of Thursday, July 12, 1917.*)

The Senate reassembled at 12 o'clock m., on the expiration of the recess.

HOUSE BILL REFERRED.

H. R. 4960. An act to define, regulate, and punish trading with the enemy, and for other purposes, was read twice by its title and referred to the Committee on Commerce.

COL. L. MERVIN MAUS.

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (S. 1766) to authorize the President to appoint Col. L. Mervin Maus to the grade of brigadier general in the United States Army and place him on the retired list, reported it without amendment and submitted a report (No. 82) thereon.

MESSAGE FROM THE HOUSE.

A message from the House, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 5405) making appropriations for certain session employees of the Senate and House of Representatives, in which it requested the concurrence of the Senate.

CONSERVATION OF FOOD AND FUEL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

Mr. MYERS obtained the floor.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Jones, Wash.	Newlands	Sterling
Beckham	Kellogg	Norris	Sutherland
Calder	Kendrick	Overman	Thomas
Chamberlain	King	Page	Tillman
Culberson	Knox	Penrose	Townsend
Curtis	La Follette	Pomerene	Vardaman
Dillingham	Lodge	Ransdell	Wadsworth
Fletcher	McCumber	Reed	Walsh
France	McKellar	Shafroth	Warren
Gore	McNary	Sheppard	Watson
Gronna	Martin	Sherman	Williams
Hale	Myers	Smith, Ga.	
Hollis	Nelson	Smith, Md.	
Johnson, S. Dak.	New	Smoot	

Mr. SUTHERLAND. My colleague, the senior Senator from West Virginia [Mr. GOFF], is necessarily absent on account of illness. I ask that this announcement stand for the day.

Mr. MYERS. The Senator from Arizona [Mr. ASHURST] is necessarily detained from the Senate this morning by reason of an accident, a misfortune beyond his control. My colleague [Mr. WALSH] is necessarily detained by official business. I ask that this announcement may stand for the day.

Mr. POMERENE. I wish to announce the unavoidable absence of the senior Senator from Delaware [Mr. SAULSBURY] on official business. I will let this announcement stand for the day.

Mr. CHAMBERLAIN. The junior Senator from South Carolina [Mr. SMITH] was called home yesterday by illness in his family. I ask that this announcement may stand until his return.

Mr. KING. I desire to announce that the Senator from California [Mr. PHELAN] is detained from the Senate on official business.

Mr. HOLLIS. I wish to announce that the Senator from Rhode Island [Mr. GERRY] and the Senator from Illinois [Mr. LEWIS] are necessarily absent on important business. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Fifty-three Senators have answered to the roll call. There is a quorum present.

Mr. MYERS. Mr. President, I have received from Prof. F. S. Cooley, a professor of the Montana State College of Agriculture and Mechanic Arts and director of the extension service of Montana, a letter, which reads as follows:

> The holding up of the national food bills is causing serious embarrassment to the extension work in Montana and is almost rendering impossible the desired increase in food production and food conservation that was the object of these measures, because of the weeks' and months' delay in acting.
>
> The agricultural season is so far advanced that a large part of the effectiveness of these measures is already lost. Can not something be done to speed these food bills to early action?

I read that letter not so much with the hope of securing action on the pending measure before the 21st day of this month, the day fixed by the unanimous-consent agreement for final action on it, as to show the feeling of the farmers of Montana in regard to the bill and to show that those who represent the agricultural interests of Montana are heartily in favor of the enactment of the measure, and of its speedy enactment without further delay. I would be glad if the bill could be enacted before the 21st day of this month, because, as Prof. Cooley says, the agricultural interests and the educational extension work of Montana are suffering very much on account of the delay in the enactment of the legislation.

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Oklahoma?

Mr. MYERS. I yield with pleasure.

Mr. GORE. I thought the Senator was through.

Mr. MYERS. I am going to take about 5 or 10 minutes in making some comments.

Mr. SMITH of Georgia. I wish to call the attention of the Senator from Montana to the fact that the feature which takes care of agricultural extension work is in the bill which has already been passed.

Mr. MYERS. But it has not yet become a law. Prof. Cooley complains of that.

Mr. SMITH of Georgia. That is not the fault of the Senate. We passed the bill two days after it reached us from the House, but the House did not give us a conference for nearly three weeks, and then in the conference they objected to two splendid provisions. They have not agreed to the provisions of the bill, one of which would put a stop to improper conduct by middlemen, and the other of which would give the President the right to control grain exchanges.

Mr. MYERS. Prof. Cooley does not blame the Senate for delay on that measure; he blames Congress, and of course the House is a part of Congress; but I am laying his complaint before the Senate, and I think there is much merit in his complaint. I feel it to be my duty to put it before the Senate, because Prof. Cooley stands very high in educational and agricultural circles in Montana, and I know he is well fitted and qualified to speak for the agricultural interests of Montana.

I certainly deplore, as much as does the Senator from Georgia or anybody else, the delay in the report of the conference committee on the other food bill, which has passed the Senate and which needs to be enacted into law quite as much as the bill pending before us. I indorse the statement of Prof. Cooley that the farmers and the people of Montana are very much in need of the enactment of both food measures.

As to the measure now before the Senate, I am very heartily in favor of it and feel sure that the people of Montana are in favor of it. Doubtless it ought to be amended in some respects, and I intend myself to vote for some amendments. I believe that the Government ought to be intrusted with power to fix both minimum and maximum prices on foods and other necessities of life.

I have heard a great deal said against the pending bill during the several weeks in which it has been debated by the Senate on account of what are called its drastic features, and there are drastic features in it, undoubtedly; but we are living in drastic times and under drastic conditions, the most drastic which this country has every known, the most drastic which the world has ever known; and we will need much drastic legislation, in my opinion, before we prevail in this war and overcome the central powers, with whom we are now at war, in conjunction with the entente allies. The people will expect it of us.

A few days ago I clipped from a newspaper an article about the condition of the army of one of the nations now at war with Germany and the other central powers in Europe. I will read it, because it made a deep and sad impression upon me and is of concern to us. It tells a forlorn tale. It is as follows:

> The condition of the Serbian Army, after nearly three years of the bitterest experience undergone by any of the entente allied forces, is described by Herbert Corey, the war correspondent, in a graphic communication to the National Geographic Society, a part of which is issued as the following war geography bulletin from the society's Washington headquarters:
>
> "The Serbs are the poor relations of the allies. They are armed with the old St. Etienne rifles which the French discarded. The artillery in support has been cast from other fronts. Their surgeons are borrowed surgeons, for the most part. They are uniformed and fed by the French, and Great Britain loans them money. They never have enough cars, even for staff use. Sometimes they have not enough food. But they always have enough ammunition and they find enough fighting for themselves.
>
> "The Serbian Army began the great retreat of 1915, 250,000 strong. Not more than 150,000 reached asylum on the island of Corfu after the winter's fight through the snow-filled passes of Albania and Montenegro. In the confusion of those days some one had forgotten. There was not sufficient food or clothing or medicines or nursing awaiting them. Men who had struggled through the winter died on the open beaches of the Island of Vido.
>
> "Dying men dug their own graves and then dug the graves of the men already dead. Not more than half were fit to serve again when the fall campaign of 1916 began.
>
> "It was a sad army—bitter army—but not a despairing army that I accompanied last winter. Many of these men were 'cheechas,' in the Serb phrase. When a man reaches the age of 40 he becomes 'uncle' to his neighbors. Some of these men were in the fourth line before the war.
>
> "Serbia to the Serb peasant means the little white cottage, the plum orchard, the 10 acres of ground. Few of them had been 50 miles away from home when war began five years ago in the Balkans. Fewer have seen their homes since. They have received no news from their wives and families, for the Austro-Bulgarian censorship had been extremely severe. They have seen their comrades die. Most of them—three men out of five in some units—have been wounded at some time during the war.
>
> "There were no songs upon the march except during those vivid days when the Bulgarians were being forced out of Monastir. There was no light-hearted talk about the campfires. There was no music except that now and then one heard the weird and complaining tones of a one-stringed fiddle which some patient soldier had made out of the material at hand. They kept to themselves or in little groups of twos and threes. At night scores of tiny fires would sparkle in the open land on either side of the Monastir road, where the paired comrades were cooking their evening meal. They marched badly, slowly, slouching, their old shoulders bowed under their packs, their grizzled faces deeply lined. Yet these men were the cutting edge of the weapon that bent back the Bulgarian lines.
>
> "One division—the Morava—remained in the aggressive for 95 days without rest. During that period they had but one trench—the front trench. They had no second line, no reserve, no rest camp.

"One regiment of the Choumadia division lost 1,000 out of 1,400 men in taking Vetternik Mountain, and then held that mountain under fire from the Rock of Blood, which dominated the summit, for 20 days until relief came. Even then the men of the regiment which had been so nearly wiped out did not go to rest. They stayed on Vetternik.

"In the taking of Kaymakchalan half of some of the organizations were killed outright.

"The Serbs were enabled to do these things partly because of the experience gained in five years of almost continuous fighting. Another factor was the spirit of the men. They no longer hoped for anything for themselves. They expected to die. Those who still remain expect to be killed in action. But they intend that the bill of Serbia shall be paid."

That is one of the saddest chapters which has been written during the present terrible world war. In my opinion, it is one of the saddest annals of warfare in the history of all the world, from the beginning of time. Those men are virtually our allies; they are fighting our battles; they are fighting to help us win a common cause against common enemies. I believe we could justifiably enact much drastic legislation in order to help them and to help that common cause, which is of just as great interest to us as it is to the poor, miserable creatures who are described in the article which I have read; to enable us to prevail in this war and, at the same time, not only help ourselves and our cause but help these miserable creatures who are helping to fight our battles.

There is drastic legislation in this bill, but, as I have said, the times demand drastic legislation. I think this Government will have to do many drastic things before it overcomes Germany and her allies. In my opinion, Germany is not going to be easily vanquished in this war. She is not yet nearly to the vanquished point and, in my opinion, she will not be for a good while to come. I look for this war to last for two or three years yet, unless in the meantime there should be a revolution in Germany, of which there may be some chance. It may last even longer than that. I believe that we should set our house in order now for a long and desperate conflict. If, happily, the conflict should end sooner than we now expect, we shall be so much the better for it. I believe that we need not only drastic legislation along the lines of this bill, but I think the Government should take drastic action in a number of other respects, in order to properly fortify ourselves for the gigantic contest upon which we are but just entering, the length of which no man can foretell. We know not how long it may last. We only know it will be a desperate and gigantic struggle, which will require our utmost efforts, for it is no small undertaking upon which we have embarked.

From newspaper and other reports our country seems to be filled with spies, and our enemies in Europe appear to be getting accurate information on many important things which we are doing. I do not know where the blame for that may lie, or if there is any blame, or if it is simply incidental to a country entering upon a newly declared war of unprecedented proportions, but I think there should be drastic action to prevent a continuation of that dangerous state of affairs.

The labor conditions of our country in the West is very deplorable. I read in the newspapers that I. W. W.'s are openly threatening to burn all of the ripened grain in the Dakotas; threatening to burn all of the grain stacks, after the grain may be harvested and stacked in North Dakota.

The newspapers report that northern Idaho is terrorized by lawless elements which have injected themselves into the labor situation in that part of the country, to the detriment of necessary industry, suspending all logging operations. Every sawmill in the Northwest is closed down, completely paralyzing the lumber industry, and the mines and smelters of two great mining States of the West are threatened with being closed down in the near future unless a change takes place in the labor situation. I do not charge all of these strikes and all of these labor troubles to lawless elements—I am sure many engaged in them have no unlawful object or intention—but I do believe that much of the trouble was incited by lawless elements, controlled by people who are hostile to the welfare of this country in the prosecution of the war in which we are engaged, with a view to crippling our productivity and our facilities for successfully waging the war. Indeed, some agitators in different parts of the country are appealing to honest workingmen to do nothing to aid their country in the prosecution of the war, and are so disloyal as to denounce the part we are taking in the war.

There are many things to-day, at the opening of our participation in the war which require drastic action at the hands of the Government, action which would not be considered for a moment if we were in times of profound and blissful peace, and which would not then be necessary. In order to get in shape for the successful prosecution of this war, we must do many things which we would not do in times of peace. I believe many things are now justifiable on our part which would not be justifiable in times of peace. I believe the food-control bill which is before us is one of them, and I recche the sentiment of Prof. Cooley, of Montana, who, in turn, I believe voices the sentiment of the farmers and the agricultural masses of Montana, in asking for the speedy enactment of this measure. The high cost of living in this country has become scandalous and outrageous. The food speculator has grown rich, and the people suffer. The cost of comfortable living is already beyond the reach of thousands of working people and is causing strikes and unrest. We must have relief. The people demand it of us.

Before closing, I will pause to say that I have heard very much said about certain features of this bill being unconstitutional. I have heard more reference to drastic measures and to unconstitutional legislation during the debate on this bill than I have ever heard, I believe, in all my experience in the United States Senate. As I have said, I think the drastic features of the bill in large part are justifiable, and as to the argument that many features of the bill are unconstitutional, I have the honor on that score to agree with the expressions of the distinguished Senator from Pennsylvania [Mr. KNOX], who a few weeks ago said in the Senate that Congress, being endowed by the Constitution with the power to declare war, is endowed with the power to do anything which may be necessary to the successful prosecution of that war. I believe that is sound doctrine and is necessary to our self-preservation as a Nation. I agree with the further statement made by the able Senator from New Mexico [Mr. FALL] on this floor some weeks ago, that this country in time of war has the right to do anything which is necessary to preserve it from destruction. I believe that, before the war is at an end, we will find it necessary to do many things which have not yet been contemplated; and I think that one of the first things to be done now is the enactment of the measure which is now pending before the Senate. The people need it and want it. They are impatient of delay. The talk of drastic features does not frighten them. Drastic conditions need drastic remedies. I hope to see its speedy enactment.

Mr. CALDER obtained the floor.

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Oklahoma?

Mr. CALDER. I do.

Mr. GORE. If to be drastic in its character be a recommendation for any legislation, the pending bill has a certificate of good character. It must be drastic enough for the most drastic. It leaves nothing to be longed for. But it seems to me that the paramount question is not is the proposed measure drastic, but is it wise? Is it beneficent? Will it answer our hopes? Will it accomplish the end which we all have at heart?

If the best of intentions were a guaranty against evil consequences, then we need have no hesitation in passing this or passing any other proposed legislation. We are all inspired by the best possible intentions. Our intentions are, I believe, beyond challenge, but unfortunately mere holy intentions will not protect us against evil consequences unless we act with wisdom and act in the light of human experience. It seems to be the fate of drastic legislation that it generally defeats the very ends which it seeks to accomplish.

I shall not answer the Senator's argument touching the Constitution. There are those who agree with him that the Constitution collapses or takes flight or is in nubibus pending war. I did listen with some interest to the suggestion of the Senator that this Government had a right to do anything that was necessary to win this war. Why, Mr. President, we are now waging war against the doctrine of State necessity. Germany insisted that it was necessary in order to preserve her existence to sink neutral passenger ships without notice. Does the Senator mean to say that the United States Government would be justified in sinking passenger ships without notice? That is included in his argument.

Mr. MYERS. Mr. President, I will answer the question, if the Senator will allow me.

Mr. GORE. I yield to the Senator.

Mr. MYERS. I had reference to our own internal affairs, those which we have a right to govern. I did not mean that we had a right to do what Germany has done, assail the rights of wholly neutral nations. That is in no wise involved.

Mr. GORE. Then the Senator thinks the principles of international law are more binding than the principles of the Constitution?

Mr. MYERS. Not at all.

Mr. GORE. When you once adopt the doctrine of State necessity, and that necessity justifies the means, there is then no limit.

Mr. MYERS. I should like to have the Senator reply to a question which I will ask. Would the Senator rather this country would be defeated in the war and made a province of Germany than to exercise any power which this Government is able to exercise in regard to its own affairs?

Mr. GORE. Certainly not. I am willing to do everything that can be done within the limits of the Constitution, which we are sworn to support, within the principles of international law and within the principles of humanity to carry American arms to speedy triumph.

Mr. MYERS. I should like to ask the Senator another question, inasmuch as the Senator has brought me into the argument. I based my statement on the power granted by the Constitution; but I want to go a little further, and ask the Senator what good it would do us to have a Constitution but no Government—if we were destroyed and had nothing but the Constitution left?

Mr. GORE. Mr. President, that is a fault, if a fact, which the Senator must find with the makers of the Constitution and with the Constitution itself, and not with me. If our fathers placed limitations on legislation in the Constitution, neither the Senator nor myself is responsible.

They placed no real limitation on the power to wage war to success. It is these new-fangled, these fanciful, these alleged powers which contravene the Constitution, which contravene all the lessons of experience, which contravene the laws of economics, and which contravene alike the laws of nature and of human nature, which I call in question.

The authorities hold that there is no limitation upon the power of Congress in raising armies, but there is a limitation upon the means of supporting armies. The limitation is expressly set out in the Constitution itself.

Certain of these limitations are expressly set out in the Bill of Rights. They do not shackle the Government; they only shield the citizen. With the power to conscript, the power to tax, and the power to commandeer, there is no sovereign power lacking to complete national defense.

Where the Senator and I differ is in this: That it is not necessary to disregard all human experience; it is not necessary to attempt impossibilities in order to observe the Constitution or to carry our arms to victory.

Mr. President, I listened with a great deal of interest to the letter from President Cooley of the Agricultural College of Montana. I appreciate the force of what he says. However much he may have referred to the pending bill, his arguments were addressed to the bill which passed the Senate on June 1. The Senate passed that bill two days after it came from the House, and the Senate is subject to no criticism in that regard. We acted with great haste. We were told that its passage was urgent on the part of the Department of Agriculture. That determined our report, and the measure was speedily passed. I think possibly the House is—perhaps I ought not to say what I had in mind, but I will say that the conferees ought to have been appointed earlier than the 28th or 29th of June.

Now, it is possible that the Senate conferees may be in some fault for not receding from the Senate amendments. It may be possible, or at least Senators may think so, that we are holding with too much tenacity and too much doggedness to the amendments which were attached to that bill by the Senate, but we have not felt so, and I take it the House conferees are equally as sincere as ourselves.

I had printed in the RECORD the other day a letter from the dean of the Agricultural College of the State of New York, urging that the food-production bill should be speedily enacted into law. That bill does carry an appropriation of nearly $4,500,000 to carry on extension and demonstration work. The season is far advanced; the seeding time is over; and the State colleges are anxious to perfect their organizations and to cooperate with the Department of Agriculture. They are now standing on tiptoe; they are uncertain what to do. It is unfortunate, Mr. President, but, as I have said, certainly the Senate is not at fault, and I hesitate to believe that the Senate conferees can as yet be regarded as being defaulters of their duty. I send to the desk a telegram——

Mr. REED. Mr. President, may I ask the Senator a question at this point?

Mr. GORE. Yes, sir.

Mr. REED. There is a difference between the House and the Senate.

Mr. GORE. Yes, sir.

Mr. REED. Is it not a fact that that difference consists in this, that the Senate conferees have insisted that the amendment punishing or preventing gambling operations on the boards of trade and the other amendment prohibiting the hoarding of foodstuffs shall remain in the bill? Is not that the contention of the Senate?

Mr. GORE. Mr. President, of course, I may not be at liberty to divulge what transpired in the conference, but the Senate conferees are insisting on the retention of those two amendments.

Mr. REED. That is all I wanted to ask.

Mr. GORE. I ask to have read a telegram which I received from the president of the National Farmers Union. I think this telegram was written with perhaps too much enthusiasm.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

NEW ORLEANS, LA., *July 12, 1917.*

Hon. T. P. GORE,
Chairman Senate Agricultural Committee,
Washington, D. C.:

Farmers are to be congratulated over the prospects of your substitute being adopted. Morning papers report that some one endeavoring to have provision for power to suspend grain or similar exchanges. Under no circumstances should this power be given. Farmers do not want cotton exchanges closed again: we had a dose of this in 1914. Papers also report New York and New England interests are urging that Lord Northcliffe's plan be favored. We desire this plan opposed in toto. National cotton-futures law enacted August, 1916, provides all needed safeguards, and we want no more changes which will again give advantage over cotton farmers to the spinners of the world. Lord Northcliffe's plan and cotton in food-control bill would place the cotton farmers at the mercy of manipulators and spinners.

I. N. MCCOLLISTER,
Chairman Marketing and Traffic Committee Association,
State Farmers' Union Presidents.

Mr. GORE. Now, Mr. President, I wish to make a parliamentary inquiry. Would it be in order at this time to move a substitute for the pending bill—I mean, after the enacting clause?

The VICE PRESIDENT. There is a pending committee amendment and an agreement to take up the committee amendments first, so that until they are disposed of at least the motion to strike out and substitute will not be in order.

Mr. CALDER. Mr. President, the pending bill and the substitute presented by the Senator from Oklahoma both declare it to be unlawful for any person acting either as a voluntary or paid agent or employee of the Government in any capacity, including an advisory capacity to any commission, board, or council of the Government, to procure, attempt to procure, or make any contract for the purchase of any supplies for the use of the Government, either from himself, from any firm of which he is a member, or corporation of which he is an officer or stockholder, or in which he has any financial interest.

Mr. KNOX. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Pennsylvania?

Mr. CALDER. I do.

Mr. KNOX. May I inquire whether the provisions of both bills are exactly the same?

Mr. CALDER. Exactly the same.

Mr. President, I have carefully read both of these provisions, which, as I say, are exactly the same in both bills, and have felt that perhaps they might have been aimed at the advisory commission of the Council of National Defense. I realize that much is to be said in favor of this amendment. It would seem wholly improper for any man acting as an agent or in an advisory capacity with the Government to sell to the Government goods the purchase of which, in his capacity as an advisory agent, he had recommended. I am totally opposed to the continuance of a policy which would permit that sort of thing to exist; but I am certain, Mr. President, that there are to-day many men acting as voluntary agents or in some advisory capacity with the Government who are prompted by just as patriotic motives as anybody else in the country.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from North Dakota?

Mr. CALDER. I yield to the Senator.

Mr. GRONNA. If I understood the Senator correctly, his statement was that the pending bill and the substitute offered by the Senator from Oklahoma [Mr. GORE] are the same.

Mr. CALDER. Yes; in so far as they deal in the matter I am discussing.

Mr. GRONNA. I think the Senator has overlooked the proviso on page 18 of the Gore bill, which provides:

That this section shall not be construed to prevent any such agent or employee of the Government, or any person acting in an advisory capacity, from rendering services and advice on any matter not connected with such purchase of supplies.

That is not in the original bill, I will say to the Senator.

Mr. CALDER. It is not in the original bill?

Mr. GRONNA. No. There is a vast difference between the two.

Mr. CALDER. I did not notice the proviso to which the Senator has referred. I am glad to have the Senator call my attention to it, because it covers the matter to a certain extent.

Mr. President, there has been much comment here and in other places on the men who are doing the very excellent work for the Government now being performed by the advisory commission and those associated with them. I have in my hand a list containing the names of these gentlemen.

The first on this list is Mr. Daniel Willard, president of the Baltimore & Ohio Railroad. I wonder if anybody here would suggest that Mr. Willard, when he is selling transportation to the Government, is doing anything or advising anything for his own interest as against that of the country?

The second on that list is Mr. Howard E. Coffin, the vice president of the Hudson Motor Co. I am informed that Mr. Coffin, immediately upon war being threatened, on his own account and associated with other gentlemen not connected with the Government, began a mobilization of all the great manufacturing interests of the country. I know of no man who has performed more patriotic service for the benefit of this Nation than has Mr. Coffin. Now, as I say, Mr. Coffin is connected with the Hudson Motor Co. It is possible that the Hudson Motor Co. may sell automobiles to the Government. It may compete with other automobile companies in doing such business. I deny most emphatically that Mr. Coffin would for a moment endeavor so to arrange the Nation's automobile purchases that his particular line might be preferred as against others.

The third on the list is Mr. Julius Rosenwald.

Mr. SHERMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Illinois?

Mr. CALDER. I do.

Mr. SHERMAN. Before the Senator leaves Mr. Coffin, will he permit an inquiry?

Mr. CALDER. Yes.

Mr. SHERMAN. The Hudson Motor Co. had 60,000 automobiles for private use contracted for in 1917, to be delivered in due season, from time to time. Mr. Coffin was on this board that restricted originally the agricultural-implement manufacturers from having more than 50 per cent of the sheet-steel supply required in the harvesting and corn-planter business of the West. At the same time that this was done by the board or commission on which Mr. Coffin was serving they placed no restriction whatever on automobiles, either for Government contracts or for private luxury or necessity.

While I do not question the ability or honesty of purpose of Mr. Coffin or any of the gentlemen associated with him, I respectfully suggest that sometimes they do not see the full effect of the orders or the arrangements they make in their activity.

Mr. CALDER. This information is new to me. I am very glad to have it, and very glad to have it in the RECORD; but the point I wish to make is that in competition with other automobile concerns of the country I am certain, from my knowledge of Mr. Coffin's character, that he would do nothing with an unpatriotic purpose.

Mr. McKELLAR. Mr. President, will the Senator yield right there?

Mr. CALDER. Certainly.

Mr. McKELLAR. Does not the Senator think it would be a very much higher class of patriotism if it were unaccompanied with any expectant profits; and would it not be wiser to have a law specifically prohibiting these gentlemen from selling to the Government while acting in this governmental capacity? Such a law applies to Senators. Why should it not apply to these officers of the Government?

Mr. CALDER. I do not understand that any of the gentlemen on the advisory commission of the Council of National Defense are interested, directly or indirectly, in advocating the purchase of their particular product at the hands of the Government. Now, if we enact the provision contained in the pending measure, then we prevent the Government from obtaining the advice or counsel of its leading business men, because nearly every one of the leading business men of this Nation, nearly every one of the great leaders of industry, is interested, directly or indirectly, in some concern that may be in some manner doing business with the Government.

I will say to the Senator that I am going to make a confession myself. I discovered the other day that the Brooklyn Navy Yard and the fort known as Fort Hamilton purchase gas from a Brooklyn gas concern at a price fixed by law. A member of my family happens to own a few shares of stock in this gas company. Now, to say that because of this fact I can not be trusted to pass upon measures affecting the Government of the United States is, to say the least, very absurd; and so to suggest that these gentlemen, leaders of industry in the United States, are not to be trusted to advise upon these great governmental problems is, in my judgment, going very far afield.

Mr. McKELLAR. Mr. President, if the Senator will yield again, nothing is further from my thought than to prohibit these gentlemen from advising the Government.

Mr. CALDER. They are prohibited by this section from doing so if they have any financial interest in the supplies concerned.

Mr. McKELLAR. But what I do object to is their advising the Government as to the price of the articles that they themselves sell to the Government. If they want to be patriotic, they had better let somebody else sell to the Government while they are acting as the Government's agents.

Mr. WADSWORTH. Mr. President, will my colleague permit me to ask a question of the Senator from Tennessee?

Mr. CALDER. Yes.

Mr. WADSWORTH. Acting upon that theory, would the Senator from Tennessee advocate that the Baltimore & Ohio Railroad shall not transport any troops or supplies for the Government because Mr. Willard happens to be on the advisory commission?

Mr. McKELLAR. I think it would be very much better for the Government itself to fix the price at which troops are transported.

Mr. GORE. Mr. President, I suggest to the Senator that the Government does do that.

Mr. McKELLAR. It does fix the price. That would be wholly immaterial, because the price is fixed already by the Government and by a different department of the Government, so that the principle which the Senator suggests would not be applicable in this particular case. The price-fixing is not done by the railroad.

Mr. WADSWORTH. May I trespass upon the good nature of my colleague once more?

Mr. CALDER. Certainly.

Mr. WADSWORTH. I simply wish to suggest that the rate fixed by the Government to the railways for the transportation of troops or Government supplies is not the only element in the equation. It is entirely probable that on many occasions it will be necessary to increase the amount of Government transportation upon a certain railroad over and above what is carried by some other railroad. It may be necessary in the Government interest, we will say, that the Baltimore & Ohio Railroad should transport on a moment's notice a great mass of supplies or many thousands of troops. For the particular purpose desired at that moment the facilities of that road may be the best for the Government, but under this proposal, as I read it, it can not be done if Mr. Willard advises it.

Mr. McKELLAR. I will say that if that was the case, and it was best for the Government to use the Baltimore & Ohio Railroad to the exclusion of other railroads that wanted the business or had a right to the business, the president of the Baltimore & Ohio Railroad would put himself in a very improper attitude before the public if he used his place on the Council of National Defense to obtain that business for his road. The President of the United States never gave out a better statement or a stronger statement than when he said yesterday that profits and patriotism ought not to go together in dealings with the Government; and I want to commend that statement in the highest terms. I do not believe this war should be conducted on any such principle as profits going to those who are in places of high trust, or to those who may be interested along that line.

Mr. CALDER. Mr. President, the Senator from Tennessee and I have no disagreement on that point. I should be the first one to denounce a man who would directly or indirectly seek to profit by his connection with a commission of this character.

The Senator refers to the patriotic address of the President, and I commend, too, his address of yesterday; but does the Senator know that these men who are being criticized here were appointed on this commission by the President or with his approval? Does he know that associated with Mr. Willard are Mr. Harrison, president of the Southern Railway; Mr. Rea, of the Pennsylvania; and the presidents of other important railways of the Nation? Does the Senator mean to intimate that these distinguished men, these great leaders of industry in this Nation, are using their places for profit? Can it be maintained that there are no patriots in this country who have any business standing? Or are the patriots only to be found among those who have no business standing, and who are incompetent to advise the Government on these matters of grave concern?

Mr. McKELLAR. Mr. President, if the Senator will yield——

Mr. CALDER. Certainly.

Mr. McKELLAR. I mean to imply no such thing as the Senator suggests; quite the contrary. I take it that these men are high-minded men and are seeking to do their patriotic duty. If they are doing that, they need not be afraid a particle on account of the provision known as section 3 of this bill. I take it that they are living up to that, and I take it that they are not seeking any advantage; and, for the life of me, I can not understand how there can be any opposition to section 3, unless some one is seeking profits along with patriotism. If they are not—and I assume from what the Senator says and from what other people say and from the general situation that they are not—of course, if they are not, they have nothing to fear from section 3. It is only when profits come from their patriotic action that they have anything to fear from section 3.

Mr. SHERMAN and Mr. KENYON addressed the Chair.

The VICE PRESIDENT. Does the Senator from New York yield; and if so, to whom?

Mr. CALDER. I yield first to the Senator from Illinois.

Mr. SHERMAN. In addition to the statement and the question of the Senator from Tennessee, Mr. Willard will be regulated, if the Baltimore & Ohio Railroad Co. deal with the Government, by the Interstate Commerce Commission and all the publicity that for many years has attended its operation. There is no such mechanism to control the sale of private merchandise. I wish to ask the Senator from New York whether they are not patriotic and honorable men on this commission. No one questions that. I wish to ask the Senator if he does not think there are patriotic and honorable men serving in the House and the Senate. Still if we do what the board of public defense and its subcommittees are doing we would be impeached and indicted and removed from the House and Senate and sent to the penitentiary, as we ought to be. We can not practice law any more. Public opinion has put an end to that in the absence of a statute. We can not any longer appear before Federal courts for a corporation that used to be a client before we came here. Public opinion put an end to that, and justly so. I would be as willing to vote for a measure that would be prohibitory upon a Senator from practicing in courts in behalf of clients who would benefit by legislation under this bill as I am to vote to prevent them from contracting for the sale of merchandise in which they are financially interested. It is not a question of patriotism; it is a question of removing them from temptation and from the wrong construction put upon their action.

Mr. CALDER. I will now yield to the Senator from Iowa.

Mr. KENYON. It seems to me that the Senator from New York does not have a correct construction of this section. The Senator believes that men like Mr. Willard would be prevented from serving on the Council of National Defense, I take it, from his remarks?

Mr. CALDER. Yes.

Mr. KENYON. I think the Senator is wrong about that. Will the Senator point out under this section just the language which would debar Mr. Willard from occupying this position? If not, I will answer my own question.

Mr. CALDER. It reads:

That it is hereby declared unlawful for any person acting either as a voluntary or paid agent or employee of the Government in any capacity, including an advisory capacity to any commission, board, or council of the Government, to procure, attempt to procure, or make any contract for the purchase of any supplies for the use of the Government either from himself, from any firm of which he is a member, or corporation of which he is an officer or stockholder, or in which he has any financial interest.

It would seem to me, Mr. President, that if a man acting upon one of the advisory boards or one of its subcommittees is a stockholder of a corporation doing business with the Government, whether he may advise the business or not, he is acting in violation of this provision.

Mr. KENYON. Now, Mr. President——

Mr. CALDER. If he is not, then I am very much mistaken in my reading of the language, and I have nothing more to say about it.

Mr. KENYON. I think there is a misconception about this section. I am sure there has been no desire on the part of the committee to debar these business men from their very necessary work in helping the Government.

I wish to call the Senator's attention to this. The party he speaks of would not be permitted to make a contract for the purchase of supplies, to procure a contract or to attempt to procure it. He is barred from doing that.

Mr. CALDER. He ought not to be permitted to do it.

Mr. KENYON. That is all this section does. In order to be certain about the matter, a proviso is inserted which would give him a right to advise about matters and about the purchase of supplies with which he was not connected. How in the world anybody can object to that proposition I can not understand. Mr. Willard would not be barred under this section from doing exactly what he is doing now, but he would be barred from making contracts with the Government for the purchase of supplies from concerns in which he is interested, and that is all there is in the section.

Mr. CALDER. Now, while the Senator is on his feet, let me cite the third name, that of Mr. Rosenwald, president of Sears, Roebuck & Co., of Chicago.

Mr. KENYON. The gentleman who has been speaking of Congress in the highest complimentary terms, from his standpoint.

Mr. REED. Before the Senator takes up Mr. Rosenwald, because the section in controversy has just been read, will the Senator allow me at that point to put in the present statute of the United States?

Mr. CALDER. I want to finish just a short statement, and then I will be glad to yield. Mr. Rosenwald is a manufacturer and a great merchant in this country. I wish to propound to the Senator from Iowa if some company in which Mr. Rosenwald may be a shareholder should without his knowledge and without his attempting to secure the business for them sell some goods to the Government, would he be violating the provisions of this section?

Mr. KENYON. He would not, unless he made the contract or if he attempted to procure the contract, and there might be a good deal of latitude as to what an attempt to procure a contract might be. If he did procure the contract himself, he would be liable under this section.

Mr. CALDER. Or if he advises with the Government as to the sort of material the Government should have along certain lines, and then in competition his concern obtains the contract he would be liable.

Mr. KENYON. If that advice went to the extent of being an attempt to procure the contract he would be liable, but if he only gave advice without any attempt to procure the contract I do not think he would. That is a matter for construction by the court.

Mr. McKELLAR. Mr. President——

Mr. CALDER. The Senator from Missouri wishes me to yield to him, and I do so.

Mr. REED. Mr. President, in connection with the proposed section which has just been read I desire to call attention to section 41 of the Public Laws, volume 35, as it appears on page 1097. I call the attention of the Senator to this section and ask him to tell me why it is not just as broad as the proposed section? The section reads:

SEC. 41. No officer or agent of any corporation, joint stock company, or association, and no member or agent of any firm or person directly or indirectly interested in the pecuniary profits or contracts of such corporation, joint stock company, association, or firm, shall be employed or shall act as an officer or agent of the United States for the transaction of business with such corporation, joint stock company, association, or firm. Whoever shall violate the provisions of this section shall be fined not more than $2,000 and imprisoned not more than two years. (Vol. 35, Pt. I, Public Laws; U. S. Stat. L., 60th Cong., p. 1097.)

That section has been on the statute books in substance and effect since March 2, 1863. In the various revisions of the law it has undergone some slight changes, but they have not affected its material properties. It seems to me if the Senator wants to exclude from the purview of the law those who will be brought within the proposed amendment, then he must proceed also to repeal the law as it has stood now for more than 50 years.

Mr. CALDER. Has the Senator concluded?

Mr. REED. Yes.

Mr. CALDER. Mr. President, I have no desire or no intention of defending here or espousing the cause of any man who is using his place as a member of the advisory commission to sell his goods to the Government or to profit by his connection with any such commission. A man who at a critical period like this would even attempt to do anything of that character is, in my judgment, just short of being guilty of treason and should be treated accordingly. I have nothing but the greatest condemnation for a man who under the guise of being an adviser of the Government, a voluntary adviser of the Government, will profit by his position. So there is no difference of opinion between the Senator and myself on this point.

But I maintain, Mr. President, that we have built up this advisory commission and in many respects it has been a very great benefit to the Government. If Senators can point out where, in any single instance, members of this commission have profited by their membership in it, I shall join with them in condemning the men and in holding them up to the ridicule and condemnation of the country.

Mr. McKELLAR. I think there is not a great deal of difference between the Senator's views and those that I have on this subject. Our difference grows entirely out of a possible misunderstanding on the part of the Senator as to just what this

language provides. I wish to call his attention to the words in lines 17, 18, 19, 20, 21, and so forth. Here is what is prohibited:

That it is hereby declared unlawful for any person acting either as a voluntary or paid agent or employee of the Government in any capacity, including an advisory capacity to any commission, board, or council of the Government, to procure, attempt to procure, or make any contract for the purchase of any supplies for the use of the Government either from himself, from any firm of which he is a member, or corporation of which he is an officer or stockholder, or in which he has any financial interest.

Now, take the case of Mr. Willard of whom the Senator has spoken, and surely we might well take Mr. Willard, because so far as I have known or heard Mr. Willard is a man of as high standing and integrity as any man in our country. So we will take him for the purpose of illustration. Let us suppose that Mr. Willard should use his position upon this advisory commission to procure or attempt to procure or to make a contract for the purchase of supplies for any company of which he is a member. Does the Senator think for a moment that that would be proper conduct on the part of Mr. Willard? I am using Mr. Willard simply as an illustration, because I feel sure that is the only way in which Mr. Willard could be used in such a matter. Does not the Senator think that he ought to be prohibited from using that position for any such purpose?

Mr. CALDER. Of course I do.

Mr. McKELLAR. Then that is all there is in it.

Mr. CALDER. I can conceive just how Mr. Willard might do what the Senator suggests. Suppose with his other associates on the railroad subcommittee, all of them presidents of the leading railroads, sitting in counsel and determining just how troops and freight should be routed, they should allot to the Baltimore & Ohio Railroad certain business and to other railroads other business. Mr. Willard might be put in a position of determining just exactly what traffic should go to his road, and, although perhaps it may be a strained interpretation, he might be accused of violating the provisions of this section. Mr. President, if the Senator from Tennessee will join with me in making this section plain, I shall have no further complaint to make.

Mr. KENYON. I was just going to ask the Senator if he thought the transportation of troops would be the purchase of supplies in the language of the bill?

Mr. CALDER. Yes; it is purchase of transportation that I have in mind.

Mr. McKELLAR. I call the Senator's attention to the fact that transportation is a matter fixed by law. The Interstate Commerce Commission fixes it and has control over it. As a matter of fact, if certain railroads banded themselves together and undertook by reason of their place on this committee to monopolize the business of the Government I think the Senator will agree with me that they ought not to do that to the exclusion of roads that did not have representatives on the council. I am sure the Senator agrees to that proposition. That is all this would require.

Mr. CALDER. Mr. President, after all, these gentlemen acting in an advisory capacity with the Government do not sell their goods, do not advise the sale of their goods to the Government, and do not pass finally upon whether any goods that they may have to sell or anybody else may have to sell shall be purchased by the Government. I hold in my hand a copy of this morning's New York Sun and will read a statement made by Secretary Lane yesterday. If the Senate will bear with me, I am going to occupy the time for a moment just to call their attention to it:

WASHINGTON, *July 11.*

The relation of business men to the Government was described today by Franklin Lane, Secretary of the Interior and one of the six Cabinet members who compose the Council of National Defense. Answering talk in Congress and elsewhere suggesting that members of the council are in position to make contracts with themselves and thus derive personal profit from the war, Mr. Lane said the business men composing the advisory commission have no control over contracts, and, in fact, give to the Government infinitely more than they receive.

"We have nothing to sell," he said. "When it is considered that the Council of National Defense consists of Secretary Baker, a lawyer; Secretary Daniels, an editor; Secretary Lane, a lawyer; Secretary Houston, a college president; Secretary Redfield, a retired business man; Secretary Wilson, a labor-union official, you will realize that there is not much chance for that charge being true.

"No; nobody thinks that we are dealing with ourselves. The confusion has come about because of the peculiar organization of the council. Get into your head one of two facts and you will see how this confusion has arisen. The Council of National Defense buys nothing. That body was created by Congress as a measure of preparedness to mobilize resources—a sort of stock-taking body.

"If we came to war, what did we have in the way of resources to make war with? That was the idea. It is not a war council in the English sense, which can direct policies. The President is our war council. It is not a purchasing board, because there is not a man on it who can buy anything excepting the Secretaries of War and Navy, and the council can not direct them what to buy."

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. KENDRICK in the chair). Does the Senator from New York yield to the Senator from Missouri?

Mr. CALDER. Yes.

Mr. REED. When you except the Secretary of War and the Secretary of the Navy, of course you except two gentlemen who do buy directly or indirectly or supervise the purchase of all our war supplies to a point that is almost unlimited.

Mr. McKELLAR. If the Senator will yield further, Mr. Baker in his testimony before the House committee stated—and has stated personally, too—that the members of these various committees recommend the contract and the War Department enter into a contract as recommended by them. So there can not be any question about the proceedings.

Mr. KENYON. The Senator from New York has been very good-natured in yielding. I should like to ask the Senator from Tennessee if the advisory committee, on getting together with Secretary Lane, who gives out this interview, did not recommend the price of coal at a rate which Secretary Baker promptly repudiated?

Mr. McKELLAR. Certainly; and I think he was exactly right about it.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Missouri?

Mr. CALDER. Just a minute. I yield first to the Senator from Iowa.

Mr. KENYON. I was simply going to add as a part of my question that in the very proceeding it seems the advisory committee on coal, as I understand it, of which Mr. Peabody, a great coal dealer, was the chairman, in connection with Secretary Lane, recommended the prices which were so exorbitant to the American people to-day, but Secretary Baker, with a patriotism that is commendable, repudiated the whole transaction. I think Secretary Baker and Secretary Daniels have stood between these plunderers and the American people.

Mr. REED. Mr. President——

Mr. CALDER. Just a minute. Does the Senator from Iowa mean to infer that the members of the advisory board are plunderers?

Mr. KENYON. No; I do not. It may be that some of them are plunderers; I do not know; but the great majority of them are not. However, I refer to plunderers as the men who are trying to take advantage of this war-time situation to rob the American people, and they are doing it and will keep on until Congress stops it.

Mr. CALDER. In reply to the Senator I will say that I have the fullest sympathy with any move that he or anyone will make to stop plundering the American people by anybody.

Mr. REED and Mr. McKELLAR addressed the Chair.

Mr. CALDER. I will yield to the Senator from Missouri.

Mr. REED. Mr. President, on the question of coal I have just a word to say. I have had occasion to examine some prices of coal, and the remarkable thing is that on the very day that this committee, or whatever you may see fit to call it, fixed the price of coal at $3 a ton and obtained the O. K. of Secretary Lane and a most eulogistic speech from him—on that very day the open coal prices for open business in the mines of several important States was away below the price they fixed, and the agreed price was an actual increase.

Now I am going to put a question to the Senator from New York. I am not attacking anybody; but if a great coal man were at the head of that commission, and if he assembled a lot of other great coal men from the country, and they together had agreed upon a price for coal which the Secretary of War said was extortionate and wrong, and if in fact that price was a raise above the price then being obtained in the open market in several of the States, does the Senator think that that was not the reaping of an advantage by those gentlemen through their connection with the Government?

Mr. CALDER. Mr. President, I will say to the Senator from Missouri that if the facts are as stated, and they can be so ascertained, then the Council of National Defense ought to ask the members of the coal committee for their resignations from it, and, if they will not resign, ought to remove them.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Ohio?

Mr. CALDER. I yield.

Mr. POMERENE. Senators are discussing this matter of profits, and so forth, and I want to say a word, if I may, directly on the subject.

Mr. CALDER. For just a moment or two?

Mr. POMERENE. Yes; for just a moment or two of time. Later on I expect to say something more at length on the subject.

I have a positive knowledge of one coal company that is making over 800 per cent on its investment in this present crisis. I desire to say, further, that if the Federal Trade Commission does not investigate the question of profits I shall later introduce a resolution in the Senate authorizing the Interstate Commerce Committee, or some other committee, to investigate it and compel these coal barons to bring their books, so that the public may know the extent to which it is being robbed.

I want, as indicating the advantage that some of these coal operators are taking of the present condition, to have a circular letter read bearing on that subject. The Senator from New York [Mr. CALDER] and perhaps the Senator from Missouri [Mr. REED] have referred to the fact that certain prices were tentatively agreed upon by certain coal operators, and so forth; and now these coal operators are deliberately misrepresenting the situation to the public. As proof of my statement, I want to send to the desk to have read a circular letter which is being sent out by the Harlan Coal Co., of Louisville, Ky., in which they suggest that prices have been fixed by governmental agencies. It is not true, and they know it is not true, and yet they make that statement. I ask that the letter which I send to the desk may be read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

THE HARLAN COAL CO.,
Louisville, Ky., July 7, 1917.

To customers:

Since the conference at Washington, which resulted in the fixing of maximum coal prices by governmental authorities, it has, in our opinion, become clearly evident that the program agreed to has the support of an unquestionable majority of the members of the coal industry.

Any further discussion, therefore, as to whether this program is legally valid or enforceable loses much of its interest to us, and we intend to abide by it. We expect that another basis will very shortly be created for the coal industry.

Such tonnage of Black Beauty coal as we have free of engagement prior to July 1 will be offered at $3.75 for domestic sizes and $3.25 for nut and slack, and these prices will include the one and only authorized commission for selling which is limited to 25 cents per ton.

Yours, very truly,

K. U. MEGUIRE,
President and General Manager.

Mr. POMERENE. Now, Mr. President, just a word further on that subject. That coal is from a district where last year they were furnishing coal at $1.25 a ton. I have a letter from a large tool-steel company, inclosing to me the letter which I have had read, in which they make this statement:

[From Columbia Tool Steel Co.]

As stated to you in my letter June 26, our contract with the Wyatt Coal Co. last year for gas coal from the Kentucky district was $1.25 per ton at the mine

Yet the prices they now ask are $3.25 and $3.75 per ton. Of course, they are waxing fat at the present time. I think the President's timely words about patriotism and profits ought to be commended to some of these coal people.

Mr. CALDER. Mr. President, I am being diverted somewhat from what I meant to discuss when I arose, but before proceeding I want to commend the Senator from Ohio [Mr. POMERENE]. He is doing excellent work in connection with this coal investigation, and he knows that a great deal of information obtained in connection with this matter was received from the Federal Trade Commission, largely as the result of a resolution adopted on my motion in the Senate some weeks ago. I join with the Senator from Ohio, and I will join with any other Senator, to bring about a condition of affairs that will stop this looting of the public by some of the coal operators and speculators of the country; but, Mr. President, because perhaps of the action of some minor board of the National Defense Council, which has been built up under the leadership of the President of the United States, rendering valuable service, as it has, in many directions, existing, as it does, because of the President's own party leadership, I am not willing to tear it down by indirect legislation. If it is wise to so change the law as to affect those who may attempt to take advantage of their position upon these advisory boards, I will join with other Senators in legislating in that direction; but I know of very many instances where much advantage has come to the Government because of the existence of these boards.

I was reading a moment ago from an article in this morning's paper when interrupted by the Senator from Missouri. I continue. Secretary Lane says:

But when Congress provided for this council it created a supplemental body, which is sometimes confused with the council itself, which is called the advisory commission, and these are real business men. They are nominated to the President by the council and appointed by him. These gentlemen donated their services.

These men, Mr. President, have been in Washington for months, performing patriotic service for the Nation without compensation, and I am not willing to stand here in the Senate and permit the condemnation of men, if only by inference, who are rendering such valuable service to the Government.

My attention was called the other day to the petroleum situation. I observe that the chairman of the subcommittee on petroleum is the president of the Standard Oil Co., and those associated with him are active officers of the leading oil companies of the Nation. I know the chairman of the committee; I do not know the other members of it; but I am not willing to criticize men who come here to Washington on the invitation of the Government, and who to-day sit in council with the Secretary of the Navy and advise as to the ways and means for the purchase of their products at a price much below the market value.

I am told—and perhaps some Senator here has absolute knowledge of it—that the petroleum interests of this Nation have, after conference with the Secretary of the Navy, arranged to continue the contract prices made last fall right into September without any additional pay, and that they have arranged with the Navy Department to be responsible for deliveries at any port or point in the country which the Secretary of the Navy may from time to time indicate. If these men are performing this patriotic service without any additional compensation, without pay, then I am not ready to condemn them.

Mr. NEW. Will the Senator from New York yield for just a moment?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Indiana?

Mr. CALDER. I do.

Mr. NEW. I agree absolutely with what the Senator says, to the effect that nothing should be said here which either directly or by inference reflects upon the patriotism or character of service which has been rendered by many of the gentlemen who constitute this advisory council. Of my own knowledge, I know of one corporation which has spent half a million dollars in the perfection of a device—I am not at liberty, and it would not be policy at this time, to state what it is—but I know it is true that that amount of money has been spent by one corporation in the perfecting of an important device, intended for their own use, but which is now desired by the Government. The officers of that company are in Washington; their engineers are here, without expense to the Government, but at the expense of the corporation itself. All of that investment has been wiped out; not a cent of remuneration is expected or desired by the corporation; but the result of what has been accomplished by them up to this time, through their own individual effort and expense, has been turned over to the United States Government, and those officers and those engineers are to-day cooperating with the Government in the effort further to perfect, for Government uses and under Government auspices, the device which this company has been working upon so long and at so much expense.

Mr. President, the corporation I have in mind is not the only concern which has been rendering a similar service to the Government. Perhaps some of the others have not spent quite so much money as the one to which I have referred, but they have spent very large sums.

To my mind, Mr. President, there can be no finer evidence of unselfish patriotism than has been furnished by these gentlemen and the concerns they represent, and I am very sure that the Senate does not desire in any way to suggest anything that can reflect upon the motives or the services of men who have done this altogether creditable thing.

My understanding of this section is the same as the Senator from New York says his is, and not in accordance with that of the Senator from Iowa. I can very readily see that fundamentally it is certainly correct that men should not be allowed to dictate prices of the particular commodities which they have to sell to the Government of the United States; but I am quite as sure that there is no disposition, on the part of the men whom I have in mind at least, to do any such thing.

Mr. CALDER. Mr. President, I have in my hand a list of the subcommittees of the advisory commission. I note the cooperative committee on cotton goods, the cooperative committee on woolen manufactures, the cooperative committee on shoes and leather, and the cooperative committee on knit goods. The men on these committees are the leaders in their respective lines in the business of the country. No one would think of inviting gentlemen to come to Washington to advise on cotton goods, woolen goods, shoe and leather industries, or knit goods without asking these very men. They compete constantly with each other, and, perhaps, unwittingly, unknowingly, they may sell

goods to the Government through some subsidiary company or through some agent of theirs; but to say that the Government should be denied the opportunity of using the services of these men because, forsooth, they may at some time or other do some business with the Government is going pretty far afield.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Tennessee?

Mr. CALDER. Yes.

Mr. McKELLAR. I will say to the Senator that section 3 would not prevent any such course of dealing as the Senator suggests. It would not interfere with these gentlemen in what they are doing in that line. The only thing that it would interfere with, if they should do it, would be the procuring or attempting to procure or making a contract for themselves or their firms. That is all there is in it. I have served with the Senator for quite a while in another body and have served a short time with him here, and I know him so well that I feel confident he would not countenance on the part of these gentlemen or any other gentlemen acting as the agents of the Government in such a capacity, either their procuring or attempting to procure or making any contract for themselves or for their firms or corporations.

Mr. CALDER. Mr. President, fundamentally there is no difference between the Senator from Tennessee and myself; but I did not feel that I could permit the criticism of some of the great business men of our country to go without saying something in their behalf. These men have gathered here and assisted in mobilizing the industries of the country. They have been engaged, without profit to themselves, in coordinating the different lines of endeavor. For that they are entitled to the highest commendation on the part of the Government and on the part of all the American people.

Mr. President, the coal industry has been referred to. I have no words of criticism of the men connected with that industry serving on the subcommittee on coal of the advisory council, because I have no knowledge that they have connived or endeavored to connive against the interests of the Government, and have used their positions to that end. If they have, they should be condemned; but I am not willing to condemn all the rest even if this be true, and I submit, Mr. President, the men who have come here and given their time and rendered valuable service to the Government ought to have the thanks of Congress. I know many of them, and I want personally here and now to express my appreciation of the work that many of them have rendered the country in its critical hour.

Mr. REED. Mr. President, I want to say just one word in regard to the question now before us. If it is to be seriously discussed, if there is to be any real effort made to strike this section out of the bill, I want the Senate assembled and the discussion to take place in a very serious way. I do not believe there will be serious opposition to the section. Therefore, what I have to say is to be very brief. I hope we will get a vote on this section, and that we may proceed to a point where the Gore substitute can be offered, in order that we may determine which bill is to be perfected, and which is to become a law, if either.

But somewhat in reply to the distinguished Senator from New York [Mr. CALDER], let me say that no man has any right at this time to assail the motives of other men unless there be some evidence upon which to base the accusation. The President of the United States has seen fit to ask men to come to Washington to act in an advisory capacity, and a partial list of those men has been printed in a document which bears the title, "Priorities of shipments bill," and so forth.

I say that no honest man will want to sit in advice upon a matter in which he is pecuniarily interested and the Government of the United States is about to invest or purchase. That sort of thing has been condemned by every law writer who has ever touched the subject, by every court that has ever been called upon to decide it, by every man who has ever written of morals, business or otherwise. It is not a matter open for discussion that the practice to which I have just alluded should be always kept illegal in our country, and it is illegal now under a statute which has been upon the books since March 2, 1863.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator for a moment?

Mr. REED. Yes.

Mr. CHAMBERLAIN. I do not believe there is a Senator who disagrees with the proposition the Senator is making; but does not the Senator think that these gentlemen, acting on the committees and in an advisory capacity, could still act in that capacity and on the committees they are now on without doing violence to the proprieties?

Mr. REED. Why, Mr. President, I think that the men who are now acting purely in an advisory capacity, as I understand that capacity, as I understand the President's intention in calling them together, can properly act; but I do not understand that the President has intended for a moment to have these men come and sit on their own cases, their own contracts, their own business, or to hold positions of such a nature as to enable them to exercise a controlling voice or a potential voice in the matter of their own contracts.

Mr. CALDER. Mr. President, if the Senator will yield, I fully concur in that statement.

Mr. REED. I think the Senator does.

Mr. CALDER. Why, of course.

Mr. REED. Neither should they be placed in a position of temptation, as was suggested by the Senator from Tennessee. This section as it stands, without any amendment, goes no further than to cut clean the line beyond which they can not go; and, so far as I am concerned, I will not give my vote or my consent to whittling it down a particle.

Now, just a moment with reference to this matter. I stated in the beginning that I have no desire to reflect upon any man, but I find in the list of names appearing in this pamphlet—and I call special attention to this—the following:

Committee on steel and steel products: Elbert H. Gary, American Iron and Steel Institute, 71 Broadway, New York, chairman; James H. Burden, Troy, N. Y.; E. A. S. Clarke, president Lackawanna Steel Co., 2 Rector Street, New York; Alva C. Dinkey, vice president Midvale Steel Co., Philadelphia, Pa.; James Farrell, 71 Broadway, New York; Willis L. King; Charles M. Schwab, chairman of board Bethlehem Steel Co., 111 Broadway, New York; John A. Topping, chairman Republic Iron & Steel Co., 17 Battery Place, New York.

Mr. President, there are embraced the names of the steel kings of the United States, and I do not use the term at all in any approbrious manner. They command the business; they command the prices; they fix the prices; and now they are assembled in Washington for the purpose of advising our Government with reference to what prices our Government ought to pay for steel. That is their business. Let us see how they have performed that office.

I read:

In these days of our supreme trial, when we are sending hundreds of thousands of our young men across the seas to serve a great cause, no true man who stays behind to work for them and sustain them by his labor will ask himself what he is personally going to make out of that labor.

No true patriot will permit himself to take toll of their heroism in money or seek to grow rich by the shedding of their blood. He will give as freely and with as unstinted self-sacrifice as they. When they are giving their lives, will he not give at least his money?

I hear it insisted that more than a just price, more than a price that will sustain our industries, must be paid; that it is necessary to pay very liberal and unusual profits in order to "stimulate" production; that nothing but pecuniary rewards will do it—rewards paid in money, not in the mere liberation of the world.

Mr. President, whom do you think the President was talking about when he said:

I hear it insisted that more than a just price * * * must be paid.

What was the subject matter with which he was dealing? You know the current history of yesterday and the day before. You know what the point of controversy was. It was the price of steel; and the question was whether our Government would be compelled to pay, for the steel that was going into the ships, what were claimed to be two or three prices.

About whom was the President talking?

Mr. CALDER. Mr. President, will the Senator yield?

Mr. REED. I will yield in a moment.

Let me turn for a moment to the shipowners of the United States. He discusses them; he discusses high freight rates; he discusses the general question of profits; and then he adds:

The thing has happened naturally enough, because the commercial processes which we are content to see operate in ordinary times have without sufficient thought been continued into a period where they have no proper place.

I am not questioning motives. I am merely stating a fact, and stating it in order that attention may be fixed upon it. The fact is that those who have fixed war freight rates have taken the most effective means in their power to defeat the armies engaged against Germany—

And so on. So that he is referring now to all of these people who are fixing extortionate prices; and, among others, I ask, was he not referring to the steel people?

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Connnecticut?

Mr. REED. In a moment.

The answer to that may be found in the fact that on yesterday morning the papers carried this headline—and I read from the Washington Post:

Steel men blocked—Headed by Judge Gary, they talk prices with Secretary Baker—All depends on President—Chilled by hint that Gov-

ernment take over entire output—No answer in sight to question whether Government will allow liberal profits or limit them to 10 per cent above cost—In a quandary, magnates may remain in Washington a week.

Now, here is this anomaly: A committee is appointed to advise the Government with reference to steel and steel contracts. At the head of that committee is Judge Gary; and yet we find Judge Gary called before the Secretary of War, and there Judge Gary is insisting upon prices which have been condemned by our Government as extortionate; and the article goes on to state that most of these steel man have left the city in disgust because they could not have their way.

Now, of what value is that kind of advice? Of what aid is that kind of assistance? How much good is done the Government by men sitting to advise as to prices who demand such prices for themselves that the Government declares the prices to be extortionate, and all the world knows them to be extortionate? The prices of steel have mounted to a degree that is absolutely appalling and scandalous. According to one report that I heard, the Government has been asked to pay $95 a ton for steel that the manufacturers were ready to furnish at $50 a ton only a short time back.

There is a use that these great magnates could be to our Government if they would serve in that capacity. If, for instance, our Government desired to know how quickly steel could be made, what means would be necessary to enlarge plants, what costs would be, and so forth, these great masters of manufacturing and business could be of great use. But is there any good purpose to be served by their sitting to advise the Government with reference to prices when they demand these frightful prices?

Mr. CALDER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New York?

Mr. REED. I do.

Mr. CALDER. Was it not the purpose of this subcommittee on steel, when appointed by the Council of National Defense, to do just the very thing the Senator suggested in the last sentence? Was not the object that they might be brought here so that they could mobilize their products, so that they could discuss ways and means of getting steel to the coast or to places where the Government needed it?

Mr. REED. And with that purpose, let me interject, this bill will not interfere at all. This bill will in no manner interfere with their coming and telling the President of the United States: "We can produce so many tons of steel of a certain kind within a given period. We can enlarge our plants within a given period. We can and will produce so much if it is ordered." All of that can be done and will not be interfered with at all by this bill. But if they sit down and try to let a contract with themselves or fix a price for their own benefit, they will come within the sweep of this bill, and they ought to.

Mr. CALDER. And if they do, they ought to come within the purview of the bill. I have no conception that the heads of departments of this Government would be so remiss in their duty as to permit men in a certain line of endeavor to make prices for themselves.

Mr. REED. Well, then——

Mr. CALDER. But, if the Senator will yield a moment longer, here these great captains of industry have met together in Washington in the last day or two at the request of the department heads. They have conferred with the Secretary of the Navy and the Secretary of War, and they have gone home with a statement from the heads of the Government that they must sell their products at a price fixed by the Government; and they have agreed to it and have gone home to arrange their business accordingly.

Mr. REED. Oh, no; they have not agreed to it.

Mr. CALDER. I only know what I read in this morning's New York paper.

Mr. REED. Perhaps my statement was too positive. My information was that they went home practically saying: "Well, we will wait and see. We do not know what may happen."

Mr. CALDER. It is because of the fact that the Government was able to bring here these men of large business affairs that the Government was able to know, at the end of their conference, that it could get the product for the price the Government fixed.

Mr. McKELLAR. Mr. President, will the Senator permit me?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Tennessee?

Mr. REED. Yes. I just want to say that it seems now that the Senator could have no objection to this section as it stands, because the language of it does not cover the acts he is talking about.

Mr. CALDER. If I am mistaken in that, I have no more to say.

Mr. REED. I yield the floor.

Mr. McKELLAR. All I wanted to say was this: Unquestionably the purpose of the act creating the Council of National Defense was to establish just such an advisory commission as we have had; but there is not a line or a scintilla in that act that authorizes the advisory commission or the committees thereof to have a single thing to do with the awarding of contracts or the fixing of prices for the contracts. They are acting beyond and outside of any authority in that act whenever they undertake to do so; and this amendment simply makes it obligatory upon the Council of National Defense and its advisory commission not to go outside of the original act that created them.

There is not the slightest intereference with the operations or the activities of the board or these committees. They can do their patriotic service without let or hindrance. There is no reason on earth why these great captains of industry can not give the Government the benefit of their advice, the benefit of their knowledge, the benefit of their power. The only thing that is prohibited under this section is that they can not award contracts or advise the award of contracts or secure the award of contracts and they can not fix the prices at which they may sell goods to the Government. If there is anything unfair about it I am wholly unable to understand the English language.

Mr. STERLING. Mr. President——

Mr. McKELLAR. I yield to the Senator.

Mr. STERLING. I understand there are just two things that can be done by the National Council of Defense. One is to investigate and the other is to recommend. Surely the advisory commission can do no more than the council itself.

Mr. McKELLAR. Of course, the Senator is perfectly correct about that. This whole trouble, if trouble it is, this whole question, arises out of the fact that some misguided members of the advisory board or commission have gone beyond their power, and it has gotten to be a matter of common understanding everywhere that they have done so.

This proposed legislation does not interfere in the slightest with the powers or the activities or the operations or the benefits that are to accrue to the Government coming from the organization of the Council of National Defense. It does not interfere with it at all, and anyone who says that this prohibition of contract making and price making of contracts interferes with the Council of National Defense or will put it out of business, as has been suggested, simply does not know what he is talking about. The senior Senator from Tennessee [Mr. SHIELDS] the other day and the Senator from Missouri [Mr. REED] to-day produced section 1783 of the Revised Statutes, which provides practically the same thing, but this is specific and ought to be passed, and I sincerely hope the Senate will pass it.

Mr. WILLIAMS. Mr. President, this morning in reading the Washington Post I came across an editorial headed "Prices and profits," which seems to me to be so thoroughly and completely a reply to some observations made by the senior Senator from Massachusetts [Mr. LODGE] yesterday, I believe it was, possibly day before yesterday, that I beg leave to have it read and inserted in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

PRICES AND PROFITS.

The President's call to American industry to show its patriotism is a document that strikes a responsive chord in every corner of the Union. The document is timely, for there had appeared a formidable movement in behalf of extra profits on the ground that production must be stimulated. While Mr. Wilson recognizes the fact that production must be stimulated, he does not admit that the only way to stimulate it is to pay excessive prices. On the contrary, he thinks excessive prices are unpatriotic, and he asks producers to quit talking patriotism if they insist upon extra profits.

The desire of the people and the Government can be expressed in general terms. The President's statement expresses the popular desire exactly. But when the Government and producers try to agree upon specific figures, it is seen that the proposition is hedged about with difficulties. The steel manufacturers have been unable to get any satisfaction from the Government as to the proper price of steel. The Government is equally in the dark as to the price that it should pay. No one knows the cost of steel. The best that can be done at this time is to refer the question of cost to the Federal Trade Commission, in the hope that a figure may be worked out that will be accepted as accurate. Upon that figure a "reasonable profit" will then be allowed. In the meantime contracts must be made in tentative form.

It is just that the public and allied nations should pay the same price for materials as is paid by the Government. The Government would gain nothing by cutting prices down for itself and leaving the public to struggle with unregulated prices. Nor would it be playing the part of a faithful ally if it should squeeze producers down in its own behalf and then permit producers to charge excessive profits on materials furnished to the allies. If a fair price can be ascertained, and a reasonable profit added, the Government, the allies, and the public should all be treated alike. If this can not be done without commandeering all the product by the Government, then machinery must be

set up for the equitable distribution of steel products to the public after the national war needs are filled.

One of the most important features of the President's statement is that relating to ocean freight rates. These rates are ridiculously and extortionately high. They are utterly out of relation to the value of the service rendered. Unless voluntarily reduced by the shipowners, there will be abundant ground for charging this interest with lack of patriotism. From that point to drastic action is but a step, especially after the public has been aroused. Mr. Wilson gives no hint that compulsion will be used to force down ocean rates. He appeals to the patriotism of the men interested. Nevertheless, there is reason to believe that power exists to control ocean rates and that this power will be exercised soon through an international shipping commission composed of representatives of the principal allies.

The President speaks with moderation when he states that war operations are hampered because of high ocean rates. When the private interests controlling shipping collect $100 a ton on coal from the United States to Italy, it is apparent that Italy can not have a free hand in fighting the war. Considering the shortage of coal and the extortionate freight rates, it is surprising that Italy has done so well on the battle fronts. This state of affairs must be changed by the great allies. They must put the screws upon shipping, without regard to flag, if the rates are not voluntarily brought down.

Mr. CHAMBERLAIN. Mr. President, I shall take just a moment to discuss the law creating the Council of National Defense and the advisory commission. I think there has been a misapprehension either on the part of some of the Members of the Senate or on the part of members of the advisory commission as to their duties under the law. I have seen it stated in the papers that if the proposed law which is now pending before Congress became effective the advisory commission of the Council of National Defense would have to disband and go back to their homes and cease rendering to the Government patriotic and volunteer duty. Now, that is not true. If they do what the law of their creation contemplates there is no question but that they can continue to render services to their country even if the section now under discussion is enacted into law.

I am going to call attention to the law creating the Council of National Defense and the advisory commission and endeavor to show that they have no power to make any contract and are simply doing something beyond their power and beyond their sphere if they attempt to. Now, note, Mr. President. The law creating the Council of National Defense provides:

That the Council of National Defense shall nominate to the President, and the President shall appoint, an advisory commission, consisting of not more than seven persons, each of whom shall have special knowledge of some industry, public utility, or the development of some natural resource, or be otherwise specially qualified, in the opinion of the council, for the performance of the duties hereinafter provided.

There is nothing in that which gives the advisory commission any power at all. Even the Council of National Defense can not make any contract; they simply act in an advisory capacity themselves.

Now, note what the advisory board can do. I am reading from the document to which the Senator from Missouri [Mr. REED] called attention, and that is the law creating the Council of National Defense. It provides:

That the Council of National Defense shall adopt rules and regulations for the conduct of its work, which rules and regulations shall be subject to the approval of the President, and shall provide for the work of the advisory commission to the end that the special knowledge of such commission may be developed by suitable investigation, research, and inquiry and made available in conference and report for the use of the council.

There is expressed the power of the advisory commission. Their duty is to assist the Council of National Defense in making investigations and reporting the results thereof to the Council of National Defense. So the law of their creation neither authorizes nor confers the power of making contracts. The distinguished gentlemen who constitute the Council of National Defense and those who constitute the advisory commission can and do render the Government very great assistance; I know from personal knowledge that they have done so more than once. In the investigation of the steel industry, who knows more about it than Mr. Gary, for instance; who knows more about the transportation question than Mr. Willard; who knows more about all the particular subjects to which these men have been assigned than the men named? But their duties begin and end when they investigate and report the result of their efforts in developing information.

Mr. President, if any of them have gone further than this law to which I have called attention, and that is the law of their creation—the beginning and the end of their power—if they have gone further than this charter of their powers and have entered into contractual relations with the Government itself or have sold their goods to the Government themselves, then they have simply violated the law and the statute now proposed simply directs attention to that and prevents it in the future.

The point I desire to make is that every one of these men composing the council and the commission can continue to act in the capacity contemplated by the statute of their creation and violate no law, nor even violate the law we propose. I think the statute we propose ought to be enacted as a safeguard, so that no man will undertake to act for himself and for the Government at the same time.

Mr. BRANDEGEE. Mr. President, the Senator from Tennessee [Mr. MCKELLAR] stated that this advisory council had exceeded their powers. I ask the Senator from Tennessee in what respect the Council of National Defense or the advisory commission have exceeded their powers?

Mr. MCKELLAR. As I read the testimony of Secretary Baker, taken before the House Committee, and as I recall it—I have it not before me, but I am sure the Senator will recollect; probably he has read it himself—he stated that the advisory committee recommended the contracts and the prices at which the contracts were let, and that the War Department accepted those recommendations and entered into the contracts as advised by this committee or these committees. If such is the case, they have exceeded their power, in my judgment.

Mr. BRANDEGEE. Mr. President, I have no doubt that the members of the advisory council have advised, and I have no doubt they have answered whatever questions were asked them about what was a fair price, and the quality of the materials, and anything that was germane to the subject about which the Government was inquiring.

If the members of the advisory committee are the guilty parties the Senator from Missouri says the President denounced in his speech the other day, and especially the steel magnates, as he calls them, the remedy for the situation is entirely in the President's hands. The President appointed these gentlemen, called them to his assistance, and I can scarcely believe that he is denouncing his own appointees in public and sustaining them in office at the same time. If they are the corrupt and guilty people who are holding up the Government and throttling it and robbing it, the President should not denounce them in public and keep them in office, but he should simply dismiss them from their office. What the facts are about this matter, of course, I do not know, and I do not think that charges ought to be made unless they can be based upon facts.

Mr. President, I put in the CONGRESSIONAL RECORD the other day, when this general subject was up for discussion—it will be found in the RECORD of July 3, 1917, at page 4661, commencing at the first column at the bottom of the page and continuing for many pages—the report of the director of the advisory commission to the Secretary of War. It is replete with information showing the great work which has been done by this advisory commission and the vast field which it covers. I do not suppose the commission has made any contracts with itself. I do not suppose it has any authority in the law to make a contract, but I do suppose that these great men, representing so large a percentage of the coordinated industries of the country when they have advised the Government about the state of the market, or when it would be advisable to make purchases or how much should be given to particular factories for making supplies, have given their opinion about things in which they might be interested if the Government took their advice. If you are going to have the opinion of the best experts in the country, I do not believe the war can be conducted without buying something of somebody who may directly or indirectly have a certain interest in what the Government needs.

Mr. CHAMBERLAIN. May I interrupt the Senator for just a moment? Long before the act was passed creating the Council of National Defense I had been in consultation with Mr. Godfrey, who is a member of the council, a very distinguished man, connected with the Drexel Institute, and a scientist connected with Columbia University. I think they conferred at the same time with the junior Senator from Massachusetts [Mr. WEEKS]. They may have conferred with the President. Those gentlemen had been devoting months in collecting information that would be valuable to the Government if the United States became involved in war. For instance, they ascertained and had a card-index system by which they could in a few moments advise as to every industrial enterprise in the United States that manufactured things that would be used in war. Not only could they do that but they were able to report as to the raw materials that enter into every article that could be used for war purposes. There is no telling how much these gentlemen spent of time and money in their patriotic efforts. Now, after the Council of National Defense was created, Mr. Godfrey was appointed one of its members, and he is possessed of information that has been collected at an enormous personal expense.

Mr. President, that method of investigation comes clearly within the powers and duties of this advisory commission. That is all that is contemplated by the act of their creation. Secretary Lane has discussed at length the question of the powers, duties, and methods of the Council of National Defense and

advisory commission, and I ask leave to have printed as a part of my remarks his statement in the New York Times of this morning. Coming from a member of the Cabinet and one of the Council of National Defense, it is illuminating as well as complete.

The PRESIDING OFFICER. Without objection leave is granted.

The matter referred to is as follows:

LANE DEFENDS ADVISORY BOARD—MEMBERS PATRIOTIC AND WOULD NOT EXPLOIT GOVERNMENT IF THEY COULD, SECRETARY SAYS—TELLS OF GREAT PROBLEMS—PRICES FOR COMMODITIES MUST BE REASONABLE, AND NOBODY PERMITTED TO GET RICH OUT OF THE WAR.

WASHINGTON, *July 11, 1917.*

The relationship of business men to the Government was described to-day by Franklin K. Lane, Secretary of the Interior and one of the six Cabinet members who compose the Council of National Defense. Answering talk in Congress and elsewhere suggesting that members of the council were in position to make contracts with themselves and thus derive personal profit from the war, Mr. Lane said the business men composing the advisory commission had no control over contracts, and in fact gave to the Government infinitely more than they received. Analyzing the organization further, Mr. Lane gave high praise to the business men, experts in their several fields of industry, who comprise the many committees on supplies, including raw materials of all kinds and manufactures.

The statement was given to the Associated Press as the result of inquiries concerning recent criticism of the commission and a persistent report that reorganization of the council was imminent. The response was characteristically frank from the opening question, which bore on the possibility of Cabinet members constituting the council making any personal profit out of contracts.

"We have nothing to sell," he said. "When it is considered that the Council of National Defense consists of Secretary Baker, a lawyer; Secretary Daniels, an editor; Secretary Lane, a lawyer; Secretary Houston, a college president; Secretary Redfield, a retired business man; and Secretary Wilson, a labor-union official, you will realize that there is not much chance for that charge being true.

THE COUNCIL BUYS NOTHING.

"No; nobody thinks that we are dealing with ourselves. The confusion has come about because of the peculiar organization of the council. Get into your head one of two facts, and you will see how this confusion has arisen. The Council of National Defense buys nothing. That body was created by Congress as a measure of preparedness to mobilize resources—a sort of stock-taking body.

"If we came to war, what did we have in the way of resources to make war with? That was the idea. It is not a war council in the English sense, which can direct policies. The President is our war council. It is not a purchasing board, because there is not a man on it who can buy anything excepting the Secretaries of War and the Navy, and the council can not direct them what to buy.

"But it is a very important board, nevertheless; it is supposed to know just what the Government needs for the carrying on of the war, and just where that can be had. Regard its make-up and you will see that. The Secretaries of War and the Navy know what the Army and Navy need. The Secretary of the Interior, who has the Geological Survey and the Bureau of Mines under him, is supposed to know what minerals this country produces and how they can be had. The Secretary of Agriculture knows what the food supply is and how it may be stimulated. The Secretary of Commerce knows what we can get abroad and what we manufacture here. And the Secretary of Labor is in touch with the great primary force essential to all production.

"But when Congress provided for this council it created a supplemental body, which is sometimes confused with the council itself, which is called the advisory commission, and these are real business men. They are nominated to the President by the council and appointed by him. These gentlemen donate their services, and were chosen because they were specialists, successful specialists. I doubt if any country in Europe could produce a finer body."

Mr. Lane reviewed briefly the achievements in the business world of those who comprised the advisory commission.

"The function of these gentlemen," he said, "is to advise the Council of National Defense. They make no contracts. They have no executive or administrative power.

"That is the full legal machinery—a council of Cabinet officers, complemented by an advisory commission of business men. Congress created both bodies."

QUICK ACTION NECESSARY.

The Secretary's attention was directed to the fact that much of the criticism had been aimed at the committee of business men who advised the council respecting copper, lumber, and other subjects requiring technical knowledge.

"What part do these men play?" he was asked.

"That is a simple story. When the war came we had card indexes and reports by the carload. But these could not be converted into guns and airplanes. We had to move quickly. So the council sent for men who had been in Europe and knew what had been done in France and England, and gained the benefit of their experience. We listened for days to the purchasing agents and the reports of all the allied countries. They talked of commandeering all the primary resources of the country, the ores and the foods and the industrial plants. They told of the contracts they had made and the methods they had taken for paying for what they got.

"It was a thrilling tale of man's organizing skill, his quickness to adjust himself to conditions. We heard labor union men from the other side and manufacturers. And then we called in the representatives of the Army and the Navy and asked them what they had on hand and what they needed. We saw at once the size of the task. There never was one like it.

Undismayed, we determined on a start and a quick start. Now, if you wanted to know what lumber you could secure at once for building houses for a million men, what would you do? Or if you wanted copper for a billion shells or steel for 10,000 cannon? You would, of course, call together the men who knew how much lumber or copper or steel the country had or could produce. And if you wanted coal for the industries or oil for submarines, would you ignore the men who produce these things, and deal with them at long range, as if they were alien enemies? Of course not. You would call them to your side. Well, that is what the advisory commission told us we should do—get the business men of the country around the table to help out. And we did.

HAVE MORE THAN MADE GOOD.

"We roughly classified our needs and told the members of the advisory commission to recommend to us the men they thought were foremost in those lines of industry. And these men we turned into committees. It gave them standing to be organized. It made them properly feel that they were in the business of fighting Germany. Their boys were going to the trenches, and they were anxious to do their bit. These men who made up these committees came down here for the war—and they came down to help us. And they have helped us. They have worked day and night and paid their own way, crowded a half dozen in a room, and annoyed all the time because they couldn't satisfy their good strong Yankee executive instinct by doing things, instead of advising how they could be done. They made no contracts; they made no decisions. The contracts and the decisions were made by the only people who had the legal power, the Secretaries of War and the Navy.

"But these committees sat with the captains and colonels and admirals and told them how they, the industrial managers, would go about this unprecedented task if it was up to them—how they would build cities, with waterworks and sewers and electric lights and all complete for a million men in three months—how they would induce our great manufacturing plants to give up their trades and go into the business of making airships in a country that invented the airplane, and yet hasn't a capacity of 500 a year—how they would get lumber without bidding the market up.

"I have heard that some of these men were not as disinterested as they might be; that they wanted to make money. That wouldn't be unnatural if it was true. However, I have looked up all the rumors that have come to my attention and found them to be baseless—mere flings by the unsuccessful. Of course all can't be satisfied, and where things are done quickly there must be some mistakes. I honor these men, and I hope that Congress or some other authority will authorize for them an emblem similar to that given in Canada and elsewhere, showing that these men are in national service.

MUST HAVE FERVOR AND ENTHUSIASM.

"We can't make war without fervor and enthusiasm any more than we can run a revival meeting without them. There is no such thing as a cold-blooded democracy, and a democracy can't make war cold-bloodedly. There is no passion that is manly that we should not use—pride, rivalry, the gang spirit, love of humanity, love of country. And the more proud or vain men are of working for the country the better work we will get. These committees have been, are, and will continue to be invaluable to the conduct of this war. In England they have 20 times as many as we have."

Mr. Lane did not contend that the organization as created was wholly satisfactory.

"No; it is not," he replied when asked the direct question. "It is an emergency organization. But it is along the right line. The council is planning a reorganization, which is now, I believe, up to the President, under which there will be greater consolidation and more direct control. Under our Constitution the President is the Commander in Chief of the Army and Navy. He is the real head of our council. We recommend to him. He is the ultimate deciding and directing force."

When asked what was to prevent them from recommending favors to themselves in the form of high prices, Mr. Lane said:

"Three things—perhaps more. First, patriotism. There is a small percentage of American business men who would rob a church or an orphanage, but the percentage is negligible. Our business men come from the same stock as the rest of us and have got as high standards as any other class. And they have a bit more vision than most of us, because they have broader experience. The theory to work upon with the business man is the thing to use with the boy—that he is a patriot.

"So long as he was making money out of foreigners this theory was not usable. For business is war. That was the theory we have all been raised on. We learned it from Adam Smith and Ricardo, and Mill, and Spencer. Only recently have we come to see that this theory must have its modifications. The abused socialists have been largely responsible for teaching us where we went to if we logically carried out the theory of unlimited competition.

"So the business men took all the traffic would bear from the allies, as they did from the public. But when this country is threatened, when our national life is at stake, the making of money becomes secondary. This is not mere idealism or theory. It is fact, and the business man knows it.

SENTIMENT NOT A DEAD THING.

"So I say the first call upon the business man is the patriotic call I took a man from a $30,000 place and put him to work at $2,500 by telling him that he had a call to the colors. Sentiment is not a dead thing. The railroad men at the time of the threatened national strike yielded to it; so did the coal men when they volunteered to cut their prices over 30 per cent.

"Then there is the gang spirit. Men are like boys in this, too; they like to work together, whether for good or otherwise. The whole theory of the law of supply and demand is set aside at such a time. Just a little cooperation—that's the effect of the gang spirit—and a little direction, and you have nine-tenths of the business men doing exactly what you wish them to do."

"But the other tenth?"

"Yes; that wicked twelfth juror must be reckoned with. And for him there are two medicines: First, the gang spirit applied by his fellows, and then, if that does not effect a cure, there must be the strong hand; for we need his output, and he must be made to play the game, even if he is not willing.

"This problem of getting reasonable prices, which is the one England and France have had to meet, and which should not be permitted to hold back our work, may be met, then, in three ways: By the appeal to patriotism; if this fails, by the fixing of prices; then, if no practicable way is found to do this, by commandeering the resource, industry, or plant. Cooperation first, coercion by price fixing, second; commandeering of plant, third. This is the practical program.

"For this war must be won, and the last ton of ore, the last pound of steel, the last bale of cotton, the last sheaf of wheat will be needed. We must not hesitate to do the drastic thing if it is to be the effective thing. It is the supremely effective thing that we want. But the

second and the third steps will rarely be needed if we say just what we want our people to do. I have yet to see the man who will say, 'I am for money out of this war at the expense of the Government or of the people!' There must be some one to say what should be done. Congress can do it if it will take 80 or 90 per cent of all war profits.

NOT TO MAKE ANY MAN RICH.

"This war is not to make any man rich. There will be a revolution in the country if business works to that end, and socialism will surely come. The best protection to industry now is to see that industry is not allowed to take what it can get. To indulge selfishness, the selfishness which underlies trade in normal times, is to bring about the governmental ownership and operation of industries which have never been thought of as public utilities. So that this is a time when, by following the 'business-as-usual' standard, you will put yourself out of business. We must have more business of some kinds and less of other kinds, and profits must not climb, or the people will pull down the ladder.

"I am persuaded that these reasons of expediency and far-sighted policy are realized by our industrial leaders. The most of them need no such danger as a threat. They will do what they are told to do in the name of the Nation. And I favor telling them just what we want and letting them unite in every honorable way to bring about the end we seek. Direction—that is the word. And the Government must have a board that will say who comes first and what comes first, a real priority commission. Otherwise all will be confusion and the law of competition, instead of working to lower prices, will work to raise them, for, instead of industries competing against each other for orders, the purchasers will be bidding against each other as at an auction sale, as they are to-day.

"Suppose that some one were to come forward to-day with an invention that would effectively sweep the ocean of submarines, a machine invaluable to us and to our allies? Would we allow him to fix his own price? No one would think of pursuing such a policy. We would ask what he wished, and if his price was exorbitant we would take his invention and talk price later. But we would negotiate first and be fair with him. The policeman's billy would not fall on his head unless he resisted.

"One of the great difficulties in price fixing, either by groups of industries or by the Government, is that some industries are so much better run than others or have superior natural advantages. Here are five railroads running between two points. One can live and make a profit on a dollar a ton; perhaps four can run on that same figure; but the fifth needs a dollar and a quarter. We need all the roads. We, therefore, can not make a rate of a dollar without bankrupting the fifth road. Why not make the rate $1.25 and take from the four roads as a war profit the extra 25 cents, or a large part of it? Or, why not make the rate $1 and pay the difference to the fifth road out of the Government's Treasury? Or, why not pool the earnings of all and give to each only a fair profit? This is a simple illustration of a perplexing problem which runs all through the economics of our situation.

INEQUALITIES OF PRODUCTION COST.

"We need all the steel we can get; every furnace must be kept hot. One plant can make it cheaper than others. Shall we pay that plant only its costs plus a profit and pay the others on the same basis? Who will be forced to take the product of the plants where the cost is highest? Shall we strike an average that will give some a rich profit and others none at all? Or shall we allow prices to be fixed by competition and, after allowing to each a good profit, take for the war in taxes all the surplus? That can be done.

"Whatever method is followed, the supreme end to be sought is the stimulation of output. Every railroad car must be made to carry its full load just as often as possible, and every mine must yield as much of its deposit as can be blasted out. That means efficient, pushing, enthusiastic administration and labor. Those men must be made to feel that they are doing Uncle Sam's work, soldiers in Woodrow Wilson's Army, battling to make the world safe for democracy. They must have countenance, appreciation, honor, and reward—and none of them skimped. The man who killed the goose that laid the golden egg thought he was a genius, but the world holds him to be a fool.

"So far as the war news of the Government is concerned, the answer to any criticism is that, whenever tested, the administration has met the situation. For instance, Secretary McAdoo floated the unprecedented liberty loan with speed and a 50 per cent oversubscription; Secretary Baker has sent to Europe our first division in such a way as meets the full expectation of both our own people and the allies; Secretary Daniels has his fleet of destroyers moving in foreign waters; Secretary Houston's campaign for great food production has succeeded even beyond expectation; and so with Secretary Redfield's dealings with foreign commerce as export executive, and Secretary Wilson's handling of the difficulties arising out of the labor situation. The trial so far made has proved that the Cabinet and the Council have been a disappointment only to those who did not wish them well."

Mr. BRANDEGEE. Mr. President, I think the adoption of the amendment in the form in which it stands would simply operate to disrupt the advisory commission. If no member of the advisory commission can advise or attempt to procure or procure or make any contracts for the purchase of any supplies for the use of the Government, either from himself or from a firm of which he is a member, or from a corporation of which he is an officer or a stockholder, or if he has any financial interest, then I do not see where the Government is to get its information about these matters. If the Government desires to purchase horses and calls in a man who understands them and the price and the number in the market, and after he advises them about the contract he must not sell any horses himself, what business man engaged in business is going to advise the Government about anything of that kind if the effect of his advice or his attitude is to put him immediately out of the market?

Mr. President, it seems to me the business of buying these supplies could be conducted and should be conducted in a perfectly open public manner, and the prices should be known and they should be fair prices. If the prices are fair, and if it is true, as has been stated, that owing to the coordinated efforts of this advisory commission the prices of a great many things, including copper, which many Senators have referred to, and the efficient work of Mr. Baruch in getting that commodity at below the market price—if, in fact, the efforts of these gentlemen have resulted in the Government getting many articles at much less than the market price, and the contract has been made to furnish the Government at rates cheaper than any outside party could have gotten, it does not seem to me that the fact that some one of the advisory commission was interested in a business which had supplied a part of the things needed was of any harm to the American people.

As to the feeling of a gentleman who may be a member of the council as to whether it is embarrassing to him to sit there or not, that I do not pretend to deal with, but the whole matter is in the hands of the President of the United States. He can consult with these gentlemen, and the departments can when they want, and they need not have anything to do with them if they do not want to. If the advisory commission or any member of it commits any impropriety, the President can at once request his resignation, and if he does not resign he can dismiss him from office. I think we are making or attempting to make a mountain of sensation out of a mole hill of actualities.

Mr. PENROSE. Mr. President, I know the Senate is ready to vote on this question, and I do not intend to speak more than a minute or so.

I agree entirely with what the Senator from Connecticut [Mr. BRANDEGEE] has said. I think it might be generally conceded that I would be one of the first on this floor to take advantage of any opportunity for fair criticism of inefficiency in administration in the conduct of war; and in criticizing inefficiency I believe I would be performing a real patriotic duty in bringing about a condition calculated to produce better and more effective results.

I do not believe anything is gained by mystery or silence, but that the example and experience of England have amply justified the widest publicity and criticism of inefficiency. I have been impressed with the candor and the freedom with which the statesmen in England and in France have admitted blunders and mistakes and have not hesitated to criticize army officers and cabinet officials. I for one intend to pursue that policy during this war period, and I believe it is the duty of every Senator to do the same.

We all note in the newspapers the criticism going on in England regarding the expeditionary force in Asia. A member of Parliament gets up and resigns his post in deference to that criticism. Such discussion is most commendable, in my opinion, and is bound to lead to more effective results in every nation where it prevails in the conduct of the war.

I only want to say that, as far as I know, there is up to the present time no ground for suspicion, and certainly no scandal has developed, in connection with these advisory boards. I know of numerous cases where the invitation to serve on these boards came like a thunderbolt out of a clear sky to many of these gentlemen, absolutely unsolicited, coming in the nature of a command, and they responded from pure patriotism.

I fully concede that in ordinary normal times for a person even to be on an advisory board in connection with Government contracts is calculated to arouse suspicion and to inevitably lead to scandal sooner or later; but we are not in normal times, Mr. President. We are in a war; and the patriotism of the American citizens of all classes and of all sections is supposed to be aroused. Men under these circumstances, and prompted by this lofty inspiration, will perform sacrifices and give services which they would not dream of doing in normal times of peace, when the ordinary promptings of business selfishness and business competition would naturally lead them to take advantage of every situation that might be offered to them. I believe that most of these men here in Washington, whatever party they may belong to, are actuated by that patriotic inspiration bred of this war condition.

Mr. LODGE. May I ask the Senator a question just there?

Mr. PENROSE. Certainly.

Mr. LODGE. I agree entirely with what the Senator has been saying about the advisory council, but is there not some distinction between those who simply come and give their views and their work from purely patriotic motives and agents of the Government of whom we are having a great many appointed, salaried officers but not confirmed by the Senate, offices not created by statute?

Mr. PENROSE. I think there is a very great difference, and I was coming to that in a moment. I am glad to have the Senator from Massachusetts emphasize it. Of course, these salaried agents appointed, with their salaries and emoluments and status fixed by the arbitrary decree of an executive head, not filling an office provided for specifically by act of Congress and not coming within the classification of the civil-service rules, con-

stitute an entirely different body of men from this particular class of volunteers. This aggregation of men who represent, in my opinion, the brains of America, the great men of America from the Atlantic to the Pacific Ocean, are on an entirely different basis.

I know of one case, Mr. Samuel Vauclain, of Philadelphia, one of the most noticeable business men of that city and the State of Pennsylvania. I have asked him to give me the correspondence—I do not have it at hand—under which he came to Washington to serve on an advisory board, to act as chairman of a committee and to discharge many important functions, as he has been doing during the last several months. I wanted the correspondence so that I could read it to the Senate as an illustration. I have not got it here, but I will have it in a day or two and I shall take an opportunity to have it read. He received a letter from the Secretary of War entirely unexpectedly, without solicitation of course from himself or from any friend or person that I know of or he knows of, urging him to come to Washington and serve in some capacity on the advisory board. He replied to the Secretary of War that he was the president or director in a large number of the biggest corporations in the country, supplying munitions and other supplies to the Government to the extent not of many millions but of several hundred million dollars, and further than that he was the participant in contracts with France and the other allies to the extent of many million dollars more for locomotives and other supplies, and he did not think he ought to be called upon to serve on the advisory board under these circumstances, which were calculated naturally to arouse curiosity and suspicion.

Mr. Baker replied to Mr. Vauclain to the effect that the very reasons he advanced against his accepting the invitation were the very ones that prompted Mr. Baker to invite him, and that he commanded him to come to Washington and give his service to the Government on the advisory board. Shortly afterwards he came here, and, to the sacrifice of his own business interests—I might say almost to the entire neglect of them—he has acted for several months on such advisory board. I say without hesitation that he has probably rendered more effective work here in Washington than anybody connected with the administration of the War and Navy Departments. He would be one of the men, coming here without his own knowledge or solicitation, who would be debarred by what I thought was the intention of this amendment. But the Senator from Oregon—I only heard the latter part of his remarks to the Senate—I suppose I am correct in saying that in his opinion it would not cover such a case?

Mr. CHAMBERLAIN. I do not see how it could, Mr. President. Let me say to the Senator again that, in my opinion, the gentlemen who are connected with these advisory boards, which have been appointed by the President under the authority of the law creating the Council of National Defense, have no other power given them by law than to make these investigations under rules and regulations adopted by the Council of National Defense and to report thereon. The Council of National Defense may make recommendations to the bureau—and, under the law, they have power to make recommendations—but they have not any power to conclude contracts. So, if the law which we are now contemplating were enacted, it would not reach these gentlemen unless they should transcend their powers and do something that they have not any power to do, just as any citizen might be prosecuted for violating the law; but they have no power under the law to do these things.

Mr. PENROSE. Mr. President, I fully understand that to be the view of the Senator, and that is the way I was endeavoring to construe it.

Mr. McCUMBER. Mr. President, may I ask the Senator from Pennsylvania a question?

Mr. PENROSE. Yes.

Mr. McCUMBER. What meaning does the Senator give to the words in line 16, on page 3, "including an advisory capacity to any commission, board, or council of the Government"?

Mr. PENROSE. I think that it would cover the case of Mr. Vauclain and others to whom I referred, and would deprive the Government of their services.

Mr. McCUMBER. It seems to me it unquestionably would.

Mr. PENROSE. If the Senator will permit me to go on a moment—perhaps it would not be right, and personally I would not be willing to clothe these gentlemen with the authority to award contracts; but it is most unfortunate, Mr. President, that they are only in an advisory capacity, because it is generally admitted by those familiar with the situation and by the business men who come here to Washington from all over the United States in hundreds and in thousands, that in numerous cases those having the power to award the contracts have displayed an ignorance of business conditions and an inefficiency, which, in my opinion, will c[illegible] all the American people when the facts are disclosed. It is like the sand going through an hourglass, which I think the Secretary of the Senate uses occasionally when the 5 or 10 minute rule is in force. The recommendations of the advisory board meet that narrow passage between the two glasses, and there they are checked and delayed while the allies are spending $100,000,000 every day and 10,000 men are slain on the field of battle.

Mr. CHAMBERLAIN. Mr. President, I think the Senator from North Dakota——

Mr. PENROSE. Will the Senator permit me one moment now, and then I shall be through?

Mr. CHAMBERLAIN. Very well.

Mr. PENROSE. But, be that as it may, I am not making a plea for these gentlemen. They came here on the invitation of the Government, and if the present administration or the Senate or the House of Representatives desires to dispense with their services, I know that they will go home cheerfully and contentedly and attend to their business. The Government is a greater beneficiary by their services than anyone else. They are here at a loss and a sacrifice.

But I arose more particularly, Mr. President, to express my difference with the Senator from Oregon [Mr. CHAMBERLAIN] as to his construction of section 3. In my opinion it does disbar these gentlemen serving on these advisory boards. The Senator from North Dakota [Mr. McCUMBER] has referred to line 16, section 3, and I will read the language from the beginning of the section. It is as follows:

SEC. 3. That it is hereby declared unlawful for any person acting either as a voluntary or paid agent or employee of the Government in any capacity, including an advisory capacity to any commission, board, or council of the Government, to procure, attempt to procure, or make any contract for the purchase of any supplies for the use of the Government either from himself, from any firm of which he is a member, or corporation of which he is an officer or stockholder, or in which he has any financial interest.

A paragraph like that must be construed as far as possible in the interest of protecting the Government, and I have grave doubt in my mind whether that would not exclude them; but I am certain they would be excluded when I come to the proviso in line 25, which reads:

Provided, That this section shall not be construed to prevent any such agent or employee of the Government, or any person acting in an advisory capacity, from rendering services and advice on any matter—

Now, mark the words—

not connected with such purchase of supplies.

If that does not rule them out, language can not rule them out.

Mr. CHAMBERLAIN. Mr. President, I still differ from the Senator from Pennsylvania. I may be mistaken in my view, but I again insist that under the law I am right. It must be remembered that the committee who reported the amendment under consideration had in mind the prevention of the purchase of goods from firms who were connected directly or indirectly with the Council of National Defense; in other words, preventing them from advising the purchase of goods from themselves, which they have no power to do, anyway. Referring again to the act, this is the duty of the Council of National Defense:

That it shall be the duty of the Council of National Defense to supervise and direct investigations and make recommendations to the President and the heads of executive departments as to the location of railroads with reference to the frontier of the United States so as to render possible expeditious concentration of troops and supplies to points of defense; the coordination of military, industrial, and commercial purposes in the location of extensive highways and branch lines of railroad; the utilization of waterways; the mobilization of military and naval resources for defense; the increase of domestic production of articles and materials essential to the support of armies and of the people during the interruption of foreign commerce; the development of seagoing transportation; data as to amounts, location, method and means of production, and availability of military supplies; the giving of information to producers and manufacturers as to the class of supplies needed by the military and other services of the Government, the requirements relating thereto, and the creation of relations which will render possible in time of need the immediate concentration and utilization of the resources of the Nation.

That is the power of the Council of National Defense. When you come to the advisory commission, who assist them in making the investigations in these various lines of activity, the statute goes on to provide:

That the Council of National Defense shall adopt rules and regulations for the conduct of its work, which rules and regulations shall be subject to the approval of the President, and shall provide for the work of the advisory commission to the end that the special knowledge of such commission may be developed by suitable investigation, research, and inquiry and made available in conference and report for the use of the council.

They do not have anything to do, except to assist in these investigations. They do not any of them have the power to make contracts. If there is anybody who has the power to make contracts, it is the members of the Cabinet who have such power, independently of their connection with the Council of National Defense.

Mr. WATSON. Suppose a member of the advisory commission were to seek to procure a contract for some enterprise in which he was a stockholder, and suppose that he did so, would he not fall within the provisions of this section?

Mr. CHAMBERLAIN. He might do that; but he has no right to do it.

Mr. WATSON. Precisely. What can he do, therefore, without coming within the provisions of this law?

Mr. CHAMBERLAIN. He can assist in making any of these investigations provided by the act creating the advisory commission, and report to the Council of National Defense, as the law requires.

Mr. WATSON. Let me ask the Senator whether that is not the very cause of the criticism that is now being heaped upon these people?

Mr. CHAMBERLAIN. No; the criticism that is being directed to these gentlemen is that they are making contracts practically with themselves for the Government while acting in a fiduciary capacity. I do not know of any case where that has been done, but that is the criticism.

Mr. PENROSE. Mr. President, I do not think it is necessary for the Senator from Oregon to reiterate, so often as he has, that these gentlemen only act in an advisory capacity, for that is granted. We all know, and there is no need of repeating it, that their capacity is only advisory. However, I again repeat that section 3, beginning line 26, says:

That this section shall not be construed to prevent any such agent or employee of the Government, or any person acting in an advisory capacity, from rendering services and advice on any matter not connected with such purchase of supplies

And I claim that that prevents them from acting even in an advisory capacity in connection with what is the main controversy now in every case—purchase and contract.

Mr. McCUMBER. Mr. President, let me see if I understand the situation correctly. This advisory commission or board is made up of gentlemen having expert knowledge in the several great industries in the country, and especially in our steel industries, our coal industries, and in transportation facilities. Now, we will suppose that the Government desires to know whether steel can be furnished for, say, $50 or $60 or $80 or $90 a ton. There is an offer made to furnish the steel necessary for the use of the Government at $90 per ton, and the Government makes inquiry. It necessarily would make inquiry from some one upon that commission who has knowledge of the subject. The inquiry is made, and some one who represents and whose business is the steel business informs the Government that such a price would be excessively high and advises the Government against the acceptance of a bid based upon steel at that price. Then, if the same person proffers on his part, and the Government accepts, a bid to take steel at $56 a ton, he has committed a crime under this section, and his company is forbidden to enter into any contract. The very advice, it seems to me, makes him guilty of an offense. Am I mistaken in that respect? If so, wherein am I in error?

Mr. CHAMBERLAIN. It is possible that the Senator's construction of the language is correct, but I do not place the same construction upon it. It is simply a difference of opinion, as judges will sometimes differ. I do not believe such persons would come within this section unless they exercised powers and did things which they are not entitled to do.

Mr. KNOX. Mr. President, the principal difficulty that I have in construing this section is that I think the proper construction of it goes even further than the proponents of the section designed, and it goes to an extent that seems to me to be almost ridiculous. Now, let us read the section, without the superfluous words. The section proceeds to declare something unlawful. What is it?

It shall be unlawful for any person acting as a volunteer—

I use the word volunteer; that will carry the thought just as well as if I had quoted the other words in the section—

It shall be unlawful for any person acting as a volunteer in any capacity, including an advisory capacity—

So, therefore, it is unlawful for anybody acting in any capacity as an adviser to the Government to do what?—

to procure, attempt to procure, or make any contract for the purchase of supplies from himself or from any concern in which he is interested.

What bothers me about it is this: A might be called in to advise the Government in respect to the purchase of wheat. If he is, he comes within the first three lines of this section, because he is occupying an advisory relation to the Government in the capacity of suggesting proper methods or prices, as the case may be, for the purchase of wheat. If he is called in to advise in regard to wheat, he is prohibited from making any contract for himself or for any firm in which he is interested for the sale of any goods—not wheat alone—to the Government. He might be in the lumber business, and the Government might not consult him about lumber at all. He might be in the iron business or steel business or the glass business; but, if he stands in the relation of an adviser to the Government in any capacity or in respect to anything, he is prohibited from selling any other thing to the Government, whether he has advised about it or not. That is the difficulty I see with the language of this section.

Mr. PENROSE. Mr. President, is the Senator from Oregon insistent on voting on this paragraph this afternoon? Would it not be well for him to confer with a few of the Senators who have objected and ascertain whether he can not get this paragraph more carefully worded? I do not disagree at all with the purpose the Senator has in mind, and I do not think he disagrees with my suggestion that the volunteer should be protected in a strictly advisory capacity. We certainly can get this matter arranged by to-morrow morning in a way that will suit both parties.

The VICE PRESIDENT. Of course, under the rules of the Senate, Senators can talk about anything they want to, but this is not the pending amendment.

Mr. PENROSE. I understood the Senate was about to vote on it. I was misinformed.

The VICE PRESIDENT. The pending amendment is the amendment on page 16.

Mr. CHAMBERLAIN. Mr. President, if there is no objection, I am going to ask to withdraw the amendment on page 16. There seems to be quite a misunderstanding amongst Senators and amongst the members of the committee about it; and, if there is no objection to my withdrawing that amendment, then the pending amendment will be the one we have been discussing this afternoon.

The VICE PRESIDENT. Without objection, the amendment on page 16 is withdrawn.

Mr. REED. Mr. President, I desire to ask the acting chairman of the committee if we can not now have a vote as between this bill and what is commonly known as the Gore substitute? If the Gore proposition is substituted and there is anything then to be done to that, we could perfect it; but I see no use in going on, spending a lot of time on this bill, and then bringing in a substitute for it, after all the work has been done on this bill. I will say to the Senator from Oklahoma that the pending amendment has been withdrawn by the Senator from Oregon.

Mr. CHAMBERLAIN. That was not the amendment, however, I will say to the Senator, that we have been discussing.

Mr. REED. We have been discussing another amendment, but there is no amendment now pending.

Mr. GORE. Is there no pending amendment to the bill?

Mr. CHAMBERLAIN. Yes, Mr. President. The amendment that is pending is the one we have been discussing this afternoon, the one on page 16 having been withdrawn. So there is a pending amendment.

Mr. WATSON. Mr. President, let me suggest to the Senator from Missouri [Mr. REED] that it occurs to me that the best course would be to perfect the Gore amendment first, and see whether we can whip it into such shape that we would want to vote on it as a substitute. Let it be perfected before the vote is finally taken. If we take a vote on the Gore amendment in its present condition, we might not want to vote for it; but if it be perfected we might want to vote for it.

Mr. REED. Of course, if the Gore amendment is moved as a substitute, it will then be open to amendment. We can then proceed to amend it, and then the question will come whether it will be substituted.

Mr. WATSON. But, after all, it occurs to me that we will not get the full strength of the vote on the substitute unless we first perfect it.

The VICE PRESIDENT. The Chair does not want to be constantly interjecting, but there is a very plain rule about this matter. The so-called Gore amendment is a motion to strike out and insert. Under Rule XVI, if there are two separate questions, the part to be stricken out is subject to amendment and must be first perfected, and then the part to be inserted is subject to amendment and to be perfected. After the bill as it is now before the Senate has been perfected to the satisfaction of the Senate, and after the so-called Gore amendment has been perfected to the satisfaction of the Senate, then, and only then, under the rules of the Senate, can the vote be taken as to whether the Gore amendment shall take the place of the bill.

Mr. JONES of Washington. Mr. President, I want to suggest that, under the order the Senate has made, we must dispose of the committee amendments before any other amendment is in order. I suggest to the Senator having the bill in charge that we proceed to dispose of all the committee amendments, and

then the amendment of the Senator from Oklahoma will be in order.

Mr. CHAMBERLAIN. I will be delighted to do that, and I have tried to do that; but the Senator knows that under the rules of the Senate a Senator can speak about anything on any amendment.

Mr. JONES of Washington. There does not seem to be anyone who desires to speak on the pending amendment, so let us vote on it.

Mr. CHAMBERLAIN. I hope the Senate will adopt the pending amendment.

SEVERAL SENATORS. Vote!

Mr. POMERENE. Mr. President, I have not had time to study section 3 as carefully as I should like to do; but I am disposed to think that the construction which is placed upon it by the senior Senator from Pennsylvania [Mr. PENROSE] is correct. If so, it is going to interfere very materially with the work in connection with the prosecution of the war. I realize, as all Senators must realize, that, as a general proposition, it is very unwise to have anyone in any position of responsibility where he may have a dual duty to perform. I realize that it is very necessary that we have the advice and counsel of the great experts who have been brought here, most of whom, I believe, if not all, are acting in a very patriotic way.

At the same time, I have heard so much of the human element in connection with some of the supplies which people at large are getting from producers that I do not think we should leave the Government entirely unprotected against the possibility of error that might be committed by members of this advisory council, willfully or otherwise. I have a substitute for section 3 which I desire to submit to the Senate for its consideration. I desire to call attention especially to its two principal provisions, and then, with that brief explanation, I am going to ask that the Secretary be permitted to read it to the Senate. First, it provides that "No person acting either as a voluntary or paid agent or employee of the United States in any capacity, including an advisory capacity, shall advise, induce, or attempt to induce any person or officer authorized to execute or to direct the execution of contracts to make any contract in which he may be interested." And, in the second place, if he sits on any board which is considering a given subject, he must be compelled to disclose any financial interest that he may have in the subject matter that is under consideration. I believe that, with this information, we would reduce to a minimum the possibility of any wrong being done the Government. I send the amendment to the desk, and ask that the Secretary may read it. It is a substitute for the entire section 3.

The VICE PRESIDENT. The Secretary will read as requested.

The SECRETARY. As a substitute for section 3, as reported by the committee, it is proposed to insert the following:

SEC. 3. That no person acting either as a voluntary or paid agent or employee of the United States in any capacity, including an advisory capacity, shall advise, induce, or attempt to induce any person or officer authorized to execute or to direct the execution of contracts on behalf of the United States, to make any contract, or to give any order for the furnishing to the United States of work, labor, or services, or of materials, supplies, or other property of any kind or character, if such agent or employee has any pecuniary interest in such contract or order, or if he or any firm of which he is a member, or corporation, joint stock company, or association of which he is an officer or stockholder, or in the pecuniary profits of which he is directly or indirectly interested, shall be a party thereto. Nor shall any agent or employee make, or be a member of any committee or other body which shall make any recommendation concerning such contract or order to any council, board, or commission of the United States, or any member or subordinate thereof, without making, to the best of his knowledge and belief, a full and complete disclosure in writing to such persons or group of persons of any and every pecuniary interest which he may have in such contract or order and in any party thereto. Any willful violation of any of the provisions of this section shall be punished by a fine of not to exceed $10,000 or by imprisonment for not more than five years, or both.

Mr. NEWLANDS. Mr. President, the difficulty of adjusting this matter arises out of the fact that none of us as yet has a clear understanding of the operations of the advisory commission and of the subcommittees appointed by the Council of National Defense.

Undoubtedly this amendment is intended to prevent the men who have been in Washington serving on these committees from being interested in any contract made with the Government, in which they have participated, whether their capacity was simply advisory or not.

Now, Mr. President, I assume that Congress acted wisely when it authorized the organization of the Council of National Defense and the advisory commission. I assume that their purpose was to bring about the coordination and cooperation of the department chiefs—six in number—who have the most to do with the prosecution of the war, or the largest identification with the industrial interests upon which we must rely for the prosecution of the war. I assume also that Congress knew what it was doing when it authorized the organization of an advisory commission, and that it knew that the purpose was to mobilize all the industries with which the Government had to deal by contract, in such a way as to have those industries represented at Washington upon authorized committees, with all the information and expert knowledge which they have to present to the National Government.

Now, I assume that is the purpose of Congress. What evidence have we that the purpose of Congress has been in any way perverted?

I regret, Mr. President, that the Council of National Defense has not kept Congress better informed as to its movements and action; but I imagine that Congress will not hold it to too strict a responsibility regarding reports which were not required by our legislation, in view of the fact that each one of these department chiefs is under tremendous pressure, forced every moment to do the present thing, and for this reason lacking the time to make elaborate reports of what is done or what is contemplated.

Mr. PENROSE. Mr. President, will the Senator permit an interruption there?

Mr. NEWLANDS. Certainly.

Mr. PENROSE. I think one reason why they have not reported is that delay and indecision have chiefly characterized their proceedings.

Mr. NEWLANDS. Mr. President, I do not believe that delay and indecision have characterized their proceedings. I think their accomplishment thus far is a great one. They have put into operation the machinery of legislation for the creation of a vast army. They have organized and landed upon the shores of France without a mishap a very large force. They have been engaged daily in conference with these various committees making a survey of the resources of the country upon which the Nation must call. They have not made contracts regarding the most important matters, perhaps—steel and iron and coal, lying at the base of all other industries—because as yet they have not been able to agree upon a price; but the machinery which they have adopted for the determination of price seems to me an admirable one.

In the first place, they have summoned to Washington upon these committees the chiefs of industry, the captains of industry, in each department. Can they exhaust inquiry in a day? Can they secure all the information necessary in a day? No; and they would be powerless to do it themselves in as efficient a manner as through the aid of these great captains of industry, who are able to present to them in the clearest and most concise form the condition of every industry, the location of the plants, the output of the plants, the possibilities of increasing the plants, and their coordination in such a way as to get from each plant as quickly as possible its largest output in the interest of the war. Having summoned these men here to give information, having summoned these men who are frankly sellers to give that information, and that expert information, there is nothing in the record to show that they blindly follow the advice or the information which they receive from these interested parties.

Mr. WATSON. Mr. President, may I interrupt the Senator to ask him a question?

Mr. NEWLANDS. Certainly.

Mr. WATSON. The Council of National Defense consists altogether of members of the Cabinet?

Mr. NEWLANDS. Yes.

Mr. WATSON. The advisory commission consists altogether of civilians who are not members of the Council of National Defense?

Mr. NEWLANDS. Yes.

Mr. WATSON. All that the advisory commission can do is to advise as to prices and materials and such other matters as may be of interest. Is it not a fact that the Council of National Defense, consisting of Cabinet members, making no contracts as a body but making contracts only as individuals afterwards, can protect the Government and the Treasury from any foolish advice or selfish advice that might be given by the advisory commission altogether outside of any official capacity?

Mr. NEWLANDS. Why, of course. They represent the Government, the buyer. They are the agents of the Government for the purpose of buying; and the Council of National Defense does not act as a unit in determining whether a contract shall be let. That responsibility attaches to the chief of the department to which the jurisdiction properly belongs.

Mr. CALDER. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from New York?

Mr. NEWLANDS. Certainly.

Mr. CALDER. Is it not also a fact that these associate committees of the advisory commission were appointed solely for the purpose of coordinating their respective trades; and after all, do they not represent these trades in their relation to the Government rather than the Government?

Mr. NEWLANDS. Certainly. They represent the industries; they represent the sellers. Now, it is not to be assumed that they act without interest. Of course they are interested in these industries. Everybody understands that; but their information and their advice is at hand, to be taken and accepted by the Council of National Defense, or by the department or chief charged with the responsibility, as they or he shall determine.

Now, what do we propose to do? In an atmosphere of suspicion and distrust, not warranted by a single thing that has been presented to our attention, not warranted by a single proven charge, we propose to penalize the members of these committees of sellers and say, "You can give your information, you can give your advice, but you can not take a contract, nor can any concern in which you are interested take a contract."

What do you do, then, with reference to the steel interests? Why, you prevent these captains in the steel industry from acting on the committee at all, and you go to men of less experience and less information for that which the Government seeks.

Where is there any evidence that the Government has suffered? Do not the Council of National Defense know that they are dealing with sellers? Does not each department chief know that he is dealing with a seller? Mr. Gary is chairman of one of the subcommittees regarding steel. When the Council of National Defense ask him whether the condition of the steel industry is such as will enable the Government to receive a prompt response to a demand for 1,000 or 10,000 or 1,000,000 tons of steel, do they not know that he is an interested party, and do they not go to him simply because he is an interested party and knows and understands the industry? But you propose to penalize that man and other men like him.

To whom would you go for information with regard to the steel industry of this country in preference to Mr. Gary and Mr. Schwab? We know that these two men have all the information at their disposal. Are you going to have the Council of National Defense take mere theorists and experts and send them all over the country to make inquiry, when the information can be collected and presented to them quickly and almost instantaneously by the parties interested in the industry? And, knowing that they are interested, will they not be on their guard with reference to the price?

What do we witness to-day? We know that the steel industry has mobilized itself with a view to meeting the demands of the Government. They know what plants can be enlarged, how their output can be enlarged; and, mind you, it will be necessary to enlarge outputs and to make large expenditures in plants. Are you going to prevent the corporations in which they are interested from having any contract with the Government? And right here to-day, what evidence have you of lack of careful methods of procedure upon the part of the Council of National Defense? Have they accepted the price per ton which the Steel Trust and the other plants insist upon as a fair price, a price which they can receive elsewhere in the market? Not at all. The Federal Trade Commission, under the direction of the President, is now engaged in a careful inquiry as to costs. I have gone over some of that work with members of that commission, and I can see how careful and studious their attention to that job has been. We have in the papers an illustration of the care with which the administration is proceeding in this matter—an absolute refusal upon the part of the President and upon the part of the Secretary of War and the Secretary of the Navy to accept the price which is presented by this industry as a fair price, and an indication that rather than accept that price the Government will resort to the extraordinary power, given by the law, of commandeering their plants.

Mr. President, I hope there will be some adjustment of that matter. I hope there will be some adjustment of that matter through the Federal Trade Commission after they have ascertained their costs. I trust there will be such a settlement of it as will give the steel industry a fair profit and as will also stimulate the steel industry to enlarge its plants. We all know that there must be some stimulus. If they shall enlarge the plants at the expense of tens of millions of dollars, and the war should come to an end this week or next month or next year, those plants might be idle. So that there are two things to be considered. These men, representing the stockholders, must see to it that there is a sufficient guaranty for the future if they are to increase their capital expenditure; and the Government, on the other hand, is warranted in fixing such a price as will stimulate them to increase their plants and to produce the products that are essential for the prosecution of the war.

So it was with coal. Was there any indication there of yielding to the views of the sellers? Protracted negotiations were held upon that subject between the Council of National Defense and the committee headed by Mr. Peabody, representing the coal interests, frankly buyers on the one side and sellers upon the other; and the result of it all was that the operators of the entire country were summoned to Washington by Mr. Peabody's committee, and a conference was held, and action was taken by the operators, but none by the Government.

There seems to be an assumption that the Government accepted the price of $3 a ton at the mine fixed by the coal operators. That is not so.

Mr. McKELLAR. Mr. President——

Mr. NEWLANDS. The coal operators fixed a price of $3, whereas the prevailing price at the mine a little over a year ago, before the war and perhaps during the war, was only $1.50 a ton. We insist that it is too high, and I think it is too high; but, on the other hand, the operators say that as a result of the extraordinary demand upon the coal production of the country it has risen in the market to $5.50 a ton, and that in making a reduction from $5.50 a ton to $3 a ton they made a patriotic sacrifice——

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Tennessee?

Mr. NEWLANDS. Just one moment, if the Senator will allow me to complete this thought.

Mr. McKELLAR. Surely.

Mr. NEWLANDS. There the operators came down from $5.50 to $3 a ton, and every factory in the country has received the benefit of that; but was it accepted by the Government? No. That matter is to be left still as a matter of investigation and inquiry. The War Department and the Navy Department have announced that they regard the price as too high. The President has declared that there shall be no relationship between profits and patriotism. What indication is there, therefore, that the sellers on these various committees are having undue influence with the Government?

Mr. President, it is a hard thing for any man to vote against an amendment which penalizes the participation in a contract with the Government of any agent of the Government, whether he be under salary or simply advisory. It is a hard thing to vote against it; and yet if you do put this upon the statute book, you impair and destroy this system of coordination which has been built up; that system which has given Germany preeminence in the industrial world—the ability to mobilize its industries, accurate knowledge concerning them, accurate knowledge regarding present production and future possibilities of production, and accurate knowledge regarding costs and prices. You are going to take a step backward in the pathway of efficiency; and we all know that the great evil of democracies is that they can not or do not act with the accuracy and the efficiency with which autocracies act.

We have been headed in the right direction. This work of the administration regarding war has been done and well done; and it does not seem to me that in advance, relying simply upon suspicion, without proof of any wrongdoing, and, on the contrary, with proof of the guarded care with which the administration and the Council of National Defense are acting, we should practically destroy this system of cooperation and coordination that has been built up.

I now yield to the Senator from Tennessee.

Mr. McKELLAR. Mr. President, I want to ask the Senator if he thinks the members of the advisory commission or the members of the advisory committees should have the right to procure, attempt to procure, or make any contract for the purchase of any supplies for the use of the Government, either from themselves or from their firms, or from corporations in which they are interested? Does the Senator think they ought to have the right to contract with themselves, as stated in this section?

Mr. NEWLANDS. Let me read the language.

Mr. McKELLAR. I will say to the Senator that that is all there is in the proposed statute—"procure, attempt to procure, or make any contract" for the benefit of themselves. Does the Senator think they ought to have the right to do it?

Mr. NEWLANDS. Why, I think that the coal operators are there, I think the steel operators are there, frankly to sell to the Government and to procure contracts with the Government, and they ought to be there.

Mr. McKELLAR. And the Senator thinks they ought to be there?

Mr. NEWLANDS. I do not regard them in any sense as the agents of the Government. I regard this simply as a scheme of legislation by which the great industries of the country can, through responsible men, deal with the Government; that on the one hand they are the sellers—frankly so—and that on the other hand the Government is the buyer.

Why, we have to-day this committee on transportation, composed of five of the most prominent railroad presidents in the country; men not at all connected with scandals in railway administration; men of high character and efficiency.

They are here every day, at the invitation of the Government, conferring with the Council of National Defense as to the methods in which they can best serve the Government; and yet they are carrying goods for the Government, and they are pecuniarily interested in every operation of the Government. Would you deny the Government the aid and the cooperation of such a committee by declaring that no corporation in which they are interested should transport a ton of coal for the United States Government?

Mr. McKELLAR. Mr. President——

Mr. NEWLANDS. I just want to call the attention of the Senator to this language. It reads:

To procure, attempt to procure—

And so forth.

Why, what is Mr. Gary here for to-day? Of course, I imagine, though I do not know, that the position of the Steel Trust and of Mr. Schwab's organization is that there is such an extraordinary demand for steel throughout the world that they can command the present prices of over $100 a ton. But the Government desires to get a lower price out of them. Now, after they have secured a lower price, would you penalize Mr. Gary for having participated in making that contract, when the Steel Trust and Mr. Schwab's plant are practically the only plants in the country that are able to respond to the demands of the Government?

Mr. VARDAMAN. Mr. President, will the Senator yield for a question?

Mr. NEWLANDS. Certainly.

Mr. VARDAMAN. I want to ask the Senator if he thinks that the fact that Mr. Gary did participate in that conference will lead to the Government getting the steel any cheaper than if he had not come there?

Mr. NEWLANDS. Well, I hope so.

Mr. VARDAMAN. Does not the Senator think that Mr. Gary's influence there will be to raise the price of steel to the Government?

Mr. NEWLANDS. I hope the result of that conference will be to bring down the price of steel very materially.

Mr. VARDAMAN. I said to raise the price of steel to the Government. Will not that be the result of Mr. Gary's participation in this conference? Of course we understand that all the influence that he brought to bear upon his confrères in that meeting was to increase the price of steel to the Government and put money in the coffers of the company he represents

Mr. NEWLANDS. Then I presume that Mr. Gary or Mr. Schwab should not talk to the Council of National Defense at all; that they should not talk to the Secretary of War; that they should not talk to the Secretary of the Navy. It is a dangerous thing for them, inasmuch as they are interested in a production part of which the Government will need, to approach the President or the Secretary of War or the Secretary of the Navy, lest they be unduly influenced. I can not admit the force of that argument.

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. KING in the chair). Does the Senator from Nevada yield to the Senator from Missouri?

Mr. NEWLANDS. Certainly.

Mr. REED. If the representatives of these great steel companies are to be called into council with the Government, is it the Senator's idea that they will tell the Government what is a correct price?

Mr. NEWLANDS. My idea is that in all probability self-interest will prompt them to name a price above that which they should receive. I think so.

Mr. REED. I was asking if they were to advise with regard to prices. Now, of what use or value is the advice of a man who, as the Senator has just said, is so circumstanced that self-interest would cause him to name a price above that which he ought to receive? Do not those two statements together prove absolutely the utter foolishness of calling in the men who are concerned in the prices to consult with them about prices? Does it not follow that the kind of consultation that ought to be had with these gentlemen is with reference to the capacity of plants, the ability to produce things—that sort of information which they can give without interfering with their own business?

Mr. NEWLANDS. Mr. President, the Senator's argument would, of course, prevent all communication between buyer and seller. In the usual vocations every buyer must beware in talking to a seller of a thing that he wants lest that seller should advise him unwisely.

Mr. REED. No; Mr. President.

Mr. NEWLANDS. The Senator's argument does away with all negotiations between buyer and seller.

Mr. REED. Oh, no.

Mr. NEWLANDS. That is how I regard this. The Senator talks about advice. I regard this simply as negotiation between the great industries of the country and the Government—the seller prompted by self-interest, restrained perhaps by patriotism, and the buyer appealing to the sense of fairness and patriotism of the seller. I do not know how you can get a price except by negotiation, unless you resort to public bids; and we all know that with reference to all these things that are now in such urgent demand by the Government, if the Government should seek bids, the prices fixed would be exorbitant.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Pennsylvania?

Mr. NEWLANDS. Certainly.

Mr. KNOX. I desire to call the attention of the Senator from Nevada to the amendment that has just been read from the desk, proposed by the Senator from Ohio [Mr. POMERENE], and ask him if he does not believe that that is a real solution of this whole difficulty, and one that will not result in the demobilization of the brains and the success of the country in an enterprise where the highest intelligence is required and where we must succeed? As I understood the amendment of the Senator from Ohio, it would carry these two propositions, which I think ought to meet the situation: First, that no one who has a relation of trust or confidence with the Government, even in an advisory capacity, shall be permitted to solicit a contract with the Government in which he is interested, or in which any institution in which he has a financial interest is interested. That is absolutely prohibited and made a misdemeanor, punishable by fine and imprisonment.

But if he occupies any such relation to the Government on the board, and the board desires to award a contract to him or to an institution in which he has a pecuniary interest, he is compelled to disclose in writing what that interest is. So it will be dealing at arms length. The other members of the committee or board, or whatever the constituent body may be, have acted upon the knowledge of his disclosure as to the extent of his interest, but with the additional thought that he must withdraw from any participation in the award. So you have a situation that precludes the possibility, except subject to the penalties of the statute, of anybody sustaining this relation to the Government soliciting a contract, or if the exigencies of the situation require that the contract should be let to him or to some institution in which he has an interest, he must not only withdraw from any participation in the award of the contract but must disclose in writing that interest, so that it will be a matter of record.

I think if we would adopt the amendment of the Senator from Ohio, and I think I have correctly stated it, it would be an easy solution of this whole difficulty, because I believe, Mr. President, if the Senator from Nevada will indulge me just a moment longer, that nothing would bring more joy to the heart of the German Kaiser than that we should demobilize this wonderful instrument that has been gathered together and that represents the best brains and the greatest success of this country. Although I have striven over in court many and many a time for the rule of law which has been invoked, a rule of law that is designed to protect the weak against the strong, the ward against the guardian, the cestin que trust against his trustee, I do not think that we can stand upon that principle of existing law in our dealings with a great government's resources and the mobilization of them for the purposes of a vast war. Yet I am in sympathy with appeasing what I might be justified in saying is almost a popular demand, that some sort of protection must be thrown around these contracts, so that if it accomplishes nothing else it will banish the idea of any suspicion or any irregularity in the conduct of the war in the mobilization of our materials and our supplies.

Mr. NEWLANDS. Mr. President, I think the amendment offered by the Senator from Ohio and explained by the Senator from Pennsylvania is preferable to the amendment which we have been considering, but I am still doubtful about the language employed. I want to penalize a Member of Congress who has an interest in a contract with reference to which he is legis-

lating: I want to penalize a member of the Cabinet who has an interest in a contract which he makes on behalf of the Government; but I am reluctant to penalize the seller because of his interest and because he may in an interview with the buyer have either urged or advised that his offer be accepted.

Mr. KNOX. That is not the language of the amendment of the Senator from Ohio, as I recall it.

Mr. NEWLANDS. I understand; it is "to solicit." I want every producer in this country to be soliciting contracts for the Government. The more men engaged in the steel industry who will come forward and be solicitous to get contracts with the Government, the better for the Government and the better for the prosecution of this war. I want such men to solicit contracts. I want the executive department and Congress to be upon their guard and to realize all the time that we are dealing with sellers and that they represent the buyers.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield further to the Senator from Pennsylvania?

Mr. NEWLANDS. If the Senator will permit me to continue this thought, I will yield to him in a moment. I think the evil comes largely from the term "advisory." It is an unfortunate term, because it implies possibly that the people who are called upon to advise are absolutely disinterested people, when in the very nature of things they can not be disinterested.

The amendment offered by the Senator from Ohio makes it a penal offense for a man on this committee like Mr. Gary to solicit a contract. I want him to solicit a contract and I wish him to be very eager to get a contract for the Government, and I trust patriotism will be as effective as self-interest in indicating the terms of that contract. I will now yield to the Senator from Pennsylvania, if he desires.

Mr. KNOX. I only wish to state that I hardly believe the Senator from Nevada intends to have us understand that he wants Mr. Gary, to use his own illustration, to solicit a contract which Mr. Gary himself will be one of the parties to award.

Mr. NEWLANDS. I do not understand that Mr. Gary has anything to do with the awarding of the contract.

Mr. KNOX. Then the amendment of the Senator from Ohio would not cover the situation the Senator from Nevada has suggested. The amendment of the Senator from Ohio, as I understand it, and I think I do understand it, is intended to prevent members of boards that have anything to do with the awarding of contracts or the advising of the awarding of contracts from soliciting the boards of which they are members to give themselves the contract. That is the idea, as I understand it. Now, that does no harm to Mr. Gary. The fact is—and I think no one knows it better than the Senator from Nevada, the solicitation is going to be the other way. The Government is going to solicit the material; the manufacturers will not have to solicit the Government in order to sell it to them. For instance, take ship plate. Suppose the Government wants 10,000 or 100,000 or 500,000 tons of ship plate. The Government knows who makes ship plate, and the Government will, under this law, even though Mr. Gary should be on the advisory board in respect to the character of the plate that should be used, would not put Mr. Gary in the position of having him come to them and solicit the board to buy plate.

If the board would go to Mr. Gary and solicit a bid upon plate, then if Mr. Gary was a member of the board he would come under the provision of the second paragraph of the amendment—that is, he would have to disclose his interest and retire from any participation in the award. Now, that is not a hardship upon anybody and it seems to me it is morally correct, and still will not interfere with the administration of the contract at all.

Mr. NEWLANDS. Mr. President, I have great confidence in the judgment of the Senator from Pennsylvania, and it may be upon reading the amendment over I may find it satisfactory, but as the Senator quoted from it, I understand it to be made a penal offense for one of these captains of industry representing his industry, on one of these committees of producers and sellers, to solicit a contract.

Now, what does soliciting mean? Any effort to make a contract is a solicitation. I do not want to hedge these men around with penalizations that will prevent them from rushing to the aid of the Government and from offering their plants and their products to the Government and naming the price. If such an offer as that is to be regarded as soliciting and then these captains of industry are to be indicted for a penal offense because they have offered it, it seems to me the legislation is not so worded as to meet the purpose of the Senator from Pennsylvania.

Mr. WADSWORTH obtained the floor.

Mr. NEWLANDS. I understand the Senator from Ohio [Mr. POMERENE] had risen to make a suggestion to me.

Mr. WADSWORTH. I yield to the Senator from Ohio.

Mr. POMERENE. I simply wish to make one suggestion to the Senator from Nevada. It seems to me that he has overlooked the purpose of this amendment. I am quite clear, first, that we all want to protect the Government. We do want the advice and counsel of all these great experts. The Government ought to have the benefit of that. At the same time the Government ought to be in a position where it will not be criticized. It seems to me if I were a member of this advisory council I would want, nay, I would demand some legislation which would put me in a position while I was trying to serve my country where I would be above suspicion. For that reason if one of these men who is acting on the advisory council is himself a manufacturer or a dealer in war supplies which the Government wants, he could very readily disclose to his associates on the advisory council that, "I am interested to this extent: I am manufacturing this class of goods. I want the Government to have these goods if the Government wants them, but you must be the judge as to whether or not the Government is to have them, and ought to have them, from my company." I think that is going to be a protection not only to the members of the advisory council so that they will not be subjected to criticism but it will be also a protection to the Government itself against scandal and against excessive charges.

Mr. NEWLANDS. Mr. President, just one word. I have not the Senator's amendment before me and I have not been able to read it. I only have the information which I secured from the Senator from Pennsylvania. I wish to ask the Senator to what does the term "solicit" refer in his amendment?

Mr. POMERENE. The language is "solicit, attempt to procure, or procure"; that is, he must not be the active agent, in going to the War Department and saying, "I want you to get so many plates of steel from the United States Steel Co." He must not do that. That is my judgment about it.

Mr. WADSWORTH. Mr. President, when several days ago I took it upon myself to raise an objection to a request for unanimous consent that the bill now pending before the Senate should be voted upon, I had in mind the very suggestion that has been described so ably this afternoon with respect to section 3 of the bill. I think upon that occasion when I gave my reason for objecting to the unanimous-consent agreement which was then being proposed by the Senator from Oregon I stated we were in danger, by the enactment of section 3, of upsetting the entire war-making machinery of the United States. I think several Senators have come to the same conclusion, although perhaps not all who have come to that conclusion have as yet reached a solution for the redrafting of this section.

Mr. President, the Senator from Nevada [Mr. NEWLANDS] has described the functions in part, I may say, of the advisory commission, or the subcommittees of the advisory commission, of the Council of National Defense. He has laid particular stress upon the fact that they are committees of sellers. I think that does not tell the whole story. They do a good deal more than to offer to sell goods to the Government of the United States.

I have in mind, Mr. President, the aircraft-production board, concerning whose activities I have been fortunate enough to receive just a little information during the last few days.

Every Senator, I think, realizes the tremendous part that aviation plays in the war that is now going on, and a good many of us believe that Americans can do nothing more effective to bring it to an early close than to establish absolute supremacy in the air, on the part of the allies and ourselves, over the German aircraft.

The aircraft-production board is one of the committees of the advisory commission. It is headed by Mr. Howard E. Coffin, who, as is generally known, is vice president of the Hudson Motor Car Co. Another member is the chief signal officer of the Army, Gen. George O. Squier; another, Rear Admiral David W. Taylor, of the Bureau of Construction of the Navy. Then there are Mr. S. D. Waldron, ex-vice president of the Packard Motor Car Co.; Mr. E. A. Deeds, former general manager of the National Cash Register Co. and later with the Dayton Engineering Co.; and Mr. R. L. Montgomery, senior member of Montgomery, Clothier & Taylor.

Mr. President, this aircraft-production board is doing something infinitely more important than offering goods for sale to the Government of the United States. It has been at work since the outbreak of the war endeavoring to place the industries of this country in a position where they can turn out fighting aeroplanes in such enormous quantities that once they take the air nothing within a distance of 50 miles, measuring back

from the German lines, will be safe against attack by the aeroplanes of the allies.

When the war broke out, although we had been making aeroplanes in this country for a long time, in fact, longer than any other country, the development in aeroplane manufacture was exceedingly small as compared with the development in Germany, France, and England, and smaller even than the development in Italy, and it became necessary to mobilize all the industries that could turn to good account their present facilities in the manufacture of aeroplanes and particularly of aero motors.

This aircraft production board has not only consulted with all the designers of motors in the United States, all the men with any experience or reputation, but it has consulted with French, British, and Italian designers. Experts from all those countries have come here on the invitation of this board to submit the latest designs of the French, British, and Italian machines, and particularly the motors which propel those machines.

An effort has been made by this aircraft board, upon which the Army and the Navy are represented, but which is under the leadership of Mr. Coffin, to get the very best in designs and materials and information from all our allies, who have had such tremendously valuable experience for nearly three years in operating fighting machines.

I am informed that some of the experts from abroad give it as their opinion that it would require six months for the designers and the manufacturers of the United States to design and adopt and get into the course of manufacture an aeroplane motor which would be comparable with the motors used in the French, Italian, and British services. Apparently the American designers who were called to Washington to give the Government advice upon this matter believed that that period could be reduced. They invited a score or more of the most eminent motor designers in the United States to put their heads together, and after carefully examining all the best designs in the foreign countries to put together an American motor. As the result of the mobilization of the brains of the motor-building industry in the United States I am informed that the first motor will be manufactured within 30 days from the day on which the work started. Mr. President, it would have been utterly impossible for the Secretary of War or the Chief Signal Officer of the Army, or any officer of the Navy, no matter how highly educated in technical work, to have accomplished that result. It required the combined brains of the motor-manufacturing industry of the United States under the leadership and instruction and advice of the head of the aircraft-production board and his civilian colleagues on that board.

Mr. President, it is the publicly announced policy of the administration to embark upon the manufacture of airplanes in the United States upon a tremendous scale.

Mr. WATSON. If the Senator will pardon me, I think it might be pertinent to remark at this place that the standardized motor is not the motor of the Packard Co. or of the Hudson Co.

Mr. WADSWORTH. All the designers who were gathered together under the leadership of this aircraft-production board of course have had experience in different motor-car companies, and without knowing whether it is true or not, I am under the very deep impression that probably some designer from the Packard Motor Car Co. helped in the work and some designer in the Hudson Motor Car Co. helped in the work.

Mr. WATSON. Supplementary to what the Senator from New York has so ably said, I think that the men who originally designed the standardized motor were Mr. Vincent, from Detroit, and Mr. Hall, from San Francisco.

Mr. WADSWORTH. I have no knowledge of the names of the gentlemen, but my information is that there were more than two. Perhaps the final designs were perfected by two gentlemen, but it was the combined talent of more than two men, according to the information I have received.

Mr. President, while this designing has been going on, while this great effort has been in progress toward establishing an American motor which shall be the equal or the superior of any foreign motor, and my information is, sir, that is it at least the equal of any foreign motor, this aircraft-production board has not been idle in other directions. One hundred and twenty-five of our best technical experts are now in Europe, keeping in touch with the latest developments from day to day and in constant communication with the aircraft-production board here at home, so that if any improvement should take place abroad our military service will get instant advantage from it. Without question many of the 125, who will from time to time cable advices to our Government, have some interest in some motor-manufacturing company in the United States. Some of the 125 are Reserve Corps officers, having been given military commissions in order to establish their status among the military men of England, France, and Italy.

It is a tremendous organization that has been developed, and is in the course of further development; and it must not stop in its progress toward perfection one single instant if there is any truth in the prediction which we hear made so often, that airplanes may settle this war.

Now, Mr. President, no one motor factory can turn out this standardized perfected American motor economically and with sufficient speed to suit or to meet the military needs of the situation. So, according to my information, this aircraft-production board has estimated the manufacturing facilities of every concern in the United States that can make any little part of it, and has arranged to have different parts made in a score or more of factories, some of them as far distant as the Pacific coast. Some of them are not motor factories at all, but are shops that can quickly and easily turn their efforts into making some little part of this motor.

It is exceedingly probable that one or more of the civilian members of this aircraft-production board is a stockholder in some one or more of the score or more of concerns that are going to make parts for this motor. Now, what may happen under the amendment now pending? The aircraft-production board does not make the contract for these motors or any of their parts. I assume that only the Secretary of War may make the contract, but there never has been a Secretary of War and there never will be a Secretary of War who will know all about this entire problem. So the aircraft-production board, I assume, will go to the Secretary of War and describe the progress that has been made, the scheme and plan that has been laid out, what has already been accomplished, and advise him that by having such and such a manufacturer make one certain part of the machine and another manufacturer make another certain part of the machine at certain prices which they think are reasonably fair, the whole work can be coordinated and brought to a successful conclusion in the shortest possible time. But if the aircraft-production board does that, under the existing amendment three of them, if it is assumed that any of these three men own any stock in any of these companies, commit a criminal offense for merely advising the Secretary of War to sign a contract with a score or more of companies that are to put together this motor.

Mr. REED. The Senator is now referring to the amendment offered by the Senator from Ohio or the amendment that was reported?

Mr. WADSWORTH. I am referring primarily to the original amendment pending before the Senate. I have not seen a printed copy of the amendment of the Senator from Ohio and I am not entirely certain——

Mr. POMERENE. I may say that it has not been printed. It was simply offered to-day.

Mr. WADSWORTH. I have not seen a typewritten copy or a written copy. I am not entirely certain that the amendment of the Senator from Ohio is absolutely safe in respect to the situation I am attempting to describe.

Mr. POMERENE. I think if the Senator has an opportunity he will conclude that it will not at all interfere with his views in the matter.

Mr. WADSWORTH. If that is true, of course I am greatly relieved.

Mr. POMERENE. Very briefly stated, it involves two propositions: First, that no man shall solicit or procure or attempt to procure a contract if he is interested in it—that is, he shall not actively solicit nor attempt to procure or procure it—and, secondly, if the commission or the advisory council of which he is a member should seek to procure or contract for any of these supplies, that then he should disclose any pecuniary interest or official or stockholding interest which he may have in the company that is about to furnish the supplies; and that he shall not participate in the making of the contract. I think it might be well, Mr. President, to have the amendment read.

Mr. WADSWORTH. Mr. President, I am in entire agreement with the contention of the Senator from Ohio—that the pecuniary interest which any one of these gentlemen may have in any article which is to be purchased by the Government shall be made a matter of the greatest publicity. I think, if you do that, you would not need to do anything else. The situation is then cured by the weapon with which we are all familiar—"pitiless publicity." If the Government itself knows and the public knows and Congress knows that John Smith, a member of some subcommittee of the advisory commission of the National Council of Defense, owns so many shares of stock in such and such a corporation which is about to sell some of its goods to the Government, following the advice of the committee of which John Smith is a member—if the public knows that, we will not

have to have any additional provisions of law to protect the Government against fraud. Furthermore, be it remembered, Mr. President, it is not these committees that make contracts; it is the head of the department, the Secretary of War or the Secretary of the Navy. And it is to be presumed that they are exceedingly anxious to protect the Government against extortionate prices. As I read the amendment, however—even the amendment of the Senator from Ohio—if three civilian members of the aircraft production board, accompanied by the two military members, desire to discuss with the Secretary of War a series of contracts, and if it so happens that they are interested in any one of many companies whose facilities are to be used in the manufacture of the goods, they are debarred from taking part in any such discussion and must not participate in making the contract.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Pennsylvania?

Mr. WADSWORTH. I do.

Mr. KNOX. I do not think that is really what the amendment means. Was the Senator from New York present when we discussed it a few minutes ago?

Mr. WADSWORTH. Yes; and I tried to understand it.

Mr. KNOX. As I understand the amendment of the Senator from Ohio—and, of course, it is upon that understanding that I gave it my acquiesence—it is designed to accomplish two things. One is that the members of these advisory boards shall be prohibited from soliciting contracts for their own benefit. I do not believe that that is objectionable, although I can understand from the example that the Senator from New York just put that there might be a very remote interest to be affected; but, speaking of it as a practical thing, I do not believe that is objectionable. I do not think a self-respecting man would, if he were occupying a confidential relation with the Government, solicit in the sense that he would seek to get a contract over and above some one else.

The other provision, as I understand, is this: If he is a member of the board, and if the board decides that the contract should for the best interest of the Government be given to a concern in which he is interested, then he ought to disclose his interest in that concern.

Mr. WADSWORTH. I believe in that thoroughly.

Mr. KNOX. Then I think the Senator from New York, the Senator from Ohio, and myself are almost in accord about the need of some such amendment.

Mr. WADSWORTH. My only dread was that a member of the board who was in the category which the Senator from Pennsylvania has been describing would be debarred by something we do here from advising with the department chief.

Mr. KNOX. I do not understand that this amendment would do that at all. I should like to have the amendment again read.

Mr. POMERENE. I desire to say that in the amendment as originally drawn the word "advise" was inserted, and the amendment was read with that word in it. Since then I have made several modifications of the amendment; and in order to perfect the amendment I now ask the consent of the Senate that I may strike out the word "advise" and substitute therefor the word "solicit."

The PRESIDING OFFICER. The Senator from Ohio has a right to modify the amendment which has been tendered by him.

Mr. POMERENE. Again, after the words "or other body which shall make," I desire to insert the words "or participate in making"; again, to insert, after the phrase "which he may have in such contract or order and in any party thereto," the words "nor shall he participate in making such contract or giving said order." I ask to modify the amendment in those respects; and I now ask the Secretary to read it to the Senate as modified.

The PRESIDING OFFICER. Does the Senator from New York yield?

Mr. WADSWORTH. I yield for that purpose; and I shall conclude in just a moment

The PRESIDING OFFICER. The Secretary will read the amendment as modified by the Senator from Ohio [Mr. POMERENE].

The Secretary read as follows:

SEC. 3. No person acting either as a voluntary or paid agent or employee of the United States in any capacity, including an advisory capacity, shall solicit, induce, or attempt to induce any person or officer authorized to execute or to direct the execution of contracts on behalf of the United States to make any contract or to give any order for the furnishing to the United States of work, labor, or services, or of materials, supplies, or other property of any kind or character, if such agent or employee has any pecuniary interest in such contract or order, or if he or any firm of which he is a member, or corporation, joint-stock company, or association of which he is an officer or stockholder, or in the pecuniary profits of which he is directly or indirectly interested, shall be a party thereto. Nor shall any agent or employee make or be a member of any committee or other body which shall make or participate in making any recommendation concerning such contract or order to any council, board, or commission of the United States, or any member or subordinate thereof, without making to the best of his knowledge and belief a full and complete disclosure in writing to such persons or group of persons of any and every pecuniary interest which he may have in such contract or order and in any party thereto, nor shall he participate in making such contract or giving said order. Any willful violation of any of the provisions of this section shall be punished by a fine of not to exceed $10,000 or by imprisonment for not more than five years, or both.

Mr. WADSWORTH. Mr. President, just one or two observations, and I shall take my seat. Let me say that the amendment as now prepared and proposed by the Senator from Ohio [Mr. POMERENE] meets my views on this question, and is infinitely preferable to the amendment which is printed in the bill as reported by the committee. Mr. President, let me take this opportunity to make another observation. It is exceedingly unfortunate, in my humble judgment, that the Members of the Senate and of the House of Representatives have so little opportunity to become informed as to what the administration is doing, and particularly what the Council of National Defense and the advisory commission are doing.

Time and time again it appears upon this floor and upon the floor of the House of Representatives that the legislative branch is in the dark, and being in the dark it becomes suspicious. Let me observe, Mr. President, that it would be a helpful thing if the advisory commission of the Council of National Defense and the officers of the Council of National Defense itself would from time to time, upon appropriate occasions, through methods that are proper and feasible, inform Senators, individually or collectively, of what is being accomplished by these extra legal boards and commissions. We would then all understand what was being done; we would not be confused and misled. We would not make mistakes or reach the very verge of making mistakes; for that is what the Senate was doing a short time ago on this very amendment; and there would be a much better feeling, not only between the legislative branch and the executive branch, but amongst all the people of the United States.

Mr. CHAMBERLAIN. Mr. President, so far as I may be permitted to do so, after consultation with some of my colleagues on the committee, I am willing to accept the amendment proposed by the Senator from Ohio in lieu of section 3 of the bill as reported by the committee.

Mr. KNOX. Mr. President, I should like to have the concluding paragraph of the amendment again reported. I did not quite catch the significance of the last words.

The PRESIDING OFFICER. The Secretary will report the last paragraph of the proposed amendment of the Senator from Ohio.

The Secretary read as follows:

Nor shall any agent or employee make, or be a member of any committee or other body which shall make, or participate in making, any recommendation concerning such contract or order to any council, board, or commission of the United States or any member or subordinate thereof, without making to the best of his knowledge and belief a full and complete disclosure in writing to such persons or group of persons of any and every pecuniary interest which he may have in such contract or order and in any party thereto, nor shall he participate in making such contract or giving said order.

Mr. KNOX. Right there, I want to ask the Senator from Ohio if it is not his thought wholly that such persons shall not participate in making the award? If you say that he shall not participate in the making of the contract, it might be said that he could not be a party to the contract; and that would defeat the very purpose of the provision.

Mr. POMERENE. That was not so intended. In the earlier part of the proposed amendment the words are used "make any contract or to give any order," and in the latter part of it I have tried to repeat the same language. It is possible that the amendment ought to be further modified.

Mr. KNOX. I should suggest that it would meet the thought which I understand the Senator from Ohio entertains to merely say "nor shall he vote upon the awarding of such contract." He will have to be a participant in the contract as a party. After he has disclosed his pecuniary interest in the contract there is nothing to prevent him then being a party to the contract, and making a contract.

Mr. POMERENE. Provide that he shall not vote to award this contract to himself. That is the purpose.

Mr. KNOX. That is the idea; and I think that language would cover it.

Mr. POMERENE. Is the Senator of the opinion that the amendment as it is now framed does not include that idea, and that idea only?

Mr. KNOX. I am afraid that it might be argued that it includes something more than that; but I know it is not the Senator's intention that it should do so.

Mr. POMERENE. It is not.

Mr. KNOX. It is only for the purpose of clearness that I would suggest that the language which the Senator has just used would be adequate and sufficient.

Mr. POMERENE. Will the Senator suggest the exact change which he thinks should be made?

Mr. KNOX. I will endeavor to do so in a moment.

Mr. GRONNA. Mr. President——

Mr. POMERENE. Will the Senator pardon me for just a moment?

Mr. GRONNA. I desire to ask the Senator from Ohio if it is his understanding of the law that the members of the advisory commission are now permitted to make contracts or to vote in connection with the making of contracts?

Mr. POMERENE. I do not believe I understand the Senator's question.

Mr. GRONNA. I asked the Senator from Ohio if it is his understanding that under the present law the members of the advisory commission are in any way allowed to vote in connection with the making of contracts, or can make contracts?

Mr. POMERENE. I must answer by saying that I have not examined the present statute on that subject.

Mr. GRONNA. I think the Senator from Oregon made that clear a few moments ago.

Mr. POMERENE. It is quite clear that a Senator or a Cabinet officer might not be interested in a contract, but whether or not the statute is broad enough to include any man acting in an advisory capacity I can not say.

Mr. CHAMBERLAIN. Mr. President, if the Senator will pardon me, there is nothing in the law creating the Council of National Defense and its advisory commission to permit them to contract with themselves or anybody else.

Mr. GRONNA. Nor can they accept contracts.

Mr. CHAMBERLAIN. The law as it now stands does not prevent them from making contracts, but does not authorize them to make contracts. There is no power given them to make contracts for the Government with themselves or with anybody else.

Mr. GRONNA. My understanding of the law is that they are not authorized to make any contracts.

Mr. CHAMBERLAIN. Under the act creating the Council of National Defense they are not authorized to do that.

Mr. GRONNA. That is my understanding.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Tennessee?

Mr. POMERENE. In just a moment. The Senator from Pennsylvania has suggested a change in the amendment, and I ask that it be stated.

The PRESIDING OFFICER. The Secretary will state the amendment offered by the Senator from Ohio as modified.

The Secretary read as follows:

Nor shall any agent or employee make, or be a member of any committee or other body which shall make or participate in making, any recommendation concerning such contract or order to any council, board, or commission of the United States or any member or subordinate thereof without making, to the best of his knowledge and belief, a full and complete disclosure in writing to such persons or group of persons of any and every pecuniary interest which he may have in such contract or order and in any party thereto; nor shall he participate in the awarding of such contract or giving said order.

Mr. POMERENE. So far as I may, I accept the suggestion of the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Ohio has the right to perfect the amendment in that way. Those words will be embodied in the amendment and become a part of the same.

Mr. McKELLAR. Mr. President, I want to ask the Senator from Ohio if he will agree to the insertion of the word "construction" immediately after the word "supplies," so that it will read—

make any contract or to give any order for the furnishing to the United States of work, labor, or services, or of materials, supplies, construction, or other property of any kind or character—

And so forth. Will the Senator agree to that?

Mr. POMERENE. I think that is embraced in the words "work" and "labor," but, if not, I have no objection to the word "construction" being inserted. If, however, I may make the suggestion to the Senator, I think he is proposing to insert the word at the wrong place. The word "construction" should apply, not only to materials and supplies, but also to the words "or other property." To say "materials, supplies, or other property of any kind or character, or the construction thereof," it seems to me would be better.

Mr. McKELLAR. Perhaps it would be better to insert the words "including construction," after the word "character." I will ask that that modification be made.

Mr. POMERENE. I have no objection to that.

The PRESIDING OFFICER. Without objection, that will be considered as a part of the amendment of the Senator from Ohio.

Mr. McKELLAR. Mr. President, in regard to the proposed substitute I desire to say that the first subdivision of it, which is all in one sentence, is absolutely all right, but I think we ought to know just exactly what we are doing when we agree to the second subdivision. In my opinion, by the adoption of the second subdivision we will legalize the practice of members of the advisory commission or its committees dealing with themselves. We will simply put certain limitations upon their dealing with themselves.

I now read the last subdivision of the proposed amendment of the Senator from Ohio.

Nor shall any agent or employee make, or be a member of any committee or other body which shall make or participate in making, any recommendation concerning such contract or order to any council, board, or commission of the United States or any member or subordinate thereof without making, to the best of his knowledge and belief, a full and complete disclosure in writing to such persons or group of persons of any and every pecuniary interest which he may have in such contract or order.

All these gentlemen will have to do in order to deal with themselves, if we adopt this provision, will be merely to put it in writing that they have an interest.

Mr. POMERENE. Mr. President——

Mr. McKELLAR. Just a moment. They can go as far as they like, just so they put it in writing. I do not believe that we ought to legislate in that way. We have a provision on the subject now, and it is a better provision than this, which legalizes the very thing that we have been endeavoring to prevent. I now yield to the Senator from Ohio.

Mr. POMERENE. The Senator certainly does not want to misstate the situation.

Mr. McKELLAR. Surely not.

Mr. POMERENE. The Senator failed to read the last clause which is a very material one, namely, "that he shall not participate in making the award of the contract."

Mr. McKELLAR. Well, listen to this. There can not be any mistake about it——

Mr. GORE. A Cabinet officer makes the award now.

Mr. McKELLAR. Yes; a Cabinet officer makes the award now. There is no doubt in the world now that the advisory commission does not sign contracts. We all know that the officers of the Quartermaster's Department sign the contracts. If we adopt this provision, we will merely be legalizing what we are complaining of. That is all we will be doing. There is no need for any misunderstanding about it. It is very carefully written, very adroitly worded, but the effect of it is beyond the shadow of controversy.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Connecticut?

Mr. McKELLAR. I yield to the Senator.

Mr. BRANDEGEE. If the advisory commission makes no contracts, to what does the final provision refer, namely, that no member of it shall vote in making an award?

Mr. McKELLAR. The proposed amendment will permit just what they are doing now. Under this provision they will have that right. A committee of the Council of National Defense, say the committee on clothing, will advise that the Government buy a million suits of clothes from Sears, Roebuck & Co., for the sake of the illustration. They will have a right to do that under this provision, and the contracting officers of the Government may proceed to enter formally into a contract upon that recommendation. That is just precisely what they are doing now. In other words, this is a pure and simple legalization of what we are trying to prevent.

Mr. BRANDEGEE. If the Senator has a copy of the amendment, will he be kind enough to read the last sentence?

Mr. McKELLAR. I will take pleasure in doing so.

Mr. BRANDEGEE. I would not ask the Senator to do so if the amendment were printed.

Mr. McKELLAR. Without the last subdivision, I prefer this amendment to the amendment which has been offered by the committee. With the last subdivision, it makes the first part of the amendment absolutely negatory, without any value whatsoever, and without any meaning. It is absurd to prohibit a practice in the first subdivision and then license it in the second subdivision of the same paragraph. From my point of view, it is a travesty upon legislation. Now I will read it, in compliance with the request of the Senator from Connecticut:

Nor shall any agent or employee make, or be a member of any committee or other body which shall make or participate in making, any recommendation concerning such contract or order to any council, board, or commission of the United States or any member or subordinate thereof, without making, to the best of his knowledge and belief, a full and complete disclosure in writing to such person or group of persons of any and every pecuniary interest which he may have in such contract or order in any party thereto—

I do not know what that part of it means.

The PRESIDING OFFICER. The Senator will pardon the Chair. The Chair thinks the Senator has left out the word "and."

Mr. McKELLAR. "And in any party thereto"—

nor shall he participate in making—

It is difficult to read.

Mr. BRANDEGEE. "Participate in the awarding of"——

Mr. McKELLAR. "Participate in making such contract or giving"——

Mr. BRANDEGEE. "Participate in the awarding of such contract" is the way the copy I have reads.

Mr. POMERENE. Mr. President, the Senator from Tennessee is reading from a copy of the amendment which was made before the change suggested by the Senator from Pennsylvania [Mr. KNOX]. I am not sure that I have it exactly right myself. I suggest the Senator had better get the original.

Mr. McKELLAR. Very well. I will read from the original.

Nor shall any agent or employee make, or be a member of any committee or other body which shall make or participate in making, any recommendation concerning such contract or order to any council, board, or commission of the United States, or any member or subordinate thereof, without making, to the best of his knowledge and belief, a full and complete disclosure in writing to such persons or group of persons of any and every pecuniary interest which he may have in such contract or order and in any party thereto—

That does not make sense—

nor shall he participate in the awarding of such contract or giving said order.

Mr. POMERENE. The words "and in any party thereto" are designed to cover corporations or associations in which he may be interested.

Mr. McKELLAR. I accept that; that is entirely true; perhaps I am a little captious about it.

Now, it is perfectly plain what that means. It does not mean a prohibition of the practice of members of the advisory commission dealing with themselves; it means a licensing of the practice of members of the advisory commission dealing with themselves. The very thing that the Senator from Iowa wanted to prevent in offering his amendment, which is now the committee amendment, is absolutely legalized if the pending amendment is accepted. I can not emphasize the position that I am here taking better than to read the first subdivision, and I will try to read it distinctly, so that Senators may understand it and realize how absolutely it is nullified by the second subdivision of the second paragraph. Now, listen to this:

SEC. 3. No person acting either as a voluntary or paid agent or employee of the United States in any capacity, including an advisory capacity, shall solicit, induce, or attempt to induce, any person or officer authorized to execute or to direct the execution of contracts on behalf of the United States to make any contract or to give any order for the furnishing to the United States of work, labor, or services, or of materials, supplies or other property of any kind or character, including construction, if such agent or employee has any pecuniary interest in such contract or order, or if he or any firm of which he is a member, or corporation, joint-stock company, or association, of which he is an officer or stockholder or in the pecuniary profits of which he is directly or indirectly interested, shall be a party thereto.

Now, that is an absolute, sweeping prohibition against men who are acting in an advisory capacity dealing with themselves. There can not possibly be any mistake about it. It is an absolute prohibition, explicit, pointed, beyond the shadow of a doubt. Then the next sentence comes right along and calmly nullifies the first. Now, listen how it is nullified. It is nullified almost exactly in the language in which the statement of the first proposition is made:

Nor shall any agent or employee make, or be a member of any committee or other body which shall make or participate in making, any recommendation concerning such contract or order to any council, board, or commission of the United States, or any member or subordinate thereof, without making, to the best of his knowledge and belief, a full and complete disclosure in writing to such persons or group of persons of any and every pecuniary interest which he may have in such contract or order and in any party thereto, nor shall he participate in making such contract or giving said order. Any willful violation of any of the provisions of this section shall be punished by a fine of not to exceed $10,000 or by imprisonment for not more than five years, or both.

In other words, so far as it means to me, if we want to repeal section 1783 of the Revised Statutes by necessary implication and then legalize the very thing that it is desired by some to prohibit, we ought to adopt this amendment; but if we want to prohibit men from dealing with themselves while on these advisory committees, we ought to adopt the original committee amendment.

It is conceded by everybody here that these men have no power to make contracts. Senators are all familiar with the law by which the Council of National Defense was created. There is not a word in it that permits a contract to be made by any part of the board or any committees of the board. Everyone who has discussed the matter here to-day says they have gone far afield when they have undertaken to contract or to engage in contracting. That was not the purpose of the act at all. The purpose of it was to have their advice; not to have them come here and get altogether, or get certain favored ones together, and have them contract practically with themselves, to the exclusion of all other contractors.

The Senator from Nevada says it was the purpose to bring the sellers together with the Government. Why, the sellers do not have any trouble about getting together. Is it possible that Congress appropriated $500,000 a year for the purpose of getting the sellers together and giving them offices here to look after the sellers' interest in this matter? I do not believe there was any such purpose in our action in making this appropriation of $500,000. Who would have voted for a $500,000 appropriation to bring together here in Washington all the sellers of materials and those who wanted contracts, so that they could get the best possible contracts from the Government?

I do not think anyone would have done so. It would not be fair. There are many contractors here. There are many furnishers here. There are many captains of industry here on these advisory committees; and there are many that are not here. There are more that are not on the committees than there are on the committees. We shall be enacting class legislation, if we adopt this amendment, which absolutely legalizes them; and I for one am going to vote against the substitute and vote for the original amendment offered by the committee.

Mr MARTIN. Will the Senator from Oregon yield to me?

Mr. CHAMBERLAIN. Certainly. I ask that the unfinished business may be temporarily laid aside.

PAY OF EMPLOYEES.

Mr. MARTIN. Mr. President, the Senator from Oregon has agreed to lay aside temporarily the unfinished business in order that I may have laid before the Senate a House bill providing for the pay of the pages, that will not take three minutes to consider. There is no money with which to pay their per diem.

The PRESIDING OFFICER. The Chair lays before the Senate the following bill from the House of Representatives.

The SECRETARY. A bill (H. R. 5405) making appropriations for certain session employees of the Senate and House of Representatives.

Mr. MARTIN. I ask unanimous consent for the present consideration of the bill.

Mr. THOMAS. May we not have the bill read?

The Secretary read the bill, as follows:

Be it enacted, etc., That the following sums are appropriated out of any money in the Treasury not otherwise appropriated:

SENATE.

For 16 pages for the Senate Chamber, at the rate of $2.50 per day each from and including July 1, 1917, until the close of the first session of the Sixty-fifth Congress, so much as may be necessary.

HOUSE OF REPRESENTATIVES.

For the following employees, from and including July 1, 1917, until the close of the first session of the Sixty-fifth Congress: Forty-six pages, including 2 riding pages, 4 telephone pages, 1 press-gallery page, and 10 pages for duty at the entrances to the Hall of the House, at $2.50 per day each; 9 messengers in the post office, at the rate of $100 per month each; so much as may be necessary.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONSERVATION OF FOOD AND FUEL.

Mr. CHAMBERLAIN. I ask that the Senate resume the consideration of the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

Mr. CHAMBERLAIN. Mr. President, I hope we may have a vote on the pending amendment.

Mr. STERLING. Mr. President, I hope this matter will go over until to-morrow. I am impressed with the amendment as a general proposition. There is, however, something in regard to the terms of the amendment as it now stands to which I can not reconcile my mind. I should like further time to consider it, and I am inclined to think that other Senators would like to

have this amendment go over until to-morrow. It is a very important amendment.

Mr. CHAMBERLAIN. Mr. President, I have no objection, if the Senator desires to have it go over. With that amendment the committee amendment will have been completed; and it has been suggested by quite a number of Senators that the Senate take a recess until Monday. I should like to know what the feeling of the Senate is about that. Is it desired that we shall continue to-morrow?

Mr. REED. Mr. President, if we could have made an arrangement by which we could have voted on the choice between the Gore substitute and this bill, so that we would have known which one we were actually to work on, I would have been quite agreeable to adjourning until Monday; but we are told—indeed, it is undoubtedly the fact—that as long as anyone demands it, the present bill must be kept before the Senate until it is perfected——

Mr. CHAMBERLAIN. There is no doubt about that.

Mr. REED. And that to the exclusion of any consideration of the Gore substitute, which is very different in its scope from the present bill.

That being the case, if we must continue with this bill until it is perfected, then comes the question of substituting the Gore amendment or substitute, and that is to be perfected; so that if we do not keep at work we will not really have reached a point of understanding when the time for voting under the unanimous-consent agreement occurs.

I therefore hope that we can put in to-morrow and get rid of the amendments to the pending bill.

Mr. CHAMBERLAIN. That is perfectly satisfactory to me. I was only acting along the line of the suggestion of quite a number of Senators. Does any Senator desire to proceed with the discussion to-night?

Mr. REED. Can we not proceed with the others?

Mr. CHAMBERLAIN. Mr. President, I am perfectly willing, so far as I am concerned, to have the Senate proceed with the other amendments, leaving this over until to-morrow.

The PRESIDING OFFICER. Without objection, the amendment offered by the Senator from Ohio will lie over and be printed.

Mr. GORE. Mr. President, I now move to strike out all after the enacting clause of the pending bill, and to substitute what I shall have read to the Senate. I will say, however, that this substitute is lying on Senators' desks, excepting that the first section has been somewhat changed in the copy which I shall have read. There is only one other slight change in the bill from the copies on the desks of Senators. I will ask to have it read down to and including section 9.

If any Senator desires, I will have the remaining part of the bill read; but I will say that section 10 is the so-called Nelson amendment to the food-production bill, which passed the Senate on June 1, relating to boards of trade and grain exchanges. There is no change in it. Section 11 is the so-called Poindexter-Walsh amendment, relating to hoarding, gambling, and speculating in foodstuffs. That was attached to the bill which passed on June 1. I shall not ask to have that read unless Senators desire it. To that section I have added a clause that it shall not be construed to repeal the Sherman antitrust law. I deem that important.

The remaining part of the bill, from section 12 on, is in substantial correspondence with and almost a literal transcript of the pending bill, and I shall not ask to have that read unless Senators desire; but down to and including section 9 I ask to have it read to the Senate.

Mr. BRANDEGEE. Mr. President, do I understand that the Senator from Oklahoma is offering this as a substitute for the entire bill?

Mr. GORE. Yes, sir.

Mr. BRANDEGEE. Is it in order at this time, before the bill has been perfected as a whole, to offer a substitute for the whole of it?

Mr. GORE. It is undoubtedly, Mr. President.

Mr. BRANDEGEE. I meant to address the Presiding Officer when I asked if it was in order. I intended that as a parliamentary inquiry.

Mr. GORE. I rather suspected that.

Mr. BRANDEGEE. I did not know whether the Senator did or not from what happened.

The PRESIDING OFFICER. The present occupant of the chair——

Mr. CHAMBERLAIN. Allow me to suggest that that question was determined by the Vice President this morning.

Mr. GORE. Yes; he did; but he held this——

Mr. BRANDEGEE. If it has been determined, very well.

Mr. GORE. The Vice President held that the substitute could be offered, that the pending bill could be perfected by amendment, and that the substitute could be perfected by amendment; and that when there were no further amendments to be offered to either one, then the final vote would come as between the two. That was the ruling of the Chair, and that is the course I am seeking to pursue.

Mr. BRANDEGEE. Very well. That is satisfactory to me, I am sure.

Mr. CHAMBERLAIN. That is the rule of the Senate.

Mr. GORE. Yes; that is the rule of the Senate.

Mr. REED. I do not understand how we would proceed then. Would we have both before the Senate?

Mr. GORE. Yes, sir.

Mr. REED. And be amending each of them?

Mr. GORE. Yes, sir; either one, as we did the other day, when the liquor amendments were before the Senate.

Mr. REED. My understanding of the rule is this, Mr. President, that if a proposition is made to substitute for a pending bill the proponents of the pending bill have the right to insist that it shall be perfected before anything else is done. When that is completed, then the substitute can be offered and considered, and it can be perfected. Then the question will be upon the substitution. But it would be a peculiar thing to have two bills before the Senate, each of them under consideration and each of them subject to amendment.

Mr. SMITH of Georgia. Mr. President, the Senator is usually very accurate——

Mr. REED. I am not on parliamentary law.

Mr. SMITH of Georgia. But as to this proposition, clearly he is wrong. If a substitute is presented, the rule requires you to perfect the original before you perfect the substitute; but the two are before the Senate at the same time, each subject to be perfected. You can offer your substitute before you have perfected the original, but you then must perfect the original, under our rule, first, and perfect the substitute second. Then you vote between them.

Mr. REED. Mr. President, I really can not see any difference between the Senator's statement and my own.

Mr. SMITH of Georgia. There is this difference: They can not keep offering amendments to the original proposition and keep you from getting your substitute before the Senate at all.

Mr. REED. Oh, no; it can be offered.

Mr. SMITH of Georgia. Well, we can consider it, too; but we can not consider amendments to it.

Mr. SMOOT. Mr. President, for the RECORD, I want to say that what the Senator from Georgia has stated is well known to be the case under Rule XVIII.

Mr. SMITH of Georgia. Yes.

Mr. SMOOT. But the Senator should have gone further and said that after the House provision is perfected and the Senate proceeds to the consideration of the substitute, and it is perfected, that does not bar the Senate, before the time for a vote arrives, from offering further amendments to the original or to the substitute.

Mr. SMITH of Georgia. The matter is still open, of course, for revision.

The PRESIDING OFFICER. The Chair has sent to the reporters and obtained the ruling of the Vice President this morning upon this question; and if there is no objection, the Chair will announce the ruling of the Vice President.

The Senator from Oklahoma [Mr. GORE], addressing the presiding officer, said:

> Now, Mr. President, I wish to make a parliamentary inquiry. Would it be in order at this time to move a substitute for the pending bill—I mean, after the enacting clause?
>
> The VICE PRESIDENT. There is a pending committee amendment and an agreement to take up the committee amendments first; so that until they are disposed of, at least, the motion to strike out and substitute will not be in order.

There are pending amendments to the bill, and, under the ruling of the Vice President, it would not be in order to——

Mr. GORE. I do not understand that there is a pending amendment.

Mr. SMITH of Georgia. He limited it to pending committee amendments.

The PRESIDING OFFICER. The Chair understands that there is a pending committee amendment.

Mr. GORE. But, Mr. President, it has been laid aside by the Senator in charge of the bill.

Mr. CHAMBERLAIN. Then, Mr. President, there are other amendments pending to the bill.

Mr. GORE. There are no other amendments pending. They have been printed and are lying on the table, but no Senator has moved their adoption.

Mr. CHAMBERLAIN. Yes; quite a number of them were moved.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. GORE. It was not in order to move their adoption until the committee amendments had been disposed of.

Mr. CHAMBERLAIN. Mr. President, there were quite a number of amendments offered by Senators in view of the possibility of cloture being applied. They are pending now to this bill.

Mr. LODGE. Mr. President, if the Senator will allow me, the agreement affects only committee amendments.

Mr. GORE. Yes, sir.

Mr. LODGE. There is no agreement whatever about individual amendments.

Mr. GORE. And they are not pending until they are moved.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. The Senator from Oklahoma has the floor. Does the Senator from Oklahoma yield to the Senator from North Dakota?

Mr. GORE. I yield; yes.

Mr. McCUMBER. A parliamentary inquiry: Under the unanimous-consent agreement is it not necessary to absolutely dispose of committee amendments before any substitute can be offered?

Mr. LODGE. Certainly.

The PRESIDING OFFICER. That is the opinion of the present occupant of the chair.

Mr. McCUMBER. Very well. If that is true, then the Senator in charge of the bill can not, under that agreement, consent to lay aside a committee amendment in order that a substitute may be taken up in its place.

Mr. GORE. Mr. President, that was not done, but the Senator in charge of the bill can not keep a committee amendment pending indefinitely and lay it aside and preclude anybody from offering a substitute. He laid it aside. For that reason I offered this. Otherwise, I could not have made that offer.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Oregon?

Mr. GORE. I yield; yes, sir.

Mr. CHAMBERLAIN. The amendment was laid aside, notwithstanding the desire of the Senator from Oregon to have a vote on it. It was laid aside at the request and for the convenience of some of the Senators who wanted to see it in print. I should have liked to have had a vote on it then, but it was temporarily laid aside. However, that does not dispose of it. It is still pending before the Senate. It is still pending as an amendment to the bill; and I agree with the Senator from North Dakota.

Mr. McCUMBER. Under the rule, I object to the consideration of a substitute until this committee amendment is disposed of, although I should not object—it being nearly 5 o'clock—to taking a recess until to-morrow if we wish to. I do object to the consideration of a substitute at this time, however.

The PRESIDING OFFICER. The Chair feels constrained to rule that the substitute offered by the Senator from Oklahoma is not now in order.

Mr. REED. Mr. President, I should like to get the reason for the Chair's ruling.

The PRESIDING OFFICER. The ruling of the Chair is that the substitute offered by the Senator from Oklahoma is not in order until the committee amendments—which also include, as the Chair understands, the amendment offered by the Senator from Ohio—have been disposed of.

Mr. REED. The Chair, then, holds that the chairman of the committee having the bill in charge can not himself ask to have the last amendment offered by the committee temporarily laid aside? And when it is temporarily laid aside, which has already been done, is it pending?

The PRESIDING OFFICER. It is the pending question, and the request to have it temporarily laid aside is not a request to have the amendment withdrawn.

Mr. REED. No; but if it is temporarily laid aside, something else must immediately take its place. The Senate is never without some sort of a parliamentary situation. It seems to me—not desiring to argue the matter with the Chair in this way—that the chairman of the committee can have the bill, or any part of it, laid aside; and when he does, when he makes that request, when there is no objection to it, when that action is taken, when the amendment has been temporarily laid aside, that then that amendment is no longer before the Senate. There is then no committee amendment. It is a temporary disposition of it, and thereupon the right accrues to proceed as though the amendment did not exist.

Mr. LODGE. Mr. President, let me make a suggestion, with the Senator's permission. If the Senator in charge of the bill can lay an amendment aside, and that precludes us from offering any other amendments, it would keep the bill before the Senate without an amendment to be offered to it from now until next Saturday.

Mr. GORE. That is the point I was going to make. They could just use this as a wind shield to keep anything from being done at all. I hardly think the Senator in charge of the bill means to do that, but that is the effect of the ruling of the Chair.

The VICE PRESIDENT. There is not the slightest doubt about this matter and has not been from the beginning.

The Senator in charge of the bill when it was taken up by the Senate asked unanimous consent that the committee amendments be first disposed of. That unanimous consent was given. It can only be set aside by unanimous consent. Then a unanimous-consent agreement was entered into that on this particular bill we should begin voting to-morrow week, with other provisos in the unanimous-consent agreement.

The Senator from Oklahoma [Mr. GORE] comes in, as he has a perfect right to do, with a substitute bill to take the place of the bill that is now pending before the Senate. Clearly under Rule XVIII of the Senate—which has been up so many times that surely there can be no dispute about it; the Chair does not quote the rule literally, but quotes it accurately—where there is a motion to substitute or to strike out and insert, which is the same as a motion to substitute, for the purposes of amendment, each of these parts constitutes a question, and each is subject to amendment. The part to be stricken out is first subject to amendment, and the part to be inserted is afterwards subject to amendment; and when the part to be stricken out has been finally amended to the satisfaction of the Senate, then the part to be inserted is to be finally determined upon by the Senate. When both parts have been finally settled to the satisfaction of the Senate, then the vote comes upon the question as to whether the part shall be stricken out and the part inserted.

The unanimous consent granted at the request of the Senator in charge of the bill was that committee amendments should be first considered, regardless of Rule XVIII. Unless set aside by unanimous consent, the committee amendments must first be considered in accordance with the unanimous-consent agreement.

Mr. REED and Mr. LODGE addressed the Chair.

The VICE PRESIDENT. The Senator from Missouri.

Mr. REED. I just had this suggestion to make as to the facts, not as to the law: The Senator in charge of the bill asked to temporarily lay aside the last committee amendment. The Chair in substance stated, as I recall, that, without objection, that could be done. At least, we are proceeding by unanimous consent to lay it aside.

The VICE PRESIDENT. Are there other committee amendments?

Mr. REED. That is the last one.

The VICE PRESIDENT. Are there other amendments that other Senators desire to offer to the original bill?

Mr. GORE. Mr. President, I wish to say that there have been a good many printed and lying on the table, but the adoption of none of them has been moved.

The VICE PRESIDENT. The Chair is not responsible for this rule. It is as plain as a pikestaff. There is not any doubt about it. If Senators are willing not to offer their amendments, it is their privilege. If they want to offer them, they have a right to offer them to the original bill.

Mr. GORE. Mr. President, nobody has any disposition to preclude those amendments, and, of course, could not under the rule. The point I was making was this: A number of amendments have been printed and are lying on the table, but the adoption of none of those amendments, as I understand, has yet been moved. It was not in order to move their adoption. I have tendered a substitute and moved its adoption, if I am in order to do that, after the amendment has been laid aside.

Bearing the ruling of the Chair in mind, I did not offer it until the Senator in charge of the bill had laid aside the only remaining committee amendment. I think that rendered it eligible.

The VICE PRESIDENT. But it did not dispose of it. It was done at somebody's request.

Mr. LODGE. Mr. President, I merely wish to ask about a point which I did not understand was entirely covered by the

perfectly correct ruling of the Chair. If the last committee amendment is temporarily laid aside, does that preclude the offering of any other amendment?

The VICE PRESIDENT. The Chair said not.

Mr. LODGE. I did not understand the Chair.

The VICE PRESIDENT. Under Rule XVIII, there is not a question of doubt but that any Senator may now, if the committee amendment is temporarily laid aside——

Mr. LODGE. I understand about Rule XVIII.

The VICE PRESIDENT. If the committee has offered all the amendments it wants to, any Senator may offer an amendment to the original bill before any vote can be taken upon the motion of the Senator from Oklahoma.

Mr. LODGE. My question was not directed to Rule XVIII.

Mr. GORE. Mr. President, I have offered an amendment in the nature of a substitute, and have moved its adoption, and requested that it be read.

Mr. SMITH of Georgia. Mr. President, have we not the right to have this amendment in the nature of a substitute offered; and thereafter, under Rule XVIII, have not the friends of the original measure the preference in continuing to offer their amendments and to dispose of them first, after which we can offer amendments to the substitute that has just been read?

The VICE PRESIDENT. The Chair so stated it, to the satisfaction of the Chair, whether it was stated to the satisfaction of anybody else or not.

Mr. SMITH of Georgia. Then the practical proposition is, Why is not the Senator from Oklahoma in order to offer his substitute?

The VICE PRESIDENT. He is in order to offer his substitute but not to have a vote upon it.

Mr. GORE. I am not asking for a vote, but I send the proposed substitute to the desk and ask that it may be read down to section 9.

The VICE PRESIDENT. That is to strike out and insert, and brings the question then under rule 18.

Mr. McCUMBER. Mr. President, a parliamentary question.

The VICE PRESIDENT. The Senator from North Dakota will state it.

Mr. McCUMBER. I wish to know what amendment is actually pending to the bill at the present time?

The VICE PRESIDENT. While it is an amendment to an amendment, as a matter of fact it is a motion to strike out and insert.

Mr. McCUMBER. I have not heard of the final disposition of the amendment known as section 3. That was under consideration and the Senator from Ohio [Mr. POMERENE] offered an amendment as a substitute for that committee amendment. That was under discussion. I objected to any other amendment being offered until that was disposed of in some manner, and I do not understand that it has been disposed of.

The VICE PRESIDENT. The present occupant of the chair is not responsible for statements made to the Chair. The Chair was informed that every committee amendment had been disposed of except one, which had been passed over by unanimous consent until to-morrow morning.

Mr. McCUMBER. I did not understand that it had been passed over by unanimous consent, nor that any unanimous consent was asked. I do not think the RECORD will disclose that there was any unanimous consent requested. If it does, I will stand corrected, of course.

Mr. STONE. Mr. President, I am about to ask for an executive session, if it pleases the Senator in charge of the bill.

Mr. CHAMBERLAIN. I have no objection.

Mr. STONE. I wish to state in advance that I have only taken a few moments of the time of the Senate in the discussion of this exceedingly important bill. I shall ask the Chair, with the hope of receiving recognition to-morrow morning when the Senate convenes, to occupy less than 40 minutes' time of the Senate to give expression as to the reason why I intend to vote for the bill, and I would be complimented if as many Senators as possible might be here to hear me.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House insists upon its amendments to the bill (S. 1811) providing for the counting of service in the Army or Navy of the United States as equivalent to residence and cultivation upon homestead entries, and in the event of the soldier's death in such service providing for the issuance of patent for such land to his widow or minor children, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FERRIS, Mr. TAYLOR of Colorado, and Mr. LENROOT managers of the conference on the part of the House.

The message also announced that the House insists upon its amendment to the bill (S. 2356) to amend the act to regulate commerce, as amended, and for other purposes, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ADAMSON, Mr. SIMS, and Mr. ESCH managers of the conference on the part of the House.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS.

Mr. CHAMBERLAIN. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m., Friday, July 13, 1917) the Senate took a recess until to-morrow, Saturday, July 14, 1917, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate July 13 (legislative day of July 12, 1917).

SURVEYOR OF CUSTOMS.

John S. Irby, of San Francisco, Cal., to be surveyor of customs for customs collection district No. 28, with headquarters at San Francisco, Cal., to fill an existing vacancy.

UNITED STATES ATTORNEY.

William T. Kennerly, of Knoxville, Tenn., to be United States attorney for the eastern district of Tennessee, vice Lewis M. Coleman, whose term has expired.

PROMOTIONS IN THE ARMY.

COAST ARTILLERY CORPS.

Lieut. Col. Henry H. Whitney, Coast Artillery Corps, Adjutant General's Department, to be colonel from June 22, 1917, vice Col. Adelbert Cronkhite, appointed brigadier general.

Lieut. Col. Arthur W. Chase, Coast Artillery Corps, to be colonel from June 22, 1917, subject to examination required by law, vice Col. Henry H. Whitney, retained in The Adjutant General's Department.

Maj. George A. Nugent, Coast Artillery Corps (General Staff Corps) to be lieutenant colonel from June 22, 1917, vice Lieut. Col. Arthur W. Chase, promoted.

Maj. William E. Cole, Coast Artillery Corps, to be lieutenant colonel from June 22, 1917, vice Lieut. Col. George A. Nugent, retained in General Staff Corps.

Capt. Jacob M. Coward, Coast Artillery Corps, detached officers' list to be major from June 2, 1917, vice Maj. John B. Christian, detailed in the Signal Corps.

Capt. John L. Roberts, jr., Coast Artillery Corps, to be major from June 4, 1917, vice Maj. John W. Gulick, detailed in the General Staff Corps.

Capt. Frederick L. Buck, Coast Artillery Corps (Quartermaster Corps), to be major from June 22, 1917, vice Maj. William E. Cole, promoted.

Capt. Jay P. Hopkins, Coast Artillery Corps, detached officers' list, to be major from June 22, 1917, vice Maj. Frederick L. Buck, retained in the Quartermaster Corps.

Capt. Leroy T. Hillman, Coast Artillery Corps (major, Ordnance Department), to be major from June 27, 1917, subject to examination required by law, vice Maj. Godwin Ordway, detailed in the Inspector General's Department.

Capt. Archibald H. Sunderland, Coast Artillery Corps, to be major from June 27, 1917, vice Maj. Leroy T. Hillman, retained in the Ordnance Department.

Capt. Arthur P. S. Hyde, Coast Artillery Corps, detached officers' list, to be major from June 27, 1917, vice Maj. Ernest R. Tilton, detailed in the Inspector General's Department.

CAVALRY ARM.

Lieut. Col. George T. Langhorne, Cavalry, to be colonel from June 22, 1917, vice Col. Joseph T. Dickman, appointed brigadier general.

Lieut. Col. Charles Young, Cavalry, to be colonel from June 22, 1917, subject to examination required by law, vice Col. Henry T. Allen, appointed brigadier general.

Lieut. Col. Francis C. Marshall, Cavalry, to be colonel from June 25, 1917, vice Col. Guy Carleton, placed on the detached officers' list.

Maj. Howard R. Hickok, Cavalry, to be lieutenant colonel from June 11, 1917, vice Lieut. Col. James G. Harbord, detailed in the General Staff Corps.

Maj. Samuel B. Arnold, Cavalry, to be lieutenant colonel from June 22, 1917, vice Lieut. Col. George T. Langhorne, promoted.

Maj. Samuel McP. Rutherford, Cavalry (Adjutant General), to be lieutenant colonel from June 22, 1917, vice Lieut. Col. Charles Young, promoted.

Maj. George W. Kirkpatrick, Cavalry, to be lieutenant colonel from June 22, 1917, vice Lieut. Col. Samuel McP. Rutherford, retained in The Adjutant General's Department.

Maj. Cornelius C. Smith, Cavalry, detached officers' list, to be lieutenant colonel from June 25, 1917, vice Lieut. Col. Francis C. Marshall, promoted.

Maj Joseph E. Cusack, Cavalry, detached officers' list, to be lieutenant colonel from June 28, 1917, vice Lieut. Col. Samuel G. Jones, placed on detached officers' list.

Maj. Walter M. Whitman, Cavalry (Quartermaster Corps), to be lieutenant colonel from June 28, 1917, vice Lieut. Col. Lawrence J. Fleming, placed on detached officers' list.

Maj. Lincoln C. Andrews, Cavalry, to be lieutenant colonel from June 28, 1917, vice Lieut. Col. Walter M. Whitman, retained in Quartermaster Corps.

Maj. William R. Smedberg, jr., Cavalry, to be lieutenant colonel from June 28, 1917, vice Lieut. Col. Oren B. Meyer, placed on detached officers' list.

Maj. John M. Morgan, Cavalry, detached officers' list, to be lieutenant colonel from June 28, 1917, vice Lieut. Col. George P. White, placed on detached officers' list.

Maj. Andrew E. Williams, Cavalry, to be lieutenant colonel from June 28, 1917, vice Lieut. Col. Robert J. Fleming, placed on detached officers' list.

Maj. Walter C. Babcock, Cavalry (General Staff Corps), to be lieutenant colonel from June 28, 1917, vice Lieut. Col. Edwin B. Winans, placed on detached officers' list.

Maj. Herbert B. Crosby, Cavalry, to be lieutenant colonel from June 28, 1917, vice Lieut. Col. Walter C. Babcock, retained in the General Staff Corps.

Maj. Benjamin B. Hyer, Cavalry, to be lieutenant colonel from June 28, 1917, subject to examination required by law, vice Lieut. Col. William J. Glasgow, placed on detached officers' list.

Capt. Guy S. Norvell, Cavalry, to be major from May 16, 1917, vice Maj. Frank A. Barton, retired from active service May 15, 1917.

Capt. Paul T. Hayne, jr., Cavalry, to be major from June 4, 1917, vice Maj. Malin Craig, detailed in General Staff Corps.

Capt. Fred E. Buchan, Cavalry (Quartermaster Corps), to be major from June 8, 1917, vice Maj. George E. Mitchell, in the Signal Corps.

Capt. Edward A. Sturges, Cavalry (Quartermaster Corps), to be major from June 8, 1917, subject to examination required by law, vice Maj. Fred E. Buchan, retained in Quartermaster Corps.

Capt. William L. Luhn, Cavalry, to be major from June 8, 1917, vice Maj. Edward A. Sturges, retained in Quartermaster Corps.

Capt. Hu B. Myers, Cavalry, to be major from June 11, 1917, vice Maj. Howard R. Hickok, promoted.

Capt. Henry R. Richmond, Cavalry, detached officers' list, to be major from June 16, 1917, vice Maj. Hamilton S. Hawkins, detailed in Inspector General's Department.

Capt. John J. Ryan, Cavalry, to be major from June 16, 1917, vice Maj. George Vidmer, detailed in the Inspector General's Department.

Capt. Osmun Latrobe, jr., Cavalry, to be major from June 22, 1917, vice Maj. Samuel B. Arnold, promoted.

Capt. William M. Connell, Cavalry, detached officers' list, to be major from June 22, 1917, vice Maj. George W. Kirkpatrick, promoted.

Capt. Theodore B. Taylor, Cavalry, detached officers' list, to be major from June 28, 1917, vice Maj. Lincoln C. Andrews, promoted.

Capt. James Longstreet, Cavalry, to be major from June 28, 1917, vice Maj. William R. Smedberg, promoted.

Capt. Theodore Schultz, Cavalry, detached officers' list, to be major from June 28, 1917, vice Maj. Andrew E. Williams, promoted.

Capt. Alvan C. Gillem, Cavalry, to be major from June 28, 1917, vice Maj. Benjamin B. Hyer, promoted.

First Lieut. Richard E. Cummins, Cavalry, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Alexander L. James, jr., Cavalry, to be captain from May 15, 1917, subject to examination required by law, to fill an original vacancy.

First Lieut. Robert C. Rogers, Cavalry, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Philip Gordon, Cavalry, detached officers' list, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Horace M. Hickam, Cavalry, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Homer M. Groninger, Cavalry, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Stewart O. Elting, Cavalry, detached officers' list, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. John K. Brown, Cavalry, detached officers' list, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Richard D. Newman, Cavalry, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. William H. Garrison, jr., Cavalry, detached officers' list, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Sumner M. Williams, Cavalry, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Henry W. Hall, Cavalry (Signal Corps), to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Edwin V. Sumner, jr., Cavalry, to be captain from May 15, 1917, vice Capt. Henry W. Hall, retained in Signal Corps.

First Lieut. Arthur E. Wilbourn, Cavalry, detached officers' list, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Ernest G. Cullum, Cavalry, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. William W. Erwin, Cavalry, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Herbert H. White, Cavalry, detached officers' list, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Chauncey St. C. McNeill, Cavalry, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Frank K. Ross, Cavalry, detached officers' list, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Herman Kobbé, Cavalry, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. John A. Warden, Cavalry, detached officers' list, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. John B. Johnson, Cavalry, detached officers' list, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Victor M. Whitside, Cavalry, detached officers' list, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Harold L. Gardiner, Cavalry, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Claude De B. Hunt, Cavalry, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. N. Butler Briscoe, Cavalry, detached officers' list, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Edbert E. Farman, jr., Cavalry, detached officers' list, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. George S. Patton, jr., Cavalry, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Cuthbert P. Stearns, Cavalry, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. James R. Hill, Cavalry, to be captain from May 15, 1917, to fill an original vacancy.

First. Lieut. Thomas De W. Milling, Cavalry (Aviation Section, Signal Corps), to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Henry D. F. Munnikhuysen, Cavalry, to be captain from May 15, 1917, vice Capt. Thomas De W. Milling, retained in Aviation Section.

First Lieut. Archibald T. Colley, Cavalry, detached officers' list, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Hugh H. McGee, Cavalry, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Carleton G. Chapman, Cavalry (Aviation Section, Signal Corps), to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Joseph Plassmeyer, Cavalry, to be captain from May 15, 1917, vice Capt. Carleton G. Chapman, retained in Aviation Section.

First Lieut. Chester P. Mills, Cavalry, detached officers' list, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Edwin R. Van Deusen, Cavalry, detached officers' list, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Francis R. Hunter, Cavalry, detached officers' list, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Guy W. McClelland, Cavalry, detached officers' list, to be captain from May 15, 1917, to fill an original cavalry.

First Lieut. John C. F. Tillson, jr., Cavalry, detached officers' list, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Paul C. Raborg, Cavalry, detached officers' list, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Edgar W. Taulbee, Cavalry, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Dwight K. Shurtleff, Cavalry (Ordnance Department), to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Harry D. Chamberlin, Cavalry, detached officers' list, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. John J. Waterman, Cavalry, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. John Millikin, Cavalry, detached officers' list, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Jack W. Heard, Cavalry (Aviation Section, Signal Corps), to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Charles M. Havercamp, Cavalry, to be captain from May 15, 1917, vice Capt. Jack W. Heard, retained in Aviation Section.

First Lieut. Guy W. Chipman, Cavalry, detached officers' list, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Edgar W. Burr, Cavalry, detached officers' list, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Don A. Robenson, Cavalry, detached officers' list, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Joseph P. Aleshire, Cavalry, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Harding Polk, Cavalry, detached officers' list, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Claude K. Rhinehardt, Cavalry (Aviation Section, Signal Corps), to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Everett Collins, Cavalry, detached officers' list, to be captain from May 15, 1917, vice Capt. Claude K. Rhinehardt, retained in Aviation Section.

First Lieut. Leon M. Logan, Cavalry, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Cushman Hartwell, Cavalry, detached officers' list, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Horace T. Aplington, Cavalry, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Alexander D. Surles, Cavalry, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Philip J. Kieffer, Cavalry, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Karl S. Bradford, Cavalry, detached officers' list, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Frederick Gilbreath, Cavalry, detached officers' list, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Harrison H. C. Richards, Cavalry (Aviation Section, Signal Corps), to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Arthur B. Conard, Cavalry, detached officers' list, to be captain from May 15, 1917, vice Capt. Harrison H. C. Richards, retained in Aviation Section.

First Lieut. John P. Lucas, Cavalry, detached officers' list, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Wilfrid M. Blunt, Cavalry, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. James C. R. Schwenk, Cavalry, detached officers' list, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. William P. J. O'Neill, Cavalry, to be captain from May 15, 1917, subject to examination required by law, to fill an original vacancy.

First Lieut. Thomas J. J. Christian, Cavalry, detached officers' list, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Frank L. Van Horn, Cavalry, detached officers' list, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Howell M. Estes, Cavalry, detached officers' list, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. William B. McLaurin, Cavalry, detached officers' list, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. John F. Wall, Cavalry, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Leo G. Heffernan, Cavalry (Aviation Section, Signal Corps), to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Edwin N. Hardy, Cavalry, detached officers' list, to be captain from May 15, 1917, vice Capt. Leo G. Heffernan, retained in Aviation Section.

First Lieut. George H. Brett, Cavalry (Aviation Section, Signal Corps), to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Robert C. Brady, Cavalry, to be captain from May 15, 1917, vice Capt. George H. Brett retained in Aviation Section.

First Lieut. Herbert E. Taylor, Cavalry, detached officers' list, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. William M. Grimes, Cavalry, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Henry J. M. Smith, Cavalry, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Malcolm Wheeler-Nicholson, Cavalry, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Alexander R. Cocke, Cavalry, detached officers' list, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Alexander L. P. Johnson, Cavalry, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Dexter C. Rumsey, Cavalry, detached officers' list, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Henry L. C. Jones, Cavalry, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Edwin O'Connor, Cavalry, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Eugene A. Lohman, Cavalry (Signal Corps), to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Kenneth P. Lord, Cavalry, detached officers' list, to be captain from May 15, 1917, vice Capt. Eugene A. Lohman, retained in Signal Corps.

First Lieut. Harold C. Lutz, Cavalry, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. John M. Thompson, Cavalry, detached officers' list, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Daniel E. Murphy, Cavalry, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Kenna G. Eastham, Cavalry, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. James P. Yancey, Cavalry, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Leopold J. H. Herwig, Cavalry, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Raymond E. McQuillin, Cavalry, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. De Forest W. Morton, Cavalry, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Francis C. V. Crowley, Cavalry, detached officers' list, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. George E. A. Reinburg, Cavalry (Aviation Section, Signal Corps), to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. William H. W. Youngs, Cavalry, detached officers' list, to be captain from May 15, 1917, vice Capt. George E. A. Reinburg, retained in Aviation Section.

First Lieut. Robert McG. Littlejohn, Cavalry, detached officers' list, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Harry A. Flint, Cavalry, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Pearl L. Thomas, Cavalry, detached officers' list, to be captain from May 15, 1917, to fill an original vacancy.

First Lieut. Sidney V. Bingham, Cavalry, detached officers' list, to be captain from May 15, 1917, to fill an original vacancy.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 13 (legislative day of July 12), 1917.

SECRETARIES OF EMBASSIES OR LEGATIONS.

CLASS 1.

Arthur Hugh Frazier to be a secretary of embassy or legation of class 1.

Leland Harrison to be a secretary of embassy or legation of class 1.

CLASS 2.

Perry Belden to be a secretary of embassy or legation of class 2.

Edward Bell to be a secretary of embassy or legation of class 2.

Sheldon L. Crosby to be a secretary of embassy or legation of class 2.

Franklin Mott Gunther to be a secretary of embassy or legation of class 2.

CLASS 3.

Norman Armour to be a secretary of embassy or legation of class 3.

Henry R. Carey to be a secretary of embassy or legation of class 3.
Allen W. Dulles to be a secretary of embassy or legation of class 3.
Oliver B. Harriman to be a secretary of embassy or legation of class 3.
John F. Martin, jr., to be a secretary of embassy or legation of class 3.
Ferdinand L. Mayer to be a secretary of embassy or legation of class 3.
Stokeley W. Morgan to be a secretary of embassy or legation of class 3.
Lithgow Osborne to be a secretary of embassy or legation of class 3.
Livingston Phelps to be a secretary of embassy or legation of class 3.
Robert M. Scotten to be a secretary of embassy or legation of class 3.
Benjamin Thaw, jr., to be a secretary of embassy or legation of class 3.
Sumner Welles to be a secretary of embassy or legation of class 3.
Francis White to be a secretary of embassy or legation of class 3.
John C. Wiley to be a secretary of embassy or legation of class 3.
L. Lanier Winslow to be a secretary of embassy or legation of class 3.

RECEIVER OF PUBLIC MONEYS.

Lee A. Ruark to be receiver of public moneys at Del Norte, Colo.

SURVEYOR GENERAL.

Edward A. FitzHenry to be surveyor general of Washington.

APPOINTMENTS IN THE ARMY.

MEDICAL DEPARTMENT.

To be dental surgeons.

Arthur John Hart.
Chester Denham.
Harold Emerson Albaugh.
Harry Edwin Smalley.
William Dale White.
Neal Anthony Harper.
Earle Jefferson McClung.
Earl Lee Hering.
Jacob Lowell Brause.
Hugh Mebane Tarpley.
Albert Stephens Cumming.
Samuel John Rohde.
Leroy Poston Hartley.
Frederick C. Daniels.
Nathan Corr Pickles.
Robert Larken Lowry.
Oliver James Christiansen.
Timothy Harden.
Lawrence K. Anderson.
Timothy Francis Leary.
William Crittenden Webb, jr.
Edward Crawford Alley.
Clinton Rush Boone.
Harry Arthur Donahue.
David Irvin Edwards.
Orville Alexander Grove.
Roy Markley Kisner.
James Benton Manning.
Edward Anvear Thorne.
Lynn Harold Tingay.
Claude Reavis Hollister.
Marhl Hector Welch.

CHAPLAIN.

Rev. Henry Jouette Geiger to be chaplain with rank of first lieutenant.

PROVISIONAL APPOINTMENTS IN THE ARMY.

CORPS OF ENGINEERS.

Gilbert Dudley Fish, of New York, to be second lieutenant.

CAVALRY ARM.

Martin R. Rice to be second lieutenant.

INFANTRY ARM.

James Lester Ballard to be second lieutenant.

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

FIELD ARTILLERY ARM.

To be captains of Field Artillery.

Capt. Lewis S. Ryan.
Capt. Walter D. Smith.
Capt. Creed F. Cox.
Capt. Walter H. Smith.
Capt. E. R. Warner McCabe.
Capt. Charles H. Patterson.
Capt. Donald C. McDonald.
Capt. Clifford L. Corbin.
Capt. Henry R. Smalley.
Capt. Henry H. Pfeil.
Capt. James L. Collins.
Capt. Thomas D. Sloan.
Capt. Harold Geiger.

To be first lieutenants of Field Artillery.

First Lieut. Ronald D. Johnson.
First Lieut. Robert S. Donaldson.
First Lieut. Horace H. Fuller.
First Lieut. Belton O'N. Kennedy.
First Lieut. Francis H. Miles.
First Lieut. Herbert A. Dargue.
First Lieut. Avery J. French.
First. Lieut. William C. Harrison.
First Lieut. Byron Q. Jones.
First Lieut. Robert N. Bodine.
First Lieut. Stephen M. Walmsley.
First Lieut. John K. Boles.
First Lieut. Richard B. Barnitz.
First Lieut. Paul D. Carlisle.
First Lieut. Casey H. Hayes.
First Lieut. Harvey B. S. Burwell.
First Lieut. Alfred E. Larabee.
First Lieut. Cuyler L. Clark.
First Lieut. John H. Woodberry.
First Lieut. William A. Robertson.
First Lieut. Joseph B. Treat.
First Lieut. Sylvester D. Downs, jr.
First Lieut. Orlando Ward.
First Lieut. John S. MacTaggart.
First Lieut. William S. T. Halcomb.
First Lieut. Walter W. Hess, jr.
First Lieut. Thomas J. Brady.
First Lieut. Herbert R. Corbin.
First Lieut. Joseph D. Coughlan.
First Lieut. Harry A. Harvey.
First Lieut. Norman J. Boots.
First Lieut. Hugh P. Avent.
First Lieut. Leo A. Walton.
First Lieut. Arthur A. White.
First Lieut. Frederick J. Williams.
First Lieut. James A. Pickering.
First Lieut. William Spence.
First Lieut. John W. Rafferty.
First Lieut. Robert B. McBride, jr.
First Lieut. Paul V. Kane.
First Lieut. William H. Cureton.
First Lieut. Fay B. Prickett.
First Lieut. Roland P. Shugg.
First Lieut. Craigie Krayenbuhl.

INFANTRY ARM.

To be captain of Infantry.

Capt. Thoms F. McNeill.

To be first lieutenants of Infantry.

First Lieut. Elkin L. Franklin.
First Lieut. Hubert R. Harmon.
First Lieut Weir Riché.
First Lieut. John F. Goodman.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

To be lieutenant colonels.

Maj. Frank S. Armstrong.
Maj. James G. Harbord.
Maj. John O'Shea.
Maj. Ervin L. Phillips.
Maj. Frank Tompkins.
Maj. Samuel D. Rockenbach.
Maj. Robert C. Williams.
Maj. Walter C. Short.
Maj. George C. Barnhardt.
Maj. James H. Reeves.

Maj. Kirby Walker.
Maj. Claude B. Sweezey.
Maj. Sterling T. Adams.
Maj. Julian R. Lindsey.
Maj. Edmund M. Leary.
Maj. Julius T. Conrad.

To be majors.

Capt. Clarence R. Day.
Capt. Willard H. McCornack.
Capt. Malin Craig.
Capt. Guy V. Henry.
Capt. Wallace B. Scales.
Capt. Conrad S. Babcock.
Capt. Ewing E. Booth.
Capt. Ben H. Dorcy.
Capt. Percy W. Arnold.
Capt. Rush S. Wells.
Capt. Herbert J. Brees.
Capt. Robert R. Wallach.
Capt. George Williams.
Capt. Charles S. Height.
Capt. William D. Forsyth.
Capt. John J. Boniface.
Capt. Fitzhugh Lee.
Capt. James F. McKinley.
Capt. Patrick W. Guiney.
Capt. Leon B. Kromer.
Capt. Charles A. Romeyn.
Capt. Evan H. Humphrey.
Capt. Charles C. Farmer, jr.
Capt. Stuart Heintzelman.
Capt. John D. Long.
Capt. Warren Dean.
Capt. James C. Rhea.
Capt. Llewellyn W. Oliver.
Capt. Reginald E. McNally.
Capt. Albert N. McClure.
Capt. Edwin A. Hickman.
Capt. Warren W. Whitside.
Capt. Frederick C. Johnson.
Capt. Guy Cushman.
Capt. James D. Tilford.

FIELD ARTILLERY ARM.

To be lieutenant colonels.

Maj. Richard H. McMaster.
Maj. John E. Stephens.
Maj. Thomas E. Merrill.
Maj. Fox Conner.
Maj. Henry W. Butner.
Maj. Henry L. Newbold.
Maj. Ernest D. Scott.
Maj. Lucius R. Holbrook.
Maj. Harrison Hall.
Maj. Wright Smith.
Maj. Alfred A. Starbird.
Maj. Charles R. Lloyd.
Maj. Oliver L. Spaulding, jr.
Maj. Conrad H. Lanza.
Maj. Henry B. Farrar.
Maj. Ralph S. Granger.
Maj. Dan T. Moore.
Maj. George V. H. Moseley.
Maj. Frank E. Hopkins.
Maj. Fred T. Austin.
Maj. Charles C. Pulis.
Maj. Charles M. Bundel.
Maj. Charles D. Herron.
Maj. Robert C. Foy.
Maj. Louis T. Boiseau.
Maj. William McK. Lambdin.

To be majors.

Capt. William I. Westervelt.
Capt. Upton Birnie, jr.
Capt. Clarence Deems, jr.
Capt. Fred C. Doyle.
Capt. James P. Robinson.
Capt. Augustine McIntyre.
Capt. George R. Greene.
Capt. Raymond W. Briggs.
Capt. Charles M. Bunker.
Capt. Francis W. Griffin.
Capt. Robert S. Welsh.
Capt. Tilman Campbell.
Capt. Daniel F. Craig.
Capt. Augustus B. Warfield.
Capt. Howard L. Landers.
Capt. William H. Burt.
Capt. Clarence N. Jones.
Capt. Frederick B. Hennessy.
Capt. Laurin L. Lawson.
Capt. Morris E. Locke.
Capt. John W. Kilbreth, jr.
Capt. James H. Bryson.
Capt. Roger O. Mason.
Capt. William S. Browning.
Capt. Joseph F. Barnes.
Capt. William P. Ennis.
Capt. Dennis H. Currie.
Capt. Beverly F. Browne.
Capt. Raymond S. Pratt.
Capt. Alden F. Brewster.
Capt. Edward H. De Armond.
Capt. Norton E. Wood.
Capt. Albert S. Fuger.
Capt. William N. Michel.
Capt. Ernest S. Wheeler.
Capt. Thomas W. Hollyday.
Capt. John B. W. Corey.
Capt. Marlborough Churchill.
Capt. William F. Jones.
Capt. Charles G. Mortimer.
Capt. Nelson E. Margetts.
Capt. Robert Davis.
Capt. Joseph E. Myers.
Capt. William S. Wood.
Capt. Samuel Frankenberger.

COAST ARTILLERY CORPS.

To be lieutenant colonels.

Maj. Robert S. Abernethy.
Maj. Edwin O. Sarratt.
Maj. Lawrence S. Miller.
Maj. Mervyn C. Buckey.
Maj. Frederick E. Johnston.
Maj. Earle D'A. Pearce.
Maj. Arthur S. Conklin.
Maj. James F. Brady.
Maj. Roderick L. Carmichael.
Maj. Andrew Moses.
Maj. Thomas Q. Ashburn.
Maj. Sam F. Bottoms.
Maj. Harold E. Cloke.
Maj. Samuel C. Vestal.
Maj. Philip R. Ward.

To be majors.

Capt. Harry C. Barnes.
Capt. Stephen H. Mould.
Capt. Louis S. Chappelear.
Capt. Granville Sevier.
Capt. Robert F. Woods.
Capt. Albert C. Thompson.
Capt. Ellison L. Gilmer.
Capt. John McBride, jr.
Capt. Richard K. Cravens.
Capt. George O. Hubbard.
Capt. James M. Wheeler.
Capt. Harrison S. Kerrick.
Capt. Frank J. Miller.
Capt. Philip S. Golderman.
Capt. Charles L. Lanham.
Capt. George F. Connolly.
Capt. John S. Johnston.
Capt. Joseph S. Hardin.
Capt. Louis E. Bennett.
Capt. George L. Hicks, jr.
Capt. Lynn S. Edwards.
Capt. Hugh K. Taylor.
Capt. Alden Trotter.
Capt. Frank S. Long.
Capt. John P. Spurr.
Capt. Francis W. Ralston.
Capt. Adna G. Clarke.
Capt. Samuel G. Shartle.
Capt. Michael H. Barry.
Capt. Clarence G. Bunker.
Capt. William H. Tobin.
Capt. Harry J. Watson.
Capt. William H. Raymond.
Capt. Jacob E. Wyke.

Capt. Charles O. Zollars.
Capt. John Storck.
Capt. Robert B. McBride.

INFANTRY ARM.

Lieut. Col. Francis E. Lacey, jr., to be colonel.
Lieut. Col. Charles Crawford to be colonel.
Lieut. Col. William S. Graves to be colonel.
Lieut. Col. Frank D. Webster to be colonel.
Maj. Charles W. Castle to be lieutenant colonel.
Capt. William E. Hunt to be major.
Capt. Ernest E. Haskell to be major.
Capt. Jack Hayes to be major.
Capt. William H. Waldron to be major.
Capt. Joseph K. Partello to be major.
Capt. Leon L. Roach to be major.
Capt. Horace P. Hobbs to be major.
Capt. Louis J. Van Schaick to be major.
Capt. George S. Tiffany to be major.
Capt. Edwar A. Myer to be major.
Capt. Arthur M. Shipp to be major.
Capt. George D. Freeman, jr., to be major.

To be captains.

First Lieut. Owen R. Meredith.
First Lieut. James C. Williams.
First Lieut. Robert E. O'Brien.
First Lieut. Edward S. Hayes.
First Lieut. Simon B. Buckner, jr.
First Lieut. Charles H. Bonesteel.
First Lieut. Robert H. Fletcher, jr.
First Lieut. Frederick A. Barker.
First Lieut. Agard H. Bailey.
First Lieut. George C. Bowen.
First Lieut. John H. Hester.
First Lieut. Franklin L. Whitley.
First Lieut. Alfred H. Hobley.
First Lieut. Arthur J. Hanlon.
First Lieut. Olin O. Ellis.
First Lieut. Elmer C. Desobry.
First Lieut. Emile V. Cutrer.
First Lieut. Harry B. Crea.
First Lieut. Robert C. Cotton.
First Lieut. G. Barrett Glover, jr.
First Lieut. Henry J. Weeks.
First Lieut. Roy A. Hill.
First Lieut. Arthur E. Bouton.
First Lieut. Enoch B. Garey.
First Lieut. Leonard H. Drennan.
First Lieut. Charles K. Nulsen.
First Lieut. John H. Muncaster.
First Lieut. Theodore K. Spencer.
First Lieut. Charles D. Hartman.
First Lieut. Edgar S. Miller.
First Lieut. Thomas C. Lonergan.
First Lieut. Albert L. Sneed.
First Lieut. Lester D. Baker.
First Lieut. George A. Matile.
First Lieut. Walter R. Weaver.
First Lieut. Alva Lee.
First Lieut. Roy W. Winton.
First Lieut. Frederick C. Phelps.
First Lieut. James L. Frink.
First Lieut. Edmund R. Andrews.
First Lieut. Henry J. Damm.
First Lieut. Max R. Wainer.
First Lieut. Robert H. Willis, jr.
First Lieut. Charles E. Coates.
First Lieut. Martin C. Shallenberger.
First Lieut. William B. Loughborough.
First Lieut. James W. Peyton.
First Lieut. Oral E. Clark.
First Lieut. Robert Coker.
First Lieut. William F. Hoey, jr.
First Lieut. John H. Stutesman.
First Lieut. William G. Langwill.
First Lieut. James A. Sarratt.
First Lieut. Frank M. Kennedy.
First Lieut. John T. Harris.
First Lieut. Albert S. J. Tucker.
First Lieut. Marion O. French.
First Lieut. George W. C. Whiting.
First Lieut. Charles W. Elliott.
First Lieut. James D. Rivet.
First Lieut. George R. Koehler.
First Lieut. Oliver S. Wood.
First Lieut. Allen M. Burdett.
First Lieut. Herbert C. Fooks.
First Lieut. John C. Walker, jr.
First Lieut. Jacob H. Rudolph.
First Lieut. Elbe A. Lathrop.
First Lieut. Raymond C. Baird.
First Lieut. Matthew A. Palen.
First Lieut. Joseph T. Clement.
First Lieut. Fredrick C. Rogers.
First Lieut. Clarence E. Partridge.
First Lieut. Thom Catron.
First Lieut. James G. Ord.
First Lieut. Wallace C. Philoon.
First Lieut. Herbert L. Taylor.
First Lieut. Delos C. Emmons.
First Lieut. Arnold N. Krogstad.
First Lieut. Eley P. Denson.
First Lieut. Roy H. Coles.
First Lieut. Robert L. Eichelberger.
First Lieut. Edwin F. Harding.
First Lieut. Joseph C. Morrow, jr.
First Lieut. Arthur R. Underwood.
First Lieut. Robert Sears.
First Lieut. Thomas S. Bowen.
First Lieut. Lee D. Davis.
First Lieut. Frank L. Purdon.
First Lieut. Merl P. Schillerstrom.
First Lieut. Carlin C. Stokely.
First Lieut. Louis P. Ford.
First Lieut. Clifford Bluemel.
First Lieut. Wentworth H. Moss.
First Lieut. John Pullman.
First Lieut. Manton C. Mitchell.
First Lieut. William H. Simpson.
First Lieut. Walker E. Hobson.
First Lieut. Vernon G. Olsmith.
First Lieut. Ralph E. Jones.
First Lieut. James A. McGrath.
First Lieut. Courtney H. Hodges.
First Lieut. Rollo C. Ditto.
First Lieut. Clarence M. McMurray.
First Lieut. Guy I. Rowe
First Lieut. Charles M. Everitt.
First Lieut. Robert E. Jones.
First Lieut. Alexander W. Cleary.
First Lieut. George M. Parker, jr.
First Lieut. James I. Muir.
First Lieut. Daniel H. Torrey.
First Lieut. John R. Emory, jr.
First Lieut. Durward S. Wilson.
First Lieut. Parker C. Kalloch, jr.
First Lieut. Maurice D. Welty.
First Lieut. Joseph E. Carberry.
First Lieut. Frank F. Scowden.
First Lieut. Emmett W. Smith.
First Lieut. Herbert E. Marshburn.
First Lieut. Thomas S. Bridges.
First Lieut. Walter H. Frank.
First Lieut. Fred B. Carrithers.
First Lieut. Frederick E. Uhl.
First Lieut. Harvey H. Fletcher.
First Lieut. Jasper A. Davies.
First Lieut. John F. Landis.
First Lieut. Joseph S. Leonard.
First Lieut. Walter Moore.
First Lieut. Oscar W. Griswold.
First Lieut. Robert H. Dunlop.
First Lieut. John R. Walker.
First Lieut. John E. Beller.
First Lieut. Emil F. Reinhardt.
First Lieut. Harrison C. Browne.
First Lieut. John G. Thornell.
First Lieut. William A. Beach.
First Lieut. James A. Stevens.
First Lieut. Emmert W. Savage.
First Lieut. Tolbert F. Hardin.
First Lieut. David O. Byars.
First Lieut. Frank A. Sloan.
First Lieut. Russell P. Hartle.
First Lieut. Oswald H Saunders.
First Lieut. Spencer B. Akin.
First Lieut. Robert G. Sherrard.
First Lieut. Horace G. Ball.
First Lieut. Marion P. Vestal.
First Lieut. Frederick R. Palmer.
First Lieut. Alexander Wilson.

First Lieut. Xavier F. Blauvelt.
First Lieut. Frank D. Lackland.
First Lieut. Mason W. Gray.
First Lieut. Albert S. Peake.
First Lieut. Floyd D. Carlock.
First Lieut. Arthur Boettcher.
First Lieut. Fred L. Walker.
First Lieut. Alvan C. Gillem, jr.
First Lieut. Rapp Brush.
First Lieut. Bert M. Atkinson.
First Lieut. Edward G. McCormick.
First Lieut. William A. Reed.
First Lieut. Harry R. Kutz.
First Lieut. Thompson Lawrence.
First Lieut. Harry J. Keeley.
First Lieut. Charles P. Hall.
First Lieut. Alfred J. Betcher.
First Lieut. George R. Hicks.
First Lieut. Haig Shekerjian.
First Lieut. Charles S. Floyd.
First Lieut. Benjamin C. Lockwood, jr.
First Lieut. Carroll A. Bagby.
First Lieut. Oliver S. McCleary.
First Lieut. Gregory Hoisington.
First Lieut. Ziba L. Drollinger.
First Lieut. Frank B. Clay.
First Lieut. Jesse A. Ladd.
First Lieut. Paul W. Baade.
First Lieut. James R. N. Weaver.
First Lieut. William H. H. Morris, jr.
First Lieut. Carl F. McKinney.
First Lieut. Allen R. Kimball.
First Lieut. Ira A. Rader.
First Lieut. William J. Calvert.
First Lieut. Kenneth E. Kern.
First Lieut. David H. Cowles.
First Lieut. Arthur C. Evans.
First Lieut. Joseph D. Patch.
First Lieut. Archibald D. Cowley.
First Lieut. Patrick Frissell.
First Lieut. Edward L. Hoffman.
First Lieut. Casper B. Rucker.
First Lieut. John P. Edgerly.
First Lieut. Lindsay McD. Silvester.
First Lieut. Herbert M. Pool.
First Lieut. Leonard T. Gerow.
First Lieut. George D. Murphey.
First Lieut. Norman W. Peek.
First Lieut. Mord P. Short.
First Lieut. William C. Rose.
First Lieut. Emanuel V. Heidt.
First Lieut. Wesley F. Ayer.
First Lieut. George C. Elsey.
First Lieut. James A. O'Brien.
First Lieut. George A. Sanford.
First Lieut. Maxon S. Lough.
First Lieut. Ford Richardson.
First Lieut. Lester M. Wheeler.
First Lieut. Eugene W. Fales.
First Lieut. John T. Rhett.
First Lieut. Livingston Watrous.
First Lieut. Lester Gehman.
First Lieut. J. Pendleton Wilson.
First Lieut. Charles S. Little.
First Lieut. Herbert A. Wadsworth.
First Lieut. George M. Halloran.
First Lieut. William E. Brougher.
First Lieut. Medorem Crawford, jr.
First Lieut. Sumner Waite.
First Lieut. Albert M. Jones.
First Lieut. John E. Creed.
First Lieut. Harrison McAlpine.
First Lieut. Samuel H. Houston.
First Lieut. James R. Alfonte.
First Lieut. Gerald E. Cronin.
First Lieut. Glenn P. Wilhelm.
First Lieut. Andrew G. Gardner.
First Lieut. Albert S. Kuegle.
First Lieut. Theodore R. Murphy.
First Lieut. Matthew J. Gunner.
First Lieut. Herbert E. Pace.
First Lieut. James R. Jacobs.
First Lieut. Robert S. Lytle.
First Lieut. Henry Terrell, jr.
First Lieut. Thomas J. Camp.
First Lieut. Harry A. Musham.
First Lieut. Frank C. Mahin.
First Lieut. Lawrence S. Churchill.
First Lieut. Dale F. McDonald.
First Lieut. Paul K. Johnson.
First Lieut. Edward H. Bertram.
First Lieut. Hayes A. Kroner.
First Lieut. Allan S. Boyd, jr.
First Lieut. Harry L. Twaddle.
First Lieut. John H. Harrison.
First Lieut. Clarence L. Tinker.
First Lieut. William R. White.
First Lieut. Donald B. Sanger.
First Lieut. Martin F. Scanlon.
First Lieut. Philip Coldwell.
First Lieut. William H. Gill.
First Lieut. Lee H. Stewart.
First Lieut. Gilbert P. Strelinger.
First Lieut. Thomas J. Hayes.
First Lieut. d'Alary Fechét.
First Lieut. William H. Wilbur.
First Lieut. Edgar S. Gorrell.
First Lieut. Basil D. Edwards.
First Lieut. Davenport Johnson.
First Lieut. Wade H. Haislip.
First Lieut. William Dean.
First Lieut. Walter M. Robertson.
First Lieut. John H. Hinemon, jr.
First Lieut. Charles N. Sawyer.
First Lieut. Gilbert R. Cook.
First Lieut. Max W. Sullivan.
First Lieut. Franklin C. Sibert.
First Lieut. John N. Smith, jr.
First Lieut. Stephen J. Chamberlin.
First Lieut. William H. Hobson.
First Lieut. Walter G. Kilner.
First Lieut. Raymond O. Barton.
First Lieut. Walton H. Walker.
First Lieut. Millard F. Harmon, jr.
First Lieut. Edward C. Rose.
First Lieut. Albert E. Brown.
First Lieut. Ralph C. Holliday.
First Lieut. William G. Weaver.
First Lieut. Adrian K. Polhemus.
First Lieut. Charles C. Drake.
First Lieut. James D. Burt.
First Lieut. Max S. Murray.
First Lieut. William J. Morrissey.
First Lieut. Robert T. Snow.
First Lieut. Henry C. McLean.
First Lieut. Gustav J. Gonser.
First Lieut. Frank V. Schneider.
First Lieut. Frank J. Riley.
First Lieut. Benjamin F. Delamater, jr.
First Lieut. Ralph S. Kimball.
First Lieut. Francis B. Mallon.
First Lieut. Lathrop B. Clapham.
First Lieut. Carl J. Adler.
First Lieut. Otto G. Pitz.
First Lieut. Theophilus Steele.
First Lieut. George H. Gardjner.
First Lieut. Dabney C. Rose.
First Lieut. Edward F. Witsell.
First Lieut. Alfred L. Rockwood.
First Lieut. George W. Polhemus.
First Lieut. Floyd C. Hecox.
First Lieut. Carl A. Hardigg.
First Lieut. Carl L. Cohen.
First Lieut. William T. Pigott, jr.
First Lieut. Herbert J. Lawes.
First Lieut. Robert C. Williams.
First Lieut. Paul H. English.
First Lieut. Estil V. Smith.
First Lieut. Troy H. Middleton.
First Lieut. Roland F. Walsh.
First Lieut. Paul Murray.
First Lieut. Robert C. Calder.
First Lieut. William D. Faulkner.
First Lieut. Edgar A. Stadden.
First Lieut. Roy M. Jones.
First Lieut. Arthur R. Christie.
First Lieut. Percy E. Van Nostrand.
First Lieut. Frederic V. Hemenway.
First Lieut. Clarence M. Dodson.
First Lieut. James M. Moore.

First Lieut. Percie C. Rentfro.
First Lieut. Sidney B. Colquitt.
First Lieut. Carl J. Ballinger.
First Lieut. Richard T. Taylor.
First Lieut. George Le R. Brown, jr.
First Lieut. John R. Baxter.
First Lieut. John C. P. Bartholf.
First Lieut. James P. Cole.
First Lieut. Robert H. Barrett.
First Lieut. Ernest J. Carr.
First Lieut. Patrick J. Hurley.
First Lieut. Donald R. McMillen.
First Lieut. Hugh B. Keen.
First Lieut. Ora M. Baldinger.
First Lieut. Lewis K. Underhill.
First Lieut. Samuel J. Heidner.
First Lieut. Harold S. Martin.
First Lieut. John H. Van Vliet.
First Lieut. Leland S. Devore.
First Lieut. Charles A. Ross.
First Lieut. Douglass T. Greene.
First Lieut. Clarence H. Danielson.
First Lieut. James N. Peale.
First Lieut. Francis R. Fuller.
First Lieut. Clinton W. Russell.
First Lieut. William R. Schmidt.
First Lieut. George L. Hardin.
First Lieut. Otis K. Sadtler.
First Lieut. William H. Jones, jr.
First Lieut. John E. Ardrey.
First Lieut. David B. Falk, jr.
First Lieut. Henry P. Perrine, jr.
First Lieut. Dennis E. McCunniff.
First Lieut. Henry B. Lewis.
First Lieut. Henry B. Cheadle.
First Lieut. Samuel A. Gibson.
First Lieut. Paul W. Newgarden.
First Lieut. Harley B. Bullock.
First Lieut. Charles A. King, jr.
First Lieut. Dana Palmer.
First Lieut. Alexander M. Patch, jr.
First Lieut. Charles B. Lyman.
First Lieut. Ribert L. Spragins.
First Lieut. George W. Krapf.
First Lieut. Charles H. Corlett.
First Lieut. Hans R. W. Herwig.
First Lieut. Howard C. Davidson.
First Lieut. William L. Roberts.
First Lieut. William A. McCulloch.
First Lieut. William A. Rafferty.
First Lieut. Lathe B. Row.
First Lieut. Frank B. Jordan.
First Lieut. Alfred E. Sawkins.
First Lieut. Roy M. Smyth.
First Lieut. Cleveland H. Bandhotz.
First Lieut. Fritz P. Lindh.
First Lieut. Harry C. Ingles.
First Lieut. James L. Bradley.
First Lieut. Willis J. Tack.
First Lieut. Floyd R. Waltz.
First Lieut. Weldon W. Doe.
First Lieut. Carl Spatz.
First Lieut. Harold L. Bull.
First Lieut. Charles M. Milliken.
First Lieut. James F. Byrom.
First Lieut. Woodfin G. Jones.
First Lieut. Paul C. Paschal.
First Lieut. John L. Parkinson.
First Lieut. Rudolph G. Whitten.
First Lieut Luis T. Byrne.
First Lieut. Francis R. Kerr.
First Lieut. Francis M. Brannan.
First Lieut. William R. Orton.
First Lieut. Francis H. Forbes.
First Lieut. Rufus S. Bratton.
First Lieut. Thomas G. Lanphier.
First Lieut. Jefferson R. Davenport.
First Lieut. Benjamin G. Weir.
First Lieut. Ralph Royce.
First Lieut. Harry M. Brown.
First Lieut. Thomas H. Monroe.
First Lieut. Roger B. Harrison.
First Lieut. Cedric W. Lewis.
First Lieut. Clifford J. Mathews.
First Lieut. Howard P. Milligan.
First Lieut. Frank W. Milburn.
First Lieut. J. Warren Weissheimer.
First Lieut. Isaac Gill, jr.
First Lieut. Walter C. Gullion.
First Lieut. Hamner Huston.

MEDICAL CORPS.

To be captains.

First Lieut. Charles L. Gand.
First Lieut. Alexander W. Williams.
First Lieut. Louis H. Bauer.
First Lieut. William W. Vaughan.
First Lieut. John B. Anderson.
First Lieut. E. Frederick Thode.
First Lieut. Walter P. Davenport.
First Lieut. Harry N. Kerns.
First Lieut. Robert H. Wilds.
First Lieut. Austin J. Canning.
First Lieut. Lanphear W. Webb, jr.
First Lieut. John H. H. Scudder.
First Lieut. Wilson C. von Kessler.
First Lieut. John M. Pratt.
First Lieut. Coleridge L. Beaven.
First Lieut. William G. Guthrie.

POSTMASTERS.

MAINE.

Edward C. Watson, Naples.

WEST VIRGINIA.

J. A. Jackson, Ronceverte.

HOUSE OF REPRESENTATIVES.

FRIDAY, *July 13, 1917.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Take us, O Lord God, our heavenly Father, and make us Thine in thought, word, and deed, that we may blossom day by day into the fruits of righteousness and perpetuate ourselves in the great work whereunto Thou hast called us, that we may be worthy of Thy preferments and leave behind us a record worthy of emulation in His name. Amen.

The Journal of the proceedings of Wednesday, July 11, 1917, was read and approved.

EXTENSION OF REMARKS.

Mr. MONTAGUE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by incorporating the address of the President of the United States to the mine operators and manufacturers of the United States.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD by printing an address of the President of the United States to the mine operators and manufacturers of the United States. Is there objection? [After a pause.] The Chair hears none.

The following is the address:

AN ADDRESS TO THE MINE OPERATORS AND MANUFACTURERS OF THE UNITED STATES BY PRESIDENT WILSON.

"My fellow countrymen, the Government is about to attempt to determine the prices at which it will ask you henceforth to furnish various supplies which are necessary for the prosecution of the war, and various materials which will be needed in the industries by which the war must be sustained. We shall of course try to determine them justly and to the best advantage of the Nation as a whole; but justice is easier to speak of than to arrive at, and there are some considerations which I hope we shall all keep steadily in mind while this particular problem of justice is being worked out. I, therefore, take the liberty of stating very candidly my own view of the situation and of the principles which should guide both the Government and the mine owners and manufacturers of the country in this difficult matter.

"A just price must, of course, be paid for everything the Government buys. By a just price I mean a price which will sustain the industries concerned in a high state of efficiency, provide a living for those who conduct them, enable them to pay good wages, and make possible the expansions of their enterprises which will from time to time become necessary as the stupendous undertakings of this great war develop. We could not wisely or reasonably do less than pay such prices. They are necessary for the maintenance and development of industry, and the maintenance and development of industry are necessary for the great task we have in hand.

"But I trust that we shall not surround the matter with a mist of sentiment. Facts are our masters now. We ought not to put the acceptance of such prices on the ground of patriotism. Patriotism has nothing to do with profits in a case like this. Patriotism and profits ought never in the present circumstances to be mentioned together. It is perfectly proper to discuss profits as a matter of business, with a view to maintaining the integrity of capital and the efficiency of labor in these tragical months when the liberty of free men everywhere and of industry itself trembles in the balance; but it would be absurd to discuss them as a motive for helping to serve and save our country. Patriotism leaves profits out of the question. In these days of our supreme trial, when we are sending hundreds of thousands of our young men across the seas to serve a great cause, no true man who stays behind to work for them and sustain them by his labor will ask himself what he is personally going to make out of that labor. No true patriot will permit himself to take toll of their heroism in money or seek to grow rich by the shedding of their blood. He will give as freely and with as unstinted self-sacrifice as they. When they are giving their lives, will he not give at least his money?

"I hear it insisted that more than a just price, more than a price that will sustain our industries, must be paid; that it is necessary to pay very liberal and unusual profits in order to 'stimulate' production; that nothing but pecuniary rewards will do it—rewards paid in money, not in the mere liberation of the world. I take it for granted that those who argue thus do not stop to think what that means. Do they mean that you must be paid, must be bribed, to make your contribution, a contribution that costs you neither a drop of blood nor a tear, when the whole world is in travail and men everywhere depend upon and call to you to bring them out of bondage and make the world a fit place to live in again amidst peace and justice? Do they mean that you will exact a price, drive a bargain, with the men who are enduring the agony of this war on the battle field, in the trenches, amidst the lurking dangers of the sea, or with the bereaved women and the pitiful children, before you will come forward to do your duty and give some part of your life, in easy peaceful fashion, for the things we are fighting for—the things we have pledged our fortunes, our lives, our sacred honor, to vindicate and defend—liberty and justice and fair dealing and the peace of nations? Of course you will not. It is inconceivable. Your patriotism is of the same self-denying stuff as the patriotism of the men dead or maimed on the fields of France or else it is no patriotism at all. Let us never speak, then, of profits and of patriotism in the same sentence, but face facts and meet them. Let us do sound business, but not in the midst of a mist. Many a grievous burden of taxation will be laid on this Nation, in this generation and in the next, to pay for this war; let us see to it that for every dollar that is taken from the people's pockets it shall be possible to obtain a dollar's worth of the sound stuffs they need.

"Let me turn for a moment to the shipowners of the United States and the other ocean carriers whose example they have followed and ask them if they realize what obstacles, what almost insuperable obstacles, they have been putting in the way of the successful prosecution of this war by the ocean freight rates they have been exacting? They are doing everything that high freight charges can do to make the war a failure, to make it impossible. I do not say that they realize this or intend it. The thing has happened naturally enough, because the commercial processes which we are content to see operate in ordinary times have without sufficient thought been continued into a period where they have no proper place. I am not questioning motives. I am merely stating a fact, and stating it in order that attention may be fixed upon it. The fact is that those who have fixed war freight rates have taken the most effective means in their power to defeat the armies engaged against Germany. When they realize this, we may, I take it for granted, count upon them to reconsider the whole matter. It is high time. Their extra hazards are covered by war-risk insurance.

"I know and you know what response to this great challenge of duty and of opportunity the Nation will expect of you, and I know what response you will make. Those who do not respond, who do not respond in the spirit of those who have gone to give their lives for us on bloody fields far away, may safely be left to be dealt with by opinion and the law, for the law must, of course, command these things. I am dealing with the matter thus publicly and frankly, not because I have any doubt or fear as to the result, but only in order that in all our thinking and in all our dealings with one another we may move in a perfectly clear air of mutual understanding.

"And there is something more that we must add to our thinking. The public is now as much part of the Government as are the Army and Navy themselves; the whole people in all their activities are now mobilized and in service for the accomplishment of the Nation's task in this war; it is in such circumstances impossible justly to distinguish between industrial purchases made by the Government and industrial purchases made by the managers of individual industries, and it is just as much our duty to sustain the industries of the country, all the industries that contribute to its life, as it is to sustain our forces in the field and on the sea. We must make the prices to the public the same as the prices to the Government. Prices mean the same thing everywhere now; they mean the efficiency or the inefficiency of the Nation, whether it is the Government that pays them or not. They mean victory or defeat. They mean that America will win her place once for all among the foremost free nations of the world, or that she will sink to defeat and become a second-rate power alike in thought and in action. This is a day of her reckoning, and every man amongst us must personally face that reckoning along with her.

"The case needs no arguing. I assume that I am only expressing your own thoughts—what must be in the mind of every true man when he faces the tragedy and the solemn glory of the present war for the emancipation of mankind. I summon you to a great duty, a great privilege, a shining dignity and distinction. I shall expect every man who is not a slacker to be at my side throughout this great enterprise. In it no man can win honor who thinks of himself."

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1720. An act to provide for the award of medals of honor and distinguished-service medals; and

S. 979. An act for the promotion and retirement of Col. David L. Brainard, Quartermaster Corps, United States Army.

The message also announced that the President had approved and signed joint resolution of the following title on July 9, 1917:

S. J. Res. 67. Joint resolution to fix the status and rights of officers of the Public Health Service when serving with the Coast Guard, the Army, or the Navy.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 1720. An act to provide for the award of medals of honor and distinguished-service medals; to the Committee on Military Affairs.

S. 979. An act for the promotion and retirement of Col. David L. Brainard, Quartermaster Corps, United States Army; to the Committee on Military Affairs.

HOMESTEAD ENTRIES FOR SOLDIERS AND SAILORS.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 1811, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to take from the Speaker's table the bill S. 1811, insist on the House amendments, and agree to the conference asked for by the Senate.

Mr. MANN. Mr. Speaker, let the bill be reported by title.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

S. 1811. An act providing for the counting of service in the Army and Navy of the United States as equivalent to residence and cultivation upon homestead entries, and in the event of the soldier's death in such service, providing for the issuance of patents to such land to his widow or minor children.

The SPEAKER. Is there objection?

Mr. LENROOT. Were there any Senate amendments to our bill, or did they agree to our amendments?

Mr. FERRIS. They were anxious to agree to our amendments.

Mr. LENROOT. The Senate has not made any amendments to that bill, but they disagreed to our amendments?

Mr. FERRIS. That is it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and appoints the following conferees: Mr. FERRIS, Mr. TAYLOR of Colorado, and Mr. LENROOT.

PREFERENTIAL SHIPMENTS.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 2356, the preferential shipping bill, insist on the House amendments, and agree to the conference asked for by the Senate.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

S. 2356. An act to amend the act to regulate commerce, as amended, and for other purposes.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent to take the bill S. 2356 from the Speaker's table, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. ADAMSON. It is the Senate bill. The request is to insist on the House amendments.

The SPEAKER. And insist on the House amendments to the Senate bill. Is there objection? [After a pause.] The Chair hears none, and appoints the following conferees: Mr. ADAMSON, Mr. SIMS, and Mr. ESCH.

FOURTH OF JULY ADDRESS BY THE SPEAKER.

Mr. RUBEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a speech made on the Fourth of July, 1917, by our Speaker, Mr. CLARK of Missouri.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD by printing a speech made by the Speaker on the Fourth of July at the Washington Monument. Is there objection? [After a pause.] The Chair hears none.

LEAVE TO ADDRESS THE HOUSE.

Mr. HEFLIN. Mr. Speaker, I ask unanimous consent that I may address the House for 20 minutes following the gentleman from Illinois [Mr. MADDEN].

The SPEAKER. The gentleman from Alabama [Mr. HEFLIN] asks unanimous consent to address the House not to exceed 20 minutes following the conclusion of the address of the gentleman from Illinois [Mr. MADDEN]. Is there objection? [After a pause.] The Chair hears none.

Mr. FESS. Mr. Speaker, I ask unanimous consent that at the conclusion of the address of the gentleman from Alabama I may be permitted to address the House for five minutes.

The SPEAKER. The gentleman from Ohio [Mr. FESS] asks unanimous consent that at the conclusion of the address of the gentleman from Alabama [Mr. HEFLIN] he may be permitted to address the House not to exceed five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes, following the address of the gentleman from Ohio [Mr. FESS].

The SPEAKER. The gentleman from Pennsylvania [Mr. MOORE] asks unanimous consent that at the conclusion of the address of the gentleman from Ohio [Mr. FESS] he may be permitted to speak for not to exceed 10 minutes. Is there objection? [After a pause.] The Chair hears none.

APPROPRIATION FOR SESSION EMPLOYEES.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 5405) making appropriations for certain session employees of the Senate and House of Representatives.

Be it enacted, etc., That the following sums are appropriated out of any money in the Treasury not otherwise appropriated:

SENATE.

For 16 pages for the Senate Chamber at the rate of $2.50 per day each from and including July 1, 1917, until the close of the first session of the Sixty-fifth Congress, so much as may be necessary.

HOUSE OF REPRESENTATIVES.

For the following employees, from and including July 1, 1917, until the close of the first session of the Sixty-fifth Congress: Forty-six pages, including 2 riding pages, 4 telephone pages, 1 press gallery page, and 10 pages for duty at the entrances to the Hall of the House, at $2.50 per day each; 9 messengers in the post office at the rate of $100 per month each; so much as may be necessary.

Mr. FITZGERALD. Mr. Speaker, provision is made for these——

Mr. MANN. Reserving the right to object, Mr. Speaker, are these the same employees that were on the rolls before the 1st of July?

Mr. FITZGERALD. They are the same employees. They were provided for until the 30th of June, and they are provided for in the legislative bill from the beginning of the regular session of Congress. This is to make provision for them from the 1st day of July until this session ends.

Mr. MANN. The purpose of this is to take care of them because of the extraordinary delay in adjourning Congress?

Mr. FITZGERALD. Well, I expressed the opinion, and it may be a source of consolation to Members to have it stated publicly, that Congress in all probability could not, and as a matter of duty it should not, adjourn at all prior to the next regular session. I am still of the opinion that the most important thing that the Members of Congress can do is to stay in Washington and attend to the public business.

Mr. MANN. That is a very foolish thing. I went away myself for a while, hoping that Congress would expedite its work, but it has not done so.

Mr. FITZGERALD. And the country went along beautifully. [Laughter.]

Mr. MANN. And the gentleman himself has been away most of the time. I hope he will stay away. [Laughter.]

Mr. FITZGERALD. No; I have been here all the time, with the exception of the week of the Fourth of July, when it was understood there would be no business transacted. I expect to spend a very pleasant summer here, in company with the gentleman from Illinois and the other industrious Members of the House, assiduously attending to the public business under the guidance of our distinguished Speaker. [Applause.]

Mr. MANN. I have had a very good vacation. I do not care personally, but I think the country would be better off if we adjourned.

Mr. FITZGERALD. No; it would not. I have so much confidence in the Congress that I am much more content to have it in session than to delegate all the powers of the Government to the executive department of the Government and adjourn. [Applause.]

Mr. MANN. That is all we are doing while we are here—delegating more power to the executive department.

Mr. FITZGERALD. That is true; but we are here and can watch many things so that they will not happen, when they otherwise might happen.

Mr. MILLER of Minnesota. Can the gentleman name any of those things?

Mr. FITZGERALD. I may name them in the future.

Mr. MILLER of Minnesota. I have been watching anxiously to see things happen that I hoped would not happen, but they have all happened.

Mr. FITZGERALD. Well, the gentleman will continue to live with the knowledge that we are likely to meet disappointments in life. [Laughter.]

Mr. MILLER of Minnesota. Can the gentleman indicate what functions Congress possibly can perform except appropriating large sums of money, now that the bills that are necessary have practically been passed and after all the functions have been practically turned over to the Executive?

Mr. FITZGERALD. No; there are a great many that have not been. If the gentleman sat in my office, he would appreciate that there are a good many things that have not been turned over yet and probably will not be.

Mr. MILLER of Minnesota. It is very refreshing to hear it. If the gentleman has anything in his office that has not been turned over, that is the only place I know of where things have not turned over. I hope the gentleman will stay here and not let them get away. [Laughter.]

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FITZGERALD, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. CLARK of Florida rose.

The SPEAKER. For what purpose does the gentleman from Florida rise?

Mr. CLARK of Florida. I desire to state that in consultation with the gentleman from Massachusetts [Mr. ROGERS] and the gentleman from Illinois [Mr. MADDEN] they have agreed that I might proceed for five minutes if the House were willing at this time. I ask that permission.

The SPEAKER. The gentleman from Florida asks unanimous consent to proceed for not to exceed five minutes. Is there objection?

There was no objection.

Mr. CLARK of Florida. Mr. Speaker, I had intended to ask leave to insert in the RECORD an article that appeared in the Washington Post of July 12, being an address of the President of the United States to the people of America. The distinguished gentleman from Virginia [Mr. MONTAGUE], however, has anticipated me and has offered that same document. Therefore I shall not now offer it. But I want to say this, Mr. Speaker: My course in this House during these troublous times has been for peace. I stood also for the volunteer system. A majority of my colleagues disagreed, and then their will became my will.

And I want to say now that it is the duty of every American citizen, whether naturalized or native, to stand firmly by the Government in this crisis. [Applause.] The man who does not do it is not worthy of citizenship and ought to be stripped of that citizenship. [Applause.]

I desire to say further that the President of the United States in that remarkable statement demonstrated to all the world that he was not only President of the United States but that he was worthy to be the Commander in Chief of the armies and navies of this Republic. [Applause.] No blood money should be made in this war. The boys and the men are going to the front and baring their breasts to the bullets of the foe, and those who remain at home and coin money ought to be made to be satisfied with a reasonable profit upon their work.

I want to say further, Mr. Speaker, that I hope and trust, as the newspapers indicate this morning, that if any of these great institutions undertake longer to delay the program of the Government in this war the strong arm of the Government will reach out and take their plants and operate them itself for the benefit of the Government. The last one of them ought to be treated that way.

Mr. MILLER of Minnesota. Mr. Speaker, will the gentleman yield for an inquiry?

Mr. CLARK of Florida. I will.

Mr. MILLER of Minnesota. I am interested in the gentleman's statement. He may have some personal information that I am not aware of.

In the morning paper to which he alludes I have found on the left-hand column a long, splendid article saying that the steel interests and the President and the Council of National Defense have talked over the situation and have come to a very satisfactory and mutually advantageous arrangement. Everybody was happy; everybody was satisfied; and the Federal Trade Commission was going to ascertain the cost of producing steel. The facts were going to be ascertained by the Government, including the amount that would constitute a reasonable profit.

Now, so much for that article. Right parallel with it, in two other columns, was a high-sounding, flamboyant, extravagant bunch of phrases seeking to laud the President for performing superhuman duties in bringing to their knees the officials of the Steel Trust. Now, which is correct? I do not know.

Mr. CLARK of Florida. I want to state to the gentleman that I am not in the confidence of the Steel Trust. I can not speak for them. [Applause.]

Mr. MILLER of Minnesota. The gentleman is speaking for the President, and he probably knows——

Mr. CLARK of Florida. But I know this, that they yielded when they had to yield, and they did not yield before.

Mr. MILLER of Minnesota. Has the gentleman any additional information to give us on that subject?

The SPEAKER. The time of the gentleman from Florida has expired.

Mr. MILLER of Minnesota. I ask unanimous consent that the gentleman have two minutes more.

Mr. CLARK of Florida. I have no further time, and under my agreement with the gentleman from Massachusetts [Mr. ROGERS] and the gentleman from Illinois [Mr. MADDEN] I can not honorably ask for an extension.

The SPEAKER. The gentleman from Massachusetts [Mr. ROGERS] is recognized for one hour.

Mr. ROGERS. Mr. Speaker, on April 28 the selective-draft bill passed this body by a vote of 397 in favor to 24 opposed. Three days later the bill passed the Senate without a record vote, and, indeed, without a division. He would have been a rash man a year ago to-day, or even six months ago to-day, who had predicted that the Congress of the United States, whatever the conditions or the emergencies, would pass, even by a majority vote, a law imposing compulsory military service upon the young men of the land. Why was this bill, in many ways a revolutionary bill, enacted into law by so overwhelming a vote of both branches of Congress? I suppose it was because every man in favor of the bill saw clearly that its fundamental principle was one not only of efficient and speedy preparation but also of equity, justice, fairness and democracy.

It was no doubt inevitable that a law of this kind, proceeding upon a principle new to the present generation, at least, should not have been without its faults. Yet if those faults are of a nature which impair the fairness and the democracy of the law, by just so much does the law fall short of the ideal. I desire to-day to point out what seem to me two or three weaknesses in the law—weaknesses, I think them, which go to the essence and which will in the future increasingly mar in a most serious way the effective and equitable operation of the law.

Section 2 of the law provides in part that—

quotas for the several States, Territories, and the District of Columbia * * * shall be determined in proportion to the population thereof. * * *

Section 4 provides in part that—

notwithstanding the exemptions enumerated herein, each State, Territory, and the District of Columbia shall be required to supply its quota in the proportion that its population bears to the total population of the United States.

If the proportion of aliens were equal in each State of the Union, or if aliens of the prescribed ages were liable under the act to military service, the foregoing provisions of the law would achieve a result both scientific and equitable. But as the proportion of aliens varies tremendously among the several States of the Union, and as aliens are specifically exempted by the language of section 2, basing the draft upon "liability to military service of all male citizens, or male persons not alien enemies who have declared their intention to become citizens," the result achieved is neither scientific nor equitable. Aliens are, of course, included in total population and hence in determining the quota of a given State; they are, however, excluded from rendering military service. The net result of this, in a word, is that the liability to be held for military service upon a given citizen in a State where there are many aliens is vastly greater than the liability of a given citizen in a State where there are few aliens.

Because of the importance of this point let me, even at the risk of prolixity, indicate in some detail how the law will actually operate in this respect. There are in the United States, in round numbers, 100,000,000 persons. Pursuant to the selective-draft law 10,000,000 persons, or one-tenth of the total population, registered on June 5. Let us assume, for convenience, that the President will in the near future call to the colors 1,000,000 men. This morning's newspapers indicate that the names of about 1,300,000 will be drawn, it being expected that that number will yield an army of 687,000 men. Now, let us take four States—A, B, C, and D—each of which has a total population of 1,000,000 persons, and each of which registered 100,000 men on June 5. Total population being the test of the quota under the law and each State having by hypothesis 1 per cent of the total population of the United States, the share of each under the call of the President for 1,000,000 men will be 1 per cent of 1,000,000 men, or 10,000 men. Let us assume that just one-half, or 50,000, of the 100,000 who registered in each State will, for physical or other reasons, be exempt from rendering military service. The quota of each of the four States will then be 10,000 men, to be drawn from an available roster of 50,000 men.

State A has practically no aliens. There is but one chance in five, 20 per cent, that a given registered eligible in that State will be actually held to military service.

State B has an alien population of 20 per cent, 80 per cent being citizens. Bearing in mind that aliens are exempt from military service under the law, 20 per cent of the 50,000, 10,000, will thus be exempt. The remaining 40,000 will be required to furnish the same quota of 10,000 as that required of State A. There is thus one chance in four, 25 per cent, that a given registered eligible in State B will be held to military service.

State C has an alien population of 30 per cent, 70 per cent being citizens. Thirty per cent of the 50,000, 15,000, will thus be exempt. The remaining 35,000 will be required to furnish the same quota of 10,000 as that required of States A and B. There is thus one chance in three and a half, about 28½ per cent, that a given registered eligible in State C will be held to military service.

State D has an alien population of 40 per cent, 60 per cent being citizens. Forty per cent of the 50,000, 20,000, will thus be exempt. The remaining 30,000 will be required to furnish the same quota of 10,000 as that required of States A, B, and C. There is thus one chance in three, 33⅓ per cent, that a given registered eligible in State D will be held to military service.

To phrase the disproportion in liability to service of men in the four States in terms of percentage, a given registered eligible in State B is 25 per cent more likely to be called out for service than his brother eligible in State A; a given registered eligible in State C is 43 per cent more likely to be called out than his brother eligible in State A; and a given registered eligible in State D is 66⅔ per cent more likely to be called out than his brother eligible in State A.

There is surely no fairness nor propriety in any such result. The law falls short of its true goal in bringing about such a disparity. Equal liability throughout the United States to military service should be the test, not the accident of residence in one State rather than in another. Let us examine the actual registration by States in order to determine whether or not the

objection which I have thus advanced is practical or only theoretical. I shall insert with my remarks, as Appendix A, a table which I have prepared showing total registration by States, aliens by States, alien enemies, and percentage of aliens to total population. The tabulations under the draft law are still incomplete, and final figures may show slight variations from the figures which I am to-day submitting. I am satisfied, however, that the variations will not be considerable nor sufficient seriously to modify the conclusions justly to be drawn. There are seven States—Alabama, Arkansas, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee—with an alien population of less than 1 per cent. There are 15 States—Florida, Idaho, Indiana, Iowa, Kansas, Maryland, Missouri, Nebraska, Oklahoma, Oregon, South Dakota, Texas, Virginia, West Virginia, and Wisconsin—with an alien population ranging from 1 to 10 per cent. On the other hand, Arizona has an alien population of 39.6 per cent; California, 22.7 per cent; Connecticut, 36.6 per cent; Massachusetts, 29.5 per cent; New Hampshire, 25.3 per cent; New Jersey, 25.6 per cent; New York, 22.2 per cent; Pennsylvania, 21.1 per cent; and Rhode Island, 28.2 per cent. A given individual in the group of States last mentioned is vastly more liable to be called out for military service than his relative who happens to reside in either of the first two groups cited. Referring back to the suppositious comparisons, a man in Arizona or Connecticut is 60 or 65 per cent more liable to be called than his friend in Arkansas or South Carolina.

What is the remedy? Obviously to base the quotas of States upon the total population thereof liable for military service rather than upon total population merely. The bill as passed by the Senate—see CONGRESSIONAL RECORD, May 1, 1917, page 1610—recognized this and based the quotas for the several States upon "the population thereof liable for military service as shown by the registration provided for herein." The House draft omitted this provision. When the bill went to conference early in May I called to the attention of the conferees the importance of retaining the Senate language and indicated what seemed to me controlling reasons in support of the wisdom and justice of the provision. Nevertheless it was eliminated from the conference report and does not appear in the law. Senator CALDER, of New York, and I have pending in the Senate and House, respectively, identical bills making the basis of the quotas the population of the several States liable under the law to military service. It is doubtless too late to modify the quotas which will be called out under the proclamation of the President understood soon to be forthcoming. Men high in authority tell us, however, that the country may before many months go by be required to raise an army of two or four or six or eight or even ten million men. It is, I believe, of vital consequence that some such amendment to the law as that submitted by Senator CALDER and me should be enacted before the subsequent calls for troops are issued by the President.

As the months go by and as the United States gradually acquires a keener realization of what war actually means than perhaps it possesses to-day, it is of the most urgent consequence that every detail of the law and its operation should be so scrutinized as to avoid the slightest hint of inequality or discrimination. So long as quotas are based upon total population and aliens are exempted from service there is ground for the severest criticism. No man can say with positiveness what dire consequences this criticism may in course of time engender. Now is the time to work out the remedy—a remedy simple, speedy, and certain. Let the man in Carolina and the man in Connecticut bear exactly the same burden. No true man in either State would seek favor at the expense of his brother. Under leave to extend my remarks I shall print, as Appendix B, the pending bill to which I have referred.

But the inequality in the law goes still further. Section 2 provides that "quotas for the several States, Territories, and the District of Columbia, or subdivisions thereof, shall be determined in proportion to the population thereof." In other words, the quota of a given city which has a tremendous alien population—and it must be always remembered that aliens are absolutely exempt from the operation of the law—must contribute its quota of the State's quota on the basis of its total population. The argument which I have already made in dealing with the quotas of States will perhaps be sufficient to indicate the impropriety of basing quotas of subdivisions of States also upon the total population of such subdivisions. In giving specific illustrations of the additional inequality thus resulting I am greatly handicapped by the fact that the registration returns for cities and other subdivisions of States are still unpublished. Through my own investigations and in part through the courtesy of the Census Bureau I am, however, able to give a few instances of the operation of the law along this line.

My home city of Lowell registered 10,979 men on June 5; sixty-six hundred and fifty-six of these were eligibles and forty-three hundred and twenty-three, being aliens, were ineligibles. Thus almost exactly 40 per cent—39.4, to be exact—of the registered males of the city of Lowell, though included in determining its quota, can not be required to render military service. In the neighboring city of Lawrence ninety-seven hundred and fifty-seven men registered on June 5, of whom forty-nine hundred and forty-six were eligibles and forty-eight hundred and eleven were aliens. Here almost exactly 50 per cent—49.3, or one man out of every two men—are exempt from military service. A man in Lowell or Lawrence will thus find that his chances of being called out are about twice as great as his relative in another city or town of Massachusetts which has a negligible alien population.

Mr. SHERLEY. Will the gentleman permit an inquiry there?

Mr. ROGERS. Yes; with pleasure.

Mr. SHERLEY. Is it the gentleman's remedy to make aliens available for service also? And if it is not, does he not get out of one trouble into another?

Mr. ROGERS. I am going to discuss that in the second half of my remarks if the gentleman will permit me to reserve my answer until that time.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. ROGERS. Yes.

Mr. HUDDLESTON. I have been informed that it is the purpose of the War Department to draw the numbers of the men who are to be conscripted in the first round, and that the numbers will be the same in all the conscription districts. While the gentleman's State will have to furnish its full quota, as though every eligible man was subject to military service, yet when it comes to a city, the same numbers will be drawn in each city, so that where the number of men registered is relatively much smaller, as in the case of Lowell and some other cities which the gentleman has mentioned, there will be only the same percentage of registered men taken for service as in any other community.

Mr. ROGERS. Each city or registration subdivision of a city will furnish its quota on the basis of the total population thereof.

Mr. HUDDLESTON. I beg the gentleman's pardon. I am under the impression that it will furnish its quota according to its number of registered men only.

Mr. ROGERS. That is not correct.

Mr. HUDDLESTON. It is the State that furnishes on the basis of the population, not the city.

Mr. ROGERS. I have taken up this matter repeatedly with the Provost Marshal General. Under the explicit language of the law he has officially ruled that any recognized subdivision of a State—a city, a town, or a group of towns, for example—must furnish its quota on the basis of its total population. The law so provides; and he has no discretion, even if he wished to have discretion.

Mr. HUDDLESTON. Will the gentleman permit me to call his attention to the fact that the quota is only applicable to the State?

Mr. ROGERS. I beg the gentleman's pardon. I read the law a moment ago—

> Quotas for the several States, Territories, and the District of Columbia, *or subdivisions thereof*, shall be determined in proportion to the population thereof.

This is an extract from section 2 of the law.

Mr. HUDDLESTON. Does the gentleman think that applies to the registration districts?

Mr. ROGERS. I think it applies; but it is immaterial what I think, because the Provost Marshal General thinks so.

Mr. HASTINGS. Will the gentleman yield?

Mr. ROGERS. Yes.

Mr. HASTINGS. What interpretation is placed on the word "subdivision"? Is it a congressional district, a county, a city, or does it mean the registration district?

Mr. ROGERS. A city of 30,000 is a subdivision; a city of 60,000 is two subdivisions; a city of 300,000 is 10 subdivisions.

Mr. HASTINGS. Then it means registration districts?

Mr. ROGERS. Not always. In town or other units smaller than cities in my part of the country a group of towns may be made a subdivision. In other parts of the country, where the county is the usual administrative unit, the county exclusive of large cities is made the subdivision for the purpose of administering the law. The aim is to have a separate unit for each 30,000 of total population.

Mr. HASTINGS. Then, as I understand, a subdivision means a registration district?

Mr. ROGERS. I understand that, in general, it means exactly that.

I annex herewith a table showing the registration figures of a few cities furnished me by the Census Bureau:

City.	Total registered males.	Citizens and declarants for citizenship.	Aliens.	Percentage of aliens to eligibles.	Alien enemies.
Boston, Mass.	77,223	56,529	20,694	26.8	437
Fall River, Mass.	10,574	6,437	4,137	39.1	10
New Bedford, Mass.	12,544	7,126	5,418	43.2	13
Lawrence, Mass.	9,757	4,946	4,811	49.3	32
New York City, N. Y.	583,040	424,944	158,096	27.2	12,140
Lowell, Mass.	10,979	6,656	4,323	39.4	.....

Of course, the presence of a large percentage of aliens is by no means characteristic only of the large cities. It will be found in many small places, especially when they are cities or towns with large manufacturing industries of some kind. The town of Westford, in my congressional district, had, when the Federal census of 1910 was taken, a population of 2,851. The secretary of the board of selectmen of that town, Capt. Sherman H. Fletcher, writes me:

Here is the situation in Westford: Out of the 255 registered here, 119 were aliens—nearly one-half. It does not seem fair or just that the remaining 136 should be obliged to furnish this town's allotment.

In certain registration districts of New York City the situation will be found to be still more extreme. The actual registration figures are not yet available, but figures furnished by Senator CALDER—CONGRESSIONAL RECORD, June 12, 19 7, page 3490—give some idea of the state of things. In one of the districts of the borough of Brooklyn only 5,846 men—including, of course, men of all ages—were eligible to vote for President last fall. Yet 13,387 men between 21 and 30 registered on June 5 for the draft. If the general percentage which prevailed throughout the United States is a fair criterion, the total population of that district is about 134,000. Its quota under the first call will be about 1,350. Probably not more than 1,200 or 1,500 of the 5,846 who were eligible to vote last fall are between 21 and 30. In a word, practically every man in that district between 21 and 30, whether physically sound or physically unsound, will be needed if the district is to send forth even its first quota under the original call of the President. There are about 33 assembly districts in Greater New York where the registration for the draft nearly equaled or exceeded the total election registration for 1916. In very many cases the registration for the draft greatly exceeded the election registration.

These facts speak for themselves; extended argument is unnecessary. Massachusetts as a whole, with an alien population of about 30 per cent, nevertheless is, under the present law, required to furnish its portion of troops on a quota basis which includes those aliens, although they themselves are, without exception, exempt. As I have previously stated, the likelihood of one of its citizens being held to military service is nearly 30 per cent in excess of the likelihood of a citizen in a State with a small alien population; but piled on this indefensible disproportion we find that a city like Fall River, New Bedford, Lawrence, or Lowell, with an alien population of 40 to 50 per cent, must, nevertheless, contribute its proportion to the State quota also on the basis of total population. In other words, such a city must contribute a grossly excessive quota of a grossly excessive quota. Inequality is added to inequality. A citizen of Lowell or Lawrence or Fall River is three or four times as liable to be held to military service as a resident of a city and State without many aliens therein resident. A citizen of some election districts in New York City has practically no chance of escaping even the first draft, while a citizen of Mississippi has four chances out of five of so escaping.

It will be noticed that the amendment offered by Senator CALDER and me, and already referred to, basing quotas both of States and subdivisions upon persons liable to military service, cures the inequalities in the case of cities and towns and fractions thereof as well as in the case of States as a whole.

There are other matters which in a degree result in inequality, although they probably can not so easily be cured as those to which I have already referred. Take the case, for example, of a city or town which has a large State penal or eleemosynary institution within its borders. Such an institution collects its inmates from all over the State. Those inmates are included in the census of the town and hence in determining the quota of the town. Yet in no true sense are they residents of the town. Take a case within my own knowledge—Tewksbury. The census shows the population of Tewksbury to be 5,265. Of this population 2,636, or slightly more than half, are inmates of the State infirmary, which is located in Tewksbury. The draft registration of the town, exclusive of the infirmary, was 115, of whom 45 were aliens. Thus there were only 70 eligibles. The registration at the infirmary was 155, practically all of whom for obvious reasons will probably be exempt. If the quota of the town be based upon a total which includes the infirmary inmates, the liability to service of a given eligible in Tewksbury will be substantially double that which would be his if the infirmary were not located in Tewksbury. As I stated a moment ago, the population of an infirmary or of a prison is not fairly to be deemed, certainly for this purpose, a real portion of the population of the town in whose borders it happens to be located. The inmates should either be excluded from total populations in making up draft quotas or they should be treated as still residents of their towns of origin.

Again, a city or a town may have a great munitions plant, or some other industry or industries, the carrying on of which is absolutely essential to the carrying on of the war. The workers in these industries will doubtless ultimately be generally exempted by the district registration boards under the language of the selective-draft law, which permits the exemption of "persons engaged in industries, including agriculture, found to be necessary to the maintenance of the Military Establishment or the effective operation of the military forces or the maintenance of national interest during the emergency." Many cases will arise where extreme hardship will fall upon those who are not employed in such industries and whose liability to service will be very greatly increased because the quota of their community will be based upon total population, although the war workers, constituting oftentimes an overwhelming proportion of the population, will be exempted.

Mr. LENROOT. Will the gentleman yield?

Mr. ROGERS. Certainly.

Mr. LENROOT. Is it not true that revised estimates of the population have now been made by the department which take into consideration the population occurring through centralization of munition works, and so forth?

Mr. ROGERS. I am aware of the ruling of the Provost Marshal General, to which the gentleman refers, but the difficulty will be, I suspect, that admitting there may be a theoretical remedy somewhere State officials are going to say it is not practicable as an administrative matter to allow credit for a city or town which has a great penal institution or a great war-time industry of some kind. I am afraid that the result, however equitably regulated by the Provost Marshal General, will often in the last analysis be inequitably administered when it gets down to the several States and the enrollment officers of the several States.

Mr. SLOAN. Will the gentleman yield?

Mr. ROGERS. Gladly.

Mr. SLOAN. The gentleman is criticizing on the basis of the unit which is to be the comprehensive registration unit. Has it not been published that the unit is to be the county or portion of the city containing not more than 30,000, so that this inequity which the gentleman speaks of would be distributed over what would be a county shire or equivalent unit instead of the registration unit?

Mr. ROGERS. I do not think—even admitting that the gentleman's suggestion is correct, which I do not altogether agree to—that it would in the least alter my insistence that the basis of the draft, both for States and all subdivisions of States, should be total registration, or, rather, total eligibility, and not total population.

Mr. LENROOT. Will the gentleman yield further?

Mr. ROGERS. Certainly.

Mr. LENROOT. If it is made solely on the matter of registration, does not that offer a temptation to escape registration where one State that exceeds the estimate and another State has only 50 per cent, the State most loyal and the most patriotic would have to furnish the greater number of men, while the State less patriotic would thereby profit by the lack of patriotism?

Mr. ROGERS. That is an important point, and I will address myself to it at this time.

Should the quota be based upon an estimated population, which is itself arbitrarily based upon the number of those who saw fit to register, or should it be based upon population as disclosed by the latest available census, Federal or State, and such other elements, other than draft-registration figures, as may seem worthy of consideration?

The reason for not taking too seriously draft-registration figures themselves in determining the quota of a State or subdivision thereof is obvious: If the citizens of a State or of a subdivision thereof are in large number derelict in their duty to register, the quota should not thereby be reduced. No State and no subdivision of a State should be allowed to profit by its own wrongdoing. It should not be allowed, so to speak, to pull itself down by its own boot straps. Of course, I do not venture to say that there has, in fact, been widespread failure to register in certain States or groups of States; I am dealing only

with the figures presented to us by the Census Bureau and with what seems to me the theoretically sound method of procedure.

Mr. MEEKER. Will the gentleman yield?

Mr. ROGERS. Yes.

Mr. MEEKER. How, in the light of the suggestion that the gentleman is making, would it affect the drafting of the nonvoting citizens of the South, the Negro race? Are they to be compelled to serve?

Mr. ROGERS. I suppose so.

Mr. MEEKER. Or would they be treated as are aliens in the North?

Mr. ROGERS. They are citizens of the United States, as the gentleman knows very well.

Mr. MEEKER. Are they to be drafted into the service?

Mr. ROGERS. As far as I know, they are.

Mr. MEEKER. And they would be allotted to the Southern States?

Mr. ROGERS. Yes.

Mr. HARDY. Will the gentleman permit me?

Mr. ROGERS. I prefer not to yield if the gentleman's question is along this same line.

Mr. HARDY. I wish the gentleman might have stopped yielding before he reached me.

Mr. ROGERS. How in the world was I to know what the question was going to be? [Laughter.]

Mr. HARDY. Well, I wish to deny the insinuation of the gentleman from Missouri that there is any nonvoting population in Texas.

Mr. BURNETT. How about East St. Louis?

Mr. ROGERS. The Census Bureau has apparently seen fit to base quotas solely upon registration figures. Thus, a State which registered 50 or 60 or 70 per cent of the number which the Census Bureau announced that it thought it should register is to be permitted to furnish a quota based upon its own deficient registration, and not upon its population as estimated by the Census Bureau. In the "estimates of population," made public within a day or two by the Bureau of the Census, it is said:

> The total registration, as shown by the preliminary telegraphic returns, 9,659,382, was divided by the total population of continental United States, exclusive of Alaska, as heretofore estimated by the Census Bureau, 103,685,300, in order to obtain the proportion which the registrants represented of the total population. The resulting figure, 9.32 per cent, was assumed to represent the proportion which the registrants in each geographical unit represented of the total population thereof. * * * The simplest and speediest method—that based on the assumption that the proportion which the registrants represent of the total population is the same throughout the country—was adopted.

Of course, the solution adopted by the Census Bureau is entirely just if it was the forecast of the bureau itself which was in error; but it is entirely unjust if dereliction on the part of the citizens of certain States is the true explanation. As Appendix C, I shall print a table published by the Census Bureau on June 25 showing the total registration by States and the percentage by States of registration to the advance census forecast; the preface to the estimates of population issued by the Census Bureau, from which a quotation has already been made; and a summary showing estimated population of each State, which will arbitrarily be assumed to be the population for the purposes of determining quotas, together with the population of the States, as shown by the census of 1910 and the increase or decrease of the estimated population for the draft, as compared with the 1910 census population.

Mr. HARDY. Will the gentleman yield?

Mr. ROGERS. Gladly.

Mr. HARDY. It occurs to me that possibly the law which gives credit for all those now engaged either in voluntary service or National Guard might be amended this much to give further credit to any locality for any national who had volunteered for service in their own country. For instance, in one of your districts if you had a thousand Italians and they, under the permission of our law, joined the Italian Army, I believe your district ought to receive credit for the number of its inhabitants that joined the army of the allies, whether it be our Army or the allies. But it would not be fair to the rest of the country to diminish the quota of your population subject to service by all of the foreign elements you might have there who partake of the benefits of our Government and are in every way served by the war to allow them to entirely escape and relieve the great foreign element. That would allow our foreign population to enjoy all the benefits of our Government and escape its military service, perhaps its greatest burden.

Mr. ROGERS. The gentleman will observe that I have throughout been dealing with this situation from the point of view of the individual——

Mr. HARDY. I understand.

Mr. ROGERS. And have been emphasizing that under our universal-service law rigid equality is the only reasonable and proper and democratic basis of exacting military service. It is no doubt true that alien populations should not be wholly disregarded. It may be that the gentleman will agree with me as I proceed in my remarks that something can be done toward including them in our forces.

Mr. HARDY. That is what I want to see the gentleman come to.

Mr. ROGERS. I prefer to defer that part of the discussion, however, for a moment.

Mr. LENROOT. Mr. Speaker, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. LENROOT. I would like to ask the gentleman whether he does not think that the plan now adopted is a clear violation of the law? Does it not in reality amount to a draft upon registration and not upon population?

Mr. ROGERS. I entirely agree with the gentleman. The answer of the Census Bureau, however, would doubtless be that population was, in accordance with the law, the test of the quotas, the population being estimated by the bureau from the registration figures.

Mr. OSBORNE. Mr. Speaker, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. OSBORNE. In my district we have the honor of having a soldiers' home. There are 3,500 inmates of that home, men who have in time past done their duty to their country. In the 30,000 that will comprise that district, do I understand that the eligibles for service will have to make up the additional number that would be required on account of this population of old soldiers?

Mr. ROGERS. The Provost Marshal General handed down a ruling, I think within a few days—certainly I have heard of it only within that time—that in a case such as the gentleman cites, or in a case where there is a large number of inmates of a penal or other public institution, the inmates may be credited to the State or town of their origin, in order to relieve the town where the institution happens to be of the tremendous burden which would result if they were included; but, as I said to the gentleman from Wisconsin, my impression is that the administrative work involved will be so great that we are quite likely to find that precisely the outcome of which the gentleman speaks will result in the case to which he refers, even although under the law and under the ruling of the Provost Marshal General it could probably be avoided if there were time and inclination on the part of the officials to do so.

Mr. FESS. Mr. Speaker, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. FESS. Some weeks ago we authorized our allies to enlist their nationals in this country. Has the gentleman made any investigation as to whether there is any progress in the lessening of our alien population in that direction?

Mr. ROGERS. Oh, I think that the volunteering campaign conducted by the agents of the allies in the United States—and it necessarily was wholly a volunteering campaign, as the gentleman understands, under the law which we passed—barely scratched the surface. The merest trifle in number has been raised by recruiting during the campaign conducted in the large cities of the United States. But the gentleman's question leads me naturally to the part of the discussion upon which I now wish to embark.

Mr. DALLINGER. Mr. Speaker, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. DALLINGER. I would like to ask the gentleman if he believes it would be constitutional for the Congress to pass an act enabling our allies to conscript their citizens here?

Mr. ROGERS. I think it would.

Mr. BURNETT. Mr. Speaker, will the gentleman yield?

A bill has been introduced by myself, which is now pending before the Committee on Immigration, to require within a certain time the ally aliens—that is, the aliens from the allied countries—to either take out their first papers, so as to become subject to military service, or else be deported. If that bill receives favorable action of Congress, would not that to a great extent relieve the situation? It may be possible that it could not now, because we may not get it through in time, but it could be as speedily considered as the amendment the gentleman suggests; and would not that be a solution of the difficulty?

Mr. ROGERS. Mr. Speaker, I am familiar with the gentleman's bill; and, of course, we all recognize that it, if enacted, and without expressing any opinion as to its advisability, would go far to meet the situation with which I have been dealing.

Mr. LONERGAN. Mr. Speaker, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. LONERGAN. Has the gentleman discovered through the Census Bureau the number of aliens that would be subject to the draft—that is, aliens who are between the ages of 21 and 31 years—who are now in the country?

Mr. ROGERS. I shall develop that immediately, if the gentleman will permit me to proceed with my remarks.

Mr. LONERGAN. I am very much interested in the gentleman's discussion and favor what he proposes.

Mr. ROGERS. I think the gentleman's question will be answered in just a moment, and if not, I shall be glad to yield again.

Mr. LONERGAN. Just one more question. Is there any sort of a treaty agreement that we have with our allies that would make it impossible at this time, without permission of our allies, to act——

Mr. ROGERS. If the gentleman will permit me, I am immediately starting upon a portion of my remarks that deals directly with that question also.

Mr. FAIRFIELD. If the gentleman will permit me. I am deeply interested in this discussion, and there has come to me a thought that there might be a resultant inequality in the man power that would be left in each community in case the amendment the gentleman suggests is passed. Say, suppose in those communities there is a chance of one out of two being taken——

Mr. ROGERS. Yes.

Mr. FAIRFIELD. If this should be adjusted, would it not be true that the community would have a larger relative number of workmen left in it than in other communities?

Mr. ROGERS. It would not be true, however, if the aliens were included in military service.

Mr. FAIRFIELD. No; not if they were included in military service.

Mr. MILLER of Washington. Will the gentleman yield?

Mr. ROGERS. I am anxious to proceed, as my time is running out.

It must have been apparent to anyone who has followed these remarks that the basic cause of most of the difficulties to which I have called attention is the presence of aliens in this country scattered in unequal proportions among the several States of the Union. The question naturally arises whether these men who are living in the United States, enjoying its protection and privileges, earning good wages and living happily and well, should be as a class automatically exempted from the obligation to help preserve and defend the Nation from which they have received so much. Many of them have lived here practically their whole life. Should they, because they have lacked sufficient interest or patriotic sentiment to acquire citizenship in the United States, be given at this time a special privilege not enjoyed by their neighbors, who have realized their obligation to become citizens of the United States? Should they, while their neighbors are being called out to fight for the preservation of the Nation, be permitted to step into the berths thus left vacant and enrich themselves at the expense of those who are rendering patriotic service in the armed forces of the United States? The law prescribes that the draft—

shall be based upon liability to military service of all male persons, or male persons not alien enemies who have declared their intention to become citizens, between the ages of 21 and 30 years, both inclusive * * *

Thus the law as it now stands specifically exempts all aliens except declarants who are not alien enemies. Should the law be changed?

There are at least 10 treaties between the United States and other countries still in force which prevent our subjecting aliens of those countries to military service. The most important of these in the present connection are Italy, Japan, and Spain. In Appendix D, printed as a part of my remarks, I have collected some of the treaty provisions bearing upon this inquiry. But even in the absence of treaty difficulties, have we the right to exact compulsory military service of aliens? Probably we have a bare and qualified right, aside from treaty stipulations, to impress for military service aliens within our territory, but we have exercised it very sparingly in the past, and except in case of necessity, much trouble would doubtless result from an attempt to exercise it at this time. In Appendix E I have collected and commented upon some of the precedents which bear upon the question.

There remains to be considered the question whether those who, though still aliens, have declared their intention to become citizens, are to be treated differently from aliens who have not declared their intention to become citizens. Following the precedent of the Civil War conscription act, the selective-draft law of May 18, 1917, as we have seen, authorizes the inclusion of "male persons not alien enemies who have declared their intention to become citizens." In spite of this direct provision of the law, I am unofficially informed that it is the intention of the Secretary of War to exempt declarants for citizenship from the obligation to render military service. In the CONGRESSIONAL RECORD of June 12, page 3488, Senator CALDER made a statement which I have not seen denied:

The War Department advises me they do not intend to include aliens who have taken out their first papers.

And Senator LODGE, page 3489, stated:

It is the intention of the War Department to take no alien residents, whether they have declared their intention to become citizens or whether they have not.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. ROGERS. I should much prefer to proceed——

Mr. LAGUARDIA. I want to state that I went to Provost Marshal Gen. Crowder and asked about it, and he told me they were going to take them.

Mr. ROGERS. I can not make out possibly——

Mr. LAGUARDIA. It will upset everything in a city like New York if they do not take them.

Mr. ROGERS. Was that within a few days?

Mr. LAGUARDIA. Immediately after the appearance of Senator CALDER'S remarks in the RECORD on Saturday I went over to Gen. Crowder and asked about the matter, and I was told they were going to take them.

Mr. ROGERS. I have been told explicitly within a few days, not, however, by Gen. Crowder, that it was not the intention of the War Department to take alien declarants.

Mr. LAGUARDIA. It would be very unfortunate for the cities.

Mr. BURNETT. How can they fail to do it when the positive requirement of the law we passed requires it to be done?

Mr. ROGERS. That is a very pertinent inquiry; I do not know the answer.

Without considering at this time whether, if the War Department is correctly quoted, it has the right under the explicit language of the selective-draft law just quoted to exempt declarants for citizenship, it is proper to say that the War Department is probably impelled to this course by the fear of complications resulting from the treaty stipulations to which I have previously adverted. In the case of citizens of countries with which we have no treaties covering this point the difficulties are less obvious. The course of a government in behalf of its nationals who have taken out their first papers for citizenship in the United States can not accurately be forecasted. In the Civil War Great Britain secured of the United States permission on behalf of its citizens who had declared for United States citizenship the right to leave the country within 65 days, coupled with the authorization to the United States that it might validly impress into the military service those who did not take advantage of the permission thus granted to leave the country. I have collected in Appendix F some of the precedents which show the course of this country and other countries in respect to the impressment of aliens who have taken out their first papers for citizenship.

But these considerations of treaty stipulation and international law and comity, while no doubt of great practical importance, do not in the least modify the obvious unfairness of exempting from military service all aliens within the borders of the United States, whether or not declarants for citizenship. Figures furnished by the Provost Marshal General show that a total of 1,239,259 aliens registered on June 5. This large total is rather more than one-eighth of the total registration of 9,666,078. In addition to these aliens there were 111,760 alien enemies also registered. I have not been able to learn how many declarants for citizenship registered, as citizens and declarants were tabulated together, and no separation has been made. It is fair to say, however, that between 1,500,000 and 2,000,000 aliens of one or another of the three classes of aliens registered on June 5. This, it will be observed, is 15 to 20 per cent of the total.

Let us assume, without deciding, that it will not be practicable at present, at least, to utilize for military service the citizens of countries other than those with which the United States is making common cause in the war. Can any good reason be adduced why the citizens of countries which are fighting Germany to-day should not, if of proper age and if otherwise available, be required to render military service somewhere? It perhaps does not make very much difference, so far as inherent justice goes, whether these men are required to serve in the armed forces of their own country or in the armed forces of the United States. Clearly, they should be required to serve somewhere.

Just how numerous the citizens or subjects of the allied powers now within the United States in fact are, it is difficult to ascertain with any degree of accuracy. The census of 1910 shows that there were then 13,515,886 foreign-born in the United States. An examination of the countries of origin shows that over 7,000,000 of these emigrated from countries now at war with Germany. In other words, about 55 per cent of all foreign born originated in the allied countries. It seems probable that this same percentage would, approximately at least, be maintained in the case of the aliens who registered on June 5. If this is true, and if between 1,500,000 and 2,000,000 aliens registered on June 5, somewhere between 825,000 and 1,100,000 of these were nationals of the allies. Why should not

they fight in behalf of the cause both of their country of origin and their adopted country? I think no fair man will be able to say. Further, it would seem as if the allied countries, even if we have treaty stipulations with some of them, would unanimously and cordially, if the suggestion were made, permit us during the pendency of the present war to include these persons or such part of them as we might desire within the armed forces of the United States. The numbers are large, and, as the war goes on, may prove to be a mighty and even a determinative factor in the result. Further, as I said earlier in my remarks, it is of great importance in a great war that the spirit of fairness and equality be everywhere observed. If I am not mistaken, our citizens will, almost without exception, deeply resent the accidental exemption from any military obligation of their alien neighbors. For the sake, then, of our military effectiveness and for the sake of our national morale, some reasonable and equitable solution should be achieved. I have prepared and introduced in Congress a resolution requesting the Secretary of State to take up with the allied governments the whole matter, with a view to securing consent for the inclusion of the available nationals of those countries in the armed forces of the United States. (Appendix G.)

And the gentleman from Alabama [Mr. BURNETT], the chairman of the Immigration Committee, proposes a plan which perhaps goes still further; to reach all subjects of the allies, so that the slackers shall do their duty somewhere.

I can not too often repeat that our duty as a Nation is to win this war. One of the ways in which we can strengthen ourselves for the combat is to see to it that our laws and the operation of our laws do justice to all. We have no selfish interest in this struggle; we are simply seeking as a Nation to make the world a better place in which to live. It is for us to keep our own house in order and ourselves to do that justice which we are preparing with our life's blood to exact from others. [Applause.]

APPENDIX A.

	Total registration.	Aliens.	Alien enemies.	Percentage of aliens to total population.
Alabama	179,828	1,173	89	0.7
Arizona	36,932	14,652	193	39.6
Arkansas	147,522	566	98	.4
California	297,532	67,464	3,948	22.7
Colorado	83,038	9,027	372	10.9
Connecticut	159,761	58,519	1,126	36.6
Delaware	21,864	2,883	92	13.2
Florida	84,683	5,682	208	6.7
Georgia	231,418	1,224	120	.5
Idaho	41,150	3,883	181	9.4
Illinois	672,498	95,145	6,051	14.2
Indiana	255,145	13,651	1,149	5.4
Iowa	216,594	11,788	1,862	5.4
Kansas	150,029	6,358	911	4.2
Kentucky[1]	187,573			
Louisiana	157,827	2,966	216	1.9
Maine	60,176	10,043	120	16.7
Maryland	120,458	7,387	912	6.1
Massachusetts	359,323	106,014	1,508	29.5
Michigan	372,872	69,282	3,021	18.6
Minnesota	221,715	24,599	1,971	11.1
Mississippi	139,525	567	45	.4
Missouri	299,625	10,992	1,008	3.7
Montana	88,273	11,790	687	13.4
Nebraska	118,123	5,044	1,156	4.3
Nevada	11,821	3,670	87	31.0
New Hampshire	37,642	9,507	79	25.3
New Jersey	302,742	77,372	4,956	25.6
New Mexico	32,202	4,324	108	13.4
New York	1,054,302	233,906	30,807	22.2
North Carolina	200,032	560	73	.3
North Dakota	65,007	7,205	615	11.1
Ohio	565,384	82,408	6,189	14.6
Oklahoma	169,211	2,947	219	1.7
Oregon	62,618	6,131	577	10.0
Pennsylvania	830,507	174,898	12,674	21.1
Rhode Island	53,415	15,043	126	28.2
South Carolina	128,039	447	58	.4
South Dakota	58,014	2,606	484	4.5
Tennessee	187,611	1,030	85	.6
Texas	408,702	26,029	1,834	6.4
Utah	41,952	7,145	344	17.0
Vermont	27,658	3,487	72	12.6
Virginia	181,826	2,575	179	1.4
Washington	108,330	16,001	791	14.8
West Virginia	127,409	10,678	1,003	8.4
Wisconsin	240,170	5,588	23,121	2.3
Wyoming	22,848	3,353	329	14.7
District of Columbia	32,327	1,570	79	4.9
National parks	85	4	2	4.7
Indians	6,001			
United States	9,659,339	1,239,179	111,933	12.7

[1] Kentucky complete figures not yet received.

APPENDIX B.

A bill (H. R. 5289) to amend section 2 of the act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917.

Be it enacted, etc., That section 2 of an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, be, and it is hereby, amended to read as follows:

"SEC. 2. That the enlisted men required to raise and maintain the organizations of the Regular Army and to complete and maintain the organizations embodying the members of the National Guard drafted into the service of the United States, at the maximum legal strength as by this act provided, shall be raised by voluntary enlistment, or if and whenever the President decides that they can not effectually be so raised or maintained, then by selective draft; and all other forces hereby authorized, except as provided in the seventh paragraph of section 1, shall be raised and maintained by selective draft exclusively; but this provision shall not prevent the transfer to any force of training cadres from other forces. Such draft as herein provided shall be based upon liability to military service of all male citizens, or male persons not alien enemies who have declared their intention to become citizens, between the ages of 21 and 30 years, both inclusive, and shall take place and be maintained under such regulations as the President may prescribe not inconsistent with the terms of this act. Quotas for the several States, Territories, and the District of Columbia, or subdivisions thereof, shall be determined in proportion to the population thereof liable under this act to military service, and credit shall be given to any State, Territory, District, or subdivision thereof, for the number of men who were in the military service of the United States as members of the National Guard on April 1, 1917, or who have since said date entered the military service of the United States from any such State, Territory, District, or subdivision, either as members of the Regular Army or the National Guard. All persons drafted into the service of the United States and all officers accepting commissions in the forces herein provided for shall, from the date of said draft or acceptance, be subject to the laws and regulations governing the Regular Army, except as to promotions, so far as such laws and regulations are applicable to persons whose permanent retention in the military service on the active or retired list is not contemplated by existing law, and those drafted shall be required to serve for the period of the existing emergency unless sooner discharged: *Provided*, That the President is authorized to raise and maintain by voluntary enlistment or draft, as herein provided, special and technical troops as he may deem necessary, and to embody them into organizations and to officer them as provided in the third paragraph of section 1 and section 9 of this act. Organizations of the forces herein provided for, except the Regular Army and the divisions authorized in the seventh paragraph of section 1, shall, as far as the interests of the service permit, be composed of men who come, and of officers who are appointed from, the same State or locality."

APPENDIX C.

	Total registration.	Per cent of estimate.
United States	9,659,382	95.9
Alabama	179,828	85.7
Arizona	36,932	106.4
Arkansas	147,522	94.2
California	297,532	82.2
Colorado	83,038	75.8
Connecticut	159,761	129.3
Delaware	21,864	108.8
District of Columbia	32,327	87.1
Florida	84,683	88.9
Georgia	231,418	90.6
Idaho	41,150	79.4
Illinois	672,498	105.2
Indiana	255,145	100.6
Iowa	216,594	108.8
Kansas	150,029	85.3
Kentucky	187,573	92.8
Louisiana	157,827	92.3
Maine	60,176	95.5
Maryland	120,458	99.1
Massachusetts	359,323	101.1
Michigan	372,872	129.4
Minnesota	221,715	90.6
Mississippi	139,525	79.7
Missouri	299,625	94.9
Montana	88,273	120.4
Nebraska	118,123	91.3
Nevada	11,821	71.6
New Hampshire	37,642	102.3
New Jersey	302,742	100.8
New Mexico	32,202	77.6
New York	1,054,302	99.4
North Carolina	200,032	102.9
North Dakota	65,007	73.0
Ohio	565,384	114.4
Oklahoma	169,211	79.3
Oregon	62,618	57.9
Pennsylvania	830,507	95.0
Rhode Island	53,415	88.7
South Carolina	128,039	93.4
South Dakota	58,014	72.1
Tennessee	187,611	96.2
Texas	408,702	97.3
Utah	41,952	90.8
Vermont	27,658	94.1
Virginia	181,826	97.5
Washington	108,330	49.8
West Virginia	127,409	90.0
Wisconsin	240,170	104.6
Wyoming	22,848	64.5
National Parks	85	
Indians	6,001	

The most pronounced discrepancies appear for Washington, in which the registration amounted to 49.2 per cent of the estimate; for Oregon, in which it was 57.9 per cent; for North Dakota, with 73 per cent; for Wyoming, for which the report, with three precincts missing, indicates a registration of about 65 per cent of the estimate; for Nevada, with 71.6 per cent; and for South Dakota, with 72.1 per cent. In no other State was the registration less than 75 per cent of the estimate. On the other hand, 14 States—Arizona, Connecticut, Delaware, Illinois, Indiana, Iowa, Massachusetts, Michigan, Montana, New Hampshire, New Jersey, North Carolina, Ohio, and Wisconsin—exceeded their estimates, the greatest percentages of excess being those for Michigan, 29.4; Connecticut 29.3; Montana, 20.4; and Ohio, 14.4.

Estimates of population for the several States and the District of Columbia, for counties, and for cities of over 30,000 made by the Bureau of the Census of the Department of Commerce, July 1, 1917, in pursuance of and for the purpose mentioned in section 2 of an act of Congress "To authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917.

[The estimates for cities of 30,000 and over are excluded from those for the counties in which such cities are located.]

PREFACE.

The estimates of population contained herein relate to cities which, according to the official estimates of population made by the Bureau of the Census prior to the registration of June 5, 1917, had more than 30,000 inhabitants, and to counties or portions of counties which lie outside of such cities (except in the cases of Massachusetts, Connecticut, and Rhode Island, for which States the estimates are made by "divisions," each of which consists of a number of towns)—that is to say, the figures given for any county or division are exclusive of the population of any city or cities having more than 30,000 inhabitants which are situated in that county or division. The name of each city is indented under that of the county in which it is located.

These estimates have been made by the Bureau of the Census, at the request of the Provost Marshal General of the War Department, solely for use as a basis for the apportionment of the forthcoming draft. The method employed may be described briefly as follows:

The total registration as shown by the preliminary telegraphic returns, 9,659,382, was divided by the total population of Continental United States exclusive of Alaska, as heretofore estimated by the Census Bureau, 103,635,300, in order to obtain the proportion which the registrants represented of the total population. The resulting figure, 9.32 per cent, was assumed to represent the proportion which the registrants in each geographical unit represented of the total population thereof. Since the State totals, as shown by the corrected returns received by mail, varied more or less from those given in the preliminary telegraphic returns, both the total registration for the United States and the total population estimated herein differ slightly from the figures above given.

The assumption that the proportion which the registrants in any county or city represent of its total population is the same throughout the United States may not be true, but the only way to ascertain the true proportion for each geographical unit would be to make an actual enumeration of its population. The proportion in 1910 varied considerably in different parts of the country, being greater as a rule in the newer than in the older sections and greater in cities than in rural localities. Because of the abnormal shiftings of population which have taken place among certain parts of the country in recent years, and particularly since the outbreak of the war gave so great an impetus to the manufacture of munitions and other commodities needed by the belligerents, the proportions which men 21 to 30 years of age, inclusive, represent of the total population of many localities have changed greatly since 1910. For this reason the assumption that the proportions existing in 1910 still prevail would result in very inaccurate estimates for some localities.

Since, therefore, it was impossible in any event to estimate precisely the population of cities, counties, and States on the basis of the registration, the simplest and speediest method—that based on the assumption that the proportion which the registrants represent of the total population is the same throughout the country—was adopted. One reason for the employment of this method was that the Census Bureau had only a very short time in which to prepare the estimates; but another, and still more cogent, reason was that in this manner there was obtained the fairest possible basis for the apportionment of the draft, since the localities whose population estimates may be exaggerated are those in which there is an excess of men 21 to 30 years of age, inclusive, while the ones whose population is understated are those in which the proportion of men of these ages is smaller than the average.

Although substantially complete telegraphic returns have been received for all States, the returns for a great many cities and counties, which should have reached the office of the Provost Marshal General by mail before this time, are still missing. Telegraphic requests were made for the totals for these missing counties and cities, but some of the replies were not received in time to make use of them in compiling these estimates. It was necessary, therefore, in the cases of most of the cities and counties for which the returns were still missing, to make the estimates on the assumption that the ratio between actual and estimated registration in these places was the same as that prevailing in localities comparable in size and, so far as was known, in other respects, for which returns had been received.

The names of cities and counties for which returns were received too late to be used in computing the estimates are indicated by footnotes.

The estimates for Alaska, Hawaii, and Porto Rico, in which the registration has not yet taken place, were made in the same manner in which the official estimates of population have been made by the Census Bureau heretofore, namely, on the assumption that the annual numerical increase in each geographical unit since 1910 has been the same as the average numerical increase between 1900 and 1910.

State or Territory.	Estimated population 1917.	Census population 1910.	Increase 1917 over 1910.	Decrease 1917 from 1910.
Alabama	1,946,536	2,138,093		191,557
Arizona	409,203	204,354	204,849	
Arkansas	1,594,835	1,574,449	20,386	
California	3,189,998	2,377,549	812,449	
Colorado	895,336	799,024	96,312	
Connecticut	1,719,623	1,114,756	604,867	
Delaware	224,710	202,322	32,388	
District of Columbia	346,856	331,069	15,787	
Florida	925,641	752,619	173,022	
Georgia	2,486,544	2,609,121		122,577
Idaho	441,684	325,594	116,090	
Illinois	7,227,952	5,638,591	1,589,361	
Indiana	2,738,893	2,700,876	38,017	
Iowa	2,327,079	2,224,771	102,308	
Kansas	1,626,226	1,690,949		64,723
Kentucky	2,024,353	2,289,905		265,552
Louisiana	1,688,862	1,656,388	32,474	
Maine	646,588	742,371		95,783
Maryland	1,292,991	1,295,346		3,255
Massachusetts	3,939,561	3,366,416	573,145	
Michigan	4,015,053	2,810,173	1,204,880	
Minnesota	2,377,938	2,075,708	302,230	
Mississippi	1,501,345	1,797,114		295,769
Missouri	3,240,679	3,293,335		52,656
Montana	952,478	376,053	576,425	
Nebraska	1,270,301	1,192,214	78,087	
Nevada	131,232	81,875	49,357	
New Hampshire	403,884	430,572		26,688
New Jersey	2,255,407	2,537,167	718,240	
New Mexico	352,392	327,301	25,091	
New York	11,187,798	9,113,614	2,074,184	
North Carolina	2,146,266	2,206,287		60,021
North Dakota	706,992	577,056	129,936	
Ohio	6,074,771	4,767,121	1,307,650	
Oklahoma	1,822,470	1,657,155	165,315	
Oregon	675,092	672,765	2,327	
Pennsylvania	8,981,082	7,665,111	1,315,971	
Rhode Island	573,583	542,610	30,973	
South Carolina	1,384,203	1,515,400		131,197
South Dakota	626,359	583,888	42,471	
Tennessee	2,024,893	2,184,789		159,896
Texas	4,397,097	3,896,542	500,555	
Utah	451,932	373,351	78,581	
Vermont	296,426	355,956		59,530
Virginia	1,951,521	2,061,612		110,091
Washington	1,166,855	1,141,990	24,865	
West Virginia	1,356,907	1,221,119	135,788	
Wisconsin	2,576,931	2,333,860	243,071	
Wyoming	245,226	145,965	99,261	
Total for continental United States	103,849,684	91,972,266		
Alaska	64,912			
Hawaii	219,580			
Porto Rico	1,231,880			
Total for outlying Territories	1,516,372			

APPENDIX D.

PROVISIONS IN TREATIES ENTERED INTO BY THE UNITED STATES WITH OTHER COUNTRIES RELATING TO RIGHT OF EITHER COUNTRY TO EXACT COMPULSORY MILITARY SERVICE OF CITIZENS OF THE OTHER COUNTRY RESIDING THEREIN.

Article 10 of the treaty between the United States and the Argentine Confederation (1853) provides in part as follows: "The citizens of the United States residing in the Argentine Confederation and the citizens of the Argentine Confederation residing in the United States shall be exempted from all compulsory military service whatsoever, whether by sea or by land."

The treaty between the United States and the Independent State of the Congo (1891), article 3: "The citizens and inhabitants of each of the high contracting parties shall be exempt in the territories of the other from all personal service in the Army, Navy, or militia, and from all pecuniary contributions in lieu of such."

The treaty between the United States and the Republic of Costa Rica (1851), article 9, provides: "The citizens of the United States residing in the Republic of Costa Rica and the citizens of the Republic of Costa Rica residing in the United States shall be exempted from all compulsory military service whatsoever, either by sea or by land, and from all forced loans or military exactions or requisitions."

The treaty between the United States and the Dominican Republic (1871) terminated January 13, 1898, on notice from the Dominican Government, article 2, provides: "The citizens of each of the high contracting parties residing or established in the territory of the other shall be exempt from all compulsory military service by sea or by land, and from all forced loans or military exactions or requisitions."

The treaty between the United States and France (1788), abrogated by act of Congress of July 7, 1798, article 14, provides: "The subjects of the Most Christian King and the citizens of the United States who shall prove by legal evidence that they are of the said nations, respectively, shall in consequence enjoy an exemption from all personal service in the place of their settlement."

The treaty between the United States and the Republic of Haiti (1864), denounced by Haiti to take effect May 7, 1905, article 5, provides: "The citizens of each of the high contracting parties residing or established in the territory of the other shall be exempt from all compulsory military duty by sea or by land, and from all forced loans or military exactions or requisitions."

The treaty between the United States and the Republic of Honduras (1864), article 9, provides: "The citizens of the United States residing in the Republic of Honduras and the citizens of the Republic of Honduras residing in the United States shall be exempted from all compulsory military service whatsoever, either by sea or by land, and from all forced loans or military exactions or requisitions."

The treaty between the United States and His Majesty the King of Italy (1871), article 3, provides in part: "The citizens of each of the high contracting parties shall * * * be exempt in their respective territories from compulsory military service, either on land or sea, in the regular forces, or in the national guard, or in the militia."

The treaty between the United States of America and the Emperor of Japan (1894)—superseded by the treaty of 1911, infra—article 1, provides: "The citizens or subjects of either of the contracting

parties residing in the territories of the other shall be exempt from all compulsory military service whatsoever, whether in the army, navy, national guard, or militia; from all contributions imposed in lieu of personal service; and from all forced loans or military exactions or contributions."

The treaty between the United States and the Emperor of Japan (1911), article 1, provides: "The citizens or subjects of each of the high contracting parties shall * * * be exempt in the territories of the other from compulsory military service either on land or sea, in the regular forces, or in the national guard, or in the militia; from all contributions imposed in lieu of personal service; and from all forced loans or military exactions or contributions."

The treaty between the United States and the United Mexican States (1831)—terminated in 1881 by virtue of notice given by Mexico—article 9, provides: "The citizens of both countries, respectively, shall be exempt from compulsory service in the Army or Navy."

The treaty between the United States and Paraguay (1859), article 11, provides: "The citizens of the United States of America residing in the territories of the Republic of Paraguay, and the citizens of the Republic of Paraguay residing in the United States of America, shall be exempted from all compulsory military service whatsoever, whether by sea or land, and from all forced loans or military exactions or requisitions."

The treaty between the United States and Serbia (1881), article 4, provides: "Citizens of the United States in Serbia and Serbian subjects in the United States shall be reciprocally exempted from all personal service, whether in the army by land or by sea; whether in the national guard or militia; from billeting; from all contributions, whether pecuniary or in kind, destined as a compensation for personal service; from all forced loans, and from all military exactions or requisitions."

The treaty between the United States and Spain (1902), article 5, provides: "The citizens or subjects of each of the high contracting parties shall be exempt in the territories of the other from all compulsory military service, by land or sea, and from all pecuniary contributions in lieu of such, as well as from all obligatory official functions whatsoever."

The treaty between the United States and Tonga (1886), article 9, provides: All citizens of the United States residing in the Tonga Islands, and Tongan subjects residing in the United States, shall be exempted from all compulsory military service whether by sea or land, and from all forced loans, military requisitions, and quartering of troops."

The treaty between the United States and the two Sicilies—rendered obsolete by the consolidation of the two Sicilies with the Kingdom of Italy in 1861—article 5, provides: "The citizens or subjects of one of the high contracting parties, travelling or residing in the territories of the other, shall be free from all military service, whether by land or sea, from all billeting of soldiers in their houses, from every extraordinary contribution, not general and by law established, and from all forced loans."

The treaty between the United States and Venezuela (1860)—terminated in 1870 pursuant to notice from Venezuela—article 2, provides: "The citizens of each of the high contracting parties, residing or established in the territory of the other, shall be exempt from all compulsory military service by sea or by land, and from all forced loans or military exactions or requisitions."

It will thus be seen that in at least 17 treaties entered into between the United States and foreign governments the policy of mutual exemption from compulsory military service of the citizens or subjects of one of the contracting parties, residing in the territories of the other, has been established. At least 10 of these treaties are still in full force and effect.

The following treaties between the United States and other countries contain a "most-favored-nation" clause which would probably be deemed to include a similar exemption from compulsory military service even if not otherwise existing by treaty or by international law:

Algiers, 1816, article 12.
China, 1858, article 30.
Korea, 1882, article 14.
Hanseatic Republic, 1827, article 9.
Japan, 1854, article 9.
Morocco, 1880, article 17.
Persia, 1856, article 3.
Samoan Islands, 1878, article 6.
Spain, 1902, article 2.
Tonga, 1886, article 3.
Japan, 1911, article 4.

NOTE.—Several of the above treaties have been abrogated or been rendered obsolete; and several of the "most-favored-nation" clauses are, in this particular connection, rendered unnecessary by inclusion in the same treaty of a specific exemption against the imposition of compulsory military service by either country upon the citizens or subjects of the other.

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APPENDIX E.

MAY THE UNITED STATES, EVEN WHEN TREATY STIPULATIONS DO NOT PREVENT, EXACT COMPULSORY MILITARY SERVICE OF ALIENS?

Under this head, for the purposes of this phase of the discussion, I define "alien" to mean a citizen of some country other than the United States who has not in the United States declared his intention to become a citizen thereof. I shall later consider the availability for compulsory military service of an alien who has so declared his intention to become a citizen of the United States.

The precedents of this and other countries show some confusion as to the right of a nation to exact military service of the citizen of another who is domiciled or temporarily residing within its territories.

I shall first set forth some of the precedents which deny the right; then those which assert, at least qualifiedly, the right; and finally attempt to indicate what seems to be the true rule.

In 1804 Mr Madison, then Secretary of State, wrote to Mr. Monroe, then our Minister to England: "Citizens or subjects of one country residing in another, though bound by their temporary allegiance to many common duties, can never be rightfully forced into military service * * *."

Naturally many cases involving the question arose during the Civil War. Secretary Seward had occasion to express himself a number of times. In 1862 he said: "I can hardly suppose that there exists anywhere in the world the erroneous belief that aliens are liable here to military duty." Later the same year he wrote to the governor of Indiana: "There is no principle more distinctly and clearly settled in the law of nations than the rule that resident aliens not naturalized are not liable to perform military service. We have uniformly claimed and insisted upon it in our intercourse with foreign nations." In 1864 he wrote to Mr. Stanton, Secretary of War: "In a case of alleged fraudulent enlistment of an alien his Government has an undoubted right and duty to ask for a prompt investigation and satisfactory answer; and if it appears that he was improperly enlisted and he has fallen in battle, his family ought to have some compensation." In Halleck's International Law it is stated: "In 1861, during the American Civil War, the British Government declared that if enforced enlistments of British subjects for the war were persisted in, the Government would be obliged to concert with other neutral powers for the protection of their respective subjects, but neither in the Northern or Southern States was the discharge of any British subject enlisted against his will refused on proper representation." (Vol. 2, p. 6.)

In 1874 Secretary Fish wrote: "We did not claim the right to impress aliens into our forces during the late Civil War, but it is understood that in one instance at least, in the case of a siege, we sought to justify such an impressment."

The United States has been very positive indeed in its action when Mexico has sought to impose military service upon citizens of the United States. The most notable cases, however, occurred in 1880, at the time when the treaty of 1831, forbidding compulsory military service, was still in force. The American authorities, however, appear to have put their protest upon grounds of international law as well as upon treaty obligations. The American minister to Mexico was instructed that there was "scarcely any act of which a nation should be less tolerant than that of a neighboring power forcibly impressing its citizens into their military service, perhaps to be obliged, at some future time, to fight against their own flag." Mr. Evarts later in the same year wrote that whenever protest was made by Mexico during our Civil War, it was the practice of the State Department to bring the subject at once to the attention of the Secretary of War, and that "no single instance is met with in which the Mexican citizen's claim to exemption from military service in the armies of the United States was not promptly recognized and respected by this Government." The following year Mr. Blaine, then Secretary of State, wrote: "It is notorious that the impressment of American seamen into the naval service of a foreign power was at one time a serious grievance, not to be acquiesced in, and raised a question upon which all parties in this country were unanimous in regarding as one of international character. Public sentiment here in regard to that subject was borne in mind during the late Civil War. The number of persons of foreign birth, especially in the large cities, led to the accidental or involuntary enrollment of unnaturalized aliens in the military or naval service. These, however, as is shown by the large space in the records of the department at the time, were at once discharged upon complaint made and in the absence of proof of their naturalization. It is hoped, therefore, that in considering this subject the Mexican Government will not only have due regard to the unlawfulness of the impressment, but to the universal and strong sentiment upon the subject which pervades this country."

In 1888 Mr. Bayard summed up the situation thus: "It is well settled by international law that foreigners temporarily resident in a country can not be compelled to enter into its permanent military service. It is true that in times of social disturbance or of invasion their services in police or home guards may be exacted, and that they may be required to take up arms to help in the defense of their place of residence against the invasion of savages, pirates, etc., as a means of warding off some great public calamity by which all would suffer indiscriminately. The test in each case, as to whether a foreigner can properly be enrolled against his will, is that of necessity. Unless social order and immunity from attack by uncivilized tribes can not be secured except through the enrollment of such a force, a nation has no right to call upon foreigners for assistance against their will."

So much for the cases in which the propriety of exacting military service has been negatived. Let me now cite a few cases where the right, at least, whatever the considerations of comity and reciprocity, was maintained. Secretary Seward, in 1868, wrote: "This Government is not disposed to draw in question the right of a nation in a case of extreme necessity to enroll in the military forces all persons within its territories, whether citizens or domiciled foreigners."

The following year Secretary Fish wrote: "This Government, though waiving the exercise of the right to require military service from all residents, has never surrendered that right, and can not object if other governments insist upon it." And again in 1871 Secretary Fish wrote: "I must decline to enter into the question to what extent and under what circumstances do our citizens, native or naturalized (in the absence of treaty stipulations), owe military service to a foreign government in whose dominions they are domiciled for commercial or other purposes. They certainly do not stand on the same footing as mere travelers or temporary sojourners."

Assistant Secretary Davis in 1873 wrote: "There is no treaty stipulation between the United States and Great Britain which exempts the citizens or subjects of either party from military duty in the forces of the other, either in peace or war. Consequently we can not claim such exemption as a matter of right. As a matter of comity and reciprocity, however, we certainly can claim them."

Although it will be observed that there is some conflict of opinion indicated in the above extracts (oftentimes doubtless to be partially or wholly explained by the nature of the correspondence or the addressee of the letter), the general rule would seem to be that in the absence of treaty stipulation a country has the right to impress for military service those within its territory, even though citizens of another power. But this right is on grounds of comity and reciprocity to be exercised sparingly, because almost certain to be followed by urgent representations by the government of the citizen concerned. Only in case of urgent necessity and for service coterminous in time and nature with the necessity will enforced military service willingly be tolerated without protest by the other government. The right, then, exists, but its exercise is so fraught with difficulty that without the express and explicit consent of the other government concerned it is doubtful if this exercise would often be wise.

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APPENDIX F.

MAY THE UNITED STATES, EVEN WHEN TREATY STIPULATIONS DO NOT PREVENT, EXACT COMPULSORY MILITARY SERVICE OF ALIENS WHO HAVE DECLARED THEIR INTENTION TO BECOME CITIZENS OF THE UNITED STATES?

Revised Statutes of the United States, section 2165, provides in part as follows: "An alien * * * shall declare on oath * * * two years at least prior to his admission that it is bona fide his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, State, or sovereignty, * * *."

It will be observed from the language of the above statute that a declarant for citizenship neither takes a present oath of allegiance to the United States nor disclaims allegiance to the country of his origin. It would seem natural to expect, therefore, that the authorities would regard his citizenship status as absolutely unaffected and would settle the question of his liability to compulsory service exactly as if he had never taken even the first step toward becoming a citizen of the United States.

Mr. Seward wrote to the governor of Indiana in 1862: "The law of Great Britain holds that a native British subject owes allegiance to the British Government until he has completely effected his naturalization in the United States under the laws of Congress. * * * From the foundation of the Government the Department (of State) had refused to grant passports as citizens to aliens who had merely filed the preliminary declaration of intention and who had not effected their naturalization under the United States laws, and had informally recognized the passports granted to them by the proper authorities of the governments of which they had been born subjects."

In 1863 Mr. Seward stated the rule as follows: "No alien-born person is liable to render military service unless either he has been naturalized on his own application or has made a voluntary declaration, on oath, of his intention to become a citizen by naturalization according to law, or has claimed and actually exercised the political right of voting as a citizen of the United States."

While this language does not expressly state that a declarant is liable to render compulsory military service, it evidently squints in this direction. Doubtless Mr. Seward, in writing it, had in mind the language of the act of Congress of March 3, 1863—the conscription act—which expressly declared that the levy should include "all persons of foreign birth who shall have declared, on oath, their intentions to become citizens."

In 1863 certain able-bodied male persons of foreign birth, who had declared, on oath, their intentions to become American citizens, were called upon for military duty by the United States. The British Government suggested that British subjects who had merely declared their intention to become American citizens but had not exercised any political franchise in consequence of such declaration ought to be allowed a reasonable period after the passing of the act to exercise the option of leaving the United States or of continuing residing therein with the annexed conditions. The United States Government thereupon allowed 65 days to such persons to exercise their option, and the British Government refused to interfere on behalf of any intended citizens who had not availed themselves of the opportunity. (Parliamentary Papers, 1863, No. 337.)

By the act of March 3, 1863, aliens who had made a declaration of intention and who were under specified conditions liable to military duty were permitted to obtain passports, but this privilege was repealed in 1866. Switzerland objected to President Lincoln's proclamation concerning the liability of Swiss in the United States to perform military service. Mr. Seward suggested that a just interpretation of the war measures of Congress constituted a new and additional law of Federal naturalization. "But," he adds, "it was foreseen that some emigrants who had declared their intention might complain of surprise if they were immediately subjected to conscription. To guard against this surprise the proclamation was issued, giving them ample notice of the change of the law, with the alternative of removal from this country if they should prefer removal to remaining here on the footing on which Congress had brought them. Surely no foreigner has a right to be naturalized and remain here in a time of public danger and enjoy the protection of the Government without submitting to general requirements needful for his own security."

In Moore's Digest of International Law, volume 3, pages 336 to 353, will be found the precedents conclusively establishing that the declaration of intention to become a citizen neither confers citizenship in the United States nor divests citizenship in the country of origin.

It will be seen from this review of the authorities that the status of a declarant for citizenship is legally in no way different from that of an alien who has not made declaration. But it is natural that the country of origin should feel somewhat less interested and concerned in behalf of the former than of the latter. He has shown his wish to throw off his old allegiance, and there is no very evident reason why the mother country should go out of her way to protect him. As we have seen, there is a right, aside from treaty stipulations, to impress any alien into the military service of the country where he has gone to reside. This right is controlled by considerations of comity. But in the case of a declarant the considerations of comity are, for the reasons just indicated, much weaker. Therefore it follows naturally that military service is more likely to be successfully exacted of an alien who has declared his intention to become a citizen than of an alien who has not so declared. Great Britain in the precedent cited above doubtless did her full duty in securing for her citizens, declarants for American citizenship, a period of 65 days within which to leave the United States on pain of being subjected to military service if they remained. It is doubtful if any country would do more to-day; many might do less.

The recently enacted selective-draft law (an "act of Congress to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, sec. 2) follows the selective-draft law of the Civil War by including in the liability to military service "male persons not alien enemies who have declared their intention to become citizens." No good reason is perceived why at least a contingent liability—conditioned, perhaps, upon their preferring to remain in this country after opportunity to leave has been afforded them—should not be exacted of these declarants.

Of course, it should be understood that this suggestion is predicated upon the absence of any treaty stipulation, effective and unwaived, standing in the way.

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APPENDIX G.

Joint resolution (H. J. Res. 115) requesting the Secretary of State to open diplomatic negotiations with certain Governments with a view to obtaining their approval and sanction for action by the United States permitting the inclusion in the armed forces of the United States of such citizens of the countries of such Governments as are within the United States.

Whereas by section 2 of the act of Congress approved May 18, 1917, and entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," it is provided that the draft "shall be based upon liability to military service of all male citizens, or male persons not alien enemies, who have declared their intention to become citizens, between the ages of 21 and 30 years, both inclusive"; and

Whereas the effect of this provision will be to exempt from military service all aliens except those who, not being alien enemies, have declared their intention to become citizens of the United States; and

Whereas under the principles of international law, the treaties of the United States, and the rules and precedents established for many years by the Department of State of the United States the right of the United States to require military service of the nationals of other nations, whether or not declarants for United States citizenship, may be questioned by those nations; and

Whereas it is reported that the President, in order to avoid the raising of any question by other nations, will, notwithstanding the provisions of said act of May 18, 1917, cause to be exempted from military service under said act those aliens also who have declared their intention to become citizens; and

Whereas in a report to the Senate of the United States, dated June 22, 1917, the Secretary of War has stated that the registration prescribed by said act of May 18, 1917, discloses that 1,239,179 persons who have not declared their intention to become citizens of the United States, and who are not citizens of a country with which the United States is at war, so registered on June 5, 1917, which number is over one-eighth of all who registered; and

Whereas a large number of persons who, not being citizens of the United States, have declared their intention to become citizens, also registered on June 5, 1917; and

Whereas under the law and under the reported decision of the President no person of the 1,239,179 and no one of the large number of declarants for citizenship will be held to military service, although all of them have, in many cases for many years, enjoyed the privileges and protection of citizens of the United States; and

Whereas a large number of these persons are citizens of countries at war with a country with which the United States is at war; and

Whereas because of their present residence such persons are enabled to avoid military service against the enemy of the United States for which they would otherwise be liable or available; and

Whereas it is repugnant to justice and equity that such persons should be wholly exempted from military service while citizens of the United States are held to military service: Therefore be it

Resolved, etc., That the Secretary of State be, and he is hereby, requested to open diplomatic negotiations with the Governments of the several countries at war with a country with which the United States is at war with a view to obtaining their approval and sanction for action by the United States looking to the imposition upon such citizens of those countries as are within the United States of the liability to and performance of military service in the armed forces of the United States during the continuance of the present war between the United States and Germany, and to report to the Congress of the United States as soon as practicable the result of such negotiations.

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APPENDIX H.

I append resolutions dated July 10, 1917, signed by Mr. E. W. Dunbar, chairman of the committee on public safety of Hudson, Mass., which read as follows:

"The committee on public safety for the town of Hudson have adopted the following resolutions, which are meant to convey to you the general feeling of the citizens of this town:

"Whereas a certain class of aliens have forced our citizens to believe that they are planning to profit at the expense of our young men when the latter have been drawn away from their positions to military duty; and

"Whereas all aliens who have received in the past the benefits of this free Government of ours ought now to expect to do their part in the maintenance and preservation of those democratic principles upon which our Government is founded and for which the present world war is being waged; and

"Whereas under existing laws or conditions these same aliens are not required to make the sacrifices demanded of the young men of the United States: Be it therefore

"Resolved, That we the undersigned citizens of the town of Hudson, respectfully ask you, our Representative in Congress, to urge the passage of such laws as may in your judgment be necessary to remedy the injustice described above."

Also, a letter recently published from Mayor Hurley of Lawrence, which deals with the general question which I have been considering:

"DEAR SIR: The citizens of Lawrence are quite generally convinced that the expressed intention to make population the basis for the proposed draft of young men for military service will be a great injustice to Lawrence. The exclusion of aliens from the draft will inevitably cause Lawrence to furnish a larger quota in proportion to population than almost any city or town in the country. As you know, the proportion of aliens in this city is very high, and it is especially true of young men between the ages of 21 and 31, because between these ages a man is most likely to emigrate

"It seems to me that the young men of Lawrence, although as patriotic as any, and willing to bear their share of the burdens, should not be called on to bear more than their just share. I sincerely hope you will enter a protest to the President and his advisers and try to have some method which will be more equitable for cities having a large foreign population.

"I might suggest that if the basis used was citizenship or citizens and declarants, it would be a fairer system for Lawrence. If it is possible to accomplish anything in this matter, I am sure the people of Lawrence will gratefully appreciate it.

"Very sincerely, yours,

"JOHN J. HURLEY."

And finally an extract from a letter which I have within a day or two received from a constituent:

"I am taking the liberty of writing as I thought you might be interested to know the views of some of your constituents in regard to the present situation. I hear many favorable comments on the bill which you introduced to allow the conscription of the citizens of our allies who are living here and are not eligible for the United States draft.

"Many of the young men who are subject to draft have expressed the opinion that it was unfair to them to allow all these other men to enjoy the advantages of this country without being eligible for service either in this or their own country, and I feel sure that it will create a much better feeling among the men eligible for draft if some such bill is passed. It has been a frequent occurrence in this section for so-called foreigners to comfort the young men about to be drafted, or are at present serving in the militia or other military service, with remarks like that passed by a foreigner to a young militiaman I know.

and this is typical of many such cases. He greeted him as follows: 'Hello, John! You go fight? That's good! By'n by I get your good job, go to your house, do anything I want.'"

The SPEAKER pro tempore. Under the order heretofore made the gentleman from Illinois [Mr. MADDEN] is recognized for 30 minutes. [Applause.]

Mr. MADDEN. Mr. Speaker, I do not know whether anybody here will be interested in what I am about to say. I have not decided exactly what I shall say, but I want to call the attention of the Democrats to the fact that when they came into power they promised a lower cost of living, and I think they will be willing now to agree that they have not produced the results which they promised; at any rate the people of the United States have long since learned that promises made by Democrats do not amount to much. I happened a few days ago to be favored with the receipt of a bill of fare, the menu card, of the Savoy Hotel, London, dated May 13, and on that bill of fare is printed a statement dated the 15th of April, 1917, that the number of courses allowed to be served at a meal are no longer to be limited. That gives evidence that there is no very great shortage of food in London. After reading over the bill of fare it occurred to me that it might be worth while to compare the cost of food served in the Savoy Hotel with the cost of food served in the Willard Hotel in this city, and, by the way, it may be stated for the information of the House, that the Savoy Hotel is one of the best hotels in the world. Its standard is at least as high as the Willard, and some say much higher. I looked over the menu and the prices of the Savoy with a view to comparing them with the Willard, and I find that it is not easy to compare the two because the bills of fare are not exactly alike, but there are several things on each bill of fare that are alike and I have tried to make a typical list of things as nearly alike as possible with the prices attached. For example, at the Willard Hotel they charge 90 cents for a lobster cocktail. Well, that is 3 cents worth of lobster and a little vinegar and some other sauces mixed to give the flavor. Then for cherrystone clams they charge 50 cents. I do not know, but I do not suppose the number of clams in the 50-cent order would cost them more than 1 cent. Then they charge 30 cents for olives. Well, I do not know how many olives they serve for 30 cents, but probably not to exceed three or four, and they certainly could not cost more than 3 or 4 cents.

Celery at the Willard costs 50 cents; celery at the Savoy costs 12 cents. At the Willard chicken broth is sold at 35 cents per portion; bread and butter is 15 cents; coffee, 25 cents; and tea 35 cents; Potomac bass is sold at 50 cents and sirloin steak at from $1.50 to $4.50.

Now, there is half a broiled duckling. Everybody knows that a duckling does not furnish any very great amount of food for a full-sized man. They charge $1.75 for that. Well, you can buy these ducklings, I suppose, for about 21 cents apiece—not to exceed 50 cents apiece at the outside. I would not think you would have to pay over 25 cents. So if you pay $1.75 for half a duckling, they would be getting at the rate of $3.50 for a thing for which they paid 25 cents. Of course, there is some expense attached to cooking and serving it.

Then they have a list of vegetables at the Willard. Lima beans are on the list. They charge you 60 cents for a service of lima beans—I suppose about three spoonsful, costing less than half a cent. French peas are 40 cents. I do not know what the duty is on them, but I suppose they come in on the free list under Democratic rule.

Cauliflower—one of these educated cabbages—is charged for at 50 cents a service. I would not give much for cauliflower myself. Perhaps other people would. But, at any rate, the 50 cents you pay for it at the Willard is paid for what would not cost them over a cent—at most not over 2 cents.

Mushrooms, 65 cents—for grilled mushrooms. They charge you 30 cents for potatoes. I do not know what they are selling for just now, but I think at about 65 cents a bushel on the market. Of course, last year they were selling at a high price, at about 80 cents apiece, as somebody from Maine or New Hampshire told me, and they raised about 80 to the acre, which would cause them to bring $64 an acre. It was not a bad crop at that.

Mr. AUSTIN. What Washington hotel would the gentleman commend or recommend?

Mr. MADDEN. I am not commending anything now. I am telling facts.

They have a crab salad, and they charge you a dollar down there for it; for chicken salad, another dollar; and lobster salad a dollar; and grapefruit salad, 50 cents. I do not know exactly what grapefruit costs this year, but my opinion is it is worth about 6 cents apiece. And if you get half a grape fruit put into a salad it costs you 50 cents.

And then they have dessert. They charge for French or German pancakes 50 cents. Now, everybody knows that the amount of flour that goes into a German pancake, or even a French pancake, would not cost over 3 or 4 cents. And it seems to me that 50 cents is an extraordinary price to pay. Then, there is strawberry shortcake at 50 cents. I do not know how many strawberries there are in it. Generally about half a dozen strawberries are found in a shortcake, and a little whipped cream, a little lightened flour mixed with baking powder, so that it will be swelled up a little, more or less, to make it appear large for the money. Then, they have fruits at the Willard. They charge you 50 cents for peaches. They give you two peaches to an order, and two peaches at the present rates on the market would be worth 5 cents.

Then, they have half a cantaloupe at 50 cents. You can buy cantaloupe at 6 cents now, not to exceed 8 cents. Blackberries, 50 cents—about four tablespoonfuls of blackberries.

Mr. AUSTIN. Has the gentleman had any trouble with the Willard people? [Laughter.]

Mr. MADDEN. No; no trouble. I do not go to the Willard. I can not afford to. I thought it was only fair to state the difference between the cost of living here and the cost abroad, where we send the food. We send it abroad. I am going to read the other side after I get through with this. Blackberries, 50 cents; cherries, 50 cents; and "grapefruit supreme," 75 cents. That is half a grapefruit with the meat within the shell cut out so that you will not have to waste your time or your energy to pick it out. Now, it seems to me that is an exorbitant price to pay.

Now, let me call your attention to the situation at the Savoy in London.

Mr. McKENZIE. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. McKENZIE. On that last character of grapefruit, "the supreme," do they not have a red cherry on top of that? [Laughter.]

Mr. MADDEN. They do have something of that sort. [Laughter.] I suppose to lead the man who is in the habit of taking liquor with his meals to think he is getting a cocktail with a cherry in it.

Mr. AUSTIN. I think the gentleman was manifestly unfair not to mention the cherry proposition.

Mr. MADDEN. Really I did not know enough about the situation until my colleague called attention to it. He is an expert. [Laughter.]

Mr. HARDY. Not only that, but it suggests the gentleman has dined at the Willard. Most of us have not.

Mr. MADDEN. I fortunately had an invitation to the Willard from a friend of mine, who has more money than good judgment. There was another gentleman guest besides myself present. I do not know how much it cost for the dinner, but I saw the man who paid for it reach into his pocket and pull out first one roll of bills and then another, and then counting them out he had it stacked that high [indicating] when he handed them over to the waiter. I do not know what denominations they were.

Mr. CALDWELL. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. CALDWELL. Was the gentleman very hungry before he sat down?

Mr. MADDEN. No; I was not. We had but a very small dinner, served in three small courses. The first was frozen soup. It was not necessary to freeze it for me. I was chilly enough, anyhow. Next we had half a chicken; no potatoes. Then, I think, we had half a cantaloupe. But the number of bills that were paid to the waiter to settle the account was quite large. I do not know what the denominations of the bills were, of course, but it seemed to me the price was excessive, whatever the denominations of the bills.

Now, I notice that at the Savoy Hotel, in London, they serve a table d'hôte dinner, and that table d'hôte dinner costs 6s. and 6d. That is $1.62. You could not buy that dinner at the Willard Hotel for less than $5.

Here is a bill of fare for the table d'hôte at the Savoy: Cream soup; supreme of sole. Supreme of sole, of course, consists of the important meat in the fish, with all the bones taken out; nothing but the best part of the fish. Then comes chicken, after the sole, and artichoke, and bread and butter, and cheese, and coffee, all for $1.62.

We send most of this food over to London, and the London hotels are paying war taxes. Our hotels have not begun to pay war taxes yet. I do not know what their charges will be when they commence to pay war taxes, but I suppose they are getting the money now in advance, so that they will be able to pay the taxes when they are levied. [Laughter.]

Over there soup costs 24 cents. At the Willard it costs 35. That is not very much of a difference. Over there they charge 12 cents for celery, and here they charge 50 cents. I do not know whether we send the celery over there or not. I am inclined to think we do. I do not think they raise celery in England. They have to get it from some other place. Then I find that a small steak at the Savoy Hotel costs 36 cents. At the Willard it costs $1.50—quite a difference. We send the meat from Chicago over to the Savoy Hotel, and we send the meat from Chicago to the Willard Hotel. The people over there pay the same price for their meat to the Chicago packers as these people pay here, surely. They ought to pay more, but they sell for less. Then they have fish.

Mr. MEEKER. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. MEEKER. Does not the Savoy Hotel have the advantage of water rates in transportation?

Mr. MADDEN. We send the stuff from Chicago. You have got to send it first by land and then by water before it gets to the Savoy.

Mr. HOWARD. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. HOWARD. Is not a comparison of the prices between the Willard and the Savoy a little unfair, because about 65 per cent of what the Willard charges is for the style of the hotel?

Mr. MADDEN. Oh, no. The Savoy is much more aristocratic than the Willard, if you gentlemen knew it.

Mr. HOWARD. I did not know that. But I know something about the Willard.

Mr. MADDEN. Well, they have style at the Savoy, all right. I am sorry the gentleman got stung at the Willard.

Mr. HOWARD. I only went there once. [Laughter.]

Mr. MEEKER. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. MEEKER. How could the Savoy be more stylish than the Willard?

Mr. MADDEN. Well, the gentleman from Missouri never looks at anything but "Peacock Alley" when he goes to the Willard. I am talking about the dining room, not about "Peacock Alley." [Laughter.] Of course what they have in "Peacock Alley" is largely in full-dress uniform, and that consists of a large amount of paint and a small amount of clothes. [Laughter.]

Now we have vegetables. Over at the Savoy Hotel the first thing on the list is cauliflower. That costs 36 cents there, and here it costs 50 cents. There is not very much difference. They are both educated cabbage. Then over there they have kale, 36 cents. We have no kale on the Willard bill. At the Savoy they have mushrooms on toast, at 24 cents. Mushrooms at the Willard are 65 cents; quite a difference.

Mr. MEEKER. Is not that an error? Should it not be "mushroom," not "mushrooms"?

Mr. MADDEN. It is the same thing. [Laughter.]

Mr. MEEKER. It is only one mushroom.

Mr. MADDEN. No; they have more than one. Then over there they have cheese, per person, 12½ cents, and cheese here is 25 cents per person.

Mr. MEEKER. We have stronger cheese than they have. [Laughter.]

Mr. MADDEN. Over there they charge 12 cents per person for coffee, and here they charge 25 cents. Roast chicken at the Savoy for four persons costs 10 shillings. That would be 60 cents per person. Then they have roast chicken over there for six persons. They charge 12 shillings for that. That reduces the price for each individual to 48 cents when six dine together. If six persons dine together over here on roast chicken, if the bill is not $30 you will be very lucky. [Laughter.]

Now, it seems to me that while we are agitating the high cost of living it might be quite appropriate for those who are to be placed in charge of the regulation of this very important matter to look after the prices. I do not know how much truth there is in the statement I have heard, or whether there is any truth in it. I am not going to make the statement on my own responsibility or with any idea that it is true, but I shall state it for what it is worth. I was told that Mr. Hoover suggested a short time ago that he intended to try to get the hotels of the United States to reduce the size of their portions about one-half. Somebody suggested to him that he ought to reduce the price for each portion one-half, and he said in reply that he was not concerned about the price. But the people of the United States are. They are anxious not so much for the reduction of the portion as they are for the reduction of the price. If we are to have any conservation of food, or any regulation, it must not be confined to the quantity of food that is to be consumed by each individual, but it must include also the regulation of the price.

Mr. FOCHT. Mr. Speaker, will the gentleman yield right there?

Mr. MADDEN. Yes.

Mr. FOCHT. How are you going to regulate that without regulating the price of labor and the overhead cost of preparing that food and putting it before you?

Mr. MADDEN. Well, we will have to begin to live a simple life.

Mr. FOCHT. That does not answer the question.

Mr. MADDEN. How do they do it on the other side?

Mr. FOCHT. But that is not the point. You said nothing about the difference in the size of the portion, and nothing about what it costs at the Willard Hotel to put the food before you. That is just as important as the cost of the food.

Mr. MADDEN. You can not run a hotel in London much cheaper than you can in Washington.

Mr. FOCHT. Then what becomes of your argument about foreign labor and the protective tariff and high wages for American labor? [Laughter.]

Mr. MADDEN. That has nothing to do with the preparation of food in a hotel in London?

Mr. SIMS. Is it not a fact that the tips given to the table waiters practically pay their salaries?

Mr. MADDEN. Of course, that is in addition to what you pay for the food. The hotel does not pay that.

Mr. SIMS. The hotel does not pay the waiters. The patrons pay the waiters.

Mr. MADDEN. Every time you turn around in a hotel you have got to put your hand into your pocket to pay a waiter or somebody if you expect to get any service. I am not criticising the Willard Hotel any more than I am any other hotel. What I want to do is to call the attention of the people to the fact that there is a vast difference in the cost of food as supplied in the hotels in England and the hotels in America, and there ought to be something done to find out why England can afford to sell the food that we send there so much more cheaply than it is sold to us here.

Mr. FARR. Will the gentleman yield for a question?

Mr. MADDEN. Yes.

Mr. FARR. Is there any regulation of prices over there?

Mr. MADDEN. Yes.

Mr. FARR. Would not that account for it?

Mr. MADDEN. It does to some extent. It ought to.

Mr. FARR. I talked with a merchant, who told me that he had not paid any more than $5.50 a barrel for any barrel of flour that he had sold, but that in selling he had gone up with the market price, and had obtained as high as $17 a barrel for the flour he sold.

Mr. MADDEN. Surely.

Mr. FARR. Now, could that be done in England?

Mr. MADDEN. I think not. They compel the man to sell his first batch of flour at a price commensurate with the price he paid for the wheat he ground into the flour, and then when that batch of flour is gone, if he had to pay a higher price for his next lot of wheat, he could charge a corresponding price for the flour.

Mr. FARR. Does not that account in a measure for the difference in prices?

Mr. MADDEN. Yes; for here the millers have put the wheat purchased by them at a low price and the wheat purchased at a high price into the mill, charging for the flour made therefrom on the basis of the higher-priced wheat and pocketing enormous profits on the lower-priced wheat at the expense of the working people of the country.

Mr. FARR. Mr. Hoover is just as anxious to reduce the cost of living as he is to conserve food.

Mr. MADDEN. I hope he is. It seems that England does not think there is any shortage of food, because while a long time ago they placed a limit on the number of courses that could be served at a meal, they have lifted that limit, so that there is now no limit.

Mr. FESS, Mr. LAGUARDIA, and Mr. HULBERT rose.

The SPEAKER. To whom does the gentleman yield?

Mr. MADDEN. I yield first to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Regarding the suggestion of Mr. Hoover to reduce the size of the portion, if that should be carried out through all the industries, suppose the people of the country should save on the purchase of clothing and not buy anything more than would be necessary to get through this year, what effect would it have generally on the clothing business of the whole country?

Mr. MADDEN. That ought to make a surplus of clothing and reduce the price, in accordance with the law of supply and demand.

Mr. FESS. What effect would it have upon those who are in the business of making and selling clothes?

Mr. MADDEN. It would reduce the amount of their business and reduce the profits and might ruin the industry.

Mr. FESS. While I am in sympathy with much that has been said through the press, I have been wondering what would be the general effect on the ability of the country to carry on business and get ready to win the war if we should all obey specifically the suggestions that have been made recently about reducing the consumption of various articles.

Mr. MADDEN. What we ought to do is to live normally, not to live in such a way as to retard the progress of the country. We ought not to waste, and we ought not to try to be so saving that we will stop the wheels of progress.

Mr. FESS. I have wondered whether there are not a number of people in the country who have clothing in such amount that they would not necessarily have to buy a stitch for a year. What proportion of the population would that include, and what effect would it have upon the business of the country if we should stop buying?

Mr. MADDEN. It would put everybody in the clothing business, and a good many kindred businesses, into bankruptcy; but nobody is going to do that.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. MADDEN. I yield to the gentleman from New York.

Mr. LAGUARDIA. The gentleman, in giving the prices of food at a local hotel, made a statement of the cost of foodstuffs and it struck me that the prices he gave were remarkably low. I am sure that many people in New York will write me and ask me where the gentleman from Illinois does his marketing.

Mr. MADDEN. It is easy enough to find out the cost of these things. You can go through any wholesale place here or on the street and buy those things for less money than I have stated.

Mr. HULBERT. Will the gentleman yield?

Mr. MADDEN. I yield to the gentleman from New York.

Mr. HULBERT. I wanted to ask whether the gentleman had noticed that while they are able to sell foodstuffs in England cheaper than they are here, and while we have been attempting, so far as this House is concerned, to conserve the grain supply to ship to the other side, the British Government has very recently authorized an increase in the use of grain to the extent of 33⅓ per cent by way of increasing the output of beer?

Mr. MADDEN. Yes; I saw that in a paper the other day. Now I yield to the gentleman from Texas.

Mr. HARDY. In connection with the Willard bill of fare, it ought to be fair to say that in this country in fairly first-class hotels these prices do not prevail at all. For instance, at the Burlington you can get board, dinner and breakfast, for $35 per month; that is, 60 meals for $35, and those meals include just as good fare, although it may not be in such large quantities, as you get at the Willard.

Mr. MADDEN. I was comparing the Willard Hotel with the Savoy Hotel, because they are typical.

Mr. HARDY. The Willard Hotel, let me say to the gentleman, is made for high rollers who would not pay any less if they could. They hunt for a place where they can pay the most. I do not know that the sympathies of the country go out to the boarders at the Willard, or ought to. It is to these people that have to eat, people who have to feed at Childs's or somewhere else, who have to conserve their money, where the kale is the important thing and not the kale on the bill of fare. [Laughter.] For these people I think we ought to keep an eye out and see if we can not protect them.

Mr. MADDEN. The point I want to call the attention of the House to is a comparison between two typical hotels. You can not compare the charges of the Savoy with those at the Burlington, or the Savoy with another hotel similar to the Burlington because they are not in the same class. When we make a comparison it must be a hotel with a like hotel.

Mr. HARDY. Then you will have to go to New York to compare a hotel with the Willard.

Mr. MADDEN. I do not want to do any injustice to the Willard Hotel. I simply used that as an illustration. But I do think the administration ought to get busy if it intends to regulate the food supply and curtail the cost of living. The administration came into power on the direct promise that it would reduce the cost of living to the American people, and yet it has been going skyward everywhere throughout the country from the day the Democrats came into power.

Now, there is an opportunity for them to show at the end of five years of active service at the head of the Government that they have the ability, if they have the desire, to do the thing which carried them into power. The American people will hail the day when the present administration proves its ability to reduce the cost of living without reducing the standard of living. If they can do that and show why it is that we can afford to ship food products abroad and have them sold over there anywhere from 100 to 300 per cent less than they can be sold here, we will all hail the Democratic administration, in charge of the Nation as the savior of the American people. [Applause.]

The SPEAKER pro tempore (Mr. RANDALL). Under the order previously made the gentleman from Alabama [Mr. HEFLIN] has 20 minutes.

Mr. HEFLIN. Mr. Speaker and gentlemen of the House, I want to say something this morning about the cotton industry of the United States. I have given 12 years of close study to this great question, and I trust that I may be pardoned for saying that I know something about the cotton industry in all its forms and phases. The cotton crop of the United States last year was 5,000,000 bales short of the crop of 1914, and our cotton mills consumed last year 2,000,000 bales more than they did during the year 1914. In 1914 we consumed only one-third of the cotton crop produced in this country, and in 1916 our cotton mills consumed nearly two-thirds of the American crop. Cotton production in the United States has been on the decrease for two years, while cotton consumption has been tremendously on the increase. This year's crop will be the smallest in three years, and our cotton mills will consume a million more bales than they did last year. The world consumed more cotton last year than the world produced, and to-day the consumptive demand is much greater than the supply. The world demand for cotton within the next 12 months will be between 5,000,000 and 6,000,000 bales greater than the world's crop this year.

Mr. Speaker, in order to produce food supplies for the allied armies cotton acreage has been reduced in India, Egypt, and Russia, and a very small crop at best will be produced this year in the Old World. In the United States the cotton farmers have greatly reduced their acreage for three reasons: First, in order to produce as much as possible of their own food supplies; and, second, because of the President's appeal to them to produce food products; and the third and very necessary reason for cutting down the cotton acreage was the presence of the boll weevil in nearly three-fourths of the cotton-producing area. So we are bound to have a small cotton crop here. In order that you may understand how dangerous and destructive the boll weevil is I will tell you of his ravages in one county in my district. Prior to his much-deplored and unwelcome presence in Lowndes County the farmers there produced 43,000 bales of cotton in one year, but after the boll weevil opened up his campaign in all parts of the county cotton production fell off until the yield in one year was only 3,000 bales. Now, I want to show you gentlemen who think that the cotton producer is getting rich on 25-cent cotton that such is not the case. When the farmers of Lowndes County produced 43,000 bales and received 13 cents a pound and $65 a bale, they received in all $2,795,000, and when the crop was 3,000 bales and the price 25 cents a pound the farmers of that county received $375,000. So you see in spite of the price of 25 cents a pound the farmers of that county lacked $2,420,000 of receiving as much for their crop as they received when the price was 13 cents a pound. I want to say to you gentlemen who do not live in the cotton-growing States that two things are essential at all times to the growth and development of the cotton plant, and they are a sufficient amount of rain and warm weather. This year the repeated cold spells in May and June retarded the growth of the cotton plant and contributed much toward making a short crop an absolute certainty. Now, then, when you consider that we have reduced our cotton acreage and that weather conditions have been very unfavorable to cotton production, and in addition to this that the boll-weevil-infected area is greater than ever before, do you wonder that we who know the truth of the cotton situation are seeking to protect the cotton producer and the Government of the United States from the dangers that threaten them if cotton is to be kept in the provisions of the food-control bill?

Mr. Speaker, I was not surprised to see that the amendment to include cotton in the food-control bill had been introduced by a Senator representing a cotton-spinning State in New England, but I was greatly surprised by the position of some of those who voted for and aided in the adoption of that amendment. When we had the food-control bill under consideration in the House we were able to convince the House that it was improper and unwise to place cotton in its provisions.

And now, Mr. Speaker, in order that I may bring this grave question before the House at this time and discuss it I shall read a resolution which I have prepared upon the subject. I intend to introduce this resolution in the House to-morrow:

A resolution, by Mr. HEFLIN, to exempt cotton from the provisions of the food-control bill.

Whereas cotton is the most essential product to the successful conduct of the war; and

Whereas it is the duty of Congress to use every precaution possible to make sure of an adequate cotton supply for ourselves and our allies; and

Whereas the cost of cotton production has greatly increased on account of the high price of fertilizers and the ravages of the boll weevil; and

Whereas cotton production in India, Egypt, and Russia has been practically abandoned for the purpose of producing food supplies; and

Whereas the cotton producers of the United States have greatly reduced their acreage; and

Whereas the reduction of acreage, the cold weather, the rust, and the boll weevil have made a normal cotton crop in the United States this year impossible; and

Whereas the question that confronts the Congress and the country is not how cheaply cotton may be purchased, but whether we shall produce enough cotton for our domestic uses and war purposes; and

Whereas the failure to produce an adequate cotton supply for ourselves and our allies would be nothing short of a public calamity: Therefore be it

Resolved, That it is the sense of the House that any legislation that makes cotton production unprofitable, and therefore an adequate yield uncertain and doubtful, is unwise and dangerous. Be it further

Resolved, That in view of the embarrassing and alarming conditions that now threaten the cotton crop of the United States that cotton should be taken out of the provisions of the food-control bill.

Mr. Speaker, the desire of Congress ought to be to do the wisest and best thing possible. The avowed purpose of the food-control bill is to stimulate and encourage production; but anyone acquainted with the peculiar situation of cotton knows that if cotton remains in the bill as ordered by the Senate that the effect will be to discourage and demoralize our cotton farmers, who are now making such a heroic fight to produce a crop in spite of the boll weevil. No other crop occupies such a delicate and dangerous position as does the cotton crop. It suffered in the spring, and its growth was greatly retarded by repeated cold spells. It has suffered in some sections on account of the rust and the cotton worm, and to-day in nearly three-fourths of the cotton belt the boll weevil is destroying crop prospects as never before. The area of the boll weevil is rapidly expanding, and the wisest and best thing that Congress can do is to encourage such prices for cotton as will enable the farmer to expend money and labor on a large scale in fighting the boll weevil, so that enough cotton, at least, will be produced to supply our mills and munition plants.

Mr. MEEKER. Will the gentleman yield?

Mr. HEFLIN. Yes; for a question.

Mr. MEEKER. Does the gentleman say that if the Government will take its hands off the prospect is that the profits in cotton will be better than to leave it in the bill?

Mr. HEFLIN. I will say to the gentleman that on the day the Senate adopted the amendment placing cotton in the bill the price broke $7 a bale. When you take into consideration the high price that the farmer has to pay for everything that he has to buy and then add to that the greatly increased cost of cotton production under boll-weevil conditions you can understand why it is that the farmer is not making much money on his cotton even when the price is 25 cents a pound. The farmer who used to produce upon the average 10 bales to the plow will not now produce more than 3 bales to the plow. Before the boll weevil came his 10 bales, at 15 cents a pound, brought $750, and now under boll-weevil conditions his 3 bales to the plow, at 25 cents a pound, will bring him only $375. So, without taking into consideration the greatly increased cost of production, he is losing $375 to the plow. If you beat down the price by legislation, you will not only make the production of cotton unprofitable, but you will make its production exceedingly doubtful, if not impossible. The farmer is already playing a losing game to the extent of $375 to the plow, and if you cut down the price he can not afford to carry on his costly warfare against the boll weevil and you will compel him to give up the fight in thousands of instances, and the result will be that the United States Government will not have cotton enough this fall to meet our domestic requirements, make uniforms for our soldiers, and supply our munition plants and those of our allies. [Applause.]

Mr. MORGAN. Mr. Speaker, I represent a State that is both a cotton-producing State and a wheat-producing State. I have a telegram this morning from the wheat-producing section protesting against the exemption of cotton if wheat is kept in the bill. Can the gentleman explain why if it injures cotton it will not injure wheat?

Mr. HEFLIN. Well, cotton is neither food nor fuel, and it has no place in a food and fuel bill. Wheat is a food and properly belongs in a food-control bill. Consumers everywhere are urging that wheat be included in the bill, but nobody, so far as I know, except speculators and spinners, is urging that cotton be included in the provisions of the bill, and I will say, further, to the gentleman from Oklahoma that cotton occupies a position peculiar to itself. It is so essential to the successful conduct of the war that a failure of the cotton crop would be more dangerous to the cause of our allied armies than would the failure of any other crop. The imperative necessity for cotton for use in the war is greater than that of any other single product, and the situation with regard to an adequate cotton supply this year is different from that of any other crop.

If the wheat crop in the United States should fail in one or more localities, the chances are that the increased yield in other sections would more than make up for it, and if there should be a considerable decrease in the wheat crop of the United States, Russia could share with us the wheat crop now being produced over there. And again, if there should not be enough wheat, we could substitute corn, rice, and rye and barley and get along somehow. But the situation with regard to cotton is entirely different. In India, Egypt, and Russia cotton farming has been almost entirely abandoned and food crops are being cultivated where in times of peace cotton used to grow. And the cotton-using countries of the Old World are looking to us to produce cotton for ourselves and for them. But let us examine the facts and see what the exact situation here is. The President issued a call to the farmers of the South to plant less cotton and to strive on a larger scale than ever to produce food products.

Mr. MEEKER. Will the gentleman yield for just one question?

Mr. HEFLIN. Yes

Mr. MEEKER. The gentleman has said that upon the advice of the President the farmers reduced their acreage. Does not that point out the fatal danger of taking advice in the future from the Government on acreage of any crop?

Mr. HEFLIN. Not at all, and I am not blaming the President, but I am asking Congress to be fair to the cotton farmer who was patriotic enough to follow the suggestion of the Commander of our Army and Navy. Then, following the President's suggestion, the farmers of the South greatly reduced their cotton acreage and planted more grain than ever before. Then the cotton that we did plant suffered greatly on account of the cold weather in the spring and early summer. And now over three-fourths of the cotton belt, the boll weevil is attacking the squares and little bolls and doing damage on a larger scale than at any prior time in the history of cotton production.

Mr. Speaker, the whole world is looking to the cotton belt of the United States for its cotton supply this year, and our success in the war against Germany depends absolutely upon cotton. [Applause.] Now, Mr. Speaker, if Congress, instead of encouraging and stimulating increased cotton production and making sure of an adequate supply of this all important product, shall, through its recklessness or shortsightedness, do the thing that will make cotton production unprofitable and cause cotton producers to abandon their fight against the boll weevil, such action will not only produce doubt and uncertainty as to an adequate cotton supply, but at a fearful cost to ourselves and our allies it will make certain a very small crop and an inadequate supply. So, gentlemen of the House, such a step, I care not how innocently taken, will be to the advantage of Germany and to the detriment and great injury of the United States. [Applause.] Some of you gentlemen do not understand the serious nature of the boll-weevil problem. You can not appreciate the injury and the damage that the boll weevil is doing to the cotton crop right now.

This is the fruiting time, and therefore the most critical time with the cotton plant where the boll weevil is carrying on his destructive work. Every little boll that he punctures will die; and if left alone just a little while, it will hatch out another boll weevil, and thus the work of destruction goes on. Now, in order to produce cotton at all under boll-weevil conditions, and in order to keep the boll-weevil family from increasing so dangerously fast at the fruiting time, the farmer has to cultivate the cotton more frequently than he did before the boll weevil came, and he must go in the morning and in the late afternoon every day at this season of the year and for two months to come and pick off and burn the little bolls. Now, then, what I want to impress upon you is that during this important fruiting time of the cotton plant, while the price of cotton is around 25 cents, the farmer will wage this costly and unceasing warfare against the boll weevil; but if you break the price by legislative action, as the Senate amendment did, and make it so that he can not produce cotton under the circumstances at a profit, he will be compelled to cease his warfare against the boll weevil; and if the action of Congress at this time cripples and disables the cotton farmer in the boll-weevil area so that he can not keep up his fight against that destructive pest, it will cut the yield to less than 8,000,000 bales, and upon Congress will rest the responsibility for our failure to produce cotton enough for our own mills and munition plants. [Applause.]

Mr. ROBINSON. I agree with all that you have said about the poor prospects for a cotton crop, the ravages of the boll weevil, and the increased cost of production.

Mr. HEFLIN. I have described the cotton situation as it is.

Mr. COX. Will the gentleman yield?

Mr. HEFLIN. I will.

Mr. COX. If including cotton in the food-control bill will have a tendency to destroy the production of cotton, on the same principle how about the wheat growers of the North, who must wrestle year in and year out with the rust and the chinch bugs and everything else? Do not you think that if we fix a minimum price of $1.50 a bushel that you will destroy thousands and thousands of farmers in the North who have planted wheat this year?

Mr. HEFLIN. I am not in favor of injuring a single wheat grower in the country.

Mr. COX. That is exactly what you will do.

Mr. HEFLIN. Oh, no. I am in favor of giving to the wheat grower a fair price and a reasonable profit, and the fact that wheat is grown in all sections of the country will be a powerful influence in securing for it a good price. But cotton is grown in only one section, and the people in the other three sections are not familiar with the elements of labor and cost that enter into its production, and therefore are not in a position to know what is a fair and reasonable price. We are producing cotton this year under more serious conditions and at a greater cost than ever before; but if you should ask the average man who is not acquainted with the cotton situation what a fair price for cotton would be, he would name a figure that would mean ruin to the cotton producers of the South.

Mr. LITTLE. Will the gentleman yield for a question?

Mr. HEFLIN. I will.

Mr. LITTLE. What would the gentleman say is a fair price for wheat?

Mr. HEFLIN. Well, I should say about one dollar and a half or maybe two dollars a bushel.

Mr. LITTLE. Where, at what place?

Mr. HEFLIN. Where the farmer can get it. Of course the cost of transportation is to be considered.

Mr. RUBEY. Will the gentleman yield?

Mr. HEFLIN. I will be glad to yield to my friend from Missouri.

Mr. RUBEY. Is it not a fact that the cotton crop is already planted, and is it not a fact, also, that it is impossible for us to pass a law now that will affect the quantity or the quality of the cotton produced this year?

Mr. HEFLIN. It is a fact that the cotton crop is now under cultivation, but it is not a fact that adverse legislation will not affect the size of the crop this year.

Mr. RUBEY. But you can not affect the amount produced this year; you can affect the amount produced next year.

Mr. HEFLIN. I am fond of my good friend from Missouri and I regard him as one of the ablest and best friends that the farmer has in this House, but he is not acquainted with the conditions that now confront the cotton farmers of my section. Let me say to him and to other gentlemen who do not live in the cotton-growing States that if any legislation is now had that reduces the price of cotton the producer can not afford to expend money and labor as he is now doing to produce it. If the price of cotton is favorable the farmer will do all in his power to combat the boll weevil and produce what he can, but if the price is unprofitable and the farmer discontinues his fight on the boll weevil for one month at this time the size of the present crop will be greatly reduced.

Mr. ROBINSON. Is it not a fact that in a greater portion of the cotton belt the cotton farmer buys his meat and flour and his corn?

Mr. HEFLIN. He buys a great deal of it.

Mr. ROBINSON. During this year has not he been required to pay more than twice as much for his corn and his meat and his flour than he ever had to pay before?

Mr. HEFLIN. That is true, and he has paid this year as high as $17.50 a barrel for flour. He has paid very high prices for all that he has had to buy.

Mr. ROBINSON. That is so.

Mr. HEFLIN. Gentlemen from the West know that the cotton farmer buys some of his meat and wheat and corn from their constituents and he also buys their $200 and $250 mules with which to produce his cotton. Do you gentlemen desire to strike down cotton and destroy his purchasing power and not only injure us and the Government but yourselves also?

Mr. MEEKER. What would the gentleman consider would be a fair minimum of the guaranty for cotton?

Mr. HEFLIN. I do not know, but 25 cents is not too much when you consider the price the farmer has to pay for what he buys and the high cost of cotton production. Wool has sold for 60 cents a pound and some of it has brought more than that. Cotton at 30 cents a pound is not too high when wool is selling at 60 cents. I have heard of wool selling for 65 and 80 cents a pound.

Mr. SMITH of Idaho. The gentleman has stated that wool has sold for 65 and 80 cents. Where is that?

Mr. HEFLIN. I have seen the market price quoted in the newspaper at 60 cents, and a friend of mine in Kentucky told me that a gentleman in his State has sold some wool at 95 cents a pound.

Mr. QUIN. It sold at 64 cents a pound in my district last week.

Mr. HEFLIN. And still the cotton speculators and some of our New England spinners want legislation that will reduce the price of cotton.

Now, Mr. Speaker, I am going to close this speech by reading or repeating to you what I said about the cotton situation when the food bill was up for consideration in the House. I said—

the effort has been made here recently to mistreat and impose upon the southern farmer. Just a few days ago the gentleman from Pennsylvania [Mr. MOORE] tried to place a tax of $2.50 a bale on cotton. I opposed his amendment then and contributed as best I could to its defeat, and I want to say to him and to all others concerned that his amendment should never have been offered. It was inexcusable and indefensible, for cotton has to do with nearly every phase of the life of the individual and the life of the Nation. [Applause.]

Mr. Chairman, cotton is the most serviceable product in the kingdom of agriculture. No other one product contains the three essential necessities of life—food, clothing, and shelter. [Applause.] It is the most useful product in time of peace, and on account of its vast and various properties, it is indispensable in time of war. It is now playing the most important part in the greatest war that the world has ever known. [Applause.] Cotton has treasured in its fiber the heat of the sun, and imprisoned in its snowy locks the secret of the lightning's power. When touched with nitric acid it hurls implements of destruction more powerful than the thunderbolts of Jove. [Applause.] Our gunpowder and explosive shells derive their tremendous power from cotton. In this boll of cotton is the substance to which our soldiers must look for their uniforms and shelter. Cotton furnishes wings for the aeroplanes and sails for our ships at sea. [Applause.] It flies in the flag above the soldier. It goes with him in his uniform and it spreads its white wings above him when he sleeps on the tented field. [Applause.] Cotton is the power behind the bullet, and it is the healing balm in the bandages of the Red Cross and Hospital Corps. It soothes and comforts the wounded soldier and wraps its mantle about him in his long last sleep. [Applause.] The oil of the cotton seed is a wholesome food and contains a substitute for glycerin, large quantities of which are used in the manufacture of powerful explosives. The seed contains food for man and beast, and it has in it choice elements of plant food, which when applied to the soil makes the earth to blossom as a rose. [Applause.] Cotton is the poor man's friend. It clothes the naked and its seed feeds the hungry. It blesses and serves the people in many ways. The Government as never before is dependent upon cotton. It is a national necessity and an international factor in the struggle now going on in Europe. In this world struggle in which we have been compelled to fight to preserve our own rights and liberties, cotton is to perform the most signal service [applause], and any man who would burden it with a tax and handicap and injure those who produce it, in his shortsightedness and recklessness, is weakening the arm of this Government in the prosecution of a war in which our very existence as a free country is at stake. [Applause.] The rust, the cotton worm, and the boll weevil are doing enough to decrease the cotton production and to cause the cotton producer to turn to other crops and to abandon his efforts to produce cotton on a large scale. Gentlemen, the cotton producer needs your help and your encouragement, and not your persecution in the form of unjust taxation. [Applause.] He is producing cotton now under great difficulty and at tremendous cost. Do not add to the burden that he is already carrying. During the trials through which he is passing in his efforts to produce cotton, a product so necessary to the successful conduct of this war, if you can not give him your sympathy and good will, be just and patriotic enough to let him alone. [Applause.]

Mr. FESS. Mr. Speaker, if it will not jeopardize the five minutes I want to take, I yield my period to my friend from Pennsylvania [Mr. MOORE], who would prefer coming in at this time, and I shall follow him, if that is all right.

Mr. MORGAN. Mr. Speaker, reserving the right to object, I would like to ask unanimous consent that after these two gentlemen get through I have five minutes.

The SPEAKER pro tempore. The gentleman from Oklahoma [Mr. MORGAN] asks unanimous consent for five minutes after the gentleman from Ohio [Mr. FESS] has had his five minutes. Is there objection?

Mr. COX. Reserving the right to object, which I do not intend to do, I would ask unanimous consent that I have 10 minutes following the gentleman from Oklahoma [Mr. MORGAN].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma [Mr. MORGAN]? [After a pause.] The Chair hears none.

Now, the request of the gentleman from Indiana [Mr. COX] is for 10 minutes, following the gentleman from Oklahoma. Is there objection? [After a pause.] The Chair hears none.

Mr. QUIN. Mr. Speaker, I have not squirted any stuff around here for a long time, and I would like to have 10 minutes after the gentleman from Indiana is through.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Mr. Speaker, I have listened to many eloquent speeches by the gentleman from Alabama [Mr. HEFLIN] and I have admired every one of them from an elocutionary standpoint. There is always a love and devotion for

old "King Cotton" in what the gentleman from Alabama has to say. All others in this House of Representatives might be eliminated, and yet, with the gentleman from Alabama here, cotton would still be "king" in the estimation of the good people whom he represents.

The gentleman is forceful, but in some respects his mind runs single track on this question of cotton. He is so earnest that sometimes he errs in thinking that others, who have an equal interest with him in the development of this country and its products, desire to hurt cotton, or in the speeches they make here, asking for "equal rights for all and special privileges to none," may be inveighing against this special product.

The gentleman from Alabama has just said something similar to what a distinguished Senator from Illinois said in a recent political campaign in New Hampshire about those "who oppose the President being for the Kaiser," except that he paraphrases it so that now it appears that "he who is against 'King Cotton' is for the Kaiser."

Well, let us see where the charge of the gentleman from Alabama leads us. I quote from one of the newspapers of this morning, a paper which seems to be very close to the cotton situation as it comes from the Council of National Defense. If what it says may be taken as coming from some one close to the administration—and I have sometimes suspected that the gentleman from Alabama has advised the administration upon the subject of cotton—it has a suggestion, at least, of the influence of his autocracy the Kaiser of Germany. The article is from the Public Ledger and deals with cotton exports. It says:

The most alarming situation is shown by the figures which the Government has in its possession for the crop year 1914–15, when the European neutrals took over from the United States no less than 1,998,000 bales, an amount that finds no precedent in the export history of America. Holland got about 35,000 bales the year preceding the war, 520,000 bales in the first year of the war, and about 100,000 bales in the second year of the war, when England, realizing the seriousness of the situation, shut down on the imports.

Now, the beginning of this article reads thus——

Mr. SLAYDEN. Will the gentleman permit an interruption?

Mr. MOORE of Pennsylvania. Will the gentleman wait until I read this first?

Mr. SLAYDEN. I did not catch the statement about the volume of the exportations of cotton that you say have never been paralleled in the history of the trade.

Mr. MOORE of Pennsylvania. I am reading from a newspaper about cotton exports to neutral countries. It says:

In 1914–15, when the European neutrals took over from the United States no less than 1,998,000 bales, an amount that has no precedent in the export history of America.

This is linking up some of those gentlemen who inveigh against speeches criticizing the administration on the floor of the House of Representatives, with his autocracy the Kaiser, who is the special friend just now apparently, of somebody in the cotton business, for this article continues:

Cotton, used in the manufacture of explosives, probably will be placed under the export license ban by the ruling of the next presidential proclamation. Startling figures have been submitted to the members of the council and its advisory board to show that Germany has absorbed tremendous quantities through neutral countries. For instance it has been shown that in the year 1914 Sweden alone sent into Germany approximately 9,800,000 pounds of cotton.

Can it be that my distinguished and eloquent friend from Alabama has been advising the White House recently with respect to the proclamations involving other things than cotton? I ask that question because it is significant that the President in his proclamation, which was inserted in the RECORD on July 9, expressly eliminated cotton from those things that were to be subject to embargo. By leaving it out of the proclamation he gave cotton a right which was not accorded to any food product or to any other material mentioned in the proclamation—the right to proceed abroad; and if this report be true to proceed to neutral countries and thence on to Germany. I challenge the gentleman from Alabama to look at the proclamation of the President, in which those things that are subject to embargo are seen to include not only food products, but coal, coke, fuels, steel billets, pig iron, steel plates, structural plates, scrap, and a variety of other materials entering not into the food supply, but into the manufacture of munitions. The gentleman from Alabama knows, and has indicated several times, that cotton enters largely into the manufacture of munitions of war, and whether due to his influence with the President or not it now appears that the proclamation from the White House includes all these products of the United States except cotton, which is left free to go abroad if it so desires.

The gentleman from Alabama admits that cotton enters into the manufacture of ammunition, and the reports from the newspapers this morning indicate that it has been going to Germany in large quantities, through the neutral countries that have been obtaining it from the United States. And bear in mind that cotton is exclusive to certain States of the United States, from one of which the eloquent gentleman from Alabama comes. If it is a question of helping the Kaiser——

Mr. HEFLIN. Mr. Speaker, will the gentleman yield there?

Mr. MOORE of Pennsylvania. Yes.

Mr. HEFLIN. I wish to say to the gentleman that the whole people of the United States are dependent on us for cotton, and the allied forces are dependent upon us for their cotton supply, and if the yield this year is small the situation will be embarrassing to us and to them.

Mr. MOORE of Pennsylvania. But the people are more dependent on wheat, I will say to the gentleman, than they are on cotton, because people must have food although sometimes they dispense with clothing; but, in any event, they must have food.

Mr. MADDEN. They would not be able to shoot the cotton if they did not have the food.

Mr. MOORE of Pennsylvania. No.

Mr. MEEKER. Mr. Speaker, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. MEEKER. They could wear last year's clothes, as most of us do, but they can not eat last year's meals. [Laughter.]

Mr. MOORE of Pennsylvania. Exactly; and the people in certain sections could get along well enough with a smaller amount of clothing on account of the climatic conditions than could the people of certain more rigorous sections. There is a difference in the matter of clothing. The gentleman from Alabama can wear white clothing and look beautiful in it, but the gentleman from Massachusetts must wear heavier attire, even if he sweats under the burden of it here in the Nation's Capitol. [Laughter.]

The census reports inform us just where we are on the cotton question, and they indicate no such condition in regard to the ravages of the boll weevil as has been pictured by the eloquent gentleman from Alabama. I was surprised at his bringing in the boll weevil just now. It was unexpected. In these times of great prosperity in the South, when the banks are overflowing with gold, not only from this country, but also from foreign countries, a prosperity in which I glory, I almost wept when I heard the gentleman from Alabama dilate upon the devastations of the boll weevil. I thought we had covered all that in the Agricultural bill, and had almost forgotten it. I did not expect that in these times of high finance we would have the boll weevil buzzing around and troubling our peace of mind. [Laughter.]

Mr. HEFLIN. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. HEFLIN. The price of cotton in 1914 fell to 6 cents, and the farmers of the South—and I am speaking of the farmers that produced it—have never recovered from the losses they sustained that year. And now the boll weevil is reducing the yield of cotton, so that the crop will not amount to much more than 9,000,000 bales.

Mr. MOORE of Pennsylvania. Yes; and I can say to the gentleman that I voted for all the appropriations to exterminate the boll weevil, and I am willing to continue to so vote until that pest is driven out. But if the gentleman's constituents have not recovered from their losses of 1914, my constituents, who manufacture cotton, have not recovered from their losses of 1913 and 1914. We suffered also.

Mr. HEFLIN. And in return for the gentleman's good offices in favor of cotton I want to assure the gentleman that I am not in favor of hamstringing the steel industry. I am in favor of fair dealing with the steel industry and in favor of everybody having a reasonable profit.

Mr. MOORE of Pennsylvania. Then, no doubt the gentleman has noticed with some satisfaction that the steel industry has reported to the White House this morning and indicated that it will be good, and that hereafter it will live in a manner that will be satisfactory to the President and, I hope, to the gentleman from Alabama.

Now, in the census report of June, 1917, we find that the cotton crop of 1916 was a little short of that for 1914. It amounted to 11,449,530 bales.

Mr. HEFLIN. Will the gentleman please repeat those figures?

Mr. MOORE of Pennsylvania. It amounted to 11,449,000 bales, equivalent to 500 pounds to the bale. The gentleman from Alabama has those figures at his tongue's end. It is true with respect to the production of cotton, the State of Alabama fell off a little in 1916, and I regret it as much as the gentleman from Alabama does. Whether it was due to a desire to rotate the crops or to a fear that cotton could not be sold abroad I do not know——

Mr. MEEKER. It was due to following the advice of the President to cut down the acreage.

Mr. MOORE of Pennsylvania. If Alabama followed the advice of the President and cut down the crop production, it may have been due to the advice given to the President by the gentleman from Alabama.

Mr. FOCHT. Then why not lay the blame on the President instead of Congress?

The SPEAKER pro tempore (Mr. RANDALL). The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. The gentleman from Alabama had 20 minutes, and the gentleman from Mississippi is to have 10 minutes. I ask unanimous consent for 10 minutes more.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. MEEKER. Will the gentleman yield right there?

Mr. MOORE of Pennsylvania. Yes.

Mr. MEEKER. I want the gentleman to go right square into this question that I have just now raised. Following the advice of the Government the cotton planters reduced their acreage. Not even the President could foresee the cold weather or the boll weevil, and here we have a short acreage, and a crop that has been destroyed by the ravages of its natural enemies. How much more does the President know about the wheat crop than he did about the cotton crop?

Mr. MOORE of Pennsylvania. I am not going to criticize the gentleman from Alabama [Mr. HEFLIN] and I am not going to criticize the President. I am doing the best I can to stand by the President, except——

Mr. MEEKER. The gentleman does not get the point. I want him to discuss the wisdom of the policy.

Mr. MOORE of Pennsylvania. My time is running and I do not want to be interrupted, although there is point to the gentleman's questions. I am endeavoring to say that I am trying to stand by the President, except that I think the President should have included cotton as well as other articles in his embargo. The gentleman from Alabama [Mr. HEFLIN] differs with me about that, and wants cotton to have exemption. I have some evidence here indicating that there must have been a reason for leaving cotton out of that embargo proclamation. Apparently cotton was to continue to have the special privilege that it has always enjoyed, and which is not enjoyed by any other product of the United States, so far as I know; it was to continue to go abroad. It may be primary information to the gentleman and to others that about two-thirds of the cotton crop goes abroad in normal times. There has always been a good market for raw cotton in Germany and in England and in France, because over there, with their many mills and their cheap labor they were able to manufacture cotton and after paying the planter of the United States a good price for the raw material still send their manufactured products back into the United States and beat out the American manufacturer in competition.

Mr. HEFLIN. Before the war we sold to Germany and Austria about 3,000,000 bales, and Germany, Austria, and Turkey have obtained some cotton through neutral countries since the war broke out.

Mr. MOORE of Pennsylvania. And used it for war purposes?

Mr. HEFLIN. And of course Germany used it for war purposes.

Mr. MOORE of Pennsylvania. Which is pretty close to treason, according to the gentleman's own statement.

Mr. HEFLIN. I did not say that the men who sold it were friends of the Kaiser. I said that Members of Congress who made cotton production unprofitable, and as a result there would not be an adequate supply for this Government in time of war, they were, it may be ignorantly or innocently, aiding the German Government and injuring their own Government.

Mr. MOORE of Pennsylvania. Those who send cotton to Germany, whether directly or through neutrals, are giving aid to the enemy, and that is the point the gentleman was making against certain other individuals who occasionally speak in a manner that does not comport with the gentleman's ideas of administrative propriety.

Mr. HEFLIN. The cotton that went to Germany through the neutral countries was sold by some American exporter to some one in a neutral country, and then it went from the neutral country into Germany, and we did not find that out until recently.

Mr. MOORE of Pennsylvania. But the cotton got there just the same, and cotton being an exclusive product, that which got there was going to the aid of the enemy, and its going abroad is being specially abetted now if the proclamation embodying other war munitions leaves cotton out of the embargo.

Mr. HEFLIN. No; cotton was such an essential element in the successful conduct of the war that men would run great risks to get it.

Mr. MOORE of Pennsylvania. Exactly, but I assume we need all the cotton we can get in the United States for war purposes for the manufacture of duck for tents and clothing and for various other purposes. We need it badly now, because our men are suffering for clothing and for tents and for sufficient accommodations to properly house them; and if there was more cotton in the United States and less going abroad the United States Government would be able to get it cheaper, and we would be able to manufacture more of it and to put more men at work at a higher rate of pay developing the industry in the United States. I would rather have it here than abroad.

Mr. HEFLIN. But the cotton supply is practically exhausted.

Mr. MOORE of Pennsylvania. Yes; but the gentleman knows that under normal trade conditions, which practically hold in war time, at least 60 per cent of all the cotton produced in the United States goes abroad.

Mr. HEFLIN. That has not been true——

Mr. MOORE of Pennsylvania. That raises the price of cotton to the American consumer. It raises the price of cotton to the wearer of American-made cotton goods.

Mr. HEFLIN. That has not been true for three years. We did not export much more than one-fourth of the crop last year.

Mr. MOORE of Pennsylvania. Does the gentleman deny that we are furnishing the allies with cotton now?

Mr. HEFLIN. We have been furnishing them with cotton——

Mr. MOORE of Pennsylvania. Does the gentleman deny that we have been furnishing them with cotton at any period of the war?

Mr. HEFLIN. We have been furnishing it to them, and before our declaration of war we would have furnished it to Germany if Germany could have carried the cotton there. At the beginning of the war Germany obtained cotton from the United States.

Mr. MOORE of Pennsylvania. Of course we were furnishing it to them in large quantities, and it was coming back in the form of manufactured goods, to compete with the products of American mills.

Mr. HEFLIN. We showed no partiality about shipping to Germany or the allied countries, and until we got into the war it was not our fault that Germany was not getting cotton from us.

Mr. MOORE of Pennsylvania. I do not want to repeat what the gentleman said about cotton as a munition of war, but I want to read into the RECORD a paragraph from the report of the Director of the Census with respect to cotton. The cotton man is just about as shrewd when it comes to making a profit in these war times as any other man. The President's proclamation about "blood and profits" may apply to some manufacturers in this country, but it also applies to some producers in this country. I will not lay it up to the cotton planter any more than to the raiser of grain or the producers of any other product. They are all making money and they are all going to make money unless the President and this Congress devise some means of holding them in check.

Up to the present time, however, neither the President nor Congress have produced the check, because prices to the consumer have risen in things made out of raw cotton, just as they continue to rise in respect to the food products that enter into the home of the poor man. Hear what your Director of the Census says:

> Despite the marked falling off in the crops of the last two years as compared with that of 1914, the output of linters continues to show a pronounced increase. The figures now available cover only the nine months ending April 30, 1917, during which period 1,210,876 equivalent 500-pound bales of linters were produced, as against 931,141 bales from the crop of 1915 and 856,900 bales from the crop of 1914. The high prices obtained in recent years for this fiber, which is used extensively in the manufacture of guncotton and smokeless powder, have so stimulated the production of linters that the yield per ton of seed treated is now considerably more than double that of a few years ago.

Are you then checking the growth and production of cotton that enters into the manufacture of commodities and devoting your attention principally to that which goes into the manufacture of munitions? As so large a portion of your linters is shipped into Germany, I ask you who is helping the Kaiser?

Mr. RAGSDALE. Will the gentleman allow me to tell him what a linter is?

Mr. MOORE of Pennsylvania. My time is very limited; I can not yield to the gentleman now.

Mr. RAGSDALE. I hate for the gentleman to expose his ignorance.

Mr. MOORE of Pennsylvania. I probably did not make it clear to the gentleman from South Carolina. I was making the point that a kind of cotton——

Mr. SLAYDEN. It is not a kind of cotton; it is a by-product of cotton.

Mr. RAGSDALE. It is not a kind of cotton.

Mr. MOORE of Pennsylvania. Well, a by-product of cotton which enters into the manufacture of munitions has been more encouraged for profit than the general production. This has its effect on the people at large in the cities and on the consumers of the land. I want to help cotton, but I want cotton to be fair. I am ready and willing, all other products being fairly treated, to keep cotton "king" in its own country. I have no objection—I wish it well—but when cotton is exempted from taxation, when cotton comes in and gets an appropriation for everything from the planting of the seed to the harvesting of the crop—and that is all paid for out of the common fund of the people of the United States—when cotton is given a special census, and when cotton insists that it shall be free from all taxes, and that it shall then penetrate into the enemy country, to the aid of the enemy, I think we have a right to ask whether cotton shall wear wings all the time, and then lay the blame for high prices on the manufactures, the grain, or the other products of the people.

I have two letters, one from a manufacturer of my own city. He is a manufacturer of duck for the Government of the United States, and says that the Government is paying extraordinary prices for the cotton it uses in the manufacture of these war munitions.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CLARK of Missouri. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended five minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. RAGSDALE. Now, I hope the gentleman, out of that five minutes, will allow me to explain what linters are.

Mr. MOORE of Pennsylvania. I will ask the gentleman to do that later. I will make it perfectly clear in the RECORD what linters are. I will furthermore place the gentleman from South Carolina alongside of the gentleman from Alabama as a champion of King Cotton if he so desires.

Mr. RAGSDALE. My friend is very kind, as he always is——

Mr. MOORE of Pennsylvania. I can not help that, because the gentleman is always so kind to me.

Mr. RAGSDALE. What I would like to do is to keep the RECORD straight in regard to what linters are.

Mr. MOORE of Pennsylvania. I will endeavor to see that the RECORD is kept straight. I do not care to have my speech circulated in South Carolina, I will say to the gentleman, although I think it might do some good.

Mr. RAGSDALE. If the gentleman will permit me, I certainly think he ought to circulate it in South Carolina if it will do any good there, because I do not think it will do any good elsewhere. [Laughter.]

Mr. MOORE of Pennsylvania. I think it will do some good at home. I have heard many speeches wholly for home consumption in this House. Now, I would like the people up in my country, who are paying the bulk of the enormous burden of taxation, to know how that bill is made up against them. I would like to have them know something about the pretense that they are to have a cheaper cost of living when it continues to soar so high that they can scarcely obtain the necessaries of life. I would like to have my people understand a little bit of the wiles, if you please, of those who have the power to deliver commodities to them at a reasonable price, but who always manage, even in a patriotic spirit, to make a goodly profit for their own pockets. Let the cotton planter make money. I want him to make money and prosper. I am delighted that he has more money in the bank now than he ever had before. I am delighted that the South is prospering; I want to see it grow strong and develop; but I do not want any undue advantage given to one section of the country over any other. And since my friends in the cotton States frequently inveigh against the cotton manufacturers up my way, let me read this from one of the latter. It gives the other fellow's point of view:

> The various industries with which I am connected use enormous quantities of raw cotton, and we are working with every facility we have with the interest of the Government before us. * * * We are working all together on as low a margin of profit as possible and feel it is the duty of every man in the country to do likewise.
>
> Unfortunately the cotton grower and those who handle in a speculative way the raw material do not seem to feel this way, and they are continually advancing the price of raw cotton to such an extent that the manufacturers are compelled to advance their prices to the Government accordingly.

This man is manufacturing for the Government. He adds:

> This is costing the Government a loss of many millions of dollars. It is very evident that cotton is on a fictitious basis, for the fact that even the mention of a Government control of the price of cotton caused it to drop a few days ago, practically $10 a bale.

If that is true, and the gentleman from Alabama says there has been a drop in price because of the mere suggestion that cotton was to be embargoed, as other food and war supplies were to be embargoed in the President's proclamation——

Mr. HEFLIN. It had already been put into the Senate bill.

Mr. MOORE of Pennsylvania. If this is true, then there must be a fictitious value in cotton, and somebody between the producer and the consumer must be making the money, and perhaps it is a fair thing to call it to the attention of the President of the United States and his food dictator, even if we have to extend to the food dictator the power to fix the price of cotton. There would then at least be less speculation and we would know where we were coming out on these raw materials that we have to buy.

Another gentleman, who is a manufacturer, writes me and incloses in his letter a proposal from a dealer in cotton yarn. That dealer, offering yarn, says:

> We understand the price on this yarn to-day is around 44 cents for Government use. We believe we could sell our little lot, providing unsold, when we hear from you at 40 cents, delivery to start August 15 to September 15.

This man had about 100,000 pounds, and he proposes to sell cotton at 40 cents when the Government seems to be buying it somewhere around 44 cents. My correspondent, to whom this offer was made, says:

> I inclose you a letter received July 9, to indicate to you to what extent the cotton spinners of the South are swindling the manufacturing interests of the North in the price of cotton yarn.

The cotton producer need not get worried, though, over that statement. I am only quoting the word "swindling." But the manufacturer, who feels that way about it, continues:

> This is the grade that we are using in the manufacture of rugs; and as late as February, 1916, we were paying 13½ cents per pound for this material. The boosting of price has gone on since that time. You can readily see what great sacrifice the South is making to win the war.

I do not want to subscribe to that bit of sarcasm, but I continue to read:

> The great cost of the raw materials has halted our business because of the high price of goods and we are not running our mill half time.

This comes from a manufacturer who is not making war munitions.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. I shall not ask for any more time, but I submit, in conclusion, that the President of the United States should take the cotton situation into account in any further embargo proclamation he may issue. [Applause.]

The SPEAKER pro tempore. The gentleman from Ohio [Mr. FESS] is recognized for five minutes.

Mr. FESS. Mr. Speaker, within the last 10 days I have received a great many communications in reference to what ought to be done to relieve the situation pertaining to the sale of wheat. That question is asked because of the pendency of the food-control bill, which has in it an item which indicates that the minimum price for wheat will be fixed by the Government. I stated in the discussion of the food-control bill that in my judgment the minimum price would become the maximum price, and I have no reason to revise my opinion in respect to that. While there was a general demand for a minimum price, if it becomes the maximum, I think it will be a very unwise provision in the bill, notwithstanding the fact that people insisted upon having it there. The wheat situation to-day is alarming from the viewpoint of the farmer.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. FESS. Yes. I yield to my friend from Texas.

Mr. GARNER. Would not that suggestion hold with reference to the minimum price being the maximum price as applied to all articles?

Mr. FESS. I am rather inclined to think it would. If the Government controls prices, no man is going to buy for the purpose of resale at a price that is hazardous. I presume that the situation in my State is not different from what it is in other States. We have grown into the custom there of not putting the wheat in the granary, as we used to do when I was a boy, but of thrashing it in the field and sending it directly

to the elevator, not to be stored but to be sold. The custom of building granaries in my section of the country has ceased, consequently the farmer can not safely thrash his wheat to be stored in his own storehouse, and never in our country was the capacity of the warehouses in our towns and cities sufficient to house all of the wheat grown in the country. It was taken by the grain dealer of every community and resold. Here is our situation at present. I get letter after letter asking what to do. The grain dealers will not purchase the wheat. They can not safely fix a price to pay the farmer for they know not what it can be resold for. They say there is a provision in a bill that is pending before Congress, upon which Congress has not yet acted, and upon which the Senate will not act soon, which carries the authority in the President to fix the price of wheat, and they do not know what to pay for it; they are afraid if they purchase it there will be a price fixed that will cause them loss of money, they will therefore not take the risk. The farmer faces this situation. He has not been in the habit of stacking his wheat or ricking it, as we used to do when I was a boy, when we had to wait for the machine to come around to thrash it, and was compelled to rick it to avoid the danger of rotting in the shock. To-day they just ask the machine to come into the field with a few hands instead of the whole neighborhood as of yore. In these modern times they do not have to have anything like the number of people engaged with the use of this modern labor-saving machinery. For years the great bulk of the wheat grown in Ohio is either taken to the barn in the sheaf or thrashed out in the field and hauled direct to the grain elevator to be marketed at the ruling price.

Under the situation produced by the food-control legislation as proposed, the farmers who have no barn room, although they are not in the habit of ricking it, if they do not rick it they run the risk of wet weather setting in and losing the whole crop, unless they thrash it, and, as I said a moment ago, they will not thrash it, because many have no place to put it. This delay has created a situation with us of more or less of a panic. I think my section of the State is one as up to date as any State in the Union. It is not the people who are in hard luck. I represent a great number of very well-to-do farmers, intelligent people, and they put the question up to me in that way. What can be done? Of course, the delay is hurtful. Also I fear there has been too much gratuitous talk on what Mr. Hoover is going to do. But I rise for this purpose: There is a misconception in the country. Here is a letter that states:

> Judging from the newspaper reports from day to day, the delay has been brought about by the prohibitionists trying to force Congress to enact prohibition legislation before the other two important measures are acted upon.

Meaning the revenue bill and this food-control bill, and the writer is drastic in his observation on what he says is the unwisdom of unguarded and unwise enthusiasm for a measure that, even were he wholly in sympathy with it, which he is not, he thinks at this stage it ought not to be done in this way. This man has made up his mind from the information that he has gleaned from the press dispatches which are sent out from Washington that are printed in the metropolitan newspapers, most of which are quite willing that the public believe that this delay is due to the friends of conservation of our grains. I want to call to attention that the delay of this legislation can not be laid to the door of the House of Representatives. [Applause.] We received the bill on the 18th of June, devoted five days to a discussion of it, and passed it at the close of the fifth day, and we did not reach the prohibition clause until 2 o'clock in the afternoon on the fifth day, and there was no delay on the part of this House [applause] in the discussion of that bill, and most certainly not by the friends of temperance legislation.

Mr. COX. Will the gentleman yield?

Mr. FESS. I will yield.

Mr. COX. When the bill came to the House and the House passed it, is it not true that it contained a prohibition section?

Mr. FESS. I was going to say that. This letter also says that we were proceeding with legislation on the wrong basis, and there was inclosed a resolution adopted in Toledo by a State association of grain dealers saying that they oppose rider legislation, which, while it did not specifically mention this particular measure, I judge from the context of the letter and the resolution it did refer to this legislation. It is a pertinent question to ask how the country was led to believe this was rider legislation. The thirteenth section of that bill included the possibility of prohibition by proclamation of the President, and we simply changed it by striking out all that was in the section pertaining to the President's authority to decree prohibition and by act of Congress enacted prohibition directly. In other words, we reached the result sought by law of Congress rather than by proclamation of the President. [Applause.] That was not any rider, but regular parliamentary procedure.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended for five minutes more if he so desires.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. FESS. I will.

Mr. LAGUARDIA. Is it not true that the prohibition section which was adopted by the House Saturday afternoon as stated by the gentleman was so extreme, so extraordinary, that if it were contained in the original bill this House would have had time to give it intelligent consideration, discussion, and deliberation so that it would not be in the Senate now held up as it is? Is it not true that the fact that it was so hurriedly put in at the last moment is the cause of all the delay?

Mr. FESS. The hurried action of putting the amendment on the bill was the vote of the House. The previous question was not ordered, there was unlimited time to discuss it. In order to avoid the charge that my friend's interests are making, to wit, that we are delaying the legislation, we did not delay it but asked for a vote, and now objection must not be made to the temperance people of this House avoiding the charge of delay by saying we rushed it through without consideration. And exactly the same thing is true in the Senate. It is not the temperance forces in that body who are delaying this legislation. [Applause.] If on the one hand the temperance people would delay legislation in the interest of consideration these interests are objecting to them for their delay; and on the other hand if they proceeded with expedition not to delay it the same interests then object to the temperance people for not giving sufficient consideration. Why we can not please those interests. The thing to do was what we did, to take the bill as it came to us and then proceed in regular order, not in the form of a rider, not inject something that is out of order, but to proceed to perfect the legislation as was done in this House. We went by way of amendment one step beyond, namely, we did by law what you were willing to do only as a last resort, to give the President, by proclamation, the power to do. [Applause.]

Mr. LAGUARDIA. But did not the gentleman go too far——

Mr. FESS. No.

Mr. LAGUARDIA. And when this bill left the House was it not the hope of the temperance people that it would be modified in a sensible degree by the Senate?

Mr. FESS. Oh, what would be sensible to the gentleman's mind might not be sensible to another gentleman's mind.

Mr. LAGUARDIA. No; the gentleman might not trust his own mind on a matter that was out of order, and considering the impossibility of carrying through——

Mr. FESS. Anything in the way of legislation that does not suit certain interests is irregular and out of order.

Mr. LAGUARDIA. True; and the section that passed the House suits the interests of the patent-medicine fakirs, the moonshiners, and the drug sellers.

Mr. FESS. That is the same old argument. If you do not like the patent-medicine fakirs because of any illicit practices, put them out of business [applause], or compel them to cease the hurtful practice if it exists. That sort of argument does not get anywhere.

Mr. SLAYDEN. Will the gentleman yield for a question?

Mr. FESS. I will.

Mr. SLAYDEN. If A has property which is recognized as property on which he has paid taxes and been authorized to own and do business in connection with, and B proposes legislation which destroys that property without compensation, is it unreasonable to expect that A would oppose such legislation or would be pleased by it?

Mr. FESS. If A was found on a ship on which there was discovered a noxious or dangerous epidemic, he would be put in quarantine and his interest would not be considered when to consider it would be a total forfeiture of the public interest. [Applause.]

Mr. SLAYDEN. The gentleman evades the question.

Mr. FESS. I may. I do not mean to evade it. But I will answer my friend in this way: If you mean I have no right to say whether you shall do this or shall not do it, and I with others——

Mr. SLAYDEN. That was not my question, and the gentleman, I think, knows it was not.

Mr. FESS. I thought it was.

Mr. SLAYDEN. No. I say, do you think any man who owns property, recognized as property, and fights you with a determination to oppose the power to destroy that property without compensation, has not the right to resent it?

Mr. FESS. Probably he would. We found this same situation during the Civil War.

Mr. SLAYDEN. Is it honest to take his property without compensation?

Mr. FESS. It was honest to take and destroy human slavery during the Civil War, because the destruction of that property was necessary to perpetuate our type of government as we understood it.

Mr. SLAYDEN. The gentleman seeks to meet the issue with the discussion of a sectional question, where his prejudices and the prejudices of the people to whom men of his type appeal would put me to a disadvantage. I do not care to do that. I simply say that if the gentleman wants to take property away from others without compensation, he may do it, but I do not want to do so.

Mr. FESS. I do not consider any such innuendo——

Mr. SLAYDEN. I did not speak in innuendo.

Mr. FESS. I want the gentleman to understand for all time that the liquor business is indicted and it is going out of business. [Applause.] And if it will proceed in regular order, I am one of the first men in this House to vote to recompense the people for the property destroyed; but if they do not, and will not be willing to meet that condition, it will be destroyed without recompense. [Applause.]

Mr. SLAYDEN. I have not the slightest doubt that the gentleman wants to do it.

Mr. FESS. That is exactly what will be done, and your people will indorse it.

Mr. SLAYDEN. They do not indorse taking people's property without compensation.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FESS. Mr. Speaker, only yesterday the mails brought to the desks of Members of the House, and I doubt not to the Members of the body at the other end of the Capitol, marked editorials from the Courier-Journal and the Cincinnati Enquirer, bitterly attacking those Members who in this food crisis have insisted that no grain shall be used during the period of the war for the manufacture of alcoholic liquors for beverage purposes.

Watterson's editorial carries the caption "The Kaiser scores," and proceeds to assert that the Senate action on the conservation of grains against alcoholic waste would cost at least $5,000,000,000, to say nothing of the loss of employment by closing down the distilleries. He continues:

The losses in property, the losses in revenues, the increase in taxation, would amount fully to $5,000,000,000, and this would not include the loss of employment to the army of people who would be thrown out of work. Five billion dollars! If the Kaiser could collect that tribute of us he would, indeed, be the world autocrat he dreamed of being when he set out for France in the summer of 1914.

The imagination is never so unlimited in its range as when dealing in profits. It is this element that stalks on the gambling exchanges that enables the pauper to see himself a millionaire after a spasm of business on the curb.

The liquor element in Congress did not keep step with the editors. Their figures varied from $600,000,000 to $2,000,000,000, necessary to carry into effect the provisions. What are the real facts?

The Senate amendment provides that the Government shall take over the liquor now in bond at cost and not more than 10 per cent profit.

The cost to the Government of this legislation reached through the imagination of the men in Congress speaking for liquor is a billion dollars, but reached by actual figures is strangely less as produced by M. Marcel, manager of the anti-trust distilleries of Kansas City, Mo.

Cost of production of a gallon of whisky.

	Cost of 50-gallon barrel.	Cost of single gallon.
9 bushels of No. 2 or No. 3 corn, at 50 cents	$4.50	
1 bushel rye and barley malt	1.00	
Yeast for fermenting	.10	
Cost of distillation	.40	
Cost of producing	6.00	$0.12
Cooperage for barrel of 50 gallons	2.75	.05½
Freight and hauling from district to original warehouse	1.50	.03
Total cost in warehouse per gallon		.20½

The Cincinnati Enquirer carried recently an advertisement for sale of whisky at $1.40 per gallon. I have not consulted the price current to ascertain quotations to-day.

One of the best sources of information on the cost of whisky is the record of the State of South Carolina when the State went into the dispensary business. Our colleague, the Hon. W. F. STEVENSON, sat in these cases and has the best possible opportunity to secure accurate information on this matter. He has furnished me with the data on the cost of manufacturing distilled liquors, which is a matter of official record, and the figures should silence all alarms stimulated by these distress calls of the liquor propaganda that the Government is going into bankruptcy by the elimination of the whisky traffic for the period of the war. The judge's figures, which I trust he will put in the RECORD, support the contention of those of us who assert that the Senate amendment will not entail an expenditure of money greatly beyond $100,000,000 instead of the $5,000,000,000 contended by the liquor editors and statesmen of the country in the name of temperance (?).

In fact, on the basis of the official statements of those referred to, the cost to the Government would be only about $50,000,000 for the liquor now in bond. The legislative committee of the Anti-Saloon League declared on this point:

Its value to the Government will be as much or more than this when we consider that by the time the Government would purchase these distilled spirits for munition purposes the liquor dealers will demand the advanced prices of the material, labor, and revenue which will be in effect at that time. From the standpoint, therefore, of economy, this purchase is a wise one. The actual cost of the liquor now in bond is not a matter of guesswork. The Internal Revenue Department has access to every book of the distillers and can determine accurately the cost of each season's crop during the eight years covered by the whisky now in bond.

LIQUOR REVENUE A BURDEN TO THE GOVERNMENT.

Every dollar the Government gets in revenue from the liquor traffic is paid not by the liquor dealer but ultimately by the consumer. It costs the Government many dollars in return to care for the wreckage which liquor causes. The liquor dealer never has and never will ultimately pay this tax. By advancing a few million dollars he gets the privilege to rob the people of two and a half billion dollars every year.

The liquor dealers complained when the Senate passed the Cummins amendment preventing the withdrawal of whisky for beverage purposes. Banks holding whisky securities wired the Senate that they would be ruined. Now, when the Government offers to purchase the whisky this same crowd yells disaster! The reason for their present cry is that the proposed plan prevents the liquor dealer from selling the whisky at retail at about $6 per gallon profit instead of a possible 10 per cent profit as proposed in the Senate amendment.

SENATE AMENDMENT A BENEFIT TO THE GOVERNMENT AND PEOPLE.

It takes a barrel of distilled spirits to produce the powder or explosive to fire one of the great guns in this war. When the water is taken out of the alcohol there will only be something like a hundred million gallons. If it takes a barrel to fire one gun this would only leave enough alcohol to fire 2,000,000 shots. All the alcohol in America, it is calculated, would not make the powder or the explosives for the cannonading for three days in a battle like that of Verdun. The Government can use this liquor to make liquor to kill the enemy instead of killing its own subjects and allowing these selfish interests to make abnormal profits out of it.

This Government never can grow strong by encouraging a traffic and getting revenue from a business which weakens and destroys the two essentials to victory—"food supply and man power." When the liquor business has been entirely prohibited and the last distillery and brewery closed we will then realize the wisdom of Justice Grier's decision years ago, when he answered this whole revenue bugaboo from the Supreme Court bench in these words: "If there should be a loss of revenue from use of this power, she (meaning the Government) would be, the gainer a thousandfold in the health, wealth, and happiness of her people."

JAMES CANNON, Jr.,
A. J. BARTON,
WAYNE B. WHEELER,
E. H. CHERRINGTON,
Legislative Committee of Anti-Saloon League of America.
E. C. DINWIDDIE,
Legislative Superintendent.

This is the league against which the Cincinnati Enquirer editorially declared it "the limit," which was marked and sent to Members of Congress yesterday.

Their conduct which called out the following language:

For brazen effrontery, unmitigated gall, superlative egoism, transcendent audacity, supreme impudence, commend us to the legislative committee of the prohibition lobby that has throttled war legislation and has delayed the Nation's preparation for the great conflict in which it is engaged—

in the issue of July 10 was their favorable response to the request to meet a Senator on the matter of eliminating from the food bill the items of beer and wine which had been placed in the bill by the House. This is the statement which offends the Enquirer:

On last Thursday, June 28, the legislative committee of the Anti-Saloon League of America, which was in session with the national executive committee of the league in Washington, was summoned to the office of United States Senator MARTIN, of Virginia, the Democratic floor leader of the Senate. On arrival at his office we were informed that the President had just sent a message to him to ascertain, in view of a prolonged threatened filibuster by the representatives of the liquor interests in the Senate, if we would not consent to strike from the food administration legislation, now pending in the Senate, beer and wine, as

he was very anxious that this legislation should speedily be enacted. The appeal was made in the name of patriotism.

We asked if the appeal had been made to the other side, and were informed that it was no use as Senators like PENROSE, of Pennsylvania, and his type, declared they would filibuster all summer before it should pass unless beer and wine were exempt. Knowing as we did that that traffic always puts personal gain over patriotism, we informed the Senator that if the President would put his request in writing, thus assuming the responsibility, we would give the matter careful consideration.

The inference to be drawn from the criticism is that the conference was held with men outside of Congress, as if it were not true that most of the conferences held by this administration are held with men and women outside of political or official life.

If these criticisms are intended to convey the impression that congressional action on the temperance question is determined by outside influence, it is sufficient reply to recall the action of the House on the 23d of last month, when it forbade the manufacture of any grains and fruits into alcoholic beverages—complete prohibition during the war—a step that was not even suspected by the men whose response to the known wish of the President offends the liquor press in the country.

The same fact is true in the action of the Senate.

Mr. Speaker, as to the blame for the delay in the food-control legislation: By a vote of the House, by a decisive majority, the food-control bill carries the prohibition of the further use during the war of grains for alcoholic beverages.

This bill with this provision in it carried in the House on a roll call by a vote of 365 for with but 5 against.

The Senate modified the commandeering features of the House bill by providing for the purchase by the Government of all the whisky now in bond at actual cost plus 10 per cent profit. That amendment was passed by a vote of 65 for and 12 against.

This amendment was proposed by a temperance advocate and supported by almost a solid temperance vote. Later in the day a vain effort was made to reconsider this vote, which was supported by 25 Members, most of whom are recorded with the liquor interests, on record votes on various other items of the bill.

The animus of the liquor interests as displayed in this attempted legislation is well displayed by these record votes. In the House the consideration by the Committee of the Whole, not permitting a record vote, their play in this body can not be so graphically detailed. But over in the other end of the Capitol we note the record as follows:

On the Cummins amendment, "No distilled liquors or spirits now in bond in the United States shall during the existing war be withdrawn to be used as a beverage," the vote was 45 for and 40 against.

On the Cummins amendment, "Nor shall there be imported into the United States during said war any distilled liquors," the vote was 69 for and 10 against.

These votes were taken on the afternoon of July 6. The next day the vote on the Smoot amendment, "*Provided*, That the President of the United States be, and hereby is, directed to take over for and on behalf of the Government of the United States all distilled liquors that are held in bond at the time this act goes into effect, and he is hereby authorized to pay the owners of such liquors the actual cost of the same plus a profit not exceeding 10 per cent," was 65 for and 12 against.

Later in the day that part of the Cummins amendment prohibiting withdrawal of liquor for beverage purposes was reconsidered by a vote of 44 as against 39, and upon reconsideration was defeated by a vote of 39 for and 43 against, showing a strict alignment between the two forces.

With a defeat of the temperance force here an attempt was then made to reconsider the Smoot amendment, and failed by a vote of 25 for and 52 against reconsideration. This feature of the bill having been definitely settled, the liquor forces were thrown into a panic, and delay was consulted, with the well-known results.

The metropolitan press, whose policy is well known and understood, persists in the attempt to place this delay upon advocates of conservation of our grains against the manufacture of them into alcoholic beverages.

This attempt will fail, as is easily shown by the records of both Houses of Congress.

The bill came to the House on the 18th of June, was considered, amended, and passed on the 23d, after five days of deliberation. All of the five days save the latter part of the last day were consumed on other items of the bill. The prohibition section was the thirteenth, and was reached about 2 o'clock in the afternoon of the 23d. The vote on the bill was taken just before adjournment on that day, which was about 11 o'clock that night. The charge of delay against the temperance forces in the House is ludicrous. The bill reached the Senate on the 25th and was at once referred to the Committee on Agriculture and Forestry. It was reported back to the Senate with amendments and the Senate began its consideration on the 28th. On the 29th was begun its reading for consideration of committee amendments. On July 2 the prohibition question came into the Senate by the reading of a news item from one of the local papers criticizing the advocates of temperance for their alleged activity on behalf of conservation of grain. There were inserted in the RECORD of July 2, page 4585, copies of a letter from the President to the Anti-Saloon League and the league's reply:

JUNE 29, 1917.

MY DEAR DR. CANNON:

I am very glad to respond to the request of Senator MARTIN, the Democratic floor leader in the Senate, that I give your legislative committee an expression of my opinion with regard to the wisest and most patriotic policy to be purposed toward the food-administration legislation now pending in the Congress. I regard the immediate passage of the bill as of vital consequence to the safety and defense of the Nation. Time is of the essence; and yet it has become evident that heated and protracted debate will delay the passage of the bill indefinitely if the provisions affecting the manufacture of beer and wines are retained and insisted upon. In these circumstances I have not hesitated to say to Members of the Senate who have been kind enough to consult me that it would undoubtedly be in the public interest in this very critical matter if the friends of those provisions should consent to their elimination from the present measure. Feeling that your committee is actuated by the same patriotic motives which inspire me, I am confident that these considerations will seem to you, as they seem to me, to be imperative.

With much respect, sincerely, yours,

WOODROW WILSON.

Rev. JAMES CANNON, Jr., D. D.,
Chairman Legislative Committee Anti-Saloon League of America.

JUNE 30, 1917.

To the PRESIDENT,
The White House, Washington, D. C.:

We have earnestly considered the statement in your letter of yesterday to the legislative committee of the Anti-Saloon League of America, that in the face of the present food crisis you are greatly concerned lest the early passage of the food administration legislation now pending in Congress be jeopardized by a heated and protracted debate upon certain sections of the bill relating to the manufacture of foodstuffs into intoxicating liquors.

We are aware of the threats made by the friends of beer and wine in the Senate of an indefinite and protracted filibuster against those provisions of the bill. We beg to assure you that as patriotic Americans, determined to uphold you as Commander in Chief of the Army and Navy in the present war, we will not for our constituents offer any obstruction to the prompt passage of the food-control bill.

Of course we can not presume to indicate to Members of Congress what action they should take in view of this request from the President of the United States. They will doubtless act in accordance with their convictions of duty.

We are glad to note that your request applies only to the pending food-administration legislation. It will be our purpose to urge the passage of legislation prohibiting the waste of foodstuffs in the manufacture of beer and wines, at the earliest possible date, either in the form of a separate bill or in connection with other war legislation.

We assure you of our purpose as patriotic American citizens to cooperate in every possible way in the winning of the great war in which our Nation is engaged.

Sincerely and respectfully, yours,

P. A. BAKER,
General Superintendent.
EDWIN C. DINWIDDIE,
Legislative Superintendent.
JAMES CANNON, JR.,
ARTHUR BARTON,
WAYNE B. WHEELER,
Legislative Committee.

The general opinion of the effect of the President's suggestion to omit the items of beer and wines from the prohibition section of the bill was expressed by the following telegram and its reply:

JACKSON, MISS., *July 1, 1917.*

Senator J. K. VARDAMAN,
Washington, D. C.:

We are depending on you to do your best for a bone-dry war measure. Do not exempt beer and wine.

MISSISSIPPI ANTI-SALOON LEAGUE,
Per T. J. BAILEY, *Superintendent.*

WASHINGTON, D. C., *July 1, 1917.*

Rev. T. J. BAILEY,
Superintendent Anti-Saloon League, Jackson, Miss.:

Your telegram received.

The good old ship *Prohibition*, heavily loaded with the hopes of millions of consecrated women and men for Nation-wide prohibition, sailing with fair winds and good prospects to the port of victory, was submarined day before yesterday by the President of the United States. It is now lying on the bottom beneath about 40 fathoms of beer and wine, with one whole side knocked out. I am afraid some of the officers of the crew deserted before it went down. Will do my best to save the wreck. But it is my deliberate judgment that no power on earth except the people can raise it.

JAMES K. VARDAMAN.

On the same day the CONGRESSIONAL RECORD contains this item of procedure:

The VICE PRESIDENT. The proposed unanimous-consent agreement will be read.

The Secretary read as follows:

"It is agreed by unanimous consent that at not later than 5 o'clock p. m., on the calendar day of Tuesday, July 3, 1917, the Senate will

proceed to vote, without further debate, upon any amendment that may be pending, any amendment that may be offered, and upon the bill H. R. 4961, a bill to provide further for the national security and defense, etc., through the regular parliamentary stages to its final disposition; and that during said day, Tuesday, July 3, 1917, no Senator shall speak more than once or longer than 10 minutes upon the bill, or more than once or longer than 5 minutes upon any amendment offered thereto."

Mr. PENROSE. I object to any unanimous-consent agreement on the bill at the present time.

On July 3 the request to fix a time at which to vote in the Senate was objected to by the same Member of the Senate. On July 5 an agreement was reached to begin the consideration of the prohibition section at 2 o'clock, July 6, debate to be limited to but one speech of 10 minutes from any Senator. The time devoted to the bill up to this date was on parts other than prohibition. It was on this first day of the consideration of this provision that the Cummins amendments were passed. It was this vote, together with the Smoot amendment on the following day, the second day of consideration of prohibition, that the liquor forces in a panic began to play for time, and the RECORD indicates how they marched up the hill and down again, and which of the forces—the liquor or the temperance—occupied the time. The temperance crowd desired a vote and suggested, through one of the best-known temperance Senators, that the Senator in charge of the bill invoke the cloture rule. This suggestion was made on the 7th of July or the second day of the debate under the 10-minute rule. This is from page 4793 of the RECORD:

Mr. PENROSE (exhibiting). Here are some of the amendments to be offered to the bill. They have not even been read in the Senate.

Mr. CHAMBERLAIN. And I do not think we will get along any faster in the future than we have done in the last three weeks unless some agreement is reached.

Mr. JONES of Washington. Mr. President, I wish to suggest to the Senator that the section of the bill which it has been claimed heretofore has been causing delay has been disposed of under the unanimous-consent agreement. It can not be reserved even for a separate vote when the bill is out of Committee of the Whole.

I should like to see the bill passed. I am very anxious to have it passed. I know it is a very important measure and that time is of the essence in the matter. So I should like to see the Senator from Oregon either file his motion for cloture this evening or else keep the Senate in session for quite a while this evening in the hope that we may go on and consider some of the many amendments that the Senator from Pennsylvania has shown and that have not even been read.

Mr. CHAMBERLAIN. At the suggestion of the Senator from Washington, I will file the cloture motion this evening, and then the Senators who are responsible for the delay in disposing of the bill can assume that responsibility by a record vote.

On the 9th another futile effort was made. Finally on the 10th, after vain efforts to reach an agreement, the motion for cloture was withdrawn and an agreement to vote on July 21 was reached.

So much on the delay of this bill and the cause of it and the responsibility for it. No man who knows will assert that the prohibition forces are delaying it.

Mr. Speaker, I have a series of resolutions adopted by the Ohio Grain Dealers' Association in convention at Toledo, June 27 of this year. This is the matter to which I referred at the outset. The one resolution of present pertinence is headed:

OBSTRUCTIVE LEGISLATION.

Resolved, That we are strongly opposed to the practice in Congress of attaching to bills, as amendments, matters that are foreign to the bills to which amendments are being attached, and matters that should be incorporated in special bills. This practice causes delays to legislation of the utmost importance, places our Congressmen in false positions, is unpatriotic and dangerous to the well-being of our country.

This resolution following an indorsement of the efforts of Mr. Hoover and many national undertakings looking to an efficient administration of an effective war policy, it is evident that those who wrote it were under the impression that this food-control bill was hindered by obstructive legislation. That may be, but no amount of effort on the part of the liquor interests or press will be able to fix that odium on the temperance forces of the country.

This bill came to the House as prepared by the Agricultural Committee, in conference with the department and in consultation with Mr. Hoover as well as the President of the Nation. It came as their proposal. Section 13, as reported, read as follows:

SEC. 13. That whenever the President shall find that limitation, regulation, or prohibition of the use of foods, food materials, or feeds in the production of alcohol or of alcoholic or nonalcoholic beverages, or such nonalcoholic beverages as he shall determine, or that reduction of the alcoholic content of any beverage is essential in order to assure an adequate and continuous supply of food, he is authorized from time to time to prescribe and give public notice of the extent of the limitation, regulation, prohibition, or reduction so necessitated. Whenever such notice shall have been given and shall remain unrevoked, no person shall, after a reasonable time, which shall be prescribed in the notice, use any foods, food materials, or feeds in the production of alcohol or of alcoholic or nonalcoholic beverages, except in accordance with the limitations, regulations, and prohibitions prescribed in such notice, or produce any beverage having an alcoholic content in excess of the amount prescribed therefor in such notice. Any person who willfully violates this section shall, upon conviction thereof, be punished by a fine not exceeding $5,000, or by imprisonment for not more than two years, or both.

That section made prohibition possible whenever the President so decreed. It was opposed by the liquor interests most strenuously when reached. The issue of prohibition thus introduced in the bill and made complete whenever, by proclamation of the President, he so decreed. Many Members, and I was included in that number, preferred to deal with this question directly by law, rather than by law pass it over to the President. We therefore offered to amend in the regular way by striking out of the section all except the following words: "No person shall use any foods, food material, or feeds in the production of alcoholic beverages," and we left the last paragraph in the section, making it a fine to violate the law. No man will say that this amendment was a rider, and no one can say the proponents of it were obstructionists because they offered it, unless he says the President and his committee are obstructionists, since they injected it at the outset. After the amendment was adopted, we perfected it by adding, after "alcohol," the words "except for governmental, industrial, scientific, medicinal, and sacramental purposes."

Mr. Speaker, to be specific, in answer to the charge that those of us who favor the conservation of our grains for food rather than for beverage purposes are delaying this legislation, let me repeat, that of the five days' consideration the House gave to the bill less than a day of that time was devoted to this question.

The Senate received the bill on the 28th from its committee, but the prohibition section was not reached until the 5th of July. The temperance forces in that body stood ready to vote on the issue, and even suggested the invocation of the cloture rule to force a vote. Yet in the face of these facts of record the innocent public are told by liquor agents and press that the delay in food-control legislation is due to prohibitionists. Let the Courier-Journal supply the backwash of the liquor interests:

And thus it is to-day that our own menaced land, our trusting allies beyond the sea, our envious and envenomed enemies at their throats, behold—it must be with amazement on the one side and amazement and glee on the other—the spectacle of our National Legislature in the grip of those who subordinate their sacred duty to our Army, our Navy, our militant citizenry, to the blackmailing opportunity to promote the intolerant purposes of fanaticism and of those politicians who would play to fanaticism.

Mr. Speaker, we are in the most cataclysmal world struggle conceived by mind. Its possibilities for danger have demanded the enlistment of the world's greatest thought, its keenest thinkers, its wisest doers of deeds; it has conscripted the flower of the Nation's greatest treasure; it will commandeer the resources of the Nation's numerous great captains of industry; it has laid its hands upon the consumers as well as producers of the country; it has turned all the channels of our resources into one current, and so guarded the national arteries that the vitals of the Republic will not unduly suffer; it has appealed to the farmer to produce his utmost and to the farmer's wife to save the crusts of bread, to establish wheatless and meatless days. In a word, this world contest, the brunt of which seems to be close to our door, compels America to face the possible consequences of an uncontrolled piracy of the seas, which threatens starvation of our allies with all its attendant consequences to follow.

This Congress is free to seize for the sake of a democracy all its resources, and without the consent of or even consultation with the owners, including the sons of the Republic from 21 to 31, this Congress is free to do all that; but we must not say to the liquor dealers, you can not continue to waste in alcoholic beverages grain and foodstuffs to the amount of 7,500,000,000 pounds per year, enough to feed an army. The conduct of these interests exhibited both in the press and in this Congress convinces me that the people of this country must take the business with a strangle hold. Like slavery in other days, every step to correct the evil is being and will be contested, and those who attempt to curb it are narrow minded, bigoted, pharisaical, and impudent in their interference with personal liberties.

The time is here when no man should hope to see a day when the liquor business will not invade every relation of life, especially political life, if it be to its interest to do so.

While the food-control bill provides prohibition for the period of the war, it is useless to pretend that the fight against this evil is to stop until it is ended right. That will not be until the business as a beverage industry is wholly destroyed. I have had a growing conviction for years that there is no other way. If ever I had any doubt of what my duty toward this palpable evil was, which I never have had, the procedure here in the Capitol during this war legislation has cleared the way as nothing in all my experience has done.

Could the American public view this program but one election would be necessary. At the worst this tenacity to pursue the

devious course can not last many years. An institution driven from pillar to post as an outlaw can not long endure after the conscience of a nation has indicted it as wrong, the Courier Journal to the contrary notwithstanding.

As I said in the colloquy with the gentleman from Texas [Mr. SLAYDEN], I would be glad to see this property paid for at the actual cost plus a reasonable profit, if it can be reached by legislation such as was proposed in the Senate; but if this powerful influence continues to invade every circle and attempts to dominate, as it has in the past, and we are compelled to abolish it by Federal amendment, there will be no compensation.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the gentleman have two minutes further. I want to ask him one question.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent that the gentleman from Ohio have two minutes more.

Mr. SLAYDEN. Mr. Speaker, he has not asked it for himself. Therefore I object.

Mr. CRAMTON. Mr. Speaker, now, I do not think anyone can be cantankerous. So I shall have to make the point of no quorum. I make the point there is no quorum present.

Mr. LARSEN. I move that the House do now adjourn.

The SPEAKER pro tempore. Does the gentleman from Michigan insist on his point of no quorum?

Mr. CRAMTON. I will renew my request that the gentleman from Ohio have two minutes further. I desire to ask him a question.

Mr. LARSEN. Mr. Speaker, I move that we adjourn, if we have got to have a roll call here.

Mr. CRAMTON. I will say for the benefit of my friend from Texas, and to relieve his apprehension, that my question has nothing to do with the liquor traffic.

Mr. SLAYDEN. I am no friend of the liquor traffic.

Mr. CRAMTON. You seem to attempt to be.

Mr. SLAYDEN. I do not. And the gentleman has not heard me say anything that warrants that assertion.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

Mr. MORGAN. I make the point of no quorum.

The motion to adjourn was agreed to; accordingly (at 2 o'clock and 55 minutes p. m.) the House adjourned until to-morrow, Saturday, July 14, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Secretary of the Navy, submitting an estimate of appropriation immediately required by the Naval Establishment for aviation purposes (H. Doc. No. 256); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Navy, submitting an estimate of appropriation for the naval emergency fund, 1917 and 1918 (H. Doc. No. 257); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior, submitting an estimate of appropriation to provide for employees necessary to operate the electrical substation in the new building for Interior Department offices during the fiscal year ending June 30, 1918 (H. Doc. No. 258); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Secretary of the Navy, submitting an estimate of appropriation for the establishment of a high-power radio station on the island of Porto Rico (H. Doc. No. 259); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting estimate of appropriation, for inclusion in some deficiency bill, an item for rent of temporary quarters and moving expense incident thereto for Government officials, at Evansville, Ind. (H. Doc. No. 260); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Secretary of War, submitting estimate of appropriations and estimates for relief of certain disbursing officers of the Army (H. Doc. No. 261); to the Committee on Claims and ordered to be printed.

7. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication of the Secretary of War, submitting estimates of additional appropriations urgently required by the War Department for the service of the fiscal year ending June 30, 1918 (H. Doc. No. 262); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committee, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. RAKER, from the Committee on Irrigation of Arid Lands, to which was referred the bill (H. R. 4954) to provide for the application of the reclamation law to irrigation districts, reported the same with amendment, accompanied by a report (No. 93), which said bill and report were referred to the House Calendar.

Mr. CROSSER, from the Committee on Patents, to which was referred the joint resolution (H. J. Res. 116) for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, for lessening the expenses of the war, and restoring the loss caused by the war by providing for the employment of a discovery or invention called the "Garabed," claiming to make possible the utilization of free energy, reported the same without amendment, accompanied by a report (No. 94), which said joint resolution and report were referred to the House Calendar.

Mr. CHARLES B. SMITH, from the Committee on Patents, to which was referred the bill (H. R. 5287) providing for additional force in the United States Patent Office, reported the same with amendment, accompanied by a report (No. 95), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 5269) to prevent the publication of inventions by the grant of patents that might be detrimental to the public safety or convey useful information to the enemy, to stimulate invention and provide adequate protection to owners of patents, and for other purposes, reported the same without amendment, accompanied by a report (No. 96), which said bill and report were referred to the House Calendar.

Mr. DENT, from the Committee on Military Affairs, to which was referred the bill (H. R. 5326) to authorize the President to increase temporarily the Signal Corps of the Army, and to purchase, manufacture, maintain, repair, and operate airships, and to make appropriations therefor, and for other purposes, reported the same with amendment, accompanied by a report (No. 97), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FITZGERALD: A bill (H. R. 5405) making appropriations for certain session employees of the Senate and House of Representatives; considered and passed.

By Mr. SMITH of Idaho: A bill (H. R. 5406) to admit osteopathic physicians to examinations for commissions in the medical branch of the Navy of the United States, and to provide for their official status, rank, and pay, and for other purposes; to the Committee on Naval Affairs.

Also, a bill (H. R. 5407) to admit osteopathic physicians to examinations for commissions in the medical branch of the Army of the United States, and to provide for their official status, rank, and pay, and for other purposes; to the Committee on Military Affairs.

By Mr. CROSSER: A bill (H. R. 5408) to amend the act approved April 8, 1904, entitled "An act to amend section 76 of an act entitled 'An act to provide a government for the Territory of Hawaii'"; to the Committee on the Territories.

Mr. Mr. DIES: A bill (H. R. 5409) to authorize the Neches Canal Co. and Beaumont Irrigation Co. to construct a dam across the Neches River, about 10 miles above the city of Beaumont, Tex.; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE of Pennsylvania: A bill (H. R. 5410) to render possible the return of the bodies of our soldier dead to their home burial grounds in a sanitary and recognizable condition; to the Committee on Military Affairs.

By Mr. GOULD: A bill (H. R. 5411) revising the statutes of the United States to provide tobacco for the enlisted men of the Army; to the Committee on Military Affairs.

Also, a bill (H. R. 5412) revising the statutes of the United States to provide tobacco for the enlisted men of the Navy and Marine Corps; to the Committee on Naval Affairs.

By Mr. COADY: A bill (H. R. 5413) to authorize the refund of duties collected on field kitchens imported during the year 1917; to the Committee on Ways and Means.

By Mr. BRUCKNER: Resolution (H. Res. 116) directing the Secretary of War, if not incompatible with public interests, to request the governor of the State of New York to transmit to him, for the information of the House of Representatives, all records, correspondence, and papers filed with the governor in support of and in connection with the selection and appointment of the medical members of the exemption draft boards for the county of The Bronx, in the State of New York; to the Committee on Military Affairs.

By Mr. CARTER of Massachusetts: Resolution (H. Res. 117) defining the basis on which increased compensation of civil employees of the Government shall be made; to the Committee on Appropriations.

By Mr. TAGUE: Joint resolution (H. J. Res. 121) amending in part the act approved March 3, 1917, making appropriation for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. EMERSON: Joint resolution (H. J. Res. 122) to establish a service flag; to the Committee on the Judiciary.

By Mr. SIEGEL: Joint resolution (H. J. Res. 123) to grant citizenship to James H. Hare; to the Committee on Immigration and Naturalization.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CANNON: A bill (H. R. 5414) granting a pension to Mary R. Neal; to the Committee on Invalid Pensions.

By Mr. CHURCH: A bill (H. R. 5415) providing for the payment of additional per diems to certain witnesses in the case of the United States v. A. L. Wisner & Co.; to the Committee on the Judiciary.

By Mr. CRAGO: A bill (H. R. 5416) granting a pension to Ryan V. Eichelberger; to the Committee on Pensions.

Also, a bill (H. R. 5417) granting a pension to William H. Troxell; to the Committee on Pensions.

Also, a bill (H. R 5418) granting a pension to George A. Beam; to the Committee on Invalid Pensions.

By Mr. MAHER: A bill (H. R. 5419) to reinstate John K. Thompson as a gunner in the United States Navy; to the Committee on Naval Affairs.

By Mr. RAMSEYER: A bill (H. R. 5420) granting an increase of pension to Jacob C. Maddix; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 5421) granting an increase of pension to William T. Stewart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5422) granting an increase of pension to Jerry Daniel; to the Committee on Invalid Pensions.

By Mr. WELTY: A bill (H. R. 5423) granting a pension to Emma L. Grady; to the Committee on Pensions.

By Mr. WHITE of Maine: A bill (H. R. 5424) granting an increase of pension to Henry A. Cross; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Pastors' Federation, General Synod of the Reformed Church in America, favoring prohibition as a war measure; to the Committee on the Judiciary.

Also (by request), memorial of Grand Igloo Pioneers of Alaska, against passage of the Alexander bill, relative to taxing canneries in the Territories; to the Committee on the Territories.

Also (by request), memorial of Socialist Party of Kings County, N. Y., against espionage law as interpreted by the Department of Justice and the post-office authorities; to the Committee on the Judiciary.

By Mr. CRAGO: Memorial of Presbyterian Church of White Haven and sundry citizens of Franklin County, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. DARROW: Petition of Evangelical Lutheran Congregation of Philadelphia, Pa., relative to churches being able to secure wine for sacramental purposes; to the Committee on the Judiciary.

Br. Mr. DRUKKER: Petition of St. Paul's Evangelical Lutheran Church of Paterson, N. J., asking that the law relating to the carrying in the mails of matter containing liquor advertisements be amended in certain respects; to the Committee on the Post Office and Post Roads.

By Mr. HAMILTON of New York: Petition of sundry citizens of Burns, N. Y., favoring national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. HULBERT: Memorial of executive committee of the National Association of Knit Goods Selling Agents, relative to purchase of knit goods for the Army and Navy; to the Committee on Military Affairs.

Also, memorial of conference of the high cost of living, favoring a Federal tax on assessed value of improved and unimproved land; to the Committee on Ways and Means.

By Mr. HUMPHREYS: Petition of Mrs. S. C. Taylor, of Cleveland, Miss., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Resolution of National Association of Fisheries Commissioners, urging enactment of uniform laws respecting the discharge of commercial and other waste into streams and tidal waters seriously affecting the production and maturing of marine food life; to the Committee on Agriculture.

By Mr. LINTHICUM: Memorial of members of Tyson Colored Methodist Protestant Church, West Roland Park, Baltimore, Md., relative to recent troubles in East St. Louis, Mo.; to the Committee on the Judiciary.

Also, petitions of Hynson, Westcott & Dunning, of Baltimore, Md., relative to increased tax on alcohol; to the Committee on Ways and Means.

Also, petitions of sundry citizens of Baltimore, Md., favoring Hollis and Myers amendments to the war-revenue bill, relative to taxing gifts, etc.; to the Committee on Ways and Means.

By Mr. LONERGAN: Memorial of Suffrage League of Fairfield County, Conn., favoring suffrage for women; to the Committee on the Judiciary.

By Mr. REED: Petition of Mrs. F. J. Westfall, president, and the members of the Woman's Christian Temperance Union of Harrisville, W. Va., urging the enactment of a bone-dry prohibition amendment and commending Congress for its recent attitude toward this measure; to the Committee on Agriculture.

By Mr. ROWE: Petition of Chamber of Commerce of the State of New York, favoring enactment of the daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the New York Social Hygiene Society, advocating abrogation of patent on salvarsan; to the Committee on Patents.

Also, petition of Walter L. Bomer of Brooklyn, N. Y., favoring speedy enactment of the food-control bill; to the Committee on Agriculture.

Also, petition of M. G. Koslow of Brooklyn, N. Y., protesting against increase in second-class postal rates; to the Committee on Ways and Means.

Also, petition of Henry Bredehorst and 15 other residents of Brooklyn, N. Y., protesting against any kind of prohibition legislation; to the Committee on the Judiciary.

Also, petition of David A. Howell, of Brooklyn, N. Y., favoring national war-time prohibition; to the Committee on the Judiciary.

By Mr. SMITH of Idaho: Memorial of faculty of the University of Idaho, Moscow, Idaho, relative to zone around military camps for protection of morals; to the Committee on Military Affairs.

By Mr. SNELL: Petition of Brier Hill Grange, No. 744, Brier Hill, N. Y., opposing any food-control legislation predicated on the false proposition that the farmers of the United States are overpaid for their produce, and protesting against the appointment of any person by any State or national food council or board of food control who is not a practical operative farmer or a man actually engaged in the business of the distribution of food products; to the Committee on Agriculture.

By Mr. SNYDER: Memorial of H. T. Dyett, president Home Wire Co., Rome, N. Y., favoring flat tax on excess profits of corporations instead of a graduated levy; to the Committee on Ways and Means.

SENATE.

SATURDAY, *July 14, 1917.*

(Legislative day of Thursday, July 12, 1917.)

The Senate reassembled at 12 o'clock m., on the expiration of the recess.

Mr. CHAMBERLAIN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Beckham	Jones, N. Mex.	New	Smith, Md.
Brandegee	Jones, Wash.	Penrose	Smoot
Chamberlain	Kellogg	Pittman	Sterling
Curtis	Kendrick	Poindexter	Stone
Fletcher	Kenyon	Pomerene	Sutherland
France	King	Reed	Thompson
Gore	La Follette	Shafroth	Tillman
Gronna	McCumber	Sheppard	Vardaman
Hale	McKellar	Sherman	Walsh
Hollis	McNary	Simmons	Warren
Johnson, Cal.	Martin	Smith, Ariz.	Weeks
Johnson, S. Dak.	Nelson	Smith, Ga.	Williams

Mr. SMITH of Arizona. I wish to announce the absence of my colleague [Mr. ASHURST], who is detained from the Senate on account of illness. I ask that this announcement may stand for the day.

Mr. SHAFROTH. I desire to announce the unavoidable absence of my colleague [Mr. THOMAS].

Mr. SUTHERLAND. I wish to announce that my colleague, the senior Senator from West Virginia [Mr. GOFF], is absent on account of illness. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Forty-eight Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. SHIELDS and Mr. WATSON answered to their names when called.

Mr. HOLLIS. I desire to announce that the Senator from Arizona [Mr. ASHURST] is detained from the Senate by illness.

Mr. POMERENE. I desire to announce that the Senator from Delaware [Mr. SAULSBURY] is detained on important business.

Mr. HOLLIS. I wish to announce that the Senator from Arkansas [Mr. ROBINSON] is detained on important business.

Mr. THOMPSON. I desire to announce that the Senator from Arkansas [Mr. KIRBY] is detained on important business.

Mr. SIMMONS. I desire to announce that the Senator from North Carolina [Mr. OVERMAN] is absent on official business. He is paired with the Senator from Wyoming [Mr. WARREN].

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

THE CONQUERING AIR FLEET.

Mr. WILLIAMS. Mr. President, I read this morning in the Washington Post an editorial entitled "The conquering air fleet." It is to such an extent a clarion ring for speeding up legislation in order to prove ourselves effective and efficient in this great struggle that I ask to have it read at the desk.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

THE CONQUERING AIR FLEET.

The House Committee on Military Affairs, with an Americanism that commands admiration, has considered and unanimously reported the bill which calls for an expenditure of $640,000,000 for immediately creating an airplane fleet that will give the United States command of the air.

This is courageous; it is magnificent; it is war.

Now, gentlemen of Congress, do your duty! Set aside everything but the victory of the United States over Germany! If any personal or factional suggestion occurs to you, smother it. If you see an amendment which by considerable debate might get you a little credit, forget it.

Any slacker can suggest a way to delay and amend and fail. It takes Americans to join hands and hearts, stifle their individual preferences, and rush forward to victory.

The American people don't care a rap about the defects of the airplane bill, if there are any defects. It is its splendid assurance of victory that they are interested in. Defects may be cured in short order by act of Congress, but the act of Congress that passes this bill is the act that counts.

Here is a way to win. Seize upon it, men of Congress! Don't postpone for a day the mighty preparations that this bill will put in action. The manhood of the Nation is eager to assemble and direct the forces that will annihilate the enemy. Go to it, Congress!

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 5405) making appropriations for certain session employees of the Senate and House of Representatives.

PETITIONS.

Mr. TOWNSEND presented petitions of sundry citizens of Mount Clemens, Mich., praying for national prohibition as a war measure, which were ordered to lie on the table.

Mr. CURTIS (for Mr. GALLINGER) presented a petition of the Federal Labor Union of Portsmouth, N. H., praying for the early passage of the pending food bill, which was ordered to lie on the table.

Mr. NELSON presented a petition of the City Council of Minneapolis, Minn., praying for the regulation of food prices, which was ordered to lie on the table.

Mr. McKELLAR. I ask to have printed in the RECORD a telegram from the Southern Newspaper Publishers' Association.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

ASHEVILLE, N. C., *July 10, 1917.*

Senator K. D. MCKELLAR,
Washington, D. C.:

The Southern Newspaper Publishers' Association, composed of 105 of the leading daily newspapers of the South, in convention assembled to-day unanimously passed a resolution expressing the keenest sympathy with the Government's needs in the present extraordinary financial situation, the most cordial willingness to cooperate in raising the necessary additional revenues, and their desire to stand their just and fair proportion of the increased taxation. The convention, however, unanimously voiced the opinion that the proposed extra tax on the net revenues of newspapers, which does not apply to other lines of business, is unjust, unfair, and discriminatory. In reference to the proposed increase in second-class postage rates this association believes that it has no place in a revenue bill, and the proper rate or rates should be determined by an impartial investigation. If, however, an increase in postage rates is absolutely necessary at this time, this association believes that the only fair and equitable basis is the zone system, the theory of which is fully outlined in Senator MCKELLAR'S amendment, with the present rate applying for the first 300 miles, which investigation has shown already affords the Government a profit, and increasing rates for longer distances in proportion to the cost to the Government for services rendered publishers.

CURTIS B. JOHNSON.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CURTIS (for Mr. GALLINGER):

A bill (S. 2647) granting an increase of pension to George O. Pearl (with accompanying papers); to the Committee on Pensions.

By Mr. SHIELDS:

A bill (S. 2648) for the relief of Barneybass Eastridge; to the Committee on Military Affairs.

A bill (S. 2649) granting an increase of pension to Louis M. Starring; to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 2650) to authorize the county of Okanogan, in the State of Washington, to construct bridges within that county across the Okanogan River; to the Committee on Commerce.

A bill (S. 2651) to place Henry La Motte upon the active list as surgeon in the Medical Corps of the Navy; to the Committee on Naval Affairs.

RECENT DISTURBANCES IN EAST ST. LOUIS, ILL.

Mr. SHERMAN. I ask unanimous consent to offer a concurrent resolution, and I ask that it be printed and go over under the rule.

There being no objection, the concurrent resolution (S. Con. Res. 10) was submitted, as follows:

Whereas citizens of the United States have recently been killed by mob violence in East St. Louis, Ill., in the circumstances and in such numbers as to show underlying conditions of national significance, and indicating such weaknesses and lack of protection to citizens of the United States as to warrant an examination by an authority sufficiently powerful, impartial, and comprehensive, to ascertain the causes thereof: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That a committee of 10, consisting of 5 Members of the Senate and 5 Members of the House, to be named by the presiding officers thereof, be appointed to investigate the mob violence and riots in East St. Louis, Ill., and the causes thereof, and make a report of the same to Congress; that such committee shall have power and is hereby authorized to issue process and enforce the attendance of witnesses, the production of papers and documents, and all evidence which may shed any light upon the cause, and to fix the responsibility for the deaths of such citizens of the United States as were the victims of mob violence. The expenses of such investigation to be paid out of the contingent funds of each House in an equal sum.

That such investigating committee be, and is hereby, instructed to cooperate with the Department of Justice of the United States or of any State, and supplement the efforts of any such department not only to ascertain the reasons for such outbreak and the persons responsible therefor, but to secure punishment for those liable to criminal prosecution.

MEMORIAL ADDRESSES ON THE LATE SENATOR LANE.

Mr. CHAMBERLAIN. Mr. President, I ask unanimous consent that Sunday, the 12th day of August, and the hour of 10.30 a. m. of that day, be set apart for holding memorial exercises to commemorate the public services of my late colleague, Senator LANE, of Oregon.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Is there objection to the request of the Senator from Oregon? The Chair hears none, and it is so ordered.

The order was reduced to writing, as follows:

Ordered, That the Senate convene on Sunday, August 12, 1917, at 10 o'clock and 30 minutes a. m., to consider resolutions in commemoration of the life, character, and public services of the late Senator HARRY LANE, of Oregon.

CONSERVATION OF FOOD AND FUEL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

Mr. STONE. Mr. President, in what I have to say I have no thought of saying anything that will especially contribute to the pleasure, still less to the enlightenment of the Senate, but what I have to say I wish to say because I desire on my own account to have it constitute a part of the RECORD.

Mr. President, it is not my intention to discuss the details of the bill before the Senate or of the substitute proposed therefor. I may have something to say later on about the bill and the substitute while we are considering the comparative merits of the two, but now I desire to address myself to the more general aspects of this legislation.

Mr. President, there are provisions in the pending bill—and that is the bill I now have particularly in mind—I do not like; indeed, there are provisions in it I could not think of supporting if presented at a time when normal national conditions prevailed. I am not unappreciative of the pertinency and force of the criticisms of the bill made by several distinguished Senators. I confess myself unable to make a satisfactory reply to some of these criticisms. I have no doubt the Senators who make these criticisms are performing a patriotic and useful service to the country, at least in this way, by calling public attention to the legislative trend, with which we are becoming familiar, of the growing disregard of the Constitution of the United States, and of a growing indifference to those theories of government which heretofore we have esteemed to be fundamental and essential to the integrity of the Nation and the safety of the people.

I have said there are provisions in this bill I do not like, and I might add that the same thing is true of other bills—so-called war bills—we have recently passed, and which I voted for. I voted for those bills in the belief—although I confess it was a hesitating belief—that it was best in the circumstances. In like spirit I shall vote for this bill; and this I say with full knowledge that it is a dangerous thing to establish bad precedents even under exceptional circumstances or abnormal conditions. They are apt to return to plague us. I can only hope that I may not hereafter be arraigned in the court of conscience or be held to a too strict accountability by a newly aroused and revitalized public judgment, or by posterity. If the more objectionable features of the bill can be removed or modified by amendment, all the better; but however that may be, in the final analysis, it is my present purpose to vote in favor of passing this bill as finally agreed upon into law. After making this apparently somewhat inconsistent explanation, it behooves me to state my position more definitely.

I have already, more than once, voiced my general attitude with respect to this whole war business, but I think it opportune and in a personal sense necessary to restate it. Moreover, as we progress along this line of legislative enactment I may deem it necessary to again restate, perhaps more than once, the attitude I have taken, may I not say from the beginning, with respect to these matters.

Mr. President, I have divided this speech which I am making into three sections. I have now reached the first section, which relates to objections that have been urged against this legislation on constitutional grounds.

I. CONSTITUTIONAL OBJECTIONS.

Senators for whom I have high respect, and to whose judgments I am accustomed to pay deference, protest that this bill contains essential features which are in conflict with the Constitution. As already stated, I am not prepared to controvert that contention. I fear that there are provisions in the bill we have before us—provisions crudely conceived and hastily improvised—which the most casual student of the Constitution would consider violative of that instrument. The same thing might well be said of other bills we have enacted since our declaration of war. And this reflection brings me to this thought—a thought I wish again to impress:

You know, Mr. President, as every Senator and the country knows, I was resolutely opposed to plunging this country into this foreign, far-away European war. You are bound to know how deep my conviction on that subject must have been to have taken the action I did, since I knew, as everyone knew—and none knew so well as I—what the almost inevitable and immediately hurtful personal consequences of that action would be to me. Nevertheless I warned you and the country against that fateful step, voted against taking it, and have suffered the anticipated personal consequences. I warned you and the country then that if we insisted upon this course we would open a Pandora's box, the multiplying evils of which no man was wise enough to forecast. When a mere handful of Senators opposed this headlong rush to the battle fronts of Europe and resisted the remarkable scheme advanced to have the Congress abdicate their constitutional functions and turn over to the Executive not only the power to wage war but practically to declare war and, in substantial effect, to administer all the constitutional powers of the Government, some 80 Senators or more passionately affixed their signatures to what may be called a "legislative round robin," by which they nailed to the cross those who did not believe in war and were unwilling to follow in the wake of their leadership. But from the beginning I have stated over and again that, while I looked with horror upon the proposal to involve this country in this foreign war, I would nevertheless loyally accept the joint judgment of the Congress and the President, if they should, acting together, declare for war; and from that day forth I have stood steadfastly in support of the dominating forces of the Government which declared that war was necessary. That is the position I took at the outstart, and I shall abide by it.

The Congress declared war, thereby authorizing and directing the President, as Commander in Chief, to prosecute the war with the greatest possible vigor to a successful termination. Holding still many doubts and scruples in reserve, I shall support the President and the Government in organizing our national resources and in using them to the utmost of our strength.

At this late day, after we have deliberately involved ourselves in this tremendous tumult, Senators become deeply troubled about the Constitution. I fear this trouble comes too late. It is most unfortunate that this troublous shadow did not fall athwart the Senate at a somewhat earlier day. Undoubtedly bills are being passed, one after another, which in some of their essential particulars would in ordinary times be denounced as subversive of the clear mandates of the Constitution. But we have been told in the course of the Senate debates that in a time of war like this we can properly and constitutionally pass laws to further the objects of the war, which laws in normal times would be universally condemned and denounced as unconstitutional. This remarkable contention has been strongly urged by Senators in our hearing, some of whom are highly esteemed for their erudition as lawyers; and the executive and legislative branches of the Government appear to have accepted this view—the meaning of which is that the Constitution is at least in some large measure suspended by the mere fact that a state of war exists—and we have been and still are proceeding on that theory and basis.

Mr. President, I think it would not be an incorrect statement to say that, in so far as the lawmaking power is concerned, the Constitution, crucified, lies in a state of suspended animation—at least temporarily moribund. Whether this old charter of our liberties shall ever arise, revitalized, I do not certainly know. The judiciary is the one remaining constitutional coordinate power of the Government which, so far as we know, is yet free from revolutionary influence and which may, at a later day, open the door to the sepulcher. There may be a resurrection. Mr. President, times do come in the lives of nations when one may say, in the words of Marcus Antonius—

> O judgment! thou art fled to brutish beasts,
> And men have lost their reason.

Whether, when they shall be called upon, the judges will stand unbending for the Constitution, as they have often stood for it in the past, firmly maintaining its limitations in preserving our established form of government and in making secure the rights of the private citizen, or whether they too shall join the legislative mob in the onward rush toward constitutional demolition and revolutionary change in our fundamental ideals, remains to be seen. The judges can not speak until the ill-considered things we shall do here—sometimes doing them passionately, but more often doing them under the sharp prod of extraneous influences—are brought before them in due form for their deliberate and solemn judgment. For that we shall have to wait.

In the meantime, so far as I can find it possible to do so, it is my desire and purpose to support the Government in promoting the supreme thing we now have in hand to do, and that is to make certain the succesful prosecution of the war to the most speedy ending.

II. AUTOCRACY AND ARISTOCRACY.

Mr. President, this war program of legislation we are engaged upon, of which this bill is a typical example, is also criticized by Senators and outside commentators on the ground that, while we are making war avowedly to crush the ambitious autocracy of Germany, we are in the prosecution of that enterprise building an autocracy of our own whose far-extended reach puts it upon a plane which in essential particulars is little below the most arbitrary pretensions of the Kaiser's Government itself. I am not competent to wage issue on that contention. The contention, I am sorry to say, has too much the present semblance of truth; but can that be helped? There is one line of differentiation between the two quite obvious to me—and that line is not only of paramount importance but very comforting—namely, that the extraordinary powers the Congress are assuming for themselves and conferring on the Executive are extraordinary powers intended merely to serve a present purpose, and that these extraordinary powers will be temporary in duration, and not permanent, whereas we contend that the autocratic powers of the Imperial German Government are a permanent part of that Government—ingrafted upon its very organism.

I hope that this line of differentiation is accurately drawn, and especially do I hope—yes, and believe—that that line will not be forgotten or obliterated after the war. I so hope because surely it can not be that we mean permanently to change our form of Government. Surely it can not be that we are making an unwritten constitution, after the English plan, to supplant that which is written. I know that the things we are doing are pregnant of perilous future possibilities, but I feel that now we are almost compelled to go forward. I do not see how we can halt or retrace our steps until the reverberating echoes of the last hostile gun have ceased to disturb the peace of the world. Beyond that day I look with hope and faith that the liberty-loving people of our own America will readjust our national life upon old familiar lines, drawn within those limitations of constitutional power for which we have stood for more than a century, and which we have firmly and zealously maintained for the preservation of liberty and a real democracy.

Mr. President, I hate autocratic rule, I hate aristocratic rule, and fear both. I abominate kings, kaisers, czars, and emperors—royalty in any guise—and beyond these, looking downward, I can not avoid an inborn feeling—I hesitate to say a feeling of contempt, but of unspeakable dislike for all such human things as princes, dukes, lords, and others like them of minor degree who hold hereditary title under royal patent to bestride the world, as it were, that the working and really creative forces of men should pass between their outstretched legs, as between the legs of some bestriding Colossus, and lay tribute at their feet.

All these lordly gentlemen, of whatever land or caste, look alike to me. I am blind to any essential difference between them. I would strip every man of them of his toggery, his haughty pretensions, and ill-gotten privileges, and send him about his business to make an honest living by his own hand and brain, and to exist like other men. True it is that some of these aristocrats do real service to the State; but most of them are little more than incubi on the body politic. They feed on the public and lord it over the people. Always they assume an attitude of superiority and mastery. Even those who serve with credit could serve as well and with greater honor, as men like Gladstone, the great Commoner, served, as untitled private citizens. There should be no such thing as a select, aristocratic, much less autocratic, class in government. No man or class of men should be entitled to rule by heredity. Mr. President, whenever shall we reach a point in world development when the body politic can be freed from political and even social fungi? May the plain people not hope to reach that end at the end of this war? At all events I declare most positively that our part in this war—whether in the waging or at the ending—should in no wise conflict with the great principles of human democracy I here reproclaim.

Mr. President, I was glad to pay respect to the French mission when they recently visited Washington, because they represented a people who, after long years of travail, bloodshed, and heroic effort, put an end to royalty, autocracy, and aristocracy in France, and upon the wreck of those old oft filthy and always oppressive public evils builded a great democracy imbued with the spirit of universal liberty and equality. I was equally glad also to pay respect to the Russian mission, because they, too, represented a great people, who out of the volcanic upheavals of this stupendous war have swept a royal master from his throne, and are striving—I hope in God's providence striving successfully—to construct a great and true democracy on the ruins of an autocracy which has brutalized Russia for centuries. Here at least is one blessing this frightful war promises to mankind. I pray Heaven that a still greater harvest of this kind may be garnered for the good of men all over the world wherever royalty lifts its sinister standard before this old globe of ours shall again peacefully swing in its accustomed orbit.

Mr. President, while the war is on and waged as it now is waged, although not unmindful of the expressed apprehensions of Senators and fully alive to the possible dangers of the future, I see no loyal way for me to go except to support the President and those associated with him in the conduct of the war. The future is always uncertain, but my guiding star in this night of doubt is the Star of Faith. I grope, but I shall go forward. I shall go forward in the hope of rendering some service to make the future what it should be.

My one great present desire is to aid the Government in bringing this war to a speedy end. I say this in the midst of this world clamor, because I see no chance for the unshaken champions of real democracy to be even heard with patience until the war is ended.

III. PEACE—WHEN AND HOW?

Mr. President, when and how is peace possible? Before we entered into the war I believed this Government held in its hand the power of commanding peace between the warring nations of Europe. I believed, based on my knowledge of the situation, that then we could have resolutely approached all the belligerents on the just ground that our vital national interests and the vital interests of the neutral world were so involved that we had, as the most powerful representative of neutral nations, a right to speak in the interest of world peace. Possibly I may be wrong, but I believe that we could have laid down to the several belligerent powers a basis of peace absolutely just to all, including ourselves, that none of the belligerent powers could have rejected—that none could have dared to reject—because we could have assumed such an attitude with respect to the whole subject, backed by the neutral nations if we had sought their support, as would have enabled us to propose a basis of peace so just that it would have been impossible for any of the belligerents to have refused to cooperate with us in our effort to establish peace. It is bootless at this time to outline in detail the stand we might have taken in this behalf. I thought, and still think, we held in our hands that balance of power that could have enforced a world peace. I believe that it is still within our power to bring about world peace without serious further sacrifice of blood or treasure. That is my personal belief, about which I have no doubt. However, I will not now elaborate these ideas, because it would be useless. Our Government is no longer a Government of peace, but of war. It would be madness to overlook that obvious fact. The preachment of "peace without victory" has been changed to the preachment of "peace only with victory." That is our present governmental attitude. I recognize that we are in this behalf confronting a condition, not a theory. We had as well understand now as later that there will be no peace until the German Government lift their hands in token of surrender. Germany must be crushed before we shall again call the rising sun to light the day of peace. Do you doubt that I am stating the exact situation as it now is? It may be that something may later occur to change the President's attitude, and if the President changes his attitude the Congress will change their attitude, but not otherwise. To my vision the prospect of peace on any basis different from that I have indicated appears only as a faint glimmer on the horizon of hope. There is no need for sane men to deceive themselves about that. If what I say is true, then we are brought to a point of clear understanding to this effect: That unless the President modifies his attitude there will be no peace until our arms are crowned with victory on the battle fields of Europe. When will that event occur, as sooner or later it is bound to occur? I say bound to occur, because with the tremendous overwhelming forces arrayed against the Teutonic combine, there can be but one end to the war as I see it. The German powers must yield.

Therefore it follows that the sooner victory comes to our arms the sooner the world will come to its senses and to some just basis of permanent peace. The sooner this is accomplished the sooner the world can begin to adjust itself to the new conditions which are to arise out of this conflict, and, perhaps more important, the sooner our own people can begin the work of restoring their own governmental autonomy on lines consistent with their Constitution and national ideals. I see no way of bringing all this world turmoil to an end and thus arriving at the point of world readjustment and national readjustment except by employing to the utmost limit all the vast powers of this Nation, cooperating with those with whom we are by force of circumstances associated, to end the war. And, as I see it, the sooner this end can be reached the better for all. Dealing

with this situation as it appears to me, I rest under the compelling conviction that the best present service I can render my country and mankind is to aid the Government of the United States in every way possible to add the full contribution of its mighty power to force peace by the arbitrament of the sword. After that I believe the people of the United States and the thoughtful people of the world will begin to take their bearings. At this time we are on the bosom of a tumultuous sea where none can measure heights or depths. It is imperative that the world must reach a period of greater calm and sanity, and that period is not within sight on this side the termination of the war.

Mr. President, what I have said in a way expresses my view and attitude. In the interest of peace, of humanity, of better world conditions, and especially in the interest of restoring our own national normality, I see nothing I can do better calculated to promote these ends than to give my unreserved support to the Government as constituted in prosecuting the war with the greatest possible vigor to a speedy and successful conclusion. This I have said more than once; this, I repeat again, and this I shall do. Accordingly, I shall support this legislation.

Mr. WILLIAMS. Mr. President, in so far as a part of what the Senator from Missouri [Mr. STONE] has just said is a clarion call to duty to "stiffen our sinews and summon up our courage" to see this thing through to a successful issue, I agree with him most emphatically, but there is a part of what he said which is an iridescent dream, and I can not permit it to pass without entering my protest. There never was a month or a week or an hour or a minute when this country could have suggested terms for a just and lasting peace which would not have been scorned at the court of Berlin by the Kaiser and his military and bureaucratic entourage. That sort of a thing is a mere dream of what might have been, a picture of what can not be, not even now, much less then. It will remain a dream until the time when we shall have demonstrated to Germany that behind an eloquent tongue there is a mailed fist.

We not only could not have laid down any terms for a just and lasting peace which would have been accepted, but we could not even lay down any terms to prevent the sinking of our own ships upon the high seas while we were neutral. We could not have laid down anything that would not be kicked out of court at Berlin. Why? Because that crowd had a perfect contempt for the American Government and for the American people, the contempt that the skilled and prepared boxer has for a heavy beefy fellow who can not assert himself. That was their view of us. That is their view of us yet; and that will remain their view of us until upon the plains of France or upon the high seas we indicate that there is something else to us. It was the contempt that a prepared athlete has in a cause even unjust for an antagonist whose muscles are flabby, whose preparation has been nothing, and whose antagonism can, in the opinion of the athlete, be ignored.

I say that because otherwise a part of what the Senator from Missouri has just said might be a reflection upon the President and the administration—not intended but in effect. The President and the administration did do everything that human intellect could conceive for the purpose, if possible, of bringing an end to the war, and especially of keeping us out of it. We did everything that we had a right to do. The President came to this Chamber and made that speech which was criticized not only abroad but here in this Chamber as being "a peace-at-any-price speech," the celebrated speech in which he said we must have "peace without victory." He traveled the whole gamut up and down. He allowed this Nation to suffer humiliation after humiliation, shame piled upon shame, grazed the very edge of cowardice, because his heart beat in unison with the cause of a just and lasting peace, and in pitying love for suffering humanity.

Now, we are in it—the Senator is right in the balance of what he says—we have got to see it through, and, as the darkies down South say, see it "plumb through." We have got to see it through not only to a successful issue of this war but while we are about it to a just and permanent treaty, under whose comprehensive terms we shall as far as possible make war cease to be a game of national athletes. We have got to see it through to a point where the world can hope that there shall be peace for some generations at any rate—to a point where the civilized world shall say to any nation which goes to war without having previously submitted the cause in controversy, or proposed to submit it to fair and impartial arbitrament, "You are an outlaw nation; you are no longer within the pale of international law; you are outside the pale of civilization; you are everybody's enemy; we shall treat you as such until you come back to your senses. We are tired of this."

We do not propose in time of peace to prepare for war always. We propose now in times of war to prepare for peace, and for a just and lasting peace, and we are going through with it with men and money and ships. We are to see it through on land and on sea and in the air above them both and under the sea, until we have reached the goal not only of peace but of a just and lasting peace, a righteous peace. Old Thomas Jefferson said at one time that "no man was responsible for the rightfulness of his opinion, but every man was responsible for the righteousness of it." So it is with nations.

Now, I agree with the Senator from Missouri. It seems to me that we have been as Senators indulging in endless verbalities, endless criticism, endless attention to minutiæ and to small matters.

The House committee has just reported to the House a bill to spend some $600,000,000 for aeroplanes and see what we can *do* in this war in the quickest possible way. I hope, and I have reason to hope from what I have heard, that the House will pass it through without waiting to consider every "if" and "but" and "and" in every provision of the bill. If it is not perfectly right, it can be made right, but the main thing is to make a start. Let the Senate be guided by its example. Talks may be silvern, but votes are golden.

When somebody is rushing at me with both fists prepared I have not time to criticize the attitude of my own fists or person. The thing is to meet him, and to meet him as well as I can and as quickly as I can and as forcibly as I can.

Mr. President, the country is not unaware of what we have been doing, and the country is also not unaware of what we have *not* been doing, when we might have been doing something. This is the Armageddon, the war of all the nations of all the world, everybody at everybody's throat, and we have spent three months in merely initiating the legislation that is to start off the carrying on of our part of this war. We have spent three months in passing the legislation necessary to start to mobilize men, money, and resources, so that we might prove in the beginning, after the legislation, a factor in this struggle. Men may cry peace, as the old Revolutionary hero said, "Peace, peace, but there is no peace." For six months before we went into this struggle there was no peace, and every man with a long vision knew it. The only mistake that we have made is that we did not get into it in time. Liberty and democracy all over the world may be deprived of "a place under the sun" as the ultimate result of this struggle because we did not have a vision long enough to get into it in time.

The Senator from Missouri is right. There is nothing to do now except to go forward—not even to look backward or to look to either side.

Gentlemen tell me that certain things are unconstitutional because they would be unconstitutional in peace times. Other extremists, on the other side, say that we have certain "war powers." Neither is true. The Constitution stands unchanged, but in its applicability to things it applies to them according to the condition in which the things are at the time of the application. There are hundreds of things that are thoroughly constitutional in time of war in carrying out the behest of the Constitution to "support an army and navy" and to "carry on war" which would be not only absurd but really unconstitutional in times of peace, for the simple reason that in times of war the exercise of the power is proper and necessary in order to accomplish a constitutional end, which is to support armies and navies and carry on war, and in times of peace, the constitutional end being nonexistent, can not evoke and justify the means. The things that are constitutional for carrying on a war are unconstitutional when no war is being carried on.

In times of peace the same things will be neither necessary nor proper, because the task would be a different one. Everybody knows, or ought to know, the difference between a peace establishment and a war establishment.

There are just two classes of people in America, and the sooner we find it out the better. One is loyal to the American Republic and wants to win this war. Whatever is to be suffered, it is willing to suffer; whatever it shall cost it is willing to pay; whatever must be endured it is willing to endure.

The other side is consciously or unconsciously disloyal and untrue, not only to the American Republic but to the cause of liberty throughout the world, which is involved in this war. The President is right. We must see it through, and see it through to where democracy shall have a safe place in this world. That can not be done, Mr. President, so long as there exists anywhere enthroned or vested with authority any man controlling any great national destiny who is insane enough—for it is a form of insanity, and it is nothing else—to believe, first, that government is an independent entity, not a mere

creature of man for man's use, but a separate thing with separate rights and separate duties outside of the pale of morals and the moral law; and, in the second place, that he, thus enthroned, "rules by divine right"; that God is his intimate partner, while the balance of us have no partnership with God at all.

"Summon up your courage," "stiffen your sinews," "show the metal of your posture," realize that this war is the most gigantic struggle that this country was ever engaged in, not even excepting the Revolution, because if we had failed in that we would still have been colonies of that country which, whatever the objections to it might have been or may be, was and is the freest country in the world, except our own and some of its self-governing colonies. We would have been in no worse condition to-day than Canada is. This struggle is even more serious than was the Civil War, because, even had the South been victorious, there would have been two free countries upon this hemisphere, with miserable customhouses between us, and the keeping up of armies out of suspicion of one another, and other immense disadvantages; but still there would have been two free countries and two democracies without kings or nobles.

You lose this fight, and the road is made clear from Berlin to Bagdad; from Belgrade, upon the Danube, down to Saloniki, on the Ægean and across to Asia Minor, for the Government of the Hohenzollerns and the Hapsburgers and Junkerdom. Lose it and one of two things is going to happen—you can either bid eternal farewell to democracy on this earth, its place to be taken by a new world empire, under whose shadow all will be vassals, or else you can make out of America, as Europe has made out of herself, an armed camp, sitting and watching all the time like a panther in his lair, ready to spring at your throat whenever you are off guard, and when the opportunity for booty, pelf, and power seems good to the descendants of the Goths and Vandals and Huns.

What is the use of fooling with any of these "ifs" and "buts" and "notwithstandings" and "moreovers" and "whereases"? Get the substance of what you want in the grand outline and put it through. Meet the enemy as the enemy meets us—with every man and every resource and every form of national virility and vitality.

You need not deceive yourselves. Our boys and men have got to go to the trenches and have got to be killed, have got to be maimed, and perhaps be buried upon foreign soil. It may be that you can not even bring them back to the plantation and put them in the family graveyard with a loving inscription on their tombs. When you consider that and what it amounts to them and to us, what does all this stuff you are talking about here amount to—questions of money and procedure, stupid verbalities. I started to say "linked sweetness long drawn out," but it is not even sweetness; it is linked nonsense long drawn out; worse than that, the verbalities are not even "linked" together. The very air is surfeited with them and sick.

War is war, and the man who attempts to carry on war upon the same principles that would guide him in peace times in ordinary legislation is either lacking in acuteness of vision or he is lacking in loyalty to the country in behalf of which he wants the war to be carried on. "Hew to the line; let the chips fly as they may." See this thing through first; see it through not to a peace only which might be merely an armistice and a preparation by a breathing spell for or continuation of this eternal curse of national armed camps all over the world, of which Great Britain and we, the two branches of the English-speaking race, must after this war become a party—though hitherto we have avoided it—not to a mere peace, which may be only a sound and a word and a name, but a *just and lasting* peace, bottomed upon the rights of nationalities, bottomed upon the rights of those who speak the same language, not to be repressed and oppressed by others, and bottomed above all upon justice and righteousness and the acknowledged obligation of sacred international compacts.

Mr. HOLLIS. Mr. President, I am glad to find myself in hearty accord with the distinguished Senator from Missouri [Mr. STONE] as to the necessity for a vigorous prosecution of this war. The patriotic determination of the Senator from Missouri to support the pending bill and the administration in the prosecution of the war does him all the more credit, because at the same time he expresses misgivings as to where we shall be led with reference to the Constitution of the United States.

I am glad to say further that I do not share his misgivings as to the Constitution, but I agree entirely with the sentiments just expressed by the distinguished Senator from Mississippi [Mr. WILLIAMS].

To conduct a successful war we must have a strong Army, a powerful Navy, and a tranquil, prosperous people. No army will be strong, no navy will be powerful, and no people will be tranquil and prosperous unless there is available for their use at moderate prices an adequate supply of food, fuel, and other necessaries.

The President of the United States is the Commander in Chief of the Army and the Navy and the Executive in Chief of the Federal laws. It is the duty of Congress to raise revenues, make appropriations, and pass necessary and proper laws for the common defense and general welfare.

Since the existing laws have failed to assure an adequate supply of necessaries at moderate prices it is necessary to pass additional laws to achieve that much desired result. We must give the Chief Executive extraordinary powers during the pendency of the war to meet the special emergencies that confront us. This is the plain duty of Congress.

In considering the details of the pending food bill we may well differ. I do not address myself to the details at this time. I desire briefly to discuss the power of Congress to pass such reasonable and necessary administrative laws as it believes to be wise in the present crisis.

It would be highly diverting to ring the changes once more on the familiar decisions of our Supreme Court dealing with the powers of the President and of Congress. Some nice distinctions might be indicated, many acute inferences might be drawn, and places might even be pointed out where the work of the fathers might be improved upon. For the lawyer who delights to split hairs the occasion for indulging in his favorite diversion is well-nigh irresistible.

But war can not be successfully conducted by a debating club. War is not a legislative, but an administrative task. We take too much unction to ourselves when we imagine that the people look to us in this crisis to be especially zealous in defense of their constitutional rights. The people will resume after the war any liberties that have been impaired while the fighting is on. Unless we save the Nation from destruction we shall have no Constitution to engage our anxious care.

The country is not afraid of enslavement or oppression at the hands of President Wilson or of Mr. Hoover. The country is afraid that Congress will disregard the imperative demand to do everything possible to win this war. If any man's constitutional rights are infringed in the process, he will be amply compensated through the courts or by Congress. But there will be no hearing for the Congress which fails promptly and generously to supply the powers and sinews of war. The country does not fear masters; it fears cowards and sluggards. It desires Congress to give the President all the power and all the money he wants, heaped up and running over, and then to adjourn and preserve a very impressive silence and permit the President as Commander in Chief to conduct the common defense, and as Chief Executive to administer the laws for the public welfare.

Congress is well equipped to pass a law empowering the President to select and commission a food administrator, but Congress is not the appropriate constitutional instrument to decide whether Mr. Hoover or some one else is the best man to fill that office. It is my own opinion that the people want Mr. Hoover and will gladly follow his lead in matters of food control. And the people are usually right in their judgment of public men. But of one thing we may be sure, if Mr. Hoover does not administer the food business of the country with conspicuous success, the President will displace him as readily as he will displace the unsuccessful leader of an army in the field.

The President asks us to pass laws to enable him to handle the food, fuel, and necessaries situation effectively and for the benefit of the Army, the Navy, the people, and our allies. It gets us nowhere to debate whether the President could exercise an efficient control over the distribution of necessaries without these laws. It gets us nowhere to debate whether Congress would have the power to pass these laws in time of peace.

The President does not intend to exercise the powers desired by him until Congress grants them. We are most certainly at war. The only questions then are first, whether we have a right to confer the powers in war times, and, second, whether we think it wise as a matter of legislative discretion to confer them.

I shall waste no time on the question of exercising the discretion, if we have it. The Senate will pass this bill by an overwhelming vote when the last oratorical gun has sounded.

On the question of our power under the Constitution to pass the law, I venture the assertion that every attempt by Congress to pass laws as war measures has been eventually upheld by the Supreme Court. There can be no doubt that this law will be held constitutional. The chances are strong that it will never be challenged in the courts.

Many cases have been cited which establish the right of Congress to pass measures of the same general character as this.

The Senator from Iowa [Mr. KENYON] and the Senator from Illinois [Mr. LEWIS] covered the ground fully in their constitutional arguments on the bill. No case has been cited, and none will be found, which denies the right of Congress to pass such a measure in war time.

It is true that the food question has never become serious in the United States during previous wars. Consequently food legislation of this character has not been passed. We have no exact precedent for it; it is an innovation; but we need have no concern because it is an innovation. We are concerned only to decide whether the benefits to be derived from the innovation as a war measure are likely to be sufficient to outweigh the inconveniences and injuries that may result. It is a very simple problem, and one that this body could perfectly well decide without looking at a law book.

It is a waste of time, moreover, to debate whether the Constitution is suspended in war time. No one asks to suspend it for the purpose of accomplishing the object we have in view. If any private property is taken, it will be paid for at a fair price under the compensation clause of the Constitution.

Nothing will be taken except by due process of law. We are now engaged in enacting into law the various due processes which we purpose to employ.

We shall not impair the obligation of contracts, except incidentally, as we do under the bankruptcy law, so that no question of constitutional prohibition is involved under that head.

Mr. President, it is interesting to note how easily those who now fear for the Constitution brushed aside a plain provision of the Constitution when the bill authorizing priorities of shipment on railroads was before the Senate. That bill authorizes the President to require a railroad to carry a less profitable class of freight when a more profitable class is offered. Such action by the President will diminish the earnings of the road, and thus deprive it of a part of its property, for transportation is the only thing the railroad has to sell. Depriving the railroad of its property without just compensation is a plain violation of the Constitution. The friends of that measure desired to provide just compensation in accordance with the Constitution, but those who now insist upon the sacredness of that immortal charter of our liberties refused to permit the railroad law to pass until the compensation feature had been stricken out. Some of them are inexpressibly shocked when the same treatment is extended to whisky distillers.

It is needless to cite cases where provisions of the Constitution have been set aside under martial law. I fully realize that we are not now discussing that phase of the question; but the position that the Constitution never yields to the necessities of war is shattered when we show a single exception. A case squarely in point is Luther *v.* Borden (7 How., 1), decided by the Supreme Court of the United States in 1849. It was there held that the constitutional guaranties against search and seizure do not prevail when martial law has been declared by the proper authority.

I have not heard the case of Luther against Borden referred to during the debate in the Senate on this bill, and I may be pardoned for making more than a passing reference to it. The case grew out of Dorr's rebellion in the State of Rhode Island. There was there a contest between two State governments in the year 1842. Each faction claimed to be the proper government, and one of them, which claimed to have control of the legislature, passed a law declaring martial law throughout the State of Rhode Island. An officer of the militia broke into a house without a warrant and arrested one of the opposite faction; so the case presented the question of the right to set aside the provision of the Rhode Island constitution and of the United States Constitution forbidding search and seizure without warrant in times when martial law has been declared.

The dissenting opinion in that case was written by Mr. Justice Woodbury, of my own State; and those who are opposing the pending bill on constitutional grounds could not put the case any more strongly than Levi Woodbury put it. He said on pages 66 and 67:

> In most of our legislatures, also, as in Rhode Island, in A. D. 1798, by a fundamental law, there has been incorporated into their constitutions prohibitions to make searches for papers or persons without a due warrant, and to try for offenses except by indictment, unless in cases arising in the Army or Navy or militia themselves.
>
> The genius of our liberties holds in abhorrence all irregular inroads upon the dwelling houses and persons of the citizen, and with a wide jealousy regards them as sacred, except when assailed in the established and allowed forms of municipal law. Three of the amendments to the Constitution of the United States were adopted, under such influences, to guard against abuses of power in those modes by the General Government, and evidently to restrict even a modified "martial law" to cases happening among military men or the militia when in actual service. For one of them, amendment fourth, expressly provides that "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." The others are amendments third and fifth.

And then he goes on, on page 70:

> It looks, certainly, like pretty bold doctrine in a constitutional government that, even in time of legitimate war, the legislature can properly suspend or abolish all constitutional restrictions, as martial law does, and lay all the personal and political rights of the people at their feet. But bolder still is it to justify a claim to this tremendous power in any State, or in any of its officers, on the occurrence merely of some domestic violence.

But this "bolder still" doctrine was upheld by the United States Supreme Court in the majority opinion, Woodbury alone dissenting. I will quote one more paragraph from the dissenting opinion before referring to the majority opinion.

Mr. KING. Mr. President——

Mr. HOLLIS. I yield to the Senator from Utah.

Mr. KING. I should like to ask the Senator from New Hampshire if Judge Woodbury, in the very strong and able dissenting opinion referred to, and one in which there is a clear statement of what warrants martial law, and the application of constitutional rights thereunder, did not predicate his dissent somewhat upon the ground that there was not sufficient reason for the establishment of martial law in the circumstances of the case? That is my recollection of the opinion.

Mr. HOLLIS. That is perfectly true. He did, in part, base his dissent on that position; but I am merely reading from his opinion, because these extracts sound so much like the arguments we have heard in opposition to our constitutional right to pass the pending bill.

I now read again from page 62:

> It—
>
> Martial law—
>
> exposed the whole population, not only to be seized without warrant or oath, and their houses broken open and rifled, and this where the municipal law and its officers and courts remained undisturbed and able to punish all offenses, but to subject prisoners thus summarily arrested in a civil strife to all the harsh pains and penalties of courts-martial or extraordinary commissions and for all kinds of supposed offenses. By it every citizen, instead of reposing under the shield of known and fixed laws as to his liberty, property, and life, exists with a rope around his neck, subject to be hung up by a military despot at the next lamp-post, under the sentence of some drumhead court-martial.

That paragraph particularly reminds us of many things we have heard in the Senate in the last two or three weeks. But in reply to that statement, Chief Justice Taney, in the majority opinion, on page 45, said:

> And unquestionably a State may use its military power to put down an armed insurrection, too strong to be controlled by the civil authority. The power is essential to the existence of every Government, essential to the preservation of order and free institutions, and is as necessary to the States of this Union as to any other Government. The State itself must determine what degree of force the crisis demands. * * * It was a state of war; and the established Government resorted to the rights and usages of war to maintain itself, and to overcome the unlawful opposition. And in that state of things the officers engaged in its military service might lawfully arrest anyone, who, from the information before them, they had reasonable grounds to believe was engaged in the insurrection; and might order a house to be forcibly entered and searched, when there were reasonable grounds for supposing he might be there concealed. Without the power to do this, martial law and the military array of the Government would be mere parade, and rather encourage attack than repel it. No more force, however, can be used than is necessary to accomplish the object.

I wish to put in the RECORD one quotation from the Vallandigham case. The case was referred to in the House, but it has not been referred to in the Senate so far as I recall. In that case—Ex parte Vallandigham, Twenty-eighth Federal cases, 874, at page 921—the judge delivering the opinion said:

> In my judgment, when the life of the Republic is imperiled, he mistakes his duty and obligation as a patriot who is not willing to concede to the Constitution such a capacity of adaptation to circumstances as may be necessary to meet a great emergency and save the Nation from hopeless ruin. Self-preservation is a paramount law, which a nation, as well as an individual, may find it necessary to invoke. Nothing is hazarded in saying that the great and far-seeing men who framed the Constitution of the United States supposed they were laying the foundation of our National Government on an immovable basis. * * * They did, however, distinctly contemplate the possibility of foreign war, and vested in Congress the power to declare its existence, and "to raise and support armies" and "provide and maintain a Navy." They also made provision for the suppression of insurrection and rebellion. They were aware that the grant of these powers implied all other powers necessary to give them full effect.

The only case that I have heard cited during this debate that seemed to support at all the contention of those who say that we have not the constitutional right to pass the pending bill is Ex parte Milligan, Fourth Wallace, page 2; but in that case, although personal guaranties under the Constitution were upheld in time of war, the President had acted contrary to the provisions of the Constitution, without power conferred by Congress, in a section where war did not exist, where martial law had not been declared, and where the courts were open to enforce the law. The case has no application here; that is, it was a mere action by the President not supported by powers expressly granted by Congress. We are now engaged in passing laws which will ex-

pressly authorize the President to do these most necessary things.

So much I have felt moved to say in order to reassure those of my friends who have had no time to examine the authorities as to the war powers of Congress. There is ample power for everything the President has asked us to enact and for everything he is likely to ask us to enact; and Senators who will approach the subject with an open mind can fully satisfy themselves by consulting any standard textbook on the United States Constitution.

There is absolutely no mystery about this. It does not take a so-called constitutional lawyer to understand it, or even to expound it. No one has made out a good case yet for any constitutional provision which this measure, as reported by the committee, will violate. The amendment offered by the distinguished Senator from Utah [Mr. SMOOT] evidently does contravene that amendment to the Constitution which provides that private property shall not be taken for public use without just compensation; but I am quite sure that an amendment to the bill will be offered that will take care of that part of the defect.

There are extraordinary constitutional provisions which apply expressly in war times. These, of course, must be regarded at all hazards, and they doubtless will be. But when a conflict arises between any ordinary provision of the Constitution and any necessary and reasonable war measure—Congress to be the judge of the necessity and reasonableness—that particular provision of the Constitution will give way. It always has been so and it always will be so. Let there be no mistake about that.

The Constitution has never yet stood in the way of the enactment of a necessary and reasonable war measure. Such was not the intention of our forefathers. They knew too well the dangers to be apprehended from any lack of power to mobilize the men and the resources of the country for its adequate protection. The present crisis vindicates their judgment. The safety of the Nation stands first in the land of the free.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER (Mr. POINDEXTER in the chair). Does the Senator from New Hampshire yield to the Senator from Oregon?

Mr. HOLLIS. I do.

Mr. CHAMBERLAIN. The case that the Senator has cited, from Seventh Howard, I believe, arising in Rhode Island, was a case where martial law had been declared. May I ask the Senator whether Congress has any broader power under the Constitution where martial law has been declared than where war has been declared without the declaration of martial law? In other words, has not the Congress of the United States just as much power under the Constitution in a time like this, where war has been declared with a foreign power, as it had in Rhode Island, where martial law had been declared?

Mr. HOLLIS. The point raised by the Senator from Oregon illustrates the matter very nicely, and I am very glad to give my view upon it.

The inhibition against invading the castle of a citizen and taking him out by force without a warrant is one that was intended for his private protection, and one that must not and should not be invaded unless there is actual war at the place where the man lives, or unless martial law has been declared at that place and the courts are closed for the ordinary redress of wrongs. Now, I find no warrant—at least, I find no expediency—that would lead me to favor the passage at this time of any law which would override any express provision of the Constitution, whether it was intended to protect a citizen in time of war or in time of peace. I would therefore regard the provisions of the Constitution so far as they are express and so far as they fairly can be regarded without weakening the power to make war. I would give to every citizen whose property we take full compensation for any property that we take. I would take it only under due process of law. I would not interfere by direct action with any contract existing, but so far as it is necessary to pass special and extraordinary laws like the pending measure, and so far as those laws may incidentally and collaterally interfere with existing contracts, I am very clear as to our right to pass them; but I do not believe that even in war time, serious as the war is, we have a right to take the private property of a citizen and use it for a public use without giving him just compensation.

Mr. KING. Mr. President——

Mr. HOLLIS. I yield to the Senator from Utah.

Mr. KING. If the Senator will pardon me, and in partial reply to the Senator from Oregon [Mr. CHAMBERLAIN], the Senator will recall that in the passage of the espionage bill that question was considered; and believing the Constitution to be controlling and with a due regard to constitutional inhibitions, it was there carefully provided that there should be no search or seizure until the forms that were known to the common law were complied with. Of course, at common law there could be search and seizure, but there were certain acts of procedure that had to be complied with; and in the espionage bill we were careful to protect the rights of the citizens against unlawful search and to conform that law to the procedure that was recognized as proper at common law.

Mr. HOLLIS. I thank the Senator. That is doubtless so. There is but one provision contained in any law which we have yet passed in the Senate at this session which does run contrary to any provision of the Constitution. That is the provision that I have already referred to, in the bill for priority of shipments on railroads; and that was inserted in the bill on the insistence of those who oppose this measure on the ground that it is unconstitutional. That is the measure which does not provide adequate compensation to the railroads for taking from them their property, to-wit, their right to carry profitable freight when it is offered, in preference to unprofitable freight.

Mr. FRANCE. Mr. President, I deem it to be my duty to state the reasons why I shall not be able to vote for this bill if it comes before the Senate in its present form.

Mr. President, we are all agreed that we must do everything to win this war. I do not consider that a debatable question. The question which confronts us when legislation comes before us at this critical time is whether that legislation is in the direction of winning the war or of losing it, and to that question we are bound to bring our very best judgment; for the responsibility for legislation rests upon us, and upon us alone.

On previous occasions I have urged the imperative necessity for constructive legislation looking to a large increase of the food supply of this and of the allied nations. The last food bill which was passed by the Senate more than a month ago, the consideration of which by a conference committee has been inexcusably delayed, while totally inadequate to meet the situation, had within it important constructive elements, while the pending bill is wholly destructive in its nature, and destructive in many different directions. I believe, if enacted, it will be, first of all, destructive of that spirit of toleration, conciliation, and cooperation which is the first essential for the unification of the Nation; it will be destructive of that confidence and patriotic individual initiative which are absolutely necessary to enable our industries, trade, and commerce to move at such high speed as will give them the stability to bear without wavering the heavy financial burdens of this war. It is apparently designedly destructive of the complicated marketing, storage, and distributive organs and functions of the Nation. It is legislation which will be destructive of the vast productive activities of the country, being, when all is said, if we may accept the statements of its defenders, such pernicious class legislation, conceived almost wholly in the interest of the consumer, as will inevitably most seriously reduce the acreage to be seeded in crops, curtail all of our agricultural operations, and thus prove to be the offering of stone for bread to those now suffering in our cities because of the high price of foodstuffs.

Mr. President, so far as I am concerned, I am convinced that if we enact this bill into law we strike an all but mortal blow into the very vitals of this Nation as she is rising and slowly gathering strength to gird herself for what must be a dangerous, if not a deadly combat; and, Mr. President, the responsibility for the incalculable injury which may be done by this ill-considered and unsound legislation can not be shifted by any subtile processes of reasoning from our shoulders to those of another.

Mr. President, we all know that war is the supreme test of the integrity of the social structure. At best it is always a frightful strain and drain upon the national vitality; and for this very reason, in time of war, legislative action should be temperate, not drastic. Legislation should be conservative, not radical; regulative, not restrictive; stimulative, not depressive of the necessary, normal functions of the national life.

The establishment of a state of war does not suspend the operation of fundamental physical and economic laws. These natural laws are as eternal and as inexorable as the everlasting Reason of which they are the expression. They change not with the fashion of the times, nor can they be altered in an hour to avert the exigencies and emergencies which are the logical consequencies of past follies.

Reliable and ascertainable, they may be invoked by intelligence to the achievement of definite and beneficent ends, but they may not with impunity be ignored. A failure of our action or legislation to conform to them must necessarily be followed by diminished vitality and capacity. Disaster follows upon their disobedience, and in the great post mortem laboratory of history we find that there is a pathology of States as well as of men, a science with laws which may be interpreted and understood, a due observance of which will always insure scientific and successful legislative action. The same laws of evolution, integra-

tion, and differentiation develop in the individual and in the social body multiple, complex and mutually interacting organs and functions, and create delicate controlling and regulating mechanisms which constantly operate to maintain a proper balance between the various different, and in some cases antagonistic, forces in the organic whole. Any or all of these functions may become disordered, the abnormal condition being revealed by definite symptoms which make possible an accurate diagnosis. Prolonged, persistent, and constantly advancing food prices are no evidence whatever of a failure of the price regulating and distributive mechanisms, but furnish rather almost certain proof of a more fundamental and serious maladjustment or malady demanding painstaking investigation in order that a proper remedy may be applied.

So alarming in its import is this constantly advancing price for food that a remedy is always imperatively necessary. It calls for prompt and vigorous action, but it must be action founded upon exact and scientific information. For this difficulty no remedy can be too radical if it is rational, but at such a critical time a radical remedy, such as this bill, which is not rational, may well prove fatal. There is not the slightest evidence which has been adduced by the supporters of this bill, except bare and unsupported assertion, that speculation and manipulation disordering the price-regulating mechanism, have been the controlling factors in advancing the price of food, while there are abundant proofs, historic, based upon the experience of nations in the past, cumulative proofs plainly evident on every hand to those who have been interested in the food supply and agricultural problems of this country during recent years, and expert testimony, all of which make inevitable the conclusion that the advance in the price of foodstuffs during recent years, particularly during the last decade, has been due to a failure of productive capacity to keep pace with the consumptive demand, and it is self-evident that the remedy for this condition is not the lowering of price by arbitrary fixation by law, but a stimulation of production, not only as the normal result of the advancing price, but by careful and judicious legislative action founded upon a clear understanding of the difficulties and risks which must now be met by those engaged in agricultural production. Under the operation of natural law the best cure for high prices, under ordinary conditions, is the high price, for this tends to bring the radical, if belated, cure of abundant production.

Mr. President, all this is so obvious that it should not need restatement, and yet the experience of the past furnishes abundant evidence that when there arises a serious shortage of food, with consequent large advances in price, the indirect but rational remedy of stimulating food production is always neglected for the apparently simpler but utterly unscientific symptomatic treatment by price fixation, a remedy which always aggravates the dangerous evil which it seeks to cure. The attempt to lower prices by statutory decree is one of the most ancient of all human legislative follies. It is a well beloved and all but universally praised panacea. Nearly four and a half centuries before the Christian era, when agriculture had declined in Greece until more than one-half her grain came from foreign shores, there were frequent shortages in the grain supply, and the Athenian statesmen established regulations to prevent the cornering of markets and unreasonable profits to the dealers, and there has been preserved the simple and beautiful Greek of the Athenian orator Lysias, who conducted the trial of those dealers who apparently had violated the law, with which he hurls accusations against them in language which has a sound quite modern. He said:

> For when you happen to be most in want of grain they grab it and are unwilling to sell, and you may be well satisfied to buy from them at any price whatever and take your leave of them, so that sometimes when there is peace we are reduced to a state of siege by them. (Hellenic Civilization, Botsford & Sihler, p. 429.)

Lest any be consumed with a pride of authorship of this bill, I would say that it has a very ancient prototype, for in the year 303 A. D., when the Roman Empire was declining rapidly to its destruction; when the farmers, unable longer to endure their hardships, were deserting their fields, drawn by the allurements and feverish excitements to join the thronging and disorderly crowds in Rome, which were demanding largesses of grain without labor; when, because of the neglect of agriculture, the cost of food had risen enormously, Diocletian, in response to a popular clamor, decided to reduce the cost of living by an imperial decree.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER (Mr. WATSON in the chair). Does the Senator from Maryland yield to the Senator from North Dakota?

Mr. FRANCE. I yield.

Mr. McCUMBER. I ask the Senator if he does not think there ought to be one on the majority side in the Chamber?

Mr. GORE. I answer "present."

Mr. FRANCE. I know it is very late. I appreciate the suggestion of the Senator from North Dakota. I presume he does not wish to take me off my feet.

Mr. GORE. I wish to express regret that all Senators are not here.

Mr. FRANCE. I will ask to have a part of this decree, which seems to me to be very little known, inserted in the RECORD.

Mr. NORRIS. Will the Senator state what decree it is?

Mr. FRANCE. It is the decree which was issued in the year A. D. 303 by the Emperor Diocletian.

Mr. JOHNSON of California. I trust the Senator will continue his address. It is most interesting and illuminating.

Mr. FRANCE. This decree sounds very much like the arguments advanced by some of the Senators who are defenders of this bill. Perhaps it would be as well to have it go into the RECORD, to show that, after all, these arguments are not original.

Diocletian says:

> For if the raging avarice * * * which, without regard for mankind, increases and develops by leaps and bounds, we will not say from year to year, month to month, or day to day, but almost from hour to hour, and even from minute to minute, could be held in check by some regard for moderation, or if the welfare of the people could calmly tolerate this mad license from which, in a situation like this, it suffers in the worst possible fashion from day to day, some ground would appear, perhaps, for concealing the truth and saying nothing; * * * but inasmuch as there is only seen a mad desire, without control, to pay no heed to the needs of the many * * * it seems good to us, as we look into the future, to us who are the fathers of the people, that justice intervene to settle matters impartially, in order that that which, long-hoped for, humanity itself could not bring about may be secured for the common government of all by the remedies which our care affords. * * * Who is of so hardened a heart and so untouched by a feeling for humanity that he can be unaware—nay, that he has not noticed—that in the sale of wares which are exchanged in the market or dealt with in the daily business of the cities an exorbitant tendency in prices has spread to such an extent that the unbridled desire of plundering is held in check neither by abundance nor by seasons of plenty!
>
> It is our pleasure, therefore, that those prices which the subjoined written summary specifies be held in observance throughout all our domain, that all may know that license to go above the same has been cut off. * * * It is our pleasure (also) that if any man shall boldly come into conflict with this formal statute, he shall put his life in peril. * * * In the same peril also shall he be placed who, drawn along by avarice in his desire to buy, shall have conspired against these statutes. Nor shall he be esteemed innocent of the same crime who, having articles necessary for daily life and use, shall have decided hereafter that they can be held back, since the punishment ought to be even heavier for him who causes need than for him who violates the laws.

Appended to that decree was a long list of articles with the prices stated, a very interesting commentary upon the life of the times. The price of every article and of labor was fixed. I have just noted a few of them here:

Partial list of prices fixed by the decree of Diocletian.

		Danarii.
Second-rate oil	1 Italian sextarius	24
Vinegar	do	6
Salt	1 F modius	100
Beef	1 Italian pound	8
Goat's flesh or mutton	do	8
Ficatum (hog's liver enlarged by fatting), the best	do	16
One of the Roman dainties evidently—		
Fresh animal fat or suet	1 Italian pound	12
Fat for greasing wheels, etc	do	12
A fatted cock pheasant		250
A fatted hen pheasant		200
A hen pheasant not fatted		100
A fat goose		200
A goose not fatted		100
A partridge		30
Turtle dove		12
Wild boar's flesh	1 Italian pound	16
Sea fish of the best quality or from deep water	do	24
Dates called Nicolai, the best	8 Italian sextarius	4
Dried plums from the mountains of Damascus	do	4
OF THE WAGES OF LABOR.		
To the maker of mortar	by the day	50
To the driver of a camel, of an ass, or of a mule of burthen (Burdonarius), with food, by the day		20
To the tailor (sarcinator) for lining a fine vest		6
A horse cloth stuffed, black or white, of 3 pounds		100
A horse cloth adorned with gold, of the same weight		250
A woman's plain common tunic		16
To the advocate or lawyer for an application to the court (in postulation)		250
To the teacher of architecture, for each boy for the month		100
Military caligæ, without nails		100
A senator's caligæ		150
A bridle for a mule		80
A Babylonian girdle		100
A girdle passing under the arms, for carrying a pack		350
A packsaddle for a mule		250
A packsaddle for an ass		
OF TIMBER.		
Thirty-five cubits, eighty digits square		12,000

And so forth.

I do not care to burden the RECORD with these items. Anyone wishing to read them at length can do so by looking up the text of the decree.

The list of articles, of which only a small portion has been read, bears convincing testimony to the fact that Diocletian recognized the stern logic of the situation which required that if prices were to be fixed upon some articles they must be fixed upon all, he even including labor itself, upon which logical conclusion the Senator from Missouri [Mr. REED] has several times insisted.

Of course, Mr. President, disaster followed this decree, as it must ever follow all vain human efforts to nullify the laws of nature. Lactantius (A. D. 260-340) makes an illuminating comment upon the results. Speaking of Diocletian and this famous edict he says:

And when he had brought on a state of exceeding high prices by his different acts of injustice, he tried to fix by law the prices of articles offered for sale. Thereupon, for the veriest trifles, much blood was shed, and out of fear nothing was offered for sale, and the scarcity grew much worse, until, after the death of many persons, the law was repealed from mere necessity. (The Common People of Ancient Rome, Abbott, 177.)

More than a thousand years later in England the same futile attempt was made to so regulate the prices of products that benefits would accrue to the consumer, and in our own country in 1777, when an inflated currency had resulted in a burdensome advance in prices, Congress passed laws "to prevent the present fluctuating and exhorbitant prices," concerning which legislation Adams wrote:

The attempt of New England to regulate prices is extremely popular in Congress, but for my own part I expect only a partial and temporary relief from it, and I fear that after a time the evils will break forth with greater violence. The matter will flow with greater rapidity for having been damned up for a time. (Financial History of the United States, Bolles, p. 159.)

The truth of this opinion was quickly demonstrated by the subsequent events.

The farseeing statesmen of that day maintained that "trade should be left to regulate itself." A writer in the Connecticut Courant made a statement, which, in my opinion, is as true today as it then was:

As to the scheme of supporting the money and regulating the prices of things by penal statutes, it always has and ever will be impracticable in a free country, because no law can be framed to limit a man in the purchase or disposal of property, but what must infringe those principles of liberty for which we are gloriously fighting. (May 12, 1777, Financial History of the United States, Bolles, p. 161.)

Many other instances might be cited to prove the futility of all such undertakings. In a most interesting discussion of the causes of the fearful famine of 1770 in Bengal, John Fiske, for instance, clearly points out that bungling legislation interfering with the normal rise in price had much to do with the causation of that terrible tragedy. Speaking of this and of another disastrous attempt to enforce low prices he makes the following statement and quotation:

The enforced lowness of prices prevented any general retrenchment on the part of the citizens. Nobody felt it necessary to economize. Everyone bought as much bread and ate it as freely as if the Government—

And here is a very significant sentence and it is the whole argument against this bill—

as if the Government by insuring its cheapness had insured its abundance.

I wish every Senator would carefully consider that—

as if the Government by insuring its cheapness had insured its abundance. So the city lived in high spirits until all at once provisions gave out, and the Government had to step in again to palliate the distress which it had wrought.

Again:

By interdicting what it was pleased to term the monopoly of grain—

This is with reference to the Bengal famine—

By interdicting what it was pleased to term the monopoly of grain, it prevented prices from rising at once to their natural rates. The Province had a certain amount of food in it, and this food had to last about nine months. Private enterprise, if left to itself, would have stored up the general supply at the harvest with a view to realizing a larger profit at a later period in the scarcity. Prices would in consequence have immediately risen, compelling the population to reduce their consumption from the very beginning of the dearth.

I am not, of course, contending that high prices are desirable, nor am I expressing an opposition which I do not feel to proper and necessary legislation, such as that which has already been passed by the Senate against illegitimate manipulations of food prices, but I am endeavoring, with that brevity which is always dangerous in the discussion of so large a question, to indicate that by historic fact and by a consideration of economic law we are informed that price fixation by legislative action must be followed by an aggravation of that deplorable social condition which is inevitably created by inadequate food production.

It is now imperative that we should realize that the recent acutely advancing prices are but further warnings of the presence of that portentous world problem which has been created by this war—the problem of how much longer increasing numbers of mankind can be drafted from the productive pursuits of peace into the destructive wastage of war without the causation of a world condition which will be a menace to the stability of all government, the conservation of civilization and the preservation of the most cherished possessions of the race.

Before our declaration of war this country was the only large remaining reservoir of surplus labor, commodities, and food upon which the allied nations could draw to meet their desperate need. Our entrance into the war involved an immediate decrease in our productive power and an increase in our consumption demand, since large numbers must be called for military service and increased stocks of munitions and supplies must be required. In view of this new condition, if we do not proceed with extreme caution, adopting scientific methods for the perfection of an organization for the utilization of every unit of residue man power and the most efficient adjustment and application of such power to all of the manifold activities which combine to make up the huge task of conducting modern warfare, it may well happen that the whole defensive and offensive operations of the allied armies will break down from the loss of proper support and the lack of sufficient supplies. Lloyd George in urging upon England the necessity for greater food production said:

The line which the British Empire holds against the Germans is held at home as well as abroad; if it breaks anywhere, it breaks everywhere.

Each day's events furnish additional evidence of the imperative need for immediate constructive legislation looking to such a national organization as will enable us to wage this war without that harassing and hampering of our instrumentalities of production, which must result in distress and perhaps disorder at home and discomfiture and possibly disaster abroad. It is for this reason that I find myself compelled to oppose this legislation, which, in my judgment, tends to a disorganization, if not to a demoralization, of all productive enterprise, particularly of the fundamentally vital, complex processes of food production. Now as never before must we give consideration to those great problems which the farmer has for so long been facing. For some years the farmer has been confronted by most discouraging conditions; by unprecedented prices for all he must purchase, by an almost prohibitive wage scale for farm labor, by an utter inability at times to secure adequate assistance, by a declining soil fertility, and now he is facing a threatened destruction of the market in which he must sell, while he is reading each day in the city papers exaggerated statements and promises made to the consumers in the cities to the effect that this so-called food-control bill will greatly reduce the price of food, a price reduction which the farmer knows inevitably involves a lower price for those crops which he is now producing with a very narrow margin of profit, if not, indeed, at a loss. In addition, he is now informed that agricultural workers will not be exempted from the operation of the selective draft, contrary to the implication of the language of the military bill, and this means that he is now to be deprived perhaps of his son or of some of the indispensable help which, against great odds, he has thus far been able to retain upon the farm. I am convinced that the passage of this pending measure and the drafting of a large part of the new army from the agricultural workers of the land will result in the abandonment of thousands of acres, which under a more carefully thought out and scientifically executed plan would be seeded to winter wheat.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from North Dakota?

Mr. FRANCE. I do.

Mr. GRONNA. To substantiate what the Senator from Maryland has said, I want to call his attention to the fact that in my State wages have already increased to the common laborer from $2 a day to $4 a day.

Mr. FRANCE. I thank the Senator.

Mr. GRONNA. And if the Senator will pardon me further, I will say that I am somewhat familiar with the history to which he has referred and also with the Diocletian edict. I think in that edict there were included all kinds of cereals, wine, oil, meat, vegetables, fruits, skins, leather, furs, footgear, timber, carpets, all kinds of articles of dress, and also the wages of the common laborer and of the professional advocate.

Mr. FRANCE. The Senator from North Dakota is correct.

Mr. GRONNA. But is it not possible that, because beer and wine have been left out of this bill, we might save the farmer in that way?

Mr. FRANCE. The Senator's suggestion is a very interesting one. Personally, I view this food problem as a great national problem, which can not be met successfully by any one single act of legislation. I am very glad that the Senator from North Dakota has interrupted me.

Mr. GRONNA. I want to say to the Senator that I am not taking this position light-heartedly at all. I agree with what the Senator has said.

Mr. FRANCE. The Senator from North Dakota is one of the men who knows this subject, as the Senator from Minnesota [Mr. NELSON] knows it, and, as I believe, the Senator from Oklahoma [Mr. GORE] knows it, although I am not so familiar with his particular views. I am very glad the Senator from North Dakota has interrupted me, because I always dislike to discuss generalities. I, of course, can not, without taking too much time, go into this great subject of the declining agriculture of the United States, and the declining profits, and the comparatively meager earnings of the farmer; but I shall give one or two facts which are noteworthy in this connection.

If there are any Senators here in favor of this bill, they might do well to consider over Sunday these facts, which the more one thinks about them the more startling and alarming they appear—facts which are not enough considered; facts that can not be fully appreciated by men who are not experts in the Agricultural Department of the United States—those men who have been wrestling with the problems which underlie the problem of the high cost of living, which we say is a war problem, but which was becoming more and more a menacing problem before this war broke out.

The statement is frequently made that the cost of production and the wages paid out by the farmer have declined because of the increased use of agricultural machinery. I want you to take these facts and see if you think they have anything to do with the high cost of living and the present serious situation in which we find ourselves.

I shall not burden you with a mass of statistics. I shall only give you a skeleton toward which you may direct your thoughts, but the more you think upon this skeleton the more it must appear to be a haunting ghost of evil portent. Let me give you concisely these facts. In 1899 the American farmer paid out in wages $357,392,000; in 1909 he paid out in wages for his labor $651,611,000, an increase in his labor cost of 82.3 per cent. In 1899 he paid out in fertilizer about $53,500,000, while in 1909 he paid out nearly $115,000,000, an increase of 115 per cent. Bearing in mind these facts, it is most significant that in 1899 the cereal crop amounted to 4,438,857,013 bushels, while in 1909 the cereal crops amounted to 4,512,564,465 bushels, an increase in the number of bushels of only 1.7 per cent. That additional cost of labor and that additional cost of fertilizer, 82.3 per cent for labor and 115 per cent increase for fertilizer, brought only 1.7 per cent increase in the yield of cereals of the country. Of what a serious situation these figures tell to any man who really has at heart the interest of the American farmer and of the American Nation, for they are inseparable. I might produce more figures to show at what great cost was secured the 1.7 per cent increase of the crop of grain.

Mr. NELSON. Does the Senator mean in the price of grain?

Mr. FRANCE. No. In its quantity. There is another point I might discuss—the money value of the crop of cereals increased; the statistics of the Department of Agriculture show that the money value of the cereal crops advanced very greatly in percentage, a very significant fact in considering the cost-of-living problem. Now, while the cereal crops only increased during that period 1.7 per cent, the general population of the country increased 21 per cent—the urban population increasing 34.8 per cent while the rural population increased only 11.2 per cent. These figures, upon the relative percentage increases of the urban and rural population, are most significant, as they clearly indicate two things—first, the steady flow of population from the rural to the urban districts due to the relative unprofitableness of farming, in a large measure, and, second, the much greater relative increase of consumers over producers.

Mr. GRONNA. Will it bother the Senator from Maryland if I again interrupt him?

Mr. FRANCE. Not at all.

Mr. GRONNA. Of course, the $350,000,000 paid out by the farmers for labor is only what we call additional labor. If the Senator will permit me to make the statement in his remarks, I desire to say that there are in this country about 7,000,000 farmers, who, with their wives and their children, work without receiving any wages.

Mr. FRANCE. Very true.

Mr. GRONNA. They get only their food and their clothing.

Mr. FRANCE. Very true.

Mr. GRONNA. And the 82.3 per cent—$350,000,000—of increase in wages paid, which the Senator from Maryland has mentioned, is simply for additional labor, which the farmers themselves and their families can not perform. If the farmer's industry had not been such as it is, the farmer and his family generally performing the labor upon the farm, does not the Senator think that the increase in the cost of cereals would have been a great deal more than it is to-day?

Mr. FRANCE. Certainly. The Senator from North Dakota is correct. I might amplify his statement. If it had not been for the fact that, owing to inadequate remuneration, the farmers of the United States have been living on the stored-up fertility in the soil, the cost of grains in Europe and all over the world would have long before this reached unprecedented prices. I am not speaking of $2 a bushel for wheat; I am speaking of vastly higher, almost prohibitive, prices for wheat; I am saying that but for the fact that out of the stored-up fertility of the American soil we have been for years shipping grain to Europe at a price far below what it could be produced for under any permanent system of agriculture, famine would have long ago, in all probability, overtaken some of the very nations which are now engaged in war.

These few facts and figures, which have occurred to me, surely have some bearing upon the problem of the food supply and food prices. How is the food administrator, to be created under the proposed legislation, to cure this condition, caused by a national neglect and inefficiency, a condition which, let me say, has been brought about in part by repeated acts of legislation, National and State, which have been contrary to the interests of American agriculture and much of which legislation, I regret to say, was passed with a promise to the farmers that it was being enacted for their benefit?

Mr. GRONNA. Mr. President, may I interrupt the Senator again?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from North Dakota?

Mr. FRANCE. I yield.

Mr. GRONNA. I understand that the Senator from Maryland is an authority on dietetics, and I should like to ask him if it is not true that wheat or wheat bread is the cheapest food to-day, perhaps with the exception of milk, and would it not be a detriment to the American consumers, to the poor people, to put them upon a diet and deny them bread? Is it not better to stimulate production and make it possible for the poor people of America to be able to get wheat and wheat bread, even at advanced prices?

Mr. FRANCE. That is certainly true.

Mr. GRONNA. I think the American people ought to know that. They have been told not to eat bread.

Mr. FRANCE. I think it might be a good thing to have wheat sell at from $3 to $4 a bushel between now and next October. It would be a blessing to the people of the American cities——

Mr. REED. I will ask the Senator to tell why?

Mr. FRANCE. Simply because such price would probably result in the seeding of an enormous acreage in wheat; and if the farmer is sure of a good price for his wheat a 2,000,000,000 bushel wheat crop is easily within the capacity of our farming operations. The seeding of such an enormous acreage in wheat this autumn would go far toward preventing advancing prices for wheat during this coming winter; indeed, nothing can act as powerfully to depress grain prices as prospects for a phenomenal crop. For this reason a temporary high price acting over a short period in the late summer tends to bring a low price over a longer period later on.

Mr. STERLING. Mr. President, will the Senator permit a question there?

Mr. REED. Mr. President, may I suggest——

The PRESIDING OFFICER. Does the Senator from Maryland yield; and, if so, to whom?

Mr. FRANCE. I yield first to the Senator from South Dakota.

Mr. STERLING. The Senator referred to legislation, both State and National, which he deplored as being detrimental to the interests of the farmer and the country generally. Will the Senator be a little more specific in regard to that and state the kind of legislation, or the particular legislation which he has in mind?

Mr. REED. Before the Senator goes to that I hope he will permit me to ask him to complete the statement he was just making, because the statement that $3 or $4 wheat would be a blessing to this country, stated alone and sent to the country, would, I am sure, not do the Senator's real views justice. I take it that the Senator does not want a high price for wheat for the sake of the high price.

Mr. FRANCE. No; certainly not.

Mr. REED. But for the sake of stimulating production; and the Senator has stated that the guaranty of such a price for wheat as $3 might mean a 2,000,000,000-bushel crop next year. If we had a 2,000,000,000-bushel crop of wheat, what would be the effect on prices then?

Mr. FRANCE. A very great decline in the price, undoubtedly, from the price which I have mentioned. The mere prospect of such a crop would tend to keep the price down during all the months following the seeding.

Mr. REED. So that when the Senator speaks of guaranteeing a high price for wheat, it is with a view to a large production and ultimately a lower price?

Mr. FRANCE. Certainly.

Mr. REED. I thought that it ought to be made plain, because otherwise the statement of the Senator might be misunderstood.

Mr. FRANCE. I will say to the Senator that I probably somewhat overstated the price necessary to stimulate production. I do not think, as I was about to say, that $3 wheat is necessary to insure an enormous crop—and I will come to that later—but I say that if it had happened that the law of supply and demand had created a high price—and I am not speaking of competitive buying between the various countries, because there are, I recognize, special conditions which exist now—but if the normal action of the price mechanism had raised wheat to $2.50 a bushel, it would have meant a decline in the consumption of wheat this summer, when there is an abundance of food of various kinds to supplement the diet of bread, and, of course, would have resulted, as suggested by the Senator from Missouri, who has very ably discussed, and in a most scholarly manner, this whole question, in very decided stimulation of production.

Now, in answer to the Senator from South Dakota [Mr. STERLING], I will say that I may perhaps take up at some later time this question of legislation, may I say, of a "gold-brick" character? I need not go very far from this bill, because this bill itself promises cheap bread and high wheat prices.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from North Dakota?

Mr. FRANCE. Yes.

Mr. McCUMBER. Will the Senator allow me to give just one illustration, in answer to the Senator from South Dakota?

Mr. FRANCE. Certainly.

Mr. McCUMBER. When the farmer in 1912, according to the report of the Department of Agriculture, earned, net, 20 cents a day for himself and the adult members of his family, with which they were to purchase their clothing and pay doctors' bills, the Congress of the United States, by a very decisive vote, raised by 25 per cent the wages of men who were receiving from $5 to $6 a day upon our railroads, to be paid sooner or later by the farmer and his family who were earning 20 cents a day. That is one instance; and there are a great many others, if the Senator wants them.

Mr. FRANCE. Mr. President, I have already trespassed upon the time of the Senate far longer than I had expected; but I feel that the Senators who vote against this bill are entitled to have their explanations heard. I intended to make my explanation as brief as possible, and I regret that it has been prolonged; but I must venture to put into the RECORD a quotation from what I consider to be a very able article upon this general subject of price fixation. It comes from Minnesota, by the way, which State seems to produce clear thinkers. The quotation is from Mr. Allen Albert, of Minneapolis, who, in 1912, read a most interesting paper at a meeting of the Minnesota Academy of Social Sciences, held at the University of Minnesota.

Mr. GORE. Mr. President——

Mr. FRANCE. I yield to the Senator.

Mr. GORE. Before the Senator begins reading the quotation, referring to his allusion to this bill as "gold-brick" legislation, and the promise of cheap bread and high wheat, I think the epithet is very appropriate; and I wish to say to him and to the Senate that I was talking with a settlement worker this morning, who told me that Mr Hoover was sending word, and that ladies wearing jewels were advising people of the East Side of New York, to eat less bread and not to eat four meals a day. She stated that they were eating less bread; that they would be rejoiced to get even three meals a day; that they were on the verge, if not of starvation at least of hunger; and that they were looking to the passage of this bill for the alleviation of their wants and to drive the wolf from their door.

Mr. FRANCE. It is a very pathetic situation, without any exaggeration. I shudder to think what will be the condition in our cities a year from next fall if we pass legislation—and there is room for difference of opinion as to whether this is such legislation, but I believe it is, and I can not vote for it—if we pass legislation which will do one single thing to discourage the producer of crops upon the American farm. I thank the Senator from Oklahoma for his observation.

The article to which I have referred was entitled "How far is State regulation of prices desirable?" and I quote from it because it is such a clear, concise statement; indeed, it is such a statement as I can fully indorse now, although the author was discussing another aspect of the question and might not thank me for using his words in connection with this bill, because he might not be opposed to this bill, but I am adopting his language simply because it expresses in a very concise form a number of objections which I have to this bill.

Mr. McCUMBER. Mr. President, before the Senator goes to that will he allow me to interrupt him once more?

Mr. FRANCE. With pleasure.

Mr. McCUMBER. I should like to know what the poor people who are starving to death on the east side of New York are now receiving in wages? My colleague has just said that we are suffering for the want of labor at $4 a day out on the farms. The Senator from New York stated the other day that the savings deposits were greater among that class of people than ever before. If the attempt were made to hire one of them, I want to ask if any of them could be hired for less than $3 a day, and whether people need to be in a starving condition when the lowest wages run from $3 up to $6 and $8 a day?

Mr. FRANCE. Mr. President, I wish to say to the Senator that it would be impossible to get these people to go to the country to work on the farms at any reasonable wage.

Mr. GORE. And they would not be of much value if they went there.

Mr. President, with the permission of the Senator from Maryland, I wish to say in that connection that Dr. King, in the hearings before the Committee on Agriculture, gave a most interesting and illuminating statement upon that point, at least so far as the city of Philadelphia is concerned. He showed the great advance in the cost of living as compared with the very slight advance in wages. Wages do not respond to the rapid increase in prices. I am sure the Senator would be interested to see the statement.

Mr. McCUMBER. I simply asked what the wages were. Am I correct in stating that the average wage is now about $3 a day for the very lowest character of labor?

Mr. FRANCE. I will say to the Senator that he has made a very good point, and one which I might speak upon at some length, but I will merely say this: The effect of all legislation passed chiefly in the interest of the consumer—class legislation—is always pernicious in its results, being contrary to the eternal law. That is proven by the fact that during a period of years we have been passing legislation—much of it in itself desirable, some of it to raise wages, some of it to shorten hours, some of it to improve working and living conditions—the whole tenor of it being to raise wages, but the real wage of the city worker, in spite of all this, because production has been falling off, has been declining. In other words, there are two wages—and I need not say this to the learned Senators—the real wage and the nominal wage.

It makes no difference what the nominal wage is; it may be $10 a day; but if the cost of what the man has to buy is proportionately higher, the wage of $10 a day may be lower than the wage of a dollar a day under the opposite condition. Now, as a matter of fact, in spite of all of our remedial legislation—and this accounts for some of the distress in the cities—although there is a large nominal wage, the cost of living has been outstripping the wage, so that the nominal wage, while it has been higher, does not represent the true condition. I have here tables, such as those compiled by Prof. Rubinow and others, on this very point. I will just note the results in 1912. The full time for the weekly employee was compensated for on a percentage basis of 131.6, while the retail price of food had advanced to 154.2.

Mr. McCUMBER. That includes clerkships, etc., as well as laborers?

Mr. FRANCE. Oh, yes; the Senator is perfectly correct; I am not combatting the Senator, because his position is perfectly sound.

Mr. McCUMBER. The labor has gone up, while the clerkships and things of that kind have remained stationary; and that is the cause of the difference between the rise in earning capacities and the rise in the cost of things we must eat and wear.

Mr. FRANCE. The Senator is correct.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Missouri?

Mr. FRANCE. I do.

Mr. REED. I think, in the interest of accuracy, another fact ought to be stated at this point. While it is true that wages have advanced, and they have advanced very greatly in some occupations, yet I think it is also true that they have not advanced as rapidly, perhaps, as the cost of living has advanced in some places; and I think you must put emphasis upon the words "some places." But while that is true, there is another factor which must be considered if we want to get at a correct understanding of the situation; and that is that whereas in 1914 and for many years prior to that time there had been a large percentage of our population anxious and willing to work who were without employment, to-day it may be said, for all practical purposes, that no man capable of working and willing to work is without employment. I recall examining figures last fall—frankly, I examined them for the purpose of using them in a campaign document—and I found that at that time, something like a year ago now, there were employed in the United States between three and four million more wage earners than there were in the year 1912.

So that when it is said that wages have not advanced per diem and to the individual in proportion to the cost of living, you must remember also that there is a very much better employment of labor, and that helps equalize matters to a very large extent. I am not prepared to say that wages ought not to advance further, at least in certain lines; but I think the fact I have stated ought to go in the RECORD.

Mr. FRANCE. It is a very important fact, which should be borne in mind, and I thank the Senator for introducing it. I might say to the Senator, however, that, unfortunately—and I shall not go into that subject again, because I have taken the time of the Senate far beyond what I had expected, almost an hour of the Senate's time on a previous occasion, to discuss that very subject—unfortunately, we have absolutely no knowledge as to the percentage of unemployment in this country at the present time. We may have one, two, three, four, or five million men who are not working.

Now, I agree with the Senator that the assumption is a reasonable one that few ought to be out of work at such a time; but we have a very large country with a diversified population, the citizens of which live under very different conditions. Some are unwilling to work; some have no occupation; some want to work and can not find work. I know men of that character, and so does the Senator, I am sure, in our cities—misfits, so to speak, who can not find a suitable situation. I do not think we can afford not to know at this time what our surplus of unutilized labor is, and I do earnestly commend to the Senate a consideration again of the enrollment by occupations which I suggested some time since to find out what our man power is and how much of a surplus is available in the present emergency, because we need it all.

I do not subscribe to the theory that the man power of Germany is exhausted. The man power of Germany is preparing to go into the trenches; but any man who knows the capacity of the German women for work will find small comfort in the thought that the man power is exhausted, because the women of Germany must now be largely carrying on the enterprises of that country.

Mr. McCUMBER. And 2,000,000 Russian prisoners.

Mr. FRANCE. And 2,000,000 Russian prisoners, as the Senator has suggested. We can not afford guesswork now. I should like to see an amendment added to this bill, if it is to pass, to provide a plan by which we can know whether there are available men to be put upon the farms. We can not fight this war against so powerful a foe while merely speculating upon such a serious problem.

Mr. REED. But, Mr. President, how does the Senator propose to put them on the farm?

Mr. FRANCE. I know that touches a point which is a very tender one with the Senator, because I have listened with very great interest to all of his remarks to which I have been able to listen with the frequent interruptions which have called me away. I will suggest, in answer to that question, that we now have a selective-draft law, and if the Senator thinks it is any more equitable and just to draft a man to go to the trenches of Europe than to draft him to go to the farm, then let the farm boys stay on the farm and draft in their places additional unemployed men who may be now in the cities. Many men, let me say, are idle in our cities, ordinarily, who are not guilty of any crime in not being at work. I think I am not going too far in my sympathy for human nature when I say that almost every man who is not working productively, who is a loafer, an idler, or a "bum," is so because he has not found his work. Draft those men who are not employed from the cities and let the farm boys stay on the farms. This is an indirect method of avoiding the difficulty which arises in the mind of the Senator from Missouri, and a difficulty which I must admit is a very grave one.

Mr. NORRIS. Mr. President——

Mr. REED. Mr. President, I wish the Senator would let me say this: I did not interrupt him in any controversial manner. I think there is a great deal of wisdom in his suggestion of a survey of unemployment or of employment. I do not know whether that term exactly covers the Senator's idea or not, for unfortunately I could not be here during that entire address.

Mr. FRANCE. I called it a complete enrollment.

Mr. REED. I think, however, the Senator will find that while there is no accurate information, there is a very considerable fund of information in the Department of Labor, and I should be very glad to support an amendment to this bill, if the Senator offers it, which will provide for an ascertainment of the facts with reference to nonemployment. That at least would give us a place to start.

Mr. FRANCE. I think it would be very wise to have such legislation.

Mr. NORRIS. Mr. President——

Mr. FRANCE. I yield to the Senator from Nebraska.

Mr. NORRIS. May I suggest to the Senator that if the farm laborers were entirely exempted and all kept on the farm—and I concede that it would be a good thing as far as production is concerned; I am not making this suggestion in any fault-finding spirit—but if that were done, as he has suggested, and the idle man in the city and the bum in the city were drafted into the Army to do the fighting, would it not follow that our Army would be rather inefficient? Would it not interfere with its efficiency to quite an extent? If we had an Army composed of men of that kind, while we would have lots of good men in it, undoubtedly a large number of these men who would not be fit to work on the farm would be unfitted to make good soldiers.

Mr. FRANCE. I recognize the difficulty suggested by the Senator from Nebraska.

Mr. REED. Let me answer the Senator from Nebraska, if I may.

Mr. FRANCE. Yes; I shall be very glad to have the Senator do so.

Mr. REED. I think, since we are having this little talk, it would not necessarily follow that you would have for the Army a man who is at present unemployed. You would get the young, strong, and active man who is at present in a job; and, having taken him, it would make a place for somebody who was out of a job to step in. However, I do not by this mean to say that I am in favor of the Senator's plan not to draft anybody from the country. My own opinion is that if you did not take some of them you would lose a large part of the best fighting strength you would have.

Mr. NORRIS. I do not think there is any doubt about that.

Mr. FRANCE. That is true. The only thing is that a survey of the food situation shows that we need that fighting strength out on the land.

Mr. REED. That is true.

Mr. FRANCE. And, let me tell you, it takes a good man, physically and mentally, to make a good farmer. A man must be sound to the core to be a good farmer; and such men are always in great demand, in peace or in war.

Mr. NELSON. Mr. President, I want to call the Senator's attention, with his permission, to the fact that we have in this country a large army of men who do not want to work at all. Our experience in Minnesota is that these I. W. W.'s do not want to work at all, either on the farm or in the mines or anywhere else, and they do not want to register. They did not register. We have to-day in the jail of Duluth over 300 of those men that did not register—I. W. W.'s. They would not work either in the woods, in the mines, or on the farms. Now, what will you do with men of that kind? And if the Senator will allow me further, any census of the unemployed ought to give an account of those men who could get work and will not work.

Mr. FRANCE. I agree with the Senator.

Mr. NELSON. I want to say that there is no occasion for men to be unemployed now if they have any nerve and any patriotic blood in them. If they can not get work in a large city they can enlist in the Army and get $30 a month and their board and clothing, equal to $50 a month, and then be made into real manhood.

Mr. FRANCE. I agree with the Senator.

Mr. NELSON. There is no better school in which to educate young men than in the Army.

Mr. FRANCE. I agree with the Senator.

Mr. NELSON. The best education I got was the three and a half years I served as an enlisted man, a private, and a non-

commissioned officer, in the Regular Army; and if I had my life to live over again, I would like to go through just that course of education.

Mr. FRANCE. We all know that the results have been very satisfactory in the Senator's case.

I want to say in answer to this general proposition—and I did not desire to get into a long discussion, because I wish to yield the floor—I wish to say in this general connection that I understood the draft was to be conducted on the theory that the unnecessary men were to be drafted and that the industrial structure was not to be disorganized and broken up by the selection of the best-fitted men. I understood that the best-fitted men—who, of course, are the men who are now busy and who were busy at the time that law passed—would be allowed to carry on the work of the country, and that those who were in occupations from which they could be spared and those who were not occupied would be drawn. The theory seems to be developing that we should now draft the best ones, regardless of occupation. I should like to see, myself, under a general selective draft, a great many of our so-called undesirable citizens drafted into the Army and put into training camps.

They might not be fitted for soldiers in a month or in a year, but I should like to see them put into training camps and given an opportunity to have, as the Senator has said, their manhood restored. And let me say this: Every one of those men, with a very few exceptions—that is, I am excepting degenerates who are incapable of development—almost every one of those men who is not a defective or a degenerate is the product of an inadequate educational system, largely. We need more industrial education. Many of these men are victims of the lack of industrial educational facilities in this country.

Mr. GRONNA. Mr. President, the Senator has been very generous in yielding to interruptions, and I dislike very much to interrupt him again; but I think it is important to call the attention of the Senate and of the country to the fact that the great disturbing element is that of taking the farmer boy away from the farm with the idea of supplanting that same laborer with men who know nothing at all about farm work.

The Senator knows, as every man who is familiar with agricultural conditions knows, that in this day farm labor does not consist of taking hold of a hoe handle or the handle of a spade. It means the operation of intricate modern machinery, and I do not care how many men you take and put in their places, you will not be able to supply the very efficient labor which has been taken away from the farm to do the work. That necessarily adds to the cost of the farm products.

I want to say to the Senator, if he will permit me, that I have received a great many letters on this subject from farmers. They are loath to complain about conditions, because they do not want to be put in the position of being disloyal to the Government or being called slackers, because they are not. They are willing to do their bit in this war. But they have called my attention to the fact that a serious condition does exist, because if the experienced farm boys are taken away the farmers will no more be able to get men to take their places than would be the men in the factories to get new, green men to take the places of experienced men.

Mr. FRANCE. The Senator is absolutely correct in his statement. Farming is a highly technical profession, and I agree entirely with what the Senator has said.

Mr. NORRIS. Mr. President, will the Senator yield to me again?

Mr. FRANCE. I yield with pleasure.

Mr. NORRIS. It seems to me it ought to be said, in addition, that not only is it true that the farmer has, as has been stated, to operate and handle and understand intricate machinery, know all about the handling of stock, and know all about grain and how to handle that and all the other products, but there never was a condition before in any war that ever existed where the question of food production was comparatively as important as it is in this one, where practically thirty or fifty million people have gone out of the productive ranks and have commenced to destroy property. The burden of feeding the armies and the people of a good many countries is mainly on the shoulders of America, so that food is more important than it ever has been before in any other war.

Mr. FRANCE. The Senator is absolutely correct; and I desire to say that the allies are counting upon getting from us, and are absolutely depending upon getting, in my opinion, more grain than we can possibly ship them from this year's crop.

Mr. REED. Mr. President, if the Senator will pardon me, right there I should like to stick a pin, and ask Senators to consider this question:

We have this year, according to the report of the Agricultural Department, a crop of over six thousand million bushels of foodstuffs. Over three thousand millions of that is corn. It is said to be the largest crop ever produced. Of course part of this is prognostication; but the Agricultural Department, I take it, is not given to exaggeration. Now, get the figures—six thousand million bushels of food products, three thousand millions of that being corn, approximately 650,000,000 bushels of it being wheat, and I think in the neighborhood of 300,000,000 bushels of it potatoes. I may be very far from right about the latter figure, but at all events it is the largest potato crop that we have ever raised.

Now, is it not true, Senators, that the problem is not one of production at all, but one of carriage? Is it not true that we have produced now more than we can get to our allies? And is it not true that at any normal time and in any normal year we can produce more than we can get to Europe unless we can vastly increase the ocean carrying business?

Mr. FRANCE. I believe that the Senator and I are not at variance.

Mr. REED. No; I think not, but I want to call attention to it.

Mr. FRANCE. Of course I have been insisting upon the necessity for greater production, but I am speaking particularly of next year. I will say with reference to the Senator's figures, however, that unfortunately the corn crop, while it will be large, only shows a probable increase of, I believe, something like 14 per cent over last year. I have not the figures before me, but I believe that is the correct figure as I saw it in the report the other day. Now, I feel myself that a 14 per cent increase in corn over last year is hardly enough to offset the decrease in wheat, and consequently to enable us to avoid a very severe pinch later on in the year; but, of course, the question brought up by the Senator, which has been so ably insisted upon before, of transportation and of the submarine reducing our supply of foodstuffs by its operations is a most important one, and one which I think has not received the attention which it should have received.

Mr. McCUMBER. Mr. President, ought not the Senator to place in the RECORD just at this time the fact that our allies have never been a corn-consuming people? They know how to make bread of wheat flour. They know little or nothing about the use of corn, as we do in many parts of the United States, and our wheat crop is exceedingly short.

Mr. FRANCE. That is probably true.

Mr. REED. Will the Senator allow me to inject this? No white man who has arrived at the age of 21 years ever starved to death when he was close enough to a corncrib so that he could get at it; and it is absolutely absurd to say, as Mr. Hoover is constantly saying, that the people of Europe or the armies of Europe are liable to starve to death for want of wheat while we are able to furnish them corn. It may be that they are not accustomed to eating it, and it may be that they will take a little training; but I say to the Senator from North Dakota, whom I very greatly respect—and I do not say this in a controversial way—that the armies of France and the armies of England will have an appetite for corn as soon as they have gone two hours beyond their regular meal time; and if these people do not know how to cook it there are enough of Pershing's men over there now to teach the whole line of troops how to make corn-meal mush and how to make corn bread, and teach them in 30 days.

It is an absolute absurdity to have this talk constantly put upon our country, without any reply, that the people of Europe will starve to death even if we get corn to them. It may not be just what they want; but when the fact is known, as I know it to be a fact from men who have been on the ground, that in Germany they are actually mixing straw with their bread, I have no hesitancy in saying that if you could get Indian corn into Germany those people would fight to get at it. So I am making this interruption, with the kindness of the Senator, in the interest of truth.

I appreciate the fact that we need wheat; I appreciate the fact that the world would like to have wheat; but I say that the talk of the world starving to death as long as there are 3,000,000,000 bushels of corn produced in this country and plenty of corn produced in other countries, and starving to death because it will not eat corn, does not stand to reason.

I think if we had somebody who knew a little more about food than Mr. Hoover does, who had lived in this country in the last 15 or 20 years, we would not have so much trouble about saving pie crust; we would be talking about teaching people to use corn and teaching them over in Europe to use it. For my part, I have mighty little patience with a man who wants to cut down the size of the American loaf of bread or to tell the American housewife she ought not to have flour for her babies and that she ought to eat corn meal and feed it to her family, but that the stomachs of Europe are too delicate for corn products.

Mr. McCUMBER. If the Senator will allow me just at that point, the Senator has been making a very practical argument, and I think we should hold close to the practical side of this situation. Sentiment does count for a good deal. A sentiment in favor of one kind of food that a nation has been using is an important factor to deal with. When the allies were bidding against each other, sending our wheat up a dollar within a few days and to over $3 a bushel, they were not interfering with the corn crop. Now we are attempting to legislate to prevent a repetition of that act. The fact that these people will bid for wheat, the fact that our own Department of War insists that our own soldiers shall take wheat bread and not corn bread, is a fact that we must take cognizance of.

Allow me to say right here, a short time ago a gentleman with wonderful experience in the production of different kinds of flour presented through me a proposal to the War Department that he would produce whole-wheat flour at every one of the camps in the United States, which would be the most nutritious flour that could possibly be produced; that he could produce it with small portable mills where it could be baked the same day, and one mill would take care of 5,000 soldiers and have it ready for their use even in this country. The War Department replied, and replied truly, that whole-wheat flour has not the lasting qualities in all kinds of weather. Meal spoils in shipment across the ocean. We must have something that will stand the test of climate, and corn meal will not stand it. Therefore for our own soldiers we must have the wheat flour and the white wheat flour of the old make.

Now, the foreigners understand this as well as we do, and while there is no danger, as suggested by the Senator from Missouri, of anyone starving as long as there are potatoes within reach as well as corn, it is a practical question, for our allies in Europe demand for their armies at present wheat, and that demand is a living demand, and it does act upon our wheat prices.

Mr. REED. Mr. President, with the permission of the Senator from Maryland, of course it acts upon our wheat prices, and, of course, they prefer wheat. The proposition I am talking about is that of feeding. The Senator suggests that corn meal does not keep in certain climates. Flour does not keep in certain climates unless you keep it right. But the Senator will hardly say to me that shelled corn, properly barreled, will not keep in any European climate.

Mr. McCUMBER. Corn unground ought to keep. We keep it, of course, for a considerable period; but if we sent it to the Philippine Islands, for instance, it would not last very long.

Mr. REED. I am talking about European countries.

Mr. McCUMBER. But it can be so protected that it will last a reasonable length of time if it is ground over there. There is no doubt of that.

Mr. REED. Certainly that is true. We all know that the climate of France is but little different from our climate. We know the climate of Germany is very little different from the climate of the State of Iowa. We all know that the moisture in those countries does not greatly exceed that of this country, and it is just as practical to keep corn meal over there as it is here.

I am speaking about this matter in great earnestness, because we have had it constantly presented to us that if our wheat crop is a little short the world is going to starve to death. Nothing of that kind is the case. As long as you can get plenty of corn you are safe from starvation.

I repeat it is absurd to be asking the people of this country to live on corn meal one day of the week and not expect our allies in Europe to eat some corn meal also; and if they are really at the point of want, of hunger, I am sure there will be no difficulty in taking care of them if we can get the vessels to get the food across the ocean. Now, that is the real trouble with them to-day.

The Senator who has made this most interesting and learned speech, and I take this occasion to compliment him publicly, a speech that has thought in it and which will live long beyond the furious utterances that we sometimes hear upon this floor—the Senator who has made this speech knows that we had a shortage in this country of cars. We could not get cars to haul anything, and when we went to hunt the cars we found them in the yards, in the terminals, at the great shipping points of our country, at the great ports, loaded, and some of them had stood there loaded for weeks or even months waiting to ship their contents over to Europe.

The real problem to-day is that problem; and, of course, coupled with it is the problem of looking out for next year. I am in hearty accord with what the Senator says about encouraging production, but we ought to let it be understood that the question to-day is not one of starvation; it is a question of conservation and of transportation, and next year seeing to it that we have an enlarged crop, when we may hope to have more boats.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Ohio?

Mr. FRANCE. I will yield to the Senator if he will just allow me to make a brief statement in answer to the queries of the Senators. I will say that I believe there is no real difference between us. I think that all who have given attention to the subject of national habits and tastes will admit that great social unrest might well come as a result of any of these nations being put upon an unusual diet long before actual starvation came. We have unrest here already because our people are threatened with a certain change in their habits of eating.

I simply wanted to make the observation that social unrest and social disturbance may come long before real physical hunger and starvation are reached. Of course, the heroism of any people and the soundness of any nation are tested by the way in which it first meets altered living conditions which result from war, and by the spirit in which it afterwards meets, perhaps, actual hunger or even approaching starvation. I now yield to the Senator from Ohio.

Mr. POMERENE. I was very much interested in the statement made by the distinguished Senator from North Dakota [Mr. McCUMBER] to the effect that corn and corn products could not be shipped. I have before me the Statistical Abstract. I notice here given the quantities shipped of corn and corn products, and a footnote says these figures include corn meal for consumption at the rate of four bushels to a barrel. Last year we shipped 39,896,928 bushels; in 1905, 50,668,303 bushels; in 1900, 213,123,412 bushels. The figures vary from year to year, but they show a very substantial shipment of corn and corn products.

Mr. McCUMBER. The Senator evidently misunderstood my statement. On the contrary, I stated that corn, if it is unground, can be very easily shipped and very easily cared for, but that the corn meal itself requires greater care to prevent spoiling than does the ordinary wheat flour, and for that reason objection seems to be made against it as food for soldiers. I am giving the statement of others, not my own. No one questions that year after year we have been shipping corn to Europe not ground into corn meal, but ground into meal over there.

Mr. POMERENE. The figures here include corn meal, but the table does not give the proportion of corn and of corn meal. I think there is something in the statement which indicates that it must be shipped with greater care. We know from our own experience that it will not keep as well as wheat flour.

Mr. McCUMBER. Even whole wheat flour will not keep nearly as well as the higher grades of flour; it requires a great deal more protection.

Mr. POMERENE. I think that is true.

Mr. FRANCE. Mr. President, I am very anxious to finish. I know that the questions and the remarks of the Senators who have interrupted me have, probably, been more illuminating than the remarks which I desired to make. At the same time I hope that they will share with me the responsibility for delaying the Senate so long. I know that after a busy week some of us had hoped to adjourn or take a recess early to-day. What I originally had planned to say would not have taken over 25 or 30 minutes. So I ask those, who have shared in the discussion, to share also in the responsibility for delaying the Senate so long.

I wish now to read the quotation before mentioned. It will take only a few minutes to express, by means of this quotation, in language applied to another phase of the price fixation question, my views upon this bill. Mr. Allen Albert said, in this paper read in 1912:

> The objections to this plan, in my judgment, are these:
> 1. It involves a further extension of the functions of the Government before the people may be said fairly to have proved their capability to administer the Government in its existing functions.
> 2. The machinery to administer this plan would prove the largest institution in the Government, I believe, in the history of Government; and every consideration of prudence requires, if it is to be brought into existence, that it should be done gradually.
> 3. A commission competent to do this work would be competent likewise to usher in that earthly paradise which is the heaven of all Marxian socialists.
> 4. How often, or at what intervals, or in response to what changes, or at whose instance should the prices so fixed afterwards be changed?
> 5. The commission would face special difficulties in the protective tariff, the existence of patent rights and copyrights, properly or improperly used, in changes of national administration, in uneven tax levies, in changes of our system of currency, even in differences of climate.
> 6. It would involve a radical readjustment of present methods of taxing corporations, probably an ultimate reorganization of all American taxing agencies.

7. Every economic probability is against the acceptance of such prices when they have been fixed.
8. The plan is materially incomplete.
9. The assumption that natural monopolies extend beyond the field of public utilities is not justified.

I would say to the Senator from Ohio [Mr. POMERENE] that my remarks this afternoon are largely confined, as he may have noticed, to the subject of the food supply, and they are not as applicable to those articles which are produced by industries which are natural or practical monopolies, industries, of course, which we have already seen fit to regulate by statutes heretofore enacted.

Lastly:

10. No government in any modern State can expect to maintain prices, no matter how fixed, unless those prices approximate the normal or natural prices fixed by economic conditions.

I have confidence in the good judgment and ability of the Senators who constitute the Committee on Agriculture and I am certain that they could formuiate, in consultation with experts from the Department of Agriculture, legislation looking to food conservation and production which would be safe, conservative, constructive, a rational cure for the unnecessary and intolerable ills from which the masses of our people are now so sorely suffering. I believe that such a measure would be framed with a due appreciation of the fact that the productive, and not the administrative, problem is the chief one in connection with the food supply of the Nation. Such a bill might embrace provision for a careful inventory of the man power of the Nation; an extension of State and Federal employment bureaus; the organization of agricultural reserve corps; the registration of farmers for farm and crop surveys; appropriations for correspondence and consultation with farmers for suggestions and information; news and market letters on price conditions; a nation-wide propaganda for increased acreage and food economy; information and distribution bureaus for seed and fertilizer; protection of the manufacture and movement of fertilizer; freight concessions on fertilizers and ingredients; organizations to meet seasonal emergencies; utilization of the advice of retired farmers; and many other conservative or more drastic measures as might seem desirable to meet particular conditions.

It would be impossible for me at this time to discuss the many provisions of this bill, which I deem to be most dangerous. It seems to me to be founded upon a number of utterly erroneous assumptions.

It assumes, as I have said, that faults in the mechanism of distribution, food corners, and price manipulation have been the chief factors in causing the rise of the cost of food; that distribution by governmental administration would be more economical and effective than that which takes place as a result of the operation of the mechanisms of distribution under natural law controlled by governmental regulation; that governmental management can conduct the business of the country more efficiently than individual enterprise; that the judgment and will of a few governmental officials can function more efficiently in carrying on the work of the Nation than can the combined judgment and will of the social whole; that public officials are more patriotic and trustworthy than private citizens; that government by men is better than government by law.

Mr. President, we have been hearing constantly of late the statement that autocracies are more efficient than democracies. I want to say that this is a statement proved false by every fact of history. I do not subscribe to the doctrine that democracy is a fair-weather government, nor shall I ever entertain such a theory in my consideration of legislation which is presented to us here.

In conclusion I would say that I am opposed to price fixation by legislation. The supporters in the Senate of this bill seem to be occupying the position of statesmen in the past who have sought to pay the producers higher prices for grain while securing for the consumers lower prices for bread. Surely subsection b of section 8 must have been modeled upon one of the old Roman grain laws under which grain was bought at a price to protect the producer and sold at a much lower price to suit the capacity of the consumer. A low minimum price for wheat would not stimulate production and a high minimum would, as has been shown so clearly by the Senator from Missouri [Mr. REED], unduly burden the consumer. A strong statement issued by the Government to every farmer in the land to the effect that in all probability, regardless of the size of the crop, wheat will probably range in price next year from $1.75 to $2.75 per bushel and perhaps higher, stating the reasons for such conclusion and urging the farmer as a patriotic citizen to seed a maximum acreage, would, if we meet the farm-labor situation, be as effective in stimulating an increased seeding as a guaranteed minimum price. With a properly conducted propaganda, by national unity of effort we can, I believe, vastly increase our production of grain.

As I said a short while since, a 2,000,000,000-bushel wheat crop might be well within our capacity. Think what another billion bushels of wheat would mean to this country. In my thinking upon economic subjects I have never been able to get very far away from the old French physiocratic school of economists who believed that all wealth comes from the soil. Certain it is that the wealth produced by the creation of a large amount of additional wheat added to the wealth of the country would tend to reduce the burden of taxation which this war will create, and reduce the percentage of liability which we are creating in piling up this huge national debt.

I think this is a phase of the matter that should be considered in connection with this whole question, that a continued increased production not only would relieve the food situation but would in a large sense, relieve the financial pressure which we are beginning to feel as a result of the debt which we have already created, and as a result of the taxes which must be collected for appropriations which we have already made, and which we must yet make.

Now, I do not wish to be misunderstood, but I can not agree with much that has been said in this Chamber during the debate upon this bill. I am not ready yet to subscribe to the doctrine and to legislate upon the theory, in this national emergency, that we have a Nation filled with "traitors," "vampires," "food pirates," "plunderers," "criminals," and "anarchists," men ready, on the one hand, to take advantage of the situation to wring the lifeblood from their fellow citizens, and men, on the other hand, ready to start a revolution at the first sacrifice that may be required. I can not legislate with any such theory in my mind.

I do not believe that the spirit of this Nation is being given proper expression in this pending legislation. Our citizens believe that we have yet a country worth fighting for. I believe that it is a Nation yet of devoted patriots, ready to dare all, to sacrifice all, and even to die for its preservation. That is how we feel in Maryland. We must remember that unity of action in the American spirit alone can win this war. Let us eliminate from our legislation that spirit of distrust, suspicion, and malignancy which has during recent weeks been given too frequent expression. If our people can not be trusted under the laws to conduct their business honestly and patriotically in this great emergency, then indeed has this war uncovered a condition of national decadence and decay hitherto unsuspected. "The letter killeth, but the spirit giveth life." You can not win this war by enacting drastic, despotic, un-American legislation; you can only win it by arousing the American spirit for the defense of the American ideal of democracy by and for all, by invoking the deep and patriotic devotion of our people, by constructive legislation conceived in an intelligent understanding of all of the difficulties which, because of war, must attend productive effort, by calling every citizen to join in a spirit of conciliation and cooperation to do not his English "bit" but his American best in helping to perfect an invincible national organization.

Mr. President, I close with an apology for having taken up so much time, which I would not have done had it not been for the many interruptions.

Mr. WARREN. I wish to submit a report from the Committee on Military Affairs. I ask the Senator from Oregon if he will let me present it now.

Mr. CHAMBERLAIN. Very well.

Mr. CURTIS. Is it the purpose of the Senator in charge of the bill to have the unfinished business temporarily laid aside that the report may be disposed of?

Mr. CHAMBERLAIN. That may be done, if there is no objection.

The PRESIDING OFFICER (Mr. WATSON in the chair). Is there objection? The Chair hears none. The unfinished business is temporarily laid aside, and the report will be received.

SAN DIEGO AVIATION STATION.

Mr. WARREN. From the Committee on Military Affairs I report back favorably with an amendment the bill (H. R. 4892) authorizing the President to take possession, on behalf of the United States, for use as sites for permanent aviation stations for the Army and Navy and for aviation school purposes, of the whole of North Island in the harbor of San Diego, Cal., and for other purposes, and I submit a report (No. 83) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in the Committee of the Whole.

The amendment of the committee was, on page 3, line 1, after the words "Secretary of War," to strike out the proviso in the following words:

Provided, That no compromise or settlement of claims to title to said lands shall be made involving the payment of more than $500,000.

So as to make the bill read:

Be it enacted, etc., That the President be, and he is hereby, authorized to cause possession to be taken forthwith, on behalf of the United States, for use for national defense and in connection therewith as sites for permanent aviation stations for the Army and Navy and for aviation school purposes, of the whole of North Island, in the harbor of San Diego, Cal., and the provisions of section 355, Revised Statutes, shall not apply to the expenditure of any appropriations for improvements thereon for aviation purposes.

The Attorney General or the claimants to the said North Island are authorized to make application for the determination and appraisement of any rights private parties may have in the said island over and beyond any rights thereto in the United States to the District Court of the United States for the Southern District of California; the proceedings to be prosecuted in accordance with the laws of the State of California relating to the condemnation of property for public use. Either party may take an appeal from the judgment of such court direct to the Supreme Court of the United States within 90 days after such judgment is rendered. Upon the final ascertainment of the value of any right, title, or interest adjudged to be in any private claimants to the said island there shall be paid into court the value of the same as so determined, together with interest thereon at the rate of 6 per cent per annum from date possession thereof was taken as herein authorized; and thereupon the United States shall be vested with title to said lands. The amount so paid shall be distributed by order of the court to the owner or owners of such right, title, or interest in said island as their respective interests may be determined by the court. The amount necessary to pay the awards in favor of private claimants is hereby appropriated, out of any money in the Treasury not otherwise specifically appropriated, to be disbursed under orders of the Secretary of War.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. WARREN. I ask that the report accompanying the bill may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The report is as follows:

[Senate Report No. 83, 65th Cong.]

Mr. WARREN, from the Committee on Military Affairs, submitted the following report:

The Committee on Military Affairs, to whom was referred the bill (H. R. 4892) authorizing the President to take possession, on behalf of the United States, for use as sites for permanent aviation stations for the Army and Navy and for aviation-school purposes, of the whole of North Island, in the Harbor of San Diego, Cal., and for other purposes, having considered the same, report thereon with an amendment, recommend that it do pass, and submit the following letter from the Secretary of War in support thereof:

WAR DEPARTMENT,
Washington, May 17, 1917.

CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,
House of Representatives.

SIR: The question of the selection of a site for an aviation school was considered by a commission appointed under act of Congress approved March 4, 1915 (38 Stat., 1064); the commission recommending the purchase of a site on North Island, San Diego Harbor, Cal., then in use by the aviation school, as the best site for the purpose, provided the Government has such rights therein, that the site could be obtained at a reasonable cost. If the Government has no such rights the commission recommended as its second choice the acquisition of a site on Coronado Heights, San Diego, Cal., expressing the opinion that $300,000 would be a fair and equitable estimate for this site.

Based on the said estimate, an appropriation was made in the Army appropriation act of August 29, 1916 (39 Stat., 622), the language of the appropriation reading as follows:

"For the acquisition by purchase or by condemnation of a site or sites in the State of California for an aviation school and training grounds of the Signal Corps of the United States Army, not to exceed $300,000."

The naval appropriation act of August 29, 1916 (39 Stat., 556, 568), contains an item authorizing the Secretary of the Navy "to purchase 232 acres of land on or near the Bay of San Diego, San Diego County, Cal., to be used for advance base, expeditionary, and aviation purposes, to cost not exceeding $250,000: *Provided*, That at the same time the city of San Diego, San Diego County, Cal., donates, free of encumbrance, to the United States Government a parcel of 500 acres of adjoining tide lands of the Bay of San Diego, known as Dutch Flat, without cost to the United States Government, for the purpose of establishing a naval base thereon."

Following these appropriations the question of the acquisition of lands at San Diego, Cal., for aviation purposes was taken up with the naval board with the view of the acquisition of an area on North Island, by the consolidation of both appropriations, sufficient for the needs of both departments. It was the view of the board, concurred in by the commanding officer of the Army aviation school at San Diego, Cal., that North Island was large enough to accommodate the needs of both the Army and the Navy, and that the site would be immediately available for use without any additional outlay of money for the improvement of the land, while Coronado Heights would require approximately $250,000 to improve the land alone so as to nearly accommodate the present demands of Army aviation at San Diego.

The question has received further consideration by a joint board of Army and Navy officers. The report of this board, dated May 5, 1917, has received the approval of the heads of both departments and the findings and recommendations of the board, as approved, are as follows:

"The board is of the opinion that North Island, San Diego, Cal., is the best location in this country for the establishment of a joint Army and Navy aviation station for the primary training of pilots. The question of the legal ownership of North Island, and also the high price requested of the Government by its claimants, have prevented for a period of several years the final determination of the site for a Government aviation training station in southern California.

"The board recommends that the authority of Congress be obtained for immediately taking possession of North Island, San Diego, Cal., for the joint uses of the Army and Navy air services * * *. The question of compensation can be settled at some later date."

I have the honor, therefore, to submit a draft of an act for authorizing the President to take possession of North Island for the aviation needs of the Army and Navy, giving the claimants to the said island the right to proceed in the courts for the determination and appraisement of any rights they may have in the said island over and beyond the rights of the United States thereto, and making an appropriation of the amount necessary to pay the awards in their favor. The act has been so drawn, in view of the fact that the title of the claimants to North Island rests on the confirmation of a Mexican grant, under which grant the Government of Mexico retained the right to take and use the lands for certain defensive purposes. The matter has received consideration by the Department of Justice, which department expresses the opinion that, notwithstanding the issue of a patent based on the confirmation of the Mexican grant, the Government may legally claim the right to use these lands for the purposes specified in the Mexican grant, provided such right is asserted by congressional action. The question is not free from doubt, and it is the view of this department that the legislation should provide, as in the draft submitted, for the determination of the respective rights of the claimants and the Government to these lands and for the payment to the claimants of the appraised value of any rights they may have in said island over and beyond the rights of the United States in the premises. It is accordingly recommended that the legislation take this form and that authority be granted as promptly as possible.

Very respectfully,

NEWTON D. BAKER,
Secretary of War.

The bill provides for the taking possession of the whole of North Island, in San Diego Bay, Cal., as a site for permanent aviation stations for the Army and Navy and for aviation school purposes. Provision is made for just compensation to be paid to private parties claiming rights in the said island.

Appropriations aggregating $550,000 for aviation and other purposes for the Army and Navy were made by Congress in the Army and Navy appropriation acts of August 29, 1916, and a board considering a site for the Army recommended, first, the location on North Island then being used by the Signal Corps for aviation purposes. The matter was taken up with the naval board with the view of the acquisition of an area on North Island by the consolidation of both appropriations, sufficient for the needs of both departments. A joint Army and Navy board, after considering the situation and the cost of improvements that would be required if any site other than North Island was obtained, recommended that authority from Congress be obtained for taking possession of North Island. The question of the legal ownership and the prices asked by those claiming rights in the island have prevented for several years the final determination of a site for Government aviation purposes in California. The findings of the joint Army and Navy board were that North Island is the best location in this country for the establishment of a joint Army and Navy aviation station for the primary training of pilots.

ANNIVERSARY OF THE FALL OF THE BASTILLE.

Mr. NEW. I ask unanimous consent for the consideration of the resolution which I send to the desk.

The PRESIDING OFFICER. The resolution will be read.

The resolution was read, considered by unanimous consent, and unanimously agreed to, as follows:

Senate resolution 104.

Resolved, That the Senate of the United States felicitates the Republic of France upon the occasion of the celebration of the one hundred and twenty-eighth anniversary of the fall of the Bastille, that noted memorial and symbol of centuries of misrule, oppression, and exploitation of the mass of French people for the benefit of the aristocracy.

Resolved, That as the Stars and Stripes of America mingle with the tricolor of France and the troops of the sister Republics march to the same martial music in celebrating the triumph of popular government, our hearts unite with those of the French people in the hope that the present assault against the mightiest citadel of caste, privilege, oppressive power, and tyranny the world has ever known—against the bastille of autocratic militarism—may soon be as triumphantly and finally ended.

POEM BY SELMA KATZENSTEIN.

Mr. SHEPPARD. Mr. President, I have here the words of a patriotic song composed by Selma Katzenstein, of Dallas, Tex., entitled "All Hail, America!" which I wish to have inserted in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

ALL HAIL, AMERICA!

[By Selma Katzenstein, of Dallas, Tex.]

Dear land of ours, may heavenly powers
Protect and guard thee ever,
And guide thy path and give thee faith
And joy in high endeavor,
To seek the light in honor's eyes,
Nor be content with lesser prize,
To strive to win a noble fight
In God's holy sight.

We'll sing in praise of other days
And many a deed of glory
Of thy great past, whose fame shall last
And ring thro' song and story;
Of triumphs of thy daughters fair,
In noble lives beyond compare,
And battles by thy brave sons fought
And many a wonder wrought.

Not hate, but love, shall thy heart move
For men of every nation,
Whom wondrous fate sends to thy gate
To seek for their salvation.
Beneath thy skies they shall find rest
And joy and freedom on thy breast;
Their noble worth thou'lt reverent learn
And with love's ardor burn.

Thy hero sons shall train their guns
'Gainst wrong and fell oppression;
Brave love shall lead on honor's steed
And gain at last possession—
Of strongholds where the intrenched foe
Their flaunting tokens boldly show.
The banners of the right unfurled
Shall float o'er a new world!

CHORUS.

Ah hail, America!
Our love for her, a very star,
Shall light our way to heaven's door
And joy for evermore!

CONSERVATION OF FOOD AND FUEL.

Mr. CHAMBERLAIN. I ask that the unfinished business be laid before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

Mr. POMERENE. After consultation with the Senator from Montana [Mr. WALSH], I have modified to a certain extent the amendment which I submitted on yesterday to the pending bill. I ask leave to offer the amendment as modified at this time and that it be printed in the RECORD and lie on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SEC. 3. No person acting either as a voluntary or paid agent or employee of the United States in any capacity, including an advisory capacity, shall solicit, induce, or attempt to induce any person or officer, authorized to execute or to direct the execution of contracts on behalf of the United States, to make any contract or give any order for the furnishing to the United States of work, labor, or services, or of materials, supplies, or other property of any kind or character, if such agent or employee has any pecuniary interest in such contract or order, or if he or any firm of which he is a member, or corporation, joint-stock company, or association, of which he is an officer or stockholder or in the pecuniary profits of which he is directly or indirectly interested, shall be a party thereto. Nor shall any agent or employee make, or permit any committee or other body of which he is a member to make, or participate in making, any recommendation concerning such contract or order to any council, board, or commission of the United States or any member or subordinate thereof without making to the best of his knowledge and belief a full and complete disclosure in writing to such council, board, commission, or subordinate of any and every pecuniary interest which he may have in such contract or order and of his interest in any firm, corporation, company, or association being a party thereto, nor shall he participate in the awarding of such contract or giving such order. Any willful violation of any of the provisions of this section shall be punishable by a fine of not more than $10,000 or by imprisonment of not more than five years, or both.

EXECUTIVE SESSION.

Mr. CHAMBERLAIN. Mr. President, no Senator has notified me that he cares to proceed with the discussion of the bill to-day; and if no Senator indicates a desire to do so, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 10 minutes p. m., Saturday, July 14, 1917) the Senate adjourned until Monday, July 16, 1917, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 14 (legislative day of July 12), 1917.

COLLECTOR OF INTERNAL REVENUE.

Justus S. Wardell, to be collector of internal revenue for the first district of California.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Midshipman Gale A. Poindexter to be an ensign.

The following-named chief warrant officers of the Navy to be ensigns:

CHIEF BOATSWAINS.

James Dowling,
John F. Brooks,
Hugh J. Duffy,
Edward J. Norcott,
Albert F. Benzon,
Christian Crone,
John W. Stoakley,
John D. Walsh,
Martin Fritman,
Dennis J. O'Connell,
William Johnson,
Arthur Smith,
Belmar H. Shepley,
Gustav Freudendorf,
Robert Rohange,
Patrick Shanahan,
John Eberwine,
August Wohltman,
John A. Riley,
David White,
Edward J. Damon,
Michael J. J. Farley,
Thomas M. Cassidy,
Edwin Murphy,
William A. Macdonald,
Karl Rundquist,
Allen T. Webb,
Albion O. Larsen,
Thomas W. Healey,
Joseph Heil,
Frank Bresnan,
Peter Emery,
Claus K. R. Clausen,
Henry A. Stanley,
John McCloy,
Joseph E. Cartwright,
Harold S. Olsen,
John C. Rickertts,
Frederick Meyer,
James Glass,
Nels Drake,
John Davis,
Gerald Ollif,
Owen T. Hurdle,
John Law,
Henry H. Richards,
Frederick W. Metters,
George E. McHugh,
Arthur D. Warwick,
Michael Higgins,
William Jaenicke,
John Danner,
James F. Hopkins,
Charles Schonborg,
Walter J. Wortman,
Alexander Stuart,
Frank D. Blakely,
Christopher Murray,
John P. Judge,
John C. Lindberg,
Birney O. Halliwill,
Albert Seeckts,
William E. O'Connell,
Harry T. Johnson,
Harry N. Huxford,
Thomas James,
William Fremgen,
George R. Veed,
Niles A. Johnsen,
Isidor Nordstrom,
John Atley,
Gregory Cullen,
Bertram David,
Michael J. Wilkinson,
George Knott,
Thomas Macklin,
Meade H. Eldridge,
Ernest R. Peircey,
William R. Buechner,
Bernhard Schumacher,
Benjamin F. Singles,
Emory F. Hosmer,
Ernest Heilmann,
Otto J. W. Haltnorth,

Percy H. Bierce,
Franklin E. Chester,
Frank G. Mehling,
James J. O'Brien,
Edward Crouch,
William De Fries,
John B. Hupp,
Daniel Dowling,
Joseph W. Bettens,
Frank Bruce, and
Michael J. Conlon.

CHIEF GUNNERS.

Frank L. Hoagland,
William G. Moore,
Allan S. Mackenzie,
Otto Fries,
Theodore B. Watson,
Simon Jacobs,
Samuel Chiles,
Patrick Hill,
David F. Diggins,
William J. Foley,
Charles Hierdahl,
Thomas S. Aveson,
Stephen Donely,
Otto E. Reh,
Charles C. Steinbrenner,
Thomas P. Clark,
William G. Smith,
John T. Swift,
Benjamin P. Middleton,
Leonard Roll,
David B. Vassie,
Joseph Mitchell,
John G. Nicklas,
Arthur S. Pearson,
Harold B. Barr,
Anthony McHugh,
James P. Dempsey,
William T. Baxter,
William H. Leitch,
Augustus Anderson,
Charles J. Miller,
William J. Creelman,
Frederick T. Montgomery,
Henry Rieck,
Constantine Clay,
William C. Bean,
William H. Dayton,
Glendon W. Irwin,
Joseph F. Carmody,
Clarence D. Holland,
James H. Bell,
Charles H. Anderson,
Richard O. Williams,
Charles S. Schepke,
William O. King,
William Cronan,
Arthure Langfield,
John Ronan,
William T. McNiff,
Arthur D. Freshman,
Leroy Rodd,
Edward Wenk,
Louis M. Wegat,
David P. Henderson,
Herman Kossler,
Lawrence Wittmann,
Joseph Chamberlin,
Clyde Keene,
William Seyford,
William A. Cable,
Herbert Campbell,
Clifford H. Sheldon,
John H. Lohman,
William Zeitler,
Andrew Olsson,
James T. Roach,
Edwin N. Fisher,
James C. McDermott,
Joseph Hill,
Adolph Hasler,
Conrad W. Ljungquist,
Wilhelm H. F. Schluter,
Robert E. Cox,
Harry A. Davis,
John J. Murray,
Herbert A. Nevins,
Oscar Borgeson,
Thomas J. Hurd,
George A. Messing,
Bernard P. Donnelly,
Daniel Duncan,
Edward T Austin,
Henry Ernest,
Stanley Danielak,
Gotthilf C. Layer,
Emil Swanson,
Franklin Heins,
Ulysses G. Chipman,
Kieran J. Egan,
James F. McCarthy,
Harry Adams,
John Sperle, jr.,
Roderick M. O'Connor,
James A. Martin,
Edward W. Furey,
Daniel W. Nelson,
Joseph H. Aigner,
Charles H. Foster,
John J. Clausey,
Edward S. Tucker,
Michael Macdonald,
George D. Samonski,
James E. Orton,
Charles L. Bridges,
Albert Klingler,
William Seach,
Arthur B. Dorsey,
Gustav C. Tanske,
David P. Henderson,
Charles W. A. Campbell,
Frank C. Wisker,
Harry E. Stevens,
Harry A. Pinkerton,
Oscar A. Anderson,
Alvin E. Skinner,
Henry W. Stratton,
George C. Smith, and
Gottlieb Sherer.

CHIEF MACHINISTS.

James H. Morrison,
John E. Cleary,
Harold I. Lutken,
Charles H. Hosung,
Robert J. Vickery,
Ralph F. Nourse,
David Purdon,
Clarence M. Wingate,
Charles A. Rowe,
William B. Stork,
Thomas O'Donnell,
Charles Hammond,
Daniel Mullan,
Samuel L. Wartman,
Lemual T. Cooper,
Francis P. Mugan,
George C. Ellerton,
Murray S. Holloway,
Ernest Evans,
Clarence R. Johnson,
William James,
Patrick Fernan,
Frank Risser,
Llewellyn H. Wentworth,
Henry E. White,
Ellwood W. Andrews,
Adolph A. Gathemann,
Edward G. Affleck,
James J. Cotter,
Edward G. Higgins,
Matthias A. Thormahlen,
John I. Ballinger,
Carl Johanson,
William T. Robinson,
Fred F Ingram,
Herbert E. Fish,
Barnett B. Bowie,

John P. Richter,
John R. Likens,
Frank O. Wells,
Raymond L. Drake,
William Herzberg,
Zenas A. Sherwin,
Otto Boldt,
Arthur H. Hawley,
Charles S. Wolf,
Olav Johnson,
Byron C. Howard,
Francis G. Randall,
Henry I. Edwards,
Willis Dixon,
Adolph Peterson,
Axel V. Kettels,
Albert A. Hooper,
Charles Dunne,
Walter Collins,
Edwin W. Abel,
George L. Russell,
Otto T. Purcell,
Joseph R. Bradshaw,
William M. Miller,
Louis F. Miller,
Paul B. Cozine,
Newton R. George,
Ralph G. Moody,
Robert G. Greenleaf,
Frank R. King,
James MacIntyre,
Stephen H. Badgett,
Walter M. Shipley,
Walter Lau,
Charles D. Welker,
John E. Burger,
Jannis V. Jacobsen,
George W. Johnson,
John Bryce,
Rasmus Iversen,
Charles C. Holland,
Cornelius J. Collins,
William C. Gray,
John A. Oliver,
Arthur A. Smith,
John L. Barnswell,
Louis C. Higgins,
Augustine D. Devine,
Fred W. Cobb,
James L. McCormack,
George Crofton,
Walter S. Falk,
James J. Cullen,
John R. Burkhart,
Charles Franz,
Bernard Christensen,
Henry Lobitz,
Jarrard E. Jones,
Paul R. Fox,
John B. Martin,
David W. Harry,
George R. C. Thompson,
Ole P. Oraker,
William S. White,
Franz J. M. Parduhn,
Arthur W. Bird,
Charles Allen,
Frederick T. Lense,
John W. Merget,
Harry Champeno,
George J. Lovett,
Frederick W. Teepe,
Albert C. Byrne,
Orin R. Hewitt,
William R. Gardner,
George W. Fairfield,
Joseph C. Stein,
Robert M. Huggard,
Earl F. Holmes,
Frank Smith,
John McN. D. Knowles,
Charles F. Beecher,
William H. Hubbard,
Ernest W. Dobie,
Jonathan H. Warman,
John C. Parker,
Robert B. Sanford, jr., and
Rufus H. Bush.

The following-named chief carpenters to be assistant naval constructors:

George J. Shaw,
Frank Johnson,
James I. Haley,
Joseph A. Barton,
Frank H. Preble,
Thomas W. Richards,
Joseph M. Simms,
Matthew B. Pollock,
Walter W. Toles,
Frederick W. Witte,
Charles S. Kendall,
John A. Lord,
Frederick M. Kirchmier,
John T. S. Miller,
Timothy E. Kiley,
William Boone,
Charles Thompson,
McCall Pate,
William E. Powell,
Frederick C. Le Pine,
William H. Squire,
William C. Hardie,
William F. Hamberger,
Thomas J. Logan,
William O'Neill,
George A. Lazar,
Frank Gilbert,
Lawrence A. Maaske,
Harry E. Cooper,
Timothy S. Twigg,
Joseph Feaster, jr.,
Harry T. Newman,
Peter Treutlein,
Robert H. Lake,
Brandt W. Wilson,
Stuart P. Mead,
Francis X. Maher,
William H. Sampson,
Caleb Whitford,
Robert Morgan,
Joel A. Davis,
Robert H. Neville,
Alfred R. Hughes,
Ernest P. Schilling,
James L. Jones,
Frank M. Smith,
Harold F. McCarty,
Frederick Mackie,
Samuel C. Burgess,
Robert E. Wilkinson,
Charles R. Barr,
Herbert Duthie,
Herbert VanC. Wetmore,
Clarence P. Baker,
Stephan L. Lovett,
William R. Thomas,
Thomas B. Casey,
Elvie L. Kempton,
Albert Tucker,
Clifton Greenwell,
Wilbert O. Crockett,
Arno W. Jones,
James W. Costello,
James J. Murphy,
Thomas O. Connell,
Joseph J. Redington,
Robert Velz,
Louis Haase,
Charles J. Kerr,
Frederick G. McKay,
James P. Shovlin,
John A. Price,
Joseph F. Gallalee,
Ernest L. Bass,
Reuben R. Clarke,
Harry R. Taylor,
Tony L. Hannah,
William L. Wall,
Frank Weber,
Francis J. Wilson,

Alfred Bledsoe,
Morgan M. Saylor,
James G. McPherson,
William E. Fitzgerald, and
Albert G. Merrill.

The following-named chief pharmacists to be assistant surgeons:

Edward R. Noyes,
Oscar G. Ruge,
Richard F. S. Puck,
Charles E. Alexander,
Howard E. Sausser,
Laurence O. Schetky,
Paul J. Waldner,
Maury D. Baker,
Carl B. Furnell, and
Stephen Wierzbicki.

The following-named chief pay clerks to be assistant paymasters:

Otis F. Cato,
Fred E. Crossman,
Archy W. Barnes,
Frank Hunt,
George A. Wilcox,
Alpheus M. Jones,
Carroll F. Bennett,
John H. Rauch,
John M. Holmes,
William Craig,
Nils B. Olsen,
William H. Crap,
George W. Masterton,
Walker A. Settle,
Timothy J. Mulcahy,
Dayton Fisher,
Helmer H. Koppang,
Samuel H. Knowles,
Harry Price,
Rudolph A. Ashton,
Malcolm D. Stuart,
Joseph Reay,
Theodore F. Howe,
Emil E. Artois,
Edward W. Poore,
James E. Reed,
Frank H. Baasen,
Richard R. Bolles,
George P. Seifert,
Ambrose J. Barnum,
Orlo S. Goff,
Oscar J. Phillips,
Edgar L. Cary,
Arthur Hesford,
John J. Lynch,
Joseph A. Rebentisch,
Thomas M. Schnotola,
Charles R. Sies,
Charles E. Sandgren,
Philip A. Caro,
James Gately,
Miles Gilman,
Lewis S. Sutliff,
Charles H. Breyer,
Thomas A. Culhane,
Andrew J. McMullin,
Noble R. Wade,
Frederick Scherberger, jr.,
William T. Williams,
Burnice W. Shumaker,
Harry Mack,
Edward R. von Preissig,
Carl E. Beaty,
Frank D. Foley,
Harry A. Hooton,
Arthur W. Babcock,
Gerald A. Griffin,
William O. Wood,
Henry L. Battle,
Charles W. Charlton,
Alvah B. Canham,
Ross B. Deming,
Effinger E. Hartline,
Henry E. Brown, and
Charles E. Rappolee.

HOUSE OF REPRESENTATIVES.

SATURDAY, *July 14, 1917.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We lift up our hearts unto Thee, O God, our Heavenly Father, from whom cometh all our strength and knowledge, every high and noble aspiration.

That we may be sufficient unto the needs of the day, impart unto us, we beseech Thee, of Thy strength and wisdom; quicken every noble impulse, every laudable purpose, that our work may be in consonance with Thy will. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 5405. An act making appropriations for certain session employees of the Senate and House of Representatives.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 5405. An act making appropriations for certain session employees of the Senate and House of Representatives.

EXTENSION OF REMARKS.

Mr. MEEKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a letter from Mr. Eric B. Thompson, general counsel for the Proprietary Association, in regard to something I said about patent medicines.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection?

Mr. WALSH. Mr. Speaker, I object.

The SPEAKER. The gentleman from Massachusetts objects.

Mr. RAKER rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. RAKER. I rise for the purpose of asking unanimous consent that I may extend my remarks in the RECORD by printing two telegrams from California in relation to the food-control bill.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection?

Mr. WALSH. Mr. Speaker, I object.

The SPEAKER. The gentleman from Massachusetts objects.

RECORDS OF MILITARY ENLISTMENTS.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent—the first time during this session of Congress—to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Colorado asks unanimous consent—for the first time during this session—to extend his remarks in the RECORD. [Laughter.] Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, might I inquire upon what topic?

Mr. TAYLOR of Colorado. It is on the subject of preserving a record in the various counties of the United States of the men who are in the military service.

I want to change that request, Mr. Speaker; I want to ask unanimous consent to proceed for three minutes.

The SPEAKER. The gentleman from Colorado asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. TAYLOR of Colorado. Mr. Speaker, I do not know how it strikes the other Members of the House, but it seems to me there ought to be some systematic effort made by Congress or the State governments to preserve an official county war record in every county in the United States of the boys who have been enlisted and those who are hereafter to enlist or be drafted into the service, and have that record kept and preserved as a public document in the records of the county and also in the office of the secretary of state of each State. Such a record will be tremendously important in the future, not only to clearly show the standing of each county and let the local people and each State and county have full credit for all the boys that respond to our country's call, but the record will become a historic document. It will largely aid in determining questions of pensions and insurance and inheritances and many other matters. But

aside from its practical importance, it is a duty that we owe to these boys to keep track of them as far as we possibly can.

I feel that there ought to be some war council or committee in every county authoritatively designated for the express purpose of systematically compiling and preserving that record, so that parents and friends may know, as near as possible, where the boys are and what they are doing.

For the purpose of calling the attention of Congress and the country to this subject, I have introduced House joint resolution No. 119, which reads as follows:

Joint resolution (H. J. Res. 119) to provide for an official county war record of all men in the service of the United States.

Resolved, etc., That for the purpose of compiling and preserving an accurate and complete record of all persons who have entered or may enter the service of the United States in connection with its military or naval operations during the existing war, and for the purpose of providing an official and authentic local record of the enrollment in service of all such persons who so enter the service from each county in the United States, the Council of National Defense be, and hereby is, authorized and directed to immediately, in cooperation with the governors and branch councils of national defense of the various States, create in each county an official war council or committee whose duty it shall be to compile and preserve a complete and accurate record of all persons so engaged in the service of the United States, giving age, date of enlistment, draft or commission, branch or nature of service, and all data and information available concerning each person so engaged, and to continue the keeping of such records until the close of the war. Upon the termination of the war such records shall form a part of the official county records and shall be kept in the office of the county clerk or in such other office of the county as the legislature may direct.

I do not know that I can pass it, but it ought to pass; and I feel that I ought to call the attention of the House to this subject. I may say that I have already taken up this subject with the governor of Colorado and with every one of the 23 counties in my congressional district, and I understand that our governor and State legislature are going to make some effort along this line to have such a record compiled and kept in every county in the State of Colorado. The newspapers of Colorado have taken up the subject, and I am confident that we are going to preserve such a record, so that the parents will know something about where the boys are, in what regiments and companies, and how to address them, and, in case they become wounded and get into hospitals, afford some speedy opportunity for possibly extending some relief. We will all be besieged with many requests of this kind in the near future, and I feel that if these local county records are kept at home it will be a great comfort and satisfaction both to the parents and the boys themselves and have a splendid influence.

Mr. DOWELL. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Colorado. Certainly.

Mr. DOWELL. Is not this information already duly compiled by the War Department, and will it not eventually be placed in a public document?

Mr. TAYLOR of Colorado. Oh, yes; eventually, after the war is over that record will be a public document here in Washington. As a matter of fact the War Department here is some one, two, or three thousand miles away, and it is a very slow process to write to Washington when parents at home want to know about their boys in the field. I want to see a complete record made now, right at home, so that every parent can see it if necessary.

Mr. DOWELL. And could not that matter be brought to Congress and placed in a public document, and then sent to the various counties?

Mr. TAYLOR of Colorado. That would take too long and would not answer the immediate purpose during the war. But I will say that if anybody has a better suggestion, all right; it is the thought I have in view, of letting the parents at home and boys in the field know that we are trying to keep track of them as best we can. The lessons of our Civil War conclusively demonstrate not only the wisdom but the absolute necessity of a local home record of this kind.

Mr. GREENE of Vermont. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. GREENE of Vermont. Is not this all done automatically by the operation of the conscription law?

Mr. TAYLOR of Colorado. No; I do not think it is.

Mr. GREENE of Vermont. Does not every State have the record of the men who are enlisted and of those who are exempted?

Mr. TAYLOR of Colorado. There is no record locally, as I understand it, of those who have already enlisted. There ought to be a local record of all those now in the Army and Navy and every branch of the Government service, as well as those that will soon be drafted.

Mr. GREENE of Vermont. What authority has the Federal Congress to impose such a burden as that of keeping a record of that kind upon the county officials of the States?

Mr. TAYLOR of Colorado. My thought is that the Council of National Defense has the right to take it up with the governor of each State and with each local council of defense and have this record compiled without any expense or delay or trouble whatever.

Mr. GREENE of Vermont. Is this not a matter of local law?

Mr. TAYLOR of Colorado. It is a humane matter. It will not require any law.

Mr. KAHN. Mr. Speaker, if the gentleman will permit, under the conscription law every State gets credit for the number of men who have enlisted in the Regular Army or the National Guard since April 1 of this year. Therefore each State has that record now.

Mr. TAYLOR of Colorado. That is exactly the Army view of the thing. In other words, that a man in the Army is merely a unit; that he simply means one; men merely count in numbers, each State's quota. As a matter of fact, the mothers and fathers of the boys have an individual human interest in them and their welfare. They would like to know where the boys are and what they are doing and what becomes of them. When a soldier has a leg shot off and is in the hospital his parents would like to know what company he is in, so that they can communicate with him through their Congressman. [Applause.]

Mr. WHEELER. I would like to ask the gentleman how he would get that from the State. He would have to get that from the War Department.

Mr. TAYLOR of Colorado. If a committee in each county takes up that work now, they can get the data from the parents. It would be an easy matter, comparatively, to make a complete record now. But it will be impossible to ever make or get a correct record six months from now. I am firmly convinced that this matter is of the utmost importance, and I earnestly hope that Congress will enact my resolution. [Applause.]

The SPEAKER. The time of the gentleman from Colorado has expired.

EXTENSION OF REMARKS.

Mr. RAKER. Mr. Speaker, conditions have changed lately, and I ask unanimous consent to extend my remarks in the RECORD to the extent of about 100 words.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. WALSH. Reserving the right to object, is it upon the same subject that the gentleman asked heretofore?

Mr. RAKER. It is in regard to Herbert Hoover and the opinion of those who know him——

Mr. WALSH. And does it include the telegrams the gentleman has mentioned?

Mr. RAKER. About 100 words, the two of them.

Mr. WALSH. I object.

Mr. KING. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. WALSH. Reserving the right to object, I would like to ask the gentleman upon what topic?

Mr. KING. While I deny the right of the gentleman from Massachusetts——

Mr. WALSH. I object.

Mr. KING. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Illinois makes the point that no quorum is present, and the Chair will count.

Mr. KING. Mr. Speaker, I withdraw the point of no quorum.

INCREASE OF SIGNAL CORPS.

Mr. DENT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 5326) to authorize the President to increase temporarily the Signal Corps of the Army and to purchase, manufacture, maintain, repair, and operate airships, and for other purposes, and pending that I ask that all general debate on this bill be considered as now closed.

The SPEAKER. The gentleman from Alabama moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 5326, and pending that he asks unanimous consent that all general debate be considered closed. Is there objection?

Mr. FITZGERALD and Mr. ANDERSON objected.

Mr. DENT. Mr. Speaker, I ask unanimous consent that general debate on the bill be limited to one hour.

The SPEAKER. The gentleman from Alabama asks unanimous consent that general debate on the bill shall not exceed one hour. Is there objection?

Mr. ANDERSON. I object.

The SPEAKER. The gentleman from Minnesota objects, and the question is on the motion of the gentleman from Alabama that the House resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. CRISP in the chair.

The CHAIRMAN. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. 5326) to authorize the President to increase temporarily the Signal Corps of the Army, and to purchase, manufacture, maintain, repair, and operate airships, and for other purposes.

Mr. DENT. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. DENT. Mr. Chairman, the report that accompanies this bill states substantially everything that I could fairly and justly state on the floor of the House. This bill provides for the temporary increase of the Signal Corps, particularly the Aviation Section thereof. It is limited to the existing emergency. It authorizes the President in general terms to organize this temporary force into divisions, brigades, regiments, wings, squadrons, battalions, companies, and flights. The act itself does not fix the number of any of these different organizations, but leaves that entirely to the discretion of the President. The object of that, Mr. Chairman, is readily seen. If by law Congress should undertake to fix the number of machines that will be constructed and to declare the number of men that will be employed in this temporary additional service, and all of the details with regard to the same, it would destroy the very purpose of this legislation. It would give to the enemy the very thing that the enemy ought not to know. The bill does carry a lump-sum appropriation of $640,000,000.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. DENT. Yes.

Mr. MILLER of Minnesota. On the point of specifying the number of enlisted men and the number of officers authorized for this branch of the service and that it would be giving up military secrets, was not that the exact situation in regard to all previous legislation—that we specified 500,000 men and another 500,000, and authorized the increase of the Regular Army and the National Guard to a certain amount? Why would it be giving up secrets in regard to the Aviation Corps any more than to any other branch of the service?

Mr. DENT. In answer to the gentleman's question I will state that this is a peculiarly technical force expected to be used in certain instances against the enemy across the water. It will be some time before we organize the full strength of the Regular Army or the National Guard or the National Army as authorized by law. There is no limitation, I will say to the gentleman, except the amount of the appropriation, upon the size of the National Guard. The law simply provides that there may be organized in each State of the Union a National Guard of at least 800 for every Senator and every Member of Congress. It fixes the minimum, not the maximum. So that the only limitation upon that would be the appropriation that Congress gives in order to support it.

Mr. MILLER of Minnesota. It has been published repeatedly—the estimate sanctioned by the War Department of the number of men necessary to recoup the National Guard up to the war strength. I would like to ask one further question. The gentleman appreciates that it is asking a great deal of Congress to pass a bill in such an indefinite form as this, although it may be justified. I should like to inquire of the gentleman if the verbal provisions of this bill have had the approval of the General Staff or the War College? I do not mean the program; I do not mean the propriety of establishing the branch of the service, or the number of aeroplanes and the number of fliers; but I mean the phraseology that works out the details. Can the gentleman inform me whether or not that has had the investigation and approval of the General Staff or War College?

Mr. DENT. Of both, as I understand it.

Mr. MILLER of Minnesota. I understand the gentleman is incorrectly informed as to that. I made inquiry last evening to see if the details of this bill have received the approval of the General Staff or the War College. I do not wish to be understood as saying that either the General Staff or the War College wishes to go on record as disapproving any of it, but I do think it is fair and just to the membership to say that I am informed that the War College has never passed on these details, but that the details are now before the War College for that very purpose.

Mr. DENT. The gentleman's information may be later than mine.

Mr. MILLER of Minnesota. I got it after I talked with the gentleman in his office yesterday, so he knows when that was.

Mr. DENT. But the Secretary of War has been before the committee, and he told the committee that this bill had been thoroughly examined and approved. The Chief of the Signal Corps appeared before the committee and explained the bill fully, in detail, and he said that it had been approved, and we assumed that it had been approved by the War Department.

Mr. LENROOT. Will the gentleman yield?

Mr. DENT. I yield to the gentleman from Wisconsin.

Mr. LENROOT. The gentleman stated that there was no limitation upon the number of the National Guard. I want to ask the gentleman if it is not true that while there is no limitation there is no power in the Federal Government to increase the National Guard, other than to fill up deficiencies in existing regiments when they are called into the Federal service?

Mr. DENT. Oh, no. The gentleman is very much mistaken about that. The Federal Government can authorize the organization of additions to the National Guard.

Mr. LENROOT. My question is, can it compel it?

Mr. DENT. Oh, no.

Mr. LENROOT. So there is no power in the Federal Government to increase the National Guard. There is that limitation.

Mr. SEARS. Will the gentleman yield?

Mr. DENT. I yield to the gentleman from Florida.

Mr. SEARS. On page 7 of this bill, line 12, and following, notice that it provides for—

(a) The acquisition of land, or any interest in land with any buildings and improvements thereon, by purchase, lease, donation, condemnation, or otherwise; (b) the improvement of such land by clearing, grading, draining, seeding, and otherwise making the same suitable for the purpose intended; (c) the construction, maintenance, and repair of permanent or temporary barracks, quarters, hospitals, mess houses, administration, instructional and recreational buildings, hangars, magazines, storehouses, sheds, shops, garages, boathouses, docks, radio stations, laboratories, observation stations, and all other buildings and structures necessary or advisable—

And on page 8, line 6—

(e) construction and repair of roads, walks, sea walls, breakwaters, bridges and wharves, dredging, filling and otherwise improving land and water sites.

How much of this $640,000,000 is contemplated to be expended for the purpose of repairing sea walls, and building sea walls, roads and bridges, and the acquisition of permanent sites, and the construction of permanent buildings?

Mr. DENT. The committee has that information, and that is one of the matters that we were asked to keep in the archives of the committee. I have definitely all of that information. It was before the committee, it is in the possession of the committee, the committee expects to preserve it, and any Member who wishes to see it in the committee room is at liberty at any time to do so.

Mr. SEARS. Does the chairman of the committee believe it would be giving information to the enemy before the passage of this bill to state how much would be spent on roads and how much land would be bought, when the day after it is bought and these buildings are started the enemy would know it anyway?

Mr. DENT. If we gave information as to roads and sea walls, then somebody else would ask information about other things, and in that way, by putting two and two together, anyone reading the debate would know everything about it.

Mr. SEARS. Is it not barely possible that if all this money was to be spent in some particular part of the country, without reference to other parts of the country, it might cause more confusion than the giving of some information to the enemy?

Mr. DENT. I hardly think that is true.

Mr. BURNETT. Will my colleague yield?

Mr. DENT. I will.

Mr. BURNETT. The appropriation carried in this bill is a very large one, and I have no doubt a wise one. I would like to ask the gentleman if he thinks the appropriation is sufficient to enable the bureau having charge of this work to answer letters addressed to them by Members of Congress? I ask this question because almost two weeks ago I wrote what I thought were two respectful letters to them, and up to this time I have not been able to get any reply whatever, and I want to know if the gentleman has made due allowance for stationery and other things to enable them to answer letters addressed to them by Members of Congress?

Mr. DENT. Perhaps the reason the gentleman has not heard from them is because the work is heavy, and they have not a

sufficient force. This bill provides for a largely increased clerical force.

Mr. BURNETT. Does the gentleman think they could not keep up within two weeks with their correspondence?

Mr. DENT. My colleague knows that I am not responsible for that, and that I can not answer that question.

Mr. BURNETT. I wish to ask another question. A month or more ago I asked them in regard to a very efficient man, as I think, entering the aviation service and the first question they asked me was whether or not he was a college man. I said, "No; he is not." Then he said that he could not get in unless he was a college man or the equivalent thereof. I asked him what was meant by the equivalent thereof, and I was told that he had to have three years of college training. I now desire to ask how these drafts can occur, how men can be drafted into the service, when a little bureau autocracy is going to make a college autocracy of it and prevent men from going in unless they are college men or the equivalent?

Mr. DENT. Mr. Chairman, I will state to my colleague that that was the rule of the department at one time, but it has been changed.

Mr. BURNETT. I am very glad that they have reached a condition of sanity.

Mr. DENT. They have rescinded that order recently.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. DENT. Yes.

Mr. LONGWORTH. Will the gentleman state in round numbers how much money has been appropriated at this session of Congress for the Military Establishment?

Mr. DENT. I would have to stop and think about that, to be perfectly frank with the gentleman I believe a large urgent deficiency appropriation bill carried $3,300,000,000. The regular Army appropriation bill carried about $278,000,000.

Mr. FITZGERALD. There were $2,200,000,000 for the Army.

Mr. LONGWORTH. This amount is entirely outside of any amount heretofore estimated for the Military Establishment?

Mr. DENT. Yes.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. DENT. Yes.

Mr. DOWELL. Has the committee before it a statement as to where this money is to be expended? I refer to the various expenditures set forth in the bill.

Mr. DENT. The committee went through the appropriation feature of the bill, which is section 9, paragraph by paragraph, and the committee required the department to show what each particular paragraph of section 9 would cost, and that information is in the possession of the committee.

Mr. DOWELL. Then the committee has a detailed statement of the exact expenditures set forth in the bill?

Mr. DENT. Yes; just as near as it can possibly be obtained at this time.

Mr. DOWELL. Is there any reason that should not be furnished to the House?

Mr. DENT. The War Department prefers that it should not be. The War Department thinks that that would be giving information that would interfere with their plans.

Mr. DOWELL. Could not that be furnished to the committee without being placed in the RECORD?

Mr. DENT. The committee has it, and the committee is perfectly willing it should be exhibited to Members. The information will be preserved in the archives of the committee, and any Member of Congress at any time is at liberty to go and examine it.

Mr. KAHN. Mr. Chairman, I desire to call my colleague's attention to this fact. England has been at war with Germany for three years. England does not know to-day how many submarines Germany is turning out every week. It is kept a profound secret, and it has a depressing effect in England. Why can not this country, so far as its aviation force is concerned, keep its secret so as to prevent the enemy from getting any knowledge whatever of what we are going to do to get control of the air? [Applause.] It is as essential to-day for a nation to have control of the air as it is essential to have control of the sea. [Applause.] And if these matters are given out they will percolate eventually to the enemy. The important part in this war is this: If we tell the enemy what we are going to do in any branch of our service, he will get ready to meet us. Then, when we go over there with our flying machines, with our airplanes, he will be ready for us. It is therefore advisable that we keep this thing a profound secret. [Applause.]

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. FITZGERALD. Why is it that the only place that it is feared to discuss these matters because they may become public is in the Congress of the United States charged with the responsibility for the information? I hold in my hand copies of the Official Bulletin, and if the gentleman desires information about the aeroplane service, he can find it quite voluminously set forth in statements issued by the Council of National Defense. But we must not discuss it here for fear somebody would discover what has happened! [Applause.]

Mr. KAHN. The committee took occasion to call the attention of the Secretary of War to the information that has been disseminated from time to time through the Council of National Defense. That they have been doing it does not make it right. We might as well begin now to clamp down the lid. [Applause.]

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. COOPER of Wisconsin. If Germany knows that we appropriate $640,000,000 for the purpose of constructing aeroplanes, can not she approximate the number of aeroplanes that we make?

Mr. KAHN. No; because the aeroplanes are of different kinds, of different sizes. They cost all the way from $10,000 to $75,000 each, and it would be impossible to tell how many we have.

Mr. CAMPBELL of Kansas. In what respect does the information that would be valuable to the enemy growing out of the discussion of this subject now differ from the information that was given out through the Council of National Defense to the press some two or three weeks ago? I took occasion some two weeks ago to criticize the information that has been given out through the War and Navy Departments with respect to aviation. Does it differ now from then?

Mr. KAHN. The gentleman was quite right in criticizing the statements which were given out.

Mr. CAMPBELL of Kansas. And has not Germany—have not the central powers—now all the information they have to have in respect to this matter?

Mr. KAHN. I do not think so. I do not think they have, and that is why I am asking the House to have confidence in its Committee on Military Affairs [applause], to have confidence in Gen. Squier, and to have confidence in the War Department. We will give you individual information any time you want it.

Mr. CAMPBELL of Kansas. If we are to suppress testimony here and the War Department gives out all the information they have, of what benefit has our secrecy been?

Mr. KAHN. Well, the Secretary informed the committee that so far as the War Department was concerned there will be no information given out regarding this subject in the future that might be helpful to the enemy. [Applause.]

Mr. TILSON. Will the gentleman yield?

Mr. KAHN. I will.

Mr. TILSON. Will not the gentleman call attention to the difference between this loose information floating through the newspapers and official action taken by the House of Representatives in appropriating money for different items in this bill?

Mr. CAMPBELL of Kansas. May I invite attention to the fact that it was not loose information given out by the War Department but published as official?

Mr. TILSON. But it did not give the details as to how much they were going to expend for each individual item.

Mr. HULBERT. Will the gentleman yield?

Mr. KAHN. I will.

Mr. HULBERT. Mr. Chairman, I have been interested in this subject of the development of aeronautics in this House when some people who are in favor of it now did not take any stock in it at all. I am one of those who believe in the United States keeping this as secret as possible from the enemy, but I want to ask the gentleman if the Secretary of War, as chairman of the Council of National Defense, ought not to be able to exercise the same censorship over that body as the gentleman thinks he can exercise over the War Department?

Mr. KAHN. If the gentleman will allow me, the Secretary informed the committee only day before yesterday, I believe——

Mr. HULBERT. I was present and heard the testimony, but nevertheless the information has been coming out since the Secretary made the statement which the gentleman is now going to quote.

Mr. KAHN. I do not understand anything additional has been given out by anybody. There was information given out some weeks ago. It was repeated two or three days ago, and I protested against such information being given out. I pointed out the necessity for keeping it secret. We are at war and war is not a game of "ping-pong."

Mr. TEMPLE. Will the gentleman yield?

Mr. KAHN. Thousands of men will give up their lives in this war, and we have to protect them as much as we can; we have

to protect the interests of the country too, and when we give this information out in an official way, as we would through a full discussion in the House of Representatives, we supply the enemy with information that the enemy should not have.

Mr. TEMPLE. Will the gentleman yield?

Mr. KAHN. I will.

Mr. TEMPLE. Does not the gentleman recognize the possibility that some information that is supposed to have been given out may nevertheless contain certain inaccuracies?

Mr. KAHN. That is very true.

Mr. TEMPLE. So much the better.

Mr. KAHN. Absolutely. In fact it is one of the tricks of war to deceive your opponent with misinformation.

Mr. FITZGERALD. The gentleman does not mean the Council of National Defense, whose official bulletins are published for the information of the public and Members of Congress, has been publishing erroneous information in order to fool somebody while instructing us, does he?

Mr. KAHN. The gentleman heard me say two or three times that I did not approve of the information——

Mr. FITZGERALD. One report of the publicity agent bears out the gentleman's statement.

Mr. WALSH. Will the gentleman yield?

Mr. KAHN. I will.

Mr. WALSH. What is the difference in discussing this measure and discussing appropriations for submarines and later have a statement given out from the Navy Department that contracts had been let for so many submarines or so many other naval vessels?

Mr. KAHN. I believe all the information regarding submarines should be kept within the supervision of the Secretary of the Navy and the Committee on Naval Affairs. Japan for years has had a large building program and yet there is not a naval officer in this country who has accurate information from Japan with respect to what she is doing in building up her Navy.

Mr. McKENZIE. Will the gentleman permit?

Mr. KAHN. I will.

Mr. McKENZIE. In regard to the question asked by the gentleman from Wisconsin [Mr. COOPER] in regard to the total amount of this appropriation, $640,000,000, which figures are going out to the world, he said that Germany knowing that fact can estimate how many machines we will make.

Mr. COOPER of Wisconsin. Mr. Chairman, I beg the gentleman's pardon, I asked if Germany could not. I did not know whether she could or not, I did not assert it.

Mr. KAHN. She can not.

Mr. McKENZIE. Now, the question I want to bring out is: Is not the great purpose of this bill not so much to construct a certain number of flying machines as to establish a policy and make preparation for the manufacture of machines, and those plans are the things we do not want the world to be familiar with?

Mr. KAHN. Exactly. We desire to devise a continuing policy for this war. This is the beginning, and from time to time Congress will be asked to supplement these appropriations.

Mr. HOWARD. Will the gentleman yield for a question?

Mr. KAHN. Yes.

Mr. HOWARD. I believe with the gentleman from California that this is about as important a proposition as any that has been brought up on this floor. But what are you going to do as to this situation? Here are individual Members of the House and of another body that are lambasting the administration because they can not get certain information. If they get it, they will scatter it like chaff to the wind. If the newspapers of this country can not go to the War Department and get the information, then they will commence a lambasting of the administration, and the result will be the administration will believe it better to give them practical information, positive information, or partial information, rather than having the press of the country making wild, fugitive statements about what we are doing. That is the situation, and I think it ought to be thrashed out here on the floor of the House to-day, whether or not the policy of the administration is going to be one of secrecy or complete and absolute information.

Mr. KAHN. I want to say to my friend from Georgia that since the committee has been considering this very question various members of the press gallery have asked me for certain information. I stated to them what I believed ought to be the policy of Congress and the Government regarding this kind of information. I pointed out that in my judgment this force which will be necessary to secure control of the air ought not to be exploited in the papers, and every newspaper man with whom I spoke agreed with me absolutely and said that nothing that might be of service to the enemy ought to be published.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. MILLER of Minnesota. All of that was discussed in the papers.

Mr. KAHN. Some time ago.

Mr. MILLER of Minnesota. A month ago.

Mr. KAHN. But not the details of anything that was given to the Committee on Military Affairs while the committee was in executive session. Those matters have not been printed, and, as I understand, will not be printed.

Mr. GREENE of Vermont. Will my colleague yield?

Mr. KAHN. I am taking the time of the gentleman from Alabama [Mr. DENT].

Mr. DENT. That is all right.

Mr. MANN. Will the gentleman from Alabama yield to me two or three minutes?

Mr. DENT. I will yield as much time as the gentleman desires.

Mr. MANN. Mr. Chairman, I have seen no information published by the Council of National Defense or in the papers either which gave any accurate information as to what the plans were in reference to aviation. Of course the amount of the estimate was made public. The amount of the appropriation is carried in the bill. I wish it were possible for that to be concealed. With the amount of appropriation carried in the bill, it is inevitable that people will speculate as to what will be done with it, as to how it will be expended, what will be the organization of the Aviation Corps, the number of aviators, the number of machines, the character of the flying machine, and all that. But that will be speculation.

Now, as to the Army, the matters in connection with the Army are fairly well known throughout the world as to all armies. There are two new things in this war among others—in fact, there are many others beside the two—but the two which stand out prominently are, first, the submarine, through which Germany is endeavoring to starve out England, and thereby win the war, and, second, the use of flying machines of some sort for the control of the air. Those are matters of speculation. We know but little about them. If my information is correct, the men at the head on the part of our Government and the allies know but little concerning the submarines of Germany—the number, and, for that matter, the later type, although we see statements in the newspapers from time to time. I can see to-day no way within the near future of starving out Germany. I can see no way in the near future of starving out the allies—England or France. I can see no way for the German Army breaking through the line into France on the west front. I can see no way for the allied army breaking through the German Army on the west front under any existing standards of warfare. But here is an unknown quantity—the use of flying machines. No one knows what can be accomplished by it. No one knows its limitations. No one knows its possibilities. Did you ever buy a pig in a poke and take chances on it? Sometimes it turns out very fortunately; sometimes with the loss of the money invested. And I believe that the time has arrived with our country when we can afford to spend an immense sum of money in trying out the control of the air [applause] and see, first, whether that will give us control of the battle front; second, whether it will strike demoralization and produce revolution in Germany itself. [Applause.]

If I had my way about it, I would pass this bill without saying a word. [Loud applause, and cries of "Vote!" "Vote!"]

There has been no information yet published which will be worth much to the German Army. But every particle of information which is furnished to this House or to this Congress will find its way into the powers that control the organization of the fighting machine of Germany. And I would not give them any information until they learned it in the field. [Loud and prolonged applause, and cries of "Vote!" "Vote!"]

Mr. DENT. Mr. Chairman, I move that the committee do now rise.

Mr. GILLETT. Mr. Chairman, I would like to ask the gentleman a question.

Mr. LENROOT. I would like to have five minutes. [Cries of "Vote!" "Vote!"]

Mr. MANN. Why not read the bill? [Applause.]

Mr. FITZGERALD. I wish about 30 minutes to discuss the bill.

Mr. MANN. You can get it under the five-minute debate.

Mr. FITZGERALD. I want it in general debate. I am not going to be swept off my feet. [Cries of "Vote!" "Vote!"].

Mr. DENT. How much time does the gentleman from New York desire?

Mr. FITZGERALD. Thirty minutes.

Mr. MILLER of Minnesota. I want five minutes, if I can secure it.

Mr. MANN. Mr. Chairman, how much of the gentleman's hour remains?

Mr. DENT. I move that the committee do now rise.

Mr. MANN. You can dispose of it here. It is a matter of unanimous consent. If you want to close debate you can do it just as well in committee as in the House by unanimous consent.

Mr. DENT. The gentleman from New York, as I understand, wishes 30 minutes and the gentleman from Wisconsin [Mr. LENROOT] five.

Mr. HULBERT. And I would like to have 15 minutes. [Cries of "Vote!" "Vote!"] If gentlemen had read the bill carefully, they would not be so anxious to shout "Vote!"

Mr. SEARS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SEARS. Can the bill be voted on before it is read to the House?

The CHAIRMAN. It can not.

Mr. DENT. Then I ask unanimous consent, Mr. Chairman, that the debate be closed in an hour and a half, one half to be controlled by the gentleman from California [Mr. KAHN] and the other half by myself.

Mr. SHERLEY. Mr. Chairman, while I have no objection to that agreement, the committee has no right to do that.

Mr. MANN. Oh, yes, it has. The committee has the right to provide it by unanimous consent.

Mr. SHERLEY. I do not think it has the right to do that. If nobody objects, it will do it; but there is no rule that permits it to be done.

Mr. MANN. It is true that you can not order it.

The CHAIRMAN. By unanimous consent it can be done. Otherwise it could not. The gentleman from Alabama [Mr. DENT] asks unanimous consent that the debate close in an hour and a half, one half of that time to be controlled by the gentleman and the remaining half by the gentleman from California [Mr. KAHN]. Is there objection?

Mr. FITZGERALD. Reserving the right to object, Mr. Chairman, I wish to inquire of the gentleman from Alabama if I am to get 30 minutes of this time?

Mr. DENT. I intend to use half of the time by giving the gentleman from New York 30 minutes and the gentleman's colleague from New York [Mr. HULBERT] 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. DENT. Mr. Chairman, I yield 30 minutes to the gentleman from New York [Mr. FITZGERALD].

The CHAIRMAN. The gentleman from New York is recognized for 30 minutes.

Mr. FITZGERALD. Mr. Chairman, there are other matters of importance in connection with this bill to be considered. If Members exercised intelligence in considering the bill they would not so hurriedly insist upon its immediate disposition. For instance, I do not believe that any Member of Congress should be urged hastily, without consideration, to vote for an appropriation plainly in defiance of an express provision of the Constitution of the United States, even to accomplish the purpose of winning the war.

This is not an appropriation bill. The appropriation in the bill is not limited to the fiscal year. It is not affected——

Mr. MANN rose.

Mr. FITZGERALD. I do not wish to be interrupted. I will yield later.

Mr. MANN. The gentleman should not make a statement of that kind.

Mr. FITZGERALD. It is not affected by the provisions of the covering-in act. By the terms of this bill its provisions are in effect for and during the existence of the emergency, and the appropriation is available during the existing emergency; and if the existing emergency continues more than two years, the appropriation of $640,000,000 is in express violation of the constitutional prohibition against appropriations for the support of armies for a longer term than two years. There is another matter in connection with this emergency appropriation to which I wish to call attention.

The War Department asked, not as the law required, in the form of an estimate, but informally and privately through the Committee on Military Affairs, that an appropriation of $639,241,452 be made. The committee reports an appropriation of $640,000,000, an increase of $750,000, without any suggestion of its need. I assume that it is upon the theory that it was desired to make the appropriation in round numbers, just as that committee, when it reported the lump appropriation to carry out the terms of the bill increasing the Army, increased by $100,000,000 the amount requested by the War Department without request, necessity, or justification. To vote three-quarters of a million dollars in excess of the sum stated to be necessary by the service does not tend to economy or careful supervision of expenditure.

Mr. Chairman, I appreciate as much as any other Member the importance and the necessity of speedy action in connection with aviation; but if Congress is to follow the practice adopted in the enactment of this bill, which is again suggested by the War Department, of making a lump appropriation for military purposes without any restriction, without any limitation, then the Congress is about to abdicate its functions and to turn over indiscriminately for expenditure vast sums for purposes that Congress would not approve if it had knowledge of them.

A short time ago, in the very large deficiency bill that was enacted, very large sums of money were given for additional employees in the two military departments of the Government. Large sums are required; large increases of force are necessary. After investigation and consideration, because of the impossibility of anticipating exactly the particular number of special positions that would be required, lump appropriations were made.

Yesterday representatives from one of those departments called upon me to inquire what the intention of Congress was and whether a scheme which in results practically increased the compensation of every employee in that department was in harmony with the intention of Congress. I stated that it was not; that the money was to give additional service; it was not the intention to permit the department to make general indiscriminate increases of compensation. A statement was made, which will later be inquired into, that the effect of the practice adopted in one of the departments has been practically to give every employee an increase of compensation out of the funds provided for additional employees. If such a policy is adopted, it is a gross abuse of the discretion given to the department, and it emphasizes the fact that in governmental fiscal matters rigid rules must be adopted that would not be considered necessary in private business. When an enterprise is conducted for profit the interests of those to whom the profits go are a check upon extravagance, which is not present in the Government, and which must be replaced by some other brake.

Mr. CARTER. Will the gentleman yield? I want to get some information.

Mr. FITZGERALD. Yes.

Mr. CARTER. What bill does the gentleman refer to?

Mr. FITZGERALD. The emergency deficiency appropriation.

Mr. CARTER. And what particular item was it that the gentleman refers to?

Mr. FITZGERALD. The lump-sum appropriations for additional services.

Gentlemen seem to be apprehensive that discussion of this bill will result in information being furnished our enemies which should not be given to them. I have here eight copies of the so-called Official Bulletin, in which the aeroplane program of the Government is discussed in its various phases. The minimum number of planes is stated, the number of students placed in schools of instruction, the location of the great training camps, their acreage, and other information of definite character.

If anybody imagines that the German Government, with its effective organization to get the information that is made public in this country, does not know more than the Members of this House know of what our program is to be as to aeroplanes, then he is living in an atmosphere of delusion from which some day he may awaken. When it was desired to create public sentiment for the program provided in this bill there was no suggestion that information be suppressed; but when legitimate discussion of the bill is proposed here, there is alarm lest the Members mention matters that are stale as news matter.

There are matters in connection with this bill that can be discussed and considered, and that ought to be, without any possibility of conveying information to the German Government, but which will prevent criticism and action that was not anticipated. For instance, I find here on page 11 the committee propose an amendment to strike out of this bill the words:

In the District of Columbia and elsewhere.

The paragraph provides:

For organization, administrative, and contingent expenses, including * * * office rents—

And the like. I have been informed that those words were recommended to be stricken out because some question might be raised as to the jurisdiction of the committee to make appropriations within the District of Columbia; and yet if this particular amendment of the committee be adopted not a dollar out of this $640,000,000 can be expended in the District of Columbia for rent, for clerical services, and for other purposes for which it is absolutely imperative that the money must be expended;

so that it shows either a lack of careful consideration or a lack of information about the statutory provisions affecting the expenditure of public money. The amendment should be rejected by the committee if the money is intended to be used in the District of Columbia; the entire paragraph should be eliminated if the intention is to provide for the departmental services, rent, stationery, and similar matters in the manner usually done.

Mr. LONGWORTH. Will the gentleman yield?

Mr. FITZGERALD. I yield to the gentleman from Ohio.

Mr. LONGWORTH. The gentleman from Alabama [Mr. DENT] stated a moment ago that this amount is entirely outside of estimates heretofore submitted for the military program. Therefore it could not be paid either out of the bond issue of $2,000,000,000 heretofore authorized or out of the revenue bill now under consideration. Can the gentleman state whether it is contemplated that this amount is to be raised by taxation or by an additional bond issue?

Mr. FITZGERALD. I do not know just how the money is to be furnished. It is payable out of the general funds of the Treasury, and Congress must provide the money. It bears out my statement, made when the revenue bill was under consideration, that the amount then proposed would be inadequate to supply all of the needs of the Government in the present fiscal year. This $640,000,000 expenditure was not then contemplated.

Mr. LONGWORTH. I was going to say that the gentleman did not contemplate that in his statement.

Mr. FITZGERALD. That was not contemplated, although I knew that as this war progressed and our organization developed necessarily extraordinary sums must be provided that were not then in contemplation. This demonstrates the correctness of my contention.

Mr. DENT. Will the gentleman from New York yield a moment?

Mr. FITZGERALD. Yes.

Mr. DENT. I understood the gentleman to say—I am anxious to get the information, if I am not accurate about it—that under existing law if this appropriation is passed not a dollar of it can be expended for clerical hire or office rent in the District of Columbia.

Mr. FITZGERALD. Not unless the authority is specifically given in the act making the appropriation.

Mr. DENT. The general statute then requires that no money shall be expended for office rent and clerical hire in the District of Columbia unless it is expressly so stated in the bill?

Mr. FITZGERALD. Unless expressly provided, and those words are absolutely essential in the bill if it is intended to utilize the appropriation for these purposes. We ought to know—it would give no information to Germany that would be of any value—what this new organization is to require in the way of office accommodations in the District of Columbia, how much space is contemplated to be obtained, how much is to be paid for this space, and how much ought to be provided. I suppose one of the most troublesome questions to a Member of Congress is the question of providing money for the rent of office buildings in the District of Columbia. It is practically impossible to propose or to consider propositions made for this purpose without resting under grave doubt as to the propriety of the scheme. I do not mean that officers of the Government are improperly exercising their discretion, but I do know that one of the most remunerative businesses in the District of Columbia during my experience here has been the business of renting offices to the Government of the United States, and it has been customary to scrutinize carefully the sums paid, the rates per square foot, and to limit the amounts available for such purposes. Here there is no limit of any kind.

The bill proposes to outline a departmental organization for this new establishment. The War Department for years has been attempting to establish a new grade of clerk in addition to the statutory grades. There are four classes of statutory clerks, and then there are, in addition, the chief clerks and heads of divisions. The War Department has been attempting for years to establish a new grade with a higher compensation, a grade known or designated as that of principal clerk. Members are aware that if we establish a grade of employee in any one department of the Government it necessarily follows that within a very short time every other department of the Government applies for and obtains positions of the same character. It is a scheme designed to provide for the promotion of men already in the service, and Congress has again and again declined to approve the recommendation. I notice that the bill provides in lines 18 to 22, on page 11:

> And also for organization, administrative, and contingent expenses, including one chief clerk, seven principal clerks, chiefs of divisions, and such other services as the Secretary of War may deem necessary.

Mr. Chairman, there are some amendments that I propose to submit to the bill, which may or may not meet with the approval of the Committee on Military Affairs. I believe the appropriations should be limited to the present fiscal year, so that the provisions of the so-called covering-in act shall apply to the appropriations. What is known as the covering-in act was passed in 1874. It provides that all appropriations made for a fiscal year shall be available during that fiscal year for payments actually made in it, and to pay during the following two years obligations incurred within the fiscal year.

Mr. QUIN. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. QUIN. Does not the gentleman believe that all this money will be necessarily expended before the expiration of the fiscal year?

Mr. FITZGERALD. I do not know.

Two years after the expiration of the fiscal year for which the money is appropriated any unexpended balance goes back into the general fund of the Treasury instead of remaining to the credit of the particular fund indefinitely. It is to avoid accumulating large balances, which at some unexpected time are expended by the administration after Congress has long forgotten that the moneys had been appropriated and were available. It may be that this money will all be expended in this fiscal year. If it is not, I believe it should be available only in this fiscal year. For the aeroplane service that is to be cared for after next July the money should be carried in the regular Army appropriation bill for the next fiscal year. We ought not to break down the entire fiscal system of the Government at this time. There is no necessity for it. There is one important function of Government that this House has made a pretense of retaining, and that is the scrutiny and care of the public money. But if we adopt the policy that is demanded by some of the departments of simply turning over in bulk enormous sums of money for expenditure, without limitation, then we abandon our function, and will become a political nonentity. We shall be useful only as a registering machine, simply putting our approval on proposed legislation because the Constitution requires such action. We ought to have some other ambition and accomplish some more valuable service as Members of this House than would be possible if wooden Indians occupied the places we now fill.

I believe, Mr. Chairman, that there should be a limitation fixed upon the amount that can be expended in the purchase of land. I do not know how much is contemplated for that purpose, but there should be a limitation in the bill upon that object.

I have never known in all my 18 years' experience in this House a blanket authority to be given to any department of the Government to purchase land that it has not been abused. Officials do not apparently do it intentionally, but it seems inherent in human nature. If authority be given to acquire land without carefully guarded limitations, many purchases are made that would not be suggested to Congress if they were to be passed upon specifically, because it would be known that they could not receive the approval of Congress. As this bill is being considered I shall propose some amendments in the hope of improving it. I do not believe the appropriation should be carried in the bill in the form in which it is. I shall not undertake to strike it out. I believe the War Department should observe the law. The law requires the departments of the Government to transmit through the Secretary of the Treasury to Congress estimates for the public service.

When this bill is enacted and the food-control bill is enacted, Congress will have appropriated more than $800,000,000 for public purposes without an estimate having been submitted in accordance with the law, although the request for the money originated with and was asked for by the administration. When the record is made up the administration will not be charged with having estimated within $800,000,000 of the appropriations and Congress will be charged with having appropriated that money without estimates.

Mr. KAHN. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. KAHN. These estimates are submitted by the various departments to the Secretary of the Treasury before the 1st of October, are they not? This war commenced on the 2d of April.

Mr. FITZGERALD. The gentleman from California only knows one section of the law. The regular annual estimates must be submitted by the heads of the various departments to the Secretary of the Treasury prior to the 15th of October, and then the law provides for supplemental estimates for services that were not included in the regular estimates. It prohibits

the submission of such estimates except under certain designated conditions, and requires a statement to be made of the reasons for the exclusion of the estimates from the regular estimates.

Here is the War Department suggesting a supplemental ap- with having estimated within $800,000,000 of the appropriations ever made in any year up to the present time, ever made for the conduct of the entire department, without a single official request and without any pretense of complying with the law.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MOORE of Pennsylvania. Is not the amount appropriated for this Signal Corps service in this bill nearly six times the normal amount of the military appropriation in previous years?

Mr. FITZGERALD. Yes.

Mr. MOORE of Pennsylvania. Has the gentleman considered one paragraph, that no man may become a military aviator without having served three years in the service?

Mr. FITZGERALD. I am not discussing that feature of the bill, because I do not profess to be an expert on aerial qualifications. I do know something about the fiscal system of the Government, and that is what I wish to discuss.

Mr. MOORE of Pennsylvania. That is what I want to ask the gentleman about. Will it not be necessary to revise the revenue bill if this bill passes?

Mr. FITZGERALD. I do not know. These moneys may come from the proceeds of the bond issues, or an additional revenue bill may be passed. What course will be followed I am unable to tell the gentleman. At present I anticipate that the revenues from the proposed revenue legislation and the authorized bond issue will not be sufficient, in my judgment, to meet the demands upon the Treasury during the present fiscal year.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. GREENE of Vermont. I want to ask the gentleman a question for information, because the gentleman understands the fiscal system. The gentleman referred recently to the annual estimates submitted by the Secretary of the Treasury and from time to time, under certain restrictions of law, supplemental estimates. Does not the law which provides a limit to the character and kind of the supplemental estimates which may be submitted also contemplate the possibility of war, or was the act drawn for unexpected peace conditions?

Mr. FITZGERALD. The department submits the estimates.

Mr. GREENE of Vermont. Was it drafted to apply to the unexpected in time of peace, in normal conditions?

Mr. FITZGERALD. No; the intention was that the money required for the support of the Government, whether for the support of armies or the peace establishment, should be requested from Congress in the form of estimates.

Mr. SHERLEY. And, if the gentleman will permit, there is nothing in the law touching the submission of supplemental estimates which prevents, in time of emergency or any other time, the submitting of estimates, and doing it just as expeditiously as doing it in an informal way.

Mr. FITZGERALD. In discussing what should be the policy of the Government in certain particulars, the question of what committee ought to do certain work seems to be of more importance than the effectiveness with which the work is done. I am embarrassed somewhat in the discussion of this question by the fact that I happen to be the head of one of the committees that so many gentlemen seem to imagine is always seeking to add to the troubles they already have. I believe, however, that Congress has not yet awakened to what is going on throughout the world. In all of the nations at war there has been a tremendous change in government. In order to obtain efficiency, in order to accomplish what is to be done, great changes have been made, with a concentration of power. This change has come about everywhere except in the House of Representatives, where we are proceeding in our old, slipshod, illogical, indefensible method of handling the public funds. I have frequently advocated a return to the old system of concentrating appropriations in one committee, and I have heard it said that my attitude in doing so is actuated to some extent by the fact that I happen to be the head of the committee that would get the appropriations.

Mr. Chairman, I am so impressed with the importance of that reform that I am willing, and I am prepared now, if it be necessary to induce the House to adopt the reform, to resign from the chairmanship of the Committee on Appropriations, with the condition that I shall be ineligible for that position under the new arrangement. [Applause.]

If any one believes that I am selfishly actuated in this matter, he is mistaken. More than that, if the House would bring about the reform, if necessary, to remove any suspicion, if there be such, that my action would be a mere subterfuge, I would agree, if that were desired, to retire from the Committee on Appropriations and not to serve upon it during the balance of my service in the House of Representatives. I do not believe that this work depends upon any particular individual. There is an imperative need for a change, and to accomplish a change of such tremendous importance to the public service I am prepared to eliminate personal considerations so far as I am affected if it will aid in bringing about the reform. It is an indefensible system. Let me illustrate the absurdity of our present system. The Committee on Military Affairs in the first place made an appropriation for aeroplanes in the regular appropriation act for the present fiscal year. Then supplemental estimates were submitted, which were considered by the Committee on Appropriations, and then this very large program is presented, which has been considered by the Military Committee. This program contemplates the utilization of all of the resources of the United States that will be available for the manufacture of aeroplanes. The Navy Department has just submitted a request for $45,000,000 additional for aeroplanes. Some money was provided in the naval act prepared by the Naval Committee; some in the urgent deficiency act prepared by the Committee on Appropriations, and this request will be considered by the Committee on Appropriations. The same committee that made the investigation of the facilities of the United States to produce the planes and carry on the program contemplated in this bill, which has ascertained the facts, ought to consider the request of the Navy Department. The information must be obtained now, either by obtaining what information the Military Committee has already acquired or by going over the same ground. Instead of developing in this House, as we should do, a group of men devoting themselves exclusively to questions of public expenditures, we distribute the power among eight different committees which can not be familiar with the statutes and the provisions and the regulations that affect the expenditure of public money, can not have that comprehensive grasp of the public service required, do not keep divorced from too friendly an interest in particular branches of the public service, and are frequently tortured with petty jealousies and controversies that are detrimental to effective service.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FITZGERALD. Mr. Chairman, I desire to submit a request for unanimous consent. Four years ago I prepared and delivered a speech in the House in which I discussed this question in a comprehensive manner, and suggested some changes in the rules of the House designed to put in one committee control of all appropriations. The CONGRESSIONAL RECORD containing that speech has been exhausted; the 25,000 copies that I had printed of that speech to distribute to those requesting them have been exhausted. I do not believe the matter is subject now to the franking privilege. Recently I have had a number of requests for copies of that speech, and I ask unanimous consent to extend my remarks in the RECORD, and also to print as a part of my remarks the speech I made upon that previous occasion.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The speech mentioned is as follows:

Mr. FITZGERALD. Mr. Speaker, the rapid increase in the cost of the Federal Government is attracting universal attention. Many thoughtful men regard our profligate fiscal arrangements as the greatest menace to the permanency of the Union, and the proper solution of the many problems involved is complicated by the good-natured indifference of the people. While a Treasury surplus is maintained by a system of indirect taxation so ingeniously devised that individual burdens are not readily appreciated but are assiduously proclaimed as blessings, it will be difficult to awaken the mass of the people to the importance of the questions involved.

Many attempts have recently been made to stir the country to an interest in the problems. Students of our political system, officials in the executive departments, and Members of the Congress, who have been compelled to deal more particularly with the finances of the Government, have agreed at least in one conclusion—that some radical change is imperatively required in the Federal system if evils of alarming proportions are to be avoided.

In proposing remedies for existing or impending evils much misunderstanding results from lack of knowledge of the present fiscal system of the country and of its growth and development. Much confusion also follows from the indiscriminate use of the term "budget" by many whose conception of the term varies radically and whose "budget" schemes are irreconcilable.

When the Constitution of the United States was adopted, in 1787, the budget, as known to-day in Great Britain, had not been developed and nowhere existed in definite form. Pitt was then working out the system of control upon which the present budget system of Great Britain is based, and at the very time of the adoption of our Constitution he was establishing the consolidated fund, or the general treasury fund, out of which all grants are now made, though with certain priorities established.

WISE FORETHOUGHT OF THE FATHERS.

The framers of the Constitution, with the knowledge then available, provided (Art. I, sec. 9, par. 7) that:

No money shall be drawn from the Treasury but in consequence of appropriations made by law, and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

This provision was designed to retain in the representatives of the people, or in the legislature, control of the public money and to insure full publicity of all financial transactions in which the Government is involved. They are two essential elements of control of public money in the representatives of the people in every constitutional government whatever form the budget takes.

In order to insure such control of the purse, the Committee on Ways and Means of the House was established in 1789. At first a select committee, in 1802, it was made a standing committee. During the first 76 years of the Government this committee had jurisdiction of all revenue measures and of all the appropriation bills. Until 1844 the appropriations were all carried in one bill, but in 1847 nine separate bills were reported, and from time to time the number has been increased until there are now 13, including the general deficiency bill.

In 1865 a movement was initiated to divide the jurisdiction of the Committee on Ways and Means. Various proposals were submitted, the most alarming among them apparently were those to create a Committee on Banking and Currency and a Committee on Internal Revenue, and to transfer from Ways and Means jurisdiction over the subject matters indicated generally by the titles of the committees.

The various proposals were referred to the Committee on Rules, which reported in favor of the creation of the Committee on Appropriations, to which was given jurisdiction of all the appropriation bills, and a Committee on Banking and Currency, to which was given jurisdiction of banking and currency legislation, and all revenue legislation was left with the Committee on Ways and Means.

Perusal of the debate leads to the conclusion that the arrangement had been worked out to the satisfaction of the Committee on Ways and Means. The report was submitted by Mr. Cox, of Ohio, a Democrat, and one of the minority, and the recommendations were acquiesced in with singular docility by the members of the Committee on Ways and Means. Thaddeus Stevens, of Pennsylvania, quit the chairmanship of that committee to become chairman of the new Committee on Appropriations.

No change was made in the jurisdiction of the committees until 1880.

In the year previous the Committee on Rules commenced the most noted revision of the rules of the House in its history. It was an unusually strong committee, consisting of Speaker Randall; Alexander H. Stephens, of Georgia; Blackburn, of Kentucky; Garfield, of Ohio; and Frye, of Maine.

EFFORTS TO DISTRIBUTE APPROPRIATION BILLS.

During the consideration of their report in 1880 numerous efforts were made to distribute the appropriation bills among various committees, but with the exception of the agricultural bill and the river and harbor bill all were left with the Committee on Appropriations. The debate discloses that in giving the river and harbor bill to the Committee on Commerce the House had undoubtedly been influenced by the fact that for a number of years the Committee on Commerce, at the request of the Committee on Appropriations, had prepared the river and harbor bill, which, when referred, was immediately referred to the Committee on Appropriations.

In 1885 a new movement was initiated under the leadership of Mr. Morrison, of Illinois, which resulted in the present assignment of appropriation bills, as a result of which eight separate independent committees of the House consider departmental estimates and prepare appropriation bills for the consideration of the House. While such an illogical, unscientific, and universally condemned system prevails attempts at reform will be futile, and an effective remedy for the resulting evils is impossible.

DEMAND FOR A "BUDGET."

The most common demand that has come from recent agitation is for a "budget." I am frequently asked whether I favor a "budget," and my invariable reply is a request to be informed as to what is meant by a "budget." The answers indicate the confusion that prevails even among those most interested as to the meaning of the expression, and the difficulty is not lessened by the fact that plans have been formulated for us from a consideration of the systems in vogue in various countries where the parliamentary or some other responsible government exists, without any careful consideration of the inaptness of such system in our existing institutions.

The Wisconsin State Board of Public Affairs last year issued a very interesting publication entitled "The Budget."

The first essential—

It is stated therein—

in the preparation of any budgetary plan for legislative consideration is the compilation of estimated costs for the fiscal period under consideration. These estimates should, as a rule, be prepared by the administrative departments, because they are versed in the details of their respective offices and familiar with the expenses which may occur in the performance of their duties. * * * An essential element in budgetary consideration involves the formulation of a plan in fiscal affairs. * * * There should be a budget balance—a correlation between estimated revenues and expenditures of the State. These should be exhibited so that their relative amounts may be examined and a comparison made between them. Not only is it necessary to secure a comparison between the total expenditures and revenues, but a comparison should be possible between the various purposes of expenditures, so that it may easily be determined how much it is proposed to grant for one object in comparison with the amount available for another service. * * * As Stourm says, the budget should give not one total but all of the receipts and disbursements, so that a comparison may be easily made at a glance between the various items.

H. C. Adams, in The Science of Finance, insists that the budget should be a comprehensive document picturing the general conditions of the country's finances and at the same time making possible an accurate opinion upon any definite proposal.

He suggests that—

It is necessary that a budget statement begin by an exhibit on a single page of the aggregate or actual receipts and expenditures for the current year, in order that they may be compared with the receipts and expenditures to be provided for by laws yet to be enacted.

He conceives of a budget "so formulated as the principal means by which the administration is held in check and the general policy of government controlled."

It must be remembered that Wisconsin has no budget or any fiscal system whatever worthy of such a characterization.

The practice—

It is stated in the publication mentioned—

of voting appropriations as it exists at present in Wisconsin is lacking in many of these essentials. With respect to the preparation of estimates very little has been done. * * * There has been heretofore no adequate provision for auditing of public accounts. Many of our departments have never been audited at all.

In working out a plan for the State of Wisconsin which "does not involve a budget at all, as that term is frequently used—that is, where the entire expenditures of the State are voted periodically in one bill"—the information to be assembled and submitted to the legislature will contain—

First, a history of the past appropriations, information as to what the appropriation was, the actual cost of each department for the one complete year for each of the various services performed by the department, and the unexpended appropriation.

Second, it will show the request of the departments and the estimates of their needs for the ensuing biennium, will give citations to statutes authorizing payments to be made from the treasury in favor of each department, and the recommendations of the board with respect to the appropriations to be made by the legislature.

DEFINITION OF THE "BUDGET."

In the report of the so-called Commission on Economy and Efficiency made to the President under date of June 19, 1912, under the title "Definition and purpose of the budget," it is said:

As used in this report, the budget is considered as a proposal to be prepared by the administration and submitted to the legislature. The use of a budget would require that there be a complete reversal of procedure of the Government; that the executive branch submit a statement to the legislature which would be its account of stewardship as well as its proposals for the future. A national budget thus prepared and presented would serve the purpose of a prospectus. Its aim would be to present in summary form the facts necessary to shape the policy of the Government as well as to provide financial support. The summaries of fact included in the budget would also serve as a key or index to the details of transactions and of estimates, which would be submitted with the budget or which would be contained in accounting records and reports.

If it be assumed that the essentials of any budgetary plan are accurately stated in these statements, it is difficult to understand the reckless denunciation of the Federal system which its critics so freely voice.

President Taft, in his message of February 26, 1913, said:

The Government is not only in the position of having gone along for a century without a budget, but, what is at this time even more to the point, it has not the organic means either for preparing or for considering one. In the executive branch there is no established agency which may be utilized for assembling the data required for the preparation of budget summaries. The law governing estimates requires that they be prepared and submitted by various heads of departments and independent establishments without executive review or revision. *This makes it impossible to submit a budget unless the President does it on his own initiative.*

This statement of President Taft epitomizes the criticisms of our present system. I believe such criticisms to be not well founded. No legislation has been more carefully considered nor more effectively worded than the laws regulating the preparation and submission of estimates.

In accordance with the various statutes all annual estimates for the public service must be submitted to Congress through the Secretary of the Treasury and included in the Book of Estimates. The estimates must be transmitted only through the Secretary of the Treasury, and he is required to have them properly classified, compiled, indexed, and printed. The estimates must be prepared and submitted by the heads of the various departments and other officers required to make estimates to the Secretary of the Treasury on or before the 15th day of October. If they be not so submitted, the Secretary of the Treasury must cause to be prepared in the Treasury Department on or before the 1st day of November estimates for such appropriations as in his judgment shall be requisite in every such case and include them in the Book of Estimates. Estimates, except those for sundry civil expenses, must be prepared and submitted according to the order and arrangement of the appropriation acts for the year preceding, and any changes in such order and arrangement and transfers of salaries for one office or bureau to another office or bureau or the consolidation of offices or bureaus desired by the head of any executive department may be submitted by note in the estimates.

DUTY OF THE SECRETARY OF THE TREASURY.

The Secretary of the Treasury is required to rearrange any estimates submitted to him which do not conform to the order and arrangement of the prior appropriation act. All estimates are required to be included in the estimates submitted to the Secretary of the Treasury for insertion in the Book of Estimates, and special or additional estimates for that fiscal year must only be submitted to carry out laws subsequently enacted or when deemed imperatively necessary for the public service by the department in which they shall originate, in which case the special or additional estimate must be accompanied by a full statement of its imperative necessity and reasons for its omission in the annual estimates.

In communicating estimates of expenditures and appropriations to Congress, the heads of departments must specify as nearly as may be convenient the sources from which such estimates are derived, and the calculations upon which they are founded, and must discriminate between such estimates as are conjectural in their character and such as are framed upon actual information and applications from disbursing officers. They must also give references to any law or treaty by which the proposed expenditures are authorized, specifying the date of each and the volume and page of the Statutes at Large, or the Revised Statutes, as the case may be, and the section of the act in which the authority is to be found.

All estimates for the compensation of officers authorized by law to be employed must be founded upon the express provision of law and not upon the authority of executive discretion. If the head of a department, when about to submit the annual estimates, finds that the usual items of such estimates vary materially in amount from the appropriations ordinarily asked for the object named, and especially from the appropriation granted for the same objects for the preceding year, and if new items not theretofore usual are introduced into the estimates for any year, he must accompany the estimates by minute and full explanations of all such variations and new items, showing the reasons and grounds upon which the amounts are required and the different items added.

Not only is the amount believed necessary to be appropriated required to be stated in the estimates, but the Secretary of the Treasury must annex to the estimates a statement of the appropriations for the service of the preceding year which may have been made by former acts. He is also required to submit a statement specifying in detail the number and class of officers and employees of every grade and nature, with the rate of compensation to each, that may in his judgment be necessary to conduct properly the business of collecting the revenue at each port of entry in the United States, together with an estimate of the amounts required for contingent expenses at each of said ports and for such additional expenses of the service as can not be otherwise specifically provided.

REVENUES MUST BE ESTIMATED.

Immediately upon the receipt of the regular annual estimates of appropriations needed for the various branches of the Government the Secretary of the Treasury must estimate as accurately as possible the revenues of the Government for the next ensuing fiscal year, and he is also required, in his annual report to Congress, to prepare and submit estimates of the public revenue and expenditures for the current fiscal year and for the fiscal year next ensuing, together with a statement of the receipts and expenditures of the Government for the preceding completed fiscal year.

There are several other requirements, none of which, with one exception, need be recited. The other important provision will be discussed later.

A careful examination of the requirements of the various statutes, stated here almost in haec verba, discloses the minute and detailed information required and obtained by Congress.

If the information transmitted to Congress is inadequate, improperly arranged, misleading, or confusing, responsibility does not rest with Congress. Everyone who is familiar with the history of the enactment of the various statutes compelling the furnishing of the information required by the law knows that it has been a continual struggle on the part of Congress to compel the executive departments to furnish the necessary data to enable the Congress to make proper appropriations, and that there has been ample authority, if the Executive desired to exercise it, to furnish the most complete information possible. Had such an attempt ever been made it would have been welcomed by Congress.

OPINION OF HON. JAMES BRYCE.

Mr. Bryce, in the American Commonwealth, says:

In the United States the Secretary of the Treasury sends annually to Congress a report containing a statement of the national income and expenditure and of the condition of the public debt, together with remarks on the system of taxation and suggestions for its improvement. He also sends what is called his annual letter, inclosing the estimates framed by the various departments of the sums needed for the public services of the United States during the coming year. So far the Secretary is like a European finance minister except that he communicates his statement on paper instead of making his statement and proposals orally. But here the resemblance stops. Whatever remains in the way of financial legislation is done by Congress and its committees, the President having no further hand in the matter, though he may send messages pressing Congress to vote money for some purpose which he deems important.

Mr. SHARP. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. SHARP. Mr. Speaker, I desire to ask the gentleman a question, though I do not want to break into the continuity of his argument. Does not the gentleman think it would be a good practice, in order that Members on the floor may know better and get more information of the necessity of making appropriations—taking the river and harbor bill as one illustration and also the public-building bill as another, and possibly the new good-roads bill a little later on—to print upon the bill itself in the form of a footnote, or in whatever form it may take, opposite or below each appropriation, some statement which will show the amount of money already appropriated for that specific object and the purpose of it? I think myself that as far as the river and harbor legislation is concerned it would be an eye opener to many of the Members who have no means of getting knowledge upon the merits of these appropriations.

Mr. FITZGERALD. Mr. Speaker, eliminating certain features of the river and harbor bill and of the public-building bill, all of the information which the gentleman mentions is required to be submitted, and is submitted, in the annual Book of Estimates and is available to every Member if he desires that information.

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. I prefer not to enter into a general discussion of the matter at this time.

Mr. MANN. We will give the gentleman more time. As to the river and harbor bill, is not all of the information to which the gentleman from Ohio refers contained in the annual report of the Chief of Engineers?

Mr. FITZGERALD. Yes.

Mr. MANN. Which every gentleman has the opportunity to examine. If we were to print the same information as a footnote at the bottom of every item in the bill, then the bill would be so long that no more Members would read the bill than evidently read the annual report.

Mr. SHARP. Is it not true that the hearings are not printed upon the river and harbor bill?

Mr. SPARKMAN. Mr. Speaker, if the gentleman will yield, I desire to say that the same information——

Mr. FITZGERALD. Mr. Speaker, I think the gentleman from Illinois [Mr. MANN] has covered what the gentleman from Florida has in mind.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I would like to make an explanation in this connection, if I may.

Mr. FITZGERALD. I yield to the gentleman.

Mr. HUMPHREYS of Mississippi. The hearings before the River and Harbor Committee are nearly always printed. The gentleman from Ohio is mistaken in that statement. Whenever there is a new project that is not fully reported on in the report of the Chief of Engineers it is fully reported on in a separate document, and in the body of the river and harbor appropriation bill this particular document is referred to by number.

Mr. FITZGERALD. In a note in the revised edition, Mr. Bryce states that the Book of Estimates has become a bulky document, and that the Secretary of the Treasury neither indorses nor criticizes the estimates. He indulges in no caustic denunciation of the inadequacy of the information furnished Congress, nor does he take the same gloomy view of the situation because Congress obtains what has been so freely characterized as "meager," "illy arranged," and "confusing" statements. If such were the fact, this keen observer and frank commentator upon our institutions would not have failed to have noted such glaring defects if they existed.

In 1909 Congress enacted the so-called Smith amendment, section 7 of the sundry civil act, approved March 4, 1909. The provision is as follows:

Immediately upon the receipt of the regular annual estimates of appropriations needed for the various branches of the Government it shall be the duty of the Secretary of the Treasury to estimate as nearly as may be the revenues of the Government for the ensuing fiscal year, and if the estimates for appropriations, including the estimated amount necessary to meet all continuing and permanent appropriations, shall exceed the estimated revenues the Secretary of the Treasury shall transmit the estimates to Congress as heretofore required by law and at once transmit a detailed statement of all of said estimates to the President, to the end that he may, in giving Congress information of the state of the Union and in recommending to their consideration such measures as he may judge necessary, advise the Congress how in his judgment the estimated appropriations could with least injury to the public service be reduced so as to bring the appropriations within the estimated revenues, or, if such reduction be not in his judgment practicable without undue injury to the public service, that he may recommend to Congress such loans or new taxes as may be necessary to cover the deficiency. (Mar. 4, 1909, Stat. L., vol. 35, p. 1027, sec. 7.)

Whatever may have been said of our system so far as the Executive is concerned, there can be no dispute now as to the extent of the responsibility placed upon the Executive.

OPINION OF H. J. FORD.

In the Cost of Our National Government, Prof. Henry Jones Ford, of Princeton, speaking of this provision, says that Congress has taken—

a step toward connection of the powers, and has thus unwittingly started a movement of profound constitutional importance. The real hope of establishing budget control, and with it a genuine constitutional system, lies in the flow of political force in the channels thus opened.

He adds that the action taken by Congress making it the duty of the President to coordinate income and expenditure, as provided in the Smith amendment, "is the salvation of representative government in the United States."

Prof. Ford had in mind the principle of executive responsibility in budget making prevalent in the English system. But, as he points out, it is not peculiar to the English system. In Switzerland, which is a Federal Republic like the United States, the system is even more drastically applied.

If the principle enunciated by Mr. Gladstone be accepted as sound—that the constitutional duty of a legislative chamber is not to augment but to decrease expenditure—the solution of all problems confronting us may readily be solved. A few simple changes in our system will completely establish the system of responsible executive control of our budget, while retaining complete control of the Treasury in the representatives of the people.

To bring about this result two things are necessary—the duty should be imposed upon the Secretary of the Treasury to revise the various estimates to be submitted to Congress, and Congress should be deprived of the power to augment any request for money or to originate legislation imposing obligations upon the Treasury. Such is the rule in Great Britain as well as in Switzerland, where this system has been developed to its highest perfection.

These suggestions are radical, but not shots at random. When the Democratic members of the Committee on Rules had been selected for the Sixty-second Congress I proposed a rule prohibiting amendments to appropriation bills which would increase the committee recommendations above the departmental estimates or which proposed appropriations for which no estimates had been submitted. It was a suggestion along lines that reform in the House must eventually follow; but it was not adopted, as the committee was unwilling to recommend a rule that would have deprived the individual Member or the Committee of the Whole House on the state of the Union of rights enjoyed by committees which prepare appropriation bills. I should have supported such a rule if it extended to the committees, and I am convinced that in time even more radical changes will be imperative, even though the individual Member be deprived of many privileges which he now enjoys.

The oldest standing order of the House of Commons, dating back to 1713, is that—

This House will receive no petition for any sum relating to public service or proceed upon any motion for a grant or charge upon the public revenue * * * unless recommended by the Crown.

FRAMERS OF THE CONFEDERATE CONSTITUTION.

I have heretofore referred to the undeveloped condition of the present-day budget at the time of the adoption of the Federal Constitution. The experiences of 74 years of Federal existence was not ignored by the men who framed the Confederate constitution. They were men of affairs and of marked capacity for government, and they included in the constitution of the Confederate States the following provision, which is an enduring tribute to their comprehension of the evils of our system.

In article 1 of section 9 is the following:

Congress is forbidden to appropriate money from the treasury except by a vote of two-thirds of both houses unless it be asked by the head of a department and submitted by the president or be asked for the payment of its own expenses or of claims against the Confederacy declared by a judicial tribunal to be just.

As the time is not ripe even for the consideration of such radical and fundamental changes in our institutions, it is necessary to consider the changes that are advisable as well as possible under the existing order.

Years of investigation have convinced me that one change is essential in the methods of this House preliminary to any other reform. Unless this step be taken all other efforts at reform will be futile. It is necessary to return to the practice of the House during the first 93 years of the Union and to concentrate in one committee control of all of the general appropriation bills. The present method under which the appropriation bills are distributed among eight independent committees of the House is universally condemned by disinterested students of our Government.

OPINIONS OF EMINENT AUTHORITIES.

* * * Before any adequate control is possible—

Says S. Gale Lowrie, author of The Budget—

some method must be devised for the centralized control of all financial measures in a single congressional committee and for the elimination of the promiscuous and irresponsible methods of amending financial bills upon the floor of Congress which now obtains.

Prof. Henry Jones Ford says:

Thus we find in the House of Representatives a budget situation which parallels that which has heretofore existed in the executive branch—a distribution of powers among separate and independent authorities without provision for any unified control coordinating income and expenditure.

An examination of the debates in prior Congresses, when it was proposed to distribute the appropriation bills among a number of committees, is instructive.

In 1865 Mr. Cox, of Ohio, said:

I need not dilate upon the importance of having hereafter one committee to investigate with the nicest heed all matters connected with economy. The tendency of the time is to extravagance in private and public. We require of this new committee their whole labor in the restraint of extravagance and illegal appropriations.

In 1879 Mr. Garfield said:

Let me state that the proposition to divide the Committee on Appropriations to scatter its bills as suggested, and as was once moved, indeed is, in my judgment, although I think it is not pending, an utterly ridiculous proposition. I believe it would cost this Government $20,000,000 if the appropriations were scattered to the several committees. * * * I do say, sir, without the slightest question in my own mind of the truth of the statement, that the scattering of these appropriations as suggested by the gentleman here will be absolutely breaking down all economy and good order and good management of our finances. It can not be otherwise.

While in 1885 Mr. Reed, of Maine, joined with those who combined to scatter the appropriation bills among various committees, yet in 1880, when the same acute political condition did not exist in the House and a revision of its rules was under consideration without partisan alignment, Mr. Reed, in speaking of the abuse that had resulted from the constructions placed upon the Holman rule, said that—

a large minority of the House are disposed to break down the work of that committee (Appropriations) and put a portion of it in the hands of several committees, the effect of which will be to add to the expenses of the Government more than this rule (the Holman rule) ever saved.

In the report to the Forty-sixth Congress of the Committee on Rules, the membership of which has been heretofore given, is the following:

* * * It follows as a logical sequence that if any other committee is to take charge of one of the general appropriation bills the interest involved and considered will stand separate and apart from the interests involved and considered in the other bills, and as a further result any scheme of reduction of expenditures made necessary by a deficit of revenue for that fiscal year must be executed by the Committee on Appropriations without respect to the interests involved in the bill so taken from them, thereby leaving that particular interest to stand independent of and without any relation whatever to the other interests for which appropriations are annually made.

JUDGMENT OF SAMUEL J. RANDALL.

Mr. Randall said:

If you undertake to divide all these appropriations and have many committees where there ought to be but one you will enter upon a path of extravagance you can not foresee the length of or the depth of until we find the Treasury of the country bankrupt.

Mr. Whitthorne, of Tennessee, the chairman of the Committee on Naval Affairs in the Forty-sixth Congress, said:

When I first entered Congress, in the Forty-second Congress, Gen. Coburn, of Indiana, was a member of the Committee on Appropriations. He at that time proposed to divide the labors of that committee as is now proposed by the gentleman from Pennsylvania [Mr. Shallenberger] and by others. At that time I was heartily in favor of that proposition. But during all these years that I have been here my experience and observation have led me to believe that if we turn loose a half dozen committees upon the subject of appropriations it will be impossible to control the amount of these appropriations. I believe that it is for the interest of the people that the subject of appropriations should be committed mainly to one committee. I say this is not out of any feeling with respect to my own committee, because if I considered that I should be jealous of its rights and should speak jealously of its intelligence and its power of comprehending the duty before it. But, speaking in the interest of the people, in the interest of the Public Treasury, in the interest of the proper control of public expenditures, I may say, what has been forced upon me contrary to my original convictions, that it is the duty of this House to have the subject of appropriations controlled by one committee.

Mr. Robeson, of New Jersey, said:

I do not believe that the various committees to whom is intrusted the legislation of this country should also be interested with the appropriation of money, because this last I hold to be the province of the Appropriations Committee, a committee which not only adds, multiplies, and subtracts, as my friend from Connecticut [Mr. Hawley] said yesterday, but a committee which must investigate and take into consideration the results of the action of all committees.

They must examine the work of Congress as a whole. * * * No individual committee which has in hand only the interests of its own business can possibly know what are the results of the work of all the other committees. This is not their province and it is not expected of them. Therefore it is that this Appropriations Committee is necessary. It is a sort of universal solvent that deals with the results of the action of all other organized committees and puts them in a systematic policy for which the party which they represent is responsible.

Mr. Young, of Tennessee, said:

There are, I think, few Members of this House who have had more cause, real or imaginary, of complaint against the Committee on Appropriations than I have had, though I am glad to number every member of it among my personal friends. * * * I know, sir, whenever we relax that rigid grasp which the Appropriations Committee can alone keep on the purse strings of the Government; whenever we wrest from it the key of the National Treasury, we will at once enter upon a vast field of public expenditure that has no bounds and embark upon a turbid ocean of public extravagance which will soon swallow up our entire public resources.

Mr. Simonton, of Tennessee, said:

We have been told that if there was a distribution of the powers and duties of the Appropriations Committee there would not be any increase of the expenditures of the Government. * * * Why must the Committee on Agriculture say what amounts shall be appropriated for the Department of Agriculture, or the Committee on Military Affairs say what amount shall be appropriated for the maintenance or the support of the Army? Is it not because Members are not satisfied with the amounts given by the Appropriations Committee? Now, if the Appropriations Committee should give too much, gentlemen can very easily move amendments to cut down the amount proposed. I have never known an amendment offered to cut down the amount proposed.

Mr. Blackburn, of Kentucky, said:

They (the committees) are appointed that they may guard the interests of the particular department committed to their care. That is the theory of the construction of the committees of the House; and it is a proper theory.

The Committee on Appropriations stands in a very different attitude. Because of no special relation to any department, selected as a fair and impartial arbiter, with no more concern for the Navy or the Army than for the Interior Department or the Post Office Department, it has been selected as the one grand reservoir into which all these proposed disbursements of money should pour, in order that fairly, judiciously, impartially, it may make its recommendations to the House.

Mr. Keifer, of Ohio, said:

I believe, Mr. Chairman, that if you transfer to the various committees of this House the duties of preparing the several appropriation bills there will be a strife between those committees, * * * each striving to obtain the most appropriations for the department of the Government directly under its charge, and in that way we will necessarily augment the annual appropriations beyond the ordinary revenues of the Government.

These statements were all made prior to the action of the House in 1885 distributing the appropriation bills to the various committees. The question at times during the same period was discussed at length in the Senate, and such Senators as Beck, Hoar, Edmunds, Sherman, Plumb, Morrill, Bayard, Dawes, Call, and Hale expressed vigorous opposition to the proposition that the appropriation bills should be considered in the Senate by committees other than the Appropriations Committee.

VIEWS OF ABLE SENATORS.

I shall quote from the statements of a few Senators who participated in the debate.

Senator Edmunds said:

I think it would be injurious to the interests of the Treasury and to the interests of the people who supply the Treasury of the United States to send appropriation questions for reports of sums to be appropriated to the various committees that have charge of the classes of the public service about which appropriations must be made, and that the practical result would be, if we divide them up, that the sum total of appropriations would be enormously increased. If there be a standing order of the Senate which says that all appropriations respecting the judicial establishment of the United States should be sent to the Committee on the Judiciary, the relations between the Committee on the Judiciary and the Department of Justice and the judicial establishment are of such an intimate and friendly character that we should be quite likely to be acting under a bias and to be more liberal in the money that we would recommend to be expended for the judicial establishment than a body of men not under such a bias would be likely to be. And I confess that I do not see any distinction between the matter of the District of Columbia and any other of the various branches of the public service—the Army, the Navy, Indian affairs, post offices and post roads, public lands, and every one of the scores of separate subjects of public expenditure. I think that we should find in the main that the aggregate of public expenditure would be largely increased, on account of the necessary fact in human nature that committees charged with particular subjects and in direct communication with the particular branches of the public service get to be impressed with the ideas of the special departments with which they have to do, and feel with the departments that the public service would be better promoted with still larger appropriations to carry it on.

Senator Sherman said:

I would not do anything at all to weaken the restraint or power of the Committee on Appropriations. I believe it is necessary, as my friend from Vermont says, to bring all the items of expenditure for the Nation under the eye and control of one committee, so that they may limit the amount of expenditure.

Senator Hale said:

I know from my own experience that the tendency of the mind of a member of either of the other committees calling for appropriations each year—the Military or the Naval Committees—I will speak of the latter because I have had service upon that committee—is to gain all the power in appropriating money possible, and connected with that is the unerring result of desiring to have the power to appropriate more money. There has never been any exception to that. I think few Senators will dispute the statement that if all the business of the Committee on Appropriations was taken from it and given to the several committees we should then be confronted with a general scramble upon the part of each committee for more money. The Senator from Vermont [Mr. Edmunds] urged that point much more forcibly and clearly than I can, and his experience, never a member of the Appropriations Committee, but belonging to other committees here, taught him that.

In 1885 the proposition to distribute the appropriation bills was discussed at great length. It is well established that the success of the proposition was due to two causes.

When the Morrison horizontal reduction tariff bill was before the Forty-eighth Congress Mr. Randall, the chairman of the Committee on Appropriations, with 40 other Democrats, voted with the Republicans to strike out the enacting clause and thus defeated the bill. Randall and his associates were thereafter referred to by Mr. Morrison as "Randall and his 40 thieves." Mr. Morrison presented the resolution in the Forty-ninth Congress to distribute the appropriation bills, and it was supported by such low-tariff advocates as Springer, of Illinois, Mills and Reagan, of Texas, and Hatch, of Missouri.

FORESIGHT OF JAMES A. GARFIELD.

The other cause was the abuses which had grown up from the constructions placed upon the Holman rule and the proceedings thereunder. With prophetic vision Mr. Garfield predicted six years earlier the inevitable result of the rule as construed and operated.

In an article in the North American Review in 1879 he wrote:

The construction given to this amended rule has resulted in putting a great mass of general legislation upon the appropriation bills and has so overload the committee in charge of them as to render it quite impossible for its members to devote sufficient attention to the details of the legislation proper.

If this rule be continued in force, it will be likely to break down the Committee on Appropriations and disperse the annual bills to several committees, so that the legislation on that *subject* will not be managed by any one committee nor in accordance with any general comprehensive plan.

It is of the first importance that one strong, intelligent committee should have supervision of the whole work of drafting and putting in shape the bills for the appropriation of public money.

It is to be noted that it was the general legislation placed upon the appropriation bills under the rules which overtaxed the committee, and that there was no contention even upon the part of those favoring the distribution of the bills, that a single committee was overburdened with the matters of appropriation alone.

Among those who opposed the distribution in 1885 were Holman of Indiana, Cannon of Illinois, Herbert of Alabama (after-

wards Secretary of the Navy), Blount of Georgia, McMillan of Tennessee, McAdoo of New Jersey, Storm of Pennsylvania, Caswell of Wisconsin, and Phelps of New Jersey.

Through all the debates on the proposition those opposing the distribution insisted that if the plan were adopted it would result in a material and unusual increase in the sums appropriated.

RESULTS OF THE DISTRIBUTION OF MONEY BILLS.

I have had some figures compiled which shed considerable light upon this phase of the question. In the 12-year period from 1901 to 1912, while the bills are prepared by many committees, the total regular appropriations exceeded those for the last 12 years prior to the distribution—that is, from 1875 to 1886—by $6,461,290,923.20, or by 270.8 per cent. Exclusive of pensions, the increase in the total regular appropriations was $5,232,910,707.66, or an increase of 292.5 per cent. Upon the same basis of comparison the population of the United States increased 35,546,750, or 70.9 per cent; the wealth—true valuation of real and personal property—$43,471,214,000, or 80 per cent; farms and farm property, $20,152,995,484, or 190.8 per cent; capitalization of national banks, $319,305,959, or 61.4 per cent; deposits in savings banks, $2,452,293,671, or 237.4 per cent; imports of merchandise, $653,997,764, or 111.9 per cent; exports of merchandise, $1,249,559,929, or 209.5 per cent; domestic exports, $1,232,767,003, or 211.6 per cent; and miles of steam railroad in operation, 123,293, or 117.2 per cent.

The following table gives the per capita values under the same titles for the respective periods ending in 1912 and in 1886:

Per capita values.

	Period ending with 1912.	Period ending with 1886.
Total regular annual appropriations	$103.23	$47.57
Total regular appropriations (except pensions)	81.93	35.67
Wealth	1,234.51	967.79
Farms and farm property	358.40	240.22
Capitalization of national banks	9.89	10.37
Deposits in savings banks	40.66	20.59
Imports of merchandise	14.45	11.65
Exports of merchandise	21.54	11.89
Domestic exports	21.18	11.62

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. FITZGERALD. I yield to the gentleman.

Mr. MANN. Is the gentleman able to give the percentage of the increase in those periods, the latter period over the former, for the Post Office Department?

Mr. FITZGERALD. I think I have the information in my committee room. The statement which I have made is based on certain tables I had prepared, and I then asked the Census Bureau to make the calculations so as to show the percentage of the increase in appropriations as compared with the percentages of certain elements that would indicate the growth and development of the country.

Mr. MANN. But I take it the increase in the Post Office Department would be much larger than any increase the percentage of which the gentleman has given, and I think no one has charged that the Post Office Department or the Postal Service has grown simply because there was a Post Office Committee reporting a post-office bill.

Mr. FITZGERALD. I think a good many expenditures have unnecessarily been increased because of that fact. I think that is the experience of the gentleman from Illinois, myself, and many others who have been on this floor.

Careful study of these statistics makes it clear that, considered from any standpoint of the growth and development of the country during the periods mentioned, the increase in expenditures of the Federal Government is out of all proportion to the country's growth.

In an article in the Review of Reviews for September, 1910, Mr. Tawney, a former chairman of the Committee on Appropriations, said:

> This division of jurisdiction and responsibility in the matter of initiating appropriations has contributed more than any single cause to the enormous increase during the recent years. It was predicted at the time by Mr. Randall and Mr. Cannon that the amendment to the rules dividing the responsibility for appropriations would soon cost the people $50,000,000 annually. Our experience under this rule has demonstrated the wisdom of these men in opposing the adoption and the correctness of their judgment as to its responsibility for greatly increasing appropriations for public expenditures.

Mr. Bryce, in the American Commonwealth, says:

> Under the system of congressional finance here described America wastes millions annually. But her wealth is so great, her revenue so elastic, that she is not sensible of the loss. She has the glorious privilege of youth, the privilege of committing errors without suffering from their consequences.

The history of mankind is conclusive that for the excesses of youth a penalty is inevitably exacted.

PROPOSED AMENDMENTS TO THE RULES.

Convinced that the appropriation bills should all be placed in one committee, I have prepared certain amendments to the rules which, in my opinion, are necessary if such a reform is to be effective.

These amendments are as follows:

Amend Rule X so as to provide that the Committee on Appropriations shall consist of 30 members, including the chairmen of the Committees on Military Affairs, Naval Affairs, the Post Office and Post Roads, Foreign Affairs, Agriculture, and Indian Affairs.

Amend Rule XI, clause 3, so as to read as follows:

3. To appropriation of the revenue for the support of the Government, *including appropriations for improvement of rivers and harbors authorized by law;* to the Committee on Appropriations.

Amend Rule XI, clauses 10, 11, 12, 13, 14, 16, so as to deprive the committees named therein of power to report appropriations.

Amend Rule XXI, clause 2, so as to read as follows:

No appropriations shall be reported in any general appropriation bill or be in order as an amendment thereto for any expenditure not previously authorized by law unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order.

Amend clause 8 of Rule XI to read as follows:

8. To the improvement of rivers and harbors, *other than appropriations therefor;* to the Committee on Rivers and Harbors.

Amend clause 12 of Rule XI to read as follows:

12. To the Military Establishment, *including the increase or reduction of commissioned officers and enlisted men and their pay and allowances,* the militia and the public defense; to the Committee on Military Affairs.

Amend clause 13 of Rule XI to read as follows:

13. To the Naval Establishment, *including the increase or reduction of commissioned officers and enlisted men and their pay and allowances and the increase of ships or vessels of all classes of the Navy;* to the Committee on Naval Affairs.

Amend Rule XXI by inserting as an additional clause the following:

6. *No appropriation shall be reported in any bill other than a general appropriation bill for the support of the Government or be in order as an amendment thereto, and objection to any such bill may be interposed at any time before the consideration thereof has commenced.*

Amend clause 6 of Rule XXIII so that it shall read as follows:

The committee may, by the vote of a majority of the members present, close general debate at any time *after two hours shall have been consumed therein, and* at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph of a bill, close all debate upon such section or paragraph or, at its election, upon the pending amendments only (which motion shall be decided without debate); but this shall not preclude further amendment to be decided without debate.

Amend clause 9 of Rule XVI so that it shall read as follows:

At any time after *the House shall have devoted one hour to the consideration of the unfinished business or business in order in the morning hour,* it shall be in order by direction of the appropriate committees to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering bills raising revenue or general appropriation bills: *Provided, That during the last two weeks of the session such motions shall be in order at any time after the reading of the Journal.*

Amend clause 4 of Rule XXIV by adding thereto the following:

Whenever the call of committees shall have been completed and any bill which requires consideration in the Committee of the Whole House on the state of the Union is called up by direction of the appropriate committee, the House shall immediately be resolved in the Committee of the Whole House on the state of the Union if such bill has at any time been considered therein.

Amend Rule XX by adding thereto the following:

2. Any amendment of the Senate to a general appropriation bill which would be obnoxious to the provisions of clause 2 of Rule XXI, if said amendment had originated in the House, shall not be agreed to by the managers on the part of the House unless specific authority to agree to such amendment shall be first given by the House by a separate vote on every such amendment.

[NOTE.—Matter in italics indicates new matter proposed to be added.]

EFFECTS OF PROPOSED CHANGES.

The effects of these changes would be to enlarge the Committee on Appropriations sufficiently to enable its work to be properly done. It would place on that committee the chairmen of the committees which now have annual supply bills, so that they could continue in touch with the respective bills now committed to legislative committees over which they preside. This would largely reintroduce a practice which was followed from the creation of the Committee on Appropriations in 1865 till the end of the Forty-fourth Congress of having as conferees on the respective supply bills two members of the Committee on

Appropriations and one member of the legislative committee having jurisdiction of the legislation affected by the bill.

Mr. AUSTIN. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Tennessee [Mr. AUSTIN]?

Mr. FITZGERALD. I do.

Mr. AUSTIN The gentleman states a proposed amendment to the rules providing for a membership of 20 for the Committee on Appropriations——

Mr. FITZGERALD. Thirty.

Mr. AUSTIN. And the gentleman indicates how the majority of that committee will be increased by the selection of the chairman of these various committees. Now, what provision is made for making an increase in the minority representation on that committee?

Mr. FITZGERALD. I assume that the same proportion that now prevails will continue, and that the minority will be given one-third of the membership of that committee, which would make the minority have 10 members and the majority 20. At the present time the majority has 14 and the minority 7, and by making this increase of 9 it will take in the 6 chairmen and make provision for 3 minority men.

No legislation of any character could be incorporated in any appropriation bill. This practice seems to be universally condemned in theory, but advocated whenever the proposed legislation is satisfactory to those urging its inclusion in a supply bill.

The House should rigidly enforce the rule, and to eliminate the abuse, if such it be, the rule is proposed prohibiting managers representing the House in conference on any appropriation bill from agreeing to any amendment proposed by the Senate which incorporates new legislation unless authority to do so be specifically given by the House by separate vote upon each proposition.

The question of the naval program could not be determined upon the appropriation bill. The number of officers, men, and vessels of every character would be provided in separate bills reported by the Committee on Naval Affairs, as would the increase or reduction of the commissioned officers and enlisted men and their pay and allowances be reserved for separate action by the Committee on Military Affairs.

Appropriations could not be reported in any bill other than a general appropriation bill, and objection could be made at any time before the consideration of the bill commenced.

CONCENTRATION OF APPROPRIATIONS.

The effect of these amendments would be to concentrate in one committee all questions of appropriations and leave the authorizations with legislative committees to which such authority properly belongs. It would be the logical, scientific, and proper arrangement. The only thing to be determined by the Committee on Appropriations would be the respective sums to be appropriated for various services and purposes within the limits of the authorization fixed by law.

If this method were adopted, the consideration of appropriation bills would be considerably shortened in the House. The various legislative committees of the House would have ample important legislation to occupy their abilities and their time, and it would not lessen their importance nor minimize their influence if the appropriations were not committed to them. Two of the most important committees of the House—the Judiciary Committee and the Interstate and Foreign Commerce Committee—do not have jurisdiction over the appropriations for the various important services and departments with which they are most closely identified, yet the duties of those committees have not been insignificant nor the legislation enacted on their recommendation been unimportant. In fact, those committees have recommended most of the important legislation enacted for many years.

To insure, however, better opportunity for the consideration of legislation and bills other than revenue and appropriation bills the amendments proposed by me would enable the Committee of the Whole House on the state of the Union to close general debate upon any bill after two hours have been consumed therein and would revitalize the morning hour, so that every day excepting Mondays, Wednesdays, and Fridays, which are now set apart for special business, there should be at least one hour given to business under the call of committees. Relief of some character is necessary; and I believe that with the elimination of legislation from the appropriation bills the changes here proposed would be sufficient.

I am not alone in the belief that the concentration of appropriation bills in one committee is the essential reform for this House.

REMEDY PROPOSED BY JAMES A. TAWNEY.

Mr. Tawney served 18 years in the House, and during the last 6 years of his service was chairman of the Committee on Appropriations. In his article in the September number of the Review of Reviews for 1910 he said:

> The real remedy for unnecessarily increasing appropriations lies in the adoption of a rule upon the organization of the House in the Sixty-second Congress authorizing the appointment of one committee sufficiently large to represent all sections of the country, vested with exclusive jurisdiction over all estimates for appropriations. This would be a genuine reform in the rules of the House—one that would be of practical benefit to the people. It would save to the Federal Treasury from fifty to seventy-five millions of dollars annually.

Why such a reform was imperative he pointed out by showing that during the preceding session of Congress—Sixty-first Congress, second session—the appropriations reported to the House by the Committee on Appropriations were $16,933,925.24 less than the estimates over which that committee had jurisdiction, while the appropriations reported by all the other appropriating committees were $27,931,402.10 in excess of the estimates.

The reason is not that there is any peculiar virtue possessed by the Committee on Appropriations or the members thereof, but it is because committees dealing with a single department of the Government acquire in time a special bias for the department with which it specially deals.

The reason is well pointed out by Dr. Harlan Updegraff, of the Bureau of Education, in the American School Board Journal for May, 1912, which I have quoted upon a former occasion, and which will bear repetition. In explaining the failure to obtain large appropriations for the Bureau of Education he wrote as follows:

CONGRESSIONAL PROCEDURE A HINDRANCE.

> If, during the past 40 years, the Commissioner of Education had been granted lump-sum appropriations from which he could have paid salaries fairly commensurate with those paid by local public and private agencies throughout the United States, and had it been possible for him to set aside proper amounts for traveling expenses, the bureau would have made a far greater impress upon educational policy and practice. In consequence of the higher appreciation which would have resulted, it is also quite probable that the Congress would have increased its appropriations from year to year until their magnitude would have become more nearly commensurate with the high regard in which all Americans hold their public schools.
>
> However, there is an underlying cause for this situation in the business procedure of each of the two Houses of Congress. Under this procedure the estimates for some departments are acted upon by their friends at court, while the estimates for other departments are passed on by a tribunal whose main object is economy. All appropriation bills for the Department of Agriculture are prepared in the House Committee on Agriculture, and are reviewed in the Senate by the Committee on Agriculture and Forestry. This same practice also holds with the appropriations for the Diplomatic Service, the military service, the naval service, and the postal service. On the other hand, the appropriations for the other branches of the executive departments are prepared by the Committee on Appropriations of the House and are referred in the Senate to its committee of like name. Quite naturally the attitude of these Committees on Appropriations toward the estimates submitted by their respective branches of the executive department is distinctly different from that shown by the committees which recommend the appropriations for a single department or bureau. Members of the latter class of committees have their attention centered on one particular set of governmental activities, which they hold in growing appreciation as their knowledge of the work increases. On the other hand, members of the Committees on Appropriations have their attention divided among several departments and independent offices and commissions, all of which are more or less desirous of increased funds. Strong attachment to the work of any branch of the Government service is not fostered by such a condition. Moreover, the numerous insistent demands that come upon them develop a controlling idea in the minds of these Appropriations Committees—not the great good that may come to the people through any branch of the service, but rather the desirability of cutting appropriations to the lowest possible limit in order that the party in power will not be held accountable for large expenditures. In brief, all the appropriations for the Department of Agriculture, and the principal appropriations for the War, Navy, and Post Office Departments, are in the hands of their friends, while those of the remaining Government offices must come before a tribunal the chief aim of which is to keep the total appropriations, including those framed by the special committees, within certain fixed limits. It follows from this that the liberal appropriations recommended by the special committees have a tendency to lower the appropriations for the other departments, which are drawn directly by the Appropriations Committees. Had the estimates of the Commissioner of Education during the past 40 years been referred in the House to the Committee on Education and in the Senate to the Committee on Education and Labor there would undoubtedly be to-day a far different story to tell. If such a reform in the procedure of the Houses could be carried out to-day, an increased participation of the National Government in the educational development of the country would probably result.

After six years' service at the head of the Committee on Appropriations, Mr. Tawney retired from Congress on March 4, 1911. On that day he made his last statement to the House, and reviewed in a comprehensive manner the expenditures of the Government. He entitled his speech "Review of the money bills, with suggestions and reflections thereon, based on six years' personal experience in their preparation."

The SPEAKER. The time of the gentleman from New York has expired.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from New York may have leave to conclude his remarks.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from New York may be permitted to conclude his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Speaker, I am indebted to the House. I think I shall take about 15 or 20 minutes to complete what I have to say.

In the course of that statement, the last to be uttered by him in the House of which he had been so distinguished a Member, he said:

Mr. Speaker, to my mind no other reform in the rules and procedure of this House is so essential to the future welfare of the people and to the economical appropriation and expenditure of their money for the public service as the consolidation of the appropriating jurisdiction of the House under a single committee of sufficient size to be representative of all sections of the country and of every branch of the public service. * * * This division of responsibility over the aggregate of the appropriations between eight committees of the House has year by year since its adoption * * * in 1885 resulted in an abnormal growth of public expenditures. As I have said before, ours is the only Government on earth which tolerates such a system of divided responsibility, the only Government which has established and maintains such a system of utter irresponsibility with reference to the initiation of authority for drawing drafts upon the Public Treasury for public expenditures. This system, too, has begotten extravagance and a wide difference in the manner of authorized expenditures between the respective branches of the public service, a difference which is actually grotesque in its inequalities.

EXPERIENCE OF JOSEPH G. CANNON.

Mr. CANNON ended 38 years' service in this House on the 4th of March last. He was in the Forty-sixth and Forty-ninth Congresses, when it was proposed to distribute the appropriation bills to various committees. He opposed the suggestion on both occasions. On March 4, 1913, about to quit the scene of his many years of activity, he made his final speech to the House. Speaking of the distribution of appropriation bills in 1885 he said:

Mr. Speaker, that change, in my judgment, based upon intimate knowledge and observation, has cost this country many, many millions of dollars in needless appropriations and expenditures. * * * No matter what the stress of circumstances may bring about in our national life now or hereafter, or how necessary it may become to apply the pruning knife, it can never be done without harsh and inequitable results through the medium of many committees as now provided under our House rules.

I speak with deep and firm conviction in these premises, and after many years of somewhat arduous labor as a member of the Committee on Appropriations when it controlled all of the bills, both under Democratic and Republican Houses, and as its chairman when it controlled only a portion of the bills, and as a member of it under Democratic Houses under like conditions.

SIMILAR VIEWS BY JOSEPH D. SAYERS.

A short time ago it was suggested that I write to former Gov. Sayers, of Texas, and request his photograph to add to the collection possessed by the Committee on Appropriations of its former chairmen.

Gov. Sayers answered my request, and I take the liberty of reading his letter to me:

APRIL 21, 1913.

Complying with your request, I will on to-morrow express, charges prepaid, to Mr. Courts my photograph framed.

My best wishes are for you, politically and personally.

Having served on your committee for 12 years continuously, I am always much interested in its doings, and have indulged the hope that it would be again charged with all the appropriations of whatever character. Until this shall have been done, it can not be reasonably expected to accomplish much in the direction of economy—an ancient watchword of the Democratic Party.

Gov. Sayers is personally known to few Members of this House other than the members of the Texas delegation. He served 12 years in the House, and was chairman of the Committee on Appropriations in the Fifty-third Congress, leaving that committee and his service in this body to become the chief executive of his State. On the committee with him were such well-known men as Holman, of Indiana, and Dockery, of Missouri, later governor of Missouri for two terms and recently appointed Third Assistant Postmaster General. The most significant thing about this statement, volunteered without any suggestion, is that Gov. Sayers in 1885 voted to take some of the supply bills from the Committee on Appropriations.

The opinions of men of the capacity and standing of those whom I have quoted, as well as my own experience, observation, and study, have led me to the conclusions which I have stated to the House.

It is said, however, that this reform is impossible of attainment. The gentleman from Kentucky [Mr. SHERLEY], in his speech of February 28, 1913, stated the objection usually advanced. He said:

I do not for a moment believe that the members of these other committees will ever consent to give up their power over the details of these supply bills

It may be that the House will not adopt the reform suggested, but I am unable to believe that Members of the House will vote to retain control of appropriations in committees of which they are members for that reason alone.

In my opinion this House will endeavor to do what is right and best for the public service and for the country and will not approach the consideration of the question with an unalterably fixed intention to vote against the proposed reform merely because of membership on certain committees which now have jurisdiction of certain appropriations as well as of legislation affecting the departments for which they appropriate. If it could be demonstrated, which I do not believe possible, that such is the attitude of all of the members of such committees, then I should remind the House that they constitute a minority of 147 in a membership of 435, and that they have not the power in themselves to prevent the House from effecting this reform if upon full consideration it is believed to be the one required.

PROPOSED COMMITTEE ON EXPENDITURES.

The only alternative to the plan here suggested that has been proposed is contained in the resolution offered in the last Congress by the gentleman from Kentucky [Mr. SHERLEY] to create a committee on estimates and expenditures, to consist of certain members of the Ways and Means and Appropriations and the chairman and one other member of the committees having jurisdiction of the annual appropriation bills. This proposed committee is to report the available revenue for the next ensuing year and to apportion to the respective committees that part of the revenue that may be distributed by it in the respective supply bills.

I do not favor such a committee, because I do not believe it either practical or that it can be effective in its operations.

Such a committee was created in the Senate in March, 1909. It had 20 members, including the chairmen of the Committees on Appropriations, Finance, Military Affairs, Naval Affairs, Post Offices, Agriculture, and Indian Affairs. The composition was very much as proposed in the resolution of the gentleman from Kentucky. The heads of all the spending committees were brought together for the purpose of coordinating their action. Prof. Henry Jones Ford, speaking of this committee in the fall of 1909, said:

All that the movement amounts to is the creation of a new committee subject to the same conditions of action as the old committees, and there can be no sensible expectation of much better results.

Mr. SHERLEY. If the gentleman will permit, is it not true that the Senate committee had absolutely no power——

Mr. FITZGERALD. I am going to call attention to what I state is a very emphatic and significant difference.

His observation was accurate; the committee made one report setting forth certain well-known truths affecting the Government's business and expenditures and accomplished nothing.

The proposal of the gentleman from Kentucky differs essentially from the Senate scheme in one important respect. It is this very difference which, in my opinion, makes the plan impracticable.

Before any committee having jurisdiction of an appropriation bill can do its work the proposed committee on estimates and expenditures must report a resolution, which must be acted upon by the House, defining the sum that the appropriation bills may carry. I express the opinion, based upon 14 years' service in this House, all of the time upon committees which have had jurisdiction of appropriation bills, and during 8 of the years upon the Committee on Appropriations, that no one, and no committee, at the outset of any session of Congress, without careful investigation involving extensive hearings, can even approximate what the annual supply bills should carry. If this proposed committee is to have hearings upon the proposal to distribute the revenue, then it will determine all of the important questions to be solved by the committees making up the bills and leave to those committees merely the routine and drudgery to do.

ERRONEOUS PRINCIPLES INVOLVED.

The scheme, in my opinion, is based upon an erroneous principle. Under our system our revenue is not adjusted annually in accordance with our expenditures.

Tariff legislation enacted by the Republican Party has not had as its primary function the obtaining of revenue, but rather has been designed chiefly to protect American manufacturers.

With the exception of a comparatively few years, the revenues have been in excess of the expenditures since the Civil War. With such a plan in operation, I believe that the appropriations would have been augmented instead of lessened, because the constant tendency of the legislature is to absorb all of the revenues in advancing projects in which the Members are interested.

The one thing above all others that made specie payments possible was the rigid economy enforced by a Democratic House

of Representatives. It also made possible the casting off of the burdens of the taxes resulting from the war.

Should the plan proposed by the gentleman from Kentucky be adopted, what will prevent the House from increasing bills reported by the committees within the limitation beyond the amounts determined upon by the report of the Committee on Estimates and Expenditures? There are few of the appropriation bills that can not be so framed within certain limits as to insure their increase upon consideration by the House.

Another fatal defect to the plan is the failure to take into consideration the action of the Senate. All writers upon our system emphasize the fact that the necessity of submitting the supply bills to two bodies with equal powers to augment them is the most perplexing difficulty to be met, and yet, after all the consideration and determination of the House, the Senate would be free to exercise unrestrainedly its right of amendment.

VIEWS OF PRESIDENT WILSON.

President Wilson, in his Congressional Government, speaking of the situation, says:

> But unfortunately the dealings of the Senate with money bills generally render worthless the painstaking action of the House. The Senate has been established by precedent in the very fullest possible privileges of amendment as regards these bills no less than as regards all others. * * * The upper House may add to them what it pleases, may go altogether outside of their original features of legislation, altering not only the amounts but even the objects of expenditure, and making out of the materials sent them by the popular chamber measures of an almost totally new character. As passed by the House of Representatives, appropriation bills generally provide for an expenditure considerably less than that called for by the estimates; as returned from the Senate they usually propose grants of many additional millions, having been brought by that less sensitive body up almost, if not quite, to the figures of the estimates.

The gentleman from Kentucky admitted that this was a weakness in the plan proposed by him, but expressed the belief that the focusing of public attention upon the consideration of the committee's report would stop most of the abuses that now exist. I am unable to share in this belief. In my opinion both the Senate and the public would have long forgotten what had been said and done in the House before the supply bills were acted upon in the Senate.

From 1901 to 1912 the Senate increased the appropriation bills, exclusive of pensions, by $304,314,167.73. In 1908, exclusive of pensions, the increases amounted to $44,944,465.31; and in 1909, the increase made by that body to annual supply bills, except pensions, as passed by the House, aggregated $66,146,443.38, which resulted in the abortive attempt to check the increase of appropriations by the creation of the Committee on Public Expenditures.

Instead of checking the tendency of the Senate to increase bills, in my opinion, it will compel the Senate to amend even more freely than at present.

This result will be more marked when the Houses are in different political control.

There is a political objection to the plan, which, while it should not be controlling, nevertheless should not be ignored.

Let it be assumed that such a committee is in existence; that it has reported resolutions to the House fixing the limits of various bills; that such resolutions have been agreed to by the House; and that the supply bills pass within the limitations fixed. If at the end of the session the appropriations, when finally agreed upon, exceed the sums stated in the resolutions agreed to upon the report of the proposed committee, then the party in power has written a most conclusive indictment of its incompetency. The opposition need only to exhibit the resolutions as showing the promise and the total of the appropriation as showing the performance.

WEAKNESS OF THE "BUDGET COMMITTEE" PLAN.

In a short session of Congress the plan can not possibly work. At the last session I had the subcommittee in charge of the legislative, executive, and judicial bill meet before Congress convened. With considerable difficulty advance proofs of the estimates were obtained in confidence from the Treasury Department, so that it was possible to report and pass that bill within the first 10 days of the session. It is always important, in the short session, to send to the Senate at least two of the appropriation bills before the holiday recess. If the committee had to wait upon the proposed committee to complete its investigations and deliberations, and the action of the House upon its report, the appropriation bills, in my opinion, would either fail or be passed under a procedure defensible only under extraordinary circumstances by the suspension of the rules. This would preclude amendment and debate, and would make the committees the real legislative authority.

It is said that the defects of this plan are common to the one which I have advanced; that the Appropriations Committee would prepare its bills in subcommittees for the consideration of the full committee and, in effect, there would be separate and independent committees in charge of the respective bills. I deny the accuracy of the contention. The experience of the House does not justify the claim. The routine portions of all bills, the matters fixed by law about which there is no discretion, would be adjusted by the subcommittee and ignored by the full committee; but the important questions in every bill involving policies, in so far as they might be determined by the sums appropriated to conduct a particular service, would be determined by the entire committee. In reaching a conclusion upon all such matters the various members would have in mind the different projects and services for which provision must be made in other bills, and thus would always be acting with a wide vision and more clear comprehension of the entire governmental business.

Moreover, a policy could be tacitly agreed upon and carried out by the committee. It was done so in the last Congress, but every plan to effect economies was rendered futile by different policies in other committees.

With the creation of the proposed committee the differences continually arising from conflicts over jurisdiction and inevitably resulting either in unnecessary appropriations or ill-advised legislation would not be eliminated. The situation is well illustrated by the condition of the Indian appropriation bill to-day. Senate amendments to that bill provide lump-sum appropriations for additional clerical services in the Indian Bureau in Washington, although ample provision has been made for the clerical force of the bureau in the legislative bill, and it is even proposed to repeal a statute which requires detailed estimates of the number of persons required in the bureau to be submitted to Congress for consideration. Such conditions rarely arise affecting bills in the Committee on Appropriations, and when they do it is much easier to prevent the supplemental appropriations in the manner mentioned.

Should the proposed committee be appointed, I believe it will have a tendency—which should be resisted—to include all appropriations in a single bill. Compelled to investigate and to hold hearings, in time the inevitable result would be more extensive hearings and investigations, until practically all of the functions of the eight committees having jurisdiction of the appropriation bills, so far as appropriations are concerned, would be absorbed. This would give impetus to such a movement to include all the appropriations in a single bill, and to do so would require the rearrangement of many items which would remove many of the most salutary checks upon expenditures found in our statutes.

I shall not discuss at length this phase of the question. It will suffice to quote very briefly from a competent and disinterested authority. The Wisconsin Idea, published in 1912, was written by Mr. Charles McCarthy, chief of the Wisconsin legislative reference department. In the introduction to the book, written by Col. Roosevelt, it is said:

> This book is a book which in my judgment every reformer just at this time should have in hand.

In the preface, Mr. McCarthy says:

> Because of my duties as librarian of the legislative reference department and as a member of the faculty of the University of Wisconsin, I can say truly that I have had opportunities to see events in this State from a different standpoint than any other man.

STUPIDITY OF POLITICAL ECONOMISTS.

Occupying such a position with the encumium already quoted upon the work, I desire to quote briefly from it.

In the opinion of the writer—

Says Mr. McCarthy—

> Winconsin has been fortunate, on the whole, in not having what is known as a "budget bill." Trained as a student of economics it was rather difficult for him to reach this conclusion, but a thorough investigation of the procedure in other States and some first-hand knowledge of such procedure in foreign countries have convinced him of the wisdom of this plan. * * * The budget bill—meaning one inclusive bill containing all appropriations—belongs in a responsible cabinet government, and not in a government such as ours. A cabinet government may present its estimates and recommend expenditures and permit the legislative body to fight over them within limits, but the administration as a result of its acceptance or rejection stands or falls, consequently the party member is whipped into line and supports those who make the estimate, unless the protest from public opinion is so great that he dare not do so. If he does not stand by those estimates his party goes out of power and a new administration comes in to make a more acceptable and popular budget. That American States have adopted the budget bill stands as a monument to the stupidity of political economists who have recommended it to American legislatures in the past.

Mr. Speaker, it is natural that there should be differences of opinion as to what improvements, if any, can be made in our present system. Able men differ radically with me in the remedy I urge. To them I concede the utmost honesty and sincerity

of purpose. It would be strange, indeed, if everyone were in agreement as to the changes necessary in our procedure.

CONCENTRATION OF APPROPRIATION BILLS JUSTIFIED BY LONG EXPERIENCE.

I suggest nothing novel, untried, or experimental. The changes here urged are those which withstood the assaults and vicissitudes of 93 years of our existence. It has the approval and indorsement of many men who towered as giants among their contemporaries and whose fame is not as flickering as the feeble candle's light, but steady and resplendent as the noonday sun.

The questions involved will require the exercise by the House of its highest talents and most discriminating judgment, and I know that whatever is done will be with the patriotic determination to act only for the best interests of the people and of the country. [Loud applause.]

Mr. KAHN. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER of Minnesota. Mr. Chairman, I believe I but express the spirit of the entire membership of the House when I say that I am heartily in favor of the purposes of this bill. The applause during the debate which has been had, which greeted the statements approving the program, indicates a practical unanimity in thought and feeling upon the part of the membership of the House in respect to the aims and objects of the bill. The gentleman from Illinois [Mr. MANN] well stated the situation that is in the minds of earnest, thoughtful, and patriotic American citizens to-day. How can we best contribute America's strength and power to bring an early termination to the war? He has very clearly and properly pointed out a manifest opportunity that is America's opportunity, and I would not for one, nor do I believe any Member of this House would, seek to delay the passage of the bill. However, when the gentleman from Illinois says that he would vote for it with his eyes shut and without a word of discussion or a change in the bill, it leads me to believe that he has not read the bill because that statement is completely at variance with the gentleman's whole conduct in the House. I myself am perfectly willing to vote with my eyes shut upon a matter of military importance, as well as any other Member of the House, if circumstances make such a course advisable, but this is a new departure in a new field. We are about to travel along a path upon which our feet have never heretofore moved.

We are entering into the field of aviation, one of the new and most scientific fields of modern times. Our preparation to date is grossly inadequate, as everybody knows. The type of aeroplanes which we have thus far developed is not suited for the supreme tests of the European battle fields. We have got to learn to build anew engines and planes. We have got to build anew an organization; we have got to build anew and equip what you might call places for training, cantonments, and things of that kind. It may be, and properly, that most of this should be closed to discussion. I have no desire whatever to discuss them. But it seems to me, Mr. Chairman, that when a bill covering such a new field is brought to us to approve without much, if any, debate, and perhaps without much, if any, in the way of amendment, we ought to know that it has been subjected to the acid test. We ought to know that it comes here with the unqualified indorsement of the best military thought in our Nation. We ought to know that it has the indorsement and the approval not respecting plan alone, but detail as well, of the War College of the Nation and the General Staff. Decidedly it has not so come. I am willing readily to concede that it may be that the General Staff and the War College would approve of most of the details of the bill—perhaps all of them—but it is very probable that there would be some changes, and there might be some important changes. Without adverting to the two or three items which the gentleman from New York [Mr. FITZGERALD] has just called attention to, I want to invite the attention of the committee to two others that I think ought to be discussed under the five-minute rule.

It may be they are all right; if they are, let us leave them in and vote for them, but I have the right to know, I being informed no enemy of the United States will receive any consolation, comfort, or information of value. The first is: Is it preferable, as is provided in the second section of the bill that the officers who are to be commissioned in this corps shall be commissioned by the President, up to the rank of colonel, without the advice and consent of the Senate?

Mr. KAHN. Will the gentleman yield?

Mr. MILLER of Minnesota. Certainly.

Mr. KAHN. Under the national-defense act the number of officers up to the rank of colonel are now commissioned without the advice and consent of the Senate.

Mr. MILLER of Minnesota. I understand that; but we are departing into a new field and getting officers who have never been tried before, whose proficiency has not been demonstrated. I am perfectly willing to concede that this method is proper, but I have a right to have some information on it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. Does the gentleman desire more time to conclude? I will yield the gentleman two minutes more.

Mr. MILLER of Minnesota. Now, the other feature of the bill may be all right, but it attracted my attention. It is a purely detail provision of the bill. On page 9, where provision is made for vocational instruction——

Mr. GREENE of Vermont. It is in the national-defense act.

Mr. MILLER of Minnesota. Oh, I understand that in reference to the national-defense act; but you can not tell me, and tell it in a way you think I would believe it, that there is going to be vocational education for these million men we have drafted and are going to send to France. Of course not; they can not do it. Military efficiency comes first. I do not know to what extent it is believed the vocational training will be carried on among these boys who are to be drafted or enlisted in the Aviation Service, and I have a desire to know.

Mr. GREENE of Vermont. May I suggest that there are about 10 machinists to each machine, and it is expected, incidently to the work on these machines, they will be taught how to work.

Mr. MILLER of Minnesota. That is proper—nobody can question that—but this says, "and enable them to return to civil life better equipped for industrial, commercial, and general business occupations." That would enable a whole course of industrial training to be given, having no relation to military duties.

Mr. GREENE of Vermont. That follows the phraseology of the national-defense act.

Mr. MILLER of Minnesota. How much of the $640,000,000 is supposed to be utilized in that way is a very pertinent inquiry, and I think we could have some discussion further on that without developing any secrets for the enemy. The national-defense act was passed in and largely for a time of peace. We are now at war. This bill relates to a war period only. Its provisions should therefore be confined to war conditions.

Mr. KAHN. Under the five-minute rule, there will be opportunity for discussion.

Mr. MILLER of Minnesota. I am delighted to find the gentleman generous, as he always is equally generous in this regard; and yet the gentleman from Illinois would have us take it without even looking at the title.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREENE of Vermont. The gentleman will find that in the national-defense act.

Mr. KAHN. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT. Mr. Chairman, I wish to say a word about the section of the bill which makes an appropriation of $640,000,000. I believe nobody has been more opposed to lump-sum appropriations than I have. Perhaps nobody is more jealous of the prerogatives of his own committee than I, and this violates both of those tendencies of mine, and yet I am going to vote for the proposition. I acquiesce in it not because I think it is right, and not because I am so very much impressed with the arguments that we must not reveal anything to the enemy, because after all the discussion there has been in the press and with this enormous appropriation we are telling pretty much to the enemy what we are going to do, we are putting him on notice; but the reason I am going to vote for it is because I believe that our best chance of speedy success is to promote actively our aeroplane development, and the Military Affairs Committee has given this full consideration, and it is extremely important, I think, that this should immediately be passed, and therefore I waive my objections on those scores; but I can not waive them without saying a few words about it. In the first place there is no question that this is an infringement by the Committee on Military Affairs on the jurisdiction of the Committee on Appropriations.

If this estimate had been sent in it would have gone necessarily to the Appropriations Committee, and without claiming for a moment that the Appropriations Committee is any better qualified to deal with it than the Committee on Military Affairs, still we all like to keep the jurisdiction of our own committees. The only reason this appropriation is not now before the Appropriations Committee is that the War Department in defiance of the law sent in no estimate but privately asked the Military Committee for it. And without censuring at all or criticizing the Military Committee, because they took what was given to them, I do feel like censuring the War Department.

The gentleman from California [Mr. KAHN] inquired for the law. Here it is:

Hereafter all estimates of appropriations and estimates of deficiencies in appropriations intended for the consideration and seeking the action of any of the committees of Congress, shall be transmitted to Congress through the Secretary of the Treasury *and in no other manner.*

This appropriation has never been transmitted to Congress in any way except in the secret conferences of the Military Committee. The only way the War Department has given this to Congress has been in violation of law and not through the channel which the law prescribes. I think that is subject to censure. If it had been sent in through the regular channel, if the law had been complied with, and the Secretary of War had sent in this estimate, instead of going to the Military Committee it would have gone to the Appropriations Committee. Of course, the Secretary of War knew that. Whether that was the reason and the motive for violating the law I will not undertake to say. But the Secretary of War has not only here, but heretofore, ignored that law, and we all know that the heads of the departments like to have their bills treated by their committees, and naturally, perhaps. I am not surprised that they should. But although in this case I feel compelled, because of the emergency, to acquiesce in the result, yet I do not wish by silence to have it appear that we did not observe the failure of the Secretary of War to conform to the law; that we do not condemn such action; and that we do not suspect the motive. And it is irritating to feel that the public exigency prevents treating such conduct as it deserves. And I feel somewhat resentful of such a slight, whether intentional or not, of the jurisdiction of the Appropriations Committee.

Then as to the claim that is made that this is so confidential and secret that for that reason it should not be debated and the estimate brought out, I think that is exaggerated, and I can not avoid the impression that it is urged to excuse the usurpation of the Military Committee. The Secretary of War himself, as the chairman of the committee, has shown by the bulletins which he read, published to the world the purposes and many of the details of this appropriation. And it seems to be rather contradictory to first publish bulletins of information and then to protest against debate in Congress of that very information. These bulletins of information which the different departments are so assiduously using to advertise themselves are of very questionable legality.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Chairman, while I believe that this bill should be amended in some particulars, I shall vote for it whether it is amended or not, for I believe that it is one of the most important bills that we have had before us for consideration, presenting a program that may enable us to more speedily win this war. And I am also in full agreement with the sentiments that have been expressed, that in the discussion of this bill there should be no discussion that would give any information to Germany that might be helpful to her. But I was amazed at the statement of the gentleman from Illinois [Mr. MANN] when he said that, if he could have his way, this bill would pass without one single word of discussion. And that statement, I am sorry to say, met with very enthusiastic applause by this House.

Mr. Chairman, when statements of that kind are made and applauded, as they were, is it any wonder that the House of Representatives is rapidly losing the respect of the country, and that it is looking upon us as being a mere "rubber stamp"? We have no right to shirk or surrender our constitutional duties in considering bills to the fullest extent, so far as we can do so without aiding our enemy in this war. And there are provisions in this bill that have nothing to do with furnishing any information to Germany, and that ought to have the fullest consideration; and this House, if it shall go upon the theory that because this bill is reported from the committee, that they will shut their eyes and vote for everything that is in it without consideration, simply confirms the opinion that the country is coming to have of the House of Representatives.

Mr. ANDERSON. Will the gentleman yield?

Mr. LENROOT. For a question.

Mr. ANDERSON. Is it not one of the best safeguards the department itself can have, to have reasonable discussion of the provisions of the bill upon the floor?

Mr. LENROOT. Oh, certainly. And if the theory that we are to pass bills without discussion shall prevail, we are inviting the departments to put things in the bills that never ought to be there, and would not be there if they knew they were going to receive proper consideration by this House.

Now, I can not in five minutes' of debate refer to what I have in mind, as I shall later on. I shall only refer to section 9, a section which gives unlimited power to the department, not only over the condemnation of land, as pointed out by the gentleman from New York [Mr. FITZGERALD], but building wharves and dredging rivers and harbors and many other things. There is scarcely anything in there that you can conceive of that the department might not at any time want to do, that full authority is not given it to do. During the existence of this war, perhaps, all that is necessary, but section 9 is not limited to the duration of this war. That section is permanent legislation, and when this war shall cease the authority of the War Department will remain to condemn land wherever it sees fit to condemn land, to build wharves wherever it sees fit to build wharves, to dredge channels wherever it sees fit to dredge channels, so far as obligating the Government is concerned.

Mr. ELSTON. Will the gentleman yield a moment?

Mr. LENROOT. Yes.

Mr. ELSTON. Respecting the criticism of the bill that the gentleman has just made, does not the gentleman think, without any extended debate here or exploitation of the purposes of it, the objecting Member should go to the chairman of the committee and suggest his amendment and, if thought proper, that it could be adopted immediately? Does not the gentleman think that would be the best way without opening up unlimited discussion?

Mr. LENROOT. Does the gentleman think that my calling attention to section 9, to powers that concern not only the duration of the war, but after the war, is furnishing information to the enemy?

Mr. ELSTON. I do not believe that, but I believe the example of sober-minded Members in discussing and criticizing the bill on points which could just as well be submitted to the committee and have adopted, will lead to wider discussion.

Mr. LENROOT. On that, if I was a member of the committee, I could have suggested some of them to the committee, but I happen not to be a member, and I have taken the first opportunity to suggest a reasonable amendment that I think ought to be adopted. I am afraid the temper of this House is such that, although it is clear that section 9 and perhaps other sections should be limited to the duration of war, I very much fear that it will not be. [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. KAHN. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. TOWNER].

The CHAIRMAN. The gentleman from Iowa is recognized for five minutes.

Mr. TOWNER. Mr. Chairman, I hardly agree with the chairman of the Committee on Appropriations and the ranking member of the committee that this bill should have gone under the rules to the Committee on Appropriations. The estimate is made, and properly made, in my judgment, by the Secretary of War directly to the chairman of the Committee on Military Affairs, and the manner in which that is made, in my judgment, is entirely immaterial.

The committee will notice that this act is for the increasing and strengthening of the Signal Corps of the Army, including the Aviation Service. Gentlemen will also notice that section 4 of the bill prescribes how the personnel shall be organized, in a number of divisions, brigades, wings, squadrons, and so forth, all of which comes directly within the jurisdiction of the Committee on Military Affairs, and is not properly under or for the consideration of the Committee on Appropriations.

However, I do not criticize the chairman of the Committee on Appropriations and its ranking member for calling attention and protesting, whenever they are offered, against lump-sum appropriations. Those protests ought to be made. The only question for us is to determine whether or not this is a sufficient exception, under the exigencies of the emergency, for us to say that the ordinary rule that lump-sum appropriations ought to be condemned shall apply in this case. In my judgment this committee and the House of Representatives will be entirely justified in this case in saying that this is one of the occasions when an exception can properly be made. I think that when the chairman of the Committee on Military Affairs and the membership of the Committee on Military Affairs unanimously agree upon the recommendation of this bill, with this form of an appropriation, and, when they say to the committee and to the House that the reason is for military purposes only, because the discussion of the itemized provisions of this appropriation would necessarily convey information to the enemy that would be deleterious to the interests of this country in the war, I think that is sufficient justification for the House to say now that it will consider it in the form in which it is presented.

I do not think that by any means eliminates, or was intended to eliminate, the discussion of the general features of this bill. These various provisions of the bill that are set out here at length are already given to the public. It is perfectly proper for the committee to discuss them. The only thing that is asked

is that all of the various items making up this lump-sum appropriation shall not be set out and discussed publicly before the world.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes; I yield to the gentleman from Connecticut.

Mr. TILSON. The gentleman understands that the committee has those items of the amounts and has considered them?

Mr. TOWNER. Yes; I understand that. The statement was made by the chairman of the committee that all of the items were set out particularly before the committee and gone over and considered by the committee, and they say they believe it would be unfortunate and probably dangerous to the interests of the country in the war if they were made public, and that is sufficient for me. When matters such as these, regarding things that may be of benefit to the enemy, should be withheld, I am ready to say that I am willing to acquiesce in the judgment of the committee and ready to emphasize the duty of Congress whenever it is called upon by silence, if necessary, to strengthen the power of the Government in this emergency. I am as much in favor of publicity as any man, but we must recognize at this time that publicity generally regarding the operations of the Army and Navy can not be had without injuring the cause of the United States in the conflict; and somewhere and at some place must be found the authority, or at least that which we shall recognize as the authority, to say when it will and when it will not be injurious to have the matters made public.

Here we have, first, the Secretary of War—that means the President of the United States and the administration—saying that these matters in detail ought not to be made public. Then we have the Committee on Military Affairs saying that it ought not to be made public, upon full consideration of all of its details by that committee, and that, in my judgment, ought to be enough to satisfy the membership of this committee and of the House. [Applause.]

This is an immense appropriation we all recognize, but it meets with the approval of the military authorities after the most careful consideration, and this increase of the Aviation Corps meets with the approval of the people. It is the one important branch of the service that we can most materially and most quickly strengthen. Delay is not justified in this action. It is of almost supreme importance that this great branch of our service, most promising and most important, should be strengthened to the full extent of our ability and resources. I want to see this bill pass quickly, for I have confidence in the general belief that no other single act can do so much toward winning a speedy victory.

Mr. KAHN. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. WOOD].

The CHAIRMAN. The gentleman from Indiana is recognized for five minutes.

Mr. WOOD of Indiana. Mr. Chairman, I am in favor of this appropriation or any other sum necessary to carry out the purposes of the Government, so great is my faith in the aeroplane as a practical instrument of war.

It is provided in this bill that no one shall be appointed unless he is found, under the regulations of the Secretary of War, to be competent for the purposes of that position. That there must be regulations there is no question of doubt, but that the regulations required by the Secretary of War under this bill will be as impracticable as they are now there is no manner of doubt in my mind. In inquiring into the mentality of an applicant it is necessary—or was necessary—that the applicant be a college graduate or else its equivalent. Now, that has been modified only in degree. The requirement now is that he shall be a high-school graduate or the equivalent.

Mr. MADDEN. No; begging the gentleman's pardon, it requires that he shall be a high-school graduate, with sufficient other experience to be the equivalent of a college graduate.

Mr. CALDWELL. That is not the way now.

Mr. WOOD of Indiana. I think my statement is correct, that he must be a high-school graduate or its equivalent. As the requirement was before its modification, there was no flier in the United States who could gain admission into this Aviation Corps. Art. Smith, who is admittedly the greatest airman produced in the United States, could not gain this admission; and because of the fact that he could not do it he went over to France, and is flying under the colors of France to-day. Numerous men who had ample intelligence not only to be the mechanicians required but who had ample intelligence to transact all the business necessary, who had ample intelligence to be commanders of men, but were deficient in the fact that they had not college diplomas, failed in their applications to get into the Aviation Corps, and as many more will fail because of the fact that they are not high-school graduates. Now, it occurs to me that this bill should be amended, or else that the Secretary of War should be requested, and comply with the request, that in solving the question of mentality a high-school diploma or a college diploma be not made one of the requisites. There are many men who have these diplomas who are not fit and can not be made fit to do the work required in the Aviation Service. Upon the other hand there are many men who have not college diplomas or high-school diplomas, but who have the intelligence, the nerve, and all the qualifications fitting them for this extraordinary service, who would make excellent aviators. So I say either this bill should be amended in that respect or else some regulation should be established not requiring a diploma as a prerequisite.

Mr. CALDWELL. It is contemplated that sergeants will fly under this bill, so that it will not take commissioned officers, as formerly.

Mr. WOOD of Indiana. But unless the regulation is changed, before a man can be a sergeant he must have this diploma, for that is a fixed rule now in the War Department. I came in contact with it no longer ago than last week, when a man from my district, who, to my mind, has all the qualifications not only to fit him as an officer but to fit him to render excellent service, was turned down because of the fact that he had no high-school diploma.

Mr. GORDON. Will the gentleman yield?

Mr. WOOD of Indiana. I yield to the gentleman from Ohio.

Mr. GORDON. There is nothing in this bill and nothing in the law that makes any such qualification as that.

Mr. WOOD of Indiana. I say it should be put in this bill, for the reason that the regulation which is now exacted by the Secretary of War makes it impossible for a very large contingent of young men who are seeking admission into this Aviation Corps every day to obtain admission, for they are denied admission because of the fact that they have not a college or high-school diploma, no matter how well qualified to perform the service required they may be.

Mr. GREENE of Vermont. Of course, the gentleman takes into consideration the fact that something besides merely being a pilot is required of an officer of the Aviation Corps.

Mr. WOOD of Indiana. Absolutely.

Mr. GREENE of Vermont. A man must have military information and be able to understand what he sees in reconnoissance work and be able to apply it to military purposes.

Mr. WOOD of Indiana. Absolutely; but whether he possesses or does not possess a college diploma or a high-school diploma does not necessarily supply those qualifications.

Mr. GREENE of Vermont. But the words "or the equivalent thereof" indicate the means by which he can qualify.

Mr. WOOD of Indiana. The trouble with the whole business is in the enforcement of the regulations, for in the experience that I have had and that other Members have had, when the fact is developed that a man does not possess a diploma he is given no opportunity to show whether he has the other qualifications or not. The trouble is that such men are given no opportunity to show their mentality.

Mr. CHANDLER of New York. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. WOOD of Indiana. My time is up. So I can not yield to the gentleman.

Mr. KAHN. I yield five minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Chairman, I think that the world situation is a justification of speedy action by this Congress upon this bill. The forces both on sea and land are in a contest which to this time appears to be deadlocked, which we hope to break. If it were a matter of determining a policy, I would think we ought to take time to discuss it in detail. If it were a question of how to raise an army, or the method of raising money to support the Army, I am sure it would enlist the judgment of everybody that full deliberation should be given to it; but in this particular bill we have no policy to settle. All questions involving important policies, such as the enemy-trading act or food-control bill, should have ample and full support. We have settled the policy of the Government in several different bills in this Congress, every one of which was fully discussed; but here is a bill not of policy but which requires the keenest technical knowledge, and also the greatest skill in its administration. It is not a matter that Congress is going to determine in public discussion, but a matter that those in the War Department who will have charge of it must determine from the standpoint of greatest strategical skill. For that reason I am ready to vote for the measure at once, without going into the separate details, all of which are in the archives of the Committee on Military Affairs, a matter of record not closed to any Member of the House. For that and

other reasons I hope that the House will not hesitate to do the thing on the ground that it is not sufficiently public. When we see the youth of the country in uniform going to the front, we should not hesitate to do what is necessary to reach the best results at the least loss of life. What we do here should not give in advance information to our enemy. In that case what we do, if we do it in public, our enemy will duplicate just as soon as its ability will permit it to do so. Some people think it will do so anyway; but, fellow members of the committee, if I can read the forces as they are, the world seems to be in a deadlock; armies on all fronts are more or less at a standstill. The sea is in a similar situation, and if we can add this particular strength in the air we can break that deadlock; and while we are not doing it on the sea, while we are not doing it at the front, it seems to me that here is the opportunity to have the most speedy application of our greatest ability to turn the balance in our favor. For that reason I am going to vote for this measure, and vote for it just as soon as the opportunity comes for me to cast my vote.

I want to say something in extenso about the evolution of the science of aviation and the connection therewith of the Wright brothers. The Wilbur Wright field, the greatest of its kind in the world, now rapidly coming to its completion, is located in my district, and in a very few days the beginnings of what this country proposes to do will be there demonstrated, since there will be flying through the air within sight of my home those who are later on to carry this effectiveness under our colors to the fighting fronts.

Mr. Chairman, the consideration of the proposed measure now before us illustrates the statement that each decade makes its own history. This is so apparent that various periods are identified by the major energy of that period. The last four decades have been stamped with the application of electricity, as the electrical age.

Just now we are in the midst of the aeronautic age. The flying machine and the human flier have been the theme of song and story, of jest and earnest, of sketch and caricature. But not until the last half of the past century did the undertaking take on serious consideration. The possibilities were sufficiently seriously considered as to cost the lives of many inventors. Letour in 1854, De Groof in the same year, Lilienthal in 1896, Pilcher in 1899, and Lieut. Selfridge, over at Fort Myer, in 1908. These fatalities were in the experimental stages of aircraft.

Mr. Chairman, in the history of the genesis of aeronautics as it is limited to heavier-than-air craft, there appear many names in many countries. As in the case of the invention of the steamboat there will appear many claimants to the honor of the aeroplane. The names of Stringfellow, Henson, and Wenham all appear in connection with the prototype of the aeroplane. Of course, it is quite natural that the British public but not the British authorities will claim the honor of the invention on behalf of Wenham, who died in 1908. The German public but not the German scientist will claim the honor for Otto Lilienthal, who died in 1896, from an accidental fall while attempting to fly. He, as is the case of most Germans, secured his position in history of the development of aviation by leaving important records, works, and investigations in the science of aeronautics. One of the most distinguished and best known to this science is the famous Sir Hiram Maxim. He has the honor of being the builder of the first power-driven flying machine with steam, an engine of 350 horsepower and total weight of machine 7,000 pounds. This venture did not prove a success.

Mr. Chairman, in this field of invention, as in that of many others, this country holds first rank. The enumeration of inventions which make up the first steps of modern world progress will give to America greatest space. The science of aeronautics, or that portion of it which includes the aeroplane, has received its greatest awakening in this country by American contribution. It is not proper here and at this place to go into the relative claims of Prof. Langley, late of the Smithsonian Institution, whose great work must ever stand as a long step toward successful aviation. His work was successful as far as he carried it.

But now, I desire to call attention to the work of the Wright brothers, Wilbur and Orville, of Dayton, Ohio.

These inventors began their work in a modest way, both as to financial ability and support and publicity. Their reticence and natural aversion to what so many crave, the limelight, enabled them to pursue in their small shop their investigations. I well remember the air of ridicule that greeted the first hints to the public that these boys had built a craft that could actually glide through the air above the earth. It was of that sort that surrounds the claimant of the discovery of perpetual motion. But these quiet workers kept secret their preformances until they were ready to make demonstrations that could no longer be kept from the public. They at once stepped from the rank of the proverbial "crazy" inventors to that of the pioneer of successful aviation.

Their first experiments were confined to perfecting a machine on the principle of gliding. Their type was the double deck. They conducted their practice in eastern North Carolina to insure freedom from fugitive air currents and obstructions on land. Their gliding was not high, to avoid injury in case of a fall. This feature was assisted by the soft sand over which the gliding was to be accomplished. The brothers by practice became skillful and demonstrated beyond doubt the possibility of so manipulating the plane as to glide through the air safely if power could be applied and utilized. In case of power supplied by mere gravity, they could land safely, no matter how high in air, by the skillful manipulation of the plane. The longest glide was made in October, 1902, at Kitty Hawk. It was over 600 feet. These brothers were demonstrating a principle they strongly contended possible, which now is well known, that air navigation was feasible by heavier-than-air bodies if to the skillful manipulation of the plane to secure the advantage of the buoyancy of the air there could be add the motor power.

In 1903 they built the first motor aeroplane and made a successful test, keeping it in the air a little short of a minute—to be exact, 59 seconds. These tests demonstrated the possibility of the motor aeroplane, on which the brothers worked ceaselessly. In 1905, in October, they established a record of a flight of 24 miles in 38 minutes. During the year of 1905 many flights, covering hundreds of miles, were made, which fully demonstrated successful aviation and the primacy of the Wright brothers. This success fired all Europe, and spasmodic attempts were there made. The most important was that of Archdeacon and Santos Dumont, both in 1906. These foreign attempts were not successful. The next year the first really successful aeronautic feat by a European was performed by Farman, who flew a half mile in a field near Paris, and won a prize later for a flight which was officially recorded. In the future, when the old records will be examined to establish the honor of first successful flying, the French will claim the honor because of this record, and no official record by governmental decree was kept of what the Wright brothers did four years before Farman made his flight. However, his success set all France by the ears, and aviation was soon to be a decided French enterprise. Nineteen hundred and eight might be called the banner year for aviation. In midsummer of that year Wilbur Wright went to France, leaving his brother in America, so that both European and American fields could be operated. The brother in France at first did not succeed so well. His first flight was in August, but, owing to defective working of engines, he was not showing much advancement. However, within a month he made a trial trip and remained in the air 39 minutes and 18 seconds, breaking all French and European records. But Orville, here at Fort Myer, on the 9th of September, broke all records thus far made by staying in the air lacking 2½ seconds of an hour. Later on the same day he remained in the air for over an hour, and on still another test he remained in the air six minutes with a passenger accompanying him in the machine. As I recall, this passenger was Gen. Squier, now the head of this service. Just a week after this phenomenal performance the unfortunate accident in the death of Lieut. Selfridge, due to the interruption of the machinery when a propeller became entangled with the rudder, cast a gloom over the enthusiastic performers in aeronautics. Four days after this distressing accident of Orville, his brother, established a new record by remaining in the air 1 hour 37 minutes and 25 seconds, covering a distance of over 56 miles. Up to this date the record of Farman was in the air 20 minutes and 19⅘ seconds, reached on September 6. On the same day Delegrange reached his best record in the air 29 minutes and 53⅘ seconds, covering 14 miles. On the 29th of September Farman remained in the air 42 minutes, covering 24 miles, and on the 2d of October he increased this by 2 minutes and 32 seconds, covering 25 miles. On the next day Wilbur Wright, with a passenger, remained in the air 55 minutes and 31 seconds, covering 36 miles, and on the 6th of October, with a passenger, remained in the air 1 hour 4 minutes and 26 seconds and covered 42 miles, and on the 11th he covered 50 miles in 1 hour and 9 minutes.

Successful aviation by this time was assured, and many steps were taken by as many individuals and companies to further develop the science.

I need not enter into the unfortunate confusion arising out of charges of infringement upon patents which for the time, through crimination and recrimination which filled the columns of the press and threatened prosecutions, retarded the advancement of the science. The tardiness with which capital launched

into investments for aviation development because of unsettled status of the invention hindered the growth and development. In the meantime individual aviators were constantly adding to the remarkable air feats already performed. The annual aviation meets soon came to lose their former significance because of the familiarity of the flights.

When the world war came with all its suddenness the one branch of the military service much thought of was that of aviation, but mainly as the eyes of the army rather than defensive or offensive service. Since August, 1914, advance in the science has been so rapid that what is done to-day is no suggestion of what may be done to-morrow. We have little conception either of the ability or possibility of this branch of service as it is now carried on in the war areas. Even in our own country, while we have been hesitant as a Government, our school at San Diego, Cal., showed wonderful possibilities as early as 1915, the first year after the opening of the European war.

But, Mr. Chairman, it was not my intention to do more here than to indicate the Wright brothers' part in aviation.

Sir Hiram Maxim, the famous British inventor, concedes to these brothers the honor of first rank. He says:

> There is no question about it, the Wright brothers were the first to perform free flight in the air. Not only this but the work they have done and the machines they have constructed are so much superior to the machines of the Farman and Delegrange type as to be considered in a totally different category. It has been my great pleasure to witness flights with the Wright machine near Le Mans, France, and I can testify with Mr. Wright on board he had as complete control of his machine as a skilful boatman would have on a placid stream. The machine rose from the ground, mounted at a fair height, and traveled at a high velocity. It turned corners the same as a bird would have done, and when traveling in a straight line it moved with the evenness of an express train.

In 1909 Wilbur Wright was awarded a gold medal by the French Academy of Science, and later the Wrights received many other medals. The Government purchased, for $30,000, a model from them, the first official recognition given them by their own Government.

The January number, 1910, of the American Journal of International Law, in discussing the law of accident from aerial navigation, relates the interesting episode in Wilbur's life while in Europe. It asserts that in one of his demonstrations in Germany he directed his flight over the head of the German Kaiser. Had the accident in the mind of the law writer really occurred, it most certainly would have modified the history of the world, whatever the damage to be assessed might have been.

Mr. Chairman, it was about this time in the Wright evolution that I frequently observed their operations on their field near Dayton, Ohio. Their flights were made in the afternoon when the atmosphere was most favorable and all that, Mr. Maxim asserts, could be corroborated by the farmers around about and the thousands of spectators from the trolley, steam trains, automobile, and on foot as they came to witness the new art of flying.

To stand on the roadside and witness a man coming directly toward you in a great aeroplane but a few feet off the ground, just high enough to tip the tall weeds, produces a sensation not to be described.

When the Wrights came from Europe back to Dayton, the greatest demonstration ever given in the Miami Valley was tendered in their honor.

Mr. Chairman, I well recall the announcement of the brothers in the daily press that on a certain day back in 1910 one of their best operators would make a record flight from Dayton to Columbus for the purpose of carrying 70 pounds of silk. This was to be the first delivery in history of merchandise from seller to buyer by way of the air in an aeroplane. The navigator was the famous Philip Parmalee who had distinguished himself at the Belmont field and who later was killed in accident at Los Angeles. The distance was 65 miles. The published schedule indicated about what time he would pass over the various towns on the route which included our college town. I announced to the students that morning that near 10 o'clock there would pass over the campus an airship carrying the first commodity ever transported by aircraft in an aeroplane, and it was worth our while to witness it. Our first intimation of its approach was the sound of the engine plainly audible; soon in the distance could be easily seen the flying man, 1,500 feet high, approaching with the speed of the wind and with the agility of a bird. Including the time it took to lift, circle about to get his bearings, so as to direct his course, and also the time necessary to alight, the trip of 65 miles was made in 67 minutes. This rate of speed was exceeded in the same year by M. Barrier at Memphis, when he established the record of 87.93 miles per hour.

By this time air navigation by heavier-than-air craft was established, and the science began to develop along the lines of time, distance, elevation, control of flight, and carrying power. The rapid perfection opened up new fields of legal interests. The international law of aerial space is one of the most interesting. The liability for accident in aerial navigation is another.

Denys P. Myers, in 1910, conducted a series of articles in Aircraft covering phases of aerial rights under the various heads of international relations, such as neutral and belligerent rights, contraband, and so forth.

Aerial navigation is the law of the three dimensions as the land is of two dimensions. The science has grown so sufficiently distinct as to add a very distinct new field in the world's thought. The field has already produced valuable contributions, the bibliography of which is quite voluminous.

The chief concern to-day, as suggested by various treatises, is the field of aircraft in war. It is new and naturally largely speculative. The science of aviation has generally developed after the meetings or conferences of world powers. Consequently the Hague conferences were substantially silent on the subject. Only one paragraph in the convention in 1907 that was slightly modified to include aviation, paragraph 25, relative to bombardment in land war reads as follows:

> The attack or bombardment by any means whatever of undefended towns, villages, dwellings, or buildings is forbidden.

The words "by any means whatever" were distinctively inserted to cover dropping bombs from aircraft.

It is well to say here that under that article Prof. Holland, one of England's greatest authorities in international law, and Col. L. Jackson, of the English Army, both raised the question in April of 1914 whether London could not be legally bombarded from the air. The colonel wrote in the London Times, April 27 of that year, his opinion that she could be lawfully bombarded if the before-mentioned clause is the extent of the regulation. A city with troops in barracks or garrison and fortifications on coast was not "undefended." Holland did not seriously disagree to this opinion. This feature is to-day occupying the best thoughts of our international lawyers. There is small ground to believe New York or Boston or Washington are legally immune from attack from the air by an enemy. Many proposals have been suggested to define war rights in the air. Some of them have been submitted to conventions or institutes of international lawyers. Probably one of the most comprehensive is that of Fauchille submitted to the Institute of International Law at its Madrid session in 1911. While the work was largely his own, he had submitted the draft to many of his colleagues for suggestion before formally presenting it to the convention. The document is most suggestive and interesting in the new field.

Mr. Chairman, in the proposal which we are now considering this Nation is entering this new field as a military necessity. The craft for military purposes has passed beyond the experimental stage. I am persuaded it will be our most decisive stroke in our efforts to bring this war to an end. My purpose is not to discuss the aircraft as an instrument of war, important as it is known to be. I simply desired to refresh the country's memory on the part the world owes to the Wright brothers in this newest field of invention.

On Memorial Day, 1912, the world was shocked when the press carried the sad news that Wilbur Wright had passed away at his home in Dayton, a victim of typhoid fever. I was in the city the night of his death. No one can depict the gloom of the people of his home city, which had become historic throughout the world because of the achievements of himself and brother. Editorial after editorial declared that the death of such a man, at the age of 45, from a preventable disease was a public crime.

His brother Orville has never given up his interest in aeronautics, and is at this very hour directing the work on the aviation field, where more than 3,000 workmen are completing the largest and most beautiful field of its kind in the world.

A letter from home to-day says:

> We are working on 11-hour schedule now in order to complete it as soon as possible. Three hundred and fifty men in uniform are here now, mostly mechanicians; only about 40 actual fliers. The first flight will be next week.

Mr. Chairman, it seems altogether fitting that the Government, which early recognized the skill of the Wrights, should select the Wright field and christen it the Wilbur Wright Field, where the first flights were made, as the nucleus for its greatest field of preparation to make the decisive stroke in the air, which all hope will end the world-wide campaign of almost universal destruction. In the unshaken faith of American achievement I willingly vote to-day authority for unlimited expenditure of money to harness, through American energy, the possibilities of the air to stop this world tragedy.

Mr. FARR. Will the gentleman yield for a question?

Mr. FESS. I yield to the gentleman from Pennsylvania.

Mr. FARR. Will the Government have control of the Wright field?

Mr. FESS. Absolute control. The Wright field is now under the control of the Government.

Mr. SHERLEY. Mr. Chairman and gentlemen of the committee, I have an abiding faith in the part that warfare in the air is to play in the determination of this war. You have reached a peculiar condition in both land and sea warfare, a condition largely of stalemate, a condition on land where the defensive power of man with modern armament is so great as to make negligible the value of the preponderance of great numbers on one side or the other. You have the difficulty that comes from concealment, that comes from mining and countermining in land and naval warfare. In the air you fight in three dimensions. You fight where concealment is practically impossible; you fight where the preponderance of men is the determining factor in a very much greater sense than in any other war activity. To-day the allies are holding approximately on equal terms the control of the air with Germany. We alone of all the nations in the war are not using every ounce of energy in the building, equipping, and use of fighting machines of the air. We alone are in a position to bring into the scale great resources that have as yet been hardly touched, and by bringing them in give such a predominance in the air as to unquestionably have a very marked and, I believe, a speedy determination of the issue.

Believing that, it is impossible for me in any way to undertake to obstruct the passage of the bill that will carry the authority and money for rapidly putting the great power of this country to the aid of our allies in aerial warfare. I was not willing to fight the proposal of the Committee on Military Affairs to carry with this bill of authorization also an appropriation. I am not now willing to interfere with it, but because I take that position I do not think it amiss to call the attention of the House to the need of steering a course between the two extremes that have been mentioned here to-day.

I foresaw at the beginning of this war that the old relationship that existed in regard to appropriations and the details of them was one that had to pass away, and I called the attention of Congress—I think in the first speech I made after the declaration of war—to the fact that we must of necessity trust the departments in a degree and to an extent that we never dreamed of before. I was not willing to undertake to tie them down with hard and fast restrictions. While I recognize that and you recognize that, I submit in all fairness and candor you do not have to go to the other extreme and put no restrictions on them of any sort. I think that before a month shall have gone by this Congress will be asked to consider an appropriation that will make this appropriation seem a small one. The argument could then be made that is made now, that there should be nothing but a lump sum.

I speak with knowledge. I have read and carefully examined every detailed item that goes into the making up of this $640,000,000, so that it is not a matter of theory with me.

I know that it is possible, and I think it would have been desirable to have carried certain items of this $640,000,000 so as to restrain the power to expend the moneys for certain purposes beyond the amount expressly named. I think it would have been desirable to have done that in regard to the purchase of land, and the doing of it would have given no information of any value on earth to the enemy. I think it would have been easily possible to have done it as to a number of other items. I am not going to ask the committee to stop and do it now, because it can not be done on the floor. I am not going to offer an amendment to that effect. I am not going to ask the committee to take the bill back and correct it, but I am making the statement so that the doing of this thing will not be taken as an acquiesence by Congress in the proposition that has been urged with great force and persistency on the Committee on Appropriations that we should make no classification of appropriations touching war matters because any classification was a restriction and a handicap.

Now, I think this suggestion an extreme position, just as unjustifiable a position as the position of the man on the other hand who thinks he is wise enough to arrange in detail for all the unforeseen things arising from day to day in connection with this war. What I trust is that in the future we will try to steer a middle course. It is not an easy thing, but I trust that Congress will exercise a discretion, and in some matters undertake to express its will, and where the discretion must be with the department, it should give full information to the committee that is dealing with it. I agree with the gentleman on the Military Affairs Committee that there is much that ought not to be talked of on this floor. I believe I am in possession of detailed facts in connection with every phase of this program. I made some effort to arrive at that information, and I was afforded all the facilities both by the Committee on Military Affairs and by the War Department, so as to advise myself. I believe the amount carried in the bill is substantially correct.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. KAHN. Mr. Chairman, I yield three minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL of Kansas. Mr. Chairman, I am in favor of the early enactment of this bill into law, and I would proceed in such a way as to conceal the details of its purposes from the enemy; but while doing that the attention of the enemy may well be called to the fact that whether the rumors that come from Germany this morning are true or not there are certain facts that ought to be called to the attention of the people of Germany and to the people of Governments making up the central powers.

A cameo condensation of the conditions confronting the people of the central powers is, first of all, that they have a combined population of 140,000,000, a combined wealth of $134,000,000,000, a combined annual income of the population of $17,000,000,000; and, second, that the combined population of the entente allies is 426,000,000, the combined wealth $464,000,000,000, and the combined annual income of the people sixty-six and three-quarters billions.

If the chancelleries of the central powers do not take notice of the difference between these controlling factors in the central powers and in the entente allies, that in the end, whenever the end may be, will decide the result of the war in favor of the entente allies, the people of the central powers should take notice of the difference in these potential facts, and take that notice now.

The chance of the central powers to win the war was lost at the end of the first three months of the war. After 40 years of preparation Germany did not win in the first days of the war. Germany and her allies in these first days utilized the best they had—complete preparation in every detail, masterful organization, and an inspiration born of the hope of a quick and decisive victory. The allies were then unprepared, unorganized, and completely stunned by the first blows of the war. Now they are prepared, have organization, have added materially to their numbers, and are fired with the hope of certain victory in the end. [Applause.]

Mr. DENT. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. HULBERT]. [Applause.]

Mr. HULBERT. Mr. Chairman, I desire to express my sincere appreciation of the compliment paid me by the chairman of the Committee on Military Affairs in yielding to me more time than any member of the committee has consumed or reserved for himself. As most of the Members of the House know, I have been an enthusiastic advocate of aeronautical development, not only for military but also for commercial purposes, since I have been a Member of this body. And realizing both the need of expediting the consideration of this bill appropriating $640,000,000 for military aeronautics and the necessity of concealing all that it is intended and expected to accomplish under the authority of its provisions, I shall not undertake to discuss its merits, but propose to place before you, in concrete form, a brief statement of the skepticism, official and otherwise, with which history is replete concerning practically every great discovery, every great invention, and every great engineering feat and many great reforms in government that have been harbingers of progress.

Some gentlemen have stated their willingness to dispose of this bill without debate and vote for it with their eyes closed. I do not agree that the former would be wise, but I think you will be convinced, before I get through, that in the case of each of these great discoveries and inventions even those who had their eyes wide open knew the least about them.

DISCOVERY OF AMERICA.

In 1470 Christopher Columbus arrived at Lisbon and soon became absorbed in the papers of his father-in-law, an old sea captain. Columbus had come to believe that he could reach the eastern coast of Asia by sailing west, but he was poor and needed financial assistance for such an undertaking. He asked aid from the senate of his native town, Genoa, but they turned to him a deaf ear. He next applied to King John of Portugal, who, on recommendation of a council of geographers, refused him. Columbus left for Spain. Ferdinand, the Spanish King, referred the proposition to a council of astronomers and geographers. They, too, decided the project was vain and visionary, so Columbus started for France, but on his way met some persons of influence, who interceded for him with the Spanish Queen, Isabella, and he was recalled to the court and secured royal aid in April, 1492.

Great difficulty was experienced in finding sailors for such a trip. At last the little fleet sailed, and after three weeks at sea and no land sighted the crews lost courage. Columbus pre-

vailed upon his men to continue, and land was sighted October 12, 1492, which proved to be the island of San Salvador.

Eighteen years had elapsed between the time when Columbus had conceived his enterprise and that October morning when he discovered a New World. The people of his day had thought him crazy, and those years were spent in poverty and neglect, nor did the slander and jealousy and misrepresentation ever disappear after he had proved that the world was round.

CIRCULATION OF THE BLOOD.

As early as 1616 Dr. William Harvey had lectured in public upon his theory of the circulation of the blood, although he did not publish his treatise until 1628.

John Aubrey, to whom we owe most of the minor particulars about Harvey, said that following the publication of his book "He fell mightily in his practice; 'twas believed by the vulgar that he was crack-brained; and all the physicians were against him." Harvey himself foresaw that his discovery would be scouted by the learned physicians, and so stated in the preface of his book.

THE SPINNING JENNY.

James Hargreaves, a weaver, invented the spinning jenny, an improvement on the old-fashioned spinning wheel. He first used such a machine in 1764.

The spinners did not take kindly to this improvement when they discovered that Hargreaves could do more spinning with less work with his machine. Hargreaves was considered a foe rather than a friend by the spinners, and was driven from Lancashire to Nottingham.

COTTON MANUFACTURE.

Richard Arkwright took out his first patent in 1769. A little later he built a complete factory at Cromford, on the Derwent River. The people about Cromford came to see his machine and to buy stockings, but the big Manchester manufacturers refused to trade with him, although they needed his yarn. This forced him to find some way of using his large output, so in 1773 he began to make for the first time fabrics entirely of cotton.

Following this manufacture of cloth in England, an act was passed, based on the assumption that the English spinners could never compete with Indian handiwork, so a duty was imposed on all calicoes and varieties of cotton goods originally imported from India. This duty was also levied on the products of Arkwright's mills, and merchants canceled their orders to avoid the same. The act was too unfair to stand and after a time was repealed. Nevertheless, it showed the strong opposition he encountered. Not only did the manufacturers unite against him but the operatives showed stubborn resistance. Even the courts of law decided against the validity of his patents, but in spite of all these trials Arkwright proved to be as able an organizer of industry as he was an inventor, and he became rich while establishing one of England's greatest industries.

INDEPENDENCE OF THE UNITED STATES.

In welcoming the first ambassador from the new Russian Republic to this country, in the House of Representatives, about a fortnight ago, the distinguished and beloved Speaker said:

"When our fathers proclaimed this Republic at Philadelphia, July 4, 1776, there was only one other Republic on earth—Switzerland; and the fathers were not certain this one would live until Christmas. It was an even break whether it would or not. Now, thanks be to Almighty God, there are 27 Republics in this world. In a large sense we made them, every one; not by conquering armies, not by the mailed hand, but by the wholesomeness of our example, by teaching all creation the glorious fact that men can govern themselves. Until then the theory was that political power descended from on high and lighted upon a few tall heads, and a little of it trickled down upon men below. We reversed all that and made it begin at the bottom and go up like the sap in the trees in the springtime, and it will go up forever."

THE POWER LOOM.

In 1785, Dr. Edmund Cartwright, a clergyman, succeeded in producing a machine which did for weaving what had already been done for spinning. When brought into operation such was the prejudice and envy of the neighboring manufacturers and such the ignorance of the operatives that an establishment in which 500 of the new looms were employed was willfully burned down.

THE LOCOMOTIVE.

In 1786, a petition was presented to the Pennsylvania Legislature by Oliver Evans, in which he asked for the sole right to use wagons propelled by steam on the highways of that State. In the same memorial he also requested a similar right in connection with a steam flour mill. The legislators listened with tolerance to his explanation of the principles of his mill, but when he began to discuss a vehicle designed to move along roads by its own power and mechanism their patience came to an end, and a belief arose that Evans's mental capacity was becoming seriously impaired. Later, 1804, he built a 5-horsepower steamboat and put wheels under it and ran it through the streets of Philadelphia as proof that his idea for operating land wagons by mechanical power was a sound one. Oliver Evans said:

When we reflect upon the obstinate opposition that has been made by a great majority to every step toward improvement from bad roads to turnpikes, from turnpikes to canal, from canal to railways for horse carriages, it is too much to expect the monstrous leap from bad roads to railways for steam carriages at once.

George Stephenson's first locomotive, christened the "My Lord," was tried on the Killingworth Railway in 1814. Encouraged by his success, he took out a patent in 1815 and started to build a series of locomotives, each an improvement over its predecessor. These first engines were used for hauling cars at the coal mines. At length it was sought to obtain recognition in Parliament.

When it became known that the bill would be proceeded with, the public were appealed to, pamphlets were written, and the newspapers hired to revile the railway. The poisoned air from the locomotives would kill birds, houses would be burnt up by the fire thrown from the chimneys, boilers would burst and blow passengers to atoms, and there was always this consolation to wind up with: That the weight of the locomotive would prevent its moving.

Stephenson had said to friends that he was confident that a locomotive could be built that would carry a train of cars at the rate of 20 miles an hour, but such a claim would have been received by the public as ridiculous and the engineer laughed to scorn. His opponents tried to badger him in every way they could. Very few of the members of Parliament understood Stephenson's invention at all. A distinguished barrister represented about the general level of ignorance when he said:

Any gale of wind which would affect the traffic on the Mersey would render it impossible to set off a locomotive, either by poking the fire or keeping up the pressure of the steam till the boiler was ready to burst.

GAS LIGHTING.

An engineer, William Murdock by name, living at Redruth, in Cornwall, first introduced gas as an illuminator of streets and buildings. In 1792 he constructed a small gas meter and apparatus for lighting his own house. Satisfied with his achievement, Murdock inaugurated a gas-lighting exhibition at Soho, Birmingham. In 1808 he was awarded a medal by the Royal Society; still the invention made little or no progress in London. This new agent, everyone said, was dirty, had an ill smell, and produced headaches; street-lamp lighters went on a strike and parish authorities declared their intention to uproot any lamp-posts and pipes planted in the streets in their jurisdiction. People could not understand the possibility of so conveying gas and thought that the pipes themselves would be full of flame. Even Sir Humphrey Davy sarcastically inquired whether it was intended to use the dome of St. Paul's Cathedral as a gas holder.

THE COTTON GIN.

With the aid of Phineas Miller, Eli Whitney completed his machine for ginning cotton. By the spring of 1793 its success was assured and a patent was taken out.

The first dramatic scene that followed was the theft of the machine from Miller's house and before Whitney could finish his model numerous machines similar to his were used in the fields, but the superiority of Whitney's invention over all the others was at length accepted by the South.

VACCINATION.

Dr. Edward Jenner, the discoverer of vaccination as a prophylactic against smallpox, was only ridiculed and calumniated when he first propounded his theory in 1796. Many opposed vaccination as a useless and dangerous practice. Before publishing a pamphlet on the subject Jenner went to London in order to demonstrate the truth of his discovery, but he remained there for three months without being able to find any person who would submit to be vaccinated.

STEAMBOAT.

In 1796 Robert Fulton accepted an invitation from the United States minister at Paris, where he devoted seven years to the perfection of various new projects and inventions. Among these was the submarine boat carrying torpedoes; but he was unable to secure its adoption by either the French, British, or the United States.

Later came the project of the *Clermont*, and the hull was built at Corlears Hook on the East River, and the engine built in England was safely stored in a warehouse in South Street, New York.

Plenty of people laughed at the enterprise, and few thought that it would amount to anything. Idle-minded men crowded

near the shipyards and gave their reasons for predicting the certain failure of "Fulton's Folly," as they called the boat. This was unpleasant, but Fulton took no notice, for he long before realized that only wise people can grasp new ideas. Lack of money proved a hindrance, but still Fulton attended to every detail until on the 17th of August, 1807, the *Clermont* made its first voyage. There were almost as many quaint descriptions of the *Clermont* as there were people who saw it. One described it as an "ungainly craft, looking precisely like a backwoods sawmill mounted on a scow and set on fire." Others said the *Clermont* appeared at night like a "monster moving on the waters, defying the winds and tide, and breathing flames and smoke." Some of the ignorant along the Hudson fell on their knees and prayed to be delivered from the monster.

NITROUS-OXIDE GAS.

In 1800 Sir Humphrey Davy experimented with nitrous-oxide gas, commonly known as "laughing gas," and discovered its anæsthetic qualities. He suggested its use in surgery, but for almost half a century his suggestion passed unheeded. Not until 1844 was nitrous-oxide gas administered in sufficiently large quantities to produce complete insensibility.

THE JACQUARD LOOM.

Jacquard, the famous silk weaver of Lyons, conceived the idea of an apparatus for figured weaving, and in 1801 sent a model of it to the National Exposition of the Products of Industry, receiving a patent for his machine the same year. He also invented a machine-made net, which came into the hands of the prefect at Lyons, and this functionary, for what reason no one knows, placed Jacquard under arrest, and sent both him and his machine to Paris. In Paris he was awarded a gold medal and his machine approved. Upon his return to his native city, where he sought to introduce his machine, he met with opposition and a violent prejudice. Frequently he was in personal danger. Even the "Conseil des Prudhommes" of Lyons conspired with the operatives to ruin him, and ordered his machine to be broken up and sold for old iron and old wood. He later received the cross of the Legion of Honor, and in 1840 a statue was erected to his memory in the city which had formerly treated him with so much ingratitude.

THE ERIE CANAL.

As a circumstance which is considered epoch making in the history of America the Erie Canal must be considered a greater marvel than the building of it. It would be difficult now to propose an engineering feat that is within the range of sanity that would provoke so much ridicule and debate as did the plan to build the Erie Canal through those hundred of miles of dense forests and reeking swamps in 1816. A bridge across the Atlantic or a tunnel underneath it could scarcely provoke more sneers to-day. Yet the summer of 1817 saw the stakes driven into the ground, over hill and vale, through dense forest and sickliest swamp, from east to west, and its completion made possible the establishment of the commercial supremacy of New York City.

THE REAPER.

In 1831 Cyrus McCormick, a Virginian, after several trials produced a machine that successfully cut grain, but this first reaper was a crude invention. The following year he demonstrated his machine to an audience of harvesters who were none too eager to see a mechanical device enter into competition with their work. The farmers grew indignant and protested that McCormick would ruin all their wheat, and the laborers began to jeer and joke at the machine's expense. In spite of his audience his demonstration was quite successful. Next he undertook to market his machine, which proved much more difficult than demonstrating it to the countryside. In 1833 he advertised it in the Lexington Union, but there were no answers to his advertisements. So skeptical were the farmers that it was seven years before a reaper was sold. He had faith enough to take out a patent in 1834. During the panic of 1837 McCormick surrendered his farm and other property to his creditors although none of them were sufficiently interested in the crude reaper to consider it worth taking.

Finally his faith met with reward. In 1840 a stranger rode up to his workshop and bought his reaper for $50. A little later other farmers invested, and he had the satisfaction of knowing that in the harvest of 1840 three of his reapers were used. By 1844 he had sold 50 machines, and the log workshop had become a busy factory. Necessary materials were not to be obtained in Virginia for his growing business so in 1847 he established himself in Chicago where his great industry grew to tremendous proportions.

LOW-RATE POSTAGE.

Sir Rowland Hill's scheme for a uniform and low rate of postage was first laid before the public in 1837. Although favorably received by the merchants and bankers, the post-office authorities immediately derided the new scheme. Lord Litchfield, then postmaster general, said of it in the House of Lords:

> Of all the wild and visionary schemes which I ever heard of, it is the most extravagant.

Eventually the proposal was embodied in a bill and passed the House of Commons, becoming a law in August, 1839.

TELEGRAPH.

Samuel F. B. Morse invented the telegraph with the aid of Alfred Vail and his father, Stephen Vail, who financed the experiments. In 1837 Morse filed an application for a patent of his invention. In December of the same year he failed in his effort to secure from Congress an appropriation for an experimental line which he proposed to build between Washington and Baltimore. In May, 1838, he went to Europe seeking aid. The governments there refused him funds or patents. In May, 1839, he returned to the United States and began a heroic struggle for recognition. During this period he often suffered for the barest necessities of life. Finally, after repeated disappointments, the House of Representatives of the Twenty-seventh Congress, on the last night of the session, March 3, 1843, by a vote of 90 to 82, appropriated $30,000 for building a trial line between Washington and Baltimore. The bill had been made the object of opposition and ridicule; one official, to show his contempt for the project, proposed that half the amount asked for should be used in mesmeric experiments. Morse, believing that the Senate would defeat the appropriation, went to his lodging place to retire for the night. Early the next morning information reached him that a little before midnight the Senate had passed the bill, thus turning apparent failure into success, but not until six years after the invention had been made.

RUBBER GOODS.

During the 10 years 1830–1840 Charles Goodyear was frequently imprisoned for debt. The use of rubber during this time was attracting general attention, and he became interested in finding a way to increase its utility. Much of his experimentation was carried on in prison. He became the butt of those who did not share his faith in the ultimate success of his experiments.

Early in 1839 Goodyear found that rubber coated with sulphur and then heated was rendered uniformly elastic in all temperatures. He had solved the problem, but it was two years before he could convince anyone of the fact. Finally, William Rider furnished capital for carrying on the process of manufacturing rubber goods.

Goodyear's friends regarded him as a monomaniac. He even dressed in his rubber clothes in order to test them. Upon being asked how Mr. Goodyear might be recognized, a friend replied:

> If you see a man with an india-rubber coat on, india-rubber shoes, and india-rubber cap, and in his pocket an india-rubber purse with not a cent in it, that is Goodyear.

THE SEWING MACHINE.

The hope of relieving his extreme poverty set Elias Howe to work in 1843 on the invention of the sewing machine. By May of the next year he had sewed the first seam with his new machine.

George Fisher, who had formerly a partnership with Howe, became discouraged after two years, with no profits from the machine, and Howe himself, seeing no prospect of revenue, took employment as a railroad engineer. Finally he determined to try to market his invention in England. An English machinist examined the machine, approved it, and paid him $250 for it. His fourth machine, which he constructed in England, he was obliged to sell for $25, in order to procure money enough to return to America.

About 1850 the sewing machine began to succeed commercially, after being opposed and ridiculed by the very class whose toil it did so much to lighten. Curses instead of blessings had been showered upon him by tailors and seamstresses; nevertheless Howe lived to reap the reward which he so justly deserved.

THE SUBMARINE.

John P. Holland, an Irishman by birth, became imbued with the idea that underwater navigation could be accomplished.

After two years of unsuccessful efforts he came to America, where upon his arrival he was ridiculed as mercilessly as he had been at home. In 1873 he undertook to build and completed the first boat in 1875. It was not a great success. But he persevered, and coming into touch with men who were planning for the liberation of Ireland, they financed his idea, in the hope of using it against the British Navy. With an improved craft the inventor performed various evolutions and was a constant source of wonder, fear, and amusement to those who saw him. Ridicule gave way to speculation concerning the influence of the submarine on future naval development. But years slipped by and Holland's name and his boat became almost a memory. Finally, in 1895, the Government determined to take

up the subject and called for a design. This brought forth but one set, that was accepted, and to the surprise of the country the successful candidate proved to be Holland. The first boat built by the Government, the *Plunger*, was a dismal failure, Holland's criticisms having been ignored. His disgust was so profound that he severed all connections with the Government, but with characteristic Celtic tenacity of purpose he bought back the boat, thus closing all avenues for future altercation, and started another boat according to his own ideas and under his own supervision. This vessel, christened the *Holland*, upon completion created an intense sensation.

At last, after years of toil, he had succeeded and the future success of his invention appeared to be assured.

THE TELEPHONE.

On March 10, 1876, Alexander Graham Bell succeeded in making an instrument that would transmit conversation. Although this invention became an object of great interest, two months later, at the Centennial Exposition at Philadelphia, business men could see little future for its development for practical purposes. They admitted that it was very ingenious, but declared that it could only be a toy. Bell himself was not sufficiently well versed in business to know how to make the most of his invention, so Mr. Hubbard began a campaign of publicity, and by August, 1877, there were 778 telephones in use. This success lead to the formation of the Bell Telephone Association. Hubbard offered the Bell patents to the Western Union Telegraph Co., but President Orton, declining the offer, said: "What use can this company make of an electrical toy?"

People refused to regard it seriously, its mechanism was so incomprehensible. It remained a mystery for years after it had come into practical use.

In the same way, I might continue indefinitely with respect to the discovery and development of the science of electricity from Gilbert to Franklin and its application by Edison, Marconi's wireless, and countless other inventions, discoveries, and world-renowned achievements.

The achievements of every successful man are but the realized visions of his youth, his dreams of bettering his condition, of enlarging his power.

Our homes are the dreams that began with lovers and their efforts to better their condition; the dreams of those who once lived in huts and log cabins.

The modern luxurious railway train is the dream of those who rode in the old stagecoach.

But I do not want to pass without narrating a few of the interesting details concerning the fulfillment of the dream of the airship.

THE AIRSHIP.

The late Prof. S. P. Langley, former Secretary of the Smithsonian Institute, once said that a man who conceived a great idea was looked upon as crazy; when he demonstrated the correctness of his theories it was an accident, and when its value had been conclusively established it had always existed.

In 1896 he launched a picturesque steam model airdome, the result of years of tireless research. To the mind of the inventor this proved conclusively the practicability of mechanical flight. In 1898 the Board of Ordnance and Fortification, after studying the flights of 1896, allotted $50,000 to enable Prof. Langley to build a one-man flyer. On August 3, 1903, he tested a gasoline-driven aeroplane, which elicited favorable commendation from those present.

On September 7, 1903, Prof. Langley tried his man-carrying aeroplane, and again on December 8, 1903, but both trials were marred by accidents to the machine before leaving the launching ways. Langley had really developed a machine capable of sustained flight if properly launched.

He was subjected to unmitigated censure and ridicule, because he had incurred enmities due to his official secrecy. This irresponsible criticism, combined with the abandonment of the work for want of funds, doubtless hastened his death. The Aero Club of America shortly before he died sent a set of resolutions acknowledging the value of his efforts to promote aerial travel.

Prof. Langley was on his deathbed—

Says Alexander Graham Bell—

when these resolutions were brought to his attention; and when asked what should be done with the communication his pathetic answer was, "Publish it." To all who knew his extreme aversion to publicity in any form this reply indicated how keenly he felt the misrepresentation of the press.

The first official statement of progress in flying was made in letters of the Wrights in the Aerophile in 1905 and to the Aero Club of America in 1906. In telling the story of their invention in the Century for September, 1908, they said:

Late in the autumn of 1878 our father came into the house one evening with some object concealed in his hands and, before we could see what it was, tossed it into the air. Instead of falling to the floor, as we had expected, it flew across the room and struck the ceiling, where it fluttered a while and finally sank to the floor. It was a little toy known to the scientists as a helicopter, but which we, with sublime disregard for science, dubbed a "bat." * * * It lasted only a short time, but its memory was abiding.

At that time, Wilbur Wright was 11 and Orville 7 years old.

When the Wright brothers read, in 1896, of Lilienthal being killed by a fall from his glider, they began to wonder what were the real difficulties that must be overcome in flying, and it was not until 1900 that the Wrights seemed to appreciate that the only problem to be solved was that of equilibrium. Men had made aeroplanes that would support them in motion, also engines that were made light enough to carry their own weight and that of the aviator, but when the wind blew the aeroplane was as likely as not to capsize. Their study was how to keep the machine from turning over. They seemed to have been singularly successful in keeping their experiments from the public, first outside of Dayton, Ohio, and then at Kitty Hawk, N. C., where they continued them. After the Wrights's successful flight of 11 miles in September, 1905, field practice ceased for more than two years, and their machine was dismantled to preserve secret the modes of its construction until the patents could be disposed of.

But from the time the Wrights imparted their secret to the Aero Club of America, of which I am proud to be a member, its officers, and particularly Mr. Alan R. Hawley, its president; Mr. Henry Woodhouse, one of its governors; and Mr. Augustus Post have labored zealously to promote the science of aeronautics.

And it may not be amiss, Mr. Chairman, to mention at this time the great part which the National Aerial Coast Patrol Commission has played in the past two years in undertaking to impress upon officials and the public alike the tremendous importance of aviation, in both its military and commercial uses.

Under the direction of its chairman, Rear Admiral Robert E. Peary, United States Navy, retired, this commission labored in season and out of season, often against great opposition, to transform indifference into enthusiastic appreciation of its manifold opportunities for governmental employment and development. Members will recall that the commission exhibited aeroplanes, the use of which you were invited to avail yourselves, opposite the House Office Building and near the Senate Office Building at the time that I offered the amendment, which was finally adopted in the Senate, whereby the total appropriation for aviation was increased to $13,281,666 in the first session of the Sixty-fourth Congress.

The honorary chairman of the National Aerial Coast Patrol Commission, of which I have the honor to be one of the commissioners, is the Vice President, Hon. Thomas R. Marshall, and the other members are Senator Morris Sheppard, of Texas; Senator James E. Watson, of Indiana; Senator James H. Brady, of Idaho; Representative Julius Kahn, of California; Assistant Secretary of the Treasury Byron R. Newton; Assistant Secretary of War William M. Ingraham; Alan R. Hawley, president, and Henry Woodhouse, governor, of the Aero Club of America; John Hays Hammond, jr.; Emerson McMillin, banker; Lieut. F. Trubee Davison, Naval Flying Reserve; Dr. H. C. Frankenfield, chief forecaster, United States Weather Bureau; Maj. E. Lester Jones, superintendent United States Coast and Geodetic Survey; and Capt. Earl Hamilton Smith, secretary of the commission.

The distinguished gentleman from Illinois [Mr. MANN] has emphasized the interesting circumstances that the House of Representatives put flying machines into the Army without any request from the Secretary of War.

The report of the chief signal officer in 1910 contains the following passage:

MILITARY AERONAUTICS.

(See War Department Annual Report, vol. 1, p. 650.)

Although the United States was the first Nation to officially recognize the aeroplane for military purposes and issued specifications in December, 1907, and carried out official tests in September, 1908, demonstrating the practicability of mechanical fight, yet such has been the rapid development of aerial navigation since that date that this country has been left far behind in its aeronautical equipment and its trained personnel. In fact, the only aeronautical equipment that this Nation possesses at present consists of one small practice dirigible balloon, one Wright aeroplane, and three small captive balloons.

It may be said without hesitation that the principal military subject at present engrossing the attention of congresses and parliaments of European first-class powers is the possible influence of aerial navigation upon the military art. In the past year aeronautics, as far as our Army is concerned, has been practically at a standstill. In the meantime European powers are displaying marked activity in the development and supply of both the dirigible and the aeroplane for war purposes.

It is frequently said that the United States, due to its isolated position, is not likely to become involved in war, and therefore the most economical procedure in aerial navigation is to wait until other nations have determined upon the types best suited to military purposes, thus shifting the expense of experiment and development to other nations. In reply to this, it must be remembered that in 1897 no one believed

that the United States had any prospect of a war, yet within one year from that date we were actually involved in a war with Spain without any adequate military preparation for war, which resulted in great confusion, expense, and unnecessary loss of life. Furthermore, experienced military airmen can not be created after war is declared, and the demands of this new service will undoubtedly require higher qualities of training, judgment, and courage than any other branch of the military service. Military authorities agree that the only way to meet aerial attack is by similar weapons, and that there is no chance of adequate protection being given locally. The advent of aerial navigation has, in fact, extended the vulnerable area of a country to every acre of its territory.

Had the department heeded the recommendations of Gen. Allen in 1910 we would not have been so woefully unprepared when, as I pointed out in a speech in this House on the 27th of last April—

> A year ago Villa's raid brought out the fact that we had 12 aviators and 6 aeroplanes * * *—

Although Congress had appropriated in the

Third session of the Sixty-first Congress (1911)	$125,000
Second session of the Sixty-second Congress (1912)	100,000
Third session of the Sixty-second Congress (1913)	125,000
Second session of the Sixty-third Congress (1914)	250,000

Making a total of $600,000.

Moreover, Congress provided by chapter 186, passed July 18, 1914—

> That there shall hereafter be, and there is hereby created, an aviation section, which shall be a part of the Signal Corps of the Army, and which shall be, and is hereby, charged with the duties of operating or supervising the operation of all military aircraft, including balloons and aeroplanes, all appliances pertaining to said aircraft, signaling apparatus of any kind when installed on said craft; also with the duty of training officers and enlisted men in matters pertaining to military aviation.
>
> SEC. 2. That, in addition to such officers and enlisted men as shall be assigned from the Signal Corps at large to executive, administrative, scientific, or other duty in or for the aviation section, there shall be in said section aviation officers not to exceed 60 in number and 260 aviation enlisted men of all grades; and said aviation officers and aviation enlisted men, all of whom shall be engaged in duties pertaining to said aviation section, shall be additional to the officers and enlisted men now allotted by law to the Signal Corps, the commissioned and enlisted strength of which are hereby increased accordingly.

In this connection it is interesting to note that while in 1913 the United States had only expended $300,000, it stood thirteenth in the list of nations according to the amounts respectively appropriated.

Germany lead the list, with $12,000,000; France was second, with $7,000,000; Russia, third, with $6,000,000; Italy was fourth, with $4,000,000; Austria was fifth, with $3,000,000; England was sixth, with $2,000,000; Japan was seventh, with $1,000,000; Belgium—little Belgium—was eighth, with $800,000; Brazil was ninth, with $500,000; Bulgaria was tenth, with $350,000; Greece was eleventh, with $325,000; and Spain was twelfth, with $310,000.

In the Sixty-fourth Congress, first session, the Committee on Military Affairs reported a provision in the Army appropriation bill appropriating $1,122,000, the amount recommended by the chief signal officer, and asked for by the Secretary of War for aviation. An amendment offered by the gentleman from Illinois [Mr. MANN] increased this amount by $2,000,000, which was adopted. It was then my privilege to offer an amendment further increasing the amount to $14,552,900, and although ruled out on a point of order, the matter was taken up with the President, Secretary of War, and Senator CHAMBERLAIN by the officers of the Aero Club of America, and myself, with the result that the appropriation was increased to $13,281,666, and already in the present session there has been appropriated $43,450,000.

It may also be interesting to call to your attention the appropriations which have been made covering the same period for the Navy:

Third session of the Sixty-first Congress—1911—there was appropriated for experimental purposes $25,000, and in the second session of the Sixty-second Congress—1912—$20,000. No further appropriation was made until the second session of the Sixty-third Congress—1914—when $10,000 was allowed.

In the first session of the Sixty-fourth Congress there was appropriated $3,500,000, and already during the present session there have been appropriated $11,000,000, and a few days since the Secretary of the Navy submitted a request, which I understand is now before the Committee on Naval Affairs, for an additional appropriation of $45,000,000.

While I shall vote for this bill, it does not meet with my approval. In my judgment the War Department is now too much overburdened. Accustomed to operate within an appropriation of approximately $150,000,000 per year, we have recently voted $3,000,000,000, the judicious expenditure of which will tax every bureau to its utmost capacity. Believing that a separate department should have been created to supervise the expenditure of the appropriation carried in this bill, I appealed both to the chairman of the Senate and House Committees on Military Affairs for a hearing on Senate bill 80 and House bill 3, introduced by Senator SHEPPARD and myself on the opening day of the present session.

Before the Senate subcommittee, of which Senator SHEPPARD is chairman, such distinguished authorities have appeared as Rear Admiral Robert E. Peary, United States Navy; Maj. Gen. George W. Goethals; Lieut. Col. L. W. B. Rees, of the British Royal Flying Corps; Frederick H. Allen, one of the organizers of the Lafayette Escadrille; and Adjts. Frederick H. Prince and Lawrence Rumsey, of that illustrious squadron, and many others, all of whom emphasized the need for the establishment of a separate department of aeronautics or a bureau which would concentrate and centralize all power and coordinate all aeronautical activity under one head for the purpose of effecting its efficient development. None appeared to oppose the idea except the Secretaries of War and Navy, from whose respective departments it would have drawn power and influence. Before the House committee the only witnesses called, at the one hearing held, were Mr. Hawley and Mr. Woodhouse, of the Aero Club of America, and Dr. Steinmetz, president of the Aero Club of Pennsylvania, men who have given the best part of their lives and earnest efforts to the development of aeronautics and who declared unequivocally their belief in the absolute need for the establishment of a separate department. Yet the committee have not provided for it in this bill, nor even considered the matter so far as I have been able to learn. They have taken this bill just as it was drawn and submitted by the War Department, and present it to you for your ratification. And I shall not be one in such a crisis to stand out against and fight its immediate passage, because it does not happen to contain a provision that conforms to what may be regarded as a whim or hobby, so far as I am concerned. It has been said, and I realize the probable truth of the assertion that every 24 hours' delay upon our part in putting a substantial force of American aviators in the field on the western front will mean the loss of 5,000 lives of American soldiers, and I would not have taken one moment's time in the consideration of this bill if I did not believe it would aid in its acceleration to final passage.

I know that a separate department must come, just as I appreciated the need of appropriating $13,000,000 when the department had only recommended $1,000,000. If it is not adopted now, when we are practically making a beginning, its adoption can not be averted when those who only now are beginning to realize that the mastery of the air will be the determining factor in this war begin to appreciate what its commercial utility will be when peace is reestablished.

Mr. Chairman, our existence as a Nation began with the thirteen original States; at the beginning of this war we were the thirteenth Nation in aeronautical power; this bill was sent to Congress upon our Fourth of July; it was reported out on Friday the 13th; now let us pass it unanimously on this, the French "Fourth"—the one hundred and twenty-eighth anniversary of the fall of the Bastille.

In conclusion, let me repeat a prophecy which I made on the floor of this House in a speech on the 27th day of last April advocating the dispatch of 5,000 aviators to the western front as our first contribution to the allies' cause, that if our aeronautical activities are developed with good judgment and scientific skill, it will be the deciding factor in the war, so completely fulfilling Tennyson's prophecy that those of us who survive will live to see—

> —the fair white-wing'd peacemaker fly
> To happy haven under all the sky,
> And mix the seasons and the golden hours,
> Till each man find his own in all men's good,
> And all men work in noble brotherhood,
> Breaking their mailed fists and armed towers
> And ruling by obeying nature's powers.

[Applause.]

Mr. KAHN. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has six minutes remaining.

Mr. KAHN. Mr. Chairman, the country that is at war with us entered the conflict with the allied nations of Europe fully equipped and prepared for a long war. She has made many new departures in the military field. Not one of the nations that are neighbors of Germany knew of the things that she was doing in a military way. It surprised everybody when she brought forth her great 42-centimeter guns and battered down the forts that were considered impregnable in Belgium. It was a surprise to everybody when she showed what use could be made of the deadly hand grenade. It was a surprise to everybody when she used deadly gases to kill off her enemies. Not one of those things was known to Germany's immediate neighbors in Europe prior to the time that she began to use those various weapons of warfare. On the other hand, we seem

to be intent on going to war as if we intended to go hunting ducks with a brass band. At this time in this country I believe that the details of our war preparations should be kept secret. But the Military Committee did not intend that there should be no discussion of this bill. Under the five-minute rule we expected the House to take up the various paragraphs and debate them fully. We did not think that the House wanted the full details of every item, and I do not believe the House itself does want the full details now. I have my misgivings about the length of this war. I think we are in for a long, terrific struggle. I do not lose sight of the fact that for the next 15 years Germany will be able to put approximately 1,000,000 men into the field, fully trained and equipped, every year to carry on the war. I do not lose sight of the fact that Germany has conquered and now holds thousands of miles—yes, hundreds of thousands of miles—of enemy territory, and that she is drafting the civil population of the lands she now holds to plow the fields and grow the crops in the conquered territory in order that the German people may be fed.

Those are the things which we must consider in preparing for this war, and in such preparation aeronautics will play a very important part. Therefore I feel that the less information we give out as to the program which we intend to follow the better for our country and the better it will be for an early conclusion of the war. I recognize the fact that this is no child's play we are engaged in. I recognize the fact that the American people have been told that we must win this war through the air. If we embark upon a program that is advertised extensively our enemy will know what we are doing and our entire program will prove futile.

Oh, gentlemen from the Committee on Appropriations tell us that they think we should put into the bill a provision as to how much money can be expended for the purchase of land. The moment you deduct that amount from the total sum appropriated the enemy will know that that much less money will be expended for aeroplanes.

Mr. GILLETT. Will the gentleman yield there?

Mr. KAHN. Yes.

Mr. GILLETT. We do not expect to spend a great many millions for land?

Mr. KAHN. No; but every dollar——

Mr. GILLETT. It will not make much difference, then.

Mr. KAHN. Every dollar you notify the enemy you are expending for land they will deduct from the total sum. They will know that that much less will be available for the manufacture of aeroplanes and the necessary equipments for the aviation section.

Mr. GILLETT. But out of $640,000,000 it would not give them very much definite information.

Mr. KAHN. I do not think it is advisable to give them any information, and I for one am opposed to giving them any information.

The CHAIRMAN. The time of the gentleman has expired. Under the agreement of the committee all general debate is closed, and the Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That in view of the existing emergency, which demands the raising of troops in addition to those now available, the President be, and is hereby, authorized to increase temporarily the present authorized commissioned and enlisted strength of the Signal Corps of the Army, including the aviation section thereof.

The CHAIRMAN. Without objection, the Chair will have the Clerk report the committee amendments and they will be disposed of and then the Chair will recognize gentlemen. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 1, line 3, strike out the words "in view of," and insert "for and during."

The amendment was agreed to.

Page 1, line 4, strike out the words "which demands the raising of troops in addition those now available."

The amendment was agreed to.

Page 1, line 6, strike out the word "temporarily."

The amendment was agreed to.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I am in sympathy with the purposes of this bill and do not expect to oppose it, but in view of some of the things that have been said in the brief general debate, I wish to make one or two observations at this time. I have particular reference to what has been said by the gentleman from California [Mr. KAHN], the ranking Republican member of the Committee on Military Affairs, with regard to the necessity for keeping secret our plans with respect to the Aviation Service. I presume, of course, that is an instinct of military necessity that we should keep our plans, so far as attack and operation may be concerned, secret from the enemy, but the bill we have before us now involves an appropriation of an enormous amount of money, $640,000,000, which is to be appropriated in a lump sum, and which must be accounted for sooner or later to the taxpayers of the United States. It may be that we expect to expend some of this money in foreign countries; I do not know. I hope the mere suggestion is not revealing any information that may be of comfort to the enemy, but the gentleman from California and the chairman of the committee and the members of the Committee on Military Affairs generally—as well as the gentleman from Illinois, who received much applause for his suggestion that the bill ought to be passed without debate—have insisted that it was unnecessary to tell the House of Representatives what was to be done or how this $640,000,000 was to be expended.

Mr. KAHN. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. KAHN. The chairman of the committee [Mr. DENT] stated that he would be glad to give any individual Member of the House the needed information as to details, but he did not think it was advisable to discuss it in the open House.

Mr. MOORE of Pennsylvania. Exactly. And I heard the gentleman from California [Mr. KAHN] make a statement of similar tenor; but that is not the way I want information as a representative of the people on this floor. Now, so far as this demand for secrecy and for keeping the House from details of expenditures is concerned, I wish to say that if any Member of the House who desires to take the trouble will turn to pages 5045 and 5046 of the CONGRESSIONAL RECORD of this morning he will find given in substantial detail the plans which apparently have been agreed upon for the conduct of the Aviation Service. And why this information should be revealed to another body which has nothing to do with raising the money from the people who must pay this enormous bill while this House, especially having to do with taxing the people, should be left in ignorance of these details, I do not know. My judgment is that a committee of the House that keeps from the House information that is available to another body is not doing its full duty by the House. I happen to be a member of the Committee on Ways and Means, which is charged under the rules with raising the revenue to pay the appropriations made in bills of this kind, and I have been one of those who have listened for several months past to the complaints, not only of the poor people but of the business people and of the rich people of the United States, as to the taxation we are to impose upon them. The people have a right to know something about the manner in which their money is appropriated. They will be coming to this Congress soon—surely by next December—with their grievances. It is to be expected that they will want to know about these expenditures. The first revenue bill passed by this session of Congress proposed to raise only $1,800,000,000 or less. Now you are appropriating in this new appropriation bill, to one section of the Army service only, what is equal to six times the amount that in normal times would be appropriated for the total Army service of the United States. And there will be more bills of this kind for which taxes will have to be levied. It is well to bear that in mind.

The CHAIRMAN. The time of the gentleman has expired.

Mr. QUIN. Mr. Chairman, I move to strike out the last word.

It does seem that the gentleman from Pennsylvania, my friend Mr. MOORE, should understand that the Committee on Military Affairs does not want to cram a bill through this House without any information given to the membership, but, as stated by the chairman of the committee, the gentleman from Alabama [Mr. DENT], and the ranking member on the other side, the gentleman from California [Mr. KAHN], the War Department have specific reasons why they do not want all of this detailed information to come from such an authenticated source as the House of Representatives would be. And it looks like that every man who is voting for all of this war expenditure should understand that we must trust the department to properly expend this money.

Certainly the gentleman from Pennsylvania [Mr. MOORE] knows that it is absolutely necessary, in order to win this war, to have this great amount of money expended on aeroplanes. As to whether or not this money is to be spent according to the way the gentleman there wants or that I want, we must not consider. It must be spent according to the views of the experts. Already this Signal Corps Department has the representatives from the French Government and the English Government and the Italian Government here, designing and planning the type and the number of machines, and the kind of warfare that should be carried on in the air. If the gentleman from Pennsylvania wants this House to publish that information to the world, in order that the Government of Germany may know

how to defeat this great aeroplane warfare that this Government is endeavoring to carry on, he would get it by having all of it made public.

Mr. MOORE of Pennsylvania. Of course, I do not want any information to come through this House that will give comfort or aid to the enemy, but I want to ask the gentleman if this House is not entitled to as much detailed information through the Committee on Military Affairs as another body seems to get and use in a public way?

Mr. QUIN. I can not answer that, except——

Mr. MOORE of Pennsylvania. And as found on pages 5045 and 5046 of this morning's RECORD.

Mr. QUIN. All we can attempt to do is to look after this end of it. [Applause.] If the other end of the Capitol proposes to give out secrets which would inform the Kaiser of what we propose to do, we can not help it. Let us keep our own skirts clean. Let us carry into effect the necessary part of legislation to win this war. We are already in a great crisis.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Kansas?

Mr. QUIN. I yield.

Mr. CAMPBELL of Kansas. As I understand it, the War Department now wants to put the seal of secrecy upon the aeroplane program?

Mr. QUIN. Those are the instructions we have.

Mr. CAMPBELL of Kansas. Does not the gentleman from Mississippi know that through the official channels some three weeks ago detailed information was given out, purporting to come from the War Department?

Mr. QUIN. The gentleman is mistaken about that. The Secretary of War explained to our committee that he never knew anything about it.

Mr. CAMPBELL of Kansas. The amount of the appropriation, the number of aeroplanes, the number of aviators were all detailed.

Mr. QUIN. Any Tom, Dick, and Harry can go and put a lot of stuff into the newspapers, but what the American Congress does is official, and that is the reason the Secretary of War wanted us to observe a little respectability and decency so far as carrying out this program is concerned. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. QUIN. Would the gentleman give me three minutes more?

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent for three minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. QUIN. I understand, as long as this war has been going on, that not only the United States knows nothing, but even France and England are unable to ascertain, as to what Germany is doing. The Germans understand how to carry on a war. The United States, although it is a great democracy, must in this time and in this crisis be willing to conduct its war business in some sort of a secret manner. I do not know and do not care to know in detail how much of this money we are going to spend for these different things. We do not know what is necessary. These gentlemen who are responsible for it do know, and we must rely on them.

We must rely on their integrity; we must rely on their ability and their patriotism. If we can not rely on that, we might just as well not appropriate a dollar. We are appropriating $640,000,000 here at one time, for aircraft warfare. The gentleman from New York [Mr. FITZGERALD] was afraid that it might not all be expended in the first year, the fiscal year. It is my judgment that this Congress will be called on to appropriate a much larger sum at the next session for this aeroplane warfare, and if it is necessary to be done we ought to do it willingly, because, according to what these gentlemen who understand it say, the aeroplane warfare is the most potential and important part of it. It will keep the men from being thrown into the trenches. One aeroplane is worth, according to the testimony, at least one regiment of Cavalry. It has been recognized in England that it is worth much more than that. It is worth as much as 12,000 to 15,000 cavalrymen or private soldiers. Then if one aeroplane, with two individuals upon it, is worth so much in this war, why should we inquire into the details so narrowly, and publish to the world what number of aeroplanes we are going to have, and how many men will be on them, and whether or not they will carry 2,000 or 5,000 pounds of explosives, and so on? I do not care. Before this war is over I believe we will have them that will carry as much as several tons of explosives in their magazines and so destroy the enemy.

Mr. Chairman, I think this bill ought to be passed without so much talk and without so much fuss and feathers. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. DENT. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Alabama asks that all debate on this paragraph and all amendments thereto close in five minutes. Is there objection?

Mr. DENT. Make it 10 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on this paragraph and amendments thereto close in 10 minutes. Is there objection?

There was no objection.

Mr. MILLER of Minnesota. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Minnesota moves to strike out the last word.

Mr. MILLER of Minnesota. I would like to ask a question of the gentleman in charge of the bill.

I notice the committee saw fit to change the phraseology in the beginning, and I think it is a very material improvement on the original bill. Would it not be better, instead of saying "during the existing emergency," to say "during the existing war"? That point arose during the consideration of another bill, and I understand the change was made. Personally I do not like that word "emergency." I do not know exactly what it means.

Mr. DENT. That language has been used in every temporary measure that has been presented to the Congress heretofore.

Mr. MILLER of Minnesota. But that language has been changed.

Mr. DENT. No. In the act enlarging the Army it reads "during the existing emergency." The House won out over the Senate on that proposition. The reason is that there may be a cessation of hostilities, and yet for months afterwards there might be an existing emergency that would make it necessary to keep the forces together.

Mr. MILLER of Minnesota. An emergency might arise from any one of a thousand causes. The gentleman will understand that, and under that language that would be continuing authority.

Mr. DENT. The gentleman will notice that it is only "the existing emergency."

Mr. MILLER of Minnesota. The emergency that now exists might be continued by reason of causes that do not now exist. But if the gentleman assures the House that this is the language in the other bills I will not press my point further. The first time I looked at it I found this language was changed as it came from the Senate.

Mr. DENT. The Senate finally, in the urgent deficiency bill, put in a provision that the emergency could not continue more than four months after peace was declared.

Mr. REAVIS. Mr. Chairman, will the gentleman yield?

Mr. DENT. Yes.

Mr. REAVIS. The gentleman from California [Mr. KAHN] during the debate on this bill, in answer to a question, made the statement that this was but the beginning of a continuing policy. Does that mean that it is the beginning of a policy that is to continue beyond this war or is it simply a war measure?

Mr. DENT. This is strictly a war measure. It is limited by the terms of the act to the existing emergency. That is the reason why we changed the first section. As it was prepared in the War Department, the increase is authorized temporarily. We thought that that was too indefinite, and we put in the language "during the existing emergency."

Mr. REAVIS. I know; but as to the language of the bill the statement was made by the ranking member that this was the beginning of a continuing policy that Congress would be asked to maintain in the future.

Mr. DENT. I think the gentleman from California can speak for himself; but, voicing what I understand was his intention, I think he meant during the continuance of the war. I do not think he meant that that would be a permanent peace policy, because the War Department itself is not asking for that.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. GARD. Mr. Chairman, I had intended to offer an amendment, and I had submitted it to the chairman of the Committee on Military Affairs—an amendment which seeks to add, after the word "emergency," in line 3, on page 1, the words "of a state of war between the United States and Germany," and

striking out of the comma. I offer that suggestion for the purpose of completing the bill, and I think it should be adopted to show what the emergency is.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. MANN. If it were perfectly patent that the war would cease at the end of next month, it would not be possible to stop any expenditure of this appropriation at that time. Is not that perfectly patent?

Mr. GARD. Well, I would say so; yes, sir.

Mr. MANN. So that if the gentleman would say "for and during the emergency," or "for and during the war," these appropriations were available, it would not require further elaboration.

Mr. GARD. The cessation of war would be made known, of course, by a proclamation of the President. It would not be intended, as I understand, to make application of this bill after the war has ceased.

Mr. KAHN. No; but there would be things going on where you could not stop off short automatically.

Mr. GARD. That may be.

Mr. DENT. I will say to the gentleman that that is the reason why the Senate finally yielded. I stated to the gentleman from Minnesota [Mr. MILLER] a little while ago that that was my recollection of the act to temporarily increase the Military Establishment, and that is precisely how it reads:

That in view of the existing emergency.

That is the way we passed the law, and I think it ought to conform to that language.

Mr. GARD. Mr. Chairman, about the year 1903 Wilbur Wright and Orville Wright, brothers, worked in the very early morning and late evening in an old frame shack on a tract of land about 10 miles out from their home city of Dayton, Ohio, upon a machine heavier than air which would fly under motor control.

Poor in purse, they were wealthy in wisdom, for they had seen the wisdom of the great flying fleet involved in this bill now under consideration.

Noting the soaring flight of the great birds, they became convinced that a flying machine could be made and operated, and so before and after their daily work was done, almost every spare moment utilized, they sought to evolve into fact that which was hitherto considered a dream.

To-day the old shack in which they worked stands almost in the center of the great aviation field of 2,500 acres of land.

It will be allowed to stand there surrounded by all the modern buildings necessary for aviation purposes.

The original 80 acres of land where the first practical flying test of airplane was made by the Wright brothers is included in the immense tract now used. The field is known as the Wilbur Wright Field, a memorial for one who died before the result of his inventive genius and untiring labor was fully understood.

To-day 2 miles of hangars are stretched in a long line to accommodate the flying machines on this field, and back of those are the administration buildings and others necessary for a full field equipment.

About May 27, 1917, the contract for the grading and draining of this field and the erection of the buildings thereon was made with the idea that actual flying might begin about July 15, and so speedily and well has the work progressed that on Wednesday, July 11, a very considerable flying force was in actual flight upon this field.

When completed at least 600 young men per month will be given instruction in everything connected with this work, the young men coming after a two months' course in State universities and being afforded here a four months' course in aviation.

Therefore it can be seen that the flying force will be of the very best and highest character of the young men of our Nation.

Boys who have been seeking to educate themselves in our State universities offer their services and their lives to this Union of States.

This is not a restriction to be made against any of the young men of the country, but the service is of such an important character as to be an incentive to the enlistment of the young men of the very highest type.

The existing state of war in which the United States is engaged has made a veritable challenge to American ingenuity and industry.

Until this war the battles between countries were waged on the ground and on the water. Practically everything in warfare has been settled by battles on the ground, for infantry, cavalry, and artillery have been used in offensive forces for many years, and their development has been the development of improvement.

But the development has been as much on one side of the present great conflict as the other, and the modern rifle and artillery and the skill of military engineers in the field has been matched upon either side.

For the past few years it has been apparent that the submarine has been the most effective of modern warfare weapons.

The submarine of one power is just now beginning to be competed with by the submarine of the other powers and soon there will be little or no difference in the efficiency of the undersea boat.

Then, too, invention is making known the means of detection of the submarine, and when seen the submarine is able to do but little harm.

It is in the air that the war may be decided, and this has been the opportunity of America and she has risen to the occasion.

The tremendous value of a flying squadron as a fighting force is now very generally understood and appreciated.

Not alone as a scout but as an actual fighting agency, for airplanes now constructed abroad are of such size and carrying capacity as to be literally "war machines."

America's response to this new war need has been the placing of most capable men in design and construction and the education of aviators who are destined to carry the cause of freedom upon the wings of their planes to the far-flung battle front.

Mr. Chairman, I am in favor of this bill, because I think, first, the plan contained therein, when properly worked out, with our efficient flying force, will win the war, and for the additional reason that it is the one of war's abhorrent activities which will have a commercial residue of value.

When war shall have ceased, the result of invention and industry will have been such that the development of the flying machine will be not a development of hazard, sport, or slaughter but afford a new and effective means of transportation in times of peace, bringing increased efficiency and happiness to all people.

This, America's newest contribution, is a winning factor in war and in peace. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 2. That to provide temporarily the additional commissioned personnel required by this act the President is authorized to promote, appoint, detail, or attach as temporary officers in the Signal Corps, including the Aviation Section thereof, officers of the Regular Army, National Army, or National Guard, or the Officers' Reserve Corps, or to temporarily appoint enlisted men of the Regular Army, enlisted men of the Enlisted Reserve Corps, or persons from civil life: *Provided*, That no person shall be so promoted, appointed, detailed, or attached until he shall have been found physically, mentally, and morally qualified under regulations prescribed by the Secretary of War: *Provided further*, That officers with rank not above colonel shall be appointed and commissioned by the President alone, irrespective of the rank or grade held by them on the date of the passage of this act, and that officers above the grade of colonel shall be appointed by the President, by and with the advice and consent of the Senate, irrespective of the rank or grade held by them on the date of the passage of this act.

With the following committee amendment:

Page 2, line 1, strike out the word "temporarily."

The amendment was agreed to.

And the following committee amendment:

Page 2, lines 6 and 7: Line 6, strike out the word "temporarily," and after the word "appoint," in line 7, insert the word "temporarily."

The amendment was agreed to.

Mr. HULBERT. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee a question. I should like to know whether anything has been said—I assume that there will be no difficulty about divulging such information if anything has been said—by the representatives of the War Department who have appeared before the committee regarding the promotion of these men with respect to their activity in aviation. In other words, will the officers who will be put in charge of the squadrons or wings, or whatever designation may ultimately be given to the several groups under which they will operate, be men who are versed in aerial activity or will they be men brought over from the Infantry and the Cavalry and the other departments of the Army who have had nothing whatever to do with aviation?

Mr. DENT. Of course, the only answer I can give to that is that the War Department expects to put into this service men who have had experience rather than to put in green men in the first instance, if that is what the gentleman means.

Mr. HULBERT. Is it not true now that men are being transferred to the Dayton field and to the other training camps that are being established from the Cavalry, men who have had no experience whatever in aeronautics?

Mr. DENT. Oh, well, that is a training camp. Of course, they have got to train a large number of men who are absolutely green now.

Mr. HULBERT. I merely wanted to get at the point, if the gentleman knows, how it is proposed to regulate the manner in which the officers are going to be promoted who will conduct any of these flying units or squadrons?

Mr. DENT. In answer to the gentleman's inquiry, I can only say that I am sure the War Department will do what I believe they ought to do, because I have enough confidence in Gen. Squiers, the Chief Signal Officer of our Army, to believe that he will promote those men who have had experience and who are the most competent.

Mr. WOOD of Indiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. WOOD of Indiana offers the following amendment: Insert, after the word "war," in line 12, page 2, the following: "but such regulations shall not provide any fixed scholastic attainment for determining the mentality of such person.

Mr. WOOD of Indiana. Mr. Chairman, my purpose in offering this amendment is to provide against the arbitrary regulation now in force in the War Department. We all justly admire the beautiful tribute paid to the Wright brothers by the Representatives from Ohio, Mr. GARD and Mr. FESS. There are many other young men in this country to-day who are not graduates of colleges or not graduates of high schools who have all the ambition and all the enthusiasm of the Wright brothers, and who are just as anxious for an opportunity as they were in the days of their struggles for recognition of their genius. The Wright brothers, or Orville, the survivor, could not qualify to fly one of his own machines under the present regulations of the War Department.

Mr. DENT. I made a statement in answer to a question by the gentleman from Alabama [Mr. BURNETT], that I had been informed by the War Department that they had revoked that rule.

Mr. WOOD of Indiana. They revoked it to inaugurate another a little less drastic. They have revoked the rule requiring a college diploma, but they have adopted the rule that he must be a graduate of a high school or its equivalent.

Mr. CHANDLER of New York. Will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. CHANDLER of New York. I called up the Aviation Bureau and they stated that no such requirement was made. There are only two requirements—a man must have an experience as an aviator and have some practical knowledge of aviation machinery. Those were the only two qualifications required.

Mr. WOOD of Indiana. If they have revoked the high-school qualification, they have done so within a week.

Mr. HULBERT. Will the gentleman allow me to say that I called up the Aviation Section 15 minutes ago and was informed that the rule which formerly obtained of requiring a graduate from a university had been modified so that now he may be a graduate of a high school, a preparatory school, or an academy of equal grade, but the board has the right in specified cases to consider special circumstances and waive all these requirements if in the judgment of the board the man is otherwise equally as proficient as if he had been a graduate of a high school or one of the other schools named.

Mr. WOOD of Indiana. So at the present time you can not tell from one day to another what the requirements will be the next day. If my amendment is adopted, it will afford an opportunity to a young man who desires to enter this branch of the service to enter upon his own merits.

Mr. FESS. Will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. FESS. What is the content of the word "scholastic" in the gentleman's amendment, that there shall be no scholastic requirement?

Mr. WOOD of Indiana. I mean that there shall be no fixed requirement. My meaning is that he shall not have to have a diploma from this school or that school; that the degree of his ability by reason of the requirement that he shall be a graduate of a school shall not be essential. If the man has never been in school at all, he may possess mentality far superior to the man who has been in school all his life. It should be so that a man should have a fair opportunity to have his ability determined, regardless of whether he has been to school or not. I appreciate the fact that a certain degree of mentality must be had, but to say that it must have been acquired at schobl, at a college or a high school and evidenced by a diploma, is not right. It is not offering a fair opportunity to the ability of the young men in this country.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. GREENE of Vermont. The whole matter that the gentleman is arguing has been taken care of by the gentleman from New York [Mr. HULBERT], who states that all these regulations are done away with or that they are in the alternative.

Mr. WOOD of Indiana. I have a concrete example in my State where a young man who is a flier, who has the mentality to command men, was turned down because he was not a graduate of a college or high school, and they gave him no opportunity to be examined on his degree of mentality.

Mr. GREENE of Vermont. When was that?

Mr. WOOD of Indiana. Less than 10 days ago.

Mr. FESS. That is not under these regulations.

Mr. WOOD of Indiana. We do not know that.

Mr. GREENE of Vermont. Does the gentleman know that that was the cause of his rejection?

Mr. WOOD of Indiana. He was given to understand that.

Mr. GREENE of Vermont. Where does the gentleman get that?

Mr. WOOD of Indiana. From the Chief of the Bureau of Aviation.

Mr. McKEOWN. Under that regulation in eastern Oklahoma, where there were no school advantages up to a short time ago, the boys would have no opportunity to enter this service?

Mr. WOOD of Indiana. Absolutely; and there are many men in this country who have not been to college or a high school that will be shut out.

Mr. DENT. Mr. Chairman, personally I do not think there ought to be any regulation by the department limiting the appointment of men to this service to those who hold diplomas either from a college or a high school, and I have so stated to the Chief of the Signal Corps, and he has informed me that these regulations have been abrogated. I do not see any use in encumbering the bill with a lot of details. If you should adopt this amendment, still the War Department would have the power to turn a man down, because they have the right to pass upon who shall receive the appointment.

Mr. O'SHAUNESSY. But does not the gentleman think it a good thing to make a specific declaration in regard to it and let them know what Congress thinks about it?

Mr. DENT. No; I think we ought to trust the War Department. I know they are likely to make mistakes there, as elsewhere, but when we talk to them about it they are amenable to reason and are willing to make changes in the regulations. I do not think the bill ought to be encumbered with a lot of amendments directing the War Department how they shall proceed.

Mr. LAGUARDIA. Mr. Chairman, I personally fail to see the necessity of beclouding this bill in mystery. There is really no necessity for it as long as we keep the type and number of the machines and the type of the motor secret. The enemy must not know the speed and power of the airplanes contemplated. That is all that is needed. However, I am willing to take the word of the members of the committee that they have fully investigated the program of the War Department, and that they are satisfied that the machines can be quickly manufactured in this country.

I do not agree with the distinguished gentleman from Illinois [Mr. MANN] that aeronautics is still in the experimental stage and that we are now taking a chance. We have long passed that time. The use of airplanes has been established, and they are now essential; in fact, the most useful branch of an army. What I understand is the purpose to accomplish by this bill may be a new departure, but of course it would be improper to discuss that now. The committee has assumed full responsibility for all details, and it is our duty to appropriate the money.

I do not agree either with what has been said about this war being won with the airplanes we provide for to-day. This war will be won in a much more cruel and less spectacular manner. I personally believe that peace can be forced in a short time if this country is able to intelligently and efficiently control the exportation of food and exercise wise diplomacy in controlling the exportation from neighboring nations. The control of food and supplies will be the determining factor of this war.

Now, to get to the amendment before the committee. I want now to say a few words in reply to the gentleman from Indiana [Mr. WOOD], who offered the amendment. I have had some experience in flying. I assure you, gentlemen, that it will be dangerous to limit the department in any way in prescribing regulations to establish qualifications for student aviators. A man may have a mechanical knack, may be bright and intelligent, and yet unable to acquire all that he must know about the theory of flying in a short time. The example cited by the gen-

tleman from Indiana is of a very well-known aviator. I know whom he has in mind. This man has given exhibitions all over the country and has accomplished wonderful feats. Yet that man would not be able to explain the physical law applicable to the motions of his machine or the reason his "stunts" in the air were possible. Compare his flying with the French aviator, Adolph Pegoud, who first looped the loop. That feat was of great value to the art of flying, because Pegoud was able to intelligently observe and record pressure, tension, and all effect of the air while the machine went through the motions; it demonstrated certain possibilities in flying; it enabled changes to be made in aeroplane construction and made new maneuvers in the air possible and practicable. His "stunts" were of great scientific use. The student who wants to learn military flying must first learn all about his machine—must learn the effect of his machine in the air, must go through a regular course. He must know the "why" of things. Unless his mind is disciplined, is trained to study, and accustomed to acquiring facts and details and retaining them, he will be unable to grasp all this information in the short time available to take the course.

It is true that a good many can learn by practical experience, but this is rather dangerous in aviation. Experience abroad has convinced the department that the best available men only should be used in aviation. I understand that the department will not insist upon a college education, but will require, where the young man can show aptitude, an equivalent which will be determined by other studies pursued or by a mental test to which he will be submitted. The gentlemen must not lose sight of the fact that the aviator must be familiar with his motor, must understand the terminology of the motor and plane, otherwise he would not be able to communicate or explain defects. He must be able to readily acquire knowledge of weather conditions such as air currents, temperature, barometric conditions. He will be required to read weather maps and to verse himself in what is known as practical meteorology for the aviator. The student aviator must likewise familiarize himself in map reading and learn to navigate the air by the use of a compass. I fear the gentlemen are somewhat under the impression that flying a machine is as easy as learning to drive an automobile. I will not say that the mere learning to manipulate an airplane such as the use of the controls, ascending from the ground, flying, and descending requires extraordinary and unusual skill and intelligence, still, apart from the element of danger, a military aviator, such as is contemplated in this bill, must of necessity be able to do and know considerable more than the mere manipulation of a plane.

The gentlemen must also bear in mind that in the course of his duty the military aviator may have other tasks to perform than the mere handling of his machine. He must be able to observe and report facts intelligently and accurately. He must be able to exercise quick judgment in the air. He must be able to repair his own machine if he is caught beyond his own lines. If we want to help carry out the purposes of this bill, let us not hamper and tie the hands of the officials of the War Department. Let us agree not to send favorites to get positions in the aviation department, but let each boy enter on his own merits. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The question was taken; and on a division (demanded by Mr. WOOD of Indiana) there were—ayes 21, noes 60.

So the amendment was rejected.

Mr. MILLER of Minnesota. Mr. Chairman, I move to strike out the last word.

Mr. DENT. Mr. Chairman, I ask unanimous consent that all debate upon this section and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on the pending section and all amendments thereto close in five minutes. Is there objection?

Mr. MILLER of Minnesota. Mr. Chairman, reserving the right to object, this is one of the most important sections of the bill. Most of the succeeding sections will not attract any interest.

Mr. MANN. Oh, let us get on.

Mr. MILLER of Minnesota. Some gentlemen may not like the idea that some others want to think about the bill; but I prefer to think, although it is Saturday afternoon.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

Mr. MILLER of Minnesota. I have got all the time that I desire, but some others may want to speak.

The CHAIRMAN. The Chair hears no objection.

Mr. MILLER of Minnesota. Mr. Chairman, I would like to make an inquiry of the gentleman from Alabama [Mr. DENT]. The proviso regulating the way in which these officers shall be commissioned provides that all up to and including the rank of colonel may be commissioned by the President without confirmation by the Senate. Above the rank of colonel they have to be confirmed. I understand this is following the rule laid down in another bill heretofore passed in reference to the military forces. Does not the gentleman think, having in mind the fact that this is the creation of an entirely new force of officers, who must be selected from practically an untrained body of men—that is, untrained in aeronautics—that there ought to be some supervision over those appointments? Ought not the Senate to have the power of confirmation?

Mr. CRAGO. Mr. Chairman, if the gentleman will permit, I recall the testimony of Gen. Squier to the effect that these are only temporary appointments. They will go back immediately when this force is reduced to its former status.

Mr. MILLER of Minnesota. Temporary during the war; but after the war we do not care what becomes of them?

Mr. CRAGO. They go back automatically.

Mr. MILLER of Minnesota. But during the war is the time when we want efficient men. Our interest ends largely when the war ends.

Mr. LITTLE. Mr. Chairman, if the gentleman will permit, I would like to ask the gentleman from Pennsylvania how an appointment for a general officer in the Army can be temporary?

Mr. CRAGO. These are not general officers. He is speaking of men up to and including the rank of colonel. Gen. Squier impressed this on us. They want to take the younger men of the Army without regard to rank. They want the young men in the service.

Mr. LITTLE. How can the appointment of a colonel be temporary?

Mr. CRAGO. We are making it so by law. If a captain were appointed a colonel under this law, as soon as the force is reduced to the size now authorized he would go right back to his position as captain.

Mr. LITTLE. Oh, well, if that is in the law, why do not you read the law?

Mr. MILLER of Minnesota. Mr. Chairman, I think I have the floor. I propounded a question to the chairman of the committee——

Mr. DENT. Mr. Chairman, I will state to the gentleman from Minnesota that the main reason urged upon the committee that impressed me was that there would be a great many officers to be selected, and they wanted to hasten the organization of this force with as little delay as possible, and in view of the fact that those officers were only to be temporary, as stated by the gentleman from Pennsylvania [Mr. CRAGO], they thought that the President ought to be empowered to make the appointment without waiting on the action of the Senate.

Mr. MILLER of Minnesota. Now, Mr. Chairman, I am informed, and before making the statement I desire to make a further statement that I appreciate quite fully the exceeding difficulty that confronts this section of the Army in selecting officers; they have got a mighty hard job, and all the patriotism and all the brains at their command will not enable them to perform the work any too well. I think they are doing the very best they know how, but they are in the midst of serious difficulties. There is being attracted to the Aviation Corps the brightest, nerviest, most efficient of our youth—what might be called the flower of our chivalry. Some men of inferior quality, of course, are struggling to get in. Now, I am informed, and I say this seriously, that this section has not the approval of the General Staff of the Army. I learned that from an Army officer. I thereupon communicated that fact to a member of the General Staff, who said that he thought the first officer was wrong and that it did have the approval of the General Staff of the Army. I do not know. One man says yes, and the other man says no, both in a position where they ought to know. Can the gentleman inform me whether it has the approval of the General Staff?

Mr. DENT. I can not inform the gentleman any more than what I have said to the gentleman some time ago in response to questions in general debate. I was under the impression that it had the approval of the General Staff, but I can not answer the question specifically; but I know it has the approval of the Secretary of War, the President, and the Chief Signal Officer.

Mr. MILLER of Minnesota. Of course, the approval of the Secretary of War would not really be of any more value than my approval, because I do not think he knows much more about aviation than I do and that is not much.

Mr. DENT. When I say approval I assume the Secretary of War would consult with those in authority in order to ascertain.

Mr. MILLER of Minnesota. And the ones he would consult would naturally be the General Staff. It would have been comparatively easy to have secured from the General Staff their

approval of this bill. If any provisions are objectionable, they could have been changed. We all want the right thing to be done. Now, a further inquiry, as my time is running short. These are serious questions. I am informed in the exigency which they are confronted with they have selected a board to determine the qualifications of applicants for commissions, and that this board is headed by a very splendid athlete of the Nation, whose familiarity with aeroplanes is about on a par with mine—exceedingly fragmentary. He may make a splendid man in time. Experienced men are hard to find, but I think this board should be composed of trained and skilled men. Am I correctly informed, or is this rumor without foundation——

Mr. DENT. I was interrupted and I did not hear the first part of the gentleman's statement.

Mr. MILLER of Minnesota. I said I am informed that on account of the exigency which confronts the Aviation Section the necessity of securing large numbers of enlisted men and the commissioning of large numbers of officers it has been compelled to select a board to determine upon the qualification of men who are applicants for commissions, and that this board is headed not by an aviator at all nor by a man who has had any experience in aviation or in the Army——

Mr. DENT. I know nothing about that.

Mr. MILLER of Minnesota. I do not wish to appear as a critic in any sense. I am keenly interested in this corps of the Army and its measureless possibilities in this emergency. There are physical limitations and the head officers of the Signal Corps have pretty nearly a superhuman task. Every aid that can be extended should be given. The cooperation of Congress should be intelligent. Discussion of some of these features may easily help in overcoming some difficulties.

The CHAIRMAN. The time of the gentleman from Minnesota has expired; all time under this section has expired.

The Clerk read as follows:

SEC. 3. That to provide the additional enlisted men required by this act, the President is authorized to raise and maintain, by voluntary enlistment or by draft, such number of enlisted men as he may deem necessary and to embody them into organizations hereinafter provided for in section 4.

The CHAIRMAN. The Clerk will read the committee amendment.

The Clerk read as follows:

Committee amendment; add a provision at the end of page 3, line 1, after the word "four," as follows:

"*Provided*, That the draft herein provided for shall not apply to any person under the age of 21 years: *Provided further*, That the grades of chauffeur, first class, and chauffeur are hereby created in the Signal Corps. The pay and allowances of a chauffeur, first class, shall be the same as a sergeant, first class, in the Signal Corps. Pay and allowances of a chauffeur shall be the same as a sergeant in the Signal Corps. All chauffeurs while serving as such shall rank with corporals of the Signal Corps and shall be subject to promotion and reduction to any other grade now authorized in the Signal Corps."

Mr. FITZGERALD. Mr. Chairman, I wish to ask the gentleman from Alabama if this paragraph provides additional enlistments may be either by draft or voluntary enlistment. It provides that anyone under 20 years of age may be drafted. What is the maximum?

Mr. HULBERT. Thirty years.

Mr. DENT. There is no maximum.

Mr. FITZGERALD. There is no maximum age fixed now for a man who may be drafted in this aviation provision. Will the gentleman explain why?

Mr. DENT. There is no maximum age fixed.

Mr. FITZGERALD. There is a maximum age fixed in the draft provision, but under this provision can a man over 30 years, which is the maximum age for drafting in the regular arm of the service, be drafted in the aviation arm, and if so, why?

Mr. DENT. I can say to the gentleman from New York this particular feature as to the maximum age limit was not seriously considered by the committee, because the committee was informed emphatically by the Chief Signal Officer of the Army that this was a young man's army, and there was no use of fixing a maximum limit, but I have no objection to fixing the maximum limit.

Mr. FITZGERALD. I will say it occurs to me that there should be some definite age limit. I do not know what the maximum age should be. It appears to me the gentleman from Alabama ought to suggest the maximum age.

Mr. DENT. I have no objection——

Mr. FITZGERALD. The gentleman may not wish to do so, but if he will indicate what it ought to be I will offer the amendment.

Mr. DENT. I am perfectly willing to accept the same age limit as in the draft law.

Mr. FITZGERALD. Thirty years?

Mr. DENT. Which covers up to 31.

Mr. FERRIS. Thirty years included will make it.

Mr. FITZGERALD. Well, I will offer that. After the word "years," in line 3, page 3, I offer an amendment to insert "or of any person over the age of 30 years, inclusive."

Mr. DENT. Or above the age of 31.

Mr. FITZGERALD. Will the gentleman kindly state the amendment again?

The CHAIRMAN. The Clerk will report the amendment to the amendment offered by the gentleman from New York.

Mr. FITZGERALD. I offer the following amendment: On page 3, line 3, after the word "years," insert "nor over the age of 30 years, inclusive."

The CHAIRMAN. The Chair stated that the gentleman from New York [Mr. FITZGERALD] offered an amendment to the committee, and the Chair directed the Clerk to report it.

Mr. FITZGERALD. I beg the gentleman's pardon.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. FITZGERALD: Page 3, line 3, after the word "years," insert the words "or to any person above the age of 31 years."

The CHAIRMAN. Without objection, the amendment of the gentleman from New York [Mr. FITZGERALD] is agreed to.

Mr. HULBERT. Mr. Chairman——

The CHAIRMAN. Does the gentleman desire to debate the committee amendment?

Mr. HULBERT. I desire to offer an amendment to the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The CHAIRMAN. The Chair will have to rule that that is not in order, because that would be an amendment in the third degree. The gentleman from New York is offering an amendment to the committee amendment.

Without objection, the amendment of the gentleman from New York [Mr. FITZGERALD] is agreed to.

There was no objection.

Mr. HULBERT. I will withhold that until the amendment of the gentleman from New York is adopted.

The CHAIRMAN. That amendment has been adopted.

Mr. HULBERT. Now, I offer this amendment to the committee amendment, which will come immediately after the amendment of the gentleman from New York [Mr. FITZGERALD].

The CHAIRMAN. The gentleman from New York [Mr. HULBERT] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. HULBERT offers the following amendment to the amendment just adopted: After the word "years" insert:

"*Provided further*, That no person so drafted shall be assigned to service as an aviator without his consent."

Mr. HULBERT. Now, Mr. Chairman, I only want to say a word upon this. As the language in the bill, as proposed by the committee, reads as amended by the gentleman from New York, my colleague [Mr. FITZGERALD], any person between the age of 21 and not over 31 years who might be drafted would be compelled to serve as an aviator. It would not be difficult to draft men to get them to serve on the ground or on the water, but, as was emphasized over and over again, the science of aviation is a new departure; it requires a peculiar fitness, and only those who possess a special kind of courage have any place in that service. And it might be that some men who will be drafted into that service would be of much greater value in some other service.

Mr. COX. Will the gentleman yield?

Mr. HULBERT. In just a moment.

Now, I notice in the report:

It may be stated in this connection that the committee was informed by the chief of the Signal Corps that it is the present policy of the department, from which it does not expect to change, to put fliers in the service only by voluntary enlistment and not by draft.

Well, if that is the present policy of the department, and if they do not appreciate now any necessity for an immediate change from that policy, why should not we as a part of this law embody a clause and make that the law upon that subject?

Mr. FITZGERALD. Suppose there were no voluntary enlistments and that no one consented to fly, should the War Department not be enabled to compel men to serve?

Mr. HULBERT. I want to say to the gentleman, in the first place, that at the present time there have been over 20,000 volunteers for this service. They can get all the men that they want, and as long as they are able to do it by voluntary enlistment why should they compel them to serve by draft?

Mr. FITZGERALD. Suppose the situation should arise where there are no more volunteers, should not the War Department be able to assign men to that service?

Mr. HULBERT. I am opposed to the proposition of providing by legislation that any man must serve by draft as an avia-

tor, except by his consent. What we want to give attention to is the fact that the allies rush their young men into the trenches and now lack a reserve for aviators. It is better, it seems to me, if we encourage all the men who will be called by the draft this month, between 21 and 30, to enter the aviation service voluntarily.

Mr. COX. Will the gentleman yield for a question?

Mr. HULBERT. I yield to the gentleman from Indiana.

Mr. COX. Does the gentleman know what is the practice in England and France in this service? Do they only require men who volunteer?

Mr. HULBERT. My information, from an English officer some time ago, was that they only took volunteers at that time, or at the time he left over there; but in the rapid strides that are being made, I do not know what they are doing now.

Mr. KAHN. Will the gentleman yield?

Mr. HULBERT. I yield to the gentleman from California.

Mr. KAHN. Suppose a general commanding a force orders a lot of drafted men to take a certain position, knowing that it means certain death to go there and face it, would the gentleman have a provision inserted in the law that the general could not do that?

Mr. HULBERT. No; but that is beside the question. When Hobson called for volunteers to go with him into Santiago Harbor it meant certain death, but more than the number required responded. The fires of true American patriotism never extinguish. But our service of that character has been predicated upon volunteer service.

Mr. GORDON. Will the gentleman yield?

Mr. HULBERT. I will.

Mr. GORDON. Is the gentleman aware that the present regulations of the Army provide now, and always have, that no man shall go into the aviation service who does not volunteer for that purpose?

Mr. HULBERT. Then why are you amending the law?

Mr. GORDON. I am not amending it; I want the gentleman to understand. I am opposed to that provision.

Mr. LAGUARDIA. There are 30 men on the ground for every 1 aviator, and so this provision applies to men who are necessary around the camp?

Mr. HULBERT. I know that there are substantially 30 men required in order to keep in order three machines that are allowed to each flier.

Mr. LAGUARDIA. True. And the gentleman knows that no commander would order an untrained man to a flying machine.

Mr. HULBERT. I do not know what the commanders might do. From some experience I have had, I find, like Congressmen, there are those who might do anything.

Mr. GREENE of Vermont. Mr. Chairman, I appreciate the very natural trend of mind that would make the House at first blush inclined to favor the amendment proposed by the gentleman from New York [Mr. HULBERT]. But it seems to me before we record ourselves as of that opinion we ought to take some notice of what we have done about the same subject already and be careful that we do not reverse ourselves, perhaps, in our attitude toward this phase of the legislation relating to the Aviation Service.

Now, if the gentleman from New York has not refreshed his memory in that regard, I will call his attention to what might be called the organic act establishing the Aviation Section of the Signal Corps, which in the form in which we get it in the document room is labeled "Public No. 143, Sixty-third Congress," and was approved July 18, 1914. In section 2 of that act the gentleman will find this proviso:

Provided, That no person, except in time of war, shall be assigned or detailed against his will to duty as an aviation student or an aviation officer.

At that time, when that act was passed, this whole subject was considered, and it was then determined by the Congress that there might be such an emergency and exigency in time of war in which this authority should be given.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. GREENE of Vermont. Certainly.

Mr. LENROOT. Was not every man to whom that applied a volunteer?

Mr. GREENE of Vermont. Yes; on his entrance into the service.

Mr. LENROOT. At the time that act was passed?

Mr. GREENE of Vermont. He was a volunteer when he went into the Aviation Service, but he was not necessarily made a flier by going in. Now, I will follow out what the gentleman suggests by reading to him again from section 3, because from section 3 he will see that it does not apply necessarily to volunteers. The proviso in section 3 reads as follows:

Provided, That 12 enlisted men at a time shall, in the discretion of the officer in command of the Aviation Section, be instructed in the art of flying, and no enlisted man shall be assigned to duty as an aerial flier against his will except in time of war.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. GREENE of Vermont. Yes.

Mr. CAMPBELL of Kansas. But at that time all men serving in the Regular Army were volunteers.

Mr. GREENE of Vermont. It does not destroy the principle that I am trying to enunciate.

Mr. CAMPBELL of Kansas. And there was no provision then for drafting or conscripting men.

Mr. GREENE of Vermont. I understand that. But the point remains simply this, that whether they were volunteering or had gone into the Aviation Section merely to stay on the ground, as the mechanicians do, when it came to a time of war the man had no option as to whether he would fly or not, but simply had to obey orders. Now, if we pass the amendment proposed by the gentleman from New York we will practically upset the law that we passed when we had the whole matter under full consideration and decided upon an aviation policy for the service.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. GREENE of Vermont. Yes.

Mr. GORDON. I call the gentleman's attention to the fact that notwithstanding that law, the War Department proceeded at once to enact regulations by the terms of which no person could be assigned to the Aviation Service unless he volunteered. That is the regulation to-day.

Mr. GREENE of Vermont. That does not affect the statute.

Mr. GORDON. It repeals the statute.

Mr. GREENE of Vermont. Does the gentleman insist that a departmental regulation can repeal a statute?

Mr. GORDON. In effect.

Mr. GREENE of Vermont. The gentleman is a lawyer, while I am not, but I know better than that.

Mr. GORDON. If that is true, would it not repeal that regulation that is now in force?

Mr. GREENE of Vermont. The only effect of it, as far as I can judge from a layman's viewpoint—the only effect of the amendment proposed by the gentleman from New York is to repeal this provision of the act of July 18, 1914. Departmental regulations have no statutory effect if they are afterwards modified by an act of Congress.

Mr. PARKER of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. GREENE of Vermont. Yes.

Mr. PARKER of New Jersey. Has the gentleman noticed also that the amendment proposed would prevent sending a man into the air with a flier as an observer, or a photographer, or anything?

Mr. GREENE of Vermont. Yes.

Mr. CRAGO. Does not the gentleman see the distinction in the use of this word "draft," which is used for the purpose of getting this entire force of the Aviation Section in the Signal Corps? It has no more application to these men than that those men should be a part of the men who, under some circumstances, might be drafted, and 1 out of 20 of those men might, under some circumstances, be required to be a flier; but the regulations would still be in force which would prevent them from being ordered to fly unless they agreed to it.

The CHAIRMAN. The time of the gentleman from Vermont has expired.

Mr. GORDON. Mr. Chairman, I would like to proceed for five minutes.

Mr. DENT. Mr. Chairman, before the gentleman proceeds, I will ask unanimous consent that all debate on this section and amendments thereto shall close in 10 minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

Mr. KAHN. I desire five minutes.

Mr. LENROOT. And I would like to have five minutes.

Mr. DENT. Then make it 15 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the debate on this section and amendments thereto close in 15 minutes, 5 minutes to be used by the gentleman from Ohio [Mr. GORDON], 5 minutes by the gentleman from Wisconsin [Mr. LENROOT], and 5 minutes by the gentleman from California [Mr. KAHN]. Is there objection?

Mr. GRAHAM of Illinois. Reserving the right to object, does that include all debate on amendments to this section?

Mr. DENT. Yes. The request covered amendments.

Mr. GRAHAM of Illinois. I have an amendment on which I would like to have five minutes.

Mr. MADDEN. It included the section and the amendments.

Mr. GRAHAM of Illinois. I would like to have five minutes on this amendment of mine. I do not know that I shall use it all.

Mr. DENT. Then, Mr. Chairman, make it 20 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the debate on this section and all amendments thereto close in 20 minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Ohio [Mr. GORDON] is recognized for five minutes.

Mr. GORDON. Mr. Chairman, I heartily favor the amendment offered by the gentleman from New York [Mr. HULBERT]. I believe it ought to be adopted. There is no practical reason that I know of against it. Gen. Squier, the head of this Signal Corps, testified before our committee that the department would not draft men for this service anyway. Now, the gentleman from Vermont [Mr. GREENE], who has just spoken, had something to say about maintaining the consistency of the War Department on this draft proposition. I call the attention of the committee to the fact that this draft provision is not consistent with the one that was adopted in the bill which became a law on May 18, because that left no discretion with the War Department, but was mandatory as to all additional troops outside of the existing organizations, and required a draft to be put into effect immediately, while this leaves it optional with the Signal Corps.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. GORDON. Yes.

Mr. GREENE of Vermont. Of course, my colleague does not mean to misquote me. I may have misstated what I intended to say. I did not argue for maintaining consistency on the part of the War Department. Heaven knows I am not concerned about that. I argue for the consistency of Congress.

Mr. GORDON. That is what I am talking about, too. I insist that this provision is inconsistent with the provision which was adopted by the House in the bill to increase the Military Establishment, which became a law May 18, because that law contains a mandatory provision requiring the men to be drafted, and there is no option given to the War Department. I remember very distinctly that some of us made quite a fight for a provision that would have given an opportunity for voluntary enlistment. We had a very considerable debate upon that question on the floor of the House, if my memory serves correctly, and we were defeated upon the proposition.

Mr. CAMPBELL of Kansas. Rolled!

Mr. GORDON. Yes. Now, reference has been made to the act of July, 1914; but I call the attention of the gentleman to the fact that in that act the provision for drafting applied only to the drafting of the organized forces of the National Guard into the Federal service. It did not provide for drafting private citizens, as the act of May 18 does and as this act does. Furthermore, this is wholly and entirely unnecessary, for the reason that section 2 of this bill contains a provision authorizing the transfer from all the military forces of the United States into this service, and unlimited authority is given for such transfer.

The only argument that I know of against the adoption of this amendment is the testimony of Gen. Squier that the department would not make use of the draft provision in obtaining fliers anyway. Of course it would not. Any man of common sense knows that for so highly technical and hazardous a service as that you do not want any drafted men. You only want men who volunteer for the service, because they are subjected to the most critical physical and mental examination of any branch of the military service.

Mr. McKENZIE. Will the gentleman yield?

Mr. GORDON. Yes.

Mr. McKENZIE. Does not my colleague feel that this is a pretty fine hair to undertake to split—that there is not very much to it when you get right down to it?

Mr. GORDON. Oh, I think there is considerable to it. Of course, as a practical proposition my judgment is that no competent man would ever think of invoking the draft proposition to obtain men for this service. I hope we will never have any but competent men at the head of the Signal Corps. We certainly have a competent man there now. The only argument I know of against the adoption of this amendment is that Gen. Squier says they would not draft anybody for this service anyhow. But why should not Congress itself enact a plain provision of law that will make it certain? As the gentleman from Vermont [Mr. GREENE] says, we ought to maintain our consistency, and we ought not to confer authority that we think ought not to be conferred and that ought not to be used.

Mr. CHANDLER of New York. Will the gentleman yield?

Mr. GORDON. Yes.

Mr. CHANDLER of New York. As my colleague [Mr. FITZGERALD] asked my colleague [Mr. HULBERT], suppose men do not volunteer, then what will become of the Aviation Service?

Mr. GORDON. Then it ought to be abandoned. [Laughter.] The present regulations of the Army prohibit detailing men to this service now. And I will just say, in that connection, that that is my judgment about the whole service as far as fighting in Europe is concerned. I do not want any conscripted man to fight for me in Europe, and I do not think that this country is so hard up that it has to depend upon conscripted men in any branch of the foreign service. But in this branch especially we ought not to draft men.

Mr. LENROOT. Mr. Chairman, I shall vote for the amendment proposed by the gentleman from New York [Mr. HULBERT]. As the House knows, I supported the selective-draft act to the best of my ability. I believed it was right then; I believe it is right now; but I do not believe that the House of Representatives ought to go upon record—as it will if it votes this amendment down—that we are willing to stand for the conscription of aviators. An aviator is very different from a man in the Infantry or a man in the Cavalry. To fly requires altogether different qualifications. It requires nerve, bravery, and those things that can not be acquired, because each man has got to be his own boss and must act on his own initiative, and as one Member I do not want to say, by voting against this amendment, that I am willing to have the War Department go and take a clerk out of a store, who has no qualifications for this very dangerous service, and say, "We are going to make you fly whether you will or not."

Mr. CHANDLER of New York. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. CHANDLER of New York. Is the element of danger, then, an objection to drafting men?

Mr. LENROOT. In this sense, yes——

Mr. CHANDLER of New York. Which is the more dangerous——

Mr. LENROOT. I will not yield further. I am going to answer the gentleman's question. Of course the man who is qualified undergoes a certain hazard and a certain danger, but the man who has not the qualifications to fly is in a hundredfold greater danger than is the man who has the qualifications.

Mr. CHANDLER of New York. Will the gentleman yield?

Mr. LENROOT. I decline to yield. The gentleman from New York asked the gentleman from Ohio [Mr. GORDON] what would happen if there were no volunteers. In reply to that suggestion I will say that if there are no volunteers it will probably be because of one very good reason, a reason which was shown to exist in the aviation scandal at San Diego two or three years ago, for Members who read the testimony in the court-martial of Col. Goodyear will recollect how men were crippled for life because they were forced to go into the air with defective machines and because of the incompetency of the officers who were in charge of that school. If they will recall that testimony, they will not vote for the conscription of aviators.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. LENROOT. I will yield to the gentleman.

Mr. GREENE of Vermont. The gentleman has just employed the words "forced into the air," and yet all these men, as he reminded me, were volunteers.

Mr. LENROOT. I am not objecting to any man who volunteers in the United States service volunteering for all purposes. I am not objecting so far as the volunteers in the Signal Corps are concerned that they shall be subject to the orders of their superior officers to put them where they choose, but that is a different question from where you employ a draft and say that a man shall go into the air whether he will or not, or whether he has any qualifications or not for that service.

Mr. PARKER of New Jersey. Suppose a man is ordered to go up as an observer and report what he sees?

Mr. LENROOT. If he is an observer, he is not an aviator, so he does not come within the terms of this amendment. The War Department recognizes this by having a regulation that no man shall be compelled to fly.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LENROOT. In conclusion I want to say that you are asking the House of Representatives to go on record as forcing men into the air to fly when the War Department themselves say they will not do so. If the time shall come when there are not a sufficient number of volunteers, then Congress should provide for some selection of qualified men, but we should not resort to the draft for airmen now.

Mr. KAHN. Mr. Chairman, this section does not force anybody to go into the air to fly. The War Department has never forced anybody into the air to fly and, as I understand it, it

will not be the policy of the department now to do anything of that kind. But there are in this country to-day some men who own their own machines who are fliers, whose services possibly would be needed by the country. If they did not volunteer and their services were necessary for the success of our arms, ought we not to be able to command their services even in the air?

People speak of the extra hazardous character of the service. I agree that it is extra hazardous; but in war the infantryman, the artilleryman, the cavalryman, is frequently called upon to perform a duty at times which means almost certain death. Are we going to say that no general shall be allowed to give an order that will jeopardize the life of any soldier? In all wars such sacrifices have to be made constantly.

I do not think that this draft of aviators will ever be put into effect. I do not think the War Department will ever have occasion to use it, but if the occasion should arise the law should allow them to use it.

Mr. O'SHAUNESSY. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. O'SHAUNESSY. I want the gentleman to puncture, if he will, the claim made by the gentleman from Wisconsin that men would be brought from behind the counter and sent up in flying machines.

Mr. KAHN. Of course that will never be done. The examination for aviators is so severe that probably only one man in five hundred can be utilized as a flyer. The gentleman from Wisconsin said that a man has to have nerve. I take the opposite view. He must have no nerves at all. [Laughter.] He must be able to stand anything without a particle of nervousness.

Mr. GORDON. Will the gentleman yield?

Mr. KAHN. Certainly.

Mr. GORDON. How would the Government obtain the services of these aviators? The gentleman says they might be unwilling to enter the service. Could the President reach out individually and seize him and put him into the service?

Mr. KAHN. There has been an amendment prepared which will provide for that to the effect that they shall be drafted under the provisions of the draft law. But in this entire matter the Government in its stress ought to be able to get men to do any character of service that is required during this war. [Applause.] Only a few men of the proposed force are aviators. The great majority of the men in this force are mechanicians, and they will probably be taken from the ranks of the drafted men constituting the so-called National Army. That is what the word "draft" in this section undoubtedly refers to.

The CHAIRMAN. The time of the gentleman from California has expired. All time has expired except five minutes to the gentleman from Illinois [Mr. GRAHAM]. The Clerk will report the amendment offered by the gentleman from New York [Mr. HULBERT].

The Clerk read as follows:

Insert after the Fitzgerald amendment the following proviso:
"*Provided further,* That no person so drafted shall be assigned to service as an aviator without his consent."

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken; and on a division (demanded by Mr. HULBERT) there were 29 ayes and 50 noes.

So the amendment was rejected.

Mr. GRAHAM of Illinois. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, line 23, after the word "draft," insert "in the manner provided by the act to increase temporarily the Military Establishment of the United States approved May 18, 1917."

Mr. GRAHAM of Illinois. Mr. Chairman, I do not care to discuss this unless it meets with disapproval on the part of the committee. I have shown the amendment to the leaders on the Democratic side and to some on this side of the House. It simply provides that the draft, if made, shall be made in the same manner as under the selective-draft act.

Mr. GORDON. Will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. GORDON. The selective-draft act is by lot. If you want to get the specially skilled aviators that the gentleman from California [Mr. KAHN] told us about, you could not get them under that act.

Mr. GRAHAM of Illinois. In response to that suggestion, let me say that I presume a great many men will be gathered in the aviation sections from the personnel of other arms of the service. Those things are usually done, as, for instance, artificers; you get them from the ranks of the Regular Army and National Guard by men being assigned to this particular duty. But if you are to make a draft under this act, draw a large number of men, perhaps mounting into the thousands, you ought to do it in a fair and equitable manner, and it occurs to me that we ought to employ more definite language.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. DENT. I think there is a good deal in the suggestion of the gentleman that this language in its general terms would make this section somewhat indefinite, but I also think there is a good deal in the suggestion of the gentleman from Ohio [Mr. GORDON]. I suggest to the gentleman, and I would have no objection to such an amendment, that he use the language "under such rules and regulations as may be prescribed by the President."

Mr. TEMPLE. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. TEMPLE. Does the act of May 18, 1917, provide for selection of these men by lot, or is that done under regulations issued by the President?

Mr. GRAHAM of Illinois. That is true.

Mr. FERRIS. That act itself provides for regulations.

Mr. DENT. If the gentleman will excuse me for taking part of his time, I would like to make this suggestion: The Secretary of War informed me, and the Chief Signal Officer informed the committee, that they did not propose to form this service except by the volunteer service.

Mr. GRAHAM of Illinois. I think that is true; but so long as the draft is in there, we ought to prescribe some limits within which it shall be exercised.

Mr. DENT. If the gentleman would change his amendment in the way I suggest, I would agree to accept it.

Mr. GRAHAM of Illinois. It has been suggested that the original draft act provides that rules and regulations can be prescribed from time to time. Would that cover it, in the gentleman's judgment?

Mr. DENT. It might, but this is the shorter form. You would not have to look for another law in order to determine what this law means.

Mr. LENROOT. If that is done, you might take them all out of New York City.

Mr. DENT. That is true.

Mr. GRAHAM of Illinois. Suppose you want 100,000 men. There ought to be some regularity over the country by which you can get those men. If this bill becomes the law in its present form, the draft can be made by the President in any way he desires and from any section of the country exclusively. For instance, if 100,000 men were called in all, they might all be called from the State of New York or from some particular part of the country. The selective feature is entirely absent. Instead of a fair imposition of the military burden upon all the people pro rata, we would substitute any system, however unfair and unjust and arbitrary, that the President might seek to impose. The word "draft" as used here means "a method of military conscription; a levy." This act, not connected in any way, unless by this amendment, with the selective conscription act, must be construed according to the ordinary meaning of its language; therefore it is evident it substitutes the arbitrary will of the President for the system we have heretofore adopted in the selective conscription act. Under it the military officers may go to mill or factory or farm and pick whom they choose, without any explanation or reason, and compel their immediate service. The man on one side of the street may be taken and the one on the other side excused; the mechanics in one institution or workshop may be called and those in another similar institution or workshop be permitted to stay at home. There are here no exemptions, as in the selective draft act; no one is exempt in this act, even though he be a minister of the gospel. Absolute and unlimited power is here given, to be exercised as one man may designate. This act ought to be perfected by the adoption of the amendment I have proposed.

The CHAIRMAN. The time of the gentleman from Illinois has expired. The question is on the amendment proposed to the committee amendment by the gentleman from Illinois [Mr. GRAHAM].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question is on agreeing to the committee amendment as amended.

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 6. That officers detailed in or attached to the Aviation Section of the Signal Corps may, when qualified therefor, be rated as junior military aviators, military aviators, junior military aeronauts, and military aeronauts, but no person shall be so rated until there shall have been issued to him a certificate to the effect that he is qualified for the rating, and no certificate shall be issued to any person until an examining board, which shall be composed of two officers of experience of the aviation section of the Signal Corps and one medical officer, shall have examined him under general regulations to be prescribed by the Secretary of War and published to the Army by the War Department, and

shall have reported him to be qualified for the rating. No person shall receive the rating of military aviator or military aeronaut until he shall have served creditably for three years as an aviation officer with the rating of a junior military aviator or the rating of a junior military aeronaut, except that in time of war any officer or enlisted man who specially distinguishes himself in active service may, upon recommendation of the Chief Signal Officer of the Army, be rated as a junior military aviator, military aviator, junior military aeronaut, or military aeronaut without regard to examination or to length of service: *Provided*, That junior military aeronauts and military aeronauts shall be entitled to the same increase in rank and pay as are now authorized by law for junior military aviators and military aviators, respectively: *Provided further*, That any officer attached to the Aviation Section of the Signal Corps for any military duty requiring him to make regular and frequent flights shall receive an increase of 25 per cent of the pay of his grade and length of service under his commission.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 5, line 11, after the word "officer," insert the words "or enlisted man."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MANN. Mr. Chairman, before an enlisted man is given detail as a junior military aviator he has to be appointed as an officer, has he not?

Mr. DENT. He has to be appointed.

Mr. MANN. As an officer?

Mr. DENT. Oh, no; they use enlisted men for flying purposes.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 5, lines 16 and 17, after the word "service," strike out the words "as an aviation officer or nautical officer."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HULBERT. Mr. Chairman, I would like to ask the chairman of the committee a question. Directing his attention to lines 1 and 2, page 5, I beg to inquire if it is not intended by the provisions of the bill to provide that the examining board should be composed of two officers who have had experience in aviation?

Mr. DENT. The bill reads:

Which shall be composed of two officers of experience of the Aviation Section of the Signal Corps and one medical officer.

Mr. HULBERT. My inquiry is whether it is not intended that the two officers of the examining board other than the medical officer shall be experienced in aviation?

Mr. DENT. I think that is what the language means.

Mr. HULBERT. No; it does not mean anything of the kind.

Mr. DENT. Will the gentleman suggest something different?

Mr. HULBERT. I suggest that you strike out the words "experience of" and after the word "section," in the same line, insert the words "experienced in aviation," so that the clause will read:

Which shall be composed of two officers of the Aviation Section experienced in aviation.

Otherwise officers might be transferred from the Cavalry and the Infantry and detailed to duty in the Aviation Section, and you might have men on this board who have been of long service in the Infantry or Cavalry Arm, but who, by reason of that fact, might not be able to give the same consideration to a man only a short time in the service who had performed great deeds of daring in the aviation section and yet not get the recognition to which he is entitled.

Mr. DENT. If the gentleman will permit me, I do not see how he improves it by his language, because a man can not have experience in the Aviation Section of the Signal Corps without being commissioned in that line.

Mr. HULBERT. Let me ask the gentleman if there are not now officers in the Aviation Section of the Signal Corps who have never been up in a flying machine in their lives, and whether the gentleman will say that those gentlemen are not experienced in aviation when they have been detailed for six months or a year to that particular section.

Mr. DENT. There are lots of men in the Signal Corps who have not had experience as fliers, but this refers to the Aviation Section of the Signal Corps.

Mr. KAHN. There are a great many officers in the allied aviation sections who have never flown.

Mr. HULBERT. The point I am getting at is whether or not it is intended the two officers who compose in part this board are to be men who have had experience as aviators or not.

Mr. DENT. That is the way I construe the language, and I think that is what is meant.

Mr. HULBERT. Well, I submit to the gentleman I do not believe it means anything of the kind.

The CHAIRMAN. The Clerk will report the last committee amendment in the section.

The Clerk read as follows:

Page 5, line 20, after the word "aviators," insert the following: "and military aviators, respectively."

The question was taken, and the amendment was agreed to.

Mr. HULBERT. Mr. Chairman, I desire to propose an amendment: On page 5, line 2, strike out the words "experience of," and after the words "Signal Corps," in line 3, insert "who are experienced as aviators.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Page 5, line 2, after the word "of," strike out the words "experience of," and in line 3, after the word "Corps," insert the words "who are experienced as aviators."

The question was taken; and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. HULBERT) there were—ayes 6, noes 52.

So the amendment was rejected.

The Clerk read as follows:

SEC. 9. That authority is hereby given to the President, through the War Department, for the purchase, manufacture, maintenance, repair, and operation of airships and other aerial machines, including instruments and appliances of every sort and description necessary for the operation, construction, or equipment of all types of aircraft, including guns, armament, ammunition, and all necessary spare parts and equipment connected therewith; and all necessary buildings for equipment and personnel in the Aviation Section and for the exclusive purchase, maintenance, repair, and operation of motor-propelled passenger and equipment carrying vehicles which may be necessary for the Aviation Section.

And authority is hereby further given for the establishment, equipment, maintenance, and operation of aviation stations, including (a) the acquisition of land, or any interest, in land with any buildings and improvements thereon, by purchase, lease, donation, condemnation, or otherwise; (b) the improvement of such land by clearing, grading, draining, seeding, and otherwise making the same suitable for the purpose intended; (c) the construction, maintenance, and repair of permanent or temporary barracks, quarters, hospitals, mess houses, administration, instructional and recreational buildings, hangars, magazines, storehouses, sheds, shops, garages, boathouses, docks, wireless stations, laboratories, observation stations, and all other buildings and structures necessary or advisable; (d) procuring and introducing water, electric light and power, telephones, telegraph, and sewerage to aviation stations and buildings and structures thereon by the extension of existing systems or the creation of new systems and their maintenance, operation and repair, installation of plumbing, electric fixtures and telephones, fire apparatus and fire alarm systems and the maintenance, operation and repair of all such systems, fixtures, and apparatus; (e) construction and repair of roads, walks, sea walls, breakwaters, bridges and wharves, dredging, filling and otherwise improving land and water sites; (f) purchase of stoves and other cooking and heating apparatus, kitchen and table ware, and furniture and equipment for kitchens, mess halls, officers' quarters, barracks, hospitals, and other buildings, screens, lockers, refrigerators, and all other necessary equipment; (g) purchase of gasoline, oil, fuel, and all supplies of every kind and character necessary or advisable for maintenance and operation of aviation stations, including electric light and power, telephones, water supply and sewerage service; (h) purchase and manufacture and installation of all kinds of machinery, tools, material, supplies, and equipment for construction, maintenance, and repair of aircraft, buildings, and improvements at aviation stations, or property or appliances used in connection with aviation.

And also for the purchase or manufacture and issue of special clothing, wearing apparel, and similar equipment for aviation purposes.

And also for the actual and necessary expenses of officers, enlisted men, and civilian employees of the Army and authorized agents sent on special duty at home and abroad for aviation purposes, including observation and investigation of foreign military operations and organization, manufacture of aircraft and engines, also special courses in foreign aviation schools and manufacturing establishments, to be paid upon certificates of the Secretary of War certifying that the expenditures were necessary for military purposes.

And also for vocational training, including employment of necessary civilian instructors in important trades related to aviation, purchase of tools, equipment, materials, and machines required for such training, purchase of textbooks, books of references, scientific and professional papers, periodicals, and magazines, and instruments and material for theoretical and practical instruction at aviation schools and stations, and all other means to carry out the provisions of section 27 of the act approved June 3, 1916, authorizing, in addition to the military training of soldiers while in active service, means for securing educational and vocational training of a character to increase their military efficiency and enable them to return to civil life better equipped for industrial, commercial, and general business occupations.

And also paying and otherwise providing for such officers of the Officers' Reserve Corps of the Aviation Section of the Signal Corps and such enlisted men of the Enlisted Reserve Corps of the Aviation Section of the Signal Corps as may be called into active service and such enlisted men as may be enlisted in the Aviation Section of the Signal Corps under the provisions of section 2 of the act to increase temporarily the Military Establishment of the United States, approved May 18, 1917, or any subsequent act temporarily increasing the commissioned or enlisted personnel of the Aviation Section of the Signal Corps and such civilian employees as may be necessary, for the payment of their traveling and other necessary expenses when not traveling with troops, and for the necessary expenses of the aircraft pro-

duction board: *Provided*, That hereafter all reserve officers and enlisted men of the Aviation Section of the Signal Corps shall be paid by Quartermaster Corps disbursing officers from funds transferred to their credit from Signal Corps appropriations.

And also for the payment of all expenses in connection with the development of suitable types of aviation engines, airplanes, and other aircraft appurtenances, including the cost of sample engines, airplanes, and appurtenances, cost of any patents and other rights therein, and costs of investigation, experimentation, and research in respect thereto.

And also for the payment of all expenses in connection with the creation, expansion, acquisition, and development of plants, factories, and establishments for the manufacture of airplanes, aircraft, engines, and appurtenances, including provision for the purchase or lease of land, with the buildings thereon, construction of permanent or temporary buildings for all purposes, purchase of machinery, tools, and employment of operatives, together with all administrative expenses necessary, the purchase and supply of raw and semifinished materials and of fuel and all other things necessary for creating and extending the production of airplanes, aircraft, engines, and all appurtenances.

And also for creating, maintaining, and operating at technical schools and colleges courses of instruction for aviation students, including cost of instruction, equipment, and supplies necessary for instruction and subsistence of students while receiving such instruction.

And also for organization, administrative and contingent expenses in the District of Columbia and elsewhere, including chief clerks and seven principal clerks, chiefs of divisions, and such other services as the Secretary of War may deem necessary, office rents, office furniture and equipment, stationery, plans, drawings, photographs, photograph materials and equipment, and all other necessary office supplies and expenses.

Provided, That motor-propelled vehicles, airplanes, engines, parts thereof, and appurtenances may be exchanged in part payment for new equipment of the same or similar character to be used for the same purpose as those proposed to be exchanged.

Provided further, That during the present emergency officers and enlisted men of foreign armies attached to the Aviation Section of the Signal Corps as instructors or inspectors, when traveling on official business pertaining to the Aviation Section of the Signal Corps, shall be authorized, from funds appropriated in this act, the same mileage and transportation allowances as are authorized for officers or enlisted men of the Regular Army.

The CHAIRMAN. The Chair will state that the committee can expedite the matter by disposing of the various committee amendments to this section first unless some Member has an amendment to some committee amendment. Therefore the Chair will direct the committee amendments to be disposed of, and then the entire section is open for amendment. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 7, line 2, after the word "section" and beginning with the word "and," strike out all the language to and including the word "section," in line 5, and insert in lieu thereof the following: "and for the purchase, maintenance, repair, and operation, through the Chief Signal Officer of the Army, of all motor-propelled passenger and equipment carrying vehicles which may be necessary for the Aviation Section of the Signal Corps."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 7, line 21, after the word "docks," strike out the word "wireless" and insert in lieu thereof the word "radio."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 10, line 1, after the word "also," strike out the word "paying" and insert in lieu thereof the word "to pay"; and after the word "otherwise," strike out the word "providing" and insert in lieu thereof the word "provide."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 10, line 14, after the word "troops," strike out the words "and for the necessary expenses of the aircraft production board."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 11, line 19, after the word "expenses," strike out the following: "in the District of Columbia and elsewhere."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 11, line 20, after the word "including," insert the word "one," and after the word "chief" strike out the word "clerks" and insert the word "clerk," and after the word "clerk" strike out the word "and."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 12, after the word "that," insert the following: "subject to the approval of the Secretary of War."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 12, line 10, after the word "traveling," insert the words "in the United States."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 12, line 12, after the word "appropriated," strike out the word "in" and insert in lieu thereof the word "by."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 12, line 15, insert as a new section section 10——

Mr. DENT. Mr. Chairman, on page 7, line 13, I ask unanimous consent that the comma after the word "interest" be transposed to the word "land," the second word from that.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 7, line 13, after the word "interest," strike out the comma and insert it after the word "land."

The question was taken, and the amendment was agreed to.

Mr. DENT. Page 9, line 14, in the word "references" the "s" should be stricken out. It should be in the singular.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 14, strike out the letter "s" in the word "references."

The question was taken, and the amendment was agreed to.

Mr. LENROOT. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 18, after the word "that," insert "during the existing emergency," and on page 7, line 10, after the word "and," insert the words "during the existing emergency."

Mr. LENROOT. If I may have the attention of the chairman, I do not care to discuss this. I understood it was acceptable to him.

Mr. DENT. I have no objection to that.

Mr. SLAYDEN. Mr. Chairman, I want a minute or two for the purpose of asking the gentleman from Alabama [Mr. DENT] a question, and before asking the question I will make a brief statement. I believe that this bill is of vast importance. I believe the projects embodied in it are of supreme importance at the moment, and possibly may bring to a speedy conclusion the most hideous war in all history. Therefore I am cordially in favor of it.

I believe, moreover, it is very desirable that we should avail ourselves of every possible opportunity not only to expedite the construction of these machines here but to get as many of them as possible elsewhere, and believing that, I have thought of offering an amendment to this bill authorizing the Secretary of War in his discretion, if he found after investigation that the Governments of Great Britain, France, and Italy could, by receiving a share of this appropriation, increase their own output of machines beyond what they will be able to make without the appropriation, to buy airplanes in those countries and from any available source.

Mr. DENT. I do not believe there is any question but that the Secretary of War would have that authority.

Mr. FITZGERALD. I am not sure about that. I do not think the Secretary has that authority, and I do not think we ought to pay the expense of these foreign armies. We are lending them money they can use for that purpose.

Mr. SLAYDEN. I have not yielded.

Mr. FITZGERALD. I think the gentleman from Alabama [Mr. DENT] must have misunderstood the question.

Mr. SLAYDEN. My idea is this: I want to buy machines as rapidly as possible. I believe we can get more machines for a given amount of money in Europe than in this country. We ought to get them there when we can, and make them here, too. We want them in large quantities, and quickly.

Mr. DENT. That is what I thought the gentleman was driving at.

Mr. SLAYDEN. And I believe if we can do so, and get them more quickly, by getting some of them on the other side, we can avoid the hazard of trans-Atlantic carriage and danger of having them destroyed by submarines, we ought to do it. It is not important as to where these machines are made. The question of American labor is of secondary importance when it comes to saving American lives and winning the war as rapidly as possible. And if we learn after investigation that Great Britain or France or Italy or any other of our allies can increase their output of these machines we ought to buy them.

Mr. CARTER of Oklahoma. You can buy them under this bill, can you not?

Mr. DENT. Perhaps I misunderstood the gentleman from Texas [Mr. SLAYDEN] when I answered as positively as I did. The idea, as I gathered from the gentleman's statement, is whether or not under this bill we could proceed, not only in this country but also in England or France, in order to expedite the organization of this corps and the building of machines?

Mr. SLAYDEN. That is it, exactly.

Mr. DENT. There is no question about that, and that is what I intended to say.

Mr. SLAYDEN. You think there is no doubt about that?

Mr. DENT. I do not think there is any doubt about it.

Mr. SLAYDEN. I am glad to hear it; and I hope, if the Secretary of War finds that he can get machines anywhere in larger numbers, he will proceed to do it.

Mr. LENROOT. Mr. Chairman, I want to take a moment to explain the amendment I have offered and which the chairman of the committee accepted.

Section 9, as it stands, is permanent legislation, and its powers will exist after the war. The amendment I have proposed to certain places makes the powers of section 9 in force only during the existing emergency.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The question was taken, and the amendment was agreed to.

Mr. LENROOT. There are two amendments.

The CHAIRMAN (Mr. SABATH). Were there two amendments?

Mr. LENROOT. Yes.

The CHAIRMAN. They were all in one, and were both adopted.

Mr. MORGAN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MORGAN: Page 7, line 14, after the word "otherwise," insert a colon and the following words:

"*Provided*, That, by order of the President, any unappropriated or reserved public land may be reserved from entry and designated and used for such aviation stations."

Mr. MORGAN. Mr. Chairman, I have called the attention of the gentleman from Alabama [Mr. DENT], the chairman of the Committee on Military Affairs, and also the attention of the gentleman from California [Mr. KAHN], the ranking Republican member of said committee, to the amendment which I have offered. I do not believe they have any objection to the adoption of my amendment. It is probable, Mr. Chairman, that under the general law the President would have authority to set aside any portion of the public domain to be used for military purposes which would, of course, include the use of such lands for aviation training stations. To avoid any question about the matter there can be no harm in inserting this provision. The amendment authorizes the President by Executive order to reserve from entry and to designate and use any unappropriated or reserved public land for aviation stations. These stations are to be permanent. It will require the expenditure of three-quarters of a million of dollars to erect the necessary buildings and equipment for one of these stations. There should be no question, therefore, about the authority of the President to set apart any of the public lands to be used as permanent aviation stations.

Mr. Chairman, I have been prompted to present this amendment by the situation in my own congressional district. In the county of Alfalfa, in the eighth Oklahoma district, which I have the honor to represent in this House, there is what is known as the Saline Reserve. It is sometimes called the Salt Plains. It embraces something like 50,000 acres of land, according to my memory. It is something like 15 miles in length and from 6 to 10 miles in width. It is a level tract of land upon which there are no buildings, trees, or other obstructions. There is no vegetation on this land owing to the salt water which is near the surface of the land. In the opinion of some good judges it is an ideal location for an aviation training station. It is located near the city of Cherokee, the growing county seat of Alfalfa County. The city has a population of something like 3,000. It is a city with all modern improvements, with electric lights, water works, and with three railroads. Alfalfa County is one of the best agricultural counties in the State of Oklahoma, or, for that matter, in any State of the Union. The people of the county, including, of course, the city of Cherokee, are intelligent, progressive, and patriotic. Nowhere else could there be better surroundings for the training of men who we believe are to play such an important part in winning the war in which this country is now engaged. The wide-awake Commercial Club of the city of Cherokee, through its secretary, W. E. Wiles, has made a formal application to the War Department to have one of the aviation training stations established on the Saline Reservation to which I have referred. Should this bill which appropriates $640,000,000 for aviation purposes become a law—and we all recognize that it will become a law—I am informed that a large number of aviation training stations will be established in various parts of the United States. Before establishing any of these stations the War Department will thoroughly investigate all proposed locations. I do not know what will be the result of the investigation of the Saline Reservation in Oklahoma. This location must take its chances with others. However, I think it is wise to adopt my amendment so that there can be no question but what the War Department may utilize this reservation or any other public lands in the Western States for aviation-training stations.

Mr. DENT. Mr. Chairman, I am inclined to think that the President would have that authority anyhow, but I can not see any possible objection to the amendment offered by the gentleman from Oklahoma.

Mr. MORGAN. I do not wish to take up the time.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. HULBERT. Mr. Chairman, I rise to inquire of the chairman of the committee whether in the consideration of this bill his committee took up at all the matter of the bill on which some hearings had been had for the creation of a separate department of aeronautics?

Mr. DENT. I will state that the committee did not. They thought that ought to be considered separately and independently of this particular proposition.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Amendment offered by Mr. FITZGERALD: On page 11 strike out lines 16 to 25, inclusive.

Mr. FITZGERALD. Mr. Chairman, this paragraph has already been amended by the adoption of the committee amendment striking out the words "in the District of Columbia and elsewhere." This is the authority to expend out of the appropriation money for rent, clerical service, office furniture, and the like.

Under date of July 12 the War Department transmitted estimates to Congress aggregating $5,854,000, and they set forth the specific purposes for which the money is required. For additional employees in the War Department they ask $3,726,000; for contingent expenses, $820,000; for stationery, $550,000; for rent of buildings, $196,000; for printing and binding, $374,000. These estimates will be taken up, and specific appropriations will be made for those services in a bill the consideration of which is to begin on Monday.

It seems to me that the money in this present bill should be devoted exclusively to the purposes of paying for the aircraft, the buildings, the plants, the subsistence, and the pay and equipment of the officers and men in the Aviation Corps, and the money for the departmental services should be segregated, as it is always segregated from such appropriations. Unless specific authority be given to spend the money for rent and clerical services in the District of Columbia, the appropriation is not available for that purpose.

Mr. DENT. Mr. Chairman, may I ask the gentleman from New York a question?

Mr. FITZGERALD. Yes.

Mr. DENT. As I understood the gentleman to-day in discussing the bill, he made the statement that if the committee amendment striking out the words "in the District of Columbia" be adopted in this bill, no money could be paid for clerical hire in the District of Columbia.

Mr. FITZGERALD. For the other purposes enumerated, however—stationery and office furniture—the money would be available. I do not believe the gentleman desires to mix up this appropriation with such items. I believe the paragraph should go out, so that the money can be specifically carried elsewhere.

Mr. DENT. The gentleman says he expects to report a deficiency bill that will take care of this paragraph. Under those circumstances I have no objection to the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 10. That for the purpose of carrying this act into effect the sum of $640,000,000 is hereby appropriated out of any funds in the Treasury not otherwise specially appropriated.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

Mr. MANN. I hope the gentleman will agree to strike out the word "specially" there.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Amendment offered by Mr. FITZGERALD: Page 12, line 18, after the word "appropriated," insert the words "to be available until June 30, 1918."

Mr. FITZGERALD. The period after the word "appropriated" should be stricken out and a comma should be inserted in lieu thereof.

I assume, Mr. Chairman, that it is the purpose to expend the money within the fiscal year, but in the event it is not expended, inasmuch as it is not for the fiscal year, the covering-in act would not apply if the money be not expended during this fiscal year.

Mr. DENT. Does the gentleman suggest the words "immediately available"?

Mr. FITZGERALD. No. It is not to be made immediately available. It is to be available until June 30, 1918.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the word "specially" in line 17, page 12.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amendment offered by Mr. MANN: Amend, page 12, line 17, by striking out the word "specially."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. DENT. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments——

Mr. McKEOWN. Will the gentleman withhold that motion to allow me to offer an amendment?

Mr. DENT Yes.

Mr. McKEOWN. I offer the following amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McKEOWN: Page 12, line 16, strike out $640,000,000 and insert in lieu thereof $320,000,000.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The amendment was rejected.

Mr. HARDY Mr. Speaker, this morning's Washington Post was an eye opener to me. Just yesterday we were assured the steel men had surrendered to the Government and were going to be content with fair profits under prices fixed by the Government. And now comes the statement from Gen. Goethals that he has let contracts, not that he is negotiating, but that he has contracted for 642,800 tons of steel ships at $158 per ton, and 1,218,000 tons of wooden ships at $143 per ton. This is surrender by the steel interests with a vengeance. The Philadelphia Inquirer of same date, which I read later, has this article, which includes a letter from Gen. Goethals:

WASHINGTON, *July 13.*

Maj. Gen. Goethals, manager of the Shipping Board's emergency fleet corporation, took full charge of the Government's shipbuilding program to-day and announced sweeping plans for constructing the great merchant fleet with which the United States hopes to defeat the German submarine campaign.

The most important steps contemplated by Gen. Goethals are these:

Immediate construction of two Government-owned shipbuilding plants for building 400 fabricated steel ships of 2,500,000 tonnage.

Commandeering of 1,500,000 tons of shipping now building for private account in American yards.

A request for another great appropriation for building ships.

Gen. Goethals's announcement was made in a letter to Chairman Denman, of the Shipping Board, which said the fleet corporation, under powers just granted by President Wilson, would start on its building program Monday by offering contracts for construction of the two Government ship plants and by outlining to shipbuilders the plans for commandeering vessels under construction.

STATEMENT BY MR. DENMAN.

Chairman Denman, of the Shipping Board, who also is president and director of the corporation and whose friends had sought for him the powers conferred on the fleet corporation by the President, made this statement after receiving Gen. Goethals's letter:

"The board of directors of the fleet corporation will be called together probably Monday to discuss the General's program. I have no doubt the directors and the General will have no disagreement over policy on the program he has outlined for us when the matter has had full discussion."

Gen. Goethals's announcement and Denman's comment were regarded by the General's friends as indicating a final settlement in his favor of the long drawn-out controversy between the two men as to the policy to be pursued in building ships. Although the fleet corporation's board of directors is composed of members and employees of the shipping board, it was said to-night on the highest authority that the situation would be so arranged that Gen. Goethals can proceed without hindrance.

CONTRACTS NOW LET.

Gen. Goethals's letter to Mr. Denman discloses that the fleet corporation has let contracts for 425 ships, 345 of them wood and 77 steel, with a total tonnage of 1,860,800. The cost of the wooden ships will be $143 a ton and the steel ships $158.

Contracts for building the Government yards will be let Monday on a basis of cost plus 6 per cent. Options will be given to contractors to purchase the plants on completion of the work.

Proffers that have come to the fleet corporation for building completed ships, it was said to-day, show that steel ships can be built faster than wood. Steel ships complete, it is said, can be turned out within five months from the time work is begun, while wooden construction will require eight months.

Gen. Goethals's letter to Chairman Denman follows:

"Now that the President has authorized the emergency fleet corporation to exercise the powers granted by Congress to build and commandeer ships, I intend, on Monday, to start ship construction, which will complete my shipbuilding program. My full program is as follows:

"I. Ships now building:

"Contracts for 348 wood ships have been let or agreed upon, with a tonnage capacity of 1,218,000 tons, at a cost, completed, of approximately $174,000,000.

"In addition, I have under negotiation contracts for about 100 wood ships.

"Contracts for 77 steel ships have been let or agreed upon, with a tonnage of 642,800 tons, at a cost of approximately $101,660,356.

"There are thus provided 425 ships of all sorts, with an aggregate tonnage of 1,860,800, at a cost of approximately $275,000,000, besides 100 more wood ships under negotiation. I shall continue to let all contracts for wood ships (of design approved by the naval architect of the corporation), which I can secure from responsible bidders.

"II. Construction of standardized ships.

"My main reliance for getting the greatest amount of the most serviceable tonnage in the shortest time will be on the construction of fabricated steel ships of standard pattern. For that purpose I shall use to some extent the existing yards.

GOVERNMENT TO OWN PLANTS.

"On Monday I shall offer contracts for the building of two plants (to be owned by the Government) for the construction of fabricated steel ships to produce 400 ships of an aggregate tonnage capacity of 2,500,000 tons within the next 18 to 24 months. For the building of these two yards and the construction of ships in them, I shall offer, as compensation to the agents who undertake the work, a fee of approximately 6 per cent of the total cost of the work with rewards for savings in cost and for speed in delivery.

"Provision will be made for decreasing the fee to prevent unnecessary cost. The contracts will give the Government the benefit of Government-fixed commodity prices, and will provide for cessation of work at any time so that the appropriation may not be exceeded. Options will be given to the contractors to purchase the plants at arbitrated values on the completion of the work.

"The design of the ship is ready, the plans of the yards are ready, the distribution of the work of furnishing the material and of fabrication is arranged.

WILL CONSUME AVAILABLE MONEY.

"This part of the program will take all the $550,000,000 available, not absorbed by contracts made or making as stated in the beginning of this letter. The program will more than redeem my estimates to the congressional committee at the time this appropriation was asked for of 3,000,000 tons of new construction within 18 months.

"The additional contracts for wood ships which I expect to place, together with the full number of fabricated steel ships which it is planned to build, will require more money than Congress has authorized. When I know how much will be needed, it will be necessary to ask Congress for further sums.

"3. Commandeering of ships in yards:

"On Monday I shall deliver to ship builders a general statement of the program which I have long been maturing for commandeering ships now under construction for private account, such ships having an aggregate tonnage considerably in excess of 1,500,000 tons.

WILL FEDERALIZE YARDS.

"The essence of this program is to commandeer all such ships and expedite their construction by aiding labor and cutting out refinements. By this Federalizing each yard, giving it Government help and putting it on a speed basis, we shall produce its greatest efficiency. As fast as the berths are cleared each yard will be devoted to the production of a single type of tonnage for which it is best suited. I count upon the complete cooperation of the yards.

"This program is made competitive because expedition can not be obtained in a yard engaged partly on rush work and partly on prewar time schedules. My investigation has satisfied me that citizens of the United States and of our allies will pay the cost of expediting ships now building for them and take them off our hands. If this policy is adopted, it will conserve our fund.

"I agree that it is essential for the Shipping Board to requisition at once the neutral ships which are constructed and ready to sail. I have no data to make an estimate as to how many of these ships there are or how much money will be required for this purchase. I shall, therefore, cut my program to the extent of $50,000,000. Please notify me at once whether this is enough.

"Each day's delay in summer—in commandeering or contracting—means two days' loss of time in throwing the work into the winter months. It is for that reason I am urgent that the program start on Monday."

I look in vain for any comment or criticism of this enormous price being paid by Gen. Goethals for ships as announced, or the enormous commission to be paid to the "agents who undertake the work" of building two Government shipbuilding plants and the construction of ships in them, "with reward for savings in cost and speed in delivery." Just what the function, responsibilities, or outlay of these agents will be is not clear. The General will let the building of the two plants by contract and the Government will build the ships in the plants, so I presume these "agents who undertake the work" will only superintend and overlook the work.

In another paragraph of his letter the General states:

This part of the program—

The two plants and ships built in them—

will take all of the $550,000,000 available not absorbed by the contracts made or making, as stated in the beginning of this letter.

That is to say, as I figure it, about $225,000,000. So these agents seem to me to be about to be awarded, without one dollar invested or risk assumed, a neat little sum of 6 per cent on

$225,000,000, or about $13,500,000 for 18 months' supervision of a Government contract and job as commissions, besides "rewards for savings in cost and speedy delivery."

In the name of the Lord of Hosts and of the people of the United States, will not somebody offer Gen. Goethals "rewards for savings" somewhere in costs? Speed in delivery is all important, and the President wisely sought to place in charge of our shipbuilding the greatest genius in constructive and administrative ability in America. Naturally his eyes turned to Gen. Goethals, crowned with the laurals of victory in the greatest engineering achievement of the ages in building the Panama Canal.

But every step he has taken since he has been selected by the President to take charge of this ship building has seemed to me to be utterly reckless as to the expenditure of the millions of the people's money and prodigal in the bestowal of princely bounties on those with whom and through whom he deals in behalf of the Government. From the first he has acted as if he were supreme and sole director of the Nation's program of shipbuilding, and scorned the advise or cooperation of the Shipping Board, notwithstanding the law has placed the building or acquiring of ships for the Government in the hands of the Shipping Board, which was appointed by the President, by and with the advice and consent of the Senate, and of which Mr. Denman is chairman. I personally know that Mr. Denman is one of the best-posted men in the United States in regard to our merchant marine, and one of the strongest and ablest of men, and one whose soul is devoted to the discharge of his duty. The other members of the board are able men also; but Gen. Goethals acts as if there were no Shipping Board. Why he writes to Chairman Denman at all is a mystery, since he only writes to tell him what he, Goethals, has done. Perhaps the mystery is explained by the next to the last paragraph of his letter to the chairman, in which he confesses he has no data to determine how much money will be required to pay for neutral ships constructed and ready to sail, and rather curtly asks Mr. Denman to notify him at once whether $50,000,000, to which he says he has cut his program, is enough for that purpose. This is not the first time he has ignored the Shipping Board, which, in my judgment, knows far more than he about shipping. Before this he has been called down by a refusal of Chairman Denman to approve what seemed to me an outrageous price for steel. Somehow I understand that matter was adjusted, but that matter was a trivial one compared to the matter set forth in Gen. Goethal's letter which I have quoted.

I wish to revert to the prices which Gen. Goethals has agreed to pay for ship tonnage—$158 per ton for steel and $143 per ton for wooden ships, involving $275,000,000. Prior to August, 1914, ships were generally built, so the testimony showed before our Committee on Merchant Marine, in England at about $40 per ton and in this country at from $40 to $60 per ton; and the shipbuilders here professed that if they had a large quantity of ships to build they could do it at least, if the ships were standardized, as cheaply as England could. Now they are to be given a quantity of building, and that in the main to be standardized, far greater than ever England's shipyards built; and yet Gen. Goethals, right off the reel, contracts with them to pay a price four times the English ante bellum price and three times the American ante bellum price. Truly the steel men were wise to "surrender" to the Government, so far as shipbuilding is concerned, unless they are forbidden to take any of these shipbuilding contracts and compelled to furnish steel to those who get the contracts at reasonable prices, say $56 per ton—the price, as I recall it, at which Mr. Daniels required and compelled them to furnish steel for naval construction. If this shipbuilding program of Gen. Goethals does not lay the foundation for the greatest of all war grafts and war scandals in history, it is not what it seems to me.

Mr. DENT. Is it necessary for the committee to vote on the amendment to the title?

Mr. CRISP. No; that comes up in the House.

Mr. DENT. Mr. Chairman, I move that the committee do now rise and report the bill with the amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 5326) to authorize the President to increase temporarily the Signal Corps of the Army, and to purchase, manufacture, maintain, repair, and operate airships, and for other purposes, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. DENT. Mr. Speaker, I move the previous question on the bill and amendments to the final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. DENT, by unanimous consent, the title of the bill was amended so as to read: "A bill to authorize the President to increase temporarily the Signal Corps of the Army and to purchase, manufacture, maintain, repair, and operate airships, and to make appropriations therefor, and for other purposes."

On motion of Mr. DENT, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. HULBERT. Mr. Speaker, I ask unanimous consent that the RECORD show that there was no Member voting against the passage of the aeroplane bill.

The SPEAKER. Let the RECORD show it.

ADJOURNMENTS UNTIL JULY 23, 1917.

Mr. KITCHIN. I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Wednesday next.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet on Wednesday next. Is there objection?

Mr. MANN. Reserving the right to object, let us see if we can not extend the request.

Mr. KITCHIN. I am going to ask unanimous consent that when the House meets on Wednesday next it shall adjourn to meet on the following Saturday.

Mr. MANN. Why not make the request that the House adjourn to-day until Wednesday, and that when we meet Wednesday, after the approval of the Journal, we adjourn until Saturday, and that on Saturday, after the approval of the Journal, we adjourn until the following Monday?

Mr. KITCHIN. I will make that request all in one; that when the House adjourns to-day it adjourn to meet on Wednesday, and that after the reading and approval of the Journal on Wednesday the House adjourn to meet on Saturday following, and that after the reading and approval of the Journal on Saturday the House adjourn to meet on the following Monday at 12 o'clock.

Mr. COOPER of Wisconsin. I should like to ask the gentleman from North Carolina what can be done on Wednesday if we consent to the gentleman's request?

Mr. KITCHIN. Nothing can be done on Wednesday except to adjourn after the reading and approval of the Journal.

Mr. MANN. Nothing will be done unless some Member dies?

Mr. KITCHIN. Nothing.

Mr. COOPER of Wisconsin. Except to move to adjourn?

Mr. KITCHIN. Yes.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet on Wednesday next——

Mr. TILSON. If the gentleman will allow me, assuming that this aviation bill should immediately pass the Senate, could there not be some arrangement by which the House without objection could send it to conference and dispose of it?

Mr. KITCHIN. The Senate will not take up this bill until after the food bill is passed.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet next Wednesday, and that after the reading and approval of the Journal on Wednesday the House shall adjourn until Saturday, and that after the reading and approval of the Journal on Saturday the House shall adjourn until Monday week at 12 o'clock. Is there objection?

Mr. SEARS. Reserving the right to object, Mr. Speaker, I am getting quite a number of letters from home urging that Congress get busy and pass some laws, and I would like to know if there is anything for the House to do next week?

Mr. KITCHIN. There is nothing that the House can do; the gentleman's constituents are referring to the body at the other end of the Capitol. The House has done everything it was required to do up to now. [Applause.]

Mr. SEARS. The newspapers are giving the idea that the House is not doing anything.

Mr. KITCHIN. And the gentleman knows that that is not true.

Mr. STEENERSON. Mr. Speaker, reserving the right to object, I want to ask the gentleman a question. Would it not be better not to provide for an adjournment in the future, as we might want to do something? It seems to me that you are exceeding the jurisdiction of the House, because the Constitution

does not provide for an adjournment for only three days at a time. The gentleman is asking unanimous consent that the House when it adjourns next Wednesday adjourn to a future date.

Mr. KITCHIN. I see the point of the gentleman, and we will make it that way.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. CROSSER. Reserving the right to object, the Patent Committee has a bill which we think of sufficient importance connected with the war, and we feel that if the House is going to adjourn substantially for a week we ought to have some understanding about getting the bill up when it goes into session again.

Mr. KITCHIN. I believe that there is something in the proposition contained in the resolution the gentleman refers to and that the House ought to consider it. I believe we will do it when we come back here on Monday, the 23d, and I will do what I can to get the bill up.

Mr. CROSSER. It will no take more than half an hour.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

UNVEILING OF THE STATUE OF SEQUOIA.

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing the addresses and proceedings in Statuary Hall at the unveiling of the statue of Sequoia.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD by printing the addresses and proceedings in Statuary Hall at the unveiling of the statue of Sequoia Is there objection?

There was no objection.

Mr. MORGAN. Mr. Speaker, I was not present on that occasion, and I would like to ask unanimous consent to print some remarks in the RECORD appropriate to that subject.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. McCLINTIC. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. BYRNES of South Carolina. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the aeroplane bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. GORDON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in reply to some observations made yesterday by the gentleman from Ohio [Mr. FESS].

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. WALSH. Reserving the right to object, does that include anything except the remarks of the gentleman himself?

Mr. GORDON. No, sir.

The SPEAKER. Is there objection?

There was no objection.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the aeroplane bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. DENT. Mr. Speaker, in order to save time, I ask unanimous consent that all gentlemen have five legislative days in which to extend their remarks on the aviation bill.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. MANN. I object.

Mr. GRAHAM of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the aviation bill just passed.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned, under its previous order, until Wednesday, July 18, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication of the Director of the Mint submitting an estimate of appropriation required for wages of workmen, mint at New Orleans, for the fiscal year ended June 30, 1917 (H. Doc. No. 263); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication of the Secretary of the Interior submitting an estimate of appropriation for the construction, equipment, and furnishing of semipermanent buildings at St. Elizabeth's Hospital (H. Doc. No. 264); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication of the Secretary of the Interior submitting an estimate of additional appropriation for the construction and operation of railroads in Alaska (H. Doc. No. 265); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SNOOK, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 3641) to authorize the county of Cass, in the State of Indiana, to construct a bridge across the Wabash River east of the city of Logansport, at a point known as Cedar or Rock Island, in said Wabash River, reported the same without amendment, accompanied by a report (No. 98), which said bill and report were referred to the House Calendar.

Mr. DECKER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 4945) to extend the time for constructing a bridge across the Missouri River near Kansas City, Mo., authorized by an act approved June 17, 1914, reported the same with amendment, accompanied by a report (No. 99), which said bill and report were referred to the House Calendar.

Mr. SNOOK, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 2106) to authorize the county of Cass, in the State of Indiana, to construct a bridge across the Wabash River east of the city of Logansport, at a point known as Cedar or Rock Island, in said Wabash River, reported the same without amendment, accompanied by a report (No. 100), which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 4232) extending the limit of time for the construction of a bridge across Flint River, reported the same with amendment, accompanied by a report (No. 101), which said bill and report were referred to the House Calendar.

Mr. RAYBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 5250) granting the consent of Congress to the Pritchard-Wheeler Lumber Co., of Wisner, La., to construct a bridge across Bayou Macon, in Louisiana, at a point east of the town of Wisner, La., reported the same without amendment, accompanied by a report (No. 102), which said bill and report were referred to the House Calendar.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 2434) authorizing the counties of Cass and Itasca, Minn., to construct a bridge across the Mississippi River between said counties, reported the same with amendment, accompanied by a report (No. 103), which said bill and report were referred to the House Calendar.

Mr. DECKER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 4427) granting the consent of Congress to Webbers Falls Railroad Co., a corporation, its successors and assigns, to construct a bridge across the Arkansas River between the towns of Webbers Fall and Gore, in the State of Oklahoma, reported the same without amendment, accompanied by a report (No. 104), which said bill and report were referred to the House Calendar.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 5147) granting the consent of Congress to the Sebastian bridge district to construct a bridge across the Arkansas River, at the foot of Garrison

Avenue, at Fort Smith, Ark., reported the same with amendment, accompanied by a report (No. 105), which said bill and report were referred to the House Calendar.

Mr. SNOOK, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 5267) granting the consent of Congress to the Wolf Creek Lumber Co. to construct a bridge across Tug River, reported the same without amendment, accompanied by a report (No. 106), which said bill and report were referred to the House Calendar.

Mr. TAYLOR of Colorado, from the Committee on Irrigation of Arid Lands, to which was referred the bill (H. R. 4431) to provide for the common defense and general welfare by increasing the production of food upon public and private lands within United States reclamation projects, and for other purposes, reported the same with amendment, accompanied by a report (No. 107), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TAGUE: A bill (H. R. 5425) making appropriations to supply deficiencies in the appropriation for the fiscal year 1906, and for prior years, and for other purposes; to the Committee on Appropriations.

By Mr. LUNN: A bill (H. R. 5426) to create a board of military inventions in the War Department; to the Committee on Military Affairs.

By Mr. LONERGAN: A bill (H. R. 5427) for acquiring a site and erecting a public building thereon in Hartford, Conn., for the use and accommodation of the post office as an annex thereto; to the Committee on Public Buildings and Grounds.

By Mr. RAKER: A bill (H. R. 5428) to relieve the owners of mining claims who have been entered into the Red Cross work with the military or naval forces of the United States as nurse or assistant in the Red Cross work from performing assessment work during the term of such service in the said Red Cross work; to the Committee on Mines and Mining.

Also, a bill (H. R. 5429) for the protection of desert-land entrywomen who enter the services of the Red Cross with the military or naval forces of the United States in the time of war; to the Committee on the Public Lands.

Also, a bill (H. R. 5430) providing for the counting of service in the Red Cross with the military and naval forces of the United States as equivalent to residence and cultivation upon homestead entries, and in the event of the Red Cross person's death in such Red Cross service providing for the issuance of patent for such land to her husband or minor children; to the Committee on the Public Lands.

By Mr. GOODWIN of Arkansas: A bill (H. R. 5431) to authorize the construction, maintenance, and operation of a bridge across the Saline River, at or near Suttons Ferry, Ark.; to the Committee on Interstate and Foreign Commerce.

By Mr. ZIHLMAN: Resolution (H. Res. 118) calling upon the Secretary of War for information concerning pay days of enlisted men of the Regular Army and of the Officers' Reserve Corps; to the Committee on Military Affairs.

By Mr. HEFLIN: Resolution (H. Res. 119) to exempt cotton from the provisions of the food-control bill; to the Committee on Agriculture.

By Mr. DALLINGER: Joint resolution (H. J. Res. 124) for the appointment of a joint special committee of the Senate and House of Representatives to investigate the murder of citizens of the United States and the destruction of their property at East St. Louis, in the State of Illinois, on the 2d day of July, 1917, and to recommend to the Congress such legislation as will prevent similar outrages in the future and insure to all American citizens the rights guaranteed to them by the Constitution of the United States; to the Committee on Rules.

By Mr. TAGUE: Joint resolution (H. J. Res. 125) providing that only mechanics and artisans necessary in upbuilding the Army and Navy be exempted from draft into the National Army; to the Committee on Military Affairs.

By Mr. VARE: Memorial of the Legislature of the State of Pennsylvania, requesting the Secretary of War and the Surgeon General of the Army to accept the services of the American Purple Cross Association; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOWERS: A bill (H. R. 5432) granting a pension to Taswell E. Collett; to the Committee on Pensions.

By Mr. EVANS: A bill (H. R. 5433) granting an increase of pension to William Horrigan; to the Committee on Invalid Pensions.

By Mr. HAMILTON of New York: A bill (H. R. 5434) granting a pension to Olivia Pattison; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 5435) granting a pension to Isabella Bootman; to the Committee on Pensions.

Also, a bill (H. R. 5436) granting a pension to Francis M. Kittrell; to the Committee on Invalid Pensions.

By Mr. HASKELL: A bill (H. R. 5437) to reinstate John K. Thompson as a gunner in the United States Navy; to the Committee on Military Affairs.

By Mr. KELLY of Pennsylvania: A bill (H. R. 5438) to correct the military record of A. G. Vincent; to the Committee on Military Affairs.

By Mr. RAKER: A bill (H. R. 5439) granting a pension to Lucinda Weaver; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 5440) granting an increase of pension to Peter Cruikshank; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Mrs. Helen Wickham, Miss Florence Lacy, Patrick H. Wickham, John Meehan, and Edward Nolan, relative to the independence of Ireland; to the Committee on Foreign Affairs.

Also (by request), resolution of the General Synod of the Reformed Church, indorsing the movement looking toward the establishment of "white zones" about all military and naval camps and stations; to the Committee on Military Affairs.

Also (by request), petition of the women of Gulfport, Miss., urging as a war measure the submission of the Susan B. Anthony amendment to the States for ratification; to the Committee on the Judiciary.

Also (by request), petition of Estella Paxton Watkins, for a meeting of the women of Mississippi, at Pass Christian, urging the submission to the States for ratification of the Susan B. Anthony amendment; to the Committee on the Judiciary.

Also (by request), petition of the Democratic Territorial Committee of Hawaii, indorsing as the candidates of the party for the position of governor of the Territory of Hawaii the names of Mr. Lincoln L. McCandless and Prof. William A. Bryan; to the Committee on the Territories.

Also (by request), petition of the conference on the high cost of living held in New York City, urging legislation empowering the Government to take over and operate the following-named natural resources: Coal, oil, ores, timberland, and water power, or any of them; to the Committee on Agriculture.

Also (by request), petition of the Christadelphian Ecclesia of Jersey City, N. J., commending Congress for exempting from the selective-draft law members of religious sects whose principles forbid such members to participate in war in any form; to the Committee on Military Affairs.

By Mr. BLANTON: Petition of Woman's Society, of Abilene; Women's Missionary Society, Methodist Episcopal Church, of Abilene; the Missionary Society of Lamesa; the Woman's Missionary Auxiliary, Big Spring, all in the State of Texas, favoring the prohibition of the liquor business as a war measure; to the Committee on the Judiciary.

Also, petition of the Methodist Auxiliary in the city of Stanton, Tex., favoring the prohibition of the liquor business as a war measure; to the Committee on the Judiciary.

Also, petition of citizens of Merkel, Tex., favoring national prohibition; to the Committee on the Judiciary.

By Mr. CAREW: Petition of sundry citizens of the State of New York, urging that the conscription law be submitted to the people of the United States for their approval of disapproval; to the Committee on Military Affairs.

By Mr. DOOLING: Petition of the National Association of Fisheries, urging the enactment of legislation to prevent the discharge of commercial and other waste into streams and tidal waters; to the Committee on Rivers and Harbors.

By Mr. FOSS: Petition of the Chicago Retailers' Association, asking that the President of the United States delegate a person or persons to address or otherwise advise the retail merchants as to the best way to aid the Federal Government; to the Committee on Agriculture.

By Mr. HAMILTON of New York: Papers to accompany House bill 3732, granting an increase of pension to Edwin Wilcox; to the Committee on Invalid Pensions.

By Mr. JONES of Texas: Petition of Women's Missionary Society of Valley View, Tex., favoring the prohibition of the liquor business as a war measure; to the Committee on the Judiciary.

Also, petition of John T. Wiley and 14 others, residing in Canyon, Tex., requesting certain legislation with reference to the public lands; to the Committee on the Public Lands.

By Mr. KENNEDY of Rhode Island: Petition of Westerly (R. I.) Central Labor Union, favoring passage of the Lever food bill; to the Committee on Agriculture.

By Mr. KINKAID: Petition of a union meeting of Methodist and Presbyterian Churches, Atkinson, Nebr., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. LEA: Petition of sundry citizens of the State of California, favoring war prohibition as a food-conservation measure; to the Committee on Agriculture.

By Mr. McCLINTIC: Petition of the Tillman County Federation of Women's Clubs, Hollister, Okla., urging laws to prohibit the manufacture of all food products into beverage drinks; to the Committee on Agriculture.

By Mr. REED: Petition of Mr. Dale Moats, superintendent Methodist Episcopal Sunday School; Rev. B. T. Trevy, pastor Methodist Episcopal Church; and the officers and teachers of the Methodist Episcopal Church of Harrisville, W. Va., urging the passage of a "bone dry" prohibition measure, and commending the House of Representatives for its recent action on such amendment; to the Committee on Agriculture.

By Mr. SANDERS of New York: Petition of the Evangelical Lutheran Congregation of Hamlin, Monroe County, N. Y., favoring the passage of an amendment to public 380, Sixty-fourth Congress, allowing the mails to carry such mailing matter as is necessary to enable churches in dry States to secure wine needed for sacramental purposes; to the Committee on the Judiciary.

Also, petitions of the Union Trust Co., the National Bank of Commerce, and the Traders' National Bank of Rochester, N. Y., protesting against the Cummins amendment to the food-conservation bill in that it would destroy the market value of liquor in bond, cut down Federal revenue, and threaten the monetary integrity of the Nation, and is without cause; to the Committee on Agriculture.

Also, petition of the Central Trade and Labor Council of Rochester, N. Y., protesting against the Cummins amendment to the food-conservation bill as unnecessary and destructive to personal and property rights, and would cause many workers to lose their livelihood; to the Committee on Agriculture.

Also, petition of Medina Grange, No. 1160, opposing any food-control legislation predicated on the false proposition that the farmers of the United States are overpaid for their produce, and protesting against the appointment of any person by any food council or board of food control who is not a practical farmer or a man actually engaged in the business of the distribution of food products; to the Committee on Agriculture.

By Mr. SNYDER: Petition of the Home Defense League of Rome, N. Y., favoring the admission of osteopaths to the Medical Corps of the Army and Navy, after qualification; to the Committee on Military Affairs.

By Mr. STEPHENS of Mississippi: Petition of Woman's Missionary Council, Methodist Episcopal Church South, urging the prohibition of the liquor business as a war measure; to the Committee on the Judiciary.

By Mr. STINESS: Petitions of Providence Chamber of Commerce; Congdon & Carpenter Co.; Olneyville Business Men's Association; General Assembly of the State of Rhode Island; Pawtucket Business Men's Association; city council of Providence; Dr. S. A. Fuller, Cranston; Clarence E. Palmer, Cranston; E. R. Brayton, Providence; William C. Chambers, Cranston; Edward D. O'Connell, Cranston; Newton J. Sweet, Providence; Frank F. Potter, Riverpoint; William E. Randall, Lakewood; and Dr. F. A. Twitchell, Providence, all in the State of Rhode Island, favoring the passage of the daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

Also, petitions of Local No. 217, United Brotherhood of Carpenters and Joiners, of Westerly; John C. Thomson, Providence; Local No. 838, Graystone Textile Workers, Centerdale; and the Office Supply Co., A. H. Sanborn, Providence, all in the State of Rhode Island, favoring the passage of the food-control bill; to the Committee on Agriculture.

Also, petition of the State Board of Health of Rhode Island, favoring the passage of Senate joint resolution 63, to establish a reserve of the Public Health Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Narragansett and citizens of Charlestown, R. I., favoring the submission of a constitutional amendment for woman suffrage; to the Committee on the Judiciary.

Also, petition of Dodge & Camfield Co. and Hanley Hoye Co., of Providence, R. I., against the withdrawal of whisky from bond; to the Committee on Agriculture.

By Mr. YOUNG of North Dakota: Petition of C. J. Roberts, of Menoken, N. Dak., and 51 others, urging the repeal of the selective-draft law; to the Committee on Military Affairs.

SENATE.

MONDAY, *July 16, 1917.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we unite our hearts in this Senate Chamber before Thee in our common prayer, asking for Thy blessing upon our land and country. Thou hast made this land very dear to our hearts—the land of our homes, the land of our loved ones, the land of our ideals and of our religion. We pray God's blessing upon our land in this time, where there has been forced upon us against our will, against our protest, against all justice and right, the necessity for an armed force for our national defense. We pray that we may realize that all the mighty forces of justice and truth are in league with us for the accomplishment of our great national destiny. Lead us on, O God of our fathers, to the completion of the work that Thou has committed to our hands. We ask for Christ's sake. Amen.

The Journal of the proceedings of the legislative day of Thursday, July 12, 1917, was read and approved.

Mr. SMOOT. Mr. President, I suggest the absence of a quroum.

The VICE PRESIDENT. The Senator from Utah suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Johnson, Cal.	Martin	Shields
Beckham	Johnson, S. Dak.	Myers	Smith, Ariz.
Chamberlain	Jones, N. Mex.	Nelson	Smith, Ga.
Colt	Jones, Wash.	New	Smoot
Culberson	Kellogg	Norris	Sterling
Curtis	Kendrick	Phelan	Tillman
Fletcher	Kenyon	Pittman	Trammell
Gronna	King	Ransdell	Walsh
Hale	Lodge	Shafroth	Warren
Harding	McCumber	Sheppard	Williams
Hollis	McNary	Sherman	

Mr. CURTIS. I desire to announce the unavoidable absence of the senior Senator from New Hampshire [Mr. GALLINGER]. He is paired with the senior Senator from Florida [Mr. FLETCHER]. I will let this announcement stand for the present.

Mr. SHAFROTH. I desire to announce the unavoidable absence of my colleague [Mr. THOMAS].

Mr. CURTIS. I wish to announce that the junior Senator from West Virginia [Mr. SUTHERLAND] is detained from the Senate on account of illness in his family.

Mr. HOLLIS. I desire to announce that the Senator from Arkansas [Mr. ROBINSON] is detained on official business.

The VICE PRESIDENT. Forty-three Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. GORE, Mr. HUSTING, Mr. THOMPSON, Mr. VARDAMAN, and Mr. WADSWORTH answered to their names when called.

Mr. OWEN, Mr. SIMMONS, Mr. BRANDEGEE, Mr. UNDERWOOD, Mr. LEWIS, and Mr. MCKELLAR entered the Chamber and answered to their names.

Mr. LEWIS. I desire to announce that the Senator from Delaware [Mr. SAULSBURY] and the Senator from Rhode Island [Mr. GERRY] are detained on important business.

Mr. SIMMONS. I wish to announce that the Senator from North Carolina [Mr. OVERMAN] is detained on official business.

Mr. THOMPSON. I wish to announce that the Senator from Arkansas [Mr. KIRBY] is detained on important business.

The VICE PRESIDENT. Fifty-four Senators have answered to the roll call. There is a quorum present.

ENROLLED BILL SIGNED.

The VICE PRESIDENT announced his signature to the enrolled bill (H. R. 5405) making appropriations for certain session employees of the Senate and House of Representatives, which had previously been signed by the Speaker of the House of Representatives.

OIL LAND LEASES (S. DOC. NO. 63).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of April 16, 1917, certain information relative to the number of leases of lands of the Osage Indians in the State of Oklahoma, issued or authorized since the 1st

day of January, 1916, and the area embraced therein, etc., which, with the accompanying papers, was referred to the Committee on Public Lands and ordered to be printed.

APPROPRIATION FOR AVIATION.

A message from the House, by G. F. Turner, one of its clerks, announced that the House had passed a bill (H. R. 5326) to authorize the President to increase temporarily the Signal Corps of the Army and to purchase, manufacture, maintain, repair, and operate airships, and to make appropriations therefor, and for other purposes, in which it requested the concurrence of the Senate.

H. R. 5326. An act to authorize the President to increase temporarily the Signal Corps of the Army and to purchase, manufacture, maintain, repair, and operate airships, and to make appropriations therefor, and for other purposes, was read twice by its title and referred to the Committee on Military Affairs.

Mr. WILLIAMS. Mr. President, this morning I saw what purported to be some news, to the effect that when the aeronautical bill came from the House the leaders in the Senate had expressed a hope that they would get it through by the 1st of August. I wish to express the hope that we shall not waste all that time in getting it through. Apropos of that, I wish to have read at the desk an editorial from the Washington Post in this morning's issue.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The Secretary read as follows:

MAKE IT UNANIMOUS.

Reports are current that the airplane appropriation bill will be delayed in the Senate by legislators who are curious to know all the details regarding the stupendous plan for taking command of the air and by others who are anxious to establish a department of aviation instead of leaving the creation of the air fleet to the Regular Army. It is to be hoped that these reports are not true.

There is no good reason for delay in the Senate. The details surrounding the air fleet plans can not be given to Senators. These details are not needed in order to pass upon the desirability of the legislation, while, if discussed even behind closed doors, there would be a chance that Germany would hear of them. All that Germany should know is that the United States is moving on a colossal scale to annihilate her and that nothing will prevent the catastrophe except surrender. As Mr. MANN pithily suggested, Germany should first learn our plans on the field of battle.

As for a department of aviation, it is not only unnecessary but would be a mischief making addition to the national war machine. Airplanes are war implements; nothing more. They can be used in cooperation with military or naval forces or mixed. At this stage of their development they are auxiliary to military or naval forces, and should be under the direction of the military or naval commander in charge of operations. The time may come when an airplane army will be paramount and land or water forces secondary in importance; if so, that will be the proper time to establish a department of aviation. At this time a separate aviation department would necessarily divide authority and create friction between fighting forces. That would be assistance to the enemy.

The air fleet contemplated by the pending bill is a magnificent project, which, if developed with secrecy and dispatch and operated with diligence, will change the course of the world and confer a blessing upon all mankind. The Senate has an opportunity to share with the House in a gloriously patriotic feat, worthy of the traditions of this imperishable free Nation. Let it pass the bill unanimously, and at once, so that the conquering arrows shall fly to their target with eagle speed. Let the Senate place in the President's hands these mighty millions of power and energy, to be translated into victory by American genius and American valor.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT. The Chair lays before the Senate a resolution passed by the Grand Igloo, Pioneers of Alaska, on April 23, 1917, which will be incorporated in the RECORD and referred to the Committee on Territories.

The resolution is as follows:

Resolution.

To the President of the United States and the honorable Senate and House of Representatives in Congress assembled:

Whereas there was before the Sixty-fourth Congress H. R. 17499, generally known as the Alexander bill, and a similar measure will be introduced this session, by the terms of which the power of the Territorial legislature to tax the canneries is taken away from said Territorial legislature and the title of fish-trap sites in the Territorial waters is given in perpetuity to locators, and the limitation of said legislature to amend, alter, or modify the Federal laws regulating fisheries are further confined:

Therefore the Grand Igloo, Pioneers of Alaska, in convention assembled, condemn said Alexander bill or any similar measure that may be introduced, for the reason that the canneries are a rightful subject of taxation of said Territory, and the granting of fishery sites in perpetuity fosters monopoly and will place a tax through such monopolization on posterity, and further because the people of Alaska, through their legislature, is in a far better position, through understanding the local conditions and being able to act more quickly, to correct abuses that are now destroying our salmon fisheries;

And we further recommend that no law be enacted by the Congress that will allow any corporation or individual to divest the Territory of a just control in the great resources by monopolizing the same, depriving local fishing interests from multiplying and expanding; and we urgently request that the open waters of Alaska do continuously remain common property for common use, and subject only to Federal and Territorial control.

And your memorialists do most respectfully and earnestly pray that H. R. 17499, purporting to be for the protection, regulation, and conservation of the fisheries of Alaska, and generally known as the Alexander bill, do not pass.

Passed the Grand Igloo, Pioneers of Alaska, April 23, 1917.

JOHN W. FRAME, *President.*
JAY S. MATTHEWS, *Secretary.*

IGLOO NO. 15, PIONEERS OF ALASKA,
Anchorage, Alaska.

The VICE PRESIDENT. The Chair lays before the Senate a copy of resolutions adopted at the semiannual meeting of the Christadelphian Ecclesia, of Jersey City, N. J., which will be incorporated in the RECORD.

The resolutions are as follows:

CHRISTADELPHIAN ECCLESIA OF JERSEY CITY, N. J.,
Orange, N. J., July 11, 1917.

The PRESIDENT OF THE SENATE,
Washington, D. C.

MY DEAR SIR: The writer has been requested by the Christadelphian Ecclesia of Jersey City, N. J., to forward to you a copy of the resolutions which were adopted at our semiannual meeting held at Jersey City, N. J., May 30, 1917, and I take pleasure in inclosing same to you herewith.

Yours, very truly, W. W. WELLS, *Secretary.*

"*Resolved*, That the Christadelphians at their semiannual meeting at Jersey City this day gave thanks unto our Father in Heaven, through His Son, Jesus Christ, for the divine guidance and blessings we enjoy in the land of our birth and sojourn. And that we also express thanks to the President and the Members of the Senate and House of Representatives in Congress for the wise provision made by them in the selective-military draft act approved on May 18, 1917, for the exemption of members of religious sects whose principles forbid such members to participate in war in any form, and which principles have always been among the religious convictions of the Christadelphians since their existence as an organized religious sect during the Civil War.

" JAMES ANDERSON,
" GEO. H. HAMLIN,
" PETER E. LAIDLOW,
" VINCENT M. YOUMANS,
" J. C. BRUCE,
" GUSTAV F. AUE, *Committee.*
" WALTER W. WELLS,
" *Recording Brother.*

" JERSEY CITY, N. J., *May 30, 1917.*"

The VICE PRESIDENT. The Chair lays before the Senate a resolution adopted at the Fifty-first Annual Encampment of the Department of New York, Grand Army of the Republic, held at Saratoga Springs, N. Y., June 26 to June 28, 1917, which will be incorporated in the RECORD.

The resolution is as follows:

ALBANY, N. Y.

Resolved, That the Department of New York, Grand Army of the Republic, in this crisis of our country's history, heartily indorses the action of the President of the United States and Congress in placing the United States as one of the contestants in the present world war on the side of liberty and democracy and heartily pledges all the influences and efforts of the survivors of the Union veterans of the War of the Rebellion in sustaining our Government armies and navies in the present great contest.

Resolution approved unanimously at the Fifty-first Annual Encampment of the Department of New York, Grand Army of the Republic, held at Saratoga Springs, N. Y., June 26 to 28, 1917.

(Official.)

SOLOMON W. RUSSELL,
Department Commander.
PHILIP M. WALES,
Assistant Adjutant General.

The VICE PRESIDENT. The Chair has received a communication from the American Railway Employes' Journal, which will be incorporated in the RECORD.

The communication is as follows:

KANSAS CITY, MO., *July 9, 1917.*

To the VICE PRESIDENT,
United States Senate, Washington, D. C.

SIR: I desire to lay before you the case of the American Railway Employe's Journal, to show the direct effect the Paper Trust has had in destroying a progressive business that was profitable and promising.

Under a contract I had previous to March, 1917, with printers, the Journal's profit on each subscriber was 11 cents per year, the subscription price being 50 cents a year. My contract ended in March. The printer asked an increase of 40 per cent, the entire increase being based on higher paper prices. The increase proposed amounted to an increase in the paper item of 65 per cent.

The situation that faced me was to either increase the subscription price or cut the size of the paper. Working men can not pay big subscription prices for papers. At that time the normal increase in the circulation was about 1,000 per month. I decided to cut the size of the paper. There was no economy in cutting to 12 pages, as added presswork and folding and binding would eat up the difference. I cut the paper to eight pages.

At this time the Journal had the largest circulation of any independent labor paper in the United States. By independent I mean that it was not the official organ of any craft. Since its size has been cut the circulation has decreased 30 per cent, the new subscriptions not being in any measure equal to expirations which can not be renewed. This loss would continue until the circulation would reach a disgraceful level if the paper is continued. I will not be able to continue it, but will be forced to suspend, unless relief is obtained immediately. I view with absolute horror the necessity of quitting the publication, which is part of my life, and particularly in view of the fact that it will necessitate my owing thousands of men a portion of their subscriptions, some of which extend over two years. As you know, I can not refuse to take subscriptions as long as I am publishing the paper

and continue printing it merely to fulfill my subscription requirements. I am forced to reduce my advertising rates. They were set at a figure just above production cost of the paper. The size of the paper and the fact that decency impelled a confession of decreasing rather than increasing circulation virtually has eliminated advertising with the Journal. In the meantime the overhead expense, aside from printing, is as high on an 8-page as on a 16-page paper.

A suspension of this valuable property will be necessary within two months unless relief is obtained from the present print-paper conditions. Let me implore you to act at once. Not only are private interests threatened in this unholy combination of business vultures, but public morals are in danger if these rich and influential scoundrels escape scot free after wrecking so many fine business enterprises. The country already has had too many examples of wealthy men who have risen above the law that binds us of lower social levels.

The Federal Trade Commission has been handling this matter for something over a year; has found the existence of a criminal conspiracy on the part of the paper manufacturers; yet, for some reasons beyond my comprehension, has never issued the necessary order to prevent the continuance of these monstrous wrongs.

In the circumstances, it does seem to me that the power is in the United States Congress to relieve the situation if it has to go to the extent of impeaching these derelict officials. Will you please have this made a part of the Senate record?

Yours, very truly,

THE AMERICAN RAILWAY EMPLOYE'S JOURNAL.
WILLIAM P. HARVEY.

The VICE PRESIDENT presented a telegram in the nature of a petition from the International Longshoremen's Association, in convention assembled at Toledo, Ohio, praying for the immediate passage of the food-administration bill, which was ordered to lie on the table.

Mr. NORRIS. Mr. President, I have a letter from Mrs. E. E. Howell, superintendent of the Woman's Christian Temperance Union of Florence, S. C., in regard to the use of foods in the manufacture of intoxicating liquors, and also a letter from Mr. Shorthill, who is secretary and treasurer of the National Council of Farmers' Cooperative Associations, in relation to the elimination from the pending food bill of all necessaries except foods and fuels. I ask that these two letters may be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

FLORENCE, S. C., *July 14, 1917.*

Senator NORRIS, *Washington, D. C.*

DEAR SIR: Can I withhold from our intrusted leaders that which should be known just at this time?

Seemingly all of America is living in suspense awaiting the decision in Congress of the great food bill. How can anyone say that prohibition is not a war measure and has nothing to do with the food bill? It is really one of the biggest things to be included in the conservation of foodstuffs. Is there any other waste in America as great as that in which foodstuff is used in the distillation of alcoholic drinks? How, then, can any food bill be complete without the elimination of grain in making strong drink?

The women are asked to use every effort possible in their homes and elsewhere to eliminate waste of foodstuff—this they are doing—and shall continue to make any sacrifice to win this war. The women of America are ready, with outstretched hands, to do anything that they are called upon to do. We are giving up our boys, our girls, our time, and our property for the love of our country; so it behooves you, our trusted leaders in Congress, to protect, support, and save them from that which will unfit them for service, contaminate their lives, and whirl their souls into eternity unprepared.

If men are sacrificing their lives for our protection, shall we be contented to see them go to the front underfed and absolutely unfitted by the use of alcoholic beverages to meet the enemy and win the war? Then, again, who shall be responsible for those who meet death in the war under the influence of strong drink? The great King, leader of all nations, shall be the judge; and if our sons, loved ones, or friends are among that number, what then? God grant that those men who have the decision of this great question in hand may think wisely. May they leave no leakage for remorse of conscience.

Yours, very truly, Mrs. E. E. HOWELL,
Woman's Christian Temperance Union,
Superintendent of Legislation and Petition.

NATIONAL COUNCIL OF FARMERS' COOPERATIVE ASSOCIATIONS,
Hotel Bellevue, Washington, July 14, 1917.

Hon. GEORGE W. NORRIS,
United States Senate, Washington.

MY DEAR SENATOR: I note with grave concern the situation which seems to be developing in the Senate in regard to the elimination from H. R. 4961 of all necessaries except foods and fuels. In this connection I earnestly solicit your careful consideration of the following suggestions:

Who is afraid to place the products of his labor or his genius in the hands of our President, when winning this war makes it necessary? Who is afraid to permit our Government to control the product of his labor or his genius in order that ruinous speculation in that product may be curbed? Certainly not the grain growers of this country!

The grain growers will never permit any other class to be more patriotic than they. They know that if this war is to be effectively fought it is just as necessary for our President to direct the distribution of our food as it is to manage the movements of our Army. They know that in times of war if some strong arm is not ever present, ready to act promptly and decisively, the heartless speculator will ruthlessly reap profits that are criminal. They know that in these things food is first always, and that it should be the first to be controlled.

But just as surely as food is first some other essential is second. Many other things almost take first place. In numerous cases it is difficult to determine which necessarily should be subjected to the most rigid control. So why should you at this time formulate or enact legislation which is designed to single out the control of food to the exclusion of all other necessaries? Why stop the advantages there?

The grain growers are ready for food control. They welcome it; but if the legislation that may be enacted is going to appeal to them as being just it must confer the power to exercise the very same control over any other necessary when unusual conditions demand it. They want no special favors permitted to or conferred upon any class by this legislation; they ask no special privileges for themselves; in fact, they are humiliated by the proposal to exempt them from any of the penalties of the law.

In this matter the grain growers of this country now "stand at the side" of our President. If the growers of other products, the miners, the manufacturers, the merchandisers of other necessaries will now step up in the same row this essential legislation can be passed in a day.

I am submitting this letter to you for the purpose only of giving you a correct presentation of the attitude of the grain growers toward the proposed legislation for food control, and in the hope that these suggestions may be received by you in the same helpful spirit in which they are tendered.

I beg permission to remain,
Very truly, yours, J. W. SHORTHILL,
Secretary.

Mr. GRONNA. I am in receipt of a great many letters from people in my State with reference to the food bill, and especially with reference to the question of the manufacture of alcoholic liquors. I desire to present merely one of these letters, and ask to have it read.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

DEVILS LAKE, N. DAK., *June 24, 1917.*

Hon. A. J. GRONNA:

I am sending in your care a petition to the Senate. I am sure it meets with your favor. I received a letter from Mr. Hoover asking me to urge upon the people from the pulpit the necessity of the most careful food conservation. His advice seemed to me sound, and I spoke to the people in the line suggested by Mr. Hoover. I greatly fear, however, that it will be hard to get the people to take very seriously any talk about the necessity of food conservation if the Senate insists on continuing the policy of wasting vast quantities of grain in rotting it to make booze. I have heard only words of commendation for the action of the House on this matter.

There is no use to try to fool the people. The Members of the Senate have better opportunity to know the real situation relative to the food supply than have the people. If they feel that the absolute waste of grain in this way is all right, it will be hard for the people to become interested in the matter of saving. It seems to me that the action and attitude of certain Members of the Senate is absolutely illogical and unpatriotic if there is any real danger of a food shortage. The booze business has had a grip on the throat of the people through their representatives all too long. There will come a day of terrible reckoning if the danger is such as Mr. Hoover indicates. Wishing you and your family every good blessing, I am,

Sincerely, C. E. STINSON.

DEVILS LAKE, N. DAK., *June 24, 1917.*

To the United States Senate, Washington, D. C.

GENTLEMEN: We, the undersigned citizens of the United States, hereby petition you that you will at this time, in the interests of food conservation and the physical and moral strength of our Army and people, take such action as is necessary to wipe the traffic in alcoholic liquors from our land; that when you have accomplished this worthy deed that you place an embargo on the shipments of all foodstuffs to those of our allies who are rotting it to make booze.

C. E. STINSON
(And others).

Mr. CHAMBERLAIN. I ask to have printed in the RECORD, without reading, two telegrams from wholesale dealers and business men of my State requesting the early passage of the food-control bill.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

PORTLAND, OREG., *July 14, 1917.*

Senator GEORGE E. CHAMBERLAIN,
United States Senate, Washington, D. C.:

Have telegraphed National Council of Defense to-day as follows: "Owing to heavy volunteer enlistments in agricultural districts and extraordinary activity on shipbuilding, agricultural districts of State face a present labor shortage and expect an acute shortage as harvest season advances. Can it be arranged for Army officer commanding this district to detail National Guard troops to these affected parts as for period not to exceed 30 days? If so, commander should consult with W. J. Kerr, president Oregon Agricultural College, chairman Oregon State council defense committee on agricultural labor and production."

Condition is really serious here, according to Kerr. I am notified this precedent already established at Medford through your cooperation. Can you cooperate in putting through above request?

HENRY L. COBETT,
Chairman Oregon State Council of Defense.

PORTLAND, OREG., *July 14, 1917.*

Hon. GEORGE E. CHAMBERLAIN,
United States Senate, Washington, D. C.:

We urge prompt passage Lever food-administration bill. This measure necessarily grants Government unusual powers by reason of war conditions and grave crisis confronting America and her allies. As we understand it, this act is only for period of war. Authoritative facts gathered from official sources of the United States and other allied countries show urgent need of this legislation, and all trade interests should, and doubtless will, make necessary sacrifices to win the war. The delay now occurring upon food problem we believe is most dangerous to country's vital interests.

T. J. JENKINS & Co.
ALLEN & LEWIS.
LANG & Co.
MASON, EHRMAN & Co.
WADHAMS & Co.
WADHAMS & KERR BROS.

Mr. WADSWORTH. I am in receipt of a copy of resolutions adopted by the National Association of Fisheries Commissioners, in annual convention at Providence, R. I., June 6–8, 1917, which has been sent to me by the conservation commissioner of the State of New York. I ask that the letter of Commissioner Pratt and the accompanying resolutions be printed in the RECORD.

There being no objection, the letter and resolutions were ordered to be printed in the RECORD, as follows:

STATE OF NEW YORK,
CONSERVATION COMMISSION,
Albany, July 2, 1917.

Hon. JAMES W. WADSWORTH, Jr.,
Washington, D. C.

DEAR SIR: I inclose herewith a resolution, passed by the National Association of Fisheries Commissioners at their convention in Providence the early part of June, in which the conservation commission most heartily concurs, with the request that you do whatever possible to obtain the regulations contemplated by the resolution.

The importance of this regulation has been emphasized in New York State during the last year when the commission made a detailed study of the streams of Oneida County for the purpose of laying down working plans for increasing fish production in those waters. During the course of this study pollution was found upon every hand, and Dr. Wilbert A. Clemens, who made this study for the commission, was obliged to recommend that no stocking be done in certain places until it is cleared up. In his detailed recommendations he stated as follows:

"The fish in the waters of the State constitute an extremely valuable resource, and adding anything to the water that will lower or destroy its productive capacity is contrary to the principles of conservation. Pollution does this. Excessive pollution leads ultimately to the extermination of fish life in the water. Less severe pollution makes conditions of living difficult for fish by destroying some of their natural food, by altering the oxygen and carbon dioxide content of the water, and by introducing factors which increase the possibilities of disease, all of which contribute to a reduction in the number of fish."

Much of the raw waste now discharged into streams can be so handled as to produce a product of commercial value. Regardless of this, however, it is clearly apparent, in the face of the need for increased food supply, that we are neglecting one of the most important methods of production when we permit, practically unchecked, pollution of waters that are potential fish producers.

Trusting that you will see the importance of vigorous action in this matter, I am,

Very truly, yours,
GEO. D. PRATT,
Commissioner.

—

Resolution adopted by National Association of Fisheries Commissioners in annual convention at Providence, R. I., June 6–8, 1917.

Whereas the great need for an increased supply of food is now apparent; and

Whereas the potential possibilities of both stream and tidal waters are of inestimable importance thereto; and

Whereas the use of streams and tidal waters for purposes of commerce are for the use of all the people, and that none are entitled to the abuse thereof to the serious detriment of any; and

Whereas the custom of discharging commercial and other waste into streams and tidal waters does seriously affect the production and maturing of marine food life, which could be greatly minimized if regulation thereof were made uniform and mandatory: Therefore be it

Resolved, That the National Association of Fisheries Commissioners, in regular convention assembled, in the interest of the great water-food industries and of the people of the United States, whom they serve, does present to the Congress of the United States the advisability and urgent need to enact such uniform regulations as may meet the needs above set forth.

Mr. SHEPPARD. I present three resolutions adopted by the Texas State Council of Defense, which I ask to have read.

There being no objection, the resolutions were read, as follows:

Resolutions adopted by the Texas State Council of Defense, July 7, 1917.

Whereas in the food-control bill now before Congress it is being attempted to fix the price of cotton; and

Whereas your committee is of the opinion that to regulate or attempt at this time to fix the price of cotton would be most unfair and disastrous to the South for the reason that this is the most costly crop ever produced, and for the further reason that all farming implements and necessities were purchased prior to any attempt to fix prices on these articles by our Congress; and

Whereas such price fixing will at this time place the cotton growers at the mercy of the domestic and foreign cotton goods manufacturers, causing the farmer to face the nightmare and bankruptcy which overtook him in 1914; and

Whereas the exigencies of this war do not call for any legislation touching price fixing as to cotton, and not being an administrative measure: Therefore be it

Resolved, That the secretary of this council be requested to wire our Senators and Representatives to oppose any legislation fixing cotton prices at this time.

—

Resolution adopted by the Texas State Council of Defense July 7, 1917.

Whereas over large areas of the Southwest a severe drought has prevailed for the past year, causing depletion in the number of live stock; and

Whereas a continuation of such drought for another two months would be calamitous: Therefore be it

Resolved by the Texas State Council of Defense, That the attention of the national authorities be invited to a speedy and serious consideration of conditions, to the end of facilitating the movement of breeding cattle to other States and encouraging those who have grass and water to invest in such cattle according to their ability to care for them; and be it further

Resolved, That any proposed system controlling time of marketing or management of herds by statute or exercise of price fixing on live stock by the Government would, in our opinion, bring no relief, but, on the contrary, would have a tendency to decrease production.

Resolution adopted by the Texas State Council of Defense July 7, 1917.

Whereas the labor conditions in connection with the rail transportation of the State of Texas are the means of seriously handicapping the railroads in the matter of repairs to their tracks, bridges, and utensils; and

Whereas large numbers of colored laborers have been transported from the State of Texas to other States of the Union; and

Whereas the restrictions surrounding the Burnett immigration law have curtailed, if not absolutely eliminated, Mexican immigration for railroad purposes into the State of Texas: Therefore be it

Resolved, That the State council of defense urge upon the governor of this State and other governmental officers and upon our Senators and Representatives in Congress the necessity for suspension of the Burnett immigration law for six months, or such time as those authorities may deem prudent, to the extent that Mexican labor may be admitted into the State of Texas for work on railroad tracks, bridges, and utensils.

Mr. SHEPPARD presented petitions of the Woman's Missionary Societies of the Methodist Episcopal Church South of Rotan, Minneola, Valley View, and Roscoe, of the Methodist Auxiliary of Stanton, all in the State of Texas, and of the Emery Methodist Episcopal Sunday School South, of Brightwood, D. C., praying for national prohibition as a war measure, which were ordered to lie on the table.

Mr. JONES of Washington. I have a letter from one of my constituents in the nature of a petition. It is very similar to a great many letters that I have received, and I desire merely to read a sentence or two from it. My correspondent says:

I have a little matter that I would relieve my mind of, and I know I voice the sentiments of a great big majority—nearly all—in what I say in these few lines. There is too much talk and not enough action in the matter of protecting the public against speculation in the necessities. No doubt, now, while the talk has been going on the speculators have secured control of about all of the actual living necessities of life. While the talk is going on they are busy about their business.

I have no doubt, Mr. President, that this letter expresses the sentiments of a great many people of the country, and I think it is well, in connection with it, to call attention to the fact that while it may be true that there is too much talk in the Senate, the Senate has acted along lines which, in my judgment, would very largely control the prices of these necessities and prevent speculation in them; that the Senate has already passed amendments to a food bill prohibiting the storage and hoarding of foodstuffs for the purpose of getting exorbitant prices for them, and has also passed an amendment with that bill giving to the President the power to close gambling exchanges; that this was done over a month ago; that these amendments are in conference; and that we do not appear to be able to get any action thereon. So, while it may be true that there is a little too much talk, the talk is not delaying action along the lines which would bring substantial relief to the people, and that if there is any cause for delay in this matter it does not rest at the door of the Senate. These amendments should have been made law a month ago. They would have been if the House conferees had accepted them. Their enforcement as law would largely meet the needs and real expectations of our people. If hoarding and storing of food for exorbitant prices be stopped, if gambling in foodstuffs be prevented, the producer would secure reasonable prices for his products and the consumer would satisfy his needs at reasonable cost. Neither the Senate nor its talk has prevented these things. The blame rests elsewhere.

Mr. MYERS presented a petition of sundry citizens of Hot Springs, Mont., praying for national prohibition, which was ordered to lie on the table.

Mr. WILLIAMS presented a petition of the Woman's Missionary Council of the Methodist Episcopal Church South, of Charleston, Miss., praying for national prohibition as a war measure, which was ordered to lie on the table.

Mr. PHELAN presented a petition of the Alameda County Council of Defense of California, favoring the taking over by the Government of idle land in California and farming it as a war emergency measure, which was referred to the Committee on Public Lands.

SOLDIERS' TRAINING CAMPS.

Mr. TOWNSEND. Mr. President, my attention has been called to an article in the Washington Post which seems to be authentic. It refers to the fact that 125,000 State militia were ordered mobilized yesterday, all of them coming from the North, and all of them sent to southern camps.

I understand, of course, that the statement has been made that the southern camps are better on account of opportunities for winter training, but these troops, the article states, are to be sent to France by the 1st of October, so that the training, whatever it is, must, of course, be between this and some time in September.

I notice from this article that the New York troops are to be sent to Spartanburg, S. C.; the Pennsylvania troops to Augusta, Ga.; the Ohio and West Virginia troops to Montgomery, Ala.; the Michigan and Wisconsin troops to Waco, Tex.; and the

Iowa, Minnesota, Nebraska, North Dakota, and South Dakota troops to Deming, N. Mex.

There probably is something about this which I do not understand, but no explanation has been made thus far which would warrant this unusual proceeding, including the tremendous expense of sending troops from the North into southern training camps for a few weeks, only to be brought back in a short time and sent to Europe. It seems that the Mexican experience is to be repeated, and at the risk of impairing the health and lives of our volunteers the sun-struck South is to have their training—the health of our soldiers and economy to the Treasury would seem to dictate another policy. If northern troops alone are to be sent to Europe, they should at least be prepared under the most favorable circumstances.

I hope that there will be an explanation which will be satisfactory to the people, not only why this extra expense is caused, but why this trouble is incurred to the militia of the North, who have been notified that they will be the first to go to France; why they should not be trained in camps in their own States, and under the most favorable conditions. The climate of northern Europe is similar to that of the Northern States.

I repeat, this article seems to be official, but it is exceedingly incomprehensible to me, as I believe it is to a great many others who have been reading of this matter and looking into the conditions which surround it.

MRS. NANCY E. MULLINS.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (H. R. 646) for the relief of Mrs. Nancy E. Mullins, reported it without amendment and submitted a report (No. 84) thereon.

RIVER AND HARBOR APPROPRIATIONS.

Mr. CHAMBERLAIN submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 4285), which was ordered to lie on the table and be printed.

Mr. JONES of Washington submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 4285), which was ordered to lie on the table and be printed.

RECENT DISTURBANCES IN EAST ST. LOUIS, ILL.

Mr. SHERMAN. Mr. President, concurrent resolution No. 10 went over on Saturday last under the rule.

The VICE PRESIDENT. We have not yet reached that order of business.

Mr. SHERMAN. If the Senate will bear with me for about 10 minutes, I should like to make some comments on the resolution.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. SHERMAN. Mr. President, this resolution was introduced in view of the conditions which I have just reason to believe prevail in the city of East St. Louis, Ill. I have a number of letters addressed to me personally, which I have forborne to place in the CONGRESSIONAL RECORD because of conditions still existing in that city. I do not believe it would be wise to make public the names of the gentlemen who have addressed these letters to me. They are in business in East St. Louis, and all of them with whom I am acquainted—a considerable number—are reputable men and the heads of reputable business concerns. They prefer that their names be not made public at this time. Out of consideration for their request, I shall not now and until further developments give any of their names, save to make the general statement as to their standing, which I have done.

The substance of these letters, Mr. President, is that the conditions in East St. Louis are yet dangerous. They ask that some proper power, outside of the local authorities, may be invoked to prevent the recurrence of the outbreak which prompted this resolution. To the causes of the conditions I shall not allude. They are ones that can properly be investigated either by the Department of Justice or by a joint committee of Congress. I myself am not partial as to the method that may be employed to obtain the proper results. Whether it be by a congressional committee or whether it be by the Department of Justice, through the convening of the United States district court and the designation of a judge in that jurisdiction to make the investigation through the agency of a grand jury, I do not care; I am not committed to the one method or the other; but I do ask that this resolution be considered by the Senate on some proper occasion, and as promptly as possible, to the end that if the House, if it so happen, do not concur in the resolution, such notice may be brought to the attention of the Department of Justice as will cause a session of the United States court to be convened, a United States grand jury empaneled, and an investigation undertaken.

I do not think any local authority in St. Clair County, in which East St. Louis is located, or a grand jury of that county will be at all adequate to clear the situation. I do not believe that any local prosecuting officer would produce the needed results. I do not believe, if an indictment should be had of any of the guilty parties, that trial by a local jury would be likely in such an affair to insure justice.

I am familiar with the conditions that existed in the State of Illinois in connection with at least four riots which have occurred, based either upon race conditions or upon substantially similar conditions as those which prevailed in East St. Louis. I have seen very recently efforts made to prosecute and punish offenders in similar cases. It is with considerable humiliation that I call attention to the prosecutions resulting from the activity of the local authorities on a former occasion in my home city of Springfield, Ill. A riot occurred there in August, 1908, in which deaths resulted. A grand jury indicted and the trials were had before the circuit court, a court of general jurisdiction, with a fair and impartial judge, Judge James C. Creighton, now dead, presiding. He administered the law impartially. A jury was impaneled, drawn from the body of the county of Sangamon. The trials resulted in acquittal, although in some cases convictions ought to have been had, and I believe convictions would have been had if it had not been for the local prejudice or feeling that attended the trial of those causes. It is too much to expect a jury in such intense local situations to convict.

I believe that in this instance an investigation ought to be had, not by the local authority of the county, not even by State authority, as a finality, but I believe it ought to be had by a joint committee of Congress, or by a United States grand jury impaneled by a district judge of the United States court. If that is done the power will be sufficiently impartial, comprehensive, and strong to investigate and to find what the underlying conditions are. Unless the investigation shall be had by United States authority, in my judgment, it will be inconclusive and incomplete.

I believe that the investigation ought to be had promptly. The letters which I have received from reputable men, residents of East St. Louis, lead me to believe that if the National Guard now in the city of East St. Louis should be withdrawn a recurrence of the lamentable riot which recently occurred is likely. These men ask that some Federal authority take charge of this investigation; that it be thorough and comprehensive; and that a manifestation of governmental power be shown that will to some degree, at least, strike terror to the hearts of the evildoers still resident of that city. If such an investigation be not had, I am laboring under the belief that a recurrence of the riot will possibly come about within a very short time.

The authority that is now there of a military character, the National Guard of the State, can not be kept there indefinitely. If it should be withdrawn, the underlying conditions in that city, the racial, economic, and municipal conditions prevalent there, are such as to promote another riot with consequent deaths and the destruction of property, even more serious than the riot which is in the public mind.

With this in view I introduced Senate concurrent resolution No. 10, which is lying on the table for senatorial action, and I desired to present opportunely and within proper limits my reasons for the introduction of the resolution. I am asking this not for local protection, but I am asking it because this country is likely to be further humiliated. Colored citizens of the United States and white citizens of the United States resident in East St. Louis are now dwelling upon the edge of another civil commotion. They are to-day living in the crater of a volcano that may erupt, with consequent riots that will be more shameful than even the riots of a few days ago unless some strong arm, exerted by governmental authority, shall reach in from the outside, insure a thorough investigation, indict any persons who merit prosecution, and act under such a warrant of authority that the jury upon the trial of an indictment found may be not a jury of the county, but may be drawn from the whole of the judicial district. That kind of a jury would probably administer justice, and if the defendant were guilty he would be convicted, and if not he would be acquitted; but I feel that a local jury drawn under the jurisdiction of a State court, a circuit court, which is the court there of general jurisdiction, a jury drawn from St. Clair County, subject to the prejudices and the influences on the one side or the other, would not by their nearness to the local situation be so likely to administer justice. That has been the invariable result in the riots that have occurred in that State. Local authorities, local juries drawn, as they must be, from the county in which the violence occurred, do not so well administer justice, but unconsciously become subject to the same debased influence that secured acquittals in cases where there ought to have been convictions.

I say this deliberately and with the greatest regret. I say it in justice to other parts of our country. It has been sometimes said that local influences secure the acquittal of men who have been guilty of riots and the loss of life of citizens caused by those riots in other parts of the United States, especially in what we call the Southern States. I make no distinction. There is as much local influence securing the acquittal of men who are guilty in the State of Illinois as there has ever been in the States of Georgia and Mississippi.

For that reason I believe this trial ought to be had, or the investigation, and any trials consequent upon the indictments found ought to be under the direction of the Government authorities. I hesitate to make this advance. I hesitate myself to go to the Department of Justice, the Attorney General of the United States, and make this request. I should prefer that it be done by others, or be done upon his own motion, upon the request of citizens from the locality concerned. But, at any rate, the prosecution and the indictment of these offenders ought to follow. It ought to follow from the action of the Attorney General, or the evidence ought to be unearthed and placed before the proper department by a congressional committee in order that there may be a full and complete history of this case.

Mr. McCUMBER. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from North Dakota?

Mr. SHERMAN. I do.

Mr. McCUMBER. Under what theory would the Senator make this a Federal offense? Murder and arson were committed within the limits of the State. That is an offense against the State authority. What would be the indictment that the Senator would urge against these people that would make the offense cognizable by a Federal grand jury?

Mr. SHERMAN. I think an investigation would show, Mr. President, that certain aliens were killed and some injured—not colored men, but aliens. I think one was shot by the Illinois National Guard while guarding one of the packing plants. I do not wish to make any invidious comparisons, but it is a name just like those that were read here by the Secretary upon a certain occasion. It belongs to the same nationality. I think some of them found there are aliens. I think some are the same kind of people to whom objection is made in the lead and zinc belt in Missouri and in Arizona. Some 800 or 1,000 people in each State have recently been deprived of the right to work. I think an investigation would show that some of these men—not citizens of the United States, necessarily, but resident aliens—on the pay rolls of some of the industrial concerns in that city were affected by the disturbances that occurred.

If the aliens had transgressed a local law, they no doubt would be subject to indictment and punishment in the local courts only, the State courts; but there are certain treaty rights of aliens that could give, under a proper showing, jurisdiction to the United States district court, especially if any of the living aliens who engaged in this riot should invoke the treaty rights that exist. They might remove their cause into a United States court. I am not sure but that upon an investigation, while amenable to the local laws of the State, some aliens might, on a report of a grand jury, be deemed undesirable citizens, and ordered by a court to be deported on a final hearing.

I think, on an investigation, that a ground for Federal jurisdiction can be found. I do not want to go into the matter at length, but I believe a sufficient number of people found there who are not citizens of the United States could be brought within the jurisdiction of the court and a United States grand jury impaneled by that court.

I say, with a feeling of gravity of the conditions gathered from the correspondence, that something must be done. Some proper investigation can be had. No one would question the right of a congressional committee to investigate, and investigate thoroughly. East St. Louis stands at the gateway of a vast interstate commerce. Outside of some local advantages East St. Louis is the overflow from the city of St. Louis, Mo., and I wish to add to this statement that all of the interstate commerce converges at the three bridges that cross the Mississippi River into St. Louis from the Illinois side. The interstate commerce that can be interfered with by a recurrence of the riot in East St. Louis is continental in character and very great in its volume.

A large number of through lines center in East St. Louis and go on to the Pacific coast. They connect with all of the Atlantic seaboard towns through the Pennsylvania road and other lines of a like character. A riot in East St. Louis means that not only will the United States mails be held up but, further, that all of the freight transportation, all of the necessary merchandise connected with the preparation for war, will be held up at this same point. Practically nothing can get into St. Louis from the East or can get out of it on the eastbound freights unless it goes over one of the three bridges across the Mississippi River, and none of them can be crossed if there is a civil commotion in East St. Louis or the adjoining suburbs. East St. Louis has nominally 65,000 people, but more than 35,000 are in the adjoining manufacturing towns of Granite City, Venice, Madison, and one or two others. Therefore civil commotion means—and I think it is enough to justify action by Congress if no menace existed to the local conditions of property in East St. Louis—civil commotion in East St. Louis, I wish to impress specifically upon the Senate, means that all of the eastbound freight coming from St. Louis and all of the westbound freight going into St. Louis will be held up at the point where it strikes the disturbed area. The approaches to the bridges can not be used; all of the immense foodstuff supplies that come from the West and Southwest, coming by way of St. Louis, will be inevitably endangered by a recurrence of public disorder at this particular point.

I think this would justify Congress, both Houses, in an immediate investigation. I am sure that if a congressional committee goes in there, it will act as a protection; it will get the truth that no local investigation will ever get.

The attorney general, Mr. Brundage, is on the ground now in person or through his assistant before the St. Clair County grand jury, and I am sure that they would welcome help from the outside. I think I can properly say that it would not be regarded by the local authorities as an interference, but would be regarded as a very desirable help in a task that has gone beyond their ability to do what is needed to preserve the rights of persons and property.

I should like, if it were possible, to make public the names of these men. I can only say to the Senators that they are among the reliable, responsible business men of East St. Louis. I believe giving their names now would only mark them, possibly, for future victims of mob violence, and out of a desire to protect them against possible injury of that kind I refrain.

Mr. TILLMAN. Mr. President, I hope the resolution the Senator from Illinois has introduced will pass, and I hope the committee will be appointed. I want to say a few words before that is done. I am glad the Senator from Illinois introduced this resolution and has taken such an active part in ferreting out the truth about the East St. Louis riot, because it concerns his own State vitally and the whole country indirectly and is most important.

From what I know about the I. W. W.'s, they are a bad lot, whether citizens or aliens, and should not be tolerated in this country if it is possible to get rid of them legally. Many good, hard-working Americans have joined this association because it preaches a doctrine which appeals to them; the wrongs of labor, real or imaginary—there are both. I have undoubted evidence from my viewpoint that the riot arose because negroes from the South had been brought to East St. Louis for the purpose of taking the places of white laborers, whether I. W. W.'s or what kind of laborers I do not know, but they were white men. I have known for many years and not hesitated to say so all over the North in my lectures and on the floor of this Senate that the average Yankee—we Southerners call all men Yankees north of the Mason and Dixon line—has no love for the negro except for political reasons. They want his vote and nothing else. I do not propose to go into the cause of the war or the whys and wherefores of this feeling; enough that it exists. The North is now beginning to understand the South and to understand the race problem, too, and I am very glad to see so many northern men being ordered to camps in the South for drilling and training. In this way they will see something of the race problem in its home, where there are the most negroes, and learn much more than they would have ever known had they not sojourned a few months in the "home of the negro." The Spanish War served to open the eyes of a great many of the troops from the North about the race problem, and this war will add to that information and increase the knowledge of the true conditions down there and the cause which produces it. The more the northern people know of the negro the less they like him. I have epitomized it by saying "They love him according to the square of the distance." The farther off he is the better they like him.

I have here a clipping from the Augusta Chronicle of July 12, a very fair and impartial paper, most ably edited, giving some facts about the East St. Louis riot and its cause, that I want put in the CONGRESSIONAL RECORD, after it has been read, for the information of the Senate, so that the facts as given by a distinguished southern minister now residing in St. Louis may be presented to the country in an authoritative shape. It is no use to mince words any longer. My own attitude on this subject was explained last year when I, in this Chamber, stated:

I have come to think, since the unveiling of the Confederate Monument at Arlington, that the North itself has at last realized that Gen. Lee's home, in a sacred and inalienable sense, belongs to the South, and I am willing to help make of it a place where both sections can go for inspiration

Half a century since Appomattox! There is a man in this Chamber still who wore the Confederate gray, and two and perhaps three who wore the Union blue! Half a century since the Constitution was amended by the rifle and the bayonet; since might made right; since gunpowder prevailed over logic! I never believed it possible that I could do it, but slowly and by degrees I have come to think that it was best for all concerned that the South was defeated; and for me to say that is a marvel to myself. Slavery was a curse which had to be destroyed ere the South and the world could advance. It was a curse for which the South was no more responsible than the North. Both sections were responsible, and both paid four long, bloody years of penance for their joint sin. It had to go, and while it went in the worst possible way and its going gave birth to an apparently unsolvable problem, still I, who was born in and of the Old South, am glad it is gone never to return. I am glad, also, that the idea of nationality has supplanted that of confederation, despite the dangers involved. And so I can find it in my heart to want to make the amphitheater at Arlington truly national in its scope.

Slavery was a curse and the Civil War was necessary to destroy it. Nothing else could have done it, because of the profit there was in it, just as the greed of man is now producing this tragedy in East St. Louis. The same struggle for freedom and the rights of the laboring classes is going on in Europe right now.

Some time I hope to discuss the South's treatment of the negro and show where our people are treating him wrongly and unjustly, but my health is so poor I may never be able to write out just what I want to say. It ought to be stated by some old slaveholder like myself.

More and more it becomes evident that the native Americans and the descendants of the early immigrants grow less and less friendly toward foreign-born competitors, no matter where they come from, and when they happen to be black, as the negroes from the South are, this feeling is added to by race prejudice and caste feeling. The white blood becoming once aroused grows savage and very, very cruel.

In my observation and experience nothing that I have ever read about or come in contact with equals the savagery and anger caused by race prejudice and caste feeling. They are as cruel and remorseless as religious bigotry and fanaticism under Philip the Second of Spain and the Duke of Alva.

I ask that the Secretary may read the clipping I send to the desk.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

[From the Augusta Chronicle, July 12, 1917.]

THE TRUTH ABOUT THE EAST ST. LOUIS MASSACRE.

There is an impression among the negroes of this community, and perhaps other southern communities, so the Chronicle is told, that the stories published in southern newspapers concerning the recent East St. Louis race riots were either altogether untrue or greatly exaggerated, and that this was done to deter negroes from leaving the South for the North and West.

From this it is evident that there are demagogues among the Negro race as well as among the white race, and that these false leaders have, either ignorantly or otherwise, been imposing upon the credulity of their people. This in itself presents a sad phase of the situation, and one that some effort should be made to correct; not so much on behalf of the South as upon behalf of the negroes themselves.

Fortunately for the negroes of this particular section, however, they have such safe and sane leaders as Dr. Charlie Walker, Silas Floyd, L. E. White, L. P. Pinckney, J. W. Whitehead, J. M. Nabrit, Louis E. Moseley, Dr. J. N. Storey, and others, from whom the truth may be learned about this or any other matter affecting their race—indeed, whose leadership is a blessing for both races in the South.

From such leaders as these the negroes will learn that the published stories of the East St. Louis riots were only too true; indeed, that all the horrible details were not even printed. But if they would have further proof of this, the Chronicle is in position to quote from a sermon delivered in St. Louis last Sunday morning by Rev. Dr. J. W. Lee, one of the ablest Methodist ministers in the country. Dr. Lee is a native of Georgia and was up to a few years ago located in Atlanta. He knows the South and he knows the negro, and he was therefore greatly shocked and outraged, as all true men of the South were, by the East St. Louis massacre.

Being on or near the spot, Dr. Lee speaks with first-hand knowledge of what occurred and of the causes leading up to this wholesale murder of those southern negroes in East St. Louis. Among other things, Dr. Lee said:

"The record given in one of the city papers, which tells of the deliberate, murderous brutality displayed against the poor negroes in the State of Abraham Lincoln, is as bad as anything ever perpetrated in Armenia by the Turks or in Belgium by the Germans.

"Think of negroes who had been guilty of no offense pleading for their lives with raised hands, surrounded by groups of white men and stoned to death. Think of a negro, covered with blood and half conscious, raising himself on his elbow to see if there was any chance of escape, being met by a young man, better dressed than most of the others, lifting a flat stone in both hands and hurling it upon the poor negro's neck. Think of negro women, begging for mercy and pleading they had harmed no one, set upon by white women of the underworld and answering the coarse sallies of men as they beat the negresses' faces and breasts with fists, stones, and sticks. Think of hot-headed youths, mixed now and then with men of middle age, enjoying, as it were, a kind of sport in the task of destroying the life of every discoverable black man."

"Think of all this, and remember that there were but few militiamen to be seen anywhere, and with no serious effort on the part of those who were seen to prevent bloodshed. Think of men in uniform frankly fraternizing with the murderers engaged in killing the negroes. Think of all this and more, given in a most careful report by one of the best reporters in our city, and then see if you can recall anything worse that ever happened in Belgium or Poland or Armenia or anywhere else on the face of the earth.

"Never again can one section of the country select and set apart any other section as barbarians to a greater extent than other places. We have been having lynchings in the South and lynchings in the North, but no other part of our country can say to any other part, 'Physician, heal thyself.' All parts are guilty under the stress of mob hate of giving way to the vilest passions of which human nature is capable.

"The best people in East St. Louis are not to blame, as the best people in the South were never to blame for the lynchings in that section. The whole situation, North and South, is due to the fact that politicians without conscience have been permitted to occupy places of authority, and they have deliberately excused dives and places of immoral resort, if they have not even fostered them, and through the influence of such places there have grown up among us a class of people that are a menace to orderly government and to American civilization itself.

"In view of all this, it must be clear that what we need in the United States to-day is a new civilization in which there must be the silent reassertion of the principle of an authority purged and purified by the rejection of all unworthy elements, an authority based on the reality of eternal laws. We must bring back into human life that recognition of the value and sacredness of life that we have more or less lost in the past 50 years.

"We must establish a class made up of the best people, who shall assume the responsibility of elections to office, and keeping in office, only such persons as will themselves observe the law and force others to observe it."

All of the above is true and it is timely. It is well that such words were spoken by a man of Dr. Lee's fine type; a man who is not only a Christian gentleman and minister of the gospel but a southerner who has the manhood to demand fair treatment for the negro—even in the State of Lincoln.

A few days ago the Chronicle had occasion to publish a statement from Rev. Dr. C. T. Walker, perhaps the ablest negro minister in the South, who, while making the complaint that the negro had not always been fairly treated in the South, warned the members of his race that their best opportunities are not in the North but right here in the South, where they are known and, generally speaking, are valued for what they are.

This, too, is true, and can not be too strongly emphasized. It is regrettably true that the negro has not always received fair treatment in the South, but, on the whole, he is given greater consideration in a practical way and is offered better opportunities, within his sphere of activities, than he is offered, generally speaking, in the North.

The Chronicle can but fear that the East St. Louis outrage is but a forerunner of similar atrocities in the North and West, for as the negro becomes more and more numerous in that section, and therefore comes more and more into competition with white labor, he is almost certain to encounter violence. At least this may be so, unless, as Dr. Lee suggests, the better class of people take matters into their own hands and prevent it.

Mr. LEWIS obtained the floor.

Mr. SHERMAN. Will my colleague yield just a moment? I ask the Senate to consent to a vote on this resolution. I earnestly hope there will be no objection to taking a vote on the resolution.

Mr. LEWIS. At the present time I wish to address myself to the resolution.

Mr. President, what I shall say to the Senate will consume but a moment of time. My colleague, Senator SHERMAN, has very commendably entered into the consideration of this matter which has been termed throughout the Nation the "East St. Louis riot." That there should be some investigation I take it any citizen of this country would gladly indorse.

At the threshhold we are met with an ever constant difficulty, which has confronted the Congress every time it has assumed to enter upon a similar field, and that is whether the Federal Government will enter upon the jurisdiction of a matter which States have already assumed the jurisdiction of, or whether it will wait until the State has concluded its efforts and then either cooperate or refuse to complicate the results by its interference.

Mr. President, I do not know when the time will come when race prejudice will be wiped out in America. I regret to confess that race prejudice seems to multiply with the multiplication of civilization. I am unable to understand the causes.

I had occasion lately to read a treatise which the eminent senior Senator from Massachusetts [Mr. LODGE] put in the hands, if I am not in error, of the distinguished junior Senator from Mississippi [Mr. VARDAMAN]. In this book there was a general dissertation upon the question up and down, of the variation and gradation of the treatment by civilization of the ethnological question and the prejudices of the whites against the blacks in South Africa, Australia, Canada and British Columbia, Egypt, Madagascar, France and Algiers, the Southern States in the United States of America, and by Northern States in the United States of America. I was particularly interested to observe that the philosophy upon that field finally came to the conclusion that the whole solution would rest ultimately upon the development of the individual of the particular race, the development of standards of the person of the race rather than any attempt on the part of legislative bodies to supervise a whole race and prescribe some standards for the government of the race, or for the supervision of one people by another. It is all left to the individual as a unit of civil-

ization; to that constituent is left the solution, all determining on the personal education and personal evolution of each citizen.

Mr. President, I know nothing, sir, of the details of those unfortunate happenings at East St. Louis. My information is that which we all have gathered from the public press. I understood from my eminent colleague, from an address he made here some days ago, that the confusion really arose from the influence of the saloon, and I would rather believe that to be true than to feel that it sprang from any spirit of lawlessness or disregard of the rights of any man by any of its people.

Mr. President, I can not believe that in East St. Louis, where the proportion of population measured by that termed the southerner is so small in comparison with those who are from other States, could have risen up merely to execute a prejudice against the Negro as such. I can not believe that would happen. I can not believe it would exist.

I am not blind at this time to the fact—I may say that I am not unconscious of the history—that in Ohio, in Illinois, in Minnesota, in Massachusetts, New York, and in every big Northern State conditions have from time to time arisen and practically justified some of the observations of the Senator from South Carolina [Mr. TILLMAN].

The junior Senator from Mississippi [Mr. VARDAMAN] has likewise given some attention to a philological phase of this subject, and no doubt when I have concluded wishes to address the Senate again to the consideration of it. I will not enter upon that field. I merely rise to assure my colleagues that I have personally taken up this subject with the Department of Justice. The Department of Justice has already entered upon the field of inquiry. The Federal Department of Justice has already proceeded to take steps to make such investigation as will not conflict with the action of the governor of the State of Illinois and the attorney general of the State cooperating with the governor.

Mr. President, there is, as the Senator from North Dakota [Mr. MCCUMBER] intimated, a very delicate line as to where the Federal jurisdiction enters. I would rather say it would turn upon the Federal statute rather than upon the distinction that my colleague would draw.

My colleague intimates that there were some foreign-born citizens or subjects who were the victims of some of these assaults. I am rather of the opinion that the statute of the United States which assumes to protect every citizen in his equal rights and immunities under the law would vest Congress or the Department of Justice with a jurisdiction to inquire as to whether any citizen, white or black, has been deprived by any other citizen, or citizens, white or black, of those equal rights and immunities granted under the Federal law or through the Federal Constitution. Therefore I assume, sir, that that gives sufficient Federal jurisdiction for our Government to enter upon an inquiry. If it shall be discovered by the Department of Justice that the entrance upon this inquiry conflicts with what the State is doing, then, sir, the inquiry on the part of the Federal Government may be suspended, but I am pleased to inform my colleague that I know the Department of Justice has already set the machinery into operation to have the Government ascertain, so far as it can, where it may serve, and that it will thereafter serve to the full extent of its capacity. If I do no violence to its intention, gathered merely from inferences, the intention is to have the investigation conducted under a Federal judge—one of the Federal judges now in office in the State of Illinois, the investigation to be conducted under his supervision—and in that way the grand jury will come from the whole judicial district and not from any one limited county, and in order that it may not be purely local, it is deemed best by the Department of Justice that one presiding Federal judge would conduct it with more impartiality and fairness. Such is at present, if I am not wrong in my deduction of what has been stated, one of the contemplations of the Department of Justice.

Mr. President, having made this statement, I am not discussing the resolution; I am offering information to my colleague and to the Senate, and I beg to assure him that I have every confidence that when this investigation has been undertaken by the present Department of Justice it will be carried out in the full meaning of the Constitution for the protection of the American citizen or the citizen of this country, without regard to race, color, or previous condition of servitude.

Mr. VARDAMAN. Mr. President, I have no desire to address the Senate this afternoon upon the resolution. I shall not at any time oppose the resolution, for the reason that I think the more this subject or question is studied, considered impartially and philosophically, the sooner the great problem will be solved. And in the providence of God it must be solved. The interests of the white and black races demand it, and the civilization of the world makes it imperative.

If there shall be a committee appointed under this resolution to investigate this question, I sincerely hope that it may be composed of men who will undertake the important task fully conscious of the magnitude of the undertaking and go to the very bottom of the problem.

I regard the trouble in East St. Louis as an unfortunate manifestation of the most difficult problem that the white man has ever been called upon to solve.

It is of vastly more importance and far-reaching in its consequences than the unfortunate war in which this country is now involved.

If the resolution is not disposed of to-day or to-morrow, I should like to submit a few observations upon it. While I shall not undertake to discuss the question at this time, I will say that I am glad the American people, particularly the people of the North, are being driven irresistibly to the conclusion that the race problem in America is no longer a sectional or southern question. It may be in a more concrete or acute form in the Southern States, but, as a matter of fact, it is as national in all of its elements as any problem that ever emanated from the pregnant womb of time.

Unless the Senator from Illinois [Mr. SHERMAN] is particularly desirous of having the matter disposed of to-day, I should like to have the resolution to go over a day or two, because I should like to have something to say, and I am not prepared to submit my observation at this time.

The VICE PRESIDENT. The Chair will state to the Senator that the resolution must go to the Committee to Audit and Control the Contingent Expenses of the Senate. It calls for an expenditure of money out of the contingent fund.

Mr. VARDAMAN. I thought the resolution was up for final consideration. I wish to say just at this point my good friend, the senior Senator from Illinois [Mr. LEWIS] is mistaken when he says that the senior Senator from Massachusetts [Mr. LODGE] gave me a book on the question, which he quoted from. He is mistaken in that. It was some other book from some one else. I have had one or two very interesting conversations with the senior Senator from Massachusetts [Mr. LODGE] on the question under discussion, but he did not give me the book the Senator from Illinois referred to.

Mr. President, while I am on my feet I desire to ask out of order to publish a petition of the people of Mississippi on the prohibition question.

The PRESIDING OFFICER (Mr. POINDEXTER in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

UNITED STATES SENATE
(Care of Senator JAMES K. VARDAMAN),
Washington, D. C.:

Undersigned petition your honorable body not to tax but prohibit the liquor business as a war measure. Above petition was indorsed by vote at meeting held under auspices of Woman's Missionary Council, Methodist Episcopal Church South, in city of Cleveland, State of Mississippi, by (name church or society here) Cleveland Auxiliary.

Attest:

MRS. S. C. TAYLOR, *Presiding.*

The PRESIDING OFFICER. The concurrent resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

STRIKE OF MINERS IN ARIZONA.

Mr. ASHURST. I ask unanimous consent to have read at the desk a telegram from Bisbee, Ariz.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read the telegram, as follows:

BISBEE, ARIZ., *July 14, 1917.*

Senator HENRY F. ASHURST,
Washington, D. C.:

The undersigned, representing the Citizens' Protective League, and the Loyalty League, comprised of citizens and workmen of Bisbee, Ariz., make this statement to set forth the true facts and reasons for the deportation of 1,200 I. W. W. from Bisbee on July 12. The strike was called by few outside I. W. W agitators. The most important demands made were for a minimum wage of $6 a day and the abolishment of physical examination required to get employment. Bisbee is the highest paid mining camp in the country, and in no camp are working conditions better or greater safeguards used for protection of workmen. Wages are based upon the price of copper, and the next pay check will be $5.75 per day for miners for an eight-hour day. The physical examination of applicants for jobs has been required largely to protect workmen from contaminating diseases. The strike has been marked by violence, acts of intimidation, and treasonable statements on the part of the I. W. W. Streets have been clogged with pickets who made threats of violence and disregarded the rights of pedestrians, including women and children. Homes of loyal workmen have been visited and families terrorized by threats. Even the mayor has been threatened and his official orders disregarded. Destruction of life and property has been threatened. The only thing that has prevented destruction of property and more injuries to persons has been the vigilance of Sheriff Wheeler. I. W. W. were coming into Bisbee on every

train to swell ranks of those already here, their purpose was to stir up strife and dissention and to tie up the mines and paralyze local industries of all kinds. Seventy-five per cent of the I. W. W. pickets were strangers in the community; repeated requests were made by the mayor, city council, sheriff, and other officers that the rights of peaceable citizens and workmen be respected. When such requests were ignored and threats and acts of intimidation continued, it then became necessary for the citizens and loyal workmen of Bisbee to assist the sheriff in putting a stop to such treasonable actions. Therefore, on the morning of July 12, approximately 2,000 reputable citizens and residents of Bisbee, under direction of Sheriff Wheeler, met at appointed places and proceeded to gather up and disarm the I. W. W. pickets and leaders. No violence was shown before loading them in cars for deportation. They were offered an opportunity to remain in camp provided they could obtain someone to vouch for them and upon condition that they ceased their treasonable utterances and acts against the Government and the community. Under these conditions many remained. Probably 90 per cent of those deported were strangers with no place of residence in the community. This is shown conclusively by the fact that nearly 400 I. W. W. were arrested in the Union Hall sleeping on the floors. Many deported were Austrians and alien enemies. The citizens acted as deputies and as a part of the sheriff's posse. Under his orders and direction sufficient food and water was placed in the cars to accommodate the needs of the men deported and the train sent to Columbus, N. Mex. The community is now quiet and peaceful, over half of the normal number of men are now actually working in the mines, and the community is no longer terrorized and intimidated. The deportation was prompted by no other spirit than one of patriotism and loyalty to the Government of the United States. Mines all over this State and country have been closed by these same I. W. W. agitators, and at a time when all loyal citizens should be assisting the Government rather than crippling it and paralyzing its industries. The citizens and loyal workers of Bisbee as patriotic men in an hour when the Government needs loyalty felt that the time had come when they could best show that patriotism and loyalty by assisting the sheriff to aid in ridding the community of men who were preaching a doctrine of violence and treason. Any loyal American who desires work is welcome to Bisbee, and will be given protection and an opportunity to work. The Citizens' League and the Loyalty League, however, stand firmly behind the sheriff not to tolerate the further presence of men whose only desire is to terrorize the community, resort to violence, and cripple industries in an hour when patriotic service should be given as asked for by President Wilson.

J. R. HENDERSON,
President Citizens' Protective League.
L. W. MERRILL.
President Workmen Loyalty League.

Mr. SMITH of Arizona. Mr. President, my colleague [Mr. ASHURST] has presented and has had read into the RECORD a telegram, a copy of which was also sent to me. I have attempted three separate times to get the floor in order to present a copy of that telegram to the Senate and to ask that it be read for the information of this body and in defense of the people themselves who have deported a certain number of people from the city of Bisbee. It is immaterial to me, so that the matter is in the RECORD, whether it be presented by my colleague or by myself. The present occupant of the chair was not presiding at the time when I attempted to obtain recognition to present the telegram.

Mr. ASHURST. Mr. President, I have also received many other dispatches similar to the one which has been read, and doubtless my colleague [Mr. SMITH of Arizona] has also received such dispatches. I do not wish to incorporate those dispatches in the RECORD, but I ask to have read an excerpt from a letter which I have received from a former attorney general of Arizona with reference to this same subject.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

The situation in Jerome and in many other mining camps in Arizona is that hundreds of loyal men, members in good standing of labor unions, are being prevented by these public enemies (90 per cent of whom are either aliens or of alien descent) from working the mines of Arizona, the product of which is so vital to our Government in this crisis.

I myself have heard expressions from many of the Independent Workers of the World which proved them to be treasonable. It should be understood that it would make no difference to these Independent Workers of the World if every one of their demands were granted immediately; they would come again with others more unreasonable and continue until further compliance would be impossible. In other words, the only purpose they have, regardless of their avowal, is to embarrass, and, if possible, destroy the American Union.

The most superficial investigation in Arizona at this time will convince any fair-minded man of the truth of this statement. It is not a labor problem or an issue betwen employer and employee in any sense; it is a deep-laid plot against the Government.

CENSUS FOR MILITARY DRAFT.

Mr. BRANDEGEE. Mr. President, I send to the desk and ask to have read by the Secretary an editorial appearing in the Bridgeport Post in relation to the census of the population furnished for the purpose of the military draft.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

UNFAIR RATINGS.

It is not at all surprising that even the New York World kicks over the utterly misleading figures promulgated by the United States Census department for purposes of the draft. The World calls them "absurd" and "misleading," and so they are.

For what earthly good is Bridgeport rated at 278,906? It is an utterly preposterous figure. The city is nowhere near that total. In our judgment it may have reached 160,000, but no more. To give it over 100,000 more is so out of the way and so contrary to every known estimate that one can only account for it on the principle that ignorance or partisanship prompted it for some special purpose not yet unfolded.

Just so with Connecticut at large, the count is raised from the census figure of 1,114,000 to something over 1,750,000, or nearly half a million above the indicated figures from every recognized basis of estimate.

These sections are not the only victims of such fool figuring. New York gets a raise of nearly 2,000,000 and Chicago about the same increase. Detroit is put at nearly four times the census figure, jumping from 485,000 to 1,454,000.

Now note the difference in treatment of sections. All the great increases and ridiculous estimates are in the Northern and Central States. Kentucky—that is down South, you see—is rated as having 300,000 people less, while Tennessee is given 200,000 less, and so it goes. Hardly any change is made in States like Georgia, Alabama, Mississippi, and South Carolina.

One would like to know the prompting motive behind such estimates, and it might be well for our Senators and Congressmen to demand a show of papers on such inexcusable ratings and such extraordinary favoritism as is displayed by the figures quoted, which are taken from the New York World, a strong supporter of the administration.

Mr. BRANDEGEE. Mr. President, I have had quite a number of inquiries and complaints in relation to this matter. I am sure that every State in the Union desires to furnish, if necessary, its full quota of troops for this great war in proportion to its population. I desire, however, to call the attention of the Senate not only to the injury done to States and to cities by overestimating their population, but it so happens, as shown by a table which was put in the RECORD the other morning by the junior Senator from New York [Mr. CALDER], that inasmuch as all the aliens in this country are exempt from the draft, and inasmuch as the proportion of aliens in many of the Southern States varies from one-half of 1 per cent to 1 or perhaps 2 per cent, while the proportion of aliens in some of the Northern States varies from 10 to 20 per cent, the result of exempting all of the aliens from the draft is not only to excuse them from service but to place pro rata, according to the total population of a State, upon American citizens the burden of the work of defending the lives and property of the aliens who are enjoying the benefits of the institutions of this country.

I do not know whether anything can be done at this late day, in view of the early draft proceedings which are contemplated, to correct that great inequity and great injustice to the citizens of this country. I have had letters from my State giving astounding illustrations of the great injustice done in this respect. I believe the city of New Britain, which is a great manufacturing city, is a startling example of what will result under the conscription law. Somebody wrote me the other day that they had taken a poll of several of the large factories in that city, which developed that there were 3,500 aliens and 3,500 citizens engaged in those two or three factories. The result is the 3,500 aliens are going to remain there, while a large proportion of the 3,500 American citizens are going to be drafted and sent abroad to defend the 3,500 aliens who are entirely exempt.

Mr. LODGE. And on a basis of 7,000; that is, the 3,500 Americans who are subject to be drafted are not to be drafted on a basis of 3,500 but on a basis of 7,000?

Mr. BRANDEGEE. Of course.

Mr. LODGE. And, then, in addition there are the overestimates of population, to which the Senator has just referred.

Mr. BRANDEGEE. The 3,500 citizens are just twice as bad off as they would be if all the employees of those factories were citizens, or if there were no aliens there; in other words, the aliens are counted to make up the population upon which the draft is based pro rata and then excluded from the service, and all the service that ought to be performed per capita by aliens is compelled to be performed by citizens; so that, instead of perhaps 1 in 15 being drafted, 1 in 7 is going to be drafted. No matter how patriotic men may be or how willing to submit their destiny to the turn of the wheel and to the gamble of the draft, they do not want to play with loaded dice, and they do not want to take twice the chance of being drawn to go to death and disease that a man has to take if he lives in some other State. To that extent, it seems to me, a tremendous wrong was committed, or, to put it most mildly, a great mistake was made in our draft law.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Missouri?

Mr. BRANDEGEE. Yes.

Mr. REED. When the bill was before the Military Committee I called attention to what was substantially the very thing the Senator is now speaking of. The point, perhaps, was slightly different, but it was the same in principle. It was explained by those who came there representing the War Department that, in their opinion, there was no practical way of avoiding the difficulty. I thought then, and I think now, that it would have been easy enough to do so; but I learned then, as I have been learning since and had learned before, that it

is regarded as a kind of heresy for anybody to differ from department heads or chiefs who come here with a bill already written.

Of course, the matter the Senator sets forth is a matter of very serious complaint and ought not to have been.

Mr. BRANDEGEE. Mr. President, I have consulted with some of the military authorities about this matter; at least, I have taken a letter from the governor of my State, earnestly protesting against this inequality, and submitted it to one of the high military authorities. He thinks that, inasmuch as only 687,000 men are to be drafted in the first call, the inequality complained of will not be very serious when spread out over the entire country. But, be that as it may, there is no reason why men who have lived in this country and are living here, making their living out of this country, sending their children to our schools, paying taxes here, and accumulating property here, should not fight for the preservation of this country in this great emergency.

If there are any provisions in our treaties with foreign countries that their subjects residing in this country shall be exempt from draft, I have no doubt that as to the aliens residing in this country who are subjects of the countries with which we are in alliance in this war every single country would waive any exemption contained in such treaty; and, of course, the individual alien in this country could take no advantage of it if his country waived the treaty privilege.

Mr. President, without going into this matter to any great extent this morning, I send to the desk a resolution which I should like to have passed, in order that we may get whatever information may be available about the way these figures were made.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read the resolution (S. Res. 105), as follows:

Resolved, That the Secretary of Commerce is hereby directed to furnish to the Senate information which will disclose the methods and plans or system used in estimating the population of cities and States for the purpose of the military draft or conscription by the Bureau of the Census, and also to transmit to the Senate said estimates of population.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Ohio?

Mr. BRANDEGEE. If the Senator desires to speak on this resolution, I yield; certainly.

Mr. POMERENE. I was going to speak with reference to it before it is adopted.

Mr. BRANDEGEE. Very well. Then I will not ask action until after the Senator has concluded, of course.

Mr. POMERENE. Mr. President, my attention has been called also to these inequalities in the apportionment of the drafted men, and I made some inquiry about it this morning. I find that the figures which were used as a basis for distribution among the several States were furnished by the Census Bureau, and they will control that distribution. When it comes to the distribution among the several subdivisions of a State the quota which will be charged to each particular subdivision will be determined by the governor of the State.

There have been the same inequalities in Ohio as those referred to by the Senator from Connecticut [Mr. BRANDEGEE] in his own State. The population of Ohio, according to the Federal census of 1910, was, in round numbers, 4,770,000. The population of the State, which is used as a basis for calculation for determining the number of conscripts, was given by the Census Bureau as over 6,000,000.

My own city of Canton has, according to our best judgment, about 75,000 people. That is our judgment based upon the calculations made by the publishers of our city directory and by our school census. I think it is nearly correct. I am quite sure that the population does not exceed 80,000; but, according to the figures furnished by the Census Bureau, the city of Canton is given a population of 177,000. I knew Canton was a very prosperous city, but I did not realize that it had grown so rapidly during the few years that I have been here in Washington. My neighboring city of Akron, which has, according to our best judgment, about 125,000 people, certainly not to exceed 150,000—and its population has been growing by leaps and bounds—is credited by this estimate with 338,000 plus. The city of Cleveland, which has, I think, certainly about 800,000 people, is credited with 1,125,000. Of course this is going to work a great injustice to certain centers of population.

A newspaper from my home city gives the information that at the registration for voters last year there were—I am speaking from memory and my figures may not be exactly correct—something like 3,800 voters registered who were of conscription age, as determined by the military bill. Certainly there are not to exceed 4,000 voters of military age in the city. According to the figures that have been given out, we have about 10,000 men of conscription age in the city who registered under the draft law. I refer to this as illustrating some of the very strange mistakes that have been made by somebody.

I am also advised that the distribution of these conscripts among the several subdivisions of the States will be determined by the governor of each State, and he may use the figures which the Census Bureau has given him or he may use such other information as to him may seem persuasive and reliable.

Mr. LODGE. Mr. President, this matter of the resident alien, which creates such injustice in the distribution of the draft, is a matter of very great importance. It has to be dealt with first by the Executive Department, because it will require treaty action or arrangement with those Governments that are engaged in the war with us against Germany. Of course, resident alien enemies come in a different category. Aliens ought not to be counted for the draft unless they are going to be drafted, and provision ought to be made for drafting them. If they will not serve in the armies of the countries of which they are citizens or subjects they ought to be exposed to the draft here, where they are earning money. The treaty arrangements ought to be made by the Executive; and if that were done we could very rapidly get legislation through Congress to bring them within the draft, which ought to be done, and done without delay.

As to the other point, Mr. President, it is perfectly apparent from the astonishing figures that have been given by the Senator from Connecticut [Mr. BRANDEGEE] and the Senator from Ohio [Mr. POMERENE] that northern cities and Northern States are having their census estimates padded in order to make their proportion of the draft heavier, whereas, as this statement of the World shows, those of the Southern States are being reduced by the same beneficent authority. We are accustomed to bearing the burden of taxes and seeing them spent somewhere else, but I think it is a little hard to have our census figures padded in order that we shall give more than our proportion of soldiers while other portions of the country give less.

Mr. KING. Mr. President, will the Senator permit an inquiry?

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Utah?

Mr. LODGE. Yes.

Mr. KING. Has the Senator from Massachusetts any suggestion to make that would alleviate this situation and rectify this apparent wrong?

Mr. LODGE. The Senator means about the resident aliens?

Mr. KING. I refer to that and the other matter also.

Mr. LODGE. The Senator from Connecticut [Mr. BRANDEGEE] has taken the first step by asking for these estimates of figures and how they were arrived at.

Mr. KING. It seems to me that the resolution of the Senator from Connecticut does not go quite far enough.

Mr. LODGE. We must get the information, of course, before we can act. We want the figures before us, and getting that information is the first step. Then I think steps should be taken to correct the injustice. I have tried to indicate what we should do in regard to the matter of alien residents, which is a very great injustice indeed.

Mr. KING. I am sure there will be a disposition on the part of the Senators here to do all within their power to rectify any wrong that has been done.

Mr. McCUMBER. Mr. President, there never has been a time when these foreigners could earn as many American dollars per day as they can now. They are reaping the benefit of this great war without suffering any of its consequences.

I should like to ask the Senator from Missouri [Mr. STONE], the chairman of the Committee on Foreign Relations, if he has any information as to whether the Department of State has sounded any of the Governments with which we are in alliance to ascertain whether it would be agreeable to those countries to have their subjects drafted into the Army for the common defense? It seems to me that as long as the home governments are at war with the same enemy, they could have no objection to such an arrangement, and if there has been no suggestion it certainly would seem to me quite proper that this body should suggest to the State Department the propriety of ascertaining whether or not might draft foreigners into our armies to engage in our warfare in France.

Mr. STONE. Mr. President, answering the Senator, and confining myself to his question, I will say I have not asked the State Department whether any Government has been sounded on the subject referred to by the Senator. Whether it has been done or not, I do not know.

As to what policy we might or should pursue with respect to drafting resident nationals of countries with which we are co-

operating in this war, I will not at this moment express an opinion.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. STONE. I shall object to the consideration of——

Mr. BRANDEGEE. This resolution simply calls for the census figures which determine the population of the States and cities.

Mr. LODGE. This has nothing to do with the matter of aliens.

Mr. BRANDEGEE. No; it has nothing whatever to do with the question of aliens.

Mr. STONE. This is not the resolution of the Senator from Illinois [Mr. SHERMAN]?

Mr. BRANDEGEE. Oh, no. I am talking about the resolution that I offered, calling for the figures upon which the census was made for the purposes of draft.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution offered by the Senator from Connecticut?

The resolution was considered by unanimous consent and agreed to.

CALLING OF THE ROLL.

Mr. GORE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hollis	Martin	Smith, Ariz.
Beckham	Husting	Nelson	Smoot
Borah	Johnson, Cal.	New	Sterling
Brandegee	Jones, N. Mex.	Norris	Stone
Chamberlain	Jones, Wash.	Owen	Thompson
Colt	Kellogg	Phelan	Tillman
Culberson	Kendrick	Pittman	Townsend
Cummins	Kenyon	Poindexter	Trammell
Curtis	King	Pomerene	Vardaman
Dillingham	La Follette	Ransdell	Wadsworth
Fletcher	Lewis	Reed	Warren
France	Lodge	Shafroth	Watson
Gore	McCumber	Sheppard	Weeks
Gronna	McKellar	Sherman	Williams
Harding	McNary	Shields	

The PRESIDING OFFICER. Upon the roll call 59 Senators have answered to their names. A quorum is present. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 4961.

CONSERVATION OF FOOD AND FUEL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

Mr. REED obtained the floor.

Mr. LODGE. I know the Senator from Missouri wishes to go on, but will he allow me just to have a letter printed?

Mr. REED. Very well.

Mr. LODGE. I spoke the other day against striking out the civil-service provision in the bill, put there by the House. Among the somewhat sophistical arguments that were made for that action that which seemed to me absolutely the most fallacious argument that could be made was one that the commission could not supply these places. I ventured to say that the commission was amply prepared to supply them. I have been given a copy of a letter addressed to Mr. LAGUARDIA, of the House of Representatives, signed by the president of the Civil Service Commission, Mr. McIlhenny. I ask that it be printed in the RECORD. It need not be read.

The PRESIDING OFFICER. Without objection, the letter will be printed in the RECORD.

The letter referred to is as follows:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., June 20, 1917.

Hon. F. H. LAGUARDIA,
House of Representatives.

DEAR SIR: This commission has the honor to acknowledge receipt of your letter of even date concerning the filling of positions under the food-control bill. You ask how long it will take to advertise these positions, hold examinations, and have the candidates ready for appointment.

For the various kinds of clerical positions mentioned by you, like general clerks, bookkeeper, stenographers, typewriters, etc., the commission is holding constant examinations now and has already existing registers of eligibles, and to these registers new names are being added daily. For the positions of inspector, examiner, expert, etc., it is likely that new examinations would be required; as to such positions, with the present demand of public and private employers for all kinds of employees, it is presumable that the Government would need practically all qualified and available persons, and in such event the commission is prepared to use the same methods that it has been using since the war began for other such positions in other lines of endeavor which the Government has undertaken; under these methods the commission is prepared to determine the qualifications of applicants daily as rapidly as applications are filed, and to furnish constantly to the appointing officer those who qualify.

It is manifest that, although several thousand employees may be required in connection with the administration of the food-control bill, no department or office would be able to absorb all these employees at one time and provide them with work.

The commission is satisfied that if these positions are to be filled with qualified persons they can be so filled more economically and promptly through this commission under the civil-service law than in any other way, because the commission with its well-established and comprehensive machinery is much better prepared than any other known agency to supply qualified persons for these positions.

For your interest and information the commission begs to inclose herewith a copy of a recent memorandum showing the preparedness of the commission to supply the Government with qualified persons for its work.

The commission begs further to call your attention to the fact that under opinion of the Attorney General of February 12, 1908 (28 Op., 507), it is necessary, in order to exempt positions from the requirements of the civil-service act and rules, that there be affirmative language to that effect. If there is no such language, the positions are subject to the usual civil-service requirements.

Very respectfully,

JOHN A. MCILHENNY, *President.*

Mr. REED. Mr. President, I desire to invite the attention of the Senate to the food administrator. I wish to make a very short statement and then to offer an amendment to the pending bill and to make some general observations.

There appears to be a strong sentiment in favor of limiting the provisions of the bill to the control of fuel and food, but that as to these articles the powers are to be very comprehensive. Whoever is intrusted to exercise powers which so vitally affect the entire 104,000,000 people of the United States ought to be qualified by scientific study and practical experience for the accomplishment of the task.

I therefore, Mr. President, intend to offer the following amendment, which I will read and then send to the desk and ask to have printed and to lie on the table until the present pending amendment can be disposed of.

The PRESIDING OFFICER. Without objection, that order will be made.

Mr. REED. I propose to amend the present bill by striking out all of section 2 as amended and to insert in lieu thereof the following:

A board of food and fuel administration is hereby established. Said board shall consist of five members. The Secretary of Agriculture shall be ex officio a member of said board and shall act as chairman thereof. The other four members of said board shall be appointed by the President, by and with the advice and consent of the Senate. All of the members of said board shall be bona fide residents of the United States and qualified electors thereof. At least one of said members shall be a practical farmer. At least two of said members shall be presidents of land-grant colleges under the act approved July 2, 1862, and commonly known as the Morrill Act. Said presidents shall be selected from colleges located in the principal wheat-producing States. Not more than three of said five members shall belong to the same political party.

Mr. President, I ask to have the amendment printed for the information of the Senate.

The PRESIDING OFFICER. Without objection, it will be so ordered.

Mr. REED. I desire to proceed.

The choice must be made between one man and a board or commission of some kind. We all understand who the one man is to be.

This brings up sharply before us the question of the qualifications of Mr. Herbert C. Hoover.

It is our duty, before intrusting any man or board with the absolute control of all food and fuel of the people, to inquire regarding his qualifications. A failure to do so is criminal.

The fuel question is generally understood to be limited to coal, and it is further understood generally that the coal problem has been taken over by Mr. Peabody and Mr. Secretary Lane, and that it is not therefore one which will come under the control of Mr. Hoover.

I propose, therefore, to consider Mr. Hoover's qualifications as food administrator.

He actively seeks this position. He actively solicits the creation of the position. His efforts to influence congressional action have been bold, open, and notorious. J. Rufus Wallingford never walked into a community a stranger and within 24 hours startled it with elaborate schemes and within the next 24 hours further astonished it by an enormous organized working force as completely as has Mr. Hoover the American people.

Mr. PHELAN. May I ask the Senator a question?

Mr. REED. I yield to the Senator for a question.

Mr. PHELAN. For a question. Is the Senator aware of the fact that Mr. Hoover came to Washington at the invitation of the President of the United States?

Mr. REED. Oh, Mr. President, I know as much about that as the Senator does and as everybody else does. The question of the Senator does not throw any light on anything, and I proceed.

For weeks he has been assuming to be food dictator of the United States. It is therefore our duty to make two inquiries:

(1) What are the tasks to be accomplished? (2) What are Mr. Hoover's qualifications?

The tasks are (a) stimulation of production.

This embraces knowledge of American soil, climate, markets, and financing, including the habits and disposition of the American people.

Of all this Mr. Hoover is cheerfully ignorant.

The Secretary of Agriculture and the agricultural-school presidents named in my amendment will bring knowledge to the task.

(b) The transportation from producer to consumer.

This problem will hardly be assigned to Mr. Hoover, who, whatever his Belgian experience, has had none in the United States. It seems no one has the temerity to suggest Mr. Hoover for this part of the job.

The presidents of five great railway systems have been assigned to it.

(c) The prevention of hoarding and forestalling.

This is met by the Poindexter and Walsh amendment, already passed by the Senate.

(d) The prevention of gambling operations on the exchange.

This is accomplished by the Nelson amendment, already passed by the Senate.

It would even stop Hoover's activities.

(e) The prevention of a withdrawal of our goods by European buyers, with the attendant evil of unstable prices.

This power is already vested in the President and is being actually employed.

There remains only—

(f) Price fixing and regulation of consumption.

Now I lay down a few propositions:

I am unwilling to place the financial and industrial destiny of 45,000,000 farmers of the United States in the hands of any one man, be he resident or nonresident of this country.

I refuse to compel all the farmers of the United States to await Mr. Hoover's ukase before they dare to plant or sow.

I refuse to place the American consumer in a position where the prices he must pay may be reasonable or extortionate, as Hoover may decree.

I refuse to place the American citizen in a position where he may eat his bread in plenty or his crust in want, according to Hoover's dictation or the dictation of any other man born of woman.

Is Hoover even qualified to give advice?

If I wanted to learn how to produce a great wheat crop, I would call on great wheat farmers or agricultural experts.

If I wanted to know how to get the wheat to market, I would consult railway experts and wheat shippers.

If I wanted to know how to have wheat ground into flour, I would assemble representative millers.

If I wanted to know how to cook it and serve it, I would hire a chef or consult the good old mothers of Israel, who know more about cooking in five minutes than Hoover would know after a century of study.

Now, let us get at the experience of Mr. Hoover. While I speak of this I call your attention to his long nonresidence. I call your attention to the fact that he has been out of the United States practically all the time since he was 23 years of age; that almost every interest he has in the world is outside of the United States; that his brother, like himself, left the United States for other lands and has his home and his business in other lands.

I read from Who's Who of 1914 and 1915:

"Herbert Clark Hoover, engineer; born West Branch Iowa. August 10, 1874.

"Mining engineer; graduate of Stanford University, Cal., in 1895.

"Assistant Arkansas Geological Survey in 1893; United States Geological Survey, Sierra Nevada Mountains, 1895; assistant manager of Carlisle mines, New Mexico, and Morning Star mines, California, 1896."

That terminates his American connection.

"In West Australia as chief of the mining staff of Berwick, Moreing & Co., and manager Hannan's Brown Hill mine, 1897." At that time, as I figure it in my head, he was 23 years old.

"He was manager of Sons of Gwalia and E. Murchison mines, 1898." That is an Australian mining institution.

"Chief engineer Chinese Imperial Bureau of Mines, 1899, doing extensive exploration in interior of China. Took part in defense of Tientsin during Boxer disturbances, 1900. Representative of bondholders in construction of Ching Wang Tow Harbor, 1900; general manager Chinese Engineering & Mining Co., 1901; partner Berwick, Moreing & Co., mine operators, London, 1902–1908; director or managing director Zinc Corporation (Ltd.), Kyshtim Corporation (Ltd.), Tanalky Corporation (Ltd.), Granville Mining Co. (Ltd.), Oroya Exploration Co. (Ltd.), Chinese Engineering & Mining Co. (Ltd.), Russo-Asiatic Corporation (Ltd.), General Petroleum Co., and so forth, 1908–1913." This latter company the only American institution of the lot.

He was trustee of the Stanford University. That is an American connection, whatever importance it may have; but he was also "fellow of the Royal Geographical Society; member of the American Institute of Mining Engineers, Societé Ingenieurs Civils de France, and so forth. Societé Belge des Ingenieurs et des Industriel; Mining and Metal Society; A. A. A. S. Hakinyt Society; and so forth. Clubs: Devonshire, Albemarle, Ranelagh (London), City (New York). Author: Economics of Mining (joint author), 1906; Principles of Mining, 1909. Translator: Agricola's de re Metallica, 1912. Contributor to technical publications. Home: Red House, Hornton Street, London. Offices: 1 London Wal' Buildings, London, E. C., England; 71 Broadway, New York; Mills Building, San Francisco."

Every single one of the companies in the list I have read, except the General Petroleum Co., are English companies with property in China or Russia or Australia or some other foreign country. I have the details with reference to them here, which I have obtained from the Mining Manual of Great Britain.

In this connection it is interesting to note that Mr. Hoover's brother has likewise practically severed all his American connections. His name appears in Who's Who. I shall only call attention to it at this time to say that he seems to be interested in the same companies largely as Mr. Herbert C. Hoover, and, like Mr. Herbert C. Hoover, he has his home in London and his offices in London.

His residence is in London and his offices in London.

I call attention to some of these companies. For instance, the company known as the Chinese Engineering & Mining Co. (Ltd.). I read from the Mining Manual and Mining Year Book, at page 137, for the year 1917, and it is an English publication:

The object of the reconstruction—

That is, of this company—

was to remove the competition and work in unison with the Lanchow Mining Co., a company owning collieries, etc., in the same district. Under this arrangement the business of the two companies are to be combined and worked as one.

So it appears Mr. Hoover is engaged in stifling competition in the coal markets of China.

In some of these companies I find that his associate directors are barons and dukes. There is one I want to call attention to, in which V. U. Romanoff appears. It is a Russian company. Whether that is the Czar or some of the Czar's relatives deponent saith not. Senators will find it very interesting to note this illustrious collection of illustrious nobles, and so forth.

These companies are interested in all kinds of mines, coal, gold, copper, lead, and zinc, and it would appear that our genial friend branched out and extended his promotions over all the world, except America, from which he has been conspicuously absent, both in person and in investments, for a number of years.

I read from Mr. Hoover's own testimony given before the House of Representatives.

Page 12, transcript of the record of the hearings before the House of Representatives:

Now, as to the problems in this country, I feel myself very much of a stranger in my own country, as I have been away since the war began.

But he had been away long before the war began. He had been away from the country a period nearly equal to his total age when he left this country. He left at 23, and, according to all the data I am able to get, has been absent substantially 20 years. His business while away is told in the Saturday Evening Post of June 25 in a fulsomely eulogistic article from the pen of Mr. Irwin.

I read a clause:

He left China to form in London a partnership with an Englishman. The foundation of this firm was in the Chinese coal fields; but they branched out into other quarters of the world. It is hard to describe in one word Hoover's niche in the mining industry. He describes himself as a mining engineer; and, indeed, he is among the leaders in that profession. Yet he was from this time forth an entrepreneur—to use a French word for which we have no exact equivalent.

But we do have something that is mighty near an equivalent for entrepreneur as the word is translated to me; and that word is "promoter." I am not a French scholar, and my translator may have been in error, so I reserve the right of correction; but I see my friend from Illinois [Mr. LEWIS], who knows all tongues and all languages, dead or living, and I refer the matter to him. So we may understand why Mr. Hoover is connected with so many companies. I continue the reading:

He laid out mining enterprises, found the capital for them, and managed them. Perhaps that old western phrase "just mining man" describes him best of all.

Further on in the article it is said:

There followed 10 years or so in which Hoover's activities reached every corner of the globe. He was interested in Australia, China, Peru, California, Mexico, Alaska, South Africa, Burma, and Belgium. One of the firms for which he was executive head was mining in Borneo, where American superintendents and foremen ruled over a working force of head hunters.

Perhaps there is where was born the idea of being supreme boss to regulate the diet of people.

Here we have a reference to his connection with the deposed Romanoff family:

A Russian nobleman had a principality rich in coal and iron. He wanted it developed. In view of existing Russian laws it seemed better to lease the whole principality outright, so Hoover's company is still running not only the mines but the farms of this estate.

I omit parts of this interesting article, which is elegantly written, as everything Mr. Irwin writes is elegantly done.

He was, above all things, an organizer. The best thing he did was to take a large property that had not been paying and by readjusting its parts make it pay. Such a talent is especially useful in the field of base metals—

And so forth.

Mr. President, after having spread himself all over the world in this most interesting and illustrious manner it appears that he settled down in England. Indeed, his business connections and interests for the past 20 years have been English. Mr. Irwin remarks:

His house in Kensington—a country mansion of the eighteenth century, its walled garden now surrounded by the shops and flats of High Street and that vicinity—gathered mightily entertaining dinner parties, the industrial knights errant of the world, crossing through the industrial capital of the world on their way between California and the East Indies, Afghanistan and New York, Johannesburg and Alaska.

And note this pregnant sentence regarding this gentleman, who left our country 20 years ago, who has sojourned in England, and who has his home in England:

When asked in England to define his political opinions he called himself—

A Democrat? No. He called himself a Progressive? No. He called himself a Republican? No. He called himself a Socialist? No—

He called himself a Liberal—

Of course that makes no difference to the stomach that has been properly trained to take whatsoever is offered—

He called himself a Liberal and let it go at that, only his was an advanced liberalism, looking forward to a better organization of free society, not backward to an unsystematic freedom. More and more his own country drew him—

Says this author. Then he says:

"I want to get into the big game at home"—

This country was drawing him when the "big game" was on—

"I want to get into the big game at home," he said once, in the year before the war, "not the money game either and not exactly the political game, but the big game and the real game somewhere."

Whatever that means I do not intend to interpret; he must have meant the game of food dictator; but I follow on. Further in this article the statement is made:

The Government had been watching him, and especially that quiet gentleman who looks round for the President—

Well, comment is unnecessary; it would be superfluous—

His friends felt sure that when the declaration came his services would be claimed in some capacity or other. The fact was, as I think Hoover well knew, that if the American Government did not call on him our allies would. Already two important posts in the civilian conduct of the war had been offered him by the British. But to "go British" openly—

And notice this. He would not have refused, according to this author, because he was an American, but here is the reason:

But to "go British" openly in those days of our neutrality would have wrecked the commission. Not only would it have taken away the head of the work, but it would have proved to the German militarist mind that the commission was not neutral—that its agents were simply "a hundred allied spies."

Further, Hoover would have been obliged to surrender his American citizenship; and he was not willing to do that. Had he stepped into a job of munitions management at the beginning of the war—and he had the chance—he would be one of the greatest ones of England now—Sir Herbert Hoover, doubtless, with a peerage coming to him after the war. To anyone with social ambition—for the socially ambitious American dearly loves a title—this would have been an inducement. I can say, without reserve, that it was no inducement to Hoover.

So, Mr. President, I pass from that, and let it rest upon the minds and consciences of Senators whether they are prepared to turn 45,000,000 American farmers and all the vast American consuming public over to the control of a gentleman, however good he may be, who has been a nonresident of our country, whose home is in the city of London, and whose interests are in London and China and Australia and Russia, and perhaps elsewhere.

Mr. President, there has been much said about speculation in the wheat market; there has been much said about the evil speculators running up the prices to the American people. I have voted, as nearly every other Senator here has voted, for a bill to give the President the right to shut every exchange in this country if gambling is permitted. I have urged here in the Senate, however, that the great cause of the rise of prices of American foodstuffs—not the entire cause but one of the great causes—was in the cornering of American foodstuffs by those who represented foreign buyers; but I was not prepared to understand that Mr. Hoover had been a leader in that movement; I was not prepared to know that Mr. Hoover had deliberately "rigged" the American market on foodstuffs; I was not prepared to understand that, if there had been such a thing as gambling in foodstuffs in the American exchanges, Herbert C. Hoover was the chief gambler of the food and wheat pits of America.

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). Does the Senator from Missouri yield to the Senator from Illinois?

Mr. REED. I do.

Mr. LEWIS. May I ask my brother Senator has he some facts upon that subject?

Mr. REED. I generally have some facts when I make an assertion like that.

Mr. LEWIS. The Senator may rest assured—I was about to conclude my sentence—that if he has some facts about that very matter that he could submit at this time they would be very interesting.

Mr REED. I am about to submit them.

Mr. LEWIS. I will be a very patient listener.

Mr. REED. Of course, I have not any sworn testimony, but I have some evidence here which I do not think will be disputed. I will read from the Saturday Evening Post of date May 26, 1917, an article by Mr. Ernest Poole, an article beautifully written and well illustrated, one of the series of articles that appeared in the Saturday Evening Post to prepare the American mind for the reception of Mr. Hoover; an article so skillfully written and put forth that it had the effect of not only preparing the American mind, but of preparing the senatorial stomach. I read a paragraph. Of course, we all know that the place foods were obtained for the Belgians was in America:

Nor was it only a problem of feeding. One-half of the Belgians were out of work; and there were the regular paupers—the blind, the orphans, and the helpless. Three million five hundred thousand people in Belgium and 2,000,000 more in northern France were wholly destitute. They must be clothed with millions of garments, warmed by thousands of tons of coal, and those who are homeless must be housed. New committees constantly had to be formed. In the presence of diminished shipping the inward flow of food must increase. It must be done cheaply and without fail. And in order to save every possible dollar, only those kinds of foods must be bought that would give the greatest nourishment. This they learned from expert dieticians.

But, as to purchasing supplies, there were big men on the C. R. B.—

That is, the Commission for Relief of Belgium—

who needed no expert advice. They knew all the tricks of the business.

Now notice, O ye of little faith. Where is my friend from Illinois, who wanted the evidence?

When the price of beans began to rise they bought 1,000 tons of beans and threw them back in one lot on the market. Down went prices. They bought in small lots. Slowly again the price began rising; but once more the terrific impact of 1,000 tons of beans was felt. Again the price dropped, and again their agents bought beans in small lots.

So again and again did that same 1,000 tons of beans hammer down prices and save the day. The same was true wherever they went. In food and in shoes and clothing, repeatedly, through expert advice of business men as shrewd as themselves, they went into the market and bought at cost, and often below it.

Now, if Mr. Joseph Leiter, recently the entertainer of Italian princes, had been as successful and as well informed and as well backed with money when in 1902 he started to corner the wheat market in Chicago, but lost out because the other fellows were too strong for him—if he had been as well advised and as well financed as Mr. Hoover was in this enterprise, and had known the game as well, he might have cornered the market over and over again.

I want the American people now to understand, if this article is to be credited—and it has been printed now since the 26th day of May and never denied, to my knowledge—that one of the men who ran prices up to the consumers of this country, who put the price of beans where they were prohibitive, was Mr. Hoover, who was engaged in gambling operations and "rigging" the market to an extent never before known to the American people. I want it understood that it is proposed to turn over to him the destiny of the farmer and of the consumer alike; and I want those of you who have stood in the Senate, black in the face from the very pressure of your enthusiasm in prating of the virtues of Mr. Hoover and also denouncing the food gamblers and demanding the penitentiary, the scaffold, the torch, the thumbscrew, for them—I want you to go back to your people and tell them you have picked out the

man whose eulogist certifies that he is the most important and successful of all the food gamblers of 1916.

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Illinois?

Mr. REED. I do for a question.

Mr. LEWIS. Mr. President, I observe in one of these historical recitations concerning Mr. Hoover that it is said of Mr. Hoover that the fortunes he made in these speculations were at once converted into food, and by that method he saved the people of Belgium. Assuming that to be true, does that mitigate, in the mind of the Senator, the offense to which he alludes, or is he willing to accept that, if such be true, as an excuse for the speculative enterprise on the part of Mr. Hoover?

Mr. REED. No, sir. I do not accept it as an excuse. I desire, however, to be understood. I have not intimated here that Mr. Hoover conducted these operations for his own emolument and profit. On the other hand, everything I have said has been plainly to the intent that what he did he did as the representative of this fund. I do not claim that he took a single penny of profit to himself; but I deny, sir, that it is right to "rig" the market of 104,000,000 people and put provender at a starvation point in order to make gambling profits to feed the people of some other land. I deny it. It has absolutely no palliation. It is wrong and wicked to go into gambling operations, particularly in the foods of a people. It is vicious and wrong to do it, because it robs and despoils innocent people. What good does it do the mother of New York City, whose children, we are told, are hungry; or the mother of Philadelphia, whose children some Senators have said are hungry; or the mothers of other American cities to know, as their children lift to them the pallid lips of want and cry for bread, that some successful and shrewd gambler has gone into the American market and run up the price of food to American children and carried the profits to a foreign land, however much that foreign land may be entitled to our sympathy and love? But, worse than that, large portions of this money were contributed by America. We therefore are presented with the spectacle of the money contributed by America being used to impoverish the children of America.

But I read further. This particular exposition I have read seemed to be confined to beans, along with a general phrase covering foodstuffs. In the New York American of to-day appears this statement on page 3:

It is admitted that Mr. Hoover's administration of the affairs of the Belgium relief commission was a success—a greater success than ever achieved before in a like enterprise. It is not only a success as a worthy and appealing charity but a success as a business enterprise. It was pointed out by Mr. Hoover's lieutenants on his return to this country that he had made money—millions of dollars—by shrewd buying and manipulation of the supplies of the commission. At times the relief was on a self-supporting basis.

Mr. Hoover is said to have made more money and turned it back into the relief fund than the total subscriptions from the United States, which amounted to about $9,000,000 of the $250,000,000 given for the relief of Belgium during his administration, and that the "American" part of the relief fund was, in fact, chiefly the work of Mr. Hoover.

Mr. President, never in the history of this world before this event has any man stood at the wheat and produce exchanges of America with $250,000,000 at his command. Never before has any man with that tremendous power been able to buy immense quantities of foodstuffs, and then, when the price had been advanced, to hurl them suddenly upon the market and break the market, then to buy in again at cheap prices and hurl again this enormous amount upon the market and break the market.

Mr. President, I challenge the doubting Thomases of this body to call an investigation, put Mr. Hoover on the stand, go to the bottom of this question, and see whether or not Mr. Hoover was engaged in forestalling the markets of America and whether or not he is one of the chief instruments in bringing about that very deplorable condition which is now offered as the excuse for this legislation.

Senators may not listen now, but the day is coming when the American people will hear. I call your attention to a statement appearing in Mr. Hoover's letter to the President of July 11. Note the language. In a moment I shall show you its importance. It is headed "Producers without a voice":

3. During recent months the allied governments have consolidated their buying into one hand in order that they might relieve the burden of speculation from their own consumers, and as the restricted exports to neutrals are but a minor item, the export price, if not controlled, is subject to the will of the allied buyer, so that in a great measure the American producer is left to that buyer's judgment and is without voice.

That is the dark picture which Mr. Hoover paints of the present situation. He goes on to say:

We must, therefore, expect a glut in our interior terminals during a considerable period. The financial resources of the grain trade are probably insufficient to carry this extra load without the help of speculators, and, moreover, the consolidation of practically all foreign buying in the hands of the allied buyer has further tended to diminish the resources of capital available by putting a number of firms out of business and limits the financial capital available in export trade.

And therefore Mr. Hoover goes on to say that because these conditions have come about we must protect the farmer.

There is no candid man living who will read this letter who will not be forced to the conclusion that Mr. Hoover deliberately intended to say to the American people that an evil condition had been created for the American farmer by the fact that all of the foreign purchasers were to buy through one agency, and that thereby the farmer had been deprived of his market, and because this evil had been put upon us it was necessary for Congress to act and pass this bill.

I charge that Mr. Hoover is himself the author of the condition of which he complains, and that having brought about the condition against which he now inveighs, he proceeds to ask for this great power in order to meet the very condition he caused.

Let us see. I read from his testimony given before the House committee. Let me read enough to give you the full context:

One of the prime causes for the extraordinarily high prices in this country has been the competitive bidding between the allies and between different branches of the one ally in these markets for foodstuffs.

He failed to say that he had been one of the bidders or at the head of the syndicate that did the bidding.

The wheat has now been consolidated into an international body called the "wheat executive." It controls, I estimate roughly, about 80 or 90 per cent of the wheat buying for the allies. There are still, however, four bodies buying independently in competition with the wheat executive. In the fats I calculated there are 14 different organs competing in this market for fats on behalf of the allies. Now, before we can move one step in this country to remedy price conditions, protect our own consumers, and protect them from extravagant prices and speculation, we have got to induce them to get that buying, at least commodity by commodity, all into one hand in order that we may have one hand to deal with.

Going on, he states:

The plan I proposed was that we should create in that particular a small board which for lack of a better name we would call the food strategy board, the members of the board to be chosen by the food controllers of each country. The board * * * would simply plan the origin of the food supplies for the European allies as between all of the different sources and would determine its distribution as between the different allies, and once it had made its determination it would hand the actual operation from the European allied point of view over to functions like the wheat executive to purchase that wheat and distribute it.

Now, notice this:

We on this side need to set up, obviously, some organization for food control in order that we may deal with that particular situation among others. Now, just in passing, in setting up an implement of that kind among the allies, we will have set up a dangerous implement for our own country unless we participate in its control. I might point out to you that if any of you gentlemen or myself held that position of the single buying agent with a four months' supply of wheat behind us, as they will have, or other cereals when their harvest comes in, *we could probably drop the price of wheat in this country to 75 cents a bushel.*

Of course he knew what he was talking about. He had been buying and selling beans and other foodstuffs.

I put it now to the Senate of the United States: Dare you, dare we, give the power to one man to put the price of wheat to the farmer down to 75 cents a bushel? Dare you, dare we, as custodians of the public welfare, give that power to any human being? Has such a power ever been given by a free people to any man?

It was once exercised in this world by old Pharaoh. Pharaoh got control of the supplies of corn, and when he had ceased bargaining with the people, who came with hungry lips and cried, "Oh, Pharaoh, give us corn!" he owned all of the horses and cattle, he owned all of the silver and gold, he owned all of the flocks and herds, he owned all of the men and women who formed the teeming population of the valley of the Nile; and from that day to this Egypt has walked with bowed head and broken heart. In her sad eyes the light of hope has never flashed. From her brain no spark of genius has ever come. Dead as are the rocks of her mighty monuments, she lies a shriveled mummy at the gateway of human life like the entrance to a sepulcher.

Seventy-five cent wheat! Do you dare put the power in one man? And Mr. Hoover says the power is there. But what think you, now, of presenting to the American farmer, as he did in his letter to the President for publication, the idea that the American farmer has been deprived by evil fortune, by evil conditions, of a market, of a competitive market, of a market in which the world competed, and this brought about by the concentration into one hand of the purchasing power for all of the foreign countries? And yet the scheme was suggested in this testimony that he gave before the House.

I now call your attention, sir, to his testimony given before the Senate committee in answer to a question which I asked him in which he specifically advocated the very same thing, and boasted in a modest way, as I read his testimony, that he already had it under way of accomplishment. Parallel, oh ye gentlemen of the press, who bear to the country the news on

which the country forms its judgment—parallel, if you will, these words in which Hoover, in his letter to the President, practically limits the laws of competition in our American markets, with this part of his testimony that appears on pages 40 and 41 of Part I of the hearings before the Senate Committee on Agriculture and Forestry.

I was asking a question. I read the latter part of it:

I understand you to say that there ought to be a plan by which the food for the allies should be purchased through some agency cooperating with our Government?

Mr. HOOVER. Yes.

Senator REED. What would be the object of that, please?

Mr. HOOVER. The object of this is primarily to stop rival bidding by the different allies and their agents in all markets.

Senator REED. Has that taken place in the past?

Mr. HOOVER. To an enormous extent.

Senator REED. Did that take place when wheat rose to the great price that it did in May?

I might have included beans.

Mr. HOOVER. There was rival buying of wheat and flour by different agencies of the allies at that very moment.

Senator REED. As a matter of fact, they are supposed to have purchased and held throughout the year something over 100,000,000; is not that true?

Mr. HOOVER. I do not know the details of their operations.

Senator REED. But you do know their biddings or buyings were very large?

Mr. HOOVER. Yes, sir.

Now, returning again to the subject:

Senator REED. And you do say you desire the power now to have the purchases for the allies made through one common agency, in order to stop that great element of speculation?

Mr. HOOVER. Yes, sir.

Senator REED. And you think that is very necessary and very essential?

Mr. HOOVER. I do.

Senator REED. Would you include in that the sale of all wheat and other grains that you propose to control that go to neutral countries?

Mr. HOOVER. I think it will be necessary to control neutral buying.

Senator REED. Then, your proposition is to put into the hands of this agency all export business?

Mr. HOOVER. In wheat, at least.

Senator REED. There is no doubt, is there, Mr. Hoover, about the fact that the allies have it within their own power to purchase through one common agency at the present time?

Mr. HOOVER. They have now arranged one common agency.

Senator REED. It is arranged?

Mr. HOOVER. Yes.

Senator REED. That agency is already in voluntary cooperation with your committees, is it not?

Mr. HOOVER. No; we have no arrangement with them whatever; until we have some legal position we can not enter into any arrangement. Just on that point I might mention that the most dangerous thing that might happen to this country is to allow even our own allies to have the unrestricted run of our market.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Oklahoma?

Mr. REED. Just one moment. Now, Mr. President, along with the statement Mr. Hoover makes here that it is highly desirable that we have one purchasing agent, that the rival bidding of all the world and of each part of the world shall be stopped in our markets, and that all buying shall be done through one, I call attention to his statement to the President that producers are without a voice, and that during recent months the allies' Governments have consolidated their buyings, and that therefore the American people are deprived of the benefit of rival buying.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Oklahoma?

Mr. REED. I do.

Mr. GORE. I have been informed that J. Ogden Armour is the representative of the allies, and their purchasing agent for wheat in the United States, and that he put the price of wheat down to $2. I was wondering if the Senator had any information upon that point?

Mr. REED. I have not, except rumor.

A little further on in this testimony I find this interesting data. I am reading from pages 43 and 44:

Senator REED. It was, as I understood you to say, the buying of the allies, bidding against each other in the markets of this country, that was one of the great forces in running up prices to what we regarded as extortionate?

Mr. HOOVER. That was one of the forces.

Senator REED. And if we could eliminate that feature entirely from our markets it would go a long way toward stabilizing prices, would it not?

Mr. HOOVER. It would if the implement were carefully handled. It requires a great deal of care in its manipulation.

Senator REED. Of course, everything, we understand, must be handled in the right way or it might produce serious results. But I am assuming we have good and capable management. It was because the allies were buying in such large quantities and because they had practically an unlimited power of consumption that they were able to so seriously affect our markets. That is the case, is it not?

Mr. HOOVER. That is one of the factors; but always bear in mind that the speculative elements in this country, knowing the situation in Europe and knowing the intention of the allies to acquire grain, themselves entered upon this situation and boosted the price even against the allies.

There is a little more of this testimony that I desire to incorporate in the RECORD without reading. I will hand it to the reporter, marked.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

Senator REED. Certainly; the allies bid against the local speculator and the local speculator against the allies?

Mr. HOOVER. And they all bid against our millers.

Senator REED. Let us see, Mr. Hoover, if that is accurate. Of course I am not challenging any statement you make, but is it not true that the great grain dealers of our country were bears on the market and had been persistently bears for the last year?

Mr. HOOVER. Well, that is a statement of fact I can not tell you anything about. You would have to canvass to find out, even if you could.

Senator REED. I thought perhaps you were in error in your former statement to the committee, and it now appears you do not claim to have investigated the matter. But that is all right.

Mr. REED. Now, Mr. President, I return again to the proposition: What man is there, in view of Mr. Hoover's own testimony, that dares give to him this right to control the American market and furnish him with $150,000,000 from the pockets of the taxpayers of this country to employ in the wheat markets or elsewhere as he sees fit?

Is not this situation the most startling thing ever proposed to the American people? Here is a man whose eulogists say he successfully cornered the bean market, and that he made over $9,000,000 in food speculations in America. Here is a man who tells us that that power can be so exercised as to bring wheat down to 75 cents a bushel. Here is a man who helped rig and corner and control our markets, according to his eulogists. Here is a man who helped bring about the common buying, through one common agency, of all the countries of Europe—and I do not say that was wrong—but who, having brought it about or helped to bring it about, and having advised it, then turns to the American public and warns the American farmer that he now has no foreign market, and therefore this bill must be passed. And here is the man that is already engaged in and assuming the duties of this office that has not yet been created and that I pray may never be created.

I hold in my hand a letter sent out by Morton & Co., commission merchants of St. Louis. It is their special letter, sent to the trade, on wheat. It contains a telegram addressed to H. C. Hoover, Washington, D. C.:

Situation regarding new wheat in this district becoming critical. Many country shippers here, and receivers have numerous letters stating thrashing becoming general; they must do something, and ask us what. Millers', country dealers', and farmers' hands tied. Can't you outline tentative plans or suggest price basis to bridge over period until legislation passed? Serious disaffection among farmers certain. Exchange congestion likely in short time. Partial if not complete disruption country grain trade probable unless have something to work on in next day or two. All grain firms anxious to cooperate and assist to limit our ability.

The following is his reply received to-day—states the writer of this letter—the letter is dated July 13:

Telegram from 14 firms at St. Louis received here Monday. It is reported in New York that the Wheat Export Co. have announced their willingness to buy some wheat, basis $1.80 St. Louis and Chicago and $1.75 Kansas City, delivery July and first half August, so evidently there is some market, at least for wheat. I am powerless to act at all until Congress grants some authority.

HERBERT C. HOOVER.

The writer of this letter makes this comment:

The Wheat Export Co. is the buyer for all the allies—

Now, that is the company that is offering $1.80 and $1.75; and this buyer for all the allies, mark you, was created, or at least advised and consented to, by Mr. Hoover. This writer says—

The Wheat Export Co. is the buyer for all the allies, and the main question is whether it is to be taken as a hint to the trade of what can be expected, if ever the law is passed legalizing the present commission for food control. If it is, the danger of loading up at present prices is apparent.

We think that it will be the custom next week for all sales to be made with the dockage percentage deducted from the gross weight of the car. Therefore your purchases from the farmer should be made with the expectation of losing the dockage. You should clean the wheat before shipping, for you will lose the freight charges—

And so forth.

That is a page of a letter that was sent out to the trade, and that was sent to me by a gentleman who got hold of it. Observe that already Mr. Hoover is sending out word to the trade that there is a price suggested and that there is a purchaser, and that purchaser happens to be the purchaser for the allies; and the American farmer is told that he can sell there, if nowhere else, and at a price they fix.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. I do.

Mr. BORAH. I observed in the press this morning that the leaders upon each side of the Senate had agreed upon another bill. I have not had the privilege of seeing the bill. Is the Senator from Missouri familiar with the bill which the leaders upon the different sides of the Senate have agreed upon?

Mr. REED. I am not, sir. I am not a leader.

Mr. BORAH. It had occurred to me that it might be possible that the leaders on the different sides of the Senate had obviated some of these difficulties, and that it might be well to find out, if we could, who they are, and ascertain, if they will permit us to know, what the contents of the bill are.

Mr. REED. Mr. President, not having arrived at that period of development when I am entitled to sit in the councils of the leaders, I can not answer. The only light that I have to guide me is the very dull and inefficient light of my reason and the old lamp of experience, and occasionally I read something; but I am never informed from the high sources of authority just what is going on.

Mr. BORAH. I shall pursue the inquiry elsewhere, and see if I may learn what our leaders have agreed upon.

Mr. REED. This whole question of leadership brings to my mind, however, the old story of the court room one morning when the judge said that he was astounded to find that the leader of the bar had purloined some papers from court, and every lawyer in court rose up and called the judge a liar in his own right. [Laughter.]

Mr. President, it is easy to create power. It is hard to recall it. I want to read you a speech that was made in New York by one of Mr. Hoover's advisers, coadjutors, henchmen, or whatever you may see fit to term him. As I read it I want to know if there is a man in this Chamber who will not resent its cool impudence. It would be resented if it were read by the captain of a company of Prussian soldiers to a body of starving civilians upon the streets of Berlin.

July 13, 1917—

An account which I missed, but which is from the New York Sun. I read the headlines:

Hoover will try patriotism first—If Nation does not economize, then he will quickly invoke law—Requa tells of plans—Increase of fruit and vegetable diet and waste elimination primary necessities.

Those are the headlines. Let me read this all to you:

When Congress passes the food-control bill it is the intention of Herbert C. Hoover, who will be appointed national food administrator, to restrain his *whip hand* as long as possible—

To restrain his whip hand as long as possible!

relying upon the patriotism of the American people to obey *his* war emergency and conservation plans.

This affirmation of *Mr. Hoover's confidence* in the *self-sacrifice* of the country was announced yesterday along with a general outline of the food administrator's plans when the food bill becomes a law by Marc L. Requa at a conference of the Merchants' Association in the Woolworth Building. Mr. Requa, who is Mr. Hoover's *personal representative*—

I wonder where he got Mr. Requa?

Mr Requa, who is Mr. Hoover's personal representative, came from Washington to address the food-problem committee of the association, which met in the assembly room.

I may argue myself unknown by saying that I do not know who Mr. Requa is. There are many very eminent men in this country with whom I am not acquainted, but does anyone here know who Mr. Requa is? I read on—

"The food administrator will cooperate with the public"—

How fortunate the public is. The food administrator is going to cooperate with it—

"to eliminate the speculator and stabilize operations," said Mr. Requa.

Of course, Mr. Hoover might, if these words of this eulogist of his be true, at least contribute by withdrawing himself from that particular market which is denominated speculation. But I read on—

He will urge that the diet of the Nation be readjusted so as to conserve nonperishable foods for shipment abroad. In order to do this *Americans will have to learn to eat a greater amount of fresh fruit and vegetables, something they do not do now*—

And understand they will have to learn it, and understand in the meantime while Mr. Hoover is retaining his whip hand long enough, as long as it is possible relying upon your obedience. I continue the reading, but will go back a line so as to get the context, for I would have none of this lost—

In order to do this *Americans will have to learn to eat a greater amount of fresh fruit and vegetables, something they do not do now*, as the average person here consumes only 14 per cent of this kind of food in his daily bill of fare.

So these American people are to eat more vegetables or perchance Hoover will not restrain the whip hand. But I continue—

"Every trade will be asked to appoint a national committee to work in unison with the Government and these national councils will be expected to cooperate with local trade committees to regulate prices and consumption. *If these plans are carried out, as Mr. Hoover believes they will be cheerfully," Mr. Requa told the food problem committee yesterday "it would not be necessary to use the power expected to be vested in Mr. Hoover by Congress."*

If you do what Mr. Hoover tells you to do, it will not be necessary to use the power. So a slave driver might have announced to his fifty or hundred negroes as he sent them into the cotton field of a morning, "If you pick cotton thus and so and demean yourselves according to the rules that I make, I shall not whip you when you return to-night; but if you do not, I then shall find it necessary to use the power I have."

This man comes here with these views. Where did he get them? Where did he get the idea that he could use power on the Amercian people? Was it in Borneo? Was it when he sojourned with the headmen? Was it when he dwelt in China? Was it when he drove the coolies that he got the idea he could control American citizens in that way?

If these terms of Mr. Hoover are carried out cheerfully, Mr. Requa told the food-problem committee yesterday, it would not be necessary to use the power expected to be vested in Mr. Hoover by Congress.

I say now the man who will vote to give Mr. Hoover power after that statement unless it be repudiated is unworthy a seat in the American Congress.

Further on—

The food administrator has confidence that the people will govern themselves even to the extent of material personal sacrifices.

"*The public*," said Mr. Requa, "*must be taught* conservation of food which is not perishable, and must get it ready for shipment abroad."

We must be taught by this man who has lived abroad all his own life, the American public must be taught; and yet I have not affected the stomach of you all, but ostrichlike you will trust to the processes of a digestion that has never been defeated.

Mr. Requa—

This personal representative of Mr. Hoover—

impressively informed his auditors yesterday that the *Government food administrators realize the power of the weapon which may be intrusted to them by Congress.*

Mr. GORE. Of the weapon?

Mr. REED. Yes; of the weapon.

Mr. Requa impressively informed his auditors yesterday that the *Government food administrators realize the power of the weapon which may be intrusted to them by Congress.* Mr. Hoover really has confidence, he said, that it will not be necessary to use it except when local organizations ask for the Government's assistance *in disciplining some recalcitrant member.*

If King George had asserted that power, the Declaration of Independence would probably have mentioned that one count in the indictment the fathers brought against his government and omitted all others, for it would have overshadowed them all.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Oklahoma?

Mr. REED. I do.

Mr. GORE. I merely wish to say, perhaps that is the reason why Mr. Hoover came to the Capitol last Friday and argued in favor of the pending bill and against the substitute, on the ground that the substitute did not convey sufficient power.

Mr. REED. I read on:

"The conditions in our lifetime never will be the same again," said Mr. Requa. "The sooner we realize the truth of this the better, and *the sooner will Americaas abandon the wasteful practices characteristic of the American Nation.* War has changed the international situation. This war will end with European nations in a state of undreamed-of efficiency. As a nation we must be able to compete with that efficiency if we are to hold our share of the trade after the war."

Then he goes on and adds:

We are no longer a pioneer Nation.

That is true, but in some parts of this Nation the spirit of the pioneer yet lives.

We have no frontiers, no vast areas of unsettled land. We produce more than we consume. We must export this excess or our expansion will strangle. It is up to us to show that as a democracy we are patriotic enough to sacrifice everything for our country and stand ready to organize so thoroughly and cheerfully that we can combat successfully—

Now listen—

without being driven by authority, the soulless and rigid discipline which characterizes the rule of autocracy.

That is an implied threat, without being driven by this hand in which is now the whip that is being withheld.

Mr. President, I am aware that I have talked upon this bill to the complete weariness of the Senate, but not more to their weariness than to my own. I have felt that some one ought to voice a protest against turning over to any man powers such as these; and if there were none of the leaders of the Senate, none of the eloquent champions of world democracy to defend our own democracy and liberty, I must perforce lift my voice again and yet again in the hope that I may be heard, if for nothing else, for my much speaking.

Mr. President, I shall not object to Mr. Hoover or anybody else advising the American people; but if we are to spend $150,000,000, I really think we ought to give somebody the job of food advisor who knows a little something about it.

We are told that Mr. Hoover raised funds for Belgium by charity, and in so far as he raised any money for that stricken land by charity all credit should be given to him. But raising money by charity to feed starving Belgium does not qualify a man to regulate the business of the United States. We are told that he distributed his money and food so that he prevented much suffering and want. In so far as he fed a single hungry individual, or helped to feed them, all credit should be given; but, sirs, I do insist that in distributing alms among the starving women and children of a nation that would not make one American State, a nation overrun by the enemy, where houses had been destroyed and civil liberty set aside, and factories closed, and industry prostrate, a nation under Prussian martial law, the distribution of alms to such as these does not qualify a man even to testify as an expert upon the American food situation, and upon such a qualification as that, and that alone, he would not be admitted to testify and give an opinion in a single American court.

Let us see. We hear before the law is passed of Mr. Hoover's printed regulations, officially signed, "Herbert C. Hoover, United States food administrator," and sent to the dining-car companies as their instructions how to feed the American people. Oh, for such modesty as this let every maiden pray. So shall her blushes be a certificate to all the world of sweet virginity.

Food administration rules suggested for dining cars.

I thought somehow, somewhere, the poor consumer was to have his day. He was to get a little more for the same money or the same amount for a little less money, but behold:

1. All wheat bread and butter portions are to consist of not more than two medium-sized slices of bread or toast and one pad of butter, and a charge should be made for them. A charge should also be made for all crackers and biscuits. Charge for each extra pad of butter.

Behold now the wayfarer, the old farmer, for instance, who is traveling across the continent and has to go into a dining car and get a meal, and who picks up their dining-car card and finds thereon in good bold type such prices as these:

Celery, 35 cents.
Two scrambled eggs, 35 cents.
Corned beef and cabbage, 60 cents.
Baked beans, 35 cents.
Ham, 25 cents.

"Lettuce," a barrel of which in the market to-day brings about $1, I think, or it may be less, "35 cents."

Behold this old farmer now, who thinks he is going to get out cheap, who orders a cup of coffee, for which he pays 15 cents, and orders bread and butter, but Mr. Hoover's hand has been laid upon the menu and he only gets two thin slices of bread and butter, and accordingly in the interest of economy he has to order something else.

Mr. SHERMAN. Will the Senator yield for an inquiry?

Mr. REED. Oh, yes; for an inquiry. I am seeking after knowledge now.

Mr. SHERMAN. I do not know where Mr. Hoover has been for the last eight years, but if he has been on a Pullman dining car in any part of the United States where I have been, and I have been from coast to coast, they have been charging already for bread and butter in the last eight years.

Mr. REED. Oh, yes; but sometimes they give you more than two slices. Against that enormity Mr. Hoover loudly protests.

Mr. SHERMAN. I have no discussion of that kind to offer. The only place I ever saw where a man got more than he was entitled to was the big potato on the Northern Pacific Road. There he got a very liberal potato portion.

Mr. REED. It so happens that to-day the consumer traveling upon one of these dining cars may be able to stealthily reach out and get hold of a cracker that is still allowed to remain as a sort of fugitive flotsam on the modern dining table, but Mr. Hoover warns, "Take away the crackers; do not let these people have crackers"; and likewise, sir, if your physical body cries out for fats and you prefer your fats in the shape of butter instead of in grease, ladled out to you in a spoon by a food administrator, you are prohibited from having an extra pad of butter, as he expresses it, unless you produce the coin of the realm. Oh, wise, wise Hoover!

No. 2. Serve no wheat bread, crackers, or wheat cakes for lunch or breakfast.

Mr. CHAMBERLAIN. May I interrupt the Senator just a moment?

Mr. REED. Certainly.

Mr. CHAMBERLAIN. The Senator was reading the price of commodities on a dining car. Was that fixed by Mr. Hoover?

Mr. REED. Oh, no; Hoover takes these fixed prices that are here and advises that you shall cut down the portion, and advises that he wants more money, because he says if a man wants any bread make him pay for it, if he wants any crackers be sure and collect for it. If he wants an extra pad of butter demand that he shall produce the coin.

Mr. CHAMBERLAIN. I understood the Senator to say that the prices were fixed by Mr. Hoover.

Mr. REED. Oh, no; I think they are more moderate, perhaps, than we will be permitted to have. I continue to read:

No. 2. Serve no wheat bread, crackers, or wheat cakes for lunch or breakfast. Use instead corn bread (baked thin).

O, stepmothers! I have always been led to believe that your virtues were in direct proportion to the thickness of the bread you served, but Hoover comes and says give it to them thin. It may taste better thin, but in these days of grim starvation and of awful want I prefer mine thick.

Use instead corn bread (baked thin), corn muffins, corn cakes, fried mush, rye bread, oatmeal, oat cakes, buckwheat cakes, rice cakes. Serve honey and sirups with cereal stuffs whenever possible as substitutes for cream and sugar.

Now just imagine a man in the morning coming in with his stomach slightly disorganized for reasons, as the Senator from Oklahoma [Mr. GORE] suggests out of the abundance of his experience, too delicate to mention; imagine that man coming in and ordering a dish of oatmeal, fondly expecting to have oatmeal and cream, a dish that he has been taught contained all the virtues and dietary incidents that have ever been conceived, and having a colored waiter plump it down in front of him with a can of strained honey and be told to mix and eat the nauseous and disgusting sweet mess of stuff.

But now I come to a bit of wisdom compared with which old Aristotle's brightest dream or most profound thought becomes contemptible. It is the very quintessence of economy. It beats the individual who got his horse down by gradual processes to one straw a day and then found to his disgust that the animal insisted on dying. Moreover, it strikes at the Yankee in a way that ought really to delight the hearts of all those Southerners who still retain some measure of sectional feeling.

No. 3. Make tarts instead of pie, leaving off bottom or top crust.

Each time and place, somewhere, somehow, Hoover manages to reduce the portion. Think of the infinite cruelty of one who would deprive a Yankee of his pie at breakfast and substitute for that a tart devoid either of its top or bottom crust! It makes no difference to Hoover whether it is the top or bottom crust so that somewhere you lose some portion of the crust.

There are some things in this that are not so senseless, but they are things that, lying on the surface, every child knows. Here is one against which I protest:

Use no butter in cooking. Fry foods in animal fats or vegetable oils.

So far as I am concerned, I decline to eat cottonseed oil or to cook my beans or potatoes with any of John D. Rockefeller's extractions.

Notice this, for always he is after your cream:

Serve cream in individual portions only, with special charge.

And now, all you who have been accustomed to going into a dining car and ordering just one portion, because it was a generous one, and eating that one portion and making a meal of it, harken to the warning that I give, for thus saith not the Lord, but Hoover:

Avoid waste by serving smaller portions, particularly of bread, butter, meats, milk, creams, sweets.

HERBERT C. HOOVER,
United States Food Administrator.

Was there ever a man who came into an office so long before the office was created? Was there ever one so forehanded as this gentleman, so quick to grasp opportunity that he doth outrun the fact and reach the hands of anticipation into the future and grasp the thing that yet is uncreated?

And so he advises us, among other things, to eat vegetables. I have been looking up a vegetable dinner for an ordinary hungry man on a dining car, the portions of which are to be generously reduced—buttered beets, 25 cents; string beans, 25 cents; baked beans, 35 cents; and creamed potatoes, 25 cents. If there was an ordinary Massachusetts gentleman on that train and he wanted buttered beets and two varieties of beans, it would cost him 85 cents. When he got through with his bread and butter, with reduced portions, he would be out about $1.25, to say nothing of tipping the waiter. All of this is to the point that the man is talking about something of which he knows nothing.

A brief chapter in demonstration of that I now take leave to submit:

The woman citizen—be a Hoover helper—

Notice the beautiful rhythm; how nicely those words chime and gink together—

Hang these rules on your kitchen hook.
Save the wheat.
One wheatless meal a day.
Use corn, oat meal, rye, or barley bread, and nonwheat breakfast food.
Notice: Order bread 24 hours in advance, so your baker will not bake beyond his needs.

Where in all this world did Hoover get the notion that the American citizen went to the bakery in the morning and bought his bread from a baker. If he had sojourned in America for three hours at a time, outside of the most palatial hotel he could find, he would learn that the American housewife who does not bake her own bread or have it baked in her house goes to the nearest grocery store, buys a loaf of bread from the grocer, and never sees the baker. She only knows that Corby is on earth because she sees the sign "Use Corby's mother's hot bread" on the wagon as the wagon drives along the street. Imagine the American citizen obliged to go out each morning and serve notice upon the baker that he is going to want a loaf of bread next day! Only the man who has lived outside of America so long that he has forgotten all about American habits could ever have perpetrated a thing like that.

Now, O you ignorant women who have kept house, you silly mothers of children, you grandmothers who have reared men to the proud years of maturity and then seen their children cling about your feet, let me give you a little advice from Sir Herbert Hoover and tell you something that you never knew before! I read:

Cut the loaf on the table only as required.

How have we gotten along all of these years without that knowledge? How does it occur that in the flight of time and the mutations of life the human race has blundered on and on without some Hoover to tell them to cut their bread on the table and only as required? Then he adds:

Use stale bread for cooking toast.

And so forth. What poor imbecile in all this world, who has ever been inside of a kitchen to kiss the cook or beg the cook for something to eat, who has not known that you do not make toast out of freshly baked bread? But Hoover brings it to us as a new discovery.

Here is another gem that scintillates like some bright diamond thrown among the dross of this vain world:

Use buttermilk and sour milk for cooking.

As long ago as woods first began to grow and waters learned the habit of running downhill the half-naked people who dwelt amidst the rocks knew that you used sour milk, and not sweet milk, with which to make bread; but Hoover comes along and gives to it the holy sanction of his great approval, and now all the old ladies who have been using sour milk with which to make bread and biscuit will feel content and happy that their labors are approved by this great man.

As a Democrat, and recollecting the ancient slander of my party, I rise to protest against this.

Soap contains fat. Do not waste it.

Here we come to the final chapter in this bit of wisdom and warning, that I confess the American people well did need, and but for it we might have gorged ourselves to death. For this one thing Hoover should live through all the ages; he should have a monument on which the figure of old Æsculapius should be put beneath his, for a greater has come.

Do not eat a fourth meal.

Do not eat a fourth meal in America! In some of the strange lands where Hoover has dwelt there may be people who have eaten a fourth meal as a regular thing. Perhaps the head-hunters that he commanded, having acquired an appetite, when luck is good may have eaten a fourth meal; it may be that in "merrie England" there are people who eat a fourth meal; but in this country the average American citizen is happy if he can get three squares a day, while about two-thirds of my lady acquaintances insist that they only eat one meal a day, on account of the new fad called "reduction."

Do not eat a fourth meal.

Is it possible that Mr. Hoover has become so accustomed to the after-theater supper or the cabaret that he thinks all Americans now indulge in them?

You need not give that advice to the East Side in New York; you did not need to give it to the hungry mother of the hungry children when Hoover was cornering the bean market, throwing 1,000 tons into the market to break it, and then buying them back and running the price up, and then throwing them into the market again to break it. You did not need to tell that mother not to eat four meals a day.

What does this tell? Why do I spend this much of the Senate's time in talking about these things that are so small and so contemptible? Because they tell the sum of this man's competency; his lack of knowledge of the commonest affairs of American life.

It seems to me a man who had a grasp of the food situation, who posed as an expert, instead of talking about saving a crust of pie or substituting tarts for pumpkin or apple desert, would be talking about building vast warehouses to store the potato crop, which is so large that it may go to waste; that he would be thinking about millions of bushels of food that could be saved by being stored carefully away; that he would be thinking in big figures of big things; but that he would not be indulging in such drivel as "avoid a fourth meal" in a land where a fourth meal is never eaten, except as a rare exception.

Then, lest the American people should take him too seriously, and in starving themselves also starve their children, he adds:

Do not limit the plain food of growing children.

Then—

Watch out for waste in your community.

By which I presume each one is to become an inspector of the garbage can of his neighbor.

Mr. President, the substitute that I have offered for the second section of the bill proposes that the Secretary of Agriculture shall be the chairman of a committee of five. I have not always agreed with the Secretary of Agriculture; but he has given many years of his life to the study of agriculture from the big, broad, scientific standpoint; he is in touch with the agricultural situation of the United States of America; he has beneath him now a trained corps of assistants numbering far into the hundreds, I believe, who are scattered all over the United States, who are in touch with communities, with local conditions, with crop conditions generally in the United States, with the problems of consumption and of production, experts who have studied markets, means of transportation, improvement of varieties of seeds, and all that class of machinery which we have been creating here for a score or more of years. It exists; it is at hand.

I propose that we shall create a commission, and at its head shall put the Secretary of Agriculture, and that we shall trust him, as the chairman, with all the vast machinery of his office, to look after this important work. I propose in this substitute that there shall be one practical farmer—one American farmer—and I propose that there shall be the presidents of two agricultural colleges, selected from somewhere in the great wheat belt—all of these to be approved by and with the advice and consent of the Senate.

I think the presidents of these agricultural colleges are the best men we can call to this work. They are in touch with the great problem of production; they are as nearly scientists in this matter as we can hope to get, and if the two presidents are selected from the chief colleges of the principal wheat States we will have upon this commission men whose names are known wherever the agricultural expert is known, great men and learned men.

Then, Mr. President, I propose finally that these men shall be qualified electors of the United States, men who live here and vote here, men whose fortunes are here and whose future is here, men whose hearts are bound to our soil and whose souls mingle with the souls of our people, men who love America and who have no interest save in beloved America, men who believe this country is good enough to live in, good enough to make their fortunes in, good enough to die in, and whose palaces, if any they have, are erected on American soil beneath the American flag. I do most earnestly beseech you all that we shall not put the great powers of this bill, which controls the destiny of the farmer and may ruin him, which controls the destiny of the consumer and may greatly injure him, in the hands of any one man. Rather, if these powers must be concentered, if they must be given, let us grant them to a commission composed of men as good and as faithful as we can select.

Mr. PHELAN. Mr. President, the Senator from Pennsylvania [Mr. PENROSE] the other day seemed to intimate in the course of his speech that it was only when California was concerned that I was moved to take part in the debate.

I have listened to the philippic against my esteemed countryman, Mr. Herbert C. Hoover, delivered by the Senator from Missouri [Mr. REED], and I can not see, after listening for several hours, that in any way has his personal integrity been impugned, his capacity impeached, or his ability to serve his country in this crisis in any way discredited. If he were not a man who had attracted the attention of the world, he would not be the subject of discussion in this Chamber. If he were not a man who had already demonstrated his fitness, his name, which is not before us in any official way, would not be considered in a long and serious argument. The Senator from

Missouri seeks more to criticize the methods proclaimed by Mr. Hoover, growing out of his long experience abroad, than to inform us positively why in this emergency, if he should be selected, he would not be the most admirable and capable man of whom the world to-day has knowledge for this special task.

I know the Senator from Missouri has been accustomed in his own State to try before juries men indicted for and doubtless guilty of petty offenses. He has pursued a style in his argument which reminds one more of the method of a lawyer pleading to a jury in condemnation of some culprit than of trying to convey information to the Senate now engaged in the consideration of a measure which but incidentally involves the services of Mr. Hoover. I think the Senator from Missouri enjoyed quite as much as we have enjoyed his address and discussion, because he was relieved from following the rules of evidence, and he introduced any kind of matter without regard to its relevance in order to make his address, if not convincing, at any rate entertaining.

The first indictment the Senator made against Mr. Hoover was that there was a doubt as to his Americanism. The Senator from Missouri did not say that Mr. Hoover was not born in the wheat belt, because he was born, confessedly, in the State of Iowa. The Senator did not say that Mr. Hoover lacked experience in a State where the products are so diversified as in California, because as a young man he went to California, lived among her people, participated in their activities, and was graduated at the great Stanford University at Palo Alto, by which he is considered to-day one of its honored trustees and worthy sons. The faculty take an especial pride in the achievements of the boy whom they sent out upon the world.

His sin began when, with the advantages of birth in Iowa and education in California, he dared to go to China and to Australia and South Africa—certainly a most serious offense. No American can tolerate, in his amiable conceit, the thought of one of his fellows going out of the limits of the United States, because, be it known, our country embraces everything that is both good and wise, everything in the domain of the vegetable, the mineral, the animal, and the intellectual kingdoms, and therefore a man is put on the defensive when he goes abroad. But

> How much the fool who has been sent to roam
> Excels the fool who has been kept at home.

It has occurred to the proverb maker, and possibly it is within our own experience, that a man who has traveled not only becomes possessed of more information but I believe he becomes even a better American. If he goes abroad and garners experience in every field and still remains an American, his asset to us as an American citizen is very much greater than had he remained at home.

He went to Australia. We know that vast field. He went to China to open mines. He went to South Africa. In those countries he not only acquired knowledge and experience of men and affairs but he acquired an honorable fortune. Going away from the apron strings of his native land into the hard places of the earth, there in competition with men, engineers like himself and miners like himself, to have wrested from the reluctant earth a fortune, which he has wisely employed, certainly should not be a matter of reproach. All these things he has done.

Before the war he found himself in London. My first knowledge of Mr. Hoover's work was in London, when in 1913 I went there in an official capacity to interest the British Government to participate in the Panama-Pacific Exposition. At that time Mr. Hoover stood at the head, not of Englishmen, not of Australians, not of Africanders, but of Americans. It became advisable to organize a committee for the purpose of proving to the British Board of Trade that there was a real and valuable trade purpose to be subserved by participating in that international exposition. Mr. Hoover undertook that work, having been unanimously selected by his fellows. I may say here that a remarkable thing about this man is his quality of leadership and genius for organization. There, in a strange land and among his compatriots he was regarded as the first citizen and to him they turned.

Then the war broke out, and Mr. Hoover, among the Americans who were in London, not as exiles, but in prosecuting the world's work in which Africa, Australia, China, and America were all involved, had become international, not only in his vocation, not only in his affairs, but in his comprehensive understanding of and sympathy with the needs of humanity. When a man has traveled he learns probably better to understand his fellow man and does not confine his affections and exclusive interest to those who are nearest to him. It is a kind of religion, an elevation of spirit, a broadening of vision. As Thoreau said, "When a man has traveled, when he has robbed the horizon of his native fields of their mystery and trampled the blue of the distant mountains with his feet, he begins to think of another world"—the world of humanity.

Travel is an expansive process, giving breadth, love, and universality of vision to the man who is so fortunate as to enjoy its opportunities.

As was said when America began to grow—

> No pent-up Utica confines our powers,
> But the whole boundless continent is ours.

And now that the world war has given us the world for our stage, let us have a world-wide man to do our work.

There is a craving to get out of our provincialism and expand more and more. Hoover is a pioneer American, you may say, in that realm of usefulness, both in the world development of resources and in the practical expression of humane sentiments. What was the magnitude of the enterprise which gave him fame? How much money was involved in his work in Belgium, of which we have heard? He presided over the Belgian relief committee and organized it. We have relief committees on every corner in the United States. Everybody within his limitations is trying to help; but there he was at the head—and he was the head, and it is well that he was the head—of a commission which possessed the confidence of England, of France, and of the United States. Into his hands—I am speaking of him individually now—there was deposited no less than $250,000,000 for Belgian relief and for the relief of the people of the north of France within the very few years during which the war has progressed.

I was told on one occasion that he was given a check on the French Treasury for $4,000,000, without any understanding whatever that it should be accounted for, nor was he required to make an accounting; but he did make an accounting. He is a business man. He was not going to expose himself to the taunts of the malicious or the ignorant. He kept books, and the overhead expense in the administration of that great fund was only one-sixteenth of 1 per cent. It was a labor of love, and he calls upon those to help in the same spirit as volunteers; and here to-day in Washington, rallied by his side, are hundreds of volunteers, willing under his leadership to carry on this work of relief and conservation. An overhead expense of one-sixteenth of 1 per cent is certainly a most excellent showing in the administration of a relief fund involving $250,000,000 in a strange land; and, having acquired that priceless experience, he is available for our purposes. Do we not need such a man?

The Senator has intimated that he was a self-seeker. I interrogated him to ask whether as a matter of fact the President of the United States had not sent for him. The President did not know him personally; but the President lives in the world. As a citizen of the world he knew of the fame of Hoover, and he called upon Hoover, not to confer any benefit upon Hoover; he called upon Hoover to render assistance to his native land. While the Senator from Missouri was talking I rang up Mr. Hoover and asked him as to his citizenship. "Why," he said, "I am an American. I never for one minute relinquished my citizenship. I am a citizen of the United States and a resident of California, qualified to vote in California. I never had any other thought."

It is rather painful that a man should be expatriated, even in the course of an afternoon's speech, when his great achievements are the glory of his country. Hoover, the American—so he is regarded abroad, as he should be regarded at home, with appreciation and affection. He is a man that gives no offense. He is a man, as you have observed, of quiet manner. That he has been the subject of voluminous advertising is no fault of his own. The instincts of our journalists are very often true. They find a man modest, and in proportion to his modesty they make him conspicuous, if he has merit. If he is a self-seeker, they leave him alone. Because Mr. Hoover has won the esteem of the press and his achievements have been published far and wide is no reason why Mr. Hoover himself is not a modest man. He is a modest man, because "modesty is the chastity of merit."

He can not make a speech as eloquent as a speech by the Senator from Missouri. If he could, how convincing indeed he would be, having both the eloquence and the facts! He lacks the ability to present his case; and because he is here this afternoon made the subject of such severe criticism I have ventured, all unprepared, to tell you the manner of man he is and the character of his work.

I do not think, though, that anything in the remarks of the Senator from Missouri really made any impression, except—and it was new to me—the assertion that he engaged in speculation in foodstuffs. In an inspired article, as I should call it, by Ernest Poole, in the Saturday Evening Post of May 26, 1917, I find that among the difficulties experienced by Hoover in purchasing supplies from charity funds, meager as they were in proportion to the vast need, it was incumbent upon him as

a humanitarian as well as a business man to drive as hard and fast a bargain for the suffering poor as though he were engaged in a gainful business for himself. There is no charge here that he did engage in speculation for himself. The learned Senator from Missouri exonerates him from all fault of that kind; but still he says that he did speculate. This is the character of the speculation, the object manifestly being to get the most food against the hoarding of speculators for the hungry mouths of the unfortunate people for whom he had been administering this great trust.

I read from the article I mentioned:

It—

This great work—

must be done cheaply and without fail. And, in order to save every possible dollar, only those kinds of food must be bought that would give the greatest nourishment. This they learned from expert dietitians.

But as to purchasing supplies there were big men on the C. R. B. who needed no expert advice. They knew all the tricks of the business. When the price of beans began to rise they bought 1,000 tons of beans and threw them back in one lot on the market. Down went prices. They bought in small lots. Slowly again the price began rising; but once more the terrific impact of 1,000 tons of beans was felt. Again the price dropped, and again their agents bought beans in small lots.

So again and again did that same thousand tons of beans hammer down prices and save the day. The same was true wherever they went. In food and in shoes and clothing repeatedly through expert advice of business men as shrewd as themselves they went into the market and bought at cost, and often below it.

These are the facts. That is the method of the speculator, if you please—to buy and to sell—and the market is affected by purchases and by sales. That is where he utilized his knowledge of the business methods of the world and turned them to good account. Certainly that is not a reproach.

While the Senator from Missouri was talking, I rang up Mr. Hoover on the telephone again and said that he was being accused of speculating, not necessarily in his own interest, with the funds of the Belgian relief commission. I said, "What truth is there in it?" desiring to communicate his own statement to the Senate. He expressed very considerable indignation. He may be a mild-mannered man, as is described, but, mild mannered as a man may be, he would naturally resent any imputation which he thought reflected upon his good name or his honor. I hastily assured him there was no accusation of that kind; but I said: "What was the practice in securing your food supplies, in making your purchases in the open market, with a view possibly of getting better rates for the trust which you were administering?" He said there was no speculation of any character. He went into the open market and purchased goods, and if he sold goods it was in order to make more advantageous purchases; and the nearest thing that might approach speculation, he said, was when in the United States he purchased a quantity of goods of some character, and could not find a ship for it, and therefore was obliged to sell it in the market, netting, I believe, a profit; but that profit went into the Belgian relief fund, and made more easy the administration of his trust in meeting the demands of those who were dependent upon it.

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. JOHNSON of California in the chair). Does the Senator from California yield to the Senator from Missouri?

Mr. PHELAN. I do.

Mr. REED. I should like to have the Senator, now, be specific. I should like to know if Mr. Hoover repudiates this bean story that is printed over Mr. Poole's signature in the Saturday Evening Post?

Mr. PHELAN. I have read approvingly the bean story published by Mr. Ernest Poole in the Saturday Evening Post. I have not Mr. Hoover's word for it. I had not read the story when I telephoned half an hour ago to Mr. Hoover, but I do not know why Mr. Hoover should disavow it, and I am willing to assume that it is true——

Mr. REED. Very well.

Mr. PHELAN. For this reason: This excerpt was given to me by Mr. Hoover's friend, Judge Curtis Lindley, of California, who is one of his coadjutors. I asked him for information about Hoover, and he handed me this. That is why I said I believed it was inspired, and therefore true.

Mr. REED. When the Senator says "He handed me this," he has in his hand the Saturday Evening Post containing Mr. Poole's article, and that is what he refers to as an inspired article.

Mr. PHELAN. It is.

Mr. REED. The Senator admits that statement to be true, and in addition to that says that Mr. Hoover states that if he sold anything in this country it was with the idea of buying more. Now, will the Senator tell the Senate and the country why a man engaged in buying foodstuffs for Belgium, and having bought foodstuffs for Belgium, should sell them for the purpose of buying more, unless he did it to affect the price? Why sell the very goods you had bought with the intention of immediately buying more unless you did it for the purpose of breaking the market?

Mr. PHELAN. I think it was perfectly plain in my statement, Mr. President, that the deliberate intention of Mr. Hoover, according to this article, was to force down the mounting prices which heartless speculation had sought to impose even upon a charity fund. I can not see that any apology is necessary for Mr. Hoover in a warfare of that kind, fighting the devil with fire, to unload a carload here and there in order to buy more advantageously a larger quantity for the purposes which I mentioned.

Mr. REED. Mr. President, I do not want to interrupt the Senator——

Mr. PHELAN. It does not interrupt me.

Mr. REED. The Senator, then, admits that the process was to go into the market and buy in small quantities until a very large amount had been accumulated? That, of course, would have the effect gradually of raising the price. Having raised the price, the process then was to throw the whole of that which had been bought into the market and break it, and repeat the operation. Now, if that be not strictly in accordance with the most approved methods of Wall Street gambling and of wheat-pit gambling, will the Senator please tell us what the better methods are?

Mr. PHELAN. It is not the gallows that makes the crime.

Mr. REED. No; but it is the crime that makes the necessity for the gallows.

Mr. PHELAN. Granted. An act may be done by a patriot which, if done by a lesser mortal, would be crime. In history, patriots have committed what we call crimes believing that they were acting in a righteous cause. History, for instance, has never put Brutus in the category of ordinary offenders. A man may commit an overt act of any kind not strictly in accordance with the law and history would find justification for him on account of the purity of his motives. It is all a matter of ethics and viewpoint.

To buy and sell speculatively in Wall Street is an offense, if you please. I do not know that it is even a statutory offense. To buy and sell in the wheat pit in Chicago is an offense according to the Senator from Missouri. I do not know that it is a statutory offense. At any rate, it is frequently practiced. But assuming that it is an offense, it is not an offense of such a character as to deter from engaging in it a man actuated by good and pure motives in a conflict with speculators. He might buy in the ordinary market from jobbers and from brokers and easily consume the entire sum which was at his disposal without accomplishing one tithe of the good which he would have accomplished had he resorted to the methods of the broker and the speculator.

I am not here to apologize for Mr. Hoover's action as described in this article by Mr. Poole. If these acts in themselves were of a reprehensible character—which I can not admit, because they violate no law, the buying and selling on the market—if these acts were of a reprehensible character, what must be the character of the conduct of those men who presented an almost impassable barrier to the Belgian Relief Commission seeking food for hungry people? In order to overcome that barrier it was necessary for Mr. Hoover and his confrères to break it down or to scale it. They accomplished their just purposes by resorting to the methods practiced by brokers, let us admit, and those methods are not wrongfully employed when employed for good purposes; certainly not wrongfully employed when employed to overcome a barrier against the Belgian relief, in this instance, seeking food for hungry people.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Missouri?

Mr. PHELAN. I do.

Mr. REED. If the Senator will yield for one further interruption, the Senator speaks of a barrier that had been created.

Mr. PHELAN. The barrier of high prices.

Mr. REED. Yes. Now, let us see. Mr. Hoover went into the market and bought his 10,000 tons of beans. He bought them on a market that existed. It is not claimed that the market then was very high; but the buying of these 10,000 tons of beans ran the market up. Now, he had his beans; he had bought them in a market that was not controlled; but having thus gained control of the market, he proceeded to hurl all the 10,000 tons of beans into the market at once, and, to use the expression of the writer, the eulogist, the impact of that blow broke the market; and so he repeated the operation. Now, I think the Senator is not warranted in saying that there was any

barrier of high prices set against him in the first instance. He simply did as others have done; in buying enough to control the market he boosted the prices. He was safe in doing it because, having complete control of the market, he could drive them down. I think the Senator's assumption that he had a barrier of high prices is not borne out by anything stated in the article, or by any fact known to anybody. However, I thank the Senator. I should not have so long interrupted him.

Mr. PHELAN. I think the Senator from Missouri understands quite as well as I the nature of the offense which he has charged to Mr. Hoover, and I am confidently disposed to offer a plea of justification; and I will leave that to the consideration of the Senate.

There is one other point which the Senator made, and were it not so serious it would be amusing. I think the Senator overlooks the fact, so accustomed is he to these piping hours of peace within these precincts, that we are at war, serious war, and in order to win a victory it is not only necessary to have men and munitions and those "great guns which make ambition virtue", it is necessary to have food supplies not only for the combatants but for the noncombatants, for the civilian population. We have lived so long in luxury and abundance that it is hard, I admit, to conceive of any condition where there will not be enough food for us all, even when traveling in palace cars. We have been unused to privation.

Now, we are to profit only by our own experience? The wise man has said that experience is the mistress of fools. We must profit by the experience of others if we are wise; and I have here this startling statement:

This year we are faced with a world shortage.

This statement was made by Mr. Hoover at Brown University.

Next year this shortage will be greater. * * * Our whole food problem revolves around one single factor—the diminishing productivity of Europe and the disruption of commerce by armored barriers.

He goes on to say:

Uppermost in my mind, and present I hope in yours, is the problem which I was recalled from Europe to engage myself with on behalf of the President.

In passing, I may say that Mr. Hoover was not a self-seeker, but was brought to this country by the President. At Washington on May 19 the President issued the following statement. After calling attention to the desperate condition in which this country would be involved on account of a food shortage and speculation, he adds:

I have asked Mr. Herbert Hoover to undertake this all-important task of food administration. He has expressed his willingness to do so on condition that he is to receive no payment for his services, and that the whole of the force under him, exclusive of clerical assistance, shall be employed, so far as possible, upon the same volunteer basis.

He has expressed his confidence that this difficult matter of food administration can be successfully accomplished through the voluntary cooperation and direction of legitimate distributors of foodstuffs and with the help of the women of the country.

Although it is absolutely necessary that unquestionable powers shall be placed in my hands in order to insure the success of this administration of the food supplies of the country, I am confident that the exercise of those powers will be necessary only in the few cases where some small and selfish minority proves unwilling to put the Nation's interests above personal advantage, and that the whole country will heartily support Mr. Hoover's efforts by supplying the necessary volunteer agencies throughout the country for the intelligent control of food consumption and securing the cooperation of the most capable leaders of the very interests most directly affected, that the exercise of the powers deputed to him will rest very successfully upon the good will and cooperation of the people themselves, and that the ordinary economic machinery of the country will be left substantially undisturbed.

Now, continuing Mr. Hoover's own statement before Brown University, the food controller by appointment of the President, says:

I do not propose in these few minutes to enter the forest of dietetic, administrative, and economic difficulties with which the problem is surrounded. I wish to present but one theme to your mind. Our whole food problem revolves around one single factor—the diminishing productivity of Europe and the disruption of commerce by armored barriers.

Since the wonderful world harvest of 1915 the food supplies of the world have been steadily lessening. This year we are faced with a world shortage and next year the shortage will be greater. Seventy million men in Europe have been called out of productive labor and devoted to fighting and the production of implements of war. The women have been unable to in full renew the harvest, and there has been a great diversion of animals and transport to war. The land is no longer receiving the fertilizer of old. In order to decrease the production of fodder grains and increase the production of bread grains, and to secure protein and fat supplies, Europe is eating into her capital of animals. This again reacts on the productivity of the land, and foodstuffs are beyond this daily being destroyed at sea in shiploads. Our own allies are separated from their normal markets of Russia, Bulgaria, Roumania, while the Argentine has had a crop failure, and the shortage of our allies therefore is more acute than their own decline represents.

It is the impact of this shortage that has knocked at every door in the United States. We are a country of abundant surplus, yet the reverberation of Europe's shortage would have thundered imperiously, even had we never entered the war.

The reaction of Europe has raised our prices above the endurable level, and will, if we do nothing, raise them still higher, for their need grows yearly. By our entry into the war we arrive at two issues: First, the issue we must have partially fronted in any event, the control of our food so as to ameliorate prices, for unless we can do so we must meet a raise of wages with all its vicious circle of social disruption at a time when maximum efficiency, is vital to our safety; second, that we may also meet the increased demands of our allies that they may remain constant in the war.

These problems are not insoluble if taken in time. In their solution lies a prime test of democracy. The question is, Can our form of government put forward the organization, the devotion, the self-denial, the efficiency, the preparation in advance of storm? Must we wait until disaster is upon us and then reap the whirlwind in a lament of "Too late"? Can it not only do this in time, but can it also do so without resort to measures of Prussianism? I believe it can. I believe our faith is right. I believe democracy can not only defend itself but it can prepare in time. I believe that the spirit of self-sacrifice and idealism runs higher among our people than in any other land. I believe with the mobilization of the voluntary support of our people these problems are soluble, but I know that no people are of such idealism but that some individuals and their selfishness would defeat the majority. To this end we must give power, but that is not the power of Prussianism any more than is the power of police to repress crime.

In our abundance, our undeveloped resources, our wastage and extravagance, we hold it in our power, and ours alone, to keep the wolf from the door of the world. This duty is wider than war—it is as wide as our humanity.

I submit that a man who has such broad experience, who so well marshals his facts, who is so convincing in his statements, is entitled to be considered an authority upon a subject on which most of us are densely ignorant.

There is nothing in his career to indicate that he has any other purpose than that of doing good to his country and to our allies. He wishes to conserve the food at reasonable prices; and I have heard him, in the presence of many Senators, say that one of his first concerns was to give an adequate return to the farmer. Certainly there is no plan involved under the administration of this American to deprive the producer of adequate returns for his product. I have heard him debate in conversation with a Member of this body whether it would not be better to fix a price of $1.50 for wheat rather than $1.25, and he favored the larger amount.

It is only to prevent excessive charges, speculative prices, that he is to act as a food administrator. He is there now in a volunteer capacity under the authority of the President, and his only purpose is to be of service. Shall we not enlist his service?

The Senator from Missouri, in the defense of the spirit of American liberty and the Constitution, again reverts to the danger of investing too much power in one man; that the power of a food regulator might be administered for the injury of the people and that it might be easily abused. I think we must assume in giving a man a position of power and responsibility that power brings with it that he is there to serve the Government that selected him for a particular task, and not to serve private interests or speculation; that is, he is there in the spirit which seems to be the atmosphere of a man, in the spirit of helpful and patriotic service.

Of course when we get in trouble, as in war, we turn aside for the hour from the so-called established principles or doctrines of democracy. We have done it in the Senate time and time again, and we let down our checks and balances. We see that effective and prompt action is vitally necessary. But let us hope it will very soon be over; everything done is for "the period of the war." We can not use the methods of peace and win victories in war; that seems to be conceded; and that we have a President who has none of the taint of the usurper in his composition is a very good thing for us in a national crisis like this. We are working under our "war powers," and our President has become the Commander in Chief of the Army and Navy.

History has given us examples of men who, invested with power, were loath to give it up. It was the surprise of Europe that Washington having been in the supreme command should have relinquished his authority. It was unknown in the Old World for a man to have attained power and yield it. Byron expressed a surprise and gratification when he said:

Where may the wearied eye repose
When gazing on the great,
Where neither guilty glory glows
Nor despicable state?
Yes; one, the first, the last, the best,
The Cincinnatus of the West,
Whom envy dared not hate,
Bequeath the name of Washington,
To make man blush, there is but one!

In the long succession of American Presidents the example of Washington has been such that there has never even been so much as a suspicion of usurpation, of seizing power which the people would fain deny. The unwritten law even has been observed with respect to a third presidential term. Can it be possible that a food conserver, invested with the power of regulating the supplies of food, is going to menace our democratic institutions? That is not the kind of power that destroys democracies, but I really think, having heard the gentleman describe

the dietary which the food controller is about to impose, it would, if observed, improve rather than impair our constitutions!

Now, Mr. President, can we not safely accept this dictator without fear?

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator for a moment? When I heard the statement some days ago that Mr. Hoover has practically expatriated himself, or, rather, concluded from the statement that he was really not a citizen of the United States, to satisfy myself I asked and received a brief statement from his secretary as to his life, which I submit to the Senator and in the Senator's time I ask that he read it into his speech. It is very brief and it will save any further questions.

Mr. PHELAN. At the request of the Senator from Oregon, I am very glad to read the brief statement, which is authentic.

Mr. CHAMBERLAIN. It was sent to me by Mr. Hoover's secretary.

Mr. PHELAN. It is vouched for by the secretary of Mr. Hoover. Here is the true story of his life:

Herbert Clark Hoover: Born West Branch, Iowa, August 10, 1874. Quaker parents. After death of parents in 1883, sent to Oregon in charge of relatives, residing at Newberg and Salem, Oreg., until 1891. Became self-supporting at 13 years of age. Went to Stanford University, California, 1891, graduating 1895 as mining engineer. Employed professionally in New Mexico, Colorado, California, and Oregon until 1897, part time with United States Geological Survey. In 1897 went to Australia in administrative metallurgical work and mining.

Returned to California 1899. After few months left for China as an engineering adviser to the Chinese Government. Returned to California 1900, after outbreak of Boxer rebellion. After few months left California again for China as manager of industrial works, comprising coal mines and works, fleet of 20 ships, canals, railways, and harbor works, employing some 25,000 men. Returned to California in 1901.

I observe that he has always returned to California; he could not stay away.

Mr. REED. How long did he stay there? A few months?

Mr. PHELAN (reading)—

Thereafter opened offices in San Francisco, New York, and London, visiting all points annually. Employed in administration of large industrial works, embracing railways, metallurgical work, mining, iron and steel, shipping, land, and electrical enterpises in California, Colorado, Alaska, Mexico, India, Russia, and China, until the war broke out in 1914. Was a trustee of Stanford University, Cal., and spent much time there, 1901–1914, in affairs of that institution and on conduct of business in that State. Went to London just before war broke out. When the war broke out became engaged in the organization of return of stranded Americans.* In October, 1914, organized commission for relief in Belgium, and remained in Europe during the war with the exception of a return to the United States in the fall of 1915 and the winter of 1917.

The commission for relief in Belgium from October, 1914, until April, 1917, handled the import of upwards to 100,000,000 bushels of wheat, rice, beans, peas, and other cereals, together with many thousands of tons of meat products; operating its own fleet of from 50 to 70 ships, its own mills, and in addition thereto acquired and redistributed cereals and several other staples in the occupied territory involving between 30,000,000 and 40,000,000 bushels of other cereals and large quantities of meats, et cetera, et cetera. The commission for relief in Belgium organized and distributed a ration to 10,000,000 people, directly employing upward of 125,000 people in its operations. The personnel was in a great majority volunteer, and the total overhead expenses of the commission up to April, 1917, were three-eighths of 1 per cent. The aggregate amount of money expended on imported foodstuffs and through the organization in the purchase of native food supplies was approximately $500,000,000.

Never sought public office in any shape or form—

I hope he is not reproaching the rest of us—

Returned to the United States on the direct request of the Government, acting entirely as a volunteer for service during the war only.

It shows his close association, Mr. President, with the United States through his California citizenship and residence. That he is an American there is no question. That he is a usurper with a sinister and malign design of seizing power for some unholy use is absolutely out of the question; that is not in the genius of an American, and he is par excellence an American. It is true he has traveled, but "in spite of all temptations to belong to other nations" he remains an American.

I ask permission to insert in the RECORD an article on Mr. Hoover, the subject of discussion, published in the Saturday Evening Post of May 26, 1917.

The PRESIDING OFFICER. If there is no objection, it is so ordered.

The matter referred to is as follows:

HOOVER OF BELGIUM.

[By Ernest Poole.]

Whether this war is to be won for democracy and a lasting peace, or is to be halted, through starvation, in a truce that will make its bloodshed of no avail to humanity—this, to a very large degree, is to be settled now and here by the people of America. We must feed not only our own population but the people of our allies. That we can do this there is little doubt. The resources of this land are so varied and exhaustless that, given the will, the way will be found. And to rouse the will and point the way the Council of National Defense has chosen Hoover of Belgium.

A better leader could not have been found. To rouse the will of this Nation—a will mysteriously vast, compounded of the purposes, the small desires, selfish plans, the hopes and dreams and great ideals, the firm beliefs and the suspicions of more than a hundred million people—here is one whose very name is a great national asset now. For it has become a symbol of that honesty and generous will, that clean, efficient action, which will sweep out of our Yankee minds the suspicion of graft and slackness here. There was no graft in Belgium and there shall be none here. There was clear, hard thinking, exhausting toil and unselfishness in Belgium, and there shall be those qualities here. But to those sentimentalists who love to hear great stirring appeals to their emotions, let it be clearly said at the start that Hoover will disappoint them.

BIG JOBS IN BOTH HEMISPHERES.

For a more intensely sensible man it would be hard to discover. He is 42 years old. Though by no means large of frame, he gives at once an impression of force. His limbs look hard; his smooth face is strong; there is a determined look to his jaws, and his eyes are steady and direct. He is a mining engineer, a man from a ruthless, fighting world, to whom at the outbreak of this war something very like a miracle happened.

Herbert Clark Hoover was born, in 1874, in Iowa. In his boyhood there and in Oregon he early developed an instinct for striking out on his own account. To a large extent he worked his way. He went to school, but learned much more from life itself and the struggles he had. At 17 he entered the School of Mines at Stanford University, where he not only supported himself but was always loaning money to friends. At 21 he graduated and went out with the Geological Survey. One year later he was appointed assistant manager of two large Australian mines, and his work there was so successful that in 1897 he was chosen by the great British mining firm of Bewick, Moreing & Co. to become their chief of staff in western Australia. He held that position for three years.

Then the Chinese Government asked him to take charge of its bureau of mines; and a year later he became general manager of a Belgian corporation there. During the Boxer rebellion Hoover worked a machine gun. Soon after that he was made a partner of Bewick, Moreing & Co. and director of their mining activities. He was still but 28 years old.

Living in London his work now took him far and wide. "In Russia," said a friend of his, "I went with him to a mining region he was directing in the Ural Mountains. This property was larger than Belgium. It took us several hours by train, and many days more in sledges over snow and ice, to inspect it all. One reason for his success in this project was the way he treated the Russians. They did not care for foreigners, who had always treated them with varying degrees of contempt. Hoover did the opposite. He took the Russian ways of work and whenever possible made them his own. He cooperated in every way, and they had soon taken him as their friend. And this is typical of him. He has always somehow or other turned each obstacle to his use."

In his hospitable London home he has led a simple life. He is no society man at all; his manners are far from "finished," and small talk bores him to extinction. He seldom tells funny stories himself, though he likes to hear them. When he plays bridge he plays it hard. When he has a day off he likes to motor with his family out into the country, build a fire, and cook in the open. Another dissipation of his is the reading of detective stories. In these he takes a huge delight. But the rest of Hoover's life is work. At times he labors day and night. "When you're with him on a job," said a friend, "you can call him up at 1 a. m. and he won't appear in the least annoyed." The same is true of his reading. He reads hard and grows absorbed. He has a passion for histories and biographies of all kinds.

By sheer work he has made himself a decidedly forcible writer. His book the Principles of Mining gives in a clear, simple style the methods he himself used to rise. And his other achievement in this line is the translation of De Re Metallica, an old book on metals and mining, written in 1530 by Georg Agricola, a Saxon, who wrote in a doggrel Latin that had defied the efforts of translators for over 400 years. In slaving at this puzzle Hoover took a grim delight. For several years it took his spare time. It was one of his ways of resting.

He was always quietly helping young engineers to get a start. His house was always open to them. As for outsiders in need of assistance, whoever asked Hoover for money was asked, in turn, for his name and address, and these were promptly sent to an officer of the Salvation Army whom Hoover employed to look up such appeals. He was a generous giver—but always, first, he had to be shown. He often helped the Salvation Army; but to other large organized charities or social work of any kind he had given little thought or time except when approached for funds.

Such was Hoover's early life—a swift, almost miraculous rise. In 1914 he was living in London, wealthy and successful, though but in his fortieth year. The fees he received as an engineer amounted to hundreds of thousands of dollars. He was known among miners all over the world. It had been a ruthless, fighting world of big mining operations and finance on an international scale. He had not lived the sort of life that is very likely to make a man kind.

Then came the war. On the morning of August 4, 1914, the American consul in London called Hoover on the telephone. "Mr. Hoover," he said, "there's a mob of American citizens here, trying to change letters of credit, bank drafts, and express orders for English gold. And we're swamped! For God's sake come over and help up out!"

GETTING FUNDS FOR PENNILESS TOURISTS.

Hoover went over and got to work. He telephoned to all his friends: "How much money have you in your safes? Get all the cash you can raise at once; get in at the back doors of the banks. Get it anyway short of larceny." These friends responded to his call. They raised about $200,000. The Government loaned the same amount. And, through their efforts, in two months 45,000 Americans were sent safely home.

Meantime, over in Belgium things were getting desperate. Seven and a half million people were facing starvation; and Hoover was asked to handle the work of relief in Belgium and northern France. At once he called together a few big, able Americans, most of them engineers like himself; and they lost no time in getting to work. The first day they had three rooms—the second day, a dozen.

Their office was organized with a speed that made old England gasp for breadth. As a rule, it took two weeks at least for the Government telephone company to install a telephone. In this office it was done overnight, with a switchboard and dozens of instruments. And they thanked the company in a way that has won its devotion ever since. Meantime Hoover had organized. He had sent one man to arrange for ships, and another over to Rotterdam to make ready to transport the supplies from there into Belgium. Others were already buying food.

Hoover's way is to do things first and ask permission later. He and his associates had only $500,000 promised from the English Government. But, with this in sight, they arranged to place orders every week for $2,000,000 worth of food! They purchased food, got it to the

docks, chartered vessels, and loaded them. Then, when the hatches were all closed, Hoover sought permission to make shipment. He went before the proper official.

"Unless I get four shiploads of food to Belgium before the end of the week those people will starve," he said.

The high official deeply regretted his inability to aid him. The food could not be purchased; the railroads were choked with munitions of war; the ships were all under Government orders. Hoover heard him to the end.

"I have attended to all that," he said. "The ships are loaded and ready. All I need now is clearance papers."

The official stared at him.

"Young man," he said, "there have been men sent to the Tower for less than you have done here. If it were anyone else, or for any other cause, I hate to think what might happen."

The ships sailed a few hours later. So the work of the C. R. B. began.

"We had thought initially," Hoover said, "that so terrible a situation could exist only for days; that we must find a few millions of dollars. But within a month we realized that we were confronted with a task not merely over days but months, and an expenditure far beyond the dreams of any relief hitherto known."

FEEDING THE HUNGRY.

He appealed to the French and English Governments for immense appropriations; and meantime, in tactful cooperation with native leaders over in Belgium and northern France, Hoover and his American friends began to bring order out of chaos. The generous men who intended to help only for days or weeks stayed on for years. Hoover's spirit held them there. The number of these volunteers swelled to 50,000. Some 200 were Americans; the rest were French and Belgians. Thousands labored day and night, and practically all served without pay. The overhead charges of the commission have been six-tenths of 1 per cent; for there was a great cause and a great leader here. And week by week and month by month there grew up a vast intricate organization, with some 4,000 committees all over the world raising money and purchasing supplies, and in Belgium and northern France a carefully worked-out system of over 4,000 other committees, large and small, resting at the bottom upon a group in every commune, with a small warehouse from which food and clothing were issued upon ration cards.

There were soup kitchens, baby canteens where 400,000 babies got special food. In addition 1,200,000 school children got a special meal each day to help check the rapid and ominous spread of tuberculosis among them. This meal cost a million and a quarter dollars a month; but, even so, it did not go far. The public health had to be carefully watched. There had to be rigid control of the distribution of all supplies, both native and imported. Justice must be done to all. Fertilizers and seeds must be found. By the decrease of these and of live stock the native supplies now swiftly declined. The problem grew harder every month. Always more money must be secured; always new remedies must be found.

Nor was it only a problem of feeding. One-half of the Belgians were out of work; and there were the regular paupers—the blind, the orphans, and the helpless. Three million five hundred thousand people in Belgium and 2,000,000 more in northern France were wholly destitute. They must be clothed with millions of garments, warmed by thousands of tons of coal; and those who were homeless must be housed. New committees constantly had to be formed. In the presence of diminished shipping the inward flow of food must increase. It must be done cheaply and without fail. And, in order to save every possible dollar, only those kinds of food must be bought that would give the greatest nourishment. This they learned from expert dietitians.

But, as to purchasing supplies, there were big men on the C. R. B. who needed no expert advice. They knew all the tricks of the business. When the price of beans began to rise they bought 1,000 tons of beans and threw them back in one lot on the market. Down went prices. They bought in small lots. Slowly again the price began rising; but once more the terrific impact of 1,000 tons of beans was felt. Again the price dropped, and again their agents bought beans in small lots.

So again and again did that same thousand tons of beans hammer down prices and save the day. The same was true wherever they went. In food and in shoes and clothing repeatedly, through expert advice of business men as shrewd as themselves, they went into the market and bought at cost, and often below it.

They employed some 70 cargo ships flying the flag of the C. R. B. They used hundreds of tugs and canal boats and railroad cars. They operated not only warehouses but large mills and factories. And they distributed every month 220,000,000 pounds of bread, 20,000,000 pounds of bacon and lard, 5,000,000 tins of condensed milk, beans, corn, coffee, sugar, and thousands of tons of other supplies. Each month their dependents consumed the wheat product of nearly 200,000 acres. The commission expended $14,000,000 every month, and made every dollar count. Hoover was in full action now.

But, despite all these resources and these Herculean efforts, "We were haunted in every dark hour," he says, "by the grim tragedy of possible failure; for we never saw a time when our finances were certain for 60 days ahead, or a time when our contracts did not exceed our assets from five million to twenty million dollars." They went begging to the world, and at first the response was promising.

"In a moment of desperation," he writes, "I assessed the miners of Australia, where I had had a connection for years. I told them what they ought to give, and I received in two months $750,000 for Belgium from a country already combed to the bottom for relief and distress work. We appealed to the miners of Johannesburg, and the laborers in the mines gave 10 per cent of their wages, and the owners duplicated the amount."

THE OLD LADIES' GIFT.

So it was in other parts of the world. There were responses large and small. A letter from two old ladies in England inclosed 12 silver buttons, which they had cut from their best gowns. They said it was all they had to give. Hoover replied, I was told by a friend, to this effect:

"DEAR LADIES: It is not necessary yet to permit such sacrifice as yours. Your action has led one of us here to contribute £10 to the Belgian cause. So what you have done was not in vain. I return your buttons—all except one, which, if you will allow me, I shall keep as a reminder that there are people like you in the world."

But there were not enough people like that, it seemed. And for its work the C. R. B. has been driven to count more and more on the French and British Governments. Of the $250,000,000 spent in the work more than four-fifths has come from them or from their banks and has been debited to the Belgian nation or to the communes and municipalities in northern France that have received its benefits.

Hoover soon won such implicit trust from the French and British Governments that they asked for no accounting. They put their money in his hands and simply told him to go ahead.

But Hoover did not do business that way. Before many months he had organized an immense and tortuous system of bureaus of accounting, audit, statistics, and inspection covering the whole range of their work from New York and Buenos Aires to the last village in northern France.

"The monument of our efficiency," he said, "lies in the fact that the bread sold in Belgium to those who can pay has always been from 15 to 20 per cent cheaper than in New York City."

From such a record Hoover's fame spread over Europe far and wide. All the Governments of the allies were soon seeking his counsel in regard to the pressing food problems they had at home. And in Germany when Herr Batocki was made the food dictator there he was prompt in asking Hoover's advice.

Hoover's relation with Germany made the most difficult part of his task. In the life he has led for nearly three years, in London and in Paris, in Holland and in Belgium, foremost among the chaos of tasks was the anxiety of dealing each day with an occupying army, with arbitrary methods and everchanging rules and laws. He had to negotiate and maintain international agreements for the protection of foods and ships; for guaranties that his supplies should not be consumed by the invaders. It required tact and dogged persistence.

At first the Germans could not understand him. He did not fit into their scheme of things. His Kultur was not the same, and he had no Schrecklichket at all—except his Yankee stubbornness. At last, however, they trusted him. They could not let the Belgians die, and here was relief work free of charge.

His businesslike ways appealed to them. Individual German officers became his warm friends and gave him support, and their Government gradually came into line. He still had his troubles, but overcame them. When one of his ships was torpedoed Hoover took a trip to Berlin, where he was solemnly assured that it would never happen again.

"Your excellency," he said to the German, "there was a man once who was annoyed by a snarling dog. He went to see the owner and asked him to muzzle the dog. 'There is no need of that,' said the owner, 'the dog will never bite you.' 'Maybe,' said the man. 'You know the dog will not bite me. I know the dog will not bite me. But does the dog know?'"

"Pardon me one moment, Herr Hoover. I will telephone at once to the dog."

Hoover's parable got action.

That was over two years ago, and there came a respite from submarines. There were other troubles, but he stood his ground. He tried to talk to the German officials as though he had behind him an America ready to rise to a man. But the Germans refused to believe it.

They knew that, in spite of all the appeals Hoover had made to this country, we had contributed to his cause less than 4 per cent of the total amount. And this notwithstanding the fact that his commission had spent more than $150,000,000 here in the purchase of supplies! Our profits out of the Belgian relief had been $30,000,000 at least. We had given $9,000,000 in return. And Hoover felt this deeply.

"Time and time again," he has stated, "when the door of Belgium threatened to close we defended its portals by the assertion that this was an American enterprise, and that the sensibilities of the American people would be wounded beyond measure—would be outraged—if its work were interfered with.

But the Germans scoffed at this idea. In one crisis with a high official, when Hoover had made a veiled threat of this kind, the official responded as follows:

"Mr. Hoover, I will grant your request—not on account of your country, but on account of you and your friends, a small group of eccentric gentlemen who happen to be of American birth. You have worked miracles here in Belgium and the world will not forget you. But don't speak to me of America; for it is not behind you. Your country cares for nothing on earth but money, war profits—only that."

In sizing up other countries, however, Germany has not been strong. And as the causes have piled up and the great issue has grown clear—democracy or tyranny—the nation despised by the German official has at last roused to the summons and taken, with its free allies, the great road that leads to a liberal world.

And so Hoover has been called back home to lead us in that part of our task which is perhaps most pressing now. He is coming to the aid of our Department of Agriculture with the most careful and comprehensive knowledge of all such problems as we must solve, gathered not only from his own work, but from all that he has observed of similar vast operations in the countries of the allies.

Moreover, before coming home he took nearly a month for consultation with members of the British, French, and Italian ministries, and for an accurate survey of the food and shipping situation. And the groundwork has been laid for interallied cooperation in handling and transporting the vast food supplies required from us.

As to the great cause at stake and to the Germany he has known, Hoover has had this to say:

"For two and a half years we have been obliged to remain silent witnesses of the character of the forces dominating this war. But we are now at liberty to say that, though we break with great regret our association with many German individuals, yet it is our conviction, born of our intimate experience and contact, that there is no hope for democracy or liberalism, and consequently for the real peace and safety of our country, unless the system which brought the world into this unfathomable misery is stamped out, once and for all."

Mr. REED. Mr. President, I congratulate the defender of Mr. Hoover on having produced an authentic certificate of the fact that he is a citizen of the United States, and particularly that he was able to get that certificate from Mr. Hoover's own private secretary. It is somewhat remarkable, however, that a man seeking these great powers, greater than were ever possessed by any king or potentate of modern times, should be in a position where his citizenship is so doubtful that even the Senator from his own State can not personally certify to it, and hence we have to have read into the RECORD the certificate of the gentleman's own private secretary that he really is a citizen of the United States and that he has occasionally visited this land.

The Senator from California would have us believe that because Mr. Hoover has been a trustee of Stanford University of

California for a number of years he was therefore a bona fide resident of that State during that time.

Let me again call the Senator's attention to a paragraph of Mr. Irwin's article in the Saturday Evening Post, "The autocrat of the dinner table," already referred to, page 54 of the June 23 issue:

Stanford University, in which he has always maintained a loyal interest, made him a trustee. Hoover, *traveling from London to San Francisco via the fastest trans-Atlantic steamer and the Overland Limited, always made the meeting of the board of trustees.*

So it would appear that, though Mr. Hoover has been a trustee of this American University for a number of years, he always, according to his friend Mr. Irwin, used the fastest trans-Atlantic steamers and the Overland Limited to aid in his speedy trips to the annual meeting of the board of trustees and return again with all possible haste to his home in dear old London.

The Senator from California tells us that this gentleman has astonished the world with his greatness; that particularly the State of California has been proud of his wonderful achievements; and yet the Senator from California tells us that when he visited London in 1913 he heard of this wonderful man for the first time in his life. Knowing how the Senator from California, with his remarkable brain, surveys all fields, grasps all situations, and allows nothing whatever to escape him, I wonder how so large and distinguished a career of a Californian entirely escaped the Senator and he had to go to London to find out that such a remarkable gentleman lived.

There is one sentence of the Senator's I shall not pass over without a moment's notice. It is his assurance that Mr. Hoover proposes to give an adequate return to the farmer; that Mr. Hoover has actually promised the Senator from California that he will give an adequate return to the farmer. Mr. Hoover is to be placed in a position where he gives an adequate return to 45,000,000 American citizens. Upon Mr. Hoover's good will, upon Mr. Hoover's gracious kindliness these 45,000,000 men are to depend. He assures the Senator from California he will deal gently with the American farmer. He says that when this power is given to him he will be most generous with the American farmer. Well, go and tell the American farmer that you propose to take away from him his market; that you propose to take away from him his independence, the proud boast of every farmer, the pride that he sucked in with the very milk at his mother's breast, that his occupation was the most independent on earth. Go and tell him that for that independence you have substituted the gracious assurance of Mr. Hoover that he will deal kindly with them.

Mr. CHAMBERLAIN. May I interrupt the Senator for just a moment? I think each one of the bills—both the Gore substitute, so called, and the Senate committee bill as well—provides for a minimum price, a guaranteed price to the farmer. It is possible that the statement of the Senator from California was based on that provision of the bill. Both these proposed measures, I think, have a minimum price guaranteed to the farmer.

Mr. REED. Guaranteed in the bill?

Mr. CHAMBERLAIN. I think so.

Mr. REED. Senator, your own bill has no price guaranteed in it.

Mr. CHAMBERLAIN. A minimum price.

Mr. REED. Your own bill has no minimum price. Has all this discussion gone on for all these days, with you here the sponsor of your bill, and do you not know that you have not named a price to the farmer for his wheat?

Mr. CHAMBERLAIN. It guarantees a minimum price. I think the section was written by the Senator from Oklahoma himself. It was suggested by him in the committee.

Mr. REED. It does not guarantee a minimum price. It states that a minimum price might be guaranteed, and is hereby guaranteed, but in the bill there is no price named, and if there is no price named in the bill, but may be by the food dictator, then Hoover makes the price. If this bill becomes a law, I hope it may have a price fixed in it below which no authority can go, for if you take away the farmers' market surely Congress ought to see that he has some guaranty left. I am glad the Senator in charge of the bill is so thoroughly in favor of putting a guaranty in the bill that he thinks it is already there.

Mr. CHAMBERLAIN. I will say to the Senator I am in favor of it.

Mr. REED. Very well. That is a very happy progress that we have made. Perhaps all this talk has not been in vain.

Mr. CHAMBERLAIN. If there is no one who wishes to address the Senate this afternoon, I will move that the Senate take a recess until to-morrow at 12 o'clock.

Mr. STONE. I hope the Senator will not press the motion for a recess at this moment. I have been asked by those interested that we may have a short executive session. The Senator's motion for a recess can follow it.

Mr. CHAMBERLAIN. I would have no objection in the world to it except that some Senators on both sides of the Chamber wanted to know if anything was going to be done further than to take a recess until to-morrow, and I told them I thought not. In view of the fact that they have left with that assurance, I hope the Senator will not move an executive session until to-morrow.

Mr. STONE. It is not at all vital, and if the Senator from Oregon feels that he is under some obligation of the kind he suggests, I shall not insist on the motion.

Mr. CHAMBERLAIN. I will ask for an executive session to-morrow, but in view of the statement I made to Senators who are absent I would not like to ask for it this afternoon.

Mr. STONE. Very well.

RECESS.

Mr. CHAMBERLAIN. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, July 17, 1917, at 12 o'clock meridian.

SENATE.

TUESDAY, *July 17, 1917.*

(Legislative day of Monday, July 16, 1917.)

The Senate reassembled at 12 o'clock m., on the expiration of the recess.

CONSERVATION OF FOOD AND FUEL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

Mr. NORRIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hardwick	Myers	Smith, Md.
Beckham	Hollis	Nelson	Smoot
Brandegee	Husting	New	Sterling
Chamberlain	Johnson, Cal.	Norris	Thompson
Colt	Johnson, S. Dak.	Overman	Tillman
Culberson	Jones, N. Mex.	Page	Townsend
Cummins	Jones, Wash.	Pittman	Trammell
Curtis	Kellogg	Poindexter	Vardaman
Dillingham	Kendrick	Ransdell	Wadsworth
Fletcher	Kenyon	Reed	Walsh
France	La Follette	Shafroth	Warren
Gore	Lodge	Sheppard	Watson
Gronna	McCumber	Sherman	Weeks
Hale	McKellar	Simmons	Williams
Harding	McNary	Smith, Ga.	

Mr. SHAFROTH. I desire to announce the unavoidable absence of my colleague [Mr. THOMAS] on account of illness.

Mr. LEWIS. I desire to announce that the Senator from Delaware [Mr. SAULSBURY] and the Senator from Rhode Island [Mr. GERRY] are detained on important public business.

Mr. POMERENE. I wish to announce that the senior Senator from Arkansas [Mr. ROBINSON] is detained from the Senate on public business.

Mr. THOMPSON. I desire to announce that the junior Senator from Arkansas [Mr. KIRBY] is necessarily absent.

The VICE PRESIDENT. Fifty-nine Senators have answered to the roll call. There is a quorum present.

Mr. HALE. Mr. President, the time will soon be here when this great food-control bill will be voted on in the Senate. Senators have gone very exhaustively into all sides of the question. I shall not attempt at this time to go into the merits of the bill.

I believe and hope that some sort of a food-control bill will be passed, whether in its present form, which seems to me to be entirely too comprehensive, or in some such form as the Gore amendment, which I much prefer and which limits the bill to food and fuel, is yet to be determined. The country, I believe, wants the bill. The President asks for it. The war warrants it, and it will probably become a law.

I do, however, have one suggestion to make, and I hope that this Congress will see fit to adopt it.

On Friday of last week the senior Senator from New York [Mr. WADSWORTH] stated that it was exceedingly unfortunate

that the Senate and the House of Representatives had so little opportunity to be informed about what the Council for National Defense and the advisory board were doing; further, that he thought it would be a helpful thing if these two bodies would from time to time, upon appropriate occasions, through methods that are proper and feasible, inform Senators individually or collectively of what was being accomplished by them. I believe that the Senator from New York is right. I believe that there should be the very closest touch between these men who are to have so much to do with running this country during the period of the war and the Congress, which alone can give them their powers and which alone can appropriate the money necessary to enable them to carry out these powers.

But I would go further than the Senator from New York. I would provide for a committee to be made up from both branches of Congress, whose business it would be to keep in touch with these boards and committees and controllers, who would find out for our benefit what they were doing and how these great appropriations were being used and who would give us the necessary information about future appropriations to be asked of us. The powers that we are granting under this very bill are enormous. They may or they may not prove beneficial to the country. If not, by the same token that we gave them we can take them away, and should we not be kept fully advised in case we may want to do so? We, and we alone, give these powers. We, and we alone, appropriate the money. We are elected to do so by the people of this country. Granted that the war demands a centralization of power that we have never before needed or dreamed of, surely we are not required so far to emasculate the powers given us under the Constitution that we may not be able to explain to the people who elected us the whys or wherefores of the legislation we have enacted or account to them for their moneys that we have appropriated.

There is now a resolution before the Senate introduced by the junior Senator from Massachusetts [Mr. WEEKS] providing for a committee on the conduct of the war. I am very much in hopes that the Senator from Massachusetts will introduce the subject matter of that resolution in the form of an amendment to this bill. If he does not do so, I shall offer a similar amendment myself. I should like to see it apply as soon as this bill becomes a law. I can conceive of no opposition to it. We in Congress are entitled to the information the committee would get. The advisory board would welcome it. I have talked with one of its members and have been assured of this. It has been suggested that the President is opposed to such a committee. I do not believe that this can be the case. I do not believe that the Chief Executive to whom we have delegated such great and unparalleled powers would wish to deprive a coordinate branch of the Government—the Congress of the United States—of the necessary means to enable it effectively to legislate.

Mr. HARDWICK. Mr. President, more than a week ago the Legislature of Georgia passed a joint resolution on the subject matter relating to this bill and embraced in it. I wish to present the resolutions now to the Senate for its consideration. I ask the Secretary to read them in my time.

The VICE PRESIDENT. The Secretary will read the resolutions.

The Secretary read as follows:

Whereas the press carries to the country this morning the information that the United States has placed cotton and its products under Government control; and

Whereas cotton has not yet reached a price equal to the basis at which cotton goods have been and are now selling; and

Whereas the Government refused when, in 1914, the farmers sought its help when by reason of the European war starvation prices obtained for their product and ruin for owners of distressed cotton came; and

Whereas the Government, through its Interstate Commerce Commission, did relieve railroads for the same assigned war reason and allowed an increase in their rates, which was approved by the President; and

Whereas the Government did create a Bureau of Loans, and thereby protected the price of cotton at that time in the hands of speculators, gamblers, and exporters, and after refusing aid to the southern cotton growers; and

Whereas cotton has not yet reached a price which will make an equitable and evening-up price when the price of the last three crops are considered together; and

Whereas the present rise in prices is based on the natural demand for said product and the shortage in the supply of same, together with the poor prospect for the 1917 crops: Therefore be it

Resolved by the house of representatives (the senate concurring), That it is the sense of the General Assembly of Georgia that there does not exist at this time any necessity for Government control of cotton prices.

Resolved, Second, that we protest against the Government touching the cotton prices at present, when it refused to aid us when we were in distress and needed help.

Resolved, Third, that it is absolutely unfair, unjust, and inequitable for the Government to control the higher prices of cotton unless it will aid the farmer when in distress and fix a minimum, remunerative, and profitable price above the cost of production.

Resolved, Fourth, that copies of this resolution be prepared and at once transmitted to the United States Senators and Congressmen from Georgia.

JOHN N. HOLDER,
Speaker of House.
E. B. MOORE,
Clerk of House.
SAMUEL L. OLIVE,
President of Senate.
DEVEREAUX F. MCCLATCHEY,
Secretary of Senate.

Mr. HARDWICK. Mr. President, with the resolutions of the Legislature of Georgia I am in complete sympathy, yet if I favored this bill as it now stands I should not be for the resolutions. It is utterly useless, in my judgment, for the people who grow cotton to expect that the people of every other section of the country will submit to governmental control and regulation of their products and be willing to make an exception in favor of cotton, unless, indeed, the exception be made along lines that are clearly demarked by the application of general principles.

Of course, if the bill should be confined to food, or to food and fuel alone, then there would be no excuse for including cotton in its provisions; but if steel and iron and copper and everything else are to be included, there is no reason on earth why the cotton grower should expect a different treatment from what is accorded to these other products and commodities.

In 1914, Mr. President, when the European war broke out the bottom dropped out of the cotton market. We were about to market one of the largest crops that this country had ever produced. War was declared about August 1; the great part of the cotton begins to come in soon after that date, and early in September the market is usually almost glutted with it. The bottom did drop out of the price of cotton in 1914, and on this floor, in this Chamber, and in the other House of Congress, all sorts of schemes and proposals of a more or less utopian and socialistic nature were suggested to remedy the situation. Some people wanted the Government to buy cotton and to hold it for better prices; other people wanted the Government to lend the cotton growers money directly in order to enable them to hold their crops. None of those things was done, for the very good reason that it is almost impossible to discriminate between products in this country; and once the Government embarks in the project of financing the cotton crop, it will have to finance the potato crop, or the wheat crop, or the bean crop, and every other sort of crop that is grown and produced in the country.

There was one suggestion, however, made at the other end of this Capitol that, in my judgment, ought to have been adopted. Some of us who were not socialistic in our views, and who did not want any undue or unusual amount of Government aid, even in the face of that calamity, did insist that under the independent treasury system it had always been the policy of the United States Government to deposit money in the national depositaries at whatever point and place the industrial fabric was weakened or threatened. Repeatedly, under a general application of that rule we had sent enormous Government deposits to Wall Street.

Under a very recent—at that time—application of the rule we had deposited a large amount of Government funds in a certain bank in Washington to save another bank here. So in the House of Representatives certain of us insisted that, while we did not want any governmental loans to cotton growers and we did not want the Government to go into the business of buying and selling cotton, we did think in the period of great stress which confronted our people the Government of the United States ought by all means to send to the regular national bank depositories in the South a large sum of money as public deposits, so that those banks in turn might lend it to the farmers and they might thereby be enabled to hold their crop until things were stabalized and a bottom to the market was found. Even that was denied on the plea, expressed to me, that it was absolutely essential that the cotton crop of this country should be liquidated at the earliest possible date, because Europe was calling us for our loans at the outbreak of the war and cotton was the only thing that we had that was easily convertible into gold at that time. So nothing was done.

Naturally the cotton growers think that when you would not help them when they were in distress, when you opposed every scheme—and some of them were reasonable enough as business propositions, too—that could be suggested to aid them while they were facing ruin, now that the boot is on the other leg, you had better let them alone. They worked out their salvation when it looked like there was none, and the minute they get all right you propose to see that they do not charge our English cousins or somebody else too much for cotton that is grown in this country. It is an awful poor rule that does not work both ways.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from North Dakota?

Mr. HARDWICK. I yield to the Senator.

Mr. GRONNA. If the Senator from Georgia will pardon me, I want to say that the wheat farmers of the West did not get a single dollar from the Federal reserve banks as a loan in order to enable them to hold their crop. It was understood that some money was sent to the South; that the cotton farmers did secure loans from the Federal Government. I am glad to have the Senator state the truth.

Mr. HARDWICK. We did not get any deposits that year. Next year, when we did not need it, they offered us some, and most of the banks in my State would not take it, in any considerable amount, at least.

Mr. GRONNA. I want to say to the Senator that the same condition that he has described as to the cotton crop existed in my State and in the western country generally with regard to wheat. The price of wheat was abnormally low; during the first part of the year 1914 it was down as low as 60 or 65 cents a bushel; but I did not notice that the Government came to the rescue of the farmers by offering to loan them money in order to hold their crops.

Mr. HARDWICK. Mr. President, our people feel that, inasmuch as you would not help them when they were drowning, it is better not to hinder them while they are prospering. I am in complete sympathy with them. If I were for this bill and for it on a wide enough scope and plan to embrace generally the products of this country, I think I would not ask that cotton be exempted; but, so long as I am against the bill, I am against putting anything in it—cotton or anything else—but even if we are to have a bill limited to foods and feeds, and fuels, there is certainly no reason whatever that cotton or any of the other products that are now included in the pending bill should remain in it.

Mr. KELLOGG. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. HARDWICK. I yield.

Mr. KELLOGG. I am much interested in what the Senator says, and I should like the Senator to give the Senate any reason why the wheat of the farmer should be limited in price more than the cotton of the farmer.

Mr. HARDWICK. I can give the Senator the reason, if he asks me to do so. Mind you, I do not think that the necessity exists for doing any of this, and therefore I am against the bill; but I can very well see how it might be true, and if it should be demonstrated before this debate is concluded to my satisfaction that it is true, that there is an absolute necessity that the food supplies of this country should be conserved and that food production should be stimulated, I could see why wheat, which is the principal food staple, should be treated very differently from cotton, which makes cloth; it is a different proposition entirely.

Mr. KELLOGG. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield further to the Senator from Minnesota?

Mr. HARDWICK. I yield to the Senator.

Mr. KELLOGG. To make a low price for wheat and to put wheat in the bill in order that a low price may be made certainly will not stimulate its production nor add to the food supply.

Mr. HARDWICK. No; that is true, but the professed object of the bill is to protect people from extortionate prices, to keep down prices. On the one hand, it is claimed for this bill that it is going to stimulate production and on the other it is going to prevent extortion. Well, it is a regular Mulberry Sellers proposition. We are going to help the consumer by giving him lower prices and help the producer by giving him higher prices. I should like to see it worked out, and I suppose we will all have that chance before the thing is over; but when the proposition is tested by actual experience, I think it is going to be "Dead Sea fruit" on the lips of some men.

So much for that. If I favored this bill as it stands to-day, I would favor leaving cotton in, but since I am opposed to the bill, I am opposed to putting cotton or anything else in. If I could support the bill at all, along any lines, it would be limited strictly to food, feeds, and fuels, and even in that event there would be no excuse for and no necessity for putting cotton in it.

Mr. President, during my temporary absence from the Senate the prohibition question came up in connection with this bill, as it comes up in connection with every bill of any importance before we finish its consideration. I did not have the opportunity of saying anything about what was proposed or what was done in the Senate at the time, and I do not care to say a great deal now, although my position is very well known to the Senate and to the people of my own State. I am not in favor of nation-wide prohibition, never have been, and unless I change my mind never will be, and I am not likely to change my mind. Prohibition is purely a local question that each State ought to settle for itself. At the same time a portion of the proposal pending in the Senate has my approval; at least I am willing to agree to it. There may be, it is conceivable that there is, a necessity to forbid the further distillation of alcoholic liquors during the period of this war as a food conservation proposal; indeed, if there is any necessity whatever for any of this legislation it is probably true that there is some such necessity with reference to the distillation of alcoholic liquors. So that I would support, and will support, a proposal to prevent and forbid further distillation of grains, and so forth, into liquors during the period of this war.

The Senate, however, went one step further. After determining to do that they decided that the only way to have real prohibition—not having, I think, the two-thirds majority necessary to pass a constitutional amendment—was to handle the whole business as a war measure, and to do the whole job as a war measure, and they undertook to do it. How? Not only by forbidding the further distillation of intoxicating liquors during the war, but by commandeering the present supply of liquor and paying for it a certain price and in accordance with a certain rule laid down in the amendment which was adopted. The professed object of commandeering it for the use of the Government was so that the whisky might be redistilled and be used for munition purposes to aid in the prosecution of the war. That proposition would be sound enough, and is sound enough, if two things are true. First, do we need it and have we not already ample supplies of alcohol for munition purposes; and, second, even if we have not an ample supply of alcohol for such purposes, can we possibly get it under this procedure; and if so, can we get it at a fair price?

In connection with that question, Mr. President, I desire to read a very short opinion which has been prepared at my request by one of the oldest and most valuable Government employees in the Internal Revenue Service, in which he takes the position that if we buy all the two or three hundred million gallons of whisky now in bond we can not use any of it for munition purposes. If that is so, I do not see where we are left with the proposition, except that we will incur the loss of enormous taxes and the loss of untold millions of dollars that we must pay out to buy this stuff, and I do not know how you can use that liquor, unless you are going to turn liquor sellers and sell it for beverage purposes, which, of course, we can not and will not do.

CONVERSION OF WHISKY INTO MUNITIONS IMPRACTICABLE.

Aside from the stupendous loss of revenue entailed in the Smoot prohibition amendment to the food measure—based under the proposed revenue bill upon $2.20 per proof gallon (50 per cent alcohol)—chemical and commercial authorities are of the opinion that the conversion of commandeered whisky into alcohol suitable for powder making would be wholly impracticable. Under the Army and Navy specifications for smokeless powder alcohol can not contain in excess of 0.01 per cent of acid (calculated as acetic acid) or leave more than 0.006 per cent of residue after evaporation, and must be otherwise absolutely pure, colorless, and odorless. In aged whiskies the charred staves of the barrel produce an amount of tannic acid, which alone is estimated to average twenty times more than such allowed minimum. To eliminate all objectionable acids, aldehydes, and ethers the alcohol redistilled from whisky would have to undergo further and more or less expensive chemical treatment, and it is considered extremely doubtful whether even then the neutral product essential for reliable smokeless powder could be obtained. Furthermore, as whisky distilleries do not have redistilling columns or alcohol stills such whiskies would have to be shipped to plants possessing the necessary apparatus, of which, comparatively speaking, there are but few, and the capacity of those has already been taken up for long future periods. Practically every barrel would have to be recoopered to prevent loss in transit, and box cars, to assure protection against theft and tampering of contents, would be required. In these times the transportaion problem alone would be a knotty one.

According to the annual report of the Commissioner of Internal Revenue for the fiscal year ending June 30, 1916 (which is the last available record for statistical purposes), there were on that date 228,677,773 gallons of whisky in distillery and general bonded warehouses. That the entries into and the withdrawals from bond during the succeeding 12 months would not materially change these figures is shown by the fact that on June 1, 1917, distilled spirits of all kinds in bonded warehouses, including fruit brandies, approximated that amount.

Figuring 47 gallons to the barrel would aggregate 4,865,485 barrels. These whiskies will average four years in bond and the governmental allowance for leakage, evaporation, etc., would be 9½ gallons per barrel, equaling 46,222,108 gallons, which, deducted from the original amount in bond, would leave 182,455,665 net gallons in warehouses.

Over 80 per cent of whiskies in bond are owned and controlled by at least 175,000 retailers and 5,000 wholesalers and jobbers throughout the country. The owners of such 80 per cent have paid as high as $1.25 per proof gallon in bond, and the warehouse receipts are changing hands by sale in the ordinary course of business almost daily.

Assuming conservatively that the average cost of such whiskies to the people holding the warehouse receipts would be 80 cents per proof gallon, original gauge, the Government's investment for the bare goods in bond would amount to $182,942,218.40, which, divided by $182,455,665—the net amount remaining in bond after deduction of the Government allowance—would make the whisky cost $1.0026 per proof gallon in bond. The average freight to the point of redistillation would be at least 2 cents per proof gallon, thus increasing such price to

$1.0226 per proof gallon. In redistilling the whiskies into alcohol the production would average one-half gallon of alcohol, 190 proof, for each gallon of whisky redistilled, making the alcohol produced therefrom cost at that state $2.0452 per commercial gallon. The actual expense of redistilling the whisky into alcohol, without regard to the powder-making test, would be at least 5 cents per proof or 10 cents per commercial gallon, which would increase the cost of each gallon obtained by redistillation to $2.1452 per commercial gallon naked, plus cartage, insurance, freight, and other charges incidental to delivery of the product at Government arsenals or other powder works.

If the Government buys such whiskies from the owners thereof there would probably have to be included in the cost State and county taxes and storage, which are lawful liens against the whiskies in bond. This would add millions of dollars to the purchase price. No account of these and other contingencies has been taken in computing the above figures.

Alcohol guaranteed to meet the United States Government and its allies' specifications for smokeless powder, hospital supplies, and other war uses, can now be bought in the open market at less than $1 per commercial gallon.

It would cost you a good deal over $2 per commercial gallon this way.

In the above connection it is proper to note that if the Smoot amendment was intended to prohibit the manufacture and limit the distribution of drinkable alcoholic spirits during the war, it falls decidedly short of accomplishing that object for several obvious reasons, but principally because the suggested section, of which it is a part, refers only to foods, fruits, food materials, and feeds, whereas ethyl (potable) alcohol, easily made adaptable to abnormal beverage trade conditions and demands, is now manufactured in large quantities from sawdust and sulphite liquors (waste of pulp mills). It can also be readily made from other nonedible substances containing fermentable matter, and commercial chemists agree that if there be an adequate market therefor it can be produced without even resorting to a fermentable base.

So that, Mr. President, while, in my judgment, it is all right as a food-conservation proposal to forbid the further distillation of alcoholic liquors during the period of this war, it would be useless and worse than useless to undertake to say that we will commandeer the two hundred and odd million gallons that are now in bond on any theory or idea that it can be used, at anything like a commercial price, if at all, to make smokeless powder or any other munition of war. It seems to me that we had better stop about where we started and forbid the further distillation of alcoholic liquors during this war, leaving the stock in bond alone. We can not do anything with it, unless we want to take it over and sell it, and thus become the greatest whisky seller in all the world, and that is inconceivable.

Mr. SMOOT. Mr. President, I want to take just a moment of the Senate's time to refer to the statement that has just been made by the junior Senator from Georgia [Mr. HARDWICK] in relation to the prohibition amendment that has been adopted by the Senate to the pending measure.

I do not know who prepared the statement read by the Senator to the effect that it would be impossible to use the alcohol distilled from whisky in the manufacture of smokeless powder, nor do I know where the Senator got his figures as to what it would cost the Government of the United States to take over the whisky and liquors in bond. I do know, Mr. President, that the figures that were given me by men from the office of Commissioner of Internal Revenue, men who have this matter directly in hand, do not conform in any respect to the figures that have been given by the junior Senator from Georgia.

Mr. HARDWICK. Mr. President, if the Senator will yield to me, that is exactly the source from which these figures came.

Mr. SMOOT. If this question comes up for discussion later—and it may after the conference report is made—I shall give the figures that have been given to me by the department, and there can be no question about them. When I asked the assistant of the commissioner for the information I told him that I desired the information to be used publicly, and I wanted it officially.

There has been a good deal said in the press about the cost that will result to the Government if my prohibition amendment is adopted. Mr. President, it is not going to cost nearly what I thought it would cost in the first place. It is not going to cost half what I said it would cost when I first offered the amendment; and as far as the Government of the United States is concerned, it will pay the actual cost of producing the liquors in bond, plus a profit not exceeding 10 per cent.

That does not mean that wherever there have been transfers made, in some cases a dozen transfers of the same liquor, and a profit made upon every transfer, the Government of the United States is not going to pay for profits made upon such transfers and figure it in as part of the cost of producing the liquors in bond. The amendment does not so state. The amendment is plain and unmistakable in its terms, and any officer of this Government in administering it will know just exactly what "cost" means.

Mr. HARDWICK. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Georgia?

Mr. SMOOT. Yes; I yield to the Senator.

Mr. HARDWICK. I should like to inquire of the Senator if he has any information that he himself regards as reliable as to whether or not, if you were to commandeer all of this whisky, you could really use it to make powder with?

Mr. SMOOT. I have no question, Mr. President——

Mr. HARDWICK. I do not mean "question"; I wanted the information, if the Senator has it.

Mr. SMOOT. Well, I have the information that we can.

Mr. HARDWICK. I should like to have the benefit of it.

Mr. SMOOT. I was going to say that as this matter is settled and can not be changed in the bill I think it is a waste of time now to go into it; but when the question comes up again I assure the Senator that I will have plenty of evidence that I think he himself will be satisfied with.

Now, Mr. President, as to the amount that the Government of the United States will have to purchase, if this bill does not become a law for 30 days longer, the way the withdrawals of liquor from bond are going on and have been going on for two weeks past, if it continues to go on, there will be mighty little liquor left in bond. The Government of the United States not only will receive the $1.10 per gallon that the distillers are paying now to take the liquor out of bond, but just as soon as the revenue bill passes and becomes a law they will have then to pay an additional $1.10 per gallon; and the Government of the United States will not sustain a loss, as far as revenue is concerned, with the exception of on that liquor which is in bond that under the law can not be withdrawn. So we need not worry over what my amendment is going to cost the Government of the United States, and I want to say now that if the amendment is adopted and the prohibition feature is left in the revenue bill, in my opinion the distillation of liquors in the United States for beverage purposes never will be allowed again. I think it will be settled, and settled forever. I think that is enough for me to say in relation to this question at this time.

Mr. SHAFROTH. Mr. President, I should like to ask the Senator a question before he sits down. I was not here during all of his remarks. How much does the Senator estimate now that the amendment which he offered to this bill will cost the Government?

Mr. SMOOT. If every gallon of distilled spirits that can not be withdrawn remains in bond and we pay the actual cost, plus a profit not exceeding 10 per cent, and we have the sworn statement of the distillers of the United States as to what it costs, it is not going to cost the Government of the United States, if we purchase it all, more than $70,000,000. I want to say now that the cost of all of the liquors that are in bond to-day, taking the testimony of the distillers that is in print, not at one time but at different times and places, and allowing increased cost under present conditions would not be over $70,000,000 to-day if we had to buy it at cost.

Mr. SHAFROTH. Does the Senator take into consideration the fact that during the last few days there have been great quantities of liquor withdrawn from bond, and the Government tax paid upon it?

Mr. SMOOT. I have just referred to that matter.

Mr. SHAFROTH. I did not suppose that it would amount to $150,000,000.

Mr. SMOOT. I am saying that if all the liquor that is in bond that has not been there for four years remains, and the Government has to pay the actual cost of all of that liquor, and if it converts it into alcohol, it will not cost the Government of the United States, including the loss of tax and the cost of the liquors, more han $150,000,000.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator?

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Oregon?

Mr. SMOOT. Yes; I am glad to yield to the Senator.

Mr. CHAMBERLAIN. Let me suggest to the Senator that we have settled this question, and we are to commence to vote on this bill on Thursday, and there are quite a number of important amendments pending. There is one pending now before the Senate, a committee amendment, for which a substitute has been offered, and for four days we have been discussing everything under the sun except that amendment. Therefore I do hope——

Mr. SMOOT. The Senator just heard me make the statement that I was not going to take the time of the Senate further, and I would not have spoken any longer if it had not been that the Senator from Colorado asked me a question.

Mr. SHAFROTH. Before the Senator takes his seat I want to say just a word with relation to this matter. It has been rumored, Mr. President, that the constitutional amendment absolutely prohibiting the manufacture of intoxicating liquors could be passed through Congress in the morning hour if the

friends of prohibition would consent that the purchasing clause that has been inserted on the motion of the Senator from Utah be eliminated from the bill. I will ask the Senator whether it is his desire, if such a constitutional amendment could be passed, that that should be the case?

Mr. SMOOT. I had one distiller who is in favor of my amendment tell me that the distillers thought the constitutional amendment could not pass the House of Representatives, and if they could get rid of the prohibition amendments in the pending bill, by the Senate passing the constitutional amendment, all prohibition legislation would fail at this session of Congress.

I wish to say to the Senator that I have briefs from some of the best attorneys in this country showing that my amendment is constitutional, just as much as many other provisions of the bill are.

Mr. SHAFROTH. I will say to the Senator from Utah that I voted for his amendment, but I am exceedingly anxious that a national prohibition amendment to the Constitution shall be adopted. While some people may think the House of Representatives will not indorse it, I am satisfied when that question comes up there they will indorse it by fully as large a majority, if not larger, than it would be indorsed in the Senate.

Mr. CHAMBERLAIN. I ask that the Secretary may state the pending amendment to the bill.

The VICE PRESIDENT. It will be stated.

The SECRETARY. The pending amendment is the amendment proposed by the Senator from Ohio [Mr. POMERENE] to the amendment of the committee, which is a new section 3. The Senator from Ohio offers a substitute.

Mr. MYERS. Mr. President, I know some of the Senators are anxious to get to the point of voting on the amendments to the pending bill, but I will take a short time to make a few remarks on the very remarkable speech delivered in the Senate yesterday afternoon by the able Senator from Missouri [Mr. REED]. I have very high regard for the Senator from Missouri; I admire his ability, and I have very warm personal friendship for him, and I shall not enter into any personal controversy with him about the grave charges and imputations he made yesterday; but I will not allow the occasion to pass without expressing my emphatic dissent from his very severe attack yesterday on Mr. Herbert C. Hoover. I do not want to remain silent under it. Mr. Hoover was well and ably defended by the Senator from California [Mr. PHELAN], a Senator from the State of Mr. Hoover's residence, and I think his defense was adequate and sufficient; but I do not think the occasion ought to pass without some Senator other than a Senator from the State of Mr. Hoover's residence expressing his dissent from the attack upon Mr. Hoover and some of the charges made against him. I am not content for the occasion to pass without saying a few words on the subject for I am sure Mr. Hoover was unjustly assailed.

I am not a member of the Committee on Agriculture and Forestry. I had nothing to do with preparing or drafting the bill now before the Senate. I am in nowise connected with the handling or the management of the bill on the floor of the Senate, and I hold no brief for Mr. Hoover. I have not the honor of Mr. Hoover's acquaintance; I have never met him; I do not know that I ever shall. He has not consulted me about his plans and may never do so. I know of no reason why he should.

But what have we in regard to the food situation? Every country, other than the United States, which is engaged in the present gigantic war has some sort of food control; some system, with somebody in charge, for the judicious and economical control and handling of its food in order that its soldiers and its civilians may be as well supplied with food as possible under the circumstances, and in order to make the supply of food go as far as possible. Food is as important as munitions in the waging of war. A successful war can no more be waged without adequate food than without adequate munitions. This country is the only country engaged in the war which has not some provision of that kind, and I believe it is manifest that it is just as absolutely necessary for this country to have some provision of that kind as it is for each and every other country engaged in the war. We are confronted with just as extraordinary circumstances in the course of the war, the war means just as much to us, our responsibility is just as great, the duty rests just as heavily upon us to feed and provision our troops and to take care of our people as is the case with any other of the warring nations.

In addition to the war necessities of the occasion, it is undeniable that the cost of living in this country has increased enormously in the recent past; increased to a most unprecedented and outrageous extent, and our people who will remain at home need relief and care in that respect as well as the troops we shall send to Europe. Those at home will have just as important work to do and already ever-rising prices are beyond the reach of hundreds of thousands of our people.

Now, what arose under those circumstances: President Wilson, recognizing the necessity of some control of the production, distribution, and disposition of food in this country, called Mr. Hoover to the position of food commissioner. Some one had to be put in that position. Mr. Hoover, it appears, is a native-born citizen of this country. He has lived here all his life, except when away on business. I believe the debates disclose—and I only speak from them, for I have no personal knowledge, not knowing Mr. Hoover—that he has had more experience in food control than any other man in this country.

Mr. WILLIAMS. Or in the world.

Mr. MYERS. Yes; or in the world. There is no man in this country whom the President could have called upon to fill that extraordinarily important position who has had anything like the experience of Mr. Hoover. I believe that he did the greatest work which has been done during this war when he handled millions of dollars of contributions and saved millions of Belgians from death by starvation. He has had the experience; he is a successful man; he is a man of affairs; he has been engaged in different business ventures and undertakings in different parts of the world; he has had a world-wide experience in business, and particularly he has had experience in the business of food conservation, the particular experience which is necessary in the work to which he has been called. He was not only successful in the work in Belgium, but not a shadow of suspicion against his honesty or integrity has ever arisen. He not only handled that great mission successfully, but I have heard no question of his methods, his honesty, or his integrity in doing so.

The President called him to that position. What was he to do under the circumstances, as a patriotic American citizen? Should he have refused to serve? Suppose he had refused; what a miserable and wretched slacker he would have been. Then doubtless the charge would have been made against him that he was a slacker; if he had not come to the rescue of his country in the time of its dire need and distress, when his wide experience and valuable services were needed, that charge would have been just. He was able to give his services; he had had the experience; he was called; and what excuse would he have had if he had not responded to the call? Who would have excused him? He did respond and is now temporarily and ably discharging the preliminary duties of that highly important position, discharging them earnestly and devotedly, under a storm of criticism. Of course, until he is vested with authority by Congress he can only act in an advisory capacity. That is all he is undertaking to do, so far as I can learn.

I know of nothing else that he is undertaking to do. Of course, anything he says or does, until vested with authority by Congress, is merely advisory to the American people; and what harm is there in a man of special knowledge, skill, and experience on this subject advising the American people about how to conserve their food supply and make it go as far as possible?

He has given some suggestions to the management of the dining cars on the railroads of the country. Is there any crime in that? Is there any harm in doing so? Of course, it is only advice; there is nothing compulsory about it. The managers do not have to accept it; but if he can call their attention to methods by which food may be saved and waste may be avoided, and if the managers of the dining-car systems on our railroads are patriotic enough to follow his advice and avoid waste and save food, has not some good been done? Who will be hurt by it? Why complain of it? He has cautioned the people of this country against waste in food, merely by the way of advice, and for that he has been bitterly assailed as having committed a monstrous crime, an awful wrong. Oh, what an awful crime! What a monstrous wrong! Oh, what impudence in this time of war, when every resource is needed, when there is use for every grain of food; in this time of stress, in this emergency, oh, how wrong to advise the people of America not to be wasteful! Two or three years ago, when we were in a time of profound peace, before we had engaged in this awful war, the Senator from Utah [Mr. SMOOT] made a very able speech in the Senate advising the people of this country against waste and advising that less go into the garbage cans of the country. It was an able, thoughtful effort. He delivered words of wisdom, well spoken, and gave good advice to the American people, and he was lauded for it; he received credit for it all over the country. Nobody found fault with him; and yet it seems what was a virtue in the Senator from Utah [Mr. SMOOT] is little less than a crime in Mr. Hoover, although the advice is now more needed than it was then.

Mr. Hoover has indulged in some advice to the American people in plain and homely language, such as to avoid a fourth

meal. Of course, we all know the people of this country do not make a practice of eating four meals a day, but we know there are many people, especially among the wealthy and fashionable classes, who have their midnight suppers and their teas and lunches of afternoons. If he can impress upon them the advisability of dispensing with that indulgence and confining themselves, as do ordinary people to three sufficient and wholesome meals a day, is he not doing some good for the American people? Is he to be derided and held up to contempt and scorn and ridicule for it?

President Wilson urged this legislation, and I believe wisely urged it. If we do not adopt some legislation of this kind we will be the only nation engaged in this war that does not have it. We need it, or will need it, as badly as any of them.

The President brought it to the attention of Congress and recommended its enactment, and I do not believe anybody will undertake to charge President Wilson with wrongdoing or excessive zeal; with lack of fidelity, patriotism, care, and painstaking in the management of our affairs in this awful war. He is carrying the greatest burden that ever rested on the shoulders of a President and is doing it devotedly, faithfully, uncomplainingly; putting his whole energy, mind, body, soul, and life into it; and he is doing it to the satisfaction of the people. He has their confidence. They trust him. I believe his devotion to the welfare of our country and the success of our arms in this cause is beyond question by anybody, even though a few may differ from him in some of his policies. Where is the person who will say he has not our interests at heart? Congress was painfully slow in enacting the legislation recommended by him, and the President temporarily, in advance of and while waiting for legislation, designated Mr. Hoover as food commissioner, to make a food survey of the country, to coordinate our food resources; to bring the attention of the people of this country, in a preliminary way, while the legislation was being enacted, to the necessity and the wisdom of preserving and conserving our food supply, he knowing full well that anything that Mr. Hoover might say or do before the enactment of the needed legislation would be only of an advisory nature. Mr. Hoover accepted the trust and is only attempting to act in an advisory nature, and when the legislation may be enacted all that he will have power to do will be what Congress may give him. If you do not want him to have much power, you do not have to give him much power. He can exercise no more than may be given.

So, while the position is necessarily temporary and will last only during the existence of the war, yet during that time it will be virtually on a par with a Cabinet office. It will be endowed by Congress with certain powers, and the incumbent can exercise no more and should exercise no less. What he does will be subject to review and to approval or to be set aside by the President.

Whether it may be wise to intrust this extraordinary but necessary power to one man, a commissioner, or to a board, a commission, is a question which Congress must decide and must put into the form of legislation; but why a man who consents at a personal sacrifice to serve his country in an advisory capacity until Congress may determine how this trust is to be administered should be attacked so violently as Mr. Hoover has been attacked on the floor of the Senate, not only by one Senator but by a number of Senators, and not only on one occasion but upon a number of occasions, is beyond my comprehension, and it is repugnant to my sense of fairness and justice.

What have we here? We have a man, successful and patriotic, who has had experience; who has known and recognized ability; who has high standing; who has patriotism; who is devoting his entire time and talent and all of his skill and ability, everything he has, without compensation, without remuneration, to the welfare of his country, in the time of its dire stress and necessity, in a time when this country needs such assistance more urgently than it has ever before needed it in all of its existence since the time of the Revolutionary War. All that he has—his skill, his ability, his experience, his talent—all is laid upon the altar of his country and dedicated to his country in time of need and stress. Everything is devoted freely, and unselfishly, without compensation, to his country. Yet, as a result, not only by one Senator but by different Senators he has been denounced and held up to the scorn, contumely, contempt, and ridicule of the people of this country. He has been subjected to all the denunciation, sarcasm, scorn, contumely, contempt, and ridicule of a master of invective. Is it fair or right? I, for one, can not see the cause of it. Is it a just return for patriotic self-sacrifice? While, as I said, I am not personally acquainted with Mr. Hoover, not having met him, I believe that he is doing a patriotic, noble, and self-sacrificing work for the benefit of his country, a work of love and devotion, and that he is entitled to praise rather than condemnation. I would that we had more such men. While I have kindly personal feelings for the Senators who have attacked him and am not seeking controversy with them on the subject, I am at total variance with the attacks that have been made on Mr. Hoover. I have no sympathy with them. I regard them with disfavor. I have heard them day after day for weeks past, and I do not care to let this opportunity pass without expressing my emphatic dissent therefrom and my belief that they are wholly unwarranted.

I receive in my mail every few days letters from citizens of Montana, some of them men of prominence and known ability, others unknown to me but doubtless just as patriotic, offering their services to their country, saying they are ready to serve their country at any time, anywhere, or in any capacity, wherever they may be called, and some of them offering their services without remuneration. If they knew that men who do that are to be subjected to condemnation, held up publicly to ridicule, contempt, and sarcasm, they might not be so ready to offer their services; they might think that such services are not desired by the Members of Congress, and they might not feel so free to make the offer. Such offers should be encouraged and appreciated, not denounced and criticized. We should glory in such patriotism. It is of such material that wars are won. It is such men who make a nation great.

I believe that the people of this country want this legislation. As I have said, it may be a question whether the contemplated power should be intrusted to one man or to a number of men. I am strongly inclined to the belief that it would be better to intrust it to one man, a man who has had experience, a man who has been successful, a man who understands the business, a man who has initiative and decision, a man of firmness, a man of action, a man who can act decisively and promptly, without the delay incident to the proceedings of a board composed of several members, but, at any rate, be that as it may, I believe the people of this country want this legislation and want it quickly and without further delay. They are already impatient of the delay, and I do not wonder at it. Congress has sorely taxed their patience. Wrangling over Mr. Hoover and criticizing him does not give them what they want.

In a paper which reached me yesterday from Montana, the Great Falls Daily Tribune, one of the leading newspapers of Montana and of the entire Northwest, was a lengthy editorial urging this legislation and urging that it be speedily enacted. The editorial closes with this apt and terse language:

> For God's sake and your own, gentlemen of the House and Senate at Washington, say yes or no to the administration request for power to control the high cost of living, and do it pretty quick.

I believe that expresses the sentiment of the people of Montana. It expresses that of millions, I am sure, all over the country. I say let there be no more delay in this highly important matter. Quite to the contrary of some of the sentiments which I have heard expressed in the Senate is an editorial on this subject, written by Mr. Samuel Gompers and published in the July number of the American Federationist, which expresses my views on this subject, and which I will read. I think it worthy of publication in the CONGRESSIONAL RECORD. It shows deep appreciation of the gravity of our situation, breathes lofty sentiments of patriotism and devotion to country, and shows commendable confidence in our honored President. It is thoughtful and broad minded. It is as follows:

> The food problem appeals to millions. The very roots of living have been affected as the prices of necessities have steadily risen in every market of the country. Nor is this alone a national problem. The probability of world-wide want makes immediate legislation to regulate food prices and distribution imperative.
>
> It is difficult for us as a Nation to grasp the meaning of that statement. With our boundless wealth and undeveloped resources we have never considered economy in the use of food or methods of stimulating production. But now all over this country thousands are feeling the pinch of want. Increasing prices for the necessities of life have made thousands of families alter family customs.
>
> It is now certain that the wheat crop of the world will be seriously below normal. The United States must feed the allies—that task will mean an unprecedented drain upon our food resources. We must also feed our own soldiers and civilian population. The task is stupendous and one with which our present agencies can not grapple. If methods and agencies are not developed that will enable us to control distribution and prices of the necessities of the people, prices will become prohibitive, and to imagine that the people will rest content under such conditions and work and fight on is unthinkable. The problem must be met with big constructive thinking, unprejudiced by previous methods.
>
> The food pirates have for months been diligently profiting through the needs of the people. Speculation has forced prices and food riots have already happened in this rich country. The Assistant Secretary of Agriculture tells that in a Polish district in Chicago within the past three months five women have committed suicide or gone insane—driven to that desperation through inability to feed their children.
>
> To-day speculators are trying to buy up crops before the plants are out of the ground. Speculators gamble on human needs. By creating human want these ghouls expect to coin enormous profits. Should our Government fail to establish control before crops move to the elevators and markets, the success of the war and the cause of human freedom for which the allies contend, will be imperiled.

Commercial, agricultural, and industrial conditions are abnormal. The normal checks of competitive conditions are lacking. The Government must interpose control in the interests of the people.

Legislation is pending in Congress to give us agencies to control the food situation. The Lever bill, to provide further for national security and defense by encouraging production, conserving the supply and controlling the distribution of food products and fuel, is a war emergency measure. The bill establishes a number of agencies by which control over prices of necessities can be established by interposing a stabilizing force at some place in the distributive chain. It is not a bill to establish a food dictatorship, but to provide a way for food administration. Its purposes, broadly stated by the Committee on Agriculture, are to stimulate production, to reduce waste, to facilitate and clear the channels of distribution, to prevent hoarding, to assure fair prices, to eliminate injurious speculation, and to prohibit evil practices by food-gambling agencies. The legislation deals with foods, feeds, fuel, and articles required for production which are designated as necessities. It is proposed to authorize the President to license and regulate any business or importation, exportation, manufacture, storage or distribution of necessities in order to prevent uneconomical manufacture and inequitable distribution. The President is authorized to purchase or provide for the purchase and provide for the production or manufacture of necessities, to store and provide storage facilities for them, and to sell them, and also to requisition necessaries and storage space therefor and to fix reasonable prices. Power is bestowed on the President to regulate exchanges in order to prevent illegitimate speculation, and also to stimulate production by fixing a reasonable guaranteed price for necessities. This guarantee is made effective by authorizing the President to purchase such products, to use and dispose of them.

Of course it is realized that a law such as is proposed in the Lever bill is a wide departure from our American conception of governmental functions, but so is compulsory military service. We are not now living in normal times or conditions. The people and the Government of the United States have embarked on a venture to maintain and defend the principles of right, justice, freedom, and democracy for the peoples of all the world; we have entered into a war and pledged our man power and our resources to destroy imperialism and despotism from the face of the earth. In this titanic task there has arisen the financial pirates who gamble in and speculate with the people's essentials to their life, and therefore, aye, therefore alone, must the Government of our Republic come to the rescue of our people in this life and death struggle.

The broad powers which the Lever bill would delegate to the President are in accord with the spirit of our people, which regards the President of this Nation as the sentinel on guard to protect the rights and interests of the masses. He has always been found conscious of the needs, the desires, and the problems of the common people, and because of the confidence which millions feel in the President, based upon his course during his years in the office of the Presidency, it is believed and felt that the food problems can be safely entrusted to him and to his chosen representative, Herbert C. Hoover.

The legislation now before the House of Representatives will provide sufficient means for the months immediately following. The imperative problem is to secure the enactment of the Lever bill before July 1. After that date it will be too late to secure the full benefit of the legislation because contracts will have been made, control over the harvest will have been at least partially established, and Government regulation of prices will become a more difficult problem—a problem impossible of solution.

It is safe to say that there was never a measure before Congress that was of more immediate, vital interest to a greater number of people that the Lever food-administration bill. The demand from all parts of the country is for its immediate enactment. Food control means the maintenance of our allies in warfare; it means the maintenance of our own Army and our civilian population; it is a pivotal factor in the determination of the war. Congress can not afford to delay action on this measure and thus through inaction write over our food policy "To late."

Mr. KENYON. Mr. President, I join with the chairman of the committee in the plea that we get down to the amendments to this bill and vote on them. There are a great many important amendments pending to be voted on by the Senate and there are others that will be offered. Time is slipping by pretty fast.

The amendment now before the Senate is section 3 and the substitute therefor offered by the Senator from Ohio [Mr. POMERENE]. When the substitute was offered, Mr. President, on Saturday last I was very much inclined to believe that we should accept it and end the controversy over that section, but if the amendment is the same now as then offered, upon further reflection, for my part I can not vote for it, for it seeks to legalize the very things which we are trying to prevent.

Mr. President, I know that nobody wants in any way to prevent the Government having the advice and assistance of these great and successful business men of the advisory council, many of whom have come here out of the highest patriotic motives. There is a conflict between that situation involving the desire not to deprive the Government of the services of those men and the other question involved, which is a question simply of plain honesty—whether these men on the advisory commission, even if they do not make these contracts, should be permitted to secure contracts for their own firms.

I do not know just where we can stop and where we can draw the line. I do not believe that it is fair whenever this subject is referred to for some one to suggest, as has been suggested on the floor, that discussions of this kind simply "cheer the Kaiser." It must be that the American people have some right to have contracts fairly and honestly entered into for the purchase of Government supplies without "cheering the Kaiser." I think the language of former Attorney General Wickersham about the Kaiser explains how all of us feel in that regard; but when it is openly charged in the country, as I am going to take a moment or two to show, by distinguished Members of Congress in public speeches that members of the advisory commission are securing contracts with their own firms for prices in advance of bids for the same work from those who are not connected with the council, it certainly is proper to refer to it.

I send to the desk and ask to have a few sentences read from a speech of Representative GOOD, one of the leading Members of the House of Representatives, second in rank on the great Appropriations Committee, a man who has a genius for figures, a man who is exceedingly accurate in all of his statements, one of the best public servants in the Nation. At Cedar Rapids, Iowa, Tuesday night, I think it was, of last week, he made a speech so startling in its statements that I wired Mr. GOOD to know if the statements as published were correct, as I wanted to call attention to them on the floor. I will follow the reading of the article by the telegram from Mr. GOOD, and the citation of figures to which he referred.

I will ask the Secretary to read the part of the statement I have marked in ink.

The PRESIDING OFFICER (Mr. HUSTING in the chair). Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

Chairman Fitzgerald, of the lumber committee, is one of the influential lumber kings. This committee bought lumber from all the firms who had representatives on the lumber committee at from $1 to $5 a thousand feet above the lowest bid made by firms who did not have representatives on the committee.

What is true of the committee on lumber is equally true of the committee on metal and on coal.

THE GRAFT IN COAL.

The price of coal in February, 1916, at the mines, bought for the Government, was $1.94 per ton. The coal committee chairman, Mr. Peabody, and members of other large coal barons, jumped the price to $4.86 per ton at the mines. On May 5, 1916, it was $1.59; on May, 1917, $4.40; on May 18, 1916, $1.42 to $1.56; on May 18, 1917, $5.08 to $5.54. This is the work of the coal committee of which Mr. Peabody is chairman. How generous of such men to "serve the Government without pay." Because of them and their greediness many a family will feel the pinch of the frost and the cold during the coming winter.

AS TO SHOES.

The committee on shoes bought 2,610,000 pairs of Army shoes. Mr. McElwain, head of the great McElwain Shoe Co., is chairman of the committee. He bought a hundred thousand pairs of shoes from his company, the McElwain Shoe Co., at $5.17½ per pair and sold them to the Government at that figure, which was 15 cents a pair more than the lowest bid made by shoe men not represented on the committee. Other big shoe manufacturers represented on the committee made similar profits McElwain's company made $68,000 more than it would have made had he not been a member of that national defense act committee.

Mr. KENYON. Mr. President, before calling the attention of the Senate to that matter, I wired Mr. GOOD to know if the statements were correct. I will read his answer. The message is a little garbled:

Sent data on shoe contract July 12. Republican account—

That is the Cedar Rapids Republican—

somewhat garbled. Six hundred and ten thousand pairs original marching shoe purchased. Low contract awarded at $5.09½ per pair. W. H. McElwain Co. awarded 100,000 pairs at $5.17½, or 8 cents more per pair than low contract. Brown Shoe Co., represented by John A. Bush, on committee, awarded 50,000 pairs at $5.24 per pair. Department purchased 1,500,000 pairs new field or trench shoe, with heavy hobnails and steel plates. Low price, $4.64½—

That is, per pair—

McElwain Co. awarded 400,000 pairs at $4.79½, or 15 cents in excess of low-contract price.

JAMES W. GOOD, M. C.

Mr. WADSWORTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New York?

Mr. KENYON. Certainly.

Mr. WADSWORTH. I merely desire to ask the Senator from Iowa if he has made any inquiry, or if Representative GOOD made any inquiry, as to whether or not the speed in filling these contracts had anything to do with the discrepancy in price?

Mr. KENYON. I do not know as to that.

Mr. WADSWORTH. Of course under certain specifications that is an exceedingly important factor.

Mr. KENYON. I hope that there is some explanation of that kind, and I am calling the attention of the Senate and the country to it in order that Mr. McElwain or his company may make such explanation as Congress is entitled to have.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. KENYON. Yes.

Mr. POMERENE. I desire to ask the Senator from Iowa a question similar to that addressed to him by the Senator from New York. Has the Senator from Iowa inquired, or does he know, whether the quality of these shoes was the same, whether

the workmanship was the same, and whether the specifications were the same?

Mr. KENYON. Of course the quality of the workmanship must have been the same, because——

Mr. POMERENE. Well, does the Senator know as to that?

Mr. KENYON. I will demonstrate to the Senator, if he will just wait a moment. There are three types of shoes by specification numbers—1206, which is the original marching shoe; 1257, the new field or trench shoe, heavy, with hobnails and heelplates; and 1258, the revised marching shoe.

Now, take that particular type, 1206. The contracts are let to some eight or nine different concerns. They are for the same kind of shoe. In the case of 1206, the lowest bid is $5.09½ a pair, by C. A. Corbin, of Webster, Mass. He received a contract for 25,000 pairs. Now, it runs along up to the McElwain Co., of Boston, Mass., 100,000 pairs at $5.17½ a pair.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. KENYON. I do.

Mr. WILLIAMS. I should like to ask the Senator whether he possesses any information which would enable him to say whether or not that firm whose bid was the lowest could make or deliver within the time they were required any more shoes than they did?

Mr. KENYON. I have not such information.

Mr. WILLIAMS. Frequently, you know, if you have a million pairs or sets or bushels of a thing to get you can get only 25,000 from one man at a certain price, and you must take more from somebody else at a higher price, and perhaps still more from yet somebody else in order to secure all you want by the time they shall be needed.

Mr. KENYON. That may be true. I notice that Rosenwasser Bros., of Long Island City, N. Y., have a contract for 100,000 pairs, at $5.10 a pair; Eaton & Co., of Brockton, Mass., 50,000 pairs, at $5.12½. It may be that there are some explanations of that kind that can be made, but it simply does not look good on the face of it.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. KENYON. I yield to the Senator.

Mr. POMERENE. I could not hear the interrogatory which was addressed by the Senator from Mississippi [Mr. WILLIAMS] to the Senator from Iowa, and it may be that this matter was covered in his question; but the time of delivery is often the essence of these contracts. There is not anything to indicate whether any or all of these men have bid up to their full capacity, and there are many circumstances which might enter into the price which is to be charged for these shoes. I do not know these contractors, but I have had some little experience with some men who have been trying to contract with this department, who have been saying that they have been dealt with unfairly; and the only ground for complaint which they had was that they did not get the lion's share of these contracts. It seems to me that in this way many of these things could be explained. It is an easy matter to question the good faith of a man acting in a public capacity; but until I can get some evidence which to my own mind shows that these men have been acting unfairly and have been financially benefited, I am willing to wait before I condemn them. If, on the other hand, they have been guilty of anything which has been derogatory to the interests of the Government, I will go as far as the Senator from Iowa or any other Senator in trying to bring them to book.

Mr. TRAMMELL. Mr. President——

Mr. KENYON. I do not want the Senator to imply by his statement that I am condemning all of these men. I am seeking for information; but these statements of Congressman GOOD seem to me to present such a situation that Congress ought to take some note of it. I shall myself, I think, unless I can get the information otherwise, offer a resolution to investigate a transaction of this character, and I think these statements ought to be specific as to specific transactions, so that the whole board will not be involved in any indictment that might be made.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. KENYON. Yes; I yield to the Senator.

Mr. POMERENE. I want to say that I agree with the Senator entirely that if there has been any favoritism or discrimination of any kind, on this subject or any other subject, I should be glad to have the investigation, so that we may know the facts.

Mr. TRAMMELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Florida?

Mr. KENYON. I yield to the Senator from Florida.

Mr. TRAMMELL. I really wanted to ask the Senator from Ohio a question. The Senator refers to complaints that he heard of on account of people not having gotten the lion's share. I should like to ask the Senator if he has heard of any complaints of that character from any of the members of these committees that have had to do with the placing of orders?

Mr. POMERENE. No; I have not; it has come from outsiders who came protesting that they had been treated unfairly, and when I went to investigate I found that they had contracts for a very substantial part of the supplies which the department was ordering.

Mr. TRAMMELL. The Senator has not heard of any complaints from members of these subcommittees to the effect that they themselves have not fared well, has he?

Mr. POMERENE. I have heard nothing said on that subject, except some criticism of an indefinite character.

Mr. WEEKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Massachusetts?

Mr. KENYON. I do.

Mr. WEEKS. I shall have to have pretty conclusive proof to demonstrate that these citizens who compose the different parts of the advisory commission are in Washington for the purpose of letting contracts to themselves and making money——

Mr. KENYON. Well, Mr. President, wait a minute. If the Senator rose to make that observation in my time as indicating that I have charged any such thing, he is entirely mistaken. He evidently has not been here while I have been talking.

Mr. WEEKS. No; that is a preliminary to the suggestion I am going to make. Mr. President, I think the Senator from Iowa just suggested that rumors of this kind which have come to him and come to others should be investigated for every public reason. This morning the Senator from Maine [Mr. HALE] referred to the same matter very pertinently, it seemed to me, and he suggested that unless I were going to offer as an amendment to this bill the proposition which I introduced in April, relating to a committee on the conduct of the war, he thought seriously of doing it. I want to say, Mr. President, that I think I have shown reasonable patience in waiting for a report of the Committee on Rules on that proposition.

Anyone who knows anything about the situation here knows the reason it has not been reported back to the Senate; the fact remains that it has not been done, and it is my purpose to offer it as an amendment on this bill. Every day there are questions coming up here which demand public consideration, about which the public is entitled to information. There is one question which is bound to come up for investigation; it appears pretty nearly every day in the newspapers—I refer to the operations of the Shipping Board. They have literally become a public scandal. The most important development which we have before us is the creation of enough shipping to take the place of that which is destroyed every day; and yet contracts have been tied up for three months, owing to disagreements about which I do not propose to express an opinion here now, but which have prevented action. Now, the public, which is perfectly willing to appropriate hundreds of millions of dollars for these purposes, is entitled to some action; and if the President does not take it, then there should be a committee in session which will investigate, without any further motion from anyone, such matters of public importance.

Mr. KENYON. I am very glad the Senator interjected that in my remarks. He is exactly right, and I hope he will secure the adoption of that amendment. I can not understand why anybody should oppose it.

Mr. GRONNA. Mr. President——

Mr. KENYON. Let me proceed just a word or two more, and I am done.

Mr. GRONNA. Will the Senator yield for just a question?

Mr. KENYON. Yes.

Mr. GRONNA. I want to say that I have served in the other body with Mr. GOOD, of Iowa. There is no Member of that House more careful, more painstaking, in regard to the correctness of a report than Mr. GOOD. The Senator from Massachusetts said that until he was reasonably sure that some one of these gentlemen had profited by a transaction of this kind he would not believe it. Now, I do not know Mr. McElwain; I do not know whether he is engaged in the shoe business or not; but if Mr. McElwain secured a shoe contract and was paid 15 cents per pair more than any other bidder, is there any doubt in anybody's mind that he did make an extra profit?

Mr. KENYON. Mr. President, I want to correct the Senator from North Dakota. I did not say he was paid 15 cents a pair more than any other bidder, but 15 cents a pair more than the lowest bidder. I think it ought to be said, in fairness to Mr. McElwain or his company, that there were some bids of even

a higher price than his, and some part of the contract was let to them.

Mr. GRONNA. I stand corrected, then; but even at that statement, the man making the lowest bid would certainly know his business and he would not bid to make a loss.

Mr. KENYON. Well, it is rather unfortunate that in the case of the one who is on the advisory commission his firm secures a contract at 15 cents a pair higher than the lowest bid from a man who is not on the advisory commission.

Now, I want to refer to that same type of shoe, 1206. The Brown Shoe Co., of St. Louis, Mo., obtained a contract for 50,000 pairs at $5.24 a pair, even higher than the McElwain Co. Then, turning to the interesting statement of the committee, we find that Mr. John A. Bush, of the Brown Shoe Co., of St. Louis, Mo., is a member of this advisory committee on shoes and leather.

On type 1257, the McElwain Co. obtained a contract for 400,000 pairs at $4.79½ a pair, while the lowest bid was that of E. H. Weyenberg, of Milwaukee, 100,000 pairs at $4.64½ a pair. There are 400,000 pairs at 15 cents a pair more than this lowest bid. Now, I want to be fair about everything, and I want to say that there are bids above the $4.79½ a pair, running to $4.85 a pair, from four or five companies, and they received portions of these contracts.

Mr. WEEKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Massachusetts?

Mr. KENYON. I do.

Mr. WEEKS. I hope the Senator from Iowa will pardon me if I interject a remark about the McElwain Co.—that there is no better and only one or two larger shoe-manufacturing concerns in the United States. I assume that in letting those contracts it was necessary to give them to a great many manufacturers——

Mr. KENYON. It evidently was.

Mr. WEEKS. Because one manufacturer, with his ordinary, normal orders, could not nearly supply the demand. While I know nothing about the price, I am confident that anyone connected with the McElwain Co. is not guilty of any double dealing with the Government, but is trying the best he can to help the Government.

Mr. KENYON. I want just to refer to an article in the editorial columns of the Wall Street Journal of June 25, 1917, showing that the McElwain Co. is nowhere near the rocks:

> Some of the big shoe manufacturing concerns are quite in the running with the steel and equipment companies as regards the phenomenal profits, if the records hung up by the W. H. McElwain Co. are any criterion. This big concern in the year ended May 31 far surpassed any previous year in its history.
>
> It is understood that net sales were in excess of $28,000,000, an increase of over $3,600,000, or 15 per cent, compared with the 1916 year next. * * *
>
> The most remarkable showing in the year just closed, however, was made in net profits, which were in excess of $2,000,000. This compares with the previous high record of $904,019, established in 1916, and represents an increase of over 100 per cent.

Mr. President, I have just referred to these things, because I have felt it a duty. I am getting a little tired, myself, whenever we refer to anything of this character, of having some one rise on the floor and accuse us of trying to block the war, or trying to cheer the Kaiser, as I have heard from a distinguished Senator here that if this organization is torn down it will carry great cheer to the Kaiser. Nobody wants to tear down that organization. I have said before, and say now, that there are patriotic men there; but I believe there are a few men there also who are endeavoring to use their positions to get contracts for their concerns from the Government; and as the President so well said the other day, it is time to divorce profits and patriotism. No man can serve two masters and serve both faithfully.

I have brought these figures here showing that a great concern represented on the advisory commission has a contract for 400,000 pairs of shoes for our soldiers at 15 cents a pair above the low bid and considerably above other bids that run along. Now, I just put that in here for what it is worth. I am not trying to injure the war in any way. I believe this war can be fought by democracy, and fought honestly. The American people are entitled to know all about these contracts. They are entitled to know all about this war. It is their war. It is not anybody else's war.

I join with the Senator from Massachusetts in the hope that his resolution for a joint committee of Congress may be brought up and passed or attached to some bill. These little straws show the direction in which the wind is blowing, and they show the necessity for something of that character.

I ask permission to attach to my remarks an editorial from the Wall Street Journal, from which I have read extracts and also figures as to bids obtained by Congressman Good from Capt. Wonson, of the Quartermaster's Department, War Department.

The PRESIDING OFFICER. In the absence of objection, the matter will be printed in the RECORD.

The matter referred to is as follows:

W. H. MCELWAIN CO.—NET INCREASE 100 PER CENT—YEAR ENDED MAY THE LARGEST—SHOE COMPANY'S NET SALES OVER $28,000,000 AND PROFITS $2,000,000—EARNINGS AFTER PREFERRED DIVIDENDS 60 PER CENT ON COMMON STOCK.

BOSTON.

Some of the big shoe manufacturing concerns are quite in the running with the steel and equipment companies as regards the phenomenal profits, if the records hung up by the W. H. McElwain Co. are any criterion. This big concern in the year ended May 31 far surpassed any previous year in its history.

It is understood that net sales were in excess of $28,000,000, an increase of over $3,600,000, or 15 per cent, compared with the 1916 year. Sales of this company have year in and year out shown a steady and consistent growth. In 1913 they first crossed the $20,000,000 mark. In five years they have increased more than $11,000,000.

The most remarkable showing in the year just closed, however, was made in net profits, which were in excess of $2,000,000. This compares with the previous high record of $904,019, established in 1916, and represents an increase of over 100 per cent. These net earnings were also after allowing liberal charges for depreciation.

After providing for dividends on the first and second preferred stocks, earnings were equivalent to over 60 per cent on the $2,500,000 common stock outstanding May 31. The outstanding stock was increased by $500,000 in May, so that the earnings on the average amount out during the greater part of the year were nearer 70 per cent than 60 per cent. The company paid the usual dividends of 6 per cent on the first preferred stock and 9 per cent on the second preferred, but 12 per cent was paid on the common stock, against 3 per cent in the 1916 year.

The company put into effect a profit-sharing scheme for superintendents and foremen, in which 187 people participated, and profits amounting to $200,000 divided.

The company increased net quick assets by approximately $1,600,000 in the last year. They now amount to over $156 per share of first preferred stock. The company retired $150,000 of first preferred stock during the year, and will shortly retire $50,000 more.

Liabilities will probably show an increase this year, owing to the fact that the company has a large stock of materials and merchandise on hand to insure its supply and profits against the very large orders for shoes on its books.

It is understood that the company has $12,000,000 of unfilled orders on hand. Possibly $3,000,000 of this represents contracts for Army shoes. In the business of the past year practically no Government work figured. It was essentially all normal domestic business. Orders now on hand are sufficient to insure full operation of the McElwain factories through the fall. (Editorial, Wall Street Journal, June 25, 1917.)

Allotment of orders for shoes for the Army.

[Capt. Wonson, Quartermaster's Department.]

Three types of shoe by specification number, as follows:

No. 1206. Original marching shoe.

No. 1257. New field or trench shoe, heavy, with hob nails and heel plates.

No. 1258. Revised marching shoe.

Name.	Location.	Pairs.	Price.
No. 1206 awarded (610,000 pairs) as follows:			
Corbin, C. A.	Webster, Mass.	25,000	$5.09½
White, L. Q.	Bridgewater, Mass.	25,000	5.10
Rosenwasser Bros.	Long Island City, N. Y.	100,000	5.10
Jos. M. Herman	Millis, Mass.	25,000	5.10
Commonwealth Shoe & Leather Co.	Boston	25,000	5.12
C. A. Eaton & Co.	Brockton, Mass.	50,000	5.12½
Corbin, C. A.	Webster, Mass.	25,000	5.14½
Jos. M. Herman	Millis, Mass.	25,000	5.15
L. Q. White	Bridgewater, Mass.	25,000	5.16½
McElwain, W. H., Co.	Boston, Mass.	100,000	5.17½
Corbin, C. A.	Webster, Mass.	50,000	5.23
Brown Shoe Co.	St. Louis, Mo.	50,000	5.24
Moulton, W. H., International Shoe Co.	do	85,000	5.24
		610,000	
No. 1257 awarded as follows:			
Weyenberg, E. H.	Milwaukee	100,000	4.64½
Hazard, R. P.	Gardner, Me.	300,000	4.69½
Farmington Shoe Co.	Dover, N. H.	50,000	4.74
Weinbrenner, E. H.	Milwaukee	20,000	4.8
McElwain, W. H. Co.	Boston	400,000	4.79½
Rice-Hutchins Co.	Boston	200,000	4.82
Corbin, C. A.	Webster, Mass.	100,000	4.83½
Huiskamp Bros.	Keokuk, Iowa	65,000	4.85
Field, Fred F.		100,000	4.85
C. A. Eaton Co.	Brockton, Mass.	65,000	4.85
Hamilton-Brown Shoe Co.	St. Louis	100,000	4.85
		1,500,000	
No. 1258 awarded as follows:			
C. A. Eaton & Co.	Brockton, Mass.	325,000	4.70½
H. L. Nunn, Nunn & Bush Co	Milwaukee	30,000	4.75
C. A. Corbin	Webster, Mass.	100,000	4.79½
E. E. Barry	Brockton, Mass.	45,000	4.81
		500,000	
		610,000	
		1,500,000	
		500,000	
Total pairs all told		2,610,000	

ENLISTMENT OF ALIEN RESIDENTS.

Mr McCUMBER. I ask unanimous consent to introduce a joint resolution, and ask that it may be printed and referred to the Committee on Foreign Relations. As it deals with a most important subject, I ask that it may be read before being referred to the committee. It is very short.

The joint resolution (S. J. Res. 83) looking to the enlistment of certain alien residents in the Army of the United States was read the first time by its title and the second time at length, as follows:

Whereas there are in the United States a vast number of subjects and citizens of the several European nations now waging war against the allied central powers of Europe; and

Whereas nearly all of said subjects and citizens have emigrated to this country either for the purpose of becoming citizens thereof or for the purpose of securing the benefits of the greater wages and better opportunities afforded in this country, which opportunities have been created, defended, and maintained by the energies and sacrifices of the American people; and

Whereas it is the moral and patriotic duty of said subjects and citizens to support the several governments to which they owe allegiance in the desperate warfare in which such governments are engaged; and

Whereas the United States is also engaged in war against the said central powers for the protection of the rights of the several nations so waging war against the said central powers, as well as its own sacred rights; and

Whereas it is most unjust to ask or require the American people to sacrifice their sons, their brothers, and their treasure in battling for the mutual rights and welfare of all the other nations prosecuting this war against the said central powers, while their own subjects and citizens in vast numbers enjoying in this country the special and wonderful industrial opportunities which this war affords them are wholly relieved from service or sacrifice: Now, therefore, be it

Resolved, etc., That the President of the United States be, and he is hereby, empowered and requested to immediately propose to all European nations engaged in war against the said central powers, and, if possible, secure from them an agreement authorizing and empowering the United States to apply the provisions of the act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, to all such subjects and citizens domiciled in this country in the same manner and to the same effect as such provisions are applied to the citizens of the United States in selecting and raising an army or navy for service in the present war.

The PRESIDING OFFICER. To what committee does the Senator from North Dakota wish to have the joint resolution referred?

Mr. McCUMBER. To the Committee on Foreign Relations.

The PRESIDING OFFICER. It will be so referred.

CONSERVATION OF FOOD AND FUEL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

Mr. WEEKS. Mr. President, of course I know nothing about the details of the contract to which the Senator from Iowa [Mr. KENYON] has referred, and I agree with him in this respect, that I would like to have any question of that kind investigated. If the contract as let will not stand investigation, then those who are responsible for it should suffer the penalty. But we can not on a mere statement of a contract being let at a higher price let that question stand without some kind of an answer.

About 25 years ago the older of two brothers named McElwain, a shoe salesman without influential friends and without capital, leased machinery, borrowed a little money, and started a shoe-manufacturing business in Massachusetts. He lived 20 years, and when he died he left the third largest shoe-manufacturing establishment in the United States, which is now managed by his surviving brother.

The point I wish to make is that no such industry can be developed in any community unless the men connected with it are of the highest standing in that community, without their being honest and doing all their business in an honest way. Nothing would make me believe that anybody connected in an important way with the McElwain Co. would do a dishonest act or take a position in connection with governmental affairs which would be for the purpose of promoting the letting of contracts to themselves out of which they could make an undue or unreasonable or unrighteous amount of money.

My statement, of course, is made without knowing anything about the details of this case; but I wish it to be investigated, because I dislike to see honest men pilloried before the country, without any intent to do so on the part of any Senator, giving the impression that they are using their official position for personal reasons without its being investigated and proven or disproven.

Mr. BORAH. Mr. President, I wish to make an observation in connection with what the Senator from Iowa [Mr. KENYON] and the Senator from Massachusetts [Mr. WEEKS] have said in reference to the unfortunate situation which confronts us at the very beginning of our war. It seems rather melancholy that we should at the very beginning of this war be hearing of charges of overreaching and sinister influences and, to use a common phrase, "grafting." If we are hearing of those things at the very beginning, it is hard to tell what will be the situation after we have run along for a year or two.

It devolves upon Congress to avoid that situation, and it seems to me that the bill ought to contain somewhere and in some way provisions for the creation of a tribunal whose business it will be to pass upon these contracts and to pass upon these prices, a tribunal which will interpose between the Government and those who have the goods to sell. These men, I understand, have been called from the different parts of the country to sit as advisory members of the Council of National Defense, or something in that capacity, and doubtless their judgment and their opinion and their advice are supposed to be valuable, but that is no reason, Mr. President, why a situation should be permitted to continue which will give constant rise to criticism whenever these contracts are made or these prices are fixed. In other words, there ought to be some tribunal, some body which will pass upon these contracts which will have no interest in the situation other than the fixing of a fair price and the approval of a fair and honest contract.

I offered an amendment some time ago to this bill providing for the creation of such a tribunal. I did not think at the time that the amendment was perhaps sufficient in all respects to cover the entire situation, but out of it I have hoped that something would be organized and developed so that we could have a fair tribunal to pass upon these contracts and prices. If we do not have that, we will have scandal from now on, whether it is based upon real facts or not.

I had brought to my office some three days ago what was stated to be the data or information with reference to another contract. If that information was correct—and I have no reason to believe that the man who gave it to me was giving something that he thought was incorrect; in other words, he supposed at the time it was correct—it is an intolerable contract. it is an indefensible situation, and while I am not going to discuss it nor give the facts, because I do not feel justified in doing so upon such information as I have now without making my own investigation, yet these things will be constantly arising and good men will be vilified and good men will be criticized. On the other hand, I have no doubt but that there will be times when they ought to be criticized. If there is not some tribunal which will take off the obligation and responsibility of passing upon these contracts, a tribunal which will have no interest in the contracts whatever, we will have this situation to continue during the entire war.

Mr. TOWNSEND. Mr. President, I think it is very wise that Congress take cognizance of these reports and do what it well can to avoid scandal or corruption in the course of this war. I hope, however, that there will no resolution be passed forbidding the purchase on the part of the Government of supplies from any of the concerns represented by gentlemen who have been drafted into the service as advisors at this time.

The fact of the matter is, as I understand it, these men have been called into the service; they are not volunteers, but they have, in fact, been ordered in because of their proven ability and extensive business experience. They are connected with large business, perhaps the largest businesses of the country, and without their concerns it is altogether improbable that the supplies of the Government could be purchased in sufficient quantities and in proper time to meet the extraordinary demands of the present emergency.

I agree with Senators on the proposition that any man connected with the Government should be prohibited from making a contract for profit with himself to furnish supplies, but this committee is nowhere authorized to make contracts with itself. It is an advisory council or committee, as its name implies, called in to advise with the heads of the departments who are authorized to make contracts.

Mr. BORAH. Mr. President——

Mr. TOWNSEND. Just a moment. If there be fraud, it occurs to me that it will be properly chargeable to those officials of the Government who are authorized to make contracts. It is the principal and not his advisor who is held responsible. I yield to the Senator from Idaho.

Mr. BORAH. These men are called in an advisory capacity, and it is presumed that their advice will have weight and that their counsel will have effect and influence, or they would not be there. While it is true that technically these contracts are made by the head of the department, yet does the Senator think it is a tolerable situation to have men sitting there, advising there, day after day, and counseling upon these matters which finally result in the making of a contract in which they

may be interested? Suppose, for instance, that a member of the Supreme Court who was interested in a lawsuit would nevertheless, while not joining in the decision, join in the discussion and the councils and the consideration of the case before it was finally rendered.

There must be some other means by which to settle these contracts than the one which is now desired or you will have the public of the opinion that this advice and this counsel is effective for consummating these contracts.

Mr. TOWNSEND. Of course, Mr. President, the example the Senator from Idaho suggests, comparing the Supreme Court, is not at all applicable here, it seems to me, although a court would not be excused for advice of counsel. This is an extraordinary occasion, and, as I said at the beginning, it is altogether improbable that the Government could purchase its supplies in a sufficient amount without the aid of these gentlemen.

Mr. McKELLAR. Mr. President——

Mr. TOWNSEND. Will the Senator allow me to answer the Senator from Idaho, please?

Mr. McKELLAR. Certainly.

Mr. TOWNSEND. They did not want to come here. They have been called here to give their advice to the heads of the departments. If they are corrupt, if that advice is such as to show that it is detrimental to the Government, the heads of the departments ought not to have them for a moment. If it shall turn out by investigation that McElwain & Co. or any of these others have overreached the Executive and have really induced the purchase of supplies at an unreasonable and improper price, it shows not only that they are unfit but that the heads of the departments are unfit to administer the duties of their positions.

If it is true, as has been intimated, I do not say by the Senator from Idaho, but by people generally, a good many people, that unconscionable contracts have been forced upon the Government, then the Congress should know that fact, and the sooner it is disclosed the better.

But I can not conceive that the class of men, some of whom I know personally, who are serving the Government in this great emergency without pay, could be guilty of wrong dealing with the Government. It is easy for me to imagine and to know that there are flocking to this capital at this time a host of vultures looking for contracts, and who, because of their disappointment many times are circulating all kinds of reports as to corrupt conditions. I know what some of those people have said. I have listened to some of their tales of woe, and upon investigation I have found that they were not well founded, but that the department through its advisers was acting under all the circumstances in the best and most efficient manner possible, taking into consideration the fact that they had to have goods of a certain kind, and that they had to have them within a reasonable period and of sufficient quantity to meet the demand. All those things have to be considered, and I have no doubt they are considered.

I am not saying what I am saying now for the purpose of trying to excuse any corruption, because I think it should be condemned at the beginning, and the punishment can not be too severe. I am in accord with what the Senator from Idaho says, that there ought to be some power not only for the safety of the Government but for the protection of the heads of departments who have these matters in charge—some power to pass upon these contracts, and know that the Government is not being overreached. I had supposed that the heads of the departments constituted such a power. I now yield to the Senator from Tennessee.

Mr. McKELLAR. I wish to ask the Senator a question. He says without these gentlemen who are men of large interests the Government could not get the supplies. Did it ever occur to the Senator that the Navy Department buys all of its supplies on competitive bidding without the slightest desire to have the aid of the Council of National Defense? They do not have any trouble about getting supplies at reasonable prices. The Council of National Defense really applies only to the War Department of the Government, and it does not apply to the Navy Department, because the officer in charge of the supplies and accounts runs his own department, buys probably $10,000,000 of supplies a day without consultation, let, or hindrance, and the great manufacturers and owners of materials sell to that department with the greatest ability every day. Did that ever occur to the Senator?

Mr. TOWNSEND. No; I do not know all that. But I do know that some of the greatest reported scandals that are extant to-day are connected with the Navy Department, with the purchase and building of ships, and with obtaining supplies that are needed for the Navy. I know that to be true. I do know this also, and I have taken a good deal of consolation out of the fact that some men of business experience and well-established probity of character have contributed in this fateful hour to the success of our country. I have great confidence in many of them. But, as I said on the floor of the Senate not long ago, I realize that this is the opportunity for grafting. The Government must be eternally vigilant or else the greatest scandals ever heard of will occur and will really threaten the success of the war itself. I know that, but it seems to me we ought to be exceedingly careful about saying or doing anything that will reflect upon honest men who are rendering great service to their country.

Mr. BORAH. Mr. President, there are those of us who oppose the situation as it now exists, not because we assail the individual integrity of these men, but because we do not think it wise to start into this war in violation of the great underlying principle of honesty that a man should not be permitted to contract with himself. It is true, as the Senator says, that technically he does not do that, but substantially he does it. Let us assume, for the sake of the argument, that the Government will suffer no actual financial loss; let us accredit these men with honesty and patriotism. Is there not some way to avoid having a lot of men selling millions of dollars of property to the Government upon their own counsel and advice?

Mr. TOWNSEND. Let me ask the Senator, does he advocate now that no member of the advisory council shall be permitted or that no firm or corporation with which any member of the advisory committee is connected shall furnish any supplies to the Government?

Mr. BORAH. No; I do not advocate that, but I advocate this proposition, that there must be a tribunal or a body created for the purpose of passing upon these contracts which will have no interest whatever in the making of the contract or in the fruits of the contract, and which will act in a quasi judicial capacity.

Mr. TOWNSEND. I have no objection to that, although that would take the place of the executive department, which has that power now.

Mr. BORAH. It does not take the place of the executive department, because these men are called here and made a part of the executive department. They are advisors of the executive department. They are there from day to day advising and counseling with them, and when the contract is finally consummated it is hard to tell whether it is the award of a contract with the head of the department or the advisory council.

Mr. TOWNSEND. How is that different from your board?

Mr. BORAH. It will differ in this, that these people will not be there as advisors and counselors on this board at all—for instance, the Federal Trade Commission or any other body—and the public will have an opportunity to be heard before that tribunal as well as the men who are making the contract. The men who are here to compete will have an opportunity to know all the facts and will not feel that they are dealing with an interested body.

Now, this matter was brought to me the other day: It was an instance in which the contract was not made public, in which they refused to have it made public, and which it is impossible to get the actual facts about, although it was a contract made with a member of the advisory council. I say that is an intolerable and an indefensible situation.

Mr. TOWNSEND. Any safeguard that can be thrown around governmental affairs will, of course, meet with my hearty approval. I know everything ought to be done to guard against corruption of any kind, but nothing has been suggested thus far, to my mind, that would absolutely insure that condition. We have to vest with the President or the Cabinet officers the power to do certain things. They must pass upon these contracts. If it is not advisable to have a council of advice composed of the men who as a rule all must concede are of the highest character and ability, then of course we should undo our action in creating a Council of Defense and advisory board. I repeat, however, that these men have no legal power to contract with themselves or with anyone else.

Mr. BORAH. May I ask the Senator a question? What is the necessity of this advisory council? What function does it perform, or what service does its members discharge? What is it they do?

Mr. McKELLAR. For the Government?

Mr. BORAH. For the Government, exactly. What are they there for?

Mr. TOWNSEND. They are there, as I understand it, because of their superior ability, their better acquaintance with the particular special needs of the Government in this emer-

gency. At this time, for instance, here is a case that came to my attention which impressed me very strongly. We were troubled about getting some coal for a manufacturing concern in the State of Michigan, which is manufacturing goods for the Government and has been for some years. I had worked with the various departments of the Government to get some relief but to no avail. Everything had been done, but no success. The Government was practically commandeering certain roads and certain trains and certain cars. I took the matter up directly with Mr. Willard, the president of the transportation end of the National Defense Council, and he having a familiarity with the conditions pertaining to transportation, which has since been demonstrated on a very large scale throughout the United States as directly traceable to him, succeeded in relieving that situation within 48 hours. Under him and through his advice there has been a mobilization of cars, a distribution of cars where needed, that I do not believe could have been accomplished by anybody not familiar directly with the transportation service.

Mr. BORAH. I am exceedingly glad that the Government should have the advantage of the great ability of such men as Mr. Willard; I suppose everybody wants the Government to have the advantage of that, but the situation of Mr. Willard is a little different from that of a man who has something to sell to the Government, a man at the head of some institution which is engaged solely in the business of manufacturing and supplying goods. What is his business on this advisory council?

Mr. TOWNSEND. I am not just familiar with the details as to what any particular man may do, but I can easily imagine. Take a large shoe manufacturer for instance. The Government is in the market for shoes. It knows nothing about the shoe business nor where they can be obtained on time and in sufficient quantities. This man is familiar with the production of shoes; is familiar with shoe manufacturers throughout the United States; knows how to get supplies, how they can be obtained in the quickest and most efficient manner possible; is the best advisor; and I imagine that is what the President had in mind when he called him to advise about shoes. I happen to know some of these men. I know one from my State who did not want to come down here because he anticipated the criticisms to which he would be subjected. He was unfamiliar with the ways of politics. He had an unblemished character as a citizen and business man. I know he is not a corrupt man, and that he could not be corrupted; and I also know his advice has been of inestimable value to the Government at this time. It would be an irreparable loss to the Government if he and such as he were driven out of the Government service in this hour.

Mr. BORAH. I say again, I think it is very fortunate that we can have that man's counsel and advice, but I have no doubt he would be exceedingly glad himself to be placed in a position where this criticism and this denunciation which he was afraid of could not possibly occur.

Mr. TOWNSEND. How does the Senator from Idaho propose to put him where he would be protected against unjust criticism?

Mr. BORAH. As I said a few moments ago, there ought to be some tribunal created which would pass upon these contracts, which would have no possible interest in the contracts whatever.

Mr. TOWNSEND. Of course he does not make the contracts.

Mr. BORAH. He does not make the contracts, but the Senator has demonstrated by his own statement that he is there for the purpose of insuring that the contract will be made. It is upon his advice and upon his counsel that they proceed to the consummation of the contract.

Mr. TOWNSEND. Of course, if his advice was not good and valuable, it ought not to be followed.

Mr. GRONNA. Mr. President——

Mr. TOWNSEND. I yield to the Senator from North Dakota.

Mr. GRONNA. Is it not true that there are thousands of men in the country who are not financially interested in the manufacture of shoes or any of the products the Government would buy who are just as competent, and more so, than those who own these great establishments?

Mr, TOWNSEND. I do not think so. I do not think the Senator will deny that he has contended on the floor many times that there is nobody competent to judge about farming except the farmer.

Mr. GRONNA. But there are people who do not even farm——

Mr. TOWNSEND. Even our Secretaries of Agriculture are denominated theorists—men who do not know. For my part I prefer the advice of a man who knows to any theorist on earth, especially on a technical or specialized question of this kind.

Mr. GRONNA. I think the Senator misunderstood me. I intended to ask the Senator this question: Is it not a fact that there are thousands of men who are working on a salary who know more about business than the men who own the factory?

Mr. TOWNSEND. I presume that is true.

Mr. GRONNA. I know it is true.

Mr. TOWNSEND. I do not think anybody has been called in to counsel the National Government at this time of that class.

Mr. McCUMBER. I wish to ask the Senator a question which I think would elucidate the point he is making. For instance, never before in the history of the country did we need so much to know where we can get steel to build our ships and for the thousand purposes in which steel is used, and yet half of the steel is probably manufactured by one single company—the United States Steel Co. How could the Government ascertain where it could get its supplies unless it called in some member of that great company to advise it as to the possibility of supplying the Government demands, and owing to the fact that the Government did call in some one from that company to give it advice, to give it information, does the Senator think that ought to compel the Government to go to the others, who possibly could not supply more than half the quantity the Government would need, in order to make a contract?

Mr. TOWNSEND. I think the advice of the representatives of that concern is absolutely essential at this time, and I think it would be great folly on the part of the Government, after it had called in a representative of these concerns for its advice, if it said under no circumstances will we purchase anything that you or your concern supply. I think that would be an expensive thing for us to do and would not promote the interests of the Government at this time. The Government ought not to draft into its services the great producers of supplies which it needs and must have if by doing so it precludes itself from the power to purchase such supplies.

Mr. TRAMMELL. Mr. President, I realize that we have consumed considerable time in discussing this amendment, but I wish to go squarely upon record in favor of the provisions of this bill which make unlawful and which prohibit any person who is serving in a governmental capacity representing at the same time both the Government and himself, his firm, or his associates. I do not care to discuss this proposition from a standpoint of individuals, from a standpoint of any questionable conduct that may have taken place up to the present time, but purely from a standpoint of governmental policy, from a standpoint of business sagacity, and a standpoint of policy which prevails throughout the commercial affairs of our country. If you should suggest to an individual or firm that some man should serve him or them as an agent at the same time he was representing himself as the seller, you would find nobody would agree that that was good business policy. It would not be considered a proper system of business to have a person acting both as the purchaser and as the seller at the same time. I was astounded, Mr. President, when I read over the list of those who had been selected to act on these advisory councils and these subcommittees to find that a large number of them were men who no doubt either contemplated going out of the business in which they were engaged or of carrying on business transactions with the Government.

I am in favor of the provisions of section 3 as recommended by the committee. I am not in favor of compromising nor in any way trimming the sails to the windward in dealing with this matter. I am opposed to the amendment offered by the Senator from Ohio [Mr. POMERENE] as a substitute, because that, in a way, gives a sanction or a license to these people to act upon these committees and to make recommendations in regard to the purchases or contracts with the firms in which they are interested.

It is rather difficult for me to see why anyone should oppose a law which provides that it shall be unlawful for any person who is serving the Government directly or in an advisory capacity to solicit or to recommend or to endeavor to procure a contract from the Government for a firm in which he is interested. I dare say that the laws of the States of this Union—I know it is true of the State from which I come—prohibit absolutely any such dual capacity on the part of any person attempting in anywise to represent the Government.

I have been wondering, as this discussion has proceeded here, as to what was the use of an advisory council, or as to what was the purpose and object of these subcommittees, if it was not that of recommending, after an investigation, as to where purchases should be made, as to what were reasonable prices, and so on; and if they are not serving in that capacity, what service then is there to be rendered on their part to the Government? They are either a fifth wheel in the wagon or else they are investigating market conditions and making recommendations in regard to the different products upon which they pass, and using their position to suggest that purchases shall be made here or yonder and that products shall be bought from certain firms.

Mr. President, I say that a great many of these men may be perfectly patriotic, and I would not charge that they are not; but as a matter of governmental policy I do not think it is proper to have men who are passing directly or indirectly upon the question of whether they shall receive business from the Government having anything whatever to do with the transaction as a representative of the Government. I therefore hope that the amendment suggested by the committee as section 3, which makes such transactions unlawful, will be adopted instead of the amendment proposed as a substitute by the Senator from Ohio.

I believe the amendment offered by the Senator from Ohio would accomplish some good; but I do not think the amendment goes to the very bottom of the proposition and eliminates the questionable condition which would prevail if we do not pass a law which absolutely prohibits a person serving two masters—serving in a dual capacity. In analyzing the amendment offered by the Senator from Ohio I find it provides that a man serving upon one of these boards or upon a subcommittee shall not attempt to solicit an order or a contract from a person who has the authority to execute the contract or the authority to direct its execution. Therefore I take the position that when we consider the formation of the advisory council and the formation of the subcommittees that provision of the proposed amendment of the Senator from Ohio would not reach or interfere in the least with a man serving one of these subcommittees from using his influence and using his position, if he deemed it proper to do so, to induce a favorable recommendation from that subcommittee of the purchase from a firm or a company in which he was interested.

The proposed amendment then further provides that he shall disclose his interest; but, so far as I am concerned, I am not ready to go upon record in the Senate, as one of the representatives of the American people as saying to those serving upon these committees, "If you will disclose your interest, then we will still retain you in a confidential position or a position of trust with the Government and allow you to go ahead and contract with your firm."

I do not take kindly to the idea, Mr. President, that it is necessary to have men upon these advisory councils and upon these subcommittees who have business which they wish to transact with the Government. I have no sympathy with the idea that if we do not adopt such a policy we should have a chaotic condition in this country and that we would know not where to seek to purchase the supplies or the products which are necessary to carry on the war.

I suppose that every Senator has had more or less the experience which I have had since the war was declared, and I have not found any lack of those seeking to furnish the Government with different supplies; to the contrary, I have had a perfect flood of people coming here and knocking at the door and endeavoring to do business with the Government. That is true of all the large business interests in this country. Do you suppose that the shoe people, who have been mentioned here, would have remained supinely in Massachusetts, or wherever their place of business is situated, and not come to seek any of this business from the Government if they had not had representation upon these committees? The trouble is there are a great many of them that have not representation on committees who want business and who are not getting more or less of it.

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. KING in the chair). Does the Senator from Florida yield to the Senator from Missouri?

Mr. TRAMMELL. I do.

Mr. REED. In line with the statement the Senator has just made, I desire to say that I have in mind the fact that some of the very shoe men who have been mentioned here this morning within the past year have been to Washington very much incensed because they have not secured contracts, demanding investigations, and insisting on being accompanied by their Senators or Representatives to various departments in order to make sure that they might have a fair chance to bid. All this occurred before the war. There is no difficulty getting them here; the difficulty is in getting rid of them after they come.

Mr. TRAMMELL. That is very true. I do not think there is any dearth of people who wish to do business with the Government. I have never known of such conditions.

Mr. REED. I ought to say that I do not mean to reflect upon these gentlemen; I make no complaint about their coming, and am very glad to go with them and see that they have fair treatment. Other Senators and Representatives have had the same experience constantly, as we all know.

Mr. TRAMMELL. That is very true; that has been my experience. I have not found, as I have stated, any dearth of people who like to do business with the Government and want to get in on the various contracts. I do not desire to discuss individuals, as I have said, or to make any intimations of graft; but I do state, Mr. President, that I consider a policy which permits officers serving in a dual capacity, that of representatives of the Government and also of representatives of their own individual interest, is not a policy which should be, as I see it, authorized on the part of the Congress of the American people. For that reason I desire that it be made unlawful for men to serve in any such dual capacity. I realize that a great many of them, of course, will be perfectly patriotic; that they will be very honorable in dealing with the Government, and I know we have men of that character serving upon these boards; but, Mr. President, because of our appreciation of the patriotism of those who are patriotic, of the honor and the integrity of those who are honorable and straightforward and can be depended upon, I do not believe that that is a sufficient reason for inaugurating a governmental policy which is wrong in principle, because we might as well know—and we had just as well face the matter squarely and be frank about it—there will be men, if the present policy is continued, who will exercise their positions honorably and patriotically, but some others will work not for the interest of the American people, not in the interest of patriotism, but in their own interest. I think we should deal with this situation just as we should with a question of ordinary larceny. We do not make a law against larceny for the honorable man. Take the whole category of crimes, and if all men were honorable, if they were patriotic, if they were good citizens, we might as well not have laws; but human nature is human nature, and while we find honesty and integrity and patriotism predominating in this country, now and then we find some who will take advantage of a position of trust if you allow him to do so.

So far as I am concerned, I do not desire to go on record as authorizing these gentlemen to act in a dual capacity—a capacity of representatives of the Government, either advisory or otherwise, in the purchase of supplies from themselves or firms in which they are interested.

Mr. McKELLAR. Mr. President, several days ago I had something to say on the subject of this amendment, commonly known as section 3. I desire to supplement what I said before by going into the facts a little more fully than I did then.

In the past the method of entering into contracts on the part of the Government for the Army and Navy has been that in the Army the Quartermaster's Department and in the Navy the Bureau of Supplies entered into the contracts. That has been the law and the custom from time immemorial until the present war. It is still the custom in the Navy Department, as I will point out more particularly in a little while, but it is not the custom any longer in the Military Department. Substantially the duties of the Quartermaster's Department in the matter of purchasing supplies have been transferred to the advisory committees of the Council of National Defense. These committees have everything to do with contracts. Prospective contractors go to these committees; they deal with these committees only. If they are successful in getting a contract, the contract is O. K'd by these committees, so I am informed, and it is formally signed by the proper officer of the Quartermaster's Department; but the Quartermaster's Department has in practice nothing to do, really, with the contract; it is merely a figurehead. The contract is really entered into by the advisory committees of the Council of National Defense, all of which is shown in the testimony of Mr. Baker, the Secretary of War.

I became interested in the peculiar manner of the Government entering into contracts some time ago. It came up in a perfectly natural way, just as all of us have had it come up in our experience, through the application of men from our own States who seek contracts with the Government. I referred them to the Quartermaster's Department and invariably was told that it was a matter for the Council of National Defense, or the advisory committees of that council, and that these men would have to apply to those committees. There was great confusion about it; there was great difficulty in the beginning to find to which one of the committees a prospective contractor should apply; but, after considerable trouble, and sometimes even more than trouble, the proper committee was found.

I then looked up the law constituting the Council of National Defense and found that determining upon contracts was no part of their duties under the law; that they are acting wholly without the scope of their authority. It was therefore a peculiar situation. I am sure Congress never had any idea of turning over the contracting power of the Government to the advisory committees of the Council of National Defense, none of the members of which are even appointed, as I understand, by the Council of National Defense itself. All are appointed by designated

chairmen of committees. The chairmen are appointed, and they put on the committees just whom they please.

I found another remarkable thing when I came to look into this matter. I represent, in part, a State of 2,300,000 people, but it seems that no one on the Council of National Defense or its committees has ever found a Tennesseean whom they thought capable of serving on any committee of that body. That seems rather a remarkable thing to me. In my State we have manufacturers; we have great lumber interests; we have cotton interests; we have cotton mills and great mills of all kinds all over our State, at Nashville, Chattanooga; we have great steel mills in east Tennessee; in Memphis we have one of the largest lumber industries in the world; we also have one of the largest cotton trades in the world; and yet no one from Tennessee has been put on any committee of the Council of National Defense. Examine these committees—they are on record—and you will find that none of the members of any committee are from my State. The result was that it was very hard for any Tennesseean to get in touch with the Council of National Defense. It struck me as being peculiar; but, as time wore on, there were certain facts that developed which I am not going into right now, but which led me to write to the Secretary of War the following letter, which I will read to the Senate. It is dated June 13, 1917, over a month ago:

Hon. NEWTON D. BAKER,
Secretary of War, Washington.

MY DEAR MR. SECRETARY: Following your suggestion of this morning—

I took the matter up with him personally first—

I write to request that you have me furnished with the following information about the advisory board of the Council of National Defense:

1. The number and names of each and every contract let by the Government since the establishment of the Council of National Defense.
2. The names and post-office addresses of the persons, firms, or corporations to whom or to which contracts were let.
3. The amounts of each contract and the amounts of commission or compensation of each contractor. If it is not possible to give the exact amounts, then the estimated amounts of contracts and commissions.
4. A concise statement of the terms and subject matter of each contract.
5. The names and post-office addresses of each officer, agent, or representative or employee of the advisory board of the Council of National Defense having connection with such persons, firms, or corporations to whom, or to which, such contracts were let, if any.
6. The nature of the interest, direct or indirect, of any officer, or agent, or employee of the Council of National Defense, or its advisory board, in any one of the contracting persons, firms, or corporations.
7. The location of each contracting party, and if he or it has more than one office the location of such offices;
8. The financial standing of each contracting party;
9. Full and concise information as to the methods which are pursued in the letting of contracts.

I thought that was a reasonable request under the circumstances. It seems that no one here even has an accurate knowledge of how this work is carried on; we are guessing at it at best; and it struck me that it was very proper to request full and complete information as to the methods which are being pursued in the letting of contracts.

10. Whether or not any contracts were let on competitive bidding.

I found this remarkable condition, that while all contracts in the Navy Department are let upon competitive bidding, no contracts are now let upon competitive bidding by the Council of National Defense for the military department; in other words, our Government has adopted two separate policies, one of competitive bidding in the Navy Department, and the other of non-competitive contracts under the ruling of the Council of National Defense.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Ohio?

Mr. McKELLAR. I yield; certainly.

Mr. POMERENE. Does the Senator mean to be understood as saying that the War Department is not letting contracts by a system of competitive bidding, or does he mean to say that he has no knowledge as to whether or not they are letting out contracts under that system?

Mr. McKELLAR. If the Senator will listen a little while, I will produce the facts themselves which will answer the Senator's question. I will give the Senator an illustration of what they are doing right now, and I will go into the matter more fully when I reach it in a few minutes.

Contracts for 16 cantonments have been let, not to the lowest bidder, not upon any competitive bids, but they have been let on substantially a 7 per cent commission, with a provision that the commission shall not run over $250,000. The houses which constitute these cantonments are very simple affairs, made of lumber. Any upright, honest, honorable carpenter could see that they were built properly, probably better built than by some of these contractors which have been employed. Any contractor would be glad to superintend any one of them, I have no doubt, for $25,000; and yet under this remarkable system the Government is milked for $250,000 for cantonments merely for superintending the building, without regard to the price. The cost of the cantonment is completely charged up to the Government; no price is asked. What difference does it make, as the Government is paying the price, and the more the cantonment cost the greater the commission, up to $250,000?

Mr. JONES of Washington. Mr. President——

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Washington?

Mr. McKELLAR. I yield to the Senator.

Mr. JONES of Washington. In just what time is the contractor expected to earn that commission?

Mr. McKELLAR. Just as quickly as possible. The Government wants to get the cantonments ready for troops as rapidly as possible. At all events, in not exceeding three months.

Mr. JONES of Washington. Is it not the expectation that they will be ready about the 1st of September?

Mr. McKELLAR. I so understand. Suppose we placed the work under a tried and experienced officer of the Government like Col. Littell, whose whole life has been devoted to the building of cantonments and camps, and building them on time. I say they would be built very much more quickly and very much cheaper and very much more in compliance with the needs of the Government than if let out to some general contractor, as they have been under this system.

Mr. JONES of Washington. So that the contractor expects to receive compensation of about $250,000 for something in the neighborhood of two months' supervision?

Mr. McKELLAR. Something like that.

Mr. VARDAMAN. Mr. President——

Mr. McKELLAR. I hope Senators will excuse me until I finish the letter I was reading addressed to the Secretary of War.

Mr. VARDAMAN. If the Senator will pardon me, before he leaves the question he is now discussing——

Mr. McKELLAR. Very well; I yield to the Senator.

Mr. VARDAMAN. I desire to get the question and the Senator's answer clearly in my own mind. The contractor, I understand, is paid a percentage for the construction?

Mr. McKELLAR. I have no accurate knowledge, but I understood at first that it was proposed to pay the contractors 10 per cent, but that was found excessive, and the amount was reduced to 7 per cent, and it was provided also that no commission should exceed the sum of $250,000.

Mr. VARDAMAN. Of course I agree with the Senator that is a very loose and expensive method of doing Government work, as it strikes me; but what I want brought out in justice to the Government is the fact that the contractor is only paid a percentage and not a fixed sum of $250,000.

Mr. McKELLAR. He is paid 7 per cent, with a provision that the compensation shall not exceed $250,000. Suppose, for illustration, a cantonment costs $4,000,000. Seven per cent of that would be $280,000. The poor contractor would not be allowed to get $280,000, but would be chiseled down to $250,000!

Mr. VARDAMAN. If a cantonment only costs $100,000, the contractor would only get 7 per cent of that.

Mr. McKELLAR. He would get even less than 7 per cent; that is true; but these cantonments cost between three and four millions each, as I am informed.

Mr. VARDAMAN. That is the point I wanted to have brought out. The contractor would not get $250,000 unless the undertaking involved an expenditure running up into the millions.

Mr. McKELLAR. I now proceed with the letter:

In awarding contract to an individual, firm, or corporation, is any limit fixed upon the price of material or labor in carrying out such contract?

I thought that was a pertinent inquiry.

12. Does the Government simply furnish the money of such contractors to purchase the material or do the work without any supervision over the prices paid for labor or to subcontractors or to material men?

13. The names and number of any contracts that have been let out to subcontractors, and post-office addresses of such subcontractors.

14. Whether or not such contracting parties have paid increased prices in the cost of labor and material in the carrying out of such contracts.

15. The names and post-office addresses of all persons, firms, corporations, or organizations which have any officer, representative, or agent on or connected, directly or indirectly, with the Council of National Defense or any of its advisory boards.

16. A list of names of officers, agents, and employees, together with their post-office addresses and salary paid each, of the Council of National Defense or any of its advisory boards or committees.

17. The amounts paid out by contract for office rentals in the city of Washington and elsewhere, and where such offices are located, and to whom the rentals are paid.

18. The names, numbers, and post-office addresses of persons connected with the Council of National Defense or of any of its advisory boards who are serving without compensation.

19. The names and post-office addresses of any contractor or contractors to whom contracts have been let by the department since the

establishment of the Council of National Defense and its advisory boards, and who signed the recommendations of such advisory board or council.

20. Has any contract been let to any contractor not engaged in the specific business which is to be undertaken under the contract? If so, the names and addresses of the contractors and the names of the advisory board or subcommittee that recommended such contract.

21. Have any contracts been let to brokers purely? If so, give their names, the nature of their contracts, the amount of contracts, and all the facts and circumstances connected with the letting thereof.

22. Has any contract been in fact let or recommended by any of the committees or subcommittees to dummy organizations or to organizations having no standing? And if so, kindly state which ones.

23. As I understand it, under the law the proper officer of the War Department signs each contract for work and supplies. On whose O. K. are these several contracts made? Has a subcommittee the right to O. K. a contract, or the chairman of a subcommittee, or just what is the process under which the War Department lets these contracts?

24. A number of rumors have been circulated about the letting of a contract for a cantonment at Fort Oglethorpe or at Fort Myer to some firm or corporation which had a representative on the Council of National Defense or the advisory board or some committee thereof. Will you kindly furnish all the facts about this particular contract, to which corporation it was let, and who are members of that corporation; whether the contract was let upon the recommendation of a committee of the Council of National Defense?

25. Many rumors are likewise going around about some broker of a typewriter company having secured a contract about typewriters. Will you kindly give me specific information as to the typewriter contract?

26. A few days ago Senator NEWLANDS put in the RECORD the names and some of the addresses of subordinate committees of the Council of National Defense. I herewith inclose a copy of these committees, and will appreciate it if you will have them grouped by States. Will you please furnish me with information as to the previous and present employment of the various members of the subcommittees heretofore set out? Kindly give the names of the employers of said subcommittees, together with a statement as to which of them are drawing salaries from their present employers, and the amount of such salaries, and the amount of any salary that may be paid the same persons by the Government.

I have been thinking that perhaps a Senate resolution would be the formal way to get this information, but under the circumstances I feel sure that you will furnish it without any such resolution. I realize that it will require considerable work to give me the foregoing information, but we have made quite a liberal appropriation for the Council of National Defense and I do not believe that a small portion of the money could be better spent than to employ special men, if necessary, to secure and furnish the foregoing information at the earliest possible moment. I am sure from what you stated to me personally that you will agree with me that we should have the information.

I would like also to have the following information:

Are any of the officers, agents, or employees of the Council of National Defense—of course, not speaking of the Cabinet officers—have to take any oath or obligation to well and truly perform their duties as such officers, agents, or employees of the Government, in recommending these contracts before they begin their work, and if so, what is the form of oath or other obligation?

If they recommend contracts to firms in which they are interested—in other words, acting as both buyer and seller—is there any law under which they could be punished for such action?

Why should not the Quartermaster Corps, upon which the Government has spent a great deal of money to officer and train, have simply enlarged their own forces, and all these purchases and contracts be made in the way provided by law?

An early reply will be highly appreciated. I would like to publish both your reply and this letter in the RECORD.

Very truly, yours,

KENNETH D. MCKELLAR.

On the 15th of June I received this letter from Mr. Secretary Baker, who I now take pleasure in saying that I regard as one of the ablest and best men we have in official life, and I have no possible intention of criticizing him:

WAR DEPARTMENT,
Washington, June 15, 1917.

Hon. KENNETH D. MCKELLAR,
United States Senate.

MY DEAR SENATOR MCKELLAR: I have received your letter of June 13 requesting that you be furnished information about the advisory board of the Council of National Defense.

I will take up with the council at once the question of putting as many people as possible to work collecting the information you desire. The enormous volume, however, of the documents requested indicates that this will necessarily be a task of great magnitude, and I can only promise that it will be pushed with all the expedition possible.

Very truly, yours,

NEWTON D. BAKER,
Secretary of War.

I heard nothing by the 24th of June, and thereupon I sent a copy of this letter to each member of the advisory commission of the Council of National Defense. I will just read one of them, though I sent a similar letter to each of the seven, and ask that all seven be printed in the RECORD:

JUNE 24, 1917.

Hon. JULIUS ROSENWALD,
Council of National Defense, Washington.

DEAR SIR: Inclosed I hand you a copy of a letter that I recently wrote the Secretary of War, which explains itself.

I will be glad if you will give this your early attention. I am informed that the Secretary has already asked that this information be furnished me.

Very truly, yours,

KENNETH D. MCKELLAR.

As I say, I sent a similar letter to each one. I got replies from some of these gentlemen, which I will read. I ask permission to set out all of the copies in the RECORD.

The VICE PRESIDENT. Without objection, it will be so ordered.

Mr. MCKELLAR. On June 28 I received this letter:

THE ADVISORY COMMISSION OF THE
COUNCIL OF NATIONAL DEFENSE,
Washington, D. C., June 28, 1917.

Hon. KENNETH D. MCKELLAR,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have your letter of June 4, together with inclosure of a letter to the Secretary of War, which I understand you sent me for my information and an answer to which I understand is now being prepared.

I regret very much that you were unable to see me last week and trust that some future opportunity may present itself.

Yours, very truly,

BERNARD M. BARUCH.

I also received this letter on June 28:

THE ADVISORY COMMISSION OF THE
COUNCIL OF NATIONAL DEFENSE,
Washington, D. C., June 28, 1917.

Hon. KENNETH D. MCKELLAR,
United States Senate, Washington, D. C.

DEAR SIR: Your favor of June 24, with inclosures, came duly to hand, contents of which are carefully noted. Of course it is impossible for me to reply in detail either to the matter of your letter or answer in detail the questions you propound in your letter of June 13, addressed to Hon. Newton D. Baker, Secretary of War.

It may not be amiss to call attention to the fact that by direction of the Council of National Defense each of the seven members constituting the advisory commission was authorized to form a committee to deal with the subject with which he is most fitted to consider, and therefore I was selected as the chairman of the committee on labor, including conservation and welfare of workers. I inclose to you herein copy of the pamphlet which shows the personnel of the membership of that committee, together with the various committees functioning for the general committee and in the effort to carry out the purpose for which the committee was constituted.

It may be interesting to state that of the large number of members of my committee and the committees performing their several duties there has not been paid a dollar of expense or salary to any one of them, other than to the assistant to the chairman of the committee on labor, Mr. James W. Sullivan, whom I was authorized to appoint.

Mr. Sullivan was in France at the time. I cabled to him and asked him to come to the United States to aid me in the performance of my work as member of the advisory commission and chairman of the committee on labor.

I may be permitted to say that I am quite confident that my statement is within the limit of truth, that on no committee of public or private work can be found so large a number of men or women of a high order of intelligence, of special skill and ability to work, and who are giving such complete whole-hearted voluntary service, as can be found in the various committees of, and the committee on labor, of the Council of National Defense. We have saved for the Government of the United States millions of dollars in the settlement of disputes and in preventing trade difficulties. In addition we have helped to instill upon the minds of our people cooperation, good will, and patriotic service.

Very truly, yours,

SAM'L GOMPERS,
Chairman Committee on Labor.

I have one here from Dr. Franklin Martin, which merely says that the letter ought to be answered by the director, and leaves it that way. I will publish it in the RECORD. I have another one from Dr. Hollis Godfrey, who is at the head of a noncontracting part of the commission, and I will ask that it go in the RECORD. And I received one from Mr. Daniel Willard.

The letters referred to are as follows:

ADVISORY COMMISSION OF THE
COUNCIL OF NATIONAL DEFENSE,
June 29, 1917.

From: Dr. Franklin Martin.
To: Hon. KENNETH MCKELLAR, Senate Office Building, Washington, D. C.
Subject: Information concerning advisory board of the Council of National Defense.

1. Your letter of June 24, directed to the members of the advisory commission of the Council of National Defense, is before me.

2. The subject matter pertains almost exclusively to the purchase of material, and therefore has to do with the purchasing departments of the Government rather than the advisory board. I believe the letter should be answered by the director of the council, Mr. W. S. Gifford, and have therefore referred the matter to him with my comment.

With kind regards, I am,
Yours, very truly,

FRANKLIN MARTIN,
Member of the Advisory Commission.

ADVISORY COMMISSION OF THE
COUNCIL OF NATIONAL DEFENSE,
COMMITTEE ON ENGINEERING AND EDUCATION,
Washington, D. C., June 29, 1917.

Hon. KENNETH MCKELLAR,
Committee on Civil Service and Retrenchment,
United States Senate, Washington, D. C.

MY DEAR MR. MCKELLAR: I have been away from Washington for three or four days. I have just received your letter, which I hasten to answer. It seems to refer exclusively to contracts. May I say that no contract has ever been submitted in any way to any member of any committee concerned with me so far as I have any knowledge. Certainly no contract has ever been submitted to me personally for consideration of any character. My committee has to do wholly with engineering and educational factors, and has from the beginning expressly kept itself to a purely advisory capacity, having nothing to do with prices or profits.

Will you please let me know if there is any other information which you would like to have in this matter? I shall be quite unable to answer most of these questions, as I have never seen any contracts or know anything about any contracts let by the Government since my appointment to the commission.

Yours, very sincerely,

HOLLIS GODFREY.

ADVISORY COMMISSION OF THE
COUNCIL OF NATIONAL DEFENSE,
Washington, July 7, 1917.

HON. KENNETH D. MCKELLAR,
Chairman Committee on Civil Service and Retrenchment,
United States Senate, Washington, D. C.

DEAR SIR: Your letter of June 24, with attached thereto copy of one addressed by you to Hon. Newton D. Baker, is received, and I note the information which you desire. It so happens, however, that I have no personal knowledge whatever concerning any of the matters referred to in the several questions contained in your letter to the Secretary of War. I am not a member of any committee which has had anything whatever to do with any contract. The director of the Council of National Defense, Mr. W. S. Gifford, will, I assume, prepare the information called for in your letter above referred to.

Very truly, yours,

D. WILLARD,
Chairman Advisory Commission.

Mr. MCKELLAR. It will be noted that I have not received a reply from the contracting part of the advisory commission. From one of those, Mr. Coffin, I have received no answer at all. From the other, Mr. Rosenwald, I received a personal visit, in which he did not answer the questions that I asked. Thereupon I wrote him a letter asking him to give me specific information as to whether or not he had sold anything to the Government, and I received this letter from him yesterday:

MY DEAR SENATOR: You are mistaken in my having made any positive statement to the effect that Sears, Roebuck & Co. had done business with the Government since I have been a member of the advisory commission of the Council of National Defense—

I thought he had, but he says he did not make a positive statement to that effect—

What I did state was that when I was home recently some one had mentioned to me that some department of the Government had requested our company to furnish some portable houses, but I was not sure whether the company accepted the order or not; but I shall be glad to get the information for you, and have telegraphed to-day to have them furnish me the information.

Very respectfully, yours, JULIUS ROSENWALD.

I have just received the following letter from Mr. Rosenwald this afternoon, and I here ask that it be inserted in the RECORD:

ADVISORY COMMISSION OF THE
COUNCIL OF NATIONAL DEFENSE,
Washington, D. C., July 17, 1917.

Senator KENNETH D. MCKELLAR,
United States Senate, Washington, D. C.

DEAR SENATOR: In reply to my telegram to Sears, Roebuck & Co. at Chicago, requesting that they send me a statement of the approximate amount of business received by that company since January 1, I have received the following information:

Since January 1 they have received about 200 orders, principally for Indian reservations through the Department of the Interior, a few small orders from the Department of Agriculture for various Government barracks, and three orders from Great Lakes Naval Station, mostly for blankets. The total value of these orders is approximately $11,000.

You will, of course, understand that these orders were unsolicited, received like millions of other orders by Sears, Roebuck & Co. during that same period, and at prices listed in their catalogue.

Any further information which you might desire in connection with this matter will be furnished as promptly as possible upon request.

Very respectfully, yours,

JULIUS ROSENWALD.

I have never heard from Mr. Coffin at all, and I believe one other, nor from Mr. Baruch, other than the communication to which I have already referred. In other words, I have received no information, no answers to these very pertinent questions, if we are to legislate on this subject. So that having made an investigation of this sort, having asked for the information, and having waited a reasonable time and more than a reasonable time to receive the information, and not having received it, I think the Senate ought to know just what information was asked and just what information has been received.

There is no reason why an industrious man could not get together all the information that is necessary in a couple of days at the outside. If these gentlemen are the great business men they are said to be, capable of dealing with large questions, there is no reason in the world why they should not have had their business in such excellent order that they could have furnished that information on a day's notice to anyone who was interested and who had a right to have it.

So much for that. If the Senate is satisfied to let this work be done by that method, without getting any information, that is all right. All I can say is that I am going to vote to prohibit any member of these committees or advisory commissions from dealing with himself, as I believe that is the safest and best thing to do, and I want to say this right here before I forget it: I do not believe there is any man in this country that wants to win this war any more sincerely than I do, and that is why I am taking this course. Surely if there ever was a time when men should be patriotic, when they should serve their Government unselfishly, now is the time. In the words of our splendid President, there never was a better time for this Congress to divorce profits from patriotism, and that is why I am giving this information. For the most part, I think these men are patriotic men, but some of them have forgotten their Government and we should legislate to keep their memories good.

I next come to the proposition of cantonments. As I understand, 16 cantonments have been authorized or contracted to be built. They were authorized by the Council of National Defense on this scheme of construction: Certain contracting gentlemen in various parts of the country were employed on a general commission of 7 per cent on the cost of the cantonments, and I understand that the estimated cost of these cantonments is from three and a half to four million dollars each.

Mr. STERLING. Mr. President——

Mr. MCKELLAR. Just one moment, and I shall be glad to yield to the Senator. The estimated cost of these cantonments is about three and a half to four million dollars. The contractor is authorized under the contracts to proceed to build them at the expense of the Government. The contractor does not have to spend the money. The Government is spending the money, and he receives 7 per cent; but a saving clause is put in that he is not to receive over $250,000 on any one of the contracts.

I yield to the Senator from South Dakota.

Mr. STERLING. Just at that point I wish to call the Senator's attention to the schedule of fees for the building of these cantonments found in the Official Bulletin of June 16. On the 15th of June I introduced a resolution in the Senate, which was printed, and also printed in the RECORD, for an investigation of the letting of the contracts for these cantonments. On the following day, June 16, this statement appeared in the Bulletin, and I was reminded of it when the Senator was having a colloquy a little while ago with the Senator from Mississippi.

The commission or fee paid is not 7 per cent in all instances. The schedule of fees is as follows:

If the cost of the work is under $100,000, a fee of 10 per cent of such cost.

If the cost of the work is over $100,000 and under $125,000, a fee of $10,000.

If the cost of the work is over $125,000 and under $250,000, a fee of 8 per cent of such cost.

If the cost of the work is over $250,000 and under $266,666.67, a fee of $20,000.

If the cost of the work is over $266,666.67 and under $500,000, a fee of 7½ per cent of such cost.

If the cost of the work is over $500,000 and under $535,714.29, a fee of $37,500.

If the cost of the work is over $533,714.29 and under $3,000,000, a fee of 7 per cent of such cost.

There is where the 7 per cent applies.

If the cost of the work is over $3,000,000 and under $3,500,000, a fee of $210,000.

If the cost of the work is over $3,500,000, a fee of 6 per cent of such cost.

As stated by the Senator a while ago, $250,000 is the most that can be allowed in any case.

Mr. MCKELLAR. I thank the Senator for the correction. It is substantially the same. I was speaking, of course, not with the figures before me, but in a general way, and they are practically the same. These cantonments are each to cost, so I am informed, between three and four million dollars.

Mr. POMERENE. Mr. President——

Mr. MCKELLAR. I yield to the Senator from Ohio.

Mr. POMERENE. May I ask the Senator if he is informed as to what assistants or inspectors the contractor has to pay out of that compensation?

Mr. MCKELLAR. I do not know.

Mr. POMERENE. Of course, if there is a very large cantonment being built, he necessarily can not do all of the superintending and inspecting himself. He must have a very large corps of assistants.

Mr. MCKELLAR. Yes; perhaps. But all of that is paid for by the Government, as I understand. If it is not so, why have we not the facts before us? I asked for them over a month ago, and this bill was either introduced or being considered at the time.

Mr. POMERENE. Mr. President, I submit to the Senator that he will not claim that it is dealing fairly with the Government to construe everything against the Government because he has not had an answer to a letter to one of the departments.

Mr. MCKELLAR. I am not construing it, but I am offering it for what it is worth. Now I come to certain facts about some of the contracts.

Mr. STERLING. Mr. President, if the Senator will permit me to say so right there, the suggestion of the Senator from Ohio reminds me of this: The contractor may have some one to supervise the work of building the cantonments, a chief supervisor, but is there anything in the knowledge of the Senator to show but that the salary paid the supervisor is part of the cost of construction on which 7 per cent, or 10 per cent, or whatever it is, is charged?

Mr. McKELLAR. I have no doubt in my own mind that even if every particle of the superintendence is paid for the contractor he can get the most experienced and expert contractors in this country to supervise the work without his ever getting on the ground at all, for a fee of about one-tenth of what is provided in this schedule.

Mr. POMERENE. Mr. President——

Mr. McKELLAR. I yield to the Senator from Ohio.

Mr. POMERENE. I submit, under the statements made by the Senator from Mississippi and the Senator from South Dakota that neither one of them seems to be very certain about his facts, and yet they are drawing very drastic conclusions from these statements. If I have misunderstood I shall be very glad to be corrected, but no statement has been made thus far to the effect that out of this fee which is to be paid the contractor may not have to pay large sums to assistants. Certainly there is some arrangement on the subject made by the War Department or by the Council of National Defense, and it does seem to me that the Senate ought to have specific information on that subject.

Mr. McKELLAR. May I interrupt just a moment?

Why have we not the facts? You can see for yourself that I have tried to get them.

Mr. POMERENE. Pardon me just a minute, please. If the Senator has not been able to get the information he desires—and he is entitled to that information—in answer to a letter which he has written, he should take some other means of getting it. It does not appear, however, that the letter came to the personal attention of the Secretary of War. It does not appear that if it had come to his attention he has had an opportunity to answer it. I do not know as to that. I do know, however, that there is no man in the Government service who is more alert in looking after the interests of the Government than Newton D. Baker, whom I have known for many years.

Mr. McKELLAR. I take great pleasure in indorsing just what the Senator has said about Secretary Baker. I believe that of him to the very absolute limit; but the Secretary of War has an immense number of duties imposed upon him at this time, and he ought to have the assistance of men who can furnish the information desired. The Secretary has turned this letter over primarily to the advisory board of the Council of National Defense with the request that that information be furnished. The members of the advisory board have wholly disregarded what the Secretary of War asked them to do about this matter.

Mr. STERLING. Mr. President——

Mr. McKELLAR. I yield to the Senator from South Dakota.

Mr. STERLING. I simply want to say, in answer to the suggestion of the Senator from Ohio, that I have not stated anything as a fact except what I find here in the Official Bulletin of June 16 in regard to the fees paid upon these several contracts according to the cost of the cantonments; but I said that so far as I knew—and I asked the Senator from Tennessee if it was not true, so far as he knew—the cost of supervising the work was included in the cost on which the contractor was paid his commission; that is all.

Mr. POMERENE. Oh, well, that may be so. I have no knowledge on that subject; but it still does not answer my question as to whether or not the contractor is obliged to pay his own assistants in superintending the construction of this work.

Mr. McKELLAR. Let me ask the Senator a question. He seems to be taking the side of these gentlemen.

Mr. POMERENE. I am not taking sides. I am simply insisting upon a square deal in this debate.

Mr. McKELLAR. All right. Now, does not the Senator think that in order that a square deal may be had it is absolutely fair to these gentlemen and absolutely fair to me that these respectful questions should have been answered and the information given?

Mr. POMERENE. Why, Mr. President, I think our colloquy thus far has indicated that I thought the Senator ought to have an answer to these questions and that if he did not get it by a letter written directly to these gentlemen there was a way to get it by offering a resolution.

Mr. McKELLAR. That is exactly what I propose to do later on.

Now I come to the cantonments. There are 16 of them, as I understand. I have not accurate information on the subject, because it seems we can not get it. I have investigated four of them, and I find a very peculiar state of affairs in reference to these four contracts that I think the Senate ought to know about.

The Council of National Defense is down here to advise as to the best means of carrying on this war, not as to contracts, and yet I want to call the attention of the Senate to the case of F. B. Ley & Co., of Springfield, Mass.

I do not know anything at all about these gentlemen; I never heard of them before; but I understand they are contractors, and they have had in their employ a man by the name of Mr. Mears. Mr. Mears, while still in the employ of F. B. Ley & Co., and who is now in the employ of F. B. Ley & Co., came down here and offered patriotically to give his services to the cause of his country. He wanted to help his country in this hour of its extremity and peril, and he got on the committee or became connected with the committee of emergency construction, of which Mr. W. H. Starrett is the chairman. I happen to know about this matter personally, because I called on Mr. Starrett in company with Mayor Littleton, of Chattanooga, and I met Mr. Mears there for the first time. If any of you have ever been in secret societies, you will know how this description fits a man. He seems to be the warder of the outer door or the inner door, or both. In other words, he received the visitors who came to see Mr. Starrett, and he was on the committee there, acting for him and with him, and also in the employ of Ley & Co., voluntarily and patriotically representing the Government, and of course not representing Ley & Co.; and a contract was awarded by the Government to F. B. Ley & Co., of Springfield, to build the cantonment at Ayer, Mass. I do not know, but it looks very peculiar that Mr. Mears should come to Washington to serve the Government patriotically, and incidentally, just by accident, the firm with which he happens to be connected, and which happened to be paying him a salary at that time, received a contract out of which it is possible that the firm may make $250,000.

That is one contract. I do not make any assertions about it; I just give you the facts. I know my statements about those contracts are true because of the following letter and the following answer, which I shall now read, and I will then take up the other contracts mentioned in the letter. This is a letter written to Hon. W. S. Gifford, Council of National Defense, Washington, D. C., on July 11, 1917:

JULY 11, 1917.

Hon. W. S. GIFFORD,
Council of National Defense, Washington, D. C.

MY DEAR SIR: Will you kindly advise me—

1. Whether or not Maj. M. J. Whitson, of the Quartermaster Corps, was formerly an employee in charge of the building department of Grant Smith & Co., and whether or not Mr. Grant Smith, of Grant Smith & Co., is the head of Smith-Houser & Melsaac, of New York, to whom the contract for a cantonment at Annapolis Junction was let?

2. Will you also advise me if Mr. W. A. Starrett, chairman of the emergency construction commission, is a brother of Mr. Paul Starrett, the president of George A. Fuller Co., to which company a contract was let for the building of an encampment at Fort Reilly, Kans.?

3. Whether Mr. James A. Flynn, who is on one of your committees, is a large stockholder of the Thompson-Starrett Co.?

4. Whether Mr. Mears, who is one of your subcommittees, is a present or former employee of F. T. Ley & Co., of Springfield, Mass., to which company the contract for a cantonment at Ayer, Mass., was let?

5. Will you kindly advise me whether or not Maj. R. E. Hamilton, of the Quartermaster Department, was lately a purchasing agent for Stone & Webster, of Boston, Mass., to which company the contract for the cantonment at Fort Sam Houston, Tex., was let?

6. Will you kindly advise me what military experience Maj. M. J. Whitson had prior to his coming into the Quartermaster Corps, and give me the date of his appointment therein, and when he was assigned to work with the advisory commission of the Council of National Defense?

7. Will you kindly advise me what Maj. R. E. Hamilton's military experience was prior to his coming into the Quartermaster Corps, and give me the date of his appointment therein, and when he was assigned to work with the advisory commission of the Council of National Defense?

I will greatly appreciate it if you will give me this information by return mail, as I suppose that it will only take a few moments to get the accurate information about the several questions above asked you.

With much respect, I am

Very sincerely, yours, KENNETH D. MCKELLAR.

I made this short because one or two of the members who failed to give me any information as to my other letter said it took a good deal of time. I asked whether they had utilized that time in getting the information, and they did not know that any steps had been taken to secure the information I had asked for June 13. Thereupon I called Mr. Gifford over the telephone and he was said not to be there, but I was told incidentally that he could not give the information. I said that I insisted upon information, and the next morning I got this letter dated July 14, and I will put in the RECORD the full letter.

COUNCIL OF NATIONAL DEFENSE,
OFFICE OF DIRECTOR,
Washington, July 14, 1917.

Hon. KENNETH D. MCKELLAR,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Replying to your letter of July 11:

Regarding your querry No. 2, Mr. W. A. Starrett is a brother of Mr. Paul Starrett, president of the George A. Fuller Co.

As to query No. 3, we have no record of Mr. James A. Flynn being connected directly or indirectly with any of our committees—

I want to say now, and I take the greatest pleasure in saying it, and it is regrettable of course, Mr. Flynn's name has been drawn into this, and he is entirely without any shadow of suspicion attached to him in any manner, shape, or form. This letter shows he was not connected with the firm, as I had been informed, and am sorry that his name was mistakenly brought into this matter—

As to query No. 4, Mr. Mears is an employee of the F. T. Ley Co., of Springfield, Mass.

The War Department has been applied to for information in regard to Maj. Whitson and Maj. Hamilton.

Very truly, yours,

R. H. WILLIAMS,
Assistant to the Director.

Now, I want to say this, as to the seven questions that were asked there, it was done upon information that I believe to be accurate, which information was furnished to me by Hon. JAMES L. SLAYDEN, of Texas, a Member of the House from that State, and Hon. CHAS. POPE CALDWELL, of New York City, both of whom stated that they knew what the facts were, and so far as I have gotten an answer it is shown that the facts are very accurate, and I believe the facts are as stated by them as to all four of these contracts.

Now, take the case of Maj. Whitson, an employee of Grant Smith & Co., of which Mr. Grant Smith is the president, and he is also president of another firm, the Smith-Houser & McIsaac, of New York. I have not been able to find where he has had military training, but it appears somehow it works in that an employee of a contracting firm goes into the Officers' Reserve Corps and is put on active duty at once, and is transferred to this particular department. Is it not remarkable? It is more remarkable yet that shortly after he is transferred to this particular duty on the Council of National Defense Smith-Houser & McIsaac turn up with one of these very valuable cantonment contracts, which may pay them as much as a quarter of a million dollars, as the Senator from Washington suggests, for two or three months in supervising it.

Mr. FLETCHER. Mr. President——

Mr. McKELLAR. Mr. President, I feel, and I know what I feel, that it is time right now in the beginning of this war to see to it that the money which we are spending and for which we are trustees should not be spent along lines that will give credence or rise to the inferences that must come to us from seeing these facts. I now yield to the Senator from Florida.

Mr. FLETCHER. I simply wish to ask the Senator regarding Mr. Mears. I understood the Senator to say that Mr. Mears was on some of these subcommittees. I do not find him in the list. I have here the subcommittee on emergency, construction, and contract; W. A. Starrett, chairman.

Mr. McKELLAR. I only know this. On one occasion I went to Mr. Starrett's office to take Mr. Jesse Littleton, the mayor of Chattanooga, there, and was introduced to Mr. Mears, or he introduced himself. He was in charge of the outer office of this emergency construction work, which office was presided over by Mr. Starrett. That is all I know. Whether he is actually on the committee or not I do not know, but I do know that he seemed to be very potential, if he was not actually engaged.

Mr. FLETCHER. I just wanted to get clear what the facts are about it.

Mr. McKELLAR. I have never seen his name, then, if it was on the list. I do not know anything in the world about Mr. Whitson; I do not mean to make any charges, but I wish to call the attention of the Senate to a very strange feature connected with the employee of this company who gets a commission in the Officers' Reserve Corps and is put on active duty and assigned to this department and a very valuable contract goes to his firm.

Mr. WADSWORTH. Will the Senator yield?

Mr. McKELLAR. I yield to the Senator.

Mr. WADSWORTH. Has the Senator established any connection between the commissioning of this officer, whose name I did not catch, and the letting of the contract?

Mr. McKELLAR. None whatever. I simply asked the question in a letter of July 11, now six days ago, and it seems to me it could have been answered the next morning without the slightest difficulty by anyone who knew the facts. I am not in receipt of the answer yet.

Mr. WADSWORTH. The reason for my inquiry is this: Does the Senator think it was very strange that after a certain person was commissioned in the Quartermaster Corps or the Reserve Officers' Corps some corporation got a contract?

Mr. McKELLAR. Oh, no; the corporation of which he was an employee got the contract. Not a corporation got a contract but his corporation got the contract.

Mr. WADSWORTH. What is strange about that?

Mr. McKELLAR. This is strange.

Mr. WADSWORTH. Unless the officer had something to do with it.

Mr. McKELLAR. Of course.

Mr. WADSWORTH. But the Senator says he does not know that the officer had anything to do with it.

Mr. McKELLAR. I think the inference is perfectly plain. That is my judgment about it. If the Senator disagrees with me, I am sorry.

I now come to Mr. W. A. Starrett. He is the chairman of the emergency construction committee and used to be a member of the Starrett-Thompson Co., which got one of these contracts, by the way, and I want to put his statement in the RECORD. I want to be absolutely fair. He says that he sold his interest about four years ago, and is not connected with that company, but he never said anything at all about having a brother who is president of the George A. Fuller Co., to which another contract was let.

Mr. CALDER. Mr. President——

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from New York?

Mr. McKELLAR. I yield.

Mr. CALDER. I wish to say to the Senator, I know of my own personal knowledge that Mr. Starrett, the chairman of this subcommittee is not connected directly or indirectly with the Thompson-Starrett Co.

Mr. McKELLAR. He says that, and I take his word for it.

Mr. CALDER. I think it is true that no person named Starrett or no person named Thompson is connected to-day with the Thompson-Starrett Co. The corporation named was bought over by others some years ago and with the right to use the name.

Mr. McKELLAR. Four years ago. I will say to the Senator that that is not what this applies to. This applies to the contract with the George A. Fuller Construction Co., which is a contract for the building of a cantonment at Fort Riley, Kans., and of which Mr. Paul Starrett is the head.

I next come to the question of Maj. Hamilton. Maj. Hamilton was purchasing agent of the Stone-Webster Co., a corporation of Boston, Mass. He was appointed on the Reserve Corps and was assigned to active duty at once in the emergency construction work, and in a short time the Stone-Webster Co. was given a contract for the building of a camp away out in Texas. It may be a mere accident; I do not know. But I think all these facts are worthy of the consideration of the Senate, and I am giving them for this reason. I think we ought to have a very stringent statute prohibiting this kind of business, prohibiting these kinds of accidents to turn up in the letting of these contracts. We owe it to ourselves; we owe it to this administration; we owe it to common honesty in this time of our country's great peril, that these men who are in an advisory capacity should not let contracts to their own firms or corporations or to themselves.

The Senator from Nevada [Mr. NEWLANDS] says that is a mistake; that these gentlemen on these committees of the Council of National Defense are in no sense agents of the Government. Is it possible that we are spending $500,000 a year to bring together the sellers of the country and pay their expenses here and pay their office rent in Washington so that they can make contracts in the remarkable way which has been described here? If we are doing that, we are doing a very peculiar thing.

I want to call the attention of the Senate right here now to the remarkable difference between the way in which these purchases are made and the way purchases are made in the Navy. I wish to invite every Senator, at any time before this vote is taken, to go down to the Council of National Defense in the Munsey Building and see how the business is conducted there and then to walk into the office of Admiral McGowan and see how the business of purchasing for the Government is conducted there. In the one place there is favoritism and accidents, a peculiar combination of facts, suspicion, failure to give facts, confusion, lack of knowledge, inefficiency, and impoliteness. Of course, I understand that some members of the Council of National Defense think that Senators are men of such inferior quality and standing that they are not entitled to know what the facts are nor to polite treatment.

I believe one of them has published some such statement, but go there and look for yourselves on that situation, and then go over to the Navy Department and see the wonderful arrangement of this very remarkable man, this patriotic and splendid man in charge of the Government supplies and accounts there. I refer to Admiral McGowan. See how he manages contracts for the Government. Has he any council mobilizing sellers to sell to him? Oh, no; he invites them all to come up, all on absolutely equal terms, no side-door communication, no inside unpaid employees working for the Government and the seller, and they put in their sealed bids; they are put in a locked box

and are opened on a stated day in their presence, and the contract is awarded to the lowest and best bidder, then and there, to the absolute satisfaction of buyer and seller. Every right of the Government is protected under the splendid scheme and system of this very remarkable and efficient servant of the Government in the Navy Department. I wish we had more like him. I commend him in the highest degree; I commend his effective and efficient business methods in dealing for the Navy Department, and he buys eight or ten million dollars worth of supplies a day down there. I do not know how much is bought by the advisory board of the Council of National Defense, but it could not be so much more in the very nature of things. Yet in one department the business is run smoothly and in the other department it is run open to suspicion. It is the difference between efficiency and inefficiency, between patriotism straight and patriotism tinctured with a desire for profits.

Why should we not undertake to remedy that here now? Senators, if you want to remedy it vote for the measure that has been reported out here by a committee of the Senate. As I understand the amendment, that part of the committee amendment on this bill was unanimously adopted by the vote of every Senator on the committee, and nobody ever heard of it being changed until some of the gentlemen interested in the Council of National Defense got busy.

Mr. WADSWORTH. Will the Senator yield until I correct his statement?

Mr. McKELLAR. I yield.

Mr. WADSWORTH. The Senator from New York objected to the amendment in the committee.

Mr. McKELLAR. I beg the Senator's pardon; the statement was made here on the floor several days ago that it was the unanimous report of the committee. I cheerfully accept the Senator's statement that he objected to it.

My own idea is that we ought to have as the purchasing agent of the Government in the War Department a man who owes no duty to anyone except the Government itself. Take the president of a corporation who deals with the Government. What is his attitude? If he represents a corporation, it is his duty to get the highest price possible for what he is selling. If he represents the Government, it is to get the supplies at the lowest price possible. He is obliged to violate his duty whichever way he acts. If he acts in favor of the Government, he is untrue to the corporation that he represents and to the stockholders of the corporation. If he acts for his corporation, then he is obliged to be untrue to the Government he is supposed to represent. Take either horn of the dilemma. What his duty is we all know. It is in every State constitution in the country. It is the law of every State in the Union. It is the present law of the United States, that a man can not be buyer and seller. Yet here is what we are trying to do. If we adopt the amendment offered by the distinguished Senator from Ohio, we are legalizing this kind of conduct that has been shown here for the last two or three days. It is nothing more nor less than saying these men have a legal right to buy from themselves. So every Senator who wants to legalize the buyer and seller being the same person ought to vote for the Pomerene amendment; but if he is opposed to a man serving two masters at the same time he should vote for the committee amendment, because that is the one that does the work.

Now, Mr. President, I want to add one other thing. We can not be mistaken about this matter. I am going to quote from the New York World of date June 19, under the headline of "Army camp snarl likely to hold up draft for weeks." It does not say by whom the article is written, but I read the part of it that is pertinent:

HARD TO FIX THE BLAME.

As to who is responsible for the many changes and delays it is difficult to say. General Staff officers weeks ago contended that the only way to get the cantonment camps ready was to designate some competent officer or other individual to supervise the work, give him a free hand, and hold him strictly responsible. The criticism most frequently heard is that there have been entirely too many fingers in the pie.

That is prophetic, as it seems to me, under the conditions named. I read further from the article:

Nominally, Col. Isaac W. Littel, of the Quartermaster Corps, who has been building Army barracks and quarters for many years, is in charge of the work. Col. Littel, however, falls far short of having a free hand. A committee of experts, known as the committee on emergency construction and engineering works, of the advisory commission of the Council of National Defense, was appointed to assist in the work. This committee in turn has called in numerous architects, engineers, water-supply specialists, city planners, and others.

William A. Starrett, of the architectural firm of Starrett & Van Vleck, is chairman of this committee. The corps of advisers called in by Chairman Starrett includes some of the best known men in the engineering and construction world.

SOME OF THE EXPERTS.

H. B. Eaton, described as "an engineer with a broad experience in estimating and planning," was "borrowed" from the du Pont Powder Co. to prepare an organization chart and advise on quantities and costs of materials. His diagram left Col. Littel at the head of the organization, with the committee on emergency construction and engineering works acting in an advisory capacity.

Next the committee furnished Col. Littel an advisory organization—a new one—

Listen to this—

a new one—headed by Maj. M. J. Whitson, drawn from the Grant-Smith Co., of St. Paul, "a man with a broad experience as an executive of construction companies"—

That is put in quotation marks—

Maj. Whitson holds the position of construction manager. Until this announcement was made the general understanding was that Col. Littel was to be the active director of the big job.

Maj. R. E. Hamilton—

By the way, these were the same men referred to in that letter—

Maj. R. E. Hamilton, purchasing agent of the Stone & Webster Corporation, of Boston, was brought to Washington to look after matters of material and transportation.

How was he brought? Voluntarily? Oh, no; through the channels of the Army Officers' Reserve Corps.

Mr. WADSWORTH. Mr. President——

Mr. McKELLAR. I will yield to the Senator in just one minute.

Maj. R. E. Hamilton, purchasing agent of the Stone & Webster Corporation, of Boston, was brought to Washington to look after matters of material and transportation.

I yield to the Senator from New York.

Mr. WADSWORTH. The Senator intimates that a gentleman by the name of Hamilton, whom I never heard of before, did not come here in a voluntary capacity because he entered into the Army. Surely the Senator knows that a gentleman who is commissioned in the Reserve Officers' Corps does it voluntarily.

Mr. McKELLAR. I am reading from this newspaper of June 19, from the New York World, in which it says:

Maj. R. E. Hamilton, purchasing agent of the Stone & Webster Corporation, of Boston, was brought to Washington to look after matters of material and transportation.

I am assuming that that statement is correct. I do not know whether it is or not. I do not know Maj. Hamilton myself.

Mr. WADSWORTH. The Senator says he did not come here voluntarily.

Mr. McKELLAR. This article says he did not come here voluntarily. A man who is "brought" does not come voluntarily, as I understand. The Senator may be entirely right about his criticism; I can not say. My construction of the language "being brought" is that there is something involuntary about it; and I imagine—the inference to my mind is, at any rate, that he was brought by his employers down here, and evidently for a purpose; and, inasmuch as they got a very fat contract out of it, they were probably right in having him brought down here.

Mr. WEEKS. Mr. President——

Mr. McKELLAR. I yield to the Senator from Massachusetts.

Mr. WEEKS. I do not know anything personally about this contract, or about the man of whom the Senator is speaking. I think I should say, however, of Stone & Webster that at the beginning of the war they were asked to make an estimate for constructing a large building at the Rock Island Arsenal, and they very foolishly, I think, undertook the construction of that building for the Government without any profit whatever. Certainly men who are doing that are not scheming to get an employee in a position of responsibility in order to get a contract out of which they can make a good deal of money.

Mr. McKELLAR. The contract as read from the record a few moments ago shows that they will make a good deal of money out of the present contract. They may be able to recoup on what they lost on the first.

Mr. WEEKS. It is possible that they may make money out of the contract, but they took a large contract on a basis that they should be paid no profit whatever.

Mr. McKELLAR. My proposition is this, that because a firm acted in a patriotic way on one occasison there is no reason why the Government should pay extortionate prices to that firm under the peculiar conditions here when they had a different contract the second time.

Mr. WATSON. Does the Senator charge that in the instance he is now citing the Government paid an extortionate price on this contract?

Mr. McKELLAR. My idea about it is that on the figures for superintending the contract the scale of prices permits, in the event of an expenditure of $3,000,000 or a little over, that the contractors shall receive a commission for superintending the work of a quarter of a million dollars. In my judgment that is extortionate for work covering a period of less than 90 days.

Mr. WATSON. Is that the price understood to be paid regularly to all contractors under similar conditions?

Mr. McKELLAR. All who are fortunate enough to get these contracts. There are very few of them who will get them.

Mr. WATSON. In other words, this was not an exception, but the contracts were given out at a regular rate.

Mr. McKELLAR. Oh, no; there were 15 others who got them. Four of them at least had men on the inside when they got them.

Mr. WATSON. I should like to ask the Senator a question, if I am not interrupting him. The Senator says that this man Hamilton was brought here.

Mr. McKELLAR. I read it from the newspaper.

Mr. WATSON. But aside from that, after reading the article the Senator said in answer to an inquiry by the Senator from Massachusetts [Mr. WEEKS] that this man Hamilton had been brought here by his firm. Is it not a fact that he was not brought here until after he had been commissioned in the Officers' Reserve Corps, and he was brought here by the Government and placed in the Quartermaster's Department?

Mr. McKELLAR. I do not know; but on July 11 I wrote a letter, in answer to which he could have stated exactly what the facts are. He still has that right, and no man will be quicker to publish any reply that he may have to make about the fact than I will, and I will see that it goes in the RECORD promptly whenever it comes. That is true of every other person who has been named I do not know any of them, except as I have stated. I just know what the facts are as they have been given to me. I for one do not believe that contracts should be awarded in that way, and I shall never vote for any measure that will permit it if I know it. I now further read from the article:

Maj. F. M. Gunby, of Boston, "a skilled industrial engineer," was appointed to "handle matters of design."

Maj. F. B. Wheaton, United States Army, designing architect of the Quartermaster Corps, who is said to know as much about cantonments as any man in America, was on the job long before Maj. Gunby was brought here by the civilian committee.

I am reading this article to show that the civilian committee, not appointed by the President, not appointed by the Council of National Defense, but appointed by the various chairmen having no obligation to the Government, have superseded the Regular Army officers whose duty it is to attend to this business, the Army officers whose whole lives have been spent in serving the Government in building cantonments or other work such as is now being performed without legal authority by these committees.

Right here may I say this: Take one man who probably we all know, Gen. J. B. Aleshire, one of the ablest men who was ever in our Army, a man in good health at the present time, I am glad to say, a man who knows more about building contracts than probably any other man in this country, a man who could do it more cheaply, whose services could be obtained for just exactly what he is being paid now. He is not even called in or considered in a matter of this kind, but his work is turned over to somebody else at the maximum compensation of $250,000 for each cantonment. I say that if the War Department had turned the building of these cantonments over to such officers as Gen. Aleshire, Maj. Canby, or Col. Littell they would have been built infinitely cheaper and there would be no controversy of this kind arising. Why should these Army officers, on whom we have spent thousands of dollars to train and educate—nay, millions of dollars in training all these years—be ignored and their places taken by civilians?

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Florida?

Mr. McKELLAR. I yield to the Senator.

Mr. FLETCHER. I ask the Senator, Can he figure out any need for commissions and subcommittees for this and that and the other dealing with cantonments?

Mr. McKELLAR. Absolutely none whatever. Instead of there being 16 firms in this great country of ours who could be inveigled into taking these contracts, I imagine there must be 10,000 capable firms who would be delighted to get them. The contracts were not let on competitive bids. The contractors themselves let the subcontracts somewhat along the lines of competitive bidding to subcontractors, but no competitive bids were asked by the Government. I imagine that there are not less than 10,000 men who would have been delighted to have taken these contracts and who could have built the cantonments better than the favored contractors if they had only been given the opportunity.

Think of it! It is probably 2,000 miles from Boston, Mass., to San Antonio, Tex., and yet a firm away up in New England was given the contract to construct a cantonment away down in Texas.

Mr. WADSWORTH. Does the Senator from Tennessee refer to Stone & Webster?

Mr. McKELLAR. I am referring to Stone & Webster.

Mr. WADSWORTH. Does not the Senator know that for at least 10 or 12 years Stone & Webster have done a tremendous construction business in Texas?

Mr. McKELLAR. I have heard that they have done some construction business there, and that may be, but, for all that, it does seem to me that local contractors should have been given a chance; and if they could not have done it better, or if they could not have done it cheaper, they ought not to have had the contract. In that case, I would have been for giving it to Stone & Webster; but there should be common fairness and common honesty about this matter. This is not a favored-class war; all the people have to bear the burdens of taxation and duties, and they should all be given a fair chance at the benefits that are to be derived. They ought not to be concentrated in the hands of a favored committee or a number of committees and the work let out at their pleasure. I read on from the article:

There is no question whatever as to the capacity and wide experience of the specialists called to Washington to assist in this work. Neither is there any doubt but the task of constructing 16 cities of 40,000 population each is a tremendous one. The conviction appears to be growing, nevertheless, that the experts are entirely too numerous. For example, a committee on lumber was organized by Bernard M. Baruch, chairman of the committee on raw materials of the national council, to advise on lumber supply and other technical questions. Various organizations of lumbermen sent to Washington numbers of experts to assist in working out the details of specifications for wooden ships and cantonments.

Mr. President, from the investigations that I have made, I am absolutely confident that action ought to be taken in this bill to prevent men from dealing with themselves on these committees. It ought not to be any half-hearted kind of probation, but it should be direct and to the point, and we ought not to make any mistake about it. I hope the Pomerene amendment will be defeated and the committee amendment agreed to.

Mr. JOHNSON of California obtained the floor.

Mr. RANSDELL. Mr. President, may I ask the Senator from Tennessee a question?

Mr. McKELLAR. I yield to the Senator.

Mr. RANSDELL. The Senator has stated that a commission is paid to the inspectors who supervise the work on these cantonments. I should like him to tell us, if he can, just how the contracts are let to the men who are building the cantonments. Do they work on a commission? The Senator from Tennessee says there is no competitive bidding. Just how is it determined what shall be paid to these men to whom the contracts for the cantonments are given?

Mr. McKELLAR. I presume the Senator from Louisiana was not present when the Senator from South Dakota read the schedule of prices. The commission is based on a percentage. For instance, if the Senator were a contractor and desired to build the cantonment at Alexandria, where, I think, the one in the Senator's State is located——

Mr. RANSDELL. Yes.

Mr. McKELLAR. And it costs $3,000,000——

Mr. RANSDELL. But who will determine that it is going to cost $3,000,000?

Mr. McKELLAR. Of course, I have no accurate information except what is general, for, in spite of the fact that I have asked these questions of these committees, I have not been able to get the information, though I made the request over a month ago; but, as I understand, the contractors are given carte blanche to go ahead and build these cantonments and build them within a certain time. They can pay any price they want for labor and for materials. They have full authority to go ahead, spend the money, and build the cantonments.

Mr. RANSDELL. And the only interest——

Mr. McKELLAR. The only interest they have in them is that when they get through they figure up what the entire cost is and what their commission is, and, to show how enormous the commissions are, if at the end of two months they have a camp built and have succeeded in spending as much as $3,000,000 they would be entitled to $210,000—7 per cent.

Mr. RANSDELL. Then under that system there is absolutely no competitive bidding?

Mr. McKELLAR. None whatever. I have affidavits—I am not going to read them now—showing that there is absolutely no competitive bidding. By the way, I think we ought to provide in this bill that there should be——

The VICE PRESIDENT. The Chair feels that this has gone far enough. The Senator from Tennessee yielded the floor, and the Chair recognized the Senator from California [Mr. JOHNSON], and yet this discussion has been going on for five minutes.

Mr. RANSDELL. Mr. President, I asked permission of the Chair to address the Senator from Tennessee.

The VICE PRESIDENT. The Senator from Louisiana did not address his inquiry to the Chair; the Senator from Ten-

nessee had yielded the floor, and the Chair recognized the Senator from California.

Mr. RANSDELL. Very well, if that is the ruling of the Chair, but I did address the Chair, and the Chair was talking to somebody and did not hear me, and I carried on my colloquy with the Senator from Tennessee. Those are the facts.

The VICE PRESIDENT. The Senator from California will proceed.

Mr. JOHNSON of California. Mr. President, the interesting and novel thing in the discussion of this particular amendment is that there should be any diversity of opinion upon the very fundamental principle of fiduciary relationship, a principle as old as civilization itself. It was the old Mosaic law which first taught that no man could serve two masters, and that law has been crystallized into the statutes of every State in this Union. To-day in some of the jurisdictions the rule is so strict that a contract entered into by one who occupies a fiduciary relation, wherein profit results to him from the subject matter of his trust, is wholly void, and in other jurisdictions such a contract is voidable; but whether it be void or voidable, any dealing with a trust fund by a trustee who profits in that dealing, any such dealing by a trustee who may profit in that dealing, any such dealing by a trustee who is under the suspicion of profiting by that dealing, no law that yet has been written in any civilized country will ever tolerate or ever permit.

It is a persuasive defense, it is true, and it is a defense indeed that has with it a certain plausibility to say when one who occupies a fiduciary relation and has for himself dealt either with the subject matter of his trust or with his beneficiary that the result is advantageous to the beneficiary. It is, I say, a persuasive but none the less a specious defense, and it is the defense that ever has been made to a transaction by which a trustee from the subject matter of his trust has made a profit or obtained a benefit. The recalcitrant trustee ever asserts that the subject matter of his trust has gained or that he has conferred some particular advantage upon his beneficiary.

Robin Hood's justification and defense years and years ago in a certain sort of economic philosophy was that he took from the rich to give to the poor—a certain sort of political economy that exists doubtless in some quarters and with some people in our own Nation to-day. We had a most striking instance only a few years ago in the city from which I come, where certain supervisors receiving hundreds of thousands of dollars of bribes from public-service corporations for the giving of franchises, said in part justification and defense—a defense as novel as some arguments we have heard here—that the giving of those franchises had conferred a benefit upon the city of San Francisco; that the money they had accepted as bribes for the giving of the franchises had come from rich corporations amply able to pay and not from the city; and they weighed the advantages to the city, and, disclosing that the advantages had been tremendous to the city, they thought they should go scot free despite the manner in which they had dealt in their fiduciary relations as public officials.

I speak not in criticism or in accusation or, indeed, in reflection at all upon any coordinate branch of the Government or any voluntary association that is assisting the Government to-day. I yield to none of the Senators who have spoken against this particular sort of amendment in giving unto the men who have come here at the behest of our President all respect and honor and glory and fame that should be theirs for rendering a patriotic service to-day; but neither they nor we should wish to eliminate a most salutary rule, not a rule of law alone but a rule of morals and of ethics, that would prevent them or anyone in their behalf profiting in bargaining or dealing or having aught to do with anything that they sell to the Government or anything that they give to the Government or anything that the Government in any fashion or any manner purchases from them.

If it be said, as I have heard it said here in the last few days, that there is no necessity for this kind of enactment at this time and that the men who serve at present in the voluntary positions which have been created are far above suspicion, I answer by citing to you the proclamation issued by the President of the United States himself but three or four days ago, wherein, in his peculiarly forceful fashion, he referred to the manner in which a certain few business men of the Nation had been dealing with the Government and had been doing things reprehensible so far as the Government was concerned. If any spur were needed for us to enact in this proposed law the salutary rule that is the rule of every State in this Union and every people on earth where there is any system of judicature, it is afforded to us—aye, the necessity is furnished us—by the words of the President of the United States in the proclamation that he recently issued to this Nation.

I repeat, I honor the men who have come here to do their duty by their Government; I glory in their patriotism, just as all of the Senators who have spoken upon this floor; I yield them every meed of praise that should be accorded to men who answer their country's call; but they, no more than we, no more than any part of our people, should wish them or their agents or their employees or those connected with them in any fashion to deal for pecuniary profit with the Government which now they represent. I trust that some character of amendment will be passed which will write into the law of the Congress of the United States the rule that came to us from Moses and has been the law of every civilization and the very basis of morals and ethics ever since there were any rules or any laws upon this earth.

Mr. GRONNA. Mr. President, I can add nothing to what has been so well said by the Senator from California [Mr. JOHNSON]. I simply wish to state that I agree with and indorse everything he has said. I think that the President of the United States in his splendid and forceful letter to the people of this country settled the question whether or not section 3 ought to be adopted, when in a very striking manner he called the attention of the people to the fact that patriotism and profits should not go hand in hand.

But, Mr. President, I did not rise for the purpose of speaking to this provision alone. I want very briefly to call the attention of the Senate to some of the practical provisions of this bill. I have been loath to take much time and to speak in favor of the farmer, as one of whom I class myself; but I know, Mr. President, that the country holds every Senator responsible for his action, and that responsibility, whether he be a farmer or one who is engaged in any other industry.

In this bill there are provisions which authorize the fixing of a price to the farmer. I myself am a grower of grain. Perhaps it might be said that I should not advocate anything that would be in the interest of the producers of grain; but it is hardly necessary to call the attention of the Senate to the fact that the farmer has never had an opportunity to fix nor has he been able to have anything to say as to the price of his products. I think there is a distinction between an industry in which thousands, yea, millions, of people are engaged and an industry which is controlled by a very few.

Now, as to the price of grain to the farmer I am of the opinion that if a price shall be fixed the Congress of the United States should assume the responsibility of fixing a minimum price, rather than confer that authority or responsibility upon some individual or upon some board. I am of the opinion that the people of this country would approve of any action that we might take fixing a reasonable price for the farmer's products. I say "fixing it in the law," rather than to leave it to some person, regardless of how able or responsible that person may be.

I need not say, Mr. President, that I believe the farmers of the United States are loyal to the Government; I need not say that I believe they are obedient to the law. I know the farmers of my State are obedient to law and loyal to the Government, and want to do their share during this war. They want to continue in the future, as they have in the past, to do their bit.

Mr. President, as I have indicated, if a price shall be fixed on grain, I believe it ought to be fixed by Congress. The price to-day based upon the law of supply and demand is in the neighborhood of from $2.75 to $2.80 a bushel at the terminal markets. It has been suggested to me that the minimum price should be fixed at $1.75; but, Mr. President, I believe that that is altogether too low. I do not believe that we should agree to a minimum price of less than $2 per bushel at the primary markets. I believe, if we are going to encourage the producers of this country to produce more wheat, that we must be willing to accord them a reasonable price. Every other industry has had an opportunity—and that opportunity will continue, at least while we are at war—to increase the price of its products.

The farmer is a consumer as well as a producer; the farmer consumes as much as the man who lives in the city; he buys more than the man who lives in the city. Everything the farmer produces is sold, and goes to purchase not only materials and food but machinery to carry on his farming operations.

I am not going to take the time of the Senate to call attention to the advance in the price of farm implements and of other articles the farmer buys, but I desire to say that for everything the farmer buys he pays a higher price to-day than he did a year ago, and he paid a higher price a year ago than he did the year before. Now, would it be right to fix a price by law that would not compensate the farmer for the expense involved in growing wheat? We might just as well be frank. Foreign countries want American wheat; and if it were not for the purpose of getting American wheat at a low price this proposed

legislation would not be here. I do not believe that, in comparison with the price which we pay for other products, the present price of wheat to-day is unduly high, and yet it is a dollar more than the minimum price proposed to be fixed by the sponsors of this proposed amendment.

In the spring-wheat belt, which includes the two Dakotas, Minnesota, and Montana, and especially my State, the crop is not going to be a large one. Last year we had a failure in the production of spring wheat. We raised only about 40,000,000 bushels, whereas in 1915 we raised 155,000,000 bushels. It has been estimated that this year we will produce possibly 75,000,000 bushels of spring wheat, but I am informed by several persons from my State that the production will be much less than that.

Now, no man will deny that under present conditions, if it were left to the law of supply and demand, the farmer would get at least from $2.50 to $3 a bushel for his wheat this year. I ask you would it be right for the Congress of the United States to say that the farmer shall buy in the open market while his product shall be controlled by the Government? I understand it is the purpose of some of the Members of this body to eliminate all other products except foods, feeds, and fuels.

Why should we ask the farmer to sell in a controlled market and buy in an uncontrolled market? Why should we eliminate cotton from this bill? The grain farmer buys cotton; the grain farmer buys steel; the grain farmer buys oil and coal. The price of steel and its products, implements which are necessarily used on the farm, has a marked effect on the cost of production of grain. I understand that it is proposed to eliminate all other commodities so that no industry shall be hampered except the industry of farming, and that the control in that direction shall be limited to those who produce grain.

Now, let us see what has been done with reference to cotton. Cotton has advanced 100 per cent or more as compared to its price a year or two ago. I do not say that the price of cotton is too high; I do not believe it is; I believe the cotton farmers of the South are entitled to every penny they get for their cotton; but I do say that we have no more right to eliminate cotton from this bill than we have to eliminate wheat. Speaking of the price of cotton, let me call attention to the fact that the price of manufactured cotton has in many instances advanced more than 100 per cent. I know that the ordinary fabrics of cotton have advanced more than 100 per cent.

But you say, "We must control wheat, because it is a food product." Mr. President, you have no right to say to the man who produces wheat, "Your product shall be controlled, but the products that you buy shall not be controlled."

Already there has been great injury done to the farming industry of this country, and I want to call your attention to some facts which exist not only in my State but in other States. I want to read a quotation from a paper published at Devils Lake, N. Dak., which gives the price of wheat at the terminal markets and also gives the price of wheat and other grain in the local market.

On July 14, 1917, No. 1 hard wheat was worth at Minneapolis $2.70 a bushel. The same grade of wheat, No. 1 hard, was bought at $2.12 a bushel, making a difference of 58 cents per bushel. Now, I want to ask you, how have you helped the consumer of grain by forcing down the price of wheat to the farmer at the primary markets when the same quality of grain is being sold at the terminal markets at 60 and 70 cents per bushel more? I do not believe that you are helping the consumer. I have not noticed that there has been a decline in the secondary products. I do not believe that the people in the city of Washington have observed any decline in the price of food products, and yet there has been a decline in the price of wheat in the primary markets of from 40 to 50 per cent because wheat sold at one time as high as $3 a bushel. I do not know what it is at the present day, but on July 13 it sold at $2.10 at this same place, Devils Lake, N. Dak., and in the city of Minneapolis it sold at $2.70 per bushel.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Does the Senator from North Dakota yield to his colleague?

Mr. GRONNA. Yes; I yield.

Mr. McCUMBER. I suppose that Senators are not aware of the fact that the difference on freight would be only about 10 cents a bushel. Now, has my colleague investigated the subject so that he can inform the Senate why there is a difference of 60 cents a bushel between the primary and the terminal markets, when the freight amounts to only about 10 cents a bushel? Something is decidedly wrong there. There must be some underlying principle governing that that ought to be rectified.

Mr. GRONNA. Mr. President, my colleague is right. I want to say to the Senate that the freight charges upon this particular point are 13 cents a hundred, or 7.8 cents per bushel. The commission charges would be 1 cent per bushel. There are some charges made for switching, but in all the charges would not exceed 11¼ cents per bushel, and the spread between the terminal markets and the primary markets is usually 15 or 16 cents, whereas to-day it is 60 cents and more per bushel.

Now, as to the cause, Mr. President. Of course I do not know that I can give a satisfactory answer to the question of my colleague, but I can state my opinion. I believe that the price of grain to the farmers at all the terminal markets has been ruined by these very men, who are, if reports are correct, to assume the responsibility of fixing the prices of grain to the farmers in the future. I believe that the price of grain at the markets has been destroyed, because no man dares to invest his money; no man, I say, dares to buy grain for future shipment; no miller dares to buy any more than from hand to mouth, because he does not know what he may be able to get for that grain or for that product when it is sold. That is the only explanation that I can give of it.

Mr. McCUMBER. Mr. President, if my colleague will allow me again, certainly there are a vast number of independent elevator buyers throughout the State, buyers who have been in the habit of buying on a 2½ to 3 cents per bushel margin of safety; and if grain is quoted in Minneapolis at $2.60, in view of the fact that it only takes two or three days to get the grain from North Dakota to this great terminal market, I can not, for the life of me, understand why they should be so fearful that they would not dare take a chance where there is a spread of practically 60 cents a bushel. I confess that I can not understand it. It does not seem to me possible that the wheat is being sold at all in the State and shipped unless it can be sold for something nearer the cost price than the price for which it is sold at the great terminals.

Mr. GRONNA. I will say to my colleague that these are bona fide transactions, and I shall quote prices from the different parts of our State. I know that grain has been bought at these prices and has been shipped to the terminals, and of course the terminal prices can easily be verified.

Mr. McCUMBER. I want to say that I do not doubt at all the correctness of the figures; but I am a seeker after information, as I know my colleague is, as to the cause of this immense spread between the primary market and the terminal market.

Mr. GRONNA. I can only say, Mr. President, that with this statement which was made—and I dislike very much to mention anybody's name—but with this statement which was made by Mr. Hoover that the public ought to pay only a certain price for flour, which, of course, would not warrant the miller in buying grain, even at $1.90 a bushel, and a price which would not warrant the miller in selling his product at $9 a barrel, which was named by him, I can readily see that these people feel that they are not warranted in laying in a supply, that they are not willing to take a chance and pay what the wheat is actually worth, and they are therefore buying it at an abnormally low price.

Mr. McCUMBER. But let me call my colleague's attention to the fact that Minneapolis is one of the greatest milling centers in the United States, and the millers there seem to have no fear in paying 60 cents a bushel more than is being paid out in our own State, and have the courage to purchase wheat at those prices and to convert it into flour.

Mr. GRONNA. Well, my colleague knows that a great many elevators are owned by the milling concerns in Minneapolis. That is true with regard to all those large milling concerns. They have hundreds of elevators scattered all over our State, and all over the Western States, and, of course, when they buy at this low price at the primary market it is really the mills that are getting the wheat at this low price; I do not say all of it, but a large share of it.

Mr. President, I have here a number of clippings which I shall not take the time of the Senate to read, but I want to ask permission to have them inserted in the RECORD without reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

[From the Mott Pioneer Press, July 12, 1917.]

THE MOTT MARKETS.

(Corrected up to Thursday noon of each week.)

Wheat, No. 1, $1.96.
Wheat, No. 2, $1.90.
Durum, No. 1, $1.55.
Durum, No. 2, $1.45.
Flax, No 1, $2.40.
Flax, No. 2, $2.35.
Barley, No. 1, 97 cents.
Barley, No. 2, 92 cents.
Rye, No. 2, $1.95.
Oats, 58 cents.

THE MARKET THURSDAY, JULY 12, 1917.

GRAIN.

Wheat, No. 1 northern, $1.94.
Wheat, No. 2 northern, $1.84.
Wheat, No. 3 northern, $1.74.
Wheat, No. 1 durum, $1.60.
Flax, No. 1, $2.54.
Flax, No. 2, $2.49.
Rye, $1.95.
Barley, $1.05.
Oats, 61 cents.

PRODUCE.

Butter, per pound, 30 cents.
Eggs, per dozen, 30 cents.
Potatoes, per bushel, $1.50.

LIVE STOCK.

Hens, 15 cents.
Cattle, $5.50 to $6.
Hogs, $12 to $14.
Sheep, $5 to $6.

WILLISTON, *July 12, 1917.*

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[From the Devils Lake Journal, July 12, 1917.]

TO-DAY'S MARKET BY FARMERS' MILL AND ELEVATOR ASSOCIATION.

DEVILS LAKE, N. DAK., LOCAL MARKET.

No. 1 hard, $2.02.
No. 1 northern, $2.
No. 2 northern, $1.90.
No. 3 wheat, $1.80.
No. 4 wheat, $1.40 to $1.67.
No. 1 durum, $1.63.
No. 2 durum, $1.53.
Oats, 63 cents.
Barley, 83 cents to $1.09.
Rye, $1.98.
Flax, $2.57.

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MINNEAPOLIS CLOSE—BY FARMERS' GRAIN CO.

DEVILS LAKE, N. DAK.

No. 1 hard, $2.60.
No. 1 northern, $2.50 to $2.55.
No. 2 northern, $2.40 to $2.45.
No. 3 wheat, $2.20 to $2.35.
No. 2 hard Montana, $2.40 to $2.45.
No. 1 durum, $2.
No. 2 durum, $1.90 to $1.95.
No. 3 yellow corn, $1.83 to $1.85.
No. 3 white oats, 71⅛ cents to 72⅜ cents.
Barley, $1.25 to $1.55.
Rye, $2.34 to $2.36.
Flax, $2.92 to $2.97.
July, $2.37½.
September, $1.92.

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[July 13, 1917.]

TO-DAY'S MARKET BY FARMERS' MILL AND ELEVATOR ASSOCIATION, DEVILS LAKE, N. DAK.

LOCAL MARKET.

No. 1 lard, $2.12.
No. 1 northern, $2.10.
No. 2 northern, $2.
No. 3 wheat, $1.90.
No. 4 wheat, $1.50 to $1.77.
No. 1 durum, $1.73.
No. 2 durum, $1.63.
Oats, 63 cents.
Barley, 83 cents to $1.09.
Rye, $1.98.
Flax, $2.61

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MINNEAPOLIS CLOSE—BY FARMERS' GRAIN CO.

DEVILS LAKE, N. DAK.

No. 1 hard, $2.70.
No. 1 northern, $2.55 to $2.65.
No. 2 northern, $2.45 to $2.55.
No. 3 wheat, $2.25 to $2.45.
No. 2 hard Montana, $2.50 to $2.51.
No. 1 durum, $2 to $2.05.
No. 2 durum, $2 to $2.05.
No. 3 yellow corn, $1.85 to $1.86.
No. 3 white oats, 71 to 72 cents.
Barley, $1.25 to $1.55.
Rye, $2.34 to $2.36.
Flax, $2.96 to $3.01.
July wheat $2.49.
September wheat, $1.93¼.

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[July 14, 1917.]

MINOT MARKET QUOTATIONS BY ROBINSON ELEVATOR CO.

MINOT MARKETS.

Wheat, $2.15.
Durum, $1.71.
Oats, 62 cents.
Barley, 81 cents to $1.07.
Flax, $2.39.

MINNEAPOLIS MARKETS.

No. 1 hard, $2.70.
No. 1 northern, $2.55 to $2.65.
No. 2 northern, $2.45 to $2.55.
No. 3 wheat, $2.25 to $2.46.
No. 2 hard Montana, $2.50 to $2.55.
No. 1 durum, $2.10.
No. 2 durum, $2.20 to $2.05.
No. 3 yellow corn, $1.85 to $1.86.
Arrive, $1.80 to $1.81.
Other grades, $1.70 to $1.85.
No. 4 yellow corn, to arrive, $1.75.
No. 2 winter Montana, 74 to 75 cents.
No. 3 white oats, 71 to 72 cents.
Arrive, 70 to 71 cents.
No. 4 white oats, 70 to 71½ cents.
Barley, $1.25 to $1.55.
Choice, $1.55 to $1.60.
Rye, $2.34 to $2.36.
Arrive, $2.15.
Flax and arrive, $2.96 to $3.01.
July wheat, $2.43.
September wheat, $1.93½.

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[July 14, 1917.]

TO-DAY'S MARKET BY FARMERS' MILL AND ELEVATOR ASSOCIATION.

DEVILS LAKE, N. DAK. (LOCAL MARKET).

No. 1 hard, $2.12.
No. 1 northern, $2.10.
No. 2 northern, $2.
No. 3 wheat, $1.90.
No. 4 wheat, $1.50 to $1.77.
No. 1 durum, $1.73.
No. 2 durum, $1.63.
Oats, 63 cents.
Barley, 83 cents to $1.09.
Rye, $1.98.
Flax, $2.61.

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MINNEAPOLIS CLOSE—BY FARMERS' GRAIN CO.

DEVILS LAKE, N. DAK.

No. 1 hard, $2.70.
No. 1 northern, $2.55 to $2.65.
No. 2 northern, $2.45 to $2.55.
No. 3 wheat, $2.25 to $2.45.
No. 2 hard Montana, $2.50 to $2.51.
No. 1 durum, $2 to $2.05.
No. 2 durum, $2 to $2.05.
No. 3 yellow corn, $1.87 to $1.89.
No. 3 white oats, 71⅛ to 72⅛ cents.
Barley, $1.22 to $1.50.
Rye, $2.28 to $2.30.
Flax, $2.99 to $3.04.
July wheat, $2.45.
September wheat, $1.96½.

Mr. GRONNA. I want to quote from one of the papers published at Grand Forks, N. Dak.

On July 13 No. 1 northern wheat was sold at Grand Forks, N. Dak., for $1.92 per bushel, and on that very same day wheat was worth in the terminal markets $2.70. Now, by this legislation and by the discussion that has been going on here and by the newspaper articles we have succeeded in robbing the farmers of the country—I say robbing them—of a price to which they are entitled. We have taken at least 25 to 50 cents a bushel away from them, and we are not helping the consumers, because the price of bread and the price of flour is not controlled by the farmers. In fact, there is not anything controlled by the farmers.

I know, Mr. President, that farmers' organizations all over the country have been dissatisfied with the conditions of the past. They have felt that the chambers of commerce and the boards of trade have manipulated prices to the loss and disadvantage of the farmers; but I must admit that never in the history of the country have the farmers been robbed to the extent that they are being robbed to-day in the prices of their grain. I do not believe that it is fair for those who are so willing to administer this law to criticize the Members of Congress because they want to do their full duty.

I want to call the attention of the country to the fact that the only men from the grain district who have been here, to my knowledge, are the very men whom we have termed the grain gamblers of the country. The Committee on Agriculture and Forestry know that the only gentleman who appeared before us was Mr. Barnes, of Duluth. I am not an enemy of Mr. Barnes, I am his friend; but Mr. Barnes is one of the large dealers in grain on the boards of trade not only in Duluth but in other cities of the West. He is among those very men whom the farmers' organizations have termed gamblers in wheat. I want to read an amendment suggested to the Senate not only by Mr. Barnes but by Mr. Hoover and by Hoover's attorney. There is not a Senator on this floor who will dare to defend it.

Mr. President, section 6 of the bill is the section which provides against hoarding and makes it unlawful. The section is very short. I think I had better read it. I read from the bill:

That necessaries shall be deemed to be hoarded within the meaning of this act when either (a) held, contracted for, or arranged for by any manufacturer, wholesaler, retailer, or other dealer in a quantity in excess of the reasonable requirements of his business for use or sale by him for a reasonable time or reasonably required to furnish necessaries produced in surplus quantities seasonally throughout the period of scant or no production; or (b) withheld, whether by possession or under any contract or arrangement, from the market by any person for the purpose of unreasonably increasing or diminishing the price: *Provided, however*, That any accumulating or withholding by any farmer or gardener, cooperative association of farmers or gardeners, including

live-stock farmers, or any other person, of the products of any farm, garden, or other land owned, leased, or cultivated by him shall not be deemed to be hoarding within the meaning of this act.

Now, let me read the amendment proposed by those who are going to stop the gambling in food products. I read from the amendment reported by the Senator from Oregon [Mr. CHAMBERLAIN]:

Provided, That such operations, practices, and transactions at, on, or in, or under the rules of any exchange, board of trade, or other similar institution or place of business, as are not prohibited by the regulations made by the President, pursuant to the provisions of this section, shall not be deemed to be within the intent and meaning of section 6 of this act.

What does that mean? That means that the practice of gambling in food is legalized, but if a producer of grain or a miller or anybody else outside of a chamber of commerce or board of trade should deal in grain, he would be liable to suffer the penalties as prescribed under section 6. I say that these recommendations of Mr. Hoover and his attorney, Mr. Lindsey, are indefensible, because they legalize the practice of gambling in food products, and penalize honest business. Yet we are told that unless we pass this bill speedily we are going to be reported to our constituents. Well, Mr. President, there will be something said to our constituents about this bill.

Mr. KING. Mr. President, may I ask the Senator a few questions?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Utah?

Mr. GRONNA. Yes.

Mr. KING. I have understood during these debates that the Senator just addressing the Senate was one of the most earnest in advocating a food-control bill. Was my information correct?

Mr. GRONNA. The Senator is right in understanding that I am not opposed to a food bill providing you will treat those engaged in that industry fairly, so that they will be enabled to conduct their business and produce food; but I am opposed to the proposition of singling out the producer of food as the only man who shall suffer, and for whose benefit, I ask the Senator from Utah?

Mr. KING. If the Senator is addressing his interrogatory to me, I will say that I do not agree that the farmer is suffering to the extent the Senator would imply. May I ask the Senator another question?

Mr. GRONNA. Yes; certainly.

Mr. KING. Did not the Senator upon a number of occasions insist that some measure should be passed to prevent gambling in food products?

Mr. GRONNA. Yes; and I still think so.

Mr. KING. And has not the Senator repeatedly inveighed very strongly upon the floor of the Senate against the food gamblers and insisted that something should be done by the Government to control food speculation?

Mr. GRONNA. I have insisted upon it, and I still insist upon it, but I want to say to the Senator from Utah, with due respect to him as a learned lawyer, that there is no such provision in this bill, and I challenge the Senator from Utah to show it.

Mr. KING. I think the Senator from Utah might, if afforded the opportunity, point out some features of the bill that meet the suggestion just made, but that was not the point to which I was about to address myself.

The Senator complained a moment ago that the farmer was being robbed. As I understand, the farmer is getting to-day for his wheat more than 100 per cent above that which he obtained before the war. Is that correct?

Mr. GRONNA. Mr. President, it is pretty hard to tell what the farmer is getting in my section of the country, because we have not harvested this year's crop.

Mr. KING. Is not wheat now selling upon the market for a price considerably above $2?

Mr. GRONNA. It is away above $2 in the terminal markets, but it is below $2 in the primary markets.

Mr. KING. Are not the farmers of the country to-day demanding and obtaining in excess of $2 per bushel for their wheat?

Mr. GRONNA. No; they are not obtaining as much as $2. In many instances they are receiving a great deal less than $2 in the primary markets.

Mr. KING. Prior to the war the farmers were receiving less than $1, as a rule, for their wheat, were they not?

Mr. GRONNA. Oh, I will say to the Senator that prior to the war they sold wheat as low as 40 cents a bushel. Of course that condition existed some 20 years ago.

Mr. OVERMAN. Mr. President, I want to say that in my county—I have just returned from home—they are now selling new wheat, just gathered, for $2.40 a bushel.

Mr. KING. My information is that farmers are receiving for their wheat from $2 per bushel to $2.50 per bushel. I understand from the attitude of the Senator heretofore that he has insisted upon the Government controlling coal because the coal operators were charging substantially 100 per cent more than they did before the war.

Mr. GRONNA. I have not said anything about coal.

Mr. KING. Does the Senator think that the Government ought to control coal because the coal operators are charging 100 per cent or more above the prices they obtained in prewar times?

Mr. McCUMBER. Mr. President——

Mr. GRONNA. I will yield to my colleague in one minute. I desire to make the analysis with reference to the coal question in my own time and in my own way.

Mr. KING. Yes; I do not want——

Mr. GRONNA. I have not had an opportunity to discuss the question of coal. I believe that the Government should have something to say about the price of coal if the coal operators are getting abnormally high prices, but I am not in a position to know what the price of coal should be.

Mr. KING. I am trespassing upon the generosity of the Senator, of course, and I will only propound, with his indulgence, one further question.

Does the Senator think that the farmer ought to be less patriotic than manufacturers and other producers of necessaries, and that because we are at war he ought to ask and demand an unreasonable and an abnormal price for the products of the farm, when at the same time he is insisting that the producer of coal and steel and other products and the manufacturers from whom he buys shall be controlled so that their profits shall be substantially those that they had before the war?

Mr. GRONNA. I do not think the Senator is seriously asking that question. If the Senator knows anything about prices, he must admit that steel is 300 per cent higher to-day than it was before the war.

If the Senator knows anything about farming, he must admit that there is no product that is more important to the industry of farming than steel. I may say to the Senator from Utah that the price to the farmer has not advanced in proportion to the prices of the factory.

I now yield to my colleague.

Mr. McCUMBER. Mr. President, the Senator from Utah seems to have an entire misapprehension of what the farmers received for the crop that has been raised and sold, and he seems to see no difference between a high price for a quarter of a crop and a doubling of the price of coal where the quantity available is just as great as it ever was.

Let me call his attention to the fact that the people of the State of North Dakota sold 95 per cent of their grain for less than a dollar a bushel, and that they raised only a quarter of a crop of wheat, and the reason why the price of grain was so high was because they did not have it to sell. They are not receiving two and three dollars a bushel for an average and full crop of wheat, while coal, as the Senator knows, is in the ground to-day, almost as much of it as there was a year ago or two years ago or three years ago. If the statisticians are correct, we are not taking a thousandth part of 1 per cent of our coal out of the earth yearly. If that is correct, then there is little excuse, other than the high price of wages, and so forth, for the rise in the price of coal, while in the case of wheat there is an excuse, that we did not raise the wheat. We only had a quarter of a crop in our own State, and the entire spring crop, I believe, was only about one-third of what it was the year before. Therefore there is a legitimate reason for the rise in the value of wheat, and, as my colleague has said, everything that the farmer purchases has increased far more than the price of this grain, with the exception of a little spurt in the price of grain during a few days in the month of May.

Mr. KING. Mr. President——

Mr. GRONNA. My colleague is absolutely right in what he has said. The farmer who raises grain depends not only upon the treatment he is going to get from those who fix prices, but, of course, he must look to the future and to the elements of nature as well.

I yield to the Senator from Utah.

Mr. KING. I just wanted to say that I am familiar with the prices to which the Senator refers, and I did not mean to intimate by any of the questions I propounded any lack of sympathy with the farmers of our country. I was only interested in elucidating, so far as a few questions would permit, the psychology of the discussion of a measure which in any way fixes prices or seeks to subject business to governmental control. I noticed, and I say this with all due respect to the distinguished Senator who now has the floor, that he was very

earnest for a bill to control foods, fuels, and other products, and yet when he thinks that the prices to be paid the farmer may be affected by this bill, I fancy I see somewhat of a diminution in the enthusiasm of the Senator, and other Senators from agricultural districts, in the support given by him and them to this measure.

The situation only illustrates the fact that in war times human nature is very much the same as it is in peace times, and that the farmer is not much different from the coal man or the steel man or the manufacturer. If there is a chance to get increased prices, the farmer is likely to ask the opportunity to get advanced prices upon his products. This human trait—call it selfishness or any other name—which now strikingly appears when our country is battling for the preservation of liberty and the rights of American citizens, will strengthen the position of those who believe that in the interest of the Nation while at war as well as the great mass of our people who are not producers or manufacturers, there ought to be some legislation that will afford them protection. There is a feeling that the millions who work for wages, who are not engaged in big business, in manufacturing, and in producing, though their labors are productive and absolutely essential to the maintenance of society and our Government, should be protected from the rapacity of those who are willing to use the war as an excuse for extortionate prices. It seems to me that the voice of this important class of people in the United States should not be ignored and that there should be some legislation that will protect, as far as legislation can protect, their interests. Of course the interests of the agricultural classes are important and there should be no legislation that would discriminate against them.

Mr. McCUMBER. Mr. President, will my colleague just let me answer that proposition on the day-laborer idea?

Mr. GRONNA. Certainly.

Mr. McCUMBER. I have an amendment to this bill now, if I ever get an opportunity to present it after the debate upon section 3, and that amendment disposes entirely of fixing any minimum price whatever for grain. If you will vote into this bill a proposition that the American farmer shall receive for his grain a price that will pay for the labor employed in producing the grain upon the farm an equivalent of what is paid for other like labor elsewhere in the United States and a reasonable return upon the investment, my colleague and I will be mighty grateful to you and we shall not ask that you grant to the farmer anything greater than that. We know, as you ought to know if you have studied the situation, that the lowest paid labor in the city of Washington or New York or elsewhere will earn more bread in a given hour three times over than the farmer will receive for the wheat that went into that flour for a given amount of wages. Now, if you are willing to put them upon an equality, so that the farmer will receive just as much in wage as this other labor, we will be eminently satisfied. If, for instance, it requires no more labor to produce a Stetson hat and put it upon the market than it takes to produce a bushel of wheat and put it on the market, then a bushel of wheat ought to trade for a Stetson hat, ought it not? That would be fair. Are you willing to put the farmer upon that basis? If you are, we will be satisfied, and there will be no quarrel about high prices.

Mr. KING. Will the Senator permit me; I understand, then, as a deduction from the very learned statement just made by the Senator, he would like the farmer to get from three to five dollars a bushel for his wheat.

Mr. McCUMBER. Yes; I would like to have him get from three to five dollars a bushel if the other labor is at the equivalent rate.

Mr. SMITH of Arizona. We have no labor.

Mr. McCUMBER. No labor in the United States to-day! Mr. President, if we had double the population, the people are here to do the work to-day. No one need say to-day that he can not get work.

Mr. GRONNA. Mr. President, I agree with what my colleague has said. If the farmer takes a bushel of wheat to market, he will simply take in exchange for that wheat a pair of brogans, as suggested to me the other day by the Senator from Oklahoma [Mr. GORE]. In the matter of exchange we know the farmer will not gain any great benefit under the present-day arrangement. If the Senator from Utah has studied the market reports, and I presume he has, he will agree with me that everything which the farmer purchases has advanced to the farmer as well as it has advanced to the people in the cities. Copper, zinc, lead, the products of the mine, the products of the factory, have all advanced more, I will say to the Senator, than has the price of grain based upon to-day's prices.

The Senator from Utah also knows that there is no guaranty to the farmer in this bill. There is only a provision which says that somebody, somewhere, shall have the authority to fix the price. I wish to ask the Senator from Utah if he believes that with the uncertain conditions the farmers of the country would plant the grain necessary, and which will be needed not only for ourselves but for the allies, unless they are sure they are at least going to get cost for it?

Mr. KING. I would not be able categorically to answer the question of the Senator, but, briefly, I will say yes. I have no doubt, Mr. President, that the domestic demands and the foreign demands for wheat and for all nonperishable farm produce will be so great during the next one or two years, at least during the progress of the war, that the farmers of the United States will get very much more, whether there is a minimum price fixed in this bill or otherwise, for their farm products than they have obtained at any time since the period of the Civil War; that they will obtain for their products, whether there is a minimum price fixed or not, higher prices relatively than many of the manufacturers will receive for their products, and very much more relatively than the laborers of the United States will receive. In other words, the per cent advances in prices over those prevailing before the war will be less upon the part of many articles of manufacture than upon farm products, and the increase in wages will not correspond with the advance in the products of the farm.

I do not think that the farmers of the United States are going to let their farms lie idle; I do not think they are going to be unpatriotic because there may be no high minimum price fixed for their products; but, on the contrary, they are going to sow and reap and plant and sell and greatly increase the quantity of farm products, and as a result of the domestic and foreign demand which will be increasingly greater they will enjoy prosperity greater than ever before.

Mr. GRONNA. I agree with a part of the statement of the Senator from Utah. I agree with the Senator that they will sow and that they will reap, but with the price of corn at nearly $2 a bushel, and in New York above $2 a bushel, and with the price of wheat at $1.75, when as the Senator knows we have produced in the United States ever since 1860, 100 per cent more corn to the acre than wheat, does the Senator think that the farmer is such a stupid fool that he would plant wheat when he could plant corn and grow twice as much and get the same price for it? Does the Senator think that would be possible?

Mr. KING. If the Senator propounds that as a question to me, I will say that, having had some little experience on a farm and having associated with farmers all my life, I have reached the conclusion that the farmer is not stupid by any means, but he is about as wise and about as shrewd, and certainly as patriotic, as any of the people you can find in the United States.

But, I repeat, that with the demand of the domestic market plus the demand of the allies, and the neutrals with whom we may have dealings, the price of wheat will be so great that the farmers will raise more next year than they raised this year and they will derive a greater profit next year than that obtained this year. I am assuming, of course, that this war will not be ended within that period.

Mr. GRONNA. Is it the Senator's opinion that we shall fix no price at all, but let him go on and transact business undisturbed in the same manner as people engaged in other industries?

Mr. KING. I will say to the Senator that I have a bill here which I think is better than the bill reported by the committee of which the Senator is a member, and that did not propose to fix prices at all. I do not quite approve the theory upon which this bill is drawn, nor will it, in my opinion, accomplish what many of its advocates claim for it. Yet I shall support it, because I think there should be some legislation to meet the conditions confronting us and to prepare for evil days, should the war continue for two or more years. What I would prefer is not to fix a minimum price, but leave that, if any prices are to be fixed, to Mr. Hoover or the commission or board, if one shall be created. That can be more intelligently done by Mr. Hoover or a commission than by Congress. It is manifest that such a commission would have more information than we possess; besides, circumstances and conditions are constantly changing, and a legislative price to-day might prove wholly improper for six months hence.

For instance, the crop of the present year has been raised, and the fixing of a minimum price now would be of no advantage whatever as an inducement to farmers to plant for the current year. If it shall be determined by the board that shall be created or by the food controller that conditions are such that there should be encouragement offered to the farmer to plant extensively for the year 1918, if the submarine menace shall continue to work its devastations as it has in the past and the wheat that we ship abroad shall largely be lost from

submarine attacks, if it shall appear that the needs of the people are so great that every possible encouragement must be offered the farmer to produce wheat, then a minimum price might be required, and I would give in the bill authority to such commission or such food controller to fix a minimum price.

But still I come back to the proposition that I am not much of a believer in the efficacy of price fixing. In some instances it will disturb business, demoralize commerce, and prove futile to accomplish the end in view. The measure I have introduced will, in my opinion, prove far more efficacious in working out the problem that confronts the American people than the bill now submitted by the committee.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Missouri?

Mr. GRONNA. I will yield in a moment. I do not think the Senator from Utah and I disagree as to the patriotism of the farmer. It is my impression that the farmers of the United States have not asked for this bill. So far as I know, the farmers of the country are not asking for this legislation at all. We are simply forcing it upon them. Of course, if we are going to force it upon the farmers, those of us who represent the grain-growing sections of the country must insist that the minimum price must be at least a reasonable price, a price at which they will be able to produce it. I yield to the Senator from Missouri if he wishes to ask me a question.

Mr. REED. I simply wish to suggest a little out of time to the Senator from Utah [Mr. KING] that the farmer would ask, if he were left alone to Congress, that his market be not taken away from him—the market for his surplus crop. We are now considering a bill that at least provides the means by which his domestic market can be largely controlled.

Mr. KING. As I understand the Senator, I agree with him.

Mr. REED. That being the case, it follows, does it not, that unless some sort of protection is afforded him he is liable to be ruined or driven out of the business of raising wheat? That is the reason why something must be done in this bill. If we do discourage the wheat farmer, if we drive him out of the wheat business, then we will cut off the supply of the very thing which is the world's greatest need to-day.

Mr. KING. Will the Senator from North Dakota pardon me for a moment?

Mr. GRONNA. Mr. President, I think the Chair should have something to say about it. I will be glad to yield, however.

Mr. KING. The Senator has been very courteous, and I shall not further trespass upon his time.

Mr. GRONNA. Mr. President, I agree with what the President said the other day in his message to the people of the United States, that we ought to separate the question of making profits and the question of patriotism. I believe the farmers of the United States will be perfectly satisfied if that is done.

Personally, Mr. President, I do not think that the farmers are entitled to any better treatment than people engaged in any other industry, but we know that ever since the industry of farming was known the producer of farm products has never been able to fix the price. During this war period naturally prices are high, and the question is, Is it fair to one industry which never from the very nature of things has been able to control the products of its industry, but which very often has been compelled to sell in the markets of the world at prices below cost?

I ask the Members of this body is it fair to the men engaged in the industry that now while we are at war and the European countries need our products for food, is it right for the Government of the United States to fix the price for what they produce way below that which they would get fixed by the law of supply and demand? It can not be denied by any Senator that we are taking that much out of the pockets of the farmers of the country. If we include all the industries in this bill, and the bill shall be passed as it has been amended upon the floor, then the farmer has no right to complain; he must take his chances with the rest of the people; but you single out only the farmers of the country, the particular farmers engaged in raising the cereals or grains, and say to them that while for centuries you have sold your products fixed by somebody else in the markets of the world, based as you say, upon the law of supply and demand, and you have had to sell at a loss, yet now when you have an opportunity, when production is below that of consumption, you shall not have the opportunity to get the benefit of the law of supply and demand, but we shall limit your profits by law.

When the amendment of the Senator from Utah [Mr. SMOOT] was up the other day providing that the Government shall purchase whisky every constitutional lawyer on the floor soon discovered that we were taking private property without due process of law. How much better is this whisky which is made out of grain? Why not apply the same Constitution to the farmer that you applied to the Whisky Trust? Is there anything divine about whisky? Because grain has been transformed into whisky is there any reason why the farmer should not have as much right to say "You have taken my wheat without due process of law" as it is for the distiller to say, those who own the distilleries and who own the whisky, "You can not take my property because I am going to fix my own price; at least I am going to get my cost and a profit."

Mr. HOLLIS. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. GRONNA. I yield to the Senator.

Mr. HOLLIS. Mr. President, I am very much interested in the Senator's argument. I have great respect for his opinion and for his knowledge of wheat and prices and conditions under which wheat is produced. I should like to ask him if in his opinion there is any place in the bill where it is sought to limit the price of wheat to the farmer?

Mr. GRONNA. Yes; there is. I will say to the Senator that is my understanding that what we call the minimum price will be an absolute price, and I will tell the Senator why.

Mr. HOLLIS. I shall be very glad to hear it.

Mr. GRONNA. There will be but one purchaser of wheat, as the Senator knows. At least Mr. Hoover so stated before the committee. There will be of the surplus only one purchaser; that purchaser fixes the price, and when you name a minimum price, call it what you please, it is an absolute price.

Mr. HOLLIS. Does the Senator understand that that is under this bill? My understanding is that there is not anything of that sort in this bill. There may be elsewhere, but I do not find anything of that sort in the bill.

Mr. GRONNA. I will say to the Senator the bill reported from the committee only provides that somebody shall have the authority to fix the minimum price.

Mr. HOLLIS. But there is nothing in the bill, as I see it, that will prevent the farmer from getting as much more than the minimum price as the market affords.

Mr. GRONNA. No; there is not.

Mr. HOLLIS. If there is outside of the bill some way by which they could combine and beat the price down, that is not in this bill.

Mr. GRONNA. No; it is not in the bill; but the Senator knows that already there is an embargo placed upon wheat. That has taken our market, and shutting off our foreign market leaves the only consumers of wheat to the American mills.

Mr. HOLLIS. There is nothing of that kind in this bill, so far as I have understood it.

Mr. WADSWORTH. Will the Senator from North Dakota permit an interruption at that point?

Mr. GRONNA. I yield.

Mr. WADSWORTH. I call the attention of the Senator from New Hampshire to section 5 of the bill, which might be termed the licensing section, under which the Government is authorized to establish a licensing system to apply to any person, firm, or corporation engaged in the manufacture, production, or distribution or marketing of any of the necessaries, of which wheat is one. Under the licensing system the Government is authorized to establish rules and regulations governing methods, practices, profits, and commissions. If that is not a price-fixing section, I do not know what one is.

Mr. HOLLIS. But it expressly exempts the fixing of prices on products in the hands of the producer.

Mr. WADSWORTH. But if you fix the price of flour made by the miller and the margin to be allowed the miller between the cost of his wheat and the purchase price of his flour to the consumer, you fix the price of wheat.

Mr. HOLLIS. But there is nothing in the bill which permits the fixing of the price of flour or fixing the price of wheat in anybody's hands. It merely provides that the profits to be charged by the middle man may be regulated.

Mr. GRONNA. I suggest to the Senator from New Hampshire that originally there was nothing in the bill which provided for the fixing of any price—that is, directly—but, as the Senator from New York has stated, by the provisions of section 5, which is the licensing section, there is no question of doubt in my mind that the price not only of wheat but of flour can be controlled in that way. So indirectly we are giving authority to somebody to make the price.

Mr. WADSWORTH. Mr. President, Mr. Hoover has announced that that is what he will do under that section.

Mr. GRONNA. That is true. I think that the farmers of the country, when they know the true situation, will feel that they have reason to complain. As the Senator from Missouri [Mr.

REED] has so ably said in discussing this question, Mr. Hoover—and I have the highest respect for Mr. Hoover; I think he is a very able and conscientious citizen—has said, and he has been unfortunate in making the statement, that the price of wheat might be forced down to 75 cents. I want to say to the Members of this body that if the price of wheat is forced down to 75 cents no one in this country will be able to produce wheat. It is not a question of whether or not they are willing to do so—the question is, Are they able to do it? It is not a question of patriotism, as the Senator from Oklahoma [Mr. GORE] suggests.

Speaking about the price of wheat before the war and now, the price of wheat the day the war was declared, I am informed by the Senator from Oklahoma, was $2.02 a bushel. I admit that the farmer is getting more for his grain to-day than he was receiving before the war; no sensible man will deny that. I am not opposed to, and I shall not oppose, any bill which provides that all the industries of the country shall be controlled. I am willing to trust the President of the United States; I am willing to let him regulate all industries, if necessary, during the war; but I am unwilling to single out one industry, an industry which has always suffered at the hands of the men who handle the secondary products. The people who are engaged in this industry never have an opportunity to fix the price, are never able to say what the price shall be, and have always purchased in an uncontrolled market and sold in a controlled market. It is to that I am objecting, Mr. President.

I can see no reason why the grain farmers of the country should be singled out in this way. If you are going to put the grain farmers under this ban, then, I say, put the cotton farmers in the same position. I know of no reason why cotton and the products of the factory as well as wheat should not be controlled by the Government. I am finding no fault with the prices received by the cotton grower of the South; I do not think he is getting too much even to-day. I know that the cotton farmer, as well as all the farmers in this broad land, have been underpaid in the past; I know that that condition will prevail in the future; and I ask you, in all fairness, at this time, when the farmer—I care nothing about what he may produce—has an opportunity of getting a fair price for his product, why limit that price by law? Why single him out? Millions of people are engaged in agriculture, as you know. Other great industries of this country are controlled by comparatively few men. Why not limit the profits of those who have always been able to name the price of their product and to name a price that has been highly profitable to them?

If you will pass this bill as it was reported from the Committee on Agriculture and Forestry and amended on this floor, and direct the President of the United States to control the other industries now included, I shall vote for it, and I shall not ask for any price to be fixed for the product of the grain growers. I do not want to give them any special advantage; and the farmers then will be content to take their chances. I am in favor of giving to the President the right to take anything he may need to carry on this war. He has the right now under the Constitution to commandeer anything that he may want to use for the Army and the Navy.

While we have been talking about the high price of wheat and the high price of flour, let me ask how much flour is consumed per capita in the United States? From 180 pounds to 196 pounds of flour is all that a person needs in a whole year. We consume less than 600,000,000 bushels of wheat in the United States annually, and it requires about 60,000,000 of that for seed. Four bushels and a half of wheat, which would be 270 pounds, will make 196 pounds of the best patent flour, and that would leave 74 pounds of by-products—bran and middlings, as we call them. If flour is to be sold at $9 per barrel, it is very easy to figure out what the price of wheat will be; it does not take a very smart man to figure that out. We know that the miller must be paid something for manufacturing the wheat into flour; but I have always understood that it is perfectly safe to figure that 4½ bushels of wheat will make a barrel of flour, and that the miller will make ample profit out of the 74 pounds of by-products derived from the manufacture of wheat into flour.

Now, we are talking about $2 wheat, but there are many grades and varieties of wheat. We forget that $2 a bushel for the highest grade of wheat would not mean $2 a bushel to the farmer. Let me call your attention again to this clipping from which I quoted a moment ago, which sets forth that while at Minneapolis on the 12th day of July No. 1 hard wheat was worth $2.60 a bushel only $2 a bushel was paid for durum wheat. Less than a year ago durum or macaroni wheat was sold at a premium of 10 cents per bushel.

So it can be seen what treatment the farmer is getting. We are willing to take the treatment in the future during this war that we have in the past; but for one I am unwilling, Mr. President, to leave the whole matter to an individual who does not understand this great industry or to some man who is not familiar with the conditions in this country. The President of the United States can not attend to these matters in detail.

Let me say that when the Agricultural Committee was called by the President to the White House he made it very plain, I thought, to the committee that the farmer should be paid a fair price. Every member who was present there that night heard the President say that he believed the producer of wheat should be paid a price that would pay him a profit. That is what President Wilson said to the committee. I do not wish to be understood in anything that I may say as criticizing the President, because I am not. I am here to help the President. I am here to perform my duty according to the light that I have, and I believe that it would be detrimental to fix a price—call it a minimum price, if you please, but it will mean an absolute price—so low that the farmer would not be induced to plant as much or more wheat next year than he planted this year. No man can criticize the farmers. They planted millions of acres more this year than they did last year. They did not know what the price was going to be, but they were willing to take their chances. However, it is a different proposition when the Congress of the United States undertakes to provide by law that an individual who has stated to the committee and to the country that this product shall bring only so much shall be made the director of this great industry, an industry which involves billions of dollars of production. It is no small matter.

I am unwilling, I repeat, to leave the provision in the bill as it is now and to grant this unlimited authority to one man, who has already stated that flour shall not be sold for more than $9 and who before the Committee on Agriculture said that flour should be sold at $6.50 a barrel, which means $1.20 wheat, and yet it is proposed to give him that authority.

Mr. President, I should like very much to have an opportunity to vote for a bill that would give the President absolute authority over all industries during this war. If such a bill as that is presented, I shall vote for it. I do not ask that any special privilege be given to the farmers, but I do object, as I have said, to singling him out and making a martyr of him, as I understand is going to be proposed.

Now, we know that the allies want our wheat. They want to get it as cheaply as possible, and I do not blame them for that, but let us see as to the patriotism of the people over there and how they are treating their own people and us. I read from a statement made by Mr. Bonar Law, whom I presume it is safe to quote as an authority:

BONAR LAW TELLS BIG SHIP PROFITS—ANSWERS CRITICS OF SPECIAL TAXES ON VESSEL OWNERS.

[Special cable from the London Times to the Washington Post, copyright, 1917, by Public Ledger Co.]

LONDON, *July 4*.

The Times parliamentary correspondent says:

"In the House of Commons to-day there was a striking debate on the finance bill increasing the excess-profits duty by an 8 per cent differential against shipowners. Several members warmly protested against singling out one class for exceptional treatment. Bonar Law met them by narrating his own experience with shipping shares. He had invested £8,110 in 15 different shipping companies under the management of 7 owners. He would have been glad to get 5 per cent interest, £405, a year in ordinary times. As an actual fact he received £3,624 in 1915 and £3,847 in 1916.

"'Good Lord!' exclaimed Mr. Duncan, the labor member. 'Was that after paying the excess-profits duty?'

"'Yes,' Bonar Law replied. Besides that, one of these steamers had been sold or sunk. He had £200 in that ship, and on top of his handsome dividend had received a check for £1,000 on the liquidation.

"'That is the trade we are ruining,' was Mr. Law's parting comment. He declared it wrong that the Government should have allowed such profits to have been made, but made it clear that he attributed no blame to the shipowners. As to the general case of the excess-profits duty, he did not know how the Government could have financed the war without it. The only alternative would have been a large increase in the income tax."

You are going to take the wheat from the American farmer at a low price. Then we are going to let the allies charge us the high ocean rates—the robber prices which the President of the United States called attention to in his letter the other day. We are going to permit that thing to go on.

How about our boys in the trenches? They need bread. How about the Government of the United States buying back this grain or paying these enormous freight rates admitted by Bonar Law? I do not hear any complaints about that here. It seems to be perfectly satisfactory to let the allies charge the American people and rob the American farmer by imposing these enormous freight rates.

Mr. President, we must not forget that the men who control absolutely the ocean-carrying business and are able to name their price should not be allowed to name the price of wheat to the American farmer.

Mr. President, we have in my State an organization of farmers. They are not opposed to this bill. They are not opposed to any fair measure, to any bill, that will do justice to all people alike. In fact, this organization has asked that a food bill be passed. I admit that it is difficult to draw the lines and to find out who the speculators are, but certainly the farmer is not a speculator. He has never been a speculator. This farm organization calls attention to the fact, however, that if we pass legislation we must not forget that the people do not eat whole wheat. It must be manufactured into flour, and the men who control the product after it leaves the farm must be regulated just as well as the farmer.

I talked the other day with a farmer from the South. I can not give his name, but I think he is an authority on cotton. He said to me that every farmer in the South was opposed to the provision putting cotton into the bill. I have not heard any explanation which satisfies me that there is any reason why the cotton farmer should be placed in a different position than the farmer who grows other products. If the United States wants the farmers' wheat, let Congress make a price that will establish confidence among the American farmers.

Mr. President, I have detained the Senate much longer than I intended.

Mr. McCUMBER. Mr. President, I desire to ask the Senator in charge of the bill whether we could not meet a little earlier to-morrow, after a recess, and, if possible, get through with these longer addresses to-morrow, which will be Wednesday? I call attention to the fact that when we entered into the unanimous-consent agreement it was generally understood that we would be able to get through with these general arguments and vote upon the pending amendment, which is section 3. We have spent all the time in discussing half a hundred different matters upon the bill. I can not offer an amendment to perfect the bill until the pending amendment has been disposed of. I can argue an amendment, of course, prior to that time; but inasmuch as I should like to offer an amendment in explanation of which I wish to speak for half an hour or possibly three-quarters of an hour, I should like to have an opportunity to present it before day after to-morrow, when we shall be limited to 10-minute speeches.

Mr. CHAMBERLAIN. Mr. President, a number of Senators have some matters they desire to bring up in the morning hour, and I thought that, at the request of quite a number of them, I would move an adjournment until 11 o'clock to-morrow and then proceed with the discussion. If the Senator from North Dakota thinks that will not be sufficient time, so far as I am personally concerned I am willing to hold night sessions.

Mr. McCUMBER. I think it would be far better, if we are to have a morning hour, if the Senator would move an adjournment until 10 o'clock. Then we can dispose of these matters to-morrow and get a vote.

Mr. CHAMBERLAIN. I am perfectly satisfied with that.

Mr. KENYON. Mr. President, I should like to ask the Senator from Oregon if it would not be possible to have unanimous consent to vote on this amendment, say, at 12 o'clock and dispose of it?

Mr. CHAMBERLAIN. I wish we might be able to do so.

Mr. KENYON. That would not require any roll call, as I understand.

Mr. CHAMBERLAIN. I will ask the Senator to prefer that request. I shall be very glad to do it, if it does not interfere with the present unanimous-consent agreement.

Mr. KENYON. If it is in order, I ask unanimous consent that we may vote on this amendment, section 3, at 12 o'clock to-morrow. I do not know whether it is in order to have two unanimous-consent agreements or not.

Mr. VARDAMAN. Mr. President, I suggest that that request be made to-morrow at 10 o'clock.

Mr. KENYON. Oh, Mr. President, we will just spend all the day then discussing this amendment.

Mr. VARDAMAN. Well, you might get things tied up, just like you did on that amendment the other day.

Mr. KENYON. There can not be any tie-up in just voting on an amendment at a particular hour. It has been before the Senate now for a week.

Mr. SMITH of Georgia. Mr. President, does not the Senator think that instead of voting on the amendment we will simply have a lot of speeches on it?

Mr. McCUMBER. We have had the speeches, but we do not seem to be able to get a vote.

Mr. SMITH of Georgia. Not on section 3, though.

Mr. CHAMBERLAIN. Then, at the suggestion of the Senator from North Dakota, I think it might be well to adjourn until to-morrow at 10 o'clock.

Mr. SMITH of Georgia. Mr. President, there are a few nominations that will have to be confirmed and also reported this afternoon. I move that the Senate proceed to the consideration of executive business.

Mr. WADSWORTH. Mr. President, if the Senator will withhold that motion a moment——

Mr. SMITH of Georgia. I withhold it.

Mr. WADSWORTH. I desire to ask the Senator from Oregon whether it is his intention to ask that the consideration of the bill be continued to-day or to-morrow?

Mr. CHAMBERLAIN. To-morrow.

Mr. KENYON. Was my request for unanimous consent ruled out of order?

The VICE PRESIDENT. The Chair, fortifying himself against future trouble, and expressing no opinion upon the legality of it, puts the question, Is there any objection to voting upon the amendment to section 3 at 12 o'clock to-morrow? [A pause.] The Chair hears none.

Mr. SMITH of Georgia. Mr. President——

The VICE PRESIDENT. That agreement is made, but the Chair does not know how much trouble it may make.

Mr. SMITH of Georgia. Mr. President, I think there were Senators who would have objected, but who did not hear the request back here. I heard them express a purpose to object.

Mr. KENYON. Mr. President, if the Senator from Georgia makes that statement, I will not insist on it at all.

Mr. SMITH of Georgia. I do not object. I simply doubt the wisdom of it.

Mr. VARDAMAN. Mr. President, I do not want the Senate to do any imprudent thing. I object.

Mr. KENYON. I am going to withdraw the request, then, at the suggestion of the Senator from Georgia.

The VICE PRESIDENT. The doubt of the Chair arises as to the power to change the present unanimous-consent agreement without the notice given under the rule.

Mr. SMITH of Georgia. Mr. President, I wish to say that personally I would be gratified to see the vote on this section taken to-morrow at 12 o'clock, and my suggestion was not in any sense intended to delay it or to encourage further discussion.

REGULATIONS FOR EXPLOSIVES.

Mr. WALSH. Mr. President, I desire to submit a report from the Committee on Mines and Mining. It is a very urgent matter.

The VICE PRESIDENT. The Chair is exceedingly regretful, but he has announced a dozen times during this session that there is a rule which requires the Chair to prevent reports from being made while a Senator has the floor.

Mr. WALSH. I have that rule in mind, but I was going to ask unanimous consent to submit the report.

The VICE PRESIDENT. If the rule can be unanimously set aside so that the Chair is not to blame for it——

Mr. WEEKS. Mr. President, it is impossible to hear what is being said.

The VICE PRESIDENT. The Senator from Montana is desirous of submitting a report. There is an annoying rule of the Senate to which the Chair has called the attention of the Senate a number of times, and has asked that it be repealed, declaring that the Chair must prevent a report from being made while a Senator has the floor. It is very embarrassing to the Chair. The Senator from Montana is now asking unanimous consent to submit the report. Is there any objection? The Chair hears none, and the report will be received.

Mr. WALSH. From the Committee on Mines and Mining I report back favorably with amendments the bill (H. R. 3932) to prohibit the manufacture, distribution, storage, use, and possession in time of war of explosives, providing regulations for the safe manufacture, distribution, storage, use, and possession of the same, and for other purposes, and I submit a report (No. 85) thereon.

The VICE PRESIDENT. The bill will be placed on the calendar.

INVESTIGATION OF ATTEMPTS TO INFLUENCE LEGISLATION.

Mr. THOMPSON. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably with an amendment Senate resolution 91, and I call the attention of the Senator from Oklahoma [Mr. GORE] to the report.

Mr. GORE. Mr. President, I ask unanimous consent for the immediate consideration of the resolution just reported.

Mr. CHAMBERLAIN. I shall have to object. The Chair has just made a ruling on this subject.

Mr. GORE. I think the Senator from Oregon misunderstood the Chair's ruling. That related to the interruption of a Senator while he was addressing the Senate. It did not relate to the interval between speeches.

The VICE PRESIDENT. Is there any objection to the present consideration of the resolution?

Mr. CHAMBERLAIN. Mr. President, I shall object for the present.

Mr. THOMPSON. There is no objection to making the report, I understand, and having it go to the calendar.

Mr. CHAMBERLAIN. I have no objection to that.

The VICE PRESIDENT. The resolution will be placed on the calendar.

Mr. GORE. Mr. President, I do not wish, of course, to discuss a resolution that is not pending; but I wish to say that the resolution to which reference has just been made is designed to revive the so-called Lobby Committee, which was created by the Sixty-third Congress. I offered this resolution several weeks ago, of course not with reference to the statement by Mr. Hoover contained in the morning paper, but with reference to this general situation.

Mr. Hoover complains in the morning paper and manifests a good deal of impatience at the conduct of the Senate. He exclaims that the food bill is still delayed. Mr. Hoover ought to be advised that the Senate is operating under a unanimous-consent agreement, which provides for a vote on the pending bill on Saturday next. Any speeches or debate that occur during the interval constitute no hindrance whatever and no delay in the enactment of this law. I really hope that the Secretary of the Senate will take occasion to send Mr. Hoover a certified copy of the unanimous-consent agreement.

Possibly Mr. Hoover has been too busy revising upward the dining-car menus to have his attention called to this order of the Senate. He intimates that there is a lobby about Washington delaying the enactment of this law. I do not know just how much importance to attach to a statement of that sort. It ought to be made advisedly. It ought not to be made flippantly, although such charges are often made without very much responsibility or consideration. But I do know this, Mr. President, if there is a lobby in the city of Washington exerting or attempting to exert improper or undue influence with reference to the pending legislation, either against its passage or in favor of its passage, that lobby ought to be scourged out of this Capitol with a whip of scorpions and of fire.

I regret that the Senator in charge of this legislation has seen fit to delay the adoption of this resolution.

Mr. CHAMBERLAIN. Mr. President, for the patriotic purpose that the Senator has in view of investigating this particular lobby, I will withdraw my objection if the Senate will give unanimous consent to its consideration, because I agree with the Senator that if there is a lobby of any kind here it ought to be driven from the Capitol. But, Mr. President, in reference to the statement published in the Post this morning, on the front page, as having been made by Mr. Hoover, while I am not an apologist for Mr. Hoover and do not hold any brief for his defense, I was rather amazed at the statement, and called him up over the telephone to ascertain whether that statement was made by him, because it disgusted me, as it must have disgusted everybody, if it were authentic. Mr. Hoover assured me that he said nothing of the kind and nothing that could be construed into such a statement as was there given. The most of his offending, he said, was to say that he had no control of Congress; he hoped that the food-control bill would be speedily passed, but what it would contain he could not say; but he only had the power of declining to act if it was a bill that in his opinion, when passed, he felt he could not conscientiously carry out. He said that was the most that he said.

Mr. GORE. Mr. President, I am very glad to hear this statement on the part of the Senator from Oregon. As suggested, the resolution was not offered, of course, with reference to this particular statement, because it was offered several weeks ago as a sort of shield upon the operations of the Senate against just such contingencies as this. I trust that the resolution will pass, as it vests in the committee the power to proceed whenever the public interests require it.

Mr. CURTIS. Mr. President, may the resolution be read?

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read Senate resolution No. 91, as follows:

Resolved, That the committee appointed in pursuance of Senate resolution 92, Sixty-third Congress, first session, be, and is hereby, extended, with authority to make, from time to time, such investigations as were authorized therein and other investigations affecting the public interest or the rights of citizens, and the provisions of said Senate resolution in relation to expenses, the subpœnaing of witnesses, the production of books and papers, and other powers are hereby extended and made a part of this resolution.

The VICE PRESIDENT. Is there any objection to the present consideration of the resolution?

Mr. WILLIAMS. Mr. President, before I answer the question of the Vice President I want to say that I am very much opposed to laying out a whole line of work, whether in this direction or any other, that may keep the Senate here all the summer. I see no necessity of this. If we are to have an investigation every time a newspaper says something or every time somebody else is reported to have said something, keeping our committees everlastingly in session with hearings, delaying us when we ought to be doing things instead of talking so much and investigating so much, there is no telling how long we will be here. I therefore object.

The VICE PRESIDENT. The resolution will go to the calendar, under the objection.

MRS. NANCY E. MULLINS.

Mr. VARDAMAN. Mr. President, I want to ask the permission of the chairman of the committee and the permission of the Senate for unanimous consent to consider a bill for the relief of Mrs. Nancy E. Mullins. Capt. W. S. Mullins, of the Mississippi National Guard, died on the 5th of last July a year ago, and this bill is for the purpose of permitting his mother to receive the six months' pay that his heirs are entitled to under the law. The bill has passed the House unanimously and has the unanimous report of the Senate Committee on Military Affairs. This good woman needs the money which this bill will permit her to collect, and I should take it as a kindness if the Senate would permit the bill to be passed. It should have been passed during the last session of Congress.

The VICE PRESIDENT. Is there any objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 646), which was read, as follows:

Be it enacted, etc., That Mrs. Nancy E. Mullins, mother of W. S. Mullins, late captain Company I, First Regiment Mississippi National Guard, shall be regarded as the duly designated beneficiary of the late Capt. W. S. Mullins under the act approved May 11, 1908, as amended by the act approved March 3, 1909.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. VARDAMAN. I thank the Senate.

PETITIONS.

Mr. POMERENE presented petitions of the First Methodist Episcopal Sunday School of Canton and of sundry citizens of Swanton, Mansfield, Youngstown, Delaware, New Vienna, Van Wert, Oak Harbor, Twinsburg, Maud, West Chester, Port Union, Hilliards, Germantown, Palmyer, Edinburg, and Lima, all in the State of Ohio, praying for national prohibition as a measure of food conservation, which were ordered to lie on the table.

Mr. POINDEXTER. I present resolutions adopted by the Chamber of Commerce of Spokane, Wash., favoring the adoption of universal military training, which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the resolutions were referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

Resolutions prepared by military affairs committee at its meeting June 15 and recommended to the Chamber of Commerce for adoption and forwarding to Senators and Congressmen.

Resolved, That while the Chamber of Commerce of Spokane, Wash., declare themselves in hearty accord with the conscription plan of the administration, we realize this is but a temporary expedient, and that universal military training for the youth of our Nation is the only proper safeguard of the Nation's honor; and be it further

Resolved, That we urge upon our Senators and Congressmen the importance of recognizing the principle of universal military training and obligation to service, and that the same be enacted into a law as soon as it is expedient.

APPROPRIATION FOR AVIATION.

Mr. CHAMBERLAIN. From the Committee on Military Affairs I report back favorably without amendment the bill (H. R. 5326) to authorize the President to increase temporarily the Signal Corps of the Army and to purchase, manufacture, maintain, repair, and operate airships, and to make appropriations therefor, and for other purposes.

The VICE PRESIDENT. The bill will be placed on the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TILLMAN:

A bill (S. 2652) to provide for the reimbursement of officers, enlisted men, and others in the naval service of the United States for property lost or destroyed in such service; to the Committee on Claims.

By Mr. SMITH of Maryland:

A bill (S. 2653) to revive, with amendments, an act entitled "An act to incorporate the Medical Society of the District of Columbia"; to the Committee on the District of Columbia.

WAR REVENUE.

Mr. WATSON submitted an amendment intended to be proposed by him to the bill (H. R. 4280) to provide revenue to defray war expenses, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

RIVER AND HARBOR APPROPRIATIONS.

Mr. POINDEXTER submitted two amendments intended to be proposed by him to the river and harbor appropriation bill (H. R. 4285), which were ordered to lie on the table and be printed.

PROHIBITION IN PORTO RICO.

Mr. CURTIS. Mr. President, I ask permission to have inserted in the RECORD a cablegram showing the vote of prohibition in Porto Rico. I will say that the result was brought about by the good work of the Woman's Christian Temperance Union and other temperance organizations.

There being no objection, the cablegram was ordered to be printed in the RECORD, as follows:

SAN JUAN, P. R., *July 17, 1917.*

Senator GRONNA,
United States Senate, Washington:
Prohibition triumphs; over 36,000 majority.

MANUEL AND-UJAR.

HERBERT C. HOOVER.

Mr. SHAFROTH. Mr. President, there is contained in the Washington Evening Star of this afternoon an editorial which so clearly expresses my view concerning Mr. Hoover that I think at this stage of the discussion upon the bill it ought to be inserted in the RECORD. For that reason I ask unanimous consent that it be printed in the RECORD.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and it is so ordered.

The editorial is as follows:

HOOVER.

Whatever else may come in the course of this great war in which America is now enlisted the people of this country will always feel profoundly grateful for the fact that they were able through their means and through the agency of their fellow countrymen to relieve the sufferings of the Belgian people when the Germans had swarmed over their country and held them virtually as prisoners of war. It was months after this work was started before the country became aware of the fact that a remarkable genius for organization had been developed by the emergency. The name of Herbert C. Hoover gradually became known here. Mr. Hoover, American born and American educated, had spent the greater part of his life in foreign fields in pursuit of his profession and had made his headquarters in London in recent years. It was a happy chance that led to his selection as the head of the American Belgian relief commission, for in that capacity he demonstrated an executive ability that overcame the most stubborn obstacles and afforded relief to the Belgian multitude. Of that record of achievement scored by Mr. Hoover and his associates in Belgium, America is proud to-day, and it was with general satisfaction, when war was declared by the United States, that the country received the announcement that the President had asked Mr. Hoover to take charge of the vitally important work of food conservation.

In the exigency of war it became necessary to start this food conservation work in advance of the actual legislation. Had the President waited on Congress for enactments at the very season of planting and through the season of harvesting the country would have suffered irretrievably. With tremendous energy Mr. Hoover has applied himself to the task of organizing his work, and he has aroused the country to a keen appreciation of the need of care and economy in food handling as a means of winning the war.

Yesterday in the Senate Mr. Hoover was assailed as a food gambler, a speculator, a manipulator of markets. The only basis for this astounding charge is the assertion that while head of the Belgian relief commission he sought to affect the prices of foodstuffs in order to obtain for Belgian relief the utmost possible for the money at his disposal. In other words, he sought to bring down the price—though his critic, by an amazing twist of imagination, says he sent it up—so that he could get the maximum of food for the starving Belgians for each million of American money placed in his hands.

If that is the sole offense that can be alleged against the man whom the President has selected for this great work, and who is giving his energies unstintedly and unselfishly, it stands as a compliment and a tribute rather than a blot upon his record. It is the idlest of criticisms, and astonishment must prevail that it should be uttered in the high place where the legislation necessary to save this country from great suffering and perhaps to make it successful in the war is now under protracted debate. If Mr. Hoover gambled in the food markets to get the lowest prices possible for the Belgian people, he did that for which he should be praised and not condemned. If he accomplished his purpose, he proved that he possessed an ability that at this time will be of value to the people of America.

ORDER IN COUNCIL OF CANADA.

Mr. CHAMBERLAIN. I ask to have inserted in the RECORD an order in council of Canada of June 16, 1917, providing for a food controller.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE.

CANADA.

ORDER IN COUNCIL OF JUNE 16, 1917, PROVIDING FOR A FOOD CONTROLLER.

His Excellency the Governor General in council, under and in virtue of the provisions of the war-measures act, 1914, is pleased to make the following orders, and the same are hereby made and enacted as follows:

1. The Governor General in council may appoint an officer to be known as food controller for Canada, who shall hold the office during His Majesty's pleasure.

2. It shall be within the power of and it shall be the duty of the food controller—

(a) To make such inquiry and investigation as he deems necessary for the purposes hereinafter set forth into the quantities, location, and ownership, and into the sources of supply of any article of food used by the people of Canada and into the prices at which same is sold or held for sale and the causes of such prices.

(b) To ascertain the food requirements of Canada and to facilitate the export of the surplus to Great Britain and her allies.

(c) To make regulations where he deems it in the public interest and subject to the approval of the Governor in council.

(1) Governing the prices of any article of food and the storage, distribution, sale, and delivery thereof.

(2) Providing for the conservation of food and the prevention of waste thereof and governing the consumption of food in hotels, restaurants, cafés, private houses, clubs, and other places.

(3) Respecting the manufacture, preparation, storage, and transport of food.

(4) Authorizing the food controller to purchase, requisition, store, sell, and deliver food.

3. For all the purposes of these orders the food controller shall have the powers of a commissioner appointed under the provisions of part I of the inquiries act.

4. All powers conferred and all duties imposed on the food controller by these orders or any subsequent order of the Governor in council may be exercised and performed by him either independently or in cooperation with any department of the Government of Canada, or any provincial government, or with any department or officer of the Government of Great Britain, or of any allied country vested with similar powers.

5. The salary of the food controller shall be such as may from time to time be prescribed by the Governor in council.

6. (a) The Governor in council may, upon the recommendation of the food controller, appoint such officers, clerks, and other persons as may be deemed necessary to assist the food controller in the performance of his duties, who shall receive such remuneration as may be approved by the Governor in council upon the recommendation of the food controller.

(b) All expenses lawfully incurred under these orders shall be payable out of the moneys provided by the war appropriation act, 1917, and any subsequent war appropriation voted by Parliament.

7. The powers and duties hereby conferred and imposed upon the food controller shall not include or interfere with the powers and duties vested in the board of grain supervisors for Canada established by order in council approved on the 11th day of June, 1917.

(Source: Canada Gazette, July 7, 1917, p. 6.)

EXECUTIVE SESSION.

Mr. SMITH of Georgia. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

ADJOURNMENT.

Mr. CHAMBERLAIN. I move that the Senate adjourn until to-morrow at 10 o'clock a. m.

The motion was agreed to; and (at 6 o'clock p. m., Tuesday, July 17, 1917) the Senate adjourned until to-morrow, Wednesday, July 18, 1917, at 10 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate July 17 (legislative day of July 16), 1917.

COLLECTOR OF CUSTOMS.

James F. C. Griggs, of Apalachicola, Fla., to be collector of customs for customs collection district No. 18, with headquarters at Tampa, Fla. (Reappointment.)

UNITED STATES ATTORNEYS.

Francis M. Wilson, of Kansas City, Mo., to be United States attorney, western district of Missouri. (Reappointment.)

Robert P. Stewart, of Deadwood, S. Dak., to be United States attorney, district of South Dakota. (Reappointment.)

SURVEYOR GENERAL.

Edward G. Worth, of Oregon, to be surveyor general of Oregon, his term of office having expired. (Reappointment.)

REGISTER OF LAND OFFICE.

Francisco Delgado, of New Mexico, to be register of the land office at Santa Fe, N. Mex., his term of office having expired. (Reappointment.)

PROMOTIONS IN THE ARMY.

CORPS OF ENGINEERS.

Lieut. Col. William W. Harts, Corps of Engineers, to be colonel from June 23, 1917, vice Col. John Biddle, appointed brigadier general.

Maj. William Kelly, Corps of Engineers, to be lieutenant colonel from June 23, 1917, vice Lieut. Col. William W. Harts, promoted.

Capt. Virgil L. Peterson, Corps of Engineers, to be major from June 23, 1917, vice Maj. William Kelly, promoted.

INFANTRY ARM.

Maj. Paul B. Malone, Infantry, detached officers' list, to be lieutenant colonel from June 26, 1917, vice Crawford, Tenth Infantry, promoted.

Maj. S. J. Bayard Schindel, Nineteenth Infantry, to be lieutenant colonel from June 30, 1917, vice Webster, Twenty-second Infantry, promoted.

Capt. Joseph W. Beacham, jr., Infantry, detached officers' list, to be major from June 16, 1917, vice Mitchell, Forty-seventh Infantry, detailed in the Inspector General's Department.

Capt. Francis J. McConnell, Eighth Infantry, to be major from June 16, 1917, vice Pearce, Eighth Infantry, detailed in the Inspector General's Department.

Capt. Robert H. Wescott, Eleventh Infantry, to be major from June 16, 1917, vice Bridges, Thirty-ninth Infantry, detailed in the Inspector General's Department.

Capt. Paul Hurst, Nineteenth Infantry, to be major from June 20, 1917, vice Helms, Nineteenth Infantry, detailed in the Quartermaster Corps.

Capt. Allen Parker, Infantry, detached officers' list, to be major from June 27, 1917, vice Bjornstad, unassigned, detailed in the General Staff Corps.

Capt. Allen Smith, jr., Fourteenth Infantry, to be major from June 30, 1917, vice Schindel, Nineteenth Infantry, promoted.

Capt. John B. Sanford, Twenty-seventh Infantry, to be major from July 2, 1917, vice Allison, unassigned, detailed in the Signal Corps.

First Lieut. Jens A. Doe, Eleventh Infantry, to be captain from May 15, 1917, vice Bradford, Nineteenth Infantry, promoted.

First Lieut. Lester L. Lampert, Twenty-third Infantry, to be captain from May 15, 1917, vice Connolly, Tenth Infantry, promoted.

First Lieut. John W. Hyatt, Infantry, detached officers' list, to be captain from May 15, 1917, vice Schoeffel, Twenty-seventh Infantry, promoted.

First Lieut. Parley D. Parkinson, Twentieth Infantry, to be captain from May 15, 1917, subject to examination required by law, vice Ovenshine, First Infantry, promoted.

First Lieut. Charles W. Ryder, Thirty-seventh Infantry, to be captain from May 15, 1917, vice Maxey, Eighteenth Infantry, promoted.

First Lieut. Joseph T. McNarney, Infantry (detailed in the Signal Corps), to be captain from May 15, 1917, vice Bomford, Twenty-second Infantry, promoted.

First Lieut. Omar N. Bradley, Fourteenth Infantry, to be captain from May 15, 1917, vice Nicklin, Twentieth Infantry, promoted.

First Lieut. Paul J. Mueller, Twenty-first Infantry, to be captain from May 15, 1917, vice French, Twenty-sixth Infantry, promoted.

First Lieut. Leland S. Hobbs, Twelfth Infantry, to be captain from May 15, 1917, vice Cavenaugh, Nineteenth Infantry, promoted.

First Lieut. Charles C. Benedict, Infantry (detailed in the Signal Corps), to be captain from May 15, 1917, vice Wickham, Twelfth Infantry, promoted.

First Lieut. Vernon Evans, Twenty-second Infantry, to be captain from May 15, 1917, vice Conrad, Seventeenth Infantry, promoted.

First Lieut. Roscoe B. Woodruff, Ninth Infantry, to be captain from May 15, 1917, vice Naylor, Ninth Infantry, promoted.

First Lieut. Lewis C. Davidson, Infantry, unassigned, to be captain from May 15, 1917, vice Prescott, Twenty-third Infantry, promoted.

First Lieut. Dwight D. Eisenhower, Nineteenth Infantry, to be captain from May 15, 1917, vice Fry, Fifteenth Infantry, promoted.

First Lieut. Harold W. James, Twenty-first Infantry, to be captain from May 15, 1917, vice King, Seventh Infantry, promoted.

First Lieut. James B. Ord, Sixth Infantry, to be captain from May 15, 1917, subject to examination required by law, vice Falls, Twenty-eighth Infantry, promoted.

First Lieut. John E. Rossell, Infantry, unassigned, to be captain from May 15, 1917, vice Humphrey, Eighth Infantry, promoted.

First Lieut. Whitten J. East, Infantry, unassigned, to be captain from May 15, 1917, vice Tillman, Eleventh Infantry, promoted.

First Lieut. Sidney C. Graves, Sixteenth Infantry, to be captain from May 15, 1917, vice Holden, Twenty-fourth Infantry, promoted.

First Lieut. Jo H. Reaney, Twentieth Infantry, to be captain from May 15, 1917, subject to examination required by law, vice Bates, Eighteenth Infantry, promoted.

First Lieut. John W. Leonard, Sixth Infantry, to be captain from May 15, 1917, subject to examination required by law, vice Wheeler, Thirty-fourth Infantry, promoted.

First Lieut. John A. McDermott, Eighteenth Infantry, to be captain from May 15, 1917, vice Arrowsmith, Tenth Infantry, promoted.

First Lieut. Clyde R. Eisenschmidt, Twenty-first Infantry, to be captain from May 15, 1917, vice Turner, Seventh Infantry, promoted.

First Lieut. James A. Van Fleet, Third Infantry, to be captain from May 15, 1917, vice Curtis, Tenth Infantry, promoted.

First Lieut. Louis A. Merillat, jr., Third Infantry, to be captain from May 15, 1917, vice Jordan, Fourteenth Infantry, promoted.

First Lieut. Edward G. Shelburne, Thirty-sixth Infantry, to be captain from May 15, 1917, vice Carr, Seventh Infantry, promoted.

First Lieut. Michael F. Davis, Infantry, unassigned, to be captain from May 15, 1917, vice Croft, Twenty-sixth Infantry, promoted.

First Lieut. Luis R. Esteves, Twenty-third Infantry, to be captain from May 15, 1917, vice Huguet, Fifth Infantry, promoted.

First Lieut. Stuart C. MacDonald, Eleventh Infantry, to be captain from May 15, 1917, vice Halstead, First Infantry, promoted.

First Lieut. Metcalfe Reed, Eleventh Infantry, to be captain from May 15, 1917, vice Knight, Thirty-fifth Infantry, promoted.

First Lieut. Benjamin G. Ferris, Twelfth Infantry, to be captain from May 15, 1917, vice Harris, Fourteenth Infantry, promoted.

First Lieut. Charles S. Ritchell, Thirty-sixth Infantry, to be captain from May 15, 1917, vice Macnab, Twenty-fifth Infantry, promoted.

First Lieut. Thomas G. Hearn, Sixth Infantry, to be captain from May 15, 1917, subject to examination required by law, vice Parrott, Twenty-fourth Infantry, promoted.

First Lieut. Donald Henley, Eleventh Infantry, to be captain from May 15, 1917, vice Ford, Fifteenth Infantry, promoted.

First Lieut. Alfred S. Balsam, Thirty-fifth Infantry, to be captain from May 15, 1917, vice Brambila, First Infantry, promoted.

First Lieut. George Pulsifer, jr., Infantry (detailed in the Signal Corps), to be captain from May 15, 1917, vice Dalton, Twenty-third Infantry, promoted.

First Lieut. Otto A. B. Hooper, Eighteenth Infantry, to be captain from May 15, 1917, vice Straat, Twenty-ninth Infantry, promoted.

First Lieut. Howard Donnelly, Seventeenth Infantry, to be captain from May 15, 1917, vice Catlin, First Infantry, promoted.

First Lieut. John N. Robinson, Twentieth Infantry, to be captain from May 15, 1917, subject to examination required by law, vice Wagner, Seventeenth Infantry, promoted.

First Lieut. Tom Fox, Twenty-fourth Infantry, to be captain from May 15, 1917, vice Knabenshue, Twelfth Infantry, promoted.

First Lieut. Thomas J. Hanley, jr., Infantry (detailed in the Signal Corps), to be captain from May 15, 1917, vice Powers, Twenty-third Infantry, promoted.

First Lieut. Jacob J. Gerhardt, Twenty-third Infantry, to be captain from May 15, 1917, vice Crimmins, Sixteenth Infantry, promoted.

First Lieut. Vernon E. Prichard, Seventeenth Infantry, to be captain from May 15, 1917, vice McCook, First Infantry, promoted.

First Lieut. Robert B. Lorch, Seventh Infantry, to be captain from May 15, 1917, vice Price, Seventeenth Infantry, promoted.

First Lieut. Adlai H. Gilkeson, Infantry, unassigned, to be captain from May 15, 1917, vice Pond, Ninth Infantry, promoted.

First Lieut. Gilbert S. Brownell, Seventeenth Infantry, to be captain from May 15, 1917, vice Wetherill, Seventeenth Infantry, promoted.

First Lieut. Richard C. Stickney, Thirty-fourth Infantry, to be captain from May 15, 1917, vice Baldwin, Second Infantry, promoted.

First Lieut. Philip K. McNair, Fourth Infantry, to be captain from May 15, 1917, vice Cooke, Sixth Infantry, promoted.

First Lieut. Jesse B. Hunt, Sixteenth Infantry, to be captain from May 15, 1917, vice Conger, Twenty-sixth Infantry, promoted.

First Lieut. John B. Duckstad, Fourth Infantry, to be captain from May 15, 1917, vice Barnes, Eighteenth Infantry, promoted.

First Lieut. John R. Mendenhall, Seventh Infantry, to be captain from May 15, 1917, vice Aloe, unassigned, promoted.

First Lieut. Norman Randolph, Thirty-sixth Infantry, to be captain from May 15, 1917, vice De Witt, Twentieth Infantry, promoted.

First Lieut. Joseph M. Murphy, Third Infantry, to be captain from May 15, 1917, vice McCaskey, Twenty-sixth Infantry, promoted.

First Lieut. George E. Stratemeyer, Infantry (detailed in the Signal Corps), to be captain from May 15, 1917, vice Kinney, Ninth Infantry, promoted.

First Lieut. Leroy H. Watson, Eleventh Infantry, to be captain from May 15, 1917, vice Hocker, Thirty-fourth Infantry, promoted.

First Lieut. Henry H. Dabney, Fourteenth Infantry, to be captain from May 15, 1917, vice Young, Seventeenth Infantry, promoted.

First Lieut. John H. C. Williams, Twelfth Infantry, to be captain from May 15, 1917, vice Clark, Twenty-sixth Infantry, promoted.

First Lieut. Oscar A. Straub, Twentieth Infantry, to be captain from May 15, 1917, subject to examination required by law, vice Hanson, Fourteenth Infantry, promoted.

First Lieut. John Keliher, Thirty-seventh Infantry, to be captain from May 15, 1917, vice Merry, Fourth Infantry, promoted.

First Lieut. Benjamin W. Mills, Infantry (detailed in the Signal Corps), to be captain from May 15, 1917, vice Major, Fifteenth Infantry, promoted.

First Lieut. Thomas F. Taylor, Sixteenth Infantry, to be captain from May 15, 1917, vice Justice, Fifth Infantry, promoted.

First Lieut. Marshall H. Quesenberry, Twelfth Infantry, to be captain from May 15, 1917, vice Tanner, Thirteenth Infantry, promoted.

First Lieut. Robert L. Williams, Seventeenth Infantry, to be captain from May 15, 1917, vice McKain, Second Infantry, promoted.

First Lieut. Charles C. Herrick, Eleventh Infantry, to be captain from May 15, 1917, vice Eskridge, Tenth Infantry, promoted.

First Lieut. Latham L. Brundred, Twenty-first Infantry, to be captain from May 15, 1917, vice Stewart, Eleventh Infantry, promoted.

First Lieut. Leslie T. Saul, Twenty-second Infantry, to be captain from May 15, 1917, vice Knowles, Second Infantry, promoted.

First Lieut. Charles A. Bayler, jr., Thirtieth Infantry, to be captain from May 15, 1917, vice De Funiak, Fifteenth Infantry, promoted.

First Lieut. Fred B. Inglis, Eighteenth Infantry, to be captain from May 15, 1917, vice McCoy, Twenty-fourth Infantry, promoted.

First Lieut. Richard P. Kuhn, Twenty-first Infantry, to be captain from May 15, 1917, vice Brewer, Thirty-first Infantry, promoted.

First Lieut. John A. Street, Ninth Infantry, to be captain from May 15, 1917, vice Ball, Eighth Infantry, promoted.

First Lieut. Sidney Herkness, Third Infantry, to be captain from May 15, 1917, vice Smith, Ninth Infantry, promoted.

First Lieut. William E. Chambers, Fourteenth Infantry, to be captain from May 15, 1917, vice Doster, Eighteenth Infantry, promoted.

First Lieut. Warner W. Carr, Ninth Infantry, to be captain from May 15, 1917, vice Price, Nineteenth Infantry, promoted.

First Lieut. Thomas L. Martin, Seventeenth Infantry, to be captain from May 15, 1917, vice Warfield, Fourteenth Infantry, promoted.

First Lieut. Geoffrey P. Baldwin, Eleventh Infantry, to be captain from May 15, 1917, vice McCaskey, Thirtieth Infantry, promoted.

First Lieut. John B. Bennet, Twenty-second Infantry, to be captain from May 15, 1917, vice Dockery, Fifteenth Infantry, promoted.

First Lieut. Kenneth M. Halpine, Fourteenth Infantry, to be captain from May 15, 1917, vice Thomas, Seventeenth Infantry, promoted.

First Lieut. William R. Wilson, Sixteenth Infantry, to be captain from May 15, 1917, vice Cotton, retained in the Signal Corps on promotion.

First Lieut. R. Potter Campbell, Sixth Infantry, to be captain from May 15, 1917, subject to examination required by law, vice Andrews, retained in the Signal Corps on promotion.

First Lieut. Richard C. Birmingham, Eighteenth Infantry, to be captain from May 15, 1917, vice Willis, retained in the Signal Corps on promotion.

First Lieut. Felix R. McLean, Sixth Infantry, to be captain from May 15, 1917, subject to examination required by law, vice Coates, retained in the Signal Corps on promotion.

First Lieut. John E. Martin, Sixteenth Infantry, to be captain from May 15, 1917, vice Stutesman, retained in the Signal Corps on promotion.

First Lieut. Paul B. Parker, Seventeenth Infantry, to be captain from May 15, 1917, vice Coles, retained in the Signal Corps on promotion.

First Lieut. William E. Morehouse, jr., Seventh Infantry, to be captain from May 15, 1917, vice Morrow, retained in the Signal Corps on promotion.

First Lieut. Joseph H. Grant, Twenty-fourth Infantry, to be captain from May 15, 1917, vice Bowen, retained in the Signal Corps on promotion.

First Lieut. Arthur M. Ellis, Twelfth Infantry, to be captain from May 15, 1917, vice Carberry, retained in the Signal Corps on promotion.

First Lieut. Maurice L. Miller, Thirty-fourth Infantry, to be captain from May 15, 1917, vice Atkinson, retained in the Signal Corps on promotion.

First Lieut. Abram V. Rinearson, jr., Thirty-seventh Infantry, to be captain from May 15, 1917, vice Kutz, retained in the Ordnance Department on promotion.

First Lieut. Benjamin A. Yancey, Third Infantry, to be captain from May 15, 1917, vice Rader, retained in the Signal Corps on promotion.

First Lieut. George J. Newgarden, jr., Thirty-fifth Infantry, to be captain from May 15, 1917, vice Gorrell, retained in the Signal Corps on promotion.

First Lieut. John D. Miley, Thirty-sixth Infantry, to be captain from May 15, 1917, vice Hinemon, retained in the Signal Corps on promotion.

First Lieut. William E. Coffin, jr., Fourth Infantry, to be captain from May 15, 1917, vice Sawyer, retained in the Signal Corps on promotion.

First Lieut. Spencer A. Merrell, Eleventh Infantry, to be captain from May 15, 1917, vice Kilner, retained in the Signal Corps on promotion.

First Lieut. Robert K. Witson, Twenty-sixth Infantry, to be captain from May 15, 1917, vice Jones, retained in the Signal Corps on promotion.

First Lieut. Otto F. Lange, Twenty-third Infantry, to be captain from May 15, 1917, vice Christie, retained in the Signal Corps on promotion.

First Lieut. Harlan L. Mumma, Twenty-eighth Infantry, to be captain from May 15, 1917, vice Barthelf, retained in the Signal Corps on promotion.

First Lieut. George H. Blankenship, Infantry (detailed in the Signal Corps), to be captain from May 15, 1917, vice Martin, retained in the Signal Corps on promotion.

First Lieut. Alexander M. Weyand, Thirty-fourth Infantry, to be captain from May 15, 1917, vice Corlett, retained in the Signal Corps on promotion.

First Lieut. Walter D. Mangan, Thirty-fifth Infantry, to be captain from May 15, 1917, vice Ingles, retained in the Signal Corps on promotion.

First Lieut. Elon A. Abernethy, Thirty-seventh Infantry, to be captain from May 15, 1917, vice Spatz, retained in the Signal Corps on promotion.

First Lieut. Nelson B. Russell, Twentieth Infantry, to be captain from May 15, 1917, subject to examination required by law, vice Milliken, retained in the Signal Corps on promotion.

First Lieut. Henry P. Blanks, Seventh Infantry, to be captain from May 15, 1917, vice Weir, retained in the Signal Corps on promotion.

First Lieut. Bartlett James, Twenty-fourth Infantry, to be captain from May 15, 1917, vice Royce, retained in the Signal Corps on promotion.

COAST ARTILLERY CORPS.

To be captains with rank from May 15, 1917, to fill original vacancies.

First Lieut. Augustus Norton, Coast Artillery Corps.

First Lieut. Thomas J. Cecil, Coast Artillery Corps.

First Lieut. Ralph C. Harrison, Coast Artillery Corps, detached officers' list, subject to examination required by law.

First Lieut. Francis P. Hardaway, Coast Artillery Corps, detached officers' list.

First Lieut. Clement C. Heath, Coast Artillery Corps.

First Lieut. John W. Wallis, Coast Artillery Corps, detached officers' list, subject to examination required by law.

First Lieut. Frederic A. Price, jr., Coast Artillery Corps.

First Lieut. Edward P. Noyes, Coast Artillery Corps.

First Lieut. Charles E. Ide, Coast Artillery Corps.

First Lieut. William D. Frazer, Coast Artillery Corps, detached officers' list.
First Lieut. George F. Moore, Coast Artillery Corps.
First Lieut. Roy R. Lyon, Coast Artillery Corps.
First Lieut. Virginius E. Clark, Coast Artillery Corps (Aviation Section, Signal Corps).
First Lieut. Thomas I. Steere, Coast Artillery Corps.
First Lieut. William N. Porter, Coast Artillery Corps.
First Lieut. Maurice B. Willett, Coast Artillery Corps, detached officers' list, subject to examination required by law.
First Lieut. George L. Van Deusen, Coast Artillery Corps (Signal Corps).
First Lieut. Cary R. Wilson, Coast Artillery Corps.
First Lieut. John H. Hood, Coast Artillery Corps.
First Lieut. Richard S. Dodson, Coast Artillery Corps, detached officers' list.
First Lieut. Christopher D. Peirce, Coast Artillery Corps, detached officers' list.
First Lieut. Philip M. Ljungstedt, Coast Artillery Corps.
First Lieut. Joseph F. Cottrell, Coast Artillery Corps, detached officers' list.
First. Lieut. Edward L. Dyer, Coast Artillery Corps, detached officers' list.
First Lieut. Wallace L. Clay, Coast Artillery Corps (Ordnance Department).
First Lieut. Walter L. Clark, Coast Artillery Corps, detached officers' list.
First Lieut. Simon W. Sperry, Coast Artillery Corps, detached officers' list.
First Lieut. Daniel N. Swan, jr., Coast Artillery Corps.
First Lieut. Charles M. Steese, Coast Artillery Corps (Ordnance Department).
First Lieut. Harry Stovall, Coast Artillery Corps.
First Lieut. Fenelon Cannon, Coast Artillery Corps, detached officers' list, subject to examination required by law.
First Lieut. Richard F. Cox, Coast Artillery Corps.
First Lieut. John P. McCaskey, jr., Coast Artillery Corps.
First Lieut. Edward S. Harrison, Coast Artillery Corps.
First Lieut. Harry T. Pillans, Coast Artillery Corps.
First Lieut. Reginald B. Cocroft, Coast Artillery Corps, detached officers' list, subject to examination required by law.
First Lieut. Kenneth B. Harmon, Coast Artillery Corps (Ordnance Department).
First Lieut. Elmore B. Gray, Coast Artillery Corps, detached officers' list.
First Lieut. Herbert O'Leary, Coast Artillery Corps (Ordnance Department).
First Lieut. Willard K. Richards, Coast Artillery Corps, detached officers' list, subject to examination required by law.
First Lieut. Frank Drake, Coast Artillery Corps.
First Lieut. Meade Wildrick, Coast Artillery Corps, detached officers' list.
First Lieut. Frederick A. Holmer, Coast Artillery Corps, detached officers' list.
First Lieut. Fred Seydel, Coast Artillery Corps (Aviation Section, Signal Corps).
First Lieut. Charles A. Chapman, Coast Artillery Corps, detached officers' list.
First Lieut. Charles Hines, Coast Artillery Corps, detached officers' list.
First Lieut. Walter K. Dunn, Coast Artillery Corps, detached officers' list.
First Lieut. Allen R. Edwards, Coast Artillery Corps, detached officers' list.
First Lieut. John T. H. O'Rear, Coast Artillery Corps, detached officers' list.
First Lieut. Ralph E. Haines, Coast Artillery Corps, detached officers' list.
First Lieut. Thomas H. Jones, Coast Artillery Corps.
First Lieut. Laurence Watts, Coast Artillery Corps, detached officers' list.
First Lieut. Henry N. Sumner, Coast Artillery Corps, detached officers' list.
First Lieut. Edward Roth, jr., Coast Artillery Corps.
First Lieut. George W. Easterday, Coast Artillery Corps, detached officers' list.
First Lieut George B. Gorham, Coast Artillery Corps, detached officers' list.
First Lieut Charles N. Wilson, Coast Artillery Corps, detached officers' list.
First Lieut. Austin G. Frick, Coast Artillery Corps, detached officers' list.
First Lieut. Sydney S. Winslow, Coast Artillery Corps.
First Lieut. Wilmot A. Danielson, Coast Artillery Corps.
First Lieut. Francis J. Torney, Coast Artillery Corps.
First Lieut. Edgar B. Colladay, Coast Artillery Corps.
First Lieut. Frederick R. Garcin, Coast Artillery Corps.
First Lieut. Douglas C. Cordiner, Coast Artillery Corps.
First Lieut. Julian S. Hatcher, Coast Artillery Corps (Ordnance Department).
First Lieut. Ralph W. Wilson, Coast Artillery Corps, detached officers' list.
First Lieut. Fred M. Green, Coast Artillery Corps, detached officers' list.
First Lieut. Delmar S. Lenzner, Coast Artillery Corps, detached officers' list.
First Lieut. Roland W. Pinger, Coast Artillery Corps (Ordnance Department).
First Lieut. Donald Armstrong, Coast Artilery Corps, detached officers' list.
First Lieut. Franklin Babcock, Coast Artillery Corps.
First Lieut. Hermann H. Zornig, Coast Artillery Corps (Ordnance Department).
First Lieut. Gladeon M. Barnes, Coast Artillery Corps (Ordnance Department).
First Lieut. Earl J. W. Ragsdale, Coast Artillery Corps (Ordnance Department).
First Lieut. Raycroft Walsh, Coast Artillery Corps, detached officers' list.
First Lieut. Harvey C. Allen, Coast Artillery Corps.
First Lieut. Edward B. Dennis, Coast Artillery Corps, detached officers' list.
First Lieut. Roger B. Colton, Coast Artillery Corps, detached officers' list.
First Lieut. Oliver L. Spiller, Coast Artillery Corps, detached officers' list.
First Lieut. Ruskin P. Hall, Coast Artillery Corps, detached officers' list.
First Lieut. Walter W. Vautsmeier, Coast Artillery Corps (Aviation Section, Signal Corps).
First Lieut. John E. Sloan, Coast Artillery Corps.
First Lieut. William B. Hardigg, Coast Artillery Corps.
First Lieut. Charles A. Schimelfenig, Coast Artillery Corps (Ordnance Department).
First Lieut. Charles R. Baxter, Coast Artillery Corps (Ordnance Department).
First Lieut. Harold F. Nichols, Coast Artillery Corps, detached officers' list.
First Lieut. Franklin Kemble, Coast Artillery Corps, detached officers' list.
First Lieut. John G. Booton, Coast Artillery Corps, detached officers' list.
First Lieut. James B. Crawford, Coast Artillery Corps, detached officers' list.
First Lieut. Robert W. Clark, jr., Coast Artillery Corps.
First Lieut. John L. Homer, Coast Artillery Corps, detached officers' list.
First Lieut. Robert C. Gildart, Coast Artillery Corps, detached officers' list.
First Lieut. George D. Holland, Coast Artillery Corps, detached officers' list.
First Lieut. Douglas B. Netherwood, Coast Artillery Corps (Aviation Section, Signal Corps).
First Lieut. Arnold Heinrich, Coast Artillery Corps.
First Lieut. Roy T. Cunningham, Coast Artillery Corps.
First Lieut. Felix E. Gross, Coast Artillery Corps.
First Lieut. William T. Boyd, jr., Coast Artillery Corps, detached officers' list.
First Lieut. Lawrence A. McLaughlin, Coast Artillery Corps.
First Lieut. George R. Meyer, Coast Artillery Corps.
First Lieut. Homer A. Bagg, Coast Artillery Corps.
First Lieut. Andrew L. Pendleton, jr., Coast Artillery Corps, detached officers' list.
First Lieut. Cherubusco Newton, jr., Coast Artillery Corps.
First Lieut. Walter Smith, Coast Artillery Corps.
First Lieut. Hugh J. Knerr, Coast Artillery Corps.
First Lieut. George F. Humbert, Coast Artillery Corps.
First Lieut. Arthur W. Ford, Coast Artillery Corps, detached officers' list.
First Lieut. Reuben N. Perley, Coast Artillery Corps.
First Lieut. Joseph R. Cygon, Coast Artillery Corps, detached officers' list.
First Lieut. John H. Birdsall, Coast Artillery Corps.
First Lieut. Levin H. Campbell, jr., Coast Artillery Corps.
First Lieut. Harold De F. Burdick, Coast Artillery Corps.
First Lieut. John A. Baird, Coast Artillery Corps, detached officers' list.
First Lieut. Philip G. Blackmore, Coast Artillery Corps.
First Lieut. Henry C. Davis, jr., Coast Artillery Corps (Ordnance Department).

First Lieut. Benjamin N. Booth, Coast Artillery Corps, detached officers' list.

First Lieut. George I. Thatcher, Coast Artillery Corps.

First Lieut. Edwin F. Silkman, Coast Artillery Corps.

First Lieut. Octave De Carré, Coast Artillery Corps (Signal Corps), subject to examination required by law.

To be captains with rank from May 15, 1917, to fill casual vacancies.

First Lieut. Claude M. Thiele, Coast Artillery Corps, detached officers' list, vice Capt. Virginius E. Clark, retained in Aviation Section.

First Lieut. Cedric M. S. Skene, Coast Artillery Corps, vice Capt. George L. Van Deusen, retained in the Signal Corps.

First Lieut. Edward Montgomery, Coast Artillery Corps, vice Capt. Wallace L. Clay, retained in the Ordnance Department.

First Lieut. Robert Edes Kimball, Coast Artillery Corps (Ordnance Department), vice Capt. Kenneth B. Harmon, retained in the Ordnance Department.

First Lieut. Shepler W. FitzGerald, Coast Artillery Corps (Aviation Section, Signal Corps), subject to examination required by law, vice Capt. Herbert O'Leary, retained in the Ordnance Department.

First Lieut. Leigh F. J. Zerbee, Coast Artillery Corps (Signal Corps), vice Capt. Fred Seydel, retained in the Aviation Section.

First Lieut. Carleton U. Edwards, Coast Artillery Corps, detached officers' list, vice Capt. Julian S. Hatcher, retained in the Ordnance Department.

First Lieut. Coleman W. Jenkins, Coast Artillery Corps, detached officers' list, vice Capt. Roland W. Pinger, retained in the Ordnance Department.

First Lieut. Wilmer T. Scott, Coast Artillery Corps, detached officers' list, vice Capt. Hermann H. Zornig, retained in the Ordnance Department.

First Lieut. Herbert E. Ellis, Coast Artillery Corps, detached officers' list, vice Capt. Gladeon M. Barnes, retained in the Ordnance Department.

First Lieut. Randolph T. Pendleton, Coast Artillery Corps, detached officers' list, vice Capt. Earl J. W. Ragsdale, retained in the Ordnance Department.

First Lieut. Stewart W. Stanley, Coast Artillery Corps, vice Capt. Walter W. Vautsmeier, retained in the Aviation Section.

First Lieut. Kenneth T. Blood, Coast Artillery Corps, detached officers' list, vice Capt. Charles A. Schimelfenig, retained in the Ordnance Department.

First Lieut. Roy S. Atwood, Coast Artillery Corps, vice Capt. Charles R. Baxter, retained in the Ordnance Department.

First Lieut. Samuel F. Hawkins, Coast Artillery Corps, vice Capt. Douglas B. Netherwood, retained in the Aviation Section.

First Lieut. Jesse L. Sinclair, Coast Artillery Corps, detached officers' list, vice Capt. Henry C. Davis, jr., retained in the Ordnance Department.

First Lieut. Oscar Krupp, Coast Artillery Corps, detached officers' list, vice Capt. Octave De Carre, retained in the Signal Corps.

First Lieut. Charles Thomas-Stakle, Coast Artillery Corps, vice Capt. Robert Edes Kimball, retained in the Ordnance Department.

First Lieut. Charles M. Wood, Coast Artillery Corps, detached officers' list, vice Capt. Shepler W. FitzGerald, retained in the Aviation Section.

First Lieut. Edwin J. O'Hara, Coast Artillery Corps, vice Capt. Leigh F. J. Zerbee, retained in the Signal Corps.

First Lieut. Alden G. Strong, Coast Artillery Corps, detached officers' list, vice Capt. Stephen H. Mould, promoted.

First Lieut. Rudolf W. Riefkohl, Coast Artillery Corps, detached officers' list, vice Capt. Louis S. Chappelear, promoted.

First Lieut. John P. Leavenworth, Coast Artillery Corps, detached officers' list, vice Capt. Granville Sevier, promoted.

First Lieut. Alexander C. Sullivan, Coast Artillery Corps, vice Capt. Robert F. Woods, promoted.

First Lieut. Harold B. Sampson, Coast Artillery Corps, vice Capt. John McBride, jr., promoted.

First Lieut. Clarence L. Gilbert, Coast Artillery Corps, vice Capt. Richard K. Cravens, promoted.

First Lieut. Arthur E. Rowland, Coast Artillery Corps, vice Capt. Harrison S. Kerrick, promoted.

First Lieut. Lee R. Watrous, jr., Coast Artillery Corps, vice Capt. Frank J. Miller, promoted.

First Lieut. Joseph D. Brown, Coast Artillery Corps, detached officers' list, vice Capt. Philip S. Golderman, promoted.

First Lieut. Spencer B. Lane, Coast Artillery Corps, detached officers' list, vice Capt. Charles L. Lanham, promoted.

First Lieut. Leslie MacDill, Coast Artillery Corps (Aviation Section, Signal Corps), vice Capt. George F. Connolly, promoted.

First Lieut. Charles A. French, Coast Artillery Corps, vice Capt. John S. Johnston, promoted.

First Lieut. John A. Hoag, Coast Artillery Corps, vice Capt. Joseph S. Hardin, promoted.

First Lieut. Oscar A. Eastwold, Coast Artillery Corps, detached officers' list, vice Capt. Louis E. Bennett, promoted.

First Lieut. Earl H. Metzger, Coast Artillery Corps, detached officers' list, vice Capt. George L. Hicks, jr., promoted.

First Lieut. Lee O. Wright, Coast Artillery Corps (Ordnance Department), vice Capt. Lynn S. Edwards, promoted.

First Lieut. Lewis A. Nickerson, Coast Artillery Corps (Ordnance Department), vice Capt. Hugh K. Taylor, promoted.

First Lieut. Philip R. Faymonville, Coast Artillery Corps (Ordnance Department), vice Capt. Alden Trotter, promoted.

First Lieut. John S. Wood, Coast Artillery Corps (Ordnance Department), vice Capt. Frank S. Long, promoted.

First Lieut. Robert H. Lee, Coast Artillery Corps, detached officers' list, vice Capt. John P. Spurr, promoted.

First Lieut. David McL. Crawford, Coast Artillery Corps, detached officers' list, vice Capt. Francis W. Ralston, promoted.

First Lieut. Oscar J. Gatchell, Coast Artillery Corps (Ordnance Department), vice Capt. Adna G. Clarke, promoted.

First Lieut. Cris M. Burlingame, Coast Artillery Corps, vice Capt. Michael H. Barry, promoted.

First Lieut. Raymond V. Cramer, Coast Artillery Corps, detached officers' list, vice Capt. Clarence G. Bunker, promoted.

First Lieut. Sidney P. Spalding, Coast Artillery Corps (Ordnance Department), vice Capt. Harry J. Watson, promoted.

First Lieut. Leonard L. Barrett, Coast Artillery Corps (Ordnance Department), vice Capt. Jacob E. Wyke, promoted.

First Lieut. Stephen H. MacGregor, Coast Artillery Corps (Ordnance Department), vice Capt. Charles O. Zollars, promoted.

First Lieut. James Kirk, Coast Artillery Corps, vice Capt. John Storck, promoted.

First Lieut. James H. Johnson, Coast Artillery Corps, vice Capt. Robert B. McBride, promoted.

First Lieut. John H. Lindt, Coast Artillery Corps, vice Capt. Leslie MacDill, retained in the Aviation Section.

First Lieut. Bird S. DuBois, Coast Artillery Corps, vice Capt. Lee O. Wright, retained in the Ordnance Department.

First Lieut. Cyril A. Phelan, Coast Artillery Corps, detached officers' list, vice Capt. Lewis A. Nickerson, retained in the Ordnance Department.

First Lieut. Harry W. Stark, Coast Artillery Corps, detached officers' list, subject to examination required by law, vice Capt. Philip R. Faymonville, retained in the Ordnance Department.

First Lieut. Stiles M. Decker, Coast Artillery Corps, vice Capt. John S. Wood, retained in the Ordnance Department.

First Lieut. Raymond G. Payne, Coast Artillery Corps, vice Capt. Oscar J. Gatchell, retained in the Ordnance Department.

First Lieut. Archie S. Buyers, Coast Artillery Corps, vice Capt. Sidney P. Spalding, retained in the Ordnance Department.

First Lieut. William A. Borden, Coast Artillery Corps, vice Capt. Leonard L. Barrett, retained in the Ordnance Department.

First Lieut. Edwin B. Spiller, Coast Artillery Corps, vice Capt. Stephen H. MacGregor, retained in the Ordnance Department.

PROVISIONAL APPOINTMENT, BY PROMOTION, IN THE ARMY.

CORPS OF ENGINEERS.

To be captains with rank from May 15, 1917.

First Lieut. Ernest L. Osborne, Corps of Engineers, to fill an original vacancy.

First Lieut. Harold W. Sibert, Corps of Engineers, to fill an original vacancy.

First Lieut. Howard G. Borden, Corps of Engineers, to fill an original vacancy.

First Lieut. Thomas F. Farrell, Corps of Engineers, vice Capt. Roger D. Black, promoted.

First Lieut. Kenneth S. Jones, Corps of Engineers, vice Capt. Theodore H. Dillon, promoted.

TRANSFER TO THE ACTIVE LIST OF THE ARMY.

CAVALRY ARM.

Capt. Grayson V. Heidt, United States Army, retired, to the Cavalry arm with his present date of rank.

APPOINTMENTS IN THE ARMY.

MEDICAL CORPS.

The first lieutenants of the Medical Reserve Corps herein named for appointment as first lieutenants in the Medical Corps, United States Army, each to rank from the date set opposite his name:

Walter James Bristow, June 2, 1917.
Elias Earle Cooley, June 3, 1917.
Thomas Dreux Hurley, June 4, 1917.
Emanuel Kline, June 5, 1917.
Josiah Baker Henneberger, June 6, 1917.
Paul Miller Crawford, June 7, 1917.
George Sawyer Woodard, June 8, 1917.
John Howard Sturgeon, June 9, 1917.
Fred Grey Benton, June 10, 1917.
Abram Lee Van Meter, June 11, 1917.
Alexander Eugene Listoe, June 12, 1917.
Raymond Wright Whittier, June 13, 1917.
Wood Sue Woolford, June 14, 1917.
Herbert Clarence Neblett, June 15, 1917.
Leman Dow Cruice, June 16, 1917.
Charles Benjamin Kendall, June 17, 1917.
Cadmus James Baker, June 18, 1917.
Francis Emil Gessner, June 19, 1917.
James Walter Bunce, June 20, 1917.
Herbert Lee Quickel, June 21, 1917.
Chester Dye Allen, June 22, 1917.
David English Smith, June 23, 1917.
Leon Alexander Fox, June 24, 1917.
Charles Marion Hunter, June 25, 1917.
Rossner Enders Graham, June 26, 1917.
Joseph Haines Francis, June 27, 1917.
Charles Kettig Berle, June 28, 1917.
George Charles Henry Franklin, June 29, 1917.
William Thomas Weissinger, June 30, 1917.
Samuel McPherson Browne, July 1, 1917.
Frank Lamont Cole, July 2, 1917.
Gerald D. France, July 3, 1917.
Miner Frank Felch, July 4, 1917.
Rowland Daniel Wolfe, July 5, 1917.
Bascom Franklin Morris, July 6, 1917.
Clarke Blance, July 7, 1917.
William Adolphus Foertmeyer, July 8, 1917.
Cornelius Oliver Bailey, July 9, 1917.
Max Rievenack Stockton, July 10, 1917.

VETERINARY CORPS.

To be assistant veterinarians with rank from July 16, 1917.

Harold Clarke, of New York.
Daniel Henry Mallan, of New York.
Louis Goldman Weisman, of New York.
Everett Cooper Conant, of New Jersey.
James Alexander McCallan, of Pennsylvania.
Harry John Juzek, of Iowa.
George Stutsman, of Iowa.
Raymond Le Roy Conklin, of New York.
William Alexander Aitken, of Iowa.
William Henry Dean, of Pennsylvania.
Solon B. Renshaw, of Minnesota.
John von Henry Schantz, of Iowa.
Horace Zenas Homer, of Maine.
Joseph Walter Hastings, of Delaware.
Owen Howells, of Iowa.
Clarence William Mould, of New York.
Lewis Lathrop Shook, of New York.
Oscar Edward Gladfelter, of Pennsylvania.
Charles Van Wil Morris, of New York.
Frank Holmes Woodruff, of New York.
George Philip Bard, of New York.
John James Connolly, of Pennsylvania.
John Dudley Moore, of New York.
Will Charles Griffin, of Wyoming.
George Webster Derrick, of New York.
Calvin Forrest Bennett, of Pennsylvania.
Lloyd Clifford Ewen, of North Dakota.
Charles Oliver Grace, of New York.
Alfred Gustav Gierke, of New York.
Edward Michael Curley, of Pennsylvania.
Robert Miles Sarde, of Missouri.
Nathan Menzo Neate, of New York.
Joseph Napoleon Graves, of New York.
James Russell Sperry, of Ohio.
Charles Edward Fanslau, of New York.
Floyd Chauncey Sager, of New York.
Henry Emil Hess, of Pennsylvania.
Robert Payne McComb, of California.
Frank Columbus Meisner, of Illinois.
William De Vane Faison, of North Carolina.
Vincent Brown Wright, of South Carolina.
Curtice Christopher Bourland, of Iowa.
Charles Brenton Dunphy, of Michigan.
Paul Roberts King, of Kansas.
Forest Lee Holycross, of Ohio.
Daniel Sommer Robertson, of Louisiana.
George Leander Richards, of Colorado.
Jerry Lewis Ruble, of California.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 17 (legislative day of July 16), 1917.

UNITED STATES ATTORNEY.

William T. Kennerly to be United States attorney for the eastern district of Tennessee.

MEMBERS OF THE FEDERAL BOARD FOR VOCATIONAL EDUCATION.

Arthur E. Holder.
Charles A. Greathouse.
James Phinney Munroe.

POSTMASTERS.

MASSACHUSETTS.

Abner Harlow, Mattapoisett.
James Lally, Milford.
James H. Madigan, Harvard.
John J. Mahoney, Mittineague.
Frederick H. Mulcahy, Gardner.
Edward W. Sullivan, Stockbridge.

SENATE.

WEDNESDAY, *July 18, 1917.*

The Senate met at 10 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou art the source of all our blessings. Thou art the source of the inspirations of life. That which is noblest and best within us and which finds expression in our life comes from the Divine touch and is kindled into activity by Thy presence with us. We look to Thee for guidance not only in the great affairs of life but in those more important things that pertain to our own personal and spiritual interests. We pray Thee to make us so responsive to the Divine will that our acts may only be carrying out God's purpose in us as men and as a Nation. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Monday, July 16, 1917, when, on request of Mr. CHAMBERLAIN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. CHAMBERLAIN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Johnson, Cal.	McNary	Sheppard
Chamberlain	Johnson, S. Dak.	Martin	Sherman
Cummins	Jones, Wash.	Myers	Smoot
Curtis	Kenyon	Overman	Sterling
Dillingham	Knox	Page	Stone
Gore	Lodge	Pomerene	Underwood
Husting	McCumber	Saulsbury	

Mr. POMERENE. I desire to announce that the senior Senator from Arkansas [Mr. ROBINSON] is detained on important business.

Mr. THOMPSON. I wish to announce that the junior Senator from Arkansas [Mr. KIRBY] is absent on important business.

The VICE PRESIDENT. Twenty-seven Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. HALE, Mr. HOLLIS, Mr. LA FOLLETTE, Mr. NELSON, Mr. NEW, Mr. PITTMAN, Mr. POINDEXTER, Mr. RANSDELL, Mr. SUTHERLAND, Mr. THOMPSON, Mr. TILLMAN, Mr. TOWNSEND, and Mr. VARDAMAN answered to their names when called.

Mr. TOWNSEND. I announce the absence of my colleague [Mr. SMITH of Michigan] on important business. He is paired with the junior Senator from Missouri [Mr. REED]. I desire this announcement to stand for the day.

Mr. SUTHERLAND. I wish to announce the absence of my colleague [Mr. GOFF] on account of illness. I will let this announcement stand for the day.

Mr. VARDAMAN. I wish to announce the absence of the Senator from Colorado [Mr. THOMAS] on account of illness.

Mr. FLETCHER, Mr. REED, and Mr. COLT entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-three Senators have answered to the roll call. There is not a quorum present.

Mr. CHAMBERLAIN. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will execute the order of the Senate.

Mr. HARDWICK, Mr. SMITH of Georgia, Mr. WILLIAMS, Mr. WADSWORTH, Mr. GRONNA, Mr. HARDING, and Mr. BANKHEAD entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present. The presentation of petitions and memorials is in order.

CENSUS FOR MILITARY DRAFT.

Mr. POMERENE. Mr. President, there was some little discussion the other day on the subject of the regulations with reference to the draft as it would work out in Ohio and Connecticut. I send to the desk a telegram from Hon. E. H. Moore, of Youngstown, Ohio, who was formerly our State insurance commissioner and is one of the leading lawyers in Ohio. I ask that it may be read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

YOUNGSTOWN, OHIO, *July 18, 1917.*

Hon. ATLEE POMERENE,
Washington, D. C.:

Youngstown yields in patriotism to no city in America, but we think it grossly unfair that we should be called upon for 1,739 conscripts, more than some States and two and one-half times as many as Dayton, which has 50 per cent more population. Conscription estimates are based on population of treble any estimate the wildest local enthusiast would claim for our city. Forty per cent of our registration were aliens not subject to conscription, leaving 11,000 eligibles, including first declarants, of which we have already furnished 1,536 volunteers, nearly a full regiment. We ask no favors, but simply fair play. Since both my two boys have volunteered I can not be accused of selfishness, but plead for other fathers and mothers and for preservation of our industries, so vital to successful prosecution of this war, which, in view of our large number of volunteers, will be seriously crippled.

E. H. MOORE.

Mr. LODGE. Mr. President, I hold in my hand a dispatch from the governor of Massachusetts, which is in the same line as those presented by the Senator from Ohio [Mr. POMERENE] and the Senator from Connecticut [Mr. BRANDEGEE] and which I desire to read:

BOSTON, MASS., *July 17, 1917.*

Hon. HENRY CABOT LODGE,
Washington, D. C.:

In line with your speech of yesterday Federal estimate of population of Massachusetts, on which our quota for draft is based, is 3,939,561; actual population by 1915 State census was 3,693,310, assuming average increase in two years has been same as during five-year period between 1910 and 1915, although it is probably less, as immigration has been greatly reduced, State population would now be approximately 3,824,068, or 115,493 less than Federal estimate. Unless latter can be reduced to more equitable figure I must accept same as basis for distributing quotas for local board districts. Massachusetts, of course, stands ready to furnish her full quota, but that quota should not be placed too high by reason of faulty methods in estimating population. Federal estimate of present population of Chicopee, for instance, is 80,000, although two years ago it had only 30,000. Other places show discrepancies both too high and too low. Although I can correct this inequality as between cities and towns of the State, I can not change the quota of whole State. Doubtless Federal authorities desired a just basis, but this basis of estimate upon registration for draft seems to me unsound, as it penalizes States where registration was complete and thorough in comparison with States where registration was incomplete.

SAMUEL W. MCCALL.

Mr. President, the other day when I spoke on this subject I did not mention any cases in my own State, for none had been sent me, and I attributed that to the fact that we had a complete State census in 1915, and it was a little more difficult, with so recent a census, to apply the same method of estimating which has been applied by the Census Bureau here. But it is evident that they have done the same thing in Massachusetts that they have in other Northern States. The case of Chicopee, which the Governor mentions, is perfectly preposterous. I know the city well. It had 30,000 people two years ago by the State census, which is a very accurate and careful census. Now, two years later, with the immigration cut off, it is put down at 80,000, an increase in two years of more than 150 per cent. There can be no justice in such estimates as that on which to base a draft.

Every State is desirous of giving its full quota, I have no question. I know the State of Massachusetts is, but we do not want to leave in the minds of the people of any State the feeling that they have been called upon for more than a proper basis of estimate would give. It makes them feel that the rolls are padded with a view of putting more burdens on some States than others, and it is not well to have that sense of injustice rankling anywhere.

Mr. McCUMBER. Mr. President, in deference to the conscription act, I think it ought to be stated on the record now that one great benefit has resulted, namely, that ambitious towns, which claimed such exorbitant population, have been at last compelled to tell the truth.

Mr. POMERENE. Mr. President, I do not think it is necessary to make any reply to statements of that kind. We are not denying our population and we are not unwilling to do our duty, but in this matter I think the Census Bureau has adopted a rule which operates to the very great disadvantage of industrial States and communities. If they are to take the alien as well as the naturalized citizen and the native-born citizen, then we shall have no cause for complaint. But when we attempt to estimate the population based on the total number of young men of conscript age—native, naturalized, and alien—and then attempt to take our entire quota from the native and naturalized alone, it is quite apparent that an injustice is brought about.

Mr. CHAMBERLAIN. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. CHAMBERLAIN. What is before the Senate?

Mr. LODGE. Under the order for the presentation of petitions, I ventured to present a communication from the governor of Massachusetts.

Mr. CHAMBERLAIN. I was not questioning the right of the Senator to do so, Mr. President, but I ask for the regular order.

The VICE PRESIDENT. Of course, no discussion is in order if the regular order is insisted upon.

Mr. POMERENE. I simply wanted to present a few figures, but if there is objection I will desist.

The VICE PRESIDENT. They can come in later. Are there further petitions and memorials?

MOBILIZATION OF STATE TROOPS.

Mr. OVERMAN. Mr. President, in regard to the location of camps in the South, I have an article from the Boston Transcript which I ask may be read by the Secretary. It is headed "The spirit of New England."

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

[From the Boston Transcript, Friday, July 13, 1917.]

THE SPIRIT OF NEW ENGLAND.

A sorry service for this corner of the country is the action of eight United States Senators in protesting to the Secretary of War against his order transferring the New England division of the National Guard to North Carolina for training. The Solid South will not, we hope, mistake the ire of the Senators for a manifestation of the spirit of New England. In justice to Senator LODGE and Senator WEEKS it should be said that they were urged to this unwise step by an appeal from Beacon Hill. Could they have conversed with the recruits at Framingham or with the rank and file of the guardsmen from this Commonwealth, we are very confident that the names of the Massachusetts Senators would not be among the eight protestants. The truth is that the New England guardsmen, with few exceptions, are solely concerned with getting as much training as possible as soon as possible. To them the waste of the month of June and most of July is inexplicable. When the War Department refused to mobilize them they hoped their governors would have the spunk to do it and thereby give them the benefit of two months' additional training, so as to multiply the chances of their safe return from France. But the guardsmen were helpless in the premises, and now that their orders are on the way they are eager to obey them without dickering or delay. An opinion very generally held in the guard of this and other New England States is that training in another section of the country will have several advantages, for the New England division is not an "apron-string" unit and does not wish to become one by the playing of pork-barrel politics.

The change from Fayetteville to Charlotte, N. C., for the training site of the New England division is said to be due to the fact that the former lacked a sufficient water supply to accommodate so many troops. The additional supply necessary could not be developed by September 1, and the site a few miles southwest of Charlotte has been chosen, where abundant water is available. Soil conditions at Fayetteville are superior to those at Charlotte, but the analysis at the latter city convinced the Army officers who made the examination that Charlotte soil contains enough sand to make the ground thereabouts suitable for troop training. Here is Gen. Wood's opinion of the Charlotte site:

"I am most agreeably surprised to find the nature of the soil here to be so well suited to the use of the camp. I find also that the railroad facilities are excellent, the water supply abundant, and a fine spirit among the people. We are trying to get the very best places for the soldiers to be trained. If it had been left entirely to me, I think I should have put all the camps in the best localities, even if that had been in one county. As it is, we are trying to make a reasonably fair distribution of them with the view of giving the soldiers good soil, good water, and good transportation facilities, for we should have a short haul to the embarkation port. The welfare of the men is the main thing to be considered in the placing of the camp sites."

Charlotte is the metropolis of the "Old North State." Situated on Sugar Creek, some 125 miles west by south of Raleigh, the city is well served by the Seaboard and Southern Railroads, being on the main line of the latter between Washington and New Orleans. At the last census its population was 34,000. It has more than 40,000 to-day. It is noted for its good climate, its educational facilities, its industries, and for its progressive public spirit. Historically, its chief claim to fame is the so-called Mecklenburg Declaration of Independence, which was

adopted there on May 31, 1775. The city was occupied for several days by Lord Cornwallis in 1780 and later became the headquarters of Gen. Greene.

When the first President of the United States assumed command of the American Army under the Washington Elm in Cambridge, 142 years ago this month, New England troops hailed him heartily as their commander in chief and did not hold back because he came from Virginia. When President Lincoln called for troops to defend the National Capital at the beginning of the Civil War, a Massachusetts regiment rushed forward in response without regard to distance or danger. That was the spirit of New England in the past, and that is the spirit of New England in the present. When Maj. Gen. Leonard Wood was summarily removed from the command of the Department of the East several months ago, because he dared to tell Congress and the country the truth about the Army, there was a countrywide public protest, but the only comment of that New Englander was: "I am a soldier and go where I am sent." So say the New England guardsmen to-day, for in their hearts lives the spirit of New England.

Mr. LODGE. Mr. President, I do not wish to take time; but as that article reflects on the action taken by my colleague [Mr. WEEKS] and myself I think, in justice to my colleague and to myself, I ought to say a single word.

The editor of the Transcript and the writer of that article is a valued friend of mine of many years, and I have no sort of objection to his disagreeing with me about the action I have taken here or elsewhere, because I know that it implies nothing but friendship, just as much as praise would. He is a native of North Carolina.

Mr. OVERMAN. I am glad to hear that, as he is so liberal in spirit, and he edits one of the most liberal and one of the broadest and best papers in New England.

Mr. LODGE. I quite agree with the Senator. He can not praise the paper more highly than I should. The writer of this article is a native of North Carolina, and I think it is a credit to his head and heart that he still appreciates the beauties of that State and sets forth what an admirable place it will be to which to send Massachusetts troops; but when it comes to lecturing us about what New England should do and what New England should feel I venture to think that two natives of New England are at least as likely to be sensitive about the honor of New England as even the best of men who are born outside her confines.

Mr. President, the point was simply this: All the northern National Guard, some 300,000 in number, are to be ordered to southern points for drill and training. They are to be ordered there in the midst of summer. Talking of my own State, as to camp grounds, we have great State camp grounds at Framingham. They are within half an hour of a seaport if it is desired to send troops to France. The National Guard will be the first to go for the reason that they are now very largely trained, for they have had experience on the Mexican border. As they stand to-day they are good troops. They will probably go very early in the winter, if not before the snow flies. It did not seem to my colleague and myself that to take those men and put them in a warm climate in the middle of summer was the best preparation for sending them to the sharp climate of northern France, which much resembles that of New England and our other Northern States.

Mr. President, the argument of the War Department appears to be that if you send troops to Southern States you will have good weather there in the winter in order to drill and to train them. Granted. You will have good weather and many of the camps no doubt are in beautiful sites, although some are not; but how do they reconcile this argument with the other proposition that the conscripts, the men who are to be drafted, will be the last to go necessarily, because they are entirely raw recruits. They have not even been organized into companies and regiments; they will have to be drilled through the winter. Where have they put those camps?

They have put one of them, not all, of course; but they have put one in the center of Massachusetts. If that is a good place to drill recruits through the winter, why is it a bad place to drill pretty well trained National Guard troops through the summer? That is precisely what has been done. I think it would be infinitely better to send the raw recruits of the draft into the southern camps, because they will have to be drilled through the winter, and to keep the National Guard in the northern camps in the summer. The camps are ready. All the States have their camps; there is no trouble about doing it; and some 300,000 men now have to be carried many hundreds of miles to these camps.

Take the case of Massachusetts alone. The troops can be put in the camp at Framingham, a State camp, where, as I have said, they will be within half an hour of a seaport; but, if they are sent away, they will have to be brought back to the coast ports after they are trained, and all that transportation will have to be duplicated.

As for the feeling of the National Guard, I know they wanted to be mobilized; and they ought to have been mobilized long ago, but if, as the article points out, the National Guard in my State is opposed to the protest made by my colleague and myself, they have remained very silent about it, for the only communications we have received have been telegrams and letters expressing entire approval of our cause—not that the National Guard should not be mobilized, but that they should be mobilized at once, drilled, trained, and made ready for France in the North, in a cold climate, where they would be made fitter for going to France in the autumn than they would be if trained elsewhere. I think the protest was reasonable and had good grounds. The other argument may be more prevailing, although it is not so to me, and I find no fault with those who make it.

Mr. LA FOLLETTE. Mr. President——

The VICE PRESIDENT. Does the Senator from Masachusetts yield to the Senator from Wisconsin?

Mr. LODGE. Certainly.

Mr. LA FOLLETTE. I should like to say, Mr. President, in confirmation of the views expressed by the Senator from Massachusetts, that some days ago the governor of Wisconsin wired me a very strong protest against the Wisconsin Guard being transferred to Waco, Tex., for training. I wired the governor for information with regard to our own training camp. He wired me that there were some 1,800 acres, one of the best training camps in the country, with a three-mile police zone created by law, within which the sale of liquor is forbidden and all forms of vice and temptations that break men physically excluded and where the State is responsible for good order. I am preparing at this time as strong a letter as I can of appeal to the War Department that the Wisconsin Guard may be permitted to remain in Wisconsin, at least until October or November, and that they be not transferred to a climate which at this season of the year would be a very great strain upon their physical endurance.

I know that this is the feeling generally of the governors, of the adjutants general, and of the guard in the several Northern States, for I have had some talk with Senators on the floor here about it; and I know that there are other Senators who are in possession of like communications protesting against this thing being done at this time. The Senator from North Dakota has in his hands now a telegram from the governor of his State in commendation of the very principle for which the Senator from Massachusetts is contending.

Mr. WATSON. Mr. President——

Mr. LODGE. I yield to the Senator from Indiana.

Mr. WATSON. The same situation obtains with reference to the Indiana National Guard, and if those now in training in the Officers' Reserve Corps at Fort Benjamin Harrison shall also be sent South, the same situation will obtain as to them. They have been there three months, and if present information be correct they are shortly to be transported to some place in the South for final training, while the understanding is that the Indiana National Guard will be sent to some place in Mississippi.

The further information is that all of these troops are to be sent abroad some time this year.

There have been protests filed not only by the soldiers themselves, so far as they could file protests without violating the rules of military discipline, but if newspaper reports are correct, the brigadier general in command of the troops at Fort Harrison, who is himself a Southerner, having been raised in North Carolina, has said that, in his judgment, it would be a mistake to transfer these troops from Indiana to any Southern State and then afterwards take them from there to France, when the climate of Indiana and France is very similar. I do not know that these reports are true, but I have seen such statements accredited to him in the public press. I know, however, that protests have been filed by the adjutant general of Indiana against the transfer of the Indiana National Guard to any Southern State.

This situation would be all the more aggravated if these troops after several months' training were to be sent South and raw troops hereafter to be drafted into the service should be trained in Indiana during the winter season. Those who are now being trained and disciplined there might endure the rigors of any climate, while the raw troops hereafter to be taken into the service would not be seasoned to that degree, so that it seems to me that there is something back of the military idea in connection with all these transactions; what it is I do not say.

Mr. LODGE. Mr. President, I do not care to occupy further time, but as the Senator from North Carolina has had that article from the Transcript read, I thought I owed it to myself and to my colleague, at least to give our reasons, which I think are sound ones.

Mr. KNOX. Mr. President, I received the other day—I am sorry I do not have it with me—a letter from a very brilliant person who has been inspecting the military camps throughout the United States, and who, indeed, performed a similar service not long ago through the camps of Europe, especially the training camps. I was informed by that letter—and I presume the Senator from New York [Mr. WADSWORTH] can confirm whether the information is correct or not—that the training camp at Plattsburg has been broken up, or is being broken up, to be removed to Atlanta, Ga.; taken from a place which the writer describes as being one of the most excellent locations for a training camp, and to be transferred to a place which the writer describes—of course, I know nothing about it, except the information I receive from him—as not adequate in size and in other respects not a suitable place for a training camp.

I have not thought of making a particular point about this matter, but it seems to be the thing that is going around, and I should like to know from the Senator from New York if it is correct that Plattsburg, which has been a type, a household word now among the young men of the country, the place where training began, is now to be a thing of the past and the entire camp rooted out and translated to some other point?

Mr. WADSWORTH. Mr. President, the statement of the Senator from Pennsylvania is entirely correct. As is probably well known by Senators, there has been conducted at Plattsburg, on Lake Champlain, a training camp for candidates for commissions in the Army from the New England States and from a portion of the State of New York, including the city of New York. When the camp was opened there were present 5,000 candidates for commissions. It is what might be termed a double-size camp, twice the size of the camp at Fort Myer. The Government built barracks and furnished all the facilities for the use of 5,000 men and their training, and invested, I am given to understand, in the neighborhood of $500,000 in putting up those buildings and establishing those facilities.

The training at that camp will come to a conclusion in the middle of August, and it is announced as the determination of the War Department to send to Fort McPherson, Ga., and Fort Oglethorpe, Ga., all of the candidates for commissions from the New England States and the State of New York who have applied for admission to the second series of officers' training camps.

It is to be remembered that in this second series of camps there are to be, instead of 40,000 prospective officers in training, only 16,000. Instead of the camps having an average attendance of 2,500, as at Fort Myer, they will have an attendance of 1,000. So we find that half a million dollars' worth of buildings at Plattsburg, and I assume a quarter of a million dollars' worth of buildings at Madison Barracks, and another quarter of a million dollars' worth of buildings at Fort Niagara, all of which are now occupied by officers' training camps, will be abandoned and men sent for the second series of camps into the South; and, mind you, their training will come to a conclusion before the 1st of December. They will not be expected to be trained in those camps in the winter at all; and I know from living in the region myself, having lived there all my life, that the climate, we will say, at Fort Niagara, at the mouth of the Niagara River on Lake Ontario, during the autumn months is one of the most delightful in America. For one, I have been unable to understand why the War Department is fearful of that climate through the months of September, October, and the first half or two-thirds of November.

Mr. NELSON. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Minnesota.

Mr. NELSON. Can not the Senator see the great advantage this is to the railroad companies of the country, to carry these troops from one end of the country to the other?

Mr. WADSWORTH. Mr. President, of course the men who are to go to the second officers' training camps do not go in a body. They go by themselves from their various homes. Of course, the railways will have that extra number of passengers to carry, but I really can not believe that that is the motive back of the change. Apparently it is part of the broad and settled policy on the part of the War Department to move all training camps and troops out of the North and East and to the South, with the exception of the selective-draft camps.

As the Senator from Massachusetts has said, at Ayer, Mass., a camp site has already been chosen, and I assume work is now in progress building the barracks for a selective-draft division. They are to spend the winter there. One just like it is being built at Yaphank, on Long Island, where selective-draft soldiers from the city of New York are to spend the winter in training. So when we compare the policy of the War Department in the training of the selective-draft soldiers and its policy with respect to the training of the National Guard soldiers and the second series of officers' training camps, we find it absolutely inconsistent. The Senator from Pennsylvania is entirely correct.

Mr. KNOX. Mr. President, will the Senator from New York permit me to ask him a question before he takes his seat?

Mr. WADSWORTH. Certainly.

Mr. KNOX. In that same connection, perhaps the Senator from New York may be able to answer this question; I think perhaps he can: Has not the War Department, speaking of its policies in connection with the officers' camp at Plattsburg, made some order refusing commissions to the young men who are——

Mr. VARDAMAN. Mr. President, will the Senator from Pennsylvania speak a little louder? There is a good deal of talking going on in the Chamber and it is almost impossible to hear him.

Mr. KNOX. I was about to ask the Senator from New York, in speaking of the policy of the War Department in this connection, what he knows about the refusal of the department to grant commissions to the young men who were trained under the French officers.

Mr. WADSWORTH. Mr. President, I have no definite knowledge as to an order having been issued refusing to grant commissions to men who have been trained by a group of French officers who were sent here by the French Government on the invitation of some of our universities. Undoubtedly the Senator from Pennsylvania refers to a group of very distinguished French officers who, on the invitation of Harvard University, and with the consent of their Government and the knowledge and certainly the approval of the War Department, came over here and took charge of the training of a regiment at Harvard, a complete infantry regiment. The reports from that training are rather remarkable. They are to the effect that the French officers have enabled those young men to progress in their training for preparation for the most modern warfare to an extent that none other of our training camps has yet approached. The Harvard regiment, like the Yale battalion of artillery, was organized under the provision of law which created what is known as the R. O. T. C.—the Reserve Officers' Training Corps—units of which have been established in the different universities and colleges of the country. The R. O. T. C. preceded the present officers' training camps, and officers of the Regular Army have been detailed by the War Department, when they could be spared, to help these college boys get their instruction. In this particular case, however, the French Government sent over Gen. Azan and four other most distinguished French officers, fresh from the fighting in France, and all the information that comes to us is that they have trained the boys that have been under them in the most modern and efficient way.

Recently when the War Department found itself short of Regular officers it had to withdraw from the Harvard training regiment the officers assigned to it, and it has left these four or five French officers, as it were, in the air; and the word has gone out that the men who have gone through that training under them, and who, I am informed, are somewhat in advance of the men in our own officers' training camps, can not receive commissions. They must go to the officers' training camps.

If an amateur may be permitted a suggestion, Mr. President, it would be that instead of placing any obstacle and discouragement in the path of these French officers who have come here and devoted their services to this training—and to-day they feel, I am given to understand, that their usefulness is at an end—we should invite two or three hundred French officers to this country and have them go to our officers' training camps and our mobilization camps and teach our officers and men the very latest tactics in this war, for at best our own officers, trained and intelligent and energetic as they are, derive their knowledge of modern tactics very largely from newspaper accounts and reports and books. These Frenchmen, however, come direct from the trenches, and these five men, I venture to say, have done more good in the restricted field in which they have been working up there at Cambridge than any 10 or 20 of our own officers could possibly do.

For one, I have regretted that any discouragement should have been thrown in the path of that kind of progress. I wish that we had two or three hundred of them here, under the auspices of the Federal Government, to be assigned to the camps to help our own Regular officers teach our men.

Mr. KNOX. Mr. President, may I ask the Senator from New York if he desires to have it understood that the War Department is not giving recognition to equivalent training under these French officers? If the young men under their instruction have taken the same kind of training, does the Senator mean

that they are not getting the same recognition that they are to get under the training of our own officers?

Mr. WADSWORTH. That is my understanding. In other words, the training under these French officers, instead of operating toward enabling the young men who have been trained to get commissions in the United States Army, counts for next to nothing.

Mr. KNOX. And, as I understand the Senator from New York to say, it is, in his judgment, a superior training?

Mr. WADSWORTH. My judgment is an amateur's judgment, but I believe it is a superior training.

Mr. TOWNSEND. Mr. President, under the order of petitions I desire to call attention to the fact that I have received several letters from prominent military and State officials of Michigan protesting against the transfer of the Michigan National Guard to Camp Waco, in Texas. The fact is, and can not be denied, that Michigan has ample facilities provided at great expense for the training of all of our State troops, who, however, according to latest reports, are to be intensively trained during the month of August in a hot climate to which they are not accustomed prior to their embarkation for France.

The statement that the Senator from North Carolina [Mr. OVERMAN] has put in the RECORD, showing the ancient historic value of the camp in North Carolina as a reason for locating a training camp there now, and also mentioning the further fact that it is close by the coast where the troops can be quickly mobilized for transportation abroad, does not quite apply to Waco, Tex., which is in the interior of Texas and hence farther away from the coast than is Michigan, where these troops have been organized and are now located. We can not understand why this order has been made.

As I stated the other day, if our soldiers are to be best prepared for service in France, that preparation can be secured in the State where they live and which has a temperature and climate similar to that of France. It is unfortunate at this time that the people, for lack of good reasons, are forced to speculate as to the object of this recent military order. The only facts known give natural rise to ugly suspicions. The people should know, and they must know, the truth. No reason has been given which could stand up under analysis for this sudden order changing troops from the extreme North into the extreme South. If our northern troops are the ones that are to be sent to France as soon as transportation can be provided for them, I insist that intensive training should be in a climate calculated to preserve their health and comfort, and especially when governmental economy supports that course. I have protested as best I could against this, to me, remarkable order, and have consented to join with other Senators from the North in an effort to determine the real reasons which have prompted it; and unless they are sufficient, then to secure a reversal, if possible.

Mr. WEEKS. Mr. President, I regret that I was not in the Chamber when this matter came up, and did not hear the statement made by my colleague [Mr. LODGE], with whom I am in accord on this subject. I would not now take the time of the Senate, because I do not wish to repeat, if there were not one or two points in connection with the editorial which has been read as to which, perhaps, he was not informed.

Mr. President, I have no criticism of the climate of North Carolina at Charlotte. I have no doubt that it is salubrious and healthy; and the protest which I joined in making with the New England Senators—all of whom who were in Washington, I think, with one exception, participated in it—was not based on that particular objection; certainly not from the standpoint of the New England troops. My colleague and I were not "dictated to by Beacon Hill," as the editorial intimates, if Beacon Hill means the statehouse in Boston, though I am very glad to know that the governor and the State administration are in accord with the protest which I made. We made the protest because these men are going to be among the first to go to France—the War Department so states—they being among the most nearly fitted for that purpose. Now, the War Department has contracted to erect a camp for the drafted troops in Massachusetts, and it is understood that those men are probably going to remain in this country throughout the winter. If there is a reason for taking that action, there certainly can be no reason for taking the portion of the New England troops represented by the National Guard from Massachusetts, for they are probably going abroad before cold weather, certainly if transportation can be provided for that purpose.

I think the editorial which has been read and ordered to be printed states that this action has been taken at the suggestion or on the recommendation of Gen. Wood. I happen to know, Mr. President, that Gen. Wood's opinion was not asked, and that he has made no recommendation about it.

Mr. OVERMAN. Mr. President, the article did not say that. The article only stated what Gen. Wood said about this site.

Mr. WEEKS. Oh, Gen. Wood undoubtedly would say that it is a good site.

Mr. OVERMAN. Well, that is all I put it in for—to show that he said it is a fine place for soldiers to go.

Mr. WEEKS. Undoubtedly the location is satisfactory from a health standpoint; but the impression was given, and has been given in New England by this editorial, that Gen. Wood had recommended that these New England troops be sent south. His opinion was not asked, and he made no recommendation whatever about it.

Furthermore, Mr. President, day before yesterday, when it was given out to the press where these troops were to go, the statement was commenced by referring to the Surgeon General of the Army, and the impression was given in that article that the Surgeon General had passed on this question and had recommended, from the health standpoint, that these troops be sent South. I believe that the opinion of the Surgeon General of the Army was not asked on that question; and while undoubtedly he would say that locations in the South, under ordinary conditions, for troops who were born and bred and raised in that section could be found which are salubrious and satisfactory from the health standpoint, I am sure if the opinion of the Surgeon General of the Army were asked he would say that it would be unwise to send troops from a northern climate into the South to be trained during the summer months—the very troops who are to be among the first sent to Europe.

Mr. OVERMAN. Mr. President, they will not be trained there during the summer. The Charlotte site that has just been selected will not be ready until the 1st of September, so the boys will go there in September.

Mr. WEEKS. That adds to the folly of the whole thing. The Commonwealth of Massachusetts owns sufficient camp grounds for all its National Guard. Next week, when these troops are called out, they can go to a camp ground where tentage is sufficient, where every facility has been provided by the Commonwealth, and they can commence at once the intensive training which they are to take before they go abroad.

Mr. OWEN. Mr. President——

Mr. WEEKS. If it is true that a camp has to be prepared at Charlotte, and that six weeks or two months are to be lost in the preparation of that camp, it adds another item to the folly of the whole proceeding.

Mr. CHAMBERLAIN. Mr. President——

Mr. WEEKS. I object to this action not because they are going to any other section, and that as a result somebody may lose something in the way of trade in New England, but because I believe it is an unfortunate and an unwise step to take from every military standpoint.

Mr. CHAMBERLAIN. Mr. President, a parliamentary inquiry.

Mr. WEEKS (continuing). And when the people of New England appreciate what is being done and the reasons for it, there is going to be a protest made which will be distinctly heard in Washington.

Mr. CHAMBERLAIN. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Oregon will state it.

Mr. CHAMBERLAIN. I desire to know what is before the Senate at this time.

The VICE PRESIDENT. The Senator from Massachusetts.

Mr. CHAMBERLAIN. I ask for the regular order.

Mr. WEEKS. Mr. President, I was about to take my seat, but I want to say to the Senator from Oregon that what is before the Senate now is a public question of importance which relates to the health of our troops and the conduct of our military affairs, and that no question which has any more pertinency can be brought before the Senate.

Mr. OWEN and Mr. VARDAMAN addressed the Chair.

The VICE PRESIDENT. Is the Senator from Oregon insisting on the regular order?

Mr. CHAMBERLAIN. I insist on it.

The VICE PRESIDENT. Then the whole discussion is out of order.

CONSTRUCTION OF SHIPS.

Mr. CHAMBERLAIN. I ask unanimous consent to call up House bill 5326.

Mr. SMOOT. Will not the Senator allow us to transact morning business and then call up the bill? We adjourned for morning business and have not had time to get through with it.

Mr. CHAMBERLAIN. I asked for the regular order two or three times, but Senators branched off into a general discus-

sion. I make the request anyhow for unanimous consent to call up during the morning hour House bill 5326.

Mr. SMOOT. I will ask the Senator to withhold the request until I offer a Senate resolution and ask for its consideration. Will the Senator withhold it?

Mr. CHAMBERLAIN. Yes.

Mr. SMOOT. I offer the following resolution and ask for its present consideration.

The resolution (S. Res. 106) was read, as follows:

Resolved, That the President be, and he hereby is, requested to transmit to the Senate such information as may be in the hands of the Shipping Board to show what contracts have been let or are pending for the construction of ships under the authority of that board, the names of the contractors, the location and capacity of their yards, the price per ton to be paid to them, the nature and amount of any advances to be made to them from Government funds, together with any other information which will indicate the disposition of appropriations already made for the uses of the Shipping Board or which will assist the Senate in the consideration of requests from the said board for further appropriations.

Mr. SMOOT. I shall not take the time of the Senate now, but simply ask for the present consideration of the resolution. At some future time I wish to make a short statement to the Senate as to the reasons why I have submitted the resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. CHAMBERLAIN. That means the disposition of it at this time?

Mr. SMOOT. Yes.

Mr. CHAMBERLAIN. I ask that it may go over under the rule.

The VICE PRESIDENT. The resolution will go over.

INVESTIGATION OF ATTEMPTS TO INFLUENCE LEGISLATION.

Mr. GORE. Mr. President, I merely wish to say I had intended to call up the resolution which I offered yesterday in relation to the appointment of a committee for certain purposes, but I appreciate the paramount importance of the bill to which the request of the Senator from Oregon is addressed. I shall therefore interpose no objection at this time.

APPROPRIATIONS FOR AVIATION.

Mr. CHAMBERLAIN. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 5326) to authorize the President to increase temporarily the Signal Corps of the Army and to purchase, manufacture, maintain, repair, and operate airships, and to make appropriations therefor, and for other purposes.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That for and during the existing emergency the President be, and is hereby, authorized to increase the present authorized commissioned and enlisted strength of the Signal Corps of the Army, including the Aviation Section thereof.

SEC. 2. That to provide the additional commissioned personnel required by this act the President is authorized to promote, appoint, detail, or attach as temporary officers in the Signal Corps, including the Aviation Section thereof, officers of the Regular Army, National Army, or National Guard, or the Officers' Reserve Corps, or to appoint temporarily enlisted men of the Regular Army, enlisted men of the Enlisted Reserve Corps, or persons from civil life: *Provided*, That no person shall be so promoted, appointed, detailed, or attached until he shall have been found physically, mentally, and morally qualified under regulations prescribed by the Secretary of War: *Provided further*, That officers with rank not above colonel shall be appointed and commissioned by the President alone, irrespective of the rank or grade held by them on the date of the passage of this act, and that officers above the grade of colonel shall be appointed by the President, by and with the advice and consent of the Senate, irrespective of the rank or grade held by them on the date of the passage of this act.

SEC. 3. That to provide the additional enlisted men required by this act the President is authorized to raise and maintain, by voluntary enlistment or by draft, such number of enlisted men as he may deem necessary and to embody them into organizations hereinafter provided for in section 4: *Provided*, That the draft herein provided for shall not apply to any person under the age of 21 years or to any person above the age of 31 years: *Provided further*, That the grades of chauffeur, first class, and chauffeur are hereby created in the Signal Corps. The pay and allowances of a chauffeur, first class, shall be the same as a sergeant, first class, in the Signal Corps. Pay and allowances of a chauffeur shall be the same as a sergeant in the Signal Corps. All chauffeurs while serving as such shall rank with corporals of the Signal Corps and shall be subject to promotion and reduction to any other grade now authorized in the Signal Corps.

SEC. 4. That the President is hereby authorized to appropriately officer and organize the personnel of the Signal Corps into such number of divisions, brigades, regiments, wings, squadrons, battalions, companies, and flights as may be necessary, and to increase or decrease the number of organizations prescribed for the divisions, brigades, regiments, wings, squadrons, battalions, companies, and flights, and to prescribe such new and different organizations and personnel for divisions, brigades, regiments, wings, squadrons, battalions, companies, and flights as the efficiency of the service may require.

The President is further authorized to organize such headquarters and headquarters detachments for divisions, brigades, regiments, wings, squadrons, battalions, companies, and flights as may be necessary, and to prescribe new and different organizations for such headquarters and headquarters detachments whenever the efficiency of the service may require.

SEC. 5. That the President, by and with the advice and consent of the Senate, is authorized to appoint for the period of the existing emergency such general officers of appropriate grades as may be necessary for staff duty and for duty with such brigades and divisions of the troops of the Signal Corps, including the Aviation Section thereof, as may be organized by the President.

Vacancies in all grades of the Regular Army, National Army, or National Guard resulting from the temporary appointment of officers thereof to higher grades shall be filled or vacated as provided for in sections 8 and 9 of the act authorizing the President to increase temporarily the Military Establishment of the United States and approved May 18, 1917.

SEC. 6. That officers detailed in or attached to the Aviation Section of the Signal Corps may, when qualified therefor, be rated as junior military aviators, military aviators, junior military aeronauts, and military aeronauts, but no person shall be so rated until there shall have been issued to him a certificate to the effect that he is qualified for the rating, and no certificate shall be issued to any person until an examining board, which shall be composed of two officers of experience of the Aviation Section of the Signal Corps and one medical officer, shall have examined him under general regulations to be prescribed by the Secretary of War and published to the Army by the War Department, and shall have reported him to be qualified for the rating. No person shall receive the rating of military aviator or military aeronaut until he shall have served creditably for three years as an aviation officer with the rating of a junior military aviator or the rating of a junior military aeronaut, except that in time of war any officer or enlisted man who specially distinguishes himself in active service may, upon recommendation of the Chief Signal Officer of the Army, be rated as a junior military aviator, military aviator, junior military aeronaut, or military aeronaut without regard to examination or to length of service: *Provided*, That junior military aeronauts and military aeronauts shall be entitled to the same increase in rank and pay as are now authorized by law for junior military aviators and military aviators, respectively: *Provided further*, That any officer attached to the Aviation Section of the Signal Corps for any military duty requiring him to make regular and frequent flights shall receive an increase of 25 per cent of the pay of his grade and length of service under his commission.

SEC. 7. That the Secretary of War is authorized from time to time to cause such number of the enlisted men of the Aviation Section of the Signal Corps above the grade of corporal as he may deem necessary to be rated as aviation mechanicians or as balloon mechanicians in the manner now prescribed by law: *Provided*, That balloon mechanicians shall receive the same increase of pay as now prescribed by law for aviation mechanicians.

SEC. 8. That all officers and enlisted men of the temporary forces of the Signal Corps, including the Aviation Section thereof provided for herein, shall be in all respects on the same footing as to pay, allowances, and pensions as permanent officers and enlisted men of corresponding grades and length of service in the Regular Army.

Provided, That nothing in this act shall operate to decrease the present authorized strength of the Regular Army or National Army heretofore authorized by law.

SEC. 9. That during the existing emergency authority is hereby given to the President, through the War Department, for the purchase, manufacture, maintenance, repair, and operation of airships and other aerial machines, including instruments and appliances of every sort and description necessary for the operation, construction, or equipment of all types of aircraft, including guns, armament, ammunition, and all necessary spare parts and equipment connected therewith; and all necessary buildings for equipment and personnel in the Aviation Section and for the purchase, maintenance, repair, and operation, through the Chief Signal Officer of the Army, of all motor-propelled passenger and equipment carrying vehicles which may be necessary for the Aviation Section of the Signal Corps.

And during the existing emergency authority is hereby further given for the establishment, equipment, maintenance, and operation of aviation stations, including (a) the acquisition of land, or any interest in land, with any buildings and improvements thereon, by purchase, lease, donation, condemnation, or otherwise: *Provided*, That by order of the President any unappropriated or reserved public lands may be reserved from entry, designated, and used for such aviation stations; (b) the improvement of such land by clearing, grading, draining, seeding, and otherwise making the same suitable for the purpose intended; (c) the construction, maintenance, and repair of permanent or temporary barracks, quarters, hospitals, mess houses, administration, instructional and recreational buildings, hangars, magazines, storehouses, sheds, shops, garages, boathouses, docks, radio stations, laboratories, observation stations, and all other buildings and structures necessary or advisable; (d) procuring and introducing water, electric light and power, telephones, telegraph, and sewerage to aviation stations and buildings and structures thereon by the extension of existing systems or the creation of new systems and their maintenance, operation and repair, installation of plumbing, electric fixtures and telephones, fire apparatus and fire alarm systems and the maintenance, operation, and repair of all such systems, fixtures, and apparatus; (e) construction and repair of roads, walks, sea walls, breakwaters, bridges and wharves, dredging, filling, and otherwise improving land and water sites; (f) purchase of stoves and other cooking and heating apparatus, kitchen and tableware, and furniture and equipment for kitchens, mess halls, offices, quarters, barracks, hospitals, and other buildings, screens lockers, refrigerators, and all other necessary equipment; (g) purchase of gasoline, oil, fuel, and all supplies of every kind and character necessary or advisable for maintenance and operation of aviation stations, including electric light and power, telephones, water supply, and sewerage service; (h) purchase and manufacture and installation of all kinds of machinery, tools, material, supplies, and equipment for construction, maintenance, and repair of aircraft, buildings, and improvements at aviation stations, or property or appliances used in connection with aviation.

And also for the purchase or manufacture and issue of special clothing, wearing apparel, and similar equipment for aviation purposes.

And also for the actual and necessary expenses of officers, enlisted men, and civilian employees of the Army and authorized agents sent on special duty at home and abroad for aviation purposes, including observation and investigation of foreign military operations and organization, manufacture of aircraft and engines; also special courses in foreign aviation schools and manufacturing establishments, to be paid upon certificates of the Secretary of War certifying that the expenditures were necessary for military purposes.

And also for vocational training, including employment of necessary civilian instructors in important trades related to aviation, purchase of

tools, equipment, materials, and machines required for such training; purchase of textbooks, books of reference, scientific and professional papers, periodicals and magazines, and instruments and material for theoretical and practical instruction at aviation schools and stations, and all other means to carry out the provisions of section 27 of the act approved June 3, 1916, authorizing, in addition to the military training of soldiers while in active service, means for securing educational and vocational training of a character to increase their military efficiency and enable them to return to civil life better equipped for industrial, commercial, and general business occupations.

And also to pay and otherwise provide for such officers of the Officers' Reserve Corps of the Aviation Section of the Signal Corps and such enlisted men of the Enlisted Reserve Corps of the Aviation Section of the Signal Corps as may be called into active service and such enlisted men as may be enlisted in the Aviation Section of the Signal Corps under the provisions of section 2 of the act to increase temporarily the Military Establishment of the United States, approved May 18, 1917, or any subsequent act temporarily increasing the commissioned or enlisted personnel of the Aviation Section of the Signal Corps and such civilian employees as may be necessary, for the payment of their traveling and other necessary expenses when not traveling with troops: *Provided*, That hereafter all reserve officers and enlisted men of the Aviation Section of the Signal Corps shall be paid by Quartermaster Corps disbursing officers from funds transferred to their credit from Signal Corps appropriations.

And also for the payment of all expenses in connection with the development of suitable types of aviation engines, airplanes, and other aircraft appurtenances, including the cost of sample engines, airplanes, and appurtenances, cost of any patents and other rights therein, and costs of investigation, experimentation, and research in respect thereto.

And also for the payment of all expenses in connection with the creation, expansion, acquisition, and development of plants, factories, and establishments for the manufacture of airplanes, aircraft, engines, and appurtenances, including provision for the purchase or lease of land with the buildings thereon, construction of permanent or temporary buildings for all purposes, purchase of machinery, tools, and employment of operatives, together with all administrative expenses necessary, the purchase and supply of raw and semifinished materials and of fuel and all other things necessary for creating and extending the production of airplanes, aircraft, engines, and all appurtenances.

And also for creating, maintaining, and operating at technical schools and colleges courses of instruction for aviation students, including cost of instruction, equipment, and supplies necessary for instruction and subsistence of students while receiving such instruction.

Provided, That, subject to the approval of the Secretary of War, motor-propelled vehicles, airplanes, engines, parts thereof, and appurtenances may be exchanged in part payment for new equipment of the same or similar character to be used for the same purpose as those proposed to be exchanged.

Provided further, That during the present emergency, officers and enlisted men of foreign armies attached to the Aviation Section of the Signal Corps as instructors or inspectors when traveling in the United States on official business pertaining to the Aviation Section of the Signal Corps shall be authorized, from funds appropriated by this act, the same mileage and transportation allowances as are authorized for officers or enlisted men of the Regular Army.

SEC. 10. That for the purpose of carrying this act into effect the sum of $640,000,000 is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, to be available until June 30, 1918.

Mr. CHAMBERLAIN. Mr. President, the bill is so plain in its terms that it does not seem to me to be necessary or advisable in the crisis which confronts our country to undertake to analyze the several sections of it nor to discuss the bill at any length. It speaks for itself. The House Committee on Military Affairs entered into extensive hearings with reference to the bill, and after the hearings it was carefully revised, reported to the House, and passed, without a dissenting vote and with very little discussion. When it came to the Senate it was at once referred to the Committee on Military Affairs, and after some discussion the committee felt that while there was much in the measure that might just as well have been left out, yet in view of the urgency of the situation, concluded to report it to the Senate without any amendment whatsoever.

The purpose of the bill is stated on the face of it, to increase the Signal Corps of the Army and the Aviation Section and to provide for the expenditure of money in order to accomplish this purpose. I shall be glad to undertake to answer questions that Senators may ask me with reference to the bill.

Mr. CURTIS. Mr. President——

Mr. CHAMBERLAIN. I yield to the Senator from Kansas.

Mr. CURTIS. I desire to ask the Senator in reference to the three words "or by draft," on page 2, line 17. There are but few men between the ages of 21 and 31 qualified for this kind of service. It seems to me that if the words "or by draft" are to remain in the bill persons who are not qualified for aviation service should be exempted from the draft.

Mr. CHAMBERLAIN. In my opinion, the use of the word "draft" in this act does not enlarge the power under the act of May 18, 1917, which provides for increasing the Military Establishment. The draft provision might just as well have been left out, for it adds nothing to the powers conferred upon the President under the act referred to. But, Mr. President, let me call the Senator's attention to this fact, and it was testified to before the House committee: The Chief Signal Officer of the Army, when he appeared before the House committee, made the statement, and it has been subsequently corroborated by other members of the Aviation Section, that it was not and would not be the policy of the department to put fliers in the service except by voluntary enlistment. But it must not be forgotten that in the Aviation Section there are 10 men on the ground to every flier, and under the law as it stands to-day, without the draft provision to which the Senator from Kansas refers, the President would have the power to detail drafted men for the service covered by the bill under the power which is conferred upon him to raise technical troops.

Mr. CURTIS. I had not read the hearings before the committee and of course I had reference only to those men used for the purpose of flying. If it is not the intention to draft men for that purpose, but only to use those who volunteer, I have no objection.

Mr. CHAMBERLAIN. The Chief of the Signal Corps has stated that to be the present and future policy of the Government. There is another thing, Mr. President——

Mr. CURTIS. Just on that line, I do think, however, that such a provision ought to be put in the bill, because the proviso says:

Provided, That the draft herein provided for shall not apply to any person under the age of 21 years or to any person above the age of 31 years.

Mr. CHAMBERLAIN. The purpose of that is——

Mr. CURTIS. I know what the purpose of it is, but I say because of that limitation I think men who are not qualified for flying should be exempted.

Mr. CHAMBERLAIN. Of course the Senate has the power to amend the bill in any way it sees fit. The question is as to whether it ought to be done in this particular emergency.

Now, let me call the Senator's attention to the fact that there were hearings in the House which were printed and published and all of which are accessible to the Senate but not to the public. There have been extensive hearings before a subcommittee of the Military Affairs Committee of this Senate on aeronautics generally, but not on this particular bill, some of which have been printed and some have been treated as confidential, and asked to be so treated by the Secretary of War particularly. All, however, are accessible to Senators. All of these very questions which the Senator is discussing are covered by those hearings.

Mr. CURTIS. Mr. President, the word of the chairman of the committee is satisfactory to me.

Mr. HARDWICK. Mr. President, is the bill still before the Senate as in Committee of the Whole and now open to amendment?

The VICE PRESIDENT. It is.

Mr. HARDWICK. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Georgia will be stated.

The SECRETARY. On page 2, line 17, it is proposed to strike out the words "or by draft."

Mr. HARDWICK. Mr. President, with what the Senator from Oregon [Mr. CHAMBERLAIN] has said I am in partial agreement only. Undoubtedly under the law already passed the President could detail, or the military authorities could detail, for the service of the Signal Corps or any branch of it, including the Aviation Service, any of the men who were conscripted for military service; but if this bill should pass as it passed the House of Representatives he would also be authorized to draft as many additional men into the military service of the United States as would be required to carry out the provisions of this bill.

Mr. President, to that I am opposed for several reasons, which I think it my duty to the Senate and to the country to state. In the first place, I am fundamentally opposed, on principle, to the drafting of anyone for military service outside of this country. I stated my position as plainly as I could to the Senate when the law which we passed on the subject was under consideration. For the defense of this country, if it is conceivable that such a thing were necessary, I would draft American manhood from the cradle to the grave; but, Mr. President, my own fixed and unalterable conviction is that to draft a freeman for military service on a foreign soil is utterly incompatible with freedom. I can not now, as I could not then, support any measure which proposes such a thing.

The conscription act is the law of the land. So long as it remains such, although it became such against my will and without my vote, I yield to its provisions that implicit obedience which every good citizen owes to every law of the land, whether he approved its enactment or not, so long as it does remain the law of the land; but I find it utterly impossible to vote now, as I found it utterly impossible to vote then, to apply the conscription principle to the people of this country. I regarded it then, as I regard it now, as wholly unnecessary and wholly unwise, as well as wholly un-American. I therefore can not vote for this bill if this provision remains in it. I say that with a great deal of reluctance, because, with the exception of the three words

which I have moved to strike out, namely, "and by draft," and of the proviso on the same subject that follows it a line or two down in the same section, I am heartily for this bill, and would support it with more pleasure than any proposal that has yet been submitted to the Congress of the United States in connection with the prosecution of this war.

I think an examination of the public records of this country will disclose that some 8 or 10 years ago I offered in the House of Representatives the first bill to provide for any considerable aviation service in connection with our Military and Naval Establishments that was ever suggested in either House of the American Congress. I have long realized that this country had made very inadequate preparation and provision along those lines; and I have long thought that we ought to provide adequately for just this service, not only in connection with the Army, as is proposed in this bill, but in connection also with the Navy of the United States. I would with great pleasure, in spite of the very large amount of money involved, support this bill if it could be disentangled from this fundamental objection which I have to the conscription system.

Mr. President, as pointed out by the Senator from Oregon, it is unnecessary that that question should be injected into this bill. I think we have about enough conscription already. I do not see any need of unnecessarily going any further along that line. Any one of the men who may be conscripted under the existing law can, as I have already stated, be assigned to this service, anyway.

I also have noticed, as suggested by the Senator from Oregon in the report made by the House committee this statement with reference to the point I am raising:

> Section 3 authorizes the President to raise and maintain an additional enlisted force in this particular service, either by voluntary enlistment or by draft.

Have we abandoned the principle of selective conscription? Has it come to pass that in proposing this bill the War Department is willing that men shall volunteer, when it contended not very long ago that it was the most stupendous folly to permit it? I have always been in favor of permitting the American people to volunteer to fight this war or any other war in which this country may be engaged. Senators may rest assured that they will fight it, if we ought to have a war at all.

I thought, when the question was before the Senate, that we would be absolutely forced to declare war on Germany; I saw no escape from it. No matter what might have been done to avert it at some time prior to the time when this war issue was forced upon us, at that time we had drifted into a position where Germany had fired upon our flag and murdered our peaceful and inoffensive citizens upon the high seas, and we could not, unless we were willing to surrender nationality itself, according to my judgment, fail to protect our citizens or fail to declare the war that we did declare. Having declared it, I am willing to go as far as any man in this Republic will go in order to wage it adequately, but I am not willing to take any man's dictum that we must do certain things that violate every American principle in order to wage it adequately.

Starting out to destroy Prussianism, it is asserted that we must Prussianize this country in order to accomplish it. I dispute that. The American people have grown to their present greatness, to their present power by the application of American ideas and American ideals to lives and conduct. Personal liberty, individual freedom, competition, are among the forces that have made this Nation among the greatest and most powerful factors in all this world's affairs; and, for one, I am utterly unable to see how Senators can hope—and I say this with all deference to their opinions, for I know that many of them honestly entertain the other opinion—how Senators can hope that in a moment we can reverse the processes of American thought, the habits of American life, abandon the traditions of the American people, and fight a war more successfully, more gloriously, more effectively, than we could if we fought it naturally, and as free men, who are willing, yea, anxious, to give their blood to its last drop to uphold the national honor and to provide for the national safety.

For one I can not, and do not, take the slightest stock in the assertion that we hear so often made, in the doctrine that we hear so often proclaimed, that it is necessary to do all these things—to have conscription, food control, food dictatorships, and every other sort of dictatorship in order to drag the American people into a war or to force them into its prosecution. For one I deny and dispute that proposition. For one I believe with all my heart and with all my soul that this war will be a great deal more popular among our people, will be prosecuted with a great deal more success, with a great deal more celerity, and with a great deal more spirit, if we let our people go along naturally, as they have been accustomed to do, in matters of this kind and do not abridge or destroy their fundamental rights and liberties.

There is another thing. It may be psychological only, it may be sentimental only, but I believe it is far more than that. I believe the American people will fight this war more enthusiastically, more expeditiously, and more successfully, if we will get right square down to bedrock with them, and tell them that we are waging this war because Germany fired upon our flag and murdered our peaceful citizens upon the high seas, and for no other reason on this earth whatever except that.

There are many people in this country who would spend the last drop of blood their bodies contain—and they are just as loyal Americans, Senators, as anybody who holds a contrary opinion; do not deceive yourselves about that—who would spend the last drop of blood their bodies contain to wage a war to establish American rights and to vindicate American honor, and would go to whatever extent is necessary in order to accomplish either result, who hesitate—and I think rightfully—over the proposition that we ought to wage a war to change the boundary lines of a single country in Europe or to determine what form of government any foreign nation on this earth shall have.

Let us get this question disentangled from this bill. We do not need any conscription for this service. The War Department itself says it does not propose to conscript or draft men to be fliers, to go up in the air, and to fight these machines in the air. Well, if they do not want to do that, why do they ask us to give them power to do it, and why should we trust to the mere word of our agents and servants that they will not do it? If they do not want to exercise that power and we do not wish to confer it, let us strike these words "or by draft" out of this bill. If they need men on the ground to assist the fliers, they have already ample authority of law, as the Senator from Oregon has said, for that purpose, and if they do not want to draft these fliers and do not want to raise them by conscription there is no need for us to give them the power to do so, and we ought not to do it in any event.

I earnestly hope, therefore, that we may strike those three words from the bill, so that Senators who are conscientiously opposed, fundamentally opposed, to this proposition may not have to vote against a bill which they favor because of the unwise and unnecessary intrusion of this question into this measure.

Mr. VARDAMAN. Mr. President, I am not going to delay the Senate in the final disposition of this bill by anything that I may do or say, but I will not vote for any measure which provides for compulsory military service. I think we have had enough conscription in this country for the time.

The men of America have suffered the treatment usually accorded subjects rather than citizens quite enough; really, they have had a little more, I think, than they relish. I still have faith in the patriotism of the American people. I believe that there are enough patriots left who will readily volunteer to render any service necessary to the triumphant success of the Nation's cause.

All the patriotism of the country, thank God, is not possessed by the men who hold Federal offices in Washington, clip coupons in Wall Street, or who hold commissions in the Regular Standing Army of the United States. I am not afraid to trust the people to attend to their own public business; and if the cause is a righteous cause they will shed their blood in defense of that cause, and if it is not a righteous cause they have got a right to demand that the cause for which they are asked to fight and die shall be a righteous cause. With this conscript provision eliminated, I shall vote for the bill, notwithstanding the fact that I think the amount carried is ridiculously large; but that is in keeping with the prodigality with which public moneys are being expended by the Congress. Of course, if these airships are needed in the war, we have got to have them; but it looks like a pretty heavy burden upon the toiler when you realize that for this purpose, and this alone, a tax of about $30 for the head of every family in the United States is levied. Just think of it, Mr. President, $30 per family when there are thousands of families in the United States the squalor of whose home is made more horrible and the suffering intensified by the wail of little children weeping for bread.

But I would not oppose the bill or vote against it on account of the amount of money it carries. I would rather that our people be hungry than that their patriotism and their honor should be questioned. I am going to insist in this instance, as I have done in the past, that the patriotic Americans be given the opportunity to volunteer their services in this particular line of work without compulsion. It may be that the patriotism which glorified the hearts of the fathers of the Republic is no

longer in the heart of the present generation, but I shall not believe it until it is proven by their own recreancy.

Now, Mr. President, with this statement I am ready to vote. I hope the measure may be disposed of at the earliest possible moment. Delay is inexcusable from any viewpoint.

There is no excuse for the waste or prodigality of time of which the Senate is so often guilty. This waste of time under the circumstances is almost as great a crime as our extravagance in the use of public funds. The Senators are informed on the question at issue, the American public have made up their minds about it, and I think final and definite action ought to be taken.

I am sorry to say, however, that the conclusions reached by the American people have not exercised very much influence upon the Congress in the settlement of some matters in the recent past, but the wishes of the people may have some influence upon the Congressmen of the future. There is one thing certain: If the people are true to themselves and their own interests, they will see to it that their servants, the Congressmen, give heed to their wishes.

Mr. President, this is a Government which ought to derive all of its just powers from the consent of the governed, and it should also be a Government of the people, by the people, and for the people. I believe that is the best law; most responsive to the public needs, which is public sentiment crystalized. The public servant, from the President of the United States down to the most insignificant officer in the State, will make a great mistake, even during the stress of war, to refuse to listen to the voices of the men and the women whose toil produces the wealth of the country, maintains its commerce in time of peace, and fights its battles in time of war. It is their inalienable right to know what their public servants are doing and to express their opinion, either in praise or in condemnation of the work of the public officer. It was very gratifying to me to see from the newspapers a day or two ago the manifestations of independence and patriotic courage on the part of our brethren across the border in Canada. They are protesting against certain acts of injustice—of petty tyranny—on the part of the government, and they have a right to do it. It is their government; and I want to say, Mr. President, that it will be an unhappy day for America when her citizens are denied the right to express their sincere and honest thoughts about public questions.

The excluding from the mails of certain newspapers that are guilty of no offense except the exercise of the blood-bought privilege of an honest patriotic citizen to express his convictions on governmental and social questions! I do not agree with much that some of these papers say, but I deny the right of any officer, from President down to constable, to proscribe, limit, or abridge the right of free speech. It is not treachery in a newspaper editor to express his disapproval of anything that the Congress or the President has done since the beginning of this war. He has got a right to do it, and to deny his paper the privileges of the mail for publishing his thoughts violates the spirit and letter of the Constitution and the very genius of our Government. There is no danger, no harm is to come, from the free and full discussion of all public questions, and I think the closing of the mails against such publications is unwarranted, and the further effort to put a padlock on the mouths of the free men of this country at this time is unfortunate in the extreme, and it will recoil upon those who do it.

The tyranny of the Prussian despot is out of place in this Republic, and the methods of the despot can not last long among free people, and he who undertakes to transplant that noxious social weed upon American soil will find that it will grow up to clog his pathway and lacerate his feet.

Mr. President, I am ready to vote on the pending measure, and I trust that it will be expeditiously disposed of.

Mr. OWEN. Mr. President, a feature of this bill which I think ought not to be overlooked is the failure to provide in it any adequate method in which to protect the interests of the United States in the making of these contracts involving $640,000,000.

I wish to present, to lie upon the table, the following proposed amendment: On page 12, line 3, after the words "Section 10," insert:

The President of the United States shall appoint a committee on aviation contracts of three officials, who shall thoroughly examine and approve all contracts relating to aviation and fix a maximum price for materials, supplies, labor, services, and other factors entering into such Government contracts. Such committee shall be responsible for safeguarding the interests of the United States in such contracts, under penalty of immediate dismissal. No contract shall permit any profit in excess of actual cost plus 20 per cent, nor in any contingency a profit which would be unjust under fair competitive bidding; nor shall the maximum herein declared be held to be authorized as a rule, but only as a maximum in cases which justify it.

Mr. President, here is a proposed appropriation of $640,000,000—a gigantic sum, enough to stagger the imagination of any human being. There is no limitation upon what may be paid for aeroplanes under this bill. We have seen aeroplanes selling in this country for $5,000, $6,000, and $7,000, jumping up now to ten, twelve, fourteen, twenty thousand dollars, and I have seen in the public press a statement that this sum—$640,000,000—will buy some 22,000 aeroplanes, when, in point of fact, on any reasonable basis it ought to buy many times that number. I am not willing to sit here and impose taxes upon the people of the United States without any limitation whatever and leave no adequate safeguard to protect the people of this country against departmental or indirect graft of any kind.

We have in the history of past wars every reason to know that human nature is open to temptation under extraordinary opportunity for making gains, and while I have every reasonable respect for our present organization of the National Council of Defense and its advisory committees, confide in them and believe in them, at the same time I do not feel willing to leave the doors wide open to have our officers, overtaxed as they will be, subjected to the hypnotic influence or the argumentation or the statement of alleged facts which may persuade them to enter into contracts that may be grievously unjust to the taxpayers of the United States.

Why, Mr. President, if we allow 200, 300, 400, or 500 per cent profit in the construction of these aeroplanes this $640,000,000 will soon be gone and we will be called on to appropriate more money and impose more taxes on the people of this country. There is a limit even to the possibility of response of the people of the United States if we do not adequately safeguard these expenditures.

Mr. JONES of Washington. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Washington?

Mr. OWEN. I yield to the Senator.

Mr. JONES of Washington. In connection with what the Senator is saying, I want to ask the Senator whether he thinks it is necessary to provide for an organization that will call for the appointment of brigadier generals and major generals almost without number?

Mr. OWEN. Mr. President, the point to which I desire to address myself in the very few moments which will be at my disposal is this question of safeguarding these expenditures, not only in this bill but in other bills, notably the food-control bill. We must safeguard these expenditures, and I hope the Senator will pardon me if I do not go off into the digression to which he invites me.

Mr. JONES of Washington. I thought that was right squarely on the point, because, as I look at it, I am afraid that a great part of this $640,000,000 is going to go into an organization of officers, and so on. I will say that an Army officer called my attention the other night to the fact that this bill provides for a large corps of major generals—that is, that will be the result—and brigadier generals, and officials of that sort. I have not had time to examine the bill very carefully, but I notice that in section 4 it provides for an organization of divisions and brigades and regiments, and all that sort of thing, of these flying machines. It seems to me that that is not necessary. It may be; but there is where a great part of this $640,000,000 is going to go.

Mr. CHAMBERLAIN. Mr. President——

Mr. OWEN. I think not, Mr. President. I do not approve of appointing officers unnecessarily; but the expenditure of money to pay for the personal services of officers is negligible by the side of paying $25,000 apiece for aeroplanes that cost $5,000. Make no mistake about that. These aeroplanes are destroyed every day—10, 15, 20 of them at a time in a battle. I am not willing to have the United States pay any more for these aeroplanes than they cost. Perhaps we will have to stimulate the activities of individuals and allow them some special commercial profit in order to permit and invite their activities.

Mr. VARDAMAN. Mr. President, will the Senator indicate how that is to be done? The interest of the Government is safeguarded in this bill just about as much as it is in other bills.

Mr. OWEN. It is not safeguarded at all, in my opinion.

Mr. VARDAMAN. I am in perfect sympathy with the Senator in his desire to prevent the robbery and the plundering of the taxpayers of this country.

Mr. OWEN. You are not going to do it unless you have a specific method for doing it.

Mr. VARDAMAN. The point I wanted the Senator to expatiate upon is, how are you going to do it?

Mr. OWEN. I have proposed a plan here by which a particular committee will be chargeable with the duty, and then I have limited them. As it is, we will have advice given upon the

question of these contracts by gentlemen on our advisory committees who are experts in aviation. I do not know who they are; I am not acquainted with them at all; I do not know a single individual on the committee so far as I am at the moment advised; but they are the experts, and they will be charged with giving expert advice. While they may not enter into any contracts themselves with regard to the particular advice they give, they can create an atmosphere of cost which will be tolerated and which ought not to be endured by the head of the department who orders the contract to be made, and who perhaps signs the contract when it is made. He signs it to the best of his knowledge and belief upon expert advice. Now, I am not willing to leave the Secretary exposed to the danger of being advised unwisely in regard to this matter. I want some committee chargeable with the knowledge of cost, a committee which is not interested in any way in the world, a disinterested committee which has taken an oath of office to serve the United States, and a committee whose members will be subject to instant dismissal if they fail to discharge their function properly. I want a committee charged with the duty of knowing what these values are.

Mr. VARDAMAN. Mr. President, may I ask the Senator a question?

Mr. OWEN. I yield.

Mr. VARDAMAN. The Senator, I presume, will not be willing to leave these questions to the presidents of the companies that manufacture flying machines?

Mr. OWEN. Mr. President, the question implies a lack of confidence in the integrity of those whe are acting in an advisory capacity. I should like to say, in connection with that, that I think these men who have been summoned to act in advisory capacities have been very useful in the field of giving their advice and counsel, and have been useful in many other ways. I have very substantial confidence in them and in their integrity.

Mr. CHAMBERLAIN. Mr. President, may I suggest to the Senator that it is left in the last analysis to the President of the United States and to the Secretary of War? If they can not be trusted to properly supervise these contracts, then they certainly can not be trusted to appoint and to discharge the so-called board to award them.

Mr. OWEN. Mr. President, we must consider the element of human frailty in this world, and we must consider that the President of the United States, who may be charged with the authority of conducting this war, has not within the power of flesh and blood the ability to discharge the innumerable duties imposed upon him by statute. We know that, and we know that it is not within the power of flesh and blood for the Secretary of War or the Secretary of the Navy to conduct the details of the great departments of which they are the heads. We have got to distribute this labor; we have got to distribute this responsibility; and we have got to put it in a place where there is somebody who has nothing else to do but this special thing "to safeguard these contracts."

I do not want to leave it with the President of the United States. I have confidence in the President of the United States, but he is neither omniscient nor omnipotent. He is a human being, already charged with duties so great that it is a marvel that a man can stand and not be broken down physically and nervously by the strain upon him. I think we ought to have a concrete plan by which to charge some special individuals directly with the responsibility of safeguarding this money, and then limit such persons as to the profits which under any circumstances they shall permit. The Government can commandeer, if necessary, and when we take into our hands the gigantic power of saying to the young men of this country that they shall go and expose their bodies on the line of shot and shell, when we command them to go into the jaws of death, I say that we should not permit any fraud to creep into the structure of the expenditures and the means of safeguarding the expenditure of this gigantic fund which we are proposing. If we do, we shall be unfaithful to the boys we send to battle, and who are entitled to all the munitions of war that the funds appropriated can honestly buy.

Mr. REED. Mr. President, I am a member, in an humble way, of the Military Affairs Committee, and I think I ought to say just a word regarding this bill.

There were provisions in the bill as it came from the House that were objectionable, at least to some of the members of the committee, and the one with reference to the draft was especially objectionable to myself. But, Mr. President, the committee arrived at the unanimous conclusion that the thing to do was to report this bill without amendment and ask the Senate to pass it without amendment, so that it might immediately become a law and the work of constructing a great aerial organization of men and materials might be at once entered upon, and I venture to express the hope that we may this morning, without any delay whatsoever, pass this bill in the manner and form that it was received from the House.

I appreciate the objection offered by my distinguished friend from Georgia [Mr. HARDWICK], and, as he knows, and as all know, I concurred in the views he expressed with reference to the draft. But we fought that question out; the draft was ordered; 500,000 men—indeed, 687,000 men—are to be immediately drawn, and an additional number may be drawn, within the discretion of the President, at any time. Any one of these men so drafted can be ordered into the aerial service if it should be desired to order him in. Therefore there is no injury done and no wrong done and no violence done by inserting the provision for drafting in this bill, unless that injury or wrong or violence has already been done, or the end could be obtained by employing the present law.

Mr. HARDWICK rose.

Mr. REED. I will yield to the Senator in a moment. For instance, let us assume now that the Senator from Georgia is right, and that the department shall want to employ the draft; and let us assume that the amendment of the Senator from Georgia should be adopted, and the word "draft" stricken out of this bill. Still, proceeding under the present law, the war authorities could draft more than 1,000,000 men, and, after having drafted them in that way, could then command any one of them to take charge of a machine if they saw fit to do it. So that while the word "draft" may be obnoxious in this bill to the Senator from Georgia, and I do not like it myself, it seems to me that it is futile and useless to make a contention over it.

Mr. HARDWICK. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Georgia?

Mr. REED. I do.

Mr. HARDWICK. Of course the Senator must concede, however, that it is true that additional men may be drafted for this particular service under the law?

Mr. REED. Exactly.

Mr. HARDWICK. Now, another question and then I will be through with my interruption. The Senator does not think, I take it, that men ought to be drafted for this peculiarly dangerous service of flying who may not be fitted for or adapted to it; and if the officers of the department feel that way and will not draft for that service, why should they be authorized by law to do it?

Mr. REED. If the bill was here as a matter of first instance, I would vote for the Senator's amendment, but it is inconceivable to me that the War Department would take a man who was unwilling or not qualified to take charge of a machine and by force compel him to get into one of these aeroplanes and undertake to navigate the air. I do not think they will do it. I think it is an unfortunate phrase, but, I repeat, they could under the present law reach the same end if they want to, and I have confidence that they will not want to. I hope the bill can pass without any delay of any kind.

Mr. WEEKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Massachusetts?

Mr. REED. I do.

Mr. WEEKS. If I understand it correctly, there are now applicants enough for the aviation service on file in the War Department to supply all the possible requirements of the department for a year. So it does not seem to me that this is entirely a practical question or that it can make any great difference whether the provision is in the bill or not. I think it should be in the bill, but I have not any idea that there will be any drafting of men until next year for this service.

Mr. REED. In regard to the proposition brought forward by the Senator——

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

Mr. CHAMBERLAIN. I should have liked very much to have gone on with the bill that has been before the Senate, but in view of the unanimous-consent agreement and the shortness of the time for the discussion of the food-control bill, I feel that the Senate ought to proceed with the unfinished business.

Mr. REED. Probably we can get the aviation bill disposed of.

Mr. MARTIN. Why not go on with it for a little while?

Mr. LA FOLLETTE. I do not think you can.

Mr. REED. I will conclude what I have to say in a moment. I have a great deal of sympathy with the thought that is contained in the proposed amendment of the Senator from Oklahoma, but I trust that amendment will not be placed upon this bill. I hope we will not get into a position where we are going to have long debates in regard to this measure. I think it is to be differentiated from other legislation which is before us. It relates directly to the battle line, directly to our action at the front. I do not think there is anything as important as to get speedily at the work of constructing these machines and the training of the men. A day's delay now may mean a great deal in the future. I hope the bill may pass without any amendment, and I trust it can be arranged to-morrow morning so that it may have further consideration.

CONSERVATION OF FOOD AND FUEL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

The VICE PRESIDENT. The question is on the amendment of the Senator from Ohio [Mr. POMERENE] to the amendment of the committee.

Mr. FLETCHER. Mr. President, I do not rise for the purpose of entering upon the discussion of the bill now pending before the Senate, but I thought it proper just now, in view of what has been said this morning regarding the camps and the sending of soldiers from Northern States to the States of the South, that it would be appropriate to read what Surg. Gen. Gorgas said on that subject as reported in the Official Bulletin of Monday, July 16, on page 4. It is rather a brief statement. I do not know but what it has been called to the attention of Senators before, but it seems to me in connection with what was said on that subject it would be well to have it appear.

FAVORS CAMPS IN SOUTH—HEALTH ADVANTAGES BETTER THERE, SAYS SURG. GEN. GORGAS.

"I am strongly in favor of sites in the South for training camps, because of health advantages to the men," said Maj. Gen. Gorgas, Surgeon General of the Army, when asked his opinion on the camp site selections.

"The outstanding fact is that men trained in the South will have weather conditions permitting their being out of doors practically all of every day," Gen. Gorgas said. "In certain regions, wisely chosen for our National Guard camps, rain is scarce in the winter—when the heaviest training will be done—and at night soldiers here will sleep in quarters where there is free air circulation. Plenty of fresh air all the time means that any germs which may be about are kept on the move and are given slight chance to increase.

"The few weeks of summer weather which soldiers in the South may encounter will be more than offset by the long autumn and mild winter during which the troops will undergo the larger part of their training."

That seems to be a reason given here by the Surgeon General of the Army which should, I think, answer some of the criticisms that have been made upon the subject. There are other reasons undoubtedly of a military nature, and possibly more or less of a confidential nature which prompted the placing of these troops that on the face, to those who are laymen and amateurs, perhaps would not appear wise.

The Senator from Michigan [Mr. TOWNSEND] seems to find considerable fault that his troops from Michigan are going down into Texas. It will be remembered that the camps in the South can not be made ready immediately. The summer will practically be over before the men will go into camp, and the training there will be during the winter months, when it is necessary that the men shall be out of doors. The training should be intensive, and every day used in out-door training.

The troops I have seen who have been in camp on the border at Laredo and other points in Texas are very healthy looking soldiers, and I have not seen a man who has complained of any uncomfortable conditions there, let alone unhealthy conditions. I am quite sure that soldiers in Michigan will be benefited rather than harmed by proceeding to what the Senator calls a hostile country and a hostile climate. I think it would do them good to get out of Michigan and into a life near the border which may be more stirring and interesting.

However, there are reasons undoubtedly for it. I am not possessed of the reasons of the department at all. I simply rose to call attention to this paper by the Surgeon General, which appears in the Official Bulletin, and I thought it ought to appear in the RECORD in connection with some observations that were made this morning on the subject.

Mr. WEEKS. Mr. President, I regret that the Senator from Florida is not in a position to give some military reason for transporting these men to the South. I have not been able to obtain one from anyone, and I am anxious for that kind of information.

In the brief comment which I made I quoted from the Surgeon General of the Army. I should limit what I said, I think, by saying that I have not talked with him personally, but I am informed by a man who did, and the authority is perfectly creditable, that the Surgeon General stated that his advice had not been asked about this transfer of troops from the North to the South. Of course he would not state, and no other responsible officer would say, that healthy places could not be found in the South for troops, but the Surgeon General certainly gave the impression to my authority that he would not be in favor of transferring them from the North to the South during the summer months or early fall months for training.

These men are going abroad, and they are among the first to be sent just as soon as transportation can be furnished.

According to the statement made by the Senator from Florida, they must remain in northern camps for a considerable time until the southern camps are ready. That being the case, why not let them remain in the camps provided for them until they go abroad rather than go to the expense, to say nothing of the health conditions, of transferring men from a northern to a southern climate in the hot season. Why should they not remain in northern camps until they are put on board ship and sent to France?

Mr. FLETCHER. May I interrupt the Senator?

Mr. WEEKS. Yes.

Mr. FLETCHER. I wish to inquire whether there is not a cantonment in Massachusetts?

Mr. WEEKS. There is, for drafted men.

Mr. FLETCHER. That will probably take care of some 30,000 or 40,000 men, I take it.

Mr. WEEKS. I think it is proposed to provide for all the drafted men in New England at the Ayer, Mass., camp.

Mr. FLETCHER. It is not proposed, therefore, to vacate that cantonment and send those troops South at all, I understand.

Mr. WEEKS. I am very glad the Senator has made that point again. The men who are being drafted are not to be sent abroad until next spring. No one contends that it will be done or can be done before that time. If it is practicable to have a cantonment in Massachusetts for New England troops who are to remain there throughout the winter, why should we take other New England troops in July or August into a climate to which they have not been acclimated, and when they are to be the men who are to go abroad as soon as transportation can be furnished?

Mr. FLETCHER. As I said a moment ago, the War Department has not confided to me any answer to these inquiries at all. It just occurred to my own mind. Of course, the Senator will understand that these troops—it appears to me, anyhow, just on the surface—are being prepared to be sent across the ocean. They probably will not want to embark them in New York or Boston or Philadelphia. The port of embarkation will probably yet be determined, and that port may be somewhere in this part of the country. That may be a reason. I do not say it is, but that may be a reason why all the troops are not being put in camps adjacent to Boston or New York.

Mr. WEEKS. It is possible the War Department will embark from Deming, N. Mex., to which place will be sent the troops from Iowa, North and South Dakota, or from Waco, Tex., or from some other interior point. The War Department has not confided in me, although I signed a protest against the transfer of those troops at least a week ago. The War Department has not seen fit to acknowledge the receipt of that protest.

As far as I understand it, the War Department is not confiding in anybody and is not giving a single military reason why these men should be transferred to the South.

Mr. OWEN. Mr. President, I wish to remind the Senator from Massachusetts that the War College have no member of the Medical Department of the United States a member of the War College and they are opposed to having any member of the Medical Department of the Army as members of the War College. They do not want any membership taken from the Medical Department of the Army as members of the War College. If they did that they would probably get some medical advice with regard to temperature and the effect upon human beings of transferring them from a cold to a hot climate.

Mr. OVERMAN. I should like to ask the Senator from Massachusetts if he can speak with some authority as to when the troops are to be sent to France.

Mr. WEEKS. The War Department have not confided that information to me. I am informed, perhaps somewhat indirectly, that the troops that are going to France first are to be those portions of the Regular Army qualified by the training which is being given them and the National Guard, and that

the troops will be sent there just as rapidly as transportation can be furnished.

Mr. OVERMAN. I do not know how that is. I do not know who establishes the camps and reestablishes them. That is with the men who are in control. Senators are making a sectional question of it. I put this article in the RECORD this morning. I do not know who the editor is who wrote it. It is a leading editorial from a leading paper in New England. That is all I know, and that the spirit of it is as fine as that of any article ever written. I know one thing, that no southern man controls the location of these camps. I know that there were no southern men on the board that located them. They had some reason for the location; I can not tell the Senator what it was. This paper goes on to say that your guardsmen want to go down there, and I am glad of it. If they go down there and mix with our people and our people come up here and mix with your people, it will be a very good thing to do.

Mr. WEEKS. Mr. President, a great many southern people go into the section of the country which I represent to avoid the heat of the summer. Great numbers of Floridians go there in order to avoid the extreme heat of Florida. They go to New England to spend the summer months, and I commend them for it; I think they are using good taste; but I think if you were proposing to send men from New England to Florida for the summer these same people would say it was not wise.

Mr. OVERMAN. I ask the Senator if some other newspaper besides the Boston Transcript would not rather disagree with the Senator from Massachusetts and the New England Senators, because they raise this issue? Why should they raise the issue? What is the purpose of it? You know the troops are not going to get training until about September or October, and it is most delightful down there at that time.

Mr. WEEKS. In a legislative way the Senator from North Carolina raised this issue.

Mr. OVERMAN. The issue was raised and I read the article from the Senator's own paper, in the Senator's own State, which he admits is one of the greatest newspapers in his State.

Mr. WEEKS. It is not my own newspaper. If it were, it would not have said what the Senator from North Carolina has seen fit to put in the RECORD.

Mr. FLETCHER. May I ask the Senator a question?

Mr. OVERMAN. Does the Senator from Massachusetts deny that it is one of the most prominent newspapers in his State?

Mr. WEEKS. It is a prominent newspaper.

Mr. FLETCHER. Without continuing this discussion, admitting that the people from Florida go to Massachusetts in summer and enjoy the bracing and cool atmosphere and splendid climate there, and admitting, as the Senator will, that people from Massachusetts come to Florida to spend the winter and enjoy the climate there, and taking as a fact that people from States adjoining Florida go there in summer in order to get the breezes from the ocean, and they enjoy the climate in summer, I will ask the Senator if it is not true that it is quite impracticable to train troops out of doors during the winter months in Massachusetts? I think I saw a statement like that from the Senator from New York [Mr. WADSWORTH] a few days ago. I think he stated in the Senate that on account of the low temperature and ice and snow, and that sort of thing, they could not very well train troops there in the winter. Is that the case or is it not?

Mr. WEEKS. I wish to ask the Senator from Florida how he thinks the 40,000 men who are to be sent to Ayer, Mass., and who are to remain there all winter, are to be trained? Either the War Department is wrong in one case or it is wrong in the other. If they can properly send men there who are to remain all winter with certainty, why should they not retain in Massachusetts those who are to go abroad as soon as transportation can be furnished? You have to take one horn or the other of the dilemma.

Mr. FLETCHER. I can not accept that, but I suppose it is one problem to deal with a few men and another to deal with a great many.

Mr. McCUMBER. Mr. President, what bill is now before the Senate?

The PRESIDENT pro tempore. The so-called food-control bill. The amendment of the Senator from Ohio [Mr. POMERENE] to the committee amendment is under consideration.

Mr. McCUMBER. Mr. President, it does not seem to me that we are likely to get a vote upon that until perhaps very late in the evening, and it would be impossible to present any other amendments under the 10-minute rule as they should be presented. I therefore at this time desire to present and have read, to be considered after the pending amendment, an amendment that I shall propose to offer instead of the amendment intended to fix the price of grain. I should like to have the amendment read.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. The Senator from North Dakota [Mr. McCUMBER] will propose later the following amendment:

On page 10, line 22, after the word "therefor," insert the following:

"In determining the compensation to be paid for farm products all labor employed in producing the same, whether furnished by the farmer or members of his family, including the necessary domestic service, shall be computed and allowed for at the same rate of wages paid for like labor, or labor requiring a like degree of intelligence and arduous efforts, in other lines of business or trade; and in addition thereto there shall be allowed as a charge in the cost of production a reasonable rate of interest upon the capital invested in both real and personal estate and a further reasonable charge for deterioration and upkeep. There shall also be taken into consideration the increased cost to the farmer of all necessary farm equipment, food, and clothing required, and other advanced cost in the ordinary necessaries of life."

Mr. KENYON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Iowa?

Mr. KENYON. I rose more to a parliamentary inquiry than anything else.

The PRESIDENT pro tempore. The Senator from Iowa will state it.

Mr. KENYON. Under the unanimous-consent agreement the bill was taken up and committee amendments were first to be disposed of. I should like to ask the Senator from North Dakota if he is simply bringing up this amendment to be proposed at some future time and intends to discuss it now?

Mr. McCUMBER. I just stated that a short time ago when the Senator was not here.

Mr. KENYON. If the pending amendment could now be voted on and disposed of, would the Senator have any objection to it?

Mr. McCUMBER. I not only would not have any objection to it but I would much prefer it.

Mr. KENYON. Will not the Senator let us try to get a vote on the amendment now?

Mr. McCUMBER. I certainly will; I will be glad to yield if we can get a vote at the present time.

Mr. KENYON. I suggest that we have had the amendment before us for four days and if it could be disposed of we could then proceed to the consideration of other amendments, but if other Senators offer their amendments and proceed with the discussion of them we will be in a worse mix-up than ever.

Mr. McCUMBER. We have been discussing the pending amendment for a week, I believe, and have never discussed the amendment at all during that time, but have discussed other provisions of the bill. I saw no opportunity of getting rid of it in a reasonable time so that we could consider other amendments.

Mr. KENYON. I think the Senator is mistaken in saying the amendment has not been discussed. It has been discussed, but everything else under the sun has been discussed. We have about reached the point where I take it we can vote on the amendment. If we can, will not the Senator let us do that?

Mr. McCUMBER. If there is any hope that a vote can be taken upon the amendment that is pending, I will yield for that purpose, and I prefer to do so.

The PRESIDENT pro tempore. The Chair will state to the Senator that, of course, the Chair can not bind the Senator to take any such action, and if the Senator does not continue the Chair will put the question and recognize whoever rises. The question is on the amendment of the Senator from Ohio to the amendment of the committee.

Mr. REED. Mr. President, I have taken so much time I am ashamed to take any more, but I want to say that at first I was in favor of the amendment of the Senator from Ohio, but on further examination I came to the conclusion that the amendment of the Senator from Ohio would weaken the present law. The present law, as it has been for 50 years, is better than the amendment offered by the Senator from Ohio. I think his amendment ought to be defeated for that reason. I think the latter part of the amendment amounts to a legislative sanctioning of the practice of men making contracts substantially with themselves. It is true the clause provides that they shall not actually sit while the contract is being made, but their influence will be there. If the Senator from Ohio will consent to an amendment being added in the following language, "*Provided*, That nothing herein shall be held to repeal, alter, or change the provisions of section 41, page 1007, of Thirty-fifth Statutes at Large, of the years 1907 to 1909," I will not object. I ask the Senator if he will accept that amendment?

Mr. POMERENE. Mr. President, that is substantially asking me to have the amendment defeated. Of course, if you are to attach the amendment which the Senator from Missouri desires to attach to it, it would practically leave the law as it now is,

without any change whatsoever. If that amendment is to be adopted, the entire amendment might just as well be defeated.

Mr. REED. Mr. President, I asked that question in order to bring that very point out. It is now perfectly plain that the Senator from Ohio intends by his amendment to change the provisions of the law as that law has stood for 50 years, and to permit some of the things that are now prohibited by that 50-year-old statute. Let me read it to you:

[Sec. 41, 35 Stat. L., 1097, 1907–1909.]

No officer or agent of any corporation, joint-stock company, or association, and no member or agent of any firm, or person directly or indirectly interested in the pecuniary profits or contracts of such corporation, joint-stock company, association, or firm, shall be employed or shall act as an officer or agent of the United States for the transaction of business with such corporation, joint-stock company, association, or firm. Whoever shall violate the provision of this section shall be fined not more than $2,000 and imprisoned not more than two years.

That section in substantially that same form was passed in the year 1863, during the great Civil War. It has stood upon the statute books ever since. Now that the Senator from Ohio states that his amendment would be nullified if a provision were added to it to the effect that the present law shall not be changed, it is perfectly plain that the purpose is to change the present law and to permit something which the present law does not permit; in other words, to use the language of the Senator from Oklahoma [Mr. GORE], to grant an indulgence to men as members of corporations or joint-stock companies and also as representatives of the United States Government to deal with reference to contracts.

Mr. President, that in my judgment is absolutely intolerable. I want to read from the case of the president and trustees of the city of San Diego against the San Diego & Los Angeles Railroad Co., Fourty-fourth California, Report 106, July, 1872.

This action was brought to have a deed executed by two trustees of the city of San Diego declared void and canceled. The deed was made pursuant to an act in the legislature empowering the trustees of the city to donate to the defendant, the railway company, not to exceed 5,000 acres of Pueblo land of the said city upon the terms and conditions that the trustees might designate. One of the trustees of the city was an owner of stock in the defendant railway company to the amount of $10,000, and was one of its directors.

Justice Belcher, delivering the opinion of the court, stated (p. 113):

The general principle is that no man can faithfully serve two masters whose interests are or may be in conflict. The law therefore will not permit one who acts in a fiduciary capacity to deal with himself in his individual capacity. "It may be regarded," says Parsons, "as a prevailing principle of the law that an agent must not put himself during his agency in a position which is adverse to that of his principal. For even if the honesty of the agent is unquestioned, and if his impartiality between his own interest and his principal's might be relied upon, yet the principal has in fact bargained for the exercise of all the skill, ability, and industry of the agent, and he is entitled to demand the exertion of all this in his own favor." (1 Pars. on Cont., 74.) This principle has found expression in a large number of cases involving a great variety of circumstances. And it applies equally, whether one deals with himself, acting as sole trustee, or with a board of trustees, or with the directors of a corporation of whom he is one.

That same doctrine could be read from a thousand cases, if desired.

I call attention to a case in which Judge Chilton uttered some observations that I think are worthy of repetition:

The State ex rel. Claunch *v.* Castleberry (23 Ala. Reports, 85; loc. cit., 88, 89), 1853:

Opinion by Judge C. J. Chilton:

"The law wisely withholds from every judge all temptations to depart from the strict line of duty, from considerations of interest, by rendering him incompetent to sit in any cause in which he is interested. The maxim is, 'Nemo judex in causa propria,' and it is alike founded in common sense and a just desire to preserve from impurity the fountains of justice."

Loc. cit., 89: "The earlier common law reports abound with authorities upon this point. Style, 138; 1 Vent., 3; Hardress, 503; Hob., 87; Salked 396, where Holt, C. J., said: 'The mayor of Hereford was laid by the heels for sitting in judgment in a cause where he himself was lessor of the plaintiff in ejectment, though he, by charter, was sole judge of the court.' So in the Earl of Derby's case (12 Co., 114) it was resolved that the chamberlain of Chester, 'being sole judge of equity, can not decree anything wherein himself is a party, for he can not be a judge in his own cause; and this fundamental principle is adhered to with such pertinacity that it has been held that no practice to the contrary shall be allowed to overturn it (2 Str., 1173; 5 M. & S., 513). Indeed, Lord Coke, in Dr. Bonham's case (8 Co., 118), clearly intimates that an act of Parliament contravening it would be void, as against common right (see also 12 Mod., 687; 4 Term R., 71).'"

That is very ancient authority, but it is very honorable. This goes upon the question of public policy.

In the case of E. J. Edwards *v.* W. K. Estell et al. (48 Cal., 194), 1874:

The county surveyor made a parol contract with the defendant that he would search out and survey swamp and overflowed lands in the county; would notify Stewart, one of the defendants, of such lands, whereupon Stewart would make entry upon such lands. After entry was properly filled out and title was vested, he would by deed convey a one-half interest in said lands to the county surveyor. The contract was fulfilled in part, when Stewart died. The surveyor then brought this suit against Stewart's heirs for the division of the property. The court found as a conclusion of law that the agreement was against public policy and therefore void.

Hawley *v.* Baldwin (19 Conn., 585), 1849:

In this case the judge and the commissioner appointed by him were both inhabitants and taxpayers of the town of Newtown. This town was beneficially interested in the assigned estate of Lemuel Sherman because of a claim held by the city against the Sherman estate.

The court held that the judge, as a taxpayer of the town of Newtown, was interested in the estate at the time he appointed the commissioners, and, being interested, he had no jurisdiction to make the appointment.

The commissioner, as a taxpayer of the town, was also interested during the whole of the time that he was acting upon other claims against the said estate. No subsequent act can therefore restore the jurisdiction to the judge or the commissioner. Their acts were void.

Loc. cit., 589, 590: "It can make no difference, in respect to the disqualification of the judge and commission, in this case that the town was only beneficially interested in the claim presented by Mr. Belden. A beneficial interest is as great a disqualification as a strict technical interest; it will have the same operation upon the mind of a judge. Besides, the statute speaks of interest generally as a disqualification; and it would be contrary to its express provisions, as well as to numerous decided cases, to limit it to cases where the judge has a legal interest, which he can pursue in his own name."

There is one further authority I want to quote. It is the opinion in the Sixtieth Georgia, page 221, in the case of The Mayor and Council of the City of Macon et al. against Huff.

William A. Huff, while mayor of the city of Macon, Ga., and ex officio president of the council, contracted with the city council to lease the city park for five years to keep the same in good repair, and so forth. When a new council was elected it brought a bill against Huff to annul and set aside the contract.

Judge Jackson, delivering the opinion of the court, stated (loc. cit., 225–226):

His administrative and executive duties as mayor require him to overlook and judge of the extent and manner in which, as contractor, he discharges these obligations. Can he do it disinterestedly? Possibly he may; but the law regarding our fallen nature as all weak, and profiting by the prayer which the Son of God prescribed for all men, forbids that such temptation be laid in the path of any man, however exalted his office or pure his character. How would it look for Gov. Colquitt, while in office to lease for himself the penitentiary convicts, or the State road, or Macon and Brunswick road, when it is his official duty to see to it that the lessees carry out faithfully their contracts with the State? It will be observed that these contracts with Mr. Huff are executory and continuous—that the contract is not executed in its totality on his part—but he obligates himself to do things day by day for the entire term of his contract.

It matters not how fair the contract may be, public policy will not uphold it. This principle is iterated and reiterated everywhere in the books.

I commend that language to the Senate; and I say, with all respect to those who are acting on the board of advisors, that they are no better than the judges of the courts of England, that they are no better or purer than the judges of our own courts, and that they come within the language I have just read. I should like to read part of it again:

but the law regarding our fallen nature as all weak, and profiting by the prayer which the Son of God prescribed for all men, forbids that such temptation be laid in the path of any man, however exalted his office or pure his character.

Waymire et al. *v.* Powell et al. (105 Ind., 328), 1885:

In this case two members of the board of county commissioners measured the abutments of a county bridge so as to allow the contractors the proper money for building such abutments. The two commissioners then put in a claim to the county court of which they were members for a per diem allowance for the work of measuring such abutments.

Justice Mitchell, delivering the opinion of the court, stated (loc. cit., 332–333):

As the board of commissioners can make no contract of any kind with one of their own number, there can be no such thing as an allowance to a county commissioner for services voluntarily rendered or things voluntarily furnished by a member of the board. * * *

"It is of no consequence that no injury or that an actual benefit has resulted from such employment. The law will not permit public servants to place themselves in a situation where they may be tempted to do wrong, and this it accomplishes by holding all such employments, whether made directly or indirectly, utterly void." (People *v.* Township Board, 11 Mich., 222; Kinyon *v.* Duchene, 21 Mich., 498.)

It was competent and in character for the commissioners to sit in judgment on the claims of others who had performed voluntary services for the county for which a contract might have been made, but it is a matter of an entirely different complexion when members of any tribunal present to the body of which they are a part claims in favor of themselves and sit in judgment upon them. * * *

The salutary rules above stated are not new; they have been declared and enforced by this court in a great number and variety of cases.

In the case of The People on relation of Plugger and others against The Township Board of Overyssel (11 Mich., 222), the court said:

Actual injury is not the principle the law proceeds on in holding such transactions void. Fidelity in the agent is what is aimed at.

That is a case where the board of freeholders were authorized to let contracts for improvements of a harbor, with power in regard to plans of the work, the material to be used, and so forth. Four of the board took the contract from the board to build a pier.

Judge Manning, delivering the opinion of the court, stated (loc. cit., 225–226):

So careful is the law in guarding against the abuse of fiduciary relations that it will not permit an agent to act for himself and his principal in the same transaction, as to buy of himself, as agent, the property of his principal, or the like. All such transactions are void, as it respects his principal, unless ratified by him with a full knowledge of all the circumstances. To repudiate them he need not show himself damnified. Whether he has been or not is immaterial. Actual injury is not the principle the law proceeds on in holding such transactions void. Fidelity in the agent is what is aimed at, and as a means of securing it the law will not permit the agent to place himself in a situation in which he may be tempted by his own private interest to disregard that of his principal. * * *

All public officers are agents and their official powers are fiduciary. They are trusted with public functions for the good of the public, to protect, advance, and promote its interests, and not their own. And a greater necessity exists than in private life for removing from them every inducement to abuse the trust reposed in them, as the temptations to which they are sometimes exposed are stronger and the risk of detection and exposure is less. A judge can not hear and decide his own case or one in which he is personally interested. He may decide it conscientiously and in accordance with law. But that is not enough. The law will not permit him to reap a personal advantage from an official act performed in favor of himself.

In the case of Neil Currie *v.* School District No. 26, or Murray County (35 Minn., 163), April 19, 1886, the plaintiff brought action in the district court of Murray County to recover upon three orders issued by the school district board, which orders were issued for labor on the schoolhouse. The trustees of the school district entered into a contract with Mons Larson, who was then a director and member of the board of trustees, whereby said Larson agreed to erect a schoolhouse for the said district, receiving a per diem allowance of $2.50 for his labor. Larson completed the contract and erected the schoolhouse. The compensation agreed upon was just and reasonable.

Judge Vanderburg, delivering the opinion of the court, stated (loc. cit., 165):

The trustees, occupying a fiduciary relation as agents of a common principal, can not contract with each other so as to bind the district by the terms of a mutual engagement between them. That is to say, such contract is voidable by the district, at its option, and it may resist the enforcement thereof. * * *

As before indicated in the authority above quoted from, it matters not that the contract seems a fair one. The rule is a salutary one, founded on public policy, to guard against the hazard of abuse, and can not be departed from to meet the exigencies of particular cases.

Judge Story says:

It may be correctly said with reference to Christian morals, that no man can faithfully serve two masters whose interests are in conflict.

This doctrine is well settled in law. It is simply declaratory of the law as it had existed previous to the passage of the statute.

This quotation from Story is taken from the case of Adam V. Smith *v.* The City of Albany (61 N. Y., 44), January, 1875. In this case the common council of the city of Albany let a contract to one of its members to render services to the city. Justice Gray, delivering the opinion of the court, stated (loc. cit., 445, 446, 447):

The Common Council of the city of Albany, of which the plaintiff was a member, were the agents of the city, and while holding that relation to it each member of that body was under such an obligation of absolute loyalty to the interests of the city as prohibited any member of the board from entering into any arrangement with his associates by which his individual interest could come in conflict with the interests of his constituents, who are entitled exclusively to such an exercise of his caution and judgment in their behalf as an ordinarily prudent man would exercise in his own business. In bargaining for the city he could not be one of a party, acting as an employer, and become himself, by the same bargain, an employee. The rule upon this subject, as well as the reason for it, is so clearly stated by the late Justice Story in his treatise on Agency, as to render a restatement of it in the words of its learned author quite appropriate. "It may," he said, "be correctly said with reference to Christian morals, that no man can faithfully serve two masters whose interests are in conflict. If, then, the seller were permitted, as the agent of another, to become the purchaser, his duty to his principal and his own interest would stand in direct opposition to each other; and thus a temptation, perhaps in many cases too strong for resistance by men of feeble morals or hackneyed in the common devices of worldly business, would be held out, which would betray them into gross misconduct and even into crime. It is to interpose a preventive check against such temptations and seductions that a positive prohibition has been found to be the soundest policy, encouraged by the purest principles of Christianity. This doctrine is well settled at law. And it is by no means necessary in cases of this sort that the agent should make any advantage by the bargaining. Whether he has or not, the bargain is without any obligation to bind the principal." * * *

The act of 1843 (session laws of that year, p. 36) making it unlawful for a member of any common council of any city in this State to become a contractor under any contract authorized by the common council, and authorizing such contracts to be declared void at the instance of the city, has not wrought a change in the rule referred to; it is, so far as it goes, simply declaratory of the law as it existed previous to its passage. It does not encroach upon the common law, and is not, therefore, to be construed strictly.

In Goodyear *v.* Brown (155 Pa. St. Rep., p. 514, 1893) the defendant offered in evidence a warrant to Isaac B. Brown for 900 acres of unimproved land. The plaintiff's counsel objected on the ground that it was against public policy for the deputy secretary of internal affairs to have a warrant from the Commonwealth granted to him, as he, in the absence of the secretary, is the custodian of the records, has charge of the books, has charge of the acceptance of surveys, and in fact represents the Commonwealth with whom he deals; that his trusteeship as such deputy officer is such that it is against public policy to allow him to take a warrant.

Justice Williams, delivering the opinion of the court, stated (loc. cit., 518, 519–523):

It is true, as the appellants contend, that there is no enactment to be found in the statute book of this State which in words forbids the secretary of internal affairs to receive his own individual application for a land warrant, grant it, cause a survey to be made and returned upon it, accept the return of survey, pass upon the validity of the survey as a member of the board of property, and finally cause a patent to issue to himself, the individual, for the land included within it. But it does not follow that everything may be done by a public officer that is not forbidden in advance by some act of assembly. Remedies are provided for evils when they are discovered, and rules of law are applied when a necessity arises for their application.

What is alleged in this case, and was held by the learned judge of the court below, is that dealings between a public officer and himself as a private citizen that bring him in collision with other citizens, equally interested with himself in the integrity and impartiality of the officer, are against public policy In a general way it may be said that public policy means the public good. * * * It would require no statute to justify a court in holding that a city or county treasurer could not be at the same time the auditor to settle and adjust his own accounts. The temptation it would afford is too great to make it good policy to subject the officer to it, or the public to its possible consequences. Our Constitution makes a member of the legislature ineligible to an office that was created by the body of which he was a member. The reason is that if he was eligible he might be affected by the temptation to make a place for himself. Examples of the practical application of the rule, that what is against the public good is against public policy, might be multiplied largely, without rendering the reason of the rule any more apparent than it must be from those already referred to.

* * * * * * *

Whether we consider the interests of the citizens for whose security and protection the State exists, or the preservation of public confidence in the purity of the administration of public affairs, or the honor and character of the officer as a public servant, the conclusion reached is the same. Public policy can not tolerate such dealings by an officer with his own department or office. It will not uphold them.

Mr. President, there is a multitude of authority along that same line, but I refrain from reading the rest of the matter which I have here. Indeed, one might consume the entire day in reading it.

I object most strenuously against withdrawing any part of the present law. I would much prefer to see no legislation enacted than to see any legislation enacted such as is proposed in the amendment of my distinguished friend from Ohio, because the Senator from Ohio admits that his amendment does change the present law and does remove some of its safeguards.

I wish to put in the RECORD as a part of my remarks certain quotations which I have from text writers and decisions of courts.

The PRESIDING OFFICER (Mr. TRAMMELL in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

It is a rule of the common law that judicial and discretionary officers are disqualified to act in a matter in which they are personally interested. This principle is often incorporated into the statutes. * * * The rule as to disqualification for interest is applied to make invalid contracts by a board or commission with one of its own members. (29 Cyc., p. 1435.)

It is a rule of universal application in the law governing the dealings between principals and agents, both public and private, that the agent shall not be permitted, in the course of the execution of his agency, to put himself in such a position that his own interests shall be antagonistic to those of his principal. By accepting the undertaking he impliedly agrees, and it becomes his duty, to use all his endeavors for the benefit and advantage of his principal, to whom belongs all the profits, increase, and advantages which may result from its execution. This duty can not be performed if the agent is to be permitted to take advantage of his position and its opportunities to make gain for himself. Public policy, therefore, demands and the law declares that, except with the full knowledge and consent of his principal, the agent shall not in the execution of his trust deal with or for himself, whether directly or indirectly. * * * If authorized to let or grant rights or contracts, he can not let or grant them to himself. (Mechem Public Offices and Officers, sec. 839.)

It is a principle of great importance, and of quite general acceptance, that no officer shall act as such in a matter in which he is personally interested as a party. (Mechem Public Offices and Officers, sec. 524.)

"It is a maxim of every code in every country," says Sandford, chancellor, "that no man shall be judge in his own cause. The learned wisdom of enlightened nations, and the unlettered ideas of ruder societies, are in full accordance upon this point, and wherever tribunals of justice have existed, all men have agreed that a judge shall never have the power to decide where he is himself a party. In England, it has always been held that however comprehensive may be the terms

by which jurisdiction is conferred upon a judge, the power to decide in his own cause is always a tacit exception to the authority of his office. Such I conceive to be the law of this State." (Mechem, sec. 517.)

No man ought to be judge in his own cause, is a maxim—

Says Bell, Chief Justice—

aimed at the most dangerous source of partiality in a judge. It is not necessary that a judge should be a party to the cause to create this disqualification. If he is interested in a suit brought in another's name, he is equally disqualified. Any, the slightest pecuniary, interest in the result, not merely possible and contingent, will be quite sufficient. (Mechem, sec. 517.)

The courts go so far as to hold that contingent agreements based upon the success of obtaining contracts from the Government for Government supplies are against public policy and void, even though the party obtaining such contracts is not a public officer.

Mechem, Public Offices and Officers (sec. 363):

The Supreme Court, by Mr. Justice Field, said: "The question, then, is this: Can an agreement for compensation to procure a contract from the Government to furnish its supplies be enforced by the courts? We have no hesitation in answering the question in the negative. All contracts for supplies should be made with those, and with those only, who will execute them most faithfully and at the least expense to the Government. Considerations as to the most efficient and economical mode of meeting the public wants should alone control, in this respect, the action of every department of the Government. No other element can lawfully enter into the transaction so far as the Government is concerned. Such is the rule of public policy; and whatever tends to introduce any other element into the transaction is against public policy. That agreements like the one under consideration have this tendency is manifest. They tend to introduce personal solicitation and personal influence as elements in the procurement of contracts, and thus directly tend to inefficiency in the public service, and to unnecessary expenditures of the public funds. * * * Agreements for compensation contingent upon success suggest the use of sinister and corrupt means for the accomplishment of the end desired. The law meets the suggestion of evil, and strikes down the contract from its inception." (Tool. Co. v. Norris, 2 Wall. (U. S.), 45.)

In Stropes v. The Board of Commissioners of Greene County (72 Ind., 42), 1880, the plaintiff was the auditor of Greene County, and also the publisher of a newspaper at Bloomfield. While auditor he published in his newspaper the delinquent tax list. Then he filed a claim against the county for the value of the work done by him. Judge Elliott, delivering the opinion of the court, stated (loc. cit., 43-44):

Officers ought not to be permitted to place themselves in a position in which personal interest may come into conflict with the duty which they owe to the public. The rule which has so long prevailed is eminently just, and there is no reason for relaxing it because the officer who makes the claim is the one having power to award the contract. On the contrary, the rule ought, in such a case, to be even the more rigidly enforced.

Wills and Mitchell v. James Abbey (27 Tex., 202), 1863: In this case a deputy surveyor contracted with the owner of land certificates to locate the same, pay all expenses, and obtain the patent. While in office he made the survey and located the certificates; after the expiration of his term of office he paid the public dues. The court held that the contract was contrary to law and void.

Justice Bell, delivering the opinion of the court, stated (loc. cit., 204):

Public policy required that the officers chosen to locate and survey the public lands should not be permitted to speculate in them or to acquire interests in them, which would present to such officer the temptation to take advantage of the information which their official positions enabled them to acquire, to the detriment of the holders of certificates generally. * * * (Flanikin v. Fokes, 15 Tex., 180; De Leon v. White, 9 Tex., 598.)

If the contract was made with a surveyor or a deputy surveyor while in the discharge of his official duties, and the location and survey were made while he was acting officially, that is enough to invalidate the contract. Any other rule would enable a surveyor to take the fullest advantage of his official position, and by a timely resignation of his office reap all the benefits arising from contracts which he was forbidden to make.

Pickett v. School District No. 1, Town of Wiota, etc. (25 Wis., 551), 1870:

In this case one of the school board contracted with the board for the building of a schoolhouse.

Judge Paine, delivering the opinion of the court, stated (loc. cit., 553-554):

We think there is one fatal objection to the plaintiff's right to maintain this action, which renders it unnecessary to consider any of the other questions discussed. That is, that, inasmuch as it appears that the plaintiff was himself the director of the district at the time the contract was let, and took part as such in the proceedings to let it, it was against public policy to allow him, while holding that fiduciary relation to the district, to place himself in an antagonistic position and obtain the contract for himself from the board of which he was a member. The general principle upon which this proposition must rest is that no man can faithfully serve two masters whose interests are in conflict. And as men usually and naturally prefer their own interests to those of others, where one attempts to act in a fiduciary capacity for another the law will not allow him while so acting to deal with himself in his individual capacity. This principle has been most frequently illustrated in cases of sales by officers, agents, and trustees, in all of which it has been held that they can not become the purchasers, because this would allow their interests to come in conflict with their duties to their principals. The same doctrine is as applicable to the question of taking a contract as to that of making a sale. * * *

I have found several well-considered cases where the doctrine has been so applied. In Cumberland Coal Co. v. Sherman (30 Barb., 553), a very elaborate opinion was given by Justice Davies, in which the whole subject was very fully considered. In relation to this precise point, commencing on page 572, he says:

"Neither are the duties or obligations of a director or trustee altered from the circumstance that he is one of a number of directors or trustees and that this circumstance diminishes his responsibility or relieves him from any incapacity to deal with the property of his cestui que trust. The same principle applies to him, as one of a number, as if he were acting as a sole trustee. It is not doubted that it has been shown that the relation of the director to the stockholders is the same as that of the agent to his principal, the trustee to his cestui que trust; and out of the identity of these relations necessarily spring the same duties, the same danger, and the same policy of the law."

A careful reading of the following authority on "Who are public officers" will clearly demonstrate that members of the advisory committees of the Council of National Defense are public officers in the meaning of the law even though they serve without compensation.

Mechem on Public Offices and Officers states:

SECTION 1. A public office is the right, authority, and duty, created and conferred by law, by which for a given period, either fixed by law or enduring at the pleasure of the creating power, an individual is invested with some portion of the sovereign functions of the government, to be exercised by him for the benefit of the public. The individual so invested is a public officer.

SEC. 2. A public agent acts only on behalf of his principal, the public, whose sanction is generally considered as necessary to give the acts performed the authority and power of a public act or law.

SEC. 7. Like the requirement of an oath, the fact of the payment of a salary or fees may aid in determining the nature of the position, but it is not conclusive, for while a salary or fees are usually annexed to the office, it is not necessarily so. As in the case of the oath, the salary or fees are mere incidents and form no part of the office. Where a salary or fees are annexed, the office is often said to be "coupled with an interest"; where neither is provided for, it is a naked or honorary office and is supposed to be accepted merely for the public good.

Mr. POMERENE. Mr. President, in view of the criticisms which have been directed to this amendment, I should like to occupy the time of the Senate very briefly. I prefer to place my own construction upon this amendment, and particularly upon my own motives.

An amendment was presented here by the Senator from Tennessee [Mr. McKELLAR] which would have completely disorganized the advisory commission and all of its committees. I have before me a list of the members of the advisory commission and of the several committees which have been appointed by that commission, perhaps with the advice and consent of the Council of National Defense. As to that I am not certain, but there is a list of 31 pages, containing the names of the several subcommittees, which embrace many of the experts in every line of industry in the United States and many of those who will be interested, directly or indirectly, in the furnishing of war supplies.

I take exception to the statements which have been made by certain Senators to the effect that these men are contracting with themselves. I understand that as laymen we sometimes speak loosely, but as lawyers we ought to speak with exactness.

Under the proposed amendment no man can contract with himself. I want that to be made perfectly plain. No man on this advisory commission is given any authority to contract with himself. In the first place, under the legislation which was adopted last summer we provided for the Council of National Defense. That is composed of six members of the Cabinet. Under the same legislation, in addition to the Council of National Defense, there was a provision for the organization of an advisory commission, and this commission is advisory only, with no power to contract and with no power to obligate the Government for a farthing. Now, let us bear that fact in mind. The law provides:

The members of the advisory commission shall serve without compensation, but shall be allowed actual expenses of travel and subsistence when attending meetings of the commission or engaged in investigations pertaining to its activities. The advisory commission shall hold such meetings as shall be called by the council or be provided by the rules and regulations adopted by the council for the conduct of its work.

The act establishing the Council of National Defense also provides:

That the Council of National Defense shall adopt rules and regulations for the conduct of its work, which rules and regulations shall be subject to the approval of the President, and shall provide for the work of the advisory commission to the end that the special knowledge of such commission may be developed by suitable investigation, research, and inquiry, and made available in conference and report for the use of the council; and the council may organize subordinate bodies for its assistance in special investigations, either by the employment of experts or by the creation of committees of specially qualified persons to serve without compensation, but to direct the investigations of experts so employed.

I indorse everything the Senator from Missouri [Mr. REED] has said with regard to the policy of the general legislation upon this subject. I would not under normal conditions detract one iota from anything that is provided in that statute; but this is the situation, if Senators please: We are confronted by the greatest war ever known. We were never mobilized from a military standpoint or from an industrial standpoint or from a transportation standpoint. All the great powers of the President and his advisors, all the powers and all the knowledge of both branches of Congress were commanded for the purpose of getting us into a position whereby we might be able to meet the tremendous task that is before us. So we provided last year for the organization of this advisory commission. We gave to them, as I have already said, not the power to spend one single penny of the people's money. The contracts for military supplies are entered into and signed only by the Secretary of the Navy or by the Secretary of War. They are responsible, after they have gotten the fullest advice and knowledge which they can get from the several committees which the Congress of the United States has authorized.

Mr. McKELLAR. Mr. President——

Mr. POMERENE. I prefer not to be interrupted now. I want to proceed with the thread of my argument, but I will be glad to answer questions later on.

What is the situation? The Council of National Defense goes out and invites the leaders of industry, the leaders of transportation, the leaders of thought in this country and puts them on these committees. Why? In order that the Government of the United States and its 100,000,000 people shall have the benefit of their united wisdom. Great steel men like Gary and Schwab, great electrical men like Edison, great merchants like Rosenwald, great transportation men like Daniel Willard all come here and tender their services. To what end? Are these men so corrupt that every move they make must be questioned here in public and even, I dare say, without facts sufficient upon which to base charges?

Now, let us see what the situation is. By the amendment which was proposed by the Senator from Tennessee, in substance we provide that the entire advisory commission of this great Government, organized as I have indicated, shall be disorganized, and we shall not have the benefit of their advice and counsel.

Mr. REED. Mr. President——

Mr. POMERENE. Mr. President, I prefer not to be interrupted. A little later on I shall be glad to submit to any questions Senators may care to ask.

Mr. REED. Very well.

Mr. POMERENE. When the amendment of the Senator from Tennessee was submitted it was quite apparent from the discussion in the Senate that it was going to completely disorganize every effort that had been made by the Government of the United States looking toward industrial and military preparedness, and I felt that if I could frame some modification of this rule which would at the same time protect the interests of the taxpayers and relieve these men from suspicion and give to the country the benefit of their services and their knowledge I would be doing a public service. I had conferences with certain gentlemen who had given this matter some thought—one a lawyer from my own State. I have conferred with Senators on the subject, and the amendment as now presented and which is known as the Pomerene amendment is the result of these several conferences.

What are its provisions in brief? Bear in mind, as I have said, that this advisory commission has no contracting powers. Pure as they may be, and as we all hope they are, wise as they may be, disinterested as they may be, in my judgment and in the judgment of those who have been concerned with the preparation of the amendment we all believe that all the cards should be placed on the top of the table, so that the country could have the benefit of the knowledge of any interest, directly or indirectly, proximate or remote, that they might have in any of these contracts.

I recognize that some men in a place of that kind might yield to certain temptations. I realize that the best of men sometimes go astray, and so we have provided in substance that none of these persons "acting either as a voluntary or paid agent or employee of the United States in any capacity, including an advisory capacity, shall solicit, induce, or attempt to induce, any person or officer authorized to execute or to direct the execution of contracts or to enter into such contracts."

Mr. HARDWICK. Mr. President, will the Senator yield right there?

Mr. POMERENE. Well, if it is for a question I will yield, but I have declined to yield to certain other Senators because I prefer to go on with my statement.

Mr. HARDWICK. If it is not pleasant to the Senator, I will not ask him the question.

Mr. POMERENE. If it is a question, I will answer.

Mr. HARDWICK. I will not interrupt the Senator now.

Mr. POMERENE. I would a little bit rather the Senator would wait until I have finished. I am trying to speak for only a few minutes upon the subject, because I think that the proposition is plain, and Senators have made up their minds either in one direction or the other as to what they will do regarding it. So the amendment not only provides that the men who are acting as an advisory commission shall not be interested in soliciting, inducing, or attempting to induce any authorized agent of the United States to enter into any contract for supplies but it goes further than that and prevents these gentlemen who have volunteered their services and are acting as members of the advisory commission or its committees shall not make or participate in making any recommendation concerning such contract or order to any council, board, or commission of the United States, or any member or subordinate thereof, without making to the best of his knowledge and belief a full and complete disclosure in writing to such council, board, commission, or subordinate of any and every pecuniary interest which he may have in such contract or order and of his interest in any firm, corporation, company, or association being a party thereto; nor shall he participate in the awarding of such contract or giving such order.

I happen to have before me the first draft of this amendment. It was slightly modified afterwards, and I direct the attention of Senators to the last modification. It does not change the substance of the amendment, but it changes the phraseology, so as to make it, I think, much clearer.

Now, under the circumstances what is the part of wisdom? Shall we continue this organization which already has done so much toward the mobilization of the industries and transportation of the country and the promotion of its military and financial power? Shall we place them in a position where they are either compelled to withdraw from this commission so that we shall not have the benefit of their advice and of their experience, or shall we allow them to serve, and say, for instance, to the great steel industries of this country, like the United States Steel Corporation and the Bethlehem Steel Co., and other great concerns: "You are entirely eliminated from furnishing any military supplies or naval supplies whatsoever to the Government"? That is the alternative that presents itself to the Government of the United States.

In my judgment, when we say to these gentlemen, "You shall not solicit these contracts; you shall not act in making any recommendation unless you tell what financial interest you have in it, and then you shall not take any part in the making of the contract," we have done all that should be done.

Which is the best policy? Shall we cripple the management we have now? Shall we say to the President, "You have made a mistake. You shall reorganize, and you shall perhaps get some one who knows nothing about the steel business to advise you as to steel. You shall get somebody who does not know the mechanism or the science of an electric light to tell us what electrical apparatus we shall have. You shall get somebody who does not know what a steamboat is and never saw one, or rode in one, to advise us with respect to the Navy."

I recognize, Senators, that the situation is not exactly as any Senator here would like to have it. It is not as I would like to have it, but it is a choice between methods, and as for me, my judgment is that we will be best serving the cause of our country by continuing the organization that we have under the safeguards that are provided by this amendment.

Mr. President, I only care to say a few words more with regard to a subject of controversy here yesterday. A good deal was said yesterday reflecting upon the motives of men, a good deal based upon charges, a good deal based upon inference without knowing the facts which were the subject of discussion. As a practicing lawyer I always found it advisable to be sure of my facts and draw my conclusions when they have been established, and I think it is a pretty good safeguard for the legislator as well. I say that in all kindness. It is very easy for us to get partial information and be misguided. I charge no bad faith, because I think that where facts have become public to such an extent that the motives and integrity of men in responsible positions are put in a questionable light there ought to be an investigation, and if Senators have information which leads them to believe that the people's money is being squandered or wasted or preferences are being given to certain firms because they happen to have a friend at court the public ought to know all that, and I shall not only not place a stone in the way of any investigations of that kind but I always court investigations.

Now, let us address ourselves to one of the subjects of criticism of yesterday. Without attempting to give the exact language, it would appear from statements made on the floor of the Senate that some one at the head of a shoe company had given to himself a contract at prices in excess of prices presented by other bidders. In part that is true, but it is not the whole truth. I regret that I have not complete information with regard to this. When this statement was made on the floor of the Senate I went to the telephone and called up the Secretary of War. He was just about to go to a Cabinet meeting, and after the Cabinet meeting he was obliged to go on some official business out of the city; but he was kind enough to have one of the men in his office send to me certain memoranda with respect to these shoe contracts, and I want to call them to the attention of the Senate.

These were the McElwain contracts, which were questioned yesterday. This memorandum furnished me is dated as of yesterday.

First, there were purchases by the Quartermaster Corps independent of the committee on supplies; that is, this shoe committee. The regular officials of the Government had made them. On March 5, 1917, the Quartermaster Corps awarded contracts for 450,000 pairs of shoes on an opening of sealed bids to three concerns. Between March 30 and April 30 the Quartermaster Corps purchased in the open market, without sealed bids and without recommendation from the committee on supplies or its subcommittee on shoe and leather industries, 1,982,910 pairs of shoes from 21 manufacturers at prices ranging from $4.90 to $5.108. Purchases from 16 of these concerns were made at $5.10. Among these purchases were two contracts with the W. H. McElwain Co. for 50,000 pairs at $5.075 and 125,000 pairs at $5.10, which was the price of the 16 firms.

Purchases of the Quartermaster Corps, with the recommendation of the committee on supplies under the awards of May 29, 1917, were made as follows; and there is a memorandum on the margin of this paper to the effect that "this was the only opening in which the McElwain Co. were awarded" on which recommendations were made by the committee on supplies:

On May 29 sealed bids were opened by the Quartermaster Corps. The committee on supplies—of which I understand Mr. McElwain was a member—had sent special requests to 74 manufacturers, extending from Maine to California, asking them to bid. Bids were submitted by 47 concerns. Awards were made to 47 manufacturers by the Quartermaster Corps, awards being made in every case to the lowest bidders. On this opening awards were made to the W. H. McElwain Co. of 400,000 pairs of field shoes at $4.795. The awards on field shoes ranged from $4.67 to $4.85. There is a note here, "See Schedule A, attached." Four hundred and seventy thousand pairs were awarded at prices lower than McElwain's and 630,000 pairs at prices higher than McElwain's.

Schedule A, to which the memorandum refers, gives a list of 11 firms submitting these bids, varying from 20,000 pairs of shoes, the lowest in number, to 100,000 pairs of shoes, the highest number. The prices range from $4.67 to $4.85 per pair. They had asked for bids for a million and a half pairs of shoes. No bidder presented any bid for the whole amount. The bids, as I am informed, expressly stated the number of pairs of shoes which the bidder was willing to furnish to the Government at the price therein contained, so that it took all the bids of all of these bidders, where bids were accepted, to supply the requirements of the Government for 1,500,000 pairs of shoes. Some bids were lower than others, but the Government took all of the lowest bids, which it was necessary to take, in order to get the proper requirements of the Government; and, of course, not knowing that fact, at once the cry can be made that there was some favoritism.

Now, let me call attention further to this——

Mr. CALDER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from New York?

Mr. POMERENE. Will the Senator pardon me until I finish this statement?

Mr. CALDER. I just wanted to clear up one fact, if the Senator will allow me, at that point.

Mr. POMERENE. I yield.

Mr. CALDER. As I understand the Senator's statement, the lower bidders were awarded contracts for all of the shoes that they offered to manufacture. In other words, all of the shoes they bid for were awarded to the manufacturers.

Mr. POMERENE. And it took all of the accepted bids to make up the total requirements of the Government. I ask now, Mr. President, that this schedule A, giving the full details as to these bids, be incorporated in my remarks without reading.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

[No. 1206.]

SCHEDULE A, OPENING OF MAY 29.

Calf or veal marching shoes (610,000 pairs).

Name of manufacturer.	Number of pairs.	Price.
1. Corbin	25,000	$5.035
2. L. Q. White	25,000	5.10
3. Rosenwasser	100,000	5.10
4. Herman	25,000	5.10
5. Commonwealth	25,000	5.12
6. C. A. Eaton	50,000	5.122
7. Corbin	25,000	5.145
8. Herman	25,000	5.15
9. L. Q. White	25,000	5.165
10. McElwain	100,000	5.175
11. Corbin	50,000	5.23
12. Brown Shoe	50,000	5.24
13. W. H. Moulton	85,000	5.24

Average, $5.165.

Mr. POMERENE. On the same opening the W. H. McElwain Co. was awarded 100,000 pairs of veal marching shoes, specification 1206, at $5.17½. Awards varying in price were made, from $5.095 to $5.24, in every case to the lowest bidders. Three hundred and twenty-five thousand pairs were purchased at prices lower than McElwain's bid, and 185,000 pairs at prices higher.

There were certain awards on June 1, 1917. On June 1 the Quartermaster Corps awarded 750,000 pairs of field shoes to 10 concerns at a flat price of $4.75. Now note: This award was made upon the recommendation of the committee on supplies. This purchase of 750,000 pairs, in which no shoes were awarded to McElwain, was made by the Quartermaster Corps at a saving of over $75,000 from the price which would have been paid had these shoes been awarded on May 29 to the bidders next lowest after the awards then made.

Again, awards were made on July 9, 1917. On July 9 the Quartermaster Corps awarded 1,225,000 pairs of field shoes, specification 1257, and 950,000 pairs of side-leather marching shoes, specification 1258, on sealed bids, to the lowest bidders in every case. These awards were made upon the recommendation of the committee on supplies. No award was made to the W. H. McElwain Co.

Certain awards were made on July 13, 1917. On July 13 the Quartermaster Corps awarded 971,000 pairs of field shoes, specification 1257, at a flat price of $4.70. No award was made to the W. H. McElwain Co.

As to the purchases made by the Navy Department and the Marine Corps, the W. H. McElwain Co. has submitted no bids to these departments since January 1, 1917, and no awards have been made to them.

Mr. President, when the facts are fully known there is not anything in connection with this award of the contract for shoes that is the subject of legitimate criticism.

Mr. WEEKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Massachusetts?

Mr. POMERENE. I yield.

Mr. WEEKS. I hope the Senator will emphasize the fact that this firm has received no contract for shoes since the beginning of the war, and that the last contract was made something like three or four months before the beginning of the war.

Mr. POMERENE. I have given the dates in my statement here, and I am not prepared to say that the Senator's statement is correct; neither am I prepared to say that it is not correct.

Mr. WEEKS. I understood from the Senator's statement that that was the fact.

Mr. POMERENE. I did not read it with that thought in mind, and so I am not prepared to answer specifically the inquiry of the Senator.

Now, Mr. President, I am not going to discuss the question of these cantonments at the present time. It may be that there is something there to criticize. I do not know, but I will know before I speak publicly about it; and I dare say, knowing the character of these men as we do, that while there may be an occasional man among them who might so far forget the duty that he owes to his own manhood, and the duty that he owes to his country, as to take some advantage of this situation, my judgment is that it would be better for this country to suffer a loss in that respect rather than to disorganize this advisory commission and drive to the four winds these tried men of experience for men about whom we know nothing.

Mr. President, if I were helping to frame legislation which was to formulate the permanent policies of our country, the law could not be made too drastic for me. I should insist that no man should have any interest, directly or indirectly, in a contract with the making of which he had anything to do in an advisory capacity; but I am not willing now to say that, in order to avoid some of these criticisms, a part of which may be well founded but most of which, I dare say, are without any foundation whatever, we must deprive the country of the information which these men can give us, particularly when we say to them, by the form of the proposed legislation, that if they are interested they shall tell the world, or the Government, at least, what that interest is.

Mr. McKELLAR. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Tennessee?

Mr. POMERENE. I yield.

Mr. McKELLAR. The Senator says that ordinarily he would be for the most drastic law prohibiting them from selling to themselves under these circumstances, or acting the part of both buyer and seller, but that now the situation is different. Does the Senator contend that there is a different standard of honesty at a time when our country is in peril from the standard of honesty that obtains when we are at peace with all the world?

Mr. POMERENE. No, Mr. President; but the Senator's question is purely an academic one. Of course, the principles of honesty do not change, but the principles which measure our conduct do change. I have done a thousand things in the last year in connection with this war, and so has the Senator from Tennessee, that we would not do were we considering legislation relating to the permanent peace conditions of the war.

Mr. McKELLAR. But, Mr. President, neither the Senator nor I, I am sure, has done anything of questionable honesty; and all that we ask in this amendment is that men acting in a fiduciary capacity toward the Government shall deal honestly with the Government and with themselves. The proposed amendment of the committee does not in the slightest degree affect these men on the advisory commission of the Council of National Defense if they merely follow those principles of honesty which the Senator uniformly advocates.

Mr. POMERENE. The Senator is like a good many friends in these days: they would save at the spigot, and they would waste at the bung. I would rather lose, if we must lose, a few millions of dollars rather than to be deprived of the advice and experience of these men. I detest militarism; I am not willing that we shall become a military power permanently, but there is not anything that I will not do within reason to make ourselves so strong from a military and naval standpoint that we shall meet the foe and win the victory. I would rather be 100 per cent overprepared than 10 per cent underprepared.

Mr. President, I think I have said all that I care to say, save this: The proposed amendment does not change the principles of honesty. There is not anything in the amendment proposed by the Senator from Tennessee that will place any safeguards around the Government which will not be more than overbalanced by the disadvantages the Government will suffer if his amendment is adopted, and the President and the country are deprived of the assistance of the members of the advisory commission and its committees.

Mr. REED. Mr President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Missouri will state it.

Mr. REED. Is the pending amendment open to further amendment?

The PRESIDENT pro tempore. The Chair will be glad to have the Senator from Ohio state just what the condition is so far as his amendment is concerned. The present occupant of the chair was not here when it was presented.

Mr. POMERENE. Mr. President, I have not been here all the time; but as I understand, the committee had proposed section 3, which is contained in the committee print, and I offered my amendment as a substitute for that amendment, which is the pending question. I desire to suggest that after the presentation of the first amendment, which I think was discussed here on Saturday, after a conference with the Senator from Montana, we made, together, certain verbal changes. They do not change the substance of the amendment, but I think it is perhaps better phrased, and I ask leave to offer the last printed amendment in lieu of the one which was then under consideration.

Mr. REED. Mr. President, under that statement, I think clearly the substitute offered by the Senator from Ohio is open to amendment. I therefore move to amend the substitute——

The PRESIDENT pro tempore. The Chair wanted to get the facts in regard to it. The Chair is not of the opinion expressed by the Senator from Missouri, that it is open to amendment. The Chair would rule that the amendment of the Senator from Ohio is an amendment in the second degree, and not now open to amendment.

Mr. REED. It is a motion to strike out and insert.

The PRESIDENT pro tempore. Yes.

Mr. REED. A motion to strike out and insert can be amended.

The PRESIDENT pro tempore. It is a motion to strike out and insert an amendment to an amendment.

Mr. REED. And either of those propositions is then amendable. That is my understanding.

The PRESIDENT pro tempore. The Chair thinks that would be true of an original amendment to strike out and insert; but this is an amendment to an amendment which is now before the Senate.

Mr. REED. I am not a parliamentarian, but I want to get before the Chair this thought: There is a bill here before us, and it is reported by the committee with a committee amendment. For that committee amendment the Senator from Ohio offers a substitute which is in the nature of a motion to strike out and insert. Now, before that motion to insert is carried, I think it can be perfected by another amendment, and I call that to the Chair's attention.

The PRESIDENT pro tempore. The Chair thinks the ruling was correct, for this reason: The amendment proposed by the committee is an original amendment. It is the insertion of a new section.

Mr. REED. Very well.

The PRESIDENT pro tempore. The motion of the Senator from Ohio is to change that amendment by substitution.

Mr. REED. It is to strike out and insert; that is what it amounts to, under the rule.

The PRESIDENT pro tempore. But it can not be in that form, as this is an amendment offered by the Senate committee, as the Chair understands.

Mr. REED. I do not think the Chair understands me, or I do not quite catch the Chair. The committee proposes a new section which, of course, is in the nature of an amendment. For that new section the Senator from Ohio proposes a substitute which is in the nature of striking out that new section and bringing in another section for it. I have understood the ruling to be that when a motion was in that form you could propose new matter by amendment. I do not desire to press it further than to be sure that I made myself understood.

Mr. TILLMAN. Mr. President, we are so tangled up I am afraid I shall not get an opportunity later, so I wish to offer an amendment now, that the Senate may be informed of what I propose.

The amendment I send to the Secretary's desk and will ask to have read for the information of the Senate is very important. We are discussing food control, but we can not control food that we have not already produced and have on hand. The title of this bill is "To provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel." It is generally known throughout the country as the food-control bill, and people know and understand its purpose is to control food, feeds, and fuel. It ought to have one more alliterative word, "fertilizers," making it "food, feeds, fuel, and fertilizers." Any farmer will understand, if he lives in the South, that most of the land will produce very little of either of the first two unless the fourth is added to it. The purpose of the amendment is to enable the Government to give aid to the farmers in procuring this vital ingredient to winning the war.

My colleague [Mr. SMITH of South Carolina] is the author of this amendment, which passed the Senate as an independent proposition some time ago, but has been stalled in the House by reason of an understanding over there which confines legislation to important war measures. Why the House does not consider this an important war measure I can not understand, any more than I can understand why the Secretary of Agriculture considers nitrate of soda as a more or less worthless, negligible commercial fertilizer. I know what I say, and there are official reports from experiment stations in the South to verify the utterance, that nitrate of soda applied to grain in the spring and to corn about the time it is tasseling sometimes doubles the crop and always increases production very greatly.

My colleague is in South Carolina now on important business. He may or may not return. If he does not, I give notice that I shall ask for a vote on this amendment to-morrow. The Senate has already passed it by a vote of 52 to 8, and has therefore already expressed its own ideas and feelings in regard to it. I merely want to let the Senate understand what the amendment is intended to accomplish.

I ask that the amendment be read for the information of the Senate and printed.

The PRESIDING OFFICER (Mr. CURTIS in the chair). The Secretary will read the amendment.

The SECRETARY. It is proposed to add a new section, as follows:

SEC. —. That the President is authorized and directed to procure, or aid in procuring, such stocks of nitrate of soda as he may determine to be necessary, and find available, for increasing agricultural production during the calendar year 1917 and 1918, and to dispose of the same at cost, paying in advance. For carrying out the purposes of this resolution there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, available immediately and until expended, the sum of $10,000,000, or so much thereof as may be necessary, and the President is authorized to make such regulations and to use such means and agencies of the Government as in his discretion he may deem best. The proceeds arising from the disposition of the nitrate of soda shall go into the Treasury as miscellaneous receipts.

The PRESIDING OFFICER. The amendment will lie on the table and be printed.

Mr. NELSON. I wish to offer an amendment, and I ask that it be printed and lie on the table.

The PRESIDING OFFICER. It will be printed and lie on the table.

Mr. NELSON. While I am on my feet, I desire to ask a question for information of some of the gentlemen who have the bill in charge. Is there any section of the advisory committee that has charge of the matter of distilled spirits?

Mr. CHAMBERLAIN. I can not answer the Senator myself right now. There is nothing in the bill about it, but there is a document published that gives all the information, showing who composed the advisory council and the subcommittees thereof. I will send to the Senator a copy of that document, which will inform him on the subject.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio [Mr. POMERENE] to the amendment of the committee.

Mr. KENYON. Upon that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. JONES of Washington (when his name was called). The junior Senator from Virginia [Mr. SWANSON] is necessarily absent on account of illness in his family. I am paired with him for the day and therefore withhold my vote.

Mr. REED (when his name was called). I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from New Jersey [Mr. HUGHES] and vote "nay."

Mr. STERLING (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH]. I therefore withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Arkansas [Mr. KIRBY] and vote "yea."

Mr. VARDAMAN (when his name was called). I have a general pair with the junior Senator from Idaho [Mr. BRADY]. I have been unable to get a transfer. If permitted to vote, I should vote "nay."

The roll call was concluded.

Mr. CALDER. I have a general pair with the junior Senator from Rhode Island [Mr. GERRY]. I transfer that pair to the senior Senator from New Mexico [Mr. FALL] and vote "yea."

Mr. McCUMBER (after having voted in the affirmative). I find that the senior Senator from Colorado [Mr. THOMAS], with whom I have a pair, has not voted. I am therefore compelled to withdraw my vote.

Mr. WILLIAMS. I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE], but I am assured by some of his friends that he would vote as I am about to vote. I therefore take the liberty of voting notwithstanding the pair. I vote "yea."

Mr. FLETCHER. I have a general pair with the senior Senator from New Hampshire [Mr. GALLINGER]. I transfer that pair to the senior Senator from Arkansas [Mr. ROBINSON] and vote "yea."

Mr. SHAFROTH. I desire to announce the unavoidable absence of my colleague [Mr. THOMAS] on account of sickness.

Mr. REED (after having voted in the affirmative). For the purpose of a motion to reconsider I change my vote from "yea" to "nay."

Mr. CHAMBERLAIN (after having voted in the affirmative). I am informed that the junior Senator from Pennsylvania [Mr. KNOX], with whom I am paired, would vote as I have voted, and therefore I let my vote stand.

Mr. McCUMBER (after having voted in the affirmative). In view of the announcement of the Senator from Mississippi [Mr. WILLIAMS] I transfer my pair with the Senator from Colorado [Mr. THOMAS] to the Senator from Pennsylvania [Mr. PENROSE] and allow my vote to stand.

Mr. COLT (after having voted in the affirmative). I have a general pair with the senior Senator from Delaware [Mr. SAULSBURY]; but I am at liberty to vote on this bill and amendments, and I therefore allow my vote to stand.

Mr. JOHNSON of South Dakota (after having voted in the affirmative). I have a pair with the Senator from Maine [Mr. FERNALD]. I transfer that pair to the senior Senator from Texas [Mr. CULBERSON] and allow my vote to stand.

Mr. MYERS (after having voted in the affirmative). Has the Senator from Connecticut [Mr. McLEAN] voted?

The PRESIDING OFFICER (Mr. KING in the chair). He has not.

Mr. MYERS. I cast my vote, but in the absence of that Senator and not being able to get a transfer I withdraw my vote.

Mr. POMERENE. I desire to announce that the Senator from Delaware [Mr. SAULSBURY] is detained on official business.

The result was announced—yeas 53, nays 17, as follows:

YEAS—53.

Ashurst	Husting	Owen	Smoot
Beckham	James	Page	Thompson
Brandegee	Johnson, S. Dak.	Phelan	Tillman
Calder	Jones, N. Mex.	Pittman	Townsend
Chamberlain	Kellogg	Poindexter	Underwood
Colt	Kendrick	Pomerene	Wadsworth
Curtis	King	Reed	Warren
Dillingham	Lewis	Shafroth	Watson
Fletcher	Lodge	Sheppard	Weeks
France	McCumber	Sherman	Williams
Frelinghuysen	Martin	Simmons	Wolcott
Hale	New	Smith, Ariz.	
Harding	Newlands	Smith, Ga.	
Hollis	Overman	Smith, Md.	

NAYS—17.

Borah	Hardwick	McNary	Sutherland
Broussard	Johnson, Cal.	Nelson	Trammell
Cummins	Kenyon	Norris	
Gore	La Follette	Ransdell	
Gronna	McKellar	Shields	

NOT VOTING—26.

Bankhead	Goff	Myers	Stone
Brady	Hitchcock	Penrose	Swanson
Culberson	Hughes	Robinson	Thomas
Fall	Jones, Wash.	Saulsbury	Vardaman
Fernald	Kirby	Smith, Mich.	Walsh
Gallinger	Knox	Smith, S. C.	
Gerry	McLean	Sterling	

So Mr. POMERENE's amendment to the amendment of the committee was agreed to.

Mr. CHAMBERLAIN. Mr. President——

Mr. REED. I will say to the Senator from Oregon that I desire to offer an amendment to the amendment just adopted. We are now in a parliamentary situation where I think that may be done.

Mr. CHAMBERLAIN. I thought that question was disposed of.

Mr. REED. I think not. The motion for a substitute has now been adopted and I think that is amendable. I desire to offer an amendment to it. I move to amend by adding at the end of the amendment just adopted the following words:

Provided, That the provisions of this section shall not change, alter, or repeal section 41 of Thirty-fifth Statutes at Large.

Mr. LODGE. Mr. President, I rise to a question of order.

The PRESIDING OFFICER. The Senator from Massachusetts will state it.

Mr. LODGE. The amendment just adopted was in the nature of a substitute, which was open to perfection before the vote was taken upon it.

Mr. REED. Oh, no.

Mr. LODGE. Pardon me; allow me to finish the sentence. The Senate has adopted that precise form of words and I do not think it is amendable at this stage. It can be amended in the Senate, of course.

Mr. REED. I undertook to amend it; I will say to the Senator from Massachusetts I asked for the privilege of offering an amendment to it, and it was held I could not offer it at that time. Now that it has been adopted I am asking for the privilege of offering that amendment. That is what I meant when I interrupted the Senator.

Mr. LODGE. I do not know who made that ruling, but nothing is more fixed under our rules than that when an amendment is offered in the nature of a substitute there are two questions presented, and the original matter and the other are both open to a perfecting amendment. If perfecting amendments are not offered, I think it is general parliamentary law that when the complete substitute is adopted the body has adopted that precise form of words.

Mr. REED. I made the very point the Senator suggests when I undertook to offer my amendment, that the substitute was in the nature of a motion to strike out and insert and the matter to be inserted could be perfected, and I was ruled out of order.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Connecticut?

Mr. REED. Yes.

Mr. BRANDEGEE. If what the Senator says is true, it still does not improve the situation, that because we have had one erroneous ruling that therefore we must have another one.

Mr. REED. Oh, well, Mr. President, I hardly think we ought to be doing business in that way.

Mr. BRANDEGEE. That is the exact situation.

Mr. REED. The matter was insisted upon within the last hour. The President pro tempore of the Senate was in the chair. I made my statement very plain and insisted upon it very firmly. If the ruling is now that I can not offer the amendment, that I am deprived of any chance to offer an amendment to this proposition, I shall either have to submit to it or make a motion to reconsider the vote just taken.

In my opinion the Senate of the United States will hardly deny the right to offer an amendment.

Mr. McCUMBER. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator from North Dakota will state the inquiry.

Mr. McCUMBER. I understand, of course, that the original committee amendment was open to amendment. An amendment in the form of a substitute was offered. That substitute was adopted by the Senate. It must still be adopted by the Senate as the committee amendment, must it not, being a substitute for that committee amendment? Therefore, is it not still open to amendment as a substitute for a committee amendment? Must we not vote for it exactly in that particular form, inasmuch as the Chair must still put the question whether we shall adopt this now as a part of the bill?

The PRESIDING OFFICER. The present occupant of the chair has some little knowledge of general parliamentary law, but has learned that the parliamentary procedure of the Senate is not an exact science, and that the precedents are not uniform. The Chair will be glad to receive any suggestions and have his attention called to any precedents bearing upon the point of order raised.

Mr. BORAH. Mr. President, when the amendment of the Senator from Ohio [Mr. POMERENE] was before the Senate the Senator from Missouri [Mr. REED] tendered the amendment, which he now again proposes to tender. The then occupant of the chair held that the amendment was not amendable at that time. Now, the amendment, which was in the nature of a substitute, has been adopted, and we yet have before us this amendment which still must be disposed of. It was simply adopted as a substitute for the committee amendment. It is now to be disposed of by the Senate.

I am not myself a parliamentarian, but it does seem to me that both these propositions can not stand; that the amendment was either amendable when the Senator from Missouri offered his amendment a short time ago or it must be up for consideration now. There must be sometime when a body can complete and consummate a proposition which they propose to put into a bill. It is not yet adopted; it is not yet a part of the bill; and it must be within the power of this body to make it what it wishes to be before it is put into the bill.

Mr. SMOOT. Mr. President, I think the parliamentary situation is quite clear. In the first place, I want to say that the Senator from Missouri [Mr. REED] had, under the rule, a perfect right to offer his amendment, if the statement he has made is correct, and I have every reason, of course, to believe that it was correct. I was not in the Chamber at the time, but under Rule XVIII——

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Nevada?

Mr. SMOOT. I do.

Mr. NEWLANDS. If the Senator will permit me to make a suggestion to him, I desire to say that the occupant of the chair at that time ruled that the amendment offered by the Senator from Missouri was an amendment in the third degree, and was therefore out of order.

Mr. SMOOT. I understand it was a substitute, and if it was an amendment to the substitute it was an amendment in the second degree.

I now desire to say that Rule XVIII provides that the original text shall be first perfected, that the substitute shall then be perfected, and that was supposed to have been done before the vote was taken upon the substitute. Now they are both perfected, the Senate having decided that it would accept the substitute in place of the House provision; but the Senate has yet to adopt that substitute as a part of the bill. The Senate now can only reject it as a whole or not at all; but the Senator from Missouri can reserve the right to offer an amendment to it in the Senate. The Senator can not, however, offer an amendment under the rule, as I understand it, while the bill is still in Committee of the Whole.

Mr. HOLLIS obtained the floor.

Mr. McCUMBER. May I say just a word?

The PRESIDING OFFICER. The Chair has recognized the Senator from New Hampshire.

Mr. HOLLIS. I yield to the Senator from North Dakota.

Mr. McCUMBER. Mr. President, I simply wish to suggest that I understood the amendment offered by the Senator from Missouri was ruled out of order because it was an amendment in the third degree, and not because of any other reason. When we have adopted the amendment of the Senator from Ohio as a substitute for the committee amendment, the amendment of the Senator from Missouri ceases to be an amendment in the third degree, and is an amendment to what stands as a substitute for the committee amendment. I merely wish to state where we would land if we follow any other rule.

It is possible that some of us voted for the substitute offered by the Senator from Ohio because we thought it was better than the other, but still we might desire to vote against the other or to perfect the other. As I understand the parliamentary situation, we must still vote upon the question of whether or not we will adopt this substitute now as a part of the bill. We simply adopted it as a substitute for a proffered amendment. The question is not yet disposed of. We have a right to say now whether or not we will accept that as an amendment to the bill.

We have a right, as I understand parliamentary law, to determine whether or not we can perfect that substitute amendment before we are compelled to vote on it. Otherwise we would be compelled to vote without any change, even though we might desire to amend an amendment, which now would simply be an amendment in the second degree, which is always parliamentary.

Mr. HOLLIS. Mr. President, we have been operating for the last two or three weeks as in Committee of the Whole. The Committee of the Whole acts on a bill for the purpose of adopting amendments, which are then recommended to the Senate and adopted or rejected by the Senate as it sees fit. Acting under the unanimous-consent agreement, so far the Committee of the Whole has been acting only on committee amendments, and this was the last of the committee amendments to be acted upon. The committee reported a certain amendment; the Senator from Ohio offered an amendment to the committee amendment in the nature of a substitute. The substitution has been made of the matter suggested by the Senator from Ohio for the committee amendment; so, as the matter now stands, section 3 has been amended in accordance with the suggestion of the Senator from Ohio, but no one outside of the committee as yet has had a chance to offer any amendment to section 3. We now have adopted the substitute of the Senator from Ohio to section 3, and it is clearly the right of any Member of the Senate now to offer to amend, as in Committee of the Whole, section 3 as perfected by the Committee of the Whole. Otherwise it is obvious that no one but a member of the committee offering a committee amendment would have a fair chance to amend this bill as in Committee of the Whole. This being the last committee amendment, we shall have passed that stage when it is finally put into finished shape. We do not perfect a section and then adopt it as in Committee of the Whole, but we perfect the section as in Committee of the Whole, and then adopt it, if we see fit to do so, in the Senate; therefore, when we have passed the stage of considering the last committee amendment, thereafter all that can be considered will be amendments to the sections as they now stand. When a perfected substitute has once been adopted for a perfected original section, thereafter it can not be amended. I think that is the situation, Mr. President.

Mr. SMOOT. Mr. President, my attention has been called to the fact that section 3 was a committee amendment and that there was no House provision in the bill covering that subject matter. My remarks had reference to a case in which the House had acted upon the same subject matter. Being a committee amendment, I want to say that I think the Chair ruled correctly that the amendment of the Senator from Missouri was an amendment in the third degree, because the substitute was in the second degree, and a further amendment would consequently be in the third degree.

The PRESIDING OFFICER. Considering the ruling of the President pro tempore referred to and the conditions and facts surrounding the presentation of the amendment that is now offered by the Senator from Missouri [Mr. REED], the Chair is of opinion that to sustain the point of order would result in

an injustice and would not tend to serve the purpose for which a legislative body is organized. Perhaps technically the point is well taken, but with the views the Chair entertains with respect to this matter, the Chair holds that the amendment is in order and overrules the point of order.

Mr. REED. Mr. President, I most earnestly beg the attention of the Senate for a few moments to this amendment. I shall read the law as it stands and as this amendment will permit it to stand, because if we are going to abolish the common law and the law of morals at the same time we are abolishing the Constitution. I want it known that that is just what we are doing.

There is upon the statute books, and there has been for 50 years, in substantially this form, the following section of the statute, which was put there during the Civil War and which has stood ever since, with slight verbal changes:

No officer or agent of any corporation, joint-stock company, or association, and no member or agent of any firm, or person directly or indirectly interested in the pecuniary profits or contracts of such corporation, joint-stock company, association, or firm, shall be employed or shall act as an officer or agent of the United States for the transaction of business with such corporation, joint-stock company, association, or firm.

The Senator from Ohio [Mr. POMERENE] declared over and over again that not a single one of the members of the advisory commission was engaged in making contracts with the Government; that the contracts were made by others; that the Government was represented by its proper agents; and yet he opposed the addition of the words which I now offer in my amendment. If the Government of the United States is represented by its own proper agencies, if the members of the advisory commission are not making contracts with themselves, then the amendment I propose will do them no harm. If they are making contracts with themselves, then it is immoral; it is against the laws of God and of man, and the people of the United States will not tolerate it. You can not excuse it because there is a war on. It is not necessary because there is a war on; and, I repeat, the Senator from Ohio a number of times stated—and the RECORD when it is printed to-morrow morning will show it—that the members of the advisory commission were not making contracts. If not, why should we not then preserve this old law without impairment, for it only provides that an agent of a corporation or company shall not be directly interested in the pecuniary profits of contracts made with the United States when the person is employed as an agent of the United States?

Mr. McKELLAR. I ask for the yeas and nays, Mr. President.

Mr. POMERENE. Mr. President, I hope this amendment will not be agreed to. I think the amendment which was adopted a moment ago indicates what the Senate's view is respecting it. Section 41 is perfectly plain in and of itself. It reads:

No officer or agent of any corporation, joint stock company, or association, and no member or agent of any firm or person directly or indirectly interested in the pecuniary profits or contracts of such corporation, joint stock company, association, or firm, shall be employed or shall act as an officer or agent of the United States for the transaction of business with such corporation, joint stock company, association, or firm.

We have just declared by the affirmative action of the Senate that no agent or officer of the Government shall solicit or induce or attempt to induce any contract with a firm in which he is interested. It is perfectly plain English, and we understand what was intended. Then we provide further that if any of the specified persons are serving on any board or commission they shall not participate in the making of any recommendation respecting such a contract, and neither shall they participate in the making of contracts. The amendment proposed by the Senator from Missouri in effect repeals the very amendment which the Senate has adopted. If the Senate desires to do that, well and good; but we might just as well wipe out the entire section which has been adopted if that is the intention.

Mr. BORAH obtained the floor.

Mr. REED. Mr. President, just a moment. Will the Senator from Idaho allow me to ask a question?

Mr. BORAH. Certainly.

Mr. REED. I desire to ask the Senator from Ohio if he has not said on the floor of the Senate within the last hour at least three times that no one of the members of the Council of National Defense or their advisors were engaged in making contracts for the Government?

Mr. POMERENE. I so stated; and I will say it the fourth time, if the Senator desires.

Mr. REED. I want to ask the Senator, if that is the case how any of them will be affected by this provision:

No officer or agent of any corporation, joint stock company, or association, and no member or agent of any firm or person directly or indirectly interested in the pecuniary profits or contracts of such corporation, joint stock company, association, or firm, shall be employed or shall act as an officer or agent of the United States for the transaction of business with such corporation, joint stock company, association, or firm.

How will they be interfered with?

Mr. POMERENE. The old section of the statute provides that—

No * * * person directly or indirectly interested in the pecuniary profits or contracts of such corporation * * * shall be employed or shall act as an officer or agent of the United States—

And so forth.

Under the section adopted by the Senate a member of the advisory commission might have an interest in some of these contracts if he is a stockholder in the corporation to which the contract is awarded, but we say, if he is so interested, that he shall not solicit contracts, he shall not induce or attempt to induce the making of a contract, and he shall not participate in any recommendations for that contract, nor in the making of the contract.

Mr. REED. Now, if the Senator will pardon me, the language of section 41 is again—

No officer or agent of any corporation, joint-stock company, or association, and no member or agent of any firm, or person directly or indirectly interested in the pecuniary profits or contracts of such corporation, joint-stock company, association, or firm shall be employed or shall act as an officer or agent of the United States for the transaction of business with such corporation, joint-stock company, association, or firm.

The Senator has said that they do not transact business with the Government; that they do not act as the agents of the Government——

Mr. POMERENE. Mr. President, I insist that the Senator shall not misrepresent what I have said. I said that they did not enter into any contracts. I did not say that they were not interested in a transaction.

Mr. REED. I say that the Senator has stated that they do not act as officers or agents of the United States in the transaction of business with their corporations, and that section 41 only applies to that class of individuals. Now, either these men are acting as the agents of the United States in transacting business with their corporations or they are not. If they are acting as agents of the United States and transacting business with their corporations, they are not harmed by this amendment; they do not come within the provisions of the old statutes. If they are acting as agents of the United States Government and at the same time representing their corporations in business transactions between those corporations and the Government, then I say there is no man who can justify it; there is no man who can defend it. You will find out before long that you ought to have something back of this war beside mere arbitrary law, and beside the mobilization of a few wealthy men. You have to put back of this war the good will and confidence of the American people, which is a greater asset than all other things combined; and I warn you that you will shake that confidence grievously if you undertake to permit these men to deal with themselves and for themselves and for the Government of the United States at the same time.

Mr. BORAH. Mr. President, I do not think the Senator from Ohio, upon reflection, will object to the amendment offered by the Senator from Missouri. I take it that the amendment offered by the Senator from Ohio was not intended to controvert the fundamental principles found in section 41. In order to avoid such a construction as has been placed upon the amendment, it seems to me necessary to place in the amendment offered by the Senator from Ohio section 41. Let us see what that section says, and see whether or not the Senate wants to go on record as favoring the repeal of it, if the amendment does repeal it:

No officer or agent of any corporation, joint-stock company, or association, and no member or agent of any firm, or person directly or indirectly interested in the pecuniary profits or contracts of such corporation, joint-stock company, association, or firm, shall be employed or shall act as an officer or agent of the United States for the transaction of business with such corporation, joint-stock company, association, or firm. Whoever shall violate the provision of this section shall be fined not more than $2,000 and imprisoned not more than two years.

As has been said by the Senator from Missouri, that law was adopted many years ago, if I remember correctly, in 1862 or 1863, but I will not be positive as to that. It is a principle, Mr. President, which should obtain and which should control the business transactions of this Government in one period as well as in another. There can be no possible reason why we should suspend fundamental principles such as embody common honesty in public affairs merely because we have an emergency confronting us in the way of a war.

This principle, Mr. President, is peculiarly and particularly applicable in time of war, because we all know that, be as vigilant as we may, and as earnest as we can, with reference to protecting the Public Treasury and the taxpayer in time of

war against sinister influences in reaching the Treasury, it is almost impossible to do it. There never has been a war from the beginning of recorded history until now in which the people have not been astounded at the activities of supposedly patriotic citizens in taking care of themselves during the emergency. It was true even in the Revolutionary War; it was true during the War of 1812; it was true in 1861 to 1865; and it was astoundingly true in the last contest in which this Nation engaged,

It is not sufficient, Mr. President, to say that this or that individual when considered as an individual is honest and patriotic; it is necessary, sir, to have recorded upon the statute books those things which reach the man who is not honest and patriotic. It is not within human power, the power of Presidents or others, to select as between the honest and the dishonest when they come purporting to serve their Government.

Now, Mr. President, who would want this principle ignored in any transaction that may take place between the Government and its citizens during this war? It will not injure any man, in my judgment, who wants to deal thoroughly and honestly with the situation; but it will be of tremendous help in enabling the Government to control those who may not be desirous of really serving the Government.

Let us see what the amendment which has been adopted does, in view of the fact that it is objected to. It reads:

No person acting either as a voluntary or paid agent or employee of the United States in any capacity, including an advisory capacity, shall solicit, induce, or attempt to induce any person or officer authorized to execute or to direct the execution of contracts—

Mr. President, that might be ample and sufficient and efficient to protect the Government ordinarily——

Mr. NELSON. Mr. President——

Mr. BORAH. Just a moment—to protect the man who is honest in his duties; but the man who is dishonest, the man who would work in byways and in crooked ways to circumvent this statute, could do so without any difficulty whatever.

Mr. NELSON. Mr. President——

Mr. BORAH. I yield to the Senator.

Mr. NELSON. I desire to call the Senator's attention to the incomplete character of the language employed. Turning to line 3 of the amendment of the Senator from Ohio, I find the words:

Shall solicit, induce, or attempt to induce.

To make that amendment of any value, the words "or recommend" ought to be added. Without the addition of those words, the door is thrown wide open; the sentence is incomplete and will not accomplish the purpose it is designed to accomplish.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Ohio?

Mr. BORAH. Yes.

Mr. POMERENE. If the Senator will permit me, I should like to say to the Senator from Minnesota that I think he has overlooked the last sentence in the section which has been adopted.

Mr. NELSON. The provision to which I have called attention relates to the members of the advisory commission. The portion of the provision the Senator from Ohio has in mind relates to outside employees, a different class of men. The words "or recommend" ought to be included, otherwise these men can escape the effect of the language. I apologize to the Senator from Idaho for interrupting him; but so long as these men do not directly solicit or directly induce, they can go on and recommend in a smooth, Oily Gammon fashion that the company in which they are interested shall be recognized. Does the Senator from Ohio understand the meaning of that? Oily Gammon, of course, can go up and recommend. He can say, "I do not want to mislead you; I do not want to induce you; but I, Oily Gammon, recommend this to you."

Mr. POMERENE. I can understand how the Senator might be justified in making a criticism of that kind; but it is quite well always to read the whole section and place our construction on the whole of it. The latter part of it is:

Nor shall any agent or employee—

Which means of the Government—

make, or permit any committee or other body of which he is a member to make, or participate in making, any recommendation concerning such contract or order to any council, board, or commission of the United States.

Mr. NELSON. Mr. President, will the Senator yield to me? That part of it which the Sentaor from Ohio quotes is to preserve the integrity of the advisory commission. No one shall recommend anything vicious to this advisory commission. If the Senator will notice that part of the language, he will see that it reads:

Nor shall any agent or employee make, or permit any committee or other body of which he is a member to make, or participate in making, any recommendation concerning such contract or order to any council, board, or commission.

It is to keep this advisory commission from being corrupted.

Mr. POMERENE. Mr. President, I think the language is perfectly plain.

Mr. NELSON. If the Senator believes in the principle, why not insert, after the word "induce" in line 19 of this substitute bill, the words "or recommend"? Then you will get something of a clean bill of health.

Mr. POMERENE. Mr. President, I think the Senator from Minnesota and myself are trying to do the same thing. I do not believe that he quite understands this section. Let me say that this section as originally drawn had in it the words "advise, induce, or attempt to induce any person authorized to execute a contract to enter into it." Now, if the War Department is not to be permitted even to have the advice when asked by the Secretary of War, we would eliminate perhaps a good portion of this advisory commission; so the word "advise" was changed to "solicit." Under that wording, I take it that if the Secretary of War should say to some one who might have a pecuniary interest in some corporation with which the Government was going to deal, "I should like your judgment about this quality of steel or this quality of material," it might preclude him even from expressing an opinion. So for that reason the word "advise" was changed to "solicit"; but we also provided that he should not make any recommendation concerning a contract, if he was interested, without disclosing that fact, and disclosing it in writing fully and completely, and he was not even to participate in the making of the contract. To my mind it is perfectly clear.

Mr. FLETCHER. Mr. President, may I interrupt the Senator to suggest to the Senator from Minnesota that I believe the whole difficulty in his mind could be cured by striking out, in line 8, after the word "thereof," the balance of that sentence down to and including the word "thereto," in line 14, so that it would read:

Nor shall any agent or employee make, or permit any committee or other body of which he is a member to make, or participate in making, any recommendation concerning such contract or order to any council, board, or commission of the United States, or any member or subordinate thereof.

And end the sentence there. I had in mind proposing an amendment of that kind, to strike out all after the word "thereof" to the end of that sentence.

Mr. BORAH. Mr. President, I am glad to have the suggestion of the Senator from Minnesota, but I should like to conclude what I have to say with reference to the amendment offered by the Senator from Missouri before taking up these other amendments which have been suggested by the Senator from Minnesota and the Senator from Florida.

As I said a moment ago, Mr. President, if this amendment offered by the Senator from Ohio is to be construed as being in opposition to section 41—that is to say, if the two propositions are to be construed as being opposed to each other, one not in harmony with the other—I do not see how we can for a moment refuse to make it plain that we do not propose to disregard the principle which is covered by section 41. I have not construed the section which the Senator from Ohio has offered to the extent of going as far as the Senator from Ohio has suggested, but he is the author of the amendment and an able lawyer, and he has construed it, and he says that it is in conflict with section 41; that to adopt section 41 is to emasculate, if not to completely repeal, the amendment which has just been adopted. That being his construction, so far as I am concerned I must vote to put in the amendment offered by the Senator from Missouri, because I am not willing to record my approval of a man contracting with himself when he is the representative of the Government. It is a principle so revolting that it can be defended in no court, either of law or of conscience. If a man will stop to reflect upon the matter, he will realize that it is an indefensible proposition. Now, it is not a necessary proposition to this situation, any more than it is in time of peace, and I hope the Senator from Ohio will not oppose the reservation of section 41, that it may continue to be a fundamental principle in our law that a man can not, as an officer of the Government, contract with himself.

Mr. POMERENE. Mr. President, it is my judgment that that section continues to be a part of the fundamental law of the land; and the amendment, if adopted, it seems to me is perfectly plain. If the old section is to inhibit the things which we affirmatively allow in the new section, then clearly we have modified the old law to that extent; but the principle remains the same.

Mr. HOLLIS. Mr. President, I believe that no Member of the Senate can afford to vote to repeal the statute referred to

by the Senator from Missouri. Let me state that statute in plain terms. That statute provides that no officer or agent of any corporation shall act as an agent or officer of the United States for the transaction of business with such corporation. Of course not. That should not be allowed. Now, so that the Senate may get the distinction between the three propositions that are before it, I should like to illustrate.

Let us assume the case of Mr. Gary, of the United States Steel Corporation. Assume that Mr. Gary has been commissioned by the President to make some contracts for canvas or wheat, something entirely apart from the United States Steel Corporation. Then, in case Mr. Gary, being an officer or agent of the Government, and assuming to act as such, should perform any business with the Government of the United States having to do with the United States Steel Corporation, he would be criminally liable under that statute, and we should all want him to be so.

Now let us take the case of the section we have just adopted. That provides that Mr. Gary, as a member of the advisory commission or any subsidiary of it, shall not seek to make a contract for the United States Steel Corporation with the United States Government. It goes further than the older law referred to, and we are all for that. We want to prohibit Mr. Gary from attempting to get any contract, through any committee or through any officer, for the United States Steel Corporation. But the amendment suggested by the Senator from Ohio is meant to cover this case, and the Senate can vote for it or not, just as it appeals to the Senate. It is intended to cover this case.

Suppose that there are steel contracts under consideration by the Government, and the Government desires to take the advice of the subcommittee on steel. Then Mr. Gary can not take any part in recommending what contracts shall be made; but because Mr. Gary happens to be one of five members on that subcommittee, it is not intended that the other four members shall not advise the Government on the subject. Therefore, under the Pomerene amendment, the other four members are allowed to act; but unless Mr. Gary notifies the other four members of the subcommittee in writing before they act, before they make a recommendation, of his interest in the corporation concerned in the contract, then he is criminally liable.

I can not see how the Pomerene amendment repeals this old law in any particular. If it does repeal the old law in any particular, I am against it; and because some one may construe it as a repeal of the old law in some degree, and because I do not care to have an imputation of that kind made in regard to any vote that I cast, I sincerely hope that the Senator from Ohio and the Senator from Oregon will accept the amendment offered by the Senator from Missouri, so there will not be any question about it. In my judgment it does not impair at all what we have done, and it may stop a lot of ugly talk.

Mr. KNOX. Mr. President, I favor the amendment of the Senator from Ohio; but as the Senator from New Hampshire [Mr. HOLLIS] has so well expressed it—and I do not pretend to repeat feebly what he has stated so strongly—I see no inconsistency between the amendment of the Senator from Ohio and the amendment proposed by the Senator from Missouri. The fact is, as I construe the amendment of the Senator from Ohio, that no agent of a corporation can possibly participate in making, on behalf of the Government, a contract in which he is interested without being guilty under the amendment of the Senator from Ohio; and that is all that the old law of 1862 provides—that is, that a man who is an agent for the Government can not at the same time make a contract with a company in which he is interested without violating the provisions of that statute.

Mr. NEWLANDS. Mr. President, in my judgment, much of the confusion of mind which has existed on this subject in the Senate arises from a confusion as to the character of the advisory commission. I have always contended that the advisory commission is frankly a commission of producers and sellers, and that the purpose of the law in providing for the advisory commission was to mobilize the various industries of the country and to organize them through their chiefs in such a way that the entire resources of the country can be readily summoned to its support in case of war.

I do not regard the members of the advisory commission as agents of the Government. They are producers and sellers who may have relations of contract with the Government, but they are brought together under an organization authorized by the Government in order that the Government's real agents, the Council of National Defense and the department chiefs, may confer with them, may gain information from them, and finally, after exhausting inquiry, make contracts with them if such contracts are desired.

I do not find a word in the legislation authorizing the organization of the advisory commission with reference to recommendations as to prices; and I will read from the statute:

> It shall be the duty of the Council of National Defense to supervise and direct investigations and make recommendations to the President and the heads of executive departments—

And so forth. They are the agents of the Government. It is their duty to investigate. It is their duty to make recommendations. Now, the advisory commission: It shall consist—

> of not more than seven persons, each of whom shall have special knowledge of some industry, public utility, or the development of some natural resource, or be otherwise specially qualified, in the opinion of the council, for the performance of the duties hereinafter provided.

Now, what are their duties? Their duties are to investigate with reference to "the development of seagoing transportation," among other things—and I read only a part—and secure "data as to amounts, location, method, and means of production;" not a word regarding price.

> Data as to amounts, location, method, and means of production, and availability of military supplies; the giving of information to producers and manufacturers as to the class of supplies needed by the military and other services of the Government, the requirements relating thereto, and the creation of relations which will render possible in time of need the immediate concentration and utilization of the resources of the Nation.

I contend that the purpose of this act was to make the Council of National Defense and the department chiefs the agents of the Government, but not to make the members of the advisory commission the agents of the Government. They are there frankly as producers and sellers for the purpose of giving all the information within their power to the Council of National Defense with a view to the mobilization and organization of the resources of the country in aid of war.

It is perhaps unfortunate that the term "advisory" has been used in this connection, but no one can mistake the nature of the organization if he reads the law; and, as I understand it, the main purpose of these advisory organizations and these subcommittees organized for the various industries is to give the Government the information. If they make any recommendation regarding price, then they go beyond the statute itself. The statute says nothing whatever as to prices, but refers only to amounts, location, method, and means of production.

We can understand, of course, that these are all matters of the highest importance, and it is of the highest importance that we should not disqualify the most capable men on this advisory commission. The most capable men are, of course, the great chiefs of industry, and they are not only stockholders but they are officers of these great corporations which have become so large a part of the vital force of the country.

It seems to me that somewhere in this legislation we can amend the act providing for the advisory commission in such a way as to give these organizations of producers and sellers a name that will indicate the nature of their services, and thus demonstrate that their members are not acting as agents of the Government, but that they are there simply as the heads of their various industries and organizations to give the Government the information which it needs with a view to prosecuting the war.

Mr. POMERENE. Mr. President, if I may say a word further, since this debate has been going on I have been examining the amendment of the Senator from Missouri, and I have come to the conclusion, after conferring with lawyers in whose judgment I have very great confidence, that the only effect of this proviso will be to let these two sections—the old section and the new—stand side by side without the one repealing the other, or without this proviso nullifying the preceding provisions of the section. With that understanding of it I will accept the amendment.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and that amendment is made; and the amendment as amended is agreed to, without objection.

Mr. NELSON. Mr. President, I want to amend the amendment further.

The VICE PRESIDENT. The Chair thinks this amendment has passed beyond the Committee of the Whole. It can be amended in the Senate.

Mr. NELSON. We have just adopted one amendment.

The VICE PRESIDENT. Yes.

Mr. NELSON. The amendment just adopted was an amendment that was adopted after the amendment had been substituted. This is as much in order as the amendment we adopted a moment ago.

Mr. HOLLIS. Mr. President——

Mr. NELSON. Unless we are going to have two rulings on the same matter, it is in order for me to offer this amendment as well as the amendment of the Senator from Missouri.

The VICE PRESIDENT. The present occupant of the Chair is not taking up the ruling that was made by the Presiding Officer at the time. The Senator from Ohio accepted the amendment. The Chair asked if there was any objection, and there was no objection. The Chair then announced that without objection the amendment as amended was adopted. There was no objection. Then the Senator from Minnesota rose and said he wanted to offer an amendment. The Chair is holding now that whether or not it was at any time in order, it is not in order now. It will be in order in the Senate. All that the Senator from Minnesota has to do is to reserve a vote on this section and submit his amendment to the Senate.

Mr. NELSON. Oh, not at all, Mr. President. I am simply unfortunate that I did not offer my amendment when the Senator who just retired from the chair ruled the amendment of the Senator from Missouri in order. It is my misfortune that I did not move more rapidly.

Mr. HOLLIS. Mr. President, thinking it possible that the previous occupant of the Chair may have ruled as he did on account of a suggestion of mine, I should like to repeat it to the Vice President.

We have been proceeding for the past week or two under a unanimous-consent agreement that we would consider the committee amendments first, and until the committee amendments have been disposed of no other Senator has been allowed to offer an amendment to the original bill. The matter just adopted, the Pomerene amendment, was to section 3, and it was the last of the committee amendments. Now, up to this time, no one has been permitted to offer an amendment to any part of the original bill save the chairman of the Committee on Agriculture and Forestry, and it seems to me manifestly unfair that Members of the Senate should not be allowed at this time, after the committee amendments are disposed of, to offer amendments to the original text. After this committee amendment is disposed of, then, of course, the ordinary rule would obtain.

The VICE PRESIDENT. The Senator from New Hampshire is not insisting, is he, that Members from the floor have not been offering amendments to the committee amendment?

Mr. HOLLIS. They have; but in this case it was a motion to strike out and insert.

The VICE PRESIDENT. Oh, no; there was not any such thing as that.

Mr. HOLLIS. That was the ruling of still another occupant of the chair.

The VICE PRESIDENT. It could not be a motion to strike out and insert, because there was not anything in.

Mr. HOLLIS. There was pending the original committee amendment.

The VICE PRESIDENT. Yes; but it was nothing but a pending amendment. It was not the original bill; it was only an amendment offered to the bill.

Mr. HOLLIS. The motion of the Senator from Ohio was to strike out of that amendment the original matter and insert new matter.

The VICE PRESIDENT. But there was not any original matter in the bill.

Mr. HOLLIS. There was original matter in the amendment that was offered.

The VICE PRESIDENT. It was not in the bill. It was proposed by the committee to put it in the bill, but it was not in there.

Mr. HOLLIS. If the Chair will pardon me, I did not say that it was in the bill; I said it was in the amendment. The Senator from Oregon offered a committee amendment as matter to be inserted in the bill in the shape of a new section. That was the matter before the Senate. It was an amendment. The Senator from Ohio moved to strike out the matter of the amendment and insert new matter in the amendment.

The VICE PRESIDENT. Will the Senator from New Hampshire inform the Chair how you can strike out something that is not in?

Mr. HOLLIS. Because we are talking about amendments and not about a bill. There was something in the amendment. It was moved to strike out what was in the amendment, and to substitute something else for it. The President pro tempore of the Senate ruled that the substitute offered by the Senator from Ohio could not be amended, because that would be an amendment in the third degree; and that ruling became the ruling of the Senate for the purposes of this amendment, as I understood it. It seems to me manifestly unfair, amendments to the substitute offered by the Senator from Ohio having been refused, not to allow them to be offered at this time, because it is the first opportunity that there has been. Otherwise, Members have been precluded from perfecting matter that they offered.

Mr. LODGE. Mr. President——

The VICE PRESIDENT. No; the Chair does not think they are precluded at all. The Chair would feel inclined to test the sentiment of the Senate upon the question if the Senator from Minnesota were losing any right that he has. He is not losing a right. It is simply being deferred until the bill gets into the Senate. If he had lost any right the Chair would be much inclined to coincide with the view of the Senator from New Hampshire.

The Chair does not believe that these rules ought to be so construed as to preclude any Senator from offering any amendment that he wants to offer to a bill; but this does not preclude him. It simply postpones him.

Mr. LODGE. Mr. President, on the question of order, if I may say a single word, as I said some time before when it was up, an amendment was proposed by the committee. The Senator from Ohio moved an amendment in the nature of a substitute for that amendment. Now, if our Rule XVIII extends to a case of that sort and is not confined to the text of the bill, undoubtedly both the amendment from the committee and the proposed substitute could be treated as separate questions, and each would be open to perfecting amendments; but if our rule is not held to extend to the case of an amendment for which a substitute is offered, then it is clear that the amendment offered by the Senator from Missouri was in the third degree.

But that does not in the least alter the next proposition, in my judgment. The next proposition, after the amendment in the nature of a substitute was adopted, was to amend the adopted amendment.

I venture to say, and I think inquiry will bear me out, that when a body has adopted a certain form of words as an amendment it is not possible to amend it at that stage—it can be amended afterwards—for the very simple reason that if an amendment has been adopted and is then open to indefinite amendment there is never an end. I see that it has been ruled otherwise, but not by the present occupant of the Chair.

The VICE PRESIDENT. The present occupant of the chair is not going back to that ruling or express an opinion upon it.

Mr. LODGE. Certainly not.

The VICE PRESIDENT. But he expresses the opinion that, after having asked the Senate whether, without objection, it would agree to the amendment as amended, and there was no objection, the Chair announcing it was agreed to, the Senator from Minnesota is not deprived of his right to present his amendment, but he is postponed for the present.

Mr. NELSON. I rose as soon as I could to offer the amendment, but the Chair was too swift in declaring that the amendment was adopted. We should not have a lightning speed here. Senators must have a little breathing space in which to offer their amendments.

Mr. CHAMBERLAIN. Section 3 has been finally disposed of, has it not?

The VICE PRESIDENT. Unless there is an appeal from the decision of the Chair.

Mr. FLETCHER. Will the Senator allow me to make a statement in regard to section 3? I understand the Chair holds that any amendment proposed to this section is ruled out of order.

The VICE PRESIDENT. It is amendable in the Senate.

Mr. FLETCHER. I am now giving notice to reserve it for amendment in the Senate.

Mr. CHAMBERLAIN. I offer the following amendment.

The VICE PRESIDENT. It will be read.

The SECRETARY. Strike out all of section 1 and in lieu thereof insert the following:

That, by reason of the existence of a state of war, it is essential to the national security and defense, for the successful prosecution of the war, and for the support and maintenance of the Army and Navy, to assure an adequate supply and equitable distribution, and to facilitate the movement of foods, feeds, and fuel, including kerosene and gasoline, hereafter in this act called necessaries; to prevent, locally or generally, scarcity, monopolization, hoarding, injurious speculation, or manipulations affecting such supply, distribution, and movement; and to establish and maintain governmental control of such necessaries during the war the President is authorized to make such regulations and to issue such orders as he may deem advisable to carry out the provisions of this act. He is further authorized and directed to appoint, by and with the advice and consent of the Senate, three commissioners, at an annual salary of $7,500 each, payable monthly, who shall constitute a board of food administration, and who shall perform such duties in carrying out the purposes of this act as the President shall direct. One of said commissioners shall be a farmer actually engaged at the time of his appointment in the cultivation of the soil. The President shall designate the chairman of said board. Said commissioners shall hold office at the pleasure of the President during the continuance of the war.

Mr. McCUMBER. May I ask whether that comes as a committee amendment?

Mr. CHAMBERLAIN. No; it is not a committee amendment.

Mr. McCUMBER. Does the Senator expect a vote on it right away?

Mr. CHAMBERLAIN. Not if anyone wants to discuss it. If there is no discussion upon it, I would ask for a vote.

Mr. McCUMBER. I do not desire to discuss that particular amendment, but I have already presented and had read an amendment. I yielded the floor that the other might be disposed of, with the expectation of going ahead with the amendment which I presented just before we disposed of the amendment known as section 3. If the Senator expects to get a vote on this amendment right away, I would rather yield and dispose of it, because I wish to have a vote upon the amendment which I propose to discuss for a few moments.

Mr. CHAMBERLAIN. I do not care to ask for a vote now. I would be glad to have the Senator go on with his proposed discussion.

Mr. McCUMBER. Mr. President, I desire to call attention to section 8 of the present bill and its provisions. Section 8 provides:

That the President is authorized, from time to time, (a) to requisition foods, feeds, fuels, and other supplies necessary to the support of the Army or the maintenance of the Navy, * * * and he shall ascertain and pay a just compensation therefor.

I assume that if the President makes a requisition on foods and feeds and fuels he will adopt some kind of a rule to determine what is a just compensation therefor, and before we make this measure a law we ought to understand thoroughly just what power we are giving to the President and how that power will be exercised. The President may have one idea of what constitutes just compensation when it applies to the purchase of coal, and he may have a different idea and a different rule to be applied when he makes a requisition for grain and desires to pay just compensation therefor. I want the same rule to apply in both cases and in all cases. I have therefore offered an amendment to secure that result.

Mr. President, the amendment which I have offered will follow the word "therefor," on page 10, line 22, of the bill as reported on June 27. This amendment is as follows—and I really want the attention of Senators to the proposition:

In determining the compensation to be paid for farm products all labor employed in producing the same, whether furnished by the farmer or members of his family, including the necessary domestic service, shall be computed and allowed for at the same rate of wages paid for like labor, or labor requiring a like degree of intelligence and arduous efforts, in other lines of business or trade; and in addition thereto there shall be allowed as a charge in the cost of production a reasonable rate of interest upon the capital invested in both real and personal estate and a further reasonable charge for deterioration and upkeep. There shall also be taken into consideration the increased cost to the farmer of all necessary farm equipment, food and clothing required, and other advanced cost in the ordinary necessaries of life.

Mr. President, before proceeding to the merits of this amendment I wish to say just one word in reference to the bill itself. I have heretofore taken no part whatever in the discussion of the bill.

Only a short time ago the Senate, after a very long and strong debate, lasting for weeks, passed a bill providing against the hoarding of foods, feeds, and fuels, or other articles necessary for the support of the Army and the Navy. We prohibited any undue or improper speculation in any of those products. We further provided a penalty for any act done in the handling, in the storing, in the selling, or in the distribution of any of those products which would unduly and improperly enhance their value.

This comprehensive measure did very much for the assurance of an adequate supply of the necessities at reasonable figures. That was the first act passed by the Senate. Then, for the purpose of assuring prompt transportation of food and other products necessary for the support of the Army and Navy, there was passed in the Senate, which, I believe, is now a law, a bill empowering the President to authorize and direct that preference be given in the matter of shipments of one article over another. The purpose of that law was to assure that the people should have the necessaries of life promptly and in adequate quantity where it was needed. If it was necessary that wheat should be given a preference in shipment over pianos the President had a right to direct such preference. Goods offered for shipment must give way to those articles deemed more necessary in the prosecution of the war and for the support of the people of the United States.

Nor did we stop there, Mr. President. For the purpose of further conservation we authorized the President of the United States to lay an embargo against the exportation of feeds, foods, and fuels, or any other article necessary for the prosecution of the war, to any other than those countries engaged with us in the war against the great central powers.

It would seem to me that when we passed these three bills we had practically done all that was necessary, but I admit that there is one further thing that ought to be done, and that is to grant the authority to commandeer any of these necessary products at a reasonable compensation to be used either for the support of the Army or the Navy if necessary. And after commandeering them, if we find we do not need them, that they might be disposed of for the benefit of the public. The right to commandeer, of course, must be based solely upon the necessities of war. Now, it is evident that the Senate and House are not at all satisfied with the powers already conferred, or with this additional power of commandeering for the benefit of the Army and Navy and for war purposes, and it is desired to give the President extensive powers in dealing with many of the commodities which enter into our daily life. I do not believe myself that all these powers are necessary, but I am inclined to vote for the bill. I shall vote for it, however, with the conviction that while we give broad and sweeping powers, neither the President of the United States nor any commission or committee will ever attempt to exercise all of the powers given in the bill. I am satisfied of that, because I know that no one man nor any thousand men could operate in an orderly way and without conflict of all the business of the United States, that is now performed by 100,000,000 people, and I assume naturally that no one will ever attempt such a colossal task.

I believe, however, that it is proper, if not necessary, to clothe the Executive with authority that will enable him in an emergency to seize upon any product in the United States necessary for the conduct of the war, or to even go beyond that and seize upon the source of production for the purpose of hurrying the process of production of things which may be necessary before we get through with this calamitous conflict. So I shall vote for some provision of this kind.

I believe that most of the purposes, the intendments, in the bill will be brought about through the power of persuasion rather than through the power of law, but I am willing to grant the law lest I may leave the Executive, as Commander in Chief of the Army and Navy, in a position where he will not be able to use the entire power of this great Nation and all of its resources in the prosecution of this war.

Under section 8 the President is authorized from time to time to requisition food, feeds, and fuels necessary for the support of the Army or the maintenance of the Navy, and he shall ascertain and pay a just compensation therefor. Now, how will he proceed in case he makes a requisition upon our coal fields, or upon the products of those fields, to determine what is a just compensation? What will be his first act? It will be this: He will first determine what is paid out in labor wages per ton to bring that coal to the surface. That is the first thing to be considered. He will then take into consideration the cost of transporting that coal to any given point. He will not attempt to interfere with the scale of wages adopted by the miners' unions or fixed upon by agreement between the operators and their employees.

The third thing that he will do will be to ascertain all other overhead charges, and after he has ascertained all of these they will be entered as charges against the cost of production. Nor will he stop there. He will make allowance for the deterioration in the machinery that is used. He will then make an allowance for all interest paid on borrowed money used in operating the mines. Finally he will ascertain the amount invested in that busines and after making allowance for all these expenses he will allow a reasonable return upon the investment.

Mr. President, that is what he would do in case he was commandeering any quantity of coal for the benefit of the United States.

Mr. CHAMBERLAIN. May I interrupt the Senator for a moment?

Mr. McCUMBER. Certainly.

Mr. CHAMBERLAIN. What is there in the bill which the Senator seeks to amend—that is, the particular section sought to be amended—with reference to just compensation that the Senator's amendment is intended to cover? In other words, in ascertaining what is just compensation under the section the Senator seeks to amend what is there that he would include that is not included in the original section?

Mr. McCUMBER. I would fix the rule to determine that just compensation so that the rule applied in determining a just compensation in the matter of one article would be applied in the matter of compensation for another article.

Mr. CHAMBERLAIN. Would not the same rule be applied in ascertaining what is just compensation?

Mr. McCUMBER. No; it would not; and I will in a very short time show the Senator why it would not.

Mr. President, I propose to assure by this amendment that the same rule which shall be applied by the commission or

anyone authorized by the President of the United States to act for him shall be the rule that will be applied in the requisition of steel or coal or copper or any other article that is mentioned in the bill.

If I felt, as the Senator seems to feel, that that rule would be applied in the one case as in the other there would be no reason for this amendment, as I am certain that the rule which I have mentioned will be applied in all of these other cases. Why not in the case of foods? It is because the consumers in the large cities have for a hundred years and more received a compensation and have had applied to them a rule to measure the value of their products so different from that compensation and that rule which have been applied to the producers of cereals and other farm products that they would not be willing to adopt a rule that would equalize the compensation or conditions of both classes. The pressure would be so great against such a rule that we never could get it applied, unless we put it in the law. If we shall put that in the law, you can throw to the winds all of your provisions relative to a minimum price. The farmer will not ask for any. All he will ask for, Mr. President, will be just and fair treatment, exactly the same that you would give to any other line of business. He will be satisfied with a reasonable profit upon his investment and a reasonable wage scale for himself and family.

I am putting it up to you, Senators, who have been talking in favor of the farming interests of this country so long, not only throughout all the years that I have been here, but with redoubled vigor in the discussion of the provisions of this bill. I have not failed to note your tones of pathos nor the briny tears that you have shed in discoursing upon his rights; but I have been a little skeptical as to whether when you were brought right up to the point of decision you would be willing to make your sentiments effective and give the American farmer all that he has ever asked, and all that he has ever been entitled to—just compensation for the labor he employs and for the capital he uses in producing the things which you purchase from him.

Mr. President, I want the Congress of the United States, which represents all of the people, to make a rule that will be fair and adequate as a rule of compensation in fixing the price of anything that the Government may see fit to requisition during the progress of this war.

Every other business in the United States is operated and run upon the theory that that business shall pay, first, all the labor employed; that it shall pay, second, all salaried officers' wages; that it shall pay, third, all overhead charges and insurance and taxes; that it shall pay reasonable allowance for depreciation; and, finally, that, after you have charged all of those things against the gross receipts, that it shall pay reasonable returns upon the investment. Are you willing to apply that rule to the farmers' products in case it is necessary to commandeer any portion of them, or in case it is necessary to fix a minimum upon them?

Mr. President, if any man in my State were to operate a farm entirely with hired labor, he could not afford to farm less than one section, or 640 acres of cultivated land. I will place the average price of that land in the State of North Dakota at $50 an acre. That will require an investment of $32,000 for land alone. In addition to that, there would be an investment in the ordinary farm equipment that is used on a farm of that size of about $8,000 in value. Therefore, the entire investment in farm and farm equipment would be about $40,000.

Mr. President, it requires a man of more than mere ordinary ability and intelligence to successfully operate a farm of that size and with that much invested capital in a manner that will bring in a return upon the investment. You can not pick up your ordinary laborer, to whom you are paying from $3 to $3.50 a day, place him upon such a farm and expect him to make a success of it. He would fail the very first year. Therefore, I say it requires a man of more than ordinary intelligence, and just as much intelligence and more of the elements of economy in his make-up than it would require to run the ordinary mercantile or other business with a capital, say, of $40,000. My position, therefore, is that such a farmer should receive a compensation as great as you would pay to anyone you would employ to take charge of a business in which you would have to invest a capital of $40,000.

Mr. President, you can not operate a farm without cooks and other domestic help. You have got to have your female employees. What difference, then, should it make whether the farmer employs his own wife to do the cooking upon that farm or whether he employs some one else? What difference should it make whether the labor in waiting upon the table and in taking care of the ordinary household affairs is performed by the farmer's grown-up daughter or whether he hires that help? Both are worthy their hire. I want to be certain that in fixing your "just compensation" you allow for that service.

Let me put the proposition up to the junior Senator from Utah [Mr. KING], who yesterday thought that if we allowed the laborer the same wage upon the farm as is allowed in the cities for work on the streets, wheat would be worth $5 a bushel. Let me ask the Senator, Is he a housekeeper in the city of Washington? If he is, he probably has a cook and a waiting girl as well. If he hires white help, he probably pays them each from thirty to forty dollars a month; and if he hires colored help, he pays certainly not less than from $20 to $25 a month. You have got to hire a cook for your ordinary domestic service in the cities, with Wednesday afternoon off or Sunday afternoon off, and you pay, we will say, that cook $25 a month. That means $300 a year. Can you get any cook for $25 a month who will measure up in capacity and ability to do good cooking with the ordinary housewife upon the farm? If you are paying $25 a month, then, for your cook, should you balk at paying the farmer for his product a compensation that will allow him to turn over to his good wife, who labors 15 to 18 hours a day upon the farm, the equivalent of $25 a month?

If you are paying $20 or $25 a month for your chambermaid, would you object to paying $20 a month to a good North Dakota white girl out on a farm, who is up at 5 o'clock in the morning and never thinks of retiring before 10 o'clock at night? Would that be an excessive charge? Would I be asking too much if I asked the Senate to fix a compensation for the product of that labor equivalent to the compensation which is paid to the cheapest labor in the entire United States? If you wish to be fair, if you really wish to do justice to the farmer, then stand with me for an amendment that will give him this justice. It may be said, "Why, the wife gets her board." Yes; and so does your cook. It may be said, "The daughter gets her board." Yes; and so does your chambermaid get board and lodging. Just treat our North Dakota good girls as fairly as you would the colored waiter; treat the North Dakota farmer's wife with the same consideration that you treat the colored woman who does your cooking here in the city. That is all the farmer is asking of you.

The trouble lies in the fact, Mr. President, that you of the cities have so long enjoyed a preference and an advantage in wages and in everything that tends to the sum total of human happiness that you are struck with horror when there is presented to you a proposition that you shall treat the people from whom you purchase your food with the same consideration as you yourselves ask to be treated.

Mr. President, if the boy stays upon the farm, instead of going to the town, where he can get from five to six dollars a day; if he gets up at 5 o'clock in the morning, takes care of the stock before breakfast, then works until 8 o'clock at night, and then takes care of the stock again in the evening before he retires, do you not think that that boy ought to be encouraged by allowing a compensation for the things he produces which will yield him from two dollars to two dollars and a half a day? If that boy must go to town and hire a laborer to assist him and pay that laborer from $3 to $4 a day to work 8 hours do you not really think that he is entitled to more than 20 cents a day for his own work of 16 hours a day? That is the question involved in my amendment.

All we ask is that you treat the farmer and the farmer's business exactly the same as you treat the merchant and the merchant's business and the banker and the banker's business. If the merchant employs his son in his store, he pays him the usual wages, and they are charged against the operation of that business. If his daughter is employed as bookkeeper or clerk, he pays to her the ordinary wages, and charges them up against the business. That is fair; it is exactly what ought to be done. He is allowed to make a return upon his investment after paying those wages. Am I asking too much if I ask that the farmer conducting his business be allowed exactly the same charges against his receipts and his gross profits as are allowed in the other lines of business?

What I want is a condition under which one hour of labor upon the farm will purchase just as much of the things necessary for human comfort and happiness as one hour's labor performed upon the streets of the city. We can never have equal justice between the different trades and professions until the amount of human energy expended in one business will purchase as much as the same amount of human energy expended in any other line of business. Is there anything unfair in that proposition? If the ordinary laborer working eight hours a day at 50 cents an hour can purchase by an hour's labor 10 loaves of bread, then do you not think that the farmer is entitled to receive for his services in producing the flour that went into that bread

as much as the ordinary laborer receives? That is exactly what this rule will mean if it will be accepted and applied.

Now, Mr. President, we have an anomalous situation. Here is the farmer complaining because he does not receive for his labor a compensation equivalent to what he is paying for the things he purchases. On the other hand we have the ultimate consumer complaining that the price of his foods are exorbitant, and he cries for relief.

How are you going to solve this difficulty? Is the complaint of the farmer well founded? You say he is right. You say he is not receiving any too much for what he produces even at its present high price. You also say that the laborers are not receiving any more than they should for their labor. Now, some one is at fault for this high cost of living. Who is it?

You are cautious in arriving at your conclusion. You say, "It is not the farmer's fault. We can not blame him. We can not pass any legislation that would cut down what he receives." He has too many votes. Then you turn around to the laborer and you say, "It is not his fault"; and to the ultimate consumer and you say, "It is not his fault. We can not blame him." He has quite a few votes, also. Then you say to the retailer, "Why, it is not your fault. You are not receiving any more than you ought to, and therefore we will exclude you from the operation of any of these restrictive laws." Finally you light upon the middleman, the cold-storage man, and the wholesaler. He is the fewest in number, and therefore all of the evil is laid upon his shoulders.

Now, Mr. President, you know and I know that that is not wholly true. Undoubtedly these middlemen of whom you complain so much should bear their fair share of the blame for the present high cost of living, but they are not wholly at fault by any means. What, then, is the trouble? Where is the initial cause of all of this disturbance and this dissatisfaction?

Mr. President, it is not hard to find if we will only be courageous enough to look for it. It lies in the maladjustment of the earning capacity of the several classes of American citizens—a maladjustment that has been brought about by combination with a constant pressure shoving up certain salaries and wages higher and higher and higher, month by month and year by year, without any corresponding increase in the earning capacity of other classes.

There are two things that are vitally necessary for the American people. One is houses to live in; the other is buildings in which to do business. Both of those are essential; and while those should be the cheapest things in the United States, by reason of this maladjustment in scales of wages and hours of labor they are the most costly and expensive things in the world.

Mr. President, out of all just or reasonable proportion to all other wages and earnings are the enormous wages of those engaged in the several building trades. The boy who has been educated here in your high school, and who has obtained a trained and an expert mind, fit for almost any line of business, will go searching over the country to get a position in the line of his education which will pay him to start with from $40 to $50 a month. The boy who has taken no time whatever for an education, and takes the time that this other one gives to his high school or his college and enters into the building trade, in a few months is commanding from $5 to $8 a day. While one is struggling to find a position at $40 a month, or $1.25 a day, the other is organizing strikes to raise his wages from $4 to $4.50 per day schedule to $5 and $6 a day.

Mr. SHERMAN. Mr. President, before the Senator leaves that very interesting analysis, will he permit me to make an inquiry?

Mr. McCUMBER. Yes.

Mr. SHERMAN. What does the Senator think of the overorganization of skilled labor where, for instance, in a painters' union, when a painter comes to my house, one is forbidden to paint wooden surfaces because he is a painter only of metal surfaces, and therefore another one has to come after he gets through? I give that as an illustration. It has actually happened a number of times; and that same degree of overorganization and overtraining extends to a great number of trades.

Mr. McCUMBER. Yes; with the result which I have stated, that it has added so enormously to the cost of your home, so enormously to the cost of every building in which business is being done in the United States that it has made them cost from three to three and a half times what the same homes and the same buildings cost 20 years ago. Never were rents so high as they are to-day; and inasmuch as in the ordinary line of business the business man must turn over his capital every month to pay the rent alone, an equivalent of 1,200 per cent a year just to take care of the rent in the ordinary, average small businesses in the United States, is it any wonder that the retail price of everything has gone up by leaps and bounds, driven up by the higher cost of rentals? Is it any wonder, then, that the clerk who is receiving from forty to sixty dollars a month finds living extremely high, when he must buy everything that is purchased out of buildings constructed by other labor that runs from five to ten dollars per day? The high cost of our living is not at all surprising.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to his colleague?

Mr. McCUMBER. I yield to my colleague.

Mr. GRONNA. In connection with what the Senator from Illinois has said, I do not want the Senate to understand that the farmer is not confronted with the same condition mentioned by the Senator from Illinois. In substantiation of what he has said, I know from personal experience that the so-called organized labor, when they perform work upon the farm, will refuse, for instance, to set up corn shocks. They will drive the binders, but they will refuse to drive seven horses pulling a triple plow. You may be able to induce them to drive four or five, but they will not drive seven or eight, as we have to do in my country. Now, that adds a further expense, and it makes the farm products cost the farmer more, just as well as it adds to the expense in the cities, as the Senator says.

Mr. McCUMBER. Yes, Mr. President; and I want to tell my colleague why we suffer more than he indicates by his remark. There has been a battle going on for 20 years between capital and labor in the manufacturing and in the building trades. Labor strikes for higher wages. Capital battles for a while and gives in and raises the wages. Then capital has to get a return upon its investment and raises the price of its products. It charges more back to the labor for the same thing that the labor produces. Then labor strikes again, because of the higher cost of living, and his wages go up, and then capital charges just so much more to get a return upon the investment, and then labor strikes again for more wages to pay for the higher-priced commodities which he must purchase. And so this everlasting jackscrew process goes round and round and round and pushes the prices of manufactured products higher and higher and higher, while the farmer and those who are not engaged in unionized labor, the farmer and the clerk, must still go on doing business and selling products at the same old rates, while buying back on this higher wage-scale basis.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. McCUMBER. I yield.

Mr. BORAH. What is the average annual wage of the manual laborer of the United States?

Mr. McCUMBER. In that which pertains to the building trades, the line of work I am discussing, it will run from $5 to $8 a day now for a so-called eight hours a day, with very leisurely labor.

Mr. BORAH. The average annual wage of some 85 per cent of the working men of the United States is about $900 a year, according to the statistics.

Mr. McCUMBER. Well, that is $3 a day.

Mr. BORAH. Yes; that is $3 a day.

Mr. McCUMBER. The average wage of the farmer is 20 cents per day.

Mr. BORAH. But what does the Senator say as to the ability of a man to maintain himself and his family and educate them on $900 a year at the present high cost of living?

Mr. McCUMBER. I am just explaining that. I say that those receiving the smaller wages and those with fixed, small salaries, suffer the result of this maladjustment of earning capacity; nor do those who secure the higher wages get the entire benefit of the higher wages, because after running up their wages to $8 and $10 a day they make the cost of everything that they produce cost just so much more to each other. While, of course, they get some benefit, they do not get the entire difference between the lower wage scale and the excessively high wage scale.

Mr. President, I have stated that these laborers themselves do not reap the full benefit of the higher wages that are paid them, and I am referring now to the building trades generally, because therein lies the greater trouble that is at the bottom of the higher charges for everything that is handled and sold at wholesale or retail in our great cities. Those are the things that are charged up finally to the ultimate consumer. And that is not all. These excessively high wages—and I am speaking of them as excessively high simply in comparison with other wages—have resulted in stopping the normal development along very many lines. Many people would like to build homes but they can not pay $6 and $8 a day for the labor which must be

employed. They can not afford to pay that much to build a home. Therefore there is no home built. I can find plenty of people right here in this city whose homes need replastering. They can not pay $6 and $7 a day to do it. Their homes need repapering. They can not afford to pay those onerous charges. Men who are earning $60 a month or $80 a month can not afford to pay from $5 to $8 a day for the work around their homes, and therefore the work is not done. Were these things equalized there would be a greater demand for all kinds of labor, and that of itself would equalize to a considerable extent the maladjustment, as I have expressed it, in wages between the several classes.

I have stated before that an estimate made in 1912 by the Agricultural Department showed that the farmer that year, including his wife and grown-up sons and daughters upon the farm, earned a net compensation of about 20 cents a day. That was his net earning. Now you are asking these people to produce wheat cheaper in order that others that are earning $5 and $6 a day may not have to pay so much for their bread. Have you ever stopped to think that your bread bill is the lowest bill you have in the United States?

Have you ever stopped to consider that the average American citizen consumes one barrel of flour, or about 196 pounds of flour, a year, and that even if it were $15 a barrel the entire cost of the staff of life per individual per annum would be but $15? Do you know of anything else on the face of the earth as valuable as flour that can be purchased so cheaply?

Mr. SHERMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Illinois?

Mr. McCUMBER. I yield.

Mr. SHERMAN. I know that it will be most gratifying information to everybody when I state that I noticed this morning on a grocery bill that since certain indictments have been returned in Washington my loaf of bread has been reduced from 15 cents to 10 cents. That is the only evidence I have seen of governmental power in the District of Columbia since I have been in Washington.

Mr. McCUMBER. Oh, Mr. President, if people would do their own cooking, a loaf of bread would not cost them very much. You spend in this city ten times as much for your nickel and 10-cent shows as you do for bread. Before you begin to shriek about the high cost of bread, had you not better cut out a few of those things? You pay twice as much for cigars as you do for your bread. Before you begin to complain about that, had you not better cut out at least one cigar a day, and give the farmer an honest compensation for his wheat?

Mr. SHERMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota further yield to the Senator from Illinois?

Mr. McCUMBER. I do.

Mr. SHERMAN. If the Senator will yield, of course he does not make any personal allusion in looking at me.

Mr. McCUMBER. No.

Mr. SHERMAN. Because I always have to look at a man to understand what he is saying. I do not smoke myself, but I would be willing to reform on anything else. Why should not the dwellers in cities cut out ice cream? I wish to inquire of the Senator what effect that would have. There is more spent for ice cream, in my judgment, by every dweller in the city than there is for bread. Talk about luxuries! Bread may be a necessity—I think it is—but the material used in making ice cream can be used for something else, and it would go much further for drinking or in the form of cheese than it will in ice cream.

Mr. McCUMBER. Your soda water, the soda-fountain products, ice cream, and confectionery that are sold with it amount to more than the American people pay for their flour.

Mr. SHERMAN. Every day?

Mr. McCUMBER. Every day to double the amount they pay for their potatoes. Yet we are declining to take any steps at economy in these lines.

Mr. President, there are good, kindly ladies in this city who will pay $5 to hear some lady sing—who, by the way sings for 50 cents in her own country—will pay $5 for a sent in a theater and then complain because buttermilk is 5 cents a glass. Do you not think you had better start your reform right where it belongs? If you or any of those people who are complaining against the farmer's prices for his products will live on what he and every member of his family live on, you can still pay as much as you are paying to-day for any farm products and grow rich each year.

The trouble is, Mr. President, that we can not deny ourselves any of these luxuries. We can not deny ourselves the luxury of travel. I am speaking of those whose earnings are excessively high when compared with the farmer's earnings. I know there are many in these cities who are underpaid. There are department stores, where poor girls are working at from four to six dollars a week, a shamefully low wage, but I must admit they are not quite as economical as they might be. If one would go into your theaters or into your picture shows, he would find all of them loaded to the limit with these same people. New York is complaining about what people have to pay for farm products, and yet you can not get a seat in a theater in New York unless you engage it a week or two ahead, so I am informed; I do not go myself.

Mr. President, I am asking the Senate when the proper time comes to vote upon this bill that it shall simply apply to the product of the farmer the common rule which you apply in fixing the price of every article which you will commandeer. The committee, I believe, has agreed upon another provision, and that provision is a minimum wage. It is unfair in every respect; it is bound to be unfair. One dollar and seventy-five cents a bushel for such a crop as we raised in 1915 might be unjust to the consuming public.

Mr. GRONNA. Mr. President——

Mr. McCUMBER. If we raise what we raised in the year 1916, $1.75 a bushel is not sufficient to pay the farmer. But why can you not adopt a system such as I have suggested, and just say to the farmer, "If you will put your land into wheat, we will allow you a compensation that will take care of your labor at reasonable rates, all the labor, that will pay your borrowed money interest for running the farm, and will then give you a reasonable return for the money you have invested in your business."

Why would the farmer rather have this? Because heretofore he has never received any wages. As my colleague has told you, he works for his board and very cheap clothing. His wife and his daughter and his son work on the farm the year round for what little clothing they have, and there are no evening dresses to pay for, and nothing else do they receive. Now, just assure him honest pay for his labor and 6 per cent upon his investment in land and equipment, and he will be satisfied. Then if he raises only a half crop, of course, he will receive a better price per bushel; if he raises a very large crop, he will not receive as much per bushel; but he will receive justice in both instances, and that is all he is after. I yield to my colleague.

Mr. GRONNA. If my colleague will permit me, I wish to correct him. I understood his statement to be to the effect that the committee has agreed upon a minimum price. I wish to say for the information of my colleague that the committee has not agreed upon any minimum price.

Mr. McCUMBER. An amendment was brought in in which it was proposed, and I supposed it was a committee amendment. I know it is printed.

Mr. GRONNA. I do not think it was even submitted to the Committee on Agriculture.

Mr. McCUMBER. I am glad to hear that. I simply want to say that there is another objection to this price. Where are you going to locate it? What point will you fix for determining your price? What kind of grain will you apply it to? There are eight different kinds of wheat according to the section in which it is raised, with many subdivisions of the same species. One kind is not worth as much for flour as another. One farmer may have to ship from eastern Montana to Minneapolis, another may have to ship only from a little point out of Minneapolis to the mills there; so no price that you could fix would even approximate equal justice.

Therefore, Mr. President, I ask in lieu of any attempt to fix a minimum price that we shall simply provide that we will treat the farmer the same as we will treat the coal operator. If you will do that, he will be satisfied and the rest of the people ought to be satisfied.

Mr. GRONNA. Will my colleague allow me to interrupt him?

Mr. McCUMBER. I yield, Mr. President. I yield the floor.

Mr. BECKHAM obtained the floor.

Mr. GRONNA. May I have the privilege of asking my colleague a question?

The VICE PRESIDENT. The Senator from North Dakota took his sent and the Chair recognized the Senator from Kentucky.

Mr. GRONNA. I was standing here, desiring to interrupt my colleague.

The VICE PRESIDENT. The Chair knows the Senator was standing, but the Senator from North Dakota, who had occupied the floor, had taken his seat.

Mr. GRONNA. Very well.

The VICE PRESIDENT. Will the Senator from Kentucky yield to the Senator from North Dakota?

Mr. GRONNA. No, Mr. President; I shall try to get recognition in my own time.

Mr. WEEKS. Will the Senator from Kentucky permit me to offer an amendment, to be printed and lie on the table?

Mr. BECKHAM. Certainly.

Mr. WEEKS. I offer an amendment, and ask that it be printed and lie on the table, and also that it be printed in the RECORD.

The VICE PRESIDENT. It will be so ordered.

Mr. WEEKS's amendment is to insert as a new section the following:

SEC. —. That a joint committee shall be appointed, composed of five Members of the Senate, including three Democrats and two Republicans, and five Members of the House of Representatives, including three Democrats and two Republicans, to be known as the joint committee on the conduct of the war. The membership of such committee shall be designated by the respective committees of the Senate and House which select the members of the regular standing committees. Such committee shall sit during the sessions or the recesses of Congress; shall make a special study of the problems arising out of the war, including safeguarding expenditures; shall confer and advise with the President of the United States and the heads of the various executive departments, commissions, voluntary boards, or other organizations connected with the conduct of the war; and shall make report to Congress from time to time, in its own discretion or when requested to do so by either branch of Congress. Such committee shall have power to act by subcommittee or otherwise and to send for persons and papers, administer oaths, to summon and compel the attendance of witnesses, and to employ such clerical, expert, and stenographic assistance as shall be necessary; and, to pay the necessary expenses of such committee, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $50 000, to be paid out upon the audit and order of the chairman or acting chairman of said committee.

Mr. BECKHAM. Mr. President, I have been unwilling to increase the delay in final action upon this bill by a discussion of it, and I shall not now take up much time of the Senate in doing so.

It is one that calls for prompt and speedy action, and I fear the debate upon it has already been too prolonged and that much good has already been lost by our failure to enact into law long before this the substantial features of the measure. For nearly five weeks it has been discussed upon the floor of the Senate, and it has attracted the serious and solicitous attention of the press and the people of the country. It is a war measure of the first importance, involving the discussion of fundamental principles of government and proposing legislation of an experimental and far-reaching character. Its provisions have been fully discussed upon this floor, and I believe that the country demands the earliest possible passage of the food-control bill.

It has been evident for some time that a majority of the Senators were in favor of the enactment into law of the essential features of the bill and accomplishing all possible relief by legislation from the evils at which it is aimed. I do not criticize those Senators who oppose the measure in whole or in part for the time that they have consumed in its discussion, and I do not exaggerate when I say that the greater part of the time in this debate has been consumed by those who oppose it. Its friends have desired and sought as early a vote upon it as possible, believing that time was an essential point in whatever good may be accomplished by such a law. But it is gratifying now, Mr. President, to see the prospect of an early final settlement of the matter by Congress and that by some compromises and adjustments a reasonably satisfactory law may be passed.

We shall confer great and unusual powers upon the Government by its provisions, the grant of which can be justified only upon the grounds of the extraordinary conditions existing at present in this country and throughout the world. Opponents of the bill have argued, in some instances with much ability, against conferring such unusual powers upon the Government, and argue that the Constitution of the country was being stretched, if not violated, by some of the provisions. I do not concede that their loyalty and reverence for the Constitution is greater than that of the supporters of the bill, nor do I believe that there is any provision in the Constitution that can be properly invoked to circumscribe the power of Congress and of the Government in the exercise of every authority and agency to protect the national safety and the rights and welfare of our people in times of war. It was never the intention or the purpose of the framers of our organic law to place any ironclad restrictions upon our Government in exerting to the fullest extent the power and resources of the country in meeting a national peril and in its manifest duty of protecting our land from a foreign foe.

In this European war, to which we have become honorably and inevitably a party, the food question, and I might add to it the fuel question also, has proven to be one of the biggest problems. It is of equal importance to the problem of munitions, to the raising and equipping of armies and navies. It has been shown that it is just as important to intelligently conserve and distribute our food and fuel resources as it is that our armies upon the fields of battle or our ships upon the seas should be skillfully and successfully directed.

This country has, as one of its most serious and important duties in this great struggle for civilization and liberty, to provide not only sufficient food for our own people but in a large measure to meet the necessities of our allies in that respect. We must, as far as possible, correct the waste and extravagance of food supplies which have so long prevailed among our people, and we must do our best to supply the needs of those brave and gallant peoples who are struggling across the Atlantic to beat back and overthrow the barbarous and ruthless hordes of German autocracy which threaten the liberty and the civilization of the world.

The President of the United States, with his usual wisdom and farsighted statesmanship, has seen for a long while the importance of this matter and has earnestly and energetically urged Congress to clothe him with the necessary authority of law and with these enlarged powers not for his own aggrandizement but that he might the more effectively and speedily use the resources of the country in bringing this atrocious war to an early and successful termination.

It is no time to delay action by elaborate and technical discussions of constitutional limitations. The Constitution of the United States has not in either House of Congress a more reverent or conscientious or patriotic supporter than Woodrow Wilson. No lust of power, no dazzling light of glory, has tempted him away from his early and devoted regard for that great instrument of our Government and of our freedom. He seeks this additional power for the good of our people, for the safety of our Republic, and for the success of the sacred cause for which this country with its allies is now fighting.

In times of war we have to trust our President even more than we do in times of peace. We must give him greater power and broader discretion than we would think of giving him when the country was at peace. I do not believe that any man who has been elevated to that high position since the beginning of our Government has ever abused the extraordinary powers incident to his office in time of war, and there is not one in the long list of our eminent Presidents upon whom I would not cheerfully vote to place such powers in times of our country's danger. I do not believe that either of the great parties has ever placed in that office a man, or has ever nominated a man for it, who would abuse such power. If the occupant of the White House was a member of a different party to the one to which I belong, I would support him, and just as cordially and heartily in times like these, as I do the distinguished and able statesman who now holds that exalted position. It has been one of the gratifying experiences in American politics to observe upon the floor of the Senate since this country entered into the war the almost total absence of partisanship, and the occasions have been rare, indeed, where the usual political lines seemed to be drawn.

I believe that in time of war we should not hesitate to clothe the President with ample powers for its successful conduct. Congress does not in doing so surrender permanently, if at all, any of its constitutional privileges and prerogatives. It is in almost constant session; it holds the purse strings of the Government; it alone can raise taxes and provide revenues; and it has power by impeachment to remove from office any official who betrays or misuses his trust.

The President has already selected as the head of this food-control organization Mr. Herbert C. Hoover. That gentleman has been the object of the severest criticism and of attacks even in the Senate. Personally I am not acquainted with him, nor did I ever hear of him until his distinguished and remarkable services in the relief work among the Belgian people gave him an international reputation. I have no doubt, notwithstanding the criticism of him, that the President has acted wisely in selecting him, and that he will prove in every way a most capable and competent man in the great work which he has undertaken, and which is intended by the provisions of this bill. If he should prove unfaithful or incompetent, the President, I am sure, would not hesitate to promptly remove him and put some one else in his place.

But, Mr. President, there is another element in this question which I wish to briefly discuss. It is, of course, a fact well known to all of us that in times of war the prices of necessities and commodities increase, and it is natural that there should be some increase. The reasons for such increases are so well known that it is needless for me to mention them. It is also a fact that in times of war these increases in prices are frequently even greater than are justified by any war conditions. It is a time when food speculators and speculators in every

commodity seize the opportunity to enrich themselves at the expense of the consumers and increase prices beyond all reason. That has been especially true in this country.

I believe it to be a fact that never before in the history of this country have our people been robbed and pillaged by food pirates, by gamblers and speculators in all kinds of necessities and commodities, as much as they have been in the last year. We have seen the prices of commodities, and especially of those things most necessary in the lives of our people, go to the highest point ever known, and in most instances sold over here at much higher rates than they have been sold even in the European countries that have been at war for now almost three years. The slightest pretext has been seized upon, the flimsiest excuses have been invented, to justify these increases, and yet the fact stands out beyond question that all this has been done, and is being done, because there is no power in the Government sufficiently effective to protect the people against these extortions.

Food prices have been unreasonably raised to such points that many of our poorer people are threatened with starvation, even in sight of plenty, and fuel prices have mounted so high, even in sight of inexhaustible mines and supplies, that a serious problem confronts the country when the winter comes if nothing is done to give relief. These great increases can not be justified upon any theory of the law of supply and demand. They are due largely to the avarice and greed of men and combinations of men who have had it in their power to control these supplies and to extort these ruinous and inexcusable prices. This great Government has had to stand by, limp, feeble, and helpless, while this gigantic scheme of plunder has been worked upon the people of this country.

It is not surprising, therefore, Mr. President, that much impatience and restlessness are manifested among the great majority of the people of this country at the delay of Congress in providing some relief. They have not been as much interested as some of us may think in the very able and fine-spun discussions upon the Constitution, upon the relative powers of Congress and of the President; nor have they been alarmed by any fear that we might confer too great powers upon the President and the Government.

If a burglar enters a house to ply his trade, the master of that house is not going to lose any time in listening to any discussions, however able or however eloquent, as to the ownership of a gun or weapon within his reach, but he will promptly seize the first and best weapon he can get to overcome the burglar and drive him from his house. The parallel is not overdrawn, because if there ever was a time when our people were being robbed and when burglars were in their homes that time is now and has been for many months.

There is no doubt in my mind, Mr. President, that the vast majority of the people of this country are ready and anxious to trust to the fullest extent the President of the United States in using whatever powers may be conferred upon him for their good and welfare and for the protection of our country in the critical conditions in which it is now placed.

I have the utmost confidence in the discretion, the ability, and the patriotism of the President, and I shall not hesitate to give my vote upon this or any other measure during this war to clothe the President with every reasonable power to uphold the dignity and honor of our country and to use the mighty arm of this great Nation in striking down the arrogant foe that would not only establish its imperial dominion over all Europe, but would extend, if possible, its hated power to the shores of our own land.

Mr. HUSTING. Mr. President, I rise for the purpose of asking the indulgence of the Senate for a little while in discussing the merits of the pending bill and the arguments which have been made against it during the past five weeks. Before entering upon the discussion of that, however, I want to reply, as briefly as I can, to some of the statements which have been made this afternoon and during the past few days in regard to purchasing supplies for the Government.

I am very glad that the amendment of the Senator from Missouri [Mr. REED] was adopted, and that the powers granted under this bill to the various boards do not permit or in any way relax the rigid rule which forbids men in public service to purchase commodities from themselves. I think the discussion has been very helpful, and I am sure that the gentlemen who are placed in a very delicate position as regards commodities that they sell will not be surprised or offended if a jealous supervision and a watchful eye is kept over all the proceedings with which they are connected both as public officers and as private individuals. It in nowise imputes to them bad faith, and it is the duty of the Senate to see to it that the highest and loftiest sense of honor on the one hand and vigilance and jealousy on the other go hand in hand between the two interested parties in these transactions.

I heard the statement of the Senator from Iowa [Mr. KENYON] in regard to shoe contracts, and I merely want to take occasion to observe that it seems to me that in the letting of any contract in which any member of the advisory board or any subcommittee is involved the utmost care should be taken that when one in the public service deals either directly or indirectly with the Government in the way of selling that which is his own he should observe the strictest punctiliousness and stand so straight as to lean backward rather than forward.

When, as it appears in this case, any gentleman connected with a large war order is put in a position where for certain reasons he is justified, or his firm is justified, in exacting a higher selling price from the Government, I believe the burden is on him to show that he is so justified; and that he should anticipate any criticism by a frank, full statement as to why he charged more for the commodity, with the selling of which he was connected, than those who underbid him. I think that should be the case in all selling contracts; and because of the peculiar situation in which the Government finds itself, it seems to me that this ought to be handled with the greatest carefulness, so that ugly and sinister rumors and accusations will not creep in to an otherwise already complicated situation; and so that men intrusted with certain public duties will not invite or even furnish the slightest basis for criticism or suspicion which will reflect on the men themselves or give cause to bring themselves into disrepute; and further that they will not place a weapon in the hands of anyone to bring the Government into disrepute or impair the public faith and confidence.

But, Mr. President, I do not understand that any of these gentlemen are making contracts. I have it from high authority that the mode of selling goods to the Government is very much like this: On July 3, in the RECORD, a list of the Council of National Defense is given, which is composed of Cabinet officers. Then the advisory board, headed by Mr. Daniel Willard, is a body of men appointed to advise the Government, but not to make contracts. In turn, subcommittees are appointed, and you will find in the CONGRESSIONAL RECORD of July 3 the names of the men who have been selected, who are supposedly possessed of the highest degree of technical knowledge and experience concerning the subject matter with respect to which they are going to advise. Of course, in selecting these experts it seemed to be necessary to find men who knew something in a practical way of the subject matter with respect to which they are to advise, because per necessity it seemed that men had to be taken who were in the business, because it was thought difficult, if not impossible, to have gotten anybody in any other way with the practical knowledge required of an adviser.

Right here I want to say something about the inconsistencies, or which appear to me to be inconsistencies, which have appeared in this debate. The attacks that have been made upon this board have been because of their connection with the business of the country. They are criticized and attacked very severely for that. In the case of Mr. Hoover, he is attacked, on the other hand, because it is said he has not any business here at all. So it would be very difficult to satisfy the objections of Senators who, on the one hand, criticize boards and officials because they are interested in the matter and have substantial interests in the country, and then, on the other hand, condemn men because they have no business interests in the country whatever.

To refer again to these advisory boards, these gentlemen are there in an advisory capacity. I understand that the way the contracts are made is that a proposed purchase is first laid before a subcommittee composed of men all of whom are familiar with the particular line of business. They agree among themselves as to the value of the product. They can not fool one another, as each member of the committee knows just as much about it as the other. When they have finally agreed upon a price the matter is taken up by the higher advisory board, and the advisory board then goes over it. The advisory board has nothing to do with the particular commodity or business. Perhaps one or two of the members have, but the great majority of them are men outside of the particular line of industry. They, in turn, after they have agreed on the terms, take it up with the Council of National Defense, namely, the Cabinet officers of the Government. These men, whether they are on a subcommittee or the advisory board, take the same oath of office to support the Constitution of the United States and the laws of the United States as that taken by the Cabinet officers themselves.

The Council of National Defense, including the Cabinet officer who has the matter immediately within his jurisdiction, takes this matter up among its members, and, after having advised

with one another, decides as to what should be done. I understand that the particular Cabinet officer having jurisdiction of the subject matter is the man who finally executes the contract, places his honor and his reputation back of the contract, and is the man who makes the contract. Every Cabinet officer who makes a contract is held responsible for the fairness of that contract.

So, although we hear so much discussion about men making contracts with themselves, we find on analysis that they make no contracts, but that the Secretary of the department which has the matter in hand makes the contracts, and he alone is responsible for the contracts. It is important to settle that question, because then it resolves itself down to this: Have we got faith and confidence in the men who are going to execute the contract, viz, the Cabinet officers?

We of the younger generation know from hearsay, at least, what happened during the Civil War. According to all accounts, there was scandal and a great deal of it. Ugly charges were made, and we understand to-day that men made profits and wealth out of the distress and suffering of their country and of their countrymen. There was plenty of scandal in 1898. There was the embalmed-beef scandal, and there were others, as well as very ugly rumors, which have not died down to this day. I do not know what system they had at that time, but evidently, as good as it was, it was bad enough; it was so bad that even scandals growing out of the Civil War have survived to this late date, over half a century afterwards, and are still a stench in the nostrils of the people. Now, it is only fair to say that under the present system thus far no case of dishonesty has been substantiated. Even though intermediaries have been in some instances interested, the administration by its officers has been able to safeguard the public interest, and it is also only fair to say that it also appears that the men advising the Government have in many instances rendered valuable and patriotic service.

I hope I will not be charged with partisanship when I say that as to this administration not a breath of scandal has touched it since it has been in power. No suspicion has been directed against any member of the Cabinet. The only charges which have been made against the members of the Cabinet and the President of the United States is that they have been too penurious and parsimonious, too jealous and watchful of the interests of the Government, because they have screwed some prospective contractors down too tight.

The only complaints that have come came from men who have been hit. Only last week we were told that certain great interests of the country went away dissatisfied because they had been cut down over $20 a ton for their steel. I, for one, want to make the statement, and to express it as my own judgment and as my understanding of a fact that no one will dispute, that not a breath of scandal has touched this administration. Five important and eventful years have passed, and no administration ever stood higher in the estimation of the people than does this administration. I, for one, believe that this Government will see to it that no graft charges and no scandals of that kind will enter into war contracts if vigilance, watchfulness, and honesty of purpose will keep them out. I am authorized, I think, to say that no scandal will be permitted to creep into any contract let by this Government in this war, and if, perchance, anything of that kind ever does arise it will meet with summary treatment and summary consequences. That being the case, I feel that, under the circumstances, we are warranted in having a confidence that the affairs of this country, being in the hands in which they are, will be faithfully administered and that the President, jealous of his own good name and the good name of his administration, will see to it that, no matter what the emergency, it will not be so used by selfish men—and that some such will try to use it I have no doubt—to carry themselves to affluence and wealth. The proof of the pudding is in the eating, and when a system is giving good results the purpose is being fulfilled.

The men who are sitting upon these boards, with very few exceptions, if any, have never been even charged with doing anything that is not entirely proper and right. The actions which have been referred to on the floor, I feel confident, if run down, would prove to have good reasons back of them. I believe that the members of the advisory board and subcommittees have come to Washington in a spirit of service, and that they will not violate their oaths; but back of them, I say, is an administration which will not brook anything of that kind, but will see to it that our governmental matters are well taken care of in all respects.

Now, there is something that can be done in this matter, even in the way of preventing favoritism. I have been advised that large contracts have been let, greater proportions of the work have been given in some instances than would seem to be equitable; but the situation is something like this, as I understand it: The people, for instance, in the independent steel concerns are not anxious to serve the Government at Government prices, for the reason that the public has got to pay a great deal higher price—a much higher price—than the Government pays for steel. I understand that the market for steel is something like 100 per cent higher to private citizens than it is to the Government. Now, that is a compliment to the Government, and does away with any idea of graft or fraud if citizens can not buy as cheaply as the Government is buying; but that also has another side to it. Where concerns come in and sell at 50 per cent of the market price, they are the ones that are serving the Government at a sacrifice of 50 per cent, and other concerns are escaping their just responsibilities and continuing to sell at 100 per cent higher.

Now, what ought to be done? I just want to suggest this for what it may be worth: The suggestion was made to me that we ought to prorate, as far as practicable, these contracts, and if any concern is producing, for instance, 10 per cent of the total output of the country it should have 10 per cent allotted to it as the amount which should be done for the Government. That might do away with charges of favoritism and compel all concerns to come in and help the Government at prices that are lower than the average citizen is getting. Of course, this presupposes that the price which is exacted from the Government is as low a price as the Government can reasonably demand.

There is another suggestion I should like to make, and that is that when the Government finds what is a just price to pay that should be the market price for the people of the country. That is to say, that that should be the price the people of the country ought to pay for the product. The Government, although it is wise in fixing the price at a just rate for itself, but no more, is only looking out for itself as a Government.

It should go further, and see to it that the people of the country pay no more than it has to pay, because it knows that every dollar in excess of what it pays is extortion from the people and a tax upon the people, and should not be tolerated. And it knows, moreover, that the increased price to the public means increased prices that the Government will have to pay for what it purchases from the public. It is the loophole through which the gold in our Treasury will unduly flow out.

I do not know that it would require any particular statute, but the Council of National Defense ought to adopt that rule and prorate this stuff out, whether it is shoes or whatever it may be, so that any concern that manufactures an appreciable amount of the total output or is in a position to do the business at the right time and at the proper price ought to be treated with absolute equity and fairness both as to its obligations as well as to its own interests, and the Government should make the price it has to pay on all contracts the market price for its citizens. All scandal or even breath of scandal would be done away with if that simple device should be adopted.

I think the gentlemen that have got this matter in their hands owe it to themselves to see to it that no suspicion even rests against them. They should be above suspicion. If we are going to have tranquillity and peace at home, the people must have faith and confidence in their Government; and they can not have faith and confidence in their Government if men occupying places of responsibility use their posts in a way to make it even appear that they are having an advantage over somebody else. In other words, the burden of proof is upon them to show that they have not and they ought not to be willing to assume a burden which they never ought to carry; and they will not have to carry it unless situations of that kind come to the front.

Now, Mr. President, I want to say something about the food bill. This bill has been discussed for five weeks, and it has been attacked and attacked and attacked day after day here, evidently upon the theory that we do not need any bill of any kind. I took occasion to observe some time ago that this was not a question as to whether or not we liked to regulate business; it was a question whether we are going to permit somebody else who officially owes no duty to the Government to regulate for us in time of war, when the Government needs all the power it can possibly get into its hands to wage a successful war. I say again that the question here is, Do you prefer to let the President of the United States regulate our food supplies and food prices, or are you going to leave it to those that have already got it in their hands and have made a mess and a botch of it and enormous fortunes out of it? I mean private and selfish men who are bound by nothing but the boundless avarice which encompasses them.

Senators say here that they do not want to interfere with business. I say that the most important piece of business that any man has in the United States to-day is to help this Govern-

ment win this war. All of his own petty business affairs in comparison and for the time being dwindle into insignificance and should not be weighed by him in the scale of patriotism and duty to his Government. I say that when young men are conscripted and sent to France and put in the trenches you are interfering with their business. You are not only interfering with their business, but you are interfering with their life, their liberty, and their pursuit of happiness. You are interfering with their lives, you are interfering with their business, you are interfering with their earning capacity, you are interfering with their happiness and the happiness of the people who love them. You are conscripting their incomes and perhaps their lives, and you are conscripting their future as well.

Take, for instance, for the purpose of one illustration, some young man that is practicing law or practicing medicine or engaged in a business that only he can run or operate. He is making $4,000 a year. What do you do with that young man? You tap him on the shoulder and you say: "Come here; we need you; you have got to go to war. You have got to give up your $4,000 income; you have got to give up your practice; you have got to accept in lieu thereof $360 a year, if you live that long, or $30 a month. Then you go to Europe, and you may be killed; you may be wounded. If you come back alive, and you are capable of doing any work, you have got to go and build up your practice again." In the meantime it is costing him as a tax the difference between $360 a year and $4,000 a year, which is $3,640 a year out of a $4,000 income.

We admit that we have a right to do that. There is nobody here contending—any more, at least—that the conscription law is unconstitutional. When you have done that you have interfered with that man's business. You have interfered with his life, liberty, and pursuit of happiness. Is it not the last word of power that the Government can exercise? And if you concede that we have a right to do that, then do you not concede that we have a right to do anything less than that? The greatest, the supremest power must include the lesser power. In interfering so seriously with a man's life and business affairs the lopping off half of a hundred per cent excess profit does not approach in importance what is required of the individual that is called upon to do what under the volunteer or draft system he is compelled to do.

So, when we are talking about interfering with business, I want to point to the young man that carries the gun across his shoulder and say you are interfering with his business. His life, his future, his income, everything that he has and hopes to do in the world is being interfered with. Who will get up and talk about interfering with his own business when we know that we are going to send a million young men perhaps across the sea to fight for their country, and they have not been asked whether they want to do it or not? I say it is necessary to do that. It would be unjustifiable if it were not necessary; but when it is necessary to do that, it is necessary also to do other things. It is not a question of whether you like to do it or not; it is a question of whether we want to win this war, and whether we have got to do it to win it. That is the point that I want to argue for a little while.

Mr. President, in my judgment, it is vitally necessary to pass a bill like the one now pending. Its defeat would be a disaster leading to consequences which I, for one, do not want to be held responsible for. Even its delay, I believe, has been a great misfortune, although under our present unanimous-agreement rule that can not be helped now. Let us pause and take stock of our situation. In order to properly impress ourselves with the gravity of the times and of our situation, it is sometimes necessary to permit our minds to observe our surroundings and the surrounding facts, circumstances, and conditions which obtain. We are engaged in a dreadful war, the most important, most serious, most dreadful, most pitiless and bloodiest war of all history. Our foe knows no law but that of his necessity. He gives no quarter. If victorious, there will be no limits to his demands; if victorious, his demands will be boundless and limitless in their far-reaching effect.

If he defeats our allies before we can bring to bear our full force and resources to their succor, we will have to fight alone the most formidable, ruthless, relentless, and implacable enemy to freedom and civilization that has ever lifted his bloody front over the horizon of time. If he dictates the terms of peace to our allies, he will possess himself of their fleets, far larger than any that we can hope to meet him with. If he dictates the terms of peace to our allies, he will plant his bloody feet upon this hemisphere and challenge us to meet him here. If Germany is victorious over us, our Monroe doctrine will be but a memory and our Constitution will have become a mere scrap of paper. Freedom will be manacled with locks and chains and our independence as a nation forever banished. Now, is there no danger of such a consummation? For three years Germany has almost single-handed held Europe at bay, and at the same time has defied the laws of God and man and has defied the people of the world. To-day her armies are deadlocked upon foreign soil, with armies the biggest, the bravest, and the best that England, France, Russia, Italy, Roumania, Serbia, and others can marshal against her. We are told that France has reached the limit of her man power; that she is bled white; and that England is approaching the zenith of her man power. We have already loaned more than a billion dollars to our allies. Every ship that can spread a sail or be moved by power has been mustered to carry ammunition, guns, food, and supplies to aid them. We have already sent thousands of our brave soldiers over to their aid. And yet, with all this, I say that Germany has fought her foes to a standstill on their own soil and now holds against all that valor, blood, money, resources, and power can bring to bear the territory of her enemies.

Now, how goes it with our allies on the sea? With fleets far superior in size and efficiency to that of Germany our allies appear to be practically powerless to stop the havoc and damage done, and that is being done, by the submarine piracy. Condemn the submarine as we may, abhor it as we do, denounce it as unfair and contrary to international law, as diabolical and detestable as it is, nevertheless it is doing work. It is destroying the tonnage and the food of the world, and we may as well recognize the fact. Holding her enemies' fleets in their own waters, she plies her concealed dagger with deadly efficiency and effect.

I have here an excerpt from an article written by Ryley Grannon in the Washington Post of the 7th instant. I will ask permission to put this in the RECORD.

The PRESIDING OFFICER (Mr. JOHNSON of California in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

While the United States in this fashion is adjusting itself to the business of war, Germany is sinking ships on an average of 1,000,000 dead weight tons a month. Since February 1, taking big weeks with little ones, the average has been almost exactly 1,000,000 tons per month in dead weight. I get these figures from British and French officers now in the United States—men who know what is going on. They tell me that the total available shipping of the world suitable for running the submarine blockade is not over 15,000,000 tons. Much of this shipping would be hard to get; probably the allies would have to force some neutrals into war before the latter would surrender their ships.

With all the vessels now under way in the United States—about 1,200,000 tons—and the vessels contracted and to be contracted for, this country will have about 5,000,000 tons under construction one year hence (this is presuming that there will be no long delay in starting the 2,100,000 tons which Gen. Goethals is about to recommend). From now until July 1 next the Germans will have sunk 12,000,000 tons, unless the submarine is checked. Granting that the United States will have turned out 1,000,000 tons within the year and that Great Britain will turn out 5,000,000 tons—she can't do it—there will still be 6,000,000 tons to be supplied by neutrals to put the supply question where it is now. How much England can stand in reduced shipping without starving is, therefore, a question of the next 12 months.

Two years of indecisive land fighting and continuance of submarine raids mean the wiping out of the world's shipping, or practically so—sufficiently, at any rate, to settle the war in Germany's favor. Either the land fighting must be made decisive or the German fleet must be destroyed, or a way found to checkmate the submarine. The problem is up to the United States, according to the foreign officers who gave me these figures. They say the allies can not solve the problem, and so they ask us to do it. If we don't do it, the end of two years will see the war settle down to a fight between Germany, master of the Old World, and the United States, master of the New.

Mr. HUSTING. I will not read that at this time. This article, published in the Washington Post about a week ago, shows that 1,000,000 tons a month of the world's tonnage is being destroyed, and that at that rate there will be scarcely enough a year from now, unless this problem is solved, to carry the world's commerce or to carry our foodstuffs to our allies to support them and their people, and it has not been denied. I know there are other reports out, but I am just citing this for what it may be worth. That an immense amount of tonnage is being sunk no one can deny. No one can claim that the problem has been solved as yet.

Here is a statement made by Chairman Denman and published in the Washington Star of the 10th instant:

CAN NOT MAKE GOOD LOSSES BY SUBMARINES—CHAIRMAN DENMAN, OF SHIPPING BOARD, TELLS NEW YORK MERCHANTS' ASSOCIATION OF THE SITUATION.

"No legislation of Congress, no administrative effort of the shipping board, and no activity of ship constructors can hope to make good for commerce the losses from the activity of the submarines at the rate of 1,000,000 tons a month now established," Chairman Denman, of the Shipping Board, has advised the Merchants' Association of New York.

The seriousness of the submarine warfare to commerce at the rate of loss now established is strikingly brought out by Chairman Denman in the course of his letter, in which he says:

"The Shipping Board is in entire sympathy with your difficulties in obtaining a reasonable rate for overseas transportation. As you know, no power has yet been granted the board to regulate such rates. We

are in hopes that relief may be obtained when the commandeering power over vessels is delegated.

"You must be aware, however, that with the destruction reaching the rate of over 1,000,000 dead-weight tons per month in April and June all the reproductions of steel vessels and of wooden vessels in which a most enthusiastic advocate of either material can hope for will not replace over half the tonnage destroyed."

In the postcript the chairman says:

"In figuring tonnage it should be remembered that the reports of losses of English vessels where the tonnage is given refer to gross tons, to which must be added from 30 to 50 per cent to reach the dead-weight unit on which the new tonnage to be constructed by the Emergency Fleet Corporation is reckoned. It should also be remembered that the English reports of sinkings represent but 55 per cent of the total, judging from the figures given out during the first two months of the sinkings. We understand that the English proportion is now higher, but at the same time the size of the vessels sunk are much larger in tonnage."

So goes the war, both on land and sea. More and more we read in the foreign press of our allies and in the public statement of their representatives that the failure or success of this war lies with us. The world recognizes now that it is up to the United States to win this war. Now, does anyone doubt that if we unite the people of this country into one compact, militant force and support it by a speedy mobilization of all the resources of this country and place all this in the hands of the Commander in Chief, thus enabling him to deliver a crushing blow with all of our man power and our power of resource put into the swing, we shall be able to accomplish this task which the world concedes is ours? I have no doubt that we can win this victory and destroy the Prussian menace if we can unite our people and mobilize our resources speedily and enable the President to bring to bear upon our enemy all the power that this great and powerful Nation possesses. I want to emphasize it that we can win, but that union and time are of the very essence.

Now, how is it at home? Are we doing all we can and as quickly as we can to win this war? We still have the German sympathizer with us and the pro-German press of this country, which continues its sniping tactics, waving the American flag with one hand, but shooting our boys in the back with German guns, loaded with German ammunition, in the other.

The pro-German socialists have adopted a resolution counseling mass resistance—which means forcible resistance—to the draft, and a referendum is now in progress to ratify the resolution, if it has not already been concluded and ratified.

We have the pacifists who continue to cry "peace" when there is no peace, and who are counseling the repeal of the conscription law.

The I. W. W.'s are fomenting strikes and riots in Arizona, Idaho, Oregon, and other States in the far West. Gen. Liggett, commander of the Western Department, has been ordered by Secretary of War Baker to take steps necessary to suppress the reign of terror in these and other threatened States.

German spies are amongst us. The departments are infested with them, it would seem. Our foes know the departure of our troops and our vessels before we do.

Now, in addition to this situation, we have the high cost of living. Food and clothing and fuel are so high that our wage earners are undernourished and in actual want. We must feed and supply ourselves and our allies, and the supply is limited. Now, in our stress we have the speculators and food and fuel manipulators who are doing all that they can to fill their pockets and undermine our Government. In our stress these vampires and these locusts are sucking our blood and consuming our substance. If the cost of living goes any higher, it will be impossible for our laborers and wage earners to live. Then what? They will have to and will demand a raise in wages, and if it is not given to them they will strike. They are striking now in many places. There are none more loyal in the land than the laborer and the wage earner and none who in proportion to their means are sacrificing as much as they are in this war. They furnish the men who make up the rank and file of our armies. But one thing they will not endure, and that is to see their families suffer from want in a land of plenty. They will refuse to remain the nonresistant victims of greedy and avaricious men who fatten and batten upon the life blood and distress of their fellow citizens. Let conditions once become intolerable—and such almost are the conditions now, or have been—and you will goad men into acts of violence and riot. Now, it is clear to me that one or two things has got to be done, either wages will have to go up or the cost of living has got to go down. The present rate of wages and the cost of living are irreconcilable. Let me here read into the RECORD a telegram I have just received from Mayor Hoan, of Milwaukee. Mayor Hoan is a socialist, a real American nevertheless. He knows the labor situation and is familiar with the laborer's point of view, and he is well worth listening to:

MILWAUKEE, WIS., *July 18, 1917.*

Hon. PAUL O. HUSTING,
Washington, D. C.:

I desire to advise you that in my opinion it is absolutely necessary to insure the keeping of the peace and good order of this community that the United States Government must not only be empowered but must take immediate action to control the food and fuel situation in the United States. I want you to know that in times of peace from 15 to 25 per cent of the families here live below the poverty line, and now the condition is infinitely worse. If the loyalty of these people is expected, then show them this is not Morgan's war by a practical demonstration. If the United States Government will busy itself a little more in stamping out the treason of the country's worst enemies, namely, those who are reaping huge profits out of the necessities of life from a helpless people, than it does in trying to suppress free speech and freedom of press it will be practicing some wholesome Americanism and achieve the confidence of the real patriotic, hard-working, self-sacrificing, but unbragging people of this country. If the working classes can make no profits, why not eliminate the profits of our coal, rail, and food-hoarding Benedict Arnolds by the Government taking possession of these activities now, not after the people find it necessary to have another Boston tea party. There is a tremendous responsibility upon the shoulders of Congress in dillydallying with this food and fuel issue. The people of Milwaukee love their country, and I serve this notice on you in their behalf in a friendly spirit, but in full realization that Congress is gambling with fate in delaying action.

DANIEL W. HOAN,
Mayor.

Now, what is the most practical thing to be done? The Federation of Labor, through its able and patriotic chief, Samuel Gompers, told us at the beginning of the war that labor troubles and labor differences would be sidetracked during the war. The laboring men were willing to forego any demand which they felt entitled to make to have their wages increased, the hours of labor lowered, or conditions bettered. They volunteered to do this so that they might not embarrass their country and their Government or lessen its productivity at a time of an emergency like this. But, of course, they had a right to expect and demand that the purchasing power of their wages would not be substantially diminished. But what have we seen since then? The cost of living has increased 50 per cent in most things and in some things 200 or 300 per cent. So we begin to hear the murmurings of discontent, dissatisfaction, and distress throughout the land. Men are crying for relief from conditions that are not only unjustifiable but almost unforgivable. Last but not least, benefit of this advanced cost of living accrues only to the drones—the vampires of society. The producer does not get the benefit of the increase, but the consumer has to pay for it. The only gainer is neither the producer nor the toiler, but the man who is actuated and guided solely by selfishness and greed.

We are seeking a remedy for this intolerable evil. We all know that we must find a remedy, and that soon. Grain is now being cut and ready for market in the Southwest. In the North and Northwest the sound of the reaper likewise will soon be heard in the land. Speculators and food manipulators are already plying their nefarious trade. It is even said that our enemies, through their agents, are abroad in the land buying up our foodstuffs. We are trying to equip our armies; we are trying to build ships for the Navy; we are trying to build both wooden and steel ships to carry food to our troops and to our allies. We saw this coming four or five weeks ago—yes, months ago. The President saw it coming and with his usual foresight and wisdom, asked Congress for legislation to enable him to properly deal with this menacing and perilous situation. He well recognized the necessity for speedy action as well, and in letters and interviews he has pointed out the imperative necessity of action. In a letter a short time ago he told Congress that because of the conditions I have named, time was of the very essence and that this bill should be passed by July 1 at the very latest. Has it been done? No. I have already alluded to some of the questions that have been injected into this debate. I will not talk about them now, but they have delayed the consideration of this bill for weeks. When I say that, I refer to the prohibition question, happily settled for the time being at least.

There is another condition that I have not spoken of—and this occurs to me—and that is the attitude this country has got to take toward the neutral countries in Europe. I have here on my desk some editorials—some by German newspapers—complaining of the way this country is now treating neutrals, and that we are inconsistent in our attitude toward them, saying that we have forgotten that we always claimed the right to trade with a belligerent country while we claimed to be neutral. Here is one of them:

EMBARGO BRUTAL, SAYS GERMAN PAPER—AMERICA WILL DESTROY NEUTRAL NATIONS IS TEUTON CRY.

[Special cable from the London Times to the Washington Post; copyright, 1917, by Public Ledger Co.]

LONDON, *July 13.*

Interesting as showing where the shoe pinches is the following German comment on the American embargo, especially in view of Germany's

tender treatment of small neutrals, as evidenced, for instance, by submarine ruthlessness. The Frankfurter Zeitung published Saturday, under the heading "Campaign of annihilation against little neutrals—brutal assault by Americans," the first telegrams from the United States to Copenhagen about the American embargo and added the following:

"Never has brutality been more shamelessly displayed than in glorifications of violence of the roughest kind which ascend from complacent American friends of the world. On the other hand, we hear complaints that are overwhelming in their strength—the cry of the free citizens of the north, before whose eyes the torture chamber is opening. America dares what England shrinks from doing. America not only overcomes neutrals but will master the entente."

To digress just a moment, I want to say this in reply to those contentions: We recognize to-day that neutrals can trade with belligerents, but we never claimed when we had our differences with Germany that she must sell to us. While we claimed the right to sell to a belligerent—to England or to one or other of the allies—we never insisted that Germany must sell to us and replenish the supplies of our market. We never claimed that Germany must send her goods to us so that we could sell them to the allies.

Some of these editorials appear in very prominent newspapers. If they want to state the situation correctly, they would have to say that while we claimed the right to sell to belligerents, we did not insist at the same time that a belligerent must sell to us and to furnish us with the goods that we sold to belligerents. We recognize the right of all these neutral countries to sell to Germany if they wish, but surely no American will say that we ought to follow it up and provide them with the goods to sell to Germany in order to remain consistent with ourselves. Neutrals have a right to sell to Germany if they desire, but they can not make us a party to that transaction, no more than we could have compelled Germany to furnish us with goods to sell to England. That is the distinction between the attitude we are taking now and the attitude we took when we were a neutral and not a belligerent.

In passing, I will say that I do not believe in coercing any nation into this war. I hope that we will never use our great power to force a people into a war in which they do not think that their interests are involved. It would be a crime to do that. But one thing we have a right to say to ourselves—not because we penalize somebody else—that having once entered into this war, it is our duty, our first duty to ourselves, to see that the war is won, and consequently the neutral countries can not expect us indirectly or directly to be called upon to furnish supplies to our enemies and thus help to defeat ourselves.

In a war like this, which is a war of Germany against the world, I venture to say it will not be long before every neutral nation in the world will recognize very clearly that every time a ship goes down with a cargo of provisions no matter what flag she flies a blow has been struck at her own life and welfare, that the world shipping has diminished just that much, that the world's food supply has shrunk just that much, and there is that much less to live on on the globe on which we live. They will find that when Germany sends its torpedo into a ship, no matter what flag it flies, she is making an attack on the nations that are crying loudly for food, because it is their food that is going down to the bottom of the ocean, no matter what or whose ship is sunk or what flag she flies.

Every time a million bushels of wheat goes down another million has to take its place, and if the original million bushels is destined for armies that need it and that is sunk it means that another million bushels more which would have been available to a neutral nation goes down, and they and not our armies are deprived of the million bushels. Our country has enough to feed its own people and its own armed forces. But the whole world is calling on us to help feed them besides. When an attack is made on our food supply the World's Provider is attacked, and our loss must mean the loss of the countries who call on us for their provisioning. What have these countries to say to that country which prevents and hinders and obstructs us from giving the help to those who so loudly and distressfully call for help?

I repeat that the war of Germany, this subsea war, directed against the shipping of the world, is no longer directed against her enemies alone, it is directed against every country on the face of the globe; and they will soon recognize it. Instead of Germany criticizing the United States as being harsh against the neutrals she should remember that it is she, not we, that is depriving them of the food that is to keep them alive.

Another suggestion, if this country should forget its own interest and in the interest of what appears to be the spirit of humanity, should undertake to serve the neutrals, have they or we any guarantee that this shark of the world seas is not going to deprive them of the things we are trying to get to them? Do they not know that between our shores and their starving people is a barrier that has been set up by Germany that will destroy this food without compunction even if she knows that act will starve to death the neutral nations of the world?

How long will it take them to understand these things? The Lord knows it took us a long time to understand it, but I think we better appreciate now that the German strategy, the German plan, is to indiscriminately destroy every ton of shipping in the world she can destroy, to destroy every piece of food that she can destroy in the world, so that the world's shipping and the world's food supply, regardless of whether it belongs to friend or foe, neutral or belligerent, so that eventually the people of the world will be deprived of food, or having food no bottoms to move it to the ports of need and want, and thus by the process of starvation bring the world to her knees and under her dominion. But there is one country that will not go down on her knees. There is one exception, and that is the United States. We can feed ourselves, at all events. But how about those who must depend upon us for their supplies, our neutral friends, for instance? If all the shipping in the world is destroyed, as Germany threatens she will, what will it then avail our neutral friends if we have aplenty but there are no ships to get it to them? What will it mean to them if we are defeated and our enemy triumphs?

I repeat, therefore, that regardless of our desire to serve neutrals—no matter how badly we want to do it—if the war goes on another year, or two at the utmost, our land may be teeming with plenty, enough to feed the civilized world, but with nothing to carry it across to those who will perish because the arch-enemy of the world has destroyed all means to do it with. What good will foodstuffs in America do to Holland, Denmark, or any of the Scandinavian or other countries if this destruction is going to go on and on, as they threaten it will do?

That brings us down to this proposition, that the only way in which the United States can defend its source of supplies for them is for the United States to defend and preserve itself. When it destroys the German power it liberates the world and the world is made safe for democracy. In that way, and in that way only, can we remove this cloud that is hovering over the horizon, and which, if it extends much further, will envelop the world in one tremendous cataclysm. But nevertheless, one of the things to be figured on, to be reckoned on, is whether these neutral people will be wise enough to understand that their salvation is not in our hands. It is not for us to say whether they shall starve or shall not starve. Only one power stands in the way, and it is as much the business of those nations who are suffering as it is our business, as they will soon recognize, to do these things and to put this mad dog that is running amuck in the world where it can bite nobody.

Mr. President, why should we not pass the bill? A number of reasons have been advanced. One of them is that it is unconstitutional for us to pass it. I said before, and I say it again, I hate to see a perfectly good Constitution always arraigned on the side of the Kaiser. I hate to see an instrument that was destined to protect us and our country become the refuge and shield of our enemy. I refuse to construe this perfectly good Constitution in any such way as that, and I am speaking now from a legal and constitutional point of view as well as from a common-sense point of view.

The Senator from Illinois [Mr. LEWIS] not many days ago I think answered the constitutional question. I want right here now to ask permission to put into the RECORD certain citations of the speech of the Senator from Illinois as a part of my remarks in order to save time and useless repetition. Here are his authorities and what they say:

The Supreme Court of the United States, in Miller against United States, in Eleventh Wallace:

> The Constitution confers upon Congress expressly power to declare war, grant letters of marque and reprisal, and make rules respecting captures on land and water. Upon the exercise of these powers no restrictions are imposed.

Then says the court:

> Of course the power to declare war involves the power to prosecute it by all means and in any manner in which war may be legitimately prosecuted.

The Supreme Court of the United States said, on page 606 of One hundred and thirtieth United States:

> To preserve its independence, and give security against foreign aggression and encroachment, is the highest duty of every nation, and to attain these ends nearly all other considerations are to be subordinated. It matters not in what form such aggression and encroachment come, whether from the foreign nation acting in its national character or from vast hordes of its people crowding in upon us. The government possessing the powers which are to be exercised for protection and security, is clothed with authority to determine the occasion on which the powers shall be called forth, and its determinations, so far as the subjects affected are concerned, are necessarily conclusive upon all its departments and officers.

The Supreme Court of the United States, in One hundred and thirtieth United States, says:

It matters not in what form such aggression and encroachment come, whether from the foreign nation acting in its national character or from vast hordes of its people crowding in upon us. * * * To preserve its independence and give security against foreign aggression and encroachment is the highest duty of every nation, and to attain these ends nearly all other considerations are to be subordinated.

Mr. James Madison, in his observations on the Constitution, says:

With what color of propriety could the force necessary for defense be limited by those who can not limit the force of offense? If a Federal Constitution could chain the ambition or set bounds to the exertions of all other nations, then, indeed, might it prudently chain the discretion of its own Government and set bounds to the exertions for its own safety. * * * The means of security can only be regulated by the means and the danger of attack. They will, in fact, be ever determined by these rules and by no others. It is in vain to oppose constitutional barriers to the impulse of self-preservation.

Justice Bradley, in Tenth Wallace, in the Legal Tender case, says:

It is absolutely essential to independent national existence that government should have a firm hand on the two great sovereign instrumentalities of the sword and the purse, and the right to wield them without restriction on occasions of national peril. In certain emergencies government must have at its command, not only the personal services, the bodies and lives of its citizens, but the lesser, though not less essential, power of absolute control over the resources of the country.

Its armies must be filled and its navies manned by the citizens in person. Its material of war, its munitions, equipment, and commissary stores, must come from the industry of the country.

The time not occupied in the discussion of the prohibition question was occupied by the ever and ever recurring ogre of the Constitution. It was said that this bill was unconstitutional. The senior Senator from Illinois [Mr. LEWIS] rather effectually disposed of that argument. I want to make a reply to the constitutional objection to this bill. Everyone admits that the conditions warrant this legislation; everybody admits that the cost of living is too high; everybody admits that the food speculator and the manipulator are to blame in part; and everbody admits that unrestrained and unrestricted competitive bidding between ourselves and our allies and even our enemies for the same foodstuffs will drive the prices clear out of sight and will fill the pockets of those who neither toil nor spin. It is admitted that we ought to find a remedy, but it is said when anything is proposed like this bill here that it is unconstitutional. It is too bad to see our Constitution and the Kaiser always on the same side. Our Constitution ought to be our ally and not the Kaiser's. Our Constitution ought to be our friend and not our enemy. It ought to be our refuge and our shield, and not the refuge and shield of our enemy. We have yet to take one single important step which was essential, sometimes indispensable, for the proper protection of ourselves and of our rights since our troubles with Germany began that has not been declared to be unconstitutional by some Senator in this Chamber. The armed-ship bill, the conscription bill, the espionage bill, and others, were all declared to be unconstitutional in their most essential features. Now, we are told in this, as we have been told in so many other measures, that we must not avail ourselves of remedies which will save us because we are endangering our constitutional liberty. I can not place a construction on our Constitution the effect of which may be the destruction of the Constitution itself. If Germany should defeat our allies and then defeat us, then the time will come sooner or later when we will have to fight her for our national existence and our independence, and if we then lose our independence and our national existence because we are told not to do this or that which is indispensable for our defense, then, I ask, what becomes of the Constitution? We are told that we must refuse to defend ourselves in a certain manner because it is against the Constitution, and in consequence of our solicitude for the Constitution we are defeated and lose our national existence. Then do we not also lose our Constitution?

So we find ourselves in this absurd position, that because of our solicitude for our Constitution we permit ourselves to be defeated, thus losing our national existence and the guarantee of our liberties and render our Constitution a mere scrap of paper, because then the Kaiser will furnish us a constitution in lieu of the one for fear of violation of which we permitted ourselves to become his victim; or, to put it in other words, to save our Constitution we lose our national existence and our independence, and that Constitution which is responsible for our downfall and destruction we lose with it. As a legal and constitutional proposition I can not follow a construction which leads to the absurdities that the construction which some of the Senators lead us to. The Constitution must be construed as a life-giving and not a death-dealing instrument. The country that gave birth to the Constitution can only safeguard and perpetuate that Constitution by safeguarding and perpetuating itself, because in this instance, when the creator dies, of course the creature succumbs with it.

I say we can not construe the Constitution in such a manner that the Constitution itself will be destroyed as a consequence of the construction we place upon the Constitution.

We may be defeated and the Kaiser will dictate the terms of peace. We may be defeated if we do not do everything we can to protect ourselves, and if he defeats us and dictates the terms of peace, what becomes of our independence? What becomes of our Monroe doctrine? What becomes of our Constitution? What becomes of everything that Americans hold dear? What becomes of their rights? We can not lose this war without becoming a subservient nation, because if we lose it we will be dictated to, and we will for once, and the first time in our national existence, have to listen to the dictation of a foreign master. We will have to bow to our master. Our Stars and Stripes have never been struck before any force on earth, and God forbid that they should be struck now at this momentous hour in the world's history, when we and the world are threatened with all that a freedom-loving humanity abhors. Yet that is within the possibilities.

So, I repeat, if we adopt the construction some Senators have placed upon the Constitution, and out of a tender regard for constitutional limitations we refrain from doing something that will preserve our national existence, we thereby not only lose our national existence, but, as we slip off this coil of our existence, we slip off the Constitution with it and the Constitution becomes a mere scrap of paper. I refuse to adopt a construction of the Constitution which says we can not do something to preserve and protect and perpetuate the Constitution itself.

A constitution is a dead thing of itself; it is the spirit and the power back of the Constitution in the heart, in the brain, and in the body of our citizens which makes that Constitution a vital force. Once take away that power—spiritual, mental, and physical—strip it of its attributes, and what will you have left? You will have a mere scrap of paper like unto the German treaty with Belgium. Senators, this is not a fancy. This danger looms dark in the offing. Belgium has felt it; Roumania has felt it; Serbia has felt it; the allies will feel it if they lose. Yes; the neutral countries will feel it if Prussianism wins and democracy loses. Germany's own allies will feel the same thing if they do not watch out, and if they do not make peace before she does. Her own allies are in a position where, if Germany wins, they will lose, because Germany will absorb, as she has almost already absorbed, them, and their dynasties go into the pot. If Austria loses, the dynasty goes and the people of Austria win, because they get their independence. So we see that if the Hohenzollern autocracy wins, the world loses, the whole world, Germany herself with it. The dynasty only will be the winner. Now, when the map is changing, when governments are changing, shall we close our eyes and our ears and refuse to see or hear the things which are at our threshold and which will be put upon us unless we do what we have got to do to save ourselves? Shall we let them change our map and our form of government also? So I say—and I am just coming down now to the end of that—that I put a construction upon the Constitution that is far deeper and bigger and broader than those who would tie our hands and our feet at a time when we are assailed and our national life is assailed and our very existence and the democracy of the world is in the balance. I say we have a constitutional right under the Constitution to defend our existence and our Constitution. I do not believe that you can find any respectable authority to the contrary. I have heard read excerpts here of opinions that do not touch the bottom of the matter at all, that are a mere scratching of the gravel on the ground above; that is all. A good judicial construction of the Constitution, if it is ever put up flatly to the Supreme Court, will, I am convinced in my own mind, be a verdict in favor of a constitutional right to defend our country, its national existence, and the rights of our people in such a way as appears to the Commander in Chief of the Army of the United States and to the Congress of the United States to be reasonably necessary. The Supreme Court will never stultify itself by a decision embodying an interpretation of the Constitution which would mean our destruction and not our salvation.

What else is said here? Why, it is said here that the farmers do not want to be regulated. I have two or three letters here, which, instead of reading, I am going to ask to have put in the RECORD, from Mr. J. W. Shorthill, secretary of the National Council of the Farmers' Cooperative Association, in which he states the attitude of the farmer. I am going to tell you who Mr. Shorthill is, so that you will understand that I am talking of no irresponsible gentleman. I will ask to put these letters in the RECORD. He is the secretary of the Nebraska Elevator Co. These elevators are controlled by farmer stockholders. Their State organizations are also organized into a Federal organization.

Mr. Shorthill is the national secretary, as well, of the elevator association. He is secretary of the national association. I think they represent something like 2,800 elevators in the United States, representing something between 200,000 or 300,000

farmers. I am not going to read these letters, but I am going to put them in the RECORD.

The PRESIDING OFFICER. Without objection, permission to do so will be granted. The Chair hears none.

The letters referred to are as follows:

NATIONAL COUNCIL OF
FARMERS' COOPERATIVE ASSOCIATIONS,
Hotel Bellevue, Washington, July 14, 1917.

Hon. PAUL O. HUSTING,
United States Senate, Washington.

MY DEAR SENATOR: I note with grave concern the situation which seems to be developing in the Senate in regard to the elimination from H. R. 4961 of all necessaries except foods and fuels. In this connection I earnestly solicit your careful consideration of the following suggestions:

Who is afraid to place the products of his labor or his genius in the hands of our President, when winning this war makes it necessary? Who is afraid to permit our Government to control the product of his labor or his genius in order that ruinous speculation in that product may be curbed? Certainly not the grain growers of this country.

The grain growers will never permit any other class to be more patriotic than they. They know that if this war is to be effectively fought it is just as necessary for our President to direct the distribution of our food as it is to manage the movements of our Army. They know that in times of war if some strong arm is not ever present, ready to act promptly and decisively, the heartless speculator will ruthlessly reap profits that are criminal. They know that in these things food is first always and that it should be the first to be controlled.

But, just as surely as food is first, some other essential is second. Many other things almost take first place. In numerous cases it is difficult to determine which necessarily should be subjected to the most rigid control. So, why should you at this time formulate or enact legislation which is designed to single out the control of food to the exclusion of all other necessaries? Why stop the advantages there?

The grain growers are ready for food control. They welcome it; but, if the legislation that may be enacted is going to appeal to them as being just, it must confer the power to exercise the very same control over any other necessary when unusual conditions demand it. They want no special favors permitted to or conferred upon any class by this legislation; they ask no special privileges for themselves; in fact, they are humiliated by the proposal to exempt them from any of the penalties of the law.

In this matter the grain growers of this country now "stand at the side" of our President. If the growers of other products, the miners, the manufacturers, the merchandisers of other necessaries, will now step up in the same row, this essential legislation can be passed in a day.

I am submitting this letter to you for the purpose only of giving you a correct presentation of the attitude of the grain growers toward the proposed legislation for food control, and in the hope that these suggestions may be received by you in the same helpful spirit in which they are tendered.

I beg permission to remain,
Very truly, yours,
J. W. SHORTHILL, *Secretary.*

NATIONAL COUNCIL OF
FARMERS' COOPERATIVE ASSOCIATIONS,
Hotel Bellevue, Washington, July 17, 1917.

Hon. PAUL O. HUSTING,
United States Senate, Washington.

DEAR SENATOR: I know you will pardon me for writing you again in regard to the food-control bill, for my only reason is because I want to see the legislation you are about to pass be most highly successful in results.

One of the prime purposes of this bill is to increase the production of foods. The most important thing that can be done to bring this about is to pass legislation that is fair on the face of it.

This legislation goes beyond the needs of the Army and Navy and takes up the old problem of the producer and the consumer getting nearer together, a problem that was with us long before this war and which is the very problem that brought our organizations into existence and which keeps them going, and it singles out for control all that the farmer has to sell and leaves without control all that he has to buy except fuel, if all necessaries are to be eliminated except foods, feeds, and fuels. It is perfectly proper to narrow the margin between the producer and the consumer, but it should be narrowed just the same when the product is approaching the farm as when it is leaving it, because the farmer is himself a consumer.

You can do no greater thing to encourage production of food than to make this legislation fair on its face, and you can do nothing to discourage it more than to narrow the bill until it becomes the rankest sort of class legislation that makes a "goat" of the grain farmer. Grain farmers are for real control of excessive margins between the producer and the consumer, whatever the necessary affected, or they are for none.

Hoping that this makes entirely clear to you the attitude of the grain growers toward this bill, I am,
Very truly, yours. J. W. SHORTHILL, *Secretary.*

Mr. HUSTING. I also wish to insert here in the RECORD a memorandum of an interview I had with Mr. Shorthill on July 11 and which was reported by my stenographer. The first long paragraph contains facts as given me by Mr. Shorthill:

JULY 11, 1917.

Mr. J. W. Shorthill and Dr. Charles McCarthy called at my office to talk over with me the matter of the food bill.

Mr. J. W. Shorthill is secretary and treasurer of the Farmers' State Cooperative Association of Nebraska and was delegated by 11 State organizations, known as the National Council of Farmers' Cooperative Associations, to represent them here at Washington in this emergency. He is visiting Washington now for the purpose of representing the National Council of Farmers' Cooperative Associations, which is comprised of 2,800 companies with more than 280,000 farmer stockholders, in connection with the legislation on the so-called food bill. Mr. Shorthill is authorized to negotiate for and speak in behalf of the national organization, the 11 State organizations, and their respective local organizations and their respective stockholders. Mr. Shorthill states that the 280,000 stockholders are bona fide, practical farmers engaged in the raising of grain and are primarily interested in growing grain, and consequently in grain prices. He states that the interest of these cooperative associations and their respective stockholders is identical. These local organizations were first formed because of the exorbitant margins charged by grain buyers in these States. Before these cooperative associations were formed grain buyers charged from 10 cents to 15 cents per bushel, and in many instance at least as high as 28 cents was charged. Since these associations have been formed the margin charged by private grain buyers has, of course, dropped greatly, although where there is no competition through cooperative associations private grain buyers still charge from 5 cents to 10 cents per bushel margin, and even more sometimes.

Mr. Shorthill states that now grain is handled for the stockholders' patrons of the several companies at about 3 cents per bushel and still leaving a legitimate profit to the stockholder association.

Senator HUSTING. Have you seen this bill that is pending?

Mr. SHORTHILL. Oh, yes; I keep in close touch with it.

Senator HUSTING. Have you as representative of the farmers whom you represent any objection to that bill?

Mr. SHORTHILL. As it stands now?

Senator HUSTING. Yes.

Mr. SHORTHILL. I am going to speak on that bill only as it would affect the grain proposition. That bill as it was first introduced was objectionable to the farmer in that it contained a provision for maximum prices. Later on it was objectionable to the farmer in that it did not contemplate a dealing with anything other than food products, which means grain as far as he is concerned.

Senator HUSTING. Now, since they have added steel, wheat, cotton, and these other various products which the farmer must buy, do you approve of the bill?

Mr. SHORTHILL. Yes, sir; as it stands at the present time. The situation of the grain grower is this: He is against the speculator manipulating any product when it is sold; he does not object to any control that may be necessary over his product when the necessity is due to the requirements of this war. He is going to raise just every bit of stuff that he can, and he is perfectly willing that it should be handled as it needs to be handled, but the only thing that he will object to at all is to have a single product singled out and controlled.

Senator HUSTING. In saying this do you feel that you are expressing the sentiments of the farmers?

Mr. SHORTHILL. There is no question in my mind about it. I have received telegrams and letters since I have come here in order to assure myself of that situation.

Senator HUSTING. Have you met any representatives of farmer organizations here who are now here objecting to this bill?

Mr. SHORTHILL. I have met a representative of farmer organizations who, to my knowledge, is opposing this bill.

Senator HUSTING. Now, it has been represented over and over again in the Senate that the farmers do not want their prices curtailed or diminished in any way, but that they are insistent on getting all that they can get. Now, I want to ask you if you don't think that the farmers of the United States are patriotic and are interested in winning this war and are willing to do whatever is fair in the way of mobilizing our resources with a fair profit to themselves?

Mr. SHORTHILL. Absolutely so; there is no question about it. The only thing that they are asking for in this legislation or in any treatment from the Government is a square deal—nothing more or nothing less. They have already in their efforts toward increased production and increased efficiency shown that this is the true sentiment of their attitude. I have in mind a particular instance. In one county of Nebraska a county defense council is organized. The basis of this organization is the school district. Each school district has a membership, and necessarily a very large majority of that membership is composed of farmers. It could not be otherwise. They held weekly meetings and do yet. They discussed how the production of that county can be increased; how farmers who are in need of help can be helped; and they are following out their discussions with the things that will meet the requirements that should be met. For instance, if a man says, because I have lost my wheat crop, I have got more land than I can plant with corn and tend it properly. They say we will see that he gets the help to plant this land with corn in order to get the food that we need. The farmer has felt that this legislation was directed to the control of his product to the exclusion of some other products which ought to be subjected to just as rigid control.

Senator HUSTING. He is willing to make his sacrifices as well as the other people have to make their sacrifices.

Mr. SHORTHILL. Absolutely.

Senator HUSTING. Would you mind stating what prices you got last fall for your wheat—let's say, the average price you got for your last year's wheat crop?

Mr. SHORTHILL. I can not give you the figures to a cent, but I figured it up, and the figures that I have given you are substantially correct. The average price for 1916, Chicago market, for No. 2 hard winter wheat was $1.37½ a bushel.

Senator HUSTING. Have you been considering the price that farmers ought to receive for their 1917 crop, having in mind the desirability of including the maximum increased production, and, of course, a fair profit to the farmer on the one hand and, on the other hand, bearing in mind the labor conditions of the country and the limited ability of men to buy necessaries of life, including flour and bread and subsistence generally? Have you talked it over sufficiently so that you feel satisfied that a fair price can be agreed upon?

Mr. SHORTHILL. I think that a price can be agreed upon that will be satisfactory to the grain grower. Their communications to me indicate that providing that prices of all other things which he might buy did not continue to advance without limit.

Senator HUSTING. Do you believe that the price that you could agree upon would enable the flour manufacturer to sell flour to the laboring man at a much cheaper price than he has been paying of late?

Mr. SHORTHILL. Yes.

Senator HUSTING. Substantially so?

Mr. SHORTHILL. Yes. I know this: That we are all alike in this matter. I have said the same thing myself. I have said this flour is getting awful high; why, the average wheat crop last year sold for a price that would make flour cheaper than this. Now, I know that if wheat stays at $3 a bushel this year and comes down to $1.50 next year that I would be wanting to buy cheaper flour because the price of wheat was down. Now I am wanting to buy cheaper flour because the price used to be down. I believe that it is possible for the margin between the grower and the consumer of the flour to be materially reduced.

Mr. Shorthill says that the farmers do not object to having their produce put in the hands of the Government along the lines suggested by the bill as amended thus far, but he also says that the farmers do not like to be discriminated against; and I do not feel that they ought to be discrimi-

nated against. I believe the President should have power over any particular industry when, in his judgment, it becomes necessary to regulate it in the interest of the whole country.

These letters of Mr. Shorthill disclose a patriotic spirit on the part of the farmers. I want to say, so far as I am concerned, that I do not think I have received a dozen letters from farmers objecting to this bill as amended. If I have done so, I have forgotten it. I do not know of any, when I come to state the exact fact, but I want to make allowance for having possibly forgotten some such. I do not remember a single objection which has been made by any farmer to the bill.

I want, however, to say that I am sure the farmers in my State—and I take it for granted the farmers in the United States generally—are just as patriotic as any other class of citizens or individuals in the United States. I think they have the welfare of the country just as much at heart, and much more at heart, than have some other people of whom I know. The farmers are thinkers and readers, and they recognize that we are in the midst of an extraordinary situation in this country; they recognize full well that unless something is done to take care of it we are going to have trouble in this country, and that we may suffer disaster as a consequence thereof. But mark this: They say, "If you are going to regulate us, then we would like to have you regulate those from whom we have to buy our commodities." I think they are right about it.

That brings up this peculiar situation. There is good and there is bad in every man; there is generosity, unselfishness, chivalry, and nobility in all men, and so there is avarice, greed, selfishness, and pettiness in all men. When the country gets into trouble the highest as well as the lowest traits of human character come into play. The people are looking to see what kind of war this is going to be. They want to know whether it is going to be a case of grab, or whether it is going to be a case of give; whether it is going to be a mad scramble to see how much everybody can get out of the Government, or whether it is going to be an eager and willing patriotic rivalry to see who can best serve the Government.

This Congress has a chance to make the choice. If by the verdict of legislation it is going to be said that this is a mad scramble to see who can get the best and "the devil take the hindmost," we are going to have a scramble, with each man trying to see how much he can get out of it, not how much he wants to give. If, on the other hand, we are going to deliver a verdict in Congress, under which the test shall be how much each man can give to his country, we are going to have cooperation, we are going to have harmony, we are going to have patriotism, we are going to have self-sacrifice, and we are going to have service. That is why I am sorry provisions covering other commodities are going to be cut out of this bill. If a commodity is necessary for the preservation of the Government, why should it not be brought within the provisions of the bill, whether it grows in the North or in the South, in the East or in the West; whether it is the product of the mines or of the fields or of the factories? Why should not all of it be put at the disposition and service of the Government?

The President's letter of the other day tells the whole story.

I do not think any distinction ought to be made at all. I think that everybody ought to come to the center, I care not whether he is in Congress or out of it. I hope when the revenue bill comes before the Senate that a substantial tax will be levied on us so that we may have the privilege of sacrifice and service in that respect at least. The measure of aid that citizens give to the Government is merely relative. When you take all that one man has and take all another man has, if one has a million dollars and the other has only a hundred dollars, they are both making the same sacrifice, no more, no less, because you have taken all from both of them. I say that when the Government does not hesitate to conscript a young man's life, his earning capacity, his future, and when it taxes him on his income down to $30 a month, a soldier's pay, no man can awaken my sympathy when it is proposed that only a part of his enormous surplus profit is going to be taken. I do not care whether you take on the one end or the other, except that it has got to be done in such a way as not to disarrange our institutions and bring about disaster in the country.

So I say, no matter whether a man grows wheat or feed or cotton, or is engaged in the production of fuel, or mines iron ore or oil, he should not want to be called a sponger on his country in time of war. Most of these men have been strong for war. They were right, and I agreed with them—not for war's sake but because I saw what was coming, or, at least, I thought I did. I saw the menace, and thought it was time to prepare for it; but, after having taken that attitude, let us not be welchers and spongers and shrink from the consequences of our own act.

Do not let us declare war on Germany and then turn to the Commander in Chief and say "Defeat Germany," and when he asks for help, for the things necessary with which to carry on that big contract, that tremendous contract, that stupendous task which we have put on him, say "You may think you need this or that, but we do not think you need it, therefore we are not going to let you have it. You are just scared; that is all; and we are not going to give it to you. We have not any responsibility or obligation, that is true; if we are defeated by Germany you will have to stand the responsibility; nevertheless we are going to withhold from you the things which are absolutely necessary and vital for you to have to defeat Germany." I say we can not afford to put ourselves in that attitude. I have always believed that the American was game, at least I thought that he was when he put his heart and soul in a cause in which he believed, and I still think so. After the President has said, "We have got to have certain powers and your cooperation and assistance in order to make the world safe for democracy and to make safe that which lies so close to our hearts, our independence," let no one come and whine and beg and squeal to be left undisturbed in his mad chase to coin dollars out of the blood of those who must fight and die that our country may live. Let them rather come here and ask "How much do you need to carry on this war? Tell us what you want, and here it is." Let them come in a spirit of service. Let them not come as money changers instead of hewers of wood and drawers of water. That is the type of American I have in my mind—the one who will say, "I will help you." That is the expression that ought to come from every side of life in this great country in sustaining the President in this great war.

The farmer does not want to be left out. Gentlemen are defending the farmer. I want to say that while I do not think they hold a brief for him, he does not want to be left out, as I understand, where it is necessary, and when everybody else is included in the same way. If the Senate in its wisdom should cut out everything but food, feeds, and fuels, including oil, I am going to offer an amendment to insert the words "and such other commodities as the President from time to time may deem necessary and so promulgate by proclamation." I think such a provision is necessary; and when you once say it is necessary, argument ceases. There is no room for further argument about it. When once it is conceded and admitted that things are necessary, then they have got to be done; that is all. If there are any who fear the political consequences at home by reason of their vote when men are ready to be slaughtered on the battle field, I say they ought to be willing, in the interest of what they conceive to be their duty, to be among the politically dead or wounded or the missing from this Chamber. Let them make at least that sacrifice, if necessary. That is not bad; that does not compare with the sacrifice of the soldier who goes to the front and risks or loses his life in defense of his country. Shall he be afraid to risk his political existence in defense of his country when our brave boys at the front are ready and willing to die for our country. I say, I think a Senator is mistaken when he assumes that his vote in defense of his country will cut short his political career; but if that attitude is taken by anybody for fear of votes and political consequences, let him not deceive himself, in the first place; and, in the second place, let him not prove himself a coward, afraid to die a political death, when hundreds of thousands or millions are willing to die upon the battle fields of his country so that that country shall not perish from the earth.

There is another reason why this bill must pass. Everybody knows that wage earners can not make both ends meet at present. It is not a question of extravagance by any means. It is a question of brass tacks. He can not make both ends meet when he has got to pay 50 cents a pound for butter, 40 cents a pound for meat, four, five, six, or seven dollars a bushel for potatoes, fourteen to eighteen dollars a barrel for flour, six or seven dollars for a pair of shoes, and so forth. Nobody need get up here and say that the middleman gets it all, unless he will go further and say that if the middleman does get it all it is about time to choke him off. It is about time to choke off anybody who is exploiting this country at this time.

We had the middleman before this war started, did we not? We had just as many middlemen before the war started as we have now, and with all that, you could buy potatoes at 50 cents a bushel; you could buy flour for six or seven dollars a barrel; you could buy all of these other commodities, and we were not complaining of the middleman then. Somehow, somewhere, and all the time, some men are taking out of this pot more than belongs to them. They would like to take it all out if we would let them take it all. They will get it all if we do not stop them.

Who is really objecting to this bill in this great country of ours? The farmers are not doing it. The people are not doing it. The laboring element is not doing it. Where does it come from? Who is back of this opposition in the country if it is not the men directly and pecuniarily interested in not having certain things done? Who are these men who are so suspicious of the President and are so unsuspicious of the speculators on the boards of trade and all these fellows who deal in futures—the food manipulators, the coal barons, and so forth? Who are the men who reach over and put their hands in and take out what they want and fill their own pockets? Who has such bland and childlike confidence in the powers that are running the food situation now, and who so distrustful of the President and his appointee, Mr. Hoover, if it is not the men who are going to be hurt by it?

I am talking now of men outside of the Senate Chamber. I am not questioning the motives of anybody in this Chamber. I am trying to find out in my own mind who are the men interested in defeating this bill and delaying it for weeks and weeks.

We know what has been happening all over the country. It has happened before. There have been outbursts of rage against the extortionate food dealer, the manipulator, and all these fellows, and they have said: "Hang him! Hang him! Hang him!" Nobody has been hanged yet, but in place of hanging the culprits they have been pillorying innocent men who are not trying to rob us, but who ask only the privilege of serving us.

Instead of trying and executing the culprits who are responsible, in part at least, for the high cost of living, Senators want to try and execute the man whom the President called across the sea to serve the people. Braving the perils of the lurking submarine, Mr. Hoover came at his country's call to consecrate his talents and his service to his country's cause. He did not come here asking "How much do I get?" He came here with his hands outstretched, asking what he could do and how he could serve. His life and his record are his best shields against the assaults of his own countrymen. The world knows Hoover and trusts him, even though a few of his less appreciative and less discerning fellow citizens do not. This, however, is their misfortune, not Mr. Hoover's, and I have no doubt that the services that he is going to render in this supreme emergency will vindicate him and win the appreciation of those gentlemen who now attack and revile him.

But the same tactics have been directed against the President.

I tell you, Mr. President, that when the history of this war shall have been written, and when copious extracts shall have been taken from the CONGRESSIONAL RECORD of the last two years, and those that come after us read this history and read the RECORD, they will wonder how one lone man could stand up against such incessant attacks and constantly interpose obstructions. Everything that has been given to the President has been given, grudgingly, hesitatingly, doubtfully, distrustfully. It has been the exception if it has ever been given cheerfully at all. Everything that has been asked for by the President has been handed over to him with an unwilling hand. Why, the President has been looked upon as a man to be distrusted. He has had to show cause. The burden of proof has always been on him, not only to show that these things were necessary, but to show that if he got them he would not murder us and rob us all overnight, such has been the suspicion that has grown apace, the distrust that has been shown in this Chamber against the President on the part of some Senators. And what a remarkable thing it is that notwithstanding all these assaults and attacks that have been made upon him he is the one man that commands the confidence of the whole country to-day.

Why, when we reflect upon this campaign that has been made against him, instead of killing the President in the minds of the people, instead of poisoning their minds against him, it has reacted against those who have attempted to poison the people's minds against the President. It is a boomerang. The shells that have been shot out of the big guns in this Chamber have rebounded back in their own faces, and to-day I make the statement, and I know that no one here will contradict me, that if there is one man in the United States that has the confidence of the people of the United States it is the President of the United States. There is not a bigger asset that this country has in this emergency than Woodrow Wilson, the President of the United States. He is the one man around whom all the people are ready to rally. The people are willing to follow him; and if you have received the same kind of letters that I have received from my constituents and friends, the question has not been, "Why does not Mr. Wilson follow Congress and let them do what they please?"

They have all been of the same tenor: "Why does not the Congress give the President what he wants—what he asks?" That is the way the letters read. Read the papers, read the editorials, listen to the sermons from the pulpit; they are all of the same import: "Stand by the President; support him. Back him up, and if you back him up we will back you up; and if you do not back him up, why, look out for squalls; that is all."

The people are in no temper to be fooled with now. They want things done. They are wiser than we are. They sense it. Out in this great wide country of ours the thinker, the student, humble in occupation as he may be, senses the necessities of the hour; and instead of losing any sleep for fear that the President will get too much power, too much unconstitutional power, they are losing sleep because they are afraid that their representatives will not back up the President of the United States in what he ought to have and in what he is asking. That is the situation right here in this country.

Now, take the laboring man. Suppose the present high cost of living does not go down, and suppose the wages of the laboring man do not go up—what are you going to have here? Men will not starve themselves or their families and not complain. Nobody need question that at all. Men will not starve in a land of plenty and then give three cheers for the Stars and Stripes; no, sir! They will not tolerate it, and they ought not to tolerate it. I do not say that they have the right to take the law into their own hands, and I hope and I say, God forbid that they will ever do so; but I fear that some will; and when men are starving they have not much regard for conventions. They have got to have something to eat. They are either going to strike for higher wages or they are going to insist that the price of commodities shall come down.

This is not a one-sided affair. This is a reciprocal affair. No one of us can live for himself alone. Neither a farmer nor a manufacturer nor a professional man nor a Member of Congress can rightfully say: "We do not like this business of price fixing. We think it all humbug. We think it is unconstitutional. We think it is supererogation of power if the President takes it, and an undue delegation of power if we give it to him." That does not answer the question. The question is, What must be done to relieve a situation that exists. We do not like the situation, but it is here. Facts are stubborn things, and facts must be dealt with. It is abnormal that good, willing, competent men who work should not make enough to support their families. War is an abnormal situation; this the most abnormal war of all times. Abnormal ills require abnormal remedies. How are we going to keep starvation off the people? Had we not better keep in mind the fact that the man that works at the forge or in the mine or in the factory has a right to live? And shall any man say: "I want three or four dollars a bushel for my wheat, and I do not care if the whole country starves"? Shall the manufacturer say: "I do not care what I charge for machinery; it is my business, and I am going to charge what I want to, no matter how many people starve, if they do not want to buy it"? Shall the coal operators say, "Let them freeze if they can not afford to pay the price which we please to charge"? Shall everybody say this is the time to make money and I do not want my opportunity or my business interfered with? They and we do owe an obligation to see that people do not starve here, do not freeze here; and now, in a time of war like this, especially when men are called upon to make all kinds of sacrifices, why should not everybody in some way, some measure, somehow, make a little sacrifice, not by giving a few cents more than his neighbor, but by making some sacrifice of some kind that will put him on a par with his fellows in point of sacrifice and service?

So, if I understand the spirit of the American people correctly, I believe that that is the composite, crystallized sentiment of the people, if you want to take advantage of it; but, as I said before, if it is going to be a case of selfishness, of every man for himself, every man to see how much he can get out of it, you can have the other side of the picture, and you will get the consequences.

It does seem to me that now, when it becomes clearer and clearer every day that this war was inevitable, unescapable, not because of any fault of our own nor because of any cause or power within our control, and righteous, and in the interests of humanity and for the purpose of making the world safe for democracy, that this is the time for the people of the United States to get together. There have been differences among us, very deep-seated differences between the employer and the employee, between the lender and the borrower, and between the different classes and divisions of society. This is a fine opportunity to get them together by everybody being a comrade to

everybody else and saying, "Come on; we will all work together in some way to help make this war a success." Then you will wipe out sectional differences; you will wipe out differences between the laborer and his employer; you will wipe out the prejudices of class, and everybody will see that his neighbor is just as good and patriotic a man as he is and even recognize that he is, if anything, just a little bit better than himself. But you can only do that by sounding the toesin of unity and harmony, teamwork, cooperation, and of sacrifice and unselfish service in this country; and you can not get it by one class trying to outmaneuver the other class and to get undue advantage over it. The thing that lands the pickpocket and every other malefactor in the penitentiary is his idea that he is smarter than everybody else, and that he can do things against his fellows and against fair play and good conscience and get away with it.

That is how he gets there; and any class of people that for any great length of time think that they can get the better of the 110,000,000 people of the United States are going to find themselves in a very bad and serious predicament. They can not fool them; and consequently the only way to do is to have fair play and mutual helpfulness and cooperation between everybody, and have everybody do his share. The time is here when every man should carry his part of the load—pull his own oar.

This is not a moneyed man's war. This is not a Wall Street war. This is not a munition makers' war nor a manufacturers' war. Oh, no! This is a war of the people of the United States, of all of the people of the United States; and being a war of all of the people of the United States, all of the people of the United States have got to stick together to bear and win it. If any great or substantial portion or class of the people of this country are going to say: "George, you go to the war; George, you pay; George, you must both fight and pay and I will help wave the flag at home and help in the cheering—and make the profit, incidentally—and I will stay home and put my hands into your pocket and into your treasury and take your job. I will take your business," you will discover that the man that is fighting at the front will not like it; the man at home, toiling and sacrificing in his own little way, will not like it; and you can not respect them if they do like it, because that is not the stuff of which American citizens are made. Fair play is what the American citizen wants, and he will get it if he has to fight for it.

The time for deceiving one another has gone by. People know their rights, and knowing them dare maintain them. So I say, here is the opportunity to demonstrate to one another and to all of us together what a real, united American citizenship means. And whether it is in this kind of a bill about foodstuffs or not, no man need think, "I do not care what happens with everybody else's business as long as it does not hurt mine," and thus bring on the old fights, similar to the tariff fights that you have gone through for years and years in the past, when many Members of Congress thought they were patriots if they could make one section pay more than a just share of the common expenses.

Do not let anybody think, "That is a good plan, if I can evade it and get out of it. It is all right if it does not touch me." No; we can not do that if we want to be fair and honest and candid with one another.

So that this bill, as far as this is concerned, ought to be on that plane. The revenue bill ought to be on that plane. It ought to be on a plane where every man carries his load and pulls his oar, someway and somehow. So right here and now I can not see how we can hesitate and pause and refrain from doing something that everybody knows and feels, right in his bones, is vital for the salvation of this country.

So I say, in the interest of this bill and bills that are coming after it, instead of fighting right here at home and wasting at least half our strength in defending ourselves from ourselves, the country ought to have its back clear at home, at least, and all thought, all energy, all purpose, ought to be concentrated on the business of the hour. It is the biggest business that any man here in the Senate or in public life will have, and the biggest piece of business that any manufacturer, farmer, miner, or anybody else will have in all his life. What does it profit a man if he gains the world and loses his own soul?

What does a man want with his property in this country if the country has to go down? So back of every mine and every mill and every farm and every home is the thought of the preservation of the Union, the perpetuation of the institutions of the country. I would not give a fig for the best farm or the best factory or the best mine or the best political office in the world if this country is going to go down, because I do not want to live in this country if it goes down. I do not even want to live in a world made safe only for German autocracy, for German frightfulness, for German militarism, and all that those words imply.

So I say that is the biggest piece of business we have got. When men complain about our Government interfering with their business I reply that Germany is interfering with our business, and it is your business, and you have not got any other business in the world at the present time more important than the defeat of Germany, so as to make the world a proper place for people to live in, so that you can make it safe for democracy, safe for the people of the world. The world for centuries has been fighting and working for the light of democracy. Now when the light shines and the dawn of the day of democracy is breaking, shall we falter and hesitate and procrastinate until the light goes out? At such a time shall we not discard every selfish consideration of personal business interests and concentrate and unify all the manhood, all the force, all the power that we possess to break down and overthrow once and for all the powers that make for darkness and not for light? Let these all be united in one blow to save the world from the curse of autocracy and the curse of slavery, from national, industrial, commercial, and spiritual slavery, the worst that the world has ever known.

Mr. KELLOGG. I offer an amendment to the pending bill, which I wish to have printed and lie on the table.

The PRESIDING OFFICER (Mr. FRELINGHUYSEN in the chair). Without objection, the amendment will lie on the table and be printed.

Mr. POMERENE. I present an amendment relating to the subject of coal, coke, and petroleum. I ask that it be printed for the information of the Senate and lie upon the table.

The PRESIDING OFFICER. Without objection, it will be so ordered.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on July 17, 1917, approved and signed the joint resolution (S. J. Res. 33) to relieve the owners of mining claims, who have been mustered into the military or naval service of the United States as officers or enlisted men from performing assessment work during the terms of such service.

PETITIONS.

Mr. LODGE presented a petition of the Massachusetts Branch of the National Woman's Party, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was referred to the Committee on Woman Suffrage.

Mr. PHELAN presented a petition of the Redlands Chapter of the Woman's Section of the Navy League of California, praying for universal military training and for an increase of the aviation forces of the United States, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Redlands, Cal., praying for the construction of a road along the coast of Los Angeles and Ventura Counties and between Topanga Canyon and Hueneme for military purposes, etc., which was referred to the Committee on Military Affairs.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LEWIS:

A bill (S. 2654) providing for the appointment of two additional district judges in the State of Illinois; to the Committee on the Judiciary.

By Mr. SHEPPARD:

A bill (S. 2655) to extend the penal laws of the States prohibiting the manufacture and sale of intoxicating liquors to any lands within such States under jurisdiction of the United States; to the Committee on the Judiciary.

By Mr. CHAMBERLAIN:

A joint resolution (S. J. Res. 84) authorizing the drafting of aliens, except alien enemies, into the military service of the United States; to the Committee on Military Affairs.

TRADING WITH THE ENEMY.

Mr. PHELAN submitted an amendment intended to be proposed by him to the bill (S. 2445) to define, regulate, and punish trading with the enemy, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

SELECTIVE DRAFT.

Mr. CURTIS. I ask unanimous consent to have printed in the RECORD a table prepared by the Secretary of War relative to

the apportionment of each State to be drafted under the act to increase the Military Establishment of the United States, approved May 13, 1917.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table referred to is as follows:

WAR DEPARTMENT,
Washington, July 12, 1917.

By virtue of the authority vested in him by an act of Congress entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 13, 1917, the President of the United States has ordered the aggregate number of 687,000 men to be raised by draft for the military service of the United States, in order to bring to full strength the organizations of the Regular Army and the organizations embodying the members of the National Guard drafted into the military service of the United States and to create the National Army, and has caused said aggregate number to be apportioned to the several States and Territories and the District of Columbia as set forth in the schedule hereto appended.

The governor of each State and Territory and the Commissioners of the District of Columbia, acting for and by the direction of the President and in accordance with said act of Congress and rules and regulations prescribed pursuant thereto, shall apportion the quota so apportioned to such State, Territory, or District and shall communicate to each local board established in such State, Territory, or District notice of the net quota to be furnished by such board; and such net quotas shall thereupon be furnished by the respective local boards as required by said act of Congress and rules and regulations prescribed pursuant thereto.

NEWTON D. BAKER,
Secretary of War.

Area.	Population.	Proportion.	Gross quota.	Credits.				Difference.	Proportion.	Adjustment.	Net quota.
				(a)	(b)	(c)	(d)				
United States	105,366,056	1.000000	1,152,985	164,292	183,719	117,974	465,985	687,000	1.000000	.....	687,000
Alabama	1,946,536	.018474	21,300	4,181	2,238	1,232	7,651	13,649	.018513	37	13,612
Arizona	409,203	.003884	4,478	456	371	171	998	3,480	.003892	8	3,472
Arkansas	1,594,835	.015136	17,452	1,192	5,123	840	7,155	10,297	.015168	30	10,267
California	3,189,998	.030275	34,907	4,466	3,162	4,158	11,786	23,121	.030339	61	23,060
Colorado	895,336	.008497	9,797	1,290	2,722	1,015	5,027	4,770	.008515	17	4,753
Connecticut	1,719,623	.016320	18,817	3,893	2,776	1,138	7,807	11,010	.016355	33	10,977
Delaware	234,710	.002228	2,569	544	639	180	1,363	1,206	.002232	4	1,202
District of Columbia	346,856	.003292	3,796	1,933	704	223	2,860	936	.003299	7	929
Florida	925,641	.008785	10,129	1,173	1,659	954	3,786	6,343	.008803	18	6,325
Georgia	2,486,544	.023589	27,209	3,885	2,100	2,840	8,825	18,384	.023648	47	18,337
Idaho	441,684	.004192	4,833	962	865	711	2,538	2,295	.004201	8	2,287
Illinois	7,227,952	.068599	79,094	6,672	9,635	10,997	27,304	51,790	.068742	137	51,653
Indiana	2,738,893	.025994	29,971	3,975	2,494	5,940	12,409	17,562	.026048	52	17,510
Iowa	2,327,079	.022086	25,465	2,231	6,868	3,633	12,672	12,793	.022132	44	12,749
Kansas	1,626,226	.015434	17,795	1,839	6,898	2,588	11,325	6,470	.015466	31	6,439
Kentucky	2,024,353	.019213	22,152	1,980	3,622	2,276	7,878	14,274	.019253	38	14,236
Louisiana	1,688,862	.016029	18,481	1,690	1,979	1,198	4,867	13,614	.016062	32	13,582
Maine	646,588	.006137	7,076	1,968	2,722	553	5,243	1,833	.006149	12	1,821
Maryland	1,292,091	.012263	14,139	3,330	3,151	537	7,018	7,121	.012288	25	7,096
Massachusetts	3,939,561	.037389	43,109	9,972	7,511	4,965	22,448	20,661	.037467	75	20,586
Michigan	4,015,053	.038106	43,936	3,720	3,943	5,906	13,569	30,367	.038185	76	30,291
Minnesota	2,377,938	.022568	26,021	2,419	3,752	1,951	8,122	17,899	.022615	45	17,854
Mississippi	1,501,345	.014249	16,429	1,292	3,457	851	5,600	10,829	.014279	28	10,801
Missouri	3,240,679	.030756	35,461	5,018	7,738	3,984	16,740	18,721	.030821	61	18,660
Montana	952,478	.009040	10,423	959	592	982	2,533	7,890	.009059	18	7,872
Nebraska	1,270,301	.012056	13,900	1,300	2,538	1,853	5,691	8,209	.012081	24	8,185
Nevada	131,232	.001245	1,435	0	0	382	382	1,053	.001248	2	1,051
New Hampshire	403,884	.003833	4,419	1,589	1,272	346	3,207	1,212	.003841	8	1,204
New Jersey	3,255,407	.030896	35,623	6,110	4,584	4,202	14,896	20,727	.030961	62	20,665
New Mexico	352,392	.003344	3,856	41	1,239	277	1,557	2,299	.003351	7	2,292
New York	11,187,798	.106180	122,424	23,495	16,888	12,588	52,971	69,453	.106402	212	69,241
North Carolina	2,146,266	.020370	23,485	3,123	3,345	1,003	7,471	16,015	.020412	41	15,974
North Dakota	706,992	.006710	7,737	279	1,486	353	2,118	5,619	.006724	13	5,606
Ohio	6,074,771	.057654	66,474	8,437	14,129	5,020	27,586	38,888	.057774	115	38,773
Oklahoma	1,822,470	.017297	19,943	433	2,004	1,907	4,344	15,599	.017333	35	15,564
Oregon	675,092	.006407	7,387	2,424	2,259	1,974	6,657	730	.006421	13	717
Pennsylvania	8,981,082	.085237	98,277	14,128	9,732	13,388	37,248	61,029	.085415	170	60,859
Rhode Island	573,583	.005444	6,277	2,178	1,916	371	4,465	1,812	.005455	11	1,801
South Carolina	1,384,203	.013137	15,147	2,462	1,796	782	5,040	10,107	.013165	26	10,081
South Dakota	626,359	.005945	6,854	899	2,647	579	4,125	2,729	.005957	12	2,717
Tennessee	2,024,893	.019218	22,158	2,261	3,917	1,414	7,592	14,566	.019258	38	14,528
Texas	4,397,097	.041732	48,116	4,347	8,794	4,347	17,488	30,628	.041819	83	30,545
Utah	451,932	.004289	4,945	663	812	1,091	2,566	2,379	.004298	9	2,370
Vermont	296,426	.002813	3,243	872	1,111	205	2,188	1,055	.002819	6	1,049
Virginia	1,951,521	.018521	21,354	3,602	2,992	838	7,522	13,832	.018560	37	13,795
Washington	1,166,855	.011074	12,768	2,240	1,764	1,446	5,450	7,318	.011097	22	7,296
West Virginia	1,356,907	.012873	14,848	2,999	1,482	1,240	5,721	9,127	.012905	26	9,101
Wisconsin	2,576,931	.024457	28,199	4,659	9,029	1,586	15,274	12,925	.024508	49	12,876
Wyoming	245,226	.002327	2,683	384	1,180	304	1,868	815	.002332	5	810
Alaska	64,912	.000616	710	.....	.....	13	13	697	.000617	1	696
Hawaii	219,580	.002084	2,403	4,237	142	18	4,397	1,994	.....	.....	.....
Porto Rico	1,231,880	.011691	13,480	.....	.....	624	624	12,856	.011716	23	12,833

RECESS.

Mr. CHAMBERLAIN. I move that the Senate take a recess until to-morrow morning at 11 o'clock.

The motion was agreed to; and (at 6 o'clock p. m., Wednesday, July 18, 1917) the Senate took a recess until to-morrow, Thursday, July 19, 1917, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July 18, 1917.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we pray with all the strength and fervor of soul that Thy kingdom may speedily come in the hearts of all Thy children.

That the widespread unrest, contentions, strife, and the terrible war, which involves all the world in its wide desolation, may cease.

The world is large enough, fruitful enough for all, if selfishness should give way to generosity, hate to love, revenge to kindness.

So many gods, so many creeds, so many paths that wind and wind,
But all that the sad world needs is just the art of being kind.

Hear us, O Lord, and out of Thy great mercy answer our petition. To the glory and honor of Thy Holy Name. Amen.

The Journal of the proceedings of Saturday, July 14, 1917, was read and approved.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. Sharkey, one of his secretaries, announced that on July 17, 1917, the President approved a bill and joint resolution of the following numbers and titles:

H. R. 5405. An act making appropriations for certain session employees of the Senate and House of Representatives; and

S. J. Res. 33. Joint resolution to relieve the owners of mining claims who have been mustered into the military or naval service of the United States as officers or enlisted men from performing assessment work during the term of such service.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 646) for the relief of Mrs. Nancy E. Mullins.

Also, that the Senate had passed with an amendment the bill (H. R. 4892) authorizing the President to take possession, on

behalf of the United States, for use as sites for permanent aviation stations for the Army and Navy and for aviation-school purposes, of the whole of North Island, in the harbor of San Diego, Cal., and for other purposes, in which amendment the concurrence of the House was requested.

ORDER OF BUSINESS.

Mr. TIMBERLAKE. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a resolution by the Farmers' Union of Colorado against some of the provisions of the food-control bill.

The SPEAKER. Under the agreement that was entered into with great particularity the last day we met nothing is to be done here to-day except to adjourn.

Mr. TIMBERLAKE. I did not know that applied.

The SPEAKER. That was settled after it was thrashed out thoroughly.

Mr. HARDY. Mr. Speaker, I ask unanimous consent to make a 15-minute talk in reference to the shipbuilding situation and controversy between Gen. Goethals and Mr. Denman.

The SPEAKER. No; under that agreement no one can talk here to-day.

Mr. GARNER. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. That agreement was entered into on the objection of the gentleman from Wisconsin [Mr. COOPER] that the former agreement was not lived up to.

Mr. HARDY. It will be no use to have these contracts all let, to lock the door after the horse is stolen.

The SPEAKER. The Chair is simply carrying out the order of the House.

Mr. COOPER of Wisconsin. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER of Wisconsin. Would it be in order for me to say that I did not object the last time we met. I simply asked two questions of the gentleman from North Carolina [Mr. KITCHIN], and he made the statement.

The SPEAKER. The Chair was not reflecting at all upon the gentleman from Wisconsin. He was stating what happened here.

Mr. GARNER. Mr. Speaker, I desire to state for the information of the House——

Mr. MANN. That is not in order.

Mr. GARNER. If the gentleman desires to object, I shall not proceed further.

ADJOURNMENT.

Mr. RAINEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 7 minutes p. m.), in accordance with the order heretofore made, the House adjourned until Saturday, July 21, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting supplemental estimate of appropriation required by the United States Public Health Service for the fiscal year ending June 30, 1918 (H. Doc. No. 276); was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ADAMSON: A bill (H. R. 5441) to provide for the erection of a public building in the city of Greenville, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5442) to provide for the erection of a public building in the city of Buena Vista, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5443) to provide for the erection of a public building in the city of Talbotton, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. KELLY of Pennsylvania: A bill (H. R. 5444) to fix the salaries of post-office clerks and carriers and to grant the right of appeal to such postal employees; to the Committee on the Post Office and Post Roads.

By Mr. McCULLOCH: Resolution (H. Res. 120) requesting certain information regarding apportioning quotas to States under the provisions of the selective-conscription law; to the Committee on Military Affairs.

By Mr. KELLY of Pennsylvania: Joint resolution (H. J. Res. 126) repealing the limitations upon appointments and promotions in the Pension Bureau; to the Committee on Appropriations.

By the SPEAKER (by request): Memorial of the Legislature of the State of Georgia indorsing the President of the United States and assuring him of the confidence and support of the people and General Assembly of Georgia; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DAVIDSON: A bill (H. R. 5445) granting an increase of pension to Sophia De Rusha; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5446) granting an increase of pension to Charles Brown; to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 5447) for the relief of Thomas W. Williams; to the Committee on Military Affairs.

By Mr. FERRIS: A bill (H. R. 5448) for the correction of the military record of Thomas T. Lewis; to the Committee on Military Affairs.

By Mr. GOODALL: A bill (H. R. 5449) granting an increase of pension to Sargent Clark; to the Committee on Pensions.

By Mr. HAYDEN: A bill (H. R. 5450) for the relief of Vincent Natalish; to the Committee on Indian Affairs.

By Mr. LAZARO: A bill (H. R. 5451) granting a pension to Henry P. Nicholas; to the Committee on Pensions.

By Mr. RODENBERG: A bill (H. R. 5452) granting a pension to Orley E. Laird; to the Committee on Pensions.

Also, a bill (H. R. 5453) granting a pension to John T. Garrett; to the Committee on Pensions.

By Mr. SWITZER: A bill (H. R. 5454) granting an increase of pension to Joel A. Pugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5455) granting a pension to John J. Swan; to the Committee on Pensions.

By Mr. VARE: A bill (H. R. 5456) to reinstate John K. Thompson as a gunner in the United States Navy; to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Missouri Auxiliary to the National American Woman Suffrage Association, Kansas City, Mo., indorsing the Susan B. Anthony amendment and urging its early adoption; to the Committee on the Judiciary.

Also (by request), petition of Encampment No. 145, Union Veteran Legion of Dayton, Ohio, pledging their services and capacity in the aid of the Government in this world war; to the Committee on Military Affairs.

Also (by request), petition of the Department of New York, Grand Army of the Republic, indorsing the action of the President of the United States and Congress in placing the United States as one of the contestants in the present world war on the side of liberty and democracy, and pledging their support; to the Committee on Military Affairs.

By Mr. ANTHONY: Memorial of Kansas State Council of Defense, asking that the Government fix minimum price of wheat at $2.25 per bushel; to the Committee on Agriculture.

By Mr. DALE of New York: Petition of the New York State Dealers' Conference Board, indorsing the food program of Mr. Herbert C. Hoover and the food-control bill; to the Committee on Agriculture.

By Mr. HAMILTON of New York: Petition of sundry citizens of Jamestown, N. Y., favoring national prohibition as a war measure; to the Committee on the Judiciary.

Also, affidavits to accompany House bill 5434, granting a pension to Olivia Pattison; to the Committee on Invalid Pensions.

By Mr. HERSEY: Petition of Maine State Federation of Labor, urging the elective franchise for women; to the Committee on the Judiciary.

By Mr. KALANIANAOLE: Petition of the Democratic Territorial Committee of Hawaii, indorsing as the candidates of the party for the position of governor of the Territory of Hawaii the names of Mr. Lincoln L. McCandless and Prof. William A. Bryan; to the Committee on the Territories.

Also, petition of the Women's Aid Society of the Wailuku Union Church, Wailuku, Maui, urging the creation of effective

zones about all military camps in the United States; to the Committee on Military Affairs.

By Mr. RANDALL: Petition of Woodlawn Missionary Society, of Los Angeles, Cal., favoring the prohibition of the liquor business as a war measure; to the Committee on the Judiciary.

Also, memorial of Woman's Christian Temperance Union of Pomona, Cal., protesting against the waste of enormous quantities of food in the manufacture of beer and wine, and refusing to sign or indorse any compact to cut down the bread for our families while this enormous waste is countenanced by Congress and the President; to the Committee on the Judiciary.

SENATE.

THURSDAY, *July 19, 1917.*

(Legislative day of Wednesday, July 18, 1917.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

NATION-WIDE PROHIBITION.

Mr. MYERS. Mr. President, lest we forget, I rise to recall to our minds a resolution that was passed by the Continental Congress on the 27th day of February, 1777. Indeed, judging from the votes that were cast in this Chamber on the 7th day of this month, I fear it had slipped the minds of many of us.

It will come as a distinct surprise to some Congressmen that the question of food conservation, which we have hitherto prided ourselves upon as the very most recent invention, demanded attention in 1777. And it will certainly startle some to be reminded that in that connection the Congress went its limit, without presidential interference or correspondence with the Antisaloon League, for bone-dry conservation of foodstuffs.

BONE-DRY IN 1777.

Resolved, That it be recommended to the several legislatures of the United States immediately to pass laws the most effectual for putting an immediate stop to the pernicious practice of distilling grain, by which the most extensive evils are likely to be derived if not quickly prevented.

That was passed 140 years ago. Nobody had ever seen a kerosene lamp, or a cookstove, or a steamboat, or a locomotive, or a postage stamp, or dreamed of a telephone, automobile, flying machine, or submarine. Those were slow and dreamy days, but Congress passed a more sensible and more effective conservation bill—within its limitations—in five minutes than this Senate, living in these days of enlightened progress, has been able to pass in five weeks. And incidentally, to the boundaries of its limitations, it passed a more statesmanlike bone-dry law than this Senate seems to be willing to enact.

But they had some distinct advantages—that was before the adoption of the Constitution and before the unconstitutional ghost was stalked at every legislative feast. And they had some disadvantages—unfortunately they could not enact any law binding upon anybody, and their resolution met in the legislatures the fate that great things often meet at the hands of small men.

BEER HAD NOT YET DISCOVERED AMERICA.

Some critic may urge that the measure was not bone-dry, since it did not mention brewing. At that date beer had not discovered America. The Government has no record of the beer industry prior to 1840—63 years after the adoption of this resolution—and then the per capita consumption was but 1.36 gallons, or less than one-twelfth the per capita consumption of last year.

CLEAR-VISIONED MEN.

This was the urgent and heartfelt appeal of earnest men for immediate action forbidding the transformation of their strength-giving grains into a poison which was certain to bring a flood of social and domestic disorders. They were without the modern knowledge of the physical effect of alcohol upon the human system and the physical economy. They were without the guidance of the experience of charitable, correctional, and penal institutions. They did not have the testimony of judges of every court, of peace officers of every grade, and of cities and States of every section all witnessing the destructive and corrosive civic and social effects of drink. And sir, it was before the advent of the saloon; it was before drunkenness was looked upon as a weakness; it was before the ministers of Christ either shunned it or looked upon it with marked disfavor; it was before the employer of labor discriminated against the drinker; it was before insurance companies frowned upon alcohol; it was before the church demanded total abstinence; it was before the school taught the effects of the poison; it was before there was a square inch of prohibition territory in the Anglo-Saxon world. That Congress was a world-renowned gathering that is remembered to-day with more veneration, respect, and love than many, perhaps than any, of its successors. Are they remembered for their wisdom? For their time they were wise men, but wisdom accumulates with the years. There is not a man in this Chamber that does not know more of electricity than Franklin, who knew more of it then than any other of his time. But, sir, they are not remembered for their learning. Are they remembered for their oratory? There were but few orators among them, and this Chamber holds the equal of their best. Are they remembered for their literary attainments? Their literary men, though great, were few.

MEN OF COURAGE.

There is one characteristic that elevates that Congress to an eminence of fame approached by no other; it is the sublime courage with which they faced the vexing problems of their day.

> In face of death they dared to fling
> Defiance to a tyrant king!

But that was the small beginning of their courage. They dared open-mindedly to face the revered traditions, customs, usages, and precedents of the awesome past and bend submissive knee to naught but truth. If in facing the pregnant issues of this hour this Senate will emulate them in that, its fame will be as glorious and endure as long.

THEY LABORED FOR THEIR FELLOW MEN.

One trait alone commends them to the lasting love of a forgetful world—they loved and labored for their fellow men. And this resolution I have read is but a single incident in proof of it. To distill grain took food from the hungry. Enough! Let it stop immediately. Let the laws be effectual. Again, from it extensive evils are likely to be derived. Enough! Let it be quickly prevented. In a single sentence of 46 words 3 of them denote speed and action and 2 indicate thoroughness; had the various legislatures heeded their appeal, this Nation would have escaped the "extensive evils that have been derived from the traffic" which our fathers of that Congress so clearly foresaw, and its illustrious glory, beauty, strength, and position would have reached heights of grandure, service, and leadership now only shadowed in our fond, ambitious dreams. Doubtless cupidity on the one hand and cowardice on the other joined to balk this purpose of the gods and thwart the hope our patriotic fathers bore. For cupidity and cowardice ever join against the onward march of man—cupidity of those who get gain from the vices, misfortunes, and inequities which civilization seeks to cure, and the cowardice of those who fear to set the gauge of battle against intrenched wrong, and for a new-born struggling right. Sir, read that resolution again; it demands the conservation of the grain from every form of intoxicants that then consumed it. Dares this Senate pass its equal now?

THE ROLL CALL OF THE PAST.

Benjamin Franklin and Robert Morris then occupied the Pennsylvania seats. The Adamses and Howard Treat Payne were worthy representatives of the character as well as the culture of the old Bay State. Patrick Henry, Benjamin Harrison, and Peyton Randolph spoke for Old Dominion, while Stephen Hopkins, of Rhode Island, and John Jay and Philip Livingstone, of New York, clothed with solemn dignity and perfumed with moral worth the honor of the seats that they filled with such lofty purpose and distinguished patriotism. May we commend ourselves to the honor and love of posterity by courage as lofty and aspirations as holy as moved our illustrious predecessors.

THEY BLAZED THE TRAIL OF HUMAN PROGRESS.

They cut new highways for the better day to come. They asked no counsel of the murky past, but lifted their eyes to the dawn and strove on. We, their successors, now stand in the noontide of the day whose gray morning they helped to usher in by the light of their new concept of the purpose of government—to guarantee the "life, liberty, and happiness" of the people. And the liquor traffic stands repugnant to and destructive of life, the protection of which is the first sacred purpose of government; and of liberty, that sweet heritage so dear that brave men have ever counted it a duty and a joy to give their lives and fortunes to advance its cause; and happiness, without which both life and liberty rest as empty burdens upon the human soul. And, sir, Benjamin Franklin and Samuel Adams and Patrick Henry and their compatriots who adopted that marvelously patriotic resolution, every word of which is weighted with significance and force, saw, even in the dusk of that dawning, the wanton waste of needed food "and the extensive evils likely to be derived," and, though there were few abstainers in the group, had the courage that this pampered age seems hardly to possess to act with clear-eyed statesmanship and with purpose single to the Nation's good.

LIBERTY ENLIGHTENING THE WORLD.

Nor has the divinely planted zeal that this Nation shall light the world to liberty's shrine and free all peoples from the galling

chains of the maudlin god of wine ever left the bosoms of some of her most gifted and patriotic sons.

Abraham Lincoln, 65 years after the historic resolution which I have read was adopted in Congress, gave utterance to that lofty aspiration. He compared the political bondage suffered under King George III, which could trammel only the body or the outward shell of men, to the slavery of the soul inflicted by that "invisible spirit of wine" for which Shakespeare, viewing its hellish work, could find no proper name but "devil." I quote with reverence from the words of the martyred emancipator, who towers above most of his illustrious compatriots as the Matterhorn lifts its lofty head into the sun-lit blue above the shadowed foothills and the copse below. Before him lay in clear perspective the tyranny of monarchial oppression and the servitude of domestic slaves. Liberty was his passion, and he spoke in well-weighed words, with values thoughtfully compared:

A PROPHET'S VOICE.

Turn now to the temperance revolution. In it we shall find a stronger bondage broken, a viler slavery manumitted, a greater tyrant deposed; in it more of want supplied, more of disease healed, more sorrow assuaged. By it no orphans starving, no widows weeping; by it none wounded in feeling, none injured in interest; even the dram maker and dramseller will have glided into other occupations and stand ready to join all others in the universal song of gladness. And what a noble ally this to the cause of political freedom; with such an aid its march can not fail to be on and on, till every son of earth shall drink in rich fruition the sorrow-quenching draughts of perfect liberty.

And when the victory shall be complete—when there shall be neither a slave nor a drunkard on the earth—how proud the title of that land which may truly claim to be the birthplace and the cradle of both those revolutions that shall have ended in victory! How nobly distinguished that people who shall have planted and nurtured to maturity both the political and moral freedom of their species!

This was delivered by Abraham Lincoln before the Washingtonians at Springfield, Ill., February 22, 1842.

Sir, we can not honor Lincoln nor our patriot fathers of the first Congress by prating their praise. If we would do them homage we must do bravely as they by fearless word and courageous deed have taught. When confronted, as we now are, by a national foe of such pernicious power as to lay threat to the citadel of our national liberty and honor and to menace and destroy the sacred purposes for which governments are instituted among men, we must act with a courage and patriotism worthy of such sires. I can not more appropriately close than with other words from Lincoln's lips:

WE SHALL NOT FAIL.

If ever I feel the soul within me elevate and expand to those dimensions not wholly unworthy of its Almighty Architect, it is when I contemplate the cause of my country, deserted by all the world beside, and I standing up boldly and alone and hurling defiance at her victorious oppressors. Here, without contemplating consequences, before high heaven, and in the face of the world, I swear eternal fidelity to the just cause, as I deem it, of the land of my life, my liberty, and my love.

And who that thinks with me will not fearlessly adopt the oath that I take?

Let none falter who thinks he is right, and we may succeed. But if, after all, we shall fail, be it so, we still shall have the proud consolation of saying to our consciences and to the departed shade of our country's freedom that the cause approved of our judgment, and adored of our hearts, in disaster, in chains, in torture, in death, we never faltered in defending. And we shall not fail—if we stand firm, we shall not fail.

This was delivered by Abraham Lincoln in the statehouse at Springfield, Ill., in December, 1839.

OVERTAKE THE PAST.

Senators, why not catch up with our ancestors? Why not enact into law the advice of the Congress of 1777 for food conservation, and attain for the Nation the vision of glory that charmed the prophetic eyes of Abraham Lincoln?

CONSTRUCTION OF SHIPS.

Mr. SMOOT. Mr. President, yesterday I introduced Senate resolution 106. The Senator from Oregon [Mr. CHAMBERLAIN] objected to its consideration because he thought it would lead to discussion. I understand now that he has withdrawn his objection, and I ask unanimous consent for its present consideration. It was read yesterday.

The VICE PRESIDENT. Is there objection? The Chair hears none. The Secretary will read the resolution.

The Secretary read Senate resolution 106, submitted yesterday by Mr. SMOOT, as follows:

Resolved, That the President be, and he hereby is, requested to transmit to the Senate such information as may be in the hands of the Shipping Board to show what contracts have been let or are pending for the construction of ships under the authority of that board, the names of the contractors, the location and capacity of their yards, the price per ton to be paid to them, the nature and amount of any advances to be made to them from Government funds, together with any other information which will indicate the disposition of appropriations already made for the uses of the Shipping Board or which will assist the Senate in the consideration of requests from the said board for further appropriations.

The VICE PRESIDENT. Is there objection to the consideration of the resolution?

Mr. SMITH of Georgia. The Senator from Virginia [Mr. MARTIN] has just come in. Is the resolution before the Senate now?

Mr. SMOOT. I have just asked unanimous consent for its present consideration.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

CENSUS FOR MILITARY DRAFT (S. DOC. NO. 64).

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of Commerce, transmitting, in response to a resolution of the 16th instant, information relative to the estimates of population based upon the results of the registration of June 5, 1917, furnished by the Bureau of the Census in accordance with the request of the Provost Marshal General of the War Department. It seems to be a public document, and the Chair will order it, with the accompanying paper, to lie on the table and be printed.

PETITIONS.

Mr. KNOX presented petitions of sundry citizens of the State of Pennsylvania praying for national prohibition as a war measure, which were ordered to lie on the table.

Mr. McLEAN presented petitions of the Suffrage League of Fairfield County and of the National Woman's Party in the State of Connecticut praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were referred to the Committee on Woman Suffrage.

He also presented a petition of the Robert Emmett Literary Club, of Torrington, Conn., praying for the independence of Ireland, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Hartford Section of the Council of Jewish Women, in the State of Connecticut, praying for the enactment of legislation to protect the morals of soldiers and to prohibit vice at Army posts, which was ordered to lie on the table.

He also presented petitions of the Central Labor Union of Baltic, of organized labor of Danbury, of the Hartford Central Labor Union, and of the Norwich Central Labor Union, all in the State of Connecticut, praying for the passage of the pending food-control bill, which were ordered to lie on the table.

BILL INTRODUCED.

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WEEKS:

A bill (S. 2656) to establish a staff war corps of the United States Navy, and for other purposes; to the Committee on Naval Affairs.

TRADING WITH THE ENEMY.

Mr. FLETCHER submitted an amendment intended to be proposed by him to the bill H. R. 4960, an act to define, regulate, and punish trading with the enemy, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

CONSERVATION OF FOOD AND FUEL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

Mr. THOMPSON. Mr. President, I have three amendments to the pending bill, one of which I should like to have printed in the RECORD; and I ask that they may remain on the table.

There being no objection, the first amendment was ordered to be printed in the RECORD, as follows:

In section 12, page 22, line 21, strike out the figures "$1.75" and the word "one" and insert the figures "$2" and the word "two," so that the line shall read "shall be $2 per bushel for No. 2 northern"; also, in the same section and on the same page, at the commencement of line 22, insert the words "based on Chicago market," so that the proviso, commencing with line 18, will read as follows:

"*Provided, however*, That the minimum price of wheat from the passage of this act to the 1st day of January, 1919, shall be $2 per bushel for No. 2 northern, based on Chicago market, and the board of food administration shall establish rules and regulations as to difference in price for the standard grades and as to places and conditions of delivery."

The VICE PRESIDENT. The Chair, at this point in the procedure, deems it appropriate to call attention to that part of the unanimous-consent agreement which reads:

That no amendment shall be proposed to the bill from and after the hour of 2 o'clock p. m. of the calendar day of Friday, July 20, 1917, except by unanimous consent.

Mr. THOMPSON. That is why I present the amendments now.

The VICE PRESIDENT. But I do not think you have done so in accordance with the unanimous-consent agreement. That is why I am making this statement. Ordinarily there can be only one amendment to a bill pending at one time. That amendment must be disposed of in some way before another can be offered to the bill. The presentation of an amendment to have it printed and lie on the table is not the presentation of an amendment to the bill at all. It is simply printed for the information of Senators, and must subsequently be offered by the Senator at some appropriate time when no other amendment is pending. But the Chair thinks that a fair interpretation of the unanimous-consent agreement is to waive this rule, and that prior to the hour of 2 o'clock p. m. of the calendar day of Friday, July 20, any Senator may present an amendment with a notice that he expects to have it a pending amendment to be voted upon under the terms of the unanimous-consent agreement, and that such action will entitle him to have a vote upon such amendment.

Mr. THOMPSON. That is the construction I gave the unanimous-consent agreement.

The VICE PRESIDENT. The Senator asked to have the amendments lie on the table. The Chair understands that the Senator expects to have them voted on.

Mr. THOMPSON. Not now.

The VICE PRESIDENT. But some time before the bill is disposed of.

Mr. THOMPSON. Yes, sir.

Mr. GRONNA. I introduce the following amendment. I should like to have it read. I ask to have it printed and lie on the table.

The VICE PRESIDENT. The Secretary will read it.

The SECRETARY. Strike out the proviso on page 22 of the amendment and insert:

The United States hereby guarantees and agrees to pay from the date this act becomes a law to the 30th day of June, 1919, for all wheat raised in the continental United States and tendered to it at any of the five principal interior primary markets, to be designated by the board, not less than $2 per bushel for standard contract grades in such markets. The grades shall be fixed by the Secretary of Agriculture, as by law provided. The price for other grades to be based upon the said standard grades. The board shall make rules specifying the conditions of delivery and for the proper carrying out of the provisions of this paragraph.

The provisions of this act for the execution of the guaranty by the Government of minimum prices of wheat shall apply to the minimum prices covered by this paragraph.

Mr. THOMPSON. Mr. President, a parliamentary inquiry.

Mr. GRONNA. Just a moment. I think I made a mistake in asking to have the amendment printed and lie on the table. I mean to have the amendment pending to the bill so that it may be offered in accordance with the unanimous-consent agreement.

Mr. THOMPSON. I do not want to have any misunderstanding. I desire to have my amendments pending. I do not want to be shut out from offering them.

The VICE PRESIDENT. The Chair understands that the amendments tendered by the Senator from Kansas and the amendment tendered by the Senator from North Dakota are to be voted upon some time by the Senate.

Mr. CHAMBERLAIN. Mr. President——

Mr. REED. If the Senator from Oregon will permit me, I desire to have three amendments, which I send to the desk, considered as pending. They have already been read, and I think it is not necessary to formally read them, but I should like to have them considered as pending.

While I have the floor I desire to have considered as pending the following two amendments.

Mr. CHAMBERLAIN. That we may have an orderly procedure, may I suggest that the bill be taken up section by section, beginning with section 1, and that amendments to the sections as we reach them be disposed of? I think that procedure would be more orderly than if we would undertake to consider amendments to different sections throughout the bill. I hope that that order may be followed unless there is some objection to it.

The VICE PRESIDENT. The Chair has not any power to say how amendments may be considered. When the Senator from Oregon, in charge of the bill, gets through with the committee amendments, the bill is open to amendments. The Chair can not fix the order.

Mr. CHAMBERLAIN. I shall not insist on it. I was merely expressing the hope that that might be done. Then I ask that the pending amendment be stated.

Mr. McCUMBER. Under the construction of the unanimous-consent agreement by the Chair I offer the following amendment and ask that it may be considered as pending. It has already been read, and it is not necessary to read it again.

Mr. KELLOGG. Before taking the recess last evening I offered an amendment to be printed. I give notice that I desire to have the amendment voted upon.

Mr. POMERENE. I present the following amendment, which was ordered printed on yesterday. I ask that it be regarded as pending.

Mr. STERLING. I send to the desk the following amendment and ask that it be regarded as a pending amendment. I should like to have the proposed amendment read.

The VICE PRESIDENT. The Secretary will read it.

The SECRETARY. Strike out section 9 of the bill.

The VICE PRESIDENT. The pending amendment is the amendment proposed by the Senator from Oregon [Mr. CHAMBERLAIN] to section 1.

Mr. KENYON. I offer the following amendment to the amendment: Insert after the word "gasoline"—I do not know the line; the Secretary will ascertain that—the words "iron ore and its products, farm implements, and farm tools."

I shall not take any particular time to discuss the amendment to the amendment. It simply enlarges the definition of necessaries so as to cover iron and steel and their products, also farm implements and farm tools. I think this is due to the farmers. I offer it merely on the theory that everything the farmer produces is subject to this act, and the act ought to be broadened to cover those things which he is compelled to buy. This is merely asking a square deal for the farmer. That he is entitled to; more he does not ask. No one need worry as to the farmer doing his part to help win this war. For the good of the Nation I beg of you to do nothing to discourage the farmers of the country and thus injure production. I have not covered binding twine, which, possibly, should be included. I realize that if this definition of necessaries should be unduly enlarged it perhaps would make difficult the passage of the bill, but I do feel that iron and steel and farm implements ought to be included in the bill. I shall ask for the yeas and nays on the amendment.

Mr. GRONNA. Mr. President, I want to take just a few minutes of the time of the Senate to give Members of the Senate some information as to the increased cost of producing grain. During this year it will cost the farmers of the United States for binding twine alone more than $33,000,000 above the normal cost. I now invite the attention of Senators from the South. I ask if they know that we are paying them for cotton in the use of canvases for our binders more than $2,000,000? We buy from you more than that amount of cotton cloth for our binders. This season that price has increased to us more than five and a half million dollars; in other words, we are paying a premium to the cotton farmers of the South of more than three and a half million dollars merely for binder canvases. I am not saying that you are getting too much for your cotton, but I believe, when you understand the situation, that you will wish to be fair and to treat the farmers who produce grain the same as you would treat them if they lived in your own section of the country.

Let me tell you another thing with which the farmers of the United States have to contend, and I am sorry to say that the United States has been a party to this robbery. In ordinary times the cost of transportation of hemp or twine from Manila to New York is 30 cents a hundred, while to-day it is $5.60. This indefensible freight rate has, I understand, been approved by the Shipping Board.

Mr. VARDAMAN. Will the Senator give us this information: Can he state just how much that would add to the cost of a bushel of wheat?

Mr. GRONNA. I can only tell the Senator what it would add to the total cost to the farmers of the United States.

Mr. VARDAMAN. What I desire to know is what it would add to the cost per bushel of wheat.

Mr. GRONNA. We use in a single year 250,000,000 pounds of binder twine; we use probably 50,000,000 pounds more for cordage; in round numbers, we use 300,000,000 pounds of all sorts of hemp. The principal part of that comes from Yucatan, and consists of sisal fiber, and the price has in the last year been increased from 6 cents to 19 cents per pound; but the people of Yucatan say, "We are basing our prices upon the prices of manila."

Yet the United States Government is a party to raising the price of binder twine to the American farmer in ocean freight rates from 30 cents a hundred to $5.60.

Senators, these are facts which can not be contradicted. I think it is fair to presume that there are 20,000,000 women on the farms in the United States, and the farmers are not so cruel but that they want to give their wives at least one or two Mother Hubbards or wrappers during the year. We know that it takes about 10 yards of cotton to make a cheap calico dress. We used to buy cotton at 5 cents a yard, the material costing the women 50 cents, while to-day it is costing them $1.20; in other words, these 20,000,000 women are paying to you people of the South

$12,000,000 more for one dress for each woman in the United States beyond what they paid before the war.

Every man upon the farm has to have a few pairs of overalls, and he has to have at least one new pair for Sunday. Suppose we say that the farmer uses four pairs of overalls during the year. No one will contradict the statement that the price of the overalls to the farmer before the war was about, or on an average, 75 cents, and the overalls which he could buy for 75 cents at that time are to-day costing $1.50.

There are at least 20,000,000 men living upon farms. Multiply that by 4, add 100 per cent, and see what the additional tribute the farmer on the grain-producing farms is paying to the cotton manufacturer of the South. I want to say to you it is unfair to take out of this bill all the products which necessarily must be consumed and used by the farmer.

I want to refer to the price of steel and I see before me the junior Senator from Alabama [Mr. UNDERWOOD], who, I am sure, knows a great deal more about steel than do I; but I have been told by men who ought to know that a reasonable price for steel in normal times is a cent and a half a pound, or $30 a ton. To-day the price of steel is from 4½ cents a pound to 5 cents a pound. I do not know how many million pounds of steel are being used by the farmers of the United States, but I know that there are millions of tons being used in the manufacture of their farm implements. Necessarily, if you compel them to pay this tremendous price for steel, the men who are manufacturing farming implements must add this increased cost to the cost of the machinery. We can not expect the manufacturers of farming implements in these times, when they are paying 4½ to 5 cents a pound for steel, to sell farming machinery as cheaply as they have done in normal times, when they were only paying $30 a ton. So the farmer, the man who uses farm implements, self-binders, plows, harrows, thrashing machines, and everything else that is necessary to carry on farming operations, is the very man who ultimately pays the increased price.

Mr. VARDAMAN. May I ask the Senator a question?

Mr. GRONNA. Yes.

Mr. VARDAMAN. I understand the proposition is to fix a minimum price of $2 a bushel for wheat?

Mr. GRONNA. Yes.

Mr. VARDAMAN. If we are going to fix a minimum price on these things, relatively that would be about 20 cents a pound, as I suppose, for cotton; and I should be very glad to make that arrangement with the Senator from North Dakota.

Mr. GRONNA. I want to say to the Senator from Mississippi that I should be very glad to vote for a minimum price of 20 cents a pound for cotton; I should have no objection to that at all. I do not believe that the cotton farmer is receiving any too much for his cotton, but I believe it is unfair to simply say that you are going to control the prices of our products and then let your own products be uncontrolled. That is my objection to this legislation. I have just offered an amendment which provides that the minimum price in all these various interior terminal markets shall not be less than $2 a bushel for wheat to the farmer. Let me tell you that there is not a thing on earth that the farmer buys that has not increased in cost at least 100 per cent to him, and in the matter of steel the price has increased 400 or 500 per cent. I do not think it is fair that men who come from other sections of the country should try to eliminate their own products from this bill, and that they should say to the farmer who produces grain, "Your product must be controlled." We have no objection to letting you control our products; we want the Government to control our products in times of war, if necessary; but we also want the Government to control your products. We want to give the President of the United States the right to control the products of steel which are so important in the manufacture of farm machinery.

I do not think that the steel manufacturers deserve any better treatment than the grain farmers of the West and of the United States generally. I observe that the profits of the Steel Trust during the last year were $282,000,000.

The VICE PRESIDENT. The time of the Senator from North Dakota has expired.

Mr. KELLOGG. Mr. President, I should like to suggest to the Senator from Iowa that he include binder twine in his amendment.

Mr. KENYON. I will be very glad to accept that suggestion, and include "binder twine." I ask that those words be inserted in the amendment.

Mr. NELSON. Mr. President, I rise to offer an amendment now and have it pending, so that I will not be cut off to-morrow. I offer the amendment and desire to have it treated as pending.

Mr. CURTIS. I hope the amendment offered by the Senator from Iowa [Mr. KENYON] will be adopted. If this bill is to apply to the necessaries produced by the farmer, it should also apply to the necessaries which the farmer must have. It is well known to members of the Senate that a foreign organization, backed by money furnished by bankers in this country, increased the price of binding twine last year to the farmers. The increase cost to the farmers of the United States on the amount used for binding twine was more than $19,000,000 last year. If the amendment offered by the Senator from Iowa is adopted, including the suggestion of the junior Senator from Minnesota [Mr. KELLOGG], the foreign producers of binding twine who want to take advantage of our market can be controlled by the provisions of this bill.

It is also known to Senators that the price of farm machinery was greatly advanced last year. I am told this morning by the president of a leading farmers' organization in the State of Kansas that notice has been served on the farmers that they may expect an increase of 33⅓ per cent on farm machinery during the coming year. If that is so—and this gentleman is a reputable farmer of my State, and says that the notice has come direct—then the farm machinery which the farmers must buy should be included within the provisions of this bill. I hope the amendment offered by the Senator from Iowa will be adopted.

Mr. SMITH of South Carolina. Mr. President, before the amendment proposed by the Senator from Iowa [Mr. KENYON] is voted upon, I desire to call the attention of the Senate to the fact that, if I understand the purpose of this bill, it is to encourage production. The reason why I have advocated wheat being included and made the principal article subject to the provisions of this bill is because we need bread in this country, and because in 1915, when we made 1,025,000,000 bushels of wheat the average price to the farmer was 87 cents a bushel, while in 1916, with a crop of 525,000,000 bushels short, almost a half production, the price then went to $3 a bushel. In order to make as secure as possible a maximum production of wheat it is necessary to guarantee the wheat farmer against the disastrous experience of 1915.

What we are attempting to do here, as I understand, is to increase the food supply of this country without regard to other articles which may have been affected by the extraordinary conditions of the war. We want to guarantee the food producers of this country against the disaster that always comes with overproduction. We are inviting them to increase their acreage in foodstuffs, and we are attempting now to fix a price below which the market will not go. We have said nothing about a maximum price. There is a maximum yield of steel because prices are high; there is a maximum yield of war munitions because prices are high; but when there was a maximum yield of wheat in 1915, the prices broke to where it hardly paid the farmer the cost of production. He is not called upon to sacrifice everything he has in the world; and out in the West wheat is the principal standard crop. We are trying to encourage the farmer to fill the elevators of this country to supply America and our allies, and it is wisdom on our part in this emergency to depart from the ordinary rule and fix a minimum price, so that he will not be subject to the disaster of a break in price from overproduction.

Then why do we desire to lug in steel? Steel is not indicated as a national necessity along the line of sustaining life. The prices already guarantee a maximum yield of steel. The prices of all the articles which have soared are guaranteeing maximum production now. We ought to guarantee the farmer, who is going to furnish the food, a price which will take care of the expense incurred in the production plus a profit. That is the reason why I am lending my support to this bill and trying to confine it to the one idea of guaranteeing the producers of food supplies against the disaster that always follows a maximum crop.

Mr. GRONNA. Mr. President, will the Senator yield for a brief interruption?

Mr. SMITH of South Carolina. Certainly.

Mr. GRONNA. The market price of wheat to-day is $2.80 a bushel. If you guarantee the wheat farmer $2, are you not taking 80 cents away from him?

Mr. SMITH of South Carolina. In answer to the query of the Senator, I will say that that $2.80 is predicated upon the disastrous yield of last year. Now, the Senator would hardly think that $2.80 would be a fair price for a maximum yield. I do not know anything about the cost of the production of wheat, but, taking the average price for the last 10 or 15 years from the Statistical Abstract, it did not average over $1.

Mr. GRONNA. If the Senator will permit me, I want to inform him that in the spring-wheat belt, especially in my State and Montana, wheat is practically a failure this year.

Mr. SMITH of South Carolina. Well, Mr. President, that helps the argument that I am attempting to make. Whenever there is a failure in the crop, the law of supply and demand will take care of the price. We are trying to encourage the farmer this fall, winter, and spring to put in a maximum wheat acreage, so that a maximum yield of wheat may be made. We must guarantee him against the disaster of another billion and a quarter bushel wheat crop, because in 1915, when the war was a year old, we made the largest wheat production this country ever saw, and the price broke to 87 cents a bushel.

The year following, as I said a moment ago, the wheat crop dropped down to 600,000,000 bushels and the price soared. Now, if you want to encourage the production of foodstuffs you have got to guarantee the producers against the disaster that comes when there is a production above the ordinary. Just guarantee him a reasonable profit. If you were to fix the price at $1.50 or $2 a bushel, and the year 1918 witnessed a failure of the wheat crop, there is no law under God's heaven that could keep the price from soaring again; and if you should make a billion and a half bushels of wheat in 1918, outside of the Treasury of the United States guaranteeing that it shall not go below a certain price, it would break to 87 cents again and every man who produces a raw material knows that to be so.

The question has been asked here, Why do we desire to eliminate cotton and steel? If the Government wanted 20,000,000 bales of cotton, I, as a cotton producer, would say, "Well, in 1914 we made 16,000,000 bales of cotton and the price broke to a point where there was no market for it at all. Now, if you want 20,000,000 bales of cotton, you guarantee the cotton-growing States a reasonable profit and you will get your 20,000,000 bales." That is all we are doing in this bill, and, as the Senator from Georgia suggests, we would be satisfied with a much less price for a 20,000,000-bale crop than it is bringing now with an 11,000,000-bale crop. We must take into consideration the fact that there is a law greater than the power of Congress; there is the law of supply and demand and human necessity, and it is going to have its sanction despite anything we can do. Now, the thing for us to do is to encourage the production of wheat.

The VICE PRESIDENT. The time of the Senator from South Carolina has expired.

Mr. LODGE. Mr. President, I do not desire to discuss at all the question of fixing a minimum price on wheat. That is a separate proposition, and it comes later in the bill.

This first section to which the amendment is proposed is the defining clause as to what shall be included. It includes everything that is in the title of the bill as sent over from the House. It is confining the operation of the bill to foods, feeds, and fuels, including kerosene and gasoline.

Mr. President, if we begin to add other subjects, and put all the metals of the country in the control of the food administrator, and everything that can be remotely attached to farming interests, we open the bill to the same flood of additions that we put in at an earlier stage; and in my judgment it would jeopardize the passage of the bill, which I should greatly deplore.

It seems to me that those who have spoken overlook the fact that in section 5 of the amendments we provide specifically for a license by any person operating a factory which produces farm implements or machinery and any person engaged in producing, storing, or handling fertilizer or fertilizer ingredients. The control given by the license is much better and more restraining than the general control which would be implied in the first section. If we put on iron and steel, we open the door to everything and we should find ourselves in the same place that we were in before.

Mr. REED. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Missouri?

Mr. LODGE. Certainly.

Mr. REED. A large part of the fertilizer employed in this country, I understand, comes from outside of the United States. How can we, by license, control the price of that?

Mr. LODGE. We can license those who deal in fertilizers in this country.

Mr. REED. Yes; we might say to them, "You can not charge more than a certain amount," but we can not control the world price. We can simply shut out the fertilizer.

Mr. LODGE. No; and nothing you can do will control the world price.

Mr. REED. Certainly; that is true. But that brings us back to the question of how the farmer is going to be left if you take away his world market and then make him pay the world prices.

Mr. LODGE. We do not make him pay the world prices. He gets most of his fertilizer at home, and that is amply controlled in section 5; but if we go to work and enlarge this again we endanger the bill.

Mr. UNDERWOOD. Mr. President, I do not desire to take any time in discussing this bill, but I do not wish to cast my vote with a misapprehension on anybody's part as to what my vote means. I want the record of the Senate to show that I do not believe in the Congress of the United States going into the business of fixing prices. Now, there are exceptions to the rule. The only exception that I am willing to agree to is when the Government of the United States itself disturbs the prices of great commodities in this country; then I think we are justified in protecting the people who produce those commodities against the disturbance that was created by the Government itself. I am willing to vote to fix prices under those conditions for the same reason that I would vote to pay a man for his property if the Government proposed to take his property away from him.

Mr. HARDWICK. Mr. President, will the Senator yield?

Mr. UNDERWOOD. I will ask the Senator not to interrupt me. I only have 10 minutes.

The proposal is made in this bill to fix a minimum price for wheat; in other words, that the Government of the United States shall guarantee to the producers of wheat in this country that wheat shall not go below a stated figure. Now, Senators who come from wheat-growing sections discuss this bill as if this were an attack upon the wheat producers. If they feel that way about it and desire to strike the provision from the bill, I am willing to vote with them to strike it out, because I do not want it there if they do not want it there. But if they do want it in the bill, and want this $2 minimum price fixed, I am willing to fix the price at $2 and vote for it and put it in the bill, because I think the Government itself has brought about the disturbance that is affecting the wheat market. I am not willing, however, to vote for it under the condition that they have to be paid for the privilege of receiving a boon from the Government of the United States. If they do not want it in the bill, let us strike it out. If they do not want $150,000,000 in this bill to purchase the surplus supply of wheat for this year, let us strike it out if it is not going to be of benefit to the wheat producers of this country.

I expect to vote for those provisions, but I am not voting for them on the idea that we are thereby shackling the hands of the wheat producer or enacting legislation that is hurtful to him. I am voting for them on the idea that we are doing something of benefit to the producer of wheat, because the Government of the United States has established or is about to establish an embargo against the shipment of wheat to foreign countries, thereby destroying the market for the American producer of wheat. If I am casting my vote under a misapprehension and the men who represent the great wheat belt on this floor think that this legislation is hurtful to them and not helpful to them, why, let us strike it out of the bill.

I do not know that there is anything in this bill affecting the price of wheat or destroying the price of wheat. If it is in the bill I do not know it. The thing that is affecting the price of wheat is the provision that we adopted in another bill authorizing the President of the United States to establish an embargo against the shipment of wheat out of this country, in order to protect our allies and control the distribution of wheat in the future; and I can readily see that if that is done it is temporarily going to result in a surplus production of wheat. There is nobody in this country to take care of it, and unless the Government goes out and buys it at a fixed price and a fair price and carries it over until the hour of distribution comes it will seriously injure the producer of wheat in the United States; and it is in that view that I am willing to vote for these provisions. But if Senators who represent the great wheat belts of this country think it is injurious to their people to pass this legislation, I feel that in all candor they should stand here and say that they want it to go out of the bill, and if they do they will have my vote to strike it out; but if they want it in the bill for the protection of their own people—a protection to which I think they are entitled—I do not think they ought to come here baring their arms to the swords of a battle that they have not fought.

A few years ago agriculture in the South was flat on its back because of conditions that grew out of this war. Members of Congress from the South—and I was not one of them—insisted that the Congress of the United States should take care of the situation by fixing a minimum price for cotton or by the Government taking care of the surplus crop until the conditions could pass by. Now, the only difference in the situation is this: When that condition happened it grew out of the condition of war; it grew out of the disturbed condition of shipping;

it grew out of an embargo placed by one of the nations of the world that is now our ally on other countries of Europe, but it was not chargeable directly to the Government of the United States—a very marked distinction, in fact, as to our responsibility, but not a marked distinction in effect. Yet when that condition was presented to the Congress of the United States gentlemen from the great Northwest were prepared to laugh out of the Congress of the Unittd States the men who proposed that that situation should be taken care of by the Congress of the United States.

Now we have paid our price, we have borne our burden, and we are prepared to do it in the future; but when it comes to the question of casting my vote to help other sections of this country bear their burden by Government aid, I am not willing to do so when men from those sections of the country come here charging that we are not liberal, but that we are forcing an unwilling burden on the producers of those sections of the country, when, in fact, we are not doing so. I challenge Senators on that side of the Chamber, if they mean what they say about this provision of the bill being an attack on the wheat farmers of this country, to offer their amendment to strike it out of the bill; and if they do, so far as I am concerned, I will attempt to rally my colleagues from the Southern States to aid them. But if they want our help, if they think it is a protection to the farmer of the Northwest to keep these provisions in this bill, that it is a matter of justice to him, as I believe, because of the condition in which the Government of the United States has placed him, then do not put the blame on us, but accept our aid in the spirit in which we are willing to give it.

Mr. STERLING. Mr. President, I have not been so much concerned in regard to who shall administer the food-control bill when it becomes a law, whether it be administered by one man or by a board of three men or by a board of five men; but I have been tremendously interested in the nature and extent of the powers proposed to be conferred by this bill, and especially as those powers relate to the farming industry.

Mr. President, there are two provisions in this bill to which I am opposed. I am opposed to the powers conferred upon the President by section 9 of the bill, as it is now; and I am opposed to the minimum price provided for in what is known as section 12 of the bill, and as I now view it, am opposed to conferring power upon the President to fix a minimum price. But, Mr. President, as long as section 9 and section 12 remain undisposed of, and may, when they come to a vote, be enacted by the Senate, I am in favor of the amendment proposed by the Senator from Iowa extending the list of necessaries.

Mr. President, the two sections—section 9 and section 12—especially relate to farm products. Section 9 is as follows:

That the President is authorized from time to time, in order to guarantee reasonable prices to the producer and to the consumer, to purchase, to store, to provide storage facilities for, and to sell at reasonable prices—

What?—

fuel, wheat, flour, meal, beans, and potatoes.

According to the last amendment now proposed by the Senator from Oregon, with the exception of one in this list, all of these products are products produced on the farm.

How about section 12? It relates to a minimum price for wheat; and, as the amendment now stands, it provides for a minimum price of $1.75 per bushel for wheat. If you are going to give the President the power to purchase at reasonable prices these staple products of the farm for the purpose of storing them and then doling them out to the consumers at reasonable prices as provided for in this bill, why should not the farmer be afforded the same opportunities to secure at reasonable prices the farm machinery and implements that he uses in producing these feed and food products?

Mr. President, it seems to me there is nothing more reasonable than the amendment offered by the Senator from Iowa, that these few articles be added to the list of necessaries as articles which the President shall be empowered to buy at reasonable prices and sell at reasonable prices under the terms of this bill. They are intimately, they are inseparably, connected with the production of food and feeds which otherwise you attempt to regulate by the provisions of this bill, and it would be an injustice to say that the prices of the binders, thrashing machines, corn planters, or the cultivators may soar away beyond what they have been, and yet the President shall not have the power to purchase and dispose of to the farmer—that great part of the consuming public—these articles essential for the production of the food supply which we are so anxious to increase.

Mr. President, we are trying to do too much by this bill by enacting or seeking to enact sections 9 and 12. I refer here to an article from the Washington Post of some days ago:

"Given powers never dreamed of."

It seemed to me as I read this article that it was inspired. The first portion of it reads:

Whether the farmer protest causes delay or not, the farmer can not be charged with the overloading of the bill with all sorts of amendments increasing the powers of the President.

The farmers are not demanding a minimum price of $1.75 a bushel nor $2 a bushel nor any other minimum price. The farmers, I think, realize that fixing a minimum price may have its psychological effect, and the tendency will be in fixing a minimum price to depress the price of wheat to that minimum price in the market at a time when all the conditions would warrant a higher price. We may say of any given minimum price, it is enough and not enough—enough to-day, but not enough to-morrow or three or six months hence. So I think the farmer will be quite content to leave the matter of prices to conditions as they will be found to exist.

I am satisfied, Mr. President, that with the war continuing, and with the shortage of the last two years, with an extraordinary demand never equaled in the world, the farmer will be able to get a reasonable price for all the farm products, at least those staple products that he has to dispose of, and which are contemplated by this bill. And this is all he asks.

I call attention to a clipping from the Post of this morning and which reads:

[From the Washington Post, July 19, 1917.]

FARMERS OPPOSE WHEAT AT $1.75—RESOLUTIONS SAY SENATE FOOD AMENDMENTS ARE UNWORKABLE.

Representatives of 15 farmers' organizations, including the National Farmers' Union, conferred with members of the food administration yesterday and adopted resolutions protesting against the plan of Senate leaders to fix a price of $1.75 a bushel for wheat in the food-control bill. Enactment of the measure as it passed the House was urged, the proposed Senate amendments being declared unworkable.

The price-fixing section as proposed, the resolutions declared, would permit "gambling, speculation, and exportation to proceed without restriction."

"We are strongly opposed to the fixing of the exact amount of a minimum price of wheat by law," they continued, "because we recognize that it is an expert question to be settled after such consideration as Congress can not possibly give it and in a manner which will give the producer a full voice. The food administration should be vested with power to deal with this question."

Whether it is advisable to leave the fixing of price to the food administration or not, there is no question, I think, but that the farmers are opposed to the naming of a fixed price now and by Congress.

Mr. BORAH. Mr. President, I understand the pending question is the amendment proposed by the Senator from Iowa [Mr. KENYON] to the amendment. I read a few lines from the fifth chapter of Exodus:

And afterwards Moses and Aaron went in, and told Pharaoh, Thus saith the Lord God of Israel, Let my people go, that they may hold a feast unto me in the wilderness.

And Pharaoh said, Who is the Lord, that I should obey His voice to let Israel go? I know not the Lord, neither will I let Israel go.

And they said, The God of the Hebrews hath met with us; let us go, we pray thee, three days' journey into the desert, and sacrifice unto the Lord our God; lest He fall upon us with pestilence, or with the sword.

And the king of Egypt said unto them, Wherefore do ye, Moses and Aaron, let the people from their works? get you unto your burdens.

And Pharaoh said, Behold, the people of the land now are many, and ye make them rest from their burdens.

And Pharaoh commanded the same day the taskmasters of the people, and their officers, saying,

Ye shall no more give the people straw to make brick, as heretofore: let them go and gather straw for themselves.

And the tale of the bricks, which they did make heretofore, ye shall lay upon them; ye shall not diminish aught thereof: for they be idle; therefore they cry, saying, let us go and sacrifice to our God.

Let there more work be laid upon the men, that they may labor therein; and let them not regard vain words.

And the taskmasters of the people went out, and their officers, and they spake to the people, saying, Thus saith Pharaoh, I will not give you straw.

Go ye, get you straw where ye can find it: yet not aught of your work shall be diminished.

So the people were scattered abroad throughout all the land of Egypt to gather stubble instead of straw.

And the taskmasters hasted them, saying, Fulfill your works, your daily tasks, as when there was straw.

Mr. President, this bill is now being organized to put into effect this scriptural decree—the farmer is to be told to make brick without straw—to raise crops regardless of what he may himself have to pay for everything with which he is to produce crops.

It is conceded that upon the farmers of this country, their energy and their extraordinary efforts, depends in a very large measure the success of this world conflict. Their increased acreage and their renewed efforts are the surest guaranty of success. And yet we are proposing now, Mr. President, to regulate and control the market of the farmer and to leave open and uncontrolled and unregulated everything which the farmer buys and that enters into his daily life as a means by which he produces food. The one class of men who have no monopoly, who are not in a position to organize a monopoly, who are not in a posi-

tion to control prices, are to be regulated and controlled and the great monopolistic powers of the United States are to go unregulated and uncontrolled. In other words, the farmer is advised to go forth with his task and produce his crop, to extend his acreage. We will, however, take your market from you and give you such market as we see fit. In the meantime you shall share as best you may and do the best you can with those who have an uncontrolled market and a price-fixing power of their own. It was apparent from the beginning that that was precisely where this measure would land. It was clear to all who know the power of certain interests here that they would escape all regulation.

Let me call attention to the fact that before the war steel sold for $30. It now sells for $130, and all the different things which enter into the production on the part of the farmer from the steel has increased in price accordingly.

Coal has advanced from 100 to 200 and 250 per cent.

Wire has advanced 100 per cent.

Wagons have advanced 40 per cent.

Prepared feeds have advanced 100 per cent.

Tankage costs 100 per cent more now.

Fertilizers have advanced 600 per cent.

Binder twine has advanced from 8 cents to 18 cents.

Plow shovels that were bought for $2.50 before the war now cost $7.

Cultivators sold at $28 before the war and now sell for from $50 to $55.

And so on, Mr. President, all the different things which the farmer must buy have thus increased in price.

As I now understand the proposition, it is to leave that entire industrial field uncontrolled and unregulated, while the one upon whom you depend to produce sufficient to feed the world and to feed the Army is to have his market taken away from him, in the first place, by the laws which you have passed and which you are to pass, and, in the second place, to dole out to him just such figure as you see fit.

Now, in my humble judgment that will not have the effect of bringing about the activity and the energy which the farmer is supposed to put forth from this time on; but it will have the very opposite effect.

There is no reason under the sun or among men why we should control the one class of people who can not combine, who can not monopolize, and leave the others uncontrolled. If you propose to encourage the farmer, at least arrange to protect him against exorbitant prices which are now being charged him by unconscionable and lawless combinations. If you would encourage and inspire him forward, give him a fair chance and equal treatment. He will do his full duty under just and equal laws and with fair and impartial treatment.

Mr. HOLLIS. Mr. President, I have studied the bill with much care, and I have tried to find some basis for the argument presented that we are undertaking to control the price of wheat the farmer produces. That is not so. There is not a line or syllable in the bill that controls the price for farm products. All that is controlled is the profits that may be charged by the middleman and the storage charges and commissions that may be charged after the farm products get out of the hands of the farmer.

I have asked to have some part of the bill pointed out to me where prices which are paid to the farmer are controlled under the bill. No one has pointed out a place in the bill, and it is not in the bill. The bill merely seeks to take the product after it gets out of the hands of the farmer, and controls it and guards it until it gets into the hands of the retailer. It seeks to regulate the profit that may be charged by the middleman, the elevator man, and the commission man, but not to control the prices in the hands of the farmers.

I believe in Government control of all prices myself. I have believed in it for years, in times of peace as well as in times of war. I shall be glad if the price of steel and iron and every necessity in the country could be controlled, but this is a food and fuel control bill. If you start in by putting on steel and iron or farm implements or fertilizers, there is no logical place to stop, and we will get the bill in a shape where it can not be passed in the Senate.

I can not give any reason why food and fuel should be controlled, and why steel should not be. There is no reason, except the reason of expediency.

This amendment will be voted for by two classes of Senators. It will be voted for by those who wish to help the farmer more than the bill does as it stands, and by those who want to kill the bill altogether. The danger is that those two extremes, those who are most friendly to the farmer and those who are most hostile to him, may have votes enough to defeat those who want to do something practical and substantial in the bill.

I hope that section 5 of the bill, the licensing provision, will be amended so that it will include not only food and fuel, but the manufacture of farm implements and farm machinery, and will control those who manufacture and deal in fertilizers and fertilizer ingredients.

I also hope that section 12 may be amended so that there will be a guaranteed price for wheat No. 1 northern at the principal interior primary markets at $2 a bushel from the passage of the act of January 1, 1919. I think that ought to be done because wheat occupies a peculiar position. Wheat is the one food product that they need more than any other in Europe, and it is the one which needs stimulation in its production.

So, Mr. President, I hope the friends of the bill, those who really want to get the bill passed, will limit the articles upon which it acts to real food and fuel.

Mr. President, I offer an amendment to be pending so that it may be voted upon when the proper time comes.

Mr. NEWLANDS. Mr. President, the pending question, I believe, is the amendment offered by the Senator from Oregon [Mr. CHAMBERLAIN] to section 1.

The VICE PRESIDENT. The pending amendment is the amendment offered by the Senator from Iowa [Mr. KENYON] to the amendment of the Senator from Oregon.

Mr. NEWLANDS. I was mistaken.

The amendment of the Senator from Oregon adds to the commodities covered by the House bill petroleum and gasoline, thus covering foods, feed, fuel, petroleum, and gasoline.

Mr. President, individually I favor adding to those commodities aluminum, copper, iron, and steel, because they are basic commodities, which enter into almost all the industries and they are essential to the successful prosecution of the war, as they are largely used in munitions.

I trust that our action will be so shaped as to include these additional commodities. I regret that other commodities have been inserted in the bill by amendments on the floor in such a way as to imperil its passage, and I shall regret to see any attempt to enlarge the included commodities beyond those to which I have referred.

Mr. President, the reason why I urge that these commodities should be included is that they are under quasi monopolistic control. We all know that the control of copper, aluminum, iron, and steel is in great corporations, which practically, though not perhaps in a legal sense, monopolize these industries, and such an extraordinary demand has been imposed upon these products as to enable the producers to secure skyrocket prices, the height of which can hardly be measured.

The necessity for their use is so great, the operation of a great demand upon a limited supply is so great, as to enable producers to charge almost what they choose. If, therefore, there ever was a condition which would justify the intervention of governmental power it is this, for these things are absolutely necessary, and they are in quasi monopolistic control.

Mr. President, I was in hopes that these great industries which have been practically mobilized under the direction of the Government, through the organization of the Council of National Defense and the advisory commission, and have been able by reason of this sanction of the law to gather and confer together, which they have feared to do heretofore because of the restrictions of the Sherman antitrust law. I was in hopes, inasmuch as the terrors of the Sherman antitrust law had practically been removed by our action, in this condition of peril when they were summoned en masse to appear here and to mobilize their industries, and to act practically regarding them, that they would make such reasonable and just proposals to the Government as would insure the prosecution of the war with moderate cost and the highest efficiency, so far as their materials were concerned.

I regret to say, Mr. President, that these gentlemen, these captains of industry, men of great capacity, have failed to meet the issue of the hour. Some of them have partially met it. The aluminum industry, built up by the most arduous process, and securing a practical monopoly by the industry and the capacity of its promoters, able to command almost any price, offered the Government aluminum, the market price of which was something like 90 cents, at, I believe, 27 cents. That was a wise and just thing; and had it been accompanied also by a reasonable concession to the general public that industry would have deserved the gratitude of the country.

The copper industry also in dealing with the Government in reference to a limited amount—40,000,000 pounds, I believe—when the prevailing price was 30 cents a pound, offered it to the Government at 18 cents a pound. That was a commendable thing; but it would have been more commendable if this highly profitable price of 18 cents a pound, or perhaps a price somewhat in excess of that, had been extended to the general public.

The steel industry has made no compromise. It is the most powerful industry in the country and is most intelligently directed from the industrial point of view. It is directed by men of whom we have a right to expect more breadth of vision. They failed, for they offered no price. On the contrary, we understand that they expect to exact from the Government at least double the normal price and that they expect to exact from the public whatever price they can get.

Mr. President, it is said that we have only to deal with the Government's wants. I insist that a virile war can only be conducted by a virile nation; that not only must your Army be strong, but that your people must be strong; that your Army must not only be well fed and well equipped, but that your people also must be well fed and well equipped; and that it is folly to attempt, in the emergency of war, to make a distinction between the treatment that should be accorded to the Army and that accorded to the people at large. Big men ought to see that.

These men who are big enough to conduct the copper, the steel, and the aluminum industries of the country ought to be able to see this. Besides this, as economists they ought to realize the fact that they themselves are inaugurating a price level which will provoke a constantly increasing wage level, and that the end of the war will find us, as a result of the struggle between the wage earners on the one hand and the producers on the other, with a wage level raised to some correspondence with the price level. We will find at the end of this war a wage level far above that of any other country in the world; and just then, when competition will again come between nations for the commerce of the world, we shall find the United States at a disadvantage, a disadvantage which will involve a struggle between the wage earners and the producers and lock up the entire industries and energies of the country.

Mr. President, I should be glad to speak longer on this subject, but time will not permit.

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). The time of the Senator from Nevada has expired.

Mr. SMITH of Georgia obtained the floor.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Oregon?

Mr. SMITH of Georgia. I yield to the Senator from Oregon.

Mr. CHAMBERLAIN. Mr. President, I desire to occupy only a few moments in the discussion of this amendment. Like the Senator from Iowa [Mr. KENYON], I voted, when the original bill was pending before the Senate, to add to the provisions which the House bill contained a number of commodities or necessaries which should be subject to governmental control; but it developed in the discussion of the bill that those who were opposed to the bill fundamentally, and those who opposed the limiting of control to the products of the farm, including fuel, were likely to defeat the very purpose of the bill as well as any legislation at all. In an attempt to reach a compromise in this matter Senators who entertained different views upon the whole subject undertook, by consultation, to reconcile these differences, so that the measure would carry out the purposes the administration originally had in view, viz, to control foods, feeds, and fuel.

I still think, Mr. President, that the time must come, and that in the near future, when all of these things—steel, iron and its products, and many other commodities—must be subjected to governmental control; but I have reached the conclusion that it is impossible to put any food-control measure through the Senate at this time, and possibly not through Congress at all, unless it is limited to the original purposes of the administration.

Mr. President, I think we all realize the necessity for food control in this emergency. The example of other countries has vindicated the position which this Government is taking in respect to the food situation. Therefore I think that something ought to be done promptly; we must discuss it from the patriotic standpoint rather than from the selfish and the purely local point of view. If it be conceded that there ought to be control of the food situation, we must not forget that the Liverpool market fixes the price of wheat always, and that the Liverpool market has practically been destroyed by a measure which all will admit was a perfectly proper war power exercised by the President. I refer to the embargo recently declared.

The embargo was proclaimed by the President on the 9th of July and includes in its provisions the following articles: Coal, coke, fuel oils, kerosene and gasoline, including bunkers; food grains, flour and meal therefrom; fodder and feeds, meat and fats, pig iron, steel billets, ship plates and structural shapes, scrap iron and scrap steels, ferromanganese, fertilizers, arms, ammunitions, and explosives.

I am inclined to believe that the effect of this embargo will be to reduce the price of some of the articles mentioned; but, whether it affects all of them or not, we do know that it is certain to reduce the price of wheat and foodstuffs generally. So that this bill, as was very ably stated by the Senator from Alabama, will in effect be for the protection of the farmer rather than to his injury. I venture to say that there is not a Senator but will admit that if the farmer could have been guaranteed a price of $1.75 per bushel for wheat during the past 10 years, or if he is guaranteed a price of $1.75 a bushel for the next 10 years, there will not be a single year when he will not make a profit from its production.

Now, Mr. President, I hope that the amendment proposed by the Senator from Iowa may be voted down, and that the amendment proposed by me may be adopted. In that event some hope may be entertained that a measure for the control of food, feed, and fuel will be finally adopted.

Mr. SMITH of Georgia. Mr. President, I hope we may be able to yield somewhat our individual views and give support to the substitute for section 1 offered by the Senator in charge of the bill.

Some of us would have been glad to have five commissioners; some preferred only one director.

The substitute offered by the Senator from Oregon meets the views of both, in a measure. It provides for three commissioners; it gives an opportunity for freedom from single control, and yet the number is sufficiently small to insure forceful action.

The amendment proposed by the Senator from Oregon strikes out all commodities named in section 1 except foods, feeds, and fuel. Mr. President, if we undertake to add to foods, feeds, and fuel all the other items named in the section as it now stands we will compass the entire industries of this country, and no ten men, no hundred men will be able to handle so gigantic a task. The bill would break down by the very length to which it would seek to reach.

The original purpose as disclosed to the public was to affect food and fuel, and yet from the first the bills presented went very much further, going even to the length of fixing for foodstuff maximum prices. I would have opposed the bills as first presented. The most objectionable features have been stricken out, and now the substitute of the Senator from Oregon strikes out all other commodities and leaves in simply foods, feeds, and fuel. I hope we will stand by that provision and support the substitute as it is written.

Why do foods and fuels stand entirely upon a different basis from other commodities? Take clothes, as an illustration: I am not obliged to have new clothes to-morrow or next month; I may wear old clothes and patch them, perchance; but I must have something to eat to-morrow; and in cold weather I must have coal with which to keep warm. They are necessaries required day by day, distinguished entirely from the other numerous commodities proposed to be inserted in this bill. They are commodities to which the Government can attach its control with the justification of necessity not applicable to anything else.

Mr. President, we all understand that the burden is upon the United States largely to see to it that France, England, and Italy have food. The food problem lies at the very foundation of success. The moment it is known in Europe that submarines can not stop foods going to France, England, and Italy, and that foods will be raised to go there, then will the pressure against Prussianism and against pan-Germanism, even in Germany itself, grow with increased strength.

Of the foodstuffs, wheat stands preeminently important. Bread is the staff of life, and wheat is the only cereal from which an abundance of bread may be prepared to last days and even weeks after it is baked. It is bread that must sustain the troops at the front.

If the friends of the wheat grower desire no legislation with reference to minimum prices, I do not wish to force it on them. I favor the provision in the last print of the amendment of the Senator from Oregon, somewhat enlarged and broadened, because I think it is only justice to the wheat grower. Why? The market of the wheat grower has had a terrible blow from the embargo placed upon the exportation of his wheat. His foreign market is cut off, and it is proposed—and properly so as a war necessity—that one agency shall buy for our Government and buy for England, France, and Italy, thereby eliminating all competition, thereby taking from the wheat grower a situation which otherwise would give him numerous competitors for his product. This is only excusable upon the ground of war necessity.

That is not all that the bill does. It lays its hand upon the stock exchange; it lays its hand upon the granaries; it lays

its hand upon the elevator companies. By the system of licensing authorized in section 5, the President is given authority to control all the profits made out of wheat from the time the wheat leaves the farmer until it reaches the retail merchant. All this opportunity for the sale of wheat and for the increase in the speculative price of wheat is taken away by this bill. I believe it is right; I believe a condition of war confronting us justifies our Government in enacting such legislation as a war measure; but, believing that, I also think it only fair to encourage wheat production next year and to see that the farmer does not bear the burden alone.

As his markets are taken from him for the general welfare, so the general public can afford, as this bill provides, to bear part of his losses, and to say to him, "The Government, having taken your markets from you or greatly curtailed them, says to you you shall not bear the burden alone, but your Government will see to it that you receive a price for your wheat commensurate with the value of your labor." It is going a great distance to do this, but we go a great distance when we take the markets so completely or so largely from the wheat grower. I believe that certainly this year, and unless the crop is largely increased next year, the demand for wheat will cause the price to go above the minimum which we may fix, even if we fix a liberal minimum, but we should not leave the wheat grower any uncertainty. The Government has and will curtail his markets and should guarantee him a fair price.

The Senator from North Dakota said that he could see no difference between wheat and cotton. I see a vast difference. We need, we must have, the wheat for food. We can do without, nationally, an immediate great supply of cotton. I wish to say to the Senator that if you would guarantee to the cotton grower next year a price for his cotton midway between the average price the three years before the war and the present price it might cost the National Government, in my judgment, $500,000,000, for he would probably raise 20,000,000 bales. It is now selling for 27 cents. It sold for 13 cents before the war. You guarantee him 20 cents for his cotton, and he would probably raise 20,000,000 bales next year. The demand would not consume the supply, and the normal price might drop much below that figure.

I would not object to action by the Government placing regulations around cotton, coupled with a guarantee of such an increase in price to the producer. But this would involve a risk to the Government of hundreds of millions of dollars—a risk which the exigency of the situation, so far as cotton is concerned, does not require.

Let me urge Senators to yield somewhat their individual views and join an earnest effort to pass this bill in the wisest form upon which we may, by mutual yielding, agree. Our enemies understand well the importance of furnishing foodstuffs to England, France, and Italy, and to our troops. Let us show to our enemies how united we are, how determined we are to meet pan-Germanism, and the purpose which now seems to be controlling that Empire. Let us prepare to insure their inevitable defeat and thereby not only accomplish the result but help to accomplish it by producing the internal disintegration among our enemies which will come with a knowledge that defeat is certain.

Everything we do to win this war will help by its effect in Germany, as well as on the sea and in the trenches.

Let us, without dissent, determine to mobolize every resource of this country to crush the war party of Prussia. We will certainly triumph and we will help bring an earlier peace.

We must and will succeed. Let us hasten the day when success will crown our efforts.

The PRESIDING OFFICER. The time of the Senator from Georgia has expired.

Mr. SHAFROTH. Mr. President, I have been very much surprised to find Senators who represent agricultural States criticize this bill. I have examined the bill very carefully, to ascertain whether there is any justification for such criticism. Of course, when attempt is made to regulate prices in the selling market you have a very big undertaking on hand, but the Senators who should not complain of this bill are those who represent the agricultural States.

My home State is one which now produces in agricultural products four times as much as it does in minerals; and I suppose, while formerly known as a mineral State, as a producer of ores, it might now properly be classed as an agricultural State. It seems to me, Mr. President, when that one clause is written into this bill, stating that there shall be a certain fixed guaranty for the price of wheat, that is all the agricultural States should ask.

Mr. President, this bill is not intended to do away with the fundamental principle of supply and demand. The object is to stimulate production, so that the price of wheat will not be $3.25 a bushel, but will be maintained at a level that will be fairly remunerative to the farmer—in fact, liberally so—and that is the intent and purpose of the bill. The Agricultural Committee, composed of Senators who represent agricultural States, have the very deepest interest in the farmer and in the maintenance of fair prices for products which are raised upon the farm. For that reason the talk that has been indulged in, that everything else is getting high and it is not wise to legislate in any way with respect to the farmer, it seems to me is not wise, nor to the point.

The very argument that is advanced consists of contrasting prices of articles the farmer buys which Senators complain of as being exorbitant, and then insisting that those same outrageous prices form part of the basis for determining the minimum price of wheat. They then insist that the exorbitant prices of the articles be lowered. We are going to fix a minimum price, and that is all there is any certainty about with relation to the price to be fixed in this bill. That price as now guaranteed is $1.75 per bushel, which will induce farmers to increase the wheat crop of next year. The object is to stimulate the production and let the law of supply and demand and not any requirement of Congress bring the price of wheat to a reasonable level, so that it will give the farmer a good price, a remunerative price, and yet not be such a price as to impair the financial condition of the Government in this great crisis.

Now, Mr. President, when it comes to the amendment offered by the Senator from Iowa, another thought suggests itself. If we are going to include everything in this bill, it will mean the Government will undertake to operate the entire industrial processes of the country. We can not do that. This legislation is an experiment. It seems to me we ought to confine it to such a limited number of subjects as the Government can reasonably handle. When the Government goes beyond that point it embarks upon uncharted and dangerous waters. On that account, Mr. President, it seems to me that we ought to limit this measure to the necessaries of our war-time conditions; we ought to provide for food, feed, and fuel. These are absolute necessaries in our conduct of the war.

It is true that steel does enter to some extent into all war operations, and I should be very glad, indeed, if I thought that the Government could exercise the power with effect so as to include steel, copper, and all other things that could have an influence to produce a lowering of these high prices. But this is an experiment. We do not know whether we will succeed or not. I can readily see that one part of this bill is very easy, and that is where you guarantee the minimum price. There is not any question but that there will be stimulation of wheat production by guaranteeing the price at $1.75 a bushel. But when it comes to fixing the maximum price you will encounter the greatest difficulty. We had better confine the scope of the bill to those things that might be considered absolute necessities for the conduct of the war, in order to be sure that we can handle them successfully.

If, after trial, our experiment proves a success, it will be found that this body will be nearly unanimously in favor of extending control to other lines. It is unwise to attempt to put into this bill all of these industries without the machinery to administer the same.

But I am certain that if now you attempt to include all the other lines of production you are going to be faced with the query: "Well, why not guarantee other industries a minimum price?" Why should we not say that the price of lead shall be fixed at at least 8 cents a pound? Why should we not say that copper shall bring at least 20 cents a pound? If you do that you are going to find this war debt which we have contracted a very small and insignificant item, compared with the vast amount that it will be necessary to raise to enable the Government to place all these businesses under its control.

On that account, it seems to me, we ought to adhere to the bill as it was originally intended that it should be, and should confine our efforts in that direction; and when we do that I think we will meet with success. If we fail to do that, I am afraid we will fail in the passage of this bill; and even if we enact the bill with all of the provisions in it we will find that it will not be a success.

Mr. STERLING. Mr. President, I offer the amendment which I send to the desk, which I desire to have regarded as a pending amendment.

The PRESIDING OFFICER. The Senator desires to bring it up at a later time?

Mr. STERLING. Yes, sir.

Mr. FLETCHER. Mr. President, just a word on the subject of the pending amendment.

I realize the force of the argument that has been made that it is important to have some sort of control of the exorbitant prices now being charged the farmer for the implements that he must buy in order to raise his crop and for the supplies which he needs. Among those supplies, fertilizer is an important item. The Senator from Idaho [Mr. BORAH] read a statement this morning to the effect that the price of fertilizer had increased 600 per cent. In a large portion of the country, perhaps in more than half of the country, perhaps more than two-thirds, fertilizer is essential to the production of crops. It is utterly impossible in those sections to produce crops without the use of commercial fertilizers or fertilizers in some form. The amendment proposed by the Senator from Iowa does not include fertilizers. It is just as important, it seems to me——

Mr. SMITH of Georgia. Mr. President, will the Senator consent to being interrupted for a moment?

Mr. FLETCHER. Certainly.

Mr. SMITH of Georgia. On page 8 of the bill the Senator will see that farm implements and fertilizers are each brought within the licensing control of the President, and in that way the farmer will be protected as to the prices of fertilizers.

Mr. FLETCHER. I understand that. I am much obliged to the Senator, however, for alluding to it. The same thing applies, I believe, to the other items mentioned in the amendment of the Senator from Iowa. They are required to be licensed, too. At any rate, that scarcely meets the situation, but I am not going to dwell upon that.

I should be glad if I could see my way clear to support the amendment of the Senator from Iowa upon the proposition that I believe these people who produce the Nation's food by the hardest kind of toil—the farmer who has to run all the chances of seasons and of enemies of his product, the pests and the insects and droughts and too much rain, and everything else, and who toils day in and day out for 365 days of the year, and usually more than 12 hours a day—is entitled to consideration. He is entitled to respect, and he is entitled to the incidental benefits that may grow out of wise legislation in this country. I propose to stand by that man here and elsewhere as far as I can. My own judgment is that this is not so much a problem of production; it is not so much a question of whether we are going to produce enough wheat or corn or meat, or whether we can do it; it is a question of economic distribution.

If we could institute some sort of agency in this country which could regulate this matter of distribution so that, for instance—as an insignificant illustration, perhaps, but to show the point I am trying to make—instead of the consumer paying 40 cents a pound for peanuts and the farmer getting 3½ cents a pound, if some sort of a plan could be arranged whereby the farmer could get 7 cents a pound for peanuts and the consumer could pay 7 or 8 cents a pound for them, or even 17 or 18, there would be some benefit to both the consumer and the producer.

That is just one illustration, but it is so all along the line. In the case of all the products the farmer is not getting, ordinarily, the benefit of these excessive prices. The man who produces these food products is not the man who is being benefited by these exhorbitant prices in any way, or getting that profit out of his enterprise. It is to bridge this chasm between the man who produces these foodstuffs and the breakfast table that we ought to direct our chief energies, it seems to me. Some agency ought to be established whereby this tremendous loss or waste or unnecessary expenditure and tax upon the consumers of the country, amounting probably to $6,000,000,000 every year, could be saved to the benefit of both the producer and the consumer.

It is estimated, I believe, that the farm products of the country amount annually in value on the farm to over $9,000,000,000. Assuming that the farmers themselves consume one-third, or $3,000,000,000, you have $6,000,000,000 worth of farm products going to market for which the consumers of the country pay over $13,000,000,000. Now, there is a tremendous amount of money, a tremendous burden upon the consumers, between the farm and the dinner table; and it is to reach that situation, in my judgment, that energies ought to be directed by those who are endeavoring to solve these problems.

I just want to have go in the RECORD, Mr. President, with the consent of the Senate, an editorial published in the Florida Times-Union, entitled "Production of food," showing where food is produced in this country and some other facts upon that subject.

The PRESIDING OFFICER. Without objection, the editorial will be printed in the CONGRESSIONAL RECORD.

The matter referred to is as follows:

PRODUCTION OF FOOD.

Dr. Thomas Jesse Jones, a specialist of the Bureau of Education, has made a report of 50 years of educational effort among the negroes of the South. This was well-meant work, and if the investigation was thorough and the results accurately stated the effect would be good. Of the report a story from Washington says:

"The report says three-fourths of the 8,500,000 negroes in the South live in rural communities, and that there are 3,000,000 negroes engaged in agricultural pursuits, cultivating fully 100,000,000 acres. As owners and renters of land, they are cultivating 41,500,000 acres. This acreage is twice that under cultivation either in Virginia or in New England, according to the report. Nevertheless, the South does not produce enough food to feed itself, drawing on the rest of the country annually for farm products recently estimated as worth $750,000,000."

It is the last statement in this paragraph that attracts our attention. A specialist connected with the Bureau of Education should not have accepted with apparent credence an estimate that the South lacked three-quarters of a billion dollars of feeding herself. This statement sounds like some of Karl Vrooman's scare stuff. It is palpably absurd.

The Yearbook of the Department of Agriculture shows the following production of foodstuffs for 1916 expressed in value instead of in bulk:

	South.	Balance of country.
Corn	$925,796,000	$1,369,987,000
Wheat	215,359,000	810,496,000
Oats	111,317,000	544,832,000
Barley	1,133,000	179,744,000
Rye	3,830,000	54,037,000
Buckwheat	1,674,000	11,690,000
Rice	33,642,000	2,545,000
Irish potatoes	82,610,000	334,451,000
Sweet potatoes	53,742,000	6,399,000
Apples	18,697,000	43,190,000
Peaches	20,428,000	21,683,000
Total	1,468,268,000	3,378,796,000

The butter, egg, and poultry product, which is common to all parts of the United States, is not given by States and we have no right to guess it is unevenly distributed. The value of vegetables is not given except as shown above. There is no reason to guess it is unevenly distributed except that early in the year the South has to supply the whole country. The value of sugar by States is not given, but the South produces its share. Nothing is said about pears and oranges or pineapples and grapefruit—the last two produced only in the South. Taking the average of these products there is no reason to think the South doesn't produce its part.

The food value of the cotton crop grown only in the South is fully $200,000,000. Cotton seed go into many products eaten by men. Peanuts are now extensively raised in the South. The greater portion of the crop is not gathered at all, but is left in the ground for the hogs. A not inconsiderable part of it is used for human food. The value of this crop is probably $100,000,000, and it is peculiar to the South. Sirup and molasses are almost exclusively southern products. Of these the South makes at least $100,000,000 a year more than its share.

Add this $400,000,000 to the $1,468,268,000 worth of food produced by the South and we have $1,868,268,000 worth of food produced by the South as compared with $3,378,796,000 produced by the balance of the country, or $5,247,064,000 for the entire country. As the South has only one-third of the population of the country its proportion would be $1,749,021,000, which it exceeds by $119,247,000.

Mr. WILLIAMS. Mr. President, there are two things going on now that are attracting the attention of the world—talk in the Senate and war in Europe. In connection with them and their comparative importance, I should like to have read an editorial from the Washington Post of yesterday.

There being no objection, the Secretary read the editorial, as follows:

THE AVIATION FLEET.

The House set an example of patriotism in passing the $640,000,000 aviation bill in record-breaking time. It will be a complete answer to criticism of delay in war matters if the Senate, dispensing with unnecessary committee hearings, should make a similar record and pass the bill even before straightening out the tangle over the food bill.

The leaders can easily determine whether there is to be any insistence upon debate on the aviation bill. If any Senators should insist upon their right to discuss this war measure at length, it would, of course, be impracticable to displace the food-control bill. To do so in such circumstances would be to play into the hands of those who want to confuse all legislative action and delay American victory.

If, however, the Senate generally is of the same mind as the House and feels with the American public that no useful purpose can be served by talk, the aviation bill can be given the right of way without embarrassing or delaying the food measure.

A recent dispatch from Germany indicates that no more Zeppelins are being constructed at Friedrichshafen. Thousands of workmen who hitherto have been employed in building the balloon type of airship are now building the plane type. The Germans act quickly. They have sneered at the American aviation program, but they are already at work to overmatch it.

Time is the essence of the problem. A fleet three months from now may bring the war to a successful end. Postponement even by a few days in beginning the work may give Germany the advantage which she will be prompt to seize.

The American program should be put under way at once.

Mr. WILLIAMS. Mr. President, there is one word, I think, in the minds of all Americans and of all right-thinking people everywhere when an emergency arises to be met, which arouses more contempt than any other one word in the world, and that is the word "slacker." The slackers are not only composed of those who are resorting to lying and marrying and various other devices in order to avoid service, but it likewise applies to legislators who are forgetful of their duty, and who are taking up time needlessly and uselessly for the purpose of exploiting themselves or some local interest rather than paying due regard to a great—I started to say national, but international emergency.

I picked up a little piece of poetry the other day, which was written by Harold Begbie, and was published in the Boston Transcript, entitled "Fall in!" It ought to be entitled "An admonition to the slacker":

FALL IN!

[Harold Begbie in the Boston Transcript.]

What will you lack, sonny, what will you lack,
When the girls line up the street,
Shouting their love to the lads come back
From the foe they rushed to beat?
Will you send a strangled cheer to the sky
And grin till your cheeks are red?
But what will you lack when your mate goes by
With a girl who cuts you dead?

Where will you look, sonny, where will you look
When your children yet to be
Clamor to learn of the part you took
In the war that kept men free?
Will you say it was naught to you if France
Stood up to her foe or bunked?
But where will you look when they give the glance
That tells you they know you funked?

How will you fare, sonny, how will you fare,
In the far-off winter night,
When you sit by the fire in an old man's chair
And your neighbors talk of the fight?
Will you slink away, as it were from a blow,
Your old head shamed and bent?
Or say, "I was not with the first to go,
But I went, thank God, I went"?

Why do they call, sonny, why do they call,
For men who are brave and strong?
Is it naught to you if your country fall,
And right is shamed by wrong?
Is it football still and the picture show,
The bar, and the betting odds,
When your brothers stand to the tyrant's blow
And country's call is God's?

Can not the Senate take a little bit of encouragement to do something rather than talk quite so much from this utterance, and things like it, which are uppermost right now in the minds of the American people?

Mr. HARDWICK. Mr. President, I probably would not have referred to the so-called "hold up" of the aviation bill but for the remarks of the Senator who has just addressed the Senate. Some of the newspapers, notably the one mentioned by the Senator, have, I think, been guilty of gross injustice to Members of this body, an injustice that the circumstances neither warranted nor palliated.

At about 11 o'clock yesterday morning the Senator from Oregon [Mr. CHAMBERLAIN] presented the aviation bill. With the main purpose of that bill no Senator on either side of this Chamber is in more ardent sympathy than I am, as I stated to the Senate at the time. But yet it has come to a pretty pass in the Senate if Senators can not present important amendments to any proposition that is offered, speak on them a reasonable time, and do no more than ask, what they are entitled to as a matter of constitutional right as long as this remains a free country, the judgment of this body on the merits of the proposition they have presented.

Both the distinguished Senator from Oklahoma [Mr. OWEN], who is absent, and myself on yesterday did that, and no more. I do not recall how long the Senator from Oklahoma spoke. I probably addressed the Senate something like 8 or 10 minutes and offered one amendment. I had no desire then, and I have none now, to delay the bill. I simply wished to perfect it. It was perfectly agreeable to me then, as it is now, to proceed with it then or at any other time.

I merely insisted then, as I shall insist whenever the bill comes before the Senate, on my right to present the amendment, and if that right is to be denied in this body, either by bulldozing newspapers or Members, or if it can not be exercised unless Members of this body who exercise it are to be criticized, abused, and misrepresented, then we are pretty nearly at the end of free constitutional government in this country.

I am not excited about this matter. I know that some of these newspapers, and some of the people who sympathize with them, are excited. I endeavor to make all reasonable allowance for that frame or state of mind. I am perfectly willing that the Senate shall vote whenever it pleases on the aviation bill, but whenever it does I expect to exercise my constitutional rights as a Member of this body, no matter who shall be displeased.

On yesterday I occupied about 8 minutes of the Senate's time—8 or 10 at the outside—in presenting an amendment, as I had a right to present it; and if I am to be abused or criticized for doing that, by the newspapers or by any Member of this body or anybody else in this country, we will be at the end of freedom of thought, freedom of speech, and freedom of action in the Senate of the United States, and it will be useless for this body to continue to attempt to exercise its constitutional functions.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa [Mr. KENYON] to the amendment of the Senator from Oregon [Mr. CHAMBERLAIN].

Mr. KENYON. On the amendment to the amendment I ask for the yeas and nays.

Mr. GRONNA. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Dakota suggests the absence of a quorum, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hale	McNary	Smith, Ga.
Beckham	Harding	Myers	Smith, S. C.
Borah	Hardwick	New	Smoot
Brandegee	Hitchcock	Norris	Sterling
Broussard	Hollis	Overman	Thompson
Calder	James	Owen	Tillman
Chamberlain	Johnson, Cal.	Page	Trammell
Culberson	Johnson, S. Dak.	Poindexter	Underwood
Cummins	Jones, Wash.	Pomerene	Wadsworth
Curtis	Kendrick	Reed	Warren
Dillingham	Kenyon	Saulsbury	Williams
Fletcher	King	Shafroth	Wolcott
Frelinghuysen	Lewis	Sheppard	
Gore	Lodge	Shields	
Gronna	McKellar	Smith, Ariz.	

Mr. FRELINGHUYSEN. I wish to announce that my colleague [Mr. HUGHES] is absent on account of illness.

Mr. MYERS. My colleague [Mr. WALSH] is necessarily absent. He is paired with the Senator from New Jersey [Mr. FRELINGHUYSEN]. This announcement may stand for the day.

Mr. POMERENE. I desire to announce that the senior Senator from Arkansas [Mr. ROBINSON] is detained on important business. I ask that this announcement stand for the day.

Mr. THOMPSON. I wish to announce that the junior Senator from Arkansas [Mr. KIRBY] is absent on public business. I ask that this announcement stand for the day.

The PRESIDING OFFICER. Fifty-seven Senators having answered to their names, there is a quorum present. The Senator from Iowa requests the yeas and nays on agreeing to the amendment to the amendment.

Mr. REED. Let the amendment to the amendment be read.

The PRESIDING OFFICER. It will be read.

The SECRETARY. Insert, after the word "gasoline," where it appears in the proposed amendment of the Senator from Oregon [Mr. CHAMBERLAIN], the words "iron ore and its products, farm implements, farm tools, and binding twine."

Mr. GRONNA. May I suggest to the Senator from Iowa that he change the words "binding twine" to "hemp"? The Senator knows that there is no binding twine imported; that it is the raw material which is imported.

Mr. KENYON. I would have no objection if it would not complicate the matter.

Mr. GRONNA. Will the Senator insert the word "hemp" before the words "binding twine"?

Mr. KENYON. I will insert the word "hemp," as it relates to binding twine.

The PRESIDING OFFICER. The Senator from Iowa modifies the amendment to the amendment. The modification will be stated.

The SECRETARY. Insert the word "hemp" before the words "binding twine," so as to read:

farm tools, hemp, and binding twine.

The PRESIDING OFFICER. The Senator from Iowa requests the yeas and nays on agreeing to the amendment to the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CALDER (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. GERRY]. On this question I am at liberty to vote. I therefore vote. I vote "nay."

Mr. FLETCHER (when his name was called). I have a pair with the Senator from New Hampshire [Mr. GALLINGER]. I transfer that pair to the senior Senator from Arkansas [Mr. ROBINSON] and vote "nay."

Mr. FRELINGHUYSEN (when his name was called). I have a general pair with the junior Senator from Montana [Mr. WALSH]. I transfer that pair to the senior Senator from Maine [Mr. FERNALD] and vote "nay."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. THOMAS], who is absent. I transfer that pair to the Senator from New Mexico [Mr. FALL] and vote "yea."

Mr. SAULSBURY (when his name was called). The general pair I have with the senior Senator from Rhode Island [Mr. COLT] does not apply to matters contained in this bill. I will therefore vote. I vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Arkansas [Mr. KIRBY] and vote "nay."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). I wish to announce the absence of my colleague [Mr. SMITH of Michigan] and his pair with the junior Senator from Missouri [Mr. REED]. I wish this announcement to stand for the day.

Mr. SHAFROTH (when Mr. THOMAS's name was called). I desire to announce the unavoidable absence of my colleague [Mr. THOMAS] on account of illness. I will state that he is paired with the senior Senator from North Dakota [Mr. MCCUMBER].

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. In his absence I transfer that pair to the Senator from Alabama [Mr. BANKHEAD] and I vote "nay."

The roll call was concluded.

Mr. DILLINGHAM (after having voted in the negative). I have already voted, but I observe that the senior Senator from Maryland [Mr. SMITH] is not present, and not knowing how he would vote I withdraw my vote, having a general pair with that Senator.

Mr. SUTHERLAND. I desire to announce the absence of my colleague [Mr. GOFF] on account of illness. I will let this announcement stand for the day.

Mr. CHAMBERLAIN (after having voted in the negative). I have a general pair with the junior Senator from Pennsylvania [Mr. KNOX]. In his absence I transfer my pair to the junior Senator from Nevada [Mr. PITTMAN] and let my vote stand.

While I am on my feet I desire to state that the junior Senator from Mississippi [Mr. VARDAMAN] has been called from the Senate on official business, and he is paired with the junior Senator from Idaho [Mr. BRADY].

Mr. REED. I transfer my pair with the senior Senator from Michigan [Mr. SMITH] to the Senator from New Jersey [Mr. HUGHES] and vote "yea."

The result was announced—yeas 28, nays 43, as follows:

YEAS—28.

Borah	Johnson, Cal.	McNary	Sherman
Cummins	Johnson, S. Dak.	Myers	Shields
Curtis	Jones, Wash.	Norris	Sterling
France	Kellogg	Owen	Sutherland
Gore	Kenyon	Poindexter	Thompson
Gronna	La Follette	Reed	Townsend
Hitchcock	McCumber	Sheppard	Trammell

NAYS—43.

Ashurst	Hardwick	Newlands	Smoot
Beckham	Hollis	Overman	Swanson
Brandegee	James	Page	Tillman
Broussard	Kendrick	Pomerene	Underwood
Calder	King	Ransdell	Wadsworth
Chamberlain	Lewis	Saulsbury	Warren
Culberson	Lodge	Shafroth	Watson
Fletcher	McKellar	Simmons	Weeks
Frelinghuysen	McLean	Smith, Ariz.	Williams
Hale	Martin	Smith, Ga.	Wolcott
Harding	New	Smith, S. C.	

NOT VOTING—25.

Bankhead	Gerry	Nelson	Stone
Brady	Goff	Penrose	Thomas
Colt	Hughes	Phelan	Vardaman
Dillingham	Husting	Pittman	Walsh
Fall	Jones, N. Mex.	Robinson	
Fernald	Kirby	Smith, Md.	
Gallinger	Knox	Smith, Mich.	

So Mr. KENYON's amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Oregon [Mr. CHAMBERLAIN].

Mr. REED. I move to amend the amendment by striking out the language:

He is further authorized and directed to appoint, by and with the advice and consent of the Senate, three commissioners, at an annual salary of $7,500 each, payable monthly, who shall constitute a board of food administration, and who shall perform such duties in carrying out the purposes of this act as the President shall direct. One of said commissioners shall be a farmer actually engaged at the time of his appointment in the cultivation of the soil. The President shall designate the chairman of said board. Said commissioners shall hold office at the pleasure of the President during the continuance of the war.

And inserting in lieu thereof what I send to the desk. I ask to have read the proposed amendment to the amendment.

The PRESIDING OFFICER. The Secretary will read the amendment proposed by the Senator from Missouri to the amendment of the Senator from Oregon.

The SECRETARY. Strike out all of the amendment after the word "act" and the period, and insert:

A board of food and fuel administration is hereby established. Said board shall consist of five members. The Secretary of Agriculture shall be ex officio a member of said board, and shall act as chairman thereof. The other four members of said board shall be appointed by the President, by and with the advice and consent of the Senate. All of the members of said board shall be bona fide residents of the United States and qualified electors thereof. At least one of said members shall be a practical farmer. At least two of said members shall be presidents of land-grant colleges under the act approved July 2, 1862, and commonly known as the Morrill Act. Said presidents shall be selected from colleges located in the principal wheat-producing States. Not more than three of said five members shall belong to the same political party: *Provided*, That the presidents of the two colleges designated shall be entitled to receive the difference between the salary received as such president and the $10,000, with a reasonable allowance for traveling expenses, to be approved and paid by the board. When the five members herein authorized have been duly commissioned by the President they shall organize for business. A majority of the board shall constitute a quorum to transact business: *Provided, however*, That whenever the minimum price authorized in this act is fixed the two presidents of the land-grant colleges herein referred to shall be present.

That the president is authorized temporarily to transfer and assign to said board such duties now devolved upon other departments, bureaus, divisions, and commissions.

Mr. REED. I ask the acting chairman of the committee if he can not accept this amendment?

Mr. CHAMBERLAIN. Mr. President, I do not feel that I have any authority to accept the amendment. I will say to the Senator that I differ from the provisions which I have myself offered; I believe that the whole food control ought to be under one person, one food controller, one management; but in order to try to arrange a bill that we might agree upon, I have consented, so far as I am concerned, to the substitute that I have offered for the original section.

Mr. HOLLIS. Mr. President, I make the point of order that the amendment proposed by the Senator from Missouri is not in order. We are now considering a motion to strike out the first section and to insert. Under the practice of the Senate not more than one motion to strike out and insert can be in order at the same time. That is for this reason: Whenever a motion to strike out and insert is entertained, the part to be stricken out and the part to be inserted are privileged to be considered as separate questions and as subject to amendment. If the second motion to strike out and insert should be entertained, it is in effect a motion to strike out a certain part and to insert another part, just as is the Chamberlain motion is to strike out a certain part of the bill and to insert another part. If a motion to strike out and insert can be superimposed one on another in that way, we should never come to any end, and we should have amendments offered in the sixth, seventh, eighth, ninth, and tenth degrees.

We had this matter up the other day when we were considering the prohibition section; it was then debated, and it was then ruled by the occupant of the chair at that time—I have forgotten who it was—that a second motion to strike out and insert could not be superimposed on an original motion to strike out and insert.

Mr. LODGE. Mr. President, either I greatly misunderstand the amendment proposed by the Senator from Missouri or the Senator from New Hampshire does. Of course, you can not superimpose a motion to strike out and insert on another motion to strike out and insert; that is quite true; but as I understand, the amendment offered by the Senator from Missouri is simply a perfecting amendment to the substitute, which is open as a separate question. It is not a proposition to strike out and insert, but the Senator proposes to change certain words of the substitute. I can not see that he has not an absolute right to do so. There are two separate questions—the original text and the substitute. If the Senator moves to strike out and insert, I entirely agree he can not properly do that.

Mr. HOLLIS. Mr. President, the motion can not be anything else, because the motion is to substitute for certain language in the bill certain other language. That is the original motion of the Senator from Oregon—to substitute certain language for certain other language that is now in section 1, to wit, the whole section. Now, the motion to substitute certain language for other language is a motion to strike out language not desired, and to insert language that is desired. The motion to substitute has invariably, under the practice of the Senate, been considered a motion to strike out and insert. That was so when we had the Federal-reserve act under consideration for determination. We then had exactly this situation presented. The original bill, the Owen substitute, and the Hitchcock amendment. The Senator from Nebraska [Mr. HITCHCOCK] offered the first section of his amendment for the first section of the original House bill. That was first entertained, and entertained just as the motion of the Senator from Oregon is entertained here. Now the Senator from Oregon moves to substitute one section for another by moving to strike out and insert.

Mr. LODGE. No doubt that is perfectly true.

Mr. HOLLIS. If the Senator from Missouri can move to substitute his amendment by moving to strike out and insert——

Mr. LODGE. That is not the point; nobody is denying that it is a motion to strike out a portion of the text of the first section and to insert something else. Under our Rule XVIII

every bill is subject to perfecting amendments. I may have misunderstood the Senator from Missouri, and if I have, I hope he will correct me; but I understood him to move to amend a portion of the offered substitute.

Mr. REED. By striking out certain words and inserting others.

Mr. LODGE. By striking out certain words in the offered substitute. To move to strike out and insert anything to perfect an amendment or to substitute has been held over and over again to be in order.

Mr. REED. If the Senator will pardon me, let me make this suggestion: Suppose that the rule is accepted as advocated by the Senator from New Hampshire, let us see where we would come out. Assume that this bill had certain numerals in it, as, for instance, $10,000, and it was desired to change them to $5,000. The only way in the world we could make an amendment would be to move to strike out "$10,000" and to insert "$5,000." The Senator from New Hampshire has set up a rule here that would make it impossible in any way to change the text of a proposed amendment.

The PRESIDING OFFICER. The present occupant of the chair is of the opinion that the amendment offered by the Senator from Oregon [Mr. CHAMBERLAIN] as yet has no status in the bill. The motion made by the Senator from Missouri [Mr. REED] is not to strike anything out of the bill, but merely to change the language of the proposed amendment. His motion is much in the nature of a perfecting amendment. The present occupant of the chair is of the opinion that the Senate rules can not be so construed as to prevent the Senate from perfecting a pending amendment. The Chair therefore overrules the point of order raised by the Senator from New Hampshire [Mr. HOLLIS].

Mr. REED. Mr. President, I want to beg the attention of the Senate to this amendment. We have proceeded to a point where it must be agreed that there ought to be a commission to execute the powers contained in the bill. The question now is whether we shall have a commission of three or a commission of five, and also what shall be the qualifications of the members of that commission.

Ordinarily in the Senate, when it is proposed to confer powers upon the Secretary of Agriculture, it is taken for granted that that is a thing that ought to be done if it relates in any way to agriculture. It now seems to be almost settled, from the last vote, that this bill is to deal only with agricultural products and fuel. Under those circumstances, I can not see how we can justify ourselves to the country for refusing to place upon this board as one of its members the man who is at the head of the Agricultural Department of the United States, who has placed under him a very large corps of salaried assistants, who has those men already located in every county and almost in every village in the United States, who is possessed of a vast and potential working machinery, and who is not only himself supposed to be an expert but whose army of helpers are supposed to be experts. To throw aside this machinery, to ignore it, to set it at naught, and to refuse to employ it can not be justified by any sound argument, and will not be justified upon this floor.

In addition to that, my amendment proposes that there shall be named upon this commission the presidents of two agricultural colleges located in the great wheat belt of the United States. If that provision thus put into the amendment is carried out, we shall have two of the great experts connected with agricultural education upon the board, and who are consequently in touch with the agricultural conditions from those parts of the country that are to be especially affected by this bill.

The amendment then proposes that one member of the board shall be a practical farmer. The amendment further proposes that all of the members of the board shall be qualified electors of the United States who have lived in the United States for at least 12 months.

Mr. President, I want this bill that is to control the American market to be controlled by Americans, by men whose every interest is united to America and who have no interest elsewhere sufficient to control their judgment. I put into the RECORD a day or two ago the authorities showing that Mr. Hoover's entire manhood life has been spent outside of the United States; that his connection to-day is with a large number of English, Belgian, Chinese, and Russian companies; and that, so far as I was able to learn, he is connected with but one American company. I put it upon the conscience of this Senate whether, in administering our foods and our fuels, we ought to turn that matter over to a man whose every interest is with some other country than our own, who for many years has made only a few trips to the United States, and then, according to one of his eulogists, has taken the fastest boat here and the fastest boat away.

We may ignore this if we please, but I say to the Senate and I say to the country that there are one or two distinguished Englishmen here now who are engaged in the task of endeavoring to secure for the English Government the same prices which our Government secures from its American producers. They are also engaged in the task of trying to secure the same prices for American food for the people of Europe that are charged to our people. I do not blame these agents of foreign Governments for endeavoring to accomplish that; but I do say that our own Government should see to it that our own markets and our own people are represented by those who have no interest save in America. If the Senate does not pause to listen now, I predict that the country will listen. I call your attention to the following article recently published in a newspaper:

EMBARGO HASTENS END, SAYS RHONDDA—BRITISH FOOD CONTROLLER DECLARES IT ALSO WILL HELP SOLVE ALLIES' FOOD PROBLEM.

LONDON, *July 10.*

Lord Rhondda, the food controller, in a statement to the Associated Press to-day on the embargo proclamation of President Wilson, said:

"The comprehensive and effective character of the President's latest action is typical of the way the United States has thrown itself heart and soul into the war. It seems to me that the additional pressure which thereby will be brought to bear upon our enemies should go far toward bringing this struggle to an earlier termination, especially in view of the fact that in applying an embargo on provisions the President will have the advantages of Mr. Hoover's unequaled knowledge of conditions in the neutral countries.

"The embargo, by diverting supplies from neutral destinations, also should help to solve the food problem of the European allies. But while our difficulties as regards supply are appreciably eased by this embargo, we can not really *effectively deal with the vital and pressing question of price* until Congress passes the food bill. So long as there is no control over the principal market, so long obviously must the prices of the allies' staple food remain variable, and, as a rule, dangerously high.

I put that in, in answer to those who state they do not have to pay high prices in England. I continue reading:

I *hope soon to announce measures* for the control of our own home-grown crops. This should help to equalize distribution and *reduce prices. But it will, of course, be infinitesimal as compared with the world-wide effect of the present food discussion in Congress, the result of which we await with natural anxiety.*

You may be assured that England will give the control of her food prices to a great Englishman, who will get the best prices he can for England. I want to put the control of American foods and food prices in a board of American citizens who have no alliances abroad, and I call your attention to the fact that, reading between the lines, we all must know that it is not in the terms of this food bill Lord Rhonda finds his solace and content and hope; it is in the administrator of the bill, for there is nothing in the terms of the bill to give him such hope.

Mr. HOLLIS and Mr. WILLIAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized, having first risen.

Mr. HOLLIS. Mr. President, the amendment offered by the junior Senator from Missouri [Mr. REED] is very frankly aimed at Mr. Hoover. It is no secret to the Senate, nor to the country, that the junior Senator from Missouri is very bitterly opposed to Mr. Hoover, and we are to have a chance on this amendment to vote whether we want Mr. Hoover kicked out of a very important position, or whether we do not. If the Senate sympathize with the views so often and so forcibly expressed by the Senator from Missouri on the floor of the Senate for the last fortnight, I assume that they will vote his amendment into the bill and thereby vote Mr. Hoover out.

I do not know Mr. Hoover; I have never met him; I have seen him only twice, and that was twice on the same day, when he was mercilessly cross-examined by the Senator from Missouri, very much as he would have been examined if he had been on trial for some crime in a police court.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Missouri?

Mr. HOLLIS. I do not yield. I have not the time to yield.

The PRESIDING OFFICER. The Senator from New Hampshire declines to yield.

Mr. REED. I simply want to challenge that statement, and say that it is absolutely untrue.

The PRESIDING OFFICER. The Senator from New Hampshire has the floor.

Mr. HOLLIS. The Senator——

Mr. REED. And the record will show it is untrue.

Mr. HOLLIS. The record will speak for itself.

Mr. REED. It will.

Mr. HOLLIS. It has been published; the Senator has referred to it many times; he has attacked Mr. Hoover mercilessly on many occasions, and I say the record shows that he attacked

him mercilessly on that occasion, as if he had been up before a police court for stealing chickens in Kansas City. I repeat that.

Mr. REED. Mr. President——

Mr. HOLLIS. I refuse to be interrupted.

Mr. REED. I rise to a question of personal privilege.

Mr. HOLLIS. All the Senators have heard the Senator from Missouri; they have listened to the Senator from Missouri going on day after day. I have not interrupted him, and I refuse to be interrupted now.

Another reason why I object to this amendment is that five members on a commission of this sort would make it unwieldy. It should be smaller. There should not be more than three. I do not know of any other variance between the amendment offered by the Senator from Missouri and the one offered by the Senator from Oregon, but I believe, and I hope, that the amendment offered by the Senator from Oregon may be adopted by the Senate.

Mr. WILLIAMS. Mr. President——

Mr. REED. I rise to a question of personal privilege.

The PRESIDING OFFICER. The Senator from Missouri rises to a question of personal privilege. The Senator will state it.

Mr. REED. I say that the statement just made by the Senator that I mistreated Mr. Hoover in any respect in examining him and that I made any attack upon him in examining him is absolutely and unqualifiedly false.

Mr. HOLLIS. Mr. President——

Mr. REED. And that the printed record——

Mr. HOLLIS. I think I ought to call the Senator to order. This is no place to indulge in words of that kind——

Mr. REED. The printed record will show——

Mr. HOLLIS. Or in fisticuffs or in altercations of any sort. The record will speak for itself.

The PRESIDING OFFICER. The Senator from Missouri will state his question of personal privilege.

Mr. REED. The question of personal privilege is just what I have said, that the statement made by the Senator is untrue, and that the record——

The PRESIDING OFFICER. The Chair is of the opinion that the Senator is subject to being called to order.

Mr. WILLIAMS. That is not a question of personal privilege. It is not a question of personal privilege to arise for the purpose of calling another Senator a liar on the floor of this body.

Mr. REED. I have not employed any such language. It remained for the Senator from Mississippi to employ it.

Mr. WILLIAMS. The Senator said "totally untrue and absolutely false." That amounts to what I said.

The PRESIDING OFFICER. The Senator from Missouri has the floor.

Mr. WILLIAMS. I do not see any distinction. Mr. President, have I the floor?

The PRESIDING OFFICER. The Senator from Missouri was stating his question of personal privilege. The Chair warns the Senator from Missouri to use different language than he has been using.

Mr. REED. I am endeavoring to state it. The Senator has asserted that I mistreated Mr. Hoover when examining him; that I treated him as a chicken thief, and he employed similar expressions. I say, as a question of personal privilege, that that statement is a reflection upon me. Now, I say, in reply to the statement, that the record is printed; every word that I said to Mr. Hoover appears in the record, every word that he said in reply appears in the record, and no candid man can read it and find in it the slightest justification for the statement made by the Senator from New Hampshire. That is what I say as a matter of personal privilege, and I say to the Senator—I say to the Senate, not to the Senator from New Hampshire—that I invite every man who is fair and decent and honest to read my questions to Mr. Hoover and to read his answers.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WILLIAMS. Mr. President, notwithstanding what the Senator from Missouri has just said, it is plain, palpable, and obvious to every Member of the Senate who has been listening to him for some days—many days—that he has been engaged in the business of prosecuting Mr. Hoover.

Now, Mr. President, the object of the Senator from Missouri, if I understand it, is to prevent the President from appointing a man of his choice to this place, or else, if the President does appoint a man of his choice, to so handicap the man that he may be helpless.

Mr. President, if I had my way about this bill I would appoint one man to take charge of this matter and I would name him in the bill, and I would name Hoover. I would name him especially because of the absolutely uncalled for, unprovoked, and unjustified attacks that have been made upon him.

The Senator from Missouri says we may "rest assured that England will appoint a great Englishman" for this sort of position. If America appoints Hoover, she will appoint a great American for this position, one of the greatest in this country. The Bible was not false when it said that "a prophet is not without honor save in his own country." This particular prophet has been honored everywhere except right here. He is a virile American of both the self-made and college-made type. He is a man all over, every fiber of him—intellectual, physical, and moral. He is not a volunteer for any Government "job." He was called upon to perform a public duty; he answered the call; and he has been prosecuted upon this floor as if he were a criminal, or a suspect at any rate. The line of argument pursued concerning him has been such as to arraign him as un-American and possibly dishonest. I repeat, Mr. President, that if I had my way I would name him in this bill, and I would name him for the purpose of answering these attacks, unprovoked, uncalled for, unjustified in every possible sense.

The Senator from New Hampshire says he does not know Mr. Hoover. I do. Mr. Hoover is head and shoulders above the average man. His Americanism can not be challenged. He is as loyal as man can be. Thomas Jefferson once said of old John Adams, "He is as honest as the God who made him." I will not say that about Hoover; I think it was a little sacrilegious to have been said about John Adams, even by Mr. Jefferson, but Mr. Hoover is as honest as God makes men. He has not merited a particle of the abuse which has been showered upon his head merely because he has answered a call to duty by the President of the United States.

The more men there are upon this commission the less efficiently it is going to work. This is a war commission to meet a war emergency, and it ought to be a one-man power, and that man held to strict responsibility, and that man ought to be the choice of the President of the United States, who is the Chief Magistrate of this country.

The Senator says he wants a man who has no interest save for America. I do not. We have got a number of allies in this fight, and it is a great fight. It includes nearly the whole world, and I should dislike to see America appoint a man to run any part of this job who had no eye and no ear save for America. I want an eye and an ear for France and Belgium. I want a man who has been identified to some extent with poor, stricken Belgium; a man whose heart is overflowing with sympathy and mercy and benevolence, and whose deeds will overflow with beneficence for her. I do not want any mere selfish Chauvinist in this position.

If there is a position in the world that does demand widespread sympathy for all the world, and especially for our allies, it is this position. I would not like the little provincial president of a State agricultural college to handle a great international question like this. In nine cases out of ten he would be incompetent for the job. I regard the utterance of the desire to have a man who is an American, "nothing but an American," and solely American in his sympathies, as shameful.

Mr. President, I repeat, I wish I had the opportunity to vote to put the name of Hoover in this bill. "A prophet," as I have said, "is not without honor save in his own country." Hoover was not without honor in Belgium; he has not been without honor in France—lovely, amiable, sweet France, suffering as never people suffered before, fighting as people never fought before, our ally in this great war for the liberty of the entire world. I am glad, if it be true, that Hoover permits his Americanism not entirely to monopolize him; but that he has sympathy for the French and the Belgians and the other peoples, and will to some extent adapt his conduct to their needs and necessities. I say I am glad if that be true, as is charged.

Mr. LEWIS. Mr. President, I beg to offer a suggestion to the Senate respecting this provision in the bill. The suggestion is merely an expression of my feeling as to what will be the final effect of the operations of the particular method prescribed in the proposed substituted measure.

Mr. President, I do not rise to enter into the controversy as to the fitness or unfitness of any particular gentleman for the position designated. The measure provides that whoever may be named shall be named by and with the advice and consent of the Senate. I tendered such an amendment myself while in executive session here, it being my theory then, as it is my opinion now, that no one should be appointed to administer great trusts over the people and upon them without the people's representatives having in some wise a supervision of them. If the Secretary of War himself, the Secretary of State himself, and the Secretaries of the Cabinet, generally, can not enter upon their duties, as responsible as they are, without being submitted

to this body for confirmation, surely no other officer having only contemporaneous powers should be permitted to exercise them without the same constitutional supervision as is applied to the members of the Cabinet.

To that extent, therefore, I approve the section, in that it calls for the confirmation of the appointee, whoever he is, by the people's representatives, the Senate. But, Mr. President, I can not approve, as I view the situation, this board as substituting the place of the one who should be the head of the food-control agency. When the time comes to name that officer he should be a man who has the ability to create a board or a bureau. He himself should be the head; the members of the bureau should be his subordinates, subject to his employment and to his dismissal. He should have authority, full and complete.

Mr. President, if we name a board constituted of a large number, I warn you now, sir, we will have another repetition of that inexcusable situation which confronts America touching the Shipping Board and the Shipping Corporation. If the matter of the construction of ships had been placed in a single responsible head, which person had been subject to the confirmation of this body, there would have been no such exhibition as that to-day of a contest for epaulets between commanding heads of contesting agencies for the gratification of their ambition, while the opportunities of America are being wasted and her need is passing by without being served at a critical hour. America observes that at a time when there should be the ringing of the hammer, the buzz of the saw, and the employment of hundreds of thousands of men in building ships in order that our men may be quickly transported and our food soon conveyed, we have instead a conflict between boards and members of boards as to which shall dominate, who shall be captain, which shall be general, who shall have the power before the country and be recognized as king of the enterprise. Surely we will not duplicate that sort of thing, I trust, in this essential and serious matter of distribution of the foods and the control of them.

Therefore, Mr. President, as I would be opposed to a war board of many of equal authority, lest in a conflict between them we come to confusion; as I will oppose the war board proposed by the Senator from Massachusetts [Mr. WEEKS] because of the reasons which I now urge; because I would oppose a board to run the State Department or a board to run the War Department or a board to run the Department of Justice, I respectfully urge that what should be done is simply that there should be one responsible head, whose qualifications should be submitted to the Senate in the person himself and should there be canvassed and investigated, and, if found competent, in the single authority should be vested the full and complete power, for, sir, all else will be distraction.

The Holy Scripture admonishes us that in the multitude of counselors there is security; but we are likewise informed that in the number of captains there is confusion.

Sir, with the exhibition we have had in this Government up to this time, I am unable to give my approval to a section that, to my thinking, will complicate the situation with too many who will contest between themselves for power. I favor one substantial head, appointed by the President, and submitted to this body for confirmation.

Because of these views, sir, I can not give my favor to the section, and I am unable to give my indorsement to a measure that calls for many instead of one.

Mr. SHAFROTH. Mr. President, as I understand the amendment offered by the Senator from Missouri, it is to have a commission of five. It is true, as the Senator from Illinois [Mr. LEWIS] has just said, that as to matters which in times of peace ought to be considered very carefully, numbers of counselors are generally better in deliberating as to the wisest course to follow; and in peace times I have not any doubt that a commission of some kind would probably be better than a one-man power. But, Mr. President, I do not subscribe to the view that there is going to be any usurpation of power by one man. I have heard a good deal of discussion upon the subject and the fear expressed that usurpation of power might result; and, of course, if these were normal times there is no question that a bill of this kind would produce a condition which would be serious. But, Mr. President, these are not normal times; they are war times; and as quick as we realize that we must know that we must have a concentration of power in order to get effective work. You might as well say that we could have a commission of five to determine and direct what an army should do on the field of battle. That is probably an extreme illustration, but no one would suggest any such thing as that. It is true that sometimes conferences are had, but the one man that has the power to direct is the man that must be supreme in his control. This is an executive function to be performed. We do not have three Secretaries of War nor three Secretaries of the Navy nor three Presidents. If we did, we would have less efficient government.

I have no fear as to usurpation of power, since we have in this bill a limitation of all of these powers to the duration of the war. That is the safeguard. If we did not have that in this bill, there would not be a Senator who would vote for it, because there would be danger of power being usurped after the war. But when we consider that in times of war concentration of power is absolutely necessary, and we take into consideration the fact that under divided authority this power becomes weak and ineffective and contentions occur that impair the efficiency of the very object we wish to attain, it seems to me we ought not to consider such division of responsibility.

I am opposed to the amendment providing for five members. I would rather have a commission of three, or a board of three, than a board of five; but I would rather have one man to direct this whole administration of affairs than to have a commission of three. I should not want to do that in time of peace, but I think it is eminently proper that we should do it in time of war.

If there is one thing that history has demonstrated it is that democracies can not conduct war until they give autocratic power. There is no way of conducting a war successfully without vesting the power in a centralized form, practically in one man; and every time a republic engages in war you find that legislation of that kind always takes place. If it is not done there will be dissensions, there will be differences of opinion, you will have in your ranks dissenters, and the inevitable result is that you will not wage a successful war.

I have no doubt that the action of one man in supreme authority will be direct, it will be specific, it will be to the point. There is here a great problem to be solved and much valuable time will be lost if we have a commission or a board. The inevitable result, to my mind, will be a detrimental effect on the administration of this measure.

The illustration which the Senator from Illinois [Mr. LEWIS] has just given demonstrates to my mind that it would be far better to have this shipbuilding program in the hands of either Mr. Denman or Gen. Goethals. Either one of them would do the work better and would produce better results, and the very fact that they jangle, and that they dispute, and that they are continually seeking to have their particular scheme adopted demonstrates to my mind that in division there is want of proper administrative power.

Mr. President, these are the principles that it seems to me ought to control this body. We ought to have, in my judgment, one man, and I am convinced that we will get better administration in that way. No one here is trying to do an injury. Some have talked as if the President might crush industry or might do something that is detrimental to the people. Why, the interest of the President and the interest of Mr. Hoover are identical with the general interest of the Nation. It can not be that any man holding a high or responsible position intends to do anything but what is good for the general public, and for that reason we have no danger of any action by either Mr. Hoover or the President that will work injury to the Nation at large. In this bill it is expected that if any commandeering takes place it will be done upon an equitable basis, and that no injury will be done to the persons that have to yield up the things that are required by the President. On that account I can not conceive why we should expect or why we should want anything but this concentration of power either in the President or somebody that he shall designate.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Oklahoma?

Mr. SHAFROTH. I yield to the Senator.

Mr. GORE. I should like to ask the Senator if it is his understanding that the war powers in Great Britain have been vested in one man or in a war council consisting of several members?

Mr. SHAFROTH. Mr. President, I do not know what has been the action in Great Britain. Perhaps they have the system of a commission. I do not know. I think a commission is a very desirable thing to advise with, but there ought to be one man to determine these matters, and you will find that all the successful campaigns were made under either one-man power or, if it was not a direct power, it was an implied power in the person.

Why, take the German Government to-day: The will of the Emperor is supreme in all of the central powers. Why is it that they have made such an effective resistance to such great powers as the entente allies? It is because one man directs them. The other central nations are willing that the control should

be turned over to him. They no doubt consult with him; they no doubt advise him, and perhaps their advice may be taken by him; but the effective operation of their work is in the concentration of that power in the German Emperor himself.

I have not any doubt that Napoleon's wars were successful because the will of Napoleon was supreme, because whatever he said, if he did not have the constitutional power to do it, it was the will of the legislative power, or the will of the cabinet, or the will of those intrusted with the power to let him handle it, and his word was just as good as if he had been vested with the power itself. These are matters which are necessary in war. They are intolerable in peace. There is no excuse for them in peace. For that reason, if we are going to fight this war to a successful issue, we must have an exercise of those powers that have proved to be successful in other wars. When we find that this is generally conceded to be the one proper step, I do not think we need fear usurpation of power in determining what our action should be.

The PRESIDING OFFICER. The question is upon the amendment offered by the Senator from Missouri to the amendment of the Senator from Oregon.

The amendment to the amendment was rejected.

Mr. REED. Mr. President, I offer the following amendment:

Add, after the word "soil," the words: "The members of said board shall, at the time of their appointment, be qualified electors of the United States."

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER. The Senator from Oregon.

Mr. CHAMBERLAIN. The Senator from Missouri looks to me. I do not know whether he expects me——

Mr. REED. I thought perhaps the Senator would accept the proposition that a man could not serve on this American board unless he was a qualified elector.

Mr. CHAMBERLAIN. So far as I am concerned, Mr. President, and so far as I am able, I am willing to accept that amendment.

Mr. HOLLIS. Mr. President, I should like to hear the amendment stated.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The SECRETARY. After the word "soil," in the proposed amendment of the Senator from Oregon, it is proposed to insert the words:

The members of said board shall, at the time of their appointment, be qualified electors of the United States.

Mr. CHAMBERLAIN. I think it ought rather to be "citizens of the United States." I remember hearing a very distinguished admiral, a man who had been in command of a fleet at Santiago, say that he had not been an elector, but that he had fought for his country all his life. He had not had a residence, even, because he was at sea. I can conceive of a case where a man might not be an elector—that is, he might not have the right to vote—and yet he would be a citizen of the United States. If it is limited to citizenship, I have no objection to it.

Mr. SHAFROTH. Mr. President, it does seem to me that using the word "elector" might put us in a situation that would not be pleasant. Suppose a man failed to be in his town at the last election, and failed to vote, he is not a qualified elector. Consequently, it might catch any number of people in the United States; but if the word "citizen" is used, I can see no objection to it.

Mr. GORE. Mr. President, I want to suggest to the Senator from Missouri that it ought to be "a qualified elector in the State in which he resides," or "in the State of his residence," because there is no such thing as a qualified elector of the United States, suffrage being a local matter, regulated by State law.

Mr. REED rose.

The PRESIDING OFFICER. The Chair recognizes the Senator from Missouri on the assumption that he desires the floor.

Mr. REED. Mr. President, I rose to answer the interrogatory or suggestion of the Senator from Oklahoma. I do not want my time to be running while I am looking for this.

Mr. GORE. The Senator can answer in my time, if that is satisfactory to the Chair.

The PRESIDING OFFICER. The Chair will permit it on this occasion, without counting the time in which the Senator is looking for a reference.

Mr. REED. Mr. President, the definition given by Bouvier of an elector, which I call to the attention of the Senator from Oregon, is as follows:

One who has the right to make choice of public officers; one who has a right to vote.

Mr. SHAFROTH. Mr. President, will the Senator yield for a question?

Mr. REED. The Senator from Oklahoma has the floor.

Mr. SHAFROTH. Will the Senator from Oklahoma yield?

Mr. GORE. Yes, sir; I yield.

Mr. SHAFROTH. Does the Senator believe that because a man failed to vote at a civic election he should be denied the right to hold this office?

Mr. GORE. I do not think the qualifications of a voter depend on the actual fact that he voted.

Mr. SHAFROTH. It seems to me that the use of the word "elector" means that he is qualified to cast a vote at each election.

Mr. GORE. Oh, no. It does mean that he must be qualified to cast a vote, but he need not necessarily have cast a vote.

Mr. SHAFROTH. The word "citizen," it seems to me, would be a much better word. Suppose, for instance, that Mr. Hoover was in Belgium at this time in the interest of the Government or in the interest of the Red Cross, doing the very kind of work which it is expected he will do under this bill. Because he may not have been here at the time of the election in November last, is it possible that anybody would think he ought to be deprived of the power of appointment, solely and purely because he was in that foreign country doing good?

Mr. GORE. Why, Mr. President, I will say, if the Senator is addressing that to me as a question, that nobody would reach such a conclusion as that, nor would that be the effect of this amendment. For my own part, I was in Phoenix, Ariz., when the election occurred last November. That in no sense disqualifies me as an elector in the State of Oklahoma. The exercise of the right to vote, and being qualified to exercise the right, are two entirely different questions.

Mr. SHAFROTH. The Senator recognizes the fact, does he not, that in order to be an elector you have to be registered?

Mr. GORE. In some States that is true. In some States it is not true.

Mr. SHAFROTH. Well, that may be, but in most of the States I think in order to be a qualified elector you have to be registered, and if you miss the election one time in my State your name goes off the roll, and the result is you have to reregister before you become an elector again.

Mr. GORE. My suggestion is that there is really no such thing as a qualified voter or elector of the United States. I think the word "inhabitant," perhaps, would be a better word. The expression was used, though, by the Senator from Missouri, and, of course, I am not responsible for the phrase.

Mr. REED. Mr. President, answering the Senator, there can be no question about the proposition that the word "elector," as employed here, would simply mean one who possesses the qualifications of an elector; it would mean a person living within the United States who has the right to go to the polls and vote. It would not turn at all upon the question of whether he happened to be registered.

Mr. CHAMBERLAIN. Mr. President, may I ask the Senator why, in this particular case, he uses language which has never been used in any statute of this kind before? Why not use the words "citizen of the United States"? Nobody can object to that.

Mr. REED. Will the Senator accept "citizen and inhabitant of the United States for 12 months"?

Mr. CHAMBERLAIN. Mr. President, the Senator has very frankly stated what his purpose is here. His purpose is, as he has frankly stated, to take it out of the power of the President to appoint Mr. Hoover. Now, I do not see why the Senator should insist for that purpose upon having something inserted in the law that would carry out that purpose. I do not know that it would, but he is varying the language that all the statutes use when he uses the words "elector of the United States."

Mr. ASHURST. Mr. President, I am utterly amazed that the Senator from Oregon should have asked my learned friend, the Senator from Missouri, why he resorts to this technical, subtle, ingenious amendment. The Senator ought to know that this great lawyer, the Senator from Missouri, is using this amendment as an ingenious and subtle way of excluding Mr. Hoover. The Senator from Missouri [Mr. REED] does not want Mr. Hoover, under any circumstances, to be appointed, and the Senator from Oregon wasted the Senate's time when he asked that question, because we all knew what it meant—a dirk in the belt ready to be thrust at Mr. Hoover in some way, any way, to prevent Hoover from being appointed on this board.

Now, there is no such thing as a national voter or national elector. There may be such a thing as a national citizen, but there is no "national voter," and the Senator from Missouri [Mr. REED], great constitutional lawyer that he is, is willing now to transcend the bounds of the Constitution, which he has

invoked so many times in this debate, in order to do what? To do a disservice to his country.

Mr. KENYON and Mr. REED addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. KENYON. Mr. President, I am not willing to vote for an amendment to exclude Mr. Hoover from this board. At the same time I think a man who serves on this board ought to be a citizen of the United States, and I believe Mr. Hoover is. Everybody knows that Mr. Hoover was absent from this country for a number of years while engaged in some wonderfully splendid humanitarian work. That ought not to count against him.

I ask the Senator from Oregon if he will not accept an amendment providing that the members of this board shall be citizens of the United States, and I ask the Senator from Missouri if he is not willing to accept that amendment?

Mr. CHAMBERLAIN. Mr. President, in reply to the Senator, I thought I had expressed a willingness to have the words "citizen of the United States" inserted in the bill. I think they ought to be there. If I did not make myself clearly understood, I say now that I am perfectly willing to have the language inserted that is usually placed in statutes of this kind; that is, that these men shall be citizens of the United States.

Mr. KENYON. I did not understand that the Senator had made that clear. That is fair and right, and I hope the Senator from Missouri will accept that amendment.

Mr. HOLLIS. Mr. President, I shall object to the motion made by the Senator from Missouri for this reason: Every qualification that is added to the text offered by the Senator from Oregon is a limit tying the hands of the Executive just so much. Now, the President of the United States may be safely trusted to appoint proper persons to these places. I do not know whether Mr. Hoover is even a citizen or not; but if the President of the United States, on looking up the matter, finds that he is not a citizen, but still wants to appoint him on this board, I believe he should have the right to do it. Then, when the matter comes before the Senate for confirmation, if the majority of the Senators think that the men who have been nominated by the President should not hold the offices, they will fail of confirmation.

The country is behind the President of the United States on this matter of food control, as it is behind him on all other matters. The country is impatient of delay. The country is impatient of the technical questions that have been raised. The country will be impatient that this attack is made in this side way on Mr. Hoover, in the hope that a majority of the Senators will not dare to vote against a proposition of this kind. Now, I am not afraid to vote against it. I hope a majority of the Senators are not afraid to vote against it. The President will see whether Mr. Hoover is a citizen of the United States. Whether he is a citizen of the United States or not, the President will then decide whether he wants to put him on the board, and then the Senate will have a right to pass upon his qualifications when the matter comes to the Senate.

Mr. REED. Mr. President——

The PRESIDING OFFICER. The Chair desires to remind the Senator from Missouri that he has spoken once.

Mr. REED. I call the Chair's attention to the fact that I distinctly said I was answering in the time of the Senator from Oklahoma and I sat down without saying what I wanted to say. I hope the Chair did not misunderstand my position. I have tried to make it very plain.

The PRESIDING OFFICER. The Chair believes upon reflection that the Senator from Missouri is correct.

Mr. REED. I thank the Chair.

Mr. President, notwithstanding the burning blast that comes from the sterile Arizona and the frigid wave that blows from New Hampshire, I venture to say there is nothing subtle and there is nothing concealed in this amendment. I openly proclaim my desire to have the Senate of the United States say what the qualifications shall be of the men who are to compose this board that is to have power to dictate the prices of all that the people consume in the shape of food and fuel, and to dictate the prices that shall be paid to the 45,000,000 people engaged in agricultural pursuits. It seemed to me that it was a very modest request that the men appointed should be "qualified electors of the United States." The term as thus employed means nothing more than that a man shall not be selected unless he is possessed of that character of citizenship which entitles him to vote. It does not mean that he technically shall have registered but he must be a man who is entitled to register. It does not mean that he shall have voted at the last election or that he must vote at the next election, but it means that he must be a man who possesses qualifications that will enable him to vote at the next election.

If that be treason or heresy, if that be wickedness, then let my friends and enemies alike regard it as suits them best. I say that Congress does still have some duties to perform, and that one of these duties is to see that those placed in positions of great power over citizens of the United States shall themselves be citizens of the United States. I reply further that I will answer to my own constituency, and am not alarmed though I am warned by a man who has probably never been in my State that the people are impatient. And I will answer to them as I answer now in due sobriety and not out of the dregs of intoxication.

I am reminded this morning of the fact that history repeats itself. I read:

> His personal influence—
>
> That is, Jefferson's—
>
> prevailed in everything. Members of Congress knew very well how sorely the bill would pinch, but they never dreamed of disobeying. "All our surplus produce will rot on our hands!" cried a Member of the House. "God knows what all this means! I can not understand it. I see effects, but I can trace them to no cause. * * * Darkness and mystery overshadow this House and the whole Nation. We know nothing; we are permitted to know nothing. We sit here as mere automata; we legislate without knowing; nay, sir, without wishing to know why or wherefore." The embargo was to be tried because Mr. Jefferson believed in its efficacy.
>
> The closing year of his Presidency was darkened and distressed by its effects.

So wrote Woodrow Wilson, the historian, of Mr. Jefferson, the President, and the Congress of that time. So will the future historian write of Woodrow Wilson, the President, and the Congress of this time.

The PRESIDING OFFICER. The question recurs on the amendment offered by the Senator from Missouri to the amendment.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment offered by the Senator from Oregon.

Mr. JONES of Washington. I wish to offer an amendment to that, and I ask the Secretary to read it as I have indicated it there.

The PRESIDING OFFICER. It will be read.

The SECRETARY. In the proposed amendment of the Senator from Oregon strike out, in line 18, after the word "appoint," the words "by and with the advice and consent of the Senate, three commissioners"; in line 21, strike out the word "each," and, in the same line, strike out the words "who shall constitute a board"; in line 22, strike out the word "administration" and insert the word "administrator," and, after the word "administration," strike out the words "and who shall" and insert the word "to"; in lines 24 and 25 of the proposed amendment as printed in the committee print strike out the words "One of said commissioners shall be a farmer actually engaged at the time of his appointment in the cultivation of the soil. The President shall designate the chairman of said board"; and in line 3, page 3 of the printed amendment, strike out the word "commissioners" and insert the words "food administrator," so that it will read:

> He is further authorized and directed to appoint Herbert C. Hoover, at an annual salary of $7,500, payable monthly, food administrator to perform such duties in carrying out the purposes of this act as the President shall direct. Said food administrator shall hold office at the pleasure of the President during the continuance of the war.

Mr. JONES of Washington. Mr. President, this controversy seems to very largely revolve around Mr. Hoover, and it seems to me that the Senate should declare definitely whether or not it wants Mr. Hoover to act as food commissioner. It seems to be generally understood that the President wants to appoint Mr. Hoover commissioner. I agree with the Senator from Colorado that if we are going to have a commission we ought to have, for the purposes of this act, a commission composed of one person, a person who can act decidedly, definitely, and promptly in these matters.

I know but very little about Mr. Hoover, except what I have heard. I have met him twice. I will say that I was very favorably impressed with him. I believe that he is about as competent a man as we could get to discharge the responsibilities that we intend to repose in some commission by the terms of this act, and if we have to have some one to do these things, I would as soon see Mr. Hoover appointed to do them as anybody I know of.

Mr. SHAFROTH and Mr. VARDAMAN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Washington yield; and if so, to whom?

Mr. JONES of Washington. I yield first to the Senator from Colorado.

Mr. SHAFROTH. I should like to suggest to the Senator from Washington that his amendment, in my judgment, is ex-

cellent, except in naming a man. Mr. Hoover may die even before this bill becomes operative or he may die at any time during the war, and consequently it ought to read "an administrator to be appointed by the President." It seems to me, when you name one man you are doing that which might make the bill totally inoperative. I agree with the Senator that there ought to be a one-man power in exercising the powers that are vested under the bill, and I agree heartily with every syllable of his amendment except putting in the name of Mr. Hoover.

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Oklahoma?

Mr. JONES of Washington. I wish to yield first to the Senator from Mississippi who rose.

Mr. GORE. I hope the Senator from Washington will permit me to say to the Senator from Colorado that if by any mischance or misfortune Mr. Hoover should shuffle off this mortal coil the American people would be helpless and hopeless. They would be sorrowing as those without hope.

Mr. JONES of Washington. I now yield to the Senator from Mississippi.

Mr. VARDAMAN. I rose to make the same inquiry which is suggested by the Senator from Colorado. It seems to me that it is needless to put in the name of Mr. Hoover. Everybody knows that the President would appoint him to perform the functions of this office. As the Senator from Colorado has suggested, suppose he should die or decline to accept the place, what would become of the country? Can we afford to take any chances on it?

Mr. KNOX. Mr. President, I beg to call the attention of the Senator from Washington to the fact that under the Constitution we would be infringing upon the functions of the President if we undertook to name the officer in this act. The Senate has no function to perform in respect to the appointment of officers. The Constitution provides that the President shall nominate and, by and with the consent of the Senate, appoint officers created by law. So it would be futile, as far as the President is concerned, to name Herbert C. Hoover in this act. He could appoint John Jones in spite of the fact that the act contained such a provision.

Mr. JONES of Washington. I think the Senator from Pennsylvania is right, and, in view of the fact that the Constitution would prevent us from naming Mr. Hoover, I will withdraw the amendment.

Mr. McCUMBER. Mr. President, I now wish, if it is in order, to present the amendment which I presented yesterday and have it acted upon.

Mr. CHAMBERLAIN. I do not think this question has been disposed of.

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Oklahoma?

Mr. GORE. I simply desire to ask the Senator from Pennsylvania if the Constitution obtains in time of war?

Mr. McCUMBER. I understand there is no amendment before the Senate at the present time.

The VICE PRESIDENT. The amendment of the Senator from Oregon [Mr. CHAMBERLAIN] is before the Senate at the present time.

Mr. McCUMBER. I do not wish to speak on that, and I shall not seek the floor until it has been disposed of.

Mr. MYERS. Mr. President, I am in favor of the amendment offered by the Senator from Washington [Mr. JONES], and I insisted on the floor of the Senate the other day upon it. I believe that one man on this commission would be better than three.

The VICE PRESIDENT. The Senator from Montana took the floor this morning, when the amendment of the Senator from Oregon was the pending amendment.

Mr. MYERS. I did not speak upon this amendment.

The VICE PRESIDENT. Upon this pending amendment. The Chair has no way of telling what a Senator is going to talk upon. The amendment to the amendment has been withdrawn.

Mr. MYERS. What is the pending question?

The VICE PRESIDENT. The pending amendment, which has been pending all day, is the amendment offered by the Senator from Oregon to insert as section 1 what has been read.

Mr. VARDAMAN. I ask that the pending amendment be stated.

The VICE PRESIDENT. The Secretary will state it again.

The SECRETARY. Strike out section 1 and insert the following:

That, by reason of the existence of a state of war, it is essential to the national security and defense, for the successful prosecution of the war, and for the support and maintenance of the Army and Navy, to assure an adequate supply and equitable distribution, and to facilitate the movement, of foods, feeds, and fuel, including kerosene and gasoline, hereafter in this act called necessaries; to prevent, locally or generally, scarcity, monopolization, hoarding, injurious speculation, or manipulations, affecting such supply, distribution, and movement; and to establish and maintain governmental control of such necessaries during the war. The President is authorized to make such regulations and to issue such orders as he may deem advisable to carry out the provisions of this act. He is furtner authorized and directed to appoint, by and with the advice and consent of the Senate, three commissioners, at an annual salary of $7,500 each, payable monthly, who shall constitute a board of food administration, and who shall perform such duties in carrying out the purposes of this act as the President shall direct. One of said commissioners shall be a farmer actually engaged at the time of his appointment in the cultivation of the soil. The President shall designate the chairman of said board. Said commissioners shall hold office at the pleasure of the President during the continuance of the war.

Mr. SHAFROTH. I desire to renew the amendment offered by the Senator from Washington, leaving out the name of Mr. Hoover.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. Strike out all of the proposed amendment after the word "appoint" and insert:

A food administrator at an annual salary of $7,500, payable monthly, to perform such duties in carrying out the purposes of this act as the President shall direct. Said food administrator shall hold office at the pleasure of the President during the continuance of the war.

Mr. SHAFROTH. Mr. President, I believe that the administration of this bill will be greatly aided and assisted by having one administrator. I believe a commission even of three will not produce any result as expeditiously as the one administrator charged with the responsibility of the performance of this duty.

I have said that I believe three would be preferable to five commissioners, but I believe that one in time of war is the proper number to have, and I am confident if you incorporate the amendment I have offered into the bill it will greatly improve the measure.

The fear of usurpation, it seems to me, is visionary. One-man power in war is necessary. Division of counsel produces delay. The inevitable result when you have commissions is that disagreements occur between the commissioners and that evidently would work to the inefficiency of the service.

For these reasons, Mr. President, it seems to me that we ought to take the bill as it was originally introduced in that respect.

Mr. WILLIAMS. There is that very thing going on in the Shipping Board.

Mr. SHAFROTH. As the Senator from Mississippi has just said, we are having that very thing occurring in the Shipping Board.

Mr. VARDAMAN. Will the Senator yield to me for a moment?

Mr. SHAFROTH. I yield.

Mr. VARDAMAN. Does the Senator think that the advice and counsel of a practical, intelligent farmer on the board would be productive of friction? Does not the Senator think that really it would be very helpful in the solution of the various problems which will come up for the consideration of the board? I think the advice and counsel of a sensible, patriotic, honest farmer would be helpful in discharging the duties of any office. Of all the vocations of man none is so calculated to develop all the latent qualities of mind and body and soul as that of the well-to-do farmer.

Mr. SHAFROTH. I have not any doubt that advice of the farmer would be good and no doubt it would be taken, but to say that he shall have a voice in voting as to whether his policy shall be pursued will simply produce wrangling. I have not any doubt that Gen. Goethals and Mr. Denman are both excellent men, but they have radically different ideas concerning what is necessary to be done. It is a clear illustration of the saying that divided responsibility produces confusion and delay, and if there is one thing that is fatal in war it is hesitation. On that account it seems to me it is wise to have one executive officer.

Mr. SMITH of South Carolina. Mr. President——

Mr. SHAFROTH. I yield to the Senator.

Mr. SMITH of South Carolina. I would just like to ask the Senator if he does not think, in view of the fact that the farming interests are to be vitally affected, it would go largely to reassure the great mass of the producers of this country to know that there was a member of the board who was to pass upon the matters under consideration here, at least officially, who was one of their own class?

Mr. SHAFROTH. Mr. President, I do not think it will produce harmony. I believe it will produce dissension. I know that farmers are human.

Mr. REED. Mr. President——

Mr. SHAFROTH. Just like the representatives of the agricultural States here; they will want something in the bill that

may be extreme, just like some of the Senators would like to have $2.80 named in the bill as a minimum price for wheat. But when you have one person who feels he must represent all classes and who is not connected with any industry, his judgment is likely to be better. Under any circumstances it produces discord, it produces delay, it produces an inefficiency of administration. I yield to the Senator from Missouri.

Mr. REED. The Senator talks as other Senators have talked about dissension in the Shipping Board. Does not the Senator know that the Shipping Board is an absolute unit; that there is not any dispute between them; that the dispute is between a general manager appointed by the Shipping Board and the board itself?

Mr. SHAFROTH. I do not know what the dispute is in the Shipping Board, but I do know there are two elements, as it were, one represented by Gen. Goethals and the other represented by the chairman of the board. I know that when you have two people to pass upon measures you can not always have concord; men's minds are so constructed that they do not believe alike, though both are honest. When you have one man then you have one mind to control. Though that mind may not be as good as three, it will produce better effect in the end, because it will produce effectiveness.

Mr. President, I believe that as we are in war we ought to have an administration by one man, just like we have one general upon the field of battle. If you were going to have three men or five men to direct the Army you would have disputes as to what is the best course to pursue. We never provide for three governors or three sheriffs. We should never provide for more than one executive officer, especially in times of war. If you have farmers and men representing other industries upon this board you are going to have the farmers' side magnified by the farmer, you are going to have the coal industry's side magnified by the coal magnate, you are going to have some other industry's side magnified as to that member's industry. Under those circumstances either one of them charged with the duty of representing all would be better than to have all three, because the very disputes that will occur will cause delay in the determination of matters.

Mr. VARDAMAN. The Senator puts himself in antagonism to the whole scheme of the management of national affairs in time of war.

Mr. SHAFROTH. I do not see that I am in antagonism with it.

Mr. NELSON. May I ask the Senator a question?

Mr. SHAFROTH. Yes, sir; I yield.

Mr. NELSON. Does not the Senator think, in view of the fact that the farmer is the goat of this legislation, you would supplement it and make it perfect to exclude him from the board?

Mr. SHAFROTH. No; I do not think so. I do not think the farmer is made the goat; I think the farmer is made the beneficiary. I think when you fix the minimum price at $1.75 a bushel for wheat he has a cinch. That is what I think, and it can not but produce great results in the way of stimulating that industry.

The inevitable result will be that supply and demand will control the price of wheat. In my judgment, when you attempt to regulate the maximum price, which this bill does not do, but even if it should attempt to do it, you will find great difficulty. You can not easily overcome the law of supply and demand that is recognized throughout the world as to controlling prices. You can modify it to some extent. But I am in favor of this bill even if it were to include fixing maximum prices, because I believe where exorbitant profits are extorted by certain industries the representatives thereof will yield to some extent in fear if nothing else of some punishment that might be inflicted upon them.

Mr. President, it does seem to me we should put this executive office in the hands of one man, such as the President has selected, but even if some one else should be selected it is better in time of war that we should have an administrator without a board.

Mr. BORAH. Mr. President, I am very much inclined to agree with the Senator from Colorado. I think even if we should have a commission of five we would, in fact, have but one member of the board. The others would draw their salaries, but there would be but one real executor. The only effect of a commission is to provide more salaries, more expense, and less efficiency. But the reason why I hesitate to support the amendment of the Senator from Colorado is because it does not seem to me exactly respectful toward our leaders. They have agreed upon this bill and have arranged what should go in and what should stay out, and among the other compromises was this, that some farmer should be appointed. That, of course, was to placate the farmer for having taken largely everything out of the bill except what the farmer produces. I do not think it is exactly square to our leaders on the Republican side, some of whom are present, some of whom are absent. I see one or two of the leaders who framed the bill on the other side. Some of them are absent.

I think before this is finally determined the Senator from Colorado ought to consult with the leaders who framed the bill. We ought to deal fairly with one another. We ought to deal honestly. How can the Senator from Colorado display such want of obedience to things after they have been fixed for us. These leaders of ours with great unselfishness, these sacrificing and noble leaders, representing great manufacturing States, great iron and steel and cotton States, have sacrificed their time, put forth their efforts and so framed the bill that it affects the producer alone. Could anything be more magnanimous than that? Shall we display our ungratefulness by rejecting their labors and their unselfish skill? I hesitate.

Mr. JONES of Washington. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Washington?

Mr. BORAH. I yield.

Mr. JONES of Washington. Are the leaders the Senator refers to members of the Agricultural Committee, or have they charge of the bill?

Mr. BORAH. No; they are the leaders of the Senate.

Mr. JONES of Washington. When did they have a meeting to consider this measure?

Mr. BORAH. Now, the Senator is getting into details. [Laughter.] It hardly seems proper in war times to reveal these secrets.

Mr. JONES of Washington. I should like very much to know who are the members of this self-constituted committee of leaders, if the Senator can give me the names.

Mr. BORAH. Men are not elected leaders; they are born leaders. [Laughter.] This bill has been framed by them. We ought not to attempt or assume for a moment to change it. I hope the Senator from Colorado can assure the Senator from Idaho that he has consulted with the leaders as to the privilege of offering this amendment. Do not lead us into dangerous paths, into a political cul de sac.

Mr. SHAFROTH. I will state that I do not know who are the persons referred to by the Senator from Idaho. I do believe that it is a good amendment to be made. I have not been informed that any particular number of men said we will frame a measure and put it through the Senate. They have their individual views, but the views of each Senator must be consulted. I would not consider myself bound by them if they had made the agreement, but it is like everything else in the way of a compromise. Men who have deep interest in this bill no doubt have conferred, and they have come to an agreement as to the differences among themselves, and they no doubt feel that it is best to put the measure in this shape. I feel that we ought to have an opportunity to determine the matter for ourselves on this particular amendment at least.

Mr. BORAH. I have no doubt they feel just as the Senator says they feel. I have seen evidences of that this morning by their votes. For some two or three weeks we spent time here putting different things in the bill which ought to be regulated and controlled. I heard some of the most intense and powerful arguments I have ever heard for putting this and that in the bill, but there came a change in the spirit of the dream, and the bill was reframed and reorganized. As we had framed the bill the things which the farmer must buy—farm implements, binder twine, fertilizers, and such things—were included, included after long debate. Now our leaders get together and, with a spirit of unselfishness seldom witnessed in legislative halls, take out of the bill everything in their States and leave in the products of the farm. I hesitate to record a disapproval of such magnanimous leadership.

Mr. MYERS. Mr. President, the man who will fill this position will have as great responsibility as any Cabinet officer. In my opinion the Secretary of War will have no greater duty, no greater responsibility than the man who fills this position. It will be equal in importance and responsibility to that of any Cabinet officer. In fact, he will be a Cabinet officer in all but the name during the continuance of the war.

Suppose during the war we had three Secretaries of War, three Secretaries of the Navy, three Secretaries of Commerce, and three men filling positions at the head of each other executive department. Does anyone believe that the war would be prosecuted as speedily, effectively, decisively as it will be with one man at the head of each one of those departments?

I can not see but that there will be just as great responsibility resting upon the man who will fill this position as will

rest upon any Cabinet officer most intimately connected with the war. It is of just as great importance and responsibility to provide food and supplies at home and for the Army as it is to raise an army and put it into the field to fight. An army in the field without food is of no more benefit than an army in the field without munitions would be. Food is just as essential to success in war as munitions, and the supply must come from the people who are working at home to support the troops in the field.

As I said the other day, I do not believe there is any doubt that one man, a man of action, decision, experience, skill, knowledge, executive ability, in this position would act more effectively, efficiently, promptly, and decisively than three men, for it is certain there would be more wrangling and delay with three than with one.

Mr. SMITH of South Carolina. Before the Senator takes his seat, if he will permit me, I wish to ask him, since he has illustrated the point he is making by using the Secretary of War, have we not a Council of National Defense, consisting of more than one person, which we have to advise the Secretary of War?

Mr. MYERS. Yes; to advise the Secretary of War, and the food commissioner or administrator may have advisors.

Mr. SMITH of South Carolina. The Secretary of War is the chairman of the Council of National Defense.

Mr. MYERS. I do not so understand; but, anyway, we have only one head of the War Department, the Secretary of War. We should have one man at the head of the food administration, and he should be Mr. Hoover. He may have numerous assistants and advisors, but there should be one head and his word should be decisive.

Mr. SMITH of South Carolina. We have the Interstate Commerce Commission, the Federal Trade Commission, we have the different commissions that have been appointed in the wisdom of this body. We have distributed them so as to avoid one-man power, and we did it in the Council of National Defense.

While I am on my feet I wish to call attention to the fact that in the Council of National Defense every industry represented is represented by a personal interest.

Here we come to the conservation of food, and I heartily agree with the proposition incorporated in this amendment that there shall be a commission of three, one of whom shall be a representative of the class that produces those things which are to be administered; that that class shall be officially represented, just as the steel people are represented as to the steel supplies of this Government, just as the textile producers are represented on the board by those who are interested in textile work.

I am surprised that men in a democratic Government in this hour of our travail shall say that democracy is not competent to take care of and provide for its own perpetuation.

Mr. SHAFROTH. Mr. President, before the Senator from South Carolina takes his seat I desire to ask him a question. He has referred to the fact that we have an Interstate Commerce Commission and a Federal Trade Commission. Does not the Senator recognize that those commissions were framed for peace times? Does he not recognize that deliberation and judgment and time are necessary to solve the problems with which they deal?

Mr. SMITH of South Carolina. Those commissions are operating in times of war, and their composition has not been changed. They operate during the war as officials, as they have done in times of peace.

Mr. SHAFROTH. Yes; but they operate as to matters which require discussion and judgment and hearing. You have got to give a hearing in such cases. The commission sits as a court, and you can not have such a form of administration to be effective in time of war.

Mr. SMITH of South Carolina. I want to call the attention of the Senator from Colorado to the fact that, even in our Council of National Defense, when the question arose as to the purchases of coal, I think it was, for the benefit of the people of America we had more than one commissioner. One man would not do. A price of $3.50 a ton for coal was asked, and it was refused because there had been contracts made for about half that price. That was one instance where having more than one man on a board saved the American people quite a nice sum of money. I took occasion to congratulate the man who stood by his guns and got the coal at a reasonable price. I believe that if we have more than one man on this board the people of America will be better satisfied, for it will be a nearer approach to democracy.

Mr. JONES of Washington. Mr. President, I had risen for the purpose of offering an amendment when the Senator from Colorado rose to offer his amendment. I am in favor of the amendment not only for the reasons which have already been given, and which I shall not repeat, but for the further reason that if this amendment is adopted the act, when it is passed, will be put into effect very promptly; but if we provide for a commission of three there is no telling when that commission will be organized. Judging from the past it will be quite a while. After the Federal reserve act was passed it was nearly a year before the board provided for therein was appointed. After the shipping law was passed it was several months before the Shipping Board was appointed. So if we provide for a commission of three in this bill, there is no telling when this act will be put into effect. It seems to be generally accepted that the President has the man selected whom he wants to administer this act. So if we provide for a commission with just one administrator the act will be put into effect promptly. That is what we want.

It has been urged that it is very important to have this act passed promptly. So we have said; and so, when we are going to vote on it, I think we ought not to put anything into it which is likely to delay putting it into effect.

The controversy between the Shipping Board and the management, and so forth, has been referred to in this debate, and I want to refer to a matter with reference to that. I think it is very unfortunate that we have this conflict; but the real injury that has come to the country has come not by reason of the controversy between Mr. Denman and Gen. Goethals, but the injury has come because of the failure on the part of the President to do promptly the things which we authorized him to do.

Over a month ago we authorized the President as follows:

> The President is hereby authorized and empowered, within the limits of the amounts herein authorized, to purchase, requisition, or take over the possession of for use or operation by the United States any ship now constructed or in the process of construction or hereafter constructed or any portion thereof or charter of such ship.

We gave that power to the President. The President could have exercised it, but he has not done so. We saw by the papers this morning or yesterday that ships under construction for foreign countries in our shipyards have not been commandeered. Why not? The President has the power to do it. I learned from reliable information a few days ago that within two or three weeks four large 8,000-ton steel ships, which were being constructed in the yards at Seattle, had been allowed to pass into the hands of a foreign country; and I saw in the papers two or three days ago that two 8,000-ton steel ships at Seattle had been allowed to pass under the Japanese flag. Mr. President, those ships ought to be under the American flag. They ought to have been put there under the authority given to the President over a month ago.

I am satisfied that the President has made up his mind as to whom he wants to appoint to carry out this act. I doubt if he has in mind a commission of three; he has not been considering that. So I am in favor of giving him the power to appoint one man, in the hope that he will do it the very next day after this act is passed and is put into effect.

Mr. VARDAMAN. Mr. President, I want to suggest to the Senator from Washington that I do not think the President deserves criticism for failing to do what the Senator has called attention to. If those ships are going to be used by the allies, I think it is a matter of prudence to permit some other nation to own and use them and thereby let some other nation than our own run the risk of having them sunk at sea. I do not see any ground for complaint or cause of censure of the President's failure to take them over. On the contrary, I think the President's conduct in the matter is highly commendable. These ships are going to serve the same purpose that they would serve if they were taken over by the United States, and the Government that takes them over will assume the risk of having them sunk. So I do not think the criticism of the President of the United States by the able and patriotic Senator from Washington is deserved in this instance.

Mr. SMOOT. Mr. President, I think there should be a commission of three to direct the handling and control of the commodities of this country, as provided in this amendment. The difference of time required by the President to appoint one man or three men to enforce the provisions of this bill will not delay the operation of the bill a day. Before the bill reaches the President it will have to go to conference, when it passes the Senate, and the conference report will have to be agreed to. Between now and until the bill reaches the President he will make up his mind whom he intends to appoint. I do not believe it will be 24 hours after he signs the bill before he sends the nominations of three persons to fill the positions provided for in this bill to the Senate of the United States for confirmation.

Mr. President, the labors involved in administering this bill will be so great that no one man can carry them into operation quickly. I have no doubt that the President will appoint Mr. Hoover as the chairman of the proposed commission. The bill authorizes him to appoint the chairman. I want to say that

Mr. Hoover will need all the assistance that he can possibly get. There will have to be an organization from one end of the country to the other, in every State, in every city, and in every little hamlet. I might say, Mr. President, that I think part of that organization is already effected; that I believe many of the men selected are in the different States to carry on the work as soon as the bill becomes a law. In fact, Mr. President, I think some work is being done now by a number of people in different States of the Union, and it can not help but be an advantage to Mr. Hoover to allow the President to select two persons who are qualified to assist him in carrying out the provisions of this bill.

I believe, as the Senator from South Carolina [Mr. SMITH] said, that the board ought to have on it one farmer, who knows all about the details of the raising of wheat, its cost, and mode of handling, to assist in every way in looking out for the interests of the farmers of this country.

Mr. President, I hope that the amendment offered by the Senator from Oregon will be adopted by the Senate.

Mr. CUMMINS. Mr. President, I desire to suggest to the author of the amendment and to the Senator from Oregon that we ought not to attempt to determine the question presented by the amendment at this time. Whether the power should be administered by one man or by a body of men must depend upon the power which we grant. There are some things that are eminently fit to be intrusted to a single person; there are other things which are just as manifestly proper to be committed to more than one person.

If the power of the original bill is to continue, the man who would propose to give that power to one person is either uncomprehending of the character of the task or he is indifferent to the welfare of his country—one or the other. To say that we should give the power to one man to fix the price of every commodity known to the industry of America is so alarming that it ought not to be considered for a single moment. To say that one man should determine the distribution of a single commodity is quite a different thing, but this bill as it is now would commit to the administrator the duty of fixing the price of everything that is known to American life; and to me even a suggestion that we should give a power of that kind to one man is abhorrent, and the people of this country will never tolerate it.

I suggest these things because we have lately carried on an investigation before a committee of which I am a member with regard to coal. I consider coal as more important than food in the present situation. If it is proposed to give one man the authority to fix the price of all the coal in this country, I would not only oppose it so long as I had a voice with which to oppose it, but, if it were adopted, it would require me to vote against the bill. I can not think of it with any kind of complacency. Therefore, I suggest to the Senator from Colorado and to the Senator from Oregon that we ought to pass through this bill and determine, first, what powers we are intending to grant and then select the tribunal with reference to the power rather than with reference to any preconceived notions we may have about administration.

Mr. SHAFROTH. Will the Senator yield to me for a question?

Mr. CUMMINS. I yield.

Mr. SHAFROTH. Does the Senator take into consideration the fact that whether we have a commission or whether we have one man to administer this bill it is all subject to the power of the President of the United States? There is, therefore, a safeguard whether it is placed in the hands of a commission or in the hands of an individual.

Mr. CUMMINS. I would be no more willing, Mr. President, to give the administration of these questions to the President of the United States than I would to Mr. Hoover. There are powers here that ought not to be conferred upon any man, for no man is capable of executing these powers.

Mr. SHAFROTH. Does not the Senator think, then, that there are powers in this bill that ought not to be given to any three men?

Mr. CUMMINS. Well, there are some powers that I think ought not to be conferred upon anybody; but there are a great many powers that I am entirely willing to see conferred upon a body of men, indeed powers which I shall insist upon being conferred upon a body of men when the time comes for the offering of amendments upon the floor. But that is not the question. We have not yet determined the character of the bill itself, the quality of the powers or the extent of the powers. Is it not reasonable to defer the decision with regard to the commission until we know what the President is to do through a single person or through a commission? If called upon to vote at this time, I shall vote in favor of the commission, although I desire to suggest to the Senators who composed the amendment that it keeps the promise to the ear and may break it to the hope.

The President is not required to assign to this commission a single duty. He can select other agencies for the administration of the entire bill. I rather look upon the introduction of the commission as simply a tub to the whale, simply a sop to those who have been insisting upon divided authority, for there is not attached to the commission a single duty, a single authority, by virtue of the law itself. The language of the proposed amendment is that the commission "shall perform such duties in carrying out the purposes of this act as the President shall direct." If he does not care to direct the commission to carry out the purposes of the act or to administer any part of it, he need not do so; and he may select another and entirely different agency for that purpose. I think, if we are to have a commission, it ought to be attached to the authority we here convey in some more direct and inseparable manner than is provided in the amendment.

Mr. TOWNSEND. Mr. President, I was entertained by the argument of the Senator from South Carolina [Mr. SMITH], as I usually am by his arguments, especially with that part of it wherein he appealed for three commissioners, and stated that there ought to be at least one farmer on the commission. Now, as I understand, the bill comprehends both food and fuel and is limited to them. The Senator from South Carolina suggests that a farmer be placed on the commission because the bill includes food. I wonder if he would apply the same argument and say that we should also make a member of the commission a coal operator or some one interested in fuel. I am inclined to think he would not.

However much we may object to arbitrary power, which necessity seems to compel, it hardly seems possible to me that anyone who favors an administration of these subjects in the most effective manner can argue that that effectiveness will not be greater through one man than through a commission, and certainly if we were to compose that commission of interested parties we could not possibly hope to accomplish the object desired. The advice and knowledge of practical farmers and of coal operators should be obtained before any drastic action is taken either by one man or by a commission. Personally I am disturbed by doubts as to the wisdom of this proposed legislation, but if we must legislate, as I know we will, I want the most efficient law possible, and already too much time has been occupied in its discussion.

Mr. HOLLIS. Mr. President, there is more than one way to destroy a man's influence and break him down. Since the days of the ancient Greeks one of the favorite methods has been to heap honors upon a man and praise his virtues. Aristides was finally weakened and his influence destroyed by his enemies when they adopted the method of always referring to him as "Aristides the Just."

I myself feel that Mr. Hoover has been injured from the outset of the work that he has undertaken by too much praise. I have no doubt that some of the objection to Mr. Hoover that has been shown on the floor of the Senate has come from the fact that he has been placed by unwise friends in too exalted an atmosphere. It will be a protection to Mr. Hoover to be one of a commission of three. If he is the food administrator, he will be called the "food dictator." If he is one of three commissioners, no one can properly call him the "dictator," because the others can outvote him. I think it would be a protection to him, and I hope his friends will vote for a commission consisting of three.

There is an excellent reason why there should be a commission of three at least, and that is so that different interests may be fairly represented on the board. I understand that Mr. Hoover is himself a mining engineer of distinction. He will know something about coal. There is no doubt that the farmers should be represented, so that they will have more confidence in the board than they would otherwise have, not that they will be able to influence the board for the benefit of the farmer, but they will have a direct means of knowing what is going on, so that nothing will be concealed from them; and I myself think, since the bill deals mainly with food, that the third member of this commission should be a woman, for woman has more to do with the actual preparation of food and with the consumer than has anyone else. So I hope that the compromise that has been offered by the Senator from Oregon will receive the sanction of the Senate.

The VICE PRESIDENT. The question is on the amendment of the Senator from Colorado to the amendment offered by the Senator from Oregon.

Mr. JONES of Washington. I ask for the yeas and nays.

Mr. HARDING. I should like to have the amendment to the amendment stated.

The VICE PRESIDENT. The Secretary will state the amendment to the amendment.

The SECRETARY. It is proposed to strike out all after the words "he is further authorized and directed to appoint," in line 18, page 2, of the amendment, and insert:

a food administrator at an annual salary of $7,500, payable monthly, to perform such duties in carrying out the purposes of this act as the President shall direct. Said food administrator shall hold office at the pleasure of the President during the continuance of the war.

Mr. JONES of Washington. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FLETCHER (when his name was called). Making the same announcement of my pair and its transfer as heretofore, I vote "nay."

Mr. FRELINGHUYSEN (when his name was called). I have a general pair with the junior Senator from Montana [Mr. WALSH], which I transfer to the senior Senator from Maine [Mr. FERNALD] and vote "nay."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. THOMAS]. The junior Senator from Wyoming [Mr. KENDRICK] has a pair with the senior Senator from New Mexico [Mr. FALL]. We have arranged that the Senator from Colorado and the Senator from New Mexico may stand paired, allowing the Senator from Wyoming and myself to vote. This announcement may stand for the day. I vote "nay."

Mr. REED (when his name was called). Making the same transfer of my pair as on the last vote, I vote "nay."

Mr. TILLMAN (when his name was called). Transferring my pair with the senior Senator from West Virginia [Mr. GOFF] to the Senator from Arkansas [Mr. KIRBY], I vote "nay."

Mr. VARDAMAN (when his name was called). I have a general paid with the junior Senator from Idaho [Mr. BRADY]. I transfer that pair to the senior Senator from California [Mr. PHELAN] and vote "nay."

The roll call was concluded.

Mr. MYERS. I inquire if the Senator from Connecticut [Mr. McLEAN] has voted?

The VICE PRESIDENT. He has not.

Mr. MYERS. I have a pair with that Senator, which I transfer to the Senator from Missouri [Mr. STONE] and vote "yea."

Mr. CALDER. I have a general pair with the junior Senator from Rhode Island [Mr. GERRY], but I am at liberty to vote on all matters connected with this bill. I therefore vote "nay."

Mr. SUTHERLAND (after having voted in the negative). I have a general pair with the junior Senator from Kentucky [Mr. BECKHAM]. I am advised that, if present, the Senator would vote "nay" on this question, and I therefore permit my vote to stand.

Mr. BORAH. I desire to announce the absence of my colleague [Mr. BRADY] on account of illness. I will permit this statement to stand for the day.

The result was announced—yeas 10, nays 63, as follows:

YEAS—10.

Borah	King.	Pomerene	Williams.
Johnson, Cal.	McNary	Shafroth	
Jones, Wash.	Myers	Townsend	

NAYS—63.

Ashurst	Hale	McKellar	Smith, Ga.
Bankhead	Harding	Martin	Smith, Md.
Brandegee	Hardwick	Nelson	Smith, S. C.
Broussard	Hitchcock	New	Smoot
Calder	Hollis	Norris	Sterling
Chamberlain	Husting	Overman	Sutherland
Colt	James	Page	Swanson
Culberson	Johnson, S. Dak.	Penrose	Thompson
Cummins	Jones, N. Mex.	Pittman	Tillman
Curtis	Kellogg	Poindexter	Trammell
Dillingham	Kendrick	Ransdell	Underwood
Fletcher	Kenyon	Reed	Vardaman
France	Knox	Sheppard	Wadsworth
Frelinghuysen	La Follette	Sherman	Watson
Gore	Lodge	Shields	Wolcott
Gronna	McCumber	Smith, Ariz.	

NOT VOTING—23.

Beckham	Goff	Owen	Stone
Brady	Hughes	Phelan	Thomas
Fall	Kirby	Robinson	Walsh
Fernald	Lewis	Saulsbury	Warren
Gallinger	McLean	Simmons	Weeks
Gerry	Newlands	Smith, Mich.	

So Mr. SHAFROTH'S amendment to Mr. CHAMBERLAIN'S amendment was rejected.

The VICE PRESIDENT. The question recurs on the amendment of the Senator from Oregon.

Mr. NEWLANDS. Mr. President, I offer an amendment to the amendment, which I send to the desk,

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. After the word "gasoline" it is proposed to insert "iron, steel, copper, and aluminum."

Mr. NEWLANDS. Mr. President, I believe that the original bill, as amended, included too many products. I believe that the amendment now offered by the Senator from Oregon as a substitute does not include enough, and I think it should include iron, steel, aluminum, and copper.

When I had the floor before I presented the fact that these industries of copper, iron, steel, and aluminum were practical monopolies—not, perhaps, monopolies in the legal sense, but practical monopolies in the sense that these large industries were conducted by a very few great corporations that practically controlled the industry, and whose voice in the industry was omnipotent. I called attention to the fact that these products were essential to the successful prosecution of the war; that they all entered into the make-up of munitions of war. I also pointed out the fact that they are basic materials, related to almost every other form of production, and without which few forms of production can be successfully conducted. I also pointed out the fact that, though these great industries had been mobilized at Washington under the sanction of the law which provides for the Council of National Defense and the advisory commission, and although they are represented by the great chiefs of industry who ought to have breadth of vision, they have failed to realize their opportunity in making a reasonable price for the Government and a reasonable price for the public, and that in pursuing these skyrocket prices they were raising the price level so high that an effort would be made to raise the wage level throughout the country in order to correspond with it, and that that would mean continual unrest, contention, and strife—civil war—whilst we are engaged in the supreme contention abroad.

I contend, Mr. President, that in view of these facts it is essential that the heavy hand of the Government should be laid upon these industries; that if there are industries which in time of stress can be called public necessities and which require public regulation, these are the industries. I have called attention to the fact that the control of these industries is in a few hands, that there need not be a confusion of counsels, that they have the ability to survey the situation and the power to meet it, and that they have failed of their opportunity.

Mr. President, they are even more culpable than the coal producers of the country; for we know that the production of bituminous coal is in the hands of myriad men, unable to have a common mind upon any subject, whereas these men are so thoroughly bound together and so few in number that it is easy for them to reach a conclusion. The coal industry lost its opportunity, in my judgment; for whilst ostensibly it lowered the price from $5.50 to $3 a ton, the operators ignored the fact that that was doubling the price of less than $1.50 a ton a year ago; and so they failed to meet their opportunity, though they met it in better form than the chiefs of these other industries.

Mr. President, I do not wish to load down this bill, but I do insist that if there are necessaries, these are necessaries; that if there is need of Government intervention anywhere, it is necessary here; that not only the wants of the Government and of the public require it, but the safety of our country at the conclusion of the war. If, as the result of skyrocket prices to which we surrender these industries now, wage levels are raised throughout the country, we will find at the end of the war that we will have a wage level far beyond that of any other competing country, and that in the world's markets our products, produced by higher-paid labor, can not meet the products of other countries, and that upon our own soil the products of cheaper labor from abroad will displace the products of our own country.

Any economist ought to view this condition with apprehension and alarm, and particularly the intelligent men who control these great industries, and who ought to have sufficient breadth of vision and sufficient knowledge of economic laws to realize that this is no time to impose either upon the Government or upon the country exaggerated prices for the products which they control; and that a wise statesmanship, not only in the interest of the country, but in the interest of the commodities themselves, demands that there should be an immediate naming of a fair and reasonable price for their commodities, both to the Government and to the public.

Mr. President, I think it essential that the prices to the public should be the same as they are to the Government. It is just as necessary, as I stated this morning, that we should have a strong Nation as it is that we should have a strong Army. We must have our people well fed and well clothed and well equipped if we wish to sustain a well-fed and well-clothed and

well-equipped Army, and monopoly should not be allowed to impress its power either upon the public or upon the Government itself.

Mr. President, the captains of industry in this country have it in their power to so adjust their prices as to avoid the application of the governmental forces which are now being summoned to regulate them. They deplore the tendency to State socialism, but if State socialism comes it will be because they have failed to meet the issue of the hour by a wise and statesmanlike maintenance of reasonable price levels. I ask for the yeas and nays upon the amendment, Mr. President.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FLETCHER (when his name was called). Making the same announcement of my pair and its transfer as before, I vote "nay."

Mr. FRELINGHUYSEN (when his name was called). I make the same announcement as before regarding my pair and vote "nay."

Mr. REED (when his name was called). Making the same transfer as on the last roll call, I vote "yea."

Mr. SUTHERLAND (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. BECKHAM]. As he is absent, I withhold my vote. If at liberty to vote, I would vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the senior Senator from West Virginia [Mr. GOFF] to the junior Senator from Arkansas [Mr. KIRBY] and vote "nay."

Mr. VARDAMAN (when his name was called). Making the same transfer as before, I vote "yea."

The roll call having been concluded, the result was announced—yeas 27, nays 50, as follows:

YEAS—27.

Borah	Husting	McNary	Shields
Cummins	Johnson, Cal.	Nelson	Sterling
Curtis	Jones, Wash.	Newlands	Thompson
France	Kellogg	Norris	Townsend
Gore	Kenyon	Reed	Trammell
Gronna	La Follette	Sheppard	Vardaman
Hitchcock	McCumber	Sherman	

NAYS—50.

Ashurst	Hardwick	Myers	Smith, S. C.
Bankhead	Hollis	New	Smoot
Brandegee	James	Overman	Stone
Broussard	Johnson, S. Dak.	Page	Swanson
Calder	Jones, N. Mex.	Penrose	Tillman
Chamberlain	Kendrick	Poindexter	Underwood
Colt	King	Pomerene	Wadsworth
Culberson	Knox	Ransdell	Warren
Dillingham	Lewis	Shafroth	Watson
Fletcher	Lodge	Simmons	Williams
Frelinghuysen	McKellar	Smith, Ariz.	Wolcott
Hale	McLean	Smith, Ga.	
Harding	Martin	Smith, Md.	

NOT VOTING—19.

Beckham	Gerry	Phelan	Sutherland
Brady	Goff	Pittman	Thomas
Fall	Hughes	Robinson	Walsh
Fernald	Kirby	Saulsbury	Weeks
Gallinger	Owen	Smith, Mich.	

So Mr. NEWLANDS'S amendment to Mr. CHAMBERLAIN'S amendment was rejected.

Mr. HUSTING. Mr. President, I offer an amendment, which I ask to have read.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 2, line 6, after the words "kerosene and gasoline," it is proposed to insert the following:

And, upon a finding by the President that a necessity exists therefor, such other things of whatever kind, nature, or description as the President from time to time shall include by proclamation.

Mr. HUSTING. Mr. President, I fully appreciate that the situation as to food, fuel, and feed is the most acute, and yet there is no question in my mind that before long many other things will have to be, and some now ought to be, included which will appear just as immediately necessary as these things designated in the bill.

I do not know whether we are going to have a recess of Congress or not; but we may have a recess, and emergencies may arise when it will be entirely essential—yes, indispensable—that this law shall apply to other commodities besides the things mentioned in the bill. I went into this matter yesterday at some length, and I do not propose to repeat what I said then; but I want to say that for the reasons there stated, and for the reasons I now state, it seems to me that this amendment ought to be adopted, so that at least during the recess and until another bill can be enacted in place of it designating other commodities that shall be put within the control of the Government in the same manner and to the same effect as these others we shall have some power in the hands of the President whereby we can regulate things that we may need to have regulated before Congress meets again, or, after it does meet, before we must put in five or six weeks in discussing another bill.

This does not touch anything that is in this substitute already, but it leaves the things not mentioned in the bill entirely in the hands of the President when the need is presented.

I hope that the amendment may be adopted, and I ask for the yeas and nays upon it.

Mr. KING. Mr. President, I shall not vote for the amendment offered by the Senator from Wisconsin, although much might be said in support of the same. Because of the extortionate prices alleged to have been charged by middlemen and speculators in foodstuffs, a demand was made upon Congress to enact a food-control bill. The view seemed to be that prices could be fixed by a commission created by Congress that would reduce the prices of food products to the consumer. The contention is now made that it is improper to control the products of the farm, unless the Government shall regulate the commodities which the farmer requires, and it is suggested that steel and farm implements, as well as a great variety of commodities, shall be subjected to governmental control and regulation.

I have never been an advocate of the theory of price fixing upon the part of the Government. It has proven unsatisfactory and futile whenever practiced and is reminiscent of outworn forms of legislation. The law of supply and demand and legitimate and proper competition have been the accepted formula in the economic world for more than 100 years. It is possible that great concentration of capital and the development of monopoly, not only in production but in transportation, may in part nullify the beneficent law of competition and lead to governmental regulation, which in the end will terminate in State socialism. I believe this bill, if enacted into law, will prove a disappointment and will fail to realize the expectations of its proponents. I was interested in the contention of the Senator from Nevada [Mr. NEWLANDS], who called attention to the exorbitant and extortionate prices being charged by the steel companies, the coal, aluminum, and other organizations producing things which are necessities in our civilization. He called attention to their failure to respond to the needs of the people and to measure up to the standards of patriotic duty. I did not vote for the Senator's amendment, although there is much to be said in favor of the proposition that if you control the products of the farm by governmental legislation there should be regulation of other commodities required by the farmer as well as by the public generally. But I am so averse to governmental regulation and the intrusion of the Government of its power into private enterprises that I felt constrained to vote against the motion. It may be, before this war is over, that the Government will be compelled to lay its heavy hand upon many activities and control the business of many corporations and individuals. However, I think I speak the sentiments of some Senators when I say that the corporations referred to by the Senator from Nevada and which were included within his amendment and those referred to in the committee's original amended bill need not conclude that their extortionate prices and their unjustifiable profiteering will be condoned or approved. They will be remembered when the revenue bill comes up for consideration. And, speaking for myself, if not for others, there will be a disposition to require them to put into the Treasury of the United States the gigantic sums which they have wrongfully extorted from the people. It is to be regretted that, in this war period, there should be a purpose upon the part of so many to exact from the Government, our allies, and our people prices that are not only abnormally high but such as can be properly denominated extortionate.

This bill is in the nature of a compromise, as I understand it, and, while I do not approve of many of its provisions and am not satisfied with its general plan, I shall support it in the end.

The VICE PRESIDENT. The question is on the amendment of the Senator from Wisconsin [Mr. HUSTING] to the amendment of the Senator from Oregon [Mr. CHAMBERLAIN].

Mr. HUSTING. On that I call for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the name of Mr. ASHURST, and he answered in the negative.

Mr. SHAFROTH. Mr. President, I should like to have the amendment stated.

The VICE PRESIDENT. The roll call has begun, and a response has been made.

The Secretary resumed the calling of the roll.

Mr. FLETCHER (when his name was called). I make the same transfer of my pair as before, and I vote "nay."

Mr. FRELINGHUYSEN (when his name was called). I make the same announcement as on the former vote of the transfer of my pair with the Senator from New Jersey [Mr.

HUGHES] to the Senator from Maine [Mr. FERNALD] and vote "nay."

Mr. SUTHERLAND (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. BECKHAM] and withhold my vote.

Mr. SHAFROTH (when Mr. THOMAS's name was called). I desire to announce the unavoidable absence of my colleague [Mr. THOMAS] on account of illness.

Mr. VARDAMAN (when his name was called). I have a general pair with the junior Senator from Idaho [Mr. BRADY]. In his absence I withhold my vote.

Mr. POMERENE. I desire to announce that the Senator from Delaware [Mr. SAULSBURY] is detained on important business.

The roll call having been concluded, the result was announced—yeas 15, nays 58, as follows:

YEAS—15.

Borah	Johnson, Cal.	Kenyon	Nelson
Cummins	Johnson, S. Dak.	La Follette	Pittman
Gronna	Jones, Wash.	McCumber	Thompson
Husting	Kellogg	McNary	

NAYS—58.

Ashurst	Harding	New	Smith, Md.
Bankhead	Hardwick	Norris	Smith, S. C.
Brandegee	Hitchcock	Overman	Smoot
Broussard	Hollis	Owen	Sterling
Calder	James	Page	Stone
Chamberlain	Jones, N. Mex.	Penrose	Swanson
Colt	Kendrick	Poindexter	Townsend
Culberson	King	Pomerene	Trammell
Curtis	Knox	Ransdell	Wadsworth
Dillingham	Lewis	Shafroth	Warren
Fletcher	Lodge	Sheppard	Watson
France	McKellar	Sherman	Williams
Frelinghuysen	McLean	Simmons	Wolcott
Gore	Martin	Smith, Ariz.	
Hale	Myers	Smith, Ga.	

NOT VOTING—23.

Beckham	Goff	Robinson	Tillman
Brady	Hughes	Saulsbury	Underwood
Fall	Kirby	Shields	Vardaman
Fernald	Newlands	Smith, Mich.	Walsh
Gallinger	Phelan	Sutherland	Weeks
Gerry	Reed	Thomas	

So Mr. HUSTING's amendment to the amendment was rejected.

Mr. BORAH. Mr. President, I move as an amendment to insert after the word "gasoline" the words "fertilizers and fertilizer ingredients."

Mr. President, this amendment is not of extreme interest to the agriculturists in my part of the country, our soil is still young and very fertile; but it is of great importance to the older soil of the South. I hope it will be adopted. I do not think it is wise to undertake to regulate the products of the soil without taking care of those things which enter into the soil and cause its productiveness. I ask for the yeas and nays on the amendment to the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. REED (when his name was called). Making the same transfer as on the previous vote, I vote "yea."

Mr. VARDAMAN (when his name was called). Making the same transfer as before, I vote "yea."

The roll call was concluded.

Mr. HARDING (after having voted in the negative). I wish to ask if the junior Senator from Alabama [Mr. UNDERWOOD] has voted?

The VICE PRESIDENT. He has not.

Mr. HARDING. I withdraw my vote, being paired with that Senator.

Mr. POMERENE. I desire to announce that the Senator from Delaware [Mr. SAULSBURY] is detained on important business.

The result was announced—yeas 27, nays 50, as follows:

YEAS—27.

Borah	Husting	Nelson	Shields
Cummins	Johnson, Cal.	New	Sutherland
Curtis	Jones, Wash.	Norris	Townsend
France	Kellogg	Owen	Trammell
Gore	La Follette	Reed	Vardaman
Gronna	McCumber	Sheppard	Watson
Hitchcock	McNary	Sherman	

NAYS—50.

Ashurst	Hollis	Myers	Smith, Md.
Bankhead	James	Newlands	Smith, S. C.
Beckham	Johnson, S. Dak.	Overman	Smoot
Brandegee	Jones, N. Mex.	Page	Sterling
Broussard	Kendrick	Penrose	Swanson
Calder	Kenyon	Pittman	Thompson
Chamberlain	King	Poindexter	Wadsworth
Colt	Knox	Pomerene	Warren
Culberson	Lewis	Ransdell	Weeks
Dillingham	Lodge	Shafroth	Williams
Fletcher	McKellar	Simmons	Wolcott
Hale	McLean	Smith, Ariz.	
Hardwick	Martin	Smith, Ga.	

NOT VOTING—19.

Brady	Gerry	Phelan	Thomas
Fall	Goff	Robinson	Tillman
Fernald	Harding	Saulsbury	Underwood
Frelinghuysen	Hughes	Smith, Mich.	Walsh
Gallinger	Kirby	Stone	

So Mr. BORAH's amendment to the amendment was rejected.

Mr. NORRIS. Mr. President, we have now reached the point I presume where we are going to vote on the substitute offered by the Senator from Oregon [Mr. CHAMBERLAIN] to section 1 of the bill. For several days the Senate gave attention to section 1 of the bill. It is quite an important section. As it came from the House it referred to foods, feeds, and fuel, and articles required for their production. The Senate Committee on Agriculture, after a great deal of deliberation added several things to the articles enumerated by the House. The Senate again after two or three days' debate and consideration of the section added several more provisions. All these were added after unlimited debate, after full consideration, and, I think, without exception upon a roll call of the Senate, at least many of them were put on by a yea-and-nay vote, until when the Senate got through with the section the Senate had added petroleum and its products, steel and iron and their products, copper and its products; hemp, jute, sisal, and their products; lead, timber, lumber, farm implements and machinery, and fertilizers. These things were added, as will be disclosed by an examination of the RECORD giving the debates, on the theory that if we were going to control the products of the farm we ought to give to the same authority in the same law the control of the things that the farmer has to buy.

I call your attention, Mr. President, to the fact that if a minimum price is fixed in accordance with this or any other law on any of the products of the farm one of the considerations that ought to be and undoubtedly will be taken into account in fixing that price will be the cost of the things that the farmer has to buy. It was therefore the theory of the Senate, it was the deliberate judgment of the Senate, it was the conclusion of the Senate that those things the farmer had to buy in order to produce should be included with his products in the regulation.

But, Mr. President, for two days, perhaps three days, we have noticed in the papers that all this was going to be changed because it was announced in the morning paper day after day that the leaders of the Senate had made up their minds to overrule the Senate on these things, that the leaders were in consultation and they had prepared a bill in fact and in due time they were going to put it across. I only noticed that in the Washington Post, and having no corroborative evidence, of course I did not believe it, but later on when I came to the Senate I saw the program being carried out just as it had been announced; and I now find the Senate, after unlimited debate having fixed certain things in the bill, on a limited debate with a cloture undoing what they did and obeying the mandate of the wise men and cutting out from control all the things the farmer has to buy.

I am amazed at Senators arguing in favor of this proposition when they say, one after another, as several of them have done, "I am in favor of having these things controlled, but we do not control them in this bill. I am in favor of controlling these things and having them controlled by law, but I am going to vote to take them out of control in this bill." Some Senators argue, and perhaps have made themselves believe, that the bill is going to be defeated if that is not done. I want to say to you, Mr. President, that the bill will lose more supporters by confining the bill to a control of what the farmer produces and not including in the same bill and in the same law the things that he has to buy than it will by any other feature of the bill. As a matter of economy, for the minimum price which I presume will be fixed on one or more of the products of the farm we ought to control the things that those who produce those articles have to buy. We ought to regulate them. We ought not to submit the farmer to control with his product and compel him to pay what may be asked for what he has to produce. Mark you, Mr. President, if we do, the men who fix the minimum price will have to fix it higher, and it will mean a great deal of possible expenditure of public funds, in my judgment, if that course is pursued.

First, it seems to me to be a matter of common justice that if we are going to control the output of the farm we ought in the same way, by the same machinery, under the same law, by the same power, control the things that the farmer has to buy, to see that he is not fleeced in that direction; and then as a matter of economy we ought all to be interested in having a minimum price that will be fair, that will not be too high, because under the regulations of this bill that will probably become the real price. If we do not take any control of the prod-

ucts that the farmer must buy, knowing that he is going to pay, as has already been shown to-day, from 100 to 600 per cent advance for those things, we must know that that means an increased minimum price, if we want to stimulate production, because the object of fixing a minimum price is to stimulate production.

The world is short of food and we all concede that we want to increase the yield particularly of wheat, perhaps in time other things, and if we fix a minimum price with a view of stimulating production it must be so high that it will be profitable. That profit is affected by what it costs to produce the crop. It is affected by what the farmer pays for his farm machinery. That you have taken out from regulation. It is affected by what the farmer in some localities—not in mine, but in a great many localities—has to pay for fertilizers. That has increased 600 per cent in cost. That is now excluded by this proposed amendment of the leaders, and so on through everything that the farmer has to buy.

But, Mr. President, if we fix a minimum price that is remunerative—and none other will be any good—if we fix a minimum price that is profitable—and none other will accomplish any increase of production—we must take all these things into consideration. It is not necessary to say, as has been said by one Senator, that when we come to the revenue bill we shall increase the taxes on the steel men and on the fertilizer men, for that will not affect the minimum price which we will have to fix for the farmer to regulate the production of food in this country.

It seems to me, therefore, Mr. President, since we come to this test between the substitute, that takes all the things that the farmer has to buy out of the bill, and the bill as we once fixed it after deliberate and candid consideration and judgment, that Senators ought to hesitate before they vote now in accordance with the demands of these leaders who have, wisely or unwisely, as the case may be, taken all these things out from the control of the bill.

The PRESIDING OFFICER (Mr. ASHURST in the chair). The Senator from Nebraska will pardon the Chair. The Senator's time has expired.

Mr. JONES of Washington. Mr. President, I want to ask the Senator from Nebraska a question, and he can answer it in my time. It has been suggested to me, by, I suppose, some of the leaders, that this matter is largely taken care of in another amendment which these leaders have prepared, and which I suppose they expect to submit, but which they have not referred to apparently in this debate. That is found on page 7. It proposes to strike out all of section 5 and to insert in lieu thereof a provision with reference to licensing all kinds of business. Under this they provide that "the President is hereby authorized to give a license," and so forth, "to any person operating an elevator"——

Mr. NORRIS. From what page is the Senator reading?

Mr. JONES of Washington. From page 8 of the committee print, which embodies all of the amendments which our leaders have prepared.

Mr. NORRIS. It is not a committee print.

Mr. JONES of Washington. Yes; it is a committee print. That is what it is called.

Mr. NORRIS. Those amendments are not reported by the committee, I will say to the Senator.

Mr. JONES of Washington. No; but they have got the committee to have them printed.

Mr. NORRIS. They had to use some committee stationery, then, to print them?

Mr. JONES of Washington. They have had access evidently to the committee room, although I understand they are not members of the committee.

Mr. NORRIS. Some of them probably are members of the committee. It would not do to say that there are no leaders on the committee.

Mr. JONES of Washington. Oh, well, I thought the place of the committee itself had been taken by these Senators.

Mr. NORRIS. That is probably true; but I suppose that in some way they got some of the committee stationery, printed the proposed amendments on that stationery, and headed it "Committee Print."

Mr. JONES of Washington. On page 8 they provide for a license, and in line 17 it reads:

Fourth. Any person operating a factory which produces farm implements or machinery which enter into interstate or foreign commerce.

Then—

Sixth. Any person engaged in producing, selling, or handling fertilizer or fertilizer ingredients—

Without taking time to read further we find that "whenever the President shall find that any storage charge, commission, profit, or practice of any licensee is unjust or unreasonable or discriminatory and unfair or wasteful," he "shall order such licensee, within a reasonable time fixed in the order," to make it just and reasonable; and if the licensee shall refuse to do so, he can take away their license. In other words, I understand that this provides for a regulation of all the charges for farm implements; for instance, for fertilizer, and so forth, and that by this provision the farmer is protected. Has the Senator from Nebraska examined that?

Mr. NORRIS. Mr. President, I will say to the Senator, in the first place, that it is limited, as the Senator has noted, to articles of interstate commerce, which has nothing to do with the price.

Mr. JONES of Washington. If they can regulate the profit, it seems to me that necessarily would regulate the price.

Mr. NORRIS. The profit of a factory?

Mr. JONES of Washington. Yes.

Mr. NORRIS. Where does the Senator get that?

Mr. JONES of Washington. The print says on page 9:

Whenever the President shall find that any storage charge, commission, profit, or practice——

Mr. NORRIS. Well, certainly a storage charge or a regulation of a storage charge on farming implements, for instance, would not accomplish anything.

Mr. JONES of Washington. I know that; but the word "profit," as I understand, is what they claim will give the President power to regulate the charges which shall be made to the farmer, because they can regulate the profits made in factories.

I notice this peculiar phraseology in connection with coal:

Fifth. Any person operating a coal mine producing coal, and any person dealing in coal, which enters into interstate or foreign commerce—

That would catch the retailer as well as the man who operates the mine; but with reference to farming implements, it only touches the person operating the factory and does not go to any person dealing in farming implements.

Mr. NORRIS. Does the Senator from Washington desire my judgment on that?

Mr. JONES of Washington. Yes; I do.

Mr. NORRIS. A factory manufacturing, for instance, farm implements could sell them at a profit to a subsidiary corporation of not to exceed one-half of 1 per cent, and they could dispose of them then to a dealer from that corporation at a profit of 2,000 per cent.

Mr. JONES of Washington. Suppose we should insert in this language here——

Mr. NORRIS. Let me say further, while I am on the question, that if this section to which the Senator refers would regulate and prevent exhorbitant prices being paid by the farmer, then why not regulate them all in that way? Why not exclude everything and put it into this section, if that is going to regulate prices? I am not talking against that provision or of the proposed amendment. There is something similar in the bill, and I think that is an important thing and ought to be in it, but it certainly will not save the farmer from the payment of exhorbitant prices.

Mr. JONES of Washington. Suppose we should insert in line 18, after the word "machinery," the words "and any person dealing in farm implements or machinery"?

Mr. NORRIS. On what page does the Senator suggest that amendment?

Mr. JONES of Washington. On page 8, in line 18, so that it would provide a regulation not only of the person operating the factory but of the person dealing in farm implements—for instance, the retailer. Does not the Senator think that that would help it considerably?

Mr. NORRIS. It might, although my opinion is merely given offhand, just having the matter called to my attention. I have not given it any consideration.

Mr. HARDING. Mr. President, it has occurred to me, after listening to the remarks of my distinguished neighbor from Nebraska [Mr. NORRIS], who has referred so frequently to the leaders, and at the same time listening interestedly, as I have, to those who do not assume that quality, that perhaps it would be well for a "neutral" to speak. I can not quite describe the impression that has been made upon my mind by listening to the debate on this bill. I have been wondering what one who is disinterested would say of the discussion in the United States Senate—whether we were debating warfare between selfish interests in the United States or whether we were debating means of furthering the defense of our common country.

I come from a neutral State, Mr. President. Ohio is both industrial and agricultural. I am not sure but that we are the third or forth corn State in the Union. We raise half as much wheat as North Dakota; we rate about the third in quantity of oats produced in any State in the Union, and unless the

weather man interferes very much with our harvest, we are going to make the most splendid contribution of wheat this year that the State has ever made to the bread supply of the Nation.

So I am a "neutral," Mr. President, as between the agriculturist, on the one hand, and the industrial brother on the other; and, oddly enough, I know a little something about farming. I have followed the cradle, Senators, with the rake, when wheat sold for 40 cents a bushel. That was in the day when farming was something of a contest for subsistence. In this latter day farming has become an occupation for profit; and I happen to know that, under normal conditions, dollar wheat makes it a very profitable occupation—perhaps not to the farmer who farms the farmers, but it is to the farmer who farms a farm; and I make bold, Mr. President, to say now that the regulation of the price of wheat will indirectly operate to regulate the price of all farm products, and that is exactly what this bill is aimed to do or it ought not to be a pending proposal before this body.

It is not a discrimination, Mr. President, against the American farmer. I said a moment ago I represent an agricultural State. I have not received 20 protests from farmers against the passage of this proposed regulatory measure. The Ohio farmer who is promised $1.75 for his wheat will be reasonably content. If the Congress desires to put a higher price on wheat and maintain the relative cost of bread for the American industrial worker, it must of necessity provide for a higher compensation for that workman.

Of course, Mr. President, I should like to have it understood in the beginning that I am not much in sympathy with any feature of this bill, certainly not with the principles involved. I accept it as a matter of necessity in a time of war. I think it is the entering wedge to the establishment of the socialized state; and I have opposed pending amendments suggesting the inclusion of iron and steel and their products and numerous other necessities that the American farmer must buy, because I think the regulation of the price of the great necessity, flour, is the most that we need do in this trying hour, and it is the least step toward the socialized state.

I know how Senators feel; I have listened with a great deal of interest, and with mixed impressions, to discussions in regard to the suspension of constitutional powers. Well, Mr. President, that suspension, if it were not unseemly to say it, began last year in this body when the United States Congress undertook to fix a wage rate in this country. I refer to the passage of the Adamson law. When we established that principle and the United States Supreme Court gave its assent, we laid the first stone in the structure of the socialized State; and it is important to say at this hour that while we are making the world safe for democracy we are going through the processes of revolution or evolution that are very likely to leave the world a socialized democracy.

You need not be surprised thereat. In this tumult of the world, in this contest between popular government and autocracy, in the great revolution in Russia and the hoped-for revolution in Germany, there has come the inevitable contest between the toiling mass and those who have heretofore dominated society. It need not be surprising, therefore, to find slumbering beneath the surface in these United States the unmistakable processes of revolution. I am not seeking to paint a pessimistic picture, but I have the strong conviction, Mr. President, that in this year of 1917 we have much more to do than to preserve the American Republic. We have the greater task of preserving the inherited institutions of the fathers. If this body had adopted any one of the pending amendments in whose behalf arguments have been made on this floor, we would have driven not one but many a wedge into the overturning of the institutions we boast to-day.

Yet, Mr. President, I recognize the necessity that grows out of the exigencies of this world tumult. The toiling masses of America can not live under our standards of living at the present high cost of the necessities of life. If you could regulate the habits of men by statutory enactment, if Congress could prescribe a little self-sacrifice and still more of thrift, then the entire problem would solve itself. No Congress, no political party, no leadership can set aside the abiding laws of economics. You can not abolish the requirements of the law of supply and demand; you can only temporize and avoid its effects. If I could have my way I would say to the people of the United States, "If there are things that seem to you too high, do not buy," and we would soon solve the problem. That is one of the reasons why I very readily assented to the opposition to putting in all these different products, iron and steel and other enumerated necessities.

Why, Mr. President, we are the most extravagant Nation on the face of the earth. I listened a little while ago, with much respect and great interest, to the Senator from Nevada [Mr. NEWLANDS] talking about the extreme necessity of a well-fed and well-cared-for people. Well, in a sense that is a very agreeable thing to say, but if I could fix a condition to strengthen the fiber of the citizenship of the United States of America I would prescribe some self-denial; and I want to put the prediction in my remarks now that the nation which comes to the fore in the great reorganization and reconstruction of the social fabric and the industrial world after peace comes again will be the nation which has taught itself some self-denial, some economy and thrift in its every-day affairs.

The greatest difficulty with the United States of America——

The PRESIDING OFFICER. The Senator from Ohio will pardon the Chair. The Senator's time——

Mr. HARDING. I want to say this, Mr. President: The greatest difficulty with the United States of America is that we have lived according to extravagant standards; we boasted them. It was a peculiarly American development. Nobody has been willing to preach that we ought to modify somewhat our style of living. If I could have my way, Mr. President, I would go back to the good old simple days of the fathers, and if we could do that we would solve, naturally and effectively, the problem that this Congress is now trying to solve inside of 60 days, with the law that we have already enacted providing against the export of foodstuffs from this country.

Mr. SHEPPARD. Mr. President, one of the results of the adoption of the substitute will be to take cotton out of the bill. I voted to include cotton in the bill on a former occasion because I believed that it was so fundamental a necessity that it was entitled to the protection and the privileges of the bill, and that the possibility of the recurrence of a disaster to cotton like that of 1914 ought to be prevented. It has become evident, however, that the bill can not be passed, or that its passage will be seriously imperiled, with the retention of cotton in the measure, and I shall support the substitute.

The PRESIDING OFFICER (Mr. ASHURST in the chair). The question is on the substitute proposed by the Senator from Oregon [Mr. CHAMBERLAIN].

Mr. NORRIS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CALDER (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. GERRY], but I am at liberty to vote on this measure. Therefore I vote "yea."

Mr. FLETCHER (when his name was called). Making the same announcement of my pair and its transfer, I vote "yea."

Mr. FRELINGHUYSEN (when his name was called). I transfer my pair to the senior Senator from Maine [Mr. FERNALD] and vote "yea."

Mr. REED (when his name was called). Making the same transfer as on the last roll call, I vote "nay."

Mr. VARDAMAN (when his name was called). Making the same transfer as heretofore, I vote "yea."

The roll call having been concluded, the result was announced—yeas 60, nays 16, as follows:

YEAS—60.

Ashurst	Hardwick	Myers	Smith, Ga.
Bankhead	Hollis	New	Smith, Md.
Beckham	James	Newlands	Smith, S. C.
Brandegee	Johnson, S. Dak.	Overman	Smoot
Broussard	Jones, N. Mex.	Page	Sterling
Calder	Kendrick	Penrose	Stone
Chamberlain	Kenyon	Pittman	Swanson
Colt	King	Poindexter	Thompson
Curtis	Knox	Pomerene	Trammell
Dillingham	Lewis	Ransdell	Vardaman
Fletcher	Lodge	Saulsbury	Wadsworth
Frelinghuysen	McCumber	Shafroth	Warren
Gore	McKellar	Sheppard	Watson
Hale	McLean	Simmons	Weeks
Harding	Martin	Smith, Ariz.	Williams

NAYS—16.

Borah	Hitchcock	La Follette	Reed
Cummins	Husting	McNary	Sherman
France	Jones, Wash.	Nelson	Sutherland
Gronna	Kellogg	Norris	Townsend

NOT VOTING—20.

Brady	Gerry	Owen	Thomas
Culberson	Goff	Phelan	Tillman
Fall	Hughes	Robinson	Underwood
Fernald	Johnson, Cal.	Shields	Walsh
Gallinger	Kirby	Smith, Mich.	Wolcott

So Mr. CHAMBERLAIN's amendment in the nature of a substitute was agreed to.

Mr. GORE. Mr. President, I offer an amendment and ask to have it printed and lie on the table.

The PRESIDING OFFICER. The amendment will be received, printed, and lie on the table.

Mr. CHAMBERLAIN. Mr. President, I desire to offer the amendment to section 5, which I send to the desk and ask to have read.

The PRESIDING OFFICER. The amendment proposed by the Senator from Oregon will be stated.

The SECRETARY. It is proposed to strike out all of section 5, and in lieu thereof to insert the following:

SEC. 5. That the President is authorized, whenever in his judgment the national security and defense will be thereby subserved, to require the following persons to take out licenses in such form and under such rules and regulations as he may prescribe, to wit: First, any person operating an elevator or other storage facility used for the storing of wheat which constitutes a part of interstate or foreign commerce; second, any person operating a cold-storage establishment for the storage of meat, poultry, or dairy products constituting a part of interstate or foreign commerce; third, any person operating a packing house producing meat or meat products which enter into interstate or foreign commerce; fourth, any person operating a factory which produces farm implements or machinery which enter into interstate or foreign commerce; fifth, any person operating a coal mine producing coal, and any person dealing in coal, which enters into interstate or foreign commerce; sixth, any person engaged in producing, storing, or handling fertilizer or fertilizer ingredients which enter into interstate or foreign commerce; seventh, any person, not a retailer as defined in this section, who shall engage in handling any of the foregoing enumerated products. Whenever the President shall give notice that the foregoing persons, or any of them, shall be required to take out a license as herein provided, it shall be unlawful for any person to engage in any such business without having obtained said license and conforming to the rules and regulations prescribed in connection therewith. Whenever the President shall have given said notice it shall be unlawful for any carrier to receive for transportation any of the foregoing enumerated products from any person who shall not have obtained the license herein authorized and provided for. Whenever the President shall find that any storage charge, commission, profit, or practice of any licensee is unjust, or unreasonable, or discriminatory and unfair, or wasteful, and shall order such licensee, within a reasonable time fixed in the order to discontinue the same, unless such order, which shall recite the facts found, is revoked or suspended, such licensee shall, within the time prescribed in the order, discontinue such unjust, unreasonable, discriminatory, and unfair storage charge, commission, profit, or practice. The President, may, in lieu of any such unjust, unreasonable, discriminatory, and unfair storage charge, commission, profit, or practice, find what is a just, reasonable, nondiscriminatory, and fair storage charge, commission, profit, or practice, and in any proceeding brought in any court such order of the President shall be prima facie evidence. Any person who, without a license issued pursuant to this section, knowingly engages in or carries on any business for which a license is required under this section, or willfully fails or refuses to discontinue any unjust, unreasonable, discriminatory, and unfair storage charge, commission, profit, or practice, in accordance with the requirement of an order issued under this section, or any regulation prescribed under this section, or the officer or agent of any carrier who shall knowingly receive for transportation any such product from any person so required to take out such license but who shall have failed or refused to do so, or whose license shall have been revoked, shall, upon conviction thereof, be punished by a fine not exceeding $5,000 or by imprisonment for not more than two years, or both: *Provided*, That this section shall not apply to any farmer, gardener, cooperative association of farmers or gardeners (including live-stock farmers), or other person with respect to the products of any farm, garden, or other land owned, leased, or cultivated by him, nor to any retailer with respect to the retail business actually conducted by him, nor shall anything in this section be construed to authorize the fixing or imposition of a duty or tax upon any article imported into or exported from the United States or any State, Territory, or the District of Columbia: *Provided further*, That for the purposes of this act a retailer shall be deemed to be a person, copartnership, firm, corporation, or association not engaging in the wholesale business whose gross sales do not exceed $100,000 per annum.

Mr. CHAMBERLAIN. Mr. President, if the Senators followed the amendment which has just been read and compared it with the section as it now stands in the bill as reported from the committee, they will find this essential difference:

Section 5 now provides that from time to time, "whenever the President shall find it essential to license the importation, exportation, manufacture, storage, mining, or distribution of any necessaries constituting a part of commerce with foreign countries, or among the several States, including the several Territories and the District of Columbia, in order to carry into effect any of the purposes of this act, and shall by proclamation so announce, no person shall, after a date fixed in the proclamation, engage in business" unless he has a license for that purpose issued under the act. Now, in this proposed amendment that portion of section 5 has been stricken out and in lieu of it is inserted the following:

The President is authorized, whenever in his judgment the national security and defense will be thereby subserved, to require the following persons to take out licenses in such form and under such rules and regulations as he may prescribe, to wit: First, any person operating an elevator or other storage facility used for the storing of wheat which constitutes a part of interstate or foreign commerce; second, any person operating a cold-storage establishment for the storage of meat, poultry, or dairy products constituting a part of interstate or foreign commerce; third, any person operating a packing house producing meat or meat products which enter into interstate or foreign commerce; fourth, any person operating a factory which produces farm implements or machinery which enter into interstate or foreign commerce; fifth, any person operating a coal mine producing coal, and any person dealing in coal, which enters into interstate or foreign commerce; sixth, any person engaged in producing, storing, or handling fertilizer or fertilizer ingredients which enter into interstate or foreign commerce; seventh, any person, not a retailer as defined in this section, who shall engage in handling any of the foregoing enumerated products. Whenever the President shall give notice that the foregoing persons, or any of them, shall be required to take out a license as herein provided, it shall be unlawful for any person to engage in any such business without having obtained said license and conforming to the rules and regulations prescribed in connection therewith. Whenever the President shall have given said notice it shall be unlawful for any carrier to receive for transportation any of the foregoing enumerated products from any person who shall not have obtained the license herein authorized and provided for.

In other words, the original bill covered all necessaries. The amendment, as submitted, limits the licensing feature.

Mr. NELSON. Mr. President, will the Senator yield for a question?

Mr. CHAMBERLAIN. Yes.

Mr. NELSON. Why have you omitted from the storing provision corn and oats and limited it simply to wheat? I refer to line 9 of page 8 of this substitute bill. The licensing only relates to elevators storing wheat, not to those that store corn or oats. Why have you omitted those?

Mr. CHAMBERLAIN. I do not know that there was any particular purpose in it. Wheat is the principal food commodity, and therefore wheat was specifically included.

Mr. NELSON. Is not corn a food commodity, too?

Mr. CHAMBERLAIN. Yes; it is.

Mr. NELSON. Why should not corn be included?

Mr. CHAMBERLAIN. Well, it might have been included, Mr. President. It can be amended if the Senator thinks it ought to be.

Mr. NELSON. I suggest that the Senator amend it.

Mr. CHAMBERLAIN. I suggest that the Senator offer an amendment. I have limited it to wheat in the portion of the bill to which the Senator refers.

Mr. NELSON. I am not one of the leaders, so it would be useless for me to offer it.

Mr. CHAMBERLAIN. Neither am I, I will say to the Senator. I am simply a worker in the ranks trying, as best I can, in a national crisis to reach a fair solution of a most difficult and puzzling question. I thought it best to confine it to wheat, as did many Senators with whom I have conferred. If the Senate wants to change it or modify it in any way, of course the Senate has the power to do it. I simply offer that as a substitute for section 5 of the bill as it stands; and I have no doubt that the Senate, following its usual practice, will offer a great many amendments to it before the discussion ends. The suggestions which will be made in this Chamber will but confirm my statement that the subject is a most difficult one to solve and adjust, for no two Senators will entertain the same views upon it.

Mr. THOMPSON. Mr. President, I desire to call up my amendment to this section, if the original section has been perfected so far as the acting chairman of the committee is concerned. I will ask the Senator from Oregon, in charge of the bill, whether he has amended the original section so far as he cares to have it amended? If so, I desire to offer an amendment to the substitute.

Mr. CHAMBERLAIN. That is the only amendment I proposed to offer to the substitute, Mr. President. I assumed that Senators would offer other amendments.

Mr. THOMPSON. My amendment is to strike out the interstate and foreign commerce clause wherever it appears in this section. I should like to have the amendment stated.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The SECRETARY. It is proposed to strike out the words "which constitutes a part of interstate commerce" where they appear twice in the amendment, and the words "which enters into interstate or foreign commerce" where those words appear four times in the amendment, and all similar words wherever they may appear in said section or in said proposed amendment.

Mr. THOMPSON. Mr. President, I offer this amendment and desire a vote upon it, because the matter proposed to be stricken out has no place in a bill of this kind, and because, in my judgment, it will interfere very greatly with the full operation and administration of the law as contemplated by the act.

It seems to have been the plan of those opposed to this bill to put in the bill as many objectionable things as they could to prevent its passage; and, failing in that, to put in the bill as many things as possible to limit it in its operation.

These clauses, in my judgment, are the most objectionable of any in the bill, so far as the operation of the act is concerned. I am aware that there are some Senators who have claimed that this was necessary to make the act constitutional, but I do not believe that the constitutional lawyers who made the argument will seriously contend that there is greater power under the commerce clause of the Constitution than there is under the war power of the Constitution.

This is not an attempt, Mr. President, to exercise the powers of Congress under the commerce clause of the Constitution. There is no intention of that character, but it is purely and

simply, as stated on the face of the bill, and as every line of the bill indicates, an exercise of the war power, which is the greatest power we have under the Constitution, it having been laid down fundamentally and by the highest court in this land as to be absolutely without limitation, except, of course, according as it may be modified by international law.

It is not my purpose, Mr. President, to present a constitutional argument in the limited time I have this afternoon, but I wish briefly to review many of the authorities which have been produced here, so that the minds of all may at least be at rest as to the constitutionality of the bill without these clauses, and also to make the bill better in its enforcement within the object of the law. First, we have the case of Miller against The United States, reported in Eleventh Wallace, page 268, where the Supreme Court held that the confiscation statute passed during war times was constitutional, and where it laid down the doctrine that legislation founded upon the war powers——

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Oklahoma?

Mr. THOMPSON. I can not yield in the limited time I have. I would be glad to yield if I could do it without it being taken out of my 10 minutes.

Mr. GORE. I wish to remind the Senator that in the case of Miller against the United States it was the confiscation of the property of an enemy, not of a citizen.

Mr. THOMPSON. But the court did lay down the proposition, and it is the law of this case, and the Senator can not produce an authority of any higher court to the contrary, that the war powers of the Government have no express limitation in the Constitution, and the only limitation to which their exercise is subject is the law of nations. In this same case the proposition is laid down flatly:

> The Constitution confers upon Congress expressly power to declare war, grant letters of marque and reprisal, and make rules respecting captures on land and water. Upon the exercise of these powers no restrictions are imposed. Of course, the power to declare war involves the power to prosecute it by all means and in any manner in which war may be legitimately prosecuted.

It is also held in this case:

> For it is evident that legislation founded upon the war powers of the Government, and directed against the public enemies of the United States, is subject to different considerations and limitations from those applicable to legislation founded upon the municipal power of the Government and directed against criminals. Legislation in the former case is subject to no limitations, except such as are imposed by the law of nations in the conduct of the war. * * *
>
> The war powers of the Government have no express limitation in the Constitution, and the only limitation to which their exercise is subject is the law of nations.

We have heard read one of the leading cases which was referred to by the distinguished Senator from New Hampshire [Mr. HOLLIS], Luther *v.* Borden (7 How., 1), where the court lays down the principle that the constitutional guaranties against search and seizure, two of the most vital rights of citizens, do not prevail under martial law, a form of civil war.

We have here the case of McCulloch against Maryland, which has been read so many times, reported in Fourth Wheaton, where this principle is laid down by Chief Justice Marshall on page 421:

> Let the end be legitimate, let it be within the scope of the Constitution—

As it is in this case under the war power—

> and all the means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional.

Then we had cited the celebrated Legal Tender cases, Knox *v.* Lee and Parker *v.* Davis (12 Wall., 45), the National Bank cases, and Willoughby on the Constitution, where the whole principle is summed up in section 715, which I desire to have made a part of my remarks, as I have not time to read it now.

> The constitutional power given to the United States to declare and wage war, whether foreign or civil, carries with it the authority to use all means calculated to weaken the enemy and to bring the struggle to a successful conclusion. When dealing with the enemy all acts that are calculated to advance this end are legal. Indeed, the President in the exercise simply of his authority as Commander in Chief of the Army and Navy may, unless prohibited by congressional statute, commit or authorize acts not warranted by commonly received principles of international law, and Congress may by law authorize measures which the courts must recognize as valid, even though they provide penalties not supported by the general usage of nations in the conduct of war. Thus during the Civil War in certain cases the provision by congressional statute for the confiscation of certain enemy property or land was enforced, though such confiscation was not in accordance with the general usage of foreign States.
>
> Even in dealing with its own loyal subjects, the power to wage war enables the Government to override in many particulars private rights which in time of peace are inviolable.
>
> The power to wage war carries with it the authority not only to bring it to a full conclusion but, after the cessation of active military operations, to take measures to provide against its renewal. As the court says in Stewart *v.* Kahn: "The measures to be taken in carrying on war and to suppress insurrection are not defined. The decision of all such questions rests wholly in the discretion of those to whom the substantial powers involved are confided by the Constitution. In the latter case the power is not limited to victories in the field and to the dispersion of the insurgent forces. It carries with it inherently the power to guard against the immediate renewal of the conflict and to remedy the evils which have arisen from its rise and progress."

In the case of Stewart against Kahn (11 Wall., 493) these fundamental principles have been applied by the Supreme Court of the United States. They have so briefly and succinctly stated the case that I desire to read this much of the opinion:

> Congress is authorized to make all laws necessary and proper to carry into effect the granted powers. The measures to be taken in carrying on war and to suppress insurrection are not defined. The decision of all such questions rests wholly in the discretion of those to whom the substantial powers involved are confided by the Constitution.

We have had a long line of authorities both from the fundamental law and the decisions of the higher courts sustaining this principle.

We are here exercising the war power and not a single authority has been produced which in any way contradicts the right of Congress to pass this law without any limitation in interstate commerce. Limiting it to interstate commerce raises the question immediately as to all products as to whether they are to enter into interstate commerce or not, which is a needless controversy and throws a damper upon the enforcement of the law in the very outset. The party we aim to reach will dodge behind the interstate-commerce clause.

These authorities show that Congress had passed these acts strictly as a necessity of war, and whether the power was express or implied it made no difference as to their constitutionality. The life of the Nation was in jeopardy, as it is now, and the doctrine of self-preservation was resorted to to maintain it. Self-preservation is the first law of nature as well as the first law of nations. The construction of the courts on the war power of Congress is in accordance with the old maxim, "Salus populi suprema lex"—the good of the people is the supreme law.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KNOX. Mr. President, I should like to make an inquiry of the Senator from Oregon in charge of the bill. I should like to ask him why this licensing provision is limited to the storing of such articles as will constitute a part of interstate or foreign commerce. What is the purpose in connection with that limitation?

Mr. CHAMBERLAIN. The Senator will recall that in the Agricultural Committee there was a great diversity of opinion amongst the members of the committee as to whether it was necessary to confine it to interstate commerce. The committee was fairly evenly divided, and when we reported out a bill, the Senator will remember, there was a sort of a compromise reached under the terms of which one section of the bill omitted interstate commerce and the other section included the words "interstate commerce." I myself do not believe that the bill is framed under the interstate clause of the Constitution. I believe it was contemplated to have been framed, and the powers given under it are under the war-power clauses of the Constitution, but because there has been such a difference of opinion among Senators on it, that was inserted.

Mr. KNOX. I entirely agree with the Senator from Oregon, as I do with the argument just made by the Senator from Kansas [Mr. THOMPSON], that we are not fighting this war under the interstate-commerce clause of the Constitution, and if we were, section 4 of the bill should have had the limitation in the section now under consideration. I feared that the thought might have been in the mind of some Senators, because the argument has been advanced on this floor, that the only power we have is under the interstate commerce power. I quote from an argument made upon the bill by the junior Senator from Georgia [Mr. HARDWICK], some week or 10 days ago, who, having read the fourth section of the bill, said that it applies to "the provisions of interstate and foreign commerce, which is the full limit of the power of Congress." I do not think the interstate and foreign commerce clause of the Constitution of the United States is the full limit of the power of Congress in a case of this kind. I think it has nothing whatever to do with this legislation. We are legislating, as the Senator from Kansas has well said, under the war power. To emphasize the opposite doctrine the Senator from Georgia read section 4 of the bill which provides, for instance—

> That it is hereby made unlawful for any person willfully to destroy any necessaries for the purpose of enhancing the price or restricting the supply thereof.

He said that in a measure to prevent the destruction, for instance, of wheat or of corn or of food of any kind, or of steel or of any supplies which might be necessary for the Government, if it is done within a State it is beyond the reach of the Federal

Government to prevent such destruction; and that any act, or this act specifically, which was then under consideration as it is now, which undertook to lay its hand upon the authorities of the State or individuals residing within the State to prevent them from destroying things that were necessary for the prosecution of the war was beyond the power of Congress.

To me that idea is not only repugnant but it can not be sustained by any process of reasoning of which I am aware. If it were true, all that our enemies would have to do would be to gain control of the central products located within the State and destroy them at their own sweet will, unless the State exercised its authority to prevent it. In other words, the United States at war would be helpless to prevent the destruction of articles which were essential to the prosecution of the war. I am glad to know that the Senator having charge of the bill disavows any such idea.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Oregon?

Mr. KNOX. Certainly.

Mr. CHAMBERLAIN. Let me answer the Senator. If I had not thought that everything mentioned in the section was such products as go into interstate commerce, I could not have brought myself to accept this as a compromise. I believe everything mentioned in it goes into interstate commerce, but, as I said before, I think the position the Senator takes is absolutely correct, that under the war power the Congress can legislate and go right into the States and do whatever it pleases to carry out the purposes of the war power.

Mr. KNOX. I am not, however, Mr. President, in favor of the amendment suggested by the Senator from Kansas, because I can see a difference between the necessity of a provision such as the fourth section, which would prevent hoarding and prevent destruction or prevent willful waste of things that are necessary for the prosecution of the war, and the necessity for licensing concerns that are engaged wholly in intrastate commerce. I believe in all of the limitations that can be imposed upon the licensing system, and as this is one of the licensed limitations imposed upon that system, I would be opposed to the amendment suggested by the Senator from Kansas.

Mr. WADSWORTH. Mr. President, I have on more than one occasion in committee urged that the licensing system, whatever it shall be, shall be limited to persons and corporations handling articles going into interstate commerce. In doing that I have not had in mind any constitutional question. To my mind it is entirely a practical question. If we were to clothe the Government with the power to license every person, firm, or corporation engaged in handling the products recited in this bill, we would bring within the jurisdiction of the Government thousands and thousands of small local dealers in all the tiny hamlets and small villages all over the United States, whose business is strictly local in character, and to bring them under the terms of this bill and under the jurisdiction of the commission that is going to enforce this law would simply pile up a tremendous burden of intricate and useless details upon the commission which is going to administer this statute.

It can not be contended, I think, Mr. President, that any little produce dealer, we will say, who purchases wool or butter or eggs or grain, in a little hamlet of two or three hundred people, is a factor in fixing prices. Certainly it can not be contended that he is a factor to a sufficient extent to justify compelling him and thousands and thousands of men like him to take out a Federal license. But those produce dealers who engage in business upon a scale sufficiently large to compel them to ship the products which they buy and sell in interstate commerce may be said to be factors in the national food situation.

I have believed from the beginning if we are to have any licensing system at all we would accomplish everything that we want to accomplish by limiting the license to those firms, persons, or corporations dealing in goods which are going in turn into interstate commerce.

For those reasons I hope the amendment suggested by the Senator from Oregon, as at present printed in the committee print, will prevail.

Mr. GORE. Mr. President, I think I ought to say a few words on account of the fact that I have favored the basing of the licensing section on the commerce clause of the Constitution. To my own mind the licensing section is utterly repugnant. To require a free man in a free country to take out a license to transact business when he should be encouraged to transact business runs counter to my view of first principles as well as of sound public policy.

I do not think that any one man, however wise, ought to be vested with the power to revoke any man's license to carry on business and thus hold in the hollow of his hand millions of honest business men in a free Republic. The power to license and the power to revoke license is the power of life and death.

My conclusion that this licensing provision ought to be based on the commerce clause of the Constitution is founded on the license-tax cases reported in Fifth Wallace. Those cases arose out of a statute passed in 1864. It was an internal-revenue measure. It was passed during the Civil War. It was passed when the war power was at the very summit of its omnipotence, when all limitations had been cast away, and whatever of infinity there is in the war power was then in unlimited operation.

But the Supreme Court, in interpreting that statute, held that it was a taxing law; that the licenses required were merely a receipt for the tax; and the court declared that Congress could regulate commerce over which it had the power of regulation; that Congress could regulate interstate and foreign commerce by requiring a person engaged in such commerce to take out a license. But the court indicated that Congress could not require a man carrying on a purely intrastate business to take out a license, and that such a license, if required by Congress, would confer no authority upon such person to carry on such commerce—purely domestic commerce—within the limits of the State.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Pennsylvania?

Mr. GORE. Certainly.

Mr. KNOX. For a question. When did I understand the Senator from Oklahoma to say the act was passed which he is discussing?

Mr. GORE. In 1864.

Mr. KNOX. The case is reported in Fifth Wallace?

Mr. GORE. Yes, sir.

Mr. KNOX. I am reading from the RECORD the speech of the junior Senator from Georgia, in which he quotes from that case, which says:

> The twenty-ninth section of the internal-revenue act of March 2, 1867—

Reading from the case in Fifth Wallace to which I assume the Senator is referring.

Mr. GORE. I may say that in 1867 the law was amended so as to strike out the word "license" and make it purely a taxing law in terms as well as in fact. The court having held that the license was merely a receipt for the tax, the law was amended in that way.

Mr. HOLLIS. Mr. President, I am rather inclined to think I shall vote for the amendment as offered by the Senator from Oregon [Mr. CHAMBERLAIN]; but I am very jealous of any movement to base the powers under this bill on the interstate-commerce clause of the Constitution. I wish to say a word about the tax license case just referred to by the Senator from Oklahoma [Mr. GORE].

In that case the statute was upheld, and the defendants were convicted, but there was no word said about the war power. The statute was not passed as an exercise of the war power. There is nothing in the case or in the opinion that would indicate that. All there is is a dictum by a single judge that the action in the case must not be construed as extending the power of Congress to interfere with business within a State. The war power is not discussed at all in his opinion, and the case cited is no authority in any sense against putting anything we want in this bill as a war measure.

Mr. CUMMINS. Mr. President, I do not rise to discuss the constitutional phase of this amendment or to oppose it. I do desire, however, to call the attention of the Senate to the fact that when a few days ago I offered an amendment which suspended the right of the owners of whisky to remove it from bond during the period of the war it was strongly asserted—and after a night's reflection the assertion was persuasive—that it was unconstitutional, because without compensation it deprived the owner of the property of the right to use it. This provision attempts to give to the President the right to forbid all property owners within the scope of its provision the right to use their property at all; the right to use property which is not ordinarily subject to the police power of the State, as is intoxicating liquor. I do not in the least think that we can give to the President, either as a war power or otherwise, the authority to forbid the owners of property of this sort its use without compensation; but I have said this only to commend it to those who were so solicitous about the constitutional privileges of those who happen to own intoxicating liquor.

I rose principally, Mr. President, to suggest that there is upon the table, and will shortly be presented by the Senator from Ohio [Mr. POMERENE], an amendment relating to the regulation of coal, which I regard as infinitely more effective than the one contained in this section.

While I do not intend to move to strike out the paragraph in this section which relates to coal, when the time comes I shall endeavor to point out how utterly futile it will be in the protection of the people of this country against the excessive prices for coal which now prevail, and which we have every reason to believe will prevail in the future. It is simply idle to suggest the relief through the fixing of profits for each individual coal operator. I did not want silence on my part to mislead the Senate into the belief that I regard this provision as sufficient in that respect; and I hope that when the Senator from Ohio presents the amendment to which I have referred it will be considered upon its merits, without regard to the provision which happens to be in this licensing section.

Mr. SMITH of Georgia. Mr. President, I am not one of those who believe that a declaration of war in any sense suspends the Constitution; I hardly think a lawyer can seriously take that position; but I believe the power given by the Constitution to Congress to legislate for the conduct of the war gives Congress a vast power beyond what Congress has in times of peace, and if the necessity arises for legislation which in a measure might be considered in disregard of the usual rights growing out of State lines, I believe that a large discretion rests with Congress to determine the necessity and then to act.

But, so far as the licensing provision is concerned, I do not believe there is a necessity to require a license for more than that class of persons covered by this section. I think it goes as far as the necessity requires. I think it would be unwise to extend the licensing power to every line of food sales, to every line of food and fuel business. If we reach those engaged in interstate commerce, we reach the larger dealer and we carry the control practically to the retailer. I think we go as far as the necessity requires, and I think we cover the case so as to accomplish all that we are called upon to accomplish.

Without passing upon the question as to whether there might not be a necessity which would justify legislation going further, I think the facts that confront us really require us to stop with the provision as offered by the Senator from Oregon [Mr. CHAMBERLAIN]. I shall therefore vote against the amendment offered by the Senator from Kansas [Mr. THOMPSON]. I do not know just what the amendment of the Senator from Ohio [Mr. POMERENE] or the Senator from Iowa [Mr. CUMMINS] is with reference to coal. Those amendments will probably come up as independent propositions. It will be sufficiently soon to reach conclusions with reference to them when they are before the Senate.

Mr. BRANDEGEE. Mr. President, I prefer the amendment of the Senator from Oregon to the provision in the bill, but I do not think that there is at this time any necessity for conferring this vast amount of power upon the President of the United States. I agree with the sentiment expressed by the Senator from Oklahoma [Mr. GORE] a few moments ago, that nothing but the most manifest national necessity would justify Congress in attempting to confer upon the President the authority, either himself or through an agent, to say what amount of profit the business men of this country may make in their individual businesses. It is utterly abhorrent to my idea of free institutions.

I do not think the time has come when we ought to say to the President, "Look around, and whenever, in your judgment, you think it should be done, say to this man or to that man, 'You can not do business without taking a license from me; and when you take it you can only conduct your business according to the regulations I will hand to you, together with your license, one of which will be that you shall not make more than 3 per cent or 4 per cent profit on your business.'" I do not think there is any occasion whatever for that kind of legislation at this time. I regret that any such provision is in the bill at all. I prefer the amendment of the Senator from Oregon to the provision of the bill because it limits the universal extension enumerated in section 4.

Mr. CHAMBERLAIN and Mr. BORAH addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. CHAMBERLAIN. If the Senator from Idaho desires to speak, I will yield to him.

The PRESIDING OFFICER. The Senator from Oregon has spoken once.

Mr. CHAMBERLAIN. I was going to suggest an executive session, that is all.

Mr. BORAH. If the Senator desires an executive session, I do not care to occupy the floor.

Mr. CHAMBERLAIN. There are a number of Senators who desire an executive session; and, unless there is some Senator who desires to go on now, I will move an executive session, but I do not want to lay this bill aside unless that course meets with the general approval of the Senate.

The PRESIDING OFFICER. Does the Senator from Idaho wish to be recognized?

Mr. BORAH. No.

EXECUTIVE SESSION.

Mr. CHAMBERLAIN. Then I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

RECESS.

Mr. CHAMBERLAIN. I move that the Senate take a recess until to-morrow morning at 11 o'clock.

The motion was agreed to; and (at 5 o'clock and 40 minutes p. m., Thursday, July 19, 1917) the Senate took a recess until to-morrow, Friday, July 20, 1917, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate July 19 (legislative day of July 18), 1917.

UNITED STATES ATTORNEYS.

Albert Schoonover, of Los Angeles, Cal., to be United States attorney, southern district of California. (Reappointment.)

UNITED STATES MARSHAL.

Charles W. Lapp, of Ohio, to be United States marshal, northern district of Ohio. (Reappointment.)

PROMOTIONS IN THE ARMY.

MEDICAL CORPS.

To be colonels with rank from May 15, 1917, to fill original vacancies.

Lieut. Col. Henry D. Snyder, subject to examination required by law.
Lieut. Col. Allen M. Smith, subject to examination required by law.
Lieut. Col. Joseph T. Clarke.
Lieut. Col. Merritte W. Ireland.
Lieut. Col. Henry C. Fisher.
Lieut. Col. Henry A. Shaw, subject to examination required by law.
Lieut. Col. Francis A. Winter.
Lieut. Col. Champe C. McCulloch, jr.
Lieut. Col. Frederick P. Reynolds.
Lieut. Col. Paul F. Straub, subject to examination required by law.
Lieut. Col. Alexander N. Stark.
Lieut. Col. Charles Lynch.
Lieut. Col. Edward L. Munson, subject to examination required by law.
Lieut. Col. James M. Kennedy.
Lieut. Col. Deane C. Howard.
Lieut. Col. William H. Wilson.
Lieut. Col. William F. Lewis, subject to examination required by law.
Lieut. Col. Thomas S. Bratton.
Lieut. Col. Thomas J. Kirkpatrick.
Lieut. Col. Irving W. Rand, subject to examination required by law.
Lieut. Col. Powell C. Fauntleroy.
Lieut. Col. James S. Wilson.
Lieut. Col. Basil H. Dutcher, subject to examination required by law.
Lieut. Col. Leigh A. Fuller, subject to examination required by law.
Lieut. Col. George A. Skinner.
Lieut. Col. Carl R. Darnall, subject to examination required by law.
Lieut. Col. Henry Page.
Lieut. Col. Bailey K. Ashford.
Lieut. Col. Henry A. Webber, subject to examination required by law.
Lieut. Col. Jere B. Clayton, subject to examination required by law.
Lieut. Col. Weston P. Chamberlain, subject to examination required by law.
Lieut. Col. Edward R. Schreiner, subject to examination required by law.
Lieut. Col. Frederick M. Hartsock, subject to examination required by law.
Lieut. Col. Douglas F. Duval, subject to examination required by law.
Lieut. Col. Clarence J. Manly, subject to examination required by law.

To be lieutenant colonels with rank from May 15, 1917, to fill original vacancies.

Maj. David Baker, subject to examination required by law.
Maj. Albert E. Truby.
Maj. James R. Church, subject to examination required by law.
Maj. Joseph H. Ford.
Maj. Percy M. Ashburn, subject to examination required by law.
Maj. Elmer A. Dean.
Maj. Francis M. C. Usher, subject to examination required by law.
Maj. Willard F. Truby.
Maj. Frederick F. Russell.
Maj. Edwin P. Wolfe.
Maj. Henry S. Greenleaf, subject to examination required by law.
Maj. Louis T. Hess, subject to examination required by law.
Maj. Christopher C. Collins, subject to examination required by law.
Maj. Benjamin J. Edger, jr.
Maj. Samuel M. Waterhouse.
Maj. Eugene H. Hartnett.
Maj. Clyde S. Ford, subject to examination required by law.
Maj. Charles E. Marrow, subject to examination required by law.
Maj. M. A. W. Shockley, subject to examination required by law.
Maj. Theodore C. Lyster.
Maj. Sanford H. Wadhams, subject to examination required by law.
Maj. Chandler P. Robbins, subject to examination required by law.
Maj. Thomas L. Rhoads.
Maj. Harry L. Gilchrist, subject to examination required by law.
Maj. William J. L. Lyster, subject to examination required by law.
Maj. Elbert E. Persons.
Maj. William N. Bispham, subject to examination required by law.
Maj. Edward F. Geddings.
Maj. Arthur W. Morse.
Maj. Frank C. Baker.
Maj. Charles R. Reynolds.
Maj. Paul C. Hutton, subject to examination required by law.
Maj. Frederick A. Dale.
Maj. Jay Ralph Shook.
Maj. William E. Vose, subject to examination required by law.
Maj. Frank T. Woodbury.
Maj. Henry H. Rutherford.
Maj. Ernest L. Ruffner.
Maj. Eugene R. Whitmore, subject to examination required by law.
Maj. Patrick H. McAndrew.
Maj. Charles Y. Brownlee, subject to examination required by law.
Maj. John A. Murtagh.
Maj. George M. Ekwurzel, subject to examination required by law.
Maj. Gideon McD. Van Poole, subject to examination required by law.
Maj. William W. Reno, subject to examination required by law.
Maj. Carroll D. Buck, subject to examination required by law.
Maj. George H. R. Gosman.
Maj. Conrad E. Koerper, subject to examination required by law.
Maj. John H. Allen.
Maj. Robert U. Patterson, subject to examination required by law.
Maj. Robert E. Noble.
Maj. James W. Van Dusen, subject to examination required by law.
Maj. Roger Brooke, subject to examination required by law.
Maj. Wallace De Witt.
Maj. Robert M. Thornburgh.
Maj. Robert B. Grubbs, subject to examination required by law.
Maj. Matthew A. De Laney, subject to examination required by law.
Maj. Horace D. Bloombergh.
Maj. Paul S. Halloran.
Maj. Kent Nelson, subject to examination required by law.
Maj. Peter C. Field.
Maj. Herbert G. Shaw.
Maj. Louis Brechemin, jr.
Maj. Clement C. Whitcomb.
Maj. Wilson T. Davidson.
Maj. Cosam J. Bartlett, subject to examination required by law.
Maj. Reuben B. Miller, subject to examination required by law.
Maj. Charles A. Ragan, subject to examination required by law.
Maj. William R. Eastman, subject to examination required by law.
Maj. James F. Hall.
Maj. Raymond F. Metcalfe.
Maj. Edwin W. Rich.
Maj. Perry L. Boyer, subject to examination required by law.
Maj. James M. Phalen, subject to examination required by law.
Maj. James L. Bevans, subject to examination required by law.
Maj. William L. Little, subject to examination required by law.
Maj. Allie W. Williams, subject to examination required by law.
Maj. John L. Shepard, subject to examination required by law.

To be lieutenant colonels with rank from May 15, 1917, to fill casual vacancies.

Maj. William L. Keller, subject to examination required by law, vice Lieut. Col. Henry D. Snyder, promoted.
Maj. Charles C. Billingslea, subject to examination required by law, vice Lieut. Col. Allen M. Smith, promoted.
Maj. William H. Moncrief, subject to examination required by law, vice Lieut. Col. Joseph T. Clarke, promoted.
Maj. Nelson Gapen, subject to examination required by law, vice Lieut. Col. Merritte W. Ireland, promoted.
Maj. Charles F. Morse, subject to examination required by law, vice Lieut. Col. Henry C. Fisher, promoted.
Maj. Haywood S. Hansell, subject to examination required by law, vice Lieut. Col. Henry A. Shaw, promoted.
Maj. Junius C. Gregory, subject to examination required by law, vice Lieut. Col. Francis A. Winter, promoted.
Maj. Clarence H. Connor, subject to examination required by law, vice Lieut. Col. Champe C. McCulloch, jr., promoted.
Maj. Jay W. Grissinger, subject to examination required by law, vice Lieut. Col. Frederick P. Reynolds, promoted.
Maj. Will L. Pyles, subject to examination required by law, vice Lieut. Col. Paul F. Straub, promoted.
Maj. William M. Smart, subject to examination required by law, vice Lieut. Col. Alexander N. Stark, promoted.
Maj. Robert M. Blanchard, subject to examination required by law, vice, Lieut. Col. Charles Lynch, promoted.
Maj. Samuel M. De Loffre, subject to examination required by law, vice Lieut. Col. Edward L. Munson, promoted.
Maj. Louis C. Duncan, subject to examination required by law, vice Lieut. Col. James M. Kennedy, promoted.
Maj. Edward M. Talbott, subject to examination required by law, vice Lieut. Col. Deane C. Howard, promoted.
Maj. John A. Clark, subject to examination required by law, vice Lieut. Col. William H. Wilson, promoted.
Maj. Samuel J. Morris, subject to examination required by law, vice Lieut. Col. William F. Lewis, promoted.
Maj. Jacob M. Coffin, subject to examination required by law, vice Lieut. Col. Thomas S. Bratton, promoted.
Maj. John W. Hanner, vice Lieut. Col. Thomas J. Kirkpatrick, promoted.
Maj. Levy M. Hathaway, subject to examination required by law, vice Lieut. Col. Irving W. Rand, promoted.
Maj. Alexander Murray, subject to examination required by law, vice Lieut. Col. Powell C. Fauntleroy, promoted.
Maj. Philip W. Huntington, subject to examination required by law, vice Lieut. Col. James S. Wilson, promoted.
Maj. James D. Fife, subject to examination required by law, vice Lieut. Col. Basil H. Dutcher, promoted.
Maj. William A. Powell, subject to examination required by law, vice Lieut. Col. Leigh A. Fuller, promoted.
Maj. George H. Scott, subject to examination required by law, vice Lieut. Col. George A. Skinner, promoted.
Maj. Robert L. Carswell, subject to examination required by law, vice Lieut. Col. Carl R. Darnall, promoted.
Maj. Charles F. Craig, subject to examination required by law, vice Lieut. Col. Henry Page, promoted.
Maj. William P. Banta, subject to examination required by law, vice Lieut. Col. Bailey K. Ashford, promoted.

Maj. Robert H. Pierson, subject to examination required by law, vice Lieut. Col. Henry A. Webber, promoted.
Maj. James I. Mabee, subject to examination required by law, vice Lieut. Col. Jere B. Clayton, promoted.
Maj. George P. Peed, vice Lieut. Col. Weston P. Chamberlain, promoted.
Maj. Ralph S. Porter, subject to examination required by law, vice Lieut. Col. Edward R. Schreiner, promoted.
Maj. Henry D. Thomason, subject to examination required by law, vice Lieut. Col. Frederick M. Hartsock, promoted.
Maj. Percy L. Jones, vice Lieut. Col. Douglas F. Duval, promoted.
Maj. Fred W. Palmer, subject to examination required by law, vice Lieut. Col. Clarence J. Manly, promoted.

To be lieutenant colonel with rank from June 25, 1917, to fill a casual vacancy.

Maj. Edward B. Vedder, subject to examination required by law, vice Lieut. Col. George D. Deshon, who died June 24, 1917.

To be major with rank from March 22, 1917, to fill a casual vacancy.

Capt. Ray W. Bryan, subject to examination required by law, vice Maj. William M. Roberts, retired from active service March 21, 1917.

To be majors with rank from May 15, 1917, to fill original vacancies.

Capt. William H. Richardson, subject to examination required by law.
Capt. William K. Bartlett, subject to examination required by law.
Capt. John R. Barber.
Capt. Joseph A. Worthington, subject to examination required by law.
Capt. Mahlon Ashford.
Capt. Edward G. Huber, subject to examination required by law.
Capt. John S. Lambie, jr., subject to examination required by law.
Capt. Arthur N. Tasker, subject to examination required by law.
Capt. Howard McC. Snyder.
Capt. Calvin D. Cowles, jr.
Capt. Garfield L. McKinney.
Capt. Hiram A. Phillips.
Capt. William L. Hart.
Capt. Henry C. Coburn, jr., subject to examination required by law.
Capt. Arnold D. Tuttle, subject to examination required by law.
Capt. William R. Dear.
Capt. Charles E. Doerr.
Capt. Daniel P. Card, subject to examination required by law.
Capt. Ralph H. Goldthwaite.
Capt. Edgar W. Miller.
Capt. Frederick S. Wright.
Capt. Daniel W. Harmon, subject to examination required by law.
Capt. James C. Magee, subject to examination required by law.
Capt. Corydon G. Snow, subject to examination required by law.
Capt. Norman L. McDiarmid, subject to examination required by law.
Capt. George H. McLellan.
Capt. Alexander D. Parce.
Capt. James A. Wilson
Capt. Morrison C. Stayer.
Capt. Robert W. Kerr, subject to examination required by law.
Capt. Lee R. Dunbar.
Capt. Leon C. Garcia, subject to examination required by law.
Capt. William S. Shields, subject to examination required by law.
Capt. Addison D. Davis, subject to examination required by law.
Capt. William H. Smith.
Capt. Clarence E. Fronk.
Capt. Thomas J. Leary.
Capt. Albert S. Bowen, subject to examination required by law.
Capt. Ernest R. Gentry.
Capt. Roy C. Heflebower.
Capt. George M. Edwards, subject to examination required by law.
Capt. George B. Foster, jr.
Capt. Joseph Casper.
Capt. Henry Beeuwkes.
Capt. Edward M. Welles, jr., subject to examination required by law.
Capt. Condon C. McCornack.
Capt. William H. Thearle, subject to examination required by law.
Capt. Glenn I. Jones, subject to examination required by law.
Capt. George W. Cook.
Capt. Charles C. Demmer, subject to examination required by law.
Capt. Charles T. King.
Capt. Thomas H. Johnson, subject to examination required by law.
Capt. William H. Allen.
Capt. Larry B. McAfee.
Capt. Adam E. Schlanser, subject to examination required by law.
Capt. Carl E. Holmberg, subject to examination required by law.
Capt. John P. Fletcher.
Capt. Joseph E. Bastion.
Capt. Thomas D. Woodson.
Capt. Alexander T. Cooper, subject to examination required by law.
Capt. John T. Aydelotte.
Capt. Taylor E Darby.
Capt. Thomas C. Austin, subject to examination required by law.
Capt. Edward Kremers.
Capt. Charles W. Haverkampf, subject to examination required by law.
Capt. Harry R. Beery, subject to examination required by law.
Capt. James R. Mount, subject to examination required by law.
Capt. Royal Reynolds.
Capt. James S. Fox.
Capt. Felix R. Hill, subject to examination required by law.
Capt. Ralph G. De Voe.
Capt. Wayne H. Crum, subject to examination required by law.
Capt. John A. Burket, subject to examination required by law.
Capt. Wibb E. Cooper.
Capt. Thomas L. Ferenbaugh.
Capt. William L. Sheep.
Capt. Edgar C. Jones, subject to examination required by law.
Capt. Arthur O. Davis.
Capt. Floyd Kramer.
Capt. Edward L. Napier, subject to examination required by law.
Capt. W. Cole Davis, subject to examination required by law.
Capt. John S. Coulter, subject to examination required by law.
Capt. Frederick H. Foucar.
Capt. Paul W. Gibson, subject to examination required by law.
Capt. George B. Lake.
Capt. Frank N. Chilton, subject to examination required by law.
Capt. Leo C. Mudd.
Capt. Leonard S. Hughes, subject to examination required by law.
Capt. Jay D. Whitham.
Capt. Henry P. Carter.
Capt. James L. Robinson.
Capt. Francis X. Strong.
Capt. Robert C. McDonald.
Capt. Howard Clarke.
Capt. Alleyne von Schrader, subject to examination required by law.
Capt. Clemens W. McMillan, subject to examination required by law.
Capt. Harry G. Ford.
Capt. James F. Johnston.
Capt. Henry C. Maddux, subject to examination required by law.
Capt. Samuel S. Creighton.
Capt. Henry C. Michie, jr.
Capt. Lauren S. Eckels.
Capt. Albert P. Clark.
Capt. Charles E. McBrayer.
Capt. Eugene G. Northington.
Capt. Harley J. Hallett, subject to examination required by law.
Capt. Sanford W. French.
Capt. Thomas J. Flynn, subject to examination required by law.
Capt. George E. Pariseau.
Capt. Daniel F. Maguire.

Capt. Edward C. Register, subject to examination required by law.
Capt. John M. Willis, subject to examination required by law.
Capt. Joseph L. Siner.
Capt. William Denton.
Capt. John J. Reddy, subject to examination required by law.
Capt. Herbert H. Sharpe, subject to examination required by law.
Capt. Lloyd A. Kefauver.
Capt. William T. Cade, jr.
Capt. John R. McKnight, subject to examination required by law.
Capt. Edgar D. Craft, subject to examination required by law.
Capt. Neal N. Wood.
Capt. William B. Meister, subject to examination required by law.
Capt. Leeson O. Tarleton.
Capt. Shelley U. Marietta.
Capt. Harry H. Van Kirk, subject to examination required by law.
Capt. Robert Skelton.
Capt. Omar H. Quade.
Capt. Thomas E. Scott.
Capt. Alfred P. Upshur.
Capt. Thomas E. Harwood, jr.
Capt. Philip B. Connolly.
Capt. Samuel J. Turnbull, subject to examination required by law.
Capt. Michael A. Dailey.
Capt. Leopold Mitchell.
Capt. Adna G. Wilde.
Capt. Frederick C. A. Kellam, jr.
Capt. Johnson F. Hammond, subject to examination required by law.
Capt. John G. Ingold, subject to examination required by law.
Capt. Alvin C. Miller.
Capt. Chester R. Haig, subject to examination required by law.
Capt. John H. Trinder, subject to examination required by law.
Capt. William E. Hall.
Capt. Hew B. McMurdo.
Capt. Thomas W. Burnett, subject to examination required by law.
Capt. Kerwin W. Kinard, subject to examination required by law.
Capt. Robert M. Hardaway, subject to examination required by law.
Capt. John W. Sherwood, subject to examination required by law.
Capt. Guy L. Qualls.
Capt. James E. Baylis.
Capt. Douglas W. McEnery, subject to examination required by law.
Capt. John W. Meehan.
Capt. Charles M. Walson.
Capt. Luther R. Poust, subject to examination required by law.
Capt. Benjamin B. Warriner.
Capt. William D. Herbert.
Capt. Stephen H. Smith.
Capt. George F. Lull.
Capt. Charles C. Hillman, subject to examination required by law.
Capt. Sidney L. Chappell.
Capt. Fletcher O. McFarland.
Capt. Harry L. Dale.
Capt. Alvin W. Schoenleber, subject to examination required by law.
Capt. Ernest C. McCulloch.
Capt. George R. Callender.
Capt. Edward T. B. Weidner.
Capt. Raymond W. Bliss.
Capt. Raymond C. Bull, subject to examination required by law.
Capt. Norman T. Kirk.
Capt. William B. Borden, subject to examination required by law.
Capt. Clarence R. Bell.
Capt. Robert H. Duenner.
Capt. Harry Selby Purnell.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Lieut. Commander William C. Asserson to be a commander in the Navy from the 29th day of August, 1916.

Lieut. Charles H. Bullock to be a lieutenant commander in the Navy from the 29th day of February, 1917.

Lieut. George S. Bryan to be a lieutenant commander in the Navy from the 23d day of May, 1917.

Lieut. Eldred B. Armstrong to be a lieutenant commander in the Navy from the 26th day of June, 1917.

The following-named lieutenants to be lieutenant commanders in the Navy from the 1st day of July, 1917:
William A. Glassford, jr., and
Conant Taylor.

Lieut. (Junior Grade) Richard S. Galloway to be a lieutenant in the Navy from the 29th day of August, 1916.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 5th day of June, 1917:
Edmund S. R. Brandt,
Frank E. Johnson,
James R. Barry, and
Stewart A. Manahan.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 6th day of June, 1917:
Carl H. Jones,
Alfred H. Balsley,
Edmund W. Burrough,
Albert H. Rooks,
Byron B. Ralston,
Richard L. Conolly,
Edwin T. Short,
Robert A. Dyer, 3d,
Francis K. O'Brien,
Marion Y. Cohen,
Philip R. Weaver,
John F. Moloney,
Paul Fitzsimons, jr., and
Haiden T. Dickinson.

The following-named midshipmen to be ensigns in the Navy from the 30th day of March, 1917:
Lawrence Wainwright, and
John V. Murphy.

Naval Constructor Horatio G. Gillmor, with rank of commander, to be a naval constructor in the Navy with rank of captain from the 1st day of July, 1917.

The following-named naval constructors, with rank of lieutenant commander, to be naval constructors in the Navy with rank of commander from the 1st day of July, 1917:
Henry T. Wright,
Guy A. Bisset, and
John E. Bailey.

The following-named ensigns to be assistant naval constructors in the Navy from the 30th day of June, 1917:
Robert N. S. Baker and
William Nelson.

The following-named warrant officers to be ensigns in the Navy from the 7th day of July, 1917:
George E. Maynard,
Arthur B. McCrary,
Seldon L. Almon, and
William E. O'Connor.

The following-named midshipmen to be ensigns in the Navy from the 30th day of March, 1917:
William F. Dietrich and
William McK. Reifel.

Ensign Conrad D. Fry to be a lieutenant (junior grade) in the Navy from the 6th day of June, 1917.

Pay Clerk Frank D. Hathaway to be a chief pay clerk in the Navy from the 17th day of July, 1916.

Pay Clerk Frank Lewis to be a chief pay clerk in the Navy from the 19th day of July, 1916.

First Lieut. Howard W. Stone to be a captain in the Marine Corps from the 29th day of August, 1916.

Second Lieut. DeWitt Peck to be a first lieutenant in the Marine Corps from the 29th day of August, 1916.

The following-named pay clerks to be assistant paymasters in the Navy from the 20th day of June, 1917:
Rufus B. Langsford,
Blaine Hunter,
Harry Atwood, and
Samuel B. Deal, jr.

The following-named citizens to be second lieutenants in the Marine Corps for a probationary period of two years:
Dan E. Root, a citizen of California, and
Lucian W. Burnham, a citizen of Massachusetts.

POSTMASTERS.

ALABAMA.

Edward C. Barnes to be postmaster at Evergreen, Ala., in place of Edward C. Barnes. Incumbent's commission expired June 17, 1917.

John W. Barnes to be postmaster at Prattville, Ala., in place of John W. Barnes. Incumbent's commission expired June 17, 1917.

J. F. Beatty to be postmaster at Atmore, Ala., in place of J. F. Beatty. Incumbent's commission expired June 17, 1917.

H. T. Brown to be postmaster at Calera, Ala., in place of H. T. Brown. Incumbent's commission expired June 13, 1917.

Clarence Byrd to be postmaster at Opp, Ala., in place of Clarence Byrd. Incumbent's commission expired June 17, 1917.

Mary E. Cain to be postmaster at Wetumpka, Ala., in place of M. E. Cain. Incumbent's commission expired May 22, 1917.

J. A. Cluck to be postmaster at Bridgeport, Ala., in place of J. A. Cluck. Incumbent's commission expired June 13, 1917.

W. L. Crew to be postmaster at Good Water, Ala., in place of W. L. Crew. Incumbent's commission expired May 20, 1917.

H. H. Farrar to be postmaster at Blocton, Ala., in place of H. H. Farrar. Incumbent's commission expired June 13, 1917.

J. F. Frazer to be postmaster at Lafayette, Ala., in place of J. F. Frazer. Incumbent's commission expired June 23, 1917.

Zenella K. Glover to be postmaster at Millport, Ala. Office became presidential January 1, 1917.

S. J. Griffin to be postmaster at Cullman, Ala., in place of S. J. Griffin. Incumbent's commission expired April 28, 1917.

Welborn V. Jones to be postmaster at Auburn, Ala., in place of Welborn V. Jones. Incumbent's commission expired June 13, 1917.

A. A. Leach to be postmaster at Dadeville, Ala., in place of A. A. Leach. Incumbent's commission expired May 20, 1917.

Henry C. Oswalt to be postmaster at Fairhope, Ala., in place of Henry C. Oswalt. Incumbent's commission expired June 13, 1917.

Hamilton B. Ralls to be postmaster at Piedmont, Ala., in place of H. B. Ralls. Incumbent's commission expired May 22, 1917.

O. M. Reynolds to be postmaster at Anniston, Ala., in place of O. M. Reynolds. Incumbent's commission expired May 20, 1917.

David M. Scott to be postmaster at Selma, Ala., in place of D. M. Scott. Incumbent's commission expired May 20, 1917.

J. B. Sinquefield to be postmaster at Lockhart, Ala., in place of J. B. Sinquefield. Incumbent's commission expired May 22, 1917.

J. L. Thornton to be postmaster at Alexander City, Ala., in place of J. L. Thornton. Incumbent's commission expired May 20, 1917.

Dora G. Wendel to be postmaster at Tallassee, Ala., in place of Dora G. Wendell. Incumbent's commission expired May 29, 1917.

Richard D. Williams to be postmaster at Opelika, Ala., in place of R. D. Williams. Incumbent's commission expired April 28, 1917.

ARIZONA.

Letitia F. Murphy to be postmaster at Pearce, Ariz., in place of Letitia F. Cunningham; name changed by marriage.

Christoph Scheele to be postmaster at St. Johns, Ariz. Office became presidential April 1, 1917.

ALASKA.

J. Clifford Hendee to be postmaster at Thane, Alaska. Office became presidential October 1, 1916.

ARKANSAS.

Pearl Berkheimer to be postmaster at Augusta, Ark., in place of P. Berkheimer. Incumbent's commission expired May 1, 1917.

C. A. Berry to be postmaster at Huttig, Ark., in place of C. A. Berry. Incumbent's commission expired June 5, 1917.

A. W. Cammack to be postmaster at Portland, Ark., in place of A. W. Cammack. Incumbent's commission expired June 5, 1917.

H. R. Cantrell to be postmaster at Mansfield, Ark., in place of H. R. Centrell. Incumbent's commission expired June 17, 1917.

G. G. Dandridge to be postmaster at Paris, Ark., in place of G. G. Dandridge. Incumbent's commission expired May 6, 1917.

Laura B. Denton to be postmaster at Luxora, Ark. Office became presidential April 1, 1917.

J. F. Gillespie to be postmaster at Carlisle, Ark., in place of J. F. Gillespie. Incumbent's commission expired June 5, 1917.

Noah J. Hazel to be postmaster at Marked Tree, Ark., in place of Noah J. Hazel. Incumbent's commission expired June 27, 1917.

P. G. Henry to be postmaster at Texarkana, Ark., in place of P. G. Henry. Incumbent's commission expired May 20, 1917.

H. B. Ingram to be postmaster at Conway, Ark., in place of H. B. Ingram. Incumbent's commission expired May 20, 1917.

W. E. Lamb to be postmaster at Lepanto, Ark. Office became presidential January 1, 1917.

Anne Patton to be postmaster at Altheimer, Ark. Office became presidential April 1, 1917.

Ernest J. Patton to be postmaster at Cabot, Ark., in place of E. J. Patton. Incumbent's commission expired May 6, 1917.

T. L. Pound to be postmaster at Danville, Ark., in place of T. L. Pound. Incumbent's commission expired May 20, 1917.

T. G. Robinson to be postmaster at Marvell, Ark., in place of T. G. Robinson. Incumbent's commission expired May 1, 1917.

Alice L. Rolley to be postmaster at Crawfordville, Ark. Office became presidential April 1, 1917.

Edward R. Screeton to be postmaster at Hazen, Ark., in place of Edward Screeton. Incumbent's commission expired June 6, 1917.

A. J. Stephens to be postmaster at Morrillton, Ark., in place of A. J. Stephens. Incumbent's commission expired May 20, 1917.

D. B. Thompson to be postmaster at Hope, Ark., in place of D. B. Thompson. Incumbent's commission expired June 5, 1917.

W. F. Turner to be postmaster at Atkins, Ark., in place of W. F. Turner. Incumbent's commission expired May 20, 1917.

Miles J. Webb to be postmaster at Lamar, Ark. Office became presidential April 1, 1917.

John D. Wilbourne to be postmaster at Pine Bluff, Ark., in place of John D. Wilbourne. Incumbent's commission expired April 28, 1917.

CALIFORNIA.

Lutie M. Anderson to be postmaster at Roseville, Cal., in place of L. M. Anderson. Incumbent's commission expired May 29, 1917.

R. J. Bagby to be postmaster at Visalia, Cal., in place of R. J. Bagby. Incumbent's commission expired June 6, 1917.

Crete Gardiner de Back to be postmaster at Isleton, Cal. Office became presidential October 1, 1916.

Percy B. Brown to be postmaster at Holtville, Cal., in place of Percy B. Brown. Incumbent's commission expired May 20, 1917.

John P. Day to be postmaster at Woodlake, Cal. Office became presidential October 1, 1916.

Albert E. Dixon to be postmaster at Point Loma, Cal., in place of Albert E. Dixon. Incumbent's commission expired May 20, 1917.

Emma Dodge to be postmaster at Danville, Cal. Office became presidential October 1, 1916.

Alice T. Durnin to be postmaster at Colfax, Cal., in place of Alice T. Durnin. Incumbent's commission expired May 20, 1917.

Otto Haese to be postmaster at Mojave, Cal., in place of Otto Haese. Incumbent's commission expired June 6, 1917.

E. Earl Hughes to be postmaster at Fresno, Cal., in place of E. Hughes. Incumbent's commission expired June 6, 1917.

Henrietta L. Juhler to be postmaster at Spreckels, Cal. Office became presidential October 1, 1916.

Flora S. Knauer to be postmaster at Reedley, Cal., in place of F. S. Knauer. Incumbent's commission expired June 6, 1917.

W. A. Lucas to be postmaster at Cucamonga, Cal., in place of W. A. Lucas. Incumbent's commission expired June 6, 1917.

Luke F. Morgan to be postmaster at East Auburn, Cal., in place of Luke F. Morgan. Incumbent's commission expired May 29, 1917.

Miriam T. Paine to be postmaster at Mariposa, Cal. Office became presidential April 1, 1917.

Percy S. Peek to be postmaster at Mokelumne Hill, Cal. Office became presidential April 1, 1917.

Ellis T. Tanner to be postmaster at San Jacinto, Cal., in place of Ellis T. Tanner. Incumbent's commission expired May 20, 1917.

Charles Whited to be postmaster at Willits, Cal., in place of Charles Whited. Incumbent's commission expired May 20, 1917.

Bert Woodbury to be postmaster at Fall Brook, Cal. Office became presidential April 1, 1917.

COLORADO.

Jefferson D. Frazey to be postmaster at Antonito, Colo., in place of J. D. Frazey. Incumbent's commission expired February 21, 1916.

Eva B. Hamilton to be postmaster at Stratton, Colo., in place of E. B. Hamilton. Incumbent's commission expired May 1, 1917.

Gladys L. Johnson to be postmaster at Olney Springs, Colo. Office became presidential April 1, 1917.

Olive A. Killin to be postmaster at Kiowa, Colo. Office became presidential April 1, 1917.

H. E. Maxville to be postmaster at Paonia, Colo., in place of H. E. Maxville. Incumbent's commission expired June 6, 1917.

F. F. Reinert to be postmaster at Fort Morgan, Colo., in place of F. F. Reinert. Incumbent's commission expired June 17, 1917.

M. M. Sutley to be postmaster at Center, Colo., in place of M. M. Sutley. Incumbent's commission expired May 22, 1917.

CONNECTICUT.

John J. Bohl to be postmaster at Stamford, Conn., in place of J. J. Bohl. Incumbent's commission expired June 5, 1917.

John J. Cassidy to be postmaster at Woodbury, Conn., in place of J. J. Cassidy. Incumbent's commission expired May 6, 1917.

W. S. Clarke to be postmaster at Milford, Conn., in place of W. S. Clarke. Incumbent's commission expired June 26, 1917.

John L. Elliot to be postmaster at Clinton, Conn., in place of John L. Elliot. Incumbent's commission expired May 20, 1917.

George F. Hammill to be postmaster at Georgetown, Conn., in place of George F. Hammill. Incumbent's commission expired May 20, 1917.

J. A. Leahy to be postmaster at Plainfield, Conn., in place of J. A. Leahy. Incumbent's commission expired June 18, 1917.

Matthew E. McDonald to be postmaster at Simsbury, Conn., in place of M. E. McDonald. Incumbent's commission expired March 1, 1917.

Thomas McGrath to be postmaster at Washington, Conn., in place of T. McGrath. Incumbent's commission expired June 5, 1917.

John J. Molans to be postmaster at Seymour, Conn., in place of J. J. Molans. Incumbent's commission expired May 6, 1917.

Edward Perkins to be postmaster at Suffield, Conn., in place of E. Perkins. Incumbent's commission expired May 20, 1917.

Harry W. Potter to be postmaster at Glastonbury, Conn., in place of Harry W. Potter. Incumbent's commission expired June 5, 1917.

Ashmun P. Prickett to be postmaster at Hazardville, Conn., in place of A. P. Prickett. Incumbent's commission expired June 5, 1917.

Peter J. Prior to be postmaster at Plainville, Conn., in place of P. J. Prior. Incumbent's commission expired June 5, 1917.

Frederick H. Smith to be postmaster at Darien, Conn., in place of Frederick H. Smith. Incumbent's commission expired June 18, 1917.

DELAWARE.

William Brockson to be postmaster at Middletown, Del., in place of W. Brockson. Incumbent's commission expired May 20, 1917.

Elijah E. Carey to be postmaster at Millsboro, Del., in place of E. E. Carey. Incumbent's commission expired June 27, 1917.

E. Pierce Ellis to be postmaster at Laurel, Del., in place of E. P. Ellis. Incumbent's commission expired May 20, 1917.

John P. Murphy to be postmaster at New Castle, Del., in place of J. P. Murphy. Incumbent's commission expired June 13, 1917.

John B. Mustard to be postmaster at Milton, Del., in place of J. B. Mustard. Incumbent's commission expired May 20, 1917.

William H. Robinson to be postmaster at Milford, Del., in place of W. H. Robinson. Incumbent's commission expired June 13, 1917.

Orlando W. Short to be postmaster at Seaford, Del., in place of O. W. Short. Incumbent's commission expired May 20, 1917.

FLORIDA.

John W. Alvarez to be postmaster at Starke, Fla., in place of J. W. Alvarez. Incumbent's commission expired May 29, 1917.

Joseph B. Bower to be postmaster at Rockledge, Fla. Office became presidential October 1, 1916.

Marcy B. Darnall to be postmaster at Key West, Fla., in place of M. B. Darnall. Incumbent's commission expired June 23, 1917.

Florida E. Gay to be postmaster at Lynn Haven, Fla., in place of F. E. Gay. Incumbent's commission expired June 5, 1917.

Samuel J. Giles to be postmaster at Carrabelle, Fla., in place of S. J. Giles. Incumbent's commission expired May 26, 1917.

Crawford I. Henry to be postmaster at Apalachicola, Fla., in place of C. I. Henry. Incumbent's commission expired May 6, 1917.

W. H. Hoffman to be postmaster at Dunnellon, Fla., in place of W. H. Hoffman. Incumbent's commission expired June 23, 1917.

Lewis L. Kenny to be postmaster at Fruitland Park, Fla. Office became presidential October 1, 1916.

Charles E. Kettle to be postmaster at Hastings, Fla., in place of C. E. Kettle. Incumbent's commission expired June 18, 1917.

George D. Langston to be postmaster at Haines City, Fla. Office became presidential October 1, 1916.

Edward C. Lewis to be postmaster at Marianna, Fla., in place of E. C. Lewis. Incumbent's commission expired June 23, 1917.

Lula Newton to be postmaster at Winter Garden, Fla., in place of Lula Newton. Incumbent's commission expired June 23, 1917.

Elmer J. Roux to be postmaster at Fernandina, Fla., in place of E. J. Roux. Incumbent's commission expired April 28, 1917.

Bessie Bryan Simpson to be postmaster at Kissimmee, Fla., in place of B. B. Simpson. Incumbent's commission expired May 6, 1917.

Addison L. Smith to be postmaster at Groveland, Fla. Office became presidential April 1, 1917.

Clarence C. Thullbery to be postmaster at Lake Wales, Fla. Office became presidential April 1, 1917.

Eva R. Vaughn to be postmaster at Century, Fla., in place of E. R. Vaughn. Incumbent's commission expired May 26, 1917.

J. A. Williams to be postmaster at Alachua, Fla., in place of J. A. Williams. Incumbent's commission expired May 6, 1917.

J. N. Willis to be postmaster at Williston, Fla., in place of J. N. Willis. Incumbent's commission expired June 5, 1917.

GEORGIA.

Jackson C. Atkinson to be postmaster at Midville, Ga., in place of J. C. Atkinson. Incumbent's commission expired May 29, 1917.

B. T. Baker to be postmaster at Woodbury, Ga., in place of B. T. Baker. Incumbent's commission expired May 9, 1917.

W. H. Beddingfield to be postmaster at Unadilla, Ga., in place of W. H. Beddingfield. Incumbent's commission expired June 5, 1917.

Charles Beaty to be postmaster at Moultrie, Ga., in place of Charles Beaty. Incumbent's commission expired May 29, 1917.

James Park Bowie to be postmaster at Rome, Ga., in place of J. P. Bowie. Incumbent's commissioned expired May 22, 1917.

Elvira T. Burghard to be postmaster at Crumps Park, Ga. Office became presidential January 1, 1917.

Charles V. Clark to be postmaster at Louisville, Ga., in place of C. V. Clark. Incumbent's commission expired May 6, 1917.

Thomas K. Dunham to be postmaster at Darien, Ga., in place of T. K. Dunham. Incumbent's commission expired June 17, 1917.

R. H. Dunlap to be postmaster at Chipley, Ga., in place of R. H. Dunlap. Incumbent's commission expired June 5, 1917.

Fannie T. Elmore to be postmaster at Oglethorpe, Ga., in place of F. T. Elmore. Incumbent's commission expired May 22, 1917.

Hattie F. Gilmer to be postmaster at Toccoa, Ga., in place of H. F. Gilmer. Incumbent's commission expired June 17, 1917.

Martha E. Gorham to be postmaster at Crawfordville, Ga., in place of M. E. Gorham. Incumbent's commission expired June 17, 1917.

Mattie E. Gunter to be postmaster at Social Circle, Ga., in place of M. E. Gunter. Incumbent's commission expired May 6, 1917.

Josephine Hilliard to be postmaster at Union Point, Ga., in place of J. Hilliard. Incumbent's commission expired June 17, 1917.

Minnie E. Hogan to be postmaster at Collegepark, Ga., in place of M. E. Hogan. Incumbent's commission expired May 29, 1917.

Andrew J. Irwin to be postmaster at Sandersville, Ga., in place of A. J. Irwin. Incumbent's commission expired May 6, 1917.

Charles Jackson to be postmaster at Palmetto, Ga., in place of Chas. Jackson. Incumbent's commission expired May 29, 1917.

John F. Jenkins to be postmaster at Ashburn, Ga., in place of John F. Jenkins. Incumbent's commission expired May 29, 1917.

William F. Jones to be postmaster at Hogansville, Ga., in place of Wm. F. Jones. Incumbent's commission expired May 29, 1917.

John N. King to be postmaster at Rochelle, Ga., in place of J. N. King. Incumbent's commission expired June 17, 1917.

Richard E. Lee to be postmaster at Concord, Ga., in place of R. E. Lee. Incumbent's commission expired May 22, 1917.

Samuel B. Lewis to be postmaster at Fayetteville, Ga., in place of S. B. Lewis. Incumbent's commission expired May 6, 1917.

William B. McCants to be postmaster at Winder, Ga., in place of W. B. McCants. Incumbent's commission expired May 1, 1917.

Vivian McCurdy to be postmaster at Stone Mountain, Ga., in place of V. McCurdy. Incumbent's commission expired May 29, 1917.

Lonnie J. Moye to be postmaster at Davisboro, Ga. Office became presidential April 1, 1917.

B. A. Parker to be postmaster at Whigham, Ga., in place of B. A. Parker. Incumbent's commission expired May 29, 1917.

David P. Philips to be postmaster at Lithonia, Ga., in place of D. P. Philips. Incumbent's commission expired May 1, 1917.

L. J. Pritchard to be postmaster at Tennille, Ga., in place of L. J. Pritchard. Incumbent's commission expired June 5, 1917.

W. A. Talley to be postmaster at Milltown, Ga., in place of W. A. Talley. Incumbent's commission expired June 17, 1917.

J. L. Wells to be postmaster at Smithville, Ga., in place of J. L. Wells. Incumbent's commission expired May 29, 1917.

HAWAII.

M. J. Borges to be postmaster at Schofield Barracks, Hawaii, in place of M. J. Borges. Incumbent's commission expired June 13, 1917.

Henry D. Corbett to be postmaster at Hilo, Hawaii, in place of H. D. Corbett. Incumbent's commission expired June 13, 1917.

A. F. Costa to be postmaster at Wailuku, Hawaii, in place of A. F. Costa. Incumbent's commission expired June 13, 1917.

Christopher B. Hofgaard to be postmaster at Waimea, Hawaii. Office became presidential October 1, 1916.

A. H. Silva, jr., to be postmaster at Kahului, Hawaii, in place of A. H. Silva, jr. Incumbent's commission expired June 17, 1917.

IDAHO.

Manford W. Harland to be postmaster at Troy, Idaho, in place of M. W. Harland. Incumbent's commission expired May 6, 1917.

Charles L. Hollar to be postmaster at Kellogg, Idaho, in place of C. L. Hollar. Incumbent's commission expired June 17, 1917.

Frances H. Langford to be postmaster at Rogerson, Idaho. Office became presidential October 1, 1916.

Elmer G. Lightfoot to be postmaster at Fairfield, Idaho. Office became presidential January 1, 1917.

Samuel J. Linder to be postmaster at Ilo, Idaho. Office became presidential October 1, 1916.

Franklin A. Miller to be postmaster at St. Anthony, Idaho, in place of F. A. Miller. Incumbent's commission expired June 5, 1917.

Mike A. Rogan to be postmaster at Avery, Idaho. Office became presidential April 1, 1917.

L. A. Wisener to be postmaster at Grangeville, Idaho, in place of L. A. Wisener. Incumbent's commission expired June 5, 1917.

ILLINOIS.

Eber E. Bassett to be postmaster at West McHenry, Ill. Office became presidential October 1, 1916.

David R. Bennett to be postmaster at Panama, Ill. Office became presidential April 1, 1917.

Walter V. Berry to be postmaster at Irving, Ill. Office became presidential October 1, 1916.

E. F. Bieser to be postmaster at Nashville, Ill., in place of E. F. Bieser. Incumbent's commission expired June 5, 1917.

Alonzo Boren to be postmaster at Herrin, Ill., in place of Alonzo Boren. Incumbent's commission expired June 26, 1917.

John D. Brady to be postmaster at Buda, Ill., in place of J. D. Brady. Incumbent's commission expired June 5, 1917.

F. W. Burley to be postmaster at Winslow, Ill. Office became presidential October 1, 1916.

E. E. Burton to be postmaster at Newton, Ill., in place of E. E. Burton. Incumbent's commission expired June 5, 1917.

James E. Caley to be postmaster at Mackinaw, Ill., in place of J. E. Caley. Incumbent's commission expired May 29, 1917.

W. H. Chapman to be postmaster at Clifton, Ill., in place of W. H. Chapman. Incumbent's commission expired May 1, 1917.

William Champion to be postmaster at Granite City, Ill., in place of William Champion. Incumbent's commission expired June 13, 1917.

W. E. Clayton to be postmaster at Johnston City, Ill., in place of W. E. Clayton. Incumbent's commission expired June 26, 1917.

Nellie S. Cowing to be postmaster at Homewood, Ill. Office became presidential October 1, 1916.

John C. Crawford to be postmaster at Jonesboro, Ill., in place of J. C. Crawford. Incumbent's commission expired June 5, 1917.

Thomas J. Cunningham to be postmaster at Taylorville, Ill., in place of T. J. Cunningham. Incumbent's commission expired June 5, 1917.

Marshall E. Daniel to be postmaster at McLeansboro, Ill., in place of M. E. Daniel. Incumbent's commission expired June 10, 1917.

William B. Davis to be postmaster at Mount Sterling, Ill., in place of W. B. Davis. Incumbent's commission expired June 5, 1917.

Lillian M. Dilg to be postmaster at Morton Grove, Ill. Office became presidential October 1, 1916.

Charles A. Fletcher to be postmaster at Mendon, Ill., in place of C. A. Fletcher. Incumbent's commission expired June 27, 1917.

William Foran to be postmaster at Sorento, Ill., in place of W. Foran. Incumbent's commission expired June 5, 1917.

D. M. Fullmer to be postmaster at New Athens, Ill., in place of D. M. Fullmer. Incumbent's commission expired May 20, 1917.

Henry Gilbert to be postmaster at Ashley, Ill., in place of H. Gilbert. Incumbent's commission expired June 5, 1917.

Daniel A. Grady to be postmaster at Waukegan, Ill., in place of D. A. Grady. Incumbent's commission expired May 29, 1917.

George A. Griffith, sr., to be postmaster at Rankin, Ill., in place of G. A. Griffith, sr. Incumbent's commission expired May 1, 1917.

William F. Hagebusch to be postmaster at Okawville, Ill., in place of W. F. Hagebusch. Incument's commission expired May 29, 1917.

W. H. Harkrader to be postmaster at Hamilton, Ill., in place of W. H. Harkrader. Incumbent's commission expired May 20, 1917.

W. D. Hall to be postmaster at Port Byron, Ill., in place of W. D. Hall. Incumbent's commission expired May 29, 1917.

Benjamin T. Hart to be postmaster at Altona, Ill. Office became presidential April 1, 1917.

James F. Harrison to be postmaster at Leap River, Ill. Office became presidential January 1, 1917.

George B. Howison to be postmaster at Waterman, Ill. Office became presidential October 1, 1916.

E. P. Kimball to be postmaster at Virden, Ill., in place of E. P. Kimball. Incumbent's commission expired June 5, 1917.

Arthur M. Kloepfer to be postmaster at Winnetka, Ill., in place of A. M. Kloepfer. Incumbent's commission expired June 26, 1917.

Joseph H. Knebel to be postmaster at Pocahontas, Ill., in place of J. H. Knebel. Incumbent's commission expired June 26, 1917.

C. M. Lewis to be postmaster at Bridgeport, Ill., in place of C. M. Lewis. Incumbent's commission expired June 5, 1917.

Daniel Du Russell to be postmaster at Trenton, Ill., in place of D. Du Russell. Incumbent's commission expired June 5, 1917.

W. J. McKenna to be postmaster at Melvin, Ill., in place of W. J. McKenna. Incumbent's commission expired June 6, 1917.

William McNeill to be postmaster at Prophetstown, Ill., in place of Wm. McNeill. Incumbent's commission expired June 5, 1917.

J. P. McPherren to be postmaster at Homer, Ill., in place of J. P. McPherren. Incumbent's commission expired May 29, 1917.

W. F. Lutyen to be postmaster at Flanagan, Ill., in place of W. F. Lutyen. Incumbent's commission expired June 5, 1917.

A. E. Martin to be postmaster at Benton, Ill., in place of A. E. Martin. Incumbent's commission expired June 5, 1917.

F. Marion Martin to be postmaster at Noble, Ill., in place of F. M. Martin. Incumbent's commission expired June 26, 1917.

Mabel Minger to be postmaster at Buckley, Ill. Office became presidential October 1, 1916.

Thomas J. Mowbray to be postmaster at Bradford, Ill., in place of T. J. Mowbray. Incumbent's commission expired June 26, 1917.

James M. Nunamaker to be postmaster at Greenup, Ill., in place of J. M. Nunamaker. Incumbent's commission expired May 20, 1917.

George Petertil to be postmaster at Berwyn, Ill., in place of G. Petertil. Incumbent's commission expired June 27, 1917.

H. Poffenberger to be postmaster at Freeport, Ill., in place of H. Poffenberger. Incumbent's commission expired May 29, 1917.

William A. Reeds to be postmaster at Oakland, Ill., in place of W. A. Reeds. Incumbent's commission expired May 29, 1917.

Harry L. Reinoehl to be postmaster at Flat Rock, Ill., in place of H. L. Reinoehl. Incumbent's commission expired June 26, 1917.

Robert L. Rich to be postmaster at Cobden, Ill., in place of R. L. Rich. Incumbent's commission expired June 5, 1917.

William T. Robinson to be postmaster at Kenilworth, Ill., in place of W. T. Robinson. Incumbent's commission expired January 11, 1916.

Howard L. Scott to be postmaster at Fox Lake, Ill. Office became presidential October 1, 1916.

M. O. Scott to be postmaster at Neponset, Ill., in place of M. O. Scott. Incumbent's commission expired May 20, 1917.

O. Cammie Seeders to be postmaster at Palestine, Ill., in place of O. C. Seeders. Incumbent's commission expired May 29, 1917.

Claude Shaffner to be postmaster at Dallas City, Ill., in place of Claude Shaffner. Incumbent's commission expired May 20, 1917.

Porter B. Simcox to be postmaster at Patoka, Ill., in place of P. B. Simcox. Incumbent's commission expired June 26, 1917.

Hugh C. Smith to be postmaster at Lake Forest, Ill., in place of H. C. Smith. Incumbent's commission expired June 27, 1917.

George Spicer to be postmaster at Hindsboro, Ill. Office became presidential April 1, 1917.

David B. Troxel to be postmaster at De Land, Ill. Office became presidential October 1, 1916.

William Twohig to be postmaster at Galesburg, Ill., in place of William Twohig. Incumbent's commission expired May 1, 1917.

Edgar F. Voshall to be postmaster at Pleasant Hill, Ill. Office became presidential April 1, 1917.

Lewis A. Westbrook to be postmaster at Creal Springs, Ill., in place of L. A. Westbrook. Incumbent's commission expired June 5, 1917.

Charles J. Wightman to be postmaster at Grayslake, Ill., in place of C. J. Wightman. Incumbent's commission expired June 27, 1917.

INDIANA.

William E. Aydelotte to be postmaster at Sullivan, Ind., in place of W. E. Aydelotte. Incumbent's commission expired April 28, 1917.

Charles F. Bardonner to be postmaster at Cicero, Ind., in place of C. F. Bardonner. Incumbent's commission expired June 17, 1917.

William J. Ten Barge to be postmaster at Poseyville, Ind., in place of W. J. Ten Barge. Incumbent's commission expired May 29, 1917.

James E. Burke to be postmaster at Jeffersonville, Ind., in place of J. E. Burke. Incumbent's commission expired May 20, 1917.

James W. Carroll to be postmaster at Otterbein, Ind., in place of J. W. Carroll. Incumbent's commission expired May 20, 1917.

Oliver J. Chapman to be postmaster at Eaton, Ind., in place of O. J. Chapman. Incumbent's commission expired May 29, 1917.

Lewis E. Chowning to be postmaster at Dugger, Ind., in place of L. E. Chowning. Incumbent's commission expired June 23, 1917.

David D. Corn to be postmaster at Petersburg, Ind., in place of D. D. Corn. Incumbent's commission expired May 29, 1917.

Charles E. Couch to be postmaster at Sheridan, Ind., in place of C. E. Couch. Incumbent's commission expired June 17, 1917.

Oscar H. Cravens to be postmaster at Bloomington, Ind., in place of O. H. Cravens. Incumbent's commission expired May 22, 1917.

John Davidson to be postmaster at Lyons, Ind., in place of John Davidson. Incumbent's commission expired April 28, 1917.

Warren L. Dick to be postmaster at Pierceton, Ind., in place of W. L. Dick. Incumbent's commission expired May 29, 1917.

Charles B. Donovan, jr., to be postmaster at East Chicago, Ind., in place of C. B. Donovan, jr. Incumbent's commission expired May 20, 1917.

James M. Driver to be postmaster at Arcadia, Ind., in place of J. M. Driver. Incumbent's commission expired May 22, 1917.

Levi A. Eaton to be postmaster at Wanatah, Ind., in place of L. A. Eaton. Incumbent's commission expired May 20, 1917.

William B. Fox to be postmaster at South Whitley, Ind., in place of W. B. Fox. Incumbent's commission expired May 22, 1917.

Daniel Gantz to be postmaster at Odon, Ind., in place of Daniel Gantz. Incumbent's commission expired May 20, 1917.

Charles L. Haslet to be postmaster at Chesterton, Ind., in place of C. L. Haslet. Incumbent's commission expired May 20, 1917.

James P. Hawkins to be postmaster at Shoals, Ind., in place of J. P. Hawkins. Incumbent's commission expired June 6, 1917.

Frank M. Hillman to be postmaster at Milan, Ind. Office became presidential January 1, 1915.

B. F. Hofferth to be postmaster at Kouts, Ind. Office became presidential October 1, 1916.

Geston P. Hunt to be postmaster at Rushville, Ind., in place of G. P. Hunt. Incumbent's commission expired June 6, 1917.

Walter D. Hunt to be postmaster at Gas City, Ind., in place of W. D. Hunt. Incumbent's commission expired May 29, 1917.

Harry Hunter to be postmaster at Ossian, Ind., in place of Harry Hunter. Incumbent's commission expired May 29, 1917.

William Kostbade to be postmaster at Hobart, Ind., in place of W. Kostbade. Incumbent's commission expired April 28, 1917.

Charles C. Leisure to be postmaster at Earl Park, Ind., in place of C. C. Leisure. Incumbent's commission expired May 29, 1917.

Adolph H. Martin to be postmaster at Newburg, Ind., in place of A. H. Martin. Incumbent's commission expired May 22, 1917.

N. Eddy Mason to be postmaster at Hagerstown, Ind., in place of Eddy Mason. Incumbent's commission expired June 6, 1917.

Fred G. Rice to be postmaster at Roachdale, Ind., in place of F. G. Rice. Incumbent's commission expired May 20, 1917.

John L. Roblyer to be postmaster at Flora, Ind., in place of J. L. Roblyer. Incumbent's commission expired May 22, 1917.

Atwell J. Shriner to be postmaster at Brookville, Ind., in place of A. J. Shriner. Incumbent's commission expired May 22, 1917.

Charles M. Snepp to be postmaster at Kewanna, Ind., in place of C. M. Snepp. Incumbent's commission expired May 29, 1917.

James H. Spilman to be postmaster at Milroy, Ind., in place of James R. Sage, resigned. Nominated March 12, 1917, but failed of confirmation.

Edward B. Spohr to be postmaster at Jamestown, Ind. Office became presidential October 1, 1916.

R. E. Springsteen to be postmaster at Indianapolis, Ind., in place of R. E. Springsteen. Incumbent's commission expired April 24, 1917.

Lewis Walker to be postmaster at Loogootee, Ind., in place of Lewis Walker. Incumbent's commission expired May 29, 1917.

Ira M. Whitaker to be postmaster at Morgantown, Ind., in place of I. M. Whitaker. Incumbent's commission expired May 22, 1917.

Garland D. Williamson to be postmaster at Ridgeville, Ind., in place of G. D. Williamson. Incumbent's commission expired May 22, 1917.

Charles L. Wood to be postmaster at Albany, Ind., in place of C. L. Wood. Incumbent's commission expired May 20, 1917.

Quincy A. Wright to be postmaster at Fortville, Ind., in place of Q. A. Wright. Incumbent's commission expired June 6, 1917.

Daniel C. Zehner to be postmaster at Windfall, Ind., in place of D. C. Zehner. Incumbent's commission expired June 6, 1917.

IOWA.

George W. Bensler to be postmaster at Delta, Iowa, in place of G. W. Bensler. Incumbent's commission expired June 2, 1917.

Carl Bentson to be postmaster at Jewell, Iowa, in place of Carl Bentson. Incumbent's commission expired June 6, 1917.

Frank Carpenter to be postmaster at Estherville, Iowa, in place of Frank Carpenter. Incumbent's commission expired June 26, 1917.

Harry F. Chance to be postmaster at Redfield, Iowa, in place of H. F. Chance. Incumbent's commission expired May 22, 1917.

Charles K. Coontz to be postmaster at Lineville, Iowa, in place of C. K. Coontz. Incumbent's commission expired June 26, 1917.

Lloyd Crow to be postmaster at Mapleton, Iowa, in place of Lloyd Crow. Incumbent's commission expired June 6, 1917.

Stephen A. Douglas to be postmaster at Adel, Iowa, in place of S. A. Douglas. Incumbent's commission expired May 22, 1917.

Kaspar Faltinson to be postmaster at Armstrong, Iowa, in place of K. Faltinson. Incumbent's commission expired June 6, 1917.

William W. Finn to be postmaster at Wesley, Iowa, in place of W. W. Finn. Incumbent's commission expired June 6, 1917.

Thomas M. Fitzgerald to be postmaster at Charles City, Iowa, in place of T. M. Fitzgerald. Incumbent's commission expired June 6, 1917.

Jacob S. Forgrave to be postmaster at Farmington, Iowa, in place of J. S. Forgrave. Incumbent's commission expired June 26, 1917.

E. F. Gauthier to be postmaster at Corning, Iowa, in place of E. F. Gauthier. Incumbent's commission expired June 2, 1917.

Edward F. Glau to be postmaster at Charter Oak, Iowa, in place of E. F. Glau. Incumbent's commission expired June 26, 1917.

Thomas Geneva to be postmaster at What Cheer, Iowa, in place of Thomas Geneva. Incumbent's commission expired June 26, 1917.

Arthur Goshorn to be postmaster at Winterset, Iowa, in place of A. Goshorn. Incumbent's commission expired June 2, 1917.

John W. Hanna to be postmaster at Winfield, Iowa, in place of J. W. Hanna. Incumbent's commission expired June 26, 1917.

Charles W. Harris to be postmaster at Coin, Iowa, in place of C. W. Harris. Incumbent's commission expired June 26, 1917.

Burdette Hersom to be postmaster at Diagonal, Iowa. Office became presidential April 1, 1917.

A. D. Hix to be postmaster at Zearing, Iowa, in place of A. D. Hix. Incumbent's commission expired June 26, 1917.

Eva Keith to be postmaster at Goldfield, Iowa, in place of Eva Keith. Incumbent's commission expired June 26, 1917.

Christian Konrad to be postmaster at Lacona, Iowa, in place of Christian Konrad. Incumbent's commission expired June 2, 1917.

Leroy H. Lyon to be postmaster at Colfax, Iowa, in place of L. H. Lyon. Incumbent's commission expired June 6, 1917.

Thomas J. McCaffrey to be postmaster at West Bend, Iowa, in place of T. J. McCaffrey. Incumbent's commission expired June 26, 1917.

Lizzie D. McCormick to be postmaster at Letts, Iowa. Office became presidential October 1, 1916.

Stephen C. Maynard to be postmaster at Grand Junction, Iowa, in place of S. C. Maynard. Incumbent's commission expired June 26, 1917.

Edward J. Mitchell to be postmaster at Graettinger, Iowa, in place of E. J. Mitchell. Incumbent's commission expired June 6, 1917.

William R. Minard to be postmaster at Little Rock, Iowa. Office became presidential January 1, 1917.

William W. Moore to be postmaster at Ainsworth, Iowa. Office became presidential October 1, 1916.

Charles N. Nelson to be postmaster at Bedford, Iowa, in place of C. N. Nelson. Incumbent's commission expired June 26, 1917.

Clint L. Price to be postmaster at Indianola, Iowa, in place of Clint L. Price. Incumbent's commission expired June 6, 1917.

Orien J. Perdue to be postmaster at Altoona, Iowa. Office became presidential October 1, 1916.

Walter Rae to be postmaster at Massena, Iowa, in place of W. Rae. Incumbent's commission expired June 6, 1917.

Carrie H. Randall to be postmaster at Epworth, Iowa. Office became presidential October 1, 1916.

Robert M. Reid to be postmaster at Lake City, Iowa, in place of Robert M. Reid. Incumbent's commission expired June 26, 1917.

C. W. Remore to be postmaster at Northwood, Iowa, in place of C. W. Remore. Incumbent's commission expired May 22, 1917.

Rudolph W. Schlug to be postmaster at Strawberry Point, Iowa, in place of R. W. Schlug. Incumbent's commission expired June 26, 1917.

Bessie C. Swan to be postmaster at Story City, Iowa, in place of Bessie C. Swan. Incumbent's commission expired June 26, 1917.

Edward E. Swank to be postmaster at Richland, Iowa, in place of E. E. Swank. Incumbent's commission expired June 6, 1917.

Alfred E. Thomas to be postmaster at Buxton, Iowa, in place of A. E. Thomas. Incumbent's commission expired June 26, 1917.

George M. Waterman to be postmaster at Sidney, Iowa, in place of G. M. Waterman. Incumbent's commission expired June 6, 1917.

KANSAS.

Lottie R. Boulls to be postmaster at Jennings, Kans. Office became presidential April 1, 1917.

Gus C. Buche to be postmaster at Miltonvale, Kans., in place of G. C. Buche. Incumbent's commission expired May 6, 1917.

Ida J. Butler to be postmaster at Morland, Kans. Office became presidential April 1, 1917.

Alfred D. Carpenter to be postmaster at Oswego, Kans., in place of A. D. Carpenter. Incumbent's commission expired May 20, 1917.

L. D. Cassler to be postmaster at Canton, Kans., in place of L. D. Cassler. Incumbent's commission expired May 1, 1917.

Edward Corrigan to be postmaster at Effingham, Kans., in place of Edward Corrigan. Incumbent's commission expired June 17, 1917.

Caroline Doerschlag to be postmaster at Ransom, Kans. Office became presidential January 1, 1917.

Jefferson Dunham to be postmaster at Little River, Kans., in place of J. Dunham. Incumbent's commission expired April 24, 1917.

Elmer A. Dye to be postmaster at Logan, Kans., in place of E. A. Dye. Incumbent's commission expired May 22, 1917.

Axel Ellingson to be postmaster at Scandia, Kans., in place of A. Ellingson. Incumbent's commission expired May 6, 1917.

J. O. Ferguson to be postmaster at Independence, Kans., in place of J. O. Ferguson. Incumbent's commission expired May 1, 1917.

Frank S. Foster to be postmaster at Ellsworth, Kans., in place of F. S. Foster. Incumbent's commission expired June 26, 1917.

Agnes H. Gallagher to be postmaster at Summerfield, Kans., in place of A. H. Gallagher. Incumbent's commission expired May 1, 1917.

Robert V. Grattan to be postmaster at Burden, Kans., in place of R. V. Grattan. Incumbent's commission expired May 22, 1917.

Viola Hamilton to be postmaster at Altamont, Kans., in place of Viola Hamilton. Incumbent's commission expired June 17, 1917.

S. J. Hampshire to be postmaster at Overbrook, Kans., in place of S. J. Hampshire. Incumbent's commission expired May 29, 1917.

Charles Hewitt to be postmaster at Wakefield, Kans., in place of C. Hewitt. Incumbent's commission expired May 6, 1917.

Emma L. Hoopman to be postmaster at Lucas, Kans., in place of E. L. Hoopman. Incumbent's commission expired May 22, 1917.

Frederick M. Cook to be postmaster at Jamestown, Kans., in place of F. M. Cook. Incumbent's commission expired May 1, 1917.

E. C. McDermott to be postmaster at Spearville, Kans., in place of E. C. McDermott. Incumbent's commission expired June 17, 1917.

John McKee to be postmaster at Clay Center, Kans., in place of John McKee. Incumbent's commission expired May 20, 1917.

C. C. McKenzie to be postmaster at Morrill, Kans., in place of C. C. McKenzie. Incumbent's commission expired May 6, 1917.

W. A. Matteson to be postmaster at Abilene, Kans., in place of W. A. Matteson. Incumbent's commission expired April 24, 1917.

Martin Miller to be postmaster at Fort Scott, Kans., in place of Martin Miller. Incumbent's commission expired June 13, 1917.

R. H. Miles to be postmaster at Lyndon, Kans., in place of R. H. Miles. Incumbent's commission expired June 13, 1917.

Thomas O'Mara to be postmaster at Colony, Kans., in place of Thomas O'Mara. Incumbent's commission expired June 17, 1917.

E. L. Pepper to be postmaster at Conway Springs, Kans., in place of E. L. Pepper. Incumbent's commission expired May 20, 1917.

Claude Rowland to be postmaster at Protection, Kans., in place of Claude Rowland. Incumbent's commission expired May 6, 1917.

Mary E. Shaffer to be postmaster at Fulton, Kans. Office became presidential April 1, 1917.

Leonard Shamleffer to be postmaster at Douglass, Kans., in place of L. Shamleffer. Incumbent's commission expired May 6, 1917.

Eugene Skinner to be postmaster at Cherokee, Kans., in place of Eugene Skinner. Incumbent's commission expired June 17, 1917.

P. D. Spellman to be postmaster at Plainville, Kans., in place of P. D. Spellman. Incumbent's commission expired June 26, 1917.

J. H. Stanbery to be postmaster at Attica, Kans., in place of J. H. Stanbery. Incumbent's commission expired June 6, 1917.

James A. Thompson to be postmaster at White Water, Kans., in place of J. A. Thompson. Incumbent's commission expired May 20, 1917.

L. G. Wagner to be postmaster at Sylvia, Kans., in place of L. G. Wagner. Incumbent's commission expired May 1, 1917.

William Walker, jr., to be postmaster at Goodland, Kans., in place of W. Walker, jr. Incumbent's commission expired May 22, 1917.

Cora M. Waters to be postmaster at Bird City, Kans. Office became presidential April 1, 1917.

J. J. Wilson to be postmaster at Moran, Kans., in place of J. J. Wilson. Incumbent's commission expired May 1, 1917.

KENTUCKY.

A. K. Bowles, jr., to be postmaster at Jenkins, Ky., in place of A. K. Bowles, jr. Incumbent's commission expired June 6, 1917.

Cleo W. Brown to be postmaster at Mount Vernon, Ky., in place of C. W. Brown. Incumbent's commission expired May 9, 1917.

John C. Carrithers to be postmaster at Taylorsville, Ky., in place of J. C. Carrithers. Incumbent's commission expired May 9, 1917.

Sandy P. Cooke to be postmaster at Smiths Grove, Ky., in place of S. P. Cooke. Incumbent's commission expired May 22, 1917.

Jordan Walker Crossfield to be postmaster at Lawrenceburg, Ky., in place of J. W. Crossfield. Incumbent's commission expired June 21, 1917.

D. B. Fields to be postmaster at Olive Hill, Ky., in place of D. B. Fields. Incumbent's commission expired June 13, 1917.

John H. Grimes to be postmaster at Harrodsburg, Ky., in place of J. H. Grimes. Incumbent's commission expired May 22, 1917.

Morgan Kuykendall to be postmaster at Kevil, Ky., in place of Morgan Kuykendall. Incumbent's commission expired May 22, 1917.

Coney Kitchen Lewis to be postmaster at Grayson, Ky., in place of C. K. Lewis. Incumbent's commission expired May 22, 1917.

Charles E. Lightfoot to be postmaster at Cloverport, Ky., in place of C. E. Lightfoot. Incumbent's commission expired May 6, 1917.

William G. O'Hara to be postmaster at Williamstown, Ky., in place of W. G. O'Hara. Incumbent's commission expired May 22, 1917.

E. F. Thomasson to be postmaster at Livermore, Ky., in place of E. F. Thomasson. Incumbent's commission expired June 6, 1917.

A. B. Tilton to be postmaster at Carlisle, Ky., in place of A. B. Tilton. Incumbent's commission expired June 23, 1917.

Orrin Derby Todd to be postmaster at Shelbyville, Ky., in place of O. D. Todd. Incumbent's commission expired May 9, 1917.

Paul H. White to be postmaster at La Center, Ky. Office became presidential April 1, 1917.

LOUISIANA.

Joseph Abadie to be postmaster at Rayne, La., in place of J. Abadie. Incumbent's commission expired May 22, 1917.

Ulysses J. Barrios to be postmaster at Lockport, La., in place of U. J. Barrios. Incumbent's commission expired June 5, 1917.

J. W. Bouanchaud to be postmaster at New Roads, La., in place of J. W. Bouanchaud. Incumbent's commission expired May 29, 1917.

Carl C. Brown to be postmaster at Haynesville, La., in place of C. C. Brown. Incumbent's commission expired May 29, 1917.

Tina Collins to be postmaster at Bastrop, La., in place of Tina Collins. Incumbent's commission expired June 5, 1917.

Hattie M. Cooke to be postmaster at Washington, La., in place of H. M. Cooke. Incumbent's commission expired June 5, 1917.

George D. Domengeaux to be postmaster at Breaux Bridge, La., in place of G. D. Domengeaux. Incumbent's commission expired June 17, 1917.

Harry J. Geary to be postmaster at Lake Charles, La., in place of H. J. Geary. Incumbent's commission expired June 17, 1917.

Wilfred Guigou to be postmaster at Donaldsonville, La., in place of W. Guigou. Incumbent's commission expired May 22, 1917.

J. H. Houck to be postmaster at Gibsland, La., in place of J. H. Houck. Incumbent's commission expired June 17, 1917.

Frank G. Hulse to be postmaster at Delhi, La., in place of F. G. Hulse. Incumbent's commission expired June 17, 1917.

Mary S. Hunter to be postmaster at Pineville, La., in place of Mary Hunter. Incumbent's commission expired May 6, 1917.

Charles Manning to be postmaster at Cheneyville, La., in place of Charles Manning. Incumbent's commission expired May 22, 1917.

John R. Nash to be postmaster at Logansport, La., in place of J. R. Nash. Incumbent's commission expired June 17, 1917.

George A. Payne to be postmaster at Winnfield, La., in place of G. A. Payne. Incumbent's commission expired May 20, 1917.

H. H. Sample to be postmaster at Lecompte La., in place of H. H. Sample. Incumbent's commission expired May 22, 1917.

H. H. Schindler to be postmaster at Sulphur, La., in place of H. H. Schindler. Incumbent's commission expired April 28, 1917.

Wilmer A. Steidley to be postmaster at Kinder, La., in place of W. A. Steidley. Incumbent's commission expired May 6, 1917.

Felicien H. Toups to be postmaster at Lafourche Crossing, La. Office became presidential April 1, 1917.

MAINE.

Joseph D. Chamberland to be postmaster at Jackman Station, Me. Office became presidential October 1, 1916.

Ned W. Coombs to be postmaster at Castine, Me., in place of N. W. Coombs. Incumbent's commission expired June 17, 1917.

Harold M. Crockett to be postmaster at North Haven, Me. Office became presidential October 1, 1916.

Irenee Cyr to be postmaster at Fort Kent, Me., in place of I. Cyr. Incumbent's commission expired June 17, 1917.

R. T. Flavin to be postmaster at West Paris, Me., in place of R. T. Flavin. Incumbent's commission expired June 27, 1917.

S. H. Frost to be postmaster at Pittsfield, Me., in place of S. H. Frost. Incumbent's commission expired June 27, 1917.

William N. Gough to be postmaster at York Beach, Me. Office became presidential October 1, 1916.

Reuben A. Huse to be postmaster at Kingfield, Me., in place of R. A. Huse. Incumbent's commission expired June 17, 1917.

Frederick H. Macomber to be postmaster at Seal Harbor, Me. Office became presidential October 1, 1916.

Delbert M. Story to be postmaster at Washburn, Me. Office became presidential April 1, 1917.

Milford A. Waite to be postmaster at Canton, Me., in place of M. A. Waite.

MARYLAND.

Alice L. Exley to be postmaster at Kensington, Md. Office became presidential October 1, 1916.

Clarence J. Rathbun to be postmaster at Mountain Lake Park, Md. Office became presidential October 1, 1916.

Sherlock Swann to be postmaster at Baltimore, Md., in place of S. Swann. Incumbent's commission expired May 22, 1917.

Charles H. Wilson to be postmaster at Forest Hill, Md. Office became presidential April 1, 1917.

MASSACHUSETTS.

Jesse W. Crowell to be postmaster at South Yarmouth, Mass., in place of J. W. Crowell. Incumbent's commission expired June 5, 1917.

Ralph L. Getman to be postmaster at Cheshire, Mass. Office became presidential April 1, 1917.

Lewis N. Gilman to be postmaster at Allerton, Mass. Office became presidential October 1, 1916.

Benjamin R. Gifford to be postmaster at Woods Hole, Mass., in place of B. R. Gifford. Incumbent's commission expired May 6, 1917.

Alexander F. Gray to be postmaster at Charles River, Mass. Office became presidential April 1, 1917.

Martin Hickey to be postmaster at Grafton, Mass., in place of M. Hickey. Incumbent's commission expired December 13, 1914.

John Howe to be postmaster at North Brookfield, Mass., in place of John Howe. Incumbent's commission expired June 13, 1917.

Benjamin C. Kelley to be postmaster at Harwich Port, Mass. Office became presidential October 1, 1916.

Oliver P. Kendrick to be postmaster at West Brookfield, Mass., in place of O. P. Kendrick. Incumbent's commission expired February 20, 1916.

William M. Knowles to be postmaster at Brewster, Mass. Office became presidential October 1, 1916.

George T. McLaughlin to be postmaster at Sandwich, Mass., in place of G. T. McLaughlin. Incumbent's commission expired April 28, 1917.

Henry E. Madden to be postmaster at West Medway, Mass., in place of H. E. Madden. Incumbent's commission expired May 20, 1917.

William J. O'Brien to be postmaster at Kingston, Mass., in place of W. J. O'Brien. Incumbent's commission expired May 20, 1917.

Charlotte L. Parker to be postmaster at Osterville, Mass., in place of C. L. Parker. Incumbent's commission expired July 18, 1916.

Elisha S. Pride to be postmaster at Prides Crossing, Mass., in place of E. S. Pride. Incumbent's commission expired June 22, 1914.

Frank M. Reynolds, jr., to be postmaster at Nantasket Beach, Mass. Office became presidential October 1, 1916.

Austin R. Stearns to be postmaster at Conway, Mass., in place of A. R. Stearns. Incumbent's commission expired June 27, 1915.

Charles H. Walker to be postmaster at North Dighton, Mass., in place of C. H. Walker. Incumbent's commission expired December 12, 1915.

Josephine E. Worster to be postmaster at Hull, Mass. Office became presidential October 1, 1916.

MICHIGAN.

Hiram R. Bouma to be postmaster at Grandville, Mich. Office became presidential April 1, 1917.

Emerson L. Bunting to be postmaster at Walkerville, Mich. Office became presidential April 1, 1917.

Fred B. Carr to be postmaster at Dundee, Mich., in place of F. B. Carr. Incumbent's commission expired April 28, 1917.

M. S. Carney to be postmaster at Decatur, Mich., in place of M. S. Carney. Incumbent's commission expired June 17, 1917.

Francis B. Clark to be postmaster at Suttons Bay, Mich. Office became presidential October 1, 1916.

Charles W. Crago to be postmaster at Bellevue, Mich., in place of C. W. Crago. Incumbent's commission expired June 17, 1917.

C. Dale Downing to be postmaster at St. Charles, Mich., in place of C. D. Downing. Incumbent's commission expired June 5, 1917.

Chester E. Farrier to be postmaster at Hillman, Mich. Office became presidential October 1, 1916.

Ada E. Gibbs to be postmaster at Fife Lake, Mich. Office became presidential April 1, 1917.

Lena T. Gilbert to be postmaster at Metamora, Mich. Office became presidential October 1, 1916.

William J. Gleason to be postmaster at Ludington, Mich., in place of W. J. Gleason. Incumbent's commission expired May 29, 1917.

William Grant to be postmaster at Coloma, Mich., in place of W. Grant. Incumbent's commission expired June 5, 1917.

Ina M. Hammond to be postmaster at Rose City, Mich. Office became presidential October 1, 1916.

Cora Harden to be postmaster at Morley, Mich. Office became presidential October 1, 1916.

John C. Hoopingarner to be postmaster at Berrien Springs, Mich., in place of J. C. Hoopingarner. Incumbent's commission expired May 6, 1917.

Berend Kamps to be postmaster at Zeeland, Mich., in place of Berend Kamps. Incumbent's commission expired June 5, 1917.

B. W. Klackle to be postmaster at Bridgman, Mich. Office became presidential October 1, 1916.

Frank L. Logan to be postmaster at Petersburg, Mich. Office became presidential October 1, 1916.

Edwin C. Maxwell to be postmaster at Carleton, Mich., in place of E. C. Maxwell. Incumbent's commission expired April 28, 1917.

Frank J. Melligan to be postmaster at Port Hope, Mich. Office became presidential April 1, 1917.

Roy A. Mott to be postmaster at Middleton, Mich. Office became presidential April 1, 1917.

Leonard J. Patterson to be postmaster at Tawas City, Mich., in place of L. J. Patterson. Incumbent's commission expired May 6, 1917.

Anthony M. Wagner to be postmaster at Kinde, Mich. Office became presidential January 1, 1917.

MINNESOTA.

Albert Anderson to be postmaster at Clearbrook, Minn. Office became presidential October 1, 1916.

Albert K. Anderson to be postmaster at Spicer, Minn. Office became presidential April 1, 1917.

Frederick W. Betz to be postmaster at Fairmont, Minn., in place of F. W. Betz. Incumbent's commission expired August 26, 1916.

George A. Blackmun to be postmaster at Hancock, Minn., in place of G. A. Blackmun. Incumbent's commission expired June 17, 1917.

Simon P. Brick to be postmaster at Little Falls, Minn., in place of S. P. Brick. Incumbent's commission expired June 23, 1917.

Robert K. Brough to be postmaster at Alexandria, Minn., in place of R. K. Brough. Incumbent's commission expired March 1, 1917.

H. L. Buck to be postmaster at Winona, Minn., in place of H. L. Buck. Incumbent's commission expired June 17, 1917.

Martin Christensen to be postmaster at Barnum, Minn., in place of M. Christensen. Incumbent's commission expired June 17, 1917.

Bernard W. Cummiskey to be postmaster at Currie, Minn. Office became presidential April 1, 1917.

John Deviny to be postmaster at Owatonna, Minn., in place of J. Deviny. Incumbent's commission expired June 23, 1917.

Charles H. Dietz to be postmaster at Mapleton, Minn., in place of C. H. Dietz. Incumbent's commission expired June 23, 1917.

Alma E. Fisher to be postmaster at Arlington, Minn., in place of A. E. Bauer, name changed by marriage.

E. L. Flaten to be postmaster at Moorhead, Minn., in place of E. L. Flaten. Incumbent's commission expired June 17, 1917.

John F. Flynn to be postmaster at Worthington, Minn., in place of J. F. Flynn. Incumbent's commission expired June 23, 1917.

Henry Goulet to be postmaster at Onamia, Minn. Office became presidential April 1, 1917.

Neis E. Hawkinson to be postmaster at Grove City, Minn., in place of N. E. Hawkinson. Incumbent's commission expired June 17, 1917.

Michael Hollaren to be postmaster at Ellsworth, Minn., in place of M. Hollaren. Incumbent's commission expired June 23, 1917.

Gustav J. Jarchow to be postmaster at Harris, Minn. Office became presidential April 1, 1917.

Ludwig L. Johnson to be postmaster at Brookpark, Minn. Office became presidential April 1, 1917.

John C. Klein to be postmaster at St. Joseph, Minn. Office became presidential October 1, 1916.

Alton E. Martin to be postmaster at Woodlake, Minn. Office became presidential October 1, 1916.

Paul D. Mitchell to be postmaster at Brooten, Minn., in place of P. D. Mitchell. Incumbent's commission expired June 17, 1917.

Gertrude A. Muske to be postmaster at Swanville, Minn. Office became presidential October 1, 1916.

Fred Von Ohlen to be postmaster at Henning, Minn., in place of F. Von Ohlen. Incumbent's commission expired May 22, 1917.

Walter W. Parish to be postmaster at Rushford, Minn., in place of W. W. Parish. Incumbent's commission expired June 17, 1917.

Walter W. Pearson to be postmaster at Nevis, Minn. Office became presidential January 1, 1917.

E. E. Putnam to be postmaster at Big Lake, Minn. Office became presidential October 1, 1916.

Amelia M. Rajkowski to be postmaster at Rice, Minn. Office became presidential October 1, 1916.

Mark T. Randall to be postmaster at Amboy, Minn., in place of M. T. Randall. Incumbent's commission expired June 23, 1917.

Olof Ristad to be postmaster at Lancaster, Minn. Office became presidential April 1, 1917.

Frank E. Smith to be postmaster at Kimball, Minn. Office became presidential January 1, 1916.

George H. Smith to be postmaster at Excelsior, Minn., in place of G. H. Smith. Incumbent's commission expired May 22, 1917.

Ruth G. Soderberg to be postmaster at Grand Marais, Minn. Office became presidential April 1, 1917.

Edward C. Sommermeyer to be postmaster at Marietta, Minn. Office became presidential October 1, 1916.

Robert W. Stewart to be postmaster at Ceylon, Minn. Office became presidential April 1, 1917.

Hugh Toohey to be postmaster at Fuld, Minn., in place of H. Toohey. Incumbent's commission expired June 23, 1917.

Ralph V. Townsend to be postmaster at Minnesota Lake, Minn. Office became presidential October 1, 1916.

O. C. Vaaler to be postmaster at Spring Grove, Minn., in place of O. C. Vaaler. Incumbent's commission expired May 22, 1917.

Halbert L. Webb to be postmaster at Glyndon, Minn. Office became presidential April 1, 1917.

Emanuel Yngve to be postmaster at Cambridge, Minn., in place of E. Yngve. Incumbent's commission expired June 17, 1917.

MISSISSIPPI.

C. E. McAlexander to be postmaster at Holly Springs, Miss., in place of C. E. McAlexander. Incumbent's commission expired May 29, 1917.

C. W. Bolton to be postmaster at Pontotoc, Miss., in place of C. W. Bolton. Incumbent's commission expired June 17, 1917.

Walter Lee Bourland to be postmaster at Amory, Miss., in place of W. L. Bourland. Incumbent's commission expired June 5, 1917.

C. W. Carr to be postmaster at Newton, Miss., in place of C. W. Carr. Incumbent's commission expired April 28, 1917.

T. M. Fuller to be postmaster at Hattiesburg, Miss., in place of T. M. Fuller. Incumbent's commission expired June 5, 1917.

Truman Gray to be postmaster at Waynesboro, Miss., in place of Truman Gray. Incumbent's commission expired May 1, 1917.

Monroe L. Lott to be postmaster at Sumrall, Miss., in place of M. L. Lott. Incumbent's commission expired June 5, 1917.

Charles W. McKeithen to be postmaster at Woodville, Miss., in place of C. W. McKeithen. Incumbent's commission expired June 5, 1917.

Frederick J. McDonnell, jr., to be postmaster at Okolona, Miss., in place of F. J. McDonnell, jr. Incumbent's commission expired June 2, 1917.

Fielden H. Mitts to be postmaster at Tupelo, Miss., in place of F. H. Mitts. Incumbent's commission expired May 29, 1917.

W. M. Noah to be postmaster at Kosciusko, Miss., in place of W. M. Noah. Incumbent's commission expired May 1, 1917.

Lillie W. Nugent to be postmaster at Rosedale, Miss., in place of L. W. Nugent. Incumbent's commission expired May 1, 1917.

Samuel W. Pendarvis to be postmaster at Magnolia, Miss., in place of S. W. Pendarvis. Incumbent's commission expired May 20, 1917.

Joseph H. Sheppard to be postmaster at Braxton, Miss. Office became presidential April 1, 1916.

L. W. Smith to be postmaster at Shubuta, Miss., in place of L. W. Smith. Incumbent's commission expired June 5, 1917.

Marshall Spiva to be postmaster at Ackerman, Miss., in place of M. Spiva. Incumbent's commission expired May 29, 1917.

C. S. Summers to be postmaster at Charleston, Miss., in place of C. S. Summers. Incumbent's commission expired May 6, 1917.

Mary E. Tubb to be postmaster at Aberdeen, Miss., in place of M. E. Tubb. Incumbent's commission expired May 29, 1917.

Charlie P. Wadley to be postmaster at Tunica, Miss., in place of C. P. Wadley. Incumbent's commission expired June 5, 1917.

Henrietta Welch to be postmaster at Carrollton, Miss., in place of H. Welch. Incumbent's commission expired May 1, 1917.

MISSOURI.

J. W. Allen to be postmaster at Mountain Grove, Mo., in place of J. W. Allen. Incumbent's commission expired May 20, 1917.

Charles B. Bacon to be postmaster at Marshall, Mo., in place of C. B. Bacon. Incumbent's commission expired May 1, 1917.

A. P. Beazley to be postmaster at Eldon, Mo., in place of A. P. Beazley. Incumbent's commission expired May 1, 1917.

C. W. Brady to be postmaster at Independence, Mo., in place of C. W. Brady. Incumbent's commission expired May 29, 1917.

Harlie F. Clark to be postmaster at Harrisonville, Mo., in place of H. F. Clark. Incumbent's commission expired May 20, 1917.

P. L. Connolly to be postmaster at Norwood, Mo., in place of P. L. Connolly. Incumbent's commission expired May 29, 1917.

Walter L. Cox to be postmaster at Osceola, Mo., in place of W. L. Cox. Incumbent's commission expired May 29, 1917.

Harry R. Culp to be postmaster at Alton, Mo., in place of H. R. Culp. Incumbent's commission expired May 29, 1917.

M. W. Daugherty to be postmaster at Ironton, Mo., in place of M. W. Daugherty. Incumbent's commission expired May 6, 1917.

J. B. Davis to be postmaster at Schell City, Mo., in place of J. B. Davis. Incumbent's commission expired May 22, 1917.

Thomas A. Dodge to be postmaster at Milan, Mo., in place of T. A. Dodge. Incumbent's commission expired May 1, 1917.

Edward T. Duval to be postmaster at Skidmore, Mo., in place of E. T. Duval. Incumbent's commission expired May 6, 1917.

Charles T. Ferguson to be postmaster at Burlington Junction, Mo., in place of C. Ferguson. Incumbent's commission expired June 6, 1917.

John S. Fowler to be postmaster at Cole Camp, Mo., in place of J. S. Fowler. Incumbent's commission expired May 1, 1917.

Patrick C. Gibbons to be postmaster at Edina, Mo., in place of P. C. Gibbons. Incumbent's commission expired May 6, 1917.

Maud E. Haile to be postmaster at Duenweg, Mo. Office became presidential January 1, 1917.

T. B. Hardaway to be postmaster at Jasper, Mo., in place of T. B. Hardaway. Incumbent's commission expired May 6, 1917.

John Hetrick to be postmaster at Laclede, Mo., in place of J. Hetrick. Incumbent's commission expired May 1, 1917.

DeCoursey D. Hitt to be postmaster at Rockville, Mo., in place of D. D. Hitt. Incumbent's commission expired May 20, 1917.

W. L. Hixson to be postmaster at Billings, Mo., in place of W. L. Hixson. Incumbent's commission expired June 17, 1917.

J. Walter Hogan to be postmaster at Willow Springs, Mo., in place of J. W. Hogan. Incumbent's commission expired May 22, 1917.

Hugh B. Ingler to be postmaster at Republic, Mo., in place of H. B. Ingler. Incumbent's commission expired May 6, 1917.

Louie L. Jobe to be postmaster at Bloomfield, Mo., in place of L. L. Jobe. Incumbent's commission expired June 17, 1917.

J. Lee Johnson to be postmaster at Flat River, Mo., in place of J. L. Johnson. Incumbent's commission expired May 6, 1917.

Edgar Jones to be postmaster at Frankford, Mo., in place of E. Jones. Incumbent's commission expired May 22, 1917.

Meredith B. Lane to be postmaster at Sullivan, Mo., in place of M. B. Lane. Incumbent's commission expired May 6, 1917.

Benjamin R. Lingle to be postmaster at Warsaw, Mo., in place of B. R. Lingle. Incumbent's commission expired May 20, 1917.

Alfred H. Long to be postmaster at Festus, Mo., in place of A. H. Long. Incumbent's commission expired May 22, 1917.

S. D. McMillen to be postmaster at Lockwood, Mo., in place of S. D. McMillen. Incumbent's commission expired May 29, 1917.

A. H. Martin to be postmaster at Perry, Mo., in place of A. H. Martin. Incumbent's commission expired May 1, 1917.

John F. Miller to be postmaster at Cardwell, Mo. Office became presidential April 1, 1917.

Edward H. Moran to be postmaster at Clarksville, Mo., in place of E. H. Moran. Incumbent's commission expired April 28, 1917.

Roscoe C. Murphy to be postmaster at St. Clair, Mo., in place of R. C. Murphy. Incumbent's commission expired May 22, 1917.

William C. Murray to be postmaster at Doniphan, Mo., in place of W. C. Murray. Incumbent's commission expired June 17, 1917.

James E. Phillips to be postmaster at Meadville, Mo., in place of J. E. Phillips. Incumbent's commission expired May 29, 1917.

William G. Pike to be postmaster at Martinsburg, Mo. Office became presidential April 1, 1917.

John S. Smith to be postmaster at Eldorado Springs, Mo., in place of J. S. Smith. Incumbent's commission expired May 22, 1917.

Perry B. Smith to be postmaster at Ellington, Mo. Office became presidential April 1, 1917.

May W. Spurling to be postmaster at Higbee, Mo., in place of M. W. Spurling. Incumbent's commission expired April 28, 1917.

G. W. Summers to be postmaster at Hartville, Mo., in place of G. W. Summers. Incumbent's commission expired May 29, 1917.

Francis E. Thurston to be postmaster at Knobnoster, Mo., in place of F. E. Thurston. Incumbent's commission expired May 22, 1917.

H. J. von Gremp to be postmaster at Dixon, Mo., in place of H. J. von Gremp. Incumbent's commission expired May 29, 1917.

William Warmack to be postmaster at Greenville, Mo., in place of W. Warmack. Incumbent's commission expired May 6, 1917

Richard B. Wilson to be postmaster at Montrose, Mo., in place of R. B. Wilson. Incumbent's commission expired May 20, 1917.

MONTANA.

Dan C. Ayer to be postmaster at Jordan, Mont. Office became presidential January 1, 1917.

Charles L. Beers to be postmaster at Judith Gap, Mont., in place of C. L. Beers. Incumbent's commission expired May 20, 1917.

Mordena C. Busey to be postmaster at Eureka, Mont., in place of M. C. Busey. Incumbent's commission expired May 20, 1917.

Roy M. Corley to be postmaster at Stevensville, Mont., in place of R. M. Corley. Incumbent's commission expired May 1, 1917.

John Dailey to be postmaster at Medicine Lake, Mont., in place of J. Dailey. Incumbent's commission expired June 13, 1917.

Bruce O. Dean to be postmaster at Musselshell, Mont. Office became presidential April 1, 1917.

B. L. Golden to be postmaster at Sheridan, Mont., in place of B. L. Golden. Incumbent's commission expired June 13, 1917.

Benedict J. Gossack to be postmaster at Highwood, Mont. Office became presidential April 1, 1917.

Sophia J. Guthrie to be postmaster at Reedpoint, Mont. Office became presidential January 1, 1917.

Alice B. Hensley to be postmaster at Moore, Mont., in place of Alice Hensley. Incumbent's commission expired May 20, 1917.

J. P. Lavelle to be postmaster at Columbus, Mont., in place of J. P. Lavelle. Incumbent's commission expired May 20, 1917.

Alfred S. Opheim to be postmaster at Opheim, Mont. Office became presidential October 1, 1916.

J. S. Pearson to be postmaster at Belt, Mont., in place of J. S. Pearson. Incumbent's commission expired June 23, 1917.

Eugene L. Poindexter to be postmaster at Dillon, Mont., in place of E. L. Poindexter. Incumbent's commission expired May 20, 1917.

T. A. Rigney to be postmaster at Laurel, Mont., in place of T. A. Rigney. Incumbent's commission expired May 20, 1917.

Margaret Roach to be postmaster at Outlook, Mont. Office became presidential October 1, 1916.

Thomas H. Rush to be postmaster at Wibaux, Mont., in place of T. H. Rush. Incumbent's commission expired May 20, 1917.

John H. Suydam to be postmaster at Walkerville, Mont. Office became presidential April 1, 1917.

Lloyd L. Stewart to be postmaster at Ingomar, Mont. Office became presidential January 1, 1917.

Marie R. Worth to be postmaster at Carter, Mont. Office became presidential January 1, 1917.

J. A. Wright to be postmaster at Chester, Mont., in place of J. A. Wright. Incumbent's commission expired May 20, 1917.

NEBRASKA.

W. C. Bartlett to be postmaster at Elmwood, Nebr., in place of W. C. Bartlett. Incumbent's commission expired June 21, 1917.

Edward J. Brady to be postmaster at McCook, Nebr., in place of E. J. Brady. Incumbent's commission expired June 26, 1917.

Frank A. Cox to be postmaster at Sutherland, Nebr., in place of Frank Cox. Incumbent's commission expired April 28, 1917.

Frederick C. Easley to be postmaster at Dunbar, Nebr. Office became presidential April 1, 1917.

A. J. Ferris to be postmaster at Palmer, Nebr., in place of A. J. Ferris. Incumbent's commission expired June 6, 1917.

Mary J. Flynn to be postmaster at Jackson, Nebr. Office became presidential January 1, 1917.

Vernon L. Green to be postmaster at Merriman, Nebr. Office became presidential April 1, 1917.

Charles J. Huber to be postmaster at Rulo, Nebr. Office became presidential April 1, 1917.

J. B. Lane to be postmaster at Blue Hill, Nebr., in place of J. B. Lane. Incumbent's commission expired June 21, 1917.

R. V. McPherson to be postmaster at Craig, Nebr., in place of R. V. McPherson. Incumbent's commission expired June 6, 1917.

Fred H. Ossenkop to be postmaster at Louisville, Nebr., in place of F. H. Ossenkop. Incumbent's commission expired June 6, 1917.

Frank R. Parker to be postmaster at Wilsonville, Nebr. Office became presidential October 1, 1916.

Hannah Price to be postmaster at Bennet, Nebr. Office became presidential October 1, 1916.

Herbert C. Robbins to be postmaster at Wallace, Nebr. Office became presidential January 1, 1917.

Harry C. Rogers to be postmaster at Upland, Nebr. Office became presidential October 1, 1916.

Mell A. Schmied to be postmaster at Dakota City, Nebr. Office became presidential April 1, 1917.

Charles J. Smersh to be postmaster at Brainard, Nebr. Office became presidential April 1, 1917.

Frank D. Strope to be postmaster at Orchard, Nebr., in place of F. D. Strope. Incumbent's commission expired June 21, 1917.

Elsie B. Thompson to be postmaster at Wynot, Nebr. Office became presidential April 1, 1917.

Margaret A. Waggoner to be postmaster at Wood Lake, Nebr. Office became presidential October 1, 1916.

Harry N. Wallace to be postmaster at Coleridge, Nebr., in place of H. N. Wallace. Incumbent's commission expired June 6, 1917.

NEVADA.

Jennie R. Backus to be postmaster at Golconda, Nev., in place of J. R. Backus. Incumbent's commission expired May 20, 1917.

James L. Denton to be postmaster at Caliente, Nev. Office became presidential October 1, 1916.

Wilson J. Forbes to be postmaster at Deeth, Nev. Office became presidential January 1, 1917.

Mason E. McLeod to be postmaster at Yerington, Nev., in place of M. E. McLeod. Incumbent's commission expired June 2, 1917.

William J. Neeley to be postmaster at Wadsworth, Nev. Office became presidential January 1, 1917.

Franklin S. Smith to be postmaster at Derby, Nev. Office became presidential April 1, 1917.

Philip S. Triplett to be postmaster at Wells, Nev., in place of P. S. Triplett. Incumbent's commission expired June 2, 1917.

NEW HAMPSHIRE.

Adelia M. Barrows to be postmaster at Hinsdale, N. H., in place of A. M. Barrows. Incumbent's commission expired June 27, 1917.

David V. Cahalane to be postmaster at Charlestown, N. H., in place of D. V. Cahalane. Incumbent's commission expired May 1, 1917.

Fred W. Dinsmore to be postmaster at Intervale, N. H. Office became presidential October 1, 1916.

Herbert F. Elkins to be postmaster at The Weirs, N. H. Office became presidential October 1, 1916.

Grace E. Emerson to be postmaster at East Rochester, N. H., in place of G. E. Emerson. Incumbent's commission expired June 6, 1917.

Clarence H. George to be postmaster at Bartlett, N. H. Office became presidential April 1, 1917.

H. Warren K. Hale to be postmaster at Dixville Notch, N. H. Office became presidential October 1, 1916.

Irving H. Hicks to be postmaster at Contoocook, N. H., in place of I. H. Hicks. Incumbent's commission expired June 17, 1917.

NEW JERSEY.

Joseph Atkinson to be postmaster at Freehold, N. J., in place of J. Atkinson. Incumbent's commission expired May 29, 1917.

E. R. Barrett to be postmaster at West Fort Lee, N. J. Office became presidential April 1, 1917.

John V. L. Booraem to be postmaster at Milltown, N. J., in place of J. V. L. Booraem. Incumbent's commission expired May 29, 1917.

Chester A. Burt to be postmaster at Helmetta, N. J., in place of C. A. Burt. Incumbent's commission expired February 21, 1914.

Samuel H. Chatten to be postmaster at Pennington, N. J., in place of S. H. Chatten. Incumbent's commission expired June 26, 1917.

R. M. Chorpenning to be postmaster at Atco, N. J. Office became presidential October 1, 1916.

Jeanette H. Claypoole to be postmaster at Cedarville, N. J. Office became presidential October 1, 1916.

Joseph B. Cornish, jr., to be postmaster at Washington, N. J., in place of J. B. Cornish, jr. Incumbent's commission expired May 26, 1917.

William H. Cottrell to be postmaster at Princeton, N. J., in place of W. H. Cottrell. Incumbent's commission expired April 24, 1917.

John J. Foley to be postmaster at Bernardsville, N. J., in place of J. J. Foley. Incumbent's commission expired June 26, 1917.

Katherine E. Fraleigh to be postmaster at Seagirt, N. J. Office became presidential October 1, 1916.

Frank Hampton to be postmaster at Sea Bright, N. J., in place of F. Hampton. Incumbent's commission expired May 29, 1917.

Peter H. S. Hendricks to be postmaster at New Brunswick, N. J., in place of P. H. S. Hendricks. Incumbent's commission expired May 29, 1917.

Frank Hill to be postmaster at Dumont, N. J., in place of F. Hill. Incumbent's commission expired April 9, 1913.

Harrison C. Hurley to be postmaster at Asbury Park, N. J., in place of H. C. Hurley. Incumbent's commission expired June 5, 1917.

Edward Iredell to be postmaster at Mullica Hill, N. J. Office became presidential October 1, 1916.

Adrian P. King to be postmaster at Beachhaven, N. J. Office became presidential October 1, 1916.

Harry M. Knight to be postmaster at Camden, N. J., in place of H. M. Knight. Incumbent's commission expired June 5, 1917.

E. Tracy Lanterman to be postmaster at East Orange, N. J., in place of E. T. Lanterman. Incumbent's commission expired April 28, 1917.

Charles McCue to be postmaster at Lakewood, N. J., in place of C. McCue. Incumbent's commission expired June 5, 1917.

Clarence O. McCullough to be postmaster at Carneys Point, N. J. Office became presidential April 1, 1917.

James P. McNair to be postmaster at Paterson, N. J., in place of J. P. McNair. Incumbents' commission expired April 28, 1917.

Joseph Mark to be postmaster at South River, N. J., in place of J. Mark. Incumbent's commission expired June 26, 1917.

Walter M. Miller to be postmaster at Netcong, N. J., in place of W. M. Miller. Incumbent's commission expired May 20, 1917.

Charles Rittenhouse to be postmaster at Hackettstown, N. J., in place of C. Rittenhouse. Incumbent's commission expired May 26, 1917.

John F. Ryan to be postmaster at Woodbridge, N. J., in place of J. F. Ryan. Incumbent's commission expired May 29, 1917.

Patrick H. Ryan to be postmaster at Elizabeth, N. J., in place of P. J. Ryan. Incumbent's commission expired May 6, 1917.

John J. Schilcox to be postmaster at Keasbey, N. J. Office became presidential January 1, 1913.

Edwin T. Van Horn to be postmaster at Newfoundland, N. J. Office became presidential October 1, 1916.

Albert L. Williams to be postmaster at Vineland, N. J., in place of A. L. Williams. Incumbent's commission expired May 1, 1917.

Adam Worth to be postmaster at Elberon, N. J. Office became presidential October 1, 1916.

NEW MEXICO.

Howard S. Boise to be postmaster at Hurley, N. Mex., in place of H. S. Boise. Incumbent's commission expired June 5, 1917.

A. G. Daggett to be postmaster at Chama, N. Mex. Office became presidential April 1, 1917.

W. E. Foulks to be postmaster at Deming, N. Mex., in place of W. E. Foulks. Incumbent's commission expired May 20, 1917.

A. B. Wagner to be postmaster at Clovis, N. Mex., in place of A. B. Wagner. Incumbent's commission expired June 5, 1917.

NEW YORK.

E. F. Abbott to be postmaster at Old Forge, N. Y. Office became presidential July 1, 1914.

Clare B. Allen to be postmaster at Springwater, N. Y. Office became presidential October 1, 1916.

Charles H. Akerley to be postmaster at Round Lake, N. Y. Office became presidential October 1, 1916.

Samuel F. Andrews to be postmaster at Homer, N. Y., in place of S. F. Andrews. Incumbent's commission expired June 5, 1917.

Charles J. Beams to be postmaster at Oneonta, N. Y., in place of C. J. Beams. Incumbent's commission expired May 22, 1917.

Edward Blackwell to be postmaster at Pearl River, N. Y., in place of E. Blackwell. Incumbent's commission expired June 5, 1917.

David S. Boyer to be postmaster at Romulus, N. Y. Office became presidential October 1, 1916.

Daniel F. Brown to be postmaster at Eastport, N. Y. Office became presidential April 1, 1917.

George L. Brown to be postmaster at Elizabethtown, N. Y., in place of G. L. Brown. Incumbent's commission expired May 22, 1917.

John H. Bullock to be postmaster at Cohoes, N. Y., in place of J. H. Bullock. Incumbent's commission expired May 22, 1917.

George H. Burres to be postmaster at Garnerville, N. Y. Office became presidential October 1, 1916.

Frank Cronk to be postmaster at Grand Gorge, N. Y. Office becouse presidential October 1, 1916.

Charles A. Daniels to be postmaster at Gilbertsville, N. Y. Office became presidential October 1, 1916.

Arthur B. Dewey to be postmaster at Tully, N. Y., in place of A. B. Dewey. Incumbent's commission expired June 5, 1917.

Isabel G. Duvall to be postmaster at Shelter Island Heights, N. Y. Office became presidential October 1, 1916.

G. R. Paul Engert to be postmaster at Dobbs Ferry, N. Y., in place of G. R. P. Engert. Incumbent's commission expired June 5, 1917.

Harry M. Fisher to be postmaster at Nanuet, N. Y., in place of H. M. Fisher. Incumbent's commission expired June 5, 1917.

Alphonzo E. Fitch to be postmaster at Cazenovia, N. Y., in place of A. E. Fitch. Incumbent's commission expired June 5, 1917.

Oswald F. Freeman to be postmaster at Edwards, N. Y. Office became presidential October 1, 1916.

Peter M. Giles to be postmaster at Le Roy, N. Y., in place of P. M. Giles. Incumbent's commission expired May 1, 1917.

John J. Glynn to be postmaster at Valatie, N. Y., in place of J. J. Glynn. Incumbent's commission expired June 5, 1917.

Hanna Hallock to be postmaster at Highland Mills, N. Y. Office became presidential October 1, 1916.

Catherine A. Hamilton to be postmaster at Manhasset, N. Y. Office became presidential October 1, 1914.

William H. Harding to be postmaster at Roscoe, N. Y., in place of W. H. Harding. Incumbent's commission expired June 5, 1917.

J. A. Harrington to be postmaster at Arkville, N. Y. Office became presidential October 1, 1916.

Willis H. Hawkins to be postmaster at Bellport, N. Y., in place of W. H. Hawkins. Incumbent's commission expired June 5, 1917.

Charles N. Hickey to be postmaster at Gainesville, N. Y. Office became presidential October 1, 1916.

James Hogan to be postmaster at Marcellus, N. Y., in place of J. Hogan. Incumbent's commission expired June 5, 1917.

Horace J. Howk to be postmaster at Mount McGregor, N. Y. Office became presidential April 1, 1917.

Harry A. Inglee to be postmaster at Amityville, N. Y., in place of H. A. Inglee. Incumbent's commission expired May 6, 1917.

Robert B. Irwin to be postmaster at Nichols, N. Y., in place of R. B. Irwin. Incumbent's commission expired June 5, 1917.

Edward C. Johnson to be postmaster at East Chatham, N. Y. Office became presidential January 1, 1917.

J. Harold Jones to be postmaster at Yorkville, N. Y. Office became presidential April 1, 1917.

Alfred J. Kennedy to be postmaster at Flushing, N. Y., in place of A. J. Kennedy. Incumbent's commission expired May 6, 1917.

J. Marvin Lotridge to be postmaster at Cincinnatus, N. Y., in place of J. M. Lotridge. Incumbent's commission expired June 5, 1917.

Mary A. Lynch to be postmaster at Buchanan, N. Y. Office became presidential April 1, 1917.

William E. McDonell to be postmaster at Alexandria Bay, N. Y., in place of W. E. McDonell. Incumbent's commission expired June 5, 1917.

Herbert McMullen to be postmaster at Marlboro, N. Y., in place of H. McMullen. Incumbent's commission expired June 5, 1917.

Frederick J. Manchester to be postmaster at Clark Mills, N. Y. Office became presidential October 1, 1916.

Bernard A. Marzolf to be postmaster at North Java, N. Y. Office became presidential April 1, 1917.

Andrew Mealey to be postmaster at Greenwich, N. Y., in place of A. Mealey. Incumbent's commission expired June 26, 1917.

Fred L. Merrell to be postmaster at Copenhagen, N. Y., in place of F. L. Merrell. Incumbent's commission expired June 26, 1917.

J. F. Metoskie to be postmaster at Hillburn, N. Y., in place of J. F. Metoskie. Incumbent's commission expired June 13, 1917.

Blanche L. Morgan to be postmaster at Parish, N. Y. Office became presidential October 1, 1916.

Delbert M. O'Brien to be postmaster at Fayetteville, N. Y., in place of D. M. O'Brien. Incumbent's commission expired June 5, 1917.

William F. O'Connell to be postmaster at Andover, N. Y., in place of W. F. O'Connell. Incumbent's commission expired May 6, 1917.

Morris J. O'Neill to be postmaster at Woodridge (late Centerville Station), N. Y., in place of M. J. O'Neill. Incumbent's commission expired June 5, 1917.

F. N. Parquet to be postmaster at Inlet, N. Y. Office became presidential October 1, 1916.

Frederick W. Piotrow to be postmaster at Hamilton, N. Y., in place of F. W. Piotrow. Incumbent's commission expired June 5, 1917.

Adda B. Pomeroy to be postmaster at Eastwood, N. Y. Office became presidential October 1, 1916.

Charles Ray to be postmaster at Barker, N. Y., in place of C. Ray. Incumbent's commission expired June 5, 1917.

Eva C. Sager to be postmaster at Frewsburg, N. Y. Office became presidential April 1, 1917.

Fred A. Shoemaker to be postmaster at Averill Park, N. Y. Office became presidential January 1, 1917.

Howard M. Smith to be postmaster at North White Lake, N. Y. Office became presidential January 1, 1917.

John Soemann to be postmaster at Lancaster, N. Y., in place of J. Soemann. Incumbent's commission expired May 1, 1917.

Clarence A. Talbot to be postmaster at Edmeston, N. Y., in place of C. A. Talbot. Incumbent's commission expired June 5, 1917.

Albert B. Taylor to be postmaster at Hunter, N. Y., in place of A. B. Taylor. Incumbent's commission expired June 5, 1917.

Jerome Terpening to be postmaster at Jefferson, N. Y. Office became presidential October 1, 1916.

James M. Tuohey to be postmaster at Medina, N. Y., in place of J. M. Tuohey. Incumbent's commission expired June 5, 1917.

Franklin D. Wade to be postmaster at Addison, N. Y., in place of F. D. Wade. Incumbent's commission expired May 6, 1917.

Albert W. Wells to be postmaster at Newman, N. Y. Office became presidential October 1, 1916.

Miles G. Wellman to be postmaster at Youngstown, N. Y., in place of M. G. Wellman. Incumbent's commission expired June 5, 1917.

William F. Wild to be postmaster at Lindenhurst, N. Y., in place of Wm. F. Wild. Incumbent's commission expired June 5, 1917.

NORTH CAROLINA.

E. H. Avent to be postmaster at East Durham, N. C., in place of E. H. Avent. Incumbent's commission expired June 18, 1917.

J. D. Bivins to be postmaster at Albemarle, N. C., in place of J. D. Bivins. Incumbent's commission expired May 20, 1917.

J. H. Bowen to be postmaster at West Durham, N. C., in place of J. H. Bowen. Incumbent's commission expired June 21, 1917.

Richard A. Bruton to be postmaster at Mount Gilead, N. C., in place of R. A. Bruton. Incumbent's commission expired May 20, 1917.

A. N. Bulla to be postmaster at Randleman, N. C., in place of A. N. Bulla. Office became presidential June 18, 1917.

P. J. Caudell to be postmaster at St. Pauls, N. C., in place of P. J. Caudell. Incumbent's commission expired June 23, 1917.

J. H. Carter to be postmaster at Mount Airy, N. C., in place of J. H. Carter. Incumbent's commission expired June 23, 1917.

W. T. Chambers to be postmaster at Madison, N. C., in place of W. T. Chambers. Incumbent's commission expired June 5, 1917.

G. H. Currie to be postmaster at Clarkton, N. C., in place of G. H. Currie. Incumbent's commission expired June 5, 1917.

William H. Etheredge to be postmaster at Selma, N. C., in place of W. H. Etheredge. Incumbent's commission expired May 26, 1917.

M. M. Faison to be postmaster at Roanoke Rapids, N. C., in place of M. M. Faison. Incumbent's commission expired May 29, 1917.

Arthur Ford to be postmaster at Crestmont, N. C. Office became presidential October 1, 1916.

Hector McL. Green to be postmaster at Wilmington, N. C., in place of H. McL. Green. Incumbent's commission expired May 26, 1917.

G. L. Griffin to be postmaster at Oriental, N. C. Office became presidential April 1, 1917.

Virgil D. Guire to be postmaster at Lenoir, N. C., in place of V. D. Guire. Incumbent's commission expired May 20, 1917.

James G. Hackett to be postmaster at Northwilkesboro, N. C., in place of J. G. Hackett. Incumbent's commission expired May 20, 1917.

W. C. Hall to be postmaster at Black Mountain, N. C., in place of W. C. Hall. Incumbent's commission expired May 26, 1917.

E. E. Hunt, sr., to be postmaster at Mocksville, N. C., in place of E. E. Hunt, sr. Incumbent's commission expired May 20, 1917.

A. H. Huss to be postmaster at Cherryville, N. C., in place of A. H. Huss. Incumbent's commission expired June 18, 1917.

H. D. Lambeth to be postmaster at Elon College, N. C., in place of H. D. Lambeth. Incumbent's commission expired June 18, 1917.

Albert B. Laughter to be postmaster at Norlina, N. C. Office became presidential April 1, 1917.

E. T. Lee to be postmaster at Dunn, N. C., in place of E. T. Lee. Incumbent's commission expired June 5, 1917.

S. S. Lockhart to be postmaster at Wadesboro, N. C., in place of S. S. Lockhart. Incumbent's commission expired June 18, 1917.

E. T. McKeithen to be postmaster at Aberdeen, N. C., in place of E. T. McKeithen. Incumbent's commission expired June 18, 1917.

Leonidas M. Michaux to be postmaster at Goldsboro, N. C., in place of L. M. Michaux. Incumbent's commission expired June 5, 1917.

J. W. Noell to be postmaster at Roxboro, N. C., in place of J. W. Noell. Incumbent's commission expired June 18, 1917.

W. L. Ormand to be postmaster at Bessemer City, N. C., in place of W. L. Ormand. Incumbent's commission expired June 18, 1917.

Elijah B. Perry to be postmaster at Littleton, N. C., in place of E. B. Perry. Incumbent's commission expired May 29, 1917.

W. D. Pethel to be postmaster at Spencer, N. C., in place of W. D. Pethel. Incumbent's commission expired May 26, 1917.

John B. Petteway to be postmaster at Jacksonville, N. C., in place of J. B. Petteway. Incumbent's commission expired June 5, 1917.

Kate Reagan to be postmaster at Weaverville, N. C. Office became presidential April 1, 1917.

Plato C. Rollins to be postmaster at Rutherfordton, N. C., in place of P. C. Rollins. Incumbent's commission expired May 26, 1917.

L. M. Sheffield to be postmaster at Spray, N. C., in place of L. M. Sheffield. Incumbent's commission expired June 18, 1917.

Julia M. Smith to be postmaster at Liberty, N. C. Office became presidential July 1, 1917.

W. H. Stearns to be postmaster at Tryon, N. C., in place of W. H. Stearns. Incumbent's commission expired May 26, 1917.

Russell A. Strickland to be postmaster at Elm City, N. C., in place of R. A. Strickland. Incumbent's commission expired May 6, 1917.

R. B. Terry to be postmaster at Hamlet, N. C., in place of R. B. Terry. Incumbent's commission expired May 20, 1917.

J. H. Weddington to be postmaster at Charlotte, N. C., in place of J. H. Weddington. Incumbent's commission expired May 29, 1917.

George L. Whitfield to be postmaster at Franklinton, N. C., in place of G. L. Whitfield. Incumbent's commission expired May 29, 1917.

David J. Whichard to be postmaster at Greenville, N. C., in place of D. J. Whichard. Incumbent's commission expired May 20, 1917.

F. M. Williams to be postmaster at Newton, N. C., in place of F. M. Williams. Incumbent's commission expired May 20, 1917.

George A. Woods to be postmaster at Nazareth, N. C. Office became presidential January 1, 1917.

NORTH DAKOTA.

Welner B. Andrus to be postmaster at Hazleton, N. Dak. Office became presidential October 1, 1916.

John P. Galyen to be postmaster at Belfield, N. Dak., in place of J. Galyen. Incumbent's commission expired May 1, 1917.

Robert Hunke to be postmaster at Richardton, N. Dak., in place of R. Hunke. Incumbent's commission expired June 5, 1917.

John Robertson to be postmaster at Willow City, N. Dak., in place of J. Robertson. Incumbent's commission expired June 5, 1917.

OHIO.

John Q. Baker to be postmaster at Middletown, Ohio, in place of J. Q. Baker. Incumbent's commission expired May 20, 1917.

John P. Bakle to be postmaster at Antwerp, Ohio, in place of J. P. Bakle. Incumbent's commission expired June 6, 1917.

Charles G. Bartlett to be postmaster at State Soldiers Home, Ohio. Office became presidential October 1, 1916.

Orrell M. Brobst to be postmaster at Linden Heights, Ohio. Office became presidential April 1, 1917.

John W. Campbell to be postmaster at Sardinia, Ohio. Office became presidential April 1, 1917.

Joseph O. Carpenter to be postmaster at Spencer, Ohio. Office became presidential April 1, 1917.

John M. Cockrell to be postmaster at Lucasville, Ohio. Office became presidential October 1, 1916.

B. E. Custer to be postmaster at Montpelier, Ohio, in place of B. E. Custer. Incumbent's commission expired June 18, 1917.

Hartley D. Devore to be postmaster at Vinton, Ohio. Office became presidential January 1, 1917.

Daniel D. Duty to be postmaster at Wellsville, Ohio, in place of D. D. Duty. Incumbent's commission expired June 6, 1917.

O. S. Earnest to be postmaster at Plymouth, Ohio, in place of O. S. Earnest. Incumbent's commission expired May 20, 1917.

Ida L. Flenniken to be postmaster at Smithfield, Ohio. Office became presidential January 1, 1917.

Rolla N. Frysinger to be postmaster at Rockford, Ohio, in place of R. N. Frysinger. Incumbent's commission expired June 6, 1917.

John C. Gorman to be postmaster at Ironton, Ohio, in place of J. C. Gorman. Incumbent's commission expired April 21, 1917.

Emile F. Juillard to be postmaster at Stryker, Ohio, in place of E. F. Juillard. Incumbent's commission expired June 18, 1917.

H. E. Kinzly to be postmaster at Nevada, Ohio, in place of H. E. Kinzly. Incumbent's commission expired June 17, 1917.

J. W. Kissell to be postmaster at West Unity, Ohio, in place of J. W. Kissell. Incumbent's commission expired June 6, 1917.

Frank V. Lantz to be postmaster at McArthur, Ohio, in place of F. V. Lantz. Incumbent's commission expired June 17, 1917.

Clement V. Lash to be postmaster at Edon, Ohio, in place of C. V. Lash. Incumbent's commission expired June 23, 1917.

Arthur L. McCarthy to be postmaster at Franklin, Ohio, in place of A. L. McCarthy. Incumbent's commission expired June 23, 1917.

William T. Mann to be postmaster at Clyde, Ohio, in place of W. T. Mann. Incumbent's commission expired June 6, 1917.

Forrest L. May to be postmaster at Dayton, Ohio, in place of F. L. May. Incumbent's commission expired May 6, 1917.

Edward J. Meagher to be postmaster at Glendale, Ohio, in place of E. J. Meagher. Incumbent's commission expired June 6, 1917.

Neal M. Osborn to be postmaster at Burton, Ohio, in place of N. M. Osborn. Incumbent's commission expired June 18, 1917.

H. M. Pomeroy to be postmaster at Maumee, Ohio, in place of H. M. Pomeroy. Incumbent's commission expired June 18, 1917.

Byron C. Porter to be postmaster at Kinsman, Ohio, in place of B. C. Porter. Incumbent's commission expired June 17, 1917.

F. L. Priday to be postmaster at Euclid, Ohio. Office became presidential April 1, 1917.

Harley W. Purdy to be postmaster at Bradford, Ohio, in place of H. W. Purdy. Incumbent's commission expired June 6, 1917.

J. E. Rubin to be postmaster at Payne, Ohio, in place of J. E. Rubin. Incumbent's commission expired June 23, 1917.

Albert Schnell to be postmaster at Morrow, Ohio, in place of Albert Schnell. Incumbent's commission expired April 28, 1917.

Armand L. Van Sciever to be postmaster at Grove City, Ohio. Office became presidential April 1, 1917.

H. B. Sibila to be postmaster at Massillon, Ohio, in place of H. B. Sibila. Incumbent's commission expired June 10, 1917.

Jacob W. Simon to be postmaster at Bloomdale, Ohio. Office became presidential October 1, 1916.

W. F. Uhle to be postmaster at Attica, Ohio, in place of W. F. Uhle. Incumbent's commission expired May 29, 1917.

Charles Warnke to be postmaster at Huron, Ohio, in place of C. Warnke. Incumbent's commission expired May 22, 1917.

Elias D. Warren to be postmaster at Fairport Harbor, Ohio, in place of E. D. Warren. Incumbent's commission expired May 6, 1917.

Harmon Wensinger to be postmaster at Fremont, Ohio, in place of H. Wensinger. Incumbent's commission expired May 29, 1917.

OKLAHOMA.

Wharton H. Breedlove to be postmaster at Muldrow, Okla. Office became presidential April 1, 1917.

O. H. P. Brewer to be postmaster at Muskogee, Okla., in place of O. H. P. Brewer. Incumbent's commission expired April 24, 1917.

Cassius L. Byrne to be postmaster at Ardmore, Okla., in place of C. L. Byrne. Incumbent's commission expired May 29, 1917.

J. R. Capshaw to be postmaster at Chattanooga, Okla., in place of J. R. Capshaw. Incumbent's commission expired June 6, 1917.

J. W. Chism to be postmaster at Medford, Okla., in place of J. W. Chism. Incumbent's commission expired June 23, 1917.

Bonnie A. Coley to be postmaster at Davidson, Okla. Office became presidential April 1, 1917.

Milton B. Cope to be postmaster at El Reno, Okla., in place of M. B. Cope. Incumbent's commission expired May 22, 1917.

K. C. Cox to be postmaster at Granite, Okla., in place of K. C. Cox. Incumbent's commission expired May 29, 1917.

Sydney A. Doyle to be postmaster at Maud, Okla., in place of S. A. Doyle. Incumbent's commission expired June 6, 1917.

Joseph H. English to be postmaster at Walters (late Walter), Okla., in place of J. H. English. Change of name of office.

J. M. Ennis to be postmaster at Antlers, Okla., in place of J. M. Ennis. Incumbent's commission expired June 17, 1917.

Hattie Gore to be postmaster at Nowata, Okla., in place of Hattie Gore. Incumbent's commission expired May 22, 1917.

Andrew J. Grayson to be postmaster at Blanchard, Okla., in place of A. J. Grayson. Incumbent's commission expired June 6, 1917.

D. M. Hamlin to be postmaster at Newkirk, Okla., in place of D. M. Hamlin. Incumbent's commission expired May 1, 1917.

George H. Hancock to be postmaster at Welch, Okla., in place of G. H. Hancock. Incumbent's commission expired June 6, 1917.

Della Hickman to be postmaster at Spiro, Okla., in place of Della Hickman. Incumbent's commission expired June 6, 1917.

J. T. Holley to be postmaster at Stigler, Okla., in place of J. T. Holley. Incumbent's commission expired May 29, 1917.

Frank E. King to be postmaster at Braman, Okla. Office became presidential April 1, 1917

J. F. Larecy to be postmaster at Hugo, Okla., in place of J. F. Larecy. Incumbent's commission expired May 29, 1917.

Ira B. McCrary to be postmaster at Dewey, Okla., in place of I. B. McCrary. Incumbent's commission expired May 20, 1917.

Robert Burton Mayfield to be postmaster at Blair, Okla., in place of R. B. Mayfield. Incumbent's commission expired June 6, 1917.

W. F. Parker to be postmaster at Davis, Okla., in place of W. F. Parker. Incumbent's commission expired May 20, 1917.

Francis M. Reed, jr., to be postmaster at Afton, Okla., in place of F. M. Reed, jr. Incumbent's commission expired June 17, 1917.

N. L. Sanders to be postmaster at Broken Arrow, Okla., in place of N. L. Sanders. Incumbent's commission expired June 6, 1917.

Bettie Smythe to be postmaster at Marlow, Okla., in place of B. Smythe. Incumbent's commission expired June 6, 1917.

C. E. Steele to be postmaster at Sayre, Okla., in place of C. E. Steele. Incumbent's commission expired June 6, 1917.

Charles J. Townsend to be postmaster at Idabel, Okla., in place of C. J. Townsend. Incumbent's commission expired June 17, 1917.

Galen B. Townsend to be postmaster at Mangum, Okla., in place of G. B. Townsend. Incumbent's commission expired June 6, 1917.

Simon Peter Treadwell to be postmaster at Ryan, Okla., in place of S. P. Treadwell. Incumbent's commission expired June 21, 1917.

T. I. Truscott to be postmaster at Olustee, Okla., in place of T. I. Truscott. Incumbent's commission expired May 29, 1917.

David M. Watson to be postmaster at Francis, Okla. Office became presidential October 1, 1916.

OREGON.

C. W. Brown to be postmaster at Canyon City, Oreg., in place of C. W. Brown. Incumbent's commission expired June 26, 1917.

Grant L. Grant to be postmaster at Riddle, Oreg. Office became presidential April 1, 1917.

R. L. Guiss to be postmaster at Woodburn, Oreg., in place of R. L. Guiss. Incumbent's commission expired June 5, 1917.

August Huckestein to be postmaster at Salem, Oreg., in place of A. Huckestein. Incumbent's commission expired May 20, 1917.

Lucius L. Hurd to be postmaster at Glendale, Oreg. Office became presidential April 1, 1917.

H. Y. Kirkpatrick to be postmaster at Lebanon, Oreg., in place of H. Y. Kirkpatrick. Incumbent's commission expired May 20, 1917.

John Larkin to be postmaster at Newberg, Oreg., in place of John Larkin. Incumbent's commission expired June 5, 1917.

George H. Lettellier to be postmaster at Mill City, Oreg. Office became presidential April 1, 1917.

Arunah Longwell to be postmaster at Echo, Oreg., in place of A. Longwell. Incumbent's commission expired April 28, 1917.

J. A. McMorris to be postmaster at Condon, Oreg., in place of J. A. McMorris. Incumbent's commission expired April 28, 1917.

H. E. Mahoney to be postmaster at Oakland, Oreg., in place of H. E. Mahoney. Incumbent's commission expired May 20, 1917.

Ira C. Mehrling to be postmaster at Falls City, Oreg., in place of Ira C. Mehrling. Incumbent's commission expired May 20, 1917.

Frank S. Myers to be postmaster at Portland, Oreg., in place of F. S. Myers. Incumbent's commission expired April 24, 1917.

O. J. Skiff to be postmaster at Union, Oreg., in place of O. J. Skiff. Incumbent's commission expired June 5, 1917.

Harry M. Stewart to be postmaster at Springfield, Oreg., in place of H. M. Stewart. Incumbent's commission expired May 20, 1917.

William E. Tate to be postmaster at Wasco, Oreg., in place of W. E. Tate. Incumbent's commission expired May 17, 1916.

Guy E. Tex to be postmaster at Central Point, Oreg., in place of G. E. Tex. Incumbent's commission expired June 5, 1917.

James W. Thompson to be postmaster at Westport, Oreg. Office became presidential January 1, 1917.

Lewis Ulrich to be postmaster at Jacksonville, Oreg., in place of Lewis Ulrich. Incumbent's commission expired June 5, 1917.

Ben Weathers to be postmaster at Enterprise, Oreg., in place of Ben Weathers. Incumbent's commission expired June 5, 1917.

L. R. Van Winkle to be postmaster at Weston, Oreg., in place of L. R. Van Winkle. Incumbent's commission expired May 22, 1917.

Mamie E. Winters to be postmaster at Burns, Oreg., in place of Mamie Winters. Incumbent's commission expired June 5, 1917.

Herman Wise to be postmaster at Astoria, Oreg., in place of H. Wise. Incumbent's commission expired May 20, 1917.

PENNSYLVANIA.

Eugene L. Aldrich to be postmaster at New Milford, Pa., in place of E. L. Aldrich. Incumbent's commission expired May 20, 1917.

Leroy Alexander to be postmaster at West Alexander, Pa., in place of L. Alexander. Incumbent's commission expired June 2, 1917.

Cornelius Allen to be postmaster at Dubois, Pa., in place of C. Allen. Incumbent's commission expired May 6, 1917.

Earl L. Anderson to be postmaster at Parnassus, Pa., in place of E. L. Anderson. Incumbent's commission expired June 5, 1917.

Ada U. Ashcom to be postmaster at Ligonier, Pa., in place of A. U. Ashcom. Incumbent's commission expired February 14, 1915.

Timothy F. Berney to be postmaster at Tower City, Pa., in place of T. F. Berney. Incumbent's commission expired June 27, 1917.

Edward J. Bernhardt to be postmaster at Northampton, Pa., in place of E. J. Bernhardt. Incumbent's commission expired June 2, 1917.

B. Frank Bautcher to be postmaster at Abington, Pa. Office became presidential April 1, 1917.

Arthur E. Brown to be postmaster at Osceola Mills, Pa., in place of A. E. Brown. Incumbent's commission expired June 5, 1917.

Patrick F. Campbell to be postmaster at Portage, Pa., in place of P. F. Campbell. Incumbent's commission expired May 20, 1917.

Joshua W. Coolidge to be postmaster at Pen Mar, Pa. Office became presidential January 1, 1917.

Max A. Crain to be postmaster at Winburne, Pa. Office became presidential October 1, 1916.

Matthew M. Cusack to be postmaster at Steelton, Pa., in place of M. M. Cusack. Incumbent's commission expired June 23, 1917.

James G. Downward, jr., to be postmaster at Coatesville, Pa., in place of J. G. Downward, jr. Incumbent's commission expired June 17, 1917.

Benjamin F. Evans to be postmaster at Hopewell, Pa. Office became presidential October 1, 1916.

Frank C. Fisher to be postmaster at Cheltenham, Pa., in place of F. C. Fisher. Incumbent's commission expired June 23, 1917.

E. Howell Fisk to be postmaster at Dalton, Pa., in place of E. H. Fisk. Incumbent's commission expired June 17, 1917.

Charles S. Gardner to be postmaster at Blue Ridge Summit, Pa. Office became presidential October 1, 1916.

Fletcher C. George to be postmaster at Lilly, Pa., in place of F. C. George. Incumbent's commission expired June 5, 1917.

Ellsworth F. Giles to be postmaster at Altoona, Pa., in place of E. F. Giles. Incumbent's commission expired May 20, 1917.

Julia C. Gleason to be postmaster at Villanova, Pa., in place of J. C. Gleason. Incumbent's commission expired June 27, 1917.

Harry Hagan to be postmaster at Uniontown, Pa., in place of H. Hagan. Incumbent's commission expired June 13, 1917.

Stephen L. Hennigan to be postmaster at Old Forge, Pa., in place of S. L. Hennigan. Incumbent's commission expired June 17, 1917.

William F. Johnston to be postmaster at Westgrove, Pa., in place of W. F. Johnston. Incumbent's commission expired June 17, 1917.

Ira J. Keller to be postmaster at Yeagertown, Pa. Office became presidential April 1, 1917.

James Kingsbury to be postmaster at Pottsville, Pa., in place of J. Kingsbury. Incumbent's commission expired June 27, 1917.

John A. Kramer to be postmaster at Middletown, Pa., in place of J. A. Kramer. Incumbent's commission expired June 13, 1917.

William C. Kreider to be postmaster at Mauch Chunk, Pa., in place of W. C. Kreider. Incumbent's commission expired April 21, 1917.

D. J. Kyle to be postmaster at Harrisville, Pa., in place of D. J. Kyle. Incumbent's commission expired June 17, 1917.

Joshua P. Lamborn to be postmaster at Berwyn, Pa., in place of J. P. Lamborn. Incumbent's commission expired June 17, 1917.

Robert U. Lange to be postmaster at Belle Vernon, Pa., in place of R. U. Lange. Incumbent's commission expired June 13, 1917.

Christian S. Lichliter to be postmaster at Elk Lick, Pa., in place of C. S. Lichliter. Incumbent's commission expired April 28, 1917.

G. B. Livingston to be postmaster at Conneaut Lake, Pa., in place of G. B. Livingston. Incumbent's commission expired June 17, 1917.

William M. Lynch to be postmaster at Tobyhanna, Pa. Office became presidential October 1, 1916.

Junius W. U. McBride to be postmaster at Beaver, Pa., in place of J. W. U. McBride. Incumbent's commission expired June 17, 1917.

R. J. McGee to be postmaster at Dunbar, Pa., in place of R. J. McGee. Incumbent's commission expired June 13, 1917.

T. H. McKenzie to be postmaster at Barnesboro, Pa., in place of T. H. McKenzie. Incumbent's commission expired May 1, 1917.

John H. Mitchell to be postmaster at Newtown, Pa., in place of J. H. Mitchell. Incumbent's commission expired May 20, 1917.

John D. Moore to be postmaster at Oxford, Pa., in place of J. D. Moore. Incumbent's commission expired June 17, 1917.

Frederick E. Obley to be postmaster at West Newton, Pa., in place of F. E. Obley. Incumbent's commission expired June 27, 1917.

Allen A. Orr to be postmaster at Lewiston, Pa., in place of A. A. Orr. Incumbent's commission expired May 20, 1917.

J. Frank Patterson to be postmaster at Mifflintown, Pa., in place of J. F. Patterson. Incumbent's commission expired May 20, 1917.

Christopher T. Peale to be postmaster at Eagles Mere, Pa. Office became presidential October 1, 1916.

H. E. Petrie to be postmaster at Greencastle, Pa., in place of H. E. Petrie. Incumbent's commission expired June 2, 1917.

W. H. Portser to be postmaster at Saltsburg, Pa., in place of W. H. Portser. Incumbent's commission expired June 17, 1917.

George B. Richardson to be postmaster at Knox, Pa., in place of G. B. Richardson. Incumbent's commission expired May 20, 1917.

Roy R. Rowles to be postmaster at Philipsburg, Pa., in place of R. R. Rowles. Incumbent's commission expired May 20, 1917.

Eli D. Ruth to be postmaster at High Spire, Pa. Office became presidential April 1, 1917.

Marion S. Schoch to be postmaster at Selinsgrove, Pa., in place of M. S. Schoch. Incumbent's commission expired May 22, 1917.

T. Cheyney Scott to be postmaster at Malvern, Pa., in place of T. C. Scott. Incumbent's commission expired June 17, 1917.

Frank H. Shenck to be postmaster at Landisville, Pa. Office became presidential October 1, 1916.

Frank C. Sites to be postmaster at Harrisburg, Pa., in place of F. C. Sites. Incumbent's commission expired June 2, 1917.

John T. Slattery to be postmaster at Port Carbon, Pa., in place of J. T. Slattery. Incumbent's commission expired May 22, 1917.

Jesse H. Smith to be postmaster at Yardley, Pa., in place of J. H. Smith. Incumbent's commission expired June 6, 1917.

W. H. Strauss to be postmaster at Johnstown, Pa., in place of W. H. Strauss. Incumbent's commission expired June 5, 1917.

A. J. Sweeny to be postmaster at Gallitzen, Pa., in place of A. J. Sweeny. Incumbent's commission expired June 13, 1917.

Charles N. Thompson to be postmaster at Buck Falls, Pa. Office became presidential October 1, 1916.

A. R. Traugh to be postmaster at Hollisdaysburg, Pa., in place of A. R. Traugh. Incumbent's commission expired May 20, 1917.

John M. Wallace to be postmaster at Delaware Water Gap, Pa. Office became presidential October 1, 1916.

George A. Woodside to be postmaster at Sugargrove, Pa. Office became presidential October 1, 1916.

Oscar Wolfensberger to be postmaster at Lemoyne, Pa., in place of O. Wolfensberger. Incumbent's commission expired June 17, 1917.

PORTO RICO.

America Rossy to be postmaster at Ensenada, P. R. Office became presidential October 1, 1916.

RHODE ISLAND.

James Brennan to be postmaster at River Point, R. I., in place of J. Brennan. Incumbent's commission expired May 22, 1917.

Charles F. Holroyd to be postmaster at Thornton, R. I. Office became presidential October 1, 1916.

Samuel Seabury, 2d, to be postmaster at Tiverton, R. I. Office became presidential January 1, 1917.

SOUTH CAROLINA.

E. C. Bethea to be postmaster at Latta, S. C., in place of E. C. Bethea. Incumbent's commission expired June 5, 1917.

James A. Cannon to be postmaster at Fountain Inn., S. C., in place of J. A. Cannon. Incumbent's commission expired June 5, 1917.

W. Clarence Clinkscales to be postmaster at Belton, S. C., in place of W. C. Clinkscales. Incumbent's commission expired May 20, 1917.

George M. Collins to be postmaster at Due West, S. C., in place of G. M. Collins. Incumbent's commission expired April 23, 1917.

Pierre H. Fike to be postmaster at Spartanburg, S. C., in place of P. H. Fike. Incumbent's commission expired May 26, 1917.

Francis B. Gaffney to be postmaster at Gaffney, S. C., in place of F. B. Gaffney. Incumbent's commission expired May 20, 1917.

James F. Hunter to be postmaster at Lancaster, S. C., in place of J. F. Hunter. Incumbent's commission expired May 20, 1917.

Leila J. Huntley to be postmaster at Cheraw, S. C., in place of L. J. Huntley. Incumbent's commission expired May 20, 1917.

Arthur G. King to be postmaster at Easley, S. C., in place of A. G. King. Incumbent's commission expired May 20, 1917.

John T. Lawrence to be postmaster at Seneca, S. C., in place of J. T. Lawrence. Incumbent's commission expired May 20, 1917.

William M. McMillan to be postmaster at Clinton, S. C., in place of W. M. McMillan. Incumbent's commission expired June 18, 1917.

T. M. Mahon to be postmaster at Williamston, S. C., in place of T. M. Mahon. Incumbent's commission expired June 18, 1917.

Florence K. Metcalf to be postmaster at Campobello, S. C. Office became presidential October 1, 1916.

Rachel H. Minshall to be postmaster at Abbeville, S. C., in place of R. H. Minshall. Incumbent's commission expired May 20, 1917.

John M. Pagan to be postmaster at Great Falls, S. C. Office became presidential April 1, 1917.

Joseph M. Poulnot to be postmaster at Charleston, S. C., in place of J. M. Poulnot. Incumbent's commission expired May 26, 1917.

E. D. Raney to be postmaster at Beaufort, S. C., in place of E. D. Raney. Incumbent's commission expired May 20, 1917.

Lemuel Reid to be postmaster at Iva, S. C. Office became presidential January 1, 1917.

Ernest L. Richardson to be postmaster at Wagener, S. C. Office became presidential April 1, 1917.

John H. Rothrock to be postmaster at Inman, S. C., in place of J. H. Rothrock. Incumbent's commission expired June 18, 1917.

Edward W. Shull to be postmaster at New Brookland, S. C. Office became presidential April 1, 1917.

Louis Stackley to be postmaster at Kingstree, S. C., in place of L. Stackley. Incumbent's commission expired May 26, 1917.

Julius F. Way to be postmaster at Holly Hill, S. C., in place of J. F. Way. Incumbent's commission expired May 26, 1917.

SOUTH DAKOTA.

Henry B. Baer to be postmaster at Bowdle, S. Dak., in place of H. B. Baer. Incumbent's commission expired June 5, 1917.

William Brady to be postmaster at Beresford, S. Dak., in place of W. Brady. Incumbent's commission expired May 20, 1917.

Mary E. Brennan to be postmaster at Lake Preston, S. Dak., in place of M. Brennan. Incumbent's commission expired May 26, 1917.

D. J. Delaney to be postmaster at Custer, S. Dak., in place of D. J. Delaney. Incumbent's commission expired June 5, 1917.

Rush O. Fellows to be postmaster at Bellefourche, S. Dak., in place of R. O. Fellows. Incumbent's commission expired June 17, 1917.

Dennis Foley to be postmaster at Menno, S. Dak., in place of D. Foley. Incumbent's commission expired May 20, 1917.

Fred W. Hink to be postmaster at Raymond, S. Dak. Office became presidential October 1, 1916.

William A. Hodson to be postmaster at Cresbard, S. Dak. Office became presidential January 1, 1917.

O. M. Iverson to be postmaster at Hudson, S. Dak., in place of O. M. Iverson. Incumbent's commission expired June 17, 1917.

Charles F. Jenks to be postmaster at Egan, S. Dak. Office became presidential October 1, 1916.

Stephen Jones to be postmaster at Canton, S. Dak., in place of S. Jones. Incumbent's commission expired June 5, 1917.

J. B. Lundy to be postmaster at Mellette, S. Dak., in place of J. B. Lundy. Incumbent's commission expired June 5, 1917.

J. I. McNeil to be postmaster at Wessington, S. Dak., in place of J. E. McNeil. Incumbent's commission expired June 13, 1917.

Curtis J. Padmore to be postmaster at Rockham, S. Dak. Office became presidential January 1, 1917.

Harriet Pope to be postmaster at Delmont, S. Dak. Office became presidential October 1, 1916.

Edith A. Sproat to be postmaster at Bradley, S. Dak. Office became presidential October 1, 1916.

W. M. Walters to be postmaster at Fairfax, S. Dak., in place of W. M. Walters. Incumbent's commission expired June 5, 1917.

Charles L. Wohlheter to be postmaster at White, S. Dak., in place of C. L. Wohlheter. Incumbent's commission expired June 5, 1917.

TENNESSEE.

William J. Allen to be postmaster at Wartrace, Tenn., in place of W. J. Allen. Incumbent's commission expired June 27, 1917.

Alvin L. Bilbrey to be postmaster at Cumberland City, Tenn. Office became presidential April 1, 1917.

Eugene Blakemore to be postmaster at Shelbyville, Tenn., in place of E. Blakemore. Incumbent's commission expired May 20, 1917.

Kate S. Booker to be postmaster at Mason, Tenn. Office became presidential October 1, 1916.

Carl B. Bowden to be postmaster at Martin, Tenn., in place of C. B. Bowden. Incumbent's commission expired June 18, 1917.

Robert E. L. Brasfield to be postmaster at Dresden, Tenn., in place of R. E. L. Brasfield. Incumbent's commission expired June 18, 1917.

J. R. Brown to be postmaster at Cleveland, Tenn., in place of J. R. Brown. Incumbent's commission expired May 9, 1917.

George P. Brummitt to be postmaster at Gleason, Tenn. Office became presidential April 1, 1917.

Andrew B. Cook to be postmaster at Woodbury, Tenn., in place of A. B. Cook. Incumbent's commission expired June 5, 1917.

Margaret G. Elliott to be postmaster at Murfreesboro, Tenn., in place of M. G. Elliott. Incumbent's commission expired June 10, 1917.

Hugh G. Haworth to be postmaster at New Market, Tenn. Office became presidential April 1, 1917.

Richard D. Hunt to be postmaster at Sharon, Tenn., in place of R. D. Hunt. Incumbent's commission expired June 18, 1917.

John F. Johnson to be postmaster at Watertown, Tenn., in place of J. F. Johnson. Incumbent's commission expired June 18, 1917.

Robert M. Lindsay to be postmaster at Alcoa, Tenn. Office became presidential April 1, 1917.

Adam S. Nichols to be postmaster at Dandridge, Tenn., in place of A. S. Nichols. Incumbent's commission expired June 10, 1917.

Gaston H. Rhodes to be postmaster at Whiteville, Tenn., in place of G. H. Rhodes. Incumbent's commission expired June 10, 1917.

Isaac R. Roberts to be postmaster at Erwin, Tenn., in place of I. R. Roberts. Incumbent's commission expired June 10, 1917.

Charles E. Rodes to be postmaster at Manchester, Tenn., in place of C. E. Rodes. Incumbent's commission expired May 9, 1917.

Robert L. Strong to be postmaster at Collierville, Tenn., in place of R. L. Strong. Incumbent's commission expired June 10, 1917.

Lawrence E. Stroup to be postmaster at Grand Junction, Tenn. Office became presidential October 1, 1916.

TEXAS.

A. H. Ables to be postmaster at Terrell, Tex., in place of A. H. Ables. Incumbent's commission expired June 23, 1917.

Pope Allen to be postmaster at Valley Mills, Tex., in place of Pope Allen. Incumbent's commission expired June 5, 1917.

John J. Ball to be postmaster at Orange, Tex., in place of J. J. Ball. Incumbent's commission expired June 17, 1917.

Robert W. Bennett to be postmaster at Kenedy, Tex., in place of R. W. Bennett. Incumbent's commission expired June 23, 1917.

William C. Boyett to be postmaster at College Station, Tex., in place of W. C. Boyett. Incumbent's commission expired June 5, 1917.

Myrtle C. Bradshaw to be postmaster at Roxton, Tex., in place of M. C. Bradshaw. Incumbent's commission expired June 17, 1917.

H. L. Brooks to be postmaster at Pearsall, Tex., in place of H. L. Brooks. Incumbent's commission expired May 20, 1917.

R. L. Bronaugh to be postmaster at Edna, Tex., in place of R. L. Bronaugh. Incumbent's commission expired May 29, 1917.

Kate G. Burke to be postmaster at Crosbyton, Tex., in place of K. G. Burke. Incumbent's commission expired June 17, 1917.

Minnie S. Burke to be postmaster at Blossom, Tex., in place of Minnie Burke. Incumbent's commission expired June 5, 1917.

B. M. Burgher to be postmaster at Dallas, Tex., in place of B. M. Burgher. Incumbent's commission expired April 28, 1917.

N. A. Burton to be postmaster at McKinney, Tex., in place of N. A. Burton. Incumbent's commission expired May 1, 1917.

George H. Candlin to be postmaster at Presidio, Tex. Office became presidential April 1, 1917.

W. G. Carpenter to be postmaster at Kerrville, Tex., in place of W. G. Carpenter. Incumbent's commission expired May 20, 1917.

Alice C. Cheney to be postmaster at Mount Pleasant, Tex., in place of A. C. Cheney. Incumbent's commission expired June 23, 1917.

M. A. Chancey to be postmaster at Hondo, Tex., in place of M. A. Chancey. Incumbent's commission expired May 20, 1917.

W. H. Clement to be postmaster at Palacios, Tex., in place of W. H. Clement. Incumbent's commission expired May 22, 1917.

William H. Cook to be postmaster at Henrietta, Tex., in place of W. H. Cook. Incumbent's commission expired June 17, 1917.

W. D. Daniel to be postmaster at Hughes Springs, Tex., in place of W. D. Daniel. Incumbent's commission expired May 22, 1917.

Mina Daughtry to be postmaster at Chillicothe, Tex., in place of M. Daughtry. Incumbent's commission expired May 20, 1917.

Calvin C. Davis to be postmaster at Iowa Park, Tex., in place of C. C. Davis. Incumbent's commission expired May 20, 1917.

C. S. Davis to be postmaster at Ranger, Tex., in place of C. S. Davis. Incumbent's commission expired June 5, 1917.

James W. Davis to be postmaster at Alvord, Tex., in place of J. W. Davis. Incumbent's commission expired May 20, 1917.

S. M. Davis to be postmaster at Nocona, Tex., in place of S. M. Davis. Incumbent's commission expired May 22, 1917.

Joseph R. De Witt to be postmaster at Brackettville, Tex., in place of J. R. De Witt. Incumbent's commission expired May 1, 1917.

A. Y. Donegan to be postmaster at Nacogdoches, Tex., in place of A. Y. Donegan. Incumbent's commission expired May 29, 1917.

Amos E. Duffy to be postmaster at Matagorda, Tex. Office became presidential April 1, 1917.

Ada F. Duffey to be postmaster at Emory, Tex., in place of Ada Duffey. Incumbent's commission expired May 29, 1917.

Jonathan W. Duncan to be postmaster at Malakoff, Tex. Office became presidential October 1, 1916.

George F. English to be postmaster at Glen Rose, Tex. Office became presidential October 1, 1916.

J. J. Erwin to be postmaster at Ballinger, Tex., in place of J. J. Erwin. Incumbent's commission expired June 5, 1917.

Newton S. Farmer to be postmaster at Graham, Tex., in place of N. S. Farmer. Incumbent's commission expired June 23, 1917.

M. C. Fields to be postmaster at Lott, Tex., in place of M. C. Fields. Incumbent's commission expired June 17, 1917.

W. D. Foster to be postmaster at Miles, Tex., in place of W. D. Foster. Incumbent's commission expired June 5, 1917.

Minnie B. Francis to be postmaster at Farwell, Tex. Office became presidential April 1, 1917.

J. T. Fulcher to be postmaster at Thorndale, Tex., in place of J. T. Fulcher. Incumbent's commission expired May 20, 1917.

B. T. Gardner to be postmaster at Rogers, Tex., in place of B. T. Gardner. Incumbent's commission expired June 2, 1917.

Sallie M. Gardner to be postmaster at Frankston, Tex., in place of S. M. Ayres (name changed by marriage).

J. W. Gaskin to be postmaster at Jacksboro, Tex., in place of J. W. Gaskin. Incumbent's commission expired June 17, 1917.

Henry Van Geem to be postmaster at Eastland, Tex., in place of H. Van Geem. Incumbent's commission expired June 17, 1917.

J. S. J. Gober to be postmaster at Sanger, Tex., in place of J. S. J. Gober. Incumbent's commission expired May 20, 1917.

Sam K. Hailey to be postmaster at Conroe, Tex., in place of S. K. Hailey. Incumbent's commission expired June 5, 1917.

Laura V. Hamner to be postmaster at Claude, Tex., in place of L. V. Hamner. Incumbent's commission expired May 20, 1917.

S. R. Haynes to be postmaster at De Leon, Tex., in place of S. R. Haynes. Incumbent's commission expired May 20, 1917.

S. A. Hill to be postmaster at Bellville, Tex., in place of S. A. Hill. Incumbent's commission expired May 29, 1917.

Thomas H. Hood to be postmaster at Wortham, Tex., in place of T. H. Hood. Incumbent's commission expired April 28, 1917.

S. J. Holchak, jr., to be postmaster at Runge, Tex., in place of S. J. Holchak, jr. Incumbent's commission expired May 22, 1917.

Jean Hornbuckle to be postmaster at Venus, Tex., in place of Jean Hornbuckle. Incumbent's commission expired May 29, 1917.

F. P. Ingerson to be postmaster at Barstow, Tex., in place of F. P. Ingerson. Incumbent's commission expired June 17, 1917.

A. S. Jarvis to be postmaster at Troup, Tex., in place of A. S. Jarvis. Incumbent's commission expired May 22, 1917.

T. W. Johnston to be postmaster at Wallis, Tex. Office became presidential January 1, 1917.

William L. Rea to be postmaster at Refugia, Tex. Office became presidential October 1, 1916.

R. H. King to be postmaster at Alvin, Tex., in place of R. H. King. Incumbent's commission expired May 22, 1917.

M. J. Kirlin to be postmaster at Kingsville, Tex., in place of M. J. Kirlin. Incumbent's commission expired May 20, 1917.

George P. Knight to be postmaster at Stephenville, Tex., in place of G. P. Knight. Incumbent's commission expired June 17, 1917.

Houston H. Knight to be postmaster at Avery, Tex. Office became presidential April 1, 1917.

W. J. Lamb to be postmaster at Mabank, Tex., in place of W. J. Lamb. Incumbent's commission expired June 5, 1917.

Emma M. Love to be postmaster at Sierra Blanca, Tex. Office became presidential April 1, 1917.

R. K. McCleskey to be postmaster at Rule, Tex., in place of R. K. McCleskey. Incumbent's commission expired June 5, 1917.

William D. McGown to be postmaster at Hemphill, Tex. Office became presidential April 1, 1917.

P. B. McNatt to be postmaster at Arlington, Tex., in place of P. B. McNatt. Incumbent's commission expired June 5, 1917.

C. E. Maxwell to be postmaster at Strawn, Tex., in place of C. E. Maxwell. Incumbent's commission expired June 5, 1917.

John W. Miller to be postmaster at Dilley, Tex., in place of J. W. Miller. Incumbent's commission expired June 17, 1917.

Benjamin F. Mitchell to be postmaster at Gainesville, Tex., in place of B. F. Mitchell. Incumbent's commission expired June 5, 1917.

Charles B. Moore to be postmaster at Lovelady, Tex., in place of C. B. Moore. Incumbent's commission expired June 17, 1917.

J. L. Noel to be postmaster at Pilot Point, Tex., in place of J. L. Noel. Incumbent's commission expired June 17, 1917.

T. J. Oden to be postmaster at Lindale, Tex., in place of T. J. Oden. Incumbent's commission expired June 17, 1917.

E. T. Oliver to be postmaster at Caldwell, Tex., in place of E. T. Oliver. Incumbent's commission expired May 20, 1917.

Charles E. Parkham to be postmaster at Pottsboro, Tex. Office became presidential January 1, 1917.

D. A. Paulus to be postmaster at Hallettsville, Tex., in place of D. A. Paulus. Incumbent's commission expired April 28, 1917.

John W. Person to be postmaster at Colorado, Tex., in place of J. W. Person. Incumbent's commission expired June 5, 1917.

J. B. Phillips to be postmaster at Howe, Tex., in place of J. B. Phillips. Incumbent's commission expired May 1, 1917.

Charles C. Porter to be postmaster at Meridian, Tex., in place of C. C. Porter. Incumbent's commission expired May 20, 1917.

D. P. Porter to be postmaster at DeKalb, Tex., in place of D. P. Porter. Incumbent's commission expired June 23, 1917.

J. M. Price to be postmaster at San Augustine, Tex., in place of J. M. Price. Incumbent's commission expired May 22, 1917.

D. U. Ramsay to be postmaster at Gonzales, Tex., in place of D. U. Ramsay. Incumbent's commission expired May 29, 1917.

Shaw D. Ray to be postmaster at Winnsboro, Tex., in place of S. D. Ray. Incumbent's commission expired June 5, 1917.

J. M. Richards to be postmaster at Weatherford, Tex., in place of J. M. Richards. Incumbent's commission expired May 29, 1917.

T. H. Riddle to be postmaster at Omaha, Tex., in place of G. H. Riddle. Incumbent's commission expired May 22, 1917.

S. A. Roberts to be postmaster at Blooming Grove, Tex., in place of S. A. Roberts. Incumbent's commission expired May 20, 1917.

S. P. Robbins to be postmaster at Lubbock, Tex., in place of S. P. Robbins. Incumbent's commission expired June 5, 1917.

Henry B. Rushing to be postmaster at Batson, Tex. Office became presidential April 1, 1917.

L. H. Salter to be postmaster at Stanton, Tex., in place of L. H. Salter. Incumbent's commission expired June 23, 1917.

B. O. Sanford to be postmaster at Plainview, Tex., in place of B. O. Sanford. Incumbent's commission expired June 17, 1917.

E. P. Shands to be postmaster at Mesquite, Tex., in place of E. P. Shands. Incumbent's commission expired May 22, 1917.

J. W. Shaw to be postmaster at San Diego, Tex., in place of J. W. Shaw. Incumbent's commission expired April 28, 1917.

Mattie H. Shelton to be postmaster at Valentine, Tex. Office became presidential April 1, 1917.

O. B. Slayden to be postmaster at Rusk, Tex., in place of O. B. Slayden. Incumbent's commission expired May 29, 1917.

Billie W. Simmons to be postmaster at Mexia, Tex., in place of B. W. Simmons. Incumbent's commission expired May 22, 1917.

W. W. Sloan to be postmaster at Falfurrias, Tex., in place of W. W. Sloan. Incumbent's commission expired May 29, 1917.

G. W. Smith to be postmaster at Sonora, Tex., in place of G. W. Smith. Incumbent's commission expired June 17, 1917.

Thomas A. Stafford to be postmaster at Robstown, Tex., in place of T. A. Stafford. Incumbent's commission expired June 23, 1917.

Thomas R. Stewart to be postmaster at Whitney, Tex., in place of T. R. Stewart. Incumbent's commission expired June 23, 1917.

Annie H. Stryker to be postmaster at Woodville, Tex., in place of Annie Stryker. Incumbent's commission expired June 17, 1917.

J. Wiley Taylor to be postmaster at Midland, Tex., in place of J. W. Taylor. Incumbent's commission expired June 5, 1917.

C. C. Teas to be postmaster at Karnes City, Tex., in place of C. C. Teas. Incumbent's commission expired May 29, 1917.

S. W. Thomas to be postmaster at Aspermont, Tex., in place of S. W. Thomas. Incumbent's commission expired June 18, 1917.

Shadrac S. Tullos to be postmaster at Grand Prairie, Tex., in place of S. S. Tullos. Incumbent's commission expired June 5, 1917.

T. E. VanLandingham to be postmaster at Lone Oak, Tex., in place of T. E. VanLandingham. Incumbent's commission expired May 20, 1917.

C. Herbert Walker to be postmaster at Dalhart, Tex., in place of C. H. Walker. Incumbent's commission expired May 22, 1917.

J. A. White to be postmaster at Goliad, Tex., in place of J. A. White. Incumbent's commission expired May 29, 1917.

Young C. White to be postmaster at Hamlin, Tex., in place of Y. C. White. Incumbent's commission expired June 5, 1917.

James W. Winsett to be postmaster at Higgins, Tex., in place of J. W. Winsett. Incumbent's commission expired June 17, 1917.

Sterling P. Wilcoxson to be postmaster at Edgewood, Tex. Office became presidential April 1, 1917.

Ira J. Wright to be postmaster at Mission, Tex., in place of I. J. Wright. Incumbent's commission expired April 28, 1917.

Joseph E. Woods to be postmaster at Teague, Tex., in place of J. E. Woods. Incumbent's commission expired May 22, 1917.

Thomas P. Woodward to be postmaster at Yoakum, Tex., in place of T. P. Woodward. Incumbent's commission expired June 17, 1917.

J. C. Woodworth to be postmaster at Cuero, Tex., in place of J. C. Woodworth. Incumbent's commission expired May 29, 1917.

UTAH.

Ewell C. Bowen to be postmaster at Hiawatha, Utah. Office became presidential January 1, 1917.

R. M. Woolley to be postmaster at Magna, Utah. Office became presidential January 1, 1917.

VERMONT.

Allan T. Calhoun to be postmaster at Middlebury, Vt., in place of A. T. Calhoun. Incumbent's commission expired June 2, 1917.

Marion T. Flynn to be postmaster at Alburg, Vt. Office became presidential January 1, 1917.

Robert J. Orvis to be postmaster at Manchester, Vt., in place of R. J. Orvis. Incumbent's commission expired June 2, 1917.

Emeroy G. Page to be postmaster at Hyde Park, Vt., in place of E. G. Page. Incumbent's commission expired March 1, 1917.

Murray K. Paris to be postmaster at Lyndon, Vt. Office became presidential October 1, 1916.

Lota A. Patch to be postmaster at Cambridge, Vt. Office became presidential October 1, 1916.

Victor L. Smith to be postmaster at East Arlington, Vt. Office became presidential January 1, 1917.

Patrick H. Thompson to be postmaster at Arlington, Vt., in place of P. H. Thompson. Incumbent's commission expired June 2, 1917.

Charles F. Thurber to be postmaster at Fairlee, Vt. Office became presidential October 1, 1916.

VIRGINIA.

Howard W. Brent to be postmaster at Kilmarnock, Va. Office became presidential April 1, 1917.

W. A. Broocks to be postmaster at Chase City, Va., in place of W. A. Broocks. Incumbent's commission expired June 23, 1917.

George V. Cameron to be postmaster at Louisa, Va., in place of G. V. Cameron. Incumbent's commission expired May 6, 1917.

J. D. Crenshaw to be postmaster at Cambria, Va., in place of J. D. Crenshaw. Incumbent's commission expired June 23, 1917.

Bertha M. Faison to be postmaster at Ettricks, Va. Office became presidential April 1, 1917.

Leslie F. Ferguson to be postmaster at Appomattox, Va., in place of L. F. Ferguson. Incumbent's commission expired May 20, 1917.

Hattie B. Ferrel to be postmaster at Newcastle, Va. Office became presidential October 1, 1916.

W. E. Hailey to be postmaster at Keysville, Va., in place of W. E. Hailey. Incumbent's commission expired June 5, 1917.

Ellis F. Harris to be postmaster at Crozet, Va., in place of E. F. Harris. Incumbent's commission expired June 2, 1917.

Clarence H. Johnson to be postmaster at Narrows, Va. Office became presidential April 1, 1917.

William C. Johnston to be postmaster at Williamsburg, Va., in place of W. C. Johnston. Incumbent's commission expired May 6, 1917.

William F. Kennedy to be postmaster at Kenbridge, Va., in place of W. F. Kennedy. Incumbent's commission expired June 5, 1917.

J. S. Lanek to be postmaster at Shenandoah, Va., in place of J. S. Lanek. Incumbent's commission expired June 5, 1917.

R. H. Latane to be postmaster at Buchanan, Va., in place of R. H. Latane. Incumbent's commission expired June 2, 1917.

J. F. Lowman to be postmaster at Hot Springs, Va., in place of J. F. Lowman. Incumbent's commission expired June 5, 1917.

E. M. Morrison to be postmaster at Smithfield, Va., in place of E. M. Morrison. Incumbent's commission expired May 20, 1917.

Andrew T. Organ to be postmaster at Chester, Va. Office became presidential January 1, 1917.

Lula M. Ray to be postmaster at Mount Jackson, Va., in place of Lula M. Ray. Incumbent's commission expired June 23, 1917.

John E. Rogers to be postmaster at Strasburg, Va., in place of J. E. Rogers. Incumbent's commission expired May 1, 1917.

Charles F. Russell to be postmaster at Herndon, Va., in place of C. F. Russell. Incumbent's commission expired June 5, 1917.

Charles F. Shumaker to be postmaster at Lovettsville, Va. Office became presidential April 1, 1917.

Sadie A. Southall to be postmaster at Amelia Court House, Va., in place of S. A. Southall. Incumbent's commission expired June 5, 1917.

E. L. Toone to be postmaster at Boydton, Va., in place of E. L. Toone. Incumbent's commission expired June 5, 1917.

W. W. Tuck to be postmaster at Virgilina, Va., in place of W. W. Tuck. Incumbent's commission expired June 5, 1917.

H. I. Tuggle to be postmaster at Martinsville, Va., in place of H. I. Tuggle. Incumbent's commission expired May 20, 1917.

J. R. Williams to be postmaster at Brookneal, Va., in place of J. R. Williams. Incumbent's commission expired June 23, 1917.

Lucy E. Yancey to be postmaster at Forest Depot, Va. Office became presidential April 1, 1917.

WASHINGTON.

Otto Holmberg to be postmaster at Molson, Wash. Office became presidential January 1, 1917.

Henry R. James to be postmaster at Rochester, Wash. Office became presidential April 1, 1917.

John M. Jones to be postmaster at Morton, Wash. Office became presidential April 1, 1917.

F. A. Kennett to be postmaster at Prosser, Wash., in place of F. A. Kennett. Incumbent's commission expired June 17, 1917.

Tyrah D. Logsdon to be postmaster at Endicott, Wash. Office became presidential October 1, 1916.

Michael J. Murphy to be postmaster at Oakville, Wash. Office became presidential October 1, 1916.

W. H. Padley to be postmaster at Reardan, Wash., in place of W. H. Padley. Incumbent's commission expired June 13, 1917.

Michael Reisenauer to be postmaster at Uniontown, Wash. Office became presidential January 1, 1917.

WEST VIRGINIA.

Floyd J. Brown to be postmaster at Bluefield, W. Va., in place of F. J. Brown. Incumbent's commission expired June 6, 1917.

Henry W. Early to be postmaster at Kimball, W. Va., in place of H. W. Early. Incumbent's commission expired June 23, 1917.

Thomas F Henritze to be postmaster at Welch, W. Va., in place of T. F. Henritze. Incumbent's commission expired June 6, 1917.

David W. McConaughey to be postmaster at Cameron, W. Va., in place of D. W. McConaughey. Incumbent's commission expired May 20, 1917.

Benjamin F. Patton to be postmaster at Harrisville, W. Va., in place of B. F. Patton. Incumbent's commission expired June 6, 1917.

Andrew Price to be postmaster at Marlinton, W. Va., in place of Andrew Price. Incumbent's commission expired June 6, 1917.

Oliver C. Sweeney to be postmaster at St. Marys, W. Va., in place of O. C. Sweeney. Incumbent's commission expired June 27, 1917.

WISCONSIN.

A. C. Bishop to be postmaster at Bloomington, Wis., in place of A. C. Bishop. Incumbent's commission expired June 2, 1917.

G. Andrew Braemer to be postmaster at Blackcreek, Wis. Office became presidential April 1, 1917.

Frank S. Brazeau to be postmaster at Port Edwards, Wis. Office became presidential October 1, 1916.

M. Vivian Brown to be postmaster at Minong, Wis. Office became presidential April 1, 1917.

William E. Cavanaugh to be postmaster at Berlin, Wis., in place of W. E. Cavanaugh. Incumbent's commission expired June 2, 1917.

Wardlaw A. Clapp to be postmaster at Wanwatosa, Wis., in place of W. A. Clapp. Incumbent's commission expired July 23, 1916.

Emma V. Clark to be postmaster at Black Earth, Wis. Office became presidential October 1, 1916.

Dennis Deneen to be postmaster at Hammond, Wis. Office became presidential April 1, 1917.

Elizabeth A. Forsyth to be postmaster at Westboro, Wis. Office became presidential October 1, 1916.

Nina M. Frankland to be postmaster at Montfort, Wis. Office became presidential October 1, 1916.

Julia L. Groot to be postmaster at Elmwood, Wis. Office became presidential April 1, 1917.

Albert J. Hemmy to be postmaster at Hartford, Wis., in place of Albert J. Hemmy. Incumbent's commission expired June 2, 1917.

John Henninger to be postmaster at Markesan, Wis., in place of J. Henninger. Incumbent's commission expired June 2, 1917.

Jerry Holland to be postmaster at Phelps, Wis. Office became presidential October 1, 1916.

Joseph V. Janda to be postmaster at Boyd, Wis. Office became presidential April 1, 1917.

Jessie A. Little to be postmaster at Pepin, Wis. Office became presidential October 1, 1916.

Robert L. Nash to be postmaster at Grand Rapids, Wis., in place of Robert Nash. Incumbent's commission expired June 2, 1917.

E. R. Peck to be postmaster at Bangor, Wis., in place of E. R. Pack. Incumbent's commission expired June 2, 1917.

Richard B. Runke to be postmaster at Merrill, Wis., in place of R. B. Runke. Incumbent's commission expired June 2, 1917.

Frederick A. Russell to be postmaster at Superior, Wis., in place of F. A. Russell. Incumbent's commission expired June 2, 1917.

Harvey G. Smith to be postmaster at Maiden Rock, Wis., in place of H. G. Smith. Incumbent's commission expired June 2, 1917.

William R. Stephan to be postmaster at Sawyer, Wis., in place of W. R. Stephan. Incumbent's commission expired June 2, 1917.

Dwight S. York to be postmaster at Hazel Green, Wis. Office became presidential October 1, 1916.

WYOMING.

Arthur R. Bastian to be postmaster at Chugwater, Wyo. Office became presidential October 1, 1916.

Lilian S. Pascoe to be postmaster at Sunrise, Wyo. Office became presidential October 1, 1916,

George Whittaker to be postmaster at Yellowstone Park, Wyo., in place of George Whittaker. Incumbent's commission expired May 20, 1917.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 19 (legislative day of July 18), 1917.

SURVEYOR GENERAL OF OREGON.

Edward G. Worth to be surveyor general of Oregon.

UNITED STATES MARSHAL.

Lewis T. Erwin to be United States marshal, District of Alaska, division No. 4.

PUBLIC HEALTH SERVICE.

Asst. Surg. Francis Albion Carmelia to be passed assistant surgeon.

Asst. Surg. Lionel Elean Hooper to be passed assistant surgeon.

Asst. Surg. Liston Paine to be passed assistant surgeon.

Asst. Surg. Moses Victor Safford to be passed assistant surgeon.

Asst. Surg. Ernest Winfield Scott to be passed assistant surgeon.

Dr. James Edge Faris to be assistant surgeon.

Dr. Anthony A. S. Giordano to be assistant surgeon.

Dr. Mark Victor Ziegler to be assistant surgeon.

APPOINTMENTS IN THE NAVY.

Lucian W. Burnham to be a second lieutenant in the Marine Corps.

Dan E. Root to be a second lieutenant in the Marine Corps.

SENATE.

FRIDAY, *July 20, 1917.*

(Legislative day of Wednesday, July 18, 1917.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

CONSERVATION OF FOOD AND FUEL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

Mr. CHAMBERLAIN. I desire to offer four amendments so that they may be pending.

Mr. KELLOGG. I wish to offer some amendments to be pending, two of which I send to the desk. I also desire to move to strike out "$1.75," where it appears in the amendment offered to section 12 by the Senator from Oregon [Mr. CHAMBERLAIN], and to insert "$2."

Mr. SMOOT. I send to the desk a statement giving the advertising pages of Bonfort's Wine and Spirit Circular showing the cost of tax-paying whisky and the cost of carrying whiskies in bond. I ask that it may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The table referred to is as follows:

COST OF TAX-PAYING WHISKY.

Table showing various prices for whiskies, original gauge, in bond and cost thereof when tax-paid during any 4 months included in 8-year bonded period.

[Based on 47-gallon barrel, regular Government allowance for each period, distillers' excess allowance guaranty of 1 gallon in Kentucky also allowing loss of 1 gallon for each four-month period in eighth year.]

Price original gauge.	1 to 4 months.	4 to 8 months.	8 to 12 months.	12 to 16 months.	16 to 20 months.	20 to 24 months.	24 to 28 months.	28 to 32 months.	32 to 36 months.	36 to 40 months.	40 to 44 months.	44 to 48 months.	48 to 52 months.	52 to 56 months.	56 to 60 months.	60 to 64 months.	64 to 68 months.	68 to 72 months.	72 to 76 months.	76 to 80 months.	80 to 84 months.	84 to 88 months.	88 to 92 months.	92 to 96 months.	Price original gauge.
	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.
15 cents.	128	128½	129	129½	129½	130	130½	130½	131	131½	131½	132	132½	132½	133	133½	133½	133½	134	134½	135	137	139	141	15
17½ cents	130½	131	131½	132	132½	133	133½	133½	134	134½	134½	135	135½	135½	136	136½	137	137½	137½	138	138½	140	142	145	17½
20 cents.	133	134	134½	135	135½	135½	136	136½	137	137½	138	138½	138½	139	139½	140	140½	140½	141	141½	142	144	146	149	20
22½ cents	136	136½	137	137½	138	138½	139	139½	140	140½	141	141½	142	142½	142½	143	143½	144	144½	145	146	148	150	153	22½
25 cents.	138	139	140	140½	141	141½	142	142½	143	143½	144	144½	145	145½	146	146½	147	147½	148	149	150	152	154	157	25
27½ cents	141	142	143	143½	144	144½	145	145½	146	146½	147	147½	148	148½	149	150	150½	151	152	153	154	155	158	161	27½
30 cents.	143	144	145	146	147	147½	148	149	149½	150	150½	151	151½	152	152½	153	154	154½	155	156	157	159	161	165	30
32½ cents	145	146	147	148	149	150	150½	151	152	153	153½	154	154½	155	156	156½	157	158	159	160	161	162	165	168	32½
35 cents.	149	150	151	152	152½	153	154	155	155½	156	156½	157	158	158½	159	160	161	162	163	164	165	166	169	171	35
37½ cents	152	153	154	155	155½	156	156½	157	158	159	159½	160	160½	161	162	163	164	165	166	167	168	170	172	175	37½
40 cents.	154	155	156	157	158	159	160	161	162	162½	163	163½	164	165	166	167	168	169	170	171	172	173	176	179	40
42½ cents	157	158	159	160	161	162	163	164	164½	165	166	166½	167	168	169	170	171	172	173	174	175	177	180	183	42½
45 cents.	159	160	161	162	163	164	165	166	167	168	169	170	171	171½	172	173	174	175	176	177	178	181	184	187	45
47½ cents	161	162	163	164	165	166	167	168	169	170	172	173	174	175	176	177	178	179	180	181	182	184	187	191	47½
50 cents.	165	166	167	178	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	187	191	194	50
52½ cents	167	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	188	189	192	195	199	52½
55 cents.	170	171	172	173	174	175	176	178	179	180	181	182	183	184	185	187	188	189	190	191	192	195	198	202	55
57½ cents	173	174	176	177	178	179	180	181	183	184	185	186	187	188	189	190	191	192	193	195	196	199	202	206	57½

COST OF TAX-PAYING WHISKY—continued.

Table showing various prices for whiskies, original gauge, in bond and cost thereof when tax-paid, etc.—Continued.

Price original gauge.	1 to 4 months.	4 to 8 months.	8 to 12 months.	12 to 16 months.	16 to 20 months.	20 to 24 months.	24 to 28 months.	28 to 32 months.	32 to 36 months.	36 to 40 months.	40 to 44 months.	44 to 48 months.	48 to 52 months.	52 to 56 months.	56 to 60 months.	60 to 64 months.	64 to 68 months.	68 to 72 months.	72 to 76 months.	76 to 80 months.	80 to 84 months.	84 to 88 months.	88 to 92 months.	92 to 96 months.	Price original gauge.
	Cts.	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	
60 cents.	175	177	178	180	181	182	183	184	186	187	188	189	190	191	192	193	194	196	197	198	200	203	206	209	60
62½ cents	178	180	181	182	183	185	186	187	189	190	191	192	193	194	195	197	198	199	201	202	203	206	210	213	62½
65 cents.	181	183	184	186	187	188	189	190	192	193	194	195	196	197	199	200	201	203	204	205	207	210	213	217	65
67½ cents	183	185	187	188	190	191	192	193	195	196	197	198	199	201	202	203	205	206	208	209	211	214	217	220	67½
70 cents.	186	188	190	191	192	193	195	196	198	199	201	202	203	204	206	207	209	210	212	213	215	218	221	225	70
72½ cents	189	191	193	194	195	196	198	200	201	203	204	205	206	208	209	211	212	213	215	217	218	222	225	229	72½
75 cents.	191	193	195	196	198	199	201	203	204	205	207	208	210	211	212	214	215	217	219	220	222	225	229	233	75
77½ cents	194	196	198	199	201	203	204	205	207	209	210	211	213	214	216	217	219	220	222	224	225	229	233	236	77½
80 cents.	197	199	201	202	204	206	207	209	211	212	213	215	216	218	219	220	222	224	225	227	229	233	236	240	80
82½cents.	200	202	204	205	207	209	210	212	214	215	216	218	219	221	222	224	227	228	229	231	233	236	240	244	82½
85 cents.	202	204	207	108	209	211	213	215	216	218	220	221	223	224	225	227	229	231	233	234	236	240	244	248	85
87½ cents	205	207	209	211	212	214	216	218	220	221	223	224	226	227	229	230	233	234	236	238	240	244	248	251	87½
90 cents.	208	210	212	213	215	217	219	221	223	224	226	227	229	231	232	234	236	238	240	242	244	248	251	255	90
92½ cents	210	213	215	216	218	220	222	224	226	227	229	231	232	234	236	237	239	241	243	245	247	251	255	259	92
95 cents.	213	215	218	219	221	223	225	227	229	231	232	234	235	237	239	241	243	245	247	249	251	255	259	263	95½
97½ cents	215	218	220	222	224	226	228	230	232	234	235	237	239	240	242	244	246	248	250	252	254	258	262	267	97
100 cents	218	221	223	225	227	229	231	233	235	237	238	240	242	244	246	247	249	252	254	256	258	262	266	271	100½
105 cents	223	226	229	231	233	235	237	239	241	243	245	246	248	250	252	254	256	258	261	263	265	269	274	278	105
110 cents	228	231	234	236	238	240	242	245	247	249	251	253	255	257	259	261	263	265	268	270	273	277	281	285	110
115 cents	234	237	239	241	243	246	248	250	253	255	257	259	261	263	265	268	270	272	275	277	280	285	288	293	115
120 cents	239	242	245	247	247	252	254	257	259	261	263	265	268	270	272	274	277	279	282	284	287	291	296	301	120
125 cents	244	248	251	253	255	258	261	264	266	268	270	272	274	276	279	281	284	286	289	291	294	299	303	308	125
130 cents	250	253	256	259	261	264	266	269	272	274	276	278	280	283	285	288	290	293	296	299	301	306	311	316	130
140 cents	260	264	267	269	272	275	279	281	284	286	288	291	293	296	298	301	304	307	310	313	316	321	326	331	140
150 cents	270	275	278	281	284	287	290	293	296	298	301	304	306	309	312	315	318	321	324	327	330	335	341	346	150

COST OF CARRYING WHISKIES IN BOND.

The following table shows the cost of aging, or carrying, whiskies in bond. The calculations are based on original gauge proof gallons. Forty-seven and one-half gallon barrel. Storage, 5 cents per barrel per month. Fire insurance, one-half of 1 per cent per annum. State, county, and city taxes, 15 cents per barrel per annum. Interest at the rate of 6 per cent per annum, compounded annually.

Deposited or purchased in bond at the following cost prices at date of original inspection.	12 months.	24 months.	36 months.	48 months	60 months.	72 months.	84 months.	96 months.
	Cents.	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*
15 cents	17.55	20.17	22.86	25.61	28.45	31.35	34.36	37.45
15½ cents	18.09	20.74	23.46	26.25	29.13	32.09	35.14	38.28
16 cents	18.62	21.31	24.06	26.89	29.81	32.82	35.91	39.11
16½ cents	19.15	21.87	24.67	27.54	30.50	33.55	36.69	39.94
17 cents	19.68	22.44	25.27	28.18	31.18	34.28	37.47	40.76
17½ cents	20.21	23.01	25.88	28.83	31.87	35.01	38.25	41.59
18 cents	20.75	23.57	26.48	29.47	32.56	35.74	39.02	42.42
18½ cents	21.28	24.14	27.08	30.12	33.24	36.47	39.80	43.25
19 cents	21.81	24.71	27.69	30.76	33.93	37.20	40.58	44.08
20 cents	22.88	25.85	28.90	32.06	35.30	38.67	42.15	45.73
21 cents	23.94	26.98	30.10	33.33	36.67	40.12	43.69	47.39
22 cents	25.01	28.11	31.31	34.62	38.04	41.57	45.24	49.04
22½ cents	25.54	28.68	31.92	35.26	38.72	42.30	46.02	49.87
23 cents	26.07	29.25	32.52	35.90	39.41	43.03	46.79	50.70
24 cents	27.14	30.38	33.73	37.19	40.78	44.49	48.35	52.35
25 cents	28.20	31.51	34.94	38.48	42.15	45.95	49.90	54.01
26 cents	29.27	32.65	36.14	39.76	43.52	47.41	51.46	55.66
27 cents	30.33	33.78	37.35	41.05	44.89	48.87	53.01	57.32
27½ cents	30.87	34.35	37.96	41.69	45.57	49.60	53.79	58.14
28 cents	31.40	34.92	38.56	42.34	46.26	50.33	54.56	58.97
29 cents	32.46	36.05	39.77	43.62	47.63	51.79	56.12	60.63
30 cents	33.53	37.19	40.98	44.91	49.00	53.25	57.67	62.28
32½ cents	36.19	40.02	44.00	48.13	52.42	56.90	61.56	66.42
35 cents	38.85	42.86	47.02	51.34	55.85	60.54	65.44	70.56
37½ cents	41.52	45.69	50.04	54.56	59.27	64.19	69.33	74.69
40 cents	44.18	48.53	53.06	57.77	62.70	67.84	73.21	78.83
42½ cents	46.84	51.36	56.07	60.99	66.12	71.49	77.10	82.97
45 cents	49.50	54.20	59.09	64.21	69.55	75.13	80.98	87.11
47½ cents	52.17	57.03	62.11	67.42	72.97	78.78	84.87	91.24
50 cents	54.83	59.87	65.13	70.64	76.40	82.43	88.75	95.38
52½ cents	57.49	62.70	68.15	73.86	79.82	86.08	92.64	99.52
55 cents	60.15	65.54	71.17	77.07	83.25	89.73	96.52	103.16
57½ cents	62.82	68.37	74.19	80.29	86.67	93.37	100.41	107.79
60 cents	65.48	71.21	77.21	83.50	90.10	97.02	104.29	111.93
62½ cents	68.14	74.05	80.23	86.72	93.53	100.67	108.18	116.07
65 cents	70.80	76.88	83.25	89.94	96.95	104.32	112.06	120.21
67½ cents	73.47	79.72	86.27	93.15	100.38	107.97	115.95	124.36
70 cents	76.13	82.55	89.29	96.37	103.80	111.61	119.83	128.48
72½ cents	78.79	85.39	92.31	99.58	107.22	115.26	123.72	132.62
75 cents	81.45	88.22	95.33	102.80	110.65	118.91	127.60	136.73
77½ cents	84.12	91.06	98.35	106.02	114.08	122.56	131.49	140.90
80 cents	86.78	93.90	101.37	109.23	117.50	126.21	135.37	145.03

ALLOWANCE FOR SHRINKAGE OF WHISKY IN BOND.

The allowance for shrinkage of whisky stored in distillery and general warehouses under existing laws is as follows:

For 2 months not to exceed 1 proof gallon.

For 2 months, and not more than 4 months, not to exceed 1½ proof gallons.

For 4 months, and not more than 6 months, not to exceed 2 proof gallons.

For 6 months, and not more than 8 months, not to exceed 2½ proof gallons.

For 8 months, and not more than 10 months, not to exceed 3 proof gallons.

For 10 months, and not more than 12 months, not to exceed 3½ proof gallons.

For 12 months, and not more than 15 months, not to exceed 4 proof gallons.

For 15 months, and not more than 18 months, not to exceed 4½ proof gallons.

For 18 months, and not more than 21 months, not to exceed 5 proof gallons.

For 21 months, and not more than 24 months, not to exceed 5½ proof gallons.

For 24 months, and not more than 27 months, not to exceed 6 proof gallons.

For 27 months, and not more than 30 months, not to exceed 6½ proof gallons.

For 30 months, and not more than 33 months, not to exceed 7 proof gallons.

For 33 months, and not more than 36 months, not to exceed 7½ proof gallons.

For 36 months, and not more than 40 months, not to exceed 8 proof gallons.

For 40 months, and not more than 44 months, not to exceed 8½ proof gallons.

For 44 months, and not more than 48 months, not to exceed 9 proof gallons.

For 48 months, and not more than 52 months, not to exceed 9½ proof gallons.

For 52 months, and not more than 56 months, not to exceed 10 proof gallons.

For 56 months, and not more than 60 months, not to exceed 10½ proof gallons.

For 60 months, and not more than 64 months, not to exceed 11 proof gallons.

For 64 months, and not more than 68 months, not to exceed 11½ proof gallons.

For 68 months, and not more than 72 months, not to exceed 12 proof gallons.

For 72 months, and not more than 76 months, not to exceed 12½ proof gallons.

For 76 months, and not more than 80 months, not to exceed 13 proof gallons.

For 80 months, and not more than 84 months, not to exceed 13½ proof gallons.

Mr. STERLING. I send to the desk a proposed amendment, which I desire to have regarded as a pending amendment. I should like to have it read.

The VICE PRESIDENT. It will be read.

The SECRETARY. At the end of section 12 the following proviso:

Provided, That in order to further stimulate the production of wheat, the board of food administration herein provided for is authorized to devise and put in operation a plan for the awarding of Government prizes or bonuses for the best crop or crops of wheat, quantity and quality both considered, which may be grown on any specified area to be designated by said board. That in devising and carrying out such plan said board shall, so far as possible, advise and cooperate with the several State and county authorities in the wheat-growing sections of the United States, including State, district, and county agricultural associations. That for the purpose of carrying out these provisions the sum of $1,000,000 of the amount herein appropriated shall be available.

Mr. CURTIS. It is my desire to offer an amendment to section 12 as proposed by the acting chairman, and if the amendment is not presented before to-day at 2 o'clock I understand I can not offer it except by unanimous consent. I desire to know if it is in order to suggest the amendment now so that it may be pending.

The VICE PRESIDENT. The Senator will send it up in writing, please.

Mr. CURTIS. It is only three words, and I will state it. After the word "northern" I want to insert "or its equivalent" at the end of section 12. I will put it in writing and send it to the desk.

Mr. CHAMBERLAIN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	James	Martin	Smoot
Brandegee	Johnson, Cal.	Myers	Sterling
Broussard	Johnson, S. Dak.	New	Sutherland
Calder	Jones, N. Mex.	Norris	Swanson
Chamberlain	Jones, Wash.	Overman	Thompson
Culberson	Kellogg	Page	Tillman
Cummins	Kendrick	Penrose	Townsend
Curtis	Kenyon	Poindexter	Vardaman
Dillingham	King	Pomerene	Warren
Frelinghuysen	Knox	Ransdell	Watson
Gore	La Follette	Reed	Weeks
Gronna	Lodge	Saulsbury	Williams
Hale	McCumber	Shafroth	Wolcott
Hardwick	McKellar	Sheppard	
Hollis	McLean	Smith, Ga.	
Husting	McNary	Smith, Md.	

Mr. FRELINGHUYSEN. I desire to announce that my colleague [Mr. HUGHES] is absent owing to illness.

Mr. CURTIS. I wish to announce the absence of the senior Senator from New Mexico [Mr. FALL] on account of illness in his family.

Mr. SUTHERLAND. I desire to announce that my colleague, the senior Senator from West Virginia [Mr. GOFF] is absent on account of illness.

Mr. POMERENE. I desire to announce that the senior Senator from Arkansas [Mr. ROBINSON] is detained from the Senate on important business. I ask that this announcement may stand for the day.

Mr. THOMPSON. I wish to announce that the junior Senator from Arkansas [Mr. KIRBY] is absent on important business. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Sixty-one Senators have answered to the roll call. There is a quorum present.

Mr. HOLLIS. Mr. President, in view of what has appeared in one of the morning papers, I feel obliged to rise to a question of personal privilege. It is stated in one of the morning papers in the news column as follows:

In the midst of caustic debate REED calls HOLLIS, of New Hampshire, a liar upon the floor of the Senate.

Of course, Mr. President, it is not agreeable to have statements of that kind published in the papers. It is perhaps less offensive in my part of the country than it is in other parts where it is warmer. I understand that in the part of the country the Senator from Missouri comes from when the word liar is used a man who is expected to maintain his own self-respect and have the respect of others is obliged to hand his coat to some muscular colleague and make a frantic effort to get at the man who employs the language and personally chastise him.

In examining the RECORD I find that the newspaper has it wrong. I will read what occurred, at pages 5256 and 5257 of the RECORD of yesterday's proceeding. I said:

I do not know Mr. Hoover; I have never met him; I have only seen him twice, and that was twice on the same day, when he was mercilessly cross-examined by the Senator from Missouri, very much as he would have been examined if he had been on trial for some crime in a police court.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Missouri?

Mr. HOLLIS. I do not yield. I have not the time to yield.

The PRESIDING OFFICER. The Senator from New Hampshire declines to yield.

Mr. REED. I simply want to challenge that statement, and say that it is absolutely untrue.

The PRESIDING OFFICER. The Senator from New Hampshire has the floor.

Mr. HOLLIS. The Senator——

Mr. REED. And the record will show it is untrue.

Mr. HOLLIS. The record will speak for itself.

Mr. REED. It will.

Mr. HOLLIS. It has been published; the Senator has referred to it many times; he has attacked Mr. Hoover mercilessly on many occasions, and I say the record shows that he attacked him mercilessly on that occasion, as if he had been up before a police court for stealing chickens in Kansas City. I repeat that.

A little later:

Mr. REED. I rise to a question of personal privilege.

The PRESIDING OFFICER. The Senator from Missouri rises to a question of personal privilege. The Senator will state it.

Mr. REED. I say that the statement just made by the Senator that I mistreated Mr. Hoover in any respect in examining him and that I made any attack upon him in examining him is absolutely and unqualifiedly false.

Mr. HOLLIS. Mr. President——

Mr. REED. And that the printed record——

Mr. HOLLIS. I think I ought to call the Senator to order. This is no place to indulge in words of that kind——

Mr. REED. The printed record will show——

Mr. HOLLIS. Or in fisticuffs or in altercations of any sort. The record will speak for itself.

The PRESIDING OFFICER. The Senator from Missouri will state his question of personal privilege.

Mr. REED. The question of personal privilege is just what I have said, that the statement made by the Senator is untrue, and that the record——

The PRESIDING OFFICER. The Chair is of the opinion that the Senator is subject to being called to order.

Mr. WILLIAMS. That is not a question of personal privilege. It is not a question of personal privilege to arise for the purpose of calling another Senator a liar on the floor of this body.

Mr. REED. I have not employed any such language. It remained for the Senator from Mississippi to employ it.

It is very gratifying to me to observe in this nice disfinction of language that I was not called a liar on the floor of the Senate, but that an opinion which I expressed as to a certain controversy was called absolutely false and untrue. When you get to a matter of opinion you are outside the realms of fact. To state that a man's opinion is absolutely false and untrue is to state in a rather offensive way that he is mistaken. I have practiced law for 20 years. I know the difference between the expression of an opinion and the statement of a fact. I think I am qualified as well as perhaps the average man to say whether the cross-examination of a witness is merciless, but I have never practiced law in a police court; I have never conducted a criminal practice. My opinion as to how a chicken thief might be treated in court may not be of particular value. So far as that point is concerned, being in the realm of expert discussion, I am willing to allow my statement to stand as it is in the RECORD.

Mr. REED. Mr. President, I do not know whether or not under the rules I can be allowed to say anything at this time. If I am permitted to speak I will very briefly clear this matter up.

In the first place, I am not in the habit of calling people liars, in public or in private, and I did not employ that term to the Senator from New Hampshire. Unfortunately, the Senator from Mississippi [Mr. WILLIAMS] was in the Chamber observing his opportunity, and he employed the term, I take it, in the interest of amity and peace.

If when the Senator from New Hampshire started to make his statement regarding my treatment of Mr. Hoover he had yielded to me for the mere purpose of inquiring whether he was present when I examined Mr. Hoover, or, if not, whether he had read the testimony, probably there would not have been anything unpleasant said. I do not think that the Senator from New Hampshire was present when the examination took place, and I ask him now if he was present?

Mr. HOLLIS. I was present all the time during the examination in the Senate Office Building, and I was present a part of the time during the examination in the Capitol Building, and what I said was as a result of my own personal observation at the time.

Mr. REED. Very well. The Senator evidently wants to perpetuate whatever unpleasantness exists, and in that he may have my hearty cooperation.

Some newspaper writers referred to the examination as being a "police-court examination," and so forth. I paid no attention to their statements at the time, because I did not think it meant anything more than that some partisan of Mr. Hoover was interested in doing everything possible to help him, and that he thought one of the ways to do so was to parade him as a martyr. I challenge the Senator from New Hampshire, and I hand him the record, to read a single question I asked Mr. Hoover that is not courteous, that is not absolutely within the proprieties [handing document].

Mr. HOLLIS. I have not read the record. I tried to get a copy of it this morning but was unable to do so. I can not read it now sufficiently to point it out. It may be that as it appears in the record it is not offensive, but the whole manner and appearance and effect of it to me was as I have stated.

Mr. REED. Now that explains the whole difficulty. It is not in the language that the Senator finds offense, but it is in the manner and method and appearance—not the language, for language does not have an appearance; not in the method, for language does not have a method; evidently, therefore, it was my manner and my appearance that offended the tender sensibilities of the Senator from New Hampshire. Now, it may be solemnly entered of record that my appearance and manner are highly displeasing at all times and under all circumstances to the Senator from New Hampshire.

I simply want to say that this testimony is printed. I never saw it from the moment it was transcribed until it was printed.

I, therefore, never changed a word of a question or an answer. It speaks for itself.

The truth about the whole matter is that the Senator from New Hampshire is probably just a little bit nervous about Mr. Hoover, and I can see why he and all others might be slightly particular regarding the treatment of this gentleman.

I hold in my hand a letter sent out by the publicity department of the food conservation section of the food administration, which shows that material is being sent by Mr. Hoover to the papers from time to time:

PUBLICITY DEPARTMENT, FOOD ADMINISTRATION,
FOOD CONSERVATION SECTION,
Washington, D. C., July 14, 1917.

To the EDITOR:

Herewith I am inclosing to you some material that has been sent out from the Food Conservation Section of the Food Administration to the news associations and by them sent over their wires. I feel that there are stories in this material that you have not seen and that these may be of use to you.

Your name is on the mailing list of the Food Conservation Section, and after this news stories will be mailed to you Mondays, Wednesdays, and Fridays.

I hope you will find here something useful to your paper and to the great cause of food saving.

Faithfully, yours, KATHERINE LECKIE.

I now read one of the articles sent out by Mr. Hoover's department in regard to himself. It is dated July 13, 1917. Listen to it:

[For release July 13, 1917.]

FOOD ADMINISTRATION,
FOOD CONSERVATION SECTION.

Post-office clerks rubbed their eyes to-day when they found in an incoming mail sack a letter bearing no other address than "Mr. Miracle-Man Hoover, Washington." On a guess as for whom it was intended the letter was carried to Herbert Hoover, United States Food Administrator. The guess proved correct. The writer tells of the pressing need for food conservation, and adds "God bless you in your service to our country."

And this statement is being sent out by Mr. Hoover about himself in order that he may thereby glorify himself by having it printed in all the papers of the country. It is, I assume, sent out at Government expense.

Mr. CHAMBERLAIN. Mr. President——

Mr. REED. Here is another news item sent out by Mr. Hoover.

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Oregon?

Mr. REED. I do.

Mr. CHAMBERLAIN. I dislike to interrupt the Senator, but if he is addressing himself to the bill——

Mr. REED. Oh, no; I am not. I am addressing myself in reply; and I shall be through in less than three minutes.

I read the news item; it may be of interest to the Senator from New Hampshire. It was sent out by Mr. Hoover to be printed in the newspapers:

[For morning papers of July 19, 1917.]

HERBERT HOOVER,
Washington, D. C., July 18, 1917.

That the passage of the Hollis bill would permit gambling, speculation, and exploitation to proceed without restriction, and would leave the farmer and consumer alike substantially without protection, was the statement made to-day by representatives of farmers' unions, cooperative associations, grain growers, granges, farmers' societies, and terminal houses. The Lever bill was indorsed and its final enactment into law demanded. The statement, subscribed to by all the representatives, was as follows:

"We are strongly opposed to the fixing of the exact amount of a minimum price for wheat by law, because we recognize that it is an expert question to be settled after such consideration as Congress can not possibly give it, and in a manner which will give the producer a full voice. The Food Administration should be vested with power to deal with this question.

"We recognize that the minimum price of $1.75 for wheat, fixed in the so-called Hollis bill, is unwise and unjust to the producer, and was fixed without consultation with Mr. Hoover or the Food Administration, and against their protest.

"We are opposed to the passage of the so-called Hollis bill, because it permits gambling, speculation, and exploitation to proceed without restriction, exempts sugar, corn, and other products from many or all of the provisions of the bill, and leaves the farmer and consumer alike substantially without protection.

"We are opposed to the exemption of cooperative agricultural organizations from the provisions of the bill, thus preventing the Food Administration from dealing with them.

"We favor the Lever food-administration bill as it passed the House, and demand its final enactment into law in that form. It is a workable bill; the Senate amendments are not workable."

Mr. President, as severe as I have sometimes been on the Senator from New Hampshire, and as he has been on me, I have never said as uncomplimentary a thing of him as Mr. Hoover sends out at Government expense and asks the papers to publish regarding a bill pending in Congress.

The VICE PRESIDENT. The Chair feels constrained, in view of this unfortunate circumstance, to once again call the attention of every Senator to the following rule of the Senate:

No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

The rule is being "more honored in the breach than the observance." Senators may think of each other what they please; that is no business of the Chair; but Senators from this time on must stop abusing each other in the Senate of the United States.

The pending amendment is the amendment of the Senator from Kansas [Mr. THOMPSON] to the amendment of the Senator from Oregon [Mr. CHAMBERLAIN], which the Secretary will state.

The SECRETARY. In the amendment submitted by the Senator from Oregon it is proposed to strike out in section 5, page 8, line 9, after the word "wheat," the words "which constitutes a part of interstate or foreign commerce"; in line 13, after the word "products," to strike out "constituting a part of interstate or foreign commerce"; at the beginning of line 16 to strike out the words "which enter into interstate or foreign commerce"; in line 18, after the word "machinery," to strike out "which enter into interstate or foreign commerce"; in line 21, after the word "coal," to strike out "which enters into interstate or foreign commerce"; and in line 24, after the word "ingredients," to strike out "which enter into interstate or foreign commerce."

Mr. POMERENE. Mr. President, before the Senate votes upon this subject I desire to present a thought with respect to this pending section, and I want to call the attention of the Senate to the phraseology of the section. The Senate will note that on page 8 of the printed amendment provision is sought to be made for the licensing of certain producers and dealers. There are several classes to be licensed. In the first class the phrase is used, limiting it, as follows:

Wheat, which constitutes a part of interstate or foreign commerce—

The second, after defining certain products, uses the language:

Constituting a part of interstate or foreign commerce.

The third class, relating to packing houses, and so forth, uses the language "which enter into interstate or foreign commerce." The same language is used with respect to the fourth, fifth, and sixth classes. The seventh class is as follows:

Any person not a retailer, as defined in this section, who shall engage in handling any of the foregoing enumerated products.

So that as to the dealer it seems that there is no limitation in so far as interstate commerce is concerned, save and except that when, later in the section, they attempt to define what is meant by a retail dealer, the language is:

That for the purposes of this act a retailer shall be deemed to be a person, copartnership, firm, corporation, or association not engaging in the wholesale business whose gross sales do not exceed $100,000 per annum.

I do not know, and I was anxious to inquire of the Senator having the bill in charge as to whether he used purposely the language "which constitutes a part of interstate or foreign commerce," as applied to the first two classes, and the language "enter into interstate or foreign commerce" as to the other classes.

Mr. SMITH of Georgia. Mr. President, if the Senator desires an answer from me——

Mr. POMERENE. I shall be very glad to have any information the Senator may give.

Mr. SMITH of Georgia. The way that happened to exist is this: In the Sherman Antitrust Act the first language is used, and those words are found in the Sherman Antitrust Act. The second language is used in the child-labor bill, and they were not considered materially different; but as part of the propositions were prepared with the child-labor bill before the draftsman, and part with the Sherman Antitrust Act, it just so happened that the antitrust language was used in one and the child-labor language in the other. I think the Senator in charge of the bill would say that he would be perfectly willing to use either as to both, and that there is really no substantial difference.

Mr. POMERENE. I could think of no legal reason for the distinction, if there was a distinction.

Mr. SMITH of Georgia. The difference was really largely accidental.

Mr. FLETCHER. Mr. President, I call the Senator's attention to the fact that the motion is to strike out the whole of that.

Mr. POMERENE. I realize that very fully, and it is to that that I am about to address myself.

Mr. FLETCHER. I think the real point is that that language is necessary to bring the provisions within the Constitution.

Mr. POMERENE. That is where the Senator and I must differ. I agree entirely with what was said by the Senator from Pennsylvania and the Senator from Kansas with respect to the constitutionality of the bill; but I want to point out, if

I may, very briefly, the serious difficulties which the committee are placing in the way of the administration of this bill. It seems to me that if this language is retained it will render the bill entirely inoperative. I express the hope that before this shall be finally passed upon by the Senate, the amendment which I offered, and which is the result of the collaboration of the senior Senator from Iowa [Mr. CUMMINS] and myself, will be substituted for the provisions of the pending bill in so far as they relate to coal and coke.

To say that we shall license dealers in food products who are engaged in interstate commerce, and that we shall not license dealers who are engaged in the sale of food products in intrastate commerce, is to defeat, in my judgment, the very purpose of the bill. You can not say to one man that if he is dealing in interstate commerce and his dealings aggregate $1,000 annually you are going to aid the consuming public in fixing the price of his products, when at the same time you are going to leave free from the operations of this law the dealer or producer who may be interested wholly in intrastate commerce. He may be dealing to a larger extent in the very food products the price of which we want to keep within reasonable limits than the man who is dealing in interstate commerce.

Let us see how this can operate so far as it applies to coal. I think that one of these lawyers who was referred to yesterday as "Oily Gammons" would delight in having this particular bill before him to advise clients under it. Suppose, for the sake of the argument, that I am a coal operator or miner in the State of Ohio. My output may amount to a million tons. It may be that I am selling a part of my coal to dealers within the State, to consumers within the State, and a portion of it to dealers or consumers in the State of Michigan, which is a noncoal-producing State. If this bill becomes the law, of course, under its terms I can not deal in interstate commerce; I can not sell to my customers in Michigan and transport the coal there; but I submit that if I see fit to mine my coal and sell it at the mouth of my mine to some one who may come to my mine as a purchaser, I am not dealing in interstate commerce. So that the effect of this law would be this: If I have been heretofore charging $6 a ton for my coal, and there is a limitation placed upon the coal which goes into interstate commerce of $3 or $3.50 per ton, the maximum price which was agreed upon by certain operators here, I can readily evade such arrangements as that. I can continue to sell the coal, if there is no specific regulation by the Government, at any price I see fit to make to my customer who comes to the mouth of my mine.

The VICE PRESIDENT. The time of the Senator from Ohio has expired.

Mr. POMERENE. Well, Mr. President, I am very sorry, but I realize what the rule is.

The VICE PRESIDENT. The question is on the amendment of the Senator from Kansas [Mr. THOMPSON] to the amendment of the Senator from Oregon [Mr. CHAMBERLAIN].

Mr. KENYON. On that I ask for the yeas and nays.

Mr. SHAFROTH. Mr. President, I should like to have the amendment stated from the desk, so that we can understand exactly what it provides.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. At six places in the proposed amendment occur the words "which constitutes a part of interstate or foreign commerce" or "which enters into interstate or foreign commerce."

Mr. SHAFROTH. What page and line of the bill as amended?

The SECRETARY. In the reprinted amendment it is on page 8. The Senator from Kansas proposes to strike out those words where they appear in six places in the proposed amendment.

Mr. SHAFROTH. Mr. President, I want to say just a few words on the proposed amendment. I understand that the motion of the Senator from Kansas is to strike out those words. That would make a discrimination as between coal mined for intrastate and interstate shipments. It seems to me from the statement which has been made by the Senator from Ohio that there will be interminable confusion unless this interstate commerce provision is stricken out, so as to leave the law to apply to the production of all coal, no matter for what purpose it may be mined or sold.

It is easy, as long as that provision is in the bill, for the purchaser to represent that he intends this coal for intrastate shipments, and thereby evade the operation of the law. That being the case, it seems to me it is bound to result in an evasion of the provisions of this act, whereas if this language is stricken out, if the operation of this bill is to be made to apply to the production of all coal, which is justified under the war power of the Government, surely a more strict regulation can be had in regard to the operation, production, and the prices of coal.

In other words, as long as this measure is confined to shipments of coal in interstate commerce there is not only danger but probability that the entire operation of the coal provision of the bill will become ineffective, because it can be evaded, for whenever a mine owner sells his output at the mouth of the mine, that is not interstate commerce. The intention of the coal buyer becomes a different question. A man might buy coal at the mouth of the mine with the honest intention of using it in the same State in which the mine is located, but afterwards he might change his mind, and for that reason it does seem to me that if this restriction is placed in the bill it will very much impair the efficiency of the administration of the measure.

Mr. POMERENE. Mr. President, if the Senator will yield——

Mr. SHAFROTH. I yield to the Senator from Ohio.

Mr. POMERENE. May I suggest in that connection, to follow out the illustration which I was trying to develop, that if my former customer in Michigan were required to have my coal, and he came to the mine to buy it, I could charge him six or eight dollars a ton without violating the provisions of this act, because then I would be dealing in intrastate commerce and not in interstate commerce.

Mr. SHAFROTH. It seems to me that the illustration which the Senator has given is very apt, and I can not see why there should be a limitation placed in this bill upon coal that is mined for one purpose or for another or for one kind of shipment or for another.

If it were a question as to the constitutional power, it might be that it ought to be looked into; but I take it, from the authorities that have been cited here and the general votes that have been taken, that we have the right, under the war power of the Government, to enact this legislation; and if we do, any limitation that may be placed upon any one of the products named in this bill would, it seems to me, work to the detriment of the administration of the bill. For that reason I hope that the amendment offered by the Senator from Kansas, which strikes out the interstate-commerce feature, will be adopted.

Mr. HARDWICK. Mr. President, I do not believe that we have the constitutional power to enact this legislation at all. In the first place, it is simply amazing to me that Senators who contended when the child-labor proposition was before the Senate that Congress had no right to apply the interstate-commerce clause to the products of industry in this country before they actually entered interstate commerce, and that Congress could not under the guise of regulating interstate commerce regulate the processes of production and manufacture that were anterior to interstate commerce, can now contend that any such power can be conferred as contained in this section.

I do not believe that the addition of these words, "interstate or foreign commerce," adds one particle of strength to the constitutionality of the proposition. I believe that if we have the power to do the things proposed in section 5 of this bill we have that power independent of whether they are interstate commerce or intrastate commerce, because if the power exists at all it rests on the war power and can rest nowhere else.

Personally, I am going to vote for this limitation, for the plain, simple reason that I do not believe in too much of this kind of thing, anyhow, and while I am going to vote against the bill, I want to make it as little evil as possible.

Senators, whatever popular support this bill has before the people of this country rests on a false assumption, and in my judgment we shall not be able long to deceive the American people about it. Are we going to be able to successfully tell the American producer that this bill is enacted in order to give him higher prices, and in the same breath tell the American consumer, especially in the great centers of population of this country, that we are enacting this bill to give him lower prices, and expect both statements to be believed?

Under our dual form of government, whatever of regulation, whatever of restriction, whatever of control of these matters—forestalling, regrating, and engrossing—is needed in New York, in Chicago, and in these other great cities, can only be applied locally by the authorities of those communities. The war power does not change the situation, in my opinion. Under the war power, without regard to whether it is a part of interstate commerce or intrastate commerce, we can commandeer every bushel of grain in this country, every pound of meat in it, every article of necessity that our Army and Navy needs; but we have no more right in time of war than we have in time of peace to undertake to deal with this question of the high cost of living for the consumer in localities, and to invade a province that belongs to local authorities, and over which we have neither jurisdiction nor power.

My prophecy is that before long the American consumer will be undeceived. You have taught him to expect great things

from this bill. You have told him that it is going to cut the cost of living. I here and now confidently predict that it will do no such thing. If your proposition was merely a frank proposal that since we have interfered with the ordinary and normal industrial laws applicable to wheat, we will say, because, as a part of the war policy of this country, we found it necessary to impose an embargo on wheat, then I would say it was all right for the Government to say, since we have been forced as a part of our war policy to interfere with the normal situation with respect to wheat and to change the ordinary and normal laws of trade with respect to that article, that it will make the loss it has occasioned good to the producer, to stimulate production and keep conditions as stable as possible by governmental action. So if you limited the legislation to coal and said frankly that no nation can fight a great war without controlling absolutely its coal supplies, and for that reason we must for the moment brush aside the ordinary laws of industry and economics in relation to coal production and coal selling and undertake to regulate as a matter of governmental regulation these prices and these practices with respect to coal it would be all right. If we could have confined it to two or three things like that, and to no more than that, pretended no more, everybody could have supported the proposition. But when we go before the American people promising the American consumer that we are going to do great things for him, that this bill is going to relieve the distress that he now experiences and is going to enable him to buy things cheaper than he is now buying them, it is impossible for a man as confident as I am that no such result is possible to take part in such a confidence game.

I doubt the constitutional power of Congress to undertake to deal with the high cost of living in any different manner or under any different power, or in any different way in time of war than it can in time of peace.

I am sure, Mr. President, my own opinion is fixed, that when we come to the end of all this, and the American consumer who is clamoring for this legislation gets it, he will find that instead of relief he has actually gotten a gold brick. I do not care to take any part in his deception.

Mr. JOHNSON of South Dakota. Mr. President, I shall vote for the amendment offered by the Senator from Kansas [Mr. THOMPSON] to eliminate the words "interstate commerce." I should like to ask the Senator in charge of the bill, or anyone on the committee which considered this proposed amendment to include those words, the reason why those words were inserted in the amendment offered by the Senator from Oregon.

Mr. CHAMBERLAIN. Mr. President, I will say to the Senator, as I said yesterday on the floor of the Senate, when this amendment was before the Agricultural Committee there was a line of cleavage between the members of the committee which practically divided them into two contending forces, almost equally divided, and we see it now, some insisting that this should be operative on commodities entering into interstate commerce and others contending that interstate commerce has nothing to do with it; in other words, some contending that the provisions of the bill must rely for the powers granted on the war power conferred by the Constitution and others contending that it should be operative under the interstate-commerce clause of the Constitution. So out of the discussions which took place in the committee there was finally a compromise, as I understand it, so that section 4 should eliminate from its provisions the interstate-commerce provision and that this particular section should contain it. It was really a compromise, as I understood it.

I will say, so far as I am individually concerned, I do not believe that the bill is framed under the theory that it can only come under the interstate-commerce clause of the Constitution, but that, on the contrary, it is framed entirely and is dependent on the war power. But in view of the feeling in the committee and with others with whom I have discussed the matter, because there is a well-defined line of division between the sections, I felt that I ought to stand by what the committee reported out.

Mr. SMITH of South Carolina. Will the Senator allow me?

Mr. JOHNSON of South Dakota. I do not desire to yield any more of my time now.

Mr. SMITH of South Carolina. I thought the Senator asked members of the committee to state why it was left out. I shall take my own time to explain it.

Mr. JOHNSON of South Dakota. Mr. President, I am glad to get the explanation of the Senator, who has the bill in charge. I wish to say that with the application made by the Senator from Ohio [Mr. POMERENE] to coal I can not see why it ought not to apply to everything else. I do not consider it fair; I do not consider it just. I think there is only one conclusion that anyone can reach, and that is that it will limit the real benefit of the bill by inserting in the amendment the words "interstate commerce" and destroy the intended purposes of the bill in its general application.

Mr. TILLMAN. Mr. President, in order to get the amendment which I have to offer under the rule which we established in the unanimous-consent agreement, that amendments should be presented before 2 o'clock, I offer the following amendment.

Mr. SMITH of South Carolina. Mr. President, I think this is a matter of such importance that the Senate ought to be advised just what divided the Agricultural Committee in inserting the words "interstate and foreign commerce" in one section and leaving them out in another. We all recognized and agreed that whenever there was the necessity for the Army and Navy to commandeer for the support and maintenance of the Army and Navy no interstate or intrastate lines were to be contemplated, but whatever the Government needed for the support of our Army and Navy we were willing to give them unlimited power to obtain, if they did not already have it under the Constitution. But when it came to the question of going beyond that for the support of the civil population, to lower the cost of living to those who are not in the Army and Navy, we thought we were not justified in giving unlimited power or attempting to give it, to go and take the store of one man or any set of men on the same basis that we took it for the Army and Navy.

The Army and Navy as a matter of course have to be supported, and under the provisions of our Constitution as interpreted by some of the constitutional lawyers no State lines need be observed, but when you sought to commandeer the food and the property of the individuals of the country for the purpose of relieving the distress and the necessity of other individuals we thought that the interstate and foreign commerce limitation ought to apply. There is a distinction between taking food and necessities for the Army and Navy and taking food and necessities for the civil population of the country, and we drew that distinction and made it apply all through the bill.

If the Senate sees fit to grant to the administrator under the bill the power to disregard State lines, to disregard personal rights for the purpose of feeding the population that is not actively engaged in either the Army or the Navy, that distinction is made in the bill, and they can withdraw it if they see fit. The Agricultural Committee did not think we had a right to commandeer or confiscate private property for private use, and therefore we did not write it in the bill. We did think you had the right to commandeer and to confiscate if necessary for the support of the Army and the Navy.

I hope that the amendment of the Senator from Kansas [Mr. THOMPSON] to the amendment will be defeated. We want to encourage the people of America to cooperate. They are all patriotic people, and they will divide their last crust of bread, and their last dollar in helping to support our Army to a successful conclusion of the war, but I do not think the country is called upon to enter into absolute socialism in order to support the civil population. Therefore I hope the amendment to the amendment will not be adopted.

Mr. LA FOLLETTE. Mr. President, I desire to offer an amendment to be printed and pending under the provisions of the unanimous-consent agreement.

The VICE PRESIDENT. The question is on the amendment of the Senator from Kansas [Mr. THOMPSON] to the amendment of the Senator from Oregon [Mr. CHAMBERLAIN], on which the yeas and nays have been requested.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from New Hampshire [Mr. GALLINGER]. I transfer that pair to the senior Senator from Arkansas [Mr. ROBINSON] and vote "nay."

Mr. FRELINGHUYSEN (when his name was called). I have a general pair with the junior Senator from Montana [Mr. WALSH]. I transfer it to the senior Senator from Maine [Mr. FERNALD] and vote "nay."

Mr. KELLOGG (when his name was called). I have a pair with the senior Senator from North Carolina [Mr. SIMMONS] and withhold my vote.

Mr. REED (when his name was called). I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from New Jersey [Mr. HUGHES]. I make this transfer on all votes for the day without further announcement. I vote "nay."

Mr. SHAFROTH (when Mr. THOMAS's name was called). I desire to announce the unavoidable absence of my colleague [Mr. THOMAS]. I will state that he is paired with the senior Senator from North Dakota [Mr. MCCUMBER].

Mr. VARDAMAN (when his name was called). I have a general pair with the junior Senator from Idaho [Mr. BRADY]. I transfer the pair to the senior Senator from Tennessee [Mr. SHIELDS] and vote "nay."

The roll call was concluded.

Mr. DILLINGHAM. I observe that the senior Senator from Maryland [Mr. SMITH] has not voted. I have a general pair with him, but I am advised if he were present he would vote against the pending proposition. I therefore feel relieved from my obligation, and I vote "nay."

Mr. TILLMAN. I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Arkansas [Mr. KIRBY] and vote "nay."

Mr. CALDER. I have a general pair with the junior Senator from Rhode Island [Mr. GERRY], but am permitted to vote on the provisions of the bill. I will therefore vote. I vote "nay."

Mr. McCUMBER. I have a general pair with the senior Senator from Colorado [Mr. THOMAS]. The Senator from Wyoming [Mr. KENDRICK] has a pair with the senior Senator from New Mexico [Mr. FALL]. We have made an arrangement to transfer these pairs, so that the Senator from Colorado [Mr. THOMAS] will stand paired with the Senator from New Mexico [Mr. FALL]. This announcement may stand for the day without repetition. I therefore vote. I vote "nay."

Mr. SIMMONS (after having voted in the negative). I ask whether the junior Senator from Minnesota [Mr. KELLOGG], with whom I have a general pair, has voted?

The VICE PRESIDENT. He has not voted.

Mr. SIMMONS. Then I transfer my pair with the junior Senator from Minnesota to the Senator from Illinois [Mr. LEWIS] and let my vote stand.

Mr. VARDAMAN (after having voted in the negative). I transferred my pair with the junior Senator from Idaho [Mr. BRADY] to the senior Senator from Tennessee [Mr. SHIELDS], but that Senator has entered the Chamber and voted. I therefore withdraw my vote.

The result was announced—yeas 24, nays 51, as follows:

YEAS—24.

Ashurst	Johnson, Cal.	Myers	Shafroth
Beckham	Johnson, S. Dak.	Nelson	Sheppard
Gronna	Jones, N. Mex.	Norris	Thompson
Hollis	Jones, Wash.	Owen	Townsend
Husting	La Follette	Phelan	Trammell
James	McNary	Pomerene	Wolcott

NAYS—51.

Bankhead	Hale	New	Smith, S. C.
Borah	Harding	Newlands	Smoot
Broussard	Hardwick	Overman	Sterling
Calder	Hitchcock	Page	Stone
Chamberlain	Kendrick	Penrose	Sutherland
Colt	Kenyon	Poindexter	Tillman
Cummins	King	Ransdell	Underwood
Curtis	Knox	Reed	Wadsworth
Dillingham	Lodge	Saulsbury	Warren
Fletcher	McCumber	Shields	Watson
France	McKellar	Simmons	Weeks
Frelinghuysen	McLean	Smith, Ariz.	Williams.
Gore	Martin	Smith, Ga.	

NOT VOTING—21.

Brady	Gerry	Pittman	Thomas
Brandegee	Goff	Robinson	Vardaman
Culberson	Hughes	Sherman	Walsh
Fall	Kellogg	Smith, Md.	
Fernald	Kirby	Smith, Mich.	
Gallinger	Lewis	Swanson	

So Mr. THOMPSON'S amendment to the amendment was rejected.

Mr. THOMPSON. Mr. President, I desire to reserve the right of having a separate vote on this question in the Senate.

The VICE PRESIDENT. The question now recurs on the amendment of the Senator from Oregon [Mr. CHAMBERLAIN].

Mr. POMERENE. Mr. President, before the vote on the amendment is finally taken I desire to say just a word with reference to it as explaining what my purpose shall be later.

In my judgment the vote just taken is going to defeat the purpose of this legislation. I was not able to complete my statement a moment ago, and I am going to take the time now simply to complete it as far as it applies to this particular bill.

In the matter of wheat, for instance, it has been limited by the action of the Senate to interstate commerce. If I had an elevator with a million bushels of wheat in it in the State of North Dakota, and I wanted to evade the provisions of this law as it now is, I would hold my wheat and simply sell it in intrastate commerce and not in interstate commerce. Bear in mind, if Senators please, that at this crucial time it is not the producer or the seller who is hunting the buyer, but it is the buyer who is hunting the producer and the seller; and there would be buyers galore going to my elevator in North Dakota and buying this wheat.

Under the provisions of the bill limiting profits, the fact is that you are seeking to limit prices; it is one and the same thing. When the buyer comes to my elevator I say to him, "I am selling in intrastate business only; my transaction will be completed here at my elevator; I sell it here; I deliver it to you; and it is an intrastate transaction; it is not an interstate transaction. When it comes to negotiating the price, if the food administrator would fix the price of wheat at $2 a bushel I would say, "No; my price is $5 a bushel." I should like to have some Senator explain to me how he could subject me to the provisions of this bill if I were dealing in intrastate commerce alone? I fear that will be the effect of it in its present form.

Mr. WATSON. Mr. President, will the Senator from Ohio yield to me?

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Indiana?

Mr. POMERENE. I do.

Mr. WATSON. It occurs to me that a fair interpretation of this language will exclude the idea which is advanced by the Senator from Ohio. The language is:

> First, any person operating an elevator or other storage facility used for the storing of wheat which constitutes a part of interstate or foreign commerce.

Under that language, suppose the Senator were operating his elevator in North Dakota, that I were to go to him to buy a part of the wheat stored in that elevator, and that I took that wheat and put it into interstate commerce; would not the fact that the wheat, the product, goes into interstate commerce subject him to this license provision?

Mr. POMERENE. It may be after the wheat gets into the possession of the Senator from Indiana and he seeks then to dispose of it that it would be in interstate commerce. To illustrate: If I go to my shoe merchant in the city of Canton and buy a pair of shoes, it may be that I am going to wear those shoes to Washington. Is that interstate commerce?

But what I sought to say was that, if this section shall be adopted, it is my purpose and the purpose of the senior Senator from Iowa [Mr. CUMMINS], as I understand, to later offer the amendment, which was printed the other day and of which I gave notice, on the subject of coal and coke. As it now reads, it is coal, coke, petroleum, and other products. My judgment, however, is that it should perhaps be limited to coal and coke. I will offer that as an independent proposition.

Mr. KNOX. Mr. President, I think the Senator from Ohio is unduly pessimistic about the effect of the adoption of this amendment in the form which the Senate has indicated that it should take. If there were nothing but this license section of the bill, there would be much, in my judgment, to what the Senator from Ohio has said; but this license section is only one part of the bill. Indeed, in my own judgment, I doubt the necessity for the license system at all. It is not a compulsory system; it is a system which the President can impose if the necessities of the situation demand it; and nothing, in my judgment, would justify the President in imposing a license system unless the dealers in these products have been guilty of some moral turpitude in the transaction of their business. If they are guilty of moral turpitude in the transaction of their business, they are liable criminally under a distinct section of this bill. I do not know anything within the sphere or realm of moral turpitude that is not included in that other section.

Now, let us look at it. It is section 4. It is made unlawful for a person to do what? A person where situated? Not persons dealing in interstate commerce, but persons wherever they may be situated. It is unlawful for them to willfully destroy any necessaries for the purpose of enhancing the price; to permit waste or to attempt to monopolize either locally or generally; to make or engage in any unfair, discriminatory, or deceptive or wasteful practice or device, or to make any unjust or unreasonable rate or charge, in handling or dealing in or with any necessaries; to conspire, combine, agree, or arrange with any other person to limit the facilities for transporting, producing, harvesting, manufacturing, supplying, storing, or dealing in any necessaries; to restrict the supply and distribution of necessaries; to willfully prevent, limit, or lessen the manufacture or production, or to exact excessive prices.

So it goes. I can not imagine anything that would be unfair or irregular or unjust or monopolistic or swinish in the conduct of business that is not reached by the provisions of the fourth section of this act; and those who commit those offenses are liable to be fined and imprisoned.

So, I say, taking the illustration which the Senator from Ohio gave, if a man storing a million bushels of grain in an elevator within the State of Ohio undertook, by reason of his dominion over that property, to coerce the public in any of the ways that are mentioned in section 4, he would be liable to this punishment. I think the President would scarcely be justified in using the option to invoke the license system unless the parties had been found guilty of some of the offenses prescribed by section 4.

Mr. POMERENE. Mr. President, if I may ask the Senator from Pennsylvania a question before he takes his seat, referring to the illustration which I used a moment ago, and assuming that the elevator man would sell all of his wheat in intrastate commerce, acting, we will say for the sake of the argument, in perfect good faith, I ask would he be subject to the provisions of section 5 of the bill?

Mr. KNOX. Does the Senator mean section 4?

Mr. POMERENE. No; section 5. I recognize the force of what the Senator says with respect to the efficacy of section 4. I am addressing myself now to the license provisions of section 5.

Mr. KNOX. He certainly would not under the provisions of the license section be required to take out a license if he dealt wholly with citizens of the State of Ohio, but it is just as the Senator from Ohio stated a moment ago, these are times in which the owners are not seeking the purchasers, but the purchasers are seeking the owners, and whether the primary transaction was between the owner of the elevator and a citizen of the State of Ohio or not, the wheat would ultimately get out of Ohio, because the demand from that State would not require the hoarding of the grain within the State. So that ultimately the wheat must eventually get to the consumers, and the consumers, as the Senator has well said, are scattered far and near.

Mr. TOWNSEND. Mr. President, I voted for the amendment of the Senator from Kansas [Mr. THOMPSON], believing, as I do, that the power conferred in this bill is derived from the war power of the Constitution and not from the interstate-commerce power at all; and that it should be exercised for war purposes. Therefore I can see no possible reason or sense in attempting to limit it or in putting in words which might be construed as limiting it, as might be the case, when we use the words "in interstate commerce."

I agree with the Senator from Pennsylvania [Mr. KNOX] that there are provisions in the bill to cover practically all of these cases. Hence the more reason, in my judgment, of eliminating words about which there might possibly be some controversy. Therefore, I voted to eliminate the words "in interstate commerce." I do not believe they are necessary and might possibly be confusing.

Mr. KENYON. Mr. President, under the rule I send a proposed amendment to the desk, so as to give it a parliamentary status whereby I can offer it later, for I understand that after 2 o'clock no amendments can be offered. I shall offer the amendment which I send to the desk at the proper time. I do not know what the practice is, whether it should lie on the table or simply be considered as suggested. I will later ask for a vote upon this amendment.

The VICE PRESIDENT. The Chair rules that when a Senator presents an amendment and states that he expects to have it pending and voted upon it will be voted upon.

Mr. KENYON. Mr. President, I want to say concerning this amendment that it is the identical amendment which has been adopted by the Senate in the former food-control bill with reference to the question of speculation, and which is now before the conference committee on the other food bill, with the addition of a slight clause providing that it shall not in any way affect the Sherman Antitrust Act.

I make this statement now because at the time of presenting this amendment I feel that there will be no opportunity to offer any suggesions concerning it. I believe, if it should be adopted as a part of this bill, it will relieve the work of the conference committee on the other bill.

Mr. JONES of Washington. Mr. President, I will ask the Senator if his amendment relates to hoarding, storing, and so forth?

Mr. KENYON. Yes. I want to say just a word further about the pending question. I think the gloom of the Senator from Ohio might be further dissipated by reference to section 8, which gives the President the power to commandeer—

> foods, feeds, fuels, and other supplies necessary to the support of the Army or the maintenance of the Navy, or any other public use connected with the common defense.

It has been my thought that a hoarding such as has been suggested by the Senator from Ohio, if it interfered with the question of domestic tranquillity, would be so related to the common defense that the President, under section 8, could commandeer the commodity at a price to be fixed by him, subject to the appeal to the courts provided in the section.

Mr. WADSWORTH. Mr. President, do I understand that the amendment offered by the Senator from Oregon is still open to amendment?

The VICE PRESIDENT. It is.

Mr. WADSWORTH. Mr. President, I move to amend, on page 8 of the so-called committee print, on line 12, after the word "poultry," by inserting the word "eggs,"

Mr. CHAMBERLAIN. Mr. President, I do not know that I understand just what the purpose of the amendment is.

Mr. WADSWORTH. It will be found, on lines 11 and 12, that amongst the persons who are to be subject to the license system, in the discretion of the President, is—

> Any person operating a cold-storage establishment for the storage of meat, poultry, or dairy products.

I think, in order to be consistent and really to reach a product which is placed in cold storage in very large quantities, we should insert the word "eggs" after the word "poultry."

Mr. CHAMBERLAIN. I have not a copy of the bill before me. I will ask the Senator, How will it read with the word "eggs" added?

Mr WADSWORTH. It will read:

> Any person operating a cold-storage establishment for the storage of meat, poultry, eggs, or dairy products——

Mr. CHAMBERLAIN. Mr. President, I have no objection to that, so far as I am concerned.

The VICE PRESIDENT. The Senator from Oregon has a right to modify his amendment so as to embrace cold-storage eggs. The amendment is so modified. The question now is on the amendment as modified.

Mr. HUSTING. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Wisconsin will state his parliamentary inquiry.

Mr. HUSTING. Is the vote to be on the committee amendment?

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Oregon.

Mr. HUSTING. If it be proper at this time, I should like to reserve the right to have a separate vote in the Senate on the amendment proposed by the Senator from Colorado [Mr. SHAFROTH] to provide that the administration of this bill shall be placed in the hands of one man instead of in the hands of a board.

Furthermore, I should like to reserve the right to have a separate vote in the Senate on the amendment which I tendered yesterday, leaving to the President the right to bring within the provisions of this bill other commodities which might appear to him to be necessary to regulate in a similar way.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Oregon as modified.

The amendment as modified was agreed to.

Mr. McCUMBER. I offer the amendment which I send to the desk and ask that it may be read.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. The Senator from North Dakota proposes the following amendment to the bill:

> In section 8, page 10, line 22, after the word "therefor," a committee amendment which has been agreed to, insert the following:
> "In determining the compensation to be paid for farm products all labor employed in producing the same, whether furnished by the farmer or members of his family, including the necessary domestic service, shall be computed and allowed for at the same rate of wages paid for like labor, or labor requiring a like degree of intelligence and arduous efforts, in other lines of business or trade; and in addition thereto there shall be allowed as a charge in the cost of production a reasonable rate of interest upon the capital invested in both real and personal estate and a further reasonable charge for deterioration and upkeep. There shall also be taken into consideration the increased cost to the farmer of all necessary farm equipment, food and clothing required, and other advanced cost in the ordinary necessaries of life."

Mr. McCUMBER. Mr. President, I wish Senators to understand, first, that this amendment is not offered as a substitute for or in any way related to any proposed amendment fixing a minimum price for crops that are or may be raised. I call attention to section 8. It is a section which provides for the commandeering of different articles for the necessities of the Government. That section reads:

> That the President is authorized from time to time (a) to requisition foods, feeds, fuels, and other supplies necessary to the support of the Army or the maintenance of the Navy, and he shall ascertain and pay a just compensation therefor.

This amendment applies, as I have stated, only to those cases in which the Government may see fit to requisition these articles of food; and if the Government requisitions wheat or oats or barley or rye, I simply want the Government in that case to apply the usual rule in determining what is a just compensation therefor.

If we enter into any other line of business, if I conduct a manufacturing business of any kind, and the Government wishes to take the product of that factory, it ascertains the labor cost, the taxes, the overhead charges, and every other necessary expense that goes into that production, and then it will allow a reasonable return upon the investment. Now, that is all I ask in this case—that the same rule that is to be applied in commandeering coal or steel or any other product may

be applied in taking the products of the farm. I want whatever officer exercises that authority to consider the price the farmer must pay for labor, the amount invested in farm and machinery, and the ordinary wages or going wages that are paid for like service; because in many instances all of the work that is performed is performed by the farmer and his family, and there would be no standard to go by except the standard of like wages for like character of service. No one can complain because this allowance is made; and as it does not affect the question of fixing a price in case there is a guaranty, but simply the rule of damages or compensation in case the property is taken, I ask that this amendment may be inserted and may go into conference. On this amendment, Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Arkansas [Mr. KIRBY] and vote "nay."

Mr. VARDAMAN (when his name was called). I have a general pair with the junior Senator from Idaho [Mr. BRADY]. I transfer that pair to the junior Senator from Nevada [Mr. PITTMAN] and vote "yea."

The roll call was concluded.

Mr. OVERMAN. Has the Senator from Wyoming [Mr. WARREN] voted?

The VICE PRESIDENT. He has not.

Mr. OVERMAN. I have a general pair with that Senator and therefore withhold my vote.

Mr. FLETCHER. I make the same announcement of my pair and transfer as before and vote "nay."

Mr. FRELINGHUYSEN. I make the same announcement with regard to my pair and vote "yea."

Mr. MYERS. My colleague [Mr. WALSH] is necessarily absent from the city. He is paired with the Senator from New Jersey [Mr. FRELINGHUYSEN]. This announcement may stand for the day.

Mr. CURTIS. I desire to announce that the Senator from Vermont [Mr. DILLINGHAM] is paired with the Senator from Maryland [Mr. SMITH].

The result was announced—yeas 32, nays 44, as follows:

YEAS—32.

Borah	Husting	McNary	Smith, Mich.
Cummins	Johnson, Cal.	Myers	Sterling
Curtis	Johnson, S. Dak.	Nelson	Thompson
France	Jones, Wash.	New	Townsend
Frelinghuysen	Kellogg	Penrose	Trammell
Gronna	Kenyon	Poindexter	Vardaman
Hardwick	La Follette	Sheppard	Watson
Hitchcock	McCumber	Sherman	Weeks

NAYS—44.

Bankhead	Hollis	Norris	Smith, Ga.
Beckham	James	Page	Smith, S. C.
Brandegee	Jones, N. Mex.	Phelan	Smoot
Broussard	Kendrick	Pomerene	Stone
Calder	King	Ransdell	Sutherland
Chamberlain	Knox	Reed	Swanson
Colt	Lewis	Saulsbury	Tillman
Culberson	Lodge	Shafroth	Underwood
Fletcher	McKellar	Shields	Wadsworth
Hale	Martin	Simmons	Williams
Harding	Newlands	Smith, Ariz.	Wolcott

NOT VOTING—20.

Ashurst	Gallinger	Kirby	Robinson
Brady	Gerry	McLean	Smith, Md.
Dillingham	Goff	Overman	Thomas
Fall	Gore	Owen	Walsh
Fernald	Hughes	Pittman	Warren

So Mr. MCCUMBER's amendment was rejected.

Mr. HARDWICK. Mr. President, I want to offer for the Senator from Oklahoma [Mr. GORE], who is absent, an amendment and have it considered as pending.

Mr. CHAMBERLAIN. Mr. President, I ask that the substitute for section 9 be submitted to the Senate.

Mr. STERLING. Mr. President, I did not understand the request of the Senator from Oregon in regard to section 9.

Mr. CHAMBERLAIN. I offer the amendment which is already pending to strike out all of section 9 and in lieu thereof to insert what the Secretary will read.

The SECRETARY. The Senator from Oregon proposes to strike out all of section 9 and to insert in lieu thereof the following:

SEC. 9. That the President is authorized from time to time, in order to guarantee reasonable prices to the producer and to the consumer, to purchase, to store, to provide storage facilities for, and to sell at reasonable prices, fuel, wheat, flour, meal, beans, and potatoes: *Provided*, That if any minimum price shall have been theretofore fixed pursuant to the provisions of section 12 of this act, then the price paid for any foods, feeds, or fuel so purchased shall not be less than such minimum price. Any moneys received by the United States from or in connection with the disposal by the United States of necessaries under this section may, in the discretion of the President, be used as a revolving fund for further carrying out the purposes of this section. Any balance of such moneys not used as part of such revolving fund shall be covered into the Treasury as miscellaneous receipts.

Mr. STERLING. Mr. President, I am opposed to section 9, and have a motion pending, as a pending amendment, to strike out section 9. A parliamentary inquiry. If section 9 be adopted at the present time, will the motion to strike it out lie thereafter?

The VICE PRESIDENT. Rule XVIII provides that the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition, nor shall it prevent a motion simply to strike out.

The question is on the amendment of the Senator from Oregon.

The amendment was agreed to.

Mr. CHAMBERLAIN. Mr. President, I offer the amendment which is pending to strike out all of section 12 and in lieu thereof to insert the amendment which is pending on the Clerk's desk. I request the Senator to listen to this amendment attentively, because it is the one which provides for the fixing of a minimum price on wheat.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. It is proposed to strike out section 12 as printed in the bill and insert:

SEC. 12. That whenever the President shall find that an emergency exists requiring stimulation of the production of wheat and that it is essential that the producers of wheat, produced within the United States, shall have the benefits of the guaranty provided for in this section, he is authorized, from time to time, seasonably and as far in advance of seeding time as practicable, to require the board of food administration to determine and fix and to give public notice of what, under specified conditions, is a reasonable guaranteed price for wheat, in order to assure such producers a reasonable profit. Said board shall thereupon fix such guaranteed price for each of the official grain standards for wheat as established under the United States grain standards act, approved August 11, 1916. It shall from time to time establish and promulgate such regulations as it shall deem wise in connection with such guaranteed prices, and in particular governing conditions of delivery and payment and differences in price for the several standard grades in the principal primary markets of the United States, adopting No. 1 Northern at the principal interior primary market as the basis. Thereupon the Government of the United States hereby guarantees every producer of wheat produced within the United States that, upon compliance by him with the regulations prescribed, he shall receive for any wheat produced in reliance upon this guaranty within the period not exceeding 18 months prescribed in the notice a price not less than the guaranteed price therefor as fixed pursuant to this section. In such regulations the board of food administration, subject to the approval of the President, shall prescribe the terms and conditions upon which any such producer shall be entitled to the benefits of such guaranty. The guaranteed prices for the several standard grades of wheat from the passage of this act to the 1st day of January, 1919, shall be based upon No. 1 northern at not less than $2 per bushel at the principal interior primary market. This guaranty shall not be dependent upon the action of the President or said board under the first part of this section but is hereby made absolute. When the President finds that the importation into the United States of any wheat produced outside of the United States materially enhances or is likely materially to enhance the liabilities of the United States under guaranties of prices therefor made pursuant to this section and ascertains what rate of duty, added to the then existing rate of duty on wheat and to the value of wheat at the time of importation, would be sufficient to bring the price thereof at which imported up to the price fixed therefor pursuant to the foregoing provisions of this section, he shall proclaim such facts, and thereafter there shall be levied, collected, and paid upon wheat when imported, in addition to the then existing rate of duty, the rate of duty so ascertained; but in no case shall any such rate of duty be fixed at an amount which will affect a reduction of the rate of duty upon wheat under any then existing tariff law of the United States. For the purpose of making any guaranteed price effective under this section, or whenever he deems it essential in order to protect the Government of the United States against material enhancement of its liabilities arising out of any guaranty under this section, the President is authorized also, in his discretion, to purchase any wheat for which a guaranteed price shall be fixed under this section, and to hold, transport, or store it, or to sell, dispose of, and deliver the same to any citizen of the United States or to any government engaged in war with any country with which the Government of the United States is or may be at war or to use the same as supplies for any department or agency of the Government of the United States. Any moneys received by the United States from or in connection with the sale or disposal of wheat under this section may, in the discretion of the President, be used as a revolving fund for further carrying out the purposes of this section. Any balance of such moneys not used as part of such revolving fund shall be covered into the Treasury as miscellaneous receipts.

Mr. CURTIS. Mr. President, I think the Secretary perhaps misread one provision there. As I heard it it said "the sales to countries at war with the United States." But I rose for the purpose of offering an amendment. I wish to propose to insert the words "or its equivalent" after the word "northern" at each place where it appears in the amendment, so as to make the price fixed on the northern wheat or its equivalent, which would include our No. 2 hard-winter wheat.

Mr. CUMMINS. Will the Senator permit me to offer an amendment so as to be within the rule, the amendment to be voted on later? I send it to the desk.

Mr. NORRIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Nebraska?

Mr. CURTIS. Certainly.

Mr. NORRIS. I should like to make a request that the amendment be printed and lie over until to-morrow. The amendment read by the Secretary is not the same amendment that has been offered and printed and on our desks. It has several features in it that I never heard except as they have been read. It is the most important amendment probably to the bill, and it seems to me we ought to have an opportunity to read it at least.

Mr. CHAMBERLAIN. All right. I would be glad to let it go over until to-morrow morning.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Missouri?

Mr. CURTIS. If I may just make one statement I will yield the floor. If the amendment is printed I ask that the amendment suggested by me be printed in small caps.

The PRESIDENT pro tempore. Without objection, the request of the Senator from Kansas will be complied with. The Senator from Missouri.

Mr. REED. Before it is agreed that the amendment goes over until to-morrow I wanted to have an opportunity to examine the unanimous-consent agreement. I am not sure but that if it goes over until to-morrow we can not discuss it at all. There is a limit to debate to-morrow.

Mr. McCUMBER. After 2.30 p. m.

Mr. CHAMBERLAIN. Pending that I desire to take up the motion to strike out all of section 15.

Mr. GRONNA. May I have just a word before that is done?

Mr. CHAMBERLAIN. Certainly.

Mr. GRONNA. Mr. President, I think it is very unfortunate that the leaders should have seen fit to withhold from the Members of this body an amendment as important as is this amendment. I doubt if anyone in this body understands the amendment offered by the Senator from Oregon. The effect it will have upon this industry will be staggering to humanity.

Mr. President, I think we ought at least to have had an opportunity to have the amendment presented in time to discuss it. The amendment never has been presented to the Committee on Agriculture. It has not been considered by the members of that committee. It has not been referred to members from the grain-growing States.

I think I may say it is unfair to the representatives who come from those States to be forced to vote upon it without an opportunity to discuss it. This amendment is presented and is now in the second degree. If Members who come from the grain-growing section should feel like offering a substitute it will not be in order.

Mr. President, I am not asking that the amendment shall go over until to-morrow. I think we ought to occupy the entire time necessary to discuss this question, because it is the most important question in the entire bill.

Mr. CHAMBERLAIN. Let me make a suggestion to the Senator. There has been no desire to get anything before the Senate unfairly. It has been discussed by Senators from wheat-growing States. It may not suit everybody, and nothing that has been done by the Senate suits everybody. I suggest to the Senator that we have the amendment printed at once. We can get it back here in an hour or in two hours, printed, so that Senators can devote the balance of the day and the night, if they wish, to the discussion of it.

Mr. GRONNA. I am very glad to hear that.

Mr. POMERENE obtained the floor.

Mr. REED. I should like to have the privilege of entering a motion——

The PRESIDENT pro tempore. The Chair recognized the Senator from Ohio.

Mr. GRONNA. I had not yielded the floor. I do not think my time is up.

The PRESIDENT pro tempore. The Chair did not so understand, or, of course, he would not have recognized another Senator. Does the Senator from North Dakota yield to the Senator from Ohio?

Mr. GRONNA. I shall take only another minute. The Senator from Ohio has had his time this morning, and I have not occupied a single moment.

Mr. POMERENE. I beg the Senator's pardon; I thought he had concluded.

Mr. GRONNA. I simply want to have read the amendment offered by me before my time expires.

Mr. POMERENE. Will the Senator allow me to say that I had no intention of interrupting him? I assumed he had taken his seat.

Mr. GRONNA. I should be glad to yield to the Senator if I had time.

Mr. POMERENE. I have not asked the Senator to yield to me. I thought he had yielded the floor,

The PRESIDENT pro tempore. The Chair thinks it is the fault of the Chair in recognizing the Senator from Ohio. The Senator from North Dakota still retains the floor.

Mr. GRONNA. I send to the desk an amendment I propose, and I ask to have it read in my time.

The PRESIDENT pro tempore. It will be read.

The SECRETARY. In the printed amendment offered by the Senator from Oregon [Mr. CHAMBERLAIN] strike out the proviso on page 22 of the amendment and insert:

The United States hereby guarantees and agrees to pay from the date this act becomes a law to the 30th day of June, 1919, for all wheat raised in the continental United States and tendered to it at any of the five principal interior primary markets, to be designated by the board, not less than $2 per bushel for standard contract grades in such markets. The grades shall be fixed by the Secretary of Agriculture, as by law provided, the price for other grades to be based upon the said standard grades. The board shall make rules specifying the conditions of delivery and for the proper carrying out of the provisions of this paragraph.

The provisions of this act for the execution of the guaranty by the Government of minimum prices of wheat shall apply to the minimum prices covered by this paragraph.

Mr. GRONNA. Mr. President, this amendment is drawn in very simple language, and I think no one can misconstrue it. I take it that it is the intention of the Members of Congress to guarantee to the farmers the amount specified in the amendment offered by the Senator from Oregon. If it is, it ought to be made in plain language and have no ifs and ands about it. We ought to say in specific language that we want to guarantee the farmer for his wheat. We also ought to make it plain where that price shall be obtained.

My amendment provides that at five primary markets, and these five markets may be named by the board, and based upon the highest grade, the price shall be $2 a bushel. That would not mean $2 a bushel to the farmer; it would mean in my section of the country, if Minneapolis or Duluth were designated as one of these markets, for the highest grade about $1.84 a bushel. It would mean, on an average, taking all the grades, not to exceed $1.50 a bushel to $1.60 per bushel.

But, Mr. President, if we say that the price shall be fixed and leave it to the board, the board might designate New York, which would mean at least 40 cents a bushel to be deducted in the grain sections of the West, including Missouri and the interior sections of the western country. I think we ought to make that plain. That is what my amendment does, and I trust Senators will give it consideration.

Mr. CHAMBERLAIN. May I suggest——

The PRESIDENT pro tempore. The Chair has recognized the Senator from Ohio [Mr. POMERENE].

Mr. CHAMBERLAIN. In the Senator's time I wish to take just a moment.

Mr. McCUMBER. Mr. President, I rise to a parliamentary question.

The PRESIDENT pro tempore. The Senator will state it.

Mr. McCUMBER. I will get recognition in that way. I should like to ask what is the pending question.

The PRESIDENT pro tempore. The Senator from Oregon offers a motion to strike out section 15, and that is pending, with one or two amendments, of which notice has been given to be proposed to the section.

Mr. McCUMBER. The Senator from Oregon proposes that that should be laid over, I understand, until to-morrow. I shall object to its going over.

Mr. CHAMBERLAIN. I will say that section 12 was the one that I asked might go over until to-morrow, but I withdrew that request and suggested that within an hour or an hour and a half we can have it printed and laid before the Senate.

Mr. McCUMBER. As there is no certainty at all that we will discuss it, even if it is printed within an hour, and it goes over until to-morrow, if I am still within my rights to object to its going over for printing or any other purpose, I wish to object to it. I have not heard the proposition put to the Senate as to whether the Senate would agree to that course.

The PRESIDENT pro tempore. The Chair does not understand that the Senate has agreed to anything in regard to it; and the pending question is the motion to amend of the Senator from Oregon.

Mr. McCUMBER. Very well; then, I wish that motion to be disposed of.

Mr. STERLING. Mr. President——

The PRESIDENT pro tempore. The Chair had recognized the Senator from Ohio.

Mr. POMERENE. Do I understand that that matter has been disposed of?

The PRESIDENT pro tempore. It has not.

Mr. POMERENE. I rose for the purpose of offering an amendment.

The PRESIDENT pro tempore. That would not be in order. The Senator from South Dakota.

Mr. STERLING. I offer a substitute to section 12 or the amendment moved by the Senator from Oregon.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Missouri?

Mr. STERLING. I ask that the substitute may be read.

Mr. REED. Mr. President, I simply desire to offer an amendment to the amendment to section 12, as proposed by the Senator in charge of the bill, in order that the amendment to the amendment may be pending. I ask that it shall be considered as pending.

The PRESIDENT pro tempore. The Senator from South Dakota has just offered an amendment to that section, which will be read.

Mr. REED. Certainly; but I simply ask that this amendment may be offered to be pending.

The PRESIDENT pro tempore. Under the unanimous-consent agreement?

Mr. REED. Under the unanimous-consent agreement.

The PRESIDENT pro tempore. Without objection, the amendment will be so received.

Mr. CURTIS. Mr. President, I desire to offer the following amendment and have it pending so as to save my right under the rule.

The PRESIDENT pro tempore. The amendment will be received under the unanimous-consent agreement. The Secretary will read the amendment offered by the Senator from South Dakota [Mr. STERLING].

The SECRETARY. In lieu of the words proposed to be inserted by the amendment offered by the Senator from Oregon insert the following:

SEC. 12. That whenever, during the continuance of the war, the President shall find that an emergency exists requiring stimulation of the production of any nonperishable agricultural products produced within the United States, in order to stimulate the production of such products, he is authorized, from time to time, seasonably and as far in advance of seeding time as practicable, to determine what, under specified conditions, is a reasonable price for any such products, in order to assure such producers a reasonable profit. Thereupon, if the President finds that the importation into the United States of any such products produced outside of the United States seriously interferes or is likely seriously to interfere with the obtaining by such producers within the United States of the reasonable price therefor determined pursuant to this section and shall so proclaim, there shall be levied, collected, and paid a rate of duty, upon the products so imported, the amount of which rate of duty shall be ascertained and proclaimed by the President, which amount shall, when added to the value of the product at the time it is offered for entry, be sufficient to bring the prices thereof at which imported up to the reasonable price which shall have been fixed therefor pursuant to this section; but in no case shall any such rate of duty be fixed at an amount which will effect a reduction of the rate of duty upon any such products under any then existing tariff law of the United States: *Provided*, That, in order to further stimulate the production of wheat, the board of food administration herein provided for is authorized to devise and put in operation a plan for the awarding of Government prizes or bonuses for the best crop or crops of wheat, quantity and quality both considered, which may be grown on any specified area to be designated by said board. That in devising and carrying out such plan said board shall, so far as possible, advise and cooperate with the several State and county authorities in the wheat-growing sections of the United States, including State, district, and county agricultural associations. That for the purpose of carrying out these provisions the sum of $1,000,000 of the amount herein appropriated shall be available.

Mr. CHAMBERLAIN. I understand that the pending question is the elimination of section 15.

The PRESIDENT pro tempore. No; section 12. The Chair was endeavoring to ascertain the exact status from the Secretary. The Chair does not understand that the Senator from North Dakota [Mr. GRONNA] offered his amendment at this time to the amendment offered by the Senator from Oregon. Is the Chair correct?

Mr. GRONNA. I did offer it as an amendment to the amendment.

The PRESIDENT pro tempore. Then the amendment of the Senator from North Dakota is in order. The Chair will recognize the Senator from South Dakota for the purpose of offering his amendment later

Mr. CHAMBERLAIN. May I make this promise to the Senator? It is objected that section 12 shall go over, and if the discussion is going on I promise the Senate within an hour and a half to have it printed. So the discussion may go on just the same, if there is objection to its going over.

Mr. REED. May I make a suggestion to the Senator in charge of the bill? When he comes to have the amendment printed the provision is that this guaranteed price of wheat shall be paid for wheat delivered up to the 1st day of January, 1919. The sole effect of that would be to compel the delivery of the entire wheat crop that may be raised prior to the 1st day of January, 1919, and instead of spreading the delivery of wheat over the entire year, which is entirely desirable, having it come to the market gradually, it would probably glut the market along about January. I suggest to the Senator in charge of the bill that in printing his amendment he insert the word "July" instead of "January."

Mr. CHAMBERLAIN. That change can be made after the amendment is printed, if it is deemed advisable.

The PRESIDENT pro tempore. The question before the Senate is the amendment offered by the Senator from North Dakota [Mr. GRONNA] to the amendment.

Mr. GRONNA. If I may be permitted, I wish to say to the Senator from Oregon that I did not object to having the amendment go over for an hour, but my colleague objected, and he is not now in the Chamber.

Mr. CHAMBERLAIN. I think he would not object to its going over for an hour. He did object to its going over until to-morrow, I think.

Mr. WARREN. I understood that he objected to its going over until to-morrow. He wanted to have it considered at the present time.

Mr. GRONNA. I think we could save time by calling for a quorum, and then my colleague will be here. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Johnson, Cal.	Overman	Smith, S. C.
Beckham	Johnson, S. Dak.	Page	Smoot
Borah	Jones, N. Mex.	Penrose	Sterling
Calder	Kellogg	Phelan	Stone
Chamberlain	Kendrick	Pittman	Sutherland
Culberson	Kenyon	Poindexter	Thompson
Curtis	King	Pomerene	Tillman
France	Knox	Ransdell	Townsend
Frelinghuysen	La Follette	Reed	Trammell
Gore	Lewis	Saulsbury	Underwood
Gronna	McCumber	Shafroth	Vardaman
Hale	McKellar	Sheppard	Wadsworth
Harding	McLean	Sherman	Warren
Hitchcock	McNary	Shields	Weeks
Hollis	Myers	Simmons	Williams
Husting	New	Smith, Ariz.	
James	Norris	Smith, Mich.	

The PRESIDING OFFICER. Sixty-six Senators have answered to their names. There is a quorum present.

Mr. McNARY. Mr. President, on the 30th of June last I prepared and submitted an amendment to the pending bill. In view of the ruling of the Vice President a few moments ago, I should like to have the amendment read at this time.

The PRESIDENT pro tempore. Without objection, the amendment will be stated.

Mr. STONE. Mr. President, I desire to offer an amendment to the pending bill now under consideration, in order to have it pending.

The PRESIDENT pro tempore. The amendment will be received.

Mr. CALDER. I offer an amendment, which I desire to have considered as pending.

The PRESIDENT pro tempore. The amendment will be received. The question is on the adoption of the amendment proposed by the Senator from North Dakota [Mr. GRONNA] to the amendment of the Senator from Oregon [Mr. CHAMBERLAIN].

Mr. GRONNA. Mr. President, I desire to say to the Senator from Oregon [Mr. CHAMBERLAIN] that my colleague [Mr. MCCUMBER], who objected a moment ago to this amendment going over, has since informed me that he would have no objection to a unanimous-consent agreement to let it go over until 3 o'clock, and to let the amendment proposed by the Senator from Oregon be printed.

Mr. CHAMBERLAIN. I think I can have the amendment printed by that time.

Mr. GRONNA. Then, it will be understood that it will be taken up at 3 o'clock. I think there is no objection to that. I ask that the pending amendment also go over.

Mr. STERLING. Mr. President, if the amendment of the Senator is to go over and the amendment of the Senator from Oregon is to be printed, I ask that the substitute offered by me a while ago may also be printed.

The PRESIDENT pro tempore. The Chair understands the request to be that the pending amendment be postponed for consideration until 3 o'clock, and that meanwhile the amendment of the Senator from Oregon and the proposed substitutes and amendments thereto be printed.

Mr. CHAMBERLAIN. Amendments to section 12.

The PRESIDENT pro tempore. Amendments to section 12. Is there objection? The Chair hears none, and it is so ordered. The amendment of the Senator from Oregon will come up at 3 o'clock.

Mr. POMERENE. Mr. President——

Mr. CHAMBERLAIN. I think, if that be disposed of, that the motion to strike out section 15 is in order.

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Oregon?

Mr. POMERENE. May I ask if the amendment is a committee amendment?

Mr. CHAMBERLAIN. No; it is not a committee amendment.

Mr. POMERENE. I will yield to the Senator from Oregon.

Mr. CHAMBERLAIN. The motion was to strike out section 15.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Oregon to strike out section 15.

The amendment was agreed to.

Mr. CHAMBERLAIN. There is only one other amendment which I desire to suggest, and I think it will not need any discussion at all. Senators will remember that section 17 of the bill provided, in substance, that no salary in excess of $3,500 should be paid. In view of the fact that the first section of the bill, as now amended, provides for a $7,500 salary to each member of the board, I desire to have section 17 amended by striking out and inserting, so that it will make provision for the increased salary. I ask that the Secretary read the proposed amendment.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The SECRETARY. It is proposed to strike out section 17, and in lieu thereof to insert:

SEC. 17. That the sum of $2,500,000 is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to be available until June 30, 1918, for the payment of such rent, the expense, including postage, of such printing and publications, the purchase of such material and equipment, and the employment of such persons and means, in the city of Washington and elsewhere, as the President may deem essential: *Provided*, That all salaries and wages paid under the provisions of this act shall be the equivalent of salaries and wages paid in other departments of the Government for like services; and in no event shall any salary be paid in excess of $3,500, except as herein specifically provided.

The PRESIDENT pro tempore. The question is on the adoption of the amendment proposed by the Senator from Oregon.

The amendment was agreed to.

Mr. MCNARY. Mr. President, I desire at this time to call up for consideration the amendment which I submitted a few moments ago.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The SECRETARY. It is proposed to amend section 19 by adding a new paragraph, as follows:

Provided further, That the President, in his discretion, may expend from the amount hereby appropriated not to exceed the sum of $20,000,000 on reclamation projects in accordance with the provisions of the reclamation act approved June 17, 1902, and acts amendatory thereto.

Mr. MCNARY. Mr. President, I desire to speak very briefly on the amendment which I have offered.

At the threshold of the statement I propose to make on behalf of this amendment I am frank to declare that I do not want to burden the food-control measure with unnecessary luggage, as its speedy passage in a perfected form is necessary to the accomplishment of those beneficent purposes which its advocates believe are certain to follow. Hours now are as precious as were days in normal times, and I have no doubt that the delay in passing this bill has placed a toll upon the American public which it will sorrowfully pay before the year is over. War necessities demand speedy action by the removal of all barriers to an abundant production and an equitable distribution of food products. The producer must have assurances from some governmental source of a fair profit, while the consumer must be screened from the heartless exactions of the speculator. No particular class must be made to feel the hardships of war while another class is permitted to enjoy the favor of its profits.

One of the corner stones upon which food-control legislation is founded is increased production, and that is the purpose and aim of the amendment which I have offered. We have daily referred to the necessity of man power, yet equally important is land power; that is, the ability of the available acreage to yield bountifully and the possibility and practicability of bringing more land into the fold of productivity.

If we are to feed our people, and our armies and to assist in feeding our allies, we must look in part to those vast acres of unreclaimed lands that lie to the west, for there rests the potential possibilities of war's success.

Our consumption of wheat has increased faster than our acreage, with the result that our exports to the foreign nations have decreased during the past decade over 30 per cent. A very large part of our agricultural land has been brought under cultivation, and we can increase production of food only in two ways: First, by rejuvenating our lands by the use of fertilizers, which is practical and generally employed, yet expensive, and, second, by immediately increasing the acreage of productive lands.

To a large extent our fertilizers have been imported. From Germany comes our potash, which the war has stopped, while we have drawn upon Chile for our nitrates but which beds are now approaching exhaustion. As yet we have not developed water power for the making of nitrogen, which has proven successful in Germany and Canada.

The automobile and farm tractor has curtailed the available quantity of stable manure until its cost is almost prohibitive, and for that reason green manures, such as leguminous crops, are now the farmers' chief agency in restoring to the soil the plant foods that make for soil restoration.

In view of this situation it becomes almost imperative in times of war to look for and develop latent productive sources which are calculated to increase food production, and that is the justification for adding the amendment here proposed. Extending the area of productive lands in the United States is the purpose of the work of the Reclamation Service, and this was made possible by the congressional enactment of 1902 and acts amendatory and supplementary thereto.

To some of the Senators who have not had time to consider the purpose of the amendment, it might appear that an attempt was being made to divert public money from a purpose foreign to the bill under consideration, but such is not the case, as the revolving feature of the reclamation act does not admit of the exhaustion of the funds the President, in his wisdom, might use for development of present or new projects.

Out in the 16 Western States are millions of acres of arid lands which could be made to blossom and to yield bountifully by the application of water brought about by Government aid. In the State of Oregon I will cite but one example of the prompt returns in the shape of increased food production that would follow governmental assistance. The Warm Spring district in eastern Oregon needs a dam which Government engineers say would cost $400,000 and which would require six months for its construction. In the project 12,000 acres are now annually producing 40,000 tons of hay, but the supply of water is exhausted about the 1st of July, and in consequence thereof only one crop is harvested, whereas a more liberal supply of water would insure an additional crop. Five thousand more acres now unproductive could be made ready for cultivation by the time the dam was completed. Subsequently and within the time for harvesting the crops in 1918, 15,000 or 20,000 adjoining acres could be brought to a state of cultivation.

Throughout the entire West many examples of this kind could be detailed as practical possibilities in the scheme of reclamation but are halted on account of the lack of funds. Other equally important projects in Oregon, upon which work could be commenced at once and which in the aggregate contemplate hundreds of thousands of acres of land susceptible of irrigation are the Deschutes, Malheur, and Owyhee projects; Silver Lake project; John Day and Ochoco projects; and Butter Creek, Klamath, and Rogue River projects. Similar opportunities exist in other arid and semiarid Western States.

Mr. President, I desire to place in the RECORD the following telegrams, which contain data confirmatory of that which I have said:

Amendment carrying twenty million for reclamation means a vast addition to the productive possibilities of the country. Through you we urge upon Congress that this amendment will do more to increase grain, beef, and wool production in 1918 and the future than any other feature of the bill. It will certainly do much to prevent the sure shortage of foodstuff whether the war continues or ends. Signed, John H. Lewis, State engineer; George M. Brown, State attorney; Julien A. Hurley, State senator.

If Oregon should get portion of your appropriation for reclamation, the food product of 75,000 acres will be doubled. In two years time 10,000 acres would be doubled next spring. You know character of Snake River Valley lands most productive in West, if plenty of water available. We strongly urge the adoption of your amendment and an apportionment to Oregon. Signed, Ontario Commercial Club.

Therefore, Mr. President, it will be observed that the amendment which I offer contemplates a governmental adventure quite akin to the main purpose of the measure which it proposes to amend, namely, the increase of food production.

I received yesterday a letter from the Director and the Chief Engineer of the United States Reclamation Service which is confirmatory of the telegrams I have read. I do not wish to tire the Senate by reading this letter. It covers the situation in Oregon as I have attempted briefly to outline, as well as the situation in the other arid States. I also ask, Mr. President, to have the privilege of having this letter printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
UNITED STATES RECLAMATION SERVICE,
OFFICE OF THE DIRECTOR,
Washington, D. C., July 18, 1917.

Hon. CHARLES L. MCNARY,
United States Senate.

MY DEAR SIR: Replying to your letter of July 16, $20,000,000 can be used to great advantage in the reclamation States, especially in Arizona, California, Colorado Idaho, Montana, Nebraska, Nevada, New Mexico, Oregon, South Dakota, Utah, Washington, and Wyoming.

The Reclamation Service is now developing throughout the West, including all the above-named States, some 20 projects, intended ultimately to irrigate approximately 3,000,000 acres. The principal works have generally been constructed, such as the large storage reservoirs, diversion dams, tunnels, etc. The canal systems have been extended to cover approximately 1,500,000 acres. Thus the work remaining to complete these projects is mainly (though not entirely) additional canals and extensions of existing canals to cover new lands, on account of which large investments have already been made in the major works, and drainage systems to safeguard the land already covered from waterlogging.

At present our progress is limited by the amount of money available. The annual appropriation from the reclamation fund has recently been about $8,000,000 About half of this is required for work that brings no additional land under canal. The main item in this category is the operation and maintenance of the systems already built, the cost of such operation being largely "turned over" each year—i. e., expended and collected—but the collections reenter the reclamation fund and must be reappropriated each year. Under present conditions and laws the reclamation fund will provide even less for new construction in the next few years than now.

Thus, if $20,000,000 were added to the reclamation fund, its best use would be toward completing these projects now under development. It might also be used to build or initiate one or more additional projects. There are a great many of these demanding attention, especially where projects have been partly built, or the lands covered in part by canal, requiring storage works to insure the water supply and additional canals. Some of the projects in Oregon are especially available, as we have for them more complete information gained through cooperative work with the State.

It is difficult to say for how many acres irrigation works can be provided with $20,000,000. Of course, this depends on where and how it is used. On new projects it should make water available for from 200,000 to 400,000 acres. On the extension of the present Government systems this might well reach 500,000 acres and more.

I am sending you herewith the following:

1. Fifteenth Annual Report of the Reclamation Service.
2. Preliminary reports resulting from investigations in cooperation with the State of Oregon on the following projects:
   Malheur and Owyhee.
   Deschutes.
   Ochoco and Crooked River.
   Harney and Silver Creek.
   Rogue River Valley and Willamette Valley.
   John Day.
   Silver Lake.
   Warner Valley and White River.
3. Hearing before the Committee on Irrigation of Arid Lands of the House of Representatives on April 15, 1916. This is our file copy, and I would appreciate its return at your convenience.
4. General Reclamation Circular, which contains the Federal reclamation laws for convenient reference.

Very truly, yours,

A. P. DAVIS,
Director and Chief Engineer.

Mr. MCNARY. I hope sincerely that the Members of the Senate will favor this amendment and will give it the hearty support it so richly deserves.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Oregon [Mr. MCNARY].

Mr. JONES of Washington. Mr. President, as I understand, this amendment makes available out of the $150,000,000 appropriated $20,000,000 for irrigation purposes to carry on Government projects now under way, or to take up new projects. I am very earnestly in favor of this amendment. I think I know pretty well the possibilities of lands under irrigation. In my State we have two or three projects, and as indicating what can be done, I desire to say that the reclamation reports show that the proceeds per acre from one of the irrigation projects in my State average over $70. That was before the present abnormal prices came in. The productive capacity of reclaimed lands is extremely great, and I do not believe we could expend the money of the Government more wisely than along the lines contemplated by the amendment of the Senator from Oregon.

I did not know that amendment would come up to-day, or I would have had some details and facts which I think it would be interesting to present. I am not going to take the time of the Senate further than to join with the Senator from Oregon in the hope that the Senate will agree to this amendment. I believe that it is very important as a war proposition, and that for the purpose of increasing the food production of the country we could not expend $20,000,000 more advantageously than in this way.

Mr. KENYON. Mr. President, I dislike to oppose a proposition advanced by the Senator from Oregon, but let us face the situation just as it is. Undoubtedly there are numerous projects which could be added to this bill fully as germane as the amendment of the Senator from Oregon. I apprehend the river and harbor bill might be attached to it on the same theory, and, the first thing we know, the bill would be completely loaded down with amendments which it would be impossible to hold in conference.

The last food bill that passed the Senate was loaded down at the last moment with amendments covering nearly every conceivable subject. There was a reclamation project proposition included in that measure by way of amendment, and public-lands questions that had no place there at all. All of those matters have made it difficult, if not almost impossible, to secure any agreement amongst the conferees on that bill; and the conferees and Congress have been subjected to great criticism because of the delay on that bill.

Now, if we commence to attach propositions of this kind to this bill many other propositions will go on it, and it will simply be loaded down. Consequently I hope that we may confine this bill, as far as possible, to the purposes for which it is designed, and not permit every kind of an amendment to be attached. I say this without questioning the merits of the proposition. I hope, on the theory I have suggested, that this amendment will not be adopted.

Mr. JONES of Washington. Will the Senator allow me to ask him a question in his time?

Mr. KENYON. Certainly.

Mr. JONES of Washington. I desire to ask the Senator in regard to the first food bill to which he has referred. There was an amendment put on that bill that does not exactly relate to an irrigation project, but suspends one provision of the reclamation law relating to residence upon land during the pendency of the war. It would not cost the Government a cent, but would make it possible to have cultivated a considerable area of land for which water is actually available and in that way increase the food supply. I want to take this opportunity to express the hope that the Senate conferees may convince the House conferees that that proposition ought to be retained in the bill, for, I repeat, it will not cause the Government any expense and will result in the actual cultivation of a large area of land. I do not know whether or not the Senator can express any opinion as to that.

Mr. KENYON. I will say to the Senator that the Senate conferees are trying to secure the retention of that amendment in the bill, and I am inclined to think that they will succeed.

Mr. JONES of Washington. I can not see any real valid objection to a proposition of that sort.

Mr. HITCHCOCK. Mr. President, I desire to submit the amendment which I send to the desk, so as to come within the rule.

The PRESIDENT pro tempore. Without objection, the amendment will be received. The question is on the amendment offered by the Senator from Oregon [Mr. MCNARY].

Mr. TRAMMELL. Mr. President, I am very much interested in the matter of reclamation, more particularly from the standpoint in my State of reclamation by drainage instead of the reclamation of arid lands. I wish to state that, if it shall be declared the policy of the Senate to amend this bill by providing funds to assist in carrying along arid-land reclamation projects, I shall then ask, in behalf of a very meritorious reclamation project in my own State, that the President also be authorized to use part of the funds to assist in the reclamation of the Everglades of Florida.

I have no contention to make, nor have I any disapproval to utter, as to the policy of Congress heretofore in assisting in the reclamation of the arid lands of the West; but I do think, Mr. President, there being a vast territory, practically an empire, within my own State subject to reclamation, land that is very productive and fertile, land that could be reclaimed at a much smaller sum per acre than the arid lands of the West, that my section of the country, this vast drainage district within the State of Florida, is entitled to some of the beneficent treatment of the Government. If we are to amend this bill and authorize the expenditure of a considerable part of the sum appropriated to assist in the reclamation of the arid lands of the West, if it is the policy of the Senate to authorize such an expenditure, I shall present an amendment covering a project which I think is equally as meritorious for the consideration of the Senate and ask that a certain amount of the funds be authorized to be expended in carrying on the reclamation of the drainage project now in course of progress in Florida.

We have in that State 4,000,000 acres of very rich and productive land that could be reclaimed at a very small cost per acre, considering its value. The State and the owners of the land within the territory are pushing the work forward as rapidly as possible, but some financial assistance from the Federal Government would, of course, expedite this deserving enterprise.

Mr. KING. Mr. President, will the Senator permit an inquiry?

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Utah?

Mr. TRAMMELL. Certainly.

Mr. KING. Are the lands to which the Senator refers Federal lands, or are they lands belonging to the State?

Mr. TRAMMELL. The lands belong in part to private owners and in part to the State. Possibly a third of the area belongs to the State.

Mr. KING. Does not the Senator know that the lands to which the Senator from Oregon refers are Government lands, and is there not a very clear distinction between the Government utilizing its funds for the reclamation of its own lands and using governmental funds for the reclamation of lands belonging to a State or to private individuals?

Mr. TRAMMELL. Mr. President, I am thoroughly cognizant of that distinction, but all we wish is to be placed upon the same basis. It is the policy of the Government to advance funds for the reclamation of the arid lands and then to sell the lands upon certain installments, allowing the purchasers to refund to the Government the moneys which have been expended on the reclamation project. The cost of reclamation in the West has run from $25 even to $60 per acre. We have a vast territory of exceedingly rich land that can be reclaimed, and is being reclaimed, at an average cost of from possibly $4 to $10 an acre, and all we ask is that we have similar consideration on the part of the Government and some financial assistance—not a direct appropriation, but something in the nature of financial assistance.

Mr. McNARY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Oregon?

Mr. TRAMMELL. Yes, sir.

Mr. McNARY. I desire to state to the Senator from Florida, if he will permit me, that there is nothing in this amendment in the way of an inhibition of the use of the money in connection with projects in any of the States, if it is governmental in character. It is the purpose of the amendment to provide for the reclamation of lands so as to bring them into a state of cultivation, and if, in the discretion of the President, a part of the fund should be applied to the project to which the Senator from Florida refers, I presume that could be done, provided it is governmental in its character.

The money derived from the sale of land on reclamation projects becomes a revolving fund and is set aside for the purpose of reclamation. I do not know anything in this amendment or in the reclamation act or in any of the acts amendatory thereof which would prevent the use of a portion of this money in Florida, in the discretion of the President, if he thinks it proper to expend it there; provided, of course, the project comes within the operation of the reclamation act.

Mr. TRAMMELL. Mr. President, of course this amendment refers to the law of 1902. The law of 1902 was so framed as to fit the situation in the West with reference to the arid lands in that section, but does not meet the conditions in my State. Of course we would have no hope of getting any benefit from such an amendment.

Mr. FRELINGHUYSEN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from New Jersey?

Mr. TRAMMELL. Yes.

Mr. FRELINGHUYSEN. I should like to ask the Senator's permission to introduce an amendment so as to have it pending and printed. Two o'clock is the time limit under the rule for the presentation of amendments, and I should like to have the amendment I now offer introduced before that time.

Mr. HITCHCOCK. If the Senator from Florida will extend the same courtesy to me, I also offer an amendment.

The PRESIDENT pro tempore. Without objection, the amendments offered by the Senator from New Jersey and the Senator from Nebraska will be received.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield for the purpose of offering amendments?

Mr. TRAMMELL. Yes.

Mr. McCUMBER. I desire to make an inquiry.

Mr. TRAMMELL. Mr. President, I yield the floor. I have nothing further to say. I have no objection to entering upon the project to which reference has been made by the Senator from Oregon, but I wanted to bring to the notice of the Senate the fact that we have a very worthy and commendable enterprise of a similar character in Florida, except that it is a matter of reclamation by drainage instead of by irrigation. I express the hope that if it is the policy of the Senate to so amend this bill as to extend the beneficence of the Government to the projects of the West we may also have Florida included.

Mr. McCUMBER and Mr. LEWIS addressed the Chair.

The PRESIDENT pro tempore. The Senator from North Dakota.

Mr. McCUMBER. I will say to the Senator from Illinois that I am not going to make an address. I merely desire to make an inquiry, if the Senator will allow me. I wish to know under what provision of the unanimous-consent agreement there is found anything which requires amendments to be presented before 2 o'clock to-day?

The PRESIDENT pro tempore. The Senator will readily ascertain from the last clause of the unanimous-consent agreement that amendments must be presented before two o'clock to-day.

Mr. LEWIS. Mr. President, I rise for the same purpose. I was not of the opinion that the presentation of amendments was limited to 2 o'clock, but inasmuch as they are I desire to have it understood that I have tendered an amendment striking out fuel from the provisions of the bill. Later I will amplify that on the assumption that my amendment will be treated as having been offered.

The PRESIDENT pro tempore. The Senator from Illinois offers an amendment striking out the word "fuel" from the bill wherever it happens. The amendment will be considered as pending.

Mr. HUSTING. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Wisconsin will state his parliamentary inquiry.

Mr. HUSTING. Before the President pro tempore took the chair I reserved the right to have a separate vote on two proposed amendments. I should like to inquire whether it is necessary to present those amendments before 2 o'clock?

The PRESIDENT pro tempore. If the amendments are pending, and have not come to a vote, they will necessarily be voted on. The Chair can not otherwise answer the Senator, not knowing the circumstances of the inquiry.

Mr. HUSTING. I will state that the amendments were pending before the Senate and were disposed of as in Committee of the Whole. Now, do I understand that they are still pending, so that the reintroduction of those amendments is not necessary?

The PRESIDENT pro tempore. The Chair does not know the circumstances regarding which the Senator inquires, and can therefore not answer, but will refer him to the unanimous-consent agreement. That is the only matter which interferes in any way with the ordinary rules of the Senate.

Mr. HUSTING. In order that there may be no question about this——

Mr. VARDAMAN. Mr. President, if the Chair will permit me, I will state that after 2 o'clock, as I understand, no amendment can be submitted to the bill, except by unanimous consent.

The PRESIDENT pro tempore. The Chair will state that that is the understanding of the present occupant of the Chair.

Mr. HUSTING. Then I offer the two amendments. I offer the amendment proposed by the Senator from Colorado [Mr. SHAFROTH] in regard to the make-up of the board, reducing it to one. I also offer the amendment submitted by me in the Senate as in Committee of the Whole providing that the President shall have the power, by proclamation, in the event he finds it necessary, to include other commodities in this bill. I refer to this so that it may be in the RECORD; and I should like to have it understood that it is in the RECORD, and that the amendments are pending.

The PRESIDENT pro tempore. Without objection, the amendment proposed by the Senator from Wisconsin will be received without prejudice.

Mr. KING. Mr. President, I should like to support the amendment offered by the Senator from Oregon [Mr. McNARY], but in view of the fact that this bill has been offered for a specific purpose and because after long negotiations and discussions this bill, by way of compromise, was tentatively agreed upon, it seems to me that to add to it extraneous matters would jeopardize its passage. Senators, in order to reach some basis of action, waived provisions that they would like to see incorporated in the measure under consideration, and it would be unwise to open the door to general legislation, no matter how meritorious it might be.

I think one of the really great acts of statesmanship on the part of the Congress of the United States within the past 25 years was the passage of what is known as the Newlands Act, which provides for the reclamation of arid lands in the West. The Interior Department has attempted to faithfully carry into effect the beneficent provisions of this law, and one of the results

is that vast tracts of arid lands have been reclaimed and have added millions of dollars in value to the wealth of States and the Nation. Upon these sterile wastes of a few years ago prosperous cities and towns have been builded and thousands of people have happy and peaceful homes. In time the Government will be repaid for the vast sums expended for reservoirs and irrigation systems. Notwithstanding what has been done by the Government, my opinion is that the best way to handle the public lands of the United States is by ceding them to the States within which they are found. It is my opinion that the record of the Federal Government in controlling and disposing of the public domain is not one that can be commended. I believe that its plan of control has been unwise, and it certainly has been exceedingly expensive. My criticism goes not to any administration but to the general plan under congressional enactment. Notwithstanding the fact that the holdings of the Government are much less than they were 15 or 20 years ago, the cost of maintaining the Interior Department and looking after the public lands, and the operations of the Government in connection with them, as I am advised, is greater now than it was then; so that with less lands it costs the Government more to look after its public possessions in the West than it ever did before. However, this must be said, the reclamation projects, the forest reserves, and the work in Alaska necessarily call for large expenditures and make a comparison of cost unfair.

When I had the honor to represent my State in the other branch of Congress I offered a bill providing a cession to the States all of the public lands within their borders; and I know that at that time distinguished Republicans and Democrats, the leaders in the House, were in favor of the passage of the measure or a similar one. My opinion is that the day will come when Congress will cede to the States the public lands within their respective borders; not only the agricultural lands, but also the mineral lands. However, there are stronger reasons for withholding a grant of the mineral lands than there is of the agricultural lands. The plan pursued by the Government in dealing with the public domain has not been satisfactory. It has proven costly to the Government and has resulted in constant friction between the Federal and the State Governments. Senators will remember that for years leasing bills or other measures have been presented affecting the public domain and the relations of the public to the same, and there has been friction and controversies between the State governments and the Federal Government with respect to the same and to the control of the public domain. The Western States feel that their growth and progress have been retarded by the paternalism of the Federal Government, and the people have opposed the rules and regulations promulgated and enforced by the Interior Department.

The whole system has been obnoxious to them; it has been bureaucratic; and resentments have been felt not only against the Government, but against the hundreds of employees of the Federal Government, who, it has been felt, have been harsh, autocratic, and unnecessarily technical and severe in the administration of the law and the rules promulgated by the department. I am making no criticism of the present administration, but speaking generally of the situation which has existed for years. There has been constant irritation and the Government has not profited by owning the land, and the growth of the States, it is felt, has been impeded.

I believe that the States can handle the public domain better than the Federal Government can handle it. The government of a State and the people within the State can in a more economical manner and in a way more in consonance with their wishes control and dispose of the public land therein. My information is that the State of Texas has handled its imperial domain far better than the Federal Government would have controlled and disposed of the millions of acres of land found within the State's border.

Mr. President, the amendment offered by the Senator from Oregon, as I understood it, contemplates the expenditure of a large sum of money in the development of lands that belong to the Government; but in his statement just submitted to the Senator from Florida, I understand that it goes further and would permit the employment of the money appropriated in the development of lands that belong to private individuals, or lands belonging to the State of Florida or any other State.

Mr. NORRIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. KING. I yield.

Mr. NORRIS. I think there is no doubt but that the amendment simply turns the money over to the Reclamation Bureau. Of course, the Senator knows that under the reclamation law it would not be necessarily confined to public lands, although practically it has been so confined to a great extent.

Mr. KING. If the Senator will pardon me, I think the spirit of that act is that the funds shall be devoted to the reclamation of lands belonging to the United States.

Mr. NORRIS. Yes; but in almost every reclamation project there is a large amount of private land, in some projects more than half private land. As I understand, it is no technical, legal objection that the land is privately owned, but the money is a revolving fund, and all comes back, of course, to the Government. This amendment of the Senator from Oregon, as I understand it, simply adds that much to the reclamation fund, and it would be applied under the law at any place where the Reclamation Bureau might see fit to use it, the same as they use the funds now controlled by them.

Mr. KING. Primarily, however, the reclamation fund was provided for the purpose of reclaiming lands belonging to the Federal Government, and I am sure that that bill never would have received the support that it did, or have been passed, if it had been proposed that any part of the fund would be devoted to the reclamation of private lands or lands owned by States. The contention was made that the Federal Government owned millions of acres of arid land which, if water were applied thereon, would become exceedingly productive and furnish homes to hundreds of thousands of home seekers in the Republic.

Mr. NORRIS. Mr. President, will the Senator yield again?

Mr. KING. I yield.

Mr. NORRIS. The Senator states the case correctly; there is not any doubt about that; but when you come to a practical application, in laying out an irrigation project you necessarily run across a great deal of privately-owned land. I do not suppose there has been a single project where there has been nothing but Government land. It would be impossible to find such a place, perhaps, at least in any large project. So that to make it practical you would necessarily get a good deal of privately owned land. Of course, the real object was to develop the arid public lands; that is true; but in developing them you would necessarily have to develop other land that would come under the same ditch.

Mr. KING. I think the instances to which the Senator refers have occurred under circumstances like these: There have been flood waters having the same source as the low waters. The low waters were all owned and appropriated during the irrigation season by the primary water users, by those having, as we say in the West, the primary water right. The Government in some cases has entered upon those streams for the purpose of impounding the flood waters, and in order to build reservoirs and conserve the higher surplus waters for use by new settlers upon public lands it has necessarily been compelled to enter into arrangements with the owners of the primary flow in order that there should be no conflict, and both the Government and the primary owners would get what each was entitled to.

This has resulted in the Government taking control of the entire stream, both the flood and surplus waters as well as the primary flow. In so doing it has distributed to the primary holders a certain quantity of water, and the balance has been used upon lands that belonged to the Federal Government, and which the new settlers were seeking to reclaim and obtain title to. So a sort of a partnership arrangement has been made, and in some instances, as I am advised, corporations have been formed and the primary owners have conveyed their water rights to such corporations, and they have water distributed to them according to their interest in the corporation. The corporation, however, would hold only the legal title to this water in trust for the grantors.

But to come back to what I was observing. The primary object of the law was to reclaim the public domain, and to furnish homes to the courageous men and women who would enter thereon and subjugate the stubborn and arid wastes of the West, and I certainly would oppose, even in these war times, the appropriation of money out of the Federal Treasury for the purpose of reclaiming the lands of individuals, or the lands of any States within the Union. If the Government will not cede its public lands to the States, I should be glad to see it as soon as it can in a practical and proper way construct other and additional irrigation systems for the purpose of reclaiming its lands in the West; but I believe that at this time we would not be warranted in making appropriations for that purpose. Certainly nothing should be offered as an amendment that will further delay the passage of the bill under consideration.

The PRESIDENT pro tempore. The Chair must call the attention of the Senator from Utah to the fact that his time has expired.

Mr. VARDAMAN. Mr. President, the most valuable thing existing beneath the folds of the American flag is a human being. The best place to develop that human being is on the farm. I would rather have one boy raised on the farm than three raised in the city. On the farm, where a man lives close to nature, with honest and salutary environment, where morals are valued more highly than money, and character is above reputation, we find the man and woman—if not the finished product—the foundations are laid for the most perfect and symmetrical characters. Then, they have not been spoiled by the social lies that warp us from the living truth, nor their characters perverted by the social wants that sin against the strength of youth.

I think the largest returns come to all the people from money expended by the Government in aiding in the establishment of homes for the citizens in the country. Therefore, any measure or appropriation intended to promote home building in the rural sections or contributing to the comfort and well-being of the rural population of this Republic commands my most cordial sympathy and support.

But I take it that this bill should not be burdened with amendments of this character. I am afraid, as was said by the able Senator from Iowa [Mr. KENYON], that if this amendment should be adopted it would open a floodgate for other similar amendments. And yet, Mr. President, I am persuaded that the $20,000,000 proposed to be devoted for the reclamation of arid lands in the West would bring to the American people larger returns than any carried in this bill.

There is no doubt about the need of homes—country homes for the people of America. Upon the farm is produced the things that feed and clothe the world, and in addition to the fact that the necessaries of life are produced upon the farm, it is also the breeding place for the rugged virtues, the sterling qualities which shall save this Republic, if indeed it shall be saved at all, from the corroding greed for gold and other sordid influences that are eating out the hearts of the people in the urban districts of the land.

But for the large number of recruits that go into the cities every year from the rural districts, the population of those congested centers would deteriorate and rot in three generations. No; I insist most earnestly that money invested as this $20,000,000 is proposed to be invested would not be an extravagance, but on the contrary it would be a very wise and prudent economy.

But I do not want to delay the passage of this bill. The American people demand its immediate passage. As I have heretofore stated I think the results are going to be disappointing to the consumer and producer alike. The Utopian conditions which are promised by the proponents of the measure to follow its enactment will be, in my judgment, almost as disappointing as the sea fruit, which, instead of delighting the palate of the hungry, turns to ashes upon the lips.

But if this amendment is adopted other similar amendments will be proposed, and the original purpose of the bill may be defeated altogether.

I want to say to the able junior Senator from Oregon [Mr. MCNARY] that I shall be glad in the future to cooperate with him and other Senators from the West in any movement leading to the development of that great country. I want to see the latent fertilities and beneficent elements of that wonderful soil developed, which will mean much good to the American people without regard to section, because it is a fact that you can not add to the wealth of the farms in the remote West without benefit to the people of every section of this Republic.

Prosperity in the home of the agriculturist brings light and life, and hope, patriotism, strength, and virtue among all classes of people. I therefore regret that I can not vote for the amendment, not for the reason, as I stated before, that it is without merit but because I think its adoption at this time would lead to the introduction of other measures which might, if not defeat the bill, fatally impair its usefulness.

Mr. NORRIS. Mr. President, I would not want to burden this bill with anything that I thought had no connection with it, that would delay it, or that was not strictly legitimate; but the more I think about it the more I believe that the amendment proposed by the Senator from Oregon would not have the effect either of delaying the bill or of defeating it, but, on the other hand, if it were adopted and put into the law, there would be more increased production coming from that $20,000,000 than from any other $20,000,000 in the bill. The machinery is all ready; the overhead expenses are provided for; the projects, a good many of them, are commenced; the bureau is in full working order, and the effect of this amendment, if agreed to, would simply be to increase and extend their operations at once, and what would be irrigated five years from now would be irrigated this year and next year.

Mr. VARDAMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Mississippi?

Mr. NORRIS. I yield to the Senator.

Mr. VARDAMAN. I want to ask the Senator how long it would be before we could expect results from this investment? How long would it be before you would get returns?

Mr. NORRIS. I think immediately. I think on projects where, for instance, they are digging the ditch this year, next year they are going to extend it, and next year they will extend it still further; and every time they extend it, all the land under the ditch is immediately put into the crop.

Mr. VARDAMAN. Does the Senator think it will affect the crop this year or next?

Mr. NORRIS. Next year; yes. These ditches would be extended further. It would simply increase, and practically at once, the cultivated land under irrigation. Again, there is this to be said in favor of it, Mr. President: The money comes back to the Government. The only thing the Government does is to be without interest on the money; that is all. It gets back every dollar again. The men who do the work, who irrigate the land, pay the Government for it. It comes back. It does not lose the money.

Senators must not get the idea, either, that this is a local proposition. The Senator from Oregon, it is true, gave some very good illustrations of what could be done with it in Oregon; but this money would go to the reclamation fund. That covers the entire United States; and if there is any land in Florida for which it could be properly utilized, the bureau would have the right to use it there without any additional legislation. It simply increases their activities.

Mr. JONES of Washington. Mr. President——

Mr. NORRIS. I yield to the Senator from Washington.

Mr. JONES of Washington. I think the Senator is mistaken in that. I think the reclamation act names the States in which it shall apply.

Mr. NORRIS. Probably it does. I think the Senator from Washington is correct about that; in fact, since he has called my attention to it, I know he is correct; but it applies to any State where there might be a reclamation project.

I presume that the bureau, having in mind the fact that the real object of this is to increase the food supply and production of the Nation as a war proposition, would use the most of it in the extension of projects that are already under way, where the effect of it could be seen almost the next day after it was used. It seems to me that since the Government does not lose anything by the operation, it could be well utilized; and, as far as I am concerned, I should like to see the amendment agreed to.

Mr. SHAFROTH. Mr. President, since the discussion upon this bill has opened up so widely the policy of the Government with relation to the public lands, I want to say a few words with relation to it.

About 10 or 15 years ago there was adopted a policy of withdrawing public lands in the western part of the country, withdrawing water-power sites, coal lands, and forest lands; and while there was no power to make a permanent withdrawal, there was a law that the Secretary of the Interior could fix a price upon coal lands. Instead of fixing those prices at a reasonable figure, however, they were fixed at an exorbitant sum, at such a great figure that in recent years there has been no such thing as the taking up of coal lands in the West; and it is due very largely to that policy that this shortage in coal exists in the United States to-day. In the West it has given to those companies which have title to their coal lands a monopoly of coal production, which has resulted in high prices there. The Geological Survey has reported that in the public lands of the State of Colorado there are 371,000,000,000 tons of coal, enough to supply the entire world at the present rate of consumption for 300 years, and enough in the State of Wyoming to supply the world for 400 years. Had those lands been opened to entry, had they been put up at public auction and sold, there would have been, unquestionably, a great development in the western country in the way of coal production, and this shortage in coal would not have existed, at least to the extent that it now exists. We have always felt that that was a great grievance and a great wrong to the Western States, and we still feel it; and we hope that there will be some legislation during this Congress to relieve that condition.

Mr. President, with respect to this amendment which is offered, I wish to say that the reclamation act was passed some 15 years ago. The object, of course, was the development of lands that were practically worthless unless water could be gotten upon them. Private enterprise had taken all of the lands that were easy of reclamation, but it left many million acres of land that could be irrigated by the construction of

large irrigation works. The Government has undertaken some of those, and some of those projects are not completed yet, by reason of the fact that there is not a sufficient revolving fund for the purpose of aiding the construction of these ditches and reservoirs so as to include larger areas of land.

You know that irrigated lands are exceedingly productive. Applying moisture to fertile lands when needed, under almost perpetual sunshine, always yields enormous crops. It is not an uncommon thing to raise 50 or 60 bushels of wheat to the acre upon irrigated lands, and those are the very lands that the Government ought to be most interested in developing. The fund of $150,000,000 carried in this bill is a revolving fund for the very purpose of providing foods and of increasing the growth and production thereof. Now, why can not $20,000,000 of that sum be appropriated for the purpose of putting it into governmental enterprises that are already undertaken, already built, but which have not sufficient money available to complete them? As quick as the ditches are extended, or as quick as the dam is raised a little higher, these lands will be irrigated and then will follow the raising of great crops, crops that yield enormous amounts of wheat and corn and other things. You can not have a more rapid development than that which will occur by reason of finishing these projects, by reason of bringing under cultivation these lands that are now raising nothing, thereby to that extent at least relieving the shortage in food products, and in that which we most need to win the war—namely, wheat.

It seems to me, Mr. President, that the amendment of the Senator from Oregon is a reasonable one, and that it would add greatly to the supply of food products.

Mr. VARDAMAN. Mr. President, may I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Mississippi?

Mr. SHAFROTH. Yes, sir; I yield.

Mr. VARDAMAN. I think there is a great deal of merit in the suggestion the Senator is making; and I want to ask the Senator—who has given very careful and thoughtful consideration to this bill, as he does to all public measures—if there is more money carried in the bill than will be needed; in other words, if $150,000,000 is no more money than Mr. Hoover will need to administer this bill, would it not be necessary to add to the fund if you are going to divert $20,000,000 to irrigation? Is Mr. Hoover going to have enough money left to carry out the provisions of the bill? Can the Congress afford to limit Mr. Hoover in the amount of money he needs to carry out this stupendous scheme?

Mr. SHAFROTH. Mr. President, it is uncertain as to what amount will be required. Nobody can tell.

Mr. VARDAMAN. It will not be uncertain as to the $20,000,000.

Mr. SHAFROTH. The bill is still open to amendment, and you can amend that if you think it is inadequate. It is a revolving fund. This is not an appropriation of money; it is a revolving fund; and for that reason it seems to me that it will be one of the great aids in the way of bringing food products quickly into the market and thereby relieving the condition of strain that is now upon the markets of the world.

Mr. VARDAMAN. Mr. President, I agree with the Senator that there is merit in this proposition; but certainly the Senate committee charged with the duty of bringing in this bill has not put in $20,000,000 more than is needed. Such carelessness in calculating the amount needed to carry out this measure would be inexcusable.

Mr. SHAFROTH. The Senator can amend the bill by simply adding more if he desires. It is not an appropriation of money; it is simply used for the purpose of turning it over again and getting it back into the hands and Treasury of the Government.

Mr. CHAMBERLAIN. Mr. President, I am in hearty accord with the purpose of my colleague [Mr. McNARY] in undertaking to secure an appropriation such as is provided by his amendment for the Reclamation Service. My State would be favorably affected, beneficially affected, by the amendment if it should happen to be adopted. But, Mr. President, I feel that in this great national emergency I must look beyond the advantage that would come to my own State and to the States of the West, where they have large areas of semiarid lands, and look at the question from the national, or rather from the international, viewpoint. So looking at it, it seems to me that this bill ought not at this time to be encumbered with the question of the reclamation of arid lands.

I am satisfied, as has been said here by some of the Senators, that much good would come from the expenditure of this money in bringing under cultivation larger areas of fertile lands in the West; but I doubt very much if they could be brought under cultivation within a year, possibly not within two years, and I think the Western Senators will bear me out when I say that some reclamation projects have been pending now for a great many years and have not yet been brought to their full fruition. I am led to oppose the amendment for the reasons I have stated, as I have opposed amendments which extended the scope of this bill; but I am induced to oppose it for another reason.

On the 6th of April, 1917, I introduced in the Senate a bill known as S. 758. The same bill was introduced in the House by Mr. SMITH of Idaho. It was to increase the productive agricultural area of the United States by the reclamation of arid and swamp lands therein. This bill has been referred to the Secretary of the Interior, and has met the approval of the department. It is constructive in its nature, Mr. President, and supplements and extends the purposes of the reclamation of arid lands to the drainage of swamp lands. I believe that if Senators will look it over they will favor the enactment of this measure, and if it is enacted into law it will tend greatly to add to the agricultural area of the South as well as the West. I hope, too, that Senators will assist me in bringing that measure to early consideration.

Much as I dislike to oppose the amendment proposed by my colleague, whom I hold in the highest esteem, I think the emergency which confronts us now, the necessity for prompt food control, ought to induce us to keep out of the bill nonessentials of this kind or rather amendments which do not have direct bearing upon the subject of food control.

Mr. BORAH. Mr. President, the Senator from Oregon [Mr. CHAMBERLAIN] has just referred to a bill which he introduced in the Senate some time ago and which was also introduced in the House by a Representative from Idaho [Mr. SMITH]; and I have prepared this bill in the form of an amendment to the pending bill, which it had been my purpose to offer. After canvassing the situation, however, I came to the conclusion that my amendment, which incorporates the bill to which the Senator has referred and of which he is the author, could not be successfully presented at this time under the 10-minute rule, and possibly would be regarded as an amendment which was calculated to delay the consideration of this bill. It is a very important measure and would likely give rise to much discussion, and a canvass of the situation convinced me I could not succeed. I concluded, therefore, that while very anxious to have that bill become a law, I should not offer it at this time on this food bill.

I wish to say just a word, however, in behalf of the amendment offered by the Senator from Oregon [Mr. McNARY]. I do not see why that amendment should delay the bill at all. I do not see why it should embarrass the bill. It would not modify or change any provision now in the bill, and it would help very materially, not at once, of course, but in a few months, to supply a greater acreage for cultivation and provide greater food production in the country.

I wish to read a telegram here from a section of the country which 10 years ago was a barren waste. It was known in our State as the "desert," and it is now a very large, progressive, active community. It has been reclaimed under the arid-land laws. In my judgment, when you consider the time in which the community has been developed and the wonderful state of development it has reached, the Twin Falls country is the marvel of all the marvelous growth and development of the West. It shows how well it is to take into consideration not the things merely of a day but the permanent things which have reference to the building up of our country and to our food supply. It is dated Twin Falls, Idaho, and is as follows:

TWIN FALLS, IDAHO, *June 26, 1917.*

Hon. W. E. BORAH,
United States Senate, Washington, D. C.:

Twin Falls County, with its strictly agricultural population of irrigation farmers, who have redeemed the land from a sagebrush desert within 10 years, have contributed to the Red Cross work $80,000, which is 32 per cent of assessment placed upon entire State. Notwithstanding the lack of adequate water upon the Salmon River segregation to the present year, the townspeople and farmers on that segregation have contributed $5,000 toward the above fund. With proper new legislation concerning district irrigation projects partially completed and new irrigation segregations in the West, with their freedom from extremes of storms, droughts, and freshets, can be depended upon to duplicate this effort and assure enormous supplies of food to our common country and its allies during this great crisis.

TWIN FALLS COMMERCIAL CLUB.

This only shows how these things in a very short time come to be indeed a sustaining part of the country, contributing food, citizenship, soldiers, and all which the country now needs.

In view of the fact that this amendment will in no wise modify or change or alter any provision of the bill and will in

no wise delay its passage in any way, I do not see why we should not be making progress in taking care of the reclamation projects in our arid lands.

Mr. NEWLANDS. Mr. President, it will be observed that the amendment offered by the Senator from Oregon [Mr. MCNARY] is not compulsory, but is simply permissive. It enables the President in his discretion to expend from the amount hereby appropriated not to exceed the sum of $20,000,000 on reclamation projects in accordance with the provisions of the reclamation act, and so forth. So, Mr. President, if it should appear that the entire sum of $150,000,000 appropriated by the bill was required for the general purposes of the bill and all those purposes are superior in necessity to that covered by the amendment of the Senator from Oregon, the President will not be compelled to expend any part of this money for the purpose of reclamation.

It seems to me that this discretion might well be left to the President, and that it would be very wise to provide now for the extension of these areas of intensive cultivation, areas which raise enormous crops through the aid of scientific irrigation, crops involving a very much larger yield per acre than the crops of the humid region.

Mr. President, this war has prevented the serious consideration of a great constructive measure, which has been urged for many years, for the general development of our waterways, taking hold of them at their source, leading the flood waters out over the arid plains, storing these flood waters in the plains and thus preventing them from going below to the destruction of lower areas, utilizing the flood waters for water-power development, controlling them for the purpose of reclaiming arid and swamp lands, and everywhere restraining and holding them in such a way as to prevent the destructive use of the water and to promote the beneficial and compensatory use of the water, and including in this plan the scheme of river development, river navigation, and the coordination of rail transportation, river transportation, and ocean transportation in such a way as to promote the commerce of the country.

Those views were advocated by Theodore Roosevelt when he was President. They were advocated by Mr. Taft both as Secretary of War and as President, particularly as Secretary of War in an able report which was presented upon a bill which I had the honor to introduce. They have also received the substantial indorsement of four members of President Wilson's Cabinet and have received the approval of President Wilson himself. He has indicated again and again to the proper committees that his great desire is to enter upon a scheme of scientific development of our waterways.

Mr. President, war has prevented our taking up those matters seriously now, but this involves a part of that general scheme of development which can well be advanced now, because the irrigation works of the West are many of them completed, many of them are requiring additional sums immediately to open up areas that are capable of very high production, and it seems to me that we can well partially aid the general scheme of river development and at the same time meet the demand which this bill is intended to meet.

I urge, therefore, upon the Senate that inasmuch as this amendment is simply permissive and not compulsory, it may well grant the President this power.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Oregon [Mr. MCNARY].

Mr. MCNARY. On that I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). Because of the general pair I have with the senior Senator from Maryland [Mr. SMITH], who is absent, I withhold my vote.

Mr. FLETCHER (when his name was called). I make the same announcement as to my pair and its transfer as before. I vote "nay."

Mr. VARDAMAN (when his name was called). I have a general pair with the junior Senator from Idaho [Mr. BRADY], and I withhold my vote.

The roll call was concluded.

Mr. HARDING (after having voted in the affirmative). I notice that the junior Senator from Alabama [Mr. UNDERWOOD] has not voted, and because I have a general pair with that Senator I am going to ask the privilege to withdraw my vote.

Mr. TILLMAN. I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Arkansas [Mr. KIRBY] and vote "nay."

The result was announced—yeas 29, nays 42, as follows:

YEAS—29.

Ashurst	Curtis	Johnson, Cal.	Kendrick
Borah	France	Jones, N. Mex.	La Follette
Calder	Frelinghuysen	Jones, Wash.	McCumber
Cummins	Gronna	Kellogg	McNary
Myers	Norris	Shafroth	Watson
Nelson	Page	Sherman	
New	Pittman	Smith, Ariz.	
Newlands	Reed	Sterling	

NAYS—42.

Bankhead	Hollis	Overman	Swanson
Beckham	Husting	Owen	Thompson
Brandegee	James	Pomerene	Tillman
Broussard	Johnson, S. Dak.	Ransdell	Townsend
Chamberlain	Kenyon	Saulsbury	Trammell
Culberson	King	Sheppard	Warren
Fletcher	Knox	Simmons	Weeks
Gore	Lodge	Smith, Ga.	Williams
Hale	McKellar	Smith, Mich.	Wolcott
Hardwick	McLean	Smoot	
Hitchcock	Martin	Sutherland	

NOT VOTING—25.

Brady	Goff	Poindexter	Underwood
Colt	Harding	Robinson	Vardaman
Dillingham	Hughes	Shields	Wadsworth
Fall	Kirby	Smith, Md.	Walsh
Fernald	Lewis	Smith, S. C.	
Gallinger	Penrose	Stone	
Gerry	Phelan	Thomas	

So Mr. MCNARY's amendment was rejected.

Mr. POMERENE. I send to the desk the following amendment relating to the subject of coal and ask for its adoption at the end of the bill.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. It is proposed to add at the end of the bill new sections, as follows:

SEC. —. That it is necessary and proper, in order to execute the powers of Congress to raise and support armies, provide and maintain the Navy, and properly and efficiently provide for the common defense, that the President of the United States shall be, and he is hereby, authorized and empowered, whenever and wherever, in his judgment, necessary for the efficient prosecution of the war, to fix the price of coal and coke, wherever and whenever sold, either by producer or dealer, to establish rules for the regulation of and to regulate the method of sale, transportation, distribution, apportionment, or storage thereof among merchants and consumers, domestic or foreign; said authority and power may be exercised by him in each case through the agency of the Federal Trade Commission, during the war and for a period of one year thereafter, or for such part of said time as in his judgment may be necessary.

SEC. —. That if, in the opinion of the President, any such producer or dealer fails or neglects to conform to such prices or regulations, or to conduct his business efficiently under the regulations and control of the President as aforesaid, or conducts it in a manner prejudicial to the public interest, then the President is hereby authorized and empowered in every such case to requisition and take over the plant, business, and all appurtenances thereof belonging to such producer or dealer as a going concern, and to operate or cause the same to be operated in such manner and through such agency as he may direct during the period of the war and one year thereafter, or for such part of said time as, in his judgment, may be necessary.

While operating or causing to be operated any such plants or business, the President is authorized to prescribe such regulations as he may deem essential for the employment, control, and compensation of the employees necessary to conduct the same: *Provided*, That whenever any person or persons entitled to receive such wages are dissatisfied with the rate of wages so fixed by the President, he or they shall have the right to have the reasonableness of such wages reviewed and determined by the Board of Mediation and Conciliation created by the act approved July 15, 1913, and the findings of said board fixing the rate of wages shall be conclusive in the premises, and said board shall prescribe rules and regulations for carrying this proviso into effect.

SEC. —. That if the prices so fixed, or if, in the case of the taking over or requisitioning of the mines or business of any such producer or dealer, the compensation or damages fixed be not satisfactory to the person or persons entitled to the same, such person or persons shall be paid the amount prescribed by the President and shall be entitled to sue the United States to recover such other sum as, added to the amount so paid, will be just compensation in the manner provided by section 24, paragraph 20, and section 145 of the Judicial Code.

SEC. —. That any producer or dealer whose plant, business, and appurtenances shall have been requisitioned or taken over by the President shall be paid a fair and reasonable compensation for the use thereof or for damages incurred thereby during the period that the same may be requisitioned or taken over as aforesaid, which compensation and damages the President shall fix or cause to be fixed by the Federal Trade Commission or such other agent or agencies as he may designate.

SEC. —. Or if the President of the United States shall be of the opinion that he can hereby better provide for the common defense, and whenever, in his judgment, it shall be necessary for the efficient prosecution of the war, then he is hereby authorized and empowered to require any or all producers of coal and coke, either in any special area or in any special coal fields, or in the entire United States, to sell their products only to the United States through an agency to be designated by the President, such agency to regulate the resale of such coal and coke, and the prices thereof, and to fix the compensation to be paid such producers by the United States, and to establish rules for the regulation of and to regulate the methods of production, transportation, distribution, apportionment, or storage thereof among merchants and consumers, domestic or foreign, and to make payment of the purchase price thereof to the producers thereof, or to the person or persons legally entitled to said payment.

That within 15 days after notice from the agencies so designated to any producer of coal and coke that his or its output is to be so purchased by the United States as hereinbefore described, such producer shall cease shipments of said product upon his own account and shall transmit to such agency all orders received and unfilled or partially unfilled, showing the exact extent to which shipments have been made therein, and thereafter all shipments shall be made only on authority of the agency designated by the President, and thereafter no such producer shall sell any of said products except to the United States through such agency, and the said agency alone is hereby authorized and empowered to purchase during the continuance of the requirement the output of such producers.

That the prices to be paid for such products so purchased shall be based upon a fair and just profit over and above the cost of production, including proper maintenance and depletion charges, the reasonableness

of such profits and cost of production to be determined by the Federal Trade Commission, and if the prices fixed by the said commission of any such product purchased by the United States as hereinbefore described be unsatisfactory to the person or persons entitled to the same, such person or persons shall have the right to sue the United States in the manner provided for by section 24, paragraph 20, and section 145 of the Judicial Code, to recover such other sum as added to the amount so fixed will be just compensation. All such products so sold to the United States shall be sold by the United States as such uniform prices, quality considered, as may be practicable and as may be determined by said agency to be just and fair.

Any moneys received by the United States for the sale of any such coal and coke, may, in the discretion of the President, be used as a revolving fund for further carrying out the purposes of this section. Any moneys not so used shall be covered into the Treasury as miscellaneous receipts.

SEC. —. Then, when directed by the President, the Federal Trade Commission is hereby required to proceed immediately with all possible dispatch to make full inquiry, giving such notice as it may deem practicable, into the cost of producing under reasonably efficient management at the various places of production the following commodities, to wit: Coal and coke.

The books, correspondence, records, and papers in any way referring to transactions of any kind relating to the mining, production, sale, or distribution of all mine operators or other persons whose coal and coke have or may become subject to this section, and the books, correspondence, records, and papers of any person applying for the purchase of coal and coke from the United States shall at all times be subject to inspection by the said agency, and such person or persons shall promptly furnish said agency any data or information relating to the business of such person or persons which said agency may call for, and said agency is hereby authorized to procure the information in reference to the business of such coal-mine operators and producers of coke and customers therefor in the manner provided for in sections 6 and 9 of the act of Congress approved September 26, 1914, entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," and said agency is hereby authorized and empowered to exercise all the powers granted to the Federal Trade Commission by said act for the carrying out of the purposes of this section.

Having completed its inquiry respecting any commodity in any locality it shall, if the President has decided to fix the prices at which any such commodity shall be sold by producers and dealers generally, fix and publish maximum prices for both producers of and dealers in any such commodity, which maximum prices shall be observed by all producers and dealers until further action thereon is taken by the commission.

In fixing maximum prices for producers the commission shall allow the cost of production, including the expense of operation, maintenance, depreciation, and depletion, and shall add thereto a just and reasonable profit.

In fixing such prices for dealers, the commission shall allow the cost to the dealer and shall add thereto a just and reasonable sum for his services in the transaction. There shall be but one such dealer between the producer and consumer or user.

The maximum prices so fixed and published shall not be construed as invalidating any contract in which prices are fixed, made in good faith, prior to the establishment and publication of maximum prices by the commission.

Whoever shall, with knowledge that the prices of any such commodity have been so fixed by the commission ask, demand, or receive a higher price in violation of this section, shall, upon conviction, be punished by a fine of not more than $5,000 or by imprisonment for not more than three years, or both. Each independent transaction shall constitute a separate offense.

Nothing in this section shall be construed as restricting or modifying in any manner the right the Government of the United States may have in its own behalf or in behalf of any other Government at war with Germany to purchase, requisition, or take over any such commodities for the equipment, maintenance, or support of armed forces at any price or upon any terms that may be agreed upon or otherwise lawfully determined.

Mr. POMERENE. Senators will observe that when the bill was first prepared in its present form it applied to coal, coke, petroleum, and their products. On further reflection those who were responsible for it have stricken out petroleum and its products so as to limit the provisions of the amendment to coal and coke.

I also desire to call the attention of the Senate to line 22, on page 7. By an error the word "minimum" was used instead of the word "maximum." I ask that that be corrected accordingly.

The PRESIDING OFFICER (Mr. PITTMAN in the chair). Without objection, that correction will be made.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Pennsylvania?

Mr. POMERENE. I do.

Mr. KNOX. Before the Senator proceeds, will he inform the Senate why petroleum and its products was stricken out?

Mr. POMERENE. For this reason: The bill thus far adopted applies to kerosene and gasoline. The word "products" was broader even than we intended, because it would include perhaps dyestuffs and various chemicals and drugs which are manufactured from petroleum.

Mr. KNOX. Do I understand that you are not moving to strike out "products," but are striking out "petroleum"?

Mr. POMERENE. The word "products" is stricken out. I am striking petroleum out because kerosene and gasoline are provided for in that part of the bill already adopted.

Mr. KNOX. Is not coal also provided for in the same way in the part of the bill already adopted?

Mr. POMERENE. That is true, but we have thought that as coal and coke were so nearly alike and the method of production of the two was so intimately associated they could perhaps be controlled by the one board provided for here much more readily than to have the whole subject cared for and administered by the commission which is created in the original part of the bill. Perhaps our judgment is wrong about it, but that is a matter which the Senate can determine later on.

Mr. KNOX. Do I understand the Senator from Ohio to say that coal is as effectually covered in the bill we are about to pass as petroleum is?

Mr. POMERENE. No; I do not think it is as effectually provided for there. That is just the reason why it seems to me that the control of the production and the price of coal and coke can be so much more easily provided for in the amendment I propose. We feel that the method proposed here will better serve the cause of the country.

Mr. KNOX. I will not take any further time of the Senator.

Mr. POMERENE. Mr. President, I desire briefly to make an explanation, and I may say this: It is my purpose, if this amendment shall be adopted, to then ask, by such parliamentary procedure as may be proper, the elimination of coal and coke from the provisions of the bill which have already been adopted.

It will occur to Senators, I think, that the subject of coal and coke can be very much more readily administered than can the subject of food, for the reason, briefly, that there is no limit to the amount of coal and coke which can be produced. We know that the quantity is unlimited. There is no uncertainty about its production, save and except the will of man and the amount of labor.

I have shown in a former speech the excessive prices which have been charged for coal and coke throughout the country. My belief is that if the prices of coal and coke can be fixed by the Government the operators will be glad to comply with those prices and the regulations which may be adopted. We have provided in this bill that the President shall have the right to determine the price of coal through the Federal Trade Commission, and also to regulate the method of sale, transportation, apportionment, and storage thereof among merchants and consumers, domestic and foreign. Then if, after notice, the producers of the country fail or refuse to comply with these prices and regulations, the President will have the right to requisition and take over the plant, business, and all appurtenances belonging to any such producer or dealer who may have failed to comply with these prices and regulations.

Then, without going into the details of it, there is another plan in the alternative, which is contained in section 5, on page 4. In brief, it provides that the President may, in his judgment——

Mr. McCUMBER. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. McCUMBER. I have understood that there was a unanimous-consent agreement at 3 o'clock to take up the amendment to section 12. Three o'clock having arrived, if that unanimous-consent agreement was entered into, it is the matter that is now properly before the Senate.

Mr. POMERENE. I must say, while I presume the unanimous-consent agreement was not formally entered into, that was the understanding; and if the Senator from North Dakota insists upon that point, I shall yield the floor.

Mr. McCUMBER. I shall insist upon it if it was the understanding.

Mr. CHAMBERLAIN. Let me suggest to the Senator from North Dakota that I have just seen the printing clerk, who went down to the Printing Office personally to have the printing attended to, and he informs me that he expects the amendments to arrive in a few moments, but they have not yet been returned. The amendments will be here in a little while, however.

Mr. McCUMBER. Then it is understood that we shall continue the consideration of the present amendment?

Mr. POMERENE. Mr. President, I have no desire to interfere with any understanding that the Senate may have entered into.

We have provided, as an alternative method of procedure, that the President may, whenever in his judgment it shall be necessary for the efficient prosecution of the war, to require any and all producers of coal and coke in any special area or in the country at large to sell these products to the agency to be created by the President. In that way it is thought that not only the price but the distribution of coal can be arranged for so as very materially to improve our industrial and transportation conditions and more readily meet the requirements of our people.

Mr. President, I think this method is very much more desirable than that already provided for in the committee bill, because, in the first place, a Federal Trade Commission, which would be the agent to fix these prices if this amendment is

adopted, has already gone into the subject very fully, both so far as it applies to the anthracite region and to the bituminous region.

The questions connected with this food supply are going to be necessarily very involved and complicated, and they will tax the ability of the ablest men who can be named for that commission. Mr. Hoover, who has been considered in connection with that commission or with the food administration, has, as I understand, given almost his entire thought and study to that one particular subject. My belief is that when it comes to the question of coal and coke, the prices can be fixed by this Federal agency and the administration of the production and distribution of food can either be arranged for by that agency or by some other agency to be designated by the President, and the people will thereby be much better served.

I feel that it is necessary that we should take pretty drastic action with these necessaries of comfort and of industrial life. I have pointed out the fact heretofore that the price of coal had been doubled, trebled, quadrupled, and even quintupled. The price of coke has likewise advanced.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. POMERENE. I can not go into these details. I am sorry that I have not more time.

Mr. McCUMBER. Mr. President, I want the attention of the Senator from Ohio to two provisions in his amendment. The first provision is found on page 5, line 11, and is as follows:

> That the prices to be paid for such products so purchased shall be based upon a fair and just profit over and above the cost of production, including proper maintenance and depletion charges, the reasonableness of such profits and cost of production to be determined by the Federal Trade Commission—

Why did the Senator see fit to put such a proposition as that in this bill relating to the purchase of coal for the United States? But a few minutes ago the Senator from Ohio voted against exactly the same kind of a proposition, a proposition meaning exactly the same thing, when it was applied to the farmer's products. There are a great many farmers in the State of Ohio; they produce wheat and oats and barley and other grain and food products. Why, I ask the Senator, is it necessary to so carefully guard your coal operators to see that they have fair and just compensation, to allow them all of the labor charges and all of the other charges that are usual in making up the cost of production, while you deny those things to the farmers of the State of Ohio?

Mr. POMERENE rose.

Mr. McCUMBER. Then let us turn over another page or two, and we find that on page 7 the Senator has again carefully guarded the interest of the coal dealers in this language:

> In fixing minimum prices for producers the commission shall allow the cost of production, including the expense of operation, maintenance, depreciation, and depletion, and shall add thereto a just and reasonable profit.

That is exactly the rule that I asked to have applied in fixing the value of the products of the farmers of the State of Ohio and of the State of North Dakota. Can anyone give any good reason for applying a certain rule, which so carefully guards the interests of the coal operator in the State of Ohio, and then the Senator by his vote declaring that no such protection whatever shall be given to the farmer in the State of Ohio?

This has nothing whatever to do with the minimum-price proposition, which may come up in another phase of the bill. It is a question where the Government itself becomes the purchaser, where the Government exercises its right of requisition; and where the Government exercises that right, you very carefully guard the interests of your coal operator, while, with the same care, you determine that the farmer who produces food cereals shall not have thrown around him this protection.

Mr. POMERENE. Has the Senator from North Dakota finished?

Mr. McCUMBER. No; but if the Senator from Ohio wishes to answer in my time now, he can do so. If not, I shall go on. I have not got half through, I will say to the Senator.

Mr. POMERENE. Mr. President, I was not aware that there was anything in this matter that should so excite the irritability of my good friend, the Senator from North Dakota [Mr. McCUMBER]. The Senator from Iowa [Mr. CUMMINS] is in part responsible for these provisions, and I am in part responsible for them. I recognize the fact that when it comes to determining the cost of coal, and so forth, there are many things to be considered, as, for instance, depletion, and so forth. We have not provided for the fixing of a minimum price at all in this bill. So far as coal is concerned, we have provided for a maximum price. We expect to protect the consumers when it comes to fixing the price of coal.

Mr. McCUMBER. The Senator from Ohio will recall that the Senator from Iowa was consistent, because he voted for the same rule in reference to the farmer.

Mr. POMERENE. I have understood that the provisions of the bill relating to foodstuffs were sufficient to take care of the farmer. The Senator from North Dakota may be assured that I have no secrets from the farmers of Ohio. I am always ready to answer to them for any mistakes I may make. If I have made any mistake in this matter, I am willing to correct it, if they are not protected in this behalf. The farmers are certainly very well provided for when we fix a minimum price for their wheat, and so forth. I assume it is going to be a reasonable price. It may be that I have made a mistake in that behalf; if so, my apologies are due to the lofty-minded Senator from North Dakota, who never makes any mistakes.

Mr. McCUMBER. I think apologies are due, Mr. President, not to the Senator from North Dakota, but they are due to the farmers of the State of North Dakota.

Mr. POMERENE. Oh, Mr. President, I am not a political farmer.

Mr. McCUMBER. The Senator probably may find some doubt here on that proposition.

Mr. POMERENE. Well, if there is, and the matter is called to my attention, I can retrace my steps, as I have often retraced them. It may be that after I have drunk in wisdom at the feet of the Senator from North Dakota for a few more years my errors may be corrected.

Mr. McCUMBER. Well, Mr. President, I think by the time that the Senator has absorbed from the Senator from North Dakota a sense of justice—not wisdom—toward the farming element of the State of North Dakota, and even of the State of Ohio, he will not vote to put in the bill one provision for protecting the coal barons of his State and then vote against a provision for taking care of the farmers of the same State.

Mr. POMERENE. Oh, Mr. President——

Mr. McCUMBER. I can not yield further now, Mr. President.

Mr. POMERENE. If the Senator from North Dakota is disposed to put a wrong construction upon what I have done, I can not help it. I am always ready to answer to the voters of my own State. I always have answered to them.

Mr. McCUMBER. Mr. President, we all do that; and we can do it without boasting of it. The Senator says that he has no provision in the amendment for a minimum price on coal. I ask the Senator what he means, then, on page 7, line 22, where it is provided that—

> In fixing minimum prices for producers the commission shall allow the cost of production, including the expense of operation, maintenance, depreciation, and depletion, and shall add thereto a just and reasonable profit.

That deals, Mr. President, with a minimum price, not a maximum price.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Ohio?

Mr. McCUMBER. I do not desire to yield all of my time.

Mr. POMERENE. The Senator from North Dakota has been so bitter and vitriolic that he failed to notice the fact that after the amendment was read I said the word "minimum" was a misprint and asked to have it changed to "maximum," and the Senate permitted it to be so changed.

Mr. McCUMBER. Well, Mr. President, it may be that I feel a little vitriolic. I confess I do feel that a great injustice has been done the farming element of this country in treating them as though they were not entitled to the same rights and consideration in connection with their products as are granted to those in every other line of business in the United States. It is absolutely true that by a majority vote of the Senate we have deprived the farmer of such right, and then there is placed in another portion of the bill the same rule that we refuse to apply to the sections relating to farming.

Mr. LEWIS and Mr. CUMMINS addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. LEWIS. Mr. President, I rather regret that the very suggestion of coal should have imparted such heat to the boilers of the two distinguished Senators that their blood should have run riot with such warmth. [Laughter.] Inasmuch, however, as the provisions of this bill might be construed to comprehend ice, there may be a chance to apply a cooling process for the moment, and return to one consideration which, I think, it is very necessary from my point of view that we indulge.

Mr. President, I am sure the eminent Senator from North Dakota [Mr. McCUMBER], whose solicitude in behalf of the farmer is always the subject of admiration, and the Senator from Ohio [Mr. POMERENE], whose industry in the matter of

the coal investigation, following his desire to ameliorate conditions so inexcusable, can find approval from this body without regard to any difference these eminent Senators may have as to ways and means; but, Mr. President, I am moved to give my support to the Senator from Ohio respecting his independent proposition for dealing with the coal situation for this reason: I think, Senators, we are making an error—with great respect for all who differ from me in that view, I make the assertion—when we put in this bill fuel. This is a food-control bill. We have tendered enough projects here to convert it into not a food bill but a fool bill; and, unless we shall be guardful, we will destroy this bill and, as I see it, destroy the objects which the bill was framed to effect.

Mr. President and Senators, I take it that we have been considering the qualifications of a certain gentleman whose name has been frequently mentioned here as food administrator. Mr. Hoover has been referred to; some advocating him as eminently fit; others opposing him as not being qualified for the superior task; but, Mr. President, when the time comes to name whoever shall be named, that administration must be conducted by one having the qualifications of a food administrator. The suggestion is that one of these administrators shall be a farmer for the protection of agriculture; but when we come to fuel, Senators, I am impressed with this view: That it partakes of a situation wholly apart from the question of food, the growing of it by the farmer, and the distribution of it by the food administrator. When we consider fuel, the public lands of the Government must be taken into consideration, the mining of coal, the bringing forth of oil, the distribution of them, the retail price for them; and all of that, Mr. President, I am thinking, sir, should constitute a separate subject and should be handled by a separate tribunal. They ought not to be taken out of the jurisdiction of the Secretary of the Interior, in so far as the jurisdiction of coal mining upon public lands or the distribution of that coal to the Government, or oil, sir, from the public lands, and the distribution of that oil to the Government for fuel, where its fuel necessities are concerned.

Mr. SMITH of Michigan. Mr. President——

Mr. LEWIS. I yield to the Senator from Michigan.

Mr. SMITH of Michigan. Mr. President, does not the Senator from Illinois think that the question of our fuel supplies is of such transcendent importance that any remedy which may be perfected now ought to be employed? I dislike very much to think that this question will be eliminated from the present bill, and then take its usual course, without any unanimous consent, and perhaps at a time when there may not be as keen an interest as there is at the present moment. We in the Northwest, as the Senator knows, are very dependent upon a proper supply of coal; and, if I had my way about it, I would exempt every man who works in a coal mine from the draft and allow him to perform that service in the mine, where he can be of more use to the country than he would be in the field.

Mr. LEWIS. Mr. President, I may shock my able friend from Michigan by telling him that, so far as I am concerned, I have after great deliberation come to the conclusion that the coal mines of America must be taken in charge by the Federal Government and administered as a public utility, the mining to be operated under the supervision of the Government, and the same as to oil. I agree with the Senator heartily in saying that if something can be done to regulate and ameliorate the conditions of hardship suffered by the whole community, such should be done. But the point I wish to make now, sir, is that, as I see it, if we leave fuel in this bill to be administered by a food administrator, we will have it administered by those who have no personal knowledge of it whatever, who have no qualifications for settling its difficulties, or giving a solution to present problems.

I am in favor of leaving the coal matter to a separate tribunal, and settle it right now in any form any Senator may suggest. The suggestion of the Senator from Ohio meets my approval. Add it to this bill, if you please, as an amendment, and let it be administered by those who know the fuel situation, who have some qualifications, who are familiar with coal and oil production, and not have it so confused as to destroy naturally its operation and benefit by putting it in the hands of those who apparently will be consumed and monopolized with nothing but the question of food. For that reason, sir, I give my support to the independent proposition of the Senator from Ohio.

Mr. CUMMINS. Mr. President, it is quite obvious that an adequate discussion of this subject can not be had in 10 minutes. It is the most important phase, I think, of the regulation which is now asked at the hands of the Government. The bill before us is intended, I assume, to do two things: First, to encourage and stimulate the production of certain commodities which are esteemed to be necessary; second, to see that the producer of those necessaries has a fair price for his labor in producing them, and that the consumer of the product shall not be required to pay an excessive price on account of undue profits which attach to the products on their way from the producer to the consumer. I am in perfect sympathy with these objects in the bill. I am not persuaded that in all respects the bill adopts the most effective remedy to cure the evils which have afflicted us or to bring about the beneficent and desirable objects which we all seek to accomplish.

I do not intend to speak now of food, except to say that if I had my way about it I would apply exactly the same remedy to wheat that I seek to apply in this amendment to coal. I believe that the Government of the United States ought to become the purchaser of every bushel of wheat which is raised this year or which will be raised next year, and I think it ought to pay for the wheat and ought to give the farmer the assurance that it will pay a fair and reasonable price for it. I believe that the rule announced by the Senator from North Dakota in his amendment is simply the rule of justice, as it is the rule of law whenever the Government attempts to exercise its power to take property of this character.

I have not, however, sought to change the form of the bill with regard to food products; but the Committee on Interstate Commerce has been now for more than three weeks engaged in an investigation relating to the production and distribution of coal. I have not the time—I wish I had—to recite the evidence that has been developed in the investigation. It is sufficient to say that the amendment proposed by the Senator from Ohio grows out of that investigation and is the deliberate outcome of the study which certain members of the committee have given to the general subject. I believe it will accomplish the purpose which we all have in view. I do not believe that the bill as it now is will accomplish the purpose.

The object of section 5 of the bill—and it is the only section which will afford any relief whatever—is to authorize the President to license coal operators throughout the country and to allow them to proceed with their business, and if he finds that the profit which any particular mine is earning is too great, then upon review he may substitute some other profit for that particular mine, and the operator must observe the order or mandate of the President.

Senators, that will not meet the exigency of this situation. If we do not very promptly seize it, a portion of the United States will be without coal during the coming winter, and a great many of our people will suffer the tortures of a cold climate without fuel. At this moment there are, as I am informed, upon the docks at the head of the Lakes about 350,000 tons of coal intended to supply the great Northwest, whereas last year at this time there were 3,500,000 tons of coal in that vicinity; and if we do not get, before lake navigation closes, a very large supply of coal in the northwest part of the country both the railroads and the people will suffer most seriously.

I live in a town in the very heart of a coal-producing region, and such was the situation last winter that the city council of Des Moines was compelled to go into the railway yards and seize, without warrant of law, cars of coal in order to prevent the people of that community from freezing to death. That experience will be witnessed all over this country during the coming winter unless prompt and effective measures are taken for the production and the distribution of coal.

Addressing myself for only a moment to the amendment of which I am in part the author—for this is a compound of two proposals—it contemplates that the United States shall become the owner of all the coal mined, and that it shall pay to the coal operators a fair and reasonable price for it, including the cost of production, maintenance, operation, depletion, and depreciation; that then the United States shall resell the coal, shall determine where the coal shall go, to whom it shall go, and the prices at which it shall be sold

Senators, it is absolutely impossible to fix the price of coal at the mine and secure any relief without pursuing the coal to the ultimate consumer. You can not destroy the laws of business without substituting the Government itself as a factor in the problem and without making the Government itself the distributor of the coal. It is not a radical proposition; it is vastly simpler in its operation than the effort to fix the price of coal—I mean by that, fixing the prices in the way of a regulation. It will enable the Government to do what business now does—to supply competing industries with coal at the same price, even though the cost of production of two mines which may supply these industries is different.

I may say that I have no right to claim credit for this proposal. It is the proposal of the Federal Trade Commission, or

a majority of the commission. It is the thoughtful result of the labors of a man who, I believe, knows more about the subject than any other man in the country and who has no purpose to serve except the general welfare. The Federal Trade Commission has been for months engaged in an investigation, and it has now more information than any other board, any other commission, or any other man could accumulate in months to come. It is simply the height of absurdity to take from that commission the administration of this remedy and assign it to some one, however capable, who has not given attention to it and who does not claim to know anything whatsoever about it.

I hope that the amendment will be adopted. I hope that we will at least give the President the discretion of employing the method prescribed in the bill now or the method which is prescribed in the amendment.

Mr. KNOX. Mr. President, the difficulty that I see about this amendment is that it is importing into this bill a matter of vast consequence upon which we are called to act with very little information and with very little time for consideration and discussion.

The Senator from Iowa [Mr. CUMMINS] has just said that the Federal Trade Commission is in a sense the author of this amendment, and that it is the result of laborious and continuous and minute examinations and investigations. Certainly those investigations and examinations and their results should be laid before us before we can act intelligently upon a matter of such grave consequence.

I wish to say, however, in passing, as the amendment of the Senator from North Dakota [Mr. MCCUMBER] has been referred to several times in this discussion, that I should like to explain my vote against that amendment. It was not because I did not think that all of the elements named in his amendment should be considered in fixing prices to the farmer, but because I thought, as a matter of law, they were necessarily to be taken into consideration before prices could be fixed, and because I recalled that other principle of law that the fixing of the elements of damage, the rules by which damage shall be ascertained, is not a legislative but a judicial question, and I feared that if we undertook to legislate upon the subject our legislation might be void.

Mr. President, whatever may be the difficulties and the evils and the hardships that exist in the coal situation—and they are many—they arise from one of two causes. They arise either from the fault of the coal operators themselves or they arise from reasons over which they have no control. If they arise from the fault of the coal operators, it seems to me that this bill as it has been perfected up to the present time completely covers every possible fault of which they could be guilty, and makes them guilty of crime, for which they may be punished by fine and imprisonment, because by section 4 of this bill not only do you make it a criminal offense to hoard coal, to raise the value of coal artificially, to try to create artificial conditions, to withhold an ample supply, or in any way whatever to artificially control the markets for coal, but, in addition to that, you vest in the hands of the President of the United States the power to issue a license to them prescribing the conditions under which they can do business. Now, Mr. President, is it possible to conceive any willful fault upon the part of the coal operators that would bring about any hardship to the consumer that is not reached by the provisions of this bill?

Mr. President, if present conditions are not faults of the operators, then the question arises, Should this particular business be selected out and put on a different basis from any other business? As this amendment was originally proposed it applied not only to coal but to petroleum. When I asked the Senator from Ohio why petroleum was withdrawn from the amendment, the reply was, because petroleum was dealt with in the other portion of the bill. Coal is dealt with in the other portions of the bill in exactly the same terms in which we deal with petroleum.

Mr. WATSON. Mr. President——

The PRESIDING OFFICER (Mr. KING in the chair). Does the Senator from Pennsylvania yield to the Senator from Indiana?

Mr. KNOX. Certainly.

Mr. WATSON. Suppose that the coal operators simply decline to operate or to produce. Suppose they say, "These prices are not satisfactory to us, and we will not produce." How would the Senator handle that situation under the provisions of the general bill?

Mr. KNOX. I would prosecute such an operator under the fourth section of the bill, which distinctly contains a provision prohibiting artificial diminution of the supply of coal.

Mr. WATSON. Does the Senator think that would cover a case of nonproduction or failure to produce?

Mr. KNOX. I absolutely think so. I will read that section of the bill if I have the time.

Mr. WATSON. That is to say, does the Senator think that under the provisions of section 4 you can compel a man to produce?

Mr. KNOX. I say that under the provisions of section 4 you can punish him for restricting the distribution of any necessaries or willfully preventing, limiting, or arresting the manufacture or production of the same. If a man willfully restricts the production or willfully refuses to produce, he is liable to be punished under the provisions of this act.

Mr. WATSON. Suppose that a farmer declines to produce?

Mr. KNOX. Mr. President, I decline to yield further, because I have only a few minutes. The Senator from Indiana will have the same opportunity to address the Senate that I have myself.

The PRESIDING OFFICER. The Senator declines to yield further.

Mr. KNOX. I have only this word to add to what I have already said, that by the fourth section of this bill the same rule is applied to the coal operators that is applied to any other producer of necessities.

Now I come to the question as to how far the coal operators themselves are not responsible for the conditions that exist. Upon this question I have not the time to enter; but I received this morning from a very intelligent coal operator a letter, which I should like to have placed in the RECORD, so that such Senators as may be interested in the question as to how far the operators themselves are suffering for lack of transportation and other reasons over which they have no control may be enlightened.

The PRESIDING OFFICER. Without objection, the request of the Senator will be granted.

The matter referred to is as follows:

PITTSBURGH COAL PRODUCERS' ASSOCIATION,
Pittsburgh, Pa., July 18, 1917.

Hon. PHILANDER CHASE KNOX,
The Senate, Washington, D. C.

DEAR SIR: Legislation proposed in the Senate affecting the coal-mining industry in this State and the Nation is causing operators of the Pittsburgh district and their customers serious concern. We are asking no special favors nor any special treatment. We do desire, however, that Congress shall act in the light of accurate information.

I shall not enlarge upon the conditions causing the complaint. You are doubtless familiar with the difficulty consumers have had in obtaining coal and with the fact that prices have been unduly high. In considering remedies for these conditions it is important to understand their causes and to fit the treatment to the ailment. You have doubtless heard it charged that high prices have been caused by concerted action on the part of coal operators, in violation of the law. Your own understanding will assign due weight to these unfounded and unjust allegations when you consider that the United States Department of Justice, the Federal Trade Commission, and dozens of State, municipal, and county official and grand juries have been constantly inquiring into all the activities of every organization in the business, have examined the correspondence, the sales books, and the records of scores of coal companies, and that the entire business of the coal industry has been conducted for months under the searching scrutiny of all the agencies for the enforcement of the State and Federal antitrust laws.

Briefly, the real causes for the trouble are as follows: Extraordinary industrial demand for coal has coincided with a shortage of available transportation and consumers have bid against each other in a scramble to obtain coal. Such action under such conditions produced the logical effect on prices. This country is asking this year some 50,000,000 tons more of coal than ever before. The United States Geological Survey and the Federal Trade Commission state that the mines can readily produce two or three times that much additional coal over and above the production of 1916 if they have sufficient railroad cars. Railroad cars are essential to steady mine operation, because bituminous coal is not stored at the mines, and hence the mines are unable to run unless they can dump their output constantly into waiting railroad cars. Moreover, storage of coal at the mines is not desired, because such storage ought to be made at the places of consumption so that stored supplies can be drawn on promptly and surely when and as needed.

The mines in the Pittsburgh district alone can ship nearly 1,000,000 tons more of coal each month if they have adequate transportation. The mines here and throughout the country generally have not at any time since last October had sufficient railroad cars to ship the coal which consumers were demanding. The mines in this association, which are only a portion of those in the Pittsburgh district, have a capacity for the current year of 34,200,000 tons of coal, provided they have sufficient cars in which to ship this coal. Contracts with customers dependent on these mines for their coal supplies call for the shipment of approximately 27,000,000 tons during this year, leaving more than 7,000,000 tons which should be available for additional demands. To date, however, solely because of the lack of transportation, production and shipments from our mines have been running at the rate of less than 24,000,000 tons for the year, which is typical of the general conditions. You will understand the results of such conditions too readily to require extended exposition.

It is true that the railroads have moved more coal during the first six months of this year than in a similar period during the preceding year, but the country needed even more coal than they moved. This coal was not supplied simply and solely because the railroads could not move it from the mines. While that condition has improved somewhat, the mines in this important producing region and in many others are still operating at only 70 to 75 per cent capacity because of a lack of sufficient railroad cars. This means that the mines are necessarily idle one or two days each week at a time when the country is clamoring for coal.

As we see it, this is the essential fact in the coal problem: Unless sufficient cars are furnished to permit the mines from their abundant reserve capacity to supply the coal which the Nation needs, factories

must inevitably be closed next winter, and people will suffer simply because at the time the coal is needed it will be in the mines instead of in Boston, Springfield, New York, Cleveland, Duluth, Minneapolis, and other places of consumption. No amount of price fixing or regulation or commandeering of mines will change that situation in the slightest particular unless transportation is available to haul the coal required to the points where it is needed. This is the carefully considered conclusion of the Federal Trade Commission as given in its official report to the Senate on the bituminous-coal industry and as amplified and emphasized in Commissioner Colver's testimony on this subject before the Senate Committee on Interstate Commerce.

Since transportation is obviously the key to the solution of this problem, it is desirable to understand what is being done to improve transportation. You are doubtless familiar with the efforts being made by the railroads themselves. In addition, the recent car-shortage amendment to the interstate-commerce law gives ample authority to the Interstate Commerce Commission to stop the transportation abuses and inefficiencies which are primarily responsible for the transportation troubles. The commission is now taking this matter in hand and has organized a new division to administer the authority conferred by this amendment. We are satisfied that the commission, with the assistance of the railroads, will find means to assure the shipment of all the coal which the country is demanding. If the Senate doubts this, permit me to suggest that it should direct the Interstate Commerce Commission, by resolution, to see that the coal mines are given sufficient transportation to supply the country with coal.

If adequate transportation is furnished the mines, it is a plain conclusion that coal prices will return to normal levels, because no buyer will pay exorbitant prices when he can obtain supplies from a dozen different sellers all eager to dispose of their production. As we see it, this is the real remedy for the present coal problem of the Nation, because at one stroke it will furnish the tonnage of coal required and at the same time will reduce prices naturally and without any arbitrary and disturbing interference with the usual business procedure. On the other hand, Government price fixing and regulation can not add one pound to the production, but are almost certain to reduce the output, complicate the distribution of coal, make it difficult for the consumer to obtain the particular kind which his business especially requires, and lead to dangerous disorganization. Tying this industry up with red tape can cause irretrievable disaster.

Coal operators recognize the fact that until the transportation shortage is remedied some control of prices in the interest of the consumer may be necessary. They have already voluntarily accepted the suggestion of Secretary Lane to reduce prices and are observing the prices be fixed pending fuller investigation. They will observe any others that he suggests later. Not another industry in the country has gone so far as this. Through Secretary Lane, the Federal Trade Commission, and the committee on coal production effective temporary control of coal prices can thus be exercised to protect the consumer until adequate transportation renders such control no longer necessary.

For these reasons we hope that Congress will give the Interstate Commerce Commission time to exercise the broad authority which has been conferred upon it for the express purpose of solving just such problems as the coal business presents, and will not, before the commission can even begin its remedial action, add to the difficulties of the coal industry by ill-advised, revolutionary legislation except as a last resort should the efforts of the Interstate Commerce Commission prove unavailing.

Please understand that we do not in any way oppose the efficient organization of industry in this Nation for the successful conduct of the war, but we are genuinely concerned for fear that through failure to understand the real crux of the coal situation Congress may enact hasty legislation which will precipitate a grave coal crisis next winter that should never occur. The causes of the trouble have been clearly pointed out by agencies of the Government commissioned to discover them. Ample authority has been given other Government agencies to remove these causes. We trust, therefore, that the Senate will not disorganize this industry by hastily enacting the legislation proposed.

The fear of such disorganization is already alarming many of our customers. As you know, great industrial enterprises dependent on coal mines in this district have contracted with Pittsburgh coal operators for their coal supplies. The operation of their power plants and of their factories depends upon obtaining the kind and quantity of coal called for in these contracts. But if the entire output of our mines is to be purchased and sold by the Government, as provided for in the legislation now pending, these manufacturers are left with no assurance whatever as to the quantity or kind of coal which they may be able to obtain. The consequences of such disruption of settled arrangements for fuel supply should be too obvious to require discussion.

We are placing these facts before you because we believe the Senate should wait to legislate upon this subject until the competent agencies of the Government duly authorized to solve the coal problem satisfactorily to all parties concerned have completed their efforts.

Very truly, yours,

J. D. A. MORROW, *Commissioner.*

Mr. SMOOT. Mr. President, I think that the people of the country ought to know just what are the causes of the shortage and the extreme prices of coal.

There are at least three causes for the unfortunate condition in which we find ourselves at the present time. The first and foremost of those causes is the shortage of available transportation; the second is, through that shortage of available transportation, an unusual scramble for the coal that can be delivered to the users of coal in the United States; and, third, there is a shortage of labor.

I was talking the other day to a gentleman who has been in the coal business for at least 30 years, not merely in one of the coal districts of the United States but in many of them, and he told me that the labor situation was such that it was impossible, in his opinion, to furnish the necessary coal the coming winter. He said that when the war in Europe first broke out, 40 per cent of all the employees working in the coal mines operated by him were taken out of his employment. They were foreigners and left for Europe to enter the war. Then, when the eight-hour law was passed, it reduced his production some 12 per cent more. He wound up by saying, "God only knows, when the draft for men takes place in this country, where I am going to get employees in sufficient numbers to work the coal mines to produce coal sufficient to meet the demands."

I have here a letter from Mr. J. D. A. Morrow, commissioner of the Pittsburgh Coal Producers' Association, of Pittsburgh, outlining in detail the coal situation to-day, and speaking of the shortage of available transportation. Mr. Morrow says:

Briefly, the real causes for the trouble are as follows: Extraordinary industrial demand for coal has coincided with a shortage of available transportation, and consumers have bid against each other in a scramble to obtain coal. Such action under such conditions produced the logical effect on prices. This country is asking this year some 50,000,000 tons more of coal than ever before. The United States Geological Survey and the Federal Trade Commission state that the mines can readily produce two or three times that much additional coal over and above the production of 1916 if they have sufficient railroad cars. Railroad cars are essential to steady mine operation, because bituminous coal is not stored at the mines, and hence the mines are unable to run unless they can dump their output constantly into waiting railroad cars. Moreover, storage of coal at the mines is not desired, because such storage ought to be made at the places of consumption so that stored supplies can be drawn on promptly and surely when and as needed.

Mr. Morrow calls attention to the fact that the mines in the Pittsburgh district are not working full time even under present conditions, because of the fact that it is impossible to secure transportation for the coal to the factories and to the customers desiring coal even at this time of the year. In other words, he calls attention to the amount that is being produced, the amount that could be produced, and the amount that they would like to produce if they could possibly secure transportation for the coal. Mr. President, it seems to me that the thing Congress should do is to provide some means to transport the coal that can be produced, and when that is done I think the problem will be solved. It is not because there is not enough coal in the United States; it is not because the owners of the coal mines would not like to produce all the coal that is wanted, not only for this country but for foreign countries as well. If you take the reports of the Geological Survey and study them and see what has been the price of coal produced in the United States for past years, you find that the coal producer has been satisfied, judging from the reports of that department, with a profit over and above actual cost of something like 12 to 13 cents per ton.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Ohio?

Mr. SMOOT. I do.

Mr. POMERENE. Is the Senator advised as to what the profits have been during the last six months?

Mr. SMOOT. Mr. President, I am perfectly aware that the profits of the producer have been large during the last six months. That comes about for this reason: They have got two or three buyers for every ton of coal that is produced. The manufacturers are fearful that they can not get the coal to run their mills and they compete against each other, and through that fierce competition the price has advanced. There is no question of doubt about it.

I want to say to the Senator that I have no doubt but that many of the coal producers of this country have made more than 12 per cent—yes, more than a dollar—a ton; they have taken advantage of the market conditions. I do not deny that; but I want to say to the Senator that if we had transportation facilities and every coal producer in this country could get all of the cars he needed, then there would be competition, and competition would bring down the price, because the consumer, if he could not buy it from one producer, would purchase it from some other producer that could and would give it to him if he had the transportation.

Mr. POMERENE. Mr. President, if the Senator will permit me, I recognize the fact that transportation has something to do with it; but every one of these operators will tell you, and many of them did tell the committee, that there was more coal mined, more coal transported, and more coal consumed in the last six months than ever before in the history of the country. That being so, the transportation problem has not been the great element in the increase in price which they endeavor to make us believe that it is.

Mr. SMOOT. Well, Mr. President, we all know that there has not been transportation facilities for handling the coal that has been demanded by the manufacturing concerns and by all other kinds of industries in the United States requiring coal. There is no need of denying that there would have been much more coal consumed, and there would have been more coal stored if we had had ample transportation that to-day is lacking.

If there is a shortage of coal this winter it will not be from the fact that the coal producer has any disposition not to store coal during the summer months. It will come from the fact that he can not get transportation to take the coal to the place

at which he wants to store it and where he can store it; and the Senator knows that around the mine is no place to store coal.

Mr. WATSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Indiana?

Mr. SMOOT. Yes; I yield.

Mr. WATSON. The coal operators in Indiana entered into a verbal agreement with the governor and the public utilities commission that if they would give them complete car service they would reduce the price of coal. The car service was then 50 per cent. Under the operation of the public utilities commission in Indiana, they furnished 100 per cent car service to every coal operator in the State, and have done so for the last 60 days, and yet the price of coal has gone up instead of down.

Mr. SMOOT. I understand, Mr. President——

The VICE PRESIDENT. The time of the Senator from Utah has expired.

Mr. PENROSE. Mr. President, I do not imagine that anything I or any other Senator may say will be listened to in the light of logic or of reason in connection with this bill. In my opinion the bill is monstrous in its present shape.

The Senator from Indiana [Mr. WATSON] asked my colleague, the Senator from Pennsylvania [Mr. KNOX], I think, whether under this bill a person could be put in jail for not producing coal. Why, Mr. President, under the terms of section 4, I challenge contradiction of the statement that every farmer of the United States can be put in jail who reduces his production of wheat, and every coal operator can be put in jail for curtailing the production of coal; and there will not be enough jails in the country to accommodate all the persons who are amenable to the very heavy penal provisions contained in this measure, of a fine of $10,000 and two years' imprisonment.

If the American people realized the character of this measure, the storm of protest would be so great as to cause its immediate repeal should it be enacted into law in this shape; and should an attempt be made to carry it into effect, it would cause riot and revolt all over the country.

The farmer and the coal operator are made the objects of this extraordinary measure. A number of articles were put in the bill, and as rapidly taken out. Why should not cotton have been retained in the measure, as well as coal? I get a large number of letters from northern manufacturers demanding that cotton be put in this bill, if control of commodities is to be part of the policy of the Government.

Here is a letter from a representative citizen of Pennsylvania, Mr. Robert P. Hooper. He says:

> I take the opportunity of asking if you will not support the proposed addition to the food bill now before the Congress which calls for Government control of cotton. The various industries which I am connected with use enormous quantities of raw cotton, and we are working with every facility we have with the interests of the Government before us. In order to show our patriotism to the country we are now working altogether on as low a margin of profit as possible, and feel that it is the duty of every man in the country to do likewise. Unfortunately, the cotton grower and those who handle in a speculative way the raw material do not seem to feel this way, and they are continually advancing the price of raw cotton to such an extent that the manufacturers are compelled to advance their prices to the Government accordingly. This is costing the Government a loss of many millions of dollars. It is very evident that cotton is on a fictitious basis from the fact that even the mention of a Government control of the price of cotton caused it to drop a few days ago practically $10 a bale. In my judgment, the raiser of cotton and the speculator should have their prices controlled in exactly the same way as the growers of wheat and the miners of coal.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Idaho?

Mr. PENROSE. I do not want to be interrupted in my limited time unless the Senator would like to interrupt me as my time is about to expire; then I can answer in his time. I will answer a brief question, however.

Mr. BORAH. I was simply going to say that we made a tactical mistake in framing this bill. We put in too many articles, so that there were too many who were anxious to take articles out.

Mr. PENROSE. Yes; that is very evident, Mr. President. There seems to have been some kind of a mysterious, subterranean agreement for mutual protection and defense, which the coal operators and the farmers apparently failed to get into.

The end of this kind of legislation, Mr. President, will be the ruin of the coal industry and the closing of the mines, and neither the Government nor the private consumer will have any coal at all. There has been much hysteria on the subject. Everybody has been supplied with coal up to date; and while, of course, there may be speculators in the coal business, as there undoubtedly are in the cotton business, they are only a small percentage of the trade.

Representatives of the coal producers from over 30 States came here to Washington at the request of Mr. Lane, the Secretary of the Interior, contained in a communication addressed to Mr. Peabody, of the advisory commission of the Council of National Defense. They consulted with the officials of the Government to arrange for a fair and equitable price; and here is what Mr. Lane says of their action:

> DEAR MR. PEABODY—
>
> I quote in part from his letter—
>
> I have just learned of the action of the coal operators, and I wish to express my appreciation of the generous, prompt, and patriotic manner in which they have acted. They have dealt with the situation in the way that I had hoped they would, as large men dealing with a large question.

I intend to have the letter put in the RECORD, so I will not read it at length.

Mr. Lane expressed the highest gratification, and no word in the dictionary was too laudatory apparently when he commended the action of the coal operators from all over the country.

Not only that, but they made arrangements to supply the Northwest with coal and the Atlantic seaboard on the basis agreed upon by the Secretary of the Interior. It was the subsequent interference of the Secretary of War, Mr. Baker, that upset the whole situation, and humiliated the coal operators of the United States, and is the direct and responsible source of whatever speculation there is in the coal business at the present time, because the Secretary of War attempted to reflect upon the action of the Secretary of the Interior, and he seemed to be joined in that action by the Secretary of the Navy. The consequence was that the speculator was not kept within bounds and resorted to the previous practices which had been complained of.

I want to give the Senate some idea of the knowledge of the coal business displayed by the Secretary of the Navy. Secretary Daniels' support of Secretary Baker rests upon a fact that the Nation ought to know. Secretary Daniels asserted that he purchased coal for the Navy last year at $1.38 per ton, but he did not state the conditions under which the coal was produced. It came from West Virginia and from companies which were willing to sell to the Government at almost any cost as an advertising proposition for the balance of their output. The coal was produced by nonunion miners, all officials of the United Mine Workers being driven out of the region by detectives hired to terrorize the mines. The living conditions among these workers are subnormal and un-American, negroes and the lowest class of southern European labor living together amid conditions which are a shame to democracy and a blight upon the physical and moral life of the Nation.

That is the commercial standard which the Secretary of the Navy saw fit to apply to the adjustment of prices consummated by the Secretary of the Interior, showing a confusion, indecision, delay, and demoralization in the administration of the Council of National Defense, that to my mind is impressively striking.

I know my time is limited, Mr. President, under the 10-minute rule, and I shall not detain the Senate longer. I have prepared some memoranda concerning the coal situation and its relation to the Government. I will ask to add them to my brief statement.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

"MEMORANDA CONCERNING THE EXCLUSION OF FUEL, PARTICULARLY BITUMINOUS COAL, FROM THE FOOD-CONTROL BILL NOW PENDING.

"1. There is absolutely no disposition upon the part of the bituminous-coal operators to hold back from cooperation with the Government in the matter of coal production upon terms fair and just to the three parties concerned, namely, the mine owners or operators, employed labor, and the consuming public, especially the Government. Indeed, it can be stated, as Secretary Lane has already recognized, that the operators have manifested and are still manifesting a desire to cooperate enthusiastically upon patriotic grounds. The only reservation to this is that Secretary Baker has considerably chilled the ardor and undermined the confidence of the operators by his violent attack following the agreement reached June 28. Men who wish to do everything in their power to aid the Government in such a critical period as this are not sure of their standing when one member of the Cabinet violently overthrows the agreement of another, especially when that agreement was simply tentative and pending a further and complete investigation of costs of production.

"2. There are certain facts which should be clearly recognized in this discussion. Under the Sherman law, with its prohibi-

tions and penalties and the threats of overzealous public prosecutors looking for political reputation, it has been impossible for the coal operators even to think of getting together in any way looking toward the regulation of prices and production, even with a view to controlling irregularities detrimental alike to their own and the public interests, as all extremes of prices always are detrimental. The conference held recently, culminating in the agreement of June 28, was upon the invitation of accredited Government officials with a view to securing the assistance of the responsible coal-producing companies in preventing the extortionate prices which had prevailed for spot or free coal; such extortionate prices having been established here and there during recent months by speculative interests keen to take advantage of the consumers who had failed to provide by contract for their usual deliveries of coal. However—and this point is exceedingly important—not 10 per cent of the coal produced in the past six months has realized to the producer the high prices which have been so much criticized and which have formed the basis of more than one attack upon the coal producers. Indeed the responsible coal producers have deplored these erratic price movements as being just as detrimental to their own interest as to the interest of the consumer.

"3. It is a noteworthy fact that in spite of all the wild talk about a coal famine no important industry or producing or manufacturing concern has had to cease business because of fuel shortage. There may have been delays which gave rise to unnecessary alarm for the future, but the delays were due entirely to car shortage; the panic aspect given recently to the coal situation has been entirely fictitious and has been created largely by those men whose political creed urged them to bring as many elements of industry as possible under Government control or into a state of Government ownership.

"The committee on coal production of the National Council of Defense undertook, at the request of the council, to bring order out of chaos, to speed up production, to settle prices upon a reasonable level throughout all sections of the United States, and, above all, to secure promptly the fuel supplies necessary for the Government in war time. The following copy of Secretary Lane's letter to Mr. F. S. Peabody, of the committee of coal production, gives the motive which inspired and regulated the conference:

"JUNE 28, 1917.

"Mr. F. S. PEABODY,
"*Chairman Committee on Coal Production,*
"*Council of National Defense.*

"DEAR MR. PEABODY: I feel that the present extremely high prices on coal require immediate action by the coal operators, and therefore would urge upon you that they should be reduced at once and maximum prices fixed which would apply to sales on and after July 1, 1917, and continue until such time as the investigation which you propose into costs and conditions shall warrant a reduction or increase. These prices should not be used to affect present contracts or apply to export or foreign trade. In other words, the people of the United States should have, as I urged upon the operators the other day, immediate relief and knowledge of their disposition to make a reasonable price irrespective of the possibilities of obtaining higher prices. This would be regarded by the people as meeting the situation promptly and wisely if the prices materially cut those which exist.

"Cordially, yours,

"FRANKLIN K. LANE.

"The response of the representatives of the bituminous operators was prompt and unequivocal, as shown in their resolution given below. It will be noted that this resolution on their part authorized the Government to fix a 'tentative maximum price':

"This convention, by resolution heretofore adopted, having requested the Secretary of the Interior, the Federal Trade Commission, and the committee on coal production to fix a fair and reasonable price at which the several operators in the several coal districts of the United States shall sell coal, do hereby further authorize said Government representatives, so named in said resolution, to forthwith issue a statement fixing a tentative maximum price which, in their judgment, is fair and reasonable, as applied to the several coal districts, at which coal shall be sold from and after the 1st day of July next and until the accurate costs have been ascertained and a fair and reasonable price based thereon fixed by said Government agencies designated under said resolution: To this end, therefore, be it

"*Resolved*, That the several States here represented do present to the chairman of this convention a suggestion for use by said agencies in fixing the price which the several interests here represented feel should be the fair and reasonable price to be so tentatively fixed by the said agencies.

"Adopted June 28, 1917.

"Secretary Lane's recognition of this action leaves no doubt whatever that the arrangement was highly satisfactory to the Department of the Interior and the Federal Trade Commission. Mr. Lane frankly recognizes that the coal operators had shown a spirit of cooperation and subordination of their own interests unparalleled in the history of the relationship of Government to an important industry:

"JUNE 28, 1917.

"HON. F. S. PEABODY,
Chairman Committee on Coal Production,
Council of National Defense.

"MY DEAR MR. PEABODY: I have just learned of the action of the coal operators, and I wish to express my appreciation of the generous, prompt, and patriotic manner in which they have acted. They have dealt with the situation in the way that I had hoped they would, as large men dealing with a large question. They manifestly see that this is no time in which to consider primarily the opportunities which the war gives for personal aggrandizement. We must gain for each by gaining for all. The country is in a mood for sacrifice. It is intent upon the success of the war and is willing to do everything needed to give insurance to the world against a repetition of this awful condition.

"Will you not be good enough to express to the coal men my appreciation of the spirit they have shown in determining that their prices shall be reduced so that the industries of the country may not feel hampered and the people may not feel that their spirit is broken down by the thought that this is to be a war for individual advantage instead of self-protection? I felt from the moment of my talk to them that no body of men more truly represented the high purpose to yield personal desire for general good than did they. Now I trust that we shall immediately put into concrete form the spirit of your resolution.

"Cordially, yours,

"FRANKLIN K. LANE.

"The splendid piece of constructive patriotism, to which Mr. Lane refers as a large question dealt with by large men, was carried out, notwithstanding the fact that some of the operators were under indictment charged with an agreement to fix prices and who still feared the possibility of further prosecution by the Department of Justice. Nevertheless, they responded cheerfully to the urgent appeal of Secretary Lane to do something sacrificial to meet the tremendous emergency which had arisen in the Nation.

"4. It immediately was recognized that coordination and cooperation of the transportation and producing interests must be secured promptly in order to bring about instant improvement. The first step taken was in the interest of the great Northwest. In order to secure for that section an adequate supply of fuel at reasonable rates a pooling arrangement was made, under the title of the Lake Erie Bituminous Coal Exchange, whereby during the period of open navigation the classifications of coal were reduced by producers from over 1,000 to 100 grades, thereby greatly facilitating the movement of coal over the docks. This not only expedited its distribution but it resulted in a prompter return of cars to the mines. A similar arrangement was made and will shortly go into effect for all Atlantic tidewater ports whereby it is expected that an additional 6,000,000 tons of coal can be put over the Atlantic docks annually as a result of the pooling.

"In these particulars, as in everything affecting the present situation, the producers responded cheerfully and energetically to the appeal of the coal-producing committee, with the result that adequate supplies for Government use were delivered with unusual promptness.

"5. In order to relieve the consumer of the evil effects of extortionate prices demanded and obtained by a few speculative interests and in order to allay the fictitious feeling of panic upon the part of the purchaser, the committee on coal production invited all the coal operators of the United States to meet in Washington. Their cooperation in correcting the present situation and in guarding against possible future evil was asked by Secretary Lane, Gov. Fort, of the Federal Trade Commission, and Mr. F. S. Peabody, of the coal-production committee. The first thing to develop in this conference was the immediate need of cooperation upon the part of railroads and shipowners. For instance, shipping facilities from the southern coal ports for the northeastern manufacturing districts, where the great munition plants abounded, have been diverted to other purposes and bottoms were not available for coal carrying. Consequently coal had to be shipped by rail, which congested traffic, diverted cars from their usual runs, filled the sidings, and made normal transportation for the other operators a most serious matter.

"6. Evidence is abundant that the one great need to relieve the coal situation is an adequate supply of cars. There is an abundance of available coal. The mines are adequately equipped and labor is ready to do its share, but the cars are lacking. If the distributing facilities were available, 75,000,000 more tons of coal per annum could be mined and shipped to the consumer. The operators are anxious to produce, the laborers are willing to work, but the cry in every coal field is 'Cars! Cars! Cars!' Successful coal-mine operation is absolutely dependent upon a constant, regular, and adequate supply of railroad cars. (Reference: Federal Trade Commission Report and Colver's testimony before Senate Committee on Interstate Commerce.)

"It is obvious, therefore, that the Interstate Commerce Commission and the Federal Trade Commission must cooperate with the coal producers to immediately remedy this condition.

"7. Herewith find the statement given out by the Department of the Interior (office of the Secretary) concerning the conference held in Washington at the invitation of the Council of National Defense:

"DEPARTMENT OF THE INTERIOR,
"OFFICE OF THE SECRETARY,
"*Washington, D. C., June 28, 1917.*

"As a result of the conference between the mine operators, the Secretary of the Interior, Federal Trade Commissioner Fort, Chairman Peabody, and the committee on coal production of the Council of National Defense, the following reductions were made to go into effect July 1 next in the prices of coal. This, according to the statement of Director George Otis Smith, of the Geological Survey, of the Interior Department, will effect a reduction to the consumers east of the Mississippi Rives of $15,000,000 a month, based on the output of free coal in May of this year. These prices are maximum prices per ton of 2,000 pounds aboard the cars at mine, pending further investigation. These prices do not affect in any way contracts in existence or sales of coal for foreign or export trade.

"The operators tendered to the Government a reduction from these reduced prices of 50 cents per ton for coal that the Government may need.

"No action was taken upon anthracite prices because of the fact that these prices had already been acted upon by the Federal Trade Commission.

"Twenty-five cents per net ton was fixed as the maximum price for coal jobbers' commission, with only one commission, no matter how many jobbers' hands the coal may pass through.

"On account of an inadequate representation of operators west of the Mississippi River, no maximum prices were fixed for coal from those districts. A supplementary statement will be issued within a few days covering prices on coal produced in those districts.

"The action taken at this conference brings about the following results:

"Present prices on bituminous coal mined in Pennsylvania have ranged from $4.75 to $6. Under the ruling the price is reduced to $3 for mine run and $3.50 for domestic lump, egg, and nut.

"The present range of prices in West Virginia is from $4.50 to $6; price reduced to $3 for mine run and $3.50 for domestic lump, egg, and nut.

"The range of prices for Ohio coal has been from $4.50 to $5; prices reduced to: No. 8 district, the thick-vein Hocking and Cambridge districts, $3 for mine run and $3.50 for domestic lump, egg, and nut; thin-vein Hocking, Pomeroy, Crooksville, Coshocton, Columbiana County, Tuscarawas County, Amsterdam-Bergholz district, $3.25 for mine run and $3.50 for domestic lump, egg, and nut; the Massillon and Palmyra districts and Jackson County, $3.50 for all grades of coal.

"The prevailing prices in Alabama have been from $5.50 to $5.75; prices reduced to: Cahaba and Black Creek, $4; Pratt, Jaeger, and Corona, $3.50; Big Seam, $3 for all grades.

"The prevailing prices for coal mined in Maryland have been from $5.75 to $6; reduced prices will be $3 for mine run and $3.50 for domestic lump, egg, and nut.

"The prevailing prices on coal mined in Virginia have been $4.50 to $5; reduced price, $3 for mine run and $3.50 for lump, egg, and nut.

"The prevailing prices on coal mined in Kentucky have been from $4 to $4.50; reduced price, $3 for mine run and $3.50 for the domestic sizes.

"The prevailing prices on coal mined in Illinois and Indiana have been from $3.50 to $4; reduced price, $2.75 for mine run and steam sizes and $3.50 for screened domestic sizes.

"The prevailing prices on coal mined in Tennessee have been from $4.50 to $5; reduced price, $3.50 for all sizes.

"The first thing to be noted concerning the above prices is that they are tentative and are subject to modification by the Federal Trade Commission after the commission has determined the real cost of production. Before making any mention of the actual cost of production your attention is called to the serious blunder made by Gov. Goodrich, of Indiana. Gov. Goodrich has claimed that the tentative rate is in excess of the recent selling rate, which is absolutely untrue. The above memoranda in the last parargaph but one shows the prices on coal mined in Illinois and Indiana to have been from $3.50 to $4, while the reduced price according to the operators' agreement will be $2.75 for mine run and steam sizes and $3.50 for screened domestic sizes.

"At this point it seems advisable to insert Secretary Lane's remarks to the assembled operators:

"Gentlemen, this is a very novel proceeding. I think I am within the fact when I say that no such hearing or gathering as this has ever been held in the United States before, or perhaps in the world. You are, I hope, pioneers in a good movement. I come from the land of pioneers, the far western country, where we look back with respect and admiration and some reverence upon those who crossed the hard and stony and waterless places to the richer spots beyond, and I hope that you will be looked back upon not only by those who succeed you in the coal business, but by the industries of the United States, with respect and admiration for the manner in which you have acted at this conference. You have responded, as men should, to a call made upon you in the name of the people of the United States. You are not a removed class. You are of us. You belong to the people. Most of you are men who were not born to wealth. You come up out of the soil like the rest of us and you have shown a sympathy and an understanding of your relations with the people from which you spring. That is the essential quality in democracy. Unless we can maintain in our minds always a consciousness of the source of power in this country, democracy is a failure. There is a strong contention made that this Government can not so organize itself as to meet to the full the demands that are to be made upon it, that other forms of government in times of stress or, in fact, in any times, are more competent and more efficient, because there is the strong hand of the Government above, threatening, menacing, compelling. If we in the United States are to work out our problems economic, social, as we have worked out our problem political, we must work it out, in my judgment, in the spirit in which you have worked—with sympathy, with recognition of those whom you serve. There is a kind of corporation in this country that we know as a public utility. A public utility is one that is at the service of anyone and must render him the kind of service that it holds out to give. In the biggest and broadest sense, each one of you in running a coal mine is managing a public utility, because the public is dependent upon you. And this world is going forward and not backward; it is going to keep its confidence in democracy, if the men who have the management of industry and the men who give direction to the thought of the country have in their hearts always the welfare of the people. The one thing that will turn us back is the exercise of arbitrary power by those who have power and who exercise it ruthlessly. You have been up against an extremely odd situation. And now you have gathered here and met that situation in man fashion. I think you have reason to be proud of what you have done. Speaking for Gov. Fort and for Mr. Peabody and his committee and for myself, we are proud of what you have done. You have said to the American people that within your power, exercising your judgment, protecting yourselves, you will not be oblivious to the rights of those whom you serve; you will, within your power, protect them. That is the spirit that makes for the success of our country. And if all the industries of the United States will have that same spirit, there will be no question as to our ability to mobilize the resources of this country and carry this war to a successful conclusion. Good sense, common sense, vision, the judgment of large-minded men—those are the things that must characterize us if we are to carry on this great venture. We must not work singly and alone, for selfish ends, in the hope of reaping rich rewards which will distinguish us merely as men who are in industry as makers of money. We must work as the men that the papers said landed in Europe yesterday will work. We must work in companies, in battalions, in regiments, and we must have in our minds the purpose that we are going to march forward to victory, victory not for ourselves, but victory for the country that is dearer to us than anything we have except our own families. This war is not a war of a day. It is not a war upon which we entered lightly. It is not a war in which any man, no matter how old he is, no matter what his resources may be, will not be compelled to play his part. We are the greatest business Nation on earth, and therefore we must look to the business men of the country to lead our people in spirit. And I think that the word that comes out from this gathering will be an inspiration to the people of the country.

"8. When Secretary Baker repudiated and denounced the agreement made with Secretary Lane it was an act hardly short of a national catastrophe. Backed by Secretary Daniels, it disclosed a glaring and ominous crevice in the national administration, but even that was the least important feature of the situation. Secretary Baker's repudiation undermined and probably demolished the foundations upon which cooperation could be built up between the Government and the great industrial interests of the country. What encouragement could there be for any other body of producers to negotiate or cooperate with one department of the Government when all the work could be knocked to pieces by another department? Confidence has been shot to shreds. Men who a few weeks ago were enthusiastic to make vast sacrifices of time and money for the Government now are afraid to lay themselves open to the humiliation which has overwhelmed the coal operators.

"9. Secretary Daniels's support of Secretary Baker rests upon a fact which the Nation ought to know. Secretary Daniels asserted that he purchased coal for the Navy last year at $1.38 per ton, but he did not state the conditions under which that coal was produced. It came from West Virginia and from companies which were willing to sell to the Government at almost any cost as an advertising proposition for the balance of their output. The coal was produced by nonunion miners, all officials of the United Mine Workers being driven out of the region by detectives hired to terrorize the region; living conditions among those mine workers were subnormal and un-American, negroes and the lowest class of southern European labor living together amid conditions which are the shame of democracy and a blight upon the physical and moral life of the Nation.

"10. Unconscious or malicious misinformation has been spread broadcast concerning the cost of producing coal. Such information has been accepted as correct even by Government officials and responsible legislators. There is hardly a coal-producing region in the United States which can actually mine coal at a labor cost of less than $1.50 per ton. In some regions where the veins are thin and the mining conditions exceptionally bad the cost runs considerably above this, but these figures take into consideration only the actual work of mining. There are a number of very material elements of cost which do not appear on the operator's books at all.

"SOME COSTS NOT ON THE BOOKS.

"First. Capital investment cost.

"(a) Sinking fund to refund capital.

"A sinking fund must be created to return the money the plant cost and the size of this fund is 20 cents a ton.

"(b) Interest on capital.

"On almost any reasonable capitalization this interest charge will be 24 cents per ton.

"(c) Leasehold value, 15 cents per ton.

"Second. Selling cost.

"Some operators pay 10 cents per ton while others pay 10 per cent of the sales price. A fair estimate throughout the coal regions would place the selling cost to the producer at 16 cents per ton.

"Third. Managerial cost.

"Very many operators manage their own property, their only return being the interest on their capital if such be earned. Whether it is earned or not a charge for management should be made which would amount to 7½ cents per ton.

"Fourth. Pensions and charities.

"In the last few years the larger producers have inaugurated pension and sickness benefits for their workers, but at the present no definite percentage can be worked out for this.

"Fifth. Welfare work. It is now recognized that one of the most important things in the coal regions is to stabilize the industry. This can be done not only by guaranteeing continuous employment at fair wages but by thoroughly humanizing the conditions of living. Every operator of importance now recognizes that tenements must be really habitable; that there must be recreational and educational facilities for the workers and their families; that the mining population must live in a community that approximates to the conditions enjoyed by other industrial workers in the larger communities. The cost of this can not be worked out to-day on a per ton of coal produced, but every month it is becoming a more important factor in the coal-mining world.

"The position of the bituminous operators respecting Government action now pending and legislation in Congress is that the agreement reached with Secretary Lane should be allowed to stand because it is eminently fair and just. The prices agreed upon are only tentative and are subject to revision or confirmation based upon the findings of the Federal Trade Commission regarding the cost of coal production. The alternative proposed, namely, to handle the entire coal of the country by a separate Federal commission in which no experienced coal operator shall have a part is a step toward catastrophe. It is inconceivable that improvised bureaus and drafted officials from other walks in life can handle such a vital and basic interest during a period which is straining the strength of even the most experienced coal operators. Government control of coal should be stricken out of the food-control bill and the agreement reached between Mr. Lane, the Federal Trade Commission, the National Defense committee on coal production, and the coal operators should be allowed to continue, subject to such revision as the investigation of the cost of production may justify."

Mr. WEEKS. Mr. President, the coal question is about the most intricately involved of all the questions treated in the bill. In my judgment we can supply food products sufficient for the needs of the people of the United States and for all the shipments abroad for which we can find transportation. The coal question is different, and it is especially different in the section of the country which I represent.

New England obtains all its coal from the West Virginia or Pennsylvania fields, about 36,000,000 tons a year—12,000,000 tons of hard coal and about 24,000,000 tons of soft coal. Last winter soft coal reached the price of $12 a ton and was sustained at that price for a considerable time. It was not due to the cost of coal at the mine or the profit that the miners made as much as it was to the question of transportation. What the Senator from Utah [Mr. SMOOT] has said about the importance of transportation in connection with this question is of the utmost importance and is quite correct.

The cost of coal at $12 a ton in New England as divided up last winter, and the price will be as high again this winter, was about $3 a ton at the mine. The transportation from Norfolk to New England ports was $6 a ton. The railroad transportation from mine to water $1.40 a ton, and about 50 cents a ton from the port in New England to the manufactory or other place where it was used, leaving a profit of perhaps half a dollar a ton or three-quarters of a dollar a ton. It is water transportation that is the greatest difficulty to the New England consumer, and as such it is one that influences and affects the business of the whole country and the prosecution of the war.

Very largely the New England manufacturing industries are engaged in manufacturing for war purposes and unless they are supplied with sufficient coal to carry on their operations it will be impossible for them to carry out their contracts to supply the Government's needs.

This whole question is so disjointed that it is pretty difficult to place the responsibility for any failure. For example, at one time the Navy Department enters the field and takes the tugs belonging to a transportation company and turns them to naval uses. At another time the owners of shipping sell their shipping because they can make more money in some other operation and so divert it to some other purpose. There must be some strong hand if New England is going to receive a fuel supply this winter that will provide transportation sufficient to get the coal from the mines to the market.

I think that last year there were probably 15,000,000 tons of coal taken by water from New York, Philadelphia, and Norfolk to the New England ports. There is not more than two-thirds of the amount of water transportation that there was last year. The business of that section of the country is greater than it was last year; therefore the demand for coal is greater and the means of getting it are less. It is quite likely that the requirements will aggregate 40,000,000 tons this year. So unless transportation is furnished we must close down many of the most important industrial concerns of that section of the country, and, as I have said, that means a failure to supply the Government with its needs to carry on the war.

So the question itself is most involved. It can not be charged that the coal miner is alone responsible or in many cases even largely responsible for this situation. The needs of New England are not the needs of Ohio, which mines it own coal, or the needs of Illinois, which mines its own coal. The transportation questions are much more involved than in those States.

When I listen to these amendments and the propositions of the committee I feel like saying, "A plague on all your houses!" I do not know how any one of them can answer the purposes which they claim to be able to do. It is utterly repugnant to me to think of the Government taking over the coal mines and operating them. In my judgment it would curtail rather than increase the coal supply of the country.

On the other hand, I do not see how any man is going to be wise enough to fix a price for coal which will not do a material injustice to one section of the country even if it does justice in another section. I do not believe there are men living who are wise enough to handle that kind of a question without doing as much harm as they do good. If we were doing the wise thing, or if we had done it months ago, we would have undertaken to prepare this country for the transportation of its products. If we had devoted our money and our time to the transportation questions and forgotten all these other correlated ones, we would to-day and next winter be infinitely better off than we are going to be. It is too late now to build cars, it is too late to build vessels for this purpose, and it does not make any difference how many committees or commissions you have—the only possibility of relieving the New England situation is for the railroads to stop doing one kind of business and devote their equipment to the coal business.

I presume to some degree that may be done and will be done under the direction of the committee connected with the advisory commission as it has been in other cases, but this very advisory commission may not be all wise.

The New Haven Railroad has just been asked to send 1,500 freight cars to Florida to transport the products of Florida which are ready for market to the northern market. That delays every kind of business in New England, because the New Haven has not any more equipment than it needs, probably less than it needs. So while we are saving one industry or one product we may be doing irreparable damage in another case.

I never was as much at sea on what seems to be the best course to take on any question as I am on this one relating to fuel. I think in the final analysis if we would do what we can now to provide transportation facilities, if, for example, Congress would appropriate $100,000,000 to build coal cars, we could not spend that money as wisely in any other way, because the car industry of the country is not overworked. If that industry could obtain material, without any question it could turn out a great many cars before the snow flies next winter, and if the motive power could be obtained and those cars were available we could care, very largely at least, for the situation as it exists.

Mr. CUMMINS. I wish to ask the Senator from Massachusetts whether he knows that we already have enough coal cars to do the business of the coal transportation. The difficulty is that the railroads are using the coal cars for other kinds of traffic.

Mr. WEEKS. That is because they have been directed to do so by the railroad committee of the advisory commission.

Mr. CUMMINS. I do not know anything about that. The railway committee, I suppose, can not change it in a moment, but the real difficulty is not the scarcity of coal cars, although there may be a shortage of cars of all descriptions.

Mr. WEEKS. Undoubtedly there is a shortage of all kinds of equipment, and if you use coal cars for another purpose you simply prevent the possibility of transporting sufficient coal for the needs of the country.

Mr. CUMMINS. For that reason I think the amendment I proposed on the floor will do some good.

Mr. NEWLANDS. Mr. President, I agree with the Senator from Massachusetts [Mr. WEEKS] that the coal question is an exceedingly involved one. But we are called upon now to un-

ravel this tangle. The first question that arises is as to what committee has made the most thorough investigation of this subject. This bill emanates from the Agricultural Committee, and was originated, I understand, as a bill for the control of foods and feeds. I heard the examination of Mr. Hoover before that committee, and whenever reference was made to any commodity other than food my recollection is that he indicated that that was outside of the bill which was originally contemplated, and he knew nothing or little about those subjects.

The examination and the investigation related almost entirely to food and feeds in that committee. The bill was reported covering all three—food, feed, and fuel. Then an investigation was commenced in the Interstate Commerce Committee upon the bills introduced by the Senator from Iowa [Mr. CUMMINS] and the Senator from Ohio [Mr. POMERENE], and an exhaustive inquiry was made covering some five or six hundred pages. At that inquiry the operators of the mines, who had gathered here at the invitation of the advisory commission, presented their views. The Federal Trade Commission, represented by the new members, Gov. Fort and Mr. Colver, presented their views and the views of that commission after a very thorough investigation not yet completed of this subject. Before that committee also appeared Mr. Thorne, of Iowa, the transportation expert, who had made a very thorough study of this subject, and gave very valuable information and views regarding it.

Now, then, as a result of that investigation we find an amendment to the pending bill offered as the joint product of the Senator from Ohio [Mr. POMERENE] and the Senator from Iowa [Mr. CUMMINS], and I submit that that amendment represents as thorough an investigation as has been had of the subject by competent men, and that it is entitled to the careful consideration of the Senate.

Mr. President, with reference to the question of transportation, to which the Senator from Massachusetts has alluded, of course shortage of cars has had a great deal to do with the rise in prices and the scarcity of coal, the rise in prices being caused by the scarcity of coal in different localities, precipitating upon the free or spot coal an extraordinary demand and raising that coal to skyrocket prices. The operators who had contracts at low rates, all the way from $1.10 to $1.40 per ton at the mine, saw the opportunity of making some money in an industry which for five or six years had not been a profitable one; perhaps profitable to some, but not profitable in its entirety, and we know how split up the industry is. It is not concentrated, as is the anthracite industry, but is divided among thousands of operators throughout the various bituminous fields operating either in a large or a small way.

They were eager to make up some of their losses, and some of them violated their contracts for the delivery of coal and turned their coal into the free-coal market, and as new contracts were sought they raised the price or refused to make contracts, reserving their coal for the free-coal market. The result was that these men, yielding to a natural impulse urging them to recover losses that they made in the past, availed themselves of the prices which they could get in the market, and all they had to do was to accept the high prices offered by the purchasers, who were becoming hysterical and alarmed.

Take New England itself. Deprived of its usual supply of two and a half million tons from Nova Scotia, the factories there rushed into the Ohio and Indiana fields and demoralized the market by their offers for coal, and inflicted an injury upon local consumers of coal in those States. So it has been throughout. This extraordinary demand precipitated upon a somewhat restricted supply has raised the price of coal to an abnormal figure.

Mr. President, the coal operators are now in a position where they can get high prices and they are not going to yield, in my judgment. They have made a moderate concession in response to the appeal of the Secretary of the Interior, but not such a concession as wisdom should have dictated, in my judgment. They agreed to lower the current price from $5.50 to $3, but they ignored the fact that only the year before the price at the mine was less than $1.50, and that under these conditions the cost of production having increased but little, $3 a ton was unreasonably high.

The result, Mr. President, of the scarcity of transportation has been that certain sections of this country are to-day without a coal supply. The great Northwest has only 10 per cent to-day of its usual coal supply, and there is a supreme necessity now of a thoroughly organized and coordinated effort to save sections of the country from coal famine.

The thing that is now operating upon the minds of the coal operators is not so much the necessity of the various sections of the country as their own desire for a large profit to take the place of the losses of the last five years. By limiting production slightly they can maintain high prices. We can not therefore trust to them for a solution of this question, and the Government must intervene.

The industry is not such a very large one when you measure it in dollars. Five to six hundred million tons annually is the normal production.

We could buy up the entire soft-coal crop of the country at a less cost than the entire wheat crop; and not a large sum would be needed, because a revolving fund could take care of it. As the coal is purchased, it would be sold and the money would be restored to the fund, so that a moderate revolving fund would take care of the business.

Now, undesirable as it is that the Government should go into the business of handling coal, it seems to me that there is no alternative. The Government must either control the prices or purchase the coal, and then set it moving in the ordinary channels of commerce. This bill provides, in the alternative, for both of those plans.

To whom should this work be intrusted—the food commission under this bill, headed by Mr. Hoover, a very capable man, who is absorbed entirely in the study of the food question and has little time to apply his great organizing capacity to this question, or should it be the Federal Trade Commission, organized by us years ago for the consideration of all these economic questions, and which, at the request of the President, has, I may say, for some weeks been, by a trained corps of men, making a thorough study of this question; a commission composed of capable men, a commission recently reenforced by two very strong men—Gov. Fort and Mr. Colver—both of whom appeared before our committee and indicated that they had a thorough knowledge of the situation and were animated by a desire to solve this difficult question? It seems to me that the task should be, without question, intrusted to the Federal Trade Commission, originally organized for just such work, with its experienced corps of investigators and experts, its accumulated knowledge, and its records of previous inquiries made by the Bureau of Corporations, to which it succeeded, and composed of able and experienced men, who have for weeks been familiarizing themselves with the present situation.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. HOLLIS. Mr. President, this is a bill for the control of food and fuel, which are prime necessities; but there is one great difference between them: Food is produced only by the farmer, who goes out and adds to the gifts of nature his own judgment and labor, and thereby raises a crop; the coal was placed in the bowels of the earth by the Creator, and all that man has to do is to go and get it and distribute it. There is therefore a great difference between undertaking to run all the farms in the United States and undertaking to run the coal mines of the country.

The Committee on Agriculture very carefully considered the question of food control in the bill, but it was not equipped to consider carefully fuel control under the bill. We have a Committee on Interstate Commerce, one in which we all have confidence. The chairman of that committee, Mr. NEWLANDS, has just given his views in regard to this amendment. The amendment was produced by the joint efforts of the Senator from Ohio [Mr. POMERENE] and the Senator from Iowa [Mr. CUMMINS]. When those two men consider a subject, listen to the testimony of those who understand the situation, and collaborate on an amendment which they present to the Senate, I feel not only glad to follow them, but bound to follow them.

The Senator from Massachusetts [Mr. WEEKS] has explained to us the very serious situation in New England so far as coal is concerned. A committee of very prominent men from New England were in Washington last week, or the first of this week, I think, explaining the situation. The manufacturers in New England are desperate because of the prospect of having a small supply of coal next winter. I see no way to relieve that situation but for the Government to take over the coal mines and to mine the coal and distribute it throughout the country according to its legitimate needs.

Moreover, it is true that the question of transportation plays a very leading part in the distribution of coal, and under the priority of shipment bill, which passed the Senate a few weeks ago, the Government will have control of the railroads of the country, so that it can send the coal where it ought to go and where it is the most needed. Thereby each section of the country will have a fair chance.

Considering further the question of transportation, we can remember that the Government now has control of the shipping; that it has control of it because it has the right to take off tugs and steamboats from the work which they have heretofore been

doing, and to apply them to the public use of transporting troops and munitions and other supplies for troops.

This amendment does not provide that the President shall take control of the coal mines; it does not provide that the President shall fix the price of coal; but it does give the President authority to set such machinery in motion, if he decides that the fuel problem is not being handled for the best interests of the country.

For these reasons, Mr. President, I am heartily in favor of the amendment, and I hope it will be adopted.

Mr. GRONNA and Mr. SHIELDS addressed the Chair.

The VICE PRESIDENT. The Senator from North Dakota.

Mr. GRONNA. I do not wish to address myself to this particular question, but I understood that we should at 3 o'clock take up section 12 of the bill, and I therefore ask for the regular order.

Mr. SHIELDS. Mr. President, some days ago I presented, and it was read to the Senate, a letter from Gen. W. L. Welcker explaining the coal situation in the district of Tennessee. I have now a letter, not very long, from a prominent operator of that district, who presents some facts tending to illustrate the conditions of the coal situation in that section, and, to some extent, being an answer to the letter of Gen. Welcker. I ask consent that this letter be read.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

KNOXVILLE, TENN., *July 13, 1917.*

Hon. JOHN K. SHIELDS,
United States Senate, Washington, D. C.

DEAR SIR: I feel it is due you that some reference should be made to the communication of W. L. Welcker, of this city, addressed you recently in respect of the coal situation, and which, the press reports, was read to the United States Senate.

The communication is an unwarranted and unjust attack upon those engaged in the production of coal and those dealing in coal products, and is so replete with erroneous and misleading statements that it deserves the condemnation of all who are acquainted with the merits affecting coal production and trade conditions.

Gen. Welcker's criticisms of the President and a member of the Cabinet and others with conferred authority concerning their action in respect to the adjustment and modification of coal prices is without justification, and it is evident that he did not inform himself, as it is inconceivable that he would willfully indulge such criticisms of the Government authorities, and offer such a tirade of maledictions against the operators, denouncing them as robbers, etc., unless he believed the statements he made to be justified. At the same time one should not be excused for such carelessness.

As you know, the coal interests of our whole country, by invitation of the Government authorities, were in a convention at Washington during the latter part of June for the purpose of stabilizing the prices of coal, and if consistent with the cost of production, conditions, etc., secure some modification from the then prevailing prices, which resulted in a voluntary agreement on the part of the coal producers that the Government might name the maximum price for the sale of its product to apply under the present crisis, and so far as is known is the only industry in the United States that has taken such action.

This arrangement provided a reduction in price of coal from $1.50 to $2 per net ton, and, as Secretary Lane properly stated, it means that the coal producers, who were engaged in a legitimate business—and which for the past 10 years has been substantially without any profit—and which has been operating without any monopoly or combination in restraint of trade, voluntarily surrendered to the people of the United States from the gross proceeds of its sales a sum aggregating $180,000,000 per annum, regardless of the fact that the prices of all other commodities, including material and mine supplies that enter largely in the cost of production of coal, as well as foodstuffs and other items generally, were then and are still without limit of restriction.

As a matter of information I recite that the price of other industrial products, foodstuffs, etc., began to advance practically 12 months before there was any advance whatever from the extremely low coal prices that then prevailed, there being no advance whatever in the price of coal until about October 1, 1916, and while the advance subsequently became material, it was the inevitable result of the law of supply and demand, accelerated by the fact that industrial plants and purchasers generally apparently anticipated further advances and made a practice of offering more for coal than the producers were asking.

However, the percentage of advance in the price of coal has not kept pace with the percentage of advance in other products, the present price of coal being 75 to 100 per cent advance as compared with the prices obtaining 12 months ago (that advance applying only to such coal as was not under contract), while the average advance of all other staple products is substantially 300 per cent.

Mr. Welcker makes reference to the price paid for coal by the Southern and Louisville & Nashville Railroads prior to a year ago as $1 and $1.12½ per ton, respectively, but does not mention the fact that both railroad companies, notwithstanding each of them had contracts with the producers for even a lower price than Mr. Welcker states, realizing the material increase in the cost of production was materially more than their contract prices, voluntarily offered and did increase the price they should pay, and at present each of them is paying above 100 per cent higher price than prevailed 12 months ago.

His reference to the previous and present cost of production of coal indicates he is altogether ignorant of the facts. As a matter of fact, the wages of operatives of the mining companies generally throughout southeastern Kentucky and eastern Tennessee have been advanced variously from 50 to 100 per cent, while the advance in the cost of material termed as "mine supplies," and which is a considerable item entering into the cost of production of coal, has advanced from 100 per cent to 060 per cent—reduced to an average means substantially 300 per cent.

As further information I recite that for the past 12 months substantially 75 per cent of all coal produced throughout this entire section has been applied on contracts made under normal conditions as to the coal trade and before any increase accrued in the cost of production, and which condition precluded any profit whatever to the coal interests, and in the majority of cases offered material losses.

Added to the increase in the wage scale, the unprecedented advance of material entering into the cost of production of coal, the unusual shortage of cars as well as the shortage of labor resulting in an important restricted output, was a more potent factor in increasing the cost of production per ton.

In conclusion, I beg to state that, so far as we are advised, the public and the trade generally approve of the action of the Government and the operators in the convention referred to. The maximum prices determined are reasonable and just, and which will preclude the necessity of disturbing the present high wages paid to the miners and laborers, and the only complaints and criticisms are from chronic agitators and those with socialistic tendency, and business disturbers generally.

The coal interests and the informed public generally here feel that more or less harmful results may have resulted from such a communication as Mr. Welcker's, in that it may have a tendency to incite prejudices of those who follow blindly or who do not take into consideration the integrity of such attacks against an important industry; an industry that needs encouragement rather than condemnation; that employs more labor for the same amount of capital invested than any other industry in existence; an industry that is a legitimate business and that is entitled to reasonable profits in order that the production may be at least maintained and, if possible, stimulated commensurate with the Nation's needs, together with the needs of our allies.

I am inclosing herewith a clipping from the Knoxville Sentinel of the 13th instant containing reference to President Wilson's appeal to the business interests of the country, and the response of the coal operators in this territory, and which is followed by reference to the coal convention at Washington, and the remarks of Secretary Lane at the conclusion of that conference, and which you will note is a justifiable variance from the attitude of a few agitators and self-constituted regulators.

With kindest regards, I beg to remain,

Yours, very truly,

JNO. L. BOYD.

Mr. SHIELDS. Mr. President, I have some other letters from the same district and from other places which concur with Gen. Welcker's views. I ask that they may also be read.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

GREENEVILLE, TENN., *July 7, 1917.*

Hon. JOHN K. SHIELDS,
Washington, D. C.

MY DEAR SENATOR: After reading some extracts from W. L. Welcker's letter, I certainly agree with him on the outrageous prices on coal.

This great concession of the coal operators looks to me like these "Jew sales," goods marked up very high one day, then marked down about one-half the marked-up price, and in flaming letters the advertisement reads, "Great reduction sale!" This wonderful concession of the coal barons is something that will not go down the common people's throats.

Last September I was quoted by the United Colliers (Inc.), St. Charles, Va., run of the mines, at $1.35. The year before I bought same coal from same company at $1.10. Now, with their great concession, they want $3 or $3.50. Has the wages of the miners been increased so much that this exorbitant price is demanded?

I can send you last year's quotations should you so desire.

Very truly,

A. J. PATTERSON.

ROGERSVILLE, TENN., *July 6, 1917.*

Hon. JOHN K. SHIELDS,
Washington, D. C.

DEAR SENATOR: I have read the letter which Mr. Welcker, of Knoxville, wrote you and Senator MCKELLAR with regard to the price of coal as agreed upon by certain parties and the coal operators. The people here generally—in fact, everyone that I have heard speak—agree with Mr. Welcker to this extent, that the price of coal as fixed by these parties is outrageously high and an extortion upon the public.

We who live in these parts near the coal fields know that the price for labor in the coal mines has not been increased by the coal operators to any considerable extent the past year—at least nothing in proportion to the increased price of coal. And while we realize that materials for mining coal have increased, yet the price of coal as represented by this agreement is outrageous, and to fix it at the price agreed upon for the coming winter plus the freight rate and other overhead charges as therein agreed will be prohibitory to a large element of the people and will bring about great suffering, and this applies even to us who are so near the coal mines.

It seems to me that these coal operators, who I personally know are making enormous profits, should be forced to sell coal to the people at a reasonable price, and at a much less price than was agreed upon at this conference. Otherwise the Government should take charge of the mines themselves, pay the operators a reasonable profit on their investment, and furnish coal to the people at an equitable price; and something of this kind will have to be done, else there will be great suffering and the people will be heard from.

Again, while writing you upon this question, on which I know you are well advised and are thoroughly conversant with the facts, some restraints ought to be put upon the farmer along with the balance, because I am able to foresee that in this county—and I know it is the same everywhere else—the farmer is preparing to hold back and to charge extortionate prices for the products of his farm. The farmer should not be permitted to rob and extort from the people any more than the coal operator.

So I trust that you will see your way clear to assist in bringing about the passage of the food-control bill as well as the control of a lot of other necessities of life, as, of course, it is not fair to force the farmer to sell at a reasonable price when at the same time he must pay exorbitant prices for the things he buys.

Living here in an agricultural section, I am satisfied there will not be the slightest complaint among the farmers if a reasonable maximum price is fixed for his products, as well as a minimum; and most cer-

tainly it seems to me that this ought to be done along with the other necessities of life, as above stated.

I write you this in order that you may be advised of public opinion along these lines generally in this county.

Respectfully,

C. W. MARGRAVES.

—

DYERSBURG, TENN., *July 9, 1917.*

Hon. JOHN K. SHIELDS,
Washington, D. C.

DEAR SIR: I have read with interest the letter of Mr. W. L. Welcker, of Knoxville, to you, and by you furnished to Senator POMERENE and afterwards published in Memphis Commercial Appeal.

I am not informed as to conditions in east Tennessee coal fields, of which Mr. Welcker writes, but I would like to give you some facts concerning the fields contiguous to this market and the so-called "sweeping reductions" agreed to by the 400 bituminous mine operators east of the Mississippi River and the Government officials in Washington on June 28.

In May, 1916, acting for my company—Dyersburg Ice & Coal Co.—I made a contract with ——— mine, issuing one of the best products of the southern Illinois field, adjoining some of the most popular mines in the Franklin County district, covering our wants until April 1, 1917, at $1.50 per ton for domestic grades, and while we got only about 40 per cent of our requirements, I am satisfied the shipper did for us the best he could under the very great car shortage then existing.

In April, 1917, I again contracted with this same mine for our needs for the months of May, June, and July, at $3 per ton for domestic sizes—100 per cent increase in price, mark you—and in the first two months, when we should have gotten 65 per cent of our purchase, we received less than 25 per cent of this amount, due to car shortage.

This week I have received a communication from this same corporation, from which I quote: "At present the price is * * * $3.50 for domestic sizes," a raise of 16⅔ per cent since the wonderfully magnanimous agreement on the part of the operators in June.

I send you herewith a circular, Illinois Coal Prices, issued by the different associations of that State. You will note the universal price for domestic sizes, $3.50 per ton at the mine.

I have in my files quotations offering us the choicest products in domestic grades of the Franklin County field for July and August, 1916, delivery at $1.60 to $1.75 f. o. b. the mines. At the same time, many mines that now ask $3.50 per ton would have jumped at contracts for $1.25 to $1.50.

It looks to me that the coal operators in their excessive patriotism and generosity have put a home run over on Uncle Sam and the people.

Very truly,

W. O. BRANDON.

—

BRISTOL, VA.-TENN., *July 7, 1917.*

Judge JOHN K. SHIELDS,
Washington, D. C.

DEAR SENATOR: There is so much talk now about the high cost of living and that the Washington Government is going to take charge of regulating and reducing prices. You and I live in a section of the country that produces coal. And many of our friends are in the coal business. In my judgment the lowering of prices on coal is just as important and necessary as the reduction on wheat, potatoes, corn, etc. Coal can be put on cars at the mine from 90 cents to $1, and yet the poor people of Bristol, Knoxville, and elsewhere have been paying from five to six dollars a ton. A laborer working at $1.25 per day and paying $6 for coal has all of his patriotism destroyed on account of this high price. I have some friends in the coal business who have been making from $3.50 to $4 per ton; about $200 a carload. I have a friend who says that he is making about $3 a ton and is hauling it on wagons about 2 miles to the railroad. Soft coal on cars at the mine should not be over $2 per ton; this will give them fully a hundred per cent profit. I call your attention to these facts, and I hope you will give it your very serious consideration.

Very truly,

J. M. BARKER.

—

THE JACKSON ASSOCIATION OF COMMERCE
FOR JACKSON AND MADISON COUNTY,
Jackson, Tenn., July 6, 1917.

Senator JOHN K. SHIELDS,
Washington, D. C.

MY DEAR SENATOR: I am writing you about the coal situation. I have talked to numbers of citizens who must have coal to keep themselves and their families from suffering, if not freezing next winter, also to manufacturers who must have coal to keep their plants going. Numbers of our people work in these factories and depend on their daily wage to live. All must have coal. Without exception they think the Congress should take immediate action in the matter and pass some law or laws to protect them from the rapacity and greed of the mine owners. If something isn't done for relief much misery will be the portion of thousands of your fellow citizens the coming winter. May we not have an expression from you?

With best wishes, I am,
Cordially, yours,

S. P. ANDERSON, *Secretary.*

Mr. SHIELDS. I also present resolutions adopted by citizens of Knoxville, Tenn., and a clipping from the Knoxville Sentinel, which I ask to have incorporated in the RECORD without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

KNOXVILLE, TENN., *July 6, 1917.*

Whereas we are involved in a world-wide war for the cause of humanity—a greater and wider democracy—which is calling for the strongest and best manhood of the country; and

Whereas our country is being taxed and drawn upon as never before: Therefore be it

Resolved, That we, the citizens of Lincoln Park, in mass meeting assembled, who live within 50 miles of enough coal to supply the entire South for a hundred and more years, are in favor of keeping this coal for our own consumption and giving it to the consumers at a fair and reasonable price; that we are unalterably opposed to the prices fixed last week at Washington and New York City; that they are unreasonable, unjust, oppressive, and that we refuse to abide by them; be it further

Resolved, That the said prices, purported to be fixed upon the coal of the Nation, is without authority and not binding, and that we denounce the coal operators who attended this meeting and fixed said prices to be oppressors, disloyal citizens, and in rebellion against struggling humanity; be it further

Resolved, That we are opposed to oppression and unjust legislation everywhere, at nome as well as abroad; that we favor giving every man a fair opportunity to live; that this guaranty comes from the Ruler of all governments and worlds, and that it is what our fathers fought for; and if it is revolution to live and enjoy what we have at a reasonable price to all men, let us have revolution rather than starve and freeze to death or be unreasonably oppressed; be it further

Resolved, That we call upon loyal citizens everywhere to come together in mass meetings, as we have, and protest against the price fixed upon coal by the coal operators and send delegates to Washington at some future day and prevail upon the Government to fix a price that will not be burdensome or oppressive to the people; be it further.

Resolved, That we favor organizing a cooperative coal company and invite all loyal citizens of Knoxville to join with us in this movement, and that we are in favor of not buying any coal for the present from any of the companies doing business in Knoxville; be it further

Resolved, That we furnish each of our Senators, Messrs. SHIELDS and MCKELLAR, and Congressman a copy of these resolutions; be it further

Resolved, That we furnish each of the daily papers and the Knoxville Plain Dealer a copy of the same.

C. W. LESTER, *Chairman,*
W. K. WOLF,
W. M. HENRY,
Committee on Resolutions.

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[From the Knoxville Sentinel, July 13.]

COAL OPERATORS PLEDGE TO HELP—PRESIDENT WILSON GIVEN ASSURANCE OF THEIR CORDIAL COOPERATION.

At a meeting of the coal operators in the city, reference was made to the appeal of President Wilson to the business interests of the country, and a committee representing the Tennessee and Kentucky coal operators wired President Wilson as follows:

"Your appeal to business interests of the country is heartily indorsed by the Tennessee and Kentucky coal operators, and they feel will find a no less ready response from every coal industry in our whole country than will be offered by other lines of business. We challenge all other interests to do even as much as was determined at the coal convention at Washington on June 28."

"It will be recalled," said a coal operator after the meeting, "that by invitation of the Secretary of the Interior Lane, the chairman of the Federal Trade Commission, ex-Gov. Fort, and the chairman of the coal-production committee of the National Council of Defense, F. S. Peabody, the coal operators and the Government officials above mentioned met at Washington, and on June 28 concluded an arrangement whereby the operators voluntarily agreed to permit the Government to name the maximum prices for which coal should be sold beginning July 1. This agreement provided a reduction from the market price of $1.50 to $2 per ton, and which Secretary Lane estimated to be in round numbers $180,000,000 per year.

"As showing the spirit of the Government authorities and their attitude toward the operators for their generous and patriotic action, Secretary Lane spoke as follows:

"'Gentlemen, this is a very novel proceeding. I think I am within the fact when I say that no such hearing or gathering as this has ever been held in the United States before or perhaps in the world. You are, I hope, pioneers in a good movement. I come from the land of pioneers, the far western country, where we look back with respect and admiration and some reverence upon those who crossed the hard and stony and waterless places to the richer spots beyond. And I hope that you will be looked back upon not only by those who succeed you in the coal business but by the industries of the United States with respect and admiration for the manner in which you have acted at this conference. You have responded as men should to a call made upon you in the name of the people of the United States. You are not a removed class. You are of us. You belong to the people. Most of you are men who were not born to wealth. You come up out of the soil like the rest of us, and you have shown a sympathy and an understanding of your relations with the people from which you spring. That is the essential quality in democracy.

"'Unless we can maintain in our minds always a consciousness of the source of power in this country, democracy is a failure. There is a strong contention made that this Government can not so organize itself as to meet to the full demands that are and are to be made upon it; that other forms of government in times of stress, or, in fact, in any times, are more competent and more efficient, because there is the strong hand of the Government above, threatening, menacing, compelling. If we in the United States are to work out our problem economic, social, as we have worked out our problem political, we must work it out, in my judgment, in the spirit in which you have worked—with sympathy, with recognition of those whom you serve.

"'There is a kind of corporation in this country that we know as a public utility. A public utility is one that is at the service of anyone and must render him the kind of service that it holds out to give. In the biggest and broadest sense each one of you in running a coal mine is managing a public utility, because the public is dependent upon you. And this world is going forward and not backward, it is going to keep its confidence in democracy, if the men who have the management of industry and the men who give direction to the thought of the country have in their hearts always the welfare of the people. The one thing that will turn us back is the exercise of arbitrary power by those who have power and exercise it ruthlessly. You have been up against an extremely odd situation. And now you have gathered here and met that situation in man fashion. I think you have reason to be proud of what you have done.

"'Speaking for Gov. Fort and for Mr. Peabody and his committee and for myself, we are proud of what you have done. You have said to the American people that within your power, exercising your judgment, protecting yourselves, you will not be oblivious to the rights of those whom you serve; you will, within your power, protect them. That is the spirit that makes for the success of our country. And if all the industries of the United States will have that same spirit there will be no question as to our ability to mobilize the resources of this country and carry this war to a successful conclusion. Good sense, common sense, vision, the judgment of large-minded men—these are the things that must characterize us if we are to carry on this great venture.

"'We must not work singly and alone, for selfish ends, in the hope of reaping rich rewards, which will distinguish us merely as men who

are in industry as makers of money. We must work as the men that the papers said landed in Europe yesterday will work. We must work in companies, in battalions, in regiments, and we must have in our minds the purpose that we are going to march forward to victory, victory not for ourselves but victory for the country that is dearer to us than anything we have except our own families. This war is not a war of a day. It is not a war upon which we entered lightly. It is not a war in which any man, no matter how old he is, no matter what his resources may be, will not be compelled to play his part. We are the greatest business nation on earth, and therefore we must look to the business men of the country to lead our people in spirit. And I think that the word that comes out from this gathering will be an inspiration to the people of the country.'"

Mr. CHAMBERLAIN. Mr. President, the arrangement made a while ago was that as soon as the proposed amendment to section 12 had been printed it would resume its place for discussion. I ask now that section 12 be taken up for consideration.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Oregon as a substitute for section 12.

Mr. KELLOGG. Mr. President, the amendment of the Senator from Oregon which is now before the Senate proposes to give the board the power to fix the minimum price of wheat, and contains a clause guaranteeing a minimum price of $2 per bushel for No. 1 northern at the principal primary market. I desire to say a few words upon that amendment, because there seems to be a general impression that $2 per bushel is a very high price for wheat. I think I can demonstrate, taking the price of wheat to-day and the prices of other products in the country, that it is a very low price for wheat.

It does not mean $2 to the farmer; it means $2 for the highest grade at an interior market point, like Minneapolis or Chicago. From that is deducted the elevator charges of at least 4 cents a bushel, the railway freight from 5 to 10 or 15 cents per 100, and the difference between the first grade and the other grades of wheat, varying from 4 to 6 cents per bushel for each grade. There are four or five grades of wheat, and very little of the No. 1 northern grade on the market. The farmer, under this clause, will not receive $1.90, but probably will receive something from $1.66 or $1.70 to $1.85 a bushel for his grain.

Mr. President, that, compared with the price of other products in this country, is not conferring upon the farmer any benefit or any great boon, when we compare it with the price of wheat to-day in the market. Wheat is selling to-day in Oklahoma at $2.35 a bushel at the station of the farmer.

I have telegrams from many elevator men and farmers all over the country as to these prices. I have not time to read them into the RECORD, but I desire to call the attention of the Senate to one, which is as follows:

Washington dispatches indicate a so-called minimum price for standard grades of wheat, one seventy-five at interior terminal markets. As I understand the plans of the food administration, this would represent the price which Government agents would pay for wheat in these markets. If this is the case you will find the farmers will refuse to sell their wheat, and in my judgment they would be entirely warranted in so doing. The world wheat situation justifies a materially higher price. In this opinion I have the indorsement of a number of Canadian board of grain supervisors.

I might say here that the Canadian supervisors referred to are fixing the price in Canada at $2 or above to the farmer—

Suppose you are aware that southwestern farmers are holding their wheat, although in Oklahoma two thirty-five per bushel is obtainable for such quantities as mills require for current use.

I might remark, in passing, that the elevator companies are not buying because they are afraid to buy. They can not hedge their purchases in the market, and therefore will not invest in wheat. The mills are buying some, but they are paying the farmer to-day much more than $2 at his market town.

That telegram was sent to me by a man having a large line of elevators in the Central West and in Canada, one of the largest grain buyers in the country. Every telegram from every grain buyer and mill recommends at least $2 a bushel for wheat, and from that up to $2.25 a bushel.

Now, the crop in the Northwest is not a bumper crop. I have a telegram from a man who has just returned from an extensive trip through Minnesota, North Dakota, and Canada who estimates the crop at about 50 per cent normal.

In my judgment, in Minnesota it is better than that. I do not think it is much better than that, if any better, in North Dakota, from the telegrams I have received, but I know that the crop conditions throughout the Northwest, so far as wheat is concerned, are below normal.

Mr. President, when the price of wheat to-day is compared with the price of other products in the country, $2 seems very cheap; and let it be remembered that that means $2 at the terminal market; the farmer must take much less than that. Compared with the price of coal, $2 wheat is very cheap. Compared with iron, it is the same. Pig iron was selling last October at $18 a ton; to-day it is selling to the manufacturers throughout this country at $55 a ton; and structural steel and clothing and many other things in this country are bringing prices corresponding to those—much higher than the prices of wheat.

Mr. President, I believe that these elevator men and these farmers are correct when they say that if a low price is paid for wheat the farmer will not market it, and he will not raise it another year. In 1914, in three days of about the same time as the present, there were 10,733 cars of wheat marketed, and in the three corresponding days of this year only 733 cars of wheat. The farmer is not asking you to single him out and to guarantee him a minimum price. All he asks is that you will leave his market the same as all the other markets in the country—free and open. If you are not going to do it, if you are going to take away his market and control the prices, then it is for the interest of the whole country more than it is for the interest of the farmer that the President be authorized to guarantee him a good, liberal, minimum price.

Of course the farmer's market will be in the control of the Government when this bill is passed. The embargo bill, of course, took away his entire foreign market and placed it in the hands of this Government. We thought it was necessary to pass that bill. I believe it was, and I should vote for it again. It was necessary as a war measure in this great conflict, but nevertheless it took his market. Now we propose to give to the food-control board the power to control the purchasers of his grain at the terminal markets, to wit, all the elevators and all the mills; and of course the food commission can, therefore, fix his price. If you would leave this an open market, the farmer would much prefer to have it done; but if you think it is necessary to pass this bill and to confer these powers—and I do not say it is not, nor do I argue against it—then you should not be at all niggardly in placing the minimum price where it will be liberal. I do not believe $2 a bushel at the terminal market, less the freight charges and less the elevator charges and less the difference for lower grades of wheat, is a liberal price to the farmer. In fact, in view of the world's crop condition, the demands of the allies and foreign countries, the shortage of the world's crop and the shortage of our crop, it is a very small price, and much less than he is receiving to-day or would receive if his market were left open.

I do not wish to argue as a general proposition for fixing minimum or maximum prices. I am aware that as an economic proposition it is indefensible.

Mr. WADSWORTH. Mr. President, will the Senator submit to a very brief question?

Mr. KELLOGG. Yes.

Mr. WADSWORTH. Does the Senator believe it wise for the Congress to attempt to fix a minimum price?

Mr. KELLOGG. The Congress has not attempted to fix the minimum price, but it says that it shall not be less than $2.

The VICE PRESIDENT. The time of the Senator from Minnesota has expired.

Mr. KELLOGG. I ask permission to print a letter as a part of my remarks, without reading.

The VICE PRESIDENT. In the absence of objection, it will be so ordered.

The letter referred to is as follows:

NATIONAL COUNCIL OF FARMERS' COOPERATIVE ASSOCIATIONS,
Hotel Bellevue, Washington, July 19, 1917.

Hon. FRANK B. KELLOGG,
United States Senate, Washington, D. C.

DEAR SENATOR: I am writing you at this time in regard to the minimum price which the Senate proposed to fix for wheat in the food-control bill. I note that the price of $1.75 is being considered. If the purpose of the minimum price is to stimulate production, I have no hesitancy in saying that $1.75 will not tend to produce that result under present conditions. My conclusion is based on the following reasons:

Since coming to Washington I have received many telegrams direct from organized grain farmers indicating what they consider a fair price for the next crop of wheat. Thirty-three telegrams coming from the 12 leading grain States average as follows: Twenty-five telegrams $2.11, Chicago; eight telegrams, $1.90 at the farm. These telegrams speak the mind of a very large number of farmers. So far as I am able to determine, this is the minimum price which the farmers of these States think they should have for their next wheat crop, so that a minimum price of $1.75 will be no inducement for them to sow more wheat.

As an expression of my second reason, I quote from to-day's New York Commercial:

"Trading in the wheat market was again of limited volume yesterday, but there was a big bulge in prices. The gain was attributed to the strong cash wheat markets, particularly in the Southwest, where overnight advances of from 10 to 30 cents per bushel were reported, this in time resulting from the unwillingness of farmers to sell at the present level and the limited receipts of new wheat. A good deal of attention was also given to the report that in the food-control bill a minimum price of $1.75 for No. 1 northern wheat is to be included. Of course, as a market factor it had no value, for cash wheat is well above that figure and in the Southwest is selling at from $2.30 to $2.45

a bushel, despite the absence of demand. The crop news as a rule is favorable, in many cases the yield being above expectation."

The time is almost at hand when the farmer of the winter wheat belt must decide how much he will sow this fall. His idea of the future price is going to have much to do in determining his decision. Evidently, he believes that prices are going higher than those mentioned above, because he is not selling freely. Receipts at the three principal winter wheat markets for the last three days of last week, compared with the receipts for the corresponding periods one, two, and three years ago, show that very plainly. By car loads, they are as follows:

1914	10,733
1915 (wet year)	1,056
1916	2,532
1917	733

This convinces me that $1.75 will not look attractive to the farmer.

The third reason why this minimum price of $1.75 is too low is because it is proposed to eliminate any control over the prices of the necessaries which the farmer has to buy. If this be done, the farmer will naturally expect a higher minimum price than would satisfy him if the control of those other necessaries were to be retained in the bill.

I will say in conclusion that there is no doubt in my mind that a minimum price of $1.75 for the next crop will not encourage the farmers of the winter wheat belt to increase their acreage of wheat this coming fall. Nothing less than $2 for No. 2 hard winter or No. 1 northern will tend to produce that result, and if present prices of cash wheat are maintained, the guaranty of a minimum of even $2 will not be considered by the farmer in deciding the acreage that he will sow, because farmers like all others are strongly influenced by present conditions.

Since you represent one of the greatest of the wheat producing States and that you are much interested in this legislation, I ask your careful consideration of this letter and beg to remain,

Very truly, yours,

J. W. SHORTHILL, *Secretary.*

Mr. CURTIS. Mr. President, I believe it is a mistake to fix the price of wheat in this bill; but if the price is to be fixed, the farmer should not be paid less than $2 a bushel for his wheat.

There are a good many reasons why the farmers this year should have that amount of money for their wheat. In our State this year the crop is about 45,000,000 bushels. The crop last year was about 98,000,000 bushels, the year before it was about 106,000,000 bushels, and the year before that 177,000,000 bushels. I am told by reliable farmers in Kansas that this year's crop will cost them more than $1.75 a bushel to produce.

It must be remembered that a large part of 6,000,000 acres of wheat in Kansas was winter-killed; this, as I am informed, covers about two-thirds of this year's crop, and accounts for the small yield. Then, again, the Senator from Minnesota [Mr. KELLOGG] tells the Senate that the Canadian commission had fixed the price of Canadian wheat at above $1.80. I am informed to-day that the price to the farmer has been fixed at $1.87. This is true all over Canada, so I am informed. I am also told that the price has been fixed to the producer in England at $1.80. It does not cost as much to produce wheat in Canada as it does in the United States. It will not be necessary for me to give the reasons for this. If the farmers of Canada are to receive $1.87 per bushel, then the farmers of this country should have at least $2 a bushel for their wheat.

Again, a day or two ago No. 2 winter hard wheat was selling for $2.45 a bushel in Kansas City. No. 1 northern was selling for $2.61 a bushel in Duluth. If that is so, then why should the price be fixed at $2 at the market place in this bill, which means about $1.85 to the farmer?

I have proposed two amendments to this bill—one in reference to the grade. The bill fixes the price of wheat at $2 per bushel for No. 1 northern. I have asked the Senate to accept an amendment in these words, "or its equivalent," and I hope the chairman of the committee will accept that amendment. I have also offered an amendment to the original provision fixing the price at $2.25, because if the price is $2.25 at the market place that would bring the farmer about $2 or $2.10.

As I said a minute ago, I believe it is a mistake to fix the price in this bill; but if it is to be fixed, I hope the Senate will fix the price at not less than $2 per bushel to the farmer.

Mr. PAGE. Mr. President, I should like to know from the Senator to what time he would have this guaranty continued?

Mr. CURTIS. Only while it was necessary.

Mr. PAGE. To cover the crop of this year and the crop of next year?

Mr. CURTIS. It should cover this crop and the crop of next year, if necessary.

Mr. PAGE. Until what time would the Senator think it was necessary to continue the guaranty to fairly take care of the crop of 1918?

Mr. CURTIS. That would depend upon circumstances.

Mr. NORRIS. Mr. President, I should like to ask the Senator from Kansas a question. If the price of wheat is fixed either by statute or by a board or commission, ought it not to be a price varying with the season of the year? In other words, the wheat must be held by somebody. It can not be consumed at once, and if you fix a price the 1st of September that is the same as the price the following January, if that should become the prevailing price—as seems to be the judgment of a great many, if not most, of the Senators—it would mean that all of the wheat would be put on the market immediately, because there would be no object in holding the wheat. I had supposed, earlier in the consideration of this question, that if the board or some individual fixed it, he would fix a price commencing soon after harvesting and increase it month by month a few cents until about the time of the next harvest.

Mr. CURTIS. I think the Senator from Nebraska is right, and that is one of the reasons why I believe it would be a mistake to fix a flat price in this bill, and think it would be better to leave it to the judgment of a board who would be governed by circumstances and fix the prices as the circumstances at the time justified.

Mr. SMOOT. Mr. President, will the Senator yield for a moment?

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Utah?

Mr. CURTIS. Certainly.

Mr. SMOOT. I wanted to make this suggestion to the Senator: This being a minimum price, I can not see why there should be a graduated minimum price. If we were fixing the maximum price, the suggestion made by the Senator from Nebraska would be absolutely right; but the farmers expect and no doubt in many, many cases and in many parts of the year will receive more than $2 per bushel. Therefore, it seems to me that one price, and that being a minimum price, is the proper policy to pursue; but if we were naming a maximum price, then, as I say, I think the suggestion of the Senator would be proper.

Mr. CURTIS. Mr. President, I desire to read just a few words from this amendment:

This guaranty shall not be dependent upon the action of the President or said board under the first part of this section, but is hereby made absolute.

Mr. SMOOT. That is true; it is an absolute minimum price, and that is what it ought to be. If those words were not put in the bill, then, under the provisions of the bill, there may have been a change even in that minimum price, less than $2; but the minimum price is made absolute at $2.

Mr. CURTIS. That is at the market center. The original provision fixes a flat price, and the amendment offered by me was drawn with that provision before me. I notice that the new amendment, the one just printed, contains the words "not less than $2 per bushel at the principal interior primary market." The words "not less than" have been added to the original provision.

Mr. STERLING. Mr. President, I want to say just one word in explanation of my vote on the amendment offered by the Senator from North Dakota. As he is aware, I think, I am opposed to any price fixing in this bill; but if a price is to be fixed I think that the price for wheat under all the conditions should not be less than $2 per bushel. Hence I shall vote for his amendment.

Mr. REED. Mr. President, let me first dispose, if I can, of the objection raised by the Senator from Kansas, which is that if there is a fixed price for wheat all of the wheat might be delivered immediately after harvesting.

That objection or difficulty can be easily met under the bill. Two dollars is named in the bill as the minimum price below which the board can not go, but the board can go above that price if it sees fit; and therefore if the board sees fit to regulate the flow of wheat by raising the prices a little from month to month, or fixing graduated prices applicable from month to month, the board can do so. That difficulty, therefore, ceases to be a difficulty.

Mr. NORRIS. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Nebraska?

Mr. REED. Yes. I have only a moment, however, so I will ask the Senator to be just as brief as possible.

Mr. NORRIS. I was going to ask the Senator what, in his judgment, line 2, page 3 of the amendment means when it says "at the principal interior primary market"? Does not that confine it to one place?

Mr. REED. That should be "principal interior primary markets."

Mr. NORRIS. It seems to me it ought to be plural.

Mr. REED. I have just spoken to the Senator in charge of the bill about it, and clearly the words "the principal interior primary market" ought not to be in the singular; they should be in the plural. I ask the Senator from Oregon to accept that amendment.

Mr. CHAMBERLAIN. Mr. President, I have looked at it since the Senator spoke to me. It is intended to be "market." That is the price at the primary market, and the differences are adjusted by rules and regulations that may be adopted.

Mr. REED. Well, that would be highly unfair. I shall move the amendment, but I do not desire to speak of it now.

Mr. CURTIS. Mr. President, may I make a brief statement?

Mr. REED. Yes.

Mr. CURTIS. I read from the original amendment, and the words "not less than" were not in it. It fixes the price at $1.75, which caused me to make the statement I did in regard to the flat price. I did not know that the words "not less than" had been added in the new amendment until I read it a few moments ago. The new print only reached our desks a short time ago.

Mr. REED. Mr. President, that clears up that matter. Let me state this case very briefly as I see it.

World conditions are making high prices—high prices for everyone. When I say "world conditions" I eliminate therefrom unjust speculative movements, which ought to be, of course, reached by law, and hoarding and forestalling, which ought to be reached by law. But eliminating those conditions, world-wide conditions have made high prices for almost everything.

The farmer, like everybody else, buys his products affected by those world conditions. If you let the American farmer alone, and leave to him the world markets, he will accept them without complaint and will ask no favors or patronage at the hands of Congress. But, as everybody knows, we have taken away from the farmer his world market. We have done this first by giving to the President the right to declare a general embargo upon all exports, and that embargo is already being employed, so that it will control the products of the farmer. It was necessary to give this power in order to prevent our own food products being employed by our enemies to perpetuate the war against us.

In addition to the power of embargo and to its employment, we find that the allies have agreed upon a common agency through which to purchase their supplies, and it is pretty well understood that all neutral countries will purchase through that same agency or through some common agency. Thus, so far as the foreign market is concerned for the farmer's surplus, it is completely brought within one control, and that of course is equivalent to denying him the world competition. When we come to local conditions, home conditions, it is proposed in this bill to place in the hands of the food controller $150,000,000 to be used as a revolving fund so that he may go into the market and buy, and likewise he may go into the market and sell. Thus it is proposed and it is the intendment of the bill that the home market shall be controlled artificially. So we have taken away from the farmer both his foreign and his domestic market.

Mr. President, that might be done, and so far as the present crop is concerned it might result and probably would result in a low price for wheat, but if you were to so treat the farmer this year, then it is as certain as anything can be in the future that next year he would protect himself against further injustice or injury by limiting the amount of his product. Thus we would find that in the end the evil would fall upon the consumers in our great cities. They would be compelled to pay exorbitant prices because of underproduction.

In order to meet these conditions it seems, therefore, only fair and just that we shall by law guarantee to the farmer immunity from injury by virtue of the laws which we have enacted, for as we by law have taken away from him his open market by a law we ought to guarantee him something in lieu of that open market—a fair equivalent.

Mr. President, it is my opinion that it would be a mistake to place the figure in this bill at less than $2. If perchance that shall produce an unusually large crop next year, then we make it certain that the wheat can be kept, that the hungry world can be fed, and if there is a surplus it can be carried into the next year's crop; it will not be lost.

I believe that no greater mistake can be made than to alarm the great agricultural population of the country. Mark you, the farmer to-day is paying $60 and $65 a month for farm labor where a few years ago he paid but $15 a month. Mark you, he is paying an enormous advance upon everything that he consumes. Remember that the farmer is a consumer the same as all the rest of the people are consumers; and bear in mind, if you deprive the farmer of the assurance of good prices on his wheat the result will be that instead of planting a greater acreage he will plant only that which he and his family can harvest and care for, because he will not go to the hazard of employing exceptionally high-priced help in order to take care of his crop.

Mr. President, the last thing we ought to do is to disturb the source of supply. The one thing we can best do by such a bill as this is to assure a large production, and if too much is happily produced then the result will be reduced prices to the consumer.

Mr. HARDING. Mr. President, I have had the impression that the primary inspiration of the pending bill is the world's shortage of food supply. If that be true, the American farmer and the world farmer have the best guaranty of price that can be given. It is far more valid than any act of this body, omnipotent as we have assumed ourselves to be.

In passing, Mr. President, I must speak of that assumed omnipotence. Not a little has been said here about the omnipotence of the Executive. A Senate which undertakes to perfect a system of food regulation down to the last detail must assume omnipotence. Nay, more, any legislative body that seeks to reform human nature must be doubly omnipotent. I venture to make the remark now that the best-intentioned Congress in the world can not alter the tendencies of human nature. If any man thinks that Congress can legislate so that there shall be no profiteering, he is as much mistaken as the Kaiser was when he thought to eat his Christmas dinner in Paris in 1914. If any man thinks that there can be enacted a law for food control, for war taxation, to meet the exigencies of these difficult times and have it apply equitably and justly to all alike, he is very much mistaken.

I share the anxiety to strike at greed. I should like to strike at the greed for power. I would be agreeable to strike at the manifest greed in some agricultural sections of the United States. I am willing to join in striking at the greed of some of the great industrial institutions of the United States. Sometimes I am inclined to utter a warning to them that he who is in business in these difficult times, who expects to make an abnormal profit, is riding to his own destruction, because in the turmoil of the world this sort of thing is not going to be tolerated.

It does not make so very much difference what we say just now about the American Constitution. Government is a failure if it does not meet the requirements of the people who constitute that government. I do not know whether that is a Wilsonian doctrine or not; but in times like these the popular will is going to be very much insistent; and, manifestly, there has been created in this country an impression that food control will relieve a difficult war-time situation. Because of that, Mr. President, I am inclined to give my vote to a food dictatorship, because a food dictator can do what the Senate might well put aside as an impossible thing.

But, Mr. President, if Congress itself means to write into this law minimum or maximum prices we will fail, and I doubt if I can in good conscience give it my support.

Now, let us see where we arrive. All these problems of existence have an intimate relationship. Primarily this bill is designed for the American consumer. It is designed to meet a condition incident to the inordinately high cost of living that comes from the war, even more than to encourage production to meet the needs of war. Let us take the workingman whose wages, we will say, are $25 a week. Now, we are proposing to either adjust the price of wheat to that wage or higher than it ought to be for that wage. If you fix the price by law then there must be a readjustment of wage throughout all the lines of employment in this country, so the toiler may pay for bread at the prices established by legislative enactment.

Now, what difference does it make to that workingman whether he gets $25 a week and under the present cost of living has a margin, we will say, of $5 at the end of the week—I am putting it too high—or whether he makes $50 a week and has $10 left at the end of the week, when the $10 has only the purchasing power of $5 under former conditions? It is not what a man earns in the activities of life, it is what he has left after he has paid his expenses in earning it. If you fix the minimum price on wheat, which forms the great staff of life, then you must necessarily bring about a readjustment of wages throughout the country, which rate of wage conforms to that cost of living. Now, assume that we fix a $2 minimum price on wheat, and you readjust the wages in the United States of America to the basis of $2 wheat, double the normal top price in peace, then you will have doubled the cost of employment throughout the United States and will have fixed a scale 100 per cent higher than we had prior to the war. I should like to have some Senator on this floor, before we are called to vote on this question, tell me what the harvest will be when the war is ended—when readjustment comes.

Mr. President, I know what the country is calling for. I know at the same time that the country is very much mistaken in the impressions it has as to what will result from this bill, but there has been created a state of mind throughout the United States that Congress is going to provide for an adjustment of the food situation. The American farmer, so far as I know

him, is reconciled to this proposition. He is the one first affected. I have a letter on my desk from an Ohio farmer who tells me that $1.50 wheat would be highly acceptable to the farmers of our State, but he closes his letter very significantly and says, "In the name of God, why does not Congress act?"

I do not think it will bring about the desired relief; but I venture to say, Mr. President, that if the qualities of American patriotism are such that you must guarantee the American farmer a price for his wheat in the face of a world famine, then there is not patriotism enough in this country to win the war.

Mr. President, I saw a letter yesterday from one of the executive or administrative departments of the Government to a great industrial institution, and, without my giving to the Senate now the name or the particular article ordered, let me say that that official letter said, "Gentlemen, you are directed and hereby ordered to deliver to the United States, at such and such a point, so many tons of a certain article, for which you will be paid so much per ton. We will allow you approximately 80 per cent of the price named for this article, and if you are not satisfied with the price the balance can be properly adjusted." I have not the exact language. In short, Mr. President, the Government takes the captain of industry and says, "You are hereby directed to do so and so," and the captain of industry to whom this letter was addressed said to a Member of this body, in writing concerning it, that a previous contract at the same rate had been executed at a loss.

Mr. President, if America is going to win this war the workingmen of the United States, the captains of industry of the United States, the farmers of the United States, and the professional men of the United States must say, "These are our offerings of material, of strength, of talent, of industry, of cash, and of blood; take them in the name of our common country; let us win this war for continued American nationality."

Mr. McCUMBER. Mr. President, I shall vote for the amendment. I shall vote for it because it does fix some standard of value, and that standard of value, to my mind, is a reasonable standard. I am not deceiving myself one moment with the belief that that standard will ever be put into effect. It is simply discretionary with the President of the United States, and he may exercise that power to encourage the production of crops if he sees fit.

There is another section—section 8—of the bill that does subject every bushel of food cereals in the United States to condemnation or to seizure under the war power to requisition or commandeer. I believe before we get through with this war section 8 will be put into force. I have no assurance that section 12 will be left in the bill at all. It may be destroyed entirely in conference, but the influence that it will have in producing in the minds of the Senators and Representatives what is considered to be a reasonable price for grain will have some effect. I do not desire to place the price very much higher than that.

There is another feature that has not been considered by the Senate. You do not fix any price for corn; you fix no price for barley or rye or oats. If I were a farmer and no price was fixed for corn or oats or barley, next year I would put every acre into wheat at the minimum price of $2 a bushel, and I would plant no corn; I would plant no rye and no barley. I am fearful that if you put in too much and make the price of wheat too great you will have an enormous surplus of wheat without a corresponding production of corn and rye and oats.

Mr. HARDING. Mr. President——

Mr. McCUMBER. I yield to the Senator from Ohio.

Mr. HARDING. I wish to ask the Senator from North Dakota if he is not aware of the fact that the price of wheat fixes the price of corn and barley and rye; that the prices are ever maintained in the same relation?

Mr. McCUMBER. Not always, Mr. President; but there is some relation.

Mr. NELSON. The price of corn to-day is $4 a bushel. The distillers are buying it at $4 a bushel. The price of wheat is only $2.30 a bushel.

Mr. McCUMBER. Mr. President, I have stated that I do not believe section 12 will ever be put in force. I am especially desirous of bringing to the attention of the Senate again the propriety of placing in section 8 the same provision that we have placed in a provision for commandeering the coal of the country. You who by your votes stated that you would not fix the same rule to measure the farmer's product say to him, what? You say that he shall not be treated with the same consideration which you accord to the producers of anything else which you may take for the benefit of the Army and the Navy.

I know what the meaning is, Mr. President. You say to the farmer, "You have heretofore lived for your bed and your board and your clothing. You can get along with one suit of clothes a year, and you can wear it two years with necessary patching, as you have done in the past, and one suit for Sunday. That is sufficient for you. You never had anything to the good at the end of the year heretofore. With a mortgage upon your farm, why should you be so presumptuous as to ask now that the Government by any rule should put you in any better place?" A boy is sent to the nearest little town to hire labor, and he brings home a man, and the one whom he selects is from the I-won't-work class. You have got to pay him, according to the latest returns from my State, from $3.50 to $4.50 per day, and he works leisurely five or six or seven hours in the day. You say to that boy, who works 16 hours per day, "We will not allow you a compensation of $60 a month; we will not allow you such a price for your products as will assure you what you pay for these tramps." You say to the good housewife, "You have got along heretofore with one calico and one gingham dress and two gingham aprons a year; if you have lived in the past and got your board and that much, and have raised a family by working 14 hours a day, and then sent the family into town to make a living, why, that is all you are entitled to." I want to say to that wife, "You shall receive for your labors as much as you pay," as I said yesterday, "to your colored cook in the city of Washington or any other city."

Mr. LEWIS rose.

Mr. McCUMBER. I can not yield now. When you do that you bring your wheat up to more than $2 a bushel, and I want to assure you that that will be the result.

My good friend from Ohio [Mr. HARDING] stated yesterday that he could raise wheat in Ohio with the land they have there at $1 a bushel and make money. Oh, Mr. President, I would advise my State to hire the Senator from Ohio next year, and to pay him a million dollars for his services, to teach our farmers how to raise wheat in the State of North Dakota for a dollar a bushel.

But let us analyze that proposition. Good farm land in Ohio is worth from $100 to $150 an acre. Six per cent upon that investment means from $6 to $9 an acre, merely upon the money invested in the land alone. Then you have got to add a dollar or two dollars an acre besides that, for the money invested in farm machinery. Then you hire these I. W. W.'s on that farm for $4.50 a day. Do you then tell me that you can raise wheat for $1 a bushel? You can not raise it for $4 a bushel. Of course, if you say to the farmer, who has already earned his farm by the savings of a hundred years on his part and on the part of his ancestors, "You work for your board and get nothing else but a suit of clothes and a pair of overalls"; if you say to the good wife, "Be satisfied with your gingham and your calico dress and your board," of course, you can raise wheat for that price.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. LEWIS. Mr. President, I was merely intending to ask a question of the Senator from Minnesota or the Senator from North Dakota, if I should be recognized, but the Senator has taken his seat, and, of course, I can not ask him unless I am recognized.

The VICE PRESIDENT. The Senator from Illinois has the floor.

Mr. LEWIS. I only want to ask the Senator from North Dakota or the Senator from Minnesota, did I correctly understand the statement that corn is $4 a bushel?

Mr. McCUMBER. I did not make that statement.

Mr. NELSON. I make the statement that the cash price of corn to-day in Chicago is $4 a bushel—not the future price.

Mr. LEWIS. I was merely seeking information. I represent a great corn State, and I was interested in that fact, in view of my vote on the bill.

Mr. SMITH of South Carolina. I have the quotations here.

Mr. HARDING. Mr. President, if I can have the floor, as I have the market reports in my hand, I shall be delighted to read them, because I esteem the Senator from Minnesota so highly that I want him to be set aright. Spot corn sold in Chicago to-day at $2.02; September corn at $1.62¼ to $1.62¾; December corn at $1.15¼ to $1.15½.

Spot corn in Baltimore——

Mr. NELSON. Those prices, I think, refer to futures.

Mr. HARDING. No; I have the price of spot corn right here in the Baltimore market for to-day, July 20. I think perhaps this is authority. Baltimore, as I understand—I am not defending the distillers—is in a distilling district. Spot corn sold to-day in Baltimore at $2.02¾ per bushel, and the receipts were 63,000 bushels.

Before I take my seat, Mr. President, I want to say to the Senator from North Dakota [Mr. McCUMBER], who has talked about farm wages, calico dresses, and all that, that I know of

nothing more beautiful in all the world than a charming country girl in a fresh calico dress starting out for a Sunday ride.

Mr. LEWIS. Mr. President, the Senator from Ohio is taking my time, but I am willing to allow him to make these observations. I have not had the experience which seems to have been his, but I am willing to appropriate that which has been his, if I can experience the joys of the Senator. This is where I "acknowledge the corn." [Laughter.]

Mr. HARDING. I hope I do ample credit to the junior Senator from Illinois.

Mr. CALDER. Mr. President, the object of this bill is to stimulate production and to conserve the food supply. It is not meant to be wholly in the interest of the farmer but in the interest of the consumer as well. It is expected to adjust the prices equitably both to the producer and the consumer.

Mr. President, I am thinking a good deal to-day of the people in the densely populated sections of the country. This discussion has proceeded as if we were only considering the farmer. In this Nation perhaps 65 per cent of the people are engaged in industries and 35 per cent in agriculture. I live in the great city of New York and represent in this Chamber a State which is first in population, first in industry, and among the first in agriculture. Because of our great population this bill means more to my people than to any other State in the Union. Much has been said here, Mr. President, of the wage of the farmer. Do you realize, Senators, that at least one-fourth of the men in the city of New York, of its population of approximately 6,000,000, receive an average year-around wage of less than $13 a week? The distinguished Senator from North Dakota [Mr. McCUMBER] remarked a moment ago that the farmers in his State receive $4.50 a day.

Mr. McCUMBER. No; 20 cents.

Mr. CALDER. I understood the Senator to make that statement in his colloquy with the junior Senator from Ohio [Mr. HARDING].

Mr. McCUMBER. I said the farmers of my State had to go to town and hire one of your I. W. W.'s and pay $4.50 a day to him.

Mr. CALDER. At any rate, Mr. President, the farm laborer to-day receives wages equal to, if not greater, than many of the laboring men in our large cities.

I am in favor of this measure; I am in favor of giving to the food commission the right to fix the minimum price on certain farm products. I shall vote for that because I believe the very fact that we give the right to fix a minimum price will stimulate industry. I shall not vote to fix a price here, because perhaps within a month the price we fix may be too low or it may be too high. If we fix a minimum price of $2 a bushel for wheat, that does not necessarily mean that the farmer will only get $2 a bushel. He may get $3 a bushel; he may within a year get $4 a bushel for wheat. If we fix the minimum price at $1.50 a bushel, perhaps it may be deemed unwise almost before the bill becomes a law.

So I say, Mr. President, in the interest of the whole country, in the interest of the producer, who, after all, we must encourage to produce the things that the people in the cities need—in his interest first, and in the interest of the great consuming masses of this Nation, it seems to me that the best interests of all will be conserved if we leave to the food commission, in its judgment, the right to fix the minimum prices as we go along in the years before us.

Mr. JOHNSON of California. Mr. President, the Senator from New York [Mr. CALDER] has touched upon the thought that has been agitating me during the day while I have listened to this particular discussion. This question seems to me two-sided. It is not alone a question which involves the stimulation of production by fixing a price to the farmers of the Nation, but as well there is involved the consideration as to what the fixing of that price may mean to all the others of the Nation; for it would be of little value to us to stimulate production, to fix a minimum price, and then have flour manufactured and bread made that the rest of our citizens, who constitute the great majority, could never obtain under the price that we fix.

Mr. CURTIS. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER (Mr. FLETCHER in the chair). Does the Senator from California yield to the Senator from Kansas?

Mr. JOHNSON of California. Certainly.

Mr. CURTIS. I am advised by those who control the food administration that at $2 a bushel to the farmer for wheat bread can be sold to the consumer at 5 cents a loaf.

Mr. JOHNSON of California. That was exactly the inquiry that I desired to put to those who are experts upon the subject. I confess that I am not. What does $2 per bushel minimum price for wheat mean when it comes to the price of flour? What does it mean in bread to the great body of consumers of the Nation? I will be very glad to have a response from any of those who are familiar with the subject.

Mr. McCUMBER. It means the equivalent of 75 loaves of bread for each bushel. The Senator can figure it out for himself.

Mr. JOHNSON of California. What does it mean in the price of flour?

Mr. McCUMBER. There are 4½ bushels of wheat to one barrel of flour.

Mr. NELSON. Mr. President, if the Senator will allow me, I will say that it takes 4½ bushels of wheat to make a barrel of flour. Therefore, $2 a bushel for wheat would be the equivalent of $9 for a barrel of flour, but about 70 pounds of feedstuffs, bran and shorts, are derived from the wheat in the milling process. During the present year, on account of the scarcity of feed, that millstuff or feedstuff has averaged from 1½ to 2 cents a pound. So, taking four bushels and a half of wheat to a barrel of flour, it costs the millers $9, but they have the profit derived from the sale of the bran and shorts, which under present prices would bring them upward of $1.50 for every barrel of flour milled.

Mr. JOHNSON of California. So I take it that those of us who are interested in the subject of the inquiry may understand then that a minimum price of $2 per bushel for wheat would mean an actual cost of flour in the market of about $9 per barrel, and would mean bread at 5 cents a loaf.

Mr. CALDER. Mr. President, I may say, if the Senator from California will permit me, that several weeks ago in a talk with Mr. Hoover he told me that $1.75 a bushel would mean about $9.50 for a barrel of flour.

Mr. JOHNSON of California. If that estimate be correct, then with $2 wheat the price of a barrel of flour would be about $12.

Mr. GRONNA. Mr. President, will the Senator yield to me for a moment?

Mr. JOHNSON of California. Yes; I would be very glad to secure information. This is something that we wish to know about, so that we may justly decide both sides of this question.

Mr. GRONNA. I care not whether made by Mr. Hoover, the Senator from New York, or anyone else, the statement that $1.75 wheat means $9.50 for flour is absolutely untrue. It is incorrect. The Senator from Minnesota gave the figures. It takes 4½ bushels of wheat to make a barrel of flour. I have figured it out, and taking the bran at $20 a ton—and it never sells for less——

Mr. JOHNSON of California. If the Senator will pardon me, my time is very limited, but if the Senator will answer me a question I will be delighted.

Mr. GRONNA. Yes.

Mr. JOHNSON of California. Would $2 per bushel for wheat enable us to buy flour at $9 a barrel?

Mr. GRONNA. Yes, sir, and it will pay the miller a good profit—$1.05 a barrel.

Mr. JOHNSON of California. That is the exact point I wanted to know. That will enable us to have bread at 5 cents a loaf, as I understand the Senator from Kansas. We settle, then, those two propositions. It would be perfectly absurd for us, of course, to endeavor to fix a minimum price which would stimulate production and then make it impossible for our great purchasing public to obtain the very thing the production of which we are endeavoring to stimulate.

I have just sat, Mr. President, for six long weeks on a committee investigating a strike of the street railway employees of the city of Washington. I found in that investigation that men who had worked 25 and 30 years as platform men for a street railway company received in this city, the Capital of the Nation, between $60 and $70 per month, and some of those men had families of three, four, five, and six children. I am very glad to fix a price of wheat profitable to our farmers, but I am not prepared to fix a price upon wheat in this Nation which will not enable a man working for between $60 and $70 a month in the Capital of the Nation to obtain bread during this period of crisis and of peril.

Mr. THOMPSON. Mr. President, I shall first support the amendment offered by the distinguished Senator from North Dakota [Mr. GRONNA], who is not only a practical farmer but who has given careful study to this problem. If that amendment fails, I shall support the substitute offered by the committee, with the amendments tendered by my distinguished colleague [Mr. CURTIS].

Mr. President, I offered an amendment to this section providing that the minimum price of wheat from the passage of this act to the 1st day of January, 1919, shall be $2 per bushel for

No. 2 northern, based on the Chicago market. I shall not press that amendment, because I think the other amendments tendered better meet the present situation, and I am not particular whose amendment I vote for, just so it accomplishes the desired purpose.

Personally, Mr. President, I would prefer not to fix the minimum price of wheat in the bill. I believe that not to do so would give better general results in the long run; but I feel that the sentiment of the Senate, which is responsive to the sentiment of the country, is to the effect that the price should now be fixed owing to the present situation and the unreasonable delay in the passage of this bill. The farmers are demanding to know what the price of wheat will be next year. They are getting ready for the coming crop, and I think they now prefer that Congress itself fix a definite reasonable minimum price rather than leave it to the uncertain arbitrary action of some board.

As bearing on this question, I have here a letter from Prof. Henry J. Waters, president of the Agricultural College of Kansas, and who is also chairman of the Kansas State Council of Defense, which I ask, Mr. President, to have printed in the RECORD as a part of my remarks, as I have not the opportunity in my limited time to read the letter.

The VICE PRESIDENT. Without objection, the letter will be printed in the RECORD.

The letter referred to is as follows:

WASHINGTON, D. C., *July 19, 1917.*

HON. WILLIAM H. THOMPSON,
United States Senate.

MY DEAR SENATOR: Answering your inquiry regarding the necessity of fixing a minimum price on wheat, will say that because of high-priced seed, labor, and machinery, the farmers of Kansas will hesitate to sow a normal wheat acreage unless they are protected against a possible decline in price if the war should end before the crop is sold.

The farmers in the wheat belt consider that $2 at their station or $2.25 at Chicago as a reasonable minimum price. This is about equivalent to $1.75 last year, and perhaps no more than $1.25 at their station two years ago.

An accurate survey made by the defense council shows that Kansas farmers will seed a million acres less of wheat this year than last unless a reasonable price is fixed. Preparation of land and arrangements for the purchase of seed must be made now, hence a minimum price that will stimulate winter-wheat production for next year must be fixed immediately.

Comparison is frequently made between wheat prices in this country and in Europe. Wages, rent, machinery, and standards of living are much higher here than there. It would be just as fair to try to base American wages on European wages as to attempt to base the American wheat prices on European prices.

Very cordially, yours,

H. J. WATERS,
Chairman Kansas State Council of Defense.

Mr. THOMPSON. Mr. President, one of the principal objects of this bill is to increase production. The farmers of the hard-wheat belt of Kansas, Oklahoma, and Nebraska suffered severe losses last winter by winter killing. In many counties of my State they produced less than the seed they planted. While the original total acreage of the State was about 9,000,000, which is a good average for Kansas, it was reduced by winter killing to only 3,325,320 acres.

Mr. President, to stimulate production under conditions when the farmer has lost nearly two-thirds of his crop we must offer some special inducement. I think this bill will accomplish the purpose, and, notwithstanding their losses and despite the very high prices of feed, labor, seed, and machinery, I believe that the farmers of Kansas are more than willing to do their part in the present emergency. As evidence of this, I want the country to know that they are now planning, through the help of the State council of defense, to double their acreage, so that it will next year amount to about 18,000,000 acres, hoping and fully expecting to produce 200,000,000 bushels of wheat, and thereby lead the States of the Union in contributions to the world in the most needed product at this time. While we have this great loss of crop this year, it gives some encouragement for the future, for Government statistics show that in Kansas one failure has not followed another in the last 20 years. So, although we produced only 42,000,000 bushels of wheat this year, there is every reason to believe that with this increased acreage and the bright prospect we will be again the banner wheat State of the Nation, which is the agricultural ambition of Kansas at this time. If we pass this bill as amended, according to the suggestions which have been made here, I have no doubt but Kansas will again bountifully respond to the call of the Nation in this great crisis.

Mr. STONE. Mr. President, I shall not discuss the amendment before the Senate. I wish, in a few minutes, to discuss another amendment, the only one I have proposed or shall propose. That amendment is as follows:

The sum of $2,000,000 is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, to aid in the support and proper maintenance of educational sanitariums or other like institutions organized for the care and industrial education of soldiers and sailors of the United States crippled or disabled as the result of injuries received by them in the line of duty. The President is hereby authorized and empowered to distribute said funds hereby appropriated to such sanitariums or other like institutions in such amounts and in such manner as in his judgment will best promote the purposes for which this appropriation is made.

Mr. President, I desire to read a part of an article appearing in a St. Louis paper. I am not able to give the name of the paper. It came to me as a clipping:

WHITE CROSS FOUNDED IN ST. LOUIS—ORGANIZATION OF NEW RELIEF BODY APPROVED BY "AD." CONVENTION—CARE FOR MAIMED SOLDIERS—ORGANIZATION EXPECTED TO SPREAD ALL OVER THE UNITED STATES.

A St. Louis movement, which is expected to become national in scope, to take care of the soldiers maimed and crippled in the war, yesterday was indorsed at the convention of the Associated Advertising Clubs of the World. It is planned to call it the "White Cross."

The National Hospital-School for Cripples was organized by a score of St. Louis women several weeks ago and was granted a charter by the State on June 2.

The organization, which has gained more than 1,000 members in a remarkably short time, has the following officers—

And then it gives a list of among the leading and most prominent ladies of the city of St. Louis. The remainder of the article I will ask to have inserted.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

President, Mrs. J. G. Nugent; treasurer, Mrs. Colin M. Selph; chairman, Mrs. A. E. Morgan; secretary, Mrs. Charles H. McDaris; corresponding secretary, Mrs. F. H. Littlefield; vice presidents, Mrs. W. H. Hudson, Mrs. John C. Roberts, and Mrs. E. P. Melson. Gov. Fred D. Gardner and Postmaster Selph are members of the advisory board.

The plan of the organization is to retrain and reeducate all of the soldiers who return from the war crippled. The association also has pledged itself to educate all crippled children of sound mind who are not taken care of through the present educational system of the schools.

The present medical staff of the hospital are Dr. Alexander E. Horwitz, Dr. Julius Rotteck, Dr. Cleveland H. Shutt, Dr. I. Lee Kelly, jr., Dr. Max W. Jacobs, and Dr. J. J. Houwink.

A campaign to get a membership of 25,000 and to raise funds to establish a permanent hospital will be started in a few weeks, following the drive of the Red Cross.

Mr. STONE. I also have a copy of a letter sent to me from St. Louis, addressed to the Council of National Defense. I will ask to have that inserted.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The letter is as follows:

ST. LOUIS, MO., *June 25, 1917.*

COUNCIL OF NATIONAL DEFENSE,
Washington, D. C.

GENTLEMEN: A news report in this morning's St. Louis Globe-Democrat advises that a number of physicians have made a report to the medical board of your body with reference to the education and training of maimed and crippled soldiers and sailors.

Inclosed is a copy of the constitution of the National Hospital-School for Cripples, which is self-explanatory.

This organization was incorporated by the State of Missouri as a benevolent corporation on June 2, 1917. Since that time and while the general plans were being worked out its membership in the city of St. Louis alone has grown to nearly 5,000 without any intensive effort. Within the next two weeks the St. Louis membership will have totaled more than 25,000. A definite working organization has been evolved. It is now ready to forge ahead. It has already been established and proven that the idea, which is known as the White Cross, finds a ready response in the hearts of our people. Within the next 90 days the White Cross idea will have spead throughout the entire United States and its membership will have reached the million mark.

An organization has been perfected. The advisory board in St. Louis is composed of 150 of the most prominent citizens—male and female. Among others are the governor of the State and the postmaster of the city of St. Louis, and others as influential though perhaps less prominent.

The idea has received the enthusiastic indorsement of the Associated Advertising Clubs of the World, the United Spanish War Veterans of Missouri, the Egyptian Hustlers (an organization of traveling salesmen of the States of Illinois, Indiana, and Kentucky), and many minor organizations. All of these have not only pledged themselves to membership but have agreed to put forth their individual efforts when called upon.

Inclosed you will find clippings from the various papers showing the impetus that has already been given to the movement. The idea has sprung from the existence of a similar organization in England and to which the English public has subscribed the sum of £700,000. The inceptors of this movement felt it to be a subject for private charity and that inasmuch as the governments of other lands had left the matter to the initiative and generosity of their citizens, such should be done in the United States.

If, in accordance with the above-mentioned newspaper item, it is the council's intention to take up the matter in addition to its other arduous duties, the National Hospital-School for Cripples desires the cooperation of the council, or should the matter be considered a proper subject of direct governmental action, then it desires to cooperate with and aid the movement whenever and wherever possible.

It should be noted that the idea of the White Cross is feasible as a private charity since the Red Cross, an organization operating on identical lines, has just raised a sum of money in excess of $100,000,000, thereby relieving the Government and administration of all expenses and responsibility.

Inasmuch as the National Hospital-School for Cripples is at present directing most of its work to prepare for the care and retraining of the crippled soldiers and sailors, it would appreciate an immediate and direct advice as to what action is to be taken by the Council for Defense, to the end that should the Government take up the work,

the energy and finance of the National Hospital-School for Cripples can be devoted to its more permanent end—the care and education and training of the crippled child, whose numbers in the United States count up to approximately 300,000.

Very truly, yours,

NATIONAL HOSPITAL-SCHOOL FOR CRIPPLES,
MRS. J. G. NUGENT, *President.*

Mr. STONE. The letter gives a history—a brief history, of course—of this movement organized in St. Louis, and which has the indorsement of a number of organizations of greater or less importance. Among other things, attention is called to the fact that in England £700,000 have been appropriated to support institutions of this kind. I have asked to have the letter inserted in the RECORD, because I have not time to read it, and I do not think many Senators would listen to it if I did.

I also ask to have inserted the articles of incorporation of the organization, headquarters of which are located at St. Louis, known as the White Cross. I wish to have these papers in the RECORD for future reference at least, whether anything comes of it now or not.

The PRESIDING OFFICER. Without objection, the matter referred to will be printed in the RECORD.

The matter referred to is as follows:

ARTICLES OF AGREEMENT OF NATIONAL HOSPITAL-SCHOOL FOR CHILDREN.

Know all men by these presents:

That the undersigned residents of the State of Missouri, desiring to establish hospital schools for cripples for educational purposes, as in these articles set forth, do hereby associate themselves together and form an association to be incorporated under and pursuant to the provisions of article 10 of chapter 33 of the Revised Statutes of Missouri, 1909, and acts amendatory thereof, and do hereby adopt for the said corporation the following:

CONSTITUTION.

ARTICLE I.

Name: The name of the corporation shall be National Hospital-School for Cripples.

ARTICLE II.

Location: The location of this corporation shall be at the city of St. Louis and State of Missouri.

ARTICLE III.

Objects: The objects and purposes of this corporation shall be:

First. For the purpose of reducing mendicancy, vagrancy, and pauperism; to promote the educational, moral, mental, spiritual, and physical betterment of all crippled children of mental power, and of all persons who may be now or hereafter become crippled or disabled on account of having participated in any lawful war to which these United States shall be or become a party.

Second. To promote social service among crippled children and crippled soldiers as above.

Third. To promote the employment of crippled children and crippled soldiers as above under the name of the National Hospital-School for Cripples.

Fourth. To initiate, promote, and aid in the passage of such legislation—municipal, State, or National—as will further the educational facilities and opportunities of crippled children and crippled soldiers as above and concerning any other matter conducive to the needs, objects, and purposes of this corporation.

Fifth. To own, operate, erect, or maintain, or assist in the erection, maintenance, and operation of schools, industrial colleges, universities, and hospitals, wholly or in part especially constructed, equipped, and fitted for the training, education, and medical and surgical treatment of crippled children and crippled soldiers, as above, in which shall be taught such trades, occupations, or professions as in the discretion of this corporation may be suitable and practicable to the physical and mental needs of the individual requirement.

Sixth. To solicit, receive, hold, manage, and dispose of all money and property—real, personal, or mixed—which may from time to time be given, loaned, conveyed, devised, bequeathed, or endowed in any manner to the said corporation for the objects and purposes aforesaid, and to sell, pledge, transfer, and mortgage the same. And the said corporation shall have the power to recognize or cause to be recognized, affiliate, or cooperate with such auxiliary persons, societies, associations, or corporations as in its judgment may be useful to promote or further any or all of the objects and purposes of this corporation.

Seventh. To provide or aid in providing the necessary medical or surgical treatment for any crippled child and crippled soldier, as above, in whose welfare this corporation is concerned.

Eighth. This corporation shall be forever exclusively charitable, nonsectarian, and nonpartisan, and shall be operated solely through humanitarian motives and for the purposes heretofore set forth, and, as it is not formed for pecuniary profit, all money and property and income and the increase thereof, if any, shall be held by the corporation upon express trust to apply and use the same for the purposes aforesaid.

ARTICLE IV.

The membership of this corporation shall consist of the signers hereof and such other persons as may be hereafter admitted as members of this corporation under and in pursuance of the by-laws of this corporation.

ARTICLE V.

The first officers of this corporation shall be: President, Mrs. James J. Nugent; secretary, Dr. Julius Rotteck; and treasurer, Mrs. Colin N. Selph.

ARTICLE VI.

In the event that it should become necessary, in the judgment of the membership of this corporation, to dissolve this corporation and abandon the objects for which it has been formed, then in that event all of the assets, both real and personal, of this corporation shall be sold and the proceeds thereof applied in payment of the debts of this corporation and the remainder, if any, shall be given to the Red Cross Society in part or all or to any other association or society that this corporation may choose: *Provided*, That in the absence of any other choice the Red Cross Society shall receive same.

ARTICLE VII.

First meeting: The first meeting of this corporation for the adoption of by-laws and for the transaction of such other matters and business as may properly come before it shall be held at the city of St. Louis, Mo., at 10 o'clock a. m., on the 14th day of June, 1917. No further notice need be given of such meeting. Other meetings of this corporation shall be held as provided by the by-laws.

ARTICLE VIII.

This constitution may be amended by a two-thirds vote of the membership present at any annual meeting or any special meeting called for that purpose: *Provided*, That notice of the proposed amendment or amendments shall be given as provided by the by-laws.

Mr. STONE. Now, Mr. President, just a word.

This bill is a conservation measure. You are proposing to conserve coal and fuel for the factory, to conserve feed for animals, and to conserve food for men. I propose here, by this amendment, to aid organizations, established and being established, for the conservation of men themselves.

We can well anticipate that out of this war in the very near future thousands of men will be sent home from the fields and the hospitals of Europe, blind, armless, legless, or in part so; so wounded and disabled as to be unfit to earn a livelihood. The purpose of these good women is to establish a sanitarium school devoted to the education or reeducation of these unfortunate soldiers of the Republic, to aid them to live, to earn a living in the future, and, by earning a living, by having employment, to enjoy life to a degree far in excess of what would be possible if they should become mere dependents upon the charity of the Nation.

I wanted to say this much now, for I shall have no chance to say it to-morrow. I shall have a chance to have the amendment voted on; whatever is the result. I wish to make this feeble, humble effort to encourage the most laudable movement among the good men and women of the Nation.

Mr. CHAMBERLAIN. Mr. President, unless the Senate desires to keep this bill before it this evening, I was going to suggest an executive session. I do not want to do it, however, if there is a desire that the Senate remain in session to-night.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Pennsylvania?

Mr. CHAMBERLAIN. I yield.

Mr. KNOX. I simply wish to inquire of the Senator from Oregon what disposition, if any, was made of the Pomerene amendment. Has that been acted on? I was called out of the Chamber.

Mr. CHAMBERLAIN. It has not been acted on.

Mr. KNOX. It has gone over until to-morrow, has it?

Mr. CHAMBERLAIN. Yes.

Mr. HOLLIS. Mr. President, I hope that the Senator in charge of the bill will permit an evening session. Otherwise, those who have had independent amendments to offer will have no opportunity to say a word about them, because at 2.30 o'clock to-morrow we begin to vote on the amendments, and there will be no time then to explain them.

Mr. CHAMBERLAIN. I was going to suggest to the Senator that if we take a recess I shall ask that it be until 10 o'clock to-morrow. My only reason for suggesting an executive session now is that I do not believe we can keep a quorum here to-night if anybody suggests the absence of a quorum.

Mr. SMITH of Georgia. I do not think anybody will suggest it.

Mr. HOLLIS. Well, those who have amendments will not have a chance to explain them.

Mr. PENROSE. You will not get a quorum for an evening session, Mr. President.

AURELIO COLLAZO (S. DOC. NO. 65).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed.

To the Senate and House of Representatives:

I transmit a report from the Acting Secretary of State inclosing a draft of a joint resolution authorizing the Secretary of War to permit Mr. Aurelio Collazo, a citizen of Cuba, to receive instruction at the United States Military Academy at West Point at the expense of the Government of Cuba.

The Acting Secretary of State points out that the passage of the resolution would be regarded as an act of courtesy by the Government of Cuba, and that it would follow established precedents.

WOODROW WILSON.

THE WHITE HOUSE,
Washington, July 20, 1917.

PERSONAL EXPLANATION—SHIPPING BOARD.

Mr. TOWNSEND. Mr. President, I desire to call attention to a question which is of personal privilege. On the 17th of this month, while I was addressing the Senate on the food-control bill, the Senator from Tennessee [Mr. MCKELLAR] interrupted me and made a statement relative to the Navy Department in connection with supplies. In the heat of debate I made reply, thinking at the time that the Shipping Board was under the control of the Navy Department and that the proposition to purchase ships was in control of that department. So I replied that there were reported scandals in connection with the building and purchase of ships and the purchase of supplies connected with the Navy.

I also had in mind the fact that the naval program which had been adopted during the last two or three years had been greatly delayed and that insufficient progress had been made. As to supplies purchased by the Navy Department, I do not think its efforts in this direction are publicly known. I repeat, I was also thinking of the transactions which have occurred and been reported in relation to the Shipping Board, and such transactions prompted my reply to the Senator from Tennessee.

That was an injustice to the Navy Department, because I knew then, if I had thought, and I know now upon deliberation, that the Navy Department has nothing to do with the transactions of the Shipping Board. Therefore I desire to make this correction, because I am not a "muckraker" and I do not wish to make any statements that are contrary to the facts or which would improperly reflect upon any man, in or out of the Government. I make this statement now in order that the statement made by me in the heat of debate and without due consideration shall not improperly reflect upon the Navy Department.

MOBILIZATION OF STATE TROOPS.

Mr. WEEKS. Mr. President, day before yesterday the Senator from North Carolina [Mr. OVERMAN] had inserted in the RECORD an editorial from a Boston newspaper relative to a protest which had been made by New England Senators in regard to the transfer of New England National Guardsmen to the South, a proposal which created more or less controversy, and which protest at the time had not been answered by the Secretary of War, as I stated during my discussion of the subject. When I returned to my office I found a reply from the Secretary of War to the protest which had been made, and I think, in justice to the War Department, that the reply should be put in the RECORD.

I desire to call attention to one paragraph of the reply, giving, in fact, the only practical reason for sending these troops to the South, and that is that a considerable expense will have to be incurred if these troops are to remain in Massachusetts. I think I ought to say that the Commonwealth has provided ample camp grounds and it has armories sufficient to house all its National Guardsmen, so it would not cost the Government any considerable amount, if anything, to retain these troops in Massachusetts until they are ready to be transported to the front in Europe.

Mr. LODGE. Mr. President, let me inquire of my colleague if the National Guard, as a matter of fact, are not now in camp there?

Mr. WEEKS. A large portion of the National Guard, at least two regiments, are in camp at Framingham now, and two regiments of light artillery are at another camp. There is ample provision made in this respect for all the Massachusetts troops.

Mr. LODGE. And they will be kept there until the National Government is able to take them elsewhere in September.

Mr. WEEKS. Undoubtedly.

Mr. LODGE. So that the grounds can be used?

Mr. WEEKS. Undoubtedly.

I want to emphasize the fact, Mr. President, that, if cold weather comes on before these men are sent to Europe, the Commonwealth has ample armory facilities for every man in the National Guard. I ask that the letter from the Secretary of War be read.

The VICE PRESIDENT. The Secretary will read as requested, if there is no objection.

The Secretary read the letter, as follows:

WAR DEPARTMENT,
Washington, July 16, 1917.

Hon. JOHN W. WEEKS,
United States Senate, Washington, D. C.

MY DEAR SENATOR: The letter of July 12, 1917, signed by yourself and other Senators from the New England States, has received the careful consideration which its subject merits. I am very glad to furnish you the following information concerning the plans of the War Department for the training of the National Guard after it has been drafted into the military service of the United States under the second paragraph, section 1, of the act of Congress approved May 18, 1917.

It is intended to send the National Guard, or such units thereof as are properly equipped and trained, to join the American expeditionary force in France before the additional forces authorized by the act above, now called the National Army, can be sent. When the plans for mobilizing these two forces were drawn it was not known how soon the National Army could be assembled under the draft. The National Guard having already in its possession some equipment and having, after several months service on the border, received a certain measure of training, it was believed that that force could be more promptly dispatched to France than the National Army, which at the time the plans were approved had not been authorized by Congress.

Plans for the dispatch of our forces to France depend not only upon their training and equipment, but also upon the availability of sufficient tonnage for transportation. Had it been possible to assure before winter transportation to France for the National Guard of all States in the North it is quite possible that my advisers would have recommended that the National Guard be placed in cantonments in the North. Had such plan been proposed and given effect, and tonnage been insufficient, the approach of winter would have found the National Guard in a climate where out-of-door training would have been impracticable. It would then have been necessary, after considerable expenditure for the construction of cantonments, to transport them to the South, build new cantonments, and possibly return them to a northern harbor for embarkation. Hence it was decided to construct cantonment shelter for the National Guard in the South.

After sites had been selected for many of the divisions of the National Guard and the National Army it was reported by the officer in charge of cantonment construction that, due to the price of material, the sum of money appropriated for cantonment construction would be sufficient for only about half the number (32) of cantonments planned. It was also reported that the construction of half the number of cantonments could be completed by September 1, 1917, but not by July, the month in which it had been planned to call the National Guard into the military service. This month was selected because, due to the lack of clothing and other equipment, it was believed impracticable to complete the equipment of the Regular Army with all its increments before July, and it was not desirable to call the National Guard before it was possible to supply the necessary equipment.

Because of the impracticability of constructing 32 cantonments with the funds appropriated it was decided, as the National Guard had then in its possession a certain amount of tentage and the War Department could reasonably hope to supply the necessary complement by the end of July, to place the National Guard under canvas, in order that their training might not longer be delayed, and to confine cantonment construction to the sites selected in various divisional areas for the National Army.

You correctly assume that it is hoped to send the National Guard to France within a reasonable time, but it is manifestly impracticable with the limited tonnage available to transport all the National Guard of the Northern States to France before cold weather, even if the dispatch of the divisions of the Regular Army be postponed for that purpose. If the National Guard of the New England division should be camped in New England considerable expenditure will be necessary at the site selected. On the approach of cold weather it will be necessary to transport them to the South and to spend an equal amount on the construction of a camp there. In the sites which have been selected training of the National Guard may be continued throughout the winter. During the winter, if not before, it is hoped that sufficient tonnage will be available for the dispatch of most of the National Guard to France; namely, those divisions properly equipped and trained for service in war.

I can assure you that every step taken by the War Department for the organization and training of all our military forces has been prompted solely by the desire to further the prosecution of the war in such a manner as to effect the best results. It is impossible to foresee what difficulties may arise in the future, but the present plans of the War Department are so framed as to provide for the training of each portion of the Army as soon as equipment can be furnished, and to dispatch each portion of the Army to France as soon as it is trained and equipped and tonnage becomes available.

Very sincerely,

NEWTON D. BAKER,
Secretary of War.

ADDRESS BY SENATOR POMERENE (S. DOC. NO. 66).

Mr. TOWNSEND. Mr. President, on the 29th of June last the Michigan State Bar Association invited the senior Senator from Ohio [Mr. POMERENE] to deliver an address at their annual meeting in Grand Rapids, and that address has been commended so highly by everyone who heard it that I feel it ought to be widely circulated, and I ask unanimous consent that it may be printed as a public document.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

NATIONAL DEFENSE.

Mr. OWEN. Mr. President, I submit the following proposed amendment to Senate bill 1786, proposing to amend the national defense act by fixing the ratio of Army medical officers with a memoranda of facts and argument justifying the proposed amendment, and ask that it be printed in the RECORD, together with the memoranda.

The health and the sanitary, medical, and surgical care of our beloved young men we are sending to battle is vital.

The history of all past wars demonstrates conclusively that the line officer, whose mind is steeled and trained to defy danger, can not realize the vital importance of the advice of the Medical Department, and must have the advice come from officers of high or like rank before he will realize the advice must be respected.

There being no objection, the amendment and accompanying papers were referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

On page 7, line 20, insert the following at the end of section 10:

Provided, That hereafter the commissioned officers of the Medical Corps of the Regular Army shall be distributed in the several grades as follows:

	Per cent.
Major generals	0.25
Brigadier generals	.25
Colonels	4.00
Lieutenant colonels	8.00
Majors	23.5
Captains	32.0
Lieutenants	32.0
	87.5
	100.00

Provided, That when called into service the numbers of the officers of the Medical Reserve Corps shall be seven to the thousand of men in the National Guard and National Army and the relative grades of the officers of the Medical Reserve Corps shall be the same as the grades of the Regular Army.

The President shall have authority to appoint officers of either corps as "consultants," with the duty of acting in an advisory capacity, making inspections and reports on medical, surgical, or sanitary questions, and such other duties as may be required by the chief of the Medical Department.

Memorandum relating to amendment proposed by Senator OWEN to the Senate bill 1786 (amending national-defense act as reported June 8, 1917) to fix ratio of Army medical officers.

The following memorandum comprises editorials from Victor C. Vaughn, M. D., editor in chief, University of Michigan, Ann Arbor, Mich., professor of hygiene, and data justifying proposed amendment.

Prof. Vaughn is the chairman of the legislative committee of the general medical board of the Council of National Defense, and his views represent the views of the medical profession of the United States without a known exception. These views are supported by every member of the executive committee of the general medical board of the Council of National Defense, including such men as Dr. Franklin Martin, of Chicago, chairman, one of the most distinguished men in the United States; Dr. William J. Mayo, Rochester, Minn., no abler surgeon in the world; Dr. William H. Welch, of Johns Hopkins University, Baltimore, Md., formerly chairman of the American Medical Association; Surg. Gen. William C. Gorgas, of the United States Army; Surg. Gen. William C. Braisted, of the United States Navy; Surg. Gen. Rupert Blue, United States Public Health Service. Indeed, the members of the medical profession of distinction in every State in the Union and, for that matter, throughout the world:

ARE WE TO FORGET THE LESSONS OF 1898?

This is a question now being asked by medical men all over this country. We have no desire to recall the sad story of typhoid fever epidemic among our soldiers in 1898 unless we may profit by doing so. It may be well for us to remember that out of a total of 200,000 enlisted men in that war, more than 20,000 developed this disease. But, says one, vaccination now prevents altogether or greatly lessens the chances of developing typhoid fever, and such an epidemic can never again occur. This may be true, and is undoubtedly partly true, at least of typhoid fever; but there are other diseases for which, unfortunately, we have no protective vaccination. Some of these diseases are diarrhea, dysentery—both bacillary and amebic—scarlet fever, measles, various forms of meningitis, poliomyelitis, pneumonia, tuberculosis, etc. All infections have not yet been conquered. Among the causes of the fearful diseases of 1898—and the causes were many—was the lack of authority on the part of the medical officer. There is abundant evidence of this in various Government documents. In the "Report on typhoid fever in United States military camps in 1898" the evidence that the superior authority of the line officer was responsible in many instances for the insanitary condition of the camps is abundant. This report tells us that many commands were unwisely located, and often this was done in the face of remonstrances in the part of the medical officer. Medical officers of the Seventh Army Corps generally condemned the location at Miami, and yet regiments were kept on this site until they were much reduced by illness, and at Chickamauga some regiments were placed on ground so rocky that the construction of latrines of proper depth and width was impossible. Other camp sites received the surface washings from adjacent commands. Some were contracted into half the regulation space. Many regiments were compelled to remain on the same site until the soil became badly polluted, notwithstanding the fact that there were many broad acres around about, and no hostile army was nearer than Habana. From this report we make the following quotation: "There were regiments at Chickamauga that did not move a tenth of an inch from the time of arrival in May to that of departure late in August. Requests for change in location made by medical officers were not always granted. As an illustration under this head, we may call attention to the official records of the Fifth Pennsylvania. This command reached Chickamauga Park May 20, and was, unfortunately, located on low ground. Requests for a change in location were repeatedly sent in during June and July. The soil became muddy, the camp received the washings from camps above, the sinks rapidly filled with water and overflowed, and still requests for change in location were not heeded until August 12. As we have seen, some of the regiments were improperly located from a sanitary standpoint. This was done by superior line officers, and sometimes in the face of protests from the medical officers."

This report advised that greater authority be given medical officers in all questions relating to the hygiene and sanitation of camps, and now, as we are going into another war, the line has one general officer for every 167 commissioned officers, while the medical corps has but one, whatever the number of commissioned officers may be, and in an army of 1,000,000, the number of commissioned medical officers will be not less than 7,000.

The medical profession requests that one-half of 1 per cent of commissioned officers in its corps have the rank of general officers. This seems a modest request and is allowed in the Navy; but, for some unknown reason, has so far been denied the Army. One who has served in the Medical Corps can understand and thoroughly appreciate the hesitancy with which a lieutenant in that corps may recommend to a colonel of the line that a camp site be changed or that some other sanitary improvement is desirable; and one who served in the Medical Corps in 1898 knows full well the reception such a recommendation frequently met at that time, and he can guess at the reception it is likely to receive in the future under similar conditions. If anyone has doubt concerning the attitude of many line officers of high rank in 1898 toward the recommendations of medical officers, he should read the testimony of Maj. Gen. Brooke and other officers in command in the camps in 1898. This testimony may be found in the volumes of the congressional inquiry into the "Conduct of the War Department in the War with Spain," generally known as the Dodge report.

The commanding line officer at Chickamauga took no pains in his testimony to show his contempt for the advice of his own medical officers, and this contempt and disregard constituted large factors in filling the hospitals and graves with typhoid cases. We have not place here to quote largely from his testimony, but a few sentences of the testimony of Gen. Brooke may be given:

"Q. Had any of the wells, General, been condemned by the Medical Department prior to your leaving [Chickamauga]?—A. By alleged Medical Departments. Two of them were erroneous, I believe, after investigation made by myself. The one in front of a South Carolina regiment, which, I believe, really to have been perfectly pure water. There was afterwards discovered a surface well which had been walled up and water slipped in from which this regiment—this was reported to me—used the water. That well was not far from a large sink, and possibly on lower ground. I never could understand from my knowledge of rocky strata how that well could have been contaminated. Another well lying on the road between Alexander House and Jay's mill was also condemned. I drank of that well water every time I passed it until somebody broke the pump to pieces. I suppose it was some of our energetic medical fraternity who had spent their time in finding that there was a suspicion of these two wells, and then I did not bother further about it." (Conduct of War Department in War with Spain, vi, 3080.)

In this camp there were about 10,000 of Gen. Brooke's troops affected with typhoid fever, about 700 of whom died. This was 25 per cent of his command.

It probably took a large part of the remaining troops to take care of those who were sick. This excellent general of the line could not understand the folly of medical officers who pointed out that the water was infected and himself drank from infected water, and notwithstanding this, by the providence of God he escaped, because he had had a previous attack of typhoid fever and was himself immune. God bless the line officer and God save the soldiers of the United States from his ignorance of sanitary law.

On the following page there is a statement of the insanitary condition of Camp Thomas made by the medical officer of the Twelfth New York Infantry. The commanding line officer was so incensed at this report that he said: "If you will give me a copy of that report, I will see that that young man goes before a court-martial for the sort of statement he has made there, if he is not protected by this commission."

This reminds me of the case of Lieut. Edger, in the Philippines, who stamped out an attack of cholera in an adjacent village near Santa Cruz, where 80 cases occurred the first day and where half the people in the town died in less than 60 days, approximately 1,000 in number. This young medical officer so far protected the American soldiers adjacent that not one of them was lost with cholera, but in his vigilance and strenuous effort to protect them he was court-martialed by the officer of the line in charge and punished on the ground of insubordination when he insisted on taking what he deemed necessary sanitary precaution.

This young lieutenant is now in the Medical Department, and is available as a witness if any statesman desires to summon him.

On July 17, 1898, the chief medical officer at Chickamauga addressed a letter to the Adjutant General containing recommendations concerning the improvements of sanitary conditions. In brief, the letter contained the following recommendations:

1. That the Signal Corps, which had occupied the same site for several months and which was crowded, should be moved.
2. That selected places should be designated as dumping grounds and all the waste should be collected and deposited on these places instead of being scattered through the camp.
3. That so far as possible all camp sites should be changed.
4. That the hospital of the first division of the corps be moved from the unsanitary position they occupied to a more healthful location.
5. That the village of Lytle, which was a sanitary menace to the troops, should be cleansed.
6. That all condemned sources of water supply should be effectually closed.
7. That only filtered or boiled water should be used by the soldiers.
8. That all hucksters selling doubtful food or drink should be expelled from the camp.
9. That there should be careful supervision of all food and drink sold in the canteens.

These recommendations made in July were unheeded at the time.

In his testimony, Gen. Brooke spoke of the letter containing the above recommendations as follows: "I did not regard his letter in a very serious sense. I do not know how he came to write it. There was much complaint in that camp from men of his own profession as to his action. He caused me more trouble and annoyance than anyone ever did."

Had the recommendations contained in this letter which annoyed the senior line officer been taken seriously in July the fearful harvest of sickness and death in August might have been averted.

Nineteen years have passed since our little war with Spain, and we have crossed the threshold of a great war with Germany, Austria, Bulgaria, and Turkey. This war begins with the medical officer possessed of no more authority than he had in 1898. Will his recomendations be as futile as they were then? The medical profession has always

been responsive to its country's demands, whether in war, in pestilence, in flood, or in famine. Conscription has never been necessary to fill its quota. Medical officers will do their best and will present their recommendations to superior line officers, but they realize that these recommendations are likely to receive scant attention, and that the medical officer will be compelled to work under a heavy handicap. The Government stamp placed upon the medical officer indicates the opinion that the Government has of the value of his services, and that his recommendations will receive from line officers any different consideration from that accorded them in 1898 is not probable. At present the Army Medical Corps has no representation on the General Staff or in the War College

Will it be possible that camp sites, both small and great, will be selected as they were in 1898, without consultation with the Medical Corps? And are we justified in feeling that we may have some reminders of the experiences of 1898? According to the testimony of the Surgeon General recently, given before a medical committee, the relative number of trained medical officers is not as great now as it was at the beginning of the Spanish War. We had then seven per thousand. We have now about five per thousand.

THE ENGLISH RECOGNIZE THE IMPORTANCE OF GIVING AUTHORITY TO MEDICAL OFFICERS.

In 1904 the English war office was reorganized by a committee, the chairman of which was Lord Esher. In this reorganization no provision was made for a representative of the medical army corps on the general staff, or what corresponds to our War College. At the time the surgeon general complained of this a tion. In reply to this complaint Lord Esher's committee stated that while too much importance could not be attached to the sanitary service of the army in peace or in war, the committee could not accept the views of the surgeon general. Lord Esher's committee continued: "The army council is not and can not be a representative body as regards the several arms and departments. The royal army medical co ps exists to serve the army in a most important capacity, but the first object must be to create and maintain an army, and this is the function of the army council. To admit the principle of representation would destroy the character of the council."

This was the opinion of Lord Esher in 1904. Recently (London Times, Feb. 3, 1917) Lord Esher writes as follows: "How much of the suffering undergone by our soldiers since the war began has been due to the shortsightedness of my committee, and notably of myself, will never be known. Certainly the control of the adjutant general's branch over the royal army medical corps was and is responsible not only for the early failure to grip the medical factors of the war, but they hampered conditions under which the surgeon general has worked. His triumphs and those of the royal army medical corps have been achieved in spite of obstacles that the subordination of science to ignorance and of elasticity to military discipline explains but can not justify."

THE RANK AND AUTHORITY OF THE MEDICAL OFFICER.

When Stanton was Secretary of War and Hammond Surgeon General early in the Civil War, the latter made a request of the former for advanced rank for medical officers. The great Secretary of War replied with a question: "Will increased rank make your medical men better doctors?" The Surgeon General replied with another question: "Does increased rank make line officers quartermasters, and those in other corps more proficient?"

There are two important considerations in regard to the rank and authority of Army medical officers. In the first place, the higher the rank obtainable the better the class of young physicians attracted to the corps. When a young man knows that whatever he may do, however skillful and energetic he may be, whatever discoveries he may make, whatever sacrifices he may undergo, the rank of colonel, with a pay of about $5,000, is the best that he can possibly look forward to in his old age, it must be acknowledged that the temptation to enter the Army medical service is not great

In the second place, and this is of more importance, rank in the Army necessarily means much. A request or a recommendation from a colonel or a general will receive more consideration than when it comes from a lieutenant. Much of the disgrace of 1898 and the disregard shown their recommendations by superior line officers was due to the lack of rank and authority among medical men.

THE BRITISH AND FRENCH MEDICAL SERVICE.

The following is a list of the lieutenant generals and major generals in the British medical service as of October, 1916, taken from the British Army list of October, 1916:

1. Director general of the British medical service, Sir Alfred Keogh.
2. Director general of the British forces in France, Sir Alfred Sloggett rank lieutenant general.
3. Lieutenant general and director of the British medical service in India, Surg. Gen. O'Donnell, rank lieutenant general.
4. Director general Indian medical service, Sir Thomas Pardey Lukis, rank lieutenant general.

ON THE KING'S STAFF.

5. Hon. William Flack Stevenson, surgeon general.
6. Sir William Babtie, surgeon general.
7. James Cleghorn, surgeon general.
8. Hon. Thomas Grainger, surgeon general.
9. Hon. Peter Stephenson Turnbull, surgeon major general.

SURGEON GENERALS RANKING AS MAJOR GENERALS.

10. Hayward Reader Whitehead.
11. James Gaussen MacNeece.
12. William Burney Bannerman.
13. Thomas Martin Corker.
14. Sir David Bruce.
15. Louis Edward Anderson.
16. Harold George Hathaway.
17. Walter George Augustus Bedford.
18. Robert William Steele Lyons.
19. Richard William Ford.
20. Tom Percy Woodhouse.
21. William Grant Macpherson.
22. Robert Porter.
23. Thomas Joseph O'Donnell.
24. Menus William O'Keefe.
25. Richard Henry Stewart Sawyer.
26. John Chislett Culling.
27. William George Birrell.
28. Francis John Jencken.
29. Francis Harper Trehern.
30. William Rice Edwards.

Since the expansion of the British Army this list has increased, but data are not available. The above data were taken from the Library of Congress, Book G7 A2, Class U 11, pages 4, 19, 45, 46, and 1921.

In the report of the Crimean War, there was an enormous mortality due to defective service in sanitation and in the medical, surgical, and hospital services.

The medical officer had no authority whatever, and the line officer did not realize the effect of disregarding medical advice, and the medical officer had no rank or dignity to emphasize his advice. The same distressing consequences ensued from the same causes in the American Civil War, in the South African War, in the Spanish War, and recently in the Mesopotamian campaign. (See report below.)

I submit a very brief extract on the recent British disaster in Mesopotamia, due to neglecting health of men:

REPORT OF THE COMMISSION APPOINTED BY ACT OF PARLIAMENT TO INQUIRE INTO THE OPERATIONS OF WAR IN MESOPOTAMIA, 1917.

[Extract from the Vincent-Bingley Commission's report on the Mesopotamia expedition (sec. 110, pp. 133–163), Library of Congress.]

* * * * * * *

There is abundant evidence that * * * lack of coordination have been important factors in the situation. Conferences were held at headquarters from time to time, and plans were considered. It is stated, however, that Surg. Gen. ——— did not attend these conferences, except when the subjects discussed related directly to the medical administration. He was thus less in touch with the general situation than other heads of administrative services, and we think that this had an unfavorable influence on the working of his branch.

Section 111: The chief of the general staff, India, made special inquiries as to whether he was satisfied that the general staff was in sufficiently close touch with the medical services to insure that the latter knew when extra demands were likely to be made on them. Gen. ——— replied that he was "perfectly satisfied." We regret that we can not indorse this view, as there is evidence that on this and on other occasions the want of coordination and cooperation between the different branches of the staff, particularly between the inspector general of communications and the medical services, was the source of great inconvenience.

* * * * * * *

Section 58: We doubt whether the military authorities in Mesopotamia treated the medical services with much consideration in this matter, or whether they sufficiently realized the need for such steamers.

Paragraph 175: The medical personnel and subordinate staff have always been deficient in numbers * * * and it has only been the continued and untiring labors of a devoted but overworked staff that has again and again prevented an absolute breakdown.

Paragraph 176: We consider that the rigid economy which before the war was exercised and the spirit which this policy has engendered as to the comparative merits of economy and efficiency have contributed materially to the breakdown.

Paragraph 172: We are satisfied that the failure in the medical organization had a material effect on the morale of the troops.

Part section 123: Surg. Gen. ——— did not represent with sufficient promptitude and force the needs of the services for which he is responsible, and in particular failed to urge the necessity * * * with that insistence which the situation demanded. Decision: We indorse the finding as regards Surg. Gen. ———, who, in our judgment, showed himself unfit for the high administrative office he held.

THE SENIOR RANKS OF THE BRITISH MEDICAL SERVICE.

[Memorandum obtained from British medical officer of high rank on my request for it.—H. S. O.]

In the British Army at present there are three surgeons general with rank of lieutenant general; that is, the director general (Sir Alfred Keogh) at the war office, the director general of British forces in France (Sir Arthur Sloggett), and the director of British medical services in India (Surg. Gen. O'Donnell).

Another officer, Sir Thomas Pardey Lukis, with rank of lieutenant general, is the director general of the Indian Medical Service.

There is also a considerable number of surgeon generals with rank of major general. I think the actual number is 19, but I have not a recent army list in my possession. These officers all hold important posts, the following are some of the principal appointments:

(a) Each army on the western front (we may assume an army to consist of about 200,000 troops) is furnished with a surgeon general as director of medical services of that army. This officer commands and is responsible for the entire medical service in the army to which he is appointed; he is on the headquarters staff of the army, and is the responsible advisor of the general commanding the army on all questions relating to the care and welfare of the troops, the prevention and dealing with epidemics, arrangements for the collection and evacuation of casualties in sick and wounded, the provision and establishment of field ambulances, casualty clearing stations and hospitals in the army area, the provision of ambulance trains, the establishment of convalescent camps, and very numerous other important matters.

(b) A full colonel, army medical service, is with the headquarters staff of each corps and division, and his duties relate to all sanitary and medical matters in the formation to which he is appointed. He is also the medical advisor of the general commanding the corps or division.

It would appear very advisable, in fact absolutely necessary, that the above officers hold the senior rank which they at present do.

An enormous amount of responsibility rests in their hands, and they are daily called upon to give opinion or advice on matters involving very weighty consideration and vital importance not only of vast importance to the well-being and efficiency of the army but also inceptions and schemes involving the expenditure of millions of pounds, e. g., the defensive measures against gas attacks, and the provision of gas masks and respirators have throughout been carried out by the medical service of the army, this being only one—and a comparatively minor—example of the many questions which have arisen.

Let us suppose—for the purpose of argument—that these officers did not hold the senior rank which they do at present; would their opinion carry sufficient weight? For example, suppose that the director of medical services of an army held the rank only of colonel every general commanding a division in that army, and also even every brigade commander, would be senior in rank to him. Could it reasonably be expected that the opinion of the director of medical services for the army would then carry the weight and authority which it does at present?

In my humble opinion there can be only one answer, especially when it is borne in mind that these officers are specially selected for their high rank on account of their abilities and previous experience.

(c) Other surgeon generals, with rank of major general, are serving in the following appointments:

1. As director medical services on the lines of communication in France.
2. As deputy director general at the war office.
3. As director medical services in Egypt.
4. As director medical services in Salonica.
5. As director medical services in Mesopotamia.
6. As director medical services in three commands in India.
7. As director medical services in command in England, etc.

Similar arguments in favor of high rank hold good with regard to all these appointments.

Lastly, and this is a point which is deserving of sympathetic consideration, surely it is advisable to provide a certain number of higher ranks in the medical service, as in other branches of the army.

The provision of these higher ranks and appointments which would be filled absolutely by selection, would furnish a goal for laudable ambition and an incentive to strenuous scientific work throughout the whole of an officer's service, and can, in my opinion, be productive of nothing but the very best results.

The present campaign has furnished innumerable instances of the vast importance of the Medical Service and of the high standing and authority which it holds with the rest of the army.

The French Army also dignified the medical department by providing for officers of the rank of major general and lieutenant general. This is also true of the Italian, Austrian, German, and Japanese Armies for the same reasons.

On January 16, 1917, Secretary of War Hon. Newton D. Baker strenuously urged upon Congress legislation to give the Army equalization of rank in the higher grades with that of the Navy on the ground that otherwise the detrimental effect on the Army would be too clear to require more than a statement. He said:

"I wish to strongly emphasize that without legislation giving the Army equalization of rank in the higher grades with that of the Navy, the branch of the Government of which I am in charge will be done an obvious injustice, the detrimental effect of which to the Army is too clear to require more than a statement. All the reasons which have been urged for the creation of these grades in the Navy so as to efficiently handle the units properly composing a command to be under the direction of such officers of the Navy are present in at least an equal degree in the Army. As Congress, after a full consideration of the subject, wisely decided on the advisability of giving the Navy these grades in order that it may be properly and efficiently officered, for similar reasons it should now provide similar grades for the Army.

"The embarrassment which arises in every branch of the service when brought in contact with other officers of foreign service of superior grade but not existing in our service is identical.

"But the constant embarrassment arising between the two services in the disparity of rank is too apparent to call for more than mention.

"If in all those joint matters in which the Army and the Navy are concerned the Navy, by reason of the position of the superior grade is entitled to outrank the Army, the Army must perforce regard itself and be looked upon as a subordinate branch, and this is too inequitable."

This argument of the Secretary of War applies with precisely the same force to the organization of the Medical Department, which should not be put in the attitude of being subordinate in the field for which it is responsible. It should have a commanding position of dignity and responsibility, and when the recommendation is overruled it should be overruled by an officer of equal rank in the line for military purposes only, and then that officer should be personally responsible for the consequences, and if he errs should be subject to immediate court-martial.

There is here submitted a comparison table of the percentage composition of the Medical Corps of the United States Army (existent and proposed) as compared with the principal foreign armies and the United States Navy, from which it will be seen that the Navy already has the proportions which I have proposed in the pending amendment and with the percentage of major generals proposed is surpassed by the Italian Army, the French Army, the British Army, the Austrian Army, and the Japanese Army, and that Italy, France, Great Britain, Austria, and Japan all have officers of the rank of lieutenant general under the medical department of the army, while the United States has none.

Percentage composition of the Medical Corps of the United States Army (existent and proposed), compared with the principal foreign armies.

[N.B.—This study is based upon figures contained in a publication entitled "Sanitary Troops in Foreign Armies," prepared by the War College Division, General Staff Corps," as a supplement to the statement of a proper military policy for the United States. The publication bears the date of November, 1915.]

Titles.	Present percentage composition of the grades in the Medical Corps, U. S. Army (act of June 3, 1916).	Proposed percentage composition of the Medical Corps, U. S. Army, as calculated from the number given in the General Staff bill.	Proposed percentage composition of the Medical Corps, U. S. Army (Owen amendment).[1]	Percentage composition of the Italian Army Medical Corps.	Percentage composition of the French Army Medical Corps.	Percentage composition of the British Army Medical Corps.	Percentage composition of the Russian Army Medical Corps.[2]	Percentage composition of the German Army Medical Corps.	Percentage composition of the Austrian Army Medical Corps.	Percentage composition of the Japanese Army Medical Corps.	Existing percentage U. S. Navy.
Lieutenant general				0.13	0.29	0.09		0.04	0.06	0.16	
Major general			0.25	.39	1.18	1.01		.16	.62	.73	[3] 0.5
Brigadier general [4]		[5] 0.34	.25								
Colonel	3.16	1.64	4.0	3.39	2.96	2.66		1.06	3.98	1.87	[6] 4
Lieutenant colonel	5.42	3.62	8.0	4.69	5.62	11.93		2.54	6.22	3.17	[7] 8
Major	23.70	21.48	23.5	14.73	21.89	30.37		20.87	12.12	10.15	
Captain	67.72	35.33 94.40	32 87.5	40.94	34.31	38.35		27.04	61.22	38.42	87.5
First lieutenant	91.42	37.59	32	35.73	[8] 33.75	11.74 [9] 3.85		48.29	15.78	[8] 45.50	
	100.00	100.00	100.00	100.00	100.00	100.00		100.00	100.00	100.00	

[1] Figures based on the percentage composition of the Medical Corps, U. S. Navy, assimilated rank, as per the act of Aug. 29, 1916: "The total number of commissioned officers of the active list of the following mentioned staff corps at one time, exclusive of commissioned warrant officers, shall be distributed in the various grades of the respective corps as follows: Medical Corps, one-half medical directors with the rank of rear admiral to four medical directors with the rank of captain, to eight medical inspectors with the rank of commander, to 87½ in the grades below medical inspector."

[2] In Russia the law authorizing the giving of commissioned rank is very broad and does not specify any definite numbers for each rank or for the whole corps. Medical officers are commissioned in the medical corps in the various grades of lieutenant general, major general, colonel, lieutenant colonel, captain, and lieutenant.

[3] Rear admiral (major general).

[4] There is one brigadier general to the more than 1,600 medical officers allowed by the act of June 3, 1916.

[5] One brigadier general is proposed for 2,932 medical officers.

[6] Captain (colonel).

[7] Inspectors, commander (lieutenant colonel).

[8] First and second lieutenants.

[9] Quartermasters.

WAR DEPARTMENT,
OFFICE OF THE SURGEON GENERAL,
ARMY MEDICAL MUSEUM AND LIBRARY,
Washington, June 13, 1917.

Hon. ROBERT L. OWEN,
United States Senate, Washington.

DEAR SENATOR OWEN: In compliance with your request of this date, I have pleasure in handing you herewith the desired data on medical organization in foreign armies. These data have been compiled from the latest sources at our disposal. The library receives only printed literature on the subject as it is published from time to time. It is thought that the Army War College might have in its possession recent confidential reports by military observers in Europe which might considerably modify the figures found by us. I trust, however, that upon the inclosed sheets you will find the information which you are seeking.

Very sincerely, yours,

C. C. MCCULLOCH, Jr.

I. AUSTRIA-HUNGARY.

Peace strength of the armies of the Dual Monarchy.

Officers and men:	
Common army (of both countries)	370,725
Austrian army	55,195
Hungarian army	42,800
Total	468,720

The titles, ranks, and numbers of commissioned medical officers are:

Titles.	Common army.	Austrian Army.	Hungarian Army.	Total.
Lieutenant general	1			1
Major general	8	1	1	10
Colonel	50	6	8	64
Lieutenant colonel	75	15	10	100
Major	154	19	22	195
Captain	711	152	122	985
Lieutenant	229	10	15	254
Total	1,228	203	178	1,609

II. GERMANY.

Peace strength of the army.

Officers and men	644,267
The titles, ranks, and numbers of commissioned medical officers:	
Lieutenant general	1
Major general	4
Colonel	25
Lieutenant colonel	60

The titles, ranks, etc., of commissioned medical officers—Contd.	
Major	494
Captain	640
Lieutenant	1,143
Total	2,367

Figures taken from budget of 1912.

III. ITALY.

Peace strength of army.

Officers and men (budget of 1912)	252,340

The titles, ranks, and numbers of commissioned medical officers:	
Lieutenant general	1
Major general	3
Colonel	26
Lieutenant colonel	36
The titles, ranks, and numbers of commissioned medical officers—Continued.	
Major	113
Captain	314
Lieutenant	274
Total	767

IV. JAPAN.

Peace strength of active army.

Officers and men	235,500

The titles, ranks, and numbers of commissioned medical officers:	
Lieutenant general	2
Major general	9
Colonel	23
Lieutenant colonel	39
Major	125
Captain	473
First lieutenant	279
Second lieutenant	281
Total	1,231

The Army List and Directory of the United States, May 20, 1917, shows:

GENERAL LINE OFFICERS.

Seven major generals of the line.

One major general in the Quartermaster's Corps (subject to detail from the line at a later date).

One major general in the Coast Artillery Corps.

A total of nine major generals pertaining to the line.

There are 21 brigadier generals of the line.

There are 2 brigadier generals of the Quartermaster Corps, 1 brigadier general of the Signal Corps, 1 brigadier general of the Ordnance Corps, 1 brigadier general of the Inspector General's Department, 1 brigadier general of The Adjutant General's Department, and 1 brigadier general of the Bureau of Insular Affairs. (All of these officers are subject to detail from the line when the permanent officers shall have been exhausted.)

There are 28 brigadier generals pertaining to the line.

There are 7,220 commissioned officers in the Army. Of these, 17 belong to the Judge Advocate General's Department; 994 to the Medical Department (including in this strength 135 Medical Reserve officers and 117 dental officers; the officers of the Veterinary Corps are not included here, nor are they apparently included in the authorized strength of the Army in this Army List). There are 302 officers of the Engineers. This makes a total of 1,313 officers. This subtracted from 7,220, the total number of officers, leaves 5,907 officers.

Nine major generals of the line to 5,907 line officers.

One major general of the line to 656 line officers.

There would be 15 major generals of the line to 10,000 line officers on this proportion.

Twenty-eight brigadier generals of the line to 5,907 line officers.

One brigadier general of the line to 211 line officers.

There would be 47 brigadier generals of the line to 10,000 line officers on this proportion.

Fifteen major generals of the line to each 10,000 line officers.

Forty-seven brigadier generals of the line to each 10,000 line officers.

Sixty-two general officers for each 10,000 line officers.

The above general officers are in command of 137,855 enlisted men and must be expanded as the Army is enlarged. The bill for this expansion is now pending as Senate bill 1786. This bill, if unamended, would provide only 1 general officer of the Medical Department for over 10,000 medical officers of the Medical Department, including the officers of the Medical Reserve Corps for the National Guard and National Army.

The above record justifies the amendment which I now propose. The amendment meets the cordial indorsement of the medical section of the Council of National Defense.

PERSONAL EXPLANATION—APPROPRIATIONS FOR AVIATION.

Mr. OWEN. Mr. President, day before yesterday I occupied the time of the Senate for about seven minutes in proposing an amendment to the aviation bill to the effect that there should be named by the President of the United States a committee expressly charged with the duty of safeguarding these aviation contracts. This morning I was complimented by an active head of the aviation work calling on me and approving the principles I suggested of protecting these contracts. There was a fairly correct account of what transpired on the floor of the Senate, I am told, in the Washington Post; but the compositor's thoughtless headlines stated that I had opposed the passage of the aviation bill. The New York Times this morning comes out with a long and somewhat virulent editorial—based, I suppose, on some compositor's headlines—charging that I had the object of defeating the bill, and in effect charging me with being a public enemy.

I rise merely to correct in the RECORD any such public impression. I have and have had no desire to retard, and have not retarded, the aviation bill. I do desire to safeguard the expenditure of $640,000,000, and I intend to insist upon this money being properly safeguarded; but it will take very little time to say what I have to say about it. I favor rigid cloture, after fair debate, and have voted to speed all the war measures.

What I rose for especially, Mr. President, was to point out the inconsiderate conduct on the part of an editor occupying a position of great responsibility, giving publicity to a falsehood against a public servant, and indulging in gross, unmerited abuse of a United States Senator and to correct the impression made. Such editorial conduct is a gross abuse of the high position he occupies, a gross abuse of the freedom of the press, which we all cherish, and deserves severe condemnation. An editor of a great paper should not write a phillipic without informing himself of the facts. Any man in the public service who allows himself to be seriously disturbed or to show bad temper because he is unjustly criticized or even abused impairs his own opportunity to serve the public. From a personal standpoint I would not complain. But while the Senate knows the charge of the New York Times editor is untrue, the false representations made by the editor of one of the greatest newspapers in the world is mischievous and has a tendency to impair the confidence of the people in a faithful public servant and to weaken the cooperation between the people, the press, and Congress that is one of the essentials in the successful conduct of the war.

However, Mr. President, editors are but human, and all men incline to be intemperate in war times; and I do not really believe this editor, whoever he is, intended to be unjust, and if he did I have neither the time nor the inclination to retort in kind or to harbor malice in exchange for injustice. "It will make but little difference 40 years from now."

EXECUTIVE SESSION.

Mr. CHAMBERLAIN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS.

Mr. CHAMBERLAIN. I move that the Senate take a recess until 10 o'clock to-morrow morning.

The motion was agreed to; and (at 5 o'clock and 58 minutes p. m., Friday, July 20, 1917) the Senate took a recess until to-morrow, Saturday, July 21, 1917, at 10 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate July 20 (legislative day of July 18), 1917.

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

Roland S. Morris, of Philadelphia, Pa., to be ambassador extraordinary and plenipotentiary of the United States of America to Japan.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Maj. Cornelius C. Smith, Cavalry, detached officers' list, to be lieutenant colonel from June 28, 1917, vice Lieut. Col. William J. Glasgow, placed on the detached officers' list.

NOTE.—The above-named officer was nominated to the Senate for promotion July 13, 1917. This is submitted for the purpose of correcting the date of rank of the nominee.

CORPS OF ENGINEERS.

To be captains with rank from May 15, 1917.

First Lieut. Harris Jones, Corps of Engineers, vice Capt. De Witt C. Jones, promoted.

First Lieut. Francis L. Palmer, Corps of Engineers, vice Capt. Ernest Graves, promoted.

First Lieut. William F. Heavey, Corps of Engineers, vice Capt. Francis B. Wilby, promoted.

First Lieut. Harold R. Richards, Corps of Engineers, vice Capt. Clarence S. Ridley, promoted.

First Lieut. John J. F. Steiner, Corps of Engineers, vice Capt. Alvin B. Barber, promoted.

First Lieut. Daniel Noce, Corps of Engineers, vice Capt. Jarvis J. Bain, promoted.

First Lieut. Willis E. Teale, Corps of Engineers, vice Capt. Thomas H. Emerson, promoted.

First Lieut. Clark Kittrell, Corps of Engineers, vice Capt. Robert S. Thomas, promoted.

First Lieut. Samuel R. Irwin, Corps of Engineers, vice Capt. Roger G. Powell, promoted.

First Lieut. Henry Hutchings, jr., Corps of Engineers, vice Capt. John N. Hodges, promoted.

APPOINTMENTS IN THE ARMY.

MEDICAL CORPS.

To be first lieutenants, to fill original vacancies.

First Lieut. Frank C. Griffis, Medical Reserve Corps, to rank from July 14, 1917.

First Lieut. Frederick H. Mills, Medical Reserve Corps, to rank from July 15, 1917.

First Lieut. Henry C. Bierbower, Medical Reserve Corps, to rank from July 16, 1917.

First Lieut. Val E. Miltenberger, Medical Reserve Corps, to rank from July 17, 1917.

First Lieut. Edgar F. Haines, Medical Reserve Corps, to rank from July 18, 1917.

APPOINTMENT, BY TRANSFER, IN THE ARMY.

FIELD ARTILLERY ARM.

First Lieut. Ray W. Barker, Cavalry, detached officers' list, to be first lieutenant of Field Artillery, with rank from July 1, 1916.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Medical Insp. George T. Smith to be a medical director in the Navy from the 23d day of May, 1917.

Medical Insp. George A. Lung to be a medical director in the Navy from the 1st day of July, 1917.

Julius F. Neuberger, an assistant surgeon in the Medical Reserve Corps of the Navy, to be an assistant surgeon in the Navy from the 7th day of July, 1917.

The following-named citizens to be dental surgeons in the Navy, for a probationary period of two years, from the 3d day of July, 1917:

Louis F. Snyder, citizen of South Dakota,
James C. Lough, citizen of California,
Glen S. Phillips, citizen of Pennsylvania,
John E. Herlihy, citizen of Massachusetts,
George C. Fowler, citizen of District of Columbia,
Guy E. Nichols, citizen of Maine,
Travis F. Epes, citizen of Virginia,
Sidney M. Akerstrom, citizen of Massachusetts,
Francis S. Weir, citizen of Washington,
Jerold M. Siegel, citizen of Michigan,
Russell A. Henry, citizen of Pennsylvania,
Lindsay H. Brown, citizen of Oregon,
Charles C. Bockey, citizen of District of Columbia,
Leon C. Frost, citizen of Ohio,
Deane L. Chamberlain, citizen of Colorado,
Errol W. Willett, citizen of Oregon,
Clark E. Morrow, citizen of Missouri,
Louis M. Benepe, citizen of Minnesota,
William R. Taylor, citizen of Minnesota,
Anthony A. Norkiewicz, citizen of Pennsylvania, and
Robert Van Patton, citizen of Pennsylvania.

Lou C. Montgomery, a pharmacist's mate, second class, in the Navy, to be a dental surgeon in the Navy; for a probationry period of two years, from the 5th day of July, 1917.

Passed Asst. Paymaster Graham M. Adee to be a paymaster in the Navy from the 20th day of August, 1913.

Passed Asst. Paymaster Thomas J. Bright to be a paymaster in the Navy from the 22d day of October, 1915.

Passed Asst. Paymaster Emory D. Stanley to be a paymaster in the Navy from the 2d day of August, 1916.

Passed Asst. Paymaster Brantz Mayer to be a paymaster in the Navy from the 29th day of August, 1916.

Asst. Paymaster Herman G. Bowerfind to be a passed assistant paymaster in the Navy from the 20th day of September, 1915.

Asst. Paymaster Lawrence A. Odlin to be a passed assistant paymaster in the Navy from the 22d day of October, 1915.

Asst. Paymaster Richard S. Robertson to be a passed assistant paymaster in the Navy from the 2d day of August, 1916.

Asst. Paymaster Charles V. McCarty to be a passed assistant paymaster in the Navy from the 29th day of August, 1916.

Ensign Richard R. Adams to be an assistant naval constructor in the Navy from the 30th day of June, 1917.

DeWitt C. Emerson, a citizen of California, to be a dental surgeon in the Navy, for a probationary period of two years, from the 5th day of July, 1917.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 20 (legislative day of July 18), 1917.

CONSULAR SERVICE.

Maxwell Blake to be agent and consul general at Tangier, Morocco.

CUSTOMS SERVICE.

James F. C. Griggs to be collector of customs for customs collection district No. 18, with headquarters at Tampa, Fla.

REGISTER OF LAND OFFICE.

Francisco Delgado to be register of the land office at Santa Fe, N. Mex.

POSTMASTER.

MINNESOTA.

Robert K. Brough, Alexandria.

WITHDRAWALS.

Executive nominations withdrawn July 20 (legislative day of July 18), 1917.

Lieut. Col. Francis C. Marshall, Cavalry, to be colonel.
Maj. Benjamin B. Hyer, Cavalry, to be lieutenant colonel.
Capt. Alvan C. Gillem, Cavalry, to be major.

SENATE.

SATURDAY, *July 21, 1917.*

(*Legislative day of Wednesday, July 18, 1917.*)

The Senate reassembled at 10 o'clock a. m., on the expiration of the recess.

Mr. TRAMMELL. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Johnson, Cal.	Nelson	Shields
Chamberlain	Johnson, S. Dak.	New	Simmons
Colt	Jones, Wash.	Norris	Smith, S. C.
Cummins	Kellogg	Overman	Smoot
Curtis	Kenyon	Owen	Sterling
Dillingham	King	Page	Stone
Fernald	Kirby	Penrose	Sutherland
France	Knox	Poindexter	Swanson
Frelinghuysen	La Follette	Pomerene	Thompson
Gronna	Lodge	Ransdell	Tillman
Hale	McCumber	Reed	Trammell
Harding	McKellar	Robinson	Warren
Hardwick	McLean	Shafroth	Watson
Hollis	McNary	Sheppard	Weeks
Husting	Martin	Sherman	Williams

Mr. FRELINGHUYSEN. I wish to announce that my colleague [Mr. HUGHES] is absent on account of illness.

Mr. HUSTING. I desire to announce the unavoidable absence of the senior Senator from Kentucky [Mr. JAMES] on official business.

Mr. CURTIS. I wish to announce that the senior Senator from Idaho [Mr. BORAH] is absent on official business for a few hours.

Mr. SUTHERLAND. I desire to announce the absence of my colleague, the senior Senator from West Virginia [Mr. GOFF], on account of illness. I ask that this announcement may stand for the day.

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Sixty Senators have answered to their names. There is a quorum present.

CONSERVATION OF FOOD AND FUEL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

Mr. CHAMBERLAIN. I believe the pending amendment is the substitute for section 12, to which, so far as I recall, two amendments have been offered, one by the Senator from Kansas [Mr. CURTIS], who desires to add, after the words "No. 1 northern," the words "or its equivalent." So far as I am advised and so far as I am able, I am willing to accept the amendment to the amendment.

The PRESIDING OFFICER. Is there objection to the adoption of the amendment offered by the Senator from Kansas [Mr. CURTIS] to the amendment?

Mr. PENROSE. What is the amendment to the amendment?

The PRESIDING OFFICER. It will be stated.

The SECRETARY. On page 2, line 9, after the words "No. 1 northern," insert the words "or its equivalent."

Mr. HOLLIS. Mr. President, I hope the amendment to the amendment will not be adopted. Section 12 was carefully drawn in such a way as to give one definite standard by which all other grades of wheat might be imposed. It does not make any difference whether you take No. 1 northern or No. 2 northern or any other one grade, but it seemed advisable to take the highest grade that is generally known. If there is any other that is better than that, there is no harm in taking it; but when one grade is fixed at one place, then the price of all other grades at all other primary markets will be fixed under rules and regulations by the food commission. It would be just the same as saying that the standard value in this country shall be the gold dollar or its equivalent. Then some one must go to work and discover what is the equivalent of the gold dollar. If there is an equivalent to No. 1 northern, the food commission will know it. The food commission may say the price of No. 1 northern at such a place is $2, and the price of this other grade which is the equivalent is $2. I am afraid that it will lead to confusion, and I certainly can not believe that it will do any good to adopt this language. I hope the language in the amendment will be allowed to stand.

Mr. CURTIS. Mr. President, I hope the amendment inserting the words "or its equivalent" will be adopted. In the Northwest, where they have the spring wheat, the terms of the bill would be applicable, but out in our part of the country, where we have the winter wheat, No. 2 hard winter wheat is the equivalent of the northern wheat. Because in the markets of our part of the country we sell from that grade, we ask that the words "or its equivalent" be inserted. It is not like the gold dollar, because the gold dollar, as suggested by the Senator from New Hampshire, has one value. Here are two distinct grades. They are sold in the market. We pay no attention in the Central West to the market grades of the Northwest, for we have a grade of our own. We claim that the wheat we produce in that section is the equivalent of No. 1 northern, and for that reason I offered the amendment to include the words "or its equivalent."

Mr. HOLLIS. Will the Senator allow me. If this language is adopted, who will decide what is the equivalent of No. 1 northern?

Mr. CURTIS. The board will decide.

Mr. HOLLIS. Then why will not the board decide without any language of that kind in the bill and fix the same price for that grade of wheat that it fixes for No. 1 northern?

Mr. CURTIS. Because you do not direct them to do it and the amendment which I have offered does.

Mr. HOLLIS. How else can they do it but fairly. They are the ones to decide whether this grade is the equivalent, and if they find that it is, then the same price is imposed.

Mr. CURTIS. Then what is the objection to putting in the words "or its equivalent" when it will give us that protection?

Mr. HOLLIS. I do not see that it does any harm.

Mr. CURTIS. Then why object?

Mr. HOLLIS. But it does seem to suggest that they may be required under this language to do something which they would not do unless this language was here. It will do no harm to anyone if the language is left as it is.

Mr. SMOOT. Mr. President, if I thought that the amendment offered by the Senator from Kansas to the amendment would clarify this situation I would support it. I believe it will not clarify it, but that it will confuse it. In the market everyone knows what No. 1 northern wheat is, and the price of all other grades of wheat is based upon the price of No. 1 northern. It is similar to cotton, as every purchaser knows what middling cotton means, and all other grades of cotton are based on the price paid for middling cotton. If we should strike out "No. 1 northern" and put in "No. 2 northern," the same result could be accomplished, because the equivalent values thereof are always known in the market with wheat just the same as with cotton.

Mr. CURTIS. Mr. President——.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Kansas?

Mr. SMOOT. In just a moment. It we name No. 1 northern or its equivalent then we have two standards and there is no necessity for doing that. If the Senator wanted to name No. 2 Kansas, then, of course, it would be no more than simply saying No. 2 Kansas is equivalent to No. 1 northern, and it would only lead to confusion. I do not believe the amendment to the amendment ought to be adopted.

Mr. CURTIS. Mr. President, I wish to say in answer to what the Senator from Utah has said, that the people of Kansas, Oklahoma, and Nebraska have had trouble because of the different grades of wheat. The No. 2 hard winter wheat produced in Kansas, Nebraska, and Oklahoma is the equivalent of No. 1 hard northern wheat, and therefore we ask that the amendment to the amendment be adopted. It can do no harm and it will protect those who raise wheat in the western part of the country.

Mr. SMOOT. It can do harm if we are to adopt two standards instead of one, and that is what we will be doing if we undertake to amend the amendment by inserting the words "or its equivalent."

Mr. REED. Mr. President, I am very sure that if Senators understood the wheat business a little better there would not be a single objection to the amendment offered by the Senator from Kansas. No. 1 northern is one of the standard grades of wheat, and it is a very high standard. That is the kind of wheat that is raised in the northern part of our country, the spring wheat. There is another standard grade of wheat just as much a standard grade as No. 1 northern, and that is No. 2 hard winter wheat. There are two or three other grades of wheat, each substantially the equivalent of the other, but a wheat that is raised in a different section of the country. It will be left to the board if the words "or its equivalent" are placed in the bill to determine what is the equivalent, so that no injustice can be done to the public. If you undertake to fix a price of $2, or any other figure, per bushel for No. 1 northern and do not put in the words "or its equivalent" it might work a great discrimination against other grades of wheat that are equally good in the market.

There is not a wheat man, I think, in the country who will deny the truth of what I am saying. The illustration which was given by the Senator from Utah of middling cotton is not in point, because middling cotton is the same all over the United States. There are some 50 or 60 varieties of wheat and there are certain well-known standards of wheat. One of them is No. 1 northern, another is No. 2 red, and so on. Therefore I beg that this amendment, in the interest of common justice to all parts of the country, so that there will be no discrimination, may be adopted.

Mr. McCUMBER. Mr. President, I think the Senator from Kansas is in error when he speaks of any particular kind of wheat being the equivalent of any other standard. As a matter of fact, there is no equivalent. There may be that which, under certain circumstances, brings a price very nearly what may be given for a different kind of grain. No. 1 hard grain brings more at any market in the United States, other things being equal, than any other grain. Therefore there is no equivalent. No. 1 northern is the next important standard, and unless there are peculiar conditions in the trade in the matter of speculation or supply and demand to meet the speculative requirements No. 1 northern brings a higher price, because the flour made from it sells for a higher price. Therefore I think those things would naturally adjust themselves. While I have no serious objection to the word "equivalent," I think it ought to go upon record that there is no such thing as an equivalent of No. 1 hard as applied to the northern grain, or No. 1 northern as applied to the northern grain.

Mr. GRONNA. Mr. President, just a word. I shall be compelled to support the amendment offered by the Senator from Kansas [Mr. CURTIS]. It is true, as my colleague [Mr. McCUMBER] has stated, that actually there is no grain the equivalent of No. 1 northern or of No. 1 hard, but that is not what this language "or its equivalent" means. It simply means that if the grade is not No. 1 northern—if it is No. 2 northern or No. 3 or No. 4 or rejected or feed grade, as we call it—it will simply be based upon the milling test, and the price will be based absolutely upon the grade named in the bill, which is No. 1 northern. I believe that the word "equivalent" should go into the bill.

Mr. McCUMBER. Mr. President, will my colleague yield to me?

The PRESIDING OFFICER. Does the junior Senator from North Dakota yield to his colleague?

Mr. GRONNA. Yes.

Mr. McCUMBER. I said that I had no objection to the use of the word "equivalent," but I simply desire to place upon record that, as a matter of fact, there is no such thing as an equivalent between two different standards, the flour from two different kinds of grain, so long as the flour itself made from one wheat or the other sells for a different price. There is a relation, of course, between the prices, and the word "equivalent" may be all right, and I should have no objection to it.

Mr. GRONNA. Mr. President, my colleague's statement is absolutely correct and in accordance with my understanding, but my attention was diverted for a moment, and I did not hear the first statement of my colleague.

Mr. President, I believe that this amendment should be adopted, that there should be no objection to it. While I am on my feet, however, I want to call the attention of the Senator from Oregon [Mr. CHAMBERLAIN] to the fact that I have just

taken up the question with the Agricultural Department through Dr. Brand as to where these prices should obtain, whether we should leave the language in the singular, "market," or have it in the plural, "markets," and I desire to say that I shall have a report from Dr. Brand in a few minutes.

I know the Senator wants to get all the information which can be had, for this is important to all of us. When we speak of the markets of the country, I find that there are a great many. I find that there is a market in the State of Utah—Ogden—which is a principal interior primary market. I find that there is a principal interior market in the State of Oregon—Portland; and that there are more than 30 of these principal interior markets. Spokane, Wash., is a principal interior market. Senators can readily understand that if we make a law compelling this board to fix a price at a certain market—say Chicago, for instance—you would have to discount the freight clear from Chicago to Seattle, or to Spokane, or to Ogden, Utah, or to St. Louis, or to any of these primary markets. That would certainly be an injustice to those people. I do not think the Senate is willing to go on record as favoring such a plan as that.

Mr. SMOOT. Mr. President, will the Senator from North Dakota yield to me?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Utah?

Mr. GRONNA. Yes; I yield.

Mr. SMOOT. I will say to the Senator that what he has stated is not the intention of the framers of this amendment.

Mr. GRONNA. No; and I am glad that it is not.

Mr. SMOOT. The intention of the framers of the amendment, and what I believe it means, is that whatever is the price at the principal interior primary market would be the price which would be fixed at all markets, not taking into account freight charges; or, in other words, if the primary market is Minneapolis and wheat is $2 a bushel at Minneapolis, and if the market price at Ogden, Utah, was only $1.50, under the amendment the price at Ogden would be $2; but if the language is changed to the plural, I can not see but that the market might be selected at which the price of wheat is the lowest.

Mr. REED. But the law fixes it at $2.

Mr. SMOOT. It fixes the price in the primary market.

Mr. REED. Exactly; it fixes it at the primary market. Do you propose to say that it shall not be fixed as to other markets?

Mr. SMOOT. I do not care whether they have it at all of the primary markets or not. I am only calling attention to the effect of this amendment. I do not care whether the amendment reads "markets" or "market." All I have in mind is to protect the wheat grower in all parts of the United States.

Mr. GRONNA. I understand that.

Mr. SMOOT. Whatever the price is at the principal market ought to be the price at all of the markets.

Mr. GRONNA. I understand that, and that is the intention of all of us—to do justice to all people alike.

Mr. REED. Will the Senator pardon me an interruption?

Mr. GRONNA. I yield to the Senator.

Mr. REED. Just one word. The Senator makes the mistake of thinking that we are picking a market at which the market price is to control. Not so. The bill fixes the price, and if it fixes it at only one market, and does not make the same price for other markets, those marketing their wheat at the other markets must bear the freight. So, if Minneapolis was picked as the primary market, and the price is fixed at $2 there, and we did not fix the same market price at Omaha, Nebr., the man at Omaha, Nebr., would get $2, less the freight rate. Undoubtedly that would be the result.

Mr. GRONNA. Mr. President, that is the way I undertand it.

Now, I will say to the Senator from Utah [Mr. SMOOT], and to the Senate, that Dr. Brand said that his impression was that the word "market" ought to be in the plural; but he also said that he wanted to be given time to study the matter very carefully, and that his report would be sent up here immediately. I think that all of us are interested and that we want to do justice to the whole country alike; but we do not want to give the people of my State an advantage over the people of the State of Missouri or over the people of the State of Utah or those of the State of Iowa.

The principal wheat market might be fixed at Minneapolis; but the principal grain market might be fixed at Chicago or New York. I asked Dr. Brand about that, and he said he was not sure.

Mr. SMOOT. This amendment only applies to wheat, I will say to the Senator from North Dakota; there is no grain other than wheat involved.

I want to accomplish exactly what the Senator from North Dakota desires to. I do not think the price of wheat at the market of Ogden should be different from the price at Minneapolis or anywhere in North Dakota or in Omaha, Nebr. The price ought to be the same. What I am fearful of, however, is that if the word is made plural that will not be the case, but I am perfectly willing to have Dr. Brand decide the question, as he is an expert on the subject.

Mr. GRONNA. Mr. President, in order that I may understand the purpose of this language, I desire to ask the Senator in charge of the bill if it is his understanding that it means an absolute guarantee to the farmers of $2 a bushel for wheat, whether a proclamation is issued by the President or not?

Mr. CHAMBERLAIN. I so understand, Mr. President.

Mr. GRONNA. If that is the understanding, then the amendment proposed by the Senator from Oregon and my amendment are exactly alike in that respect.

Mr. CHAMBERLAIN. Let me say to the Senator that it is not proposed by this language in the bill to change conditions as they are now. For instance, the market of the Senator, who is a wheat grower in North Dakota, is Minneapolis or St. Paul, I presume.

Mr. GRONNA. Yes.

Mr. CHAMBERLAIN. In other words, he would be guaranteed a price of $2 a bushel at St. Paul or Minneapolis, less what he would pay for freight. That is exactly the position that he is in now. If one of those cities should happen to be named as the primary market, that will be the primary market, and whatever place the Government has seen fit to establish as the primary market will fix the price. There may be more than one primary market; there are others; but the price will be fixed just like the price of the Senator's wheat is fixed now at the other primary markets. There would be a corresponding deduction because of the freight paid. So that, in the last analysis, the Senator would be left in exactly the same position he is in now; in other words, there is one primary market, where the price is fixed, and the prices at the other primary markets are fixed, taking the freight rates into consideration.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield further?

Mr. GRONNA. I presume my time is nearly up, but I yield to the Senator.

Mr. SMOOT. That is the reason I thought we ought to use the singular number, because if we have more than one primary market, then, of course, they will be able to select the lowest market.

Mr. GRONNA. I think that the Senator from Oregon and I agree absolutely as to what we intend to do; but I am afraid that the language the Senator uses in his amendment does not do that. If it is the intention to do what the Senator suggests, and I believe it is from what he has said, then I think we ought to say that the price shall be fixed in the primary market—I have no objection to that—but that the adjustment for freight and all that shall be based on the interior primary market.

The PRESIDING OFFICER. The time of the Senator from North Dakota has expired.

Mr. CHAMBERLAIN. Mr. President, the Senator can occupy my time, because I only interrupted the Senator, and I had not addressed myself to this amendment.

Now, let us assume, by way of illustration, that we had used the plural instead of the singular, and the food controller or, under the bill as it has been changed now, the board saw fit to establish a primary market in the State of North Dakota, for instance. I do not suppose they would do so; but assuming, for illustration, that they would establish one along the line of the railroad running through the State of North Dakota. It would guarantee a price to the North Dakota farmer of $2, whereas under the conditions as they exist now he would get $2 less the freight rate. That is the price he gets now, and that is the price he would get under this bill.

Does the Senator think it would be fair to establish five or ten or a dozen primary markets, and guarantee a price of $2 at each of those markets and work a change in conditions as they exist to-day? My understanding of the purpose of this bill—and that is certainly what I had in view—was to leave practically the conditions as they are now under the ordinary law of supply and demand with the change of a guaranteed price of $2 fixed at the primary market.

Mr. GRONNA. May I reply to the Senator briefly in his time?

Mr. CHAMBERLAIN. Certainly.

Mr. GRONNA. The Senator from Wisconsin [Mr. LA FOLLETTE] suggests that it would be fair to leave this to the board, because they could not afford to do such an injustice to the people of Oregon as I have indicated in my argument by having the freight rate deducted clear to the city of Chicago or the city of Minneapolis. We would receive a much larger price

for our grain in North Dakota than the people of Oregon would receive, and it would be unfair. I think it is safe to leave to the board to say where the primary markets ought to be established. While I agree that the price could be made in the principal primary market, so as to have just one price——

Mr. REED. The price is made in this bill. What is the use of talking about making a price? This bill fixes the price at $2.

Mr. GRONNA. Exactly.

Mr. REED. That ought to be made the price, not for one town but for every town.

Mr. GRONNA. I agree with the Senator. A minimum price not to exceed $2 is fixed, and that, of course, will be the price; but if the price of $2 is fixed at Minneapolis, the farmers of Missouri would suffer, the farmers of Nebraska would suffer, the farmers of Iowa would suffer, the farmers all over the country, except in Minnesota and the Dakotas, would suffer, and it would be unjust to the grain growers of the western, southern, and eastern sections of the country.

Mr. HITCHCOCK. What is the difference between the price at the Minneapolis market and, say, the Omaha or the St. Louis markets? According to reports they seem to be about the same.

Mr. GRONNA. They are about the same, I will say to the Senator.

The PRESIDING OFFICER. This discussion is in the time of the Senator from Oregon.

Mr. NORRIS. Mr. President, it seems to me we ought to determine first what this language means and then see whether or not in the judgment of the Senate it ought to be changed. To my mind it is perfectly clear, although there seems to be a disagreement between two of the leaders who prepared this amendment. We must bear in mind that this amendment is not one from the committee; it is one of those that have been prepared since the committee has had anything to do with the bill, and two of those Senators do not agree as to what the bill means as it stands now. The Senator from Oregon [Mr. CHAMBERLAIN] very fairly, I think, states what, in my judgment, is a correct interpretation of the bill. If we leave the word "market" in the singular, there will be just one place in the United States where the minimum price will be $2 for No. 1 northern. If there is another market, the price in that other market will be reduced for the same grade of wheat by the amount of the freight between that other market and the one market that is fixed.

The Senator from Utah [Mr. SMOOT] says that that was not the intention of those who framed the substitute, but that they intended that there should be the same guarantee for the different markets in the United States. I think the Senator from Utah is wrong, that the Senator from Oregon and the other Senators who helped prepare this amendment are right, and that there can be no possible misunderstanding as to the meaning of this language.

Now, let us suppose that this is passed as it is, with the guaranteed price for No. 1 northern; and let us say that the board fixes Minneapolis as the principal primary market. There the minimum price of No. 1 northern would be $2. Let us assume now that between Minneapolis and Omaha the freight on wheat is 10 cents a bushel. Then the price of the same grade in Omaha would be 10 cents less than it would be in Minneapolis. If in the plural——

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to his colleague?

Mr. NORRIS. In just a moment.

Mr. HITCHCOCK. The Senator is mistaken in his assumption.

Mr. NORRIS. I will not yield now, but will in a moment. If the word was in the plural and Omaha was fixed by the board as one of the primary markets, which it undoubtedly would be, then the price of the same grade of wheat in Minneapolis would be necessarily the same. If we want to do that in the law, then this language ought to be changed and the word ought to be in the plural. I now yield to my colleague.

Mr. HITCHCOCK. Mr. President, my colleague is mistaken, because he assumes that wheat goes from Omaha to Minneapolis. He is in error, because wheat goes to Omaha as a primary market, and goes to Minneapolis as a primary market, and goes to Kansas City as a primary market, and goes to St. Louis as a primary market, and then is shipped from those points. Therefore, there is not that difference of freight which the Senator suggests.

Mr. NORRIS. That is true; but when the law says that there shall be just one primary market, there will only be one, and that is what this language says. It says here at the top of page 3—

> At not less than $2 per bushel at the principal—
>
> The principal—
>
> interior primary market.

The board will determine that place, and there will only be one such place.

Mr. NELSON. It may be Chicago.

Mr. NORRIS. I do not know. In my judgment it will be Minneapolis, but that is immaterial. The board will fix that principal primary market, and that will be the only place in the United States where the minimum price of No. 1 northern will be $2; and it will be necessary to find out what the freight is, whether Minneapolis or Chicago or any other place is the primary market. It will be necessary to find out how much it will cost to take wheat from any other place in the United States to the market which is fixed by the board, and, of course, the freight would be deducted.

Mr. McCUMBER. Mr. President——

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. NORRIS. I yield for a question, first, to the Senator from North Dakota [Mr. McCUMBER].

Mr. McCUMBER. Mr. President, I wish the Senator, while he has the floor, would ascertain what particular leading Senator wrote that particular section, and ask him why he used the singular instead of the plural.

Mr. NORRIS. I will have to refer that question to the leaders who prepared this amendment. I have not that knowledge. I presume the Senator from Utah or the Senator from Oregon could give that information. I now yield to the Senator from Utah.

Mr. SMOOT. Mr. President, I want the Senator to follow the bill as I read it, and I want to call his attention to the fact that the price named shall be based upon No. 1 northern.

Mr. NORRIS. Exactly.

Mr. SMOOT. Not that it shall be shipped to Minneapolis or to any other market.

Mr. NORRIS. But it does not make any difference whether it is ever shipped at all, Mr. President.

Mr. SMOOT. Let me read it.

Mr. NORRIS. Will the Senator ask his question? I do not want him to take all of my time. He can ask his question if he wants to; I am yielding to him for that purpose, but I hope he will not discuss it.

Mr. SMOOT (reading)—

> The guaranteed prices for the several standard grades of wheat from the passage of this act to the 1st day of January, 1919, shall be based upon No. 1 northern at not less than $2 per bushel at the principal interior primary market.

That principal primary market is Minneapolis, and it is to be based upon the price at Minneapolis.

Mr. NORRIS. Well, now, let me argue it, if the Senator has asked his question. I hardly know whether it is a question; but it seems to me, in reading the language, that he has answered his own question. The language is that it shall be based on No. 1 northern at a particular place, and so forth. That shows on its face that it is not going to be the same everywhere. It is to be based upon the price at a particular place that shall be fixed by the board. If we wanted to know the price at Kansas City of a commodity the price of which was fixed at some other place, anybody must know that the price at Kansas City will be less than at the other places and the difference will be what it costs to take the product from Kansas City to the other market. Whether you ever take it there or not is an entirely different proposition.

Mr. GRONNA. Mr. President——

Mr. NORRIS. I yield to the Senator from North Dakota.

Mr. GRONNA. Is it not reasonable to believe from reading the language that there is no more need of saying that the price shall be based upon No. 1 northern than to say that there shall be but one market?

Mr. NORRIS. Absolutely. The Senator's illustration is a good one. We base it on No. 1 northern. If the argument of the Senator from Utah were right, then all wheat would be $2, just the same as No. 1 northern, and nobody contends that. No. 4 would be $2 at that place, just the same. It is based on No. 1 northern; that is taken as the standard of value, and if there were a grade of wheat higher in value than No. 1 northern it would be over $2; and the same way as to the place. It is a question of the cost of transportation from any place to the particular market.

If you had it in the plural, I presume this board would select over the United States the principal market places for wheat. They would be Minneapolis, Chicago, Omaha, Kansas City, St.

Louis, Portland, and perhaps a good many other places; and then at each one of those places, if they had No. 1 northern wheat, the minimum price would be $2. Then anybody who had wheat to sell would know that the minimum price of his wheat would be $2 at the primary market nearest to him, and he would get, not $2 but $2 less the freight from his nearest railroad point to the nearest primary market point.

The PRESIDING OFFICER. The question is upon the adoption of the amendment offered by the Senator from Kansas [Mr. CURTIS] to the amendment of the Senator from Oregon [Mr. CHAMBERLAIN].

Mr. HITCHCOCK. Mr. President, I should like to have that amendment stated. I think we have been talking about one thing while another amendment has been pending.

Mr. NORRIS. Yes; that is true.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The SECRETARY. After "No. 1 northern" it is proposed to insert the words "or its equivalent."

Mr. HITCHCOCK. Yes; that is the question.

Mr. SHERMAN. Mr. President, the amendment read by the Secretary is that in the parentheses on page 3 of the pending amendment. There is very little No. 1 northern wheat sold on the market compared with the entire volume of wheat. No. 1 northern spring wheat is a basing rate, as the railroad men say. It is comparatively a very small number of bushels of the 600,000,000 bushels, approximately, that will be raised in the crop of 1917. Of that kind of wheat, No. 2 or No. 3 northern is the most numerous grade. When it comes to red winter wheat, No. 2 or No. 3 red winter wheat is the prevailing milling wheat. The inferior grades are the most frequent and must be used for milling purposes. But the No. 1 northern spring wheat, I suppose, is used as the highest quality of the wheat berry in the market.

Mr. GRONNA. Contract grade.

Mr. McCUMBER. Contract grade; but No. 1 hard is the highest.

Mr. SHERMAN. Yes. That can be made, however, a basing price; and I suppose that is the purpose of the bill.

The amendment as written, based upon No. 1 northern or its equivalent, at not less than $2 per bushel at the principal interior primary market, simply means that somebody must choose the primary market. Who it will be nobody knows. At this time we can make a good guess that it will be Mr. Hoover, and I have no objection to Mr. Hoover. Somebody must fix it if we do not. If we fix it in the law, or in the amendment that is pending in what matures into the law, we must write the principal primary market in the bill. As to what it is, we would differ at once among ourselves here. It might be Duluth; it might be Minneapolis. Minneapolis is the greatest milling wheat market there is in the world, measured by the volume of wheat. If not either of those two points in Minnesota—one accessible by rail and the other accessible both by rail and by lake traffic during the open season, when winter has not closed lake transportation—we go to St. Louis, Kansas City, Chicago, or Omaha. Now, when you have named those six points, you have named all the great interior primary wheat markets.

Mr. REED. Mr. President——

Mr. SHERMAN. I yield.

Mr. REED. Also, as a matter of justice to the great South and southern parts of the country, Galveston and New Orleans must be taken into consideration.

Mr. SHERMAN. Yes, sir; there is no doubt of it. They are both Mexican Gulf ports; New Orleans is, practically. When we come to naming, it might be objected that San Francisco or Portland ought to be included. They are port cities, and are the collecting and distributing points for a very considerable wheat area, although many people living in the northern Mississippi Valley country do not realize that. But when we speak of Philadelphia, New York, or Baltimore they are not interior primary markets any more than New Orleans or Galveston. They are really port cities, exporting points, all of them; and their principal wheat trade is because of the export trade which naturally begins there for the initial foreign shipments.

So this amendment, in its present form, will add very little to the clarity and practical working of the bill. I am disposed to vote for the amendment because it can not make the bill any worse than it is. To my mind, it is confusion about quadruply confounded anyhow, and it can not be made more uncertain by a few more experiments. When the earth was without form and void, before the Creator had exercised His omnipotent power on it, He had just as well have it as chaotic as possible. Creation, as described by the great Hebrew historian in Genesis, would not have been any more difficult as a cosmic act because of chaos, nor is what we face by this proposed legislation made more uncertain by a few more ventures in the unknown. I think that if the spirit of John Law, of Mississippi Bubble fame, is looking down on us from the heights above, he must have a sarcastic smile on his spiritual face now. This whole scheme, Mr. President, makes the Mississippi Bubble look like a 3½ per cent liberty bond alongside the glib predictions of novices who have thrust this measure on Congress.

I intend to vote against the bill. I shall not be stampeded by resolutions even from my constituents. When Julius Cæsar rose in the Roman Senate, according to an ancient historian, he said he proposed to divide the grain and the land among the proletariat in order to fight the senate. Did he ever divide them? After the crown was on his brow, and before he was smitten by Brutus, there was no division. After he had supreme power he forgot the division of food grains. He forgot the agrarian agitation he instigated to acquire power. After he secured power he exercised it like every other autocracy in the world's history.

I have no feeling against Mr. Hoover. Anybody who undertakes such a tremendous task must be judged leniently. This whole bill is destined to be a tremendous disappointment. It is promoted by manufactured sentiment. People expect much and must receive little. I do not care on such a crude measure what resolutions my constituents pass, it is my duty to oppose it.

I know more about this bill than my constituents do, and I shall vote according to my judgment, and take my chances hereafter in explaining its provisions to them. I shall trust to their sober second thought. People may be temporarily wrong, but they correct themselves when given facts and time to think. I appeal from my constituents drunk on manufactured sentiment to my constituents sober on the accurate understanding that comes from the cold, gray daylight of experience.

Mr. President, the resolutions passed come from large cities. I have no resolutions from the grain producers—not one—except in protest against the bill in any form in which it is presented here and likely to pass. I have numerous resolutions from labor unions, especially in the last few days. I know from what source they start. I have seen these inspired movements before. The labor-union resolutions come from a single mind. They are worded in the same way. They have their inspiration in the city of Washington. Mr. Gompers has pressed the key to the telegraph lines and has started the labor resolutions all over the country. I shall pay no more attention to those resolutions than I pay to Mr. Gompers himself, except to differ from him when he is in error and to join with him when he is right. Because railway wages can be fixed by legislation, it is assumed the farmer can be controlled the same way.

This amendment is of the same kind with the general purpose of the bill. When all of its different sponsors get through with it, those who write amendments and the like, it will be the same bill. Practically it is a price-fixing bill. It is an attempt to control the laws of markets by the puny flats of man. It will be destined to the same disappointment as all other similar schemes instituted in legislative bodies. The ineffective edicts of the Members of this Chamber will have no more effect finally upon the laws of markets than they have upon the ebb and flow of the elemental tides that wash the shores of this continent.

The PRESIDING OFFICER. The time of the Senator from Illinois has expired.

Mr. THOMPSON. Mr. President, I hope the amendment proposed by my colleague [Mr. CURTIS], to insert the words "or its equivalent" after the words "No. 1 northern," will be adopted. I think the chairman of the committee ought to accept it. If we are to do equal and exact justice between the farmers of the entire country, this is a very important and absolutely essential phrase in this bill. If we leave it as it is, it results in a discrimination between the wheat farmers in the Dakotas and Minnesota who raise No. 1 northern wheat and the farmers of Nebraska, Kansas, Oklahoma, Missouri, and the South who raise very little, if any, No. 1 northern wheat.

Mr. GRONNA. Mr. President, will the Senator yield?

Mr. THOMPSON. Certainly.

Mr. GRONNA. I have here the report, given me by the secretary of the Senator from Oklahoma [Mr. GORE], from Dr. Brand, giving his explanation as to how he would construe this language. Dr. Brand states that if the words "primary market" are left in the bill there would be a question whether it would be Chicago or Minneapolis, but it would be one of the two; but he suggests that you change it to "grain market," and then it would be Chicago.

Now, let me suggest a number of primary terminal markets that we have in the country: Chicago, Minneapolis, Kansas City, Duluth, Buffalo, Omaha, St. Louis, Toledo, Milwaukee, Indianapolis, Baltimore, Philadelphia, New York, New Orleans, Galveston, Spokane, Portland, Seattle, San Francisco, and Ogden. Now, Senators, it is for you to decide whether you are going to leave it to Chicago or leave it to Chicago and Minneapolis, in the interest of all the grain growers.

Mr. THOMPSON. I hope the Senator will remember that I yielded for a question.

Mr. GRONNA. Yes; I thank the Senator.

Mr. THOMPSON. My time is very limited, and the Senator is talking about one amendment while I am talking about another. I think, however, that the Senator is right on that proposition, that the word should be in the plural—"markets" instead of "market."

As to the other amendment which I have been discussing, suggested by my colleague, I think there is no question but that it should be adopted to do equal and exact justice to the farmers, and place them all on the same basis throughout the country. I believe that is the endeavor and the desire of Congress. I do not think we raise in Kansas annually, on an average, over two or three hundred thousand bushels of No. 1 wheat. It is a very small proportion of our average of 100,000,000 bushels. Our No. 2 hard wheat is accepted everywhere as the equivalent of No. 1 northern. By adopting this amendment it will be well understood in the trade as being the same price as No. 1 northern, which is designated in the bill, and the addition of the words "or its equivalent," after the words "No. 1 northern," will place us all on the same basis.

Mr. SHAFROTH. Mr. President, I have listened to the discussion upon this question, and I must say it is somewhat disappointing to me. We are in a world war trying to supply our armies and our allies with wheat at reasonable prices. Here are Senators denouncing high prices in everything else and immediately trying to get every advantage they can in high prices for the particular things produced in their States. Now, there are two sides to this question. The consumer has got to be taken into consideration; the needs of the Government must be thought of. When you put a price of $2 a bushel upon wheat and then attempt to get, by reason of having a market at home, a higher price than that which ordinarily exists, and then compel the Government to guarantee that price and the freight, it seems to me you are demanding too much.

Mr. President, I want to call attention to what wheat has been selling for in the markets of the United States in the last 50 years.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Missouri?

Mr. SHAFROTH. I do.

Mr. REED. I want to remind the Senator that the question is not now one of price at all, but it is whether a price named in the bill shall obtain at just one town in the United States. That is one question; but the question now is whether it shall be one grade of wheat or one grade of wheat and its equivalent—a grade of wheat equally good. Surely the Senator does not want to discriminate against Montana wheat that is just as good but is not No. 1 northern?

Mr. SHAFROTH. Mr. President, what I have to say relates very largely to what has been discussed as to fixing the price at points. We know that the price of wheat is fixed at Liverpool in normal times, and we know that in the absence of local shortages you can find the price of wheat in every town in the United States by deducting from the Liverpool price the cost of transportation and insurance and the loss of the time of transporting in the way of interest. That results from natural conditions which arise from ours being an exporting country.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from North Dakota?

Mr. SHAFROTH. I yield to the Senator.

Mr. McCUMBER. I know that the Senator wants to be accurate.

Mr. SHAFROTH. I do.

Mr. McCUMBER. And I think he would be more accurate if he stated that the price was fixed by the greatest area or points of consumption. If he will take the northern brands of grain, he will find that they are scarcely influenced at all by the Liverpool price, and in many years during the summer months the Minneapolis price and the Liverpool price are the same.

Mr. SHAFROTH. There are some variations in it, but the general price of wheat of the world is generally recognized as being fixed at Liverpool, because there is the place where the ships converge for the purpose of disposing of it in the largest market of all the world. That is where the highest price is paid; if it were not, we would not export to it.

Mr. President, when you attempt to establish in every town an equality of prices, I do not believe you can succeed. You will get a confusion in this matter, as it will be unnatural to the laws of trade.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from North Dakota?

Mr. SHAFROTH. It will be unnatural to the prices that are fixed in the markets of trade. I yield to the Senator from North Dakota.

Mr. GRONNA. If the Senator will allow me, does he think there is any doubt about Liverpool having fixed the price of wheat in the past? I assure the Senator there will be no question about it in the future.

Mr. SHAFROTH. I do not know about that; it is very difficult to tell; but it seems to me when we are going to put into the bill a minimum price of $1.75 or $2 a bushel for the Government to guarantee and leaving any higher price to be controlled by the principle of supply and demand, we are doing a generous thing for the farmer. As the object of this legislation is to provide food products at reasonable prices for the boys who are fighting our battles, for our allies, and for the poor in general, we who are representing our agricultural States should be fair and reasonable.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Nebraska?

Mr. SHAFROTH. I do.

Mr. HITCHCOCK. Does the Senator think the wheat farmers are asking for this legislation?

Mr. SHAFROTH. I do not know whether they are asking for it or not. I know it is a great boon for the farmers.

Mr. HITCHCOCK. The farmers are not asking for this legislation. It is being imposed upon them to prevent their suffering a great loss.

Mr. SHAFROTH. No; I do not think so. I think it is the greatest benefit to the farmer of any legislation that has ever been suggested.

Mr. President, what was the price of wheat? Let us be fair with our own Government and the people of the United States. From the United States Statistical Abstract I took the prices of wheat, the farm value per bushel on December 1 from the year 1866 to the year 1916. In the years from 1866 to 1875 the price was $1.086 per bushel; from 1876 to 1885 it was 92.6 cents a bushel; from 1886 to 1890 it was 76 cents per bushel; from 1891 to 1895 it was 61.7 cents a bushel; in 1896 it was 72.6 cents; in 1897 it was 80.8 cents; in 1898 it was 58.2 cents; in 1899 it was 58.4 cents; in 1900 it was 61.9 cents per bushel; in 1901 it was 62.4 cents; in 1902 it was 63 cents per bushel; in 1903 it was 69.5 cents; in 1904, 92.4 cents; in 1905, 74.8 cents; in 1906, 66.7 cents per bushel; in 1907 it was 87.4 cents; in 1908, 92 cents; in 1909, 99 cents; in 1910 it was 88.3 cents; in 1911, 87.4 cents per bushel; in 1912, 76 cents per bushel; in 1913 it was 79.9 cents; in 1914, 98.6 cents; in 1915, 91.9 cents; and in 1916, $1.60 per bushel.

Mr. McCUMBER. Will the Senator permit me to ask him just one question there?

Mr. SHAFROTH. I will yield if I have any time left.

Mr. McCUMBER. I ask whether or not the Senator has the price of other commodities to put side by side with the price of wheat?

Mr. SHAFROTH. Yes; but we are complaining about the price of other commodities. Senators say the coal barons ought to be indicted and that the steel magnates ought to be jailed; yet you attempt to use those very figures as an argument why there should be a high price for wheat. It does not seem to me to be fair.

Mr. President, we have all raised a little wheat. I have a farm and I have raised some wheat, and I must say that whenever wheat was $1 a bushel I have always said sow wheat. When we talk about a government guaranteeing $2 a bushel and then quibble here about whether we shall have 10 cents or 15 cents or 30 cents a bushel more by reason of the location of the land where we raise the wheat, it seems to me it is not fair. We are asking too much for a government in a great war to pay. You are absolutely ignoring the fact that the people of this country are hungry and that they are entitled to have some food at a fair price.

Mr. NORRIS. Mr. President——

Mr. SHAFROTH. I yield to the Senator.

Mr. NORRIS. I wish to ask the Senator this question: I understand the prices he gave are the prices which the farmers receive.

Mr. SHAFROTH. Yes, sir; the prices which the farmers receive.

Mr. NORRIS. In the primary markets?

Mr. SHAFROTH. No; the price at the principal markets was somewhat higher—probably 8, 10, or 15; it may be 20 cents higher at the farthest point.

Mr. NORRIS. I wish to ask the Senator, Is it true that the object of the legislation, whether it be fixed in the bill or given to a board, is to guarantee a minimum price, and the real object of it is to protect the consumer, in order to stimulate production and avoid the condition we are in now, where wheat is away above $2 a bushel?

Mr. SHAFROTH. Certainly; wherever the consumers are. The consumers are in the congested portions of the country. That is where they are, and if you are going to make the price $2 a bushel for Nevada, and then ship clear to New York City, it may be $2.30 or $2.40, and that is where the consuming public are.

The PRESIDING OFFICER. The Senator's time has expired.

The question is on the amendment of the Senator from Kansas [Mr. CURTIS] to the amendment.

The amendment to the amendment was agreed to.

Mr. CURTIS. I desire to withdraw the second amendment I offered. I think the result would be just the same as with the amendment I offered.

The PRESIDING OFFICER. Without objection, the Senator from Kansas has leave to withdraw his amendment to the amendment.

Mr. SHAFROTH. I desire to give notice that I shall reserve the right of calling for a vote upon the amendment which I offered day before yesterday, making one commissioner, or one administrator, instead of three, when the bill gets into the Senate.

Mr. HITCHCOCK. I offer my amendment providing for fixed interior markets and ask leave to amend it by withdrawing the word "six," so as to make it read "at the principal interior markets."

Mr. SMOOT. Changing "market" to "markets"?

Mr. HITCHCOCK. Yes; putting it in the plural.

The PRESIDING OFFICER. The Secretary will state the amendment.

Mr. HITCHCOCK. It will be observed that my amendment is simply to make the word "market" in the plural instead of the singular, so that the amendment of the Senator from Oregon will read: "At the principal interior primary markets" instead of "primary market."

Mr. CHAMBERLAIN. May I interrupt the Senator? It occurs in two places in the bill.

Mr. HITCHCOCK. Wherever it occurs.

Mr. NORRIS. Mr. President——

Mr. HITCHCOCK. I yield to the Senator.

Mr. NORRIS. All that is necessary is to change the word "market" to "markets."

Mr. HITCHCOCK. That is all. That is what I suggested.

Mr. NORRIS. On page 2, line 10, and then on page 3, line 2.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska [Mr. HITCHCOCK] to the amendment of the committee.

Mr. HITCHCOCK. Mr. President, from some discussion in this Chamber the impression seems to prevail that the farmers, particularly the wheat raisers of the United States, are asking for this legislation. I want to say on behalf of the farmers of the West that they are not asking for this legislation. As far as the bill is concerned in its present form, the people of the West feel that it is a distinct discrimination against the producers of wheat. The Senate has voted to reject a control of other necessary articles; it has cut out steel, and iron, and copper, and cotton, and it has left the heavy hand of the Government to apply chiefly to wheat. The farmers feel that they have been selected who have no monopoly; that they who can not possibly combine, they who are engaged in a competitive occupation, largely the victims of increased prices themselves, have been selected by the bill from among all the others for regulation. They are told that the Government proposes in the interest of the consumer to limit the prices of the things that they raise.

I say the farmers are not asking for that legislation. When this legislation is imposed upon them to hold prices down, the least that can be done is to guarantee them against an undue depression, to guarantee them a minimum price.

My amendment is so designed that this guaranty shall be effective at the market where they sell their wheat, namely, the "principal interior primary markets." It will be of no value to them to guarantee that price at Liverpool and not much more to guarantee it in New York. The effect of my amendment is to guarantee it to them at their interior markets where their product is delivered.

Mr. President, my own view of this case is that the bill is probably unnecessary. But I shall not undertake on that account to vote against it, because I have nothing to substitute. The country cries out aloud for action. I am not willing to impose a mere negative against that demand. I shall vote for the bill, but I want to warn the Senate and I say to the country that a great deal of this impression about advancing prices is upon a false basis.

Prices always advance in war times. There has been no greater advance in the price of wheat and farm products than there has been in other things. Look at the price of wool, and cotton, and steel, and copper, and lumber, and paper, and oil, and fuel, and silver, and leather, and lead, and zinc, and all the other minerals. Such great advances in prices occur during every war. They occur for one reason because of an increased demand; they occur for another reason because a large number of producers are put into the fighting forces of the world; and they occur for another reason because the currency of the world is enormously inflated.

Every belligerent country has enormously expanded its currency. Germany has added three or four thousand millions of paper money to her currency. France has done likewise. The United States has already received from other countries of the world nearly two thousand millions of gold, which has expanded our currency. The result is that there has been a depreciation in the value of the dollar; it takes more dollars to buy the same thing.

Such an advance as has occurred in the price of wheat is no greater than the advance which has occurred in all the other necessaries of life. Yet it is proposed in this bill to pick out the farmer and say to the wheat raisers, "You are the ones who must be restricted by law. You who form no combination, you who form no monopoly, you who must take the price the buyers offer to you in the markets of the world, you are to be regulated by the hand of the Government." The farmers and their representatives say in answer to that, "If you do that, if you propose to violate the economic laws in an effort to control our prices, at least guarantee us a minimum. They insist on this and the justice of this plea is evident. But to make that guaranty effective it must apply not to Liverpool, London, or New York but in the principal primary markets of the United States where the wheat is sold.

I want to say, Mr. President, if this guaranty is not made and is not made effective, if the bill is left simply to threaten the farmer that present prices are to be depressed, the result will be that the crops for next year will be a disappointment to the country. It is in the interest of the consumers of the country that the farmer, if he is to be taken within the grasp of the law, should at least be given a guaranty of the price which he is to receive.

I therefore hope that the Senate will vote to put into the bill the plural "markets," so that the guaranty will apply to the principal interior primary markets at which wheat is sold.

Mr. GRONNA. Mr. President, if the amendment offered by the Senator from Nebraska is to prevail I would then withdraw my amendment, which I believe would accomplish the same thing which his amendment will accomplish.

Mr. President, I do not think that I can be accused of acting selfishly in the argument which I made this morning. Those who are to administer this law have stated that the primary market would possibly be Minneapolis. If you leave in the word "primary" it would be between Chicago and Minneapolis. But what would become of the grain-growing section all over the United States where the freight charge would be charged against the farmer, in some instances making 50 cents a bushel? It would be unjust to the people in the South and in Oklahoma and in Kansas.

Mr. LA FOLLETTE. And Missouri.

Mr. GRONNA. And in Missouri. It would be unjust to Pennsylvania, Ohio, or any other State where they grow wheat.

Mr. President, I offered my amendment to make it plain that the Government of the United States is willing from the passage of this bill to pay as the minimum price $2 per bushel in the primary markets of the United States; that is, they would get $2 a bushel based upon No. 1 northern grade, whether the wheat would be brought to Chicago, to St. Louis, to Omaha, or to any other of the primary interior markets. We want to do justice

to the people all over the country. I think it would be exceedingly unfortunate to pass the bill without making this provision plain.

Mr. CHAMBERLAIN. May I interrupt the Senator for just a moment? Does the Senator think the embargo which was placed upon the shipment of wheat and other commodities would reduce the price of grain all over the United States?

Mr. GRONNA. It has reduced it a great deal, I will say to the Senator. I am not in a position to state the exact amount.

Mr. CHAMBERLAIN. Is it not likely to reduce the price very much more?

Mr. GRONNA. I believe so.

Mr. CHAMBERLAIN. Now, then, I ask the Senator if he does not think it is safe to fix a minimum price of $2, and does he not feel that that price would be larger than the farmer would receive under an embargo or than he would receive at all?

Mr. GRONNA. I believe that the price of wheat in Minneapolis yesterday was $2.60, and for that same grade under this bill it would be $2. I am not complaining about that. I realize that we are at war. The farmers are willing to do their share, they are willing to take the responsibility, and I am sure they are willing to sacrifice, but we must give them prices which will stimulate production. If we fix a price which makes it impossible for the farmer to plant the coming year, we will do a great deal more damage to the consumers than if we fix a reasonable price, and no man can complain of the price of $2 a bushel for wheat when you compare the food value of wheat or of bread with the food value of other food articles which we buy to-day.

As the Senator from Pennsylvania [Mr. PENROSE] pointed out yesterday, under section 4 you can put every farmer in the United States who does not plant the maximum area in the penitentiary. We are passing a most drastic law. We are saying to the farmers, "Whether you want to plant wheat or not, you must plant. If you do not you will be put in the penitentiary for a year at least or fined $10,000, or both." Nobody can construe that section in a different way. The Senator from Pennsylvania explained it on yesterday, and he suggested to me privately that perhaps it would be a good idea to fill up some of the buildings which will be made vacant under the pending bill.

Mr. PENROSE. And turn them into jails?

Mr. GRONNA. And turn them into jails. I do not think you want to do that. I do not suppose that is the purpose, but that is the language of the bill. So that if the Government should discover that there is a smaller acreage of wheat next year than there was this year, if you can construe this language that the farmer intentionally refused to plant wheat, it would make him a criminal, whether he was able to plant wheat or not.

Mr. President, after you have taken the world's market away from the farmer, after you have placed an embargo upon wheat, after you have treated him differently from what you have those who are engaged in other industries, after the allies have agreed that there shall be but one purchasing agent, will anyone assume that there will be any competition in the market? The only market that is left to the farmer of the United States is the little local market of the American miller. You have already taken away the other markets of the world, and I believe that you ought at least to make it possible for the farmer to get on an average from $1.60 to $1.75 a bushel for wheat. If you fix the price at $2 in the primary interior market, as is proposed by the Senator from Nebraska, the farmer will not receive, taking all the grades into consideration, to exceed $1.60 to $1.75 per bushel.

Mr. PENROSE. Mr. President, I take this opportunity to ask to have inserted in the RECORD, for the information perhaps of the conferees on this measure, a statement which I think is entirely reliable and which has been carefully prepared, showing that the conversion of whisky into munitions or for other industrial purposes, as contemplated in the so-called Smoot amendment, is impracticable.

The VICE PRESIDENT. Without objection, it is so ordered.

The statement referred to is as follows:

CONVERSION OF WHISKY INTO MUNITIONS IMPRACTICABLE.

Aside from the stupendous loss of revenue entailed in the Smoot prohibition amendment to the food measure—based under the proposed revenue bill upon $2.20 per proof gallon (50 per cent alcohol)—chemical and commercial authorities are of the opinion that the conversion of commandeered whisky into alcohol suitable for powder making would be wholly impracticable. Under the Army and Navy specifications for smokeless powder, alcohol can not contain in excess of 0.01 per cent of acid (calculated as acetic acid) or leave more than 0.006 per cent of residue after evaporation, and must be otherwise absolutely pure, colorless, and odorless. In aged whiskies the charred staves of the barrel produce an amount of tannic acid which alone is estimated to average twenty times more than such allowed minimum. To eliminate all objectionable acids, aldehydes, and ethers, the alcohol redistilled from whisky would have to undergo further and more or less expensive chemical treatment, and it is considered extremely doubtful whether even then the neutral product essential for reliable smokeless powder could be obtained. Furthermore, as whisky distilleries do not have redistilling columns, or alcohol stills, such whiskies would have to be shipped to plants possessing the necessary apparatus, of which, comparatively speaking, there are but few, and the capacity of those has already been taken up for long future periods. Practically every barrel would have to be recoopered to prevent loss in transit, and box cars, to assure protection against theft and tampering of contents, would be required. In these times the transportation problem alone would be a knotty one.

According to the annual report of the Commissioner of Internal Revenue for the fiscal year ending June 30, 1916 (which is the last available record for statistical purposes), there were on that date 228,677,773 gallons of whisky in distillery and general bonded warehouses. That the entries into and the withdrawals from bond during the succeeding 12 months would not materially change these figures is shown by the fact that on June, 1917, distilled spirits of all kinds in bonded warehouses (including fruit brandies) approximated that amount.

Figuring 47 gallons to the barrel would aggregate 4,865,485 barrels. These whiskies will average four years in bond and the governmental allowance for leakage, evaporation, etc., would be 9½ gallons per barrel, equaling 46,222,108 gallons which, deducted from the original amount in bond, would leave 182,455,665 net gallons in warehouses.

Over 80 per cent of whiskies in bond are owned and controlled by at least 175,000 retailers and 5,000 wholesalers and jobbers throughout the country. The owners of such 80 per cent have paid as high as $1.25 per proof gallon in bond, and the warehouse receipts are changing hands by sale in the ordinary course of business almost daily.

Assuming conservatively that the average cost of such whiskies to the people holding the warehouse receipts would be 80 cents per proof gallon, original gauge, the Government's investment for the bare goods in bond would amount to $182,942,218.40, which, divided by $182,455,665 (the net amount remaining in bond after deduction of the Government allowance), would make the whisky cost $1.0026 per proof gallon in bond. The average freight to the point of redistillation would be at least 2 cents per proof gallon, thus increasing such price to $1.0226 per proof gallon. In redistilling the whiskies into alcohol the production would average one-half gallon of alcohol, 190 proof, for each gallon of whisky redistilled, making the alcohol produced therefrom cost at that stage $2.0452 per commercial gallon. The actual expense of redistilling the whisky into alcohol, without regard to the powder-making test, would be at least 5 cents per proof or 10 cents per commercial gallon, which would increase the cost of each gallon obtained by redistillation to $2.1452 per commercial gallon naked, plus cartage, insurance, freight, and other charges incidental to delivery of the product at Government arsenals or other powder works.

If the Government buys such whiskies from the owners thereof, there would probably have to be included in the cost State and county taxes and storage, which are lawful liens against the whiskies in bond. This would add millions of dollars to the purchase price. No account of these and other contingencies has been taken in computing the above figures.

Alcohol, guaranteed to meet the United States Government and its allies' specifications for smokeless powder, hospital supplies, and other war uses, can now be bought in the open market at less than $1 per commercial gallon.

In the above connection it is proper to note that if the Smoot amendment was intended to prohibit the manufacture and limit the distribution of drinkable alcoholic spirits during the war, it falls decidedly short of accomplishing that object for several obvious reasons, but principally because the suggested law, of which it is a part, refers only to foods, fruits, food materials, and feeds, whereas ethyl (potable) alcohol, easily made adaptable to abnormal beverage trade conditions and demands, is now manufactured in large quantities from sawdust and sulphite liquors (waste of pulp mills). It can also be readily made from other nonedible substances containing fermentable matter, and commercial chemists agree that if there be an adequate market therefor, it can be produced without even resorting to a fermentable base.

Mr. REED. Mr. President, I feel very confident, if the Senate will understand the amendment which is now before it, that there will not be any serious opposition to it. The proposition is to change the word "market" to "markets." As the bill now reads, it proposes to guarantee not less than $2 a bushel for wheat at the principal primary market. That means that the Government will guarantee to pay for wheat at the principal primary market alone $2 a bushel, but that it will not guarantee that price at any other market. Accordingly, this sort of thing will happen: I will assume that the city of Minneapolis is selected or designated as the principal primary market. Then, the farmer living within wagon distance of Minneapolis will get $2 a bushel for his wheat; the man living within 100 miles of Minneapolis will get $2 for his wheat minus the freight rate for 100 miles; the man living a thousand miles from Minneapolis will get $2 a bushel for his wheat minus the freight for 1,000 miles. Accordingly, the guaranteed price for wheat will visit its blessings only upon one particular community and a discrimination against all other parts of the United States will result.

That was certainly not the purpose of those who framed this bill. The bill ought to be so framed that its blessings or its benefits or its justice shall be extended to each part of the United States in the same way and at the same time. It may be impracticable to guarantee $2 wheat at the sidetracks all over the United States, but there are principal primary markets scattered throughout the United States, which are well known in the trade and business as such. Those markets are so located that no injustice will result.

One of them undoubtedly would be in New York; another in Chicago; another in St. Louis; another in Minneapolis; another in Galveston; another in New Orleans. There will be one or two on the Pacific coast, and the farmer raising wheat on the Pacific coast will get his $2, minus the freight to the nearest principal market, whereas if you allow the bill to stand as it is now the farmer on the Pacific coast will get his $2 per bushel for wheat minus the freight rate charged to Minneapolis, which would be perhaps 40 or 50 cents a bushel. I do not know the amount, and what I say may be a wild guess, but it would be a very heavy charge.

Mr. JONES of Washington. It would be about 30 cents, I will say to the Senator.

Mr. REED. I thank the Senator from Washington. So, Mr. President, if we are to give this guarantee let us give it to all parts of the country alike and upon the same terms.

On the other hand, suppose Kansas City should, fortunately for it, be selected as the principal primary market—and it might well be—then all the grain growers of Missouri and Kansas would have an advantage over the grain growers of the great Northwest, and that would not be fair to those grain growers.

At the present time these primary markets exist, and, singularly enough, the prices at all of them are substantially the same, not only for the same grade of wheat but for the equivalent grades. Let me call your attention to the wheat market reported in the Chicago Tribune of yesterday. I find that at Duluth, Minn., No. 1 northern wheat brought $2.58 a bushel; at Omaha, Nebr., No. 2 hard brought from $2 to $2.57 a bushel—substantially the same prices. At Toledo, Ohio, wheat is simply marked "cash wheat," and brought $2.50 a bushel. Without going into detail, it may be said that there is a general similarity between the primary markets as to prices, there being some slight difference as to freight and always as to local conditions; but, in a general way, the great primary markets of the country have the same prices.

Unless we change the word "market" to "markets" we shall have one primary market. It will have an advantage over every other primary market in the United States, and the wheat raisers of that neighborhood will have benefits and advantages which will be denied to all the other people of the United States. That is not fair, and the Senate, I am sure, will not do an unfair thing.

Mr. SHAFROTH. Mr. President, I was interrupted in the argument which I was attempting to make on the amendment by reason of the expiration of my time. The theory that this bill is going to curb the price of wheat, except by reason of great production, is something which I can not find justified in any of its provisions. There is a demand for lower prices on everything, and that demand is reasonable. Now, to attempt to make $2 wheat sure, by the Government guaranteeing that price and paying the freight charges, it seems to me is something that may prove to be very hazardous to the Government. It may result in the Government being compelled to buy all the wheat.

If we shall produce in this country a billion bushels of wheat next year, it may mean that $2,000,000,000 and freight charges will be the amount that the Government may have to pay. Mr. President, when we make a minimum price for wheat, we are not attempting to curb the maximum price. We are going to let that follow the principle of supply and demand. If the price goes higher, the Government will have to pay the higher price if it desires to buy either for its soldiers or those of our allies. For that reason the theory that we are compelling the farmer to sell at $2 a bushel is not warranted by any of the provisions of this bill

Mr. REED. Mr. President, may I ask the Senator a question?

Mr. SHAFROTH. Yes, sir.

Mr. REED. There was in this bill a proposed control of aluminum, a monopoly; of steel, copper, and of cotton. Those things have been taken out of the provisions of the bill. Did not the Senator vote to take them out?

Mr. SHAFROTH. Yes; I did. I voted to take them out because I thought the Government was attempting to enter upon too big an undertaking.

Mr. REED. Yes; and they were in there for the purpose of regulation, were they not?

Mr. SHAFROTH. Yes.

Mr. REED. You leave wheat in to be regulated, do you not?

Mr. SHAFROTH. Yes; we do.

Mr. REED. Now I say, if you leave wheat in to be regulated and take out copper and steel and aluminum so that they are not subject to regulation, then something ought to be done to protect the producer of wheat in order that he may not be regulated to death.

Mr. SHAFROTH. Well, that is exactly what we are doing, and we are guaranteeing to him a price of $2 a bushel, when, according to the Statistical Abstract, the average price for a number of years has been practically 80 or 85 cents a bushel.

Mr. REED. And against that you are protesting.

Mr. SHAFROTH. No; I am not protesting against $2, but I am protesting against the continual effort to raise more and more the price by reason of adding on the freight.

Now, Mr. President, we have practically in this country one market for wheat, and whenever we sell wheat in a place away from that market, we have got to deduct the amount of the freight. That condition——

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Missouri?

Mr. SHAFROTH. No; I can not yield further; I only have 10 minutes.

Mr. REED. I only want to ask the Senator to tell us what that principal market is?

Mr. SHAFROTH. It is New York.

Mr. REED. The Senator was never more mistaken in his life.

Mr. SHAFROTH. No; I believe I am right.

Mr. REED. The price of wheat is not based on the New York price

Mr. SHAFROTH. Yes; it is based on the New York price. That is the exporting market. That is where, with probably variations to a limited extent, by reason of drought in some sections, nine-tenths of the wheat finds its market, and the price of wheat, in my judgment, is controlled by the price at New York.

Mr. GRONNA. Mr. President, will the Senator allow me to correct him? I am sure he does not want to make a statement that he can not justify. If the Senator will look at the market quotations, he will find that very often the price in the city of Minneapolis is higher than in the city of New York.

Mr. SHAFROTH. That is sometimes the case when there is a shortage in crops in the Northwest, or something of that kind, but New York is the great exporting market. The export price controls the price in the country, for if it did not nobody would export.

Mr. REED. Mr. President, will the Senator allow me to correct him again?

Mr. SHAFROTH. No; I will not yield now; but I will before I finish.

Mr. REED. Duluth is the great exporting market.

Mr. SHAFROTH. Well, I do not think so, because a great portion of the wheat in the Duluth market goes to New York through the Erie Canal, and the price at New York therefore fixes the price in the Duluth market.

Now, Mr. President, it is stated that the farmers, on account of being distant from the price-fixing market, should have the price fixed at the home market. There are some centers that are called principal grain markets; but, Mr. President, if we are going to get down to a level where equal prices will be paid to the farmer, the way to bring that about is to guarantee the same price at each farm. We can not do that very well; and if we should attempt to do it, it might bankrupt the Treasury. Millions of acres of land remote from railroads might be put into wheat for the purpose of collecting the guaranteed price. I must say that $2 is a large price. I thought at first that $1.75 would be amply sufficient, but when we increase it to $2 per bushel and then add to that the price of freight from all over the United States to the principal market we are going to have wheat selling in New York, with a guaranteed price by the Government at New York, at from $2.25 to $2.30 a bushel. There is where the consumers to a large extent live, and there is where bread riots, if any are going to occur, will take place. There is where the shipments are to be made to our troops and to those of our allies. The first demand, I understand, was for a guaranteed price of $1.50 a bushel, which was granted. The committee was then asked to increase it to $1.75 per bushel and then to $2 a bushel, and now on the floor of the Senate it is proposed by some Senators from agricultural States to make the Government pay the freight.

Mr. President, it seems to me that when we are generous with the money of the United States to the extent of saying that we will give $2 a bushel for wheat, it ought to be at the point where the price of wheat is practically fixed in the United States, the point where shipments will be made by our Government to our armies and to our allies. If we do not do that, we will bring about sales to our own Government at high prices. We will be

legalizing high prices, to which the other industries can point in justification of their own high prices. Why should not the farmer on his farm have the price fixed at $2 a bushel, if equality is what is desired? That would be the way to do it on the basis of equality; but the market price of wheat is determined according to natural laws. When one buys land at a great distance from the wheat market he inevitably takes that fact into consideration in determining whether or not he will buy it, and the price of the land to a large extent is fixed by its proximity to the market. For that reason the man who is at a distant point gets his land at a less price than the one who buys land close to the market. Those are all matters which, it seems to me, ought to be taken into consideration in saying at what market the price should be guaranteed by the Government.

Mr. President, this amendment means, to my mind, that three-fourths of the wheat, if the Government has to take over the wheat, will have to be taken over at the New York market, and that the guaranteed price will be probably $2.25 or $2.30 per bushel. Where are we going to give relief to the people who are demanding low prices? It is no answer to this question to say that some other industry is trying to get a high price for its products; it is no answer to say that the steel producers are robbing the people of the United States, because there ought to be some law that will apply to them; there ought to be some of the antitrust laws put in force to prevent inordinately high prices for steel products.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. SMITH of Arizona. Mr. President, I have proposed and had printed an amendment to the pending measure. Inasmuch as I do not wish even by a vote to delay the bill or in any way embarrass the conferees if I should be successful in placing the amendment on the bill, I give notice that I withdraw that amendment and do not ask any further consideration of it. I refer to the amendment on the subject of migratory birds and game.

Mr. CURTIS. Mr. President, I am in favor of the amendment offered by the Senator from Nebraska, because it is well known that there are several interior primary markets in the United States for wheat. I read from the Minneapolis morning paper, which gives among other interior markets Minneapolis, Chicago, Duluth, St. Louis, and Kansas City. There might be added a large number of other cities in different sections of the country.

I was somewhat surprised at the statement made by the Senator from Colorado, in which he pointed out New York as the principal market. Those who have studied the question know that a large amount of wheat is shipped from Boston, Philadelphia, Baltimore, New York, St. Louis, Galveston, New Orleans, and other points; and as long as there are various markets it would be unfair to the producers of wheat to fix the market price at any one city, because if you do the producers of wheat in Kansas and Oklahoma and Missouri and other States would be compelled to accept the price at New York, if that happened to be the place selected, less the freight. So instead of giving them $2, as is promised in this bill, you would give them $2 less the freight and other charges.

Mr. KING. Mr. President, will the Senator permit a question?

Mr. McCUMBER. Mr. President, will not the Senator remember that the word "interior" is used, and New York and Galveston and New Orleans can not be regarded as interior markets?

Mr. CURTIS. That is so, but the Senator from Colorado mentioned New York as the market place. If you take the interior, there is Chicago, there is Minneapolis, there is Duluth, there is Kansas City, there is Omaha, there is Denver, there is Portland, and I might name other places in the same class; so it would be unfair to give one market place an advantage over all other market places. If you selected Chicago, the wheat producers would be compelled to pay the freight or deduct the freight charges; and the same would be true if Minneapolis should be selected.

Mr. KING. Mr. President, will the Senator permit a question?

Mr. CURTIS. Certainly.

Mr. KING. Is it not a fact that this amendment is merely to compel the Government to pay the freight of the farmers?

Mr. CURTIS. No; it is not. This amendment is to do justice to the wheat growers of this country. The freight would come out of the farmer and not out of the Government. There is no reason why the man who produces wheat in the neighborhood of Minneapolis, if Minneapolis should be selected as the place, should receive more for his wheat than the producer in Oklahoma or Nebraska, and he does not ask any more. All the farmers of this country want is fair and just treatment, and they are not asking anything more of the Government.

Mr. HOLLIS. Mr. President, before this amendment is voted upon I want the Senate to understand just what they are voting on. If they will turn to the amendment offered by the Senator from Oregon, page 1, the next to the last line, I will construe it as I understand it:

> Said board shall thereupon fix such guaranteed price for each of the official grain standards for wheat as established under the United States grain-standards act, approved August 11, 1916.

That is, it is the duty of the board to fix prices for all of the official standard grades of wheat. Then it continues:

> It shall from time to time establish and promulgate such regulations as it shall deem wise in connection with such guaranteed prices, and in particular governing conditions of delivery and payment, and differences in price for the several standard grades in the principal primary markets of the United States, adopting No. 1 northern as the principal interior primary market as the basis.

It is thus made the duty of the board to fix the price for No. 1 northern at the principal interior primary market, wherever that may be. If there is a doubt here as to which it is, the board will decide. I think myself they will fix it at Minneapolis. Then it is the duty of the board, allowing for differences in location and the cost of transportation, to fix the price at all the principal primary markets, whether they are interior or seaboard markets; and, in my judgment, they will have to fix the price at New York higher than $2. I should think they would have to fix it higher at Chicago, but I do not know.

The Senate will readily see the reason for that. Assume that a man has 100 acres of splendid land at the top of some mountain range, and there is no access to that tract of land but a trail. It will not be of any value to him except for grazing purposes. If he constructs a road to it, wheat raised there will be worth as much as it will fetch in the market after deducting the cost of transporting it to market. You may have a million bushels of wheat in some place, and it is worthless unless there are people there to consume it, unless you can move it somewhere where there is a market for it. So, then, it is the duty of the board to take one single standard by which the prices at all other interior primary markets shall be graded, and also all other seaboard markets.

The history of this amendment is this: It was first suggested that the price be fixed at a dollar and a half a bushel. As an eastern man I thought that was high, but I agreed to it. It was next proposed to put it at $1.66. I agreed to that, reluctantly. The next proposition was $1.75, and it was so printed in the original amendment. I agreed to that. Then the western farmers came to me and said, "If you fix it at $1.75 at Minneapolis, we in the Far West will only get $1.25 for our grades of wheat at that point. Put it at $2 and in North Dakota the farmer will get $1.85 a bushel for his best No. 1 northern wheat and the man who is farther away will get $1.75, and for the inferior grades of wheat he will get as low as $1.50." It was in response to that argument that I agreed to vote for No. 1 northern wheat at Minneapolis at $2 a bushel.

I fear that if this amendment is pressed and adopted it will have this result—that the minimum price for wheat will not be voted into this bill at all. I myself will gladly accept that result. If this amendment is adopted, it will justify me in voting against fixing the price of wheat at $2, because it will have the effect of putting the price of wheat at Minneapolis, Chicago, and New York away above $2. I can not justify myself to my constituents for fixing a price that will put flour in excess of $9 a barrel at Minneapolis, making it $12 and $13 a barrel when sold to families in New Hampshire. This next winter I shall not be able to explain to men working at low wages in our eastern manufacturing centers why I was willing to vote for a Government-fixed price for wheat in excess of $2 a bushel.

I hope the friends of the measure will not insist on putting through this amendment. I believe—I really and sincerely believe—that it will imperil the whole matter of fixing a minimum price for wheat if it is adopted. I can not vote for it.

Mr. McCUMBER. Mr. President, I think the Senator from New Hampshire, if I understand him correctly, misunderstands the purport of this bill and the proposed amendment. The bill provides for a minimum guaranty only, not a maximum; it provides for those minimum guaranties at the principal interior points of sale, not at New York or Galveston or New Orleans or any of these exporting places.

The Senator ought to remember that, taking a place like Minneapolis, the greater part of the grain that is shipped to that point is ground there; it is made into flour. So the wheat is not exported anywhere else; it is sent in the shape of flour to the different sections of the United States. That is true of Buffalo;

it is true to a great extent, I think, probably, of Kansas City and a number of the other interior points where they have large milling interests.

Now, how would this bill, if it becomes a law, be operative? I do not believe, as I understand it, that you can fix a higher price than $2 per bushel at any point—I mean a guaranteed price of $2 per bushel at any point.

Mr. HOLLIS. Mr. President, will the Senator yield to me?

Mr. McCUMBER. Yes.

Mr. HOLLIS. It is made the duty of the commission under the bill to fix the price at any of the primary markets upon the price at Minneapolis.

Mr. McCUMBER. Yes.

Mr. HOLLIS. Will the Senator state to me if the price at Minneapolis is $2, is the board going to fix the price at New York higher than $2?

Mr. McCUMBER. No; that is not at all the meaning. Take No 1 northern at the principal primary market as the basis. I understand simply by that that No. 1 northern at the standard price at Minneapolis would be $2.

Mr. HOLLIS. And how much would it be——

Mr. McCUMBER. Just a moment. That would allow the fixing of a different grade, for instance, No. 2 northern at Minneapolis, at a less price, and No. 2 northern at Chicago at a less price. If we put in the word "market" for what little you have of No. 1 northern it would be $2 at Chicago. My understanding of the bill is that the price would not be more than $2 at any one of these interior points, and that where we speak of the basis it refers to the grade taken as the basis and not the point of delivery as the basis.

Mr. HOLLIS. Will the Senator tell me, because he knows the business, assuming that the commission fix the price on No. 1 northern at Minneapolis at $2 per bushel, what would he feel ought to be the price fixed for No. 1 northern in New York?

Mr. McCUMBER. I would not fix the price of No. 1 northern in New York because——

Mr. HOLLIS. It would be the duty of the board under the bill.

Mr. McCUMBER. Because New York is not a primary market. It is simply an exporting market. I would, however, fix the price on No. 1 northern in Duluth, which is the interior market, at $2; I would fix it at Rochester and at Buffalo at $2; that is, that would be the minimum, if there were any portion of it raised. But there is no necessity of fixing those prices in Rochester or Buffalo, because the adjacent country there produces no grain whatever that is denominated northern, either No. 1 or No. 2. The northern grains are raised in Minnesota, in the two Dakotas, in eastern Montana, and in all of the Canadian country west of the Red River of the North, and east of the Rockies.

Now, how would the price be fixed at Kansas City? Kansas City would have no No. 1 northern. There is no No. 1 northern sold in Kansas City, but if by a comparison of the milling value of No. 1 hard winter wheat in Kansas City it was found to be worth within 3 cents as much as No. 1 northern, then of course it would be $1.97, because the word "equivalent" there must be construed to mean equivalent in value for milling purposes. Otherwise it would have no meaning whatever.

Mr. President, it seems to me to be perfectly proper that we should fix a price the equivalent of $2 a bushel at all these interior points. These interior points are then supplied from the grain that is raised in the particular section. That is where you fix the price for the particular kind of wheat that is raised in that section. When you fix No. 1 red winter in Chicago you fix it at $2 or its equivalent, compared with No. 1 northern in Minneapolis. If the No. 1 red winter in Chicago was worth within 2 cents as much for milling purposes as No. 1 northern in Minneapolis according to the Minneapolis grades that are used, or the Federal grades, if we adopt the Federal grades, then it would be worth $1.98 in Chicago. That is the purpose of the bill, namely, that none shall be guaranteed at less than the equivalent of $2 for No. 1 northern and none shall be guaranteed for more than that at any point in the United States. There is not a syllable in the bill that guarantees to a producer that any one shall receive more than $2 at any point.

Now, remember that this is merely a guaranty of a minimum price provided the Government sees fit to guarantee it. It does not guarantee a maximum price. If the supply and demand throughout the world will compel the bidding for a greater price than $2 per bushel, then a greater price of course will prevail. This is simply the minimum and does not affect the higher prices which the law of supply and demand may secure. This is why, Mr. President, I am willing to vote for this measure. I would not be willing to vote for it under any circumstances if it fixed $2 as the maximum that might be charged for grain in the United States, because the law of supply and demand will govern that.

I wish to say once more, Mr. President, in closing, that I can not hear Senators talk about Liverpool fixing the price of the grain raised in the United States without my mind going back to a gentleman by the name of Rip Van Winkle, who was asleep for 20 years. It may be that 40 or 60 years ago the Liverpool price had something to do with our price, when our consumption at home was comparatively small compared with the exports; but our consumptive market to-day takes about six-sevenths of all the grain produced.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. SHERMAN. Mr. President, the time of which Thomas Jefferson wrote seems to be at hand. He said when the people in the cities began to pile up on each other they then would begin to devour each other. That period is here, it appears, so that in New York, on the East Side, where considerable pressure for bread has been exerted, when the population has consumed the accumulated surplus they will then start on the producer of food. They will spread out in the country. Possibly when they reach out in the rural districts old mother earth will disinfect the conditions of municipal living. Before the disinfection occurs, however, a considerable destruction will result. In later years the time to which Jefferson referred was predicted by the historian, Macaulay, in a quotation that is familiar to every Senator. He said we have not yet reached the test of the stability of our institutions. We are reaching it in just such eras as this. We are reaching it in the dangerous concentration of our population in the large municipalities.

This country will never be destroyed by the rural population. There will be enough sturdy independence and integrity survive among those who live in less densely crowded areas to preserve the country. If anything occurs of a sinister kind it will be in the crowded centers of population, from which this demand comes for the passage of such bills as this. It is the premonitory symptom of agrarian agitation for the taking of land, for seizing the products of land can not be different from taking the land itself. Fixing the price of the products of land is the threshold of taking the land. It is a part of the single-tax principle and is the opening wedge to confiscate land by the use of the tax power. In saving democracy for Europe we will lose it at home.

Mr. President, we have seen cotton and wool and their fabrics stricken out of this bill. We have seen aluminum stricken out. We have seen copper stricken out. We have seen iron and steel and their products stricken out. We have seen agricultural implements stricken out. We have seen hemp and the products of hemp, binding twine, and everything the farmer needs stricken out. We have seen every manufactured article that the tiller of the soil must buy stricken out, until this bill stands to-day as a regulatory proposed measure for the producers of foodstuffs alone. We have seen that committed deliberately, and now this amendment comes to make the interior primary market a single point in the country, and make it New York or some other seaboard export point in actual practice. The amendment offered by the senior Senator from Nebraska [Mr. HITCHCOCK] would make it the principal interior primary market of the country. That would be in accordance with existing economic law, because the price of wheat depends upon the amount that must be bored out by the inspector, tolled out by the common carrier, and taken out by the broker before it reaches the mill or the ultimate consumer. But as the amendment is originally written without the amendment of the Senator from Nebraska, it would be simply a point fixed at some point in the interior of the United States by the department, by the President, by the food administrator, or some authority outside of any written language in the bill.

It has been insisted that the farmer was the beginning of this agitation. This is an error. It had its origin in the cities, among men and women who produce nothing that feeds the human race. It began with the consumers in the cities and it will end with the consumers in the cities, either in legislation or in a tumultuous manner, in riots, before it has spent its misdirected force.

Senators are not, I think, sufficiently advised of the dangers of the machinery they are forging in such legislation as this. It always seems so much easier to bow to manufactured clamor than oppose it. We will repent in sackcloth and ashes when the damage is done.

I will take my chances with the ultimate consumer. I am thinking about the producer of the foodstuffs, who must first of all produce anything before it can be consumed. We have disem-

boweled the farmer literally in this bill as it stands to-day and forced his surplus he sells into a market made by law and compelled him to buy in a market free and open under the laws of trade.

I wish to insert as a part of my time, without reading, a letter from the Illinois coal operators. I have no sympathy with anybody who asks undue profits on any merchandise he is selling. I send the letter, addressed to myself from Mr. Honnold, secretary-treasurer of the Illinois Coal Operators' Association, dated July 19, 1917, inclosing with it an article or letter to Mr. Morrow from the Pittsburgh Coal Producers' Association. I ask that the letter and the article be printed in the CONGRESSIONAL RECORD without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

THE ILLINOIS COAL OPERATORS' ASSOCIATION,
Chicago, July 19, 1917.

Hon. LAWRENCE Y. SHERMAN,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: We attach hereto and would like to commend to your careful reading and consideration copy of a letter issued by the commissioner of Pittsburgh Coal Producers' Association, discussing the conditions surrounding coal industry in the United States at the present time.

Mr. Morrow has so excellently stated the facts that there remains nothing for us to add. The conditions which he describes as affecting production of coal and its distribution from the Pittsburgh district are the conditions that prevail in Illinois.

Thanking you in advance for your careful protection of the interests of our industry as against unwarrantable and shortsighted assaults now being made or contemplated and assuring you that your effort in so protecting the industry will be alike appreciated both by operators and miners, I am,

Very truly, yours, F. C. HONNOLD,
Secretary-Treasurer.

PITTSBURGH COAL PRODUCERS' ASSOCIATION,
PITTSBURGH, PA.

Senate Office Building, Washington, D. C.

DEAR SIR: I am taking the liberty of writing to you because legislation proposed by Senators POMERENE, CALDER, and others affecting the coal-mining industry, vitally concerns the interest of the whole country, and particularly such an industrial State as Indiana.

The coal-mining industry asks no special favors nor pleads for any special treatment. We merely desire that Congress shall act in the light of accurate information and clear thinking. The discussion in the Senate, however, indicates a surprising misunderstanding of the true conditions and a disturbing readiness to adopt ill-considered measures that ignore the real causes of the trouble.

I shall not enlarge upon the conditions causing the complaint. You are doubtless familiar with the difficulty consumers have had in obtaining coal and with the fact that prices have been unduly high. In considering remedies for these conditions it is important to understand their causes and to fit the treatment to the ailment. You have doubtless heard it charged that high prices have been caused by concerted action on the part of coal operators in violation of the law. Your own understanding will assign due weight to these unfounded and unjust allegiations when you consider that the United States Department of Justice, the Federal Trade Commission, and dozens of State, municipal, and county officials and grand juries have been constantly inquiring into all the activities of every organization in the business, have examined the correspondence, the sales books, and the records of scores of coal companies, and that the entire business of the coal industry has been conducted for months under the searching scrutiny of all the agencies for the enforcement of the State and Federal antitrust laws.

Briefly, the real causes for the trouble are as follows: Extraordinary industrial demand for coal has coincided with a shortage of available transportation, and consumers have bid against each other in a scramble to obtain coal. Such action under such conditions produced the logical effect on prices. This country is asking this year some 50,000,000 tons more of coal than ever before. The United States Geological Survey and the Federal Trade Commission state that the mines can readily produce two or three times that much additional coal over and above the production of 1916 if they have sufficient cars. Railroad cars are essential to steady mine operation because bituminous coal is not stored at the mines, and hence the mines are unable to run unless they can dump their output constantly into waiting railroad cars. Moreover, storage of coal at the mines is not desired because such storage ought to be made at the places of consumption, so that stored supplies can be drawn on promptly and surely when and as needed.

The mines in the Pittsburgh district alone can ship nearly 1,000,000 tons more of coal each month if they have adequate transportation. The mines here and throughout the country generally have not at any time since last October had sufficient railroad cars to ship the coal which consumers were demanding The mines in this association, which are only a portion of those in the Pittsburgh district, have a capacity for the current year of 34,200,000 tons of coal provided they have sufficient cars in which to ship this coal. Contracts with customers dependent on these mines for their coal supplies call for the shipment of approximately 27,000,000 tons during this year, leaving more than 7,000,000 tons which should be available for additional demands. To date, however, solely because of the lack of transportation, production and shipments from our mines have been running at the rate of less than 24,000,000 tons for the year, which is typical of the general conditions. You will understand the results of such conditions too readily to require extended exposition.

It is true that the railroads have moved more coal during the first six months of this year than in a similar period during the preceding year, but the country needed even more coal than they moved. This coal was not supplied simply and solely because the railroads could not move it from the mines. While that condition has improved somewhat, the mines in this important producing region and in many others are still operating at only 70 to 75 per cent capacity because of a lack of sufficient railroad cars. This means that the mines are necessarily idle one or two days each week, at a time when the country is clamoring for coal.

As we see it, this is the essential fact in the coal problem: Unless sufficient cars are furnished to permit the mines from their abundant reserve capacity to supply the coal which the Nation needs factories must inevitably be closed next winter and people will suffer, simply because at the time the coal is needed it will be in the mines instead of in Boston, Indianapolis, Evansville, New York, Chicago, Cleveland, Duluth, Minneapolis, and other places of consumption. No amount of price fixing or regulation or commandeering of mines will change that situation in the slightest particular unless transportation is available to haul the coal required to the points where it is needed. This is the carefully considered conclusion of the Federal Trade Commission, as given in its official report to the Senate on the bituminous-coal industry, and as amplified and emphasized in Commissioner Colver's testimony on this subject before the Senate Committee on Interstate Commerce.

Since transportation is obviously the key to the solution of this problem, it is desirable to understand what is being done to improve transportation. You are doubtless familiar with the efforts being made by the railroads themselves. In addition, the recent car-shortage amendment to the interstate-commerce law gives ample authority to the Interstate Commerce Commission to stop the transportation abuses and inefficiencies which are primarily responsible for the transportation troubles. The commission is now taking this matter in hand and has organized a new division to administer the authority conferred by this amendment. We are satisfied that the commission, with the assistance of the railroads, will find means to assure the shipment of all the coal which the country is demanding. If the Senate doubts this, permit me to suggest that it should direct the Interstate Commerce Commission, by resolution, to see that the coal mines are given sufficient transportation to supply the country with coal.

If adequate transportation is furnished the mines, it is a plain conclusion that coal prices will return to normal levels, because no buyer will pay exorbitant prices when he can obtain supplies from a dozen different sellers all eager to dispose of their production. As we see it, this is the real remedy for the present coal problem of the Nation, because at one stroke it will furnish the tonnage of coal required and at the same time will reduce prices naturally and without any arbitrary and disturbing interference with the usual business procedure. On the other hand, governmental price fixing and regulation can not add one pound to the production, but are almost certain to reduce the output, complicate the distribution of coal, make it difficult for the consumer to obtain the particular kind which his business especially requires, and lead to dangerous disorganization. Tying this industry up with red tape can cause irretrievable disaster.

Coal operators recognize the fact that until the transportation shortage is remedied some control of prices in the interest of the consumer may be necessary. They have already voluntarily accepted the suggestion of Secretary Lane to reduce prices and are observing the prices he fixed, pending fuller investigation. They will observe any others that he suggests later. Not another industry in the country has gone so far as this. Through Secretary Lane, the Federal Trade Commission, and the committee on coal production effective temporary control of coal prices can thus be exercised to protect the consumer until adequate transportation renders such control no longer necessary.

For these reasons we hope that Congress will give the Interstate Commerce Commission time to exercise the broad authority which has been conferred upon it for the express purpose of solving just such problems as the coal business presents and will not, before the commission can even begin its remedial action, add to the difficulties of the coal industry by ill-advised revolutionary legislation except as a last resort should the efforts of the Interstate Commerce Commission prove unavailing.

Please understand that we do not in any way oppose the efficient organization of industry in this Nation for the successful conduct of the war, but we are genuinely concerned for fear that through failure to understand the real crux of the coal situation Congress may enact hasty legislation which will precipitate a grave coal crisis next winter that should never occur. The causes of the trouble have been clearly pointed out by agencies of the Government commissioned to discover them. Ample authority has been given other Government agencies to remove these causes. May we not hope, therefore, that in these circumstances the Senate will display the common sense which is the first attribute of statesmanship.

Should you desire more detailed information in respect to any phase of this question on which we have the facts, I shall be glad to serve you.

Very truly, yours, ——— ———,
Commissioner.

Mr. SHERMAN. In connection with that in my own time I read a telegram from Quincy, Ill., July 17, 1917, addressed to myself. It is as follows:

QUINCY, ILL., *July 17, 1917.*

Hon. LAWRENCE Y. SHERMAN,
The Senate, Washington, D. C.:

We are one of the largest food manufacturers in the world. The distillers throughout the country are buying up the corn. Grits we used to buy at $1.10 we now have to pay $4.40 for. People like ourselves might as well consider going out of business at a time when the people of the country are striking and rioting in different parts of the country on account of the high cost of living. Authorities are so conducting public affairs that corn that ought to be used in food is going into whisky; the result is now that cash corn for immediate use is higher than wheat. This is an outrage and ought to be stopped at once. The Senate ought to give notice to the country that a bill be passed prohibiting the use of grain for spirits, and that all whisky manufactured from grain since July 1 will be destroyed. This is the most outrageous situation that could be conceived of when the whole world is hungry and part of it starving and the distillers still permitted to buy the grain in enormous quantities, bringing the price of corn used by us in the form of grits up to four times as much as former prices and double the price of a year ago. If you can beat this for inhumanity, please advise us.

This is signed by the United Cereal Mills, by Arthur Dunn, its vice president.

The industrial world has done as much recently to make men sober, Mr. President, as the moral lectures from the platforms

of the country. I never discussed the moral phase of the whisky question—I am not competent to do so—but I have seen pay rolls running into thousands of men. The pay rolls of Saturday night or Monday morning, one after another, have been the greatest temperance apostles in the industrial world.

Nobody wants a drunken man on the pay roll. No man wants him in his office. I am taking this my only opportunity of inserting this telegram in the CONGRESSIONAL RECORD for the benefit of the conference committee that finally will settle what sections shall remain in this legislation.

I wish to place a concluding warning. I take my own political life in my hands with indifference. I propose to do so on this bill. I propose to take my chances on explaining it to the many who will consider themselves outraged. Outside of New York, I think the largest city population is in my own State of any other of the 48 States in the Union, not excepting even the State of Pennsylvania. The city of Chicago is a city of consumers. There is nothing raised in it except in a comparatively few isolated cabbage patches and market gardens in Cook County outside of the corporate limits.

Mr. President, we to-day in this legislation are putting it in the hands of a few men to discourage the great army of those who produce the food that must support both our armies and our civil population. I will take my chances with the producer and those amenable to reason in the final result.

The VICE PRESIDENT. The Senator's time has expired.

Mr. MYERS. Mr. President, is the pending amendment open to amendment?

The VICE PRESIDENT. The pending amendment is the amendment of the Senator from Nebraska [Mr. HITCHCOCK].

Mr. MYERS. I ask if it is open to amendment?

The VICE PRESIDENT. The Chair would say not.

Mr. NORRIS. Mr. President, a parliamentary inquiry. I wish to ask the Chair whether in answering the Senator from Montana he had reference to the amendment offered by the Senator from Oregon [Mr. CHAMBERLAIN]?

The VICE PRESIDENT. No; the Chair had reference to the state of the record, which is that the amendment of the Senator from Nebraska to the amendment of the Senator from Oregon is pending. The question is on the amendment to the amendment.

Mr. HITCHCOCK. I call for the yeas and nays.

Mr. BANKHEAD. There is some misunderstanding. I should like to have the question stated on which we are about to vote.

The VICE PRESIDENT. It will be stated.

The SECRETARY. In two places in the printed amendment of the Senator from Oregon [Mr. CHAMBERLAIN], the first on page 2, line 10, where it reads "at the principal interior primary market," the proposition is to strike out the word "market" and insert the word "markets," making it plural. The same amendment occurs on page 3, line 2.

Mr. BANKHEAD. Now, one further inquiry. This is the amendment the Senate is now about to vote upon?

The VICE PRESIDENT. That is the amendment.

Mr. BANKHEAD. It has no relation to the minimum price?

The VICE PRESIDENT. None whatever; it simply changes the word "market" to "markets." The Senator from Nebraska demands the yeas and nays on agreeing to the amendment to the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FRELINGHUYSEN (when his name was called). I have a general pair with the Senator from Montana [Mr. WALSH]. I am in doubt as to what his attitude would be on this amendment, and I withhold my vote.

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. THOMAS]. The junior Senator from Wyoming [Mr. KENDRICK] has a general pair with the senior Senator from New Mexico [Mr. FALL]. We have arranged to transfer these pairs so that the Senator from Colorado [Mr. THOMAS] and the Senator from New Mexico [Mr. FALL] will stand paired, allowing the Senator from Wyoming [Mr. KENDRICK] and myself to vote. I therefore vote. I vote "yea."

Mr. SHAFROTH (when Mr. THOMAS's name was called). I desire to announce the unavoidable absence of my colleague [Mr. THOMAS] on account of illness. I will state that he has a general pair with the senior Senator from North Dakota [Mr. McCUMBER].

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from New Jersey [Mr. HUGHES] and vote "nay."

Mr. VARDAMAN (when his name was called). I have a general pair with the junior Senator from Idaho [Mr. BRADY]. I am advised that the junior Senator from Idaho would vote as I shall vote, and I am therefore at liberty to vote. I vote "yea."

The roll call was concluded.

Mr. FLETCHER. I have a general pair with the Senator from New Hampshire [Mr. GALLINGER], which I transfer to the Senator from New Mexico [Mr. JONES] and vote "nay."

Mr. DILLINGHAM. Because of the absence of the senior Senator from Maryland [Mr. SMITH], with whom I have a general pair, I withhold my vote.

Mr. FRELINGHUYSEN. I transfer my pair with the Senator from Montana [Mr. WALSH] to the junior Senator from Idaho [Mr. BRADY] and vote "yea."

Mr. POMERENE. I desire to announce that the Senator from Kentucky [Mr. BECKHAM] and the Senator from California [Mr. PHELAN] are detained from the Senate on official business.

The result was announced—yeas 49, nays 32, as follows:

YEAS—49.

Bankhead	Hardwick	Overman	Sterling
Brandegee	Hitchcock	Page	Stone
Calder	Husting	Penrose	Thompson
Colt	Jones, Wash.	Phelan	Townsend
Cummins	Kellogg	Poindexter	Underwood
Curtis	Kendrick	Reed	Vardaman
Fernald	La Follette	Sheppard	Wadsworth
France	McCumber	Sherman	Warren
Frelinghuysen	McKellar	Shields	Watson
Gore	McNary	Simmons	Weeks
Gronna	Nelson	Smith, Ga.	
Hale	New	Smith, Mich.	
Harding	Norris	Smith, S. C.	

NAYS—32.

Ashurst	James	McLean	Shafroth
Beckham	Johnson, Cal.	Martin	Smith, Ariz.
Borah	Johnson, S. Dak.	Myers	Smoot
Broussard	King	Newlands	Sutherland
Chamberlain	Kirby	Owen	Swanson
Culberson	Knox	Ransdell	Tillman
Fletcher	Lewis	Robinson	Trammell
Hollis	Lodge	Saulsbury	Williams

NOT VOTING—15.

Brady	Gerry	Kenyon	Thomas
Dillingham	Goff	Pittman	Walsh
Fall	Hughes	Pomerene	Wolcott
Gallinger	Jones, N. Mex.	Smith, Md.	

So Mr. HITCHCOCK's amendment to the amendment was agreed to.

The VICE PRESIDENT. The question recurs on the amendment of the Senator from Oregon [Mr. CHAMBERLAIN] as amended.

Mr. NORRIS and Mr. STERLING addressed the Chair.

The VICE PRESIDENT. The Senator from Nebraska.

Mr. NORRIS. Mr. President, I move to amend the proposed amendment of the Senator from Oregon by striking out, on page 2 of the amendment, on line 22, after the word "guaranty," down to and including the word "absolute," on line 5, page 3. The language which I propose to strike out reads as follows:

> The guaranteed prices for the several standard grades of wheat from the passage of this act to the 1st day of January, 1919, shall be based upon No. 1 northern or its equivalent at not less than $2 per bushel at the principal interior primary markets. This guaranty shall not be dependent upon the action of the President or said board under the first part of this section, but is hereby made absolute.

In all the weary days that this bill has been before the Senate or the committee for consideration it has never before been proposed to fix a price of any commodity by statute. Such a proposition has never been considered until the so-called leaders at 3 o'clock yesterday brought it in. Every bill, every report, either in the House or in the Senate, has proposed to fix a minimum price by the President or by a commission. So this proposition is entirely new and has never been investigated by any committee of House or Senate.

The effect of the amendment I have proposed, if agreed to, would be to leave the fixing of the price of wheat with the board under instructions from the President, and would strike out that part of the amendment that fixes the minimum price by statute. To begin with, I desire to say that I am not enthusiastic at all about the amendment to the amendment. I offer it because I think the expression of the Senate ought to be taken on it. I am not sure but what I am wrong; I believe I never was more in doubt as to what was the proper course to pursue than on some of the various questions which have arisen in regard to this bill, but it seems to me that it is at least worthy of candid thought whether or not we ought to fix the minimum price by statute. We are traveling on an untrodden legislative path.

The first objection to doing it by statute is that we have included in a minimum price wheat which has already been

produced. My amendment would strike this out. We ought to bear in mind that the only excuse for fixing a minimum price and the primary object of fixing a minimum price is to stimulate production. We can not increase the production of the present year; the wheat has already ripened, and a large part of it is already harvested. So we are fixing a minimum price on something that is already produced, and that can not effect the stimulation of production.

In the next place, I do not profess to have, and I have not talked with any Senator who has professed that he had, a sufficiently intricate knowledge of the technicalities of the situation to be competent on the evidence properly to fix a minimum price. We have not until this amendment came in here been discussing the question. I do not mean to say that the Senate is not competent to fix a minimum price, but it is now proposing to do it offhand and without any investigation. The amendment has not even come from a committee; it has come from a body of alleged leaders, whose names are not publicly known even to the Senate. We have had the relation of a story here this morning from the Senator from New Hampshire, who I presume is one of the leaders who drafted the amendment. He says that they at first fixed the price at $1.50, then at $1.60, then at $1.66, then at $1.75, and then at $2. They made no investigation. They took no evidence. They only guessed.

It is a question of some doubt as to whether or not the fixing of the price ought to be done after a careful investigation even by the board which we have provided for in the bill. Some Senators fear that if they are permitted to fix the minimum price they will not fix it high enough. Mr. President, I have no fear of that. Whether they want or whether they do not want to see a high price for wheat, the object this board will have in view will be to stimulate production. They will know that unless they fix the price sufficiently high production will not be stimulated; it will not be increased.

For the crop that is to be planted this fall there are still 30, 60, and in some instances 90 days remaining, and as to spring wheat, especially, several months before it will be necessary to fix the price, during which time proper investigation could be made and the price fixed accordingly.

So far as my knowledge goes, I do not know that the price fixed in the amendment is wrong. It may be too high and it may be that it is too low, and that before it is necessary to fix the price for the crop that is not yet planted there may be evidence sufficient to convince fair-minded men that the price ought to be higher. There is a general belief, among some classes at least—I do not know whether or not it is correct—that the board will be able to fix the permanent price of wheat by whatever minimum price is fixed, either by the board or by law. It is claimed by some that this board, practically controlling all the purchases of wheat by all of the allied Governments and by the Government of the United States, will be such a large purchaser of wheat that they can absolutely control its price, so that the minimum price will become the maximum price as well. To-day, when we are fixing the minimum price for wheat which has now been produced at $2 a bushel, and the market price of that same wheat is from $2.50 to $2.60 a bushel, it may be that this act will take from the farmers of the United States many millions of dollars on a product already produced. So it seems to me that we are not safely legislating when we take this step. As I said in the beginning, Mr. President, I may be wrong about it. It is a new step in government; none of us has ever had any experience in it; it is a most extraordinary step to take; and we ought not to take it until we are absolutely satisfied that whatever minimum price may be fixed will be absolutely justified. It seems to me, therefore, Mr. President, that this board that we propose to create by this act ought to be given power to fix the price, under the direction of the President, as the first part of the bill provides.

There is another reason, I think, why we ought not to fix the minimum price by statute. The crop that is harvested in July and in August is the crop that is used during the entire year. Somebody must hold that wheat. I think everybody concedes that, if we permit the market to go undisturbed and unmanipulated, the price of wheat would gradually go up as the year progressed; that the model condition would be to have the farmer himself hold the wheat; but it would be necessary for him to get a higher price for it in September than he did in July or in August. He ought to have a little higher price for it in October, and so on, up to the time when the next crop is harvested.

The price proposed to be fixed is a minimum price for the entire time from now until January 1, 1919. A scientifically arranged minimum price, I believe, ought to provide a different price for the various months of the year, running up as the year progressed. Otherwise everybody who produces wheat, especially if the board by its buying operations could control absolutely the price and make it a fixed price, would put the wheat in the market just as soon as they could possibly do so.

I may be mistaken; I do not claim to know that that will be true. I have talked with a good many Senators and I have talked with men who are not in the Senate who are experts on the question and have asked them whether that would be the case. Some of them have had no hesitancy in saying that, whatever minimum price is fixed by law, whether it be fixed by the board or by statute, will in effect become the maximum price and that this board has no other intention than by the use of its great powers of buying to make it so.

If this should be true, then the price proposed would have the effect of lowering the price of every bushel of wheat now in existence while still in the hands of the producer. There is absolutely no danger of the President or this board under his direction fixing a price that would be disastrous to the farmer. Everybody concedes the price should be liberal, otherwise there would be a lessening instead of a stimulation of production, and nobody wants that—neither the producer nor the consumer. To be sure of winning the war we must increase production. There is only one way to do that, and that is to give the producer a liberal price. The President and the board all will admit are as anxious as we are to win the war. If they had no other motive, they would not dare to fix a price that was not only fair but liberal. This board would be able to make an investigation that we have not made, and would therefore be better qualified to fix the right price. No man here has yet claimed that he knows what the price ought to be. In the few hours we have had the proposition before us we have had no opportunity to find out.

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from Nebraska yield to the Senator from Missouri?

Mr. NORRIS. I yield to the Senator from Missouri.

Mr. REED. I want to ask the Senator from Nebraska if the very converse of what he has said is not likely to be the result—namely, that a farmer being assured of $2 a bushel for his wheat and knowing that his wheat will not go below $2 might not thereby be tempted to hold it awaiting a higher price?

Mr. NORRIS. That may be so, I will say to the Senator, but I do not believe it.

Mr. REED. So I think the Senator's logic is just going in the wrong direction.

The PRESIDING OFFICER. The time of the Senator from Nebraska has expired.

Mr. NORRIS. I should like to have answered the question of the Senator from Missouri a little further.

Mr. SAULSBURY. Mr. President, the expressions of the Senator from Nebraska [Mr. NORRIS] regarding the amendment which he has offered illustrate to me the lack of fixed opinion among the Members of the Senate, as well as those outside of the Senate, as to what the effect of this bill will be. I want to say that, in my best judgment, it will have no practical effect on the cost of living. Great expectations have been aroused throughout the country by this bill which we have had under consideration for so long. Personally I have tried my best to come to some conclusive judgment as to whether the bill will be productive of any good or whether it will be an injury to the country. I sincerely trust that it will not injure the country in any way, but I do not believe that it will be productive of any great good.

However, the expectations of the people of this country have been aroused to such a pitch by the articles which have been printed in the newspapers and by the assertions of those who are in favor of this class of legislation, that personally I do not feel that I could be responsible for defeating those expectations, having no special pride of opinion myself, and being always ready to yield if a majority of the people of my country are against me. If I had any fixed opinions, any certain opinions, that this bill would work injury, I should not under any circumstances vote for it, but I merely want to call attention to the fact that those of us who have tried very hard to reach some conclusive judgment are probably very much in the condition of mind of the Senator from Nebraska when he expressed the reasons for his proposing this amendment.

I think I shall vote for this bill, but I want to disavow any certitude that this bill will work the great good that is claimed for it by many of the Members of this body and by practically the overwhelming public judgment of the people of this country

at this time. I hope it will. If it shall, we shall then by an experiment in legislation, which to some extent is dangerous, and which is certainly novel in this country, have had the benefit of knowing what the effect of this class of legislation will be.

So far as amendments are concerned, I shall, of course, try to perfect the bill and do my best to put it in as good shape as possible. I only call attention to the state of mind shown by the Senator from Nebraska to show that I believe that is the general state of mind in the country of those who have tried to consider this bill.

I myself have very earnestly tried to reach some definite conclusion, but as yet I am not sure that we shall benefit anybody by the passage of this bill. We shall certainly not change the laws of trade and the natural laws of supply and demand, which will govern the produce of the farmers of this country or the produce of any other branch of business.

Mr. WILLIAMS. Mr. President, I rise to express the hope that the amendment offered by the Senator from Nebraska [Mr. NORRIS] may prevail. What has thus far taken place under the provisions of the bill so far adopted is about this, that we have legislated upon the laborer in the factory and in the mine bread to be made out of flour at $13.50 a barrel. It may be that there will be a short crop or a large crop of wheat; nobody knows which; but if there should be a large crop of wheat and the Government should go on, at the expense of the United States Treasury, passing over to the workingman in the mine and in the factory bread at the price made necessary by $13.50 flour, how long do you suppose they and their wives would stand it?

I belong to the farming class; but the farmer has no right, and neither has anyone else, to this sort of legislation. Not only for the reason the Senator from Nebraska has expressed, which, in my opinion, was well expressed and well coordinated, but for the reason which I have just mentioned, we ought to hesitate before we undertake this sort of thing. We are anticipating a minimum price away in advance of actual and unknown future conditions. We do not know what they will be. There ought to be a stimulation of the production of foodstuffs, and maybe there ought to be a minimum price, but that minimum price ought to be fixed to meet conditions, and it ought to be fixed by this board, if there is to be a board.

Mr. President, either we can or we can not trust the President to select an able and honest man or an honest and able board. If we can not, then we ought not to pass this bill at all; it will be a ridiculous thing to pass it. If we can trust the members of the board, then they ought to be left to fix a minimum price. There is not the slightest danger that they will not fix one high enough to stimulate production, because that is the object of the existence of the board itself. I hope the amendment will prevail.

Mr. CHAMBERLAIN. Mr. President, I shall vote for the amendment of the Senator from Nebraska, for this reason: In framing the amendment which was submitted by me, fixing a price of not less than $2 per bushel at a principal interior market, we thought that the price was a high one to place upon wheat; but I contemplated that prices at other interior markets, whatever others might be established, would be governed by the price at the one principal market, less the freight; for instance, the guaranteed price of wheat at the interior market in North Dakota, under the bill as it was framed, would be $2, less the usual freight charge to the central or principal market. Now, as the bill was amended a little while ago by the vote of the Senate, establishing more than one market, we have practically guaranteed a price of $2 in every market that may be established in the United States. It is true there may be 1 additional market, or there may be 2, or there may be 5, or there may be 20; but, wherever the market is, we have changed present conditions so as to allow a $2 price in every market that may be established by the board.

So I agree with the Senator from Nebraska that, inasmuch as we have changed the whole trend of the business of the country by the amendment adopted a while ago, we now ought to strike out the guaranteed price and leave the question to the board.

Mr. REED. Mr. President, I never was more astounded in my life than to hear the statement just made by the Senator from Oregon [Mr. CHAMBERLAIN]. When this bill in its earlier stages came here with food and fuel embraced in its provisions, and those things employed in the production of food and fuel, it was after debate conceded that it was unfair to single out a particular class, to take away the market of the particular products of that class, and compel the producers to sell in a circumscribed and controlled market; that it was unfair to take away the farmer's market for his wheat and leave the producer of steel the world's high prices, to compel the farmer to buy that steel at the world prices; that it was unfair to take away the farmer's market for his wheat and allow the man who controls the copper mines to have the benefit of the world's market; that it was unfair to take away the world's market for wheat and allow the producer of cotton the world's market in which to sell and to gain great prices. Accordingly we began to add to the commodities which were to be controlled by this bill cotton, copper, steel, aluminum, and the products of other great institutions that are already growing very wealthy by means of war profits.

After we had put into the bill the products of all these other institutions, so that, speaking broadly, all would be alike, a movement called a compromise movement was started here, and the proposition was to take out everything except wheat and to give the farmer in lieu of the wheat market which had been taken away from him a guaranteed price below which his product would not go.

The amount of $2 was agreed upon, and Senators here voted to take out aluminum and many other controlled products, voted to take out steel, voted to take out cotton, because they understood that there was to be an adequate protection written into this bill for the farmers of the land.

Now that these other products have been eliminated from the bill, the Senator in charge of it proposes to take away the guaranty that was given the farmer, upon the pretext that the Senate has seen fit to change the word "market" to "markets," so that, instead of the minimum price being fixed at one market, to the advantage of that market over all other markets, it shall be fixed under the amendment at the principal primary markets of the United States, so that all parts of the country will be treated alike.

Let me say to the Senator in charge of this bill that, if the movement he thus fathers is carried out, it will discourage production in this country, the production of the very thing for which the world stands with outstretched hands and pleads; you will thereby sow the seeds of discontent that will result in hunger, in impoverishment, and in want, instead of resulting in the production of a crop that will bring enough to feed the world.

You can do this if you want to, on the pretext that we have made this bill applicable to all markets, instead of to one single market, that we have put Duluth, and Minneapolis, and Kansas City, and Chicago, and New York, and Boston, and Portland, Oreg., and the other primary markets upon the same basis, instead of giving one an advantage over the other; you may change the whole course of this understanding and agreement on that kind of argument if you want to; but I say, if you do, it will be a mistake that will be tragic in its consequences.

Mr. McCUMBER. Mr. President, I confess I am astounded at the attitude taken by the Senator from Oregon. The Senator has fathered a bill in the Senate the purpose of which was to induce production, to secure all the grain that would be necessary for the support of the American people, for the support of the American armies, and for the support of the people and armies of our allies. I should like to ask the Senator how now he proposes to induce the farmers to raise a good crop of wheat next year and upon what basis will he secure a greater amount?

I offered an amendment but a short time ago providing that in determining these questions the farmer be allowed the reasonable expenses of labor and machinery, taxes, and all other factors in the production of wheat. You said by your vote by nearly 2 to 1, "We refuse to give you that guaranty; we will not guarantee that you can have the expense of raising that crop by any standard or by any rule."

Mr. CHAMBERLAIN rose.

Mr. McCUMBER. I will yield in a moment. Then when you refused to do that we took the only next step that we could take, and that was to guarantee at least a minimum price or to fix some standard of a minimum price. We knew and you knew that the cost of the labor the farmer employs to produce his crop has more than doubled; we knew and you knew that everything that goes into farm machinery has more than doubled in price; we knew and you knew that everything the farmer must purchase produced by other labor in the United States has more than doubled in price. Now, with that knowledge we asked you at least to say to the farmer, "We will fix a standard that will take into consideration these higher prices, this higher-priced labor, these higher-priced materials that go into everything that you purchase, these higher prices for everything that you must buy to live upon," but you said by your vote, "We will do nothing of the kind."

Mr. HARDING. Mr. President——

Mr. McCUMBER. We appealed to you and asked at least that you fix a minimum standard, something upon which we

could rely, and you agreed, you wise men of the Senate, that the minimum price ought to be $2 per bushel.

I yield now to the Senator from Ohio for a question.

Mr. HARDING. I want to ask the Senator from North Dakota upon what authority he says that Congress proposes to take away from the farmer the guaranty of a fair minimum price for his crop?

Mr. McCUMBER. I base it upon the fact that, while you established the rule that should govern in fixing the price, if the Government should take over the coal production, you refused by a vote to fix the same standard of valuation when it came to the farmer's product. There can be but one surmise that will arise in the mind of every farmer in this country. He will do some thinking. He will say that the Senate of the United States voted that in the event the coal production should be taken over an allowance should be made the coal operators for labor charges at the usual rate, that they should be paid the cost of production, and that they should then be given a reasonable return upon their investment. The farmer will say, "You voted that into an amendment affecting coal, but when the same amendment was proposed to be applied to my products you voted that the same rule should not apply." He will be able to draw but one conclusion, and he will be justified in that conclusion from the fact that never in history has he had that rule applied to the cost of his product—that he could never get the same price for his labor that could be obtained in any other line of business. That is the reason why his sons have been driven from the farm into the cities, where they might make better wages, as the Senator from Ohio and I were driven from the farm because of the lack of wages and forced into the great city. If there is one thing that I thank God for day after day it is that he enabled me in some way to get off the farm and get into the city, where I could secure so much more for a given amount of expended energy.

Mr. HARDING. Mr. President, now will the Senator yield?

Mr. McCUMBER. Yes. I yield. My time is almost up, but I yield for a question.

Mr. HARDING. I want to ask the Senator from North Dakota if he believes for a moment that a Federal food and fuel control board at a time like this would be inconsiderate of the interests of the farmer when the object is to encourage him to produce food to sustain a nation at war?

Mr. McCUMBER. Let me ask the Senator a question, and one question may answer the other: Does the Senator believe that the commission will allow the farmer and his son a price for their labor equivalent to what the farmer will pay for the tramp that he brings in from the city at three or four dollars a day? If the Senator believes that they will do that then he and I do not believe alike. I want them to do it. The Senator does not want them to do it.

Mr. HARDING. The Senator from North Dakota has a wrong impression. I want the farmer to be abundantly and profitably compensated, but I would not pick him out to be especially licensed to charge high prices.

Mr. McCUMBER. Then do not be afraid to vote for a $2 minimum at any place in the United States, because no man on the face of the earth can raise wheat here for $2 a bushel and pay $4 a day for the labor that goes into it. I know enough about farming to know that that is a physical impossibility.

Mr. HARDING. Mr. President, the answer to that statement is that when the Senator from North Dakota and I were on the farm I learned more about farming than he did. [Laughter.]

Mr. McCUMBER. Mr. President, maybe the Senator did; but the Senator who will tell me that he can raise grain for $1 a bushel in the State of Ohio on land that cost $100 or $150 an acre demonstrates to me that he does not know anything about farming, and, by Heaven, never did know anything about it. [Laughter.]

Mr. HARDING. Mr. President, only enough time to reply to the Senator. I said that raising $1 wheat was a profitable occupation in times of peace; and I say to the Senator from North Dakota that the knowing farmers of the country are buying land in Ohio at $150 an acre for the very purpose of going into a commercial proposition of raising wheat profitably at $1 per bushel—in times of peace, to be sure.

Mr. McCUMBER. Well, they are not doing it now.

Mr. HOLLIS. Mr. President, there is an honest difference of opinion in the Senate on this subject. Those who are interested in the wheat crop in the West no doubt honestly believe that they must get $2 plus for their wheat, or they can not afford to raise it. Those of us who live in the East and have to watch the price of flour think we have reached the limit when we get to $2 at Minneapolis, the fair price in North Dakota to be $1.85. Therefore some of us who live in the East feel that they will have to vote now to cut out the guaranteed price, but that does not mean that the guaranteed price will not be fixed by the board. That is still in the bill. It will be the duty of the board, one of the very first things they do, to fix the fair price for wheat, and the board will have on it, if this form of it is retained, a farmer of practical experience who will have his say about it.

I felt myself that $1.75 was too much. I felt that $2 was altogether too much. But the way the amendment now stands——

Mr. BORAH. Mr. President——

Mr. HOLLIS. If the Senator will pardon me, I have not time to yield.

Mr. BORAH. I should like to ask the Senator just one question.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. HOLLIS. I am very sorry, but I can not yield. I have more than I can say in the few minutes at my disposal.

The way the section is drafted the Government is obliged to take all the wheat that is offered to it, say, at Denver, at $2 a bushel. To dispose of it, the Government has to pay the transportation from Denver to New York or to Duluth, so the Government has to pay $2 plus. That is too much. I must pay some regard to the laboring men in my own State who have to buy flour—flour that will cost them $12 or $13 a barrel this winter—and for that reason I have offered an amendment which is pending, that will be voted upon, but that I shall not have time to speak on when it is offered, and therefore I want to explain it briefly now.

The amendment is:

That nothing in this act shall be construed to repeal, modify, or affect either section 6 or section 20 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914.

That is the Clayton Act. Those provisions are these: That no injunction shall be issued by a United States court to prevent a strike unless danger of irreparable injury is affirmatively shown, and that labor unions shall be allowed to employ the usual peaceful, legitimate methods of striking.

In the pending bill there is a provision in section 4, as follows: It is made a punishable offense, on page 4, line 16, for a person to conspire, combine, agree, or arrange with any other person to limit the facilities for transporting, producing, harvesting, manufacturing, supplying, storing, or dealing in any necessaries. Therefore if two labor-union officials should arrange together for a strike, either on a railroad or in any factory producing necessaries, they would be punishable under this act. I do not think it is the intention of the Senate to do it. If strikes become so dangerous, if they become so prevalent that the strike situation should be handled as a war measure, I shall be one of the first to believe in handling it, and handling it after due deliberation. But this situation is the same that existed in the Senate when we had up a few weeks ago the railroad priorities-of-shipment bill; and in that case the Senate unanimously agreed to introduce that provision, that nothing contained in the act should be construed to alter, amend, or repeal section 6 and section 20 of the Sherman Act.

I have taken occasion to explain this amendment so that when it comes up Senators will know what they are voting on.

Mr. REED. Mr. President, in view of the change of front on this——

The PRESIDING OFFICER. The Chair inquires whether the Senator——

Mr. REED. I am going to make an announcement, not to speak on the bill.

In view of this change of front, I now give notice that I reserve for a separate vote the amendments which were accepted by which there were stricken from this bill aluminum, steel, copper, cotton, and all other amendments striking from the bill articles that were once within its purview.

Mr. BORAH. Mr. President, the question I desired to submit to the Senator from New Hampshire [Mr. HOLLIS] was designed to bring out more specifically his view with reference to what this board should be when this bill is finally signed. He said that he was not in favor of fixing a minimum price because, as I understood him, the price proposed to be fixed was too high; that he could not indorse a $2 minimum price, but that he felt very certain that the board which would be called upon to administer this law would fix a fair price. It is manifest that the Senator thinks the board would fix a less price than $2.

Mr. HOLLIS. I did not mean to give that impression.

Mr. BORAH. I am very glad to yield to the Senator.

Mr. HOLLIS. I do not know where they would fix it, but they would fix it after deliberation, and whatever price they fixed I would be satisfied with, and can justify it to my con-

stituents. On the information I have gotten in the Senate I was willing to vote for $2 wheat, but I can not vote for $2 wheat plus transportation.

Mr. BORAH. Another statement made by the Senator, and the one to which I wanted particularly to refer, was that this board would have on it a farmer. I am of the opinion that the Senator from New Hampshire is one of those who proposes to see, if he can, that there will be just one member of this board when this bill comes out of conference.

Mr. HOLLIS. Oh, not at all. I am heartily in favor of a commission of three, and I have so stated. I voted against the provision to have one member of the board.

Mr. BORAH. I happen to know to my satisfaction that the word has gone forth that there will be just one member of this board, and that will be Mr. Hoover; and I venture to say that will be the exact situation when this bill comes out of conference. Just as there has disappeared from this bill everything protecting the farmer, just as there has been taken out every article which enters into production, and gradually everything of that kind has been eliminated and the farmer has been left to stand alone, so, when this bill is finally stripped to the satisfaction of those who are to administer it, the last evidence of the presence of the farmer will be eliminated, and he will be off the board. Now, I voted for one member of the board, and I am not urging a commission, but it does not seem to me just fair, in view of the determination to cut out the commission, to urge that there will be a farmer on the board as a reason for not fixing a minimum price.

Mr. LA FOLLETTE. Mr. President, I think no more interesting exhibition of the way in which the Senate conducts its business at times, when great interests are involved, has ever been made in the 11 years I have been a Member of this body than in the proceedings which have been taken since this bill was reported to the Senate by the Committee on Agriculture and Forestry.

Mr. President, I would like to have it understood that I am speaking upon the amendment of the Senator from Nebraska, so that my 10 minutes will be charged to that particular amendment. It has become, Mr. President, in a way, the established practice in the Senate and the House to arrange their committees so that the legislation upon different subjects shall be largely in the hands of those in committee who have the best understanding of the various subjects with which we deal. So the Committee on Agriculture and Forestry is organized from Congress to Congress to include within its membership Senators from agriculture-producing States. Therefore, Mr. President, the Committee on Agriculture and Forestry considered and reported upon this important subject, which has engaged the attention of the country and of Congress for many weeks. There was some division in the committee, and in the Senate the work of the committee was broadened so that not only food, feeds, and fuel but other primary products which have relation to the cost of producing food, feeds, and fuel could be brought within the control of the commission that was to be created to take care of the interests of the country during this emergency. Copper, iron ore and its products, aluminum, and many of the basic things the price of which determines the cost of food production were brought within the terms of the bill.

Then, Mr. President, agencies were set at work in this body which led to copper, steel, aluminum, and various other special interests of tremendous power, assuming to take away from the committee designated under the rules to make this bill and from the Senate of the United States the consideration of this bill in its forming. And so the manufacturing interests of New England, the aluminum interests, the copper interests of Utah and other sections of the country, the steel interests, took themselves off into a corner and produced a bill. It bears no name. It is brought in here, proposed to be introduced by "Mr. Blank" when the time comes, and it is so framed, Mr. President, as to undo the work of the Senate, undo the work of the Committee on Agriculture and Forestry, and take care of steel, of aluminum, and of copper, and of all the other great interests, free them from any control that will regulate their profits, and fix upon agriculture the burden of furnishing to the country, to the world, the products of the soil, regulated by whom? Regulated, sir, by a board. But, as the Senator from Idaho [Mr. BORAH] has suggested, it is pretty well understood that that is simply a sugar coating to a proposition that is finally to turn over agricultural production in this country to one man, to put into his hands the destiny of that great interest in the United States. The bill which he favored, the testimony which he has given before the Agricultural Committee, makes it perfectly clear that his idea is to control the price of wheat. He said in his confidential testimony to the Committee on Agriculture in the House that he was the sole purchasing agent for the allied Governments. With the present European harvest behind him he could manipulate the market and possibly force the price of wheat down to 75 cents a bushel.

Mr. President, for some weeks, in the consideration of this bill, we have had an exhibition of the operations of those great and powerful interests that have been so potential for the last quarter of a century in controlling legislation. We can now follow step by step the changes made in this bill and at every stage of its consideration you will detect the hand of these powerful masters. The aim of this legislation is to control the food supply; that means to control the prices of the products of the farms. It was natural that Senators from the great agricultural States should object to Government control of the prices of the products of their States when the great manufacturing States were given a free hand to gouge and extort from the public by the imposition of unprecedented prices for the output of the factories.

There was such an outcry against this discrimination, it was so unjust and so offensive to the American sense of fair play, that it became evident the bill could not pass without radical amendment. The men representing the great agricultural States must be appeased. So one by one it was determined by recorded votes of the Senate that in addition to food and feed and fuel, iron ore, steel and its products, harvesting machinery, copper and aluminum, and many other products should be subject to price control, and finally cotton, the sacred product of the South, was included. The bill was undergoing such change on the floor of the Senate as would make it a measure of real value to the consuming public.

When cotton was included it gave copper and steel and aluminum the opportunity and there was formed a new combination. Cotton and steel and copper united and framed a substitute bill. The Senate has been led to adopt the work of this special committee—the committee that does its business in a corner—not the Committee on Agriculture and Forestry, but the committee that prepared this substitute bill to be offered by "Mr. Blank," a bill the main purpose of which is to fix the prices of agricultural products.

Under legislation previously enacted, the embargo legislation, there was taken from the agricultural interests of the country its world market. That legislation confined the farmers to their domestic market, and this bill now proposes to fix their prices in the home market. In the consideration of this measure you have lured Senators from the agricultural States to vote one proposition after another with the expectation that you would at least name in this bill a minimum price for their wheat. Now it is proposed to deprive them even of that protection. You have narrowed the bill down to a proposition that limits the farmer to the domestic market and proposes to place within the will of one man the power of saying to the toilers upon the farm what they shall receive for their wheat, as well as all other products.

All the other products of the country have been taken out of the bill. You do not think that the price of agricultural implements should be controlled. You voted that out of the bill. You voted the control of the prices of cotton and its manufactures out of the bill. You voted copper out of the bill. You voted steel, iron ore, and all its products out of the bill, from which are being derived profits that stagger the imagination, and you are handing the agricultural interests of the country over to a commission that, under penalty of going to jail, bids them to produce wheat at a price not fixed by the world market, not fixed by any provision of law that shall guarantee them from production below cost, but in all human probability you are leaving it to the will of one man, who said, with regard to wheat, in a confidential statement before a committee of Congress:

> I would go into the market with my European harvest behind me and manipulate the market. I might manipulate the price down to 75 cents per bushel.

The PRESIDING OFFICER. The time of the Senator from Wisconsin has expired.

Mr. HITCHCOCK. Mr. President, I am frank to say that if the amendment of my colleague [Mr. NORRIS] carries I shall feel constrained to vote against this bill. I said in proposing my amendment to make the gaurantee definite some time ago that the only thing that reconciled me to voting for this bill, which is directed against the raisers of wheat, would be the fact that it contained an absolute guarantee of a minimum price. If my colleague's amendment carries, that guarantee is practically wiped out. It is left to the will of the President to permit the guarantee or not. No minimum is esablished, and the farmer will not have any positive guarantee whatever.

Mr. President, I have already indicated how this bill has been finally pared down until it practically bears solely upon the

fuel proprietors and the wheat raisers. Cotton has been taken out because the cotton raisers objected to having these severe restrictions put upon them. Copper has been taken out because the copper producers objected. Steel and iron have been taken out because the steel producers and the iron producers objected. All these and other products have been taken out from under the severe control of the law provided for in this bill, and the wheat raiser, singled out almost alone, has been left subject to the control of the Government.

I announced that I was still ready to vote for this bill, provided the agricultural class would have the right to depend upon an absolute guaranty of a minimum price. This amendment, if it carries, will strike out that guaranty and leave it to peradventure and, perhaps, the will of the President and the whim or the judgment of the food commission. I am not willing to take that chance for the agriculturists of the country. I say that if this bill is to pass, which limits the price of wheat; if this bill is to pass, which places in the hands of the Government the control of the elevators of the country, where the wheat must be marketed; if this bill is to pass, which practically puts in the control of the President and his administration the wheat of the country, you must have in it an absolute guaranty of minimum price; and I warn my associates here that if they pass this bill otherwise it will be regarded by the great agricultural classes of the country as an absolute abandonment of their interests. It would not be right.

I support this bill with a good many misgivings even with the guaranty in it. I have very little faith in it. I believe disappointment will follow in the footsteps of this bill; but the only redeeming feature that it has, the only anchor to windward, the only protection that the farmer has, is the absolute guaranty of minimum price.

My colleague now proposes to strike out that portion of the guaranty which makes it obligatory to be enforced. He proposes to leave it to chance or somebody's judgment as to whether it shall be enforced. Now, the farmer is not the only one interested. There are millions of farmers in this country. How are you going to get them to plant their fall wheat this fall in great quantities unless they know that they are to receive some protection at the hands of the Government? They have seen how the cotton men have hurried away to take their interest out from under the bill. They have seen how the steel men and the lumbermen and the copper men and all the other interests, through fear, have succeeded in drawing their particular articles out from under the terms of the bill.

Do you think the farmers of the country will view with complacency and satisfaction the fact that they are left in here without any protection whatever? Not at all. You will see the greatest falling-off in the planting of fall wheat this fall—a falling-off that will amaze you; and they will plant other things that may not come so absolutely under the control of the Government.

Mr. President, we have millions of acres to be planted to wheat this fall, and if the farmers are assured a good price, we will raise a great crop of wheat next year from the planting this year; but you can not do it as long as a threat of unlimited control is made. If this Senate deliberately refuses to guarantee to the farmers a minimum of $2 per bushel for wheat when that wheat is now selling for $2.60, you may expect a small acreage to be planted this fall, with the possibility of peace coming in the spring. So I warn my friends from the cotton States and the steel States and the coal States and the copper States that if they take out this guarantee of a minimum price of $2 per bushel on wheat and leave to chance and to doubt whether there shall be any guarantee at all, or whether the guarantee shall be $1, or whether it shall be $1.25, they may expect a small acreage of wheat this fall by comparison. The result would naturally be a small crop and high prices for bread next year and an increased cost of living.

Mr. President, I have already said that I have not very much faith in this bill. I have very serious doubts about it. I think we are trying to legislate against economic laws. But if you are bound to legislate, if you are bound in an artificial way of legislation to threaten the reduction of the price of wheat, you certainly must impose an absolute guarantee of a minimum if you expect the farmers this fall to make a big planting of fall wheat.

Mr. GRONNA. Mr. President, I regret exceedingly that I have to oppose the amendment offered by my good friend from Nebraska. I can not believe that the Senator from Nebraska has given this question the study which he usually gives to such important questions. Anyone who had the opportunity of hearing the testimony given by Mr. Hoover should know it is not a wise provision to adopt. I shall say nothing disrespectful of the man; I believe, as I have said before, that Mr. HOOVER is an able, patriotic man, but he would be the last man on earth I would want to employ for the farmer—to administer a law which so vitally affects the interests of the farmers. He would be the last man, I say, that I would think of employing to guard the interests of the farmers of the United States. He has said on more than one occasion that $2 a bushel should not be paid for wheat. Having that testimony before us, and knowing that under present conditions the farmer ought to be guaranteed at least $2, you must, unless you believe that $2 is too much, vote for a price of $2. If $2 is too much, let us say so frankly. If any man can show to me that $2 a bushel, under the circumstances, is too much, I shall vote for a lower price.

There is not a Senator on this floor who will undertake to prove that this price is excessive. No man who appeared before the Committee on Agriculture has ventured to prove that at the present time $2 a bushel is too much for wheat. When the distinguished Senator from Mississipi [Mr. WILLIAMS], for whom I have the highest respect, with whom I have served not only in this body but in the other body, says to the Senate that $2 a bushel is $13.50 a barrel for flour, he is absolutely mistaken.

Take the statistical abstract, figure it out for yourself, and see. Since 1860 the millers of the United States have been able and willing to take the price of four bushels and a half of wheat for a barrel of flour, and take their profit out of the by-product.

Mr. President, I shall have to take the record rather than the statement of the Senator from Mississippi that the people of the cities would have to pay $13.50 for a barrel of flour based upon the price of $2 a bushel. It is incorrect, it is not true, and I challenge the statement.

Now, how are you going to stimulate production? Do you believe that the farmer is so stupid that he will produce wheat at $1.50 when he can get $2 a bushel for corn? At the same time I take it that any Member here whether he has been raised on a farm or not, knows that you can produce 2 bushels of corn to 1 bushel of wheat. Do you understand that? Yet you say that you are going to stimulate production by paying the farmer less than $2 per bushel.

I dislike, Mr. President, to stand here and advocate a high price for wheat for the farmer. I myself am engaged in growing wheat. But you can take my wheat crop at any price today if you will leave the balance of the farmers of the United States alone and give them a fair price. You can take my farm and operate it as you please if you will pay the taxes. You can have it during this war. I care not what price you give to me, and I have planted this year several thousand acres. I say take it, if you want to at any price you see fit, but do not say to the masses of this country, the 40,000,000 people who are living upon farms, the 40,000,000 people who have never been able to fix the price on their own product—do not say to them you must take the statement of some food director, I care not how able that director may be.

I shall not vote to leave the welfare of the American farmer and the producers of this country to any one man, to the dictation of one man who has proved himself not willing to do justice to the farmer, unless under the penalty clause of section 4 you believe you can drive these 40,000,000 men and women as you would drive slaves and compel them to produce whether they want to or not. You can do it under section 4 if you can do it at all. Is that democracy, I ask you, in enacting a law which will say to the farmer "You shall produce wheat whether you are doing it at a loss or at a profit?" That is the question. You will not be able to do it with Hoover or with a thousand Hoovers.

Mr. President, if the amendment proposed by my good friend from Nebraska prevails, I shall be compelled to vote against the bill.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska [Mr. NORRIS] to the amendment of the Senator from Oregon [Mr. CHAMBERLAIN].

Mr. LA FOLLETTE. I ask for the yeas and nays.

The years and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FLETCHER (when his name was called). I make the same announcement of my pair and its transfer as before and vote "yea."

Mr. FRELINGHUYSEN (when his name was called). I have a general pair with the junior Senator from Montana [Mr. WALSH]. Not knowing his attitude on this amendment I withhold my vote.

Mr. SHAFROTH (when Mr. THOMAS's name was called). I desire to announce the unavoidable absence of my colleague [Mr. THOMAS] and to state that he has a general pair with the senior Senator from North Dakota [Mr. MCCUMBER].

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from New Jersey [Mr. HUGHES] and vote "nay."

Mr. VARDAMAN (when his name was called). I have a general pair with the junior Senator from Idaho [Mr. BRADY]. In his absence I withhold my vote.

The roll call was concluded.

Mr. FRELINGHUYSEN. I transfer my pair with the junior Senator from Montana [Mr. WALSH] to the junior Senator from Idaho [Mr. BRADY] and vote "nay."

Mr. MYERS. My colleague [Mr. WALSH] is necessarily absent. He is paired in his absence with the Senator from New Jersey [Mr. FRELINGHUYSEN]. This announcement may stand for the day.

Mr. FRELINGHUYSEN (after having voted in the negative). Under a misapprehension I transferred my pair to the junior Senator from Idaho [Mr. BRADY]. I understand that he has a pair with the Senator from Mississippi [Mr. VARDAMAN] and that that pair has been observed. Therefore I withdraw my vote.

Mr. BORAH. I desire to announce that my colleague [Mr. BRADY] is absent on account of illness. If he were present he would vote "nay."

Mr. SMITH of Maryland. I desire to announce my pair with the Senator from Vermont [Mr. DILLINGHAM] and the transfer of my pair to the Senator from Texas [Mr. CULBERSON]. I vote "nay."

The result was announced—yeas 35, nays 46, as follows:

YEAS—35.

Ashurst	Hale	Knox	Robinson
Bankhead	Harding	Lodge	Shields
Beckham	Hollis	McKellar	Sutherland
Brandegee	Husting	McLean	Trammell
Calder	James	McNary	Wadsworth
Chamberlain	Johnson, Cal.	Norris	Warren
Colt	Kenyon	Phelan	Weeks
Fernald	King	Pittman	Williams
Fletcher	Kirby	Pomerene	

NAYS—46.

Borah	Kendrick	Ransdell	Smoot
Broussard	La Follette	Reed	Sterling
Cummins	Lewis	Saulsbury	Stone
Curtis	McCumber	Shafroth	Swanson
France	Martin	Sheppard	Thompson
Gore	Myers	Sherman	Tillman
Gronna	Nelson	Simmons	Townsend
Hardwick	New	Smith, Ariz.	Underwood
Hitchcock	Overman	Smith, Ga.	Watson
Johnson, S. Dak.	Page	Smith, Md.	Wolcott
Jones, Wash.	Penrose	Smith, Mich.	
Kellogg	Poindexter	Smith, S. C.	

NOT VOTING—15.

Brady	Frelinghuysen	Hughes	Thomas
Culberson	Gallinger	Jones, N. Mex.	Vardaman
Dillingham	Gerry	Newlands	Walsh
Fall	Goff	Owen	

So Mr. NORRIS's amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Oregon [Mr. CHAMBERLAIN].

Mr. WEEKS. Mr. President, the psychology of this situation is such that I expect the bill will be passed, and I propose to vote for it when it is perfected; but I do so without any anticipation that it will satisfy any considerable number of people, even if the wisest men are to be given control of the legislation. I do not believe that a bill which violates substantially every law of trade with which it comes in contact can possibly be administered to the satisfaction of the people who have been promoting the legislation.

For more than 1,600 years there have been attempts made to regulate the prices of products by governmental action, and they have invariably proved failures, and I suspect will prove a failure in this case. That being the case, I have but little hope of action as a result of this legislation, which will be greatly beneficial, but I am willing to give it a trial. It seems to me there should be something in the bill which will be really beneficial to the people of the United States. For that reason I have introduced as an amendment a proposition for a committee on the conduct of the expenditures of the war. I am addressing the Senate briefly on that subject now, because I suspect, looking at the clock, that I will not have an opportunity to do so if I do not do so now.

When I introduced my resolution providing for a committee on the conduct of the war, nearly three months ago, I did so because I believed that as the war progressed a great many controversial matters would develop and that there should be some vent through which differences arising might be investigated, giving to Congress, the public, and the executive departments accurate information relating to the controversy. I believed then that many disinterested, loyal, and useful men would be attacked for reasons which would not bear investigation and that there would be many cases of inefficiency in the Government service, resulting in waste, extravagance, delay, and even graft, which could be better and more effectively investigated by a legislative committee than by the appointing power or department heads, heavily burdened, as they must necessarily be, with a multitude of important problems. Moreover, it seemed to me there should be some method of bringing about a more complete cooperation between the legislative and executive branches of the Government in promoting the conduct of the war. All of these presumed reasons for such a committee have already developed, although the war from our standpoint is in its infancy and not a single American soldier is yet on the firing line.

It is very natural that this condition should have resulted. When an organization doing a business of a billion dollars annually, as has been the Government of the United States, finds it necessary to increase that business tenfold, and to do so at once, it will necessarily follow that through seniority and for other reasons incompetent men will be found in positions of importance, at least men not competent to direct such a radical and tremendous expansion. Moreover, if every man connected with the Government before the 2d of April had been the best qualified man in the country for the particular position he held, he could not have attended to the numerous new developments which have been forced upon him and have given them reasonable consideration.

There are already before the Senate several resolutions of inquiry—four, at least—relating to important matters of much public concern. If there were no other question than the one relating to the reported differences in the Shipping Board, it would seem to me to be reason enough for providing this committee. Certainly if we are to have a large number of such questions arising, it can not be supposed that Congress, with all its other duties, can properly and promptly treat them. They must be turned over to some committee which can devote itself to such purposes. This morning's papers indicate the acuteness of the shipping situation. The real facts are not given to the public, which will be slow to ascribe prejudicial reasons to a man of Gen. Goethals's great accomplishments, and which will be quick to ascribe them to a man of no accomplishments in this particular field of activity. As far as we know, the controversy largely relates to the price for steel, and it is said that there has been a delay of something like three months in making contracts for ships—and largely for this reason—although practically 10,000 tons of shipping is being sunk daily. Everyone knows that the transportation question at sea and within our borders is the most important and pressing question with which we have to deal.

No one wishes to have the Government imposed upon in the purchase of material; and yet, in the case of steel, the taxes which will be received from the great companies furnishing most of this product—corporation taxes, excess profits taxes, and income taxes—will probably aggregate for this year substantially two-thirds of the profits of those companies, so that the price can not cut a very important figure, whether it is a few dollars higher or lower a ton. The higher the price the larger the revenue the Government will receive; but whatever may be the difference—and on that we are not informed—I believe that the President long ago should have insisted that action be taken. Every man who is doing his utmost to assist in the successful prosecution of the war has a right to know why this most important activity has been allowed to drift along, delaying most of our military requirements. But this is only one of the several matters which are already being agitated in the public press.

Mr. President, let me read to the Senate a few extracts from an article written by William Hard, a well-known writer on current events, appearing in a recent number of the New Republic, which express very clearly a sentiment which is rapidly spreading throughout the country. In discussing what he terms the "lack of unity" at Washington Mr. Hard says:

> The need is acute and instant for a massing of leaders of all political elements into the Government in some such fashion as will enable them to transmit to their followers, with authority and success, the full meaning of the administration's purposes and the full spirit of its actions. * * *
>
> We have a Council of National Defense. But when Mr. Denman thinks one thing about ships and Gen. Goethals thinks another they go running alternately to the White House to find out what our national policy about ships may, after all, be. It is developed only through assaults on the White House succeeding riots in the newspapers and brainstorms in the shipyards.
>
> We have a Council of National Defense. It has a committee on coal production. But the Council of National Defense has no national policy about coal. A member of the council, Mr. Lane, ventures at last to do something. The committee on coal production ventures also to do something. The price of coal for everybody in the United States is lowered.

It is lowered enough to satisfy Mr. Lane's desire for a full measure of immediate practical relief. It is not lowered enough to satisfy * * * Mr. Baker. The coal policy of Mr. Lane is one thing; the coal policy of Mr. Baker is another. The coal policy of the Council of National Defense (and therefore of the Cabinet) is nothing.

Politically he (the President) needs, somehow, in some manner consistent with our native politics, a "coalition." Administratively he needs an authoritative defense or war council. The "coalition" would bind the Nation together. The council would bind Gen. Goethals and Mr. Denman and Mr. Baker and Mr. Lane and Mr. Baruch and all our other administrators together by policies determined compositely beforehand and then enforced throughout all departments and committees harmoniously.

That comes from a friendly source to the administration.

Some time ago the President called to Washington a large number of the ablest business men of the country, who have, I think, performed very unusual and disinterested public service. There can be no question of either their ability, disinterestedness, or desire to perform patriotic duty. I do not believe they came here for the purpose of improving their own personal fortunes or for any other than patriotic reasons; and yet, we have already seen many of them held up to attack for reasons—whatever may be the technical conduct which should obtain in ordinary times—which, when investigated, are easily explainable and which may be excused under the extraordinary conditions now obtaining.

No reasonable man can make objection to the provisions of the adopted amendment relating to interest in the purchase, and the creation of the committee I propose will, perhaps, remove the possibility of such criticism in the future; but it is most unfortunate that men who have during their entire lives been instrumental in public accomplishments and private successes, largely through their ability and integrity, should be pilloried before the public as being engaged in actions grazing the very edge of dishonesty and collusion. Such charges against such men should be probed at once and the facts given to the public, and that would be done by this committee.

Congress has already appropriated substantially twice as much as the cost of the Civil War, and there are pending, or will be shortly, bills which will make these appropriations substantially three times the cost of the Civil War. We are getting in the habit of talking billions and are not inclined to consider amounts and methods which are not varied from in ordinary times. Most of this money has been appropriated without careful examination by Congress and in such manner that its expenditure is largely left to the discretion of the executive departments. Very largely these expenditures will be made by the Departments of War and Navy under the direction of the President. Of course, it will be impossible for the President or the Secretaries of those departments to give proper attention to the details of these expenditures or to prevent much of the waste and even actual corruption which may result. It is no reflection upon them or upon anyone else, nor is it so intended; but it is patent to everyone that Washington is alive with those who have axes to grind, and to prevent the Government being imposed upon is no ordinary task. This difficulty can be modified and quite likely entirely prevented if the different branches of the Government are brought into active cooperation.

A similar policy to the one I propose has been followed in every European country, and, to a degree, the executives of the allied countries have become subordinate to the direct representatives of the people Most of the important matters relating to the conduct of the war in Europe are being directed by committees having large and comprehensive powers, very much greater powers than it is proposed to confer on the committee which this amendment provides. It should be our purpose to coordinate activities of every form, and very largely this has been done in many States and municipalities in matters relating to all forces of defense—men, munitions, fuel, and transportation. This coordination should be extended to the National Government. It is not enough, and will not be so considered by the people when they understand it, to have legislation prepared by executive departments, brought to the Capitol, with the expectation that it will be adopted forthwith, unless the legislative branch of the Government is to have some control or some part in the expenditure of these appropriations and the conduct of the activities of the Government. Unless this provision is made the legislative branch of the Government becomes a mere registering machine; and it is a most unfortunate condition in which to place the country, for any suggestion of a modification or an expression of disapproval of legislation which comes to Congress in the way described is going to be charged to partisanship or unpatriotic conduct.

By taking this action, Congress will be following practically the course taken during the Civil War. The legislation providing for a committee on the conduct of the war was at that time introduced by Thaddeus Stevens, then the chairman of the Ways and Means Committee and a leader of the dominant party, who was entirely in sympathy with the President and the administration. Certainly he could not have been accused of attempting to embarrass the administration with which he was entirely in sympathy; and I might say here that while it has been suggested that a provision for such a committee may be, and was, possibly, intended to embarrass the administration, there is absolutely no basis for any such charge. The minority party in Congress have sustained the administration at every point where it was possible to do so, and it is an insult to them and those they represent to suggest that there is any desire to embarrass the administration or to do anything else than promote the active and efficient conduct of the war.

Mr. Stevens, in presenting the resolution providing for the creation of a committee on the conduct of the war, in 1862, said:

Has it come to this, that Congress is a mere automaton to register the decrees of another power, and that we have nothing to do but find men and money? That is the doctrine of despotism.

Not only did Mr. Stevens take the position I have indicated, but Senator Fessenden, of Maine, said on the same subject:

I think it is a gentle hint which is necessary at this time, that the representatives of the people who are carrying on this war deem it their duty to keep a watchful eye over the proceedings of executive agents, whatever they may be called and whatever may be their position.

As a result of this action a bill providing for such a committee passed the Senate without opposition and the House with only one or two dissenting votes. It is true that the first idea relating to this committee originated as a result of various military disasters about which Congress wished information, but later it was directed to inquire into "the conduct and the expenditures" incident to the war, and especially to concern itself with "all facts and circumstances of contracts and agreements." The activities of the committee were set forth at great length and the following paragraph in a report on the Army of the Potomac indicates some of its work:

Your committee * * * concluded that they could best perform their duty by endeavoring to obtain such information in respect to the conduct of the war as would best enable them to advise what mistakes had been made in the past, and the proper course to be pursued in the future; to obtain such information as the many laborious duties of the President and his Cabinet prevented them from acquiring, and to lay it before them with such recommendations and suggestions as seemed to be most imperatively demanded; and the journal of proceedings of your committee show that for a long time they were in constant communication with the President and his Cabinet, and neglected no opportunity of at once laying before them the information acquired by them in the course of their investigations.

If this committee is authorized, it should be bipartisan in a real sense, made up of competent men of both parties, men who will be sure to deal with questions coming before them in a patriotic way, without prejudice, and along lines of the most approved business methods. If this is done, it will light up the twilight zone between the executive and legislative branches of the Government, and we will be able to exert all of our powers and all of our resources to bring the war to a successful termination. It is simply a mobilization of the political power of the country, and this may be absolutely essential to bring about the best results.

Those who fail to support this amendment must take the responsibility of preventing the adoption of a suitable means of adjusting many of the difficulties arising out of the war. I believe they will regret their action as the war progresses.

The PRESIDING OFFICER. The time of the Senator from Massachusetts has expired.

Mr. FRELINGHUYSEN and Mr. BRANDEGEE addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. FRELINGHUYSEN. May I inquire of the Senator from Connecticut whether he wishes to speak on this amendment? If so, I will yield to him.

Mr. BRANDEGEE. No; it makes no difference.

Mr. FRELINGHUYSEN. Mr. President, the people of my State are deeply interested in this legislation and I want to take the time of the Senate for a few minutes to explain my position on the bill.

Mr. President, one fact has strongly impressed me during the prolonged and interesting debate upon this bill. Many Senators have seemed to emphasize the thought that the interests of a single class were to be considered in the legislation under consideration, namely, the farmers.

Now, Mr. President, no Senator on this floor will go further than will I in safeguarding the agriculturists of America.

Furthermore, I am now and for years have been president of the State Board of Agriculture of New Jersey and am a member of the grange, and my association with the farmers of my State has been intimate and cordial.

I believe that this measure, in the event of its enactment, properly amended, will help the farmers of America, and in no small degree will support it for that reason.

But, Mr. President, I do not think that any particular class should be given special consideration in this bill. This is not class legislation. This is not a time to talk of classes, any more than it is a time to talk of sections.

Those whose interests are to be subserved and conserved by this bill, as I understand it, are the 110,000,000 who make up our entire citizenship. In other words, it is the individual consumer multiplied by 110,000,000 whose material interests we have in view, and which we are aiming to protect by the enactment into law of the measure now pending.

Another fact, Mr. President, which has strongly impressed itself upon me, as I have listened to this debate, has been the readiness with which subsidiary and immaterial issues have been raised to the exclusion of the vital one—the salvation of the Republic and of democracy in the world at large.

We read in the Scriptures of the blind man who was healed by the Savior of men, and who, when interrogated by the enemies of the Christ as to the methods employed in the restoration of his sight, replied:

This one thing I know, whereas I was blind, now I see.

That answer has always appealed to me. This man did not enter into details. He did not quibble. He cared nothing for side issues. One thought alone impressed itself upon his mind, that whereas had been blind, now he saw.

So far as concerns this or any other measure to come before this Senate, I shall support it or oppose it from a single viewpoint. "This one thing I know," America is facing the most ominous crisis in its history, and must fight desperately to win its battle for civilization.

In a little pamphlet before me I find this story:

In one of the darkest periods of the Civil War Mr. C. C. Bond, a Chicago lawyer of high character and a friend of President Lincoln, being in Washington, called upon the President. Immediately after the greeting the latter said, "Tell me, what do the people in Illinois say about this war?" Mr. Bond replied:

"Mr. President, you remember the American House at Ottawa?" (The Supreme Court of Illinois then held sessions at Ottawa.) "I was down there last week and in the hotel office found people in groups discussing the war. I approached one group where a man was gesticulating and talking in a loud voice about gold being 210 and the country going to the devil. I saw a young man with an eager, intelligent face turn on the speaker and say, 'Gold! What do you know about gold? I don't believe you ever saw any; I don't believe you have got a dollar on you now. To hell with gold! Pitch in and help win this war, and save the country!' Mr. President, I think that is about the way the people of Illinois feel."

This one thing I know, Mr. President, every patriotic American should pitch in and help win this war and save the country. And that, as I understand it, is the aim of this bill, and for that reason I shall give it my vote.

Do not let us spend so much time picking flaws in bills. Do not let us devote our energies so greatly to criticism of this measure or that, or this official or that. Let us admit that there are faults in legislation and errors in administration, but let us press on toward the goal set before us, the winning of this war and the salvation of the world.

Fort Sumter was fired on April 12, 1861, and the Nation was at war, yet Congress was not convened by President Lincoln till July 4. But that great man was not idle. He had done extraordinary things in the meanwhile, many of which were denounced as usurpatory. Thus Nicolay and Hay write:

Congress also legalized such of President Lincoln's war measures as had been taken without sanction of express law. * * * On the third day of the session a joint resolution was introduced in the Senate reciting the measures of extraordinary exigency, namely, the first call of the militia, the blockade, the call for three-year volunteers, the increase of the Regular Army and Navy, and the suspension of the privilege of the writ of habeas corpus, and declaring these several acts legal and valid.

That is the way President Lincoln faced the issue of war in 1861.

Mr. President, the Chief Magistrate of the Nation having called his countrymen to arms that the Ark of the Covenant of our liberties might not be crushed under the juggernaut of the junkers, let us give no backward glance; but with the zeal of the heroes of old, the cross-bearers, the palm-bearers, the armor-bearers of ancient times, let us rally to the support of the Commander in Chief of our Army and Navy and hold up his sword hand until the coming of a new day.

In a time of great national peril, when the destinies of the Republic are involved, I will follow a leader whose feet are on the solid rock of eternal justice and whose stride is that of a strong-hearted, wide-awake American, aiming at a definite goal. Nor do I care one whit what his party affiliations may have been in the past nor what ticket he may have voted last year or may vote a year hence.

The President having taken his stand for the sublimest principles which can actuate the human mind, and having evinced a determination to remain steadfast and immovable until the freedom of the world from Prussian autocracy is assured, I have no difficulty in taking my place beside him until the great struggle is won.

The time has come, Mr. President, to enact some such drastic food law as this, to confer the plenary power embraced therein. To a very large extent the law will enforce itself, and many of those agencies which have been operating in a manner prejudicial to the interests of the United States and its people will at once take pause and adjust themselves to the new order of things. Those who persist in running counter to the public welfare should be taken by the throat and forced into subjection.

I repeat, Mr. President, the time has arrived when we should take action not only upon the pending measure but upon all others deemed necessary by the executive branch of the Government in furtherance of its plans to carry on the war. In my opinion, the loss of a hundred million dollars, more or less, is of infinitely minor consequence compared with the loss of a hundred days.

As I have already stated, Congress was called together by President Lincoln July 4, 1861, three months after the war had been in progress. The session lasted one month, adjournment taking place August 6. During that period 60 general bills were passed, nearly all war measures, over two a day, omitting Sundays. On one day—July 31—eight bills were passed; on another day—August 5—11 became laws.

Let us profit by the example of our predecessors of 56 years ago.

We are in a state of war, grinding, crushing war, and war methods, yes, revolutionary methods, are imperative to an adequate and successful prosecution of the war. It is the mailed fist, and not the gloved hand, that must wield the sword.

It is not a time to discuss academic questions, to split hairs; It is not a period for finely spun theories of the doctrinaire or the scholastic.

When a tiger is at your throat, you do not stop to deliberate upon what weapons you may lawfully employ to slay him. When a madman leaps upon you, you do not go into executive session to decide with what form of diplomacy you will ward off his attack.

The giant tiger of Prussianism is awaiting his prey. The vulture of the Rhine is ready to swoop from the air upon his victim. The Hohenzollern sea dragon has already taken his toll.

Cruel are the claws of the German monster fixed upon the breast of civilization. Blow after blow has been rained upon him by the allies, by our allies, but the hideous beast maintains his strangle hold.

It is written upon the pages of fate, in letters of enduring light: "America, to you is given the commission, the command, to deal the finishing stroke to this brutish enemy of the human race, to drive him to his lair." Only thus can civilization be saved from a return to the days of long ago, when might made a servant of right, when arrogance made a subject of innocence, and the law of the jungle dominated the universe.

We are living in a great age. The deeds of to-day we shall dwell upon with our children and our children's children. And what is the story we shall tell of America's participancy in this epoch-making crisis?

It is my belief that America's place in future history will be a glorious one. Not from any deed thus far accomplished, but by reason of the fact that to us has been assigned the task of ending the greatest war of all time. And this task we will surely perform, with all the ardor, intelligence, and efficiency of a free and enlightened democracy, committed to the highest ideals of citizenship and consecrated to the uplift of humanity in all its phases.

With what remarkable prescience did England's great editor, Lord Northcliffe, writing two years ago for an American periodical, foreshadow the entrance of the United States into the pending conflict. He said:

If the United States shall be goaded into this struggle she will see it through in the same way as on previous occasions. She will spare neither men nor money in that part of the struggle which she undertakes. She will show to the Germans that behind the fine American business brain is a soul that, as in the past, does not hesitate at the sacrifice of blood for the preservation of great ideals. If the Americans enter the war it will be with no sordid motive, with no idea of the acquisition of territory but for the noble purpose of gaining freedom for those who are downtrodden and of showing to the world that citizenship of the United States is as inviolable as was that of Rome.

To maintain these principles, to sustain the Government which is zealously striving to carry them into effect, to promote the success on land and sea of our valiant brothers in

arms, to secure the solidity and solidarity of our domestic economy and the equipment of our home toilers for their part in the great struggle, I am in favor of vesting in the President full control over the material resources of the Nation.

Mr. STERLING obtained the floor.

Mr. McCUMBER. I wish to give notice at this time that I reserve the right to reoffer the amendment which I offered on page 10, in line 22, after the bill gets into the Senate.

Mr. TILLMAN. Mr. President——

The VICE PRESIDENT. The Senator from South Dakota [Mr. STERLING] has the floor.

Mr. STERLING. I ask for the reading of the substitutes which I have offered to section 12.

The VICE PRESIDENT. The Secretary will read as requested.

The SECRETARY. It is proposed to strike out section 12 and in lieu of the words proposed to be inserted by the amendment of the Senator from Oregon to insert:

SEC. 12. That whenever, during the continuance of the war, the President shall find that an emergency exists requiring stimulation of the production of any nonperishable agricultural products produced within the United States, in order to stimulate the production of such products, he is authorized, from time to time, seasonably and as far in advance of seeding time as practicable, to determine what, under specified conditions, is a reasonable price for any such products, in order to assure such producers a reasonable profit, thereupon, if the President finds that the importation into the United States of any such products produced outside of the United States seriously interferes or is likely seriously to interfere with the obtaining by such producers within the United States of the reasonable price therefor determined pursuant to this section and shall so proclaim, there shall be levied, collected, and paid a rate of duty upon the products so imported, the amount of which rate of duty shall be ascertained and proclaimed by the President, which amount shall, when added to the value of the product at the time it is offered for entry, be sufficient to bring the prices thereof at which imported up to the reasonable price which shall have been fixed therefor pursuant to this section; but in no case shall any such rate of duty be fixed at an amount which will effect a reduction of the rate of duty upon any such products under any then existing tariff laws of the United States: *Provided*, That in order to further stimulate the production of wheat, the board of food administration herein provided for is authorized to devise and put in operation a plan for the awarding of Government prizes or bonuses for the best crop or crops of wheat, quantity and quality both considered, which may be grown on any specified area to be designated by said board. That in devising and carrying out such plan said board shall, so far as possible, advise and cooperate with the several State and county authorities in the wheat-growing sections of the United States, including State, district, and county agricultural associations. That for the purpose of carrying out these provisions the sum of $1,000,000 of the amount herein appropriated shall be available.

Mr. TILLMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from South Carolina?

Mr. TILLMAN. Does the Senator from South Dakota wish to speak?

Mr. STERLING. Yes, sir; I desire to speak on a substitute I have offered.

Mr. TILLMAN. I have an amendment pending upon which I want to speak about five minutes.

Mr. STERLING. I expect to occupy the floor, Mr. President, for a few moments.

Mr. President, I realize that I have not sufficient time in which properly to present the reasons for the substitute for section 12 which I have offered, but in view of the discussion this morning in regard to price fixing, the uncertainty of the situation in regard to it, the opposition expressed by many Senators to any price fixing at all, and the misgivings expressed by others, I hope that the substitute I have offered may have the consideration of Senators.

Let me say that the principal difference between the substitute offered by myself to section 12 as it now is lies in this, namely, that the President may first determine what is a reasonable price. In that respect the terms of the substitute are practically the same as section 12 of the original bill and as now presented by the Senator from Oregon; but, instead of providing for a guaranty of any minimum price, the substitute provides that a reasonable price having been determined by the President, that shall be the guide in determining whether or not he shall impose or increase the rate of duty upon any nonperishable agricultural product affected by the bill. That is the sole purpose of the substitute, so far as the determination of price is concerned. It gives no guaranty of price, but authorizes the President to determine at any time what shall be a reasonable price in order that he may be governed thereby in fixing the rate of duty.

Apropos of that, Mr. President, let me say that when the duty was taken off corn as the result of the tariff act of 1913, we had the report that from ten to twelve million bushels of Argentine corn had been shipped into the United States, with the result that the price of corn, according to the testimony of experts, men from the boards of trade and chambers of commerce, was depressed to the extent of 10 to 12 cents a bushel. To prevent a situation like that, the President would invoke the provisions of this substitute in fixing a rate of duty that would prevent the importation of corn or wheat which would come in unfair competition with American corn or wheat.

Mr. President, in regard to the general proposition of fixing prices, I am opposed to it. I do not believe there is any necessity for it. I think the situation is such, and will be such during the entire year of 1918, and until the 1st of January, 1919, that the farmer will be receiving a fair, just, and adequate price for his wheat and corn, and that there is absolutely no necessity here for fixing a price, minimum or otherwise.

It has been urged, Mr. President, that a price would be virtually fixed by the food administrator or by the board in its supervision of purchases of grain made by or for the allies and in preventing competition between them; but the demand for home consumption, with the demands of our allies, will remain the same; and all that the board of control will do in that regard—and that, I think, will be a beneficial thing—will be, not to materially reduce or depress the price, but to regulate, to prevent extreme fluctuations of the market, and that there will be no general or marked reduction of prices because of the action of the board of control. The law of supply and demand will in the main control.

Mr. TILLMAN and Mr. LA FOLLETTE addressed the Chair.

Mr. STERLING. Mr. President, I have the floor, I will say to the Senators.

Mr. LA FOLLETTE. I have discovered that the Senator from South Dakota has the floor.

Mr. TILLMAN. There are only 10 minutes left in which any Senator can occupy the floor before we will have to begin voting under the unanimous-consent agreement.

Mr. STERLING. I regret, Mr. President, I can not yield just yet. I have waited all day for the opportunity to present this substitute. I quote Mr. Hoover in regard to the demand abroad. He said, at the hearings before the Committee on Agriculture:

Taking the situation by and large, the allies, in order to provide the minimum bread rations which they are now giving to their people, which is a great reduction on the normal consumption, and making a rough calculation as to the harvest, will require over 500,000,000 bushels of wheat at the next harvest.

Senator SMITH of Georgia. From us?

Mr. HOOVER. From America—from all quarters, in addition to their own harvest.

Mr. President, the farmer asks only for what is fair. He does not want the earth. His old shibboleth was "Equal rights for all, special privilege for none," and on this he stands to-day. He is satisfied with the price he is now receiving for his wheat. He has discernment and judgment enough to know the causes, and he knows that the same causes will in the main continue through the war. They are inevitable. The prices he has been receiving and will in all probability receive are and will be commensurate with the higher cost of farm labor and with any additional expenses incurred in his farming operations by reason of the war. He, of course, will want to be relieved from any malign influence that would set aside the law of supply and demand and unduly depress the price. On the other hand, he has such sense of justice, such patriotism, such interest in the welfare of his kind that he would not countenance that speculation or evil practice which would mean an oppressive price.

And against all this, Mr. President, we are guarding. We have already guarded against it to some extent in the antitrust law, in the Federal Trade Commission law, and in section 4 of the pending bill we are making ample provision to prohibit every evil practice in the buying, selling, and handling of grain. So the farmer will rest content with the prices he will receive as a result of conditions as they are bound to exist for the next year, or two years.

Mr. President, if this bill as it now stands has been framed by a few leaders, as they have been called, rather than in committee, I am free to say that in attempting to fix a price they have ignored the wishes of the farmers, for from all reports I have—and in my limited time I will just read one—if the farmer is not to be protected by the regulation of the prices of the things he buys and which are immediately necessary for the production of what he raises on the farm, he is opposed to the fixing of any price. This is the communication to which I refer:

CLARK, S. DAK., *July 17, 1917.*

Be it resolved by the stockholders of the Clark County Farmers Elevator Company——

And they are all farmers, Mr. President—

in annual meeting assembled, That we protest against the proposed fixing and regulating of the prices on farm products unless provision is also made to fix and regulate the prices on all things that the farmer buys.

The above resolution was adopted by a unanimous vote.

H. L. KLOSTER, *Secretary.*

I regret the expiration of my time prevents any discussion at all of the other feature of my substitute.

Mr. TILLMAN and Mr. LA FOLLETTE addressed the Chair.

The VICE PRESIDENT. The Senator from South Carolina is recognized.

Mr. TILLMAN. Mr. President, owing to the condition in which the Senate now finds itself, I desire to say a few words in regard to the amendment which I have offered, and which I shall later ask to have read.

The amendment to which I have reference has already passed the Senate as a joint resolution by a vote of 52 to 8. It ought to be adopted as an amendment to this bill by unanimous vote, for these reasons: Fertilizers are necessary in a large part of the South to make corn or cotton either. Soils once fertile have been worn out and washed away by bad farming, and the boll weevil, starting in Texas, has traveled eastward until it has reached middle Georgia and is already getting ready to cross the Savannah River from Georgia into South Carolina. Southern farmers in the older States have to have fertilizers to make any kind of a paying crop, and the most important ingredient in our fertilizers is ammonia or nitrogen. They are the same thing under different chemical conditions. Cottonseed meal, dried blood, and tankage, and nitrate of soda supply these two vitally necessary ingredients. The price of all four are now nearly prohibitive, and nitrate of soda can not be had in sufficient quantity at any price. This amendment merely authorizes the President to buy or procure, in whatever way he thinks best, ships and send to Chile for the nitrate. These ships could carry coal as far as Panama and deposit it there, unload, pass through the canal, and in a short time reach Chile, load with nitrate, and come on back, thus having a load both ways, reducing the cost to a minimum.

The amendment does not enlarge anybody's power; it does not make any assault upon the Constitution or change it. It merely authorizes the President to use $10,000,000 to obtain the soda and sell it to farmers for "cash in advance at cost."

The amendment is so simple, so clear in its provisions, that it ought not to excite any debate, and every Senator in this Chamber ought to vote for it. If I were to talk two hours, I could not say more, and I have long since learned in making speeches when I can not say anything worth while or new to stop.

Mr. LA FOLLETTE. Mr. President, the people of this country must have bread; the people of this country must have fuel. There will be trouble in the United States if conditions deny to the people either food or fuel.

Mr. President, I telegraphed all of the cities of Wisconsin on the lake shore from Chicago clear around to Superior to find the percentage of coal they now have on hand as compared with what they had on hand at the same time one year ago and two years ago; and in reply I have telegrams, some of which show the present supply to be but 10 per cent of what was on hand a year ago.

There is a reason for this shortage. The coal companies, when called upon to answer as to the limited amount of fuel they were furnishing, said it was due to the lack of transportation, and laid the blame on the railroads. The governor of Indiana disclosed that it was not the fault of the railroads, for when the limitations on the coal cars, for which the railroads were perhaps responsible in the first instance, had been removed, still the coal companies would not furnish coal except at extortionate prices.

Gov. Goodrich, of Indiana, appeared before the Interstate Commerce Committee of the Senate and testified that, exercising the powers of their State commission, they took charge of the coal cars of all the railroads of that State and absolutely placed them at the disposition of the coal companies of the State. That action resulted in furnishing absolutely perfect conditions for transportation; but it did not lower the price of fuel one single cent to the consumer. The coal companies are charging more than double what they ought to charge, as shown by the testimony taken by the Interstate Commerce Committee of the Senate and by the Federal Trade Commission of the United States, which, with the permission of the Senate, I shall insert in the RECORD:

The production of bituminous coal for the first two months of the coal year of 1917 (April and May) has shown a large increase, but not nearly so large as the increase in industrial consumption, and not nearly so large as the possible and economical output of mines already opened and in partial operation.

The present production of bituminous coal, the country over, is about 40 per cent short of the possible maximum, and this limitation is solely to be charged, as to primary cause, to faulty rail transportation. The present demand for coal is unprecedented, but the mines now open are capable of filling this demand if adequate car supply is furnished. * * *

The commission believes that there are enough coal cars in the country, but that there are not enough coal cars delivered to the mines, and that, an inadequate supply having been delivered to the mines and loaded, these cars are not moved to the point of consumption either with the greatest of expedition nor are they promptly discharged upon their arrival at their destination.

The commission has much testimony of widespread abuse in the use of coal cars by speculators for the storage of coal for speculative purposes, and that the practice of reconsignment is wasteful and a cause of delay and market manipulation.

The commission finds that coal is not sent to the point of consumption by the most direct route, and that coal cars are being used for transportation of many other sorts of product. * * *

Experience has shown that, in the United States, the normal balance in transportation which brings about a maximum of production with maximum economy, occurs when out of every 100 tons of originating freight approximately 56 tons are unmanufactured mineral products and 44 are manufactured products, foodstuffs, and other commodities, and when of the 56 tons of mineral products 35 tons are coal. Of these 35 tons of coal the railroads themselves consume about 12 tons.

The present balance of transportation is a great reduction in the proportion of the cars furnished for the transportation of coal. The railroads, however, are consuming their full quota of coal, so that while under favorable and natural conditions 35 tons of coal would be moved out of each 100 tons of freight, there is now being moved very much less coal. The entire coal shortage is thrown upon the industries of the country and the domestic users, who, instead of having a coal supply equal to two-thirds of the total coal movement, are reduced to a small and continually diminishing ratio, and this in a time when every effort is being made to stimulate the industrial effectiveness of the Nation.

The commission believes that the coal industry is paralyzing the industries of the country, and that the coal industry itself is paralyzed by the failure of transportation.

Speaking of the situation that confronts the country with respect to coal, the commission said:

On the Great Lakes it was the custom for ships which carried grain and ore down the Lakes to carry cargoes of coal up to the Northwest. During the summer of 1916 many ships which brought down ore and wheat went up the Lakes in water ballast, taking no coal. Thus they made three round trips, earning high rates on freight one way during the same time that would have been consumed in making two round trips carrying cargoes both ways. This practice was pronounced in the late summer and autumn of 1916, and the result was so serious that when navigation opened this spring the Northwest was facing an actual coal famine. This evil condition has already begun this year, and if persisted in the coal famine which threatened that part of the country in the winter of 1916–17 will be an actual coal famine in the winter of 1917–18. * * *

Our predecessors in this world war have had to solve the fuel problem, which lies at the base of every military and industrial activity. They have tried various experiments, and their failures and successes may well guide us in our search for a solution. In England the Government took complete control of the coal mines after less radical methods of regulation failed. The French Government has divided France into three coal zones in order to equalize distribution, and the Government becomes the sole vendor. On May 2, 1917, the Russian provisional Government took over all the coal mines of that country with a view to control coal distribution and prices. Soon after the outbreak of the war Germany took measures to still further centralize and control the whole coal industry of the Empire under Government administration. The Italian Government imports all the coal brought into the country and acts as a clearing house for its distribution.

All the nations at war have relieved coal miners from military duty, urging that their greatest service to the State can be performed by remaining at their regular employment. Already, in this country the ranks of the miners are being seriously depleted by enlistment. * * *

If the producer at each mine were paid his full cost of production, with allowance for depletion, maintenance, upkeep, and all the usual items, and to this were added a fixed and uniform net profit per ton, with due regard to quality, the coal thus produced at widely varying costs, if pooled, could be sold through the Government at an average and uniform price, quality considered, which would be entirely tolerable to the consuming public, and a price much lower than could be fixed if an effort were made to fix a uniform price to the producer. * * *

The pooling of coal in the hands of a Government agency would still be ineffective either as to distribution or as to the promotion of a maximum of production unless similar control extended over all means of transportation, both rail and water, and to meet this the pooling of railroads and boat lines is clearly indicated. The railroads of the country, if operated as a unit and on Government account, could be used to transport coal and other products by the most direct route to their points of destination, and the efficiency of the roads themselves and of existing rolling stock and of motive power would be vastly increased.

Mr. President, there are just two solutions for this situation, and they have been presented in the amendment, the joint composition of the Senator from Iowa [Mr. CUMMINS] and the Senator from Ohio [Mr. POMERENE], authorizing the Government to take the coal at the mouth of the mine and to distribute it from that point on—not to sell it, but to say to the dealers "You shall have coal at a definite price"—that may be interpreted as selling—"but you shall have coal to sell at a reasonable profit, the same profit which you were getting in normal times, if you will sell it to the consumers for that profit; but if you do not, you shall have no coal at all." And to say to the producers of coal at the mouth of the mine, "We will give you all that it costs to produce the coal in these times, with increased wages of labor figured in, but you shall have only a fair profit above that."

Mr. President, fuel is a prime necessity. I am speaking upon this amendment because there will be no opportunity under the unanimous-consent agreement to say a word in regard to it when the time comes to vote upon it; but, Senators, there is nothing more important in this bill.

I have telegrams from all the lake-shore cities which indicate trouble in this country that can not be avoided if the conditions that now exist are not met by legislation which will correct them. I can not go into the argument or the reasons for it, but I appeal to Senators here to support the amendment offered by the Senator from Ohio, which is the consummation of months of investigation by the Trade Commission and of weeks of investigation by the Committee on Interstate Commerce of the Senate, and is, let me say to the Senate, the best solution, in the judgment of the members of the committee, that can be made of this troublesome question. If we do not solve it now, trouble will come to this country.

I ask leave to print, in connection with my remarks, a statement as to the efforts of the Illinois coal committee, basing its action upon the effort of the Peabody Committee of the Council of Defense, to extort from Wisconsin coal consumers twice the amount of money that they are fairly entitled to, as shown by all the testimony.

I also ask leave to print in connection with my remarks certain testimony given before the Interstate Commerce Committee—certain telegrams and letters which I have received on this subject.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

[Telegram.]

MADISON, WIS., *July 12, 1917.*

Hon. NEWTON D. BAKER,
National Chairman Council of Defense and Secretary of War, Washington, D. C.:

Illinois coal operators are canvassing and circulating Wisconsin dealers quoting prices of $3.50 to $4 per ton at mine, stating that this is based on recommendations of Secretary Lane, Gov. Fort, and committee of National Defense Council; same coal last year, $1.45. Copy of circular mailed to-day.

MAGNUS SWENSON,
Chairman Wisconsin State Council of Defense.

—

JULY 12, 1917.

Hon. NEWTON D. BAKER,
Chairman Council of National Defense, Washington, D. C.

DEAR SIR: We have just wired you as per inclosed copy, and we also inclose circular referred to in the telegram.

These circulars are distributed by the coal operators of Illinois in Wisconsin, with urgent requests on the part of their traveling agents to buy at these prices. The coal dealers are led to believe that these prices are fixed by Government officials and will therefore be permanent. One coal dealer here who gave us the circular informs us that he paid for the washed coal now quoted at $3.50 to $4, $1.45 per ton at the mine last year.

From the information which we have received from the Council of National Defense, we note that there is no such agreement, but, nevertheless, the public are led to believe that such an agreement has been made in spite of your published letter to the contrary.

We are much gratified at the position taken by our President in his address yesterday, but believe that some drastic action is necessary immediately, and the fact that no such agreement exists should be given wide publicity.

Very truly, yours,

STATE COUNCIL OF DEFENSE,
By MAGNUS SWENSON,
Chairman.

—

ILLINOIS COAL PRICES.

CHICAGO, *July 2, 1917.*

To Illinois operators:

Secretary of the Interior Franklin K. Lane, Gov. J. F. Fort, of the Federal Trade Commission, and the coal production committee of the National Defense Council, in a conference held at Washington, D. C., June 26 to 28, inclusive, having heard the statements of coal operators of the country regarding production costs and the conditions now surrounding that industry, recommended the following maximum prices for Illinois, to which the special committee of seven Illinois operators assented:

Mine-run 2-inch, 1¼-inch, 1½-inch, and ¾-inch screenings, Nos. 4 and 5	$2.75
Domestic sizes below indicated (or any combination of these sizes greater than coal passing through a 1½-inch round perforation)	3.50

Lump, 1¾ to 6 inches.
Furnace, 6 by 3 inches.
Small egg, 3 by 2 inches.
Stove, 2 by 1¼ inches.
Domestic chestnut, 7¼ inches by ¾ inch.
All per net ton of 2,000 pounds f. o. b. mines delivery.
The following districts were recommended for special consideration:
Thin Vein North Field, account of high production costs, 50 per cent higher maximum.
Assumption Coal Mining Co., same as above.
Jackson County No. 2, seam, same as above.
There are a few other single mines, of small tonnage, at several points within the State whose claim to higher returns was considered but whose exact status has not been established.
It is understood that a price of 50 cents per ton below the above figures will in every instance be protected to the Government on all their purchases from all fields, subject to adjustment after a more complete investigation of costs.
The maximum commission allowed jobbers, 25 cents per ton.

ILLINOIS COAL OPERATORS' ASSOCIATION,
E. T. BENT, *President.*
COAL OPERATORS' ASSOCIATION (FIFTH AND NINTH DISTRICTS),
THOS. T. BREWSTER, *President.*
CENTRAL ILLINOIS COAL OPERATORS' ASSOCIATION,
H. C. ADAMS, *President.*

—

PEOPLE'S POWER LEAGUE OF ILLINOIS,
Chicago, July 19, 1917.

COPY OF LETTER SENT TO GOV. LOWDEN BY PEOPLE'S POWER LEAGUE OF ILLINOIS.

DEAR SIR: The price of coal at the mine last year was approximately $1 per ton. It does not require an investigation to establish this. You, yourself, are doubtless familiar with the average price paid during 1916 by the Pullman Railroad, which was $1.98 per ton, including transportation.

Nor can this fact be uknown to the State defense council. Many of the members of that body are officers, directors, or stockholders of companies which have made sworn statements as to average coal prices paid by them last year. For your information we append such a list. These prices include freight. By subtracting carrying charges, you can readily verify our statement that the average price last year was about $1 per ton at the mine.

To-day the people of the State are asked prices for coal based upon a mine-mouth price of $2.75 or greater. The labor cost has increased 10 cents per ton in the meantime. Ten cents per ton is a fair profit in normal times. Is it not evident that profits have risen 1,500 per cent while wages have risen 15 per cent?

Can such problems be dealt with by persons who are themselves receiving the profits? The presence of Mr. Francis S. Peabody (himself a beneficiary) on the National Defense Board has already done serious damage to the industrial processes of the country. The use of official power to protect private privileges at a time like this so as to cripple industry is doubly dangerous. The prosecution of the war is dependent upon underlying industrial processes. Hence interference with these processes is equivalent to aiding the armed forces of the enemy.

We desire to point out that a similar condition exists in the State defense council. Many of its members are themselves financially interested in the mining or sale of coal. We append a list for your information. The public was at first inclined to think that with many of these men patriotism would outweigh profit. We have no doubt that you yourself thought so when you appointed them. This hope has so far proved delusive. We now appeal directly to you. Can you not urge upon the council that they abandon, temporarily at least, their selfish interests for those of their Nation? Let them abandon their Fabian policy and take action. We urge that public hearings be held and prompt and efficacious steps taken to stop wholesale extortion.

We urge you to summarily remove Messrs. Insull, Upham, Hopkins, and such others as may have demonstrated their inability to lay aside selfish for patriotic motives and replace them with men who represent and have been affiliated with industry rather than privilege.

Respectfully, yours,

HUGH REID,
Chairman Committee on War Problems.

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Prices paid for coal during 1916 by companies with which members of State defense council are connected.

John P. Hopkins:	
15,730 shares Commonwealth Edison Co	$2.04
400 shares Pullman Co	1.98
Samuel Insull:	
Public Service Co. of Northern Illinois	1.77
Chicago & Alton Railroad	1.19
Commonwealth Edison Co	2.04
Chicago & Illinois Midland Railroad	1.21
J. Ogden Armour:	
Illinois Central Railroad	1.21
John A. Spoor:	
Produce Terminal Corporation	1.95
Chicago Junction Railway	1.94
Mrs. J. T. Bowen:	
4,180 shares Pullman Co	1.98
Fred W. Upham:	
Chicago & Illinois Midland Railroad	1.21

Members of State defense council who are interested in coal mining or sale.

Samuel Insull: Producers Coal Co., Midland Counties Coal Co.
John P. Hopkins: Peabody Coal Co., director; Consumers Coal Co., director; Midland Counties Coal Co., through Commonwealth Edison Co.
J. Ogden Armour: Madison Coal Corporation, through Illinois Central Railroad; St. Paul Coal Co., through C. M. & St. P. Railroad.
Fred W. Upham: Peabody Coal Co.; Consumers Co.

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PEOPLE'S POWER LEAGUE OF ILLINOIS,
CHICAGO.

REPORT OF THE COMMITTEE ON NATIONAL DEFENSE OF THE PEOPLE'S POWER LEAGUE.

THE COAL SITUATION.

The fuel crisis at present is a grave one. Coal is the basic necessity of the Nation. Without it not a wheel can be turned in our great industries. Nor is it possible to transport either men or material by rail or water. Food can not be shipped, cooked, or refrigerated without it. In short, it is our greatest necessity.

Your committee has investigated the situation to the extent of its ability. It has followed with care the daily press, the reports of the various investigating bodies, and has interviewed coal operators and miners, as well as public officials. No statement is made in this report which has not been amply confirmed by observation or the reports of official bodies.

It is our belief that the recent "reductions" announced by the coal-production committee and by the coal operators are not in any sense reductions, but advances. We can not believe that they are made in good faith. Secretaries Baker and Daniels have rejected these

prices, and properly so. The mine price of $2.75 per ton for the Illinois district is nothing short of extortion. The report of the Commonwealth Edison Co. to the State utilities commission alleges that the average price paid by that company during 1916 was $2.04 per ton, including freight. The chairman of the coal-production committee, Francis S. Peabody, sold a great part of this himself. We take these facts from the sworn statement of Samuel Insull as president of the above company.

Official figures show that during a period of 15 years the labor cost of Illinois coal has advanced 20.6 cents. Of this, 10.4 cents has been in the last 18 months. We find that although the labor cost has not risen over 15 per cent, the market prices demanded are from 100 to 400 per cent greater. The language of the Indiana Utilities Commission that this is "nothing short of outrageous" seems amply justified.

Coal at the mine mouth 18 months ago was worth about $1 per ton. To-day, with an additional labor cost of 10 cents per ton, Mr. Peabody and his associates are asking for the same coal $2.75 at the mine mouth. We append a list of prices paid during 1916 by large producers in Illinois. They are but a small part of the figures collected. In each case the figures are taken from sworn statements of officers of the companies themselves. We can see no present solution but the resignation of Mr. Peabody and his associates who have attempted in a time of war to use official power to their own advantage. Such men are the real Prussians.

Coal prices during 1916.

Illinois Central Railroad	$1.21
Chesapeake & Ohio	1.01
Chicago & Alton	1.19
Elgin, Joliet & Eastern Railroad	1.22
Illinois Terminal	1.25
Chicago & Illinois	1.21
Springfield Terminal	1.20
Cleveland, Cincinnati, Chicago & St. Louis	1.41
Baltimore & Ohio	1.02
General average for all steam railroads	1.50

It should be borne in mind that these prices include transportation also, and that the $2.75 price named by the Peabody committee is a mine-mouth price.

The recommendations of the Federal Trade Commission should be followed. These will be dealt with in a supplementary report on "Coal and transportation." It should, of course, be understood that the data collected by the committee are open to Members upon request.

Respectfully submitted.

HUGH REID,
Chairman of Committee.
HERBERT L. MOULTON,
Secretary.

(Released for publication midnight July 15, 1917.)

—

[Copy of telegrams to mayors of Wisconsin cities.]

JULY 17, 1917.

DANIEL HOAN,
Mayor, Milwaukee, Wis.:

Please consult coal dealers, manufacturers, public-utilities managers, and others who may have knowledge of the fuel supply and ascertain the facts with respect to Milwaukee's coal requirements for the year and wire results:

First. State, respectively, amount of anthracite and bituminous necessary to supply your local demands and needs of places dependent upon Milwaukee for supply.

Second. State receipts thus far this year, and compare with receipts for like period in other years.

Third. State as exactly as possible the amount received via the Lake and compare with receipts for other years for same period.

Fourth. State rail receipts and compare with like receipts for other years, and prospects of rail receipts meeting the demand for classes of coal received by rail.

Fifth. Give a comparison of prices upon different classes of coal for manufacturing and domestic use, respectively, as compared with 1916 and 1915.

Sixth. State any other facts that may have a bearing upon your fuel needs.

ROBERT M. LA FOLLETTE.

—

MILWAUKEE, WIS., *July 19, 1917.*

Hon. ROBERT M. LA FOLLETTE,
Washington, D. C.:

Replying to telegram of July 17 concerning fuel situation in Milwaukee will answer questions in order; one based on average total receipts for last three years annual requirements for Milwaukee and territory. Supplied therefrom are: Anthracite, 1,100,000 tons; bituminous, 4,250,000 tons. Two total receipts to July 15 this year: Anthracite, 259,878; bituminous, 1,343,783. Anthracite 64 per cent, bituminous 79 per cent of average total receipts to same date last three years. Three total receipts via lake July 15 this year: Anthracite, 209,517; bituminous, 1,057,746. Anthracite 58 per cent, bituminous 70 per cent of average total receipts via lake same date last three years. Four total rail receipts six months ending June 30: Anthracite, 47,464; bituminous, 259,627. Same date 1916: Anthracite, 81,612; bituminous, 193,960. Anthracite, 1915, 32,376; bituminous, 164,585. Anthracite, 1914, 11,080; bituminous, 200,555. Unusual demands for rail coal, due to shortage in lake tonnage and car situation, make prospects of sufficient rail receipts uncertain. Five prices current July 15, given for 1915, 1916, and 1917 in order: Anthracite, retail, delivered, egg and stove, $7.90, $8.30, $9.15; nut, $8.15, $8.55, $9.40; pea, $6.80, $7.20, $8.30; buckwheat, $5.25, $5.75, $7.50. Bituminous prices on cars at docks Pittsburgh & Youghiogheny, West Virginia, Hocking & West Virginia, splint, pile run, $3.24, $3.35, $6.20; screenings, $2.65, $2.75, $6. Pocahontas smokeless, mine run, $3.50, $3.65, $7.50; screenings, $3, $3.70, $5.60. No coal on hand beginning this season, account shortage last winter. Extra supply needed this year. In consequence everything possible should be done to facilitate early shipments to Northwest. Only five months navigation season left.

DANIEL W. HOAN, *Mayor.*

Milwaukee.

	Coal required for this year.	Receipts to July 15.	Per cent of present receipts to average receipts on same date for 3 years.	Receipts via lake.	Percentage of present receipts to average receipt by lake for past 3 years.
	Tons.	*Tons.*		*Tons.*	
Anthracite	1,100,000	259,878	64	209,517	58
Bituminous	4,250,000	1,343,783	79	1,057,746	70

Total rail receipts for 6 months ending June 30.

	1917	1916	1915
	Tons.	*Tons.*	*Tons.*
Anthracite	47,464	81,612	32,376
Bituminous	259,627	193,969	164,585

Prices of July 15.	1915	1916	1917
Anthracite for retail delivery:			
Egg and stove size	$7.90	$8.30	$9.15
Chestnut	8.15	8.55	9.40
Pea	6.80	7.20	8.30
Buckwheat	5.25	5.75	7.50
Bituminous prices on cars at docks:			
Pittsburgh, Youghiogheny, West Virginia, Hocking, and West Virginia splint (mine run)	3.20	3.35	6.20
Screenings	2.69	2.75	6.00
Pocahontas smokeless (mine run)	3.50	3.65	7.50
Screenings	3.00	3.70	7.50

ASHLAND, WIS., *July 19, 1917.*

Senator R. M. LA FOLLETTE,
Washington, D. C.:

Answering your telegram, July 17, to mayor, receipts of coal at Ashland to July 1 for three years were: Anthracite, 1915, 4,000 tons; 1916, 7,700 tons; 1917, 5,400 tons. Bituminous, 1915, 169,000 tons; 1916, 237,000 tons; 1917, 163,000 tons; all by lake, as no rail shipments reach Ashland. All coal receipts 1915: Anthracite, 30,000 tons; bituminous, 663,000 tons; and for 1916: Anthracite, 41,000 tons; bituminous, 693,000 tons. These receipts measure quantity needed for local consumption and rail shipments to interior points, the carry over being nominal, as a rule. Late opening of navigation may account for part or all of decrease in receipts this year; if not made up during lake season, will be shortage, since needs increase yearly and rail receipts are costly, slow, and uncertain at this distance from mines. Wholesale prices are same here as at Superior and other ports, but local dock superintendents are unable or unwilling to furnish them for past years, and suggest Peabody or Reiss, of Sheboygan, as proper authority for this information.

W. C. MORRID, *City Clerk.*

Ashland.

	Requirements.	Receipts to July 1 by lake.		
		1915	1916	1917
	Tons.	*Tons.*	*Tons.*	*Tons.*
Anthracite	40,000	4,000	7,700	5,400
Bituminous	693,000	169,000	237,000	163,000

KENOSHA, WIS., *July 19, 1917.*

Hon. ROBERT M. LA FOLLETTE,
Senate Chamber, Washington, D. C.:

Practically all coal required by this city is for local use; none shipped out; 140,000 tons bituminous required per annum; about three weeks' supply on hand; price $1 to $2 higher than last year; 38,000 tons anthracite required; 3,000 tons on hand; prices $1 higher than last year and $2 higher than two years ago; 2,000 tons anthracite received to date this year by lake, which is about one-tenth of receipts in other years; no bituminous received by lake this year; other years 7,000 tons eastern bituminous received by lake. Kenosha generally depends on lake shipments for anthracite and eastern bituminous. Dealers state inability to secure tonnage is responsible for short supply of anthracite at this time. Lake rate to this port $1.25 at present; usually 40 to 50 cents.

CHAS. H. PFENNIG, *Mayor.*

Kenosha.

	Requirements.	On hand.	Received by lake.	Percentage receipts of other years.
	Tons.	*Tons.*	*Tons.*	
Anthracite	38,000	3,000	2,000	10
Bituminous	140,000	[1]	None.	[2]

[1] Three weeks' supply. [2] Received in other years, 7,000.

The price of anthracite is $1 more than it was in 1916 and $2 more than in 1915.

The price of bituminous is from $1 to $2 higher per ton than last year.

Lake freight rates have advanced from 40 to 50 cents per ton to $1.25 per ton.

—

SHEBOYGAN, WIS., *July 20, 1917.*

Hon. ROBERT M. LA FOLLETTE,
United States Senate, Washington, D. C.:

Anthracite requirements here during remainder season lake navigation and ports usually supplied from Sheboygan approximately 275,000 tons and of bituminous 250,000 tons. Total receipts to July 1, of anthracite 70,800 tons, as against 109,000 in 1916; of bituminous, 94,000 tons, as against 146,000 tons, showing shortage of 38,000 tons anthracite and 52,000 tons bituminous. No rail coal received here. Anthracite prices show advance of 75 cents per ton; bituminous average $2.50 over 1915 prices. Dealers usually take care of local requirements here, but interior points will suffer from shortage unless heavier shipments are received via Lakes. Shortage of bituminous coal generally conceded to be due to lack of transportation facilities from mines to Lake ports.

HERMAN ALBRECHT, *Mayor.*

Sheboygan.

	Required.	Receipts via lake—		
		To July 1, 1917.	To July, 1916.	Per cent.
	Tons.	*Tons.*	*Tons.*	
Anthracite	275,000	75,800	109,000	71
Bituminous	250,000	94,000	146,000	65

Anthracite prices, 75 cents a ton more than in 1916.
Bituminous average, $2.50 more per ton than in 1915.
Shortage is due to lack of lake transportation.

—

MILWAUKEE COUNTY COUNCIL OF DEFENSE,
July 19, 1917.

Senator ROBERT M. LA FOLLETTE,
Washington, D. C.

DEAR SIR: The Milwaukee County Council of Defense has corresponded with you previous to this time relative to the passage of the Lever bill and other legislation of similar character. We would like to urge further that the Wisconsin Representatives do their utmost to support legislation which would accomplish the following:

1. Give the President power to fix prices, regulate output, or take over and operate instruments of production, such as coal and iron mines, manufactures of iron and steel and other products as may be necessary and close down or curtail the production of luxuries.

2. That the President be given power to control the food situation, including the fixing of prices, production, distribution, and use of foods.

The County Council of Defense wishes to impress upon the Wisconsin Representatives that the present speculation in the necessities of life has placed this great mass of our people in such a position as to render it impossible for them to maintain an adequate standard of living while a very few are making exorbitant profits. We wish to state frankly that unless this situation is remedied, particularly with regard to the unprecedented increase in price of the necessities of life, that we do not see how international disturbances in carrying on the war can be avoided.

Very truly, yours,

MILWAUKEE COUNTY COUNCIL OF DEFENSE,
WILLITS POLLOCK, *Secretary.*

Daniel W. Hoan, Wheeler P. Bloodgood, W. C. McCarty, August H. Vogel, Robert Uihlein, E. E. White, William Coleman, Henry Rumpel, Cornelius Corcoran, Mrs. J. W. Mariner, W. C. Greenman, Nelson P. Huist, Charles Allis, J. W. P. Lombard, Thaddeus Wild.

In the statement which he made before the Committee on Interstate Commerce of the Senate Hon. William B. Colver, member of the Federal Trade Commission, calling attention to the coal situation, said:

To begin with, the commission protests against the use of the term "car shortage." We do not believe that a car shortage exists, of necessity. That one exists in the coal trade is true. That one need to exist with present equipment we do not believe.

Quoting from Senator POMERENE'S figures, adopting them, there are 2,750,000 cars in the country. At the greatest point of shortage the shortage indicated was 170,000 cars, or about 5 per cent. There is a waste in the use of railroad equipment and rolling stock close up to 20 per cent, and that is traced to perhaps three primary causes. I will only speak to-day in generalities, then I shall be glad to submit to questions as to more specific things.

You have 2,750,000 cars. It is true, of course, that a very large proportion of those are not coal cars. Confining ourselves to coal cars, let me go back; let us get this right from the beginning. The production of the coal mine is limited absolutely in the presence of labor by the supply of cars. No matter how good a mine a man has, and no matter how many men willing to work he may have, he can only send down into the mine each morning that number of men who will be able to fill the empty cars which have been drawn up during the night at the mouth of the mine. To do more is waste, and it is an impossibility. I speak now particularly of bituminous mines. Bituminous mines, because of their great output and for other reasons, can not have storage capacity at the mine. If they could have, it is too late now to do it; but they have not got it, and it can not be provided this summer, Mr. Chairman. Now, then, the production of coal in the country in perfectly good mines, which may be economically produced and with the application of the labor which now stands ready to go into those mines, the production of coal can be increased not less than 40 per cent. If the production of coal in this country were increased by 40 per cent, there would be no coal famine and there would be no excessive coal price.

The mines, some of them, are working, Mr. Morrow testified, two days a week; more of them are working three days a week, and many of them are working four days a week. The miners are being bid for by other employers of labor and large wages are being offered them. The miners of the United States are being disorganized; they are being asked to suffer a hardship, and their efficiency is being destroyed by reason of the fact that they are being given irregular employment. The fact that the miners' wages have been frequently increased does not answer the question that the miners are not being given full time to work. I speak now of bituminous. That is not true in anthracite.

We will now go back to the coal cars. If it is true that the greatest shortage, the peak shortage, is 170,000 out of a base of 2,750,000, as I take Senator POMERENE'S figures for the shortage, that is undoubtedly a matter that your committee has inquired into. I think that figure is a familiar one. Then there has been a maximum car shortage of something like 5 per cent.

You do not need new cars. The objection is that cars are now hard to get; we have not time to get them; that cars are costing twice as much as they cost before. But we do not need new cars. We need to use the cars we already have. When we tell you, not as a practice, now, but isolated cases, or occasional cases, indicating tendencies, I think, and may be cited, when we tell you the steel hopper car, which is made only for the transportation of coal, and is purely a coal car, made in the place of the old gondola; when we tell you those cars have their hoppers, their V-shaped bottoms filled with slag in order to make a flat floor to lay steel billets on them, we are justified in saying that if such a thing as that could pass without any considerable notice, that a practice somewhat bad has grown up in the industry.

As a matter of fact, coal cars are being used to transport automobiles, pleasure vehicles; to transport sand, sand for track work. That track work is necessary and useful, but it seems to me it could wait at this time in the condition the country finds itself, or flat cars could be used; but I am not operating the railroads, and am just saying that the coal cars have been and are devoted to other uses. But if the long haul were cut out, if when coal is produced at a mine and delivered at the car, it should be taken to the point of destination by the shortest route, whether that be only one or three railroads; and if that coal car were sent back immediately to the mine—unloaded and sent back immediately to the mine, Mr. Chairman—there would be no car shortage; the word I object to, for the lack of cars at the mine is absolutely fundamental and primary, and almost the only reason for the situation we find ourselves in to-day.

We have found that those mines devoted to the production of coal for railroad use are working six days in the week full time and are being supplied with 100 per cent of their requirements.

Of course, the committee knows, but for the sake of the record, for those who do not know, let us explain for a moment what distribution means. On a given road all the mines have a rated production. They make application to the railroad companies for an allotment of cars. It has to do with how many men they have ready to go into the mines, the present condition of their mine, so that they estimate each day how much coal they could get out. They make their application to the railroad, and the railroad then takes inventory of the cars that it has available for that service and allots them or distributes them. Now, if that distribution were equitable the situation would be somewhat relieved, but it is not.

These three things which I referred to a moment ago are the long haul of this coal after it is loaded on the cars; the reconsignment in transit, where coal starts off for one place and finally is stopped and diverted and sent to another, once, twice, or three times, and, third, the delay in unloading the car, which is of two kinds, the demurrage paid, not by speculators, but paid by grace of speculators who hold the coal in the cars on sidings out in the country while famine conditions are brought about in cities and in industrial centers, and then they pass the coal on to the consumer at the speculative or famine price, plus the demurrage that has accumulated during the time that coal was held out for the creation of that famine condition.

The other part of the demurrage or delay is the dilatory unloading of the cars after the coal is brought alongside the industrial plant or the wholesale or retail yards or chutes.

Now, if coal cars and cars capable of being devoted to carrying coal were devoted to the use of coal mines, there would be plenty of coal. If those cars, having been loaded, were hauled by the most direct route to the point of consumption and were instantly discharged—that is, reasonably instantly discharged—and returned immediately to the mines, no other industry and no other user of freight cars would be deprived of service that he needs. Enough added efficiency would be given to the equipment which you already have to take up any withdrawal that might be necessary from any other industry. But suppose we do withdraw from some other industry, if the withdrawing is done with wisdom. There is no industry, there is nothing, the freight cars are needed for, except raw food materials and minerals, that can be gotten to go onto the cars that can be made ready to go on the car until coal has entered into its preparation, so to be at all concerned about being able to ship commodities, and say we must not take cars away from other commodities, and then, in order to work that theory out, take the coal away from the industries which make those other commodities, seems to be rather an inverted way of going at it. There will be nothing to ship if they do not have the coal to make it.

The fixing of prices—and I want to say that we are pretty well convinced that the coal operator, by and large, in the United States is getting more blame than he has earned. The coal operators themselves are not getting extravagant or extortionate prices. Some of them are, it is true. Many cases can be cited, but I am speaking as a generality. The difficulty lies where the coal leaves the mine. Operators have testified to us many times, and have doubtless stated to you, "We can not control the coal after it leaves us." About 80 per cent of the coal leaves the mine on contract to the large industrial consumer. About 20 per cent of the coal leaves the mine not on contract. You called that a moment ago, I think, Mr. Chairman, spot coal. In any event, that is the common expression. Now, it is that fraction of 20 per cent that is the seat of your trouble. The 10 per cent, or even 5 per cent, of all this coal produced being turned out on the market as a commodity on which speculation can obtain fixes the price for the whole 100 per cent and always tends to fix it upward, especially in this case here.

Now, I say to fix the price of coal to the operator will not solve your problem. In the first place, to fix the price of coal at the mine and then not be sure that it is going to be delivered somewhere is an idle

proceeding, merely fixing the price. We might fix the price of coal in the moon, but it would not do anybody any good unless we first solve the transportation problem. All the price fixing and all the rest of these things will fail. If we had the distribution, then fixing the price of coal at the mine would still fail of its purpose, and for this reason: We could say how much the operator could have for his coal, and then he would sell it at that price and he would have done his duty and all that the law or the Government had asked him to do. He would have done all that these committees down here who are meeting to-day will ask him to do, all that is contemplated, and all the business that is done in fixing the price to the operator. But once the coal leaves the hands of the operator it falls into the hands of the broker; it falls into the hands of the wholesaler, who performs a most useful service; the speculator does not. It falls into the hands of the retailer.

If you fix prices at the mine, Mr. Chairman, you would be faced by about three possible methods of doing that. In the first place, you would have to fix a separate price at each mine in order to have everybody fairly contented. If you did that, the 20 per cent of spot coal, having gone forth, would go through the speculator, if it got into his hands; it would go through the wholesaler; it would go to the retailer, and the Government or some other agency would have to follow the last ton of that coal to the last farmhouse on the prairie to see what it was finally sold for. We would be up against the absolutely impossible proposition of following 600,000,000 tons of coal through to consumption. You had much better apply your remedy at the other end, not at the distribution end, which would follow if you set these various prices, because your coal dealer in Sioux City would be perfectly certain when his customer came in—there being 5,000 coal prices fixed by the Government or by some committee of coal operators; there being 5,000 different prices fixed, if they do it that way—your coal dealer in Sioux City would be perfectly certain when his customer came in that his particular car of coal from which this particular wagonload is being taken came directly from the highest-cost mine in the United States, and the high cost would be the cost the people would have to pay and would fix the price of this marginal spot coal.

We argue, therefore, that it is not best to fix the varying prices in varying operations, and there are good reasons why operations must vary. Two mines half a mile apart may have a difference in legitimate cost of operation, each being operated with the same industry and the same skill of 100 per cent. One may have water in it; one may not. There are a thousand things that enter in there that are natural reasons and can not be cured by legislation or by science or anything else. They are just natural reasons. So there must be some variation in the cost of the production of coal. Therefore when we fix prices we must recognize that.

If we do not want to fix 5,000 prices for 5,000 different mines, we might fix a uniform price, either by fields or districts all over the United States; but the thing we are trying to do—the thing I think we are all united in at this time—is to win this war. Since coal is the fundamental, the life blood of all industry, and the life and health of our people as well, it seems that coal is of that essential character we must be sure that at all times we have a 100 per cent production of the coal. Now, we have got not more than 60 per cent; and Gov. Goodrich's telegram, which I am going to read you in a minute, says we have only 40 or 50 per cent. If we are going to have an average uniform price, and we are going to have 100 per cent production, your average uniform price must be the price as high as the cost of production in the poorest or highest cost mine. That throws an enormous burden on the industries of the country and on the domestic users of the country. Each one must pay for the least economic coal a price based on that.

It is said in reply to that, that that is all right, because the low-cost mine, which may have 300, 400, 500, or 600 per cent net profit—net selling price, net profit—the Government can take that back with the excess-profits tax. But it is indirect taxation, and the people who can not afford to pay will pay those taxes, not the man with the good mine.

The third expedient, then—and both these other expedients have been tried abroad—these other countries have suffered and worked their way in blood and suffering through this war that we are just starting in—they have tried their experiments, and their experiments have failed. Some of them have succeeded. The third thing, then, we can fix 5,000 prices. If we fix an average price we either close up some of the production by fixing it too low or else we fix it high enough to have 100 per cent production, and so put an unwarranted burden upon the industries and the people of the United States. The third thing, then, is this expedient: Pass all the coal through the hands of the Government in line of distribution just once. Let in that instant when it is the custom to sell coal at the mouth of the mine—the mine price is the customary price—in the instant between the time the coal car comes from the mine and goes on to the scales, and that coal is weighed, and the next instant when the coal is dumped into the car or into the chutes, if during that instant title to that coal passes to the United States you would have a control that would reach both ways to the ultimate. And when I say "control" I do not mean Russian; I mean a sane and reasonable control, and such control as the coal men themselves say they would like.

You would have a control that would reach into the mine. The Government would not keep possession of this coal at all; it would sell it in the normal channels, it would fulfill contracts to the big commercial users, it would sell to the wholesalers, it would go through all the usual processes of distribution, except that the Government would then have a monopoly on coal, which it need only exercise; and we can not imagine of any power being exercised other than beneficially in these times of war. No one wants power to punish, no one wants power to harm any industry. You would have the power in that moment to say to the wholesalers, "Your history shows that the useful public service that you are rendering in transporting and distributing this coal and in storing it and otherwise taking care of it, in furnishing your credit and your money in keeping the industries going in years past has been a certain per cent for a certain amount of money per ton. You shall have that—go right on as if there were no war and take your profit." We would say to the retailer, "You do the same—take your normal profit. We know you have to pay cartage, we know you have to pay storage, we know you have bad debts, we know you have to furnish credit, and we know on top of that and all your overhead you are entitled to a fair compensation for the public service you are rendering. All right, take it." The retail price would not be the same everywhere, but the price would be the same after you had equalized the variation in the freight haul. You would have practically a uniform price, quality of coal considered, of course.

Now, then, if an operator—speculator—if an operator held coal out of use the remedy would be in the hands of the Government. He would get no more coal until he reformed his ways. If a retailer became a violator against good conscience he could have his supply cut off by having his wholesaler refuse to sell him more coal on pain that he himself would get no more coal.

Now, we will get to the fact. If the coal passed through the Government's hands just once, so that the title actually passed, coal could be mined in a thousand mines under a thousand different conditions and arrive at the surface and go into the coal cars at a thousand different costs of production. But it would all be one transaction. It would be one pool. The total tonnage of coal put into that pool, divided by the number of tons in the pool, quality considered, would determine what the price of that coal was, all of it, and the coal could be distributed at that price, and that is the point where the equalization can take place, and it is where the equalization does take place.

The other countries—Italy, for instance—will not let a pound of coal pass through the hands of anybody until it has passed through the hands of the Government.

And with reference to the coal situation on the Great Lakes, Mr. Colver testified:

Mr. Chairman, one thing that the commission has urged in its various reports to the Senate, and one thing that I think lies strongest on our minds—I know it does on mine—is this, that any promised remedy, or any suggestion of remedy, or any temporary relief of the situation that may do for the demands of June, July, and August will not be sufficient. We are now coming close to July. The custom of the coal industry has been in the past, and always has been, to pile up in the more remote sections of the country stock piles of coal during the winter. Stock piles especially are piled up in New England and at the head of the Lakes. All through the country cellars ought to be filled with coal at this time. Apartment houses should have their stocks in or should be getting their stocks in. As a matter of fact, we came into the spring this year and came into the opening of the navigation on the Great Lakes with great piles of coal at a time when there would have been normally 3,000,000 tons of coal at Duluth on the docks, and there were around 100,000, just a few tons. I said 100,000 tons; certainly not as many as that.

We find, speaking of anthracite, the anthracite people went into the season last year with a large accumulation of coal. There were in the hands of the dealers, wholesalers and retailers, and yards all over the country a fair accumulation of bituminous coal. We find now that the dealers' bins are stripped; we find that the docks are empty; we find that where we should have begun to pile up these stock piles in April, April has gone, and May has gone, and June has gone, and nothing has been done, and that is all there is left. July, August, September, and October, and then the winter will come and no power on earth can save this country from calamity. Unless something is done intelligently and presently to stimulate the production of coal and to intelligently enforce the distribution of that coal to those sections of the country where it must be consumed next winter it not only means paralysis of our industries but it will mean actual suffering and privation and death to our people. So that as to any condition or any figures that are brought in to show that this month is a little bit better than last or that the price has gone down a little bit, the commission respectfully urges that that is not enough until the production for the next four months is piled up much more than any possible demand for consumption, and until these stock piles can be piled up the problem has not been touched.

The time is going to come this winter when the engines on the prairies can not haul coal trains through the blizzards; when it will take too much coal to fire the engines. That work must be done, and it must be done now. We have gotten on in the season so far that the most extraordinary effort must be made if we are going to save ourselves and our people and the industries of this country from a most terrible calamity next winter.

Mr. STERLING. Mr. President——

The VICE PRESIDENT. The hour of 2.30 o'clock has arrived. The question is on the amendment of the Senator from South Dakota [Mr. STERLING] to the amendment of the Senator from Oregon [Mr. CHAMBERLAIN].

The amendment to the amendment was rejected.

The VICE PRESIDENT. The pending amendment now is the amendment of the Senator from Oregon [Mr. CHAMBERLAIN], as amended.

The amendment, as amended, was agreed to.

Mr. POMERENE. Mr. President, the amendment which was offered yesterday, with respect to coal, is a pending amendment.

The VICE PRESIDENT. It has been read. Shall it be read again?

Mr. BORAH. I ask to have it read again.

The VICE PRESIDENT. There is a request for the reading of the amendment. The Secretary will read it.

The SECRETARY. It is proposed to insert the following as a new section:

SEC. —. That it is necessary and proper, in order to execute the powers of Congress to raise and support armies, provide and maintain the Navy, and properly and efficiently provide for the common defense, that the President of the United States shall be, and he is hereby, authorized and empowered, whenever and wherever in his judgment necessary for the efficient prosecution of the war, to fix the price of coal and coke, wherever and whenever sold, either by producer or dealer, to establish rules for the regulation of and to regulate the method of sale, transportation, distribution, apportionment, or storage thereof among merchants and consumers, domestic or foreign; said authority and power may be exercised by him in each case through the agency of the Federal Trade Commission, during the war and for a period of one year thereafter, or for such part of said time as in his judgment may be necessary.

That if, in the opinion of the President, any such producer or dealer fails or neglects to conform to such prices or regulations, or to conduct his business efficiently under the regulations and control of the President as aforesaid, or conducts it in a manner prejudicial to the public interest, then the President is hereby authorized and empowered in every

such case to requisition and take over the plant, business, and all appurtenances thereof belonging to such producer or dealer as a going concern, and to operate or cause the same to be operated in such manner and through such agency as he may direct during the period of the war and one year thereafter, or for such part of said time as in his judgment may be necessary.

While operating or causing to be operated any such plants or business, the President is authorized to prescribe such regulations as he may deem essential for the employment, control, and compensation of the employees necessary to conduct the same: *Provided*, That whenever any person or persons entitled to receive such wages are dissatisfied with the rate of wages so fixed by the President, he or they shall have the right to have the reasonableness of such wages reviewed and determined by the Board of Mediation and Conciliation created by the act approved July 15 1913, and the findings of said board fixing the rate of wages shall be conclusive in the premises, and said board shall prescribe rules and regulations for carrying this proviso into effect.

That if the prices so fixed, or if, in the case of the taking over or requisitioning of the mines or business of any such producer or dealer, the compensation or damages fixed be not satisfactory to the person or persons entitled to the same, such person or persons shall be paid the amount prescribed by the President and shall be entitled to sue the United States to recover such other sum as, added to the amount so paid, will be just compensation in the manner provided by section 24, paragraph 20, and section 145 of the Judicial Code.

That any producer or dealer whose plant, business, and appurtenances shall have been requisitioned or taken over by the President shall be paid a fair and reasonable compensation for the use thereof or for damages incurred thereby during the period that the same may be requisitioned or taken over as aforesaid, which compensation and damages the President shall fix or cause to be fixed by the Federal Trade Commission or such other agent or agencies as he may designate.

Or if the President of the United States shall be of the opinion that he can hereby better provide for the common defense, and whenever, in his judgment, it shall be necessary for the efficient prosecution of the war, then he is hereby authorized and empowered to require any or all producers of coal and coke, either in any special area or in any special coal fields, or in the entire United States, to sell their products only to the United States through an agency to be designated by the President, such agency to regulate the resale of such coal and coke, and the prices thereof, and to fix the compensation to be paid such producers by the United States, and to establish rules for the regulation of and to regulate the methods of production, transportation, distribution, apportionment, or storage thereof among merchants and consumers, domestic or foreign, and to make payment of the purchase price thereof to the producers thereof, or to the person or persons legally entitled to said payment.

That within 15 days after notice from the agencies so designated to any producer of coal and coke that his or its output is to be so purchased by the United States as hereinbefore described, such producer shall cease shipments of said product upon his own account and shall transmit to such agency all orders received and unfilled or partially unfilled, showing the exact extent to which shipments have been made therein, and thereafter all shipments shall be made only on authority of the agency designated by the President, and thereafter no such producer shall sell any of said products except to the United States through such agency, and the said agency alone is hereby authorized and empowered to purchase during the continuance of the requirement the output of such producers.

That the prices to be paid for such products so purchased shall be based upon a fair and just profit over and above the cost of production, including proper maintenance and depletion charges, the reasonableness of such profits and cost of production to be determined by the Federal Trade Commission, and if the prices fixed by the said commission of any such product purchased by the United States as hereinbefore described be unsatisfactory to the person or persons entitled to the same, such person or persons shall have the right to sue the United States in the manner provided for by section 24, paragraph 20, and section 145 of the Judicial Code, to recover such other sum as added to the amount so fixed will be just compensation. All such products so sold to the United States shall be sold by the United States at such uniform prices, quality considered, as may be practicable and as may be determined by said agency to be just and fair.

Any moneys received by the United States for the sale of any such coal and coke may, in the discretion of the President, be used as a revolving fund for further carrying out the purposes of this section. Any moneys not so used shall be covered into the Treasury as miscellaneous receipts.

That when directed by the President, the Federal Trade Commission is hereby required to proceed immediately with all possible dispatch to make full inquiry giving such notice as it may deem practicable into the cost of producing under reasonable efficient management at the various places of production the following commodities, to wit, coal and coke.

The books, correspondence, records, and papers in anyway referring to transactions of any kind relating to the mining, production, sale, or distribution of all mine operators or other persons whose coal and coke have or may become subject to this section, and the books, correspondence, records, and papers of any person applying for the purchase of coal and coke from the United States shall at all times be subject to inspection by the said agency, and such person or persons shall promptly furnish said agency any data or information relating to the business of such person or persons which said agency may call for, and said agency is hereby authorized to procure the information in reference to the business of such coal-mine operators and producers of coke and customers therefor in the manner provided for in sections 6 and 9 of the act of Congress approved September 26, 1914, entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," and said agency is hereby authorized and empowered to exercise all the powers granted to the Federal Trade Commission by said act for the carrying out of the purposes of this section.

Having completed its inquiry respecting any commodity in any locality it shall, if the President has decided to fix the prices at which any such commodity shall be sold by producers and dealers generally, fix and publish maximum prices for both producers of and dealers in any such commodity, which maximum prices shall be observed by all producers and dealers until further action thereon is taken by the commission.

In fixing maximum prices for producers the commission shall allow the cost of production, including the expense of operation, maintenance, depreciation, and depletion, and shall add thereto a just and reasonable profit.

In fixing such prices for dealers, the commission shall allow the cost to the dealer and shall add thereto a just and reasonable sum for his services in the transaction. There shall be but one such dealer between the producer and consumer or user.

The maximum prices so fixed and published shall not be construed as invalidating any contract in which prices are fixed, made in good faith, prior to the establishment and publication of maximum prices by the commission.

Whoever shall, with knowledge that the prices of any such commodity have been so fixed by the commission, ask, demand, or receive a higher price in violation of this section, shall, upon conviction, be punished by a fine or not more than $5,000 or by imprisonment for not more than three years, or both. Each independent transaction shall constitute a separate offense.

Nothing in this section shall be construed as restricting or modifying in any manner the right the Government of the United States may have in its own behalf or in behalf of any other government at war with Germany to purchase, requisition, or take over any such commodities for the equipment, maintenance, or support of armed forces at any price or upon any terms that may be agreed upon or otherwise lawfully determined.

Mr. NORRIS. Mr. President, I want to move an amendment——

The VICE PRESIDENT. The Chair holds that no amendments are in order.

Mr. NORRIS. Mr. President, I should like to be heard on that.

The VICE PRESIDENT. The Chair is ruling on the unanimous-consent agreement. Senators have had since 10 o'clock Thursday to fix this record for voting at this time. The Chair rules that no further amendments are in order.

Mr. NORRIS. I appeal from the decision of the Chair.

The VICE PRESIDENT. The question is, Shall the ruling of the Chair stand as the judgment of the Senate? [Putting the question.] The ayes have it, and the ruling of the Chair is sustained.

Mr. NORRIS. Mr. President, I ask unanimous consent to offer an amendment to the pending amendment.

The VICE PRESIDENT. Is there any objection?

Mr. PENROSE. I object, Mr. President.

Mr. ROBINSON. I make the point of order that unanimous consent is not in order. We have a unanimous-consent agreement——

The VICE PRESIDENT. Yes; it is in order. The Senator from Nebraska is proceeding strictly in accordance with the order, which provides that except by unanimous consent an amendment can not be introduced.

Mr. ROBINSON. The Chair is correct.

The VICE PRESIDENT. The question is on the amendment of the Senator from Ohio.

Mr. POMERENE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from New Hampshire [Mr. GALLINGER] and am unable to get a transfer. As I do not know how he would vote, I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from New Jersey [Mr. HUGHES] and vote "yea."

Mr. VARDAMAN (when his name was called). I have a general pair with the Senator from Idaho [Mr. BRADY], who is absent. I am unable to make a transfer of the pair, and therefore withhold my vote. If at liberty to vote, I would vote "yea."

The roll call was concluded.

Mr. DILLINGHAM. Because of my pair with the senior Senator from Maryland [Mr. SMITH], who is necessarily absent, I withhold my vote.

Mr. FRELINGHUYSEN. I transfer my general pair with the junior Senator from Montana [Mr. WALSH] to the junior Senator from Idaho [Mr. BRADY], and vote "yea."

Mr. VARDAMAN. Under that transfer I am at liberty to vote. I vote "ye..."

The result was announced—yeas 72, nays 12, as follows:

YEAS—72.

Ashurst	James	New	Simmons
Bankhead	Johnson, Cal.	Newlands	Smith, Ariz.
Beckham	Johnson, S. Dak.	Norris	Smith, Ga.
Borah	Jones, N. Mex.	Overman	Smith, Mich.
Broussard	Jones, Wash.	Owen	Smith, S. C.
Calder	Kellogg	Page	Smoot
Culberson	Kendrick	Phelan	Sterling
Cummins	Kenyon	Pittman	Stone
Curtis	King	Poindexter	Swanson
Fernald	Kirby	Pomerene	Thompson
Frelinghuysen	La Follette	Ransdell	Tillman
Gronna	Lewis	Reed	Townsend
Hale	McCumber	Robinson	Trammell
Harding	McKellar	Saulsbury	Underwood
Hardwick	McNary	Shafroth	Vardaman
Hitchcock	Martin	Sheppard	Watson
Hollis	Myers	Sherman	Williams
Husting	Nelson	Shields	Wolcott

NAYS—12.

Brandegee	France	McLean	Wadsworth
Chamberlain	Knox	Penrose	Warren
Colt	Lodge	Sutherland	Weeks

NOT VOTING—12.

Brady	Fletcher	Goff	Smith, Md.
Dillingham	Gallinger	Gore	Thomas
Fall	Gerry	Hughes	Walsh

So Mr. POMERENE's amendment was agreed to.

Mr. OWEN. Mr. President, I call up my amendment, which is on the table.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add, at the end of the bill, the following:

There is hereby authorized and established a court to be known as the "official court," to consist of one judge for each judicial circuit of the United States, to be appointed by the President, by and with the advice and consent of the Senate, the terms of said judges at the beginning of the service to be from one to nine years, respectively, to be determined by lot, and thereafter each successor shall hold for the term of nine years unless sooner removed for cause by the President.

The salary of such judge shall be $6,000 annually.

The judge of the official court shall have jurisdiction over every case of malfeasance, misfeasance, nonfeasance, or neglect of duty in office of any employee, adviser, committeeman, or officer appointed under the authority of the United States except members of the President's Cabinet and Justices of the Supreme Court of the United States, with power to issue summons for witnesses, to require the production of evidence, to punish for contempt and render judgment on questions involving official misconduct, and issue writs necessary to carry out the authority herein given. The marshal of the United States District Court shall serve the writs of the judges of the official court.

Any person, natural or corporate, upon filing bonds for the costs of the suit shall have the right to enter a complaint against any such employee of the United States for malfeasance, misfeasance, nonfeasance, or serious neglect of official duty. The judge of the official court shall impose a fine not exceeding $5,000 upon the complainant where the complaint is frivolous or insincere. The costs of the proceeding shall fall upon the complainant if not sustained, and upon the defendant if sustained.

Upon such complaint being filed, the judge within whose circuit such complaint is made shall immediately require the evidence to be submitted orally and recorded or by depositions within 10 days from the date of the filing of the complaint, except upon special order where compliance is impossible, and within 10 days from receiving such evidence the judge shall make his findings.

There is hereby authorized an appellate official court to consist of three justices to be appointed by the President, by and with the advice and consent of the Senate.

The appellate official court shall make rules and regulations and determine forms of procedure for the official court and for appeals therefrom; shall have power to issue such writs as may be necessary to exercise its jurisdiction; and shall sit in Washington City, D. C.

All appeals to the appellate official court shall be made within five days from date of the publication of the judgment of the judge of the official court and shall be passed upon within 30 days of the receipt thereof.

The appellate official court justices shall hold office for a period of nine years, one for three years, one for six years, and one for nine years, to be determined by lot, and thereafter each justice shall be appointed for a term of nine years and shall have original jurisdiction over cases arising in the District of Columbia.

The appellate justices shall receive a salary of $7,500 annually.

In the event of a final judgment by the official court against an employee or officer of the United States, he shall have the option of resigning within five days of the rendition of the final judgment. In the event his resignation is not submitted, the office shall be declared vacant and filled by a new incumbent.

The dismissal from office under the proceedings herein authorized shall not preclude a trial or conviction under the criminal code where a violation of the statutes is exposed.

The VICE PRESIDENT. The question is on the amendment of the Senator from Oklahoma.

The amendment was rejected.

Mr. McCUMBER. Mr. President, I offer the amendment which I send to the desk to the section relating to requisition on page 10, line 22.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 10, line 22, after the word "therefor," it is proposed to insert:

In determining the compensation to be paid for farm products all labor employed in producing the same, whether furnished by the farmer or members of his family, including the necessary domestic service, shall be computed and allowed for at the same rate of wages paid for like labor, or labor requiring a like degree of intelligence and arduous efforts, in other lines of business or trade; and in addition thereto there shall be allowed as a charge in the cost of production a reasonable rate of interest upon the capital invested in both real and personal estate and a further reasonable charge for deterioration and upkeep, including taxes and other necessary expenses. There shall also be taken into consideration the increased cost to the farmer of all necessary farm equipment, food, and clothing required, and other advanced cost in the ordinary necessaries of life.

Mr. McCUMBER. Mr. President, I withdraw this amendment at the present time. I was laboring under the impression that we were in the Senate and out of the Committee of the Whole.

Mr. WEEKS. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. Insert a new section, as follows:

SEC. —. That a joint committee shall be appointed composed of five Members of the Senate, including three Democrats and two Republicans, and five Members of the House of Representatives, including three Democrats and two Republicans, to be known as the joint committee on the conduct of the war. The membership of such committee shall be designated by the respective committees of the Senate and House which select the members of the regular standing committees. Such committee shall sit during the sessions or the recesses of Congress, shall make a special study of the problems arising out of the war, including safeguarding expenditures, shall confer and advise with the President of the United States and the heads of the various executive departments, commissions, voluntary boards, or other organizations connected with the conduct of the war, and shall make report to Congress from time to time in its own discretion or when requested to do so by either branch of Congress. Such committee shall have power to act by subcommittee or otherwise and to send for persons and papers, administer oaths, to summon and compel the attendance of witnesses, and to employ such clerical, expert, and stenographic assistance as shall be necessary, and, to pay the necessary expenses of such committee, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $50,000, to be paid out upon the audit and order of the chairman or acting chairman of said committee.

Mr. OWEN. Mr. President, I offer the following substitute in lieu of the amendment offered by the Senator from Massachusetts.

The VICE PRESIDENT. Is this an amendment offered prior to 2 o'clock yesterday?

Mr. OWEN. It is a substitute for the amendment now offered.

The VICE PRESIDENT. The Senator is not answering the inquiry of the Chair. Was it submitted prior to 2 o'clock yesterday?

Mr. OWEN. It was not.

The VICE PRESIDENT. The Chair rules it out of order, except by unanimous consent.

Mr. OWEN. I ask unanimous consent to offer it as a substitute.

The VICE PRESIDENT. Is there objection?

Mr. WEEKS. I ask unanimous consent to withdraw the amendment which I have offered and to amend it myself by offering this as a substitute.

The VICE PRESIDENT. Is there objection to the request of the Senator from Oklahoma? The Chair hears none.

Mr. TILLMAN. I object.

Mr. OWEN. I ask unanimous consent to offer it as a substitute.

The VICE PRESIDENT. The Chair heard no objection and rules that it can be submitted.

Mr. WEEKS. What is the ruling of the Chair?

The VICE PRESIDENT. The Chair inquired whether there was any objection to the Senator from Oklahoma offering his substitute. The Chair heard no objection, and he said he heard none. Afterwards there was objection, but it comes too late. Senators must speak up. The Secretary will read the substitute submitted by the Senator from Oklahoma.

The Secretary read as follows:

SEC. 23. A joint committee of the Senate and House of Representatives shall be appointed, composed of five Members of the Senate, including three Democrats and two Republicans, and five Members of the House of Representatives, including three Democrats and two Republicans, to be known as "the joint committee on expenditures in the conduct of the war."

It shall be the duty of said committee to keep itself advised with regard to the expenditure of all appropriations bearing on the conduct of the war made by Congress and the contracts relating thereto made by officers of the executive departments, and it shall be the duty of the executive departments, on request, to keep said committee fully advised as to such expenditures and contracts.

Such committee shall confer and advise with the President of the United States and the heads of the various executive departments, commissions, voluntary boards, or other organizations connected with the conduct of the war, with a view to safeguarding expenditures, and shall report to Congress from time to time in its own discretion, or when requested to do so by either branch of Congress.

The membership of such committee shall be designated by the respective committees of the Senate and House which select the members of the regular standing committees.

Such committee shall have power to act by subcommittee or otherwise, and to send for persons and papers, and administer oaths, to summon and compel the attendance of witnesses, and to employ such clerical, expert, and stenographic assistance as shall be necessary; and to pay the necessary expenses of such committee there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $50,000, to be paid out upon the audit and order of the chairman or acting chairman of said committee.

Mr. WEEKS. The substitute is entirely satisfactory to me.

The VICE PRESIDENT. The question is on the amendment of the Senator from Oklahoma [Mr. OWEN] to the amendment of the Senator from Massachusetts [Mr. WEEKS].

Mr. WEEKS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). Again I announce my pair with the senior Senator from Maryland [Mr. SMITH], who is absent, and withhold my vote.

Mr. FLETCHER (when his name was called). I announce my pair with the Senator from New Hampshire [Mr. GALLINGER]. Being unable to obtain a transfer, I withhold my vote.

Mr. TILLMAN (when his name as called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from New Jersey [Mr. HUGHES] and vote "nay."

The roll call was concluded.

Mr. FRELINGHUYSEN. I transfer my general pair with the junior Senator from Montana [Mr. WALSH] to the junior Senator from Idaho [Mr. BRADY] and vote "yea."

The result was announced—yeas 53, nays 31, as follows:

YEAS—53.

Beckham	Hardwick	McNary	Smoot
Borah	Hitchcock	Myers	Sterling
Brandegee	Johnson, Cal.	Nelson	Stone
Calder	Jones, Wash.	New	Sutherland
Colt	Kellogg	Norris	Townsend
Cummins	Kendrick	Owen	Underwood
Curtis	Kenyon	Page	Vardaman
Fernald	Kirby	Penrose	Wadsworth
France	Knox	Phelan	Warren
Frelinghuysen	La Follette	Poindexter	Watson
Gore	Lodge	Reed	Weeks
Gronna	McCumber	Sherman	
Hale	McKellar	Shields	
Harding	McLean	Smith, Mich.	

NAYS—31.

Ashurst	Johnson, S. Dak.	Ransdell	Smith, S. C.
Bankhead	Jones, N. Mex.	Robinson	Swanson
Broussard	King	Saulsbury	Thompson
Chamberlain	Lewis	Shafroth	Tillman
Culberson	Martin	Sheppard	Trammell
Hollis	Newlands	Simmons	Williams
Husting	Overman	Smith, Ariz.	Wolcott
James	Pittman	Smith, Ga.	

NOT VOTING—12.

Brady	Fletcher	Goff	Smith, Md.
Dillingham	Gallinger	Hughes	Thomas
Fall	Gerry	Pomerene	Walsh

So Mr. OWEN's amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. BRANDEGEE. Mr. President, I wish to submit a parliamentary inquiry. Did I understand in the opinion of the Chair that none of the amendments proposed by Senators could be amended?

The VICE PRESIDENT. The opinion of the Chair was sustained by the Senate that any amendment which has not heretofore been offered can not now be offered except by unanimous consent.

Mr. BRANDEGEE. Yes; I thoroughly agree with that, but my inquiry was if a Senator offers an amendment which he proposed before 2 o'clock yesterday afternoon, is it not subject to amendment by another Senator?

The VICE PRESIDENT. The Chair thinks not, for——

Mr. BRANDEGEE. Will the Chair pardon me for a minute while I call attention to the unanimous-consent agreement?

The VICE PRESIDENT. The Chair read it and ruled on it, and the Senate indorsed his ruling.

Mr. BRANDEGEE. Very well; I did not know that. I was not present.

Mr. KENYON. I offer a new section to come in at the end of the bill, and I ask to have it read.

The VICE PRESIDENT. It will be read.

The SECRETARY. Add to the bill as a new section the following:

SEC. —. That any person carrying on or employed in commerce among the several States, or with foreign nations, or with or in the Territories or other possessions of the United States in any article suitable for human food, fuel, or other necessaries of life, who, either in his individual capacity or as an officer, agent, or employee of a corporation or member of a partnership carrying on or employed in such trade, shall store, acquire, or hold, or who shall destroy or make away with any such article for the purpose of limiting the supply thereof to the public or affecting the market price thereof in such commerce, whether temporarily or otherwise, shall be deemed guilty of a felony and, upon conviction thereof, shall be punished by imprisonment in the penitentiary for not less than six months nor more than three years: *Provided*, That any storing or holding by any farmer, gardener, or other person of the products of any farm, garden, or other land cultivated by him shall not be deemed to be a storing or holding within the meaning of this act: *Provided further*, That farmers and fruit growers, cooperative and other exchanges, or societies of a similar character shall not be included within the provisions of this section: *And provided further*, That the foregoing shall not be construed to prohibit the acquiring, storing, or holding of such articles for future sale for such advanced price as might prevail in the ordinary course of business and in a free and unrestricted market. Nothing contained in this section shall be construed to repeal the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, commonly known as the Sherman Antitrust Act.

The VICE PRESIDENT. The question is on the amendment of the Senator from Iowa [Mr. KENYON]. [Putting the question.]

Mr. KENYON. I will ask for the yeas and nays if there is any question about it. The Senate has adopted the amendment before on another bill.

Mr. CHAMBERLAIN. If I may accept it I do so. It is exactly the same as the former amendment, which was agreed to.

The VICE PRESIDENT. The Chair decides that the amendment is carried. It is agreed to.

Mr. HOLLIS. I send to the desk an amendment proposed before 2 o'clock yesterday.

The VICE PRESIDENT. It will be read.

The SECRETARY. Add at the end of the bill a new section, as follows:

SEC. —. That nothing in this act shall be construed to repeal, modify, or affect either section 6 or section 20 of an act entitled "An act to supplement existing laws against unlawful restrains and monopolies, and for other purposes," approved October 15, 1914.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from New Hampshire [Mr. HOLLIS].

The amendment was agreed to.

Mr. TILLMAN. I offer the following amendment.

The VICE PRESIDENT. It will be read.

The SECRETARY. Add at the end of the bill a new section, as follows:

SEC. —. That the President is authorized and directed to procure, or aid in procuring, such stocks of nitrate of soda as he may determine to be necessary, and find available, for increasing agricultural production during the calendar years 1917 and 1918, and to dispose of the same at cost, payable in advance. For carrying out the purposes of this resolution, there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, available immediately and until expended, the sum of $10,000,000, or so much thereof as may be necessary, and the President is authorized to make such regulations, and to use such means and agencies of the Government, as, in his discretion, he may deem best. The proceeds arising from the disposition of the nitrate of soda shall go into the Treasury as miscellaneous receipts.

The VICE PRESIDENT. The question is on the amendment of the Senator from South Carolina.

Mr. TILLMAN. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I again withhold my vote, having a general pair with the senior Senator from Maryland [Mr. SMITH].

Mr. FLETCHER (when his name was called). I again announce my pair, as before, with the Senator from New Hampshire [Mr. GALLINGER], and being unable to obtain a transfer I withhold my vote.

Mr. FRELINGHUYSEN (when his name was called). I transfer my general pair with the junior Senator from Montana [Mr. WALSH] to the junior Senator from Idaho [Mr. BRADY] and vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from New Jersey [Mr. HUGHES] and vote "yea."

Mr. VARDAMAN (when his name was called). I have a general pair with the junior Senator from Idaho [Mr. BRADY]. I transfer that pair to the junior Senator from Montana [Mr. WALSH] and vote "yea."

The roll call having been concluded, the result was announced—yeas 50, nays 29, as follows:

YEAS—50.

Ashurst	Jones, N. Mex.	Pittman	Smith, S. C.
Bankhead	Kellogg	Poindexter	Stone
Beckham	Kendrick	Pomerene	Sutherland
Broussard	King	Ransdell	Thompson
Colt	Kirby	Reed	Tillman
Culberson	La Follette	Robinson	Trammell
Cummins	McKellar	Saulsbury	Underwood
Gore	McLean	Shafroth	Vardaman
Gronna	Myers	Sheppard	Wadsworth
Hitchcock	Overman	Shields	Watson
Hollis	Page	Simmons	Wolcott
Husting	Penrose	Smith, Ariz.	
James	Phelan	Smith, Ga.	

NAYS—29.

Brandegee	Harding	McNary	Sterling
Calder	Hardwick	Martin	Townsend
Chamberlain	Jones, Wash.	Nelson	Warren
Curtis	Kenyon	New	Weeks
Fernald	Knox	Norris	Williams
France	Lewis	Sherman	
Frelinghuysen	Lodge	Smith, Mich.	
Hale	McCumber	Smoot	

NOT VOTING—17.

Borah	Gallinger	Johnson, S. Dak.	Thomas
Brady	Gerry	Newlands	Walsh
Dillingham	Goff	Owen	
Fall	Hughes	Smith, Md.	
Fletcher	Johnson, Cal.	Swanson	

So Mr. TILLMAN's amendment was agreed to.

Mr. NELSON. Mr. President, I now offer the amendment which I presented day before yesterday. I move to amend by adding to section 11 what I send to the desk.

The VICE PRESIDENT. The Chair asks the Senator from Minnesota if this is an amendment that might be offered in the Senate but not as in Committee of the Whole?

Mr. NELSON. No; I offered the amendment day before yesterday with a view of offering it as in Committee of the Whole.

The VICE PRESIDENT. The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. It is proposed to add, at the end of section 11, the following:

That any building or room occupied or used by a board of trade, chamber of commerce, grain exchange, or otherwise, in which wheat or other food cereals are bought or sold for present or future delivery shall, for the purpose of this act, be known as a grain exchange.

All persons engaged in buying or selling in interstate or foreign commerce, for present or future delivery, any wheat or other food cereal, in or about any such grain exchange, shall be known and designated as traders in grain.

All sales of wheat or other food cereals by such traders in such exchanges for future delivery, and not for present or immediate delivery, shall be known and designated as dealings in futures.

If at any time during the pendency of the existing war between the United States and the German Empire the President of the United States shall find that such dealings in futures, in or about any grain exchange, unduly or unreasonably raise or enhance the price of wheat or other food cereals, to the injury of the people of the United States, he may at once request the traders in such exchange to discontinue for a time specified by him all dealings in futures. In case such request of the President is not promptly complied with, then he is hereby empowered to order such dealing in futures, as last aforesaid, to be entirely suspended and discontinued for such limited time as he may direct, and if such order is not promptly complied with he may by proclamation declare such exchange closed, and thereafter it shall be unlawful to utilize or permit to be utilized such building or room as a grain exchange or for any person, being a trader in grain on such exchange, to engage in the business theretofore conducted on or at such closed exchange.

Any person violating any of the provisions of this act shall be punished by a fine of not less than $500 or by imprisonment for not more than one year, or by both such fine and imprisonment.

Mr. CHAMBERLAIN. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. CHAMBERLAIN. I should like to ask if the amendment which has just been read is the same provision which passed the Senate some time ago and is now in conference? If it is, I am perfectly willing, so far as I can, to accept it.

Mr. NELSON. It is identically the same.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Minnesota.

The amendment was agreed to.

Mr. HITCHCOCK. I reserve the right to offer an amendment to section 8 when we get into the Senate. I forgot to offer my amendment to extend the time of guaranty from January to July. Section 8 having been adopted, I now reserve the right of a vote on that amendment in the Senate.

The VICE PRESIDENT. Are there any further pending amendments?

Mr. STONE. I have an amendment pending, which I offer at this time.

The VICE PRESIDENT. The amendment proposed by the Senator from Missouri will be stated.

The SECRETARY. It is proposed to add at the end of the bill the following:

SEC. —. That the sum of $2,000,000 is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, to aid in the support and proper maintenance of educational sanitariums or other like institutions organized for the care and industrial education of soldiers and sailors of the United States who have been crippled or disabled as a result of injuries received in the line of duty. The President is hereby authorized and empowered to distribute said funds hereby appropriated to such sanitariums or other like institutions in such amounts and in such manner as in his judgment will best promote the purposes for which this appropriation is made.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Missouri.

The amendment was rejected.

The VICE PRESIDENT. Are there any further pending amendments? If there be no further pending amendments, the bill will be reported to the Senate as amended.

The bill was reported to the Senate as amended.

The VICE PRESIDENT. Certain amendments which were made as in Committee of the Whole have been reserved for a separate vote in the Senate. The question, therefore, will be, first, on concurring in all of the amendments made as in Committee of the Whole which were not reserved: [A pause.] They are concurred in without objection. Sections 1, 5, 8, 9, and 12 have been reserved for separate votes in the Senate.

Mr. GORE. Mr. President, I desire to withdraw the substitute for the bill which I presented on July 11. Seven of the eight principal points involved in that substitute have been transferred into the pending bill upon the installment plan. I therefore withdraw the substitute, and I will further state in the RECORD my reasons for doing so.

I ask unanimous consent to move to strike out section 10 of the pending bill. I do so in order that the matter may go into conference. I do not think it is as good as the existing law on the subject.

The VICE PRESIDENT. Is there objection to unanimous consent for the request of the Senator from Oklahoma?

Mr. McCUMBER. I object to striking out any portion of section 10.

Mr. WILLIAMS. I object.

The VICE PRESIDENT. Objection is made. The question now is——

Mr. GORE. Mr. President, on page 11, line 20, I offered an amendment to the bill yesterday, on which I ask for action.

The SECRETARY. On page 11, line 20, after the word "prices," it is proposed to insert the words "for cash."

Mr. GORE. That amendment conforms to the provision passed here on June 1.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Oklahoma. [Putting the question.] The noes seem to have it.

Mr. REED. I call for the yeas and nays, Mr. President.

Mr. TOWNSEND. May we have the amendment stated, Mr. President?

Mr. GORE. I do not ask for the yeas and nays. Let us have the question again stated.

The VICE PRESIDENT. The Secretary will again state the amendment.

Mr. ROBINSON. Mr. President, I ask that the amendment be again stated. There is a misapprehension in regard to it.

The VICE PRESIDENT. The Secretary will restate the amendment.

The SECRETARY. After the word "prices" it is proposed to insert the words "for cash."

Mr. ROBINSON. On what page and line?

Mr. PENROSE. How would it read?

The SECRETARY. If amended as proposed, section 9 would read:

SEC. 9. That the President is authorized, from time to time, in order to guarantee reasonable prices to the producer and to the consumer, to purchase, to store, to provide storage facilities for, and to sell at reasonable prices for cash.

The VICE PRESIDENT. The question is on the amendment of the Senator from Oklahoma.

The amendment was agreed to.

The VICE PRESIDENT. The question now is on concurring in section 9 as amended as in Committee of the Whole.

Section 9 as amended in Committee of the Whole was concurred in.

The VICE PRESIDENT. There are certain reserved sections from the Committee of the Whole that should now be disposed of.

Mr. McCUMBER. I should like to have the Senate act on the amendment which I offered to section 8, to come in on page 10, line 22, which was reserved.

The VICE PRESIDENT. The amendment proposed by the Senator from North Dakota will be stated.

The SECRETARY. On page 10, line 22, after the word "therefor," it is proposed to insert the following:

In determining the compensation to be paid for farm products all labor employed in producing the same, whether furnished by the farmer or members of his family, including the necessary domestic service, shall be computed and allowed for at the same rate of wages paid for like labor, or labor requiring a like degree of intelligence and arduous efforts, in other lines of business or trade; and in addition thereto there shall be allowed as a charge in the cost of production a reasonable rate of interest upon the capital invested in both real and personal estate and a further reasonable charge for deterioration and upkeep. There shall also be taken into consideration the increased cost to the farmer of all necessary farm equipment, food and clothing required, and other advanced cost in the ordinary necessaries of life.

The VICE PRESIDENT. The question is on the amendment of the Senator from North Dakota.

The amendment was rejected.

The VICE PRESIDENT. The question now is on concurring in section 8 as amended as in Committee of the Whole.

Section 8 as amended as in Committee of the Whole was concurred in.

The VICE PRESIDENT. Section 12 was reserved for a separate vote in the Senate.

Mr. HITCHCOCK. I now offer the amendment to section 12 to strike out "January" and insert "July," so as to extend it to the crop year. I will ask the Senator in charge of the bill whether that will be acceptable to him? I understand there is really no objection to it.

Mr. PAGE. I object to that amendment being accepted without a vote.

Mr. HITCHCOCK. The amendment is pending. The amendment was printed yesterday, and I gave notice that I would offer it. It is designed to prevent wheat being crowded on the market before January by extending the date to the crop year.

Mr. PAGE. Mr. President——

The VICE PRESIDENT. The Senate is voting on amendments, and not discussing questions. The question is on the amendment of the Senator from Nebraska.

The amendment was agreed to.

Mr. SHAFROTH. Mr. President, I reserved the right to have a separate vote on the amendment providing that there shall be one administrator instead of a commission of three. I should like to have that amendment now submitted to a vote of the Senate.

The VICE PRESIDENT. Did the Senator offer that as an amendment prior to 2 o'clock on yesterday?

Mr. SHAFROTH. Oh, yes; that amendment was voted upon as in Committee of the Whole and voted down.

The VICE PRESIDENT. Of course it was, and, having been voted down, it could not be reserved for a vote in the Senate. Only a question that is voted upon can be reserved for a separate vote in the Senate.

Mr. SHAFROTH. I reserved the right this morning, and the Senator from Wisconsin [Mr. HUSTING], I believe, also reserved the right on yesterday.

Mr. PENROSE. Regular order!

Mr. SMITH of Michigan. Question!

Mr. HUSTING. Mr. President, I want to say that I reserved the amendment, and also offered it before 2 o'clock yesterday.

The VICE PRESIDENT. If the amendment has been offered, it may be presented.

Mr. HUSTING. I send the amendment to the desk.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. In the so-called Chamberlain amendment to section 12, on page 2, line 18, it is proposed to strike out all after the words "he is further authorized and directed to appoint," and insert "a food administrator at an annual salary of $7,500, payable monthly, to perform such duties in carrying out the purposes of this act as the President shall direct. Said food administrator shall hold office at the pleasure of the President during the continuance of the war."

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Wisconsin. [Putting the question.] By the sound the noes seem to have it.

Mr. HUSTING. I ask for the yeas and nays.

Mr. SHAFROTH. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FLETCHER (when his name was called). Making the same announcement as to my pair, I withhold my vote. If at liberty to vote, I would vote "nay."

Mr. FRELINGHUYSEN (when his name was called). I transfer my pair to the senior Senator from Idaho [Mr. BORAH] and vote "nay."

Mr. VARDAMAN (when his name was called). I have a general pair with the junior Senator from Idaho [Mr. BRADY]. I transfer that pair to the junior Senator from Montana [Mr. WALSH] and vote "nay."

The roll call was concluded.

Mr. PITTMAN. I desire to announce that the junior Senator from Montana [Mr. WALSH] is unavoidably absent by reason of illness.

Mr. CURTIS. I desire to announce that the Senator from South Carolina [Mr. TILLMAN] is paired with the Senator from West Virginia [Mr. GOFF].

The result was announced—yeas 23, nays 60, as follows:

YEAS—23.

Ashurst	Jones, Wash.	Myers	Shafroth
Borah	Kellogg	Newlands	Thompson
Husting	King	Phelan	Townsend
James	Knox	Poindexter	Williams
Johnson, Cal.	McLean	Pomerene	Wolcott
Johnson, S. Dak.	McNary	Robinson	

NAYS—60.

Bankhead	Gronna	Nelson	Smith, Ga.
Beckham	Hale	New	Smith, Md.
Brandegee	Harding	Norris	Smith, Mich.
Broussard	Hardwick	Overman	Smith, S.C.
Calder	Hitchcock	Page	Smoot
Chamberlain	Hollis	Penrose	Sterling
Colt	Jones, N. Mex.	Pittman	Stone
Culberson	Kendrick	Ransdell	Sutherland
Cummins	Kenyon	Reed	Swanson
Curtis	Kirby	Saulsbury	Trammell
Dillingham	La Follette	Sheppard	Underwood
Fernald	Lodge	Sherman	Vardaman
France	McCumber	Shields	Wadsworth
Frelinghuysen	McKellar	Simmons	Watson
Gore	Martin	Smith, Ariz.	Weeks

NOT VOTING—13.

Brady	Gerry	Owen	Warren
Fall	Goff	Thomas	
Fletcher	Hughes	Tillman	
Gallinger	Lewis	Walsh	

So Mr. HUSTING'S amendment was rejected.

The VICE PRESIDENT. The question now is in concurring in the section as amended as in Committee of the Whole.

The section as amended in Committee of the Whole was concurred in.

Mr. THOMPSON. Mr. President, I desire a vote on my amendment to strike out the words "interstate or foreign commerce" in section 5 where they appear in the bill six times.

The VICE PRESIDENT. Is it an amendment to section 1?

Mr. THOMPSON. Section 5.

The VICE PRESIDENT. Then we will concur in section 1, if there is no objection. [A pause.] It is concurred in. The Senator from Kansas proposes an amendment to section 5, which will be stated.

The SECRETARY. It is proposed to strike out the words "interstate or foreign commerce" where they appear six times in the amendment.

The VICE PRESIDENT. The question is on the amendment of the Senator from Kansas.

The amendment was rejected.

Mr. HUSTING. Mr. President, I should like to offer an amendment that I offered yesterday and reserved.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, line 6, after the words "kerosene and gasoline," it is proposed to insert:

And such other things as the President, upon a finding that a necessity exists therefor, from time to time shall include by proclamation.

Mr. HUSTING. On that I ask for the yeas and nays.

The yeas and nays were not ordered.

The VICE PRESIDENT. The question is on the amendment of the Senator from Wisconsin.

The amendment was rejected.

Mr. LA FOLLETTE rose.

The VICE PRESIDENT. Are there further amendments that were reserved?

Mr. LA FOLLETTE. Mr. President, I rose to offer an amendment which I presented——

The VICE PRESIDENT. That is what the Chair means—amendments presented prior to 2 o'clock on yesterday.

Mr. LA FOLLETTE. I did not reserve it when the bill passed into the Senate. It was not voted upon.

The VICE PRESIDENT. The bill is in the Senate and open to amendment——

Mr. LA FOLLETTE. That is what I supposed.

The VICE PRESIDENT (continuing). If the amendment was presented prior to 2 o'clock.

Mr. LA FOLLETTE. I presented it with a motion for its adoption.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY read as follows:

The following amendment is offered by Mr. LA FOLLETTE:

Whereas the Congress has provided by legislation already approved for control by authorizing the President to commandeer individual or separate railroad companies or organizations; and

Whereas the Congress has provided by legislation already approved for control by the Interstate Commerce Commission of railroad freight cars of all railroads and systems and for their operation as a unit, regardless of separate ownership; and

Whereas it is vitally important in the great emergency now confronting the country to exercise the same control over the motive power of the various railroad companies and systems of the country which led the Congress to give the Interstate Commerce Commission power to mobilize the freight cars of the country and handle the same as a unit: Now, therefore,

Be it enacted, That the following be added as a new section at the end of the bill:

"SEC. —. That the President is authorized, whenever in his judgment it is necessary for the efficient prosecution of the war, to direct that any or all railroads (not including street railroads), any or all vessels engaged in coastwise or inland lake or river trade, and any or all common carriers in the United States shall be operated as a unit on Government account under the direction and control of the Interstate Commerce Commission for such period as he may think proper, but not longer than the expiration of one year after the termination of the existing war, the date of such termination to be fixed by proclamation of the President. The United States shall make just compensation for any property or interest so taken, as follows:

"First. During such period the owner shall be paid quarterly a sum equivalent to one-quarter of the average annual net amount earned by such railroad, vessel, or common carrier during the 60 months prior to June 30, 1916, such average amount to be ascertained by the Interstate Commerce Commission.

"Second. The owner, if not satisfied with the amount so paid, may sue the United States (in the manner provided by sec. 24, par. 20, and sec. 145 of the Judicial Code) to recover such further sum as, added to the amount so paid, will make up such amount as will be just compensation.

"All earnings from the operation of such railroads, vessels, and common carriers shall be covered into, and all operating expenses and fixed charges shall be paid out of, the Treasury on warrants of the Interstate Commerce Commission.

"There is hereby permanently appropriated, out of any moneys in the Treasury not otherwise appropriated, in addition to all other appropriations made by this act, a sum sufficient to carry out the purposes of this section."

Mr. LA FOLLETTE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FLETCHER (when his name was called). Announcing my pair as before, I withhold my vote.

Mr. FRELINGHUYSEN (when his name was called). I transfer my general pair to the junior Senator from Idaho [Mr. BRADY] and vote "nay."

Mr. VARDAMAN (when his name was called). Announcing the transfer of my pair as on the last vote, I vote "yea."

The roll call was concluded.

Mr. TILLMAN. I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from New Jersey [Mr. HUGHES], and vote "nay."

The result was announced—yeas 17, nays 69, as follows:

YEAS—17.

Borah	Johnson, Cal.	Lewis	Sherman
Brandegee	Johnson, S. Dak.	McNary	Vardaman
Cummins	Jones, Wash.	Norris	
Gronna	Kenyon	Poindexter	
Husting	La Follette	Reed	

NAYS—69.

Ashurst	James	Page	Sterling
Bankhead	Jones, N. Mex.	Penrose	Stone
Beckham	Kellogg	Phelan	Sutherland
Broussard	Kendrick	Pittman	Swanson
Calder	King	Pomerene	Thompson
Chamberlain	Kirby	Ransdell	Tillman
Colt	Knox	Robinson	Townsend
Culberson	Lodge	Saulsbury	Trammell
Curtis	McCumber	Shafroth	Underwood
Dillingham	McKellar	Sheppard	Wadsworth
Fernald	McLean	Shields	Warren
France	Martin	Simmons	Watson
Frelinghuysen	Myers	Smith, Ariz.	Weeks
Hale	Nelson	Smith, Ga.	Williams
Harding	New	Smith, Md.	Wolcott
Hardwick	Newlands	Smith, Mich.	
Hitchcock	Overman	Smith, S. C.	
Hollis	Owen	Smoot	

NOT VOTING—10.

Brady	Gallinger	Gore	Walsh
Fall	Gerry	Hughes	
Fletcher	Goff	Thomas	

So Mr. LA FOLLETTE's amendment was rejected.

The VICE PRESIDENT. Section 5 will be concurred in without objection. Are there further amendments? [A pause.] The question is, Shall the amendments be engrossed and the bill be read a third time?

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. JAMES and Mr. SMITH of Georgia called for the yeas and nays, and they were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CALDER (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. GERRY], but on this question I am at liberty to vote. I vote "yea."

Mr. FRELINGHUYSEN (when his name was called). I transfer my general pair with the Senator from Montana [Mr. WALSH] to the Senator from Idaho [Mr. BRADY] and vote "yea."

Mr. GORE (when his name was called). I am paired with the Senator from New Hampshire [Mr. GALLINGER].

Mr. SHAFROTH (when Mr. THOMAS's name was called). I desire to announce the unavoidable absence of my colleague [Mr. THOMAS] on account of illness. I will state that he has a general pair with the senior Senator from North Dakota [Mr. MCCUMBER], and that if my colleague were present he would vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the senior Senator from West Virginia [Mr. GOFF] to the Senator from New Jersey [Mr. HUGHES] and vote "yea."

Mr. VARDAMAN (when his name was called). Announcing the transfer of my pair as on the last vote, I vote "yea."

Mr. PITTMAN (when Mr. WALSH's name was called). I desire to state that the junior Senator from Montana [Mr. WALSH] is unavoidably absent on account of illness. If he were present he would vote "yea."

The roll call was concluded.

Mr. JAMES. I have been requested to announce that the senior Senator from New Jersey [Mr. HUGHES] is absent by reason of illness and that if present he would support this bill.

Mr. BORAH. I desire to announce the absence of my colleague [Mr. BRADY] on account of illness. If my colleague were present, he would vote "yea."

Mr. MCCUMBER. I have a general pair with the senior Senator from Colorado [Mr. THOMAS]. The junior Senator from Wyoming [Mr. KENDRICK] has a general pair with the senior Senator from New Mexico [Mr. FALL]. We have arranged to transfer these pairs so that the Senator from Colorado [Mr. THOMAS] and the Senator from New Mexico [Mr. FALL] will stand paired, allowing the Senator from Wyoming [Mr. KENDRICK] and myself to vote. I therefore vote. I vote "yea."

The result was announced—yeas 81, nays 6, as follows:

YEAS—81.

Ashurst	Husting	Nelson	Smith, Mich.
Bankhead	James	New	Smith, S. C.
Beckham	Johnson, Cal.	Newlands	Smoot
Borah	Johnson, S. Dak.	Norris	Sterling
Brandegee	Jones, N. Mex.	Overman	Stone
Broussard	Jones, Wash.	Owen	Swanson
Calder	Kellogg	Page	Thompson
Chamberlain	Kendrick	Phelan	Tillman
Colt	Kenyon	Pittman	Townsend
Culberson	King	Poindexter	Trammell
Cummins	Kirby	Pomerene	Underwood
Curtis	Knox	Ransdell	Vardaman
Dillingham	La Follette	Robinson	Wadsworth
Fernald	Lewis	Saulsbury	Warren
Fletcher	Lodge	Shafroth	Watson
Frelinghuysen	McCumber	Sheppard	Weeks
Gronna	McKellar	Shields	Williams
Hale	McLean	Simmons	Wolcott
Harding	McNary	Smith, Ariz.	
Hitchcock	Martin	Smith, Ga.	
Hollis	Myers	Smith, Md.	

NAYS—6.

France	Penrose	Sherman	Sutherland
Hardwick	Reed		

NOT VOTING—9.

Brady	Gerry	Gore	Thomas
Fall	Goff	Hughes	Walsh
Gallinger			

So the bill was passed.

Mr. CHAMBERLAIN. I move that the Senate request a conference with the House of Representatives on the bill and amendments, and that the Chair appoint five conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. GORE, Mr. CHAMBERLAIN, Mr. SMITH of South Carolina, Mr. KENYON, and Mr. WARREN conferees on the part of the Senate.

Mr. CHAMBERLAIN subsequently said: Mr. President, I move that two additional members be added to the conference committee on the food-control bill, House bill 4961.

The motion was agreed to; and the Presiding Officer (Mr. KING in the chair) appointed Mr. SMITH of Georgia and Mr. PAGE additional conferees on the part of the Senate.

APPROPRIATIONS FOR AVIATION.

Mr. CHAMBERLAIN. I move that the Senate proceed to the consideration of the so-called aviation bill, House bill 5326.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5326) to authorize the President to increase temporarily the Signal Corps of the Army and to purchase, manufacture, maintain, repair, and operate airships and to make appropriations therefor, and for other purposes.

The VICE PRESIDENT. The bill has been read, and the pending amendment is the amendment of the Senator from Georgia [Mr. HARDWICK]. It will be stated by the Secretary.

The SECRETARY. On page 2, line 17, after the words "by voluntary enlistment," strike out the words "or by draft."

Mr. FLETCHER. Mr. President, I shall not take any time to discuss the amendment; but bearing on the subject of the draft, on which the Senator from Georgia laid much stress some days ago, I send to the desk a short article and ask the Secretary to read it.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

WHY WORRY ABOUT DRAFT?—GLANCE AT THIS.

ATLANTA, *July 12.*

Here is consolation for every man who has registered and expects to be drafted in the great war lottery this month. It comes from an Atlanta boy who has been on the firing line in France and knows what he is talking about:

You have two alternatives—either you are drafted or you are not. If not, you have nothing to worry about. If you are drafted, you have two alternatives—you are in camp or you are at the front. If you are in camp you have nothing to worry about. If you are at the front you have two alternatives—either you are held in reserve or you are sent to the firing line. If you are in reserve, you have nothing to worry about. If you are sent to the firing line, you have two alternatives—either you fight or you don't. If you don't, you have nothing to worry about. If you do, you have two alternatives—either you get hurt or you don't. If you don't, you have nothing to worry about. If you do get hurt, you have two alternatives—either you are slightly hurt or badly hurt. If slightly hurt, you have nothing to worry about. If

badly hurt, you have two alternatives—either you recover or you don't. If you recover, you have nothing to worry about. If you don't recover, then you are dead and can't worry.

So what's the use of worrying about the draft? [Waycross Journal-Herald.]

[Laughter.]

Mr. CURTIS. Was unanimous consent asked for the reading of the article at the desk? If so, I wish to object. I think it is rather grim humor, and it should not be printed in the RECORD.

The VICE PRESIDENT. Unanimous consent was asked, and, no one objecting, it was read at the desk. The question is on the amendment of the Senator from Georgia.

Mr. LA FOLLETTE. Mr. President, I wish to say just a word upon the amendment of the Senator from Georgia to strike out of this bill the draft provision. I trust that this amendment shall prevail. I believe, in the first place, that this war ought to be prosecuted without a resort to the draft at all. Any war a democracy prosecutes ought to be prosecuted without a resort to draft. Democracy ought never to enter upon a war that it can not prosecute by volunteers.

To employ the draft is to confess that the war lacks enthusiastic and whole-hearted support by the people. A democracy should not enter upon any undertaking that has not the support of the people.

In the United States the draft should never be resorted to unless it be to use an army within the borders of our own country to preserve the country. The United States should never attempt to raise by draft a force for over-sea service. I will not at this time enter upon any lengthy discussion to demonstrate that there is no authority in the Constitution to raise an army by draft and send them across the seas into foreign lands, there to engage in military operations which do not involve protection of the lives or property or rights of the citizens in this country.

My views with respect to this question are well known to the Senate. Believing it unconstitutional to draft any army for foreign service, I can not support a provision that would draft any part of such an army.

Furthermore, Mr. President, this particular service is a service to which men ought always to volunteer, or they ought never to be employed in it. It is a service which calls for special and particular qualifications, a service that depends for its efficiency upon temperamental qualities. Men for the aviation service—for submarine service, as well—ought to be secured by voluntary offering. I have no doubt, Mr. President, that they can be secured. Indeed, since this bill was called up here the other day I have had a communication from Mr. Earl Hamilton Smith, the secretary of the National Aerial Coast Patrol Commission, in which it is set forth that there is already a longer list of voluntary offerings for this particular service than the Army and Navy have found it possible to handle.

There are from five to ten times as many applicants as there are places to fill whenever there is a call for flying students, so there exists no necessity to impress men into this service.

So, Mr. President, believing, as I do, that the draft in itself is un-American, that it is undemocratic, that it ought never to have been employed in this war at all, and that especially it ought not to be a part of this legislation, I sincerely hope that the amendment will prevail.

Mr. WEEKS. Mr. President, the draft has become the established policy of the Government. So I do not think the draft as a concrete question ought to enter into this proposition. It does not seem to me, however, that it makes a great deal of difference whether the amendment is adopted or not. An airplane crew consists of 11 men, usually one man who is the aviator and 10 men who remain on the ground, who are machinists, who are keeping the machine in condition.

It would be ridiculous to draft men to go into the air, and, as a matter of fact, it is not necessary, because there are a number of volunteers on hand greater than enough to supply all the machines we can build in the next year. It may be necessary to draft the machinists who are going to be employed in this service and become a part of the troops, and that is the only part, so far as I know, that could possibly be subject to draft.

Mr. HARDWICK. Will the Senator yield to me for a moment?

Mr. WEEKS. I yield.

Mr. HARDWICK. That may be true from the Senator's standpoint; but we have already a provision to draft a million men, and they can be assigned to the Signal Corps under the draft already provided. Therefore from that standpoint there is no necessity for the clause I propose to strike out.

Mr. WEEKS. I said that I did not think it made much difference one way or another.

I wish to say one more word: I think it would have a salutary effect if this bill could be passed to-night. I think prompt action on this bill, which is likely to be more important in connection with closing the war than any other single measure, would have a very salutary effect.

Mr. HARDWICK. Will the Senator permit me to say that there is no disposition on the part of the mover of this amendment to delay the bill?

Mr. WEEKS. I understand that.

Mr. HARDWICK. We have been grossly slandered on that subject. If the Senators who are for the bill are ready to vote on the amendment, I think we can dispose of it in a very few minutes.

Mr. WEEKS. I agree with the Senator from Georgia.

Mr. NORRIS. Mr. President, I am exceedingly anxious that we shall dispose of the bill promptly and I do not believe there will be any difficulty in doing it. I believe it ought to be passed speedily. If it had not been for the food bill being in the way, it would have been passed long ago. If the committee had reported it out before the food bill was brought in, it would have been a law now.

Mr. President, I am in favor of the amendment offered by the Senator from Georgia. I am not in favor of the amendment on the broad ground of the draft, although I voted against the so-called draft bill, but that was fought out and the draft has been adopted as the method of getting troops. So on that ground, while I would have favored it the other way if I had considered it an open question, yet I would not object to it if there was nothing else in it. But this is a proposition to draft men to fly in the air. From the very nature of things it can not be done. Those who are behind the bill say they will not attempt to draft anybody to operate a flying machine. If that is true, then they ought not to empower anybody to do the drafting. It seems to me that even if we did draft a man and put him on a machine when he flies out over the enemy or anywhere else he must necessarily in a sense be his own commander. He is really supreme. If he did not want to do any good, he could not be compelled to do any good. If he did not want to hit anybody, he could not be compelled to do it.

There will be plenty of men who are peculiarly fitted by disposition and otherwise to do this flying, and they are anxious to do it. They will volunteer. We can not make a success of aviation any other way, in my judgment. For that reason I believe they ought to be permitted to volunteer, and I am in favor, therefore, of the amendment.

Mr. LODGE. Mr. President, this provision is alternative. The President is given the power to take men by voluntary enlistment. I do not suppose there is the slightest question that he will take pilots and observers entirely by voluntary enlistment. It is not usual to draft men for any particular service; they are drafted for the Army. But here we are adding a large number of men, and the President ought to have the power to make an additional draft, if necessary, or to take them from men already drafted, who may be drafted into the Army now without this provision. I do not think he could use the drafted men who are already drafted, and he ought to have the power to assign them or to make a new draft if he needs them.

Nobody supposes for one moment that they are going to draft men to go up in the air to fight in the air. That will be a voluntary service, and there are an abundance of men who have already volunteered for that service.

Mr. GRONNA. Mr. President, I hope that this bill will be passed this afternoon. I shall, of course, vote for the amendment proposed by the Senator from Georgia. For the same reason stated by the Senator from Wisconsin [Mr. LA FOLLETTE], I am from principle opposed to the draft provision.

Mr. President, when this bill was before the Senate the other day I had not had an opportunity to read the bill. I did not know that there was any such provision as a draft provision in the bill. I had talked to no one about the bill. I had never stated to anybody that I was opposed to the bill, and the gentleman who sent out broadcast over this country——

Mr. LA FOLLETTE. The Associated Press.

Mr. GRONNA. The Associated Press that sent out the statement that I was opposed to this legislation and opposed to the appropriation of $640,000,000 stated an absolute, unqualified, deliberate, and malicious falsehood.

I do not suppose, Mr. President, that the genius who in the exuberance of his brain wrote that article and that falsehood has the manhood to print and give publicity in the same manner to my statement to-day that he did the other day in charging

me with a falsehood; but, Mr. President, I want the RECORD to show that I had not talked to a single Member of this body nor had a single Member of this body said anything to me about the aviation bill.

I have repeatedly stated that I shall be glad to vote for any appropriation recommended by the Chief Executive of this Nation to mobilize all the energies of this country in order to be able to successfully prosecute the war and to end it as speedily as possible for a just and lasting peace.

Mr. President, there is no reason why I should oppose this bill, and I want to say for the benefit of the press that that lying, insinuating falsehood which appeared in the press has not changed my position. I would have voted for the amendment proposed by the Senator from Georgia without the comment of that man, if I may call him a man. I should have voted for the Hardwick amendment and I should have been glad to vote for the $640,000,000 appropriation, and I shall be glad to vote for $1,640,000,000 if the President shall ask for it.

The VICE PRESIDENT. The question is on the amendment of the Senator from Georgia.

Mr. HARDWICK. I ask for the yeas and nays.

Mr. LA FOLLETTE. Mr. President, I am not going to stand more than a moment of time between the Senate and its desire to vote. I just want to say one word in reply to the statement made by the Senator from Massachusetts [Mr. WEEKS] to the effect that the draft is a part of the military system of the United States.

The draft is not a part of the military system of the United States. We have a draft law. That law in its first paragraph says "That in view of the existing emergency," so this law was enacted to meet the present emergency. It will die with the passing of that emergency. It is no part of the permanent military policy of the United States. It would not have been enacted if it was proposed to make it part of our permanent military law. It is an unwise, an unnecessary, and, in my opinion, an unconstitutional and un-American enactment that will be quickly repudiated by the people and repealed by Congress.

I want to say that I shall stand for a repeal of the draft law. I shall offer upon this floor a proposition to repeal it, and I shall fight for its repeal, confident that the American people will compel their representatives to wipe that law off the statutes.

I say, furthermore, that the repeal of that law will be an issue which will go to the people of this country in the next election. It will be an issue that will be carried into every State and into every congressional district. Mr. President, I venture to predict that 90 per cent of the people of the United States will record their verdict at the ballot box against this un-American system when they shall have opportunity to express their judgment upon this issue.

Mr. HARDWICK. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from New Hampshire [Mr. GALLINGER], which I transfer to the junior Senator from Wisconsin [Mr. HUSTING] and vote "nay."

Mr. FRELINGHUYSEN (when his name was called). I transfer my pair to the junior Senator from Idaho [Mr. BRADY] and vote "nay."

Mr. VARDAMAN (when his name was called). I have a general pair with the junior Senator from Idaho [Mr. BRADY]. I transfer that pair to the junior Senator from Montana [Mr. WALSH] and vote "yea."

The roll call was concluded.

Mr. TILLMAN. I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from New Jersey [Mr. HUGHES] and vote "nay."

Mr. HARDING (after having voted in the negative). I notice that the junior Senator from Alabama [Mr. UNDERWOOD] has not voted. Therefore I transfer my general pair with him to the junior Senator from Maine [Mr. HALE] and will let my vote stand.

Mr. CALDER (after having voted in the negative). I have a general pair with the junior Senator from Rhode Island [Mr. GERRY]. If the Senator from Rhode Island were present, he would vote "nay." I therefore permit my vote in the negative to stand.

Mr. THOMPSON. I wish to announce that the junior Senator from Wisconsin [Mr. HUSTING] is unavoidably absent on important business. If present, he would vote "nay."

Mr. CURTIS. I desire to announce the unavoidable absence of the junior Senator from Minnesota [Mr. KELLOGG].

I also desire to announce the unavoidable absence of the senior Senator from Maine [Mr. FERNALD].

The result was announced—yeas 12, nays 66, as follows:

YEAS—12.

Borah	Gore	Kirby	Norris
Broussard	Gronna	La Follette	Owen
Curtis	Hardwick	McKellar	Vardaman

NAYS—66.

Ashurst	Jones, N. Mex.	Penrose	Smoot
Bankhead	Jones, Wash.	Phelan	Sterling
Beckham	Kendrick	Pittman	Stone
Brandegee	Kenyon	Poindexter	Sutherland
Calder	King	Pomerene	Swanson
Chamberlain	Knox	Ransdell	Thompson
Colt	Lewis	Reed	Tillman
Cummins	Lodge	Robinson	Townsend
Dillingham	McCumber	Saulsbury	Trammell
Fletcher	McNary	Shafroth	Wadsworth
France	Martin	Sheppard	Warren
Frelinghuysen	Myers	Shields	Watson
Harding	Nelson	Smith, Ariz.	Weeks
Hitchcock	New	Smith, Ga.	Williams
Hollis	Newlands	Smith, Md.	Wolcott.
James	Overman	Smith, Mich	
Johnson, S. Dak.	Page	Smith, S. C.	

NOT VOTING—18.

Brady	Gerry	Johnson, Cal.	Thomas
Culberson	Goff	Kellogg	Underwood
Fall	Hale	McLean	Walsh.
Fernald	Hughes	Sherman	
Gallinger	Husting	Simmons	

So Mr. HARDWICK's amendment was rejected.

Mr. OWEN. Mr. President, I submit the amendment which I send to the desk.

The PRESIDING OFFICER (Mr. KING in the chair). The amendment offered by the Senator from Oklahoma will be stated.

The SECRETARY. At the end of section 9 it is proposed to insert the following:

There is hereby created, to serve during the existing emergency, for the purpose of coordinating the industrial activities relating to aircraft for the Army and Navy, the aircraft production board, hereinafter called the board. The board shall be appointed by and under the supervision and control of the Secretary of War and the Secretary of the Navy, and exercise its functions with respect to the requirements of the Army under the direction of the Chief Signal Officer of the Army, and with respect to the requirements of the Navy under the direction of the Chief Constructor of the Navy, both of whom shall be members of the board. Vacancies on the board shall be filled by the Secretary of War and the Secretary of the Navy.

The board shall have power on behalf of the respective departments of the Government, and under the direction and control of the Secretary of War and the Secretary of the Navy, to supervise and direct the purchase, production, and manufacture of airplanes, engines, and all ordnance and instruments in connection therewith, and accessories and materials therefor, including the purchase, lease, acquisition, or construction of plants for the manufacture of airplanes, engines, and accessories, and provided that moneys allotted for any such purpose shall not be subject to the restrictions relating to advance payments.

The board may employ and fix the compensation of such clerks and other employees, including special technical experts and advisers, as it may deem essential to its work.

The board may also rent suitable offices for its use in the District of Columbia or elsewhere, and may purchase necessary equipment and supplies, including scientific publications, and procure necessary printing.

The expenses of the board shall be paid out of any money appropriated by this act.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Oklahoma.

The amendment was rejected.

Mr. CALDER. Mr. President, I offer the amendment which I send to the Secretary's desk.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. It is proposed to add the following as section 11:

That in the execution of the selective draft authorized by the act of Congress approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," all aliens resident in the United States for more than one year, exclusive of alien enemies and alien subjects of any country allied with the enemy country who have not declared their intention to become citizens, shall be subject to be drafted for military service upon the same terms and under the same conditions as citizens of the United States: *Provided*, That aliens who are subjects of countries with which the United States has treaties exempting its subjects from compulsory or other military service shall be exempt from the draft upon the application of the diplomatic representative of such country: *Provided further*, That aliens who claim such exemption shall be allowed to depart from the United States within 90 days from the date of the allowance of their claim for exemption or shall be deported if remaining within the United States beyond said time.

Mr. CALDER. Mr. President, the selective draft put into effect yesterday was based presumably upon the population of the country. The report of the Secretary of Commerce sent to the Senate recently states, in substance, that he based the population of the different States on the total registration for the draft. An examination of the registration figures will

show that, while the total registration throughout the country was 9,666,078, the alien registration was something over 1,000,000, all of whom are exempt under the law. The aliens in some communities greatly outnumber the citizens of the United States, thus rendering the draft to a very large degree exceedingly unfair.

I note that in Arizona, for instance, 40 per cent of the total number registered are aliens, so that the citizens of that State will be compelled to bear an unusual burden. In Connecticut the alien registration was 37 per cent; in Nevada, 31 per cent; in New Hampshire, 25 per cent; in Rhode Island, 28 per cent; and in New York, 24 per cent; while in South Carolina it was three-tenths of 1 per cent; in Arkansas, four-tenths of 1 per cent; and in Tennessee, five-tenths of 1 per cent of the total registration. The proportion of men required to be taken from States with a large alien registration will be in some cases nearly double the proportion taken from other States.

The subject has been discussed a great deal in this Chamber and in the newspapers. I do not think we can afford to have it said throughout the country that one part of the Nation has been compelled to bear an unusual burden as against other sections. If this is a just measure, then the citizens of Connecticut, Arizona, and New York should be asked to contribute exactly the same as the citizens of Arkansas, South Carolina, and Mississippi.

This amendment is the same as the joint resolution prepared and introduced as a separate measure by the Senator from Oregon [Mr. CHAMBERLAIN], the chairman of the Committee on Military Affairs. I see no better place for it to be enacted than right here in connection with the pending measure.

Mr. REED. Mr. President, I stated the other day that the Military Committee had reported the pending bill without amendment, hoping that it might become a law immediately. There were provisions in the bill as it came to us that were not satisfactory to some members of the committee, but all of them waived their objections to the end that the bill might receive immediate attention. It was hoped at that time that it might pass the Senate at once. It has been delayed a day or two, but I hope it will be passed to-night and passed in such shape as to become a law immediately. I hope it will not have to be sent back to the House of Representatives, and any amendment, however meritorious, will force the return of the bill to the House of Representatives.

Mr. SMITH of Michigan. And the return of absent Members to the House.

Mr. REED. And possibly the return of Members to the House, as the Senator from Michigan suggests.

Now, let me read this little item from the Evening Star:

GERMANY BUILDING MANY AIRPLANES TO FIGHT UNITED STATES—MANUFACTURE OF ZEPPELINS IS REPORTED PRACTICALLY TO HAVE BEEN ABANDONED.

GENEVA, *July 20.*

Reliable reports from Romanshorn say that airplanes of the latest models manufactured at the Zeppelin factory at Friedrichshafen daily are to be seen flying over Lake Constance.

The reports add that the cessation of the manufacture of Zeppelins was due to the fact that German headquarters became convinced that Zeppelins were of little war value and that supremacy in the air in the future belonged to airplanes. The Germans also are said to fear an extensive American aerial program, and that therefore counter aerial preparations have been started by them. It is stated that the workmen in all the Zeppelin factories in Germany have been doubled in number, and that the airships on hand have been removed to unused sheds.

Let us take a lesson from this news. Let us lose no time. Germany is at work. Let us get into action.

Mr. President, I am heartily in accord with many provisions embodied in the amendment which has been offered. I should also have liked to have seen the word "draft" taken out of this bill. I voted against that amendment, however, because I hoped the bill might become a law to-night, without going back to the House. I shall vote against the amendment offered by the Senator from New York, because I want to see this bill become a law to-night.

We may be divided in regard to the regulation of food; we may differ over internal affairs; but I know that the Senate of the United States is not divided in its desire to strengthen the war front. At the battle line we are all agreed that strength should be added to strength so that victory may be assured.

Mr. WADSWORTH. Mr. President, I am in hearty sympathy with the principal object sought to be attained by the amendment introduced by my colleague, but I desire to call the attention of the Senate to the second proviso which appears upon page 2 of the printed amendment, and which reads:

Provided further, That aliens who claim such exemption shall be allowed to depart from the United States within 90 days from the date of the allowance of their claim for exemption or shall be deported if remaining within the United States beyond said time.

Mr. President, it seems to me that that is a very remarkable provision. The body of the amendment provides necessarily that an alien being a citizen of a country with which this Government has a treaty which would exempt that alien from compulsory or other military service in the United States, may, when requested by the diplomatic officers of that Government, be exempted from the draft; in other words, the Congress very properly recognizes, or proposes to recognize, in this amendment the treaty rights of a foreign nation, and that its citizens in this country shall receive whatever benefit or protection they are entitled to receive under that country's treaty with us. Then, having made that allowance, the amendment proceeds to say that if any country with which we have such a treaty invokes its provisions in protection of its own citizens, those citizens must leave this country within 90 days.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Idaho?

Mr. WADSWORTH. I yield.

Mr. BORAH. All of those things illustrate the fact that it is impossible to dispose of this kind of a proposition with the limited debate which it is possible to give it unless we are going to delay this bill; and certainly we are not going to enter into all of these questions of our relationship with foreign powers under treaties in 10 or 15 minutes' debate here.

Mr. WADSWORTH. Mr. President, I simply desire to take just a moment to say that I am in complete sympathy with the body of this amendment, but that the second proviso is the most unfair thing, and, in my humble judgment, would be in violation of the very treaties which the amendment seeks to abide by. May I say that there will be thousands of people——

Mr. STONE. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Missouri.

Mr. STONE. Mr. President, I desire merely to say that some three or four days ago the Senator from North Dakota [Mr. MCCUMBER] offered a bill or joint resolution covering this same ground, at least in a general way, which was referred, at his request, to the Committee on Foreign Relations. As chairman of that committee, I have addressed a letter to the Secretary of State asking for information touching just such questions as the Senator from New York and others have been discussing, and which I have asked for the use of the Committee on Foreign Relations. I shall ask that committee to meet next week on the regular meeting day—at least, I have intended to do so—with a view of having the committee take up this subject and go over it with some degree of thoroughness, and report the result of their investigation to the Senate. I am a little afraid that we are not sufficiently informed to vote with adequate intelligence upon this question at this time. I confess that I am not. I hardly know how to vote at this moment, although in a general way my sympathy runs in favor of the amendment. I do not like the idea of a million men helping the enemy of the United States in the way the junior Senator from New York has suggested, and about which we have had more or less general information; but I rather think that it would be unwise, as the Senator from Idaho said, to incorporate a provision of this kind in this bill without fuller investigation into it and after a more thorough discussion of it than can be had to-day.

Mr. CHAMBERLAIN and Mr. LODGE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Oregon?

Mr. WADSWORTH. I intended to conclude my remarks in just a moment. If the Senator wants to ask a question at this point, however, I yield.

Mr. CHAMBERLAIN. I just wanted to suggest to the Senator that the resolution which the Senator offers as an amendment is very similar to one I introduced in the Senate the other day, and it has been referred; and it, too, has been taken up with the State Department and the War Department, because as far as possible we want their advice, whether we act on it or not, so far as our international relationships are concerned. I do hope the Senator from New York will withdraw the amendment. We will be able to report it out of one of the committees very promptly, and the Senate will have an opportunity to act on it as an independent measure.

Mr. WADSWORTH. Mr. President, I want it distinctly understood that I am not asking my colleague to withdraw this amendment. I wanted to call his attention and the attention of the Senate to the second proviso, which will operate to send out of the United States any alien whose home Government invokes a treaty right for his protection, which is an astounding proposal.

Mr. LEWIS. Mr. President, will the Senator withdraw that amendment?

Mr. BRANDEGEE and Mr. LODGE addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BRANDEGEE. Mr. President, I entirely agree with the views expressed by the Senator from New York; and I think that the exclusion from the draft of the alien citizens of powers with which we are at peace was a great blunder in the drafting and passage of the draft law.

I have not the slightest wish to delay action upon the aviation bill. Indeed, I am very anxious to get it. I had not supposed, however, that the attaching to the bill of this resolution which the Senator from Oregon had drafted and introduced and had referred would result in any delay which would be serious, because I assumed that the conferees could report back Monday, and I think they could.

But I do not want to obtrude this question, as far as I am concerned, upon the Senate to-night if they would prefer to pass this bill as it is without amendment; and I will say that I am withholding another very important amendment which I had intended to propose to the bill, hoping perhaps to offer it as a joint resolution and get consent to consider it at some other time.

The only thing I want is to be assured that some action can be taken by this Congress so that aliens may be required to do their share in this war in time to affect the present draft. When Senators say that the whole thing can be corrected in the next draft that is made, that may correct it so far as the country and so far as the mass of the people in States are concerned, if we can give them credit for the extra number that they sent in this draft over what they ought to have sent if it had been based upon population; but that is very poor consolation to the poor devil who has been drafted and sent to the front and killed when he would not have been drafted if the population of his State had been correctly estimated. That can not be corrected.

I have been told by a high official of the Government, who I think is as familiar with this draft and its regulations and the system upon which it proceeds as anybody in the departments, that the correction of that error in our draft, to wit, the inclusion of these aliens, would not delay this draft one day; that it is a mere matter of a short mathematical problem in the department down here, and that the people at home, the governors of the States who are to apply the draft law, would not be delayed at all; so that it can not be said that the attempt to correct this manifest error is to delay the raising of the army at all. If it did that, I would not propose it or advocate it.

I wanted to ask the Senator from New York who offers this amendment, which possibly needs some further consideration and amendment, whether he does not think it is possible that we could get unanimous consent of the Senate to take up the resolution introduced by the Senator from Oregon on Monday morning?

Mr. PENROSE. It has not been reported yet.

Mr. BRANDEGEE. I know it has not been reported, Mr. President, but we have put on to the food-control bill, on the floor of the Senate, many amendments a great deal more complicated than this one, and every Senator is more or less familiar with this proposition.

I should like to see some date agreed upon. If we are going to pass the aviation bill here within five minutes now, and then somebody is going to move to proceed to take up the river and harbor bill, and so forth, or some other bill that will block consideration of this, I should regret it exceedingly. I hope that some arrangement can be made whereby we can proceed at a very early date with this amendment which the Senator has offered.

Mr. CALDER and Mr. LODGE addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. CALDER. Mr. President, it is over a month ago since I called the attention of the Senate to the inequalities of this selective draft. We consumed an hour one morning discussing the very phase which is now presented to the Senate. Several weeks ago I again called it to the attention of the Senate. At that time I asked the chairman of the Committee on Military Affairs to prepare a measure that would result in every State being treated justly. Subsequently, I prepared a bill myself to refer to the Committee on Military Affairs and up until this day it has not received attention at their hands. The Senator from Oregon prepared the very resolution which I offered as an amendment here to-day. It seemed to cover the ground better than mine, and I was very glad to favor it, as I told him at the time.

Now, I do not want to delay action on this bill. If we can pass it to-day without amendment and have it go to the President to-night, much good will be done by it.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Michigan?

Mr. CALDER. I do.

Mr. SMITH of Michigan. If the Senator will permit me, I am very much interested in the suggestions which he has made. My State has been very seriously affected by the situation which is described by the Senator from New York. In the city of Detroit the registration is so disproportionate to the actual population subject to draft as to make that city a city of a million and a half people. This rule that has been applied, and the manner of its application, bears very heavily upon communities that are growing as fast—if there are any others—as the city of Detroit.

I am very greatly interested in the passage of some bill which will effect the purpose which the Senator from New York has in mind; but, important as it is to my State and to the first city in my State, I would not delay for a single moment the passage of the bill now pending if I had the power to put it upon its way.

Mr. CALDER. Mr. President, before taking my seat I should like to obtain, if possible, an understanding with the Senator from Oregon [Mr. CHAMBERLAIN], the chairman of the Military Affairs Committee, that his committee will consider this matter next week and report it to the Senate.

Mr. CHAMBERLAIN. Mr. President, I have no objection to promising to take it up at the earliest possible moment. I assure the Senator that I am thoroughly in favor of it, and, in fact, I wrote one exactly like it, or almost exactly like it, and have taken it up with the departments. As soon as I hear from them I am going to ask the Military Affairs Committee to consider it.

Mr. HITCHCOCK. Mr. President——

Mr. CALDER. I withdraw the amendment.

The PRESIDING OFFICER. Without objection, the amendment will be withdrawn.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. HITCHCOCK. Mr. President, I ask the Senator to yield to me before withdrawing the amendment, because I have a word to say.

Mr. LODGE. Mr. President, I believe I have the floor. I have made about six efforts to get the floor.

The PRESIDING OFFICER. The Chair has recognized the Senator from Massachusetts.

Mr. LODGE. Now that I am recognized, I should like to say what I have to say. It will take me but a moment.

I am very deeply interested in this matter. I think our first duty is to pass the aviation bill without amendment, and therefore I am very glad the Senator from New York has withdrawn his amendment. I am sure that the Foreign Relations Committee will take action on this matter at the earliest possible moment. If they do not, I know the Military Affairs Committee will. It is of the very utmost importance. And before I sit down I should like to say to the senior Senator from New York that one of the most important things is that last clause, because it enables these other countries whose men are here—escaping service there—to get them back if they desire, and it is the only way in which we can do it. They may not want them to enlist in our Army, but it does prevent their remaining here and avoiding service in any country.

Mr. SMOOT. Mr. President, I am so deeply interested in the aviation bill that I would do nothing to delay its passage for a moment; but I simply rose to state that I hope the Military Affairs Committee will report at the very earliest possible day upon the bill that it has before it on this same subject. It ought to pass Congress and become a law before the final selection of the men that were drawn yesterday for the first draft.

Mr. SMITH of Michigan. Before the exemptions are applied?

Mr. SMOOT. Yes; before any exemptions are applied.

I have a telegram, Mr. President, signed by every citizen of Brigham, Utah—including, of course, all of the business men that are in the city and without—touching this very subject and asking for immediate legislation. The telegram is as follows:

Draft from our district based on registration 75 per cent of which times: Red Cross donations double our quota. Aliens, being exempt, two or three of our American boys must answer the call as against one in communities largely American. Enlistments from Brigham have been 50 per cent beyond our quota; liberty bonds oversubscribed three times; Red Cross donations double our quota. Aliens, being exempt, will fill positions left by American boys, and many of these aliens have been called to their native countries and refused to go. Can you not have quota reduced in proportion to American population or have aliens included in draft?

Mr. President, I think that legislation ought to pass, and pass just as soon as it can possibly go through Congress.

The PRESIDING OFFICER. The bill is in Committee of the Whole and open to amendment. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RIVER AND HARBOR APPROPRIATIONS.

Mr. FLETCHER. Mr. President, I move that the Senate proceed to the consideration of H. R. 4285, the river and harbor appropriation bill.

The PRESIDING OFFICER. The Senator from Florida moves that the Senate proceed to the consideration of a bill the title of which will be stated by the Secretary.

The SECRETARY. A bill (H. R. 4285) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. SMOOT. Mr. President, I take it for granted that the Senator does not intend to enter upon the consideration of that bill to-night.

Mr. FLETCHER. No; I simply desire to have it made the unfinished business. I do not expect to proceed with its consideration to-night.

Mr. KENYON. Mr. President, does the Senator ask unanimous consent to take up the river and harbor bill?

Mr. FLETCHER. No; I made a motion to proceed to its consideration.

Mr. BORAH. Mr. President, is that a debatable motion?

The PRESIDING OFFICER. It is.

Mr. BORAH. I do not desire to have that bill made the unfinished business this evening, and if the Senator urges it we will stay here and discuss it.

There are a great many things in the bill which possibly ought to have the consideration of the Senate, but there are very many things in it which if properly considered by the Senate, in my judgment, would be rejected. To bring the bill forward at this time and hasten it here as the unfinished business this afternoon is simply to put it through without giving the Senate any opportunity whatever to study the merits or demerits of the bill. We have been engaged for the last six weeks in the consideration of the food bill.

Mr. FLETCHER. I will state to the Senator that it was not my purpose to proceed with the consideration of the bill this afternoon.

Mr. BORAH. I suggest to the Senator to give us until Monday morning to have an opportunity to go through the bill and see whether we want it made the unfinished business at all or not.

Mr. FLETCHER. Of course this bill has been here, having been reported on the 9th of July. I think Senators have had plenty of opportunity to examine it.

Mr. CURTIS. Senators have been busy and they have not had time to read the bill.

Mr. BORAH. We have not had any opportunity to read the bill, and I do not regard it as a war measure.

Mr. FLETCHER. It is just about as near a war measure as anything can be. I do not know anything better or more appropriate as a war measure than a bill to take care of our rivers and harbors that need improvement.

Mr. BORAH. There is one thing very certain about it, and that is that a river and harbor bill is no different in war than it is in peace; it is a river and harbor bill, and I——

Mr. FLETCHER. I differ from the Senator.

Mr. STONE rose.

The PRESIDING OFFICER. The Senator from Idaho has the floor. Senators desiring to interrupt him must address the Chair.

EXECUTIVE SESSION.

Mr. BORAH. I move an executive session.

The PRESIDING OFFICER. The question is on the motion of the Senator from Idaho that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 5 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 10 minutes p. m., Saturday, July 21, 1917), the Senate adjourned until Monday, July 23, 1917, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 21 (legislative day of July 18), 1917.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Lieut. Commander William C. Asserson to be a commander.

Lieut. Charles H. Bullock to be a lieutenant commander.

Lieut. George S. Bryan to be a lieutenant commander.

Lieut. Eldred B. Armstrong to be a lieutenant commander.

The following-named lieutenants to be lieutenant commanders:

William A. Glassford, jr., and

Conant Taylor.

The following-named lieutenants (junior grade) to be lieutenants:

Richard S. Galloway,

Edmund S. R. Brandt,

Frank E. Johnson,

James R. Barry, and

Stewart A. Manahan.

The following-named ensigns to be lieutenants (junior grade):

Carl H. Jones,

Alfred H. Balsley,

Edmund W. Burrough,

Albert H. Rooks,

Byron B. Ralston,

Richard L. Conolly,

Edwin T. Short,

Robert A. Dyer, 3d,

Francis K. O'Brien,

Marion Y. Cohen,

Philip R. Weaver,

John F. Moloney,

Paul Fitzsimons, jr., and

Haiden T. Dickinson.

The following-named midshipmen to be ensigns:

Lawrence Wainwright and

John V. Murphy.

Naval Constructor Horatio G. Gillmor to be a naval constructor with rank of captain.

The following-named naval constructors to be naval constructors with rank of commander:

Henry T. Wright,

Guy A. Bisset, and

John E. Bailey.

The following-named ensigns to be assistant naval constructors:

Robert N. S. Baker and

William Nelson.

The following-named warrant officers to be ensigns:

George E. Maynard,

Arthur B. McCrary,

Seldon L. Almon, and

William E. O'Connor.

The following-named midshipmen to be ensigns:

William F. Dietrich and

William McK. Reifel.

Ensign Conrad D. Fry to be a lieutenant (junior grade).

Pay Clerk Frank D. Hathaway to be a chief pay clerk.

Pay Clerk Frank Lewis to be a chief pay clerk.

First Lieut. Howard W. Stone to be a captain in the Marine Corps.

Second Lieut. DeWitt Peck to be a first lieutenant in the Marine Corps.

The following-named pay clerks to be assistant paymasters:

Rufus B. Langsford,

Blaine Hunter,

Harry Atwood, and

Samuel B. Deal, jr.

POSTMASTERS.

ALABAMA.

Edward C. Barnes, Evergreen.

J. F. Beatty, Atmore.

H. T. Brown, Calera.

Clarence Byrd, Opp.

J. A. Cluck, Bridgeport.

J. F. Frazer, Lafayette.

Zenella K. Glover, Millport.

S. J. Griffin, Cullman.

Henry C. Oswalt, Fairhope.

Hamilton B. Ralls, Piedmont.

O. M. Reynolds, Anniston.

David M. Scott, Selma.

J. B. Sinquefield, Lockhart.

ALASKA.

J. Clifford Hendee, Thane.

ARIZONA.

Letitia F. Murphy, Pearce.

CALIFORNIA.

Lutie M. Anderson, Roseville.

Crete Gardiner de Back, Isleton.

R. J. Bagby, Visalia.
Percy B. Brown, Holtville.
John P. Day, Woodlake.
Albert E. Dixon, Point Loma.
Emma Dodge, Danville.
Alice T. Durnin, Colfax.
Otto Haese, Mojave.
E. Earl Hughes, Fresno.
Henrietta L. Juhler, Spreckels.
Flora S. Knauer, Reedley.
W. A. Lucas, Cucamonga.
Luke F. Morgan, East Auburn.
Miriam T. Paine, Mariposa.
Percy S. Peek, Mokelumne Hill.
Ellis T. Tanner, San Jacinto.
Charles Whited, Willits.
Bert Woodbury, Fall Brook.

COLORADO.

Jefferson D. Frazey, Antonito.
Eva B. Hamilton, Stratton.
Gladys L. Johnson, Olney Springs.
Olive A. Killin, Kiowa.
H. E. Maxville, Paonia.
F. F. Reinert, Fort Morgan.
M. M. Sutley, Center.

CONNECTICUT.

John J. Bohl, Stamford.
John J. Cassidy, Woodbury.
W. S. Clarke, Milford.
John L. Elliot, Clinton.
George F. Hammill, Georgetown.
J. A. Leahy, Plainfield.
Matthew E. McDonald, Simsbury.
Thomas McGrath, Washington.
John J. Molans, Seymour.
Edward Perkins, Suffield.
Harry W. Potter, Glastonbury.
Ashmun P. Prickett, Hazardville.
Peter J. Prior, Plainville.
Frederick H. Smith, Darien.

HAWAII.

M. J. Borges, Schofield Barracks.
Henry D. Corbett, Hilo.
A. F. Costa, Wailuku.
Christopher B. Hofgaard, Waimea.
A. H. Silva, jr., Kahului.

GEORGIA.

Charles V. Clark, Louisville.
Martha E. Gorham, Crawfordsville.
Andrew J. Irwin, Sandersville.
Lonnie J. Moye, Davisboro.
L. J. Pritchard, Tennille.

INDIANA.

William E. Aydelotte, Sullivan.
Charles F. Bardonner, Cicero.
James E. Burke, Jeffersonville.
James W. Carroll, Otterbein.
Oliver J. Chapman, Eaton.
Lewis E. Chowning, Dugger.
David D. Corn, Petersburg.
Charles E. Couch, Sheridan.
Oscar H. Cravens, Bloomington.
John Davidson, Lyons.
Warren L. Dick, Pierceton.
Charles B. Donovan, jr., East Chicago.
James M. Driver, Arcadia.
Levi A. Eaton, Wanatah.
William B. Fox, South Whitley.
Daniel Gantz, Odon.
Charles L. Haslet, Chesterton.
James P. Hawkins, Shoals.
Frank M. Hillman, Milan.
B. F. Hofferth, Kouts.
Geston P. Hunt, Rushville.
Walter D. Hunt, Gas City.
Harry Hunter, Ossian.
William Kostbade, Hobart.
Charles C. Leisure, Earl Park.
Adolph H. Martin, Newburg.
N. Eddy Mason, Hagerstown.
Fred G. Rice, Roachdale.
John L. Roblyer, Flora.
Charles M. Snepp, Kewanna.
Edward B. Spohr, Jamestown.
R. E. Springsteen, Indianapolis.
Atwell J. Shriner, Brookville.
William J. Ten Barge, Poseyville.
Lewis Walker, Loogootee.
Ira M. Whitaker, Morgantown.
Garland D. Williamson, Ridgeville.
Charles L. Wood, Albany.
Quincy A. Wright, Fortville.
Daniel C. Zehner, Windfall.

KENTUCKY.

A. K. Bowles, jr., Jenkins.
Cleo W. Brown, Mount Vernon.
John C. Carrithers, Taylorsville.
Sandy P. Cooke, Smiths Grove.
Jordan Walker Crossfield, Lawrenceburg.
D. B. Fields, Olive Hill.
John H. Grimes, Harrodsburg.
Morgan Kuykendall, Kevil.
Coney Kitchen Lewis, Grayson.
Charles E. Lightfoot, Cloverport.
William G. O'Hara, Williamstown.
E. F. Thomasson, Livermore.
A. B. Tilton, Carlisle.
Orrin Derby Todd, Shelbyville.
Paul H. White, La Center.

LOUISIANA.

Joseph Abadie, Rayne.
Ulysses J. Barrios, Lockport.
J. W. Bouanchaud, New Roads.
Carl C. Brown, Haynesville.
Tina Collins, Bastrop.
Hattie M. Cooke, Washington.
George D. Domengeaux, Breaux Bridge.
Harry J. Geary, Lake Charles.
Wilfred Guigou, Donaldsonville.
J. H. Houck, Gibsland.
Frank G. Hulse, Delhi.
Mary S. Hunter, Pineville.
Charles Manning, Cheneyville.
John R. Nash, Logansport.
George A. Payne, Winnfield.
H. H. Sample, Lecompte.
H. H. Schindler, Sulphur.
Wilmer A. Steidley, Kinder.
Felicien H. Toups, Lafourche Crossing.

MASSACHUSETTS.

Jesse W. Crowell, South Yarmouth.
Randolph L. Getman, Cheshire.
Benjamin R. Gifford, Woods Hole.
Lewis N. Gilman, Allerton.
Alexander F. Gray, Charles River.
Martin Hickey, Grafton.
John Howe, North Brookfield.
Benjamin C. Kelley, Harwich Port.
Oliver P. Kendrick, West Brookfield.
William M. Knowles, Brewster.
George T. McLaughlin, Sandwich.
Henry E. Madden, West Medway.
Charlotte L. Parker, Osterville.
Elisha S. Pride, Prides Crossing.
Frank M. Reynolds, jr., Nantasket Beach.
William J. O'Brien, Kingston.
Austin R. Stearns, Conway.
Charles H. Walker, North Dighton.
Josephene E. Worster, Hull.

MICHIGAN.

Hiram R. Bouma, Grandville.
Emerson L. Bunting, Walkerville.
Charles W. Cargo, Bellevue.
M. S. Carney, Decatur.
Fred B. Carr, Dundee.
Francis B. Clark, Suttons Bay.
C. Dale Downing, St. Charles.
Chester E. Farrier, Hillman.
Ada E. Gibbs, Fife Lake.

Lena T. Gilbert, Metamora.
William J. Gleason, Ludington.
William Grant, Coloma.
Ina M. Hammond, Rose City.
Cora Harden, Morley.
John C. Hoopingarner, Berrien Springs.
Berend Kamps, Zeeland.
B. W. Klackle, Bridgman.
Frank L. Logan, Petersburg.
Edwin C. Maxwell, Carleton.
Frank J. Melligan, Port Hope.
Roy A. Mott, Middleton.
Leonard J. Patterson, Tawas City.
Anthony M. Wagner, Kinde.

MISSISSIPPI.

Walter Lee Bourland, Amory.
C. W. Carr, Newton.
T. M. Fuller, Hattiesburg.
Truman Gray, Waynesboro.
Monroe L. Lott, Sumrall.
C. E. McAlexander, Holly Springs.
Frederick J. McDonnell, jr., Okolona.
Charles W. McKeithen, Woodville.
Fielden H. Mitts, Tupelo.
W. M. Noah, Kosciusko.
Lillie W. Nugent, Rosedale.
Samuel W. Pendarvis, Magnolia.
Joseph H. Sheppard, Braxton.
L. W. Smith, Shubuta.
Marshall Spiva, Ackerman.
C. S. Summers, Charleston.
Mary E. Tubb, Aberdeen.
Charlie P. Wadley, Tunica.
Henrietta Welch, Carrollton.

MONTANA.

Dan C. Ayer, Jordan.
Charles L. Beers, Judith Gap.
Mordena C. Busey, Eureka.
Roy M. Corley, Stevensville.
John Dailey, Medicine Lake.
Bruce O. Dean, Musselshell.
B. L. Golden, Sheridan.
Benedict J. Gossack, Highwood.
Sophia J. Guthrie, Reedpoint.
Alice B. Hensley, Moore.
J. P. Lavelle, Columbus.
Alfred S. Opheim, Opheim.
J. S. Pearson, Belt.
Eugene L. Poindexter, Dillon.
T. A. Rigney, Laurel.
Margaret Roach, Outlook.
Thomas H. Rush, Wibaux.
Lloyd L. Stewart, Ingomar.
John H. Suydam, Walkerville.
Marie R. Worth, Carter.
J. A. Wright, Chester.

NEVADA.

Jennie R. Backus, Golconda.
James L. Denton, Caliente.
Wilson J. Forbes, Deeth.
Mason E. McLeod, Yerington.
William J. Neeley, Wadsworth.
Franklin S. Smith, Derby.
Philip S. Triplett, Wells.

NEW HAMPSHIRE.

Adelia M. Barrows, Hinsdale.
David V. Cahalane, Charlestown.
Fred W. Dinsmore, Intervale.
Grace E. Emerson, East Rochester.
Clarence H. George, Bartlett.
H. Warren K. Hale, Dixville Notch.
Irving H. Hicks, Contoocook.

NEW MEXICO.

Howard S. Boise, Hurley.
A. G. Daggett, Chama.
W. E. Foulks, Deming.
A. B. Wagner, Clovis.

NEW YORK.

E. F. Abbott, Old Forge.
Charles H. Akerley, Round Lake.
Clare B. Allen, Springwater.
Samuel F. Andrews, Homer.
Charles J. Beams, Oneonta.
Edward Blackwell, Pearl River.
David S. Boyer, Romulus.
Daniel F. Brown, Eastport.
George L. Brown, Elizabethtown.
John H. Bullock, Cohoes.
George H. Burres, Garnerville.
Frank Cronk, Grand Gorge.
Charles A. Daniels, Gilbertsville.
Arthur B. Dewey, Tully.
Isabel G. Duvall, Shelter Island Heights.
G. R. Paul Engert, Dobbs Ferry.
Harry M. Fisher, Nanuet.
Alphonzo E. Fitch, Cazenovia.
Oswald F. Freeman, Edwards.
Peter M. Giles, Le Roy.
John J. Glynn, Valatie.
Hanna Hallock, Highland Mills.
Catherine A. Hamilton, Manhasset.
William H. Harding, Roscoe.
J. A. Harrington, Arkville.
Willis H. Hawkins, Bellport.
Charles N. Hickey, Gainesville.
James Hogan, Marcellus.
Horace J. Howk, Mount McGregor.
Harry A. Inglee, Amityville.
Robert B. Irwin, Nichols.
Edward C. Johnson, East Chatham.
J. Harold Jones, Yorkville.
Alfred J. Kennedy, Flushing.
J. Marvin Lotridge, Cincinnatus.
Mary A. Lynch, Buchanan.
William E. McDonell, Alexandria Bay.
Herbert McMullen, Marlboro.
Frederick J. Manchester, Clark Mills.
Bernard A. Marzolf, North Java.
Andrew Mealey, Greenwich.
Fred L. Merrell, Copenhagen.
J. F. Metoskie, Hillburn.
Blanche L. Morgan, Parish.
Delbert M. O'Brien, Fayetteville.
William F. O'Connell, Andover.
Morris J. O'Neill, Woodridge (late Centerville Station).
F. N. Parquet, Inlet.
Frederick W. Piotrow, Hamilton.
Adda B. Pomeroy, Eastwood.
Charles Ray, Barker.
Eva C. Sager, Frewsburg.
Fred A. Shoemaker, Averill Park.
Howard M. Smith, North White Lake.
John Soemann, Lancaster.
Clarence A. Talbot, Edmeston.
Albert B. Taylor, Hunter.
Jerome Terpening, Jefferson.
James M. Tuohey, Medina.
Franklin D. Wade, Addison.
Miles G. Wellman, Youngstown.
Albert W. Wells, Newman.
William F. Wild, Lindenhurst.

NORTH CAROLINA.

E. H. Avent, East Durham.
J. D. Bivins, Albermarle.
J. H. Bowen, West Durham.
Richard A. Bruton, Mount Gilead.
A. N. Bulla, Randleman.
J. H. Carter, Mount Airy.
P. J. Caudell, St. Pauls.
W. T. Chambers, Madison.
G. H. Currie, Clarkton.
William H. Etheredge, Selma.
M. M. Faison, Roanoke Rapids.
Arthur Ford, Crestmont.
G. L. Griffin, Oriental.
Hector McL. Green, Wilmington.
Virgil D. Guire, Lenoir.
James G. Hackett, Northwilkesboro.
W. C. Hall, Black Mountain.
E. E. Hunt, sr., Mocksville.
A. H. Huss, Cherryville.
H. D. Lambeth, Elon College.
Albert B. Laughter, Norlina.

E. T. Lee, Dunn.
S. S. Lockhart, Wadesboro.
Leonidas M. Michaux, Goldsboro.
E. T. McKeithen, Aberdeen.
J. W. Noell, Roxboro.
W. L. Ormand, Bessemer City.
Elijah B. Perry, Littleton.
W. D. Pethel, Spencer.
John B. Petteway, Jacksonville.
Kate Reagan, Weaverville.
Plato C. Rollins, Rutherfordton.
L. M. Sheffield, Spray.
Julia M. Smith, Liberty.
W. H. Stearns, Tryon.
Russell A. Strickland, Elm City.
R. B. Terry, Hamlet.
J. H. Weddington, Charlotte.
David J. Whichard, Greenville.
George L. Whitfield, Franklinton.
F. M. Williams, Newton.
George A. Woods, Nazareth.

NORTH DAKOTA.

Weiner B. Andrus, Hazleton.
John P. Galyen, Belfield.
Robert Hunke, Richardton.
John Robertson, Willow City.

OHIO.

John Q. Baker, Middletown.
John C. Bakle, Antwerp.
Charles G. Bartlett, State Soldiers' Home.
Orrell M. Brobst, Linden Heights.
John W. Campbell, Sardinia.
Joseph O. Carpenter, Spencer.
John M. Cockrell, Lucasville.
B. E. Custer, Montpelier.
Hartley D. Devore, Vinton.
Daniel D. Duty, Wellsville.
O. S. Earnest, Plymouth.
Ida L. Flenniken, Smithfield.
Rolla N. Frysinger, Rockford.
John C. Gorman, Ironton.
Emile F Juillard, Stryker.
H. E. Kinzly, Nevada.
J. W. Kissell, West Unity.
Clement V. Lash, Edon.
Frank V. Lantz, McArthur.
Arthur L. McCarthy, Franklin.
William T. Mann, Clyde.
Forrest L. May, Dayton.
Edward J. Meagher, Glendale.
Neal M. Osborn, Burton.
H. M. Pomeroy, Maumee.
Byron C. Porter, Kinsman.
F. L. Priday, Euclid.
Harley W. Purdy, Bradford.
J. E. Rubin, Payne.
Albert Schnell, Morrow.
H. B. Sibila, Massillon.
Jacob W. Simon, Bloomdale.
W. F. Uhle, Attica.
Armand L. Van Sciever, Grove City.
Charles Warnke, Huron.
Elias D. Warren, Fairport Harbor.
Harmon Wensinger, Fremont.

OREGON.

C. W. Brown, Canyon City.
Grant L. Grant, Riddle.
R. L. Guiss, Woodburn.
August Huckestein, Salem.
Lucius L. Hurd, Glendale.
H. Y. Kirkpatrick, Lebanon.
John Larkin, Newberg.
George H. Lettellier, Mill City.
Arunah Longwell, Echo.
H. E. Mahoney, Oakland.
J. A. McMorris, Condon.
Ira C. Mehrling, Falls City.
Frank S. Myers, Portland.
O. J. Skiff, Union.
Harry M. Stewart, Springfield.
William E. Tate, Wasco.
Guy E. Tex, Central Point.
James W. Thompson, Westport.
Lewis Ulrich, Jacksonville.
L. R. Van Winkle, Weston.
Ben Weathers, Enterprise.
Mamie E. Winters, Burns.
Herman Wise, Astoria.

PORTO RICO.

America Rossy, Ensenada.

SOUTH DAKOTA.

Henry B. Baer, Bowdle.
William Brady, Beresford.
Mary E. Brennan, Lake Preston.
D. J. Delaney, Custer.
Rush O. Fellows, Bellefourche.
Dennis Foley, Menno.
William A. Hodson, Cresbard.
Stephen Jones, Canton.
J. B. Lundy, Mellette.
Curtis J. Padmore, Rockham.
Edith A. Sproat, Bradley.
Charles L. Wohlheter, White.

TEXAS.

A. H. Ables, Terrell.
Pope Allen, Valley Mills.
John J. Ball, Orange.
Robert W. Bennett, Kenedy.
William C. Boyett, College Station.
Myrtle C. Bradshaw, Roxton.
H. L. Brooks, Pearsall.
R. L. Bronaugh, Edna.
Minnie S. Burke, Blossom.
Kate G. Burke, Crosbyton.
B. M. Burgher, Dallas.
N. A. Burton, McKinney.
George H. Candlin, Presidio.
W. G. Carpenter, Kerrville.
M. A. Chancey, Hondo.
Alice C. Cheney, Mount Pleasant.
W. H. Clement, Palacios.
William H. Cook, Henrietta.
James W. Davis, Alvord.
Calvin C. Davis, Iowa Park.
S. M. Davis, Nocona.
C. S. Davis, Ranger.
W. D. Daniel, Hughes Springs.
Mina Daughtry, Chillicothe.
Joseph R. DeWitt, Brackettville.
A. Y. Donegan, Nacogdoches.
Ada F. Duffey, Emory.
Amos E. Duffy, Matagorda.
Jonathan W. Duncan, Malakoff.
George F. English, Glen Rose.
J. J. Erwin, Ballinger.
Newton S. Farmer, Graham.
M. C. Fields, Lott.
W. D. Foster, Miles.
Minnie B. Francis, Farwell.
J. T. Fulcher, Thorndale.
B. T. Gardner, Rogers.
Sallie M. Gardner, Frankston.
J. W. Gaskin, Jacksboro.
J. S. J. Gober, Sanger.
Sam K. Hailey, Conroe.
Laura V. Hamner, Claude.
S. R. Haynes, De Leon.
S. A. Hill, Bellville.
Thomas H. Hood, Wortham.
S. J. Holchak, jr., Runge.
Jean Hornbuckle, Venus.
F. P. Ingerson, Barstow.
A. S. Jarvis, Troup.
T. W. Johnston, Wallis.
R. H. King, Alvin.
M. J. Kirlin, Kingsville.
Houston H. Knight, Avery.
George P. Knight, Stephenville.
W. J. Lamb, Mabank.
Emma M. Love, Sierra Blanca.
C. E. Maxwell, Strawn.
R. K. McCleskey, Rule.

William D. McGown, Hemphill.
P. B. McNatt, Arlington.
John W. Miller, Dilley.
Benjamin F. Mitchell, Gainesville.
Charles B. Moore, Lovelady.
J. L. Noel, Pilot Point.
T. J. Oden, Lindale.
E. T. Oliver, Caldwell.
Charles E. Parham, Pottsboro.
D. A. Paulus, Hallettsville.
John W. Person, Colorado.
J. B. Phillips, Howe.
Charles C. Porter, Meridian.
D. P. Porter, De Kalb.
J. M. Price, San Augustine.
D. U. Ramsay, Gonzales.
Shaw D. Ray, Winnsboro.
William L. Rea, Refugio.
J. M. Richards, Weatherford.
G. H. Riddle, Omaha.
S. P. Robbins, Lubbock.
S. A. Roberts, Blooming Grove.
Henry B. Rushing, Batson.
L. H. Salter, Stanton.
B. O. Sanford, Plainview.
E. P. Shands, Mesquite.
J. W. Shaw, San Diego.
Mattie H. Shelton, Valentine.
Billie W. Simmons, Mexia.
O. B. Slayden, Rusk.
W. W. Sloan, Falfurrias.
G. W. Smith, Sonora.
Thomas A. Stafford, Robstown.
Thomas R. Stewart, Whitney.
Annie H. Stryker, Woodville.
J. Wiley Taylor, Midland.
C. C. Teas, Karnes City.
S. W. Thomas, Aspermont.
Shadrac S. Tullos, Grand Prairie.
Henry Van Geem, Eastland.
T. E. VanLandingham, Lone Oak.
C. Herbert Walker, Dalhart.
J. A. White, Goliad.
Young C. White, Hamlin.
Sterling P. Wilcoxson, Edgewood.
James W. Winsett, Higgins.
Ira J. Wright, Mission.
Joseph E. Woods, Teague.
Thomas P. Woodward, Yoakum.
J. C. Woodworth, Cuero.

VERMONT.

Allan T. Calhoun, Middlebury.
Emeroy G. Page, Hyde Park.
Lota A. Patch, Cambridge.

VIRGINIA.

Howard W. Brent, Kilmarnock.
W. A. Broocks, Chase City.
George V. Cameron, Louisa.
J. D. Crenshaw, Cambria.
Bertha M. Faison, Ettricks.
Leslie F. Ferguson, Appomattox.
Hattie B. Ferrel, Newcastle.
W. E. Hailey, Keysville.
Ellis F. Harris, Crozet.
Clarence H. Johnson, Narrows.
William C. Johnston, Williamsburg.
William F. Kennedy, Kenbridge.
R. H. Latane, Buchanan.
J. S. Lauck, Shenandoah.
J. F. Lowman, Hot Springs.
E. M. Morrison, Smithfield.
Andrew T. Organ, Chester.
Lula M. Ray, Mount Jackson.
John E. Rogers, Strasburg.
Charles F. Russell, Herndon.
Charles F. Shumaker, Lovettsville.
Sadie A. Southall, Amelia Court House.
E. L. Toone, Boydton.
W. W. Tuck, Virgilina.
H. I. Tuggle, Martinsville.
J. R. Williams, Brookneal.
Lucy E. Yancey, Forest Depot.

WASHINGTON.

Otto Holmberg, Molson.
Henry R. James, Rochester.
John M. Jones, Morton.
F. A. Kennett, Prosser.
Tyrah D. Logsdon, Endicott.
Michael J. Murphy, Oakville.
W. H. Padley, Reardan.
Michael Reisenauer, Uniontown.

WEST VIRGINIA.

Floyd J. Brown, Bluefield.
Henry W. Early, Kimball.
Thomas F. Henritze, Welch.
David W. McConaughey, Cameron.
Benjamin F. Patton, Harrisville.
Andrew Price, Marlinton.
Oliver C. Sweeney, St. Marys.

WYOMING.

Arthur R. Bastian, Chugwater.
Lilian S. Pascoe, Sunrise.
George Whittaker, Yellowstone Park.

HOUSE OF REPRESENTATIVES.

SATURDAY, *July 21, 1917.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who makest the outgoings of the morning and evening to rejoice, and who crownest Thy children with loving kindness, to Thee we lift up our hearts in love and gratitude.

Blessed is the nation whose God is the Lord, and the people whom He hath chosen for His own inheritance.

When we remember through what dangers, trials, and tribulations Thou hast brought us as a people and made us strong and great we rejoice and our courage is renewed and strengthened.

Keep us evermore in touch with Thee and lead us onward and upward to yet greater heights of glory and Thine be the praise through Christ the Lord. Amen.

The Journal of the proceedings of Wednesday, July 18, 1917, was read and approved.

HOMESTEAD ENTRIES—ARMY OR NAVY SERVICE.

Mr. FERRIS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. FERRIS. I rise to present a conference report for printing under the rule on the bill (S. 1811) providing for the counting of service in the Army or Navy of the United States as equivalent to residence and cultivation upon homestead entry, and in the event of the soldier's death in such service providing for the issuance of patent for such land to his widow or minor children.

The SPEAKER. It will be printed under the rule.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States was communicated to the House by Mr. Sharkey, one of his secretaries.

Mr. RAINEY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. Will the gentleman withhold his motion for a moment while the Chair lays before the House a message from the President?

Mr. RAINEY. I will.

AURELIO COLLAZO.

The SPEAKER laid before the House the following message from the President of the United States, which was ordered to be printed and referred to the Committee on Military Affairs:

To the Senate and the House of Representatives:

I transmit a report from the Acting Secretary of State inclosing a draft of a joint resolution authorizing the Secretary of War to permit Mr. Aurelio Collazo, a citizen of Cuba, to receive instruction at the United States Military Academy at West Point at the expense of the Government of Cuba.

The Acting Secretary of State points out that the passage of the resolution would be regarded as an act of courtesy by the Government of Cuba and that it would follow established precedents.

WOODROW WILSON.

THE WHITE HOUSE,
Washington, July 20, 1917.

ADJOURNMENT.

Mr. RAINEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 6 minutes p. m.) the House adjourned until Monday, July 23, 1917, at 12 o'clock m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Secretary of the Interior submitting an estimate of appropriation for the purchase or construction, including necessary labor, of filing cases for photolithographic copies of township plats for the General Land Office (H. Doc. No. 277); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Secretary of the Navy submitting an estimate of appropriation for the submarine base at New London, Conn. (H. Doc. No. 278); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication of the Postmaster General submitting the following estimate of deficiency appropriation for the Postal Service, payable from the postal revenues, for the fiscal year 1917 (H. Doc. No. 279); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting copy of a communication of the superintendent State, War, and Navy Department Buildings submitting estimate of appropriations covering additional employees and funds required during the fiscal year 1918 (H. Doc. No. 280); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication of the Secretary of the Navy submitting estimates of appropriations urgently required for extending and equipping the Gun Factory at the Washington Navy Yard (H. Doc. No. 281); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication of the Secretary of Commerce submitting an estimate of appropriation for promoting the development and use of the internal waterways of the United States (H. Doc. No. 282); to the Committee on Appropriations and ordered to be printed.

7. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication of the Secretary of the Navy submitting additional estimates of appropriations required for the Naval Establishment, Bureau of Yards and Docks, for the fiscal year ending June 30, 1918 (H. Doc. No. 283); to the Committee on Appropriations and ordered to be printed.

8. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication of the Secretary of the Navy submitting further estimates of appropriations urgently required by the Naval Establishment for the fiscal year ending June 30, 1918 (H. Doc. No. 284); to the Committee on Appropriations and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. EMERSON: A bill (H. R. 5457) to compel aliens either to enlist in the Army, make application for citizenship, enlist in the army of their own country, or be deported, at the option of the President; to the Committee on Immigration and Naturalization.

By Mr. ADAMSON: A bill (H. R. 5458) for the improvement of the Chattahoochee River; to the Committee on Rivers and Harbors.

By Mr. HULBERT: Resolution (H. Res. 121) to present the United States flag over Speaker's chair to the New York World, to be taken to our ambassador at Petrograd by its representative and donated, in the name of the House of Representatives, as a battle flag to the Russian Army; to the Committee on Foreign Affairs.

By Mr. EAGAN: Resolution (H. Res. 122) providing for a commission to determine type of electrical voting apparatus for the House of Representatives; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COSTELLO: A bill (H. R. 5459) for the relief of Francis A. Grennen; to the Committee on Claims.

By Mr. HOWARD: A bill (H. R. 5460) granting a pension to William B. Smith; to the Committee on Pensions.

By Mr. IGOE: A bill (H. R. 5461) granting a pension to Patrick Burke; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5462) granting an increase of pension to Sophia Koch; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 5463) granting an increase of pension to W. H. Harrison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5464) granting an increase of pension to Abraham Lanham; to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 5465) granting a pension to Ivey W. Watkins; to the Committee on Pensions.

By Mr. SIMS: A bill (H. R. 5466) granting an increase of pension to Martin L. Kee; to the Committee on Invalid Pensions.

By Mr. STERLING of Pennsylvania: A bill (H. R. 5467) granting a pension to Daisy M. McNeely; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of National Council, Junior Order United American Mechanics, favoring stricter enforcement of immigration laws; to the Committee on Immigration and Naturalization

Also (by request), petition of Suffragists' New Jersey Branch, National Woman's Party, favoring the Susan B. Anthony Federal suffrage amendment as a war measure; to the Committee on the Judiciary.

Also (by request), petition of Reunion, Grand Army of the Republic Encampment, Johnstown, Pa., pledging loyalty to flag and support to the Government in the war with Germany; to the Committee on Military Affairs.

Also (by request), memorial of the Common Council of the City of Detroit, asking Congress and the President to insist on the freedom and independence of Bohemia; to the Committee on Foreign Affairs.

By Mr. EAGAN: Petition of National Council, Junior Order of United American Mechanics, favoring stricter enforcement of the immigration law; to the Committee on Immigration and Naturalization.

By Mr. ESCH: Petition of National Council of Junior Order of United American Mechanics, favoring restricted immigration; to the Committee on Immigration and Naturalization.

By Mr. GARNER: Petition of Texas State Council of Defense, favoring suspension of Burnett immigration law for six months; to the Committee on Immigration and Naturalization.

Also, petition of Texas Council of Defense, opposing fixing of cotton prices by the Government; to the Committee on Agriculture.

Also, petition of Texas Council of Defense, protesting against Government control of markets or fixing of prices of foodstuffs; to the Committee on Agriculture.

By Mr. KENNEDY of Rhode Island: Resolution of Eagle Council, No. 8, Junior Order of United American Mechanics, of Providence, R. I., favoring prompt passage of all measures recommended by President such as will reduce high cost of living; to the Committee on Agriculture.

By Mr. LINTHICUM: Petitions of Council Milk and Ice Fund, Hebrew Ladies' Sewing Society; Westheimer & Co.; Strauss Bros.; editor Jewish Comment; and Gomprecht & Benesch, all of Baltimore, Md., favoring the Hollis and Myers amendments to the war-revenue bill; to the Committee on Ways and Means.

By Mr. LITTLEPAGE: Petition of Missionary Society of Clendenin, W. Va., favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of Junior Missionary Society, Clendenin, W. Va., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. LONERGAN: Resolution of the Common Council of New Britain, Conn., indorsing the protest of the mayor of New Britain against the quota assigned to New Britain in the selective conscription; to the Committee on Military Affairs.

By Mr. PRATT: Petition of G. W. Mitchell, M. D.; C. F. Babcock; S. Mitchell, M. D.; W. D. Hendershott; W. J. Day; E. E. Dove; John Bradley; G. E. Cotton; and sundry other citi-

zens of Hornell, N. Y., in favor of a bone-dry Nation for the duration of the present war; to the Committee on the Judiciary.

By Mr. RODENBERG: Resolutions adopted by committee of 100 citizens, and transmitted to Congress by C. E. Pope, chairman, and N. C. McLean, secretary, petitioning for a Federal inquiry into the recent race riots at East St. Louis, Ill.; to the Committee on the Judiciary.

SENATE.

MONDAY, *July 23, 1917.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we lift our hearts to Thee for Thy guidance and blessing this day. In the important and fateful business into which we have been drawn we pray that we may be found worthy of entering into the Divine plan, working together with God for the accomplishment of Thy purpose in us as a Nation. The work that Thou hast committed to us must last not only during the period of conflict but in the making of public opinion and the shaping of the spirit, the new spirit, of this land of ours. O God, grant that all our plans and purposes may be worthy the larger life and the diviner ideals which we trust will be born of the conflict of the present time. To this end we pray Thee to guide us and bless us. For Christ's sake. Amen.

The Vice President being absent, the President pro tempore [Mr. SAULSBURY] took the chair and directed the Secretary to read the Journal of the proceedings of the previous day.

The Journal of the proceedings of the legislative day of Wednesday, July 18, 1917, was read and approved.

Mr. KENYON. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	James	Nelson	Smith, Mich.
Bankhead	Johnson, Cal.	New	Smoot
Brandegee	Jones, N. Mex.	Norris	Sterling
Broussard	Kellogg	Overman	Stone
Chamberlain	Kenyon	Page	Swanson
Culberson	King	Penrose	Thompson
Cummins	Kirby	Phelan	Trammell
Curtis	Knox	Pittman	Underwood
Dillingham	La Follette	Poindexter	Vardaman
Fernald	Lodge	Ransdell	Wadsworth
Fletcher	McCumber	Reed	Warren
Frelinghuysen	McKellar	Robinson	Watson
Hale	McLean	Saulsbury	Weeks
Harding	McNary	Sheppard	Williams
Hardwick	Martin	Sherman	
Hollis	Myers	Smith, Ariz.	

Mr. FRELINGHUYSEN. I desire to announce the unavoidable absence of my colleague [Mr. HUGHES] owing to illness. I ask that this announcement may stand for the day.

Mr. SMITH of Michigan. My colleague [Mr. TOWNSEND] is unavoidably absent from the Chamber. I desire this announcement to stand for the day.

Mr. THOMPSON. I desire to announce that the Senator from Wisconsin [Mr. HUSTING] is necessarily absent. I ask that this announcement may stand for the day.

The PRESIDENT pro tempore. Sixty-two Senators have answered to their names. There is a quorum present. The presentation of petitions and memorials is in order.

MEMORIAL ADDRESSES ON THE LATE SENATOR LANE.

Mr. CHAMBERLAIN. Mr. President, some days ago the Senate fixed August 12 as the time for memorial exercises in memory of my late colleague. I wish to ask unanimous consent that the time be fixed for the 19th of August instead of the 12th.

The PRESIDENT pro tempore. Without objection, it is ordered that the change shall be made.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1811) providing for the counting of service in the Army or Navy of the United States as equivalent to residence and cultivation upon homestead entries and in the event of the soldier's death in such service providing for the issuance of patent for such land to his widow or minor children.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills:

H. R. 646. An act for the relief of Mrs. Nancy E. Mullins; and

H. R. 5326. An act to authorize the President to increase temporarily the Signal Corps of the Army and to purchase, manufacture, maintain, repair, and operate airships, and to make appropriations therefor, and for other purposes.

PETITIONS.

Mr. PHELAN presented a petition of the Woman's Club of Rialto, Cal., praying for the establishment of a moral zone around the concentration camps of the Army, which was ordered to lie on the table.

He also presented a petition of the Council of Defense of Alpine County, Cal., urging that certain lands within the county of Alpine, which have been withdrawn for reclamation purposes, be restored to entry, which was referred to the Committee on Public Lands.

Mr. COLT presented a petition of the Christian Endeavor Society of Carolina, R. I., praying for national prohibition, which was ordered to lie on the table.

He also presented a petition of Eagle Council No. 8, Junior Order United American Mechanics, of Providence, R. I., praying for the enactment of legislation to prevent the inflation of prices charged for commodities, which was ordered to lie on the table.

He also presented a petition of the National Association of Fisheries Commissioners, praying for the protection of the tidal waters of the country, which was referred to the Committee on Fisheries.

Mr. SHEPPARD presented a petition of the Woman's Missionary Society of the Methodist Episcopal Church of Grand Saline, Tex., praying for national prohibition as a war measure, which was ordered to lie on the table.

Mr. SMITH of Michigan. I present resolutions adopted by the Common Council of the City of Detroit, Mich., which I ask may be printed in the Record without reading.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

CITY OF DETROIT,
OFFICE OF CITY CLERK,
July 18, 1917.

Hon. WILLIAM ALDEN SMITH,
United States Senate, Washington, D. C.

DEAR SIR: By direction of the common council, I am transmitting herewith copy of resolution adopted by said body on the 10th instant relative to the independence of Bohemia:

[By Alderman Littlefield.]

"Whereas President Wilson declared that by entering the war 'we shall fight for the things which we have always carried nearest our hearts—for democracy, for the right of those who submit to authority to have a voice in their own governments, for the rights and liberties of small nations, for a universal dominion of right by such a concert of free peoples as shall bring peace and safety to all nations and make the world itself at last free'; and

"Whereas the man who is now our President, writing about the Bohemians many years ago, stated that 'no lapse of time, no defeat of hopes, seems sufficient to reconcile the Czechs of Bohemia to incorporation with Austria. Pride of race and memories of a notable and distinguished history keep them always at odds with the Germans within their gates and with the government set over their heads'; and

"Whereas the powers with which our country is now allied in its fight against dynasties ruling by divine grace have declared the liberation of Czechs (Bohemians) and Slovaks from foreign domination to be one of the conditions of future peace: Therefore be it

"*Resolved by the Common Council of the City of Detroit*, That Bohemia ought to be of right free and independent; and be it further

"*Resolved*, That this council appeal to the President and to the Congress of the United States to insist on Bohemian independence as an essential part of any just and democratic reconstruction at the end of the war; and be it further

"*Resolved*, That the city clerk transmit copies of this resolution to the President of the United States, to the Vice President as Presiding Officer of the Senate, to the Speaker of the House of Representatives, to the chairman of the Committee on Foreign Affairs of both Houses of Congress, to the United States Senators from the State of Michigan, and to the Representatives in Congress for the city of Detroit."

Adopted.

Respectfully, RICHARD LINDSAY, *City Clerk.*

SUPREME COURT OF THE DISTRICT OF COLUMBIA.

Mr. OVERMAN, from the Committee on the Judiciary, to which was referred the bill (S. 2489) to create two additional associate justices of the Supreme Court of the District of Columbia, reported it without amendment.

DESERT-LAND ENTRIES (S. REPT. NO. 87).

Mr. MYERS. From the Committee on Public Lands, I report back favorably without amendment the bill (H. R. 3331) for the protection of the owners of desert-land entrymen who enter the military or naval service of the United States in time of war. It is a war measure, and I ask unanimous consent for its consideration. I ask that it be read first and that then it be considered.

The PRESIDENT pro tempore. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That no desert-land entry made or held under the provisions of the act of March 3, 1877, as amended by the act of March 3, 1891, by an officer on enlisted man in the Army, Navy, Marine Corps, or Organized Militia of the United States shall be subject to contest or cancellation for failure to make or expend the sum of $1 per acre per year in improvements upon such claim, or to effect the reclamation thereof, during the period said entryman or his successor in interest is engaged in the military service of the United States during the present war with Germany, and until six months thereafter, and the time within which such entryman or claimant is required to make such expenditures and effect reclamation of the land shall be exclusive of the time of his actual service in the Army, Navy, Marine Corps, or Organized Militia of the United States: *Provided*, That said desert-land entry shall have been made by the said officer or enlisted man prior to his enlistment: *Provided further*, That each such entryman or claimant shall, within six months after the passage of this act, or within six months after he is mustered into the service, file in the local land office of the district wherein his claim is situate a notice of his muster into the service of the United States and of his desire to hold said desert claim under this act: *Provided further*, That the term "enlisted man," as used in this section, shall include any person selected to serve in the military forces of the United States as provided by the act entitled "An act authorizing the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917.

The PRESIDENT pro tempore. The Senator from Montana asks unanimous consent for the immediate consideration of the bill. Is there objection?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the protection of desert-land entrymen who enter the military or naval service of the United States in time of war."

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PHELAN:

A bill (S. 2657) authorizing the President to nominate and, by and with the advice and consent of the Senate, appoint Henry S. Kiersted, late a captain in the Medical Corps of the United States Army, a major in the Medical Corps on the retired list, and increasing the retired list by one for the purpose of this act; to the Committee on Military Affairs.

By Mr. PITTMAN:

A bill (S. 2658) for the relief of settlers and town-site occupants of certain lands in the Pyramid Lake Indian Reservation, Nev.; to the Committee on Public Lands.

By Mr. BROUSSARD:

A bill (S. 2659) to provide for the selection of osteopathic physicians in the medical service of the Army and Navy of the United States, and to provide for their official status, rank, and pay, and for other purposes; to the Committee on Military Affairs.

A bill (S. 2660) amending the act entitled "An act making appropriations for the Post Office Department for the fiscal year ending June 30, 1918"; to the Committee on Post Offices and Post Roads.

By Mr. MYERS:

A bill (S. 2661) modifying and amending the act providing for the disposal of the surplus unallotted lands within the Blackfeet Indian Reservation, Mont.; to the Committee on Indian Affairs.

By Mr. WARREN:

A bill (S. 2662) granting examination privileges to certain enlisted men of the Regular Army and officers of Philippine Scouts; to the Committee on Military Affairs.

By Mr. POMERENE:

A bill (S. 2663) granting the consent of Congress to the Wolf Creek Lumber Co. to construct a bridge across Tug River; to the Committee on Commerce.

By Mr. CUMMINS:

A bill (S. 2664) granting a pension to Ina L. Murdock (with accompanying papers); to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 2665) for the relief of William Crawford; to the Committee on Military Affairs.

By Mr. ROBINSON:

A bill (S. 2666) granting the consent of Congress to the Sebastian bridge district to construct a bridge across the Arkansas River, at the foot of Garrison Avenue, at Fort Smith, Ark. (with accompanying paper); to the Committee on Commerce.

By Mr. RANSDELL:

A bill (S. 2667) granting the consent of Congress to the Pritchard-Wheeler Lumber Co., of Wisner, La., to construct a bridge across Bayou Macon, in Louisiana, at a point east of the town of Wisner, La.; to the Committee on Commerce.

NATION-WIDE PROHIBITION.

Mr. SHEPPARD. I ask unanimous consent that the Senate proceed to the consideration of the joint resolution (S. J. Res. 17) proposing an amendment for nation-wide prohibition to the Constitution of the United States, with a view to ascertaining whether a date can be agreed upon for a vote.

Mr. LODGE. The Senator from Pennsylvania [Mr. PENROSE] is very much interested in the measure. I do not see him in the Chamber. I think it would be well if the Senator from Texas would withhold it until his return.

Mr. SHEPPARD. I shall withhold the request for the present.

The PRESIDENT pro tempore. The morning business has closed.

RIVER AND HARBOR APPROPRIATIONS.

Mr. FLETCHER and Mr. SMITH of Arizona addressed the Chair.

The PRESIDENT pro tempore. The Senator from Florida.

Mr. FLETCHER. I move that the Senate proceed to the consideration of House bill 4285, the river and harbor bill.

Mr. SMITH of Arizona. The morning hour is not over. A parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator from Arizona will state it.

Mr. SMITH of Arizona. I desire to know whether or not I can move to substitute another bill for the river and harbor bill, the consideration of which is moved by the Senator from Florida? I should like to get up a measure during the morning hour involving an international question embodied in a treaty between the United States and Great Britain. It was at our suggestion that the negotiations were entered into, and the negotiations have been pending for more than a year.

The PRESIDENT pro tempore. The Chair will say to the Senator from Arizona that the Chair announced that the morning business had closed, and recognized the Senator from Florida.

Mr. SMITH of Arizona. I was attempting to get recognition before the Chair made the announcement.

The PRESIDENT pro tempore. The Chair regrets that the announcement was made.

Mr. FLETCHER. The announcement was made that the morning business had closed, and I moved to take up the river and harbor bill.

Mr. SMITH of Arizona. I know that; but I was standing, waiting to be recognized, and did not know that any other Senator has risen. I understood that morning business and not the morning hour had closed, and I thought it would be proper for me to make my motion.

Mr. KENYON. I should like to ask the Senator from Arizona a question.

Mr. SMITH of Arizona. Very well.

Mr. KENYON. I want to know if the Senator from Arizona does not realize that the river and harbor bill is a great war measure and should be disposed of at once? [Laughter.]

Mr. SMITH of Arizona. I do not propose to enter into that question. I do not want to create any difficulty in relation to the river and harbor bill, or as to any other bill, but I should like the Senator from Florida to yield to me until I can get the bill for which I desire consideration passed this morning. I am extremely anxious to get away from the city, if I can.

Mr. FLETCHER. May I inquire of the Senator from Arizona how long it will take to dispose of the bill for which he desires consideration?

Mr. SMITH of Arizona. It is a bill which ought to pass; and I do not think there is objection to the bill, except on the part of one Senator.

Mr. FLETCHER. Mr. President, I am willing to accommodate the Senator from Arizona. If the river and harbor bill be taken up, I will then agree that it be laid aside for a limited time to enable the Senator to test the question as to the disposition of the bill which he desires considered.

Mr. SMITH of Arizona. Can the Senator from Missouri, who is opposed to the bill, inform me whether or not we shall be able to obtain a vote on the bill before 2 o'clock?

Mr. REED. I do not know whether we can or not, Mr. President. I am opposed to the bill until the Supreme Court of the United States in a case before it has decided as to the constitutionality of this sort of legislation.

The PRESIDENT pro tempore. The motion before the Senate is the motion of the Senator from Florida.

Mr. FLETCHER. The motion is not debatable, Mr. President.

The PRESIDENT pro tempore. The Senator from Arizona, of course, could not move to substitute his bill for that of the

Senator from Florida. The motion of the Senator from Florida is to take up House bill 4285, being the river and harbor bill.

Mr. KENYON. Mr. President, I think that motion is debatable, is it not?

The PRESIDENT pro tempore. The Chair thinks the motion is not debatable during the morning hour.

Mr. FLETCHER. The question is not debatable.

Mr. KENYON. I addressed the question to the Chair.

The PRESIDENT pro tempore. The recollection of the Chair is that, under the rule, the question is not debatable before 2 o'clock.

Mr. KENYON. I know the matter was taken up on Saturday, Mr. President, and the Chair then held that it was debatable; but it is true that that was after 2 o'clock.

Mr. FLETCHER. That was after 2 o'clock, and therefore it came.

Mr. SMITH of Arizona. I hope the motion to take up the river and harbor bill will be voted down, so that I can get my bill up.

Mr. FLETCHER. I will be perfectly willing to yield to the Senator from Arizona for a limited time after the river and harbor bill shall have been taken up.

Mr. THOMPSON. Under Rule VIII a motion to take up a matter before 2 o'clock must be put without debate.

The PRESIDENT pro tempore. That is in case the morning hour continues, the Chair thinks.

Mr. SMOOT. Mr. President, I desire to say to the Senator from Arizona that the only way in which to get his bill before the Senate at this time would be for the Senate to vote down the motion of the Senator from Florida.

Mr. SMITH of Arizona. I will state to the Senator from Florida that if I do not get the bill through before 2 o'clock I will yield to him to call up the other bill.

Mr. FLETCHER. I do not see that it will be the Senator's privilege exactly to yield to me. I had the floor, and I made my motion in regular order and in regular time.

Mr. SMITH of Arizona. Then let us have a vote upon it.

Mr. FLETCHER. I am willing to lay aside the river and harbor bill temporarily, if it is taken up by the Senate, and allow the Senator from Arizona a reasonable time within which to have his bill considered, but I want to have my motion to take up the bill first disposed of.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Florida to proceed to the consideration of the river and harbor bill.

Mr. KENYON. Mr. President, on that question I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. JAMES (when Mr. BECKHAM's name was called). I desire to announce that my colleague [Mr. BECKHAM] is absent from the city on important business.

Mr. McCUMBER (when his name was called). I have a pair with the senior Senator from Colorado [Mr. THOMAS], who is absent on account of sickness. I am therefore compelled to withhold my vote.

Mr. STERLING (when his name was called). I have a pair with the Senator from South Carolina [Mr. SMITH]. Not seeing that Senator in the Chamber, I withhold my vote.

Mr. SHAFROTH (when the name of Mr. THOMAS was called). I desire to announce the unavoidable absence of my colleague [Mr. THOMAS] on account of sickness, and to state that he is paired with the senior Senator from North Dakota [Mr. McCUMBER].

Mr. VARDAMAN (when his name was called). I have a general pair with the junior Senator from Idaho [Mr. BRADY]. I transfer that pair to the Senator from Wisconsin [Mr. HUSTING] and vote "yea."

Mr. ROBINSON (after having voted in the affirmative). I have a pair with the Senator from Michigan [Mr. TOWNSEND]. I transfer that pair to the senior Senator from Illinois [Mr. LEWIS] and allow my vote to stand.

Mr. MYERS (when Mr. WALSH's name was called). My colleague [Mr. WALSH] is necessarily absent from the Senate on account of illness in his family. He is paired with the Senator from New Jersey [Mr. FRELINGHUYSEN]. This announcement may stand for the day.

The roll call was concluded.

Mr. DILLINGHAM (after having voted in the negative). I withdraw my vote, having a general pair with the senior Senator from Maryland [Mr. SMITH], who is absent.

Mr. WATSON (after having voted in the negative). My pair, the junior Senator from Delaware [Mr. WOLCOTT], not having voted, I withdraw my vote.

Mr. FRELINGHUYSEN. I have a general pair with the junior Senator from Montana [Mr. WALSH], which I transfer to the junior Senator from Maryland [Mr. FRANCE] and vote "nay."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New York [Mr. CALDER] with the Senator from Rhode Island [Mr. GERRY]; and

The Senator from West Virginia [Mr. SUTHERLAND] with the Senator from Kentucky [Mr. BECKHAM].

Mr. FLETCHER (after having voted in the affirmative). I have a general pair with the senior Senator from New Hampshire [Mr. GALLINGER]. While I am satisfied he would have voted, if present, as I have voted, I transfer that pair to the Senator from New Jersey [Mr. HUGHES] and will allow my vote to stand.

Mr. STERLING. I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Washington [Mr. JONES] and vote "nay."

The result was announced—yeas 44, nays 23, as follows:

YEAS—44.

Bankhead	James	Nelson	Sheppard
Broussard	Johnson, Cal.	Overman	Simmons
Chamberlain	Jones, N. Mex.	Page	Smith, Ga.
Culberson	Kellogg	Penrose	Smith, Mich.
Fernald	Kirby	Phelan	Stone
Fletcher	Knox	Poindexter	Swanson
Gronna	Lodge	Ransdell	Trammell
Hale	McKellar	Reed	Underwood
Harding	McNary	Robinson	Vardaman
Hardwick	Martin	Saulsbury	Weeks
Hollis	Myers	Shafroth	Williams

NAYS—23.

Ashurst	Frelinghuysen	McLean	Smith, Ariz.
Borah	Gore	New	Smoot
Brandegee	Kendrick	Norris	Sterling
Colt	Kenyon	Pittman	Thompson
Cummins	King	Pomerene	Wadsworth
Curtis	La Follette	Sherman	

NOT VOTING—29.

Beckham	Goff	Newlands	Townsend
Brady	Hitchcock	Owen	Walsh
Calder	Hughes	Shields	Warren
Dillingham	Husting	Smith, Md.	Watson
Fall	Johnson, S. Dak.	Smith, S. C.	Wolcott
France	Jones, Wash.	Sutherland	
Gallinger	Lewis,	Thomas	
Gerry	McCumber	Tillman	

So Mr. FLETCHER's motion was agreed to.

Mr. McLEAN. Mr. President, I understand that the Senator in charge of the river and harbor bill is willing that it shall be laid aside until 2 o'clock for the consideration of the measure in charge of the Senator from Arizona [Mr. SMITH].

Mr. FLETCHER. I will wait a minute and allow the bill to be laid before the Senate. The Senator from Connecticut voted against the motion to take up the river and harbor bill, so that I do not know that I am under any obligations to proceed in that direction.

Mr. McLEAN. The vote on this side was largely influenced by the understanding that the Senator from Florida would consent to allow the bill in charge of the Senator from Arizona [Mr. SMITH] to be considered until 2 o'clock.

The PRESIDENT pro tempore. The Chair lays House bill 4285 before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4285) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. FLETCHER. Mr. President, as stated before the vote was taken, I am perfectly willing, in order to accommodate the Senator from Arizona, to yield to him until 2 o'clock. I therefore ask unanimous consent that the river and harbor bill be laid aside temporarily until that hour.

Mr. REED. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. SMITH of Arizona. Mr. President, I understand, then, that the river and harbor bill is now before the Senate?

The PRESIDENT pro tempore. The Chair has laid that bill before the Senate.

Mr. SMITH of Arizona. Mr. President, I did not hear the proposition made by the Senator at the time; but I knew that it would require unanimous consent to lay the river and harbor bill aside after it had been taken up by the vote of the Senate, and I also knew that if it required unanimous consent the Senator would object who did object.

I am a little unfortunate, probably, in coming in conflict with the river and harbor bill. I have been in sympathy with that bill always, and hope to remain so. I should like, however,

to give notice to those having that bill in charge that I shall ask the Senate to take an adjournment this evening so that we may have a morning hour to-morrow, at which time I hope to be able to call up the bill to which I have referred, affecting a treaty between the United States and Great Britain. I am only asking for its consideration in the morning hour, and if I can not secure its passage in the morning hour I shall always give way to the regular order. If I could have to-morrow morning for the consideration of the bill which I have sought to have considered, I would be gratified; but that matter will come up on the question of adjournment this evening.

CONSERVATION OF FOOD AND FUEL.

Mr. TRAMMELL. Mr. President, on Saturday during the consideration of the food-control measure, when a motion was made to strike out the provision fixing a minimum price of $2 per bushel for wheat in certain primary markets throughout the country, I was among the Senators who voted to strike out the minimum price. I did not believe that we should make an exception in the case of wheat and fix a price for that commodity which would cause the consuming public of this country, a great many of whom are people engaged in other agricultural pursuits than that of producing wheat, to pay possibly from $12 to $14 or $15 per barrel for flour in the retail markets. I voted to strike out that minimum price because I felt that it would establish a price for flour in the retail markets of this country which would be possibly far more than the people of this country should pay for flour when conditions readjusted themselves under the other provisions of the bill. However, Mr. President, a minority of the Senators only voted to strike out the minimum price. I feel that the great consuming public of this country, including those engaged in labor working for a wage, and including a great host of the farming people of this country who do not produce wheat, should not have enacted into law a provision which will mean that during the next two years they shall pay, if I am correctly informed, what seems to me an exorbitant price for the flour which they consume. Flour is the one food consumed more or less by everybody.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Missouri?

Mr. TRAMMELL. I do.

Mr. REED. The $2 minimum guaranty applies only to this year's crop. It does not apply to the crop of next year.

Mr. TRAMMELL. I should like to ask the Senator from Missouri if the fixing of that minimum price until July, 1919, does not mean that the consumer will have to pay for his flour upon the basis of that minimum until July, 1919?

Mr. REED. If the price of wheat is raised above where it otherwise would be in the market, undoubtedly the consumer will have to pay more for his flour. The price of wheat at $2 minimum, however, is considerably less than wheat is now commanding in the market. There are many other observations I might make, but I do not want to interrupt the thread of the Senator's discourse. I know the Senator wants to be right as to his facts; and the $2 minimum guaranty applies only to this year's crop.

Mr. TRAMMELL. Mr. President, that may be true in its application as far as the price of the wheat is concerned; but in its application to those who are consuming the wheat products it will fix the minimum price up to July, 1919. I am very forcibly impressed that it means that the consumer will have to purchase his wheat products—flour—upon a basis of $2 wheat up to July, 1919, because this as a minimum price is guaranteed until that date.

Mr. President, as I have understood the situation, the great clamor throughout this Nation of ours for food control has been largely in order that the exorbitant prices which were being paid by the consumer should be hereafter barred and controlled, so that the people of this country would no longer be subjected to the extravagant prices. I feel, Mr. President, that if we start out upon the only article of food upon which we fix a price by fixing a minimum price far above the normal price, fixing the price where we know that the consumers will have to pay a great deal more than they have been paying in time of peace, we shall have defeated one of the very objects and purposes of food control. I believe that the wheat farmer should be allowed reasonable returns, reasonable profits for his products, and I shall always stand up to allow him reasonable returns for his efforts, and a reasonable percentage of income upon his capital invested; but I do not believe that it is a proper policy to pick one class of our producers in this country from among the great masses of producers, fix their price at what it seems to me is going to be exorbitant, and then say to the great masses of the farmers engaged in other agricultural pursuits in this country and those who are engaged in the industrial world, "You must pay these exorbitant prices for the products of wheat."

I voted for the bill. I did it very reluctantly, on account of this provision which I had sought to eliminate by my vote. In fact, I would have voted against the bill containing this provision if my vote would have defeated the bill and forced another food-control measure with this very objectionable feature eliminated. I am firmly impressed, Mr. President, that the conditions in this country are such that we need some regulation and control of the prices of most all necessaries. Practically all food products are unreasonably high. The speculators have been feasting at the expense of the farmers and consumers of this country. Legislation is necessary to force prices down to within reason to prevent the manipulation from forcing prices even higher. I realize the necessity for such legislation, but I am unqualifiedly opposed to fixing a price for wheat which will require hundreds of thousands of people in my State to pay such high price for flour. The farmers and growers of my State under this measure will have no guaranty of a reasonable price for their products, yet under its provisions will have to pay for flour made from wheat costing at least $2 a bushel. How much more we do not know.

Mr. President, it is not my desire to delay further consideration of this matter, but, on account of this one feature of the bill, which to me is very objectionable, and I believe will be found to be very objectionable to a great majority of the American people, I desire to make a motion to reconsider the vote by which the food-control bill was passed; and if it has been sent to the House, that it be returned to the Senate for further consideration. My object in making this motion is for the specific purpose, and that only, of having further consideration upon the question of the minimum price which was fixed for wheat. I think this provision should be stricken from the bill.

Mr. President, I desired to make this motion on Saturday, immediately after the vote on the bill, and tried to get recognition of the Chair for this purpose, but, due to the desire of a majority to go into an executive session, I failed to get recognition by the Chair; consequently my delay until this morning to make this motion.

Mr. POINDEXTER. Mr. President, I make the point of order that the motion is not in order. The business before the Senate is the river and harbor bill.

The PRESIDENT pro tempore. The Chair understands the Senator from Florida to accompany his motion to reconsider with a request of the House to return the bill. The Chair thinks that the motion, because of the limited time within which it can be made, is a privileged question. The motion to reconsider, however, does not come before the Senate until the request is made of the House, when that becomes debatable. The motion to request the House to return the bill is not debatable and must be decided immediately.

Mr. CHAMBERLAIN. Mr. President, I move that the motion of the Senator from Florida be laid on the table.

Mr. POINDEXTER. Mr. President, I make the point of order against the motion to reconsider that it can not be made while another bill is pending before the Senate for consideration.

The PRESIDENT pro tempore. The Chair understands that the motion to reconsider is merely entered or filed, as it has been expressed frequently; that the motion of the Senator from Florida is to request the House to return that bill from the House. That, the Chair rules, is a privileged motion and is in order.

Mr. POINDEXTER. Mr. President, may I be heard just a moment further? I should like to have a clear understanding of what the motion is. The motion, as stated by the Senator from Florida, was to reconsider the vote by which the food-control bill was passed. That was the way in which the author of the motion stated it.

Mr. TRAMMELL. Mr. President——

Mr. POINDEXTER. I make the point of order against that motion, as stated by its author, that it is not in order, because the river and harbor bill is now pending before the Senate, and that a motion to reconsider another bill can not be entertained by the Senate.

The PRESIDENT pro tempore. The Chair does not think the point of order is well taken, and the Chair will refer the Senator to paragraph 2 of Rule XIII. The motion which is up now for immediate discussion, subject to the motion of the Senator from Oregon to lay upon the table, is the motion to request the House to return the bill.

Mr. POINDEXTER. What is the business before the Senate at this time?

The PRESIDENT pro tempore. The Chair has ruled that the motion made by the Senator from Florida is privileged.

The Senator from Oregon has moved to lay that motion upon the table. The question is upon the motion of the Senator from Oregon.

Mr. POINDEXTER. I understand, then, that it has displaced the river and harbor bill.

The PRESIDENT pro tempore. The Chair does not so understand. It is a privileged question.

Mr. POINDEXTER. May I inquire how it is possible for two matters to be before the Senate at identically the same time?

The PRESIDENT pro tempore. The Chair has made a ruling, in regard to which it requests the Senator from Washington to consult paragraph 2 of Rule XIII. The question is on the motion of the Senator from Oregon to lay on the table the motion made by the Senator from Florida, to request the return from the House of the food-control bill.

Mr. TRAMMELL and Mr. KENYON called for the yeas and nays, and they were ordered.

Mr. GRONNA. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Johnson, Cal.	New	Simmons
Bankhead	Jones, N. Mex.	Norris	Smith, Ariz.
Borah	Kellogg	Overman	Smith, Ga.
Colt	Kendrick	Page	Smith, Mich.
Culberson	Kenyon	Phelan	Smoot
Cummins	King	Pittman	Sterling
Curtis	Kirby	Poindexter	Swanson
Fernald	Knox	Pomerene	Thompson
Fletcher	McCumber	Ransdell	Tillman
Frelinghuysen	McKellar	Robinson	Trammell
Gore	McLean	Saulsbury	Warren
Gronna	McNary	Shafroth	Watson
Hale	Martin	Sheppard	Weeks
Harding	Myers	Sherman	Williams
Hardwick	Nelson	Shields	

Mr. THOMPSON. I desire to announce that the senior Senator from Kentucky [Mr. JAMES] is detained from the Senate on official business.

Mr. FLETCHER. I desire to announce that the junior Senator from Mississippi [Mr. VARDAMAN] is temporarily absent on official business.

The PRESIDENT pro tempore. Fifty-nine Senators have answered to their names. There is a quorum present.

Mr. PITTMAN. Mr. President, a point of order.

The PRESIDENT pro tempore. The Senator from Nevada will state it.

Mr. PITTMAN. I raise a point of order against the motion of the Senator from Florida on the ground that it is a violation of the unanimous-consent agreement under which the food-control bill was disposed of. The unanimous-consent agreement provided that it should be finally disposed of upon Saturday. If this motion should be carried, it would not be finally disposed of.

The PRESIDENT pro tempore. The Chair thinks that at this time it is not necessary to rule or attempt to rule upon that point of order and would leave the question to the Senate if it should be raised. The motion before the Senate is to lay on the table the motion of the Senator from Florida. Unless the Senator from Nevada insists on that point of order being left to the Senate, the Chair will put the motion of the Senator from Oregon. If the Senator insists on that question being put before the Senate——

Mr. PITTMAN. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. PITTMAN. If the motion is lost, will the Senator from Nevada have an opportunity to interpose the point of order again?

The PRESIDENT pro tempore. The Senator from Nevada will have an equally good opportunity. The question is on the motion of the Senator from Oregon to lay on the table the motion of the Senator from Florida. On that motion the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. FLETCHER (when his name was called). Announcing my pair with the Senator from New Hampshire [Mr. GALLINGER], I withhold my vote.

Mr. FRELINGHUYSEN (when his name was called). I transfer my general pair with the junior Senator from Montana [Mr. WALSH] to the junior Senator from Maryland [Mr. FRANCE] and vote "yea."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. THOMAS]. The junior Senator from Wyoming [Mr. KENDRICK] has a pair with the senior Senator from New Mexico [Mr. FALL]. We have arranged to transfer our pairs so that the Senator from New Mexico will stand paired with the Senator from Colorado, which will allow the Senator from Wyoming and myself to vote. This announcement will stand for the day. I vote "yea."

Mr. ROBINSON (when his name was called). I am paired with the junior Senator from Michigan [Mr. TOWNSEND]. I transfer that pair to the senior Senator from Illinois [Mr. LEWIS] and vote "yea."

Mr. STERLING (when his name was called). Making the same announcement of my pair and its transfer as on the former vote, I vote "yea."

Mr. WATSON (when his name was called). I have a pair with the junior Senator from Delaware [Mr. WOLCOTT]. I transfer that pair to the Senator from Connecticut [Mr. BRANDEGEE] and vote "yea."

The roll call was concluded.

Mr. MYERS. Has the Senator from Connecticut [Mr. McLEAN] voted?

The PRESIDENT pro tempore. He has not voted.

Mr. MYERS. I have a pair with that Senator, which I transfer to the Senator from South Dakota [Mr. JOHNSON] and vote "yea."

Mr. TILLMAN. I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Wisconsin [Mr. HUSTING] and vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Idaho [Mr. BRADY] with the Senator from Mississippi [Mr. VARDAMAN];

The Senator from New York [Mr. CALDER] with the Senator from Rhode Island [Mr. GERRY]; and

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH].

Mr. THOMPSON. I desire to announce that the senior Senator from Kentucky [Mr. JAMES] is detained from the Senate on official business.

The result was announced—yeas 51, nays 8, as follows:

YEAS—51.

Ashurst	Jones, N. Mex.	Overman	Smith, Ariz.
Bankhead	Kellogg	Page	Smith, Ga.
Borah	Kendrick	Phelan	Smith, Mich.
Chamberlain	Kenyon	Pittman	Smoot
Colt	Knox	Poindexter	Sterling
Culberson	La Follette	Ransdell	Swanson
Cummins	McCumber	Reed	Thompson
Curtis	McNary	Robinson	Tillman
Frelinghuysen	Martin	Saulsbury	Warren
Gronna	Myers	Shafroth	Watson
Harding	Nelson	Sheppard	Weeks
Hollis	New	Shields	Williams
Johnson, Cal.	Norris	Simmons	

NAYS—8.

Fernald	Hardwick	Kirby	Sherman
Hale	King	McKellar	Trammell

NOT VOTING—37.

Beckham	Gerry	Lodge	Thomas
Brady	Goff	McLean	Townsend
Brandegee	Gore	Newlands	Underwood
Broussard	Hitchcock	Owen	Vardaman
Calder	Hughes	Penrose	Wadsworth
Dillingham	Husting	Pomerene	Walsh
Fall	James	Smith, Md.	Wolcott
Fletcher	Johnson, S. Dak.	Smith, S. C.	
France	Jones, Wash.	Stone	
Gallinger	Lewis	Sutherland	

So Mr. CHAMBERLAIN'S motion to lay on the table was agreed to.

RIVER AND HARBOR APPROPRIATIONS.

Mr. FLETCHER. I ask that the river and harbor appropriation bill be now proceeded with.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4285) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which had been reported from the Committee on Commerce with amendments.

Mr. FLETCHER. I ask unanimous consent that the formal reading of the bill be dispensed with and that it be read for the purpose of amendment, the amendments of the committee to be first considered.

Mr. KENYON. I object to that unanimous consent and ask to have the bill read in full.

The PRESIDENT pro tempore. The Secretary will proceed with the reading of the bill.

The Secretary read the bill.

Mr. KENYON. Mr. President, I think that completes the reading of the bill, does it not?

The PRESIDENT pro tempore. The reading has been completed.

Mr. KENYON. Mr. President, I want to say just a word before the chairman of the committee, I assume, will go ahead with an explanation of it; and I am going to suggest the absence of a quorum so that he can be heard. I want first to say this, Mr. President, so far as I am concerned I am not going to seek to delay this bill in any way. I am going to argue it as thoroughly as I can, and I think perhaps there may be a few other Senators who will argue it. I realize that it is perfectly impossible to defeat a bill of this kind. I believe it is the worst river and harbor bill that has ever been presented to Congress since I have been here because of its grouping of subjects so that no one can get at just how much money is to be expended for a particular subject.

I did not rise, however, to discuss the bill at this time, but merely, in order that the chairman might have somebody here to hear him if he was to explain the bill, to suggest the absence of a quorum, which I now do.

The PRESIDENT pro tempore. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Johnson, Cal.	Overman	Smoot
Borah	Jones, N. Mex.	Page	Stone
Chamberlain	Kellogg	Penrose	Swanson
Cummins	Kendrick	Poindexter	Thompson
Curtis	Kenyon	Ransdell	Tillman
Fletcher	King	Robinson	Trammell
Frelinghuysen	Knox	Saulsbury	Wadsworth
Gore	Lewis	Shafroth	Warren
Gronna	Lodge	Sheppard	Watson
Hale	McCumber	Sherman	Weeks
Harding	McKellar	Shields	Williams
Hardwick	McNary	Simmons	
Hollis	New	Smith, Ariz.	
James	Norris	Smith, Mich.	

Mr. THOMPSON. I desire to announce that the Senator from Wisconsin [Mr. HUSTING] is necessarily absent on important business. This announcement may stand for the day.

The PRESIDENT pro tempore. Fifty-three Senators have answered to their names. There is a quorum present.

APPROPRIATIONS FOR AVIATION.

The PRESIDENT pro tempore. The Chair announces the signature of the Vice President of the United States to the following enrolled bill:

The SECRETARY. H. R. 5326. An act to authorize the President to increase temporarily the Signal Corps of the Army and to purchase, manufacture, maintain, repair, and operate airships, and to make appropriations therefor, and for other purposes.

SUGGESTED PEACE BASES.

Mr. LEWIS. Mr. President, the Senator from Florida, the eminent chairman of this committee, allows me to intrude myself at this moment for a very short time.

Mr. President, I want to submit to the Senate a suggestion which is intimated to me by telegrams received by me this morning and last night—received from very fair representative German citizens of my city of Chicago, and whose loyalty in the present trying hour I can assure the Senate I myself can attest.

Mr. President, I want to call the attention of the Senate to the phraseology in the speech of the new chancellor of Germany, Dr. Michaelis, particularly respecting the proposal of peace. I do not know how other Senators were impressed with the speech of this new chancellor. After carefully reading the speech I am wholly of a different view than seems to be the view of Mr. Lloyd-George, speaking for Britain.

Mr. President, I am strongly struck with that which must be apparent to any reflective reader of the speech of the German chancellor. It is on this point: That it is a direct bid to the United States of America to use its influence with its copartners in conflict to have them make a request for peace. It is palpable to me in the expression that "Germany is ready for an honorable peace, but having previously offered it, it will now wait for the terms of peace to be suggested by the others"; that the term "others" is meant ourselves, as voice of the allies.

To my mind, sir, it is a bid to the United States, which was the one Nation which had asked for terms of peace, and the one Nation which at one time had submitted the humane proposition of peace without victory. It is a bid to us to again ask either for ourselves or in behalf of those with whom we are cooperating for peace.

Mr. President, I am satisfied that the deduction from the speech of Chancellor Michaelis is justified, which would read as follows: That if peace will be asked by the allies, the mere asking of that peace by the allies is a sufficient excuse for Germany yielding to the terms that will be asked by the allies. I am impressed at this time, sir——

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Idaho?

Mr. LEWIS. Certainly.

Mr. BORAH. What is the language in the German chancellor's speech which gives the Senator reason to assume that that would be true? I ask this because I did not get that impression.

Mr. LEWIS. Mr. President, I can understand that an impression at variance from my own could readily have been obtained. The atmosphere was against my construction. Another reason for the opposite viewpoint is the suggestion of their construction from eminent statesmen who are opposed to my view. All this leads to an opposite conclusion. I reply to the eminent Senator from Idaho by reading the words of the speech quoted, that Germany is ready for an honorable peace, and the phrase afterwards used that she will not now ask it, having asked it before, or, as is gathered, that she will wait for others to ask it who are interested more in the terms and the details of it, particularly the following. I read:

SEEK HONORABLE PEACE.

The burning question in our hearts, however, is how much longer the war is to last. With this I come to a matter which stands in the center of all our interest and all our proceedings to-day. Germany did not desire the war in order to make violent conquests, and therefore will not continue the war a day longer merely for the sake of such conquests if it could obtain an honorable peace.

The Germans wish to conclude peace as combatants who have successfully accomplished their purpose and proved themselves invincible. A condition of peace was the inviolability of German's territory. No parley was possible with the enemy demanding the cession of German soil.

We must, by means of understanding and in a spirit of give and take, guarantee conditions of the existence of the German Empire upon the continent and overseas.

Peace must offer the foundation of a lasting reconciliation of nations—

Then proceeding to say that Germany will continue to fight, and so forth, as the Senator recalls. I construe that latter statement as meaning that if these requests are not made from any of those who are called allies Germany will then continue to fight for that which she will not ask—peace.

But I also gather, Senators, that if peace shall be asked for by any of the allies, or the United States in behalf of the allies, which would set forth the terms upon which we should deem peace could be had, Germany would then yield the peace upon the theory that she would not be humiliated by accepting the terms proposed by the allies, for the reason that if peace was asked by the others she was compensated on her part in accepting the terms on which they demanded it from the fact that it was the others who asked for it.

Now, Mr. President, I am strongly moved to feel that we in the United States have not given the construction to the speech of Chancellor Michaelis which it would bear, and which, if I am not altogether in error, it was intended to suggest.

Mr. President, I take the liberty to inform the Senate that at a later time, when I shall not be interrupting the program which has been very carefully prepared upon this river and harbor bill, I shall tender to the Senate such form of resolution as will give appropriate opportunity for the discussion of my views in more detail.

Mr. President, at this particular time I wish to suggest to the Senate the propriety of our considering the speech of the chancellor, considering it to the extent that it is meant peculiarly as I see it as addressed to the United States. I refer to that particular phraseology that is evidently intended wholly for us. I have quoted it. I therefore, sir, am of the impression that if the United States, in view of this speech and in view of the fact that it comes from the new chancellor as his very first utterance after having been put in power—also, sir, note the fact palpable to you, Mr. President, and to every Member here that it was a composite speech; it was not a speech only written by the chancellor, it was a speech contributed in several parts by several agencies and then mosaiced together as an expression of the military, the legislative, and the reform parties as those who sought peace, and then, sir, was embodied the impression particularly addressed to the allies or friends of the allies touching peace terms.

Mr. President, my judgment is, sir, that now is a time when Germany will accept the offer of peace based upon the terms, first, the restoration of Belgium; second, the restoration of the possessions which she has held of France; third, the return to the countries of Serbia, Bulgaria, and Roumania to their previous status; in consideration for that the return to Germany

by the allies of those particular parts of the German country which have been taken, to wit, her colonies in Africa.

Then, Mr. President, there can be a board constituted upon which there shall be the representatives of the different warring countries, and before this board the respective countries to present their terms as to all the other details, then that board to give hearings and finally to reach conclusions as to what would be equitable under all the circumstances looking to peace, and with a view of preventing a return of the conflict, harmonizing the situation and avoiding years and generations of hatred, that board to finally submit its conclusions in that light upon the theory that as to those details they may be accepted as matters of compromise and adjustment.

Mr. McCUMBER rose.

Mr. LEWIS. Did the Senator rise to interrupt me?

Mr. McCUMBER. For a moment.

Mr. LEWIS. I yield gladly.

Mr. McCUMBER. Does the Senator give vent to those sentiments as an expression of what he thinks would be right and just and what ought to be done, or does he gather from the speech of the chancellor an inspiration that the chancellor intends to convey to the world the acceptance of peace precisely along that line?

Mr. LEWIS. I answer the Senator I am not able to deduce from the speech itself that those terms would be accepted, nor am I able to say that the speech conveys to the world that those are the terms in the mind of the chancellor. I am suggesting that this is the time in which, if peace be asked by the allies or the friends of the allies, those terms which we regard at the outset just and necessary would be accepted upon the theory that they would allay all friction of the present and would make prospective harmony in future years possible.

Mr. McCUMBER. The Senator will recall that in that speech the chancellor stated that the U-boat has accomplished even more than was expected, and it would bring Great Britain to her knees in a very short time, and that the support that the United States could give to the allies would be very negligible in every respect. Does that look to the Senator as though it was addressed to the United States as a basis for peace, as a request that we interpose for peace, after having paid that tribute to our ability as a warring nation?

Mr. LEWIS. Mr. President, strange to say, sir, it is among those very expressions on which I found the conviction which I am now expressing.

Let me say, sir, my view: In the first place, with reference to the U-boat, I say to the Senator from North Dakota it was a mere indication that if the peace which Germany says she is now ready to make, an honorable peace, shall not be acceptable, that the future course as the penalty for not accepting the opportunity of peace would be that which the U-boat could inflict. Second, the reference to the United States as being a negligible quantity in war, so far as aid to the allies, I might say, is the sentence carefully framed, refined, changed, reduced, and revised before it ever found its way to final expression, because it does not say that the United States is not competent in war, nor does it say we are not a potent power, nor does it make reflection upon us as a power to be reckoned with by Germany, but speaks of us as being negligible as to our aid to Britain, making specific qualifications, I say to the eminent Senator from North Dakota, as I think, and calling attention to Britain, indicating that if Britain should conclude that she will now not again accept any advances of peace she must keep in mind that she herself may be overrun eventually by U-boats, and however potent in other directions as to her our aid would be a negligible matter. It carried to my mind, I will say to the Senator, the direct statement that they look to the United States as turning the power it would have to its own necessities and its own uses and could be of little value as a mere aid to Britain.

Such, sir, was my conclusion; such, sir, is my view.

Therefore, Mr. President, with the view that I have, I am of the conclusion that this is a righteous and appropriate hour for us seriously to consider the bid that Germany made for peace.

Mr. PENROSE. Mr. President, I should like to address an inquiry to the Senator, if it does not interrupt him.

Mr. LEWIS. It does not.

Mr. PENROSE. The Senator states as a part of the program of peace that France should have returned her possessions. Does he refer to that portion of the territory of France now in possession of the Germans as a result of the present war or does he mean the return of Alsace and Lorraine?

Mr. LEWIS. I refer to both. I may say to the Senator that Alsace and Lorraine I treat as a possession of France, as she so regards it, and also that part of France now in the possession of Germany as a part of the battle field and battle operations.

Mr. PENROSE. The surmise, then, from reading the speech is that Germany will be ready to hand back Alsace-Lorraine to France?

Mr. LEWIS. I would rather answer that by saying it is my judgment that if terms of peace should be asked by the allies the present condition of Germany is such that she would be willing to return Alsace-Lorraine and the other part of the French possessions back to France in consideration of the allies returning her her colonies which have been seized in Africa and other places.

Mr. PENROSE. Now, one more question. The Senator does not refer to the status of Italy. What would be done in the case of Italy? Would she have her frontiers realigned? What would be done in that connection?

Mr. LEWIS. The Senator has apprehended correctly one of the many things which were in my mind when I said it is my judgment when the principal terms of peace have been settled upon, such as the return of the French possessions through the restoration of Belgium, the freeing of the open seas, that then a board would be constituted made up of representatives of the warring powers, and before this board each of the contestants would present their respective claims, and that finally that board would adjust the matters upon such an equitable basis and submit it to the world. In that respect the claim of Italy to the Trentino would undoubtedly be included. That was a suggestion of mine as one of the ways and means in which those dispositions might be reached. The United States would be represented to protect the rights and claims of little nations.

Mr. PENROSE. The Senator has not reached any distinct conclusion as to the status of Italy that would go before this board?

Mr. LEWIS. Such is my judgment: If Italy and other countries offer at this time what I think would be a satisfactory solution to them, then I do not know what would be——

Mr. PENROSE. Then one further question and I am done.

Mr. LEWIS. The Senator may take the time, unless I am intruding upon my eminent friend from Florida.

Mr. PENROSE. Has the Senator any thought of compensation to Belgium?

Mr. LEWIS. Since the Senator has asked me—that I may startle the Senator by saying I have often felt and dwelt on this, as I have often dwelt on the prospect of peace, fearing if we did not have an early peace we would have a very long war—I have felt that if peace could be reached within possible distance, and terms of peace, there would be a fund raised from all the participants in the peace terms for the rehabilitation of Belgium, and that that fund would come from all the parties participating in the adjustment rather than any one solely of the belligerents.

I say to the Senator my desire is that Belgium should have her future peace restored and assured, and one of the ways to assure it is that the fund that should restore it should be made up from all the contributing agencies participating in the peace, that thereafter they would stand something as a sponsor for the permanent peace for all times, and the permanent security and friendship of Belgium at all times.

Mr. BORAH and Mr. McCUMBER addressed the Chair.

Mr. McCUMBER. Will the Senator allow me?

Mr. LEWIS. The Senator from Idaho rose first. I yield first to the Senator from Idaho.

Mr. BORAH. Mr. President, the Senator is speaking of the distribution or the redistribution of territory, but does the Senator take into consideration what seems to be now the great controlling question with reference to the war, and that is as to the future form of government of the German Empire? It has been stated repeatedly that the world could not be safe, for democracy so long as the powers which now control Germany continue to dominate that Empire. It seems to me—and I suggest this in order that I may have the views of the Senator—it seems to me that Germany has by no means approached the point where she would permit any outside power to modify in the least her form of Government or interfere with the controlling, ruling powers of Germany.

Mr. LEWIS. Mr. President, the Senator strikes a very live chord, and it should respond with freedom and frankness. This, sir, is my view. It was not my intention to express it at this time, but I am content to do so.

Mr. President, I do not think that the President of the United States, historian and scholar of government as he is, ever intended by any remark of his to intimate that the United States would direct the form of government of Germany in con-

duct of purely internal affairs, but that it was his wish expressed that some conditions should arise within Germany itself that would dictate the transformation of government and install in the present place of the Imperial Government some republic in future.

I now answer the Senator's query. I say, sir, my judgment is that if peace can be approximated, and we arrive at peace, we can trust to the new civilization of Germany, the new aroused sentiment of Germany, that new spirit that has been awakened by the example of forcible speech, particularly in Russia, to take care of that situation and to take its own future by its own reformation.

I say to the Senator from Idaho that it is my judgment that one of the things which moved the chancellor in that composite speech made up of the careful, deliberate views of many to make the suggestion which I see as an offer of peace, a request of the Germans, was a fear that unless something is done some inherent and subtle force would arise in Germany that will remove the Government from out the control of the Hohenzollerns, without regard to what other form it may take, and that the fear of that, sir, is one of the things which incited, in my judgment, that message, for it is my opinion, and I express it solemnly, that the present house of Hohenzollern would rather have peace upon the terms of the allies and retain power than to have a peace which would put it out of power and be succeeded by another power in Germany.

Mr. BORAH rose.

Mr. LEWIS. I again yield to the Senator from Idaho if he desires to interrogate me.

Mr. BORAH. If it be true that the present chancellor of Germany, who is distinctly representative of the bureaucratic power in Germany, has come to feel great uneasiness about the danger to the governing and ruling powers of Germany and has been moved by reason of that uneasiness to suggest possible terms of peace which will preserve that ruling power, while I have never been in favor of our Government interfering with the Governments of Europe, I should really feel if kaiserdom is near a fall that the Government of the United States would be doing a service to mankind and to the people of Germany if it stayed in the fight until that breakdown came.

Mr. LEWIS. I would say to the Senator that while that is very commendable, if we did no other service to mankind as a result of the war than to break down the imperial military dynasty of Prussia and give to Prussia and the German people a liberty of action and freedom of government such as we ourselves enjoy, we would do a great service to civilization. It is my conviction, sir, that already the spirit aroused in Germany is such that whatever control the power would possess of Germany would be forced to yield to many of those instrumentalities and operations of legislative reform and elective reform such as we are now enjoying and such as we hope for Germany.

I now yield to the Senator from North Dakota.

Mr. McCUMBER. The Senator having by some occult power which I confess I do not possess derived from the speech of the chancellor some hope and some basis for a peace, and the Senator already having expressed himself as to what he thought might be acceptable terms of peace, I would like to ask the Senator what he thinks would be the terms with reference to the Turkish power in Europe. The Christian civilization having responded to the support of the orphans and widows caused by the periodical massacres by Turkish fanatics feel quite deeply interested on that phase of the question, and it does seem to be an important question.

May I also at this time call the Senator's attention to what I rather gleaned for myself from the speech of Lloyd-George some time ago, indicating a willingness on the part of Great Britain to allow the colonies wrested from Germany to determine for themselves what country they might desire to be attached to, if any. The colonial question possibly might be settled without serious difficulty, but it does seem to me that it would probably require some change of geographical lines, some realignments in southern Europe. I should be glad, and I am earnest in my desire, to find an early peace, if the Senator can tell us what he thinks ought to be done and what probably could be done by diplomacy and without the further force of arms and before the annihilation of any of these powers in bringing about a satisfactory solution of the Balkan question.

Mr. LEWIS. The United States would be present to protect the demands and rights of the little nations. Mr. President, referring first to Turkey, the Senator from North Dakota heard me express my viewpoint as to this board of mediation and arbitration, before which all claims would be presented, and which would in its adjustment suggest the solution for all the minor questions other than the mere restoration of the greater territory to which I have referred.

I say to the Senator the question he has put me has given me serious concern. I dwelt upon it this morning, reflecting on the subject, and this, then, was my conclusion, and it is now my statement.

This board, which would be made up of adjusters representing the different countries engaged in the conflict, if the Senator reflects, would be Christian by a very large majority. The dominant Christian churches, dominant in numbers, I refer to, would have representatives from those countries that are distinctively Christian. I assume they would regard this question, as the Senator has well put it, one of a Christian civilization to be preserved. That Turkey would be taken charge of in the form of a protectorate supervised or superintended by representatives of the largest Christian countries which have heretofore shown great interest and much knowledge of Turkey; that that form of supervision or protection would then open up the Dardanelles and the seas to all those countries and all of civilization that would use the same for the betterment of mankind; and that then out of this would come the proposition for the government of Turkey in such way and such manner as would not destroy the right of Turkey merely because it was not a Christian country, nevertheless completely preserve Christianity to the extent that it is exercised and preserve those who are Christian people to the full extent of their right.

Such was my viewpoint as to that.

Now, as to the Balkan States, I assure the Senator there is some confusion as to what shall become of the Balkan States. I am unable to satisfy myself as to any solution. I feel that those States, some of them being Slav and having sympathy with Russia, some of them bearing a more southerly relation and having their sympathy in other directions, these with Italy should be left to themselves as much as possible to determine among themselves what is for the best welfare of its people. And that being my creed and the creed of every Senator here where American sentiments will dominate them, and that applies to every Senator, I can go no further than to say I would be in favor of an agency that would leave to each of these independent governments some method of carving out for themselves the form of government applicable to themselves, the United States having at heart the rights of Ireland and Poland and the other little nations.

Mr. President, I have taken in these views considerable time, far beyond the excess of speech I had intended to throw out. I have made these statements so that Senators who are interested in the subject may reread the speech of Chancellor Michaelis, and that they may gather my views now and see if they can find in that speech any similar conclusions from that which they draw; if they can find it in justice to their own views, and if they can not find it that way consistent with our position, to make a suggestion as to what terms of peace from the American standpoint would be consistent with our institutions and the object for which we have entered into this conflict.

Mr. President, the time is ripe, as I see it, where a truce could be had and peace within the next six months assured the world through the condition that Germany is now in; and, sir, if I am in error and the truce and the peace which are hoped for shall not transpire within the next six months and the present atmosphere be availed of, I fear, sir, war for six years, with all its indescribable horrors, untold atrocities, and consequences beyond the depiction of tongue or pen. Out of deep solicitude for my own people, the sons and the mothers of America, the boys and the fathers of our land, and the future peace of the world, I am deeply solicitous, if there be any real foundation for my hopes, that I may enjoy the cooperation of the thought and reflection of my brother Senators upon this subject.

Mr. KING. Mr. President, as is known, all Senators are always so deeply solicitous (?) for the passage of the river and harbor bills, a bill of that character now being under consideration, that I am tempted to make a few observations, of course not for the purpose of obstructing its passage nor with respect to such measure, but apropos of the suggestions which have just been made by the distinguished Senator from Illinois [Mr. LEWIS].

I did not know, Mr. President, but that my good friend the Senator from Illinois, with prophetic instinct, having solved the war questions, and having prepared a treaty of peace, would move before we adjourn this afternoon that we go into executive session for the purpose of approving the workmanship of his hand.

It seems to me, Mr. President, that it is folly for our Nation to talk about peace now. We are at war, and the thing to talk about is not peace but war—war with the most formidable foe that any nation ever confronted. Germany is waging the most cruel and devastating war of all time. She is not fighting for

liberty or for existence but for conquest and indemnities. Our country, the great democratic nation of the world, was challenged by this autocratic military power and forced into this awful conflict. I can not agree with the Senator from Illinois in the construction which he places upon the recent speech of Dr. Michaelis.

The chancellor, in his memorable address, extols his predecessor, Dr. Bethmann-Hollweg, and, in effect, approves his war policies and his general administrative methods. As I read his address almost every sentence is an indorsement of the policy of brutality, blood, cruelty, and rapacity that has characterized Germany in the prosecution of the war from the day when she set her foot upon helpless Belgium down to the very hour the address was delivered. Dr. Michaelis not only indorsed the ruthless submarine warfare pursued by Germany, but he boasted of the success which had attended the execution of this atrocious, wicked, and cowardly policy. So indurated is the chancellor in Prussian barbarism and inhuman methods of warfare that he regards them as proper, and so lost is he to the instincts and sensibilities that find repose among civilized nations that he boldly declares that submarine warfare is not contrary to international law and is not violative of the rights of humanity.

I have hastily glanced at portions of the chancellor's speech, as reported in the press, since the Senator from Illinois began his address, and I repeat that I can find nothing in the reported language of the chancellor to warrant the conclusion drawn by the distinguished Senator. Instead of indicating a desire for peace, the chancellor boasts of Germany's invincibility and triumphant victories. Indeed, he declares that Germany can not again offer peace, although it must be known to everyone that Germany at no time has made an offer of peace. The chancellor boasts that France and England are unable to supply their armies, and he further declares that Germany can look forward to the further labors of the submarine with complete confidence. He speaks derisively of the entrance into the war of the United States, and clearly conveys the idea that this Nation is no factor of any importance to the great contest. He further declares, in substance, that Germany has been victorious and that she and her allies look forward with the greatest confidence to ultimate victory. As I read the speech, it is in consonance with the predetermined policy of the military caste of Germany. There will be no departure from the methods of warfare formerly employed, and, indeed, greater efforts will be made than have characterized Germany's course in the past. There is not a gentle word, a sympathetic expression, or a humanitarian view in the entire speech. It is a bloodless, cruel, iron speech; and he gives no hope of an honorable peace to the warring nations.

It seems to me, Mr. President, that my friend from Illinois, in his desire to have peace, has been more interested in reading into the statement of the chancellor meanings that were never expressed than in placing upon the words the true and correct import which they bear.

Mr. NELSON. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. WEEKS in the chair). Does the Senator from Utah yield to the Senator from Minnesota?

Mr. KING. I yield.

Mr. NELSON. Does the Senator not think that it will be time enough to talk about peace after Germany has vacated Belgium and northern France?

Mr. KING. So far as I am concerned, Mr. President, I shall not care to talk peace until Germany solicits peace at our hands and the hands of the nations she has robbed and despoiled; until she returns to Belgium and to France the thousands of helpless women, children, and men carried away by her into cruel and inhuman slavery; until she withdraws her military forces from Belgian soil; until she makes reparation to the bleeding, crucified people of Belgium and France for the foul and wicked crimes that lie at her door.

The allies desire peace, our country desires peace, but peace is impossible until Prussianism is vanquished and the German people seek peace and in good faith meet their opponents in a spirit of amity to write the treaty that will end the war.

The suggestion of the learned Senator that the nations of the world, or at least the participants in the war, contribute a fund to indemnify Belgium strikes me with abhorrence. The allies and our country indemnify Belgium? And for what? For the crimes—the ruthless, wicked, and fiendish crimes—committed by Prussian militarism. Assess the people of America, assess the people of France, Great Britain, Italy, and Russia, who have been battling for liberty, for territorial integrity, if not for the existence of their nations, and for the democracy of the world, in order to recompense poor, ravished, and stricken Belgium for the atrocities and crimes that lie at the door of Germany! That Belgium shall be restored and compensated, the civilized world demands, and Germany must make such restoration and give compensation. We want no indemnity, no territory; but, if I mistake not, the United States will demand that our rights as a Nation and the rights of the American citizens upon the high seas and in all the world shall be respected; that the unspeakable, barbarous crimes against Belgium and France shall be expiated, and that a righteous peace shall be secured.

Why, Mr. President, Germany for years has been preparing for war in the interest of pan-Germanism, which she has asserted as a national creed. Since Bismarck's time she has founded her national and political policies upon the doctrines of Bernhardi, Neitzsche, Treitchske, and Haackel. The military caste controlling her has forgotten the glorious philosophy of Kant, the high spiritual ideals of Goethe, the ethical concepts and generous sympathies and altruistic faith of many of the German people. Her military leaders, the Kaiser, and the bureaucratic caste who have controlled the destiny of Germany have accepted the biological theory of Haackel and the extreme natural selection views of Darwin and sought to apply them to the social, political, and governmental policies of their nation. Might has been deified and physical power has been taught to be the dominant factor in the civilization of the world. The philosophy that finds expression in the teachings of extreme revolutionists and finds more or less exemplification in the animal and vegetable kingdoms and the theory of the survival of the fittest were sought to be applied to the social organism and to the industrial and political institutions of the State. In the biological world the strong and the predatory, by natural selection, become the fittest to survive. The ethical, the moral, and spiritual forces find no justification in this creed. Bernhardi, with a brutal callousness that is wholly incompatible with a Christian civilization, has glorified force and power and might, and many of the teachers and philosophers of Germany have sought to inculcate this inhuman and materialistic philosophy into the minds of the German people. They have challenged attention to the history of the past and contended that in all ages there was one dominating, overpowering, and overshadowing nation, the nation which was, by reason of its strength and its power, arbiter and controller of the world.

These teachers have pointed to the nations of antiquity and to the powerful ones such as Babylon, Greece, and Rome, which held the small and helpless nations within the hollow of their all-powerful hands. They have argued that it was the philosophy of life and of nations that always and at all times there should be one overlord, one nation, that should dominate the world. Charlemagne and other mighty figures since the fall of Rome have been pointed to by the German teachers as illustrations of the philosophy which they so learnedly expounded. Indeed, German textbooks and German publications during the past 30 years contained the subtle creed, which in the end must undermine the spiritual and the best that is within humanity, that physical power and military greatness are of the greatest, and indeed the highest, importance, and that Germany was destined to rule the world. I repeat, Germany, particularly during the past 30 years, has held that there can be but one dominating and controlling nation in the world at a time, and that Germany was destined to control the world politically and to determine its philosophy and dictate its culture.

Li Hung Chang, after visiting Bismarck and Germany, wrote substantially in his diary the words—

> I am convinced from all that I have seen in Germany that Bismarck and the Kaiser meant what they said when they averred that the German Empire was destined to become a dominant factor in Europe.

And the imperial chancellor said in the Reichstag in 1912 that the German people were living in an atmosphere of passion; that at the root of this feeling was the determination of Germany to make its strength and capability prevail in the world.

Everybody knows that has been the dream of German teachers and philosophers for years—that Germany would dominate industrially and politically the nations of the world. She has built an efficient industrial machine, and the greatest and most powerful military organization the world has even seen. All efforts have been directed toward military efficiency, and everything has been subordinated to the elevation of the military power and to the building up of a strong military machine, that in the end would smite the world and rivet the chains of servitude upon the helpless nations of Europe. There are millions of the German people who do not share these aims; there are millions who are unacquainted with the ambitions and hypocrisy that led to the war. They want no conquests, no indemnities, but think they fight for their country. It is not of them I speak.

So far as I am concerned, I would say that we are in this fight to win, and we shall not talk peace until Germany sues for peace; until she rights the wrongs she has committed; until the foul crimes of which she has been guilty are "burnt and purged away" by sacrificial confession, restorations and compensations, or upon the battle field; and in the accomplishment of this end there will doubtless be shed the blood of patriotic boys who will go from this land carrying the Stars and Stripes across the sea; and they, by the supreme sacrifice of their lives, will vindicate the rights of the American people and the rights of democracy in all the world. Let us talk no more of Michaelis and no more of peace. Let us further prepare for war and fight on until we and our heroic allies win a righteous and a lasting peace for our country, for democracy, and for the world.

Mr. LEWIS. Mr. President, I regret that my excellent friend, Judge KING, the eminent Senator from Utah, should have viewed my observation as one for the purpose of executing a treaty of peace. While I appreciate his delicate satire, I would have advised him that the splendid speech he seems to have written with a view of delivering it upon my resolution when it came up might have been withheld for a while.

Mr. President, surely the Senator from Utah does not mean to tell America that, as a representative of his sovereign State, he would be in favor of continuing this war, notwithstanding Germany's willingness, if it was such, to make peace upon our terms. Surely no Senator will have his people understand that he wants the children of his land to go to their death, and their land to the misery of its human hearts, merely for revenge. Surely, sir, no Senator would say that he wants the country kept at war and continued at war merely because it had entered the war. But if it be true, as I have assumed to apprehend, that Michaelis meant to speak for Germany, that she was ready now to take the terms of the allies if proposed through the United States, or Britain merely in exchange for the United States or the allies asking for them—surely, sir, we shall have then reached the full conclusion of my eminent friend from Utah; we shall have vindicated all of our principles and saved our men in millions from death; sustained our land in glory and encouraged all civilization by the result. Where is that man, if such a result could be obtained without the destruction of our people and the death of our people, who would not welcome it? Sir, I was merely suggesting, as I shall continue to suggest, what we should do if Germany should send us this lead of thought, that she would accept our terms of peace. We did not go into this war to fight perennially, ceaselessly, endlessly, for at some point peace is to be, but if it can be had at the outset rather than at the end of the great conflict with the universal death or general slaughter of mankind, surely there is no Senator who would decline it.

Now, sir, such was my view. If the able Senator is right, that Germany is merely tendering a ruse through Michaelis, and that her purpose is merely the domination of the world by power that she shall command, then I was wrong in my apprehension of that speech and in my deductions from it; but if I am right in my deductions from it, as I have given them to the Senate, that Germany would now accept peace and indicates very clearly that she would accept the terms of the allies and the United States if we but propose them, then, sir, I would ask, if such proposal could be accepted by the mere proposing of it, where is the man who would decline to do so?

I have concluded. I regret to so stir the heart of my distinguished and rather ferocious friend from Utah, but I am still a profound believer in the doctrine of the eminent poet Milton that

> Peace hath her victories
> No less renown'd than war.

Mr. PHELAN. Mr. President, I am very glad that this digression has intervened, as it gives me an opportunity to call the attention of the Senate to the fact that under the guise of peace there has been a great deal of discussion that might savor of treason. When a country is engaged in war and calling upon its resources of men and treasure, at the very time when the moral effect is most desired, a futile discussion of peace, no matter how much we may desire it, is out of place and probably embarrassing, not only to the Executive, but to the Army and the Navy in the field and on the sea.

I received yesterday a letter from an alarmed constituent, who inclosed me a paper published in Los Angeles, the American Woman, edited by Clara Shortridge Foltz, a brave and loyal woman, in which former Senator John D. Works has an article in answer to a patriotic appeal made by the editor to change his views on the war.

He replies that it is a pretense to claim that the war is one waged for democracy; that it was inaugurated by us for the purpose of supplying a market for the manufacturers of munitions and was inspired by corporate greed, and that it is "a disgrace to humanity and a crime against civilization." I suppose a Senator after he has departed from this body carries with him a certain amount of prestige, certainly among his neighbors and his friends, and the responsibility which is upon him for his utterance is not removed by the fact that he no longer sits in this Chamber. His service here was too recent for me to expatiate upon the character of the man. We know his pacifist views, and those views, sir, were for the most part expressed before we were engaged in war and during the period of proposed preparedness. But now that we are actually at war, I must say that any comment of the character contained in this article, from which I will briefly quote, not only involves great danger to his country by undermining that sentiment upon which this war must be conducted and that public opinion upon which our Government rests; but in conveying to the enemy even the intimation that among a considerable body of our citizens—claimed by him to be 75 per cent, if you please—there is disloyalty and lack of harmony in prosecuting the war upon which we have embarked, and which is no longer a debatable question.

I presume a man has a right to express his own sentiments whether in the Senate or out of the Senate; and, although it would be very easy to construe this matter as treasonable, I do not believe that the ex-Senator will be prosecuted for seditious utterances; but I am not quite sure whether an attempt will not be made by the post-office authorities to exclude the publication from the mails, because in the city of San Francisco a paper was excluded from the mails for containing very much less, in measure and in quality, of treasonable matter. The former Senator from California says:

> I look upon our entry into the war between foreign nations, involving issues in which our country had, and still has, no concern, as the most colossal mistake the Government has ever made. * * * It is a disgrace to civilization and a crime against humanity. * * * It is loudly declared that we entered the war to protect and defend democracy. What democracy? Not the democracy of our own country. It needs no protection against foreign aggression. It should confine its warlike efforts, if any are necessary, to the defense of American democracy and American rights on American soil. Did we enter the war in defense of democracy or to uphold any great governmental principle of liberty and justice? Not at all. * * *

There is much more to the same effect. In this manner, propounding questions to himself and answering them himself, the learned ex-Senator makes it appear that the war was unnecessary and was entered into not for the purpose of preserving democracy, liberty, and justice but of protecting merchants and manufacturers engaged in international trade, principally in war materials. In the pursuit of his argument he attacks the change of front of the President, ignoring the fact that it was the front that changed and not the President.

Former Senator Works has been fairly consistent in opposing measures of preparedness and has generally taken the pacifist view of nonresistance. The Spaniards, in their ruthless campaign against the aboriginal natives of America, called the people "pacificos" who bowed their necks without resistance to the Spanish yoke, and they were treated with the contempt which they deserved and suffered for centuries from the oppression which overwhelmed them, until the armed democracy, in 1898, unshackled them in Cuba and the Philippines. The Belgians, the French, the Russians, the English, the Italians, and the Irish have preserved their dignity and self-respect by resisting oppression, and they have bequeathed this priceless possession—honor and courage—to their descendants, who have largely peopled the United States. In order to preserve liberty and justice they have never hesitated to make the supreme sacrifice.

When Richelieu directed De Mauprat to deliver at any cost an important message, De Mauprat protested the difficulty and the danger, in which his life might be lost. Then thundered the great cardinal-statesman:

> I bade thee grasp that packet as thy honor, a jewel worth whole hecatombs of lives."

I bring this matter up because there is in the minds of the people a question whether we are making too great a sacrifice in entering a war prosecuted by our allies, and in which it is claimed we have no direct concern. President Wilson has demonstrated that this is a war against mankind, and therefore it is our concern and more intimately that it affects the honor, aye, the life, of the Republic.

President Wilson, sincerely committed as he is to peace, criticized by his countrymen from one end of the land to the other for "watchful waiting" and "intolerable delay" and for being "too proud to fight," said in his message to Congress,

February 3, 1917, announcing the severance of diplomatic relations with Germany:

I think that you will agree with me that, in view of this declaration, which suddenly and without prior intimation of any kind, deliberately withdraws the solemn assurance given in the Imperial Government's note of the 4th of May, 1916, this Government has no other alternative, consistent with the dignity and honor of the United States, but to take the course which, in its note of the 18th of April, 1916, it announced that it would take in the event that the German Government did not declare and effect an abandonment of the methods of submarine warfare which it was then employing and to which it now purposes again to resort.

Patience exhausted and driven to the wall, the President declared at last for resistance. He is a pacifist—patriot,—but not a poltroon.

But Senator Works says that only a comparatively few people were affected by the lawless and barbarous acts of the Germans not only in violation of international law but in violation of their own voluntary agreements. The freedom of the seas is an established doctrine, and the right of our citizens in the pursuit of peaceful commerce to use the seas is fundamental. Commerce has been described as "the calm health of nations," and it is erroneous to say that only a few people are interested in it. Every farmer and artisan—every producer—as well as every merchant, manufacturer, shipbuilder, and shipowner, is interested in keeping the seas open, and when the Senator intimates that it is a national right which might easily be surrendered to avert war it would be interesting to know at what stage he would begin to resist encroachment upon national rights. I gather from his article that he would wait until the enemy had actually invaded the continental United States, and then, if he could not compromise, like the natives of Cuba and the Philippines with the Spaniard, he would, in order to prevent absolute extinction, put up some sort of a fight with sticks and staffs. Having neither the means of fighting nor the disposition to fight, the American democracy, according to the ideals of Senator Works, would not only be a pusillanimous and helpless thing but would not be a democracy at all. If we did not bow our neck to the oppressor, our neck would be broken by the oppressor. We either have to effectively defend our house or take the place of the doormat.

Some one has said:

There are two kinds of government—one in which the people show their teeth at one another, and the other in which they show their tongues and lick the feet of the strongest.

As between the armed, virile, and vigilant democracy showing its teeth, and the craven population, cowering under the lash of the aggressor, there can be no choice in the minds of free men.

Is life so sweet and peace so dear that they are to be bought at the price of chains and slavery?

Germany showed her set purpose to break down international law, flout international rights, violate international treaties, enslave and destroy innocent people by land and sea, disregard solemn obligations, and ignore the protests which were made in courteous yet firm language by the President of the United States, speaking for the American democracy, until the President, in his boundless patience, gave notice that, however great was our reluctance to engage in costly and murderous warfare, if Germany persisted in her aggression, there was only one course for a self-respecting people to pursue. Germany chose war. Here was the stage at which we either had to stand fast or run away. If we stood fast, there was a reasonable expectation of defending our place, our position, our rights, our dignity as a sovereign nation, under whose sheltering ægis the people of the world were free to come, untrammeled by tyranny, and pursue life and happiness. If we ran away, we would not have avoided war, because war unfailingly would have pursued us. If democracy, liberty, and human rights are locked up in the fortunes of the United States, then democracy, liberty, and human rights, and their survival become the issue of the war, and it was the part of wisdom to enter the war against Germany and German pretensions in alliance with the other powers, because sooner or later, in case of the success of German arms, we would have had to meet the enemy alone.

Has the Senator forgotten the Holy Alliance and the treaty of Verona, where the autocratic powers, after the Napoleonic wars, banded together for the purpose of preventing the spread of democracy at home and abroad? The South American Republics had declared their independence, and the powers had allied themselves to destroy them and destroy the democratic sentiment which had sprung up in Europe and which threatened to overthrow the domination by the few of the lives and happiness of the many.

Has the Senator so soon forgotten the bold attempt of the German Secretary of Foreign Affairs Zimmerman, before the declaration of war, to establish a secret alliance with Mexico and Japan to invade our rights and to turn friendly nations against us and transfer the war to this continent? Was not the wicked design to restore the border States to Mexico and give the Philippines, and, perhaps, the Pacific Slope, to Japan? Does the Senator forget the actual invasion of our peaceful land, before the severance of diplomatic relations, by murderous spies and dynamiters, who destroyed both property and life, which led to the expulsion of officers accredited to the German Imperial Embassy? Does he not see in these things an attempt on the life of free government on the American Continent?

This has therefore developed into a war for democracy, because Germany, the sternest military autocracy in Europe, had set out to Prussianize the world. If victorious its first attack would be upon the Monroe doctrine, and it would put every land south of the Mexican border under its rule and establish in this hemisphere that condition which would ultimately involve irrepressible conflict and make us permanently a militaristic nation.

No one can read the message of the President delivered to the Houses of Congress on April 2, 1917, without finding ample justification for the war, and believing that the very existence of America as a peaceful democracy was involved in its outcome. We might have stayed out, abandoned France, England, Italy, and Russia to their fate, accumulated great wealth, and bided our time, but that our time would come there can be no manner of doubt. Our national humiliation, however, the consciousness of cowardice, the pusillanimity of our Government would have so undermined our national self-respect and so impaired our powers of organization and resistance, if not our very national spirit itself, that we would become as easy victims to the aggressor as the lamb is to the wolf. I can not think of Senator Works—amiable, benevolent, and optimistic—but that I recall the lines of Alexander Pope:

The lamb thy riot dooms to bleed to-day,
Had he thy reason would he skip and play?
Pleased to the last, he crops the flowery food
And licks the hands just raised to spill his blood.

Such leadership as his would lead us into the shambles. The President in this message said:

The present German warfare against commerce is a warfare against mankind. It is a war against all nations. * * * Each nation must decide for itself how it will meet it. We must put excited feeling away. Our motives will not be revenge or the victorious assertion of physical might of the Nation, but only the vindication of right, human right, of which we are only a single champion. There is one choice we can not make, we are incapable of making; we will not choose the path of submission and suffer the most sacred rights of our Nation and our people to be ignored or violated. Wrongs against which we now array ourselves are not common wrongs; they cut to the very roots of human life.

Judge Works was once a committing magistrate and punished offenders, and still says the law must be obeyed, even though he personally dissents from the wisdom of the law. What answer has he, then, to this sentiment taken from the same message of President Wilson?—

We are at the beginning of an age in which it will be insisted that the same standards of conduct and of responsibility for wrongdoing shall be observed among nations and their governments that are observed among the individual citizens of civilized States. * * * The steadfast concert for peace can never be maintained, except by a partnership of democratic nations. No autocratic government could be trusted to keep faith within it or observe its covenants. * * * Only free people can hold their purpose and their honor steady to the common end and prefer the interests of mankind to any narrow interests of their own.

The Senator from Illinois [Mr. LEWIS], ingenuous as he is, confiding, believing what he hears, is disposed to regard the oracular utterances of the new minister of state of the German Empire as opening the doors of peace. The President gravely questions whether an iron and autocratic Government, whose methods are those of tyranny, can sit down in a council of democratic nations and cease to be a disturbing and a disorganizing element. So there will have to be more than oracular intimations; there will have to be written in black and white terms of peace before they can be considered as being offered in good faith; and if they are offered in black and white they may become, alas, a "scrap of paper," and they may be introduced merely for the purpose of disarming the more confiding and honorable nations in order to make the final blow more effective. We must be on our guard.

Germany has put herself out of the pale of civilized nations, and the Senator from Illinois must certainly bring to the Senate greater assurances of good faith than are indicated in the press dispatches.

But the President's message, which I have just quoted, gives a forecast of that concert of nations, loving freedom and willing to make sacrifices for it, which can alone insure the permanent peace of the world.

We are glad—

The President says—

to fight thus for the ultimate peace of the world and for the liberation of its peoples, the German people included; for the rights of nations great and small; and the privilege of men everywhere to choose their way of life and of obedience. The world must be made safe for democracy. Its peace must be planted upon trusted foundations of political liberty.

It is a glorious thing, Mr. President, to see this free Nation, after having built its structure of liberty deep and strong in the hearts of its citizens, to shelter the hopes of mankind, maintain the power and at the same time the spirit to fight for its ideals in a world at war, not for the purpose of its greater enrichment or for the acquisition of territory, but simply to preserve what it has won in the past by the blood of its martyrs. It can not allow the world to recede under the dictation of a German Kaiser, having for his purpose greater power and further domination, trampling under his feet, in his unholy ambition, the rights of the humble and defenseless. America, dauntless and determined, resolute and resourceful, says, in the name of human rights which are epitomized in democracy, "Thus far shalt thou go and no farther."

I am glad to have had this opportunity of making these reflections, because I have been in receipt, from my fellow citizens of various European extraction, of expressions of grave doubt as to not only the wisdom but the necessity of our having gone to war. I have not often obtruded my views upon the Senate, and I doubt if I have ever spoken at a time when a measure was before this body not strictly relating to the subject of my remarks; but receiving from my constituents this treasonable comment by the former Senator from California, I should like to stigmatize it as it deserves, and yet I would not stigmatize him.

Thomas Jefferson, in defense of the privilege of free speech, free thought, and free press, as I recollect, said that it did not affect the welfare of the Republic where reason was left free to combat error and every hostile and even treasonable utterance. Jefferson would bring before the forum of conscience every fact, every shred of evidence; and he says a man will be judged not by the rightness but by the uprightness of his decision. I believe the former Senator from California is wholly conscientious, that he believes exactly what he says; and as long as we are free here, without censorship in the Senate or in the press or on the platform, to answer him, I would give him the greatest freedom in his charter to speak. It was said of the British Parliament that, "Girt around by friends or foes, a man may speak the thing he will"; and, at any rate, he can be as wrong as he likes and as long as he likes in this Chamber.

I acquit ex-Senator Works, but I answer him. I hope the Post Office Department will not visit punishment upon the press that gave expression, without approval, to his utterance by denying it post-office facilities, because wherever this paper has gone I am going to see, if that is possible, that an adequate answer goes. That is the best way to meet treasonable utterance, and I can not say that any utterances possible in this land are more reprehensible than treasonable utterances, which give comfort to the enemy and demoralize our citizens and soldiers; and yet let us even tolerate the ebullitions of the former Senator from California, though they be manifestly not only in bad taste but dangerous and unpatriotic at this time, because he is by conviction and conscience a pacifist; he is a noncombatant; he will offer no resistance, no matter what humiliation is put upon him. He can not conceive that any insult would under any circumstances—and he so says—justify the blow. Feeling that way, we have more of pity than of blame to express; and when it is made known of men that such are his convictions, then his influence will just in that proportion be of little value. They may even evoke patriotic reaction by the apathetic. But no treason should be allowed to go unchallenged; and any incitement against the enforcement of the law should be suppressed because it is the law. This is a Government of law, and the Government has spoken.

I trust that my constituents who look dubiously upon this war under suggestions of that kind will realize when they hear the answer of their President, which I have quoted, that pacifist though he is, patriot he also is; that there is a time when resistance becomes absolutely necessary for the existence of the individual or of the State.

They say that self-defense is the best of all laws because the lawyers have not made it.

Whatever we have done in this Chamber by way of legislation for preparedness for war and providing the means for war, it counts as nothing compared with the primal and instinctive right of a man, and equally of a State, to defend himself or itself. Therefore I claim that this is a war of self-defense, a war of self-preservation, untainted by the unholy ambition of any Kaiser, unaffected in any degree by aggrandizement sought or advantage to be gained, and that we have come to look upon it, under the leadership of our President, as entitled in this world crisis of democracy to the help and support of our arms.

If we had remained out of the war and saved our sons and saved our treasure, we would be very rich in pocket and secure, temporarily at least, in the possession of our boys; but, as I heard a Senator say the other day, he could not explain without shame to his posterity that living in this time, with a family of boys, that they had failed to respond to the call of the colors—failed to respond to the call of country. "It is not all of life to live, nor all of death to die." No man who survives this war, having participated in it, shall ever regret it. As Henry V said before the Battle of Agincourt, so says the Republic, "He to-day who sheds his blood with me shall be my brother." No man who is a slacker and avoids his duty and who "holds his manhood cheap" can hold up his head among his fellows when history shall record the heroic events of this heroic year.

Mr. FLETCHER obtained the floor.

Mr. McCUMBER. Mr. President——

Mr. FLETCHER. I yield to the Senator from North Dakota.

Mr. McCUMBER. I thank the Senator. I will only take a very few moments, Mr. President.

Mr. JOHNSON of California. Mr. President, will the Senator permit me one minute?

Mr. McCUMBER. I was about to present a matter in the time of the Senator from Florida, and as he has the floor the Senator will be compelled to address his request to him.

Mr. JOHNSON of California. May I ask the Senator from Florida, then, if he will give me just one minute? There are two sentences I should like to say just at this point.

Mr. FLETCHER. It is entirely agreeable to me, Mr. President. I shall be very glad to yield.

Mr. JOHNSON of California. Apropos of what has been said by my colleague from California [Mr. PHELAN].

Mr. President, there are very few of the views of John D. Works with which I am in sympathy. There are fewer still of my views with which he is in sympathy. I am in little sympathy with what has been quoted to-day by my colleague from California; but I feel that there is one thing that ought to be said:

When this Nation was in danger, when the call came from the President of the United States for volunteers in 1861, John D. Works shouldered a musket, and, in the old uniform of blue, he fought through that war for the preservation of the United States of America.

Mr. PHELAN. I am very glad the Senator has reminded me of that, and I am pleased to have it in the RECORD.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. The Senator from Florida has the floor.

Mr. BORAH. Will the Senator yield to me for just a moment?

Mr. FLETCHER. I will.

Mr. McCUMBER. I will also yield my time to the Senator, if he desires it.

Mr. BORAH. If the Senator will pardon me a moment, Mr. President, like the Senator from California [Mr. JOHNSON], I am not in entire harmony with some of the views of ex-Senator Works, and with some of his views I am quite out of harmony. But during the time that ex-Senator Works was in this Chamber as a representative of his State I regarded him as one of the most sincere, one of the most conscientious, and one of the most courageous men in the Senate, and I have no doubt but that when he wrote this article he wrote it from motives quite as patriotic as the motives which actuated him when he shouldered his musket and went to fight for the flag.

We may be wholly in disagreement with him, as I am, with reference to the views which he entertains with reference to war under the circumstances which confronted us at the time war was declared. Nevertheless I pay to former Senator John D. Works the tribute of my sincere respect, and I wish that all men were at all times in their public service actuated by as high and courageous motives as those which actuate John D. Works. He is, in my judgment, the proud possessor of a clean conscience and of a fearless and upright mind. We may wholly disagree with some of his views, but no man can doubt his sincerity.

DISLOYAL UTTERANCES IN NORTH DAKOTA.

Mr. McCUMBER. Mr. President, I have received a large number of letters from constituents in my State appealing to me to ascertain some means by which they could rid themselves

of copperheads and traitors in their midst. I have felt that there was no better or more appropriate time than this time to read one of those letters into the RECORD, that I may speak to the President of the United States, and through the President of the United States to the Postmaster General concerning the loyalty and patriotism of some of those whom they have appointed and who are now holding Federal positions in my own State, and leave it with the President and the Postmaster General to determine whether or not the latter—because I do not hold the President himself responsible for these appointments—will be as active in putting traitors out of the post offices as he was active in getting Republicans out, that their places might be filled by others.

I want to call attention to one little incident in one of the small towns in my State where a lecturer was enertained and dined by the postmistress the next day after the lecture. In this lecture she referred to the American mothers who had sent their sons to die in France as brood sows, producing only for slaughter for the protection of J. P. Morgan's millions, or words of like import. She referred to the soldiers who had responded to the call of President Wilson, who did not wait to be drafted but who answered his first call and enlisted as volunteers in the Army and Navy, as fit only for use in France as fertilizer.

I ask that one of these letters may be read without the name. I will read one other letter, or a portion of it, and let the Postmaster General know in this way that unless he takes cognizance of matters of this kind there are patriotic people in the State of North Dakota who are liable to take the matter into their own hands and deal with it in their own way.

I ask that the Secretary may read this letter, omitting the name. I want to say that I omit the name simply because I have not had authority to use it; but I know the gentleman who writes, and I am positive that he would be willing that I should use the name, as he is not lacking in courage.

The PRESIDING OFFICER. The Senator from North Dakota asks that a letter may be read without using the name. Is there objection? The Chair hears none.

The Secretary read as follows:

BOWMAN, N. DAK., *July 18, 1917.*

Hon. P. J. MCCUMBER,
Senate Chamber, Washington, D. C.

DEAR SIR: The people out in this part of the State of North Dakota, who are really Americans and who feel it their duty to support the Government, and who are doing their utmost to support the Government and assist in any way possible during these critical times, have been consulting together relative to what steps should be taken in order to suppress sedition and disloyalty toward the Government. It seems that the authorities in this immediate vicinity either do not want to or else do not understand how to render such aid and assistance to the Government as should be at this time. After consultation these citizens requested me to take the matter up with you in hopes that you may be able to break through or get behind the breastworks of the coterie which upholds such disloyalty. I do not know whether or not you have any means of bringing the condition which exists here directly before the authorities who should deal with them, but the condition has become such that unless the Federal Government takes a hand in the matter the good citizens of this community, those who are real Americans, will take matters into their own hands with possible serious results.

Last night we had a speaker here in town by the name of Kate Richards O'Hare, who, I was informed, was a former editor of the National Rip-Saw. Her entire speech, I was informed, as I was not myself present, was of an anarchistic variety, tending in its entirety toward the discouraging of enlistment and resistance of draft. Among other statements, she stated that it was a good thing that those who enlisted did so, as they were no good and only fit for fertilizer anyhow. Those few from here who have enlisted in the Navy and are not yet called into active service are to-day being ridiculed and made the object of derision by this same coterie of traitors, and it really seems to us that after these young men have offered their services to the Government and have been accepted—and they are splendid young men, the kind that make American citizens that we are proud of—that the Government owes them the duty of protection from attacks of this kind, and the sentiment here is such that if the Government refuses, fails, or is unable to do so, the citizens here who are friends of these volunteers and who recognize their sterling and honorable qualities, will do so. These citizens, however, are peaceful and law-abiding citizens and desire to bring the matter before the constituted authorities. A telegram has been sent to our United States district attorney, also to lieutenant commander of the Navy at Minneapolis, Minn. We do not know of any further steps to take and we are appealing to you as our representative in Washington in hopes that you may be able to do something for us.

Another statement by this speaker last night was to the effect that the American women who did not oppose the war and resist the Government in taking of the young men for the purposes of war were no better than the American brood sow, as they willingly raised sons for the purpose of being murdered in the defense of the $4,000,000,000 that J. P. Morgan owned. Now, we do not feel that the Government should ask us to submit not only to the insults to our young men who have the patriotism and courage to lend themselves for the protection of our Government but also submit to the vulgar insults to our wives, mothers, and sisters.

It is also an unfortunate thing that the only representative of the Federal Government which reaches every small town and hamlet, namely, the postmaster, is here well known to be in sympathy with speakers and principles of this kind. As a matter of fact, the husband of the postmistress here, and who is really the controlling influence in the post office, is one of the leaders for the distribution of propaganda of this kind. In fact, he has right in the post office made slurring remarks about the American flag to a patron who came into said post office wearing an American flag in the lapel of his coat. The speaker last night was brought here by the bunch spreading this seditious propaganda. A bill announcing the meeting, with a large picture of the speaker, was conspicuously posted in the post office—the postmistress and her husband both attended the speech and enthusiastically applauded the seditious utterances of the speaker. It is common knowledge in this village as well as the surrounding community that all the employees in the post office are opposed to the aims and efforts of the Government. I am a member of the executive committee of the chapter of the Red Cross that we have organized. We are going to do our utmost, but it does not seem to us that the Government should permit such obstacles to exist and to be thrown in the path of those who are endeavoring to do what they can in assisting the Government. Secret meetings are being held by the people who are spreading this propaganda almost nightly. We have almost reached the limit of our endurance and we feel the Federal authorities should make an investigation and take drastic action.

I have been informed that the present postmistress is intending to resign and that the frame up is to have a nephew of her husband appointed in her place. This young man was just naturalized as an American citizen during the month of June last. His registration card would scarcely hold all the reasons he gave for being exempt from military service. He was formerly editor of the Bowman Citizen here, and the files of this newspaper which he edited will indicate his feeling toward the Government and his ideas of patriotism. We believe that our community needs attention from the Federal authorities, and we hope that you may be able to assist us in bringing this about.

Will you not kindly let me know whether or not you will be able to be of any assistance to us; and if not, would you direct our efforts into such a channel that they would receive attention?

Very truly, yours,

Since writing this letter I have learned that our postmistress has been entertaining last night's speaker to-day; that they had dinner together at the hotel and visited and hobnobbed together.

Mr. MCCUMBER. Mr. President, I think it just to say at this time that as I understand it neither the postmistress nor the husband is German or German born. It is not a German question at all. They are, as I understand it, simply socialists, with anarchistic tendencies, if the information which I have received is correct. The German people of the State of North Dakota, while they very naturally regret that there exists a state of war between their fatherland and this country, are nevertheless patriotic American citizens, and will do their whole duty in this war, and this propaganda is not stirred up by them, nor are they in any way responsible for it.

Now, Mr. President, I ask that another letter coming from the same town, but from another source, or a copy of the letter, which has been sent to the district attorney, may be read into the RECORD. I am taking this method of presenting the case to the Postmaster General. I am certain that President Wilson would not knowingly retain in official positions those guilty of sedition or who countenance the traitorous words charged in these letters.

Mr. BRANDEGEE. Before the letter is read, will the Senator mention the name of the village or town?

Mr. MCCUMBER. Bowman, N. Dak.

Mr. BRANDEGEE. What is the name of the postmistress and what is her husband's name?

Mr. MCCUMBER. The name is given there. Potter, I believe. It is in one of those letters.

The PRESIDING OFFICER. Does the Senator from North Dakota wish to have the letter sent to the desk read or ordered printed in the RECORD?

Mr. MCCUMBER. I wish to have the letter read, Mr. President. It is a copy of a letter that was sent to the district attorney of the State.

The PRESIDING OFFICER. Unless there is objection, the letter will be read.

The Secretary read as follows:

JULY 19, 1917.

Mr. M. A. HILDRETH,
United States District Attorney, Fargo, N. Dak.

DEAR SIR: On Tuesday evening, July 17, as I understand it, an alleged socialist, Kate Richards O'Hare, formerly editor of the National Rip-Saw, gave a lecture in the Cozy Theater at Bowman under the auspices of local Socialists, which includes the husband of the Democratic postmistress at this point. In the course of this woman's remarks it is stated to me on good authority that the woman said in her lecture that "It was a good thing that those who enlisted as soldiers in the present crisis did enlist, because they would be converted into fertilizer, and that is all that they were good for, anyway." And further on she made a remark to the effect that "American women were being used simply as brood sows in the rearing of men to be used as soldiers."

A person coming into a town and being allowed to talk that way at the present time, you can realize, arouses a good deal of honest indignation among loyal citizens. The matter was put up to W. A. Fleming, county attorney for Bowman County, asking to have a warrant issued for the woman's arrest, but, as I understand it, he read over the telephone a letter purporting to have been received from your office advising against arresting people for such an offense, because it might stir up trouble among the foreign population. I am certainly surprised at this and really do not know what to think of it.

I am submitting the above to you as it was related to me at my office at Bowman yesterday morning, and I was asked for my advice in the premises. My advice was to the effect that this should be put up to the proper authorities, but in the event of the proper authorities not acting, an exhibition of that kind should not be tolerated in Bowman in the future but should be prevented by the loyal and law-

abiding citizens of this community. I am satisfied that you will agree with me that this is no time for cowardice. Discretion at all times is advisable and commendable, but there is a limit to toleration along such lines. The Goldman woman and her partner have just been sent to Federal prison for a similar offense, and I do not know of any reason for showing partiality in that line. I will be glad to hear from you on the subject.

Very truly, yours, ——— ———.

Mr. McCUMBER. I hope the Postmaster General will investigate this matter upon the statements as they will appear in the RECORD.

RIVER AND HARBOR APPROPRIATIONS.

Mr. FLETCHER. Mr. President, I do not know but that it might be in order now to take up the river and harbor bill. The Senate has been engaged in discussions which are all very interesting in many ways, but at the same time foreign to the bill that is pending before the Senate. I hope the relief upon the mental pressure will be sufficient now to enable us to get down to a cool and deliberate consideration of what is before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4285) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. FLETCHER. Referring to the observation of the Senator from Iowa [Mr. KENYON], made some time ago and applicable now, it is incumbent upon me to make a statement regarding the nature and provisions of the bill.

Mr. KENYON. Will the Senator pardon me for a moment?

Mr. FLETCHER. I yield to the Senator.

Mr. KENYON. I think there are some Senators out of the Chamber who desire to be present when the Senator speaks. I made the point of no quorum a while ago, when I thought the Senator was about to take the floor, and I now make the point of no quorum.

Mr. FLETCHER. I wish the Senator would not make it, as far as I am concerned.

Mr. KENYON. There are only about 20 Senators here.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names.

Bankhead	James	Norris	Sheppard
Beckham	Johnson, Cal.	Overman	Sherman
Borah	Jones, N. Mex.	Page	Smith, Ariz.
Broussard	Kendrick	Phelan	Swanson
Culberson	Kenyon	Pittman	Thompson
Curtis	King	Poindexter	Tillman
Fletcher	Kirby	Ransdell	Underwood
France	Lewis	Reed	Vardaman
Hale	McCumber	Robinson	Wadsworth
Harding	Martin	Saulsbury	Watson
Hollis	Nelson	Shafroth	Weeks

Mr. BORAH. I desire to announce the absence of my colleague [Mr. BRADY] on account of illness, and to let this announcement stand for the day.

Mr. PAGE. I wish to announce the necessary absence of my colleague [Mr. DILLINGHAM]. He has a general pair with the senior Senator from Maryland [Mr. SMITH]. I will ask that this announcement stand for the day.

Mr. ROBINSON. The Senator from Nevada [Mr. NEWLANDS] and the Senator from Iowa [Mr. CUMMINS] are engaged on a conference committee.

The PRESIDING OFFICER. Forty-four Senators have answered to their names. There is not a quorum present. The Secretary will call the names of the absentees.

The Secretary called the names of the absent Senators, and Mr. COLT, Mr. MCKELLAR, Mr. NEW, Mr. SMITH of Georgia, Mr. SMOOT, and Mr. WILLIAMS answered to their names.

Mr. LODGE, Mr. STERLING, and Mr. FRELINGHUYSEN entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. There is a quorum present.

Mr. FLETCHER. Mr. President, I shall attempt to present as concisely as I can the characteristics of the bill. The further observation of the Senator from Iowa to the effect that the bill is, I believe as he characterized it, one of the worst ever presented to the Senate, arises, I am quite sure, from an entire misapprehension on his part of the nature and character of the bill. I must believe that the Senator has misconceived the whole purpose of the bill and its provisions. I think he has a misconception of the plan upon which the bill is framed, the policy back of the bill, and the purposes of the bill. Otherwise it is incomprehensible to me how he could reach the conclusion that the bill ought to be condemned.

Perhaps just at this point I ought to make reference to the history of the bill, how the bill originated, and that will indicate what was in the minds of the framers of the bill and to a considerable extent the nature of the bill. I do not know that I had better do that than to give as authority upon that subject the statement made by the distinguished chairman of the Committee on Rivers and Harbors of the House when the bill was presented there. It is so clear and so admirable in itself that I could not hope to improve upon it, and I will just say it comes with additional force—it is what might be said to be ex cathedra. Mr. SMALL, when the bill was presented, said:

> Every appropriation made in this bill is made for purposes which are not covered by the available balances on hand.

That, I believe, is the basis of some criticism of the bill and has given rise to some misapprehension that there appear available balances on hand yet unexpended which have been appropriated in past years, and it is argued that they are sufficient to meet the present emergency. Of course if it were true that argument would be sound and we could not find fault with our friends who oppose the bill if they felt really and could show that the appropriations already had been made and there were available funds already on hand to take care of the matters which need attention at this time. The report of the committee, however, will show the fact to be that these alleged available balances are in no wise applicable to a single item in the bill. They are largely available balances which are dependent upon cooperation or conditions precedent before they can be used. They are available balances for carrying on projects outside of the bill, and none of those available balances can be employed in the improvements mentioned in the bill. So when you consider that fact the criticism that available balances are already on hand sufficient to accomplish this work, and therefore there is no need of the bill, falls absolutely to the ground. Yet I can see how people, giving a casual attention to the bill, might reach a conclusion such as I have indicated, that there is no absolute necessity for the bill because available balances are still on hand.

It must be remembered, as I said, that those available balances shown by the report to be on hand can not be applied, not one dollar's worth, toward the improvements specified in the bill; that they are available balances which can not be used until certain conditions are complied with, as specified in the appropriations which provided them, on the one hand, and available balances that must be applied to projects entirely outside of the bill and that are not mentioned in the bill.

Another ground of criticism has been that there is a group system provided for in this bill. I shall refer to that somewhat later. That group system has been in operation and has been the practice, the plan, or provision in every river and harbor bill since Mr. Burton was chairman of the Rivers and Harbors Committee of the House and established that practice there. It is enlarged upon somewhat here for reasons which I shall give, purely because of being beneficial in the administration of the act. I will mention that somewhat later.

Mr. NELSON. Does not that very grouping, as a matter of fact, lead to greater economy and to the lessening of appropriations?

Mr. FLETCHER. Precisely; that is the object of it; and undoubtedly it had the approval of the Chief of Engineers and the War Department upon the conviction that it leads to economy and efficiency in the matter of administration of the river and harbor act.

Now, Mr. SMALL went on to say:

> Every appropriation made in this bill is made for purposes which are not covered by the available balances on hand. I will ask gentlemen, if they will kindly do so, to wait until I present the general features of the bill, although I will be very glad in the meantime, if gentlemen think it proper, to submit to an interruption.
>
> If there should be a lapse of a year, there will be great loss ensuing to the country. There will be deterioration of channels. There will be loss in the laying up o' tugboats, of dredge boats, snag boats, and other vessels; the discharge of trained crews; the disorganization of other trained forces in the different engineering districts connected with permanent river and harbor works. Many improvements which have heretofore been adopted, other than channels, such as jetties, dikes, retaining walls, piers, breakwaters, and revetment work, will disintegrate and decay unless they are kept in repair. It will cost less to make those repairs promptly than if postponed. The passage of this bill at this session is distinctly in the interest of economy.

He was speaking first of the need and demand for this legislation at the present time. Then he says:

> I do not hesitate to say that at the beginning of this session it was my opinion that we should pass a river and harbor bill similar to the bill which passed at the last session of Congress, subject only to such modifications as might have been made necessary by the lapse of time or by war emergencies. But it seemed to be the opinion of the House—

And here we get to the origin of this bill, the foundation upon which it has been built—

> upon both sides that this bill should be confined to such items as could be considered emergencies, so that the River and Harbor Committee at its first meeting, after full discussion, directed the chairman to confer

with the Secretary of War and ask him to make specific recommendations within those limitations. And it is not improper to state that the Secretary called upon the Chief of Engineers and directed him to make specific recommendations covering—

Now, this is the gist of the whole matter—

first, the necessary maintenance items—

That is, to maintain projects already adopted and in the course of improvement and completion, maintenance pure and simple, to see that the work they have done does not go to pieces and become a total loss and waste. That is the first item covered in this bill—maintenance of the completed projects—

second, such items for the further improvement of projects as have been heretofore adopted where great loss would ensue if there was a lapse of a river and harbor bill, or were connected with national defense.

That is the second item, where there are improvements under way and where there would be a deterioration of the channel, where there would be waste and loss unless those improvements were continued. That item is taken care of here.

Third, such new projects as might be necessary as war emergencies or connected directly or indirectly with the successful prosecution of the war:

Those are the only three heads by which this legislation is to be classified. It is upon one of those three propositions that every item in this bill is based. Can you find any objection to it? The bill provides, first, for the maintenance of projects already completed; second, the improvement of projects under way, so as to prevent waste and loss of what has been done, and all of them heretofore approved by the engineers and adopted by Congress; and, third, those which are considered as war emergencies or connected directly or indirectly with the successful prosecution of the war.

Can a bill which takes care of these three propositions be denounced as a "pork-barrel bill"? Can it be condemned as the worst bill ever submitted to Congress? It is an absolute emergency measure, and was framed for the purpose of accomplishing the three essential necessary objects which I have mentioned.

The last river and harbor appropriation act was approved July 27, 1916. It carried appropriations aggregating $40,598,135. The amount yet to be appropriated of the balance unappropriated for contracts authorized by previous acts is estimated to be $2,500,000.

The act of July, 1916, provided the appropriations estimated to be necessary for maintenance and improvement of the rivers and harbors to the end of the fiscal year, June 30, 1917. That has already passed.

Another bill was due before the close of the Sixty-fourth Congress, second session. Such a bill was reported to the House on January 13, 1917, and passed by the House of Representatives on January 26, 1917. With some amendments it was reported to the Senate February 10, 1917; but, with several other annual appropriation bills, it was not reached for consideration before the session came to a close March 4, 1917.

This bill is absolutely necessary, if we are not to abandon our rivers and harbors, in order to provide for the essential maintenance and improvement of these highways of transportation.

On the advice of the War Department some new projects have been included which have been surveyed, estimated for, and approved as being closely related to the national defense. They are shown by the reports which are before you and will be mentioned more particularly later.

NEW PROJECTS.

The bill approved March, 1913—March, 1913, mind you; four years ago last March—was the last river and harbor bill which made appropriations for new projects, except the Senate inserted a few carrying less than $2,000,000 in the bill of 1916.

Please do not forget that the last river and harbor bill which carried an appropriation for new projects was the bill of March, 1913. I believe that in 1916 there were a few projects placed on the bill after it came from the other House and got to the Senate, but they did not amount to a great deal.

The bill which passed the House January, 1917, carried appropriations for 81 new projects selected from a list of 167 unadopted projects which had been favorably reported on and accumulating, demanding attention, since March, 1913. It was estimated it would require to complete these 81 new projects, $47,050,112, with initial appropriations of $8,967,839, or 19 per cent of total estimate. The total of appropriations in that bill for new projects amounted to $8,967,839. If that bill had passed the Senate and been approved, the total of appropriations for new projects since March, 1913, would have been only about $10,000,000. That bill, as stated, was not reached on the Senate Calendar.

The pending bill carries appropriations for 36 new projects selected from a list of 187 which have up to this time been recommended by the Chief of Engineers as worthy of improvement. The estimated cost to complete all those 187 projects is approximately $144,000,000.

To complete the 36 new projects adopted and provided for in this bill the estimate is $37,978,573. To complete those new projects in New York Harbor alone the estimate is $19,240,000. So that the New York Harbor improvements under this bill will cost nearly half of the total of the new projects provided for in the bill.

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Ohio?

Mr. FLETCHER. I do.

Mr. POMERENE. I should like to ask the Senator how much is appropriated in this bill for the 36 new projects of which he speaks?

Mr. FLETCHER. The initial appropriation carried in this bill for new projects amounts to $6,719,000.

As to surveys, as indicating that we have nearly reached the limit—and this is important, I think; the country ought to understand it, and the Senate ought to understand it—as indicating that we have nearly reached the limit of the necessity and the demand for new improvements it is interesting to note the diminution in the surveys required. The act of 1915 provided for 215 surveys. That of 1916, for 128 surveys. The surveys in this bill are practically the same as in the bill which passed the House in 1917 and was not reached in the Senate, to-wit, 76.

So in the last three years we have gone from 215 surveys in the river and harbor bill to 76. Remember that only about 33 per cent of the surveys which have been ordered by Congress have been favorably reported by the engineers.

Only about 33 per cent of all the surveys for the six years prior to 1915 were favorably reported. Of all the surveys ordered in past river and harbor acts, 147 have not been reported on by the Chief of Engineers.

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Ohio?

Mr. FLETCHER. I do.

Mr. POMERENE. If I may ask a question for information, the Senator has referred to a given number of projects which have been reported upon favorably by the Board of Engineers. I have forgotten the number.

Mr. FLETCHER. There have been 187 such reports up to this time.

Mr. POMERENE. Can the Senator advise me what number of such projects were reported unfavorably by this commission during that time?

Mr. FLETCHER. I was just stating that.

Mr. POMERENE. Very well.

Mr. FLETCHER. If the Senator will recall, that was the exact point that I was making—that of the surveys which have been ordered by Congress, only about 33 per cent have been reported on favorably, and that of all the surveys ordered under river and harbor acts, 147 have not been reported on by the Chief of Engineers at all as yet. Of these 5 were ordered in the act of 1912, 4 in that of 1913, 43 in the act of 1915, and 95 in the act of 1916. We are therefore fast approaching the end of new projects. It will soon be simply a question of maintaining those which have been adopted and improved. No new rivers are being created. No new harbors are being discovered. Soon all we possess will have been examined and those considered worthy of improvement will have been improved. The rivers and harbors act of 1914 carried a lump-sum appropriation of $20,000,000.

Senators will recall that the bill of 1915 carried $25,000,000. Then came the bill of 1916, which I have mentioned, which carried a few new projects, which were put on in the Senate. Then came the bill of 1917, which failed because it was not reached. Now we have this bill, which is purely an emergency proposition.

The total of appropriations provided for in the bill which passed the House last January amounted to $38,362,339 and authorizations aggregating $1,125,000. The total carried by this bill as it passed the House June 26, 1917, is $27,696,150, and as reported to the Senate by the Committee on Commerce July 10, 1917, $27,826,150.

We have added $136,000, in other words, $100,000 of which is to take care of the commerce provided for under section 16 of the bill.

Mr. KENYON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Iowa?

Mr. FLETCHER. I yield.

Mr. KENYON. I should like to ask the Senator a question concerning the Mississippi River. The river and harbor bill generally carried, did it not, five or six million dollars for the Mississippi River, which in the flood-control bill now takes an appropriation under the sundry civil bill, so that the Mississippi is not covered, as I understand, by this bill except the upper part of it?

Mr. FLETCHER. The Senator from Iowa is entirely right. The lower portion of the Mississippi River, which is taken care of in the flood-control bill, was not included in this bill.

Mr. KENYON. I should like to ask the Senator if it was $5,000,000 which we appropriated in this last Congress?

Mr. FLETCHER. That is my recollection—$5,000,000.

Mr. KENYON. With $27,000,000 in this bill, it would bring it up to $32,000,000.

Mr. FLETCHER. That was formerly taken care of in the river and harbor bill, until the flood-control bill was passed.

NECESSITY FOR THE LEGISLATION.

As stated, the bill is required to provide for the necessary maintenance and improvements of rivers and harbors for the period ending June 30, 1918. I need not argue the wisdom of such legislation. It would be sheer folly to exhibit indifference, let alone opposition, to the measure. It would be almost a crime to permit the measure to fail. I can not conceive of any such attitude on the part of any Member of this body.

It must be recognized that the people of this country rightfully insist on the improvement by the Government of the navigable waters and the harbors, over which the Government has jurisdiction and exercises control, as instrumentalities of commerce. This has been our policy for a century. It is the policy of every great country. Even now, in the midst of the most distressing war in all history, Germany and France continue the work on their waterways. When there is an appalling car shortage, when the very necessities can not move to markets as needed, when railroads are inadequate to transport the freights tendered to them, when there is insistent demand for the utilization of every available means of transportation in order that producers and consumers may be served, when ships are needed and being sought to carry our products across the sea and bring to us those we require from other lands, we can not afford to abandon our waterways and our harbors. It would be difficult to conceive a course that would lead to greater injury to the country and more serious inconvenience and harm to the people generally.

That is putting it purely on the commercial feature and saying nothing of the necessity for these projects in this bill as military needs and as national-defense measures.

Mr. POMERENE. Mr. President——

Mr. FLETCHER. I yield to the Senator.

Mr. POMERENE. Perhaps I did not make my question clear. The Senator answered, but I did not quite understand his answer. The Senator has stated that certain surveys have been authorized by the Congress and a certain number have been reported upon favorably. The question I intended to ask the Senator was, How many of the surveys which have been authorized by the Congress have been reported by the engineers unfavorably?

Mr. FLETCHER. The Senator will recall my statement that the surveys provided for in all previous acts and not yet reported on amount to 147.

Mr. POMERENE. I recall that.

Mr. FLETCHER. As to the total number that have been provided for and favorably reported on, I do not believe I have the figures before me. I think, however, they are in the report. I stated that only about 33 per cent of those that had been ordered were favorably reported on.

Mr. POMERENE. Yes; I understand that; but, to put the question in another way, how many surveys have been made which were reported on unfavorably?

Mr. FLETCHER. I do not know that I can give the precise number. I will be glad to look that up for the Senator. It may be possible that I have the figures somewhere of the precise number of surveys that have been ordered—does the Senator mean from the beginning down to date?

Mr. POMERENE. Well, the Senator has dwelt upon the number of surveys which have been authorized since the present plan of river improvement was adopted. I am interested in knowing with what circumspection this board of engineers goes about its work. Are these projects favorably reported upon as a matter of course, or are they really decided upon their merits? I have heard so many things about them that I would like to know with what care the examining authority has proceeded.

Mr. NELSON. Mr. President, if the Senator from Florida will allow me, and if I am not anticipating the chairman of the committee, I desire to call the attention of the Senator from Ohio to the fact that while in this bill we provide, as in other river and harbor bills, in a general way for new surveys, yet at the end of the provision there is found this language:

Provided, That no examination or survey herein provided shall be made until after the close of the war with Germany, except such as the Secretary of War shall direct.

In other words, while there are a large number of surveys provided for in this bill, yet none of them may be made or will be made unless the Secretary of War especially directs.

Mr. POMERENE. I think it is well to have that safeguard; but still that does not answer the question about which I was seeking information.

Mr. NELSON. None of them can be made during the war, unless the Secretary especially so directs.

Mr. POMERENE. I think that is right.

Mr. NELSON. The Senator will find that on page 41 of the bill. It is a provision that has never been in any river and harbor bill heretofore.

Mr. RANSDELL. Mr. President, if the Senator from Florida will yield to me, I should like to answer, if I can, a portion of the question of the Senator from Ohio in regard to the circumspection with which the surveys are made.

I beg to say to the Senator from Ohio that it seems to me they are as carefully made as it is possible for human beings to make anything. To illustrate the process: In the first place, before a survey can be made by the Engineer Corps an act of Congress ordering it is required. The Chief of Engineers then sends to the local engineer in the locality ordering him to make an examination. Say there is a survey, for instance, ordered in the vicinity of Cincinnati or Cleveland in the State of the Senator from Ohio. The United States engineer located at either of those places is instructed to make, first, a preliminary examination of the project. He makes that, finding out all he can on what might be called a preliminary recognizance. He goes over the ground; he goes over it in a boat, if he can, or on horseback, if he can not go in a boat; he looks into it as carefully as possible and finds out all he can. If it looks good to him, he reports to the division engineer that he thinks the project is worthy of being very carefully surveyed. That preliminary report is then sent to the Board of Engineers for Rivers and Harbors, a body composed of seven engineers of the United States Army, officers with the rank, usually, of major up to colonel, most of them being lieutenant colonels and colonels. They examine the preliminary report, and, if they think well of it, report to the Chief of Engineers that, in their judgment, a survey should actually be made of that project. Then the Chief of Engineers sends an order back to the local engineer with instructions to make the survey. Thereupon, the local engineer sends a surveying party into the field, and frequently it takes a year or two to make the survey. It is gone into in very great detail and circumstance. Every physical fact connected with the project is ascertained; everything in connection with the commerce, present or prospective, is ascertained by this engineer, and when all of this is found out he makes his report to the division engineer, an officer with the rank of colonel, who passes upon the project. If the local engineer is adverse to it, that usually ends it. If he is favorable, the division engineer passes upon it, and sends it back to the Board of Engineers for Rivers and Harbors, who then pass upon it.

It is customary for the Board of Engineers for Rivers and Harbors to give a hearing to the local people. The Senator from Ohio would probably be called upon, if it were in his State, to appear before the Board of Engineers for Rivers and Harbors, accompanied by the citizens of the locality, and be requested to assist the board by giving all the facts in his possession relating especially to commerce and to the need of the project. I have attended many of these hearings where large bodies of citizens have come long distances in order to convey to the Board of Engineers for Rivers and Harbors everything that it was possible for them to tell about a project.

With the reports of the local engineer, the division engineer, and the statements of citizens, briefs, and everything the men can possibly bring to bear on the project, the Board of Engineers for Rivers and Harbors finally says, "This is good" or "This is bad." If they say it is good, it then goes before the Chief of Engineers, who, if he also approves it, recommends it to the Secretary of War, and then the report is made to Congress.

Mr. POMERENE. Mr. President——

Mr. RANSDELL. In just one moment I will yield. The local engineer is 1, the division engineer 2, the 7 engineers

who constitute the Board of Engineers for Rivers and Harbors make 9, and the Chief of Engineers makes 10; in other words, 10 men must pass upon a project and approve that project before it has any status before Congress. It seems to me it would be impossible to devise a scheme more carefully worked out and safeguarded.

Mr. POMERENE and Mr. KENYON addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield; and if so, to whom?

Mr. RANSDELL. I yield to the Senator from Ohio first.

Mr. POMERENE. The Senator's recital as to the course of procedure is all very interesting, and I have no doubt it gives opportunity for the exercise of very great care. Ten engineers are required to pass on these projects, according to the statement made by the Senator from Louisiana. They have passed upon a given number of these projects, and my question is up to date. Since the adoption of this plan of procedure how many of these projects have been favorably reported upon by the 10 engineers, and how many have been rejected?

Mr. RANSDELL. I can not answer the Senator how many have been favorably reported upon and how many have been rejected, but I think I can get the information by to-morrow. It is found in the reports of the engineers. The engineers make their reports in three large volumes, such as I have before me.

Mr. FLETCHER. Mr. President, I think I can answer what is in the Senator's mind. He is not concerned so much about the precise number of projects that have been ordered surveyed from the beginning of time to date——

Mr. POMERENE. Oh, no.

Mr. FLETCHER. What he wants to know is how many of the projects which have been reported on by the engineers favorably, perhaps, have not been adopted by Congress and how many of them are pending.

Mr. POMERENE. No; that does not quite answer my question. I recognize that propositions of this kind are presented to Representatives and to Senators, and they are urged to use their good offices in getting surveys made and having these improvements authorized and appropriations made therefor. Now, let me just give a single instance that disturbed me a good deal. Several years ago I was written to concerning a certain project in my State. I immediately wrote that I would oppose it. I was advised at that time that a certain candidate for the lower House would favor it, although it was a little bit of a creek that never had even a toy boat on its placid and muddy bosom.

Mr. KENYON. I should like to ask the Senator if that is among the survey items in this bill?

Mr. POMERENE. No; I do not think it ever got that far. It was used for campaign purposes more than anything else.

Mr. RANSDELL. Mr. President, I should like to say to the Senator that if such a proposition had gone to the Board of Engineers for Rivers and Harbors it would have been turned down cold and hard, and it should have been turned down cold and hard.

Mr. POMERENE. I am sure that is true.

Mr. RANSDELL. These engineers are as high class a set of men as there is in this country. They are the most independent men I have ever had to deal with. I have never asked them to do anything improper; but if I had, I am sure that they would have turned it down. I can say to the Senator that they have turned down considerably more than one-half of the projects upon which they have been asked to make surveys. That is my understanding of the matter.

I will say further that authorizations for surveys are placed in the bill without a very great deal of difficulty, because we do not have a chance to examine them. We put them in frequently on the request of a Senator, who comes before the committee and says, "This project in my State is a good one." We take what he says about it, and leave it to the engineers to decide; but we know that they are a disinterested set of men; we know that they are under oath when they make their reports on these projects; and, as a matter of fact, they have reported adversely on more projects than they have reported favorably. I think I can find the exact number for the Senator.

Mr. POMERENE. I will be glad to know that.

Mr. RANSDELL. Before I close I should like to show the Senator how elaborate these reports are. The three large volumes I hold in my hand [exhibiting] are the reports of the engineers for just one year. Every year we have three large volumes from the Engineer Corps in regard to river and harbor improvements.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Iowa?

Mr. FLETCHER. I yield.

Mr. KENYON. I think it ought to be added to the graphic description of the Senator from Louisiana as to the course that one of these projects goes through, that it seems to have been the custom when the Board of Army Engineers reported against some of these important projects for the Senators and Representatives from the State affected to assemble and argue the matter out before the Board of Army Engineers; and, of course, even though they are the most honorable men, strong men, they could not always stand against the persuasion—the legitimate persuasion, undoubtedly—of Members of the Senate and Members of the other House. That has happened many times as the records show.

Mr. RANSDELL. Mr. President, I should like to have the Senator put in the RECORD the facts in that case, because I think he is mistaken about it.

Mr. KENYON. I will show when I get to it that the Senator from Louisiana was interested in some of these projects. I am not criticizing the Senator; it was a perfectly legitimate thing to do; but those things do influence the Army engineers. There is not any question about that.

Mr. RANSDELL. I will say, Mr. President, in regard to that, that I have appeared before the Board of Engineers for Rivers and Harbors, composed, as previously stated, of seven men, who act, in a sense, as an appellate court. I do not know any reason why a Senator, representating his State, or a Member of the other House, representing some interest in his State, should not appear before such a court to present facts and arguments. I have done that, and probably every other Senator and Representative interested in river and harbor improvements has done it; but I have never appeared, and I do not believe it can be shown that any Senator has appeared, before the local engineer or before the division engineer. We do not have an opportunity to appear until the case is presented before the Board of Engineers, sitting as a supreme court, with the record made up from the district and with the understanding that any new facts can be brought out. Citizens' committees and Senators and Representatives usually attend such hearings. Thank God, I am not so suspicious as to suppose that these seven engineers, these men trained at West Point, these men who have had but one scandal in their ranks in all the history of this country, these honorable men who retire with a big salary at the age of 64, honored by the American people, are going to forget themselves so far as to be unduly influenced by the argument of some Senator or Representative who holds his position for a brief time.

Mr. FLETCHER. Mr. President, it may be helpful to the Senator to draw his attention to the fact that there are at this time, as the record shows, 187 projects which have been approved by the engineers, and we are taking care of 36 of those in this bill—36 selected out of the 187 as being emergency projects. There are, as I stated a moment ago, 147 surveys ordered which have not yet been reported on by the engineers.

Mr. STERLING. Mr. President——

Mr. FLETCHER. I will yield to the Senator in a moment. The records show that not exceeding 33 per cent of the surveys ordered by Congress are reported on favorably by the engineers. The records further show—that is the statement of Gen. Bixby, former Chief of Engineers, one of the best we ever had—that not exceeding 1½ per cent of all the projects adopted by Congress have proven of doubtful merit.

Mr. STERLING. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from South Dakota?

Mr. FLETCHER. I do.

Mr. STERLING. The Senator from Florida has stated that 187 projects have been approved. Will the Senator state within what time those 187 projects have been approved by the Board of Army Engineers? What period does it cover?

Mr. FLETCHER. That is the number remaining, not acted on by Congress and approved by the engineers. It covers all the period of the past, clear up to date—all that have not been acted on by Congress.

Mr. STERLING. Can not the Senator from Florida in that connection state how many have been disapproved by the Board of Army Engineers? He states that 187 have been approved.

Mr. FLETCHER. I can not give the Senator that figure; but estimating 33 per cent of all the surveys that have been ordered as approved, and having now a balance of 187 which have been approved, we know about how many have been rejected—not as a total, perhaps. I can not give the figure from the time we began to legislate on this subject, but that is the situation now—187 approved; and the records show that 33 per cent of all the surveys that have been ordered have been approved. Out of those 187, 60 are covered in this bill, and there are still remaining 147 which have not been reported on by

the engineers. So that that covers the entire amount of our standing surveys.

Mr. STERLING. I regard that as a very important piece of information. The Senator from Iowa has been seeking to elicit that information, for we can then determine from the projects that have been disapproved as to the feasibility of some of the projects that are being proposed. We can make a comparison between those that have been disapproved and some of those that have been proposed.

Mr. FLETCHER. Exactly. As the Senator from Louisiana [Mr. RANSDELL] has said, it is not a very difficult matter to have a survey ordered in a river and harbor bill. If a Senator or a Representative reports to a committee of Congress that a waterway is worthy of improvement, Congress simply says, by ordering the survey: "We will let the engineers investigate the matter." It simply amounts to a decision to investigate, to inquire. Congress only commits itself so far as to say that it is worth looking into; that is all.

Mr. THOMPSON. Mr. President, will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Kansas?

Mr. FLETCHER. I do.

Mr. THOMPSON. I simply wanted to ask the Senator from Florida in that connection how many projects in this bill, if he can tell me, have been rejected by the engineers?

Mr. FLETCHER. Absolutely none. Every project in this bill has not only been approved by the engineers but has been reported to the Senate and to the House as an emergency matter that needs to be taken care of right now, as directly or indirectly connected with the national defense, except such as are purely maintenance items. There is not an item here that has not the approval of the engineers—not one.

Mr. KENYON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Iowa?

Mr. FLETCHER. I do.

Mr. KENYON. I ask the Senator in no controversial spirit, but because I am anxious to know this fact: Does the Senator say that every item in this bill has been approved by the Army engineers as an emergency war measure?

Mr. FLETCHER. Every item in this bill, except as to maintenance matters and improvements on projects heretofore adopted and actually being improved now in order to save loss. I read to the Senate some time ago the three features of this bill.

Mr. KENYON. Somebody interrupted me at that time and I am sorry to say I lost it. I want to ask the Senator if he was reading from the speech of Congressman SMALL in the House? I so understood him.

Mr. FLETCHER. Yes; at page 3361 of the RECORD.

Mr. KENYON. I have seen the statement made that the Secretary of War had approved these projects, but I also saw in the record of the House proceedings a denial of that statement. I wish that that were a fact that we might have established to a certainty, as to whether or not the Secretary of War has said that all of the projects in this bill are necessary war-emergency projects. That would make a great deal of difference with my view of the situation.

Mr. FLETCHER. I will say to the Senator that he does say that as to all the new projects in the bill. As to the projects which have been previously adopted and completed, of course, he says nothing, because there the only provision in the bill is for maintenance.

Mr. KENYON. I understand.

Mr. FLETCHER. Then, the next class of items consists of projects which have been adopted by Congress and partially completed, and the appropriation is made and recommended by the War Department as being necessary to save from waste and destruction what has been done. Those are the three classes.

Mr. KENYON. Then, I understand the Senator to say, as to the first two propositions, that there is no question of war emergency about them?

Mr. FLETCHER. No; absolutely none.

Mr. KENYON. The other propositions are war-emergency measures?

Mr. FLETCHER. Precisely.

Mr. KENYON. That does not apply in any way, I take it, to the surveys provided for in this bill. They are not war emergencies?

Mr. FLETCHER. Oh, I do not think that has been considered in connection with surveys, because, as I was just saying, when a survey is ordered by Congress included in the bill, it simply means that Congress thinks it is worth while to look into the matter.

Mr. KENYON. Let me ask the Senator another question, because he probably has more information about it than anyone else. The Senator says that there are no projects in this bill against which recommendations have been made by the engineers. I want to ask the Senator—I am not certain about it—whether it is not true that a resurvey was ordered, for instance, of Fishing Creek, and that the Army engineers reported against that project, and is not that project in this bill?

Mr. FLETCHER. Fishing Creek? In what State is that?

Mr. KENYON. North Carolina. I think it will hardly be claimed that the improvement of Fishing Creek is a great war emergency.

Mr. FLETCHER. There is a survey ordered for it now, is there?

Mr. KENYON. There was a survey ordered, and a resurvey ordered in the last river and harbor bill that was passed, and then an adverse report from the Army engineers. That is my recollection of it, and that Fishing Creek is taken care of in one of these lump-sum appropriations in this bill, and also that a new survey is ordered of Fishing Creek. The Senator can look up that.

Mr. FLETCHER. I have no recollection of that specific item. I think I can turn to it in a minute.

Mr. KENYON. I think there are one or two others of the same kind in the bill, and I feel quite confident as to Fishing Creek.

Mr. RANSDELL. Can the Senator refer me to the page?

Mr. KENYON. Fishing Creek is in the North Carolina items.

Mr. FLETCHER. I can find it in a minute, then.

Mr. KENYON. I have not a copy of the bill before me.

Mr. FLETCHER. On page 12 of the bill is the following item:

> Manteo Bay, Scuppernong, Pamlico, Tar, South, Bay, Neuse, and Trent Rivers, Fishing, Contentnia, Swift, and Smiths Creeks, and waterway connecting Swan Quarter Bay with Deep Bay, N. C.: For maintenance, $15,500.

I suppose that is what the Senator has reference to. That is the only reference I see in the bill to Fishing Creek; and I will state to the Senator in that connection that there is no appropriation whatever in this bill for Fishing Creek. Where they are grouped in that way—and I will give the Senator the precise amount of appropriation for each one of those items—the money must be used in pursuance of the estimates which the engineers have sent in.

In the case of those items, from line 12 to line 16, page 12, the following amounts will be spent by the engineers out of that $15,500 for the following projects:

Manteo Bay, $500.
Scuppernong River, $3,500.
Pamlico River, $4,500.
Nothing for Tar River.
Nothing for South River.
Nothing for Bay River.
Neuse River, $2,000.
Trent River, $4,000.
Nothing for Fishing Creek.
Contentnia Creek, $1,000.

That makes up the total of $15,500.

Mr. KENYON. Anything for Swift or Smiths Creeks?

Mr. FLETCHER. Nothing at all for those; nothing for any of those items except those I have mentioned, and that takes up the $15,500. Those are shown by the reports of the engineers to be the estimates for the specific items I have mentioned; but they are grouped in connection with those various other tributaries, in pursuance of this policy of grouping, for the reason that if there should be left over $500, say, out of this $15,500, and it could be economically and wisely spent for Swift or Smiths Creek or Fishing Creek, for instance, the engineers would be authorized to do it in that event. They would be authorized to use that unused portion of this appropriation for the specific items I have mentioned in some of the other tributaries connecting the waterways that are specified.

Mr. STERLING. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from South Dakota?

Mr. FLETCHER. I yield.

Mr. STERLING. I suppose the Senator's theory is that wherever an improvement has once been made, that improvement must be maintained thereafter. Am I correct in that?

Mr. FLETCHER. Generally speaking, that would be so. Of course there might be some instances where it would be wise to abandon a completed project; but, generally speaking, as I say, the records show that less than 1½ per cent of all these projects have turned out to be failures; and wherever we have a failure, I take it that we had better not keep up the maintenance of that failure. That, however, is a very rare case.

Mr. STERLING. My thought was, Mr. President, that some of these improvements might have been made without any real demand for them from the commercial standpoint. If so, an appropriation for their further maintenance would hardly be justified.

Mr. FLETCHER. Precisely. I quite agree with the Senator that if that appeared we ought to drop the appropriation; but the engineers would not recommend the appropriation in that case.

Mr. RANSDELL. I will say that this provision was adopted, according to the report of the engineers, under the river and harbor act approved September 19, 1890. It was to clear the stream of logs, snags, trees, and so forth, and improve it for 50 miles above its mouth. The commerce on the river is not very large, I must admit; but the project was formally adopted by act of Congress as far back as 1890, and some little work has been done on it from time to time since then.

Mr. STERLING. I will ask the Senator from Louisiana if he can state the amount of the commerce?

Mr. RANSDELL. This report shows that in 1913 there was a commerce of 2,459 tons. In 1914 the commerce was 1,096 tons. In 1915 the commerce was 2,450 tons. It is not a very large commerce, but the appropriation is very small, and no specific appropriation for it is carried in this bill.

Mr. STERLING. Does the statement show the value of the commerce?

Mr. RANSDELL. Yes, sir. The value of the commerce of the last year given, 1915, was $34,926—2,450 tons, valued at $34,926. The commerce consisted principally of cotton seed, cottonseed meal, fertilizer, lumber, and timber, and there is no appropriation at all provided in this bill. It is just carried in that lump sum, as the Senator from Florida has explained, so that if the condition of the stream should get bad some of the money might be utilized to carry on the work.

Mr. FLETCHER. I was going to speak of this grouping plan, and perhaps I might do so right at this point, although it interrupts my line of thought in presenting the bill. This is an illustration of what the grouping plan means, and perhaps we might just as well consider it at this point.

That plan has been criticized somewhat. Some people seem to think that it is a scheme to cover up unworthy projects and put them in with good projects, and take care of the bad with the good; but there is no such purpose as that at all.

In the case of these very items on page 12 of the bill, between lines 12 and 16, while there are 12 projects mentioned, only 6 of them would get the benefit of this appropriation, because only 6 of them have been estimated for by the engineers and the amount specified for each, so that that $15,500 will have to go to the 6 projects for which estimates have been made. There are six others included in this provision which will get nothing under this bill unless and perchance there should be an excess of this appropriation not needed to take care of those specified, in which case the most worthy of those not specified, but covered by the general provision, would be taken care of by the engineers. Otherwise, they would not have authority to spend a dollar of the money for them. The engineers must spend it for the specific purpose and for the specific project for which the estimate is made.

Mr. STERLING. I will ask the Senator, merely for information, now, as to the reason for grouping so many of these in this one paragraph, to be covered by this one general appropriation of $15,500. Do they all form one connected system of waterways?

Mr. FLETCHER. They are all connected, but they have to be specified and an estimate made for each by the engineers, and then the money must go precisely as appropriated by Congress. They are grouped in this way so that the engineers will have some latitude in administering the fund.

Mr. VARDAMAN. Mr. President, I think the Senator from Florida misunderstood the question of the Senator from South Dakota. All of these waterways are not necessarily connected physically.

Mr. FLETCHER. I take it that they are.

Mr. VARDAMAN. Not at all. They are different projects that are grouped, put together, so that when the money appropriated is not needed for one, and a little more is needed for another, the Government work may be kept up, and in that way prevent deterioration for lack of appropriation. For instance, one waterway may have $500 more than it needs and another may have $500 less than it needs, and by transferring the appropriation the Government work could be kept going, and in that way render a substantial service to the public.

Mr. STERLING. I will say that the Senator from Mississippi understood the sense in which I asked the question, and I thought the Senator from Florida was answering it in the same sense; namely, that these different streams were connected together as one system of waterways.

Mr. FLETCHER. I think undoubtedly that is generally the case, but perhaps there may be instances where there is not one river flowing into a bay, or another river actually flowing in, but of the same community; so that if the Government has a plant in that vicinity—a dredge, for instance—it can put it right to work without any great expense in moving it about from place to place.

Perhaps I could not do better than to quote just here from the very splendid statement made on that subject by the chairman of the Rivers and Harbors Committee of the House, at page 3362 of the RECORD.

Mr. STERLING. May I ask the Senator what is the date of that RECORD?

Mr. FLETCHER. This is the RECORD of June 11. Mr. SMALL said:

> In this bill what is known as the grouping system is amplified. Gentlemen who have studied the bill will observe that there are a large number of items of maintenance and some items of improvement, which are grouped together. This is not a new method in a river and harbor bill. The grouping system dates back as far as the time when Mr. Burton was chairman of the committee, in the early days of his service, and this bill only increases or amplifies the plan. This is criticized in the minority report, and I would like to explain briefly to the committee the reasons for amplifying it. It makes for more economical administration in the expenditure of the appropriations.
>
> To illustrate, there are in this bill a number of groups containing three, four, five, six, seven, and eight projects, carrying a gross sum for maintenance. Out of a group of eight it may be that estimates have been made for only two or three, and yet in the expenditure of the gross appropriation during the fiscal year it may become necessary to expend a part of the sum on one or more of the projects for which no estimate was submitted because some deterioration not anticipated had occurred, due to storm or flood. The grouping plan permits this to be done; otherwise there would be a delay of a year or more, awaiting another river and harbor bill.
>
> Some gentlemen have asked what limitation there was upon the engineers in the expenditure of this money. In answer I may say that the engineers are limited in the expenditure of the gross appropriation for maintenance to those items for which estimates have been made, unless in the meantime some necessity of expenditure for maintenance upon the items for which estimates have not been made shall have occurred.
>
> So that this grouping system makes, as I said, for better and more economical administration.

I think it is perfectly plain, if the Senator will take these items that have been referred to in North Carolina, 12 of them grouped, that if we followed strictly the nongrouping plan we would make a separate appropriation, for instance, of $500 for Manteo Bay. That is recommended by the engineers and said to be necessary. We would make another separate appropriation of $3,500 for the Scuppernong River. We would make another one of $4,500 for the Pamlico River. We would make a separate one of $2,000 for the Neuse River, and then another separaté one of $4,000 for the Trent River, and another separate one of $1,000 for Contentnia Creek; and there you would have the $15,500, each sum required to be spent for that particular separate project. Where can there be any objection to putting all those projects together, and then adding to them others in the immediate vicinity that may possibly need the attention of the Government while the work is progressing on these projects?

For instance, one channel has been filled up by sand; logs have drifted in, or something, and stopped it up. Why can not the Government use a dredge to open that channel and render useful that waterway, which otherwise would have to wait another year before it could be opened up, or another appropriation, and cover the whole thing under one clause like this? You have not burdened the Government at all, you have not wasted any money, you have not appropriated a dollar more than you would have appropriated without the grouping plan; but by grouping them you have appropriated the money in such a way that the engineers have a latitude to use it where it is most needed within the limitations of the group, each group being under one engineer.

Mr. STERLING, Mr. KENYON, and Mr. RANSDELL addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Florida yield, and to whom?

Mr. FLETCHER. I yield to either of the Senators.

Mr. STERLING. I just wanted to ask one question to follow up the last statement made by the Senator from Florida. As I understood the Senator from Florida a while ago, in the case of these 12 several projects certain estimates are made, and those estimates for a part of the 12 only amount to $15,500.

Mr. FLETCHER. Precisely; for six of them.

Mr. STERLING. For six of them?

Mr. FLETCHER. Yes; six of them. I used the names when I illustrated the point a while ago.

Mr. STERLING. No part of the $15,500 could be used, then, for any other improvement than the six for which the estimates have been made, could it?

Mr. FLETCHER. That could not be done except by grouping them here, and in this way we appropriate the $15,500 for the whole 12; but primarily the estimates must be followed, of course, and by those estimates we know what the engineers have it in mind to spend, what they have pledged to spend for these particular 6.

Mr. KENYON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Iowa?

Mr. FLETCHER. I do.

Mr. KENYON. I should like to ask the Senator if this system of grouping has been used in bills before, or does it commence with this bill?

Mr. FLETCHER. It has been used ever since former Senator Burton was chairman of the Rivers and Harbors Committee of the House.

Mr. KENYON. Not to the same extent, has it?

Mr. FLETCHER. Not to this extent, but that has been the practice. It began during the time he was serving as chairman of that committee in the House.

Mr. KENYON. I should like to ask the Senator one more question. Is this grouping system the result of recommendations of the Army engineers or is it the thought of the committee?

Mr. FLETCHER. I think the Army engineers recommend it. At any rate, my understanding is that they have found no fault with it. I am not sure whether there is a specific recommendation to that effect or not. I do not know that they were asked about it, but the Rivers and Harbors Committee of the House and the Commerce Committee of the Senate have approved it.

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. FLETCHER. I yield.

Mr. NELSON. I desire to say, with reference to this grouping matter, that it began in a small way years ago. I have been connected with the Rivers and Harbors Committee for over 20 years, and my recollection is that the first grouping was at the instance of the War Department, as being in the interest of economy, and because it enabled the War Department to use the appropriations where they were most needed, and it would entail less expense. It has been found to work so well that they have been gradually increasing it and extending it, most of all in this bill, and it meets with the hearty approval of the War Department.

Mr. FLETCHER. I can say further, in answer to that question, that this bill was prepared in the office of the Chief of Engineers, and this grouping was prepared there likewise. This is the plan of the department, the plan of the Chief of Engineers, recommended by him and submitted to Congress; and every group here has been approved, therefore, by the department.

Mr. President, proceeding to a conclusion about this matter as fast as I can, I submit a letter from the Chief of Engineers, written just before Congress adjourned last March, on the subject of what it would mean if there were a failure of the bill at this time and Congress did not take care of these matters up to June 30, 1918, as provided in this bill.

The pending bill now under consideration takes the place of the bill which was passed by the House and was never reached in the Senate before Congress adjourned. In this letter—and I shall not take time to read it—the Chief of Engineers said it would be a direct loss to the Government of hundreds of thousands of dollars unless this appropriation was made, because there were numerous plants of the Government, owned by the Government and operated by the Government in carrying out this work, that would be idle. Thousands of men would be thrown out of employment, and work under way would have to wait until Congress took care of the situation later on. I will just ask to put it in the RECORD without reading. It meets the situation at this time.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

The letter is as follows:

1. It is practically impossible to give any reliable estimate of the loss to the Government or of the damage to navigation interests that might be caused by the failure of the pending river and harbor bill to become a law, but it can be positively stated that the loss would run into hundreds of thousands of dollars, and that serious consequences to shipping would result. The loss in dollars and cents results from disorganization of working forces, as well as loss of work partially done. Every large work which involves the employment of day labor is much more effectively prosecuted after the work is well organized and the men are accustomed to their various duties, and the closing down of the various works involves the scattering of the well-organized forces and the loss of competent men. The competent men find employment elsewhere, and it is only by a long process of sifting, requiring several months upon resumption of the work, that the forces again become well organized and as effective as when the work was closed down. This fact is so well recognized that in many districts the nucleus of the main organization has been held as long as possible, even though higher priced employees are performing work which might equally well be done by lower priced employees.

2. In some cases it is especially important that the work proposed in the bill be carried on without loss of time. This is particularly true, for instance, with reference to such an item as that relating to East River, which is of urgent importance on account of its relation to national defense. The joint board has recommended as immediately needed for operations of the fleet of defense that there be provided a depth of 40 feet to the Brooklyn Navy Yard and a depth of 35 feet through East River. The pending bill, as amended by the Committee on Commerce of the Senate, makes provision for this important work. If the channel to the navy yard is first deepened to only 35 feet, as now authorized, and later to 40 feet, it is probable that the loss on this one item will be over a million dollars.

3. There is also work of urgent importance carried by the bill with reference to the Hudson River Channel, in order to provide access to the new piers being built by the city to accommodate the steamships of great length that come to this harbor. Another urgent item relates to the Narrows of Lake Champlain, where improvement is necessary in order to take advantage of the facilities that the State of New York has provided in its new Champlain Barge Canal, after an expenditure of millions of dollars. Another item of special urgency is that relating to the Passes of the Mississippi River, where work has just been inaugurated under modified plans to secure a project depth of 35 feet through Southwest Pass.

4. There are many cases where work of maintenance is essential in order to accommodate commerce of great importance which may be seriously affected by deterioration of the channels. This is illustrated on the Delaware River, where continuous operation of Government dredges is necessary to keep open the channel to the port of Philadelphia. The maintenance to full project dimensions is doubtless more important now than ever before on account of the shortage in tonnage of shipping available and the necessity of employing it to the maximum draft to which it can be loaded.

5. There are a number of other improvements where work has been under progress and the benefits of the improvement can not be obtained until the project is completed. The delay in carrying on the work postpones securing any return on the investment made. Some improvements, such as that of the Ohio, the Missouri below Kansas City, and the upper Mississippi, are being prosecuted with large annual expenditures in accordance with programs of construction, to which Congress has practically pledged itself, with a view to completion within a definite term of years. The large forces engaged on these rivers would, of course, become scattered if no funds are provided, and the enforced delay, due to lack of appropriations, would be still further prolonged by loss of time in getting the forces organized again. On the Mississippi and Missouri Rivers a stoppage of work will cause an absolute loss of many revetments and levees now in place. This, to a greater or less extent, will also be the case for all unfinished work of construction, such as locks and dams.

6. The monthly cost of the operation of Government seagoing dredges runs from $3,000 to $10,000 per month, according to the size of the dredge. Many of these dredges would have to be laid up on account of exhaustion of funds. New crews would therefore be necessary when the dredges resume work. It takes at least two or three months to break in a dredge crew properly so that they can do effective work. This therefore is equivalent to the loss of one or two months in the cost of operation of each dredge which is laid up.

7. It may be of interest, in this connection, to give the results of an inquiry made in 1915 to ascertain the loss to the United States caused by the delay of about three months in the passage of the river and harbor act which was approved on October 2, 1914. A tabulation of the data submitted by the various district engineer officers throughout the United States indicated that the late passage of the act caused a definite loss to river and harbor appropriations of $395,554.23 and an indefinite loss of $486,911.86, making a total of $882,466.09.

8. The definite losses included such items as the dismantlement of plant, its storage and care during period of suspension of work, and reinstallation; definite increased cost of work due to unfavorable conditions during which it was prosecuted later in the season; losses of work which was partially completed and which had to be replaced; and other similar definite items.

9. The indefinite losses included such items as a higher percentage of cost of office expenses, superintendence, etc., due to the smaller amounts available for work, losses in efficiency due to the training of new crews, depreciation of plant while laid up, and other similar items.

10. From an examination of the data available it was believed that the total was an underestimate rather than an overestimate of the actual loss due to the failure of the bill to become a law at the proper time.

11. Attention is also invited to the importance of some of the items of general legislation, particularly with reference to section 9, which gives the Secretary of War much needed authority to prescribe regulations for navigable waters of the United States. Lack of this authority has prevented action that should be taken to safeguard life and property and the interests of navigation, especially in congested waterways.

W. M. BLACK,
Brigadier General, Chief of Engineers.

Mr. FLETCHER. Regarding the importance of this work and what has been accomplished in the past, and how we should be impressed by experience, I can not do better than to quote from the speech of Hon. S. M. Sparkman, then the honored chairman of the Rivers and Harbors Committee of the House, when he reported the bill in January, 1917. He said:

Mr. Chairman, 22 years ago I entered this body and soon thereafter sought and obtained a position on the Rivers and Harbors Committee—not that the class of work a position on that committee entails was especially congenial to me; on the contrary, my vocation in life had been such that I would, in other circumstances, have preferred a different committee assignment; but I sought and accepted a position on that committee because I thought I could be of more service there to the people of Florida and to the country than on any other committee.

During the years I have remained here Congress has appropriated more than half a billion dollars for waterway improvement, the most of which has been expended on more than 200 harbors and upward of 25,000 miles of navigable waters, including canals, with the result that the waterways of our country have been improved from original and unserviceable conditions to the point where many of them are meeting the demands of even our fabulous commercial growth. During this time our commerce has grown from less than 250,000,000 to nearly

1,000,000,000 tons, valued at $30,000,000,000, while freight rates have been reduced, it has been estimated by some, as much as $1 per ton on water-borne commerce alone. Placing it, for the sake of argument, at 50 cents per ton—and we are carrying 200,000,000 tons each year—you can readily see the saving thus made to the producer, to the shipper, and to the consumer.

All this shows more clearly than any logic or language at my command can demonstrate the absurdity of the claim that the money, or even any considerable part of it, thus expended has been thrown away. But suppose a portion of it has been unwisely spent, and it would be a wonder if some waste did not occur, because in the expenditure of that large sum of money in any kind of work mistakes will be made resulting in loss. It may be that improper projects have, from time to time, been adopted, and I think they have been, but in going over the various river and harbor bills for the purpose of determining as best I could the merits of all the projects undertaken during the past 20 or 22 years I have come to the conclusion that not more than 2 per cent of these projects, if so much, has, in the light even of subsequent events, proven to be without merit. I venture the assertion that in no line of governmental activity has there been as little waste as in our waterway improvements. Still, with the great benefits coming to the people from those expenditures, what difference does it make if a few thousands or even a few millions of the money used has not been properly expended? The people even then are largely the gainers and can well afford the loss, for the producers, the shippers, and the consumers of our country have been paid a hundred times over for every dollar of this great expenditure in increased shipping facilities and the reduction of freight rates, which, while lowering the cost to the consumers, has increased the value of the product to the producer.

This, Mr. Chairman, has been a great work and is an honor to the membership, Democrats and Republicans, who have responded so generously during the past quarter of a century to the demands of the people for improved water transportation facilities. And, Mr. Chairman, in leaving Congress as I will after the 4th of next March, I shall look back upon even the small and inconspicuous part I have taken in this work as the most important of the services I have rendered as a Member of this distinguished body. I could ask no greater honor or higher privilege than an humble place in the ranks of those who have thus added to the Nation's wealth and to the happiness and prosperity of the people.

On this subject there is ample authority, but I will only refer to one more: Gen. William H. Bixby, retired, who made one of the ablest and best Chief of Engineers the country ever had, from 1910 to 1913, said, in an address delivered December 7, 1916:

On one particular occasion I remember distinctly when I was called upon to say whether the bill was an improper bill, the question being whether it should be turned down by a veto, and I was able to say on that occasion that when that bill left the Rivers and Harbors Committee there was not a single item anywhere in it against which there could be the slightest ground for accusation of impropriety, and that when that bill had got through both the House and the Senate and was before the President for signature there was not one-half of 1 per cent of the items in it as to which there was any good ground for discussion. Moreover, during the three years that I was Chief of Engineers and officially watched those river and harbor bills go through, and also during the three years since then, none of the river and harbor bills which have gotten before the President for signature have contained over 1½ per cent of items as to which there was any good reason for doubt or discussion. I would like to see anybody find anywhere in ordinary business life in these United States anything that is better than that; if the ordinary business man can get along in ordinary business with 5 per cent, about which there is some doubt or discussion, he is doing very well. There has never been 2 per cent, and hardly ever has there been one-half of 1 per cent of seriously doubtful items in river and harbor bills for the past six years, and those items, when carefully discussed as to all their pros and cons, have been shown to be allowable.

The bill referred to was that approved March 4, 1913, and the projects adopted and undertaken in that bill are the projects calling for most of the appropriations carried in this bill.

Gen. Bixby further said:

The men that fight the hardest against river and harbor appropriations are often those gentlemen who represent districts where there are no rivers or harbors, and because they or their constituents are not to receive direct benefits themselves they object to seeing other people get any. They forget the many other appropriations where they are the principal beneficiaries. They ought to be told by you every time you get a chance at them that they are lacking in that national spirit which you have just heard about a few moments ago from one of the preceding speakers. They are selfish and lacking in national spirit, and you should tell them so. [Applause.]

And again:

Then the men that object next strenuously are usually those who have gotten everything that they want for their districts or State; they do not see any chance of getting anything more, and therefore they do not see why, their State being already provided for, they should contribute to other States which have not yet got theirs. [Applause.] Those gentlemen are another set of men that should be told by you that they are selfish and lacking in national spirit. They ought to know that they are selfish and lacking in national spirit without being told of it, but it would not do any harm to have them told so in the public press.

Then there is another set of men who object to small-river improvement appropriations, asking "Why should we pay for the improvement of any river or creek around the country that is dry in the summer time?" We have heard that sort of an outcry a great deal in the last two or three years. "Why should we do anything for such and such a stream when it has not got any water?" Well, generally they make a mistake, because the stream they ridicule does have water enough for its useful navigation, only they do not know it. I know personally of a great many streams along the north Atlantic coast, the south Atlantic coast the Gulf coast, and out on the Pacific coast where in parts of that stream there may not be, in summer time, more than enough water to float a skiff that only draws 3 inches. I have been on some of them where the flow was not any more than that, but it had much more in the navigation season. I have also been on some large streams and on the Great Lakes, in the northern part of the United States, which were frozen up so tight in the winter time that you could not run any boat at all, not even a 3-inch-draft boat, through them at that time; yet nobody questioned the justice of looking after the navigation of those northern streams, even if they were icebound for three or four months of the year. Then why should they question the justice of improving some southern streams just because they lack water for three or four months in the year?

There is no need of water for navigation purposes at a season of the year when you do not need navigation. All along the Atlantic coast you will find streams, many of them, possibly, small streams, for which money has been appropriated for their improvement, where such section of the country could not have been developed except by water transportation. If the farmer can get his fertilizer sent upstream in the spring and his crops sent downstream in the fall he often does not care a rap what happens in the summer or the winter, when there is no special need of transportation; and he ought to have all the benefits of the transportation that he does need, so that his section may grow up into settlements or towns large enough to make it profitable for the railroads to build spur tracks thereto.

And again:

It is unfair to expect much increase of travel and commerce until the increased depth and width of waterway is extended over the entire length of the water route. Half-finished transportation routes, even on land, rarely show any increase of business; neither do half-built houses or factories. Why expect more from half-built waterways?

The present Chief of Engineers, Gen. William M. Black, on the same occasion, in an able address, said:

To my mind we have hardly any need of greater importance to society in general than the need for better transportation facilities—transportation facilities which will, at the least cost, transfer from the point of production, no matter where in the world, to the point of consumption, no matter where in the world.

And:

So there is ample room, as well as the utmost need, for the development of all routes of transportation, be they by rail or by water.

And again:

They take all possible care; as stated to you frequently before, there is no bill that passes through Congress which has more careful scrutiny or more care devoted to its composition than the river and harbor bill.

And again:

No matter how good theoretic consideration you show for a single investment, or the putting of all the appropriation in any one improvement, be it New York Harbor, be it San Francisco, be it the Mississippi, the people simply will not have it so; and as long as they will not have it so, it can not be.

There are certain things about our popular government which may be considered drawbacks, if you will; but we know there are so many great and glorious things about it that we love it with all the drawbacks. [Applause.] But we must see the drawbacks, and it is perfect nonsense to expect that altruism shall be carried so far that any section will be found perfectly willing to give up the things it thinks it needs, for the time being, on the ground that another section needs the money more. The people say, "It is our money that you are spending. We all give to it and we must all get a return."

You have to consider local claims; and the utmost that can be done, I think, is to see that no improvement of any kind is recommended unless it is a good investment, unless the returns to the people annually are equal to, or greater than, the interest on the money invested plus cost of maintenance. If that be so, it is a good investment. It may not be so good as another, but it is a good investment and is a proper one to put the people's money into.

Admiral Benson, before the same convention, the day before, said:

Now, as I said in the beginning, we have a great number of small craft and our coast is so formed that its defense must necessarily depend very largely on the submarines and the smaller craft; and in order to utilize what we have to the fullest extent there should be some means of moving this craft from one part of the coast to the other.

Our national means of defense, particularly from Key West north, would be through our inland waterways by our submarines. Not that the submarines are not able to go outside, for they are; and even our coast submarines are able to go to sea and cruise a hundred miles offshore successfully. They can go even farther; but what I refer to is the fact that they want to be protected. We do not want them exposed to the attacks of the enemy on the outside in case we desire to move them from one point of the coast to another, or in order that they may go out from various openings and attack the enemy. So you can readily see the tremendous advantage that improved inland waterways would be to the Navy in the event of war in moving submarines and destroyers through the inland waterways.

Of course, anything that helps commerce helps the Navy; anything that helps the Navy helps commerce; and whatever helps both helps the country. [Applause.]

There is one feature of the development of the inland waterways that has impressed me very deeply in my study of it, and I would presume to suggest it to you gentlemen who have given this subject more careful thought; that is, the study of the map of our country, and particularly the eastern part of it, and you will see a complete network of rivers leading down to the coast.

Mr. Joy Morton, of Chicago, in a strong address before the same convention on the subject of the "Potentiality of waterways," expressed his conclusions thus:

There is no means of transporting freight so cheaply as to float it. The potential advantages of canals to the Commonwealth have been overlooked in the craze for railroads, and it is time in these days of congested lines and choked-up railroad terminals to consider the waterway as a relief.

"PORK."

The public has been misled by the slander which certain scribblers started by the term "pork barrel" in connection with rivers and harbors legislation, public-buildings bills, and the like. It was catchy and sensational and came into such

extended use that it has had the effect of poisoning the public mind to some extent, and created a prejudice against a bill the sole purpose of which is to confer the greatest benefit to the largest number of citizens. I will not dwell on that kind of criticism of the bill—I have neither the time nor patience.

When the last bill was before the House the leader of the minority in the House had this to say, which seems to me unanswerable [CONGRESSIONAL RECORD, pp. 1976–1977]:

Whatever men may think about the merits of particular propositions in a bill, there is no legislation which comes before Congress which is so critically scanned by experts as are the river and harbor bills before they reach the House. In the first place, the War Department itself can not institute any recommendation upon its own motion. It is the only branch of the Government that is not permitted to do so. The Executive can not order the War Department to make a report or an estimate or a recommendation to Congress in reference to a river and harbor improvement. You can not reach the War Department through political influence exercised upon the President or the Secretary of War. A provision in the river and harbor bill begins with an item for a survey, and under the law the engineers can not make a survey until as experts they have made an examination as to the probable economy of the improvement, the use that will be made of it, and the benefit that it will be to the shipping industry and to the public.

The Board of Engineers of the United States Army are selected men from West Point, who hold their office for life, or for good behavior if they do their work. They are the least subject to political influence of any body in the United States by reason of their position. [Applause.] They can not go to the political activities which exist in the War Department with reference to promotions, because all of their promotions are automatic except as to the Chief of Engineers. When we determine by reason of the activity of a Member of Congress representing his constituents to ask that board to make an examination, they have to first determine whether it will be a profitable adventure if entered upon, and then they are permitted to make an estimate of the cost and present the project to the House. The House itself can not order them to do this. It could at one time by a resolution. The Senate itself can not order them to do this. It is the only case in the Government service where the House can not by resolution ask Government officers to render a service, or where the Senate can not by a resolution ask Government officers to render a service. After they make their estimate, made by the local engineer aided by a civilian engineer working under him, also permanently employed, they have to go through the form—in many cases it is a form, though in some cases it is the real thing—of having the report pass through the district engineer and the engineer of the enlarged district, whose title I do not now remember. Then the matter goes before the Board of Engineers. Then it comes before the Chief of Engineers. Then it comes before the Committee on Rivers and Harbors. There are more processes involved, and far more expert men, wholly disinterested, unbiased, uncontrolled by politics, in reference to a river and harbor item than any other legislation provided by any legislative assembly in the world. [Applause.]

Some suggestion has been made of its being a questionable practice about Senators and Representatives appearing before the Board of Engineers on an appeal from the district engineers. The only instance where they appear there is where the district engineer has reported on a project, for instance, we will say, adversely, and that is passed up to the division engineer, and the division engineer has passed on it adversely, and the friends of the enterprise feel that all the subject has not been exhausted. There may be new facts that have developed in the meantime, and they want to present them to the Board of Engineers. The Board of Engineers sits, and they have these hearings in a formal way, and they consider such new facts and such arguments as may be presented and the reports which have been sent up to them, and then they take it under advisement and render their opinion according to the rules that govern them, absolutely always true to the public interest. I do not believe there is any such thing as that board recommending a profligate waste of money. I do not believe that there is any such thing as that board recommending a proposition that has not merit in it, justification, commercial and otherwise. There is no reason to do it. They are under no obligation to anyone who appears before them, either for their position or to maintain their position. They are perfectly independent. They are high-class, intelligent men, the best-trained minds of the country, and of the highest integrity, and why should they betray their trust? There is no temptation to betray their trust, no reason for betraying their trust. There is every reason why they should conduct themselves as honorable men of integrity and strength of character, and they do. There is no question about that at all. It is simply ridiculous and absurd to intimate or charge anything to the contrary.

There has been some intimation that this is a sectional measure. I would not go into that. It is nonsense to claim that the bill is framed to advantage some particular section of the country to the prejudice of some other section. I want to refer, though, in this connection to a statement made by Mr. Sparkman and to a table he furnished, and I shall drop the subject there. Mr. Sparkman is giving his experience of 22 years in Congress. He says:

Mr. Chairman, I can say of a truth that during the 22 years of my membership here and the more than 20 years that I have been on the Committee on Rivers and Harbors I have never thought that any member of that body was influenced in the least by sectional motives in the making up of river and harbor bills. Each member of that important committee, no matter from what section he came, whether from the North, South, East, or West, has in that great work been influenced alone, in my judgment, by the merits of the project under consideration and what he considered his duty to the whole country.

In this connection I wish to call attention to a table I have here, and which I will print with these remarks, showing the amounts appropriated for projects in the different sections since I have had the honor of presiding over the deliberations of the Committee on Rivers and Harbors. I find that $45,899,056 have gone to projects in what might be called the Northern States, $41,181,721 to those in the Southern States, and $19,000,000 for projects in the Pacific Coast States, which in the sectional sense meant by such critics are properly classed with the Northern States, so that we would have $65,000,000, in round figures, as the amount appropriated for works in what you might call the Northern States since I have been chairman of the committee and $41,000,000 for the Southern States.

These figures do not include the Mississippi, Ohio, and Missouri Rivers, which, being essentially and broadly national, should, in my opinion, not be charged to any section. The projects for the improvement of these rivers were adopted prior to the time I became chairman of the committee, which was subsequent to the passage of the bill of 1911; but since and including the bill of 1912 there had been appropriated for these streams, as will be seen, sums ranging as follows: $36,353,000 for the Mississippi, $7,175,000 for the Missouri, and $22,068,500 for the Ohio, or upward of $65,000,000 in all.

I may add, further, that appropriations for these three rivers have for the past several years made up more than a third of each river and harbor bill, and that more than one-half of the amounts yet to be appropriated for old projects is to go toward the completion of the projects for their improvement adopted in the bill of 1910. So that, eliminating them, you dispose of the larger part of the work yet to be done outside of the new projects in this measure.

Table showing amounts appropriated and allotted under river and harbor acts from 1912 to 1916, inclusive, for the country by sections.

Year.	North.	South.	Pacific coast.	Alaska, Hawaii, and Porto Rico.	Mississippi River.	Missouri River.	Ohio River.
1912	$7,429,070	$7,619,050	$3,196,750	$306,000	$8,945,000	$1,025,000	$5,600,000
1913	13,010,855	12,040,321	6,051,218	225,000	9,001,000	2,325,000	5,550,000
1914	4,125,530	5,103,750	2,442,500	100,000	4,954,000	900,000	1,769,000
1915	6,863,246	5,678,050	3,483,175	43,000	5,371,000	1,100,000	3,040,000
1916	14,470,355	10,740,550	4,242,200	376,800	8,082,000	1,825,000	5,509,500
Total	45,899,056	41,181,721	19,415,843	1,050,800	36,353,000	7,175,000	22,068,500

So you will see, Mr. Chairman and gentlemen of the committee, that there is no ground whatever for this charge of sectionalism. Every section of the country has received the same treatment, the purpose always being to adopt projects and make appropriations upon the merits of a proposition and in accordance with the demands of the commerce to be accommodated. To these considerations we have looked, and to nothing else, and as long as I remain in this body and have responsibility here I shall adhere to that rule and never consciously depart from it. [Applause.]

Mr. President, I challenge criticism of any item in this bill. I am prepared to answer in detail any question that may be asked respecting any item in so far as the information can be gathered from the official documents dealing with such items.

Regarding the commission provided for in section 16, I may say that the work and function of such commission are the same as that provided in the bill as it was reported to the House. The composition of the commission was changed by the Committee on Commerce. The subject is discussed in the House report, page No. 6, and I will submit at another time some further observations on the desirability and need for such a commission.

Instead of having it a departmental commission, the commission is made up as shown by section 16 of the bill, and in that respect it differs from the provision in the bill as it was reported from the Committee on Rivers and Harbors of the House originally.

Mr. President, I am going to leave the matter there for the present, but I challenge criticism of every item in the bill from start to finish. I am prepared to furnish the detailed information regarding every item as shown by the document, and I

submit that the bill ought to be passed, and passed speedily. It is surely an emergency measure. I now move that we proceed to consider first the committee amendments.

Mr. KENYON. I ask the Senator from Florida if he proposes to go on with the bill to-night?

Mr. FLETCHER. I will say, as far as I am concerned, I want to suit the convenience of other Senators. If anyone wants to go on to-night, I am willing, but I believe an executive session is desired.

Mr. KENYON. The Senator from Utah [Mr. SMOOT] wanted to proceed, but I am sure he would not want to proceed with only seven or eight Senators in the Chamber. I suggest to the Senator from Florida that we adjourn until to-morrow.

Mr. FLETCHER. Let us first have an executive session.

Mr. SHEPPARD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Texas?

Mr. FLETCHER. I do.

Mr. SHEPPARD. I have here a report from the Committee on Commerce on a bridge bill which the Senator from Arkansas [Mr. ROBINSON] is very desirous of having passed this afternoon. It is to meet a certain emergency which exists that demands immediate passage. Out of order, I ask that the bill be considered and passed. It is an ordinary bridge bill, in ordinary terms.

The PRESIDENT pro tempore. The Chair understands that the Senator from Texas requests the Senate to proceed to the consideration of a bill.

Mr. SHEPPARD. I ask out of order, without displacing the pending bill, to report the bill and to have it put on its passage.

The PRESIDENT pro tempore. The Chair will call the attention of the Senator from Florida to the request of the Senator from Texas and the ruling which has been made heretofore as to matters of this character.

Mr. SHEPPARD. I will withdraw the request for the present and attempt to have the bill passed during the morning hour to-morrow.

Mr. FLETCHER. Yes; that is better.

Mr. McKELLAR. Will the Senator from Florida yield to me?

Mr. FLETCHER. Certainly.

Mr. McKELLAR. I offer an amendment to the pending bill, which I ask to have printed.

Mr. FLETCHER. I have no objection.

The PRESIDENT pro tempore. It will be so ordered.

MRS. NANCY E. MULLINS.

The PRESIDENT pro tempore. The Chair announces his signature to the following enrolled bill:

The SECRETARY. H. R. 646. An act for the relief of Mrs. Nancy E. Mullins.

EXECUTIVE SESSION.

Mr. FLETCHER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

Mr. FLETCHER. I move that the Senate adjourn until 11 o'clock to-morrow morning.

The motion was agreed to, and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, July 24, 1917, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate July 23, 1917.

RECEIVERS OF PUBLIC MONEYS.

Mrs. Annie G. Rogers, of Colorado, to be receiver of public moneys at Leadville, Colo., her term of office having expired. (Reappointment.)

Edward J. McLean, of Montana, to be receiver of public moneys at Billings, Mont., his term of office having expired. (Reappointment.)

Edward C. Hargadine, of Montana, to be receiver of public moneys at Glasgow, Mont., his term of office having expired. (Reappointment.)

John T. Hamilton, of Montana, to be receiver of public moneys at Miles City, Mont., his term of office having expired. (Reappointment.)

REGISTERS OF LAND OFFICES.

Albert F. Browns, of Colorado, to be register of the land office at Sterling, Colo., his present term expiring August 26, 1917. (Reappointment.)

Fred H. Foster, of Montana, to be register of the land office at Billings, Mont., his term of office having expired. (Reappointment.)

Fletcher W. Appleton, of Montana, to be register of the land office at Bozeman, Mont., his term of office having expired. (Reappointment.)

Thomas R. Jones, of Montana, to be register of the land office at Glasgow, Mont., his term of office having expired. (Reappointment.)

PROMOTIONS IN THE ARMY.

FIELD ARTILLERY ARM.

To be major with rank from May 15, 1817, to fill a casual vacancy.

Capt. William F. Morrison, Field Artillery, detached officers' list, vice Maj. Frank E. Hopkins, promoted.

To be captains with rank from May 15, 1817, to fill original vacancies.

First Lieut. Donald M. Beere, Field Artillery.
First Lieut. Herman Erlenkotter, Field Artillery.
First Lieut. Claude B. Thummel, Field Artillery (Ordnance Department).
First Lieut. Edwin M. Watson, Field Artillery.
First Lieut. Harold E. Miner, Field Artillery.
First Lieut. Joseph A. Rogers, Field Artillery.
First Lieut. Charles T. Griffith, Field Artillery, subject to examination required by law.
First Lieut. Jacob L. Devers, Field Artillery.
First Lieut. Lucien H. Taliaferro, Field Artillery, detached officers' list.
First Lieut. Harold H. Bateman, Field Artillery, detached officers' list.
First Lieut. Frank A. Turner, Field Artillery.
First Lieut. George G. Seaman, Field Artillery.
First Lieut. Charles C. Reynolds, Field Artillery, detached officers' list.
First Lieut. George S. Gay, Field Artillery.
First Lieut. Fred C. Wallace, Field Artillery, detached officers' list.
First Lieut. Philip Hayes, Field Artillery.
First Lieut. Franz A. Doniat, Field Artillery (Ordnance Department).
First Lieut. Carl A. Baehr, Field Artillery.
First Lieut. John M. McDowell, Field Artillery.
First Lieut. Raymond E. Lee, Field Artillery.
First Lieut. Jason McV. Austin, Field Artillery.
First Lieut. Burton O. Lewis, Field Artillery (Ordnance Department).
First Lieut. Herbert R. Odell, Field Artillery.
First Lieut. Clyde A. Selleck, Field Artillery, detached officers' list.
First Lieut. Ernest J. Dawley, Field Artillery.
First Lieut. Louie A. Beard, Field Artillery, detached officers' list.
First Lieut. Ivens Jones, Field Artillery, detached officers' list.
First Lieut. William A. Pendleton, jr., Field Artillery (Ordnance Department).
First Lieut. Robert C. F. Goetz, Field Artillery, detached officers' list.
First Lieut. Bernard R. Peyton, Field Artillery.
First Lieut. John Magruder, Field Artillery.
First Lieut. Whitmon R. Conolly, Field Artillery.
First Lieut. E. Francis Riggs, Field Artillery, detached officers' list, subject to examination required by law.
First Lieut. Curtis H. Nance, Field Artillery, detached officers' list.
First Lieut. Freeman W. Bowley, Field Artillery (Ordnance Department).
First Lieut. Gustav H. Franke, Field Artillery.
First Lieut. John C. Beatty, Field Artillery (Ordnance Department).
First Lieut. Hubert G. Stanton, Field Artillery (Ordnance Department).
First Lieut. John E. Hatch, Field Artillery, detached officers' list.
First Lieut. Charles A. Walker, jr., Field Artillery (Ordnance Department).
First Lieut. Bethel W. Simpson, Field Artillery (Ordnance Department).
First Lieut. Neil G. Finch, Field Artillery (Signal Corps).
First Lieut. William E. Larned, Field Artillery.
First Lieut. Charles L. Byrne, Field Artillery.
First Lieut. Roscoe C. Batson, Field Artillery.
First Lieut. Alvan C. Sandeford, Field Artillery.
First Lieut. Ira T. Wyche, Field Artillery.
First Lieut. Harvey M. Hobbs, Field Artillery.
First Lieut. Joseph Andrews, Field Artillery (Signal Corps).
First Lieut. Thomas G. M. Oliphant, Field Artillery.

First Lieut. Mert Proctor, Field Artillery, detached officers' list.
First Lieut. William J. Wrona, Field Artillery, detached officers' list.
First Lieut. Lewis H. Brereton, Field Artillery (Aviation Section, Signal Corps).
First Lieut. Vincent P. Erwin, Field Artillery, detached officers' list.
First Lieut. Frank Bloom, Field Artillery, detached officers' list.
First Lieut. Vincent Meyer, Field Artillery, detached officers' list.
First Lieut. Edward H. Hicks, Field Artillery, detached officers' list.
First Lieut. Norman P. Morrow, Field Artillery, detached officers' list.
First Lieut. Lloyd E. Jones, Field Artillery, detached officers' list.
First Lieut. Newton N. Polk, Field Artillery, detached officers' list.
First Lieut. Edward A. Millar, jr., Field Artillery.
First Lieut. Clyde J. McConkey, Field Artillery.
First Lieut. Follette Bradley, Field Artillery (Ordnance Department).
First Lieut. Jonathan W. Anderson, Field Artillery.
First Lieut. Robert S. Oberly, Field Artillery (Ordnance Department).
First Lieut. Leon R. Cole, Field Artillery.
First Lieut. Paul L. Ferron, Field Artillery (Aviation Section, Signal Corps).
First Lieut. Percy Deshon, Field Artillery, detached officers' list, subject to examination required by law.
First Lieut. Julian F. Barnes, Field Artillery, detached officers' list.
First Lieut. Harold C. Vanderveer, Field Artillery.
First Lieut. Clift Andrus, Field Artillery, detached officers' list.
First Lieut. George E. Arnemann, Field Artillery.
First Lieut. Clarence D. Lang, Field Artillery.
First Lieut. Russell L. Maxwell, Field Artillery (Ordnance Department).
First Lieut. Charles J. Browne, Field Artillery (Ordnance Department).
First Lieut. John N. Hauser, Field Artillery, detached officers' list.
First Lieut. Karl C. Greenwald, Field Artillery, detached officers' list.
First Lieut. Richard E. Anderson, Field Artillery (Signal Corps).
First Lieut. James A. Gillespie, Field Artillery, detached officers' list.
First Lieut. Wesley M. Bailey, Field Artillery, detached officers' list.
First Lieut. Isaac Spalding, Field Artillery.
First Lieut. Harry J. Malony, Field Artillery.
First Lieut. Robert F. Hyatt, Field Artillery.
First Lieut. Archibald V. Arnold, Field Artillery.
First Lieut. Earl B. Hochwalt, Field Artillery.
First Lieut. John D. von Holtzendorff, Field Artillery, detached officers' list.
First Lieut. Walter F. Winton, Field Artillery, detached officers' list.
First Lieut. Francis T. Armstrong, Field Artillery.
First Lieut. Hamilton Templeton, Field Artillery.
First Lieut. Bertram Frankenberger, Field Artillery.
First Lieut. Raymond B. Austin, Field Artillery, detached officers' list.
First Lieut. Joseph O. Daly, Field Artillery, detached officers' list.
First Lieut. Edwin P. Parker, jr., Field Artillery.
First Lieut. John M. Eager, Field Artillery, detached officers' list.
First Lieut. William R. Gruber, Field Artillery.
First Lieut. Richard C. Scott, Field Artillery, detached officers' list.
First Lieut. Howard Eager, Field Artillery, detached officers' list.
First Lieut. William C. Young, Field Artillery, detached officers' list.
First Lieut. William C. Crane, jr., Field Artillery, detached officers' list.
First Lieut. Carlos Brewer, Field Artillery, detached officers' list.
First Lieut. David E. Cain, Field Artillery, detached officers' list.
First Lieut. John E. McMahon, jr., Field Artillery, detached officers' list.
First Lieut. Eugene T. Spencer, Field Artillery.
First Lieut. Falkner Heard, Field Artillery.
First Lieut. Herbert S. Clarkson, Field Artillery, detached officers' list.
First Lieut. Louis A. Craig, Field Artillery.
First Lieut. Charles G. Helmick, Field Artillery, detached officers' list.
First Lieut. Ernst Sedlacek, Field Artillery.

To be captains with rank from May 15, 1917, to fill casual vacancies.

First Lieut. Philip L. Thurber, Field Artillery, vice Capt. Burton O. Lewis, retained in Ordnance Department.
First Lieut. William C. Houghton, Field Artillery, vice Capt. William A. Pendleton, jr., retained in Ordnance Department.
First Lieut. John C. Wyeth, Field Artillery, vice Capt. Freeman W. Bowley, retained in Ordnance Department.
First Lieut. Arthur R. Harris, Field Artillery, vice Capt. John C. Beatty, retained in Ordnance Department.
First Lieut. John G. Burr, Field Artillery, vice Capt. Charles A. Walker, jr., retained in Ordnance Department.
First Lieut. John B. Anderson, Field Artillery, vice Capt. Bethel S. Simpson, retained in Ordnance Department.
First Lieut. William E. Burr, Field Artillery, vice Capt. Neil G. Finch, retained in Signal Corps.
First Lieut. James A. Lester, Field Artillery, vice Capt. Charles J. Browne, retained in Ordnance Department.
First Lieut. Herman Beukema, Field Artillery (Signal Corps), vice Capt. Richard E. Anderson, retained in Signal Corps.
First Lieut. Herbert S. Struble, Field Artillery, subject to examination required by law, vice Capt. Herman Beukema, retained in Signal Corps.
First Lieut. Francis J. Dunigan, Field Artillery, vice Capt. William I. Westervelt, promoted.
First Lieut. Edwin A. Zundel, Field Artillery, vice Capt. Upton Birnie, jr., promoted.
First Lieut. Clinton W. Howard, Field Artillery (Aviation Section, Signal Corps), vice Capt. James P. Robinson, promoted.
First Lieut. Charles M. Busbee, Field Artillery, vice Capt. Clinton W. Howard, retained in Aviation Section.
First Lieut. Albert W. Waldron, Field Artillery, vice Capt. Augustine McIntyre, promoted.
First Lieut. John H. Wallace, Field Artillery, vice Capt. Charles M. Bunker, promoted.
First Lieut. Raymond Marsh, Field Artillery, vice Capt. Francis W. Griffin, promoted.
First Lieut. Joseph M. Swing, Field Artillery, vice Capt. Howard L. Landers, promoted.
First Lieut. Stanley E. Reinhart, Field Artillery, vice Capt. Norton E. Wood, promoted.
First Lieut. Dean Hudnutt, Field Artillery, vice Capt. Albert S. Fuger, promoted.
First Lieut. Louis E. Hibbs, Field Artillery, vice Capt. William N. Michel, promoted.
First Lieut. Jesse F. Tarpley, jr., Field Artillery, vice Capt. Ernest S. Wheeler, promoted.
First Lieut. Horace L. McBride, Field Artillery, vice Capt. John B. W. Corey, promoted.
First Lieut. Hamilton E. Maguire, Field Artillery, vice Capt. William F. Jones, promoted.
First Lieut. Ray C. Rutherford, Field Artillery, vice Capt. Charles G. Mortimer, promoted.
First Lieut. William R. Woodward, Field Artillery, vice Capt. Robert Davis, promoted.
First Lieut. Alfred K. King, Field Artillery, vice Capt. Joseph E. Myers, promoted.
First Lieut. Henry C. Jones, Field Artillery, vice Capt. William S. Wood, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 23, 1917.

UNITED STATES ATTORNEY.

Francis M. Wilson to be United States attorney, western district of Missouri.

BOARD OF CHARITIES, DISTRICT OF COLUMBIA.

George E. Hamilton. (Reappointment.)
Rev. John Van Schaick. (Reappointment.)

POSTMASTERS.

ALABAMA.

John W. Barnes, Prattville.
Mary E. Cain, Wetumpka.
W. L. Crew, Good Water.
A. A. Leach, Dadeville.
J. L. Thornton, Alexander City.
Dora G. Wendel, Tallassee.

KANSAS.

Lottie R. Boulis, Jennings.
Gus C. Buche, Miltonvale.
Ida J. Butler, Morland.
Alfred D. Carpenter, Oswego.
L. D. Cassler, Canton.
Frederick M. Cook, Jamestown.
Edward Corrigan, Effingham.
Caroline Doerschlag, Ransom.
Jefferson Dunham, Little River.
Elmer A. Dye, Logan.
Axel Ellingson, Scandia.
J. O. Ferguson, Independence.
Frank S. Foster, Ellsworth.
Agnes H. Gallagher, Summerfield.
Robert V. Grattan, Burden.
Viola Hamilton, Altamont.
S. J. Hampshire, Overbrook.
Charles Hewitt, Wakefield.
Emma L. Hoopman, Lucas.
E. C. McDermott, Spearville.
John McKee, Clay Center.
C. C. McKenzie, Morrill.
W. A. Matteson, Abilene.
R. H. Miles, Lyndon.
Martin Miller, Fort Scott.
Thomas O'Mara, Colony.
E. L. Pepper, Conway Springs.
Claude Rowland, Protection.
Mary E. Shaffer, Fulton.
Leonard Shamleffer, Douglass.
Eugene Skinner, Cherokee.
P. D. Spellman, Plainville.
J. H. Stanbery, Attica.
James A. Thompson, White Water.
L. G. Wagner, Sylvia.
William Walker, jr., Goodland.
Cora M. Waters, Bird City.
J. J. Wilson, Moran.

MAINE.

Joseph D. Chamberland, Jackman Station.
Ned W. Coombs, Castine.
Harold M. Crockett, North Haven.
Irenee Cyr, Fort Kent.
R. T. Flavin, West Paris.
S. H. Frost, Pittsfield.
William N. Gough, York Beach.
Reuben A. Huse, Kingfield.
Frederick H. Macomber, Seal Harbor.
Delbert M. Story, Washburn.
Milford A. Waite, Canton.

OKLAHOMA.

Wharton H. Breedlove, Muldrow.
Cassius L. Byrne, Ardmore.
J. R. Capshaw, Chattanooga.
J. W. Chism, Medford.
Bonnie A. Coley, Davidson.
Milton B. Cope, El Reno.
K. C. Cox, Granite.
Sydney A. Doyle, Maud.
Joseph H. English, Walters (late Walter).
J. M. Ennis, Antlers.
Hattie Gore, Nowata.
Andrew J. Grayson, Blanchard.
D. M. Hamlin, Newkirk.
George H. Hancock, Welch.
Della Hickman, Spiro.
Frank E. King, Braman.
J. F. Larecy, Hugo.
Ira B. McCrary, Dewey.
Robert Burton Mayfield, Blair.
W. F. Parker, Davis.
Francis M. Reed, jr., Afton.
N. L. Sanders, Broken Arrow.
Bettie Smythe, Marlow.
C. E. Steele, Sayre.
Simon Peter Treadwell, Ryan.
T. I. Truscott, Olustee.

SOUTH DAKOTA.

Fred W. Hink, Raymond.
O. M. Iverson, Hudson.
Charles F. Jenks, Egan.
J. I. McNeil, Wessington.
W. M. Walters, Fairfax.

HOUSE OF REPRESENTATIVES.

MONDAY, *July 23, 1917.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty and most merciful Father, in whose all-encircling love we dwell, strengthen us, we beseech Thee, for the duties of the new day. Widen the scope of our vision. Give to us great thoughts and a firm resolve to follow in the wake of duty whithersoever it leads.

Now and always in the spirit of the Lord Christ. Amen.

The Journal of the proceedings of Saturday, July 21, 1917, was read and approved.

THE LATE BO SWEENEY.

Mr. MILLER of Washington. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Washington rise?

Mr. MILLER of Washington. I rise for the purpose of asking unanimous consent to address the House for five minutes on the life and character of Hon. Bo Sweeney, late Assistant Secretary of the Interior, who died on Monday last.

The SPEAKER. The gentleman from Washington [Mr. MILLER] asks unanimous consent to address the House for five minutes on the life and character of the Hon. Bo Sweeney, late Assistant Secretary of the Interior. Is there objection? [After a pause.] The Chair hears none.

Mr. MILLER of Washington. Mr. Speaker and Members of the House of Representatives, the Hon. Bo Sweeney, Assistant Secretary of the Interior, was born in Henry County, Mo., on September 20, 1863, and died at Washington, D. C., July 16, 1917.

It is fitting that at this time the House of Representatives should suspend its regular course and pay honor to the memory of not only an exceptionally able man but a patriotic and faithful public officer.

He was my fellow townsman and my friend. It is easy to flatter the dead, far easier than to flatter the living. In the life and public service of Bo Sweeney there is no necessity, no need of flattery. The history of his life, the record of his public acts, the uprightness of his daily association with men, speak in far more eloquent terms than any poor words of mine. Of such a man it would be unpardonable to use a single sentence of false and pleasing praise.

Mr. Sweeney was essentially a man out of the West. He loved the mountains; he longed to be in the hills of the great far West. That had been his home since almost boyhood, and it was from these he came to the Nation's Capital to do his duty here, as he had always done it amidst his friends at home.

Born on a farm near Clinton, in Henry County, Mo., in the year 1863—a year not noted for gentleness and sentiment—he grew to young manhood in Missouri and Texas. His boyhood life was not one of easy swing. He was taught to know that the things worth while in life were not extended with lavish hand except to those who should deservedly gain them. He was early taught to appreciate the truism that he who wears the spurs should wear them in the open field.

Like most successful men and women, he had the guidance in childhood of conscientious and upright parents. The stress of the times early brought the element of economy into his life, a trait he always reasonably and consistently followed, though in after years he reached a bountiful competency—the reward of his own industry and ability.

He was educated for the bar, at which he soon gained singular distinction. His first years of mature manhood were passed in the State of Colorado, where he commenced the practice of the law. It was in that State that his first political honors came by being elected to the lower house of the legislature. The construction of the new State capitol building was projected while he was thus in office, and to this he gave singularly valuable service. Though a member of a political party then in hope-

less minority, he freely and unreservedly joined with his colleagues of the majority and brought to the enterprise all the enthusiasm of a young, fearless champion of efficiency and honesty. He was loved and respected by the people of that State, and had he chosen to remain there he doubtless would have achieved political recognition equaling, if not surpassing, that which came in after years.

It was in the State of Colorado where he found his life's partner and coworker. She, like her husband, was a child of the West. They endured the trials and together shared the success which inevitably come to those who toil with patience, which is always power.

In 1897 Mr. Sweeney, following the Star of Empire, came to Seattle in the far Northwest.

To him it was going from one broad land to another; from the view of one snow-clad range to another. From the first he took a prominent place in the community socially, professionally, and politically. While always a consistent and unyielding Democrat, he uniformly exercised tolerance and respect for the political opinions of others. I bear witness to this exceptional trait of his character. At the bar he won signal success. Memory comes to my aid in recalling many a hard-fought legal battle, and I can say many of his brethren at the bar still bear scars from his undeniable skill as an advocate. But whether he won or lost he was still the same generous, considerate, and kindly character, never boasting, never cringing, always the same magnanimous and manly man. His attainments of good, pure, Christian manhood will always remain a standard of excellence and be an inspiration for those who believe in the worth of giving and receiving fundamental justice in all intercourse with men. He always stood square to the four winds.

While practicing his profession in my city he was called here as Assistant Secretary of the Interior. No better selection could have been made out of the multitude of good men of the West. He had breathed in him the inspiration of the West, of the rugged honesty of the mountains. Schooled in the thought of the West, he brought to this high administrative office all the resources of a busy, proper, and industrious life. He brought activity, which was a part of his very being; he brought enterprise and fair dealing, frankness, and firmness. Every Member of this body feels the loss of the Nation at large, and to those of us who knew the true worth and value of his friendship the loss is keenly personal.

He was a man thoroughly in love with life; he enjoyed every hour of every day; he loved to look upon the beauties of the world; he loved the mountains, the plains, the fields, and meadows of his land. Death came to him in the very prime of life, at the very hour of his greatest usefulness. It seems strange that it should be so. Perhaps it is better that we do not understand; perhaps it is best that those we love the best should answer when no call has ever come. It is hard for finite men to understand the will of the Infinite.

At a time in his life, in the beauty of the midday, when eager winds were filling every sail, he heard the breakers on a foreign shore—the other beautiful shore—where each and all must sooner or later moor his bark of life.

A truly good and able character has gone into the great, unseen world, where the mountains and the waters are of transcendent beauty, gone to the land where the good, the pure, and the faithful shall live and dwell eternal. [Applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed with amendments the bill (H. R. 4961) to provide further for the national security and defense, by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel, had insisted upon its amendments, had requested a conference on the bill and amendments, and had appointed Mr. GORE, Mr. CHAMBERLAIN, Mr. SMITH of South Carolina, Mr. KENYON, Mr. WARREN, Mr. SMITH of Georgia, and Mr. PAGE as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 5326. An act to authorize the President to increase temporarily the Signal Corps of the Army and to purchase, manufacture, maintain, repair, and operate airships, and to make appropriations therefor, and for other purposes.

The message also announced that the President had approved and signed joint resolution of the following title:

S. J. Res. 33. Joint resolution to relieve the owners of mining claims who have been mustered into the military or naval service of the United States as officers or enlisted men from performing assessment work during the term of such service.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 646. An act for the relief of Mrs. Nancy E. Mullins; and

H. R. 5326. An act to authorize the President to increase temporarily the Signal Corps of the Army and to purchase, manufacture, maintain, repair, and operate airships, and to make appropriations therefor, and for other purposes.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that on July 16, 1917, they had presented to the President of the United States, for his approval, the following bill:

H. R. 5405. An act making appropriations for certain session employees of the Senate and House of Representatives.

WITHDRAWAL OF PAPERS.

Mr. OLIVER of Alabama was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Sarah B. Scott (H. R. 2086, 64th Cong.), no adverse report having been made thereon.

LEAVE OF ABSENCE.

Mr. HAWLEY, by unanimous consent, was granted leave of absence from the House for the day, July 23, on account of the funeral of his mother, Mrs. Emma A. Hawley.

HOMESTEAD ENTRIES—ARMY AND NAVY SERVICE.

Mr. FERRIS. Mr. Speaker, I call up the conference report on the bill (S. 1811) providing for leaves of absence from homesteads during service in the Army or Navy of the United States, and crediting such service in the Army or Navy as residence upon the homestead, and in the event of the soldier's death in such service providing for the issuance of patent to his widow or minor children, and ask for the present consideration of the same.

The SPEAKER. The Clerk will report it.

The Clerk began the reading of the report.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report. It is a little shorter.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. MANN. I think the report ought to be read.

Mr. FERRIS. Then I withdraw the request.

The SPEAKER. The gentleman from Illinois objects.

The Clerk read the conference report and statement as follows:

CONFERENCE REPORT (NO. 108).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1811) providing for the counting of service in the Army or Navy of the United States as equivalent to residence and cultivation upon homestead entries, and in the event of the soldier's death in such service providing for the issuance of patent for such land to his widow or minor children, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the title of the bill, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed by the House insert the following:

"That any settler upon the public lands of the United States; or any entryman whose application has been allowed; or any person who has made application for public lands which thereafter may be allowed under the homestead laws, who, after such settlement, entry, or application enlists or is actually engaged in the military or naval service of the United States as a private soldier, officer, seaman, marine, national guardsman, or member of any other organization for offense or defense authorized by Congress during any war in which the United States may be engaged, shall, in the administration of the homestead laws, have his services therein construed to be equivalent to all intents and purposes to residence and cultivation for the same length of time upon the tract entered or settled upon; and hereafter no contest shall be initiated on the ground of abandonment, nor allegation of abandonment sustained against any such settler, entryman, or person unless it shall be alleged in the preliminary affidavit or affidavits of contest and proved at the hearing in cases hereinafter initiated that the alleged absence from the land was not due to his

employment in such military or naval service; that if he shall be discharged on account of wounds received or disability incurred in the line of duty, then the term of his enlistment shall be deducted from the required length of residence, without reference to the time of actual service: *Provided*, That no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year.

"SEC. 2. That any settler upon the public lands of the United States; or any entryman whose application has been allowed; or any person who has made application for public lands which thereafter may be allowed under the homestead laws, who dies while actually engaged in the military or naval service of the United States as a private soldier, officer, seaman, marine, national guardsman, or member of any other organization for offense or defense authorized by Congress during any war in which the United States may be engaged, then his widow, if unmarried, or in case of her death or marriage, his minor orphan children, or his or their legal representatives, may proceed forthwith to make final proof upon such entry or application thereafter allowed, and shall be entitled to receive Government patent for such land; and that the death of such soldier while so engaged in the service of the United States shall, in the administration of the homestead laws, be construed to be equivalent to a performance of all requirements as to residence and cultivation upon such homestead."

And the House agree to the same.

SCOTT FERRIS,
EDWARD T. TAYLOR,
I. L. LENROOT,
Managers on the part of the House.

KEY PITTMAN,
REED SMOOT,
JOHN F. SHAFROTH,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments added to the bill (S. 1811) providing for leaves of absence from homesteads during service in the Army or Navy of the United States, and crediting such service in the Army or Navy as residence upon the homestead, and in the event of the soldier's death in such service providing for the issuance of patent to his widow or minor children, submit the following statements in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

The House struck out all after the enacting clause and inserted a new bill. This bill went to conference without instructions. The Senate receded substantially on all House amendments and acceded to the House draft of the bill with certain minor changes improving the phraseology.

SCOTT FERRIS,
EDWARD T. TAYLOR,
IRVINE L. LENROOT,
Managers on the part of the House.

Mr. FERRIS. Mr. Speaker, unless there is some question, I move the adoption of the conference report.

The SPEAKER. Without objection, the conference report is agreed to.

There was no objection.

BRIDGE BILLS.

Mr. ADAMSON. Mr. Speaker, there are nine bridge bills on the calendar, introduced by various Members of the House. The committee did not report them until we had consulted gentlemen on both sides of the House and found that there was a general willingness that they should be reported. I asked both the consent of the gentleman from Illinois [Mr. MANN] and the gentleman from North Carolina [Mr. KITCHIN], and finally we reported them.

Of course, it is with the House now as to whether it will consider them or not. These gentlemen are all interested in their local bills, and I ask unanimous consent that they may be considered. It will take but a few minutes.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent for the present consideration, seriatim, of bridge bills. Is there objection?

Mr. RAINEY. Mr. Speaker, reserving the right to object, I would like to inquire of the gentleman from South Carolina [Mr. LEVER] if any steps are to be taken to-day on the food and fuel control bill?

Mr. LEVER. Not to-day. The bill has not yet been printed. We ought to get the bill in a very few minutes, but it had not been printed 15 minutes ago with the Senate amendments.

Mr. MANN. I had the Senate amendments early this morning.

Mr. LEVER. It is not the intention to call up the food bill to-day, but to-morrow.

Mr. GARNER. Reserving the right to object, I would like to ask the gentleman from South Carolina how it is that he has not a printed copy of the bill. The gentleman from Illinois [Mr. MANN] says he had a printed copy this morning.

Mr. LEVER. I tried to get it this morning.

Mr. MANN. I have not a printed copy of the bill, but a printed copy of the Senate amendments. But the bill ought to be printed with the Senate amendments.

Mr. LEVER. If the gentleman from Illinois will permit, I would say that it is my intention to-morrow to take up this bill and ask that this bill be sent to conference.

Mr. MANN. To ask unanimous consent that it be sent to conference. The gentleman should amend his request.

The SPEAKER. The gentleman is not asking that now.

Mr. MANN. No; but he will have to ask it to-morrow.

The SPEAKER. The gentleman from South Carolina announces that on to-morrow he will ask unanimous consent to send the food bill to conference.

Mr. RAINEY. Then I have no objection to the consideration of the bridge bills.

Mr. YOUNG of Texas. I may want to move to concur in some of the Senate amendments to the food bill, and I do not want to lose that right to-morrow.

The SPEAKER. The gentleman will not lose any rights to-morrow.

Mr. RAINEY. I wish to state that after the consideration of the bridge bills I will move to adjourn.

Mr. COOPER of Wisconsin. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER of Wisconsin. Is the request of the gentleman from Georgia the business before the House?

The SPEAKER. Yes.

Mr. COOPER of Wisconsin. Reserving the right to object, I would like to ask the gentleman from Georgia how many bridge bills there are?

Mr. ADAMSON. There are nine. They are bills that different gentlemen on both sides are interested in, representing districts in various parts of the country.

Mr. COOPER of Wisconsin. Well, Mr. Speaker, I do not think that the House ought to be asked to grant unanimous consent for the consideration of nine bills providing for bridges crossing navigable streams in the United States.

Mr. ADAMSON. I will modify my request, Mr. Speaker, by permission, and will ask that all of the bills be called in their order, with the privilege of objection as each one is called.

The SPEAKER. The gentleman from Georgia modifies his request and puts it in this shape, that all these bridge bills be called seriatim, with the House retaining the right to object at the end of it to any one of the nine.

Mr. COOPER of Wisconsin. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER of Wisconsin. Are these bills on the Calendar for Unanimous Consent?

Mr. ADAMSON. They are not, because I did not know whether the House wanted to consider them at all or not.

Mr. COOPER of Wisconsin. I dislike to interfere in anyway with the desires of my friend from Georgia, but——

Mr. ADAMSON. It does not discommode me at all.

Mr. COOPER of Wisconsin. But the Unanimous Consent Calendar is one of the most important calendars which the House of Representatives has to-day. It is the only calendar that affords Members of the House an opportunity to be notified of business coming before the House. Sometimes things on that calendar are of exceeding importance. Therefore I feel constrained to object.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. MANN. Would the gentleman have any objection to agreeing that to-morrow, when the Members have had an opportunity to examine the bills between now and then, they may be called up for consideration by unanimous consent?

Mr. ADAMSON. It will be perfectly agreeable to me; and I will say to the gentleman from Wisconsin [Mr. COOPER] that he does not discommode me by objecting. These bills have been introduced by different Members of the House, and I am anxious

to accommodate them, and I am told that each bill is an emergent one.

Mr. MANN. I understood that in the case of the bridge provided for in one of these bills certain people have obtained contracts for the steel to be used in the bridge, and the contract expires at the end of this week, and they will lose the benefit of that contract if the bill is delayed.

The SPEAKER. Is there objection?

Mr. MEEKER. I object.

Mr. WINGO. Mr. Speaker, will the gentleman withhold a moment?

Mr. MEEKER. I will.

Mr. ADAMSON. I want to modify my request, Mr. Speaker, and ask that to-morrow——

Mr. MANN. After the disposition of the food bill——

Mr. ADAMSON. Yes; after the disposition of the privileged business to-morrow morning, the bridge bills be called from the desk and the privilege accorded to anybody to object to any particular bill.

The SPEAKER. The gentleman from Georgia modifies his request again and asks unanimous consent that to-morrow, after the transaction of privileged business, the reading of the Journal, and so forth, and so on, including the disposition of the food bill, these bridge bills be called seriatim. Is there objection?

Mr. MEEKER. Mr. Speaker, I object.

The SPEAKER. The gentleman from Missouri objects.

EXTENSION OF REMARKS.

Mr. ROGERS rose.

The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. ROGERS. I rise to ask unanimous consent to extend my remarks in the RECORD on the subject of drafting aliens.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD on the draft of aliens. Is there objection?

Mr. RAINEY. I object.

The SPEAKER. The gentleman from Illinois objects.

ORDER OF BUSINESS.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that to-morrow, after the reading of the Journal and the finishing of the food bill, the House may consider the bill H. R. 4954.

Mr. MILLER of Minnesota. What is that?

Mr. RAKER. It is a bill providing a law for irrigation districts, so that the irrigation districts in the various States may be in a position to obtain money from farm-loan banks.

The SPEAKER. Is there objection?

Mr. MADDEN. I object.

The SPEAKER. The gentleman from Illinois objects.

LEAVE OF ABSENCE.

Mr. CHURCH, by unanimous consent, at the request of Mr. RAKER, was granted leave of absence for three weeks, on account of illness of his wife.

WITHDRAWAL OF PAPERS.

Mr. TINKHAM, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Mrs. Agnes K. Hedman, Sixty-fourth Congress, no adverse report having been made thereon.

BRIDGE ACROSS THE ARKANSAS RIVER.

Mr. WINGO. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. WINGO. Mr. Speaker, one of the bridge bills which it was desired should be considered is one that I wish to explain, laying the conditions with respect to it before the House, and trusting that there will be no objection to its consideration. It is proposed to build a million-dollar bridge across the Arkansas River at Fort Smith. It is a public bridge. The option on the steel that goes into that steel and concrete bridge will expire on Saturday, as I understand, and unless the bill can be passed through this House and through the Senate by that time they will lose the difference between the option price under the contract which was entered into about 30 or 60 days ago and the present market price.

Mr. HAMILL. Has the bill passed the Senate?

Mr. WINGO. No; the bill has not passed the Senate. For that reason I am going to ask unanimous consent that we take it up at this time and pass it. It is the bill H. R. 5147.

Mr. MILLER of Minnesota. Can the gentleman tell the House what is the difference between the option price and the present market price?

Mr. WINGO. Fifteen thousand dollars, if the price of steel does not go up any more.

The SPEAKER. The gentleman from Arkansas asks unanimous consent that we take up for consideration the bill H. R. 5147. Is there objection?

Mr. COOPER of Wisconsin. Mr. Speaker, reserving the right to object——

Mr. MILLER of Minnesota. Reserving the right to object, I should like to complete my inquiry of the gentleman. Then, if this bill is not passed this week by Congress, the public, the county, and city interested in this bridge will lose at least $15,000?

Mr. WINGO. That is the information I have by wire from the chairman of the bridge commission, a public commission created by act of the legislature.

Mr. MILLER of Minnesota. Is it not possible that by the end of the week the price of steel will have advanced?

Mr. WINGO. Sure.

Mr. MILLER of Minnesota. And is it not also possible that when the option is lost it will be impossible to get a contract of any kind?

Mr. WINGO. Aside from the loss of the $15,000, the possibility that they may not be able to get any contract at all is worrying the officials.

Mr. COOPER of Wisconsin. When was the contract made?

Mr. WINGO. I do not know just when this option was taken. I have not the exact details with me, but the facts which I have stated have come to me from different sources, including a wire from the chairman of the bridge commission, stating that if they lose this option they will lose $15,000, based on the price of steel last week, and then, further, there is a very grave question whether they could get another option.

Mr. COOPER of Wisconsin. When was the bill introduced?

Mr. WINGO. The bill was introduced last month—about 30 days ago.

The SPEAKER. Is there objection?

Mr. COOPER of Wisconsin. Reserving the right to object, I see that this bill was introduced on the 22d of June, but was not reported until the 14th of July. That option was secured, of course, before the bill was introduced.

Mr. WINGO. Yes.

Mr. COOPER of Wisconsin. If this was so urgent a matter, and they had aa option expiring within a few days from this date, why was not the thing pressed to a hearing before this? Why was not the House informed?

Mr. WINGO. I have made insistent and persistent efforts to have this bill reported and acted on. The delay has been caused by the agreement made at the first of the session that nothing but war measures be considered; but the emergency situation I present caused the bill to be reported, and I trust that the facts will so appeal to the sense of justice of Members that no objection will be offered to the present consideration of the bill. Of course under the rules of the House it can be considered only by unanimous consent.

Mr. ADAMSON. I can make a statement about that. The gentleman from Arkansas has been insistently appearing before the committee on this subject; but we reported a few bridge bills earlier in the session and received a severe castigation at the hands of the House for reporting any bills that were not war measures; so we told the gentleman from Arkansas that we could not report his bill until we had some intimation from the House that they were willing that such bills should be reported; and after we received information that the House was willing that such bills should be reported, we at once reported the gentleman's bill.

Mr. COOPER of Wisconsin. What is the Sebastian bridge district?

Mr. WINGO. It includes a portion of Sebastian County, in which is located the city of Fort Smith, a city of 30,000 people.

Mr. COOPER of Wisconsin. I notice that the bill provides for the granting of consent to the bridge district or to its successors or assigns. Its assigns might include anybody. Is there any purpose to assign?

Mr. WINGO. No. This bridge project was by act of the legislature submitted to the people and approved 3 to 1 at the polls. It is a public commission, and the taxpayers of the district will pay for the erection of the bridge.

Mr. COOPER of Wisconsin. So this will be constructed under public control?

Mr. WINGO. Oh, yes; it is a community bridge.

Mr. LINTHICUM. Reserving the right to object, what is the necessity for the immediate passage of this bill?

Mr. WINGO. I explained that before the gentleman came in.

Mr. LINTHICUM. I was here, but I could not hear the gentleman's statement; there was so much noise around me.

Mr. WINGO. The option on their steel will expire Saturday night, and if the option expires they will lose $15,000, and in addition to that might not be able to get a new contract at all.

Mr. LINTHICUM. Saturday night of this week?

Mr. WINGO. Yes.

Mr. SNYDER. Has it occurred to the gentleman that inasmuch as there is serious discussion about fixing the price of steel, there might be a change downward in the price of steel?

Mr. WINGO. They can not get it for any lower price than the one for which they have the option. We do not think there will be any lower price possible.

Mr. SNYDER. That is a fair supposition.

Mr. WINGO. They might not get it at all.

Mr. SNYDER. The price of steel can not go much higher. There is only one way it can go and that is downward.

The SPEAKER. Is there objection?

Mr. MANN. Let the bill be reported.

The SPEAKER. The Clerk will report the bill.

The bill (H. R. 5147) granting the consent of Congress to the Sebastian bridge district to construct a bridge across the Arkansas River, at the foot of Garrison Avenue, at Fort Smith, Ark., was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Sebastian bridge district, created by the Legislature of Arkansas, under the provisions of an act approved February 26, 1913, and amended by an act approved March 30, 1915, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Arkansas River at a point suitable to the interests of navigation, at the foot of Garrison Avenue, at Fort Smith, in the county of Sebastian, in the State of Arkansas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 1, lines 5 to 8, inclusive, after the word "Arkansas," strike out the words "under the provisions of an act approved February 26, 1913, and amended by an act approved March 30, 1915, and."

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MEEKER. I object.

The SPEAKER. The gentleman from Missouri objects.

Mr. ADAMSON. Mr. Speaker, I ask for half a minute.

The SPEAKER. The gentleman from Georgia asks for half a minute. Is there objection?

There was no objection.

Mr. ADAMSON. I advise the authors of these bridge bills to go to the Senate and get them passed there to-day, which will give them a privileged status here to-morrow on the Speaker's table.

LEAVE TO EXTEND REMARKS.

Mr. ROGERS. Mr. Speaker, I renew my request to extend my remarks on the drafting of aliens.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks on the drafting of aliens. Is there objection?

Mr. WALSH. Reserving the right to object, I should like to ask the gentleman if the remarks which he desires to extend include anything except his own remarks?

Mr. RANDALL. Mr. Speaker, I call for the regular order.

The SPEAKER. The regular order is, Is there objection?

Mr. RAINEY. I serve notice that I shall object to any further requests to extend remarks after this request.

The SPEAKER. The gentleman from Illinois serves notice that he will object to any more extensions of remarks. Is there objection to the request of the gentleman from Massachusetts [Mr. ROGERS]?

There was no objection.

FAMILY NEWS POSTAL CARDS.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to proceed for three minutes. Is there objection?

Mr. RAINEY. Reserving the right to object, I desire to say that at the conclusion of the three minutes I shall move to adjourn.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LAGUARDIA. Mr. Speaker, I have received this morning a petition signed by several thousand citizens, residents of this country, of Hungarian birth and extraction, in the following language:

The Hon. F. H. LAGUARDIA,
The Congress, Washington, D. C.

DEAR SIR: The undersigned appeals to you to have an exchange of personal family news, duly censored, arranged between people living in the United States and our motherland, Hungary.

Many among us have not heard from their closest relatives for nearly three years. Many among us don't know whether their relatives are living or dead. Shall parents or children, wife and husband, brother and sister be left entirely without news of one another for years?

The exchange could be arranged through a special office to be established in New York City for the censoring and rewriting of family messages, and for forwarding same United States embassy bags to our representatives in Switzerland, Sweden, and Holland for transmission through a neutral embassy to the embassies of Austria-Hungary. Our State Department could easily arrange for this humanitarian work. The expenses connected with it could be covered by imposing double or triple postal charges.

Our Government communicates with the central powers regarding many subjects through the medium of neutral countries. Why should not citizens receive censored family news?

Please cooperate in such ways as you can in this worthy work, and at least urge the State Department to help relieve thousands of anxious hearts.

I presume that similar petitions have been sent to the membership of this House. My purpose at this time is to explain the nature of this request. These petitions were collected by the Magyar-Amerikai Nepsava, a Hungarian paper published in my district. I want to make it clear that all these people are asking is a form of postal card which shall be drawn by the Government here just stating that "I am in good health; how are the folks at home?" and signed with the address; these postals to be sent through our embassy to Switzerland or one of the neutral countries, and from there forwarded to Hungary. I understand England has adopted a system of this kind so that the residents there can communicate with their families at home. It is simply a stereotype form that they ask the Government to supply as a means of communication. This could in no way work to the interest of the enemy. I ask the cooperation of the membership of this House in order to take the matter up with the proper departmental authorities. It is humane and charitable to establish some means of communication for these unhappy people.

I want to say in conclusion that I am somewhat familiar with local conditions and the situation in Hungary, for I served in the American Consular Service in that country for a period of over five years. I know that the sympathies of the true Hungarian people are entirely with our cause. They are a liberty-loving people with a glorious history. There is no people in this war that could do more to bring this conflict to an end than the Hungarian people. Their enemy is our enemy. It is advisable and prudent that we give them all the moral support we can, because if the Hungarian people know that they have the support of the American people they may soon repeat the efforts of 1848 and wrest themselves from the Hapsburg domination. I am sure the lesson of Kossuth, the great Hungarian liberator, is not forgotten. [Applause.]

I hope the gentlemen of the House will give this petition their serious consideration and cooperate in bringing about some safe method of communication. [Applause.]

Mr. RAINEY. Mr. Speaker, I move that the House do now adjourn.

Mr. CROSSER. Will not the gentleman withhold that for a moment?

Mr. RAINEY. I will withhold the motion.

Mr. CROSSER. I ask unanimous consent that after the business on the Speaker's table is disposed of to-morrow, together with the pure-food bill, it be in order to call up House joint resolution 116.

The SPEAKER. The gentleman from Ohio asks unanimous consent that to-morrow after the matters on the Speaker's table and the pure-food bill are disposed of he may have permission to call up House joint resolution 116. Is there objection?

Mr. MEEKER. I object.

Mr. WILSON of Louisiana. Mr. Speaker, I ask the gentleman from Illinois to let me proceed for one minute.

Mr. RAINEY. I will withhold the motion for one minute.

Mr. WILSON of Louisiana. I ask unanimous consent for one minute to have read a resolution passed unanimously by the Legislature of Louisiana.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read as follows:

House concurrent resolution 1. (By Mr. T. Sambola JONES.)

Resolved by the house of representatives (the senate concurring), That the course of our Representatives in both Houses of Congress in firmly upholding and cordially supporting President Woodrow Wilson

in all his proposals and purposes incident to our relation to the European war, and especially since German brutalities no longer permitted us to remain neutral, has the earnest commendation and approval of this general assembly.

Resolved further, That in the very delicate and perplexing times of stress and trouble, in our judgment, they measured fully up to the standard of faithful and patriotic Representatives of this Commonwealth.

Resolved further, That a copy of these resolutions properly signed be forwarded to each of our Senators and Representatives.

HEWITT BONANCHAUD,
Speaker of the House of Representatives.
ARMAND MOUTON,
Lieutenant Governor and President of the Senate.

Approved:

R. G. PLEASANT,
Governor of the State of Louisiana.
THOS. W. CAMPBELL,
Clerk House of Representatives.

Mr. LITTLE. Mr. Speaker, I ask the gentleman from Illinois to withhold his motion for one minute.

Mr. RAINEY. I will withhold it for 30 seconds.

Mr. LITTLE. Mr. Speaker, I want to add a word to what the gentleman from New York [Mr. LA GUARDIA] said of the people of Austrian extraction. We have in the community I represent about 10,000 of these people. As the gentleman from New York [Mr. LA GUARDIA] has said, they are with us and not with Austria.

There is in Kansas City, Kans., a large community of Croatians and many Servians from Austria. They are making fine Americans, have good homes, good schools, and good business houses. They are making the same reasonable request the Hungarians make. Quite a number of them served with our Twentieth Kansas Regiment in the Philippines. One Magyar came home a lieutenant. I see several of their names drawn as soldiers at this time. It is unreasonable to prevent them from corresponding with their kinsfolk in Croatia, Herzegovina, and Bosnia. Such worthy people in such a trying situation deserve our kindliest consideration. I thank the gentleman from Illinois for his 30 seconds. I will remember and try to show him as much consideration some time.

The SPEAKER. The time of the gentleman has expired.

ADJOURNMENT.

Mr. RAINEY. Mr. Speaker, I renew my motion to adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 40 minutes p. m.) the House adjourned until to-morrow, Tuesday, July 24, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication of the Treasurer of the United States submitting supplemental estimate of appropriations for salaries of additional employees for his office, and furniture, labor-saving devices, etc., for the fiscal year ending June 30, 1918 (H. Doc. No. 285); to the Committee on Appropriations and ordered to be printed.

2. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William D. Mann *v.* The United States (H. Doc. No. 286); to the Committee on War Claims and ordered to be printed.

3. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Benjamin S. Chamberlin, son of John C. Chamberlin, deceased, *v.* The United States (H. Doc. No. 287); to the Committee on War Claims and ordered to be printed.

4. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John W. Canary *v.* The United States (H. Doc. No. 288); to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Mr. MOON, from the Committee on the Post Office and Post Roads, to which was referred the resolution (H. Res. 115) calling upon the Postmaster General to furnish to the House certain information, reported the same adversely, accompanied by a report (No. 109), which said bill and report were laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GLYNN: A bill (H. R. 5468) to reimburse the State of Connecticut for expenses incurred in protecting bridges over waterways on the main railroad lines under direction of the commanding general Eastern Department; to the Committee on Claims.

By Mr. CLARK of Florida: A bill (H. R. 5469) to suspend the operation of the statutes of limitation in criminal cases for at least three years after peace shall have been declared in the present war with Germany and her allies; to the Committee on the Judiciary.

By Mr. DILL: A bill (H. R. 5470) to develop the Rice gun for naval purposes; to the Committee on Appropriations.

By Mr. MARTIN of Louisiana: Concurrent resolution (H. Con. Res. 16) to provide for the opening of certain lands in the Territory of Hawaii to homestead entry; to the Committee on Insular Affairs.

By Mr. EVANS: Memorial of the Legislature of the State of Montana, favoring the adoption of a national amendment favoring prohibition; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLACKMON: A bill (H. R. 5471) authorizing the restoration of John T. Melvin, a lieutenant (junior grade), to the active list of the Navy; to the Committee on Naval Affairs.

By Mr. CLARK of Florida: A bill (H. R. 5472) granting a pension to Jessie G. Frier; to the Committee on Pensions.

By Mr. DALLINGER: A bill (H. R. 5473) granting a pension to Charles McHugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5474) granting a pension to John A. White; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5475) granting a pension to Isaac H. Griffith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5476) granting a pension to Nason B. Cunningham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5477) for the relief of Dana Dudley; to the Committee on Claims.

Also, a bill (H. R. 5478) for the relief of Maude P. Mosher; to the Committee on Claims.

By Mr. DYER: A bill (H. R. 5479) granting an increase of pension to Paul Heineman; to the Committee on Pensions.

By Mr. FULLER of Illinois: A bill (H. R. 5480) granting an increase of pension to Moritz C. Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5481) granting an increase of pension to Carrie M. Ratfield; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 5482) granting an increase of pension to Stephen Routh; to the Committee on Invalid Pensions.

By Mr. KEATING: A bill (H. R. 5483) granting an increase of pension to Isaac N. Splawn; to the Committee on Invalid Pensions.

By Mr. STRONG: A bill (H. R. 5484) granting an increase of pension to Winfield S. Port; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CRAMTON: Petition of H. W. Hill and 218 other citizens of Mount Clemens, Mich.; Willard Woman's Christian Temperance Union, of Port Huron, Mich.; and the Woman's Christian Temperance Union, Federation of St. Clair County, Mich., in behalf of the national prohibition of all alcoholic liquors as a war measure; to the Committee on Agriculture.

Also, petition of Ellen Donovan and A. D. Cameron, of Ubly, Huron County, Mich., in support of the Mason resolution concerning freedom for Ireland; to the Committee on Foreign Affairs.

By Mr. CRAMTON: Petition of George W. Hirt, of Port Huron, Mich., in support of daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of John E. Swan and others in support of bill to increase pay of custodial employees of Federal buildings; to the Committee on Appropriations.

By Mr. DOWELL: Petitions of citizens of Slater and Pella, Iowa, relative to moral zone around American troops; to the Committee on Military Affairs.

By Mr. FULLER of Massachusetts: Petition of First Congregational Church of Malden, Mass., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. FULLER of Illinois: Memorial of the State Council of Defense of the State of Illinois, opposing the abandonment of Fort Sheridan; to the Committee on Military Affairs.

By Mr. KALANIANAOLE: Memorial of the Order of the Eastern Star, Harmony Chapter, No. 4, favoring request of the General Medical Board relative to zone around military camps; to the Committee on Military Affairs.

By Mr. KING: Memorial of Payson (Ill.) Methodist Episcopal Church, favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, patriotic resolution of Par Association of the Fourteenth Judicial Circuit, approving war with Germany; to the Committee on Military Affairs.

By Mr. LAGUARDIA: Petition of several thousand residents of Hungarian birth, asking means of communication with relatives residing in Hungary to contain only word of health and to be under supervision of the United States Government; to the Committee on Military Affairs.

By Mr. LUNN: Petition of W. W. Crouse and members of Carpenters and Joiners' Union, Schenectady, N. Y., asking for immediate passage of Lever food bill; to the Committee on Agriculture.

Also, petition of Harry Sunderland and citizens of Amsterdam, N. Y., asking for immediate passage of food bill; to the Committee on Agriculture.

Also, petition of F. D. Loucks and 93 citizens of Amsterdam, N. Y., asking passage of food bill at earliest possible date; to the Committee on Agriculture.

Also, petition of W. Barlow Dunlap and citizens of Amsterdam, N. Y., asking for immediate passage of food bill; to the Committee on Agriculture.

Also, petition of Robert C. Mason, G. J. Canary, Maurice Duncan, John A. Kosinski, and other citizens of Amsterdam, N. Y., favoring the passage of the Lever food bill; to the Committee on Agriculture.

By Mr. MADDEN: Memorial of citizens of Illinois, asking for an investigation of the East St. Louis riots and murders; to the Committee on the Judiciary.

By Mr. NOLAN: Petition of San Francisco Labor Council, San Francisco, Cal., asking that consideration be given to certain measures now pending in Congress for the freedom of Ireland; to the Committee on Foreign Affairs.

By Mr. RAKER: Memorial of H. J. Hull, Indiana Dry Federation, Indianapolis, Ind., and national legislative conference, relative to prohibition; to the Committee on the Judiciary.

Also, memorial of Virginia Branch of National Woman's Party, favoring passage of woman-suffrage amendment; to the Committee on the Judiciary.

Also, petition of president International Association of Policewomen, of Los Angeles, Cal., exempting from tax bequests, etc.; to the Committee on Ways and Means.

Also, petition of Frank B. Peterson Co., of San Francisco, Cal., relative to second-class rate on postage; to the Committee on Ways and Means.

Also, petition of Barbers' Supply Association of America, against tax on alcohol in revenue bill; to the Committee on Ways and Means.

By Mr. REED: Petition of U. S. G. Costilow, superintendent, and the members of the Sunday School of the Methodist Episcopal Church of Ellenboro, W. Va., urging the passage of the bone-dry prohibition amendment; to the Committee on Agriculture.

By Mr. SISSON: Petition of Moore Memorial Methodist Church, of Winona, and Woman's Missionary Society of Okolona, Miss., favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of citizens of Webster County, Miss., urging repeal of the selective draft; to the Committee on Military Affairs.

Also, memorial of citizens of Webster County, Miss., urging Congress to declare aims of our Government in present war; to the Committee on Foreign Affairs.

By Mr. STINESS: Petition of Eagle Council, No. 8, Junior Order United American Mechanics, of Providence, R. I., asking relief from high prices; to the Committee on Agriculture.

By Mr. TEMPLETON: Memorial of Methodist Protestant Church of Pittston, Pa., against manufacturing of liquors; to the Committee on the Judiciary.

By Mr. WOODYARD: Petition of members of Bethany Methodist Protestant Christian Endeavor Society, Parkersburg, W. Va., favoring prohibition as war measure; to the Committee on the Judiciary.

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